

UNITED STATES



OF AMERICA

Congressional Record

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FIRST SESSION

VOLUME 135—PART 11

JULY 14, 1989 TO JULY 24, 1989

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SENATE—Friday, July 14, 1989

(Legislative day of Tuesday, January 3, 1989)

The Senate met at 9:15 a.m., on the expiration of the recess, and was called to order by the Honorable HERB KOHL, a Senator from the State of Wisconsin.

The PRESIDING OFFICER. The prayer this morning will be offered by our guest, Rabbi Moshe Feller, who presides at Lubavitch House, St. Paul, MN.

PRAYER

Rabbi Moshe Feller of Lubavitch House offered the following prayer:

Let us pray:

Al-mighty G-d, Master of the Universe, we stand before You, in prayer, in this month of July when our Nation celebrates its establishment as an independent nation rooted in the belief in You, O Heavenly Father, as the Sovereign Ruler of men and nations.

Grant, Al-mighty G-d, that this Nation and its leaders be as cognizant of Your presence in their lives as were the founders of this Nation. Being G-d fearing individuals mindful of man's idolatrous tendency to worship material gain, they imprinted on this Nation's very currency "In G-d We Trust." Mindful of the tendency of men of power to look upon themselves as sovereign rulers, they established the practice of humbling themselves before You, O Sovereign Ruler of men and nations, asking for Your guidance and assistance prior to their deliberations in the very portals of their power. Grant the leaders of this country Your assistance and guidance and bless them with good health and good cheer so that they may fulfill their vital tasks with joy and gladness of heart.

Al-mighty G-d, bless this Nation and its leaders in the merit of one of the spiritual giants of our time who found refuge in this country a half a century ago, and whose birthday is tomorrow.

Your servant, Rabbi Yosef Yitzckok Schneersohn, of blessed memory, the world renowned Lubavitcher rebbe, fled war-torn Europe for these shores of freedom in 1940, spending the final

decade of his earthly existence as a distinguished citizen of these United States of America, laboring with great self-sacrifice to sanctify Your holy name throughout the world.

May his memory be for a blessing and his merit for a shield to the United States of America and its Government which provided him sanctuary and freedom to do Your sacred bidding. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 14, 1989.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HERB KOHL, a Senator from the State of Wisconsin, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. KOHL thereupon assumed the chair as Acting President pro tempore.

THE VISITING CHAPLAIN

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Minnesota [Mr. BOSCHWITZ].

Mr. BOSCHWITZ. Mr. President, I would like to comment on the opening prayer that was presented here in the Senate this morning by Rabbi Moshe Feller of Minneapolis. He is a Lubavitcher rabbi in Minnesota.

Mr. President, Rabbi Feller spoke about the former Lubavitcher rebbe who fled from Europe in 1940, much as my family did 7 years before that. Actually, we left Europe, and arrived in the United States in 1935. And he spoke about the rebbe, how he arrived here, spent the last 10 years of his life in the United States, and what it

meant to him and meant to his followers, just as it has meant so much in my family and all the others who arrived in the late thirties under great stress.

So I look at the prayer that Rabbi Feller gave, and I praise him for it. It comes at a particularly appropriate time as we were yesterday considering the immigration bill, and with that immigration bill our shores will open wider to people who are seeking freedom.

That really is a great purpose that we serve here in the Senate, to make the freedoms that we enjoy available to others just as they were available to Rabbi Schneersohn some years ago when he arrived in this country in order to serve his people.

So once again, I praise my good friend, Rabbi Moshe Feller. I welcome him here to the Senate. I welcome him here as the Chaplain of the Senate for this day, and I was moved by the prayer that he gave.

I yield the floor.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President, this morning following the time for the two leaders there will be a period for morning business not to extend beyond 9:45 a.m., with Senators permitted to speak therein for up to 5 minutes each.

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

At 9:45, the Senate will begin consideration of S. 1160, the State Department authorization bill. Rollcall votes are possible today in relation to that bill. Adhering to the schedule I have announced previously, any votes will occur prior to 3 p.m. There will be no votes today after 3 p.m.

RURAL PARTNERSHIPS ACT OF 1989

Mr. MITCHELL. Mr. President, in the near future, it is my intention to take up S. 1036, the Rural Partnerships Act of 1989.

Why is rural development needed?

Because the current economic picture for many of the 61 million men, women, and children living in 14,000 small towns and communities in rural America is bleak. Rural areas are dependent on resource-based economies, agriculture, forestry, and mining, which are vulnerable to swings in the global economy and more unstable and seasonal in nature.

America cannot move forward leaving rural areas of the country behind. The need for action is clear:

Poverty rates in rural America are one-third higher than in urban areas.

Unemployment rates in rural areas were 28 percent higher in 1988 than rates in urban areas.

Per capita income in rural America in 1986 was \$7,500—in 1979 dollars—compared to \$10,360 in urban areas. Per capita income growth from 1979–86 was 1.9 percent in rural areas and 8.5 percent in urban areas.

With fewer jobs—and jobs that pay less than urban jobs—many people are leaving rural America. Recent data indicate 400,000 people per year leaving rural America.

Half of the hospitals that closed last year were rural. Many more rural hospitals could close in the future.

Most ominously, young, well educated adults are leaving rural America. Only 14 percent of rural Americans have college degrees compared to 25 percent in urban areas.

That has been too often the case in my home State of Maine. For many years, Maine's most valuable export was its young people, who feel they must leave rural areas to find meaningful employment.

Unfortunately, this phenomenon is not limited to Maine. It is more often than not the rule across this country. It is important that we make it possible for young people to stay in rural areas without sacrificing their career opportunities.

This legislation, a bipartisan product put together under the leadership of Senator LEAHY and Senator LUGAR, will begin to bring investment and economic opportunity to rural America.

The bill invests in economic growth by helping States and local economic development agencies provide new and

struggling businesses with needed capital to create jobs and economic opportunity.

The cornerstone is a 5-year \$300 million line of credit for local revolving funds which will then make loans to area businesses. To get Federal dollars, States and local agencies will have to match them dollar for dollar. Loans from the State or local agency will have the same match requirement. This will be a locally driven partnership program.

S. 1036 also provides \$50 million over 5 years for business incubators—facilities that house and aid startup businesses by helping them lower startup costs by sharing resources.

The bill invests in safe drinking water and waste disposal for hundreds of rural communities.

It would make available \$315 million over the next 5 years for loans to rural cities and counties to meet Federal safe drinking water and pollution standards. These funds would be allocated through the Secretary of Agriculture.

The bill invests in human resources by helping rural schools, hospitals, and small businesses gain access to the state-of-art telecommunications that they must have if they are going to attain equal footing with their urban counterparts.

For example, it would make available \$100 million over 5 years through the Rural Electrification Administration [REA] for "star schools"—schools linked through telecommunications networks. Rural students could take special courses in math, science, and languages in classes being given hundreds of miles away.

It would also make available \$90 million over 5 years through REA to link rural hospitals with modern medical centers. Through communications, rural and teaching hospitals can share medical data and patient information.

I know that Senator LEAHY is looking forward to bringing S. 1036 to the floor for a full debate. And other Senate committees are considering legislation aimed at rural America. Those will be forthcoming in the weeks to come.

The need is there. In S. 1036, the Senate has an opportunity to respond in a positive and cost-effective way. I am hopeful our work on rural development legislation will demonstrate our commitment to the millions of Americans who choose to live outside of urban America, but who have not given up on the American dream.

Mr. President, I reserve the remainder of my leader time. I also reserve the leader time of the distinguished Republican leader.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there

will now be a period for the transaction of morning business not to extend beyond the hour of 9:45 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

The Chair recognizes the Senator from Vermont [Mr. LEAHY].

Mr. LEAHY. I thank the Chair.

RURAL PARTNERSHIPS ACT OF 1989

Mr. LEAHY. Mr. President, I applaud the words of the distinguished majority leader. He, like myself, is a product of rural America. He understands in his own beautiful State, the largest State in land area in New England and certainly one of the most beautiful States in this country, the need for this legislation.

Mr. President, I was born and raised in Vermont, one of the most rural States in the country, and I know firsthand the quality of rural living. It is a lifestyle of self-sufficiency, neighborliness, and friendliness that is often difficult to find anywhere else.

As chairman of the Agriculture Committee, I have traveled across the country and talked to people who live in rural America. What I have seen concerns me greatly.

I have seen a rural America that is too often in trouble.

I have seen a rural America abandoned by too many of its brightest young people because of a lack of jobs.

I have seen a rural America with too many main street storefronts emptied by economic conditions.

For this reason, I introduced the Rural Partnerships Act of 1989. This legislation was reported out of the Senate Agriculture Committee by an unanimous vote with a strong bipartisan support and it will soon be considered in this Chamber.

In considering this legislation, the committee took three basic steps in developing a new agenda for rural America.

First, we are investing in economic growth by creating new businesses and jobs.

The current economic picture in rural America is bleak. In 1988, rural unemployment rates were 28 percent higher than rates in urban areas. Poverty rates in rural America are a third higher than in nonrural areas.

While agriculture is very important, we often forget that rural America is less and less dependent on agriculture—only 10 percent of rural Americans live and work on farms.

That is why we must not only look at agriculture—we must look beyond and provide new and struggling businesses with the needed capital to create jobs, opportunity and economic growth.

This bill contains \$300 million over 5 years for local revolving funds to make

loans to stimulate local businesses. Loans must be matched dollar for dollar by local banks. This partnership program is not government driven; it's locally driven.

This bill also contains \$50 million over 5 years for business incubators—facilities that house and aid startup businesses. Incubators lower startup costs through shared resource and flexible leases.

Second, we are investing in human resources by improving schools and health care.

Students in rural America want to learn, but too often they do not have the same educational resources that students in the big cities have.

This bill invests \$110 million over 5 years through REA for star schools. That means the student attending a school in a very small school district in northern Vermont has the chance to use telecommunications to take a math, science or foreign language course not offered at his or her school.

Health care is also a problem in rural America. In 1988, more than half of hospital closures were in rural areas.

Since 1980, 190 rural community hospitals have closed and another 600 are in danger of closing. This means that rural residents often must travel hundreds of miles for specialized health care.

This bill contains \$90 million over 5 years through REA to link rural hospitals in Vermont and other States to modern medical centers.

This means that a physician in a small town, wanting a second opinion when treating a patient with a heart attack, could send the patient's EKG by satellite and consult with doctors in a major medical center. This means state-of-the-art health care in rural communities.

Third, we are investing in quality of life by helping rural communities provide safe drinking water and waste disposal.

A 1986 EPA survey found that 70 percent of our Nation's substandard wastewater facilities were in rural areas. In 1984, EPA found that two-thirds of rural water supplies violated Federal drinking water standards.

This bill contains \$315 million over the next 5 years for loans and grants to rural communities to meet Federal clean water standards. Funds are allocated through the Farmers Home Administration.

I am pleased to report that the people living in rural America are not a despondent and depressed group; they are hopeful and optimistic. They are a tough breed, with a strong work ethic and the determination to succeed.

They understand the need to help rural America. They understand that they cannot pit the interests of farmers against the 90 percent of rural

America that does not farm. They understand that we must work together to provide rural America with the appropriate relief it needs.

What we must do here—and what this bill begins to accomplish—is give rural America the tools it needs to build for the future.

Mr. President, I yield my time, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SANFORD). Without objection, it is so ordered.

SCIENTIFIC BREAKTHROUGH AT THE UNIVERSITY OF SOUTH ALABAMA

Mr. HEFLIN. Mr. President, I rise today to call to the attention of my colleagues a chemical breakthrough with positive health and environmental ramifications presently being developed at the University of South Alabama in Mobile. As we are all aware, the news has been replete with stories detailing the insidious nature of harmful chemicals on personal health and the environment. Therefore, it is with great pride that I report on an organic mineralization inhibitor, developed and patented by the University of South Alabama, which advances science while at the same time causes no deleterious effects on health or the environment.

Mineral deposits occur naturally in a host of environments—from the calcium phosphate in bones and teeth to the shells and reefs made of calcium carbonate by marine organisms. Unfortunately, although naturally occurring, mineral deposits frequently develop where they are not wanted. In the body, minerals may grow and contribute to dental plaque, hardening of the arteries, various organ stones, or the failure of prosthetic devices like implanted heart valves. In the marine environment, barnacles on the hulls of ships add extra bulk, create drag, and require periodic removal. Industry too suffers from mineral scales forming on the surfaces of cooling towers and other devices, thus preventing their proper operation. Because of these and other problems, much research time and effort have been devoted to finding mineralization inhibitors.

Many of the compounds presently employed to fight the buildup of mineral deposits expose living organisms and the environment to potentially harmful substances. For example, in years past, to prevent barnacle growth, special hull paints were used which, while concededly accomplishing the task of eliminating the barna-

cle problem, also exposed the surrounding environs to a highly toxic level of lead. However, the substances developed by the scientists at the University of South Alabama—the mineralization inhibitors—are completely biodegradable and nontoxic biopolymers, and thus safely inhibit the growth of these and other mineral deposits.

Consider the direct health benefits which may be recognized by the successful development and marketing of biomineralization regulators. Compounds preventing the calcification of implanted heart valves, together with agents leading to the dissolution of organ stones, represent only two of the varied uses of mineral inhibitors, even at this early stage of development. Plaque buildup, which leads to tooth decay, could potentially be a thing of the past should this technology prove to be as promising as it appears at this point.

The environmental possibilities are particularly interesting for the further development of biodegradable and nontoxic dispersing agents for detergents.

However, further research must be undertaken and public awareness must be increased in order to fully realize the potential of this evolving research. Over the past 10 years, Dr. Steven Sikes and Dr. A.P. Wheeler have played an instrumental role in the development of these agents, the complete uses of which we can now only hypothesize. The brilliance and dedication of these scientists, together with their coworkers at the University of South Alabama, is highly commendable and every effort should be made to facilitate their ongoing research.

It is in that vein, and with the hope of continued scientific developments, that I applaud and support the biomineralization research being conducted at the University of South Alabama. Indeed, in his environmental oversight authority, I urge the gentleman from New Jersey [Mr. LAUTENBERG] and the Subcommittee on Superfund and Environmental Oversight to give the advancement of this technology every consideration in future deliberations.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, it is now 1,581 days that Terry Anderson has been held in captivity in Beirut.

An article appeared in the Washington Post on February 3, 1987, which shows the utterly precarious position which Terry Anderson and other hostages face each day that they are held.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 3, 1987]
ISLAMIC JIHAD WARNS AGAINST USE OF FORCE—"EXTINCTION" OF U.S. HOSTAGES THREATENED

(By Nora Boustany)

BEIRUT. February 2.—Islamic Jihad, a pro-Iranian group that holds at least two American hostages, threatened today to kill them and attack American targets with "no mercy whatsoever" if the United States attempts a military strike against Moslems in the region.

Islamic Jihad's statement, delivered here, was accompanied by a photograph of American kidnaper victim Terry Anderson, the Middle East bureau chief of The Associated Press, who was seized by gunmen on March 16, 1985.

"Any blow directed against Moslems and struggles will be met with a very harsh response in which we shall have no mercy whatsoever," Islamic Jihad warned. "Any attempted military operation against Moslems in the region, particularly in Lebanon, will spell the extinction of the hostages and American interests in the area."

The statement accused America of being "oppressive and unjust" and charged that the "jails of America, Europe, Israel, Kuwait and Egypt are brimming with Moslem prisoners."

Pentagon officials said two U.S. aircraft battle groups and a Marine assault force are now in the eastern Mediterranean. But Pentagon spokesman Robert Sims said: "All we've done is precautionary in nature and should not be read as a threat to anyone who is conducting themselves in a civilized way," United Press International reported. Sims refused to comment about the Islamic Jihad threat.]

Today's statement was the first issued by Islamic Jihad, which also has said it is holding three French hostages, since the arrival of Anglican Church envoy Terry Waite in Lebanon on Jan. 13 and his disappearance one week later as he attempted to negotiate freedom for western hostages.

There have been conflicting reports about Waite's status, but most sources here agree that he is under some form of detention, although speculation varies as to the reason.

Shiite Amal leader Nabih Berri told reporters in Damascus today that he believes Waite "is arrested . . . but I don't think he is kidnapped. What I know is that Waite is arrested now." He did not elaborate.

Druze leader Walid Jumblatt, who offered over the weekend to trade himself in as a hostage in exchange for Waite, said in Damascus that he was still very concerned for Waite's safety.

"I'm still looking for him. I think he's still in Lebanon, at least I hope so. I'm worried for his safety, terribly worried," said Jumblatt, whose Progressive Socialist Party militiamen were in charge of Waite's security until he asked them to leave him alone to pursue underground contacts quietly.

One optimistic, but unconfirmed, rumor in Shiite circles today was that Waite is "refusing to leave the captors until he can come back with something substantial"—suggesting his absence was not forced but self-imposed.

Before vanishing on Jan. 20, Waite reportedly had two meetings with the captors of Anderson and Thomas Sutherland, a dean at the American University of Beirut, who was kidnapped in June 1985. His two-week absence without a message has alarmed the British Embassy and his supervisor, Archbishop Robert Runcie of Canterbury.

Runcie's office said in London today that the archbishop had written to Hojatolislam Ali Akbar Hashemi Rafsanjani, the speaker of Iran's parliament, asking for help in the search for Waite, who, in the past, has succeeded in gaining freedom for captives in Iran and Libya.

A spokeswoman for Runcie would not say whether a reply had been received from Rafsanjani, who said on television last week that Iran would help if it could in the search for Waite.

Some Shiite sources have said Waite was being held as a guarantee against possible American military action in the wake of the kidnapping of four professors—three Americans and an Indian-born U.S. resident—from the Beirut University College last month.

Another explanation is that Waite failed to come up with new offers that could resolve the stalled hostage crisis. Islamic Jihad has, in the past, demanded the release of 17 Shiite prisoners jailed in Kuwait in 1983 on bombing charges in exchange for American and French kidnap victims.

"As long as Moslems are still in the prisons of America, Europe, Israel and Kuwait and reactionary Arab countries, and as long as America persists in its lying, intended stonewalling and swindling, we shall release none of the hostages," Islamic Jihad said today.

"The American people and the families of the hostages should know that as long as our well-known demands, declared repeatedly, are not fulfilled we shall persist in our confrontation of America and its allies in the region with all means until our demands are fully realized," it added.

In Washington, State Department spokesman Charles Redman told reporters that the United States was "not going to make concessions or give in to terrorists or encourage third countries to do so"—an indirect reference to Kuwait. "Those who take hostages need to be aware of that," he said.

The Islamic Jihad for the Liberation of Palestine, a shadowy group whose name was first heard last month in statements claiming responsibility for the kidnapping of the four professors, has threatened to kill them on Feb. 9 unless Israel releases 400 Palestinian prisoners in Israeli jails—a demand Israel has rejected.

[A statement by Islamic Jihad for the Liberation of Palestine today said that the four professors had been moved out of Beirut to "safe areas" as U.S. naval forces gathered, United Press International reported.]

Unconfirmed local radio reports said Waite had been sighted in the Syrian-controlled Bekaa Valley over the weekend.

Hussein Mussawi, the leader of Islamic Amal, a breakaway faction of the mainstream Amal and a close ally of the extremist Hezbollah movement, today told Reuters in Baalbek in eastern Lebanon that Waite had never been to Baalbek and had never met with him as reported in the Lebanese press. Musawi told the news agency he would be "very upset if Waite as a mediator has become a hostage."

MARION MILITARY INSTITUTE

Mr. HEFLIN. Mr. President, recent Secretaries of Education and numerous spokesmen for respected educational institutions have warned us about serious weaknesses in American education. We have seen convincing statistics about high percentages of graduates who are functionally illiter-

ate—who cannot properly read, write, or do simple mathematics—graduates, therefore, who limit their own opportunities as well as America's ability to compete with other nations. We have read about low test scores, overcrowded classrooms, a lack of discipline, about violence, and about school environments conducive to drugs and alcohol, rather than to education. We have been warned that our Nation is at risk.

I believe that few schools fit all of that description, but I am also convinced that we must exert every effort until no part of such a description fits any American school. Only then can all young Americans enjoy their inherited right to an education that will enable them to fulfill their potential as persons and to help raise the standing of our country among the nations of the world.

Mr. President, in view of the repeated documented warnings we have received, it is a great pleasure to be able to compliment schools that consistently produce outstanding graduates. We have many such fine schools in Alabama, but I would like to single out a particular one today because it is approaching the 150th anniversary of its founding.

Off the beaten track toward the western side of my State is a long-established, small, concerned, attentive, unique school that is probably one of the best kept "secrets" in American education. Marion Military Institute [MMI], a coeducational high school and junior college at Marion, AL thrives today with students from 40 States. The cries we hear today for our schools to "get back to basics" do not apply there because Marion never abandoned the basics—not in education, in leadership, nor in character training.

Classes at Marion are small, so that teachers and students soon know each other well and become partners in an enjoyable educational experience. The professors care about their students and see to it that they get whatever help they need or want to insure their progress.

Marion also emphasizes leadership training and development. While Marion is a military school, only 10 percent of its graduates have pursued military careers. However, the military aspect of the school provides unique opportunities early in life for all students to be progressively exposed to positions of increasing responsibility. As in academics, they are nurtured and encouraged in their leadership roles. Because this distinctive training has benefited MMI graduates throughout their lives, they tend to send their sons and grandsons to school there. A Marion education is a family tradition in many parts of our great country; and it is especially reas-

sure that so many American mothers are willing every year to entrust their cherished sons and daughters—during their most critical and formative years—to the nurture and guidance of the faculty and staff of a school and college located beyond their immediate maternal supervision and care.

Long before it was expected or required, Marion took a strong stand against student use of alcohol and narcotics. Peer pressure at Marion is the principal influence which maintains sobriety, but a random drug testing program ensures that the corps of cadets remains drug free.

Because the Romans taught us to strive for "Mens sana in Corpore sano," a sound mind in a sound body, every student at Marion participates in athletics and physical conditioning, and the mental and physical dividends are as rich now as they were in Caesar's day. Perhaps Gen. Douglas MacArthur, when superintendent of West Point, said it best: "Upon the fields of friendly strife are sown the seeds that, upon other fields on other days, will bear the fruits of victory."

Mr. President, just as religion has undergirded every great civilization, so moral and spiritual values support everything that Marion cadets do. Since cleverness can never supplant character, teachers and students at MMI cherish and support their traditional honor system, which is based on truth in every facet of everyday life. A recent graduate said, "Marion has many advantages, but the biggest advantage of all is the environment of trust, concern, and support which is made possible in the first place by the honor system." Marion is totally dedicated to preparing students for higher education and for a meaningful life. And one measure of its success is the fact that more than 50 distinguished senior colleges and universities have enthusiastically accepted Marion's 1989 graduating class.

Another proof of the effectiveness of the Marion system of education is the long list of its successful graduates in all areas of American life, such as medicine, law, engineering, private enterprise, business, government, and in the Armed Forces, where over 200 have served as generals or admirals.

Mr. President, I am proud that Marion Military Institute serves so many of America's young men and women on a campus in the State of Alabama. I am proud of the wonderful environment there and of the quality of education and training offered to its students. I am proud of the accomplishments of its graduates and of their contributions to our Nation.

I am pleased to tell you about this unique educational secret and to salute Marion Military Institute as it approaches its 150th birthday.

STATE JOURNAL-REGISTER EDITORIAL ON THE FLAG OF THE UNITED STATES

Mr. DIXON. Mr. President, I wish to submit an excellent editorial which appeared in the State Journal-Register, in Springfield, IL, on Tuesday, June 27, 1989, entitled, "As National Symbol, Flag Deserves Respect."

I have been an avid reader of the Journal-Register for about 40 years now. Ever since I arrived in Springfield as a State representative in January 1951, I have turned to the Journal-Register for its consistently balanced reporting on local and national issues.

It gives me great pleasure to share this editorial with my colleagues.

I have been troubled by the Supreme Court decision, and intend to introduce an amendment to the Constitution on this issue with Senator DOLE shortly.

I ask unanimous consent that this editorial appear in the RECORD at the conclusion of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the State Journal Register, June 27, 1989]

AS NATIONAL SYMBOL FLAG DESERVES RESPECT

The venerable Supreme Court Justice Oliver Wendell Holmes Jr., was a devoted liberal and steadfast defender of the several liberties contained in the Bill of Rights. But the "Great Dissenter's" most memorable opinion concerned the right of government to limit the abuse of free speech under the First Amendment.

He wrote: "The most stringent protection of free speech would not protect a man in falsely shouting fire in a crowded theater and causing a panic. . . ."

We doubt that Justice Holmes would have sided with the slim majority of the Rehnquist court that sanctioned the burning and similar desecrations of the American flag in its startling decision handed down recently.

During the tumultuous 1960s, when the counterculture was routinely defiling and destroying the national emblem, the liberal Supreme Court under then-Chief Justice Earl Warren conspicuously avoided ruling on whether such actions were constitutionally protected forms of political protest.

So why should the current court come to the defense of Gregory Johnson, a member of the Revolutionary Communist Youth Brigade, and self-professed Maoist?

Johnson doused the flag in kerosene and then set fire to it in Dallas five years ago and chanted: "American, red, white, and blue. We spit on you." Convicted under Texas law, which along with similar laws in 47 other states, prohibiting flag burning, he was fined \$2,000 and sentenced to one year in jail.

The state's Court of Criminal Appeals overturned the conviction and the state appealed to the high court, contending the statute sought to preserve the flag as a "symbol of nationhood."

Writing for the 5-4 majority, Justice William J. Brennan Jr. declared that symbol is best preserved by not prohibiting "the expression of an idea simply because society finds the idea itself offensive or disagreeable."

Justice Anthony M. Kennedy in a concurring opinion was more apologetic, calling the decision "painful" but inevitable because "the flag protects those who hold it in contempt."

The dissenting opinions of Chief Justice William H. Rehnquist and Justice John Paul Stevens are far more persuasive. Justice Stevens, a Navy veteran who won the Bronze Star in World War II, was especially eloquent in recalling those many Americans who have given their lives defending democratic ideas.

"If those ideas are worth fighting for—and our history demonstrates that they are—he said, "it cannot be true that the flag that uniquely symbolizes their power is not itself worthy of protection from unnecessary desecration." Going to the heart of the matter, he concluded it would be a "trivial burden on free expression" to prohibit protesters from burning or otherwise defiling the American flag.

Much has been written about the court's courage in defending a despicable character. And in a theoretical sense, the controversial decision is eminently defensible because it can be viewed as democracy's finest hour in protecting the very rights of those persons who have little or no respect for such rights.

Accordingly, we do not impugn the motives of the five justices who ruled in the defendant's favor. But we believe the four dissenting justices have the better argument.

The idea that the flag is merely a piece of cloth that is far less important than the ideals it symbolizes has been bruited about for a long time. This sophistry misses the salient point in the case of Gregory Johnson, who was not prohibited from venting his spleen against the nation and what it stands for. The reality is that this would-be anarchist was not punished for his dissent but for the outrageously provocative manner in which he chose to express it.

The court in its decision left open the possibility that flag burning which incites a riot could be prosecuted as a crime. Thus, if the Texas flag burner had been set upon by outraged bystanders, his offense would not have been excused as the legitimate exercise of his First Amendment right.

An indignant public reaction to the so-called flag-burning decision is being reflected from President Bush and Congress, where moves for a remedial Constitution amendment are already underway.

Justice Holmes said that "a page of history is worth a volume of logic." For more than 200 years, the American flag has symbolized the world's most successful democracy. As Justice Rehnquist wrote: "The flag is not simply another 'idea' or 'point of view' competing for recognition in the marketplace of ideas." It is an enduring symbol that is deserving of respect and protection.

BATTLE OF KOSOVO

Mr. KASTEN. Mr. President, I rise today to call the attention of all my colleagues to a truly momentous anniversary for Americans of Serbian descent. The year 1989 marks the 600th anniversary of the Battle of Kosovo, an event whose significance burns in the hearts and minds of Serbians everywhere.

In the Battle of Kosovo, the Ottoman Turks in 1389 conquered the proud and noble people of Serbia. This conquest was to result in an Ottoman

dominance over Serbia that would last for nearly five centuries.

But I think that this was not the most important effect of the Battle of Kosovo. Kosovo also became a symbol of Serbian nationalism and unity in the face of adversity—national traits that have helped preserve the Serbian spirit even from the depredations of Communist ideology which have ravaged our century.

In this special year, we should all stand back and pay special attention to that spirit—and learn appropriate lessons for our own national life.

PRAISE FOR SMALL BUSINESS GROUPS

Mr. KASTEN. Mr. President, on June 23 the Senate unanimously adopted an amendment I offered to the child care bill regarding section 89 of the Tax Code.

Specifically, Mr. President, my amendment provided for four things. It effectively exempted small businesses for at least 18 months from section 89, delayed the effective date of any new regulations, made sure that only people who are truly highly compensated are classified as highly compensated under section 89, and adopted a more sensible excise tax penalty structure.

I strongly believe that repeal is the only real solution to the nightmare known as section 89. But because there are those who feel just as strongly that we need nondiscrimination regulations on the books, I have worked very hard to make sure that, if we can't repeal section 89, any new bill we do come up with is one that will cause a minimum amount of chaos in the small business community.

Mr. President, I would like to thank the following groups for their strong support of repealing section 89, and for the weeks of hard work they put into making my amendment a reality. They are:

Alliance of Independent Store-owners and Professionals.
American Association of Nurserymen.
American Cement Alliance.
American Consulting Engineers Council.
American Council of Independent Laboratories.
American Dental Association.
American Floor Covering Association.
American Furniture Manufacturers Association.
American Highway Manufacturing Association.
American Institute of Architects.
American Machine Tool Distributors Association.
American Road and Transportation Builders Association.
American Society of Personnel Administrators.

American Society of Travel Agents.
American Supply Association.
Amway.
Associated Builders and Contractors.
Associated Specialty Contractors.
Association of Physical Fitness Centers.
Association of the Wall and Ceiling Industries.
Electronic Industries Association.
Electronics Representatives Association.
Florists' Transworld Delivery Association.
Grumman Corporation.
Independent Bankers Association of America.
Independent Medical Distributors Association.
International Association of Refrigerated Warehouses.
International Communications Industry Association.
International Franchise Association.
International Mass Retail Association.
Machinery Dealers Association.
NMTBA-Association of Manufacturing Technology.
National-American Wholesale Grocers Association.
National Association for the Self-Employed.
National Association of Brick Distributors.
National Association of Health Underwriters.
National Association of Manufacturers.
National Association of Personnel Consultants.
National Association of Small Business Invest. Comp.
National Association of Truck Stop Operators.
National Association of the Remodeling Industry.
National Campground Owners Association.
National Candy Wholesalers Association.
National Coffee Service Association.
National Council of Agricultural Employers.
National Fastener Distributors Association.
National Federation of Independent Businesses.
National Food Brokers Association.
National Grocers Association.
National Home Furnishing Association.
National Paperbox and Packaging Association.
National Restaurant Association.
National Shoe Retailers Association.
National Society of Public Accountants.
National Soft Drink Association.
National Tire Dealers and Retreaders Association.
North American Equipment Dealers Association.
Opticians Association of America.

Petroleum Marketers Association of America.

Printing Industries of America.
Professional Plant Growers Association.

Society of American Florists.
Specialty Advertising Association International.

U.S. Chamber of Commerce.

Mr. President, I would like to single out the National Federation of Independent Businesses [NFIB] for special praise. This organization formed the section 89 Repeal Coalition, and held it together while other groups surrendered the effort to repeal section 89. In particular, I would like to thank John Sloan, John Motley, and Mike Roush for their many hours of hard work, for their counsel and support, and for their commitment to truly guard and protect the interests of America's small businesses.

Unfortunately, Mr. President, this story does not have a happy ending. This week the House Ways and Means Committee, during consideration of the budget reconciliation bill, adopted a section 89 reform package which included none of the provisions adopted on the Senate floor.

This action represents a giant step backward in the effort to expand the availability of health care benefits and reduce confusion and paperwork in the small business community. The best efforts of the small businesses of the country to work toward a solution have been rejected out of hand, and it is clearer today than ever before that repealing section 89 is the only real solution. It is time to stop tinkering around the edges of this unbearable regulation and wipe the slate clean. The cries of outrage from the working men and women of America must be heeded. We have tried, in an honest effort, to improve the bill, and have not been taken seriously.

Mr. President, many fine small business organizations have fought long and hard for the repeal of section 89. The battle is not won yet, but the battle is far from over. I commend those organizations who have refused to accept practicality over principle; who have refused to adopt a "go along to get along attitude" and have stood for what is right; who have rejected "inside-the-beltway" politics and instead are worried about what is happening out in the real world.

Mr. President, these groups are the real heroes in the fight to repeal section 89. I want them to know, and I want all the Senate to know, that I will continue my fight for repeal.

AMBASSADOR ROZANNE RIDGWAY, THE "WISE WOMAN" OF AMERICAN FOREIGN POLICY

Mr. PELL. Mr. President, in my nearly 30 years in the Senate—25 of

them as a member of the Foreign Relations Committee—I have had the pleasure of meeting many members of the State Department and the Foreign Service. Prior to entering politics, I was myself a Foreign Service officer, serving in the State Department as well as overseas. I have traveled to many of our Foreign Service posts and have profited from the advice and friendship of many able and distinguished members of our diplomatic service.

I think back over the years to such names as Chip Bohlen, David Bruce, Averell Harriman, and, more recently, David Newson, Michael Armacost, and U. Alexis Johnson. These men bestrode some of the most important and challenging positions in our diplomatic and Government service. Some of them earned the special appellation of "wise men" for their leadership and counsel in our foreign policy.

They all have another attribute in common, in that they are all men. Today I wish to add a name to this pantheon of diplomatic distinction that breaks that historically male pattern. She is, of course, Ambassador Rozanne L. Ridgway, our former Ambassador to Finland and the German Democratic Republic and, most recently, Assistant Secretary of State European and Canadian affairs, whose retirement from the State Department took effect just 2 weeks ago.

For me she epitomizes the finest qualities in our foreign service. She is as thoughtful as she is brilliant, as sensitive as she is effective, as energetic as she is kind, and as loyal as she is level headed. I first knew her when she was our Ambassador for Oceans and Fisheries Affairs, and it is from that role that she gained the nickname of "Tuna Roz" that has been enshrined in the record of her many confirmation hearings before the Senate Foreign Relations Committee.

I am proud to say I had a hand in creating the State Department Bureau of Oceans and International Environmental and Scientific Affairs which was the parent organization for the fisheries office, and maintained a deep interest in the activities of the Ambassador for Oceans and Fisheries. Those were the day when we in the Senate enacted a 200-mile fishing conservation and management zone. Ambassador Ridgway headed the team that obtained the necessary agreements from other countries regarding fishing inside that zone. Her leadership transformed a contentious issue into a model of legislative-executive-industry consultation and cooperation.

This was just a middle rung in a State Department career of extraordinary versatility. Roz Ridgway went on to serve as Ambassador to two important countries, as Counselor of the Department of State, as Special Assistant to the Secretary of State of Negotia-

tions, and for the past 5 years, as Assistant Secretary of State for European and Canadian Affairs. She has been honored with a variety of awards ranging from the Secretary of State's Distinguished Honor Award, the Presidential Citizens Achievement Medal, two honorary doctorates, and, not least, the "Person of the Year" award of the National Fisheries Institute.

She was a crucial participant in all five of the President Reagan-Secretary Gorbachev summit meetings, and at the President's side during years of meetings with the top leaders of Europe and Canada. She has been equally influential in foreign policy achievements behind the scenes.

She leaves the State Department with the good wishes of her many colleagues through the years. Let me add that she also has the best wishes, friendship, and gratitude of all of us in the U.S. Senate who have benefited from her leadership and advice. She carries with her our recognition of her as a "wise woman" of American foreign policy, fully the equal of those "wise men" who have been so recognized in the past.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEAR 1990

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 1160, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1160) to authorize appropriations for fiscal year 1990 for the Department of State, the United States Information Agency, the Board for International Broadcasting, and for other purposes.

The Senate resumed consideration of the bill.

Mr. PELL. Mr. President, the Foreign Relations Authorization Act for fiscal year 1990 authorizes appropriations for the Department of State, the U.S. Information Agency, and the Board for International Broadcasting. Overall, the bill authorizes \$3,297,350,000 for the State Department, \$920,050,000 for the U.S. Information Agency, and \$398,247,000 for the Board for International Broadcasting.

These funding levels represent an increase of \$548,188,000 over last year's enacted appropriations. The funding, however, is \$460,181,000 less than the President's request. The reduction from the request levels reflects the necessity of conforming the foreign affairs budget to the summit agreement numbers for the 150 function.

As a general proposition, the committee tried to maintain a minimum of current services for the important ongoing activities of the foreign affairs agencies. In addition, it authorized money to meet U.S. treaty obligations to international organizations. Finally, the committee authorized some capital projects, including the construction of a new VOA/Radio Europe transmitter in Israel. However, many other construction requests could not be funded within the budget summit levels. Overall, the committee was guided by the principle of preferring people to bricks and mortar.

The bill contains many important legislative provisions. I would like to touch on several. The bill includes a provision, offered by Senator MOYNIHAN, to criminalize actions by executive branch officials when such actions are intended to implement an activity expressly prohibited by Congress. This provides a clear deterrent to executive branch actions, such as the circumvention of the Boland amendment, that flout the intent of Congress and the laws of the United States. The bill includes a title on international environmental protection, offered by Senators BIDEN, LUGAR, and myself, designed to enhance the protection of ecologically important sites in developing countries. The bill also includes my provision to protect the endangered African elephant by severely restricting the import of ivory into the United States. I am pleased to note that the President has preempted my provision by banning the importation of ivory.

Finally, the bill authorizes a new program of television broadcasts to Cuba. It is an undertaking about which I have many reservations. Although the initial cost is just \$14 million, programming a television station could end up costing the American taxpayers hundreds of millions of dollars each year. Further, the TV program can easily be jammed thereby wasting the money expended. The TV broadcasts to Cuba authorized by this bill are, however, considerably improved over the original proposals. The TV broadcasts cannot go forward if they interfere in any way with the market of any American broadcaster. Further, the broadcasts must be consistent with international law.

I would like to draw attention to one other feature of this bill that I consider of preeminent importance. The legislation authorizes the full U.S. contribution to the United Nations and the specialized agencies, as well as the beginning of a phased repayment of U.S. arrearages. In my view, this authorization is justified by the progress the United Nations has made in putting its own budgetary and administrative house in order. In short, the United Nations did what the Congress required of it; now it is our job and our

part to fulfill the bargain and pay our dues.

In the last 18 months the United Nations has scored important successes. U.N. negotiations produced a Soviet withdrawal from Afghanistan. Security Council Resolution 598 has led to a ceasefire in the bloody Iran-Iraq war. Now, in Namibia, U.N. peacekeepers are supervising that country's transition to independence and the withdrawal of Cuban troops from adjacent Angola. These U.N. activities have helped accomplish longtime U.S. policy objectives. We would be pennywise and pound-foolish not to pay the relatively small sums required to insure the success of these U.N. activities.

Two years ago the Senate was accused of turning this bill into a Christmas tree of pet projects and micromanagement amendments. This bill is a policy vehicle and I would like to work with Senators who have specific proposals. However, I shall have to regrettably oppose any amendments that entail increased expenditures. The committee rejected almost all micromanagement and reorganization amendments presented to it. I hope the full Senate will do the same.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I thank the distinguished Senator from North Carolina, the present occupant of the Chair. I would say to my dear friend and colleague that we are in the majority in this Chamber at the moment.

Mr. President, the Committee on Foreign Relations faced a formidable undertaking in melding the various competing goals of an appropriate level of funding for U.S. foreign policy operations during the coming year while at the same time trying to comply with the parameters of the bipartisan budget agreement. That is no easy thing to do, as all members of the committee discovered.

Unfortunately, the bill reported by the committee continues to reflect a tilt toward expanded new U.S. funding for the United Nations to the exclusion and detriment of other U.S. interests which demand a high priority. While improvements were made in a number of areas, serious shortcomings remain which the Senate needs to address during its consideration of the pending legislation.

Most notable of the bill's excesses is the 60-percent increase in funding, that is to say proving taxpayers' money, for the U.S. contributions to international organizations. Granted, the administration requested such an increase in its January budget. But obviously all of the figures have to be revisited in light of the subsequent budget summit agreement and the budget resolution adopted by Congress. Instead, the committee accepted this request while reducing many

other aspects of the budgets for the State Department, U.S. Information Agency, and the Voice of America. And this gives me pause, frankly.

I said it to the committee and I say it on the floor and we will have some actions during the consideration of this bill to try to remedy that defect, among others. Whether we will be successful, I do not know, but we will give it our best shots.

For instance, in this Senator's judgment, some of the funds provided for "Contributions to International Organizations" should be transferred to the State Department "Salaries and Expenses" account. If we must choose between the U.S. bureaucracy and the U.N. bureaucracy, surely our relative priority should be to fund U.S. personnel who are under direct congressional oversight, and specifically the Committee on Foreign Relations.

At a minimum, it is my understanding that the Secretary would accept a stretch-out of U.S. arrearage payments to the United Nations. Approximately \$46 million in the committee bill represents payments on so-called arrearages to the United Nations. The committee was advised during markup that the Secretary of State would support halving this amount in order to fund increases in State's overall operating budget. I shall support such an amendment during floor consideration. Needless to say, the Secretary, and I talked with him this morning from Paris at about 6:15, concurs that United States diplomatic efforts should take precedence over these international organizations.

Similarly, the committee's bill does not provide adequate funding for one of the most important aspects of USIA's budget—modernization of our public diplomacy capabilities and specifically new radio construction aimed at China, Eastern Europe and Africa.

At a time when many international polls show Soviet leader Mikhail Gorbachev to be as popular as President Bush, and at a time when Chinese students are relying heavily upon the transmissions of Voice of America, the United States must pay close attention to its public diplomacy effort.

Mr. Gorbachev is playing a public relations game par excellence. That is what he is all about. He is after Western money, specifically low-interest loans from U.S. banks and various other governments and banks. Loans which the Soviet Union has no intent ever to pay back. To my knowledge they have never paid back a loan yet.

Unfortunately, the U.S. international broadcasting system is below modern international standards and is outdated. We know what that means in terms of our failure to reach the people who need to hear his voice at freedom.

Consequently, the administration has undertaken an important Voice of

America modernization program. An important component of the program is to permit VOA construction of facilities in Morocco and Thailand. These new facilities will augment VOA's capacity to target North Africa, Eastern Europe, South and East Asia, and supplement coverage in the Soviet Union.

The administration had requested \$89 million. These capital costs are one-time infusions which will reap enormous dividends in the long term.

The proposed funding level of \$36 million in the committee bill would significantly restrict the modernization program. The long-term effect would be to reduce worldwide coverage and force a reduction in the number of language services. Postponing these expenditures will add in the long run to the overall costs, underscoring the need to proceed.

As I noted earlier, significant progress was made in improving the spending priorities in the bill over what had originally been proposed in what we call around this place, the "chairman's mark."

I might say for the RECORD and for those who may be listening on C-Span or in the galleries, that the chairman's mark is actually the basic bill, selected by the chairman, my distinguished friend for whom I have great affection; what he wants and what his staff wants. And that is fine.

However, the administration is concerned with the excessive earmarking in this bill, particularly in the USIA title. And especially given the budget constraints that we face, the President should be permitted, I think, the flexibility to respond to changing needs and demands which might require an adjustment in spending mandated in the committee's bill which is now pending before the Senate.

Mr. President, not all of the problems with this legislation are spending priorities. Two of the most significant provisions are contained in sections 111 and 112. The statement of administration policy, dated July 5, 1989, indicates that the President's senior advisers would recommend that the bill be vetoed, this bill, unless sections 111 and 112 are deleted.

As I say, I talked to the Secretary of State, he in Paris and I in Virginia, this morning about 6:15. I think I know what I am talking about, and I think I can convey accurately and adequately the position of the administration and what is likely to happen if we do not utilize good common sense and make a determination as to whether we want a bill or whether we want a veto. We can choose. We can go through all of the root canal process of passing a bill that is going nowhere, or we can reshape this pending legislation and get a proper proposal to send to the President.

According to the administration, let me quote directly:

These provisions, which are overly vague, intrude impermissibly on the President's constitutional authority to conduct relations with foreign governments and to administer U.S. foreign assistance programs. Furthermore, the provision would: (1) unfairly expose U.S. officials to potential criminal liability in cases where they would have no reason to believe that their conduct was unlawful; and (2) include many cases where Congress limits or prohibits the use of U.S. funds without any necessary intent to discourage or prevent other governments from pursuing a particular policy.

Mr. President, I shall elaborate perhaps at some length on these provisions later on, but the Senate should be advised of the seriousness with which the administration regards these sections of the committee's bill.

Having said all that, Mr. President, I want to commend the distinguished chairman of the Foreign Relations Committee. I said on this floor and in committee and many other places that CLAIBORNE PELL is unfailingly a gentleman. He is a good Senator and he is a good chairman. I enjoy working with him. I thank the chairman very much for yielding to me.

Mr. PELL. I thank the Senator for his kind words, and I hope he will feel the same at our next meeting.

Mr. HELMS. I will say to the distinguished chairman, if he will yield, one thing we have going for us in our relationship is that we always, when necessary, agree to disagree agreeably. The chairman pushes his point; I push mine. He happens to have one more vote in the committee than I do at best. I do not always make the point, but I try.

Mr. PELL. He makes the point very skillfully, and I am always glad to have that one extra point in the committee.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PRESSLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Mr. PELL. I object.

Mr. PRESSLER. Mr. President, I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER. There is objection.

Mr. PELL. There is no objection if the Senator speaks for 5 minutes as if in morning business, and then a quorum call is reinstituted.

The PRESIDING OFFICER. The objection has been withdrawn.

Mr. PELL. Without objection.

Mr. PRESSLER. I thank my colleague very much. I thank my colleague for his kindness.

Mr. PELL. And at the end of 5 minutes we are back in a quorum call.

Mr. PRESSLER. Yes.

(The remarks of Mr. PRESSLER pertaining to the introduction of S. 1321 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. PRESSLER. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER (Mr. ROBB). The Senator from North Carolina.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. PELL. I object.

The PRESIDING OFFICER. Is there objection?

Mr. PELL. I would object at this time.

The PRESIDING OFFICER. Objection is heard. The clerk will continue to call the roll.

The legislative clerk continued to call the roll.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Rhode Island [Mr. PELL].

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. HELMS. I object.

The PRESIDING OFFICER. There is objection. The quorum call will be continued.

The legislative clerk continued to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DODD). Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, I am about to propound a request for a unanimous-consent agreement to set forth the process by which the Senate will consider matters relating to the physical desecration of the flag of the United States. This is a result of discussions I have had over several days with the distinguished Republican leader and other Members of the Senate of both parties.

It is my belief that this is a serious matter of importance to all Americans and that it is important, indeed imperative, that the Senate establish a process for considering this important matter in a serious, mature, deliberative way and yet which at the same time provides assurance that all Senators will have the opportunity to express their views on the matter in debate in the Senate.

UNANIMOUS-CONSENT AGREEMENT

PHYSICAL DESECRATION OF THE FLAG

Mr. MITCHELL. Mr. President, I ask unanimous consent that it be ordered that the Committee on the Judiciary shall hold at least 4 days of hearings on the issue of physical desecration of the flag of the United States prior to September 22, and that by September 22, 1989, the Committee on the Judiciary shall report out the measures covered in this agreement, and that after consultation with the Republican leader, the majority leader shall lay before the Senate as the last item of business before the October recess, not later than October 7, 1989, and any other business before the October recess shall be transacted by unanimous consent.

First, a bill whose prime sponsors are the Senator from Delaware [Mr. BIDEN] and the Senator from Delaware [Mr. ROTH] dealing with the issue of the physical desecration of the flag of the United States, or a companion bill from the House of Representatives, and after final disposition, to be followed on October 16 by the consideration of—

Second, a joint resolution, whose prime sponsors are the Senator from Kansas [Mr. DOLE], the Senator from Illinois [Mr. DIXON], the Senator from South Carolina [Mr. THURMOND], and the Senator from Alabama [Mr. HEFLIN] proposing a constitutional amendment dealing with the same issue, which matter shall remain the pending business until final disposition thereof.

Provided, that this agreement gives the majority leader the power to lay these items before the Senate at any time, notwithstanding any rule of the Senate.

Provided, that the legislative measure shall be subject only to relevant legislative amendments, and the constitutional amendment shall be subject only to relevant amendments relating only to the issue of the desecration of the flag of the United States in the form of an amendment to the Constitution.

Provided, that the issue of flag desecration is not in order in any form prior to the consideration of the Biden sponsored legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

The text of the agreement follows:

Ordered, That the Committee on the Judiciary shall hold at least four days of hearings on the issue of the physical desecration of the flag of the United States prior to September 22, 1989.

Ordered further, That by September 22, 1989, the Committee on the Judiciary shall report out the measures covered in this agreement, and that after consultation with the Republican leader, the majority leader shall lay before the Senate as the last item of business before the October recess, not

later than October 7, and any other business before the October recess shall be transacted by unanimous consent:

1. A bill whose prime sponsors are the Senator from Delaware [Mr. BIDEN] and the Senator from Delaware [Mr. ROTH], dealing with the issue of the physical desecration of the flag of the United States or a companion bill from the House of Representatives, and after final disposition, to be followed on October 16, 1989, by the consideration of;

2. A joint resolution whose prime sponsors are the Senator from Kansas [Mr. DOLE], the Senator from Illinois [Mr. DIXON], the Senator from South Carolina [Mr. THURMOND], and the Senator from Alabama [Mr. HEFLIN], proposing a constitutional amendment dealing with the same issue, which matter shall remain the pending business until final disposition thereof.

Ordered further, That this agreement gives the majority leader the power to lay these items before the Senate at any time, notwithstanding any rule of the Senate.

Ordered further, That the legislative measure shall be subject only to relevant legislative amendments, and the constitutional amendment shall be subject only to relevant amendments relating only to the issue of the desecration of the flag of the United States in the form of an amendment to the Constitution.

Ordered further, That the issue of flag desecration is not in order in any form prior to the consideration of the Biden-sponsored legislation, or the House companion bill.

Mr. DOLE. Mr. President, will the majority leader yield?

Mr. MITCHELL. I yield.

Mr. DOLE. I thank the majority leader.

This is a very serious issue and I know hearings have started on the House side.

I believe we have an orderly procedure now and there will not be between now and this time anyone offering flag amendments and constitutional amendments. This is serious and there will be at least 4 days of hearings.

In my view, I think this is an appropriate way to proceed, and, as it turns out, these will be back to back in a sense that after disposition of either the Biden-Roth statutory measure or a House companion bill we are in recess that following week and the first day back we take up the constitutional amendment. So that satisfies the concerns that some had on both sides that we might pass a statute and say, "Well, that is the end of it."

So there will be no intervening business except by unanimous consent between consideration of the statute and the consideration of the joint resolution for a constitutional amendment. That should satisfy Senators on each side of the issue and on each side of the aisle.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the agreement now in force be amended to add at the very end thereof the following words: "or the House companion bill."

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DOLE. Is it the majority leader's understanding, then, that on Tuesday of next week there would be a period of time set aside for the introduction of both the constitutional amendment and the statute and those who wish to speak on either or both to have some time?

Mr. MITCHELL. Yes.

This might be an appropriate time to set forth the schedule, not only with respect to that but for the remainder of today and Monday and Tuesday.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEAR 1990

The Senate continued with the consideration of the bill.

Mr. MITCHELL. Mr. President, for the information of my colleagues, we have had an unexpected delay this morning arising out of controversy over some aspects of the bill which we hope has now been resolved and we will be able to proceed with the bill momentarily.

It is my intention, my hope, that the distinguished Republican leader and I will be able to join in offering an amendment at that time dealing with China sanctions and that we could have a vote on that prior to 1 o'clock—that then would be the only vote today; there would be no further votes after that—and that we would continue deliberation on this bill on Monday.

It is my expectation that we will make provision for a specific amendment to be offered and to be debated on Monday with a time limitation as a product of the discussions that are now under way and that the vote on that would occur on Tuesday morning. Prior to that, on Tuesday morning, it is my intention, in cooperation with the Republican leader, to have a period for morning business, a substantial period, set aside for the introduction of the legislation and the joint resolution for a constitutional amendment relating to the flag and to permit such discussion as Senators may wish to engage in at that time. I hope to have an announcement setting this forth in greater precision in just a few moments, awaiting the results of these discussions that have been going on now for the past few hours.

Mr. HELMS. Mr. President, will the distinguished majority leader yield?

Mr. MITCHELL. Certainly.

Mr. HELMS. I have not seen the China sanctions resolution. Has this been distributed among Senators?

Mr. MITCHELL. No.

Mr. HELMS. The distinguished majority leader did not propound a unanimous-consent request about the vote.

Mr. MITCHELL. No, I did not. I am not making any requests at this time. That was merely for information purposes.

Mr. HELMS. I see.

Mr. MITCHELL. We hope to have it available for distribution and introduction shortly and at that time I will propound the unanimous-consent request.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HOLLINGS). Without objection, it is so ordered.

AMENDMENT NO. 268

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that there be 3 hours equally divided between Senators MOYNIHAN and HELMS on a Moynihan amendment number 268.

I further ask unanimous consent that no amendments be in order to the Moynihan amendment; that when all time is yielded back, the vote occur on the Moynihan amendment at 11 a.m., Tuesday, July 18.

I further ask unanimous consent that Senator PELL now be recognized, following approval of this agreement, to modify the bill to remove existing Moynihan language, Lugar language and other modifications that Senator HELMS has agreed to.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The text of the agreement is as follows:

Ordered, That when the Senate resumes consideration of S. 1160, a bill to authorize appropriations for fiscal year 1990 for the Department of State, the U.S. Information Agency, the Board for International Broadcasting, and for other purposes, time for debate on a Moynihan amendment, No. 268, shall be limited to 3 hours, to be equally divided and controlled by the Senator from New York [Mr. MOYNIHAN] and the Senator from North Carolina [Mr. HELMS].

Ordered further, That no amendments be in order thereto.

Ordered further, That at 2:15 p.m., on Tuesday, July 18, 1989, the Senate proceed to vote on amendment No. 268.

The Senator from Rhode Island.

Mr. PELL. Mr. President, I send a modification to the bill to the desk on behalf of the following members of the Foreign Relations Committee: Senators BIDEN, CRANSTON, DODD, KERRY, SIMON, SANFORD, MOYNIHAN, ROBB, LUGAR, SARBANES, and KASSEBAUM.

The PRESIDING OFFICER. The bill will be modified pursuant to the request of the unanimous-consent agreement and the authority of the committee.

The modifications follow:

(a) On page 9, line 7, after the period, insert the following sentence: "The authority of paragraph (4)(A) shall be exercised

only to such extent or in such amounts as are provided in advance in an appropriation Act."

(b) On page 18, line 13, strike "of" and insert in lieu thereof, "to spend proceeds received under".

(c) On page 37, after line 11, insert the following new paragraph:

"(c) The transfer of an employee's interest in the Civil Service Retirement and Disability Fund shall occur after October 1, 1990."

(d) On page 40, line 21, after "section", insert "subject to the availability of appropriations".

(e) On page 41, line 14, after "section", insert "subject to the availability of appropriations".

(f) On page 42, line 6, after "section", insert "subject to the availability of appropriations".

(g) On page 8, line 11, strike out "1988" and insert in lieu thereof "1990".

(h) On page 40, line 7, strike out "effective date" and insert in lieu thereof "date of enactment".

(i) On page 131, line 11, strike out the period and insert in lieu thereof a semicolon.

(j) On page 131, line 16, strike out the period and insert in lieu thereof "; and".

(k) Beginning on page 71, strike Section 217.

(l) Beginning on page 104, strike Section 641.

(m) On page 10, strike Section 111 and on page 12, strike Section 112.

Mr. HELMS. Mr. President, can I ask the clerk to read the concluding four lines on page 4 of the modification just to make sure the language is there? It is the last section relating to construction.

Mr. MOYNIHAN. Will the Senator yield?

The PRESIDING OFFICER. Does the Senator yield the floor to the Senator from New York?

Mr. HELMS. Yes.

Mr. MOYNIHAN. Mr. President, with respect to the Moynihan amendment now at the desk, as under the agreement just propounded by the majority leader, I ask unanimous consent to print in the RECORD a letter from Perry Shankle, president of the American Foreign Service Association, expressing the support of the AFSA for the amendment as modified.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICAN FOREIGN
SERVICE ASSOCIATION,

Washington, DC, May 26, 1989.

Hon. DANIEL P. MOYNIHAN,
Committee on Foreign Relations, 464 SROB,
U.S. Senate.

DEAR SENATOR MOYNIHAN: The American Foreign Service Association [AFSA] thanks you for your proposed substitute amendment to section 108 of the Foreign Assistance Bill. We appreciate your sensitivity to the difficult circumstances in which foreign service officers are often placed.

AFSA also seeks your support regarding a proposed amendment to the Foreign Service Act that would reinstate the Department of State as the primary insurer of foreign service personnel abroad. This amendment would put into law what Congress expressed

as legislative intent in the 1985 Authorization Act—that the Department act as primary insurer for foreign service employees abroad and pay the employee's hospital-related expenses.

Again, AFSA appreciates your support for the integrity of the career foreign service.

Sincerely,

PERRY SHANKLE,
President.

Mr. MOYNIHAN. I thank the Chair. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, in amendment No. 268 is the language beginning "Construction." I want to be sure it is there.

The PRESIDING OFFICER. The Senator is correct.

Mr. HELMS. Let me review the amendment. I want to be sure the language is there somewhere.

The PRESIDING OFFICER. The clerk will report for the information of the Senate only.

The assistant legislative clerk read as follows:

Beginning on page 10, after line 18 insert the following:

SEC. 111. PROHIBITION ON SOLICITING OR DIVERTING FUNDS TO CARRY OUT ACTIVITIES FOR WHICH UNITED STATES ASSISTANCE IS PROHIBITED.

Chapter 1 of part III of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 620F. PROHIBITION ON SOLICITING OR DIVERTING FUNDS TO CARRY OUT ACTIVITIES FOR WHICH UNITED STATES ASSISTANCE IS PROHIBITED.—

"(a) PROHIBITION.—(1) Whenever any provision of United States law enacted on or after the date of enactment of the Foreign Relations Authorization Act, Fiscal Year 1990, expressly prohibits all United States assistance, or all assistance under a specified United States assistance account, from being provided to any specified foreign region, country, government, group, or individual, then—

"(A) no officer or employee of the United States Government may solicit the provision of funds or material assistance by any foreign government (including any instrumentality or agency thereof), foreign person, or United States person, and

"(B) no United States assistance shall be provided to any third party,

if the provision of such funds or assistance would have the purpose or direct effect of furthering or carrying out the same or similar activities, with respect to that region, country, government, group, or individual, for which United States assistance is prohibited.

"(2) As used within the meaning of paragraph (1)(B), assistance which is provided for a particular purpose includes assistance provided under an arrangement conditioning, expressly or impliedly, action by the recipient to further that purpose.

"(b) PENALTY.—Any person who violates the provision of subsection (a)(1)(A) (relating to solicitation) shall be imprisoned not more than 5 years or fined in accordance with title 18, United States Code, or both.

"(c) Applicability.—The provisions of this section shall not be superseded except by a provision of law enacted on or after the date

of enactment of the Foreign Relations Authorization Act, Fiscal Year 1990, which specifically repeals, modifies, or supersedes the provisions of this section.

"(d) DEFINITIONS.—For purposes of this section—

"(1) the term 'person' includes (A) any natural person, (B) any corporation, partnership, or other legal entity, and (C) any organization, association, or other group;

"(2) the term 'United States assistance' means—

"(A) assistance of any kind under the Foreign Assistance Act of 1961;

"(B) sales, credits, and guaranties under the Arms Export Control Act;

"(C) export licenses issued under the Arms Export Control Act; and

"(D) activities authorized pursuant to the National Security Act of 1947 (50 U.S.C. 410 et seq.), the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.), or Executive Order Number 12333 (December 4, 1981), excluding any activity involving the provision or sharing of intelligence information; and

"(3) the term 'United States assistance account' means an account corresponding to an authorization of appropriations for United States assistance.

"(e) CONSTRUCTION.—Nothing in this section shall be construed to limit the full Constitutional powers of the President to conduct the foreign policy of the United States."

Mr. HELMS. Let me ask the Chair if the amendment which the clerk was reading ends with "(e) CONSTRUCTION.—Nothing in this section shall be construed to limit the full constitutional power of the President to conduct the foreign policy of the United States."

The PRESIDING OFFICER. The Senator is correct.

Mr. HELMS. Mr. President, is the bill open for amendment?

The PRESIDING OFFICER. The bill is open for amendment.

AMENDMENT NO. 269

(Purpose: To prohibit negotiations with terrorists responsible for the murder, injury or kidnapping of an American citizen)

Mr. HELMS. Mr. President, I send an amendment to the desk and ask for its immediate consideration. This amendment is proposed by the Senator from North Carolina for himself, Mr. KERRY, Mr. BOND, Mr. D'AMATO, Mr. COATS, Mr. PRESSLER, Mr. GRASSLEY, Mr. LAUTENBERG, Mr. KASTEN, Mr. GRAMM, Mr. NICKLES, and Mr. THURMOND.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS], for himself, Mr. KERRY, Mr. BOND, Mr. D'AMATO, Mr. COATS, Mr. PRESSLER, Mr. GRASSLEY, Mr. LAUTENBERG, Mr. KASTEN, Mr. GRAMM, Mr. NICKLES, and Mr. THURMOND, proposes an amendment numbered 269.

SEC. . PROHIBITION ON NEGOTIATIONS WITH TERRORISTS RESPONSIBLE FOR AMERICAN DEATHS.

Section 1302(b) of the International Security and Development Cooperation Act of 1985 (22 U.S.C. 2151), is amended by adding

before the period at the end thereof, the following: "except that no funds authorized in this or any other act may be obligated or made available for the conduct of negotiations with any representative of the Palestine Liberation Organization such as Abu Iyad unless and until the President certifies to Congress that he has determined the representative did not directly participate in, or conspire in, or was an accessory to the planning or execution of a terrorist activity which resulted in the death, injury or kidnapping of an American citizen."

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Again, I thank the Chair. I had the clerk read the entire text of the amendment because, one, it is brief and, two, I want it made very clear for the record and for those who may be listening in their offices and elsewhere. This amendment poses a simple clearcut question: Should U.S. officials negotiate with terrorists responsible for the deaths of innocent Americans? This Senator says absolutely not, and I believe there is a widespread sentiment and agreement with that in the Senate. We shall see.

Throughout last year, Americans heard various politicians proclaim that we should not negotiate with terrorists. As a matter of fact, a great many of our colleagues have taken that position publicly many times and with genuine enthusiasm and emotion. And for good reason because dealing with terrorists is absolutely repugnant to the American people. Americans realize that to concede to terrorists only encourages more terrorism. In fact, in his introduction to the Pentagon publication entitled "Terrorist Group Profiles," the then-Vice President of the United States, Mr. Bush, wrote as follows:

The United States will be firm with terrorists. We will not make concessions. We will continue to urge other countries not to make concessions. Rewarding terrorists only encourages more terrorism.

The then Vice President, who is now, of course, the President of the United States, was right. For America to reward terrorists will simply increase terrorism against Americans. So you can imagine my astonishment when it was reported in the Washington Post on June 29 that our Ambassador to Tunisia, Robert Pelletreau, had been meeting with PLO terrorist Abu Iyad, and my guess is that the President of the United States must have been a bit shocked himself at that time. I hope so.

While the name of Abu Iyad may not be well known to a lot of people, the murder of innocent Americans, which he directed, still echoes in our memory. Surely, we are not so apathetic or callous that we forget so quickly.

The deadly record of this lifelong terrorist is shocking. In the early 1970's, Abu Iyad was a founder and leader of Black September, which was

one of the most destructive and violent terrorist groups ever known to man. Abu Iyad helped plan the 1972 Munich massacre in which 11 Olympic athletes were killed, including David Berg of Cleveland, OH. He was also one of those behind the blood assassination of the U.S. Ambassador to Sudan, Cleo Noel, and Deputy Chief of Mission George C. Moore in Khartoum in 1973. In that same year, 1973, Abu Iyad's Black September terrorists opened fire with machineguns at passengers at the TWA terminal in Greece, and among the dead were two Americans, including a 16-year-old girl.

I offer this amendment to raise a question to the consciences of the Senate and to the consciences of the American people. Is this the kind of man with whom we are going to deal? Do we really think that we can profit by dealing with a man like this? Does this Abu Iyad, whom some within the State Department apparently want to treat as a legitimate diplomat, feel any remorse for his terrorism against Americans?

To the contrary, Abu Iyad in his own biography upholds as heroes the terrorists that carried out the massacre of those young people at the Olympics.

Where are we going to draw the line? The State Department is involved in negotiations with a man who murdered Americans with impunity. Despite Abu Iyad's history of crimes against Americans, the State Department has now endowed upon him the respectability inherent in serving as a negotiating partner with the United States. By so doing, it has sent a signal to other terrorists or would-be terrorists, that violence does pay. This is a signal, Mr. President, which the United States cannot, should not, and must not send, not if we are serious about fighting terrorism, and that is the real question.

With this in mind, I along with my distinguished colleagues, have offered this amendment to protect the United States from finding itself in direct negotiations with terrorists who have on their hands the blood of the sons and daughters of Americans. Specifically, the amendment adds to the section currently in the law conditioning talks with the PLO the following. Let me quote what the amendment says:

Except that no funds authorized in this or any other act may be obligated or made available for the conduct of negotiations with any representative of the Palestinian Liberation Organization such as Abu Iyad unless and until the President certifies to Congress that he has determined the representative did not directly participate in, or conspire in, or was an accessory to the planning or execution of a terrorist activity which resulted in the death, injury or kidnapping of an American citizen.

Mr. President, as the chairman of the Task Force on Terrorism, the then Vice President wrote:

We will bring terrorists to justice. Terrorism is a crime and terrorists must be treated as criminals.

Mr. Bush did not say "Read my lips," but I am sure he was just as emphatic when he said that as on another occasion. He is correct. He was correct. Instead of negotiating with Abu Iyad, the State Department should have this thug arrested. Indeed, he was indicted, as I recall, in Italy for gun running on the day that our talks with him were revealed in the news story to which I referred earlier.

But if the State Department will not treat Abu Iyad as the terrorist he is, at least the Senate should stand up and step in and stop him and others like him from being treated by the United States as legitimate, civilized diplomats.

Mr. President, I ask unanimous consent that a Wall Street Journal article of July 10 entitled "U.S. Talking With Palestinian Officials It Previously Branded as Key Terrorists" along with various news accounts of the PLO assassination of U.S. Ambassador Cleo Noel be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, July 10, 1989]

U.S. TALKING WITH PALESTINIAN OFFICIALS IT PREVIOUSLY BRANDED AS KEY TERRORISTS

(By Walter S. Mossberg)

WASHINGTON.—On June 28, Palestinian Salah Khalaf was indicted in Venice for supplying guns 10 years ago to Italy's Red Brigade, the terrorists who murdered former Italian Prime Minister Aldo Moro and kidnapped U.S. Gen. James Dozier.

The very day the charges were announced in Italy, the State Department confirmed that the same Mr. Khalaf has been negotiating on Middle East peace issues with U.S. Ambassador Robert Pelletreau, who has been conducting talks with the Palestine Liberation Organization.

The terrorist, who also goes by the name of Abu Iyad, is now the No. 2 man in the PLO after Yasser Arafat. Before becoming a diplomat for the PLO, he made his mark in blood. Intelligence officials believe he was a key figure in the notorious Black September group, which murdered the Israeli Olympic athletes in 1972, assassinated Jordan's prime minister the year before, hijacked numerous aircraft, and more.

GOING TOO FAR?

The disclosure that Mr. Pelletreau had been negotiating with such a high-level PLO official touched off protests from Israel and its U.S. supporters that the new U.S. "dialogue" with the PLO was going too far. The only previously known Pelletreau meetings had been with a lower-level PLO figure named Yasser Abed Rabbu.

The news helped fuel the arguments of Likud-bloc hard-liners who last week forced Prime Minister Yitzhak Shamir to toughen his plan for elections in the occupied territories to the point where it may never be acceptable to Palestinians.

The State Department argues that the U.S. never said it would only deal with one

low-level PLO official. That makes sense; the PLO is a diffuse federation, and it is reasonable for the U.S. negotiator to talk to more than one representative.

But does that mean the U.S. must deal with individuals who have personally been among the captains of international terrorism? Before the U.S. agreed in December to talk to the PLO at all, it required Mr. Arafat to renounce the use of terrorism. He did so. And in fact the Fatah component of the PLO, headed by Messrs. Arafat and Khalaf, apparently hasn't staged any terrorist incidents since then.

The administration is relying on this pledge to certify that it isn't talking to terrorists. "We stand by their statements of Dec. 14 where they renounced terrorism," says State Department spokeswoman Margaret Tutwiler. Other State Department officials concede that Mr. Khalaf was an important figure in Black September, but they can't link him personally to the group's most spectacular crimes, such as the 1972 massacre of Israeli athletes in Munich. Another top administration official involved in Mideast policy shrugs off Mr. Khalaf's criminal past, saying, "We aren't concerned with who did what in the old days."

CONGRESSMAN'S COMPLAINT

But Rep. Mel Levine, a staunchly pro-Israel member of the House Foreign Affairs Committee, says that talking to Mr. Khalaf "makes a mockery of our anti-terrorism policy. By talking to him, we are elevating a terrorist to a position of respectability." The California Democrat says the U.S. should demand that the PLO produce negotiators who aren't terrorists.

Rep. Levine adds that "the administration forgets there's an Israeli audience out there that we have to bring along in the peace process." Talking to a terrorist involved in the Olympic massacre only undermines Israelis' faith in the fairness of the U.S. approach, he says. "We've already paid a price in the way the Likud party conference turned out."

The U.S. can't pick the top officials of the PLO, of course. And some critics of Israel note that Mr. Shamir himself was once a member of groups considered terrorist during Israel's fight for independence. But the administration, right up through President Bush, is well aware of Mr. Khalaf's reprehensible past.

In November, a month before the U.S. agreed to the PLO dialogue, the Pentagon published a study of terror organizations, "Terrorist Group Profiles." On page 12 is a photo of Mr. Khalaf, adorning the study's lengthy Fatah section.

SCHOOLHOUSE MASSACRE

Two pages later is a photo of Mr. Rabbu, Mr. Pelletreau's regular PLO interlocutor, identified as the No. 2 man in another PLO member group, the Democratic Front for the Liberation of Palestine. The DFLP, a pro-Soviet Marxist band, is most famous for a 1974 massacre of 27 Israelis in a schoolhouse.

Mr. Bush, then vice president, wrote the introduction to that report. In it, he rejected the notion that the terrorists described could be called "freedom lighters." He said: "The philosophical differences are stark and fundamental. It should be clear to all those who read this book that terrorists are criminals who attack our cherished institutions and profane our values."

The Bush administration's actions now don't square with the president's words last November. Mr. Bush's own envoy is treating

as diplomats people the president branded as criminals eight months ago.

[From the Washington Post, June 29, 1989] ADMINISTRATION HAS EXPANDED ITS CONTACTS WITH THE PLO (By David B. Ottaway)

The Bush administration secretly has expanded its contacts with the Palestine Liberation Organization, meeting at least twice in Tunis with the PLO's second-highest official, Salah Khalaf, State Department officials said yesterday.

Officials said that an interview given by Khalaf to the Kuwaiti news agency KUNA, in which he disclosed that he has met twice with the U.S. ambassador to Tunisia, Robert Pelletreau, was essentially correct, but they insisted "there is no change in U.S. policy."

"He did meet with Salah Khalaf and discussed issues related to the [U.S.] dialogue, but our objectives remain the same," one official said. Khalaf is also known as Abu Iyad.

Israel has watched with growing anxiety the development of an expanding relationship between the Bush administration and the PLO. Israel has refused to have any dealings with the PLO and bitterly criticized the U.S. decision last December to open a "substantive dialogue" with the group.

The disclosure comes amid a spate of reports that a high-ranking administration official will soon go to Tunis to meet with PLO Chairman Yasser Arafat. Washington Post correspondent Patrick Tyler reported that a PLO official in Tunis said last week, "The idea was [to send] Dennis Ross to meet Abu Amar [Arafat's alias]."

State Department officials have emphatically denied for the past week that there are plans for either Assistant Secretary of State John H. Kelly or Ross, head of the department's policy planning staff, to meet with Arafat in Tunis.

Tyler reported that the same PLO official, Ahmed Abdul Rahman, said Pelletreau had met with the PLO representative in Tunis, Hakim Belawi, to discuss a possible Ross-Arafat meeting.

The administration has been particularly anxious to avoid saying or doing anything that might further complicate the task of Israeli Prime Minister Yitzhak Shamir, who is facing a challenge from his own right wing to his peace plan for the occupied territories.

The plan calls for elections for a local Palestinian leadership in the West Bank and Gaza Strip and is scheduled to be debated and approved or rejected at central committee meeting July 5 of the Shamir-led Likud Bloc.

In the KUNA interview, Khalaf said he had begun discussions with Pelletreau outside the formal dialogue Pelletreau has been holding with the PLO's designated delegation leader, Yasser Abed Rabbo.

Khalaf was quoted by Kuna as saying the administration had instructed Pelletreau to expand his contacts with PLO officials and that he had met twice so far with him to discuss Shamir's election plan. His latest meeting, he said, was Monday but it was not clear whether he meant this week or last.

He was quoted by Reuter news agency as saying the higher-level contacts were "an important and positive development."

The administration has been pressing the PLO to accept the plan and to authorize Palestinian officials from the occupied territories to discuss the plan with the Israeli government.

The PLO, in turn, has been pressing the administration for meetings with higher-level U.S. officials partly to show skeptics among its followers that the dialogue is valuable as a way of gaining greater U.S. diplomatic recognition.

Last night, State Department officials said there are no plans for any U.S. official other than Pelletreau to meet with the PLO.

"Pelletreau is our channel," said an official, who spoke only on condition of anonymity.

This official said that various PLO officials had passed through Tunis, where the organization has its headquarters, "who wanted to meet with Pelletreau to discuss various aspects of our dialogue."

Pelletreau had used the requests to have informed meetings and contacts. But the formal sessions, where the two sides discuss issues related to Middle East peace negotiations, will continue at their present diplomatic level, U.S. officials insisted.

[From the Washington Times, June 29, 1989]

PLO LEADER FACES TERROR LINK CHARGE

VENICE, ITALY.—A senior PLO official and four former Italian military officers were indicted yesterday in connection with the alleged supply of PLO arms to the Red Brigades in 1979, the ANSA news agency reported.

ANSA said among those indicted was Salah Khalaf, also known as Abu Iyad, a top member of Fatah, the mainstream Yasser Arafat-led faction of the Palestine Liberation Organization.

The agency said Venice Magistrate Carlo Mastelloni indicted four former officials of SISMI, the secret service wing of the Italian military. They were identified as Gens. Gino Lugaresi and Pasquale Notarnicola, Col. Armando Sportelli and Marshall Giuseppe Agricola.

Also indicted were six Italians who worked or studied at a language school in Paris and allegedly served as contacts between Red Brigades terrorists and Palestinians in the French capital, ANSA said.

Mr. Mastelloni has been investigating alleged links between the Red Brigades and the PLO for years. The investigation grew out of statements by Red Brigades terrorists-turned-informers who said the PLO supplied a shipment of arms, including 150 Sterling machine guns, delivered by yacht from Lebanon to Venice in September 1979.

[From the New York Times, Mar. 3, 1973]

TWO BELIEVED SPARED—JORDANIAN AND SAUDI ARABIAN DIPLOMATS REPORTEDLY ALIVE

(By Henry Tanner)

KHARTOUM, THE SUDAN, March 3.—The Sudanese Government announced early today that Black September commandos had executed two American diplomats who had been held hostage since Thursday night.

The diplomats—Cleo A. Noel Jr., the recently arrived Ambassador, and George C. Moore, the outgoing chargé d'affaires—were among five envoys taken hostage when the commandos invaded and seized the Saudi Arabian Embassy as a farewell reception for Mr. Moore was being held.

A United States Embassy spokesman said that the deaths, by shooting, were confirmed by a Sudanese officer who entered the embassy with permission from the terrorists.

SHOTS WERE HEARD

The Sudanese Government also announced that a third hostage—Guy Eid, the Belgian chargé d'affaires—had been killed, but the officer said he was still alive although critically wounded, according to the American Embassy.

The Sudanese officer sought in vain to persuade the terrorists to release the bodies, an American spokesman said. Negotiations for the release of the dead were expected to continue.

The Sudanese Government said that the two other hostages, Sheik Abdullah el-Malhok, the Saudi Ambassador, and Adliel Nazir, the Jordanian chargé d'affaires were still alive.

The executions were reportedly carried out at 9:30 last night (2:30 P.M., Friday, New York time) when shots could be heard in the area of the embassy. Sudanese soldiers, sent to surround the building, first reported the executions, and their reports were later confirmed by the Government.

[In Washington, United Press International reported, the State Department said that Mr. Noel had been allowed to make one phone call before his death and that he asked an official at his embassy about "the state of play in the outside world"—meaning world reaction to the guerrillas' act.]

THE RAIDERS' DECISION

The bursts of fire came as a sand storm hurled clouds of sand around the darkened building, where the hostages were held in a second floor room behind closed shutters. Visibility was down to about 15 feet.

According to an official Sudanese statement, the killings followed a breakdown of negotiations between leaders of the terrorists and the Sudanese Government.

During the day, the Deputy Premier and Interior Minister of the Sudan, Mohammed Bagir, and other Cabinet ministers had spent several hours negotiating with the terrorists by telephone. The Sudanese had been reported hopeful that the raiders might eventually agree to be flown with their hostages to an Arab capital where both the terrorists and the hostages would be released.

During the morning, the commandos had set 2 P.M. as the deadline by which their demands had to be accepted. At 2, one of them appeared on the balcony outside the room where the hostages were being held, looked at his wrist watch, then disappeared.

In their last exchange by telephone with the Government negotiators, the commandos said at 8:30 P.M. that they had decided to execute the hostages because they had received no acceptable answers from the governments involved.

The Jordanian Government had announced yesterday morning that it would not bow to the guerrillas' demands for the release of Abu Daoud, a leader of Al Fatah, the Palestinian resistance organization, and the release of other Palestinians accused by Amman of having attempted a coup against King Hussein.

"We insist and reconfirm," the commandos had said during the day, "that we will not leave the embassy or release the hostages or even guarantee their lives except if the Palestinian prisoners held in the prisons of the reactionary regime of Jordan are freed."

Many diplomats here expressed the belief that the lives of the Americans had depended primarily on the Jordanian response to the guerrilla demands.

The guerrillas had originally also demanded the release of Sirhan Sirhan, who is serv-

ing a life sentence in California for the 1968 assassination of Senator Robert F. Kennedy. [In Washington, President Nixon said at a news conference before it was announced that the envoys had been killed that the United States would "not pay blackmail" for the release of the diplomats.]

In addition, the guerrillas had demanded the release of a number of other people held in Jordan, of all Arab women detained in Israel, and of members of the Baader-Meinhof urban guerrilla group held in West Germany "because they supported the Palestinian cause." The commandos reportedly scaled down their demands during the day yesterday, while continuing to insist on the release of Abu Daoud and his group.

It was believed that the terrorists spared the Jordanian envoy because they intended to go on bargaining for the release of Abu Daoud and his companions.

The wife of the Saudi Arabian Ambassador was allowed by the terrorists late last night to leave the embassy with their four children. Mrs. Malhouk returned to join the hostages this morning.

The raid on the Saudi Arabian Embassy started a few minutes before 7 p.m. on Thursday. The reception for Mr. Moore, attended by chiefs of mission, had just ended. The host, Mr. Malhouk, acting as dean of the diplomatic corps, handed Mr. Moore a silver tray as a present and made a short speech to which Mr. Moore responded.

The shooting, according to all witnesses, lasted only a few moments. Some of the attackers had pistols, others machine guns, the witnesses said.

Ambassador Noel had left the party, another ambassador said, and was standing outside the gate when the raiders arrived and brought him back inside.

Mr. Noel suffered a flesh wound in his left ankle from a ricocheting bullet at the start of the take-over by the commandos, who were said to number six or seven.

Mr. Moore, according to the United States Embassy, was either kicked or pistol-whipped and suffered a bruise on his right cheek in the raid, staged by members of the same organization that claimed responsibility for the killing of 11 members of the Israeli Olympic team last September at Munich.

There were no police guards at the Saudi Arabian Embassy during the reception for Mr. Moore. Usually the police here assist in directing traffic for such receptions.

It was not clear whether the embassy had failed to ask for the guards or whether the police were too busy with preparations for the celebration of the first anniversary of the agreement at Addis Ababa that ended 17 years of civil war between the central Government at Khartoum and the rebels in the southern part of the country.

President Gaafar al-Nimeiry passed near the Saudi Embassy in a car minutes before the commandos struck.

Msgr. Ubaldo Calabresi, the papal nuncio in Khartoum, was standing in front of the gate with Ambassador Noel Thursday night when the commandos burst in. But though the invaders took Ambassador Noel into the building, they apparently overlooked the monsignor. One diplomat suggested that they might have mistaken his cassock for the flowing gown of the Moslems.

The French Ambassador, Henri Costilhes, escaped by jumping over a six-foot wall around the embassy. He said today that he had just taken leave of Mr. Malhouk, his host, and was going down the steps when four guerrillas jumped out of a Land-Rover

outside the gate and entered the little garden shouting and firing into the air. Mr. Costilhes said that he walked away from them and made for the wall.

Other witnesses said they saw another group of three or more men arriving in a small car.

The Soviet Ambassador, Leliks I. Sevastyanov, was in the garden and hid until the attackers were inside the house.

Yugoslavia's Ambassador, Ljubomir Drndic, and the Hungarian envoy, Lajos Benczkovits, were on the sun deck on top of the four-story embassy structure. They hid twice as one of the commandos searched the premises. According to witnesses, they came out about an hour later, identified themselves and were let go.

Inside the house, the witnesses said, there was bedlam. The American diplomats and others were made to kneel, their hands above their heads, and then were tied up, according to one of the diplomats who was there.

[From the New York Times, Mar. 3, 1973]

SLAIN U.S. DIPLOMATS EXPERTS ON MIDEAST

(By Cleo A. Noel, Jr.)

WASHINGTON, March 2.—When he was named Ambassador to the Sudan a few months ago, Cleo A. Noel Jr. confided to friends, "It will be good to get back home."

Home meant Khartoum, and the embassy garden where he had planted trees on his first tour of duty there in the late nineteen-fifties.

Mr. Noel flew to Khartoum a few days after he was sworn in on Dec. 8 as the first United States Ambassador to the Sudan since diplomatic relations between the two countries were broken off in 1968. He was one of the State Department's experts on the Sudan and was fluent in Arabic.

He was born Aug. 16, 1918, in Oklahoma City, and grew up in nearby Moberly, Mo. He graduated from the University of Missouri, and taught history there for a year before enlisting in the Navy.

During World War II he served as a gunnery officer on destroyer escorts in the Caribbean and the Mediterranean, rising to lieutenant commander.

After the war he did graduate work in history at Harvard before joining the Foreign Service in 1949. That was the year he met Lucille McHenry, a personnel officer with the State Department. She hired him, and a short time later they were married.

In the late nineteen-fifties he served as second secretary and political officer in Jidda, Saudi Arabia, and Khartoum, returning to Washington at the beginning of the Kennedy Administration. He later had a second tour of duty in Khartoum as deputy chief of mission.

He was then assigned to The Hague as political counselor and a year later began his second tour of duty in Khartoum as deputy chief of mission.

Even after the Sudan broke diplomatic relations with the United States in 1967, Mr. Noel remained in that country as officer in charge of the American-interest section of the Dutch Embassy.

In 1969, he returned to the United States, and became deputy director of personnel for assignments in the State Department.

His wife joined him in Khartoum a few weeks ago.

He also leaves two children, John Francis, 21 years old, who had been studying at American University in Washington, and Janet, 18, a student at Oberlin College in

Ohio; his mother, Mrs. Cleo A. Noel Sr. of Moberly, Mo., and a sister, Mrs. J. W. Barry, who lives near Kansas City, Mo.

[From the New York Times, Mar. 3, 1973]

SLAIN U.S. DIPLOMATS EXPERTS ON MIDEAST (By George C. Moore)

WASHINGTON, March 2—For the last three years, George C. Moore had been the senior United States diplomat in Khartoum, working out the details of the restoration of diplomatic relations between the United States and the Sudan.

A specialist in Arab affairs, Mr. Moore, a career Foreign Service officer, was assigned in 1969 as chief of the American interests section in the Dutch Embassy in Khartoum. His responsibility was to represent United States interests at a time when the Sudan had broken off diplomatic relations with the United States as a result of the 1967 war between the Arabs and Israel.

With the restoration of relations last year, Mr. Moore became counselor of the United States Embassy and served as charge d'affaires until the arrival early this year of Ambassador Cleo A. Noel Jr. Both Mr. Moore and Mr. Noel were killed today by Palestinian terrorists of the Black September organization, who had seized them as hostages.

At the time of his death, Mr. Moore had been scheduled to go to another diplomatic post.

Mr. Moore, born in Ohio in 1925, had been educated for a career in the Foreign Service. After serving in the Army in World War II from 1944 to 1946, he was graduated from the University of Southern California in 1949 with a bachelor's degree in international relations. He received his master's in international relations there in 1951.

Mr. Moore entered the Foreign Service in 1950, taking up a post in Frankfurt, and then became director of an American center in Munich. He quickly shifted over to become one of the department's Arab specialists, serving in North Africa and the Middle East.

From 1953 to 1955 he was a consular officer and economics officer in Cairo, followed by a year of Arabic language training. He served as political and economics officer in Asmara, Ethiopia, Benghazi, Libya, and Tripoli, in Lebanon, before being assigned to the State Department's Arab Peninsula Affairs Desk in 1963.

In 1968, Mr. Moore was chosen for a year's study at the National War College, one of the highest honors that can be given to Foreign Service officers in mid-career. On completion of that study, he was assigned to Khartoum.

Mr. Moore was married to the former Sarah Stewart. They had two daughters: Lucy Ann, who was born in 1951, and Katherine, born in 1953.

[From the Washington Post, April 5, 1973]

ARAFAT IMPLICATED IN ENVOYS' DEATHS (By David B. Ottaway)

Yasser Arafat, leader of the main Palestinian guerrilla organization, Fatah, was in the Black September radio command center in Beirut when the message to execute three Western diplomats being held hostage in Khartoum was sent out last month, according to Western intelligence sources.

The sources said it was not clear whether Arafat personally or Salah Khalaf, an extremist Fatah theoretician better known as Abu Iyad, gave the order to carry out the

executions, using the code word "Cold River."

But they have reports that Arafat was present in the operations center when the message was sent and that he personally congratulated the guerrillas after the execution of the three diplomats, two Americans and a Belgian, was carried out.

"This is the first time that he [Arafat] has been clearly implicated in something like this," said one source.

Previously, the Sudanese minister of information, Omar Haj Mussa, had revealed that Arafat played a role in getting the Black September group to surrender in Khartoum to Sudanese authorities. Mussa declined to provide details.

According to one source, the U.S. Central Intelligence Agency monitored at least some of the communications between the operation's Beirut command center and the Saudi Arabian embassy in Khartoum, where the hostages were being held. Arafat's voice was reportedly monitored and recorded.

But it was not clear from this source whether Arafat's voice was identified as the sender of the Cold River message or was only heard later congratulating the guerrillas and later during the negotiations leading to the surrender of the eight Black September terrorists.

The close ties between Black September and Fatah, long regarded as the "moderate" among the half dozen major Palestinian guerrilla groups, were disclosed recently in a confession by a top Fatah leader made to Jordanian authorities.

Mohammed Danud Oudch, who uses the cover name of Abou Daoud, told the Jordanian that Black September did not exist as an organization and that "all its activities were carried out by the intelligence, branch of the Fatah guerrilla organization."

Daoud and 16 of his men were arrested in Jordan in February. According to his confession, the team was on a mission to kidnap Jordanian Cabinet ministers and bargain for the release of 40 imprisoned Palestinian guerrillas.

Daoud's confession, which revealed in great detail the training of Palestinians for terrorist operations, is generally regarded as authentic and accurate in Western intelligence circles.

Among other things, Daoud disclosed the key role played by Abu Iyad—in planning various terrorist exploits, including the raid on the Israeli quarters at the Olympic Games in Munich last September. It resulted in the killing of 11 Israelis.

Daoud also revealed that he had received his intelligence and arms training in Cairo, where he took a nine-week course with nine other Palestinians.

Daoud's confession and the complications created for Fatah in its relations with Arab governments because of the Khartoum operations have reportedly led within the organization to a total reassessment of strategy.

Fatah has been busy since the Khartoum raid in early March patching up its relations with various Arab governments, including the Sudan.

A delegation from the Palestinian Liberation Organization, which Arafat also heads, recently visited Khartoum. After the visit, the Sudanese government issued a statement saying it had no evidence that the central Fatah organization was involved in the operation and that it was only holding individual Fatah members, including the leader of the local office, responsible for the assassinations.

President Jaafar Nimeri has announced that the eight terrorists will go on trial and that they face the death penalty.

Sources here believe that the difficulties that have arisen for Fatah because of Khartoum and Daoud's confession may lead Arafat to separate more formally the organization's terrorist arm from its central body.

Because of the adverse reaction of many Arab governments in the Khartoum operation, the sources also express the belief that it is unlikely that Black September will soon strike again in another Arab country, except perhaps Jordan.

Mr. HELMS, Mr. President, Abu Iyad's leadership role in the notorious Black September group is well known. Among other places, it is documented in "The International Dimension of Palestinian Terrorism," written by Ariel Merari and Shlomi Elad of the Jaffee Center for Strategic Studies, page 35, and in the 1988 publication "Terrorist Group Profiles," page 12, which lists under the title "Leadership of Fatah: 'Yasir Arafat (Abu Ammar), Salah Khalaf (Abu Iyad).'" Under the title "Other Names," it said: "The Fatah used the name Black September Organization [BSO] from 1971 to 1974 * * *"

I ask unanimous consent that the profile of Fatah from the Vice President's "Task Force on Combatting Terrorism" be printed in the RECORD at this point.

There being no objection, the profile was ordered to be printed in the RECORD, as follows:

TERRORIST GROUP PROFILES

FATAH

Date Formed: 1957.

Estimated Membership: 6,000 in Lebanon and 5,000 scattered throughout the world.

Headquarters: Tunis, Tunisia, serves as the symbolic international headquarters. The Fatah operates both overt and covert offices throughout the Middle East and Europe.

Area of Operations International: The Fatah's operational efforts are focused primarily against Israeli targets in Israel, Lebanon, and the occupied territories.

Leadership: Yasir Arafat (Abu Ammar), Salah Khalaf (Abu Iyad).

Other Names: The Fatah used the name Black September Organization (BSO) from 1971 to 1974 and the cover name al-Asifa (The Storm) in 1965. In recent years, Force 17, the Hawari group, and security elements of the Fatah have been involved in terrorist operations. The name Fatah is a backwards acronym for *Harakat al-Tahrir al-Filistini*, which means "Palestine Liberation Movement" in Arabic.

Sponsors: Palestine Liberation Organization, Palestinians abroad, most Arab states, China, the Soviet Union, and other Communist countries.

Political Objectives/Target Audiences:

Seek to establish an independent, secular Palestinian state; originally committed to recapturing all of Palestine, but now may accept a state based on a Gaza/West Bank formulation.

Reject Camp David Accords.

Recognize the Palestine Liberation Organization as the sole legitimate representative of the Palestinian people.

BACKGROUND

Formed by Palestinian exiles in Kuwait in 1957, the Fatah surfaced in 1959 and began to mount raids into Israel in January 1965. After the 1967 Six-Day War, the Fatah, the military arm of the Palestine Liberation Organization (PLO), grew rapidly and eclipsed other Palestinian organizations. In 1969, Fatah leader Yasir Arafat assumed leadership of the PLO.

The increase in the Fatah's power after 1967 also created new problems for the organization, and in 1968 Israel initiated retaliatory strikes for Fatah operations against Israel by hitting Fatah locations in neighboring Jordan. The Fatah, meanwhile, began to compete directly with Jordanian authority in areas such as the Jordan River valley. These tensions culminated in September 1970 (referred to as "Black September" by radical Palestinians) when Jordanian authorities fought the Fatah to reassert control during a 9-day siege of Palestinian refugee camps in Jordan. Fatah-Jordanian friction continued through 1971, when the remainder of the Fatah forces were forced out of Jordan. Nearly all of Fatah's forces relocated to Lebanon.

Mr. HELMS. Mr. President, Abu Iyad has been called the mastermind behind the Munich massacre. His role in this notorious terrorist activity was documented in testimony given by Muhammad Dawud (Abu Dawud) in March, 1973. Abu Dawud testified: "First, Abu Iyad operations. The successful operations are the Munich operation * * *

Abu Iyad's role in the Munich massacre was further documented by Alan Hart, who wrote a biography of Arafat. He said that Abu Iyad had "executive responsibility" for organizing the massacre.

Other evidence linking Abu Iyad with the Munich massacre was documented in "Transnational Terrorism," page 341, written by Edward F. Mickolus, and in "The PLO: The Rise and Fall of the Palestine Liberation Organization," page 107, written by Jillian Becker.

Mr. President, I ask unanimous consent that the Abu Dawud testimony on Abu Iyad's role in the Munich massacre be printed in the RECORD at this point, along with the Mickolus account.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Question: Name the operations which have been carried out by Abu Iyad, 'Ali Hasan Salamah, and by Abu Yusuf and Khalil al-Wazir.

Answer: The successful operations are the Munich operation, and the killing of an Israeli intelligence officer in Madrid early January 1972. I do not know who implemented that operation. The unsuccessful operations are: The operation against the Council of Ministers in Amman. Second, 'Ali Hasan Salamah's operations. The successful ones are the Trieste operation—blowing up oil storage tanks in Trieste Italy. These storage tanks supply Europe and Germany with fuel. He sought the help of Ash-Shamali in this operation. Ash-Shamali died of cancer and he was the husband of Antun Sa'adah's daughter. I do not know the persons who carried it out. The second operation was blowing up the gas storage tanks in the Netherlands and Germany. The third operation was killing five Jordanians in Hamburg on the pretext that they collaborated with the Israeli intelligence. The fourth operation was firing shots on the Jordanian Ambassador in London Zayd ar-Rifa'i. The fifth operation was the blowing up of an Israeli vessel in the United States. He also has one unsuccessful operation: The attempted attack in Austria on the Soviet Jews who were emigrating to Israel. Three, Abu Yusuf operations: Killing Wasfi at-Tail. He personally assigned the men through Yahya 'Ashur. He transported them to Aicor and subsequently, he himself transported the weapons to Cairo. He carries an Algerian diplomatic passport; the Sabena plane operation at LOD airport, the LOD operation was a failure; the Bangkok operation which was a failure also; another operation, which was supposed to take place together with the Bangkok operation, was attacking the Israeli embassy in Romania; that too failed. Another failure was the attempt on the life of 'Abdallah Salah in Tunis. It did not succeed because the Tunisian security measures were good. 'Abdallah Salah went to Tunis to put forward the United Kingdom project. Abu Jihad took part in the Bangkok operation. There were other operations against Mustafa Dudin, 'Adnan Abu 'Awdah, 'Abdallah Salah in May 1971. They were planned by Abu Yusuf and Abu Jihad. They failed.

This is my statement which was obtained from me of my own free will, choice and full freedom, and I endorse it with my signature.

Mr. HELMS. Mr. President, Abu Iyad's role in the 1973 murder of U.S. Ambassador Cleo Noel and Deputy Counselor George Moore in Khartoum was documented in Newsweek, May 12, 1986, which recounted the testimony of former PLO director of intelligence and deputy chief of staff Abu Zaim. He said Abu Iyad "personally ordered the execution of the American diplomats."

Abu Iyad's role in the Khartoum murders was further documented in a Washington Post article on April 5, 1973, which said:

[A]ccording to Western intelligence sources * * * it was not clear whether Arafat

personally or Salah Khalaf, an extremist Fatah theoretician better known as Abu Iyad, gave the order to carry out the executions using the code word "Cold River."

Other evidence linking Abu Iyad to the Khartoum murders can be found in a New York Times article of March 2, 1973.

The Newsweek article reads as follows:

Now that the Justice Department has decided against trying to prosecute Yasir Arafat for the murder of two U.S. diplomats in Sudan 13 years ago, a former top aide to the Palestine Liberation Organization leader has tied his onetime boss more closely than ever to the killings. Abu Zaim, until recently PLO director of intelligence and deputy chief of staff, told Newsweek's Ray Wilkinson that Arafat's senior aide, Abu Iyad, "personally ordered the execution of the American diplomats" and that Arafat himself was "probably personally involved." Zaim has publicly denounced Arafat and called for a clean sweep of the PLO leadership, but he is considered a credible source."

Mr. President, shortly after the State Department decided to negotiate with the PLO, I asked my staff to compile a list of all American citizens who have reportedly been killed, injured or otherwise victimized by PLO terrorism.

My staff came up with a list of 40 Americans reportedly killed and nearly 60 Americans otherwise victimized by PLO terrorism. There are probably more.

But the point is, Mr. President, that at least 40 Americans have lost their lives to senseless PLO terrorism. Forty American families grieve for a meaningless, tragic loss.

And now, the State Department has decided to forget these 40 Americans, and forgive criminals responsible for their murders. Last week, a State Department official told the Wall Street Journal that the slate for the PLO has been wiped clean, that "We aren't concerned with who did what in the old days."

Mr. President, this attitude of callous disregard for the lives of Americans is reprehensible. It is the kind of attitude which makes my amendment so necessary.

I ask unanimous consent that the list of American victims of PLO terrorism be printed at this point in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

AMERICANS VICTIMIZED BY PLO TERRORIST ATTACKS

American victim	Date	Type of attack
1. George Shultz	March 1988	Car bomb attempt foiled near his hotel in Jerusalem.
2. Gail Klein, wounded	October 1986	Bomb attack in Jerusalem.
3. Alberto Ospina, killed	April 1986	Killed in bombing of TWA Flight 840.
4. Maria Klug, killed	do.	Do.
5. Demetra Klug, killed	do.	Do.
6. Demetra Stylianopoulos, killed	do.	Do.

AMERICANS VICTIMIZED BY PLO TERRORIST ATTACKS—Continued

American victim	Date	Type of attack
7. Leon Klinghoffer, killed	October 1985	Achille Lauro ocean liner hijacked. Klinghoffer was shot and thrown overboard.
8. Ahron Gross, killed	July 1983	Gross, an American seminary student, was stabbed to death by three terrorists.
9. One American, wounded	September 1981	Grenade attack against tourists in the old city of Jerusalem.
10. Stephen Hilmes, killed	September 1978	Bomb attack in Jerusalem.
11. Richard Fishman, killed	June 1978	University of Maryland student killed in a bomb attack on a bus in Jerusalem.
12. Gail Rubin, killed	March 1978	Killed in bomb attack on tour bus in northern Israel.
13. Harold Rosenthal, killed	August 1976	Casualties of grenade and submachinegun attack at the Istanbul airport.
14. Nona Shearer, wounded	do	Do.
15. Lucille Washburn, wounded	do	Do.
16 through 24. Nine Americans, hostage	June 1976	Air France Flight 139 hijacked from Tel Aviv to Paris.
25. Francis Meloy, killed	June 1976	United States diplomats shot to death in Lebanon.
26. Robert Waring, killed	do	Do.
27. Zohair Moghrabi, killed	do	Do.
28 through 29. Two Americans, wounded	March 1976	Casualties of arson attack on Park Hotel in Netanya, Israel.
30. One American, killed	November 1975	Killed in bomb attack in Jerusalem.
31. Herman Huddleston, kidnapped	October 1975	Kidnapped by armed Palestinians in his Beirut home.
32. Charles Gallagher, kidnapped	October 1975	Kidnapped in East Beirut.
33. William Dykes, kidnapped	do	Do.
34 through 36. Three Americans, kidnapped	August 1975	Occupied and held hostages at U.S. Embassy in Malaysia.
37. Mark Katz, wounded	July 1975	Bomb attack in Jerusalem.
38. Deborah Levine, wounded	do	Do.
39. Col. Ernest Morgan, kidnapped	June 1975	Kidnapped in taxi in Beirut.
40. Dejean Replogle, wounded	December 1974	Casualty of bomb attack on bus in Jerusalem.
41. Cleo Noel, killed	March 1973	Noel, U.S. Ambassador to the Sudan and Moore, the Deputy Chief of Mission were assassinated.
42. George Moore, killed	do	Do.
43. David Berg, killed	September 1972	Munich massacre victim.
44 through 59. 16 Americans, killed	May 1972	Terrorists open fired at passengers at Lod Airport, Tel Aviv.
60. Joseph Kennedy, hostage	February 1972	Lufthansa flight 649 from New Delhi to Athens was hijacked.
61. One American, killed	January 1972	Killed in machinegun attack on car in Gaza strip.
62. One American, hostage	August 1971	Detained dependent of U.S. Dept. of Defense officer in Beirut.
63 through 67. Five Americans, wounded	September 1971	Wounded in grenade attack in Jerusalem.
68. John Stewart, kidnapped	September 1970	Kidnapped in Amman.
69. Sgt. Ervin Graham, hostage	September 1970	Hijacked TWA flight to Jordan.
70 through 72. Three Americans, hostage	September 1970	Hijacked Pan Am flight to Jordan.
73 through 75. Three Americans, hostage	September 1970	Hijacked Swissair flight to Jordan.
76. One American, hostage	July 1970	Olympic Airways flight from Beirut to Athens hijacked over Rhodes.
77. Maj. Robert Perry, killed	June 1970	Shot to death in Amman.
78 through 79. Two American women, raped	do	Broke into and looted the homes of U.S. officials in Amman, Jordan. Raped officials' wives.
80 through 87. Eight Americans, hostage	do	Armed takeover of two hotels in Jordan.
88. Morris Draper, kidnapped	do	Held hostage for 2 days in Amman, Jordan.
89. Cpl. Robert Potts, wounded	do	Shot and wounded at roadblock in Amman, Jordan.
90. Mrs. Robert Potts, wounded	do	Do.
91 through 96. Six Americans, killed	February 1970	Bombed Swissair flight.
97 through 98. Two Americans, wounded	June 1969	Street bombing in Jerusalem.
99 through 100. Two Americans, wounded	August 1968	Grenade attack in Jerusalem's Jewish section.

Mr. HELMS. I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I rise because I am a cosponsor of the Helms amendment. I feel very strongly about this issue. I have been involved in antiterrorism legislation in the past. There is no doubt that the U.S. Government has a strong antiterrorism policy. But on occasion, a particular activity may conflict with our policy to combat terrorism. That is the case with the recent elevation of the dialog with the PLO.

This amendment gives some guidance to the State Department in defining the scope of the dialog with the PLO, so that it comports with our antiterrorism policy.

So I offer my support to this amendment, and I congratulate Senator HELMS for his leadership. This amendment very simply is about one thing and one thing only; that is, terrorism and our actual response to that terrorism.

Last December a decision was made to enter into discussions with the Palestine Liberation Organization. Seven months later we have nothing to show for dialog according to, not CHUCK GRASSLEY, but our Assistant Secretary of State John Kelly. But we are persisting, however, with the dialog, and we happen to be raising that dialog to higher levels within the PLO.

Now, the PLO is being represented by individuals involved in some of the most heinous terrorist acts the world has seen, and we simply cannot tolerate that.

So this amendment does nothing more than reaffirm that antiterrorism policy already established by this administration and the previous administration. What we have said in that policy, time and time again, is that we will not negotiate and we will not forgive terrorists. When our citizens are injured, kidnapped, and murdered, that policy says we will not forget.

Last November a report was issued by then Vice President George Bush called "Terrorist Group Profiles." That is this publication—holding up book—that then Vice President Bush and now President Bush was instrumental in publishing.

This report was issued to inform the public as to who the terrorists are and what these terrorists have done. It is a report that runs, Mr. President, more than 130 pages long. In his introduction Vice President Bush wrote:

*** the United States will be firm with terrorists. We will not make concessions.
*** Rewarding terrorists only encourages more terrorism.

That is what Vice President Bush, now President Bush, had to say about terrorism.

Let me share with my colleagues and the American people, as my colleague from North Carolina has already done, some information about those PLO representatives that we are talking with right now in Tunis. Arafat's number two, Salah Khalaf, has his picture in the book "Terrorist Group Profiles." As a leader of Fatah he gets credit for the murder of 11 Israeli athletes in Munich during the 1972 Olympics. One of those murdered was an American-born citizen. Also this person, Salah Khalaf, was responsible for the assassination of our diplomat in the Sudan in 1973. On the same day that we learned of discussions between him and the Ambassador in Tunis, the very same day, the Italian Government had indicted this terrorist for supplying arms to the Red Brigade.

I ask my colleagues: Do we expect the American people to have collective amnesia? Are we as a result of our talks with these elements, running an amnesty program for terrorists?

I think the answer to both questions is a resounding no.

We must be faithful to our antiterrorism policies. And that is what the Helms and other amendment does.

We have lost many American lives to terrorist acts: Robert Stethem, the Navy diver; Cleo Noel, our Ambassador to the Sudan; Leon Klinghoffer. Americans remain kidnaped by terrorists, and just last week seven Americans were injured by a terrorist act in Israel, an act which had the public approval of Arafat and his followers. I am referring to the Israeli bus forced off the road, leaving 14 dead. We mourn those who died, regardless of their nationality.

As President Bush wrote in this publication last November, and I quote: "... terrorists are criminals who attack our cherished institutions and profane our values."

We simply cannot elevate terrorists to diplomats. For it does a disservice to the memories of those who have given their lives, and it dashes the hopes of the families who still have kidnap victims.

This amendment invokes a principal routinely used in courts of equity. One must come to that court with clean hands. That is the message to the PLO—that we will not talk to those who have blood on their hands.

The signal has to be sent from the Senate to the PLO, and also to the State Department, that we remain committed to our antiterrorism policy.

After all, what does that policy mean when we say to the world we are against terrorism, we are not going to deal with terrorists, and yet some of the very people we are talking to are those who are responsible for the murder of Americans?

The answer: It does not send a very clear signal. So through this amendment we are saying nothing more or nothing less to the administration, to the State Department officials—both political appointees and career diplomats—who are no doubt well intentioned and dedicated public servants. We are telling them to be mindful of our antiterrorism policy, in daily activities as well as in policy and strategy sessions. Don't compromise with terrorists and don't concede 1 inch to terrorist activity, I don't think this is being followed in Tunis today. We need to stick by that principle to send that clear signal, and this amendment will do just that. I yield the floor.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 270 TO AMENDMENT NO. 269

(Purpose: To prohibit negotiations with terrorists responsible for the murder, injury or kidnapping of an American citizen)

Mr. GRASSLEY. Mr. President, I send a perfecting amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY] proposes an amendment numbered 270 to the Helms amendment No. 269.

In the pending amendment, strike all after "authorized" and insert in lieu thereof: "... except that no funds authorized to be appropriated in this or any other act may be obligated or made available for the conduct of negotiations with any representative of the Palestine Liberation Organization such as Abu Iyad unless and until the President certifies to Congress that he has determined the representative did not directly participate in, or conspire in, or was an accessory to the planning or execution of a terrorist activity which resulted in the death, injury or kidnapping of an American citizen."

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. I think the amendment speaks for itself, and it underscores what I stated earlier. Our Government has a very clear-cut policy designed to combat terrorism.

I can't say it any better than President Bush said in his capacity as Vice President and head of the Task Force on Combatting Terrorism. First, we will be firm with terrorists. Second, we will pressure states which sponsor terrorism. And finally, we will bring terrorists to justice.

Now, that is a clear policy. But I don't see that it is being followed in Tunis. Our diplomats are meeting with representatives of the PLO, who are not in any stretch of the word moderates. Our goal should be to seek out the moderate elements within the PLO. But moderates are not emerging. Rather, as the PLO dialog has been elevated, it is including well known terrorists, such as Abu Iyad.

We have to do something about that now. Only then will our Government send a message to the American people and the rest of the world, that we are really sincere in our efforts to get terrorism under control, to combat it effectively, and to bring terrorists to justice. This amendment, including my perfecting amendment, I think, does that job very clearly.

Mr. President, I am completed.

I yield the floor.

Mr. PELL. I suggest the absence of a quorum, Mr. President.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 271

Mr. MITCHELL. Mr. President, I ask unanimous consent to lay aside the pending amendment and to consider an amendment which I now send to the desk on behalf of myself and Mr. DOLE.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Maine [Mr. MITCHELL], for himself and Mr. DOLE, proposes an amendment numbered 271.

Mr. MITCHELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

POLICY TOWARD ADDITIONAL SANCTIONS AGAINST THE PEOPLE'S REPUBLIC OF CHINA

(a) IN GENERAL.—The Senate hereby—

(1) condemns the Government of the People's Republic of China for carrying out massive arrests and numerous executions of students and workers who participated in the prodemocracy movement in that country;

(2) commends the President for taking additional measures against the Government of the People's Republic of China in response to those arrests and executions; and

(3) urges additional measures be taken against the Government of the People's Republic of China to discourage additional arrests and executions.

(b) ADDITIONAL MEASURES.—It is the sense of the Senate that—

(1) the Export-Import Bank of the United States should immediately postpone approval of any application for financing United States exports to the People's Republic of China;

(2) under the direction of the Secretary of the Treasury, the United States executive directors of the appropriate international financial institutions should oppose the extension of loans or any other financial assistance by such institutions to the People's Republic of China;

(3) the President should immediately review—

(A) the advisability of continuing to extend most-favored-nation (MFN) trade treatment to Chinese products;

(B) all bilateral trade agreements between the United States and the People's Republic of China;

(C) the bilateral commercial agreements governing Chinese-American cooperation on satellite launches; and

(D) the Chinese-American Agreement for Cooperation on the Peaceful Uses of Atomic Energy, signed at Washington on July 23, 1985; and

(4) the President should consult—

(A) with the allies of the United States at the upcoming Economic Summit regarding the feasibility of adopting a collective eco-

conomic response to the recent, tragic events in China;

(B) with Members of the Coordinating Committee on Exports to Communist Countries (COCOM) regarding the suspension of any further easing of export controls with respect to China and for the purpose of reviewing the current favorable treatment accorded to high technology exports to the People's Republic of China; and

(C) with the other signatories of the General Agreement on Tariffs and Trade (GATT) for the purpose of reviewing the People's Republic of China's observer status at meetings on GATT and reassessing the People's Republic of China's right to accede to GATT.

(c) HUMAN RIGHTS.—

(1) The President should emphasize to the government of the People's Republic of China that an important factor in our relationship will be the degree to which they recognize the Chinese and Tibetan peoples' legitimate desires for democracy, human rights and simple justice.

(2) It is the sense of the Congress that:

(a) The President should ask the United Nations Commission on Human Rights to initiate an investigation into the condition of human democratic rights in China including Tibet; and that

(b) the President should convey to the Government of the People's Republic of China that the lifting of martial law, the release of political prisoners, and the opening of Tibet to foreigners is a critical factor in the future improvement of relations.

(c) Towards Hong Kong the President and the Secretary of State should convey to the People's Republic of China the importance of living up to its international undertaking with respect to the 1984 Joint Declaration for the future prosperity and stability of Hong Kong. The Secretary of State should advise the United Kingdom of the United States continuing concern about the absence of guarantees of free direct elections and human rights in the Joint Declaration.

(d) SUSPENSIONS.—

(1) OVERSEAS PRIVATE INVESTMENT CORPORATION.—The Overseas Private Investment Corporation shall suspend the issuance of any new insurance, reinsurance, guarantees, financing, or other financial support with respect to the People's Republic of China for a period of six months from the date of enactment of this Act unless the President makes a report under subsection (e) of this section.

(2) TRADE AND DEVELOPMENT PROGRAM.—The President shall suspend the use of any funds made available to carry out, section 661 of the Foreign Assistance Act of 1961, for activities of the Trade and Development Program with respect to the People's Republic of China for a period of six months from the date of enactment of this Act. Unless the President makes a report under subsection (e) of this section.

(3) MUNITIONS EXPORT LICENSES.—The issuance of licenses under section 38 of the Defense Trade and Export Control Act for the export to the People's Republic of China of any defense article on the United States Munitions List, including helicopters and helicopter parts, shall, subject to the subsection (e), continue to be suspended unless the President makes a report under subsection (e) of this section.

(4) CRIME CONTROL AND DETECTION INSTRUMENTS AND EQUIPMENT.—The issuance of any license under section 6(k) of the Export Administration Act of 1979 for the export to the People's Republic of China of any crime

control or detection instruments or equipment shall be suspended, unless the President makes a report under subsection (e) of this section.

(5) EXPORT OF SATELLITES FOR LAUNCH BY THE PEOPLE'S REPUBLIC OF CHINA.—Any license for the export of a satellite of United States origin that is intended for launch from a launch vehicle owned by the People's Republic of China, whose export is subject to section 36(c) of the Arms Export Control Act on September 12, 1988 shall be suspended unless the President makes a report under subsection (e) of this section.

(6) NUCLEAR COOPERATION WITH THE PEOPLE'S REPUBLIC OF CHINA.—(A) Any—

(i) application for a license under the Export Administration Act of 1979 for the export to the People's Republic of China for use in a nuclear production or utilization facility of any goods or technology which, as determined under section 309(c) of the Nuclear Non-proliferation Act of 1978, could be of significance for nuclear explosive purposes, or which, in the judgment of the President, is likely to be diverted for use in such a facility, for any nuclear explosive device, or for research on or development of any nuclear explosive device, shall be suspended,

(ii) application for a license for the export to the People's Republic of China of any nuclear material, facilities, or components subject to the Agreement shall be suspended.

(iii) approval for the transfer or retransfer to the People's Republic of China of any nuclear material, facilities, or components subject to the Agreement shall not be given, and

(iv) specific authorization for assistance in any activities with respect to the People's Republic of China relating to the use of nuclear energy under section 57 b. (2) of the Atomic Energy Act of 1954 shall not be given, until—

(I) the President has certified to the Congress that the People's Republic of China has provided clear and unequivocal assurances to the United States that it is not assisting and will not assist any non-nuclear weapons state, either directly or indirectly, in acquiring nuclear explosive devices or the materials and components for such devices;

(II) the President has made the certifications and submitted the report required by Public Law 99-183; and

(III) the President makes a report under subsection (e) of this section.

(B) For purposes of this paragraph, the term "Agreement" means the Agreement for Cooperation Between the Government of the United States of America and the Government of the People's Republic of China Concerning Peaceful Uses of Nuclear Energy, done on July 23, 1985.

(7) LIBERALIZATION OF EXPORT CONTROLS.—The President shall negotiate with the governments participating in the group known as the Coordinating Committee to suspend, on a multilateral basis, any liberalization by the Coordinating Committee of controls on exports of goods and technology to the People's Republic of China under section 5 of the Export Administration Act of 1979, including—

(A) the implementation of bulk licenses for exports to the People's Republic of China; and

(B) the raising of the performance levels of goods or technology below which no authority or permission to export to the People's Republic of China would be required.

The President shall oppose any liberalization by the Coordinating Committee of controls which is described in subparagraph (B), until the end of the 6-month period beginning on the date of enactment of this Act, or until the President makes a report under subsection (c) of this section, whichever occurs first.

(e) TERMINATION OF SUSPENSIONS.—A report referred to in subsection (d) is a report by the President to the Congress—

(1) that the Government of the People's Republic of China has made progress on a program of political reform throughout the entire country, which includes—

(A) lifting of martial law;

(B) halting of executions and other reprisals against individuals for the nonviolent expression of their political beliefs;

(C) release of political prisoners;

(D) increased respect for internationally recognized human rights, including freedom of expression, the press, assembly, and association; and

(E) permitting a freer flow of information, including an end to the jamming of Voice of America and greater access for foreign journalists; or

(2) that it is in the national interest of the United States to terminate a suspension under paragraph (1), (2), (3), (4), or (5), to terminate a suspension or disapproval under paragraph (6), or to terminate the opposition required by paragraph (7), as the case may be.

(f) APPLICABILITY OF SUBSECTION (d)(3).—The suspension set forth in subsection (d)(3) shall not apply to systems and components designed specifically for inclusion in civil products and controlled as defense articles only for purposes of export to a controlled country, unless the President determines that the intended recipient of such items is the military or security forces of the People's Republic of China.

(g) REPORTING REQUIREMENT.—It is the sense of the Senate that, 30 days after the date of enactment of this Act, the President should inform the Congress of—

(1) the results of his review of the bilateral relationship between the United States and the People's Republic of China and of his consultations with the major allies of the United States regarding each ally's economic, commercial, and security relations with the People's Republic of China, as called for by Senate Resolution 142 (adopted June 6, 1989); and

(2) his actions pursuant to subsection (c).

Mr. MITCHELL. Mr. President, I ask unanimous consent that there be 10 minutes of debate on this amendment equally divided following which there be a vote on the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, for the information of Senators then there will be a rollcall vote on this amendment in 10 minutes. That is at approximately just after 1:35 p.m., and that will be the last rollcall vote today.

The Senate will continue consideration of this matter on Monday. There will be no rollcall votes on Monday.

There will be rollcall votes beginning Tuesday morning, one having already been ordered for Tuesday morning.

That is for the benefit of Senators planning their schedules for the week-end.

Mr. President, I further ask unanimous consent that there be no amendments in order to the now-pending Mitchell-Dole amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, this amendment which Senator DOLE and I are offering today is intended to express to the Government of China the concern which the American people feel about the continuing persecution of Chinese students and workers who support the prodemocracy movement. This amendment commends the President for the measures he has taken to impress upon the Government of the People's Republic the need to cease the arrests and execution of Chinese citizens whose only offense is their desire for an open democratic society.

I believe that the time has come for the United States to speak out more strongly about the continuing abuse of human rights in China.

Accordingly, this amendment imposes additional sanctions against the Government of the People's Republic in the hope that these sanctions will require the President to immediately review several commercial and technical programs currently in effect with the Chinese Government. It requires him to consult with our allies regarding the feasibility of adopting a collective economic response to the recent events in China. And this amendment calls on the President to emphasize to the Chinese Government that until they recognize the Chinese people's legitimate desire for democracy, human rights, and justice, that relations between our two countries will remain strained.

This amendment requires the President to suspend certain trade programs and economic agreements with the People's Republic, as well as requiring termination of some export licenses. But at the same time it gives the President the flexibility to cease any suspension or termination required by the amendment, if he finds it in the security interest of the United States to do so.

Mr. President, I hope that my colleagues on both sides of the aisle will support this action to send a clear signal to the leaders of the People's Republic of China that the American people stand firmly behind the democratic principles which the majority of the Chinese people so earnestly desire and are so courageously working to achieve.

Mr. DOLE. Mr. President, I will just take about 2 minutes.

Mr. President, it has now been some 6 weeks since the shame of Tiananmen Square. In that period, our Government and governments around the world have expressed their outrage in many ways.

President Bush has spoken forcefully, and the Senate has acted on a

number of resolutions. As recently as this Tuesday, we passed, by a vote of 97 to 0, an amendment to the immigration bill, ensuring that Chinese students in the United States would not be forced to return to near certain persecution in their homeland.

Despite all of these acts, the Chinese have shown little signs of relenting. As recently as today, there are press reports of one Chinese worker being sentenced to 10 years imprisonment for the "crime"—and that is in quotes—of talking to an American television reporter about the events in Tiananmen Square.

I believe there is strong sentiment in this body, and in this country, for us to turn up the heat another notch; to raise the cost to the Chinese of their reckless and repressive policies; to try to make the Chinese leadership understand that we are still sliding down a very slippery and dangerous slope, at the bottom of which lies a severely damaged bilateral relationship.

Mr. President, this bill, in its substantive sections, very closely tracks with the legislation passed recently and unanimously by the House. It imposes some additional economic sanctions on the Chinese, as the majority leader has indicated. It also allows the President to waive imposition or continuation of those sanctions, if he determines that it is in the national interest of the United States to do so.

I am informed that the administration—while it is not exactly jumping up and down with glee that we might pass this legislation—believes it can live with this Senate action. It is my hope, in fact, that Senate passage will give the President and the administration a stronger and more credible hand to play in their dealings with Beijing.

Mr. President, on this issue as on every other important foreign policy issue, we as a country speak more strongly and effectively when we speak in one, nonpartisan voice. This is a bipartisan amendment; I hope and believe it will receive overwhelming support. And I hope, finally, that the Chinese leadership will listen—not only to what we are saying but, far more important, to the voice of their own people.

Mr. President, I think it is a good step. It may not be the last step, but it is a step. I urge my colleagues on this side of the aisle to support the legislation.

I yield any remaining time that I have to the Senator from North Carolina.

Mr. HELMS. Mr. President, I enthusiastically support the package of economic sanctions on Communist China.

Mr. President, the U.S. Congress should pass these sanctions for at least three reasons:

First, we must demonstrate our revulsion at the brutal oppression im-

posed on those freedom-loving Chinese students whose aspirations—and in many cases whose bodies were crushed in the Communist crackdown on June 4.

Second, we have an obligation to those who yearn for liberty in China, and other countries suffering under the tyranny of communism. If we do nothing, we will be aiding their enemies—the unrepentant Stalinists in Cuba, Vietnam, Nicaragua, and Eastern Europe who will conclude that after the killings stop, there will be a short period of complaints for the West, followed by oppressive business-as-usual.

Third, we should be responsive to the surviving democracy leaders. I have at hand an open letter delivered in Paris on Wednesday to 30 heads of state. The letter, from the top leadership of the Chinese democracy movement, that is those who were not killed or arrested, calls for the Free World to impose economic sanctions.

Mr. President, the prodemocracy forces in Red China have paid the price of liberty. They have earned, they deserve, and they must have our support.

Mr. WILSON. Mr. President, we are about to vote on an amendment that I think is one to be applauded, one that is necessary. We have, I hope, provided a model to our allies, to our trading partners as well as our security partners, that we simply cannot engage in business as usual in the face of the conduct of the Government of the People's Republic of China and its brutal repression of students and other members of the Chinese population who have sought no more than what Americans consider to be their birthright. It is not a birthright for the Chinese, nor indeed for too many other peoples in the world.

But what we have seen in Beijing has rightly excited disbelief; it has excited our sympathy for the victims of that brutal repression, those who subsequently have been arrested, tortured, and executed. It is not sufficient that we merely express dismay.

It is right that we make clear that we cannot engage in business as usual. This Mitchell-Dole amendment is right and necessary because unhappily a great many of our trading partners are seeking to do just that.

Briefly, they condemn what they will term the excesses of the Beijing Government, but in the next minute we find that they are rushing back into China, eagerly engaging in business.

Mr. President, I think we need to make clear, as we have over decades with the Soviet Union, we will not look the other way, we will not simply chide briefly and then move on.

It is essential that the civilized world focus upon what has happened and

that an ongoing sustained objection be heard not just rhetorically but in the form that will have some tangible impact upon that government.

It is not my wish nor the wish of anyone on this floor to penalize the people of China. Rather, it is our wish to assist them in their quest for freedom by making clear to their government that they cannot engage in that kind of conduct, except at great cost.

They have already suffered cost in terms of their credibility in the international community. But it is also very clear that given the choice between Western economic modernization, however, much they may desire that, and political control, in the rigid, brutal fashion that they have imposed it, they have chosen control.

Notwithstanding that clear choice, Mr. President, I do not believe we can simply say either, Well, that is unfortunate, but what can we do about it, or that we really should simply engage in business as usual.

It seems to me that we are right in going so far as to say to the President of the United States, "Consider very well, Mr. President, whether China should continue to receive most-favored-nation treatment. Consider whether or not they should have access to GATT. Consider whether or not we can, in short, simply continue to do business as usual."

It is interesting to me that we have seen Chinese students in the United States demonstrating here, demonstrating to express their support for their brothers and sisters in Tiananmen Square. It seems to me that those very same students, and a great many more, American students, not just of Chinese ancestry but of Japanese ancestry perhaps should be demonstrating in front of the consulates and Embassies of Japan and those of other trading partners who have shown no reluctance to rush back into China notwithstanding the tongue clucking that they may have done, expressing their dismay at the kind of repression that has been the regime in Beijing.

Let me say as well that I think that we need not only to express as is stated in the Mitchell-Dole amendment before us that we are serious and that we intend to sustain this kind of pressure, both moral and economic, but it is necessary as well that we take the kind of action that we did the other day in both the Mitchell-Dole and the Gorton amendments to S. 358, the Immigration Act of 1989, regarding the visa status of Chinese nationals residing in the United States. It seems to me that it is appropriate that we assure that that treatment provided by these amendments be guaranteed, and if need be, if we find that the immigration bill is uncertain of passage, as I suspect it may be, that a proper amendment to this bill before us now would be the very same Gorton

amendment as we attached to the immigration bill because the situation, very simply stated, is that the existing circumstances in which Chinese students find themselves in America is one intended to give them comfort, but it does not give them the kind of longer term certainty that they actually require, that I believe that we should assure them.

What we have seen now is that the Attorney General, Mr. Thornburgh, has indicated that if visas expire we will not in the normal course seek deportation of those who would then be here in an illegal status. What the Gorton amendment did was to see to it that regardless of visa expiration, through June 1993, those Chinese students who choose to may remain here in the United States, that they may in fact become temporary residents which will ultimately place them on the path to permanent residency and citizenship.

It seems to me that that is what we ought to be guaranteeing these students because under the scenario as it presently exists, as it has been offered by the Attorney General, it is not really good enough to say, "If you make clear, if you manifest your unwillingness to return to China, we will not send you back." And for very obvious reasons, Mr. President, because the manifestation of that unwillingness may prove perilous to family and to relatives who are in the PRC.

We all know that the Chinese consulate in Boston had sent out people to videotape demonstrators, those Chinese students demonstrating in Massachusetts.

It seems to me that the greater protections afforded by the Senate the other day in the adoption of the Gorton amendment to the immigration bill is something that we should attach as well to this legislation which has a better path, a better opportunity to become law and more rapidly, I would hope.

So I will seek out the distinguished majority leader and the Republican leader and urge them to put this same legislation upon this bill.

We must do that, Mr. President, because it seems to me that we have an obligation and the Senate in particular has a special obligation because of our special charge under the Constitution and the fact that we do deal with foreign policy situations in the way that the House does not. It is our obligation on behalf of the American people not simply to express moral outrage, but to take necessary action to make that tangible to those who have outraged our sensibilities and, beyond that, to give real protection to those who happily within our shores now seek to remain here and not return to a land in which they will be immediately placed in great jeopardy.

I have expressed my intention. I hope my colleagues will join in my exhortation to see to it that we afford these protections by adding the Gorton amendment to the State authorization bill as well.

I thank the Chair and yield the floor.

Mr. DOLE. Mr. President, I yield back the remainder of my time.

Mr. MITCHELL. I yield back the remainder of my time.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Arkansas [Mr. BUMPERS], the Senator from North Dakota [Mr. BURDICK], and the Senator from Massachusetts [Mr. KENNEDY] are necessarily absent.

I further announce that the Senator from Hawaii [Mr. MATSUNAGA] is absent because of illness.

I also announce that the Senator from Maryland [Ms. MIKULSKI] is absent because of attending memorial service.

I further announce that, if present and voting, the Senator from Maryland [Ms. MIKULSKI] would vote "yea."

Mr. DOLE. I announce that the Senator from Colorado [Mr. ARMSTRONG], the Senator from Missouri [Mr. DANFORTH], the Senator from Vermont [Mr. JEFFORDS], and the Senator from Wyoming [Mr. SIMPSON] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 81, nays 10, as follows:

[Rollcall Vote No. 118 Leg.]

YEAS—81

Adams	Gorton	McConnell
Baucus	Graham	Metzenbaum
Bentsen	Gramm	Mitchell
Biden	Grassley	Moynihan
Bingaman	Harkin	Murkowski
Boschwitz	Hatch	Nickles
Bradley	Hatfield	Nunn
Breaux	Heflin	Packwood
Bryan	Heinz	Pell
Burns	Helms	Pressler
Byrd	Hollings	Pryor
Coats	Humphrey	Reid
Cohen	Inouye	Riegle
Cranston	Johnston	Robb
D'Amato	Kassebaum	Rockefeller
Daschle	Kasten	Roth
DeConcini	Kerrey	Sanford
Dixon	Kerry	Sarbanes
Dodd	Kohl	Sasser
Dole	Lautenberg	Shelby
Domenici	Leahy	Simon
Exon	Levin	Symms
Ford	Lieberman	Thurmond
Fowler	Lott	Wallop
Garn	Mack	Warner
Glenn	McCain	Wilson
Gore	McClure	Wirth

NAYS—10

Bond	Conrad	Specter
Boren	Durenberger	Stevens
Chafee	Lugar	
Cochran	Rudman	

NOT VOTING—9

Armstrong	Danforth	Matsunaga
Bumpers	Jeffords	Mikulski
Burdick	Kennedy	Simpson

So the amendment (No. 271) was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HEINZ. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HEINZ addressed the Chair.

AMENDMENT NO. 270 TO AMENDMENT NO. 269

The PRESIDING OFFICER. The pending question is Amendment No. 270, offered by the Senator from Iowa, to amendment No. 269, offered by the Senator from North Carolina.

The Senator from Pennsylvania.

Mr. HEINZ. Mr. President, as soon as the Xerox machine outside finishes its excellent work, I will be distributing to the majority and minority a copy of an amendment that I believe they will find has, in fact, been cleared with almost everybody who has any remote interest in the subject, and then it would be my intention to ask the Senate to lay aside the pending Helms amendment and the amendments thereto in the interest that we might have a brief discussion of my amendment and adopt it.

I cannot conceive of any circumstances under which it would be subject to a record vote, and if it were to be, I would not ask the Senate to get tied up in that, and I would reserve the right to withdraw it.

I might ask, are there any reservations about temporarily laying aside the Helms amendment for this purpose? So that people are clear on the amendment that I am talking about, it is an amendment on which we have worked very carefully with the members of the staff on both sides of the Foreign Relations Committee, the Treasury Department, the World Bank, and with numerous nongovernmental organizations in this country and elsewhere to encourage the establishment of better environmental protection for international support of programs for such things as sustainable development, pollution prevention, environmental protection, and debt reduction that might be linked to any or all of the above.

So, Mr. President, with that preamble, I ask unanimous consent to set aside the pending amendment so that I might offer this amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HEINZ. Mr. President, what I think I will do is to discuss the amend-

ment, as I say, rather briefly, and then I will send it to the desk.

Let me state at the outset that the legislation that I will be sending to the desk complements a very excellent provision in title 6 of this bill that has to do with global environmental protection. That provision was developed by Senators BIDEN, LUGAR, PELL, and others.

This amendment, which I offer for myself and Senator WIRTH, does a number of things. It mirrors the pending bill's effort to provide the Agency for International Development [AID] with authority to support debt reduction agreements between nongovernmental organizations, those especially that are in developing countries and the host country, in order to further conservation. My amendment does not change, I hasten to add, any of the language that is now in the title VI of this bill. I do fully support the provisions that are in this bill.

Mr. President, we all are familiar with the enormous burden of debt on developing nations. It is estimated at \$1.3 trillion. It is obviously placing ever greater emphasis on the short-term use of resources in order to gain very badly needed foreign exchange. As a result, these countries are often in a position of taking very short-term actions that have very high long-term costs. The result is the overexploitation of fragile ecosystems which in turn destroys the very resources that these nations need for future growth. These same ecosystems, particularly tropical forests, are quite literally the lungs of the Earth and key to diversity of life.

Earlier this year, Senator WIRTH, Senator GORE, Senator SHELBY, myself and several House Members as well, had the privilege to take a trip to Brazil to visit the rain forest in the Amazon, and what we found is that after talking with experts in Brazil there is very high risk that in clearing the rain forest, or even a substantial portion of it, as little as 20 to 30 percent, they may already be setting the stage for its complete destruction.

The reason that is so is the rain forest acts like a giant series of transfer reservoirs. Moisture comes in on the western side of the continent, over the Andes, drops, it is absorbed, it is transpired back into the atmosphere and moisture slowly leapfrogs its way going up as fog and down as rain in the next patch of rain forest all the way across the Amazon plain, which is vast—thousands of miles wide and thousands of miles from top to bottom.

There is already evidence in one heavily deforested area of Brazil, the State of Rondonia, that as much as 40 percent of the rain forest has already been cleared for pasture, that the hydrological cycle which I have just described has been interrupted with the

result that the rain forest on the eastern side, if you will, the downwind side of the hydrological cycle is drying out and is in itself dying and will by itself turn to desert.

The consequences of that are not just bad for the rain forest—obviously, catastrophic for the rain forest—but what will happen to the rest of Brazil, although it is understood by many Brazilian scientists, is largely not appreciated by many of the other people in Brazil. That is, when this hydrological cycle is wiped out or annihilated, the moisture which used to travel across and was absorbed and retranspired by the Amazon will no longer be going out over the Atlantic Ocean where it then goes south and is carried in to southern Brazil to their good agriculture areas and in the form of rain that is the principal source of irrigation of Brazil's good agricultural lands.

The reason I point that out is to put in very specific terms just why the cutting down of what is seemingly to people in either Brazil or the United States small amounts of a vast rain forest ultimately and in very short order—people estimate we only have a few years left, maximum seven to save that rain forest—will be catastrophic not just for the rain forest but for the rest of Brazil. That they, instead of being largely self-sufficient in food, will become, for example, dependent on other sources, if there are other sources.

That, obviously, is taking the short-term view and putting one's self in the position of having to absorb a devastating, long-term blow and cost.

Obviously, that is a good example, at least I think it is a good example, of why the destruction of rain forest does more than to imperil the long-term economic growth of developing nations, but of course there is a very real penalty, even a threat to the rest of the planet because as the rain forest disappears, the ability to absorb carbon dioxide and to moderate the effects of global climate change obviously disappear with it.

To give you an idea of how fast that rain forest is disappearing, I come from the State of Pennsylvania. It is a very large State. We have the largest rural population in the entire United States. We are called the Keystone State. We have 11½ million Pennsylvanians. We have great cities like Philadelphia and Pittsburgh. Each year an area of rain forest equal in size to my home State of Pennsylvania is cleared, is slashed, burned, and devastated. Every minute a piece of tropical rain forest, every 60 seconds a piece the size of 10 city blocks vanishes. It is no surprise, therefore, that the kind of devastation and climate change effect both locally in Brazil and worldwide that we are talking about is happening at a very rapid pace.

It is my view, Mr. President, that destroying tropical forests makes just about as much sense as putting the torch to a library of very rare books. In fact, they are so rare that you are torching a library of unique books, single edition books that are literally irreplaceable.

I make that comparison because the rain forests literally are the genetic library of this planet. Only 2 percent of the species in our rain forests have even been classified, let alone been fully understood, while yet 40 percent of the medications that are used daily in the world in fact come from natural sources, particularly those which thrive in rain forests. For example, one of the most recent blood pressure medications comes from the bushmaster snake whose venom, when injected by the bushmaster, is fatal because it lowers your blood pressure to zero. But in an attenuated form it is one of the best blood pressure management medications that has ever been developed.

There are literally dozens upon dozens of examples of how we as human beings have benefited from the rain forests but there are hundreds, perhaps thousands, of opportunities yet undiscovered which will be lost, of course, if this situation is not reversed.

Mr. President, I am aware, I think we all are, that Third World nations and tropical climates often cannot support their own development. Nearly 90 percent of their capital investment comes from either private lenders or multilateral banks such as the World Bank, the Inter-American Development Bank, the African Development Bank. Too often the aid provided by these banks has been environmentally destructive, not intentionally so, but nonetheless so. For example, roads have been built. And we saw some of them. Route 364 through Rondonia, being a specific example, was built to facilitate transport but has also facilitated the destruction of tropical rain forests.

Dams have been constructed which have flooded irreplaceable lands, and there are literally books upon books on this subject about what has happened. They document a very sad chapter in the destruction of this planet.

The amendment that I am offering, cosponsored by Senator WIRTH, has been developed with the help and support of a number of people: The Nature Conservancy, for one; the National Wildlife Federation, for another, and the Audubon Society, working with the Treasury Department for another, and what that amendment would do is direct the U.S. executive directors at the multilateral development banks to develop, first, environmental departments at each bank.

That is very important because there needs to be a focus of responsibility

for undertaking the environmental and resource conservation programs including most specifically programs to promote sustainable development and debt for nature exchanges, and to develop and monitor strict environmental guidelines and policies to govern lending activities.

Further, in our amendments, the United States is directed to negotiate with other bank member nations to promote policies which reduce developing nations' debt burden, and to simultaneously support sustainable developmental policies in those nations.

The amendment also provides the definition of sustainable development which we have developed with experts at the Smithsonian, environmental organizations, and my colleagues on the committee. I might add that the purpose of this definition is to guide the administration of these programs so that they in fact support sustainable development programs.

Mr. President, let me make one other comment about Senator WIRTH's and my amendment because it really does a number of things for the very first time ever that I think are very important things, that I want my colleagues to be aware of, and which I think my colleagues would agree very much needs to be done.

It is literally true that we have never on any occasion previously directed our representatives at these multilateral development banks to take this kind of very specific environmental action. First, to encourage debt reduction linked to environmental improvements; second, to facilitate debt for nature exchanges; third, to establish environmental guidelines for developmental lending; and to preferentially encourage the reduction of debt for nations which pursue sustainable development policies.

In addition those same departments would further encourage debtor nations to collaborate with local nongovernmental organizations when implementing such sustainable development programs.

Another first we think for our legislation is what we have done in establishing a set of guidelines in order to determine which set of policy choices would in fact meet the goal of sustainable development. Sustainable development is kind of like motherhood. It is something that we all revere. It is something that I think most of us are all for but unlike motherhood, which is subject to a very simple test—I am told we used to use a rabbit for it. Now it does not take as long. Nobody has ever attempted to set very clear guidelines for what we mean by that term "sustainable development." Our amendment does so based on information provided not only by the Foreign Relations Committee, but also by the Treasury Department, environmental

organizations, the scientific community, and the Smithsonian.

I point those particular elements out because it is our view that this legislation is really quite historic, that it is a significant step forward, marching in order, and forward in unison with those organizations that have the best interests of these developing nations at heart.

This is clearly the mission of the World Bank. It is the mission of the African, Asian, and Inter-American Development Banks. And the people at those banks—and I have talked to virtually all of them—agree with the kind of emphasis we are asking our directors at these institutions to promote, to work very hard with other directors of those banks to promote things that are fundamentally sound, that they are pointed in the right direction, and if implemented, can make a very real difference not only in the quality of life in those countries but in the sound economic posture of those countries, and therefore the rest of the world.

Obviously, all of us who are concerned about having an environment that is going to support life on this planet—are going to benefit from improved environmental management in these less-developed countries.

So on that note, Mr. President, I yield the floor to my friend and colleague from Colorado [Mr. WIRTH].

Mr. WIRTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. WIRTH. Thank you very much, Mr. President.

I would first like to commend my colleague, Senator HEINZ, for looking ahead, seeing this piece of legislation developing and crafting this important amendment which I believe is complementary to what the committee wants to do.

We realize, Mr. President, that this amendment will not be acted upon today because there are two, three, or four Senators who would still like to look at it, but I hope after reviewing it over the weekend they will understand the importance and thrust of the amendment, and will join with us in adding this to the State Department authorization bill.

Senator HEINZ thoroughly and accurately described the thrust of the amendment and the rationale for the amendment. This really grew out of a quite remarkable trip that he, Senator GORE, Senator SHELBY and I shared in the Amazon this last winter. To fly over the Amazon and see this remarkably beautiful green living item, is to understand, as we did, the remarkable importance of this area for water cycles, the development of oxygen, and perhaps most importantly of all, the rich biological diversity that is available. These facets of the rain

forest have been described to so many of us so well by Tom Lovejoy down at the Smithsonian, and in E.O. Wilson's new book on biodiversity called "Biophilia." This journey emphasized the richness that is there, and the importance of working with the Brazilians and others, to understand the resource they have available.

To destroy the Amazon is to commit act after act after act similar to the destruction of the great library in Alexandria. Yet it is worse than that. We are doing the equivalent of that destruction every day as we destroy the biological diversity of the rain forest.

The question is how to get at it. We in North America cannot go down and say do not destroy the rain forest. The Brazilians, as President Sarney said to us, "... don't want the Amazon to become a green Persian Gulf"—an interesting metaphor, a perfectly legitimate thing to say. "We do not want all kinds of foreigners," said they, "telling us what to do." It is our Amazon and their Amazon. It is their rain forest, not ours. In addition, I should say as a sidebar, Mr. President, it is remarkable how many people think that we in the United States can tell other people how to manage their rain forests, when in fact what we are doing right now is tearing down the last great rain forest in North America as we wantonly rip down the Tongass rain forest in southern Alaska. Here we are the pot calling the kettle black—a very interesting thing for us to do. We have to set an example. End of sidebar.

The important thing is that we have to work with the Brazilians, and others in the area of Amazonia, others in rain forest areas around the world, to look at the rich and valuable resources that exist in these regions. That is the objective of this amendment. One of the important ways in which we work with and encourage, as Senator HEINZ pointed out, sustainable economic development, in which we encourage the understanding of the resources available in the rain forests, is to work with our financial institutions.

We have a great deal of leverage in terms of helping the Brazilians and others, if we use the opportunity of debt swaps and debt reduction. This extraordinary weight of debt that sits on top of so many countries makes it, first, impossible for them to continue the economic growth that we want to see there. Second, it makes it impossible for them politically to deal with the situation if they have to say we have to pay back Chase Manhattan Bank or the World Bank or Interamerican Development Bank. They simply do not have the resources to do the kinds of things in the management of the rain forests that they ought to do.

So what is the purpose of this amendment? First of all, the amendment directs the U.S. representatives

to the multilateral lending institutions to seek funding for debt swaps and debt reduction for the purposes of environmental conservation in debtor nations. Negotiate debt reduction for the purposes of encouraging sustainable economic development. If we can develop ways in which to reduce the debt and use that debt as a way of encouraging sustainable economic development we can craft sound development and sound environmental policies. We are asking international financial institutions to devote attention to that approach. Second, a lot of people do not know how to do debt swaps and debt reduction and think about sustainable economic development. These are relatively new ideas.

It is not as if there is a great repository of information about them. There are a few people who have done them. There are other people who know how to do them well. What we are encouraging is for the World Bank to put together a clearinghouse of information about debt swaps. If people want to do a debt swap, if you are the Ecuadorian Government, and you want to do debt swap, who do you go to to do it? If you are Chase Manhattan, who do you go to for expertise? Or a third party organization, who do you go to to encourage, to show them how to do it? That is the second thrust of what we are after, this kind of clearinghouse.

We are encouraging State and Treasury to negotiate with other members of the MDB's on debt servicing and debt reduction. It is a matter of our national policy that we ought to be doing this. That is a third thrust of the bill.

And fourth is to encourage international financial institutions to be creating, within their own structure, environmental units. They have to be understanding what the impact on the global environment is of financial steps that they are taking. In too many cases we are not taking into account the implications, say, of building a road, the implications of a certain kind of power project, implications of other development projects and what the impact of those actions may have on this rapidly changing and, unfortunately, rapidly degenerating global environmental condition.

So the legislation that we have drafted as an amendment, which we realize will not be up today, has four facets. We think it is an important step—these four steps—to negotiate on debt reduction; set up a clearinghouse; third, encourage international cooperation; fourth, encourage the development of environmental units. Those four items are things that we ought to and must be doing. This is not Yankee interference in somebody else's backyard, not sending our patrol boats into their green Persian Gulf, not Yankee telling them what to do, but rather saying there are instruments available

to all of us, not only American financial institutions, but those of the European Economic Community, deeply concerned about it. All of us getting together through international financial institutions to provide the where-withal, technical assistance, the help, to developing countries, faced with this enormous debt burden problem.

In the words of Professor Wilson, "We ought to be prospecting in the rain forest, not tearing it down." We ought to be prospecting for the remarkable wealth that is there, which is going to be the wealth of the future. Example after example has pointed out that the biological diversity that is available ought to be viewed as a resource, rather than viewed just as a fuel to be torn down.

Mr. President, I appreciate having the opportunity to make these remarks about our amendment. Senator HEINZ and I do this attempt to expedite the legislation. I notice the majority leader wants us to move quickly on this, and I agree, and I hope that our making statements and discussing this this afternoon will help us come to a more rapid adoption of the amendment next week.

Mr. President, I thank you and I thank my colleagues. I commend Senator HEINZ for the good work on this legislation.

I yield the floor.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. What is the pending business?

The PRESIDING OFFICER. The pending question is the amendment No. 270, offered by the Senator from Iowa, to the amendment No. 269, offered by the Senator from North Carolina.

When and if the Senator from Pennsylvania offers his amendment, unanimous consent has been given that these two amendments will be set aside.

Mr. PELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HEINZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. HEINZ. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is amendment No. 270 offered by the Senator from Iowa to amendment No. 269 offered by the Senator from North Carolina. Previous consent has already been obtained

to consider the amendment offered by the Senator from Pennsylvania.

AMENDMENT NO. 272

(Purpose: To provide international support for programs of sustainable development, environmental protection, and debt reduction)

Mr. HEINZ. Mr. President, I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. HEINZ], for himself, Mr. WIRTH, Mr. SPECTER, and Mr. WILSON, proposes an amendment numbered 272.

Mr. HEINZ. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 103, after line 23, add the following:

SEC. 633. MULTILATERAL DEVELOPMENT BANKS AND DEBT-FOR-NATURE EXCHANGES.

(a) DIRECTIONS TO THE UNITED STATES EXECUTIVE DIRECTORS.—The Secretary of the Treasury shall direct the United States Executive Directors of the multilateral development banks to—

(1) negotiate for the creation in each respective multilateral development bank, except where the Secretary determines that the provisions of this subsection have previously been met, of a department that will be responsible for environmental and resource conservation, including sustainable development and debt-for-nature exchanges (as described in subsection (b)), and that will develop and monitor strict environmental guidelines and policies to govern lending activities;

(2) seek to provide funds for debt reduction, including but not limited to the purchase of debt on the secondary market; and

(3) report annually to the Secretary on the progress made in implementing this subsection;

(4) shall seek to support, with other Executive Directors of the multilateral development banks, the reduction of the burden of debtor countries' debt service for those debtor developing countries which demonstrate commitment to sustainable development policies.

(b) DIRECTIONS TO THE UNITED STATES EXECUTIVE DIRECTOR TO THE WORLD BANK.—In addition to the provisions of subsection (a), the U.S. Executive Director to the World Bank will support developing debtor nations in exchanging debt for sustainable development projects by promoting a role for the World Bank to act as "an informational agent for debt-for-nature exchanges, and by helping nongovernmental organizations to propose projects and to otherwise access World Bank investments. *Provided further*, that the U.S. Executive Director to the World Bank shall support the use of environmental policy loans from the World Bank, a portion of which may be used for debt-for-nature exchanges.

(c) IMPLEMENTATION OF DEBT-FOR-NATURE EXCHANGES.—(1) Each department referred to in subsection (a) will actively promote, coordinate, and facilitate debt-for-nature exchanges.

(2) Each such department will promote the preservation, protection, and sustainable development of tropical rain forests, renewable natural resources, endangered ecosystems and species in debtor countries by assisting these countries in reducing and restructuring their debt burden. Each such department—

(A) will include environmental considerations in loan agreements that the respective multilateral development bank negotiates with debtor countries;

(B) will assist in provision of funds for debt reduction, including but not limited to the purchase of debt on the secondary market.

(3) Support for debt-for-nature exchanges would be conditioned upon the debtor country providing budgetary resources for use in the preservation, protection, and sustainable development of tropical forests, renewable natural resources, ecosystems and species. The debtor country would be required to use the budgetary resources provided in at least one of the following programs:

(A) restoration, protection, or sustainable use of the world's oceans and atmosphere;

(B) restoration, protection, or sustainable use of diverse animal and plant species;

(C) establishment, restoration, protection, and maintenance of parks and reserves;

(D) development and implementation of sound systems of natural resource management;

(E) development and support of local conservation programs;

(F) training programs to strengthen conservation institutions and increase scientific, technical, and managerial capabilities of individuals and organizations involved in conservation efforts;

(G) efforts to generate knowledge, increase understanding, and enhance public commitment to conservation;

(H) design and implementation of sound programs of land and ecosystem management; and

(I) promotion of regenerative approaches in farming, forestry, and watershed management.

(4) Each such department will encourage debtor countries to collaborate with local and international non-governmental or private organizations when implementing these programs.

(d) GUIDELINES.—For purposes of policies undertaken by multilateral development banks, as described in this section, and for purposes of debt reduction under section 631, sustainable development shall be considered as a policy which shall—

(1) support development that maintains and restores the renewable natural resource base so that present and future needs of debtor countries' populations can be met, while not impairing critical ecosystems and not exacerbating global environmental problems;

(2) be environmentally sustainable in that resources are conserved and managed and used primarily by the local population in an effort to remove pressure on the natural resource base and to make judicious use of the land so as to sustain growth and the availability of all natural resources;

(3) support development that does not exceed the limits imposed by local hydrological cycles, soil, climate, vegetation, and human cultural practices;

(4) promote the maintenance and restoration of soils, vegetation, hydrological cycles, wildlife, critical ecosystems (tropical forests, wetlands, and coastal marine resources) biological diversity and other natural resources

essential to economic growth and human well-being and shall, when using natural resources, be implemented to minimize the depletion of such natural resources, and

(5) take steps, wherever feasible, to prevent pollution that threatens human health and important biotic systems and to achieve patterns of energy consumption that meet human needs and relies on renewable sources.

(e) DEFINITIONS.—For purposes of this section, the term "multilateral development banks" refers to the International Bank for Reconstruction and Development (also known as the "World Bank") the Inter-American Development Bank, the International Development Association, the African Development Bank, and the Asian Development Bank; the term "Secretary" refers to the Secretary of the Treasury except where the Secretary of State is specifically referenced.

Mr. HEINZ. Mr. President, I have no remarks to make on the amendment at this point.

Senator WIRTH and I have already spoken on the amendment. I simply offer it at this point so that it is at the appropriate time the pending business of the Senate.

I believe that is in accord with the wishes of the chairman of the committee, Senator PELL.

Mr. PELL. Mr. President, I thank the Senator from Pennsylvania for his thoughtfulness and I suggest that at this time, if agreeable to him, we lay the amendment to one side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. PELL. I thank the Chair.

(The remarks of Mr. PELL pertaining to the introduction of Senate Joint Resolution 178 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there now be a period for the transaction of morn-

ing business for not to exceed 1½ hours and that Senators be able to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

MARTYRS FOR DEMOCRACY IN CHINA

Mr. PELL. Mr. President, today I am submitting for the RECORD a second list of members of the Chinese democracy movement who have been arrested.

As I said on June 22 when I introduced my first "Rollcall of Honor," I intend to persist in making the cause of democracy and human rights in China my cause both by submitting the names of those arrested and when possible the identities of their persecutors, providing an rollcall of the honorable as well as dishonorable men and women of China.

These are people whom China's jailers want the West to forget. They are students and workers who spoke out for freedom and justice and are now hunted down by the so-called public security forces. In some cases they are turned in by their own families, terrorized by the Government's antidemocracy propaganda. These martyrs and their cause should not be forgotten.

I ask unanimous consent that the rollcall of honor be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ROLLCALL OF HONOR: NAMES OF IMPRISONED CHINESE

Bao Tong, director of the Political Structure Reform Research Center.

Qin Benli, editor in chief of the World Economic Herald, reportedly under house arrest.

Chen Yizi, director of the Institute for Restructuring the Economy.

Zhou Endong, 20, arrested by the Public Security Bureau in Yinchuan City, Ningxia Hui Nationality Autonomous Region.

Zhu Yunfeng, a worker arrested in Fushun City.

Tian Suxin, a worker arrested in Fushun City.

Yang Hong, 36, a reporter of a Kunming paper "Zhongguo Qingnian Bao."

Wu Haizen, 34, a lecturer at Yunnan Education Institute.

Wang Cun, 27, an accountant at the Kunming Jinglong Hotel.

Zhang Jun, a worker arrested in Chuxiong.

Liu Yubin, Zhang Xinchao, Shao Liangchen, Hao Jingguang, workers arrested in Jinan City.

Li Mingxian, a worker arrested in Fushun City, Liaoning.

Xiao Han, arrested in Dalian.

Chen Yang, 22, a student in Beijing's Law University arrested by the Heping District Public Security Sub-bureau.

Zhao Guoliang and Han Yanjun, arrested by the Public Security Bureau in Chifeng City.

Zhang Weiping, a student at Zhejiang Arts Faculty, arrested in Hangzhou.

Zhang Lin, director of the Autonomous Union of College Students, in Bengbu City.

Liu Zihou, 33, a worker at the Beijing Aquatic Products Company.

Chen Xuedong, a Nanjing student leader.

Lin Gang, 28, a physics graduate from Beijing University.

Wang Weilin, 19, arrested by secret police.

Ma Shaofang, 25, a student of the Beijing Film Academy.

Li Xiuping, a young woman student leader arrested in Baoding.

Yang Zhiwei, arrested in Baoding.

Wan Xinjin, arrested in Shandong.

Chen Weitong, arrested in Zhangjiakou.

Liu Jiaming, arrested in Zhangjiakou.

Xiong Wei, a student on the "21 Most Wanted List".

Fang Ke, 33, a student at Beijing People's University.

THREE COASTGUARDSMEN DESERVE COMMENDATIONS

Mr. PELL. Mr. President, I want to share with my colleagues the happy news that the Department of Transportation has formally recognized the exceptional work done by three coastguardsmen to contain a recent oilspill in Rhode Island waters.

Transportation Secretary Samuel K. Skinner this week presented the Coast Guard Commendation Medal to Capt. Eric J. Williams III, who commands the Marine Safety Office in Providence, RI.

Secretary Skinner also formally commended Chief Warrant Officer Alan C. Beal, commander of the Castle Hill Station, and Boatswain's Mate Paul M. Krug, chief of the pollution section at Providence.

As one who was on hand to see the excellent work done by the Coast Guard to contain and mitigate the oil spilled from the tanker *World Prodigy*, I know these men earned their commendations.

I know that I speak for all the citizens of Rhode Island, when I add that we all owe them heartfelt thanks for a job well done.

Mr. President, I ask unanimous consent that an article from the Providence, RI, Journal of July 13, 1989, entitled "Three From CG Commended for Spill Cleanup" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Providence Journal, July 13, 1989]

THREE FROM CG COMMENDED FOR SPILL CLEANUP

WASHINGTON.—The Coast Guard's commanding officer in Providence and two other Coast Guardsmen who fought the *World Prodigy* oil spill have won commendations for their performance.

In a Washington ceremony late Tuesday, Transportation Secretary Samuel K. Skinner presented the Coast Guard Commendation Medal to Capt. Eric J. Williams III, who commands the Marine Safety Office in Providence, and formally commended Chief Warrant Officer Alan C. Beal, commander

of the Castle Hill station, and Boatswain's Mate Paul M. Krug, chief of the pollution section at Providence.

"At a time when public focus is on spills and damage to the environment, you have sent a strong message to the American people that we can transport oil and we can handle the problems that may arise," Skinner said in his citation.

Skinner also honored Coast Guard standouts in cleaning up oilspills in Delaware and Texas waterways the same weekend that the tanker spill threatened Narragansett Bay.

He said their actions were "in the highest tradition of the Coast Guard."

The Rhode Island Coast Guardsmen were cited for specific actions:

Williams was credited for "resolving a major environmental threat" by determining that immediate federal action was needed to contain the thousands of gallons of oil that spread over Rhode Island waters when the *World Prodigy* grounded on Brenton Reef.

"Without hesitation," Beal made the Castle Hill station available as William's command post. Beal and his crew were "instrumental" in keeping the oil spill response team ready during the crisis.

As Williams's principal representative at Fort Adams, the joint staging area for the Coast Guard and the state, Krug was "at the hub" of shoreside cleanup and made "an invaluable contribution" to the effort.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Kalabugh, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 1:19 p.m., a message for the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2788. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1990, and for other purposes.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 2788. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending

September 30, 1990, and for other purposes; to the Committee on Appropriations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BOREN, from the Select Committee on Intelligence, without amendment:

S. 1324. A bill to authorize appropriations for the fiscal years 1990 and 1991 for intelligence activities of the U.S. Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes (Rept. No. 101-78).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on Armed Services:

The following named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Claudius E. Watts III, 245-52-1354FR, U.S. Air Force.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HEINZ:

S. 1317. A bill to suspend for a 3-year period the duty on L-alanyl-L-proline, also known as Ala Pro; to the Committee on Finance.

S. 1318. A bill to extend the temporary duty free treatment for certain types of hosiery knitting machines and parts thereof and certain types of knitting needles; to the Committee on Finance.

S. 1319. A bill to extend the temporary suspension of duties for certain hosiery knitting machines and to include in the suspension single cylinder coarse gauge machines and parts; to the Committee on Finance.

S. 1320. A bill to suspend for a 3-year period the duty of Tfa Lys Pro in free base and tosyl salt forms; to the Committee on Finance.

By Mr. PRESSLER (for himself, Mr. HATFIELD, Mr. COCHRAN, and Mr. D'AMATO):

S. 1321. A bill to amend the Public Health Service Act to provide assistance for education, research, and treatment programs relating to Alzheimer's disease and related disorders and to amend the Social Security Act to improve the provision of services under the Medicare and Medicaid programs to individuals with such disease or disorders; to the Committee on Labor and Human Resources.

By Mr. BURDICK (for himself and Mr. CONRAD):

S. 1322. A bill entitled the "Fort Totten National Historic Site Act"; to the Committee on Energy and Natural Resources.

By Mr. KOHL:

S. 1323. A bill to temporarily reduce the duty on certain timing apparatus; to the Committee on Finance.

By Mr. BOREN, from the Select Committee on Intelligence:

S. 1324. A bill to authorize appropriations for the fiscal years 1990 and 1991 for intelligence activities of the U.S. Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; to the Committee on the Judiciary, the Committee on Armed Services, and the Committee on Foreign Relations jointly, for the 30 day period provided in section 3(b) of S. Res. 400, 94th Congress, provided that the Committee on the Judiciary be restricted to consideration of sections 602 and 603, provided that if any committee fails to report within the 30 day time limit, such committee be discharged from further consideration of the bill in accordance with section 3(b) of S. Res. 400, 94th Congress.

By Mr. RIEGLE (for himself and Mr. HATFIELD):

S. 1325. A bill to amend the Export Administration Act of 1979 to extend indefinitely the current provisions governing the export of certain domestically produced crude oil; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LIEBERMAN:

S. 1326. A bill to temporarily suspend the duty on ciprofloxacin hydrochloride, ciprofloxacin, and nimodipine; to the Committee on Finance.

By Mr. MCCONNELL:

S. 1327. A bill to amend section 97 of title 28, United States Code, to provide for Federal district court to be held in Hopkinsville, KY; to the Committee on the Judiciary.

By Mr. BOND (for himself, Mr. SIMON, Mr. GORE, Mr. RIEGLE, Mr. LEVIN, Mr. LAUTENBERG, Mr. KASTEN, Mr. NUNN, and Mr. DANFORTH):

S.J. Res. 177. Joint resolution designating October 29, 1989, as "Fire Safety At Home—Change Your Clock, Change Your Battery Day"; to the Committee on the Judiciary.

By Mr. PELL (for himself, Mr. SIMON, Mr. LEVIN, Mr. PRESSLER, Mr. CHAFFEE, Mr. MCCAIN, and Mr. WILSON):

S.J. Res. 178. Joint resolution to express U.S. support for the aspiration of the people of Soviet Armenia for a peaceful and fair settlement to the dispute over Nagorno-Karabagh; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ROTH:

S. Res. 153. Resolution expressing the sense of the Senate that \$100 million in aid to Poland be used to capitalize an equity fund that could be leveraged to \$500 million through the sale of bonds for investment in private Polish enterprises; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PRESSLER (for himself, Mr. HATFIELD, Mr. COCHRAN, and Mr. D'AMATO):

S. 1321. A bill to amend the Public Health Service Act to provide assist-

ance for education, research, and treatment programs relating to Alzheimer's disease and related disorders and to amend the Social Security Act to improve the provision of services under the Medicare and Medicaid programs to individuals with such diseases or disorders; to the Committee on Labor and Human Resources.

COMPREHENSIVE ALZHEIMER'S ASSISTANCE, RESEARCH, AND EDUCATION ACT OF 1989 (CARE)

Mr. PRESSLER. Mr. President, today I am introducing the Comprehensive Alzheimer's Assistance, Research and Education Act of 1989 on behalf of myself, Senator HATFIELD, Senator COCHRAN, and Senator D'AMATO. The purpose of the legislation is to improve the provision of services under the Medicare and Medicaid programs to individuals with Alzheimer's disease and related disorders. It would provide comprehensive assistance for some four million Alzheimer's victims and their families.

This bill is identical to H.R. 1490, which was introduced by our distinguished colleague EDWARD R. ROYBAL in the House of Representatives in March.

Alzheimer's disease is a dementing disorder that, before killing its victims, renders them incapable of caring for themselves. The disease is progressive, irreversible and gradually strips away an individual's mental and physical capacities.

The tragedy of this disease has affected me personally. I remember so well the day I returned to the States after finishing my tour in Vietnam. At home, my father warmly embraced me. That was a very special moment in my life. It never crossed my mind that 20 years later he would not recognize my face or remember my name. As a victim of Alzheimer's he now resides in a nursing home.

My own story is but one among tens of thousands that could be told by others who have a mother, father, relative or friend who has Alzheimer's. The personal tragedies tell the story of how Federal policy has failed America's Alzheimer's victims and their families.

How widespread is Alzheimer's disease?

Approximately 4 million Americans suffer today from Alzheimer's. Although Alzheimer's knows no social or economic boundaries and affects both men and women, the disease strikes older persons more frequently. It affects approximately 11 percent of Americans over age 65 and about 25 percent of those age 85 and older.

These are only numbers and numbers do not convey the actual tragedy of Alzheimer's—the tragedy for those who contract this affliction, and their families, who must watch the mental and physical disintegration of a loved

one, and in many cases provide round-the-clock care.

Caregivers sacrifice financial security when they choose not to work in order to stay at home to provide care to their loved ones. Many face financial bankruptcy if they are forced to put their friend or family member in a nursing home. Further, caregiver burnout can result when individuals become physically and mentally worn out. Recent research indicates that caregivers are dying faster than victims of Alzheimer's.

There is a cost to American business as well—lost productivity. Experienced workers leave the work force to take care of relatives and friends.

It is astounding to realize that the victims of Alzheimer's cost America more than \$80 billion per year. This amounts to an average cost per patient of \$22,000. In comparison, the amount spent on research in 1989 will be approximately \$120 million, or only \$30 per patient.

Mr. President, the time is right for a major initiative to help conquer this disease. We must commit resources and medical technology to develop an ultimate weapon against Alzheimer's. The legislation I am introducing commits major resources to confront the endless pain and suffering afflicting Alzheimer's victims, caregivers, families, and friends.

BIOMEDICAL RESEARCH

The bill directs the Department of Health and Human Services to develop a plan for Alzheimer's research and implement it through the National Institute of Health—including the National Institute on Aging—and the National Institute of Mental Health. The legislation provides \$500 million for Alzheimer's related biomedical research funding, including funding for drug and genetic research.

The current Alzheimer's centers program is extended by the bill. Fifteen new research centers are fully funded. The bill provides full funding for all centers, including a new program of off-site research on diagnosis and treatment.

FAMILY SUPPORT AND SERVICE DELIVERY RESEARCH AND DEMONSTRATIONS

Funds also are made available for research on services that promote the health and well-being of Alzheimer's victims and their families by encouraging care in their homes and reducing stress on families. The National Institute on Mental Health would conduct family support stress research. The National Institute on Aging would be funded to support long-term care research on Alzheimer's Disease. The National Center for Health Services Research would be funded to conduct research on models for improving the delivery of supportive services to Alzheimer's victims and their families. The Administration on Aging is asked to support demonstration projects

that examine innovative family support and service delivery approaches, with special emphasis on stress-inducing disorders.

STATE ALZHEIMER'S PROGRAMS

The bill creates State programs of education and supportive services, including respite care for Alzheimer's victims, by providing up to \$90 million per year by 1992. All 50 States and territories could receive grants.

ACCESS TO COMMUNITY MENTAL HEALTH CENTERS

Improves access to Community Mental Health Centers by the elderly and Alzheimer's victims and their families. This would be accomplished through a modification of the Alcohol, Drug Abuse and Mental Health Block Grant Program.

TRAINING OF HEALTH PROFESSIONALS AND RESEARCH ON MANPOWER

Funds are provided for the purpose of increasing training of health care professionals to improve the diagnosis, treatment and management of Alzheimer's Disease.

NATIONAL ALZHEIMER'S EDUCATION PROGRAM AND CAREGIVERS EDUCATION

The bill expands funding for a National Alzheimer's Education Program. Up to \$3 million is provided for education, information dissemination and the collection of information from research and treatment programs.

IMPROVEMENT OF SERVICES UNDER MEDICARE AND MEDICAID

The Health Care Financing Administration is asked to modify the Medicare and Medicaid programs in order to better support Alzheimer's victims and families. This includes improving access to care, the quality of care and reimbursement procedures. The modifications include support for nursing homes, home health care and other alternative forms of care. Demonstration projects are established as a way of understanding how to better assist Alzheimer's patients.

COORDINATION OF ALZHEIMER'S RELATED RESEARCH

Finally, this legislation requires the Secretary of Health and Human Services to coordinate Alzheimer's related research within the Department of Health and Human Services.

Mr. President, the intent of this legislation is to promote a coordinated and compassionate approach to the problem of Alzheimer's disease. I hope that we will be able to act expeditiously and favorably on this bill. I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1321

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Comprehensive Alzheimer's Assistance, Research, and Education Act of 1989 (CARE)".

TITLE I—PUBLIC HEALTH SERVICE PROGRAMS WITH RESPECT TO ALZHEIMER'S DISEASE

SEC. 101. ESTABLISHMENT OF PROGRAMS.

The Public Health Service Act (42 U.S.C. 201 et seq.) is amended by inserting after title VIII the following new title:

"TITLE IX—ALZHEIMER'S DISEASE

"PART A—RESEARCH

"SEC. 901. RESEARCH CENTERS.

"(a) ESTABLISHMENT OF PROGRAM.—The Secretary, acting through the Director of the National Institute on Aging, may make grants to, and enter into cooperative agreements with, public and private nonprofit entities for the purpose of assisting such entities in establishing and maintaining, with respect to Alzheimer's disease and related disorders, not less than 15 centers for—

"(1) conducting basic and clinical research, training, and dissemination of clinical information;

"(2) demonstrating advanced diagnostic, prevention, treatment, and management methods;

"(3) conducting programs of community education; and

"(4) maximizing research in Alzheimer's disease and related disorders by—

"(A) coordinating, to the extent practicable, research activities among such centers;

"(B) coordinating, to the extent practicable, research activities of such centers with related research activities of the Department of Health and Human Services, the Veterans' Administration, State Alzheimer's programs, other public entities, and private entities; and

"(C) collaborating with such entities, and exchanging information with such entities, to the extent practicable.

"(b) REQUIREMENT OF CERTAIN CONSULTATIONS IN ADMINISTRATION OF PROGRAM.—In carrying out this section, the Secretary shall consult with the Director of the National Institute of Neurological Disorders and Stroke and the Director of the National Institute of Allergy and Infectious Diseases.

"(c) CERTAIN USES OF FUNDS.—In carrying out the purposes described in subsection (a), recipients of financial assistance under such subsection—

"(1) may provide for the construction of centers for Alzheimer's disease (notwithstanding any limitation under section 496), for demonstration purposes, and for staffing and other basic operating costs of such centers, including such patient care costs as may be required for research; and

"(2) may not acquire land or conduct research training for which National Research Service Awards may be provided under section 487.

"(d) LIMITATION ON SUPPORT OF CENTERS.—Support of a center under subsection (a) may be for a period not to exceed 5 years. Such period may be extended by the Secretary for additional periods of not more than 5 years each if the operations of such center have been reviewed by an appropriate technical and scientific peer review group established by the Secretary and if such group has recommended to the Secretary that such period should be extended.

"(e) OFF-SITE RESEARCH ON TREATMENT AND DIAGNOSIS.—The Secretary, acting through the Director of the National Institute on Aging, may make grants to, and enter into

cooperative agreements with, entities receiving financial assistance under subsection (a) for the purpose of assisting such entities in carrying out, at locations other than centers established under such subsection, research on the diagnosis and treatment of Alzheimer's disease and related disorders.

"(f) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—For the purposes of carrying out this section other than subsection (e), there are authorized to be appropriated \$25,000,000 for fiscal year 1990, \$32,000,000 for fiscal year 1991, and \$40,000,000 for fiscal year 1992.

"(2) OFF-SITE RESEARCH ON TREATMENT AND DIAGNOSIS.—For the purposes of carrying out subsection (e), there are authorized to be appropriated \$15,000,000 for fiscal year 1990, \$17,000,000 for fiscal year 1991, and \$20,000,000 for fiscal year 1992.

"SEC. 902. BASIC AND CLINICAL RESEARCH.

"(a) ESTABLISHMENT OF PROGRAM.—The Secretary, acting through the Director of the National Institutes of Health and the Director of the National Institute of Mental Health, may make grants to, and enter into contracts with, public and private nonprofit entities for the purpose of enabling grantees to conduct basic and clinical research with respect to Alzheimer's disease and related disorders.

"(b) REQUIREMENT OF CERTAIN CONSULTATIONS IN ADMINISTRATION OF PROGRAM.—In carrying out this section, the Secretary shall consult with the Director of the National Institute on Aging, the Director of the National Institute of Neurological and Communicative Disorders and Stroke, and the Director of the National Institute of Allergy and Infectious Diseases.

"(c) ALLOCATION OF APPROPRIATIONS FOR CERTAIN PURPOSES.—Of the amounts appropriated to carry out this section—

"(1) not less than \$25,000,000 shall be obligated for research on the etiology of Alzheimer's disease and related disorders;

"(2) not less than \$20,000,000 shall be obligated for research on the treatment and management of such disease and disorders;

"(3) not less than \$15,000,000 shall be obligated for epidemiological research on such disease and disorders;

"(4) not less than \$10,000,000 shall be obligated for research on the diagnosis of such disease and disorders; and

"(5) not less than \$10,000,000 shall be obligated for research on lessening the burden of caring for individuals with such disease or disorders.

"(d) ALLOCATION OF CERTAIN APPROPRIATIONS AMONG AGENCIES.—For the purposes of carrying out subsection (a), the Secretary shall, as appropriate in the determination of the Secretary, allocate between the Director of the National Institutes of Health and the Director of the National Institute of Mental Health any amounts appropriated pursuant to subsection (e)(3).

"(e) AUTHORIZATION OF APPROPRIATIONS.—

"(1) NATIONAL INSTITUTES OF HEALTH.—For the purposes of carrying out this section through the Director of the National Institutes of Health, there are authorized to be appropriated \$148,000,000 for fiscal year 1990, \$280,800,000 for fiscal year 1991, and \$352,000,000 for fiscal year 1992.

"(2) NATIONAL INSTITUTE OF MENTAL HEALTH.—For the purposes of carrying out this section through the Director of the National Institute of Mental Health, there are authorized to be appropriated \$18,500,000 for fiscal year 1990, \$35,100,000 for fiscal year 1991, and \$44,000,000 for fiscal year 1992.

"(3) ALLOCATION AMONG AGENCIES.—For the purposes of allocations under subsection (c), there are authorized to be appropriated to the Secretary \$18,500,000 for fiscal year 1990, \$35,100,000 for fiscal year 1991, and \$44,000,000 for fiscal year 1992.

"SEC. 903. FAMILY SUPPORT AND STRESS RESEARCH.

"(a) ESTABLISHMENT OF PROGRAM.—The Secretary, acting through the Director of the National Institute of Mental Health, may make grants to, and enter into contracts with, public and private nonprofit entities for the purpose of enabling grantees to conduct research and demonstration projects with respect to teaching the families of individuals with Alzheimer's disease or related disorders methods for providing appropriate care to such individuals and with respect to assisting such families in managing stress associated with caring for family members with such disease or disorders.

"(b) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of carrying out this section, there are authorized to be appropriated \$25,000,000 for fiscal year 1990, \$26,000,000 for fiscal year 1991, and \$28,000,000 for fiscal year 1992.

"SEC. 904. FAMILY SUPPORT DEMONSTRATION PROJECTS.

"(a) ESTABLISHMENT OF PROGRAM.—The Secretary, acting through the Commissioner on Aging, may make grants to, and enter into contracts with, public and private nonprofit entities for the purpose of enabling grantees to conduct demonstration projects with respect to teaching the families of individuals with Alzheimer's disease or related disorders methods for providing appropriate care to such individuals and with respect to assisting such families in managing stress associated with caring for family members with such disease or disorders.

"(b) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of carrying out this section, there are authorized to be appropriated \$12,000,000 for fiscal year 1990, \$12,500,000 for fiscal year 1991, and \$13,000,000 for fiscal year 1992.

"SEC. 905. LONG-TERM CARE RESEARCH.

"(a) ESTABLISHMENT OF PROGRAM.—The Secretary, acting through the Director of the National Institute on Aging, may make grants to, and enter into contracts with, public and private nonprofit entities for the purpose of enabling grantees to conduct long-term care research with respect to Alzheimer's disease and related disorders and with respect to the coordination of long-term care services.

"(b) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of carrying out this section, there are authorized to be appropriated \$12,000,000 for fiscal year 1990, \$12,500,000 for fiscal year 1991, and \$13,000,000 for fiscal year 1992.

"SEC. 906. MODEL DELIVERY SYSTEMS RESEARCH.

"(a) ESTABLISHMENT OF PROGRAM.—The Secretary, acting through the Director of the National Center for Health Services Research, may make grants to, and enter into contracts with, public and private nonprofit entities for the purpose of enabling grantees to conduct research with respect to developing methods for improving the delivery of supportive services to individuals with Alzheimer's disease or related disorders, including the delivery of such services by the families of such individuals. Such research shall include determining the methods of delivery most appropriate to various ethnic and cultural groups.

"(b) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of carrying out this section, there are authorized to be appropriated \$5,000,000 for fiscal year 1990, \$6,000,000 for fiscal year 1991, and \$7,000,000 for fiscal year 1992.

"SEC. 907. REQUIREMENT OF APPLICATION.

"The Secretary may not provide financial assistance under any of sections 901 through 906 unless—

"(1) an application for the assistance is submitted to the Secretary;

"(2) with respect to carrying out the purpose for which the assistance is to be provided, the application provides assurances of compliance satisfactory to the Secretary; and

"(3) the application otherwise is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out such sections.

"SEC. 908. DEVELOPMENT OF RESEARCH PLAN BY SECRETARY.

"(a) IN GENERAL.—The Secretary shall, in consultation with such advisory entities as the Secretary may establish, develop a plan for a research program for the study of Alzheimer's disease and related disorders. The plan shall incorporate current and proposed research. The plan shall provide for—

"(1) coordinating and promoting research into the biological, medical, psychological, social, and economic aspects of Alzheimer's disease and related disorders;

"(2) identifying steps for increasing research training in geriatrics and gerontology; and

"(3) disseminating research findings to relevant Federal and State agencies.

"(b) CERTAIN REQUIREMENT WITH RESPECT TO ADMINISTRATION OF PROGRAM.—Research under the plan established under subsection (a) shall be carried out through the National Institutes of Health (including the National Institute on Aging), the National Institute of Mental Health, and other appropriate entities of the Service.

"(c) SUBMISSION OF PLAN TO PRESIDENT AND CONGRESS.—Upon completion of the plan required in subsection (a), the Secretary shall submit the plan to the President and the Congress.

"PART B—GRANTS TO STATES

"SEC. 921. PROVISION BY STATES OF CERTAIN SERVICES.

"(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall make grants to States to plan, establish, and operate programs to—

"(1) coordinate the development and operation by public and private organizations of diagnostic, treatment, care management, respite care, legal counseling, and education services provided within the State to individuals with Alzheimer's disease or related disorders and to the families and care providers of such individuals, which organizations include the Veterans' Administration, the Alzheimer's disease centers established pursuant to section 901, and organizations representing such individuals and such families;

"(2) provide home health care, personal care, day care, companion services, short-term care in health facilities, and other respite care to individuals with Alzheimer's disease or related disorders;

"(3) provide to health care providers, to individuals with Alzheimer's disease or related disorders, to the families of such individuals, to organizations established for such individuals and such families, and to

the general public, information with respect to—

"(A) diagnostic services, treatment services, and related services available to such individuals and to the families of such individuals;

"(B) sources of assistance in obtaining such services, including assistance under entitlement programs; and

"(C) the legal rights of such individuals and such families;

"(4) coordinate the development and operation of training programs and continuing education programs for health care providers on the diagnosis, treatment, and care management of Alzheimer's disease and related disorders;

"(5) review State policies on the financing of and reimbursement of the costs of health care (including respite care) for individuals with Alzheimer's disease or related disorders, review State nursing home and home monitoring regulations that apply to such individuals, and identify policy changes that can improve the care provided to such individuals; and

"(6) coordinate with any Federal programs relating to Alzheimer's disease or related conditions.

"(b) RESTRICTIONS ON USE OF FUNDS.—

"(1) Amounts provided under a grant under subsection (a) may not be used to—

"(A) make cash payments to individuals with Alzheimer's disease or related disorders or to the families of such individuals; or

"(B) to purchase or improve real property (other than minor remodeling of existing improvements to real property) or to purchase major medical equipment.

"(2) Not less than 25 percent, and not more than 50 percent, of a grant under subsection (a) may be used in any fiscal year to provide respite care.

"(c) DURATION OF GRANT.—A grant made under subsection (a) shall be made for 3 years, subject to annual evaluation by the Secretary.

"(d) AMOUNT OF GRANT.—The amount of a grant under subsection (a) may not—

"(1) be less than \$250,000; and

"(2) exceed one-half of the costs of the program for which the grant is made.

"(e) REQUIREMENT OF APPLICATION.—The Secretary may not make a grant under subsection (a) unless—

"(1) an application for the grant is submitted to the Secretary;

"(2) with respect to carrying out the purpose for which the grant is to be made, the application provides assurances of compliance satisfactory to the Secretary; and

"(3) the application otherwise is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out such subsection.

"(f) EVALUATIONS BY SECRETARY.—The Secretary shall annually evaluate programs for which grants are made under subsection (a) and may contract with private entities to conduct such evaluation. For any evaluation in the first year of any such program the amount of the evaluation contract may not exceed 2 percent of the amount of the grant made for the program.

"(g) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of carrying out this section, there are authorized to be appropriated \$50,000,000 for fiscal year 1990, \$100,000,000 for fiscal year 1991, and \$125,000,000 for fiscal year 1992.

"PART C—MENTAL HEALTH SERVICES

"SEC. 931. PROVISION OF SERVICES BY STATES.

"(a) AGREEMENT BY STATES WITH RESPECT TO ALCOHOL AND DRUG ABUSE AND MENTAL HEALTH SERVICES BLOCK GRANT.—The Secretary, acting through the Administrator of the Alcohol, Drug Abuse, and Mental Health Administration, shall require that, as a condition of receiving funds under subpart 1 of part B of title XIX, a State must agree that—

"(1) activities carried out pursuant to section 1915(a) will include the increased provision of mental health services (including outreach services) to individuals who are 65 years of age or older, to individuals with Alzheimer's disease and related disorders, and to the families of individuals with such disease or disorders; and

"(2) the report submitted pursuant to section 1917 will include a description of the activities carried out pursuant to paragraph (1).

"(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of making allotments under section 1913, there are authorized to be appropriated, in addition to amounts authorized to be appropriated pursuant to section 1911, \$50,000,000 for fiscal year 1990, \$52,000,000 for fiscal year 1991, and \$55,000,000 for fiscal year 1992.

"PART D—TRAINING OF HEALTH CARE PROFESSIONALS

"SEC. 941. ESTABLISHMENT OF GENERAL PROGRAM.

"(a) IN GENERAL.—The Secretary, acting through the Director of the National Institute on Aging, may make grants for the purpose of assisting grantees in providing training programs and continuing education programs with respect to health care for individuals with Alzheimer's disease or related disorders (including programs relating to diagnosis, treatment, and management) and with respect to long-term care for such individuals;

"(b) MINIMUM QUALIFICATIONS OF GRANTEES.—The Secretary may not make a grant under subsection (a) unless the applicant for the grant is—

"(1) an educational institution providing training in medicine, psychology, nursing, social work, gerontology, or health care administration;

"(2) an educational institution providing training in the provision of home health services, homemaker services, or other home care services; or

"(3) an Alzheimer's disease center established pursuant to section 901.

"(c) GEOGRAPHIC DISTRIBUTION OF SERVICES.—The Secretary shall ensure that grants under subsection (a) are made so as to provide for an equitable distribution of services under the grants among the principal geographic regions of the United States.

"(d) AVAILABILITY TO CERTAIN PERSONS OF PROGRAMS.—The Secretary may not make a grant under subsection (a) to an applicant unless the applicant agrees that the applicant will—

"(1) make the training programs and continuing education programs described in subsection (a) available to health care professionals, health care paraprofessionals, and family caregivers; and

"(2) coordinate such training and continuing education programs with the Alzheimer's disease centers established pursuant to section 901.

"(e) DEVELOPMENT OF CURRICULA FOR PROGRAMS.—The Secretary, acting through the Director of the National Institute on Aging, may make grants to the Alzheimer's disease

centers established pursuant to section 901 for the purpose of assisting the centers in developing curricula for the training programs and continuing education programs described in subsection (a), including obtaining the most recent relevant research data available.

"(f) REQUIREMENT OF APPLICATION.—The Secretary may not make a grant under subsection (a) or subsection (e) unless—

"(1) an application for the grant is submitted to the Secretary;

"(2) with respect to carrying out the purpose for which the grant is to be made, the application provides assurances of compliance satisfactory to the Secretary; and

"(3) the application otherwise is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

"(g) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—For the purpose of carrying out the grant program established in subsection (a), there are authorized to be appropriated \$10,000,000 for fiscal year 1990, \$10,500,000 for fiscal year 1991, and \$11,000,000 for fiscal year 1992.

"(2) DEVELOPMENT OF CURRICULA FOR PROGRAMS.—For the purpose of carrying out the grant program established in subsection (e), there are authorized to be appropriated \$2,000,000 for each of the fiscal years 1990 through 1992.

"SEC. 942. DETERMINATION OF HEALTH MANPOWER NEEDS.

"(a) IN GENERAL.—Not later than 12 months after the date of the enactment of this section, the Secretary, acting through the Administrator of the Health Resources and Services Administration, shall initiate a study for the purpose of determining—

"(1) the health manpower needs with respect to providing health care services and long-term care services to individuals in the United States with Alzheimer's disease, related disorders, and other disorders requiring long-term care services;

"(2) the number of health care training programs necessary with respect to providing such services;

"(3) the geographic distribution of such services and such training programs;

"(4) the health power manpower needs with respect to providing such services to members of minority and ethnic groups, including the distribution of such services among such groups and the number of minority and ethnic personnel providing such services and enrolled in such training programs; and

"(5) mechanisms for coordinating, to the extent practicable, the health manpower efforts of the Health Resources and Services Administration with such efforts by other Federal agencies and by State agencies.

"(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out the study required in subsection (a), there is authorized to be appropriated \$200,000 for each of the fiscal years 1990 through 1992.

"PART E—EDUCATION PROGRAMS

"SEC. 951. NATIONAL ALZHEIMER'S DISEASE EDUCATION PROGRAM.

"(a) ESTABLISHMENT OF PROGRAM.—With respect to Alzheimer's disease and related disorders, the Secretary shall establish a National Alzheimer's Disease Education Program for the purpose of—

"(1) promoting the coordination of health care financing, service, research, education, and training programs in and by the National Institutes of Health, the National Insti-

tute of Mental Health, the Health Resources and Services Administration, the Health Care Financing Administration, the Veterans' Administration, other Federal entities, State and local governments, and private organizations;

"(2) collecting, through the Clearinghouse on Alzheimer's Disease, information on research and treatment programs relating to such disease and disorders, information on education and training programs relating to such disease and disorders, information relating to the services available to individuals with such disease or disorders and to the families of such individuals, and information relating to the legal rights of such individuals and such families;

"(3) making such information available to health care professionals, to individuals with such disease or disorders, to the families of such individuals, and to the general public; and

"(4) providing technical assistance to States and to public and private agencies and organizations, including agencies and organizations providing services to such individuals and the families of such individuals and agencies and organizations representing such individuals and such families.

"(b) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of carrying out subsection (a), there are authorized to be appropriated \$2,000,000 for fiscal year 1990, \$2,500,000 for fiscal year 1991, and \$3,000,000 for fiscal year 1992.

"SEC. 952. PROVISION OF INFORMATION ON AVAILABILITY OF ASSISTANCE.

"(a) ESTABLISHMENT OF PROGRAM.—The Secretary, acting through the Director of the National Institute on Aging, may make grants to public and nonprofit private entities for the purpose of assisting such entities in establishing programs to educate health care providers and the families of individuals with Alzheimer's disease or related disorders—

"(1) on caring for individuals with such diseases or disorders; and

"(2) on the availability in the community involved of public and private sources of assistance, including financial assistance, for caring for such individuals.

"(b) GEOGRAPHIC DISTRIBUTION OF SERVICES.—The Secretary shall ensure that grants under subsection (a) are made so as to provide for an equitable distribution of services under the grants among the principal geographic regions of the United States.

"(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated \$10,000,000 for fiscal year 1990, \$10,500,000 for fiscal year 1991, and \$11,000,000 for fiscal year 1992."

SEC. 102. EFFECTIVE DATE.

The amendments made by this title shall take effect October 1, 1989, or upon the date of the enactment of this Act, whichever occurs later.

TITLE II—IMPROVEMENT OF SERVICES UNDER MEDICARE AND MEDICAID PROGRAMS

SEC. 201. ASSURING ADEQUATE FUNDING FOR TREATMENT OF INDIVIDUALS WITH ALZHEIMER'S DISEASE OR RELATED DISORDERS.

(a) MEDICARE.—Not later than 12 months after the date of the enactment of this Act, the Secretary of Health and Human Services (hereafter in this Act referred to as the "Secretary") shall review the levels of reimbursement provided under title XVIII of the Social Security Act for home health services, extended care services, and inpatient

hospital services for medicare beneficiaries in an advanced stage of Alzheimer's disease or a related disorder. To the extent that such levels do not accurately reflect the reasonable amounts required to provide adequately for services furnished to such patients, the Secretary shall, not later than 18 months after the date of the enactment of this Act, adjust such levels accordingly.

(b) MEDICAID.—Each State with a State plan approved under title XIX of the Social Security Act shall report to the Secretary, not later than 12 months after the date of the enactment of this Act, on how the levels of reimbursement under the plan for home health services, nursing facility services, inpatient hospital services, and community-based care take into account the special needs of medicare beneficiaries in an advanced stage of Alzheimer's disease or a related disorder.

SEC. 202. UPGRADING QUALITY OF CARE REVIEWS FOR HEAVY CARE PATIENTS.

(a) MEDICARE.—The Secretary shall modify contracts with utilization and quality control peer review organizations under part B of title XI of the Social Security Act in a manner that ensures that such organizations conduct adequate and representative quality of care reviews on patients (such as patients in an advanced stage of Alzheimer's disease or a related disorder) who require intensive home health services or extended care services.

(b) MEDICAID.—As a condition of approval of a State plan under title XIX of the Social Security Act, on or after January 1, 1988, a State must provide assurances satisfactory to the Secretary that the State is providing for the conduct (by peer review organizations or other qualified organizations) of adequate and representative quality of care reviews on patients (such as patients in an advanced stage of Alzheimer's disease or a related disorder) who require intensive home health services, nursing facility services, or other long-term care services.

SEC. 203. ASSURING ACCESS TO NEEDED SERVICES.

(a) REVIEW.—The Secretary shall review the practices of home health agencies, skilled nursing facilities, and intermediate care facilities participating under the medicare or medicaid program with respect to whether they limit or restrict the home health services or nursing facility services they provide to individuals with Alzheimer's disease or a related disorder.

(b) REPORT.—Not later than 12 months after the date of the enactment of this Act, the Secretary shall report to the Congress on the results of such review and shall include in the report findings as to whether access of Alzheimer disease patients to necessary home health services or nursing facility services is being restricted and, if so, appropriate changes that should be made in the law or regulations to prevent such restrictions.

SEC. 204. RESEARCH AND DEMONSTRATION PROJECTS.

(a) IN GENERAL.—The Secretary shall provide for research and demonstration projects concerning methods of improving the delivery of necessary health care services to medicare and medicaid beneficiaries with Alzheimer's disease or a related disorder.

(b) PARTICULAR PROJECTS INCLUDED.—Among the projects which are conducted under this section, the Secretary shall provide for at least—

(1) a project that demonstrates the provision of community-based care (including day care) and in-home care, as well as im-

proved nursing home and home health staffing and training, for medicare beneficiaries with Alzheimer's disease or a related disorder;

(2) a project that demonstrates alternative methods of health care delivery to such beneficiaries, including services designed to maintain such beneficiaries in their home;

(3) a project that demonstrates alternative methods of payment under the medicare and medicaid programs for long-term care (including home health care and nursing facility services) for medicare and medicaid beneficiaries (such as those in an advanced stage of Alzheimer's disease or a related disorder) who require an intensive level of services; and

(4) a project that demonstrates coverage of nursing home care for medicare beneficiaries with Alzheimer's disease or a related disorder without regard to prior hospitalization or the need for skilled nursing care.

(c) EVALUATION AND REPORT.—The Secretary shall provide for an evaluation of the research and demonstration projects conducted under this section and shall submit to the Congress a report on such projects, which report shall include recommendations for appropriate legislative changes.

(d) FUNDING.—To carry out this section, there are authorized to be appropriated \$6,000,000 for fiscal year 1990, \$7,000,000 for fiscal year 1991, and \$8,000,000 for fiscal year 1992. To the extent that research and demonstration projects relate to medicare beneficiaries, such funds shall be appropriated, in appropriate proportions, from the Federal Hospital Insurance Trust Fund and from the Federal Supplementary Medical Insurance Trust Fund. Grants and payments under contracts under this section may be made either in advance or by way of reimbursement, as may be determined by the Secretary, and shall be made in such installments and on such conditions as the Secretary finds necessary to carry out the purpose of this section.

(e) WAIVER OF MEDICARE AND MEDICAID REQUIREMENTS.—The Secretary is authorized to waive compliance with the requirements of part B of title XI, title XVIII, and title XIX of the Social Security Act to the extent and for the period the Secretary finds necessary for the conduct of the research and demonstration projects under this section.

Mr. HATFIELD. Mr. President, I rise today to join my colleague from South Dakota [Mr. PRESSLER], in introducing the Comprehensive Alzheimer's Assistance, Research, and Education Act of 1989, better known as the CARE bill. I am delighted to join forces in this comprehensive effort to elevate the war on Alzheimer's disease.

Alzheimer's disease is truly the disease of the century. More than 100,000 individuals die of Alzheimer's disease annually, which makes it the fourth leading cause of death in adults, after heart disease, cancer, and stroke. It is a progressive, degenerative disease that attacks the brain and results in impaired memory, thinking, and behavior, in over 4 million American adults. Strikingly, this disease is now present in one out of every three homes in America.

As we entered this decade, there was little attention being paid by the Fed-

eral Government to Alzheimer's disease and its costly and traumatic implications. When I became chairman of the Appropriations Committee in the Senate, only \$13 million was being spent for Alzheimer's research. Today, \$123 million has been appropriated by this Congress for research and treatment of Alzheimer's disease. In one decade we have made significant progress. But, especially when compared to other research efforts, it is clear that we could do more.

However, funding for heart disease, AIDS, and cancer research which each total between \$600 million and \$1.45 billion annually, continue to outpace research on Alzheimer's disease. The Federal Government must place a higher priority on Alzheimer's research—indeed all medical research—if our country is going to seek in earnest a healthier world for future generations.

The CARE bill offers the framework for an aggressive congressional response in research, education, and family assistance.

The bill calls for a quadrupling of Federal research funding, totaling \$500 million by 1992, for Alzheimer's and related disorders. Of the total research funding, 80 percent will go to the National Institutes of Health with the participation of the National Institute on Aging, 10 percent to the National Institute of Mental Health, and 10 percent is to be distributed according to the priorities developed by the Department of Health and Human Services. In addition, a total of 15 Alzheimer's disease research centers are to be fully funded under the CARE bill.

This legislation calls for the creation of State Alzheimer's programs, with 25 to 50 percent of the funds provided for respite care. All 50 States will be eligible to receive grants to develop diagnostic, treatment, care management, legal counseling, and educational services for care providers and their families. States also will disseminate information on services available to Alzheimer's patients as well as sources of assistance.

Federal-State partnerships are already underway in many areas of the country.

In Oregon, Mr. Richard Ladd, Administrator of the Oregon Senior Service Division, has actively pursued measures to provide in-home care and day care to individuals under age 60 who have Alzheimer's disease. For the 50,000 Oregonians who suffer from this disease, the CARE bill's State-Federal partnerships will provide the core support system for their families.

The National Alzheimer's Education Program, already established in the Department of Health and Human Services, will be expanded under the CARE bill to further emphasize public

and private organizations delivering services to patients and their families.

I believe community involvement is critical in this process. Until a cure is found, churches, self-help organizations, health care providers and Government must work together to help ease the burden of patients and their families.

I believe the United States should deploy our brightest research minds and our best facilities, with the support of State, Federal, and private funds, to fight Alzheimer's disease today before it paralyzes our country tomorrow. Time is not on our side because America is aging.

In the next 50 years, the number of Americans 65 and over will increase from about 30 million to approximately 64 million. The CARE bill provides the framework for Congress to commit sufficient resources and maintain a high priority for Alzheimer's disease and its attendant trauma.

We must remember that the toll of Alzheimer's disease is not measured just in dollars spent and lives lost. Alzheimer's disease creates fear for its sufferers, disrupts the lives of families and loved ones, and causes tremendous emotional and financial burdens for all those who must deal with the disease.

I am pleased to join Mr. PRESSLER in pursuing this ambitious agenda. I urge the support of my colleagues.

Mr. President, I ask unanimous consent that a summary of the Comprehensive Alzheimer's Assistance, Research, and Education Act be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF S. 1321: COMPREHENSIVE ALZHEIMER'S ASSISTANCE, RESEARCH, AND EDUCATION ACT (CARE)

PURPOSE

To provide expanded research on Alzheimer's disease and related disorders and to improve care and assistance for its victims and their family caregivers.

BACKGROUND

Alzheimer's disease is one of a number of degenerative neurological disorders that affect over 3 million middle age and elderly individuals. The symptoms of Alzheimer's disease and these related disorders (AD) include debilitating changes in personality, memory deterioration, disorientation, and impaired impulse control and judgment. As the disease progresses, changes in intellectual functioning take place with even more severe changes. Victims may wander, develop erratic moods, become difficult to manage and become incontinent. The disease eventually renders its victims helpless and the family caregivers financially and emotionally exhausted.

To date, the federally funded research effort has been grossly underfunded as compared to federal funding for the other major diseases. While Alzheimer's related funding total about \$120 million annually, funding for heart disease, AIDS and cancer research each total between \$600 million and \$1.45 billion annually. This discrepancy

occurs in spite of the fact that the social and economic costs of Alzheimer's are on the same order of magnitude (or greater) as these major diseases. Further, our current federal research spending amounts to only about \$1 in annual research expenditures for every \$500 in annual societal costs. Over three years, this CARE bill proposes to quadruple federal research funding—totaling \$500 million by 1992—for Alzheimer's and related disorders.

Although Congress has directed much research toward Alzheimer's Disease and related disorders, inadequate dissemination of information to the medical community and the public has resulted in misdiagnosis and lack of access to treatment management options for many patients. In addition, the nature of these disorders has left families with an extreme psychological, physical and economic burden that warrants a systematic examination of models of care and reimbursement policies. Moreover, recent critical research breakthroughs relative to causes of and treatment for Alzheimer's Disease and related disorders make it apparent that the research, treatment and management of these disorders have reached a point where a coordinated effort, including the states, the federal government and private groups, is warranted.

Beyond research, there is a great need to provide support to the Alzheimer's victims and their caregivers. Currently, Medicaid is one of the few programs providing support, but only after the individual and their families face virtual impoverishment. While long term care will be addressed in other legislation, the federal government should move quickly in a joint effort with the States to develop a state-based support system for Alzheimer's victims and their caregivers. For 1992, the CARE bill proposes \$125 million in funding for State Alzheimer's Programs, a joint federal-state partnership, to provide the core of that support system.

CARE BILL SUMMARY

Responding to the overwhelming need to assist the victims of Alzheimer's disease and related disorders, the CARE legislative package, originally introduced in the House of Representatives as H.R. 1490 by Representatives Roybal, Waxman and Stark, and developed in partnership with the Alzheimer's Association and on behalf of its more than 200 Chapters nationwide, proposes the following initiatives:

Over a three year-in, provides for a quadrupling of Alzheimer's related biomedical research funding to a level of \$500 million by 1992 including funding for drug and genetic research.

From the research funding, a total of 15 AD research centers are to be fully funded and a new program of site research on diagnosis and treatment is to be initiated.

Funds research on services to promote the health and well-being of AD victims and their families by encouraging care in the home and reducing the stress on the families.

Expands funding for the National Alzheimer's Education Program.

Creates state programs with education and supportive services, including respite care, for AD victims. Provides a phase-in of funding reaching 90 million/year by 1992.

Modifies Medicare and Medicaid to better support AD victims and families.

Funds Medicare and Medicaid research to examine potential changes in eligibility benefits and reimbursement.

Increases training of health care providers for AD victims and families.

Modifies the Alcohol, Drug Abuse and Mental Health Block Grant to better support AD victims and families.

Requires that Secretary coordinate Alzheimer's related research of Department of Health and Human Services.

CARE BILL PROVISIONS

Title I. Public Health Service Programs with respect to Alzheimer's

Sections 901-902. Biomedical research on Alzheimer's disease and related disorders.—Requires that the Department of Health and Human Services develop a plan of AD related research and implement it through the National Institutes of Health (NIH) (including the National Institute on Aging (NIA)) and the National Institute of Mental Health (NIMH).

Expands NIH and NIMH biomedical research programs by funding basic research related to AD at a combined level of \$225 million for 1990, \$400 million for 1991, and \$500 million for 1992. Of the total biomedical research funding, 80 percent goes to NIH, 10 percent goes to NIMH, and 10 percent is to be distributed between NIH and NIMH according to priorities developed by the DHHS Secretary.

From the above NIH and NIMH research funding and subject to the level of the total appropriation for this research, research priorities include the etiology of AD (minimum of \$25 million per year), the epidemiology of AD (minimum of \$15 million per year, diagnosis of AD (minimum of \$10 million per year), the treatment and management of AD (minimum of \$20 million per year) and the burden of caring for AD victims (minimum of \$10 million per year).

From the above NIH and NIMH research funding, the current Centers program is extended by fully funding 15 Alzheimer's Research Centers at a level of \$25 million in 1990, \$32 million in 1991 and \$40 million in 1992. In addition, this funding also provides funding for a new initiative to develop off-site research on diagnosis and treatment of AD with authorized funding of \$15 million in 1990, \$17 million in 1991 and \$20 million in 1992. The Centers and the off-site programs are to be administered by the National Institute on Aging in collaboration with NIMH, NINCDS and NIAID. Responsibilities of the Centers include: Conducting research into cause, prevention, diagnosis, treatment and management of AD; training health care personnel; disseminating clinical information; conducting community education on AD; and coordinating with other Centers and related public/private facilities.

Provides for coordination and dissemination of research both within DHHS and to other relevant agencies.

Sections 903-906. Family support and service delivery research and demonstrations.—Establishes research and demonstration programs to develop methods of service delivery that will promote the health and well-being of AD victims and their families by encouraging care in the home and reducing the stress on the families of AD patients.

NIMH Family Support and Stress Research: Authorizes \$25 million in 1990, \$26 million in 1991 and \$28 million in 1992 to support joint research and demonstration projects with public and private organizations.

NIA Long Term Care Research: Authorizes \$12 million in 1990, \$12.5 million in 1991 and \$13 million in 1992 to support long term care research on Alzheimer's Disease and re-

lated disorders and on the coordination of long term care.

National Center for Health Services Research Model Delivery Systems Research: Authorizes \$5 million in 1990, \$6 million in 1991 and \$7 million in 1992 to conduct research on models for improving the delivery of supportive services to AD patients and their families, with particular attention to ethnic and cultural groups.

Administration on Aging Family Support Demonstrations: Authorizes \$12 million in 1990, \$12.5 million in 1991 and \$13 million in 1992 to support joint demonstration projects with public and private organizations examining innovative family support and service delivery approaches with special emphasis on stress inducing disorders such as AD.

Section 908. Department coordination of Alzheimer's related research.—Requires that the Secretary of the Department of Health and Human Services establish a mechanism to coordinate all Alzheimer's related research within the Department.

Section 921. State Alzheimer's programs.—Establishes a joint federal and state effort to develop services and policies to assist victims of AD and their families. All 50 States and territories may receive grants to create State Alzheimer's Programs.

Develops diagnostic, treatment, care management, legal counseling, and educational services for care providers, victims, and their families.

Makes available respite care services (including, but not limited to, home health, day care, companion, short term stay in health facilities) for the AD patient. (Between 25% and 50% of the grant is to be used for this purpose.)

Reviews state policies on the financing and reimbursement of the costs of health care for patients with AD and identifies other policy changes that would improve the care of patients with AD.

Disseminates information to victims, their families, health care providers, organizations established for patients with AD and to the general public on services available to AD victims as well as on rights of and sources of assistance for AD victims and their families.

Makes initial grants available for 3 years with funding at a minimum of \$250,000 per year and subject to an annual evaluation by the Department of Health and Human Services.

States are required to provide matching funds at a 50-50 rate.

Total program funding is set at \$50 million for 1990, \$100 million for 1991, and \$125 million for 1992.

Section 931. Access to community mental health centers.—Improves access to Community Mental Health Centers by the elderly and by AD victims and their families.

Directs the Alcohol, Drug Abuse and Mental Health Administration (ADAMHA) to require that Community Mental Health Centers (CMHCs) receiving ADAMHA Block Grant funds increase their efforts to reach the elderly and to reach AD victims and their families. Authorizes an additional \$50 million in 1990, \$52 million in 1991 and \$55 million in 1992. CMHCs provide increased services and outreach to the elderly and to AD victims and their families, and CMHCs report annually to ADAMHA on their services and outreach for the elderly and for AD victims and their families.

Sections 941-942. Training of health professionals and research on manpower.—Increases training of health care professionals

and paraprofessionals to improve the diagnosis, treatment and management of AD.

Provides NIA Grants to medical, psychology, nursing, social work, gerontology, and health administration schools and to AD research centers for training and continuing education on health and long term care using AD as an illustrative case. Grants shall be awarded so as to ensure appropriate geographic coverage. Authorizes \$10 million in 1990, \$10.5 million in 1991 and \$11 million in 1992.

Provides NIA Grants to AD Research Centers to assist schools in developing curricula for training and continuing education and to ensure transfer of the most up-to-date research information. Authorizes \$2 million in 1990, \$2 million in 1991 and \$2 million in 1992.

Requires that the Health Resources and Services Administration (HRSA) conduct a manpower study to determine the adequacy of health manpower for meeting the ongoing care needs of AD and other long term care patients as well as the adequacy of training, of geographic distribution by discipline, and of minority and ethnic personnel and to determine mechanisms for coordinating its manpower effort with those of other relevant federal agencies. Authorizes \$200,000 per year.

Section 951-952. National Alzheimer's Education Program and caregiver education.—Expands funding for the National Alzheimer's Education Program, a national program (similar to the successful National High Blood Pressure Education Program), which was already established in the Department of Health and Human Services annual Appropriations bills and is administered through the National Institute on Aging, to create a national focus on the problem of AD and the care of its victims.

Brings together public and private organizations to develop better ways to provide care to AD patients and assist their families.

Provides technical assistance to public and private organizations delivering services to AD patients and providing information (including the rights of and sources of assistance for AD victims and their families) to the public and health care providers.

Incorporates the Clearinghouse on Alzheimer's Disease which collects information from research and treatment programs and makes this information available to victims of AD and their families, to health care professionals and to the general public.

Fosters and coordinates research, training, and education programs relating to AD cause, treatment and diagnosis.

Funding is set at \$2.0 million for 1990, \$2.5 million for 1991, and \$3 million for 1992.

Provides NIA Grants to public and private non-profit organizations to fund training programs for direct care providers and family caregivers on what public and private resources are available to AD victims and their family caregivers and on how best to provide care to AD victims. Grants shall be awarded so as to ensure appropriate geographic coverage. Authorizes \$10 million in 1990, \$10.5 million in 1991 and \$11 million in 1992.

Title II. Improvement of services under Medicare and Medicaid

Sections 201-203. Medicare and Medicaid program modifications and research and demonstration projects.—Improves Medicare and Medicaid access, quality and reimbursement with respect to Medicare and Medicaid covered AD victims.

Directs the Health Care Financing Administration (HCFA) to modify the Medicare and Medicaid programs to: review and, as needed, modify reimbursement for home health services, extended care services and inpatient hospital services to reflect more accurately the cost of caring for advanced stages of AD; upgrade quality of care and utilization reviews for heavy care patients such as AD patients; and ensure that access to nursing home and home health care for AD victims is not limited by the practices of nursing home and home health agencies.

Mandates that the Department of Health and Human Services continue to conduct AD related research, demonstrations, and waiver projects in order for Medicare and Medicaid to better assist AD victims. Projects include at least the following:

Provision of community-based care (including day care) and in-home care, as well as improved nursing home and home health staffing and training.

Provision of alternative methods of health care delivery systems for AD patients, including services designed to maintain patients in the home.

Alternative methods of payments for long term care (including home health care and nursing facility services) for AD and other heavy care patients.

Coverage of nursing home care without the need for skilled nursing care. (Current reimbursement policy precludes reimbursement by Medicare until medical management of the condition is warranted and unless nursing home and home health care are skilled. It precludes reimbursement by Medicaid until the victim's resources are depleted and until the community spouse's resources are spent down to the new standards under the Medicare Catastrophic Coverage Act.)

Funding for administrative costs relating to research and demonstration projects is set at \$6.0 million for 1990, \$7.0 million for 1991, and \$8.0 million for 1992.

NOTE.—This CARE legislative package is the companion bill to H.R. 1490 introduced by Representatives Edward Roybal, Henry Waxman and Peter Stark in the House of Representatives on March 20, 1989.

SUMMARY OF AUTHORIZED SPENDING, COMPREHENSIVE ALZHEIMER'S ASSISTANCE, RESEARCH, AND EDUCATION ACT (CARE)

(In millions of dollars)

	Fiscal years—		
	1990	1991	1992
Biomedical Research on AD:			
Alzheimer's research centers.....	\$25.0	\$32.0	\$40.0
Off-site diagnosis/treatment program.....	15.0	17.0	20.0
Other NIH and NIMH biomedical research.....	185.0	351.0	440.0
Total biomedical research on AD ¹	225.0	400.0	500.0
Family support and service delivery research demonstrations:			
NIMH family support and stress research.....	25.0	26.0	28.0
NIA long-term care research.....	12.0	12.5	13.0
NCHSR model delivery system research.....	5.0	6.0	7.0
AOA family support demonstrations.....	12.0	12.5	13.0
Total family support and service delivery.....	54.0	57.0	61.0
State Alzheimer's programs.....	50.0	100.0	125.0
Improved CAMHC access.....	50.0	52.0	55.0
Training of health care professionals:			
NIA health professional training.....	10.0	10.5	11.0
NIA curriculum development grants.....	2.0	2.0	2.0
HRSA manpower studies.....	0.2	0.2	0.2
Total training.....	12.2	12.7	13.2
Education programs:			
National Alzheimer's Education Program.....	2.0	2.5	3.0
NIA direct care provider and family caregiver.....	10.0	10.5	11.0

SUMMARY OF AUTHORIZED SPENDING, COMPREHENSIVE ALZHEIMER'S ASSISTANCE, RESEARCH, AND EDUCATION ACT (CARE)—Continued

(In millions of dollars)

	Fiscal years—		
	1990	1991	1992
Total education programs.....	12.0	13.0	14.0
Medicare and Medicaid Program:			
Modifications.....	(2)	(2)	(2)
Research and Demonstrations.....	6.0	7.0	8.0
Total CARE authorization.....	409.2	641.7	776.2

¹ Quadruples Existing Funding By 1992 and Provides Specific AD Authorization.

² Existing Funding Sufficient for "CARE" Provisions.

Mr. D'AMATO. I rise today as an original cosponsor of the Comprehensive Alzheimer's Assistance, Research, and Education Act [CARE]. This bill will strengthen the Federal commitment to Alzheimer's disease research, and will enhance care and assistance for its victims and their family members. I commend my colleagues, Senators HATFIELD and PRESSLER, for bringing attention to an issue that for too long has received insufficient attention and funding.

Alzheimer's disease is a progressive, degenerative disease that attacks the brain and results in impaired memory, thinking, and behavior. Today, more than 4 million Americans suffer from Alzheimer's or a related disorder. This tragic disease takes the lives of more than 100,000 adults annually, making it the fourth leading cause of death in adults in the United States.

As our population ages, the incidence of Alzheimer's disease is expected to rise dramatically. Barring the development of a cure or treatment, demographic trends alone are expected to result in a twofold increase in the number of Alzheimer's cases by the end of the century. The total cost to society, now estimated to be \$80 million annually, also will increase in proportion to the number of those afflicted.

Given the magnitude of this debilitating illness, it is shameful how little is being spent to speed the discovery of a cure. While annual research expenditures for heart disease, AIDS, and cancer have grown to between \$600 million and \$1.45 billion, funding for Alzheimer's and related disorders amounts to only \$120 million. Worse still, Federal programs currently provide only about \$1 annual research expenditures for every \$500 in costs incurred by society.

The CARE bill will address the gross underfunding of our Alzheimer's disease efforts by quadrupling Federal research funding—to \$500 million by 1992. This funding level would support the establishment of 15 new Alzheimer's research centers to undertake both clinical and basic research as well as behavioral studies of Alzheimer's and related disorders. In addition, it

would support a new initiative to develop off-site research on the diagnosis and treatment of Alzheimer's.

The increased funding would also support an expanded National Alzheimer's Education Program. This program will address a lack of available information to the medical community and to the public—a situation that has resulted in misdiagnosis and lack of access to treatment management options for many patients. In addition, the CARE bill, through Federal and State programs, will disseminate information on treatment, financing, and services for victims, their families, and health care providers.

Since families and friends act as the primary caregivers for Alzheimer's victims, CARE makes a concerted effort to address their needs. In addition to the extreme psychological and physical stress from which they suffer, these caregivers encounter a tremendous economic burden, which CARE seeks to alleviate by funding a state-based support system in conjunction with all 50 States and territories.

The tragedy of Alzheimer's disease demands our immediate attention. We must undertake a concerted, comprehensive effort today if we are to one day end the pain and suffering afflicting Alzheimer's victims, caregivers, families, and friends.

This long-overdue legislation is worthy of our full support. I urge my colleagues to join me in cosponsoring the CARE bill, and I urge its immediate passage.

Thank you, Mr. President.

By Mr. KOHL:

S. 1323. A bill to temporarily reduce the duty on certain timing apparatus; to the Committee on Finance.

DUTY TREATMENT OF CERTAIN TIMING APPARATUS

Mr. KOHL. Mr. President, I am introducing legislation today to amend the harmonized tariff schedule with respect to duty rates on certain timing apparatus. This bill would correct a mistake that has occurred in the transition from the old Tariff Schedules of the United States to the new harmonized tariff schedule.

The measure I am introducing today is similar to a bill, H.R. 1982, introduced in the House of Representatives earlier this year by my colleague from Wisconsin, Mr. SENSENBRENNER. This bill, however, reflects the concerns that have been raised by the administration during consideration of H.R. 1982 by the House Ways and Means Committee. It does so by making the change in duty rates effective only through 1992.

While I would prefer that this correction of the tariff classification be a permanent one, I have incorporated the administration's concerns in this measure in order that this correction

can be adopted as expeditiously as possible. I hope, however, that the administration will give serious consideration to making this correction permanent at the appropriate point in time.

Mr. President, I look forward to working with the Finance Committee on this measure, and hope that my colleagues will join with me in correcting an inadvertent error that occurred in the transition to the harmonized tariff schedule.

By Mr. RIEGLE (for himself and Mr. HATFIELD):

S. 1325. A bill to amend the Export Administration Act of 1979 to extend indefinitely the current provisions governing the export of certain domestically produced crude oil; to the Committee on Banking, Housing, and Urban Affairs.

EXTENSION OF RESTRICTIONS ON OIL EXPORTS

● Mr. RIEGLE. Mr. President, Alaska oil is very much on the minds of Americans today. The recent tragic shipping accident near Valdez has served as a stark reminder how much our Nation relies on crude oil from Alaska. Petroleum remains our most important energy source. It fuels our automobiles, homes, and industries, as well as forming a major component of a wide variety of products used throughout our economy.

In 1973, Congress authorized the construction of the Trans-Alaska Pipeline System. In doing so, it also established a clear national policy that domestic users should have first priority for the use of that oil. As a result, Alaska's North Slope oil fields supply almost 25 percent of our national petroleum production.

On September 30, 1990, the Export Administration Act of 1979 will expire and with it the vital restrictions governing the export of Alaska North Slope crude oil. Contained in section 7(d) of the act, these restrictions were first adopted in 1973 with the overwhelming support of Congress. They have received continued strong support from Congress each time they have come before us for renewal. Both the original 1973 TAPS Act and the subsequent revisions to what was later codified as section 7(d) allow the export of this vital national resources only if the President finds, and Congress agrees, that the proposed export clearly would serve the national interest, benefit U.S. consumers, and not diminish our overall petroleum supply.

Over the past 15 years, these restrictions have provided enduring benefits to the American people. When they were adopted, Congress realized the importance of relying to the maximum extent possible on domestic supplies of petroleum. The importance of that realization soon became apparent when we suffered two interruptions of our supply of imported oil. Those incidents made it clear that foreign oil

could be used as a weapon to cripple our economy and influence our foreign policy. In short, they demonstrated that our national security depended on our energy security.

The domestic priority principles of section 7(d) have sent a message to other oil-producing countries that the United States remains determined not to squander a precious natural resource. As a result of the enactment of these principles, we have established the transportation infrastructure to move crude oil from Alaska to the lower 48 States and Hawaii. We have been able to reduce our reliance on OPEC and unstable Persian Gulf oil supplies. West Coast consumers have saved billions of dollars on gasoline, and we have been able to augment and preserve a domestic merchant marine that remains capable of supplying the oil requirements of our domestic economy and our armed forces.

With these considerations in mind, the Senator from Oregon [Mr. HATFIELD] and I are today introducing legislation to indefinitely extend in their current form the restrictions contained in section 7(d). As the sponsor of this provision in the Export Administration Act of 1979, I take this opportunity to remind my colleagues that it is as prudent today as it was when it was first adopted. Once again, we are facing oil import levels which have gone beyond 40 percent of domestic consumption and are estimated to reach 50 percent by the early 1990's. Should section 7(d) be weakened or allowed to lapse, our ability to respond to future oil disruptions would be sorely tested.

Accordingly, I am convinced that the current Alaska oil export restrictions should be retained. They may well be the measure of our security and economic independence for years to come.●

● Mr. HATFIELD. Mr. President, although the public's attention has begun to shift away from the Exxon Valdez oilspill off the coast of Alaska, we should not overlook the broader policy issues which the spill calls into question. Just as our environmental security in Prince William Sound has been jeopardized by the Valdez spill, so too is our Nation's energy security jeopardized by our reliance on finite fossil fuels like oil.

In the last several months, the United States has imported well over 40 percent of the oil we used to meet consumption demands. That figure is higher now than it was during the 1973-74 oil embargo. As of April, our trade deficit stood at over \$8.2 billion. Almost half of that imbalance is due to our importation of oil.

Clearly, we must do two things. First, our Nation must do a better job of identifying and utilizing renewable energy sources. We cannot continue to rely on oil as a primary energy source.

Second, we must do a better job of utilizing the oil resources that we have.

Given our responsibility to make the best use of our limited national resources, we should not be sending those scarce resources abroad. This was the reason that, as part of the 1973 legislation authorizing the construction of the Trans-Alaska Pipeline System, Congress established a policy of giving domestic use the first priority for Alaskan oil. That policy was codified as section 7(d) of the Export Administration Act in 1979.

Mr. President, the Export Administration Act will expire on September 30, 1990—and with it the provision limiting the exportation of Alaska North Slope crude oil. The bill that Senator RIEGLE and I are introducing today would reauthorize that provision.

Since its original enactment as part of the Alaska pipeline bill, this restriction has provided several benefits to our country. During the 15 years it has been in force, West Coast consumers have enjoyed lower gas prices and we have maintained a strong domestic merchant marine for our domestic economy and our Armed Forces. Most important, however, has been the impact on our domestic energy security.

Currently, the North Slope provides almost one-quarter of our national petroleum production. It stands to reason that commitments to supply any of that volume to foreign refiners would have been made up by increased foreign oil imports. During the 1970's, that was the last thing this country needed. The inherent linkage of our energy policy to our foreign policy would have been that much stronger. I need not remind my colleagues that, during the energy crunch of the late 1970's, President Carter indicated that he would consider using nuclear weapons to assure a stable supply of oil from the Middle East.

Since the provision's original enactment, Congress has repeatedly supported giving domestic users first priority when it comes to domestic oil production. I urge my colleagues to co-sponsor this legislation in order to once again affirm this policy. In an era where our country's energy security is very much in doubt, it is essential that Alaska oil export restrictions should be retained.●

By Mr. McCONNELL:

S. 1327. A bill to amend section 97 of title 28, United States Code, to provide for Federal district court to be held in Hopkinsville, KY; to the Committee on the Judiciary.

FEDERAL DISTRICT COURT IN HOPKINSVILLE, KY

● Mr. McCONNELL. Mr. President, there are four counties in western Kentucky which currently suffer from undue delay and inconvenience in handling Federal court cases, because of

the difficulty in getting to Paducah or Bowling Green, where Federal district courts currently sit. These counties are: Todd County, Trigg County, Christian County, and Caldwell County.

The bill I introduce today on behalf of these counties is quite simple. It would establish a Federal court in Hopkinsville, which already has a magistrate, a federally approved jail, and an FBI office.

The people of Christian County, KY, and its surrounding counties of Trigg, Caldwell, and Todd have been severely burdened by the lack of a Federal district court within reasonable distance. Indeed, Christian County has the third largest population in the western district and generates a significant amount of litigation in Federal court. It is expensive and inconvenient for lawyers and their clients in the area to travel to Paducah or Bowling Green, the closest Federal district courts. Paducah, the site of the nearest court, is over 70 miles away from Christian County. The U.S. Government pays for the inconvenience as well, through the expense of transporting jurors, witnesses, attorneys, FBI agents, and other court personnel from Christian County to Paducah.

I propose to eliminate this expense and inconvenience by authorizing the Federal District Court for the Western District of Kentucky to sit in Hopkinsville. The beauty of this proposal is that the cost of such a change will be minimal. Office and judicial space, subject to remodeling, already exists. Hopkinsville already has a federally approved jail, a U.S. magistrate, and an FBI office.

Mr. President, I urge my colleagues to join me in bringing relief to the people of Christian County and the surrounding area. The simple act of authorizing the Federal district court to sit in Hopkinsville may seem very insignificant up here in Washington, but I guarantee you that it will mean the world to the Kentuckians it would relieve.

Finally, I would like to express my appreciation for a fine young lawyer from Hopkinsville, Ben Fletcher, who has worked very hard to bring the Federal district court to his city. Ben represents the best of his profession, as an astute lawyer with a strong sense of civic duty. I intend to work hard to have this bill passed, but if it does pass, a measure of the credit must go to Ben Fletcher.

Mr. President I ask unanimous consent that the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1327

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sec-

tion 97(b) of title 28, United States Code, is amended by inserting "Hopkinsville," between "Bowling Green" and "Louisville". ●

By Mr. BOND (for himself, Mr. SIMON, Mr. GORE, Mr. RIEGLE, Mr. LEVIN, Mr. LAUTENBERG, Mr. KASTEN, Mr. NUNN, and Mr. DANFORTH):

S.J. Res. 177. Joint resolution to designate October 29, 1989, as "Fire Safety at Home—Change Your Clock, Change Your Battery Day"; to the Committee on the Judiciary.

FIRE SAFETY AT HOME DAY

● Mr. BOND. Mr. President, the leading cause of accidental death among children in this country is fire—the tragic result of half a million fires in homes.

Last year, when I introduced the fire safety at home day resolution, I described the tragic loss of two young sisters in an apartment fire in St. Louis. Their deaths might have been avoided had the two smoke detectors in their apartment been functioning.

This year, the Fire Safety at Home Day—Change Your Clock, Change Your Battery Program is placing special emphasis on raising the awareness of Americans to the special threat fires pose to children and to the elderly.

Fire safety at home day is an established program that was very successful last year. I have several letters from fire departments around the country, in the cities of Miami, Seattle, Chicago, Philadelphia, and St. Louis, all attesting to the effectiveness of the Change Your Clock, Change Your Battery Program. I ask unanimous consent that the joint resolution and the letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S.J. Res. 177

Whereas every year, 500,000 fires ravage the homes of Americans, resulting in over 6,000 deaths and 300,000 injuries;

Whereas home fires are the leading cause of accidental death and serious injury among children in the United States;

Whereas senior citizens, families in substandard housing, and the physically and mentally disabled are at high risk of becoming victims of fire;

Whereas 3 out of 4 homes have at least 1 smoke detector, but an estimated one-half are inoperable because of worn or missing batteries;

Whereas the International Association of Fire Chiefs estimates that the annual practice of changing batteries in smoke detectors would save thousands of lives and billions of dollars in property damage;

Whereas the Congressional Fire Services Caucus, with its broad-based bipartisan membership, reflects the concern of Congress for fire safety and its dedication to making it an important national priority;

Whereas the designation of a special day to remind Americans to properly maintain their smoke detectors, timed to coincide with the autumnal return to Standard

Time, would greatly diminish this human tragedy; and

Whereas October 29, 1989, is the day Americans in jurisdictions on Daylight Savings Time return their clocks to Standard Time: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 29, 1989, is designated as "Fire Safety at Home—Change Your Clock, and Change Your Battery Day", and the President is requested to issue a proclamation calling upon the people of the United States to observe that day maintaining their homes' first line of defense against fire by changing the batteries in their smoke detectors when they reset their clocks to Standard Time.

ST. LOUIS FIRE DEPARTMENT,
St. Louis, MO, April 26, 1989.

Ms. PAM EVANS,
Fleishman-Hillard, Inc.,
St. Louis, MO.

DEAR PAM EVANS: The other night when I changed my clock to daylight saving time I thought of you and the "Change Your Clock, Change Your Battery" program. What a great idea and program!

Being in the fire service, I witness the destructive power of fire daily. As Public Information Officer for the St. Louis Fire Dept., I attend all fire fatalities occurring in the city. I know what a fire can do to a home and family.

The St. Louis Fire Dept. is aggressively trying to reduce death and property loss caused by fire. That is why we are so enthused about your program and encourage you to continue with it.

The St. Louis Fire Dept. and Operation Safe Street will be starting another smoke detector program soon. It is our goal to place new and operational smoke detectors in every home in the city. I would hope your "Change Your Clock, Change Your Battery" program would reinforce our program.

Thank you for what you are doing and I hope to continue working on this worthwhile project with you.

Sincerely,

FRANK C. SCHAPER,
Batt. Chief, Public Information Officer.

CITY OF PHILADELPHIA,
April 24, 1989.

PAMELA EVANS,
Eveready Battery, Inc.,
St. Louis, MO.

DEAR Ms. EVANS: I would like to take this opportunity to thank you and Eveready Classic Battery for sponsoring last year's "Change Your Clock—Change Your Battery Campaign."

We in the Philadelphia Fire Department are hoping that Eveready will again sponsor this very worthwhile promotion.

Last year, in Philadelphia, 104 citizens lost their lives to fire. This was the highest fire death total of the decade. Our investigations reveal that in most of these cases, the victim had no more smoke detector or if they were present, the batteries were either dead or missing.

The Philadelphia Fire Department continually stresses the importance of properly placed and maintained smoke detectors, along with a family home evacuation plan that can and will save lives.

The "Change Your Clock—Change Your Battery" campaign afforded us the opportunity to relay this message to hundreds of thousands of Philadelphians. Working with Ms. Bonnie Bartlett and the excellent staff

at Fleishman-Hillard, Inc., we were able to obtain great media coverage of the campaign. All major radio and television stations in our City, as well as neighborhood and daily papers covered our distribution of your batteries (in an area of the City which had experienced a high rate of fire deaths).

We hope that we will be given the opportunity to again participate in this very worthwhile cause.

Sincerely,

ROBERT C. WAUHOP,
Deputy Chief, Fire Prevention Division.

CITY OF CHICAGO,
April 19, 1989.

Ms. PAM EVANS,
Eveready Classic Brand Battery,
St. Louis, MO.

DEAR Ms. EVANS: On behalf of the citizens of Chicago and the Chicago Fire Department's Public Education Unit, I would like to thank the Eveready Classic Brand Battery Company for your sponsorship of the 1988 Change Your Clock, Change Your Battery campaign we held in Chicago.

Through your donation of batteries, we were able to canvass two areas of the city: one area with a high concentration of senior citizens, and one area where we experienced a great number of fire related deaths. These canvasses also allowed us to install donated smoke detectors in homes where we found either no smoke detectors, or smoke detectors which were inoperable even after battery replacement.

Should the Eveready Classic Brand Battery Company wish to sponsor this public service once again in our community, we would be glad to assist you in doing so.

If you have any questions, please feel free to contact me at (312) 744-1699.

Sincerely,

JOHN SCHNEIDWIND,
Director, Public Education.

CITY OF SEATTLE,
April 20, 1989.

PAM EVANS,
Product Manager, Eveready Battery Co.,
St. Louis, MO.

DEAR Ms. EVANS: On behalf of the Seattle Fire Department, I would like to extend our thanks to the Eveready Battery Company for providing us with the opportunity to take part in the "Change Your Clock, Change Your Battery" fire safety campaign. I believe the campaign was very successful in our area considering it was the first time the program was conducted. I strongly urge the Eveready Battery Company to support "Change Your Clock, Change Your Battery" as an annual event.

With additional lead time, we can coordinate efforts in promoting the "Change Your Clock, Change Your Battery" campaign with fire service organizations throughout the Seattle area market. Fire service organizations in this area have a very successful record of working together on projects such as this. I believe regional involvement and support for the campaign will significantly increase its effectiveness.

Although we are able to organize local efforts to promote the campaign, your role in providing printed materials, advertisements, a celebrity spokesperson and supplies and materials for our volunteer "Care Squad" members was extremely important. It was also very helpful for us to be able to have personal assistance from individuals at Fleishman Hillard Inc. They were extremely cooperative and responsive to our needs.

Proper maintenance of smoke detectors is instrumental in providing a level of safety for the citizens we serve. We look forward to hearing if you will again be sponsoring the "Change Your Clock, Change Your Battery" program. We are ready to begin work as soon as possible to ensure its success again this fall.

Very truly yours,

JOHN R. CHURCH,
Acting Chief, Seattle Fire Department.

CITY OF MIAMI,
April 21, 1989.

Ms. PAM EVANS,
Eveready Battery Co.,
St. Louis, MO.

DEAR Ms. EVANS: On behalf of the Miami Fire Department and the residents of the City of Miami, I would like to thank your company for the outstanding contribution you have made to fire safety through the "Change Your Clock, Change Your Battery" Campaign.

We were so pleased to be able to participate in this life saving effort which has helped us in raising the awareness level of our citizens. The valuable news media coverage of the activities surrounding this campaign served us well by getting the message to thousands within the community.

What a natural tie in to the fall time change ritual. This is the type of program which will continue to serve as a reminder to do a simple task known to save lives. It is our hope to continue our involvement with this program in the future.

Again, thank you for your efforts to help us in the fire service to save lives and property through public education.

Yours for a fire safe tomorrow,

Chief C.H. DUKE,
Director,
Fire, Rescue, and Inspection Services.●

By Mr. PELL (for himself, Mr. SIMON, Mr. LEVIN, Mr. PRESSLER, Mr. CHAFEE, Mr. MCCAIN, and Mr. WILSON):

S.J. Res. 178. Joint resolution to express United States support for the aspirations of the people of Soviet Armenia for a peaceful and fair settlement to the dispute over Nagorno-Karabagh; to the Committee on Foreign Relations.

DISPUTE OVER NAGORNO-KARABAGH

Mr. PELL. Mr. President, today I am introducing with Senators SIMON, PRESSLER, LEVIN, CHAFEE, MCCAIN, and WILSON, legislation concerning the situation in Soviet Armenia.

Last December, the world turned its attention to Armenia when a tragic earthquake struck the region, leaving thousands dead, injured, and homeless. We witnessed a great international outpouring of compassion and assistance to the earthquake victims. Although the most costly in terms of physical destruction, the earthquake was but one of many tragedies that the Armenian people have confronted throughout the years. In the face of such hardship, the Armenian people have demonstrated consistently their strong will and resilience, and as a tribute to the ties that bind Armenians and Americans, the people of Armenia have relied on the support of

the United States at each step along the way.

While Armenians continue to rebuild their homeland after the earthquake, some of their people suffer hardship of another kind. At issue is the status of the Nagorno-Karabagh region—an area located to the south of the Caucasus Mountains, rich in mineral deposits and prime farm land. Since 1923, ethnic discrimination and economic oppression have been the fate of the Armenian population of Nagorno-Karabagh. The status of the region is a matter of ongoing concern for the people of the Armenian and Azerbaijani Soviet Republics; the people of Nagorno-Karabagh await a just solution.

To date, attempts to resolve the situation have not met with much success, but rather with repression and even bloodshed. There are some signs of hope, however. The eleven members of the Karabagh Committee—spokespersons for the Armenian popular movement—have recently been released from prison. In addition, Soviet President Gorbachev has met with the Armenian delegates to the Congress of People's Deputies to hear their views.

The United States must demonstrate its continued support for the Armenian people by encouraging the Soviet Government to hear Armenia's calls for increased respect for human rights and for a fair resolution of the contentious issue of Nagorno-Karabagh. As we witness the physical reconstruction of Armenia, I would urge President Gorbachev to rebuild Armenia on a different, albeit more difficult level. He must bring his promises of openness and reform to fruition for the people of Armenia. The legislation I am introducing encourages President Gorbachev to take such steps. Accordingly, I urge my colleagues to support this measure and ask unanimous consent that it be printed in the RECORD at this point.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 178

Whereas the people of the United States have strong historical and cultural ties with the people of Armenia;

Whereas the Armenian people have been subjected to ethnic discrimination, cultural oppression and economic adversity;

Whereas portions of Armenia were totally devastated by a massive earthquake on December 7, 1988, where, according to official Soviet reports, more than 25,000 Armenians were killed, more than 100,000 were injured more than 500,000 were left homeless, and tens of thousands of children were orphaned;

Whereas the Government and the people of the United States strengthened their commitment to Armenia by assisting in the immediate relief effort and the overall reconstruction of those areas affected by the earthquake;

Whereas in the face of such hardship and adversity, the Armenian people continue to exhibit their strong will and resilience;

Whereas the current status of the region of Nagorno-Karabagh is a matter of concern and contention for the people of the Armenian and Azerbaijani Soviet Republic;

Whereas the Soviet Government has termed the killings of Armenians on February 28-29, 1988, in Sumgait, Azerbaijan "pogroms;"

Whereas the Special Administrative Committee set up by the Soviet Government to stabilize the Nagorno-Karabagh region has proven ineffective in that mission, giving rise to further dissatisfaction among Karabagh Armenians, who constitute the overwhelming majority in the region;

Whereas the Karabagh Committee spokespersons for the popular movement in Armenia, had been jailed for nearly six months before their release on May 31, 1989; and

Whereas continued discrimination against Karabagh Armenians and the uncertainty about Nagorno-Karabagh have led to massive demonstrations and unrest in this area that are continuing to this day: Now, therefore, be it

Resolved, That it is the sense of the Congress that the United States should—

(1) Continue to support and encourage the reconstruction effort in Armenia;

(2) encourage Soviet President Gorbachev to continue a dialog with the Armenian representatives to the Soviet Congress of People's Deputies;

(3) encourage Soviet President Gorbachev to engage in meaningful discussions with elected representatives of the people of Nagorno-Karabagh regarding their demands for reunification with the Armenian homeland and with the leadership of Armenia's prodemocracy movement, which includes the recently released Karabagh Committee;

(4) promote in its bilateral discussions with the Soviet Union an equitable settlement to the dispute over Nagorno-Karabagh, which fairly reflects the views of the people of the region; and

(5) urge in its bilateral discussions with the Soviet Union that investigations of the violence against Armenians be conducted at the highest level of the Soviet judiciary, and that those responsible for the killing and bloodshed be identified and prosecuted.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the Secretary of State.

Mr. SIMON. Mr. President, I am pleased to join with Senator PELL in offering this joint resolution expressing our support for a peaceful and fair settlement in Nagorno-Karabagh in the U.S.S.R. Nagorno-Karabagh is located in Soviet Azerbaijan, but is populated mostly by ethnic Armenians. The civil strife there has been terrible, and even the Soviet Government has termed the violence against the Armenians there as "pogroms."

Several months ago I put together a Senate letter to President Gorbachev asking him to look into the charges against the 11 members of the Karabagh Committee. We had 57 signatures on that letter, and I am pleased to say that just recently the Soviet authorities released the Karabagh Committee.

The Armenians who make up the Karabagh Committee are fighting for the rights of their brethren in Nagorno-Karabagh. Our resolution will help their struggle. It calls for Gorbachev to engage in a dialog with Armenian delegates to the new Congress of People's Deputies, and it encourages him to give serious consideration to the idea of reuniting Nagorno-Karabagh with Soviet Armenia. The resolution also urges bilateral discussions between the United States and the U.S.S.R. to see that the perpetrators of violence against Armenians inside the Soviet Union's borders are brought to justice.

It is important that the people of Armenia, and especially the Armenians inside Nagorno-Karabagh, be made aware of our concern for their plight. I urge my colleagues to cosponsor this joint resolution.

ADDITIONAL COSPONSORS

S. 110

At the request of Mr. KENNEDY, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 110, a bill to revise and extend the programs of assistance under title X of the Public Health Service Act.

S. 247

At the request of Mr. METZENBAUM, the names of the Senator from New Jersey [Mr. BRADLEY], the Senator from Michigan [Mr. LEVIN], the Senator from Illinois [Mr. SIMON], and the Senator from Delaware [Mr. BIDEN] were added as cosponsors of S. 247, a bill to amend the Energy Policy and Conservation Act to increase the efficiency and effectiveness of state energy conservation programs carried out pursuant to such act, and for other purposes.

S. 658

At the request of Mr. PELL, the names of the Senator from Nebraska [Mr. EXON] and the Senator from Alabama [Mr. HEFLIN] were added as cosponsors of S. 658, a bill to amend the Carl D. Perkins Vocational Education Act of 1984 to authorize appropriations for fiscal year 1990 and succeeding years, and for other purposes.

S. 933

At the request of Mr. HARKIN, the names of the Senator from West Virginia [Mr. ROCKEFELLER] and the Senator from Delaware [Mr. BIDEN] were added as cosponsors of S. 933, a bill to establish a clear and comprehensive prohibition of discrimination on the basis of disability.

S. 969

At the request of Mr. MOYNIHAN, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 969, a bill to establish the President's Award for Addiction Research.

S. 979

At the request of Mr. DASCHLE, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 979, a bill to provide grants for designating rural hospitals as medical assistance facilities.

S. 1059

At the request of Mr. HATFIELD, the names of the Senator from Rhode Island [Mr. PELL] and the Senator from Hawaii [Mr. MATSUNAGA] were added as cosponsors of S. 1059, a bill to amend and enhance existing renewable energy programs and Federal trade and export promotion programs in order to promote the United States renewable energy industry, improve the trade balance of the United States, and maintain the competitive and technical leadership of the United States in renewable energy development and trade.

S. 1153

At the request of Mr. DASCHLE, the name of the Senator from Alabama (Mr. HEFLIN) was added as a cosponsor of S. 1153, a bill to amend title 38, United States Code, to provide for the establishment of presumptions of service—connection between certain diseases experienced by veterans who served in Vietnam era and exposure to certain toxic herbicide agents used in Vietnam; to provide for interim benefits for veterans of such service who have certain diseases; to improve the reporting requirements relating to the "Ranch Hand Study"; and for other purposes.

S. 1163

At the request of Mr. HATCH, the name of the Senator from Colorado [Mr. ARMSTRONG] was added as a cosponsor of S. 1163, a bill to amend the District of Columbia Code to limit the length of time for which an individual may be incarcerated for civil contempt in a child custody case in the Superior Court of the District of Columbia and to provide for expedited appeal procedures to the District of Columbia Court of Appeals for individuals found in civil contempt in such case.

S. 1232

At the request of Mr. WALLOP, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 1232, a bill to honor the world's most recent heroes in the universal struggle for freedom and democracy, and to designate the park in the District of Columbia directly across from the Embassy of the People's Republic of China as "Tiananmen Square Park".

S. 1291

At the request of Mr. PELL, the names of the Senator from North Dakota [Mr. BURDICK] and the Senator from Maryland [Ms. MIKULSKI] were added as cosponsors of S. 1291, a bill to extend and amend the Library

Services and Construction Act, and for other purposes.

SENATE JOINT RESOLUTION 57

At the request of Mr. PELL, the name of the Senator from Nevada [Mr. BRYAN] was added as a cosponsor of Senate Joint Resolution 57, a joint resolution to establish a national policy on permanent papers.

SENATE CONCURRENT RESOLUTION 47

At the request of Mr. SIMON, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of Senate Concurrent Resolution 47, a concurrent resolution expressing the sense of the Congress on multilateral sanctions against South Africa.

SENATE RESOLUTION 153— RELATING TO AID TO POLAND

Mr. ROTH submitted the following resolution, which was referred to the Committee on Foreign Relations:

S. RES. 153

Whereas the country of Poland, with its historical and ethnic ties to the United States, has, by recognizing the free trade union of Solidarity, and by holding open elections for some seats in its parliament, taken a major step away from Communism and toward Democracy;

Whereas such progress represents a significant step toward freedom, and hope for all peoples in the Eastern European nations;

Whereas economic progress demands a healthy private sector, and that currently none such is allowed, neither by the Polish government nor its legal establishment;

Whereas a healthy private sector demands capital formation;

Whereas the President of the United States has announced his intention to seek \$100 million from Congress for a special fund to underwrite private business projects;

Whereas this \$100 million appropriation from Congress could be leveraged to \$500 million for investment in Polish private enterprise by using it to collateralize and guarantee a bond issuance; and

Whereas the pride and tremendous legacy of support of the American-Polish community for its native homeland and relations could support such a bond issuance: Now, therefore, be it

Resolved, That it is the Sense of the Senate that a Polish-American Equity Fund will be created through the appropriation by Congress of \$100 million to establish and collateralize a low-interest, tax-advantaged bond issuance, and that the President shall establish such equity fund, which is dedicated to private, rather than public, sector investments in Poland; and

That such investment requires the establishment of a legal framework to facilitate such concerns.

Resolved further, That the Overseas Private Investment Corporation expand its efforts through the Opportunity Bank program to match American business expertise and investment with Polish private sector initiatives.

Mr. ROTH. Mr. President, on a daily basis, we are receiving exciting news concerning President Bush's diplomatic mission into the Eastern bloc. We are encouraged by the dawning of

democratic elections and the improvements of human rights in countries like Poland and Hungary. And America—as it has throughout history—stands ready and willing to promote peaceful passage to freedom for these countries and their peoples.

Concerning Poland, specifically, we are fortunate to boast a strong, viable, stalwart culture of Polish-Americans—men and women who began contributing to this country in the Revolutionary War—a thousand of them like the hero Casimir Pulaski—to the men and women who serve today in our homes, businesses, professions, factories, and in government.

Like many Americans whose ties take them back to another land, and whose many family members still live in the old country, Polish-Americans have a tremendous loyalty to Poland—a loyalty that has translated time and again into tangible, economic, and material support, either from family to family, or through organizations such as churches. I am certain that these Americans are anxiously awaiting the political transformation that is flowing out of the shipyards of Gdansk like the tide itself.

As well, these Polish-Americans are looking for a way to help—a way to help America help—a way to promote economic reform and freedom in their motherland.

And to this end, I am today submitting a resolution stating that it is the sense of this Senate that some—or all—of the \$100 million in aid to Poland be used to capitalize an equity fund through the sale of bonds for investment in private—and I emphasize private—Polish enterprises.

Administered correctly, Mr. President, the money—up to the \$100 million appropriation sought by our President—could be leveraged to \$500 million by using it to collateralize and guarantee a bond issuance. These bonds would be open for sale to all people in the United States, and even to people of other nations. But specifically they would allow the strong Polish-American community—a community recognized for its powerful ethnic ties and love of homeland—with the opportunity to give directly toward the liberation of Poland.

My resolution also indicates that it is the sense of the Senate that this investment is based on the establishment of a legal framework to facilitate private sector initiatives.

Mr. President, the concept behind this sense-of-the-Senate resolution is simple. Rather than looking for government to finance government, we are allowing private enterprise to finance private enterprise. Using our taxpayer's \$100 million as collateral for a low-interest, tax-advantaged bond issuance, we are putting our faith in the market system that has provided democracies throughout the

world with the most dynamic economies in history—the same market system the Polish people are presently seeking, and the very same system that will provide for the peaceful transition to democracy for the country of Poland.

Of course, we must exercise caution—as caution must always be exercised in the arena of global diplomacy. And interestingly enough, leaders of the Polish-American community are the first to offer this warning. We must not fail to remember that the Soviet Union, with its very skillful leader and powerful Politburo, still controls its satellite nations. We must remember that none of these devout Marxists in Moscow has conceded to communism's failure around the globe. None has suggested that its philosophies are fallacious, misleading, and delusory. On this side of the Iron Curtain we are quick, of course, to project our own optimism on the events taking place—with the respective visits of President Gorbachev to the West and President Bush to the East—and we are quick to interpret the whys and wherefores according to our own desires for the way we would like things to be.

While this optimism is healthy, let no one believe the rift between communism and democracy has been resolved. It has not, and until such peaceful transition can take place, we must keep in mind that at its very core communism is expansionistic, and by its very nature it is the antithesis of democracy and democracy's objectives of human rights and self-determination.

Now, with these conditions stated, let me also be clear that there is a good reason to be positive about the political change taking place in countries like Poland and Hungary. It serves the United States to do all it can—within the means it has—to support the change taking place in these Eastern nations. It serves the United States to offer assistance to the heroes of these revolutions, the bold champions of free enterprise and political reform—just as it served the French well to loan 40 million livres to our struggling Revolution in 1776.

Incidentally, Mr. President, that 40 million livres had a tremendous impact on the French economy at that time—just as any money we provide in this time of deficits will impact our own.

But as we know, the blessings of freedom always come after the sacrifices of those who love it most, and to this end, we should support the intentions of our President to provide financial assistance to these countries. With that money, what a great opportunity we could present to our Polish-Americans by setting up this equity fund. It would provide the seed money

necessary for people here—and even people in free countries throughout the world—to help people there. It would provide these people with a vehicle to raise hundreds of millions more than what our President is asking—and we must provide a way to see that this money gets into the hands of free businessmen.

This, Mr. President, is our real objective.

AMENDMENTS SUBMITTED

STATE DEPARTMENT AUTHORIZATION

MOYNIHAN AMENDMENT NO. 268

(Ordered to lie on the table.)

Mr. MOYNIHAN submitted an amendment intended to be proposed by him to the bill (S. 1160) to authorize appropriations for fiscal year 1990 for the Department of State, the U.S. Information Agency, the Board for International Broadcasting, and for other purposes, as follows:

Beginning on page 10, after line 18, insert the following:

SEC. 111. PROHIBITION ON SOLICITING OR DIVERTING FUNDS TO CARRY OUT ACTIVITIES FOR WHICH UNITED STATES ASSISTANCE IS PROHIBITED.

Chapter 1 of part III of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 620F. PROHIBITION ON SOLICITING OR DIVERTING FUNDS TO CARRY OUT ACTIVITIES FOR WHICH UNITED STATES ASSISTANCE IS PROHIBITED.—

"(a) PROHIBITION.—(1) Whenever any provision of United States law enacted on or after the date of enactment of the Foreign Relations Authorization Act, Fiscal Year 1990, expressly prohibits all United States assistance, or all assistance under a specified United States assistance account, from being provided to any specified foreign region, country, government, group, or individual, then—

"(A) no officer or employee of the United States Government may solicit the provision of funds or material assistance by any foreign government (including any instrumentality or agency thereof), foreign person, or United States person, and

"(B) no United States assistance shall be provided to any third party, if the provision of such funds or assistance would have the purpose or direct effect of furthering or carrying out the same or similar activities, with respect to that region, country, government, group, or individual, for which United States assistance is prohibited.

"(2) As used within the meaning of paragraph (1)(B), assistance which is provided for a particular purpose includes assistance provided under an arrangement conditioning, expressly or impliedly, action by the recipient to further that purpose.

"(b) PENALTY.—Any person who violates the provision of subsection (a)(1)(A) (relating to solicitation) shall be imprisoned not more than 5 years or fined in accordance with title 18, United States Code, or both.

"(c) APPLICABILITY.—The provisions of this section shall not be superseded except by a

provision of law enacted on or after the date of enactment of the Foreign Relations Authorization Act, Fiscal Year 1990, which specifically repeals, modifies, or supersedes the provisions of this section.

"(d) DEFINITIONS.—For purposes of this section—

"(1) the term 'person' includes (A) any natural person, (B) any corporation, partnership, or other legal entity, and (C) any organization, association, or other group;

"(2) the term 'United States assistance' means—

"(A) assistance of any kind under the Foreign Assistance Act of 1961;

"(B) sales, credits, and guaranties under the Arms Export Control Act;

"(C) export licenses issued under the Arms Export Control Act; and

"(D) activities authorized pursuant to the National Security Act of 1947 (50 U.S.C. 410 et seq.), the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.), or Executive Order Number 12333 (December 4, 1981), excluding any activity involving the provision or sharing of intelligence information; and

"(3) the term 'United States assistance account' means an account corresponding to an authorization of appropriations for United States assistance.

"(e) CONSTRUCTION.—Nothing in this section shall be construed to limit the full Constitutional powers of the President to conduct the foreign policy of the United States."

HELMS (AND OTHERS) AMENDMENT NO. 269

Mr. HELMS (for himself, Mr. KERRY, Mr. BOND, Mr. D'AMATO, Mr. COATS, Mr. PRESSLER, Mr. GRASSLEY, Mr. LAUTENBERG, Mr. KASTEN, Mr. GRAMM, Mr. NICKLES, Mr. THURMOND, and Mr. WILSON) proposed an amendment to the bill S. 1160, supra, as follows:

SEC. . PROHIBITION ON NEGOTIATIONS WITH TERRORISTS RESPONSIBLE FOR AMERICAN DEATHS.

Section 1302(b) of the International Security and Development Cooperation Act of 1985 (22 U.S.C. 2151), is amended by adding before the period at the end thereof, the following: " , except that no funds authorized in this or any other act may be obligated or made available for the conduct of negotiations with any representative of the Palestine Liberation Organization such as Abu Iyad unless and until the President certifies to Congress that he has determined the representative did not directly participate in, or conspire in, or was an accessory to the planning or execution of a terrorist activity which resulted in the death, injury or kidnapping of an American citizen."

GRASSLEY AMENDMENT NO. 270

Mr. GRASSLEY proposed an amendment to amendment No. 269 proposed by Mr. HELMS (and others) to the bill S. 1160, supra, as follows:

In the pending amendment, strike all after "authorized" and insert in lieu thereof: "to be appropriated in this or any other act may be obligated or made available for the conduct of negotiations with any representative of the Palestine Liberation Organization such as Abu Iyad unless and until the President certifies to Congress that he has determined the representative did not

directly participate in, or conspire in, or was an accessory to the planning or execution of a terrorist activity which resulted in the death, injury or kidnapping of an American citizen."

MITCHELL (AND DOLE) AMENDMENT NO. 271

Mr. MITCHELL (for himself and Mr. DOLE) proposed an amendment to the bill S. 1160, supra, as follows:

At the appropriate place, insert the following:

POLICY TOWARD ADDITIONAL SANCTIONS
AGAINST THE PEOPLE'S REPUBLIC OF
CHINA

(a) IN GENERAL.—The Senate hereby—

(1) condemns the Government of the People's Republic of China for carrying out massive arrests and numerous executions of students and workers who participated in the prodemocracy movement in that country;

(2) commends the President for taking additional measures against the Government of the People's Republic of China in response to those arrests and executions; and

(3) urges additional measures be taken against the Government of the People's Republic of China to discourage additional arrests and executions.

(b) ADDITIONAL MEASURES.—It is the sense of the Senate that—

(1) the Export-Import Bank of the United States should immediately postpone approval of any application for financing United States exports to the People's Republic of China;

(2) under the direction of the Secretary of the Treasury, the United States executive directors of the appropriate international financial institutions should oppose the extension of loans or any other financial assistance by such institutions to the People's Republic of China;

(3) the President should immediately review—

(A) the advisability of continuing to extend most-favored-nation (MFN) trade treatment to Chinese products;

(B) all bilateral trade agreements between the United States and the People's Republic of China;

(C) the bilateral commercial agreements governing Chinese-American cooperation on satellite launches; and

(D) the Chinese-American Agreement for Cooperation on the Peaceful Uses of Atomic Energy, signed at Washington on July 23, 1985; and

(4) the President should consult—

(A) with the allies of the United States at the upcoming Economic Summit regarding the feasibility of adopting a collective economic response to the recent, tragic events in China;

(B) with Members of the Coordinating Committee on Exports to Communist Countries (COCOM) regarding the suspension of any further easing of export controls with respect to China and for the purpose of reviewing the current favorable treatment accorded to high technology exports to the People's Republic of China; and

(C) with the other signatories of the General Agreement on Tariffs and Trade (GATT) for the purpose of reviewing the People's Republic of China's observer status at meetings on GATT and reassessing the People's Republic of China's right to accede to GATT.

(c) HUMAN RIGHTS.—

(1) The President should emphasize to the government of the People's Republic of China that an important factor in our relationship will be the degree to which they recognize the Chinese and Tibetan peoples' legitimate desires for democracy, human rights and simple justice.

(2) It is the sense of the Congress that:

(a) The President should ask the United Nations Commission on Human Rights to initiate an investigation into the condition of human democratic rights in China including Tibet; and that

(b) The President should convey to the Government of the People's Republic of China that the lifting of martial law, the release of political prisoners, and the opening of Tibet to foreigners is a critical factor in the future improvement of relations.

(c) Towards Hong Kong the President and the Secretary of State should convey to the People's Republic of China the importance of living up to its international undertaking with respect to the 1984 Joint Declaration for the future prosperity and stability of Hong Kong. The Secretary of State should advise the United Kingdom of the United States continuing concern about the absence of guarantees of free direct elections and human rights in the Joint Declaration.

(d) **SUSPENSIONS.**—

(1) **OVERSEAS PRIVATE INVESTMENT CORPORATION.**—The Overseas Private Investment Corporation shall suspend the issuance of any new insurance, reinsurance, guarantees, financing, or other financial support with respect to the People's Republic of China for a period of six months from the date of enactment of this Act unless the President makes a report under subsection (e) of this section.

(2) **TRADE AND DEVELOPMENT PROGRAM.**—The President shall suspend the use of any funds made available to carry out, section 661 of the Foreign Assistance Act of 1961, for activities of the Trade and Development Program with respect to the People's Republic of China for a period of six months from the date of enactment of this Act. Unless the President makes a report under subsection (e) of this section.

(3) **MUNITIONS EXPORT LICENSES.**—The issuance of licenses under section 38 of the Defense Trade and Export Control Act for the export to the People's Republic of China of any defense article on the United States Munitions List, including helicopters and helicopter parts, shall, subject to the subsection (e), continue to be suspended unless the President makes a report under subsection (e) of this section.

(4) **CRIME CONTROL AND DETECTION INSTRUMENTS AND EQUIPMENT.**—The issuance of any license under section 6(k) of the Export Administration Act of 1979 for the export to the People's Republic of China of any crime control or detection instruments or equipment shall be suspended, unless the President makes a report under subsection (e) of this section.

(5) **EXPORT OF SATELLITES FOR LAUNCH BY THE PEOPLE'S REPUBLIC OF CHINA.**—Any license for the export of a satellite of United States origin that is intended for launch from a launch vehicle owned by the People's Republic of China, whose export is subject to section 36(c) of the Arms Export Control Act on September 12, 1988 shall be suspended unless the President makes a report under subsection (e) of this section.

(6) **NUCLEAR COOPERATION WITH THE PEOPLE'S REPUBLIC OF CHINA.**—(A) Any—

(i) application for a license under the Export Administration Act of 1979 for the

export to the People's Republic of China for use in a nuclear production or utilization facility of any goods or technology which, as determined under section 309(c) of the Nuclear Non-proliferation Act of 1978, could be of significance for nuclear explosive purposes, or which, in the judgment of the President, is likely to be diverted for use in such a facility, for any nuclear explosive device, or for research on or development of any nuclear explosive device, shall be suspended.

(ii) application for a license for the export to the People's Republic of China of any nuclear material, facilities, or components subject to the Agreement shall be suspended.

(iii) approval for the transfer or retransfer to the People's Republic of China of any nuclear material, facilities, or components subject to the Agreement shall not be given, and

(iv) specific authorization for assistance in any activities with respect to the People's Republic of China relating to the use of nuclear energy under section 57 b. (2) of the Atomic Energy Act of 1954 shall not be given, until—

(I) the President has certified to the Congress that the People's Republic of China has provided clear and unequivocal assurances to the United States that it is not assisting and will not assist any non-nuclear weapons state, either directly or indirectly, in acquiring nuclear explosive devices or the materials and components for such devices;

(II) the President has made the certifications and submitted the report required by Public Law 99-183; and

(III) the President makes a report under subsection (e) of this section.

(B) For purposes of this paragraph, the term "Agreement" means the Agreement for Cooperation Between the Government of the United States of America and the Government of the People's Republic of China Concerning Peaceful Uses of Nuclear Energy, done on July 23, 1985.

(7) **LIBERALIZATION OF EXPORT CONTROLS.**—The President shall negotiate with the governments participating in the group known as the Coordinating Committee to suspend, on a multilateral basis, any liberalization by the Coordinating Committee of controls on exports of goods and technology to the People's Republic of China under section 5 of the Export Administration Act of 1979, including—

(A) the implementation of bulk licenses for exports to the People's Republic of China; and

(B) the raising of the performance levels of goods or technology below which no authority or permission to export to the People's Republic of China would be required.

The President shall oppose any liberalization by the Coordinating Committee of controls which is described in subparagraph (B), until the end of the 6-month period beginning on the date of enactment of this Act, or until the President makes a report under subsection (c) of this section, whichever occurs first.

(e) **TERMINATION OF SUSPENSIONS.**—A report referred to in subsection (d) is a report by the President to the Congress—

(1) that the Government of the People's Republic of China has made progress on a program of political reform throughout the entire country, which includes—

(A) lifting of martial law;

(B) halting of executions and other reprisals against individuals for the nonviolent expression of their political beliefs;

(C) release of political prisoners;

(D) increased respect for internationally recognized human rights, including freedom of expression, the press, assembly, and association; and

(E) permitting a freer flow of information, including an end to the jamming of Voice of America and greater access for foreign journalists; or

(2) that it is in the national interest of the United States to terminate a suspension under paragraph (1), (2), (3), (4), or (5), to terminate a suspension or disapproval under paragraph (6), or to terminate the opposition required by paragraph (7), as the case may be.

(f) **APPLICABILITY OF SUBSECTION (d)(3).**—The suspension set forth in subsection (d)(3) shall not apply to systems and components designed specifically for inclusion in civil products and controlled as defense articles only for purposes of export to a controlled country, unless the President determines that the intended recipient of such items is the military or security forces of the People's Republic of China.

(g) **REPORTING REQUIREMENT.**—It is the sense of the Senate that, 30 days after the date of enactment of this Act, the President should inform the Congress of—

(1) the results of his review of the bilateral relationship between the United States and the People's Republic of China and of his consultations with the major allies of the United States regarding each ally's economic, commercial, and security relations with the People's Republic of China, as called for by Senate Resolution 142 (adopted June 6, 1989); and

(2) his actions pursuant to subsection (c).

HEINZ (AND OTHERS) AMENDMENT NO. 272

Mr. HEINZ (for himself, Mr. WIRTH, Mr. SPECTER, and Mr. WILSON) proposed an amendment to the bill S. 1160, supra, as follows:

On page 103, after line 23, add the following:

SEC. 633. MULTILATERAL DEVELOPMENT BANKS AND DEBT-FOR-NATURE EXCHANGES.

(a) **DIRECTIONS TO THE UNITED STATES EXECUTIVE DIRECTORS.**—The Secretary of the Treasury shall direct the United States Executive Directors of the multilateral development banks to—

(1) negotiate for the creation in each respective multilateral development bank, except where the Secretary determines that the provisions of this subsection have previously been met, of a department that will be responsible for environmental and resource conservation, including sustainable development and debt-for-nature exchanges (as described in subsection (b)), and that will develop and monitor strict environmental guidelines and policies to govern lending activities;

(2) seek to provide funds for debt reduction, including but not limited to the purchase of debt on the secondary market; and

(3) report annually to the Secretary on the progress made in implementing this subsection;

(4) shall seek to support, with other Executive Directors of the multilateral development banks, the reduction of the burden of debtor countries' debt service for those debtor developing countries which demonstrate commitment to sustainable development policies.

(b) DIRECTIONS TO THE UNITED STATES EXECUTIVE DIRECTOR TO THE WORLD BANK.—In addition to the provisions of subsection (a), the U.S. Executive Director to the World Bank will support developing debtor nations in exchanging debt for sustainable development projects by promoting a role for the World Bank to act as an informational agent for debt-for-nature exchanges, and by helping non-governmental organizations to propose projects and to otherwise access World Bank investments. Provided further, that the U.S. Executive Director to the World Bank shall support the use of environmental policy loans from the World Bank, a portion of which may be used for debt-for-nature exchanges.

(c) IMPLEMENTATION OF DEBT-FOR-NATURE EXCHANGES.—(1) Each department referred to in subsection (a) will actively promote, coordinate, and facilitate debt-for-nature exchanges.

(2) Each such department will promote the preservation, protection, and sustainable development of tropical rain forests, renewable natural resources, endangered ecosystems and species in debtor countries by assisting these countries in reducing and restructuring their debt burden. Each such department—

(A) will include environmental considerations in loan agreements that the respective multilateral development bank negotiates with debtor countries;

(B) will assist in provision of funds for debt reduction, including but not limited to the purchase of debt on the secondary market.

(3) Support for debt-for-nature exchanges would be conditioned upon the debtor country providing budgetary resources for use in the preservation, protection, and sustainable development of tropical forests, renewable natural resources, ecosystems and species. The debtor country would be required to use the budgetary resources provided in at least one of the following programs:

(A) restoration, protection, or sustainable use of the world's oceans and atmosphere;

(B) restoration, protection, or sustainable use of diverse animal and plant species;

(C) establishment, restoration, protection, and maintenance of parks and reserves;

(D) development and implementation of sound systems of natural resource management;

(E) development and support of local conservation programs;

(F) training programs to strengthen conservation institutions and increase scientific, technical, and managerial capabilities of individuals and organizations involved in conservation efforts;

(G) efforts to generate knowledge, increase understanding, and enhance public commitment to conservation;

(H) design and implementation of sound programs of land and ecosystem management; and

(I) promotion of regenerative approaches in farming, forestry, and watershed management.

(4) Each such department will encourage debtor countries to collaborate with local and international non-governmental or private organizations when implementing these programs.

(d) GUIDELINES.—For purposes of policies undertaken by multilateral development banks, as described in this section, and for purposes of debt reduction under section 631, sustainable development shall be considered as a policy which shall—

(1) support development that maintains and restores the renewable natural resource

base so that present and future needs of debtor countries' populations can be met, while not impairing critical ecosystems and not exacerbating global environmental problems;

(2) be environmentally sustainable in that resources are conserved and managed and used primarily by the local population in an effort to remove pressure on the natural resource base and to make judicious use of the land so as to sustain growth and the availability of all natural resources;

(3) support development that does not exceed the limits imposed by local hydrological cycles, soil, climate, vegetation, and human cultural practices;

(4) promote the maintenance and restoration of soils, vegetation, hydrological cycles, wildlife, critical ecosystems (tropical forests, wetlands, and coastal marine resources) biological diversity and other natural resources essential to economic growth and human well-being and shall, when using natural resources, be implemented to minimize the depletion of such natural resources, and

(5) take steps, wherever feasible, to prevent pollution that threatens human health and important biotic systems and to achieve patterns of energy consumption that meet human needs and relies on renewable sources.

(e) DEFINITIONS.—For purposes of this section, the term "multilateral development banks" refers to the International Bank for Reconstruction and Development (also known as the "World Bank") the Inter-American Development Bank, the International Development Association, the African Development Bank, and the Asian Development Bank; the term "Secretary" refers to the Secretary of the Treasury except where the Secretary of State is specifically referenced.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON DOMESTIC AND FOREIGN MARKET AND PRODUCT PROMOTION

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Domestic and Foreign Market and Product Promotion of the Committee on Agriculture, Nutrition, and Forestry, be authorized to meet during the session of the Senate on Friday, July 14, 1989, at 10:30 a.m. to hold a hearing on research and promotion legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Friday, July 14 at 9 a.m. and 2 p.m. in executive session to mark up S. 1085, the Department of Defense authorization bill for fiscal years 1990-91; to receive a report from the Senate Select Committee on Intelligence; and to possibly act on certain pending military nominations and other nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BYRD. Mr. President, I ask unanimous consent that the subcom-

mittee of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate July 14, 10 a.m. to receive testimony from the administration on S. 710, S. 711, and S. 712, legislation to provide for a referendum on the political status of Puerto Rico.

The PRESIDING OFFICER. Without objection it is so ordered.

SUBCOMMITTEE ON AVIATION

Mr. BYRD. Mr. President, I ask unanimous consent that the Aviation Subcommittee of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on July 14, 1989, at 9:30 a.m. to hold a hearing on S. 1277, legislation requiring the approval of future airline acquisitions and takeovers by the Secretary of Transportation.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

A DRIVING FORCE

● Mr. SHELBY. Mr. President, it is with a great deal of pleasure that I bring to the attention of my colleagues in the Senate a man whose work for the State of Alabama has earned him a unique honor. Mr. President, on May 16, 1989, my hometown of Tuscaloosa, AL, honored Lawrence "Larry" Mund by proclaiming "Larry Mund Recognition Day" and by designating the transit authority's downtown Tuscaloosa bus transfer point the "Lawrence 'Larry' Mund Terminal" in his honor. The Tuscaloosa Metro Transit System, the Tuscaloosa City Council, the Northport City Council and the people of Tuscaloosa joined forces to recognize the contributions of a man who has dedicated himself to insuring reliable and safe transportation for the city of Tuscaloosa for over 17 years.

Those of us who live in cities, whether in Washington, Tulsa, Manhattan, or Tuscaloosa, depend on the availability of public transportation. It seems that the only time transportation authorities ever hear from their passengers is when public transportation experiences delays or other problems. No one ever thinks to commend local transportation officials for meeting the needs of so many citizens by providing safe service. On May 16, 1989, however, Tuscaloosa realized that the work of one man played a large role in bringing this city's public transportation system up to speed.

Larry Mund worked with only one goal in mind. To serve the people of Tuscaloosa by providing the highest level of public transportation possible. Due to his tireless efforts, commitment and leadership the parking and

transit authority is now a reliable, functional public transit facility and a valuable resource to the approximately 200,000 passengers it served in 1988 alone.

Mr. President, the Tuscaloosa News in an editorial dated May 18, 1989, referred to Larry Mund as "a driving force" and I can think of no better way to characterize his work for the city of Tuscaloosa. I know I join with Larry's wife, Phyllis, and his three lovely daughters and their families in sharing their pride in Larry's accomplishments and his impact on Tuscaloosa. I am proud to serve as one of Larry's representatives in Washington and even prouder to call him my friend.●

THE DROUGHT

● Mr. DURENBERGER. Mr. President, I rise today to express my deep concern with the deteriorating crop conditions existing in much of the Nation's breadbasket.

Over the last 2 weeks, much of the Nation's breadbasket has been seared by extreme heat and insufficient rainfall. The thriving crops that covered Minnesota in mid-June are wilting under this heat wave. In the western portion of my State, swarms of grasshoppers are devouring the crops. Already, some fields have suffered significant irreversible losses of yield potential. While additional serious drought damage still remains.

For Minnesota, which has suffered as other States have this year, the drought is severe. Compared to last year, a larger portion of my State has virtually no subsoil moisture available to sustain crops stressed by extreme heat. The lack of subsoil moisture means that crops need 1 to 2 inches of rain a week to avoid additional yield reductions. Unfortunately, given the normal July and August rainfall patterns additional crop production losses are likely to occur.

The consequences of this year's drought may be more severe than last year. A year ago, Minnesota farmers as well as our Nation as a whole entered the 1988 crop year with substantial reserve stocks of grain and forage. These reserves allowed most farmers to partially offset their 1988 crop losses by drawing on their previous years' surpluses. But now, most farmers have liquidated most of their reserves. Thus if the drought continues unabated, our Nation may actually face a shortfall of agricultural commodities needed to meet domestic and export needs.

Mr. President, a year ago, the Federal Government passed the Disaster Assistance Act of 1988. This act, in conjunction with existing reserve stocks of grain and forage, minimized the economic damage potential of the 1988 drought. The act was a "godsend" not only for the farmers and rural commu-

nities of my State, but to the Nation as a whole. Unfortunately, the weather which destroyed a significant portion of the 1988 crop has persisted into 1989. Now the Nation is facing a second year of substantially reduced crop production and if similar and updated assistance provisions are not offered to American farmers, serious economic harm could spread from our Nation's farms and rural communities into our Nation's general economy. My worst fear is a scenario where our Nation is unprepared to cope with drought conditions that persist through the end of the 1989 crop year and into the 1990 crop year. Therefore, I urge my colleagues and the administration to look at the long-term ramifications which might develop if we fail to prepare adequate contingency plans for American agriculture.

In summation, I am growing alarmed and concerned with the continuance of crop damaging weather conditions in 1989. The back-to-back major drought conditions which experts once confidently assured would not occur is now problematic. While I am sensitive to the immediate financial needs of farmers who lost their winter grain crops, I think it is poor public policy to ignore the needs of other farmers and rural communities who are watching their crops wither this summer. Therefore, I urge my colleagues on the Senate Agriculture Committee to provide expeditious assistance to farmers who lost much of their winter crops contingent on ensuring that there is a comparable and sufficient safety net provided to all farmers suffering from extensive crop losses in 1989. In addition, I request that the administration prepare and disseminate contingency plans and commodity program options which the Department of Agriculture can implement to minimize the economic hardships and potential disruptions that may occur if drought conditions continue to persist.

Finally, I acknowledge that I may be asking a lot. However, given the stakes at hand and the growing chances that our Nation could face agricultural commodity supply conditions in the spring of 1990 which were never anticipated in the fall of 1985, such a commitment is expected by farmers, rural communities, and the American public.●

POLITICAL STATUS OF PUERTO RICO

● Mr. MOYNIHAN. Mr. President, early last spring Senators JOHNSTON, McCURE, and SIMON introduced S. 712, a bill "to provide for a referendum on the political status of Puerto Rico." This is a bill of the uttermost importance to the people of the commonwealth, and of no less moment to the American union.

The bill provides for a referendum to be held in 1991 presenting the choice of statehood; independence; or commonwealth status. In the event that no status option obtains a majority, there will be a runoff.

In his State of the Union Message, President Bush indicated his firm support of statehood, as does the just previous Governor of Puerto Rico, Romero Barcelo. The present Governor of Puerto Rico, the Honorable Rafael Hernandez Colon, is a supporter of "enhanced" commonwealth status. There are, of course, many supporters of independence.

There are many considerations involved. Obviously. Absolutely central, however, will be the tax provisions associated with the respective choices. I need not spell out for the Senate the importance, for example, of section 936 of the Internal Revenue Code which provides extraordinary tax incentives for manufacturing firms located on the island. Perhaps a third of Puerto Rican employment is attributable to "936" benefits. There is a great variety of tariff questions to be dealt with, maritime statutes, excise taxes, and the like. The Social Security law and related social welfare measures are of transcendent importance to Puerto Ricans as they are to all American citizens. Each of the three options that are to be presented to the people of Puerto Rico will entail different provisions with respect to these matters.

With these decisions in the offing, I have been assembling materials that I hope will be of use to the Finance Committee when we settle down to fill in the blanks having to do with the duration of present statutes and such like matters which will be referred to us by the Committee on Energy and Natural Resources.

Imagine our consternation, then, when the Treasury Department, testifying before the Energy Committee yesterday morning, stated that it saw no reason why our plebiscite bill should be "encumbered at this stage" by any specifics concerning the tax and financial provisions that would accompany the three options.

We are evidently to ask the people of Puerto Rico to make their decision in the dark. They are evidently not to know in advance whether, for example, statehood would mean the end of section 936 tax benefits or not; not to know whether "enhanced" commonwealth status will bring equal social welfare benefits to Puerto Rico, or perhaps yet further restricted ones. They are not to know anything about the very questions which will be most on the minds of the voters.

If the Treasury Department's position was not so transparently untenable, one would be forced to suspect that it is deliberately perverse. That

somewhere in the upper echelons of the Department there are persons determined to thwart the President's state of the Union commitment.

This is not something the Congress can settle. But one would surely advise the President to do so, and quickly, on his return from Paris. For obviously no plebiscite can go forward if the Treasury position remains that of the executive branch.

Mr. President, I ask to reproduce the opening portion of the testimony of Kenneth W. Gideon, Assistant Secretary—Tax Policy, U.S. Department of the Treasury, before the Senate Energy Committee.

The excerpt follows:

TESTIMONY OF KENNETH W. GIDEON

Mr. Chairman and Members of the Committee: It is a pleasure to be here today on behalf of the Administration, to discuss S. 712, a bill "To Provide for a Referendum on the Political Status of Puerto Rico." This bill would give the people of Puerto Rico an historic opportunity to vote upon the status of that island. The bill would provide for a referendum, to be held in 1991, in which the Puerto Rican people could decide among the options of statehood, independence, or commonwealth status.

The Administration strongly supports the right of the people of Puerto Rico to decide for themselves on the status of the island. Further, as the President has noted a number of times, he favors the admission of Puerto Rico to the Union as a state, thereby assuring the people of Puerto Rico an equal standing with other United States citizens. However, by providing for a status referendum, the United States Government would be assisting the Puerto Rican people to exercise the basic political right to determine the nature of their government.

The choice facing the people of Puerto Rico is fundamentally a political one, with long-term implications for their rights and obligations as citizens. Each voter must determine for himself or herself the type of political relationship that should exist between Puerto Rico and the United States. By its very nature, a status referendum determines a people's political future. Individual voters must weigh the implications of their vote not only for themselves but also for future generations.

The Administration firmly believes that the Puerto Rican people should be given an opportunity to express their will in a manner that recognizes the historic and fundamentally political nature of their decision of self-determination. The importance of the decision they face as a people transcends any narrow concern about specific aspects of economic or fiscal structures.

For this reason, the Administration believes that the discussion of Puerto Rico's future status should not be encumbered at this stage by the tax and financial provisions in the current bill. The selection among the possible status options should be a choice made by the people of Puerto Rico unaffected by the bias which specific economic costs and benefits could bring to the process. After that choice has been made, appropriate tax and financial relationships between Puerto Rico and the United States could be formed consistent with the choice of the Puerto Rican people.

The Administration recognizes the difficulty of isolating the impact of tax and financial issues from the question of Puerto

Rico's future status. Appropriate transition mechanisms will ultimately have to be developed to minimize economic disruption to Puerto Rico resulting from any change from the current commonwealth status. In addition, we believe that a transition to statehood can be structured so that the Puerto Rican government, after making appropriate use of its own resources, would not be forced to incur a net revenue loss during this transition. The Administration would support a "transition grant" to Puerto Rico to assist in achieving that result. The budgetary treatment of a transition to statehood should be consistent with sound budget discipline. Finally, we believe that there should be a level economic playing field among options.

The development of provisions which will properly achieve these goals will require a careful cooperative analysis by the Administration, Congress, and the government of Puerto Rico. The resulting package would probably consist of interrelated provisions affecting Puerto Rico's own tax system, the Federal tax system, and direct Federal grants. Accordingly, depending on the specific alternatives chosen, many will be involved in the process, including, for example, the tax-writing committees of the Congress.

The Administration looks forward to working with your committee at the appropriate time in fashioning an integrated economic package which meets the Administration's commitments to Puerto Rico and which is fully acceptable to both Congress and the Puerto Rican government. To lay a foundation for that process, I would like to review with you today some of the technical issues which are presented by the provisions in the current bill. While not intended as either an endorsement or rejection of these provisions, my comments will hopefully highlight particular problems which the current language raises.

Each of the political options covered by the bill—statehood, independence, and commonwealth status—raises special issues that affect the tax systems of both Puerto Rico and the United States. The following comments are limited to those issues. They are not intended to reflect any views on the desirability of any of the status options.

Regardless of the status option under consideration, we believe that a primary goal of the bill in question should be to ensure that the tax implications of the option are clearly defined. Certainly in the application of the tax law is always a goal of tax policy, and we believe that it is especially important to strive for that certainty in these circumstances, where the Puerto Rican people are facing the possibility of fundamental changes to their government's structure. The focus of my testimony, therefore, will be to identify the tax results of this bill's provisions as drafted, to note those ambiguities which the bill raises, and to highlight those issues which the bill's tax provisions do not currently address.

I. GENERAL REVENUE EFFECTS OF S. 712

It is difficult to present very precise estimates of the Federal revenue consequences of the various options described in the bill, but it may be helpful for purposes of this discussion to consider some rough guidelines.

Both the independence and the statehood options assume some form of reduction of the tax incentives currently provided under Internal Revenue Code ("Code") section 936. It should be noted that even under the commonwealth option, Congress can contin-

ue to review and revise section 936 and other tax benefits as necessary.

We estimate that in FY 1989 the tax benefits received by section 936 corporations amount to about \$1.9 billion. If section 936 benefits are phased out, some section 936 corporations may choose to leave Puerto Rico. However, the nature of most section 936 company operations makes it unlikely that they could find a good substitute for Puerto Rico in some low-tax foreign location. Thus, if companies do leave the island, it is most likely that they would move back to the mainland where they would be subject to U.S. tax.

A phase-out of section 936 benefits would cause economic dislocation on Puerto Rico, at least in the short run. Employment in 936 companies now accounts for about 12 percent of total Puerto Rican employment. However, it is very difficult to project the extent to which Federal tax collections would be affected by this dislocation. Under the statehood option, collections of personal income tax may be somewhat reduced for a time; but as discussed below, fully phased-in Federal personal income tax collections from Puerto Rico can be expected to be relatively modest.

The statehood option presents the issue of how a newly-imposed Federal income tax will interact with a Puerto Rican state tax system. The effects of this change must be considered for both individual and business tax revenues.●

PRISON INMATE EUGENE
MC GUIRE AND PRISON REHA-
BILITATION

● Mr. HEINZ. Mr. President, on June 6, 1989, my colleague from Pennsylvania, Senator SPECTER, and I toured the State correctional institution at Camp Hill, PA, in order to see firsthand the growing crisis in our overcrowded prisons.

We discussed prison conditions with a number of inmates, including Eugene McGuire who began serving a life sentence for second-degree murder in 1978. Mr. McGuire admonished us to remember that while overcrowding can result in the early release of prisoners it also adversely impacts on the opportunities available to prisoners for drug treatment, vocational and educational programs.

Many of our Nation's prisoners are behind bars because of drug dependency or inadequate technical and literacy skills. Couple this with the fact that our drug treatment and vocational programs are woefully inadequate and it is little wonder that recidivism is so high. In fact, according to the Bureau of Justice Statistics, 63 percent of State prisoners are rearrested within 3 years.

Mr. President, Eugene McGuire has written an eloquent letter illustrating the need for better attention to rehabilitation. Most importantly, Mr. McGuire describes how he has come to realize that rehabilitation begins first with the inmate. I urge my colleagues to bear in mind the lessons of this letter: There is a critical need to build

more prison space but it is equally important to enhance the opportunities available to prisoners for rehabilitation in order to prepare them for their return to society.

I ask that the text of Mr. McGuire's letter be printed in the RECORD.

The text of the letter follows:

JUNE 8, 1989.

DEAR SENATOR HEINZ: I am writing to thank you for your visit here at the State Correctional Institution at Camp Hill where you showed concern for the overcrowding and rehabilitation.

As a seventeen year old entering the prison system I had great expectation in being rehabilitated and counseled for the crime I had taken part in. I learned that the priority to reform an inmate is not as great as to punish him for the crime. I learned that if a person wants to be rehabilitated he must begin by admitting to his wrong and begin to seek forgiveness from those he has hurt. Any change that takes place must come from within the individual's heart and not expected to be handed or given freely.

I have come to realize the severity of the crime I took part in and the penalty which it carries. The loss of life can never be replaced or forgotten nor can the pain of the family members be overlooked.

I have to believe that forgiveness is the beginning of healing someone's scars and pain and I have expressed my need for it from the victim's family and those whose lives I hurt by my actions. I feel there is hope for the person who is willing and able to change and accept responsibility for his actions. We have a caring Lord who desires changed hearts and I honestly feel that I have changed and demonstrated this in my life.

I know and believe the Lord to be our final judge, but he'll use men like yourself and the ones over us here to examine and review an individual's life and character to offer the person a second chance.

I must earn the trust of those here that are in charge and those in society to ever gain a second chance. My prayers would be to continue proving to other inmates that if we are willing to change our hearts there is hope in the future. I have been truly blessed to have met with you and Senator Specter and that you would not give up on those individuals who are willing to change.

Sincerely,

EUGENE MCGUIRE,

AK-4192.●

NUCLEAR RESEARCH WITHOUT PROLIFERATION OR TERRORISM

● Mr. GLENN. Mr. President, the Department of Energy has been taking its lumps in recent months, and I am sure it will be facing some rough times ahead as well as it faces up to the serious environmental problems at the Nation's nuclear weapons facilities.

But today I rise not to criticize DOE, but to give the Department some credit for, and urge it to continue, its efforts over the last decade to develop safe and efficient research reactor fuels that cannot be used in nuclear explosives.

The program is called RERTR, for reduced enrichment for research and test reactors. It is a program that de-

serves your attention—it is the only technical effort now underway in the United States to develop bomb-proof research reactor fuel, and it is one of those rare nonproliferation policies that was endorsed by both the Carter and Reagan administrations. Yet the program now needs your support if it is to survive.

RERTR'S MISSION AND ACCOMPLISHMENTS

Mr. President, I will ask unanimous consent to insert into the RECORD at the end of my remarks an article by Dr. Armando Travelli, Argonne's manager of the RERTR Program, that appeared in the June 1989 issue of "Nuclear Engineering International"—the article provides a useful overview and summary of the significant accomplishments and future challenges of this continuing program.

In an effort that was started back in 1978, DOE selected the Argonne National Laboratory to pursue a difficult and somewhat revolutionary mission: to develop economically viable and technically efficient low-enriched uranium fuels to substitute for the bomb-grade, high-enriched fuels that the United States had for years been exporting for use in research reactors worldwide.

To give you an idea of the legacy of those exports, in 1989 there are well over 8,000 pounds of this bomb-usable material contained in fuel elements at 118 research reactors in 34 different countries. According to the International Atomic Energy Agency, about 55 pounds of this material in pure form is all you need to make a bomb. Due to the risks of theft, diversion or sabotage of this deadly material—in an age when nuclear proliferation and nuclear terrorism are constant dangers—extraordinary precautions must be taken in the shipment, storage and use of this material.

Over the last 11 years, Congress and the Executive have acknowledged that exporting of bomb-grade nuclear materials is an inherently risky business, one that should be stopped. A nonproliferation resolution that I introduced in 1981, which passed 88 to 0 (S. Res. 179, CONGRESSIONAL RECORD, July 17, 1981, p. S7858), called upon the President to take immediate actions aimed at:

• • • limiting the size of all research reactors transferred, eliminating the use of high enriched uranium in such reactors, and obtaining the return of spent research reactor fuel to the country of origin.

In 1986, in response to growing fears about the dangers of nuclear terrorism, Congress passed the Omnibus Diplomatic Security and Antiterrorism Act (P.L. 99-399, Sec. 601), which called upon the President to take:

• • • such steps as may be necessary • • • to keep to a minimum the amount of weapons-grade nuclear material in international transit. • • •

In its 1987 annual report to Congress, the Department of Energy had this to say about the RERTR Program:

A significant nuclear nonproliferation benefit can be achieved through increased use of low-enriched fuels for research reactors. • • • After further development of the LEU (low-enriched uranium) technology to support actual reactor conversion, foreign inventories of highly enriched uranium, a proliferation-sensitive material, should be reduced significantly.

During the period of the Reagan administration, I have accumulated over 40 letters of support for the RERTR Program from such sources as Chairmen of the Nuclear Regulatory Commission, Joseph Hendrie and Nunzio Palladino, Ambassador at Large Richard T. Kennedy—several letters, directors of university research reactor programs, environmental and public interest groups, and many Members of Congress.

As Undersecretary of Defense, Fred Ikle termed the program "an unusually good investment in national security."

As Director of the Arms Control and Disarmament Agency, Ken Adelman called RERTR "an integral part of this administration's nuclear nonproliferation effort."

It is no wonder that this program has received such support. On a modest, some would say a shoestring, budget, it has successfully developed new fuels that can be used in about 90 percent of the world's research reactors, many of which are now converting to the new low-enriched fuels. Unfortunately, the remaining 10 percent of these reactors happen to use a disproportionately large amount of weapon-usable material. Until these new fuels are developed, the United States will continue to export over 300 pounds of this material each year.

FUNDING CUTS AND CONSEQUENCES

Despite this support, the program is now in danger of being terminated. In recent years, RERTR's budget has been subjected to a chronic, see-saw political dispute between the Arms Control and Disarmament Agency and DOE over which agency should manage the program. Now that the program has finally been reestablished at DOE, the Department's provisional fiscal year 1990 budget request asks only \$1.2 million for the program and labels this "final year funding."

Now, it is difficult enough to develop state-of-the-art nuclear fuels and to assist international conversions to the lower enriched fuels—it is nearly impossible to do this when your funds and personnel are being whittled away in a budgetary process that does not win awards for rationality.

For example, the program was appropriated only \$1.56 million in fiscal year 1989—a cut from the modest \$2.6 million it had the previous year and

the \$4.2 million it had in fiscal year 1987—which led, in the words of the program's manager, to "drastic reductions in both personnel and workscope." Letter in response to Governmental Affairs Committee staff questions, June 9, 1989. Does this sound like the way to support a high national commitment?

A SMALL PRICE FOR LEADERSHIP

Argonne estimates that at an annual \$3 to \$4 million funding level, RERTR can reach its conversion and fuel development objectives by the end of fiscal year 1994. If history is any index, we can expect this as a reliable sunset date—Argonne's past estimates of total program operating costs have proven remarkably stable.

As the DOE reviews all of the important decisions that lie ahead in the next few weeks and months, I hope it will decide to go with a winner and help the RERTR Program fulfill its national and international goals. I urge all of my colleagues on the Appropriations Committee to endorse the \$4.2 million fiscal year 1990 authorization funding level recently recommended by the Energy Research and Development Subcommittee of the House Science, Space and Technology Committee.

In my view, the RERTR Program has earned that support.

I ask that the article to which I earlier referred be printed in the RECORD.

The article follows:

[From Nuclear Engineering International, June 1989]

CHANGING OVER TO LOW-ENRICHED FUELS (By Armando Travelli)

Highly-enriched uranium supplied by the United States or by other Western countries is currently used in 118 research reactors in 34 different countries. Thirty-six of these reactors are in the United States, and 82 in other countries.

The highly-enriched uranium used in these reactors contains no less than 20 percent U-235 and the use of such highly-enriched uranium has been a continuing source of safeguards concern.

When the United States began to export research reactor fuel in the 1950s under the Eisenhower Administration's Atoms for Peace Program, only low-enriched uranium was to be used; that is, uranium which is unsuitable for weapons use because it is enriched to less than 20 percent U-235. But soon researchers began to need greater neutron production from the reactors to remain in the forefront of their work. To meet these needs, the enrichment of the fuel was gradually increased. Today, about 4000kg of highly-enriched uranium is contained in fuel elements for research reactors throughout the world.

In the 1970s, the global traffic in highly-enriched fuel became a matter of international concern because of the fuel's possible diversion for use in weapons by national organizations or terrorists. To address this problem, Argonne National Laboratory, near Chicago, was named by the U.S. Department of Energy in 1978 to be lead laboratory in the Reduced Enrichment Research and Test Reactor (RERTR) pro-

gramme. This is a programme to develop research reactor fuels using low-enriched uranium without reducing research capabilities, raising operating costs, requiring significant component modifications, or reducing safety.

Under Argonne leadership, the RERTR programme has developed, tested and qualified several types of low-enriched fuel which are technically capable of replacing highly-enriched fuel in about 80 or 90 percent of the world's research reactors. More advanced fuels are under development. By 1993 it is hoped that these fuels will make it possible to convert all existing research reactors to low-enriched fuel.

Development of the new low-enriched fuels has been accomplished in close co-operation with all the major fuel fabricators to ensure compatibility with current fabrication techniques and to maintain existing competitive relationships in the nuclear fuel industry. All the low-enriched fuel materials which have been developed can be reprocessed using current facilities and methods. An accurate computational system has also been developed to optimize use of low-enriched fuels and to predict with confidence the behaviour of research reactors after conversion.

INCREASING URANIUM CONTENT

The key to reactor performance is the amount of U-235 in the core. In addition to U-235, reactor fuel also contains U-238, an extremely common isotope of uranium which does not help the chain reaction.

As fuel is made less enriched, the proportion of U-235 decreases while the proportion of U-238 increases. Under these circumstances, the only way to maintain the total amount of U-235 needed in the core is to increase the amount of U-238 and, therefore, the total amount of uranium.

This means that the key to developing low-enriched fuel is to find ways to pack uranium more densely into the same volume. This can be accomplished both by changing the fuel design and by using materials that contain a greater amount of uranium in the same space.

Most research reactor fuels contain thin metallic plates, 1 to 2mm thick, separated by water channels of similar thickness. Each plate comprises three layers. The two outer layers—the clad—are made of pure aluminium. The inner layer—the meat—contains the uranium. Each of the approximately 30 fuel elements in a normal research reactor core contains about 20 plates.

One way of increasing the amount of uranium in the core of a research reactor is to change the dimensions of the fuel so that the volume of the meat is greater. The RERTR programme has identified several reactors in which this process can be successfully applied. This usually means changing the clad thickness, the water thickness, the number of plates in each element, or any combination thereof. The usefulness of this approach is limited, however, by the need to extract large amounts of heat from the fuel during operation, and by the very demanding safety constraints of research reactors.

Another way to increase the uranium content of the core is to change the structure of the meat. The meat in dispersion-type fuels is normally a compressed mixture of two powders: pure aluminium—the matrix—and a uranium compound—the dispersed phase. The RERTR programme has successfully pursued the approach of increasing the percentage of meat volume occupied by the dispersed phase and using dispersed

phases with greater uranium density. Similar considerations and approaches also apply to research reactors that use rods instead of plates for fuel. Generally these are Triga reactors.

Most plate-type fuels currently used in highly-enriched reactors contain uranium aluminate or uranium oxide as the dispersed phase. Highly-enriched Triga reactor fuels use uranium dissolved in zirconium hydride. The uranium density in the meat ranges typically from 0.4 to 0.8g/cm³, depending on the specific fuel. The highest uranium density currently used in highly-enriched fuels is 1.6g/cm³. By comparison, the RERTR programme has developed low-enriched fuels with uranium densities in the meat as high as 4.8g/cm³, and is working on others with uranium densities that can reach 9.0g/cm³.

The most important uranium compounds in RERTR programme fuels for plate-type reactors are uranium aluminate (UAl₃), uranium oxide (U₃O₈), and two types of uranium silicide (U₃Si₂ and U₃Si).

The main reason why many fuel types have been pursued instead of just one is that the fuels differed in the anticipated amount of development needed, in the time and risks involved, in the fuel density that could be achieved, in fabrication costs, and in the attainable burn-up. A prudent approach required diversification of effort through simultaneous development of different fuels. Those that were easier, faster, and safer to develop were brought on line first.

The RERTR programme was able to develop successfully several fuels through this process. For each plate-type fuel, miniature plates (miniplates) were fabricated and irradiated to burnups of 80 to 96 percent in the Oak Ridge Research Reactor (ORR), Tennessee. Altogether several hundred miniplates, each corresponding to about one-fifth of a normal plate, were fabricated, irradiated, and examined to select the most promising compositions.

Full-size elements were then fabricated, irradiated, and tested. Testing of full-size elements provides the bulk of the information needed to "qualify" the fuel. A fuel is considered qualified when all the information has been collected that could be reasonably requested to prove that it is safe for use in a research reactor.

This process resulted in the qualification of a steady progression of low-enriched fuels with increasing uranium densities. UAl₃ was qualified with up to 2.3g/cm³ in 1984. U₃O₈ was qualified with up to 3.2g/cm³ in 1985. U₃Si₂ was qualified with up to 4.8g/cm³ in 1986. The next goal is to qualify U₃Si or U₃Si₂ with 6.0 to 9.0g/cm³ in 1993.

FIELD EXPERIENCE

Full-core demonstrations, in which the entire core of a research reactor is converted to the new fuel, provide the final testbed for research reactor fuels. One such demonstration provided one of the RERTR programme's first major successes—a full-core demonstration of low-enriched aluminate fuel at the University of Michigan's Ford Nuclear Reactor.

In 1981, the entire core of this reactor was converted to low-enriched UAl₃ fuel with a uranium density of 1.7g/cm³. Results confirmed the validity of the calculations, methods, and data used to predict performance and safety characteristics of research reactors undergoing conversion from highly to low-enriched fuels. The reactor's operating characteristics are essentially un-

changed with the low-enriched fuel, and the reactor will continue to operate with it.

Another very important full-core demonstration was concluded in 1987 in the ORR. This powerful 30MW research reactor was converted gradually and entirely to U_3Si_2 low-enriched fuel with a uranium density of $4.8g/cm^3$ in the fuel meat. This conversion process, which allowed full use of the previous highly-enriched fuel, proved conclusively the validity of the safety, operational, and performance evaluations by the RERTR programme for this type of conversion, and demonstrated the ability of international fuel vendors to reliably fabricate U_3Si_2 on their commercial production lines. The U_3Si_2 fuel for the ORR demonstration was fabricated by Babcock & Wilcox, USA; Nukem, FR Germany; and Compagnie pour l'Etude et la Realization de Combustibles Atomiques (CERCA), France.

The RERTR programme has also cooperated with General Atomics, California, in the successful testing and qualification of a new low-enriched Triga fuel, developed by General Atomics, with uranium densities up to $4.7g/cm^3$. This fuel can be used to convert to low-enriched uranium all the Triga reactors which are now using highly-enriched fuels.

Today, it is technically feasible to convert 80 to 90 percent of the research reactors currently using highly-enriched fuels of US or other Western origin to low-enriched fuel. These reactors are responsible for approximately 70 percent of all highly-enriched uranium exported by the United States for research reactors.

PROBLEMS OVERCOME

The process through which this success has been achieved has not been easy, and was not without its problems. In 1982, for instance, a third silicide fuel, U_3SiAl , was considered by the programme to be the most promising candidate for high-density, low-enriched fuel for plate-type reactors. But after fabricating and irradiating a large number of miniplates for up to seven months, it was found that these plates began to swell rapidly after reaching about 75 to 80 percent burn-up. Greatly disappointed, the programme decided to continue irradiation of the other two silicide fuels, U_3Si_2 and U_3Si , that had been studied and fabricated primarily as backups. The U_3Si_2 , with uranium density up to $4.8g/cm^3$, proved to be an unqualified success, passing with flying colours the most demanding tests to which it could be subjected. The US Nuclear Regulatory Commission has formally approved its use in research reactors. All fuel fabricators have established lines to fabricate it, or are in the process of doing so. This fuel is almost sure to become the most universally used fuel for research reactors in the near future.

The irradiation tests on U_3Si miniplates, where the uranium density could reach up to $7.2g/cm^3$, yielded another disappointment after some initially encouraging results. The fuel showed a tendency to swell excessively at high burn-ups, and continued to do so in spite of many modifications of the fabrication process which were tried. Finally, in 1988 a new technique based on observing the behaviour of the material while it is bombarded with heavy ions by an accelerator proved beyond doubt that the swelling of this material is due to the breaking up of its crystalline structure when intense radiation strikes it at normal temperature. The material then becomes amorphous under irradiation and flows plastically, swelling, as radiation continues to strike it.

Development of U_3Si dispersion fuel was interrupted shortly after this discovery.

From this second disappointment came the main ideas and concepts for the more advanced fuels which are now under development.

In one of these concepts, the same U_3Si material which cannot be used in plates as a dispersion fuel is fabricated in the shape of solid thin wires, about 0.75mm in diameter, which are embedded, at a distance of about 0.25mm from each other, in a solid aluminium plate whose thickness is about 1.25mm. Several tests indicate that the solid aluminium mass surrounding the wires will prevent them from swelling even after they have become amorphous.

The total amount of uranium which can thus be enclosed in a plate would require a uranium density close to $12.9g/cm^3$ in a plate of the same thickness fabricated according to the normal dispersion process.

A second concept is based on an improvement of the U_3Si_2 dispersion fuel, and consists of using hot isostatic pressing to form the plates instead of rolling. Rolling greatly distorts the structure of the plate, requiring much aluminium in the matrix to act as a lubricant for the silicide particles, and requiring the use of a thick clad because some of the silicide particles are forced to protrude from the meat. These problems do not occur in hot isostatic pressing, because the enormous pressures required to bond clad and meat are applied uniformly by a fluid surrounding the entire plate. Since no significant deformation occurs, little aluminium is needed in the meat, and the space thus made available can be filled with more U_3Si_2 .

In addition, since no silicide particles are forced to protrude from the meat, a thinner clad (0.25mm instead of 0.38mm) can be used. The result is a 1.25mm plate whose uranium content would require a uranium density of $10.2g/cm^3$ in a plate of the same thickness fabricated using normal rolling fabrication techniques.

The preliminary results which have been obtained for both of these concepts are encouraging. Successful development of either of the two concepts would mean that all existing research reactors would cease to depend on continued supplies of highly-enriched fuels to perform their mission.

In addition, the same process which proved the irradiation-induced amorphization of U_3Si , that is, ion bombardment, is used to gain a fundamental understanding of the amorphization process and hopefully, of ways to prevent it.

INTERNATIONAL CO-OPERATION

The RERTR programme has made significant progress in the development, demonstration, and application of new low-enriched fuels for research reactors. In addition, the fuel fabrication technology developed by the programme has been transferred to commercial fuel fabricators through an extensive continuous exchange of information and by contracting with them to produce fuels for the programme's experiments and demonstrations. Principal fuel fabricators and developers who have contributed actively to the programme are Babcock & Wilcox, Comision Nacional de Energia Atomica, Argentina, CERCA, EG&G, USA General Atomics, Nukem, Oak Ridge National Laboratory, USA, and Texas Instruments, USA.

An important contribution also came from the Savannah River Laboratory, USA, where reprocessing studies on the RERTR fuels were performed as part of the RERTR

programme. These studies showed that the new fuel materials could be reprocessed with minimal modifications to the equipment and procedures currently used for highly-enriched fuels, and at comparable cost.

Many international reactor organizations are co-operating with the programme through joint studies. These contributions are so many and varied that it is impossible to list them all. Among the most important, HFR-Petten, The Netherlands, SILOE, France, and R-2, Sweden have irradiated and examined many low-enriched test elements. Atomic Energy of Canada is developing a variation of the U_3Si fuel for their rod-type reactors. At the latest count, more than 1000 prototype elements had been ordered for fabrication with reduced enrichment and with the new RERTR technologies. Fourteen reactors have been converted, or are in the process of being converted. Joint studies now encompass some 34 reactors from 20 different countries.

With continued co-operation from organizations throughout the world, and with the excellent results of analytical studies about the potential of the new fuels, many other reactors are now on the point of converting to low-enriched U_3Si_2 fuel. To encourage this process the U.S. Nuclear Regulatory Commission issued a rule in 1986 requiring all research reactors under its jurisdiction to convert to low-enriched fuels if at all possible. In addition, the U.S. Department of Energy announced that it would accept the new low-enriched fuels for reprocessing after use, under favourable terms and conditions.

When the more advanced silicide fuels now under development are qualified in 1993, it is anticipated that it will become technically feasible to convert almost all research reactors to low-enriched fuel and to eliminate almost entirely the related international traffic of highly-enriched uranium. ●

CARCINOGENS

● Mr. McCURE. Mr. President, I rise today to do my small part to correct what I believe are misperceptions that have been forced upon the people of this country.

Over the last 25 to 30 years, Americans have been besieged with warnings about carcinogens. The identification of cancer-causing agents has become so common that one can hardly pick up a newspaper nowadays without being confronted with another common substance that is carcinogenic. Bacon, coffee, peanut butter, the list goes on and on.

Increasingly, the warnings about cancer-causing substances have taken on a hysterical tone. Reporters and public interest groups tell us a substance may be dangerous, then we stop buying anything associated with that substance. But most of the time, consumers are given no perspective as to the level of risk associated with an alleged carcinogen. The result is that people who rely on news for information, so that they may make intelligent decisions, are being deceived.

For example, let us take the recent scare we had about apples and the pes-

ticide Alar. We were told Alar is a carcinogen, that it is used on apples, and that if we want to reduce our risk of cancer, we should eat only apples that are Alar-free. The charge set off a nationwide panic for both consumers and farmers, who were stuck with millions of dollars in losses.

What we were not told is that the carcinogens in a can of beer are about 2,000 times more hazardous to human health than the average daily exposure Americans get from Alar. We were not told that spending a day in the sun is more dangerous than our daily exposure to Alar. We were not told that eating a peanut butter sandwich is more hazardous than our daily exposure to Alar.

Yes, cancer is a terrible thing, and yes, we need to be vigilant against substances that can contribute to the number of cancers in this country. What we must prevent, however, is allowing fear and worry to obscure the facts. Our sources of information need to define carcinogens by dose—not simply by substance.

We also should turn our public health resources on matters that can make a difference—like cigarettes, drugs, alcohol abuse, and wearing seat belts. In the words of one noted public health official, we have “to quit squishing ants on the sidewalk while the public health elephants roar down the street ignored.”

Mr. President, I ask my colleagues to work with me to bring some reason into the debate about public health in this country, and I ask that the following editorial from the June 12, 1989, Idaho State Journal be printed in the RECORD.

The editorial follows:

[From the Idaho State Journal, June 12, 1989]

MAKE THE WORLD SAFE

The carcinogens in a can of beer are about 2000 times more hazardous to human health than the average daily exposure we get from Alar, the preservative used on apples, according to University of California researcher Bruce Ames.

Fourteen hours of breathing mobile home air, which contains formaldehyde, spending a day in the sun, being in the same room with a cigarette smoker, eating one mushroom, or eating one peanut butter sandwich are all significantly more “hazardous” than our exposure to Alar, according to Ames.

The Food and Drug Administration 20 years ago banned cyclamate, an artificial sweetener which it now concedes is safe. That may never be the case with Alar, but the evidence on which that product has been hanged is then indeed. The fact is that health benefits of eating apples far exceed the risk of contracting cancer.

The quest for perfect safety, were we to pursue it, might result in banning beer, mobile homes, mushrooms or peanut butter. It might cause us to impose a 10 mph speed limit to eliminate highway deaths. We could do many things, seeking to wrap ourselves in a risk-free cocoon. And they all make about as much sense as banning Alar.●

HOMEOWNERSHIP

● Mr. MACK. Mr. President, one of the most effective actions the Federal Government can take to help keep America the “opportunity society” we all desire is to encourage homeownership. For too long, however, Federal housing policy, especially toward those with low incomes, has created barriers to homeownership. Because of these barriers, we are now especially lucky to have Jack Kemp as Secretary of Housing and Urban Development.

Few public servants are as competent at promoting the virtues of homeownership as Secretary Kemp. A recent example of his efforts on behalf of low-income prospective homeowners is taking place in Lowell, MA. I want to share with my fellow Senators an editorial that appeared in the Lowell Sun praising the transfer of a HUD-owned housing development to its tenants.

TENANTS TO HOMEOWNERS

Jack Kemp's visit to Lowell Monday was straight out of the “Only in America” Department.

Here was Kemp, the man who campaigned for president of the U.S. on a theme of private, not government, initiative, strolling through the North Canal public housing complex and extolling the virtues of Washington's involvement in a new plan to “rescue” the troubled residential area.

Here was U.S. Sens. Edward M. Kennedy and John F. Kerry, two of Washington's most patrician Democrats, who contemptuously regarded Kemp as a part of the lunatic right in the House only a few years ago, paying court to Kemp, who works as George Bush's Secretary of Housing and Urban Development.

And here too were tenants at the complex people who speak English, Spanish or Khmer welcoming Secretary Kemp, once regarded as one of Ronald Reagan's point men in gutting federal initiatives in urban development.

By most yardsticks, Jack Kemp would be one of North Canal's least-welcome visitors. What happened to trigger the change?

Ironically, perhaps the greatest argument in favor of Kemp's privatizing approach has been the failure of sprawling public housing projects, heavily subsidized by federal, state and municipal governments up through the 1970s. During this decade, however, the Reagan administration's emphasis on private initiatives has stimulated greater demands for tenant ownership—and that is where the future of North Canal and thousands of other public housing complexes rests.

Kemp and the Massachusetts senators, along with U.S. Rep. Chester Atkins, chairman of the Massachusetts Democratic Party, arrived to celebrate a partnership that holds dramatic potential for turning “Cement City” from run-down, deteriorated and substandard dwellings, infested with crime and drug traffic into a showcase of homeownership.

In a matter of days, papers are due to be passed transferring ownership of North Canal from Kemp's own department—which took control when the original developers defaulted on a loan—to the tenants and the Coalition for a Better Acre.

The transfer is made possible by a creative financing package fashioned by federal,

state and City of Lowell officials in concert with the CBA, which has lobbied long and hard during the past four years for the revival of North Canal.

Financing for the \$19.6 million project includes a contribution of \$1.8 million in equity from the Bank of New England and an outlay of \$3.8 million in equity through corporate investment in low-income housing tax credits from the Federal National Mortgage Association.

The CBA, led by Charles Garguilo co-chairman of the board of directors, has fought off detractors who wanted to ignore the problem, bulldoze North Canal or turn it over to developers who would construct condominiums and price out current residents. Indeed, *The Sun* supported a market-rate condominium project as a way to build up the city's higher-income population.

But the CBA view has prevailed—and the tenants can be grateful that their efforts are on the threshold of success. But final judgment on North Canal's transformation is yet to be made. It depends on the degree of commitment, the sense of “ownership” and the standard of excellence its residents demand of themselves, their contractors and their neighbors.

Secretary Kemp has reason to be proud—and so do North Canal residents and their advocates. In revising national policies from subsidies that rob individuals and families of initiative to policies that invest in their responsibility, the U.S. has enlarged the American dream. And it is good to see it happen here in Lowell.●

BURNING THE FLAG

● Mr. McCLURE. Mr. President, a few weeks ago, the Supreme Court decided to stitch a coarse thread into the fabric of this Nation. The court instructed us that flag burning is a right protected by the Constitution, even though Americans all across this land know that it is not right and ought not be tolerated. In fact, most Americans believe in their hearts that Texas versus Johnson should be reversed.

Freedom of speech means just what it says—freedom to speak one's mind. The first amendment protects the articulation of ideas, not the right of physical desecration. Ideas, no matter how foreign, must be protected. But burning the flag is another matter altogether.

I believe strongly in individual rights. We are a nation of individuals, and what our flag represents to our Nation lies in the heart of each individual. For those who fought for the flag and lived to enjoy the freedom it symbolizes, the flag is a reminder of those individuals who gave their life in the defense of freedom. For those who Pledge of Allegiance to the Flag signifies their acceptance as a U.S. citizen, it represents the opportunity to succeed regardless of race, color, or creed. For those of us who stand in this Chamber, it represents the mantle of responsibility we have to the citizens of this Nation.

To those would-be flag burners who choose instead to reject the freedom

the flag represents, I say shout all you want, but do not immolate our symbol of freedom. I refuse to stand by and allow a very few to tyrannize the rights of the overwhelming majority. Individuals who cherish freedom and liberty have the right to protect the symbol of those ideas.

Soon after this Court decision was announced, a newspaper in northern Idaho, the Coeur d'Alene Press, suggested that Americans fly their flags in protest on Friday, July 21. Their idea is that a successful grassroots movement would not only serve as a protest of the Supreme Court's decision, but also would act as a message to those of us here in Congress. By acting in unison and flying the flag on this day, the people of this Nation will send a clear message that the U.S. flag is so venerated and respected that it should be protected from desecration.

I plan to be one of those Americans who flies my flag on July 21. I urge all in this Chamber, and every American who cherishes the freedom our flag represents, to do likewise. Let's send a message to the Supreme Court and to Congress. Let's tell them President Bush is right. We need a constitutional amendment to prohibit the burning of our national colors.

Mr. President, I ask that the editorial from the Coeur d'Alene Press be printed in the RECORD.

The article follows:

**FLY OLD GLORY ON JULY 21 TO PROTEST
RECENT COURT RULING**

The recent decision by the United States Supreme Court which allows the burning of this nation's flag as a form of dissent has sparked outrage among the citizens of North Idaho and the nation.

President George Bush has called for a constitutional amendment to overturn the court ruling and citizens across North Idaho and the country are aghast over last week's ruling.

The Coeur d'Alene Press and KVNI Radio have joined together to ask citizens across the country to join in a protest of the court's decision by a special display of our nation's flag on Friday, July 21.

We believe it would better serve our country and her citizens if we fly the nation's colors and burn the court's written decision.

The Supreme Court represents one of three branches of the federal government, but it does not stand alone in the establishment of the customs or philosophy of the people. When the people speak, they must be heard, whether the message is directed at the executive, legislative or judicial branch of government.

North Idahoans, strongly patriotic, have taken exception to the court's ruling. A special display of the flag on a given day will signal our objection to the court's ruling.

Our congressional delegation . . . U.S. Sens. James McClure and Steve Symms and our Congressman Larry Craig . . . have all made public statements critical of the court's decision which reversed a Texas court's ruling that a man had committed an illegal act in setting fire to the U.S. flag.

Through the offices of the Idaho delegation and Gov. Cecil Andrus, Kootenai County can lead the way in setting aside a

special day . . . Friday, July 21 . . . to show our concern for the action of the court. We hope the announcement that Coeur d'Alene plans this observance will encourage other cities and towns throughout the country to join us. We believe they will.

The court said in its ruling that the burning of the flag as a form of dissent was protected under the First Amendment and its guarantee of freedom of expression. But few freedoms are absolute. Freedom of speech is limited by slander and libel laws. It doesn't give you the right to yell fire in a crowded theater, or to scream obscenities at young children.

The flag of this nation is more than a piece of cloth. It is the symbol of the struggle to maintain our liberty and freedom through periods of war and economic distress. It has won a special place in the hearts of the citizens of this county and this nation and it deserves the respect of all those who make this nation their home.

The citizens of this nation, millions of whom have defended the country and its flag in violent wars, will support an effort by the Congress to set aside a special place for the flag, protecting it from desecration and disrespect. To desecrate the flag, slanders and libels everything it stands for, and it should not be allowed.

The Coeur d'Alene Press and KVNI Radio believe Kootenai County can provide a rallying point for the entire nation on Friday, July 21, by flying the flag not only in protest of the court's ruling, but in support of action by the Congress to insure proper respect for Old Glory.●

**JAMES W. HORNE, TOWNSEND,
MT., RECIPIENT OF DAV AWARD**

● Mr. BAUCUS. Mr. President, I would like to take this opportunity to honor one of my constituents, Mr. James W. Horne of Townsend, MT.

Mr. Horne, a two-time Purple Heart recipient, was chosen the Disabled American Veterans 1989 Outstanding Local Veterans Representative for the State of Montana. This is the second consecutive year Mr. Horne has received this award, which attests to his dedication toward serving his fellow veterans. He has also been employed by the Montana Job Service for 10 years handling job placement for veterans.

Throughout his career, he has been recognized for his service to veterans. In 1979, Mr. Horne received a Governor's citation and the Award for Outstanding Community Achievement of Vietnam Era Veterans. In 1985, he was presented with the Veterans of Foreign Wars Award for services to veterans, and under his leadership, the Helena Local Job Service has been awarded the VFW's Office Award for Services to Veterans for the last 3 years.

Educated at Townsend High School and the University of Montana, Mr. James W. Horne is a shining example for Montanans, veterans, and all Americans. I am confident we will continue to benefit from his hard work and dedication.●

MAJ. GEN. JOE ASHY, COMMANDER, U.S. AIR FORCE TACTICAL FIGHTER WEAPONS CENTER, NELLIS AFB, NV

● Mr. REID. Mr. President, today I bring to the attention of my colleagues and the American people a story of a model public servant—a great man who has served our Nation's military in my State of Nevada. Maj. Gen. Joe Ashy, commander of the U.S. Air Force Tactical Fighter Weapons Center at Nellis Air Force Base, is being transferred from this position. Before he leaves, I want to recognize and honor him for his contributions as commander during the past 13 months.

General Ashy's many significant contributions to the Tactical Air Command at Nellis are indicative of his continuing commitment throughout his career to make our military an effective, efficient operation. His dynamic leadership and unstinting dedication to his work is clearly evident in the positive changes he initiated at Nellis.

General Ashy has set professional standards for all those in leadership positions. His efforts are reflected in the many Air Force and Tactical Air Command awards won by Nellis units, including the most prestigious Air Force Supply Daedalians Effectiveness Trophy and the Air Force Innkeeper Award for billeting.

General Ashy provided critical support for base operations. He led and managed the introduction of the F-16 C/D, the F-15E and F-16 Lantirn activation. He also supervised the conversion of the aggressors from the F-5 to the F-16.

One of the most visible of our Nation's defense efforts this year was the unveiling of the Stealth fighter. General Ashy dealt directly with the security change of the Stealth fighter. His initiatives were integral to the smooth transition of this highly classified program to acknowledged status.

As commander, General Ashy was responsible for hosting a wide range of visitors. He proved his skills as a diplomat, communicator, and organizer. These skills were evident in his hosting of more than 5,000 distinguished visitors, all of whom received a first-class reception, accommodations, and professional briefings.

General Ashy contributed tremendously toward ensuring that the Tactical Fighter Weapons Center provides the best training available to military organizations throughout the free world. In five red flag exercises, U.S. Air Force organizations from the continental United States, Europe, and the Pacific joined with allied units to perfect their combat skills in a one-of-a-kind training environment that is available in the great State of Nevada. The Tactical Fighter Weapons Center also conducted many complex and de-

manding operational tests and evaluations to validate improvements to Air Force tactical weapons systems.

At the same time that these great accomplishments were taking place, units assigned to Nellis, prepared for their own real world operational readiness inspection. And this past May, the Tactical Air Commands inspector general confirmed what we had suspected—that the men and women at Nellis could effectively deploy to a theater; fight; sustain operations; and win. Nellis' units proved themselves combat-ready by exceeding the highly demanding Tactical Air Command standards.

General Ashy deserves special recognition for ensuring that not only is there excellence in operations—there is also safety. An impressive record this past year speaks for itself: In flying safety, there has been a 63-percent reduction in mishaps; in ground safety, a 12-percent reduction; and in weapon safety, a 50-percent reduction.

General Ashy's leadership extends beyond operations to encompass the high quality of health care provided by the Nellis Hospital. Both active duty and retired members speak favorably about the Nellis Hospital. The excellent ratings given by the Air Force hospital inspectors in the important categories of surgery, nursing, patient care, and emergency room operations reflect the sensitivity of the Nellis Hospital medical care practitioners.

General Ashy's term as commander has been marked by significant increases in combat readiness; a strong emphasis on safety; larger strides toward an improved quality of life for those who work and live at Nellis; and a reinvigoration of the medical care provided to over 80,000 beneficiaries in the Nellis-Las Vegas metropolitan area.

As evidenced by the numerous contributions made by General Ashy, this man has made Nellis a better place to work and live. He has made a lasting impact on an organization that serves 15,000 people and has significant responsibilities in maintaining and strengthening our Nation's defense capabilities.

On behalf of all Nevadans, I thank General Ashy for his tremendous contributions. He is a credit to our military and to our country. He will be missed, and I wish him well in all his future endeavors. ●

YWCA CELEBRATION

● Mr. McCONNELL. Mr. President, I recently came across an article in the Louisville Courier Journal about eight women who have had a significant impact on the city. I would like to submit to the Record this article.

At the second annual YWCA Celebration of Service in June, these eight dedicated women were honored for

their contributions to the community and their roles in the struggle for empowerment. They made a name for themselves in politics, the arts, and philanthropic organizations. Each has made significant and important contributions to the Louisville community. I would like to take this opportunity to recognize these devoted and inspirational women.

Alberta Wood Allen has served on the boards of dozens of corporations, foundations, and agencies including the Louisville Orchestra, the Heart Association, and the Junior League. Minx M. Auerbach, who in 1974 became Louisville's first director of consumer affairs, served as special assistant to myself when I was Jefferson County judge-executive. She is now chairman of the Louisville-Jefferson County Planning Commission and is coowner in MinxJoans, a new catalog company.

Believing that education provides the best means to escape poverty, Gladys W. Carter was a teacher for 31 years before she became director of the West End branch of the YWCA in 1959. Today she is still operating a preschool and tutoring center that she started in 1970 in her basement. Virginia Mason was honored for her dedication to taking care of sick people. She received her nursing degree from Johns Hopkins University in 1938 and started work as a public health nurse in Letcher County, KY. During World War II, she worked in a Florida tent hospital before returning to work in Louisville and in Fort Knox, KY. Though she retired 10 years ago, Virginia Mason still does volunteer work.

Georgia M. Powers was the first black woman to serve in the Kentucky Senate. During her 20 years in office, she sponsored bills to improve housing, eliminate discrimination, and increase emergency assistance for the poor. Aside from these duties, she has served on the University of Louisville Board of Overseers, the board of directors of the Kentuckiana Regional Planning and Development Agency, and the Louisville chapter of the American Red Cross.

Since 1968, Dr. Joan E. Thomas has been a healer of spirit and body for her patients in Louisville's West End. Apart from her job as physician, Dr. Thomas counsels her patients, many of them single parents, women left single by divorce, or widows. In addition, she has served on the board of directors of the Home of the Innocents.

Two women were honored posthumously at the ceremony. Gerta Bendl began her political career in the late 1960's and served as third ward alderman from 1972 to 1976. She was then elected to the State House of Representatives and was known for her efforts at nursing home reform.

Elaine Gifford Musselman was a founder of the Volunteers Bureau of

the Community Chest, now the United Way. She also did work in preservation and the arts. In the 1960's she pushed for construction of the Cochran Hill tunnels on Interstate 64, arguing that Cherokee Park's continuity be preserved above the tunnels.

The dedication that these eight women demonstrated should be an inspiration to everyone. They were extremely deserving of these honors. I commend them to my Senate colleagues today.

The article follows:

YWCA HONORS EIGHT WOMEN FOR SERVICE TO COMMUNITY

(By Cary B. Willis)

In ways large and small, the eight women honored last night have had an impact on Louisville.

Several have left their marks in politics, others through the arts and philanthropic organizations. A few simply went about their work quietly, never getting their names in the newspaper. All were honored as "women of distinction" last night at the second annual YWCA Celebration of Service for being "dynamic role models in our mutual struggle for empowerment," according to YWCA board president Jessica S. Loving.

Jefferson County Judge-Executive Harvey Sloane said the women were "inspiring spirits, to show us that with commitment, endurance and dedication it is possible to make a difference." Here's a quick look at each of the honorees:

Alberta Wood Allen has served on the boards of the Louisville Orchestra, the Heart Association, J.B. Speed Art Museum, Macauley Theatre, WKPC-TV, Museum of History and Science, Berea College, Kentucky State University Foundation, the Junior League and at least a dozen other corporations, foundations and agencies.

Minx M. Auerbach became Louisville's first director of consumer affairs in 1974, and four years later she became special assistant to then-Jefferson County Judge-Executive Mitch McConnell.

Auerbach, now chairman of the Louisville-Jefferson County Planning Commission, is co-owner in a new catalog company, MinxJoans.

Gerta Bendl, one of two women honored posthumously, began her political career in the late 1960s, successfully fighting school district boundaries that would have sent her children to suburban Seneca High School rather than nearby Atherton.

She served as 3rd Ward alderman from 1972 to 1976, when she was elected to the State House of Representatives. Bendl, who was best known for tireless efforts at nursing-home reform, died on June 25, 1987, of a heart attack at age 55.

A lifetime educator, Gladys W. Carter believes education best provides the means to escape poverty. Carter was a teacher from 1928 through 1959, when she became director of the West End branch of the YWCA. In 1970 she opened a preschool and tutoring center in her basement on South Western Parkway, which she still operates. Carter retired from the Y—where she placed special emphasis on day care—in the early 1970s, according to her successor, Nannie M. Harrison.

Virginia Mason has been taking care of sick people for more than 50 years. In 1938, Mason received her nursing degree from

Johns Hopkins University and took her first job as a public-health nurse in Letcher County, Ky., making house calls on horseback. During World War II she worked in a Florida tent hospital, then in Louisville and in Fort Knox, Ky. She retired 10 years ago, but continues to do volunteer work.

Elaine Gifford Musselman pushed for construction of the Cochran Hill tunnels on Interstate 64 in the 1960s, successfully arguing for the preservation of Cherokee Park's continuity above the tunnels. Besides her other work in preservation and the arts, she also was a founder of the Volunteers Bureau of the Community Chest, which is now the United Way. She was the mother of insurance executive Elaine M. "Cissy" Musselman. Elaine Gifford Musselman died in a car crash in 1982.

The first black to serve in the Kentucky Senate, Georgia M. Powers retired last year after 20 years in office. She sponsored bills to improve housing, eliminate discrimination and increase emergency assistance for the poor.

Powers also has served on the University of Louisville Board of Overseers, the board of directors of the Kentuckiana Regional Planning and Development Agency and the Louisville chapter of the American Red Cross.

Dr. Joan E. Thomas has been a physician in Louisville's West End since 1968. Since many of her patients are either single parents or women left single by divorce or the death of a husband, Thomas "sees herself as a healer of spirit" as well as body, according to a biography. She counsels her patients and "encourages them to believe in their own abilities." She also has served on the board of directors of the Home of the Innocents.

Last night's event was sponsored by The Women's Pavilion of Norton Hospital.

ORDER CHANGING TIME FOR VOTE ON AMENDMENT NO. 268

Mr. BYRD. Mr. President, at the request of the distinguished majority leader I ask unanimous consent the vote previously ordered to occur at 11 a.m. Tuesday next, July 18, 1989, on the Moynihan amendment No. 268, be changed to occur at 2:15 p.m., Tuesday, July 18, 1989.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. BYRD. Mr. President, I inquire of my distinguished friend, the senior Senator from North Carolina [Mr. HELMS] who is the acting Republican leader, if the following calendar orders have been cleared on his side: Calendar Orders No. 70, 137, 138, 139, 140, 141?

Mr. HELMS. They have, I say to my friend.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar numbers 70, 137, 138, 139, 140, and 141 en bloc; that the committee amendments, where appropriate, be agreed to en bloc, that the bills be deemed read a third time and passed; and that motions to reconsider

the passage of the bills be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I further ask unanimous consent that the consideration of these items appear individually in the RECORD and that if Senators have statements in regard thereto, they appear appropriately in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL LANDS FOR HARPERS FERRY NATIONAL HISTORICAL PARK

The Senate proceeded to consider the bill (S. 85) to authorize the acceptance of certain lands for addition to Harpers Ferry National Historical Park, WV, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

That (a) the first section of the Act entitled "An Act to provide for the establishment of the Harpers Ferry National Monument", approved June 30, 1944 (58 Stat. 645; 16 U.S.C. 450bb), is amended by—

(1) striking "two thousand four hundred and seventy-five acres" in the first sentence and inserting "two thousand five hundred and forty acres"; and

(2) inserting after the first sentence the following "The Secretary is authorized to acquire, by donation only, approximately twenty-seven acres of land or interests therein which are outside the boundary of the Harpers Ferry National Historical Park and generally depicted on a map entitled 'Proposed Bradley and Ruth Nash addition—Harpers Ferry National Historical Park,' dated April 1, 1989 and numbered 385-80056. Such map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior, Washington, District of Columbia. When acquired, such lands or interests therein shall become a part of the park, subject to the laws and regulations applicable thereto."

(b) Nothing in this Act shall be deemed to prohibit the Secretary from using such measures as may be necessary to acquire a clear and marketable title, free of any and all encumbrances, to the lands identified for acquisition in paragraph (a)(2) of this Act.

Mr. BYRD. Mr. President, I am pleased that the Senate is considering S. 85, legislation that would permit the donation of certain land in Harpers Ferry, WV, to the Harpers Ferry National Historical Park. I introduced S. 85, along with my colleague from West Virginia, Mr. ROCKEFELLER, on January 25.

The land is owned by Bradley D. and Ruth Cowen Nash. Mr. Nash is the former mayor of the town of Harpers Ferry. The Nashes have generously expressed their desire to give their land to future generations of West Virginians and Americans.

The Nash property is rich in history. One of West Virginia's most famous sons, Thomas J. "Stonewall" Jackson, camped his Confederate forces on this land in 1861. Before the Battle of First Manassas, or Bull Run as the Northern forces called the battle, then-Colonel Jackson used the Nash acres for a practice field.

To the Confederate Army of Northern Virginia, the land now owned by the Nashes was of a vital defensive value. Situated on a high bluff at the north end of Bolivar Heights, this property overlooks the Potomac River. From that location the Southern Army monitored activities along the Potomac River, the Baltimore & Ohio Railroad, the Chesapeake & Ohio Canal, and the Harpers Ferry-Sharpsburg Road—all major transportation routes into the Shenandoah Valley.

In the summer of 1861, the Southern detachment was withdrawn from the town of Harpers Ferry and the surrounding area. Union forces then regained access to the Harpers Ferry area and camped on the Nash property.

On September 13, 1862, Gen. Robert E. Lee began his invasion of the North. The cornerstone of the Southern strategy was regaining control of Harpers Ferry.

Numbering 12,500 men, the Union detachment at Harpers Ferry was under the control of Col. Dixon Miles. With insufficient supplies, Colonel Miles was faced with defending the town against a force of 14,000 Confederate troops.

Reentering the area, Stonewall Jackson's forces surrounded the Federals at Harpers Ferry. The Southern force struck from Loudon Heights, Maryland Heights, and Bolivar Heights. The town of Harpers Ferry and the surrounding area were swallowed up by Jackson's forces.

The Southern force occupied the town of Harpers Ferry until September 19, 1862. At that time, all Confederate troops in the area were summoned to fight at Antietam. For the remaining 2½ years of the Civil War, Harpers Ferry was occupied by Union troops.

Mr. President, the decision by Mr. and Mrs. Nash to donate the property, on which their own home sits, is typical of their many contributions to my State and the Nation, as well.

Bradley Nash has not only served the State of West Virginia in many capacities, including his 12 years as mayor of Harpers Ferry, but our country, as well.

As a member of the Federal Reconstruction Finance Corporation from 1932 to 1935, under Presidents Herbert Hoover and Franklin Roosevelt, Brad Nash was at the forefront of developing the first Federal housing project, located in New York City.

Mr. Nash served as the director of the Federal Bureau of Finance for the War Production Board Corporation from 1940-42. That board was the forerunner of the Small Business Administration. Brad Nash helped to develop the guidelines for the Small Business Administration.

In 1942, the future mayor of Harpers Ferry entered the U.S. Army. He rose to the rank of Lieutenant Colonel by the end of World War II. He served in military campaigns in North Africa and Italy, receiving the Bronze Medal.

Continuing his contributions to our Nation, Brad Nash served admirably in President Dwight Eisenhower's administration. His first duty was as a Deputy Assistant Secretary of the Air Force from 1953 to 1956. In January 1957, President Eisenhower selected Mr. Nash to be a Deputy Under Secretary of Commerce for Transportation. He served in that capacity until the end of President Eisenhower's term of office in 1961.

I would note, Mr. President, that in 1980, Brad Nash, with the help of Milton Eisenhower, published a book, "Organizing and Staffing the President."

Ruth Cowen Nash is a remarkable woman. After graduating from the University of Texas in 1923, Mrs. Nash began a career with the Associated Press that lasted until 1957. Ruth was a distinguished and widely recognized war correspondent during World War II. Her dedication to her work took her on assignments throughout war-torn Europe. She was present at the invasion of Normandy Beach in 1944. Her efforts during the period between 1942 and 1945 earned Ruth Nash a commendation from the U.S. Army.

Ruth Nash has many well-known friends. Indeed, her first wedding present came from Eleanor Roosevelt.

Among her most treasured accomplishments was her service as the President of the National Women's Press Club from 1946 to 1947.

Mr. President, I speak of just a few accomplishments of the Nashes to impress their dedication of service to our Nation. Now, with the adoption of this legislation in the Senate, Brad and Ruth again have shown their dedication to our country.

Mr. President, I commend my colleague from West Virginia, Mr. ROCKEFELLER, for his efforts on behalf of our legislation. Senator ROCKEFELLER displayed his characteristic diligence on behalf of West Virginia as a member of the Committee on Energy and Natural Resources that had jurisdiction over this legislation and provided the necessary counsel for passage of this worthy bill.

THE PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time and passed.

CONVEYANCE OF CERTAIN LAND

The Senate proceeded to consider the bill (S. 267) to authorize the Secretary of the Interior to convey certain lands in Idaho to Mr. and Mrs. Kenneth Blevins of Kuna, ID, which had been reported from the Committee on Energy and Natural Resources, with an amendment.

On page 2, line 4, strike "Southeast Quarter (E½SL¼)" and insert in lieu thereof "Southeast Quarter (E½SE¼)".

So as to make the bill read:

S. 267

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That, notwithstanding any other provision of law, the Secretary of the Interior shall convey to Mr. and Mrs. Kenneth Blevins of Kuna, Idaho, by quitclaim deed or other appropriate instrument and without consideration, all right, title, and interest of the United States, excluding oil, gas, and other mineral deposits, in and to a parcel of public land described as the East half, Southeast Quarter (E½SE¼) of Section 33, Township 2 North, Range 1 East, of the Boise Meridian in Ada County, Idaho.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time and passed.

DEVELOPMENT OF TRAILS INTERPRETATION CENTER IN COUNCIL BLUFFS, IA

The Senate proceeded to consider the bill (S. 338) to authorize the Secretary of the Interior to provide for the development of a trails interpretation center in the city of Council Bluffs, IA, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with amendments as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italic.)

S. 338

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) no other cultural event shaped the postcolonial history of the United States more than American westward movement in the nineteenth century;

(2) nineteenth century American westward movement consisted of journeys along a system of trails across the American continent by pioneers, explorers, religious groups, and scientists;

(3) no existing historic or cultural site has educational facilities or programs which directly interpret and celebrate the vital role of the western trails during the nineteenth century westward movement; and

(4) the national scope of the nineteenth century westward movement (together with its associated historic trails) demands that the location of a central information, archival, and interpretative facility be historically significant and easily accessible to the national population.

(b) PURPOSES.—The purposes of this Act are—

(1) to recognize the system of western trails which should be developed because of its national historic and cultural significance; and

(2) to provide the United States with a central information, archival, and interpretative facility devoted to the vital role of the western trails in the development of the United States.

SEC. 2. AUTHORIZATION FOR THE DEVELOPMENT OF A TRAILS INTERPRETATION CENTER.

(a) AUTHORIZATION.—In furtherance of the purposes of section 7(c) of the National Trails System Act (16 U.S.C. 1246(c)), the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to provide for a trails interpretation center (hereinafter referred to as the "center") in the city of Council Bluffs, Iowa, for the purpose of interpreting this history of development and use in the State of Iowa and the adjacent region of the Lewis and Clark National Historic Trail, the Mormon Pioneer National Historic Trail and the Oregon National Historic Trail.

(b) PLAN AND DESIGN.—(1) Within one year of the date of the enactment of this Act, the Secretary, after consultation with the Governor of Iowa and in cooperation with such other public, municipal, and private entities as may be necessary and appropriate, shall complete a plan and design for the center, including the following:

(A) a description of the site;

(B) the method acquisition;

(C) the estimated cost of acquisition, construction, operation and maintenance; and

(D) the manner and extent to which non-Federal entities shall participate in the acquisition, construction, operation and maintenance of the center.

(2) In the development of the plan and design for the center the Secretary shall take into consideration the report and plans prepared by The Western Historic Trails, Inc.

(c) IMPLEMENTATION.—In order to implement the plan and design under subsection (b) of this section, the Secretary may acquire lands and interests in lands by donation, purchase with donated or appropriated funds, or exchange, and construct an interpretative center on such lands. The Secretary is authorized to accept donations of money and services for the construction of the center. The Secretary may enter into cooperative agreements with the State of Iowa, the city of Council Bluffs, and other public or private entities in accordance with standards and criteria established by the Secretary in cooperation with such entities for the operation and maintenance of the center by a non-Federal entity.

(d) COST SHARING.—(1) The Federal share of the costs related to planning, acquisition, and development of the center shall not exceed 80 percent of [such costs of] such costs or \$10,000,000, whichever is less.

(2) In determining the portion of costs that the non-Federal entity shall provide under paragraph (1) of this subsection, the Secretary shall consider the following:

(A) a contribution of money, land or an interest in land;

(B) the provision of infrastructure facilities including roads, sewage disposal and utilities; and

(C) any other contribution that the Secretary determines to be appropriate.

[(e) **SATISFACTION OF EDA RESTRICTIONS.**—Notwithstanding any restriction on the use or transfer of non-Federal property imposed through laws and regulations administered by the Economic Development Administration if the Secretary accepts a donation of such property for the purpose of developing the trails interpretation center under this section, any such restriction shall be deemed satisfied.]

(e) **SATISFACTION OF ECONOMIC DEVELOPMENT ADMINISTRATION RESTRICTIONS.**—Any restrictions, covenants, reversion, limitations, or any other conditions imposed by the Economic Development Administration relating to or affecting the use, transfer, or other disposition of any land which is donated to the Secretary for the purpose of developing the trails interpretation center under this section shall be extinguished upon the acceptance of such donation by the Secretary.

Mr. HARKIN. Mr. President, I introduced S. 338 with Senator GRASSLEY providing for the development of a trails interpretation center in Council Bluffs, IA. I very much appreciate the interest and support that this measure has received from the members of the Public Lands Subcommittee and the full Energy and Natural Resources Committee.

For many Americans, the most intriguing part of our Nation's past is the people who helped to shape today's United States. No event did more to mold the United States than the great westward expansion of the 19th century. Thousands upon thousands of ordinary people took extraordinary risks in order to find greater opportunity and better lives for themselves and their families. As we speed along in our automobiles on the Interstate Highway System, it's hard to comprehend the daunting task which faced those who moved west over a century ago.

I think every Senator understands the importance of studying and learning from our past. Within just a few miles of this Capitol Building, we can visit the National Archives, President Washington's Mount Vernon, the Manassas National Battlefield, and a host of other historic sites. Yet when I began to look several years ago at the history of the westward expansion of the United States, I found that there is no single facility where one can learn about this pivotal event in American history.

One of the reasons, perhaps, for the lack of a center for the recognition and teaching of the westward movement is the difficulty in memorializing an event, rather than a place. It is estimated that some 350,000 persons migrated west from 1841 through 1866. While you can see signs indicating the route of the Oregon Trail, the Mormon Trail, and the route followed by the great explorers Lewis and Clark, there is no one place to gain a

real understanding of the people who made this great migration. And that is what history is really about—people.

Because of what I saw as this great need to fill a gap in American history, I introduced legislation in the last Congress and in this Congress to create a Western Historic Trails Center near Council Bluffs, IA. Council Bluffs, on the banks of the Missouri River, was the single most important starting point for the emigrants, so it is an ideal place for a center to interpret this event for today's Americans.

This committee has reported S. 339 without objection and I urge that the full Senate pass the bill.

The PRESIDING OFFICER. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AUTHORIZATION OF APPROPRIATIONS FOR BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR COMMISSION

The Senate proceeded to consider the bill (S. 830) to amend Public Law 99-647, establishing the Blackstone River Valley National Heritage Corridor Commission, to authorize the Commission to take immediate action in furtherance of its purposes and to increase the authorization of appropriations for the Commission, which had been reported from the Committee on Energy and Natural Resources, with an amendment:

On page 2, strike line 8, through and including line 24, and insert the following:

(3)(A) In addition to the actions identified in paragraphs (1) and (2), the Commission is authorized, following review and approval of the plan, to make grants for the following purposes—

(i) preservation and restoration of properties identified on the Commission's cultural resources inventory, following consultation with the Massachusetts and Rhode Island State Historic Preservation Officers concerning the need for emergency preservation and the viability of such projects;

(ii) design and development of interpretive exhibits to encourage public understanding of the resources of the Blackstone Valley;

(iii) cultural and educational programs; and

(iv) acquisition and protection of threatened lands and structures containing outstanding natural and cultural resources.

(B) Grants made pursuant to clause (i) or (iv) shall be made in an amount not to exceed 50 percent of the cost of the project assisted by such grant: *Provided*, That no grant may be made unless the plan has included specific criteria to govern eligibility for and use of any such grant which criteria satisfy all requirements which would otherwise apply to such grant if made by the Secretary and the Secretary has approved such

criteria: *Provided further*, That prior to making any such grant, the Commission shall notify the Committee on Energy and Natural Resources and the Committee on Appropriations of the United States Senate and the Committee on Interior and Insular Affairs and the Committee on Appropriations of the United States House of Representatives not less than ninety days prior to making such grant setting forth the purpose of the grant, the recipient of such grant, any restrictions or other limitations attached to such grant, the amount of the grant, and the total cost of the project.

So as to make the bill read:

S. 830

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ACTION PRIOR TO PLAN APPROVAL.

Section 6(c) of the Act entitled "An Act to establish the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island", approved November 10, 1986 (Public Law 99-647, 16 U.S.C. 461 note) (referred to in this Act as the "Act") is amended by adding at the end thereof the following new paragraph:

"(3)(A) In addition to the actions identified in paragraphs (1) and (2), the Commission is authorized, following review and approval of the plan, to make grants for the following purposes—

"(i) preservation and restoration of properties identified on the Commission's cultural resources inventory, following consultation with the Massachusetts and Rhode Island State Historic Preservation Officers concerning the need for emergency preservation and the viability of such projects;

"(ii) design and development of interpretive exhibits to encourage public understanding of the resources of the Blackstone Valley;

"(iii) cultural and educational programs; and

"(iv) acquisition and protection of threatened lands and structures containing outstanding natural and cultural resources.

"(B) Grants made pursuant to clause (i) or (iv) shall be made in an amount not to exceed 50 percent of the cost of the project assisted by such grant: *Provided*, That no grant may be made unless the plan has included specific criteria to govern eligibility for and use of any such grant which criteria satisfy all requirements which would otherwise apply to such grant if made by the Secretary and the Secretary has approved such criteria: *Provided further*, That prior to making any such grant, the Commission shall notify the Committee on Energy and Natural Resources and the Committee on Appropriations of the United States Senate and the Committee on Interior and Insular Affairs and the Committee on Appropriations of the United States House of Representatives not less than ninety days prior to making such grant setting forth the purpose of the grant, the recipient of such grant, any restrictions or other limitations attached to such grant, the amount of the grant, and the total cost of the project."

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Section 10 of the Act is amended by striking all of the text and inserting the following:

"AUTHORIZATION OF APPROPRIATIONS"

"SEC. 10. (a) GENERAL OPERATIONS.—There are authorized to be appropriated to the Commission, for general operations, \$250,000 for each of fiscal years 1988 and

1989 and \$350,000 for each of fiscal years 1990, 1991, and 1992, except that the Federal contribution to the Commission for general operations shall not exceed 50 percent of the annual operating costs of the Commission.

"(b) GRANTS—There are authorized to be appropriated to the Commission, for grants authorized by section 6(c)(3), \$700,000 for fiscal year 1990, \$1,000,000 for fiscal year 1991, and \$1,000,000 for fiscal year 1992, to remain available until expended."

Mr. PELL. Mr. President, we have just passed S. 830, a bill that I introduced to authorize the Federal funding programs needed for the Blackstone River Valley National Historic Corridor Commission to carry out its mission of preserving and interpreting an important legacy of our Nation's past.

We take a great deal of pride in the fact that America's industrial revolution was born on the banks of the hardworking Blackstone River, which flows from Worcester, MA, to Pawtucket, RI. This legislation will help to spotlight that legacy for the Nation.

I want to express my profound thanks to the senior Senator from Arkansas [Mr. BUMPERS], chairman of the Senate Subcommittee on Public Lands, and to the senior Senator from Wyoming [Mr. WALLOP], the ranking minority member of that subcommittee, and their staff members—particularly Tom Williams—for their assistance and guidance.

The national historic value of this area, and its role as cradle of our industrial revolution, was recognized by the Congress with the enactment of the Blackstone Valley National Heritage Corridor Act—Public Law 99-646—in 1986.

The Blackstone Corridor Commission, created by this law, has done an excellent job of planning to create a chain of linear parks along the banks of the river to preserve, protect and tell the national story of the Blackstone Valley.

This is truly a bipartisan effort and I am delighted that my colleagues, the junior Senator from Rhode Island [Mr. CHAFEE], the senior Senator from Massachusetts [Mr. KENNEDY], and the junior Senator from Massachusetts [Mr. KERRY] joined me in introducing this important measure.

Our legislation authorizes an increase in the annual operating authorization of the Commission to \$350,000 and authorizes funding for matching grants: \$700,000 for fiscal year 1990, \$1,000,000 for fiscal year 1991 and \$1,000,000 for fiscal year 1992.

These operating funds will allow the Commission to bring additional experts into the planning process and the matching grants funds will help preserve historic structures, develop visitors centers, protect threatened properties, and encourage additional public participation in the parks.

When I testified in 1986 in support of the original authorization, which was sponsored by my colleague, the junior Senator from Rhode Island [Mr. CHAFEE], I noted that the Blackstone River is our link not only to the past, but to the future.

That, I think, is the most important point we can make about the Blackstone River Valley Heritage Corridor. By preserving and highlighting our pioneering industrial past, we can foster a better future and an increasing sense of pride for our citizens.

That was the vision I had back in the spring of 1983. It was then I initiated the first meeting of the National Park Service, the Rhode Island and Massachusetts Departments of Environmental Management and representatives of congressional delegations from both Rhode Island and Massachusetts to coordinate plans for the Blackstone River.

The birthplace of the American industrial revolution is well worth preserving and we, on the Federal level, should do what we can to support that effort. When we look at historic battlefields throughout America, we should not overlook one of our most important battles—the economic battle of the industrial revolution.

In these times of increasing international competition throughout the world's marketplaces, we owe it to ourselves and our children to make sure that this economic battle site is preserved and that we learn from its lessons.

Mr. CHAFEE. Mr. President, I am delighted that today the Senate has approved S. 830, a bill that greatly enhances the Blackstone River Valley Corridor project. The corridor was created as a unique type of urban park: One that highlights the cultural, historic, and economic resources of the Blackstone River Valley. I have watched the corridor project take shape and come alive in the past few years, and I believe that it is a perfect example of what can be accomplished by local communities, State government, and the Federal Government working together.

It is an area with a rich and diverse history. And the sense of community pride in the Blackstone Valley that was so strong over a century ago, still exists today. The people of the towns and cities in the Blackstone Valley—from Grafton to Uxbridge to Pawtucket—are proud of their region and are enthusiastic about its preservation and revitalization.

A few months ago, the Blackstone River Valley Historic Commission gave a presentation on its achievements over the past 3 years and its goals for the future. As an author of the original Blackstone Valley legislation, I was pleased to learn of the corridor's progress. New land has been acquired, new projects have been started, and a

comprehensive management plan has been developed.

Senator PELL and I have testified before the Senate Energy Committee on behalf of this bill, as have both Commission Chairman Dick Moore of the Massachusetts House of Representatives and Vice Chairman Bob Bendick of the Rhode Island Department of Environmental Management. They, along with the other Commission members, Rhode Island and Massachusetts State officials and the members of the Blackstone Valley communities have worked extremely hard to create the corridor and infuse the project with spirit and enthusiasm.

S. 830 will amend the original Corridor Act to increase the Commission's funding from \$250,000 to \$350,000 per year for the next 3 years. In addition, \$2.7 million will be made available to the Commission for grants to preserve historic structures, start cultural and educational programs, and assist private and public agencies in acquiring threatened properties, among other things. It is a vital piece of legislation for citizens of both Rhode Island and Massachusetts.

Mr. President, I thank my colleagues in the Senate and yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time and passed.

CONVEYANCE OF CERTAIN LAND

The Senate proceeded to consider a bill (H.R. 310) to remove a restriction for a parcel of land in Roanoke, VA, in order for that land to be conveyed to the State of Virginia for use as a veterans nursing home.

Mr. ROBB. Mr. President, I am delighted to join the distinguished senior Senator from Virginia [Mr. WARNER] in support of H.R. 310, which lifts current park and recreational restrictions on a 16.8-acre tract of land presently owned by the city of Roanoke to allow construction of a State veterans' nursing home. H.R. 310 is identical to S. 284 which Senator WARNER and I introduced on January 25, 1989.

The proposed site is adjacent to the veterans' hospital in Salem and was conveyed to the city of Roanoke in 1980 by the U.S. Government with a provision in the deed stipulating that the property be used solely for park and recreational purposes.

In removing this restriction, H.R. 310 is an essential part of an ongoing State and local effort to establish a State veterans' nursing home in Virginia.

In January 1988, the Roanoke City Council passed a resolution asking the Congress to remove this Federal restriction so that the property could be donated to the Commonwealth of Virginia. In February 1988, the Virginia General Assembly approved legislation authorizing the Governor to accept this property from the city of Roanoke.

This year, the Virginia General Assembly included a new item in the 1989 Appropriations Act authorizing the Governor to release State matching funds of not more than \$6.8 million for its share of the construction costs of the new nursing home. The authorization is contingent upon Federal approval of the capital project request before the U.S. Veterans' Administration for the Federal share of the construction costs, and congressional removal of the property restriction outlined in H.R. 310.

Six hundred and sixty-four thousand Virginians are veterans, ranking the Commonwealth 13th among the 50 States in total veteran population. The proposed Dan Daniel Veterans' Care Center of Virginia—named after Congressman Dan Daniel, who died in 1987 during his 10th term in the U.S. House of Representatives—will provide 148 much needed beds for nursing home care and 76 for domiciliary care. If final approval is secured, it will be the first State veterans' nursing home in Virginia.

According to Robert Burford, the former Director of the Department of the Interior's Bureau of Land Management, the administration has no objections to H.R. 310. And on June 21, 1989, the Committee on Energy and Natural Resources favorably reported H.R. 310 by a vote of 18 to 1.

It is my hope that today my colleagues will approve H.R. 310. Passage of this legislation will bring us one critical step closer to making the Dan Daniel Veterans' Care Center of Virginia a reality, a fitting tribute to a respected Virginia Congressman, and an invaluable source of assistance to countless Virginia veterans.

THE PRESIDING OFFICER. The question is on the third reading and final passage.

The bill was ordered to a third reading, and read the third time, and passed.

TRANSFER OF CERTAIN LANDS IN CLARK COUNTY, NV

The Senate proceeded to consider the bill (H.R. 1485) to direct sale of certain lands in Clark County, NV, to meet national defense and other needs; to authorize sale of certain other lands in Clark County, NV; to further the ability of the United States to recover for damages to certain marine and other resources of the National Park System; and for other

purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Apex Project Nevada Land Transfer and Authorization Act of 1989".

SEC. 2. FINDINGS AND DEFINITIONS.

(a) FINDINGS.—Congress finds the following—

(1) The only two domestic producers of ammonium perchlorate ("AP"), a principal component of solid rocket fuel essential to the Nation's defense and space programs, are Pacific Engineering and Production Company, Incorporated ("Pepcon") and Kerr-McGee Chemical Corporation ("Kerr-McGee"), which established production facilities near the city of Henderson in Clark County, Nevada ("the county"). On May 4, 1988, an explosion destroyed the Pepcon plant, thereby substantially reducing the Nation's capacity to produce solid rocket fuel.

(2) A commission subsequently appointed by the Governor of Nevada to examine the adequacy of existing policies and regulations pertaining to the manufacture and storage of certain industrial materials has recommended new policies which imply the desirability of relocating both some of Kerr-McGee's AP production and storage facilities and also other industries to a less densely populated part of Clark County, but within reasonable distance of the present work force.

(3) The Department of Defense and the National Aeronautics and Space Administration have identified an urgent need to replace the domestic ammonium perchlorate production capacity lost in the Pepcon accident and to firm up existing production capabilities in order to meet current shortages and long-term requirements.

(4) The county has identified as the preferred site for the relocation of Kerr-McGee's AP facilities approximately thirty-seven hundred acres of land ("Kerr-McGee Site"), which is part of approximately twenty-one thousand acres of Federal lands, identified by the county as the "Apex Site", managed by the Bureau of Land Management ("BLM"). The county has advised the BLM it would like to purchase some or all of the lands comprising the Apex Site for development as a heavy-industry use zone, to locate potentially hazardous facilities. Orderly and appropriate development of such an industrial zone, in a manner consistent with public safety, protection of environmental and other values, and relevant State and Federal policies and programs (including the national defense) would be preferable to development of the lands comprising the Apex Site in an unplanned manner.

(5) The Federal lands comprising the Apex Site are presently classified for retention and multiple use by the applicable BLM land use plan. At the time the current land use plan was developed, disposal of large parcels of land immediately outside the Las Vegas Valley was not identified as a possibility. However, the expeditious transfer of the Kerr-McGee Site to Clark County for resale to Kerr-McGee, and transfer of necessary associated rights-of-way to the county, will serve an important national need which cannot be served as well on non-Federal land in Clark County and which outweighs other existing and potential

public uses of the lands which would be served by maintaining them in Federal ownership.

(6) Kerr-McGee has prepared an environmental assessment on the proposed transfer of the Kerr-McGee Site and supporting utility and transportation rights-of-way, dated April 1989, entitled "Apex Nevada Land Transfer Proposal and Proposal Kerr-McGee Ammonium Perchlorate Facility", which identifies certain environmental impacts likely to result from the transfer of the site and supporting rights-of-way to the county which would be mitigated with various control measures. Any transfer by the United States of lands within the Apex Site should be conditioned upon provision of all measures appropriate to prevent or mitigate adverse environmental impacts.

(7) Lands within the Apex Site provide habitat for the desert tortoise. The BLM, recognizing that the desert tortoise habitat found in Nevada, and elsewhere, is being significantly affected, especially within the Mojave Desert, by the rapid development associated with industrial growth and by other human activities, has prepared a range-wide plan for desert tortoise habitat management on the public lands. The goal of this plan is to ensure that viable desert tortoise populations will continue to exist through cooperative resource management aimed at protecting the species and its habitat. The BLM's implementation of this plan should be accelerated.

(8) Lands within the Apex Site are close to Nellis Air Force Base and to public lands withdrawn for use by the Air Force as part of the Nellis Air Force Range complex. Nellis Air Force Base is the most active military airfield in the United States (with many of the aircraft using the base carrying live ordnance) and, together with the Nellis Air Force Range, constitutes a unique facility that plays a vital role in maintaining the combat capability of the Air Force's tactical units. Maintaining the capability of Nellis Air Force Base to fulfill its mission must be a central part of any decisions concerning future use or disposition of the lands within the Apex Site.

(b) DEFINITIONS.—As used in this Act, the following terms shall have the following meanings—

(1) The term "Secretary" means the Secretary of the Interior.

(2) The term "lands" means lands and interests therein.

(3) The term "county" or "Clark County" means Clark County, Nevada.

(4) The term "Kerr-McGee" means the Kerr-McGee Chemical Corporation.

(5) The term "BLM's Desert Tortoise Plan" means the plan entitled "Desert Tortoise Habitat Management on the Public Lands: A Range-wide Plan", approved November 14, 1988.

(6) All other terms shall have the same meaning as such terms have when used in the Federal Land Policy and Management Act of 1976.

SEC. 3. KERR-McGEE SITE TRANSFER.

(a) DIRECTED SALE.—Subject to all valid existing rights, the Secretary is directed to convey the public lands comprising approximately thirty-seven hundred acres designated as "Area 1" and "Area 2" within the "Kerr-McGee Site" on the map entitled "Apex Heavy-Industry Use Zone" dated May 1989, to Clark County, Nevada, solely for sale to Kerr-McGee, in return for payment of the lands' appraised fair market value, as determined by the Secretary in ac-

cordance with established appraisal practices. However, the lands within Area 1 shall not be conveyed unless and until the Secretary has received a written commitment from Clark County and Kerr-McGee that whichever is offered the opportunity to purchase the lands within Area 2 will do so at such lands' appraised fair market value when the lands are offered pursuant to subsection (c) of this section.

(b) **RIGHTS-OF-WAY.**—Subject to all valid existing rights, the Secretary is directed to grant utility and transportation rights-of-way to Clark County for the connection of existing electric power, water, natural gas, telephone, railroad and highway facilities to the Kerr-McGee Site, all as generally depicted on the map entitled "Rights-of-Way and Proposed Access and Utility Locations" dated May 1989. Each right-of-way shall not exceed two hundred feet in width and shall not preclude the Secretary from permitting other uses of the affected lands compatible with the uses for which such rights-of-way are granted. Clark County may permit other parties to use the lands covered by such rights-of-way for some or all of the purposes specified in this subsection.

(c) **TIMING, ETC.**—(1) Subject to subsections (a) and (b) of this section, the Secretary shall offer to sell to Clark County the lands within the Kerr-McGee Site depicted as Area 1 and shall offer to grant the rights-of-way described in subsection (b) of this section to Clark County within thirty days of the date of enactment of this Act, but the Secretary's duty to transfer such lands and rights-of-way shall not lapse if they are not offered to the county within the prescribed time. Such sale shall be for fair market value, as determined by the Secretary in accordance with established procedures of the BLM. If Clark County fails to purchase such lands within sixty days of receiving the Secretary's offer, the lands and rights-of-way shall be offered to Kerr-McGee for sale and grant on the same basis, and subject to Kerr-McGee's entering into an agreement with the Secretary similar to the agreement described in section 6(a). If within sixty days after such offer, Kerr-McGee fails to purchase such lands, the lands shall become subject to the authorization provided for in section 4 of this Act, and the total acreage authorized for disposition under this section shall be increased accordingly.

(2) If the lands within Area 1 are purchased pursuant to paragraph (1) of this subsection, upon completion of a survey of the boundaries of Area 2, the Secretary shall offer to sell to the purchaser of Area 1 the lands within Area 2 at their appraised fair market value, as determined by the Secretary in accordance with established procedures of the BLM.

(3) Each right-of-way granted pursuant to this section shall be subject to rental payments and other conditions provided for in applicable law, including the Federal Land Policy and Management Act of 1976 and this Act. The amounts received by the United States from sales of lands covered by this section shall be distributed pursuant to laws generally applicable to sales of public lands.

SEC. 4. AUTHORIZATION FOR ADDITIONAL TRANSFERS.

(a) **SALE AUTHORIZED.**—Notwithstanding any BLM land use plan calling for retention of the Apex Site and notwithstanding the reporting requirements and competitive bidding requirements of section 203 of the Federal Land Policy and Management Act of 1976, the Secretary is authorized, subject to any other requirements of law, including

the conditions of this section, to sell to Clark County some or all of the lands within the Apex Site, depicted on the map referred to in section 3(a), that lie outside the boundaries of the Kerr-McGee Site (as depicted on such map) for fair market value as determined by the Secretary in accordance with established appraisal procedures.

(b) **REQUIREMENTS AND CONDITIONS.**—If, no later than one year after the date of enactment of this Act, the county demonstrates to the satisfaction of the Secretary that the county has designated the lands comprising the Apex Site as a heavy-use industrial zone, pursuant to applicable laws of the State of Nevada, and has adopted a plan for the development of some or all of such lands accordingly, the Secretary shall offer to enter into a land sales agreement with Clark County for the transfer of some or all of such lands to the county by one or more direct sales pursuant to this section over a period not to exceed ten years. Such agreement shall provide for purchasers of parcels of the lands within the Apex Site, with any specific parcels to be sold to be determined by the Secretary, in response to proposals by the county and after consultation with the Secretary of the Air Force concerning any potential impact of any such sale on activities associated with Nellis Air Force Base. The purchase price for each parcel shall be its appraised fair market value at the time of the sale, but any agreement between the county and the Secretary under this section shall provide that if the county sells any such parcel or portion thereof, the county shall pay the United States an amount equal to 50 per centum of the amount by which the amount received by the county exceeds 110 per centum of the sum equal to the total amounts expended by the county for acquisition of such parcel or portion thereof, for improvements to such parcel or portion thereof, and for preparation of such parcel or portion thereof for sale.

(c) **RIGHTS-OF-WAY.**—Pursuant to applicable law, the Secretary may grant Clark County such rights-of-way on public lands as may be necessary to support the development as a heavy-use industrial zone of some or all of the lands identified in subsection (a).

(d) **PROCEDURES.**—Except as specified in subsection (a) nothing in this section shall relieve the Secretary from compliance with all laws applicable either to the transfer of some or all of the lands identified in subsection (a) or to the granting of any rights-of-way, including, but not limited to, the National Environmental Policy Act of 1969. Unless otherwise specified in this Act, sales of lands pursuant to this section shall be made and patents or other documents of conveyance shall be issued as if such sales were made pursuant to the Federal Land Policy and Management Act of 1976.

(e) **WITHDRAWAL, ETC.**—(1) Subject to all valid existing rights, the lands within the Apex Site (depicted on the map referred to in section 3(a)) are hereby withdrawn from all forms of entry and appropriation under the public land laws, including the mining law, and from operation of the mineral leasing and geothermal leasing laws, but shall remain available for disposition under the Recreation and Public Purposes Act (43 U.S.C. 869 et seq.) and for sale under this Act or other applicable law. This withdrawal shall continue in effect until a parcel of land affected by such withdrawal is sold, if such sale includes the right, title and interest of the United States in the minerals in

such parcel. If the county or another party to whom such parcel is offered, elects not to seek to purchase the minerals in any such parcel, such parcel shall remain withdrawn from entry, location, or patent under the mining laws but after receipt by the Secretary of notification that the county or other offeree does not seek to purchase such minerals, such parcel shall be open to operation of the mineral leasing and geothermal leasing laws. The withdrawal made by this subsection shall continue for twelve years after the date of enactment of this Act or until otherwise provided by an Act of Congress enacted after the date of enactment of this Act.

(2) Before offering any parcel for sale pursuant to an agreement with the county under this section, the Secretary (in addition to other requirements of law) shall consider whether development of such parcel as part of a heavy-use industrial zone, including any appropriation mitigation measures, would be inconsistent with BLM's Desert Tortoise Plan.

(f) **COGENERATION PROJECT.**—Notwithstanding any withdrawal of the Apex Site (depicted on the map referred to in section 3(a)), and subject to the provisions of applicable law, the Secretary may grant to holders of valid existing mill-site claims on such lands such rights-of-way as may be necessary for the construction, operation, and maintenance of facilities required in the cogeneration of electricity at the site of existing mill-site operations on such claims, unless and until the land subject to such claims is transferred out of Federal ownership. No such grant shall be made unless and until all environmental studies required in connection with such construction, operation, and maintenance have been completed and any necessary mitigation measures have been agreed to.

SEC. 5. RESERVATION OF RIGHT-OF-WAY CORRIDORS

The transfer of lands pursuant to section 4 of this Act shall be subject to the reservation to the United States of the right-of-way corridors depicted on a map entitled "Right-of-Way Corridors Across the Apex Heavy Industrial Zone" dated May 1989. These corridors shall be administered by the Secretary, who may grant rights-of-way over, upon, under and through the corridors consistent with applicable law. In the administration of such corridors, the Secretary shall, so far as feasible, locate rights-of-way so as to have the least possible impact on any industrial uses. Nothing in this Act shall be construed as restricting the authority of the Secretary, under the Federal Land Policy and Management Act of 1976 or other applicable law, to reserve or grant any other rights-of-way with respect to such lands, in addition to the rights-of-way described on such map.

SEC. 6. ENVIRONMENTAL CONSIDERATIONS.

(a) **KERR-McGEE SITE.**—The Secretary shall not make the conveyance directed by section 3 until Kerr-McGee and Clark County have entered into a written agreement with the Secretary whereby Kerr-McGee and the county commit to undertake the measures specified in the document identified in section 2(a)(6) in order to mitigate adverse effects on wildlife and other resources and values resulting from the use of such lands for industrial purposes. At the request of the Secretary, the Attorney General of the United States may bring an appropriate legal action to enforce such agreement.

(b) **BLM REPORTS.**—(1) No later than one year after the date of enactment of this Act, the Secretary shall submit to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate a report as to the funds and personnel required to fully implement BLM's Desert Tortoise Plan.

(2) As soon as possible after the date of enactment of this Act, the Secretary, acting through the Director of the Bureau of Land Management, shall arrange for a class-three soil survey of public lands in Clark County, to assist in the implementation in such county of BLM's Desert Tortoise Plan and other aspects of the management of the public lands in such county.

(3) As soon as possible after the date of enactment of this Act, the Secretary shall invite public proposals for the designation, pursuant to the Federal Land Policy and Management Act of 1976, of areas of critical environmental concern whose designation would further the implementation of BLM's Desert Tortoise Plan or otherwise assist in the protection of resources and values of public lands in Nevada. The Secretary shall provide a reasonable period for receipt of such proposals, shall evaluate all proposals received, and shall take such action thereon as the Secretary considers appropriate.

(4) As soon as possible after the date of enactment of this Act, the Secretary shall consider the desirability of restricting or eliminating uses of public lands in the Paiute Valley which may conflict with implementation of BLM's Desert Tortoise Plan with respect to those lands. No later than one year after the date of enactment of this Act, the Secretary shall submit to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate a report concerning the results of the Secretary's actions pursuant to this paragraph.

(c) **OTHER REPORTS.**—(1) At the time that the President submits a budget request for fiscal year 1991, and annually thereafter for fifteen years, the Secretary shall submit to the Congress a statement of the total amounts received by the United States as the result of sales of public lands described in this Act, and an account of the distribution of such receipts.

(2) No later than ninety days after the date of enactment of this Act, the Secretary shall evaluate the desirability of acquisition of the lands specified in appendix A to the report of the Committee on Interior and Insular Affairs of the United States House of Representatives to accompany H.R. 1485 of the One Hundred First Congress (House Report 101-79). Such evaluation shall be based solely on the resources and values of such lands and the extent to which national policies and programs for management of such resources and values would be furthered by such acquisition. Promptly after the completion of such evaluation, the Secretary shall report the results thereof to the Committee on Interior and Insular Affairs of the United States House of Representatives, the Committee on Energy and Natural Resources of the United States Senate, and the Representatives and Senators from the State of Nevada.

SEC. 7. MAPS AND LEGAL DESCRIPTIONS.

As soon as practicable after the date of enactment of this Act, the Secretary shall file maps and legal descriptions of the lands identified in sections 3, 4, and 5 with the

Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. Such legal descriptions shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in such legal descriptions. The maps and legal descriptions shall be on file and available to public inspection in the offices of the Director of the BLM.

Amend the title so as to read: "An Act to direct the sale of certain lands in Clark County, Nevada, to meet national defense and other needs; to authorize the sale of certain other lands in Clark County, Nevada; and for other purposes."

The amendment was agreed to.

The amendment was ordered to be engrossed, the bill was read the third time, and passed.

The title was amended so as to read: "An Act to direct the sale of certain lands in Clark County, Nevada, to meet national defense and other needs; to authorize the sale of certain other lands in Clark County, Nevada; and for other purposes."

UNITED STATES SENATE CONGRESSIONAL SALARIES, 1789-1989

Mr. BYRD. Mr. President, this is one in my continuing series of speeches on the history of the Senate.

Mr. President, much has been in the news in recent months about a congressional salary increase. This past winter, irate citizens besieged the offices of senators and representatives with letters and telephone calls protesting the substantial pay increases for federal employees that were recommended by the Commission on Executive, Legislative, and Judicial Salaries and endorsed by President Ronald Reagan. While the proposed pay increase would have affected thousands in the executive and judicial branches, it was the increase to members of Congress that aroused the wrath of so many Americans. The story has been the same since the beginning of our Republic.¹

The subject of congressional pay generated considerable discussion in 1787 at the Constitutional Convention in Philadelphia. The records of the Convention reveal that the question of compensation for members of Congress plagued that forum's delegates from the very beginning. In late May 1787, Delegate John Randolph of Virginia presented what became known as the "Virginia Plan" for the future government. Point three of the "Virginia Plan" provided "that the National Legislature ought to consist of two branches." The next point specified that the members of these two as-yet-unnamed branches were "to receive liberal stipends by which they may be compensated for the devotion of their time to public service."² As debate

progressed, the word "liberal" was removed from the phrase "liberal stipend." Next, several delegates questioned whether members of the "second branch"—the Senate—should be compensated at all. This, after all, was to be the branch of Congress dominated by the elite of the nation. That proposal was quickly abandoned.

Virginia delegates James Madison and George Mason sought to depart from the system of congressional compensation, under the Articles of Confederation, in which individual states determined the salaries of their representatives. They, and others at the Philadelphia Convention who favored strengthening the central government, believed that it was essential to pay congressional salaries from the national treasury. The records of the Convention note:

[Madison] observed that it would be improper to leave the members of the Natl. legislature to be provided for by the State Legisls: because it would create an improper dependence; and to leave them to regulate their own wages, was an indecent thing, and might in time prove a dangerous one. He thought wheat or some other article [of which] the average price throughout a reasonable period preced'n'g might be settled in some convenient mode, would form a proper standard.

Col. Mason seconded the motion; adding that it would be improper for other reasons to leave the wages to be regulated by the States. 1. the different States would make different provision for their representatives, and an inequality would be felt among them, whereas he thought they ought to be in all respects equal. 2. the parsimony of the States might reduce the provision so low that as had already happened in choosing delegates to Congress, the question would be not who were most fit to be chosen, but who were most willing to serve.³

After much debate during that long hot summer of 1787, the issue of compensation was finally decided. Or, perhaps it would be more accurate to say that the framers—in their infinite wisdom—chose not to decide the issue. Article I, section 6, of the Constitution provides that senators and representatives "shall receive a Compensation for their services, to be ascertained by Law, and paid out of the Treasury of the United States."

Of course, the matter was not really settled at all. Just as Madison and others had feared, having members of Congress vote on their own pay quickly caused trouble. In the First Congress, the legislative compensation bill provoked intense controversy. While the bill was in the House, several representatives brought upon themselves charges of demagoguery by urging a cut in the six-dollar-per-diem compensation recommended by the committee charged with determining the amount to be paid. Next, James Madison and John Page of Virginia earned the enmity of many of their House colleagues when they suggested that senators receive a higher rate of pay than

representatives because greater service was likely to be demanded of members of the upper house.

In the Senate, a special committee considered the House-passed compensation bill and made its recommendations on August 27, 1789. The committee accepted the House provisions that each senator and representative receive six dollars for each day he attended a regular legislative session and six dollars per twenty miles of distance traveled "by the most usual road" from his residence to the capital. The committee then went beyond the House version to provide that, when the Senate was called into special session to consider executive nominations, its members be paid eight dollars daily and eight dollars per twenty miles of travel. This plan would remain in effect until the start of the Fourth Congress in 1795.

The following day, William Maclay submitted an amendment to reduce the daily rate to five dollars. He argued that it was folly for the Senate to think it might increase its dignity in the public's eyes by taking a salary higher than that of the House. Voting 14-4, the full Senate defeated Maclay's amendment. When Senator Oliver Ellsworth sought unsuccessfully to reduce the House rate to five dollars, Vice President John Adams became so agitated that he was unable to sit still. Three times he interrupted Ellsworth, suggesting that the former Congress under the Articles of Confederation had degenerated in part because of inadequate pay. The Senate then reduced the eight-dollar rate that senators would receive for special sessions to seven dollars.

The House refused to agree to a salary differential, and a conference committee convened on September 10 to try to find common ground. Senate conferees held fast in support of a differential, but, by way of compromise, they proposed that the compensation act be limited to seven years and that the differential for senators apply only for the seventh year—from March 4, 1795, to March 4, 1796. Senate conferees added, that if House members did not like this arrangement, they should pass a separate law providing for their own compensation. These suggestions provoked an acrimonious debate and howls of protest from the House, which rejected the conference report on a 24-29 vote. On the following day, the House reconsidered and reversed its earlier action, passing the measure by a narrow 28-26 margin. President Washington signed the act on September 22.

The Act (H.R. 19), as finally passed, provided that at every Session of Congress, and at every meeting of the Senate in recess of Congress, prior to March 4, 1795, each Senator was entitled to receive six dollars for every day in attendance, and, at the commence-

ment and end of every such Session and meeting, was allowed six dollars for every twenty miles "of the estimated distance by the most usual road from his place of residence to the Seat of Congress." After March 4, 1795, and until March 4, 1796, Senators were to be paid seven dollars for every day of attendance at Sessions of Congress and meetings of the Senate in recess, and seven dollars at the beginning and end of every such Session and meeting in recess, for every twenty miles to and from the Seat of Congress. Representatives, on the other hand, were not to share in the increased pay and travel allowance accorded to Senators between March 4, 1795, and March 4, 1796, but were to receive six dollars per day of attendance at Sessions and six dollars for every twenty miles to and from the Seat of Congress throughout the duration of the Act until March 4, 1796.⁴

The legislative compensation act also provided salaries for congressional staff. The chaplain of each house would receive an annual salary of five hundred dollars. The secretary of the Senate and the clerk of the House would be paid fifteen hundred dollars, plus two dollars for each day their respective houses were in session. The Senate's principal clerk and its doorkeeper would be paid only during sessions at three dollars per day, while the engrossing clerk and the assistant doorkeeper would receive two dollars per day.

Though they had addressed the question of compensation for the moment, few members of Congress believed the matter settled for good. In the fall of 1789, the issue found its way into a proposed amendment to the Constitution. On September 25, 1789, Congress sent twelve proposed amendments to the states for ratification. The second of these amendments read as follows:

No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened.⁵

On December 19, 1789, Maryland became the first State to ratify the congressional salary amendment. North Carolina followed on December 22, South Carolina and Delaware in January 1790, Vermont and Virginia in 1791. And that was it! Long after ten other amendments in the package had been incorporated into the Constitution as the Bill of Rights, the congressional salary amendment, and an amendment related to congressional apportionment, languished. Eighty-two years passed before Ohio, in 1873, became the seventh state to ratify it. The amendment languished, but it did not die. The amendment was proposed without a ratification deadline; and, as I shall discuss later, it is technically still pending before the states.

Why, we might wonder, did this amendment not win easy ratification if interest in congressional pay was keen? Constitutional scholars believe that the congressional pay and apportionment amendments were just too different from the other ten, which guaranteed what we now take for granted as our basic freedoms and over which there was such passionate debate in the ratifying conventions. Compared to freedom of speech, freedom of religion, freedom against unlawful search and seizure, congressional pay and apportionment looked like mere housekeeping details.

Though the Constitutional amendment regarding congressional pay made little headway, the question of specific salary rates continued to trouble members. Inevitably, it would surface again. And it did, in 1796, when the seven-year compensation bill expired, with its provision for a differential in the senators' favor during the seventh year only—March 4, 1795, to March 4, 1796. This time, there was little taste for acrimony or arguments over superiority. On March 1, 1796, the House sent to the Senate "an act for allowing compensation to the members of the Senate and House of Representatives of the United States, and to certain officers of both Houses." It was passed on March 4, the day the old measure was to expire.

The new compensation act, which President Washington signed into law on March 10, 1796, provided that "at every session of Congress, and at every meeting of the Senate in the recess of Congress . . . each Senator shall be entitled to receive six dollars for every day he shall attend the Senate; and shall also be allowed, at the commencement and end of every such session and meeting, six dollars for every twenty miles of estimated distance, by the most usual road, from his place of residence to the seat of Congress." Except for the phrase about extra sessions of the Senate, the wording for the Representatives was identical. Gone was any pay differential. All Members of Congress would receive six dollars per day. And their salaries remained at that level for the next twenty years!⁶

The six-dollar per diem worked out to an annual salary of between nine hundred and one thousand dollars. But even this seemingly modest sum drew fire from the press, which pointed out that members of the British House of Commons were paid the equivalent of less than a dollar a day!

In 1816, in view of the increased cost of living, a bill was introduced in the House that provided for an annual salary of fifteen hundred dollars, or almost a 60 percent increase. The argument was made that an annual salary, in place of the per diem of six dollars, would shorten sessions and

thus save the government money. The measure's chief sponsor, Representative Richard Johnson of Kentucky, argued that members were deliberately extending their speeches. This delayed essential bills and made it necessary to call special sessions, which would allow members to collect more money.

After lively debate, both houses passed, and President Madison signed, the measure. This new law sparked a firestorm of criticism. Members who voted for the yearly salary were denounced from one end of the nation to the other. In Georgia, senators were hanged in effigy. In Tennessee, citizens demanded that the entire state delegation resign. The elections of 1816 proved a disaster for members who had backed the pay raise, as they were turned out of office in large numbers. To gauge the impact of this issue, one simply has to compare the number of members of the Senate and House who did not return to Congress following the elections of 1814 (93 members), 1816 (128 members), and 1818 (88 members). The 1816 number was 38 percent greater than in the previous election and 45 percent larger than in the following contest.

At the next session of Congress, the Senate and House quickly repealed the fifteen-hundred-dollar yearly salary, and the amount reverted to six dollars per diem. In 1818, the per diem was raised to eight dollars where it remained for thirty-eight years. In 1856, Congress finally established an annual salary rate—three thousand dollars. Ten years later, in 1866, during the days of war-time inflation, members raised their salaries to five thousand dollars.

The provision for docking members' pay, for the days that they did not attend, originated in 1856 as part of the plan to abandon the per diem in favor of an annual salary. Some members opposed changing from the daily rate to an annual salary because they feared it would further stimulate the already high rate of absenteeism. They anticipated, not without justification, that a few of their colleagues would simply collect their salaries and spend much of their time at other pursuits. To combat that argument, the House added a provision to the salary bill authorizing the secretary of the Senate and the sergeant at arms of the House to dock absent members' pay "unless such member assigns as the reason for such absence the sickness of himself or some member of his family." While the statute remains on the books, it quickly became a "dead letter" because it is clear that members' service is not confined to the floors of their respective houses.

In 1873, congressmen proposed raising their salaries from five thousand to seventy-five hundred dollars a year. The public furor unleashed by the

proposal has not been equaled before or since. More explosive than the size of the increase was a provision making the raise retroactive for two years. That meant that every member of Congress, even those retiring or voted out of office, would receive a tidy windfall of five thousand dollars!

The press quickly dubbed the 1873 salary increase proposal the "salary grab" and the "back-pay steal." But despite heavy criticism, members pressed ahead. They could not argue, as they had argued half a century before, that the increase would actually save the government money. Quite simply, they argued that they desperately needed additional funds. Cries of poverty went up from the House and Senate, and from both parties. Richer members offered impassioned pleas on behalf of their poorer colleagues.

"Take the expense of any member of Congress that lives with a family in the most economical style here," argued millionaire Nevada Senator William Stewart, who allegedly spent more than five thousand dollars on a single Washington party, "and he cannot live on his \$5,000." Oregon Senator Henry Corbett, a rich merchant, banker, and railroad promoter, spoke out for "justice", "toward those living a great way off who come here a great distance from their homes, who are obliged to bring their families here and establish them and make a home."⁷

Senator Simon Cameron of Pennsylvania, stating that he would vote for the amendment mainly because "... the salary of the President ought to be increased," described how costs had escalated during his three decades of government service in Washington. "As to the pay of members of Congress, I do not care a button about it [the additional \$2,500] myself," explained the millionaire Pennsylvania political boss, who was living at the Willard Hotel; but he sympathized with the plight of the poorer members. "I came here first at eight dollars a day [in 1845 when he became a senator], and that pay covered all my expenses then," Cameron reminisced. "I boarded at Gadsby's, and we had canvas-back ducks on the table every day in the season, and everything else in proportion, and I only paid ten dollars a week board. . . . After a while I got \$3,000 a year, and it took all of that to pay [his expenses]; and now I get \$5,000 a year, and although I have no family here except my wife and myself it costs me twenty-five dollars a week more than I receive from the Government for my board." Cameron cited specific examples of the increase in the cost of housing in Washington: "... a member of the Cabinet [Secretary of State Hamilton Fish] now lives in the house I occupied when I filled a place in the Cabinet [Secretary of War 1861-1862]. . . . I had the furniture

and the house for \$100 a month. Now he pays \$6,000 a year rent for the same house without furniture."⁸

Senator Wright based his exposition on the need for economy in government:

"... every day we have had evidence of the difficulty of the Government in . . . paying for the actual wants of the Government in its actual and necessary administration. We know that so far as the taxes are concerned, . . . it is almost impossible to pay the actual running expenses of the Government in connection with the interest upon our public debt. All over this land there is a complaint of taxation, and want, and suffering. Every day the cry comes to us from the people, . . . [salaries] are high enough already. There never has been a time yet but that good men throughout the land have sought these places at the salaries fixed by law."⁹

Some members, like Senator John Scott of Pennsylvania and Senator Justin Morrill of Vermont, both wealthy men, took the moral high ground, arguing that men should not aspire to a seat in Congress with an eye to a high salary, but out of selfless desire to serve the public. Seeing that his lofty argument was getting nowhere, however, Senator Morrill eventually adopted the more practical argument of unseemliness. "I believe," said the Vermont senator, who had just moved into a handsome mansion on Thomas Circle, "we ought to set an example of frugality at the capital of our country. . . . Certainly it seems to me not only wrong in itself but wholly inopportune, and I trust the Senate will reach the same conclusion."¹⁰

The majority of Morrill's colleagues did not reach the same conclusion, and many grew irritated by the sanctimonious speeches of the opponents of the increase. Senator Matthew Carpenter, a wealthy lawyer from Wisconsin and one of the unabashed champions of the increase, managed to take a few well-aimed swipes at his high-minded colleagues while presenting an unvarnished assessment of the importance of wealth to a political career:

The expense of living has advanced fearfully beyond what it was in the days of the Revolution. . . . The people of Wisconsin if they send a man here to represent them in the Senate wish him to live how? In the garret of a five-story building on crackers and cheese, to dress in goat skins and sleep in the wilderness? No. When they come here and ride by the mansions of my honorable friends from Vermont [Mr. Morrill and Mr. Edmunds] up on the Circle, see their elegant house, brilliantly lighted, surrounded by acres of pavement, parks, fountains . . . and then come to the homes of the "poor white trash" of this Senate and find their own Senators among them, they will not like that. (Laughter) They have manly pride; and expect to find their Senators living like other Senators. . . . The people of Wisconsin know that the services of a competent cashier of a bank or president of an insurance company cannot be secured short of a salary of \$10,000 a year. They believe a Senator ought to have as much brains as a

cashier of a bank or president of an insurance company. And they are willing to pay accordingly. . . . There is great sublimity undoubtedly in the idea of rising above all the accidents of human nature, looking at things in the abstract, and regarding a man dressed in goat skins precisely as one dressed like a gentleman; but unfortunately the sentiment is not respected in practical life. Would my honorable friend from Vermont, [Mr. Morrill] or my honorable friend from New Jersey, [Mr. Frelinghuysen] if he was about giving a party, invite even a good man who is so eccentric as to defy all the canons of society in dress and demeanor? ¹¹

If the arguments for and against the salary bill of 1873 sound familiar to my colleagues today, perhaps those who lament the current plight of federal judges will take comfort in the fact that history is merely repeating itself. Senator Corbett's remarks 116 years ago are strikingly reminiscent of those we heard in January and February of this year:

I know of district judges who are receiving but \$3,500 a year who ought to receive at least \$5,000; and if we cannot provide for the judiciary of this country by giving them respectable salaries in order that they may maintain themselves in their integrity and place them beyond want and temptation, I think we had better not vote ourselves salaries.

Despite the public outcry, the salary increase passed; and President Ulysses Grant signed the bill, thereby also doubling his own salary. Senator Carpenter and the other congressmen who claimed that their constituents supported increased salaries were sadly mistaken. Quite the contrary. The storm of abuse that broke over members of Congress when the odious bill passed on March 3, 1873, reflected their constituents' lack of sympathy with their plight, especially in the midst of a deepening economic depression.

Startled by the ferocity of the outcry, members rushed to return their back pay to the Treasury or donate it to charity. In January 1874, congressmen who worried about reelection that fall, including Senator Carpenter, voted to repeal the salary increase. But the damage had already been done. That November, in bitter campaigns focusing on the "salary grab," the voters voted out member after member who had supported the "back-pay steal." Senator Matthew Carpenter's head was one of those that rolled.

Not until 1906, a third of a century after the infamous "salary grab," did Congress again seriously consider an increase in congressional pay. Throughout the intervening decades, members' salaries had remained at five thousand dollars. With little fanfare, representatives and senators quietly voted themselves an increase of twenty-five hundred dollars a year; and their new salary of seventy-five hundred dollars took effect in 1907.

In 1925, the Senate attached a rider to the legislative appropriation bill, to provide that the pay of members would be increased to ten thousand dollars. There was not a word of debate on the amendment, and the vote was taken unexpectedly at an evening session when several senators who opposed the proposal were absent. The House passed the provision after a half hour of debate, without a recorded vote. President Calvin Coolidge was placed in an embarrassing dilemma, however, because the salary increase ran counter to the economic program he had been urging. Yet, he knew that if he vetoed the bill, Congress would have delayed or prevented other badly needed appropriations. Consequently, he signed the bill.

When it comes to salaries, what goes up seldom comes down. But, in 1932 and 1933, at the height of the Great Depression, members of Congress voted to reduce their own salaries, along with those of other federal workers, as part of a package of measures to cut government spending. The Economy Act of 1932 reduced members' pay 10 percent, from \$10,000 to \$9,000; and, in 1933, their compensation was further lowered to \$8,500. As economic conditions improved, in 1934 and 1935, salaries rose again, first to \$9,000 and then to the earlier level of \$10,000. Following World War II, in 1946, Congress increased its pay to \$12,500.

That is what the salary was when I came to the House of Representatives in January of 1953, \$12,500.

Then, in 1955, Congress voted an 80 percent increase to \$22,500. Coming at a time of economic prosperity, the action raised little outcry.

Periodic pay increases have continued: in 1965, to \$30,000; in 1969, to \$42,500; in 1975, to \$44,600; in 1977, to \$57,500; in 1979, to \$60,662; in 1983, to \$69,800; in 1984, to \$72,600; and, in 1985, to \$75,100. In 1987, there were two increases, bringing the annual salary to its current level of \$89,500.

On October 1, 1965, for the first time, a slightly higher salary rate was established for Senate and House majority and minority leaders. Prior to 1969, the Senate president pro tempore received the same salary as other senators, except when there was no vice president. During such vacancies, his salary was the same as the vice president's. In 1969, the president pro tempore's rate was tied to that of the majority and minority leaders. Today, that rate is \$99,500.

In 1983, for the first time since 1795, members of the Senate and House received differing rates of compensation. For the first six months of that year, the Senate declined the higher legislative rate that had taken effect on January 1. Consequently, House members received an annual rate that was \$9,137.50 higher than that paid to sen-

ators. On July 1, 1983, the congressional rate of \$69,800 was extended to senators.

These nineteen actual pay raises over the past two hundred years (twenty, if we count the partial restoration in 1934) have been achieved in three ways; and a fourth route may be in the making. During the eighteenth, nineteenth, and early twentieth centuries, members had to go on record as voting specifically to raise or not to raise their salaries. In recent decades, however, senators and representatives have adopted an intricate series of mechanisms designed to shift recommendations for pay increases to independent commissions appointed by the president.

The record 80 percent increase in 1955 was suggested by an independent commission, formally called the Commission on Judicial and Congressional Salaries, that had been set up by Congress two years earlier. In order to be approved, the panel's proposals required a vote by Congress. In 1967, Congress established the President's Commission on Executive, Legislative, and Judicial Salaries, referred to as the "quadrennial commission," which would make salary recommendations every four years. Unlike the system with the earlier panel, this commission's recommendations would become law unless either chamber passed a resolution to block them.

The third method by which congressional pay has been increased was established in 1975, when Congress voted to make members eligible for the same annual cost-of-living increases given to other federal employees. Members would still, however, have to vote on appropriations to fund the increase. Then, in 1981, Congress devised procedures whereby members could receive the cost-of-living increases without having to vote on appropriating the funds.

In 1985, the quadrennial commission process underwent revision, because the old procedure by which either chamber could block the president's recommended pay raise was upset by the Supreme Court ruling (*Immigration and Naturalization Service v. Chadha*), which banned such "legislative vetoes." Congress, therefore, rewrote the law to conform to the Court's decision. Now, to block a recommended pay increase, both chambers are required to pass a resolution of disapproval, which the president must sign, within thirty days of the date the president submits his budget.

At present, another procedure is being sought to make congressional pay raises more palatable. It involves resurrecting an idea that has been around for two hundred years: the proposed congressional salary amendment to the Constitution that I mentioned earlier. The notion is simple:

keep members from pocketing a salary increase until after they face voters in the next election. I shall read the amendment again: "No law varying the compensation for the services of the Senators and Representatives shall take effect, until an election of Representatives shall have intervened." Unlike most modern attempts to change the Constitution, the salary amendment had no time limit for state ratification. Technically, the amendment still needs only a thirty-eight-state majority for ratification. Since the original six States ratified the amendment between 1789 and 1791, twenty-two additional States have ratified it—nineteen of them in just the last five years—bringing the total to twenty-eight, ten shy of the required number.

It remains unclear as to whether Congress or the courts would allow an amendment, slowly ratified over two hundred years, to take effect. Is an amendment to the Constitution still viable after two centuries? While the answer to that question is as yet uncertain—and there are other questions to which the answers are equally uncertain—one thing is clear: interest is strong on all sides, and we will undoubtedly continue to struggle with the salary issue as Congress moves into its third century.

FOOTNOTES

¹ Sources consulted for this speech, in addition to the files of the Senate Historical Office and the Senate Library, include: Paul Dwyer and Frederick Pauls, "A Brief History of Congressional Pay Legislation," CRS Report 87-685, 1987; Frederick Pauls and Paul Dwyer, "A Brief Report on Congressional Pay," CRS Report 86-1051, 1986; Kathryn Allamong Jacob, "High Society in Washington During the Gilded Age," PhD Dissertation, Johns Hopkins University, 1986; Mike Mills, "Raising Members' Pay," *CQ Weekly*, February 4, 1989; "Proposed

Amendment, Age 200, Showing Life," *Washington Post*, March 29, 1989; David Huckabee, "The Constitutional Amendment to Regulate Congressional Salary Increases," CRS Report 86-889, 1986.

² Max Farrand, ed., *The Records of the Federal Convention*, vol. I. (New Haven: Yale University Press), p. 20.

³ *Ibid.*, pp. 215-216.

⁴ Charlene Bangs Bickford and Helen Veit, eds., *Documentary History of the First Federal Congress of the United States of America*, vol. VI (Baltimore: Johns Hopkins University Press, 1986), pp. 1833-45.

⁵ *Ibid.*, vol. IV, pp. 1-48.

⁶ *Annals of Congress*, 4th Congress, March 1-4, 1796, pp. 48-50; *U.S. Statutes at Large*, Vol. I, pp. 448-49.

⁷ *Congressional Globe*, 42nd Cong., 3rd sess., Washington, DC: 1873, pp. 2048-2049.

⁸ *Ibid.*, pp. 2046-2047.

⁹ *Ibid.*

¹⁰ *Ibid.*, pp. 2180, 2049.

¹¹ *Ibid.*, p. 2181.

¹² *Ibid.*, p. 2047.

Mr. BYRD. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, JULY 17, 1989

RECESS UNTIL 11:30 A.M.

Mr. BYRD. Mr. President, I ask unanimous consent, on behalf of the distinguished majority leader, that when the Senate completes its business today, it stand in recess until the hour of 11:30 a.m. on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS AND RESUME PENDING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that following the recognition of the two leaders under the standing order on Monday next, there be a period for the transaction of morning business not to extend beyond 12 noon, and that Senators may speak therein for not to exceed 5 minutes each, and that at the hour of 12 noon, the Senate resume its consideration of S. 1160, the State Department authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 11:30 A.M., MONDAY, JULY 17, 1989

Mr. BYRD. Mr. President, on behalf of the distinguished majority leader, I move, in accordance with the order previously entered, that the Senate stand in recess until the hour of 11:30 a.m. on Monday next.

The motion was agreed to; and, at 3:57 p.m., the Senate recessed until Monday, July 17, 1989, at 11:30 a.m.

NOMINATIONS

Executive nominations received by the Senate July 14, 1989:

DEPARTMENT OF STATE

RICHARD ANTHONY MOORE, OF THE DISTRICT OF COLUMBIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO IRELAND.

DEPARTMENT OF COMMERCE

DENNIS EDWARD KLOSKE, OF VIRGINIA, TO BE UNDER SECRETARY OF COMMERCE FOR EXPORT ADMINISTRATION, VICE PAUL FREDENBERG, RESIGNED.

EXECUTIVE OFFICE OF THE PRESIDENT

MICHAEL R. DELAND, OF MASSACHUSETTS, TO BE A MEMBER OF THE COUNCIL ON ENVIRONMENTAL QUALITY, VICE A. ALAN HILL, RESIGNED.

THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved as reported.

SCHEDULE

Mr. MITCHELL. Mr. President, the morning following the time for the two leaders there will be a period for morning business not to extend beyond 12 noon with Senators permitted to speak therein for up to 5 minutes each.

Mr. President, at noon the Senate will resume consideration of S. 1160, the State Department authorization bill.

SENATE—Monday, July 17, 1989

(Legislative day of Tuesday, January 3, 1989)

The Senate met at 11:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Blessed are the poor in spirit: for theirs is the kingdom of heaven.

Blessed are they that mourn: for they shall be comforted.

Blessed are the meek: for they shall inherit the earth.

Blessed are they which do hunger and thirst after righteousness: for they shall be filled.

Blessed are the merciful: for they shall obtain mercy.

Blessed are the pure in heart: for they shall see God.

Blessed are the peacemakers: for they shall be called the children of God.

Blessed are they which are persecuted for righteousness' sake: for theirs is the kingdom of heaven. Matthew 5:3-10.

Gracious God, unrealistic as these words of Jesus sound in our culture, lead us in the way of the blessed life that we may be a blessing to each other, our families, and the people.

In the blessed name of Jesus. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President, this morning, following the time for the two leaders, there will be a period for morning business not to extend beyond 12 noon with Senators permitted to speak therein for up to 5 minutes each.

Mr. President, at noon the Senate will resume consideration of S. 1160, the State Department authorization bill.

There will be no rollcall votes today. If votes are ordered, they will occur tomorrow after 2:15 p.m.

Under the unanimous-consent agreement, a vote on the Moynihan amendment (No. 268) will occur at 2:15 p.m. tomorrow. Other votes on or in relation to the State Department authorization are likely thereafter during the session tomorrow.

Mr. President, I reserve the remainder of my leader time and I yield to the distinguished Republican leader.

The PRESIDENT pro tempore. Without objection, the remainder of the leader's time will be reserved to the majority leader.

RECOGNITION OF THE REPUBLICAN LEADER

The PRESIDENT pro tempore. Under the order, the Republican leader is recognized.

Mr. DOLE. Mr. President, I would only indicate that it is my hope that sometime this week, following the item the majority leader has addressed, we can find time to pass drought legislation. It is my hope, and I hope and I believe the hope of Members on both sides who serve on the Agriculture Committee, that we can find some way to address the immediate problem in those areas that already have demonstrated loss; at the same time try to devise some mechanism to take care of any future disaster losses in spring crops.

If we can address that and find enough money to do it, then I think we can pass a bill in the Ag Committee which would pass the Senate very quickly, if we have a consensus.

In addition, I know the chairman of the committee is very eager to pass rural development legislation. There have been no specific hearings held on that legislation, but there has been a lot of negotiation between the ranking Republican on that committee, Senator LUGAR, and the chairman, Senator LEAHY.

It is the hope of all of us that any other differences in rural development legislation can be resolved prior to coming to the floor.

Maybe it is a big order, but if that can be accomplished, if there is a bipartisan effort to work on both of those bills on Thursday of this week, it would seem to me that they could come to the floor in a very narrow time agreement. We might be able to dispose of both this week.

It is particularly important for drought legislation to be not only approved by the Senate but to go to conference with the House-passed bill and have the conference pass that so it can be signed by the President before the August 4 recess.

The House-passed bill is a much more expensive bill. It potentially covers all crops. It is hopeful that the Senate bill can be more narrowly drawn. I know that efforts are being made through the Office of Management and Budget and the Congressional Budget Office to see if, in view of recent weather reports, there will be additional savings that can be found to increase the prospects for payments for spring-planted crops that may suffer from drought later on.

So it is my hope that we can also add those to the week's schedule, if possible.

Mr. MITCHELL. Mr. President, as the distinguished Republican leader knows, I have placed a very high priority on the rural development legislation and have discussed with the Republican leader and the chairman of the Agriculture Committee the possibility of moving both that and the disaster relief bill this week.

It is my fervent hope that both will be ready for action. I am aware of the importance which many Senators representing States which have incurred disasters place on that legislation and, of course, all of us who represent rural States—and that is many Members of the Senate—are deeply concerned about the unevenness of economic development across the country and the development needs in rural areas.

So I share the Republican leader's hope. If the committee is able to complete action on the rural development legislation this week, which I expect it will, and are able to work out a procedure for handling the disaster relief bill that is acceptable to all concerned and we can act on that as well, why, we certainly will do so.

Mr. DOLE. If the majority leader will yield, I think the only problem would be getting the committee reports done, say, overnight on Wednesday. We are not there yet. Hopefully, if we could not do it by Friday, it can be taken up early next week, if we can get an agreement on both bills that does not interfere with the majority leader's other scheduled plans.

Mr. MITCHELL. It will not, because nothing we have scheduled has a higher priority in my view than the

rural development and disaster relief legislation.

Mr. DOLE. Mr. President, I reserve the remainder of my time.

The PRESIDENT pro tempore. Without objection, the remainder of the Republican leader's time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. There will now be a period for morning business not to extend beyond 12 o'clock noon. Senators are permitted to speak up to 5 minutes each during that period.

What is the will of the Senate?

Mr. LIEBERMAN addressed the Chair.

The PRESIDENT pro tempore. The junior Senator from Connecticut [Mr. LIEBERMAN] is recognized.

JOHN N. DEMPSEY

Mr. LIEBERMAN. Mr. President, the people of Connecticut were saddened yesterday at the news that our former Governor, John N. Dempsey, had died at his home in Killingly.

This great Irish-American was beloved throughout our State by people of all nationalities, colors and creeds. His life gave proof to the truth of the American dream. An immigrant to this land, he rose to the highest office in his adopted State by virtue of the openness of our society and the strength of his talents.

As Governor, John Dempsey presided over a period of remarkable growth in Connecticut. Yet in the midst of prosperity, John Dempsey took care to attend to the needs of the underprivileged. He was a particularly forceful advocate for the rights of those with mental retardation, making our State a leader in enhancing their lives.

He was also one of the Nation's first environmental Governors, enacting laws protecting the air, land, and water long before the issue was on the national agenda.

John Dempsey was known, too, for his love of education, and his desire to give all the young people in Connecticut an opportunity to receive the best schooling possible.

He promoted the development of higher education in our State, bringing the University of Connecticut to its golden era and championed interest-free loans for college students, among other innovations. The people of Connecticut, Mr. President, responded to John Dempsey's concern for their well-being by making him one of our State's most popular figures, a popularity that continues to this very day. He was not only an effective Governor; he was a tremendously charismatic and powerful campaigner and candidate for Governor. In my time, Mr. President, I never

heard better stem-winding speeches given anywhere in America than those I heard given by Gov. John Dempsey.

In the election year of 1966, the late John Bailey, who I know, Mr. President, you knew well, responded to a question about the potential Republican nominee for Governor of Connecticut by saying, "I do not care who the Republicans run. I have Man O' War." Indeed, Mr. President, in John Dempsey, he did have Man O' War—a thoroughbred, a winner in every sense.

I had the honor of chronicling some of Gov. John Dempsey's career in my book, "The Legacy." Mr. President, I would like to take just a moment to briefly read a passage from that history of Connecticut government:

On January 9, 1970, Governor John Dempsey asked (John) Bailey and Katherine Quinn to come to the governor's mansion. In a voice literally choked with emotion, this sincere and personally gifted man who had become governor told his two most trusted political allies that he was announcing his retirement the following day and would never again seek public office. There was much speculation that Dempsey's decision was caused by the acrimony, born of ambition within his own party during the preceding legislative session, and by the increasingly alarming fiscal condition of state government. But three years before, Dempsey had promised his ailing mother and his son, Father Edward Dempsey, that he would retire from public office at the end of that term. His departure concluded a 38-year career in public life and finished 10 years as governor, a time Joe Owens of the Bridgeport Post aptly described as a "Decade of Decency."

Mr. President, Gov. John Dempsey was a decent man; a decent man who became Governor and made the lives of the people of Connecticut better than they otherwise would be. The people of Connecticut are thankful for John Dempsey's life and for his service. We will remember him always with fondness and gratitude. I personally offer my condolences and my prayers to his wonderful wife, Mary, and to his devoted children, Father Edward, John, Jr., Kevin, and Margaret.

Thank you, Mr. President.

THE PASSING OF A CONNECTICUT GIANT: JOHN DEMPSEY DIES AT 74

Mr. DODD. Mr. President, a very great man, a very fine, remarkable, in fact, public servant, a dear friend of my family's and mine, died in Connecticut yesterday. Mr. President, John Dempsey, Governor of Connecticut from 1961 to 1971, was a leader of the rarest sort. He was a man of vision with a common touch.

Connecticut is the poorer, and certainly I am the poorer, Mr. President, for his passing.

They called John Dempsey "Man O' War," named after the winning thoroughbred. Mr. President, he was a

winner and not just of elections. Although he certainly won many of those.

Gov. John Dempsey won passage of legislation that made Connecticut a pioneer in social and environmental issues in the 1960's. Through him the people of our State and in fact ultimately the people of this Nation won.

I knew John Dempsey for most of my life. In fact, Mr. President, I cannot recall a time when I did not know him. He was a friend of families generally but he was a particular friend of mine. He and my father fought side by side in Hartford and in Washington, DC, for many causes: Civil rights, the rights of the handicapped, increased support for education and other programs for the young.

Throughout my career in politics, Mr. President, a profession ennobled, I might add, by John Dempsey, he was a supporter and adviser, but always, always a friend.

Fifteen years ago this Saturday evening, in the first political steps that I took in my political life, John Dempsey stood next to me, helping to nominate me to Congress in the sweltering, boisterous, old-fashioned Democratic Convention in the old Knights of Columbus Hall in North Grosvenor Dale, CT. He was also there, Mr. President, in later nominating conventions for House and Senate races, in public and private events of every sort. And he was always available, as accessible to a young Connecticut Congressman just starting out in Washington as he was accessible to any constituent, any Connecticut neighbor, in the decade that he served as our Governor and beyond.

It was said at that time and has been said many times since that John Dempsey was a man of integrity, a Governor whose administration saw no hint of scandals.

But, Mr. President, his administration, his contributions were larger than that.

John Dempsey had a vision of what government is and could be that enriched all who served with him, all who learned from him, all who had the good fortune to benefit from his works. He was a compassionate man who formed and led a compassionate government, a government that searched out inequities and vanquished them; that reached out a hand to the disabled and the disadvantaged and brought them into the mainstream; that smoothed the rough edges of business and nature to help those who needed it, to keep the air and water clean, to make the cities livable.

John Dempsey arrived in the United States from his native Cahir in the county of Tipperary, Ireland, and who became this Nation's first Irish-born

Governor. He was fond of saying it, "I came here in short pants as an immigrant at the age of 10 and I saw what this country did for me."

It was an even trade, Mr. President; certainly an even trade. For all that his country and State gave him, John Dempsey gave as much, in fact I would argue, far more back. He was a giant. Connecticut will miss him, and I will miss him. I extend my deepest sorrows and sympathies to his family, his wife Mary, his sons who are great friends of mine, as well, and his grandchildren and the people of Connecticut who will meet this great warrior who Abraham Ribicoff and John Bailey called their Man O' War in Connecticut politics. We will not see his likes again in many, many a year to come.

Mr. President, there have been a number of articles written in the last 24 hours. I would like to print in the RECORD one by Elizabeth Lightfoot from the Associated Press; one by Charles Morse of the Hartford Courant that describes in great detail the accomplishments of John Dempsey; an article written, as well, in the New York Times today. I ask unanimous consent they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FORMER GOV. JOHN DEMPSEY DIES AT HOME
(By Elizabeth Lightfoot)

HARTFORD, CT. (AP)—Former Connecticut Gov. John N. Dempsey, an Irish immigrant whose decade as governor saw the passage of social and environmental laws that became models for later Federal legislation, has died of lung cancer at the age of 74.

Dempsey was surrounded by family members when he died at his Killingly home about 4 a.m. Sunday.

Dempsey was dubbed "Man-O-War" by the late legendary State and National Democratic Chairman John M. Bailey because of his ease at winning elections. Dempsey served as governor from 1961 to 1971, only the second person in Connecticut history to serve a full decade in that office.

During his years as governor, Dempsey oversaw the passage of a job-training law that became the model for the Federal Manpower Training Act. Connecticut was also one of the first states to impose water and air pollution restrictions, well before the Federal regulations.

U.S. Sen. Joseph I. Lieberman, D-Conn., who met Dempsey in the late 1960s while writing "The Legacy," a book about Connecticut politics, said Dempsey "proved the reality of the American dream."

"He was an immigrant to this country and by virtue of the openness of our society and the strength of his talent he became governor of our State," Lieberman said. "During his decade of leadership he presided over a period of tremendous growth and at the same time made Connecticut a leader in services for the underprivileged, most particularly those with mental retardation."

Dempsey entered the John N. Dempsey Hospital in Farmington, named in his honor, on June 16. He returned to his home in Killingly Friday so he could be with his family.

Gov. William A. O'Neill ordered flags flown at half-staff until Dempsey's burial

and state flags will be flown half-staff during a 30-day period of mourning.

"With the passing of John Dempsey, Connecticut has lost one of its great public figures and I have lost a great friend," O'Neill said. "My association with John began more than 25 years ago, but my admiration for him began much earlier."

"As a young man thinking about entering public life, I saw in John Dempsey a model of what an elected official could and should be," O'Neill said. "He was an enthusiastic campaigner, a loyal ally, a great and popular leader and perhaps, most importantly, a good and considerate person."

Former Connecticut U.S. Sen. and Gov. Abraham A. Ribicoff called Dempsey a close friend. Dempsey succeeded Ribicoff as governor in 1961 when Ribicoff resigned to serve as Secretary of Health, Education and Welfare in the Kennedy administration.

"We worked together for many, many years and he was an outstanding human being," Ribicoff said.

U.S. Sen. Christopher Dodd, D-Conn., called Dempsey "an outstanding public servant and leader."

"He served as governor during some of Connecticut's most demanding times and served well," Dodd said. "He left us with healthier cities and healthier citizens, who today still benefit from his vision."

State Democratic Chairman John F. Droney Jr. called Dempsey a "great man and a great leader."

"Men like Dempsey come along only once in a century," Droney said. "The state is a lot poorer for the loss."

Dempsey emerged a winner in his first foray into local politics when he convinced the Putnam town fathers that his street needed a street light back in the '40s.

That little victory prompted townsfolk to convince the young Democrat to run for the city council when he was 21. He was later elected mayor, six consecutive times.

Throughout a 40-year political career, Dempsey lived by a simple credo: "You've got to help people. I love people."

In 1954, he ran for lieutenant governor on a ticket headed by Ribicoff. Back then, balloting for lieutenant governor and governor was separate, and Ribicoff won, but Dempsey lost. It was the first and only time that Dempsey experienced defeat in politics and Ribicoff made him his executive aide.

Then in 1958, he and Ribicoff ran together again and this time, both of them won.

Dempsey remained mayor of Putnam while serving as lieutenant governor, but had to leave both posts when Ribicoff went to Washington in 1961.

Dempsey dominated Connecticut politics during the '60s. He was elected to a full term in 1962, easily turning back a challenge from Republican John Alsop by 66,000 votes. Four years later, he crushed another GOP challenger, E. Clayton Gengras, winning by 115,000 votes.

He held the governor's office longer than anyone since Oliver Wolcott Jr., a Litchfield Federalist, who had it from 1817 to 1827.

Asked once to describe "the Dempsey years," he said: "I believe those years were devoted to the real meaning of government: people. People just want a chance."

"I had hoped to give all the people in Connecticut the opportunity that Connecticut gave me."

"I came here in short pants as an immigrant at the age of 10 and I saw what this country did for me," he said.

John Noel Dempsey was born Jan. 3, 1915, in Cahir, County Tipperary, Ireland. He ar-

rived in the United States in 1925 and settled with his parents in Putnam. He graduated from Putnam High School and later studied at Providence College.

His Hartford career began in 1949 when he was elected to the House of Representatives, representing his little chunk of north-eastern Connecticut. He was re-elected twice and served as House minority leader in 1953-54.

During his 10 years in office, more people than ever before were working for state government. That provided the foundation for both praise and criticism of Dempsey's tenure.

Critics complained that the state under Dempsey was run by committee and that too much of the authority that belonged in the hands of elected officials was farmed out.

Dempsey insisted that his decision not to seek a third term in 1970 had nothing to do with the state's budget crisis at the time, a \$400 million deficit. Rather, he said, he thought it was time to open things up to younger Democrats and "I (was) going to set the example."

Dempsey's was a sprawling administration that boomed in the good years between his start in 1961, when unemployment was high and taxes had to be raised, and his retirement in 1971, when unemployment climbed again and taxes had to be raised by his Republican successor, Thomas Meskill.

"My worst political years were when we had surpluses," he recalled. "A. Searle Pinney of Brookfield (state GOP chairman at the time) used to call me and tell me you don't run government for a profit."

After he left office, he worked for a year as a consultant on environmental issues for Southern New England Telecommunications Inc.

A champion of the mentally retarded during his years in office, Dempsey's retirement was highlighted by his successful efforts to return to Connecticut.

Although he left official political life 18 years ago, he remained active, frequently leaving the sidelines to hit the campaign trail, most recently on O'Neill's behalf. He served as O'Neill's campaign chairman in 1982 and 1986.

He called O'Neill "a member of one of my closest groups. Anytime I can help, I'm glad to."

Dempsey and his wife, Mary, who lived in Groton for 18 years, moved last December to the Dayville section of Killingly.

The Dempseys had lived in Putnam for 16 years before moving to Hartford during Dempsey's years as governor.

In addition to the John N. Dempsey Hospital at the University of Connecticut Health Center, a facility for the mentally retarded in Putnam is named after him.

Besides his wife, Dempsey is survived by three sons, a daughter and nine grandchildren.

A funeral service will be held 11 a.m. Wednesday at St. Mary's Church in Putnam. Burial will be at the parish cemetery immediately after the funeral.

Calling hours will be on Tuesday from 2 p.m. to 4 p.m. and 7 p.m. to 9 p.m. at the National Guard Armory in Putnam.

[From the Hartford Courant, July 17, 1989]

JOHN DEMPSEY DIES; WAS GOVERNOR 10 YEARS

(By Charles F.J. Morse)

John Noel Dempsey, who came to this country from Ireland at age 10 and went on to become one of Connecticut's most popular and compassionate governors, died early Sunday at his home on Alexander Lake in Killingly.

Dempsey, who had lung cancer, died about 4 a.m., surrounded by members of his family. He was 74.

Death came one month after he complained of a cough and was admitted to the hospital in Farmington that bears his name. On Friday he told hospital officials he wanted to go home.

His tenure as the state's 79th governor, from 1961 to 1971, was the longest of any governor since Oliver Wolcott Jr. of Litchfield, who held office from 1817 to 1827.

He was regarded as a champion of the less fortunate, devoted especially to the mentally and physically handicapped, committing the power and prestige of the state's highest office to solving their problems.

"Connecticut will long remember the Dempsey years as a time of wonderful growth and achievement," Gov. William A. O'Neill said Sunday. "I saw in John Dempsey what an elected official could and should be. He was an enthusiastic campaigner, a loyal ally, a great and popular leader and, perhaps most important, a good and considerate person."

O'Neill ordered flags in Connecticut to be lowered to half-staff until after Dempsey's burial Wednesday. State of Connecticut flags will remain lowered for 30 days.

Dempsey's strength can best be summed up in one word: people. They knew him. They liked him.

One summer Sunday afternoon before he left office, Dempsey stood knee-deep in the water off Duck Island near Westbrook. He wore only his trunks, and his wet hair streamed down over his face.

He was hailed by a passing boat. "Hello, governor," a youngster yelled, with a friendly wave.

Dempsey waved back.

"See, I told you," the boy said to his parents. "That was Gov. Dempsey."

Politics was his life, and he, in turn, was a dream come true for his beloved Democratic Party.

His state chairman during his years in office, John M. Bailey, who died in 1975, used to call Dempsey "Man O' War," referring to the great racehorse, because of his ability to win.

In 1970 when Dempsey announced he would not run for reelection, a Courant editorial called him "a governor of integrity, of sincere public interest and a personality of charm and magnetism."

His popularity continued through his retirement.

Warm tributes flowed easily from other former governors and colleagues.

Former U.S. Sen. and Gov. Abraham A. Ribicoff called him "a magnificent governor . . . with an outstanding personality that struck sparks of affection from everybody in the state."

"John Dempsey continued to be the most popular political figure in Connecticut right to the end," U.S. Second Circuit Appeals Judge Thomas J. Meskill said.

"He was the consummate public servant: honest, loyal and effective," said Meskill, a Republican who succeeded Dempsey as governor.

Lt. Gov. Joseph J. Fauliso, one of Hartford's state senators during the Dempsey years, said, "He was a person of profound faith, and that faith actively shaped his life, a life of simplicity, honesty and humility."

Robert K. Killian, who served with the governor as attorney general and later as lieutenant governor, remembered how Dempsey set the attitude and pace of government himself.

"There was no attitude of confrontation as there is today," Killian said. "John Dempsey created an unusual era of good feeling. He created it himself; it was the way he lived his life."

State Supreme Court Justice T. Clark Hull, a Republican state senator during Dempsey's years in office and then lieutenant governor, said:

"I always felt he didn't get the credit he really deserved—for civil rights and the rights of the disadvantaged. During his 10 years there wasn't even a hint of scandal in his administration."

Former U.S. Sen. Lowell P. Weicker said, "There was decency in everything the man fought for, then did."

"I first came into politics when he was governor. His example had as great an impact on me as anyone," Weicker, a Republican, said.

"Kindness and decency was his personal style, which was translated into his legislative bequest," he said. "John Dempsey's was the world of politics that should be the world of politics, not the cesspool it is today."

AID FOR DISADVANTAGED

Dempsey's greatest achievement was to open the gates and doors of Connecticut's training schools and mental hospitals to the public eye.

In this crusade, the governor was joined by his wife, Mary. Together they were advocates for the mentally ill, the retarded, the blind and the deaf. They did not simply work for the handicapped but worked with them, inviting them into their home and asking them to participate in programs at the State Capitol.

Reporters who accompanied the Dempseys on Christmas and summer visits to all of the state training schools and hospitals can vouch for the emotional toll it took.

Tears came easily to Dempsey. So did words and the ability to deliver them with passion.

Ireland flowed proudly in his veins—in wit, emotion, song and religious faith.

He was born Jan. 3, 1915, the son of a sergeant major in the British Army. His parents emigrated to the United States from Cahir, County Tipperary, in 1925 because they believed America afforded greater opportunity for their only son. They settled in Putnam, where Dempsey's father worked in textiles.

After graduating from local schools, Dempsey attended Providence College. He ran for his first public office, that of Putnam councilman, when he reached 21 in 1936.

Thereafter his service ranged upward: 12 years as Putnam mayor, three consecutive terms in the State House of Representatives, and positions as executive aide in the governor's office, lieutenant governor, and finally, America's first Irish-born governor.

Dempsey's only loss was in 1954, when Charles W. Jewett defeated him by 5,400 votes out of nearly 1 million cast for lieutenant governor. When Dempsey tried again in 1958, he was elected by a margin of more than 170,000 votes.

He became governor Jan. 21, 1961, after Ribicoff resigned to accept an appointment as secretary of Health, Education and Welfare in the Cabinet of President Kennedy.

In the election of 1962, Dempsey won his first four-year term as governor, defeating Hartford insurance executive John Alsop by more than 66,000 votes.

He was able to enlist some of the state's best minds and corporate leadership to work voluntarily on boards, commissions and task forces.

Dempsey also recruited some unusual talent for his closest advisers—Bailey, Secretary of the State Ella T. Grasso, who later became governor; finance commissioners George G. Conkling and Lee V. Donahue, who is now a state auditor; and C. Perrie Phillips, who later became a Superior Court judge.

THE BOOM YEARS

During his 10 years in office, more people than ever before were working for state government. That provided the foundation for both praise and criticism of Dempsey's tenure.

Critics complained that the state under Dempsey was run by committee and that too much of the authority that belonged in the hands of elected officials was farmed out.

Dempsey's was a sprawling administration that boomed in the good years between his start in 1961, when unemployment was high and taxes had to be raised, and his retirement in 1971, when unemployment climbed again and taxes had to be raised by his Republican successor, Meskill.

Some of his most difficult problems were caused by the ailing New York, New Haven and Hartford railroad, which needed constant and expensive attention.

The middle years of his administration saw gains in many areas, including civil rights, clean water, clean air, mental health, programs benefiting youths, corrections, conservation, education, highway safety, programs aiding the physically handicapped and programs combating drug abuse and crime.

During those years, Homer Babidge became the president of the University of Connecticut and, with Dempsey's support, improved its faculty and programs and transformed it into a major New England university.

On May 17, 1966, Dempsey broke ground for a facility then known as the state's medical-dental school. He considered it one of the great achievements of his administration.

It was in the school's medical center, now called John Dempsey Hospital that his fatal disease was diagnosed, though not officially disclosed.

Only once did he clash seriously with his own party members. During the 1969 legislative session, Democratic state senators increased the sales tax from 5 percent to 6 percent, initiated taxes on capital gains, and moved toward annual sessions, all of which Dempsey opposed.

The governor vetoed the budget on the last night of the session, forcing a special session and a half-point cut in the sales tax to 5.5 percent. Those close to him believed the session contributed to his decision to retire.

Dempsey subjected himself to unusual public exposure, insisting on easy accessibility. He was the last governor to hold daily press conferences at the State Capitol.

Part of his charm, and thus his popularity, was his memory for names. It was an unusual experience for many. To be greeted warmly by name by the governor of Connecticut was surprising and flattering. Often, he would greet spouses and children by name as well.

The ultimate example occurred one afternoon in 1965 as Dempsey was welcomed home to Chair after an absence of 23 years. He was paraded to the center of town to the cheers, the bagpipes and the strains of "Kelly, the boy from Kilane."

As he walked along, he spotted a familiar face in the crowd. Without hesitation, as if it had been yesterday instead of 23 years ago, he called out:

"Timothy Looney, I didn't forget you."

They cheered him even louder, and toasted the lad who had remembered—well into the night.

A FAVORITE TOAST

One of Dempsey's last official tasks for the state was to head the committee that returned the USS Nautilus to New London. During 30 years of service, the nuclear submarine, built by Connecticut workers, logged 450,000 nautical miles. It is now a historic landmark.

Since leaving the office of governor—first moving to Mumford Cove in Groton and then in December returning to a home on Alexander Lake near Putnam—Dempsey had remained active in Democratic politics.

Twice he served as chairman of O'Neill's gubernatorial campaigns. He also remained a favorite speaker at fund-raisers and testimonials.

Invariably, Dempsey would end a spirited evening with his father's favorite toast:

Here's to the land of the shamrock so green;
Here's to each lad and his Irish colleen;
Here's to the lands we love dearest and most;

Bless America, unite Ireland, that's the real Irish toast.

Dempsey leaves his wife, Mary Frey Dempsey, whom he met at Putnam High School and married July 27, 1948; three sons, the Rev. Edward Dempsey of Hartford, John N. Dempsey Jr. of Nantucket, Mass., and Kevin B. Dempsey of West Hartford; a daughter, Margaret Gankofskie of Willington; and nine grandchildren.

His funeral will be in St. Mary's Church, Putnam, on Wednesday at 11 a.m., with burial to be in the parish cemetery.

He will lie in state at the National Guard Armory in Putnam. Calling hours will be Tuesday from 2 to 4 and 7 to 9 p.m.

[From the New York Times, July 17, 1989]

FORMER GOV. JOHN DEMPSEY, 74; LED
CONNECTICUT DURING THE 60'S

(By Kirk Johnson)

HARTFORD, July 16.—Former Gov. John N. Dempsey, a liberal Democrat who helped foster Connecticut's reputation in the 1960's as a national trend-setter in social and environmental laws, died of lung cancer today at his home in Killingly, Conn. He was 74 years old.

Mr. Dempsey returned home Friday after being a patient for a month at the John Dempsey Hospital in Farmington, which was named in his honor.

He served as Connecticut's Governor from 1961 to 1971, overseeing the passage of a job-training law that became the model for the Federal Manpower Training Act, and the first revision of the Connecticut Constitution in 150 years, which redrew the

boundaries of the General Assembly districts.

In the Dempsey years, Connecticut was also among the first states to impose restrictions on air and water pollution, well in advance of similar Federal laws. Mr. Dempsey also pushed through the first appropriations to establish the University of Connecticut Health Center, which includes the hospital named for him.

John Noel Dempsey was born Jan. 3, 1915, in Cahir, County Tipperary, Ireland, the only son of a career British Army officer. He immigrated with his family in 1925 to Putnam, Conn., in the northeastern corner of the state. Mr. Dempsey lived there most of his life, working first in the town's then-booming textile industry and then in Town Hall, which became the base for his rise in state politics.

EVERY MUNICIPAL POSITION

Known throughout his career as a gregarious and diplomatic man, Mr. Dempsey was elected to the Putnam City Council at the age of 21, and over the next 25 years served in every elected municipal position, including six two-year terms as Mayor, beginning in 1948. After his election to the General Assembly in 1949, he continued to divide his responsibilities between local and state offices.

While continuing as Mayor, Mr. Dempsey served in Connecticut's General Assembly from 1949 through 1955, then as an executive secretary to Governor Ribicoff from 1955 until the 1958 election, when he became Lieutenant Governor.

He became Governor in January 1961, when Gov. Abraham A. Ribicoff resigned to become Secretary of Health, Education and Welfare under President John F. Kennedy. Mr. Dempsey, Connecticut's first foreign-born Governor in almost 300 years, was elected twice on his own over Republican opponents, in 1962 and 1966.

He chose not to run again in 1970 and returned to Putnam and to the family textile business. He worked briefly as an consultant on environmental matters to the Southern New England Telephone Company in the early 1970's and remained active in state politics.

CONSTITUTIONAL CRISIS

Perhaps the greatest crisis of his governorship occurred in 1964, when a Federal District Court panel ruled that the General Assembly districts were unconstitutional because of changes in state population. Working under an emergency declaration that kept Assembly members in office through two special sessions, the state revised the districts and put a revised Constitution in place in 1965, in time for the 1966 elections.

Mr. Dempsey is survived by his wife, the former Mary Frey; three sons, the Rev. Edward and John Jr., both of Hartford, and Kevin, of West Hartford; a daughter, Margaret Dempsey Gankofskie of Willington, and nine grandchildren.

A wake will be held Tuesday from 2 to 4 P.M. and 7 to 9 P.M. at the Connecticut State Armory in Putnam and a funeral mass will be celebrated on Wednesday at 11 A.M. at St. Mary's Roman Catholic Church in Putnam.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I hope that I might join in the tribute to John Dempsey, Governor Dempsey, which we have just heard from our

distinguished and learned colleague from Connecticut. The Governor of Connecticut is a person of consequence to the people of New York. We are neighbors, and in the case of John Dempsey we were truly friends.

He set a standard which few in any time can meet. Although I cannot claim anything like the close association of Senator Dodd, I would hope to be not less an admirer and certainly would wish to endorse everything he has said. There are so few who have the privilege of setting not just standards but precedents.

He was the first Tipperary man to become Governor of Connecticut. I do not know what those ancient Congregationalists would have thought about that, but the contemporary ones like it. The people of Connecticut are better off for it, and from his example we are all instructed and enlarged. I thank the Senator for the opportunity to hear his remarks.

Mr. DODD. Mr. President, if I can say how deeply pleased I am our colleague from New York was on the floor because what he said was absolutely true. He knew him so well. In fact, my colleague from New York knows this coming Sunday there is a reunion. It will be 15 years ago I was nominated to Congress. John Dempsey stood with me on that night. It was 108 degrees.

Mr. MOYNIHAN. I dare say I have been in that Knights of Columbus hall.

Mr. DODD. I think you have. I think I invited you. I hope it was a cooler night than that when you were there. John Dempsey was invited. A group of us gathered 150 or 200 who were involved in that convention. In fact, my opponents, as well, are coming to reminisce on Sunday. We asked John to be there to be our keynote speaker on Sunday. Regrettably, he not be there, except in spirit and, believe me, he will be there in spirit.

I will be talking to his children and lovely wife May in the next day or so, and I will express to them your warm, kind remarks on the floor of the Senate today.

Mr. PRESSLER addressed the Chair.

The PRESIDENT pro tempore. The senior Senator from South Dakota, Mr. PRESSLER, is recognized for not to exceed 5 minutes.

THE B-2 BOMBER

Mr. PRESSLER. Mr. President, at this moment the B-2 Stealth bomber is flying in California in its test mission. I had the pleasure of visiting the B-2 site a couple of weeks ago, and it is a magnificent airplane. But I would urge that we not go forward with full-scale production of the B-2 until we

have made the B-1 an effective aircraft.

Several B-1's are stationed at Ellsworth Air Force Base in western South Dakota. We are very proud to have them there, but the B-1's have had a number of problems. Three of them have crashed, all for technical reasons. In one case a bird flew into an engine and a guard has been developed now for engines so birds will not fly into them. Another accident was blamed on pilot error, although some of the pilots I talked with felt that was a bit unfair because the electronics system and the communications system in the plane did not work properly in their judgment. A third crashed for reasons unknown.

One result of these accidents has been that Senators are no longer taken for rides on the B-1. At one time I and several of my colleagues had invitations for a ride on the B-1 bomber. Governors were also invited to go for rides. But those invitations have been rescinded until further notice. The point is there is an uncertainty about whether the B-1 bomber is safe.

The citizens of Rapid City, SD, have been concerned because one of the B-1's crashed near Rapid City. These aircraft can and should carry weapons during their operations. But people are wondering what will happen if one crashes near a major city with a weapon or a bomb on it.

Mr. President, we have some work to do in terms of making the B-1 bomber safe. There are a number of estimations of how much that would cost ranging from the millions into the billions, but it is our bomber fleet and we should make it safe before we go on to the B-2. What that will take I do not know for certain. We may have to go back to the contractors for corrections. I hope the taxpayers are not stuck with the total bill, but we cannot abandon the B-1 fleet. We also have budgetary constraints to deal with. There is an effort to keep military spending at a level that accounts for inflation, and that will be the extent of it.

We have to choose what we want to do, and my recommendation is not to go forward with large-scale production of the B-2 at this time but, rather, to fix up the B-1's and to take care of some of our other military needs. I will be joining in this effort when the defense appropriations bill comes before us. There will be amendments regarding the B-2, and I wish to inform my colleagues that I shall be supporting those amendments that would fix up the B-1 before we go to the B-2—that would essentially delay large-scale production of the B-2.

Mr. President, I yield the floor. I note the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll, the absence of a quorum having been suggested.

The legislative clerk proceeded to call the roll.

Mr. PRESSLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

NEVADA WILDERNESS PROTECTION ACT

Mr. REID. Mr. President, I recently introduced the Nevada Wilderness Protection Act of 1989. This bill will designate specific sectors of the National Forest Service land as wilderness. It is a culmination of years of hard work and compromise. In terms of sheer land mass Nevada is the seventh largest State in the country. It is the only State that has not adopted wilderness legislation.

Since the Forest Service's 1976 RARE II study, 3.2 million acres of Nevada land has been protected as de facto wilderness. The proposed legislation opens up 2.4 million acres for multiple use, and designates the remaining 730,000 acres as wilderness.

Our land, Mr. President, is something that we must share. Everybody has their own idea of what that sharing entails.

Everybody has their own interest, whether it be the preservation of wildlife and natural resources, mining and excavation, or development and recreation.

Almost 2 years ago, Nevada's Great Basin National Park was created and opened to the entire world.

I was joined by many groups, individuals, and colleagues in assuring that our vision for a Great Basin National Park became reality.

Nevertheless, our efforts were built upon 50 years of painstaking progress to get to the point where action was taken to preserve the park lands. The conflicts seemed unrelenting—compromise appeared as an illusion.

I was taught a lesson then that serves me well now as I push for the passage of wilderness legislation: Everybody at that time it seemed wanted a piece of the action.

The song, "This Land Is Your Land" takes on a new—and maybe even a troubling—meaning. The problem is not unique to Nevada. For example, a debate currently wages over the preservation of land and wildlife adjacent to Nevada in California's Mojave Desert.

A Los Angeles Times reporter recently noted that conflicts over land use are common. The reporter noted in his writing that "motorcyclists wrestling with backpackers, gold miners pitted against environmentalists, and cattlemen battling conservationists." That sums up the problem.

In Nevada, the conflict is sharpened by the State's growing population and economy.

Urban centers are expanding to encompass what were once suburban areas. The population is booming as more and more people move to Nevada and play a role in the State's thriving economy.

But in these changing times, there is one thing that remains constant. And that is the spectacular beauty and serenity of the areas designated as wilderness in this proposed legislation.

The kaleidoscope of sounds and sights that characterize the scenery in these areas is irreplaceable. If we open these few places for development, we risk losing rare natural resources.

Interior Secretary Lujan, in testimony during his nomination proceedings, stated that we can protect resources and undertake development concurrently.

He said we do not have to choose between preservation and development. I say that, in some instances, we do have to choose. I am willing to make some of those choices.

At times, such choices will be hard. But supporting the Nevada Wilderness Protection Act is not a hard choice.

The bill is a veritable windfall to ranchers, miners, developers, and recreational vehicle owners.

The bill opens up 2.4 million acres of National Forest Service land—land that, up to the present, is protected as wilderness. It is protected until we implement the letter of the law expressed in the Wilderness Act of 1964.

The act says we need to assess this Forest Service land and determine that which is suitable for wilderness designation. The land not deemed appropriate for wilderness designation would be released for multiple use.

Congress has passed wilderness legislation for every State except Nevada. It is time we decided the fate of the land held captive since 1964.

The choice is easy. The bill is similar to wilderness legislation passed for every other State. The bill frees up 2.4 million acres of land, while preserving only a little more than 700,000 acres for posterity.

The great writer Rudyard Kipling observed that we are given all the Earth to love—but our hearts are small.

I think Kipling would agree that we may not have the capacity or ability to preserve all of our environmental treasures—but we are able to choose those that are most dear, and preserve them as wilderness.

The choice, Mr. President, is an easy one. I encourage my colleagues to make this choice and support the Nevada Wilderness Act of 1989.

TERRY ANDERSON'S 1,584TH DAY OF CAPTIVITY

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that

today marks the 1,584th day that Terry Anderson has been held in captivity in Beirut.

I ask unanimous consent that an editorial by Andy Rooney on this subject be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Irondequoit Press, June 30, 1987]

TERRORISM IN BLOOM

(By Andy Rooney)

There are times when I don't have much control over which thoughts come into my head, or when. The American hostages of the terrorists in Lebanon showed up, unbidden, in my head this morning when I got up at 5:40.

It is almost, but not quite, light at that hour now, and if I don't turn the bathroom light on, I can leave the shade up and still not be seen. This enables me to look down on our pretty back yard while I'm toweling off.

There are tulips in front of the hedgerow and the magnolia tree is in bloom. It was while I was looking out the second-floor window that the captives came to my mind. The pleasant thoughts I was having flew out of my head.

What would the hostages give for a glimpse of the tulips? For the warm shower I'd just had? For my breakfast of fresh orange juice, coffee, and toast? For the friends and family I'd be surrounded by all day long?

It is sickeningly sad to contemplate these eight Americans cooped up in some miserably hot, dark, lifeless place, chained perhaps, with only their hope to live on. That hope has failed them so often, it must be difficult for them to continue having it. Even the eternal spring must run dry.

The hostages are intelligent and educated men, although the fact that they're intelligent and educated shouldn't make their situation any sadder. They are held, as best we know, in small rooms with almost nothing to do. They get no news, hear nothing from their friends or families, and, in all likelihood, despair of ever being released alive. It is far worse than a criminal's prison life.

You wonder what their captors think of them. Some personal relationships must have developed with the people who guard them and bring them food.

Their captors must know that these Americans are decent, intelligent, innocent people. The captors are almost certainly deeply religious people. The Middle Eastern wars are basically religious wars. Do the captors feel any guilt, any remorse, over what they have done to these innocent individuals? Do they feel any compassion for their prisoners?

It is likely these zealots feel the sacrifice of their hostages' freedom is serving a higher cause. There is no fervor like religious fervor.

It would be a simple matter for the terrorists to murder their captives. There's no one to stop them. No one need know for weeks. You wonder whether the captors keep the hostages alive and feed them because of some sense of decency or merely because their prisoners are worth something to them alive and nothing to them dead.

Suicide must certainly come to the hostages' minds, but it is likely that even voluntary death is not an option available to them.

What is it the terrorists want again? We hardly remember—if we ever knew. What-

ever it is, it is likely that the demand is nothing within the United States' power to grant.

The terrorists are not ordinary criminals. You should think that it must occur to them that it is a cruel thing they are doing. Our government did a foolish and dangerous thing when it offered weapons to the Iranians in exchange for hostages, while vowing, at the same time, not to negotiate. Paying off the terrorists makes hostages worth their taking. Every hostage taken from that day on can blame the people who made a deal. The eight hostages now held are held because of the hope our negotiators gave their captors that we're willing to pay ransom in the form of weapons and money.

There isn't time in our lives to feel sorry for everyone who ought to be felt sorry for. I just wished this morning that Terry Anderson, Thomas Sutherland, Frank Reed, Joseph Cicippio, Edward Tracy, Alann Steen, Jesse Turner, and Robert Polhill could have looked out on our garden with the tulips and then gone to work.

CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Morning business is closed.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEAR 1990

The PRESIDENT pro tempore. Under the order, the Senate will resume consideration of S. 1160, the State Department authorization bill, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1160) to authorize appropriations for fiscal year 1990 for the Department of State, the United States Information Agency, the Board for International Broadcasting, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

(1) Helms amendment No. 269, to prohibit negotiations with terrorists responsible for the murder, injury or kidnapping of an American citizen.

(2) Grassley amendment No. 270 (to Amendment No. 269), of a perfecting nature.

(3) Heinz amendment No. 272, to provide international support for programs of sustainable development, environmental protection, and debt reduction.

Mr. PRESSLER. Mr. President, I have an amendment ready to go with, but I believe I will wait until Senator SARBANES arrives.

Mr. President, I note the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum has been noted. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SARBANES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SARBANES. Mr. President, today the Senate resumes consideration of S. 1160, the Foreign Relations Authorization Act. On Friday, the Senate adopted a very significant amendment, the Mitchell-Dole provision, providing sanctions with respect to China. This bill, which authorizes appropriations for the fiscal year 1990, for the Department of State, the U.S. Information Agency, and the Board for International Broadcasting, and for other purposes, will, of course, be before the Senate today.

No votes are scheduled for today, but it is expected that if amendments are offered on which votes will be required, they will be stacked and carried over until tomorrow, and voting will resume. Of course, noncontroversial amendments can be accepted, if cleared on both sides, and disposed of today. So it does offer an opportunity for Members to have those noncontroversial amendments dealt with and included in the legislation.

I yield the floor.

AMENDMENT NO. 273

Mr. PRESSLER addressed the Chair.

The PRESIDENT pro tempore. The senior Senator from South Dakota, Mr. PRESSLER, is recognized.

Mr. PRESSLER. Mr. President, I have an amendment which I send to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from South Dakota [Mr. PRESSLER] proposes an amendment numbered 273.

Mr. PRESSLER. Mr. President, I ask unanimous consent that the amendment be considered as if read.

The PRESIDENT pro tempore. Without objection, reading of the amendment will be dispensed with.

The amendment is as follows:

At the appropriate place add the following new section:

SEC. . The Director of the United States Information Agency may enter into a contract for the construction of the Voice of America's Thailand radio facilities for periods not in excess of five years or delegate such authority to the Corps of Engineers of the United States Department of the Army, provided that there are sufficient funds to cover at least the Government's liability for payments for the fiscal year in which the contract is awarded plus the full amount of estimated cancellation costs.

The PRESIDENT pro tempore. The Senator from South Dakota is recognized.

Mr. PRESSLER. Mr. President, this is a technical amendment that I understand is acceptable to the distinguished chairman of the committee.

This provision was requested by USIA. It would provide the Voice of America with the flexibility required

to continue to make maximum progress in its modernization and expansion programs in the face of continued budget realities.

This authority was not originally requested in the President's fiscal year 1990 budget in anticipation of receiving full funding for radio construction. However, it now appears that the fiscal year 1990 authorization for modernization will likely be lower than the administration's request.

Absent this requested authority, completion of the new Thailand relay station will be delayed by 12 to 18 months, and the cost of the project, according to USIA, will be increased by \$6 million.

With this authority, it will be possible to award the facility construction contract in fiscal 1990 as planned and to fund it over 3 years, thereby reducing the cost in schedule impact of the budget cut and thus saving the taxpayers money.

Mr. President, I believe this technical amendment has been worked out among the staffs on both sides, and I request the adoption of the amendment.

Mr. SARBANES. Mr. President, will the Senator yield?

Mr. PRESSLER. I yield.

The PRESIDENT pro tempore. The Senator from Maryland is recognized.

Mr. SARBANES. Mr. President, the distinguished Senator is correct. This amendment has been worked out. It is designed to allow the U.S. Information Agency some additional flexibility in order to proceed with the construction of certain radio facilities, and we are prepared to accept the amendment.

Mr. PRESSLER. Mr. President, I urge the adoption of the amendment.

Mr. HELMS addressed the Chair.

The PRESIDENT pro tempore. The Senator from North Carolina [Mr. HELMS] is recognized.

Mr. HELMS. Mr. President, I suggest the absence of a quorum for just a moment.

The PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from North Carolina [Mr. HELMS] is recognized.

Mr. HELMS. I thank the Chair.

Mr. President, I have no objection to this amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from South Dakota.

The amendment (No. 273) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SARBANES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SARBANES. I thank the Chair. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll, the absence of a quorum being suggested.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SARBANES). Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent to speak out of order for not to exceed 4 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

TWO HUNDRED YEARS AGO TODAY: SENATE PASSES THE JUDICIARY ACT OF 1789

Mr. BYRD. Mr. President, as chairman of the Senate Bicentennial Commission, I wish to take this opportunity to note a significant Senate anniversary. Exactly 200 years ago today, on July 17, 1789, the Senate approved the Judiciary Act of 1789. Known formally as "An Act to establish the Judicial Courts of the United States," and designated "S. 1," this measure gave shape to the judicial branch of the Federal Government. Following the Constitution's mandate, it established a Supreme Court with a chief justice and five associate justices; district courts for each State and the districts of Maine and Kentucky; and three traveling circuits as courts of original jurisdiction and appeals. With the exception of an 1891 statute that created a separate level of appellate circuit courts, no extreme departures have been made from the system that the Senate devised in 1789.

On April 7, 1789, the day following the establishment of its first quorum, the Senate had appointed an eight-member committee to draft this vital legislation. Connecticut Senator Oliver Ellsworth proved to be the most influential member of the panel, composed of one member from each State then represented in the Senate. Ellsworth received major assistance from William Paterson of New Jersey, and Caleb Strong of Massachusetts. These senators encountered stiff opposition from a determined minority, who feared that the legislation would undermine State courts and would burden the Nation's meager treasury. Pennsylvania Senator William Maclay noted acidly, "It is certainly a Vile law System, calculated for Expence, and

with a design to draw by degrees all law business into the Federal courts." Despite these objections, the Senate passed the bill by a vote of 14-6, and the House subsequently made minor changes in the Senate's handiwork. President George Washington signed the act on September 24.

On September 21 and 22, 1989, Georgetown University, the Bicentennial Committee of the Judicial Conference of the United States, and the Supreme Court Historical Society, in cooperation with the Senate Bicentennial Commission, will conduct a major conference on the Judiciary Act of 1789. For the first time, scholars, lawyers, judges, and Members of Congress will examine the origins of the Federal judiciary and the role of Federal courts in interpreting the Constitution. Senators and their staffs who wish more information about this important conference are welcome to contact the Senate Historical Office.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Dixon). Without objection, it is so ordered.

THE RAIN FORESTS

Mr. CHAFEE. Mr. President, I have here an extremely interesting article from the Statesman of Boise, ID, July 11, 1989, dealing with the work that our colleague, Senator STEVE SYMMS, does in connection with the environment and particularly in connection with the legislation he has been involved with concerning preservation of the rain forests in Brazil.

I went to Brazil early this year with Senator SYMMS, the senior Senator from Arkansas, Senator BUMPERS, and Senator SPECTER.

We had an opportunity to see the rain forests firsthand. Indeed, we went to Manaus, which is, as you know, some thousand miles inland up the Amazon River, and from there we went back into the rain forests and stayed at a camp sponsored by World Wildlife Fund.

Mr. President, I ask unanimous consent that this article which starts off "Symms Leads Way With Legislation To Protect Rain Forests" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Boise Idaho Statesman, July 11, 1989]

SYMMS LEADS WAY WITH LEGISLATION TO PROTECT RAIN FORESTS

Idaho Sen. Steve Symms, a nemesis for the nation's environmental organizations on the domestic front, has joined forces with them on what could become a historic landmark in global environmental protection.

Symms is the chief sponsor of far-reaching legislation seeking to apply provisions of the National Environmental Policy Act, a linchpin of domestic environmental law, to American aid projects abroad.

The main aim is to put the brakes on tropical deforestation in Third World nations, particularly in Africa and Latin America. The leading offender is Brazil, where the Amazon rain forest is disappearing at an alarming rate.

Symms first introduced the bill last year. It failed to win broad support in either the Senate or the environmental community, but congressional sources say that was due mainly to reservations about Symms' record and reputation, since overcome.

This year, Symms has built a constituency in a big way. He has signed up every member of the Senate Environmental and Public Works Committee, including Senate Majority Leader George Mitchell, and every major environmental organization, from the Sierra Club to the Environmental Defense Fund.

Distaste for congressional involvement in foreign policy places the administration in opposition. But the broad bipartisan backing gives the bill excellent prospects for passage despite lack of a presidential blessing.

Symms, who toured the Amazon in April with other members of the committee, clearly has a genuine concern about the rape of Brazil's irreplaceable rain forests. The issues he raises—erosion, sedimentation, flooding, loss of genetic diversity, destruction of an irreplaceable resource and contribution to global warming—are all to real.

He also has another motive: helping even the playing field for American agriculture in the international arena. He considers it doubly unfair for foreign competitors to receive American subsidies for projects exempt from the environmental restrictions American producers contend with.

He is appalled when he contrasts American farm and forest practices with those of Third World nations receiving U.S. aid. Reasonable people may differ how good American stewardship is, but he's right when he says Third World stewardship is vastly worse. He's also right when he says it has the potential to affect us all.

Capital investment in developing nations is largely funded through direct foreign aid or government-backed loans. Other western nations are also involved, but loans are typically channeled through the World Bank, in which the U.S. plays a voting role.

Symms' bill would require the U.S. to request completion of environmental impact assessments at least 120 days prior to votes on loan applications for development projects.

The bill would encourage environmental assessments for all international aid projects and offer U.S. assistance in preparation of such assessments by lenders and borrowers. It would also declare preservation of tropical forests a national priority.

This is a noble piece of legislation with noble aims. It deserves strong support from all who care about the global environment.

Mr. CHAFEE. I thank the Chair.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SARBANES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEAR 1990

The Senate continued with the consideration of the bill.

AMENDMENT NO. 271, AS MODIFIED

Mr. SARBANES. Mr. President, we wish to make a technical change to amendment No. 271 which was agreed to on Friday. I, therefore, ask unanimous consent that amendment No. 271 be modified with the language I now send to the desk.

The PRESIDING OFFICER. Is there objection? Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

On page 2 of the Mitchell amendment No. 271, strike lines 19 through 22 and insert: "the President urge the Export-Import Bank of the United States to postpone immediately approval of any application for financing United States exports to the People's Republic of China;"

Mr. SARBANES. Mr. President, I yield to the Senator from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, this amendment would have the President urge, instead of Congress directing, the Eximbank to take certain actions because the Eximbank has a certain independence. But further than that, it also corrects a split infinitive, and there is a little story behind that.

Miss Annie Lee, my high school English teacher, more years ago than I like to admit, was death on split infinitives. I remember a number of lectures we had from her in particular about how wrong it was to split an infinitive. All the time in legislation before the Congress, infinitives are split with regularity.

I remember on one occasion, I was dealing with the then-distinguished Senator from Minnesota, Mr. Humphrey, on a delicate matter of some complexity, and we worked all the problems out. He said, "Is there anything else?" I said, "One thing. Miss Annie Lee would want us to correct the split infinitive here."

He said, "Who is Miss Annie Lee?" Well, Miss Annie Lee was still alive then, and I told Senator Hubert Humphrey about her and he said, "Well, let's make this correction for Annie Lee and give her my best regards."

After it was over, I called Miss Annie Lee and told her I corrected a split infinitive today in her honor.

I thank the Chair.

(Mr. ROCKEFELLER assumed the chair.)

RECESS

Mr. SARBANES. Mr. President, on behalf of the majority leader, I ask unanimous consent the Senate now stand in recess until 3 p.m. today.

There being no objection, at 2:05 p.m., the Senate recessed until 2:58 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. REID].

The PRESIDING OFFICER. The business now pending before the Senate is S. 1160, the Foreign Relations Authorization Act.

The Senator from New York is recognized.

Mr. MOYNIHAN. Mr. President, I observe that the distinguished Senator from North Carolina is on his way to the floor. He has not as yet arrived and we would not wish to proceed save that he were present. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. Mr. President, I believe the distinguished Senator from Georgia has an amendment at the manager's table. Would it be his wish we go forward with that amendment on his behalf?

Mr. FOWLER. Mr. President, I would be very pleased if the floor leader would go forward with that amendment. I appreciate his courtesy.

AMENDMENT NO. 274

(Purpose: To prohibit the availability of funds for certain meetings unless representatives of the Helsinki Commission are included)

Mr. MOYNIHAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration. Mr. President, I ask this amendment be offered on behalf of the Senator from Georgia [Mr. FOWLER].

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mr. MOYNIHAN], for Mr. FOWLER, proposes an amendment numbered 274.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 7, between lines 2 and 3, insert the following new subsection:

(c) PROHIBITION.—None of the funds authorized to be appropriated under subsection (a)(3), may be obligated or expended for any United States delegation to any meeting of the Conference on Security and Cooperation in Europe (CSCE) or meetings within the framework of the CSCE unless the United States delegation to any such meeting includes individuals representing the Commission on Security and Cooperation in Europe.

Mr. FOWLER. Mr. President, I rise today to propose an amendment to fiscal year 1990 State Department Authorization Act. The amendment would prohibit the funding of any U.S. delegation to any meeting operating within the framework of the CSCE process, including the Negotiation on Conventional Armed Forces in Europe [CFE], which does not include a representative of the CSCE Commission, Helsinki Commission. The Commission was created by Congress in 1976 as an independent legislative branch agency responsible for monitoring implementation of the Helsinki accords. In addition to its bipartisan bicameral membership, the Commission also includes high-ranking officials from the executive branch appointed by the President. The Commission, which is funded under the Commerce, Justice, State, and Related Agencies appropriation bill, is not a congressional committee.

The Commission has played an active role in the CSCE process, having been represented at every CSCE meeting since the signing of the final act in 1975. Commissioners and staff have been officially named as full-fledged members of U.S. delegations to CSCE meetings, including those devoted to military security—an increasingly important area of the Helsinki process. Last November two interrelated sets of military talks opened in Vienna: One to consider enhanced confidence- and security-building measures, CSMB's, the other on conventional forces in Europe. While the Commission is represented at the former, it has been blocked by the State Department, from participating in the latter despite the fact that these talks are being conducted within the framework of the CSCE process.

The amendment, identical to language contained in section 102(c)(2) of the House bill, would remedy this situation. Its adoption would ensure that the Commission, which has served as the lead agency for monitoring CSCE-related matters, is allowed to discharge its statutory responsibilities.

I thank the Chair.

Mr. D'AMATO. Mr. President, I rise today as an original cosponsor of the amendment by the distinguished junior Senator from Georgia. This amendment will prohibit the availability of funds for U.S. delegations to any meeting of the Conference on Security and Cooperation in Europe [CSCE] or any meetings within the framework of

the CSCE, unless the U.S. delegation includes an individual representing the Helsinki Commission.

As a past chairman and current ranking Republican Senate member of the Commission, I join with Senator FOWLER and the Commission's current chairman, Senator DECONCINI, to offer this amendment to ensure that a Commission representative is included in the U.S. delegation to the Negotiations on Conventional Armed Forces in Europe. This representative would serve on the same basis as does the current Commission representative on the U.S. delegation to the Conference on Confidence and Security Building Measures and Disarmament in Europe, otherwise known as the CDE talks.

The House version of this measure, H.R. 1487, already includes this language as section 102(c)(2). It was offered by another Helsinki Commissioner, the Honorable BILL RICHARDSON from New Mexico, and was adopted on a voice vote.

The Department of State now routinely includes Commission staff in the U.S. delegations to all CSCE process events. The U.S. delegation to the Stockholm CDE talks included Commission staffers, and Commissioners were officially listed as senior members of the delegation.

However, now that the Conventional Armed Forces in Europe talks have convened within the framework of the CSCE pursuant to the Vienna Concluding Document, the Department has not yet decided to allow Commission representation on the U.S. delegation. This amendment should settle that issue in favor of the Commission.

The amendment does not intrude into the foreign affairs prerogatives of the executive branch. The Helsinki Commission is not a committee of Congress. It is clearly and easily distinguishable from a congressional committee. Unlike any committee of Congress, the Commission was authorized by Public Law (Public Law 94-304), which is codified as title 22 United States Code, sections 3001 through 3009. Unlike congressional committees, which are funded through the legislative branch appropriations bill, the Commission is appropriated for annually in the Commerce, Justice, State, the Judiciary, and Related Agencies appropriation bill.

Also unlike congressional committees, the Commission has by statute three senior executive branch members as Commissioners. These Commissioners are representatives of the Commerce Department, the Defense Department, and the State Department. Moreover, these Commissioners are appointed by the President pursuant to 22 U.S.C. 3003. These executive branch members have sat as Commissioners during Commission hearings and have participated in other Commission events as Commissioners. The

State Department, having its own Commissioner, has the right and privilege to raise any issues it desires during Commission business meetings, something it cannot do when dealing with the Foreign Relations Committee, for example.

Since the Vienna Concluding Document states that the CFE " * * * negotiations will be conducted within the framework of the CSCE process," those talks fall within the statutory mandate of the Commission " * * * to monitor the acts of the signatories which reflect compliance with or violation of the articles of the Final Act of the Conference on Security and Cooperation in Europe. * * * " Given the close connection between the CDE talks—also resumed in Vienna—and the CFE talks, Commission membership on the CFE delegation is necessary for it to meet its statutory obligations.

It is important to note that the U.S. delegation to the CDE talks in Vienna has a Commission representative on board. It will not increase the cost to the U.S. taxpayer to have that person added to the CFE delegation's membership.

In fact, the United States is one of only two participating states not to use the same people to form both its CDE and CFE delegations. The Soviets have proposed that the CFE negotiators take up some matters relating to confidence and security building measures, matters that properly belong in the CDE talks. This close connection between the two negotiations, which overlap in time, place, participants, and subject matter makes it essential that the Commission have a representative on the CFE delegation.

I ask for the support of all Senators for this amendment. Adoption of this amendment will take the issue out of the scope of conference on the bill. I believe that it is important that the Senate clearly express itself in agreement with the House on this issue and not leave the matter to be resolved in conference.

Mr. DECONCINI. Mr. President, I rise today to join as a cosponsor of an amendment proposed by Senator FOWLER to fiscal year 1990 State Department Authorization Act. The amendment would prohibit the funding of any U.S. delegation to any meeting operating within the framework of the Conference on Security and Cooperation in Europe [CSCE] process, including the Negotiation on Conventional Armed Forces in Europe [CFE], which does not include a representative of the CSCE Commission, Helsinki Commission. The Commission, which I have the honor of chairing, was created by Congress in 1976 as an independent legislative branch agency responsible for monitoring implemen-

tation of the Helsinki accords. In addition to its bipartisan bicameral membership, the Commission also includes high-ranking officials from the executive branch appointed by the President. The Commission, which is funded under the Commerce, Justice, State, and Related Agencies appropriation bill, is not a congressional committee.

The Commission has played an active role in the CSCE process, having been represented at every CSCE meeting since the signing of the Final Act in 1975. Commissioners and staff have been officially named as full-fledged members of U.S. delegations to CSCE meetings, including those devoted to military security—an increasingly important area of the Helsinki process. Last November two interrelated sets of military talks opened in Vienna: One to consider enhanced confidence- and security-building measures [CSBM's], the other on conventional forces in Europe. While the Commission is represented at the former, it has been blocked by the State Department, from participating in the latter despite the fact that these talks are being conducted within the framework of the CSCE process.

The amendment proposed by Senator FOWLER today, identical to language contained in section 102(c)(2) of the House bill, would remedy this situation. Its adoption would ensure that the Commission, which has served as the lead agency for monitoring CSCE-related matters, is allowed to discharge its statutory responsibilities.

Mr. MOYNIHAN. Mr. President, the thrust of this amendment is simply to ensure that a representative of the Helsinki Commission, as we have come to know it, is present when any meeting or U.S. delegation operating within the framework of the CSCE process proceeds to business relating to the Helsinki accords. I believe this has been cleared by the distinguished manager of the legislation, my good and learned friend, the Senator from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I thank the Chair. It is my understanding the distinguished Senator from New York [Mr. D'AMATO] wishes to be here at the time of the consideration of this amendment.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, I ask unanimous consent that the distinguished Senator from New York [Mr. D'AMATO] and the distinguished Senator from Arizona [Mr. DeCONCINI] be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FOWLER addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. FOWLER. Mr. President, allow me to thank the Senator from New York [Mr. MOYNIHAN] and the Senator from North Carolina [Mr. HELMS]. I had not thought I would be on the floor at the time my amendment was offered and had asked the distinguished Senator from New York to make the presentation on my behalf. I understand it has been cleared on both sides. This is to correct a technicality in the law in the funding for our committee on security and cooperation in Europe, known as the Helsinki Commission, of which I am pleased to serve as a member.

I thank both distinguished Senators for their aid.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. MOYNIHAN. I urge the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 274) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MOYNIHAN. Mr. President, I have an amendment at the desk which was scheduled for debate this afternoon, and which is to be voted on tomorrow.

I understand that the time of the vote has been changed to 2:15. I wonder if the distinguished Senator from North Carolina would think it might be useful if he and I or our colleagues might have 5 minutes each before that vote tomorrow to summarize our positions.

Mr. HELMS. Mr. President, if the distinguished Senator will yield, let us make that 10 minutes each, because I think Senator DOLE may wish to address the amendment.

Mr. MOYNIHAN. Fine.

Mr. HELMS. Five minutes for him and other Senators.

Mr. MOYNIHAN. Ten minutes on each side.

Mr. HELMS. Yes.

Mr. MOYNIHAN. Prior to the vote on the amendment now being discussed, and pending the clearance of the leaders, we would ask that 10 minutes on each side be reserved. That is

not a request to be settled at this point, but I would like to note how we wish to proceed.

The PRESIDING OFFICER. That would be in addition to the 3-hour time ordered?

Mr. MOYNIHAN. That is right. But I do not now request that. I will make the request in due time.

The PRESIDING OFFICER. The request would then be that the vote occur at 2:30?

Mr. MOYNIHAN. That would approximately be the case, yes.

AMENDMENT NO. 268

(Purpose: To prohibit soliciting or diverting funds to carry out activities for which the United States assistance is prohibited)

The PRESIDING OFFICER. Does the Senator wish to proceed on his amendment?

Mr. MOYNIHAN. I would wish to proceed to the immediate consideration of the amendment, and the unanimous consent request will be made in due time.

The PRESIDING OFFICER. That being the case, the clerk will report the amendment.

The legislative clerk read as follows:

The Senator from New York [Mr. MOYNIHAN] proposes an amendment numbered 268.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Beginning on page 10, after line 18 insert the following:

SEC. 111. PROHIBITION ON SOLICITING OR DIVERTING FUNDS TO CARRY OUT ACTIVITIES FOR WHICH UNITED STATES ASSISTANCE IS PROHIBITED.

Chapter 1 of part III of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 620F. PROHIBITION ON SOLICITING OR DIVERTING FUNDS TO CARRY OUT ACTIVITIES FOR WHICH UNITED STATES ASSISTANCE IS PROHIBITED.—

"(a) PROHIBITION.—(1) Whenever any provision of United States law enacted on or after the date of enactment of the Foreign Relations Authorization Act, Fiscal Year 1990, expressly prohibits all United States assistance, or all assistance under a specified United States assistance account, from being provided to any specified foreign region, country, government, group, or individual, then—

"(A) no officer or employee of the United States Government may solicit the provision of funds or material assistance by any foreign government (including any instrumentality of agency thereof), foreign person, or United States person, and

"(B) no United States assistance shall be provided to any third party,

if the provision of such funds or assistance would have the purpose or direct effect of furthering or carrying out the same or similar activities, with respect to that region, country, government, group, or individual, for which United States assistance is prohibited.

"(2) As used within the meaning of paragraph (1)(B), assistance which is provided for a particular purpose includes assistance provided under an arrangement conditioning, expressly or impliedly, action by the recipient to further that purpose.

"(b) **PENALTY.**—Any person who violates the provision of subsection (a)(1)(A) (relating to solicitation) shall be imprisoned not more than 5 years or fined in accordance with title 18, United States Code, or both.

"(c) **APPLICABILITY.**—The provisions of this section shall not be superseded except by a provision of law enacted on or after the date of enactment of the Foreign Relations Authorization Act, Fiscal Year 1990, which specifically repeals, modifies, or supersedes the provisions of this section.

"(d) **DEFINITIONS.**—For purposes of this section—

"(1) the term 'person' includes (A) any natural person, (B) any corporation, partnership, or other legal entity, and (C) any organization, association, or other group;

"(2) the term 'United States assistance' means—

"(A) assistance of any kind under the Foreign Assistance Act of 1961;

"(B) sales, credits, and guaranties under the Arms Export Control Act;

"(C) export licenses issued under the Arms Export Control Act; and

"(D) activities authorized pursuant to the National Security Act of 1947 (50 U.S.C. 410 et seq.), the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.), or Executive Order Number 12333 (December 4, 1981), excluding any activity involving the provision or sharing of intelligence information; and

"(3) the term 'United States assistance account' means an account corresponding to an authorization of appropriations for United States assistance.

"(e) **CONSTRUCTION.**—Nothing in this section shall be construed to limit the full Constitutional powers of the President to conduct the foreign policy of the United States."

The **PRESIDING OFFICER**. Senators are advised that the 3-hour time limit has now begun.

Mr. **MOYNIHAN**. I do thank the Presiding Officer. Let us proceed with a debate which, Mr. President, I dare to think may have consequences larger than are now envisioned for the future conduct of American foreign policy.

I would like to say at the outset that in offering this amendment, which is entitled "Prohibition on Soliciting or Diverting Funds To Carry Out Activities for Which the United States Assistance Is Prohibited," I do so on behalf of a unanimous Committee on Foreign Relations. I would make the explicit point that the vote was a voice vote. No objection was heard. It was the clear impression that the committee was entirely in support of this measure.

I would make the second point that the measure as approved was amended by the distinguished manager on the minority side of this legislation, the Senator from North Carolina. After observing that we were placing clear restraints on certain activities and criminal penalties thereon, the distin-

guished Senator added a proposal which simply reads:

Nothing in this section shall be construed to limit the full constitutional powers of the President to conduct the foreign policy of the United States.

Mr. President, that is a matter with which the committee is in the fullest agreement. It is our purpose not to impair those powers but, rather, to give them the measure of efficacy and security without which such extraordinary executive responsibilities cannot be carried forward.

Mr. President, if I were asked the constitutional question as to wherein this legislation arises—and this legislation does concern matters of constitutional consequence—I would cite article I, section 8. This provision is known as the necessary and proper provision, which states that Congress shall have the power, and I quote, "To make all laws which shall be necessary and proper for carrying into execution the foregoing powers."

Those foregoing powers enumerated in section 8 are singularly associated with foreign policy, with defense policy, with the question in particular of the Congress shall have the power to define and punish offenses against the law of nations; to declare war, grant letters of marque and reprisal and make rules concerning captures on land and water; to support and raise armies; to provide and maintain a Navy; to make rules for the government and regulation of the land and naval forces.

Mr. President, there is no question about this legislation being necessary. In the 2 past years, we went through an extended and divisive inquiry into the practices in the executive branch which clearly contravened the will of Congress, as stated in various amendments, but which took place even so. The level of concern in the executive branch was every bit as intense as ours.

Mr. President, I would call attention to the previously secret, now declassified, minutes of the National Security Planning Group meeting on June 25, 1984. It was suggested that although the Congress had refused to fund the administration's Contra Program, funds might be solicited from third countries to do so. The Secretary of State, the Honorable George Shultz, a learned, able, and experienced public servant, was reduced to having to say to his colleagues—including the President, the Vice President, the Secretary of State, the Secretary of Defense, the head of the CIA, and the U.N. Ambassador—that "I would like to get money for the Contras also but another lawyer, Jim Baker, said that if we go out and try to get money from third countries it is an impeachable offense." This was wise and honorable counsel from Mr. Baker, now Secre-

tary of State, and was clearly embraced by Secretary Shultz.

What might be the consequence, of such solicitation, the only consequence at hand for the Secretary of State to point to? He said the Chief of Staff of the President had said the President might be impeached. Now, we are not in the business of impeaching Presidents as they make the ever more complex and difficult efforts to execute the laws and to conduct foreign policy.

Had there been such a statute as this on the books at the time, the Secretary of State need not have talked about an incredible and portentous event, impeachment. He could have simply said, "Gentlemen, Ambassador Kirkpatrick, this would be against the law. So it states right here. Jim Baker, my counsel, told me." Therein the matter would have ended, and a great difficulty spared our Nation unless in circumstances the President, for reasons that he chose of his own, determined otherwise.

Mr. President, at this point I ask unanimous consent that an excerpt from the minutes of the national planning group meeting of June 25, 1984, be printed in the **RECORD**. I also ask that a memorandum from the Chief Counsel of the Foreign Relations Committee, describing how these declassified documents were provided to the Committee be printed in the **RECORD**.

There being no objection, the material was ordered to be printed in the **RECORD**, as follows:

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC, July 17, 1989.
To: Senator Moynihan.
From: Dave Keaney, Chief Counsel, Senate Foreign Relations Committee.

The following documents were provided to the Committee from the Office of the Independent Prosecutor and are part of the unclassified public exhibits to the North trial: The Memorandum from Constantine Menges for Robert McFarland with the attached MSPG minutes is part of Defendant's Exhibit 58, Tab 4.

Despite the fact that these documents still have Secret markings, the documents have been declassified and were distributed to the public, including the press. They may be used freely in any public debate.

[SECRET]
NATIONAL SECURITY PLANNING GROUP
MEETING

JUNE 25, 1984: 2:00-3:00 P.M.; SITUATION ROOM
Subject: Central America (U).

Participants: The President and The Vice President.

The Vice President's Office: Admiral Daniel J. Murphy.

State: Secretary George P. Shultz, Mr. Michael Armacost, and Mr. Langhorne A. Motley.

Defense: Secretary Caspar W. Weinberger, and Dr. Fred Ikle.

OMB: Dr. Alton Keel.

CIA: Mr. William J. Casey, and Mr. Duane Clarridge.

USUN: Ambassador Jeane J. Kirkpatrick.
JCS: General John W. Vessey, Jr., and Admiral Arthur S. Moreau.

White House: Mr. Edwin Meese, III, Mr. Robert C. McFarlane, and Admiral John M. Poindexter.

NSC: Dr. Constantine C. Manges.

MINUTES

Mr. McFARLANE. The purpose of this meeting is to focus on the political, economic, and military situation in Central America:

Secretary SHULTZ. Several points: (1) everyone agrees with the Contra program but there is no way to get a vote this week. If we leave it attached to the bill, we will lose the money we need for El Salvador. (2) We have had a vote on the anti-Sandinista program and the Democrats voted it down. It already is on the record and the Democrats are on the record. (3) I would like to get money for the Contras also but another lawyer, Jim Baker, said that if we go out and try to get money from third countries, it is an impeachable offense.

Mr. CASEY. I am entitled to complete the record. Jim Baker said that if we tried to get money from third countries without notifying the oversight committees, it could be a problem and he was informed that the finding does provide for the participation and cooperation of third countries. Once he learned that the funding does encourage cooperation from third countries, Jim Baker immediately dropped his view that this could be an "impeachable offense", and you heard him say that, George.

Secretary SHULTZ. Jim Baker's argument is that the U.S. Government may raise and spend funds only through an appropriation of the Congress.

Vice President BUSH. How can anyone object to the U.S. encouraging third parties to provide help to the anti-Sandinistas under the finding? The only problem that might come up is if the United States were to promise to give these third parties something in return so that some people could interpret this as some kind of an exchange.

Mr. CASEY. Jim Baker changed his mind as soon as he saw the finding and saw the language.

Mr. McFARLANE. I propose that there be no authority for anyone to seek third party support for the anti-Sandinistas until we have the information we need, and I certainly hope none of this discussion will be made public in any way.

President REAGAN. If such a story gets out, we'll all be hanging by our thumbs in front of the White House until we find out who did it.

The meeting adjourned at 3:50 P.M. (U).

Mr. MOYNIHAN. It is the essence of a government of laws, a constitutional government, that congressional mandates must be obeyed. We have in the Constitution the provision to define and punish offenses against the law of nations, and such like matters, to regulate the armed services, and to be more specific to make rules for the government, and regulation of the land and naval forces and such like.

When the Congress makes such rules, they must be obeyed. That is what a system of laws is about.

It is in that spirit that we offer a direct, simple amendment that says what Congress prohibits may not be countermanded. It is a simple, clear

message to the executive branch that protects the members of that branch in the carrying out of their duties under instructions from their own superiors. It is particularly pleasing to us on the Foreign Relations Committee that the American Foreign Service Association most emphatically endorsed this measure.

I ask unanimous consent at this point that a letter from the President of the American Foreign Service Association be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN FOREIGN SERVICE ASSOCIATION,

Washington, DC, May 26, 1989.

HON. DANIEL P. MOYNIHAN,
Committee on Foreign Relations, U.S.
Senate.

DEAR SENATOR MOYNIHAN: The American Foreign Service Association (AFSA) thanks you for your proposed substitute amendment to section 108 of the Foreign Assistance Bill. We appreciate your sensitivity to the difficult circumstances in which foreign service officers are often placed.

AFSA also seeks your support regarding a proposed amendment to the Foreign Service Act that would reinstate the Department of State as the primary insurer of foreign service personnel abroad. This amendment would put into law what Congress expressed as legislative intent in the 1985 Authorization Act—that the Department act as primary insurer for foreign service employees abroad and pay the employee's hospital-related expenses.

Again, AFSA appreciates your support for the integrity of the career foreign service.

Sincerely,

PERRY SHANKLE,
President.

Mr. MOYNIHAN. Mr. President, one general proposition has been advanced in opposition to this matter. It is said, and curiously, it appears to be the view of the Department of Justice, that the amendment impinges upon the constitutional powers of the President. We have an opinion which seems to me to be overly long, as if to display certain lack of confidence. This opinion relies on a broad reading of the Curtis-Wright decision of 1936, in which Justice Sutherland expounded a doctrine that greatly enhances the President's foreign policy powers and responsibilities to the seeming detriment of the Congress. President Roosevelt was simply carrying out the mandate given him by the Congress with respect to an embargo of arms in a war between Paraguay and Bolivia. The Congress had set the foreign policy. You might say the President was executing it.

What are the powers of the President, and what are the powers of the Congress in foreign policy? They are nothing more or less than those described by Alexander Hamilton in the celebrated Federalist Paper No. 75, in which he discusses the treaty-making power. He states simply that with respect to the role of the Congress on

the one hand, and the President on the other, there is an intermixture of powers. That this should be so is hardly surprising to us.

It has always been the self-evident case that the President speaks for the Nation in foreign policy. When he wishes to make treaties, he comes to the Congress to receive the Senate's consent of two-thirds of Senators present and voting. The President alone can dispatch ministers and consuls, but their position is sent to the Senate to be approved by a majority vote.

If we go back to the Articles of Confederation, you will remember that for practical purposes we had no executive power, and no executive branch. There was a committee of the States, and one representative of a State would be the committee's president (with a small "p") on a rotating basis. But it did very little and could do very little, and it was that very little that led to the Philadelphia Convention which created our present arrangement.

The particular case of foreign policy attracted the attention of the authors of the Federalist Papers for the simple reason that it attracted the attention of the public at the time.

In Federalist No. 64, John Jay, who was to be our first Chief Justice of the United States, made a very important point. Hamilton later repeats it. The point being that treaties under the Constitution are the law of the land. And only Congress makes the laws.

Well, how are we going to deal with the fact that the President can negotiate treaties? Jay admits it. He said that when treaties are made and are to have the force of laws, they should be made only by men invested with legislative authority. Well, says he, that is not a practicable way to negotiate with a foreign power. But we have come to a practical solution. The President negotiates and then the treaty only comes into force when it has received the advice and consent of the Senate, and not just a majority thereof, but an extraordinary majority: two-thirds present and voting.

Hamilton returned to the question in No. 75 in which he speaks of the intermixture of powers. He, too, notes that a treaty which is the basic agreement in foreign policy partakes more of a legislative than an executive function. Even so, this intermixture of power would distribute nicely a capacity to negotiate and reach agreement. The responsibility of the Senate is then to say, very well, this agreement having been reached, it will now go into effect and be binding as law upon the peoples of the United States and the institutions thereof.

With respect to that intermixture, Mr. President, there is a fine passage from Hamilton which I would like to

quote and then, seeing other Senators present, I would like to yield.

Hamilton says:

The history of human conduct does not warrant that exalted opinion of human virtue, which would make it wise in a nation to commit interests of so delicate and momentous a kind as those which concern its intercourse with the rest of the world, to the sole disposal of a magistrate created and circumstanced as would be a President of the United States.

That wonderfully encapsulates the federalist view of human nature which is, as Mr. Dooley once said, "Trust everybody, but cut the cards." Do not give any one person too much power. See that there are checks and balances, an intermixture, see that certain enterprises can only go forward in combination of executive and legislative concord.

The history of human conduct does not warrant the exalted opinion of human virtue, which would make it wise in a Nation to commit interests * * * to a President.

This is vastly more so now than ever. And in this instance, in this legislation, Congress would stand up and say, Mr. President, you need protection from persons whose names you do not know, or whose activities are concealed from you. They may think they are doing your wishes, but might actually be putting you in a situation where you could be impeached; where, as we saw earlier, your chief of staff said, if they go forward with that plan—and they did—that is impeachable. Well, surely we do not want to affect the stability of the U.S. Government, if we measure the authority of a presidential action by whether or not it would lead to impeachment on the floor of the Senate. This protects the President against persons who may think they serve him well, but in fact serve him badly.

This is needed legislation; that is why the Committee on Foreign Relations brings it to the floor at this time and why I do very much hope that we will see it approved by the body. It was agreed on Friday that the importance of the measure was such that it ought to be taken out of the bill that has come to the floor and presented for clear decision and vote by the whole Senate, which will take place tomorrow afternoon.

Mr. President, I see the distinguished Senator from Pennsylvania.

Mr. HEINZ. Will the Senator yield for a unanimous-consent request?

Mr. MOYNIHAN. Yes.

Mr. HEINZ. Mr. President, I ask unanimous consent that a man working in my office, Mr. Andy Onate, a Pearson Congressional Fellowship Awardee, be allowed the privileges of the floor, as if he were a member of my staff.

The PRESIDING OFFICER. Is there objection?

Hearing none, that is the order.

Mr. HEINZ. I thank the Chair, and I thank my friend from New York.

Mr. MOYNIHAN. Finally, Mr. President, may I note that the distinguished chairman on the Committee on Foreign Relations, Mr. Pell, is a cosponsor and should be listed as a cosponsor of the legislation, as is the learned and able and energetic senior member of the committee, the senior Senator from Maryland [Mr. SARBANES].

Mr. President, I yield the floor.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I thank the Chair. Let the record show at the outset that any time that Senator MOYNIHAN and this Senator from North Carolina disagree, we always agree to disagree agreeably. I respect and admire my friend from New York. I know he is sincere, but I believe him to be sincerely wrong for reasons which I shall develop as I go along.

First of all, I am old enough to remember World War II. Not many Members of this Chamber are. The Senator from New York said, "So am I, I am sorry, to say," and I will add that I feel the same way about it sometimes.

Now, Mr. President, when you consider the five Boland amendments and then consider the pending amendment by the Senator from New York [Mr. MOYNIHAN], you realize that the Moynihan amendment is a quantum leap beyond even the Boland amendments, which were confined to the Nicaragua situation. This makes it a generality; everything comes under the tent.

Moreover, this amendment does something the Boland amendments never did—it applies criminal penalties.

Now, I will say this: If Franklin Roosevelt had had to try to prosecute World War II under the restraints by Congress that have been imposed upon the President of the United States in this time by the Boland amendments, and are proposed to be imposed by the Moynihan amendment, World War II may very well have been lost.

All of us of that generation remember the countless secret meetings and arrangements and agreements between Franklin Roosevelt and Winston Churchill, for example. These would have been excluded. They would have been considered criminal acts under the proposed Moynihan amendment.

I do not direct the following comment to Senator MOYNIHAN, but I gained the impression in the political atmosphere that prevails in Washington today that there is an effort to milk that Iran-Contra cow on and on and on into perpetuity. Now, the fact is that the previous President of the United States and his administration

were doing everything they could to try to prevent another Communist satellite from surviving in our hemisphere. I think they were right in their efforts.

What we have now is a Communist satellite in Cuba. We have won in Nicaragua. We have the Soviet Union reaching its tentacles throughout our hemisphere, and the Congress in its wisdom, or lack thereof, has consistently hamstrung the efforts to stop this Communist intervention into our hemisphere.

So, Mr. President, for a variety of reasons, I strongly oppose the Moynihan amendment, and I do so with deep respect for its author. I oppose it because it fails to overcome the central constitutional defect of the language which the Senator offered in committee, and therefore, still threatens to bring down this bill.

Let there be no mistake about it, the administration has assured me that President Bush will veto this bill if this amendment is adopted and becomes a part of it. I have a letter from Deputy Secretary of State Larry Eagleburger, the No. 2 man in the State Department, and Acting Secretary while Jim Baker, the Secretary of State, is out of the country. He is therefore writing on behalf of the Secretary of State. I shall present this letter in a moment.

Now, Mr. President, with respect to the committee deliberations on this amendment, I think there is a need to elaborate just a little bit on the facts as I recall them. There was discussion at the time of the approval of this amendment in committee that the distinguished Senator from New York might be able to work out an acceptable version of his amendment with representatives of the administration.

Indeed at one point the Senator from New York indicated he would be willing to forego offering the amendment on the Department of State authorization bill, the pending bill, and would instead be willing to await the foreign aid bill then pending in committee.

Ultimately, the Senator from New York did offer his amendment, and it was as he has indicated, accepted on a voice vote after having been modified by a suggestion made by this Senator from North Carolina.

Certainly, it was my anticipation that further efforts would be made to arrive at a compromise acceptable both to Senator MOYNIHAN and to the administration because a vital constitutional principle was and still is at stake.

Unfortunately, those discussions, whatever they were and however many there were, have not to this point produced a version acceptable to the administration because of the flawed constitutional defect. Indeed,

the seriousness of the administration's position will be made clear when I read Mr. Eagleburger's letter shortly.

Mr. President, I ask unanimous consent to insert at this point in the RECORD portions of the transcript surrounding the committees's discussion of the Moynihan amendments—then cited as sections 107 and 108 of the chairman's mark—on May 18, 1989.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senator HELMS. Mr. Chairman, even though we have no quorum, there is no Senate rule prohibiting discussion of any amendment. We might save a little time if we call up sections 107 and 108 on page 17.

I would like for the relevant—

The CHAIRMAN. Excuse me, but what page is that?

Senator HELMS. It's page 17 of the markup.

I would like the administration's comments on this proposed provision.

I think it is proper to revisit Senator Dodd's comments the other day.

Part of the way this bill has a chance of survival through the Senate, and with the House and through a successful Conference, is if the administration is on board.

I would ask the State Department spokesman, person, people, to come forward so that we may hear from them.

These provisions would appear to be calculated to relieve the Iran-Contra matter. We are already doing that with various nominations, and Gregg and Negroponte come to mind. I would hope that we would leave it at that and not get to legislating on it.

Now, my observation would be that if the Committee persists in highly objectionable provisions, such as 107 and 108, we are going to hanging an anchor around the bill that will sink it.

Now, may I suggest that since both amendments could easily be considered in the context of the Foreign Aid Bill, that we take them off of this bill and talk with the administration people, the lawyers in particular, and see if some reasonable compromise can be achieved in time for the Committee's deliberations on the Foreign Aid Bill, which I assume will be in June.

Now, I wonder if you have any comments. Do you agree with me or disagree with me, or what?

The CHAIRMAN. May I interpolate here, too?

Senator HELMS. Sure.

The CHAIRMAN. My understanding of this provision is not that it is retroactive, but that it is forward-pointing, to try to prevent a repetition of what may have happened in connection with "Irangate."

Ms. CUMMINS. Good morning. I am Sally Cummins from the Office of the Legal Adviser.

I do not have a fully cleared administration position on this amendment. Certainly no one in the administration is averse to being told to obey the law, and I'm sure that that's the way some people perceive this amendment. However, when you look at the specifics of the law, all parts of the administration, both foreign policy and criminal law enforcement aspects, have raised very serious concerns about these particular provisions.

I would welcome the idea of striking them from this bill and giving more time for the administration to work with you to see if there is something that would be much nar-

rower, much more specific, much more to the point, as we perceive it, that could be worked out in time for the Foreign Aid Bill.

I would be happy to give you our views about particular concerns that have been raised throughout the administration if that would be useful at this time.

Senator HELMS. It would be useful.

The CHAIRMAN. Excuse me, but had you finished?

Ms. CUMMINS. I was going to go ahead and give you some idea of the various concerns that have been raised.

The CHAIRMAN. Please go ahead.

Ms. CUMMINS. I think the first one, the one that weaves its way through all of this, is the great concern about the criminal sanctions in this bill.

First of all, this bill adds criminal sanctions to provisions that are not criminal in themselves. As we perceive the way this would be intended to be applied, it would be applied to statutes that, by and large, prohibit the use of U.S. funds for particular purposes.

There is no criminal sanction for using U.S. funds for promoting law enforcement efforts, for instance, in a foreign country. It's prohibited, but it's not criminal if someone does it.

Now this comes along and puts a subsidiary criminal sanction in the context of these amendments. That seems an inappropriate use of criminal penalties.

More serious is that the amendments are drafted so that I think it would be almost impossible for anyone to know when they were going to be subject to these criminal penalties. I think you would get into serious concerns about vagueness for criminal sanctions.

Section 107, for instance, prohibits the solicitation of funds for any purpose that would violate an objective of a law, of a United States law. That is an extremely vague prohibition, leaving everyone, including the President, to guess what the objective of a particular law is or would be found to be, rather than criminalizing a particular activity.

Similarly, in section 108, there would be criminal sanctions on giving aid that has the purpose or effect of violating a U.S. law. Again, it is almost impossible for anyone to know ahead of time precisely what aid will be used for, and to be found retrospectively that some aid ended up being used with an effect that violates U.S. law is really an impossible kind of criminal standard.

The kind of laws we are talking about here also raise serious concerns. The example I gave before, which I think is section 60 of the Foreign Assistance Act, that prohibits the use of U.S. funds to promote law enforcement efforts in a foreign country, is geared to conserve scarce U.S. resources. There is no effort there to say that for some reason we totally oppose law enforcement efforts or that we think it is inappropriate for other countries to fund their own law enforcement efforts.

Yet, as I read section 107, we could not talk to a foreign government about using its own funds to support its own law enforcement efforts without violating section 107.

It is not a practical law, as drafted.

I think that it reaches far too broadly in ways that are simply not practical and I assume were not intended by the drafters.

Finally, of course, particularly because of the criminal sanctions and the overlap between other laws, it is certainly an intrusion on the President's ability under the Constitution to carry out his responsibilities and

obligations to conduct foreign policy. If all diplomatic conversations, if the administration of the Foreign Assistance Program, if intelligence conversations are constantly being second-guessed and monitored for the possibility that something will end up having the effect of violating a U.S. law or will violate the objective of a U.S. law, this is surely an intrusion on the President's constitutional role in the carrying out of foreign affairs.

As I said in the beginning, it is not that anyone objects to being told to obey the law. I think we understand where this is coming from. But anything that tries to reach as broadly as these provisions do, and with criminal sanctions is not an effective, or, really, a realistic way to approach the problem.

The CHAIRMAN. As I mentioned before, this is not in any way an effort to dig up what has gone by. It is to prevent in the future certain abuses that we both agree should not take place. If the language should be refined or made more specific, then we would welcome suggestions in that regard.

I would recognize now the Senator from North Carolina.

Senator SANFORD. I was simply going to inquire here.

You said that you would be glad to work with the Committee to find some approach to this proposition. But your position actually is that you would just as soon not have it in here at all?

Ms. CUMMINS. I think that is probably correct, given the seriousness of all the reservations that have been raised throughout the administration about the workability of these particular provisions.

Senator SANFORD. Thank you.

The CHAIRMAN. Senator Moynihan.

Senator MOYNIHAN. Mr. Chairman, I certainly appreciate the concerns that have been expressed.

I would like to speak for a constituency which is rarely heard in our councils, which is the officers of the Department of State, the officers of our intelligence agencies.

They have, as they come to learn in painful circumstances, been placed in a position where they are asked to do things which are questionable at law and are put in a situation where somehow it is said to them that their loyalty to individuals or to programs or to policies has to overcome any commitments of their oath of office.

It is an intolerable thing to do, Mr. Chairman, in my view.

I have been an ambassador twice—once overseas and once in the United Nations. I have dealt with intelligence officers, I have dealt with career officers, I have dealt with it all. All there is to know about these matters I have known.

I have dealt with the most sensitive of espionage activities, the most delicate possible relations between our two countries, and I always felt that what was strongest in the incredible demands we put on people—people who put themselves in harm's way and anonymously, and if it all went wrong, they got a little, gold star on a wall over in Langley, and no other comments—but at least they knew they always had the realization that they had the Constitution of the United States behind them, and an Executive whose oath states the following. The President says, "I do solemnly swear or affirm that I will faithfully execute the Office of President of the United States and will, to the best of my ability, preserve, pro-

tect, and defend the Constitution of the United States."

He shall take care that the Constitution, and it says "that the laws be faithfully executed."

Now, if the State Department wants to come to us and say that they don't feel that their officers need to take care that the laws be faithfully executed, I don't recognize that State Department, and I don't think it is paying attention to the needs of the men and the women in the field. Those men and women who have left this town under a cloud, who could always be explaining where they were, what they did, and why, it is not fair to them, it is not fair to the institutions they represent.

This amendment very simply says that you may not do anything that would violate our laws, and it is there to protect the persons who are being told to violate the laws, and they have done so up and down at the Department of State.

I am really a little surprised. I know what the people in the last few years have thought, how nearly they have come to resign, how bitterly they felt, and how betrayed they felt.

This is to protect our people, Mr. Chairman.

Very rarely do I invoke a personal experience in this Committee, but I invoke it here. Our people need this protection, and it is for them I am thinking. I would hope we would adopt it.

The CHAIRMAN. I thank the Senator from New York for his very compelling observations.

Senator HELMS. What does the Chairman think about the proposition of moving this provision over to the Foreign aid bill taking it out of this and at least let the administration consult and have some input.

The CHAIRMAN. I would be very interested in the reaction of the Senator from New York, whose amendment this is.

Senator MOYNIHAN. Could I ask my friend from North Carolina what he would have in mind?

Senator HELMS. Well, I can't speak for the administration on that except that they have difficulty with this. I think they have not been consulted up to now, and we are talking about whether the administration will support this bill, along with a lot of other Senators, who have their own feelings about what has gone on with respect to the Congress inhibiting the President's authority with respect to the foreign policy in Central America.

Now, I don't want to get into a debate about that, but this thing has at least two sides to it. The Senator, eloquent as he is, has not alluded to the fact that there is concern about the implications.

One thing the lady [referring to Sally Cummins, a lawyer with the State Department's Office of Legal Adviser] said, among others, is how do you know whether you are violating the law or not. An after the fact judgment is made, and I think at least Senator, and I say this with all respect and friendship, because I admire you, that the administration ought to have some input. If we don't take it, that's our business. But I think they ought to have an opportunity to sit down with us and/or our staffs and say this is what we would prefer and here is why we would prefer it.

I don't see anything wrong with that. That is the normal legislative process when you are trying to make an arrangement with the administration.

Senator MOYNIHAN. May I say to my friend that I would be happy to do that. I don't want to hold up the bill.

Does the Chairman want to report out this bill today?

The CHAIRMAN. My hope is to close up the legislative portions of the State Department Authorization Bill today.

Senator MOYNIHAN. All right. Then why don't we go into the back room and discuss it? Would that be helpful.

I have two amendments, Mr. Chairman, just to clarify the legislation, which I would like to offer.

Senator HELMS. I, too, have a number of amendments, including one relating to the PLO, which has not been acted upon. And I have tried to bring it up, and tried to bring it up, and tried to bring it up.

Now, the Chairman feels that there is a decided lack of interest among the Committee Members in this bill. He has put out a letter, which borders on being an ultimatum, and I can understand his frustration. I have been a Chairman, too, and I know it is to sit around and wait for a quorum.

But what I am saying is why don't we move this out of this bill, put it on the Foreign Aid Bill, which is next in line, and in the meantime work it out.

I don't think that this lady, from what she has said, is prepared to go back and speak for the administration.

Ms. CUMMINS. That's correct.

Senator MOYNIHAN. That's a perfectly fair offer, sir.

This basically pertains to foreign aid, if that would help the Chairman as he wants to move the bill.

The CHAIRMAN. It would, with the understanding that there would be a good faith effort between the representatives of the Department, Senator Moynihan and Senator Helms to resolve this.

Senator MOYNIHAN. Well, I want to hear that from the department. I mean, boy they are sweet when they are coming up here looking for confirmation. But then you put in a little provision which says that they ought to obey the law, and they say what's this, you're interfering with the constitutional prerogative of the President of the United States. To do what—to break the law?

Is it your view that a President has the authority to break the law.

Ms. CUMMINS. No, Senator Moynihan. We certainly are not objective to being told to obey the law.

Senator MOYNIHAN. Well, then, what are you objecting to?

Ms. CUMMINS. Well, as I said before, it is because—

Senator MOYNIHAN. It says you have to obey the law.

Senator HELMS. Now let her answer.

Senator MOYNIHAN. All right. Fair enough.

Ms. CUMMINS. It says—first of all, we think there are some laws that this was probably not intended to reach, such as prohibition of U.S. funds to support law enforcement efforts in foreign countries. We do not truly believe that it is intended that under section 107 we, therefore, shouldn't be talking to a foreign country about supporting its own law enforcement efforts. Yet that would be the effect.

Senator MOYNIHAN. We can clarify that. That's not what we're dealing with. You know that.

Ms. CUMMINS. Well, section 107 would do that.

More seriously, since 107 talks about objectives of U.S. law—

Senator MOYNIHAN. We have offered an amendment which clearly would preclude any such considerations, and you have that amendment.

Ms. CUMMINS. No, sir. I have seen nothing except what is in the print of S. 928.

Senator MOYNIHAN. Well, Mr. Chairman, I am more than happy to accept the understanding that we will deal with this on foreign aid.

But I would like to say that this is not a very happy beginning and this is something—where is Mr. Baker today?

Ms. CUMMINS. He's in the country.

Senator MOYNIHAN. Are you speaking for him?

Ms. CUMMINS. I do not have an official administration position on this bill.

Senator MOYNIHAN. Oh, now wait, Mr. Chairman, Well, all right. We don't have an official administration position, so we are not locked into anything, so we might work it out.

Ms. CUMMINS. We would certainly work with you.

Senator MOYNIHAN. I would have to say to you that it would be pretty alarming to me to have found that the Secretary of State sent a message to us. It is not a message he wants to send, if he wants to have a happy life as Secretary of State.

[General laughter.]

Senator MOYNIHAN. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Moynihan.

Then, with that understanding of good faith negotiations on the part of the department, Senator Moynihan and Senator Helms, we will lay this aside and attach it to the Foreign Aid Bill when that comes out.

Senator MOYNIHAN. Mr. Chairman, I wonder if I could return to that matter of earlier, to say that, with great respect, we have had a problem from time to time, in recent years, of amending, of seeing that the Foreign Aid Bill actually be enacted. We are going to try to make sure that it is this year.

But what I would like to do, in absolute good faith, is I want to talk with the Secretary of State about this matter. The Secretary of State, after all, is quoted in a very handsome way in a meeting of the National Security Planning Group at a time when some issues of this kind arose. Secretary Shultz quoted Mr. Baker, then Chief of Staff, as saying that the U.S. may raise and spend funds only through an appropriation of Congress, and that soliciting money from third countries is an impeachable offense.

We're protecting the President of the United States here. Jim Baker, as Chief of Staff, said that that's an impeachable offense, and he said I'm not going to let that happen to my President.

I think he would want this legislation.

What I would like to do, Mr. Chairman, if it can be worked out, is, in absolute good faith, move the amendment as amended, and then offer to sit down with the Department of State and my good friend from North Carolina, and see how they would like it changed, and then we'll offer those changes on the floor.

Senator HELMS. Well, I thank the Senator. That's what I had proposed in the first place.

I thank the Senator for his willingness to do that.

Senator MURKOWSKI. You now have seven of us again.

Senator HELMS. Excuse me, but did the Senator say to move it out of this bill?

Senator MOYNIHAN. No, sir.

Senator HELMS. Oh, I misunderstood.

Senator MOYNIHAN. I'd like to put it on this bill and then change it. If we could be persuaded, and no doubt we can, that there are amendments needed, then we'll offer them on the floor.

The CHAIRMAN. In other words, the Senator desires a vote on this.

Senator MOYNIHAN. Yes, sir. I desire a vote on the amendment, as amended.

Senator HELMS. What is the pending business?

For the record, let the record show that I yielded to Senator Moynihan for this conversation. He did not know that I had the floor.

Senator MOYNIHAN. I'm sorry, and I appreciate your courtesy.

Senator HELMS. Oh, no problem. No problem.

Now, the pending business, Mr. Chairman, as I understand it, is the U.N. allowance amendment, is that correct?

The CHAIRMAN. That is correct. As a matter of orderly procedure, if you like, we were on that and we can vote on that. But I think that Senator Moynihan is correct in raising this subject now, close to the time when it was being discussed.

So I would say that we ought to vote on the U.N. allowance, and then vote on Senator Moynihan's item, and then come back to Blair House and PFIAB.

Senator HELMS. Okay.

The CHAIRMAN. Now I must turn to Senator Moynihan and recognize Senator Moynihan.

Senator MOYNIHAN. Thank you, Mr. Chairman.

I would offer an amendment in the nature of a substitute for the amendment in 107. It is a clarifying amendment, and simply addresses some of the concerns which I believe have been raised by the Department of State.

We provided the revised version at least a month ago. In any event, sir, it simply prohibits the solicitation of funds to further illegal activities. I consider it to be a protection to the career officers of our intelligence services and our diplomatic services.

I have made my point and would be happy to hear others. I would ask for a vote.

I also would like to specify that I will sit down with the Secretary of State or his designee, or Ms. Mullins, and anyone else in the Executive Branch, and of course with anyone on this Committee, to see if there are, in fact, tighter languages or some unanticipated matters that we should deal with, and we will deal with them on the floor.

The CHAIRMAN. I thank you very much.

Is there further discussion or can we vote?

Senator MURKOWSKI. Vote.

The CHAIRMAN. The Clerk will call the roll on the Moynihan amendment.

Senator HELMS. Mr. Chairman, please, just one minute.

The CHAIRMAN. Senator Helms.

Senator HELMS. Let me come into the breach, here. I don't think the Senator from New York would object to this addition to this provision: add at the end of both sections 107 and 108, insert the following: "Nothing in this section shall be construed to limit the full constitutional powers of the President of the United States to conduct foreign policy."

Senator MOYNIHAN. I have no objection whatever, sir.

Senator HELMS. Thank you, sir.

I would assume that the Chairman, by unanimous consent, will accept that modification of the amendment.

The CHAIRMAN. So now the question is on the Moynihan amendment, as amended.

I don't know if we need a roll call vote on this or if everybody is in favor of it.

Is anybody not in favor of it? Does anybody want a roll call vote?

Senator HELMS. Inasmuch as it can and probably will be revisited on the floor, I suggest a voice vote on it.

The CHAIRMAN. A voice vote.

All those in favor of the Moynihan amendment, as amended, say aye.

[Ayes]

The CHAIRMAN. All those opposed?

[No response]

The CHAIRMAN. It is unanimously agreed to and a quorum is present.

Now, the proposal has been changed to make it prospective from fiscal year 1990, but it still asserts that Congress has the right to restrict the constitutional authority of the President of the United States to conduct foreign policy.

The fact is that Congress has only the authority to regulate funding for foreign relations policies. It has absolutely no power under the Constitution to limit the President's ability to make and execute foreign policy.

Specifically, Senator MOYNIHAN's amendment, now pending, provides that whenever any U.S. law expressly prohibits U.S. assistance to any foreign region, country, government, group, or individual, no officer or employee of the U.S. Government may solicit funds or material assistance from any foreign government, foreign person, or U.S. person, for that matter, if the solicited funds would have the same effect as the prohibited U.S. Government assistance.

This does not even make good nonsense, because the Government does not have the constitutional authority to do that.

Moreover, all U.S. assistance of any kind could be cut off under the amendment, which cuts off any aid to any third party that might otherwise be in line to receive assistance.

So where does that leave us? To put it as simply as I know how, the pending amendment would impose criminal liability upon any Government officer or employee who solicits funds from private or foreign sources to execute the President's policy when Congress itself has refused to supply Government funds.

You go back and you examine some of the decisions and agreements of Franklin Roosevelt during World War II and you would see the kind of obstacles that would have blocked President Roosevelt in the prosecution of World War II.

Under the amendment, if a foreign government receiving U.S. aid should fund actions that Congress will not pay for, then all aid to that country would be cut off. Let me reiterate:

That goes far beyond any power the Congress has under the Constitution of the United States. If Congress will not put up the money for our President's policy, that is fine. The Congress can do that. But if the President's policy does not depend on U.S. Treasury funds, then the Constitution allows the President full power to fund it from nongovernment sources.

It is not hard to understand why the President is so adamant against this proposal for the fact is that it goes to the heart of the President's powers under the Constitution. And bear in mind, we are talking about any President, this one or a subsequent one, Democrat or Republican, or whatever.

It is a direct, explicit, and conscious attack on the separation of powers, and this is nothing less than an attempt by Congress to criminalize foreign policy.

(Mr. GLENN assumed the chair.)

Mr. HELMS. Mr. President, the limitation on the foreign policy powers of the President in the Constitution are few. If the President nominates an Ambassador, the Senate must concur in that appointment before the President's choice can become an Ambassador. If the President negotiates a treaty, as Senator MOYNIHAN has pointed out, two-thirds of the Senate must concur before the treaty can be ratified by the President and, of course, only the Congress can declare war.

Finally, Congress has the power to withhold the appropriations necessary to provide the means to execute a policy if it disagrees with that policy. But please observe carefully, Mr. President, that Congress has only the power of the purse, period.

Congress has no constitutional power to prohibit, let alone criminalize, a foreign policy which any President wishes to pursue. If the policy can be implemented without the expenditure of funds, Congress can have no effect on the outcome in any manner under the Constitution of the United States.

What this means is that the President of the United States under the Constitution can pursue any foreign policy he wishes if no funds are required to provide economic assistance or weapons of war or armies or the use of agencies of the Government.

Not only is the President allowed under the Constitution to pursue any such policy, but he has the moral obligation to pursue such a policy if he believes that it is in the best interest of the United States. Certainly Ronald Reagan made it clear over and over again his grave concern about the Soviet Union's intrusion into our hemisphere.

Who can forget Fidel Castro and the Communist government there? Look what happened in Nicaragua; and the

Soviet tentacles are reaching into other countries including right now Mexico.

So the President of the United States has a duty to oppose Congress with every proper means at his command so long as he believes the national interest requires it.

Now, the President may very well have to pay a political price for such a position, and that is part of it, too. If cooperation with Congress breaks down entirely all policies may come to a standstill. The President's opposition to Congress may indeed anger the people of the United States to the extent that the President may not be reelected if he runs for another term; or the people may be so angered at Congress that Congressmen and/or Senators may be replaced. But that is in the political arena. It is not in the legal or constitutional arena.

So in the long run the only constitutional sanction against the President is impeachment.

I say this knowing full well that it is a doctrine that cuts two ways. I have in my 16½ years in the Senate disagreed with the President of both parties, and I have said so. I am not a nervous Nelly about doing that. And I have attempted on a number of occasions to use constitutional tools that are at the proper command of Congress to try to get the message across.

And I do not think there is anything wrong with that. But I also realize that under the doctrine of separation of powers, the President is and must continue to be relatively free to do what he thinks is best in the area of foreign policy.

Therefore, Mr. President, the pending amendment is constitutionally unsound, in my judgment. It is fatally flawed. It is a rather obvious attempt by Congress to usurp powers that belong to the President under the Constitution and under the American system.

There are some who would reduce the President to a mere figurehead as though we had a parliamentary form of government in this country. We do not. In short, this is such a bold threat to the very heart of the American system that I think all Americans would rise up if they were aware of what is at stake.

Now, for the letter from Secretary Eagleburger, dated July 17. It reads:

DEAR SENATOR HELMS: I understand that on Friday the Senate deleted sections 111 and 112 from S. 1160 and agreed to consider a substitute section 111 offered by Senator Moynihan. The substitute language would apply to U.S. laws enacted on or after the date of enactment of this act, which prohibit all U.S. assistance, or all assistance under a specified account, to any specific foreign region, country, government, group or individual. The provision would impose criminal penalties on U.S. Government employees who solicit the provision of funds or material assistance by any foreign or domestic

entity, and prohibit the provision of U.S. assistance to any third party, if the funds or assistance would have the purpose or direct effect of furthering or carrying out the "same or similar activities" for which assistance is prohibited. Furthermore, this provision can be superseded only by a provision of law that specifically repeals, modifies or supersedes it.

While we appreciate Senator Moynihan's willingness to consider modifications of his previous proposals, the new section 111 is still unacceptably vague, impossible to administer, and an impermissible intrusion on the President's constitutional prerogatives. Such a provision is unnecessary to achieve compliance with statutory limitations on spending. Moreover, it would have a serious detrimental effect on the conduct of U.S. diplomacy and the administration of U.S. assistance programs, and would unfairly expose U.S. officials to potential criminal liability in cases where they would have no reason to believe that their conduct was unlawful. The Administration is strongly opposed to the new section; we would recommend that the President disapprove the bill if this provision is included in final passage.

The proposed amendment is essentially an attempt to prescribe to future Congresses what consequences should flow from any prohibition on assistance which they may choose to adopt. It is an attempt to convert all future assistance prohibitions into criminal statutes which encompass a wide range of actions other than the provision of assistance to the country in question. There is absolutely no need for such a provision. U.S. assistance programs are already subject to the Anti-Deficiency Act and a host of other legislative and regulatory provisions. If in a particular future case Congress wishes to adopt additional measures or to expand the scope of a prohibition in a particular case, it should consider such actions in light of the specific circumstances it may be dealing with at that time. Each Congress should craft its own solutions, and not be hampered by the need specifically to undo prior sweeping measures such as the current proposed amendment.

Furthermore, the language of the proposed amendment is extremely vague and would be virtually impossible to administer. It refers, for instance, to assistance to a third party or solicitation of funds where the "purpose of direct effect" would be to further or carry out "the same or similar activities * * * for which United States assistance is prohibited." But statutory prohibitions on assistance to particular countries usually do not specify a series of activities for which assistance is prohibited, and as a result the proposed amendment could be interpreted to apply to all activities for which U.S. assistance could have been provided to a particular country but for the prohibition. This would include virtually all forms of economic activity in the country in question, as well as most forms of military, political and governmental activity.

The result would be to sanction—in some instances with criminal penalties—any encouragement by U.S. Government officers or employees (including members of Congress) of any assistance by anyone for virtually any activities in the specified country, and any U.S. assistance to a third country which has the direct effect of furthering any such activities. This would severely inhibit any dialogue with governmental or business leaders of such a country, and in the case of assistance to other countries, it would be almost impossible to determine

whether any particular assistance would have the effects prohibited. For example, economic assistance of any significance to a neighboring country could have a direct stimulating effect on economic activity in the country to which aid is prohibited.

As a result, this proposed amendment could have many undesirable results probably not intended by its sponsor. For instance:

The annual Foreign Operations Appropriations Act typically includes a prohibition (e.g., section 550 of the 1989 Act) on all assistance to a series of countries, including Angola and Cambodia. Significant economic aid to a country bordering any of these could well have a direct stimulating effect on economic activity in the named country, and accordingly could be seen as violating the proposed amendment.

The 1989 Foreign Operations Appropriations Act prohibits all assistance to the Noriega regime in Panama. If that were reenacted in a later year, the proposed amendment could be interpreted to mean that we could do nothing that would have a direct stimulating effect on economic activities in Panama so long as Noriega is in control. Yet the United States obviously engages in activities that have exactly that effect—most notably through our involvement in the operation of the Canal and our maintenance of U.S. forces in Panama.

The Foreign Assistance Act prohibits assistance to a group of Communist countries (including Poland and Hungary). If the pending International Cooperation Act of 1989—which effectively reenacts the Foreign Assistance Act in modified form—is enacted into law, any attempt to encourage economic development in those countries through others would be prohibited. We would, for instance, have to distance ourselves completely from the effort to promote development in Poland.

Two more paragraphs and I shall conclude the reading of Mr. Eagleburger's letter. I am reading this letter into the RECORD for a purpose. I want all Senators who may be listening in their offices to understand fully the administration's position.

Mr. Eagleburger concludes:

Most important, this proposed amendment would seriously impair the President's ability to carry out his Constitutional responsibility to conduct relations with foreign governments and to administer U.S. assistance programs. In effect, it would constitute a pervasive regulation of the conduct of diplomatic conversations, which would be under the constant shadow of the possible imposition of criminal or civil liability if later deemed to further some prohibited activity or to have some prohibited effect. This would apparently be so, moreover, even in the absence of any specific intent on the individual's part to violate the law. The same danger would be present in the administration of foreign assistance programs and sensitive intelligence contracts. These are matters assigned by the Constitution to the President, and Congress cannot, and should not, attempt to hamstring the President with such overreaching and inappropriate prohibitions. (These constitutional aspects are dealt with at greater length in the June 20 letter of the Justice Department.)

In closing, I would simply state that the Secretary and I are fully mindful of the concerns behind this proposal. You can be confident that even if there were no prohibi-

tions on the books against the use of indirect means to take illegal actions, this kind of activity on the part of Administration officials would never arise. By working together we can accomplish much more than would result from imposition of legislation that so threatens the proper role of the executive.

Sincerely,

LAWRENCE S. EAGLEBURGER.

Mr. President, I ask unanimous consent a letter dated June 17, 1989, from Assistant Attorney General Carol T. Crawford to Senator MITCHELL also be printed in the RECORD at this point, and I yield the floor.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, July 17, 1989.

HON. GEORGE J. MITCHELL,
Majority Leader, U.S. Senate, Washington, DC.

DEAR SENATOR MITCHELL: This letter presents the views of the Department of Justice on Senator Moynihan's proposed amendment to S. 1160, "the Foreign Relations Authorization Act for Fiscal Year 1990." The amendment would strike sections 111 and 112 of the Committee Print of the bill and substitute a revised section 111.

While Senator Moynihan's amendment is marginally narrower in certain respects than sections 111 and 112 of the Committee Print, the amendment contains the same grave and fundamental constitutional problems that previously led the Department to oppose sections 111 and 112. Accordingly, unless our constitutional concerns are addressed, the Department will recommend that the President disapprove any bill that contains either section 111 as amended by Senator Moynihan or sections 111 and 112 of the Committee Print.

The President has the responsibility, under the Constitution, to determine the form and manner in which the United States will maintain relations with foreign nations. *E.g.*, U.S. Constitution, Article II, sections 1, 2 and 3; *Haig v. Agee*, 453 U.S. 280, 291-92 (1981); *Baker v. Carr*, 369 U.S. 186, 212, 213 (1962); *United States v. Curtiss-Wright Export Corp.*, 299 U.S. 304, 319-20 (1936). Several provisions of the amendment impermissibly intrude upon that authority.

Section 111 as amended would amend the State Department Basic Authorities Act of 1956 to prohibit "officers or employees of the United States Government from soliciting the provision of funds or material assistance by any foreign government (including any instrumentality or agency thereof), foreign person, or United States person * * * if the provision of such funds or assistance would have the purpose or direct effect of furthering or carrying out the same or similar activities, with respect to that region, country, government, group, or individual, for which United States assistance is prohibited." We believe this provision is both unconstitutional and unwise.

This provision appears designed to prohibit, among other things, consultation between the United States and another sovereign nation regarding actions that nation may wish to undertake. Any such limitation on the President's authority to discuss certain issues with foreign governments, or to recommend or concur in courses of action taken by other nations, would pose the gravest constitutional problems. In particular, it

has long been recognized that the President, both personally and through his subordinates in the executive branch, determines and articulates the Nation's foreign policy. See statement of John Marshall, 10 Annals of Cong. 613 (1800); *Curtiss-Wright, supra*, 299 U.S. at 320 ("the President [is] the sole organ of the federal government in the field of international relations—a power which does not require as a basis for its exercise an act of Congress."). This authority encompasses the authority to discuss any issue with another sovereign nation and to recommend to it such courses of action as the President believes are in our Nation's interest. We believe, therefore, that section 111 as amended impermissibly infringes on a fundamental responsibility that the Constitution has entrusted to the President.

We note, moreover, that section 111 as amended would erect criminal penalties for violating its sweeping provisions. The prohibitions are cast in vague and subjective terms. Given the President's constitutional authority in this area, such vagueness is inherent in any attempt to criminalize the exercise of his foreign policy powers. We believe section 111 is far too vague to pass constitutional muster as a criminal statute. See *Kolender v. Lawson*, 461 U.S. 352 (1983). Even if upheld, the threat of criminal sanctions, based on vague and subjective standards, would greatly impair the conduct of military, foreign policy and intelligence activities by the United States, with concomitant damage to interests of the Nation. Moreover, amended section 111 poses profound constitutional problems, insofar as it purports to restrict "assistance" provided under statutory authority, because the "purpose" and "effect" tests it establishes are so vague and subjective as to interfere with the President's constitutional role in foreign affairs.

First, prosecutions under amended section 111 turning on improper "purpose" would necessarily entangle the courts in nonjusticiable political questions. See *Baker v. Carr, supra*, 369 U.S. at 217. To attempt to discern the President's state of mind, or the state or mind of subordinate executive branch officials, and to impose the threat of criminal penalties based on allegedly impermissible foreign policy objectives in carrying out otherwise authorized actions, infringes on the constitutional responsibilities and powers of the President. *Cf. Goldwater v. Carter*, 444 U.S. 996, 1003 (1979) (Rehnquist, J., concurring) (issue is "political" and nonjusticiable if it "involves the authority of the President in the conduct of our country's foreign relations and the extent to which the * * * Congress is authorized to negate the action of the President").

Second, prosecutions turning on the improper "direct effect" of assistance would also unconstitutionally interfere with the President's control of foreign policy. The "direct effect" of assistance is often unpredictable and outside the control of the President. The section would make no meaningful distinction among collateral effects. Expecting executive branch officials to second-guess some future judgment as to the "direct effect" of assistance would impermissibly cabin the President's exercise of his constitutional authority in foreign affairs.

Indeed, in addition to these constitutional problems, amended section 111 would hamstring the Nation's foreign policy by criminalizing foreign policy disputes, rather than leaving resolution of such disputes to the political process. By making those who for-

mulate and execute foreign policy serve the public under the threat of standardless criminal prosecutions, section 111 as amended would clearly have a negative impact on the effective, forceful and entirely lawful representation of the Nation's foreign policy interests.

We note that included in amended section 111 would be the provision that "[n]othing in this section shall be construed to limit the full Constitutional powers of the President of the United States to conduct the foreign policy of the United States." We believe this provision is clearly inadequate to preserve the President's authority in this area, or to resolve the many other problems posed by these sections. The provision merely states a truism: no statute can limit the substantive authority of the President under the Constitution. The opportunity to litigate the scope of the President's constitutional authority in a criminal prosecution, however, would be cold comfort to policymakers, and in no way removes the chilling effect that these provisions will have on the making of sound foreign policy.

Section 111 as amended would also provide "that no United States assistance shall be provided to any third party . . . if the provision of such funds or assistance would have the purpose or direct effect of furthering or carrying out the same or similar activities, with respect to that region, country, government, group, or individual, for which United States assistance is prohibited." Where Congress has prohibited aid to a particular country, we do not dispute that it can prevent circumvention of that prohibition by prohibiting the United States from providing money to a third country to be passed along to the prohibited country. We object, however, to the use of "purpose" or "direct effect" language for the reasons stated above.

Accordingly, for all of these reasons, we urge that Senator Moynihan's amendment not be adopted and that instead sections 111 and 112 be deleted.

The Office of Management and Budget has advised that there would be no objection to this report, and that enactment of sections 111 and 112 as reported by the Foreign Relations Committee, or the proposed (Moynihan) revised section 111 would not be in accord with the President's program.

Sincerely,

CAROL T. CRAWFORD,
Assistant Attorney General.

Mr. MOYNIHAN. Mr. President, I want to thank my friend and fellow committee member, the able and learned Senator from North Carolina, who has set forth in careful, modulated and moderate terms the opposition of the administration to this measure. Yet, I view this administration position as disappointing in its context as well as its text.

We are very clearly here to try to see that there be no repetition of the events of the past administration. They were painful, divisive, and dangerous. They raised a specter of a constitutional crisis. Only the extent to which the Secretary of State and his Chief of Staff and the President himself realized that potential, did we avoid it. We realized it after the event when, in fact, it existed; it was a constitutional crisis.

A distinguished observer at that time remarked in an article that if ever the constitutional form of Government of the United States would come to an end, we now have a better idea of how this might come about. It was of that level of consequence. And all because people acted in ways that the President surely would not have wished them to do. Yet, those people thought that in the end he would welcome the fruits of their actions, and no one was able to say: No, you cannot do that; Congress has said you cannot do that.

This is not just our right but our responsibility. I have here, Mr. President, a memorandum of law from the American Law Division of the Congressional Research Service. It states:

In summary, the exercise by the President of power delegated by Congress must comply with its terms. Accordingly, neither the President nor his agents are at liberty to disregard conditions imposed by Congress on the provision of United States assistance which only Congress can authorize and fund.

We are trying to protect the President and the process.

Mr. President, I have two memoranda of law from the American law division, one dated June 28, 1989, and the other dated July 10, 1989, attesting to the clear constitutionality of this amendment. I ask unanimous consent they be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL RESEARCH SERVICE,

Washington, DC, June 28, 1989.

To: Hon. DANIEL PATRICK MOYNIHAN. Attention: Paul Stockton.

From: American Law Division.

Subject: Response to objections directed at amendment proposing Section 111 to the "Foreign Relation Authorization Act, Fiscal 1990" (S. 1160).

Reference is made to your inquiry of June 23, 1989 requesting our comments on the Justice Department's views concerning your proposal to prohibit soliciting and diverting funds to carry out otherwise prohibited activities.

The proposed section in question, Section 111, clearly is intended to preclude a repetition of various activities disclosed during congressional and other investigations of the Iran-Contra Affair. Briefly, it is designed to prevent so-called "tin cup diplomacy", whereby U.S. officials seek to obtain funds from unconventional sources to carry out foreign policy objectives at odds with legal requirements, and manipulating foreign assistance to encourage third party support for activities that cannot be legally supported in a direct manner.

Specifically, proposed Section 111 amends the Foreign Assistance Act of 1961, as amended, to prohibit officers and employees of the United States Government from "solicit[ing] the provision of funds or material assistance by any foreign government" or its agents and foreign or United States persons for the purpose of furthering an activity or activities the assistance of which is prohibited by law. In addition, Section 111 prohibits United States assistance to a third

party when that assistance has the purpose or direct effect of furthering an activity or activities which are prohibited by law.

As defined by Section 111 "United States assistance" means "any kind" of "assistance under the [FAA]", "sales, credits, and guaranties under the Arms Export Control Act," arms export license, and, generally speaking, intelligence activities except the provision or sharing of intelligence information."

In correspondence dated June 20, 1989, the Justice Department asserts that Section 111 "raise[s] grave and fundamental constitutional problems and should be deleted." The Department's attack on Section 111 is two pronged: it interferes with "consultation" between the United States and another sovereign nation; it denies due process because it visits criminal penalties on conduct which is imprecisely defined.

As is becoming customary in these circumstances, the Justice Department implies that the Executive Branch is the principal, if not the only, actor having constitutional responsibilities for foreign affairs and that this state of affairs is conclusively demonstrated by descriptions of the President as being "the sole organ of the federal government in the field of international relations", citing *United States v. Curtiss-Wright Export Corp.*, 299 U.S. 304, 320 (1936).

Although the President has a significant role in the conduct of the foreign affairs of the United States, it is not his sole or exclusive province. Time does not permit and the occasion does not seem to warrant an extended elaboration of the facts that the Constitution divides foreign affairs between Congress and the President and that the "sole organ" designation relates to his capacity as spokesman or "mouthpiece" for the nation in this realm. Professor Edward S. Corwin, an acknowledged scholar of the Constitution and the American Presidency, made a pair of relevant observations unsurpassed for their accuracy and common sense.

Touching on the constitutional "grants of powers capable of affecting" international relations, he said:

"... Where does the Constitution vest authority to determine the course of the United States as a sovereign entity at international law with respect to matters in which other similar entities may choose to take an interest? Many persons are inclined to answer offhand 'in the President'; but they would be hard put to it, if challenged, to point out any definite statement to this effect in the Constitution itself. What the Constitution does, and all that it does, is to confer on the President certain powers capable of affecting our foreign relations, and certain other powers of the same general kind on the Senate, and still other such powers on Congress; but which of these organs shall have the decisive and final voice in determining the course of the American nation is left for events to resolve.

"All of which amounts to saying that the Constitution, considered only for its affirmative grants of powers capable of affecting the issue, is an invitation to struggle for the privilege of directing American foreign policy. In such a struggle the President has, it is true, certain great advantages, which are pointed out by Jay in *The Federalist*: the unity of the office, its capacity for secrecy and dispatch, and its superior sources of information; to which should be added the fact that it is always on hand and ready for action, whereas the houses of Congress are in adjournment much of the time. But despite all this, the actual practice under the

Constitution has shown that, while the President is usually in a position to propose, the Senate and Congress are often in a technical position at least to dispose. The verdict of history, in short, is that the power to determine the substantive content of American foreign policy is a divided power, with the lion's share falling usually, though by no means always, to the President." *The President: Office and Powers 1787-1957* 171 (1957) (Italics in original)

As to John Marshall's characterization of the President as sole organ of foreign relations, Corwin describes the circumstances for and the significance of the remark as follows:

"Marshall's remark was made in his capacity as a member of the House of Representatives to uphold President John Adams in having ordered the extradition under the Jay Treaty of one Jonathan Robbins, alleged to be a fugitive from British justice. The President's critics contended that the situation was one that required judicial action, an argument that Marshall answered by pointing out that 'the case was in its nature a national demand made upon the nation.' The parties were two nations. 'They cannot come into court to litigate their claims, nor can a court decide them.' Then follow the words quoted above, which conclude with the statement, 'of consequence, the demand of a foreign nation can only be made on him.'

Clearly, what Marshall had foremost in mind was simply the President's role as instrument of communication with other governments. . . . That is to say, while the President alone may address foreign governments and be addressed by them, yet in fulfilling these functions he is, or at least may be, the mouthpiece of a power of decision that resides elsewhere." *Id.* at 177-178. (Italics in original)

Before turning to the asserted "grave and fundamental constitutional problems" raised by Section 111, note should be taken of the fact that the Justice Department apparently assumes either that federal officers and employees are currently authorized to solicit nonappropriated funds to conduct foreign affairs on behalf of the United States or that such persons do not require statutory authority for these purposes. Neither assumption seems to be legally correct.

The Constitution by the necessary and proper power assigns the power to create offices to Congress. *Buckley v. Valeo*, 424 U.S. 1, 134 (1976). Congress not only creates the office but regulates all incidents related to the office including powers and duties, term, compensation, and manner of appointment. Virtually nothing relating to an office is beyond the congressional regulatory power except for actual appointment and removal of the office holder (impeachment excepted).

Fundamental to the rule of law is the idea that actions by United States officials have to be statutorily authorized. Stated differently, the absence of restrictive or prohibitory language is not the equivalent of a grant of authority and cannot be substituted for it or to justify *ultra vires* activities.

It is Hornbook law that—

"Administrative agencies are creatures of statute and their power is dependent upon statute, so that they must find within the statute warrant for the exercise of any authority which they claim. They have no general or common-law powers but only such as have been conferred upon them by law expressly or by implication."

"Official powers cannot be merely assumed by administrative officers, nor can they be created by the courts in the proper exercise of their functions. Non-existent powers cannot be prescribed by an unchallenged exercise." 1 Am Jur 2d Administrative Law sec. 70.

Although the President has a source of power in addition to statutory grants of authority, namely Article II of the Constitution, he is similarly dependent a grant from some lawful source in order to operate. "The President's power, if any, to issue the order [to seize and operate the Nation's strike-bound steel mills] must stem either from an act of Congress or from the Constitution itself." *Youngstown Co. v. Sawyer*, 343 U.S. 579, 587 (1952). The Court's opinion in the landmark cited case went on to make two observations that are not without some relevance in the matter under consideration. First,

"... In the framework of our Constitution, the President's power to see that the laws are faithfully executed refutes the idea that he is to be a lawmaker. The Constitution limits his functions in the lawmaking process to the recommending of laws he thinks wise and the vetoing of laws he thinks bad. And the Constitution is neither silent nor equivocal about who shall make laws which the President is to execute. The first section of the first article says that 'All legislative Powers herein granted shall be vested in a Congress of the United States. . . . After granting many powers to the Congress, Article I goes on to provide that Congress may 'make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.'"

Second,
 "... The Constitution does not subject this lawmaking power of Congress to presidential or military supervision or control." id. at 588.

Accordingly, it seems to follow that the securing by federal officials of funds from any source whatsoever whether by solicitation, sale, or what have you has to be expressly authorized by law. See, e.g., U.S. Const., Art. IV, sec. 3, cl.2, which provides in pertinent part that "The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the . . . Property belonging to the United States." See, also, 31 U.S.C. 3133, which authorizes the Secretary of the Treasury to accept gifts from the people of the United States to reduce the public debt, and 31 U.S.C. 9701, which specifies when and how agencies may charge for government services and things of value.

Time does not allow for a search of current authorities of all federal departments and agencies to solicit funds for the conduct of affairs, foreign or domestic. Although various provisions of law bear on the authority of the Department of State and its officers and employees in the matter of receiving and handling funds from foreign and other nonappropriated sources, none appear to authorize solicitation of funds in the manner and for the purpose that would be covered by Section 111. See, e.g., 22 U.S.C. 1754, 2103, 2220d, 2362, 2516, 2621, 2625, 2668, 2697. On the other hand, see the "Pell Amendment", section 722(d) of the Foreign Assistance Act of 1961, as amended, P.L. 99-83, which generally speaking prohibits using assistance under that Act and the AECA to obtain Contra aid from foreign

sources. It would be surprising to find that the Department had any authority along these lines or even the President for that matter because of the adverse implications that authority would seem to have for accountability and separation of powers.

The Justice Department denounces Section 711 as an unconstitutional interference with the Presidents power to engage in consultations with other sovereigns, presumably a synonym for the conduct of negotiations. The charge if true would present in the Department's words a "grave and fundamental constitutional problem[]" since the power to negotiate has been described by the Supreme Court as a plenary and exclusive power of the President. *United States v. Curtiss-Wright Export Corp.*, 299 U.S. 304, 319 (1936) ("... he alone negotiates. Into the field of negotiation the Senate cannot intrude; and Congress itself is powerless to invade it.") See, also, *Ex parte Garland*, 4 Wall. (80 U.S.) 333 (1867), for an instance in which a law was held unconstitutional because it had the effect of limiting a presidential pardon, one of the few other plenary and exclusive powers of the President.

The flaw in the Department's argument seems to consist of confusing negotiation with solicitation. Conceding that the latter may arise in the context of the former, they are fundamentally distinct activities. To appreciate the difference it seems necessary only to substitute for solicitation of funds for purposes of carrying on activities the direct assistance of which is prohibited by law the solicitation of a specified illicit object such as a bribe. The occurrence of the latter during the conduct of negotiations would not immunize it from prosecution. This conclusion has particular application when, as seems to be the case here, negotiations are connected with the exercise of a power delegated by Congress. Section 711 impacts on programs and activities which are authorized and funded by congressional enactments. Although it might be argued that the President has some leeway as Commander in Chief and sole organ of foreign relations to conduct intelligence operations in order to safeguard national security, it is generally conceded that the President has no authority independent of a statute to furnish foreign assistance or to sell defense articles and services. See, e.g., testimony by former Deputy Secretary of State Kenneth W. Dam, *The Supreme Court Decision Concerning The Legislature Veto*, Hearings Before the Committee on Foreign Affairs, 98th Cong., 1st Sess. 100 (1983).

As previously indicated, the President executes the laws enacted by Congress with his concurrence or over his disapproval and he is not at liberty to disregard constitutional and statutory restrictions by or during the course of negotiating with a foreign sovereign. *Reid v. Covert*, 354 U.S. 1 (1957); *Consumers Union of U.S., Inc. v. Kissinger*, 506 F. 2d 136 (D.C. Cir. 1974), cert. denied, 421 U.S. 1004 (1975). For example, presidential claims of independent constitutional authority to negotiate tariff changes have been rejected Compare *United States v. Guy W. Capps, Inc.*, 204 F. 2d 655, 659 (4th Cir. 1953), *aff'd on other grounds*, 348 U.S. 296 (1955). The exercise by the President of power delegated by Congress must comply with its terms. "[T]he executive cannot, through its communications, manage foreign commerce in a manner lying outside a comprehensive, regularly scheme Congress has enacted pursuant to its Article I, [section] 8 power." *Consumers Union of U.S., Inc. v. Kissinger*, 506 F. 2d at 149.

In summary, the exercise by the President of power delegated by Congress must comply with its terms. Accordingly, neither the President nor his agents are at liberty to disregard conditions imposed by Congress on the provision of United States assistance which only Congress can authorize and fund. We are not aware of any authority for the proposition that because an otherwise lawful condition has incidental consequences on presidential negotiating options it is thereby rendered unlawful. The numerous conditions contained in the principal laws in question, namely the FAA and the AECA, and countless others that could be mentioned are evidence in support of that conclusion.

As is apparent in the following comment by Justice Jackson, concurring, *Youngstown Co. v. Sawyer*, 343 U.S. at 644, incidental effects on presidential activities that flow from the congressional exercise of Article I, section 8 powers are permissible. "While Congress cannot deprive the President of the command of the army and navy, only Congress can provide him an army and navy to command. It is also empowered to make rules for the 'Government and Regulation of land and naval Forces,' by which it may to some unknown extent impinge upon even command functions."

As previously indicated, the Justice Department concludes its objections to Section 111 by suggesting that it violates due process in that it is unduly vague and subjective. For the most part, the Department's comments in this regard consist of generalities and conclusory statements. (E.g., "sweeping provisions", "cast in vague and subjective terms", "too vague to pass constitutional muster as a criminal statute".)

Vagueness or the failure to cast a criminal provision in precise terms like its twin overbreadth or the commingling of licit and illicit activities raises matters that can be debated endlessly, particularly when the debate is cast in terms of ultimate conclusions rather than reasons. Reasonable persons may read the same provision and come to different conclusions regarding the specificity or lack of specificity of its language. The Justice Department charges vagueness but does not illustrate the point with precise examples of the section's language shortcomings.

Section 111 is designed to forestall the solicitation of funds from specified sources by federal officers and employees for the purpose of supporting activities the direct support of which by federal appropriations is prohibited. It also prohibits assistance to any third party when that assistance has the purpose or direct effect of furthering or carrying out the same activities or similar activities. The activities in any and all events are activities which by law cannot be assisted. The section's language standing alone, but particularly against the background from which it springs, namely activities that came to light during the Iran-Contra investigations, seems to be clear regarding the conduct expected of federal officials. The incorporation by one statutory provision of an offense denounced by another statutory provision is not an unknown technique. See, e.g., 18 U.S.C. 371, regarding conspiracy to "commit any offense against the United States."

RAYMOND J. CELADA,
 Senior Specialist in American Public Law.

CONGRESSIONAL RESEARCH SERVICE,

Washington, DC, July 10, 1989.

To: Senate Committee on Foreign Relations. Attention: David Keane.

From: American Law Division.

Subject: Constitutional Objections to Provisions of S. 1160, the Department of State Authorization Bill.

This memorandum responds to your inquiry respecting the June 20, 1989, letter from the Office of Legislative Affairs, Department of Justice, objecting on constitutional and policy grounds to several provisions of S. 1160, 101st Congress, the 1990 authorization bill for the Department of State, USIA, and other agencies. Because the letter sets out a standard of review that shapes the entire analysis of the bill, and because that standard is quite controversial, the major part of this memorandum addresses in some detail that matter before dealing briefly with the precise objections.

Under § 111 of the bill, officers and employees of the United States would be forbidden to solicit from foreign governments or persons funds or material assistance to further any activity for which United States law expressly prohibits or restricts the use of United States funds to pursue. Under § 112, officers and employees of the United States are similarly restricted from providing assistance to any third party which would have the purpose or direct effect of facilitating an activity prohibited or restricted by United States law. Other sections are directed to different subjects: termination under certain circumstances and subject to waiver of an agreement with the Soviet Union, § 133, requirements of certain actions by the AID Administrator with some countries respecting debt exchanges and areas of severely degraded national resources, §§ 611, 463(b)(2), 466(b), promotion of negotiations and actions respecting global warming, § 622, reports on contacts with PLO representatives, § 804, and establishment of an Advisory Commission on Public Diplomacy to make reports to both President and Congress, § 210.

Central to the DOJ analysis is the supposition of exclusive presidential control of United States foreign relations. Two quotations will suffice. "The President has the responsibility, under the Constitution, to determine the form and manner in which the United States will maintain relations with foreign nations." DOJ Letter, p. 1. "[I]t has long been recognized that the President, both personally and through his subordinates in the executive branch, determines and articulates the Nation's foreign policy. . . . This authority encompasses the authority to discuss any issue with another sovereign nation and to recommend to it such courses of action as the President believes are in our Nation's interest." Id., p. 2 (emphasis supplied). Combined with the Department's constitutional faultfinding in context with the provisions described above, it is evident that exclusivity and inability of legislative guidance and direction are the standards of the position.

The DOJ letter does not mention, even in passing, what the Constitution actually says about the respective powers of Congress and the President to act in foreign affairs, beyond an unexplained citation to §§ 1, 2, and 3 of Article II. It may, therefore, not be too pedantic merely to list the various delegations that the Constitution contains, with relevance to foreign affairs. Thus, Congress, in which is vested "[a]ll legislative powers," Article I, § 1, is authorized to tax and to spend "to . . . provide for the common De-

fense," id., § 8, cl. 1 "[t]o regulate Commerce with foreign Nations," id., cl. 3, "[t]o establish a uniform Rule of Naturalization," id., cl. 4, "[t]o . . . regulate the Value . . . of foreign Coin," id., cl. 5, "[t]o define and punish Piracies and Felonies on the high Seas, and Offenses against the Law of Nations," id., cl. 10, "[t]o declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water," id., cl. 11, "[t]o raise and support Armies," id., cl. 12, "[t]o provide and maintain a Navy," id., cl. 13, and "[t]o make Rules for the Government and Regulation of the land and naval Forces," id., cl. 14. Moreover, Congress is delegated the power "[t]o make all laws which shall be necessary and proper for carrying into Execution these foregoing Powers" as well as also "all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof." Id., cl. 18. Further, the Constitution is quite explicit that "[n]o Money shall be drawn from the Treasury, but in consequence of Appropriations made by Law." Id., § 9, cl. 7.

Delegations to the President are briefer and contain both powers and duties. He is invested with the "executive Power," Article II, § 1, cl. 1, and is made "Commander in Chief of the Army and Navy of the United States," id., § 2, cl. 1, empowered, "by and with the Advice and Consent of the Senate, . . . to make Treaties," and to "nominate, and by and with the Advice and Consent of the Senate, . . . appoint Ambassadors, other public Ministers and Consuls, . . . and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law," id., cl. 2, authorized "from time to time [to] give to the Congress Information on the State of the Union, and [to] recommend to their Consideration such Measures as he shall judge necessary and expedient," to "receive Ambassadors and other public Ministers," and to "take Care that the Laws be faithfully executed." Id., § 3.

It is evident, therefore, that Congress and President share under the Constitution in the promulgation of policies respecting our foreign affairs. That there are some powers the President alone has is generally conceded. What they are and where the line lies between presidential and congressional concurrent powers are bedeviling questions. Answers to these questions have seldom come from the courts, inasmuch as many, but certainly not all, of the issues arising in the foreign affairs contexts are not justiciable. Answers more generally have arisen from practice and as with most such resolutions they have not been permanent but shifting, depending on the balances existing at the time between Congress and President.¹

Turning, then, to the DOJ letter, it is evident that the basis for the positions taken is largely the view of presidential power derived from *United States v. Curtiss-Wright Export Corp.*, 299 U.S. 304 (1936), certain sources relied on in that case, and subsequent judicial citations of it. A review of these precedents will, we think, afford a more firmly-based standard under which to analyze the bill.

Curtiss-Wright has a long and respectable pedigree. Its view of the powers of the two branches was rehearsed in the debate between Hamilton and Madison over President Washington's neutrality proclamation

during the war between Great Britain and France, the "Pacifus"—"Helvidius" essays.² Justice Sutherland in *Curtiss-Wright* combined the Hamiltonian emphasis that control of foreign relations is exclusively an executive function with a position developed by himself in extrajudicial writings, that the power of the National Government is not one of enumerated but of inherent powers, to mark out presidential power. The case itself involved not a challenge to the power of the President to act alone but rather to his authority to act pursuant to a statutory delegation from Congress. Concerned with the outside arming of the belligerents in war between Paraguay and Bolivia, Congress authorized the President to proclaim an arms embargo if he found that such action might contribute to a peaceful resolution of the dispute. President Roosevelt issued a finding and proclamation, and *Curtiss-Wright* and associate companies were indicted criminally for violating the embargo. Their defense was that Congress had failed adequately to elaborate standards to guide the President's exercise of the power thus delegated, a constitutional problem under *Panama Refining Co. v. Ryan*, 293 U.S. 388 (1935), and *Schechter Poultry Corp. v. United States*, 295 U.S. 495 (1935).

Without an overly-long presentation of the theory set out in *Curtiss-Wright*, it should suffice to say that the Court denied that the limitations on delegation in the domestic field were at all relevant in foreign affairs. Justice Sutherland wrote that of the two broad classes of power possessed by the National Government, only domestic powers were carved out by the Constitution from the general mass of legislative powers possessed by the States and conferred on the Federal Government. Powers over foreign relations, international powers, were never possessed by the States severally and thus could not have been delegated to the National Government. When the colonies rebelled and severed relations with Great Britain, the powers over foreign relations lodged in that Nation did not descend to the colonies severally but to the colonies in their collective and corporate capacity as the United States of America.

"It results that the investment of the federal government with the powers of external sovereignty did not depend upon the affirmative grants of the Constitution. The powers to declare and wage war, to conclude peace, to make treaties, to maintain diplomatic relations with other sovereignties if they had never been mentioned in the Constitution, would have been vested in the federal government as necessary concomitants of nationality Not only . . . is the federal power over external affairs in origin and essential character different from that over internal affairs, but participation in the exercise of power is significantly limited. In this vast external realm with its important, complicated, delicate and manifold problems, the President alone has the power to speak or listen as a representative of the nation" Id., 318, 319.

It was in connection with this last point that the Court, as does the DOJ letter, cited John Marshall, a Member of Congress from Virginia, as stating in 1800, that "[t]he President is the sole organ of the nation in

¹ See, e.g., E. CORWIN, *THE PRESIDENT—OFFICE AND POWERS*, 1797-1984 (5th rev. ed. 1984), 214-223.

² The essays are summarized and quoted in the *THE CONSTITUTION OF THE UNITED STATES OF AMERICA—ANALYSIS AND INTERPRETATION*, S. Doc. 99-16 (1987), 446-447 (hereinafter *CONSTITUTION ANNOTATED*). See also CORWIN, op. cit., n. 1, 208-211.

its external relations, and its sole representative with foreign nations." Id., 319 (quoting 10 ANNALS OF CONGRESS 613). Continued the Court: "It is important to bear in mind that we are here dealing not alone with an authority vested in the President by an exertion of legislative power, but with such an authority plus the very delicate, plenary and exclusive power of the President as the sole organ of the federal government in the field of international relations—a power which does not require as a basis for its exercise an act of Congress, but which, of course, like every other governmental power, must be exercised in subordination to the applicable provisions of the Constitution." Id., 319-320 (emphasis supplied).

Scholarly criticism of Justice Sutherland's reasoning has demonstrated that his essential postulate, the passing of sovereignty in external affairs directly from the British Crown to the colonies as a collective unit, is in error.³ This is not to say, of course, that the opinion does not remain strong precedent for the point of view for which the DOJ letter cites it.⁴ In subsequent opinions, both dicta and holdings controvert its principal conclusions, e.g., *Ex parte Quirin*, 317 U.S. 1, 25 (1942); *Reid v. Covert*, 354 U.S. 1, 5-6 (1957) (plurality opinion); *Kent v. Dulles*, 357 U.S. 116, 129 (1958), and the Steel Seizure Case, although involving domestic industry the presidential action arose during and because of the Korean War, established a paradigmatic mode of analysis of claims of presidential powers at odds with *Curtiss-Wright*. *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579 (1952). More recently, the Court, in the context of statutory interpretation rather than challenges to statutory controls on the President, has adverted to and utilized *Curtiss-Wright* in ways that enlarged presidential discretion. See *Haig v. Agee*, 453 U.S. 280, 291, 293-294 & n. 24, 307-308 (1981); but see *Dames & Moore v. Regan*, 453 U.S. 654, 659-662, 678 (1981) (utilizing both *Curtiss-Wright* and *Youngstown*, with result through statutory construction again enlarging presidential discretion). Compare *Webster v. Doe*, 108 S.Ct. 2047 (1988) (construing National Security Act as not precluding judicial review of constitutional challenge to CIA Director's dismissal of employee, over dissents relying in part on *Curtiss-Wright* as interpretive forces counseling denial of judicial review).

In addition, without discussing the cases, it may be noted that the recent separation-of-powers controversies have involved two lines of analysis, one involving an emphasis upon the exclusivity of presidential powers and rigid divisions among the branches, e.g., *INS v. Chadha*, 462 U.S. 919 (1983); *Bowsher*

v. Synar, 478 U.S. 714 (1986), and the other, apparently now ascendant, emphasizing blending and balancing to protect only core powers. E.g., *Morrison v. Olson*, 108 S.Ct. 2597 (1988); *Mistretta v. United States*, 109 S.Ct. 647 (1989). But see *Granfinanciera, S.A. v. Nordberg*, 87-1716 (June 23, 1989) (apparently recurring in Seventh Amendment jury-trial analysis to exclusivity/formalist approach of *Northern Pipeline Constr. Co. v. Marathon Pipe Line Co.*, 458 U.S. 50 (1982) (plurality opinion)). These cases are relevant, but their treatment would carry us too far astray from the principal issue.

We may assume, therefore, that the *Curtiss-Wright* analysis is viable and is one precedent with which to evaluate the provisions of S. 1160. But it is hardly the only precedent, and its meaning when it is used to challenge the validity of an act of Congress is not as evident as might be first thought. It was, as we noted, a case involving the validity of a law, not one involving an action of the President in the absence of a statute or even in contravention of a statute. Although many have argued that the language of *Curtiss-Wright* most often cited by proponents of presidential exclusivity in foreign relations is dicta, it does not appear to be that, but to have been necessary to Justice Sutherland's analysis in choosing to disregard the then-current limitations on the delegation doctrine. Whatever the status of the language, it is important to note that three is practice and case law contrary to the principles set out in *Curtiss-Wright*, and it is to that we turn now.

We must first consider the language quoted from Representative John Marshall, the President as "sole organ of the nation in its external relations." Contrary to what one might think from its citation in *Curtiss-Wright* and in the DOJ letter, Marshall's statement in context is supportive of congressional power. In 1799, President Adams, in order to execute the extradition provisions of the Jay Treaty, issued a warrant for the arrest of one Robbins, and the action was challenged in Congress on the ground that no statutory authority existed by which the President could act. It was in defense of the President's conduct that Marshall uttered his now-famous line. But Marshall was making a point about the President as sole representative of the Nation abroad, not asserting the exclusivity of his powers, as is evident from his continued remarks.

"Of consequence, the demand of a foreign nation can only be made on him.

"He possesses the whole Executive power. He holds and directs the force of the nation. Of consequence, any act to be performed by the force of the nation is to be performed through him.

"He is charged to execute the laws. A treaty is declared to be law. He must then execute a treaty, where he, and he alone, possesses the means of executing it.

"The treaty, which is a law, enjoins the performance of a particular object. The person who is to perform this object is marked out by the Constitution, since the person is named who conducts the foreign intercourse, and is to take care that the laws be faithfully executed. The means by which it is to be performed, the force of the nation, are in the hands of this person. Ought not this person to perform the object, although the particular mode of using the means has not been described? Congress, unquestionably, may prescribe the mode, and Congress may devolve on others

the whole execution of the contract; but, till this be done, it seems the duty of the Executive department to execute the contract by any means it possesses." 10 ANNALS OF CONGRESS 613-614 (1800) (italics supplied).

Thus, Marshall was endorsing not the power of the President to make and carry out foreign policy all alone. The President is the Nation's representative in dealing with foreign nations.⁵ But the treaty, as a self-executing treaty, was the law of the land, under the supremacy clause, and determined what the President was to say and do as the Nation's representative in this particular context. True it was that the President and the Senate had made the treaty, but Marshall declared that Congress could enact a statute which would prescribe how the President was to carry out his representations to the foreign nation. In fact, in 1848, Congress did enact such a statute, and in *Fong Yue Ting v. United States*, 149 U.S. 698, 714 (1893), the Court expressly endorsed Marshall's view, including the power of Congress.

Representative Marshall soon became Chief Justice Marshall, and in *Little v. Barreme*, 2 Cr. (6 U.S.) 170 (1804), he had another occasion to recognize congressional power in the foreign affairs area and to deny the exclusivity of presidential power. There, in the midst of an undeclared war between the United States and France, a United States vessel under orders from the President had seized a United States merchant ship bound from a French port, allegedly carrying contraband material. Congress had, however, enacted a law which provided only for seizure of such vessels bound to French ports. 1 Stat. 613 (1799). Upholding an award of damages to the ship's owners for wrongful seizure, the Chief Justice said:

"It is by no means clear that the president of the United States whose high duty it is to 'take care that the laws be faithfully executed,' and who is commander in chief of the armies and navies of the United States, might not, without any special authority for that purpose in the then existing state of things, have empowered the officers commanding the armed vessels of the United States, to seize and send into port for adjudication, American vessels which were forfeited by being engaged in this illicit commerce. But when it is observed that [an act of Congress] gives a special authority to seize on the high seas, and limits that authority to the seizure of vessels bound or sailing to a French port, the legislature seems to have prescribed that the manner in which this law shall be carried into execution, was to exclude a seizure of any vessel not bound to a French port." Id., 2 Cr., 177-178.

Thus, the Court held, the President's instructions exceeded the authority granted by Congress. Whatever might have been the result in the absence of legislation, in the

³ Patterson, *In re United States v. Curtiss-Wright Corp.*, 22 TEX. L. REV. 286, 445 (1944); Levitan, *The Foreign Relations Power: An Analysis of Mr. Justice Sutherland's Theory*, 55 YALE L. J. 467 (1946); Berger, *The Presidential Monopoly of Foreign Relations*, 71 MICH. L. REV. 1, 26-33 (1972); Lofgren, *United States v. Curtiss-Wright Export Corporation: An Historical Reassessment*, 83 YALE L. J. 1 (1973), reprinted in C. LOFGREN, "GOVERNMENT FROM REFLECTION AND CHOICE"—CONSTITUTIONAL ESSAYS ON WAR, FOREIGN RELATIONS, AND FEDERALISM (1986), 167.

⁴ That the opinion "remains authoritative doctrine" is stated in L. HENKIN, *FOREIGN AFFAIRS AND THE CONSTITUTION* (1972), 25-26. It is utilized as an interpretive precedent in AMERICAN LAW INSTITUTE, *RESTATEMENT (THIRD) OF THE LAW, THE FOREIGN RELATIONS LAW OF THE UNITED STATES* (1987), see, e.g., §§ 1.204, 339. It will be noted, however, that the Restatement is circumspect about the reach of the opinion in controversies between presidential and congressional powers.

⁵ The meaning, therefore, of Marshall's phrase was caught in a more accurate but less metaphorically potent expression in the words of the Senate Foreign Relations Committee in an 1897 report. "The executive branch is the sole mouthpiece of the nation in communication with foreign sovereignties." CORWIN, *op. cit.*, n. 1, 219. Or there are the words of the Foreign Relations Committee in 1816, in a passage quoted in *Curtiss-Wright*, *supra*, 299 U.S. 319: "The President is the constitutional representative of the United States with regard to foreign nations." One can then discuss in what respects the President may act in effectuation of his exclusive powers and in what respects Congress may lay down rules, but the President's role as sole representative does not take us very far.

presence of legislation the President must adhere to it. This result, in the context of not only foreign relations but the President's military powers as well, speaks clearly to shared presidential-congressional powers in foreign relations. Additionally, the distinction Marshall drew is reflected in the most plausible view of the doctrine enunciated by the Court in the *Steel Seizure Case*.

It will be recalled that during the Korean War, President Truman issued an executive order directing the Secretary of Commerce to seize and operate most of the steel industry of the country, in order to avert a nationwide strike which he believed would jeopardize the national defense. In *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579 (1952), the Court, six-to-three, invalidated the seizure. The opinion of the Court, by Justice Black, based the result upon the absence of congressional authorization. *Id.*, 585-589. But a majority of Justices did not accept his view, the dissenters, of course, but at least four of the Justices agreeing with the result of the case. Their concurrence was based on the fact that Congress debated the issue previously and had refused to authorize seizure, had withheld the power the President now asserted. *Id.*, 597, 602 (Justice Frankfurter), 635-640 (Justice Jackson), 657 (Justice Burton), 662-663 (Justice Clark). Justice Jackson attempted a schematic representation of presidential powers which "are not fixed but fluctuate, depending upon their disjunction or conjunction with those of Congress." *Id.* 635. This influential formulation is tripartite.

"1. When the President acts pursuant to an express or implied authorization of Congress, his authority is at its maximum, for it includes all that he possesses in his own right plus all that Congress can delegate. . . .

"2. When the President acts in absence of either a congressional grant of denial of authority, he can rely upon his own independent powers, but there is a zone of twilight in which he and Congress may have concurrent authority, or in which its distribution is uncertain. . . .

"3. When the President takes measures incompatible with the expressed or implied will of Congress, his power is at its lowest ebb, for then he can rely only upon his own constitutional powers minus any constitutional powers of Congress over the matter. Courts can sustain exclusive presidential control in such a case only by disabling the Congress from acting upon the subject. Presidential claim to a power at once so conclusive and preclusive must be scrutinized with caution, for what is at stake is the equilibrium established by our constitutional system." *Id.*, 635-638.

To be sure, this schema is the formulation of one Justice, but as then-Justice Rehnquist, himself Justice Jackson's law clerk the term *Youngstown* was decided, wrote for the Court in *Dames & Moore v. Regan*, 453 U.S. 654, 661-662, 668-669 (1981), "both parties agree[d]" that the concurring opinion "brings together as much combination of analysis and common sense as there is in this area," and further, quoting the passages at length, "we have in the past found and do today find Justice Jackson's classification of executive actions into three general categories analytically useful."

Thus, the analysis to follow in assessing the validity of the contested provisions of S. 1160 is not alone the language of *Curtiss-Wright* but the application of many precedents and an assessment of the powers con-

ferred on the two branches by the Constitution.

In passing, because the DOJ letter does advert to the political question doctrine, it does not appear that any of the controversies that would be raised by passage into law of these challenged provisions could not be heard by the courts. Although there is language in cases asserting that all questions touching on foreign affairs and foreign policy are political, e.g., *Oetjen v. Central Leather Co.*, 246 U.S. 297, 302 (1918), the Court is plain that it is "error to suppose that every case or controversy which touches foreign relations lies beyond judicial cognizance." *Baker v. Carr*, 369 U.S. 186, 211 (1969). As the Court has quite recently explained, "[t]he political question doctrine excludes from judicial review those controversies which revolve around policy choices and value determinations constitutionally committed for resolution to the halls of Congress or the confines of the Executive Branch. . . . [H]owever, the courts have the authority to construe treaties and executive agreements, and it goes without saying that interpreting congressional legislation is a recurring and accepted task for the federal courts. . . . We are cognizant of the interplay between these [congressional] Amendments and the conduct of this Nation's foreign relations, and we recognize the premier role which both Congress and the Executive play in this field. But under the Constitution, one of the Judiciary's characteristic roles is to interpret statutes, and we cannot shirk this responsibility merely because our decision may have significant political overtones." *Japan Whaling Assn. v. American Cetacean Society*, 478 U.S. 221, 230 (1986). *Cf. United States v. Stuart*, 109 S.Ct. 1183 (1989); *Chan v. Korean Air Lines*, 109 S.Ct. 1676 (1989).

With respect to §§ 111 and 112, it is insisted by the DOJ letter that to bar solicitation of funds from a foreign country or a foreign person to further any activity for which United States funds are prohibited or restricted or to bar assistance to another country conditioned on that country furthering an activity for which United States funds are prohibited or limited would be to impair the President's ability to communicate anything he desires to another country. No doubt, the limitations have that effect, but whether it is permissible to limit the President is the question.

The numbers of provisions of law which have restricted or which do now restrict what the President may communicate with a foreign nation are numerous. For example, there is 22 U.S.C. § 262, which has been on the books since 1913. "The Executive shall not extend or accept any invitation to participate in any international congress, conference, or like event, without first having specific authority of law to do so." The President has often been delegated authority, usually restricted in some measure, to negotiate reciprocal tariff and other trade barrier reductions with foreign countries, and these laws limit what he may communicate to these foreign nations.⁶ The provision of foreign assistance has been conditioned on numerous factors, such as the protection of human rights, eradication of the narcotics trade, protection of the property of United States nationals, and the like, which either limits or structures what the President can communicate to a foreign

power.⁷ And beginning in 1794, 1 Stat. 372, Congress authorized, with varying limits and qualifications, the President to put into place embargoes, and the same year passed the first of many neutrality acts. 1 Stat. 381.

If Congress can validly limit the use of United States funds for certain purposes,⁸ can it not prevent the evasion of that limit through the means interdicted in §§ 111 and 112? The necessary and proper clause empowers Congress to carry out its legislative powers by selecting any means reasonably adapted to effectuate those powers. It also empowers Congress to legislate to exercise the same powers with respect to the authority granted other agencies and officers. Proper in the context of the clause means within the letter and spirit of the Constitution, and necessary refers to the utility and convenience to Congress of a particular approach. *McCulloch v. Maryland*, 4 Wheat. (17 U.S.) 316, 413-415, 420 (1819). If, as the *Little v. Barreme* Court held, Congress could deny the President authority to seize ships bound from a French port and limit him to seizures of ships bound to such a port, is there any reason to think Congress could not prevent evasion of its statutory mandate through such limitations as are contained in the bill? Especially with respect to § 112, when what is involved is either federal funds, which cannot be drawn from the Treasury but pursuant to appropriations by law, Article I, § 9, cl. 7, or federal property, as to which Congress has the power to dispose of and make regulations with respect to, Article IV, § 3, cl. 2, and which the extensive regulation of the President's authority to make arms sales evidences Congress' power, denying the executive branch authority to confer remuneration on a foreign power in exchange for that power's performance of some act denied the United States Government hardly seems to invade what Justice Jackson's scheme tells us is the hardest reserve of presidential power to defend.

In § 133 of the bill, the President is directed to terminate the agreement between the United States and the Soviet Union with respect to the use of land in the respective capitals of the two Nations for diplomatic facilities, unless he certifies that the threat to national security of the Soviet use of the Mount Alto site is not significantly greater than their use of present facilities. The President may under certain circumstances waive the requirement. The DOJ letter states: "Even if Congress may terminate the domestic effect of a treaty by subsequent legislation, we believe only the President has the authority actually to terminate a treaty or executive agreement with another country." P. 4. The letter cites the RESTATEMENT (THIRD) OF FOREIGN RELATIONS LAW, supra, n. 4, § 339, for the proposition. The RESTATEMENT sets forth the standard and accepted interpretation of the allocation of power. But, of course, the section does not purport to alter that interpretation. The President would terminate the agreement, not someone else. The real issue is whether Congress may direct him to carry out this function.

⁷ See, e.g., Meyer, *Congressional Control of Foreign Assistance*, 13 Y. J. Int'l. L. 69 (1988).

⁸ It is, of course, evident, that Congress can violate the Constitution through some conditioning of or limits on federal spending. E.g., *United States v. Lovett*, 328 U.S. 303 (1946); *United States v. Will*, 449 U.S. 200 (1980). But we are not at this point concerned with the validity of the underlying limit.

⁶ See, e.g., Koh, *Congressional Controls on Presidential Trade Policymaking after I.N.S. v. Chadha*, 18 N. Y. U. J. Int'l. L. & Pol. 1191 (1986).

The DOJ letter, it will be noticed, acknowledges, backhandedly to be sure ("Even of Congress . . ."), the settled rule that Congress by a later enacted statute may supersede a treaty and other agreements and that a later treaty and at least some other agreements may supersede a statute.⁹ And as the RESTATEMENT states: "If Congress enacts legislation that makes it impossible for the United States to carry out its obligations under an international agreement, . . . the President normally should take steps to terminate the agreement." *Id.*, Comment. In fact, the first case of outright abrogation of a treaty by the United States occurred in 1798, when Congress by law pronounced the United States freed and exonerated from the stipulations of the Treaties of 1778 with France. 1 Stat. 578. This action was followed two days later by one authorizing limited hostilities against France, 1 Stat. 578-580, and in *Bas v. Tingy*, 4 Dall. (4 U.S.) 37 (1800), the Supreme Court treated the act of abrogation as simply one of a bundle of acts declaring "public war" upon the French Republic.

If it is the case that Congress can trigger the obligation to notify by enacting legislation inconsistent with the treaty's obligation (and why does the DOJ letter limit the issue to "domestic effect," inasmuch as legislation in the international area could create a conflict, as in e.g., the case of the War Powers Resolution), is the only problem here that the section directs the President to terminate?

Professor Corwin notes that Presidents have not followed a consistent line. "For example, section 34 of the Jones Merchant Marine Act of 1920 'authorized and directed' the President within ninety days to give notice to the other parties to certain treaties, which the act infringed, of the termination thereof. President Wilson refused to comply, asserting that he 'did not deem the direction contained in section 34 . . . an exercise of any constitutional power possessed by Congress.' . . . Yet had Congress contended itself with enacting the material portions of the statute it would unquestionably have become the President's constitutional duty to enforce these, regardless of their operation of existing treaties, and at least it would have been only common sense and common courtesy on his part, as the national organ of foreign relations, to have given the other parties to the treaties advance notice. In fact, Mr. Wilson did so proceed in 1915 in connection with the La Follette Act—despite the fact that act 'requested and directed' him to do so."¹⁰

⁹ See RESTATEMENT (THIRD) OF FOREIGN RELATIONS LAW, supra, n. 4, § 115; CONSTITUTION ANNOTATED, supra, n. 2, 496-509.

¹⁰ E. CORWIN, op. cit., n. 1, 220-221. The first instance of presidential termination by notice pursuant to congressional action appears to have occurred in 1846, when by joint resolution Congress authorized by the President at his discretion to notify Great Britain of the abrogation of a convention on the joint occupation of the Oregon Territory. The President complied, but he had in fact initially requested the resolution, creating an interpretive debate about the meaning of the incident. S. CRANDALL, TREATIES, THEIR MAKING AND ENFORCEMENT (1916), 458-459. With or without an initial request, Presidents usually, but not invariably, carried out congressional resolutions. *Id.*, 459-462. For a brief discussion of the historical practice, which has encompassed presidential action alone, President-and-Senate, and Congress, see CONSTITUTION ANNOTATED, op. cit., n. 2, 514-518.

It thus appears that other Presidents have complied with similar directions. The critical difference, in the point of view of the President, may be that Congress this time would not be enacting legislation in conflict with the treaty. Because Congress does have plenary power over the District of Columbia, Article I, § 8, cl. 17, it could flatly legislate to deny the Soviet Government the Mount Alto site. Instead, the section leaves the President, in choosing to act or not, two ways not to deny the site. Whether the flexibility be only an instrument of policy or whether it has some effect on the constitutional question may be a nice issue.¹¹

Respecting §§ 611 and 622, which the DOJ letter objects to because they appear to require some negotiations with certain foreign powers and to require that some issues be included in negotiations, earlier comments in this memorandum with regard to past statutory provisions affecting presidential discretion are relevant. Additionally, these provisions of S. 1160 appear to be relatively minor compared to other provisions to which recent Administrations have acceded. E.g., § 722 of the International Security and Development Cooperation Act of 1985, P.L. 99-83, 99 Stat. 190, 249-259.

Under § 804, there are several reporting requirements imposed on the Secretary of State with respect to diplomatic contacts with the PLO. In light of the much more restrictive enactments regarding the PLO that Congress has passed, e.g., § 529 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1989, P.L. 100-461, 102 Stat. 2268-27 (prohibition of negotiations); Title X of Foreign Relations Authorization Act of 1988 and 1989, P.L. 100-204, 101 Stat. 1331, 1406-1407 (PLO a terrorist organization, including ban on maintenance of offices in United States), and see *Palestine Information Office v. Shultz*, 674 F.Supp. 910 (D.D.C. 1987) (sustaining Secretary of State's closure of PLO office in Washington), it is difficult to see how reporting requirements, which serve the information gathering function of Congress, could raise significant constitutional issues. That Congress' power of acquiring information is broad and that the President may resist formal inquiries and reporting requirements only through the assertion of constitutional privileges are evident principles. E.g., *Nixon v. Administrator of General Services*, 433 U.S. 425 (1977). The DOJ letter asserts that "ongoing disclosure of sensitive negotiations" may be impermissibly required. *Id.*, p. 5. That perhaps might be the case in some circumstances, but it appears clear that it would not invariably be true, so that what legal precedents there are hardly suggests a facial flaw with this provision. Rather, the better course would seem to be a claim of privilege selectively applied by the President as the occasion arises.

¹¹ It should be noted that the DOJ letter cites *Goldwater v. Carter*, 617 F.2d 697, 706-707 (D.C. Cir.), vacated and remanded on other grounds, 444 U.S. 996 (1979), as authority for its proposition that the President has sole authority to terminate. The issue in *Goldwater* was, of course, the President's authority to renounce without involving the Senate, an issue which, as has been noted, supra, n. 10, has been decided variously in practice over the years by the President alone, by the President-and-Senate, by Congress. A question occurs, however, with regard to the citation, for authority's purpose, when the letter, at p. 3 cites Justice Rehnquist's opinion for a plurality of the Supreme Court, seeking to give political question status to the issue and denying the Court of Appeals' authority to resolve it. *Id.*, 444 U.S., 1003. See supra, p. 9.

The DOJ letter objects to § 210, providing for an advisory commission to study USIA administration of its programs and to report to both Congress and the President, for a melange of policy and constitutional reasons. Of those that concern us here, the constitutional objections, the letter appears to suggest that a separation of powers issue is key, an intermixture of executive and legislative functions. It is difficult to see, in general, where the problem lies. The commission is to *study* and to *report*. It is directed to formulate and recommend to the Director (of USIA), to the Secretary of State, and to the President policies and programs to carry out the functions of the USIA, but there is nothing in the provision that obligates any of these persons even to read the recommendations, much less to do anything about implementing them. In the reports to be made, the Commission is directed to include information on the recommendations it has made to the Director and the action taken to carry out the recommendations. Commission communications to the President and to the Secretary of State are not similarly to be reported. That the informing and reporting functions are confided to one branch to the exclusion of the others is a proposition that cannot be maintained. *Buckley v. Valeo*, 424 U.S. 1, 137-138 (1976). The DOJ letter suggests that "the separation of powers requires that each branch maintain its separate identity." As a structural matter, how the commission obscures the identity of either branch it reports to is unexplained.

Concern with respect to the Commission's mission to assess and to report about the internal operations of the executive branch are more focussed. But the extent to which the requirements actually have any substantial impact is not discussed. The letter complains that the report to Congress about the recommendations to the Director and his actions in response would inform Congress "about deliberations within the executive branch." All that the section requires to be reported are what recommendations the Commission makes to the Director and what he did or did not do to implement them. Nothing is said about deliberations. No internal discussions need be reported. Two public actions—what the Commission recommended, what the Director did—are to be reported to Congress. As the letter concedes, "much of the information," in what respect some of the information sought might not be obtainable it does not say, could be gotten from USIA itself. Why the fact that it comes from the commission changes its character is not clear. That the commission may be required to "assess" the effectiveness of various programs and to report to Congress on its evaluations hardly distinguishes it from, for example, the General Accounting Office.

Further, the letter states that the President, "as head of the unitary executive branch," has the power to see to it that the executive branch speaks with one voice to Congress. Of course, the President has "the general administrative control of those executing the laws." *Myers v. United States*, 272 U.S. 52, 163-164 (1926). And, of course, superiors may well have authority to limit the power of a subordinate to communicate with Congress. E.g., *Congress Constr. Corp. v. United States*, 314 F.2d 527, 530-532 (Ct.Cl. 1963) (finding authority in the statutory structure of the Navy and Defense Department). It is equally clear that Congress has the power to impose on officers and employees subordinate to the President a stat-

utory obligation and to direct its performance even over the President's objections. *Kendall v. United States ex rel. Stokes*, 12 Pet. (37 U.S.) 524 (1838). "[I]t would be an alarming doctrine, that Congress cannot impose upon any executive officer any duty they may think proper, which is not repugnant to any rights secured and protected by the Constitution; and in such cases the duty and responsibility grow out of and are subject to the control of the law, and not to the direction of the President." *Id.*, 610. In short, the Court recognized the underlying question of the case to be whether the President's duty to "take Care that the Laws be faithfully executed" made it constitutionally impossible for Congress ever to entrust the construction and implementation of its laws to anybody but the President, and it answered the question in the negative.

Without dealing with the implications of "the unitary executive branch," it should be sufficient for us to note, again, that this commission is advisory, its appointment is not subject to the appointments clause, Article II, § 2, cl. 2, although Congress has provided an identical appointment process, and it reports to both Congress and the President. The lesson of *Morrison v. Olson*, 108 S.Ct. 2597 (1988), wherein was sustained the power of Congress, in appropriate circumstances, to shield an officer performing an executive function, investigation and prosecution of criminal offenses, from plenary presidential control, as well as to authorize the independent counsel to make certain reports to Congress, is that, as the DOJ letter acknowledges, the branches are not "hermetically" sealed off from each other.

In conclusion, rather than follow the *Curtiss-Wright* analysis of exclusive and plenary presidential power, the appropriate analysis, based on the practice of government and on the case law, but even more important, based on the text of the Constitution, is one of concurrent presidential-congressional powers, with interaction and checking of each other. No doubt, there are exclusive powers possessed by the President in the area of foreign affairs. But one must determine on the basis of constitutionally assigned functions what those powers are and what their limits are. Congress is delegated in Article I substantial legislative powers that may be used to structure and to guide the President in the conduct of foreign policy. The instruction to be gleaned from the cases running from *Little v. Barreme* to *Youngstown* and beyond is that a diligent examination of the textual powers delegated to the two branches, informed by the evidence of practice, is required to evaluate claims arising from attempts to exercise the great powers of government.

In that regard, without attempting to be definitive or final in an area in which shifting balances are common, it can be said that the challenged sections appear to be grounded in textual commitments of power to Congress, as well as to be prefigured in some past practices, and that Justice Jackson's analysis in *Youngstown* would require a strong showing that any exclusive powers of the President have been invaded. This is not to say that such a showing cannot be made as to particular provisions, especially in the context of particularized factual situations, but it is to question whether the effort has yet been made.

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Mr. MOYNIHAN. Mr. President, I wish to say that with respect to the Department of State's disappointing letter, I expected it. It is on the edge of being boilerplate whenever these things come along. I wish to say they do not protect their President this way. The Department of State must know the agonies the department went through as it was learned, among other things, that its elemental duties were subverted and bypassed and suborned. The Department of State should want this legislation. The American Foreign Service Association asks for this legislation.

Mr. President, let us recall those events in 1984 that we recounted in the White House meeting transcript to the Senate earlier, the memorandum of a White House meeting I cited earlier. The then-Secretary of State said: "We cannot do this. I am told by Jim Baker," now Secretary of State, then chief of staff, "that it is impeachable."

Moreover I must, with great respect, take a different view from my friend from North Carolina regarding impeachment. Impeachment is surely not the only sanction the Congress has. That is the equivalent of a firing squad.

Impeachment? My goodness. I suppose only once in our history has there been an impeachment trial. Of course, President Johnson was not, in the end, impeached.

In two centuries we have never removed a President in that manner, and I hope we never will. Because it should never become necessary. And it is this kind of provision which can avoid situations in which impeachment becomes something discussed in the Oval Office or the Situation Room—wherever that meeting took place in June 1984.

For the Acting Secretary of State who knew what happened in those events to write us this way is disappointing, although I certainly would want to record my complete respect for the Acting Secretary. I know he acted and spoke in good faith. But he might have made clear that nothing in this measure has anything to do with prohibitions now in statute or previously in statute and expired, as are almost all the Central American ones. None. This legislation applies only to prohibitions enacted in the future.

The gallant and learned Presiding Officer, Senator GLENN, a hero of the U.S. Marine Corps, ought to be able to speak to the value of having such legislation. I speak only with the caution that a very junior naval ensign might bring to the matter, although I rose to the position of lieutenant, junior grade, after 20 years in the Reserves. Military law specifically requires that officers and men not obey an illegal command. An illegal command is not to be obeyed. And that is there to pro-

tect the men of the force, be it Marine Corps or the Navy.

And also to protect not just the people below the source of command, but the people above it. There may be commands that are illegal and ought not be obeyed; the system is protected from what can be erratic, mistaken, emotional judgments.

We do not ever want those days to come again where a Secretary of State is sitting at the White House and saying to the President, "Mr. President, your Chief of Staff has told me that if we go ahead with this, you could be impeached, sir," and have other people say, well, what is impeachment between friends? My heaven, that puts in jeopardy the most important elective office on Earth. It puts the American Presidency in jeopardy. None serve that Presidency well who would wish to see the clear commands of the Congress avoided, and who would resist an effort to make clear that if this were done, it would be done at a cost. Not horrendous, not irreversible, but at a cost. That was absent in the mid-1980's. I think that absence of such a cost, put the Presidency of the United States in harm's way.

We survived that experience only just, Mr. President, only just. I can recall having to go on the radio noonday on Saturday of Thanksgiving weekend of 1986, to respond to the President's then regular Saturday 5-minute broadcast. I said, "Mr. President, I've listened to you, sir. I do not think you understand how serious things are here in Washington. You are in California. I would beseech you, Mr. President, listen to me. Your Presidency, sir, is tottering."

Seventy-two hours later the President came into the press room of the White House and ordered the Attorney General to (and I paraphrase) "find out what is going on in my own building."

Mr. President, as the Congressional Research Service states, the Congress has the clear power to require that powers delegated to the President by the Congress must comply with Congress' terms. Nothing more, nothing less. It is called the rule of law. It does not in any way obviate or impair discussions, negotiation or agreements, save in those very rare and very visible and never to be mistaken situations where Congress has said, "No, you may not do that, Mr. President, nor may persons to whom you have delegated powers of your office." This is a clear response to the intramixture of powers in foreign affairs to which Hamilton wrote 202 years ago.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. HEINZ. I thank the Chair.

(The remarks of Mr. HEINZ pertaining to the submission of S. Res. 154 are located in today's RECORD under "Submission of Senate and concurrent resolutions.")

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. MOYNIHAN. The time is equally divided, and I suggest that there does not appear to be a Senator wishing to speak at this moment. I, therefore, suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. Mr. President, I would like to take the opportunity to elaborate on the subject of the power of the President and of the Congress, particularly the Senate, in foreign affairs.

In the Federalist Paper No. 75, Hamilton discusses the Presidential power to make treaties by and with advice consent of the Senate, provided two-thirds of the Senate is present and concurs.

Later in that very powerful presentation, Hamilton says of foreign policy, "It must indeed be clear to a demonstration that the joint possession of power in question by the President and the Senate would afford a greater prospect of security than the separate possession of it by either of them." That is the spirit of our Constitution. He made the point that some people say that treaties being law or of a legislative nature should only be the responsibility of the Senate. Then he was quick to say that 26 persons cannot negotiate; 1 person negotiates—hence, Executive power. Executive power also carries out the treaty. So there is an intermixture, there is a joint power.

It is bewildering, if I can say, the number of times one hears the Curtiss-Wright case invoked as an example of unlimited power by the President in foreign affairs. On the contrary, Mr. President. In that case the court was dealing with the action by President Roosevelt carrying out what in effect was a neutrality act in a war in Central America. Congress declared itself neutral as between the parties. I am not sure a present day President would sign such a statute. He might say, "That is interfering with my affairs." President Roosevelt signed it, and he was carrying it out and perforce he did so on his own, but he did so on his own having been instructed by the Congress to so do. That is what we have in that statute.

All the authorities on the Constitution agree with Hamilton and agree with Jay, not the least because they can read of the Constitution and know our history.

The great comment on Curtiss-Wright, which was handed down in 1936, was made by Edward S. Corwin. Professor Corwin wrote a great book on the Constitution and the American Presidency that went to edition after edition (published by the New York University Press) and which addressed the constitutional grants of powers capable of affecting international relations. Mr. Corwin had this to say:

Where is the Constitution's best authority to determine the course of the United States as a sovereign entity at international law with respect to matters in which other similar entities may choose to take an interest? Many persons are inclined to answer offhand in the President. But they would be hard-put to it if challenged to point out any definite statement to this effect in the Constitution itself.

What the Constitution does and all that it does is to confer on the President certain powers capable of affecting our foreign relations and certain other powers of the same general kind on the Senate and still other such powers on Congress.

But which of these organs shall have the decisive and final voice in determining the course of the American Nation is left for events to resolve.

All of this amounts to saying that the Constitution, considered only for its affirmative grants of power capable of affecting the issue, is an invitation to struggle for the privilege of directing American foreign policy.

An invitation to struggle for the privilege of directing American foreign policy. That is familiar to us. It is called the separation of powers which is at once separated and connected, an intermixture of power, in that nice phrase of Hamilton.

We in the Committee on Foreign Relations believe this is a measure that Presidents need. We think this protects them against persons of excessive zeal or deficient judgment, who would seek to avoid the legitimate exercise of congressional power and responsibility in the field of foreign affairs, all of which makes for grief for the President. Such efforts to evade the laws do not aid him. They do him a disservice and to that extent ought to be discouraged. That is the simple, explicit, direct and hardly vague purpose of this amendment.

Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BREAUX). Without objection, it is so ordered.

The Senator is recognized.

Mr. PELL. Mr. President, I rise in support of the amendment offered by the senior Senator from New York, Senator MOYNIHAN.

I would note in this regard that one portion of Senator MOYNIHAN's amendment is essentially a reenactment of the Pell amendment that became law, with the support of President Reagan, in 1985. This is the provision that prohibits using foreign aid in a quid pro quo manner to get around prohibitions in U.S. law. I point this out because the administration, in opposing Senator MOYNIHAN's provision, ignores the precedent set by President Reagan in signing into law the provision that I sponsored in 1985.

I would also like to point out that the administration has read more into the scope of Senator MOYNIHAN's amendment than what is clearly intended. The Moynihan amendment is limited to violations of explicit congressional prohibitions. It does not criminalize administration actions that are carried out in areas where Congress has been silent.

Finally, I remind my colleagues that the President will largely control who will be liable to criminal penalties under this proposed legislation. It is, after all, the Attorney General—a member of the President's Cabinet—who would have to institute legal proceedings pursuant to the Moynihan amendment. I cannot imagine that such an action would be instituted by the clearest and most unambiguous violations of or evasions of explicit congressional prohibitions.

Mr. President, I suggest the absence of a quorum. I ask unanimous consent that the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BREAUX). Without objection, it is so ordered.

Mr. HELMS. May I inquire of the time situation?

The PRESIDING OFFICER. The Senator controls 47½ minutes; the Senator from Rhode Island controls 29½ minutes.

Mr. HELMS. Mr. President, I want to say to my distinguished friend from Rhode Island that I am prepared to yield back my time if he feels that he can do so.

Mr. PELL. Mr. President, I would be prepared to do so, but after these amendments that we are considering now.

Mr. HELMS. I would say I want to look further at the Taiwan amendment. It looks pretty good, but let us go ahead and do the other two.

Mr. PELL. And we will leave it open on Taiwan. If you do approve that, then I will be yielding back the time. If you do not approve it, then I think we ought to see.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the Moynihan amendment be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 275

(Purpose: To require a report regarding a monitoring system for the INF Treaty)

Mr. HELMS. Mr. President, I have an amendment which I believe has been cleared on both sides. I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 275.

Mr. HELMS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 145, after line 22, and the following new section:

SEC. 915. REPORT ON A MONITORING SYSTEM FOR THE INF TREATY.

The Secretary of State is requested to report to the Senate by September 30, 1989, why the United States' Cargoscan x-ray monitoring system for the Intermediate-Range Nuclear Forces Treaty was not installed at the United States' Votkinsk Portal Monitoring Facility inside the Soviet Union by December 1, 1988, as provided for in the terms of the Treaty, and further, when the Cargoscan system will be operational at Votkinsk.

On page 5, in the table of contents, after the item relating to section 914, add the following new item:

"Sec. 915. Report on a monitoring system for the INF Treaty."

Mr. HELMS. Mr. President, the U.S. Cargoscan x-ray machine is already 6 months overdue. It should have been installed in the Soviet Union this past December 1. This amendment merely requests a report on why the Cargoscan is overdue and when the Cargoscan will be installed. As I indicated, there is agreement on both sides on this amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 275) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Who yields time?

Mr. HELMS. Mr. President, I yield such time as may be required. I ask unanimous consent that the pending Moynihan amendment be laid aside again so that Senator DOLE may offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I thank the Chair.

The PRESIDING OFFICER. The Chair recognizes the Republican leader.

AMENDMENT NO. 276

Mr. DOLE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE], for himself, Mr. MITCHELL, Mr. PELL, and Mr. LUGAR, proposes an amendment numbered 276.

Mr. DOLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At an appropriate place in the Bill insert the following:

(a) FINDINGS.—Congress makes the following findings:

(1) The Stockholm Document of September 19, 1986, the first East-West security accord in more than ten years, brought into force significant confidence and security-building measures in Europe.

(2) The United States has entered into the Negotiations on Confidence and Security Building Measures with the goal of a more stable and secure Europe.

(3) These negotiations have focused on measures to reduce mistrust and misunderstanding about military capabilities and intentions by increasing openness and predictability in the military environment.

(4) The Congress supports President Bush's efforts to make progress in all areas of arms control and supports his recent initiatives in the area of conventional arms control.

(5) The United States and the Soviet Union signed the Agreement on the Prevention of Incidents on and Over the High Seas on May 25, 1972.

(6) The United States and the Soviet Union signed the Nuclear Risk Reduction Center Agreement on September 15, 1987.

(7) The United States and the Soviet Union signed the Agreement on the Prevention of Dangerous Military Activities on June 12, 1989.

(8) The Congress believes that a direct military-to-military communications link between NATO and the Warsaw Pact could prevent misunderstanding in the event of unpredicted military activities or incidents, such as the recent incident in which a Soviet MiG-23 transited NATO airspace and crashed in Belgium.

(9) The Congress believes such a direct military to military communications link could complement U.S. efforts in the area of confidence-and security-building measures.

(b) SENSE OF CONGRESS.—In light of the findings in subsection (a), it is the sense of Congress that—the President should raise and request that our NATO allies consider the concept of a direct military to military communications link between NATO and the Warsaw Pact at the appropriate NATO forum.

(c) PRESIDENTIAL REPORT.—The President shall submit to Congress not later than December 1, 1989 a report on the technical feasibility, operational characteristics and costs of establishing a direct military-to-military communications link between NATO and the Warsaw Pact.

Mr. DOLE. Mr. President, it is my understanding this amendment has been discussed with the chairman, Senator PELL, and the ranking Republican, Senator HELMS, and they have no objection to the amendment. I would like to give a little background information.

Mr. President, recently, as we all know, a runaway Soviet Mig-23 fighter crashed into a farmhouse in Belgium killing a 19-year-old man. The plane crashed after a 600-mile flight over West Germany, the Netherlands, and Belgium.

None of these countries was given any warning that the plane was heading their way. In fact, it took the Soviets 10 hours to acknowledge the stray fighter.

It seems to me that this type of incident might not have resulted in the loss of a young man's life had there been a direct channel of communication between NATO and the Warsaw Pact. And, let us face it, unexpected events, even if totally unintended, still set off alarms in each side's military forces.

Unfortunately, at present, only the United States and the Soviet Union have such a direct channel of communication—the so-called hotline.

Representatives from the Federal Republic, the Netherlands, and Belgium proposed shortly after the incident that NATO establish an emergency communications link with the Warsaw Pact.

I'm sure this is a possibility that President Bush will want to explore. I'm also sure that all my Senate colleagues would support such an effort. Therefore, the distinguished majority leader, Senator MITCHELL, as well as Senator PELL and Senator LUGAR have joined me in offering an amendment requiring the President to take a hard look at setting up a direct military to military communications link between NATO and the Warsaw Pact.

The President would report to the Congress on the technical feasibility and cost of establishing such a NATO-Warsaw Pact link. In addition to this report, we hope that the President would raise this idea within NATO. NATO is devoting considerable time to arms control, especially with regard to the conventional arms control talks in Vienna.

It seems to me that an emergency military communications link would complement the types of proposals the West is seeking support for in Vienna, especially at the confidence-and security-building measures talks—also known as the CSBM talks.

As you know, the CSBM talks are aimed at increasing the stability and security of Europe. At the CSBM talks the United States and its NATO Allies have proposed measures that would increase openness and predictability in European military affairs.

Increasing predictability and reducing misunderstanding is what this amendment is all about.

On a bilateral level, the United States has reached similar agreements with the Soviet Union. My colleague from the State of Virginia, Senator WARNER, negotiated the agreement on the prevention of incidents on and over the high seas in 1972. Senator WARNER and the distinguished chairman of the Senate Armed Services Committee, Senator NUNN, played a key role in the establishment of the nuclear risk reduction centers in 1987.

As we learned from those experiences, establishing such links requires not only technical effort, but political effort as well. A direct link between NATO and the Warsaw Pact is only as good as the commitment to use it at the right time. This link will not reduce tensions in and of itself, but, if used appropriately, it could reduce the potential for misunderstanding.

We have all seen promising signs of greater openness in Eastern Europe. Now is the time to expand our efforts at better communication between East and West to NATO and the Warsaw Pact. I would hope that in this new era of glasnost, an opportunity to extend such military openness may be seriously considered.

Mr. President, I have explained the amendment. It could be an important first step. I think it would be welcomed by President Bush.

Mr. MITCHELL. Mr. President, the amendment I am pleased to cosponsor with the distinguished Republican leader calls on the President to study the advisability of an additional confidence- and security-building measure in Europe. The measure which this amendment proposes is a direct military-to-military communications link between NATO and the Warsaw Pact.

The possible value of such a link was illustrated in the recent episode when a Soviet military aircraft flew from Poland across NATO territory until it crashed in Belgium. Despite the fact that NATO was aware of the aircraft in sufficient time to track it and to have our own NATO aircraft follow it and establish that the pilot had ejected, no attempt was made to communicate with Warsaw Pact authorities. Indeed, such an attempt was virtually impossible on such short notice.

The military-to-military link which this amendment proposes would provide an existing and established channel for use in such incidents, where unpredicted military events could lead to unfortunate incidents between the two sides.

As the members of NATO and the Warsaw Pact proceed to explore ways to reduce tension and enhance confidence and security in the ongoing negotiations in Vienna, it is my view that it could prove fruitful to explore the possibility and feasibility of a military-to-military communications link such as that proposed in this amendment. I hope the President will explore this concept seriously with our allies and will find that it can be included as part of the set of measures being negotiated in Vienna.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. PELL. Mr. President, I think this is an excellent amendment and I am very glad, indeed, to be a cosponsor of it. It is a little bit different than the hotline because the existing United States-Soviet hotline runs through the Defense Department to the White House and is essentially designed for communication between political leaders. My understanding in the past was the reason the Soviets did not want it to go from military to military was they want to keep more of a control on it. The proposed NATO-Warsaw Pact communication link, by contrast, will provide for better communication between military personnel in order to avoid misunderstanding. The fact they are willing to go from military to military in this one is I think a good sign, showing they are more willing to trust the military than they were before. I for one look forward to voting for the amendment.

Mr. DOLE. I thank the distinguished Senator, the chairman of the committee.

The PRESIDING OFFICER. If there is no further debate on the amendment, the question is on agreeing to the amendment. Is there further debate on the amendment?

The amendment (No. 276) was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I ask unanimous consent to add the distinguished Senator from North Carolina [Mr. HELMS] as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. HELMS. Mr. President, I yield to the distinguished Senator from Wy-

oming [Mr. SIMPSON] such time as he may require.

The PRESIDING OFFICER. The Senator from Wyoming [Mr. SIMPSON] is recognized.

Mr. SIMPSON. Mr. President, I thank the Chair. I have been listening to the debate with regard to the amendment offered by my friend, the senior Senator from New York, feeling that it indeed is not appropriate. The reasons for my opposition have been very ably outlined by others, including the administration. But I really literally will just take 2 or 3 minutes to express my own reservations.

I guess as we review things here we all wonder how long things last. I think it was a colleague I cannot recall who 10 years ago said, "nothing ever dies around here." I just do not understand what purpose it is to continue to bedevil and beleaguer the Iran-Contra issue. We have spent millions of the taxpayers' bucks on this issue, all to no avail, unless they really want to impeach George Bush now, which seems like not really an appropriate thing to do at all. I would hope we would not seek to impeach George Bush.

Where does all this lead? What is the purpose of it? How long does it go on? It is an extraordinary effort to micromanage the conduct of foreign policy in this country to an extent that is really almost hard to imagine. How long is the exquisite agony of this thing to go forward? I do not understand.

But the amendment goes far beyond even that. It would inhibit the conduct of foreign policy by creating the specter of potential criminal liability for any U.S. Government employee who acts to further a policy for which funding has been denied. Now, think of how many times in the course of our times here, our travail and our work, we deny funding to certain agencies or for some reason to some part of the Government. And that would be done whether that action is made with intent or knowledge to circumvent some congressional prohibition.

I think it is all very well to cut off funding. That is our job. We do that. We are all skilled at that. You are going to cut off funding if they do a number on you. We do that sometimes in a clumsy way. I have done that, cut off funding for programs or policies that we feel to be unwise or not in the best interests of the United States. But I think it is quite another matter, Mr. President, for us to impose criminal liability—and that is the way I read this—or to require a cutoff of funding to a foreign country which might act to support a policy for which Congress has refused funding.

This amendment would also attempt to interfere—I think impermissibly—in the affairs of other countries. If this provision were to become law, as I un-

derstand it, a congressional prohibition on aid to a resistance movement anywhere in the world would become an effort to undermine that support and undercut that support from anywhere in the world, from any source whatsoever.

I cannot believe that we really are contemplating doing this. We would then be giving the signals and telling others they must join us. I cannot imagine anything more patronizing than that. If we deny funding we are saying that other sovereign nations had better shape up and follow us and line up in our camp or we will cut off their funding as well.

I assume that is what that could mean.

I think it is a very bad idea. The President must be able to develop and implement foreign policy. Surely Congress has a role to play, but this is the wrong role on the wrong stage. I cannot possibly imagine what the real purpose of this is. It does not avoid what did happen and what was painful to all of us. It does not prevent it happening again. But it seems to brood upon the issue and go back and try to address something which is just as well left where it is. Anybody will tell you that. If you go up to somebody in a town meeting in Wyoming or another State and talk about Iran-Contra they say "I thought that stuff was over." And it is over. It should be over. It was just an unfortunate and hideous time. The courts have done their work. The people who should pay have paid. The system works.

I see no reason at all to impose this criminal liability which might arise at any time simply when we see a policy going forward where funding has been denied, but yet some action is being taken by someone, or somebody is making a normal diplomatic call. I think that the Government can ill-afford that kind of restraint and restriction.

For that reason, I certainly would not be supportive of the amendment. I can understand from whence it springs, and it springs from a well which may have water in it for the rest of our history. But I do not think we are ever going to do anything much about it unless you wish to impeach a sitting President. There is no other purpose for this continual dogged persistence and obsession as to this unfortunate thing that occurred.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Wyoming yields the floor. Who yields time?

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. I suggest the absence of a quorum, and ask that the time be equally divided.

The PRESIDING OFFICER. The clerk will call the roll, and the time will be equally divided.

The legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Mr. President, I ask unanimous consent to have printed in the RECORD a letter from GAO dated July 12, 1989.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 12, 1989.

HON. CLAIBORNE PELL,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate on S. 1160, the Foreign Relations Authorization Act, Fiscal Year 1990, as ordered reported by the Senate Committee on Foreign Relations on June 8, 1989.

Should the Committee so desire, we would be pleased to provide further details.

Sincerely,

ROBERT D. REISCHAUER.

CONGRESSIONAL BUDGET OFFICE COST
ESTIMATE

1. Bill number: S. 1160.
2. Bill title: Foreign Relations Authorization Act, Fiscal Year 1990.
3. Bill status: As ordered reported by the Senate Committee on Foreign Relations on June 8, 1989.
4. Bill purpose: The bill authorizes appropriations for the Department of State, the United States Information Agency, the Board for International Broadcasting, and the Inter-American Foundation for fiscal year 1990. It also authorizes funds for a new television broadcasting service to Cuba, and funds for ten "model foreign language competence posts" at overseas missions.
5. Estimated cost to the Federal Government:

[By fiscal years, in millions of dollars]

	1990	1991	1992	1993	1994
Estimated Revenues					
Section 903: Reclassification of revenues as offsetting collections.....	-0.3	0.0	0.0	0.0	0.0
Direct Spending					
Section 106 (function 150):					
Estimated budget authority.....	19.2	20.0	20.8	21.7	22.5
Estimated outlays.....	15.7	18.1	19.8	21.0	21.9
Section 141: CSRS trust fund (function 600):					
Estimated budget authority.....	-1.1	-1.2	-1.2	-1.3	-1.3
Estimated outlays.....	16.0	0.0	0.0	0.0	0.0
Undistributed offsetting receipts (function 951):					
Estimated budget authority.....	1.1	1.2	1.2	1.3	1.3
Estimated outlays.....	1.1	1.2	1.2	1.3	1.3
Section 146: FSRD fund (function 600):					
Estimated budget authority.....	0.1	0.1	0.1	0.1	0.1
Estimated outlays.....	0.2	0.3	0.3	0.3	0.2
Payments to the FSRD fund (function 150):					
Estimated budget authority.....	0.1	0.1	0.1	0.1	0.1
Estimated outlays.....	0.1	0.1	0.1	0.1	0.1

[By fiscal years, in millions of dollars]

	1990	1991	1992	1993	1994
Offsets (function 150):					
Estimated budget authority.....	-0.1	-0.1	-0.1	-0.1	-0.1
Estimated outlays.....	-0.1	-0.1	-0.1	-0.1	-0.1
Authorizations of Appropriations					
Function 150:					
Authorized level.....	4,629.0	0.0	0.0	0.0	0.0
Estimated outlays.....	3,534.2	699.7	205.4	96.8	13.1
Function 300:					
Authorized level.....	37.5	0.0	0.0	0.0	0.0
Estimated outlays.....	32.9	3.9	0.7	0.0	0.0
Net budget impact: Net increase to deficit.....	3,600.4	723.2	227.4	119.4	36.5

GENERAL

The estimate assumes enactment of this bill and subsequent appropriation of the authorized amounts by September 30, 1989. With a few exceptions, the authorizations are for ongoing programs and the authorized levels are stated in the bill. Outlays for these programs were estimated using historical spendout rates. The net budget impact is estimated outlays minus estimated revenues. The details in the table may not total to the net budget impact due to rounding.

REVENUE PROVISIONS

Section 217 amends the Internal Revenue Code of 1986 to allow non-resident aliens an exemption from paying income taxes on certain educational grants. Under Section 217, grants received from the United States Information Agency or the agency for International Development would not be counted as gross income and therefore would not be taxable. The Joint Committee on taxation is responsible for estimating the revenue effects of income tax legislation. They have not completed an estimate of Section 217, therefore the revenue impact of this section is not included in the table.

Section 641 prohibits the importation of ivory and other elephant products from countries where elephants are killed illegally and from countries where there is any significant trade in illegally killed elephants. CBO estimates this section will not significantly affect receipts of customs duties or other revenues.

Section 903 reclassifies \$250,000 in revenues received by the Office of Munitions Control (OMC) in fiscal year 1990 as offsetting collections. These offsetting collections would be used, subject to appropriations action, by the State Department for expenses associated with the OMC. The net effect of spending the \$250,000 is included in the authorization table.

DIRECT SPENDING PROVISIONS

Section 106 authorizes the State Department to transfer certain deobligated funds into their Buying Power Maintenance account. Currently these deobligated funds would lapse because their period of availability has expired. Under Section 106, however, these funds could be reobligated and used to offset losses in the State Department's budget due to exchange rate fluctuations. This provision would therefore reappropriate funds and provide new budget authority to the State Department. Funds deobligated from all Administration of Foreign Affairs accounts except those that are funded by no-year appropriations would be available for this transfer. Currently, the State Department deobligates an average of approximately \$19 million per year from the accounts mentioned above. Since these funds would be available for reobligation,

this provision would increase outlays by an estimated \$97 million over the projection period.

Section 141 would allow foreign national employees (i.e., citizens of foreign countries who work in United States embassies or consulates) to transfer their credits in the Civil Service Retirement System (CSRS) to a local retirement plan. This section has no net effect on budget authority, but raises outlays by \$22 million through fiscal year 1994. The budget impact is spread to two functions of the budget. The one-time transfer of past employee and employer contributions from the Civil Service Retirement and Disability Fund (CSRS Trust Fund) to local plans is expected to result in \$16 million in outlays in 1990. In addition, employer contributions to the CSRS Trust Fund—recorded as budget authority—would be reduced by \$6.1 million over the projection period. These effects on CSRS are reflected in the budget function 600 estimates. Employer contributions to the local plans would offset the reduction in employer contributions to the CSRS Trust Fund. This offset of budget authority is shown in the budget function 951 portion of the table. The outlays associated with this budget authority represent the impact of the federal payment going to local retirement plans instead of the CSRS Trust Fund.

Section 146 gives certain former spouses of foreign service employees retirement, survivor, and health benefits. The State Department estimates that approximately 20 additional people will be eligible for benefits under this bill. Outlays from the Foreign Service Retirement and Disability (FSRD) Fund are estimated to increase to approximately \$25 million per year before declining due to reductions in the number of beneficiaries. Payments to the fund to amortize the unfunded liability created by the extension of benefits authorized by this section are permanently authorized by section 821 of the Foreign Service Act of 1980. These payments, which are offset within budget function 150, are estimated to require appropriations of about \$0.1 million per year for 30 years.

AUTHORIZATIONS

Section 161 requires the Secretary of State to designate ten overseas missions as "model foreign language competence posts", and authorizes such sums as necessary for the funding of these posts. Under the provisions of the bill, all employees permanently assigned to these posts would be required to be competent in the language common to that country. The level of competency required for each position would be determined by the Secretary of State.

The costs associated with this section depend on a number of factors that presently are unknown, including which posts would be designated as model posts, and the level of language competency required for each position. The main costs associated with these model posts would be training costs, such as instructors' salaries. These costs would be higher with larger posts versus smaller posts, and would increase as the level of competency required for employees is increased. The cost of instructors, including personnel and non-personnel costs, is estimated to be approximately \$50,000 per year, but is not included in the table because of the uncertainty over the scope of the program.

Section 405 of the bill would prohibit any payment of assessed contributions to the United Nations (UN) or any specialized agency of the UN if the Palestine Liberation

Organization (PLO) is admitted as a member to that organization. The budget impact of Section 405 ultimately would depend on the number of organizations granting membership to the PLO. If no such organizations do, this provision would have no budget impact. If the PLO is admitted to all organizations in which the United States lacks the power to veto the admission of new members, however, spending could be lowered by about \$200 million per year. No budget impact for Section 405 is included in the table because CBO cannot estimate whether the UN or any of its specialized agencies will admit the PLO.

Section 611 of the bill authorizes the Administrator of the Agency for International Development to provide grants to nongovernmental organizations to purchase discounted commercial debt held by a foreign country. The purchase of the debt by the nongovernmental organization would be contingent upon the country's willingness to undertake conservation projects aimed at improving the environment. Repayment of the debt would be forgiven if the country demonstrates a long-term commitment to the projects.

There is no budgetary impact included in the table for Section 611. The bill does not authorize any funds to pay for new grants, and AID does not expect a large number of agreements with foreign countries to be reached given the difficulty of past negotiations. However, AID currently has several pilot programs in Latin America similar to those authorized by this section.

Under Section 611, nongovernmental organizations would be allowed to retain any interest earned on investments pending their disbursement for approved program purposes. Under current law, interest accumulated on investments would be returned to the Treasury.

Section 705 authorizes \$16 million for a new television service for broadcasting to Cuba. The estimate assumes service will begin in the third quarter of fiscal year 1990 after feasibility testing, evaluations, and the hiring of employees has been completed. Outlays of \$9 million in fiscal year 1990, and \$7 million over the following two years were estimated using spendout rates for similar programs.

6. Estimated cost to State and local governments: None.

7. Estimate comparison: None.

8. Previous CBO cost estimate: None.

9. Estimate prepared by: Kent Christensen, 226-2840; Cathy Ellman, 226-2820; Eric Nicholson, 226-2680.

10. Estimate approved by: James L. Blum, Assistant Director for Budget Analysis.

Mr. PELL. Mr. President, I am prepared to yield back the remainder of our time.

Mr. HELMS. I yield back the remainder of our time.

The PRESIDING OFFICER. The Chair will note that under the previous order, when all time is yielded back, the vote on this amendment is scheduled to occur tomorrow afternoon at 2:15 p.m.

Mr. HELMS. Mr. President, I would correct the Chair. There will be 20 minutes of debate equally divided, and the vote will be at 2:35.

The PRESIDING OFFICER. The Chair would state to the Senator from North Carolina that that agreement has not been entered into.

Mr. HELMS. Mr. President, but it will be propounded by the majority leader.

Mr. PELL. That is also the understanding of the manager of the bill.

The PRESIDING OFFICER. The Chair will entertain that unanimous consent request when it is asked.

Mr. HELMS. Mr. President, I called it to the attention, I say to the Chair, because I do not want Senators who may be listening to be confused. I thank the Chair.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF HERBERT D. KLEBER

Mr. MITCHELL. Mr. President, as in executive session, I ask unanimous consent that the nomination of Herbert D. Kleber of Connecticut, to be Deputy Director for Demand Reduction, Office of National Drug Control Policy, be held at the desk until the close of business Tuesday, July 18, 1989.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO PRINT JOHNSTON AMENDMENT—NO. 267

Mr. MITCHELL. Mr. President, I ask unanimous consent that Senator JOHNSTON's amendment No. 267 be printed.

The PRESIDING OFFICER. Without objection, the amendment will be printed as requested.

LEGISLATION REGARDING DESECRATION OF THE U.S. FLAG

Mr. MITCHELL. Mr. President, I ask unanimous consent that the period of time between 10:30 and 12:30 p.m. tomorrow be considered as morning business for the purpose of the introduction of legislation and constitutional amendments relating to the issue of the desecration of the U.S. flag and discussion of that legislation and the flag-burning question, and that Senators be permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair recognizes the Republican leader, Senator DOLE.

RESPONSES TO PHYSICAL DESECRATION OF THE FLAG

Mr. DOLE. Mr. President, first of all, I thank the majority leader for ar-

ranging a period maybe as long as 2 hours tomorrow for a discussion of statutory response to physical desecration of the flag and also a constitutional amendment.

I understand it is not possible to give everyone 1 hour because they are coming in at different times. I urge those who have an interest, particularly in the constitutional amendment, if they desire to speak, we will try to allocate a time sometime during that 2-hour period.

Senator Dixon will be on the floor part of that time and I will be on the floor part of that time.

We encourage everyone who has an interest in the constitutional amendment that they have a chance to look at it.

We now have 53 cosponsors of that amendment, Republicans and Democrats. Hopefully tomorrow prior to introduction we can add to that number.

PRESIDENTIAL APPOINTMENTS

Mr. DOLE. Mr. President, I ask unanimous consent to print in the RECORD strictly for information purposes an update on Presidential appointments.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, July 17, 1989.

Update on PAS Appointments

Number of nominations to date.....	264
Nominations pending before the Senate.....	107
Number of nominations confirmed by Senate.....	156
Rejected.....	1
Press releases of intention to nominate, but not yet nominated.....	30
Press releases on individuals who will continue to serve.....	29

NOMINATIONS PENDING BEFORE SENATE

Name	Title	Date nominated
Martin Lewis Allday	Solicitor of the Department of the Interior	June 13, 1989
Timothy B. Atkeson	Assistant Administrator of the Environmental Protection Agency (International Affairs)	June 6, 1989
David George Ball	Assistant Secretary of Labor (Pension and Welfare Benefit)	April 18, 1989
Andrew Camp Barrett	A member of the Federal Communications Commission for the term expiring June 30, 1990	June 16, 1989
Shirley Temple Black	Ambassador to Czechoslovakia	June 6, 1989
Julia Chang Bloch	Ambassador to Nepal	June 23, 1989
Richard Wood Boehm	Ambassador to the Sultanate of Oman	June 6, 1989
Debra Russell Bowland	Administrator of the Wage and Hour Division, Department of Labor	June 8, 1989
William Branniff	U.S. Attorney for Southern District of California	June 9, 1989
D. Allan Bromley	Director of the Office of Science and Technology Policy	June 6, 1989
William C. Brooks	Assistant Secretary of Labor (Employment Standards Administration)	June 8, 1989
Jacqueline Knox Brown	Assistant Secretary of Energy (Congressional and Intergovernmental Affairs)	June 22, 1989
Keith Lapham Brown	Ambassador to Denmark	May 31, 1989
William Andreas Brown	Ambassador to Israel	May 31, 1989
Morris Dempson Busby	Rank of Ambassador during tenure as Coordinator for Counter Terrorism	June 6, 1989
Frederick Morris Bush	Ambassador to Luxembourg	June 15, 1989
Gilbert E. Carmichael	Administrator of the Federal Railroad Administration	July 11, 1989
Raoul Lord Carroll	General Counsel, Department of Veterans Affairs	June 15, 1989
James E. Cason	Assistant Secretary of Agriculture (Special Services)	May 2, 1989
Allen B. Clark, Jr.	Assistant Secretary of Veterans Affairs (Veterans Liaison and Program Coordination)	July 17, 1989
Richard A. Clarke	Assistant Secretary of State (Politico-Military Affairs)	June 22, 1989
Brian W. Clymer	Urban Mass Transportation Administrator	June 16, 1989
Thomas E. Collins, III	Assistant Secretary of Labor for Veterans' Employment and Training	June 22, 1989
Linda M. Combs	Assistant Secretary of the Treasury (Management)	July 11, 1989
Susan M. Coughlin	Member of the National Transportation Safety Board for the term expiring December 31, 1993	June 21, 1989
Margaret P. Currin	U.S. Attorney for Eastern District of North Carolina	June 16, 1989
J. Michael Davis	Assistant Secretary of Energy (Conservation and Renewable Energy)	June 16, 1989
Thomas C. Dawson II	U.S. Executive Director of the International Monetary Fund for a term of 2 years	July 17, 1989
Michael R. Deland	Member of the Council on Environmental Quality	July 14, 1989
Thomas J. Duesterberg	Assistant Secretary of Commerce (International and Economic Policy)	June 16, 1989
John J. Easton, Jr.	Assistant Secretary of Energy (International Affairs and Energy Emergencies)	June 22, 1989
Michelle Easton	Deputy Under Secretary for Intergovernmental and Interagency Affairs, Department of Education	July 11, 1989
Lugi R. Einaudi	Permanent Representative of the U.S.A. to the Organization of American States, with the rank of Ambassador	June 16, 1989
Edward Martin Emmett	Member of the Interstate Commerce Commission for a term expiring Dec. 31, 1992	June 8, 1989
Raymond Charles Ewing	Ambassador to Ghana	July 11, 1989
Martin C. Faga	Assistant Secretary of the Air Force (Space Policy)	July 11, 1989
Linda J. Fisher	Assistant Administrator for Toxic Substances of the Environmental Protection Agency	July 17, 1989
C. Austin Fitts	Assistant Secretary of Housing & Urban Development	May 31, 1989
Anne Newman Foreman	Under Secretary of the Air Force	July 17, 1989
Arthur W. Fori	Assistant Secretary of State (Administration)	July 11, 1989
Chas. W. Freeman, Jr.	Ambassador to Saudi Arabia	June 15, 1989
Claire E. Freeman	Assistant Secretary of Housing and Urban Development (Administration)	June 22, 1989
Lois Gallegos	Assistant Secretary of the Interior (Policy, Budget and Administration)	June 22, 1989
Joseph Bernard Gildenhorn	Ambassador to Switzerland	June 13, 1989
Roy M. Goodman	Member of the National Council on the Arts for a term expiring Sept. 3, 1994	June 7, 1989
Donald Phinney Gregg	Ambassador to the Republic of Korea	Mar. 6, 1989
Stella Garcia Guerra	Assistant Secretary of the Interior (Territorial and International Affairs)	June 15, 1989
Constance Bastine Harriman	Assistant Secretary for Fish and Wildlife, Department of the Interior	June 6, 1989
Henry E. Hockeimer	Associate Director of the U.S. Information Agency	June 21, 1989
Wade F. Horn	Chief of the Children's Bureau, Department of H.H.S.	June 21, 1989
Jerry M. Hunter	General Counsel of National Labor Relations Board for a term of 4 years	May 12, 1989
Eric M. Javits	Ambassador to Venezuela	July 11, 1989
Kyo Ryon Jhin	Chief Counsel for Advocacy, Small Business Administration	June 23, 1989
Jane A. Kenny	Director of the ACTION Agency	July 11, 1989
Gwendolyn S. King	Commissioner of Social Security	July 17, 1989
Herbert D. Kiebler	Deputy Director for Demand Reduction, Office of National Drug Control Policy	July 17, 1989
Dennis Edward Kloske	Under Secretary of Commerce for Export Administration	July 14, 1989
Kathleen Day Koch	General Counsel of the Federal Labor Relations Authority for a term of 5 years	July 11, 1989
Skirma Anna Kondratas	Assistant Secretary of Housing and Urban Development (Community Planning and Development)	June 9, 1989
Eugene P. Kopp	Deputy Director of the U.S. Information Agency	July 11, 1989
Kenneth B. Kramer	Associate Judge of the U.S. Court of Veterans Appeals for the term of 15 years	May 5, 1989
Quincy Mellon Krosby	Assistant Secretary of Commerce (Export Enforcement)	May 31, 1989
Thomas D. Larson	Administrator of the Federal Highway Administration	June 6, 1989
Warren A. Lavorel	For the rank of Ambassador during his tenure of service as the United States Coordinator for Multilateral Trade Negotiations	June 16, 1989
Eugene Kistler Lawson	First Vice President of the Export-Import Bank of the United States for a term of 4 years expiring Jan. 20, 1993	June 22, 1989
Antonio Lopez	Associate Director of the Federal Emergency Management Agency	May 18, 1989
William Lucas	Assistant Attorney General (Civil Rights)	May 1, 1989
S. Anthony McCann	Assistant Secretary of Veterans Affairs (Finance and Planning)	June 21, 1989
Sean McKee	Member of the Federal Labor Relations Authority for a term of 5 years expiring July 1, 1994	July 11, 1989
John D. Macomber	President of the Export-Import Bank of the United States for a term of 4 years expiring Jan. 20, 1993	June 22, 1989
Sherrie Patrice Marshall	Member of the Federal Communications Commission for the remainder of the term expiring June 30, 1992	June 16, 1989
Thomas Patrick Melady	Ambassador to the Holy See	June 9, 1989
Jerry Alexander Moore, Jr.	Ambassador to the Kingdom of Lesotho	July 11, 1989
Richard Anthony Moore	Ambassador to Ireland	July 14, 1989
Diane Kay Morales	Assistant Secretary of Energy (Environment, Safety and Health)	April 12, 1989
Daphne Wood Murray	Director of the Institute of Museum Services	July 11, 1989
Della M. Newman	Ambassador to New Zealand and Ambassador to Western Samoa (2 positions)	May 17, 1989
Janice Ouchowski	Assistant Secretary of Commerce for Communications and Information	June 7, 1989
Deborah K. Owen	Federal Trade Commissioner for the unexpired term of seven years from Sept. 26, 1987	June 6, 1989
Edward Joseph Perkins	Director General of the Foreign Service	July 11, 1989

NOMINATIONS PENDING BEFORE SENATE—Continued

Name	Title	Date nominated
Sherrie Sandy Rollins	Assistant Secretary of Housing and Urban Development (Public Affairs)	June 7, 1989
Gerard F. Scannell	Assistant Secretary of Labor (Occupational Safety and Health)	June 22, 1989
Rockwell Anthony Schnabel	Under Secretary of Commerce for Travel and Tourism	June 6, 1989
Melvin F. Sembler	Ambassador to Australia and Ambassador to Nauru (2 positions)	May 5, 1989
John W. Shannon	Under Secretary of the Army	July 17, 1989
Alfred C. Sikes	Member of the Federal Communications Commission for a term of 5 years from July 1, 1988	July 11, 1989
Joy A. Silverman	Ambassador to Barbados; to Dominica; to Saint Lucia; and to Saint Vincent and the Grenadines (4 positions)	July 11, 1989
Michael Philip Skarzynski	Assistant Secretary of Commerce (Trade and Development)	May 1, 1989
Harry M. Snyder	Director of the Office of Surface Mining Reclamation and Enforcement	July 11, 1989
Michael G. Sotirhos	Ambassador to Greece	July 11, 1989
Janet Dempsey Steiger	Federal Trade Commissioner for the term of 7 years from Sept. 26, 1988	July 11, 1989
Richard Burleson Stewart	Assistant Attorney General (Land and Natural Resources)	June 22, 1989
Edward C. Stringer	General Counsel, Department of Education	June 6, 1989
Thomas F. Stroock	Ambassador to Guatemala	July 11, 1989
William Lacy Swing	Ambassador to the Republic of South Africa	July 17, 1989
William H. Taft, IV	U.S. Permanent Representative on the Council of the NATO	June 8, 1989
Evelyn Irene Hoopes Teegen	Ambassador to Fiji; to the Kingdom of Tonga; to Tuvalu; and to the Republic of Kiribati (4 positions)	July 11, 1989
Edward T. Timperlake	Assistant Secretary of Veterans Affairs (Congressional and Public Affairs)	June 15, 1989
John F. Turner	Director of the U.S. Fish and Wildlife Service	June 13, 1989
Michael Ussey	Ambassador to the Kingdom of Morocco	June 6, 1989
Stephen A. Wakefield	General Counsel of the Department of Energy	June 16, 1989
Vaughn R. Walker	United States District Judge for the Northern District of California	Feb. 28, 1989
Alexander Fletcher Watson	Deputy Representative of the U.S.A. to the United Nations, with rank and status of Ambassador E&P	July 11, 1989
John C. Weicher	Assistant Secretary of Housing and Urban Development (Policy Development and Research)	May 16, 1989
Milton James Wilkinson	Deputy Representative of the U.S.A. in the Security Council of the United Nations, with the rank of Ambassador	July 11, 1989
Deborah Wince-Smith	Assistant Secretary of Commerce for Technology Policy	June 13, 1989
Johnny Young	Ambassador to Republic of Sierra Leone	July 17, 1989
Joseph Zappala	Ambassador to Spain	May 2, 1989

Mr. DOLE. I asked Frederick McClure, the chief liaison officer at the White House, this morning to give us a list so we would know how many nominations have been made, how many confirmed, and how many are pending. So he gave me the entire list.

This includes the judges, Ambassadors, commissions, as well as agencies and it is for information purposes only. There are about 35 of these nominations that only have been up less than a week.

I understand from the majority leader only about 18 arrived here prior to June.

Hopefully we can clear a number of these before the August recess because if not we are looking at probably late September before it can be accomplished, and in some areas the reason for some delay is reaching an agreement with the White House on access to FBI information. I understand that we are still negotiating that. That is still being negotiated with the majority leader and with the White House legal counsel, C. Boyden Gray. I would encourage Mr. Gray to try to come to some conclusion on that so we can move ahead on some of the nominations.

I know the majority leader has already indicated we will move as quickly on these as we can.

That is all I have.

Mr. MITCHELL. I thank the distinguished Republican leader.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

Mr. MITCHELL. I will do the best that I can to move forward on as many of these nominees as possible.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to

the Senate by Mr. Kalbaugh, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

PRESIDENTIAL APPROVALS

A message from the President of the United States reported that he had approved and signed the following bills and joint resolutions:

On March 21, 1989:

S.J. Res. 64. Joint resolution to designate March 25, 1989, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy".

On March 29, 1989:

S. 553. An act to provide for more balance in the stocks of dairy products purchased by the Commodity Credit Corporation.

S.J. Res. 87. Joint resolution to commend the Governments of Israel and Egypt on the occasion of the tenth anniversary of the Treaty of Peace between Israel and Egypt.

On April 2, 1989:

S.J. Res. 50. Joint resolution to designate the week beginning April 2, 1989, as "National Child Care Awareness Week".

On April 10, 1989:

S. 20. An act to amend title 5, United States Code, to strengthen the protections available to Federal employees against prohibited personnel practices, and for other purposes.

On April 13, 1989:

S.J. Res. 43. Joint resolution designating April 9, 1989, as "National Former Prisoners of War Recognition Day".

On May 1, 1989:

S.J. Res. 45. Joint resolution designating May 1989 as "Older Americans Month".

S.J. Res. 92. Joint resolution to invite the houses of worship of this Nation to celebrate the bicentennial of the inauguration of George Washington, the first President of the United States, by ringing bells at 12 noon on Sunday, April 30, 1989.

On May 2, 1989:

S.J. Res. 52. Joint resolution to express gratitude for law enforcement personnel.

S.J. Res. 60. Joint resolution to designate the period commencing on May 1, 1989, and ending on May 7, 1989, as "National Drinking Water Week".

S.J. Res. 84. Joint resolution to designate April 30, 1989, as "National Society of the Sons of the American Revolution Centennial Day".

On May 5, 1989:

S.J. Res. 25. Joint resolution to designate the week of May 7, 1989, through May 14, 1989, as "Jewish Heritage Week".

On May 11, 1989:

S.J. Res. 62. Joint resolution designating May 1989 as "National Stroke Awareness Month".

On May 15, 1989:

S. 968. An act to delay the effective date of section 27 of the Office of Federal Procurement Policy Act.

On May 17, 1989:

S.J. Res. 37. Joint resolution designating the week beginning May 14, 1989, and the week beginning May 13, 1990, as "National Osteoporosis Prevention Week".

On May 22, 1989:

S.J. Res. 58. Joint Resolution to designate May 17, 1989, as "High School Reserve Officer Training Corps Recognition Day".

On May 23, 1989:

S.J. Res. 68. Joint Resolution to designate the month of May 1989, as "Trauma Awareness Month".

On June 9, 1989:

S.J. Res. 128. Joint resolution authorizing a first strike ceremony at the United States Capitol for the Bicentennial of the Congress Commemorative Coin.

On June 15, 1989:

S. 767. An act to make technical corrections to the Business Opportunity Development Reform Act of 1988.

On June 19, 1989:

S.J. Res. 63. Joint resolution designating June 14, 1989, as "Baltic Freedom Day", and for other purposes.

MESSAGES FROM THE HOUSE

At 4:10 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 987. An act to amend the Alaska National Interest Lands Conservation Act, to designate certain lands in the Tongass National Forest as wilderness, and for other purposes;

H.R. 2022. An act to establish certain categories of nationals of the Soviet Union, nationals of Poland, and nationals of Indochina presumed to be subject to persecution and to provide for adjustment to refugee status of certain Soviet and Indochinese parolees; and

H.J. Res. 281. Joint resolution to approve the designation of the Cordell Bank National Marine Sanctuary, to disapprove a term of that designation, to prohibit the exploration for, or the development or production of oil, gas, or minerals in any area of that sanctuary, and for other purposes.

ENROLLED BILLS AND JOINT RESOLUTIONS
SIGNED

The message also announced that the Speaker has signed the following enrolled bills and joint resolutions:

H.R. 2214. An act to ratify certain agreements relating to the Vienna Convention on Diplomatic Relations;

H.R. 2848. An act to amend the Computer Matching and Privacy Protection Act of 1988 to delay the effective date of the Act for existing agency matching procedures; and

H.J. Res. 174. Joint resolution to designate the decade beginning January 1, 1990 as the "Decade of the Brain".

The enrolled bills and joint resolution were subsequently signed by the President pro tempore (Mr. Byrd).

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 987. An act to amend the Alaska National Interest Lands Conservation Act, to designate certain lands in the Tongass National Forest as wilderness, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2022. An act to establish certain categories of nationals of the Soviet Union, nationals of Poland, and nationals of Indochina presumed to be subject to persecution and to provide for adjustment to refugee status of certain Soviet and Indochinese parolees; to the Committee on the Judiciary.

EXECUTIVE AND OTHER
COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents which were referred as indicated:

EC-1393. A communication from the Secretary of Agriculture, transmitting, pursuant to law, a report on U.S.-Irish cooperation in agriculture; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1394. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the annual Animal Welfare Enforcement Report; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1395. A communication from the Secretary of Agriculture transmitting a draft of proposed legislation to authorize the Secretary of Agriculture to recover costs of carrying out certain animal and plant health inspection programs, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1396. A communication from the Director of the Office of Management and Budget, transmitting, pursuant to law, notification of an excess of appropriated funds for the Board for International Broadcasting; to the Committee on Appropriations.

EC-1397. A communication from the Deputy General Counsel of the Department of Defense, transmitting a draft of proposed legislation to authorize portability of benefits for nonappropriated fund and civil service employees of the Department of Defense when such employees move from one employment system to the other; to the Committee on Armed Services.

EC-1398. A communication from the Secretary of Defense, transmitting, pursuant to law, certification that the current five-year defense program fully funds the support costs associated with the MLRS multiyear program; to the Committee on Armed Services.

EC-1399. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting pursuant to law a report summarizing the recent actions taken by the Board; to the Committee on Banking, Housing, and Urban Affairs.

EC-1400. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report on position-fixing and identification equipment on foreign fishing vessels; to the Committee on Commerce, Science, and Transportation.

EC-1401. A communication from the President of the Corporation for Public Broadcasting, transmitting, pursuant to law, a report on the assessment of the needs of minority and diverse audiences in the area of public broadcasting; to the Committee on Commerce, Science, and Transportation.

EC-1402. A communication from the Secretary of the Interstate Commerce Commission, transmitting, pursuant to law, notification that a decision on Brandywine Valley Railroad Co. Purchase CSX Transportation, Inc. was not issued within the specified time constraints; to the Committee on Commerce, Science, and Transportation.

EC-1403. A communication from the Secretary of Transportation, transmitting, pursuant to law, the thirteenth annual report on the Automotive Fuel Economy Program; to the Committee on Commerce, Science, and Transportation.

EC-1404. A communication from the Acting Chairman of the National Transportation Safety Board, transmitting, pursuant to law, a report on the Board's findings on public aircraft accidents and incidents; to the Committee on Commerce, Science, and Transportation.

EC-1405. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, the annual report of the Commission for fiscal year 1988; to the Committee on Energy and Natural Resources.

EC-1406. A communication from the Acting Assistant Secretary (Environment

Safety and Health) of the Department of Energy transmitting, pursuant to law, a draft Programmatic Environmental Impact Statement for the Clean Coal Technology Demonstration Program; to the Committee on Energy and Natural Resources.

EC-1407. A communication from the Secretary of Commerce, transmitting a draft of proposed legislation to provide for the operation and maintenance of certain fish propagation facilities constructed in the Columbia River Basin, and for other purposes; to the Committee on Energy and Natural Resources.

EC-1408. A communication from the Secretary of Energy, transmitting, pursuant to law, the final update of the Comprehensive Program Management Plan; to the Committee on Energy and Natural Resources.

EC-1409. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain overpayments of offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1410. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report regarding the identification of long-term research needs of the Great Lakes; to the Committee on Environment and Public Works.

EC-1411. A communication from the Secretary of Labor, transmitting, pursuant to law, the quarterly report on the expenditure and need for worker adjustment assistance training funds; to the Committee on Finance.

EC-1412. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, a report on a review of the policy for the use of the Aid to Families with Dependent Children and Emergency Assistance programs; to the Committee on Finance.

EC-1413. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report on the State Department's personnel practices and affirmative action efforts relative to their impact on minorities and women in the Foreign Service; to the Committee on Foreign Relations.

EC-1414. A communication from the Administrator of the Agency for International Development, transmitting, pursuant to law, the annual report of the Agency for Fiscal Year 1989; to the Committee on Foreign Relations.

EC-1415. A communication from the Assistant Legal Adviser for Treaty Affairs of the State Department, transmitting, pursuant to law, a report on international agreements other than treaties, entered into by the United States in the sixty day period prior to July 6, 1989; to the Committee on Foreign Relations.

EC-1416. A communication from the Privacy Act Officer of the Administrative Conference of the United States, transmitting, pursuant to law, notification of the Conference's intention to establish a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-1417. A communication from the Chairman of the U.S. Merit Systems Protection Board, transmitting, pursuant to law, a report entitled "First Line Supervisory Selection in the Federal Government"; to the Committee on Governmental Affairs.

EC-1418. A communication from the Secretary of Commerce, transmitting a draft of proposed legislation to strengthen the intel-

lectual property laws of the United States by providing protection for original designs of useful articles against unauthorized copying; to the Committee on the Judiciary.

EC-1419. A communication from the Independent Auditor of the National Council on Radiation Protection and Measurements, transmitting, pursuant to law, the annual report of independent auditors who have audited the records of the National Council on Radiation Protection and Measurements; to the Committee on the Judiciary.

EC-1420. A communication from the Counsel of the Pacific Tropical Botanical Garden, transmitting, pursuant to law, a copy of the audit report of the Garden for the period from January 1, 1988 through December 31, 1988; to the Committee on the Judiciary.

EC-1421. A communication from the Secretary of Education, transmitting, pursuant to law, a document entitled "Final Priorities Transitional Bilingual Education and Special Alternative Instructional Programs"; to the Committee on Labor and Human Resources.

EC-1422. A communication from the Secretary of Education, transmitting a draft of proposed legislation entitled "Student Loan Default Reduction Amendments of 1989"; to the Committee on Labor and Human Resources.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-185. A resolution adopted by the City Council of Lauderdale Lakes, Florida favoring legislation to direct that military installations which are closed be used as shelters for the homeless; to the Committee on Armed Services.

POM-186. A resolution adopted by the Senate of the State of Michigan; to the Committee on Armed Services.

"SENATE RESOLUTION 132

"Whereas a vital component of our nation's strategy to deter nuclear war is in its final stages of development and approaching service. This turning point in the technology of defense is the B-2 Stealth bomber. The Stealth bomber represents a giant step in deterring war because of its ability to operate without detection by radar. This aircraft represents advances in technology and materials that will continue to evolve over the next thirty years, according to United States Air Force officials; and

"Whereas of the states under consideration to house the Stealth bomber, Michigan offers many advantages worthy of consideration. These include the efficiency and effectiveness of Michigan's bases and their strong support for Stealth programs, as well as recognized support for the bases by the communities. Michigan's geographical advantage as the heart of the interior of the continent is also an important consideration; and

"Whereas this new cornerstone of our defense system, which is expected to be operational by 1995, is based on highly advanced technology that will continue to be developed. The materials that the Stealth bomber is constructed with and the intricate sensors that are part of the aircraft will be made more effective by their location in a state that is a leader in using all types of technology. The human and technological resources available in Michigan could com-

plement training programs of the military; and

"Whereas Michigan offers a wide range of terrains, including great expanses of open water, and climate as well. These factors could prove invaluable to maintaining a high level of preparedness for personnel operating the Stealth bomber from Michigan bases; and

"Whereas for many years, Michigan has, in effect, been one of the strongest supporters of the research that has gone into the Stealth technology, for Michigan has consistently been among the states with the highest percentage of its federal tax dollars remaining outside the state in support of federal activities, including the defense of our nation. Indeed, year in and year out, Michigan has a low return rate of federal funds. For fiscal year 1988, Michigan received \$.72 in return for each tax dollar sent to Washington, the lowest ratio of per capita spending in the nation;

"Whereas the people of Michigan have a strong tradition of commitment to the country, and the unique opportunities to serve by housing the B-2 Stealth bomber reflect Michigan's belief in our nation's strategic efforts to deter nuclear war; now, therefore, be it

"Resolved by the Senate, That the members of this legislative body hereby memorialize the Congress of the United States and the Secretary of Defense to house the B-2 Stealth bomber in Michigan; and be it further

"Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, and the office of the United States Secretary of Defense."

POM-187. A resolution adopted by the City Council of Lauderdale Lakes, Florida expressing opposition to offshore drilling and mining; to the Committee on Energy and Natural Resources.

POM-188. A resolution adopted by the Senate of the State of Hawaii to the Committee on Energy and Natural Resources:

"SENATE RESOLUTION No. 102

"Whereas the United States Congress in 1920 enacted the Hawaiian Homes Commission Act to provide available lands for the use and occupancy of native Hawaiians; and

"Whereas there are about 200,000 acres of available lands statewide with the possibility of more acres being returned to the Hawaiian homes commission; and

"Whereas with statehood, the management of these lands has been placed under the Department of Hawaiian Home Lands, administered by an eight-member commission and a chairperson; and

"Whereas in the nearly seventy years of administration only about 6,000 native Hawaiian families have been granted lease homesites through the Hawaiian home lands program; and

"Whereas approximately 18,000 native Hawaiian families remain on a waiting list to receive homesites; and

"Whereas it is well known that the cost of living, including the cost of housing construction is very high in Hawaii and the development of homesites in the Hawaiian home lands programs is severely hampered because of these high costs; and

"Whereas loans from the Federal Housing Administration, Veterans Administration, and other conventional mortgage sources have been used successfully for the con-

struction of homes, but these funds have not been sufficient; and

"Whereas guaranteed loan programs of about one billion dollars over a ten year period at \$100 million per year would help to reduce the cost of improving potential homesites by the development of infrastructure such as roads, water, electricity, and drainage of homestead areas as well as enable lessees to construct homes on Hawaiian home lands; Now, therefore, be it

"Resolved by the Senate of the Fifteenth Legislature of the State of Hawaii, Regular Session of 1989, That the United States Congress is requested to establish a native Hawaiian rehabilitation guarantee loan fund; and be it further

Resolved, That certified copies of this Resolution be transmitted to the President of the United States Senate, Speaker of the United States House of Representatives, Hawaii's Congressional delegation, the U.S. Secretary of the Interior and the U.S. Secretary of Housing and Urban Development."

POM-189. A resolution adopted by the Senate of the State of Illinois; to the Committee on Energy and Natural Resources:

"SENATE RESOLUTION No. 200

"Whereas coal production and rail transportation are two of Illinois' great industries; and

"Whereas, in the United States Congress there is legislation that would grant eminent domain power for federal seizure of property to coal slurry pipeline companies; and

"Whereas, this legislation, if enacted into law, would threaten the existence of both Illinois coal production and rail transportation; and

"Whereas, this legislation, if enacted, would make Illinois coal less attractive, and adversely affect Illinois coal production and employment; and

"Whereas, this legislation would cause Illinois' railroads to lose coal hauling revenues, which would then cause Illinois counties and taxing bodies to lose revenue; and

"Whereas, this legislation would permanently reduce Illinois' rail employment, which currently provides work for 24,000 Illinoisans; and

"Whereas, this permanent reduction in Illinois' rail employment would adversely affect the retirement benefits of 60,000 Illinoisans; and

"Whereas, this legislation would allow the coal slurry companies' use of Illinois water to flush its product down the pipeline, water that is used for the transportation of farm products by river; and

"Whereas, Coal Slurry pipelines are a bad idea for Illinois; therefore, be it

"Resolved, by the Senate of the Eighty-Sixth General Assembly of the State of Illinois, That we oppose H.R. 402 and S. 318 which would enact coal slurry legislation; and be it further

"Resolved, That we urge the Illinois Congressional Delegation to actively oppose this legislation that would greatly harm the economy of Illinois; and be it further

"Resolved, That suitable copies of this preamble and resolution be presented to the President of the United States Senate, the Speaker of the United States House of Representatives, the United States Secretary of Transportation, and each member of the Illinois Congressional Delegation."

POM-190. A joint resolution adopted by the Legislature of the State of Washington; to the Committee on Energy and Natural Resources:

"HOUSE JOINT MEMORIAL NO. 4018

"Whereas meeting the future energy needs of the state of Washington through cost-effective conservation, that is, reduced energy consumption that results from increased efficiency of energy use, production, or distribution, promises a reliable, low-cost, and environmentally desirable resource; and
 "Whereas acid rain, ozone depletion, elevated levels of carbon dioxide, and other greenhouse gases associated with fossil-fueled generation make it desirable to defer so long as possible the increased operation and/or new construction of such generating facilities; and

"Whereas new appliances that are more energy efficient offer a significant source of inexpensive energy savings in this state; and
 "Whereas the federal Department of Energy is now considering amending its nationwide energy efficient standards that apply to refrigerators, freezers, and television sets, and is expected to enter rulemaking in the near future to consider revised standards for home hot water heating; and

"Whereas the department, in its rulemaking documents, defined and characterized five levels of energy efficiency, the highest being the most efficient; and
 "Whereas the National Appliance Energy Conservation Act requires that standards be set to achieve maximum energy savings that are still economical for consumers; and
 "Whereas level 4 for refrigerators, level 3 for color televisions, and level 2 for black and white televisions meet the requirements of the act; and

"Whereas Home water heaters represent a particularly large energy savings opportunity;

"Now, therefore, Your Memorialists respectfully pray that the federal Department of Energy, in Docket Number CAS-RM-87-102, adopt energy standards for new refrigerators and freezers at least at level 4 of the standards under consideration; and be it

Resolved, That the Department in the same proceeding also adopt energy standards for new television sets at level 3 for color sets and at level 2 for black and white sets; and be it further

Resolved, That the Department in its upcoming proceeding revise standards for home water heating to achieve energy efficiency standards that will capture all energy savings that are technically feasible and economically justified; and be it further

Resolved, That copies of this Memorial be immediately transmitted to the Honorable George Bush, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington."

POM-191. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on Environment and Public Works:

"SENATE CONCURRENT RESOLUTION NO. 80

"Whereas a national environmental disaster is occurring in Louisiana as an acre of coastal wetlands disappears every fifteen minutes, as one hundred acres disappear every day; and

"Whereas eighty percent of wetland loss in the continental United States is occurring in Louisiana, although that state contains just forty percent of the nation's wetlands; and

"Whereas loss and deterioration of coastal wetlands means the loss and deterioration of fish and wildlife habitat which supports extensive and diverse fish and wildlife populations, including several threatened and endangered species; and

"Whereas the natural balance between land building and subsidence which allow the creation of wetlands was radically altered after the turn of the century by activities of the federal government; and

"Whereas the United States Army Corps of Engineers straightened and channelized upstream tributaries of the Mississippi River for local flood control and navigation purposes and then constructed levees to protect downstream states from resultant flooding; and

"Whereas these levees prevented annual spring overflow of river water and sediment into shallow waters where traditionally they had built and nourished marshes; and

"Whereas for purposes of interstate commerce, the Corps constructed numerous navigation channels through Louisiana wetlands, causing the death of swamp and marsh vegetation by allowing the intrusion of salt water; and

"Whereas the development of oil and gas reserves to supply the energy needs of the nation also contributed to wetland loss as more than eight thousand miles of canals were cut across Louisiana marshes to lay the pipelines that transport outer continental shelf oil and gas to energy-poor states; and

"Whereas the most efficient, effective means available to man to undo the damage he has wrought in the wetlands is the construction of structures to divert fresh water and sediment to starving marshes on a very large scale; and

"Whereas the construction of diversion structures will require a moral and financial commitment by this nation; and

"Whereas President George Bush has made a commitment to preserve wetlands, pledging a new national goal of no net loss of wetlands; and

"Whereas the Congress of the United States now has the opportunity to show its commitment to wetlands preservation as it considers S. 630 by Mr. Breaux and H.R. 1070 by Mr. Livingston during this session of the Congress; and

"Whereas S. 630 dedicates five percent of outer continental shelf revenues to a wetland preservation trust fund, a proposal that is entirely appropriate since national-interest activities, including OCS minerals development, are largely to blame for the loss of Louisiana's coastal wetlands; and

"Whereas waters offshore Louisiana contributed \$51 billion to the federal treasury between 1969 and 1986 from oil and gas which made its way to national markets through the maze of pipeline canals which crisscross coastal wetlands; and

"Whereas despite the magnitude of Louisiana's contribution to the nation in terms of energy production, mineral revenues, and navigation, Louisiana ranks forty-third in per capita federal expenditures; and

"Whereas Louisiana not only needs but also deserves assistance as it strives to restore, preserve, and re-create wetlands; and

"Whereas without the federal assistance which is proposed in S. 630 and H.R. 1070 Louisiana's coastal wetlands will be lost forever, along with the extensive national benefits that they provide; Now therefore be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to enact S. 630 by Mr. Breaux

and H.R. 1070 by Mr. Livingston to preserve Louisiana's disappearing wetland habitat; and be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the Clerk of the United States House of Representatives and to each member of the Louisiana congressional delegation."

POM-192. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Finance:

"ASSEMBLY JOINT RESOLUTION 38

"Whereas Medicare is a program of health insurance for aged and disabled persons established pursuant to Title XVIII of the Social Security Act (42 U.S.C. §§ 1395 et seq.); and

"Whereas Medicare provides many people in this state who live on fixed and limited incomes with essential health insurance coverage; and

"Whereas for many of these people their pension income and the income earned from savings and other investments are barely enough to pay their expenses, including premiums for Medicare, and to offset inflation; and

"Whereas the Medicare Catastrophic Coverage Act of 1988 imposes a supplemental premium on an estimated 45 percent of the persons eligible for Medicare to cover the costs of new and increased health insurance benefits; and

"Whereas this supplemental premium is \$22.50 for each \$150 of adjusted federal income tax liability, and will increase to \$42 for each \$150 of tax liability by 1993; and

"Whereas this unexpected financial burden may result in the loss of financial security for many older persons who have prepared themselves financially for retirement without considering the supplemental premium; and

"Whereas legislation has been introduced in Congress (S. 43) that would repeal the Medicare Catastrophic Coverage Act of 1988; now, therefore be it

Resolved by the Assembly and Senate of the State of Nevada, jointly, That the Legislature of the State of Nevada hereby urges the Congress of the United States to adopt S. 43; and be it further

Resolved, That copies of this resolution be prepared and transmitted by the Chief Clerk of the Assembly to the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

Resolved, That this resolution becomes effective upon passage and approval."

POM-193. A resolution adopted by the Senate of the Commonwealth of Pennsylvania; to the Committee on Finance:

"SENATE RESOLUTION

"Whereas group homes or apartments are critical to those family members who no longer live at home; and

"Whereas families in this Commonwealth are in dire need of respite care or special transportation services; and

"Whereas when those with developmental disabilities receive job training, their lives are enhanced; and

"Whereas the waiting lists for physical therapy, occupational therapy or speech/language therapy have grown longer, with little indication of hope for relief; and

"Whereas families in this Commonwealth are entitled to the security of planning for their children's future living in the neighborhood or community; and

"Whereas this Commonwealth is committed to planning for the future of people with mental retardation; and

"Whereas group homes and other community-based services must be closely monitored and of high quality; and

"Whereas the needs of the individual must be first and foremost; and

"Whereas S. 384 would assist in adapting homes and vehicles to meet the needs of those with disabilities; therefore be it

Resolved, That the Senate of the Commonwealth of Pennsylvania memorialize the Congress of the United States to support and enact S. 384 to provide Medicaid-reimbursed community-based programs to people with developmental disabilities who live with their families, in their own homes or in small, family-scale environments; and be it further

Resolved, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania."

POM-194. A resolution adopted by the Senate of the Commonwealth of Pennsylvania; to the Committee on Finance:

"SENATE RESOLUTION

"Whereas persons with autism are eligible, under Federal guidelines, to receive Supplemental Security Income; and

"Whereas eligibility for Supplemental Security Income automatically renders them eligible for Medical Assistance; and

"Whereas medical assistance pays for the care of other mentally disabled people in Community Living Arrangements; and

"Whereas this case is not reimbursable, under Federal guidelines, for persons who have autism; and

"Whereas this dichotomy within Federal regulations excludes autistic people from living in a supervised setting within the community; and

"Whereas this Federal conflict is inequitable and needs to be changed; therefore be it

Resolved, That the Senate of the Commonwealth of Pennsylvania memorialize the Congress of the United States to address the issue of Medicaid reimbursement to include autistic people among those eligible to receive community-based residential care; and be it further

Resolved, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania."

POM-195. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on Finance:

"HOUSE CONCURRENT RESOLUTION No. 2

"Whereas the Medicare Catastrophic Coverage Act of 1988 is the most significant expansion of Medicare since that program was created in 1965; and

"Whereas the Medicare Catastrophic Coverage Act fills gaps in Medicare's existing coverage of hospital and physician services, establishes coverage for new benefits never before included under Medicare, and provides protection not available in private health insurance policies; and

"Whereas the new and expanded Medicare benefits provided in the Catastrophic Coverage Act will be financed through a combination of basic and supplemental premiums paid by beneficiaries; and

"Whereas beginning in tax year 1989, a separate supplemental premium based on income tax liability will be paid by approximately forty-five percent of Medicare beneficiaries; and

"Whereas the Medicare income tax surcharge on retirees going into effect in 1989 will raise marginal tax rates for the elderly substantially above the rates for other taxpayers; and

"Whereas the initial fifteen percent surcharge is scheduled to increase annually to twenty-eight percent by 1993; and

"Whereas Medicare costs to the elderly have increased by three-fourths since 1986 and by 1993 will amount to fifty dollars a month for each beneficiary or one thousand two hundred dollars a year for elderly couples; and

"Whereas this income tax surcharge will impose a serious financial burden on the nation's senior citizens, now therefore be it

Resolved, That the Legislature of Louisiana does hereby memorialize the Congress of the United States and in particular the members of the Louisiana congressional delegation to abolish the Medicare income tax surcharge imposed by the Medicare Catastrophic Coverage Act of 1988; and be it further

Resolved, That certified copies of this Resolution shall be forwarded to the secretary of the Senate and the clerk of the House of Representatives of the Congress of the United States, and to each member of the Louisiana congressional delegation."

POM-196. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on Finance:

HOUSE CONCURRENT RESOLUTION No. 24

"Whereas the problem of adult illiteracy is reaching epidemic proportions with an estimated seventeen to twenty-two million functionally illiterate adults in the United States; and

"Whereas it is believed that functional illiterates are going to earn forty-four percent less than those with a high school diploma, are more likely to resort to crime, and are highly dependent on welfare; and

"Whereas Louisiana's concern with this problem is of paramount importance, as Louisiana, compared with other states, has the highest percentage of its population twenty-five years old and over with fewer than five years of schooling and also has the highest high school dropout rate in the nation; and

"Whereas adult education is the only alternative method of earning a high school diploma in Louisiana once an individual leaves the traditional elementary and secondary school system; and

"Whereas the General Educational Development program (GED), administered by the American Council on Education, awards a high school equivalency diploma to those who pass a test in certain skills, with more than seven hundred thousand persons annually taking that test, according to recent figures; and

"Whereas it is in the best interests of all citizens of the United States, as well as the state of Louisiana, to encourage those persons who are illiterate to pursue adult education culminating with the award of a GED high school equivalency diploma, so that they may become more productive members of society; now therefore be it

Resolved, That the Legislature of Louisiana does hereby memorialize the Congress of the United States to enact legislation granting a credit against federal income tax

liability for those persons who, through the General Educational Development program, are awarded a high school equivalency diploma; and be it further

Resolved, That copies of this Resolution be transmitted to the clerk of the United States House of Representatives, the secretary of the United States Senate, and to each member of the Louisiana congressional delegation."

POM-197. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on Finance:

"Whereas families with children bear a disproportionate share of the federal tax burden in this country; and

"Whereas in 1948 the income tax exemption for a dependent child equalled eighteen percent of the average American income, while in 1988 it equalled four percent, demonstrating a devaluation of children in the United States Internal Revenue Code; and

"Whereas the estimated cost of raising a child today is in excess of two hundred thousand dollars per child; and

"Whereas mortgage and interest rates make it increasingly more difficult for the single-earner family to buy a home; and

"Whereas a heavy tax burden and the high cost of living are causing mothers to seek employment outside of the home, forcing them to leave their children in the care of strangers; and

"Whereas child development experts are predicting serious problems with future generations who do not receive adequate mother love and nurturing; and

"Whereas statistics show that eighty-four percent of employed mothers would rather be home taking care of their children; and

"Whereas current federal tax laws discriminate against single-earner families with a parent in the home; now therefore be it

Resolved, That the Legislature of Louisiana does hereby memorialize the Congress of the United States to enact legislation to raise the federal income tax exemption for dependent children to three thousand dollars, phased to five thousand dollars by 1995, and to grant a credit against federal income tax liability of one thousand dollars per child under the age of five, to low-income, working families in which at least one parent is employed; and be it further

Resolved, That copies of this Resolution be transmitted to the clerk of the United States House of Representatives, the secretary of the United States Senate, and to each member of the Louisiana congressional delegation."

POM-198. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on Finance:

HOUSE CONCURRENT RESOLUTION No. 112

"Whereas participation of pharmacists in the Title XIX program is essential if our Nation is to make available to its indigent citizens prescription drugs necessary to their health and welfare through the Medicaid program; and

"Whereas pharmacists participating in the Medicaid prescription drug program have been traditionally compensated for the costs of prescription ingredients and the labor entailed in dispensing prescriptions; and

"Whereas traditionally, the basis for reimbursement to pharmacists for such costs has been determined by the Average Wholesale Price (AWP) as defined by the state of Lou-

isiana, resulting in such reimbursement being equitable to pharmacy providers as well as the taxpayers of the nation; and

"Whereas the Health Care Financing Administration has seen fit to challenge this traditional and equitable system for reimbursement; and

"Whereas such challenge by the Health Care Financing Administration, if successful in reducing reimbursements, will result in serious harm to the practice of pharmacy, with consequent harm to the Medicaid program itself; Now therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the Congress of the United States, and in particular the members of the Louisiana congressional delegation, to take action necessary to cause the Health Care Financing Administration to cease and desist its efforts to redefine Average Wholesale Price for purposes of reimbursement of pharmacy providers under the Medicaid program; and be it further

Resolved, That copies of this Resolution shall be transmitted to the secretary of the United States Senate, the clerk of the United States House of Representatives, and each member of the Louisiana delegation in congress."

POM-199. A joint resolution adopted by the Legislature of the State of California; to the Committee on Finance:

ASSEMBLY JOINT RESOLUTION No. 6

"Whereas on July 1, 1988, President Reagan signed into law the Medicare Catastrophic Coverage Act of 1988 (House Resolution 2470, Public Law 100-360), the intent of which was to protect the nation's 32.4 million medicare beneficiaries against the high cost of long-term hospital and medical costs; and

"Whereas the benefits of the Catastrophic Act are to be fully financed by Medicare beneficiaries through a combination of an increased flat premium (presently Part B) and supplemental surtax on an individual's tax liability, effective January 1, 1989, and increasing each year until 1993; and

"Whereas the flat monthly premium will increase for all Medicare beneficiaries, over and above what is already being charged, from \$4 per individual in 1989 to \$10.20 in 1993; and

"Whereas this supplemental surtax will increase a senior citizen's federal income tax liability by 15% in 1989, and will increase that liability to 28% by 1993; and

"Whereas an individual Medicare beneficiary could pay a maximum of \$800 surtax in 1989, increasing to \$1,050 in 1993, and a couple could pay \$1,600 and \$2,100 respectively; and

"Whereas the act includes coverage for prescription drugs, enhanced hospital benefits, and places a cap on certain expenses, but does not provide any coverage for long-term home or custodial care as is implied by the title of the act; and

"Whereas all Medicare-eligible individuals who pay federal income tax will have to pay the surtax whether or not they receive benefits; and

"Whereas the Congressional Budget Office estimates that only 7 percent of Medicare recipients will be eligible for benefits under the Medicare Catastrophic Coverage Act each year; and

"Whereas while the act will provide needed benefits to those few senior citizens who have no other access to catastrophic health care coverage, the act offers much less coverage than Medicare supplemental insurance plans offered through the Public

Employees' Medical and Hospital Care Act and many other California public employee health plans; and

"Whereas on October 20, 1988, in Long Beach, California, a coalition of public employee groups representing retired state, local government, and school employees testified at a hearing on this issue held by the Assembly Committee on Public Employees, Retirement, and Social Security, and demanded that their situation be addressed; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California hereby memorializes the President and the Congress of the United States to institute a one-year moratorium on the implementation of the Medicare supplemental surtax; and be it further

Resolved, That the President and the Congress of the United States direct the appropriate agency to study the existing catastrophic health care coverage already available to many state, county, city, and other public and private employees, and assess the necessity of the Medicare Catastrophic Coverage Act for these individuals; and be it further

Resolved, That the Congress of the United States hold at least two hearings in California to allow California public and private employees to present testimony on their concerns; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the President and Vice President of the United States, to the Speaker of the United States House of Representatives, to each Senator and Representative from California in the Congress of the United States, to each member of the appropriate congressional committees, to the American Association of Retired Persons, and to representatives of active and retired public employee organizations."

POM-200. A joint resolution adopted by the Legislature of the State of Maine; to the Committee on Finance:

"JOINT RESOLUTION

"Whereas current federal law provides for the elimination of the tax-exempt status for small issues industrial development bonds sold by states to provide capital at reduced interest rates for establishment and expansion of manufacturing enterprises; and

"Whereas the availability of small issue industrial development bonds is critical to Maine's economic development providing expansion, diversification of the manufacturing sector, and quality jobs, protecting industry from foreign competition and encouraging productivity, capacity, and quality critical the long-term stability of the State's manufacturing base; and

"Whereas in the past 5 years, small issue industrial development bonds have resulted in investments of approximately \$300,000,000 in Maine and the retention or creation of over 29,000 Maine jobs and have enhanced the tax base of municipalities throughout the State; and

"Whereas, issuance of small issue industrial development bonds for United States manufacturers is an important investment in protecting and strengthening United States manufacturing entities, providing quality jobs, helping to ensure that jobs are retained in the United States and not exported overseas, and assisting in reducing the trade deficit; now, therefore, be it

Resolved, That We, your Memorialists, respectfully urge that legislation be enacted

forthwith which will eliminate the pending sunset on small issue bonds under Section 144 of the Internal Revenue Code of 1986, as amended, so that no interruption in the availability of small issue industrial development bonds occurs; and be it further

Resolved, That a duly authenticated copy of this Memorial be submitted immediately by the Secretary of State to the Honorable George H.W. Bush, President of the United States, to the President of the Senate and to the Speaker of the House of Representatives of the Congress of the United States, and to each Member of the Maine Congressional Delegation."

POM-201. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Finance:

"SENATE JOINT RESOLUTION No. 10

"Whereas the Tenth Amendment to the United States Constitution reserves to the states and to the people powers not delegated to the Federal Government; and

"Whereas despite the Tenth Amendment and the United States Supreme Court's prognostication that Congress is disinclined to invade the rights of the individual states, recent Congressional action has expanded the breadth of federal governmental power over the sovereign states; and

"Whereas the intrusive actions taken by Congress include: (1) the creation of unfunded mandates and the shift of fiscal responsibility for its policies to the states; (2) the imposition of sweeping conditions upon grants which, except for the Spending Clause, cannot be independently supported by any provision of the Constitution; (3) the increasing interference with state fiscal policy by eliminating the deductibility of state and local taxes, by imposing an alternative minimum tax on supposedly tax-exempt bonds (which increased the cost of providing state and local services) and by otherwise restricting the availability of tax-exempt financing for public purposes; and (4) the increasing derogation of the states to the role of either private parties or administrative arms of the Federal Government; and

"Whereas the Supreme Court further expanded the breadth of Congress' power to intrude upon the sovereign states in *South Carolina v. Baker*, 108 S.Ct. 1355 (1988), when it ruled that Congress may tax interest on state and local bonds; and

"Whereas although Congress has acknowledged that tax exemptions for state and local general obligation bonds are a legitimate and important method of ensuring the soundness of the nation's infrastructure and the availability of essential services, the *South Carolina v. Baker* decision and the recent Congressional initiatives suggest that Congress may intrude upon the sovereignty of the states and impose a tax on the interest paid on state and local bonds; now, therefore, be it

Resolved by the Senate and Assembly of the State of Nevada, jointly, That the Nevada Legislature urges Congress to respect the fiscal integrity of the state and local governments, to reject the invitation of the Supreme Court to enact legislation which imposes a tax on interest earned on state and local bonds and to resolve this potential intrusion into the sovereignty of the states; and be it further

Resolved, That copies of this resolution be prepared and transmitted by the Secretary of the Senate to the Vice President of the United States as presiding officer of the

Senate, the Speaker of the House of Representatives and to each member of the Nevada Congressional Delegation; and be it further

"Resolved, That this resolution becomes effective upon passage and approval."

POM-202. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Foreign Relations:

"ASSEMBLY JOINT RESOLUTION No. 42"

"Whereas worldwide production of opium, coca, marijuana and hashish rose significantly during 1988; and

"Whereas the abuse of heroin, cocaine, marijuana and other illegal drugs continues to increase in this country and around the world; and

"Whereas President Bush recently condemned six countries—Burma, Laos, Panama, Syria, Afghanistan and Iran—for their failure to cooperate with the United States in efforts to control the production and distribution of such drugs; and

"Whereas Bolivia, Mexico, Colombia, Peru, the Bahamas and Paraguay, all of whom have been characterized by the State Department as 'close friends and allies' of the United States, are also major producers of illegal drugs or serve as conduits for the drug traffic; and

"Whereas the problem of drug abuse in this country is aggravated by the failure of these countries to take positive, consistent action against the producers and traffickers of illegal drugs; now therefore, be it

"Resolved by the Assembly and Senate of the State of Nevada jointly, That the Legislature of the State of Nevada hereby urges the Congress of the United States to impose appropriate trade and other economic sanctions against these countries; and be it further

"Resolved, That copies of this resolution be transmitted by the Chief Clerk of the Assembly to the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

"Resolved, That this resolution becomes effective upon passage and approval."

POM-203. A concurrent resolution adopted by the Legislature of the State of Hawaii; to the Committee on Foreign Relations:

"HOUSE CONCURRENT RESOLUTION No. 379"

"Whereas the peoples of the Pacific have navigated by the stars from time immemorial; and

"Whereas the Mauna Kea on the island of Hawaii is acknowledged as one of the world's foremost astronomical observation points; and

"Whereas the Canada-France-Hawaii Telescope, commissioned in 1979, was the first international observatory to select Mauna Kea as its site, thus establishing Hawaii's growing international role in astronomy; and

"Whereas the Science and Engineering Research Council of the United Kingdom was the first international infrared telescope organization to choose Mauna Kea as the site for its United Kingdom Infrared Telescope, commissioned in 1979, further establishing Hawaii's growing international role in astronomy; and

"Whereas the National Aeronautics and Space Administration (NASA) chose Mauna Kea as the site for their NASA Infrared Telescope, commissioned in 1979, as a continuation of the University of Hawaii's 88-inch

telescope, further establishing Hawaii's growing international role in astronomy; and

"Whereas the development of international astronomical facilities on Mauna Kea has contributed significantly to the educational, scientific, and economic vitality of Hawaii; and

"Whereas the scientific collaboration among citizens of Canada, France, the United Kingdom, the United States and the State of Hawaii has strengthened the bonds across the Pacific and beyond and proved to be a model for world-wide cooperation in astronomy; and

"Whereas in the coming decades the State of Hawaii will continue to build on the success of the Canada-France-Hawaii Telescope, the United Kingdom Infrared Telescope, and the NASA Infrared Telescope, to expand and secure Hawaii's leading role in astronomy in the Pacific and beyond; now, therefore, be it

"Resolved by the House of Representatives of the Fifteenth Legislature of the State of Hawaii, Regular Session of 1989, the Senate concurring, That on the occasion of the tenth anniversary of the commissioning of the Canada-France-Hawaii Telescope, the United Kingdom Infrared Telescope, and the NASA Infrared Telescope, the contributions of the governments of Canada, France, the United Kingdom, the United States, and the University of Hawaii be recognized in the establishment of Hawaii as an international center of excellence in astronomy; and be it further

"Resolved, That these observatories and their sister facilities on Mauna Kea, maintain and broaden their efforts in keeping the people of Hawaii informed of their achievements in astronomy; and be it further

"Resolved, That certified copies of this Concurrent Resolution be transmitted to the Governor of Hawaii, the Speaker of the United States House of Representatives, the President of the United States Senate, the Chairman of the Board of the Canada-France-Hawaii Telescope Corporation, the Director of the Science and Engineering Research Council of the United Kingdom, the Administrator of the National Aeronautics and Space Administration, the President of the University of Hawaii, and the governments of Canada, France, the United Kingdom, and the United States through their official representatives in Hawaii."

POM-204. A resolution adopted by the Council of the American Library Association relative to electronic dissemination of Government information; to the Committee on Governmental Affairs.

POM-205. A resolution adopted by the Council of the American Library Association relative to access to current information; to the Committee on Governmental Affairs.

POM-206. A resolution adopted by the Council of the American Library Association relative to depository distribution of publications exempted from title 44 requirements; to the Committee on Governmental Affairs.

POM-207. A joint resolution adopted by the Legislature of the State of Alaska; to the Committee on the Judiciary.

"JOINT RESOLUTION No. 19"

"Whereas the First Congress of the United States passed a resolution on September 25, 1789, proposing the following amendment to the United States Constitution:

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, two-thirds of both Houses concurring, That the following [Article] be proposed to the Legislatures of the several States, . . . which [Article], when ratified by three-fourths of the said Legislatures, to be valid to all intents and purposes, as part of the said Constitution, viz.:

"Article the second. No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened;" and

"Whereas this proposal has been ratified by the legislatures of at least 25 states since September 25, 1789; and

"Whereas the resolution of the First Congress proposing this measure did not establish a date by which the amendment must be ratified; Now be it

"Resolved, That the Sixteenth Alaska State Legislature ratifies the proposed amendment to the United States Constitution as set out in the Congressional Resolution, and be it further

"Resolved, That copies of this resolution, properly certified, shall be sent to the Honorable Dan Quayle, Vice-President of the United States and President of the U.S. Senate; to the Honorable Jim Wright, Speaker of the U.S. House of Representatives; and to the Honorable Frank G. Burke, Archivist of the United States; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress."

POM-208. A resolution adopted by the Board of County Commissioners of Sedgwick County, Kansas supporting the adoption of a constitutional amendment to prohibit desecration of the American flag; to the Committee on the Judiciary.

POM-209. A resolution adopted by the City Council of Lewisville, Texas favoring the adoption of a constitutional amendment to exempt certain interest income from taxation; to the Committee on the Judiciary.

POM-210. A resolution adopted by the Council of the American Library Association relative to Federal libraries and information centers as governmental activities; to the Committee on Labor and Human Resources.

POM-211. A resolution adopted by the Council of the American Library Association favoring legislation to support better child care services; to the Committee on Labor and Human Resources.

POM-212. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on Labor and Human Resources:

"HOUSE CONCURRENT RESOLUTION No. 139"

"Whereas many states, including Louisiana, have authorized a state Silver-Haired Legislature to serve as an educational and political forum which provides opportunities for older persons to voice opinions and concerns pertaining to the general welfare of senior citizens; and

"Whereas though many laws concerning senior citizens are products of state legislatures, the United States Congress considers and enacts what are perhaps the most significant laws that affect senior citizens; and

"Whereas a National Silver-Haired Congress would serve as a national forum for responsible involvement of the elderly in the

federal legislative process; Now therefore be it

Resolved, That the Legislature of Louisiana does hereby request the Congress of the United States to establish a National Silver-Haired Congress and to take such action as shall be necessary to implement such a forum; and be it further

Resolved, That a copy of this Resolution be transmitted to the secretary of the United States Senate, the clerk of the United States House of Representatives, and to each member of the Louisiana congressional delegation."

POM-213. A joint resolution adopted by the Legislature of the State of Maine; ordered to lie on the table:

"JOINT RESOLUTION

"Whereas there is currently pending in the 101st United States Congress, a bill, H.R. 2, which would raise the federal minimum wage to \$4.55 an hour; and

"Whereas this measure has been passed by the United States Congress, and is to be presented to the Honorable George H.W. Bush, President of the United States, for his signature; and

"Whereas President Bush has publicly indicated that he may veto this bill; and

"Whereas the federal minimum wage has not been increased since 1981; and

"Whereas even with the modest increase proposed by the 101st Congress minimum-wage earners will not keep up with the inflation which has occurred over the past 8 years; and

"Whereas the Maine Legislature has passed increases in Maine's minimum wage and has found these increases to have a negligible negative impact on this State's business climate; and

"Whereas the Governor of Maine, along with numerous other governors, has gone on record in support of an increase in the federal minimum wage; and

"Whereas the President is proposing a capital gains tax break that will give those taxpayers who earn more than \$200,000 annually a tax cut of over \$30,000 per year; and

"Whereas the pending minimum wage bill is a true measure of a "kinder and gentler nation"; now, therefore, be it

Resolved, That We, your Memorialists, respectfully recommend and urge the President of the United States to sign H.R. 2 and thereby provide economic justice to the wage earners who are the backbone of our economic system; and be it further

Resolved, That duly authenticated copies of this joint resolution be submitted immediately by the Secretary of State to the Honorable George H.W. Bush, the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each member of the Maine Congressional Delegation."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. RIEGLE, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 681. A bill to require the Secretary of the Treasury to mint and issue coins in commemoration of the 100th anniversary of the statehood of Idaho, North Dakota, South Dakota, Washington, and Wyoming, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. KERRY (for himself and Mr. JEFFORDS):

S. 1328. A bill to declare the policy of the United States regarding the protection of U.S. Government satellites against antisatellite attack and to limit the use of funds for testing any antisatellite weapon against an object in orbit around the Earth; to the Committee on Armed Services.

By Mr. PRYOR:

S. 1329. A bill to subject persons involved in the resolution of insolvent financial institutions to Federal conflict of interest and disclosure laws; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HELMS:

S. 1330. A bill to provide protections to farm animal facilities engaging in food production or agricultural research from illegal acts, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BENTSEN:

S. 1331. A bill to amend the Consolidated Farm and Rural Development Act to authorize the Secretary of Agriculture to provide grants to States to establish funds to provide assistance for the construction of water and waste facilities, and for other purposes; to the Committee on Environment and Public Works.

By Mr. MURKOWSKI:

S. 1332. A bill to provide for realignment and major mission changes of medical facilities of the Department of Veterans Affairs; to the Committee on Veterans Affairs.

By Mrs. KASSEBAUM (for herself and Mr. DOLE):

S. 1335. A bill to amend the International Air Transportation Competition Act of 1979; to the Committee on Commerce, Science, and Transportation.

By Mr. PACKWOOD:

S. 1334. A bill for the relief of Tube Forgings of America; to the Committee on Finance.

By Mr. BENTSEN:

S. 1335. A bill to temporarily suspend the duty on certain furniture and seats; to the Committee on Finance.

By Mr. GRAHAM (for himself and Mr. MACK):

S. 1336. A bill to provide for the use and distribution of funds awarded the Seminole Indians in dockets 73, 151, and 73-A of the Indian Claims Commission; to the Select Committee on Indian Affairs.

By Mr. GRAHAM:

S. 1337. A bill to establish a Mildred and Claude Pepper Scholarship Program; to the Committee on Labor and Human Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HEINZ (for himself, Mr. DIXON, Mr. BYRD, Mr. D'AMATO, Mr. FORD, Mr. BOREN, and Mr. HELMS):

S. Res. 154. Resolution expressing the sense of the Senate on the agreement to be signed between the Government of the United States and the Government of the Republic of Korea to co-produce the

"Korean Fighter Program" [KFP]; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERRY (for himself and Mr. JEFFORDS):

S. 1328. A bill to declare the policy of the United States regarding the protection of U.S. Government satellites against antisatellite attack and to limit the use of funds for testing any antisatellite weapon against an object in orbit around the Earth; to the Committee on Armed Services.

SATELLITE SECURITY ACT

Mr. KERRY. Mr. President, on May 12, 1989, President Bush called for an expansion of the open skies plan of President Eisenhower, asking all nations, beginning with the United States and Soviet Union, to open up their skies to surveillance flights and satellites of other nations. President Bush said we must "open up military activities to regular scrutiny and, as President Eisenhower put it, 'convince the world that we are lessening danger and relaxing tension.'"

The single most important means we have of monitoring the Soviet Union are our satellites. And the biggest impediment to implementing the President's open skies policy are weapons that would destroy satellites, antisatellites, or Asat's.

I am convinced that the United States is now in a unique position to both stop the further development of the ASAT threat to our satellites—and even to pressure the Soviet Union into dismantling its existing Asat's through negotiating an Asat treaty.

Accordingly, on behalf of Senator JEFFORDS and myself, I am filing legislation, entitled the Satellite Security Act of 1989, which is designed to cause the Soviets to enter into negotiations with the United States on constraining antisatellite weapons, to open up their laser test facilities at Sary Shagan and any other suspect sites to the United States, and to continue their 6-year moratorium on the testing of Asat's against objects in orbit as the price for the U.S. forbearing its own testing of Asat's against objects in orbit.

The legislation sets tough standards for Soviet behavior as a precondition to the United States moratorium.

In essence, it says that the United States will not test any weapon against an object in orbit only if the President determines that the Soviet Union has not tested any of its weapons against objects in orbit, and that the Soviet Union has agreed to open up its laser facilities to the United States to allow us to monitor them, and that the Soviet Union has agreed to negotiate in good faith with the United States on constraining antisatellite weapons.

As the Office of Technology Assessment has found, the United States is more dependent on satellites to perform important military functions than is the Soviet Union. Current Soviet Asat capabilities are very limited. Our satellites face a far more serious threat from future Soviet Asat's if development is not halted now. Stopping further testing of Asat's by both sides is an effective means of protecting our satellites—and of furthering the President's own open skies proposal.

Recently, the Soviets have taken steps which suggest they may be prepared to go a long way to meet our concerns about verifying an antisatellite control agreement. On July 8, the Soviets actually opened up their most secret laser test facility to United States scientists and Congressmen, who were permitted to inspect the laser transmitter, receiver, transformer and beam director at the Sary Shagan laser site. At the site, Soviet Academy of Sciences vice president Yevgeny Velikhov stated that the Supreme Soviet's new commission on the military budget may even order the laser to be abandoned when it issues a report in the fall.

The importance of the new Soviet attitude cannot be underestimated. The Reagan administration in rejecting Asat arms control said the chief reason we couldn't negotiate such a treaty was because we could never verify it. Now, the Soviets are saying to us—we are ready to join you at the bargaining table on antisatellite weapons, and we are already willing to open up our most significant military test sites to demonstrate our openness to verification.

There are also significant intelligence implications of the Soviet action. The Soviets now contend—and these contentions appear to be supported by the initial technical indices of Soviet equipment at the Sary Shagan laser test site—that their lasers are only capable of producing 2 to 20 kilowatts of power. If this is true, Soviet laser capabilities are less than 1 percent of those previously claimed by the Department of Defense, the Strategic Defense Office, and the CIA in public statements about Soviet laser capabilities.

I am therefore today asking that the Intelligence and Armed Services Committees seek a formal review by the Central Intelligence Agency and Defense Department of judgments concerning Soviet laser capabilities over the past decade.

For example, in the March, 1985 CIA report, "Soviet Directed Energy Weapons: Perspectives in Strategic Defense," the Agency stated:

[The Soviets] already have a ground-based laser that could be used to interfere with U.S. satellites. * * *. The directed-energy R&D site at the Sary Shagan prov-

ing ground in the central U.S.S.R. could provide some anti-satellite capabilities and possibly ABM prototype testing in the future.

A 1987 version of the annual publication, "Soviet Military Power," prepared by the Department of Defense, asserted that the Soviet lasers at Sary Shagan are "capable of damaging sensitive components" of satellites in orbit.

General John Piotrowski, head of the U.S. Space Command, has repeatedly testified that the Soviets possess laser capabilities that could kill a satellite in low Earth orbit, wound a satellite as high as 750 miles, and do in-band damage to those in geosynchronous orbit at 22,300 miles. Last year's edition of Soviet Military Power reiterated that the Soviets possessed "at least one laser believed capable of an anti-satellite mission."

The former Director of the Strategic Defense Office, Lt. Gen. James Abrahamson, testified before the Congress in March 1987 that the Soviets are "clearly ahead" of the United States in ground-based lasers.

These assessments have been a significant factor in congressional consideration of U.S. antisatellite programs, and in connection with the strategic defense initiative. However, information made available by the Soviets in connection with their unprecedented opening of the Sary Shagan site to a group of private United States scientists, journalists, and Congressmen on July 8, 1989, suggests that these assessments may not have been correct.

Specifically, during the site inspection, the Soviets stated that the most powerful laser at the Sary Shagan facility, the carbon dioxide laser, is capable of between 2 and 20 kilowatts of output, power ratings a tiny fraction of that needed to sustain even minimal antisatellite capabilities.

The technical data provided by the Soviets to the scientists in connection with the visit, as well as photographs of the laser equipment, power sources, beam director, cooling systems, mirrors, computers and related technologies, provide significant support for these statements by the Soviets.

This new information raises the question of whether past assessments of the Soviet laser program have significantly overestimated or exaggerated the military capability of the lasers themselves and of the program overall. If the information provided in the course of the site visit proves to be correct, it suggests a possible intelligence failure of substantial proportions.

The implications of such an intelligence failure could be profound, because the findings would undermine the very foundation of the rationale for the billions we have spent on the strategic defense initiative and the current crash program that is being

pushed for directed energy anti-satellite weapons.

The implications for verification are also profound. For a number of years, I have advocated that the United States seek to negotiate a comprehensive verification accord with the Soviets to establish overall procedures for verifying all relevant military technologies.

It is increasingly clear that the Soviet Union is now willing to accept the principle of onsite inspection as part of verification, to supplement national technical means. They accepted this principal in the INF Treaty, and they are demonstrating the probability of their accepting it in the realm of Asat's by opening up Sary Shagan in this dramatic way.

I hope we will use the apparent new willingness of the Soviets to permit us to verify their military research and development programs in the area of lasers to secure limits on Soviet military developments in the area of anti-satellite weaponry. As the Office of Technology Assessment has found, the United States is more dependent on satellites to perform important military functions than is the Soviet Union. Current Soviet Asat capabilities are very limited. Our satellites face a far more serious threat from future Soviet Asat's if development is not halted now. Stopping further testing of Asat's by both sides is an effective means of protecting our satellites—and of furthering the President's own open skies proposal.

The Congress stopped all testing of the now-defunct U.S. Asat system for 2 years because of concerns about the potential injury to U.S. national security if both sides move forward with the testing, development and deployment of Asat's.

The President's own national security advisor, Brent Scowcroft, recently coauthored an Aspen Study Group report which concluded that "we find it hard to identify a set of circumstances in which the benefits of using the limited existing Asat systems markedly outweigh the potential risks." Scowcroft wrote that "all scenarios involving the use of Asat's, especially those surrounding crises, increase the risks of accident, misperception, and inadvertent escalation."

Given these concerns, I believe further restraint regarding Asat's can be useful to the United States to force the Soviet Union to open up its secret laser facilities at the outset and ultimately to dismantle any existing Asat capability it has, as a result of negotiations with the United States resulting in an Asat Treaty.

I also believe it is essential for the United States to insure that its satellites remain survivable in any case. Accordingly, the legislation would require the administration to conduct a

study of the effect of current and potential Asat's on the survivability of United States satellites, and the costs to the United States for making our satellites survivable should the Soviets develop new Asat's. I believe such a study could help both the administration and the Congress understand better the costs to the United States should the Soviets move forward with their Asat program.

In recent years, many Senators have joined me in opposing United States antisatellite testing, so long as the Soviets too do not test. Now the Soviets have volunteered to open up their secret laser test sites for inspection, and are considering dismantling the sites altogether. I hope that this year's legislation, which is designed to bring about the ultimate dismantling of all Asat's, will receive even more support.

I ask unanimous consent that the full text of the legislation be entered into the RECORD, as well as the Washington Post article, "Soviet Laser Said To Pose No Threat," which describes this historic opening up of the Soviet laser, and a summary of the findings of the United States scientists who visited the Soviet test site.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1328

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE

This Act may be cited as the "Satellite Security Act of 1989".

SEC. 2. FINDINGS

Congress makes the following findings:

(1) The United States Government relies on many of its satellites for communications, reconnaissance, electronic intelligence, remote sensing, detection of nuclear explosions, early warning of attack, monitoring compliance with arms control agreements, and monitoring the activities and movements of hostile military forces.

(2) Such satellites constitute vital integral parts of many United States weapon systems, command, control, and communications systems, and intelligence systems.

(3) It is essential to the national security of the United States that United States Government satellites survive antisatellite attacks.

(4) The Soviet Union has not tested its only antisatellite weapon, a coorbital system, against an object in space since the summer of 1982.

(5) The further development and testing of new antisatellite weapons by the United States and the Soviet Union may make all United States Government satellites and all Soviet satellites vulnerable to each other's antisatellite weapons.

(6) It is in the national security interest of the United States to discourage the development and testing of new antisatellite weapons by the Soviet Union.

SEC. 3. DECLARATION OF POLICY

(a) PROTECTION OF SATELLITES.—It is the policy of the United States to protect United States Government satellites—

(1) by discouraging Soviet efforts to improve antisatellite capabilities; and

(2) by conducting research, development, and testing on techniques that increase the capability of such satellites to survive physical attack, including such techniques as hardening, resistance, jamming, orbit selection, maneuvering, ground segment improvements, orbiting of spare satellites, deployment of dormant satellites, and signature reduction.

(b) ANTISATELLITE LIMITATION NEGOTIATIONS.—It is the sense of Congress that the President should initiate and conduct good faith negotiations with the Soviet Union with a view to achieving an agreement that provides for (1) the strictest possible limitations on the development, testing, production, and deployment of antisatellite weapons by the United States and the Soviet Union, (2) the dismantling of existing Soviet antisatellite weapons, and (3) verification of the compliance with the agreement.

SEC. 4. LIMITATION ON TESTING OF ANTISATELLITE WEAPONS

Notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by any Act may be obligated or expended to test any weapon against an object in orbit around the Earth until the President certifies to Congress either—

(1) that the Soviet Union has conducted, after August 1982, a test of any weapon against an object in orbit around the Earth;

(2) that the President has requested the Soviet Union to permit the United States to deploy cooperative monitoring and verification technologies at the Soviet laser test site at Sary Shagan and at each other location that the President suspects the Soviet Union to be using for laser testing, and that the Soviet Union has refused to cooperate in good faith to make it possible for the United States to do so; or

(3) that the President has attempted to negotiate with the Soviet Union to establish limitations on the development, testing, production, and deployment of antisatellite weapons, and that the Soviet Union has refused to negotiate in good faith on such limitations.

SEC. 5. REPORT TO CONGRESS ON THE SURVIVABILITY OF UNITED STATES SATELLITES

(a) IN GENERAL.—Not later than March 1, 1990, the President shall prepare and transmit to Congress a report on—

(1) the capabilities of United States Government satellites to survive antisatellite attacks; and

(2) the capabilities of the United States (A) to monitor the development, testing, production, deployment, and use of antisatellite weapons by the Soviet Union, and (B) to verify Soviet self-restraint in the development, testing, production, deployment, and use of such weapons.

(b) CONTENT OF REPORT.—The report shall include reviews and analyses of—

(1) the capabilities of United States Government satellites to survive attack by antisatellite weapons, and the future actions necessary to ensure the capability of United States Government satellites to survive such attacks through the end of the twentieth century;

(2) an assessment of the effects on United States national security of—

(A) Soviet antisatellite capabilities;

(B) the development, by the Soviet Union, of antisatellite capabilities symmetrical to potential future United States antisatellite capabilities;

(C) the development, by the Soviet Union, of the capability to destroy high-altitude

United States Government satellites, including those satellites in geosynchronous orbit; and

(D) an agreement entered into by the United States and the Soviet Union that provides for (i) a verifiable ban on the development, testing, production, and deployment of all antisatellite weapons, and (ii) the dismantling of all existing antisatellite weapons;

(3) the actions that could be taken to improve the capability of United States Government satellites to survive antisatellite attacks and the projected budgetary costs of taking such actions—

(A) if the Soviet Union were not to improve its antisatellite capabilities;

(B) if the Soviet Union were to develop antisatellite capabilities symmetrical to potential future United States antisatellite capabilities;

(C) if the Soviet Union were to develop the capability to destroy high-altitude United States Government satellites, including those satellites in geosynchronous orbit; and

(D) if the United States and the Soviet Union were to enter into an agreement providing for (i) a verifiable ban on the development, testing, production, and deployment of all antisatellite weapons, and (ii) the dismantling of all existing antisatellite weapons;

(4) United States capabilities to monitor and verify Soviet antisatellite capabilities;

(5) techniques by which the United States could improve capabilities to monitor and verify Soviet antisatellite capabilities, including—

(A) development, testing, production, and deployment of monitoring equipment, onsite verification equipment, and other verification equipment;

(B) onsite inspections; and

(C) negotiation of an agreement between the United States and the Soviet Union providing for the use of telemetry by each that is readable by the other and other cooperative means with the Soviet Union; and

(6) the desirability of and prospects for limiting Soviet antisatellite capabilities by agreement, including any agreement that would limit development, testing, production, or deployment of kinetic kill, directed energy, nuclear, or any other form of antisatellite weapon or that would limit any other antisatellite capability for any altitude.

(c) FORM OF REPORT.—The President shall transmit the report in a classified form to the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate, the Select Committee on Intelligence of the Senate, the Committees on Appropriations, Armed Services, and Foreign Affairs of the House of Representatives, and the Permanent Select Committee on Intelligence of the House of Representatives. The President shall also transmit to Congress an unclassified summary of the report.

SOVIET LASER SAID TO POSE NO THREAT—AMERICAN SCIENTISTS INSPECT INSTALLATION HIGHLIGHTED BY PENTAGON

(By R. Jeffery Smith)

SARYSHAGAN, U.S.S.R., July 8—A Soviet laser said by the Pentagon to be capable of damaging U.S. satellites is probably too weak to do so, a group of U.S. congressmen and independent American scientists said after examining it today.

The laser is housed here in a large, white building on the desolate steppes of Soviet

Kazakhstan, an area that also serves as the Soviet Union's official test range for research on ballistic missile defense.

The building's bulk has been a source of extra suspicion about the laser, but today it just added to the drama of the Americans; five-hour visit.

During the Reagan administration, several sketches of the laser building, drawn from U.S. satellite photos, were featured prominently in the Defense Department's annual publication, "Soviet Military Power," as an illustration of the Soviet Union's pursuit of missile defense research much like that being conducted under the controversial U.S. Strategic Defense Initiative.

A 1985 Pentagon pamphlet said, "The facilities there are estimated to include *** a laser that may be capable of damaging some components of satellites in orbit and a laser that could be used in testing for *** [missile defense] applications."

By 1987, the Pentagon language was changed to predict potential laser damage only to "sensitive components" of satellites, but in 1988, the department again said the Soviets had a ground-based laser "with some capability to attack U.S. satellites."

Princeton University physicist Frank von Hippel said today, after inspecting the laser's transmitter, receiver, transformer and beam director, that "it looks like a tool that's been left out to dry for 25 years. It's got 19 counter-top-sized ruby lasers, a Welding-sized laser, 1960s vintage computers and a couple of one-meter mirrors in an air-conditioned building."

"A two-year college in the United States could produce the same in one of its laboratories," von Hippel added.

Rep. Jim Olin (D-Va.), a former vice president for General Electric with training as an engineer, said he had concluded that "it's not the killer weapon people said it was."

However, Olin added that he agreed with an assessment by Rep. John M. Spratt Jr. (D-S.C.), a member of the Armed Services Committee, that the laser "could be ancillary to an antisatellite weapons system."

The Defense Ministry officials who hosted today's visit were noticeably discomfited by the group's presence at the laser site and by some of the detailed questions that were raised, objecting in one instance even to providing the exact dates of the laser's design and construction.

Another senior researcher described the work here as only "a statistical problem," and his colleagues declined to amplify their claims that the dual laser system would be used only for highly accurate tracking of airplanes and satellites, not for their destruction.

No information was provided about either the unrelated, but obvious, missile defense research being conducted nearby or the supposed deployment of tactical lasers in the area. Photos were also prohibited during the dusty, 45-minute ride to the laser site from a military airfield.

But once there, Soviet Academy of Sciences vice president Yevgeny Velikhov led the group into key areas of the plant and invited visitors to take many photos, including some that will doubtless be studied closely by the U.S. intelligence community.

Velikhov said the laser was similar to a device the U.S. Air Force has tested from Hawaii during several space shuttle flights. The Soviet laser was used on three or four occasions last year in similar tests involving a special satellite equipped to reflect its beam and make its position obvious.

Velikhov said that he does not support the continuing operation of the laser and that the Supreme Soviet's new commission on the military budget may order the laser abandoned this fall.

FACTSHEET ON SARY SHAGAN LASER FACILITY

Based on the notes of Tom Cochran, Senior Staff Physicist, NRDC; Christopher Paine, Staff Aide to Senator Kennedy; and Frank von Hippel, Physicist, Princeton University, taken during a site visit organized by the NRDC and the Soviet Academy of Sciences, 8 July 1989.

Location: Near the eastern shore of Lake Balkhash in Kazakhstan (45° 55' N, 73° 30' E).

Purpose: Conduct research on laser radar.

History: Main building completed late 1979's. CO₂ laser building completed in mid 1982. Facility is currently undergoing modifications. Last attempt to track a space target was in August, 1988.

Description: Two low-power laser systems are optically combined into a single beam. One laser system consists of 0.7 micron pulsed ruby laser beam for target locations and the second consists of a 10.6 micron CO₂ laser used for target tracking. The 0.7 micron ruby laser beam is formed by optically combining the output of 19 five-watt lasers.

SYSTEM CHARACTERISTICS

Ruby Laser: 19 lasers with five-watt average power; 10 pulses per second; 30 nanosecond pulse length; and no phase matching between lasers.

Optics: Beams combined into one beam, then transmitted through a hole in the middle of the back of the main mirror of a 1.5 meter reflecting telescope to a 15 centimeter diameter secondary which reflects and spreads the beam track onto the front of the 1.5 meter gold-plated primary mirror. The wide beam is then reflected to the beam director mounted on the outside of the end of the building. The beam director has an aperture of about 1 meter.

The telescope is also used to collect the light reflected from the target, which returns along the optical path to a television camera and photo multiplier tube collector.

There are no adaptive optics or cooling of optical elements.

CO₂ Laser: One 20 kilowatt output continuous laser 1-2 kilowatts transmitted through the optics to the beam director; 15 percent optical efficiency (light energy/electrical energy); 5 percent efficiency (light energy/total energy consumption); therefore approximately 400 kilowatts total energy consumption. Laser beam diameter: 1.5 cm-3 cm; 250 kv high voltage generator for electron beam gun. Water cooling.

Optics: The beam is transmitted through an underground tunnel to the basement of the main (ruby laser) building, where it is then reflected onto a vertical path up to a 30-cm diameter 45-degree-angle mirror located between the 1.5 meter telescope and the beam director. This mirror sends the light to the beam director.

Adaptive optics: None.

Mirror cooling: None.

Computer control equipment: 1960's computer technology with hard-wired transistor circuitry; punch card data storage.

Power Supply: 5 megawatts for entire complex, including lasers, computers, lighting and air conditioning.

Other information: The facility has been used a few times per week to track aircraft equipped with a retroreflectors and beam sensing equipment at ranges up to 60-70 km. Attempts also made to track a multi-pur-

pose Cosmos satellite using a mirror reflector mounted on the satellite. Satellite with reflector carries no beam-sensing devices. Continuous tracking not achieved.

High saline content of CO₂ laser cooling water from Lake Balkhash requires pipe replacement in three years rather than the expected twenty.

Total project cost to date: "A few tens of millions of rubles."

LARGE UNDERGROUND ROOM

Nearby, there is a very large underground room (perhaps 200 feet long, 100 feet wide and 40 feet high). The room was unfinished and empty. The group was told that it had originally been built around 1970 for a high-powered laser. It was underground and equipped with blast doors because one idea had been to power the laser with electromagnetic pulses generated by chemical explosions. There was a heavy blast wall on the ground above and next to the room which was evidently designed to protect the roof of the room from the blast waves. However, the project had been abandoned at an early stage.

By Mr. PRYOR:

S. 1329. A bill to subject persons involved in the resolution of insolvent financial institutions to Federal conflict of interest and disclosure laws; to the Committee on Banking, Housing, and Urban Affairs.

ETHICS IN THRIFT RESOLUTIONS ACT

● Mr. PRYOR. Mr. President, just a few weeks ago I was on the Senate floor to release a report on an investigation of the Federal Savings and Loan Insurance Corporation's First South receivership, undertaken at my request by the General Accounting Office. The investigation of the receivership at this failed Arkansas thrift uncovered several incidents of egregious misconduct by receivership employees. The investigation found that furniture and fixtures of the failed thrift were sold at fire sale prices at an auction open to receivership employees only. In a separate incident, the GAO investigated a contract with the receivership's former property manager to appeal tax assessments on receivership properties. The GAO found that the former property manager signed the contract only 2 days after resigning his receivership position, and he subsequently collected payment from the receivership for work that he had performed while a receivership employee. The Federal Home Loan Bank Board's Office of the Inspector General was informed about these incidents, but in both cases it found no wrong doings, primarily on the basis that receivership employees are not Federal employees subject to Federal conflict of interest statutes.

On the day I released the report of these findings, I promised to introduce legislation to eliminate the type of problems seen at the First South receivership, and today I am here to make good on that promise. Today I am introducing the Ethics in Thrift Resolutions Act which will make not

just receivership employees, but all employees involved in the resolution of insolvent financial institutions subject to Federal conflict of interest and disclosure laws. I understand that the Senate Banking Committee has expressed interest in including provisions of this type in the conference report on the savings and loan reform bill, so today I am sending similar legislative language to the chairman of the committee, Senator RIEGLE.

The savings and loan industry is rife with scandals, but I fear that we may not have seen the worst of the scandals yet. I believe the activities of the Resolution Trust Corporation, which is being established by the S&L reform bill to resolve the hundreds of billions of dollars in failed thrifts, are a fertile breeding ground for more scandals. The Senate version of the S&L reform bill currently directs the Oversight Board of the RTC to draft conflict of interest and ethics rules that will apply to RTC employees and independent contractors of the RTC. I want these standards to be unequivocal, however, so I am introducing this bill which will codify the standards in law. In the event the conferees on the S&L reform bill choose not to include these provisions in their bill, I hope the bill I am introducing will move through Congress quickly. Taxpayers are currently facing a bill of over \$150 billion to clean up after the misdeeds of S&L operators; they will simply refuse to pay for cleaning up after unethical regulators.●

By Mr. HELMS:

S. 1330. A bill to provide protection to farm animal facilities engaging in food production or agricultural research from illegal acts, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

FARM ANIMAL FACILITIES PROTECTION ACT OF 1989

Mr. HELMS. Mr. President, today I am introducing the Farm Animal Facilities Protection Act which is designed to prevent, deter, and penalize crimes against U.S. farmers, ranchers, food processors, and agricultural researchers.

The ability of the United States to feed its citizens adequately is responsible for America's being the greatest Nation in the world. And because of research breakthroughs in the agricultural community, improvements in food processing, and the continued hard work of U.S. farmers, the future of American agriculture is looking brighter.

However, I believe we are seeing a serious threat to U.S. agriculture, and we must now act to ensure that our food productivity is not disrupted.

There is a small group of citizens who are opposed to the agricultural use of animals, and several of these groups are turning to increasingly mil-

itant actions to express their views. In addition to the normal hardships experienced by the agricultural community, they are now forced to contend with vandalism, arson, liberation of animals, and even bomb threats. There is a long list of such animal rights terrorism including a recent firebomb attack on a Monterey, CA, meat company.

On Thursday, April 27, a worker at the plant reported a fire. Upon investigation, the Monterey fire marshal reported that several incendiary devices had been placed under the building. Also, trucks parked at the plant's loading dock were painted with slogans such as "meat kills." Fortunately, no one was harmed in the incident, but a worker could have easily been trapped in the plant if the fire had spread. This attack—committed while workers were in the plant—illustrates the fanaticism of some animal rights activists who blatantly disregard the danger to human life to make their point.

An animal rights group did claim responsibility for the crime as part of their ongoing campaign to make animal abuse unprofitable. Similar acts are becoming more frequent and more severe in all areas of the United States, and there is reason to believe that such activists are part of an international animal rights terrorist group.

Mr. President, such illegal acts against agriculture harm not only the farmers, ranchers, processors, and researchers, but all the rest of us as well. The cost of such crimes is enormous and are ultimately paid for by the consumer. In addition, valuable research data is lost or destroyed which could benefit everyone. The animal rights zealots who perpetrate these crimes are showing a total disregard for the rights of others.

Mr. President, the Farm Animal Facilities Protection Act is aimed at the animal rights terrorists who have decided dialog and negotiations are not effective methods for achieving change. Its goal is to stop the vigilante-style lawlessness and destruction that is becoming the calling card of animal rights activists. This legislation would make it a Federal crime to break into, vandalize, remove animals, trespass, or demonstrate the intent to disrupt a farming, ranching, processing, or agricultural research operation. This bill will help law enforcement efforts in preventing further terrorist acts, and aid the States in protecting the agriculture community.

U.S. agriculture needs action to prevent these violent acts and over 35 national, regional, and State agriculture groups support this legislation. I have several letters expressing their support, and I ask unanimous consent that these letters be included in the RECORD.

Mr. President, it is apparent that current laws are not discouraging this type of violence, and terrorist activities will continue unless the full power of the legal system is used. We must act to stop these acts of animal rights terrorism before they spread even further, and to prevent further harm to U.S. agriculture and the public well-being.

There being no objection, the letters were ordered to be printed in the RECORD, as follow:

AMERICAN FEED INDUSTRY ASSOCIATION,
Arlington, VA, June 24, 1989.

Hon. JESSE HELMS,
U.S. Senate, Washington, DC.
(Attn: Mark Eaton.)

DEAR SENATOR HELMS: On behalf of the American Feed Industry Association [AFIA], I wish to commend you in the strongest possible terms for your intention to introduce legislation that will protect U.S. farms, ranches and agricultural research facilities from the disturbing increase in animal rights violence.

Your bill, which make it a federal crime to break into, vandalize, remove animals, trespass or demonstrate the intent to disrupt farming, ranching or ag research through such activity, will give clear and necessary direction to federal law enforcement agencies so they may more efficiently deal with such criminal activity.

AFIA applauds your foresight, and pledges to work with you and your staff in any way you deem necessary to ensure passage of this important legislation during the 101st Congress.

Sincerely,

STEVE KOPPERUD,
Vice President.

NATIONAL CATTLEMEN'S ASSOCIATION,
Washington, DC, June 30, 1989.

Hon. JESSE HELMS,
United States Senate, Washington, DC.

DEAR SENATOR HELMS: On behalf of the National Cattlemen's Association, I would like to applaud your intention to introduce legislation to provide better protection for U.S. farms, ranches and agricultural research facilities from the continued increase in threatened or actual animal rights violence.

By making it a federal crime to break into, vandalize, remove animals, trespass or demonstrate the intent to disrupt farming, ranching or agricultural research through such activity, your bill will strengthen federal law enforcement agencies capability to deal with these deplorable criminal acts. Cattlemen across the country are seriously concerned about animal rights violence. Several of our state association offices have been vandalized and their staff has received death threats.

The National Cattlemen's Association salutes your foresight and initiative in introducing this necessary legislation. We would like to work with you and your staff in whatever ways that will expedite passage of this bill.

Sincerely,

ROBERT D. JOSSEERAND,
President, National Cattlemen's
Association.

NATIONAL BROILER COUNCIL,
Washington, DC, July 14, 1989.

Hon. JESSE HELMS,
U.S. Senate, Washington, DC.

DEAR SENATOR HELMS: We at the National Broiler Council want to write you to let you know of our support for your intention to introduce the Farm Animal Facilities Protection Act of 1989. This legislation will not only protect our nation's food supply, this measure will protect farmers and ranchers from illegal acts.

This bill is long overdue. It will now be a federal crime to break into, vandalize and/or destroy property. And the act gives the Secretary of Agriculture authority to conduct investigations and provides for a civil right of action by the owners of the farm animal facility against the violator.

In our support for the bill, NBC wants you to know that we will work with you and your staff in any way necessary to ensure passage of this legislation.

Sincerely,

MARY M. COLVILLE,
Director, Government Relations.

NATIONAL TURKEY FEDERATION,
Reston, VA, July 6, 1989.

Hon. JESSE HELMS,
Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR HELMS: Enclosed is a copy of the National Turkey Federation July newsletter. We thought you would be interested in our story about the anti break-in legislation you will reportedly introduce later this month. As you can see, we are totally supportive of your efforts. We are extremely pleased to see that you are leading this effort to protect the property rights of all farmers across the nation.

We are eager to provide whatever assistance possible to ensure prompt passage of this legislation and look forward to working closely with you and your staff in this regard.

Sincerely,

STUART E. PROCTOR, Jr.,
Executive Vice President.

NATIONAL GRANGE,
July 5, 1989.

Hon. JESSE HELMS,
Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR HELMS: A disturbing upswing in animal rights violence against agricultural facilities is developing. Several life threatening incidences in California provide graphic evidence of this trend.

On January 29th, the Dixon (California) Livestock Auction was a victim of arson, causing \$250,000 in damage to the holding pens and out buildings. The owners of the facility, which has never been the site of protests, pickets, or even letters, were shocked. Earth First!, a radical environmental group which deplores public land grazing, called a local newspaper to claim credit for the fire. On the same evening, Earth First! and the Animal Liberation Front claimed credit for vandalizing the Sacramento offices of the California Cattlemen's Association, the California Woolgrowers Association, and the California Council on Agriculture. "Agribusiness Kills" and "Livestock Destroys" were spray painted on the outside of the building, locks were jammed, windows were acid-etched, and paint was thrown on the walls.

The Animal Liberation Front took credit for an attempted fire bombing of a Montecito, California meat processing plant on

April 27th in which employees were present when an incendiary device exploded. The target of the attack was the Luce-Carmel Meat Co., which is a 24-hour operation. The fire was reported by a worker at 4:04 a.m. After it was extinguished, investigators arrived from Monterey and the state's Arson Bomb Unit reporting that "multiple incendiary devices" were discovered beneath the building. A fire investigator said it was apparent that the intent was to burn down the entire building.

The list of such violence is getting longer and longer and is ranging from Delaware and Maryland to the West Coast. It is no longer an issue that can be addressed on a state-by-state basis. Federal legislation is required if we are to deal with these criminal activities that interfere with interstate commerce.

On behalf of the National Grange, I wish to commend you on your intention to introduce legislation that will protect United States' farms, ranches, and agricultural research facilities from this increase in animal rights violence. Your bill, which will make it a federal crime to break into, vandalize, remove animals from, trespass, or demonstrate with the intent to disrupt farming, ranching, or agricultural research through such activity is needed. It will give clear and necessary direction to the federal law enforcement agencies, so they may more effectively and efficiently deal with such activity.

The National Grange applauds your foresight and will work with you and your staff to ensure the passage of this important legislation during the 101st Congress. Thank you for your firm leadership on this issue and may you be joined in your efforts by many of your Senate colleagues.

Sincerely,

ROBERT E. BARROW,
National Master.

LIVESTOCK MARKETING ASSOCIATION,
Kansas City, MO, July 5, 1989.

Hon. JESSE HELMS,
U.S. Senate, Washington, DC.

DEAR SENATOR HELMS: The Livestock Marketing Association, which represents nearly 1300 member businesses that market livestock, wishes to commend you for your plans to introduce legislation that would make it a federal crime to break into, vandalize, trespass or remove animals from farms, agriculture research facilities and other agricultural facilities.

As you may be aware, one of our members recently experienced first-hand the violence that has now entered the animal rights movement with the destruction by fire of his market facility in California. A radical animal rights group has publicly taken credit for destroying this market owner's livelihood. Unfortunately, under current State law, the penalties for such a heinous act of vandalism are relatively minor.

From this incident, our member businesses have acquired a unique appreciation for the need for stronger criminal laws in instances of domestic terrorism against agriculture related facilities. Thus, we deeply appreciate your foresight in initiating legislation that will more realistically and effectively deal with such criminal acts.

We look forward to working with you and your staff in the successful passage of this vitally needed legislation.

Sincerely,

NANCY ROBINSON,
Associate Manager, Government
and Industry Affairs.

NATIONAL LIVE STOCK
PRODUCERS ASSOCIATION,
Wheatridge, CO, July 6, 1989.

Hon. JESSE HELMS,
U.S. Senate, Dirksen Senate Office Building,
Washington, DC.
Attention: Mark Eaton.

DEAR SENATOR HELMS: The National Live Stock Producers Association is a federated livestock marketing cooperative encompassing 12 regional marketing agencies and 4 credit corporations. Being a cooperative, we are in a position to represent our patron's views and concerns.

Therefore, with the current increase of destructive activities by some animal rights groups aimed at livestock producers, livestock markets, and research facilities, we are in full support of your introduction of legislation to protect these entities. Making it a federal crime to harm or disrupt farming, ranching or agricultural research should enable federal law enforcement agencies to deal with these groups in a more effective manner.

National Live Stock Producers is encouraged by your interest in dealing with this most important issue and fully supports the passage of this legislation in the 101st Congress.

Sincerely,

HAROLD E. LEIN,
Executive Vice President.

IDAHO CATTLE ASSOCIATION,
Boise, ID, July 5, 1989.

Hon. JESSE HELMS,
U.S. Senate, Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR: As a former member of your Hickory office staff, it is my pleasure to write you on behalf of the Idaho Cattle Association in support of your proposal regarding criminal actions against farm, ranch, and ag research operations.

Please add ICA to the already long list of agricultural organizations supporting your efforts.

So-called "animal rights" and "Earth First!" terrorists have unfortunately made such legislation necessary, as they engage in activities which threaten human life and limb as well as America's agricultural economy.

Thank you for your leadership on this issue and on so many other issues critical to the survival of our freedom and way of life in this nation.

Most respectfully,

GARY GLENN,
Executive Vice President.

AMERICAN VEAL
ASSOCIATION, INC.,
Naperville, IL, June 30, 1989.

Hon. JESSE HELMS,
U.S. Senate, Dirksen Senate Office Building,
Washington, DC.
Attention: Mark Eaton.

DEAR SENATOR HELMS: On behalf of the American Veal Association (AVA), I would like to thank you for your intention to introduce legislation that will aid in the protection of farms and research facilities from the sometimes destructive, illegal acts of some animal rights groups.

A veal farmer from California was the target of one of the more violent groups last summer. His barn was broken into, slogans were painted on the walls, and several animals were stolen. Farmers are fearing for their safety, as well as for that of their farms. Your bill, making these violent ac-

tions as federal crime, may help to deter these groups from their vigilante tactics.

Thank you, once again, for listening to the concerns of the American farmers and by responding with a bill.

Sincerely,

BARBARA HUFFMAN,
President, American Veal Association.

PENNAg INDUSTRIES ASSOCIATION,
Ephrata, PA, June 26, 1989.

Hon. JESSE HELMS,
U.S. Senate, Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR HELMS: On behalf of PennAg Industries Association, a 510-member agribusiness trade association, I would like to voice support for your intent to introduce legislation to protect farms, ranches, and agricultural research facilities from violence.

Your proposal to make it a federal crime to break into, vandalize, remove animals, trespass, or disrupt farming activities will present clear and necessary direction to federal law enforcement agencies in dealing with such criminal activity.

Our democratic society could not survive for long if we all vandalized people with whom we disagree. The discussion of societal problems and their resolution can be accomplished within our existing system of government, and as rational citizens we must all condemn criminal activity, whatever the motivation.

Thanks so much for supporting the rights of our members to engage in their business operations knowing that terrorists will be severely punished.

Sincerely,

DAVID R. BRUBAKER,
Executive Vice President.

COMMISSION OF FARM ANIMAL CARE,
INC., PURDUE UNIVERSITY,
West Lafayette, IN, June 28, 1989.

Hon. JESSE HELMS,
U.S. Senate, Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR HELMS: On behalf of the Commission of Farm Animal Care, Inc., I commend you for your intention to introduce enabling legislation during the 101st Congress to protect U.S. farms, ranches, and agricultural research facilities from the increase in animal rights intimidation and violent conduct.

This bill, which will make it a federal crime to break into, vandalize, take animals, trespass or demonstrate the intent to disrupt farming, ranching or agricultural research through such activity, will send a clear message to federal law enforcement agencies on how to deal directly with such criminal activity.

The Commission of Farm Animal Care (list of members and organizations attached) praises your vision and help, while pledging to work with you and your staff in any way you deem necessary to ensure passage of this significant legislation.

Sincerely yours,

JACK L. ALBRIGHT,
Secretary-Treasurer.

NATIONAL BOARD
OF FUR FARM ORGANIZATIONS,
St. Paul, MN, June 27, 1989.

Hon. JESSE HELMS,
Dirksen Senate Office Building, Washing-
ton, DC

Attention: Mark Eaton.

DEAR SENATOR HELMS: America's family fur farmers strongly support legislation to

protect farms, ranches, and agricultural research institutions from unauthorized break-ins, release of animals, and other destructive activities engaged in by animal rights organizations.

The National Board of Fur Farm Organizations has actively supported this type of legislation in Minnesota, Wisconsin and other states. In our view, it is important to enact a federal law making it a crime to steal farm or agricultural research animals, to vandalize farms and research facilities or to otherwise disrupt lawful agricultural activity through violent means.

Please be assured of our full support for the legislation you plan to introduce. We look forward to working with you and your staff toward enactment at the earliest possible date.

Sincerely,

THOMAS L. GIBSON,
President.

PACIFIC EGG & POULTRY ASSOCIATION,
Modesto, CA, June 30, 1989.

Hon. JESSE HELMS,
U.S. Senate, Dirksen Senate Office Building,
Washington, DC.

Attention: Mark Eaton.

DEAR SENATOR HELMS: The Pacific Egg & Poultry Association applauds you for your intention to introduce legislation that will protect U.S. farms, ranches, and agricultural research facilities from the disturbing increase in animal rights violence.

Your bill, which will make it a federal crime to break into, vandalize, remove animals, trespass or demonstrate the intent to disrupt farming, ranching or ag research through such activity, will give clear and necessary direction to federal law enforcement agencies so they may more efficiently deal with such criminal activity.

Our member firms and individuals are ready and anxious to work with you and your staff to insure passage of this important legislation. Please let us know how we can assist.

Sincerely,

CLIFF H. OILAR,
Executive Director.

By Mr. BENTSEN:

S. 1331. A bill to amend the Consolidated Farm and Rural Development Act to authorize the Secretary of Agriculture to provide grants to States to establish funds to provide assistance for the construction of water and waste facilities, and for other purposes; to the Committee on Environment and Public Works.

CONSTRUCTION OF WATER AND WASTE FACILITIES

● Mr. BENTSEN. Mr. President, most Americans take water and sewer service for granted. However, there are many Americans who lack even basic water and sewer facilities. Tens of thousands of Americans along the United States-Mexico border live in colonias. These communities, most often adjacent to existing cities and towns, lack the facilities that most Americans consider basic necessities of life. They have no fire departments, paved roads, or water and sewage services.

In October 1988 the General Accounting Office, an investigative arm of Congress, released a report on colonias that had been prepared at my

request. In what it described as a conservative estimate, the GAO said 110,000 Texans live in 566 colonias along the border. The report summed up the situation—

These substandard housing subdivisions in rural districts consist of small plots of land with few or no roads and polluted water and inadequate sewage facilities; colonias are in unincorporated parts of counties, adjacent to American cities and towns along the border.

The land for colonias was usually acquired by migrant workers and other low-income groups of Mexican descent. Because colonias exist in unincorporated parts of counties, local jurisdictions have not been obligated to provide water and sewage services, and the new owners have lacked the financial means to acquire such services. These substandard living conditions pose a health problem to the colonias' residents as well as to the entire populations of the border counties, according to the Texas Water Development Board.

The GAO report also pointed out that the border counties had a much higher rate of gastrointestinal diseases than did the rest of the State or Nation. It stated

These diseases are often caused by poor hygiene, polluted water (common in the colonias), and contaminated foods.

Mr. President, as the GAO report stated, these health problems pose a threat not only to residents of the colonias but "to the entire population of the border counties". From a health standpoint, the colonias are almost a Third World nation. Their residents are subject to diseases that are rarely seen in more prosperous areas that have proper sanitation. However, their location and the infectious nature of most diseases poses a threat to the health of many Americans who do not themselves live in colonias. Contagious diseases don't stop in the colonias. They may start there, but, as the GAO report pointed out, they certainly do not stop there.

The Texas Legislature recently enacted a State law creating a revolving loan program to help colonias and other unincorporated rural areas provide water and sewage services. The legislature earmarked 20 percent of the authorized \$500 million in Texas Water Development Bonds for this program. My legislation will provide a needed Federal component to that effort.

Under the Texas program, colonias in economically distressed counties would be able to obtain long-term, low-interest loans from this fund. Counties would be considered economically distressed if unemployment is 25 percent above the State average and per capita income is 25 percent below it. All border counties would qualify.

Only those colonias occupied as of June 1, 1989, will be eligible for loans from the new revolving fund. In addition, loans will be made only in coun-

ties that have acted to prevent development of future colonias.

The legislation I am introducing today would authorize \$50 million per year in funding through the Farmers Home Administration to match the State funding of revolving loan program. The match would be 50 percent Federal funds and 50 percent State funds. It would not add to the budget, because the funding would be within existing program ceilings.

As in the Texas program, these Federal funds would be targeted to economically distressed areas, defined as counties with unemployment 30 percent above the national average and per capita income 30 percent below it. All counties along the United States-Mexico border would qualify.

To avoid duplication and reduce paperwork, the program would be administered by individual States with FmHA auditing the process.

It would not create a new bureaucracy. In fact, it would cut down substantially on the redtape and overhead costs normally associated with FmHA Water and sewer programs by requiring the States to administer this program. Since State funds will be at least half of the total, the States will have every incentive to manage these funds wisely.

Under this bill, FmHA funds would be made available to States for use in revolving loan funds. The States would disburse money to help local residents in economically distressed counties to bring needed water and sewer services to those areas which are now without them. In order to qualify for Federal money, the States would have to put up matching funds.

Channeling these funds through State revolving loan funds will result in a very high degree of leverage, giving more work on the ground for a smaller contribution of Federal dollars. The Texas Water Resources Board estimates that each Federal dollar into the Texas State fund will result in three dollars going out to the colonias.

Mr. President, I was born on that border, in the Rio Grande Valley of South Texas, and many members of my family are still there. My roots run deep there. The valley is my home.

But the issue here is much more than the old home ties. The issue is whether tens of thousands of U.S. citizens are going to have a share of hope and opportunity that we call the American dream. The issue is whether children will continue to walk through ankle-deep sewage after a hard rain, and whether we as a nation want to endure the expense to taxpayers and the suffering to sick children and their families of the rampant disease problems resulting from the lack of the most basic amenities. Amenities that most Americans take for granted—a sink with running water, a flush toilet.

The issue is whether the citizens of these areas will continue to be the poorest of the poor, consigned to Third World living and economic conditions, or whether they will have an opportunity to be a part of the American dream.

Mr. President, I urge my colleagues to join me in supporting passage of this needed legislation, and I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1331

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GRANTS FOR CONSTRUCTION OF WATER AND WASTE FACILITIES.

The Consolidated Farm and Rural Development Act is amended by inserting after section 306 (7 U.S.C. 1926) the following new section:

"SEC. 306A. GRANTS FOR CONSTRUCTION OF WATER AND WASTE FACILITIES.

"(a) DEFINITION.—As used in this section, the term 'economically distressed area' means a county—

"(1) with—

"(A) a per capita income that is less than or equal to 70 percent of the national average, as determined by the Bureau of Statistics, Department of Labor; and

"(B) an unemployment rate that is greater than or equal to 130 percent of the national average, as determined by such Bureau; or

"(2) on the border of the United States and Mexico.

"(b) GRANTS TO STATES FOR ESTABLISHMENT OF REVOLVING FUNDS.—

"(1) GENERAL AUTHORITY.—The Secretary is authorized to provide grants to each State in order to assist the State in establishing an economically distressed area revolving fund (hereinafter in this section referred to as a 'Fund') to provide financial assistance for the construction of wastewater treatment facilities and water supply projects.

"(2) SCHEDULE OF GRANT PAYMENTS.—The Secretary and each State shall jointly establish a payment schedule, under which the Secretary shall pay to each State the amount of each grant to be made to the State under paragraph (4)(A). The payment schedule shall be based on the intended use plan of each State under subsection (d)(3), except that the Secretary shall make payments—

"(A) in quarterly installments; and

"(B) as expeditiously as possible, but no later than the earlier of—

"(i) 2 years after the date that the State obligated moneys from the Fund; or

"(ii) 3 years after the date that the Secretary provided grants to the State under paragraph (1).

"(3) REQUIREMENTS FOR RECEIVING GRANTS.—In order to receive a grant under paragraph (1), a State shall enter into an agreement with the Secretary. In the agreement, a State shall agree to—

"(A) accept grant payments in accordance with the payment schedule established under paragraph (2);

"(B) deposit grant payments into the Fund;

"(C) deposit State moneys into the Fund in an amount greater than or equal to 20 percent of the total amount of all grants made to the State under paragraph (4)(A),

on or before the date that each quarterly grant payment is made to the State under paragraph (1);

"(D) provide assistance to projects meeting the requirements of subsection (c)(3) in an amount equal to 120 percent of the amount of each grant payment, within 1 year after receipt of such grant payment;

"(E) expend all funds in the Fund in an expeditious and timely manner;

"(F) construct water supply or wastewater treatment facilities that are eligible to receive financial assistance under subsection (c)(3) and will meet the requirements of applicable Federal and State law, in whole or in part with moneys directly made available by grants under paragraph (1);

"(G) commit or expend each quarterly grant payment that the State shall receive under paragraph (2)(A) in accordance with the laws and procedures of the State that are applicable to the commitment or expenditure of revenues;

"(H) use accounting, audit, and fiscal procedures conforming to generally accepted government accounting standards in carrying out subsection (d)(5);

"(I) require, as a condition of making a loan or providing other assistance from the Fund, that the recipient of such assistance will maintain project accounts in accordance with generally accepted government accounting standards; and

"(J) make annual reports to the Secretary on the actual use of funds in accordance with subsection (d)(4).

"(4) PAYMENTS.—

"(A) IN GENERAL.—Each State that—

"(i) enters into an agreement described in paragraph (3); and

"(ii) demonstrates to the satisfaction of the Secretary that the State will provide from non-Federal sources the State share of the aggregate amount to be expended by the State under the intended use plan of the State, as referred to in subsection (d)(3), for the fiscal year for which the State requests a grant;

shall receive a payment under this section for such fiscal year in an amount equal to the Federal share of the aggregate amount to be expended by the State under such plan for such fiscal year.

"(B) FEDERAL SHARE.—The Federal share for each fiscal year shall be 50 percent.

"(C) STATE SHARE.—The State share equals 100 percent minus the Federal share.

"(D) DISTRIBUTION.—The Secretary shall distribute funds made available for grant awards to a State under paragraph (1) according to the percentage of individuals in such State who reside in economically distressed areas as compared to the nationwide percentage of such individuals.

"(E) ALLOTMENT PERIOD.—

"(i) PERIOD OF AVAILABILITY FOR GRANT AWARD.—A grant award to a State under paragraph (1) for a fiscal year shall be available for obligation by the State during the fiscal year for which moneys are authorized and during the following fiscal year.

"(ii) REALLOTMENT OF UNOBLIGATED FUNDS.—The amount of any payment to a State for the Fund of the State, that is not obligated by the State before or on the last day of the 2-year period of availability established by clause (i), shall be immediately reallocated by the Secretary in the basis of the same ratio established under subparagraphs (B) and (C) for the second fiscal year of such 2-year period. None of the moneys reallocated by the Secretary shall be reallocated to a State that has not obligated all

moneys allotted to such State in the first fiscal year of such 2-year period.

"(5) CORRECTIVE ACTION.—

"(A) NOTIFICATION OF NONCOMPLIANCE.—If the Secretary determines that a State has not complied with subsection (c)(5) or any other provision of this section, the Secretary shall notify the State of such noncompliance and specify the necessary corrective action.

"(B) WITHHOLDING OF PAYMENTS.—If a State does not take corrective action within 60 days after the date that the State receives notification of such action under subparagraph (A), the Secretary shall withhold additional payments to such State until the Secretary is satisfied that the State has taken the necessary corrective action.

"(C) REALLOTMENT OF WITHHELD PAYMENTS.—If the Secretary is not satisfied that adequate correction actions have been taken by the State within 12 months after the State is notified of such actions under subparagraph (A), the payments withheld from the State by the Secretary under such subparagraph shall be made available for reallocation in accordance with paragraph (4)(D)(ii).

"(c) ECONOMICALLY DISTRESSED AREA REVOLVING LOAN FUNDS.—

"(1) ESTABLISHMENT.—In order for a State to receive a grant under subsection (b)(1), the State shall establish a Fund that complies with the requirements of this subsection.

"(2) ADMINISTRATION.—The Fund of each State shall be administered by an entity of the State that has the authority to operate the Fund in accordance with the requirements of this subsection.

"(3) PROJECTS ELIGIBLE FOR ASSISTANCE.—The Fund for a State shall be used only to provide financial assistance to a municipality, or an intermunicipal, interstate, or State agency, instrumentality, or supplier of water or wastewater services for the construction of a Federal or State approved publicly-owned water supply or wastewater treatment facility that provides water or wastewater services to an economically distressed area in which—

"(A) such services do not exist; and

"(B) at least 80 percent of the dwellings, in a portion of an economically distressed area that receives water or wastewater services from funds provided under subsection (b)(1), were occupied on June 1, 1989.

"(4) FINANCING OF FUND.—The Fund shall be maintained and credited with repayments of loans made by the Fund. The Fund balance shall be continuously available for providing financial assistance under paragraph (5).

"(5) Use of Fund.—Unless prohibited by State law from providing a particular means of financial assistance under this paragraph, a State may only use a Fund—

"(A) to make a loan, on the condition that—

"(i) the loan is made at or below the market interest rate, including an interest-free loan;

"(ii) annual principal and interest payments shall commence not later than 1 year after completion of any project;

"(iii) the loan shall have a term of repayment not to exceed 40 years;

"(iv) the recipient of the loan shall establish a dedicated source of revenue for payment of the loan; and

"(v) the Fund shall be credited with all payments of principal and interest on the loan;

"(B) to guarantee, or purchase insurance for, a loan obligation if such action would

improve credit market access or reduce interest rates;

"(C) as a source of revenue or security for the payment of principal and interest on a revenue or general obligation bond issued by the State, if the proceeds of the sale of the bond will be deposited in the Fund;

"(D) to provide a loan guarantee for a revolving fund that is established by a municipality or intermunicipal agency that is similar to the Fund;

"(E) to earn interest on Fund accounts;

"(F) to provide for the reasonable costs of administering the Fund and conducting activities under this section; and

"(G) to make a grant, on the condition that the amount of the grant may not impair the maintenance of the total Federal and State deposits to the Fund as provided for in subsection (b)(3).

"(d) AUDITS, REPORTS, AND FISCAL CONTROLS; INTENDED USE PLAN.—

"(1) FISCAL CONTROL AND AUDITING PROCEDURES.—Each State that establishes a Fund shall utilize sufficient fiscal controls and accounting procedures to ensure proper accounting during appropriate accounting periods for—

"(A) payments received by the Fund;

"(B) disbursements made by the Fund; and

"(C) Fund balances at the beginning and end of the accounting period.

"(2) ANNUAL FEDERAL AUDITS.—The Secretary shall, at least once each fiscal year, conduct or require each State to independently conduct reviews and audits as may be considered necessary or appropriate by the Secretary to carry out this section. Audits of the use of moneys deposited in the Fund shall be conducted in accordance with the auditing procedures of the General Accounting Office, including the procedures described in chapter 75 of title 31, United States Code.

"(3) INTENDED USE PLAN.—After providing for public comment and review, each State shall prepare a plan each fiscal year that identifies the intended uses of the Fund for such State. Such plan shall include—

"(A) a description of the short- and long-term goals and objectives of the Fund of the State;

"(B) information on the activities to be supported by the Fund, including a description of project categories, terms of financial assistance, and the intended recipients of assistance;

"(C) specific proposals for meeting the requirements of subparagraphs (C) through (F) of subsection (b)(3); and

"(D) the criteria and method established for the distribution of moneys under the Fund.

"(4) ANNUAL REPORT.—Beginning on the first fiscal year after the receipt of payments under subsection (b)(4)(A), a State shall provide an annual report to the Secretary that describes whether, and the manner in which, the State has met the goals for the previous fiscal year as identified in the plan prepared for such year under paragraph (3), including identification of loan receipts, loan amounts, loan terms, and similar details on other forms of financial assistance provided from the Fund.

"(5) ANNUAL FEDERAL OVERSIGHT REVIEW.—The Secretary shall conduct an annual oversight review of each State plan prepared under subsection (d)(3), each State report prepared under paragraph (3), and other such materials as are considered necessary and appropriate in carrying out this section.

After reasonable notice by the Secretary to the State or the recipient of a loan from the Fund, the State or loan recipient shall make available to the Secretary such records as the Secretary reasonably requires to review and determine compliance with this section.

"(6) APPLICATION OF PROVISIONS.—If the Secretary terminates a grant provided to a State under subsection (b)(1)—

"(A) such State shall solely conduct the reviews and audits under paragraph (2); and

"(B) the requirements set forth in paragraphs (3) through (5) shall not be applicable to the Secretary or such State.

"(e) AMOUNTS TO BE MADE AVAILABLE.—Notwithstanding any other provision of law, of the amounts made available to carry out section 310B(b) for fiscal years 1990 through 1994, the Secretary shall make available such amounts for each fiscal year to carry out this section." ●

By Mr. MURKOWSKI:

S. 1332. A bill to provide for realignment and major mission changes of medical facilities of the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITIES REALIGNMENT ACT

● Mr. MURKOWSKI. Mr. President, I rise today to introduce historic legislation which is needed to improve the efficiency of Department of Veterans Affairs [VA] health care facilities. Today I propose the Department of Veterans Affairs Medical Facilities Realignment Act of 1989. Specifically, this legislation—which is modeled after the Defense Authorization Amendments and Base Closure and Realignment Act—would establish a similar commission to examine VA medical facilities to determine whether realignments, consolidations, or mission changes are needed. Let me be clear, the purpose of this legislation is not to reduce the budget of VA's health care system or to necessarily close VA facilities, but rather to shift available resources where they can most efficiently provide care to the most veterans.

Mr. President, I had intended to introduce this bill before the Memorial Day recess, however I agreed to withhold introduction until Secretary Derwinski could discuss the proposal with veterans' service organizations. I discussed this bill on May 18, 1989 (see CONGRESSIONAL RECORD S5734-S5737).

It is my understanding that the Department of Veterans Affairs will shortly be sending to the Congress a draft hospital realignment bill. Secretary Derwinski has asked that the chairmen and ranking members of the Veterans' Affairs Committees introduce VA's legislation. I have seen a copy of VA's draft legislation and I intend to support it. However, because my bill differs from VA's, I wanted to introduce my bill so that my ideas would be considered by the Congress.

BACKGROUND

Mr. President, the VA health care system is the largest in the Nation. VA's medical care budget is over \$10.5 billion annually. Additionally, VA's medical research budget exceeds \$200 million and over \$400 million is appropriated annually for medical facility construction. VA operates 172 hospitals, 233 outpatient clinics, 119 nursing homes, and 27 domiciliaries, and 194 community-based readjustment counseling centers for Vietnam-era veterans. VA provides hospital care to over 1 million veterans and conducts over 21 million outpatient visits. VA provides health care services to 13 percent of our Nation's veteran population.

The array of services provided by VA is extraordinary. Veterans—except for certain veterans who are required to pay a modest copayment—receive free inpatient treatment, nursing home care, outpatient care, or domiciliary care. The VA also offers specialized community-based contract care programs to address the needs of chronically mentally ill veterans and veterans with alcohol and drug abuse problems. Veterans are not only provided these services but also receive free prescription medications and over-the-counter drugs and supplies and, in some cases, transportation reimbursement for trips made to VA facilities. In other words, veterans who do use the VA system for health care needs receive an extraordinary variety of services.

It is important to note that veterans' access to VA health care services has never been equitable. That is, VA facilities have not been located in every city or community in the United States, and they probably never will be. Therefore, if a veteran's home happens to be geographically close to a VA medical facility, that veteran's access to VA services is very great.

FINANCIAL STATUS OF VA HEALTH CARE SYSTEM

During the summer of 1988, the Committee on Veteran's Affairs—through letters from veterans and VA employees and travel to VA facilities—became aware of funding problems within VA's health care system. As a result of this information, the committee held 2 days of hearings in September 1988 to discuss this funding problem. Officials from VA and representatives—including VA hospital directors, Chiefs of Staff, and Chiefs of Nursing—testified about the poor financial status of their facilities.

This year the committee has held 3 days of hearings on the funding issue. There is no disagreement among committee members that more money is needed if the level of services provided in the past is to be maintained. As a result of the funding situation, certain programs of care to veterans have been restricted or eliminated.

Senators SIMPSON and THURMOND joined with me in sending to the

Budget Committee our views on VA's budget for fiscal year 1990. We recommended an increase of over \$800 million for VA medical care in fiscal year 1990. This is an increase over the President's request which was \$10.7 billion for that year.

Due in large part to the efforts of VA Secretary Ed Derwinski, on March 24, 1989, the President sent forth to Congress a request for fiscal year 1989 supplemental funding of over \$300 million for VA medical care. On June 30, 1989, Public Law 101-45 was enacted which provided \$340 million in supplemental appropriations for VA.

However, due to severe budget constraints resulting from the Federal budget deficit, it is unlikely that VA will receive all the money it needs to provide all things for all veterans. Simply raising the amount of funding for the VA medical care system is not an easy task.

I should note, however, the overall budget for the VA medical care system continues to grow each year. Because the VA increases the number of veterans who receive care each year, the VA does not have enough funds to continue to serve veterans in the manner in which they once did.

WHY IS THIS LEGISLATION NEEDED

This legislation is needed for a variety of reasons. One happens to be driven by the issue of money. We can no longer afford to operate the VA system as we have in the past. We must closely examine each Government program—including each VA facility—to determine if change is needed. For example, we have four VA hospitals in Chicago. Why is this so? Are all these facilities needed? These are the types of questions that needed to be asked.

Health-care delivery and technology has changed tremendously in the past several decades. The practice of medicine has changed due to advances in medical technology and sometimes as a result of efforts to control the cost of health care. The delivery of care has shifted from a system which relied on inpatient hospitalization to increases in outpatient care.

Additionally, VA will see an increase in veterans age 65 or older in the next 10 years. By the year 2000, over 9 million veterans will fit this over-65 age category. This is an increase of 6 million from 1980. Our seniors tend to move to warmer climates once they retire. This has caused an influx of veterans into the so-called Sun Belt States. Yet these States lack the capacity to meet the demand for health-care services.

VA has experienced difficulties in attempts to modify the size or mission of VA facilities. These efforts are often met with substantial resistance from Members of Congress who represent those districts or States. A VA facility not only represents care and treat-

ment to veterans but plays an important economic role in the community. Frankly, a VA facility means jobs—not only Federal ones but private sector support services as well.

There is no question in my mind that an independent review of the functions and missions of each VA facility is vitally needed. And a mechanism to remove political considerations from discussions of mission changes and consolidations is desperately needed. For these reasons, I believe that this is legislation whose time has come.

SUMMARY OF PROVISIONS

Because this bill is so closely modeled after the DOD base closure legislation, I will not go into detail on the specifics of each provision. I would, however, like to highlight a few specific points.

This bill would require the Secretary of Veterans Affairs to establish a commission to review VA medical facilities to determine if realignments or mission changes are needed. This Commission—which is required to be established within 45 days after enactment—would be comprised of between 9 and 12 members. The Secretary has the complete discretion to name members of the Commission; however, certain expertise is required to be represented. For example, the bill requires representatives of the following organizations to be on the Commission: Department of Defense, Association of American Medical Colleges, VA's Special Medical Advisory Group, Health and Human Services, and veterans' service organizations. Other members should have expertise or experience in management of health service in the private sector, health-care economics, health-care policy, VA medical care, long-term care, and rural health-care services.

This bill would require that the Secretary approve or disapprove—without change—all the recommendations contained in the report which is required to be submitted to the Secretary. There would be no discretion to approve a partial list or modify any recommendations. Basically, it is an "all-or-nothing" proposition. Unless a joint resolution disapproving the recommendations is enacted by Congress within a specified deadline, the Secretary is required to begin implementation efforts within a year after receipt of the report and complete those actions within 3 years.

CONCLUSION

I urge my colleagues to support this very important legislation. I look forward to working with Senator ALAN CRANSTON, and the other committee members, on this issue.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1332

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Department of Veterans Affairs Medical Facilities Realignment Act of 1989".

SEC. 2. REALIGNMENT AND MISSION CHANGES OF DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITIES.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall—

(1) within 45 days after the date of the enactment of this Act, issue a charter establishing the Commission provided for in section 4 and containing the terms, conditions, and mandates for its operation to achieve its objectives under this Act, including provision for the appointment of staff and any other support and expenses the Commission considers necessary;

(2) realign all medical facilities recommended for realignment by the Commission in the report to the Secretary of Veterans Affairs pursuant to the charter establishing the Commission;

(3) change the major missions of medical facilities as recommended by the Commission in its report to the Secretary; and

(4) initiate all such realignments and major mission changes not later than one year after receipt of the Commission's report by the Secretary, and complete all such realignments and all actions required for such mission changes not later than three years after receipt of such report by the Secretary.

SEC. 3. CONDITIONS.

(a) IN GENERAL.—(1) The Secretary of Veterans Affairs may not carry out any realignment or major mission change of any medical facility under this Act unless—

(A) not later than 15 days after receiving the report referred to in section 2, the Secretary of Veterans Affairs transmits to the Committees on Veterans Affairs of the Senate and the House of Representatives a report containing a statement that the Secretary has approved, and the Department of Veterans Affairs will implement, all of the medical facility realignments and major mission changes recommended by the Commission in that report; and

(B) the Commission has recommended, in the report referred to in section 2, the realignment or major mission change as the case may be, of the medical facility, and has transmitted to the Committees on Veterans Affairs of the Senate and the House of Representatives a copy of the report and the statement required by section 4(d)(2)(B).

(2) The Secretary may not initiate any realignment or major mission change recommended by the Commission in the report referred to in section 2 within 45 days after the committees referred to in paragraph (1) receive the Secretary's report pursuant to such paragraph.

(b) JOINT RESOLUTION.—The Secretary of Veterans Affairs may not carry out any realignments or major mission changes under this Act if, within 45 days after the committees receive the Secretary's report under subsection (a)(1), a joint resolution is enacted, in accordance with the provisions of section 9, disapproving all the recommendations of the Commission. The days on which either House of Congress is not in session because of an adjournment of more than

three days to a day certain shall be excluded in the computation of the 45-day period.

SEC. 4. THE COMMISSION ON MEDICAL FACILITY REALIGNMENT AND MAJOR MISSION CHANGE.

(a) NAME OF COMMISSION.—The Commission established pursuant to the charter issued by the Secretary of Veterans Affairs pursuant to section 2(a)(1) shall be known as the "Commission on Medical Facility Realignment and Major Mission Change".

(b) MEMBERSHIP.—The Commission shall be appointed by the Secretary of Veterans Affairs and shall consist of not less than 9 and not more than 12 members, as follows:

(1) One member from among persons, if any, nominated by the Association of American Medical Colleges.

(2) One member from among persons knowledgeable about sharing Department of Veterans Affairs and Department of Defense health-care resources who are nominated by the Secretary of Defense.

(3) One member who is a member of the special medical advisory group established pursuant to section 4112(a) of title 38, United States Code.

(4) One member from among persons, if any, nominated by veterans service organizations chartered by Congress.

(5) One member from among persons knowledgeable about the Medicare and Medicaid programs who are nominated by the Secretary of Health and Human Services.

(6) The remaining members from among persons who, by reason of education, training, and experience, are experts in (A) the management of health services in private enterprise, (B) health care economics, (C) health care policy, (D) medical care furnished by the Veterans Health Services and Research Administration, except that no such member may be an employee of the Department of Veterans Affairs, (E) long-term health care services, and (F) rural health care services.

(c) CHAIRMAN AND VICE CHAIRMAN.—The Secretary of Veterans Affairs shall designate a Chairman and Vice Chairman from among the members of the Commission.

(d) DUTIES.—The Commission shall—

(1) transmit the report referred to in section 2(a) to the Secretary within one year after the date of the enactment of this Act and shall include in such report the Commission's recommendations regarding the medical facilities to which functions should be transferred as a result of the realignments and major mission changes recommended by the Commission; and

(2) on the date on which the Commission transmits such report to the Secretary, transmit to the Committees on Veterans Affairs of the Senate and the House of Representatives—

(A) a copy of such report; and

(B) a statement certifying that the Commission has reviewed all medical facilities, including all medical facilities under construction and all those planned for construction, and has identified the medical facilities recommended for realignment or major mission changes.

(e) STAFF AND SUPPORT.—Not more than one-fourth of the professional staff of the Commission shall be individuals who have been employed by the Department of Veterans Affairs within one year before the date of the enactment of this Act.

(f) RECORDS AND MEETINGS.—(1) The records, documents, and other materials prepared by or for the Commission are not subject to section 552 of title 5, United States Code.

(2) Meetings of the Commission are not subject to the provisions of section 10 of the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. 5. IMPLEMENTATION.

(a) IN GENERAL.—In realigning or changing the major mission of a medical facility under this Act, the Secretary of Veterans Affairs, subject to the availability of funds, including funds in the Account—

(1) may carry out actions necessary to implement such realignment or major mission change, including the acquisition of such land, the construction of such replacement facilities, the performance of such activities, and the conduct of such advance planning and design as may be required to transfer functions from such medical facility to another medical facility;

(2) may provide—

(A) economic adjustment assistance to any community located near a medical facility being realigned or whose major mission is to be changed, and

(B) community planning assistance to any community located near a medical facility to which functions will be transferred as a result of such realignment or major mission change,

if the Secretary determines that such assistance is needed and that the financial resources available to the community (by grant or otherwise) for economic adjustment and community planning are inadequate; and

(3) subject to the availability of funds referred to in clause (1), may carry out activities for the purpose of environmental restoration, including reducing, removing, and recycling hazardous wastes and removing unsafe buildings and debris.

(b) MANAGEMENT AND DISPOSAL OF PROPERTY.—(1) The Administrator of General Services shall delegate to the Secretary of Veterans Affairs, with respect to excess and surplus property located at a medical facility realigned under this Act—

(A) the authority of the Administrator to utilize excess property under section 202 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483);

(B) the authority of the Administrator to dispose of surplus property under section 203 of that Act (40 U.S.C. 484); and

(C) the authority of the Administrator to grant approvals and make determinations under section 13(g) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(g)).

(2)(A) Subject to subparagraph (B), the Secretary of Veterans Affairs shall exercise authority delegated to the Secretary pursuant to paragraph (1) in accordance with—

(i) all regulations in effect on the date of the enactment of this Act governing utilization of excess property and disposal of surplus property under the Federal Property and Administrative Services Act of 1949; and

(ii) all regulations in effect on the date of the enactment of this Act governing the conveyance and disposal of property under section 13(g) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(g)).

(B) The Secretary of Veterans Affairs, after consulting with the Administrator of General Services, may issue regulations that are necessary to carry out the delegation of authority required by paragraph (1).

(C) The authority required to be delegated by paragraph (1) to the Secretary of Veterans Affairs by the Administrator of General Services shall not include the authority to prescribe general policies and methods

for utilizing excess property and disposing of surplus property.

(D) Before any action may be taken with respect to the disposal of any surplus real property at a medical facility in connection with a realignment under this Act, the Secretary of Veterans Affairs shall consult with the Governor of the State and heads of the local governments concerned for the purpose of considering any plan for the use of such property by the local community concerned.

(E) The provisions of this paragraph and paragraph (1) are subject to paragraphs (3) and (4).

(3)(A) Before any action is taken with respect to the disposal or transfer of any real property at a medical facility in connection with a realignment or major mission change under this Act, the Secretary of Veterans Affairs shall notify all other departments, agencies, and instrumentalities (including nonappropriated fund instrumentalities) of the United States Government of the availability of such property, or portion thereof, and may transfer such property or portion, without reimbursement, to any such department, agency, or instrumentality. In carrying out this paragraph, the Secretary shall give a priority, and shall transfer, to any such department, agency, or instrumentality that agrees to pay fair market value for the property or portion. For the purposes of this paragraph, the fair market value shall be the fair market value as of the date of the transmittal to the Secretary of the report referred to in section 2(a).

(B) This paragraph shall take precedence over any other provision of this Act or other provision of law with respect to the disposal or transfer of any real property at a medical facility in connection with a realignment or major mission change under this Act.

(4)(A) Except as provided in subparagraph (B), all proceeds—

(i) from any transfer under paragraph (3), and

(ii) from the transfer or disposal of any other property made as a result of a realignment or major mission change under this Act, shall be deposited into the Account.

(B) In any case in which the General Services Administration is involved in the management or disposal of such property, the Secretary of Veterans Affairs shall reimburse the Administrator of General Services from the proceeds of such disposal, in accordance with section 1535 of title 31, United States Code, for any expenses incurred in such activities.

SEC. 6. WAIVER.

The Secretary of Veterans Affairs may carry out this Act without regard to—

(1) any provision of law restricting the authority of the Secretary or the use of funds for realigning medical facilities or changing the major missions of medical facilities, other than any provision of this Act;

(2) any provision of title 38, United States Code; and

(3) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

SEC. 7. REPORTS.

As part of each annual budget request for the Department of Veterans Affairs, the Secretary of Veterans Affairs shall transmit to the Committees on Veterans Affairs and Appropriations of the Senate and the House of Representatives—

(1) a schedule of the realignment or major mission change actions to be carried out under this Act in the fiscal year for which the request is made and an estimate of the

total expenditures required and cost savings to be achieved by each such realignment or major mission change and of the time period within which such cost savings are to be achieved in each case, together with the Secretary's assessment of the environmental effects of such actions; and

(2) a description of the medical facilities, including those under construction and those planned for construction, to which functions are to be transferred as a result of such realignments or major mission changes, together with the Secretary's assessment of the environmental effects of such transfers.

SEC. 8. FUNDING.

(a) ESTABLISHMENT OF ACCOUNT.—There is hereby established on the books of the Treasury an account to be known as the "Department of Veterans Affairs Medical Facility Realignment Account" which shall be administered by the Secretary of Veterans Affairs as a single account.

(b) DEPOSITS TO THE ACCOUNT.—There shall be deposited into the Account—

(1) funds appropriated to the Account for fiscal years beginning after the date of the enactment of this Act;

(2) any funds that the Secretary may, subject to approval in an appropriation Act, transfer to the Account from funds appropriated to the Department of Veterans Affairs for any purpose, except that such funds may be transferred only after the date on which the Secretary transmits written notice of, and justification for, such transfer to the Committees on Veterans Affairs and Appropriations of the Senate and the House of Representatives; and

(3) proceeds described in section 5(b)(4)(A).

(c) USE OF FUNDS.—(1) The Secretary may use the funds in the Account only for the purposes described in section 5(a).

(2) When a decision is made to use funds in the Account to carry out a major medical facility project (as defined in section 5004(a)(3)(A) of title 38, United States Code) under section 5(a)(1) of this Act, the Secretary shall notify in writing the Committees on Veterans Affairs and Appropriations of the Senate and the House of Representatives of the nature of, and justification for, the project and the amount of expenditures for such project.

(d) REPORT.—Not later than 60 days after the end of each fiscal year in which the Secretary carries out activities under this Act, the Secretary shall transmit to the Committees on Veterans Affairs and Appropriations of the Senate and the House of Representatives a report on the amount and nature of the deposits into, and the expenditures from, the Account during such fiscal year and of the amount and nature of other expenditures made pursuant to section 5(a) during such fiscal year.

(e) FINAL ACCOUNTING AND CERTIFICATION.—When the Secretary completes all actions necessary for the realignments and major mission changes required pursuant to this Act, the Secretary shall—

(1) transmit to the Committees on Veterans Affairs and Appropriations of the Senate and the House of Representatives a report containing an accounting of—

(A) all funds deposited into and expended from the Account or otherwise expended under this Act; and

(B) any amount remaining in the Account; and

(2) transmit to the Secretary of the Treasury a certification that all such actions have been completed.

(f) DISPOSITION OF UNOBLIGATED FUNDS.—Upon receipt of a certification pursuant to subsection (e)(2), the Secretary of the Treasury shall transfer all unobligated funds remaining in the Account to the miscellaneous receipts account in the United States Treasury.

SEC. 9. CONGRESSIONAL CONSIDERATION OF COMMISSION REPORT.

(a) TERMS OF THE RESOLUTION.—For purposes of section 3(b), the term "joint resolution" means only a joint resolution—

(1) which is introduced within 45 days after the date on which the committees referred to in section 3(a) receive a report by the Secretary of Veterans Affairs pursuant to section 3(a)(1)(A), and—

(2) which does not have a preamble;

(3) the matter after the resolving clause of which is as follows: "That Congress disapproves the recommendations of the Commission on Medical Facility Realignment and Major Mission Change established by the Secretary of Veterans Affairs as submitted to the Secretary of Veterans Affairs on _____," the blank

space being appropriately filled with the date; and

(4) the title of which is as follows: "A joint resolution disapproving the recommendations of the Commission on Medical Center Realignment and Major Mission Change".

(b) REFERRAL.—A resolution described in subsection (a) introduced in the House of Representatives shall be referred to the Committee on Veterans Affairs of the House of Representatives. A resolution described in subsection (a) introduced in the Senate shall be referred to the Committee on Veterans Affairs of the Senate.

(c) DISCHARGE.—If the committee to which a resolution described in subsection (a) is referred has not reported such resolution (or an identical resolution) within the 45-day period beginning on the date on which such resolution is introduced, such committee shall be discharged from further consideration of such resolution as of the day after the last day of such period, and such resolution shall be placed on the appropriate calendar of the House involved.

(d) CONSIDERATION.—(1) On or after the third day after the date on which the committee to which such a resolution is referred has reported, or has been discharged (under subsection (c)) from further consideration of, such a resolution, it is in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the resolution (but only on the day after the calendar day on which Member announces to the House concerned the Member's intention to do so). All points of order against the resolution (and against consideration of the resolution) are waived. The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the respective House shall immediately proceed to consideration of the joint resolution without intervening motion, order, or other business, and the resolution shall remain the unfinished business of the respective House until disposed of.

(2) Debate on the resolution and on all debatable motions and appeals in connection therewith shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the resolution. An amendment to the resolution is not in order. A motion further to limit debate is in order and not debatable. A motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the resolution is not in order. A motion to reconsider the vote by which the resolution is agreed to or disagreed to is not in order.

(3) Immediately following the conclusion of the debate on a resolution described in subsection (a) and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the resolution shall occur.

(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution described in subsection (a) shall be decided without debate.

(e) CONSIDERATION BY OTHER HOUSE.—(1) If, before the passage by one House of a resolution of that House described in subsection (a), that House receives from the other House a resolution described in subsection (a), then the following procedures shall apply:

(A) The resolution of the other House shall not be referred to a committee and may not be considered in the House receiving it except in the case of final passage as provided in subparagraph (B)(ii).

(B) With respect to a resolution described in subsection (a) of the House receiving the resolution—

(i) the procedure in that House shall be the same as if no resolution had been received from the other House; but

(ii) the vote on final passage shall be on the resolution of the other House.

(2) Upon disposition of the resolution received from the other House, it shall no longer be in order to consider the resolution that originated in the receiving House.

(f) RULES OF THE SENATE AND HOUSE.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in subsection (a), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 10. DEFINITIONS.

In this Act:

(1) The term "Account" means the Department of Veterans Affairs Medical Facility Realignment Account established by section 8 of this Act.

(2) The term "major mission change" means any substantive change in clinical programs or patterns of delivery of medical care at a medical facility, or part thereof, pursuant to the terms and limitations contained in the charter referred to in section 2(a).

(3) The term "medical facility" means a Department of Veterans Affairs facility referred to in section 601(4)(A) of title 38, United States Code.

(4) The term "realignment" means closure, consolidation, and any other action which both reduces and relocates functions and civilian personnel positions.●

By Mrs. KASSEBAUM (for herself and Mr. DOLE):

S. 1333. A bill to amend the International Air Transportation Competition Act of 1979; to the Committee on Commerce, Science, and Transportation.

INTERNATIONAL AIR TRANSPORTATION COMPETITION ACT AMENDMENTS

Mrs. KASSEBAUM. Mr. President, I am introducing this bill to address an injustice that has developed out of current law. This language would repeal language in the International Air Transportation Competition Act of 1979 pertaining to air carrier service at Dallas Love Field.

The distinguished Republican leader, Senator DOLE, joins me in offering this bill, which is a companion measure to a bill introduced today in the House of Representatives by Congressman DAN GLICKMAN and supported by the entire Kansas House delegation. This bipartisan support reflects a broad recognition of the anticompetitive situation that has developed because of this section of law and indicates a willingness among Kansans to try to resolve the unfairness of this situation.

The longstanding debate over air service to Love Field has addressed the consequences of placing legislative limits on service to and from this airfield. Ten years ago, a section was included in the International Air Transportation Competition Act to prohibit commercial air carriers from providing service between Dallas Love Field and points located outside of Texas or its four surrounding States. This effectively limits travel into and out of this airfield to only destinations in Texas, Louisiana, Oklahoma, Arkansas, and New Mexico.

Air carriers originating from all other States, must fly into the Dallas-Forth Worth airport in order to have access to the highly traveled Dallas area. This restriction applies as well to any carrier that provides connecting service within one of the four contiguous States to an aircraft that originated in any other State. Two separate, one-way tickets are required for such connecting flights if they want to land at Love Field. Clearly, the restrictions have made it prohibitive to land at this airfield.

Upon close examination, it is evident that this has led to higher air fares for some segments of the United States and lower air fares for others, regardless of the distance traveled and the populations served. For example, the cost to travel round-trip from Wichita, KS, to Dallas on Delta or American

Airlines is \$520 for an unrestricted ticket. The same round-trip ticket from New Orleans, which is 88 miles further away from Dallas, is only \$138 weekdays, and \$164 weekends. This is just one example of the degree of control that major air carriers currently have over air fares from points originating outside of the restricted zone.

Kansas is not alone in this problem. Fare discrepancies similar to the above exist in many of the markets where major carriers serve Dallas, but where Southwest does not. This leaves States just beyond the borders of the Texas-contiguous States, such as Colorado, Missouri, Tennessee, and Mississippi, which, like Kansas, could be subject to higher fares to Dallas than their neighbors even though the distance traveled is less. Such unfairness, Mr. President, cannot be allowed to continue.

Southwest Airlines is currently the only commercial air carrier providing jet service to Love Field. Since Southwest can not provide direct service to any point beyond the four contiguous States, American and Delta have little reason to reduce their fares to other outside destinations. The fact that fares to Dallas on American and Delta are so low for those points which Southwest serves speaks to the need for removing the 10-year-old restriction on Love Field.

To allow this situation to continue would be to condone anticompetitive law and to encourage discrimination against many for the benefit of a few. In this time of deregulation, I believe it is essential to encourage competition within the transportation community in order to protect the interests of the traveling public. The case with Love Field is no different than that of all the other small airfields across the country, none of which are restricted based on their location. Love Field has been subject to this unique statute for the last 10 years, and it is time to close this loophole.

It is important to add that Southwest Airlines is buying a new, quieter generation of aircraft, so the noise problems associated with large aircraft should be somewhat less at Love Field in the future than at many other airports in the country.

Mr. President, it is time to take a positive step to further the benefits of deregulation. I urge my colleagues to support this effort in order to eliminate this special-interest section of law.

Mr. DOLE. Mr. President, today I join my distinguished colleague NANCY KASSEBAUM as an original cosponsor of legislation that will correct a provision of the International Air Transportation Competition Act and restore what Congress meant when it passed the Airline Deregulation Act of 1978.

Today air travelers from Kansas are at a distinct disadvantage when it comes to competitive air fares to and from Dallas, TX. Southwest Airlines, a low cost carrier, is prohibited by law from traveling to and from Love Field except through the four States contiguous to Texas' borders. Direct service is permitted from Dallas to New Orleans, for instance, but not to Wichita which is closer to Dallas than New Orleans.

In addition, Mr. President, a traveler from Wichita cannot purchase a connecting or through ticket to Dallas Love Field on Southwest Airlines. In order to travel there now, a Wichita traveler must get off the plane, say in Tulsa, OK, purchase a new ticket to Dallas and get back on another plane—all at an incredible cost and a terrific inconvenience. I also understand that joint ticketing is prohibited with other air carriers.

This all translates into an extremely anticompetitive situation. Air fares between Dallas and Wichita are several hundred dollars above what they are in those markets where Southwest Airlines competes with other airlines. Congress did not intend that there be islands of noncompetition when it passed the Airline Deregulation Act of 1978. There is a ready and willing market in and around Wichita for competitive air service. It is time that this unreasonable and arbitrary barrier be removed.

By Mr. BENTSEN:

S. 1335. A bill to temporarily suspend the duty on certain furniture and seats; to the Committee on Finance.

TEMPORARY DUTY SUSPENSION ON CERTAIN FURNITURE AND SEATS

● Mr. BENTSEN. Mr. President, today I introduce a bill to suspend temporarily the import duties on rattan, wicker, and buri furniture and furniture parts. This bill is substantially similar to a bill I introduced last session and is identical to H.R. 1184, which was introduced in the House this session by Mr. ANDREWS.

In 1988, \$201.7 million in rattan, wicker, and buri furniture and furniture parts was imported into the United States. Although the current rate of duty on importation of these products from nations with most-favored-nation status is 7.5 percent, until recently much of these products were imported duty-free because they were exported primarily from developing countries qualifying for duty-free treatment under the generalized system of preferences. However, GSP benefits for rattan, wicker, and buri furniture and furniture parts imported from Taiwan, one of the primary exporters, terminated in 1987, and GSP benefits for such products exported from Hong Kong terminate this year. Thus, unless this bill is enacted and

duties are temporarily suspended, U.S. importers and sellers of these products will continue to face a significant increase in their costs.

There appears to be no significant U.S. production of furniture that would compete with the products covered by this bill. Thus, the suspension should have no adverse impact on domestic industry, and duty suspension is warranted.

In sum, Mr. President, I believe that this legislation is needed and noncontroversial, and I urge my colleagues to support it. I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1335

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CERTAIN FURNITURE AND SEATS.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007) is amended by inserting in numerical sequence the following new heading:

"9902.90.95 Furniture, seats, and parts thereof, of cane, osier, bamboo or other similar materials, including rattan (provided for in subheading 9401.50.00, 9401.90.25, 9403.80.30, or 9403.90.25) ... Free ... No change ... No change ... On or before 12/31/92."

SEC. 2. EFFECTIVE DATE.

The amendment made by this Act shall apply with respect to articles entered, or withdrawn from warehouse for consumption, on or after the date that is 15 days after the date of enactment of this Act.●

By Mr. GRAHAM (for himself and Mr. MACK):

S. 1336. A bill to provide for the use and distribution of funds awarded the Seminole Indians in dockets 73, 151, and 73-A of the Indian Claims Commission; to the Committee on Indian Affairs.

FLORIDA SEMINOLE INDIAN ACT OF 1989

● Mr. GRAHAM. Mr. President, today Senator MACK and I are introducing legislation on behalf of the Seminole Indians of Florida with respect to a dispute that has arisen between the Seminole Tribe of Florida and the Oklahoma Seminole Nation.

In the early 19th century, the Federal Government relocated the Seminoles from Florida to Oklahoma; however, an undetermined number of Seminoles fled to the Everglades during the relocation effort. The descendants of these two groups today

make up the Florida and Oklahoma Seminoles.

The dispute between the two groups concerns the allocation of funds awarded in 1976 by the Indians Claims Commission for land taken by the Federal Government in 1823. The Commission awarded a \$15 million judgment to the Seminole Nation as it existed in Florida on September 18, 1823. With accumulated interest, the award now totals \$45 million and is being held in trust pending settlement of this dispute.

The Oklahoma delegation to Congress has introduced legislation strongly favoring the Oklahoma Seminoles by awarding them 75 percent of the judgment. However, this proposal is based on inadequate population data and ignores the fact that the Oklahoma tribe has already received substantial compensation in treaty negotiations, land awards, and health, education, and social service benefits that the Florida tribe never received.

Mr. President, Senator MACK and I believe that the legislation we are introducing today, the Florida Seminole Indian Act of 1989, will provide a more equitable division of the judgment. While it is still possible that this dispute can be resolved administratively by the Bureau of Indian Affairs, we are prepared to pursue a legislative solution to ensure the fair treatment of the Seminole Tribe of Florida.

Mr. President I ask unanimous consent that the text of the bill be printed in the RECORD at this time.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1336

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Florida Seminole Indian Act of 1989".

SEC. 2. Notwithstanding any provision of the Act of October 19, 1973 (87 Stat. 466; 25 U.S.C. 1401, et seq.), or any other law, regulation, or plan promulgated pursuant thereto, the funds appropriated in satisfaction of judgments awarded to the Seminole Indians in dockets 73, 151, and 73-A of the Indian Claims Commission shall be used and distributed as provided in this Act.

SEC. 3 (a) The funds appropriated with respect to the judgments awarded the Seminole Indians in Dockets 73 and 151 of the Indian Claims Commission (less attorney fees and litigation expenses previously paid), including all interest and investment income accrued thereon, are allocated as follows:

(1) 50 percent of such funds shall be allocated among the Seminole Tribe of Florida, the Miccosukee Tribe of Indians of Florida, and the independent Seminole Indians of Florida in accordance with subsection (b), and

(2) 50 percent of such funds are allocated to the Seminole Nation of Oklahoma.

(b)(1) The funds that are required under subsection (a)(1) to be allocated among the Seminole Tribe of Florida, the Miccosukee Tribe of Indians of Florida, and the inde-

pendent Seminole Indians of Florida and all of the funds appropriated with respect to the judgment awarded the Seminole Indians in Docket 73-A (less attorney fees and litigation expenses previously paid), including all interest and investment income accrued thereon, are allocated as follows:

(A) the Seminole Tribe of Florida, 77.20 percent;

(B) the Miccosukee Tribe of Indians of Florida, 18.16 percent; and

(C) the independent Seminole Indians of Florida (as a group), 4.64 percent.

SEC. 4. The funds allocated to each Indian tribe or group under section 3 are hereby declared to be held in trust by the United States for the benefit of such Indian tribe or group.

SEC. 5. (a) A plan for the use and distribution of the funds allocated to the Seminole Nation of Oklahoma under section 3(a) of this Act may be prepared by the governing body of the Seminole Nation of Oklahoma in consultation with the Secretary of the Interior within the 180-day period beginning on the date of enactment of this Act. The Secretary shall, upon completion of such a plan, submit the plan to the Congress, together with recommendations regarding approval of the plan and the reasons for such recommendations.

(b) If, by the close of the 180-day period described in paragraph (1), a plan has not been prepared by the Seminole Nation of Oklahoma as provided in paragraph (1), the Secretary, in consultation with the Seminole Nation of Oklahoma, shall prepare and submit a plan for the use and distribution of the funds allocated to the Seminole Nation of Oklahoma under section 3(a) to the Congress for approval by no later than the date that is 180 days after the close of the 180-day period described in paragraph (1). A copy of the plan prepared by the Secretary under this paragraph shall be furnished to the Seminole Nation of Oklahoma at the time the plan is submitted to the Congress.

(c) Any plan for the investment, use, or distribution of any funds allocated that is prepared under this section shall account for common needs, educational requirements, and other long-term economic and social interests of the tribe. In consultations undertaken in the formulation of plans under this section, the Secretary shall encourage use of funds for economic development purposes, when appropriate.

SEC. 6. (a) Investment decisions made by the Seminole Nation under a plan established under section 5 shall be subject to the approval of the Secretary. Such approval shall be granted unless the Secretary determines, and notifies the Seminole Nation in writing, that the investment would not be reasonable or prudent or would otherwise not be in accord with the provisions of this Act.

(b) Neither the United States nor the Secretary shall be liable for any losses in connection with any investment decision that is approved by the Secretary under subsection (a).

SEC. 7. The Secretary shall pay the governing body of the Seminole Tribe of Florida such portion of the amount held in trust for that tribe under section 3 of this Act to be allocated or invested as the tribal governing body determines to be in the economic or social interest of the tribe within 60 days after submission of an appropriate resolution by the tribal governing body.

SEC. 8. Notwithstanding any other provision of this Act, no plan for the use and distribution of the share of the funds allocated

to the Miccosukee Tribe of Indians of Florida shall be prepared or implemented and no funds allocated to the Miccosukee Tribe of Indians of Florida shall be distributed to the tribe, its members, or any other person unless such plan or distribution is duly authorized by the General Council of the Miccosukee Tribe or by a referendum vote of the members of the tribe duly called by the General Council of the tribe at which a negative vote is permitted. Such funds (and the interest therefrom) shall be held in trust by the United States and invested as provided in the Act of June 24, 1938 (52 Stat. 1037) as amended (25 U.S.C. 162a), except that part or all of the amount may from time to time be paid to the governing body of the Miccosukee Tribe of Indians of Florida as may be authorized under this section.

SEC. 9. (a) The Secretary shall invest the funds allocated to the independent Seminole Indians of Florida (as a group) under section 3 in accordance with subsection (a) of the first section of the Act of June 24, 1938 (52 Stat. 1037; 25 U.S.C. 162a) until the date on which the funds are distributed under subsection (c) or as may be otherwise provided for under subsection (d).

(b)(1) Under regulations prescribed by the Secretary, the Secretary shall compile a roll of those independent individuals of Seminole Indian lineal descent who—

(A) were born on or before, and are living on, the date of enactment of this Act,

(B) are listed on or are lineal descendants of persons listed on the annotated Seminole Agency Census of 1957 as independent Seminoles, and

(C) are not members of an Indian tribe recognized by the Secretary on the most recent list of such Indian tribes published in the Federal Register.

(2) All determinations in the preparation of the roll under paragraph (1) of this subsection shall be based on timely applications for inclusion on the roll supported by evidence satisfactory to the Secretary.

(c) As soon as practicable after the roll required under subsection (b) has been compiled, the funds allocated to the independent Seminole Indians of Florida (as a group) under section 3, including all interest and investment income accrued thereon to the date of payment, except as provided for in subsection (d), shall be distributed on a per capita basis, in payments as equal as possible, to all independent Seminole Indians of Florida enrolled under subsection (b) who make timely application to the Secretary.

(d) In the event of Federal recognition of the independent Seminole Indians of Florida as a Tribe, band, or organization prior to the per capita distribution required by subsection (c), the governing body may request that their funds be retained or disbursed in a similar manner as the Miccosukee Tribe of Indians of Florida for use in supporting tribal governmental programs.

(e) Any person otherwise eligible for a per capita payment except for membership in the Seminole Tribe of Florida or the Miccosukee Tribe of Indians of Florida subsequent to the Seminole Agency Census of 1957 shall have the option to relinquish their membership in favor of the per capita payment or subject to the approval of the tribe, retain their membership by authorizing their per capita share to be paid to the account of the respective tribe.

(f) Acceptance of a per capita share shall not be construed as extinguishing any individual right, title, interest, or claim to lands or natural resources in the State based on use or occupancy or acquired under Federal

or State law by any individual Indian which is not derived from or through the tribes, their predecessors, or some other American Indian tribe.

SEC. 10. None of the funds held in trust by the United States under this Act (including interest and investment income accrued on such funds while such funds are held in trust by the United States), and none of the funds made available under this Act for programs, shall be subject to Federal, State, or local income taxes, nor shall such funds nor their availability be considered as income or resources or otherwise utilized as the basis for denying or reducing the financial assistance or other benefits to which such household or member would otherwise be entitled under the Social Security Act or, except for per capita payments in excess of \$2,000, any other Federal program or Federally assisted program.●

By Mr. GRAHAM:

S. 1337. A bill to establish a Mildred and Claude Pepper Scholarship Program; to the Committee on Labor and Human Resources.

MILDRED AND CLAUDE PEPPER SCHOLARSHIP PROGRAM

● Mr. GRAHAM. Mr. President, today I am introducing the Mildred and Claude Pepper Scholarship Act which authorizes a \$500,000 program of scholarships to secondary school students to participate in civic education programs here in the Nation's Capital.

This new scholarship program was very important to our friend and colleague, the late Congressman Claude Pepper. It was his desire that the scholarships be awarded to the hearing impaired and other disadvantaged or disabled secondary students, and that the program be administered by the Washington Workshops Foundation. Senator Pepper personally contacted Members of the House and Senate last year to ask for an authorization for the program to be named after his wife, Mildred.

Senator Pepper was instrumental in founding the Washington Workshops Congressional Seminar in 1968. The Congressional Seminar Program is the oldest such program on Capitol Hill and has been responsible for bringing over 30,000 high school students to Washington to learn about and participate in Government. Since that time, the Washington Workshops has established a Congressional Internship Program as well as a Diplomacy seminar. Pepper scholarship recipients would be eligible to participate in each of these programs.

These programs offer an invaluable and unique opportunity for citizenship education for our Nation's young people. The Pepper Scholarship Program would extend this opportunity to the handicapped student who would not otherwise be able to participate through his or her own means.

I am pleased to join with Congressmen PAT WILLIAMS and JOE MOAKLEY who have sponsored identical legislation in the House, H.R. 2666. On July

12, their bill was unanimously reported from the Postsecondary Education Subcommittee of the House Education and Labor Committee. It is my hope that the Senate Labor and Human Resources Committee will act expeditiously and that the full Senate will have the opportunity to consider this proposal in the near future.

Before his passing, Senator Pepper had worked diligently to authorize and fund this program. It is fitting that we honor his memory by ensuring that his request is fulfilled this year. I believe the Mildred and Claude Pepper Scholarship Program will serve as a lasting tribute to him and the ideals he championed throughout his lifetime of public service. I strongly urge my colleagues to lend their support to this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1337

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mildred and Claude Pepper Scholarship Act".

SEC. 2. PROGRAM AUTHORITY.

From the sums appropriated pursuant to section 3, the Secretary of Education is authorized to make grants to the Washington Workshops Foundation for the purpose of establishing and maintaining the Mildred and Claude Pepper Scholarship Program.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act, \$500,000 for fiscal year 1990, and such sums as may be necessary for fiscal years 1991 and 1992.■

ADDITIONAL COSPONSORS

S. 82

At the request of Mr. THURMOND, the names of the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Kansas [Mr. DOLE], the Senator from Arizona [Mr. DECONCINI], the Senator from Nebraska [Mr. EXON], and the Senator from Michigan [Mr. RIEGLE] were added as cosponsors of S. 82, a bill to recognize the organization known as the 82d Airborne Division Association, Incorporated.

S. 137

At the request of Mr. BOREN, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 137, a bill to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate general election campaigns, to limit contributions by multicandidate political committees and for other purposes.

S. 478

At the request of Mr. DODD, the name of the Senator from Vermont

[Mr. JEFFORDS] was added as a cosponsor of S. 478, a bill to provide Federal assistance to the National Board for Professional Teaching Standards.

S. 727

At the request of Mr. HEFLIN, the names of the Senator from Alaska [Mr. MURKOWSKI] and the Senator from Montana [Mr. BURNS] were added as cosponsors of S. 727, a bill to amend the Animal Welfare Act to provide protection to animal research facilities from illegal acts.

S. 779

At the request of Mr. COCHRAN, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of S. 779, a bill to minimize the impact of agricultural nitrogen on ground water and surface water quality by establishing a nationwide educational program aimed at American farmers, to urge the adoption of agricultural best management practices, and for other purposes.

S. 933

At the request of Mr. HARKIN, the name of the Senator from Texas [Mr. BENTSEN] was added as a cosponsor of S. 933, a bill to establish a clear and comprehensive prohibition of discrimination on the basis of disability.

S. 963

At the request of Mr. DOMENICI, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 963, a bill to authorize a study on methods to commemorate the nationally significant highway known as Route 66, and for other purposes.

S. 973

At the request of Mr. LUGAR, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of S. 973, a bill to create a Rural Capital Access Program within the Department of Agriculture to encourage lending institutions to provide loans to certain businesses, and for other purposes.

S. 975

At the request of Mr. METZENBAUM, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of S. 975, a bill to amend the Job Training Partnership Act to encourage a broader range of training and job placement for women, and for other purposes.

S. 1126

At the request of Mr. BUMPERS, the names of the Senator from Vermont [Mr. LEAHY] and the Senator from New Hampshire [Mr. RUDMAN] were added as cosponsors of S. 1126, a bill to provide for the disposition of hard-rock minerals on Federal lands, and for other purposes.

S. 1173

At the request of Mr. CHAFEE, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cospon-

sor of S. 1173, a bill to amend the Internal Revenue Code of 1986 with respect to the allocation of research and experimental expenditures.

S. 1199

At the request of Mr. CHAFEE, the name of the Senator from Pennsylvania [Mr. HEINZ] was added as a cosponsor of S. 1199, a bill to amend the Social Security Act to improve Medicare and Medicaid payment levels to community health clinics.

S. 1227

At the request of Mr. BINGAMAN, the names of the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Delaware [Mr. BIDEN], the Senator from Massachusetts [Mr. KERRY], and the Senator from Oklahoma [Mr. BOREN] were added as cosponsors of S. 1227, a bill to amend the Arms Control Act and the Export Administration Act of 1979 to restrict proliferation of missiles and missile equipment and technology.

S. 1232

At the request of Mr. DOMENICI, the name of the Senator from Pennsylvania [Mr. HEINZ] was added as a cosponsor of S. 1232, a bill to honor the world's most recent heroes in the universal struggle for freedom and democracy, and to designate the park in the District of Columbia directly across from the Embassy of the People's Republic of China as "Tiananmen Square Park."

S. 1299

At the request of Mr. SPECTER, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 1299, a bill to establish a Police Corps program.

SENATE JOINT RESOLUTION 164

At the request of Mr. NICKLES, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of Senate Joint Resolution 164, a joint resolution designating 1990 as the "International Year of Bible Reading."

SENATE JOINT RESOLUTION 171

At the request of Mr. GRASSLEY, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of Senate Joint Resolution 171, a joint resolution proposing an amendment to the Constitution of the United States relative to the display and care of the flag of the United States of America.

SENATE CONCURRENT RESOLUTION 52

At the request of Mr. HATFIELD, the names of the Senator from California [Mr. WILSON] and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of Senate Concurrent Resolution 52, a concurrent resolution to express the sense of the Congress that science, mathematics and technology education should be a national priority.

AMENDMENT NO. 268

At the request of Mr. MOYNIHAN, the names of the Senator from Rhode Island [Mr. PELL] and the Senator from Maryland [Mr. SARBANES] were added as cosponsors of amendment No. 268 proposed to S. 1160, an original bill to authorize appropriations for fiscal year 1990 for the Department of State, the U.S. Information Agency, the Board for International Broadcasting, and for other purposes.

SENATE RESOLUTION 154—RELATING TO THE "KOREAN FIGHTER PROGRAM"

Mr. HEINZ (for himself, Mr. DIXON, Mr. BYRD, Mr. D'AMATO, Mr. FORD, Mr. BOREN, and Mr. HELMS) submitted the following resolution, which was referred to the Committee on Foreign Relations:

S. RES. 154

Whereas the United States has a large trade deficit with the Republic of Korea, more than \$10 billion in 1988;

Whereas the Government of the Republic of Korea has pledged to do its utmost to take appropriate measures to open its markets to United States industries in an effort to reduce its trade surplus with the United States;

Whereas the agreement to co-produce the "Korea Fighter Program" (KFP) requires the United States firm awarded the contract by the Government of the Republic of Korea to "offset" over an extended period of time 60 to 70 percent of \$2.5 billion value of the contract in Korean aerospace products, amounting to approximately \$1.8 billion, or nearly one-fifth of the 1988 United States trade deficit with the Republic of Korea;

Whereas the Government of the Republic of Korea has admitted that its intent in entering into the co-production of the "Korean Fighter Program" is not simply related to national security considerations, but also includes acquiring United States aerospace technology in order to develop an indigenous aerospace capability;

Whereas the "Korean Fighter Program's" impact on the United States industrial base is not known; and

Whereas the United States Government's interagency coordinating and negotiating process has once again failed to take into consideration United States economic security concerns: Now, therefore, be it

Resolved, That the Senate strongly objects to—

(1) the inclusion of offset provisions in the government-to-government memorandum of understanding governing the proposed co-production by the United States and the Republic of Korea of the "Korea Fighter Program";

(2) the transfer to the Republic of Korea's commercial aerospace industry of United States aerospace technology and applied technology derived from the "Korea Fighter Program"; and

(3) the failure of the Executive branch to adhere to sections 824 and 825 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456 September 29, 1988), relating to coordination of the negotiation of defense memoranda of understanding.

(c) It is the sense of the Senate that the President should instruct the Secretary of Defense to postpone the signing of the government-to-government memorandum of understanding regarding the Korean Fighter Program until—

(1) a thorough review of the "Korean Fighter Program" is conducted by the Comptroller General of the United States in consultation with appropriate officials pursuant to sections 824 and 825 of the National Defense Authorization Act for Fiscal Year 1989 (Public Law 100-456); and

(2) a report is submitted within 60 days of source selection by the Republic of Korea to the chairmen of the Committees on Foreign Relations and Armed Services assessing—

(A) any negative or positive affects of the "Korean Fighter Program" on the United States industrial base in light of the Republic of Korea's publicly stated objective to utilize the Program to develop an indigenous commercial aerospace industry;

(B) any negative or positive affects of the "offset" provisions of the proposed "Korean Fighter Program" on the United States trade deficit with the Republic of Korea and its detrimental affects on U.S. or third country suppliers; and

(C) the extent of implementation of the United States Government's interagency coordinating and consulting process as called for in sections 824 and 825 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456), and any negative or positive aspects thereof.

Sec. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

Mr. HEINZ. Mr. President, I take the time of the Senate today in the hope of forestalling a repeat of the FSX-like controversy. In this regard, I am reminded what the great philosopher George Santayana said, "Those who cannot remember the past are condemned to repeat it." I have often misquoted it by saying those who do not profit from the lessons of history are condemned to relive it. They wrote the real words in the life of reason and I hope for the life of me that reason prevails in this particular case.

A little over a month ago, on June 8, Senator Dixon of Illinois first raised the specter of the U.S. Government entering into an agreement with the Government of Korea to coproduce some 120 upgraded either F-16's or F-18's. At that time, Senator Dixon spoke very eloquently reminding us of the mistakes that were being made on another controversial deal and that was, of course, the United States-Japan agreement to codevelop the FSX. He reminded us that unlike the FSX deal which was presented to the Senate as a foregone conclusion, a memorandum of understanding had been signed back in November of last year by the outgoing Reagan administration; there is, as yet, no signed agreement regarding the United States and Korea fighter program. I have called this program son of FSX as a shorthand way of referring to it.

My own investigation since June 8 has revealed the outlines of a deal

which in its own way may not be, insofar as we know, in the best interest of the United States and because a delegation from the South Korean Ministry of Defense is scheduled to meet with Secretary Cheney today, Monday the 17, to continue negotiations on an MOU, a memorandum of understanding, the purpose of which is to get an agreement on the whereabouts of coproducing this new fighter aircraft. Frankly, it is that meeting here today and this week that propels me with a sense of urgency and compels me to take action.

Let me begin with a description, insofar as we know any of the details of the proposed agreement.

The Korean fighter program, or KFP, began about 5 years ago with a search for follow-on aircraft to supplement Korea's F-16's. The Koreans narrowed their search to three U.S. fighters: General Dynamics' F-16, McDonnell Douglas' F-18 and Northrop's F-20 and the first two, the F-16 and F-18, were chosen for the runoff.

This decision was a direct result of the Blue House. That is South Korea's equivalent of our White House. Mr. President, it was their decision in late 1970's to create an indigenous aerospace manufacturing industry.

Korean officials have never left any doubts about their intentions regarding the Korean fighter program as an essential building block in their long-term strategy of developing this indigenous aerospace manufacturing industry.

And on the Korean side Samsung, the company that drove the United States out of the microwave oven market, as was noted earlier by Senator Dixon, was selected by the Korean Blue House to jump start Korea's indigenous aerospace industry.

In the years since the decision, Korea has gained invaluable experience by building parts of the F-16, for example, the wet center fuselage section, doing piecework for the Boeing 747, and assembling the McDonnell Douglas MD-500 and F-5, so they are not without some experience.

The Department of Defense originally and quite rightly urged the Koreans to buy a fighter off the shelf but they were rebuffed. The Koreans made it clear that in spite of the fact that we run a \$10 billion trade deficit with Korea, in spite of the fact that we have many military stationed there aiding them in their defense, they had made a commitment to develop this indigenous aerospace industry of their own and that anything short of fulfilling that commitment was simply non-negotiable. So, reminiscent of the FSX, our negotiators caved in. They caved in to Korean demands to develop a hands-on experience in producing these aircraft, and indeed our negotiators concluded, and I quote from offi-

cial DOD briefing materials, that "bending metal was not a problem for the Koreans." All that was required to give the Korean aerospace industry its aerospace technological capability was "management techniques and setting up an aircraft procurement system." Very simple.

The DOD negotiators succeeded, thankfully, in refusing Korea's demands for DOD to "buy back" the upgraded jet fighter, that is to say, Mr. President, the original Korean demand was that we teach the Koreans how to produce these fighters and then we have to buy any amount at least equal to any benefits that might accrue, and we have to displace, by purchasing those finished fighters, our own manufacturers from whom we might otherwise buy.

That, as I say thankfully was avoided. But our negotiators, on the other hand, did not succeed in turning back Korean demands for a so-called offset provision, a policy that I will return to in a moment. An offset, however, is, while not a buyback, very similar to it.

The agreement that is under discussion—and I suppose negotiation—is this: that the U.S. Government is prepared to agree to a package that would total 120 new fighter aircraft. First, there would be manufactured in the United States by a U.S. firm some 12 finished aircraft, and the purpose of that is for DOD to teach the Koreans how to buy the aircraft, what to look for, and so forth, so that the Koreans have the know how to set up an aircraft procurement system. That is one of the things they do not really understand, but it is critical both to being good purchasers as well as being a good producer and seller.

Second, there would be provision from the United States firm selected of some 36 FMS kits for co-assembly, that is, in Korea, and then finally there would be some 72 aircraft licensed for coproduction in Korea, and there would be assistance by the United States firm selected in providing necessary technology, the know-how for the Koreans to build in Korea 72 aircraft.

The U.S. firm awarded the contract will receive between \$1.8 billion, according to Department of Defense sources, and \$3 billion according to industry sources, and that sounds like a very attractive deal. Obviously, all things being equal, we would not mind selling either \$1.8 billion or \$3 billion of goods and services to the Koreans as long as it did not prejudice the long run competitiveness of the aerospace industry in this country.

I will have more to say about that issue in a minute, but the firm awarded the contract must also agree to offset the amounts that I just mentioned by purchasing a comparable total in Korean products, most likely

spare parts for aircraft in the winning firm's inventory.

According to Mr. Chung Tae Seung, who is the Director of the Ministry of Trade Industry's defense industry division, the Korean fighter program has two missions. One is national defense. That is understandable. And the other, according to him, is to make South Korea an aerospace, and I quote, "manufacturing center of the world."

Mr. President, I cannot quarrel with the honesty and directness of Mr. Chung Tae Seung. He lays it all out and we ought to listen as carefully as he has laid it out.

Other Korean Government officials, Mr. President, also boast that South Korea will have an aerospace industry that is world-class competitive in 10 years, according to a June 7 Wall Street Journal article. And whether that boast is realistic or not is not the issue and I do not choose to debate it here. The issue is the stated intention to use this program, the Korean fighter program, and its technological know-how as a springboard to develop an indigenous aerospace capability.

My view is that if the Koreans want to develop an aerospace industry, fine. If they can do it, that is their business. They are a free country. They have every right to compete in that industry. But we should not feel obligated to help them do it. Indeed, it is our fear that if this deal goes ahead, we will be part and parcel of helping them achieve their stated intent.

By the way, the Korean Government has said that the contract that they award will be awarded to the firm that fulfills both of those requirements, the national defense requirement and the requirement to help make their aerospace industry the manufacturing center of the world.

The Wall Street Journal also claims that United States firms are competing first for the right to teach the Koreans how to compete with them.

Mr. President, if the Wall Street Journal is correct, the attitude of U.S. firms is difficult to understand. In the February 1989 issue of the aerospace newsletter *Facts and Perspective*, the aerospace industry warns that cuts in research and development government funding "could hurt U.S. aerospace firms as they fight to maintain market share against a growing number of technically capable foreign competitors."

Mr. President, compared to the United States at this moment, South Korea may not yet be a technically capable foreign competitor, but it is precisely this attitude that the United States took toward VCR's, television sets, semiconductors, and microwave ovens, to mention a few, where we no longer have any production capacity worth mentioning. This industry is among the last technology frontiers in

which the United States still has a significant, even commanding lead.

United States aerospace officials are concerned only about competition from Europe. Regarding Korea, and for that matter Japan, United States aerospace officials seem to see short-term benefits of cooperating with them, one more project to keep the production lines operating in the United States a little longer or perhaps from the Defense Department point of view, a slightly lower DOD per unit procurement cost.

I would suggest to the U.S. aerospace CEO's that they consult with their counterparts in what is left of the U.S. electronics industry sector. Last week the Washington Post carried an article with the headline "High Tech Firms Rethinking Foreign Ties: U.S. Companies Worry That Partners May Become Competitors Later."

Intel Corp., subject of the article, said that its deal to manufacture microprocessor chips with a Japanese company "was good for Intel but bad for the national interest."

Mr. President, that is some admission.

Another CEO said, "The United States is becoming a public service organization for worldwide industries: we innovate but others copy and capture the market."

In this regard, I am also troubled by DOD's argument to support its decision to coproduce the fighter. DOD does not believe that Korea will ever become a competitor because Jane's devotes a mere half-page to Korea's aerospace industry, 8 pages to Japan's, and over 200 to the United States aerospace industry.

Apparently, DOD is interested only in keeping the military cooperation program going as it did with the FSX, without regard to either trade or technology loss considerations as it did with the FSX. Quite frankly, the logic behind this reasoning dumfounds me. It would undoubtedly dumfound Santayana.

This lie of reasoning neglects measuring the commitment Korea has made to develop an aerospace industry, which is a critical thing. We have that \$10 billion trade deficit with Korea. And in addition neither DOD nor for that matter Jane's has factored in national pride, a not intangible asset that we run into with more and more Asian developing countries who have committed themselves to modernize their economies and their societies.

Mr. President, let me just make one other comment regarding the trade surplus issue. In 1989 South Korea in spite of its \$10 billion surplus was not targeted under super 301 based on commitments its Government made to open its markets to the United States as well to find areas for reducing the

trade imbalance. Clearly, neither our bilateral trade balance nor the competitive position of our aerospace industry can justify this deal and the offset connected to it.

Accordingly, I am submitting today along with Senator Dixon from Illinois and several other cosponsors a resolution calling on the President not to sign any agreement with Korea until the General Accounting Office has had time to do the following:

First, to review the proposed deal for its impact on the United States industrial base and the United States aerospace industry; second, to assess the impact of the offset clauses on the United States trade deficit with Korea and on suppliers in this country and on third countries; third, to assess the extent to which sections 824 and 825 of the Defense Authorization Act of 1988 have been implemented regarding these defense memorandums and MOU's, and the positive and negative aspects of their implementation.

Mr. President, with the imminent arrival of the Korean delegation for negotiations, time is of the essence, and I urge my colleagues to support this resolution.

I might add, Mr. President, that Senator Dixon and I are considering the possibility of offering this resolution as an amendment to the State Department authorization which is before this body.

With those remarks in mind, I will be sending the resolution to the desk and asking for its appropriate referral.

The PRESIDING OFFICER. Without objection, the resolution will be appropriately referred.

The Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, will the Senator from Pennsylvania add the Senator from North Carolina as a cosponsor of the resolution?

Mr. HEINZ. Mr. President, I would be very pleased to add the distinguished Senator from North Carolina.

Mr. HELMS. Mr. President, I commend the distinguished Senators from Pennsylvania and Illinois respectively. I agree with them wholeheartedly. This KFP deal as objectionable for at least three reasons. First, our friends in Korea are demanding that whatever United States firm may finally get the contract, we must buy a comparable amount of spare parts from the Koreans. This seems to me as objectionable not only because it would deprive American workers of jobs, but also because it would make the United States reliant on a foreign nation for the upkeep of our Air Force.

The second problem, as I see it, is that again, the Department of Defense has not even bothered to contact other Departments: Commerce and the USTR come to mind, as examples, as to the effects of such a deal as required by law. The Senators may re-

member this was one of the major problems with the FSX deal.

The third problem, as I see it, is once again the Koreans have said they are planning to use whatever they learn from the KFP Program in order to develop a civilian aerospace industry. Once again, the parallel of the FSX is entirely obvious.

I hope the administration has learned some lessons from the FSX fiasco, and that it will work with Congress in the consideration of the KFP deal with Korea.

Mr. DIXON. Mr. President, Senator HEINZ and I, together with a number of our colleagues, are today submitting a resolution urging the administration to postpone signing a memorandum of understanding on the Korean fighter program until some very basic but fundamentally important conditions are met.

The resolution's requirements are simple. It calls for no MOU to be signed until:

First. The General Accounting Office has had a chance to review the proposal; and

Second. The Secretary of Defense has reported to the Senate and House Armed Services and Foreign Relations Committees assessing the impact of the proposed sale on the United States industrial base, the United States-Korea balance of trade, and the interagency coordinating and consulting process for analyzing sales of this kind called for by last year's department of defense authorization bill.

The Korean fighter program involves 120 aircraft. As currently constituted, the agreement would include:

The sale of 12 aircraft.

The sale of 36 kits for coassembly; and

The coproduction of 72 aircraft.

Korea has not yet reached a decision on which American fighter it wants. Both the F-16 and F/A-18 are under consideration. However, an agreement covering either aircraft would likely cost between \$1.8 and \$3 billion. Since we had a trade deficit last year with Korea of over \$10 billion, that may seem like a good idea. However, Korea wants "offsets" totalling at least 60 percent of the contract price, which dramatically reduces any favorable impact the agreement could have on our trade situation.

As my colleagues know, it was only a short while ago that Congress was considering the FSX fighter program for Japan. We adopted a strong joint resolution putting a number of restrictions on that sale. Congress viewed the FSX agreement with a skeptical eye for a number of reasons. The Korean fighter program needs the same skeptical review.

In the FSX sale, we are transferring major aerospace technology to Japan. It has been argued that we are getting important technology in return, but

the GAO has made it clear that the United States would not receive any technology from Japan that we do not already have.

In the proposed Korean fighter sale, there is not even a pretense that we will receive any technology in return. The transfer is all one way—from the United States to Korea. Korea will be coproducing aircraft, not codeveloping them as in the FSX sale, which means the technology transfer involved in this sale is somewhat less. However, there is still very extensive technology transfer involved.

Japan has 307 fighter aircraft. Korea has 480. It is therefore much more cost effective for both countries to buy U.S.-built fighters off-the-shelf rather than to codevelop or coproduce their own. Both countries have refused to buy off-the-shelf, however, for the same reason—they want to develop their own domestic aerospace industries.

Korea has made it clear that development of their aerospace industry is a top priority. We do not have to rely on intelligence estimates to assess Korea's goals; the Korean Government itself has explicitly stated its objectives. According to Mr. Chung Tae Seung, the director of the defense industry division of the ministry of trade and industry, the Korean fighter program is designed to give South Korea world-class aerospace industry capabilities.

While both Japan and Korea want to compete with the United States in the aerospace area, there is an important difference between the two countries that we need to consider very carefully. Japan has a provision in its constitution that forbids it from maintaining offensive military forces, and longstanding Japanese Government policy forbids the export of arms. Korea has no such constitutional provision and no such policy with respect to arms exports. Reaching an MOU with Korea, therefore, will likely not only mean serious new competition for Boeing and other United States civilian aircraft manufacturers, it will likely also mean further proliferation in the manufacture of high-technology military weapons. The agreement could therefore contribute to the third world arms race that is already underway.

I think we must act to ensure Korean national security, Mr. President. That is why we have troops in Korea. Maintaining the peace in Korea is in our interest as well as theirs. I do not believe, however, that we should endanger our own industrial base and transfer vital aerospace technology to Korea just so the Koreans can use their military program to develop a major civilian aerospace industry. I do not believe that is in our national interest. I do not see how that

helps enhance either American national security or our economic competitiveness.

Once again, the Defense Department seems driven by short-term considerations. Once again, the Defense Department seems not to have pressed the American case for buying off-the-shelf strongly enough. In fact, the Defense Department's briefing material on the sale demonstrates a fundamental misunderstanding of our negotiating position. Its briefing paper states "the challenge to the U.S.-side was [to] walk the tightrope between dictating to an ally and going along with a program that it believed would not work." Unlike our Defense Department, I do not see how offering to sell United States-built high-performance fighters to Korea while refusing to sell them the manufacturing technology for those aircraft represents "dictating to an ally." In fact, by offering to sell first-line aircraft to Korea, we are demonstrating how important their national security is to us.

Korea, as I stated earlier, had a \$10 billion trade surplus with the United States last year. Korea barely avoided being listed under the Super 301 provisions. Korea has made it clear that its drive for coproduction of fighter aircraft is not driven by national security needs, but by their desire to build an internationally competitive aerospace industry. Yet the Department of Defense proposes to give Korea vital U.S. aerospace technology, and to agree to huge offsets that will further enhance the development of their aircraft industry.

These facts warrant taking much stronger action than the delay and analysis we are proposing today. In fact, this resolution is the bare minimum that is necessary. The Koreans arrive today for talks with the Department of Defense. This resolution gives us a chance to send a message to both the Koreans and the administration that Congress intends to watch these negotiations very closely, and that Congress simply will not accept another sale that is not in our long-term economic and national security interests. I urge my colleagues, therefore, to join Senator HEINZ and me, and other colleagues. I urge the Senate to make its voice heard. This is the time we can be influential; this is the time to act.

I say in conclusion that I hope that Senator HEINZ and I and other colleagues can agree upon offering an amendment to the State Department authorization bill that is before us now to expedite the adoption of this resolution by amendment to the bill pending and to send word immediately to the administration.

I thank the President, and yield back my time.

AMENDMENTS SUBMITTED

FOREIGN RELATIONS AUTHORIZATION ACT

PRESSLER AMENDMENT NO. 273

Mr. PRESSLER proposed an amendment to the bill (S. 1160) to authorize appropriations for fiscal year 1990 for the Department of State, the U.S. Information Agency, the Board for International Broadcasting, and for other purposes, as follows:

At the appropriate place add the following new section:

Sec. . The Director of the United States Information Agency may enter into a contract for the construction of the Voice of America's Thailand radio facilities for periods not in excess of five years or delegate such authority to the Corps of Engineers of the United States Department of the Army, provided that there are sufficient funds to cover at least the Government's liability for payments for the fiscal year in which the contract is awarded plus the full amount of estimated cancellation costs.

FOWLER (AND OTHERS) AMENDMENT NO. 274

Mr. MOYNIHAN (for Mr. FOWLER, for himself, Mr. D'AMATO, and Mr. DeCONCINI) proposed an amendment to the bill S. 1160, supra, as follows:

On page 7, between lines 2 and 3, insert the following new subsection:

(c) PROHIBITION.—None of the funds authorized to be appropriated under subsection (a)(3), may be obligated or expended for any United States delegation to any meeting of the Conference on Security and Cooperation in Europe (CSCE) or meetings within the framework of the CSCE unless the United States delegation to any such meeting includes individuals representing the Commission on Security and Cooperation in Europe.

HELMS AMENDMENT NO. 275

Mr. HELMS proposed an amendment to the bill S. 1160, supra, as follows:

On page 145, after line 22, add the following new section:

SEC. 915. REPORT ON A MONITORING SYSTEM FOR THE INF TREATY.

The Secretary of State is requested to report to the Senate by September 30, 1989, why the United States' Cargoscan x-ray monitoring system for the Intermediate-Range Nuclear Forces Treaty was not installed at the United States' Votkinsk Portal Monitoring Facility inside the Soviet Union by December 1, 1988, as provided for in the terms of the Treaty, and further, when the Cargoscan system will be operational at Votkinsk.

On page 5, in the table of contents, after the item relating to section 914, add the following new item:

"Sec. 915. Report on a monitoring system for the INF Treaty."

DOLE (AND OTHERS) AMENDMENT NO. 276

Mr. DOLE (for himself, Mr. MITCHELL, Mr. PELL, Mr. LUGAR, and Mr. HELMS) proposed an amendment to the bill S. 1160, supra, as follows:

At an appropriate place in the bill insert the following:

(a) FINDINGS.—Congress makes the following findings:

(1) The Stockholm Document of September 19, 1986, the first East-West security accord in more than ten years, brought into force significant confidence- and security-building measures in Europe.

(2) The United States has entered into the Negotiations on Confidence and Security Building Measures with the goal of a more stable and secure Europe.

(3) There negotiations have focused on measures to reduce mistrust and misunderstanding about military capabilities and intentions by increasing openness and predictability in the military environment.

(4) The Congress supports President Bush's efforts to make progress in all areas of arms control and supports his recent initiatives in the area of conventional arms control.

(5) The United States and the Soviet Union signed the Agreement on the Prevention of Incidents On And Over the High Seas on May 25, 1972.

(6) The United States and the Soviet Union signed the Nuclear Risk Reduction Center Agreement on September 15, 1987.

(7) The United States and the Soviet Union signed the Agreement on the Prevention of Dangerous Military Activities on June 12, 1989.

(8) The Congress believes that a direct military-to-military communications link between NATO and the Warsaw Pact could prevent misunderstanding in the event of unpredicted military activities or incidents, such as the recent incident in which a Soviet Mig-23 transited NATO airspace and crashed in Belgium.

(9) The Congress believes such a direct military to military communications link could complement U.S. efforts in the area of confidence- and security-building measures.

(b) SENSE OF CONGRESS.—In light of the findings in subsection (a), it is the sense of Congress that—the President should raise and request that our NATO allies consider the concept of a direct military to military communications link between NATO and the Warsaw Pact at the appropriate NATO forum.

(c) PRESIDENTIAL REPORT.—The President shall submit to Congress, not later than December 1, 1989 a report on the technical feasibility, operational characteristics and costs of establishing a direct military-to-military communications link between NATO and the Warsaw Pact.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BUMPERS. Mr. President, I would like to announce that the hearing before the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources, which was previously announced for July 20 at 2 p.m., has been rescheduled for July 20 at 1:30 p.m. The measure to be heard is

S. 371, a bill to designate certain National Forest System lands in the State of Idaho for inclusion in the National Wilderness Preservation System, to prescribe certain management formulae for certain National Forest System lands, and to release other forest lands for multiple-use management, and for other purposes.

For further information regarding the hearing, please contact Beth Norcross of the subcommittee staff at (202) 224-7933.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. SARBANES. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet during the session of the Senate on Monday, July 17, beginning at 2 p.m., to hear Thomas D. Larson, nominated by the President to be Administrator of the Federal Highway Administration, U.S. Department of Transportation.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

FLORIDA A&M UNIVERSITY MARCHING BAND HONORED

Mr. GRAHAM. Mr. President, I rise today to praise the Florida A&M University Marching Band. The outstanding Rattler band, the "Marching 100," was chosen to represent the United States in Paris July 14 for the 200th anniversary of the French Revolution (Bastille Day).

These excellent musicians honor our Nation. They are ambassadors of music. Their talent and high-stepping style make them the best.

Led by Dr. William P. Foster, who revolutionized marching techniques, the "Marching 100" is the only band representing the United States. The Rattler band is one of 16 bands worldwide invited by the Government of France to celebrate 200 years of freedom in France.

As a long-time fan of the "Marching 100," I am pleased that Dr. Foster and the band are getting much deserved international recognition. Music lovers around the world salute Florida A&M University and its outstanding band for this achievement.

Congratulations, Rattlers. You make all Floridians proud.

CELEBRATING THE 25TH ANNIVERSARY OF THE URBAN MASS TRANSPORTATION ACT

Mr. D'AMATO. Mr. President, this month marks the 25th anniversary of the Urban Mass Transportation Act of

1964. The original goals of the Federal program were to stabilize a failing mass transportation system and develop a strong nationwide commuter system.

For the past 25 years the Urban Mass Transportation Act has played a key role in the economic prosperity in both urban and rural communities across the Nation. The expansion of policies and direct investment resulting in greater accessibility of safe and reliable public transportation services make it a facet of everyday American life. The 25th anniversary highlights the important commitment and the public-private partnership that supports transit. It is an appropriate time to review the accomplishments of the past and to look ahead and consider the needs of the future.

Mass transit is a vital component of modern life. Americans took nearly 9 billion trips on transit last year; 183 billion since 1964. Nearly 6 million people a day ride New York City's bus and rail network. Americans have come to depend on transit not only for access of their jobs and for shopping, but also for the freedom to come and go as they please.

The cooperation between Federal, State, and local governments, with private interests and passengers in support of transit has been a key factor in funding. In 1987 \$16.7 billion was invested in transit: 34 percent from fares and other private sources, 27 percent by local governments, 20 percent by States and 19 percent by the Federal Government.

Investments in transit have many benefits. For every \$100 million spent on capital projects there is a \$327 million increase in business revenue. Every \$100 million spent supports nearly 8,000 jobs. In New York 140,000 jobs in the Metropolitan area are provided by the MTA's capital improvement program. This reduces the unemployment rate in the area's construction industry by about 25 percent.

By providing a reliable and convenient mode of travel for employees and patrons, transit systems attract new businesses and encourages reinvestment. Integration of transit with private construction projects reduces the costs of city services in the areas of public works, public safety, and general services.

The role of the transit system was expanded over the past 25 years to include social service, economic development, environmental effects, and energy conservation. Transit managers face the challenge of balancing legitimate competing public and private interests and goals. Investment in high-capacity, shared-ride transportation services would reduce air pollution improving the quality of air, reducing gridlock and congestion, cutting costs, and increasing transit efficiency.

The first 25 years of commitment to public transportation should be observed with pride. We should also take the opportunity to consider the shape and direction of national transit policy for the next 25 years.

BUDGET SCOREKEEPING REPORT

Mr. SASSER. Mr. President, I hereby submit to the Senate the latest budget scorekeeping report for fiscal year 1989, prepared by the Congressional Budget Office in response to section 308(b) of the Congressional Budget Act of 1974, as amended. This report was prepared consistent with standard scorekeeping conventions. This report also serves as the scorekeeping report for the purposes of section 311 of the Budget Act.

This report shows that current level spending is over the budget resolution by \$3.8 billion in budget authority, and over the budget resolution by \$1.0 billion in outlays. Current level is under the revenue floor by \$0.3 billion.

The current estimate of the deficit for purposes of calculating the maximum deficit amount under section 311(a) of the Budget Act is \$136.4 billion, \$0.4 billion above the maximum deficit amount for 1988 of \$136.0 billion.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 17, 1989.

HON. JIM SASSER,
Chairman, Committee on the Budget, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: The attached report shows the effects of congressional action on the budget for fiscal year 1989 and is currently through July 14, 1989. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the most recent budget resolution for fiscal year 1989, House Concurrent Resolution 268. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the 1986 first concurrent resolution on the budget.

Since my last report, Congress has taken no action that affects the current level of spending or revenues.

Sincerely,
ROBERT D. RIESCHAUER,
Director.

CBO WEEKLY SCOREKEEPING REPORT FOR THE U.S. SENATE, 101ST CONG., 1ST SESS., AS OF JULY 14, 1989

[In billions of dollars]

	Current level ¹	Budget resolution H. Con. Res. 268 ²	Current level +/- resolution
Fiscal year 1989			
Budget authority.....	1,235.8	1,232.1	3.8
Outlays.....	1,100.8	1,099.8	1.0
Revenues.....	964.4	964.7	-.3
Debt subject to limit.....	2,784.8	2,824.7	-39.9
Direct loan obligations.....	24.4	28.3	-3.9
Guaranteed loan commitments.....	111.0	111.0	.....

CBO WEEKLY SCOREKEEPING REPORT FOR THE U.S. SENATE,
101ST CONG., 1ST SESS., AS OF JULY 14, 1989—Continued

(In billions of dollars)

	Current level ¹	Budget resolution H. Con. Res. 268 ²	Current level +/— resolution
Deficit.....	136.4	+ 136.0	+ .4

¹ The current level represents the estimated revenue and direct spending effects (budget authority and outlays) of all legislation that Congress has enacted in this or previous sessions or sent to the President for his approval and is consistent with the technical and economic assumptions of H. Con. Res. 268. In addition, estimates are included of the direct spending effects for all entitlement or other mandatory programs requiring annual appropriations under current law even though the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

² In accordance with sec. 5(a)(b) the levels of budget authority, outlays and revenues have been revised for Catastrophic Health Care (Public Law 100-360).

³ The permanent statutory debt limit is \$2,800.0 billion.

⁴ Maximum deficit amount (MDA) in accordance with section 3(7) of the Congressional Budget Act, as amended.

⁵ Current level plus or minus MDA.

PARLIAMENTARIAN STATUS REPORT 101st CONGRESS, 1st
SESS., AS OF CLOSE OF BUSINESS JULY 14, 1989

(In millions of dollars)

	Budget authority	Outlays	Revenues
I. Enacted in previous sessions:			
Revenues			964,434
Permanent appropriations and trust funds	874,205	724,990	
Other appropriations	594,475	609,327	
Offsetting receipts	-218,335	-218,335	
Total enacted in previous sessions	1,250,345	1,115,982	964,434
II. Enacted this session:			
Adjust the purchase price for non-fat dry dairy products (Public Law 101-7)		-10	
Implementation of the Bipartisan Accord on Central America (Public Law 101-14)	-11		
Disaster emergency and urgent supplemental appropriations, 1989 (Public Law 101-45)	3,493	1,023	
Total enacted this session	3,482	1,013	
III. Continuing resolution authority			
IV. Conference agreements ratified by both Houses			
V. Entitlement authority and other mandatory items requiring further appropriation action:			
Dairy indemnity program	(¹)	(¹)	
Special milk	4		
Food Stamp Program	29		
Federal crop insurance corporation fund	144		
Compact of free association	1	1	
Special benefits	37	37	
Payments to the farm credit system	35	35	
Payment to the civil service retirement and disability trust fund	(85)	(85)	
Payment to hazardous substance superfund	(99)	(99)	
Supplemental Security Income	201	201	
Special Benefits for Disabled Coal Miners	3		
Medicaid:			
Public Law 100-360	45	45	
Public Law 100-485	10	10	
Family Support Payments to States:			
Previous law	355	355	
Public Law 100-485	63	63	
Total entitlement authority	926	747	
VI. Adjustment for Economic and Technical Assumptions	-18,925	-16,990	
Total current level as of July 14, 1989	1,235,828	1,100,751	964,434
1989 budget resolution H. Con. Res. 268	1,232,050	1,099,750	964,700
Amount remaining:			
Over budget resolution	3,778	1,001	

PARLIAMENTARIAN STATUS REPORT 101st CONGRESS, 1st
SESS., AS OF CLOSE OF BUSINESS JULY 14, 1989—Continued

(In millions of dollars)

	Budget authority	Outlays	Revenues
Under budget resolution			266

¹ Less than \$500 thousand.

Notes.—Numbers may not add due to rounding. Amounts in parenthesis are interfund transactions that do not add to budget totals.

THE PRIDE OF NEW RICHMOND,
WI

● Mr. KOHL. Mr. President, a group of young men and women from New Richmond, a community of approximately 5,000 known as "the City Beautiful" in my home State of Wisconsin, are marching proudly today. And I rise to share our pride in their accomplishments with you.

The New Richmond Marching Tiger Band from New Richmond High School and their dedicated director, Richard Gregerson, have received an invitation from the Soviet Union to perform next June in Moscow, Lenin, and Tallin. This marks the first time that an American high school marching band has been invited to perform in the Soviet Union.

In recognition of this unique honor, a delegation from the Soviet Union will be coming to New Richmond to officially extend their Government's invitation to these 135 high school students during the New Richmond Fun Festival scheduled for this Sunday, July 23.

It is no surprise that this honor is being conferred upon the dedicated young people known as the Marching Tigers. They represented the residents of the great State of Wisconsin in President Jimmy Carter's inaugural parade. And since 1979, the Marching Tigers have achieved Champion or Grand Champion status in 101 of the 108 competitive parades in which they have marched.

Mr. President, so much is written today about young people and the problems they are encountering in communities across our Nation. I believe it is important for us to take the time to spread some good news as well, to recognize the dedication and discipline of these 13- to 18-year-olds from New Richmond and the pride and support of their teachers, families, and friends.

As the New Richmond Marching Tiger Band prepares for its historic trip to the Soviet Union, I commend them for the honor they have received and the great credit they bring to themselves, their families, their school, and their community. And I wish them good fortune when they embark on this exciting adventure as

goodwill ambassadors of Wisconsin and the United States of America. ●

ORDERS FOR TOMORROW

RECESS UNTIL 10 A.M.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m., Tuesday, July 18, and that following the time for the two leaders, there be a period of morning business not to extend beyond 10:30 a.m., with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS FROM 12:30 P.M. UNTIL 2:15 P.M. TOMORROW

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate stand in recess tomorrow from 12:30 p.m. to 2:15 p.m. to accommodate the party conferences.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEBATE AND VOTE ON MOYNIHAN AMENDMENT
NO. 268

Mr. MITCHELL. Mr. President, I ask unanimous consent that at 2:15 p.m. there be 20 minutes of debate on the Moynihan amendment No. 268, and that the time be equally divided and controlled between Senators MOYNIHAN and HELMS, and that at the expiration of time on the amendment, no later than 2:35 p.m., a vote occur on the Moynihan amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I have no further business at this time. I understand that the distinguished Republican leader would like to make a statement, so I yield to him.

RECESS UNTIL 10 A.M.
TOMORROW

Mr. MITCHELL. Mr. President, if the distinguished Republican leader has no further business and if no Senator is seeking recognition, I now ask unanimous consent that the Senate stand in recess under the previous order until 10 a.m. Tuesday, July 18.

There being no objection, the Senate, at 6:12 p.m., recessed until Tuesday, July 18, 1989, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate July 17, 1989:

DEPARTMENT OF STATE

WILLIAM LACY SWING, OF NORTH CAROLINA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SOUTH AFRICA.

JOHNNY YOUNG, OF PENNSYLVANIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SOUTH AFRICA.

HOUSE OF REPRESENTATIVES—Monday, July 17, 1989

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Teach us, O loving God, to grow in our capacity to love—to receive Your unmerited favor with gladness and joy, to grow in our desire to share our love with those about us, and to express the fullness of Your love by accepting ourselves as created in Your image, by forgiving ourselves, by allowing renewal in our lives, as we direct our faith toward You and Your bountiful gifts to each of us. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Wisconsin [Mr. PETRI] please lead the House in the Pledge of Allegiance?

Mr. PETRI led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a joint resolution and bills of the House of the following titles:

H.R. 310. An act to remove a restriction from a parcel of land in Roanoke, Virginia, in order for that land to be conveyed to the State of Virginia for use as a veterans nursing home;

H.R. 2214. An act to ratify certain agreements relating to the Vienna Convention on Diplomatic Relations;

H.R. 2848. An act to amend the Computer Matching and Privacy Protection Act of 1988 to delay the effective date of the act for existing agency matching programs; and

H.J. Res. 174. Joint resolution to designate the decade beginning January 1, 1990, as the "Decade of the Brain."

The message also announced that the Senate had passed a bill and joint resolutions of the following titles, in which the concurrence of the House is requested:

S. 326. An act to amend the Federal Election Campaign Act of 1971 to repeal a provision allowing use of excess contributions;

S.J. Res. 129. Joint resolution to provide for the designation of September 15, 1989, as "National POW/MIA Recognition Day";

S.J. Res. 132. Joint resolution designating September 1 through 30, 1989 as "National Alcohol and Drug Treatment Month"; and

S.J. Res. 174. Joint resolution to designate July 20, 1989, as "Space Exploration Day."

The message also announced, that pursuant to Public Law 100-702, the Chair on behalf of the President pro tempore, appoints E. William Crotty, of Florida, from private life, for a term of 5 years, and the Honorable Richard Rosenbaum, of New York, from private life, for a term of 3 years, to the Federal Judicial Foundation Board.

B-2 FIRST FLIGHT DEMONSTRATES VALUE OF ADVANCED TECHNOLOGY

(Mr. DICKS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DICKS. Mr. Speaker, they said it couldn't be done, that the flying wing concept was fatally flawed. But this morning the skeptics were proven dramatically wrong as the B-2 smoothly took off from Palmdale, CA, flew for 2½ hours, and landed at Edwards Air Force Base. It truly represented the beginning of a new era in aviation.

This is the first of a series of tests that will validate what we have learned in 24,000 hours of wind tunnel tests and 44,000 hours of avionics tests already.

But the research and development that has gone into this aircraft will mean much more than our ability to deploy a penetrating bomber that can overcome increasingly sophisticated Soviet air defenses. It is the beginning of a revolution that is already being incorporated into tactical aircraft with the advanced technology fighter and the A-12 advanced attack aircraft. It will have applications for a wide range of other conventional weapons systems as well. And it can also help reduce cost and improve quality for our top high technology export, commercial airliners, through application of its highly automated manufacturing processes and composite materials.

As we celebrate the 20th anniversary of the first successful Moon landing, the B-2 bomber is another reminder of the benefits that high technology can provide beyond the immediate program involved.

WHAT IS NEXT? A HUNDRED-BILLION-DOLLAR BATMOBILE?

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute.)

Mr. TRAFICANT. Mr. Speaker, it is big news all over the country. The B-2 wealth bomber, at a half a billion dollars a copy, can actually fly. Think about it; it can fly. The Stealth bomber, broker made, and in California, and they say that it can even escape radar, but reports say it was so big that it was sighted somewhere in New Jersey.

Mr. Speaker, the truth of the matter is the Pentagon really has a sigh of relief today because the MX missile, it turned out, it cannot fly straight; it is a drunk turkey. The Trident submarine rockets, they do cartwheels; and the fighting tank, it could not hit the ocean if fired from dockside.

But the Stealth bomber, my God; \$66 billion project, it can fly! What is next? A hundred-billion-dollar Batmobile?

What about cutting out a few of these drunk turkeys and providing some education and housing for districts like mine and other needy cities around the country?

MR. BROCCOLI, YOU'VE LOST YOUR "SPOOF"

(Mr. PORTER asked and was given permission to address the House for 1 minute.)

Mr. PORTER. Mr. Speaker, the movie begins with an order to cut out a man's heart. Next, the villain has a drug agent's legs eaten off by sharks. Then he puts one of his hoods he thinks has crossed him into a marine decompression chamber and blows him apart, blood running down the port-hole. Another is impaled through the chest on a forklift. Another is run through a man-sized shredder. In the final scene, James Bond, about to have his head cut off by the villain wielding a machete, instead immolates him.

"Licence to Kill," Mr. Speaker, Albert Broccoli's latest James Bond thriller, has all the marvelous action, beautiful women, incredible weaponry, unbelievable chases, everything that has made 007 a gold-mine of American entertainment for 30 years. And I've seen every one of the movies, some as many as five times, and read every Bond book Ian Fleming ever wrote.

But, Mr. Speaker, though every James Bond movie has had a huge dose of violence, this one's different.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Up to now, it's generally been spoof violence, violence with an understanding with the audience that the whole, improbable thing is just one action-filled fantasy with no relation to reality.

But "Licence to Kill" is serious violence—gratuitous violence for the sake of violence, or rather, apparently, because, in America, that's what sells.

Well, not to me, Mr. Speaker. If this is the new 007, deal me out. Mr. Broccoli, you've lost your spoof. All you have left is just plain gross.

APOLLO XI WAS JUST THE BEGINNING

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, 20 years ago this week we all watched an American land on the Moon. This week, the three astronauts—Armstrong, Aldrin, and Collins—are watching us and wondering how a Nation as strong, creative and inquisitive as ours could be so powerless, uncaring and nonchalant in space. We have done little since the Apollo XI mission. At times, NASA has lacked leadership, suffered through budget cuts and has had mission setbacks. It is time to wipe the slate clean.

Mr. President, when you unveil your space agenda, do not just reaffirm this country's commitment to space exploration, do not just tell us some more space mush. We need more than that. We need your leadership in transforming our Nation from a space observer to a space pioneer. Tell us that you want America to go to Mars. Direct NASA to begin planning a mission to Mars, and tell us when you want us there by—give America a deadline.

Mr. President, John F. Kennedy's Moon challenge earned him a unique place in history. You can do the same.

Mr. President, if you tell the American people that you are ready to lead us on a trip to Mars, we in the Congress will help you find a way to pay for it. We have no other choice. Rest assured, the medical, scientific, technological, and other benefits reaped by a mission to Mars will far outweigh the financial sacrifices we may have to make to pay for this trip.

Twenty years from now I want to be doing more than just celebrating the 40th anniversary of the Apollo XI mission. I want us, and our three astronauts, to be able to look back and say Apollo XI was just the beginning—it was the stepping stone for our mission to Mars.

□ 1210

REPEAL SECTION 89 OF TAX REFORM ACT OF 1986

(Mr. GEKAS asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, section 89 and the battle to repeal it is an important issue that must be debated on the floor of the House. We came within seven votes of reaching that possibility a couple weeks ago when the Rules Committee, first ruling against us and not permitting us to present it as part of the supplemental appropriations, in the vote in the House as to whether or not we should overrule the Rules Committee we fell seven votes short.

We mean to reman that battle and to try again before the Rules Committee when the Treasury Appropriations bill comes up in the next few days or possibly next week and wherever and whenever the opportunity presents itself we are going to attempt to bring section 89 and its repeal to a full debate on the floor of the House. We deserve no less.

Now, 30-plus Members of this Chamber have signed a bill to repeal, and therefore the will of the majority, a substantial majority, is to do exactly that. We are going to continue this battle to repeal section 89.

MORE HONESTY NEEDED IN THE BUDGET PROCESS

(Mr. PICKETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PICKETT. Mr. Speaker, perhaps one of this Nation's best kept secret is why the annual increase in our national debt so far exceeds the annual Federal budget deficit. Under the budget resolution agreed to several weeks ago, the deficit for 1990 is projected to be just under \$100 billion.

Yet this very same budget resolution projects that the national debt will increase an additional \$322 billion by the end of 1990 to the aggregate sum of \$3.122 trillion.

The increase in national debt is over three times greater than the projected annual budget deficit.

This enormous disparity between what we report as the annual deficit and what we will add to the national debt next year results from the fact that the billions of dollars borrowed each year from Social Security and other Government trust funds are not counted as an obligation in arriving at the annual budget deficit. This accounting slight of hand will indeed come back to haunt us. Where is our Government going to get the money it needs to repay these trust funds after the year 200 when the benefits required to be paid exceed the then current revenues—more borrowing?

Mr. Speaker, it is imperative that this Nation's financial house be put in order and the time to begin is now. Let's tell our people what the real deficit is so they will understand why

there is such a dramatic increase in our national debt.

GET PRIORITIES STRAIGHT ON SPACE SPENDING

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, this week we justifiably celebrate the 20th anniversary of landing men on the moon. It is an accomplishment that the country can be proud of, but I fear that now we will launch into new and expensive explorations of space that we can ill afford.

Mr. Speaker, building a laboratory on the moon, landing men and women on Mars, is a goal that this country could consider. But does it take priority over ending crime, fighting crime? Does it take priority over educating our youth? Does it take priority over putting houses and homes over people's heads?

I would argue, Mr. Speaker, before we get involved in a frenzy of spending billions and billions and billions more dollars in space, we ought to look at the kinds of other things that would take priority over that as America lays out its agenda. Our competitiveness economically, our feeding, clothing and housing and educating our people properly, our war on crime, will all suffer unless we look at our priorities and finally launch a rational program about space, not one that can consume the most money the most quickly.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PICKETT). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken at the end of legislative business today.

EXEMPTION OF REEMPLOYED ANNUITANTS INVOLVED IN THE 1990 DECENNIAL CENSUS FROM OFFSETS IN PAY AND OTHER BENEFITS

Mr. SAWYER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1860) to provide that a Federal annuitant or former member of a uniformed service who returns to Government service, under a temporary appointment, to assist in carrying out the 1990 decennial census of population shall be exempt from certain provisions of title 5, United States Code,

relating to offsets from pay and other benefits, as amended.

The Clerk read as follows:

H.R. 1860

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITIONS: DESCRIPTION OF TEMPORARY POSITIONS.

(a) DEFINITIONS.—For purposes of this Act—

(1) the term "annuitant" means an annuitant within the meaning of section 8331(9) or 8401(2) of title 5, United States Code;

(2) the term "temporary" is used in the same way as described in section 24(b) of title 13, United States Code;

(3) the term "census of population" has the meaning given that term by section 141(g) of title 13, United States Code;

(4) the term "active employee" means an employee within the meaning of section 8331(1) or 8401(11) of title 5, United States Code;

(5) the term "retired or retainer pay" has the meaning given that term by section 5531(3) of title 5, United States Code; and

(6) the term "uniformed services" has the meaning given that term by section 2101(3) of title 5, United States Code.

(b) DESCRIPTION OF TEMPORARY POSITIONS.—This Act applies with respect to service in any temporary position within the Bureau of the Census established for purposes relating to the 1990 decennial census of population (as determined under regulations which the Secretary of Commerce shall prescribe).

SEC. 2. EXEMPTION FOR REEMPLOYED ANNUITANTS.

(a) GENERALLY.—Subject to subsection (b), an annuitant who becomes reemployed in a temporary position described in section 1(b) shall, with respect to any period of service in such position, be exempt from section 8344 or 8468 of title 5, United States Code (as otherwise applicable).

(b) EXCEPTIONS.—This section—

(1) shall not apply with respect to any annuitant who, immediately before being placed in the temporary position, was employed in a Government position in which pay for that annuitant was being reduced under either of the provisions referred to in subsection (a); and

(2) shall not have the effect of exempting a reemployed annuitant from section 8344 or 8468 of title 5, United States Code, after the expiration of the period described in section 4.

(c) CLARIFICATION.—Nothing in this section shall have the effect of causing a reemployed annuitant to be treated as an active employee for purposes of any provision of chapter 83 or 84 of title 5, United States Code.

SEC. 3. EXEMPTION FOR FORMER MEMBERS OF THE UNIFORMED SERVICES.

(a) Subject to subsection (b), the retired or retainer pay of a former member of a uniformed service employed in a temporary position described in section 1(b) shall, with respect to any period of service in such position, be exempt from section 5532 of title 5, United States Code.

(b) This section—

(1) shall not apply with respect to any former member of a uniformed service if, immediately before being placed in the temporary position, the retired or retainer pay of such former member was being reduced under section 5532 of title 5, United States

Code (or would have been reduced but for subsection (d)(2) of such section); and

(2) shall not have the effect of exempting a former member of a uniformed service from section 5532 of title 5, United States Code, after the expiration of the period described in section 4.

(c) For purposes of this section, the term "former member of a uniformed service" means a member or former member of a uniformed service.

SEC. 4. LIMITATION.

An exemption under section 2 or 3 shall not, in the case of any individual, apply longer than—

(A) the first period of 6 calendar months for which the individual receives pay for service in any temporary position described in section 1(b), if the individual serves under not more than one appointment; or

(B) if the individual serves under more than one appointment, the first period of 6 calendar months (determined in the aggregate) for which the individual received pay for service in any temporary position described in section 1(b).

SEC. 5. APPLICABILITY.

This Act applies with respect to appointments made on or after the date of enactment of this Act, but does not apply with respect to any service performed after December 31, 1990.

The SPEAKER pro tempore. Is a second demanded?

Mr. SMITH of Mississippi. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. SAWYER] will be recognized for 20 minutes, and the gentleman from Mississippi [Mr. SMITH] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. SAWYER].

Mr. SAWYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to bring before the House legislation which I believe will improve the ability of the Census Bureau to attract and retain a qualified work force for the 1990 census. As the sponsor of H.R. 1860 and chairman of the Subcommittee on Census and Population, I am pleased to acknowledge the efforts of Congressman RIDGE, ranking minority member of the subcommittee, and Congressman CHANDLER, in supporting this legislation by becoming original cosponsors. I also want to thank Congressman GARCIA and Congressman DYMALLY for their counsel and guidance from the beginning, as well as my other colleagues on the Committee on Post Office and Civil Service for their unanimous support and cosponsorship of H.R. 1860.

Mr. Speaker, in less than 1 year, our Nation will conduct its Twenty-first Decennial Census. This enormous and complex undertaking will require a temporary work force of 480,000 employees, with over 300,000 actually working during peak operations. As

with previous censuses, one of the greatest challenges for the Census Bureau will be the recruitment and retention of qualified, temporary employees who can get the job done in a timely and skillful manner.

A large percentage of the temporary work force hired for the census will serve as enumerators, visiting housing units from which a census questionnaire has not been returned by mail. This followup work is critical in light of the estimated 25 percent of the 106 million households nationwide who will not mail back their census forms.

Because of the often rigorous nature of an enumerators' work, combined with relatively low pay and the short duration of the employment, the Bureau has repeatedly experienced difficulty in recruiting and hiring a sufficient number of qualified employees to conduct the census. In 1980, the Bureau was unable to fill 30 percent of its enumerator positions during peak operations. During the March 1988 dress rehearsal for the 1990 census, the Bureau experienced a turnover rate in St. Louis, MO, of 83 percent. During prelist operations in several locations, enumerator pay had to be increased in order to attract enough employees to complete the activities.

The quality and accuracy of census data will depend, to a great extent, upon the ability of the Census Bureau to retain a qualified work force to carry out field activities after the census forms have been mailed. The predicted staff shortages may lead to increased training and recruitment costs, and contribute to delays in completing field activities, thus jeopardizing the quality of the census.

The importance of an accurate census cannot be overstated. Clearly, it is in our best interests to ensure that the Bureau has the tools with which to attract the largest pool of qualified applicants possible. I believe we can expand the pool of qualified census workers by making temporary census positions more attractive to retired Federal and postal employees and retired military officers.

There are approximately 1.58 million Federal retirees and 457,000 retired military officers nationwide who represent a potentially valuable resource to the Census Bureau in overcoming its staffing problems. Many of these individuals are likely to have free time, to have access to an automobile, to know their neighbors and communities well, and to understand the importance of the Census.

Unfortunately, provisions of title 5, United States Code, which refer to offsets in benefits for reemployed annuitants, act as a disincentive for Federal retirees who want to seek reemployment with the Federal Government. H.R. 1860 provides an exemption from these offset provisions for retired Fed-

eral or military personnel who become employed in temporary positions for a period not to exceed 6 months, for the purpose of carrying out the 1990 Decennial Census.

Specifically, section 5532, title 5, United States Code, refers to members or former members of the uniformed service receiving retired or retainer pay. This section requires a reduction in annuity of \$1 for every \$2 earned as a reemployed military retiree. The reduction begins with the first dollar earned, although it only affects annuity payments over and above the first \$7,698.

Under sections 8344 and 8468, title 5, United States Code, retired Federal civil servants are required to forfeit in pay an amount equal to their annuity. The implication of the offset provisions is that most retirees would not earn a single cent above the amount they would earn by staying at home.

The proposed legislation adds no new costs. It should have no impact on the Federal budget. We are not seeking to nor hire an increased number of Census Bureau employees, but rather to assemble a more qualified pool of applicants from which the Bureau may hire the number of temporary workers needed to complete a quality census.

The Census Bureau, the General Accounting Office, and organizations representing retired Federal and military employees all expressed strong support for the bill during a subcommittee hearing. In addition, I want to stress the bipartisan nature of the effort to steer this legislation through committee. The census is a nonpartisan undertaking of national significance, which will impact the future direction of policies and programs well into the next century. Members on both sides of the aisle must continue working hand-in-hand to ensure the best census possible.

I urge my colleagues to support this important measure today.

Mr. Speaker, I reserve the balance of my time.

□ 1220

Mr. SMITH of Mississippi. Mr. Speaker, I ask unanimous consent to yield my time for the purpose of managing the bill to the gentleman from New York [Mr. GILMAN].

The SPEAKER pro tempore (Mr. PICKETT). Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 1860, a bill which will entitle Federal annuitants and former members of the military service to serve as temporary census employees in conducting the 1990 census.

H.R. 1860 would widen the pool of potential applicants for census jobs by allowing Federal annuitants and former members of the military to receive their full pensions for a period of 180 days without any offsets from pay and annuitants required by the dual-compensation restrictions of title 5 of the United States Code.

Attracting and retaining a large temporary census work force historically has been a major problem. Our retired Federal and military retirees would offer the Census Bureau a wider pool of potential job applicants and would improve the bureau's ability to hire sufficient numbers of qualified temporary workers. I believe that retired postal workers who are familiar with neighborhoods and are recognized by residents would be especially valuable.

In the 1980 census many of the bureau's districts offices were unable to attract and retain a sufficient number of temporary employees. In 1980 30 percent of the enumerator positions were not filled during the peak of census operations. The Bureau faces equally severe staff challenges in 1990. The Census Bureau anticipates it will need to recruit at least 1.6 million applicants in order to maintain the work force needed to carry out the 1990 census.

Mr. Speaker, I feel our Federal and military retirees would be a valuable asset to the Bureau. Our Federal, postal and military retirees have demonstrated a lifetime of commitment to the values of public service and would be an important recruitment source for the Bureau, and H.R. 1860 could contribute to an improved 1990 census.

Mr. RIDGE. Mr. Speaker, these next few months mark the final countdown to the 1990 Decennial Census. For an event that takes place every 10 years, the census is an integral part of everyone's lives. From formulas for Federal programs to representation in the House of Representatives, the census touches each and every American in some way.

Recently, however, the Census Bureau has been facing the same problems faced by many employers—an inadequate supply of qualified employees. Shortages and high turnover has impacted on the enumeration process. During the decennial census, the Bureau strives to maintain stability in the workforce while conducting as accurate count as possible. H.R. 1860, introduced by Mr. SAWYER, Mr. CHANDLER, and myself, would provide a previously untapped pool of workers to the Census Bureau. H.R. 1860 would allow Federal retirees the opportunity to take temporary assignments with the Bureau without being subjected to an offset in their annuities.

Federal retirees have devoted their lives to serving the public. They know the areas to be enumerated and many times are familiar with the specific neighborhoods. Many retirees are skilled at interviewing and can utilize these skills as census enumerators.

Upon passage of H.R. 1860, we, as representatives and Members of the House of Representatives must get the word out. Retiree

associations have pledged their full cooperation to disseminate this change in the annuity offset provisions. I look forward to working with you in the upcoming year to provide a full and accurate count in the 1990 census.

Mrs. MORELLA. Mr. Speaker, I rise in support of H.R. 1860, a bill which would exempt retired Federal and military retirees from the dual-compensation provisions of title 5 of the United States Code. The bill would provide the Bureau of the Census with the authority to fill temporary census positions with Federal and military retirees who would be exempt from the offset provisions for 180 days.

H.R. 1860 has the potential of enlarging the pool of applicants needed by the Bureau to conduct the 1990 census. Historically, the Census Bureau has experienced severe staffing problems during the decennial census. Attracting and retaining a work force of 450,000 temporary employees has been a major problem.

By eliminating financial disincentives to accepting census employment, H.R. 1860 would greatly expand the pool of applicants for the Bureau.

Most Federal and military retirees have devoted a lifetime of service to our country. They have worked for every Federal agency and have acquired a great deal of knowledge and experience. Our Federal and military retirees are familiar with Government regulations and forms and would be familiar geographically with the neighborhoods and communities in which they live.

Mr. Speaker, I feel that with this legislation everyone wins and nobody loses. The Government and the taxpayer win since the bill would increase the numbers of potential census workers and thus reduce turnover costs and make the census more cost effective. States and localities will benefit because better census workers will mean a better census.

I urge my colleagues to join me in supporting this legislation.

Mr. GILMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SAWYER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio [Mr. SAWYER] that the House suspend the rules and pass the bill, H.R. 1860, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1860, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

MISCELLANEOUS POSTAL SERVICE AMENDMENTS OF 1989

Mr. SAWYER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2802) to amend title 39, United States Code, and associated provisions of other laws, to make technical and perfecting corrections, and for other purposes.

The Clerk read as follows:

H.R. 2802

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Miscellaneous Postal Service Amendments of 1989".

SEC. 2. AMENDMENTS TO TITLE 39, UNITED STATES CODE.

(a) CORRECTIONS OF GRAMMAR, PUNCTUATION, AND SPELLING ERRORS.—

(1) Section 404(a)(6) of title 39, United States Code, is amended to read as follows:

"(6) to provide, establish, change, or abolish special, nonpostal, or similar services";

(2) Section 2401(c) of title 39, United States Code, is amended by striking "are" and inserting "is".

(3) Section 3204(a)(2) of title 39, United States Code, is amended by striking "mailings" and inserting "mailing".

(4) Section 3601(a) of title 39, United States Code, is amended by striking "consent" and inserting "consent".

(5) Section 3625(d) of title 39, United States Code, is amended by striking "section 3268" and inserting "section 3628".

(6) Section 5212 of title 39, United States Code, is amended—

(A) by striking the comma after "without advertising"; and

(B) by striking the comma after "without advertising"; and

(b) CORRECTION OF PARAGRAPH NUMBERING.—Section 410(b) of title 39, United States Code, is amended by striking the 2 paragraphs designated as paragraph (9) and inserting the following:

"(9) chapter 39 of title 31; and

"(10) the provisions of section 8E of the Inspector General Act of 1978".

(c) REPEAL OF OBSOLETE PROVISIONS.—

(1)(A) Section 206 of title 39, United States Code, is repealed.

(B) The item relating to section 206 in the chapter analysis of chapter 2 of title 39, United States Code, is repealed.

(2) Section 240(b) of title 39, United States Code, is amended to read as follows:

"(b)(1) As reimbursement to the Postal Service for public service costs incurred by it in providing a maximum degree of effective and regular postal service nationwide, in communities where post offices may not be deemed self-sustaining, as elsewhere, there is authorized to be appropriated to the Postal Service, except as provided in paragraph (2) of this subsection, an amount equal to 5 percent of the sum appropriated to the former Post Office Department by Act of Congress for its use in fiscal year 1971.

"(2) For any fiscal year, the Postal Service may reduce the percentage figure in paragraph (1) of this subsection, including a reduction to 0, if the Postal Service finds that

the amounts determined under such paragraph are not required to operate the Postal Service in accordance with the policies of this title."

(3) Section 2401 of title 39, United States Code, is amended by striking subsections (d), (e), and (f), and the second sentence of subsection (h), and by redesignating subsections (g), (h), and (i) as subsections (d), (e), and (f), respectively.

(4) Section 2003 of title 39, United States Code, is amended by striking subsection (f).

(5)(A) Section 3217 of title 39, United States Code, is repealed.

(B) Sections 2401(c) and 3627 of title 39, United States Code, are amended by striking "3217, 3403-3406," and inserting "3403-3406".

(C) The item relating to section 3217 in the chapter analysis of chapter 32 of title 39, United States Code, is repealed.

(6)(A) Section 5215 of title 39, United States Code, is repealed.

(B) The item relating to section 5215 in the chapter analysis of chapter 52 of title 39, United States Code, is repealed.

(d) RESTORATION OF PROVISIONS OMITTED BY OVERSIGHT.—

(1) Section 409(a) of title 39, United States Code, is amended by inserting "and the Contract Disputes Act of 1978," after "this title,".

(2)(A) Chapter 4 of title 39, United States Code, is amended by adding at the end the following:

"§ 413. Return receipts received in the courts

"A return receipt provided by the Postal Service to a sender of mail showing to whom and when an article was delivered, or to whom, when, and the address to which an article was delivered, shall be received in the courts as prima facie evidence of delivery.

"§ 414. Security of Postal Service property

"(a) The Postal Service may appoint uniformed guards who shall have the same powers as sheriffs and constables upon property owned or occupied by the Postal Service to enforce the laws enacted for the protection of persons and property, and to prevent breaches of the peace, to suppress affrays or unlawful assemblies, and to enforce any rules and regulations promulgated by the Postal Service for the property under its jurisdiction. The jurisdiction and policing powers of such guards shall not extend to the service of civil process.

"(b) When the Postal Service uses the facilities and services of existing Federal, State, or local law enforcement agencies to protect property owned or occupied by the Postal Service, it may grant to law enforcement officers of such agencies the same powers that it may grant to its own guards under subsection (a) of this section.

"(c) Whoever violates any rule or regulation promulgated by the Postal Service for the governance of property owned or occupied by the Postal Service shall be fined not more than \$50 or imprisoned not more than 30 days, or both. Such rules and regulations shall be posted in a conspicuous place on such property."

(B) The chapter analysis of chapter 4 of title 39, United States Code, is amended by inserting at the end the following:

"413. Return receipts received in the courts.

"414. Security of Postal Service property."

(e) UPDATING OF TERMINOLOGY.—Section 3202(a)(1) of title 39, United States Code, is amended—

(1) in subparagraph (C), by striking "the Pan American Union" and inserting "the Organization of American States"; and

(2) in subparagraph (D), by striking "the Pan American Sanitary Bureau" and inserting "the Pan American Health Organization".

(f) STATE DEPARTMENT POST OFFICES ABROAD.—

(1) IN GENERAL.—Chapter 4 of title 39, United States Code, as amended by subsection (d)(2)(A), is further amended by adding at the end the following:

"§ 415. Postal services at diplomatic posts

"(a) The Postal Service and the Department of State may enter into 1 or more agreements for field testing to ascertain the feasibility of providing postal services through personnel provided by the Department of State at branch post offices established by the Postal Service in United States diplomatic missions at locations abroad for which branch post offices are not established under section 406.

"(b) To the extent that the Postal Service and the Department of State conclude it to be feasible and in the public interest, the Postal Service may establish branch post offices at United States diplomatic missions in locations abroad for which branch post offices are not established under section 406, and the Department of State may enter into an agreement with the Postal Service to perform postal services at such branch post offices through personnel designated by the Department of State.

"(c) The Department of State shall reimburse the Postal Service for any amounts, determined by the Postal Service, equal to the additional costs incurred by the Postal Service, including transportation costs, incurred by the Postal Service in the performance of its obligations under any agreement entered into under this section.

"(d) Each agreement entered into under this section shall include—

"(1) provisions under which the Department of State shall make any reimbursements required under subsection (c);

"(2) provisions authorizing the Postal Service to terminate the agreement, and the services provided thereunder, in the event that the Department of State does not comply with the provisions under paragraph (1); and

"(3) any other provisions which may be necessary, including provisions relating to the closing of a post office under this section if necessary because a post office under section 406 is established in the same location."

(2) CHAPTER ANALYSIS.—The chapter analysis of chapter 4 of title 39, United States Code, as amended by subsection (d)(2)(B), is further amended by adding at the end the following:

"415. Postal service at diplomatic posts."

SEC. 3. PERFECTION OF THE CHARITY GAMES ADVERTISING CLARIFICATION ACT OF 1988.

(a) TITLE 39 AMENDMENT.—Section 3005(d)(2) of title 39, United States Code, is amended to read as follows:

"(2) tickets or other materials to addresses within a State concerning a lottery conducted by such State, within that State, acting under authority of State law."

(b) TITLE 18 AMENDMENT.—Section 1307(d) of title 18, United States Code, is amended by striking "subsection (b) of" and inserting "subsections (a)(1) and (b) of".

(c) EFFECTIVE DATE.—The amendments made by this section shall become effective on May 7, 1990.

SEC. 4. PERFECTION OF THE INDIAN GAMING REGULATORY ACT.

Section 21 of the Indian Gaming Regulatory Act (25 U.S.C. 2720) is amended by inserting after "United States Code," the following: "and the antilottery provisions of section 3005 of title 39, United States Code."

SEC. 5. PERFECTION OF SECTION 3002A OF TITLE 39, UNITED STATES CODE.

Section 3002a of title 39, United States Code, is amended—

(1) in subsection (a), by striking "Any" and inserting "Except as provided in subsection (b) of this section, any";

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following:

"(b) The Postal Service is authorized to make such exemptions from the provisions of subsection (a) of this section as it deems necessary."

SEC. 6. EFFECTIVE DATE.

Except as provided in section 3(c), the amendments made by this Act shall become effective on the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Ohio [Mr. SAWYER] will be recognized for 20 minutes, and the gentleman from New York [Mr. GILMAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. SAWYER].

GENERAL LEAVE

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on H.R. 2802, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. SAWYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2802 is essentially corrective legislation which makes technical, clerical, and conforming amendments to sections of title 39, United States Code, and other provisions of law. These legislative corrections have been recommended by the U.S. Postal Service.

H.R. 2802 also makes several minor substantive changes in law. For example, section 2(f) of the bill authorizes the Postal Service and the Department of State to test the feasibility of a program to improve mail service to certain overseas posts.

Sections 3 and 4 of the bill make perfecting amendments to the Charity Games Advertising Act of 1988 and the Indian Gaming Act, respectively. While the amendments have minor substantive effect, they are intended to correct inadvertent errors in those acts.

Section 5 of the bill amends title 39, United States Code, to permit the Postal Service to make exceptions to

the statutory provision which prohibits the mailing of locksmithing devices.

The bill has been cleared with the minority, and I am not aware of any controversy over its provisions.

I urge passage of this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2802, a bill whose primary purpose is to make necessary technical, clerical, and conforming amendments to law relating to the U.S. Postal Service.

This is essentially corrective legislation, but H.R. 2802 does make several minor substantive changes in law.

It authorizes the Postal Service and the Department of State to test the feasibility of a program to improve mail service to certain overseas posts. It also corrects inadvertent errors to the Charity Games Advertising Act and the Indian Gaming Regulatory Act. It also permits the Postal Service to make exceptions to the statutory provision prohibiting the mailing of locksmithing devices.

The Postal Service and the Department of State already have conducted a preliminary review of the proposal to provide postal services overseas at diplomatic missions.

Based on information from the Postal Service and the Department of State, H.R. 2802 would result in no additional cost of the Federal Government.

The Post Office and Civil Service Committee has legislative and oversight jurisdiction over the subject matter of this legislation. The committee concluded there was ample need and justification for enacting this legislation.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SAWYER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio [Mr. SAWYER] that the House suspend the rules and pass the bill, H.R. 2802.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 1230

CARL O. HYDE GENERAL MAIL FACILITY

Mr. SAWYER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2431) to redesignate the Midland General Mail Facility in Midland, TX, as the "Carl O. Hyde General Mail Facility," as amended.

The Clerk read as follows:

H.R. 2431

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDESIGNATION OF MAIL FACILITY.

The Midland General Mail Facility, located at 10000 Sloan Field Boulevard, in Midland, Texas, is redesignated as the "Carl O. Hyde General Mail Facility."

SEC. 2. REFERENCES.

Any reference in a law, rule, map, document, record, or other paper of the United States to the Midland General Mail Facility in Midland, Texas, shall be deemed to be a reference to the "Carl O. Hyde General Mail Facility".

The SPEAKER pro tempore (Mr. PICKETT). Is a second demanded?

Mr. GILMAN. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. SAWYER] will be recognized for 20 minutes and the gentleman from New York [Mr. GILMAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. SAWYER].

GENERAL LEAVE

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on H.R. 2431, the bill presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. SAWYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2431 was introduced by our colleague, the Honorable LAMAR S. SMITH. It would name the general mail facility in Midland, TX, after Mr. Carl O. Hyde, a 46-year employee of the U.S. Postal Service.

When introducing H.R. 2431, our colleague had the following to say about Mr. Hyde:

It is with the broad support of Mr. Hyde's coworkers, many friends, and fellow citizens of the Midland Community that I take this action today. A man who enjoyed the reputation for seeking efficiency and excellence in the postal system, Carl Hyde was fondly known as "Mr. Zip" by those who worked with him. In 1979, he was voted the Federal employee of the Year by the Permian Basin Executive Association. He worked tirelessly to bring about many improvements in the Postal Service in Midland. At the time of his death, he had over 4,100 hours in Postal Service accumulated sick leave.

Mr. Hyde worked well beyond the accepted age for retirement out of love and devotion to his chosen profession. Throughout, he always maintained a positive outlook and is remembered by those he worked with, as a caring man who always had time for others. It is this exemplary service and dedi-

cation that I wish to recognize and hold up as a model for us all.

As a senior postal operations specialist, Mr. Hyde oversaw the facility construction and maintenance requirements for the 63 post offices in the El Paso Sectional Center. The construction of the new Midland General Mail Facility was one of the last projects to which Mr. Hyde devoted his considerable energy, enthusiasm, and expertise. . . . Thus, it is most fitting and appropriate to redesignate this facility in his name.

I urge your support for H.R. 2431.

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in full support of H.R. 2431, a bill to name the Midland, TX, General Mail Facility the "Carl O. Hyde General Mail Facility."

A true family man, Carl O. Hyde, was a dedicated and respected U.S. postal employee and manager for 46 years. Mr. Hyde worked tirelessly in his community and spent untold hours devoted to his church and fellow postal employees.

Mr. Speaker, the city council, Chamber of Commerce, the Lion's Club, and the county of Midland, TX, have all issued resolutions in support of naming the Midland Postal Facility as the "Carl O. Hyde General Mail Facility."

Carl O. Hyde was a dedicated professional who worked to improve his community and the postal service and is credited with initiating the concept for the Midland Mail Facility. Accordingly, I ask my colleagues to join me in supporting this resolution.

Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Texas, Mr. LAMAR SMITH, the sponsor of this legislation.

Mr. SMITH of Texas. Mr. Speaker, I thank my colleague, the gentleman from New York, for yielding to me, and thank him for his comments as well as for the comments of my colleague, the gentleman from Ohio [Mr. SAWYER]. Certainly they were on point and echo my own feelings.

Mr. Speaker, I urge my colleagues to support H.R. 2431, a bill to rename the Midland General Mail Facility in Midland, TX, after the late Carl O. Hyde, a 46-year U.S. Postal Service employee.

This bill enjoys the strong support of Mr. Hyde's coworkers, many friends and fellow citizens of the Midland community. It was at their request and that of elected city leaders, including the Midland City Council, Chamber of Commerce, and Commissioners Court that I introduced this legislation.

A veteran of World War II, Carl Hyde served with the U.S. Army in the Philippines. When he returned, he settled in Midland, where he became a re-

spected and active member of the community. He served as president of the downtown Midland Lions Club, and was active in numerous civic and church programs. Among the distinguished recognitions he received were three Lions Presidential Awards and the Ambassador of Goodwill Award. In 1987, he was inducted into the Texas Lions Hall of Fame.

As a senior postal operations specialist, Mr. Hyde oversaw construction and maintenance requirements for 63 west Texas post offices. The proposed Carl O. Hyde General Mail Facility, a central processing site for over 300,000 pieces of west Texas mail each day, was Carl Hyde's brainchild and one of the last projects he supervised before his death.

Carl Hyde continually sought many improvements in the Postal Service in Midland, and was fondly known as "Mr. Zip" by those who worked with him because he always encouraged the use of ZIP Codes. He was extremely devoted to his job and to the Postal Service, and worked far past the age at which most people choose to retire.

One fact about this man that I find particularly compelling is that at the time of his death in 1988, he had over 4,100 hours—or 102 weeks—of unused sick leave.

The broad local support for this bill is testimony to Mr. Hyde's positive representation of the Postal Service in the Midland community. During his 46-year career, Carl Hyde was a credit to the Postal Service and to Federal employees in general. In 1979, he was voted the Federal Employee of the Year by the Permian Basin Executive Association.

Today, we have before us the opportunity to recognize the hard work and dedication of a man who sought excellence in the postal system. I call upon my colleagues to help pay tribute to this distinguished Federal employee, Carl O. Hyde, and I urge their full support for the passage of this bill.

Mr. GILMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SAWYER. Mr. Speaker, I yield back the balance of my time.

Mr. SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio [Mr. SAWYER] that the House suspend the rules and pass the bill, H.R. 2431, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

FREDERICKSBURG AND SPOTSYLVANIA COUNTY BATTLEFIELDS MEMORIAL NATIONAL MILITARY PARK EXPANSION ACT OF 1989

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 875) to expand the boundaries of the Fredericksburg-Spotsylvania National Military Park near Fredericksburg, VA, as amended.

The Clerk read as follows:

H.R. 875

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park Expansion Act of 1989".

SEC. 2. REVISION OF PARK BOUNDARIES.

(a) BOUNDARY REVISION.—In furtherance of the purposes of the Act entitled "An Act to establish a national military park at and near Fredericksburg, Virginia, and to mark and preserve historical points connected with the battles of Fredericksburg, Spotsylvania Court House, Wilderness, and Chancellorsville, including Salem Church, Virginia," approved February 14, 1927 (44 Stat. 1091), the Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park (hereinafter in this Act referred to as the "Park") shall hereafter comprise the lands and interests in lands within the boundary generally depicted as "Proposed Park Boundary" on the maps entitled "Fredericksburg and Spotsylvania National Military Park," numbered 326-40075D/89, 326-40074E/89, 326-40069B/89, 326-40070D/89, 326-40071C/89, 326-40072E/89, 326-40076A/89, and 326-40073D/89, and dated June 1989. The maps shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior.

(b) EXCLUDED LANDS.—Lands and interests in lands within the boundary depicted on the maps referred to in subsection (a) as "Existing Park Boundary" but outside of the boundary depicted as "Proposed Park Boundary" are hereby excluded from the Park. The Secretary of the Interior (hereinafter referred to as the "Secretary") may relinquish to the Commonwealth of Virginia exclusive or concurrent legislative jurisdiction over lands excluded from the Park by subsection (a) by filing with the Governor a notice of relinquishment. Such relinquishment shall take effect upon acceptance thereof, or as the laws of the Commonwealth may otherwise provide. If any such lands and interests are not conveyed in an exchange under section 3(b) within 5 years after the enactment of this Act, the Secretary may sell any or all such lands and interests to the highest bidder and, notwithstanding any other provision of law, retain and use the proceeds to acquire lands and interests within the Park.

SEC. 3. ACQUISITIONS AND CONVEYANCES.

(a) ACQUISITION.—The Secretary is authorized to acquire lands and interests in lands within the Park, by donation, purchase with donated or appropriated funds or by exchange.

(b) EXCHANGE OF LANDS.—In acquiring lands and interests within the Park by exchange, the Secretary may convey Federal

lands and interests excluded from the Park by section 1.

(c) **ALTERNATIVE ACCESS.**—In order to facilitate the acquisition by the United States of existing easements or rights of access across Federal lands within the Park and to provide the owners of such easements or rights of access with alternative rights of access across nonpark lands, the Secretary may acquire, by donation, purchase with donated or appropriated funds, or exchange, interests in land of similar estate across lands which are not within the Park. With or without the acceptance of payment of cash to equalize the values of the properties, the Secretary may convey such nonpark lands or interests in lands to the holders of such existing easements or rights of access across Federal lands within the Park in exchange for their conveyance to the United States of such easements or rights. Nothing in this Act shall prohibit the Secretary from acquiring any outstanding easements or rights of access across Federal lands by donation, purchase with donated or appropriated funds or by exchange.

(d) **CONSERVATION EASEMENTS.**—The Secretary is authorized to accept donations of conservation easements on lands adjacent to the Park. Such conservation easements shall have the effect of protecting the scenic and historic resources on Park lands and the adjacent lands or preserving the undeveloped or historic appearance of the Park when viewed from within or without the Park.

(e) **OTHER PROVISIONS.**—Within the area bounded by the Orange Turnpike, the Orange Plank Road, and McLaws Drive no improved property (as defined in section 4) may be acquired without the consent of the owner thereof unless the Secretary determines that, in his judgment, the property is subject to, or threatened with, uses which are having, or would have, an adverse impact on the Park.

SEC. 4. RETAINED RIGHTS.

(a) **RETENTION OF USE AND OCCUPANCY.**—With the exception of property which the Secretary determines is necessary for development or public use, the owner or owners of improved property acquired pursuant to this Act may retain a right of use and occupancy of such improved property for noncommercial residential purposes for a definite term of not more than 25 years, or for a term ending at the death of the owner or the owner's spouse. The owner shall elect the term to be reserved, except that if the owner is a corporation, trust, partnership, or any entity other than an individual, the term shall not exceed 25 years. Ownership shall be determined as of June 1, 1989. Unless the property is wholly or partially donated, the Secretary shall pay to the owner the fair market value of the property on the date of such acquisition, less the fair market value of the right retained by the owner.

(b) **TERMS AND CONDITIONS.**—Any rights retained pursuant to this section shall be subject to such terms and conditions as the Secretary may prescribe and may be terminated by the Secretary upon his determination and after reasonable notice to the owner thereof that such property is being used for any purpose which is incompatible with the administration, protection, or public use of the Park. Such right shall terminate by operation of law upon notification of the owner by the Secretary and tendering to the owner an amount equal to the fair market value of that portion of the right which remains unexpired.

(c) **DEFINITION.**—As used in this section, the term "improved property" means a year-round noncommercial single-family dwelling together with such land, in the same ownership as the dwelling, as the Secretary determines is reasonably necessary for the enjoyment of the dwelling for single-family residential use.

SEC. 5. INTERPRETATION.

In administering the Park, the Secretary shall take such action as is necessary and appropriate to interpret, for the benefit of visitors to the Park and the general public, the battles of Fredericksburg, Chancellorsville, Spotsylvania Courthouse, and the Wilderness in the larger context of the Civil War and American history, including the causes and consequences of the Civil War and including the effects of the war on all the American people, especially on the American South.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

The **SPEAKER** pro tempore. Is a second demanded?

Mr. **LIGHTFOOT**. Mr. Speaker, I demand a second.

The **SPEAKER** pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The **SPEAKER** pro tempore. The gentleman from Minnesota [Mr. **VENTO**] will be recognized for 20 minutes and the gentleman from Iowa [Mr. **LIGHTFOOT**] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. **VENTO**].

GENERAL LEAVE

Mr. **VENTO**. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 875, the bill presently under consideration.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. **VENTO**. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill, H.R. 875, a bill introduced by our colleague, the gentleman from Virginia [Mr. **FRENCH SLAUGHTER**] gives a legislative boundary to four battlefields in the environs of Fredericksburg, VA. That is the battlefield of Fredericksburg, the battlefield of Chancellorsville, the battlefield of Spotsylvania Courthouse, and the Wilderness. Of course, these are Civil War battlefields and the military encounters were fought between 1862 and 1864.

These were important because of their strategic relationship to Richmond, the capital and industrial center of the Confederacy, and important in other respects, Mr. Speaker, because they involved the engagement of I think probably the two most noted generals that fought in the Civil War; that is, Gen. Robert E. Lee and Gen. Ulysses S. Grant.

Mr. Speaker, I want to commend the sponsor of this bill, the gentleman from Virginia [Mr. **FRENCH SLAUGHTER**] for his efforts on it and his support for the preservation of our Nation's history.

I will not go through the history of these battles. There were terrible losses encountered for a long time, and the preservation of this is in what we call the Antietam model. That is, just by preserving some of the key locations and earthen works, much of the other land was passive, that is used or maintained in its original condition as farmland and so forth.

□ 1240

But as the author so well knows, and as the Park Service has pointed out, the path of urbanization and development has reached Fredericksburg. With that I think we have to formalize the boundaries to preserve the integrity of these historic grounds.

There are many issues to be engaged with regard to this, but suffice it to say I think that we will avoid another problem as we had regarding the issue of Manassas, where we had to purchase land that was actually intended for a shopping mall in an area that was of historic significance, and we hope would, in establishing the legislative boundaries here, we have avoided that particular pitfall.

There are some other concerns in the committee report which are articulated with regard to the Po Reservoir and a variety of other issues that are of concern to the committee and to the Congress. I think they are sufficiently dealt with there, but I want to draw the attention of my colleagues to them because the cooperation and the understanding that the committee has in acting on these measures I think is key to accomplishing the goals that are stated in this legislation and in that committee report.

Mr. Speaker, H.R. 875, a bill introduced by our colleague, Mr. **FRENCH SLAUGHTER**, gives a legislated boundary to four battlefields in the environs of Fredericksburg-Fredericksburg, Chancellorsville, Spotsylvania Courthouse, and the Wilderness. The military encounters fought between 1862 and 1864, were important because of their strategic relationship to Richmond, capital and industrial center of the Confederacy. I commend the sponsor of this bill for his efforts on it and support for the preservation of our Nation's history.

At the Battle of Fredericksburg, December 1862, Lee won his most one-sided victory in the year. Chancellorsville, April 1863, saw another Confederate victory marred by the loss of Confederate Gen. Stonewall Jackson. At Wilderness, May 1864, a tactical draw between Grant and Lee, Grant took terrible losses but continued his

operation by moving around Lee's flank commencing his war of attrition that would eventually end the Civil War in Union victory. At Spotsylvania Courthouse, May 1864, located on the shortest route to Richmond, Lee again confronted Grant on the Road to Richmond. After 2 weeks of fighting Grant again disengaged and moved around Lee's flank, forcing Lee to fall back closer to Richmond.

Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park, established in 1927, consists of four separate units located in central Virginia. The original land acquisition approach was a modified Antietam plan, in which only the actual fighting lines, earthworks, et cetera, were acquired instead of the larger battlefields. At our hearing on this bill, various historians, preservationists, and civil war enthusiasts emphasized that Fredericksburg and Spotsylvania County National Military Park needed additional acreage and greater protection in the face of this area's rapid growth. We should not wait to acquire these lands until there is another crisis such as we had last year on Manassas. We should identify and preserve the significant parts of this area now, rather than waiting until the bulldozers are moving.

Some of the Civil War groups have argued that changing the names of Civil War parks to "National Battlefields" will prevent "nonappropriate recreational uses." Management problems, such as excessive recreational use, are not solved by name changes. I do not object to some recreational use of the Civil War parks. These parks exist for all of us, as long as we enjoy them appropriately and do not adversely affect their resources.

The committee adopted an amendment in the nature of a substitute that changes the map references to incorporate several of the most significant areas of these four battles. Two in particular deserve mention—the area of Gibbon's breakthrough—one of the only two Union successes at the Battle of Fredericksburg—and the woods and fields east of the Chancellorsville intersection. The bill now directs the National Park Service to interpret the whole story of the Civil War, including its causes and consequences for all Americans.

H.R. 875 as introduced did not use the proper name of the park in the title of the bill. The title of the bill will be amended to correct that error. These changes should go far to help the park fulfill its purpose of preserving and interpreting this part of our history. Again, I want to thank our colleague, Congressman FRENCH SLAUGHTER, for his cooperation on this bill. Mr. Speaker, I also endorse this legislation, and recommend that it should pass.

I reserve the balance of my time.

Mr. LIGHTFOOT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 875 to expand the boundaries of the Fredericksburg and Spotsylvania National Military Park in Virginia. As our subcommittee chairman has explained under the amended version of H.R. 875 before us today, the National Military Park will consist of 7,790.6 acres, an increase of 1,883 acres.

The bill authorizes additional land acquisition, land exchanges and addition for lands outside of the new boundaries, acquisition of alternative rights of access and acceptance of donated conservation easements and it changes the name of the park to Fredericksburg and Spotsylvania National Battlefields.

Mr. Speaker, I yield 8 minutes to the gentleman from Virginia [Mr. SLAUGHTER] in whose district the park would be located.

Mr. SLAUGHTER of Virginia. Mr. Speaker, I am most pleased today to present before the Members of this body legislation to preserve, protect, and enhance the Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park.

I am privileged to represent the Seventh Congressional District of Virginia, which contains this park, and I appreciate the opportunity to work with the distinguished chairman of the National Parks Subcommittee, Mr. VENTO, in bringing this legislative effort to fruition.

Our legislation will enable the National Park Service to meet its mission of protecting lands involved in four key Civil War Battles—Chancellorsville, Fredericksburg, Spotsylvania Courthouse, and Wilderness—and of promoting a better understanding of our country's history as shaped during these battles. This bill also establishes the park's first legislative boundary and involves changes in the boundary to include a total net addition of 1,860 acres to the park.

I believe H.R. 875, as reported by the Committee on Interior and Insular Affairs, reflects a carefully drafted response to the needs of the park. This bill represents the product of a thorough review of all parties concerned for the protection of the park and for the preservation of America's rich history. I want to thank the gentleman from Alaska, [Mr. YOUNG], the gentleman from Montana [Mr. MARLENEE], the gentleman from California [Mr. LAGOMARSINO], and the gentleman from Virginia, [Mr. PARRIS] for their support and their concern to protect all lands at the park determined to be historically significant and for their efforts in forging favorable and expedient consideration of this important preservation legislation.

This park is of great importance, both economically and historically, to

the surrounding communities and to the entire Commonwealth of Virginia. I am therefore pleased that the local governing bodies and community leaders stand strongly behind the legislation we are offering on the floor today; indeed, their assistance was essential in shaping this bill.

I would also like to take this opportunity to thank the distinguished chairman of the Committee on Interior, Mr. UDALL, whose leadership paved the way for the expeditious consideration and approval of the park expansion bill, so vital for the protection of these battlegrounds now facing the encroachment of growth and industry in an area sensitive to the needs of expansion.

Finally, I would like to thank my colleague, the gentleman from New York [Mr. MRAZEK] who joined me in introducing this legislation at the beginning of the year and whose assistance was vital to its success.

Mr. Speaker, the preservation and proper interpretation of key Civil War battlefield sites is crucial to understanding our history as a nation. I certainly hope that my colleagues will assist in this endeavor with regard to the Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park by approving H.R. 875 to provide a timely response to the needs for the preservation and protection of these historic national sites.

Mr. LIGHTFOOT. Mr. Speaker, I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me thank my colleague, the gentleman from Virginia [Mr. SLAUGHTER], for his kind remarks about my work but indeed the committee that he set and the work he has done has been instrumental in bringing this to fruition.

It is good for them to establish that type of working relationship with the park.

Mr. Speaker, I also want to recognize the gentleman from New York [Mr. MRAZEK], who has been one of those in the vanguard of fighting for historic preservation with special interest with regard to the Civil War and the concerns that that cultural resource represents.

As I said, Mr. Speaker, these battlefields are enormously important. They are places where Robert Lee and Ulysses Grant proved their mettle. And incidentally, in one of these battlefields Stonewall Jackson lost his life.

So they are important parts of our history to remember with respect to that tremendous problem that occurred in our civil strife and conflict in the middle of the 19th century.

Mr. PARRIS. Mr. Speaker, I rise in support of H.R. 875, The Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park Expansion Act of 1989, intro-

duced by my good friend and colleague Representative D. FRENCH SLAUGHTER, JR. The bill will acquire 1,200 acres in Virginia to preserve and commemorate the sites of four Civil War battles—the Battles of Chancellorsville, Fredericksburg, Spotsylvania Court House, and Wilderness.

It was my pleasure to move in committee that this bill be reported to the full House and I hope it will be supported by my colleagues.

The countryside in and around Fredericksburg, VA, was the setting for four major battles of the Civil War in 1862, 1863, and 1864 which resulted in more than 100,000 casualties to our Nation's finest men. Because it is situated midway between Washington, DC, and Richmond, VA, the capital of the Confederacy, this area during the Civil War became some of the most fought-over ground in our history.

Every year almost 1.8 million people visit the Fredericksburg-Spotsylvania National Military Park to stand on the same ground where Confederate Gen. Robert E. Lee and Stonewall Jackson took on Union forces led by Generals Hooker, Meade, and eventually Grant to decide the fate of this Nation. The visitors to this park come to walk the ground, view the fortifications, reflect on the issues that caused this great conflict and remember the many incidents of bravery and valor that occurred during those memorable times.

Congress, recognizing the importance of this area established the Fredericksburg-Spotsylvania National Military Park in 1927. However, instead of incorporating the complete battlefields into the park, Congress chose to acquire primarily fighting lines and earthworks. This has created problems as modern development pressures in the region are now threatening the integrity of these historic sites.

Concerned about this development and its effect on the battlefield sites, Congress requested a Civil War boundary study which lead to the formulation of the military park's 1986 land protection plan. H.R. 875 incorporates the findings of this plan, expands the boundaries of the park by 1,200 acres and preserves and protects the integrity of this area for future generations of Americans.

I applaud Representative SLAUGHTER's tireless efforts to bring this bill to fruition. The citizens of this Nation owe him an enormous debt of gratitude for seeing to it that a major piece of American history will remain untainted to be enjoyed for posterity. His efforts along with those of Congressman VENTO have met the needs of the Fredericksburg community on this bill and allowed the bill to move forward with minimal controversy.

Mr. VENTO, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PICKETT). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 875, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "An act to expand the

boundaries of the Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park near Fredericksburg, VA."

A motion to reconsider was laid on the table.

BIG THICKET NATIONAL PRESERVE ADDITION ACT OF 1989

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 919) to increase the size of the Big Thicket National Preserve in the State of Texas by adding the Village Creek corridor unit, the Big Sandy corridor unit, and the Canyonlands unit.

The Clerk read as follows:

H.R. 919

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Big Thicket National Preserve Addition Act of 1989".

SEC. 2. ADDITIONS TO BIG THICKET NATIONAL PRESERVE.

(a) ADDITIONS.—(1) Subsection (b) of the first section of the Act entitled "An Act to authorize the establishment of the Big Thicket National Preserve in the State of Texas, and for other purposes", approved October 11, 1974 (16 U.S.C. 698), is amended as follows:

(A) Strike out "map entitled 'Big Thicket National Preserve'" and all that follows through "Secretary of the Interior (hereafter referred to as the 'Secretary') and insert in lieu thereof "map entitled 'Big Thicket National Preserve', dated July, 1988, and numbered BITH175-80,003, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior, and the offices of the Superintendent of the preserve. After advising the Committee on Energy and National Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives, in writing, the Secretary of the Interior (hereafter in this Act referred to as the 'Secretary') may make minor revisions of the boundaries of the preserve when necessary by publication of a revised drawing or other boundary description in the Federal Register. The Secretary".

(B) Strike out "and" in the penultimate undesignated paragraph relating to Little Pine Island-Pine Island Bayou corridor unit.

(C) Strike out the period in the ultimate undesignated paragraph relating to Lance Rosier unit and insert in lieu thereof ":",

(D) Add at the end thereof the following: "Village Creek Corridor unit, Hardin County, Texas, comprising approximately six thousand and eighty-eight acres;

"Big Sandy Corridor unit, Hardin, Polk, and Tyler Counties, Texas, comprising approximately six thousand one hundred and twenty acres; and

"Canyonlands unit, Tyler County, Texas, comprising approximately one thousand seven hundred and ninety-two acres."

(2) The first sentence of subsection (c) of such Act is amended by adding at the end thereof the following: "Within one year after the enactment of this sentence, the Secretary and the Secretary of Agriculture shall determine which timberlands within

their respective jurisdictions in the vicinity of the preserve may be suitable for exchange and shall offer to exchange such lands for timberlands within the boundaries of the preserve which have not previously been acquired. The values of the properties so exchanged shall be approximately equal or, if they are not approximately equal, shall be equalized by the payment of cash to the grantor or to the respective Secretary as the circumstances require. In the exercise of this exchange authority, the Secretaries may utilize any authorities or procedures otherwise available to them in connection with land exchanges."

(b) ACQUISITION.—(1) Subsection (c) of the first section of the Act entitled "An Act to authorize the establishment of the Big Thicket National Preserve in the State of Texas, and for other purposes", approved October 11, 1974 (16 U.S.C. 698), the Act is amended by inserting "(1)" after "(C)" and by adding the following at the end:

"(2) Privately owned lands or interests used for noncommercial residential purposes and located within the Village Creek Corridor Unit, the Big Sandy Corridor Unit, or the Canyonlands Unit may be acquired only with the consent of the owner thereof unless the Secretary determines that the property is being developed or proposed to be developed in a manner which is detrimental to the natural, scenic, historical, cultural, and other values for which the Preserve was established. For purposes of this paragraph, development or proposed development of private property within the boundaries of the Preserve that is significantly different from, or a significant expansion of, development existing as of October 22, 1987, shall be considered by the Secretary as detrimental to the values for which the Preserve was established."

(2) Section 3(b) of such Act (16 U.S.C. 698(b)) is amended by adding at the end thereof "For the purposes of any improved property located in the Village Creek Corridor unit, the Big Sandy Corridor unit, or the Canyonlands unit, the date 'July 1, 1973' shall be treated as 'October 22, 1987'."

(C) PUBLICATION OF BOUNDARY DESCRIPTION.—Not later than six months after the date of enactment of this Act, the Secretary of the Interior shall publish in the Federal Register a detailed description of the boundary of the Village Creek Corridor unit, the Big Sandy Corridor unit, and the Canyonlands unit of the Big Thicket National Preserve.

The SPEAKER pro tempore. Under the rule a second is not required on this motion.

The gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes and the gentleman from Iowa [Mr. LIGHTFOOT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 919, the bill presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 919, introduced by our colleague, Representative CHARLES WILSON, would authorize the addition of three areas, totaling approximately 14,000 acres, to the Big Thicket National Preserve. The three additions proposed by H.R. 919 would link with existing units of this internationally acclaimed ecological preserve.

The Big Thicket National Preserve was established by Public Law 93-439 in 1974 to protect remnants of the complex biological ecosystem found in this section of southeast Texas. The Preserve is composed of 12 distinct units and river corridors comprising approximately 85,000 acres. Often referred to as the biological crossroads of North America, the Big Thicket contains a diverse multitude of flora and fauna. The uniqueness of this resource was further recognized in 1981 with its designation as an international biosphere preserve.

The legislation before us today is identical to a bill (H.R. 3544) that the House passed late in the 100th Congress but was not enacted prior to adjournment. The Committee on Interior and Insular Affairs held hearings both last year and this year on the issues raised by this legislative proposal. While the three additions would provide important biological and geographical linkage to the preserve, they have not been without controversy. The legislation, though, reflects the language we worked out last year to minimize any possible impacts on private landowners.

H.R. 919 contains both acquisition and exchange authority to deal with timberlands located within the three additions. Moreover, the bill provides that if private, noncommercial landowners help preserve the waterway corridors by foregoing adverse developments then they will not be unduly impacted by the legislation.

The resource values of the areas in question have been evident for many years. As a Congressman from Texas, our current President, George Bush, recognized the value of these additions and included them as part of the considerably larger Big Thicket National Park legislation he introduced in 1970. The areas of most contention, Big Sandy Creek and Village Creek were also part of the National Park Service proposal in the early 1970's. Years later we are again seeking to address those resource values, though in a considerably smaller form than what was being considered in the early 1970's.

The proposal before us recognizes that development has altered the land around the three additions. The legislation is exceedingly sensitive to that issue. Representative WILSON, who represents the area, has developed the boundary lines of his legislative pro-

posal to minimize possible impacts on this existing development. Out of the approximately 14,000 acres only about 2,800 acres are private lands not owned by timber companies. I believe it is important to note that based on information supplied by the National Park Service there are only two permanent residences inside the proposed boundary and even these two properties are eligible for life tenancies if acquired.

Further, while the lands in question represent less than one-tenth of 1 percent of the timberlands within Texas, not even all of these timberlands within the proposed additions are harvestable and where there is timber that has value the bill provides for possible land exchanges in lieu of monetary compensation.

Mr. Speaker, I believe H.R. 919 is a good resource conservation proposal that deserves our support. As written, it is a good faith effort to address realistic community impacts while still focusing on the protection of wildlife habitat and the enhancement of what remains of this unique ecosystem.

□ 1250

Mr. LIGHTFOOT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise with deep concerns about H.R. 919, a bill to expand the boundary of Big Thicket National Preserve. The addition would include approximately 14,000 acres of land in the Village Creek corridor unit, the Big Sandy corridor unit, and the Canyonlands unit. My concern stems from a number of issues raised during the committee process on this legislation. Specifically, the significance of the lands proposed for inclusion in the Preserve, the impacts of the bill on the private landowners and the timber industry, and the cost of the legislation. To date, these concerns have not been adequately addressed.

The effect of H.R. 919 upon the timber industry in east Texas is of concern. Several thousand acres of productive east Texas national forests have already been withdrawn for the protection of the red-cockaded woodpecker and recreation and wildlife purposes. While this bill on its own would not have a significant impact on the timber industry, it would serve to compound the problem of reduced future timber supplies for the east Texas region.

Concerns have also been expressed regarding the cost of H.R. 919. Not only would timber receipts be reduced, but land acquisition costs are estimated at \$28 million. The Federal Government has already expended approximately \$96 million for acquisition at Big Thicket National Preserve. Authorizing additional expenditures for this area during this time of fiscal constraint is not responsible policy.

Finally, timely compensation for the private landowners within the proposed addition is a problem. Many of the landowners included in the original preserve 14 years ago are still waiting for payment. Considering the current land acquisition backlog for the National Park Service—estimated to be approximately \$1 billion—this is a serious problem.

Mr. Speaker, I believe land use decisions should be based on good information and good land management prescriptions. I don't believe that is the case with this piece of legislation. In addition, there is a great deal of opposition to the bill from local citizens, the timber industry, and the administration.

Mr. Speaker, I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I have no further requests for time, but I must say, the gentleman from Texas [Mr. WILSON], has been diligent in pursuing this. He has held numerous hearings locally with regard to this policy. There has been substantial documentation provided for the record for the committee files concerning local opinion. Congressman WILSON was the initial sponsor of the legislation that was finally enacted in 1974, and he is asking Members to pass judgment on this measure today, something completely in his district. I think it has the support of the professionals in the field, and I would hope that the Congress would respond positively. It is imperative that we provide additional protection to some of the streams that feed directly into the main corridors of the Big Thicket Preserve. In the absence of doing that, we will see sedimentation and degradation of this particular park resource. The 14,000 acres is really key and instrumental to the protection of the overall resource.

We had abundant testimony about the uniqueness of this area. Some is subtropical, bottom lands, hardwood type of areas. It is a very, very unique area that is present in this eastern Texas area, this Big Thicket area. The protection afforded here is no more than, really, minimal to protect the biological and ecological integrity of this resource. The gentleman from Texas [Mr. WILSON] has worked hard. He has substantial support in the delegation and in the Senate. I would urge my colleagues to act favorably on this, as we did in the last Congress when we passed this overwhelmingly on suspension of the rules in 1988.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PICKETT). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 919.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R. 919, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

AUTHORIZING DEVELOPMENT OF TRAILS INTERPRETATION CENTER IN COUNCIL BLUFFS, IA

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 952) to authorize the Secretary of the Interior to provide for the development of a trails interpretation center in the city of Council Bluffs, IA, and for other purposes, as amended.

The Clerk read as follows:

H.R. 952

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the nineteenth century American westward movement was an important cultural event in shaping the postcolonial history of the United States;

(2) the nineteenth century American westward movement consisted of journeys along a system of trails across the American continent by pioneers, explorers, religious groups, and scientists; and

(3) additional recognition and interpretation is appropriate in light of the national scope of the nineteenth century American westward movement.

(b) PURPOSES.—The purposes of this act are—

(1) to recognize the system of western trails established in furtherance of the National Trails System Act because of their national historic and cultural significance; and

(2) to provide the public with an interpretive facility devoted to the vital role of the western trails in the development of the United States.

SEC. 2. AUTHORIZATION FOR THE DEVELOPMENT OF A TRAILS INTERPRETATION CENTER.

(a) AUTHORIZATION.—In furtherance of the purposes of section 7(c) of the National Trails Systems Act (16 U.S.C. 1246(c)), the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to provide for a trails interpretation center (hereinafter referred to as the "center") in the city of Council Bluffs, Iowa, for the purpose of interpreting the history of development and use in the State of Iowa and the adjacent region of the Lewis and Clark National Historic Trail, the Mormon Pioneer

National Historic Trail, and the Oregon National Historic Trail.

(b) PLAN AND DESIGN.—(1) Within two years after the date of the enactment of this Act, the Secretary, after consultation with the Governor of Iowa and in cooperation with such other public, municipal, and private entities as may be necessary and appropriate, shall complete a plan and design for the center, including the following:

(A) a description of the site;

(B) the method of acquisition;

(C) the estimated cost of acquisition, construction, operation and maintenance; and

(D) the manner and extent to which non-Federal entities shall participate in the acquisition, construction, operation, and maintenance of the center.

(2) In the development of the plan and design for the center the Secretary shall take into consideration the report and plans prepared by The Western Historic Trails, Inc., and shall provide an opportunity for public comment.

(3) Upon completion, the Secretary shall submit the plan to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(c) IMPLEMENTATION.—In order to implement the plan and design under subsection (b) of this section, the Secretary may acquire lands and interests in lands by donation, purchase with donated or appropriated funds, or exchange, and construct an interpretive center on such lands. Federal funds to carry out this section may only be expended on a two-for-one matching basis with non-Federal funds, services or materials fairly valued, or any combination thereof.

(d) AGREEMENT FOR THE OPERATION AND MAINTENANCE OF CENTER.—Before undertaking the construction of the center, the Secretary shall enter into a binding agreement with a qualified non-Federal entity for conveyance by deed or lease from the Secretary of any structure or property acquired and developed as provided for by this Act. Any such agreement shall provide that—

(1) the non-Federal entity agrees to operate and maintain the center and make no major alterations of the structure or grounds without the express written authorization of the Secretary;

(2) a plan of operations shall be submitted that is satisfactory to the Secretary;

(3) the Secretary shall have access to documents relating to the operation and maintenance of the center;

(4) the Secretary, through the National Park Service, shall have the right of access to the center; and

(5) the United States shall be held harmless from all events arising from the operation and maintenance of the center.

(e) COOPERATIVE AGREEMENTS FOR TECHNICAL ASSISTANCE.—The Secretary may enter into cooperative agreements with the State of Iowa, the city of Council Bluffs, and other public or private entities to provide technical assistance with respect to the center.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated not more than \$6,000,000 to carry out this Act.

The SPEAKER pro tempore. Is a second demanded?

Mr. LIGHTFOOT. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Minnesota [Mr. Vento] will be recognized for 20 minutes, and the gentleman from Iowa [Mr. LIGHTFOOT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 952, introduced by our colleague, Representative JIM LIGHTFOOT, authorizes the Secretary of the Interior to provide for the development of a Trails Interpretation Center in the city of Council Bluffs, IA.

Through the National Trails System Act, Congress has provided for the commemoration, preservation, and interpretation of certain routes of travel undertaken by early pioneers in the exploration and settlement of the western United States. At least nine national park units are associated with designated National Historic Trails and hundreds of historic sites along such trails have been identified. H.R. 952's purpose is to provide additional interpretation on the history of the Lewis and Clark, Mormon Pioneer, and Oregon National Historic trails in the State of Iowa and the surrounding region.

During consideration of H.R. 952, the Committee on Interior and Insular Affairs made several changes to refine and limit the scope of the measure, based on the testimony and comments we received. As amended, H.R. 952 directs the Secretary of the Interior to prepare a plan and design for the Center within 2 years of enactment. Such plan shall be made available for public comment and shall be submitted, upon completion, to the appropriate committees of the Congress. The bill also requires that any Federal contribution to the development of the Center, up to the authorization limitation of \$6 million, be matched on a two-for-one basis with non-Federal funds, services, or materials.

Finally, the revised bill requires that a binding agreement with a qualified non-Federal entity be entered into prior to construction. Such agreement is to provide for the operation and

maintenance of the completed Center by the qualified non-Federal entity.

Mr. Speaker, there has been considerable interest in enhancing the interpretation of National Historic Trail resources. I believe the limited and targeted assistance provided for in the amended legislation is appropriate to achieve those purposes in this instance. I was pleased to be able to work with my colleague from Iowa, Mr. LIGHTFOOT, to address the issues raised in the consideration of this legislation. I support H.R. 952, as amended, and recommend its adoption by the House.

□ 1300

Mr. LIGHTFOOT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, after 4 years of planning, and many meetings with all parties involved, I am very excited this project is moving one step closer to reality. I especially want to thank the distinguished chairman of the National Parks and Public Lands Subcommittee, Mr. VENTO, and the ranking Republican members of the subcommittee, Mr. MARLENEE and Mr. LAGOMARSINO, for all their help on this project. The House Interior Committee unanimously passed H.R. 952 last week.

As you know, Mr. Speaker, there is no educational facility in the Nation designed to interpret and commemorate this era of our history. We have the unique opportunity to assist in the creation of a center which will become a national clearinghouse for information commemorating the western movement and specifically, the California-Oregon, Lewis and Clark, and Mormon Trails. These three trails crossed in the Greater Council Bluffs, IA, area.

The preliminary plans outlined by the Board of Directors of the National Western Historic Trails Center include such items as the following: a library which would offer materials and space for the study of Western historic trails; a national repository of historic documents pertaining to the westward movement; artifacts of major historic events surrounding westward expansion; and finally, educational, interpretative, and cultural programs to assist in the understanding of the lives of those pioneers who traveled the trails west.

That is what this bill is about, Mr. Speaker, recognizing the thousands of pioneering Americans who had the courage to brave the elements to search for a better life; 200 years ago the trails that guided our Nation west ended at the Mississippi River. What lay beyond was a vast, unknown land, inhabited by native peoples, but traveled by only a few rugged European fur traders brave enough to endure its hardships.

The existence of this uncharted land prompted President Thomas Jefferson in 1803 to commission Lewis and Clark to explore this territory. In fact, Lewis and Clark were responsible for naming a part of that territory as "Council Bluffs," referring to a location in the bluffs near the Missouri River where meetings were held with native Americans.

Twenty years later, the Latter Day Saints opened another trail, 1,300 miles long, in their flight from religious persecution. It is estimated that over 14,000 Mormons camped in what is now present day Council Bluffs, IA, in their trek for religious freedom that finally ended in Utah.

At that same time, thousands of gold seekers and homesteaders followed the California-Oregon Trail and its promise of a new life in the West. Like Lewis and Clark and the Latter Day Saints, these gold seekers and homesteaders traveled on trails that went through the Council Bluffs area. Within the brief span of 50 years, the dream of an American Continent open from sea to sea became a reality.

Few Americans understand the significance of these designated national historic trails in our Nation's development. In fact, an analysis of nearly 140 historic and cultural sites in the Midwest revealed that not one of them has educational facilities or programs which directly interpret and celebrate this important era in our history. Volumes of historic data and artifacts from the 19th century westward movement remain scattered across the country and in Europe. Bringing many of these artifacts together in one place is one of the primary goals of the center.

The convergence of these trails at the Missouri River near the Council Bluffs-Omaha area was more than just a meeting of paths. Rather, it became a crossroads of the cultures of thousands of travelers who stopped, took stock, and indelibly left their mark on history. Clearly, the Nation needs a central informational, archival, and interpretive facility where the role of the western historic trails can be recognized, researched, interpreted, and celebrated.

Finally, Mr. Speaker, this proposal has tremendous State and local support and commitment. In fact, the entire Iowa congressional delegation, in both the House and Senate, has cosponsored this bill. Also, the city of Council Bluffs has outlined land, services, and infrastructure changes totaling more than \$1.5 million, including a State match of \$250,000 for the project.

Finally, the Western Historic Trails Center will be operated and maintained by the Iowa State Historical Society. This is a very unique situation and an honor for the highly regarded Iowa State Historical Society. Like the

National Park Service, the Iowa State Historical Society is a first-class operation. It is believed by many that the Iowa State Historical Society is the leading State historical society in the Nation, and I am pleased they have deemed the Western Historic Trails Center worthy enough to volunteer their services.

Once again, I would like to thank the distinguished subcommittee chairman, Mr. VENTO, for all his assistance on this project. Additionally, I would like to thank Mr. Larry Mankin of Council Bluffs for all the technical expertise he provided on the Western Historic Trails Center project.

I urge my colleagues to support H.R. 952.

Mr. VENTO. Mr. Speaker, I commend the gentleman from Iowa [Mr. LIGHTFOOT] for his hard work. He has been working on this for a few years, has brought about a consensus back home and has worked for a consensus in the Committee on Interior and Insular Affairs subcommittees, and I think he has done a yeoman's service to respond to and provide a need in terms of interpretation of these important historic trails that have been designated and sort of the crossroads where they all came through Iowa, a little further south from the area I represent in Minnesota. But nevertheless we are going to be happy to drive down there someday and take a look at the interpretive work they will be doing. It is necessary and a desirable goal. I commend him for it.

Mr. Speaker, I yield back the balance of my time.

Mr. LIGHTFOOT. Mr. Speaker, I again would like to thank the distinguished gentleman from Minnesota [Mr. VENTO] for his invaluable help in putting this project together.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PICKETT). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 952, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CONSTITUTIONALITY OF BILL PROTECTING INDEPENDENCE OF NATIONAL PARK SERVICE DIRECTOR

(Mr. VENTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VENTO. Mr. Speaker, we are about ready, I think, to go on the rule for the consideration of the national

parks and the national park reorganization legislation, H.R. 1484, which I have sponsored.

Because this issue has engendered a number of questions concerning the constitutionality of this matter, I had asked for the Congressional Research Service, both in 1988 and again in 1989, in light of a number of court cases, to determine the questions of constitutionality that were raised by the Department of Justice. I, as well, had asked the House counsel, Mr. Steven Ross, the Clerk and House counsel, to do an evaluation of the constitutional questions raised by that.

Mr. Speaker, I ask unanimous consent to place in the RECORD the correspondence from Mr. Ross to me as chairman of the Subcommittee on National Parks and Public Lands.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, in its entirety it is some seven pages in length. It is the key to the debate we are going to have, not on the rule specifically, but on the National Park Service. I might say that they come back with a ringing affirmation of the proper conduct of the Congress in legislating and in dealing with the structure of the departments and agencies, one that goes back some 200 years.

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 14, 1989.

MEMORANDUM

To: The Hon. Bruce F. Vento, Chairman, Subcommittee on National Parks and Public Lands.

From: Steven R. Ross, General Counsel to the Clerk, Charles Tiefer, Deputy General Counsel to the Clerk.

Subject: Constitutionality of Bill Protecting Independence of National Park Service Director.

The Interior Committee has reported H.R. 1484, a bill which would protect the independence of the Director of the National Park Service, by prohibiting his removal by the President except for cause. In comments, the Justice Department has challenged the bill as unconstitutional. You have asked us to review the Department's challenge. In light of *Morrison v. Olson*, 108 S. Ct. 2597 (1988), in which the Supreme Court sustained the independent counsel statute, which this office defended on behalf of the Speaker and Bipartisan Leadership Group, and rejected arguments by the Department of Justice similar to those it now makes against this statute, the Justice Department's challenge is utterly without merit.

LEGAL ANALYSIS

The Committee's bill regarding the national park service, H.R. 1484, responds to the extensive record developed by the Committee of political interference by the Administration in the day-to-day operation of the National Parks. Political interference means in this context that preferred groups or individuals, by going through political channels, obtain favors regarding improper exploitation of the public parklands, to the

serious detriment of the nation's environment. See *Establishing a National Park System Review Board, and For Other Purposes: H.R. Rept. No. 133, 101st Cong., 1st Sess. 2 (1989)*.¹ H.R. 1484 would curb political subversion by giving the Park Service Director a 5 year term and providing that he not be removable except for inefficiency, neglect of duty, or malfeasance in office. Such protections are the classic method for preventing political interference and favoritism.

In a letter of May 17, 1989, from Carol T. Crawford, Assistant Attorney General for Legislative Affairs, to Chairman Bruce F. Vento, the Justice Department attacks such protections for the independence of the Park Service Director as unconstitutional. It contends that the President must be able to remove the Park Service Director at will "to ensure that the executive branch speaks with one voice," in order to fulfill his duty to "take care that the laws be faithfully executed." Art. II, sec. 3.²

The recent Supreme Court decision in *Morrison v. Olson* upholding the Independent Counsel statute relegated this kind of sweeping, undifferentiated Justice Department argument challenging limits on removability to the realm of the historical curiosity. In that case, the Court considered the work of independent counsels, after the Justice Department had argued that such prosecutors had the purest of purely executive jobs, and had to function as the direct arm of the President. It should be noted that even in that case, the Justice Department's primary complaint concerned how independent counsel were appointed—namely, that the President did not appoint them, but rather the judiciary did—and that the complaint that independent counsels also had to be removable at will by the President or the Attorney General was a subsidiary complaint. The Supreme Court rejected the Department's challenge to the removal restriction, finding that allowing removal of an independent counsel for cause left the Attorney General (who had the limited removal power, as, for the Parks Service Director, the President would have that power) with sufficient control to satisfy constitutional concerns.

The Justice Department's letter offers a string of efforts to distinguish *Morrison v. Olson*, whose inadequacy only emphasizes the weakness of the Department's position. First, it notes that the independent counsels, by virtue of their mode of appointment (which did not require Senate confirmation), were "inferior" officers, while the director of the Park Service, who is nominated by the President and confirmed by the Senate, is a "principal" officer. The Department argues that principal officers "have traditionally been viewed as being at the heart of that corps of officers whom the President must have unfettered discretion to supervise. . . ." Letter of May 17, 1989, at 3.

However, this argument runs utterly contrary to the history of Supreme Court decisions on removability of officers. The *Morrison* decision, sanctioning limits on removability of inferior officers, was not the first

decision on the subject. As noted above, the issue of removability was not even the Justice Department's primary complaint about the independent counsel statute. In contrast, other cases had as their primary focus a restriction on removal. Specifically, the leading such case in which the Court sustained removal only for cause concerned commissioners of the Federal Trade Commission, *Humphrey's Executor v. United States*, 295 U.S. 602 (1935), and such commissioners were principal officers, nominated by the President and confirmed by the Senate. Limits on removability of principal officers thus have a firmly sanctioned fifty-year history. Heads of a large number of independent agencies, such as the Federal Reserve Board, are similarly nominated and confirmed, and similarly protected against removal except for cause. It would be ludicrous to imagine that when the Supreme Court sanctioned the limits on removability in *Morrison*, it was somehow undercutting the law that had been so long established even prior to *Morrison*, for the past fifty years.

Next, the Department argues that the Park Service "Director would not have jurisdiction as limited in time and scope as that of the independent counsel in *Morrison*," and would not have "to follow policy guidelines established by the Department of the Interior" as independent counsels follow departmental guidelines. Letter of May 17, 1989, at 4. Nothing in *Morrison* suggests these are crucial distinctions. Looking at such independent counsels as Archibald Cox during Watergate, or Judge Lawrence Walsh during Iran-Contra, few would describe them as having insignificant duties. More important, the President has considerable authority regarding the Park Service Director that he lacks for independent counsels. Above all, the Department completely ignores that the President still nominates the Park Service Director, whereas he does not appoint independent counsels, who owe their selection to the courts. Like the chairman of the Federal Reserve Board, the Park Service Director has an important job, and has a fixed tenure and scope of authority, and like that chairman, the Park Service Director is a Presidential choice.

Finally, the Department contends that "unlike the situation in *Morrison*, where there was arguably an inherent conflict of interest between the President's duty to prosecute individuals and his putative concern for protecting his closest personal advisers, there is no conflict between the President's duty to execute the law and the Director's duty . . ." Letter of May 17, 1989. It is gratifying that the Justice Department, which denied the existence of that conflict of interest throughout the independent counsel litigation, finally (if grudgingly) appreciates that such conflicts exist, but it would represent greater progress in understanding by the Department to recognize that conflicts between the occurrence of political interference, and the proper performance of the law may occur in other offices, too. Certainly, the Supreme Court recognizes this. A conflict similar to the Park Service's, between political interference and agency fulfillment of its mandate, lay behind the independence for FTC commissioners upheld in *Humphrey's Executor*.³ Congress may best deter-

¹ The House passed a similar bill in the 100th Congress. The Congressional Record for July 27, 1988, addresses the record of the need for the bill.

² This completely misconstrues the "faithful execution" clause, which the Framers intended, not as a grant of power to the President, but as a prohibition against his refusing to obey ("execute") enacted statutes. See *Lear Siegler, Inc. v. Lehman*, 842 F.2d 1102 (9th Cir. 1988).

³ "[F]rom 1903 to 1913 Congress had experimented with using the Bureau of Corporations, an agency under presidential control, and had found

mine whether the Park Service Director has a position involving such a conflict, as it is doing, from an actual historical record regarding the subject, than can the Executive Branch with its vested interest in retaining political control.

The Justice Department also objects to provisions guaranteeing that the Park Service Director can transmit information to Congress without prior White House screening. Such an objection is utterly without merit. "[T]he statute books are replete with examples of Congress limiting review by OMB"—meaning statutes allowing direct transmission to Congress—"of budget requests, legislative proposals, proposed agency rules, and other required reports and documents." Rosenberg, *Congress's Prerogative Over Agencies and Agency Decision-makers: The Rise and Demise of the Reagan Administration's Theory of the Unitary Executive*, 57 Geo. Wash. L. Rev. 627 672 (1989). The very first Congress imposed direct reporting requirements (on the first Secretary of the Treasury, Alexander Hamilton), and it was the rule throughout the government that agencies reported directly to Congress, until the twentieth-century innovation of centralized Budget Bureau clearance of budget requests and legislation. While pre-clearance is helpful for those agencies properly subject to central political control, there is no constitutional requirement for pre-clearance of information before transmittal to Congress.⁴

PROVIDING FOR CONSIDERATION OF H.R. 1484 ESTABLISHING A NATIONAL PARK SYSTEM REVIEW BOARD

Mr. BONIOR. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 199 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 199

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1484) to establish a National Park System Review Board, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and which shall not exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, the bill shall be considered for amendment under the five-minute rule. Each section shall be considered as having been read. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous

question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. BONIOR) is recognized for 1 hour.

Mr. BONIOR. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from New York [Mr. SOLOMON] pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 199 is an open rule providing for the consideration of H.R. 1484, a bill which would require Presidential selection and Senate confirmation of the Director of the National Park Service.

The rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs. The bill shall be considered under the 5-minute rule and each section shall be considered as having been read.

Finally, the rule provides for one motion to recommit.

Mr. Speaker, the National Park Service is responsible for managing the Nation's parklands to see that they are preserved for future generations. The foresight of those who came before us in setting aside our Nation's natural wonders is greatly appreciated by the millions, literally millions, who visit these parks every year.

We have a special responsibility to see that these areas are preserved in their original state.

H.R. 1484 would provide greater autonomy for the National Park Service by moving all administrative and managerial functions for the park system from the Office of the Secretary of the Interior to an independent director within the Department. The Director would be a Presidential appointee confirmed by the Senate, who would serve a fixed term of 5 years.

Under this restructuring, the Director would be permitted to communicate with the Congress on all matters affecting the Park Service without clearance from Department officials. Removal of the Director could be only for inefficiency, neglect of duty, or malfeasance in office.

Mr. Speaker, to my knowledge there is no controversy over this rule. It is an open rule.

House Resolution 199 is an eminently fair rule providing for open and full discussion of a bill important to our Nation's future. I urge the adoption of House Resolution 199 so we may proceed to consideration of this legislation.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 199 is an open rule under which the House will consider legislation that transforms the National Park Service into

an independent agency within the Department of the Interior.

The bill made in order under this rule, H.R. 1484, is a patently bad idea and should be defeated. The Members should be grateful, however, that it will be open to amendment under the 5-minute rule and that there are no waivers involved.

Mr. Speaker, the essence of article II of the Constitution is that the President is the head of the executive branch, and as such, the President is to have authority over Cabinet departments and their subordinate bureaus and agencies.

The bill made in order by this rule would stand article II of the Constitution on its head. It restricts the President's authority to remove the Director of the National Park Service, and the language used is obviously intended to make the Director the head of an independent agency.

Mr. Speaker, under the rule, the bill will be open to amendment. Amendments will be necessary, if the sponsors of the bill ever hope to see the day it is signed into law.

The administration has issued a strongly worded statement about the bill, that outlines their specific objections. I insert at this point in the RECORD the statement of the administration's policy on the bill:

H.R. 1484—INDEPENDENT NATIONAL PARK SERVICE

If H.R. 1484 were presented to the President, the Secretary of the Interior, the Attorney General, and the Director of the Office of Management and Budget would recommend that he veto the bill. This bill's limitation on the President's authority to remove the Director of the National Park Service, and the exemption from Presidential review of the Director's legislative and budgetary recommendations to Congress, represent an unwise and unconstitutional impairment of the unitary powers of the Executive branch. Moreover, the removal of the Director from the supervision of the Secretary of the Interior would reduce accountability and be contrary to sound management principles.

Mr. SOLOMON. Mr. Speaker, I yield back the balance of my time.

Mr. BONIOR. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 828, BUREAU OF LAND MANAGEMENT AUTHORIZATION, FISCAL YEARS 1990, 1991, 1992, AND 1993

Mr. BONIOR. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 200 and ask for its immediate consideration.

that agency wanting. Congress made the successor to that bureau, the FTC, independent because of the need for non-political exercises of its functions." Teirfer, *The Constitutionality of Independent Officers as Checks on Abuses of Executive Power*, 63 B.U.L. Rev. 59, 83 (1983) (footnotes omitted).

⁴ In those rare instances when a President wishes to assert executive privilege, he has done so even where the entity does not report through him, simply by presenting his claim of privilege on its own merits. See *United States v. AT&T*, 551 F. 2d 384 (D.C. Cir. 1976).

The Clerk read the resolution, as follows:

H. RES. 200

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 828) to authorize appropriations for the programs, functions and activities of the Bureau of Land Management for fiscal years 1990, 1991, 1992, and 1993, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and which shall not exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, the bill shall be considered for amendment under the five-minute rule. All points of order against the amendment recommended by the Committee on Interior and Insular Affairs now printed in the bill for failure to comply with the provisions of clause 7 of rule XVI are hereby waived. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. BONIOR] is recognized for 1 hour.

Mr. BONIOR. Mr. Speaker, I yield the customary 30 minutes, for purposes of debate only, to the gentleman from New York [Mr. SOLOMON], and pending that, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 200 is the rule providing for consideration of H.R. 828, the authorization of appropriations for the Bureau of Land Management for fiscal years 1990 through 1993.

This is an open rule, providing for 1 hour of general debate to be equally divided and controlled by the chairman and the ranking minority member of the Committee on Interior and Insular Affairs.

The rule waives clause 7 of rule XVI, which prohibits nongermane amendments against the amendment recommended by the Interior Committee which is now printed in the bill. This waiver is needed because H.R. 828, as introduced, did not amend the Federal Land Policy Management Act, as does the committee amendment. However, the Federal Land Policy Management Act governs the management of BLM lands, so the Rules Committee believes that it is appropriate for the House to consider the changes embodied in the committee amendment in the context of this BLM authorization bill.

Finally, the rule provides one motion to recommit.

Mr. Speaker, H.R. 828, the bill for which the Rules Committee has recommended this rule, would authorize appropriations for the programs, func-

tions, and activities of the Bureau of Land Management for the next 4 fiscal years. The committee amendment, which is now printed in the bill, would make a number of revisions in the Federal Land Policy Management Act of 1976. I urge the adoption of House Resolution 200, so that the House can proceed to the consideration of H.R. 828.

□ 1320

Mr. Speaker, I reserve the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 200 is an open rule under which the House will consider a bill authorizing appropriations for the next 4 years for the Bureau of Land Management.

The bill made in order by the rule, H.R. 828, authorizes appropriations for fiscal years 1990 through 1993. The Congressional Budget Office estimates of the specific amounts are detailed in the report filed by the Committee on Interior and Insular Affairs.

Mr. Speaker, the Interior Committee has taken a routine, quadrennial authorization bill and has added to it several significant changes to the Federal Land Policy and Management Act of 1976. These changes to the Bureau of Land Management's "Organic Act" are reported as title II of H.R. 828.

Mr. Speaker, the Bureau of Land Management manages a vast amount of our public land, especially in our Western States. The responsibility of the Bureau of Land Management extends to some 270 million acres of land.

In the Central Valley area of California that Congressman PASHAYAN represents, the Bureau of Land Management does an outstanding job of management of public land. From his participation in oversight hearings as a member of the Committee on Interior and Insular Affairs, he appreciates the difficult job these dedicated people have to do and I believe they do it quite well.

Now comes the Interior Committee with a whole series of changes to the 1976 act, changes that: Impose unreasonable deadlines for completion of land management plans; restrict State National Guard departments from using agreements with BLM to gain access to public lands for temporary use; and expand various land use definitions, thus requiring a time consuming and costly review of more than 300 existing areas of critical environmental concern.

Mr. Speaker, it is obvious that the sponsors of the bill want to micromanage the Bureau of Land Management. The Members would do well to read the dissenting views filed by the minority members of the Interior Committee.

Mr. Speaker, the administration is opposed to enactment of H.R. 828, and has issued a statement which says the bill would "make a number of substantive changes in the way the Secretary of the Interior manages public lands. These changes would hamper, rather than facilitate, effective land management."

Mr. Speaker, since this is an open rule, the Members will have ample opportunity to amend the bill.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BONIOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am just delighted that we could please the gentleman from New York with this rule and with the other rule, and we want to be as accommodating and as friendly and as open as we can on this side of the aisle to move this Congress forward.

Mr. Speaker, it seems appropriate now that we move to the bill itself and let the competent and capable gentleman from Minnesota [Mr. VENTO], who has championed the environment for so long in this Congress and who has done an outstanding job with our parks, to lead us as we take over jurisdiction on these two important pieces of legislation.

Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ESTABLISHING A NATIONAL PARK SYSTEM REVIEW BOARD

The SPEAKER pro tempore. Pursuant to House Resolution 199 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 1484.

□ 1325

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1484) to establish a National Park System Review Board, and for other purposes, with Mr. DICKS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 30 minutes, and the gentleman from Arizona [Mr. RHODES] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 1484 has a simple purpose, one that any Member who has a unit of the national park system in his or her district can appreciate. The bill simply would correct a growing problem of overt political control and dismemberment of one of the finest professional agencies we have in the executive branch; the National Park System.

The Committee on Interior has received information regarding numerous instances of decisions being made by low-level political appointees which were made over objections of professional personnel in the National Park Service and in many cases by the director of the Park Service, that would have led or are leading to degradation of natural and cultural resources of the parks contrary to the clear directions of the 1916 act establishing the park system and other law. Specifically an assistant secretary ordered the Park Service to allow seismic exploration over 85 miles of Big Cypress National Preserve, overruling the professional opinion that an environmental impact statement was required. That order was withdrawn the day a coalition of environmental groups filed suit against the decision. An agreement between a ski development corporation and the Park Service was signed which would allow ski lifts to cross the Appalachian trail in spite of professional staff advice that the trail could not and would not be protected under terms of the agreement as is required by law.

In other cases professional Park Service employees have been harassed, intimidated, even forced into retirement when they made efforts to protect the park resources, by these same political appointees, who used unjustified adverse employee ratings, threats of adverse transfers, and other adverse personnel rulings.

The former acting assistant secretary for wildlife and parks set up a system to personally approve or reject all promotions for GS-13's and above and to approve or reject all travel requests for park service employees. The Park Service was also required to report all telephone conversations with any Member of the Congress, the staffs, or the staffs of any committee. Regardless of the interference and intimidation these orders highlight, we all should wonder just how much waste and delay is caused by trying to comply with this kind of harassment.

The same assistant secretary tried to quietly change the position of superintendent at Yosemite and Yellowstone National Parks from career professional positions to political senior executive positions. It was only after the attempt was exposed in committee hearings and reported in the press that

this blatant move to gut the Park Service was withdrawn.

In 1986 Secretary Hodel ordered a reprimand of Park Service employees regarding a study of aircraft overflights at Grand Canyon National Park and ordered the inspector general to investigate the employees involved in the study. The inspector general was not able to find any misrepresentations in the study but Secretary Hodel never withdrew the reprimand letter.

The Subcommittee on National Parks and Public Lands processed 125 bills that were passed by the House in the 100th Congress; 108 were signed into law as individual bills or parts of other bills and only 3 were vetoed. Regrettably, almost all of these bills were officially opposed by the administration. The astounding, almost ludicrous part of the story is that whole most of the bills dealing with the National Park System were supported by professionals, and many were publicly supported by the director of the Park Service he was then required to testify against them during hearings. The political appointees often required the director and other witnesses to distort facts or to claim information did not exist. This kind of abuse of the Congress should not be permitted to continue.

Mr. Chairman, I could cite numerous other examples where these political bureaucrats who lack knowledge and are without understanding of the purpose of the National Park System or the laws that govern them, have taken actions that were and are detrimental to these national treasures. However, I believe those I have discussed amply illustrate the fact that a national system that we in Congress have put in place, after open and public debate and over a period of 117 years is rapidly being dismantled, in secret, by people who cannot be held accountable for their actions and often in violation of the spirit if not the letter of the law.

Many members have units of the National Park System in their districts and those who do know how important that park is to their constituents. They do not want to see their park destroyed by the greed of developers, or miners, or dams, or airports or dirty air or logging or any of the dozens of other things that intrude on our environment every day. That is why we set up a professional agency to protect these things that we in the Congress have deemed to be of special importance. Now because the aggressive actions of special interests who will gain much if the Park Service is muzzled and intimidated we have our parks being run by political flies that can pass through fine mesh screen. No-sees-ums who make day-to-day decisions that are counter to the purpose for which we established these parks.

I am sure Members do not want the park in their district ruined. I am also sure Members want to hear the truth from the park professionals when you ask them a question and not the answer that some departmental hack told them to give you. I do not believe Members want their name or the names of their staff entered into a national computer net and reported to a political operative every time they call for information. And I doubt Members want the superintendent of their park to be some political campaign worker for whatever President is in office.

Well, that is what is happening and will continue to happen unless we enact H.R. 1484 and return the national parks to professional management.

H.R. 1484 will provide protection from political interference for those dedicated professionals in the National Park Service who are trying to protect the natural and cultural resources in their park in accordance with the laws we have passed. Specifically, the bill would transfer certain authorities from the Secretary of the Interior to the Director of the National Park Service and permit the Director to truly direct the NPS. Require the Director to be a professional, require Presidential nomination and Senate confirmation for the Director, and establish a fixed term of 5 years for the Director, who would be removable only for cause.

In short H.R. 1484 would allow the Director to direct the National Park Service and would place accountability specifically on his or her shoulders so that we and the public would know who is responsible for the state of our national parks.

Let there be no mistake there is a serious problem. The NPS is breaking down. This is a problem of 20 or more years in the making that has grown progressively worse, and the quality of protection for our parks and safeguard against deterioration, or for advocacy in part because of political management of national treasures that know no political party and care nothing for expediency. If the wrong decisions are made the resources are squandered—even lost forever, and the know-nothing political appointees are consistently making wrong decisions.

Please do not be swayed by arguments that the Congress does not have the constitutional authority to devise the structure by which an agency should be managed as some assert. The Congress has devised executive agency structures since the First Congress and such action has been upheld by the Supreme Court repeatedly; including twice in the last 2 years. That argument has been amply rebutted. But to add to that rebuttal I have here a letter from the counsel of the House which sets forth his objections to this unwarranted attempt by the adminis-

tration to restrict the constitutional authorities of the Congress.

Just so my colleagues can be made aware of the seriousness of this attack against the Congress let me quote from the House counsel's letter.

EXCERPTS FROM REPORT

To: The Honorable Bruce F. Vento, Chairman, Subcommittee on National Parks and Public Lands.

From: Steven R. Ross, General Counsel to the Clerk, Charles Tiefer, LT Deputy General Counsel to the Clerk.

Subject: Constitutionality of Bill Protecting Independence of National Park Service Director.

In light of *Morrison v. Olson*, 108 S. Ct. 2597 (1988), in which the Supreme Court sustained the independent counsel statute, which this office defended on behalf of the Speaker and Bipartisan Leadership Group, and rejected arguments by the Department of Justice similar to those it now makes against this statute, the Justice Department's challenge is utterly without merit.

The recent Supreme Court decision in *Morrison v. Olson* upholding the Independent Counsel statute relegated this kind of sweeping, undifferentiated Justice Department argument challenging limits on removability to the realm of the historical curiosity.

The Justice Department's letter offers a string of efforts to distinguish *Morrison v. Olson*, whose inadequacy only emphasizes the weakness of the Department's position.

The Justice Department also objects to provisions guaranteeing that the Park Service Director can transmit information to Congress without prior White House screening. Such an objection is utterly without merit.

[T]he statute books are replete with examples of Congress limiting review by OMB—meaning statutes allowing direct transmission to Congress—“of budget requests, legislative proposals, proposed agency rules, and other required reports and documents.”

It is clear that lacking a good basic argument against H.R. 1484, the administration has enlisted the Department of Justice to conjure up a rather transparent constitutional point, which on even casual review, is weak and preposterous, given the type of rigorous analysis it invites. The Department of Justice ought to be ashamed of itself for being used in this endeavor.

Most of all do not accept the idea that a cosmetic compromise will do the job. We have already compromised. Many believed that only a separate agency would provide the protection the parks need. That is not what this bill does. I and many others believe we need a permanent independent peer review group to keep us and the public aware of what now goes on in the Department of Interior in secret. That is not in this bill. H.R. 1484 has been narrowed to its minimum focus. A sharp focus and weakening amendments will simply allow business to continue as usual; with the wildlife, the vistas, the historic monuments, the archeological sites, and the very land the nationally significant re-

sources that we have sought to protect being lost—and we are as a Nation less when that occurs.

Mr. Chairman, our national parks need this bill and they need all of us to fight for their integrity. Vote yes on H.R. 1484 and against timid policy changes which wrongly reframe this and deny the protection our national parks need.

□ 1330

Mr. Chairman, I reserve the balance of my time.

Mr. RHODES. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in very strong opposition to H.R. 1484. This legislation, constitutional or not, is not wise. This is not good public policy.

As any good advocate can and will do, the chairman of the subcommittee has found a lawyer who has told him what he wanted to hear, that there are no constitutional questions. The administration, arguably, found a lawyer in the Justice Department who told the administration what it wanted to hear, which is that there are constitutional questions. I think as a lawyer myself that there are constitutional questions, but I do not really care because this is just plain bad law, this is bad public policy.

This bill takes the National Park Service and de facto makes it an independent agency. It calls for the appointment of the Director of the Park Service by the President, with the advice and consent of the Senate, which in and of itself is not bad.

□ 1340

It gives the Director of the Park Service a specific limited term of office, 5 years. That is not good.

It allows the President to remove the Director of the Park Service only for not doing his job. And that is not good.

It basically takes away from the Secretary of the Interior as the designated representative of the President for the stewardship of our national treasures, it takes away from the Secretary and the President any ability to control the functions of the Park Service at all and does so for a period of 5 years, which means as a matter of fact that there will be Presidents who will come into office who will not have the ability to designate their own persons to carry out the administration's policies as they relate to the national parks.

This is bad policy.

This takes away from the administration, any administration, their ability to set and to review policies as they relate to the functions of the national parks and to have persons in office who are accountable to the administration, whatever administration it may be.

The chairman complains about Presidential or administrative can't-see-ums running the National Park Service, don't-see-ums.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from Minnesota.

Mr. VENTO. I thank the gentleman for yielding.

No-see-ums.

Mr. RHODES. No-see-ums. I appreciate the gentleman correcting me.

What this legislation will do is replace, replace administration no-see-ums with congressional no-see-ums and all of a sudden the National Park Service system will be run not by persons who are accountable to the President of the United States but by the staff and the membership of the Subcommittee on National Parks and Public Lands of the Committee on Interior and Insular Affairs. I submit to you that it is no more desirable in the situation which the chairman described as having existed in years past and I submit to you no longer exists.

Mr. Chairman, this bill does something else that is just plain bad policy. This bill does not authorize the National Park Service to bypass the administration.

It directs the National Park Service to bypass the administration.

Allow me to read for the benefit of my colleagues subsection (e) of section 2 of the bill as it currently exists:

(e) INDEPENDENCE IN PROVIDING INFORMATION.—Notwithstanding any other provision of law or any rule, regulation, or policy directive, the Director shall provide any information on the request of any committee or subcommittee of Congress, by report, testimony, or otherwise, without review, clearance, or approval by any other administrative authority.

In other words, the Director of the National Park Service is going to be accountable to each and every committee and subcommittee of this House and of this Congress. He will be directed, he is directed, to respond to any inquiry, any request for information, any request for reports, without any clearance, without any consultation, without any assistance from any other branch of the administration or any other portion of the executive branch. This agency may as well be taken out of the Department of the Interior if this legislation passes because it will not be controlled by the Department of the Interior and it will not be controlled by the President. It will not have to consult with the Justice Department as to the legality of its actions. It will not be able to consult with the Justice Department into the legality of any requests from Congress. It is forbidden to do so.

Again I would state to you, Mr. Chairman, this is bad legislation; it is bad public policy.

Mr. Chairman, I intend at the appropriate time after general debate to offer an amendment which does accept the one premise that is contained in the bill, that is good public policy and that is to put the Director of the National Park System on the same footing and the same level as the Director of the Bureau of Land Management and the Director of the Fish and Wildlife Service; to make them a Presidential appointee and subject to confirmation by the Senate. That I think is good public policy. The Director of the Park Service should be on the same footing as the Directors of the other two major nature and land operational agencies within the Department of the Interior.

I will offer that amendment. But the rest of this legislation establishes bad policy and should not be accepted by this House.

I would urge my colleagues to support my amendment at the appropriate time and, if the amendment passes, to support H.R. 1484, as amended. But if the amendment does not pass, I ask my colleagues to join me in opposing passage of H.R. 1484.

Mr. Chairman, I reserve the balance of my time.

Mr. VENTO. Mr. Chairman, I yield 3 minutes to a distinguished member of the subcommittee, the gentleman from North Carolina [Mr. CLARKE].

Mr. CLARKE. Mr. Chairman, I rise in strong support of H.R. 1484 as amended by the Interior Committee. The purpose of H.R. 1484 is to strengthen the independence of the National Park Service so that its decisions will reflect the best professional judgments of its employees rather than short-term political considerations. In my view H.R. 1484 will accomplish this end and deserves your support.

The Organic Act which created the Park Service in 1916 states that the agency is to conserve the resources of the parks and provide for their enjoyment so that they will be "unimpaired for the enjoyment of future generations." These are difficult and sometimes contradictory goals and we have so far only been partially successful in accomplishing them.

Although it is not an easy task I believe it is possible to strike the right balance between park preservation and utilization, and to make the other policy decisions necessary to properly manage the resources of our parks. However, this is true only if those decisions are made by professionals based on the best scientific information available. We will not succeed in preserving the parks' resources for future generations if political influences from outside the Park Service are permitted to overrule the best professional judgments of its employees. Unfortunately the latter has all too

often been the case for the past 20 years or so.

Numerous examples of politically motivated meddling in Park Service decisionmaking have been brought to the attention of the Subcommittee on National Parks and Public Lands. The results of detailed studies of park management problems have been distorted by Department of Interior officials because of apparent political pressures. Park Service employees have been disciplined by Department officials without the knowledge or consent of the Director of the Service. Attempts by the Park Service to address such problems as air pollution in the parks have been thwarted by administration officials. In each of these instances the ability of the Service to properly manage and protect the resources of the parks has been impaired.

By making the Park Service more independent H.R. 1484 will help to correct these problems. I urge your strong support for this legislation. We need it to make our parks the places they can and should be.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. CLARKE. I yield to the chairman of the subcommittee, the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. I thank the gentleman for yielding.

I just want to point out it is not just one attorney, the House attorney, who of course is appointed on a bipartisan basis, but the Congressional Research Office both in 1988 and 1989 had the same opinion about the constitutionality. I must say in listening to my colleague, Mr. RHODES I think there may be some misunderstandings about the bill. While it does not require review by OMB or any other administrative agency to present information to Congress or to make statements, policy statements with regard to the parks, it does not void—in other words, the idea of leaving him in the Interior Department is that he can work with the others, Fish and Wildlife Service, BLM, and other agencies as well as the Department of Justice. So it obviously is the interference we are trying to avoid, not the collaboration in terms of using various services.

Mr. RHODES. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong opposition to H.R. 1484, as amended to require Presidential nomination and Senate confirmation of the Director of the National Park Service, who would serve a fixed term and be responsible for operations and management of the NPS. I share with my colleagues an appreciation of the important responsibility that falls to the Park Service—

protecting natural and cultural resources for public enjoyment. Improving the management of the Park Service is a laudable goal. However, H.R. 1484 would not lead to improved management. This bill is an unworkable, radical revision of an effective management system that only further politicizes the National Park Service and complicates policy development. The removal of secretarial authority would cause confusion and duplication of effort among the Interior Department, the administration, and Congress. The constitutionality of the bill is questionable and the administration will veto the bill if presented to the President. H.R. 1484 would lead to further political involvement in and congressional micromanagement of the Park Service. For these reasons I oppose the proposed Park Service Review Board. While the current structure may not be perfect, I believe it has provided effective and responsible management of the vast and valuable resources entrusted to the care of the National Park Service. I urge my colleagues to join me in opposition to the drastic changes proposed in H.R. 1484 and I urge my colleagues to support the amendment in the nature of a substitute which will be offered by my colleague the gentleman from Arizona [Mr. RHODES].

□ 1350

Mr. VENTO. Mr. Chairman, I yield 2½ minutes to another distinguished member of the subcommittee and a hard worker, the gentleman from Georgia [Mr. DARDEN].

Mr. DARDEN. Mr. Chairman, I appreciate the distinguished chairman of the subcommittee yielding this time to me to make a statement here today.

First of all, I want to commend the gentleman from Minnesota for his leadership in bringing this bill to the floor. I think it is certainly important legislation, and needs to be considered once more by the House of Representatives, which as we all recall last year passed this legislation overwhelmingly.

Mr. Chairman, Henry David Thoreau once said "In wildness is the preservation of nature." Congress, realizing this, back in 1916 created a National Park Service, because Congress saw the need to preserve and protect what was great about this country, our national resources.

Since that time, Mr. Chairman, we have seen the growth and the evolution into the outstanding park system for the world. More than 350 crown jewels adorn this National Park Service as National Parks. As a member of the committee, I had an opportunity to visit a number of them, and as a representative from northwest Georgia, there are three different units of the National Park Service located in

my district: The Chattahoochee River National Recreation Area, the Chickamauga and Chattanooga National Military Park, and the Kennesaw Mountain National Battlefield Park.

Mr. Chairman, it is amazing how little contact the average citizen has with the Federal Government. The average citizen probably has less than pleasant dealings with the Internal Revenue Service, but with that exception, very few of our citizens have very much contact with the Federal Government except for the National Park Service. It is important to have a Park Service which is administered above politics, which is administered in such a way that professionals make the decisions that control it today.

I want to commend the chairman, the gentleman from Minnesota [Mr. VENTO], for bringing this much needed solution fix to a problem we have in our National Park System. If Gifford Pinchot, if John Muir, or even John Seiberling were the director of the National Park Service, in today's environment, he would have a very difficult time, because there is a lack of independence and too much interference—political interference—from above with the Director trying to do his job.

Let Members pass this bill so that our National Park Service Director can do his job. Let Members give him the tools so he can be independent and provide Americans a much more independent National Park Service. I urge my colleagues to vote strongly in favor of this legislation.

Mr. VENTO. Mr. Chairman, I yield 2 minutes to the gentlewoman from Maryland [Mrs. BYRON].

Mrs. BYRON. Mr. Chairman, July seems to be Park Service month. We stood here a year ago and passed a very similar bill by 248 to 130. Now again we are before the Congress with the same concept.

I have a district that contains parts of six national parks. One of the things that I look at with great pleasure is that Camp David seems to be in the middle of one of my parks, Catocin Mountain National Park. I noted with interest the dissenting views on July 11, 1989, stated that while we understand the intent of the legislation to remove politics from within the National Park Service, we believe the antithesis could result from the enactment.

While the Presidential appointment of the Director and Senate confirmation of the Director, political involvement in the National Park Service would continue and most likely escalate.

I notice that our colleague from Arizona has an amendment in the nature of a substitute which will strike everything except the requirement for Senate confirmation of the National Park Service Director, and require the Director to have experience in natural

and cultural resources, recreational management. I find it very interesting that on the 11th of July the dissenting view said we should have no confirmation, and here today we are looking at a substitute, but I think the only involvement that I would like to see was the discussions that go on in the National Park Service on the betterment of the Park Service, so it can serve all of the American constituents that we represent, whether they visit in my congressional district or your congressional district.

Mr. VENTO. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon [Mr. DeFAZIO].

Mr. DeFAZIO. Mr. Chairman, at the first hearings, again I was a member of the subcommittee, a couple years ago in came a Director of the Park Service, Mr. Mott, and this other gentleman came in and sat down next to him, and every time we asked Mr. Mott a question, it seemed like he wanted to answer, and the other fellow kept grabbing, leaning over, and whispering in his ear. I asked who that was, and it turned out to be a Mr. Horne, a political operative, a political appointee.

I could not help but hark back to my undergraduate work in political science regarding the Soviet Union, and in the Soviet Union, there is the government and the government bureaucracy, but the party is always preeminent. There is a shadow government in the party. It seems that the Park Service and some other professional agencies of Government here in the United States are being subjected to that same abuse. Here is a gentleman with experience and integrity, Mr. Mott, Director of the Park Service, who has honest opinions about things, honest opinions that we were not treating the Park Service properly. There are problems out there, there are things that need to be dealt with, and he is being restrained if he wants to remain in that position and do something good for the Park Service, he has a political operative saying, "No, you can not say that or tell the truth about this."

The bill to which we hear so much opposition does something simple: It assures the professionalism of the Park Service so that Congress will get honest, professional opinions, and management of that Service. Is this interfering, to ask the Senate to confirm the appointment of the Director of the Park Service, the person who is going to preside over the 355 areas that we, the people of the United States, have set aside for all time, as areas too precious to be despoiled? I think not. It is proper oversight on the part of the Congress, and it is good policy that we should make these changes to free up the Park Service from the most egregious abuses of the political system, so that they can begin again to professionally manage

and advise Congress honestly on the needs of this system.

Mr. VENTO. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. LEHMAN].

Mr. LEHMAN of California. Mr. Chairman, I rise in strong support of H.R. 1484—a bill to reorganize and depoliticize the National Park Service. What's wrong with the National Park Service? Is legislation needed to right this wrong?

First of all, what's wrong with the National Park Service has nothing whatsoever to do with the thousands of dedicated employees—from rangers to managers—who are the lifeblood of this Nation's National Park System. What is wrong is that for far too long, these Park Service employees have been asked everyday to do more with less and to do it with the constant knowledge that Washington political appointees are watching how they do it.

In the beginning, I thought the problems facing the National Park Service were the product of a single administration in a shortsighted era. I thought changing the top of that administration would solve the problems of political interference in park administration. I was wrong. Even under an administration which has declared itself to be "environmentalist," politics as usual appears to prevail over long-term public policy. The problems we face are institutional and require a legislative "fix."

The most recent example of park politics interfering with park policy occurred at the national park I represent—Yosemite. The Department of the Interior—with no apparent consultation with the National Park Service Director—proposed to convert the Superintendent's position at Yosemite from Career Civil Service to Senior Executive Service. Taking away civil service protection from the Superintendent at Yosemite—or any other national park—means that the hands on manager of this premier park may be removed from office or transferred without a great deal of difficulty and most importantly, the day-to-day decisions at the park will be enormously subject to influence by Department of the Interior appointees. Fortunately, this proposal has been withdrawn but only after protest from career park service managers and Members of Congress. This is just one example the politicization of our national parks and my colleague from Minnesota has given you many many more.

I urge my colleagues to support H.R. 1484. Better institutions will produce better policies. Vote yes on H.R. 1484 for the Yosemite, the Yellowstone, and all the other units of our National Park System.

□ 1400

Mr. Chairman, the purpose of this bill is very simple and straightforward. We intend to the greatest degree possible to take politics out of the Park Service. We want park decisions to be made by career professionals. We believe that park personnel should not be harassed when they exercise their professional judgment, even when that judgment conflicts with the administration's political goals. We think that Congress should get realistic budget requests reflecting what is really happening in the parks, not what some people over at OMB think we ought to know about what is happening.

Mr. Chairman, let us give our career professionals a chance to perform the job that they are trained and paid to do. Let us pass the Vento bill.

Mr. VENTO. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. KOSTMAYER], a distinguished member of the Committee on Interior and Insular Affairs, and a subcommittee chairman.

Mr. KOSTMAYER. Mr. Chairman, first of all, I want to commend the gentleman from Minnesota [Mr. VENTO], the chairman of the subcommittee, not only for his work on this important measure, but for the full scope and breadth of the work he has done on behalf of the people of the United States of America as chairman of this subcommittee along with his predecessor, the gentleman from Ohio, Mr. Seiberling. I think the name, "VENTO," will go down in the record as one of the great subcommittee chairmen in recognition of the work he has done for the people of this country.

Mr. Chairman, on July 13, 1989, the House Interior Oversight and Investigations Subcommittee which I chair, held a hearing that confirmed my suspicions regarding current policy decisions of the National Park Service; namely, that political appointees within the Department of the Interior have and continue to usurp the authority of National Park Service professionals in implementing laws designed to protect our national parks, national monuments, and national historic landmarks.

In the case my subcommittee investigated, Interior Department functionaries, over the clear and vigorous opposition of all Park Service officials involved, negotiated an easement with Killington, Ltd., owner of the Killington ski resort in Vermont, that would allow significant development along a currently remote section of the Appalachian Trail. The Department political appointees, despite several promises made repeatedly during 5 years of negotiations, went so far as to direct that this highly controversial easement be finalized without adequate environmental assessment work, without public hearing, and even without

notifying the Vermont congressional delegation, interested citizens and conservation groups.

The slipshod and blatantly political way in which this decision was made led the Appalachian Trail Conference, along with several environmental groups, to file suit against the National Park Service—the first and only time the groups have filed suit in over 1,800 land acquisition cases involving the Appalachian Trail.

Mr. Chairman, the time has come for us to put an end to this destructive interference with the great treasures that we have entrusted to the professionals of the National Park Service. We must no longer allow untrained and unknowledgeable political appointees to undermine the protections that Congress has provided for the most naturally, culturally, and historically significant of our Nation's lands.

H.R. 1484 would protect against this interference by transferring authority for directing the Park Service from the Secretary of the Interior to the Director of the National Park Service. The bill also requires that the Director be a Park Service professional, that he or she be nominated by the President and confirmed by the Senate, that he or she serve for a fixed term of 5 years and that he may be removed only for cause.

Elements of the authorities contained in H.R. 1484 have been legislated for numerous other agencies. For instance, a fixed term of office applies to the Director of the FBI. Independent counsels and members of the Federal Energy Regulatory Commission, among others, can be removed by the President only for cause. The Federal Energy Regulatory Commission is an independent agency within the Department of Energy. Many agencies are exempt from OMB review of various functions, including the U.S. Trade Commission which submits its budget directly to Congress, as does the Federal Reserve System and Home Loan Bank Board. HHS reports to Congress can be reviewed by OMB, but OMB cannot revise or delay them, and OMB is not authorized to clear reports to Congress from the inspector general of the Department of Energy.

I urge all my colleagues to support this important bill and to oppose any amendments that would weaken its provisions.

Mr. VENTO. Mr. Chairman, I thank the gentleman from Pennsylvania [Mr. KOSTMAYER] for his comments.

Mr. Chairman, I yield 1 minute to the gentleman from the Virgin Islands [Mr. DE LUGO], chairman of the Subcommittee on Insular and International Affairs and a member of my subcommittee as well.

Mr. DE LUGO. Mr. Chairman, I thank the gentleman for yielding me this time, and I want to say that I join in the remarks that were just made by

the gentleman from Pennsylvania [Mr. KOSTMAYER]. I also believe that the gentleman from Minnesota [Mr. VENTO] is going to go down as one of the great subcommittee chairmen in this area.

Mr. Chairman, I rise today in support of H.R. 1484, a bill to reform the National Park Service. I believe this bill is a very valuable measure that will enable us to protect our national parklands long into the future.

I want to commend the gentleman from Minnesota, one of the hardest working and most knowledgeable subcommittee chairmen that we have in the House, for putting together this bill.

Clearly, decisions affecting our parklands are never easy and require the most professional and objective judgments. This bill would create a better management environment where this would be possible, particularly through the requirement that the Director of the National Park Service be appointed by the President and confirmed by the Senate to serve a term of 5 years.

Furthermore, by requiring all Park Service employees to report exclusively to the Park Service Director, it would ensure that our most professionally qualified employees will be making the important and complex decisions affecting our public lands.

Most of all, this bill would provide for a better system of accountability for such decisions. It will be possible to precisely determine who made what decision and why. It will make the matter of oversight infinitely easier.

Mr. Chairman, over the years, the Department of the Interior for the most part has done a good job in protecting and preserving the public lands and parks of this country. H.R. 1484 in my view will enable the Department to do an even better job by enhancing the role of professionals who have the ability to best manage our parks.

Mr. VENTO. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Georgia [Mr. LEWIS], an able member of the subcommittee and of the full committee.

Mr. LEWIS of Georgia. Mr. Chairman, I want to thank my subcommittee chairman very much for yielding this time to me.

Mr. Chairman, I rise in support of H.R. 1484, the National Park Service Reform Act, and to commend the subcommittee chairman for his efforts to improve the organization and administration of the National Park Service.

From my service on the subcommittee, I know the importance of the National Park Service in terms of conservation, recreation, and historic preservation.

It is clear from the record compiled by the subcommittee that we must strengthen and improve the National

Park Service. This legislation will provide the important changes necessary to address the well-known problems verified in the hearing record.

The chairman's legislation is both appropriate and moderate. I urge my colleagues from all parts of the country to join me in supporting this legislation.

Mr. VENTO. Mr. Chairman, I yield all my remaining time to the gentleman from California [Mr. LEVINE].

The CHAIRMAN. The gentleman from California [Mr. LEVINE] is recognized for one-half minute.

Mr. LEVINE of California. Mr. Chairman, I thank the gentleman from Minnesota [Mr. VENTO] for yielding this time to me, and I thank the Chair for spelling out the extent of the remaining time available.

Mr. Chairman, I just wish to compliment the chairman of the subcommittee as well for his superb work in crafting a very important piece of legislation and adding my support to this bill.

This is a service which is responsible for a legacy that will be preserved not only for our generation but for further generations. The independence that the chairman of the subcommittee has outlined for it in the context of this legislation will help it to perform its functions with the independence and ability it needs so we will be able to protect the legacy of these parks for further generations.

Again, Mr. Chairman, I want to commend my subcommittee chairman and the members of the subcommittee and urge support of the legislation.

Mr. RHODES. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I just want to make a couple of observations. The gentleman from Pennsylvania [Mr. KOSTMAYER] suggested in his remarks that what we really ought to do and we ought to be considering is making the Park Service an independent agency. I think that is worthy of consideration. I do not think what we are doing here is worthy of consideration.

We are taking the Park Service and making it into something that cannot be defined. It is of the administration, but it is not of the administration, it is in the Department, but it is not in the Department, it answers to the Secretary but it does not answer to the Secretary.

Mr. Chairman, I would like to remind my colleagues of the existence of something they probably wish did not exist, and that is the Navajo-Hopi Relocation Commission. Regardless of our views of the merits of the Navajo-Hopi relocation dispute, I want the Members to think about that commission, because it is out there all by itself, appointed by the President, not answerable to the Secretary, it is of the Department but not of the Department, of the administration but

not of the administration. And up until the last year or so it has been a mess. Nobody has watched it. They have an annual appropriation hearing. They get annually beaten over the head by the Appropriations Committee. They annually get their money appropriated and they go about their business annually again. We are creating the same kind of situation here.

□ 1410

Mr. Chairman, the no-see-ems who are going to run the National Park Service are going to be here in this Congress. Nobody says that the situation with a politicized Park Service is good, but we are not solving the problem with this legislation, and I do want to reemphasize once more, Mr. Chairman and the gentleman from Minnesota [Mr. VENTO], and incidentally I want to say to him what an honor it has been to be here in your day of deification.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. RHODES. One moment, and I will, Mr. Chairman.

The magnitude of what the gentleman from Minnesota [Mr. VENTO] is doing to this service and its relationship with my administration is contained in the very last section, and I am sorry, I say to the gentleman from Minnesota [Mr. VENTO], "I disagree with you."

Mr. Chairman, this is not a benign section. This does not give the service the option, if my colleagues will, of clearing its communication with the Congress with OMB, with the Department of Justice and with the administration. It specifically says it shall not do it regardless of any other provision of law, rule, regulation, or policy directive. The Director shall provide any information by report, testimony, or otherwise without review. The Director of the Service is to respond to any committee or subcommittee of this Congress, any committee or subcommittee directly, without discussing what he is going to say to that committee or subcommittee at all with any representative of the administration.

Now, very candidly, I do not think by this legislation, I say to the gentleman from Minnesota [Mr. VENTO], "You are depoliticizing the Park Service. I just think you're putting it under the control of a different set of political operatives, and I don't think that your bill accomplishes what you want it to do. I think it does establish bad policy."

Mr. Chairman, I hate, very frankly, when we stand over here and wield the only influence that we have, which is the veto, but it will be vetoed.

I just would urge our colleagues to rethink their position on this and to reject the principles contained in H.R. 1484.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. RHODES. Mr. Chairman, if the gentleman from Minnesota is out of time, I would be happy to yield some of mine to him.

Mr. VENTO. Mr. Chairman, I am out of time. Obviously we have a lot of requests today, and I appreciate the comments of the Members. I am not a candidate for the purpose the gentleman alludes, at least not at this point. But, if the gentleman from Arizona [Mr. RHODES] will continue to yield I would say that it is curious to me that the gentleman is for the independence of it, but that this does not create independence. I have some. We had explored that, as I said, and there are many groups that would like to see total independence, but I would point out that there is a working model within many of our departments that have semi-independent or great autonomy within the departments, nonetheless, for instance, the IRS, or the FBI or various other agencies, the Federal Trade Commission, the Food and Drug Administration, and all of them have, if the gentleman from Arizona [Mr. RHODES] will continue to yield, and I will just conclude my statement, have a degree of autonomy within them that is necessitated by the work they do, and what we are seeking is a status, not, obviously, absolute symmetry with them, but offering the same sort of control, and the same sort of independence and autonomy.

And I fail to see and it is certainly not the intent that there be greater legislative involvement right now as we are eliminating one type of the no-see-ems in terms of the assistant secretaries and many others that have interfered blatantly with the Park Service operation and its policies, even its implementation of the law. We do not seek to inject further legislative action. I think it is ironic. There certainly is no measure before us that gives us as legislators more ability to do that any more than we have right now.

Mr. Chairman, I might say that improperly sometimes there is legislative involvement with agencies and departments of our Government and some interference through the Appropriations Act and various riders that occur from time to time, and that is of concern to me, and I would be pleased to work with the gentleman from Arizona [Mr. RHODES] on the solution, but it certainly is not the intent. The gentleman is certainly entitled to his opinion.

Mr. RHODES. Mr. Chairman, reclaiming my time, let me point out to the gentleman from Minnesota [Mr. VENTO] that of those agencies he mentioned the Federal Trade Commission is in fact an independent office. The Internal Revenue Service and the FBI

certainly do exist within the Department of the Treasury and the Department of Justice, and they do not have the freedom, nor the directive from Congress to come to Congress without going through their respective Secretaries and the heads of their agencies.

Mr. UDALL. Mr. Chairman, the bill now before us, H.R. 1484, is similar to legislation that passed the House last year. I appreciate the fact that my friend from Minnesota, subcommittee Chairman VENTO, has made a number of changes to meet concerns that I had expressed last year.

The national parks of America are among the most precious things we as a nation possess. The parks system has been called by many a uniquely American idea and indeed it is. How unfortunate it is that the process of operating and directing the parks has become politicized to the point of hampering the effective running of the park system. The decisions of resource managers are often overtaken by political decisionmaking. H.R. 1484 is an attempt to return the running of the park system to those experienced in resource management and sensitive to the concept and ideal of our national parks. There is no question that such changes are necessary if the park system is to survive for the enjoyment of future generations.

H.R. 1484 is not a perfect solution to the problem, I have some misgivings whether Presidential appointment and Senate confirmation will make the process less political—but it will grant the Director of the Parks equal footing with the Director of the Fish and Wildlife and the Director of the BLM and the Bureau of Reclamation. The bill sets a fixed term of 5 years and gives the Director direct control over all policies, functions and employees, save budget, and cabinet policy matters. The bill would expand professional qualification requirements of top employees and have NPS answer directly to the Congress. These provisions may allow the Director the autonomy necessary to effectively protect our national parks.

Mr. Chairman, these are positive steps toward our goal of a more independent and less political Park Service. I commend Mr. VENTO for the hard work he has put into this legislation in an effort to forge a workable solution and I urge my colleagues to support it.

Mr. GREEN. Mr. Chairman, I rise today to explain my opposition to H.R. 1484.

I do not disagree with the bill's desire to protect this Nation's park system. Without a doubt, our environment is our most treasured resource.

But one does not improve management of our national parks by destroying accountability for the quality of their management. H.R. 1484 would reorganize the National Park Service by creating an independent board that would transfer all current functions and authorities relating to the park system from the Secretary of the Interior to the director of the board, who would not be subject to removal by the President except in situations of gross incompetence. Decentralizing management authority from a Cabinet officer is not only poor management, it has the potential of creating more delays in important environmental decisions. It makes it impossible for the American people

to hold an administration accountable for what happens in our national parks.

That is unacceptable. Isolating the administration from the actions of the Park Service is not the proper way to deal with the problems of our national parks. A better way must be found.

Mr. LAGOMARSINO. Mr. Chairman, I rise in opposition to H.R. 1484. As the ranking member of the Subcommittee on National Parks and Public Lands, I have and will continue to support legislative efforts aimed at improving the National Park Service. However, in spite of the good intentions of the subcommittee chairman, Mr. VENTO, I am rising to oppose H.R. 1484 as I do not feel this bill meets the goal of improving the National Park Service, nor is it in the best interests of the Park Service.

This legislation, in my opinion and that of other Members on both sides of the aisle, goes much too far. It proposes a radical revision in the current management scheme of the Park Service and would, I believe, set a dangerous precedent for other agencies, such as the Forest Service within the Department of Agriculture, or NOAA within the Department of Commerce.

H.R. 1484 would eliminate virtually all secretarial authority over the Park Service. This would be completely unworkable, as well as unsound management. It is imperative that a Cabinet officer have authority over operating programs within the bureaus under his or her department in order to manage effectively. The current hierarchy of management establishes a system of checks and balances which insures accountability. Equally important, the Park Service feels that the secretarial void created by this proposal would be a political and managerial liability. Yet, this is the management scheme which H.R. 1484 would implement. I fail to see how it could be characterized as beneficial for the Park Service.

Another important point is that the Department of Justice has determined the bill to be unconstitutional due to violation of the separation of powers and infringement on the executive authority of the President. These are serious issues which need to be addressed prior to further action on this bill.

It is also important to note that the Department of the Interior and Park Service, who are responsible for the management of the Park Service, strongly oppose H.R. 1484. They do not believe, for good reasons, that management of this nature would work properly and effectively.

Finally, I do not believe this bill is necessary. It proposes a major revision to correct what appear to be only minor problems. In addition, it creates the potential for micromanagement of the Park Service by Congress which I believe would be detrimental and would establish a dangerous precedent. I feel the present management system for the Park Service represents sound and effective policy. It provides for coordination with other agencies within the Department and the Federal Government, and with the administration. It also provides Congress and the public with ample opportunities to review and revise Park Service programs and budgets.

In closing, Mr. Chairman, while improvement of the management of the National Park Serv-

ice is a laudable goal, I believe it could be accomplished through other more responsible and effective means. One such method which I will support when it is offered as a substitute today by the gentleman from Arizona is to require Presidential appointment and Senate confirmation of the Director. However, short of that, I feel the current management system works very well. Therefore, I must oppose H.R. 1484 which proposes major structural reconstruction for what appear to be relatively minor cracks in the system.

Mr. Chairman, I urge my colleagues to vote against H.R. 1484 and support the Rhodes-Craig substitute as the responsible alternative.

Mr. Chairman, I would point out also that the administration has signaled that there will be a veto on this legislation if it is passed in its present form.

Mr. RHODES. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Pursuant to the rule, the bill is considered under the 5-minute rule by sections, and each section shall be considered as having been read.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NATIONAL PARK SYSTEM REVIEW BOARD.

(a) ESTABLISHMENT AND FUNCTIONS.—There is hereby established a National Park System Review Board (hereinafter in this Act referred to as the "Board"). The Board shall maintain a continuing review of programs and activities of the National Park Service and of existing and proposed National Park System units. The Board shall transmit to the President and to each House of the Congress an annual report containing the results of its review, together with any recommendations for the management of the National Park System or any proposed additions to such system, as it considers appropriate. Concurrently with the submission of the annual budget of the United States by the President, the Board shall submit to the President and to the Congress budget recommendations for the National Park Service and for the Board. Notwithstanding any other provision of law or any rule, regulation, or policy directive, the Board shall transmit such annual report and budget recommendations, and provide any other information on the request of any committee or subcommittee of Congress, by report, testimony, or otherwise, without review, clearance, or approval by any other administrative authority except to the extent that the Board may deem such review, clearance, or approval appropriate.

(b) MEMBERSHIP AND TERMS OF OFFICE.—The President shall appoint members of the Board from among persons who, because of education or experience, are considered knowledgeable regarding policy issues affecting the natural or cultural resources of the Nation. The Board shall consist of three members serving for terms of four years, except that the terms of the members first taking office shall expire (as designated by the President at the time of appointment) as follows: One member after one year, one member after three years, and one member after five years. Members of the Board may be removed by the President only for inefficiency, neglect of duty, or malfeasance in

office. Any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term.

(c) **ADMINISTRATIVE PROVISIONS.**—The Board shall elect a Chairman from among its members. A majority of the Board serving at any one time shall constitute a quorum for the transaction of business. The Board shall have an official seal, which shall be judicially noticed. The Board shall meet at the call of the Chairman. Any member of the Board may, with the authorization of the Chairman, conduct public meetings. There shall be at least six meetings of the Board each year. In carrying out its functions, the Board may adopt bylaws, rules, and regulations necessary for the administration of its functions and may, subject to the amounts provided in an appropriation act, contract for any necessary services.

(d) **PUBLIC MEETINGS; PUBLIC COMMENT.**—All meetings of the Board shall be open to the public and the Board shall solicit, and review, public comments on all recommendations to be made by the Board.

(e) **COMPENSATION.**—Members of the Board shall each be paid annual compensation at a rate not to exceed the highest rate of basic pay payable for level V of the Executive Schedule. While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed expenses under section 5703 of title 5 of the United States Code.

(f) **STAFF, EXPERTS AND CONSULTANTS.**—The Board may appoint and fix the pay of such personnel as it considers appropriate, including at least a chief of staff, a secretary to the Board, a legal counsel, five investigators, and ten support staff. The staff shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates. The Board may procure temporary and intermittent services under section 3109(b) of title 5 of the United States Code, but as rates for individuals not to exceed basic pay payable for GS 13 of the General Schedule. Upon request of the Board, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Board to assist the Board in carrying out its duties under this Act.

(g) **OBTAINING DATA.**—Notwithstanding sections 552 through 552b of title 5 of the United States Code, the Board may secure directly from the National Park Service information necessary to enable it to carry out this Act. Upon request of the Chairman of the Board, the Director of the National Park Service shall furnish such information to the Board.

(h) **ADMINISTRATIVE SUPPORT SERVICES.**—The Administrator of General Services shall provide to the Board on a reimbursable basis such administrative support services as the Board may request. The Board may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

The **CHAIRMAN.** The clerk will now designate section 2.

The text of section 2 is as follows:

NATIONAL PARK SERVICE.

(a) **DIRECTOR OF NATIONAL PARK SERVICE.**—There shall be within the Department of the Interior, a National Park Service headed by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate; from among persons qualified, by training and experience and by demonstrated ability, to administer, protect, and preserve the natural and cultural resources of the United States. The Director shall be paid at the rate not to exceed the rate of basic pay payable for level IV of the Executive Schedule under section 5316 of title 5 of the United States Code. The Director shall hold office for a term of five years and may be removed by the President only for inefficiency, neglect of duty, or malfeasance in office.

(b) **FUNCTIONS.**—On the effective date of this Act, all functions and authorities of the Secretary which are carried out through the National Park Service as of July 1, 1988, shall be transferred to and vested in the Director of the National Park Service appointed under this Act, except that the Secretary shall retain the authority and responsibility for the budget of the National Park Service and for conveying information regarding the National Park System to and from the Cabinet. In the performance of his functions, the Director and the officers and employees of the National Park Service shall not be responsible to, or subject to the supervision or direction of, any officer or employee, or agent of any other part of the Department of the Interior.

(c) **EMPLOYEES.**—The Director shall appoint and fix the compensation of all officers and employees of the National Park Service. The Director shall appoint the following: three Deputy Directors from among the professional employees of the National Park Service; a Deputy Director of the National Park Service; a Deputy Director of Historic Preservation and Cultural Resources; and a Deputy Director for Recreation, Conservation, and Open Space. Salaries, grades, and benefits of employees so transferred shall not be affected adversely thereby, except that no employee of the National Park Service shall be appointed from or under schedules excepted from the competitive service. No person whose position has been excepted from the competitive service, other than the Director or an individual holding a Senior Executive Service position, may conduct, or participate in the conduct of, any performance appraisal under chapter 43 of title 5 of the United States Code for any officer or employee of the National Park Service.

(d) **TRANSFERS.**—Upon appointment of the Director of the National Park Service under this Act, the Director of the Office of Management and Budget shall provide for the transfer to the administrative jurisdiction of such Director such of the personnel, property, funds, and records of the service created by the first section of the Act approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1), as are under the administrative jurisdiction of the Department of the Interior.

(e) **INDEPENDENCE IN PROVIDING INFORMATION.**—Notwithstanding any other provision of law or any rule, regulation, or policy directive, the Director shall provide any information on the request of any committee or subcommittee of Congress, by report, testimony, or otherwise, without review, clear-

ance, or approval by any other administrative authority.

COMMITTEE AMENDMENT

The **CHAIRMAN.** The Clerk will report the committee amendment to section 1.

The Clerk read as follows:

Committee amendment: Page 2, line 3, strike all of section 1 through page 5, line 25, and renumber section 2 as section 1.

Mr. **VENTO.** Mr. Chairman, I do not believe that this amendment is controversial. It is one of the key issues that engendered considerable opposition to this bill in committee and on the floor last Congress was the establishment of the review board to look over the shoulder of the Director of the NPS and tell the public and the Congress what it found. Some confusion was generated as to the role of the existing National Park Advisory Board in relationship to the proposed review board. The existing Advisory Board, does not have broad legislated authority to review the activities of the Park Service or the Park System in a manner that is particularly helpful to the public or to the Congress. The Advisory Board is advisory only to the Secretary and has no reporting responsibilities to Congress. Because of this we in the Congress have gained little from them, conversely the proposed review board would have reported to the Congress annually and would have provided a much needed information source regarding the needs for congressional action in support of the park system. However, in an attempt to develop a compromise with the opponents of H.R. 1484 I recommended that the committee delete the provisions related to the National Park Review Board. The Committee accepted that amendment and section 1 of the bill as introduced was deleted—which Form I now seek to continue as the full House consideration moves forward on H.R. 1484.

Mr. **RHODES.** Mr. Chairman, procedurally the gentleman from Minnesota [Mr. VENTO] is correct. The subcommittee adopted what is now printed in the bill as section 2 as a substitute, and procedurally it should be considered as the legislative vehicle before us now.

The **CHAIRMAN.** The question is on the committee amendment.

The committee amendment was agreed to.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. RHODES

Mr. **RHODES.** Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. **RHODES:** Strike all after the enacting clause and insert in lieu thereof:

"That there shall be within the Department of the Interior, a National Park Service headed by a Director, who shall be appointed by the President, by and with the

advice and consent of the Senate. The Director shall have a broad background and substantial experience and knowledge in the management of natural and cultural resources and recreation."

Mr. RHODES. Mr. Chairman, I will be brief because we have gone over the substance of my position in connection with the bill itself.

The intent of the amendment is to retain the proposition that the Director of the Park Service should enjoy the same status as the Director of the Bureau of Land Management and the Director of the Fish and Wildlife Service, which is a Presidential appointment with Senate confirmation, and it is the intent of the amendment to retain that portion of the legislation which does make that designation a Presidential designation and does require Senate confirmation but does not change anything else in terms of the way that the Director of the Park Service reports. He would still be answerable to the Secretary. He would still be a portion of the administration, and his performance would be evaluated as such.

It simply changes the method by which the Director is designated and does recognize the stature of the National Park Service as it relates to the other two agencies within the Department and the stature of the Director of the Park Service, which I believe is appropriate for us to do at this time.

Mr. Chairman, I would urge the adoption of my amendment in the nature of a substitute to H.R. 1484.

Mr. VENTO. Mr. Chairman, I rise, of course, in opposition to the amendment. In doing so I do not want to disparage the Presidential appointment and the confirmation by the Senate of the Park Service Director. I think that that is a good step, and I think it is a positive response that the gentleman from Idaho [Mr. CRAIG] and the gentleman from Arizona [Mr. RHODES] and other Members have made with regard to this.

□ 1420

I just simply feel that it does not go far enough. It gives obviously the Senate a new role, a special role in terms of looking at the credentials and the other qualifications they look at with regard to Presidential appointees in the Presidential process. It is a good thing to do. There is nothing wrong with it.

The problem is, though, that the issue goes deeper than this. I articulated earlier, I was not trying to say there is a perfect symmetry between the IRS or the FBI or some of the other agencies that have great autonomy within the Federal departments. There is not. Maybe it is more of a situation where we have like in the Federal Energy Regulatory Commission [FERC] or others where they have special responsibility, where they need

autonomy, where they need independence, they need insulation from both the administration and from Congress. I do not seek to displace the administration to insert Congress into shaping park policy—outside the legislation process.

We do this because I think the system has matured, and is riddled with problems, because in the past 20 years there has been a constant improper involvement, pulling the rug out from under the Director of the National Park Service time and time again.

I think the issue here is to let the professional views and the professional judgments of the scientists and of the other Park Service professionals who are trying to do their jobs to preserve the parks and the cultural resources, to permit those decisions to go forward, whether it is an air quality issue or other matters, to bring that information to Congress. This amendment would not do it.

As I said, I think we tried to strike a balance in this bill in terms of not providing for complete autonomy, not to create another EPA, not to create something improper or unworkable, but to maintain the NPS within the Department where it could work on an equal footing with the BLM, the Fish and Wildlife Service, and some of the other people in the Department of the Interior.

This Rhodes amendment simply does not go far enough in terms of addressing the nature of the problem. It fails to realize what the problems have been and will continue to be in the future.

The Department of the Interior has permitted many times Assistant Secretaries who are now gone, who do not know, who have no direct line of responsibility, as I refer to them as the no-see-ums, who can fly through that fine mesh screen and nobody knows what is biting them and they do bite quite aggressively. Park policy today has the same problem. Nobody is responsible in too many situations. The ultimate accountability should be in the Director of the Park Service. Permit the Director to become the type of advocate that I think we need for the 354 units of the Park System.

We say in the designation of parks and of the natural resources, cultural resources, the myriad of resources that they make up, that these are our crown jewels. These are the finest resources that we have in our Nation that should be protected in perpetuity.

Unfortunately I think, Mr. Chairman, that too often these crown jewels of our natural and cultural resources are becoming the rhinestones because degradation is taking place.

Once a decision is made by someone which moves in the wrong direction, we lose the resources; we cannot recreate those resources. They are gone.

They are gone for our lifetimes and for the lifetimes of our children and our grandchildren.

So I am very, very concerned that we do take the right step now. I certainly want to work with my colleagues on both sides of the aisle on this issue as we move forward.

I think the reported bill, H.R. 1484, is a good measure. We have tried to sharpen up the focus to where the specific problem is, to eliminate that which might be distracting in terms of a review board; but to further remove these provisions would cut out the heart of what is intended to be accomplished.

So Mr. Chairman, I must rise in strong opposition to the amendment of my colleagues, the gentleman from Arizona [Mr. RHODES] and strongly recommend that my colleagues oppose this and vote it down.

Mr. RICHARDSON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it is important to vote yes on H.R. 1484 to protect our national parks.

Here are the reasons:

With politics and special interests put first, park protection and professional workers have suffered.

Nonprofessional, political appointees review all national park superintendents and seek noncareer appointments. This is unhealthy.

Nonprofessional, political appointees direct and limit testimony and information sought by the U.S. Congress. This is of great concern.

Park professionals have been harassed for study conclusions and actions to protect our national parks. This is intolerable.

H.R. 1484 will let the Director direct the Park Service instead of some low-level, political hack.

House counsel says: Justice Department challenge to constitutionality of H.R. 1484 is without merit.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. RICHARDSON. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I want to commend the gentleman for his statement. I think it is a very thoughtful statement.

You know, we are hearing today a lot about the problems with the revolving door in terms of special interests gaining access. Of course, we have real problems in terms of our resource management agencies and the myriad of resources that they are managing; but one of the fundamental points if you are going to have a revolving door, it does not do any good if you have a revolving door where people who go out and work in the private sector are barred from that, but there has to be someone inside the Department to play catch with them, someone to take the missiles and the directives that

they are sending from special interests.

What we are doing here is we are eliminating some of those people who are playing catch on the inside. They find new routes. They find new ways and places to do it. It is surprising to me that the Park Service for 50 years operated pretty objectively, but today there are efforts to put in place in fact in the agency people who are purely political appointees.

You know, like all of us, when President Bush is elected or any President is elected, I think they have the right to have a certain number of people appointed in the Department of the Interior and other places, but they do not have the right to unilaterally change the way our parks are managed, to override Civil Service decisions. We have the right to have the information come out and to try to build some insulation. That is what the bill is trying to do. Obviously, that is objectionable to some. I do not know that there is any perfect answer to it, but we can surely improve by what is intended here.

So I thank the gentleman for his support. He is a strong and able member of the subcommittee.

Mr. VISCLOSKY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I must rise in strong opposition to the amendment offered by the gentleman from Arizona. I believe that the amendment essentially would perform a cosmetic change. The structure as it exists today essentially would remain intact. It would certainly preserve the power of political appointees. The Assistant Secretaries and others could continue to undercut the policy of the Director of the National Park Service. The gentleman's amendment would transfer power and responsibility to the Director of the National Park Service, giving him the charge of directly having control and responsibility for the management and direction of our national parks.

□ 1430

He essentially would be a continuation of the atrophied management where everyone is in charge and where no one is in charge.

I would again state my strong opposition to the gentleman's amendment.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. VISCLOSKY. I am happy to yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I just want to use this time to point out to the members of the committee and the House that I do not have a personal quarrel with any of the National Park Service Directors, and I did not use this as a means in the 100th Congress to criticize Director Mott, nor do I in this Congress seek to malign Di-

rector Ridenour who is, of course, the new Director of the National Park Service from the State of Indiana where the gentleman hails from.

We hope to work with him positively, but we would like to have him in charge, to be accountable, to be responsible, that in fact not someone else making decisions for the NPS; that the Director actually making decisions and that he will stand up and can defend the Park System, and that is really what is at issue here. It is not a personality. It is not a political-party issue. It is an issue of sound administrative structure, and this amendment obviously would cut out the heart of what is being offered in the measure H.R. 1481.

While it is all right to confirm by the Senate, it is inadequate in terms of the totality of need with regard to the National Park Service.

Mr. Chairman, I thank the gentleman from Indiana for his support, another able member of the subcommittee, and a very thoughtful statement.

Mr. VISCLOSKY. Mr. Chairman, I appreciate the chairman's remarks.

Mr. LAGOMARSINO. Mr. Chairman, I rise in support of the amendment offered by my colleague from Arizona, Mr. RHODES. I believe that this substitute is a much more rational and effective approach toward improving the management of the National Park Service.

We are all cognizant of the fact that the National Park System has grown tremendously since its establishment in 1916. We now have over 340 units within the System which are extremely diverse in nature. As the Parks System has increased in size, so has the responsibility and the complexity in managing these areas. The Director of the National Park System is now faced with a myriad of difficult decisions, ranging from administration to use conflicts within the parks.

The Rhodes-Craig amendment would recognize and accommodate this increasing responsibility by elevating the position of the Director through the requirement of Presidential appointment and Senate confirmation. This revision would conform the appointment of the Park Service Director with that of the Directors of the Bureau of Land Management and the Fish and Wildlife Service within the Department of the Interior. In addition, the amendment requires the Director to have a background of experience and knowledge in the management of natural and cultural resources and recreation. These requirements will insure that all future Directors possess the qualifications needed to properly manage the outstanding resources within our National Park System.

These changes are certainly appropriate and a more preferable means than H.R. 1484 to accomplish the objective of improving the management of the National Park Service. Therefore, I urge my colleagues to approve the Rhodes-Craig amendment.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Arizona [Mr. RHODES].

The question was taken; and the Chairman announced that the yeas appeared to have it.

Mr. RHODES. Mr. Chairman, I demand a recorded vote.

Mr. VENTO. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. PICKETT] having assumed the chair, Mr. DICKS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1484) to establish to National Park System Review Board, and for other purposes, has come to no resolution thereon.

BUREAU OF LAND MANAGEMENT AUTHORIZATION, FISCAL YEARS 1990, 1991, 1992, AND 1993

The SPEAKER pro tempore (Mr. PICKETT). Pursuant to House Resolution 200 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 828.

□ 1432

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 828) to authorize appropriations for programs, functions, and activities of the Bureau of Land Management for fiscal years 1990, 1991, 1992, and 1993, with Mr. DICKS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 30 minutes, and the gentleman from Utah [Mr. HANSEN] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 828, as reported by the Committee on Interior and Insular Affairs.

This is an important bill that affects the management of some 270 million acres of land in 28 States from Florida to Alaska, as well as the mineral interests in several hundred million acres of other lands.

The bill has two parts. The first section would authorize appropriations for the Bureau of Land Management, or BLM, which is the Agency within the Department of the Interior responsible for the management of these public lands and minerals.

Technically the BLM has been operating without such authorization since the end of fiscal 1982. The Federal Land Policy and Management Act of 1976 says that every 4 years the administration is to request a reauthorization for BLM. The last such request was submitted in 1980, but was not acted upon by the Congress, and for 8 years the Reagan administration ignored the requirement for such a request.

Earlier this year, I introduced H.R. 828 to respond to this situation by authorizing the appropriation of such sums as may be necessary for BLM for fiscal 1990, 1991, 1992, and 1993.

However, many of us believe that we need to do more than just reauthorize appropriations, because we believe BLM is an agency with some real problems that need urgent attention. The second part of the bill addresses some of those problems.

Historically, the public lands administered by BLM were viewed as "unwanted" lands, warranting little management attention. In keeping with this view, intensive livestock grazing on these lands was not regulated until enactment of the Taylor Grazing Act in 1934, and even then, the operating Federal philosophy was to assume a custodial role over these lands pending their ultimate disposal to other parties, like the more than 1 billion acres that the United States has transferred to the States and to private parties over the years. As a consequence, the public lands that had already been badly damaged by decades of overgrazing and unregulated mining activity continued to deteriorate even after they were required to be managed.

Congress completely revised basic policy by enacting the landmark Federal Land Policy and Management Act of 1976 [FLPMA]. FLPMA established the policy that public lands were to be retained in Federal ownership and that their deteriorated condition should be improved. Further, FLPMA directed that BLM lands be managed under the principles of multiple use and sustained yield.

The multiple-use principle requires BLM to manage the public lands in balanced fashion for the benefit of all users. In other words, fish and wildlife, recreation, ecological preservation, watershed, historical and other values—as well as the concerns of ranchers, miners, and lumbermen—are to be given consideration as BLM works out a combination of uses that best meets present and future needs.

The sustained-yield principle requires BLM to have a longterm perspective in its management actions to ensure that the land's productive capacity is maintained in perpetuity. Under the act, the public land is not to be abused or have its productivity permanently impaired in order to maxi-

mize commercial output or economic return.

Mr. Chairman, FLPMA is a very good law, embodying very sound principles of land management. But for a number of years BLM has fallen short of the mark in terms of implementation envisioned in FLPMA.

The cause of most of BLM's shortcomings has been a lack of resources. The last administration never requested realistic financing for BLM, and though Congress always provided more than the administration sought, BLM still has not had the money and the people they need to do their important job the way it should be done.

As an authorizing committee, the Interior Committee of course has not been able to directly remedy BLM's budgetary problems, although we have repeatedly brought them to the attention of the House. We greatly appreciate the willingness of the Appropriations Committee and the House as a whole to provide more resources for BLM than the inadequate amounts requested by the last administration.

In addition, however, some of BLM's problems stem from failures of leadership and from distortions in policy that can be addressed through legislation.

These problems have been documented in many ways, including a number of studies by the General Accounting Office. I could quote at length from GAO's findings, but perhaps they can be best summarized by reading some of the testimony we received from GAO at the hearing on H.R. 828, the bill now before us, held by the Subcommittee on National Parks and Public Lands.

At that hearing, GAO told us that "our work has shown that BLM has not adequately balanced the competing demands on the natural resources that it is mandated to foster, protect, and preserve. BLM has often placed the needs of commercial interests such as livestock permittees and mine operators ahead of other users as well as the long-term health of the resources. As a result, some permittees have come to view the use of these lands as a property right for private benefit rather than a conditional privilege conferred by the public at large. Unbalanced management has been a recurring theme in our reports on rangeland management and hardrock mining as well as our ongoing reviews in these and other areas."

And the GAO witness summed things up by saying "For substantive progress to be made, we believe there will have to be a fundamental change in the approach of the Agency responsible for conducting day-to-day management of the public lands. For this to occur, BLM will have to abandon its historical identification with the interests of livestock permittees and other commercial interests. In its stead,

BLM and Interior management will have to demonstrate the institutional will to effectively implement the principles of multiple-use and sustained-yield as mandated by FLPMA. Business-as-usual simply will not do if the Congress' expectations as set forth in FLPMA are to be realized."

Mr. Chairman, because I agree with that conclusion of the GAO, I urged our subcommittee and the full Interior Committee to take advantage of the opportunity presented by this reauthorization bill to make some revisions in existing law to begin the process of ending "business as usual" in the BLM.

After a very productive process of discussion and debate, the Interior Committee has now reported the bill with the addition of a new title II, that includes a series of amendments to the Federal Land Policy and Management Act of 1976, BLM's "organic act."

The provisions of title II of the bill before the House have several principal goals: To strengthen BLM's professionalism; to further true, balanced multiple-use management of public lands; to improve BLM's planning processes; to strengthen enforcement of BLM regulations; to broaden public involvement in BLM's activities and programs; to address concerns about military use of public lands; to revitalize the periodic-reauthorization process established by FLPMA; and to encourage "truth in budgeting" by prohibiting the use for other purposes of funds appropriated to BLM for purposes of land acquisition, pursuant to the Land and Water Conservation Fund Act or similar authority.

I have described these FLPMA revisions as "fine tuning" because I believe that they do not significantly—if at all—break new ground. I believe that FLPMA represents a sound and wise statute which provides BLM with ample authority to properly manage the public lands under a multiple-use and sustained yield mandate, and, as I said, that most of BLM's recent shortcomings have resulted from inadequate funding, insufficient personnel, and skewed policies and priorities. But I believe that the fairly modest revisions to FLPMA contained in this bill will be a useful part of an overall effort to improve BLM's ability to properly discharge its important responsibilities.

Before outlining in more detail the FLPMA revisions contained in the bill, let me mention what the bill does not do regarding grazing on public lands. There are now in existence a number of local grazing advisory boards, established by action of the Secretary of the Interior after the statutory basis for such boards expired at the end of 1985. These boards consist entirely of grazing permittees. However, a propos-

al to abolish these boards and to transfer their functions to the multiple-use advisory councils provided for by FLPMA was dropped at an early stage of the committee's consideration of H.R. 828, and the reported bill would not affect the existing grazing advisory boards.

Similarly, the bill does not address either the fee now charged for grazing on public rangelands, or the problems the BLM has had in enforcing the rules against what is called subleasing of grazing areas by ranchers holding BLM grazing permits.

Grazing fees are now set by an executive order issued in February 1986. The bill would not change that. "Subleasing" refers to the practice of a grazing permittee allowing another person to make use of the forage for which the Government is charging a fee set by that executive order. We have had testimony in a number of hearings that in some cases the permittee in return is paid at a much higher rate than the established fee. Obviously, in such cases it is the taxpayer—whose forage is being consumed—who is losing out on the difference. Mr. Jamison, the new BLM Director, has reaffirmed his intention to stop such illegal subleasing.

H.R. 828 as reported by our committee does not address subleasing, but every grazing permittee and everyone in the BLM should take note of the seriousness with which many of us view this practice, and should understand that is not something we will tolerate.

Now, let me briefly outline the ways the bill would revise existing law. First, to bolster the professional status of BLM's top management, the bill would require that henceforth the Deputy Director, Assistant Directors, and State directors be nonpolitical, career appointees. The status of the Director, a Presidential appointee subject to the advice and consent of the Senate, would not be changed.

To reinforce FLPMA's emphasis on environmental concerns, the bill would expand the definition of the "areas of critical environmental concern" which are to receive priority in management. The result is to make explicit what I believe is the proper reading of current law—that is, that ACEC's should include areas with special environmental, ecological, and scientific resources and values as well as the resources and values already identified in FLPMA, and that the Secretary, in considering possible designation of such areas, should take into account not only the specific resources and values of particular portions of the public lands, but also the way that use of those public lands might affect the resources and values of other areas, such as national parks or other conservation systems units.

I do not consider these proposed changes in ACEC definitions to be a

major departure from existing law, and the language of this part of the bill was revised during the committee's debates so as to make that even more clear. In my opinion FLPMA already permits BLM to act to further the purposes spelled out in the amendment, just as BLM already can and should consider the possible effects of its management decisions on other areas—such as national parks—even though they have not always done so to the extent many of us think proper. The bill would not mandate the designation of any particular lands as ACEC's, or even the designation of any particular type of ACEC's, and it would not either establish or provide for the establishment of any "buffers" or anything similar. The designation of ACEC's would continue to be made by the Secretary on a case-by-case basis.

The bill would broaden public involvement by strengthening the multiple-use advisory councils provided for in FLPMA. It does not address the status of any other bodies, such as the grazing advisory boards.

With regard to BLM's land-use planning process, the bill would establish deadlines for the completion of the first generation of such plans, and provide for their revision at least every 15 years. This would respond to frequently expressed concerns about the slow pace of development of resource management plans and the lack of a requirement for keeping them current. It would also underscore the importance of BLM's receiving adequate funding for timely completion of these plans.

The "truth in budgeting" requirement—prohibiting the "borrowing" of land acquisition funds for other purposes, such as firefighting—would closely parallel similar restrictions already adopted with respect to National Park Service funds. It is also in line with the Interior Committee's position, frequently reiterated in recent budget reports, that Congress should provide realistic "up front" financing for programs such as firefighting, so that money appropriated for land acquisition will not be diverted.

With respect to military activities, the bill is aimed at establishing a uniform, national policy with regard to use of public lands by the National Guard units—which as "State agencies" are not now covered by the provisions of law that apply to use of those lands by the Federal military services.

The bill would retain FLPMA's requirement for periodic submission of requests for reauthorization of appropriations for BLM. However, it would revise section 318 of FLPMA so that the next such request would be due by the start of the next Congress—rather than later in that Congress—and every 4 years thereafter. I believe that such timely submission of requests would help us avoid the problems that led to

inaction on the last request—which reached the Congress in the second session of the 96th Congress, and in the middle of a Presidential-election year.

Finally, the bill would raise from \$1,000 to \$10,000 the maximum fine that could be imposed for a knowing and wilful violation of BLM regulations. This would be a more realistic deterrent to those who might otherwise be prepared to engage in unlawful activity, and would reemphasize the importance of vigorous enforcement of the law.

Mr. Chairman, while H.R. 828 is important, it is not radical, nor does it represent a major change in national land-management policy. Our committee has been very concerned, for a number of years, about BLM's ability to properly discharge its important responsibilities. This bill alone cannot correct all the deficiencies in BLM's implementation of FLPMA and in BLM's management of the public lands. But I believe that it will assist BLM to do the job right, especially if BLM is also given the resources, the people, and the leadership that it needs. I urge the passage of H.R. 828 as reported by the Committee on Interior and Insular Affairs.

□ 1440

Mr. Chairman, I reserve the balance of my time.

Mr. HANSEN. Mr. Chairman, I ask unanimous consent to yield my time for the purposes of managing the bill to the gentleman from Montana [Mr. MARLENEE].

The CHAIRMAN. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. MARLENEE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to this legislation which has had a mysterious evolution in the House. H.R. 828 began as a 10-line bill to reauthorize the Bureau of Land Management. That 10-line bill had strong bipartisan support. However, before the markup by the Subcommittee on Public Lands, an extensive eight page amendment emerged—title II—that dramatically transformed this legislation and forced all of us on this side of the aisle to oppose it. I would also like to point out that title II was created after our only hearing on this bill. Essentially, we are bringing a bill before the House today that does not even faintly resemble the 10-line bill that we had a hearing on. The added eight pages create a whole new realm of environmental law that applies to FLPMA. This radical change in FLPMA is not needed.

For example, in subcommittee and committee consideration we were told that the BLM placed livestock and

mining interests ahead of other users and were causing a deterioration of other resources on the public lands such as wildlife.

Mr. Chairman, I find this ironic when one considers the dramatic increase in big game populations found on BLM lands. Between 1960 and 1987 elk populations have increased an amazing 651 percent on BLM lands. Moose populations have increased 372 percent during this same period, bighorn sheep 324 percent to name a few. These numbers are testimony that the BLM's program of multiple use management is working and should be a model for other agencies.

These numbers also show that properly managed livestock grazing is a wise use of our public lands that benefits a vast assortment of public land users and plays a vital role in public land management. Let us not forget that livestock permittees have invested millions of dollars of their own money over the years in stock ponds and waterholes and put out salt and supplements on vast arid rangelands which have benefited wildlife as well as livestock.

Moreover, statistics reveal that BLM rangelands are in the best condition that they have been in the agency's history.

There are aggressive activist environmental groups who for selfish reasons would tell you otherwise. However, professional land management and university study groups reinforce the good management taking place.

This legislation is also supposed to result in BLM land use plans being completed faster. However, the Owens amendment, adopted in full committee after much controversy, would actually do the opposite by bringing the BLM planning process to a grinding halt.

Under this provision, we would require BLM land use plans to "support increases in the numbers and types" of wildlife and plant populations. The way things are currently proceeding, I could envision this section being used to encourage BLM planners to stop oil and gas exploration in areas frequented by desert tortoises and force wolf reintroduction in grazing allotments considered prime wolf habitat. Traditional multiple uses like live livestock grazing, motorized recreation and mining would be the losers in such a system.

Moreover, because of the complexity of wildlife and plant kingdoms, this provision would result in virtually anyone successfully challenging land use plans because the BLM might have overlooked a particular species that could potentially be supported in a certain area. This is litigation legislation.

Again, let us not forget that this legislation amends FLPMA to require the creation of areas of critical environ-

mental concern [ACEC's] to "protect and enhance the resources and values" of any unit in the conservation system. One can better comprehend the magnitude of this section after examining some of the land designations included in the conservation system: National Park System—79.4 million acres, 343 units; national wildlife refuges—88.2 million acres, 640 units; national wildlife and scenic rivers—9,260 miles, 119 rivers; National Wilderness Preservation System—88.6 million acres; and National Trail System—24,000 miles, 114 trails.

Although I appreciate the chairman's willingness to include language stating our intent not to create buffer zones around these units, I still have major concerns about this section.

First, the requirement that ACEC's [Areas of Critical Environmental Concern] protect resources "located on or likely to be affected by the use of public lands" is virtually impossible to define and could be interpreted by a Federal judge to vastly expand the number of ACEC's.

Moreover, later in section 208(a), the Secretary is directed to "prevent the impairment or derogation of resources and values of conservation units." This could result in the creation of de facto buffer zones where multiple use activities are severely restricted.

Mr. Chairman, this legislation threatens the BLM's system of multiple use management that has allowed big game populations to sky rocket, range conditions to be at the best level in ages at the same time that grazing, mining, logging, and recreation are flourishing. We should not put this legislative strait jacket on an agency that has performed so well.

□ 1450

Mr. Chairman, I reserve the balance of my time.

Mr. VENTO. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina [Mr. CLARKE], a member of the committee.

Mr. CLARKE. Mr. Chairman, I rise today in support of H.R. 828 as amended by the Interior Committee. H.R. 828 reauthorizes the Bureau of Land Management and reestablishes the periodic reauthorization process called for in the Federal Land Policy and Management Act of 1976. The bill also takes modest steps toward redressing the problems that have beset the BLM in recent years.

Numerous concerns about the environmental impacts of BLM's management of public lands have been raised in hearings before the National Parks and Public Lands Subcommittee over the last several years. Mr. VENTO has already referred to the GAO report.

As he has stated, the GAO testimony concluded that there will have to be a fundamental change in BLM's management approach in order for

the principles of multiple-use and sustained-yield to be carried out as intended by Congress in the Federal Land Policy and Management Act. H.R. 828 is a good start toward making the right changes.

The chairman of the subcommittee has already provided an explanation of the details of the bill, so I will not take the time to restate them. Although some points of disagreement remain, in my view this bill constitutes a very modest effort to address some very serious problems at BLM. If these problems are not remedied the capacity of much of our public land to sustain a wide variety of plants and animals and to meet the growing demand for outdoor recreation will be seriously impaired. We would prove remiss in our stewardship of the BLM lands. I urge strong support for H.R. 828 as reported by the Interior Committee.

Mr. MARLENEE. Mr. Chairman, I yield 3 minutes to the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. Mr. Chairman, I rise in opposition to H.R. 828. I was in support of the original form of the bill, which simply reauthorized the Bureau of Land Management for 4 years. However, many of my Interior Committee colleagues have changed the bill to such a degree, that in its current form it is unacceptable to my constituents in Wyoming. Nearly half of the State of Wyoming is public land. This includes over 14 million acres that are under the direct control of the BLM. The use of this land is vital to the economic development of our State. Passage of this bill would severely restrict the balanced use of the land by people for their livelihood and those who want the land preserved. It would further hinder the BLM's ability to manage public lands under its jurisdiction. I am a firm believer that through multiple-use, coexistence can be achieved between economic needs and environmental needs. Many aspects of this bill deeply concern me. Specifically, there is an amendment to the bill that would require the BLM to support increases in the numbers and types of wildlife and plant introduction to BLM land. I believe in preserving America's natural resources, but such a plan would stop a balanced use of public land. This would encourage BLM planners to restrict land development that is used for oil and gas exploration, which would result in an uncontrolled challenge to the authority of the BLM to manage public lands. The BLM land planning process would virtually come to a halt. Court challenge after court challenge seeking new wildlife introduction would stop the logical multiple use planning process. I believe that this bill is counterproductive to the goal of harmonious coexistence between groups with con-

flicting desires for land use. I urge my colleagues to take a very close look at this piece of legislation. What is being proposed here is needless restriction of important land in the State of Wyoming and the rest of the country.

Mr. MARLENEE. Mr. Chairman, will the gentleman yield?

Mr. THOMAS of Wyoming. I yield to the gentleman from Wyoming.

Mr. MARLENEE. I thank the gentleman for yielding.

Mr. Chairman, may I inquire what is the percentage of public land in the State of Wyoming?

Mr. THOMAS of Wyoming. Wyoming consists of just right at about 50 percent public lands.

Mr. MARLENEE. So Wyoming is 50 percent public lands. And what importance is that to the recreation and multiple-use concept in Wyoming?

The basic question, the bottom line question is, would this legislation harm that concept?

Mr. THOMAS of Wyoming. The public land people, of course, look at public lands, the public lands States, as part of the economy of our States and our planning and our future with respect to mineral extraction, wildlife management, livestock management, all is contingent upon the management of these public lands.

So it has a dramatic impact on the future of our economic growth.

Mr. MARLENEE. Is the gentleman telling me that this legislation would have a negative impact on that?

Mr. THOMAS of Wyoming. That is my belief.

Mr. VENTO. Mr. Chairman, I yield 5 minutes to the gentleman from Oklahoma [Mr. SYNAR]. Mr. SYNAR chairs a complementary subcommittee on the Committee on Government Operations and has done yeoman service in terms of the number of investigations which have relevance today with regard to the BLM.

Mr. SYNAR. I thank the chairman.

I thank the chairman, the gentleman from Minnesota [Mr. VENTO], for those kind remarks, and also for the outstanding job he has done; in bringing this legislation forward.

Mr. Chairman, I want to talk about two things today. First of all, I want to rise and tell you that I am pleased to join with my colleague from Georgia [Mr. DARDEN], in strong support of his amendment to prohibit subleasing of grazing permits, and to increase penalties for subleasing of grazing rights on public lands.

As many of my colleagues know, the current grazing fee system is totally out of kilter with marketplace realities. The fees are underpriced and inherently unfair to those who can not take advantage of the grazing permit system. The last figures we have from the Forest Service and the Bureau of Land Management show that, depending on the region, grazing fees could

be increased up to five times their current levels.

Only 2 percent of grazing nationwide is part of the Federal system. So it is easy to see why heavily subsidized grazing on these public lands is unfair to the vast majority of other ranchers who can't participate in the Federal grazing program, but must compete in the marketplace with those few who do.

Moreover, when Federal assets such as these are underpriced, it is wasteful and inefficient. History shows that much of the land used for Federal grazing is in a degraded condition, and this is especially problematic for riparian areas which provide critical wildlife habitat.

These resources belong to all Americans—and the taxpaying public should get the full and fair benefit of owning them. As the program now stands, only a few reap the benefits—and they do so to the disadvantage of other ranchers.

My friend from Georgia deserves great credit and commendation for his attempts to reform the current grazing system to make it more efficient and more equitable for the taxpayers and other ranchers. I am a cosponsor of his legislation, and I hope the House will consider his bill to make needed reforms during this Congress.

In the meantime, we have a chance to put a stop to an ongoing abuse of the grazing permit system by supporting the amendment he has before us today dealing with subleasing of grazing permits. Congress never intended to authorize this type of subleasing; yet it has persisted because of a regulatory loophole. In 1985, the Forest Service and BLM reviewed 1,000 subleases on 47,000 grazing allotments. At a time when the legal animal unit month [AUM] rate was approximately \$1.50, these permit holders received between \$8 and \$12 per AUM from subleasers and pocketed the difference.

If \$8 to \$12 represents the more realistic market value of those grazing rights, then the American people should be getting that amount for the use of these public lands—not a privileged few who happen to hold these grazing permits.

It is bad enough that the current grazing fees greatly under price these resources; subleasing at significantly higher rates is just rubbing the taxpayers' noses in it.

As I indicated before, I hope Congress will act on the legislation providing more comprehensive reform for the grazing program. But in the meantime, it is essential that we put a stop to this subleasing practice by adopting the Darden amendment today.

□ 1500

With my remaining time, let me address something to my Republican col-

leagues. I hope they will all listen to me.

I have been sitting on this floor for the last hour, listening to some of their comments. They have been making comments that this started as a simple reauthorization at 10 lines, and now it is very complicated with 8 pages. They sat over there and protested, crying "foul," saying that the scope has grown way beyond what the original intent was. They have addressed it like it is a radical change. One person commented we are micromanaging BLM. What I find appalling is that they are not coming to the well of this floor and demanding that we do have radical change and that we do micromanage this system. Why? Because, my colleagues and fellow Americans, the Bureau of Land Management may be the worst run agency in this Government.

It has, for the last 8 years, been run rampant with incompetent administration, ineffective and negligent enforcement. It has mismanaged our Nation's most precious resources, and at the expense of all taxpayers.

If this is radical change, it is darn overdue. If it is micromanaging the Bureau of Land Management, it is darn long overdue. It is long overdue, let Members try to change it with H.R. 828 today. It will be a good start.

Mr. MARLENEE. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I find the gentleman from Oklahoma's comments astounding, astounding in the fact that the National Cattlemen have taken a position, both against the reauthorization of this piece of legislation and against the kind of position that my friend from Oklahoma is trying to put forth in the well of the House. I find it amazing that this man stands on the floor of the House of Representatives and attempts to slander the good public servants that we have in the Bureau of Land Management, across the United States of America, from Washington, DC, all the way to the local offices.

Mr. Chairman, I yield 2 minutes to my good friend and colleague, the gentlewoman from Nevada [Mrs. VUCANOVICH], and ask her to yield to me for a question.

Mrs. VUCANOVICH. Mr. Chairman, I yield to the gentleman from Montana.

Mr. MARLENEE. What percentage of your area of the State of Nevada is public land?

Mrs. VUCANOVICH. Eighty-seven percent.

Mr. MARLENEE. I thank the gentlewoman for yielding.

Mrs. VUCANOVICH. Mr. Chairman, I rise in opposition to H.R. 828, the Bureau of Land Management reauthorization bill. The BLM is very important to my State, which is 87 per-

cent public lands. I support a straight reauthorization because I believe the BLM generally does a good job of land management according to its multiple-use mandate.

However, title 2 of H.R. 828 would make substantial changes to the Federal management of public lands, particularly units of the conservation system that encompass over a quarter of a billion acres and almost 12,000 miles of rivers and trails. Title 2 would enlarge areas of critical environmental concern, require the BLM to enlarge the populations and varieties of plants and animals, and restrict National Guard access to public lands for training purposes.

The language regarding "areas of critical environmental concern" [ACEC], is too vague for effective policy. The plant and animal requirements are too restrictive for balanced multiple use management. Further, the limitations on land usage by the National Guard place an undue burden on a vital part of our national defense.

I would like to express my thanks to Chairman VENTO for his willingness to discuss the divisive issues of H.R. 828 but for the reasons just stated, I oppose this bill and urge my colleagues to oppose it as well and also urge them to support Mr. HANSEN's amendment to strike section 203, which would hinder the National Guard's ability to train on these lands.

Mr. VENTO. Mr. Chairman, I yield 2 minutes to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Chairman, I think one of the very positive aspects of the legislation is now presented. It keeps the Grazing Advisory Board in the initial draft. The subcommittee had produced a document that had the termination of the Grazing Advisory Board. It is very important for anyone in the West to have representation in some of these boards by individuals that are in the cattle business that know land, and I think it was interesting that, unfortunately, that that got into the bill. Apparently not enough input had been taken from several of the western members. That provision is now out, and the Grazing Advisory Boards, which are critically important in the West, are in the bill. I think for those that are concerned about this, all over the Southwest and the West, the Grazing Advisory Boards, which are vital for many land management decisions affecting the West, are in this bill.

I thank the chairman for having restored those.

I yield to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. I want to thank the gentleman for his advice and counsel, as well as the gentleman from Montana, because I think this issue became one of the flash points with

regard to my approach that was somewhat analytical and idealistic, assuming the Grazing Advisory Boards would be merged with Multiple Use Councils. I found out to my chagrin that there was not that confidence in this use of time by the Multiple Use Council to accommodate the concerns of the Grazing Advisory Board, as points of comment from the gentleman from Montana, and the pervasive arguments of the gentleman from New Mexico. I think that is a point we were able to work on in the committee, and work out a solution.

Obviously, we want to work in the future to see if we can someday, I hope, use the Multiple Use Councils, where all the interests and use of the public lands come together, and people have confidence and feel they are adequately represented in such a context.

□ 1510

□ Mr. MARLENEE. Mr. Chairman, I yield 1 minute to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. Chairman, will the gentleman yield?

Mr. RICHARDSON. I yield to the gentleman from Montana.

Mr. MARLENEE. Mr. Chairman, let me ask the gentleman, how much of the land acreage located in New Mexico is in BLM?

Mr. RICHARDSON. About two-thirds.

Mr. MARLENEE. Close to two-thirds?

Mr. RICHARDSON. Approximately.

Mr. MARLENEE. Mr. Chairman, I congratulate the gentleman for his understanding and his consideration of the needs of multiple use in that State, and particularly the need for harvesting the renewable resources of that land. Particularly, I congratulate the gentleman for maintaining the Grazing Advisory Board. It has done a good job.

I would like to ask the gentleman one further question if he would yield to me again.

Mr. RICHARDSON. I yield to the gentleman from Montana.

Mr. MARLENEE. Mr. Chairman, does the gentleman think that the Bureau of Land Management has done a tolerable job or a good job of managing the BLM resources in the State of New Mexico?

Mr. RICHARDSON. I do.

Mr. MARLENEE. Mr. Chairman, I thank the gentleman for his responses.

Mr. Chairman, may I inquire, how much time do I have remaining?

The CHAIRMAN pro tempore (Mr. WISE). The gentleman from Montana [Mr. MARLENEE] has 15 minutes remaining.

Mr. MARLENEE. Mr. Chairman, I yield such time as he may consume to the gentleman from Oregon [Mr. ROBERT F. SMITH].

Mr. ROBERT F. SMITH. Mr. Chairman, I thank my friend, the gentleman from Montana, for yielding me this time.

Mr. Chairman, I rise in opposition to what began as a simply reauthorization bill for the Bureau of Land Management and came now to a statement by a few who believe we can remanufacture public land management by amendment to an act of Congress. I reject that idea. I reject it because I concur with those from the west who believe that the work of the Bureau of Land Management can be improved, but they have done an excellent job of managing the public lands, not only for those in the west but for those in this great land of ours. And by the way, those people in this country are the ones who own all the land, the public lands, and, therefore, I think they ought to be represented, and they have been, through the Bureau of Land Management.

Mr. Chairman, at this point, I wish to interject extraneous material presented as an answer to the GAO which has been quoted for the RECORD. That material is as follows:

BUREAU OF LAND MANAGEMENT,
Washington, DC, June 21, 1989.

Hon. MORRIS K. UDALL,
Chairman, Committee on Interior, and Insular Affairs, House of Representatives,
Washington, DC.

DEAR MR. CHAIRMAN: This is in response to the request made by Representative Robert F. Smith at the April 11, 1989, hearing of the National Parks and Public Lands Subcommittee on H.R. 775 and H.R. 828, and his follow-up letter of April 13, 1989, to respond in writing to the criticisms of the Bureau of Land Management made by the General Accounting Office's Associate Director, James Duffus III, in his statement at the hearing.

We are pleased to enclose responses to GAO's statements.

We trust that this information will be helpful.

Sincerely,

ROBERT F. BURFORD,
Director.

1. GAO Statement: On the first page, GAO contends the " * * BLM is not exercising balanced stewardship over the public lands as required by its multiple-use and sustained-yield mandates. In many instances, BLM has been more concerned with either the immediate needs of special interest groups or budget reductions than with ensuring the long-term health of the resources."

Response: From the outset, Mr. Duffus attacks the BLM's management of mining and grazing on the public lands as inconsistent with either FLPMA or the Public Rangelands Improvement Act. The GAO testimony is simplistic in that it focuses on a portion of the legislative authorities within FLPMA, and fails to consider the full range of authorities and responsibilities that direct public land management.

GAO begins by asserting that all public land management must be on a "sustained-yield, multiple use" basis. This does appear as a finding in Section 102(A)(7) of FLPMA. GAO's statement appears to define sus-

tained-yield and multiple use as a set of management acts and decisions that are solely related to protecting, preserving or "improving" renewable resources, etc., as the findings in Section 102(A)8 appears to do. The Congress did desire sound management of renewable resources when it enacted Sections 102(a)(7) and 102(a)(8). However, the Congress also recognized the consumptive uses of both renewable and non-renewable resources. Those interests are reflected in Section 102(a)(12) and 302(b) of FLPMA. These sections of FLPMA make it clear that Congress intended that the public lands are to be managed in a manner that recognizes the Nation's need for domestic sources of minerals, food, timber, and fiber from the public lands, implements the Mining Minerals Policy Act of 1970; and prevents unnecessary or undue degradation of the public lands.

Congress intended private use of the public lands to be balanced with the preservation, protection and improvement of renewable resources. However, the authorization of private use requires the recognition and accommodation of the user's economic, political, and social needs. It would appear that GAO has adopted the notion that on the public lands, the Federal government is the sole source of the conditions that "comprise the market," and these it can dictate to the users of the land. Each resource program must recognize the economic, political and social forces that affect the users of the public lands, and seek ways to accommodate those conditions that neither the user nor the government can control. One example of such forces is the surety and financial markets.

2. GAO Statement: On page 2, under the heading "Evidence of Unbalanced BLM Management," "BLM has often placed the needs of commercial interests such as livestock permittees and mine operators ahead of other users as well as the long-term health of the resources."

Response: In BLM's range management program, the first consideration is the long-term health of the resource, in terms of plant vigor and reproduction needs. Forage produced above the basic requirements of the range plant is considered available for grazing animals. This is normally 50 percent of the current year's growth.

In issuing commercial permits, the long term health of the resource is reflected in rehabilitation measures and management practices. There are cases where commercial interests have been refused permits so that certain resources can be protected. Multiple use cannot and does not mean every use on every acre or land. In many cases, simultaneous uses are possible. In other cases, one or more uses must be limited to protect a sensitive resource or to develop a needed resource. Routinely, permits, leases, and mining plans of operation contain conditions and requirements to protect sensitive resources such as key wildlife areas, archaeological resources, and rare plant species.

An appropriate amount of the usable forage production is committed to wildlife at the expense of livestock. Water developments are designed to serve wildlife needs. Fences are designed to accommodate big game movements and migrations. Land treatments are designed to provide edge effect for wildlife, and seeding mixtures include wildlife forage plants. Many livestock grazing permittees wonder why they must always give in to other interests and competing uses.

3. GAO Statement: On page 3, under the heading "Rangeland Management," GAO

states "We found that almost 60 percent of the grazing allotments for which BLM range managers had current status information were in less than satisfactory condition. * * * on 75 percent of the allotments threatened with overgrazing, BLM had not scheduled any action to reduce authorized grazing levels."

Response: In reviewing the GAO report, we could not locate the finding that almost 60 percent of the grazing allotments for which BLM range managers had current status information were in less than satisfactory condition. There is a statement to the effect that 59 percent of the BLM rangeland was in Fair or Poor Condition. We point out that GAO found the trend in range condition stable or improving on 93 percent of their sample.

GAO did not mention that the "75 percent" of the grazing allotments found to be "threatened with overgrazing" and for which no action is proposed constitute only 15 percent of total BLM grazing allotments. GAO did find and did not state that 80 percent of the allotments were not threatened with overgrazing, and that action is being taken, or has been scheduled, on 25 percent of the remainder. Thus, action remains to be taken on only 15 percent of all BLM grazing allotments. We are currently in the process of gathering needed information to determine the appropriate action on these BLM grazing allotments.

4. GAO Statement: In the last paragraph on page 3 and continuing on page 4, GAO is critical of BLM's riparian area management. GAO states that BLM's " * * * success stories represent only a tiny fraction of the total stream miles needing improvement. Greater progress in this area has been blocked by a lack of both upper management support and staff."

Response: We agree there is much to be done in this area. We regret the perception that management does not support responsible riparian area management efforts. For example, budget and program guidance to field offices for the appropriate resource Divisions includes riparian management as a specific line item or as an item of special interest. Field line managers have been specifically informed of our commitment at Bureau management team meetings and through individual program meetings. We have taken measures to reaffirm BLM's commitment to sound riparian area management and improvement.

The fact is that more progress has been made than GAO was willing to recognize in its report.

For example, each of the BLM's Districts in the western U.S. has established riparian demonstration areas. Where management techniques are found to improve these areas, the technology is being transferred to other Districts and areas.

In addition, in the Rock Springs, Wyoming area, some 2 million acres of public rangeland including some 2,000 acres of riparian habitat, have been brought up to good to excellent condition through improved livestock management. This was a cooperative effort among the livestock industry, other interest groups, and BLM. GAO investigators were aware of this effort and actually visited the area. They did not recognize it in the report. Investigators indicated to BLM field personnel that since the accomplishment was through improved management rather than as a "project", they for example, would not consider it. This is specious reasoning.

In 1988, BLM received 20 of 30 awards given by the American Fisheries Society for excellence in riparian area management.

5. GAO Statement: In the first paragraph on page 4, GAO states " * * * that restoration efforts have been thwarted by BLM managers when those efforts are opposed by the ranchers with grazing permits. The [BLM] staff pointed out specific instances where permittees responsible for livestock trespass in designated riparian recovery areas were not penalized even though the livestock and associated permittee actions had caused heavy damage."

Response: We have been unable to find specific examples of where restoration efforts have been thwarted by BLM managers or where cases of livestock grazing trespass in riparian recovery areas have been inappropriately dealt with. To the contrary, we have made it a point to reaffirm our commitment to responsible riparian area management with field managers, both verbally and through instruction memoranda.

6. GAO Statement: On page 4, under "Hardrock mining" GAO states " * * * BLM land protection requirements are much less demanding than those of the Forest Service on the industry—in this case mine operators." The statement notes that BLM regulations generally do not require mine operations on five or fewer acres to post a bond.

Response: GAO fails to acknowledge BLM's recognition of and concern for the small explorationist and start-up mine operator. Indeed, GAO has dismissed that concern not by rebutting its validity, but by citing the "costs" of reclaiming abandoned sites. In comparing BLM and Forest Service on the issue of bonding, GAO implies that BLM should consider a Forest Service style system utilizing mandatory bonds on operations with the potential to pass the "significant surface disturbance" threshold.

GAO fails to mention its own work on the bonding provisions of the Surface Mining Control and Reclamation Act, and their effects on small coal mining operators. The April 1988 report which discussed the liquidity crisis faced by coal mine operators who must post a financial guarantee is not mentioned even though its conclusions are equally applicable to hardrock exploration and start-up mine operations. GAO ignores the conclusion of its latest report that the bonding problem and the alternative solutions are the cause of liquidity crisis among small coal mine operators.

7. Statement: Also on page 4, under "Hardrock mining", GAO states: " * * * we found in 1986 that of 556 mining operations, BLM required only 1 to post a bond. When many of these sites were subsequently visited by BLM, more than a third were unreclaimed."

Response: We are aware of reclamation needs. While we do not have data on each of the revisited sites, we feel that some may only have appeared abandoned and unreclaimed. In fact, they were ongoing and active mining operations. In addition, we believe a number of these mining operations were started before the effective date of our surface management regulations (43 C.F.R. 3809 et seq.) in 1981. Prior to the effective date of these regulations, BLM had no authority for requiring a mining operation to post a bond. Bonding is now provided for under 43 CFR 3809.1-9.

Further, our State offices are aware of reclamation needs and are working towards reclamation objectives. For example, BLM is developing surface management agreements with State and County governments to con-

trol surface disturbances on mining operations.

8. GAO Statement: On page 5, under the heading "Observations from ongoing work", GAO alleges "... that BLM is not adequately addressing the environmental consequences of oil and gas development in its land use planning process."

Response: Prior to the leasing process, measures are taken to insure that the environmental consequences of oil and gas development are addressed during the land use planning process.

The Bureau's Supplemental Program Guidance (SPG) for fluid minerals (Manual Section 1624.2, dated 11/14/86) describes oil and gas resource management planning determinations. Land use plans should:

Identify which areas will be open to development and which will be closed. Identify the extent to which areas currently under lease will be open to leasing when leases expire.

Identify the lease stipulations that will be employed in areas that are or will open to leasing, and describe the circumstances within which these stipulations will or will not be waived, excepted, or modified.

Identify whether planning determinations concerning leasing and development will apply to geophysical exploration.

The factors that are to be considered in arriving at these determinations in resource management plans and environmental impact statements (RMP/EISs) and plan amendments are also described in the SPG Manual. The factors for oil and gas which are analyzed during the land use planning process include:

The potential for oil and gas occurrence and/or development.

The cumulative environmental impacts of reasonably foreseeable fluid mineral development for each alternative.

The RMP/EISs and associated documents (MFPs, EAs, programmatic documents) analyze describe the impacts of planning alternatives. Critical to the analysis is the projection of reasonably foreseeable levels of activity based on available data. This information is used to predict actions that might be expected to occur and what the impacts of these actions might be. To assure RMP/EIS adequacy, the planning process involves public participation at several stages prior to the final decision.

We are reviewing land use plans to assure compliance with SPG requirements for oil and gas in certain oil and gas areas. BLM has compiled a schedule which lists RMP/EISs and plan amendments that should be in compliance with the SPG.

In addition, guidance is currently being developed to implement the SPG for fluid minerals. A draft SPG handbook has been reviewed by BLM field offices and is being revised to incorporate field input. The Handbook will address how land use plans should describe and analyze:

Leasing, exploration, and production trends in the planning area, including the number and location of existing leases, expressions of leasing and exploration interest, number and location of wells, units, and areas covered by communitization agreements, and production history;

The manner in which leasing and permitting is conducted, and the manner in which the Federal government manages exploration, development, and abandonment activities;

Reasonably Foreseeable Development (RFD) scenarios for the areas that will be open to exploration and development under

each alternative considered in the RMP/EIS;

The direct, indirect and cumulative impacts that would be associated with the RFD scenarios for each alternative; and

The necessity for, and effectiveness of, proposed stipulations and conditions of approval to mitigate projected impacts.

9. GAO Statement: On page 5, under the heading "Observations from ongoing work", GAO alleges "... that when the interests of fish and wildlife, wild horses, or other noncommercially oriented values conflict with those of commodity groups, the latter usually prevail."

Response: No specific examples are presented by GAO to support this conclusion. There are specific regulations and policies in place requiring that we identify appropriate habitat and numbers of wildlife and wild horses through the BLM land use planning process. Once these determinations are made, with full public participation, any permit, lease, or license issued to a commodity interest is conditioned to accommodate the noncommodity resource. Wild horses are removed when populations exceed the management levels. Livestock numbers are adjusted as soon as there is data acceptable to the authorized officer to determine proper management levels.

BLM does not reduce authorized livestock grazing levels arbitrarily. Annually, BLM reviews 500 to 1,000 allotments. Based upon a sampling of 466 decisions and agreements made during the period from 1982 to 1988 in six Resources Areas in three states—37 percent of the adjustments were decreases, 14 percent were increases, and 49 percent had no change.

First priority for allotment review are those allotments that have conflicting uses, such as wild horses, and wildlife.

10. GAO Statement: On page 5, under the heading "Keys to Improving BLM's Performance", GAO acknowledges improvements by Interior and BLM in riparian area management. However, in its report on rangeland conditions, GAO states "... Interior was much less receptive raising doubts that substantive improvements will be made."

Response: BLM's policy and the regulations under which it operates support an orderly program of decision making and management implementation on livestock grazing allotments. Priority is given to those allotments that may be overstocked and have declining trends. Since the GAO report, we have taken added positive action to reinforce BLM's commitment to these priority actions through management team meetings, individual program meetings, and written directives.

11. GAO Directives: In the paragraph beginning on the bottom of page 5 and continuing on page 6, GAO alleges "While BLM has initiated some actions to better comply with the congressional mandates of multiple-use and sustained-yield, the impetus for these actions has often not come from within the agency. Rather, it has resulted largely from congressional oversight and legal actions. * * *

Response: Legal actions have hindered progress in implementing sound livestock grazing management practices since 1975. BLM has been required to produce 142 major environmental impact statements at a cost of approximately \$200,000 to \$300,000 each. In addition to costing over \$30 million, a major portion of our work force has been directed from on-the-ground management to preparation of EISs. Further, during this

period BLM could not enter into any grazing Allotment Management Plan, or its equivalent, until an EIS was completed on the planning area covering the allotment needing management. If there had not been a will in BLM to improve range conditions on public lands, little, if any progress would have been made. In spite of this adversity, BLM has made substantial progress. The area of public rangeland in Good to Excellent Condition has been doubled since 1975 and the area in Poor Condition has been reduced by one half.

12. GAO Statement: In the second full paragraph on page 6, in talking about a fundamental change in course, GAO states: "We do believe, however, that there are a number of specific signs to look for that you would indicate such change was beginning." GAO mentions signs which reflect this, including reducing overgrazing, and more rigorous enforcement.

Response: The "signs" referred to by GAO are already evident. Under the current selective management policy, BLM identifies those allotments most in need of management. These are given first priority for actions, including stocking adjustments and changes in season of use.

The current monitoring policy directs BLM priority for range studies to determine what changes may be needed in managing those allotments with conflicts. Action is then taken, as indicated by the range studies of actual livestock use, the amount of forage consumed, climate, and vegetation trend. As indicated earlier, approximately 37 percent of the indicated actions involve livestock reductions.

Regarding livestock grazing trespass, BLM takes action on some 500 cases of unauthorized use per year, and collects approximately \$150,000 per year in penalties. Most of these cases involve, in some manner, permit violations. Others involve non-permittees.

Mr. Chairman, this bill actually makes major changes in the Organic Act of the Bureau of Land Management, and I believe it will enhance the opportunity for the Bureau of Land Management to manage public lands in a multiple use manner.

As has been stated, more than 300 million acres of land under the control of the Bureau of Land Management is in the West, and, of course, this land contributes to the needs of our people for livestock forage, for timber, and for their livelihood. As has been stated by the gentleman from Montana [Mr. MARLENEE], in answer to many questions, it is imperative that we in the West live from the fruits of public lands. Those who live east of the Mississippi River must understand that those public lands are as much a part of our livelihood as are the private lands east of the Mississippi River. So what we do with public lands involves us directly in our livelihoods, be it with timber, forage, minerals, or whatever. So that normally brings us sometimes to a confrontation. There are those who want to eliminate us from timber harvesting, there are those who want to eliminate us from the use of renewable natural resources such as forage and the harvesting of grass, and they want to eliminate any kind

of opportunity for public lands, and this does not take into consideration those people speaking by innuendo on this bill, for it or against it. But I suggest to the Members that in relation to the underlying cause for this elimination of these items for the people who live and whose futures depend upon public lands, there is a specific issue in this bill which I want to address. It has to do with critical environmental concerns.

There are pieces of public lands which have been identified by the Bureau of Land Management which are to be managed for critical and environmental concerns. There are 70 centers in Oregon. We ought to do that, but we ought not to do it by this language, creating a buffer zone around those areas of concern by indirect language such as in this bill. And let me quote:

There may be concerns outside these political boundaries about lands located on or likely to be affected by the management of these special concerns.

Mr. Chairman, I thank the chairman of the subcommittee for his language that was placed in the report area of this bill which says that we do not want to involve buffer zones. Yet we have retained in this language this arbitrary kind of statement, and I suggest to my friends that this may be an opportunity for a lawsuit. It may be an opportunity for those who do not understand this language to take us to court and tie up public lands forever, as they have in the West on the timber issue. And there may be those who, through no fault of their own, may be interested in doing that. I am not, because I feel this language does create ambiguity, and this language is appealable.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. ROBERT F. SMITH. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I just want to point out that the language the gentleman refers to in regard to buffer zones is not just in the report. It is in the bill in two specific instances.

Mr. ROBERT F. SMITH. Mr. Chairman, I thank the subcommittee chairman for that clarification, and yet I must also point out that the language in the bill still remains subject to review, and I would hope that if this question is ever tested, our colloquy here will be reported. I thank the chairman of the subcommittee for that clarification.

I have lived with public lands all my life, and I represent people in the West who live all their lives with public lands. They depend upon them. This is very critical to us, and I suggest that if we are really serious about the reauthorization of this kind of public lands legislation, we should do that at the moment. We should not

legislate arbitrary questions into this bill. We should authorize it, and we should go on with our bill. If there are interests that differ with the interests we have in land management in different areas, we should let them stand as a separate bill in the House so we can debate those issues.

Mr. VENTO. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. KILDEE], who had the privilege of working on a BLM bill for his entire State last year.

Mr. KILDEE. Mr. Chairman, I am pleased to rise in strong support of this legislation. As a member of the House Interior Committee for 8 years, I have worked with Mr. VENTO on a number of important public lands issues. There is no question that Mr. VENTO has been a true champion in protecting our Nation's precious natural resources. I believe the bill before us today is a tribute to his ability to deal effectively with such important environmental issues facing our country. I urge my colleagues to support Mr. VENTO's bill as it was reported out of the House Interior Committee, and to oppose any amendments to weaken this legislation.

Mr. Chairman, the bill before the House today will reauthorize appropriations for the Bureau of Land Management. With over 270 million acres of Federal lands under its jurisdiction, the BLM is the chief manager of Federal lands today. In managing these lands, it is vitally important that the BLM strictly upholds the Federal Land Policy and Management Act that the Congress passed over a decade ago. This landmark legislation directed the Bureau of Land Management, for the first time, to protect the natural and cultural resources of these public lands. Unfortunately, this has not been the case. Time and time again we have learned that the BLM has not fulfilled its mission in protecting and enhancing these lands.

H.R. 828 is designed to help the BLM become a better manager of these quarter of a billion acres by providing more guidance to BLM in addressing critical environmental areas. This bill also helps clarify the policy of BLM land use by State military units, and it improves the process for congressional review of BLM programs. Moreover, this bill has a tough enforcement clause that increases the penalties for criminal violation of BLM regulations.

Mr. Chairman, I strongly urge my colleagues to support the House Interior Committee's bill and to oppose any amendments that would weaken this legislation. By passing this important bill, we will be ensuring that our public lands will be better managed for our children, and our children's children.

Mr. UDALL. Mr. Chairman, I am pleased to rise in strong support of H.R. 828, the BLM re-

authorization bill for fiscal years 1990 through 1993. A lot of attention gets focused on the more glamorous lands administered by the Park Service, Forest Service and Fish and Wildlife Service. But the 270 million acres managed by BLM contain some of the most valuable economic and environmental resources in our Nation. And the sad truth is that they have not been as much a beneficiary of the kind of progressive, modern management that our forests, parks and refuges have been. As the West continues to grow, more attention will be focused on BLM lands and their potential to meet the broad, multiple uses the public demands.

It seems to me that H.R. 828 is a step in that direction by giving more definition to areas of critical environmental concern, updating planning requirements and resource inventories, expanding participation on advisory councils and extending the professional qualifications for top BLM employees.

These really are modest improvements in the way BLM does business, but they are necessary. BLM is supposed to be the multiple use agency. Too often, multiple use has really meant ranching, mining and other economic uses while fish and wildlife, recreation and ecology are given short shrift. There needs to be more balance before multiple use has real meaning. This bill is a step in that direction and I am happy to support it.

Mr. SCHEUER. Mr. Chairman, I rise in strong support of the bill to reauthorize the Bureau of Land Management. I comment Chairman VENTO for his work in preparation of this bill.

I am especially supportive of language added in full committee by Mr. WAYNE OWENS. The Owens language is appropriate and conservative in the true sense of the word: Conserving our natural resources. The Owens language merely directs the BLM to study the capabilities of the land with respect to ecological enhancement and restoration. This is not a radical concept.

Many of the 270 million acres managed by the BLM are the lands that were left over after the prime pieces of real estate were added to other agencies and to private owners. Many of these lands were in a degraded condition when the BLM began to manage them. According to a 1988 GAO report, more than 50 percent of the BLM range lands are either in poor or fair condition. The GAO found that an additional 20 percent of the lands are threatened due to unsustainable grazing practices. The BLM reauthorization bill moves to protect these lands and to move the BLM toward greater stewardship of the biological diversity under its domain. The Owens language is a modest provision directing study that could be used to restore these degraded lands.

There has also been a lot of controversy in this reauthorization debate concerning the BLM's role in conserving biological diversity. Biological diversity is not some "vague buzzword." Biological diversity is a commonly accepted scientific term that refers to the entire range of variety and variability of living organisms and the ecological complexes in which they occur. Biological diversity is the sum of the living resources that sustain life on this planet. In 1986, the Office of Technology As-

assessment released an excellent report on biological diversity that I recommend to my colleagues.

The BLM has testified before my Subcommittee on Natural Resources, Agriculture Research and Environment about the importance of their lands for conserving biological diversity. According to the BLM document "Fish and Wildlife 2000", BLM lands are the homes for over 3,000 species of vertebrates. Over 80 threatened and endangered animals and 250 candidates, 45 threatened and endangered plants and over 620 plant candidates for listing are found on BLM lands.

Yet despite this richness, BLM has been slow to adopt practices that truly protect the full range of biological diversity. This authorization bill provides additional direction to the BLM to put conservation at the top of their priority list.

My National Biological Diversity Conservation and Environmental Research Act (H.R. 1268) has more than 125 cosponsors—who say that conservation of biological diversity should be a national priority. I urge the cosponsors of my bill and the other Members of this House to support the authorization bill so ably prepared by Chairman VENTO.

Mr. VENTO. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. MARLENEE. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

The Clerk will read.

The Clerk read as follows:

H.R. 828

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there are hereby authorized to be appropriated such sums as may be necessary for programs, functions, and activities of the Bureau of Land Management, Department of the Interior (including amounts necessary for increases in salary, pay, retirement, and other employee benefits authorized by law, and for other nondiscretionary costs) during fiscal years beginning on October 1, 1989, and ending September 30, 1993.

COMMITTEE AMENDMENT

The CHAIRMAN pro tempore (Mr. WISE). If there are no amendments to the bill, the Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment:

Page 2, after line 5, insert the following:

TITLE II—AMENDMENTS TO FEDERAL LAND POLICY AND MANAGEMENT ACT OF 1976

SEC. 201. STATUTORY REFERENCE.

As used in this title, the term "the Act" means the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

SEC. 202. DEFINITIONS.

(a) AREAS OF CRITICAL ENVIRONMENTAL CONCERN.—Section 103(a) of the Act (43 U.S.C. 1702(a)) is amended to read as follows:

"(a) The term 'areas of critical environmental concern' means areas within the public lands where special management attention (which may include restrictions on

or prohibition of development) is required in order—

"(1) to protect important resources and values (including environmental, ecological, historic, cultural, scenic, fish and wildlife, and scientific resources and values) located on or likely to be affected by the use of public lands (but it is not the intent of Congress that the Secretary establish protective perimeters or buffer zones around such areas);

"(2) to protect life and safety from natural hazards; or

"(3) to protect or enhance the resources and values of a conservation system unit, but it is not the intent of Congress that the Secretary establish protective perimeters or buffer zones around conservation system units."

(b) CONSERVATION SYSTEM UNIT.—Section 103 of the Act (43 U.S.C. 1702) is amended by adding at the end thereof the following new subsection:

"(q) The term 'conservation system unit' means any unit of the National Park System, National Wildlife Refuge System, National Wild and Scenic Rivers System, National Trails System, National Wilderness Preservation System, or a National Conservation Area or National Forest Monument."

SEC. 203. MAJOR USES AND INVENTORIES.

(a) DEFINITION.—Section 103(1) of the Act (43 U.S.C. 1702(1)) is amended—

(1) by striking "fish and wildlife development and utilization," and inserting in lieu thereof "maintenance of plant communities, maintenance of fish and wildlife populations and habitat, utilization of fish or wildlife populations,"; and

(2) by striking "and timber production" and inserting in lieu thereof "timber production, reforestation, and scientific research".

(b) INVENTORY.—Section 201(a) of the Act (43 U.S.C. 1711(a)) is amended by striking the period at the end of the first sentence and inserting in lieu thereof "and riparian areas."

(c) MANAGEMENT DECISIONS.—Section 202(e)(2) of the Act (43 U.S.C. 1712(e)(2)) is amended by striking "the Congress adopts a concurrent resolution" and inserting in lieu thereof "there is enacted a joint resolution".

SEC. 204. PLANNING REQUIREMENTS.

(a) DEADLINES.—Section 202(a) of the Act (43 U.S.C. 1712(a)) is amended—

(1) by designating section 202(a) as section 202(a)(1); and

(2) by adding at the end of section 202(a) the following new paragraphs:

"(2) Land use plans meeting the requirements of this Act shall be developed for all the public lands outside Alaska no later than January 1, 1997, and for all public lands no later than January 1, 1999.

"(3) Land use plans shall be revised from time to time when the Secretary finds that conditions have changed so as to make such revision appropriate or necessary for proper management of the public lands covered by any such plan, but in any event at least every 15 years."

(b) CRITERIA.—(1) Section 202(c)(1) of the Act (43 U.S.C. 1712(c)(1)) is amended to read as follows:

"(1) use and observe the principles of multiple use and sustained yield set forth in this and other applicable law and evaluate the feasibility of measures, consistent with such principles, that would enhance the extent to which the public lands can support increases in the numbers and types of plant communities and fish and wildlife

populations located on or supported by such lands;"

(2) Section 202(c)(3) of the Act (43 U.S.C. 1712(c)(3)) is amended to read as follows:

"(3) give priority to the designation and protection of areas of critical environmental concern and to identification, protection, and enhancement of the ecological, environmental, fish and wildlife, and other resources and values of riparian areas."

(3) Section 202(c)(5) of the Act (43 U.S.C. 1712(c)(5)) is amended to read as follows:

"(5) consider present and potential uses (including recreational and other nonconsumptive uses) of the public lands;"

SEC. 205. PROFESSIONAL QUALIFICATIONS.

Section 301(c) of the Act (43 U.S.C. 1731(c)) is amended to read as follows:

"(c) In addition to the Director, there shall be a Deputy Director and so many Assistant Directors, State Directors, and other employees as may be necessary, appointed by the Secretary. After May 1, 1989, no person may be appointed as Deputy Director of the Bureau or as an Assistant Director or State Director who is not at the time of appointment either a career appointee (as defined in section 3132(4) of title 5, United States Code) or in the competitive service. Other employees shall be appointed subject to provisions of law applicable to appointments in the competitive service, and shall be paid in accordance with the provisions applicable to such service."

SEC. 206. MILITARY ACTIVITIES.

(a) STATE AGENCIES.—Section 302(b) of the Act (43 U.S.C. 1732(b)) is amended—

(1) by inserting "or the military department (or its equivalent) of any State" after "Federal departments and agencies"; and

(2) by adding at the end the following new sentence: "Nothing in this subsection shall be construed as prohibiting the military department (or its equivalent) of any State from using any public lands where such use by any such State agency was authorized as of January 1, 1989."

(b) REPORT.—No later than one year after the date of enactment of this subsection, the Secretary concerned shall transmit to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report indicating the extent to which the Department of Defense (or military department therein) and the military departments (or their equivalents) of the several States (including the District of Columbia and the Commonwealths and territories of the United States) have been authorized to utilize public lands or National Forests lands for training or other purposes and concerning the terms and conditions under which such lands may be used by such agencies.

SEC. 207. INCENTIVE FOR ENFORCEMENT.

Section 303(a) of the Act (43 U.S.C. 1733(a)) is amended by striking "no more than \$1,000" and by inserting "no more than \$10,000".

SEC. 208. MANAGEMENT OF LANDS AND PUBLIC PARTICIPATION.

(a) IN GENERAL.—The last sentence of section 302(b) of the Act (43 U.S.C. 17132(b)) is amended to read as follows:

"In managing the public lands, the Secretary, by regulation or otherwise, shall take any action necessary to prevent unnecessary degradation of such lands, to minimize adverse environmental impacts on such lands and their resources resulting from use, occupancy, or development of such lands, and to prevent impairment or derogation of the re-

sources and values of conservation system units."

(b) **ADVISORY COUNCILS.**—Section 309(a) of the Act (43 U.S.C. 1739) is amended—

(1) by striking the period at the end of the first sentence and inserting in lieu thereof "including the protection of environmental quality, the management and enhancement of fish and wildlife populations and habitat, and outdoor recreation."; and

(2) by striking the period at the end of the fourth sentence and inserting in lieu thereof "who shall provide an opportunity for interested members of the public to suggest persons for appointment."

(c) **ACEC REGULATIONS.**—Section 310 of the Act (43 U.S.C. 1740) is amended by designating the existing provisions thereof as subsection (a) and adding the following new subsection:

"(b) In promulgating rules and regulations pursuant to this section with respect to the public lands, the Secretary shall provide for appropriate management of areas of critical environmental concern in order to fulfill such of the purposes specified in section 103(a) for which particular areas of critical environmental concern are designated, and shall provide an opportunity for members of the public to propose specific areas for consideration for designation as areas of critical environmental concern pursuant to section 201 of this Act."

SEC. 209. FUTURE REAUTHORIZATIONS.

(a) **PROCEDURE.**—Section 318(b) of the Act (43 U.S.C. 1748(b)) is amended by striking "May 15, 1977, and not later than May 15 of each second even-numbered year thereafter" and inserting in lieu thereof "January 1, 1991 and January 1 of each second odd-numbered year thereafter".

(b) **RESTRICTION.**—Section 318(d) of the Act is amended by adding at the end thereof a new sentence, as follows: "Notwithstanding any other provision of law, funds appropriated for purposes of land acquisition pursuant to section 205 of this Act may not be expended for any other purpose."

Mr. VENTO (during the reading). **Mr. Chairman**, I ask unanimous consent that the committee amendment be considered as read and printed in the RECORD.

The **CHAIRMAN** pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The **CHAIRMAN** pro tempore. Are there amendments to the committee amendment?

AMENDMENT OFFERED BY MR. HANSEN TO THE COMMITTEE AMENDMENT

Mr. HANSEN, **Mr. Chairman**, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by **Mr. HANSEN** to the committee amendment: Strike Section 206 of the bill as reported, and in lieu thereof insert the following:

SEC. 206. MILITARY ACTIVITIES.

(a) **STATE AGENCIES.**—Section 320(b) of the Act (43 U.S.C. 1732(b)) is amended by inserting "or the military department (or its equivalent) of any State" after "Federal departments and agencies".

(b) **MILITARY USES.**—Section 302 of the Act (43 U.S.C. 1732), as amended, is further amended by the addition at the end thereof of a new subsection, as follows:

"(c) **STATE MILITARY USES.**—(1) After consultation with the Governor of a State, the Secretary may agree to permit use of public lands within such State by the military department (or its equivalent) equipment testing, or other authorized military activities, in accordance with the provisions of this subsection.

"(2)(A) For activities the Secretary finds are not likely to result in a significant degree of residual contamination of affected lands (through use of explosive projectiles or otherwise), the Secretary may issue a general authorization for the military department (or its equivalent) of one of more States to use public lands where such use would not be inconsistent with the land-use plans prepared pursuant to section 202 of this Act. Any such general authorization shall be for no more than 3 years but may thereafter be renewed for additional periods of no more than 3 years each. The provisions of paragraph (4) of this subsection shall apply to use of public lands pursuant to an authorization issued under this paragraph, and the Secretary may wholly or partially revoke any such authorization at any time if the Secretary finds that there has been a failure to comply with its terms and conditions or that activities pursuant to such an authorization have had or may have a significant adverse impact on the resources or value of the affected lands.

"(B) An authorization pursuant to this paragraph shall not authorize the construction of permanent structures or facilities on the public lands.

"(C) Each specific use of a particular area of public lands pursuant to a general authorization under this paragraph shall be subject to specific authorization by the Secretary and to appropriate terms and conditions, including such as are described in paragraph (4) of this subsection.

"(3) The Secretary may permit the military department (or its equivalent) of one or more States to use public lands for military activities the Secretary finds would result in a significant degree of residual contamination of such lands, subject to the provisions of paragraph (4) of this subsection, but only to the extent that—

"(A) use of specific portions of such lands for such purposes was either authorized as of July 1, 1989 or had been permitted to occur on or after January 1, 1986, in which case such uses on such portions may take place, subject to paragraph (4) of this subsection; or

"(B) use of public or other lands previously withdrawn or otherwise dedicated to military uses is found by the Secretary (after consultation with the Secretary of Defense) to not be practicable, and therefore additional public lands other than those portions described in subparagraph (A) are withdrawn for military purposes, pursuant to Section 204 of this Act (with respect to areas of no more than 10,000 acres) or pursuant to an Act of Congress (with respect to areas exceeding 10,000 acres, except that in time of war or national emergency declared by the Congress or the President pursuant to applicable law, withdrawals of areas exceeding 10,000 acres for military purposes may be made pursuant to Section 204 of this Act.)

"(4) The Secretary may waive rental charges for the use of public land (however such use may be authorized) by a State military department (or its equivalent) for military training, equipment testing, and other authorized military activities permitted under this subsection. Each such use shall

be subject to a requirement that the using department, or departments, be responsible for such timely cleanup and decontamination of the lands used, and to such other terms and conditions (including but not limited to restrictions on use of off-road or all-terrain vehicles), as the Secretary, after considering national defense needs, may require to:

"(A) minimize adverse impacts on the natural, environmental, scientific, cultural, and other resources and values, including fish and wildlife habitat, of the public lands involved; and

"(B) minimize the period and method of such use and the interference with or restrictions on other uses of the public lands involved.

"(5) Each State military department (or its equivalent) using public lands withdrawn for military purposes shall take appropriate precautions to prevent and suppress range and brush fires caused by or resulting from use of such lands for such purposes, and shall promptly reimburse the United States for any assistance provided by the Secretary in the prevention or suppression of such fires.

"(6) For purposes of this subsection, the term "State" means one of the several States, the District of Columbia, or one of the Commonwealths or territories of the United States.

"(7) Public lands covered by an authorization issued pursuant to paragraph (2) of this subsection may be used by personnel of the military department (or its equivalent) of a State during periods when some or all of such personnel are on active duty in the service of the United States, and during periods of use by personnel of such department or equivalent the Secretary may also permit such lands to be used by members of one or more U.S. armed forces on active service, under the same terms and conditions applicable to use of such lands by the personnel of such department or its equivalent.

"(8) Any authorization by the Secretary for the military department (or its equivalent) of any State or States to use public lands that is in effect on the date of enactment of this subsection shall remain in effect until its scheduled expiration, or for one year after the date of enactment of this subsection, whichever is later."

(c) **CONFORMING AMENDMENT.**—Paragraph (6) of section 302 (d) of the Act is hereby repealed.

(d) **REPORT.**—No later than one year after the date of enactment of this subsection, the Secretary concerned shall transmit to the committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report indicating the extent to which the Department of Defense (or military department therein) and the military departments (or their equivalents) of the several States (including the District of Columbia and the Commonwealths and territories of the United States) have been authorized since January 1, 1987, to utilize public lands as defined in Section 103 of the Federal Land Policy and Management Act of 1976 (other than lands withdrawn for military purposes) or National Forest lands for training or other purposes and concerning the terms and conditions under which such lands may be used by such agencies

(e) The Secretary of Defense may reimburse a State military department (or its equivalent) for costs to such department re-

sulting from any requirement of this section (including amendments made to the Act by this section) and incident to any use of lands by a National Guard of a State or by U.S. armed forces for purposes authorized by title 10 or title 32, United States Code, or by any other provision of federal law.

Mr. HANSEN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

□ 1520

Mr. HANSEN. Mr. Chairman, at the suggestion of the National Guard Bureau, I have introduced this amendment to the Committee bill which is being considered here today. Before I explain my amendment, I would like to insert into the RECORD a copy of the July 14, 1989 letter I received from Lt. Gen. Herbert R. Temple, Jr., U.S. Army Chief, National Guard Bureau, expressing his support for this language:

DEPARTMENTS OF THE ARMY AND THE
AIR FORCE, NATIONAL GUARD
BUREAU,

Washington, DC, July 11, 1989.

Hon. JAMES V. HANSEN,
House of Representatives, Rayburn Building,
Washington, DC.

DEAR MR. HANSEN: As requested, I have reviewed the proposed amendment to Section 206 of H.R. 828 which I understand you intend to offer during floor consideration of that bill. The amendment alleviates the concerns I expressed in my letter to you of June 14, 1989 regarding Section 206 by providing an explicit authority for short term authorization for use of Federal lands by the National Guard for training and other purposes and by "grandfathering" uses which have been authorized in the recent past.

I understand that the amendment you intend to propose is the July 12 draft provided to my staff, modified to permit withdrawals by the National Guard without an Act of Congress for areas up to 10,000 acres, and with a provision added to clearly authorize Department of Defense reimbursement of a National Guard of a State for costs resulting from requirements of the new section of the Federal Land Policy and Management Act.

I believe the amendment would be further improved by an explicit requirement that the Secretary of the Interior take into consideration national defense needs in establishing terms and conditions for military uses as provided by subsection (e)(4) as added by the amendment, to assure reasonable interpretation in potential judicial challenges to the sufficiency of the Secretary's actions under this section to minimize adverse impacts and interferences with other uses.

The provisions of Section 206 as reported by the Interior and Insular Affairs Committee would have a serious and unacceptable detrimental effect on National Guard training. The National Guard Bureau considers your amendment an acceptable substitute for that section.

Time has not permitted the coordination of these views within the Department of Defense or securing advice from the Office of Management and Budget as to the relation of the proposed legislation to the program of the President.

I appreciate your interest and efforts in this matter.

Sincerely,

HERBERT R. TEMPLE, Jr.,
Lieutenant General, U.S. Army, Chief,
National Guard Bureau.

Section 206 of the bill addresses the terms and conditions under which the various National Guard units can use public lands managed by the Bureau of Land Management for military training and other military activities.

Existing law restricts the authority of the BLM to permit Federal military agencies to use BLM lands. Essentially, there are only two ways for this to occur: through the grant of a right-of-way or through a withdrawal. Withdrawals up to 5,000 acres can be made administratively; under the Engle Act a military withdrawal in excess of 5,000 acres requires an Act of Congress.

It has been held that these restrictions do not apply to the National Guard, because the guard units are State agencies, not Federal agencies.

The bill as reported from the Interior Committee would place the Guard units on the same footing as the regular armed forces, as far as use of BLM lands is concerned, except that areas that are now used would be "grandfathered" so that use of those areas could continue.

This amendment reflects the fact that the National Guard units are different from the regular forces, and would provide them with greater flexibility than the regular forces have.

The amendment would permit the BLM to allow National Guard units to use public lands not previously used for military purposes, subject to reasonable restrictions that would balance the need for the military activities with the need to protect the resources and values of the lands involved.

The amendment reflects the fact that many National Guard activities are not the kind that will result in significant residual contamination of the lands involved. For activities of that kind, the Interior Department could issue a general authorization, for a period of up to 3 years—and that could be renewed. There would be no specific acreage limit on this, so that National Guard needs could be fully accommodated.

In those relatively limited instances in which there was a need for using new BLM lands for National Guard activities likely to result in significant residual contamination—because use of existing areas dedicated to military purposes is not practicable, the method of authorization would depend on the size of the area needed. If no

more than 10,000 acres were required, there could be an administrative withdrawal; for a greater area an act of Congress would be required.

The amendment specifically addresses the needs of National Guard units to conduct exercises involving personnel from more than one State and involving some regular forces personnel as well. It also includes a transition rule, so that existing permits or other authorizations would not expire automatically upon enactment.

The amendment would clarify existing law concerning the ability of the Defense Department to reimburse National Guard units for the costs associated with use of public lands for training and other activities directly related to the Guard's role in the overall national defense.

And, like the bill as reported by the Committee, the amendment would require a report to Congress concerning the nature and extent of the use by National Guard units of Federal lands for training and for other purposes.

A more detailed discussion of the provisions of the amendment follows:

The amendment would revise section 206 of the bill. The revised section would make two changes in the Federal Land Policy and Management Act of 1976 [FLPMA]. First, it would amend section 302(b) to clearly place State military departments under that section's overall provisions relating to use of public lands by agencies other than the Department of the Interior.

Second, a new subsection (e) would be added to section 302 of FLPMA, dealing solely with conditions for use of public lands by State military agencies. Paragraph (1) of this new subsection would explicitly authorize the Secretary of the Interior to permit State military departments to use public lands for military training, equipment testing, or other authorized military activities.

Paragraph (2) addresses use of public lands for National Guard military purposes that the Secretary of the Interior finds would not be likely to result in significant residual contamination of the affected lands—that is, contamination remaining after the end of the exercise and any concomitant cleanup of the area. For such activities, a general authorization could be issued for such activities on any BLM lands where that would not be inconsistent with BLM's land-use plans. A general authorization could remain in effect for up to 3 years, and could be renewed thereafter. The conditions of paragraph (4) would apply to activities carried out under such a general authorization. No acreage limitation would be specified for a general authorization, but each specific use of a particular area of public lands would be subject to a specific authorization, and a general authorization could not

authorize the construction of permanent facilities or structures.

Paragraph (3) would apply to National Guard activities that the Secretary of the Interior finds would result in significant residual contamination of affected lands. Such activities could continue—subject to paragraph (4)—on lands where such uses had occurred on or after January 1, 1986 or where such uses were authorized—even if they had not yet occurred—on July 1, 1989. To carry out such activities on other public lands, the National Guard would have to obtain a determination of the Secretary of the Interior—who would consult with the Secretary of Defense—that it would be impracticable to use other areas already allocated for military purposes; if that determination is made, the Secretary of the Interior could withdraw—pursuant to section 204 of FLPMA—up to 10,000 acres for use by the National Guard; for any acreage over 10,000, the Guard would have to seek an act of Congress.

Paragraph (4) would apply to all use of public lands by a National Guard unit. It would permit the Secretary of the Interior to waive rental charges for such use. It would also require that lands used be cleaned up and decontaminated in a timely fashion and that the use be subject to terms and conditions prescribed by the Secretary of the Interior in order to minimize adverse impacts on the resources and values of the affected lands and to minimize interference with other uses of the affected lands.

Paragraph (5) would require the National Guard units using public lands to take appropriate steps to prevent and suppress fires caused by their activities. Paragraph (6) would provide a definition of the term "State"; paragraph (7) would specify that public lands where National Guard activities were authorized can be used by Guard personnel at times they are on active duty with the Federal forces, and also by Federal personnel taking part in joining activities with personnel of Guard units; and paragraph (8) provides a transition period.

The amendment would retain the provisions of section 206 of the bill as reported calling for a report on the nature and extent of National Guard use of Federal lands, and would add a new, freestanding provision that would authorize the Defense Department to reimburse National Guard units for costs associated with use of public lands by those units.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. HANSEN. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I thank the gentleman from Utah [Mr. HANSEN] for the thorough explanation of his amendment. It has, and I think the gentleman has done a service for

the committee and in terms of working on this, and I appreciate his cooperation. As we said in the full committee, we would work together on the amendment. I am familiar with the, obviously, the specifics of it. I think this is an important amendment that is workable. It provides for, as we had in the committee print from the beginning, the exemption for the birds of prey area in Idaho, which is so important to our colleague, the gentleman from Idaho [Mr. CRAIG], which is an issue that he has worked on, and others.

Mr. Chairman, I think this addresses most of the concerns that were raised, and I appreciate the cooperation of the gentleman from Utah [Mr. HANSEN] in working out this amendment with the committee, and the committee staff and the chairman.

So, I certainly am willing to accept the amendment. I know of no opposition to it. I appreciate the cooperation of the gentleman from Utah [Mr. HANSEN].

Mr. MARLENEE. Mr. Chairman, will the gentleman yield?

Mr. HANSEN. I yield to the gentleman from Montana.

Mr. MARLENEE. Mr. Chairman, I support the amendment.

The CHAIRMAN pro tempore (Mr. WISE). The question is on the amendment offered by the gentleman from Utah [Mr. HANSEN] to the committee amendment.

The amendment to the committee amendment was agreed to.

AMENDMENT OFFERED BY MR. DE FAZIO TO THE COMMITTEE AMENDMENT

Mr. DEFAZIO. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. DEFAZIO to the committee amendment. At an appropriate place in the bill, add the following new section:

SEC. . EXEMPTION FROM STRICT LIABILITY.

Section 504(h) of the Act (43 U.S.C. 1764(h)) is amended by adding at the end thereof the following new paragraph:

"(3) No regulation shall impose liability without fault with respect to a right-of-way granted, issued, or renewed under this Act to a non-profit entity or an entity qualified for financing under the Rural Electrification Act of 1936, as amended, if such entity uses such right-of-way for the delivery of electricity to parties having an equity interest in such entity. However, the Secretary may condition the grant, issuance, or renewal of a right-of-way to such entity for such purpose on the provision by such entity of a bond or other appropriate security, pursuant to subsection (i) of this section."

Mr. DEFAZIO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. DEFAZIO. Mr. Chairman, I offer this amendment to H.R. 828 to provide REA-financed, and member-owned cooperatives, whose electricity distribution lines cross Federal lands, relief from the strict liability requirements of FLPMA. This amendment only pertains to cooperatives for service to their members.

Until 1980 nonprofit rural electric cooperatives were exempted from strict liability requirements. Forest Service regulations now require such liability for up to \$1 million as new rights of way are granted and old ones renewed. REA-financed and member-owned cooperatives are concerned that their insurability for these electric lines cannot be guaranteed. Imposition of strict liability could jeopardize both their members' equity in their utility and the government's security for loans made in accordance with the Rural Electrification Act.

This is a fairness issue. Member-owned cooperatives are not requesting relief from their responsibility. The REA's will continue to pay all fire suppression and other costs associated resulting from negligence. Imposing strict liability on co-ops whose lines cross Federal land makes the cooperative responsible, in part, for covering fire suppression and other costs that should be the responsibility of the Federal Government.

The cooperatives exempted by this provision average less than five consumers per mile, and collect less than \$5,600 per mile of revenue. By comparison, for profit utilities count 31 consumers per mile and average \$45,000 in revenue per mile each year. It is consistent with our long-established policy to encourage these cooperatives to extend and maintain reliable electricity service to farflung rural families.

The cooperatives in my State have faced mounting difficulties in obtaining insurance to cover their liability. Should insurance be canceled, as it has before, for strict liability the REA's will be forced to deenergize lines or face the prospect of paying catastrophic suppression costs for fires not of their doing. Small, member-owned cooperatives simply cannot bear that expense.

I thank my colleagues for their consideration of this amendment and my subcommittee chairman, the gentleman from Minnesota, for his acceptance of it. I urge its adoption.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. DEFAZIO. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I appreciate the gentleman from Oregon [Mr. DEFAZIO] yielding, and I rise to voice my support for the amendment.

Mr. Chairman, I received a letter from Bob Bergland, the National

Rural Electric Cooperative Association executive vice president, and he explains the problem briefly in the letter. This was brought to the attention at the full committee level, and there has been adequate time for staff to review the implications of the amendment and the liability without fault problems that have arisen. Strict liability obviously creates some situations over which the not-for-profit or REA's would be significantly handicapped in the process of trying to accomplish their goals. So, I think this amendment is an answer. It is carefully drawn. It is drafted, I think, appropriately, and I commend the gentleman from Oregon [Mr. DeFazio] for his work and others that worked on this, the gentleman from Oregon [Mr. Robert F. Smith] as well as the author of this amendment, the gentleman from Oregon [Mr. DeFazio].

Mr. Chairman, I include the letter mentioned above:

NATIONAL RURAL ELECTRIC
COOPERATIVE ASSOCIATION,
Washington, DC, July 14, 1989.

Hon. BRUCE F. VENTO,
Chairman, Subcommittee on National Parks
and Public Lands, U.S. House of Repre-
sentatives, Washington, DC.

DEAR BRUCE: During House floor action on H.R. 828, a bill to reauthorize the BLM is expected early next week, Congressman Peter DeFazio (D-Ore.) will offer an amendment dealing with the liability provisions of the Federal Land Policy and Management Act (FLPMA) on rights-of-way across federal lands. I urge your support for the DeFazio provision.

The Forest Service, using the authority provided in FLPMA, is renegotiating easements for electric service to include "strict liability" for fire suppression cost recovery for fires that originate on electric service easements, regardless of what actions may have caused the fires. Thus, the Forest Service determines how wide the rights-of-way can be. It determines how the rights-of-way can be maintained. And, it can assess fire suppression costs up to \$1 million without regard to what caused the fire.

The DeFazio provision would require that rural electric cooperatives pay costs when the co-op's practices are the cause of a hazard.

Again, I urge your support for the DeFazio provision.

Sincerely,

BOB BERGLAND,
Executive Vice President.

Mr. ROBERT F. SMITH. Mr. Chairman, will the gentleman yield?

Mr. DeFAZIO. I yield to the gentleman from Oregon.

Mr. ROBERT F. SMITH. Mr. Chairman, I thank the gentleman from Oregon [Mr. DeFazio] for yielding, and I rise in support of this very worthy amendment. I raised this issue before in committee with respect to the possible amendment on this bill. We had all been interested in this issue for quite a long time. A free-standing bill was even suggested. And yet it was appropriate to try to amend the bill and reauthorization bill with this amendment. So, I thank the

chairman for recognizing this very important issue and my colleague, the gentleman from Oregon [Mr. DeFazio] for introducing it and allowing me only to speak on it.

Mr. Chairman, I think the idea, of course, is obvious. Many of the small co-ops are faced with huge liability problems from their rights-of-way across public lands up to \$1 million. Many of them are small enough that that means a rate increase to their users, and it seems wrong that cooperatives must bear all the liability for that small a corridor despite who is the cause of the problem, be it fire or other situations.

So this by no means relieves cooperatives of their responsibility for those rights-of-way, if they are the cause of the problem. It does, however, spread the question of liability to others.

Mr. Chairman, I just want to close with a statement that by no means does this relieve the responsibility of the co-ops, but it only provides that they are responsible for their own cause liability, not others who may cause fire or other kinds of situations.

So this is a much needed important amendment, and I thank my colleague, the gentleman from Oregon, for introducing it.

Mr. MARLENEE. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment offered by my friend, the gentleman from Oregon [Mr. DeFazio].

I think it is a good amendment. It simply says that no regulation shall impose liability without fault. I think it is time that we recognize that.

The gentleman has done a good job coming up with the amendment, drafting the amendment, and I appreciate his support for the rural electric.

The CHAIRMAN. The question is on the amendment to the committee amendment offered by the gentleman from Oregon [Mr. DeFazio].

The amendment to the committee amendment was agreed to.

AMENDMENT OFFERED BY MR. RICHARDSON TO
THE COMMITTEE AMENDMENT

Mr. RICHARDSON. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. RICHARDSON to the committee amendment: Page 2, after line 5 insert:

SEC. 2. NEW MEXICO LANDS.

(a) NEW MEXICO PUBLIC PURPOSE LANDS.—

(1) TREATMENT OF LAND.—The tract of land described in paragraph (2) shall be treated as public land for the purposes of the Act of June 14, 1926 (43 U.S.C. 869 et seq.; commonly known as the "Recreation and Public Purposes Act").

(2) LAND DESCRIPTION.—The land referred to in paragraph (1) is approximately 5 acres of the Sebastian Martin Land Grant near Los Luceros, New Mexico, as generally de-

picted on the map entitled "Onate Memorial Map" and dated July 1989.

(b) RECREATION ON SANTA CRUZ LAKE.—The Secretary of the Interior acting through the Bureau of Land Management shall permit, until July 1, 1990, any person providing public recreational and related services on public lands covered by the July 14, 1926 right-of-way granted to the Santa Cruz Irrigation District of New Mexico to continue to provide such services on the same terms and conditions as such services were provided on June 30, 1989.

Mr. RICHARDSON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. RICHARDSON. Mr. Chairman, this amendment simply removes a technical obstacle to the consideration by the Secretary of a transfer, under the Recreation and Public Purposes Act, of the surface estate on 5 acres of BLM land to Rio Arriba County in New Mexico.

Rio Arriba County, which is largely Hispanic, wishes to erect a monument to a Spanish explorer, Don Juan Onate, on BLM land near the site where Onate's expedition established the first European settlement in what is now the United States.

The BLM State director has informed me that such a transfer cannot be done administratively, under the Recreation and Public Purposes Act, because the land is "Bankhead-Jones" land which is not "public land" for purposes of the act.

My amendment simply says that this 5 acres of BLM land should be treated as public land for purposes of the Recreation and Public Purposes Act. This will give the Secretary the discretion to consider an application of the county for these 5 acres.

It does not transfer the land but merely removes a technical obstacle to consideration of an administrative transfer.

The second section of my amendment pertains to a question on the extent of a right-of-way between the Bureau of Land Management and the Santa Cruz Irrigation District of New Mexico.

My amendment simply preserves the status quo for 1 year allowing time for the Bureau of Land Management and the Santa Cruz Irrigation District to work out an agreement amenable to all.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. RICHARDSON. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I appreciate the gentleman sharing this amendment with me and working out the specifics of it. These are small

issues. One will, of course, put this within the purview, as many of these are, of the Recreational and Public Purposes Act. The other will provide an additional year to work out and negotiate the right-of-way of the issue that the gentleman has spoken of with regard to Santa Cruz Lake.

I know of no objection to this amendment, and therefore I am willing to accept and support the gentleman's amendment.

Mr. MARLENEE. Mr. Chairman, will the gentleman yield?

Mr. RICHARDSON. I yield to the gentleman from Montana.

Mr. MARLENEE. Mr. Chairman, this side of the aisle has no opposition to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Mexico [Mr. RICHARDSON] to the committee amendment.

The amendment to the committee amendment was agreed to.

Mr. VENTO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, earlier I had not commented on the general amendment. There was some discussion about the length of hearings and so forth that occurred. I just wanted to place in the RECORD a statement pointing out that we have had extensive hearings. We had hearings on the two grazing bills, one offered by the gentleman from Georgia [Mr. DARDEN] and one by the gentleman from Montana [Mr. MARLENEE], as well as the basic BLM authorization bill, which has been pointed out was a 10-line bill; but I think that we have had hearings both in this Congress and in the last Congress on issues with regard to riparian areas and other management concerns with regard to the BLM, plus, of course, with regard to oversight in terms of the budget issues for the last few years. We have had hearings each year and separately had the Director of the BLM come before the subcommittee.

While I think it is always advantageous to have additional hearings, by and large all the issues that are in this bill were directly discussed in those hearings. There was time for Members to review the hearing record if they had sought to.

It is with some regret that I hear Members voice concern that there was not adequate hearings on some aspects of this legislation, but I want to assure the Members that generally there is another side to the description than had been referred to earlier, so I will include my additional remarks at this point describing the basic underlying title II amendment.

Mr. Chairman, this committee amendment is the package of revisions of the Federal Land Policy and Management Act of 1976 [or FLPMA] that were adopted during the subcommit-

tee's/committee consideration of H.R. 828.

I have generally described the amendment during general debate, so I will at this time only add that each of the provisions contained in the amendment is based directly on testimony received in hearings by the Subcommittee on National Parks and Public Lands.

Most recently, testimony dealing with each of the matters contained in the committee amendment was received on April 11 of this year, when a hearing was held on H.R. 828 itself. For example, we heard from the public lands foundation concerning the question of political appointments in the Bureau of Land Management, and from a variety of other groups concerning the other matters addressed by the amendment.

In addition, the committee is no newcomer to the subject of FLPMA and the Bureau of Land Management. Each year, oversight hearings on BLM's budget are held, as part of the regular budget process. Further, last year's 100th Congress we held oversight hearings on two important GAO reports concerning the manner in which the BLM manages the vital riparian areas of the public lands. And in 1987, exhaustive hearings were held on the general subject of grazing fees and range management, at which such matters as subleasing, management of riparian areas, and the like were discussed at length.

So, Mr. Chairman, our committee—which produced FLPMA in the first place—has drawn on a wealth of information in developing the committee amendment to H.R. 828, an amendment which deserves the approval of the House.

AMENDMENT OFFERED BY MR. DARDEN TO THE COMMITTEE AMENDMENT

Mr. DARDEN. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. DARDEN to the committee amendment: At the end of the committee amendment, add the following new section:

SEC. . PROHIBITION OF SUBLEASING.

Section 402 of the Act (43 U.S.C. 1752) is amended by adding at the end thereof the following new subsection:

"(1) PROHIBITION OF SUBLEASING.—(1) Subleasing is hereby prohibited.

(2) For purposes of this subsection the following terms shall have the following meanings:

(A) "subleasing" means the grazing on public lands or on National Forest lands covered by a grazing permit of domestic livestock which are not both owned and controlled by the holder of the grazing permit.

(B) "grazing permit" means a permit or lease of the type described in subsection (a) of this section which has been issued by the Secretary concerned pursuant to applicable law.

(3) The Secretary concerned shall require each holder of a grazing permit to annually

file an affidavit that such holder owns and controls all livestock which such holder is knowingly allowing to graze on public lands or National Forest lands covered by such holder's grazing permit.

(4) A grazing permit shall terminate 30 days after the effective date of any lease, conveyance, transfer, or other action which has the effect of removing the privately owned property or part thereof with respect to which a grazing permit was issued from the control of the holder of such permit, and no grazing pursuant to such permit shall be permitted after such termination.

(5) Any holder of a grazing permit who knowingly allows subleasing to occur on public lands or National Forest lands covered by such permit shall forfeit to the United States the dollar equivalent of any value in excess of the grazing fee paid or payable to the United States with respect to such permit, shall be disqualified from further exercise of any rights or privileges conferred by that permit or any other such permit, and shall be subject to the penalties specified in section 303 of this Act.

(6) Any person other than the holder of a grazing permit who knowingly engages in subleasing shall be subject to the penalties specified in section 303 of this Act.

Mr. DARDEN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. DARDEN. Mr. Chairman, my amendment addresses, I guess, one of the most difficult and one of the most controversial issues relating to the authorization of the Bureau of Land Management, and that is the issue of grazing fees.

Mr. Chairman, I have been somewhat critical of BLM policies in the past because I believe that the figure of \$1.86 per animal unit per month is not proper and ought to be set at market rates, as the Grace Commission has recommended; however, I do not bring the amendment at this time for that purpose, but merely to close a loophole and find ground upon which we can all agree, and that is to state once and for all that we will close the loophole and declare once and for all the practice of subleasing to illegal. I think Republicans and Democrats, liberals and conservatives, can all agree that this is a practice which ought to be specifically prohibited by law.

Mr. Chairman, my amendment closes a loophole that hinders the Bureau of Land Management's ability to effectively police subleasing of grazing allotments.

Of course, subleasing of grazing permits is illegal, but existing regulations say that livestock using land covered by a grazing permit must be either "owned" or "controlled" by the permit

holder. So, in other words, livestock owned by another party can be grazed under a permit, so long as they are controlled by the holder of the permit. This is an invitation for abuse, because it allows grazing permit holders to sublease their permits for profit by controlling other people's livestock on public lands.

Mr. Chairman, my amendment would close that loophole by requiring that livestock being grazed on lands covered by a grazing permit be both owned and controlled by the holder of the permit.

This amendment would also permanently enact the forfeiture-of-profits provisions that have been in recent appropriations acts, as a penalty for subleasing.

In other words, if you profiteer by subleasing lands at a rate higher than that provided by the Government, then that amount of money is forfeited to the Government.

It would also stiffen those penalties by adding an automatic cancellation of the subleased permit and a disqualification that would prevent a permit holder guilty of subleasing from grazing under that or any other permit.

Mr. Chairman, I was very pleased to note that the new Director of the Bureau of Land Management, Cy Jamison, who is a very able minority staff member of our committee, has gone on record with his commitment to pursue those who engage in subleasing of grazing permits. My amendment would bolster the BLM's authority in stopping this illegal practice.

I would also point out, Mr. Chairman, that in no way am I attempting to reduce or in any way limit the right of any individual to sublease or sublet private lands or private interests.

□ 1540

If there is any clarification needed to make this point, I certainly have no objection to that, but, again, what I am seeking to do by this amendment is to eliminate profiteering by leasing lands from the Government at \$1.86 per animal unit per month and subleasing those to another individual for as high as \$5, \$10, and even \$12. The Federal Government should not be used as a way to profiteer and to make money off of the use of our public lands, and that is merely what I am trying to do by this amendment.

Mr. Chairman, I think this is a good amendment. I think it ought to be adopted overwhelmingly by the House, and I thank the chairman of the subcommittee for his support.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. DARDEN. I am happy to yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I appreciate the gentleman's work on this. He has labored long and hard.

Obviously there are some other basic policy concerns addressed in this amendment. This amendment, as I understand it, does not change the basic law regarding grazing permits. To obtain a permit, a person must own or control base property, private land, and now a permit terminates as much as a year after the control of that base property is transferred. This is a loophole, because it invites phony or sham transfers in which the sale price is really a form of payment for use of the grazing permit; that is, of course, it would be subleasing by any other name.

Also, requiring the livestock graze and the permit to be both owned and controlled by the permit holder merely closes a loophole that now allows the permit holder to charge a fee for controlling livestock owned by someone else, and that fee is also a form of subleasing under another name.

The provision for repayment in the gentleman's amendment to the United States for subleasing profits merely puts into statutory form language that has been in a number of appropriation acts and probably should be part of the basic organic law in FLPMA, so I commend the gentleman for his work on this.

Mr. Chairman, I rise in support of this. It merely states what is the basic law and eliminates what is a basic loophole. I think the gentleman has done good work in terms of this effort.

Mr. DARDEN. Mr. Chairman, that completes my statement.

I yield back the remainder of my time.

Mr. MARLENEE. Mr. Chairman, I rise in opposition to the amendment, although it is not violent opposition to the amendment, and I would ask the gentleman, my friend and colleague from Georgia, to answer a couple of questions if he might.

He has always been a very reasonable colleague of mine, and I find his approach appealing and somewhat reasonable. None of us condone profiteering at the expense of the U.S. Government, and I think his approach is sincere in trying to stop that profiteering.

Let me ask the gentleman this question: If we had a husband and a wife and the husband died of a heart attack and the wife was left with the total property, the private base property plus the lease property, and the son was off in the military service, for instance, and she decided that she needed or that they had to dispose of the livestock on the whole operation to pay off the inheritance tax or whatever debts they might have, maybe the Federal land bank, which could happen nowadays, but they needed to hang on to that property until the son got back to the operation and they could find some way to lease that base

property to an outside individual but that base property encompassed in a checkerboard fashion all of that land that included the BLM land, would it be the gentleman's intention to prohibit her from re-leasing that whole operation? We are not talking about a profit. We are talking about just a matter of hanging on to it.

Mr. DARDEN. Mr. Chairman, will the gentleman yield?

Mr. MARLENEE. I am happy to yield to the gentleman from Georgia.

Mr. DARDEN. Mr. Chairman, I thank the gentleman for his question, and I would like to answer that question.

I will answer the question in the following way: First of all, it is my interpretation of my amendment that in this event after 30 days, it would become necessary, if the land, the base land, were subleased, that the lessee would have to obtain a separate permit from BLM. In other words, if a person does acquire an interest in the property, the private base property, then that person need only go to BLM and get a grazing permit to the adjacent or the contiguous lands sought to be leased from BLM.

We all know, of course, that there is no right of an individual in a grazing permit, and it only goes to that specific individual. It is not a property right in the sense of a fee type of estate. So that person who subleases the private lands, the base lands, could merely go to BLM and say, "I have the base lands under sublease, and now I would like a permit," and that is what would be permitted under my amendment.

Mr. MARLENEE. The gentleman would allow the individual lessee the opportunity to acquire by lease that private property and to acquire some kind of an instrument of lease from the BLM?

Mr. DARDEN. If the gentleman would yield further, absolutely, because there is nothing in my amendment, and there is nothing this Congress can do, and this Congress does not have the power in any way to, in any way restrict a private individual's rights to lease his or her own property.

When it comes to a right to lease with the Government, that is a different story. After 30 days, if there is a sublease of the private property which is the basis for it, then the lessee would have to go to the Government to seek a permit in that permit holder's own name.

Mr. MARLENEE. I would think that the gentleman would intend that the individual who leased the base property would have some kind of a priority in obtaining the public lease.

Mr. DARDEN. If the gentleman would continue to yield, the law already provides that priority, and my amendment would not affect that at

all. This priority that this sublessee would have would continue in the law as it is today. This would merely say though that whoever leases and uses and owns and controls the land is the person who has to have the permit from the BLM.

Mr. MARLENEE. The gentleman from Georgia perhaps does not understand the land problems that we have in the West.

The CHAIRMAN pro tempore (Mr. WISE). The time of the gentleman from Montana [Mr. MARLENEE] has expired.

(By unanimous consent, Mr. MARLENEE was allowed to proceed for 2 additional minutes.)

Mr. MARLENEE. Mr. Chairman, with the land patterns in the West being checkerboard and with some vast holdings, it is almost indistinguishable sometimes and impossible to separate out the public land both from terrain and from the fact that they use the same water sources, et cetera, from the private land, and so I assume it is not the intention of the gentleman to create a hardship but simply to stop profiteering at the expense of the Government?

Mr. DARDEN. If the gentleman will continue to yield, the gentleman is absolutely correct. That is my intention, and that is my only intention, to prevent profiteering by someone who would obtain a permit, a Federal grazing permit, at the cost of \$1.80 per animal unit per month, turn around and sublease it to someone for \$5, \$10, even \$15 per animal unit per month. It is only that very narrow group of individuals that we are trying to reach, and I say this very carefully. It is not my intention, nor do I believe in any way will affect the rights of anyone other than the person who is seeking to sublease.

Mr. MARLENEE. If the gentleman will answer a question, then, if we find at some later point that we have put a hardship upon those people who have operations that entail both public and private land, that the gentleman would assist me in coming back to correct the problem, the gentleman being a reasonable, reasonable Congressman, and I would assume he would do this.

Mr. DARDEN. I certainly would, to my good friend from Montana, certainly, and if it were demonstrated before this matter goes to conference, I would like to personally assist in correcting any type of hardship that might occur. Our point and our purpose is not to create a hardship but merely to eliminate the potential for profiteering at Government expense.

Mr. MARLENEE. Perhaps the gentleman and I could sit down before we go to conference and evaluate the impact of this, because we have not had hearings on this bill on that particular matter.

The CHAIRMAN pro tempore. The time of the gentleman from Montana [Mr. MARLENEE] has again expired.

(By unanimous consent, Mr. MARLENEE was allowed to proceed for 30 additional seconds.)

□ 1550

Mr. MARLENEE. In defense of the BLM and the supposition that there is a lot of abuse, in 1985 the BLM was directed to address the subleasing problem. Out of 12,000 permittees, the BLM office found that there were 18 violations.

So although this legislation may be needed and I think the intention is good, I think the abuses have received far more publicity than there are actual abuses.

The CHAIRMAN pro tempore (Mr. WISE). The time of the gentleman from Montana [Mr. MARLENEE] has again expired.

(By unanimous consent, Mr. MARLENEE was allowed to proceed for 30 additional seconds.)

Mr. DARDEN. Mr. Chairman, will the gentleman yield?

Mr. MARLENEE. I yield to the gentleman from Georgia.

Mr. DARDEN. This is perhaps one area in which there is substantial conflict of opinion. I cite to the gentleman the article of Tuesday, May 23 in the Los Angeles Times stating that the practice is widespread. I cannot verify that or not, but I will say that the practice is illegal and we ought to do everything we can in our power to eliminate it.

I thank the gentleman for yielding.

Mr. THOMAS of Wyoming. Mr. Chairman, I move to strike the requisite number of words and I rise with concern for the amendment. I share the concerns of my colleague from Montana.

First of all, I am not aware of this being a widespread problem. On the contrary, I think it is a problem that seldom occurs.

I simply want to point out that for the most part, at least in my State of Wyoming, these BLM lands were residual lands that were left after the claims times, and the basic land was improved upon, and they depend on the private land and base and the water there, and it would be very difficult many times to separate these basic lands from the leased lands.

So I of course support the notion that there should not be profiteering, but I want to raise the point and point out as well that I am concerned and I would like to visit with the gentleman from Georgia as well to make sure that we do not take away private rights that have been incurred by these owners with respect to these lands.

Mr. SYNAR. Mr. Chairman, I move to strike the requisite number of words.

As I did in the opening debate, I rise in strong support of the amendment of the gentleman from Georgia. But if I could get the attention of the gentleman from Montana [Mr. MARLENEE] I would like to ask him a couple of questions if I could because I found his debate very interesting.

Is my understanding correct that the gentleman from Montana is opposing this amendment at this time or that he has expressed a concern?

Mr. MARLENEE. Mr. Chairman, will the gentleman yield?

Mr. SYNAR. I yield to the gentleman from Montana.

Mr. MARLENEE. Mr. Chairman, I am expressing concern about the amendment and the impact it would have on the operations of well-intentioned people out there who had really no intention of profiteering at the expense of the Government. That is the concern I have with the amendment.

Mr. SYNAR. If I could ask the gentleman some questions, maybe we can clear this up and get to the essence of the amendment.

The gentleman from Montana does agree that subleasing is illegal presently under the present BLM law?

Mr. MARLENEE. Under most conditions, yes.

Mr. SYNAR. And the gentleman does agree that the BLM new Director, Cy Jameson, said he would like to enforce this illegality? In other words, stop this subleasing; is the gentleman aware of that?

Mr. MARLENEE. I cannot speak for the new Director of the BLM.

Mr. SYNAR. Is the gentleman aware also that the Los Angeles Times recently reported that a lot of the acreages which were being leased for \$1.86 per AMU have been subleased for anywhere from \$8 to \$12, and there have been abuses in the 46,000 allotments of over 1,000 allotments being subleased at much higher prices than the original lease?

Mr. MARLENEE. If the gentleman from Oklahoma is asking me a question about the extent, I can only refer to the study that was done that showed there were 18 out of 12,000 that may have been not legal.

Mr. SYNAR. The gentleman will also agree, will he not, that there has been a lack of resources at the BLM?

Mr. MARLENEE. I did not agree to the last one.

Mr. SYNAR. Will the gentleman agree there has been a lack of resources at the BLM and personnel for the last 8 years?

Mr. MARLENEE. No; I do not think so. I will not agree with that.

Mr. SYNAR. Reclaiming my time, I think what the gentleman from Georgia is trying to do is offer a very simple amendment for all of my colleagues watching on TV and other Americans listening nationwide, what

we are trying to do here is say this, very simply, that U.S. taxpayers and we as Members of Congress who are responsible for that taxpayer's trust have a responsibility to make sure that we get at least fair market value for the lands which we are leasing out to people. If we cannot do that, then at the minimum we cannot allow those people who are not paying the fair market value to then take that land and sell it for a profit.

That seems like simple, common sense. It seems like fairness to the taxpayers.

What the gentleman from Georgia is trying to do is simply close a loophole which the new BLM Director has already said he wants to enforce. I would hope that we could get the Republicans and the Democrats to agree on this, because I think it is a good message, I think it is a message that we who are in the West, and I think as ranchers feel it is only fair to all cattlemen and all ranchers throughout this country, and it is a good message to the taxpayers that we are going to protect their money.

Mr. LEVINE of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to again commend the chairman of the subcommittee, as I did on the last measure before this committee, for his leadership in bringing this bill before us today, and for his leadership on both of the measures that have come before the House today. The work that the subcommittee has done on these measures is laudatory, and the leadership of the chairman is particularly exemplary.

I also rise in support of the amendment of the gentleman from Georgia. It is an important amendment, it is a good amendment, and I am pleased to hear the debate that we have had on the House floor. I think that it spells out very clearly just what the gentleman's intent is, and I hope that we will find that there is a consensus on both sides of the aisle, as there ought to be, in support of this amendment.

There is a related issue that does not bear precisely on the point of the amendment before the House, but that is very important to this general issue and to this bill which I would like to raise for the record and spell out my concern about, and that is my concern about the disturbing trend in the management of our Nation's public land resources. The Bureau of Land Management statistics show that only one-fourth of the livestock grazing allotments on public lands today are in good condition. Nonetheless, the General Accounting Office has reported, "Despite this generally unsatisfactory condition, a significant portion of grazing allotments continue to be overstocked."

One of the many results of such overgrazing is serious damage to the desert streams and surrounding habitat. According to GAO testimony before the House Subcommittee on National Parks and Public Lands:

When these stream banks are trampled and stripped of vegetation by livestock, fishing habitat is destroyed, surrounding water tables drop, erosion increases, and the availability of water, vegetative cover, and forage for wildlife is reduced.

Despite a clear mandate from the Congress to the BLM to manage the public lands for multiple use, the GAO has found that the agency has thus far been far more responsive to the livestock industry than it has been to the elected representatives of the American people. It is essential, therefore, that the Congress step up its oversight of the BLM, and I believe that the general provisions of H.R. 828 will make important progress in achieving this goal.

I felt it was important to put this on the record in light of these GAO findings. I think they are of great concern to my colleagues and to the American people, and I wanted to not only mention that, but support the amendment before the House and the legislation that the gentleman from Minnesota has so ably crafted and that is before us today.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. LEVINE of California. I am very happy to yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I appreciate the gentleman's kind remarks about my work, but really it is the work of the whole Interior and Insular Affairs Committee, and principally both sides of the aisle. Today we unhappily do not have unanimity on the legislation, but I think generally there is a lot of agreement with what is in this amendment and the basic legislation. I guess I heard support for this amendment on both sides of the aisle today, and I am pleased with that.

I think there is a real problem with the whole grazing issue, and I know the gentleman from Los Angeles has taken a real interest in the classification and designation of BLM lands in his own State, which is going to be the subject of hearings later this month in terms of the California desert issue. These are important issues.

The task and the mission of the BLM is changing and FLPMA recognizes that. This legislation goes further in recognizing that and the sort of ephemeral type of grazing and what the impact is on the land.

There are a lot of public lands in my State of Minnesota also and in other Eastern States and other Midwestern States. But we do not have the advantage of being able to graze on much of that public land, especially at below markets cost per animal unit as in the

West. And we have questioned, many of us, as to whether that seriously undervalues the land, and there are special problems. I think all us of lean over backward not to interfere and impose extra economic hardships on ranchers, especially in terms of the agricultural sector of our economy and the problems it has experienced throughout the decade of the 1980's.

□ 1600

My guess is that tempers our response today.

I might say that agricultural economy exists in my State, a lot of people have had experience, where they do not necessarily receive the type of help that is being received here. When they raise beef, they have to do it on their own and without any type government grazing at bargain basement cost. We look; back starting in the 1930's, 50 or 60 years ago, the Taylor Grazing Act was a big improvement. I think today and 1976 with the FLPMA we made other changes and there is a big improvement there. Today we make some additional changes. Hopefully this measure will go to the Senate and be acted upon there and progress will be achieved in the BPM management of the public domain.

The CHAIRMAN pro tempore. (Mr. WISE). The time of the gentleman from California [Mr. LEVINE] has expired.

On request of Mr. VENTO and my unanimous consent Mr. LEVINE of California was allowed to proceed for 1 additional minute.

Mr. VENTO. Mr. Chairman, will the gentleman continue to yield.

Mr. LEVINE of California. I yield to the gentleman from Minnesota.

Mr. VENTO. I thank the gentleman.

Mr. Chairman, we are going to move forward and hopefully we will be able to do so in a logical and consistent way that does not have the repercussions that many fear, which would occur with regard to the livelihood and the economy of many of the States that the gentleman and others from the West are concerned about.

I might say the only reason they can refer to me as an easterner is because I was not born in West St. Paul, on the westside of the Mississippi, I guess, Mr. Chairman. Rather I was from the eastside.

So I hope, and we really try to strive to work together in the committee. Unfortunately sometimes it does not work. I think here now is an amendment we should all be supporting. And I thank the gentleman from California for his comments and for his work on the subcommittee.

Mr. LEVINE of California. I thank the easterner, or midwesterner, as it were, for his thoughtful comments and for his leadership on this issue.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Georgia [Mr. DARDEN] to the committee amendment.

The amendment to the committee amendment was agreed to.

The CHAIRMAN pro tempore. Are there any further amendments to the committee bill?

Mr. MARLENEE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, if I may engage the chairman of the subcommittee in a colloquy: I note that the Secretary of the Interior does not presently have the specific authority to effect the management of wild and scenic rivers or national trails or wilderness areas or national monuments that are presently under the authority of the Secretary of Agriculture. In order to clarify the record, I must ask the gentleman from Minnesota if it is his intent to give the Secretary of the Interior new authority to effect management of the units of the National Forest System in accordance with the directions contained in the section of this bill.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. MARLENEE. I yield to the gentleman from Minnesota.

Mr. VENTO. I thank the gentleman for yielding.

Mr. Chairman, no, it is not the intent that the language would give the Secretary of the Interior any new authority over the national forests or the units thereof.

Mr. MARLENEE. I thank the gentleman.

The CHAIRMAN pro tempore. Are there any further amendments?

If not, the question is on the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

The CHAIRMAN pro tempore. If there are no further amendments to the bill, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. KILDEE) having assumed the chair, Mr. WISE, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 828) to authorize appropriations for programs, functions, and activities of the Bureau of Land Management for fiscal years 1990, 1991, 1992, and 1993, pursuant to House Resolution 200, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title of the bill was amended so as to read: "A bill to authorize appropriations for programs, functions, and activities of the Bureau of Land Management for fiscal years 1990, 1991, 1992, and 1993, and for other purposes."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 828 the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

AUTHORIZING THE CLERK TO MAKE NECESSARY TECHNICAL AND CONFORMING CHANGES IN THE H.R. 828, BUREAU OF LAND MANAGEMENT AUTHORIZATION, FISCAL YEARS 1990, 1991, 1992, AND 1993

Mr. VENTO. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make necessary technical and conforming changes in the text of the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

AGRICULTURAL ACT OF 1949 AMENDMENT, TO ALLOW PLANTING OF ALTERNATE CROPS ON PERMITTED ACREAGE FOR 1990 CROP YEAR

Mr. GLICKMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2799) to amend the Agricultural Act of 1949 to allow the planting of alternate crops on permitted acreage for the 1990 crop year, as amended.

The Clerk read as follows:

H.R. 2799

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PLANTING OF ALTERNATE CROPS ON PERMITTED ACREAGE.

Effective only for the 1990 crops, section 504(b)(2) of the Agricultural Act of 1949 (7 U.S.C. 1464(b)(2)) is amended by—

- (1) striking "and" at the end of subparagraph (D);
- (2) redesignating subparagraph (E) as subparagraph (F); and
- (3) inserting after subparagraph (D) the following new subparagraph:

"(E) in the case of the 1990 crop year, acreage in an amount not to exceed 20 percent of the permitted acreage for a program crop, if—

"(i) the acreage considered to be planted is planted to canola, rapeseed, sunflower, safflower, flaxseed, kenaf, crambe, guayule, milkweed, or meadowfoam;

"(ii) the producers on the farm plant for harvest to the program crop at least 50 percent of the permitted acreage for such crop; and

"(iii) payments are not received by producers under section 107D(c)(1)(C), 105C(c)(1)(B), 103A(c)(1)(B), or 101A(c)(1)(B), as the case may be; and".

SEC. 2. OATS.

Effective only for the 1990 crops, section 503(c)(1) of the Agricultural Act of 1949 (7 U.S.C. 1463(c)(1)) is amended by striking "if the acreage limitation percentage established for a crop of feed grains under section 105C(f) is 12.5 percent or less,".

The SPEAKER pro tempore. Is a second demanded?

Mr. MARLENEE. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Kansas [Mr. GLICKMAN] will be recognized for 20 minutes and the gentleman from Montana [Mr. MARLENEE] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Kansas [Mr. GLICKMAN].

Mr. GLICKMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2799 to amend the Agricultural Act of 1949 to allow the planting of alternate crops and oats on permitted acreage for the 1990 crop year.

Section 1 of H.R. 2799 will allow producers who plant at least 50 percent of their program crop on permitted acreage to plant alternate crops on acreage not to exceed 20 percent of their permitted crop acreage. Alternate crops, with valuable industrial as well as food uses, under this section include canola, rapeseed, sunflower, safflower, flaxseed, kenaf, crambe, guayule, milkseed, and meadowfoam.

Increases in canola production will benefit Americans tremendously. Recent research has shown that canola, which is the food-oil variety of rapeseed, has the lowest saturated fat content of any vegetable oil, and, as a result, is becoming increasingly popular with the food industry. U.S. imports of canola oil in 1988 reached 250 million pounds, which is equal to 350,000 acres of production. It is estimated that the United States will consume or use nearly 400 million pounds of canola in 1989.

Sunflower and safflower byproducts also provide numerous benefits to food processors and consumers. Increased production of guayule, which is a

rubber plant, will help reduce imports of South American rubber that cost Americans millions if not billions of added cost every year.

Expanded uses for these alternate crops have created a demand that, unfortunately, cannot be met with current U.S. production levels. The principle factor limiting expanded production of these nonprogram crops is access to base acreage.

Under the Food Security Act of 1985 as amended, planting of canola and other nonprogram crops were allowed on 50 percent of permitted acres for the 1986 and 1987 crop years, 35 percent for 1988, and 20 percent for 1989. No option is available for the 1990 crop year.

Section 1 of H.R. 2799, by allowing planting of alternative crops on permitted acreage, will provide not only flexibility to farmers in their planting decisions, but also a way to earn more income to offset the effects of last year's drought. Additionally, to the extent program acreage is diverted to production of these nonprogram crops, there will be a reduction in program outlays. If this bill were to be enacted, \$10 million in Government outlays will be saved in fiscal year 1990, according to the Congressional Budget Office.

Section 2 of H.R. 2799 will allow producers an opportunity to plant oats on any amount of their farm acreage base for 1990 regardless of the acreage limitation requirement established by the Secretary of Agriculture for feed grains. Under current law, for the 1990 crop year, the Agriculture Act of 1949 allows producers to plant oats on any portion of their farm acreage base only if the acreage limitation requirement for feed grains is 12.5 percent or less.

Until recently, oats were produced primarily as a feed grain used for livestock rather than as a food grain for people. However, over the past several years, demand for oats has increased as a result of research showing that the consumption of oats reduces cholesterol levels in the blood stream and industries finding more beneficial uses of oats.

Since 1985, oats production has fallen drastically despite the increase in demand. As of July 1, 1989, USDA estimates that only 387 million bushels will be produced in this crop year. This is a 25-percent drop in production from 1985 levels. Oats remain the only major grain imported into the United States. Last year, 60 million bushels were imported and this year USDA estimates that nearly 100 million will have to be imported to meet American demands.

Reasons for the decline in American oats production stem from the commodity programs established for oats and feed grains under the 1985 Food Security Act. The combining of oats and barley crop bases and using the

same acreage limitation percentage for all feed grains including oats, have given farmers incentives to shift acreage from oats to barley and other feed grains that are supported by higher Government support prices relative to oats.

In the Omnibus Budget Reconciliation Act of 1987, Congress moved to correct this inequity by requiring the Secretary, that notwithstanding the provisions of current law requiring that any acreage limitation be applied uniformly to all feed grain crops, to establish a separate acreage limitation for oats at no more than 5 percent, unless in the case of the 1990 crop, the Secretary determines the supply of oats to be excessive. In addition, the Disaster Act of 1988 amended current law to allow farmers to designate any portion of their farm acreage base to plant oats unless the acreage limitation for feed grains is 12.5 percent or less.

Considering that stock levels of oats are still insufficient to meet demand, section 2 of this bill will require the Secretary to allow farmers the option to plant oats on any portion of their farm acreage base regardless of the acreage limitation established for feed grains in 1990. For purposes of determining the farm and crop acreage bases, any acreage on the farm that is designated as oats base under this section for 1990 shall be considered to be planted to the program crop for which oats are substituted. Also, farm and crop acreage bases shall not increase as a result of a farmer exercising his right established in this section.

In closing, I ask my colleagues to join me in support of this bill, which I believe will help to build production level to meet the growing demands for oats and alternate crops.

□ 1610

On balance, this bill accomplishes two things. It gives farmers a lot more flexibility in their production, which helps American farmers deal with the vagaries of world markets. It also gives consumers of this country the knowledge that we will be producing more crops that they desperately need: oats, canola, guayule, and the other crops that I am talking about which may, in fact, not only provide food usage, but industrial uses as well.

This is a good bill, a very commonsensical bill, and one that helps both farmers and American consumers.

Mr. DE LA GARZA. Mr. Speaker, I rise in support of H.R. 2799, to amend the Agricultural Act of 1949 for the 1990 crops to allow the planting of alternative crops on permitted acreage and to amend the provision regarding the designation of farm acreage base as acreage base established for oats, and I urge my colleagues to vote for passage of this legislation.

The production of canola, which is crushed to produce a very healthy cooking oil, has not

kept up with the demand for this crop. The United States has had to import significant amounts of canola from Canada. To meet the demand of U.S. consumers has required canola oil imports of 250 million pounds in 1988 alone. This bill will amend the Agricultural Act of 1949 to remove impediments to the production of canola and several other alternative crops such as rapeseed, sunflower, safflower, flaxseed, kenaf, crambe, guayule, milkweed, and meadowfoam.

Specifically, H.R. 2799 would consider that acreage planted to certain alternative crops on permitted acreage under certain conditions would be considered planted to program crop. H.R. 2799 will extend to 1990 crops similar treatment given 1989 crops as a result of the Food Security Improvements Act of 1986. To the extent that program acreage is diverted to production of these nonprogram crops, there will be a reduction in program outlays.

As for oats, H.R. 2799 will require the Secretary of Agriculture to permit producers to designate, for the 1990 crop, any portion of their farm acreage base as oats acreage base other than that portion designated for soybeans. This designation is permitted regardless of the acreage limitation established for feed grains.

Until recently, oats were produced primarily as a feed grain for livestock. Research has shown, however, that the consumption of oats by humans reduces cholesterol levels and has other healthful side effects. The resulting increase in demand for oats has caused an increased reliance by the United States on imported oats. The USDA estimate for 1989 indicates that nearly 100 million bushels will be imported. Contributing to the low production levels is the structure of the Federal commodity program. H.R. 2799 will correct this situation by allowing increased planting of oats.

Mr. Speaker, I believe that H.R. 2799 is important to correct imbalances in the supply of several critical crops. The bill is fiscally responsible and according to estimates will have a positive effect on the budget. I ask my colleagues to join me in supporting this legislation.

Mr. MARLENEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am happy on behalf of our side to rise in support of H.R. 2799 which will permit farm producers to have a greater degree of flexibility in planting crops for 1990 in a manner which is more attuned to signals from the marketplace, rather than making planting decisions based solely on Government price support programs. This bill will simply extend for 1990 a current provision of the 1985 farm bill which was due to expire. By extending and mandating the operation of this grower option, we will be able to save an estimated \$10 million for next year in the cost of farm programs.

I want to congratulate the sponsor of this measure, Mr. EsPY of Mississippi, and I urge all our colleagues to give this measure their full support.

Mr. GLICKMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to reiterate what the gentleman from Montana [Mr. MARLENEE] has said. If this bill were to be enacted, \$10 million in Government outlays will be saved in fiscal 1990, according to the Congressional Budget Office, as we allow producers to move away from program crops, which cost the Government money, to nonprogram crops which will not cost the Government money. They will still maintain the crop base. It is a good deal for all.

Mr. Speaker, I yield such time as he may consume to our distinguished colleague the gentleman from Mississippi [Mr. ESPY].

Mr. ESPY. Mr. Speaker, I thank the gentleman for yielding and for his kind words.

Mr. Speaker, as the gentleman from Kansas has already said, this is a good bill. It seems to make a lot of sense from a standpoint, first of all, of flexibility, because it does allow a greater latitude to the producer in the making of their production decisions.

Second, it makes good sense from the standpoint of cost decisions, because it does save the Federal Government about \$10 million, as has already been said.

Third, probably one factor that has not been mentioned as prominently, it makes a lot of sense from the standpoint of seasonal urgency, because there are sections of this country suffering droughts. There are other sections, particularly in the part of the country that I am from, Mississippi, in a flood, and canola is a product that is more hardy and can be grown faster than other products. It just makes a lot of sense to go ahead and do this before the August recess.

This bill will simply extend this option to allow producers to plant up to 20 percent of their permitted acreage to specific nonprogram crops such as canola and oats for harvest in 1990, without loss of base.

It has already been mentioned, Mr. Speaker, that U.S. imports of canola oil in 1980 reached 250 million pounds, or the equivalent of 350,000 acres of production. It is popular because of the low content of saturated fat, and canola production has been expanding and reached an estimated 65,000 acres in 1988.

The principal factor for limiting expansion in the United States is simply the access to base acreage. This planting option found in H.R. 2799 will provide a modest degree of flexibility in the selection and planting of 1990 product, helping to offset the effects of the drought and the flood on planting plans and increase the opportunity for farm-derived income.

Already, Mr. Speaker, it is said that CBO has estimated a savings for this

bill in the amount of \$10 million, and that makes a lot of sense when it comes to budget reconciliation and cost savings.

As I mentioned, the seasonal clock is ticking, as the crop must be planted in September and October. With the fall planting season approaching, legislation to provide an option for canola production in 1990 is essential before the August congressional recess.

Mr. Speaker, this is a good bill which provides farm producers with greater flexibility in making fall planting decisions. It represents a significant savings in our desire to reduce farm program costs. It helps these producers to offset drought and flood losses. I urge my colleagues to support this bill.

Mr. MARLENEE. Mr. Speaker, I yield 2 minutes to my good friend, the gentlewoman from Nebraska [Mrs. SMITH].

Mrs. SMITH of Nebraska. Mr. Speaker, I rise in support of H.R. 2799, to allow the planting of alternative crops for the 1990 crop year. H.R. 2799 does not address all the avenues available for increasing the flexibility we should extend to producers. However, H.R. 2799 is an important step in the right direction and will serve as an excellent starting point from which we can create additional choices for farmers in the 1990 farm bill.

This legislation creates a completely voluntary program that will allow farmers greater flexibility, stands to save \$10 million in farm program expenditures, and will enhance the development of alternative agriculture.

I am gratified that we are on the floor today to pave the way for alternative agriculture. It is a goal I have been working toward for many years. My current bill, H.R. 47, was introduced on the first day of the 101st Congress, and is titled the Research and Commercialization of Alternative Agriculture Act of 1989.

Alternative crops promise an important future, not only for the agriculture economy but also for the economic stability of the entire Nation.

The estimated 5-year economic impact of just one crop, kenaf, which can be used for newsprint, includes the creation of 3,360 full-time jobs, the reduction of crop subsidies by \$15 million, a decrease in pulp and paper imports by \$191 million, a cut in unemployment costs by \$77 million and an increase in tax revenues of \$32 million. Such results would benefit everyone.

There is no doubt alternative crops offer outstanding economic promise for the United States and deserve our attention for their development. During this period of budget constraints, we need to be assured that all available public and private sector resources are clearly focused and effectively utilized.

I propose in H.R. 47 to go from what we are doing in H.R. 2799 today and

establish a Federal framework for bringing alternative agriculture research into focus. This issue is of such importance that we need to create a national institute within the U.S. Department of Agriculture dedicated to the accelerated research, development, and commercialization of agricultural commodities.

I am pleased to rise today in support of this bill because it is a starting point and it responds to the needs of my Nebraska producers.

Producers from across the State of Nebraska have been asking for greater flexibility in determining what crops they should plant. They want to be able to respond to market forces rather than Government program rules. Farmers in my district want to utilize alternative agriculture to enhance their crop rotation options and to participate in developing new production opportunities.

I encourage the House Agriculture Committee to continue to explore additional options for increasing farm program flexibility, and I urge my colleagues to give the committee the go ahead with a unanimous "yes" vote on this bill today.

Mr. MARLENEE. Mr. Speaker, I yield 2 minutes to my good friend, the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Speaker, this Member wants to commend the chairman of the Agriculture Subcommittee on Wheat, Soybeans, and Feed Grains, the gentleman from Kansas [Mr. GLICKMAN], and the ranking minority member, the gentleman from Montana [Mr. MARLENEE], and the chairman of the Agriculture Subcommittee on Cotton, Rice, and Sugar, the gentleman from Louisiana [Mr. HUCKABY], and the ranking minority member, the gentleman from Minnesota [Mr. STANGELAND], for their leadership in bringing to the floor H.R. 2799 which will allow for the planting of alternative crops on a portion of permitted acreage for the 1990 crop year. I would also like to recognize the efforts of the chairman of the Agriculture Committee, the gentleman from Texas [Mr. DE LA GARZA], and the ranking minority member, the gentleman from Illinois [Mr. MADIGAN], for their energy and leadership in bringing this bill before us in such a timely fashion.

Mr. Speaker, this Member is pleased to add my endorsement for H.R. 2799. The direction that the Agriculture Committee has set in place through enactment of this legislation will not only reduce farm program outlays, but will also allow producers interested in planting alternative crops an opportunity to make that decision based on market demands for that alternative crop without jeopardizing their feed-grain base.

Mr. Speaker, I am particularly pleased to see that the committee has also included a provision that will permit a farmer to shift a portion of their feedgrain base to oat production for the 1990 crop year. Not more than 15 years ago, farmers in portions of north central and northeast Nebraska and in many areas of the upper midwest and western Great Plains were actively engaged in the production of oats as a very profitable cash crop. However, due to the price-depressing factors of unrestricted imports of oats in the late 1970's and, in part to the 1985 farm bill, most producers discontinued the production of oats in exchange for the rigid security provided by the farm program in maintaining their program base in the production of feedgrains. Little did anyone contemplate the resurgence of oats as the health food of the 1980's, or the dramatic increase in the importation of oats into this country just to satisfy our domestic demands for humans, horses, and other purposes. Nevertheless, that is the case, and oats is one of only two significant grain products that the United States is now forced to import. That need not be the case and this bill will help America again become self-sufficient to the benefit of consumers and farmers.

This is a well-balanced bill which will help address the need for more flexibility in the current farm bill. It will also allow those producers who wish to again plant oats for a profit to do so in a responsible manner.

Thank you for this opportunity to speak on behalf of this legislation. My compliments again to the committee for its foresight and diligence in bringing this bill to the floor in a timely fashion. I urge my colleagues to vote in support of H.R. 2799.

□ 1620

Mr. MARLENEE. Mr. Speaker, I yield 2 minutes to my colleague, the gentleman from Minnesota [Mr. WEBER].

Mr. WEBER. Mr. Speaker, I will not speak at any length, but I do rise in support of the legislation.

I want to commend the distinguished gentleman from Kansas [Mr. GLICKMAN], and the ranking member, the gentleman from Montana [Mr. MARLENEE].

I think this is a good bill. I think it is an important debate, even though we are not in the middle of a farm debate right now, because it foreshadows from my standpoint a great deal of discussion we are going to have when we rewrite the farm bill next year or after a year's extension, as the case may be.

There is a greater demand and need for greater flexibility for farm programs. We have a rapidly integrating world market. We found out the problems the current farm bill can create

with regard to that in terms of soybean production and oat production in the last year or so, and we also have a rapidly changing technological environment. A number of opportunities, as well as some of the problems, have presented themselves in our concern about the technological advancement that present a problem to our producers. I would just say to the gentleman from Kansas, as well as the gentleman from Montana, that they have an extraordinarily difficult job in my judgment when it comes to writing a new farm bill next year. I just want to say that I think that is a difficult task, because all of us want to be able, I think, to have flexibility in the farm bill, and we recognize the conditions that call for it.

On the other hand, I have some concerns about just the lifting of some controls and what direction the market would take if there were suddenly no signals from the Government, as it were, to our producers.

So, Mr. Speaker, I want to commend both the gentlemen for this particular piece of legislation. I wish them well as we enter 1990 when it comes time to write a much more significant piece of legislation.

Mr. Speaker, I rise in support of H.R. 2799, which would allow the planting of alternative crops on permitted acreage for the 1990 crop year. I want to commend Congressman ESPY, and the Agriculture Committee, for their commitment to the idea that the American farmer should have the opportunity to decide on how he should produce for the marketplace.

Mr. Speaker, in recent weeks I have held a number of town meetings throughout my district. At each stop, the farmers with whom I met told me they needed to have more flexibility in deciding how they should produce for the marketplace. They stressed the need for a program which combined flexibility with an aggressive export enhancement program. This type of program, Mr. Speaker, will allow American agriculture to continue to regain its competitive edge internationally.

As one who did not support the 1985 farm bill, I must now admit that the program has worked reasonably well. Farm income is up and so are our farm exports. But there are a number of lessons that we can learn from the implementation of the farm bill. With the passage of this legislation, I think we are acting on one of the more important lessons: We must be willing to redefine our agricultural policy in order to meet the competition head on.

Mr. Speaker, the passage of this legislation will permit farmers to plant alternative crops on their base acres. In addition, I firmly believe that we will also be sending a strong message to our world competitors. It's important for our competitors to know that Congress is willing to act on legislation that will ensure that American agriculture will continue to be a leading force in the world marketplace.

Mr. HOPKINS. Mr. Speaker, I rise to support H.R. 2799, a bill to permit the planting of alternate crops on permitted acreage in the 1990 crop year.

Enactment of this bill would allow American farmers to better respond to the consumer marketplace. It gives flexibility to farmers to replace program crops with a number of different nonprogram commodities without loss of base.

In effect, H.R. 2799 encourages a more market oriented farm policy by responding to consumers and holding the potential for improved farm income. In addition, this legislation has another benefit, it reduces Federal farm expenditures. The Congressional Budget Office reports that H.R. 2799 would save \$10 million in fiscal year 1990.

I congratulate Mr. ESPY of Mississippi and Mr. STENHOLM of Texas for their hard work and foresight in putting this measure together and urge my fellow Members to give this legislation their full support.

Mr. MARLENEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to make it plain that the administration has no objection to this piece of legislation. Again I congratulate the sponsors and the chairman of the subcommittee.

Mr. Speaker, having no further requests for time, I yield back the balance of my time.

Mr. GLICKMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would close the debate by saying, as the gentleman from Minnesota [Mr. WEBER] and others have said, that this bill does a lot of creative forward-thinking for agriculture. For that we owe credit to the gentleman from Mississippi [Mr. ESPY], the gentleman from Texas [Mr. STENHOLM], the gentleman from Montana [Mr. MARLENEE], and the others who have been involved in that effort.

Mr. Speaker, I urge the passage of this bill.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. KILDEE). The question is on the motion offered by the gentleman from Kansas [Mr. GLICKMAN] that the House suspend the rules and pass the bill, H.R. 2799, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to amend the Agriculture Act of 1949 for the 1990 crops to allow the planting of alternative crops on permitted acreage and to amend the provisions regarding the designation of farm acreage base as acreage base established for oats."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GLICKMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

NATIONAL POW/MIA
RECOGNITION DAY

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 129) to provide for the designation of September 15, 1989, as "National POW/MIA Recognition Day," and ask for its immediate consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. GILMAN. Mr. Speaker, reserving the right to object, I yield to the gentleman from California [Mr. LAGOMARSINO], who is the chief sponsor of House Joint Resolution 178 in the House and now Senate Joint Resolution 129, designating September 15, 1989 as "National POW/MIA Recognition Day," and recognizing the National League of Families of POW/MIA's. I am pleased to yield to the gentleman from California, who also serves as the chairman of our Task Force on Missing in Action in the House.

Mr. LAGOMARSINO. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, as the chairman of the Bipartisan House POW/MIA Task Force, I rise in strong support of Senate Joint Resolution 129, identical to House Joint Resolution 178, a resolution I introduced along with my colleagues STEVE SOLARZ, BEN GILMAN, and JAMIE CLARKE, proclaiming September 15, 1989, as "National POW/MIA Recognition Day." This national day of remembrance is a very important signal to the Vietnamese and the rest of the world that we care about the fate of our missing servicemen in Indochina and will not let this issue die.

Sadly, the fates of these missing servicemen and the unresolved questions of their longing families have remained unanswered for so long. Part of this situation can be blamed on ourselves. Some, in their efforts to forget the Vietnam war also forgot about those who did not come home. Others, like the Woodcock Commission, claimed there were no live Americans being held in Southeast Asia. I clearly remember the congressional mission of which I was a part that visited Hanoi in August 1979. Mr. GILMAN was also a member of that mission. In response to our questions regarding the POW/MIAs, now Foreign Minister Nguyen

Cao Thach said, "We didn't think you cared." We do care. I care, my constituents care, the POW/MIA families care, the Congressional POW/MIA Task Force cares, millions of concerned American citizens care, and our Government cares.

Today, under the Bush administration, as before under the Reagan administration, the POW/MIA situation has been made a top national priority. New energies and initiatives have been devoted to our POW/MIAs clearly signaling that America has not forgotten its missing men in Indochina and that we are ready and willing—at the highest national levels—to take the actions necessary to achieve a fullest possible accounting.

The real reason we still have so many unresolved POW/MIA cases, though, rests with the Vietnamese. The obstacles to progress and the answers to our questions lie with Hanoi, not Washington. The Vietnamese have agreed to treat the POW/MIA issue as a separate, humanitarian issue divorced from other political matters, like diplomatic recognition and so on. We will hold the Vietnamese to this pledge.

I am very encouraged that since General Vessey's mission to Hanoi in August 1987, additional progress toward achieving the fullest possible accounting of our missing men has been made. General Vessey, who was reappointed by President Bush as the President's special POW/MIA emissary, has presented the Vietnamese with a number of discrepancy cases—cases about which we know the Vietnamese have more information. The speed and comprehensiveness with which Vietnam helps satisfactorily resolve these cases will, I believe, determine how long until we are able to achieve the fullest possible accounting of these men.

I am absolutely 100 percent convinced that the Vietnamese maintain a stockpile of American servicemen's remains. I am strongly convinced that there are live, unaccounted for Americans in Vietnam. I also believe that there could be live POW's in Southeast Asia—or were. The Vietnamese could easily help resolve our accounting by releasing the remains they have stored and giving us unrestricted access to investigate other cases. The ball is in their court.

Despite these obstacles, progress has been made. We have recently concluded some joint crash-site investigations and additional remains have been repatriated. We continue to work with Laos on similar projects. Technical teams have met and continue to meet frequently with both the Lao and the Vietnamese. But, this progress is too slow. I hope the Vietnamese will realize that they have nothing to gain by dragging their feet on this issue. While the POW/MIA issue is a sepa-

rate humanitarian one, progress on it—or the lack of progress on it—will have an impact on the resolution of other bilateral concerns.

Mr. Speaker, House Joint Resolution 178 provides concerned citizens with a foundation from which to hold programs and awareness projects on behalf of America's POW/MIA's. Many of these programs are being sponsored by the National League of Families—the only national organization comprised solely of family members. Their work deserves much praise. Through this recognition day America is officially broadcasting that it will remain steadfast with our POW/MIA families and will keep the faith. We will use the symbol of this day of recognition to underscore our commitment and reaffirm that "we will not forget."

I urge my colleagues to join me in continuing to keep the POW/MIA issue at the forefront of public concern on this special day and the days that follow until we achieve the fullest possible accounting of these missing men. I also urge my colleagues to join me in supporting this worthy resolution.

□ 1630

Mr. GILMAN. Mr. Speaker, I thank the gentleman from California [Mr. LAGOMARSINO] for his contribution; he has been a longstanding leader in trying to achieve a full accounting.

Further reserving the right to object, Mr. Speaker, I yield to the gentleman from New York [Mr. SOLOMON] who also has been a leader in this long battle of trying to resolve this very painful issue that has faced our Nation for far too long. The gentleman from New York [Mr. SOLOMON] has also acted as a former chairman of our MIA/POW Task Force.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman from New York [Mr. GILMAN], and I thank him for bringing this resolution before this body, and I also thank the gentleman from California [Mr. LAGOMARSINO] the chairman of the POW/MIA Task Force.

As my colleagues know, I recall that some of us in this Chamber, another gentleman from California [Mr. DREIER], himself, and myself and a number of others went to Hanoi and went to Vietnam a few years ago, and we sat across the table from Communists who made us beg just to have the remains of fallen soldiers returned to this country for the families, young children, young wives, mothers that wanted to know the fate of their fallen soldiers, of their sons and daughters, and it was a terrible thing to have to do that, but it did bring results. Since that time there have been a number of remains returned.

However, Mr. Speaker, for the benefit of those young men and women who serve in the military today, they have to know that the United States of America will not forget, should, God forbid, that ever happen to them, and we need to continue to do all we can to give some kind of result to these people that still do not know the whereabouts of their sons and daughters and also for those American POW's that might still be alive over there.

So, I commend the gentleman for bringing this resolution before this body. I hope it passes unanimously.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from New York [Mr. SOLOMON] for his remarks and for his long-time support of this issue.

Mr. Speaker, I yield to the gentleman from California [Mr. DREIER], another stalwart supporter of trying to achieve a full and final accounting of our missing in action, and another gentleman who did accompany us to Hanoi on several occasions.

Mr. DREIER of California. Mr. Speaker, I thank the gentleman from New York [Mr. GILMAN], my friend, for yielding, and I would like to congratulate the gentleman from California [Mr. LAGOMARSINO], my colleague, and say that it is a special thrill for me to be here with three Republican chairmen because every single one of my colleagues who has spoken on this issue has had the opportunity to serve as a chairman of the Task Force on POW and MIA's, and I want to say that it is unfortunate that we have not yet brought about a complete and total resolution to this very important issue.

However, Mr. Speaker, this resolution, which we have here on the floor today, is once again designed to let the people in this country know that we are not going to forget the plight of those over 2,000 who are classified as missing in action.

Mr. Speaker, when I first got involved in this issue, it was just about 2 months after I was elected, and I was approached by some family members, and a young woman, Sherry Master-son, said to me, "Congressman, please tell me that my father is dead." What she was telling me is that the uncertainty for her made life miserable, and she is one who continues to live with that burden, as do so many people.

Mr. Speaker, this is a real tragedy, and I did have the honor of traveling with my colleagues to Hanoi. I remember when we were there and met with Hoang Bich Son, the Deputy Foreign Minister, on Valentine's Day 1986, and we finally in that meeting were able to get some trickling of remains to come back, but I believe that we have still a long way to go, as this resolution points out.

Mr. Speaker, I congratulate my colleagues for continuing to keep this on

the front burner, and I thank the gentleman from New York [Mr. GILMAN] for yielding.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from California [Mr. DREIER] not only for his remarks, but for his support over the years for this extremely important issue.

Mr. Speaker, further reserving the right to object, I am pleased to yield to the gentleman from Mississippi [Mr. MONTGOMERY] who is one of the pioneers in the House in bringing this measure to the attention of this entire body and to our entire Nation, and a Member with whom I was pleased to serve when he chaired our Select Committee on the Missing in Action.

Mr. MONTGOMERY. Mr. Speaker, I appreciate the gentleman from New York [Mr. GILMAN] yielding, and I rise in support of this joint resolution.

Mr. Speaker, I worked over the years on this issue, and, as the gentleman from New York said, we worked together on a select committee years ago trying to get complete information as to what happened to these Americans missing in action.

Mr. Speaker, it is a sad situation. As has been said here today, we have to continue to try to gather as much information as we can to find out actually what did happen to these Americans.

I agree with my colleague, the gentleman from California [Mr. DREIER]. There are still remains that should be recovered. The Vietnamese should make every effort to return those remains to the United States, and I have always said for the last 10 or 12 years that I have been involved in this situation that the Vietnamese should let Americans come into Vietnam, go to the crash sites, which they are doing now in several cases, to let the Americans, I would hope, go anywhere they would like to look and see at these crash sites what did happen to these Americans.

So, Mr. Speaker, I rise in support of the resolution, and I certainly hope it will do some good, and someday I hope we can bring this last sad chapter of the Vietnam war to a conclusion.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from Mississippi [Mr. MONTGOMERY] for his remarks and for his long commitment to this issue.

Mr. Speaker, further reserving the right to object, I am pleased to yield to the gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. Mr. Speaker, I thank the gentleman from New York [Mr. GILMAN] for yielding.

I wanted to mention in my remarks, and I neglected to do so, that our colleague, the gentleman from New York [Mr. SOLARZ], who is the chairman of the Subcommittee on Foreign Affairs, deserves a great deal of credit on this entire issue. It was he and his predecessor, Lester Wolff of New York, who

established and kept going this special task force and who has always, as has been pointed out by my colleague from California, has always made it a bipartisan task force, doing that by always selecting a Republican to be the chairman.

So, Mr. Speaker, I want to commend the gentleman from New York [Mr. SOLOMON] for his remarks.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from California [Mr. LAGOMARSINO] for his remarks.

Mr. Speaker, further reserving the right to object, I am pleased to yield to the gentleman from Ohio [Mr. SAWYER].

Mr. SAWYER. Mr. Speaker, I thank the gentleman from New York [Mr. GILMAN], and I rise with regard to this resolution to associate myself with the comments of virtually all of the speakers who have preceded me, but particularly to make notice of the universality of the issue that is being dealt with on National POW/MIA Recognition Day.

Mr. Speaker, while, in fact, the truth is that so much of the attention that has been focused on this resolution has dealt with the current problems of POW's and MIA's, the truth of the matter is that those who made that very special sacrifice have been a part of all wars in all time. It is particularly appropriate, as we look down the agenda today at those who gather on behalf of this particular resolution, in fact gathered earlier this year, the gentleman from California [Mr. LAGOMARSINO], the gentleman from New York [Mr. GILMAN], and a subsequent sponsor of the resolution, the gentleman from California [Mr. LANTOS], gathered on the streets of Budapest, to recognize one of perhaps the most famous of all who are missing in action in the course of waging a war who will be recognized in the next resolution.

□ 1640

In that sense, Mr. Speaker, I wanted to make particular mention of the fact that this is a recognition that spreads itself well across the aisle, across this entire Nation, and literally around the globe in pursuit of an issue that commands the attention of all mankind as a matter of human rights for all of us.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for his supporting remarks.

Mr. Speaker, further reserving the right to object, I am pleased to rise in support of Senate Joint Resolution 129, which proclaims Friday, September 15, 1989, as "National POW/MIA Recognition Day." A day when our veterans posts, our schools, our libraries, and our mass media can remind all Americans of our courageous servicemen whose fates are undetermined from the Vietnam conflict.

The chairman of our House Task Force on POW's and MIA's, the gentleman from California [Mr. LAGOMARINO] is to be commended for again sponsoring this resolution, as is the chairman of the Foreign Affairs Subcommittee on Southeast Asian and Pacific Affairs, the gentleman from New York [Mr. SOLARZ] for his constant encouragement and support.

Mr. Speaker, this is the 17th consecutive year that I have cosponsored this legislation and I am hopeful that it will be the last time such a resolution will be necessary, for hopefully by this time next year a full accounting will have been obtained, and the fates of these Americans will have been as fully determined as possible.

During the 17 years that we have been proclaiming "POW/MIA Remembrance Day," significant progress has been made. Under the hard-nosed negotiations of the Reagan-Bush administrations, the Communist government of Vietnam has become convinced that we consider a full accounting to be a major national priority. Since President Reagan appointed General Vessey to be his special envoy to Hanoi for POW/MIA affairs, some 159 remains of Americans have been repatriated and positively identified. Another 40 to 50 currently await positive identification.

All told, today the number of American heroes still unaccounted for from the Vietnam conflict numbers 2,348.

In this body we are appreciative of the Defense Intelligence Agency for its 24-hour a day diligence on this issue. We are grateful that the White House has continued, for 9 consecutive years now, to afford the issue a top priority status. We thank the National League of Families for keeping the flame of hope alive, as we also thank the VFW, the American Legion, and the many other organizations which have led the way on the POW/MIA issue.

During the 1970's, when we faced official apathy from the administration on this issue, these groups kept our Nation's hope alive. In those days, our chief adversary was apathy.

During the 1980's, while we enjoyed compassion, understanding and support from the administration, we were faced with a new enemy: the enemy of misunderstanding.

Many Americans, some of whom are well-meaning but others who wish to capitalize on this issue, do not understand the complexities of locating our 2,348 missing Americans. They have the mistaken impression that a platoon of well-armed Marines could accomplish the job in short order.

But we in this chamber realize that this just isn't so. The only viable way we will ever bring our Americans home will be through Government-to-Government negotiations. During the 14 years since the end of the Vietnam

war, try as we might, we have not been able to pinpoint the locations of any Americans in that jungle infested region.

The adoption of this amendment is important because it will bring home to Hanoi yet again that we Americans are united on this issue. Although there may be some misinformation on techniques, we all agree that we will not forget nor forsake those Americans whose fates are unknown.

Mr. Speaker, this year our resolution also affords at long last official recognition to the National League of Families POW/MIA flag as "the symbol of our Nation's concern and commitment to resolving as fully as possible the fates of Americans still prisoner, missing and unaccounted for in Southeast Asia, thus ending the uncertainty for their families and the Nation". In my own 22d Congressional District of New York, the POW/MIA flag has become more and more familiar and common as a constant reminder of this crucial issue. Since March, the POW/MIA flag has been prominently displayed in the rotunda of our Nation's Capitol. This official recognition of the familiar POW/MIA flag is long overdue.

Mr. Speaker, let us come together to declare September 15, 1989 to be "National POW/MIA Remembrance Day" and to extend official recognition to the League of Families flag. We owe this much to our brave Americans who gave so much and to the brave families and loved ones they left behind.

Mr. Speaker, further reserving the right to object, I am pleased to yield to the gentleman from Florida [Mr. BILIRAKIS] who has also been a stalwart member of our POW/MIA Task Force.

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman for yielding this time to me and, of course, for the diligence of these gentlemen and their conscientiousness in bringing this resolution to the floor.

Mr. Speaker, it has all been said and said so very well and there is not too very much that I can say to improve upon it.

I will say, and I know that I share this with all my colleagues here on the floor of the House, the frustration of this particular issue, the knowledge that the DIA, the Defense Intelligence Agency, is such a very important part of our security structure and how very busy those people are and yet they devote, as the gentleman from New York said earlier, an awful lot of time and a lot of care to this issue; the knowledge that many members of our military, high ranking members of our military, also have so very much to do and such big jobs, and yet they meet with our task force continually on this issue.

Yet there is the frustration that we all feel, those of us who have been to

Vietnam, and obviously all the others who have not been there on this issue.

One of the warmest experiences that I have had as a Member of Congress, I recall during maybe the first year or two I was up here in 1983 and 1984, it seemed to me the feeling that I ran into in my district was that many of the veterans from prior wars were not necessarily behind this issue as strongly as many of us thought they should be, and how they have changed, though. I think I can speak for my colleagues when I say that all of these organizations and the veterans of Korea and the veterans of World War II and whatnot, they have really changed in their thinking. If there is one issue that I have found in the United States of America where basically all Americans are unified, it is this issue of the MIA/POW's.

□ 1650

But it is a very frustrating issue and a very frustrating problem, and I know none of us will ever rest. There are so many wonderful people out there.

We have a gentleman in my district in Clearwater, FL, by the name of Win Neudeck, who is a German immigrant. He is, of course, a citizen now. He came over from Germany, and he could really appreciate what this country means. He feels so terrible about that war and about this issue that he is planning to contribute a very large amount of his own money toward the erecting of a memorial in Clearwater, FL, to the Vietnam MIA/POW's, and it may expand into all wars, if you will. It is sort of out of my hands, but I will be willing to work with him on it.

This is the feeling many Americans have that the least we can do here in the Congress is to pass resolutions such as this and hopefully maybe something on postage stamps, a postage stamp, one of these days, which I realize is not an issue at this point, but something to keep interest alive not only among the Vietnam veterans and their families but also among the American people.

I am just so very grateful to be working with the gentleman from New York [Mr. GILMAN] and just all of the members of the Task Force on the MIA/POW's.

Mr. BRENNAN. Mr. Speaker, I rise today in strong support of Senate Joint Resolution 129 to designate September 15, 1989 as "National POW/MIA Recognition Day."

Whether as a nation or as individuals, we cannot forget the 2,364 Americans who are still unaccounted for in Southeast Asia. Whether they are our fathers, brothers, sons, friends or just unfamiliar names, these Americans, who gave so selflessly of themselves, must never be forgotten until this Government and, more importantly, their families and friends finally know of their fate.

The process of trying to account for these Americans been a long and agonizingly slow

one, but it must continue. Senate Joint Resolution 129 will let the Vietnamese Government know that the U.S. Congress will remain steadfast in its determination to resolve each and every case of an unaccounted for American. This measure will keep the MIA/POW tragedy at the top of the national agenda, and let the families of the missing as well as their comrades know that the Congress stands strong by their side.

Senate Joint Resolution 129 is an important step in the resolution of this tragedy that has so tried many Americans. By passing this resolution, we let those Americans know that all Americans stand with them to see this nightmare to its end.

Mr. SOLARZ. Mr. Speaker, as an original cosponsor of House Joint Resolution 178, I rise in strong support of this legislation, which would designate September 15 as "National POW/MIA Recognition Day".

I believe that it is entirely fitting that we set aside such a day for special remembrance of these courageous servicemen who selflessly heeded the call of this country. Indeed, 14 years after the fall of Saigon, the ongoing uncertainty surrounding the fates of these men is a poignant reminder that while the pain of the Vietnam war has ended for many in this country, it lives on in the hearts and homes of the families and friends of those brave Americans who faithfully served—and still may be serving—this country. By taking this action, we in the Congress demonstrate our ongoing solidarity with these men and their families in their long and often painful effort to determine the fate of their loved ones.

For so many years, our efforts to account for these individuals encountered nothing but intransigence and rhetoric from the Communist governments of Vietnam, Cambodia, and Laos. I am cautiously hopeful, however, that at least on this issue of such great humanitarian importance these governments are beginning to see the light. Since September of last year, there has been an increased degree of cooperation, albeit still not enough, shown by Vietnam and Laos in resolving the question of what happened to our missing men. Only the Vietnam-installed Hun Sen government in Cambodia has refused to move forward to address our concerns in this area.

There have been six joint United States-Vietnamese field surveys, each involving two to three search teams that have been allowed access to crash sites in the countryside, in the 10-month period since September. Before these recent activities, only one such joint United States-Vietnam survey and excavation, which occurred in November 1985, had been allowed by the Government of Vietnam. In Laos, several successful excavations have been completed, and recently the Lao authorities agreed to year-round consultations on the POW/MIA issue.

Moreover, 212 remains have been repatriated by Vietnam since August 1987, when special Presidential envoy Gen. John Vessey went to Hanoi to meet with Foreign Minister Nguyen Co Thach. However, it is important to note that to date only 60 of that number have been positively identified as Americans, and there is a strong possibility that the majority of other remains will turn out to be Southeast Asian. The lesson obviously is that when deal-

ing with the Socialist Republic of Vietnam, increased activity on the POW/MIA in and of itself does not automatically mean increased progress. As always, it remains vital to focus on Vietnamese Government actions, not words.

We must remember that the bottom line is that as of today 2,348 Americans remain unaccounted for in Indochina. Except for California and Texas, more men remain missing—147—from my home State of New York than from any other State.

And while our Government has not yet been able to establish concrete evidence that Americans remain held against their will, we certainly cannot rule out that possibility. At the very least, there is no question that the Indochinese governments have additional information on Americans still missing. The reports of live sightings received over the years make it imperative that we continue to do all that we can to follow up on each and every lead or shred of information which might lead to the return of an American.

Accordingly, the resolution of this issue has received a high priority in the Congress. Over 50 hearings have been held since 1975 and nearly 4,000 pages of testimony have been taken from over 120 witnesses. Since becoming chairman of the Subcommittee on Asian and Pacific Affairs in 1981, I have personally convened 17 hearings and have attended numerous classified briefings since that time in order to remain abreast of the most current intelligence information available.

In addition, I have re-appointed the gentleman from California, [Mr. LAGOMARSINO] as chairman of the House POW/MIA Task Force, which operates under the aegis of the subcommittee. BOB has done a tremendous job as a leader on this issue of such great concern to Americans everywhere, and I commend him on his tireless efforts.

In fact, this is the only example in the entire Congress where a Republican Member of the House chairs a task force or a committee. I think this is important because it underscores the extent to which this is an issue of bipartisan concern, on which Democrats and Republicans are united. Indeed, every so often an issue comes along that transcends traditional partisan politics and necessitates instead a unified response for the American people. And the resolution of the POW/MIA issue is a classic example of an issue that is an American issue, and not a partisan one.

To underscore the fundamental importance of this issue, President Bush has continued to classify as a "highest national priority" the effort to obtain the fullest possible accounting of these unaccounted for Americans.

I fully support that priority and was pleased when the President announced this past February that he had re-appointed retired Gen. John Vessey as a special envoy to Hanoi for the POW issue. General Vessey's inspired leadership on this issue is, I think, a major reason why Vietnam and Laos more fully understand the degree of deep, heartfelt feeling the American people have for these unaccounted-for men.

That understanding is crucial, because, after all, if anyone possesses the answers to all our unresolved questions, it is the Vietnamese. It is the Vietnamese who have the capability to

end the prolonged pain of the family and friends of those Americans who did not return from the war. Thus we must continue to focus our efforts and our energies in keeping their feet to the fire on this issue. The problem, it is clear, lies not in Washington, but in Hanoi.

To do this, not only have I conducted numerous hearings and briefings on the issue but I have also traveled three times to Hanoi, once in 1980, again in 1984, and most recently during this past January. Each time I personally raised the question of our missing men with the Vietnamese authorities I met, and made sure they understood that we will not leave a single stone unturned in our search for answers.

Additionally, I have met with the Vietnamese representatives at the United Nations on several occasions in order to express my strong interest in the issue.

Through such actions, I believe we make it perfectly clear to the Vietnamese that we will not cease to pursue this issue unless and until we receive a satisfactory accounting so that the final chapter of our involvement in the Vietnam war may, at long last, be written.

At this time, I would like to pay tribute to the National League of Families of American Prisoners and Missing in Southeast Asia, and to Ann Mills Griffiths, the executive director of the league. Her tireless dedication and tenacious efforts to resolve this issue are unmatched, and I think we all owe her an enormous debt of gratitude.

Finally, let me say that I think it is entirely appropriate that the league's black and white flag, which has become synonymous with the Nation's concern for our unaccounted-for men, is designated as the official symbol of this issue. It is the families of these men who deserve answers to their questions, so it is fitting that the flag of the only national organization comprised solely of family members should stand as the symbol of our commitment to get the families those answers.

Mr. CLARKE. Mr. Speaker, as one of the vice-chairmen of the House POW/MIA Task Force, I am pleased to support this important resolution designating September 15, 1989, as National POW/MIA Recognition Day. I congratulate the chairman of the task force, Representative ROBERT LAGOMARSINO, and Representative STEVE SOLARZ, chairman of the House Asian Pacific Affairs Subcommittee, for sponsoring this measure.

For most of America, the war in Vietnam ended in 1975 when the last of our troops were withdrawn from Indochina. But for the families of the 2,348 servicemen still unaccounted for, the war in Vietnam is not over, nor will it be over until these families learn the fate of their missing sons, brothers, and fathers. These families must live daily with the very difficult burden of uncertainty, not knowing the fate of their relatives.

America has not forgotten the sacrifice these men made in the name of democracy, and until their fate has been learned the United States will continue to make the POW/MIA issue a top national priority.

Since former President Reagan's appointment of General Vessey as special envoy to Hanoi for POW/MIA affairs, progress has been made in recovering the remains of over

100 MIA's. We depend upon the Vietnamese Government, however, to assist us in locating and recovering remains, and its response has been slow. We must convince the Vietnamese that they cannot withhold American remains for use as a political bargaining tool. Only through a concerted American/Vietnamese effort will the fates of our missing servicemen be realized and the anguish of their families be over.

With the adoption of this resolution, we reaffirm to the families of our missing servicemen and to the Vietnamese Government our Nation's ongoing, wholehearted commitment to finding our missing servicemen.

Mr. GILMAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. KILDEE). Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate joint resolution as follows:

S.J. RES. 129

Whereas the United States has fought in many wars;

Whereas thousands of Americans who served in those wars were captured by the enemy or listed as missing in action;

Whereas many American prisoners of war were subjected to brutal and inhuman treatment by their enemy captors in violation of international codes and customs for the treatment of prisoners of war, and many such prisoners of war died from such treatment;

Whereas many of these Americans are still missing and unaccounted for, and the uncertainty surrounding their fates has caused their families to suffer acute hardship; and

Whereas the sacrifices of Americans still missing and unaccounted for and their families are deserving of national recognition and support for continued priority efforts to determine the fate of those missing Americans: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That September 15, 1989, is hereby designated as "National POW/MIA Recognition Day". The President is authorized and requested to issue a proclamation calling upon the people of the United States to recognize that day with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RAOUL WALLENBERG DAY

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 110) designating October 5, 1989, as "Raoul Wallenberg Day," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. GILMAN. Mr. Speaker, reserving the right to object, I yield to the gentleman from New York [Mr. WEISS] who is the chief sponsor of House Joint Resolution 47 to designate October 5, 1989, as "Raoul Wallenberg Day."

Mr. WEISS. Mr. Speaker, as the author of this resolution, I am proud to rise in strong support of its passage, and I want to thank the distinguished chairman of the Subcommittee on Census and Population for his support in moving the resolution through the committee.

Almost 8 years ago, former President Reagan signed a bill passed by a bipartisan majority of both houses of Congress to make Raoul Wallenberg an honorary citizen of the United States. This resolution would make October 5, 1989, the anniversary of that day, a national day of recognition for this deserving hero. As many of my colleagues know, Wallenberg is one of only three men in the history of the United States, the others being Churchill and Lafayette, to be awarded this rare honor. It is appropriate that we take the time today, and on October 5, to recognize the heroic achievements of Raoul Wallenberg, to remember the brutality against which he fought, and to urge that we all renew our efforts to secure his freedom.

Raoul Wallenberg, in fighting against the horror of the Holocaust, became one of the true heroes of the modern era. In 1944, at the request of the U.S. War Refugee Board, Sweden sent a representative to Hungary to coordinate rescue operations for the Hungarian Jewish community, which was marked for liquidation by the Nazis. That representative was Raoul Wallenberg.

In July 1944, Wallenberg entered what Simon Wiesenthal has referred to as "the slaughterhouse that was Budapest." By that time, some 5 million European Jews had already been sent to the gas chambers while the world watched in silence. The Nazis, knowing they were losing the war, became obsessed with wiping out the remaining Jews under their control. It became the personal task of Adolf Eichmann to liquidate the Hungarian Jewish community.

Eichmann pursued this cause with a vengeance. It is ironic that Hungarian Jews, who survived longest among all the Jewish communities in Nazi Europe, were the quickest to be destroyed. In a 2-month period—from May 15 to July 8, 1944—430,000 Jews were deported from the Hungarian countryside in sealed cattle cars. Among those carried away to the gas chambers were many members of my family.

Between July 1944 and January 1945, Raoul Wallenberg accomplished what many thought was impossible.

Through a combination of what has been described as "bluff, heroism, and contempt for convention," Wallenberg saved the lives of 100,000 of the remaining Hungarian Jewish men, women, and children. Risking his own life constantly, he distributed Swedish passports by the thousands, provided supplies and medicine to residents of the ghettos, and rescued Jews from death marches and trains bound for Nazi concentration camps.

Even as troops of the Soviet Union encircled Budapest in late 1944, Wallenberg continued his sacred work. On January 13, 1945, Wallenberg contacted the Russians to persuade them to provide supplies for the remaining Jews under his protection. Four days later, he left Budapest for a meeting with the Russian commander. On his way to the meeting, Wallenberg was taken into Soviet "protective custody." Since then, there has been no official word from Raoul Wallenberg.

After more than a decade of silence, the Soviets announced in 1957 that a prisoner named "Wallenberg" died of a heart attack in prison in 1947. This communique was signed by none other than the former President of the Soviet Union, Andrei Gromyko. However, neither a body nor a death certificate was ever produced. In fact, eyewitness accounts over the years, and as recently as December 22, 1986, indicate that this was not the case. These accounts affirmed that Wallenberg was alive, and has been imprisoned in the Soviet Union since his abduction 43 years ago.

It is a supreme irony that this man who saved thousands from the cruel tyranny of the Nazis could not save himself from becoming a prisoner of tyranny. While it is unclear why the Soviets have refused to allow the truth about this lost hero to be known, it is clear that we must continue to press them until we can learn his fate.

Indeed, the recent events in the Soviet Union may be a good sign for Raoul Wallenberg. Many have thought that as long as Andrei Gromyko remained in a position of influence in the Soviet leadership, the Wallenberg case would remain closed for fear of embarrassing him. Now, with Gromyko's death, Mikhail Gorbachev has a unique opportunity to reopen it. Now is the time to let Mr. Gorbachev know that the Wallenberg case is a top priority of the U.S. Congress and the U.S. people.

Mr. Speaker, just as Raoul Wallenberg did not forget the Jewish people when it seemed that the rest of the world had, we must never forget Raoul Wallenberg and all that he did. In particular, the United States has a special responsibility to find out what has happened to him, as it was American sponsorship which apparently led the

Soviets to erroneously believe that Wallenberg was on a spy mission in Budapest. I hope that passage of this resolution will encourage all to redouble their efforts toward this important goal, and I took forward to the day, not too far in the future, on which we will learn the fate of the true hero whose achievements we recognize today.

Mr. GILMAN. Mr. Speaker, further reserving the right to object, I yield to the gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I, of course, like all Members of this body, had heard about Raoul Wallenberg and what he did and admire him greatly for that.

It really did not strike home to me until I had the opportunity in January with several of my colleagues here, the gentleman from Ohio [Mr. SAWYER], the gentleman from New York [Mr. GILMAN], of visiting Hungary and also Stockholm where it came home to me in a very real way. We were with our colleague, the gentleman from California [Mr. LANTOS].

We went to two places in Budapest that were very impressive. One was the memorial to Raoul Wallenberg, a very impressive statue, impressive also in that it was allowed to be constructed by the Communist government of that country, but even more impressive, at least to me, was a visit we made, a very short visit, to the apartment house in downtown Budapest where Raoul Wallenberg hid out the gentleman from California [Mr. LANTOS] and saved his life at the end of World War II.

In Stockholm we had the opportunity to attend a memorial ceremony to Raoul Wallenberg, and members of his family were there.

I want to say that I strongly support this resolution, and I urge my colleagues to adopt it. I commend the committee for bringing it forward at this time.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for his remarks and for reminding all of us of the very moving events that we witnessed on our mission to Europe when we visited both Sweden and Budapest and had an opportunity to meet with some members of the family and with the hundreds of people who were paying tribute to him in two very moving ceremonies.

Mr. Speaker, further reserving the right to object, I yield to the gentleman from Ohio [Mr. SAWYER].

Mr. SAWYER. Mr. Speaker, I am pleased to rise in support of Senate Joint Resolution 110, to designate October 5, 1989, as "Raoul Wallenberg Recognition Day."

Raoul Wallenberg was sent, voluntarily, to Hungary by the Swedish Government in July 1944, unarmed and alone, to organize rescue oper-

ations for Jews who were marked for extermination by the Nazis. During his 6 months in Hungary, Wallenberg saved the lives of some 100,000 Jewish men, women, and children, among them our distinguished colleague, Congressman TOM LANTOS and his wife, Annette.

When the Swedish diplomat arrived in Budapest he began buying houses. By draping these houses in the flag of his country, he turned them into sanctuaries for thousands of Hungarian Jews. Wallenberg saved the lives of these Jews by distributing Swedish passports by the thousands, providing supplies and medicine to residents of the ghettos, and rescuing Jews from trains bound for Nazi death camps.

Wallenberg was captured by Soviet forces in January 1945. Between the years 1945 and 1957, Wallenberg's fate was unknown. In 1957, the Soviet Union reported that Raoul Wallenberg had died of a heart attack while in Moscow's Lubyanka Prison in 1947, at the age of 34.

There have been many disputes over the years as to what actually happened to Raoul Wallenberg. Dozens of people who suffered in Soviet prison camps and hospitals have reported encounters with him. The latest such report surfaced as recently as 1987.

Raoul Wallenberg is a true hero of World War II. While his fate remains a mystery, Wallenberg represents, even today, a light of hope and freedom for millions of Jews and other survivors of the Nazi death camps around the world.

It is time for Soviet officials to tell the world the truth about what happened to Raoul Wallenberg. It is believed by many that he may still be alive, an unrecognized person lost in one of the Soviet prisons.

Finally, Mr. Speaker, I would like to commend Congressman WEISS, the sponsor of the House companion measure, for all of his efforts in getting this important resolution to the floor today.

□ 1700

Mr. GILMAN. Mr. Speaker, I thank the gentleman from Ohio for his supporting remarks.

Further reserving the right to object, I am pleased to yield to the gentleman from California [Mr. LANTOS] who first focused attention on this issue in this body and throughout the world, and whom I was pleased to accompany to two very moving ceremonies, as we mentioned previously, one in Sweden and one in Budapest, as we stood before one of the safe houses one evening when there was a candlelight ceremony that brought tears to all of our eyes.

Mr. LANTOS. Mr. Speaker, first I want to commend my distinguished colleague, the gentleman from New York [Mr. WEISS] for introducing this

very important resolution, and I want to pay tribute to the gentleman from New York [Mr. GILMAN], and the chairman of the committee, who have done so much to commemorate this era.

Wallenberg in many ways represents the best in all of us. He was, in fact, his brothers' and sisters' keeper. He was not just a hero who fell into a situation; he sought out the situation.

He left behind the comfort, security, safety, and affluence of Sweden and went during the most difficult days of World War II to Hungary for the sole purpose of saving human lives. He saved 100,000 human lives, and I think it is sort of appropriate at this stage when we hear so much about glasnost and the opening up in the Soviet Union that at long last the Soviet Government would tell us the truth about Wallenberg. Mr. Gorbachev would do his cause of being taken very seriously along these lines a world of good if he would allow a group of international specialists who have made a lifetime of study of Wallenberg into the Soviet Union so they could trace his steps from various places in the Gulag through all of these years. There have been so many sightings of Raoul Wallenberg in the Soviet Union over the course of recent decades, his family in Sweden and hundreds of thousands of people around the globe are still hoping that he might yet be alive. And there would be no better way of commemorating the memory of all those who perished in the Second World War than by allowing Raoul Wallenberg to return to his loved ones, if he is alive, and if he is not to have his story told to the whole world, because this is the ultimate story of brotherhood.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for his supporting remarks and for his continual work on behalf of Raoul Wallenberg and keeping this issue alive before the entire world.

Mr. Speaker, further reserving the right to object, I rise in strong support of the measure pending before us, Senate Joint Resolution 110 which declares October 5, 1989 to be "Raoul Wallenberg Day," in recognition of the great personal sacrifice and humanitarian contributions made by this great man.

I would also like to thank our distinguished colleague from New York, Mr. WEISS, for introducing the companion bill, House Joint Resolution 47, which has been cosponsored by an overwhelming number of members, including myself. Paying tribute to Raoul Wallenberg in this way is fitting, indeed.

Mr. Speaker, in the closing days of World War II, Raoul Wallenberg responded to the appeals of the Jewish community to try and save what re-

mained of Hungarian Jewry. Selflessly and tirelessly, Raoul Wallenberg, a non-Jewish diplomat of Swedish ancestry, risked his life to save Budapest's Jews by establishing safe houses and by distributing very official looking Swedish passports and documents. These important papers declared the recipient to be under the protection of the Swedish Government, and although they were not official, Wallenberg was able to convince Nazi officials into thinking they were. In this manner he saved many thousands of people. His presence was felt in many locations around the city and its environs, and upwards of 100,000 have credited their survival to his humanitarian work, including our distinguished colleague from California, [Tom Lantos] and his devoted wife, Annette.

Unfortunately though, Raoul Wallenberg's efforts, while successful, came at the expense of his own life. After the Soviet army came to liberate Budapest on January 1, Wallenberg went to meet some of their officers. He was never seen again.

In the ensuing years, inquiries, both private and official, have been made on his behalf. In each instance the response was that Raoul Wallenberg died of natural causes while in prison. No reason has ever been given as to why Raoul Wallenberg was incarcerated in the first place, and no credible explanation as to what, if anything, happened to his remains, has been provided. Moreover, during succeeding decades, reports of a Swede alive in the Soviet gulag have persisted, thus adding impetus to efforts designed to elicit information about Raoul Wallenberg's fate.

The recently deceased Andrei Gromyko was one of those whose name was linked to Raoul Wallenberg's fate. It has been suggested on several occasions that a true and comprehensive response regarding Raoul Wallenberg would not be revealed until Gromyko's death. This has now occurred. Glasnost would truly be served if the Soviet Government cooperated in our persistent efforts to learn more about what happened to Raoul Wallenberg following his captivity, and in the decades which ensued. It is a certainty, though, that we in Congress will not rest until a substantive response is forthcoming. Either Raoul Wallenberg is alive, or he is not. If he is, then he should be released. If he is no longer alive, then a credible and responsible report outlining his death should be provided.

Mr. Speaker, Raoul Wallenberg saved many people. His devotion to the preservation of human life in the face of evil has earned him a place in history forevermore. By designating October 5, 1989, as "Raoul Wallenberg Day," we acknowledge the date on which he was made an honorary

American citizen. This gives us an added impetus for securing information about him from the Soviet Government.

Further honoring Raoul Wallenberg on Friday of this week, the Congressional Human Rights Foundation will be awarding His Holiness the Dalai Lama the First Annual Raoul Wallenberg Human Rights Award.

Accordingly, Senate Joint Resolution 110 deserves the strong support of the entire membership of this House.

□ 1710

Further reserving the right to object, Mr. Speaker, I am pleased to yield to another great battler for human rights, the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. I thank the gentleman.

Mr. Speaker, I commend the gentleman and my friend and colleague from California [Mr. LANTOS], for the excellent work they have done on this over not just the last few years but a decade or more.

Mr. Speaker, this is a stunning admission that has come out of the Soviet Union that they recognize that this innocent person was taken captive. To have the Soviet official say, and I am phrasing him I think almost exactly, that this truly was a man who saved tens of thousands of lives, puts him in an unbelievably unique category in modern history. They acknowledge this fact now that has always been the main motivational factor for us.

Now some historical reports are coming out that Mr. Wallenberg may have saved more than the 100,000 people that we generally speak of on this Chamber floor. This is a man who along with Winston Churchill is the only other honorary citizen of the United States in 213 years. He is a man who has a street named after him in this capital city.

President Gorbachev and all of his diplomats worldwide must understand that having admitted as much as they have, we are ready to forgive and forget if they will bring the man's history up to current times.

We have too many reliable sightings to believe that this man is not either alive now, which I think is entirely possible, or that he was alive until a very few years ago.

To simply come up and say that in an evil period this man was killed by evil men who themselves were then destroyed—and that is one answer we are getting—that is not acceptable.

The Soviet Union knows that during all the days from the Bolsheviks right down to today their bureaucrats have had an absolute penchant, an obsession with putting down facts and figures and statistics and people's names. They have the record somewhere. If they bring the record forward, we are

willing to accept this as a, I do not want to use the word "magnificent," but how else can you describe somebody swallowing the embarrassment of decades of keeping this man's family in agony and finally coming forward?

All right, it will be a magnificent, magnanimous gesture of human rights act of decency to finally tell us what is the fate of this great world hero, Raoul Wallenberg, not just as the righteous gentile as he is memorialized in the Ad Veshem in Israel and in many, many places of Jewish respect around this country, not just on a street that will be the main boulevard in front of the Holocaust Museum in this city when it is finished, but a man that the whole world recognizes as one of those unique human beings who just does not rescue one human being but who has rescued tens and tens of thousands, of up to 100,000 human beings who owe their existence to this man.

Mr. Speaker, those people are praying for him. They will not forget. We do not just implore, we literally beg the Soviet Union to do the decent thing. It will be a shining light to Mr. Gorbachev's first 5 years if he comes forward with this information.

I thank the gentleman for his efforts, and the gentleman from California [Mr. LANTOS].

Mr. GILMAN. Mr. Speaker, further reserving the right to object, I thank the gentleman from California for his strong words in support of this resolution.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. KILDEE). Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 110

Whereas in January 1944, the United States War Refugee Board asked Sweden to send a representative to Hungary to organize rescue operations for the Hungarian Jewish community which was marked for liquidation by the Nazis;

Whereas the Swedish representative, Raoul Wallenberg, through a combination of what has been described as "bluff, heroism, and a contempt for convention" waged a bold campaign in Hungary to thwart the "final solution";

Whereas in the 6 months he was in Budapest, Raoul Wallenberg managed to, directly and indirectly, save the lives of some 10,000 men, women, and children;

Whereas Raoul Wallenberg risked his own life countless times during his work, dragging Jews from trains bound for gas chambers, bringing food and blankets to those on death marches, and unflinchingly challenging Nazi authorities;

Whereas Raoul Wallenberg was taken into Soviet "protective custody" on January 13, 1945, in violation of international standards of diplomatic immunity;

Whereas Soviet officials originally denied having custody of Wallenberg, but subse-

quently stated that a prisoner named "Wallenberg" died in a Soviet prison on July 17, 1947;

Whereas eyewitness accounts over the years, and as recently as December 1986, indicate that Raoul Wallenberg may indeed still be alive and imprisoned in the Soviet Union;

Whereas the Soviet Union has never produced a death certificate or the remains of Raoul Wallenberg to prove that he died;

Whereas the Soviet Union, despite numerous attempts by Swedish and American officials, refuses to look into the reports that Raoul Wallenberg is still alive;

Whereas just as Raoul Wallenberg did not forget the Jewish people when it seemed that the rest of the world had forgotten, Raoul Wallenberg and all that he did for the cause of humanity must never be forgotten; and

Whereas on October 5, 1981, the President of the United States signed into law a proclamation making Raoul Wallenberg an honorary citizen of the United States: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 5, 1989, is designated as "Raoul Wallenberg Recognition Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such a day with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WORLD WAR II REMEMBRANCE WEEK

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 221) to designate the week beginning September 1, 1989, as "World War II Remembrance Week," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. GILMAN. Mr. Speaker, reserving the right to object, I yield to the gentleman from California [Mr. LANTOS] who is the chief sponsor of House Joint Resolution 221, to designate the week beginning September 1, 1989, as "World War II Remembrance Week."

Mr. LANTOS. I thank the gentleman.

Mr. Speaker, I want to thank the distinguished chairman of the subcommittee and the gentleman from New York [Mr. GILMAN], my good friend.

Mr. Speaker, on behalf of Congressmen ASPIN, DICKINSON, MONTGOMERY, SOLOMON, HAMMERSCHMIDT, and over 200 others, it is my privilege to present this resolution to this House.

When President Bush goes back to the White House and looks at his desk,

this resolution will be very much on top of the desk, and it is so appropriate that it should be, following his recent visit to Poland and Hungary and the summit in Paris.

Mr. Speaker, it was 50 years ago on September 1, 1939, that the troops of the German Third Reich launched a surprise attack upon Poland and began the military actions that led to World War II.

Japan, Italy, and a number of other states subsequently joined Nazi Germany in attacking their neighbors.

The United Kingdom, France, the United States, and other nations declared war on the aggressors and as a result of this greatest conflagration in the history of mankind, over 15 million combatants died and over 24 million civilians died.

The material cost of the Second World War boggles the imagination, but the destruction of societies and structures, the elimination of civilized life from so much of the planet was infinitely more significant than the material damage.

As a result of the vicious racist policies of the Government of Nazi Germany and some of its allies, millions of innocent men, women, and children were murdered.

Wartime fears and prejudices resulted in additional millions being displaced, interned, harassed, placed under suspicion and deprived of their property.

As a consequence of the technological developments that were part of this war and which followed this war, we have been living under the shadow of nuclear annihilation for almost half a century.

This summer, which is the summer that for the first time is beginning to give us hope that we are moving away from the abyss of yet another global war, gives us an opportunity of remembering the Second World War.

With the week beginning September 1, 1989, the 50th anniversary of the outbreak of the Second World War, we shall be honoring "World War II Remembrance Week" and we are calling on President Bush to issue a proclamation calling on the people of the United States to observe this period with appropriate ceremony, programs, activities and prayers so that no similar nightmare should again befall mankind.

□ 1720

Mr. GILMAN. Mr. Speaker, further reserving the right to object, I rise in support of House Joint Resolution 221, a joint resolution to designate the week beginning September 1, 1989, as World War II Remembrance week. It was with pleasure and pride that I co-sponsored this resolution, and I commend the distinguished gentleman from California, our colleague on the Foreign Affairs Committee, [Mr.

LANTOS], for having authored this measure.

World War II was a war unlike any other we have ever fought. It killed more persons, cost more money, damaged more property, affected more people, and probably caused more far-reaching changes than any other war in history. At its height, more than 50 countries took part in the war and more than 55 million people died. The cost of this war estimated to be approximately \$1.154 trillion. This war eliminated the perilous scourge of nazism from the face of the world and freed the thousands of Jews held prisoner in brutal captivity. Unfortunately, millions of others could not be saved. World War II stopped the tyrannical worldwide conquest by Japan and by dictators Hitler and Mussolini. Beyond the results of the war, World War II reconfirmed the United States' promise to protect liberty and freedom throughout the world.

Veterans and civilians of the World War II era, and all citizens throughout our Nation, recognize the importance of this conflict. Hundreds of thousands of Americans died to preserve and uphold the democratic ideals and institutions which the United States dearly maintains. This war required the mobilization not only of armies but of technologies, economies, and whole peoples. As a result, our entire Nation took part in this noble effort and this week provide fitting tribute to those struggles.

Accordingly, I urge my colleagues to support this resolution.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. KILDEE). Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. Res. 221

Whereas on September 1, 1939, troops of the German Third Reich launched a surprise attack upon Poland and began the military actions that led to World War II;

Whereas the Governments of Japan, Italy, and other states subsequently joined Nazi Germany in attacking their neighboring states to bolster their national pride and achieve imperialistic economic advantages;

Whereas the United Kingdom, France, the United States, and many other nations declared war upon the aggressors;

Whereas as a result of the six-year conflict that ensued over fifteen million combatants were killed and over twenty-four million noncombatants died;

Whereas the warring nations suffered nearly \$1,000,000,000,000 in costs directly related to the conduct of the war, and the severe disruption and dislocation of the conflict resulted in losses totaling many times that amount to their economies.

Whereas as a result of the vicious racist policies of the Government of Nazi Germany and some of its allies, millions of inno-

cent men, women, and children were murdered, including some six million Jews;

Whereas as a result of wartime fears and prejudices, millions of innocent individuals were needlessly displaced, interned, harassed, placed under suspicion, and deprived of their property by nations on both sides of the conflict; and

Whereas as a consequence of technological innovations which came about as a result of this war, devastating conventional weapons and the threat of nuclear annihilation directly affect growing segments of civilian populations; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in commemoration of the fiftieth anniversary of the outbreak of World War II, the week beginning September 1, 1989, is designated "World War II Remembrance Week" and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the period with appropriate programs, ceremonies, and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

POLISH AMERICAN HERITAGE MONTH

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 93) to designate October 1989 as "Polish American Heritage Month," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. GILMAN. Mr. Speaker, reserving the right to object, I would simply like to inform the House that the minority has no objections to the legislation now being considered, and I am pleased to rise in support of Senate Joint Resolution 93, a joint resolution designating the week of October 13, 1989 as "Polish American Heritage Week," and I commend the gentleman from Pennsylvania [Mr. BORSKI] for his work on this important measure.

I am gratified to recognize the myriad contributions of Polish Americans to life in the United States. Since the days of Kosciuszko, ethnic Poles have shared their burning desire for freedom throughout the world. Polish-Americans have served in our Armed Forces, and preserved, protected and defended the American way of life since the inception of the American experience. From our steel mills to top foreign policy positions, to the fields of medicine and law, the contributions of ethnic Poles to the good of American society will be commemorated for generations to come.

Mr. Speaker, Polish-Americans can look across the seas to the land of their ancestry and derive pleasure from the raging tide of democracy throughout Eastern Europe. The recent Polish elections and the forces of moderation within that government provide a much longed for opportunity for Polish citizens to experience some of what their emigre counterparts have experienced in our great Nation for over 200 years.

Accordingly, Mr. Speaker, I am pleased to support this measure and I strongly urge its full support in this body.

Mr. BORSKI. I'd like to thank the chairman of the Subcommittee on Census and Population, Mr. SAWYER, and the ranking minority member of the subcommittee, my colleague from Pennsylvania, Mr. RIDGE, for bringing this legislation to the floor in a timely manner.

I would also like to thank my colleagues and fellow Polish Americans, BILL LIPINSKI of Illinois and GERRY KLECZKA of Wisconsin, for the time and effort they spend in helping me gather support for the House version of this legislation.

Mr. Speaker, for the past several years, I have introduced legislation to designate October as "Polish American Heritage Month." Each year, my colleagues in the House have supported that legislation overwhelmingly. I ask their support again for this legislation to make October 1989 Polish American Heritage Month once more.

Polish American Heritage Month will focus attention on the great contributions that Poles and Polish-Americans made to American history.

Poles fought beside Americans from the very beginning of our struggles for liberty. Their willingness to fight for freedom links Thaddeus Kosciuszko, who helped the Revolutionary Army win the Battle of Saratoga, with Lech Walesa and the many other Solidarity activists who continue to inspire us with their activities in Poland today.

Like many of these peoples who journeyed to America from dozens of different nations, the millions of Poles who immigrated to this country made important contributions to all aspects of American life. Throughout nearly three centuries of immigration, they have been leading businessmen, athletes, artists, and religious leaders. Poles continue to be leaders in all walks of American life today.

Polish American Heritage Month will establish a time to remember the history and values that Poles and Americans share. The history is rich and varied. It includes our most basic beliefs in liberty and freedom.

As a Polish-American, I am proud to have sponsored the House version of this important joint resolution to designate October 1989 as Polish American Heritage Month. I urge my colleagues to join me in supporting this legislation.

Mr. GILMAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 93

Whereas the first Polish immigrants to North America were among the settlers of Jamestown, Virginia, in the 17th century;

Whereas Kazimierz Pulaski, Tadeusz Kosciuszko, and other Poles came to the British colonies in America to fight in the Revolutionary War and to risk their lives and fortunes for the creation of the United States;

Whereas Poles and Americans of Polish descent have distinguished themselves by contributing to the development of arts, sciences, government, military service, athletics, and education in the United States;

Whereas the Polish Constitution of May 3, 1791, was directly modeled on the Constitution of the United States, is recognized as the second written constitution in history, and is revered by Poles and Americans of Polish descent;

Whereas Americans of Polish descent and Americans sympathetic to the struggle of the Polish people to regain their freedom remain committed to a free and independent Polish nation;

Whereas Poles and Americans of Polish descent take great pride in and honor the achievements of the greatest son of Poland, His Holiness Pope John Paul II;

Whereas Poles and Americans of Polish descent take great pride in and honor the achievements of Nobel Peace Prize Laureate Lech Walesa, the founder of the Solidarity Labor Federation;

Whereas the Solidarity Labor Federation was founded in August 1980 and is continuing its struggle against oppression by the Government of Poland; and

Whereas the Polish American Congress is observing its 45th anniversary this year and is celebrating October 1989 as Polish American Heritage Month: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 1989 is designated as "Polish American Heritage Month", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that month with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on the several joint resolutions just considered and passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

ESTABLISHING A NATIONAL PARK SYSTEM REVIEW BOARD

The SPEAKER pro tempore. Pursuant to House Resolution 199 and rule XXIII, the Chair declares the House

in the Committee of the Whole House on the State of the Union for the further consideration of the bill, 1484.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1484) to establish a National Park System Review Board, and for other purposes, with Mr. SAWYER (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

RECORDED VOTE

The CHAIRMAN pro tempore. When the Committee of the Whole rose earlier today, pending was a demand for a recorded vote on the amendment in the nature of a substitute offered by the gentleman from Arizona [Mr. RHODES].

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 148, noes 251, not voting 32, as follows:

(Roll No. 140)

AYES—148

Archer	Hancock	Quillen
Armey	Hansen	Regula
Baker	Hastert	Rhodes
Ballenger	Hefley	Ritter
Bartlett	Henry	Roberts
Barton	Herger	Rogers
Bateman	Hiler	Rohrabacher
Bentley	Holloway	Roth
Bereuter	Hopkins	Schaefer
Bilirakis	Houghton	Schiff
Bliley	Hunter	Schneider
Broomfield	Inhofe	Schuette
Brown (CO)	Ireland	Schulze
Buechner	James	Sensenbrenner
Bunning	Kasich	Shaw
Burton	Kolbe	Shumway
Callahan	Kyl	Shuster
Campbell (CA)	Lagomarsino	Skaggs
Chandler	Leach (IA)	Skeen
Clement	Leath (TX)	Slaughter (VA)
Clinger	Lewis (CA)	Smith (MS)
Coble	Lewis (FL)	Smith (NE)
Coleman (MO)	Lightfoot	Smith (TX)
Combest	Livingston	Smith (VT)
Coughlin	Lowery (CA)	Smith, Denny
Cox	Lukens, Donald	(OR)
Dannemeyer	Madigan	Smith, Robert
Dickinson	Marlenee	(NH)
Dorman (CA)	Martin (NY)	Smith, Robert
Douglas	McCandless	(OR)
Dreier	McCollum	Spence
Duncan	McCrery	Stearns
Edwards (OK)	McDade	Stenholm
Emerson	McMillan (NC)	Stump
Fawell	Michel	Sundquist
Fields	Miller (OH)	Tauke
Frenzel	Miller (WA)	Thomas (CA)
Galleghy	Montgomery	Thomas (WY)
Gallo	Moorhead	Upton
Gekas	Morrison (WA)	Vucanovich
Gillmor	Myers	Walker
Gingrich	Nielson	Walsh
Goodling	Oxley	Weber
Goss	Packard	Weldon
Gradison	Parker	Whittaker
Grandy	Parris	Wolf
Grant	Pashayan	Wylie
Green	Paxon	Young (AK)
Gunderson	Payne (VA)	Young (FL)
Hall (TX)	Petri	
Hammerschmidt	Porter	

NOES—251

Ackerman	Anthony	Bates
Akaka	Applegate	Beilenson
Alexander	Aspin	Bennett
Anderson	Atkins	Berman
Andrews	AuCoin	Bevill
Annunzio	Barnard	Bilbray

Boehlert	Hochbrueckner	Pease
Boggs	Horton	Pelosi
Bonior	Hoyer	Penny
Borski	Hubbard	Perkins
Boxer	Huckaby	Pickett
Brennan	Hughes	Pickle
Brooks	Hutto	Poshard
Browder	Jenkins	Price
Brown (CA)	Johnson (CT)	Pursell
Bruce	Johnson (SD)	Rahall
Bryant	Johnston	Rangel
Bustamante	Jones (GA)	Ray
Byron	Jones (NC)	Richardson
Campbell (CO)	Jontz	Rinaldo
Cardin	Kanjorski	Roe
Carper	Kastenmeier	Rose
Carr	Kennedy	Rostenkowski
Chapman	Kennelly	Roukema
Clarke	Kildee	Rowland (CT)
Clay	Kleczka	Rowland (GA)
Coleman (TX)	Kolter	Roybal
Conte	Kostmayer	Russo
Conyers	LaFalce	Saiki
Cooper	Lancaster	Sangmeister
Costello	Lantos	Sarpalius
Coyne	Laughlin	Savage
Darden	Lehman (CA)	Sawyer
Davis	Lehman (FL)	Saxton
DeFazio	Leland	Scheuer
Dellums	Levin (MI)	Schroeder
Derrick	Levine (CA)	Schumer
Dicks	Lewis (GA)	Sharp
Dingell	Lipinski	Shays
Dixon	Lloyd	Sikorski
Donnelly	Long	Sisisky
Dorgan (ND)	Lowe (NY)	Skelton
Downey	Luken, Thomas	Slattery
Durbin	Machtley	Slaughter (NY)
Dwyer	Manton	Smith (FL)
Dymally	Martinez	Smith (IA)
Dyson	Matsui	Smith (NJ)
Early	Mavroules	Snowe
Eckart	Mazzoli	Solarz
Edwards (CA)	McCloskey	Solomon
Engel	McCurdy	Spratt
English	McDermott	Staggers
Erdreich	McGrath	Stallings
Espy	McHugh	Stark
Evans	McMillen (MD)	Stokes
Fascell	McNulty	Studds
Fazio	Meyers	Swift
Fish	Mfume	Synar
Flake	Miller (CA)	Tallon
Flippo	Mineta	Tanner
Foglietta	Moakley	Tauzin
Ford (MI)	Mollohan	Thomas (GA)
Ford (TN)	Moody	Towns
Frank	Morella	Trafficant
Frost	Morrison (CT)	Traxler
Garcia	Mrazek	Udall
Gaydos	Murphy	Unsoeld
Geddeson	Murtha	Valentine
Gephardt	Nagle	Vento
Gibbons	Natcher	Visclosky
Gilman	Neal (MA)	Volkmer
Glickman	Neal (NC)	Walgren
Gonzalez	Nelson	Watkins
Gordon	Nowak	Weiss
Gray	Oakar	Wheat
Guarini	Oberstar	Whitten
Hall (OH)	Obey	Williams
Hamilton	Olin	Wilson
Harris	Ortiz	Wise
Hawkins	Owens (NY)	Wolpe
Hayes (IL)	Pallone	Wyden
Hayes (LA)	Panetta	Yates
Hertel	Patterson	Yatron
Hoagland	Payne (NJ)	

NOT VOTING—32

Bosco	Florio	Owens (UT)
Boucher	Hatcher	Ravenel
Collins	Hefner	Ridge
Courter	Hyde	Robinson
Craig	Jacobs	Sabo
Crane	Kaptur	Stangeland
Crockett	Lent	Torres
de la Garza	Markey	Torricelli
DeLay	Martin (IL)	Vander Jagt
DeWine	McEwen	Waxman
Feighan	Molinari	

□ 1747

The Clerk announced the following pairs:

On this vote:

Mr. Craig for, with Mr. Markey against.
Mrs. Martin of Illinois for, with Ms. Kaptur against.

Messrs. DINGELL, MATSUI, SCHEUER, CONTE, PURSELL, and SOLOMON changed their vote from "aye" to "no."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. MURTHA) having assumed the chair, Mr. DICKS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1484) to establish a National Park System Review Board, and for other purposes, pursuant to House Resolution 199, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore (Mr. MURTHA). Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, and was read the third time, and passed, and a motion to reconsider was laid on the table.

□ 1750

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE REPORT ON DEPARTMENTS OF VETERANS AFFAIRS, AND HOUSING AND URBAN DEVELOPMENT, AND FOR SUNDRY INDEPENDENT AGENCIES, BOARDS, COMMISSIONS, CORPORATIONS AND OFFICES, APPROPRIATIONS BILL, FISCAL YEAR 1990

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent the the Committee on Appropriations may have until midnight tonight to file a privileged report on a bill making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1990, and for other purposes.

Mr. GREEN reserved all points of order on the bill.

The SPEAKER pro tempore (Mr. MURTHA). Is there objection to the request of the gentleman from Mississippi?

There was no objection.

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R. 1484, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 586

Mr. MARTINEZ. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 586.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

COULD ENDING HOME RULE SOLVE THE CRIME PROBLEM IN THE DISTRICT OF COLUMBIA?

(Mr. MARLENEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARLENEE. Mr. Speaker, what do you do when a staff member gets mugged in Washington, DC, the most dangerous place in America, fantasy land U.S.A.?

The civic leaders are angered, the D.C. Government officials are angered, the President of the Washington Visitors Association is angered.

Mr. Speaker, what are they angered about? Well, apparently not crime in crime city, U.S.A., but instead they are angered about a TV ad by NRA depicting the crime.

That crime was very real for Danny Rostad of my staff on last Saturday at 2 p.m. when three men mugged him in broad daylight. That crime was very real for the attorney that worked with the ethics committee on the Wright affair that was mugged within one block, one block of the Supreme Court.

I ask Mr. Dick Nelson, managing director of the Grand Hyatt if, quote, that is not the way it is here, end quote. Why do a number of Congressmen's offices warn their interns, warn their staffs and the visitors about the dangers of the District of Columbia?

Mr. Speaker, has the District of Columbia, like Gotham City, been taken over by the Joker where greed, drugs, crime, and murder are ignored by the council and civic leaders? What an image of shame this city has projected.

Can ending home rule clean it up? I do not know, but let us ask the victims of the crime of the incompetence.

Mr. Speaker, I include an article from the Washington Times:

[From the Washington Times, July 10, 1989]

NRA TELEVISION AD WOUNDS CITY LEADERS
(By John E. Smith)

With police lights flashing in the background, actor Charlton Heston walks beside a graffiti-covered brick wall. Sirens wail in the distance.

"This is the most dangerous place in America," he says. "Our murder capital, Washington, D.C."

Mr. Heston's comments, part of a television commercial being aired locally by the National Rifle Association, have angered D.C. government and civic leaders concerned with the city's image and its effect on tourism.

The NRA says it has no plans of showing the TV spots nationally, but D.C. officials still fear that congressmen here might be affected negatively by the spots and carry home the word that the city is a nasty place to visit.

Groups ranging from the Greater Washington Board of Trade to the local Hotel and Restaurant Employees Union have written letters to NRA officials, assailing them for their "unwarranted exploitation" of the region's crime problems.

"It's totally ludicrous and ridiculous," said Dick Nelson, president of the Washington Convention and Visitors Association and the Grand Hyatt's managing director. "It's like you're looking around here—afraid for your life—and that's not the way it is."

The D.C. government also has become involved, scheduling a meeting this week with leaders of the city's tourism industry to try to find ways to counter the negative publicity, or stop the NRA from running the TV spot and similar newspaper and magazine ads about the city.

"Sure, we're concerned," mayoral spokesman John White said. "The [NRA TV ad] is a terrible distortion. It really plays on people's fears."

But NRA leaders aren't about to back down.

"As long as the District government seeks to leave its citizens defenseless in the face of rampant violence, this association will use every avenue open to us in airing our message," NRA Executive Vice President J. Warren Cassidy said last week in a written response to the Board of Trade letter.

NRA leaders said the TV commercial, targeted at members of Congress who will be voting on handgun-control legislation, uses the city's strict laws as an example of the failure of such measures.

"The intent behind [the NRA campaign] is fairly obvious, and that is to point out that gun laws don't work," said Richard E. Gardiner, director of state and local affairs for the NRA. "D.C. has had a gun law for a long time, and look at it. It's become the murder capital of the country."

But city government and tourism leaders complain that the NRA is distorting the true nature of the crime problem in the District and failing to point out that the relatively lax handgun laws in Virginia and Maryland may be contributing to D.C.'s violent-crime rate.

NRA officials disagree. "All it [the TV ad] does is tell the truth about the District," Mr. Gardiner said. "From some people's perspectives, it might be vicious, but it's the truth. I guess the truth hurts."

For now, the NRA's TV commercial is running only on television stations in the area including WJLA-Channel 7 and local cable stations. It was scheduled to air around evening-news programs for about two

months, from mid-May to late July, although NRA officials said the run may be extended.

Tourism industry leaders said a primary concern was that the television ad would be aired in other parts of the country. While NRA officials said no such plans exist, Mr. Gardiner said other cities could learn a lesson from such advertising.

"It would be relevant, the message sort of being: 'If you want to be like the District of Columbia, if you want the crime rate to be like the District of Columbia's, then pass a gun ban like the District of Columbia,'" he said.

The NRA's newspaper ad—titled "How many must follow in D.C.'s footsteps before they learn?"—showed a series of toes tagged in a morgue. It ran last month in The Washington Post and in the D.C. regional edition of U.S. News & World Report. NRA leaders said they had no plans to continue running that ad.

NRA officials declined to reveal the cost of their media-advertising campaign but did say that Mr. Heston volunteered his services for the commercial.

NRA leaders also acknowledged the criticism they have received but offered some of their own. They said D.C. tourism officials should focus their energy on reducing the crime rate rather than stifling a presentation of the problem.

"I would think the tourism industry would be more concerned with the facts of the crime rate than an honest presentation of what the facts of the crime rate are," said Jim Baker, NRA director of federal affairs.

But tourism-industry leaders argued that their concern with the advertising was justified because the ads easily could cause a decline in visitors to the city and a subsequent increase in crime.

In his protest letter to the NRA, the local Hotel and Restaurant Employees Union chief, Ron Richardson, asks, "Are there no lengths to which you will go to present your misguided views?"

"When tourism goes down, we lose jobs," Mr. Richardson said in an interview. "And then you have kids with no jobs, and sometimes they feel they can only turn to crime."

Dierdre Daly, director of the D.C. Committee to Promote Washington, added, "I think the idea is to get us all together to see what can be done about the [NRA campaign] . . . which is defaming the reputation of the nation's capital."

The city also is forming a committee with government and tourism officials to find long-term solutions to the District's image problem, mayoral spokeswoman Lurma Rackley said. The panel, in the "start-up phase," was not designed to handle just the NRA campaign but rather the entire range of issues confronting the city's image, she said.

THE MAY 30, 1989, DISCOVERY OF SALVADORAN ARMS CACHE

The SPEAKER pro tempore (Mrs. SCHROEDER). Under a previous order of the House, the gentleman from Nebraska [Mr. BEREUTER] is recognized for 5 minutes.

Mr. BEREUTER. Madam Speaker, frequently a Member of this body has difficulty publicly speaking about important and controversial foreign policy and military matters, because

the relevant material is classified. That has frequently been the case of late with respect to many matters involving Central America. Today, this Member is pleased to have unclassified material to share on arms shipments to Salvador.

The recent discovery of a major insurgent weapons cache in San Salvador underscores the continuing commitment of Cuba and Nicaragua to support the guerrilla war in El Salvador. The cache—the largest ever captured by government forces—comprises a wide variety of modern Soviet-designed small arms and over a quarter of a million rounds of ammunition manufactured in Cuba as recently as 1988. The more than 300 AD-47 rifles were manufactured in North Korea and East Germany. The captured rocket propelled grenade launchers—RPF-18's and RPG-7's—were also of Soviet bloc manufacture; a number of them appeared to be in their original packaging. The machineguns found were of Yugoslavian origin. It is ever more apparent that the guerrillas are almost completely dependent on external sources of supply in order to wage war in El Salvador.

Havana and Managua have long been the principal supporters of the Salvadoran insurgents. Because the guerrillas lose far more weaponry and ammunition to the government than they capture, this external source of supply remains vital to the insurgents' ability to sustain their war effort. The bulk of the arms and ammunition used by the guerrillas continues to be provided by Cuba through Nicaragua. Managua's role consists primarily of providing transportation, warehousing, and coordination for deliveries of materiel bound for the insurgents. In addition, Cuba and Nicaragua serve as conduits for the shipment of supplies from other sources, allowing Havana and Managua to control the amounts and types of materiel sent to the guerrillas.

The pace of external supply has risen sharply in the last year and a half, as evidenced by this cache. Most shipments probably come by sea, and in 1988 the number of suspected sea-borne deliveries almost doubled over the levels reached in previous years. These shipments have continued at a similarly high rate in 1989, and overland deliveries also appear to have accelerated. This expanded supply of the guerrillas almost certainly reflects a Cuban and Nicaraguan decision to replace the insurgents' previous mix of Western weapons and rearm and upgrade them with new Soviet-designed weaponry. This will increase even further the dependence of the guerrillas on their mentors in Havana and Managua, since Cuba and Nicaragua will be the only sure sources of the large amounts of ammunition, spare parts,

and replacements needed by the insurgents for their new Soviet-style arms.

The government's capture of this large cache is a setback for the guerrillas, and it is indicative of the increasing professionalism and proficiency of the Salvadoran police force. Despite such government success, however, Cuba and Nicaragua have not shown any inclination to slacken their attempts to prop up the insurgents. Havana and Managua are continuing to underwrite the violence in El Salvador by serving as the critical logistics base and supply line for the insurgent forces.

□ 1800

AUTHORIZING PRINTING OF BICENTENNIAL PUBLICATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Louisiana [Mrs. Boggs] is recognized for 5 minutes.

Mrs. BOGGS. Madam Speaker, today I am introducing four related resolutions to authorize the printing of four booklets as part of our overall commemoration of the 200th anniversary of the House of Representatives.

These publications include a book entitled "Origins of the House of Representatives: A Documentary Record" which brings together a number of the key documents and writings that relate to the establishment and nature of the House as an institution.

Two publications, "Women in Congress" and "Black Americans in Congress" are similar to booklets the Congress had prepared and published during the Bicentennial of the American Revolution in 1976. The original booklets were very popular and made important contributions to our celebration at the time. For more than a decade they have been out of print. We now propose to publish updated and better researched editions.

These three publications have been prepared under the direction of Dr. Raymond Smock by the Office of the Bicentennial.

The fourth publication, "The U.S. Capitol: A Brief Architectural History" was prepared under the direction of the Architect of the Capitol. It is a fine work that will contribute a great deal to the understanding and appreciation of this magnificent building by visitors as well as those who work here.

THE 75TH BIRTHDAY OF FIRST U.S. NAVY AERONAUTICAL STATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. HUTTO] is recognized for 5 minutes.

Mr. HUTTO. Madam Speaker, Pensacola is one of Florida's and the Nation's most historic cities. It is the cradle of naval aviation. A couple of years ago Pensacola was the site of the 75th anniversary celebration of naval aviation.

Pensacola Naval Air Station is almost as old as naval aviation itself and this coming November 16 we will

celebrate again—this time the 75th birthday of the Nation's first U.S. Navy aeronautical station. I am sure Pensacola will again stage a great celebration and will have the welcome mat out for all who would like to share in another top notch event for our Navy.

About 125,000 naval aviators have earned their wings of gold at Pensacola since Lt. Comdr. Henry C. Mustin came on the scene to establish the naval air station 75 years ago. Mustin arrived with his pioneering airmen aboard the U.S.S. *Mississippi* which dropped anchor in Pensacola Bay. Nine officers and twenty three enlisted men disembarked and set up tent hangars for seven ungainly flying boats.

Actually, the Pensacola navy yard was established almost 100 years before, in 1824, and abandoned in 1911. But this was chosen to be the home of naval aviation because of the mild climate as well as the easily defended, landlocked bay and proximity to the Panama Canal and West Indies.

According to a recent editorial in the Pensacola News Journal Pensacolians really did not know that aboard the *Mississippi* on that January 10, 1914, was the entire aviation fleet of the U.S. Navy from Annapolis—then merely a primitive experimental project under the command of Mustin and Lt. John Tower.

Commander Mustin was ordered to plan for the Navy's future in the skies by establishing the Navy's first aeronautical station.

For the next 11 months, to the amazement of Pensacolians watching seaplanes over Pensacola Bay for the first time, Tower taught the navy birdmen to fly and maintain their rickety aircraft in tent hangars on the beach. Then, on November 16, 1914, the headquarters activities were shifted to the navy yard mainland, officially establishing the beginning of what would become the Pensacola Naval Air Station.

By the years of World War I, Pensacola NAS was the largest aeronautical station in the world. By the 1940's, NAS was a key training installation for World War II. And today NAS retains its claim as the cradle of naval aviation.

Thus, November 16, 1989, will be recognized as the official anniversary, complete with a logo of the "Cradle of Naval Aviation" made official by the Secretary of the Navy. Besides designing the official logo, the Pensacola Engraving Co., publisher of the Pensacola NAS newspaper, Gosport, will publish a 200-page pictorial history of the air station for the November commemoration.

Doubtless this anniversary period will be a time for the Navy to showcase NAS and its long and varied history. And certainly it will be an opportu-

nity for Pensacolians to join with the Navy in expressing appreciation for this long heritage that has taken naval aviation from its infancy in those canvas-covered wood seaplanes on pontoons lifted by sputtering gasoline engines to the year of supersonic jet flying worldwide.

The naval air station has provided Pensacola with a long and proud association with the development and pilot training of the Navy's age of flight. And thousands who've trained here as pilots and aircraft crewmen served our Nation in two World Wars, the Korean conflict, Vietnam, and during international emergencies.

We should mark this important anniversary with a celebration befitting the scope of the development of naval aviation. While it might not now appear to have the magic of the national 75th celebration in 1986, this one belongs exclusively to Pensacola.

And this community should join our Navy neighbors in tribute for having given this town a proud legacy during 75 eventful years.

And, we hope, with the coming of the operational carrier U.S.S. *Kitty Hawk*, many many more.

INTRODUCTION OF LEGISLATION TO REPEAL THE WRIGHT AMENDMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas [Mr. GLICKMAN] is recognized for 5 minutes.

Mr. GLICKMAN. Madam Speaker, 10 years ago, a section was included in the International Air Transportation Competition Act to prohibit commercial air carriers from providing service between Dallas Love Field and points located outside of Texas or its four surrounding States. The section, known as the Wright amendment, should never have been allowed to be included in the law. It is egregious, anti-competitive and unconstitutional. That section of the law must be eliminated.

Therefore, today I am introducing legislation to repeal the Wright amendment. The Wright amendment is unreasonable and arbitrary in its structure. It allows travel to Love Field only from points in Texas, as well as points in Louisiana, Oklahoma, Arkansas, and New Mexico, the four States contiguous to Texas.

It permits direct service from New Orleans and Albuquerque to Dallas Love Field (425 miles and 595 miles respectively) but does not allow such service from Wichita to Love Field. The amendment does not even permit connecting, or through, service. If a passenger wanted to travel from Wichita to Dallas Love Field, they would be required to purchase a roundtrip ticket to a connecting city in one of the four contiguous States, such as Tulsa, and then purchase a separate second roundtrip ticket from Tulsa to Dallas. Carriers are further prohibited from providing joint ticketing with another air carrier, known as interline service.

Currently, Southwest Airlines, a low-cost carrier, is the only commercial air carrier providing jet service to Love Field. Fares to

Dallas are much higher from cities that cannot receive direct service to Love Field by Southwest, as this lack of direct service allows the major carriers flying to D/FW to charge a higher price.

For example, on July 1, an individual could purchase a "7-day advance fare" from New Orleans to Dallas for \$118 on Delta Airlines, American Airlines or Southwest. Although Delta and American serve D/FW and Southwest serves Love Field, the fares are the same as a result of the market competition from Southwest.

However, an individual purchasing the same "7-day advance fare" from Wichita to Dallas, a route which does not have the benefit of direct service by a low cost carrier like Southwest, must pay \$218 on Delta or American. And while unrestricted fares to Dallas from New Orleans range from \$138 to \$164, they cost \$520 from Wichita. Keep in mind Wichita is closer to Dallas than New Orleans. In addition, Dallas is the highest market of travel from Wichita, so it is unlikely the higher fare could be the result of a low number of passengers traveling on that route.

It is clear that fares are significantly lower in markets where Southwest competitively provides direct service to Dallas than they are in markets which do not have such competition from the low-cost carrier. Repealing the Wright amendment will open up competition, reducing rates to competitive levels, and substantially increasing business between markets.

That, after all, is what Congress intended to accomplish by passing the Airline Deregulation Act of 1978. It's time to eliminate this special interest section of law, so that the people of this Nation have competitive access to interstate travel as protected by the Constitution. It's time to repeal the Wright amendment. I urge my colleagues to join me in this effort.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1056, FEDERAL FACILITIES COMPLIANCE ACT OF 1989

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 101-149) on the resolution (H. Res. 202) providing for the consideration of the bill (H.R. 1056) to amend the Solid Waste Disposal Act to clarify provisions concerning the application of certain requirements and sanctions to Federal facilities, which was referred to the House Calendar in order to be printed.

MILITARY EDUCATION: EDUCATING STRATEGISTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri [Mr. SKELTON] is recognized for 60 minutes.

Mr. SKELTON. Madam Speaker, this is a continuation of a series of addresses that I make to this House concerning military education. I am the chairman of a panel on military education of the Committee on Armed Services.

All last year we conducted a series of hearings, some 28 in all, with 48 witnesses, interviewed some 100 individuals, to see what we could do about making military education, that is, the education of our military leaders and future military leaders, all the better.

This afternoon I wish to speak about the subject of educating strategists. A major part of our panel's effort was directed at assessing how well the current professional military education system encourages strategic thinking and the developing of strategists. The panel's focus on strategy was prompted by the perception of shortcomings in the formulation and articulation of American strategy and a concern about whether the professional military education system is nurturing officers as it did in the past, particularly between World War I and World War II, who can contribute to both the development and execution of U.S. military and national security strategy.

Although the panel does not necessarily agree with those who criticize U.S. strategy, it does believe that our strategy is too important to leave to chance. Recognizing that the information of a national strategy is essentially a political process, the panel nonetheless believes that well-educated military officers who can think strategically have an important contribution to make to the development of strategy, and that there is an overwhelming need for the military education system to improve its contribution to strategic thinking.

We can go back to the days of World War I and look at those well-educated military officers who thought strategically and did make an outstanding contribution, and we can list names like George C. Marshall, Omar Bradley, and the like, who fit in that category.

In the past, geography and technology enabled our country to wait until wartime to draw upon the strategic vision of its military leaders. However, the era of violent peace that emerged after World War II and is now with us has created a need for military officers who can contribute their strategic vision during peacetime.

The panel, by its emphasis on strategy, intends to underscore the fact that the development of officers who can think strategically is as vitally important to American security as effective weapons systems and adequate supplies of munitions are.

Critics of U.S. strategic thinking often point to specific incidents involving the use of military force or to issues concerning the linkage between military force and our national goals. Some good examples of this are the American experience in Vietnam, the concern that United States military capabilities are inappropriately skewed toward unlikely contingencies,

the belief that inadequate attention is paid to the arms-control implications of defense policy, the lack of attention paid to affordability of weapons systems or force structure and the tendency for the annual defense debate to focus on the number of fighters and the number of tanks and the number of frigates and the numbers of submarines with too little consideration of how individual systems contribute to either our military capability or to our overall-security objectives, meaning national strategic thinking.

□ 1810

Historically, according to some scholars, the formation and execution of U.S. military policy has been hindered by a difficulty in clearly linking military policy with strategic perspective. This school sees the American tradition of pragmatism as impeding strategic thinking.

Strategic thinking requires the connection of diverse but interrelated issues into a systematic pattern. In the panel's view, a related problem has impeded a more noteworthy contribution to the strategic thinking by U.S. military officers. Service interests, unlearned by a larger perspective, have tended to dominate the development of U.S. military policy.

A major objective of the Goldwater-Nichols Act is to encourage the larger perspective on the part of the military officer corps.

Does a professional military education still nurture strategic thinking? Does our military spend so much time studying tactics and weapons systems that there is no time for strategic thinking? A fundamental concern that contributed to the panel's focus on strategy is the perception that Hiroshima and Nagasaki marked not only the dawn of the nuclear era, but also a beginning of the decline in the contribution of military officers to the development of U.S. strategy.

With few exceptions, military officers have been absent from the ranks of the most prominent post-World War II strategic thinkers. Maxwell Taylor, I might add a fellow Missourian, is one of those exceptions, fortunately.

In this respect, the last 40 years differ from the more distant past. The United States has been blessed during its history with military leaders who are also outstanding strategic thinkers, the father of our modern strategy; Alfred Thayer Mahan, the architect of victory during World War II, George C. Marshall; the main person responsible for the theoretical basis of today's NATO strategy of flexible response, Maxwell D. Taylor. Each of those officers, one an admiral and two generals made a profound and lasting contribution to national security by stimulating debate over U.S. strategy or by

sound and imaginative strategic advice to American political leaders.

The panel appreciates that the basic formulation of a national security strategy, of which military strategy is only one component, is essentially a political process. They point out, Mr. Speaker, that the 1930's appears to have been a relatively high water mark for the education and development of military thought in our country.

Many retired officers who we interviewed pointed out that prior to World War II, attendance at intermediate or senior military school was considered a necessity of duty, and even in many cases a reward. Many renowned World War II military leaders, such as Eisenhower, Nimitz, Arnold, and Bradley attended a senior professional military school. Admiral Halsey, affectionately known in history as "Bull" Halsey, who successfully commanded in the Pacific during World War II an amphibious campaign against the Japanese, attended both the Army War College and the Navy War College. A subsequent assignment as a faculty member was a highly prized duty that was reserved only for the best officers. That is what it ought to be today. Unfortunately, in so many instances, it is not.

Both national security strategy and national military strategy focus on the relationship between the means and the end. But the former, that is the national security strategy, encompasses a wider range of factors.

For purposes of our discussion today, let us look at the definitions. National military strategy is the art and science of employing the armed forces of a nation to secure the objectives of national policy by the application of force or the threat of force. National security strategy is the art and science of developing and using the political, economic, and psychological powers of a nation to get together with its armed forces during peace and war to secure national objectives.

On a lower rung there is the area of warfare known as operational art, which those of us outside the military refer to as theater warfare. Operational art is the employment of military forces to obtain strategic goals in a theater of war or theater of operations through the design, organization, and conduct of campaigns and major operations.

Yet another lower level of this is that of tactics. Tactics involves smaller military units; for example, an army company or even an entire corps in the achievement of specific battlefield objectives. How to take the hill, to go around it or up it? Tactics then, in contrast to operational art, that is theater art, focuses on a narrower, more specific range of goals.

Let us look at the attributes, Madam Speaker, of a strategist. Scholars have

long remarked about the educational and professional diversity among innovative strategists such as Clausewitz, Mahan, Brodie, and Kahn. Given this notable diversity, do strategists have any shared attributes? John Collins, who we know as a senior specialist in national defense at the Library of Congress, has written that strategists, despite diverse backgrounds, generally do share a common set of attributes. Many of the characteristics he identifies are also mentioned by other witnesses in our panel hearings.

First, a true strategist must be analytical. Second, a strategist must be pragmatic. Third, a strategist must be innovative. Fourth, and very important, a strategist must be broadly educated.

Few officers possess all of these attributes. It is rare to find individuals capable of a high degree of conceptualization and innovation, attributes that most distinguish the theoretical from the applied strategist. Unfortunately, the objective of the professional military education system is not the creation of a large pool of military officers who are strategists on the order of Mahan. In the view of the panel, only a small number of genuine, theoretical strategists are needed.

In World War II we did not need too many George C. Marshalls. Fortunately for ourselves and the world, he was there.

□ 1820

Madam Speaker, the next question is how do we develop strategists?

In attempting to answer the question of how strategists are developed, the panel found it necessary to address four questions:

How important is education?

What type of education is relevant?

What are the roles of PME schools as compared to other institutions?

What type of faculty is needed?

The panel believes that the answers to each of these questions are important for optimizing the contribution of education to the development of strategists.

In the panel's view, the selection, assignment, and education systems need to be better coordinated in order to maximize the inherent synergy of these three factors.

Innate talent probably is the most fundamental component for the development of a strategist. Officers who are intelligent, imaginative, articulate, and interested in studying strategy must be identified as early as possible during their careers so that their development can be facilitated by appropriate personnel policies.

Talent alone is insufficient; it must be reinforced by both appropriate experience and relevant education. A former Army Chief of Staff told the panel that both assignments and

schooling help to build on the natural abilities of potential strategists. The development of a strategist such as Gen. George C. Marshall was, in his view, the result of Marshall's being taught to think broadly; and second, taking the time to read extensively and reflect on the reading. In a similar vein, former Director of the National Security Agency, stressed that in addition to the academic foundation provided by the PME system, future strategists also need firsthand experience in how the real world works.

The broad goals of the educational system that must nurture the development of strategic thinkers are closely related to the attributes of a strategist discussed earlier.

The third educational building block is an understanding of the relationship between the disciplines of history, international relations, political science, and economics. Each of these disciplines is critical to the formulation of strategy.

The first educational building block in the development of a strategist is a firm grasp of an officer's own service, sister services, and joint commands. To the extent such expertise can be obtained through education, it must be found in PME schools. Furthermore, officers seeking to develop their capacity for strategic analysis must remain professionally current, that is, keep up with the rapid pace of technological change.

The second educational building block for strategists is a clear understanding of tactics and operational art. Knowledge in the employment of combat forces is a prerequisite to the development of national military strategy. Furthermore, those military strategists who can contribute to the formulation of national security strategy should also possess expertise in the various skills required to employ combat forces.

Original and independent strategic thinkers can be shaped and molded by a variety of educational experiences, but PME must be an important part of these diverse experiences.

The panel also recognizes that there are several military education and research programs that both use and contribute to the development of strategy and military strategists. The Army's Strategic Studies Institute, the Navy's Strategic Studies Group, and the National Defense University's Strategic Concepts Development Center can be valuable programs.

I next go to what type of faculty is needed.

The nature and caliber of faculty are keys to the development of strategic thinking and true strategists. The panel found that faculty quality at PME schools varies significantly and needs to be improved.

The panel's hearings suggest the faculty of such schools should consist of

a select mix of civilian scholars, active duty military officers, and a few retired senior military commanders.

Active duty or retired military officers with actual experience in the strategic arena are also needed at senior PME schools that focus on strategy.

Madam Speaker, let us look at the issue of strategy instruction at professional military education schools.

Earlier portions of our report identified the attributes of strategists, and elaborated on the role of education in their development. This section assesses the adequacy of the existing strategy curricula at the five senior PME schools.

The panel's review of senior war college syllabi suggested that the curricula of each war college are not focused enough in general and not enough on strategy specifically. This conclusion is consistent with the testimony of a number of witnesses, including John Collins and Prof. Williamson Murray, both of whom remarked on the lack of depth in the war college strategy curricula. Of course, breadth and depth are two sides of the same coin: the scope of a curriculum has a direct impact on its depth. Collins, a retired Army colonel and a national defense specialist at the Congressional Research Service, testified that:

Time is the critical constraint in multipurpose U.S. military colleges, which must cover many subjects besides strategy during a 10-month academic year. The best they can hope for is breadth, but not depth. Every course is an introductory survey that allows little time to study strategic matters or current U.S. strategies, much less debate merits and compare alternatives. The National, Army, and Air War Colleges, in search of time, have long strained to stretch each academic day.

Let us now turn our attention to the proposed National Center for Strategic Studies.

The panel strongly supports the proposal of Adm. William J. Crowe, Jr., Chairman, JCS, advanced during his testimony before the panel. Admiral Crowe suggested that a National Center for Strategic Studies be established at Fort McNair in Washington, DC, where selected senior military officers, high-level Government officials, congressional staff members, and private sector media, labor, industry, and other leaders could be brought together to research and study national strategy. The Center would be made up of four components: a revamped National War College with its year-long program of study adapted to focus on national security strategy and to accommodate a smaller number of more senior, highly select officers; a "think tank" for the study and formulation of national security and national military strategy; the Capstone course; and an institute for conducting seminars, symposiums, and workshops in strategy for both the public and private sectors.

Currently, formal study in PME schools ends at the war college level—at the rank of colonel/Navy captain. The only significant, formal education program above that level is the Capstone course.

This would change that.

The French senior-level schools which our panel visited, and we also had an extensive briefing at, provides some excellent insights into how the center proposed by Admiral Crowe might be structured.

□ 1830

I think we should take a good look at that. During the panel hearing at the Navy War College, we requested that the Strategy Department propose a course of study for future flag and general officers to develop their capacity for strategic thought. The proposal would require students to formulate strategies of their own in preparation for the time when they may be involved in strategic thinking in the real world.

We will now look at strategy-related studies. In addition to providing higher education and strategic studies and related subjects, the mission of the National Center for Strategic Studies should be to conduct strategy-related studies for the Chairman of the Joint Chiefs of Staff, the Secretary of Defense and other senior executive branch officials. Research should focus at the national level, including the economic, military, and political elements of national power in peacetime, in crisis, and in war. We also would like to have, as part of this National Center for Strategic Studies, a true cross section of leaders, civilian leaders, which I touched upon before, to be in attendance at least on a part-time basis. This has served the French and their example well, and I think it would serve Americans as a nation quite well, as the case may be.

Now we will look at managing this scarce resource, that of strategic thinkers. The defense establishment that seeks to encourage the development of strategists must ensure that this scarce national resource is used in the most effective manner possible, and truly, Madam Speaker, strategic thinkers are a scarce commodity. Currently only two service personnel systems, the Army and the Navy, specifically identify officers who have educational experience in the area of strategy. Only the Navy has a system for monitoring and assigning officers for strategic billets. Both the Air Force and the Marine Corps consider assignments on the basis of experience and review of personal records, but neither specifically attracts and assigns officers based on strategically related education or strategically related experience.

In conclusion, the panel believes that each service should have a personnel management system to develop, to monitor, and to assign officers for service and joint billets that would benefit from an officer with expertise in strategy. The Chairman of the Joint Chiefs of Staff should ensure that the need for a joint departmental and national level organization for strategists is met. Positions requiring strategists should be so designated by the joint duty assignment lists, including some critical joint duty assignment positions. Further, manning the key strategy positions should be closely monitored. Finally, there should be a conscious effort to develop and designate JSO strategists and joint service officers who would function primarily at the national, department and joint staff level. They should be among the best military thinkers and listeners available to the President or to the Secretary of Defense and Chairman of the Joint Chiefs of Staff. Their service and joint experience, coupled with advanced education of which we have been discussing, should prepare them to occupy important positions on the National Security Council staff or at the State Department or in the Office of the Secretary of Defense on their joint staff.

Several recommendations came out of this portion of our study, and the panel's study and hearings. Recommendation No. 1, the military departments' selection, assignment and education systems need to be better coordinated in order to optimize the development of strategists. No. 2, two educational building blocks in the development of strategists' knowledge of an officer's own service, sister services in joint commands, and understanding tactics and operational art, can be provided for only by military schools. No. 3, the National Center for Strategic Studies, as proposed by the Chairman of the Joint Chiefs of Staff, should be established. No. 4, the revamped National War College, which as Members know is the proposed National Center for Strategic Studies, should focus on national security strategy. The service war colleges, such as the Army, Navy, and Air War Colleges, that is the senior war colleges, should make national military strategy their primary focus. No. 5, the faculty teaching strategy should consist of civilian educators, active duty, and retired military specialists and former senior military officers to ensure that students have access to the depth of knowledge that only a career of similarity in a particular area can produce, respected civilian educators who are recognized experts in specific disciplines relating to the teaching of strategy should be faculty members at senior schools. Active duty and retired military officers with actual experience in the strategic arena are also needed for strate-

gy instruction. Recommendation No. 6, the Chairman of the Joint Chiefs of Staff should sponsor a yearly conference hosted by the revamped National Air College, or as we shall call it, the National Center for Strategic Studies, to discuss the best individual studies or strategy in related subjects, produced throughout the year, including study groups, students, and faculties of the five senior professional military educational colleges. Last, No. 7, each service should have a personnel management system to develop, to monitor, and to assign officers to service and joint billets, that would benefit from an officer with an expertise in strategy. These are things that must be done.

I am convinced that the result of steps taken by the Chairman of the Joint Chiefs of Staff, Adm. William Crowe, when he has appointed retired Adm. Robert Long, a very distinguished American, to study these proposals, especially those concerning the development of strategists or a strategic thinker, and how this can be done through the National Center for Strategic Studies, I think that as a result of Admiral Crowe's appointment to this Long committee, we will see some positive things come out of it, and we look forward to their thoughts and their review.

Madam Speaker, this is another in a series of discussions that we will have here on the floor of the House concerning military thinking, concerning strategy, and concerning military education.

THE LACK OF JAPANESE CONSUMER CULTURE

The SPEAKER pro tempore (Mrs. SCHROEDER). Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

Mrs. BENTLEY. Madame Speaker, I came across a very interesting article the other day in the State Government News regarding Japan's business culture. If the article is correct, American business could find still more frustration in Japan and Americans can over here if Japanese interests take over much more of our industry and real estate.

The author of the article, an excerpt from the new book, "More Like Us: Making America Great Again," Mr. James Fallows, points to a variety of factors in explaining the nature of Japan's consumer society.

The essential point he reaches is that Japan's leaders discourage actions to encourage consumption and promotes producers' interests. What exists is a country devoid of competition where prices are set, not by the market, but by the companies in cooperation with each other. I would like

to highlight some of the examples he gives.

First, Mr. Fallows notes that Japan's business relationship is historically anticonsumer. He writes,

For most of its history, the United States has behaved more or less in accordance with the proconsumer capitalist model. Japan, has not. The welfare of its consumers has consistently taken second place to a different goal: preserving every person's place in the productive system. The reward of working hard in Japan is to continue to be able to work.

We must question the meaning of this heavily weighted producer-protection society for our country. Is this a system that Americans can easily co-operate with? Or, is it a system that Americans need to understand in order to meet the challenge of Japanese economic imperialism? What exists here is a clash in perspective over the role of business in society and that must be recognized.

America's tradition has, at least in this century, been one where those obtaining wealth are, and feel obligated, to ensure the welfare of society as a whole. In Japan, a country with vastly different, if not contrary ideas, this is simply not the case. With the wave of Japanese investment sweeping this Nation, I think it is important that we recognize that there will inevitably be some transfer of these attitudes from Japan to its subsidiaries in this country.

Let me continue with the Fallows article. He notes, "Japan has consistently protected its producers * * * at the expense of all the Japanese consumers, who must pay exorbitant prices for everything they buy."

Mr. Fallows is describing what I would like to call consumer bashing. Consumer bashing implies the elimination of a consumer's right to choose the best products at the best prices. The citizens of Japan have been robbed of one of the most basic consumer freedoms, that of choice, and we must ask ourselves whether or not this is the future for America as well.

Consumer bashing practices in Japan have been expanded to fit into the international realm. The article continues:

Right-thinking Americans know that monopolies and cartels are bad. They stifle competition and therefore short change the consumer. The United States grudgingly protects only natural monopolies like the electric system—and in the name of consumer welfare even broke up the seemingly natural telephone monopoly. Japan likes cartels and some monopolies, because they strengthen Japanese producers against the world.

What he is suggesting is that Japan believes that it must collude to survive. That is indeed a frightening statement. What makes it so dangerous is the link that this collusion has to the assault that Japan has launched on industries in America.

I would like to point out that Japan has consistently demonstrated this creed in its business practices and, frankly it has obtained dramatic results in capturing markets worldwide. For Japanese companies, this policy has resulted in unprecedented growth and, on paper, things could not be better. But, like everything else, this too has had a price. It is the Japanese consumer, in whose name all of these activities are perpetrated, who has been forced to bear the cost of corporate expansion. The Providence Journal of May 5, 1989, puts it very well when they write about Japan's political and business environment,

It results in an intricate web of price supports, tax subsidies, special benefits, targeted incentives, discretionary guidelines, and the like. In short, a perfect environment for favoritism, patronage, influence peddling, bribery and extortion.

The results of this policy on the Japanese people are very sad. Crowded conditions are a way of life, suburbs and cities are cut to pieces by thousands of miles of electric railways. Japanese schoolchildren are forced to attend schools in the dead of winter with no heat. The idea of owning a home in Japan is often passed off as a cruel joke. Japanese often lament the fact that being able to see Mt. Fuji from Tokyo, once a regular occurrence, is now a rare and special experience. The reason for this lament is the massive air pollution which clouds the once clear sky.

Are we glimpsing a vision of America's future?

I spoke almost a year ago about the impact of Japanese grants, lobbying, and other activities on the decision making processes of this country. Now, a year later what is happening? From what I can surmise, more of the same. Japan's purchases of America's assets go on at an increasing rate and more and more jobs and regions become tied into Japan's incredible money machine. If Japanese companies intend to practice the same policies in America that they do in Japan then the future is indeed bleak.

It is clear that Japan's anticonsumerism is embedded in the policy of its leaders, and in national institutions.

Despite the pledges of former Prime Minister Nakasone to shape Japan into a more consumer oriented nation, the policies of the ruling party, the LDP have worked to encourage just the opposite. The most recent example of this was demonstrated this past April, when Japan's ruling party passed into law a 3-percent consumption tax.

Amazingly, the tax was structured so that luxury items now cost less while everyday essentials such as train and bus passes, food, and clothing now cost more.

This represents yet another obstacle in the path of making Japan a responsible member of the trading community. The Government of Japan must take real steps to end anticonsumerism and promote the interest of its people. Japan's barriers to market entry are already severe. Why is it that companies that have the strength to penetrate these barriers must face additional problems due to an economy that is too poor to purchase. Make no mistake, these barriers can be lifted if only Japan's power brokers are willing to let go of their greed.

But the facts are that power elite in Japan control everything. If consumers in Japan were to obtain the urge to buy, they would open up the Pandora's box for the corporate elite, demand for higher wages, more leisure time, and a freer society, all of which Japanese corporations object to because they have built their productivity on the back of their people. A consumer society would destroy that control.

Elimination of consumer bashing in Japan is in the world's interest, and it is in the interest of the people of Japan.

End this flood of investment money on which this country is currently relying. If it does not, then Japan in America will become a way of life.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. JACOBS (at the request of Mr. VISCLOSKEY), for today, on account of family matters.

Mr. RIDGE (at the request of Mr. MICHEL), for today and tomorrow, on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SMITH of Mississippi) to revise and extend their remarks and include extraneous material:)

Mr. BEREUTER, for 5 minutes, today.

(The following Members (at the request of Mr. NEAL of Massachusetts) to revise and extend their remarks and include extraneous material:)

Mrs. BOGGS, for 5 minutes, today.

Mr. HUTTO, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GLICKMAN, for 5 minutes, today.

Mr. SKELTON, for 60 minutes, today.

Mr. LIPINSKI, for 60 minutes, on July 20.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. SMITH of Mississippi) and to include extraneous matter:)

Mr. BROOMFIELD.

Mr. SOLOMON.

Mr. PURSELL.

Mr. CLINGER.

Mr. DONALD E. "Buz" LUKENS.

Mr. CONTE.

Mr. WEBER.

Mr. DORNAN of California.

(The following Members (at the request of Mr. NEAL of Massachusetts) and to include extraneous matter:)

Mr. TRAFICANT in two instances.

Mr. SKELTON in three instances.

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. RAY.

Mr. WALGREN in two instances.

Mr. FLORIO.

Mr. DOWNEY.

Mr. MATSUI.

Mr. GLICKMAN.

Mr. DINGELL.

Mr. CLAY.

Mr. MILLER of California.

Ms. OAKAR.

Mr. EDWARDS of California in two instances.

Mrs. BYRON.

Mr. FAUNTROY.

Mr. BONIOR.

Mr. KOSTMAYER.

Mr. VENTO, and to include extraneous matter in the Committee of the Whole on H.R. 828, today.

SENATE BILLS AND JOINT RESOLUTIONS REFERRED

Bills and Senate resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 326. An act to amend the Federal Election Campaign Act of 1971 to repeal a provision allowing use of excess contributions; to the Committee on House Administration.

S.J. Res. 129. Joint resolution to provide for the designation of September 15, 1989, as "National POW/MIA Recognition Day;" to the Committee on Post Office and Civil Service.

S.J. Res. 132. Joint resolution designating September 1 through 30, 1989 as "National Alcohol and Drug Treatment Month;" to the Committee on Post Office and Civil Service.

S.J. Res. 174. Joint resolution to designate July 20, 1989, as "Space Exploration Day;" to the Committee on Post Office and Civil Service.

ENROLLED BILLS SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that the committee had examined and

found truly enrolled bills and joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2214. An act to ratify certain agreements relating to the Vienna Convention on Diplomatic Relations;

H.R. 2848. An act to amend the Computer Matching and Privacy Protection Act of 1988 to delay the effective date of the Act for existing agency matching programs; and

H.J. Res. 174. Joint resolution to designate the decade beginning January 1, 1990, as the "Decade of the Brain."

BILLS PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on the following day present to the President, for his approval, a bill of the House of the following title:

On July 14, 1989:

H.R. 1722. An act to amend the Natural Gas Policy Act to eliminate wellhead price and nonprice controls on the first sale of natural gas, and to make technical and conforming amendments to such act.

ADJOURNMENT

Mrs. BENTLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 53 minutes p.m.), the House adjourned until tomorrow, Tuesday, July 18, 1989, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1451. A letter from the Deputy General Counsel, Department of the Defense, transmitting a draft of proposed legislation to provide greater flexibility in military officer personnel management during officer force reduction; to the Committee on Armed Services.

1452. A letter from the Deputy General Counsel, Department of Defense, transmitting a draft of proposed legislation to amend chapter 157 of title 10, United States Code, to authorize Government transportation for certain members of the uniformed services and Federal civilian employees, and the dependents of such members and employees, in areas outside the United States where public or private transportation is unsafe or not available; to the Committee on Armed Services.

1453. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting a report on the actions taken and progress made by the Board to implement funds availability schedules, and their impact on consumers and depository institutions, pursuant to Public Law 100-86, section 609(d)(1)(A) (101 Stat. 648); to the Committee on Banking, Finance and Urban Affairs.

1454. A letter from the Director, Office of Management and Budget, transmitting a draft of proposed legislation to amend sec-

tions 106 and 212 of the District of Columbia Public Works Act of 1954, as amended, to require Federal agencies to reimburse the District of Columbia (hereinafter in this act referred to as "the District") for water and sanitary sewer services they receive; to the Committee on the District of Columbia.

1455. A letter from the Secretary of Education, transmitting a notice of Final Priorities for fiscal years 1989 to 1990—Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Individuals with Severe Handicaps, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1456. A letter from the Secretary of Education, transmitting a report on the Department's progress in controlling federally imposed paperwork on the education community and coordinating activities of Federal agencies that collect education information, pursuant to 20 U.S.C. 1221-3(f); to the Committee on Education and Labor.

1457. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

1458. A letter from the Vice President, Farm Credit Bank of Springfield, transmitting the Banks annual retirement plan for the period January 1, 1988, through December 31, 1988, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

1459. A letter from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments to OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

1460. A letter from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

1461. A letter from the Deputy General Counsel, Department of Defense, transmitting a draft of proposed legislation to authorize a portability of benefits for employees of nonappropriated fund instrumentalities of the Department of Defense when such employees move to the civil service system, and for other purposes; to the Committee on Post Office and Civil Service.

1462. A letter from the Acting Administrator, General Services Administration, transmitting copies of several prospectuses, pursuant to 40 U.S.C. 606(a); to the Committee on Public Works and Transportation.

1463. A letter from the Acting Director, Office of Science and Technology Policy, transmitting the "Science and Technology Report 1985-1988", pursuant to 42 U.S.C. 6615(a); to the Committee on Science, Space, and Technology.

1464. A letter from the Director, Federal Home Loan Bank Board, transmitting the Board's annual report on the agency's efforts to prevent unfair and deceptive trade practices in the thrift industry, pursuant to 15 U.S.C. 57a(f)(6); jointly, to the Committees on Banking, Finance and Urban Affairs and Energy and Commerce.

1465. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the Hazardous Materials Transportation Act to authorize appropriations for fiscal years 1990 and

1991, and for other purposes, pursuant to 31 U.S.C. 1110; jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

1466. A letter from the Under Secretary, Department of the Treasury, transmitting notification of the determination that the current permanent debt limit will be sufficient only until early August, and that in the absence of a debt limit increase by that time, Treasury will be unable to invest or roll over maturing investments of trust funds and other Government accounts, including the Civil Service Retirement and Disability Fund of the Federal Employees' Retirement System, pursuant to 5 U.S.C. 8348(1)(2), 8348(i)(2); jointly, to the Committees on Post Office and Civil Service and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Submitted July 14, 1989]

Mr. CONYERS: Committee on Government Operations. H.R. 1326. A bill to authorize appropriations for the Federal Election Commission for fiscal year 1990, and for other purposes; with amendments (Rept. 101-44, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

[Submitted July 17, 1989]

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 875. A bill to expand the boundaries of the Fredericksburg-Spotsylvania National Military Park near Fredericksburg, VA; with amendments (Rept. 101-144). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 919. A bill to increase the size of the Big Thicket National Preserve in the State of Texas by adding the Village Creek Corridor unit, the Big Sandy Corridor unit, and the Canyonlands unit. (Rept. 101-145). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 952. A bill to authorize the Secretary of the Interior to provide for the development of a trails interpretation center in the city of Council Bluffs, IA, and for other purposes; with an amendment (Rept. 101-146). Referred to the Committee of the Whole House on the State of the Union.

Mr. DE LA GARZA: Committee on Agriculture. H.R. 2799. A bill to amend the Agricultural Act of 1949 to allow the planting of alternate crops on permitted acreage for the 1990 crop year; with amendments (Rept. 101-147). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Agriculture. H.R. 876. A bill to establish the American Heritage Trust, for purposes of enhancing the protection of the Nation's natural historical, cultural, and outdoor recreational heritage, and for other purposes; with amendments (Rept. 101-148). Referred to the Committee of the Whole House on the State of the Union.

Ms. SLAUGHTER of New York: Committee on Rules. House Resolution 202. Resolution providing for the consideration of H.R.

1056, a bill to amend the Solid Waste Disposal Act to clarify provisions concerning the application of certain requirements and sanctions to Federal facilities (Rept. 101-149). Referred to the House Calendar.

Mr. TRAXLER: Committee on Appropriations. H.R. 2916. A bill making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1990, and for other purposes. (Rept. 101-150). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON (for himself (by request), Mr. HAMMERSCHMIDT, Mr. BOSCO, and Mr. PETRI):

H.R. 2904. A bill to authorize construction and equipment of a fireproof building for the House Publications Facility, and for other purposes; to the Committee on Public Works and Transportation.

By Mrs. BYRON (for herself, Mr. DYSON, Mr. COMBEST, Mr. BATEMAN, Mr. GOODLING, Mr. VALENTINE, Mr. STENHOLM, and Mr. MCCOLLUM):

H.R. 2905. A bill to amend the Migrant and Seasonal Agricultural Worker Protection Act to encourage mediation and conciliation prior to bringing rights of action under that act, to permit reasonable attorneys' fees in certain cases in which a final order is entered in favor of the defendant, and for other purposes; to the Committee on Education and Labor.

H.R. 2906. A bill to amend the Legal Services Corporation Act to strengthen the provision relating to the payment of attorneys' fees; to the Committee on the Judiciary.

By Mr. CONTE:

H.R. 2907. A bill to amend the Internal Revenue Code of 1986 and title XVIII of the Social Security Act to direct the Secretary of the Treasury and the Secretary of Health and Human Services to reduce premiums imposed under the Medicare Catastrophic Coverage Act of 1988 if the estimate of revenues derived from such premiums exceeds the estimate of costs of benefit improvements under such Act by 10 percent or greater; jointly, to the Committee on Ways and Means and Energy and Commerce.

By Mr. FASCELL:

H.R. 2908. A bill to amend the National Flood Insurance Act of 1968 to provide for the appropriate treatment under the National Flood Insurance Program of coastal areas with distinctive flooding and to provide for training of local officials with respect to the Flood Insurance Program; to the Committee on Banking, Finance and Urban Affairs.

By Mr. BRUCE:

H.R. 2909. A bill to amend the Clean Air Act; to the Committee on Energy and Commerce.

By Mr. FLIPPO:

H.R. 2910. A bill to reduce temporarily the duty on certain frozen carrots; to the Committee on Ways and Means.

By Mr. GLICKMAN (for himself, Mr. SUNDQUIST, Mr. ROBERTS, Mr. SLATTERY, Mr. WHITTAKER, Mrs. MEYERS

of Kansas, and Mr. FORD of Tennessee):

H.R. 2911. A bill to amend the International Air Transportation Competition Act of 1979; to the Committee on Public Works and Transportation.

By Mr. McNULTY (for himself and Mr. EMERSON):

H.R. 2912. A bill to provide for the design and construction of a Goddess of Democracy Statute, and for other purposes; to the Committee on House Administration.

By Mr. MANTON (for himself and Mr. LENT):

H.R. 2913. A bill to amend the Federal Water Pollution Control Act to mitigate the effects of pollution discharges into estuaries and oceans; jointly, to the Committees on Public Works and Transportation and Merchant Marine and Fisheries.

By Mr. RANGEL:

H.R. 2914. A bill to provide for the retirement of all \$100 Federal Reserve notes and the replacement of such notes with new \$100 Federal Reserve notes of a different design; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SCHEUER:

H.R. 2915. A bill to amend the Immigration and Nationality Act to permit certain nationals of the People's Republic of China to adjust their status to that of aliens lawfully admitted to the United States for temporary residence; to the Committee on the Judiciary.

By Mr. MADIGAN:

H.J. Res. 366. Joint resolution to recognize the 20th anniversary of Governors State University; to the Committee on Post Office and Civil Service.

By Mrs. BOGGS:

H. Con. Res. 167. Concurrent resolution authorizing the printing of the book entitled "Women in Congress"; to the Committee on House Administration.

H. Con. Res. 168. Concurrent resolution authorizing the printing of the book entitled "The U.S. Capitol: A Brief Architectural History"; to the Committee on House Administration.

H. Con. Res. 169. Concurrent resolution authorizing the printing of the book entitled "Origins of the House of Representatives: A Documentary Record"; to the Committee on House Administration.

H. Con. Res. 170. Concurrent resolution authorizing the printing of the book entitled "Black Americans in Congress"; to the Committee on House Administration.

By Mr. GAYDOS:

H. Res. 203. Resolution expressing the sense of the House of Representatives regarding the hometown hero project of the Congressional Medal of Honor Society; to the Committee on Armed Services.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

199. By the SPEAKER: Memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to measures to bring about a fair settlement between the UMWA and the Pittston Coal Group, Inc.; to the Committee on Education and Labor.

200. Also, memorial of the Legislature of the State of California, relative to the Medicare supplemental surtax; jointly, to the Committees on Ways and Means and Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to the public bills and resolutions as follows:

H.R. 8: Mr. PACKARD.

H.R. 45: Mrs. UNSOELD.

H.R. 48: Mr. WAXMAN.

H.R. 83: Mr. GOODLING.

H.R. 84: Mr. SHAW.

H.R. 118: Mr. SMITH of New Jersey, Mr. DOUGLAS, and Mr. HASTERT.

H.R. 239: Mr. KOSTMAYER.

H.R. 285: Mr. EVANS, Mr. LANTOS, and Mrs. BOXER.

H.R. 543: Mr. WYDEN and Mr. PALLONE.

H.R. 677: Mr. NOWAK, Mr. WOLFE, Mr. SHAYS, Mr. PRICE, and Mr. BOUCHER.

H.R. 775: Mr. SYNAR.

H.R. 780: Mr. DARDEN and Mr. ATKINS.

H.R. 885: Mr. WHEAT.

H.R. 916: Mr. FALEOMAVAEGA, Mr. HALL of Ohio, Mr. LELAND, Mr. NEAL of Massachusetts, Mr. TRAFICANT, Mr. KLECZKA, Mr. ROYBAL, Mr. SAVAGE, Mr. DIXON, Mr. TOWNS, Mr. OWENS of New York, Mr. McNULTY, Mr. SAWYER, Mr. DELLUMS, and Mr. MINETA.

H.R. 996: Mr. SMITH of Mississippi.

H.R. 1095: Mr. ENGEL and Mr. TOWNS.

H.R. 1153: Mr. GINGRICH.

H.R. 1200: Mr. NAGLE, Mr. TAUKE, Mr. JONTZ, Mr. ROBERT F. SMITH, Mr. DIXON, Mr. ROGERS, Mr. HUNTER, Mr. BOSCO, Mr. MARTINEZ, Mr. ORTIZ, Mr. THOMAS of Georgia, and Mr. BUSTAMANTE.

H.R. 1295: Mr. HOCHBRUECKNER.

H.R. 1337: Mr. MARTINEZ.

H.R. 1416: Mr. WALKER, Mr. OLIN, Mr. DE LA GARZA, Mr. HALL of Texas, Mr. WHITTEN, Mr. McEWEN, Mr. WISE, Mr. LENT, Mr. HERGER, Mr. PALLONE, Mr. LEHMAN of Florida, and Mr. BRUCE.

H.R. 1441: Mr. CARDIN, Mr. STARK, Mr. VALENTINE, Mr. SENSENBRENNER, and Mr. PALLONE.

H.R. 1476: Mr. WYLIE and Mr. BOUCHER.

H.R. 1532: Mr. TOWNS.

H.R. 1545: Mr. GINGRICH.

H.R. 1561: Mr. UDALL and Mr. BRYANT.

H.R. 1574: Mr. FISH and Mr. TOWNS.

H.R. 1582: Mr. KASTENMEIER, Mr. FAUNTROY, Mr. DYMAALLY, Mr. OWENS of New York, Mr. FLAKE, Mr. TOWNS, Mrs. COLLINS, and Mr. HAYES of Illinois.

H.R. 1649: Mr. GLICKMAN, Mr. HAMILTON, Mrs. UNSOELD, Mr. VENTO, and Mr. BOUCHER.

H.R. 1730: Mr. HOCHBRUECKNER and Mr. MADIGAN.

H.R. 1746: Ms. SCHNEIDER, Mr. NEAL of North Carolina, and Mr. ECKART.

H.R. 1808: Mr. WILSON.

H.R. 1875: Mr. SPENCE.

H.R. 1994: Mr. CONYERS, Mr. BATES, and Mr. GARCIA.

H.R. 2041: Mr. WILSON, Mr. DE LA GARZA, Mr. SMITH of Florida, Mr. TALLON, Mr. WHITTEN, Mr. PICKLE, Mr. TOWNS, Mr. LEWIS of Florida, Mr. THOMAS of Georgia, Mr. JOHNSTON of Florida, Mr. JONES of Georgia, Mr. DARDEN, Mr. DERRICK, Mr. HUTTO, and Mr. LAGOMARSINO.

H.R. 2051: Mr. PALLONE, Mr. STUDDS, Mr. MOLLOHAN, Mr. STARK, Mr. QUILLLEN, Mr. KENNEDY, Mr. BEVILL, Mr. PEASE, and Mr. AKAKA.

H.R. 2076: Mr. MORRISON of Connecticut, Mr. EDWARDS of California, Mr. PALLONE, and Mr. GEJENSON.

H.R. 2083: Mr. MACTLEY.

H.R. 2095: Mr. SKELTON and Mr. MOLLOHAN.

H.R. 2184: Mr. ROE, Mr. MATSUI, Mr. McDERMOTT, Mr. WISE, Mr. KANJORSKI, Mr. GORDON, Mr. VENTO, and Mr. FOGLIETTA.

H.R. 2222: Mr. UPTON.

H.R. 2225: Mr. McCURDY, Mr. OWENS of New York, Mr. POSHARD, Mr. EMERSON, Mrs. COLLINS, Mr. DELLUMS, Mr. FAUNTROY, Mr. CHAPMAN, Mr. TOWNS, Mr. WALGREN, Mr. DYMALLY, Mr. WHITTAKER, Mr. DEFazio, Mr. KANJORSKI, Mr. VENTO, Mr. KOLTER, Mr. KILDEE, Mr. WISE, and Mr. JONTZ.

H.R. 2226: Mr. OWENS of New York, Mr. POSHARD, Mr. EMERSON, Mrs. COLLINS, Mr. FAUNTROY, Mr. DELLUMS, Mr. CHAPMAN, Mr. TOWNS, Mr. WYLIE, Mr. WALGREN, Mr. DYMALLY, Mr. WHITTAKER, Mr. DEFazio, Mr. KANJORSKI, Mr. KILDEE, Mr. WISE, and Mr. JONTZ.

H.R. 2265: Mr. WOLF.

H.R. 2269: Mr. STENHOLM and Mr. JONES of Georgia.

H.R. 2302: Mr. CHAPMAN and Mr. MURPHY.

H.R. 2303: Mr. CHAPMAN, Mr. GOODLING, Mr. GRANDY, Mr. SHUSTER, and Mr. GAYDOS.

H.R. 2319: Mr. KOLTER, Mr. WALGREN, Mr. DICKS, Mr. YATRON, and Mr. RIDGE.

H.R. 2403: Mr. GARCIA, Mr. TRAFICANT, Mr. PAYNE of New Jersey, Mr. TRAXLER, Mr. CLINGER, Mr. RICHARDSON, Mr. YATES, and Mr. PEASE.

H.R. 2435: Mrs. MARTIN of Illinois, Mr. BURTON of Indiana, Mrs. COLLINS, Mr. LAGOMARSINO, Mr. FAWELL, Mr. FAUNTROY, Mr. CAMPBELL of Colorado, Mr. MORRISON of Washington, Mr. TOWNS, Mr. BILBRAY, and Mr. DYMALLY.

H.R. 2493: Mr. BUECHNER and Mr. CAMPBELL of California.

H.R. 2504: Mr. MOODY.

H.R. 2522: Mr. SHUMWAY.

H.R. 2532: Mr. BOSCO, Mr. WALGREN, Mr. MILLER of California, Mr. HUGHES, Mr. YATRON, Mr. KENNEDY, Mr. JONES of Georgia, and Mr. SANGMEISTER.

H.R. 2549: Mr. SYNAR and Mr. HAWKINS.

H.R. 2578: Mr. FAZIO.

H.R. 2596: Mr. DELLUMS, Mr. RUSSO, Mr. BILBRAY, and Mr. CLINGER.

H.R. 2649: Mr. ROE, Mr. DE LUGO, Mrs. BOXER, and Mr. KOLTER.

H.R. 2665: Mr. FAZIO, Mr. TOWNS, Mr. CLAY, Mr. KILDEE, Mr. ECKART, Mr. PERKINS, Mr. FORD of Michigan, Mr. VISCLOSKEY, Mr. MILLER of California, Mr. GRAY, and Mr. GUARINI.

H.R. 2687: Mr. CHAPMAN.

H.R. 2693: Mr. EVANS.

H.R. 2695: Mr. ROE and Mr. ATKINS.

H.R. 2720: Mr. ACKERMAN.

H.R. 2732: Mr. ARMEY, Mr. HUTTO, and Mr. KOLBE.

H.R. 2756: Mr. MATSUI, Mr. FUSTER, Mr. HAWKINS, Mr. ROYBAL, Mrs. COLLINS, Mr. ATKINS, Mr. DYMALLY, Mr. RANGEL, Mr. STARK, Mr. FRANK, and Mr. KENNEDY.

H.R. 2764: Ms. KAPTUR and Mrs. MORELLA.

H.R. 2793: Mr. WALKER, Mr. PRICE, and Mr. ROE.

H.R. 2858: Mr. CROCKETT and Mr. MACHTELEY.

H.R. 2870: Mr. GARCIA, Mr. FRANK, Mrs. SAIKI, Mr. EVANS, and Mr. FLORIO.

H.J. Res. 47: Mr. FLORIO, Mr. LEWIS of Georgia, Mr. STUDDS, and Mrs. UNSOELD.

H.J. Res. 54: Mr. MILLER of California and Mr. BUSTAMANTE.

H.J. Res. 98: Mr. RUSSO and Mr. TRAFICANT.

H.J. Res. 104: Mr. LOWERY of California, Mr. RIDGE, and Ms. KAPTUR.

H.J. Res. 130: Mr. FAZIO, Mr. MATSUI, Mr. FLORIO, Mr. CARPER, Mr. BILIRAKIS, Mr. SMITH of Florida, Mr. NELSON of Florida, Mrs. SAIKI, Mr. POSHARD, Mr. SKEEN, Mr. PERKINS, Mr. ROBERT F. SMITH, Mr. HAMMERSCHMIDT, Mr. JONES of North Carolina, Mr. BRUCE, Mr. BLILEY, Mr. PACKARD, Mr. SHAW, Mr. BOSCO, Mr. NAGLE, Mr. TAUZIN, Mr. KOSTMAYER, Mr. SHUSTER, Mr. RAVENEL, Mr. TAUKE, Mr. MILLER of Ohio, Mr. GUARINI, Mr. RHODES, Mr. TRAXLER, Mr. FLIPPO, Mr. MILLER of Washington, Mr. BATEMAN, and Mr. ROWLAND of Connecticut.

H.J. Res. 138: Mr. ANTHONY, Mr. BUECHNER, Mr. CALLAHAN, Mr. CHAPMAN, Mr. CRANE, Mr. GINGRICH, Mr. GORDON, Mr. GRANDY, Mr. HERGER, Mr. HOYER, Mr. KASICH, Mr. LEWIS of Georgia, Mrs. MORELLA, Mr. PRICE, Mrs. BOGGS, Mr. DORNAN of California, Mr. HUNTER, Mr. BROOKS, Mr. NELSON of Florida, Mr. PASHAYAN, and Mr. DICKINSON.

H.J. Res. 164: Mr. SMITH of New Jersey, Mr. CLARKE, Mr. PASHAYAN, Mrs. BOXER, Mr. NELSON of Florida, Mr. FORD of Tennessee, Mr. COOPER, Mrs. LLOYD, Mr. CLEMENT, Mr. COBLE, Ms. OAKAR, Mr. SMITH of Florida, Mr. QUILLEN, Mr. HOCHBRUECKNER, Mr. GONZALEZ, Mr. DARDEN, and Mr. FLORIO.

H.J. Res. 177: Mr. McEWEN, Mr. SMITH of Mississippi, and Mr. RICHARDSON.

H.J. Res. 185: Mr. CLEMENT, Mr. SISISKY, Mr. SAVAGE, Mrs. MEYERS of Kansas, Mr. DWYER of New Jersey, Mr. MATSUI, Mr. LANCASTER, Mr. PASHAYAN, Mr. STOKES, Mr. DAVIS, Mr. McNULTY, Mr. WEISS, Mr. SAWYER, Mrs. MORELLA, Mr. HALL of Texas, Mr. VENTO, Mr. LEHMAN of California, Mr. GREEN, Mr. CLINGER, and Mr. FRENZEL.

H.J. Res. 221: Mr. ANTHONY, Mr. FRANK, Mr. GEPHARDT, Ms. LONG, Mrs. LOWEY of New York, Mr. PERKINS, Mr. SKAGGS, and Mr. MRAZEK.

H.J. Res. 226: Mr. WOLPE, Mr. ATKINS, Mr. KOLTER, Mr. HERTEL, Mr. McHUGH, Mr. DWYER of New Jersey, Mr. BRENNAN, Mr. MAZZOLI, Mr. APPELGADE, and Mr. SKAGGS.

H.J. Res. 241: Mr. CROCKETT, Mr. HEFNER, Mr. GOODLING, Mr. BLILEY, Mr. KOLTER, Mr. DE LA GARZA, Mr. BROOMFIELD, Mr. BATEMAN, Mr. RUSSO, Mr. LANCASTER, Mr. FASCELL, Mr. NOWAK, Mr. JONTZ, and Mr. DANNEMEYER.

H.J. Res. 257: Mr. LEWIS of Florida, Mrs. MARTIN of Illinois, Mr. DICKS, Mr. ARCHER, Mr. SPRATT, Mr. VALENTINE, Mr. CLINGER, Mr. AKAKA, Mr. BROWN of Colorado, Mr. DERRICK, Mr. HAMILTON, Mr. COBLE, Mr. HUNTER, Mr. MANTON, Mr. NATCHER, Mr. UPTON, Mrs. BYRON, Mr. QUILLEN, Mr. FLIPPO, Mr. GARCIA, and Mr. THOMAS A. LUKEN.

H.J. Res. 290: Mr. JONTZ, Mr. DWYER of New Jersey, Mrs. MEYERS of Kansas, Mr. DE LA GARZA, Mr. BILIRAKIS, Mr. FROST, Ms. KAPTUR, Mr. WHITTEN, Mr. HUCKABY, Mr. KANJORSKI, Mrs. PATTERSON, Mr. HUGHES, Mr. MACHTELEY, Mr. SCHAEFER, Mr. PAYNE of Virginia, Mr. BUSTAMANTE, Mr. HEFNER, Mr. AU COIN, Mr. BLAZ, Mr. BAKER, Mr. GREEN, Mr. GRANT, Mr. HUTTO, Mr. ROE, Mr. LEHMAN of Florida, Mr. BILBRAY, Mr. ORTIZ, Mr. KOSTMAYER, Mr. SCHUETTE, Mr. TRAXLER, Mr. WALSH, Mr. BATES, Mr. MOAKLEY, Mr. MARTIN of New York, Mr. FLIPPO, Mr. QUILLEN, Mr. HALL of Texas, Mr. CRAIG, Mr. GONZALEZ, Mr. VANDER JAGT, Mr. STAGGERS, Mr. BENNETT, Mr. CONTE, Mr. VALENTINE, Mr. MCCRERY, Mr. MONTGOMERY, Mr. PRICE, Mr. JOHNSON of South Dakota, Mr. LOWERY of California, Mr. SPRATT, Mr. LANTOS, Mr. YOUNG of Alaska, Mr. FAZIO, Mr. WOLF, Mr.

SKEEN, Mr. TAUZIN, Mr. STUDDS, Mr. HATCHER, Mr. DORNAN of California, Mr. EVANS, Mr. SMITH of New Hampshire, Mr. WOLPE, Mr. YATRON, and Mr. SABO.

H.J. Res. 306: Mr. PAXON, Mr. HOLLOWAY, Mr. BILIRAKIS, Mr. EMERSON, Mr. FIELDS, Mr. WYLIE, Mr. PARKER, and Mrs. VUCANOVICH.

H.J. Res. 314: Mrs. VUCANOVICH, Mr. GINGRICH, and Mr. ARMEY.

H.J. Res. 324: Mr. SMITH of New Jersey, Mr. GRANT, Mr. HASTERT, Mr. CALLAHAN, Mr. SPENCE, Mr. LEATH of Texas, Mr. MILLER of Ohio, Mr. GALLEGLY, Mr. PARKER, Mr. LAGOMARSINO, Mr. DANNEMEYER, Mr. WILSON, and Mrs. VUCANOVICH.

H.J. Res. 327: Mr. COSTELLO, Mr. MATSUI, Mr. FUSTER, Mr. HORTON, Mr. BERMAN, Mr. HAWKINS, Mr. VALENTINE, Mr. ROE, Mr. WYDEN, Mr. MOAKLEY, Mr. DE LUGO, Mrs. PATTERSON, Mr. OWENS of New York, Mr. DYMALLY, Mr. FAUNTROY, Mr. MFUME, Mr. CROCKETT, Mr. ROYBAL, Ms. OAKAR, Mr. SAWYER, Mr. TOWNS, Mr. GRAY, Mr. GARCIA, Mr. DIXON, Mr. CARPER, Mr. COBLE, Mr. ATKINS, Mr. DEFazio, Mr. CLAY, Mr. FORD of Tennessee, Mr. CHAPMAN, Mr. FAZIO, Mr. DE LA GARZA, Mr. SAVAGE, Mrs. COLLINS, Mr. LANTOS, Mr. McCLOSKEY, Mr. McDERMOTT, Mr. McHUGH, and Mrs. BOGGS.

H.J. Res. 334: Mr. HOLLOWAY, Mr. EMERSON, and Mrs. VUCANOVICH.

H.J. Res. 345: Mr. DE LA GARZA, Mr. BARNARD, Mr. LAGOMARSINO, Mr. STENOLM, Mrs. COLLINS, Mr. ROE, Mr. PARKER, Mr. LAUGHLIN, Mr. MONTGOMERY, Mr. CHAPMAN, Mr. JONES of Georgia, Mr. CAMPBELL of Colorado, Mr. STALLINGS, Mr. JONTZ, Mr. PAYNE of New Jersey, Mr. ENGEL, Mr. HORTON, Mr. ROBERTS, and Mr. DE LUGO.

H.J. Res. 363: Mr. GIBBONS and Mr. GUARINI.

H. Con. Res. 123: Mr. COYNE, Mr. McGRATH, Mr. APPELGADE, Mr. GAYDOS, Mr. GORDON, Mr. FASCELL, Mr. FISH, Mr. MATSUI, Mr. DONNELLY, Mr. STEARNS, Mr. DURBIN, and Mr. QUILLEN.

H. Con. Res. 162: Mr. MADIGAN, Mr. GOSS, Mr. FAZIO, Mr. HAYES of Illinois, Mr. DAVIS, Mr. NELSON of Utah, and Mr. ROE.

H. Res. 104: Mr. KOSTMAYER.

H. Res. 124: Mr. HANSEN.

H. Res. 128: Mrs. BOXER and Mrs. PATTERSON.

H. Res. 184: Mr. ARMEY.

H. Res. 197: Mr. ROHRBACHER, Mr. VOLKMER, Mr. TORRICELLI, Mr. STALLINGS, Mr. TRAFICANT, Mr. PERKINS, Mr. McMILLEN of Maryland, Mr. NAGLE, Mr. SCHEUER, and Mr. TANNER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 586: Mr. MARTINEZ.

PETITIONS, ETC.

Under clause 1 of rule XXII,

60. THE SPEAKER presented a petition of the city council, Southlake, TX, relative to the establishment of a post office for and within the city of Southlake; which was referred to the Committee on Post Office and Civil Service.

EXTENSIONS OF REMARKS

A PATHWAY TO GREATNESS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1989

Mr. SKELTON. Mr. Speaker, recently, our colleague from Oklahoma, WES WATKINS, addressed Oklahoma Baptist University during its commencement ceremony. His talk, entitled, "A Pathway to Greatness" is a positive message to the young people of our Nation and is commended to Members of this body:

A PATHWAY FOR GREATNESS

Thank you, President Agee; Members of the Administration and faculty, friends, students, and our honored guests today, the 1989 graduating Seniors of Oklahoma Baptist University. I know the quality of the OBU students, for the past few years I have had interns from OBU in my Washington office. I am pleased and honored to deliver your commencement address, which I have entitled "A Pathway for Greatness."

J.C. Penney once stated, "People are the principal asset of a company, whether it makes things to sell; sell things made by other people, or supplies intangible services. Nothing moves until your people make it move."

That is not only true of a company, but of a community, state or nation.

I submit to you, if we are to build a greater Oklahoma and nation, there is one thing we must do—get the best—that goodness and greatness—from our citizens.

As an elected public official—as with any individual, group or entity of government—getting the best, that goodness and greatness cannot be accomplished by negative, anti and/or adversary campaigns or positions which only reduces the citizens hope and visions to the lowest common denominator. Greatness can only be achieved through lifting the highest common denominator which is done only by challenging the hopes, dreams, ambition and vision of the citizen. Therefore, we must get the best—that goodness and the greatness—from each of you if we are to build a greater Oklahoma and nation for you and future generations.

If this is our goal as leaders and citizens of Oklahoma and the nation—how do we accomplish it?

Harold Sherman in his book, "How to Turn Failure into Success", states, "Every worthwhile accomplishment has a price tag on it: how much are you willing to pay in hard work and sacrifice, in patience, faith and endurance to obtain it?"

This is true for each of us as an individual and yes, as a community, state and nation. Opportunities will not come like manna from heaven, or like the last economic oil boom from the ground; we must as individuals, state, and nation invest wisely in an "economic and intellectual infrastructure" to make it happen.

William James, one of America's most distinguished psychologists and philosophers, during the early part of this century stated, "Compared with what we ought to be, we are only half awake. Our fires are damped, our draft is checked. We are making use of only a small part of our possible mental and physical resources".

He concluded that the average individual was using only a small part of his or her full potential, perhaps as low as 10 percent. We restrict ourselves to a small percentage of our full potential and that percentage is reduced further by negative anti and adversary campaigns to encourage citizens to be against—not for—something or someone.

In his new book, "Unlimited Power", Anthony Robbins states:

"Ultimate power is synergistic. It comes from people working together, not working apart. We now have the technology to change people's perception in almost an instant. It is time to use it in a positive way for betterment of us all."

That is especially true today if we are to build a Greater Oklahoma and Nation.

We all know when an individual becomes depressed, rejected or ill, a person just does not perform to their normal potential, let alone to his or her full potential. Therefore, a positive "can-do" attitude is a must if we are to fulfill our greatest potential.

It is a known fact that your energy, creativity, memory, judgment, perception, ability to communicate, physical strength, I.Q. and many other human attributes can be greatly improved by using certain techniques.

Several years ago, the Washington Post reported on a study done by Professor Rich Heber of the University of Wisconsin who had taken young children of poor and illiterate parents living in the city's worst slums and produced startling results of I.Q. scores increasing more than 50 percent, some of them scored as high as 135.

After years of giving intelligence tests, studies have proven that such tests do not measure potential, but only that portion of the potential that has been developed. I.Q. and achievement can be influenced dramatically upward by using certain techniques and with a positive "can-do" attitude.

Besides a position attitude, there are qualities or characteristics that form "the pathway for greatness" for an individual, state or nation to achieve their best—that goodness and greatness.

First and foremost is to set a worthy goal and have the right motivation in achieving that goal. One of the most powerful motivating techniques for individuals such as yourself, a state or nation is to establish a "challenging and measurable goal".

Astronaut Neil Armstrong was once asked about what the efforts of landing Americans on the moon proved about the American spirit. His answer was, and I quote,

"The Apollo program demonstrated how really dedicated the American people can be after they have accepted a challenge." He went on to say, "The entire project team would absolutely not stop working. Everywhere you looked people were working late at night and across the weekend, usually

without pay, as if their life, or more importantly, the life of their country depended on it. They believed in their goal, and they knew every man had to give more than his share to make that goal a reality. I only hope we can agree as well on other goals and have that kind of 'American Spirit' more often."

It is that kind of spirit that is necessary if we are going to build a Greater Oklahoma, and a New America that can lead again, and be competitive in a "one-world" global economy. It is that type of spirit that will lead to more than personal success, but to build a common bond for a common goal. Remember for a personal or common goal to be motivational, it requires constant commitment from workers and constituents, not just the desire of the chief executive or government leaders.

The second quality is enthusiasm to achieve the goal you set for yourself, your community, state or nation. The degree of your ambition to your goal is measured by your enthusiasm to achieve your goal.

Charles Schwab, one-time president of Bethlehem Steel Company stated, "A person can succeed at almost anything for which he or she has unlimited enthusiasm to achieve".

Enthusiasm is the inspiration of anything great. It is the "self-starter" that makes "mere followers" to be recognized as leaders.

The third quality is courage—courage to start—to build, to take the steps toward achieving your goal. There are many who will dream a dream, and maybe map out a plan, but many do not have the courage to "step out" to take the action necessary to achieve their goal. Fear of making mistakes is the most frequent factor in not implementing our life dreams. However, if you are motivated correctly in your efforts to achieve a worthy goal, the greatest failure is to do nothing. I know in my mission, my goal—to initiate non-traditional, new innovative and creative ways to build new economic and job opportunities for our citizens—I will err, make mistakes and sometimes fail. But the alternative is continued unemployment, low income, and a continuous out-migration of our loved ones from Oklahoma, especially you, our brightest and sharpest young college graduates. I think building your future in Oklahoma is a worthy goal and can be achieved if combined in the spirit that Neil Armstrong described—however, "We need your help."

The fourth quality is determination—the will—or persistence to achieve your goal. Christopher Columbus didn't get the support and backing to sail on his trip which discovered America on his first try. Abraham Lincoln lost more elections than he won. Henry Ford, founder of the gas engine automobile, was told to give up his idea and devote his time to something useful, and Thomas Edison tried 10 thousand unsuccessful items in his attempt to create a filament for the electric light bulb. When Edison was asked if this didn't discourage him, his answer was that these weren't really failures, but were merely the neces-

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

sary elimination of ideas that wouldn't work.

Even some of you as graduates may have had to take a course or test over to get to this day, but you were successful and are graduating today.

Someone once said, "There is much more achieved from 'I will' than 'I.Q.'"

But, let me add, if you have both, I.Q. and I will, along with persistence, you have the qualities to achieve whatever you might want to do in life.

Napoleon Hill, one of the leading authorities on human potential, spent years studying the life of outstanding individuals. The one common indispensable quality he found in all of them was their "persistence"—they kept trying after repeated failures.

The next two qualities I feel important relate to the value system of an individual—your personal integrity and faith.

The number one quality that most people look for in a business or government leader is not I.Q., energy, looks or physical characteristics, but integrity. The story is told about Herbert J. Taylor, a successful and highly paid vice-president in line for the company presidency, was asked to leave to save an ill-managed company from bankruptcy. He accepted the challenge with less than half the salary he was making.

One of the first decisions he made was to establish some principles to guide the employees in dealing with people. He called them the "Four-Way Test" and later assigned the copyright to Rotary International. The "Four-Way Test" deals with integrity and is composed of four questions, which are:

- (1) Is it the truth?
- (2) Is it fair to all concerned?
- (3) Will it build goodwill and better friendship?
- (4) Will it be beneficial to all concerned?

You will find your life's journey is filled with compromise, and I know most of what you hear from me today will not be remembered. However, one statement that I made when first running for Congress in 1976, I would like to repeat:

"Remember, there is a difference in the principle of compromise and the compromise of a principle."

Last, but by no means least, is Faith. Faith in three ways:

1. Faith in yourself—that is confidence.
2. Faith in others. There are people who are willing to help with a job or with many other things in life. There is no such thing as a self-made person. Remember, all of us are given certain rights, freedoms and opportunities from others.
3. Faith in God. Today, more than any time in my life, I realize there is a Greater Power than my own. It is my daily prayer to give thanks to God for His unconditional love, tremendous mercy and amazing Grace that is given to each of us.

As you leave today with your diploma, filled with enthusiasm and tremendous potential, remember your can accomplish much with "I.Q. and I will", especially if your goal is God's will.

I believe it is God's will and purpose for each of us to have a positive, spiritual attitude to get the best—that goodness and greatness—from each person that we encounter. That cannot be done by being negative, anti or adversarial in our actions, but can only be achieved by having a challenging, positive attitude to lift the hopes, ambitions and vision to the highest common denominator. That's the pathway for greatness and the path to building a greater Oklahoma and Nation.

Thank you and God Bless you all.

TRIBUTE TO WILLIAM MAINE

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1989

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to William Maine of my 17th Congressional District of Ohio, who recently won two gold medals in the U.S. National Senior Olympics.

On June 19, 1989, the second biennial U.S. National Senior Olympics were held in St. Louis. William Maine, at the age of 84, won medals in three events, the 100-meter breaststroke, the 100-meter butterfly, and the 200-meter individual medley. He also participated in six other events in the 6-day-long Senior Olympics. He was among 3,500 senior citizens between the ages of 55 and 91 competing in the events.

Mr. Speaker, William Maine is to be commended for his competitive nature and health-conscious lifestyle. He did not let his age stand in the way of his athletic abilities. I would like to congratulate him for his tremendous achievements. It is an honor to represent this outstanding individual.

LEE GUTKIND'S CONTRIBUTIONS TO ORGAN TRANSPLANTATION

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1989

Mr. WALGREN. Mr. Speaker, it is my pleasure to recognize Lee Gutkind, a professor at the University of Pittsburgh who has been named this year's recipient of the American Heart Association's Blakeslee Award for his book, "Many Sleepless Nights." The award, presented annually for outstanding achievements in science journalism, was established in honor of Associated Press science editor Howard W. Blakeslee to recognize those who have made a significant contribution to the public's scientific knowledge and understanding.

"Many Sleepless Nights" is a comprehensive treatment of the field of organ transplantation. In addition to portraying the transplant team at Pittsburgh's Presbyterian Hospital as he witnessed them in over 50 transplants, Mr. Gutkind chronicles the evolution of transplant surgery, tells the story of the patients who wait for transplants, and addresses the ethical and moral issues involved in transplantation. His narrative is drawn from 3 years of investigation, including months spent living side by side with transplant candidates, recipients, organ procurement teams and surgeons, and visits to most of the major transplant centers in the United States.

"Many Sleepless Nights" also recently received a public service award from the American Council on Transplantation and has been selected by the Library Journal as one of the eight best medical books of 1988.

As a world transplant center, Pittsburgh is proud of the pioneering medical advances we have achieved. We are proud as well of Lee Gutkind and his contribution to the understanding and advancement of transplant medicine through the written word.

TRIBUTE TO CALLAWAY GARDENS AND MR. G. HAROLD NORTHROP

HON. RICHARD RAY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1989

Mr. RAY. Mr. Speaker, I would like to share with my colleagues an article by Glenn Vaughn that captures the spirit and beauty of Callaway Gardens, and the devotion of Mr. G. Harold Northrop, president and chief executive officer of the Ida Cason Callaway Foundation. Few places in the nation are as spectacular as Callaway Gardens with its lush layout and splendid views, and few individuals are as dedicated to the maintenance of beauty as Mr. Northrop:

TWENTY YEARS LATER, NORTHROP STILL
DREAM KEEPER

(By Glenn Vaughn)

Pretty and peaceful Callaway Gardens—with its tall trees, tranquil lakes and intoxicating flora—gives off a reassuring air of permanence. It's hard to imagine the site once was unimproved pastureland or eroded and gullied farmland.

But one man dreamed beyond the neglected wilderness. He was Cason Jewell Callaway (1894-1961), a highly successful textile industrialist-turned master farmer-turned master gardener. Today his and that of his widow, Virginia Hand Callaway, of cultivating nature's beauty for the public to enjoy, is in the form of a highly acclaimed resort drawing visitors from throughout America and many parts of the world. In May the newspaper USA Today rated Callaway Gardens the nation's top family vacation spot.

Open since 1952, the resort and corporate meeting center hit full stride under the leadership of a visionary named G. Harold Northrop. He is president and chief executive officer of the Ida Cason Callaway Foundation and of Garden Services, Inc.

This year he completed 20 years at the helm of "the Gardens." On his watch 15 million visitors were attracted to this resort in "our neck of the woods" as he spent several tens of millions of dollars in capital improvements. Callaway Gardens easily ranks among Columbus' and the region's most valuable assets.

With 14,500 acres, about 2,500 of which are "developed" and with some 5,000 acres open to the public, it is the nation's largest garden resort in land area. It has the world's largest collection of both holly and azaleas. The Sibley Horticulture Center is like no other and the Day Butterfly Center is the only facility of its kind in North America.

In addition to its charm, visitors are offered a broad range of tours and educational activities. There's golf, tennis, swimming, fishing, horseback riding and more. There's even steeplechase racing. Biking is highly popular. The other day, thanks to an "anonymous" donor, a \$500,000 addition to the

Gardens' bike trail was opened, making it nearly 10 miles long.

An area economic force, the resort employs 800 year round and 1,100 in the summer. Run by a not-for-profit foundation, Callaway Gardens is partially supported by a profit-making, tax-paying arm called Garden Services, Inc. It operates the Inn, various shops and food service facilities. Other income comes from gate receipts, regular fund-raising, gifts from foundation and endowment earnings. Contributions have increased Cason Callaway's original \$7 million endowment to \$20 million.

Granger Harold Northrop, 53, a one-time High School All-American football player from Ithaca, N.Y., came South on an athletic scholarship to Vanderbilt University, where he earned a business degree in 1959. There he met and married the former Charlotte Beasley.

After a nine-year stint with Southern Bell in Louisiana, he became the foundation's executive vice president in February, 1969. Foundation president at the time was former congressman Howard "Bo" Callaway. In 1972 Northrop became president and chief executive officer and Callaway became board chairman.

(Among notable members of the foundation's supportive Board of Visitors, which meets annually at Callaway Gardens, is the former First Lady, Lady Bird Johnson.)

Remarkable about the personable Hal Northrop, his energy and enthusiasm seem never to slacken. With the acclaim his years have brought the Gardens, one believes him when he says he and the others look on their work there as a mission rather than a job. Twenty years later it is clear he has adopted the Cason and Virginia Callaway dream as his own.

Finally, an update on the Northrop offspring: Jennifer, a University of Georgia law graduate and wife of Tom Foster of Atlanta, has a month-old daughter named Jessica; Son Foster graduated this month from the UGA School of Veterinary Medicine; and daughter Susan is a rising senior at the UGA, studying early childhood development.

NESUHI ERTEGUN

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1989

Ms. OAKAR. Mr. Speaker, one of the great contributors to the American and international music world has been Nesuhi Ertegun. Mr. Ertegun recently passed away, but his contributions to the industry are part of the great Ertegun legacy. The following is an article which appeared in the Washington Post:

[From the Washington Post, July 17, 1989]

NESUHI ERTEGUN DIES AT 71; WAS RECORD EXECUTIVE

NEW YORK—Former record company executive Nesuhi Ertegun, 71, a key figure in the history of American jazz and popular music, died July 15 of complications after surgery for cancer.

Mr. Ertegun, a native of Istanbul, in 1971 created WEA International company, the giant distributor outside the United States of the music of the Warner Brothers, Atlantic, Elektra and MCA record companies. He remained president and chief executive officer until 1987.

As a partner in the Atlantic label of his younger brother, Ahmet, starting in 1954, he signed and produced such jazz greats as the Modern Jazz Quartet, Ornette Coleman, John Coltrane, Thelonious Monk and Charles Mingus. He also signed pop singer Roberta Flack and produced recordings for Ray Charles, Bobby Darin, the Drifters, Big Joe Turner and LaVern Baker.

Mr. Ertegun was the first president of the National Association of Recording Arts and Sciences, which gives the record industry's yearly Grammy awards, and was a long-time leader of the international fight against record piracy and copyright infringement.

A soccer fan, he founded the New York Cosmos Soccer Club, now defunct, which brought such international stars as Pele, Franz Beckenbauer and Johan Cruyff to the United States.

He was an art collector since his days as a student at the Sorbonne in Paris, where he first became a student of jazz. His collection included works by Dali, de Chirico, Magritte, Man Ray and Francis Bacon.

In Washington, where his father was the Turkish ambassador, he organized unprecedented racially mixed jazz concerts at the embassy from 1940 to 1943. He also became one of the first serious critics and lecturers on jazz.

He moved to California in 1943 and ran two jazz labels, Jazzman Records and Crescent Records, producing records for New Orleans musicians such as Jimmie Noone and Kid Ory. In the early 1950s, for the Contemporary label, he recorded such West Coast modern jazz artists as Shelly Manne and Shorty Rogers.

Mr. Ertegun is survived by his wife, Selma; a daughter, Leyla; a son, Rustem; a brother, Ahmet; and a sister, Selma Goksel. Mr. Ertegun will be buried in Istanbul.

CENTRAL VALLEY PROJECT— MORATORIUM ON NEW WATER SALES

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1989

Mr. MILLER of California. Mr. Speaker, the House has now passed and sent to the Senate the fiscal year 1990 energy and water appropriations bill, H.R. 2696.

This bill includes important language to prohibit the Secretary of the Interior from executing any new, long-term water supply contracts from the central valley project prior to October 1, 1990. The intent of this provision is to prevent all the remaining yield of that project from being sold on a long-term basis before all the necessary studies and analyses are completed. In short, such a critically important decision should not be made in isolation.

The Bureau of Reclamation still has not completed the necessary technical analyses and environmental studies which would allow new, long-term contracts to be signed to deliver approximately 1 million acre feet of water per year from the central valley project. In fact, Interior Secretary Lujan specifically suspended the Bureau of Reclamation's ambitious water sale program, and instructed the agency to start its studies from scratch. I support the Secretary's decision.

The Bureau of Reclamation should not sell more water from the central valley project until several critical issues are settled. These include: The State's review of water quality standards; reviews of irrigation drainage problems; and, congressional review of a water transportation contract with the State of California.

My colleagues should be aware that the California State Senate supports a moratorium on these water sales. On June 23, 1989, the State senate adopted Senate Joint Resolution 26, memorializing the President and Congress of the United States to direct the Bureau of Reclamation to suspend its efforts to sell water from the central valley project and to complete the determination of how much water is needed to mitigate the adverse effects of the project on fish and wildlife. The text of this resolution follows:

SENATE JOINT RESOLUTION NO. 26

LEGISLATIVE COUNSEL'S DIGEST

SJR 26, as amended, McCorquodale. Fish and wildlife: water needs: studies.

This measure would memorialize the President and Congress of the United States to direct the Bureau of Reclamation to suspend its efforts to sell water from the Central Valley Project and to complete the determination of how much water is needed to mitigate the adverse effects of the project on fish and wildlife.

Fiscal committee: no.

Whereas, Fish and wildlife in California are dependent on adequate flows of freshwater in the state's rivers and estuaries; and

Whereas, The State Water Resources Control Board has commenced hearings to determine the amount and quality of water flowing through the San Francisco Bay-Delta estuary which is necessary to protect the fisheries, wildlife, and other beneficial uses of the water and will decide if the amount of water diverted from the estuary should be modified to protect the fisheries and other beneficial uses of the delta; and

Whereas, During the recent hearings, the State Water Resources Control Board was presented with extensive testimony that the past operations of the Central Valley Project, State Water Project and other diversifiers are causing significant damage to the bay-delta fisheries; and

Whereas, The area of origin of water has the first right to all the water which is reasonably required to adequately supply the beneficial needs of the protected area before the water may be exported; and

Whereas, On December 29, 1978, the Secretary of the Interior issued a formal decision directing the agencies of the Department of the Interior to determine the status of the fish and wildlife resources of the Central Valley and recognizing the obligation of the federal government to participate in meeting water quality and other conditions necessary to conserve and protect the fish and wildlife resources of the Central Valley and the San Francisco Bay-Delta estuary; and

Whereas, The secretary's decision as partially intended to assure that the uncommitted water supply of the federal Central Valley Project could be used to correct past damages and to meet the needs of fish and wildlife; and

Whereas, The Department of the Interior agencies have not carried out those fish and wildlife studies; and

Whereas, The Bureau of Reclamation, an agency of the Department of the Interior, operates the Central Valley Project, and furnishes 7.3 million acre-feet of water each year to project customers under long-term contracts from the Trinity, Sacramento, American, Stanislaus, and San Joaquin Rivers; and

Whereas, The Bureau of Reclamation estimates that 1.5 million acre-feet of dependable annual water supply remains uncommitted in its project; and

Whereas, The Bureau of Reclamation is actively seeking long-term contracts for the sale of the 1.5 million acre-feet of water which it estimates remains unsold and unused in its Central Valley Project; and

Whereas, Until the agencies of the Department of the Interior have completed the fish and wildlife water needs studies as directed by the Secretary of the Interior in 1978, and until the State Water Resources Control Board determines how much water is necessary to protect fishing and other beneficial uses of the delta, it is uncertain as to how much, if any, water remains uncommitted in the project; and

Whereas, The Bureau of Reclamation, the California Department of Water Resources, and associations of their water contractors have insisted that the bay-delta hearings of the State Water Resources Control Board be delayed; and

Whereas, In the absence of that information, the Bureau of Reclamation's current water marketing program is premature, and should not proceed until the water needs of fish and wildlife in the Central Valley and the San Francisco Bay-Delta estuary have been determined and addresses; and

Whereas, If additional water is found necessary to protect beneficial uses of water of the San Francisco Bay estuary, that increase shall come first from any uncommitted water supply in the Central Valley Project; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to direct the Bureau of Reclamation to suspend its current efforts to sell 1.5 million acre-feet of water from the Trinity, Sacramento, American, Stanislaus, and San Joaquin Rivers of California, and to complete the determination of how much water is needed to mitigate the adverse effects on fish and wildlife caused by the development and operation of the Central Valley Project by January 1, 1993; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of the Interior, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

PERMANENT CONGRESS?

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1989

Mr. CLAY. Mr. Speaker, sometimes much ado is made about nothing, and too often political pundits have played mathematical games with the statistics on congressional incumbency in order to promote the erroneous

notion that Congressmen are never defeated. But, anyone who looks behind these sensational statistical juggling acts sees the fallacy of this theory.

I was particularly happy to read the responsible editorial, "Permanent Congress? Check the Numbers" which appeared in *Rollcall*. I commend this excellent piece to my colleagues.

PERMANENT CONGRESS? CHECK THE NUMBERS

One of the most pernicious myths is that there's no turnover any more in Congress. It is true that in the House elections of 1986 and 1988, the percentage of sitting Members who ran for re-election and won was 98.0 percent and 98.3 percent, respectively. But two elections do not a trend make (if it rains two days in a row, it's not necessarily going to rain for the next 40).

But political pundits, who have almost no sense of history, are convinced that a seat in the House has become a permanent sinecure—thanks to the franking privilege, PAC money, etc., etc. This is nonsense.

First of all, a seemingly high rate of incumbent re-election is nothing new. Contrary to many news reports, the rate in 1988 was not the highest in history. It was the third highest. The highest was in 1792, when every single one of the 45 House Members who stood for re-election was victorious. The second-highest rate was in 1808.

These facts are gleaned from an excellent scholarly study prepared by David C. Huckabee of CRS in March, titled "Re-Election Rates of House Incumbents: 1790-1988." As Rep. Frank Annunzio (D-Ill) put it, "The study . . . effectively refutes the arguments, recently appearing in the press, that current Members of Congress have 'stacked' the election system in their favor."

Incumbents are indeed winning re-election at a higher rate than in the recent past—but only at a slightly higher rate. Our own analysis of the CRS numbers shows that in the '80s, the re-election rate has been 94.5 percent, compared with 93.1 percent in the '70s and 91.2 percent in the '60s. But these rates are still below the best period in history for incumbents, from 1790 to 1808, when the rate was 95.2 percent.

And the incumbent re-election rate is not a significant figure anyway. When incumbents think they're going to lose, they frequently decide not to face the humiliation of defeat; they simply retire. The significant number, then, is the percentage of House Members who actually return to the chamber from one Congress to the next.

This figure has been fairly consistent since World War II, despite changes in campaign financing: roughly 85 percent. The median since 1960 has been 84.6 percent, with a high of 92.4 percent and a low of 78.9 percent. Of the eight election years with the highest percentages during this period, four occurred before 1972 and four occurred after.

Is an 85 percent "return rate" too high? Get out your calculators, kids.

If 85 percent of the House is re-elected every two years, then fewer than half the Members will survive for a full ten years. Look at it another way. In 1988, there are 435 smiling Members of the House. By the year 2000, at an 85 percent return rate, only 164 of them will be left.

Is that good or bad for the country? It sounds about right to us—maybe a shade too high. But if the return rate is 70 percent, look what happens: By the year 2000, only 51 of the 435 Members will still be

around. We need more institutional memory than that.

CONGRESSMAN IKE SKELTON'S ADDRESS TO THE AMERICAN LEGION ON THE AMERICAN FLAG

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1989

Mr. SKELTON. Mr. Speaker, Saturday, I had the privilege of addressing the Missouri Department of the American Legion State Convention. I told them in my speech that I disapprove of the recent Supreme Court decision allowing a person to burn the American flag. Further, I set forth a remedy to this decision. Also, I pointed out that the American Legion does a fine job in educating the young people of our State in the understanding of our American heritage. My remarks are set out as follows:

ADDRESS TO THE AMERICAN LEGION STATE CONVENTION, JEFFERSON CITY, MISSOURI

Even before we were a nation, we had our flags. Different from today's to be sure. But serving the same purpose—symbols of unity, and of our hopes, achievements, glory, and high resolve.

Brave New England patriots faced down British regulars at a place called Bunker Hill under the Continental Flag which prominently featured a pine tree.

"Don't Tread on Me," said the colonists in the South, and a coiled rattlesnake on their flag reinforced that message.

The Grand Union Flag went to sea with John Paul Jones and marched under George Washington in the early days of our Revolution. By combining the British Union Jack with thirteen red and white stripes it reflected the thinking of the colonists during that time: allegiance to the Crown, but willing to fight for their rights as Englishmen.

That thinking had changed, however, by July 4, 1776. The Declaration of Independence—"That these United Colonies are, and of Right ought to be Free and Independent States"—set us on a new course, from which there was no turning back. It was a realization that a people could not at once fight against the king and at the same time profess their loyalty to him. And, it meant that the new United States would need a national flag.

On June 14, 1777—the day we now celebrate as Flag Day—the Continental Congress adopted the following brief resolution: "Resolved, that the flag of the thirteen United States be thirteen stripes, alternate red and white; that the union be thirteen stars, white in a blue field, representing a new constellation."

It is now believed that Francis Hopkinson, a signer of the Declaration of Independence, designed the first national flag that legend attributes to Betsy Ross. For his services, he submitted to Congress a bill for nine dollars. Of course, government in 1777 was not really much different from government today. Hopkinson never got paid.

So, we had a national flag, the "Stars and Stripes." In 1792, the first version with thirteen stars in a circle appeared. In 1795, the flag was changed to recognize the entry of Vermont and Kentucky into the Union with

the addition of two stars and two stripes. This flag of fifteen stars and fifteen stripes figured in many stirring episodes. It was the first flag to be flown over a fortress of the Old World when it was raised at Tripoli in 1805. It was flown at the Battle of Lake Erie and by Andrew Jackson at New Orleans. And it was flown at our young nation's most inspiring moment.

In 1812, our nation had declared war on Great Britain because of British seizure of neutral U.S. trading vessels, and the impressment of American seamen into service on British ships. The British, preoccupied with Napoleon, were not amused. They were even less amused when we sent forth speedy privateers to seize their merchant ships and to frustrate their heavily gunned men-of-war.

In 1814, with Napoleon exiled to the island of Elba, the British determined to put the upstart former colonists in their place. They dispatched a 50-ship expeditionary force—veteran soldiers and sailors from the world's strongest military power. Up the Chesapeake Bay they came, and on August 24 and 25, 1814, they burned Washington. Their next target: Baltimore—third largest city in the U.S., a rich trading center, and home to many of the fleet privateers that had humiliated the proud Royal Navy.

As the British moved on Baltimore, one thing blocked their way—Fort McHenry, whose guns dominated the channels leading into Baltimore harbor. Unless they could get past the fort, the British Navy could not support its ground forces whose advance on the city had been stalled.

So, at dawn on September 13, a 25-hour bombardment began. At the same time, a 35-year-old American lawyer was being held on board a British ship pending the end of the battle. Francis Scott Key watched the "rockets red glare" and "the bombs bursting in air" through the night. At the first light of dawn, Key was relieved to see that Fort McHenry's giant flag—30 feet by 42 feet—"The Star Spangled Banner"—did indeed still wave over "the land of the free and the home of the brave." Inspired by the sight, he took pen in hand and gave us what would become our National Anthem.

The burning of Washington and the victory at Ft. McHenry united our young nation like nothing before had done. We emerged from the War of 1812, with a new national identity, confidence, and patriotism, a recovering economy, and a place in the world. And we continued to grow—to the valleys of the Ohio and Mississippi Rivers and beyond with new states joining the union and the number of stars in that field of blue growing.

Less than 50 years after the end of the War of 1812, our flag would face one of its greatest challenges. As our nation was split asunder in a great civil war, and its ability to endure as one hung in the balance, courage related to the flag often spelled the difference between victory and defeat.

Missionary Ridge, Tennessee, November, 1863. A key link between the east and west for the Confederacy. Confederate troops entrenched along a 400-foot-high, seven-mile-long summit. Sixty Union regiments under General George Thomas attacked positions at the foot of the ridge, and then, unexpectedly, surged up the slope. Flag bearers led the way. When one fell, another stepped forward to grab the colors, and the advance continued. A young First Lieutenant—not yet 20 years old—caught the flag of the 24th Wisconsin as it was about to fall, and carried it to the crest. Arthur MacArthur's

bravery earned him a battlefield promotion to major and the Medal of Honor that day. Many of you here today may have served under his son, Douglas, in the Pacific or Korea. In all, several flag bearers won the Medal of Honor at Missionary Ridge. At day's end, the flags of 60 Union regiments lined the summit.

The war ended and the Union was preserved. And the flag proved as inspiring in peace as it was in war. In 1868, a former Union Army Sergeant, Gilbert Bates, set out to carry the Stars and Stripes from Vicksburg, Mississippi, to Washington, D.C., to prove to friends back in Wisconsin that we were once again one nation. Crowds cheered him at every town and village as he marched through the heart of the Old Confederacy. Ironically, and maybe today we could say prophetically, Sergeant Bates and his flag encountered real hostility and opposition only in our nation's capital.

Westward we moved, behind the flag. Across the Wide Missouri, and along the South Platte to the Rockies, and beyond to Oregon and California. South to Santa Fe and the Rio Grande—conquering a wilderness, settling a continent, and fulfilling our destiny. New stars added to the flag and more people to enjoy the blessing of liberty it embodies: people in the new lands, and immigrants from the Old World—the "huddled masses yearning to breathe free."

Our flag went to foreign shores. Up San Juan Hill with Teddy Roosevelt in the Spanish American War ending four centuries of Spanish colonialism in the New World. At Veracruz, on the Gulf coast of Mexico, its honor was defended by brave sailors and marines. "Over there" it went with a Missourian, General John Pershing, in the "War to End All Wars."

Our flag was tattered, but not lowered at Pearl Harbor. And we rallied behind it, lifted it higher. We took it ashore at Normandy, and across the Rhine with Eisenhower, Bradley, and Patton, and Hitler's "Thousand year Reich," the worst tyranny the world has yet known, crumbled at its advance. Across the South Pacific it went, island by island. In 1944, the most dramatic flag raising in American history, on a rocky Pacific island called Iwo Jima. When the sun rose the next day on that flag atop Mount Suribachi, the sun of Japanese Imperialism began to set.

The flag was with us. In Korea helping to preserve democracy for half of a divided nation. In Vietnam, where brave American POWs fashioned handmade flags to defy their captors. It went to the moon with the astronauts of Apollo 11.

Yes, our flag has stood by us—leading us, inspiring us, sustaining us—all of our national endeavors, in war and in peace, for over 200 years.

Now, sadly, it seems that some people don't want to stand by our flag. A slim 5 to 4 majority of the Supreme Court has said that it is all right to desecrate our flag, to burn it even, in the name of free speech. "Government," says the Court, "may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable."

I agree that everyone in this country has the right to make his views known on any issue, no matter how irrational, how wrong, or how unpopular those views might be. But does that mean that every form of conduct is permissible as a means of exercising rights guaranteed by the First Amendment to the Constitution? I say no! And I say so as a student of law and of history. The

framers of the Bill of Rights used words carefully to convey a precise meaning. The First Amendment to the Constitution says "Congress shall make no law . . . abridging the freedom of speech, . . ." It says nothing about "expression."

Legal precedent and common sense tells us that there can be limits on conduct which are not inconsistent with First Amendment rights. Consider some extreme examples: Would anyone, even the Supreme Court, contend that we must permit human sacrifice under the guise of free exercise of religion? Would someone be allowed to blow up the Lincoln Memorial to express a political view?

Flag burning does not merit First Amendment protection. It is conduct that is offensive and provocative to the overwhelming majority of Americans. Moreover, it is unnecessary. Any point of view that can be expressed by flag burning can be better expressed in a manner that is reasoned, rational and more effective in communicating an idea or attempting to persuade others.

We have a great system of government, and one reason it is so great is that if you disagree with a government action, even a decision of the highest court in the land, you can work to change it.

Therefore, I totally support, and I will fight for, a Constitutional Amendment which will allow Congress and the States to ban flag burning and other similar forms of flag desecration. The process won't be fast—it shouldn't be. It won't be easy—the framers wanted to make amending the Constitution a difficult, deliberative process.

I am confident that a Constitutional Amendment can be passed. But if it fails, or if it stalls, we can move in other areas. We can redraft and enact new flag desecration statutes that attempt to meet the Court's objections to the Texas statute. If those new statutes won't pass muster, we'll enact new ones. And we'll do it again and again until the Supreme Court get the message loud and clear how the people of this nation feel about our flag!

We can do still more. And you do so much in this area already. Our children must be taught to respect the flag not only in our schools, but by our example. We must instruct them to display it and use it properly and salute it appropriately. We must encourage our children and every future generation to value the freedoms we enjoy and to stand tall and proud when they say, "I pledge allegiance to the Flag of the United States of America . . ." We must instill in them a strong sense of the heritage embodied in our flag, and the pride of being an American. Finally, we must ensure that they continue to recognize and honor the great sacrifices made by previous generations of Americans, by you and your comrades in arms, many of whom gave "the last full measure of devotion" so that we could live free.

The poet Edgar A. Guest said it best when he penned:

THE BOY AND THE FLAG

I want my boy to love his home,
His mother, yes and me;
I want him, wheresoe'er he'll roam,
With us in thought to be.
I want him to love what is fine,
Nor let his standards drag.
But, Oh! I want this boy of mine
To love his country's flag.

Let us take a moment and put a few things in perspective. As much as this Supreme Court decision angered and saddened

us, it is in the final analysis no real threat to our nation. That flag stands for too much to be brought down by matches lit by Gregory Johnson and his imitators. Its glory cannot be diminished by five misguided Supreme Court justices. It cannot be threatened by any enemy, foreign or domestic. If they step on it, write on it, tear it to shreds, even burn it to ashes, we'll just raise it up again, and it'll fly higher and more gloriously than ever before.

A few years ago, we had a flag day ceremony in the House of Representatives. Country-western singer Johnny Cash recited these lyrics that he had written:

RAGGED OLD FLAG
(By Johnny Cash)

I walked through a county courthouse square
On a park bench an old man was sitting there
I said, "Your old courthouse is kinda run down."
He said, "Naw, it'll do for our little town."
I said, "Your old flag pole is leaned a little bit,
And that's a ragged old flag you got hanging on it."
He said, "Have a seat." And I sat down.
"Is this the first time you've been to our little town?"
I said, "I think it is." He said, "I don't like to brag,
But we're kind of proud of that ragged old flag."
"You see, we got a little hole in that flag there
When Washington took it across the Delaware
And it got powder burned the night Francis Scott Key
Sat up watching it, writing 'Say Can you see'
It got a bad rip in New Orleans
With Packinham and Jackson pulling at its seams
And it almost fell at the Alamo,
Beside the Texas flag, but, she waved on though
She got cut with a sword at Chancellorsville
And she got cut again at Shiloh Hill
There was Robert E. Lee, Beauregard and Bragg
The South wind blew hard on that Ragged Old Flag
On Flanders field in World War One
She got a big hole from a Bertha gun
She turned blood red in World War Two,
She hung limp and low by the time it was through
She was in Korea and Viet Nam
She went where she was sent by her Uncle Sam
She waved from our ships upon the briny foam
And now they've about quit waving her back here at home
In her own good land she's been abused
She's been burned, dishonored, denied, refused
And now the government for which she stands
Is scandalized throughout the land
And she's getting threadbare and she's wearing thin
But she's in good shape for the shape she's in
Cause she's been through the fire before
And I believe she can take a whole lot more
So we raise her up every morning
Bring her down slow every night
We don't let her touch the ground
And we fold her up right.
On second thought, . . . I do like to brag,

Cause I'm mighty proud of that Ragged Old Flag."

**TRIBUTE TO THE NATIONAL
FEDERATION OF HOUSING
COUNSELORS**

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1989

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to the National Federation of Housing Counselors on the occasion of its 16th annual conference.

The NFHC was first established in 1973 for the purpose of providing resources and programs for an association of housing counselors. These counselors offer services to families in need of acceptable housing. The NFHC is a nonprofit organization with over 700 members in 35 States, and is growing steadily at both the State and national levels. This group has worked together for the past 16 years to ensure that the public has access to essential housing information.

The NFHC has provided invaluable housing services to families all over the country. The men and women of this distinguished group have dedicated themselves to responding to the needs of low- and moderate-income families. They have strived to help those families find decent and affordable housing, and to educate the public about fair housing rights.

Mr. Speaker, the National Federation of Housing Counselors has answered the cry for help from thousands of struggling families throughout the country. They have given new hope to those who thought that having a decent home was only a dream. I thank this organization for its outstanding contributions and look forward to its continued growth and success.

**HOUSE RECOGNIZES IMPOR-
TANT STEEL, COAL PROJECTS**

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1989

Mr. WALGREN. Mr. Speaker, I want to commend the Appropriations Committee for including in H.R. 2788, the fiscal year 1990 Interior appropriations bill, \$15 million for the "Metals Initiative," formerly known as the "Keyworth Steel Initiative."

The steel/metals initiative, promoted by former President Reagan's Science Advisor George Keyworth, is a government-industry-university cost-shared research and development program to develop "leapfrog" technology in steelmaking, processes that leap ahead of what our foreign competitors are now using. The 100th Congress authorized this program, now Public Law 100-680, through fiscal year 1991.

The Appropriations Committee action recognizes that the program has reached a critical stage. DOE has agreed to a major proposal by the American Iron and Steel Institute for a direct, continuous steelmaking project that is

designed to eliminate the blast furnace and the coke-making stages in steelmaking. Private industry participants, representing 80 percent of American steel production, will contribute 30 percent of the costs of this project.

New materials technology can revolutionize steelmaking, making American production competitive abroad. At the same time, these kinds of technology have the potential to reduce energy consumption in steelmaking by 20 percent and, by bypassing the coking process, eliminate a major source of toxic pollutants.

The steel initiative holds great promise for strengthening this country's technological leadership in steelmaking. Bringing government, industry, and universities together is unprecedented in this industry. It holds important promise for our economy, our defense, and our long-range future. Again, I commend the Appropriations Committee for its support.

I am also pleased that this bill includes important funding for two Federal research facilities in my district. At the Pittsburgh Energy Technology Center [PETC], research on coal burning and processing technology requires new facilities. PETC has been at the forefront of the Federal effort to develop technologies to reduce acid rain problems from fossil fuels and the support for these problems provided in this bill is critical.

The second research facility, the Bureau of Mines Bruceton Center, also has a long history of world leadership. This is the largest research center in the Bureau of Mines. Some of the important efforts underway at Bruceton are mine dust reduction, environmental and safety research, and control of acid drainage from mines. The bill before us would allow these efforts to continue at a reasonable level and not subject them to the large cuts proposed in the President's budget.

**SENIOR VOLUNTEERS—A
PRECIOUS NATIONAL RESOURCE**

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1989

Mr. DOWNEY. Mr. Speaker, as Chairman of the Subcommittee on Human Services of the House Select Committee on Aging, I am very pleased with the passage of H.R. 1312, the Domestic Volunteer Service Act Amendments of 1989. This legislation extends funding for title II, the Older Americans Volunteer Programs, for an additional 4 years. Older American Volunteer Programs include the Retired Senior Volunteer Program [RSVP], the Senior Companion Program, and the Foster Grandparent Program. Together, these programs make up the largest component within the ACTION agency.

H.R. 1312 increases the stipend paid to low-income foster grandparents from \$2.20 per hour to \$2.35 in 1991 and to \$2.50 per hour in 1992. This most deserved increase in stipends will surely contribute to the expansion and strengthening of the Foster Grandparent Program.

The Older Americans Volunteer Programs give our Nation's elders the opportunity to

contribute to their communities; providing for the needs of others, as well as fulfilling needs of their own.

The Suffolk County Foster Grandparents Program, which is within my congressional district, is an outstanding example of just how valuable Older Americans Volunteer Programs are to our Nation. Earlier this year, I had the honor to attend an anniversary luncheon hosted by the Suffolk County Foster Grandparents Program. At the luncheon, all seniors enrolled in the Foster Grandparent Program in the county were publicly acknowledged.

Twelve years ago, the Suffolk County organization started with 15 grandparents working in only one location. Today, 135 foster grandparents work at 42 different locations in Suffolk County. These caring seniors work in a variety of areas, including working with children who are emotionally disturbed, mentally retarded, or hearing disabled. They provide a particularly valuable service by working at infant day care centers in high schools allowing teenage mothers to complete their high school educations. Finally, they work in drug prevention groups. The Suffolk County Foster Grandparent Program helps our neighbors in 12 school districts, seven day care centers, and one group home.

The passage of H.R. 1312 exemplifies our commitment to our Nation's elderly. Thanks to senior volunteers, the Foster Grandparents Program shows us just how well an intergenerational program works.

HARRISON AVENUE SCHOOL SHOWS LOVE OF FLAG AND COUNTRY

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1989

Mr. SOLOMON. Mr. Speaker, something happened in my district that gives me great confidence in the youth of America, and, therefore, in America's future.

I had given an American flag and certificate to Harrison Avenue School in South Glens Falls, NY. The students and faculty responded recently by holding a Flag Day assembly and presenting me with a proclamation dated June 13, 1989. I will let the proclamation speak for itself:

Hereby be it known that all of the 370 students of Harrison Avenue School have:

Learned the meaning of the Pledge of Allegiance.

Learned the history of our American Flag. Learned the significance of Stars, Stripes and of the colors of our Flag.

Learned the proper ways to display the Flag correctly.

Learned to hold the Flag correctly.

Learned proper respect for the Flag as it passes in a parade.

Learned songs, poems, and stories of the Flag.

Harrison Avenue School has held outstanding Flag Day Celebrations for the last nineteen years.

We the undersigned are:

PROUD OF OUR NATION.

PROUD OF OUR NATION'S

HISTORY.

PROUD OF OUR NATION'S

EMBLEM.

The proclamation was signed by Principal James Baker, Superintendent Ruth Kellogg, and by every student.

The assembly itself included a Pledge of Allegiance, readings, patriotic songs by the school band, and other events.

Mr. Speaker, nearly a thousand flags were waving in the auditorium. It proves that the American flag is more than a mere symbol, and that if we fail to preserve respect for our flag, we are signaling our own loss of spirit. I can only wish that five Supreme Court Justices could have been there.

Please join me in saluting the faculty and students of Harrison Avenue School, in whose hearts a love of flag and country is still deeply rooted.

MARY M. AUTHIER

HON. CARL D. PURSELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1989

Mr. PURSELL. Mr. Speaker, I would like to bring to your attention the outstanding teaching ability of Ms. Mary M. Authier, fourth grade elementary teacher at John F. Kennedy School in Livonia, MI.

For the past 5 years, Mary Authier has sponsored a unique and highly successful intergenerational learning exchange between local senior citizens and her elementary students.

I know the great joy and satisfaction senior volunteers gain from helping tutor students in reading, or just "being there" to share in their academic triumphs. Over the years, genuine and truly loving relationships have been established between their "adopted" grandparents. As you know, studies indicate that the more parents, grandparents, or other caring adults interact with students, the more time learning process is enhanced. This has been the case, thanks to Mary's untiring and carefully planned program.

I thought you should know about this truly remarkable educator and the wonderful experiences she has organized for Livonia seniors and students alike.

FLORIO HAILS CAPE MAY "INSTITUTION"

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1989

Mr. FLORIO. Mr. Speaker, I am especially pleased to bring to the attention of my colleagues a woman who has graced the Chalfonte Hotel in Cape May, NJ for 66 years. Mrs. Helen Dickerson has spent a lifetime preparing unique meals that reflect her southern heritage and providing a pleasant atmosphere for visitors to this charming southern New Jersey resort.

The family style dinners for which Helen is known are as much a part of the Chalfonte Hotel as its beautiful Victorian architecture. Having first come to the hotel as a young girl,

Helen started working as a babysitter for the Innkeeper's children, earning about \$3 a week. She then served as a waitress in the hotel's dining room until, in 1945, the head cook retired. She was asked to take the job on a temporary basis and has been filling in ever since. Fortunately for all of us, Helen has resisted the lure of retirement and now at 80 years young, she has no intention of doing so.

It is interesting to note, Mr. Speaker, that 4 generations of Dickersons have prepared the one-of-a-kind meals at the Chalfonte. They include Helen's mother, Clementine, who passed on the tradition of fine southern cooking and Helen's daughters, Lucille Thompson and Dorthy Burton. Of course, the grandchildren lend their efforts during the busy summer season ensuring a memorable visit for the hotel's guests.

It is a special occasion to visit the Chalfonte and I would highly recommend to my colleagues that a visit to the grand old hotel—being sure to frequent the dining room—is well worth the trip. I salute Helen Dickerson on her 80th birthday and wish her will for the many years to come.

OUR NATION'S STRATEGIC DEFENSES

HON. DONALD E. "BUZ" LUKENS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1989

Mr. DONALD E. "BUZ" LUKENS. Mr. Speaker, I rise today to bring to the attention of my colleagues the strides taken in the area of our Nation's strategic defenses.

On March 23, 1983, President Reagan solicited the support of the Nation to experiment and develop a system of defensive weapons to shield our people from nuclear attack. The program was criticized by many for its technical unfeasibility and threat to global security.

Yet 6 years later, Mr. Speaker, as a direct result of joint congressional and administrative support for the SDI program, the two superpowers are experiencing a period of relaxed tensions. We have witnesses unprecedented arms control agreements, and a climate much more conducive to further offensive arms reduction dialog.

Furthermore, great strides have been made in the technological aspects of SDI. Now, not only is SDI a technologically feasible system, but our experimentation inches us ever closer to the realization that SDI is our inevitable future.

Several weeks ago, in a briefing for select House Members, Lt. George Monohan, Jr., director of Strategic Defense Initiative Organization, stressed the Bush administration's goal to pursue research for strategic defense technologies, and that within 4 years, the administration would like a potential decision for deployment. The emphasis furthermore is placed on emerging technologies, such as the promising new system of brilliant pebbles.

Fortunately, the commitment of the Reagan administration over the last 6 years has been unwavering. We have come a long way with SDI, and we are now reaping the benefits of it as a policy program. We must continue as fer-

vently as ever in our quest for redirection toward defensive weapons.

The United States has never been a nation to shirk a challenge. We cannot turn our back on technology or the future, so let us be the pioneers, and let us continue forward with SDI.

THE CATASTROPHIC PREMIUM CORRECTION ACT

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1989

Mr. CONTE. Mr. Speaker, I rise today to introduce a bill which contains one suggestion for addressing concerns over the new catastrophic health insurance program for our senior citizens. This bill, the "Catastrophic Premium Correction Act," is an expression of commitment to fund and operate that program in a fair and responsible way.

We are all aware of the concerns with the catastrophic program, and the way in which it has been received by seniors. Most of us were hearing from seniors in our districts saying that they wanted to see the catastrophic bill pass, but now, not everybody is happy with the cost.

One relevant fact that has come to light is the fact that revenues that will be raised by the new catastrophic premiums could far exceed the cost of the catastrophic benefits, at least for the first years of operation of the program.

Certainly, some cushion or safety margin has to be built in. But I have seen figures which suggest that the premiums for the catastrophic package in the 1990 fiscal year will raise about \$1.3 billion more than the cost of financing those benefits during that year. Over a 5-year period, the premiums currently set in the law could raise more than \$9 billion above the cost of financing the new benefits. That's more than twice the "safety margin" that was originally intended.

The catastrophic debate is far from over—there will continue to be hearings on how the financing mechanism could be improved and studies to determine the impact of different financing possibilities on seniors' out-of-pocket costs. Some people think the catastrophic benefit should be scrapped altogether. Others think it should be delayed and studied. And some still insist that it is a good deal.

I don't know how long it will take to resolve this debate. I'm not sure it can be resolved finally during this year. But I think we can agree on one basic principle of fairness which we can and should achieve immediately; and that principle is this—seniors shouldn't pay any more for these benefits in a given year than they actually cost in that year. Right now, there is nothing in the law that allows the premiums to be recalculated every year, and then readjusted downward if the statutory formula produces revenue that is too high.

The one "fix" I think we should all agree on right now is to add that flexibility to the law, to guarantee that Medicare premiums are going only to pay Medicare benefits.

I expect to hear objections to doing this—that we should wait and get another reesti-

mate of what the catastrophic bill will cost to make sure this surplus is not needed.

But my response is this—this bill will still allow for reestimates of the cost, and for a proper safety margin for estimating error. But we don't have to wait until we get a final estimate every year to figure out what to do and to try to quickly enact legislation. We should set into place right now a mechanism that will guarantee to seniors that the premiums will be adjusted every year to fit the costs of the program, including a proper safety margin. And that is what this bill does.

One problem with this proposed reform is that the revenues generated by the catastrophic health insurance program have already been taken into account in calculating Federal deficits. Cutting back on the amount of premiums could thus be calculated to increase the deficit. My response is that this is but one of many budget deficit problems that can be taken care of, hopefully, in the budget summit discussions now underway.

Maybe we can't reform the budget process this year in time for the final reconciliation bill, which would be the most likely vehicle for that kind of change. And maybe we won't have the final solution on how to change the catastrophic package by then. But what we can do by then is to pass this bill, to guarantee to seniors that one promise will be fulfilled, that one measure of fair play will be restored to this issue—and that is that seniors will not pay excessively more for these benefits than the benefits are worth.

I hope this proposed legislation will make a positive contribution to the debate over catastrophic health insurance. That is my intention. It is not meant as the final answer, but as a step that can be taken immediately while the debate continues.

Catastrophic health insurance is an important issue that calls for careful deliberation and debate. Its goals are noble—to assure that no senior will be straddled with huge hospital bills. But if we cannot come up with a consensus on how to pay for this new insurance program, then we may never achieve that noble goal. So I hope this issue will receive the careful deliberation and debate that it deserves.

THE ALLEN PARK VA HOSPITAL: 50 YEARS OF HEALTH CARE SERVICE

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1989

Mr. DINGELL. Mr. Speaker, I rise today in honor of the 50th anniversary of the Veterans' Administration hospital in Allen Park, MI, in my congressional district. This occasion marks 50 years of service to the veterans of southeast Michigan and serves as a testimony to our commitment, as a nation, to care for our honored veterans in their times of need.

In 1937, Henry and Clara Ford donated to the Federal Government the land on which the Allen Park facility now stands. On July 27, 1937, a groundbreaking ceremony was held paving the way to a six-story facility that

housed 350 general medical/surgical beds. The hospital admitted its first veteran on April 15, 1939.

Since then, the Allen Park facility has expanded. To handle the increased medical care needs of World War II veterans, two 10-story wings were added in November 1947. In October 1960, two three-story wings were constructed to serve as an outpatient clinic and administration offices.

Today, the Allen Park facility is a campus-like complex consisting of a large, multiwinged, 611-bed hospital with separate outpatient, administration, and maintenance buildings. It provides inpatient care to over 6,000 veterans and records over 25,000 outpatient visits every year. The Allen Park facility is a complete health care facility, providing surgical, neurological, psychiatric, and intermediate care, as well as nursing home care.

In September 1988, Congress passed legislation providing funding to establish a dual campus facility in southeast Michigan, consisting of a new 503-bed Detroit facility to take over surgical and intensive care for veterans along with funds to restore and improve the Allen Park facility to provide long-term nursing care for veterans.

The Allen Park Veterans' Administration facility has come a long way since its modest beginnings 50 years ago. It now symbolizes the commitment of our Nation to our distinguished veterans. With the planned improvements, the Allen Park facility should be able to provide another 50 years of health care, in fulfillment of the obligation our Nation has incurred to the veterans who served selflessly to preserve this great country.

GREETINGS TO TOM CHAN

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1989

Mr. MATSUI. Mr. Speaker, I rise today to offer my greetings to Tom Chan on the occasion of his 70th birthday. Tom's family and friends celebrated this special occasion over the weekend and I sincerely regret that I was unable to be on hand for the festivities.

Tom was born on July 17, 1919, and grew up in Sacramento, graduating from Sacramento High School in 1937. Tom went right to work for his father's new business, General Produce, which had been started 4 years earlier, in 1933. It was not long before Tom was engaged to the lovely Mae Chuck, and they will soon be celebrating their 42d wedding anniversary.

Tom and Mae have been blessed with four children, Mavis, Marcia, Tom, and Adrienne, and one grandchild, Blake. No mention of Tom's family would be complete without making mention of their dog, Muffin, an adorable golden retriever. Tom, along with his brothers Ed and Dan and cousin Davis, have dedicated their life to making General Produce a responsive, profitable business.

Their efforts have unquestionably paid off. Tom is now in the enviable position of having some time to spend with Mae, and to spend on the golf course or in the garden, while still

playing a critically important role in the operation of General Produce. Tom has had the good fortune to be able to travel extensively, and I hope that this good fortune will continue long into the future.

Mr. Speaker, I appreciate having this opportunity to extend my warmest wishes to Tom on the occasion of his 70th birthday, and wish him many more happy returns.

AMNESTY INTERNATIONAL TELLS THE TRUTH ABOUT THE TRAGEDY OF ETHNIC ALBANI-ANS IN YUGOSLAVIA

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1989

Mr. BROOMFIELD. Mr. Speaker, I want to share with my colleagues a very revealing and disturbing report about the sufferings of the ethnic Albanian community in Yugoslavia. According to a recent Amnesty International report, the human rights of ethnic Albanians were clearly violated during the recent disturbances in Kosovo province. I strongly urge the administration to convey to Yugoslav authorities our Government's fervent desire that the human rights of all ethnic groups in Yugoslavia be respected. We must do everything we can to strengthen, and not weaken, the fragile bonds which unite the many ethnic communities in that country.

I want to commend to my colleagues the following excerpts from "Yugoslavia: Administrative Detention ('Isolation') Torture Allegations."

YUGOSLAVIA: ADMINISTRATIVE DETENTION ('ISOLATION') TORTURE ALLEGATIONS

This document updates the 10-page external paper: Yugoslavia—Recent Events in the Autonomous Province of Kosovo (AI Index: EUR/08/89). It provides information about the practice of administrative detention (locally known as "isolation") under which 237 people (ethnic Albanians from Kosovo province in nearly all cases) have been detained without charge for trial, some of them since the introduction of partial state of emergency in Kosovo province at the end of February 1989. Although by mid-June at least 132 detainees had been released, to AI's knowledge by 21 June 1989 an unknown number of people continued to be held in isolation.

Included are translations of accounts by two former detainees which have been published in the Yugoslav press. Both allege that following their arrest on 28 March they were sent to prisons in Serbia where together with many fellow ethnic Albanians, they were savagely beaten by police or prison guards. They were released without charge on 15 May 1989.

Amnesty International believes that isolation violates both the Yugoslav Constitution and Yugoslavia's international human rights undertakings under the International Covenant on Civil and Political Rights, ratified by Yugoslavia in 1971. The organization has urged the immediate and unconditional release of all those detained for the nonviolent exercise of their human rights and an end to isolation. Amnesty International further calls for an investigation by an independent and impartial commission into torture allegations made by former detainees now released from isolation.

ISOLATION

There is no judicial supervision of isolation, which is entirely in the hands of the police and the state security forces. According to press reports and other information received by Amnesty International, detainees are not informed at the time of arrest or later of the grounds for their detention; they have no right of access to lawyers and cannot challenge their detention in court. Their families have frequently not been informed of their whereabouts and some have been able to obtain this information from police headquarters only after many days of repeated inquiries.

AMNESTY INTERNATIONAL'S CONCERNS

1. Isolation

On 10 May, in a communication to the Yugoslav authorities, Amnesty International contended that the practice of isolation was in breach of Article 178 of Yugoslavia's Constitution and also violated Yugoslavia's international human rights undertakings, in particular Article 9 of the International Covenant on Civil and Political Rights (ratified by Yugoslavia in 1971). Amnesty International noted that this article provides that anyone who is arrested must be informed at the time of arrest of the reasons for it and shall be entitled to take proceedings before a court in order that the court may decide without delay on the lawfulness of detention. Amnesty International called for an end to the practice of isolation and the immediate and unconditional release of all those detained for the non-violent exercise of their human rights.

2. Torture allegations

The Croatian press has published accounts by two former detainees who were held in isolation from 28 March to 15 May 1989. One of these, Agim Vilasi, a 31-year-old driver, alleged that he had been brutally beaten by police in Leskovac prison as had other ethnic Albanians detained with him. Similar allegations of torture during isolation were made by Bahri Osmani, a 26-year-old greengrocer (see below).

Amnesty International notes that ethnic Albanians charged with political offences have frequently alleged at their trials that following their arrest and during investigation proceedings they were threatened, beaten or otherwise physically ill-treated by police or state security officials, usually with the aim of obtaining self-incriminating statements from them. Similar allegations have been made, though less frequently, by members of other nationalities in Yugoslavia.

On the basis of information it has received in past years, Amnesty International considers that ethnic Albanians suspected of political offences risk ill-treatment following arrest, even when—as has generally been the case—formal criminal proceedings are started against them and they have at least the nominal protection of safeguards provided by the code of criminal procedure, including access to a lawyer and judicial supervision of investigation proceedings.

BACKGROUND

In February 1989 troops were sent into the autonomous province of Kosovo after a general strike by ethnic Albanians in protest against proposed constitutional changes. These were aimed at giving greater control over the province to the Republic of Serbia (one of Yugoslavia's six constituent republics) of which Kosovo is part. After these constitutional changes were passed by the Kosovo Assembly on 23 March, there

were six days of demonstrations and riots by ethnic Albanians (who constitute over 85 percent of the population of the province). At least 24 people (two of them police) died in clashes between security forces and demonstrators. Since then over 900 demonstrators, among them school students, have been summarily jailed for up to 60 days or fined, sacked or disciplined for taking industrial action in solidarity with ethnic Albanian strikers. There have been purges of Party organizations, journalists, teachers and others. An unknown number of school students who demonstrated have been expelled from school. (For further background information, please refer to EUR/48/08/89—Yugoslavia—recent events in the autonomous province of Kosovo, issued in May 1989.)

DETAINEES HELD IN ISOLATION

The authorities at first remained silent on the question of isolation and it was not until the issue began to be raised in the press and questions were asked in the Croatian Assembly that a first official statement was made (on 28 May) which acknowledged the practice of isolation and gave figures. Most recently, on 9 June, the official Yugoslav news agency Tanjug, citing a report by the Federal Secretariat for Internal Affairs, stated that a total of 237 people had been detained in isolation since 1 March 1989. Of these, 46 remained in isolation and 132 had been released. Police had initiated criminal proceedings against 41 others and proceedings for "minor offences" (punishable with up to 60 days' imprisonment), against a further 18. The measure of isolation, it was stated, had been applied to people who, according to the information of the State Security Service, had inspired, initiated or organized demonstrations in Kosovo, who were members of illegal nationalist groups, or who were linked to "hostile" emigres or to foreign intelligence services. Amnesty International notes, however, that all the above activities are criminal offences under Yugoslav law; if the police indeed had information of this kind against those interned, it is inexplicable that the authorities resorted to administrative detention, rather than criminal prosecution.

Information from press reports and unofficial sources suggests that probably the majority of those who have been detained in isolation are educated ethnic Albanians officially regarded as nationalists. It appears that they include a considerable number of people who signed a petition which was sent in February to the Serbian Assembly expressing opposition to constitutional changes. The measure of isolation has also been applied to an unknown number of high-school students who may well be minors.

Among the first to be put in isolation was Ibrahim Osmani, at the time head of the information service of the Kosovo League of Communists, who was arrested at the beginning of March; to Amnesty International's knowledge he remains in detention. (There are reports that criminal proceedings on political charges may recently have been instituted against him.)

PUBLISHED ACCOUNTS BY FORMER DETAINEES HELD IN ISOLATION

So far, the most detailed accounts of conditions and treatment of detainees have been published in the Croatian press. On 30 May, the respected Croatian weekly journal *Danas* (Today) published an account by a former detainee Agim Vilasi. On 11 June the Sunday edition of the Croatian daily

newspaper Vjesnik (Herald) published an account by Bahri Osmani.

Danas, 30 May 1989

Agim Vllasi, a 31-year-old driver employed by the Centre of Social Work, Kosovska Kamenica, was released from "isolation" on 15 May. Agim spent a total of 49 days, first in Leskovac prison and then in Central Prison, Belgrade, without the right to investigation proceedings, indictment, defense or lawyer and without knowing why and for how long he would be detained behind prison walls. Only after a month of searching and daily inquiries at police headquarters in Pristina and Gnjilane were his family able to ascertain his whereabouts and his legal status. They were sent from one police station to another, each time being assured that really Agim was being detained in the other one.

In the meantime, prison officials comforted him with the information that he was not under arrest but "isolated".

In fact, Agim Vllasi, after almost two months in prison is in possession of documents which testify to an arrest which both is and is not one. The decision dated 28 March, issued by Jusuf Karakushi, Kosovo's police chief, orders a "stay in a particular place" meaning that "the person named above is ordered to stay in the premises of Leskovac prison . . . given the fact that the activities of the above named person were aimed at undermining law and order." A further decision, dated 15 May, however, revokes the order to "stay in a particular place," because according to the opinion of the Kosovo police "the measures taken against the above-named person are no longer considered necessary".

"Of those I met on the bus I was the only one without academic qualifications. All the others were teachers, doctors, engineers, directors of various companies in Kosovo," recalls Agim.

They arrived in Leskovac about 7:30 pm. While the majority of these strange travelers continued their forced journey, about 20 were called out and taken down a long narrow corridor, which the police, very descriptively, named the "sardine tunnel". Agim Vllasi was the first detainee called to the reception section of Leskovac district prison where he found a table, two chairs, a doctor and several eager policemen. After he had dictated his personal details to the officer in charge and answered the doctor's questions about his excellent state of health, Agim was ordered to turn his face to the wall. Then the torture began. In the reception room he was beaten by two officers, in the corridor leading from the reception room to the toilet he faced a double row of arms, legs and truncheons, and in the toilet another three beat him. He was then taken to another room, made to take off his clothes and sent to room 7. With his clothes in his hands he had to run the gauntlet of the police cordon again. When he arrived at at No. 7, one of ten similar cells, he found there three others who had undergone somewhat shorter "isolation" treatment but were also beaten and naked: an Albanian whose name he cannot remember, Dr. Rexhep Ismail, professor of Albanian language and literature, and Xheladin Rekalli, electrical engineer. The prison officer peered into that "particular place", punched Rexhep once or twice saying that "it was owing to him" and then the door was locked.

Nedeljni Vjesnik—11 June 1989

Some bananas which were allegedly given to the miners of Stari Trg mine at the time

of their underground sit-in strike are apparently the reason that two greengrocers from Stari Trg were among the several hundred people to whom the measure "staying in a particular place"—otherwise known as isolation—has been applied, along with university professors, cultural and social workers, directors and various political leaders.

At 5 a.m. on 28 March police knocked at the door of the family home of 26-year-old Bahri Osmani in Titova Mitrovica where he lives with his parents and two brothers. Bahri Osmani is a private greengrocer with a store in Stari Trg.

Bahri was first taken to police headquarters in Titova Mitrovica. "They brought me into a room in which there were two police inspectors; one of them told the other, an Albanian, to leave the room. When we were alone, he began to swear at me and threatened to kill me if I didn't tell him everything about how I'd sent bananas and other fruit to the miners and about my uncle in the Federal Republic of Germany. Another police officer came in and told me to confess everything or they would shoot me and he swore: 'We're not communists if we don't release you if you confess.' I said: 'What am I to confess? I haven't done anything.' They then asked me to give the names of at least five demonstrators and threatened I wouldn't get out alive if I didn't tell them. They asked me what I thought of Azem Vllasi, what sort of man he was. I said a good one . . .

"They brought us to Leskovac. Some twenty policemen were waiting for us there in the prison courtyard. It was night. One police officer called out from a list the names of those who were to remain in Leskovac and as they got out of the bus the waiting police immediately began to beat them, mostly with their truncheons. They led them to a wall close by, turned their faces to the wall and beat them. The Albanian police officers who had come with us as an escort covered their eyes with their hands, I saw that. The rest of us, whose names had not been called—about half of those in the bus—were taken on to Vranje. But when we got to Vranje, the torture awaiting us was such that I don't think I could ever endure it again. As soon as the bus arrived in the prison courtyard in Vranje—by now it was dawn—a large group of policemen gathered round it. I heard one of them say 'Now you've come we'll have a party.' As we came out of the bus, each of us received a hail of truncheon blows, punches and kicks.

"They put us all into one small room; I remember they counted us and that we were 36 and the room no more than four to five metres square, the doors and windows were closed. The weakest amongst us fainted, we couldn't move or breathe. In the end only three or four of us younger and stronger men remained on our feet. One guard began to beat those of us who were still standing, who hadn't fainted, about the head. They later moved us to cells, in fours, from where we were summoned, one by one, to another room for questioning. We were ordered to undress and then the beating began. They beat us everywhere in every imaginable way.

"The fifth day a nurse came to take a blood sample. As my arms were almost numb after being tightly bound behind my back for five days. I felt only an excruciating pain. When she tried to take some blood, she failed—she found the vein and put in the needle, but the blood didn't come. She was frightened and hurried out of the cell. I suppose to look for a doctor. A guard

soon came, took my chains off and allowed me to walk about. The same day they brought me back to Sabac prison. Things were better for me there and my father visited me. They didn't beat me any more in Sabac, though they beat others, they would return to the cells bleeding, with teeth knocked out or with a broken arm—which is what happened to the other greengrocer from Titova Mitrovica, Jakup Rexhepi. They mostly questioned me about the bananas. They said they had a photograph of me bringing bananas to the mine. I told them to show me it—I knew they couldn't, for I didn't go to the mine nor did I bring anyone bananas. In Sabac they allowed me to buy cigarettes with money my father had brought me . . . we could also buy newspapers . . .

"Finally, on 15 May they called me and again gave me something to sign—it was the decision ordering my release; that was my second signature, the first was on the fifth day of my detention when they gave me some paper, some statement to sign. They brought us by bus to Pristina and from Pristina to Titova Mitrovica in a flashy "Renault"—presumably they didn't have any other car. I couldn't believe that I had come home, that I was still alive, that I was once again in my house," concludes Bahri Osmani, who happened to be one of those 237 people—as official figures have it—to whom the measure—which they say is constitutional—of isolation was applied. Whether this constitutional provision sets out how those who are isolated are to be treated and whether it details the procedure which they must undergo, is not known to Bahri. He went to a lawyer ("He told me that I wouldn't gain anything, that it would be a waste of time to sue . . .").

TRIBUTE TO GENERAL MAX THURMAN

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1989

Mr. SKELTON. Mr. Speaker, I rise today to pay tribute to a great American, Gen. Max Thurman, who will soon be retiring from his post as commanding general of the U.S. Army Training and Doctrine Command.

General Thurman is a North Carolinian by birth. He studied chemical engineering at NC State University in Raleigh, and was commissioned a second lieutenant upon completion of NCSU's Reserve Officer's Training Corps program. Later in his career, he attended the U.S. Army Command and General Staff College at Fort Leavenworth, and in 1970, the Army War College, at Carlisle Barracks, PA.

His career has also included tours at Fort Bragg, Fort Sill, and Fort Monroe, before coming to Washington in 1977 as the Director of Program Analysis and Evaluation in the Office of the Chief of Staff. General Thurman also served his country well during the Vietnamese conflict; his first tour in Southeast Asia began in 1961, and his last ended in 1968. In performance of his duty he has earned the Distinguished Service Medal. His record also shows the receipt of the Legion of Merit, the Meritorious Service Medal, and the Bronze Star Medal with V Device, all including

the prominent Oak Leaf Cluster. It is most reassuring to see one of America's finest recognized.

On June 23, 1983, Maxwell R. Thurman was promoted to his present rank of General, and became Vice Chief of Staff of the U.S. Army. On the 8th of August this impressive career will come to a close.

I am proud to stand today, Mr. Speaker, and say thanks to General Thurman for his hard work and dedication to the United States of America. I wish him all the best during his retirement.

**WE MUST MOVE FORWARD ON
CIVIL RIGHTS**

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1989

Mr. EDWARDS of California. Mr. Speaker, the Civil Rights Act of 1964 is an important element in the foundation of American civil rights. The benefits of that legislation have allowed us to move toward the elimination of discrimination in the United States.

In recent decisions, however, the Supreme Court has changed laws that for years have helped disadvantaged members of society improve their lives. Among a number of decisions which harm decades of progress in civil rights, the Court imposed severe restrictions on the statute of limitations for workplace discrimination cases, and also ruled that litigants in workplace discrimination cases must meet a completely unreasonable burden of proof.

The following article, the Los Angeles Times, July 11, 1989, "Chilling a Quarter Century of Civil Rights Progress Is No Mere Technicality," written by our distinguished colleague, Representative AUGUSTUS F. HAWKINS of California, points out some of the dangers of these Supreme Court rulings. Congressman HAWKINS is certainly correct when he claims that "burdens of proof and statutes of limitations are the important legal means minorities, women, senior citizens, and others have used in our legal system to make the legislative promise of human quality a practical reality. . . . We must affirmatively move to ensure equal opportunity and review possible legislative remedies."

I look forward to continuing to work with Mr. HAWKINS, the very able chairman of the Education and Labor Committee, in devising that legislative remedy. We must strive to preserve and extend the guarantee of civil rights, or else the structure of our society may crumble.

**CHILLING A QUARTER CENTURY OF CIVIL-
RIGHTS PROGRESS IS NO MERE TECHNICALITY**

Twenty-five years ago I was a freshman member of Congress learning the ropes after an earlier career as a California assemblyman. I was involved in the House debate on the Civil Rights Act of 1964, and as the first black representative elected from the West, I was keenly interested in the direction of this debate.

I will never forget the hours of harsh discussion in committee and on the House floor, and the parliamentary maneuvers used by opponents to bottle up the bill.

EXTENSIONS OF REMARKS

Senate finagling was even worse, with a 75-day filibuster and the introduction of 119 weakening amendments.

It was the shock of President John F. Kennedy's assassination that provided the catalyst we needed to force congressional action.

We have just celebrated the 25th anniversary of the signing of the landmark Civil Rights Act of 1964, which guarantees the rights of equal access to employment, education, public facilities, housing and public accommodations to all Americans, regardless of race, color, religion, sex or national origin.

In light of the commemoration, I find myself reflecting on the monumental struggles we as a country have endured.

When I was born in Shreveport, La., in the first decade of this century, virtually every aspect of my family's life, from employment, to housing, to use of public places was restricted by segregation. Because of this, my father packed up my mother, my sister, brothers and me and moved the family to Los Angeles. Here we hoped to escape the grip of legally mandated discrimination and improve our educational prospects.

While the ruthlessness and ugliness of segregation was most apparent in the South, various degrees of discrimination were in existence throughout our country, including, unfortunately, California. It took lynchings, riots, two world wars and years of massive civil disobedience and millions of individual acts of courage to bring us to the 1960s. Only when the national political, economic and social agenda merged did we produce the final push needed to enact legislation to abolish the vestiges of legal segregation.

The last 25 years have seen many improvements in the practical implementation of equal opportunity in education, employment, housing and public accommodations and facilities. But fine-tuning continues to be needed. Under both Republican and Democratic administrations, we have clarified the intent and strengthened the enforcement mechanisms of equal-opportunity law. Case law over most of the last 25 years also has strengthened the law.

How ironic it is, then, that within days of the 25-year celebration of this watershed law, the Supreme Court handed down devastating decisions that rock the very foundation of the guarantee of civil rights in this country. Yet President Bush dismissed these decisions as "technical subjects—we're talking burdens of proof and statutes of limitations."

While guarantees for equal opportunity to a job, quality education and business development may be interesting breakfast conversation to our Chief Executive, they are a matter of basic economic survival to millions of Americans. Burdens of proof and statutes of limitations are the important legal means minorities, women, senior citizens and others have used in our legal system to make the legislative promise of human equality a practical reality.

We must not accept the status quo when it comes to these very fundamental tenets of our entire democratic system. We must affirmatively move to ensure equal opportunity and review possible legislative remedies.

As President Lyndon B. Johnson said of civil rights in 1964: "... this is not merely an economic issue—or a social, political or international issue. It is a moral issue."

Blatant and concealed discrimination unfortunately continue to survive in 1989

America, despite the great strides we have made. We have not yet completed our journey to a color-blind society. As my father acted more than 70 years ago to provide an atmosphere of equal opportunity for his family, so too must we act today to guarantee civil-rights protections for our future generations.

**REMEMBRANCE OF
FREDERICK RIEDER**

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1989

Mr. KOSTMAYER. Mr. Speaker, I rise today to recall the late Frederick N. Rieder of Drexel Hill, PA.

Rick Rieder's life was a long and productive one. Throughout his life he contributed enormously to his community in southeastern Pennsylvania. He had many reasons to be proud, but his greatest joy was his large and loving family. Rick is survived by his wife Dolly, and their three sons, Rem, Jon, and Eric.

Rick Rieder's service to his country and his community started at an early age. During World War II, he served in the U.S. Army Air Corps and achieved the rank of second lieutenant.

He believed that America is a great country, but he also thought it could be made even better. He took an active role in politics in Delaware County, PA. Rick served as a delegate to the 1972 Democratic National Convention in Miami. Even his final act was oriented toward community service, for he donated his organs to science in the hope that his body would aid in the recovery of others.

Rick Rieder was also successful in the business world. He founded an advertising sales agency which specialized in services for ethnic newspapers in Philadelphia.

Mr. Speaker, Rick Rieder will be missed in Delaware County in Pennsylvania and in progressive circles everywhere. I join my colleagues in expressing our condolences to Dolly Rieder and her sons for their great loss.

**TRIBUTE TO MAJ. GEN. DAVID
W. FORGAN**

HON. BILL SARPALIUS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1989

Mr. SARPALIUS. Mr. Speaker, as you know, Sheppard Air Force Base is a critical link in our Nation's air defense as well as a driving force in Wichita Falls and the entire 13th District. Although the base has always been strong, under the leadership of Maj. Gen. David W. Forgan during the past 2½ years, Sheppard Air Force Base is more prepared than ever to play its vital role in our national defense well into the 21st century.

General Forgan, a Chicago native and graduate of the University of Colorado, has an impressive service record, with more than 4,000 flying hours to his credit. He flew 100 combat

missions over North Vietnam, and has received such military awards as the Defense Distinguished Service Medal, Silver Star, and the Defense Superior Service Medal. Somewhere in there, he also found time to earn a master of science degree from George Washington University.

After several prestigious tours of duty, including tours at the United States Air Force Headquarters in Europe and the Allied Forces Central Europe Headquarters in the Netherlands, the general took his post at Sheppard in March 1987.

The general has always been a strong leader and an inspiration to his men. His belief in and love for his country has left its indelible mark on Sheppard Air Force Base.

General Forgan successfully led Sheppard Air Force Base through one of the most important periods in its history. He saw the base through the renewal of its Euro-NATO Jet Training Program contract, guaranteeing NATO and other European pilots will continue to train at the base for at least another 15 years.

In addition, he was at the helm during the recent base closings and realignment process. Sheppard will receive more than 800 new military and civilian personnel, as well as millions of dollars in new construction as a result of an Illinois base closing. This transition would have normally been a tumultuous event for Sheppard Air Force Base, but General Forgan has set the tone for an orderly transition.

After a lifetime of service to his great country, General Forgan has announced he will retire from the Air Force at the end of the month. The general and his wife, Shirley, will live in Colorado Springs.

His last day at Sheppard was today, and, Mr. Speaker, I would ask the House to join me in expressing my heartfelt thanks to General Forgan for all he has given this Nation.

A TRIBUTE TO CLINTON COUNTY, PA

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1989

Mr. CLINGER. Mr. Speaker, I am pleased to rise today to congratulate Clinton County, PA, on the celebration of their sesquicentennial year. I wish to take this opportunity to salute the residents of Clinton County as they commemorate 150 years.

Clinton County was established on June 21, 1839, when it was formed from parts of Centre and Lycoming Counties. Much of the land in Clinton County appears today as it did 150 years ago. It is a haven for the avid outdoorsman offering everything from hunting, fishing, hiking, and camping, to snowmobiling, cross-country skiing, and hang gliding.

Importantly, Clinton County's economy is also highly diversified. Farming, lumbering, mining, manufacturing, and other business and professional ventures have steadily grown through the years. And, the county also offers an outstanding institution of higher learning in Lock Haven University.

From June 21 through July 2, the people of Clinton County celebrated the county's 150th

anniversary with picnics, parties, and concerts. They have also put on programs for children, an ice cream social, and an all faiths ministerium service.

My hat is off to all the residents of Clinton County who have worked to make the sesquicentennial celebration a huge success. For my part, I would like to submit a resolution from the Clinton County Commissioners—Charles A. Cruse, William R. Eisemann, and Carl W. Kephart—acclaiming the people of Clinton County as they celebrate Clinton County's sesquicentennial year.

A RESOLUTION ACCLAIMING THE PEOPLE OF CLINTON COUNTY AS THEY CELEBRATE CLINTON COUNTY'S SESQUICENTENNIAL YEAR

Whereas, One hundred and fifty years ago, on June 21, 1839, the General Assembly of our great State of Pennsylvania created Clinton County from parts of Centre and Lycoming Counties; and,

Whereas, This great county was named to honor the canal-building governor of New York, DeWitt Clinton; and,

Whereas, Clinton County offers a high quality of life with diversified economic, social and cultural attractions that include farming, lumbering, mining, manufacturing, business and professional opportunities and a school of higher education; and,

Whereas, The best of Pennsylvania's natural beauty is to be found in Clinton County where more than five hundred thousand acres of forest land laced with sparkling fresh water streams support some of the best hunting, fishing, snowmobiling, cross-country skiing, hang gliding, ATV trails, and camping to be found anywhere; and,

Whereas, The proud and enthusiastic people of Clinton County are planning a Sesquicentennial Celebration during which their past will be recalled and their future anticipated: Now, therefore,

Be it resolved by the Commissioners of the County of Clinton:

Section 1. That we join with the people of Clinton County in celebrating the 150th anniversary of the creation of Clinton County.

Section 2. That we acknowledge with pride and gratitude the contributions of the people of Clinton County and reaffirm the wisdom of our predecessors in establishing Clinton County.

A POEM TO PAY TRIBUTE TO THE FLAG BY ALBERT WERTH

HON. BILL SCHUETTE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1989

Mr. SCHUETTE. Mr. Speaker, I would like to share with my colleagues a poem written by a Vietnam veteran, Albert Werth, of Reed City, MI, about our flag and the recent Supreme Court decision allowing people to burn it publicly.

As you may know, I strongly disagree with the Court's decision in Texas versus Johnson that the first amendment protects the right to desecrate the American flag. The American flag is a symbol of liberty and freedom not only for the people of the United States but for people around the world. Many Americans have given their lives to protect our flag, and many more, like Mr. Werth, served in this country's Armed Forces and fought to preserve the freedom that the flag represents.

Mr. Speaker, I hope that my colleagues will take the time to read Mr. Werth's poem and reflect for a moment on what the American flag means to all of us.

OUR FLAG

They stepped on our flag
As it laid on the floor
They burned our flag
As they stood in the door
What in the hell were we fighting for
But the red, white, and blue??
She's the symbol around the world
That talks of freedom when she's unfurled
Why did young men give up their lives
Why did husbands leave their wives?
So that the flag could fly free and proud
Not to be trampled on the ground!
Where is your heart, America?
That flag is your symbol
Not a mat for a few
It's time we stood up and saluted Old Glory
Don't hasten her death
Or we will be sorry
So pray to God
She will fly high and free
For without her,
Freedom has no voice in history

EVERY AMERICAN DESERVES CLEAN AIR

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1989

Mr. EDWARDS of California. Mr. Speaker, the declining quality of our Nation's air is a great concern which affects each of us. Restoring clean air is a complicated and tangled problem, requiring a solution which must be equally flexible and far reaching.

Last Friday, July 14, our esteemed colleagues, HENRY WAXMAN and JERRY LEWIS, coauthored for the Los Angeles Times an insightful op-ed piece which offers a firm commitment to clean air and suggests a workable approach to this pressing problem. I encourage my colleagues to read the thoughtful article which follows:

LOOK AT CARS—NOT BEHIND TREES—IF WE WANT CLEANER AIR

The longstanding battle over whether clean air is important has ended. President Bush has settled the issue by setting out clear clean-air goals and eloquently articulating the need for decisive action.

The President understands that every American—children, the elderly, asthmatics, even healthy joggers—deserves clean air. And he has challenged Congress to deliver on this promise.

Now that we agree on our goals, Congress can focus on the next half of the debate: How do we clean our air? This is as much an economic question as it is an environmental one. We know how much pollution has to be cut. Now we need to decide who reduces that pollution and by how much.

The most important target of our efforts must be cars and trucks. From Long Island to Los Angeles, motor vehicles are the largest source of urban air pollution. Just as importantly, they provide the most cost-effective reductions available.

General Motors and the other auto makers, however, resist any further regula-

tion. They are trying to apply the old tax adage—"Don't tax you, don't tax me, tax that fellow behind the tree"—to air-pollution control.

The auto makers argue that fairness is on their side. They point to their huge investments in pollution reduction and rightly note that today's cars are much cleaner than the ones built 20 years ago. Unfortunately, those emission gains have been offset by a record number of cars on the road and an enormous increase in miles driven by American motorists. We will actually lose ground in cleaning the air if we complacently accept the 1970 auto-emissions standards as the best we can do.

Another argument is that we have exhausted technological innovations. One will hear, for example, that gasoline engines can't be made much cleaner and that cars powered by low-pollution fuels cannot be designed for significant production in the near future. Such thinking is narrow-minded and short-sighted.

If we impose inadequate requirements on gasoline-powered engines, the big losers will be "the polluter behind the tree"—local factories and businesses that don't have the money (or the Washington lobbyists) to argue their case now. Shoe factories, bakeries and dry cleaners will unhappily find that they have most of the responsibility for reducing pollution and could face draconian measures.

That isn't fair, it isn't cost-effective and it probably won't result in healthy air.

Clean-air legislation must require vehicles to share equally with traditional stationary sources in the process of reducing emissions. Although no single measure can dramatically cut auto emissions, a host of new controls can bring significant gains at bargain prices.

First, the 1970 tailpipe standards should be gradually tightened to reflect technological advances. This will bring cleaner cars and will still allow the auto makers to adjust their production and planning schedules.

Another important reform is to require pollution-control equipment to last for the life of a vehicle. Right now that equipment only needs to last for five years or 50,000 miles, while most cars last for at least 10 years or 100,000 miles. Doubling the durability requirement will reduce emissions considerably and, according to the Environmental Protection Agency, will be among the most cost-effective solutions.

There also is tremendous potential in using an aggressive alternative-fuels program to supplement controls on gasoline engines. Low-polluting fuels—such as methanol, ethanol and compressed natural gas—are good for our environment and can bring new trade opportunities for U.S. companies. Developing this promise is one of the most exciting breakthroughs in clean-air policy.

It is one thing to put pressure on Detroit to ensure that an adequate number of autos use alternative fuels. It is quite another to successfully convince the oil industry that it, too, must participate by shifting its profit sources from oil and gasoline to alternative fuels. That step will be necessary to make it practical to develop autos fueled by alternative-energy sources.

These measures, taken together, will significantly reduce emissions at the lowest cost. Factories and some small stationary polluters will have to clean up. But by spreading the burden to all polluters, no one will have to do more than his fair share.

The Waxman-Lewis bill, which already has more than 130 co-sponsors, adopts this

approach. It puts environmentalists eager for clean air in the same camp as economists eager for cost-effective measures. It means we can enact a law that is good for our environment and avoids unreasonable controls on local businesses.

While the Bush proposal requires too little from cars and trucks, it does provide a point from which to pursue serious negotiation toward reauthorization of the Clean Air Act. We look forward to working with President Bush to enact a clean-air bill that joins good environmental policy with sound economics.

TRIBUTE TO LAWRENCE "LARRY" MUND, 17 YEARS OF PUBLIC SERVICE

HON. CLAUDE HARRIS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1989

Mr. HARRIS. Mr. Speaker, I come before the House to pay tribute to a constituent who has ably served the residents of Tuscaloosa County. Mr. Larry Mund recently retired after 17 years of service on the board of the Tuscaloosa Transit Authority.

Mr. Mund served on the authority from the time of its establishment in 1971 until 1988, serving as chairman 14 of those 17 years. His goal has been to provide the very highest level of public transportation. Because of the countless hours Mr. Mund devoted to his work, the Tuscaloosa Metro Transit System has been recognized as a model for other cities and has received numerous awards. Mr. Mund's concern for those members of the community who have no other means of transportation demonstrates his genuine regard for people.

Recently, the city of Tuscaloosa showed its appreciation of Mr. Mund by dedicating five new buses and a bus terminal in his honor. Public servants of Mr. Mund's loyalty and skill are priceless assets to any community. His contributions to Tuscaloosa are greatly appreciated and his presence at the authority will be sorely missed. I congratulate him on an outstanding career and in wish him health and happiness in his retirement.

LEGAL SERVICES CORPORATION AND MIGRANT WORKER PRO- TECTION ACT AMENDMENTS

HON. BEVERLY B. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1989

Mrs. BYRON. Mr. Speaker, today, I am introducing legislation to address certain injustices suffered by farmers at the hands of Legal Services offices. While I know that the Legal Services Corporation has been beneficial to many citizens who cannot afford legal representation, I am disturbed by the many frivolous claims that have been made by certain Legal Services attorneys at the expense of farmers in western Maryland.

The bills that I am introducing today would allow farm workers to file suit in Federal court

only after all administrative remedies have been tried through hearings at the State and Federal labor agencies. Further, they would require the workers or the Legal Services bureau to pay the farmer's legal defense fees if the farmers is found to be innocent and if the judge determines the complaint to be frivolous or harassment.

In my own district, the Legal Aid Bureau has filed 15 suits and more than 150 complaints against local fruit growers since the early 1980's. Even when the growers won the case, they often could not afford to sustain the cost of an appeal by the Legal Aid Bureau. As a result, what was once a thriving orchard industry is no longer.

These bills have been narrowly drafted so as not to injure those persons who must legitimately seek counsel from Legal Services. Mr. Speaker, I believe very strongly in the right to legal representation. I have always felt that the Legal Services Corporation has a good purpose and some wholesome goals. I am discouraged, however, that overzealous legal action by Legal Aid against one industry has been allowed to continue without regard to the detrimental effects it has had on the farming community. My bills have been introduced today to call attention to this situation. I urge my colleagues' support.

TRIBUTE TO THOMAS D. MELMS

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1989

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to Tom Melms on the occasion of his retirement as executive director of the St. Clair County United Way. Tom served in this position for the past 23 years, fulfilling many human needs for the citizens of our community.

Tom's long career in community service included 3 years as a field representative for the United Way of Michigan, and 20 outstanding years as a board member for the Economic Opportunity Committee, a Community Action Program of the Michigan Bureau of Community Services.

I know Tom to be one of our community's most decorated members. In 1984, he received the Community Service Award of the Year from Community Mental Health of St. Clair County. In 1985, Tom received the Color of My Life Award from the Alice C. McKinnon Home for Child Guidance. The following year, Tom was presented the Outstanding Community Service Award from Organized Labor of St. Clair County. In 1987, the St. Clair County Branch of the National Association of Social Workers declared Tom their Citizen of the Year. And last year, he was honored as the Community Citizen of the Year. And last year, he was honored as the Community Service Citizen of the Year by the Center for Human Resources.

Tom has been a close friend of mine for many years. My predecessor in Congress, the late Jim O'Hara, also relied on Tom's friendship and advice. Tom is a person who always finds time to help others who seem to have

little hope for themselves or the future. Even though Tom is retiring this week, I am sure his heart will remain open, and our community will continue to enjoy Tom's active participation in volunteer and philanthropy projects for many years to come.

Mr. Speaker, it is my distinct honor and pleasure to ask my colleagues to join me in saluting Tom Melms on the occasion of his retirement. I am proud to have such an active and caring individual in my community.

A TRIBUTE TO COL. JAMES NICHOLAS ROWE

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1989

Mr. DORNAN. Mr. Speaker, I solemnly step forward in this chamber today to pay tribute to my friend, the late Col. James Nicholas Rowe.

From his early manhood to his untimely passing Col. Rowe was steadfast in his belief in freedom. The medals and honors he received in the pursuit of freedom are too numerous to name. To the end Colonel Rowe remained a man of intense dedication and personal character, and to all those who knew him he will be sadly missed.

The following is a transcript of Lt. Col (ret) Bert Spivy's poignant eulogy of Colonel James Nicholas Rowe. It is one of the most moving I can remember and it surely deserves, as does Colonel Rowe, to remain a permanent part of the history of the U.S. Congress.

EULOGY FOR JAMES NICHOLAS ROWE

Presented at Arlington National Cemetery on May 1, 1989 by a loving classmate and a guy fortunate enough to have been called his and Susan's friend: Bert Spivy (LTC, U.S. Army Special Forces, retired).

Nick and Susan Rowe have been a perfect team, first as a family with two great boys to follow in Nick's very significant footsteps, and also professionally as unswerving champions of freedom, in spirit of great personal risks that they endured in the Philippines.

As long time close personal friends from our days as aspiring Cadet Company Commanders at West Point in the great Class of '60, through Ranger training where we paired up as supporting buddies, and later as bachelor roommates when we dared to force ourselves into Special Forces as part of a group of 2nd Lieutenants who really believed in the Green Beret calling put forth by another slain freedom fighter, President John F. Kennedy, I would submit that we are all here not to mourn Nick Rowe's physical loss, because he is not totally lost, but rather to pay tribute to another great American.

James Nicholas Rowe, Colonel, United States Army, a man who was passionate about everything he did, his family and the motto of the Green Beret, "De Oppresso Liber", would far rather that we all celebrate his ultimate freedom, the liberation of his indomitable spirit from the oppression of mortal restrictions. I know he appreciates the presence of his West Point classmates and their families who helped organize this gathering, some of whom came from clear across the country to pay tribute; and espe-

cially the presence of so many of the non-commissioned officers whom he rightfully treasured as the "Get It Done" backbone of Special Forces; people such as Sergeant Dan Pitzer, who shared his POW suffering, and Sergeant Chu Chu Penn, who tried to put some of that backbone in those Special Forces 2nd Lieutenants (you at least succeeded with one of us, Sergeant Penn).

To the officials of our government who interrupted very important busy schedules to be here: Colonel Nick Rowe was one of the best damn soldiers and statesmen you ever had. Thank you, but please don't let this extremely powerful spirit for freedom go to waste. You have the power and the greatest organization in the world, the United States Government and the U.S. Army, to capitalize on it! I beg you to use this spirit of freedom as a tool, a club, even, to beat down the misguided will of oppressing guerillas such as those in the Philippines. Symbolize it to inspire the resolve in all men and women to not give up the fight for freedom whatever the risks. Institutionalize Nick Rowe's now finally free spirit!

The display of some of his POW belongings at the Camp McCall training facility for the SERE Course, a course Nick himself developed and instituted by taking advantage of his own painfully learned skills in Survival-Evasion-Resistance-Escape, is just one small step to harness the power of his spirit.

As I am sure you all know, on the 21st of April, in a land being oppressed by rising communist guerilla forces, Nick was removed from this mortal world the only way he could have been removed—in a paramilitary fire fight, an ambush by reportedly hooded guerillas. As he had written just the week before to a friend at Ft. Bragg, the home area of his true "OAO", his wife and partner, Susan, and the Special Forces organization to whom he had passionately dedicated his considerable professional efforts, Nick and Susan knew he was on a target list.

A lesser man, a man without Nick's faith in God, without his so obviously cherished ideals of Duty, Honor, Country; a man without his POW-tested resolve to not let the bastards of this mortal world hold you down, might have been more conservative, but he pushed on. Susan was there in the Philippines with him, and had just five months earlier given birth to their second son, Brian Whitford Rowe. Nevertheless, she risked the obvious guerilla surveillance and threat to keep their family together. Susan fully supported his ideals and strong belief that the continued pursuit of freedom was worth the risk of life.

Nick, of course, well knew the meaning of freedom, especially having lost it so completely for over five years, 62 physically and mentally tortured months as a Prisoner of War in South Vietnam's U-Minh Forest. He was mentally tortured not only by his capture, but also by his captors who showed him only that news from our great land about the lack of support from the vocal American minority. Just before his final successful escape, Nick was condemned to death when his cover story was betrayed by some misguided so-called Americans who helped provide his captors with information on his real military status. They found that he was not "just an engineer" who knew only of bridges and such but not of military operations, and they knew that they had no hope of breaking him.

As a tradition with us Texans, the Cavalry arrived in the form of gunships from the 1st Cavalry Division. Nick distinguished himself

as the only officer to successfully escape a prison camp in Vietnam, a typical Rowe example of perseverance. He had tried three times before, but never gave up in spite of the costs. The description of his fourth and final attempt to gain freedom, in his book "Five Years To Freedom", was a real life thriller and tear-jerker that easily rivaled the best that Hollywood ever produced. You could literally feel him scrambling into that safe haven of a helicopter. He knew what freedom was worth! His values for family were equally eye wetting for this tough Ranger buddy when I again read at the end of his book, of his return to McAllen, Texas, in the company of classmates "D.K." Allen and Les Beavers, to his father and mother. Nick got his faith from a mother who only asked, upon his return, what took him so long. For those few of you who have not gotten the message directly from his fantastic book, I strongly recommend it to you. Susan also informed me that the book is being made into a play, the script partly done by Nick himself, but to be finished by director and playwright Charles Wallace, naming it "Faith To Freedom" in honor of not just our Vietnam Veterans, but as a "memorial to all men and women who have endured and sacrificed in the service to the United States as a Nation".

Nick had left for work that last day in the Philippines, where he was the Ground Forces Director of the Joint Military Advisory Group. Very happily and with his never failing sense of humor, he impishly awakened Susan by letting his oldest son Alex (Stephen Alexander Rowe) barge into the bedroom while he quipped that if he had to be awake, why shouldn't she? As he rode with his driver, Juaguin, he was probably thinking of the several speeches he was scheduled to present and an upcoming parachute jump, a thing he dearly loved with and without jump pay. Nick was one of the pioneers of "HALO" parachuting techniques, High Altitude Low Opening, another somewhat risky endeavor, but one that he felt should ultimately save lives. He might also have been thinking about some traveling that he and Susan would finally get to do just for fun. Suddenly, without warning, a barrage of bullets hit his car. One managed to get inside the car, killing him instantly and wounding his driver. I am sure he is still mad as hell that he couldn't fight back, but he will be even madder if WE don't.

In one sense, the assassin was merciful and in another very very foolish, but in no sense was he successful. Nick was definitely an old war-horse, old beyond his years, with more than his share of aches and pains, thanks to POW guards like those he named "Mafia" and "Porky". An attack of gallstones just before Brian was born and other such aftermaths of POW living were not exactly something to which one looked forward. The foolishness of the guerrillas' actions was a result of their misguided beliefs that Nick's mortal death would help their cause. American history, and Nick's exemplary life, should have told them it would only strengthen the resolve of the freedom loving people, especially the fortunate ones whose lives were touched by Nick personally, or by his books or by his many, many speeches on how faith can get you through literally anything. Nick has two other books in print: "The Judas Squad", a gripping fictional story about an armed takeover of a nuclear power plant, a story that too nearly could be true; and the "Washington Connec-

tion" which he co-authored with Robin Moore.

Nick Rowe is a true American champion of freedom and a hero. We don't need to read a long list of his medals. In the eyes of this friend, and as I trust, as acknowledged by the very presence of all of you here, you must share in this truth and the indomitable spirit that is and always will be Nick Rowe. You can read it in his written words, hear it and see it in both the many personal appearances and video tapes which he made on POW/MIA matters, or even in one of the civilian parts of his world, campaigning against child abuse.

Freedom and those who champion such a cause with such fervor, are to be cherished and celebrated, not mourned. Nick couldn't and wouldn't accept anything else. As much as I know they hurt from his physical loss, Susan, his boys, Deborah, his first born by a previous marriage, and her sister, Christina, Nick would want them and all of us to dry our eyes, stand up straight and not be afraid to be counted in continuing his and our quest for freedom.

Nick was not the first to die for freedom, nor, unfortunately, will he be the last. But he definitely was the best I ever knew and I am so thankful he touched my life and left so much of himself for us all.

Please let's all keep his freedom spirit burning brightly wherever it is needed.

"... When Our Course On Earth Is Run, May It Be Said Well Done, Be Thou at Peace..." old friend.

CONGRESSIONAL SALUTE TO ALBERTA BYRD, WOMAN OF THE YEAR

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1989

Mr. FAUNTROY. Mr. Speaker, it is my distinct pleasure to pay tribute to Mrs. Alberta Byrd.

Mrs. Alberta Byrd of Washington, DC, has been elected Woman of the Year by L'Enfant Chapter of the American Business Women's Association [ABWA]. Alberta is the daughter of Mrs. Eula J. Wilson of Atlanta and the mother of Sterling Eugene of Washington, DC.

Annually, each ABWA chapter elects one of its members for this award. Selection is based on the member's achievements on her job, community activities, and her participation in the association to name a few.

Mrs. Byrd has been a member of ABWA since 1972 and has held numerous offices; president in 1979 and 1981, vice president, corresponding secretary, chapter adviser, charter president of Fort Washington Chapter, organized/chaired, community outreach program, and served as the chairperson of many committees.

In 1982, Alberta was the only minority woman running for a nationwide office for the association. She was one of five candidates for national vice president, District IV, for ABWA.

Mrs. Byrd is presently employed with the Army National Guard, Pentagon as a statistical analyst. Her outstanding work has received much recognition. She was chosen ARNG Female Model for Youth and received Minuteman and Meritorious Service Awards.

Not only has Alberta been a dedicated worker on her job and with ABWA, she has found the time and energy to devote to other organizations. She has been chairman, Long-Term Care Community Advisory Board, D.C. Government Department of Human Resources; chairman, J.B. Johnson Nursing Center, Community Advisory Board; and member of the D.C. League of Women Voters, the National Guard of Negro Women, the Washington Design Center and the Gold Star Wives of America.

Alberta is eligible to compete for the 1989 Top Ten Business Women of ABWA. Announcement of the national awards recipient will be made at the ABWA's 1989 National Convention, November 1-5, in Nashville, TN.

The American Business Women's Association is an educational association dedicated to the professional, educational, cultural, and social advancement of business women. Currently, it has over 2,100 chapters and more than 115,000 members throughout the United States and Puerto Rico.

Mr. Speaker, Alberta Byrd is truly an extraordinary lady, and her talents and abilities are certified by the honors she has earned. I congratulate Mrs. Byrd, and wish her continued success and good fortune in all her future endeavors.

A TRIBUTE TO MR. DOUG YEARIAN

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 17, 1989

Mr. POSHARD. Mr. Speaker, Benjamin Franklin once suggested making a turkey the national bird. As we know, the eagle finally won out, but the turkey is still a well recognized part of national traditions, and thousands of people test their skills each year hunting turkeys in the woods and lands of this country.

I would like to pay tribute to Mr. Doug Yearian of Waterloo, IL, who is well known for his skill and ability at turkey hunting.

Doug Yearian, his 14-year-old son Steve, and Doug's brother Dave, hunt turkeys each season in the Shawnee National Forest, which is in my congressional district. This is a sport they truly enjoy, and for those of us who love the outdoors and all Mother Nature has to offer, their ability is worth noting. Parents have taught their children about life, respecting nature, and responsibility while on hunting trips with each other. It is a family function that's enjoyed in rural areas across this country, and the Yearians are fine examples of those principles.

I would like to submit into the RECORD a recent copy of Illinois Game and Fish magazine, which further explains how Doug and his family are the most successful turkey hunters in Illinois.

It's a pleasure to represent Doug Yearian and other hunters like him in Congress.

A DYNAMIC DUO FOR ILLINOIS GOBBLERS

(By Kathy Etling)

In 1980, when Dave Yearian first tried his hand at hunting Illinois spring turkeys, he

got a shock: It was easy! "I located a gobbler on the roost right away." Yearian reminisced. "Four hens were up there with him, but they never posed a problem. When the hens flew down they walked right past me and into a pasture. Moments later, the gobbler flew down to join them in the pasture. I sized up the situation and decided to sneak closer if I could."

"A creek cut between the pasture where the turkeys were and some nearby woods. So I crept over to the creek bed and set up there. Using my cedar box call, I gave two series of yelps. I couldn't believe it when the gobbler strutted over the hill and came right to me."

Dave's first gobbler weighed 18 pounds and had a 5-inch beard. "I'd heard how tough turkeys were to hunt," Dave said, "so I really wasn't prepared for getting one during my first season."

No matter how tough turkeys are, the Yearians' record speaks for itself. The two brothers do almost make it look easy. Since that first season in 1980, David, who lives in Belleville, has killed five birds and called in two more for his hunting wife, Mary. Doug of nearby Waterloo has taken six birds and helped his friend Clayton Greenley take several others.

The Yearians had always hunted, yet they weren't too sure turkey hunting was for them.

"I tried hunting turkeys once in 1970 or 1971," said Doug, "during the state's first or second season. But the whole time afield I only heard one turkey cluck, and that for only a short time."

Eventually, the Yearians had reason to think about turkey hunting again. Friends who hunted in neighboring Missouri were full of exciting spring gobbler tales, and with each story turkey hunting sounded more enticing. Finally, the brothers knew they had to try it again. And first time out, Dave connected.

Doug didn't get his chance at a bird until the following year. While lightning usually won't strike the same spot twice, it nearly did with both Dave's and Doug's first birds.

"I was standing in the very pasture where David had taken his first gobbler," Doug explained, "watching Dave walk down a ridge and wondering to myself where he was going. What I didn't know was that since he was on higher ground he was able to hear gobblers that I couldn't. As I watched him I decided to climb an opposite ridge and when I did, I heard a bunch of turkeys gobbling. I set up at once, and called not one, but four birds in. I shot the first one, a jake."

The next year, 1983, was Dave's year again. He killed another jake, and then called in a 22-pound longbeard for his wife Mary. The big tom had a 10-inch beard, and it almost ruined a nearly perfect hunting marriage the next time Dave took Mary out. He called up nine birds and couldn't understand why she wouldn't shoot. "I'm waiting for a big one," she explained, quite reasonably. Dave, however, convinced her that she should shoot the first one she could. She did, the 13th bird that Dave called in during that particular year. Unfortunately for Mary, it was another jake.

What makes the Yearians so successful when hunting the wily spring gobbler and on public ground yet? Actually, the secret to their success may rest not only in their calling but also in their woodsmanship. While Dave and Doug use diaphragm calls—David gave up the box call after the first year—neither favors one brand over another. The most either would admit to was when Doug

indicated a preference for triple-reeded diaphragms.

And after eight years of intense practice on the diaphragm, Dave said he finally felt he was getting good at calling in the fall of 1988. The word "perfectionist" describes the two brothers quite well.

David and Doug both rely heavily on cutting, a technique favored by many of the turkey-hunting pros. Cutting—a series of loud, almost raucous tones similar to cackling—will not only lure in gobblers, but it's also responsible for dragging in many hens each year as well. And as the Yearians both know, when you call in a hen during the spring, there's a possibility of reeling in a gobbler at the same time.

"You might as well give up if you're trying to yelp and compete with the hens for the gobbler's attention," Doug said. "But if you're cutting and a hen comes wandering over to be sociable, that's a different story."

"Last year I was hunting with Clayton and my 14-year-old son Steven. I did a little cutting and was astounded when a hen came right in . . . at a dead run. When she got within five feet of us she stopped. As we watched a gobbler followed, strutting to within about 50 yards of us. The hen stood there and looked, then putted an alarm and ran away as fast as she'd come. When the gobbler heard the alarm putt, he slicked himself down, stood there a minute, and then disappeared himself."

High on the Yearians' check list for a successful turkey season is knowing the area that they plan to hunt.

"Year after year, turkeys favor certain places," Dave explained. "If they roost in a spot one season, chances are they'll be back the next. And if you hunt one area long enough, soon you'll learn the birds' travel routes. You flat can't call a turkey anywhere he doesn't want to go."

In the same vein, the brothers say they've never been intimidated by tales of what turkeys won't do, either. "I've heard that you can't call them downhill," said Doug, "but I've done it."

"And even though I've never had reason to try to call them across creeks, I have called them across deep ravines and woven wire fences with no problem," added Dave.

The two hunters' techniques are quite a bit different. Dave admits that he calls less than Doug and not quite as loudly. Both brothers scout when they can before the season but neither relies very heavily on trying to locate roosted birds the night before they plan to go out.

"I still go out in the evening to listen," David explained. "But to a large degree I sort of gave up thinking I was actually going to call any bird in that I'd roosted the night before. For years I'd try, but then one of my friends asked me if I'd roosted. After thinking about it I had to admit that the answer was no. That doesn't keep me from enjoying it, though."

Both Yearians hunt turkeys in southern Illinois' Shawnee National Forest. And both are generous with their praise for the latest changes incorporated by the Illinois Department of Conservation lengthening and dividing the season, offering additional licenses, and decreasing the total number of hunters in the woods, at a given time.

Another thing that pleases the brothers is the handsome pins awarded to successful turkey hunters each spring. Both Dave and Doug proudly display the colorful pins, which herald turkey hunting success, on their caps. "It's sort of an extra incentive," said Dave.

"Turkey hunters in Illinois are getting better," he continued. "At first, it was mainly deer hunters that were going after the birds, and they hunted them a lot like they hunted deer. Now, more and more hunters know what they're supposed to do and how to do it. That, together with more licenses and a longer season, are the reasons the kill is up."

Both Dave and Doug also believe the kill would be even higher if the state's turkey hunters didn't give up so soon. "By 9 a.m. nearly everyone's out of the woods," stated Dave.

One of the negative aspects of turkey hunting involves hunters who don't call at all. "These are the guys who sneak in on you while you've got a bird working," Dave continued. "The ones who creep up and roost-shoot aggravate me, too."

"In 1987 I found a gobbler that was really hot right before dark," he explained. "Doug and Clayton had heard him gobbling in the very same spot at about 9 that morning and told me he was there. So I went back before light the next morning and he was still hot and already gobbling. I just knew it was only a matter of time before I called him in."

"The gobbler was in a tree that was growing on a finger ridge that jutted off of another, longer ridge. I set up on the main ridge and was biding my time when I was startled by the sound of a shot. Some other guy shot at the bird while it was still dark, missed, and then had the nerve to tell me all about it back at my truck while he said he didn't know I was there. He said that even though he'd parked his truck right behind me."

The brothers are adamant when they advise hunters not to over-call. "Once a gobbler responds to your call while he's still on the roost, quit calling," said Dave. "And don't call again until you're positive the bird's on the ground and interested in you."

"In my opinion," said Doug the toughest part of turkey hunting is knowing when to call and when not to call . . . knowing when they're fired up and when they're just mildly interested and what to do in each instance. But knowing where to set up to get you close enough for a shot runs a close second."

The Yearians feel that turkeys travel certain routes through any area all the time. If you set up near one, you'll bag a bird. But if, by chance, you set up out of range, often you won't be able to call a bird to you no matter what you do. Woodsmanship, or knowing what the birds will do before they do it, will make the difference in a case like this.

Both hunters would like to take a bird with a bow, but right now another interest has them firmly in its grip—the use of video cameras to document their hunting experiences and make the memories more vivid. Doug would also like to help his son Steven get his first bird, after almost succeeding last year.

Sometimes Illinois turkeys can be almost laughably easy, like Dave's first gobbler. But then, as most hunters will attest, the birds can quickly become maddening, even when hunters use the buddy system like Doug and Clayton often do. "A couple of years ago Clayton set up on one end of a ridge and I set up on the other," Doug related, shaking his head. "We set a couple of decoys out on a logging road that ran between us. And as it turned out, that was a mistake."

"First, I made three tree calls and waited," he continued. "The first gobbler

came out of its tree, flew by above five feet from me and landed right in the middle of the decoys. Wouldn't you know? Neither of us was situated in such a way that we were able to shoot. Frustrated, we just waited. I made another tree call since I knew more birds were around us. Sure enough, five minutes later one flew in and landed right at my feet. I don't know who was more startled, me or the bird. He quickly realized the error of his ways and ran off . . . until my shot brought him down. But we still had to get Clayton a bird."

"When I shot, the bird that had been strutting behind Clayton in the decoys ran off. Then I looked up and saw yet another bird strutting down the road behind Clayton. Again, Clayton couldn't see this gobbler, either. Eventually this bird saw something he didn't like and walked away."

"I called again, and, believe it or not, the first turkey—the one that had been scared out of the decoys when I shot my bird—came back," Doug said. "But while Clayton could see this tom out of the corner of his eye he wasn't able to move on him. So while the turkeys were eager, all three eventually got away."

Fortunately for all, Doug helped get Clayton his bird the very next day. "We've found that the 'buddy system' is very effective for taking gobblers," Doug stated. "That's how we got Clayton's bird. The gobbler had been talking to us for nearly two hours, since early morning, but he wouldn't come in. Again, this gobbler was on a logging road, walking back and forth, back and forth, the way a gobbler will. We moved to different locations three different times but still the gobbler refused to budge a step closer."

"Finally, Clayton set up about 20 yards in front of me. It didn't take me long to realize that this wasn't going to work either. It called for drastic action. So I left Clayton there and began to steadily move away, cutting as I went. I had to get 150 yards away, calling all the time, before I lured that bird within shotgun range of Clayton."

Strategies like the buddy system help explain why the Yearians are two of Illinois' most successful turkey hunters. The state's turkeys may sometimes be tough, but these two brothers are tougher. By paying close attention to their surroundings and their quarry, and planning strategies that use this knowledge, Dave and Doug Yearian have been able to compile a turkey-hunting record that's truly remarkable.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL

July 17, 1989

RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, July 18, 1989, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 19

8:30 a.m.

Agriculture, Nutrition, and Forestry

Business meeting, to mark up proposed legislation to provide for disaster relief assistance for crop losses due to adverse weather conditions of 1988 or 1989 and to consider other pending calendar business.

SR-332

9:00 a.m.

Special on Impeachment Committee

To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.

SH-216

9:30 a.m.

Commerce, Science, and Transportation Communications Subcommittee

To hold hearings on S. 999, relating to the broadcasting of certain material regarding candidates for Federal elective office.

SR-253

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

Joint Economic

To hold hearings to review the results of the Paris Economic Summit.

SD-562

10:00 a.m.

Banking, Housing, and Urban Affairs

To resume oversight hearings on the implementation of the Defense Production Act of 1950 and competitiveness.

SD-538

Environment and Public Works

Nuclear Regulation Subcommittee

To hold hearings on S. 946, to reorganize the functions of the Nuclear Regulatory Commission to promote more effective regulation of atomic energy for peaceful purposes.

SD-406

Judiciary

To hold hearings on the nomination of William Lucas, of Michigan, to be an Assistant Attorney General.

SD-226

10:30 a.m.

Foreign Relations

To hold hearings on the nominations of William H. Taft, IV, of Virginia, to be United States Permanent Representative on the Council of the North Atlantic Treaty Organization, with the rank and status of Ambassador, Shirley Temple Black, of California, to be Ambassador to the Czechoslovak Socialist Republic, Keith Laphan Brown, of Colorado, to be Ambassador to Denmark, Joseph Bernard Gildenhorn, of the District of Columbia, to be Ambassador to Switzerland, and Thomas Patrick Melady, of Connecticut, to be Ambassador to the Holy See.

SD-419

EXTENSIONS OF REMARKS

12:00 p.m.

Appropriations

District of Columbia Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1990 for programs of the government of the District of Columbia.

H-301, Capitol

1:00 p.m.

Joint Economic

To hold hearings on the need for increased public investment in infrastructure.

SD-138

1:30 p.m.

Special on Impeachment Committee

To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.

SH-216

2:00 p.m.

Commerce, Science, and Transportation Science, Technology, and Space Subcommittee

To hold hearings on the comparative assessment of the U.S. Space Program.

SR-253

Energy and Natural Resources

Public Lands, National Parks and Forests Subcommittee

To hold hearings on S. 866, to establish the Calumet Copper Country National Historical Park in the State of Michigan, S. 931, to protect a segment of the Genesee River in New York, H.R. 419, to provide for the addition of certain parcels to the Harry S. Truman National Historic Site in the State of Missouri, and H.R. 1529, to provide for the establishment of the White Haven National Historic Site in the State of Missouri.

SD-366

2:30 p.m.

Finance

Taxation and Debt Management Subcommittee

To hold hearings on H.J. Res. 280, to increase the statutory limit on the public debt.

SD-215

3:15 p.m.

Finance

Private Retirement Plans and Oversight of the Internal Revenue Service Subcommittee

Taxation and Debt Management Subcommittee

To hold joint hearings on proposed legislation relating to Employee Stock Ownership Plans and retiree health, including S. 1303, S. 1171, and S. 812.

SD-215

JULY 20

9:00 a.m.

Labor and Human Resources

Business meeting, to mark up S. 685, "Employee Pension Protection Act", S. 543, "JTPA Youth Employment Amendments of 1989", S. 695, "Educational Excellence Act", S. 1291, "Library Services and Construction Act Amendments", to consider recommendations which it will make to the Committee on the Budget with respect to spending reductions and revenue increases to meet reconciliation expenditures as imposed by H. Con. Res. 106, setting forth the congressional budget for the U.S. Government for the fiscal years 1990, 1991, and 1992, and pending nominations.

SD-430

Special on Impeachment Committee

To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.

SH-216

9:30 a.m.

Agriculture, Nutrition, and Forestry

Agricultural Research and General Legislation Subcommittee

To hold hearings on the scientific base for food inspection.

SR-332

Commerce, Science and Transportation

To hold hearings in conjunction with the National Ocean Policy Study on the status of the *Exxon Valdez* oilspill cleanup.

SR-253

Joint Economic

To hold hearings on the mid-year economic outlook.

2318 Rayburn Building

10:00 a.m.

Foreign Relations

International Economic Policy, Trade, Oceans and Environment Subcommittee

To hold hearings to review the outcome of the Paris Economic Summit.

SD-419

Judiciary

Business meeting, to consider pending calendar business.

SD-226

1:00 p.m.

Banking, Housing, and Urban Affairs

Housing and Urban Affairs Subcommittee

To resume hearings on S. 566, to provide for a revitalized national housing policy, focusing on drugs in federally assisted housing.

SD-538

1:30 p.m.

Energy and Natural Resources

Public Lands, National Parks and Forests Subcommittee

To hold hearings on S. 371, to designate certain National Forest System lands in the State of Idaho for inclusion in the National Wilderness Preservation System, to prescribe certain management formulae for certain National Forest System lands, and to release other forest lands for multiple-use management.

SD-366

Special on Impeachment Committee

To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.

SH-216

2:00 p.m.

Commerce, Science, and Transportation

To hold hearings in conjunction with the National Ocean Policy Study on tuna management.

SR-253

Finance

International Trade Subcommittee

To hold hearings on the U.S.-Japan Structural Impediments Initiative (SII).

SD-215

JULY 21

9:00 a.m.

Special on Impeachment Committee

To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.

SH-216

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on the nominations of D. Allan Bromley, of Connecticut, to be Director of the Office of Science and Technology Policy.

SR-253

Energy and Natural Resources
To hold hearings on issues relating to the Prince William Sound oil spill.

SD-366

Environment and Public Works
Environmental Protection Subcommittee
To hold hearings on proposed oil spill legislation.

SD-406

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1990 for foreign assistance programs.

SD-138

Governmental Affairs
General Services, Federalism, and the District of Columbia Subcommittee

To hold hearings on S. 1163, to amend the District of Columbia Code to limit the length of time for which an individual may be incarcerated for civil contempt in a child custody case in the Superior Court of the District of Columbia Court of Appeals for individuals found in civil contempt in such case.

SD-342

Labor and Human Resources
Education, Arts, and Humanities Subcommittee

To resume hearings on S. 1109, authorizing funds through fiscal year 1995 for programs of the Carl D. Perkins Vocational Education Act.

SD-430

1:30 p.m.
Special on Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.

SH-216

JULY 24

9:30 a.m.
Special on Impeachment Committee
To resume evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.

SH-216

10:00 a.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 974, to designate certain lands in the State of Nevada as wilderness.

SD-366

1:30 p.m.
Special on Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.

SH-216

2:00 p.m.
Energy and Natural Resources
To hold hearings on issues relating to the Gulf of Mexico oil spill.

SD-366

JULY 25

8:30 a.m.
Office of Technology Assessment
The Board, to meet to consider pending business.

EF-100, Capitol

9:00 a.m.
Special on Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.

SH-216

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on S. 1191, authorizing funds for fiscal years 1990, 1991, and 1992 for the Department of Commerce's Technology Administration, to speed the development and application of economically strategic technologies.

SR-253

Environment and Public Works
Environmental Protection Subcommittee
Superfund, Ocean and Water Protection Subcommittee

To resume joint hearings on proposals to improve the environmental quality of marine and coastal waters, including S. 587, S. 588, S. 1178, and S. 1179.

SD-406

2:00 p.m.
Special on Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.

SH-216

2:30 p.m.
Environment and Public Works
To hold hearings on the nomination of Michael R. Deland, of Massachusetts, to be Chairman of the Council on Environmental Quality.

SD-406

JULY 26

9:00 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 1009, relating to the purchase of broadcasting time by candidates for public office.

SR-253

Special on Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.

SH-216

9:30 a.m.
Energy and Natural Resources
Business meeting, to mark up S. 712, to provide for a referendum on the political status of Puerto Rico.

SD-366

10:00 a.m.
Governmental Affairs
Business meeting, to consider pending calendar business.

SD-342

1:30 p.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on S. 1067, to provide for a coordinated Federal research program to ensure continued United States leadership in high-performance computing.

SR-253

Special on Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.

SH-216

2:30 p.m.
Energy and Natural Resources
To hold hearings on the formulation of a national energy plan and related policies which affect global climate change.

SD-366

JULY 27

9:00 a.m.
Special on Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.

SH-216

9:30 a.m.
Energy and Natural Resources
Business meeting, to continue mark up of S. 712, to provide for a referendum on the political status of Puerto Rico.

SD-366

Veterans' Affairs
Business meeting, to mark up proposed legislation to revise certain provisions of VA health care programs, including S. 13, S. 86, S. 165, S. 192, S. 263, S. 405, S. 564, S. 574, S. 748, and S. 846.

SR-418

Select on Indian Affairs
To hold hearings on S. 143, to establish the Indian Development Finance Corporation, S. 1203, to encourage Indian economic development, and to hold oversight hearings on the implementation of the Indian Financing Act Amendments of 1988.

SR-485

10:00 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Research and General Legislation Subcommittee
To hold hearings on the funding of agricultural research programs.

SR-332

Judiciary
Business meeting, to consider pending calendar business.

SD-226

1:00 p.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 286, to establish the Petroglyph National Monument in the State of New Mexico, and S. 798, designating the Chaco Culture Archaeological Protection Sites.

SD-366

1:30 p.m.
Special on Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.

SH-216

JULY 31

9:30 a.m.
Special on Impeachment Committee
To resume evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.

SH-216

1:30 p.m.
Special on Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.

SH-216

AUGUST 1

9:00 a.m.
Special on Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.

SH-216

AUGUST 1

9:00 a.m.
Special on Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.

SH-216

2:00 p.m.
Special On Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.

SH-216

AUGUST 2

9:00 a.m.
Special on Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.

SH-216

9:30 a.m.
Commerce, Science, and Transportation Consumer Subcommittee
To hold hearings on S. 870, to label consumer products containing substances that contribute to the depletion of the ozone layer in the upper atmosphere, to regulate the sale, distribution, and use of such substances in consumer products and services in and affecting interstate commerce, and to recapture and recycle such substances.

SR-253

Governmental Affairs
To hold oversight hearings on certain programs of the Department of Energy.

SD-342

1:30 p.m.
Special on Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.

SH-216

AUGUST 3

9:00 a.m.
Special on Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.

SH-216

1:30 p.m.
Special on Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.

SH-216

AUGUST 4

9:00 a.m.
Special on Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.

SH-216

1:30 p.m.
Special on Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.

SH-216

SEPTEMBER 14

9:30 a.m.
Governmental Affairs
To hold hearings on S. 1165, to provide for fair employment practices in the U.S. Senate and U.S. House of Representatives.

SD-342

CANCELLATIONS

JULY 18

9:30 a.m.
Banking, Housing, and Urban Affairs Housing and Urban Affairs Subcommittee
To resume hearings on S. 566, to provide for a revitalized national housing policy.

SD-538

JULY 19

9:30 a.m.
Governmental Affairs
To resume hearings on the recently released proceedings of the Surgeon General's Workshop on Drunk Driving.

SD-342

JULY 25

9:30 a.m.
Governmental Affairs
To hold hearings on provisions of S. 135, Hatch Act Reform Amendments of 1989.

SD-342

POSTPONEMENTS

JULY 18

9:30 a.m.
Energy and Natural Resources Energy Research and Development Subcommittee
To resume hearings on S. 964, authorizing funds for fiscal years 1990 and 1991 for civilian energy programs of the Department of Energy, focusing on reactor research and development, and on commercial efforts to develop advanced nuclear reactor technologies.

SD366

11:00 a.m.
Labor and Human Resources Children, Family, Drugs, and Alcoholism Subcommittee
Business meeting, to mark up proposed legislation authorizing funds for programs of the Domestic Volunteer Service Act.

SD-430

JULY 20

9:30 a.m.
Energy and Natural Resources Energy Research and Development Subcommittee
To resume hearings on S. 964, authorizing funds for fiscal years 1990 and 1991 for civilian energy programs of the Department of Energy, focusing on reactor research and development, and on commercial efforts to develop advanced nuclear reactor technologies.

SD-366

JULY 21

9:30 a.m.
Select on Indian Affairs
To hold hearings on S. 498, to clarify and strengthen the authority for certain Department of the Interior law enforcement services, activities, and officers in Indian country.

SR-485

HOUSE OF REPRESENTATIVES—Tuesday, July 18, 1989

The House met at 12 noon.

Dr. Roy L. Honeycutt, president, Southern Baptist Theological Seminary of Louisville, KY, offered the following prayer:

Eternal God, who created all persons in Your image recreate us today after Your purposes. Empower us to continue Your creative work You entrusted to our care. Make us instruments of Your freedom, justice, and peace which You desire for every individual.

Grant to these Representatives of Your people divine wisdom and perceptive vision. During an era of ambiguity may each Member discover certainty for convictions, forthrightness for actions, and integrity for responsibilities.

Bestow on this House the accomplishments for our collective good which each Member pursues and which we in the Nation need so urgently, give to each Representative this day wisdom in decisionmaking, courage in actions, and satisfaction with work well done.

Thy name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceeding and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Georgia [Mr. RAY] please come forward and lead the House in the Pledge of Allegiance?

Mr. RAY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen one of its clerks announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1485. An act to direct sale of certain lands in Clark County, Nevada, to meet national defense and other needs; to authorize sale of certain other lands in Clark County, Nevada; to further the ability of the United States to recover for damages to certain marine and other resources of the National Park System; and for other purposes.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 85. An act to authorize the acceptance of certain lands for addition to Harpers Ferry National Park, WV;

S. 267. An act to authorize the Secretary of the Interior to convey certain lands in Idaho to Mr. and Mrs. Kenneth Blevins of Kuna, ID;

S. 338. An act to authorize the Secretary of the Interior to provide for the development of a trails interpretation center in the city of Council Bluffs, Iowa, and for other purposes; and

S. 830. An act to amend Public Law 99-647, establishing the Blackstone River Valley National Heritage Corridor Commission, to authorize the Commission to take immediate action in furtherance of its purposes and to increase the authorization of appropriations for the Commission.

DR. ROY L. HONEYCUTT, TODAY'S GUEST CHAPLAIN

(Mr. HUBBARD asked and was given permission to address the House for 1 minute.)

Mr. HUBBARD. Mr. Speaker, I am very pleased to introduce to my colleagues and others the gentleman who gave that inspiring prayer at the beginning of today's session.

Our guest chaplain today is Dr. Roy Honeycutt, president of the Southern Baptist Theological Seminary in Louisville, KY.

This year there are 3,200 students at the Louisville seminary, Southern Baptists' oldest seminary, founded in 1859.

Dr. Honeycutt and his attractive and talented wife June, who visit us here today, are both natives of Grenada, MS.

Dr. and Mrs. Honeycutt are both graduates of Mississippi College at Clinton, MS.

Dr. Honeycutt became president of Southern Baptist Theological Seminary in 1982. Prior to 1982, Dr. Honeycutt served as provost of the seminary, dean of the School of Theology, and professor of Old Testament.

Dr. Honeycutt's other service included 16 years at Midwestern Baptist Theological Seminary as dean and professor of Old Testament. Midwestern Seminary is at Kansas City, MO.

Western Kentuckians are proud that Dr. Honeycutt was pastor of First Baptist Church, Princeton, KY, from 1957 to 1959.

Among those many Kentucky friends who are proud that Dr. and Mrs. Honeycutt are our special guests

today is my mother, Mrs. Carroll Hubbard, Sr.

Welcome to Washington, Dr. and Mrs. Honeycutt.

THE PREAMBLE AND THE B-2

(Mr. DREIER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER of California. Mr. Speaker, it was just 2 years ago this month that we were in Philadelphia celebrating the Connecticut Compromise and the bicentennial of the Constitution, and, as we looked at the preamble of the Constitution, which goes as follows:

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

As we look at that preamble, Mr. Speaker, it is very important for us to recognize that providing for the common defense is among our top priorities.

Mr. Speaker, that is why I take the well, to extend congratulations to the wonderful people of Palmdale, CA, who just yesterday had a tremendous success. As we begin this week to address the problem of expanding the technology of our triad, I support and congratulate those who proceeded with the B-2, and I hope very much that this House will join in providing the President the support he needs.

RELEASE OF TRADE STATISTICS

(Mr. GEPHARDT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEPHARDT. Mr. Speaker, President Bush returns today from his trip to Europe with agreements to work with our allies and combat our common problems.

But when his plane hits the tarmac, the President will be brought down to Earth in more ways than one.

Greeting him will be news of another \$10.2 billion in trade deficits for the month of June.

This translates into the loss of another 250,000 good jobs for American workers, and signals a growing weakness in our economy.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

In Europe, the President saw how our economic decline is eroding our ability to lead the Western alliance.

We are no longer able to finance global progress on issues ranging from Eastern Europe to Third World debt to the environment.

Mr. President: All is not "hunky dory" with the American economy.

The sooner you take seriously America's trade crisis, the sooner we will resume world leadership on behalf of democracy and economic freedom around the globe.

THROUGH THE DRUG WAR MAZE IN 28 DAYS—DAY 1: THE HOUSE AGRICULTURE COMMITTEE

(Mr. SMITH of Mississippi asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Mississippi. Mr. Speaker, I want to bring to the attention of Congress and the American people the maze of congressional panels—as depicted in the exhibited illustration—that makes the war on drugs a disorganized and fragmented effort. It is a setup designed more for its public relations value than for an ability to get things done.

Today, beginning with the House Agriculture Committee, and two of its subcommittees, I intend to highlight the problem by naming the standing committees, one committee a day, that have legislative jurisdiction over drug-control policy and the Nation's drug czar.

The House Agriculture Committee has jurisdiction over the harvesting of marijuana or other drug-producing plants. The Subcommittee on Department Operations, Research and Foreign Agriculture has jurisdiction over assistance to farmers with eradication of marijuana on their land. The Subcommittee on Forests, Family Farms and Energy has jurisdiction over clandestine growth of drugs in forests, other than those created from the public domain.

I urge my colleagues to reduce this maze of over 80 committees, subcommittees and select committees, into one single oversight committee. The lines of command must be clearly drawn.

Let us remind ourselves that Congress created the job of drug czar to oversee and coordinate all aspects of the war against drugs. This job was created, in part, to make certain that all agencies in the executive branch are working together and to identify one person who is in charge.

But the drug czar can do no good as long as he must pass through a maze of congressional panels to arrive at a national strategy for fighting drugs. If the Congress is serious about fighting

the drug war, it will clear the way for the battle plans to be laid.

OPPOSE H.R. 1056—AN ANTI-DEFENSE BILL

(Mr. RAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAY. Mr. Speaker, this week, possibly as early as tomorrow, the Energy and Commerce Committee will bring the Eckart bill to the floor; H.R. 1056.

The bill is well intentioned and addresses environmental restoration problems on Federal facilities.

It goes too far, however, and lumps our Nation's defense force together with other Federal agencies, it disregards the last 4 years of progress made by DOD, and it strips away sovereign immunity. H.R. 1056 will allow States and designated regulatory agencies to levy fines of up to \$25,000 per day, or millions of dollars.

H.R. 1056 would not recognize the fact that Department of Defense environmental funds designated for clean-up of Defense environmental problems are for just that purpose—restoration and clean-up—but would soak up these badly needed funds to fatten up local and State treasuries through fines and penalties.

The real danger, however, is that the O&M [operations and maintenance] and the personnel accounts, which pay the civilian and military employees on 897 military bases, lose the protection which sovereign immunity now provides.

If Members in this body have the welfare of Federal civilian workers at heart, you should be aware that H.R. 1056 can, in its worst case, cause the furlough or layoff of thousands of civilian employees.

There are at least two colleague letters in the office of each Member which will detail specifically the concerns which many members of the House Armed Services Committee have, and we urge you to become familiar with it and to oppose H.R. 1056—which in my opinion is an anti-Defense bill.

□ 1210

CAN WE AFFORD NOT TO BUY THE STEALTH BOMBER?

(Mr. DAVIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS. Mr. Speaker, over the past several weeks I have watched many of my colleagues ask the question, "Can we afford the Stealth bomber?" The real question, however, should be, "Can we afford not to buy the Stealth?"

Sure this weapon system is expensive. All landmark, state-of-the-art weapon systems are expensive. As a percentage of the Defense budget, though, it is actually less expensive than previous bombers—the B-1, the B-52, and the B-47. And its remarkable technical capabilities allow you to stretch those dollars even further. For example, the Air Force projects that the Libyan mission of 1986, which required 130 aircraft, could have been accomplished with three or four B-2's.

A final thought: The Stealth technology that makes the B-2 invisible to radar will be used in every military aircraft into the future. From the accounting standpoint, it is unfair to assess all the R&D costs to the Stealth bomber.

We simply cannot afford not to fund the B-2.

STOP THE SALE OF AMBASSADORSHIPS

(Mr. LANTOS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANTOS. Mr. Speaker, the time has come to stop the sale of ambassadorships. For decades, under both Democratic and Republican administrations, we have suffered from the unfortunate practice of having palpably unqualified men and women appointed as U.S. Ambassadors to countries both small and large. This inexcusable practice has led to both the perception and the reality that ambassadorships are sold to the highest bidder.

The American people—and American foreign policy—deserve better.

Mr. Speaker, today I am introducing legislation that will limit the percentage of political appointees as Ambassador to 20 percent of the total. This will allow the President plenty of leeway to appoint qualified, noncareer individuals to the position of U.S. Ambassador, but it will also ensure that our foreign policy is executed by competent and experienced representatives of the President. The time has come to end the practice of selling ambassadorships.

ENVIRONMENT PLAYED CENTRAL ROLE IN PARIS SUMMIT

(Mr. CONTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONTE. Mr. Speaker, the President is on his way back from a whirlwind tour of Europe and a successful economic summit with the leaders of the industrialized nations.

But the news from Paris was not all economics or nuclear disarmament or Third World debt. For the first time in

the history of these summits, the environment played a central role in the discussions and in the final communiqué. The group of seven identified "the urgent need to safeguard the environment for future generations," and pledged their cooperation in solving the problems on an international level.

The leaders were specific to mention the devastating greenhouse effect, the problem with ozone and carbon dioxide and the serious threat of acid rain.

The Paris communiqué made strong and important statements. The leaders warned that "the depletion of the ozone layer is alarming and calls for prompt action" and they stressed that "preserving the tropical forests is an urgent need and must be reversed."

Mr. Speaker, these statements are important not for their factual assertions, but because they were made by the leaders of the Western nations, by the leaders who are essential to solving these problems.

The environment is truly an international issue that demands an international response. And I congratulate President Bush for making the environment a high priority and for leading the Western alliance in a serious effort to address environmental problems.

THE SUCCESS OF THE STEALTH BOMBER

(Mr. SKELTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKELTON. Mr. Speaker, yesterday the Stealth B-2 bomber made its first test flight successfully. This is America's technological know-how at work. This new system is as revolutionary to air warfare as the submarine was to naval warfare.

This Stealth bomber makes the Soviet's \$350 billion defensive radar system obsolete, and will also cause the Soviets to get more serious about arms talks and arms control negotiations.

The value of the Stealth bomber is far more than its cost. As a matter of fact, its projected cost is a lesser percentage of the total defense budget than was the B-52 and the B-1 bombers in their day.

This technology is America's ability to keep our country strong and free. The Stealth is a positive step forward for our national security.

BULGARIA IS ABUSING THE HUMAN RIGHTS OF ETHNIC TURKS

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, over 100,000 ethnic Turks whose ancestors

have lived in Bulgaria for more than five centuries are now told they are not welcome. Ignoring previous commitments to international human rights agreements, the Bulgarian Government is forcibly expelling its 1.5 million ethnic Turks.

Tens of thousands of refugees, now in Turkey, tell of entire towns being cleared on short notice. In May, ethnic Turks in the city of Razgrad took to the streets in protest. Soon, troops opened fire, killing over 100.

Now two human rights activists who brought the story of the Razgrad massacre have also met with repression—one was imprisoned for 2 months while the other was expelled.

Mr. Speaker, I commend our colleagues, the gentleman from Maryland [Mr. HOYER] and the gentleman from New York [Mr. SOLARZ] for a resolution condemning the Bulgarian Government's flagrant disregard for human rights.

Mr. Speaker, we must condemn these despicable actions, monitor the situation closely and limit Bulgaria's access to Western markets until they stop their mindless persecution of ethnic Turks in their country.

THE HUMAN RIGHTS OF JOHN DEMJANJUK

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, three Israeli judges said that John Demjanjuk was actually Ivan the Terrible of the Treblinka death camp. Demjanjuk was sentenced to death. He is in jail in Israel pending appeal.

It appears that they may have the wrong man, but no one is listening. Recent evidence obtained by the Freedom of Information Act shows and suggests strongly that the Office of Special Investigation deliberately withheld key evidence that would have aided Demjanjuk, the auto worker from Cleveland, in his defense. The statement was one of Ignat Danil 'chenko, who stated that John Demjanjuk was with him between March 1943 and April 1945 and not at Treblinka, and that is the time that Ivan the Terrible was DBA at Treblinka.

Something is very wrong here. For us to allow one's individual's rights to be discarded threatens ultimately the rights of all Americans.

OSI also has withheld the statement of a Mr. Suchomil, a Mr. Franz and a Mr. Glazier.

It is time for OSI to come clean. It is time for Attorney General Thornburgh to look into this matter.

If he is Ivan the Terrible, he should be put to death, but they may have the wrong man and Americans should not abrogate the rights of a citizen of

its own for so many years in such a manner.

□ 1220

INTRODUCTION OF FIRE PROTECTION LEGISLATION

(Mrs. MEYERS of Kansas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MEYERS of Kansas. Mr. Speaker, in March I testified before the Government Operations Subcommittee on Employment and Housing regarding the fire and explosion that killed six firefighters in Kansas City, MI, last November.

I testified that Congress should enact legislation to require the formation of a Federal working group to coordinate emergency response information. I have introduced H.R. 2813 to implement this proposal, and the Government Operations Committee report on the Kansas City tragedy recommends this concept.

My legislation calls for the U.S. Fire Administration to convene a working group of DOT, EPA, OSHA, and BATF officials to review information provided to emergency personnel concerning chemicals and chemical compounds, and to determine how they interact and how they should be treated in an emergency. This review will ensure that information provided to firefighters is clear, concise, and up-to-date.

Mr. Speaker, this fire protection measure is needed to prevent future firefighter tragedies involving hazardous and explosive materials. I urge my colleagues to cosponsor H.R. 2813.

HUD NEEDS CAREFUL SCRUTINY

(Mr. BENNNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BENNNAN. Mr. Speaker, the scandal in the Department of Housing and Urban Development could mean between \$1 and \$2 billion has been wasted on outright greed, influence peddling, and fraud.

While our Nation is in the midst of a severe housing crisis and some housing programs have seen funding reduced by 90 percent, we are witnessing a shameful abuse of public funds and the public trust. Former Reagan administration officials have testified that cronyism and lucrative consulting fees were two driving forces in making housing decisions. My constituents in Maine, who are experiencing firsthand the problems of maintaining an adequate supply of affordable housing, are outraged over these scandalous disclosures. We must remain firm in seeing that those citizens most dependent on housing assistance will not

be punished as this scandal is uncovered. We must aggressively pursue the wrongdoers. I am pleased to see that being done by the outstanding leadership of Chairman TOM LANTOS through his recent hearings on this scandal.

This Congress should commit itself to revamping the affected housing programs to remove the well-heeled consultants from the decisionmaking process and begin awarding housing funding to those most in need of our help. I urge my colleagues to join me in assuring that the Department of Housing gets the necessary scrutiny to prevent past corruption-as-usual practices. Let us help those who need homes and not the well-heeled.

UNITED STATES-CANADA AGRICULTURAL TRADE

(Mr. DONALD E. "BUZ" LUKENS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DONALD E. "BUZ" LUKENS. Mr. Speaker, Ohio is No. 3 in total export trade in the world next only to California and Texas, and we do not even have a coastline.

I rise today to bring attention to the agricultural trade deficit, to my colleagues, a severe shortcoming caused by this year's free-trade agreement, the problem of Canadian Government subsidies and how they adversely affect America's agricultural farmers.

The United States-Canada Free-Trade Agreement is a giant step forward in its attempts to open free trade, and I am all for it. Its failure to address Canadian Government subsidies is severely affecting certain markets throughout the United States under this agreement, especially agriculture.

Ohio is a largely agricultural region which deals heavily with Canada. In fact, Ohio as a whole, has the greatest balance of trade with Canada of any State in the Union.

Prior to the free-trade agreement, U.S. agricultural exporters enjoyed the opportunity to offset Government subsidies with tariffs or other formal tariff barriers. With the free-trade agreement's gradual elimination, however, United States exporters are left defenseless against informal, nontariff barriers imposed by the Canadian Government. That is a major concern of my district and of the State of Ohio.

Specifically, Ohio hog exporters, especially in my district, are being hurt by Canadian Government subsidization of its own pork producers. I am sure that this problem is not specific to Ohio. This situation is often overlooked in free-trade-agreement literature that should be brought to the full attention of my colleagues here in the House.

TRIBUTE TO JOHN N. DEMPSEY

(Mrs. KENNELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KENNELLY. Mr. Speaker, today I rise to pay tribute to John N. Dempsey, Governor of the State of Connecticut from 1961 to 1971. Governor Dempsey's time as Governor was very special and fortuitous for the State of Connecticut. John Dempsey was a man of great sensitivity and compassion. As a result the retarded, the handicapped, the truly needy felt they had a special friend at the State capitol. The Governor translated this concern into action and as a result Connecticut gained a national reputation in care for the retarded, for those with special needs. John Dempsey understood State government and made it work. He acted always with dignity but understood the power of humor. He was the consummate politician who did his work as a statesman.

Governor Dempsey was a wonderfully proud man. He was so very proud of his wife Mary and his four children. Father Edward, John, Kevin, and Margaret. He was proud of his hometown of Putnam which he served as mayor for six terms. He was proud of his service in the legislature, as Lieutenant Governor. But he was most proud of America. Having been born in Ireland, he came to this wonderful country as a boy, and was chosen to be the Governor of one of its original colonies. He was the personification of our great democratic system.

Connecticut is going to miss John N. Dempsey.

ADVICE TO THE ADMINISTRATION ON TRADE

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, the first grade card for the Bush administration in the area of international trade has come in, and the news is not good. It is a flunk.

Today the Commerce Department announced that the U.S. trade deficit for the month of May widened dramatically, the biggest gap in 5 months.

Foreign goods flowing onto our shores rose sharply to a level of over \$10 billion more. This represents a 24-percent increase from the month before.

At this rate our annual deficit will again ring in at over \$100 billion. This will mean more hollowing out of American manufacturing as well as agriculture as we see our markets eaten up by more imports.

My own guess is this has happened because our trade competitors in the rest of the world view the new administration as weak. The administration's

timid use of the new trade law passed by Congress, especially its hands-off attitude on the super 301 provisions, gives strong evidence that America is viewed as a patsy worldwide.

The really bad news is that U.S. exports also dropped overall, and imports rose sharply in every category. My advice to the Bush administration is to flex the real muscle Congress has given in the new trade law to fight for American companies, our workers' jobs, and our future.

PERMISSION FOR SUBCOMMITTEE ON SPACE SCIENCE AND APPLICATIONS OF COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY TO SIT TODAY DURING 5-MINUTE RULE

Mr. NELSON of Florida. Mr. Speaker, I ask unanimous consent that the Subcommittee on Space Science and Applications of the Committee on Science, Space, and Technology be permitted to sit during the 5-minute rule today.

THE SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

THE "VALDEZ" DISASTER CONTINUES

(Ms. SLAUGHTER of New York asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SLAUGHTER of New York. Mr. Speaker, almost 4 months ago Americans watched with horror as one company's negligence caused the Nation's worst oilspill. More than 10 million gallons of crude poured from the hull of the *Exxon Valdez*, and Exxon did little to stop it or clean it up.

Last week, as the *Valdez* limped toward scheduled repairs in San Diego, it left a calling card behind: An 18-mile-long oil slick outside the entrance to the harbor. This second slick raises serious doubts about Exxon's commitment to environmental protection.

What will it take before Exxon ensures that our waters are not polluted any further?

I have introduced a bill to provide the oil industry with one more incentive to be careful of the environment: H.R. 2060 would deny a tax deduction for the costs of removal, cleanup, and payment of damages resulting from oil spills in American waters. The bill does not target any specific company. Rather, it attempts to encourage greater care on the part of all those responsible for transporting oil.

The *Valdez* is being towed in slow, backward circles while everyone decides what to do with it. I hope we can move more decisively in the right direction.

TRADE DEFICIT ON THE RISE

(Mr. DORGAN of North Dakota asked and was given permission to address the House for 1 minute.)

Mr. DORGAN of North Dakota. Mr. Speaker, the news again this morning on the trade deficit is not good. The trade deficit is on the rise.

There are several causes for that, but one of the causes, in my judgment, is a bankrupt trade policy throughout the 1980's. We have said, in effect, that we open our arms to all foreign goods, and we allow foreign markets to close their markets to American producers. It does not make sense to me.

□ 1230

In some major American ports there are four ships coming in with foreign goods for every ship going out with American exports, and it is not going to get better, it is going to get worse until we have some leadership.

President Bush says, for example, "I want the FSX deal with Japan." That is going to increase the trade deficit. That says to Japan we want to help provide more jobs in Japan and fewer jobs in America by helping the Japanese build a fighter in Japan with American technology instead of requiring the Japanese to buy fighter planes from America, which they ought to do.

Mr. President, it is time for some leadership. It is not old fashioned, it seems to me, to stand up for this country, to stand up for its producers and the interests of its wage earners, and it is not old fashioned for us to insist on the golden rule of trade and insist on not only free trade but fair trade.

Mr. President, America needs your help. Now is the time for a little leadership. Now finally is the time for a trade policy that makes sense for us, for America, for America's future, and for America's economy.

NO COMPENSATION FOR FAMILIES OF IRANIANS SHOT DOWN BY THE "VINCENNES"

(Mr. APPELGATE asked and was given permission to address the House for 1 minute.)

Mr. APPELGATE. Mr. and Mrs. U.S. Taxpayer, the Government is at it again. The State Department wants to give \$30 million of your hard earned tax bucks to the passengers and crew of the Iranian airliner that was shot down by the U.S. *Vincennes*, and 250 of these were Iranians.

I do not want to sound cold and callous, but when has Iran shown any compassion, any remorse, or offered any compensation for the 240 marines they ordered killed in Beirut? Or what about the 100 or so Americans that they have held captive for so many years and months depriving them of life, liberty, and the pursuit of happiness? I want to hear from Iran first.

Yes, I feel that they should compensate the families from India, from Pakistan, Yugoslavia, Italy, and the United Arab Emirates, but not one nickel to Iran until we hear from them, until they show some kind of remorse.

Just ask the families of those 240 marines.

EXPLORING SPACE

(Mr. TORRICELLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TORRICELLI. Mr. Speaker, 20 years ago three Americans began mankind's most extraordinary journey. In a few days our country, indeed all the world will celebrate that special time, and new calls will be made from all around this globe for us to renew the conquest of space.

I take the well today to remind my colleagues that a year ago this House, without the spotlights of an anniversary, without a time to celebrate, we seized that initiative. In the authorization bill for NASA we called upon the administration to establish a commission to meet with all nations of the world who are interested in renewing this conquest by the next logical step of sending men and women to Mars, only sadly the establishment of that commission and of those goals was vetoed by the last administration.

Today, Mr. Speaker, I will renew that call again in the Science, Space, and Technology Committee by offering a revised version of this amendment to establish this commission once again. I ask my colleagues to join with me. Let us make the race tomorrow not a quest for whose flag arrives first, but how much we can learn; not what propaganda will be gained, but how much knowledge can be shared, that each nation's efforts complement each other's, and that we begin the planning now.

Join in this effort, not in a celebration only, but in a long-term commitment to take the next great step in space.

NO MORE BLANK CHECKS TO THE MUJAHIDIN

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, we need to reassess our blank check policy toward the Mujahidin. The continuous blood feuds between the Afghan rebels could have catastrophic consequences for United States policy in the region and the end of the Afghan war.

As many as 30 Mujahidin military leaders, including several senior field commanders, were brutally killed by

rival factions, probably with U.S. arms. The questions we should ask are: Are we providing arms to the Mujahidin so that they can kill themselves to decide who is top dog, or to continue their worthy struggle against a Soviet-backed Kabul regime? Will the continuing rivalry among the Mujahidin erase all of the advances that they have made?

Mr. Speaker, no more blank checks for the Mujahidin until they stop killing each other.

U.S. ALTERNATIVE FUELS COUNCIL MEMO NO. 71889: INTERNATIONAL COMMITMENT TO PROTECTION OF THE GLOBAL ENVIRONMENT

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALEXANDER. Mr. Speaker, I rise today to commend the President and the leaders of the major industrial nations for making the protection of the global environment a top priority at the Paris summit. I am encouraged by their call for decisive action in cleaning up our air and water, for in the past cleaning up the air and the water has been an afterthought at these meetings. This demonstrates a new dimension of commitment which will lead to results.

One of those problems of cleaning up the environment is carbon monoxide caused by gasoline engine emissions. A commitment to cleaning up our air will lead to the use of ethanol, methanol, and compressed natural gas. Cleaner burning fuels will lead to cleaner air.

PUTTING THE B-2 COST IN PERSPECTIVE

(Mr. DICKS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DICKS. Mr. Speaker, now the B-2 critics are saying, well maybe it can fly, but it still costs too much.

In a time of budget constraints cost has to be a legitimate concern. But in the proper context the cost of B-2 is not unreasonable. Overall B-2 procurement represents a smaller percentage of a no-growth defense budget over its funding period, 1.3 percent, than did the B-1 or the B-52 over comparable periods. Nor is the peak funding period unprecedented. It is virtually identical in inflation adjusted dollars to the peak period of the B-1. In fact, the B-1 had a single peak year more than \$1 billion higher than the B-2 in constant dollars.

It is also important to recognize that the research and development program has applications for all future

fixed wing combat aircraft, as well as for cruise missiles and other conventional weapons. It is no more appropriate to assign these costs to a single platform than it would be to assign our entire antisubmarine warfare research effort to the SSN-21.

Finally, when we look at alternatives to maintain the manned penetrating bomber force they are not cheaper, they are more expensive, and less capable. The same number of B-1's, and required tankers, would cost \$44 billion, \$1 billion more than the cost to complete the B-2 program. A more comparable capability of 185 B-1's would cost \$60 billion. And neither would be able to penetrate Soviet air defenses in the next century.

So when you look at the facts the B-2 is an expensive program, but given what it contributes to deterrence it is affordable. The real question is can we afford not to go forward with the B-2.

ECONOMIC SUMMIT NEWS NOT GOOD FOR U.S. TRADE

(Mr. ECKART asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ECKART. Mr. Speaker, the President left Europe and he wants us to believe the news is good, but the facts betray the good news coming out of the rosy scenario economic summit. That is that exports are down and imports are up.

Yes, it is a double whammy with the announcement today that our trade deficit is growing, and growing largely at the expense of American jobs.

Yes, America is No. 1. The numbers are \$111.1 billion in trade deficit this year. And at a time we are saying pious things with our European allies, this last month's statistics show that, yes, once again our European colleagues are dumping their goods and costing us jobs here in the United States.

□ 1240

With a widening trade deficit, with Japan still the No. 1 leader in the trade deficit with the United States, we have to ask this simple question: President Bush, what did you bring home besides more foreign goods?

GENERAL LEAVE

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the consideration of the bill H.R. 2883, which will be considered today, and that I be permitted to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

RURAL DEVELOPMENT, AGRICULTURE, AND RELATED AGENCIES APPROPRIATIONS ACT, 1990

Mr. WHITTEN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2883) making appropriations for rural development, agriculture, and related agencies programs for the fiscal year ending September 30, 1990, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not to exceed 1 hour, the time to be equally divided and controlled by the gentleman from Nebraska [Mrs. SMITH] and myself.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

□ 1242

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2883, with Mr. LEATH of Texas in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Without objection, the bill is considered as having been read the first time.

There was no objection.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from Mississippi [Mr. WHITTEN] will be recognized for 30 minutes, and the gentlewoman from Nebraska [Mrs. SMITH] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. WHITTEN].

Mr. WHITTEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we bring you today the bill, H.R. 2883, making appropriations for rural development, agriculture and related agencies for fiscal year 1990, the third bill for fiscal year 1990 to be before the House.

In actions to date by the various subcommittees, our committee has restored funds for: Economic Development Administration, Appalachian Regional Commission, community services block grant, rural development loans and grants, education programs, Federal aid for highways, sewage treatment grants, energy research and development, conservation programs, disaster assistance, small business assistance, public housing programs, and mass transit grants.

These programs are essential to the strength of our Nation and have an impact in all parts of our country.

And yet at the same time, we have held the total amount within the 302(b) allocations and, below the President's total recommendations.

As you know, I serve on the Defense Subcommittee, that for Energy and Water—public works—Health and Human Services, Interior, Transportation, and the rest. I am serving my 11th year as chairman of the Appropriations Committee.

Our committee has held the line. Since 1945, we have kept the total of appropriations bills \$187 billion below the total requested by the Presidents and more than \$16 billion below President Reagan's request.

In the pending bill, we again hold the line. It is within the limits of all the restrictions on our committee, which is usual. We do have financial problems, law enforcement problems, and major drug problems which threaten the Nation itself.

In other bills, we have addressed these problems.

CHANGE IN POLICY NEEDED

Mr. Chairman, agriculture, our largest employer at home, our biggest market for industry and labor, our biggest dollar earner in world trade, has been permitted to go down the drain during the last decade. Thousands of farmers have gone bankrupt and hundreds have committed suicide. Seventy million acres of land lie idle through foreclosure or government programs to reduce production. Foreclosed land is often bought by insurance companies and foreign buyers. Villages and rural cities are drying up, unless they have local military or foreign aid spending which is increased each year. The effect on the Nation is disastrous.

SOUND FARM PROGRAM

For 48 years, farm prices were maintained to offset costs and our surplus sold in world trade at competitive prices.

Instead of using CCC to buy our surplus products and sell it in world trade competitively, the Department has paid \$2.4 billion in bonuses to exporters—a cost which is charged to the farmer. CCC, instead of buying and selling as Congress intended, is used for many other purposes and the cost is also charged to the farmer.

Instead of using section 32—30 percent of customs receipts—as intended to support the price with special attention to perishable commodities and to promote exports, they divide it among consumer programs.

Instead of the farmer receiving a fair price from the buyer, as he did for 48 years, he must look to a check from the U.S. Treasury. To help meet his expenses he must look to a synthetic crop insurance, where more than half the amount goes to the insurance com-

panies and the remainder is used in an effort to keep the farmer in business while his price supports are less than cost and further reductions are called for by the Secretary.

Under the Targeted Export Assistance Program American industry has drawn \$500 million to promote their products abroad. This, too, is charged to the farmer.

The Congress increases the minimum wage and the only dispute is whether it is to be \$4.25 or \$4.55, about 30 cents difference. The effect is to increase farm costs for machinery, chemicals, and all the rest. At the same time the Federal Government then asks Congress to reduce what goes to the farmer to offset this.

Remember, 84 percent of the land area of our country is rural, including cities of 50,000 and less, and is largely ignored by present government plans.

After 8 years of current policy, what is the result—

The national debt of \$932 billion in 1981 has tripled to over \$2.8 trillion.

Our trade deficit has gone from \$19.3 billion in 1980 to \$170 billion in the red in 1987 and \$119.8 billion in the red in 1988.

For the first time since 1914, the United States is a debtor nation, the largest debt any nation ever had throughout history.

INCREASED BANK FAILURES

Since 1981 some 811 banks and 586 savings and loan associations have gone bankrupt, many of them in rural areas. I will provide a table for the RECORD from the Federal Deposit Insurance Corporation which show the number of failures each year:

Year	Banks	Savings and loans
1982	42	73
1983	48	52
1984	79	27
1985	120	68
1986	138	78
1987	184	73
1988	200	215
Total	811	586

In addition, the Farm Credit System—the largest banking system in the country—has been on the verge of bankruptcy and has had to be bailed out by the Congress, pulling down the economy of much of the Nation.

FAIR PRICE TO FARMER—LITTLE COST TO CONSUMER

Increasing the price the farmer receives would have only a small impact on prices. A 60-cent loaf of bread contains only 5 cents worth of wheat. A \$16. cotton shirt has 43 cents worth of cotton, and a pound of candy that costs \$3.89 contains only 11 cents worth of sugar. That jar of peanut butter that costs \$1.79 contains 46 cents worth of peanuts. If we were to increase the price received by the farmer by 10 percent, it would only

add a penny or two to the cost of these items, but a 10-percent increase would allow many of our farmers to break even and stay in business.

We should return to a program of using CCC and section 32 to enable the farmer to get his income from the user of his product rather than from a check from the Treasury.

The new Secretary is a capable person, well trained in every aspect—as a farmer, as a student, as a successful stock broker—and the best informed person in the world on what other countries do to protect their agriculture, which we formerly did and could do now if we would turn to the law which worked so well.

FOREIGN TRADE

Mr. Chairman, we must realize that the normal definition of trade is “an exchange of property.”

Since many countries will not accept our products in exchange for what we buy from them, what we have done since 1981 is exchange our notes, or promises to pay, for property.

The results of this—

Our debt has tripled, \$932 billion in 1981, \$2.8 trillion now.

Our trade deficit has skyrocketed.

We are now the largest debtor nation in the history of the world.

Over 300,000 farmers lost their farms, hundreds committed suicide.

70 million acres of land lie idle to help foreign producers.

We have sold many billion of dollars worth of our assets, including real estate, to get our dollars back from overseas in order to operate.

It cannot continue without endangering our financial system itself.

FUNDS TO DEVELOP A PLAN

We have provided \$500,000 for compiling the laws and practices used by our foreign competitors to compete against us. This information should be on a country-by-country and commodity-by-commodity basis.

We have also provided \$500,000 for the new Secretary to develop a plan for returning to the use of these laws which have been suspended.

This information should help the new Secretary to return to the farm program which worked so well for 48 years, and to avoid the erroneous policies of the past decade—policies which have wrecked a terrible toll on the American farmer and the American economy.

NEW DIRECTION FOR THE FUTURE

We learned sometime ago that we cannot run the world and the last 8 years have proven we cannot finance it either. Now, we turn to the rest of the world to finance us.

To restore our finances we have to produce and sell. Present policies are to cut production. Producing and selling is essential if we are to reduce our debt.

PROBLEMS FACING AMERICAN AGRICULTURE

One of American agriculture's most serious problems is competing with marketing mechanisms in other countries where the Government is in partnership with its exporting companies and export traders.

Under the American Constitution, U.S. farmers cannot use such arrangements to enable them to compete overseas. To compensate for this, the Commodity Credit Corporation was setup to buy and sell farm commodities and to export them on a competitive basis.

SECTION 32 FUNDS

Section 32 of the Agricultural Adjustment Act was established to support farm prices, to offset higher American farm production costs, to aid in exporting U.S. farm products competitively, and to stabilize market conditions. Of the estimated \$4.9 billion to be available in 1990, it is proposed, as authorized by law, to transfer approximately \$62 million to the Department of Commerce to promote fishery production, and to transfer slightly over \$4 billion to the Food and Nutrition Service for Child Nutrition Programs. Of the balance, about \$350 million is proposed for commodity purchases, \$4.3 million is proposed for commodity purchase services, and \$8 million is proposed for marketing agreements and orders. Many people charge this full cost against the farmer, although he is not the primary beneficiary.

Unfortunately, during the last decade the Secretary of Agriculture has refused to use either of these laws to help American agriculture.

EXPORT ENHANCEMENT PROGRAM

Finally, after the export debacle of the past 8 years, the Department of Agriculture has created the Export Enhancement Program under which \$2.4 billion has been paid to exporters, although charged to the American farmer. Four of the largest exporters got over half of this money, as follows: Cargill Inc., \$465 million; Continental Grain Co., \$442 million; Louis Dreyfus Corp., \$320 million; Artofer Inc., \$140 million. A total of 76 exporters received funds under this program.

TARGETED EXPORT ASSISTANCE PROGRAM

The Department has paid U.S. corporations \$420 million in the past 3 years to promote their products overseas. In fiscal year 1989, \$200 million will be paid out under this Targeted Export Assistance Program. Here again, the American farm economy has been charged by the public with the cost of this program. The 10 largest recipients in 1989 will include: U.S. Meat Export Federation, \$17 million; Cotton Council International, \$15 million; Almond [EIP], \$11.8 million; American Soybean Association, \$11.450 million; Citrus [EIP], \$11.2 million; California Raisin Advisory Board, \$10.7 million; National Forest

Products Association, \$8.150 million; USA Poultry and Egg Export Council, \$8 million; National Peanut Council, \$7.4 million; California Walnut Commission, \$7.3 million. In all, 47 organizations will receive funds under this program this year.

INCREASE IN PRODUCTION COSTS

This year, the farmer's production costs are being raised by an increase in minimum wages and increases in fuel, chemicals, seed and other items the farmer requires to produce and market his crop. At the same time, target prices are reducing what the farmer receives to cover his costs of staying on the farm.

SEVERE FINANCIAL CRISIS FACING NATION

Mr. Chairman, the Nation's economy is facing one of the most severe financial crisis in its history. This is due in part to the failure of the Department of Agriculture in recent years to use the farm programs which served the country so well for nearly five decades. Such programs enabled the farmer to secure his income from the consumer of his products, rather than having to depend on Government checks to stay in business. It is also due in large measure to the Department's failure to sell U.S. farm commodities in world markets at competitive prices. The loss of many of America's traditional overseas markets has been costly to all segments of the American economy.

The results of such erroneous policies are evident when the following are considered.

STAGGERING FEDERAL DEBT

The national debt of \$932 billion in 1981 has tripled to over \$2.8 trillion today. It is now larger than the debt of any nation in history. This has happened despite the fact that the Congress has held the total of appropriations bills during this period \$16.1 billion below the President's budget requests.

Not only has there been a large increase in the Federal budget since 1980, there also has been a significant shift in its primary program areas. Between 1980 and 1990 the major increases have been military spending, 126.1 percent; interest on Federal debt, 224.0 percent; and payments to individuals—Social Security, Medicare, Medicaid, and so forth—103.4 percent.

At the same time, all other areas of Federal spending—essentially discretionary domestic programs—have been decreased by 10.0 percent. A further cut of nearly \$12 billion is proposed for such domestic spending for fiscal year 1990 despite the large decrease in past years.

LARGE TRADE DEFICIT

In May 1986 the Nation had a farm trade deficit of \$348 million, the first such deficit this century. In 1987 the total U.S. balance of trade was \$170 billion in the red. It was \$119.8 billion in the red in 1988, compared with a

deficit of \$19.3 billion in 1980. It was some \$9 billion in the red for the month of May 1989, a rate of over \$100 billion per annum.

For the first time since 1914, the U.S. has become a debtor nation. For the last 8 years, in addition to reduced exports, foreign goods have been let into this country almost without limit. The authority of the President to limit, tax, or stop such imports, upon findings of the Federal Trade Commission that they are damaging U.S. businesses, has not been used to stem the flow. The Nation's steel, auto, textile, and shoe industries, to name a few, have been decimated by foreign imports. In addition, American agriculture has been severely damaged by the failure of the Department of Agriculture to use the authority of the Commodity Credit Corporation and section 32 of the Agricultural Adjustment Act to offer American farm products in world markets at competitive prices.

INCREASED BORROWING NECESSARY

In view of the tremendous public debt and the increased trade deficit, the Nation is having to borrow ever large amounts of money from foreign countries each year to continue to function. Interest on that debt in fiscal year 1989 totals \$165.7 billion—a sizable portion of the total Federal budget. For fiscal year 1990 it is estimated at \$170.1 billion, about 15 percent of the total budget. This comes off the top of the Nation's economy and much of it goes overseas. It thereby reduces funds to meet urgent domestic needs such as repairing roads, bridges, harbors, and maintenance of schools and other essential facilities which have been allowed to deteriorate dangerously in the past 8 years due to administration opposition to essential public works.

AMERICA FOR SALE

Foreign interests are buying up this country at an alarming rate. The Japanese already own most of the major buildings in Los Angeles, Honolulu, and many other major cities. The Washington Post of March 13, 1988, carried a front-page article, entitled "America for Sale," which included the following:

During the past five years nearly \$800 billion in foreign capital washed across the United States buying up companies, banks, luxury hotels, retail chains, building new factories, establishing bank accounts, and financing a major portion of the national debt. This has helped turn the U.S. from the world's largest creditor to the world's largest debtor.

HARD TIMES ON THE FARM

Agriculture, the Nation's largest industry and largest dollar earner in world trade is also in serious financial trouble. This is due in large measure to the failure of the past administration—as noted earlier—to continue to use the farm programs of previous years which enabled the farmer to re-

cover his costs of production, plus a small profit, from the user of his product rather than from the Federal Treasury. It is also the result of the failure of the Secretary of Agriculture to use the Commodity Credit Corporation and section 32 funds to move U.S. farm products in world markets at competitive prices, and the failure of the President to curtail, tax, or stop excessive imports, when found harmful to American farmers and other industries. It is difficult for U.S. industry to compete with countries which pay about as much for a week's labor as is paid for a day's work in this country.

The policies of the past 8 years have wrecked the economy of rural America. Last year, the President proposed "a rural development initiative" which would have funded rural development programs at a lower level than Congress provided the year before. President Bush's 1990 budget continues this "initiative" but at a lower level than provided by Congress last year.

AGRICULTURAL EXPORTS DOWN

U.S. agricultural exports declined from \$43.8 billion per annum in 1981 to a low of \$26.2 billion in 1986, with a partial increase to \$35.3 billion in 1988. International corporations have been paid \$2.4 billion in incentives during the past 3 years alone to move U.S. farm commodities abroad. This cost has been charged against farm programs, although the farmers have received none of these funds to help them meet their production expenses.

Through the years the farmer has been discriminated against by his Government. During World War II the Government asked him to plant fence-to-fence to help with the war effort. When the war was over the Government gave \$20 billion to industry to help it adjust back to more normal conditions, but it did nothing to help the farmer make his necessary adjustments.

As noted earlier, the failure of American agriculture to remain competitive in world markets, the use of embargoes to enforce international relations, and the curtailing of U.S. production have been costly to the agricultural economy. For example, under the PIK [Payment-in-Kind] Program in 1983, which cost this country over \$12 billion, domestic production was cut by 11 percent, U.S. exports were cut by 11 percent, while overseas competitors increased their production and exports by an equivalent amount.

FARMERS GOING BROKE

According to information from the Congressional Research Service, more than 300,000 farmers have been forced off their farms since 1981. Moving to town has added to the problems of the cities which are already heavily burdened with serious social problems.

In Oklahoma, alone, such figures show that over 100 farmers have committed suicide in less than 2 years and in Iowa, about 47 farmers have killed themselves each year. The figures are similar for other farm States according to that source.

LAND OUT OF PRODUCTION

An estimated 70 million acres of good farmland have been taken out of production and lie idle either through foreclosures or through Government efforts to reduce production and thereby increase prices. Idle acres are costly to the national economy in lost production. Furthermore, they tend to deteriorate unless properly taken care of—an expensive undertaking.

As land was foreclosed or taken over, and the farmers were forced off their farms, the Farmers Home Administration would not permit the farms to be resold to the owner or his relatives. Thousands of farms were sold that had been in the same family for generations. Instead, the land was sold to insurance companies and large corporate farmers who got first pick at the best land.

COST OF FARM PROGRAMS

Prior to 1981, the total cost of the farm program over its 48-year history was \$72.5 billion. In the past 8 years alone, it has cost \$125 billion—nearly double.

Since 1981, when Federal crop insurance was handled by Government agents, to the present program, where 85 percent of policies are sold through private companies, administrative and operating costs to the Government have gone up by 260 percent although insured acreage has increased only 9 percent. In the Department's rush to turn the program over to private business, apparently no thought was given to the added cost to the Government. In 1981 the Federal Crop Insurance Corporation had a surplus of \$55 million. Since that date the Corporation has lost \$2.5 billion.

When Congress passed legislation in 1977 to provide farmers some debt relief, the Department ignored it. When Congress passed legislation requiring such relief, the Department delayed implementing the law for 1 year and then required the farmer to complete all the paperwork in 45 days.

ONLY FARMERS FORCED TO REPAY

Further, the Farmers Home Administration adopted a policy of requiring the farm borrower to show that he could pay off the new loan, plus all past due loans, in a single crop year. Farmers are the only class of borrowers who are required to live with such stringent rules. Not even foreign borrowers from the United States are treated so harshly.

HOW TO LOSE YOUR FARM

Mr. Chairman, the sad plight of many American farmers these days is very aptly described by a recent book

entitled "How To Lose Your Farm in Ten Easy Lessons and Cope With It" by Robert Hitt Neill and James R. Baugh.

This book deals realistically with the difficulties faced by thousands of farmers as they went from the prosperity of the 1970's to the bankruptcy and ruin of the 1980's. A few excerpts from the book, together with other comments, are included below to illustrate some of the errors in our farm policies—errors which this committee has been concerned about through the years.

FREE MARKETS AND EMBARGOES

The government farm programs *** work like this: the programs are based on acres times yields times monies, and when you are multiplying you increase the total many times more when you increase one of the factors. Back when a farmer could sell on the open market, he could get by making a small yield if he kept his costs down. But suddenly, after the government had broken the free markets with embargoes, the farmer found himself in a position of having to farm for the government payment. There was no choice, if he wanted to stay in business.

*** These ivy-league jokers still wet behind the ears who are trumpeting that farmers "need to become market oriented" need to do their own homework. If they'd just go back a few years, they would find out that we were market oriented.

The book then discusses the events leading up to the oilseed and soybean embargo of 1973, which resulted in the collapse of soybean prices and the loss of our Far-Eastern soybean markets to new growers in South America and elsewhere. Other embargoes since that date, including the 1980 embargo against Russia as punishment for her invasion of Afghanistan, have had a similar effect on foreign markets for many U.S. commodities, with devastating losses for the American farmer.

THE PIK PROGRAM

As pointed out previously, the PIK [Payment-in-Kind] Program cost this country over \$12 billion, cut domestic production and exports by 11 percent and increased foreign production and exports by an equivalent amount.

The following quote from the Neill-Baugh book indicates what happened to the individual farmer as a result:

Long-term planning is completely missing from government programs. Remember the PIK program about five years ago? The ASCS offices had meeting after meeting to try to explain it to the dumb farmers. One of the questions that was asked at every meeting I attended was, "If we cut our planting to fifty percent, will it reduce our bases in the future?"

As the answer was always "No." Guess what? This past year the same people figured in the actual plantings for the PIK year in the five-year averages to determine our bases. My base was reduced by nearly fifteen percent.

LEAN YEARS THE RULE

The authors conclude in the following quotes that farmers have to be op-

timists to stay on the farm and endure the lean years:

Farmers have always had to endure lean years. At the coffee shop an older retired farmer said after a second so-so year, "Don't worry. I've been farming since the '20s and I've never seen three poor years in a row."

After the next year, he said, "Don't worry I've been in farming since the '20s and I've never seen four poor years in a row."

After that year, he quit coming to the coffee shop.

1990 FEDERAL BUDGET

In the past 8 years, as noted earlier, the Federal debt has tripled—from \$932 billion to over \$2.8 trillion. This has happened despite the fact that the total of appropriations bills passed by Congress has been some \$16 billion below the President's budget requests.

In the 1990 budget submitted to Congress, \$303 billion or 26 percent in outlays is requested for military spending, \$17.5 billion or 15 percent in outlays is requested for international affairs, and \$564.5 billion or 49 percent in outlays is requested for mandatory payments to individuals and corporations, foreign and domestic. Of the total outlay budget of \$1.15 trillion, only \$282.3 billion or 24.5 percent is classified as relatively controllable under existing law and subject to the discretion of Congress.

1990 BUDGET FOR AGRICULTURE

The 1990 budget for the Department of Agriculture, excluding the Forest Service, requests total appropriations of \$37.5 billion, a net reduction of \$4.7 billion from the level of the current fiscal year.

MAJOR CHANGES AND REDUCTIONS

A number of significant reductions are proposed for 1990, especially for the Commodity Credit Corporation, the Farmers Home Administration, the Rural Electrification Administration, and the Agricultural Stabilization and Conservation Service. A complete and detailed analysis of these proposals will be found in later portions of this report.

SOUND FARM PROGRAM ESSENTIAL

Mr. Chairman, the massive problems associated with the Federal deficit and the unfavorable U.S. trade balance can never be totally corrected until the Nation's internal economy is restored to vitality, with adequate attention to the needs of the people and the restoration and protection of the Nation's basic resources.

Since this country started meeting local needs with Federal programs in 1934, the Nation's wealth has increased 41 times. Since 1940, it has increased 36 times.

It is essential that the policies and practices which have made this country great be continued and strengthened to encourage productivity and to ensure benefits to people throughout the country. The budget must be balanced, but at a high enough level to

support essential domestic programs which benefit all 50 States equally and provide a strong economy—the first essential of real defense.

It is necessary that the Nation's resources—the people's real wealth—be protected and conserved. In this connection, it should be noted that 80 percent of the original timber stands and 40 percent of the Nation's fertile land are gone. The land and waters must be preserved and rivers, harbors, schools, highways, airports, and so forth, must be constructed and maintained to serve the needs of the national economy.

It is equally important that a strong and healthy agriculture be restored and maintained to support an educated and healthy population with adequate food and nutritional resources.

Agriculture is the Nation's largest producer of new wealth. It is larger than the auto, steel, and housing industries combined. It is the largest market for the goods and services of industry and labor. Its economic health must be restored and maintained to enable it to lead the way in strengthening the total national economy.

COMMITTEE EFFORTS TO STRENGTHEN FARM PROGRAMS

Existing law enables the Government to reinstate the farm programs which operated successfully for 48 years—a program where a fair price was received from the purchaser, both at home and abroad. During those 48 years, farmers were, to a degree, kept in balance with industry and labor who are able to pass their increased costs on to the purchaser of their product.

In 1985 the House of Representatives approved this committee's bill to return to the law where a fair price was to be paid by the purchaser rather than the Treasury, while at the same time retaining U.S. foreign markets through competitive sales. In conference in December of 1985, this provision was disapproved by a vote of 12 to 11.

The committee next reported out H.R. 4515 in May of 1986, which would have done the same thing. A rule was not provided protecting the provision and it was struck from the bill by a point of order during consideration by the House.

That provision reads as follows:

SEC. 105. In view of the financial crisis facing many farmers, resulting from embargoes and suspension of exports in 1973, 1974, 1975, and 1980, the failure to use the Commodity Credit Corporation for a loan program which led to a fair price from the user, the Secretary of Agriculture shall use his authority under existing law to provide for nonrecourse loans on basic agricultural commodities at such levels as will reflect a fair return to the farm producer above the cost of production and to issue such regulations as will carry out this provision and as will provide for payment by the purchaser,

rather than by appropriation, for basic commodities sold for domestic use and the Secretary of Agriculture shall issue such regulations as will enable producers of any basic agricultural commodity to produce the amount needed for domestic consumption, to maintain the pipeline, and to regain and retain by competitive sales our normal share of the world market.

Either of these two actions would have allowed the farmer to get his income from the purchaser of his product rather than be dependent upon a check from Treasury. Under the present system, the farm programs provide for the farm producers to sell basic commodities below cost. The beneficiaries are those middlemen and processors who are not required to—nor do they—pass the reduced price on to the consumer, as shown by their increased earnings.

Continued efforts must be made by the Congress and the executive branch to change the direction of present farm policies and programs to enable the Nation's farmers to stay on the farm, to enable American agriculture to prosper, and to enable the United States to reduce its heavy burden of debt, regain its place in international trade, and strengthen its position in the world's economy.

THE SECRETARY MUST ACT

There are a number of actions which the Secretary of Agriculture should take to restore the farm economy to a strong and healthy condition.

He should use the authority of the Commodity Credit Corporation Charter Act to develop and maintain foreign markets and enable the American farmer to be competitive in such markets. He should return to a policy of offering Government-held commodities on a competitive-bid basis to American exporters for export. The large holdings, until recently, of agricultural commodities in CCC inventories were the result of failure to sell abroad competitively—not the farm price support program.

By controlling the quantity offered and the spacing of such offerings, he can avoid dumping and use the private enterprise system to benefit the farm producer. Further, he can enable the American farmer to be competitive in world markets. Failure to do so in the past has held an umbrella over world markets and has helped to increase foreign production at the expense of American agriculture.

The Secretary should maintain target prices at a level which will enable the farm producer to cover his costs of production, plus a small profit to enable him and his family to remain on the farm. Such target prices must be at a level high enough to compensate for high U.S. labor and material costs established by other basic laws. Farmers either make costs plus a living, or deplete the land, go broke, and move to town like everyone else.

The Secretary should return to those farm programs which for many years enabled the farmer to secure his income from the users of his products rather than from the U.S. Treasury.

Also, he should follow policies which encourage full production since volume is as important to the farmer's income as price. Even if a farmer is guaranteed parity prices or higher, reductions in production reduce his gross income to a level insufficient to cover his costs of production and living expenses.

SCOPE OF BILL

Mr. Chairman, this bill includes funds for all of the activities of the Department of Agriculture, except the Forest Service which is funded in another bill. It also provides funds for various related agencies, such as the Food and Drug Administration and the Commodity Futures Trading Commission, together with limitations on funds for the Farm Credit Administration and the Farm Credit System Assistance Board. The valuable and essential programs funded in this bill are of benefit to all segments of the American economy, both rural and urban.

The bill provides funding for the agricultural production, processing, and marketing activities of the Department of Agriculture, including research, extension, animal and plant health, food safety, and marketing services. In addition, it provides funds for farm income stabilization—price supports—and farm export programs.

This bill is the primary source of funding for Federal assistance to rural areas, which cover some 84 percent of the entire land area of the Nation. Such assistance includes electric and telephone systems, housing, water and sewer systems, fire protection, financial assistance, soil and water conservation, and flood protection.

In addition, this bill includes funds for the food programs of the Department. Approximately one-half of the total funds included in the bill are for these nonfarm programs—including food stamps, school lunches, the WIC feeding program, and others, all of which are of primary benefit to city rather than rural consumers.

FUNDING LEVELS IN THE BILL

Mr. Chairman, the bill provides \$42,129,434,000 in total budget authority which is \$4.6 billion less than fiscal year 1989. The reduction below fiscal year 1989 occurs primarily because of lower funding requirements for the Commodity Credit Corporation. The bill is \$32,000 less than the budget request and we are under our 302(b) allocation.

Mr. Chairman, I would also point out that over one-half of the bill is for food and consumer programs with \$21.8 billion for the various food programs.

RURAL DEVELOPMENT

Mr. Chairman, we have restored the rural development programs which the budget had proposed to either eliminate or severely reduce. We have restored the rural housing program and the water and sewer programs, and, in fact, have provided some increases in both of these programs. We have restored the various conservation programs, including the Agricultural Conservation Program, and the programs of the Soil Conservation Service. We have again this year restored the rural electric and telephone programs which were proposed for termination in the budget request.

Mr. Chairman, our committee has always felt all of the rural development programs are far too important to rural America to be reduced or even cut out as the budget request generally proposes.

We have also provided funds for research and extension work, including the restoration of funds for the special grants program and numerous other programs such as urban gardening and the nutrition aides who are so important in our large cities.

CONCLUSION

Mr. Chairman, I would also like to thank all of the Members of the subcommittee and their efforts in bringing this bill to the floor today, the gentleman from Michigan [Mr. TRAXLER], the gentleman from New York [Mr. McHUGH], the gentleman from Kentucky [Mr. NATCHER], the gentleman from Hawaii [Mr. AKAKA], the gentleman from Oklahoma [Mr. WATKINS], the gentleman from Illinois [Mr. DURBIN], and the gentleman from Iowa [Mr. SMITH]. On the minority side, our ranking minority member on the full committee, Mr. CONTE, and our ranking minority member on the subcommittee, Mrs. VIRGINIA SMITH, who works so long and hard for agriculture, and the gentleman from Indiana [Mr. MYERS], the gentleman from New Mexico [Mr. SKEEN], and the gentleman from Minnesota [Mr. WEBER].

□ 1250

May I say again that our committee has done our best to meet the needs of the American people. Over half of this bill is for consumer programs. In the process, we have tried to look at every area of this country. Sometimes we have people, and I said it before, that anything you cannot see from the Washington Monument, people sometimes think is pork barrel. I say that we have to listen to our colleagues because they come from every section of our country and know the needs of their area. I do not believe any subcommittee or any committee could have done a better job or worked harder to do a better job than we have in trying to meet the needs of our colleagues' districts. That is what this goes to.

I want to tell Members we have done a good job in my opinion. Again, we are all working with the restrictions, and tried to treat every section of the country right. May I say again, in my opinion, the 57-member Committee on Appropriations voted this bill out by voice vote. I do not believe there was a dissenting vote. I ask for all Members' support.

Mrs. SMITH of Nebraska. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as the ranking Republican member of the House Agriculture Appropriations Subcommittee, I rise to express my strong support for H.R. 2883, the Rural Development, Agriculture, and Related Agencies Appropriations for Fiscal Year 1990.

H.R. 2883 is a comprehensive bill addressing the funding levels of hundreds of programs involving agriculture, nutrition assistance, and rural development. It is legislation appropriating \$42.1 billion in fiscal year 1990, including \$38 billion in new budget authority.

This bill is \$4.6 billion less than fiscal year 1989 funding for similar programs and is exactly equal to the 302(b) targets set by the budget summit agreement between congressional leaders and the White House.

During these days of legislative backlog and anticipation, the Appropriations Committee has taken a positive step by reporting this bill to the floor at this time.

As always, I wish to express my deep thanks and appreciation to my good friend, Chairman WHITTEN of Mississippi.

Once again, his drive and dedication have proven endless throughout the hundreds of hours of hearings and testimony given before our subcommittee. His leadership and commitment to agriculture and rural America are unmatched in this Congress.

In addition, I thank my other colleagues on the Appropriations Committee for their cooperation and assistance in bringing this bill to the floor. Their support has allowed for the efficient and effective development of this legislation.

In addition, I want to thank the staff for the many hours of work they have invested so this legislation might be developed to the best of their abilities.

NEBRASKA FIRE

Mr. Chairman, before I continue with my formal statement regarding the specifics of H.R. 2883, I would like to address an issue of particular concern in my home State of Nebraska.

Last week, brush and timber fires in the northwestern counties of Nebraska devastated more than 100,000 acres of land. These fires destroyed thousands of miles of fence and other property.

Might I address a question to the gentleman from Mississippi at this time. Is it your understanding that appropriations are provided in this bill to assist those individuals who have suffered such property losses due to fires?

Mr. WHITTEN. If the gentlewoman from Nebraska will yield, yes, appropriations are provided under emergency conservation and other programs funded in the bill.

Mrs. SMITH of Nebraska. I thank the gentleman from Mississippi.

I am committed in pursuing this issue to make certain that the Department of Agriculture follows its authorization and utilizes existing funds to assist my producers.

Mr. Chairman, H.R. 2883 is representative of the hundreds of hours of hearings and testimony before the Appropriations Subcommittee on Rural Development, Agriculture, and Related Agencies, the review of thousands of written requests, and considerable consultation with experts, administrators, Federal officials, and constituents. A long and enduring process.

This year more than 30 Members of Congress presented testimony to the subcommittee. In addition, Members provided nearly 850 written requests for increases in funding for projects and programs of particular interest to their districts totaling hundreds of millions of dollars.

In addition, thousands and thousands of organizations and individuals have provided written requests and suggestions on the funding priorities before the committee.

To no one's surprise, our subcommittee did not receive a single request from Members of Congress for decreased funding—another sign of growing pressure and competition for fewer Federal dollars.

Mr. Chairman, on a number of occasions, I have had the privilege to stand before this Chamber to express and sometimes protect the interests of American agriculture and rural America—an honor I am always willing to accept.

Today agriculture and rural America continue to suffer from the lingering, deep wounds of the not-so-distant depression of the early eighties. However, this day and the future are better for agriculture than the earlier years of this decade.

Throughout the early eighties, farm incomes were declining, farmland prices plummeted, and U.S. agricultural exports were falling both in total value and market share. Producers suffered from unstable prices and incomes due to uncontrolled grain reserves and inconsistent agricultural policy.

Yes, rural communities and agriculture are better off today than in the early eighties. Farm income has stabilized. U.S. agriculture exports have re-

gained strength, grain reserves are being better controlled, and millions of acres that should have never been put into agriculture production have been placed into conservation programs.

It is a better day for agriculture in great part due to the decisions and policies pursued by agricultural leaders and the Congress. These policies include the agricultural spending priorities endorsed by the Congress and the programs funded by this bill.

The 1990 agriculture appropriations bill is a collection of spending priorities, recommendations, and requests. It addresses many concerns and questions raised by various sources.

AGRICULTURAL TRADE

Throughout our subcommittee hearings, agricultural exports and U.S. competitiveness overseas have been issues of particular concern. Many have expressed fear that the Congress would be reluctant to continue to fund a strong agriculture trade policy.

After careful consideration and review of the current world situation and the continuing drought in regions of the United States, the committee has put forward a recommendation to again fund at the fiscal year 1989 level the Export Enhancement Program at \$770 million and the Targeted Export Assistance [TEA] Program at \$200 million.

Both programs have proven instrumental in the marketing of U.S. agricultural commodities throughout the world. Although these recommended funding levels are below the administration's request, the committee proposal would continue to provide substantial funding levels and send a clear signal to producers, exporters, and the Bush administration on the need for continued utilization of the program.

The subcommittee also listened to the concerns regarding health and environmental issues facing our entire Nation.

The committee responded to the calls of agricultural producers and environmentalists to restore funding to many conservation programs targeted by the administration's budget for cuts or dramatic reductions.

In addition, the committee realized the need to provide an additional \$78 million to the Soil Conservation Service to assist producers in reaching the soil conservation goals created in the 1985 farm bill.

Also, the committee carefully reviewed the various proposals put forward by the administration on improving water quality. Upon review of this bill, you will find that many of these proposals have been incorporated into the final legislation—a true victory for all Americans. As provided by H.R. 2883, water quality initiatives would receive approximately \$177 million in fiscal year 1990. A figure supported by the Bush administration.

Throughout the spring hearings, the Agriculture Appropriations Subcommittee questioned officials on the many lingering food safety questions and concerns that have been sensationalized in the media.

The American public must be fully informed that the U.S. food supply is the safest, most abundant, most diverse, and at the lowest percent of per capita income in the world. In drafting the funding recommendations within this bill, the committee has again expressed the need to continue efforts to ensure food safety.

Although many mistake this legislation to be only concerned with agricultural and rural development programs, it also clearly addresses many of the difficulties of urban America as well.

Although titled the agriculture appropriations bill, it provides for \$582.7 million so the Food and Drug Administration can continue to address various health and safety issues. The bill contains a funding recommendation of \$14.2 billion for food stamp programs, and \$682.1 million for various international assistance programs.

In H.R. 2883 and the accompanying committee report, it is clearly stated that the No. 1 priority of this legislation is to address the difficulties that came to light regarding certain nutrition programs—more specifically the Women, Infants, and Children [WIC] Program.

For fiscal year 1990, the committee proposes a funding increase for WIC of nearly \$197 million. This increase would bring this program to a record funding level of more than \$2.1 billion.

WIC funding has increased more than 254 percent over the last 10 fiscal years—a strong record of support for this program.

Since Congress created the WIC Program as a pilot project in 1972, it has proven to be a highly effective answer to rising infant mortality rates and illness to mothers and children who were at nutritional risk during pregnancy.

However, the WIC benefits have not reached all those eligible for assistance. Currently, only half of those eligible for WIC assistance are enrolled.

The Appropriations Committee is fully dedicated to the improvement of the WIC Program and will be continuing to follow its further development.

Although the bill before the House has dramatic differences from the recommendations put forward by the Reagan and Bush administration, H.R. 2883 has not been met by veto threats or strong condemnation.

I also want to take this opportunity to highlight programs of particular interest to Nebraskans. As one would expect, this bill has a major impact in my home State and my district.

Under H.R. 2883, the University of Nebraska would receive a substantial boost to begin construction of facilities

for the proposed Center for Advanced Technology.

This center will strengthen the ability of Nebraska and other States in the region to develop human resources and foster development and the technological transfer of new products and processes to industry. In fiscal year 1989 the Federal Government provided \$250,000 for the planning and design of the facility. In the next fiscal year, H.R. 2883 would provide \$2 million for the center to begin construction.

I am pleased that the Appropriations Committee has carefully considered Nebraska's request and has recommended this funding level although it is below the request made of the committee.

In addition, this bill provides that the Meat Animal Research Center in Clay Center, NE, be funded at \$1.5 million in fiscal year 1990. This increased funding, \$400,000 above the administration's \$1.1 million recommendation, will be utilized to fully staff the animal health unit [\$150,000] and begin construction of swine facilities [\$150,000] at the center.

MARC has proven to be an effective and premier research facility for the Department of Agriculture. One of only two such facilities in the Nation, the research and experimentation conducted will continue to provide leadership and direction for livestock producers across the Nation.

With an eye to the future in other areas, the committee has also approved \$110,000 for continued range management and grazing research conducted at the Gudmanson ranch in Whitman, NE.

The bill would provide for continued milkweed [\$80,000], crambe [\$65,000], and corn polymer [\$40,000] research conducted in Nebraska. And it also provides for the continuation of the Nebraska Cooperative Extension Service programs, including the Management for Tomorrow Program [\$190,000] and the Ag-In-Transition Program [approximately \$500,000].

The further support of Nebraska's initiatives have been and will continue to be a wise investment for the Congress.

I am pleased with the committee's funding recommendations in H.R. 2883.

Mr. Chairman, I join Chairman WHITTEN in support of H.R. 2883. It is a prudent and fair bill. A bill that meets the budget targets set out in the White House budget summit earlier this year.

It is unable to fulfill the requests of every individual or agency; however, H.R. 2883 attempts to balance the multiple interests, concerns, and suggestions the Appropriations Committee has faced.

Thank you.

□ 1300

Mr. Chairman, I yield such time as he may consume to the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Chairman, I rise today in support of H.R. 2883 and wish to commend the Appropriations Committee under the leadership of the distinguished gentleman from Mississippi [Mr. WHITTEN] and also to my very distinguished colleague from Nebraska, VIRGINIA SMITH, the ranking minority member, for her leadership in the difficult but successfully completed task of bringing before the House this measure funding the administration of such a wide variety of essential agricultural programs. While the programs under the appropriations bill are important to the future direction of the agricultural industry which is responsible for such a large portion of this country's domestic employment and foreign trade, it is also responsible for continuing our commitment to the very backbone of this economic force—our family farmers and rural communities—and for our food stamp and most of our domestic hunger programs.

Let me first endorse the \$2 million in funding recommended by the committee for the planning and construction of the University of Nebraska's Center for Advanced Technology for fiscal year 1990. Recognizing the competition between the many universities for the limited amount of funds available for these programs, I feel that the University of Nebraska-Lincoln was fortunate but deserving of this selection. Particular credit is due to the efforts of the gentlewoman from Nebraska [Mrs. SMITH]. While this facility will help the State of Nebraska diversify its economy through fundamental research in product development, the technology center will also be essential in technology transfer from the laboratory to the factory in fostering established industries involved in food processing and industrial use crops.

The crop research programs included in this appropriations measure will also contribute to the development of alternative use crops and could allow producers to become more independent of farm programs. I lend my support for such innovative projects being conducted in Nebraska including: \$85,000 to expand milkweed research which has shown the plant floss to be superior to goose down as insulation in a number of studies; \$40,000 to continue the biodegradable corn plastics research program; and \$65,000 for oil seed and protein research in crambe production.

In addition, Mr. Chairman, the important inclusion in this appropriations bill of funds for the AG-in-Transition Programs means that the successful education and counseling effort initiated in 1985 to assist farmers in moving from the farm to other vocations will be continued. This Member is proud that this innovative response to a farm and farm community economy under stress began in Nebraska. The AG-in-Transition Program builds on the notion that a failing farm does not necessarily mean a bankrupt farmer and a destitute family. The skills required to operate an agricultural enterprise are expanded and refined to other vocations. Training and other support services ease the transition from the farm to the town or city. Most of all, the excellent AG-in-Transition Program enables farmers facing a crisis to keep not only their families intact but their

dignity and sense of self-esteem as well. I applaud the committee's wisdom in continuing to support this most worthy program.

Mr. Chairman, I am also very supportive of the increase in funding of \$8 million over 1989 levels for a total of \$183.9 million in fiscal year 1990 for the Agricultural Conservation Program [ACP] and the earmarking of a portion of this increase for water quality initiatives. While the Conservation Reserve Program has retired a large portion of our most fragile agricultural lands, the ACP has traditionally served as our front-line defense against the ravages of wind and water erosion. This program has been used in the past as a successful tool for our farmers, and in light of the additional conservation measures that many producers must implement in order to be eligible for program benefits under the conservation compliance provisions, we should, if at all possible, increase this cost-share funding even more.

With many rural community water systems across Nebraska and the Great Plains or Midwest experiencing excessive nitrate contamination, I also strongly support the \$209.3 million appropriation for FmHA rural water and waste grants. While the increase in the funding level is primarily meant to help clear up the backlog of grant applications, new and serious threats are facing many rural communities and the quality of the water they drink. These threats range from water degradation caused by the persistent drought gripping areas in the upper Great Plains to carbon tetrachloride contamination just beginning to show up in municipal water supplies—and which I believe can, in numerous instances, be traced to the USDA from its past activities involving the storage of CCC grain over 30 years ago.

All and all, Mr. Chairman, H.R. 2883 represents a commitment to a responsible appropriations proposal for the USDA and its crucial agricultural and domestic hunger programs without severely jeopardizing its fragile recovery. Therefore, I urge my colleagues to support the passage of H.R. 2883.

Mr. WHITTEN. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. LELAND].

Mr. LELAND. Mr. Chairman, I yield to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, I rise in strong support of H.R. 2883, the Agriculture Appropriations bill, and commend the chairman and members of the committee for providing a substantial increase in funding for the highly effective and cost-saving WIC program.

The committee bill, which increases WIC funding by 10 percent to \$2.126 billion—some \$197 million over 1989 funding and \$165 million over the administration's budget estimate—will enable us to save lives and improve the health of hundreds of thousands of additional poor and nutritionally needy pregnant women, infants, and children who are eligible for the program but do not now benefit because of limited funding.

The committee bill will allocate substantial new resources to address the growing and preventable problems of infant mortality, low birthweight births, and nutritional deficiencies

during the early childhood years that have such devastating impacts on children's healthy development and learning.

As chairman of the Select Committee on Children, Youth, and Families, I have seen the mounting body of evidence demonstrating that WIC is one of the most cost-effective programs we have. It has been shown many times over to reduce low-birthweight births, infant mortality, and anemia among poor children and to improve cognitive functioning. WIC can save up to \$3 for every \$1 invested in its prenatal component on immediate hospital costs alone.

Based on the compelling evidence regarding WIC and other effective programs for children, earlier this year I introduced "The Child Investment and Security Act." That initiative would put into place a comprehensive and cross-program strategy ensuring that by the end of the Bush administration, every vulnerable child aged 0-6 will have the opportunity for full mental and emotional development, educational readiness, and good health. Phasing in WIC benefits to all who are eligible is one of the five major components of my initiative, and the Appropriations Committee funding action on WIC for fiscal year 1990 takes us well on our way toward ensuring full participation.

We should be proud of the progress made in expanding this very effective program over the last several years, particularly in the face of the preceding administration's ceaseless opposition. However, our work is far from done as current funding allows us to reach only about 50 percent of those who are eligible.

California, my home State with the largest population of current and potentially eligible participants, ranks close to the bottom, reaching only about 30 percent.

Just last week, the Committee on Education and Labor of which I am a member, passed a 5-year program reauthorization that will further enhance efforts to provide WIC's proven and cost-effective benefits to more vulnerable women, infants, and young children.

This appropriations increase, along with the program improvements, makes considerable progress toward reaching the goal of serving all those eligible for the program in the next few years and preventing the tragic and costly outcomes with which we have become so familiar.

I again thank the chairman and the committee for this important step.

Mr. LELAND. Mr. Chairman, I rise in support of H.R. 2883, legislation providing fiscal year 1990 appropriations for rural development, agriculture, and related agencies. I applaud the efforts of my distinguished colleague from Mississippi, Chairman WHITTEN, and the members of the committee for the delicate balance struck in crafting this bill. They succeeded in meeting the 302(b) allocation set for discretionary spending programs in a way that will permit increases in critical domestic nutrition assistance programs. Yet, they have not compromised other vital programs under their jurisdiction.

I submit particular endorsement of the \$118 million increase, above the current baseline, for the special supplemental food program for women, infants, and children—popularly known as WIC. Since its inception in 1972, WIC has enjoyed broad support from Members on both sides of the aisle. This support has been manifested in yearly funding increases which facilitate program expansion to a greater number of low-income women, infants, and children who are at health or nutritional risk. It is my understanding that the funding level recommended by the committee—and I note that this is the largest annual increase made in the past 5 years—will extend the health care and food supplementation services rendered by WIC to more than 230,000 additional participants.

I would also like to articulate my support of the committee's recommendation to sustain the WIC farmer's market demonstration project, a pilot program that I had the opportunity to take part in developing. Through this component of WIC, participants receive coupons redeemable at farmers' markets for the purchase of fresh fruits and vegetables—items frequently lacking in the diets of the low-income population.

We are all sensitive to the enormous pressure on this body to pursue a program of fiscal responsibility that will reduce the Federal deficit. The funding levels for antihunger programs prescribed by the committee and presented in the bill before us today demonstrate policy that is not only fiscally sound, but morally and socially responsible.

I commend my colleagues for a job well done.

Mrs. SMITH of Nebraska. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from New Mexico [Mr. SKEEN].

Mr. SKEEN. Mr. Chairman, I thank the gentlewoman from Nebraska [Mrs. SMITH] for yielding me this time this morning, and I want to start at the outset by saying that of course I do support H.R. 2883.

Mr. Chairman, I think this is one of the most comprehensive agriculture bills that has come out of our committee, and kudos are flying today to the chairman, the gentleman from Mississippi [Mr. WHITTEN], and they are well deserved for the kind of craftsmanship that he has given this piece of legislation year in and year out.

However, Mr. Chairman, while we are at it, let us talk about the ranking member, the gentlewoman from Nebraska [Mrs. SMITH] who has represented her district so well, probably one of the most agricultural districts in the United States by her own admission, and I say to her, "Thank you for this work," because I think this is the last time that she will present this

bill unless we have a supplemental, or something of that kind, and I just want to say to her that she and her staff have been a great asset to this committee, and this dear lady has really made a great contribution to the agricultural systems of this country. We appreciate that very much, and I hope she enjoys her retirement as she sits on that porch that she has talked about in Nebraska, and we will all come over and have a little bit of that barbecue.

Mr. Chairman, I also want to say to the committee staff that they are one of the finest anywhere around this Congress in the way that they have worked with all of us in putting this piece of legislation together. I think the lack of controversy involving the \$2 billion appropriations bill is a sign, too, that the work is well crafted and that the concerns of most every Member of the 435 Members of Congress have been well cared for and attention has been given them.

□ 1310

That is a very difficult task. It has been done and done well.

So I say to the chairman and to the ranking member and to the staff of the committee and to the individual staff members who worked so hard, I thank them for the effort.

Through the adept leadership of our subcommittee chairman, the gentleman from Mississippi [Mr. WHITTEN] and our ranking minority member, the gentlewoman from Nebraska [Mrs. SMITH] this bill represents a balanced and thoughtful response of prioritizing the needs of rural America, producers and consumers of food products, and disadvantaged Americans who are nutritionally at risk.

This has not been an easy task. Months of hearings and literally hundreds of requests from various individuals and organizations have demonstrated the tremendous needs that should be addressed in this legislation, and have been addressed. But this bill does an outstanding job in meeting these challenges while staying within its 302(b) budget allocation, and that is no easy task in itself.

Let me mention a few areas funded in this bill and their importance to agriculture, our rural areas, and all Americans.

One of the foundations on which we need to build and secure the future of American agriculture is research. In response to this, we have provided for an increase in USDA's research budget.

This research will continue to focus on a wide range of issues—from environmental concerns that impact all of agriculture and all of this Nation, to regional problems, like finding alternative crops and fighting diseases and pests that threaten various crops. This

research is critical to American agriculture.

The future of agriculture is, of course, I think implicit in the kind of research that we do and that we will do in the future, because it is technology that has advanced agriculture in the United States to the point it is today, the best agricultural system anywhere in the world.

Our producers will continue to be aided by Federal export programs that, in my opinion, have been very effective in helping American producers compete overseas.

One of the best elements of our whole international trade has been our Agricultural Export Program.

Rural America has certainly been included in the bill. Rural telephone, electric, housing, water, waste disposal, and development programs have been continued. The message is clear, our rural communities will have our support in their fight to survive and grow, and that is no mean task in the United States today, because rural communities are suffering and have suffered, and they have depended almost totally on two great enterprises, agriculture and education. They go together. We want our rural communities to survive and to grow.

Through this legislation, American consumers can be assured they will continue to have access to the most plentiful and the safest food supply in the world.

And I emphasize, the safest. We hear the hysteria that goes on every time some chemical question is raised about the production of agricultural goods in the United States. Without any question, it is still the most plentiful and the safest food supply in the world.

Finally, this legislation provides nearly \$22 billion for various domestic food and nutrition programs, including a 10-percent increase in the Women, Infants and Children Program, and a 30-percent increase in the Commodity Supplemental Food Program.

Overall, this is a balanced and fair bill. It touches every American—from producer to consumer. We help ensure that agriculture remains a viable industry, that those who live in our rural communities will receive the support they deserve and those who need help in feeding their families will have that assistance.

Again, I am pleased to offer my support for this legislation—legislation that deserves the full support of the House—and urge the full support of the body.

Mr. WHITTEN. Mr. Chairman, I yield 2 minutes to the gentleman from Kentucky [Mr. NATCHER], a long-time member of the Appropriations Committee.

Mr. NATCHER. Mr. Chairman, one of the nicest things that has happened

to me since I have been a Member of Congress is the opportunity I have had to serve on this subcommittee with my friend, the distinguished gentleman from Mississippi [Mr. WHITTEN], the chairman of the full committee, along with the other members of this subcommittee.

When I first arrived here in the Congress, we had Harold Cooley, of North Carolina, Cliff Hope, of Kansas, and, Mr. Chairman, the predecessor of the gentleman in the chair, Bob Poage, of Texas, all outstanding Members of the House and Members who believed that the interests of the American farmer should be protected, Members who at all times said and believed and worked to that extent to see that the income of the farmer was at least an adequate share of our national income.

Mr. Chairman, I have served on this subcommittee now for 34 years and it has been a distinct honor and a privilege to serve with my chairman and the other members of the subcommittee.

Mr. Chairman, the Subcommittee on Agriculture, Rural Development and Related Agencies appropriations brings to the floor for your approval the annual appropriations bill for fiscal year 1990.

In the bill that we present today, we make recommendations for funds for all activities of the Department of Agriculture except the Forest Service which is funded in another bill. This bill also provides funds for various related agencies such as the Food and Drug Administration, the Commodity Futures Trading Commission, together with recommendations of funds for the Farm Credit Administration and the Farm Credit System Assistance Board. This bill provides funding for the Agriculture Production Processing and Marketing Activities of the Department of Agriculture, including research, extension, animal and plant health, food safety, and marketing services. In addition, Mr. Chairman, it provides funds for farm income stabilization and farm export programs.

In our bill we provide funding for Federal assistance to rural areas which covers some 84 percent of the entire land areas of our country. This assistance includes electric and telephone systems, housing water and sewer systems, fire protection financial assistance, soil and water conservation, and flood protection. The bill also includes funds for the food programs of the Department of Agriculture.

Mr. Chairman, approximately one-half of the total funds included in the bill are for nonfarm programs which include food stamps, school lunches, the WIC Program and others which are of considerable importance to our cities rather than our rural consumers.

This bill is under our 302(b) funding level and is structured in such a

manner that it should receive full support in the House of Representatives, the U.S. Senate, and be signed into law by our President.

As we well know, our American farmer knows how to produce and today our country is still the largest exporter of food to the other nations of the world. Assets invested in agriculture exceed those of any of the next 10 largest industries and this certainly means that the American farmer is entitled to a fair share of our Nation's income.

We can help the American farmer when we help him sell his commodities. The cost of production is increasing each year and it is imperative that we have a price support level that more accurately reflects the cost of production plus a reasonable profit. Today, agriculture is the only industry I know of where a seller must accept the price offered or else return home with his commodity.

For our extension service, we recommend the sum of \$368,950,000. This is \$7,922,000 over the 1989 level and \$44,452,000 over the budget estimate.

REA is one of our great achievements and certainly, Mr. Chairman, we should not accept the proposal contained in the budget estimate for this program. For loan authorization under the rural electrification and telephone revolving fund, we recommend the sum of \$1,794,375,000. For insured loans to rural electrification systems we provide for a floor of \$622,050,000 and a ceiling of \$933,075,000. For insured telephone loans our committee recommends a floor of \$239,250,000 and a ceiling of \$311,025,000. As you know, the budget proposes to terminate these programs.

For guaranteed loans to rural electrification systems, the committee provides a floor of \$813,450,000 and a ceiling of \$1,961,850,000. For guaranteed telephone loans, the committee provides a floor of \$119,625,000 and a ceiling of \$138,765,000. Here again, Mr. Chairman, the budget proposes to terminate these programs.

In our bill, we provide for reimbursement for interest subsidies and losses for the rural electric and telephone revolving fund the sum of \$244,100,000. For the rural telephone bank we recommend the sum of \$28,710,000. For direct loans for our rural telephone programs we provide \$177,045,000. This program is just as important today as it was in the year 1935 when it was first established by Executive Order 7037 on the 11th day of May, 1935.

Our Soil Conservation service is one of the most successful programs operated by the Federal Government. For conservation operations, we recommend in this bill the sum of \$481,000,000. For our river basin survey and investigations, the bill contains \$12,533,000. For watershed plan-

ning we recommend the sum of \$8,997,000. For watershed and flood prevention operations we recommend the sum of \$182,373,000. For resource conservation and development we recommend the sum of \$27,620,000. For our Great Plains Conservation Program we recommend the sum of \$20,474,000.

Mr. Chairman this bill recommends the sum of \$184,935,000 for our agricultural conservation program.

In this bill we recommend reimbursements for net realized losses to the Commodity Credit Corporation in the sum of \$4,800,000,000.

Mr. Chairman, this is a good bill and we recommend the bill to the committee.

Mrs. SMITH of Nebraska. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Massachusetts [Mr. CONTE], who is vice chairman of the Appropriations Committee.

Mr. CONTE. Mr. Chairman, I want to thank the lovely gentlewoman from Nebraska for yielding this time.

Every year I hear my good friend, the gentleman from Kentucky [Mr. NATCHER] tell us not to worry about the Agriculture appropriation bill. He always says, "The chairman will give you a good bill."

Well, Mr. Chairman, the gentleman from Kentucky [Mr. NATCHER] has got it right again.

I also congratulate my good friend, the gentleman from Mississippi [Mr. WHITTEN] for a job well done.

I also want to thank my good, beloved and dear friend, the gentlewoman from Nebraska [Mrs. SMITH] who has always done such yeoman work on the Agriculture appropriation bill for all her contributions, and I will have more to say about her later on as we go in the session.

Mr. Chairman, writing this bill is never easy. With everybody and his brother looking for a trade center here and a biotech project there, you've got to be a better farmer than Old MacDonald to make ends meet.

But I think that the Members should generally be pleased with the results, as should the Department of Agriculture. It sneaks in at \$66,000 below the 302(b) level of \$8.892 billion for budget authority, and is \$732,000 below the 302(b) in outlays. Squeezing any more out of the bill would be like squeezing blood from a stone.

Overall, the bill is \$42.8 billion in budget authority, a slight decrease from fiscal 1989, and \$31.3 billion in outlays, an increase from fiscal 1989. The bill essentially preserves the status quo. As in previous years, it rejects the sweeping changes which the administration proposed for the Farmers Home Administration and the Rural Electrification Administration loan programs, which accounts for

\$4.4 billion of the \$5 billion difference between the administration's request and the committee bill.

The bill includes slight increases for the main research arms of agriculture, the Agricultural Research Service, the Cooperative State Research Service, and the Extension Service. It fully funds the Food Stamp Program at \$13.3 billion, and funds the child nutrition programs at \$4.87 billion, \$20 million above the request.

I am quite pleased that despite the tight budget, the bill is able to increase funding for WIC by \$197,000,000 over fiscal 1989. That is \$164,000,000 over the budget request, and will go a long way toward expanding the WIC Program so that over 50 percent of eligible women and children are able to receive benefits.

I am also happy that we were able to increase funding for the orphan drug program of the FDA by \$2,750,000. It's the only program solely dedicated to therapies for rare diseases that don't receive the attention that cancer and AIDS do, and it's a program I strongly support. The FDA funding also includes a \$16.5 million increase for AIDS and \$12.2 million for food safety.

The bill reimburses the Commodity Credit Corporation for losses of \$4.2 billion, which is \$567 million below the request. USDA has said that what we are providing will, in fact, cover all their losses this year. I'd like to point out that \$1.969 billion of the losses can be attributed to the hidden expense of the Export Enhancement Program, the ridiculous program which gives the United States taxpayer subsidizing grain sales to the Soviet Union. We ought to toss that program in the garbage dump where it belongs.

Mr. Chairman, putting this bill together was like trying to chop up a big block of ice so all the cubes fit into those little trays. It was difficult, a little bit slippery, but successful. I thank Chairman WHITTEN and ranking member SMITH for their work, and recommend support for this bill.

Mr. WHITTEN. Mr. Chairman, I yield 2 minutes to the gentleman from Hawaii [Mr. AKAKA], a member of the subcommittee.

Mr. AKAKA. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in strong support of the Rural Development, Agriculture, and related agencies appropriations bill for fiscal year 1990 and ask unanimous consent to revise and extend my remarks.

I want to begin by commending my colleagues on the subcommittee for their hard work. I especially want to thank our fine chairman, Mr. WHITTEN, and our subcommittee's ranking member, Mrs. SMITH, for their leadership in formulating this bill.

I also offer warm words of appreciation to our subcommittee staff, Bob Foster and Tim Sanders, for their countless hours of work on this bill. The bill we bring to you today is the product of countless hours of work. The subcommittee sat through more than 25 hearing sessions and heard testimony from hundreds of witnesses before we prepared this bill.

I don't need to tell anyone in this Chamber how difficult things are for the Appropriations Committee. There simply is not enough money for the work that needs to be done, and that is especially true of agriculture programs. Many hard choices had to be made in the process of formulating this bill. In some instances, the funds available are barely adequate to do the job. Nonetheless, the bill is the best that can be expected given the funds available, and is fair and reasonable under the circumstances. I urge every Member to support it.

One item that I consider to be a hallmark of this fiscal year 1990 appropriations bill is the \$196 million increase we have provided in the WIC Program.

As is stated in the report to accompany the bill, the committee considers WIC to be one of its highest funding priorities.

I cannot think of a Federal program which provides more benefit per Federal dollar invested than the WIC program. The class of individuals that WIC reaches face the greatest risk of any population segment. Countless studies have documented that, because of WIC, the women and children participating in this program face fewer premature births, fewer fetal deaths, and better cognitive performance in young children.

Not only is this program of great benefit in reducing these health problems, program dollars are being spent wisely. Recent changes instituted through the appropriation process have required wholesale purchases and other cost-containment measures. These have resulted in an increase of 460,000 program participants in fiscal year 1989, not because of any increase in appropriations, but because of improved program efficiency.

This is just one example of the many important programs in our bill.

In summary, this is a good bill, and I urge every Member to support it.

□ 1320

Mrs. SMITH of Nebraska. Mr. Chairman, I yield 4 minutes to the gentleman from Minnesota [Mr. WEBER], a member of the committee.

Mr. WEBER. Mr. Chairman, I rise in strong support of the bill before us today, and I just want to begin by thanking the distinguished chairman of the full Committee on Appropriations and the chairman of our subcommittee.

This is the second Congress in which I have been privileged to serve on the Agriculture Subcommittee of the Committee on Appropriations, and it is a distinct pleasure to serve with the chairman. I also would like to thank the gentlewoman from Nebraska, the ranking member of our subcommittee, for the tremendous leadership she has provided to all of agriculture and especially with an emphasis on midwestern agriculture.

Mr. Chairman, I would like to just begin by focusing the Members' attention on what has been the trend of farm spending over the last few years. We had a few years ago something called the farm crisis that got a lot of attention. Last year there was a lot of attention given to drought legislation. The notion in the countryside probably is we are spending an awful lot of money on agriculture and, indeed, this Congress has been generous in responding to genuine needs when they have arisen, but it is worth pointing out that the total obligational authority in this spending bill has declined from \$52.6 billion in the fiscal year 1986 bill to \$42.1 billion in this bill before us today, over a \$10 billion reduction in total obligational authority.

Of course, much of the spending in this bill is not agricultural spending, and if we look only at the decline in agricultural spending programs, it is even greater than that. Title I agricultural program spending has declined from \$11.5 billion in last year's bill to \$7.1 billion in this year's bill.

The point I am making is that, as the committee members well know, yes, this Congress has been generous with agricultural when agriculture needed help, but agricultural spending is coming down. Agriculture is not a major contributing factor today to the tremendous problems that we face in dealing with the deficit every year. We are bringing spending down on this bill. We have been responsible for putting together a bill. Having said that, let me say that I am proud of the priorities established in this bill, and I was proud to have played some role in shaping them.

I would like to just deal briefly with some of them that are of particular interest to my part of the country. We have level-funded REA and telephone revolving funds at \$1.7 billion. In many accounts, a level funding is considered a de facto cut, but the folks in the REA's and the rural telephone co-ops are satisfied with that level of funding which assures continued good service there.

We have seen an increase in this bill in the total funding level for the Extension Service of \$368 million. I am proud of that money, Mr. Chairman. The last several years have seen increasing demands placed on the Extension Service, first, to cope with the

agricultural as well as human problems connected with the farm crisis, and now we are asked Extension to get heavily involved in economic development in my part of the country and elsewhere, and they need at least that level of research.

I am proud of, and involved in, this country's leadership on the issue of agricultural research. We have done a good job of funding projects that have been of long-term benefit to our economy generally and agriculture specifically.

I want to mention in the State of Minnesota that we have a couple of agricultural projects going on in my district involving low-input agriculture which are very promising at the ag research station in Morris, MN, and the University of Minnesota agricultural experiment station in Lambert, and the committee has been generous in funding these research efforts into low-input agriculture which, when successful, will save our farmers money and be environmentally sound.

We also are funding a unique research through an entity called the Greater Minnesota Corp. and, again, the committee has been generous in funding this effort to help develop new uses for agricultural funding.

Mr. Chairman, I urge support for the bill.

Mr. WHITTEN. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. DURBIN], a member of the subcommittee.

Mr. DURBIN. Mr. Chairman, I thank the chairman for yielding me this time.

Mr. Chairman, initially I would like to say that the statement made by the chairman and the minority spokesman on the committee, I think, have outlined quite well the important programs which we fund with this appropriation bill for the heartland of America, for the agricultural programs, and to feed not only the American people but many people overseas who have come to rely on the bounty of America to survive.

There are two aspects of this bill which are not noted usually which I think deserve comment. The first relates to a program which has turned out to be a spectacular success. We hear so many stories about those programs that failed, that are inefficient, where there is waste and fraud. But in the program, the special supplemental food program for women, infants, and children, so-called WIC Program, we have seen an unqualified success over the years. I am particularly proud to serve on this subcommittee and to report to the Members that since 1980 this subcommittee has increased appropriations for the WIC Program to feed poor pregnant women and poor children, and we have increased those appropriations over 254 percent. We hope with this year's appropriation, by

adding additional funds, we will bring additional mothers and children under this umbrella of protection.

The second aspect is the Food and Drug Administration, which many of us take for granted. It is not heralded, but I can tell the Members of the fine professional work that they do there to make certain that the food that we eat, the appliances we use for medical treatment and the like are all of the highest quality, which is work which we should not take for granted, and this subcommittee has funded this agency so well and continues to because of their great commitment and ours to the important mission which it serves.

Mrs. SMITH of Nebraska. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. WALSH].

Mr. WALSH. Mr. Chairman, I rise today to comment briefly on the Rural Development, Agriculture and related agencies appropriations bill for fiscal year 1990.

To begin with, I would like to commend the Appropriations Committee for its tenacity and resolve in developing an appropriations bill that abides by the framework mandated by the Gramm-Rudman targets. I would also like to take the opportunity to thank Agriculture Chairman KIKI DE LA GARZA and ranking minority member EDWARD MADIGAN for their input and involvement in the taxing budget reconciliation process. I am glad to see that the bill is sympathetic to farmer's concerns while remaining faithful to the principles outlined in the 1985 farm bill. However, I think that it is important that we put agricultural spending into perspective. As Chairman DE LA GARZA so dramatically visualizes in his graphs, agricultural spending in 1988 comprised only 4.3 percent of the total Federal budget. As debate begins on a 1990 farm bill, it is imperative that we continue to search for the best means to simultaneously minimize our farmers' financial burden and conform to Federal budget constraints. However, as we move into the next decade Congress must not neglect the environmental aspects of farm policy.

I applaud this bill's commitment to provide an increase of \$15 million in funding for hazardous waste management. The dilemma of how and where to store and dispose of hazardous waste materials will only intensify in the upcoming years. This appropriation will enable the Department to comply with the strict cleanup and inspection criteria required by the Superfund Program.

I also support the water quality initiative and other provisions in the Agricultural Research Service that allocate increased funding to food toxicology, bacterial contamination, and pesticide residues research. With the increased public attention being focused

on our Nation's food supply it is essential that Congress be seen as making a concerted effort to eradicate the threat posed by chemical toxicants, carcinogens, biological agents, and other substances which may constitute a threat to public health. We can and we must guarantee that our food is safe, pure, and wholesome and that our water is clean, and uncontaminated. Without this guarantee we will fail to fulfill our obligations to the public and we will force our society to live in perpetual fear of health epidemics.

I thank the Appropriations Committee for increasing the funding for environmental issues.

□ 1330

Mr. WHITTEN. Mr. Chairman, I yield 2 minutes to the gentleman from Arkansas [Mr. ALEXANDER], a member of the Appropriations Committee.

Mr. ALEXANDER. Mr. Chairman, I thank the gentleman for yielding time to me, and like my colleagues before me, I rise to support the bill and to commend the committee members as well as the staff for the fine job that they have done in bringing this bill to us today.

I do not want this opportunity to pass without a reference to the very successful Riceland Mosquito Management Program which has made life more pleasant for many of my constituents.

Mosquitoes represent a serious problem in the rice growing areas of Arkansas, reducing the quality of life by limiting outdoor activities during certain parts of the year.

This bill provides \$456,000 to continue the RMMP.

Under this program, RMMP scientists at the University of Arkansas and schools in Mississippi, Louisiana, Texas, and California continue to perform important basic research into mosquito genetics and breeding patterns—with an eye toward controlling the insects.

The research has already provided breakthroughs in environmentally acceptable methods of mosquito control in rice-producing areas using both chemical agents and natural predators.

The applied benefits of the research are demonstrated through the RMMP's Arkansas component—the Grand Prairie Municipal Mosquito Abatement Program.

This program has provided technical advice and consultation that have sparked great interest in several communities in rice-producing areas of Arkansas and Mississippi.

Also, in 1988, the RMMP conducted economic research that quantified economic benefits to the region served by the Grand Prairie program as a result of increased outdoor recreation made possible by improved mosquito control.

It is money well spent.

This bill also provides money for programs of the Farmers Home Administration that help provide the infrastructure necessary to improve the quality of life in rural America, so that people who want to live in the countryside and produce our food and fiber can do so.

I am especially impressed with the good works of the FmHA in managing the program that makes grants and loans to rural communities for water and waste disposal. The FmHA does much but gets little credit for assisting the millions of Americans who live in small towns and rural areas, and are able to do so with a decent quality of life only because of the programs of the Farmers Home Administration.

Again, I congratulate the chairman, the gentleman from Mississippi [Mr. WHITTEN], and the ranking minority member, the gentlewoman from Nebraska [Mrs. SMITH], and all of the members of the committee.

Mrs. SMITH of Nebraska. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Texas [Mr. COMBEST].

Mr. COMBEST. Mr. Chairman, I thank the gentlewoman for yielding time to me.

Mr. Chairman, with the passage of crop disaster legislation earlier this year, Members recognized that farmers across the Nation are facing a second year of disastrous weather conditions. From the drought that has affected the winter wheat crop to the spring rains that have flooded the fields, many farmers have simply watched as their livelihood has been taken away. However, as we take up the agriculture appropriations bill today, Congress will be helping many individuals who have been affected by adverse weather.

Included in the agriculture appropriations bill is money for research and construction of a plant stress and water conservation laboratory at Texas Tech University in Lubbock, TX. While I wish the \$2 million provided for lab construction and research could have been more, I understand the fiscal constraints to which we must adhere.

Since the idea of a plant stress laboratory was discussed years ago, first by my predecessor—George Mahon—Texas Tech University has worked tirelessly to establish one of the best plant research centers in the Nation.

With 17 senior scientists presently on board, Texas Tech will be able to move forward with what has become some of the most important plant research being conducted. The answers provided by this program will hopefully help many farmers as they fight the continual changes in our yearly weather patterns.

This appropriation is especially vital, because it provides the first funding

for construction of the lab facility. I want to thank the members of the Appropriations Committee for their firm commitment to this important project and agriculture.

Mr. WHITTEN. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. WEISS] for the purpose of a colloquy.

Mr. WEISS. Mr. Chairman, I thank the distinguished chairman of the Appropriations Committee for yielding time to me at this point for the purpose of a colloquy.

For the purpose of setting the background for this, let me just state at the outset that I want to commend the gentleman for this outstanding piece of legislation that he has brought before the House at this point.

Mr. Chairman, I am concerned about language in the Appropriations Committee's report stating that the committee expects the Food and Drug Administration to put off making a decision on the carcinogenic color additive known as Red Dye No. 3 until certain long-term testing is completed.

FDA scientists have concluded that Red Dye No. 3 causes cancer. The ostensible grounds for further study outlined in the committee's report—to test the so-called secondary mechanism of the dye—have already been studied and dismissed in 1987 by a panel of expert Government scientists in a 100-plus page report.

The color additives industry has had 29 years to test Red Dye No. 3. Congress originally expected all tests on color additives to be completed by 1962. Since that time, FDA has granted the industry between 30 and 40 extensions to complete testing. The industry has used every trick in the book to prevent the law from being implemented. As of April of this year, FDA was prepared to ban Red Dye No. 3. That decision was expected to be announced in August.

With this background, I would like to ask the chairman several questions concerning the impact of the language in the committee's report appearing at page 126 in the section entitled "Food Safety."

First, is it correct to state, Mr. Chairman, that the committee's report does not legally require the FDA to leave Red Dye No. 3 on the market beyond August 28, 1989?

Mr. WHITTEN. Mr. Chairman, will the gentleman yield?

Mr. WEISS. I yield to the gentleman from Mississippi.

Mr. WHITTEN. The decision is left to the Commissioner.

Mr. WEISS. Second, is it correct to state that the committee's report does not alter in any way the legal effect of the safety standards in the Food, Drug, and Cosmetic Act—that is, either the requirement that color additives be safe or the prohibition on approving color additives that induce

cancer in humans or animals, found in 21 U.S.C. 376?

Mr. WHITTEN. The Commissioner, as a part of his discretion, has that right to extend it further if he sees fit.

Mr. WEISS. Third, is it correct to state that the committee's report does not alter FDA's legal obligations to meet the standards of the transitional provisions to the Food, Drug, and Cosmetic Act in granting extensions of time to the termination of the provisional list?

Mr. WHITTEN. May I say it leaves it at the status quo.

Mr. WEISS. Fourth, is it correct to state that the committee's report does not alter the provisions of the Administrative Procedure Act that prohibit FDA from unreasonably delaying final agency action on Red Dye No. 3?

Mr. WHITTEN. As the gentleman from New York says, this is a controversial item. In the past, we have asked Dr. Young to make these studies and to report to the Congress prior to taking action.

Mr. WEISS. I thank the distinguished chairman for his courtesy and his responses.

The CHAIRMAN. The gentleman from Mississippi [Mr. WHITTEN] has consumed 3 minutes and has 4 minutes remaining, and the gentlewoman from Nebraska [Mrs. SMITH] has 2 minutes remaining.

Mrs. SMITH of Nebraska. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. Mr. Chairman, I thank the gentlewoman for yielding time to me, and want to join others who have complimented the chairman and the ranking member of this committee for the fine, outstanding work they have done. I know we will all miss the gentlewoman from Nebraska for the wonderful work she has done.

Mr. Chairman, this bill contains three programs that I think are particularly important to all of us here in the Congress, the nutrition program for women, infants and children which has been discussed here before, the child nutrition program, and the special milk program.

The WIC Program has been instrumental in safeguarding the health of "child bearing" women, nursing mothers, infants and children at nutritional risk. Several studies have indicated that the WIC Program helps reduce the incidence of low birth weight, birth defects, disabilities, and chronic ill health in newborn babies. While the WIC Program has been highly successful, it is estimated that 50 percent of those mothers and children eligible are not receiving assistance.

That is why this program and the additional dollars that are appropriated to it are so important.

Mr. Chairman, I want to point out in this bill we have \$20 million being appropriated for the special milk program in 1990, and the goal of this important program is to increase milk consumption by children in schools, child care centers, and summer camps, and this is most important, and I compliment the committee for their fine work in this area and for their forward-looking provisions in this legislation.

Mr. WHITTEN. Mr. Chairman, we limited the time and I asked for limited time because we wanted to get through this, but there are several Members who will not be able to be recognized. They can be recognized under the rules by moving to strike the last word, and I would call that to their attention so that they know that they can get their statements into the RECORD.

Mr. SMITH of Nebraska. Mr. Chairman, I yield 30 seconds to the gentleman from Washington [Mr. MORRISON].

Mr. MORRISON of Washington. Mr. Chairman, included in the report to H.R. 2883, is a provision to support a chronic study, funded by industry, to demonstrate that FD&C Red No. 3 operates through a secondary mechanism. FDA would await the results of this relevant information before taking action on the provisionally or permanently listed uses of the color. I strongly support this approach. The FDA has repeatedly said that the scientific review concerning this color does not involve a public health concern. It would be unfortunate that a premature decision were taken prior to the opportunity to provide a thorough scientific evaluation of this color. I look forward to FDA and industry's cooperative scientific effort relating to this color, a vital marketing tool for America's agriculture.

□ 1340

Mr. WHITTEN. Mr. Chairman, I yield 1½ minutes to the gentleman from California [Mr. FAZIO], a member of the Committee on Appropriations.

Mr. FAZIO. Mr. Chairman, I address the House today to lend my support to the Appropriations Committee's report accompanying H.R. 2883 that provides for the continued scientific study and evaluation of the coloring known as FD&C Red No. 3.

The committee's report would allow for a joint effort between the industry and U.S. Government to conduct a thorough and expansive study on the effects and safety of FD&C Red No. 3, a coloring used in a number of food products. Although to date, research only confirms the color's safety and there is no data to the contrary, the tests conducted so far fail to definitively answer all the scientific questions. The proposed legislation, allows for the continued scientific research

and analysis through an industry-funded study.

Given the outstanding questions about the color's complete safety. It is important that a complete and in-depth scientific study be performed prior to any regulatory action to determine the provisionally and permanently listed uses of the color. For these reasons, I support the committee's language that would allow for the further research to address any outstanding questions on the safety of this color.

Mr. Chairman, I rise in strong support of H.R. 2883, the bill providing appropriations in fiscal year 1990 for the Department of Agriculture and related agencies. This is a good and fair bill, and I urge my colleagues to support it.

The bill is consistent with the 302(b) allocation both in budget authority and outlays, and is, therefore, consistent with the bipartisan budget agreement.

Mr. Chairman, I would like to thank the chairman of the subcommittee, Mr. WHITTEN, and the ranking minority member, Mrs. SMITH, as well as their able and very fine staffs, for putting together such a balanced package within a very constrained budget.

This has been a difficult task for each of our subcommittees, but I think the agriculture subcommittee has been particularly successful in meeting this challenge, and I thank the chairman and Mrs. SMITH for their continuing sensitivity to the somewhat unique problems of agriculture in California.

In particular, Mr. Chairman, I would like to point out that the bill includes \$130,000 to initiate the design and planning work on a National Grape Importation Facility to be located in Davis, CA. This project is being hailed as "vital" to the wine grape growing industry's ability to compete in the international market.

The facility will be a joint Government-industry project that will help the U.S. wine grape growing industry to experiment with and introduce new varieties of wine grapes. It will also help the United States wine industry to become more diverse and internationally competitive with France and other major wine-producing countries in Europe.

Specifically, the facility will serve the national grape industry by providing accessible grape importation services, protecting the industry from dangerous foreign pathogens, and improving quarantine procedures.

And, the University of California at Davis, where the facility will be located, is particularly well suited to manage this effort, given that it is an internationally acclaimed leader in viticulture research.

I would also like to point out that the bill includes \$264 million was approved for the Targeted Export Assistance Program which helps develop overseas markets for U.S. commodities, including many of our California-based specialty crops.

Many of our State's nut and tree fruit growers—including almonds, walnut, raisin, and citrus growers—have had tremendous successes in developing markets for their products abroad using the TEA funding, and I expect this program will continue to make a valuable contribution to this important sector of our agriculture economy.

In addition, Mr. Chairman, the bill before the House provides \$100,000 for special study of ways to combat the Russian Wheat Aphid in California.

California wheat and barley producers have a combination of irrigation practices, crop rotations, local cultural methods, and overwintering problems which must be fully analyzed if the destructive Russian Wheat Aphid is to be brought under control. And, this Federal funding will help us finance these essential studies.

Mr. Chairman, I would also like to commend the committee's chairman and the subcommittee members for making the Special Supplemental Food Program for Women, Infants, and Children [WIC] a high-priority program for fiscal 1990.

Over the years, WIC has helped to safeguard the health of pregnant and nursing women, infants, and children who are nutritionally at risk because of inadequate nutrition and income. By providing a \$196.6 million increase over the current level of funding and \$164.6 million above the administration's budget request, more nutritionally at-risk individuals will be served during the next fiscal year under the WIC Program.

Numerous studies have documented that the benefits of the WIC Program are well worth the costs. For example, an extensive medical evaluation of WIC funded by the USDA demonstrated that WIC contributed to a reduction of 20 to 33½ percent in late fetal death rate. Furthermore, women who participate in WIC were shown to have longer pregnancies leading to fewer premature births. Another study conducted by the Harvard School of Public Health found that WIC reduced the incidence of low birthweight and that each dollar spent on the prenatal component of WIC averts \$3 spent in hospitalization costs.

Mr. Chairman, the funding level in this bill will enable more low-income women, infants, and children to participate in this cost-effective and important program. Again, I applaud the work of Mr. WHITTEN and his colleagues on the subcommittee for making WIC a high-priority for funding.

Finally, Mr. Chairman, I would like to briefly discuss language included in the report to accompany the bill regarding Red Dye No. 3. The language directs the Food and Drug Administration to cooperate with industry in a long-term study of the potential health effects of Red Dye No. 3.

The study will be financed solely by industry, and the report language directs the Food and Drug Administration to provide technical assistance in the development and design of protocols for the study.

In addition, the amendment directs FDA to consider the results of this study, as well as any other scientific information which may emerge, prior to making any decision that would change the manner in which Red Dye No. 3 is used.

This proposal emanated from a meeting that about a dozen of our colleagues and I held with the Commissioner of the Food and Drug Administration, Frank Young. Commissioner Young indicated in that meeting, very convincingly, that there is no imminent health risk posed by the continued use of Red Dye No. 3.

He indicated further that there is a need for a long-term study to determine if the carcinogenic effects that have been seen in earlier studies of Red Dye No. 3 are the result of a so-called secondary mechanism effect.

Recent studies have indicated that Red Dye No. 3 may, indeed, cause a carcinogenic effect only when it is consumed in extremely large quantities.

These studies indicate that when consumed in extremely large doses the dye interferes with normal thyroid hormone production thereby causing an overstimulation of the thyroid gland and subsequent promotion of tumor formation—a process described as a secondary mechanism effect.

Moreover, there is no evidence indicating that the secondary mechanism effect is not operating in the instance of Red Dye No. 3. And, data prepared by Dr. Lewis Braverman of the University of Massachusetts Medical School shows a no effect level, for the effects of Red Dye No. 3 at a level of over 1,000 times the estimated human exposure—that exceeds the FDA standards by over 100 times.

In addition, to encouraging FDA to participate in the development of the necessary study protocols, the report language indicates that the committee expects the Commissioner of the Food and Drug Administration to take into consideration the results of this long-term study—which is expected to take between 3 and 5 years to complete—prior to taking any action regarding the status of the provisionally or permanently approved uses of the color.

This is consistent with the FDA's existing authority to extend the provisionally listed uses of the color. That standard, is:

First, the extension is consistent with the public health; and,

Second, scientific investigations are proceeding in good faith and will be completed as soon as reasonably practicable.

Clearly, on both counts, extension of the currently approved uses of the color are warranted. Commissioner Young, has stated repeatedly that the current uses of Red Dye No. 3 do not represent an imminent threat to the public health and the study which industry will finance and which FDA will help coordinate will be completed as expeditiously as possible.

Mr. WHITTEN. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. PANETTA].

Mr. PANETTA. Mr. Chairman, the Budget Committee has provided a "Dear Colleague" to all Members on this appropriations bill. There are no budget act waivers required for this bill because it provides budget authority and outlays equal to the discretionary targets established under the section 302 subdivision assigned to this subcommittee of the Committee on Appropriations.

In total, this bill provides \$8,892 million in both discretionary budget authority and outlays, which is equal to the discretionary budget authority and outlays in the subdivision.

The bill, therefore, is consistent with both the budget resolution and the bipartisan budget agreement worked out with the administration. For these

reasons, there are no budget problems with H.R. 2883.

This subcommittee, the third subcommittee bringing its appropriations bill to the floor, has done a good job in meeting the targets established under the budget resolution. We congratulate Chairman WHITTEN and the other members of the subcommittee, and we are pleased to bring this information to the attention of the members.

I would also like to take the opportunity to thank Chairman WHITTEN and the Appropriations Committee for their strong support of the Women, Infants and Children Nutrition [WIC] Program and the recommendations of a \$118 million program increase for fiscal year 1991.

The WIC Program is of particular importance because adequate funding often can mean not only a significant positive impact on the quality of life of poor women, infants, and children but can also mean the difference between life and death itself.

The assumption of an increase for the WIC Program in the budget resolution reflected both the recommendation of the leadership's children's task force and the strong consensus support within the Congress of WIC. The specific action of the Appropriations Committee in recommending a real program increase for WIC reflects a vital commitment to aid our most disadvantaged citizens. It is the Appropriations Committee which deserves the praise and has carried forth on the promises which our leadership and others have made.

Mr. Chairman, I thank the chairman of the committee, and I urge Members to support this bill.

Mr. WHITTEN. Mr. Chairman, I yield the remaining one-half minute to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. I thank the chairman.

Mr. Chairman, I ask that the chairman of the full committee, Mr. WHITTEN, engage in a colloquy with me.

Mr. Chairman, it has come to my attention through agencies in my district that there has been some misunderstanding concerning whether or not the value of the \$100 school clothing voucher distributed by the State of West Virginia to needy children in August should count as income for purposes of the Food Stamp Program.

The result is that every August approximately 25,000 of West Virginia's poorest families will suffer the loss of an average of \$33 in food stamps for each school-age child in the household.

I ask the chairman, since there is some confusion concerning this, if he would be able to assist me in obtaining more information.

Mr. WHITTEN. Mr. Chairman, will the gentleman yield?

Mr. WISE. I yield to the chairman.

Mr. WHITTEN. I thank the gentleman for yielding.

Mr. Chairman, may I say we will take it up with the Secretary and see what we can do to straighten this out.

Mr. WISE. I thank the chairman.

Mr. WHITTEN. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. I thank the gentleman for yielding, and I rise in support of the legislation.

Mr. Chairman, I support H.R. 2883 making appropriations for rural development, agriculture, and related agencies. I feel this well-balanced bill deserves the support of my House colleagues.

I would like to point out that this bill appropriates \$4.6 billion less for fiscal year 1990 than fiscal year 1989, and is equal to the target 302(b) budget allocation. I believe that this demonstrates the hard work the Budget, Appropriations, and Agriculture Committees have done to reduce spending in the agriculture sector.

Several items in this legislation deserve to be highlighted. For example, the bill appropriates matching grants for State agricultural loan mediation programs. Mediation has proven to be very successful in numerous States affected by the farm financial crisis, and we have seen that mediation is the primary tool used by lenders to successfully negotiate credit disputes. Mediation has proven to be less cumbersome, costly, and time-consuming than litigation, and can achieve results that are commercially more reasonable than foreclosure. Both farmers and creditors will continue to face severe financial pressures as a result of continuing drought conditions, and I feel that State mediation programs can contribute to alleviating some of these pressures.

The bill also provides funding for research in low input sustainable agriculture and increased coordination of groundwater protection efforts by the U.S. Department of Agriculture. These and other environmental issues are important to farmers, and they need to be given the information and technologies to farm in a sustainable manner. I applaud the Appropriations Committee for their farsighted views of the needs of American agriculture.

Mr. DINGELL. Mr. Chairman, I rise today to support H.R. 2883, the rural development, agriculture, and related agencies appropriations for fiscal year 1990 and commend the hard work my colleagues have accomplished in meeting an equitable compromise on this bill.

I also wish to thank my good friend and colleague, Congressman BOB TRAXLER, from the Eighth Congressional District of Michigan, who has time and time again proven himself to be a friend of the Michigan farmer. Through his continued leadership and dedication, he has helped secure very important agriculture funding for the great State of Michigan. This is evident in this bill with the increased funding he has helped to secure in the areas of food toxicology, subirrigation research, and the Commodity Supplemental Food Program. I also want to express my appreciation to Chairman WHITTEN for his assistance in securing increased funding for critical agricultural pro-

grams administered by the Federal Food and Drug Administration.

While the appropriation bill continues to address the needs of our farmers, let us not forget the further needs in agriculture. For example, I recently sent a questionnaire to the farmers in my 16th District of Michigan to get an idea of what issues are affecting them. While studying the results of that survey, I was dismayed to find that 40 percent of those responding indicated that their farm income had decreased since the 1985 farm bill. Forty percent. How can we allow this?

Please, make agriculture a top priority on our Nation's agenda. The farmers of this great land have continually provided us with a safe, abundant supply of food. I ask that we not forget them at a time when they most need our assistance.

Mr. TRAXLER. Mr. Chairman, I rise in support of H.R. 2883, the rural development, agriculture, and related agencies appropriations bill for fiscal 1990. This bill is a particularly fair one at a time when the demands for Federal assistance far outstrip our ability to respond.

I want to offer my compliments and thanks to the distinguished chairman of both the Subcommittee on Agriculture and the full Appropriations Committee, Mr. WHITTEN, and the ranking minority member of our Subcommittee, Mrs. SMITH of Nebraska. Their leadership again this year allows us to bring forward a bill that each and every member of the subcommittee can support with pride.

There have been some signs that farm income is improving. Other signs indicate that farm credit difficulties are not quite as severe as they were only just 1 year ago. Some of our colleagues may think that these changes are due to an improving farm economy. They are, but only in part. The ability of farmers to continue to be the most productive individuals in the world is due to a combination of improving market conditions, and the fact that the Government is still there to provide some meaningful assistance in difficult times.

We have not saved every farmer by any stretch of the imagination, nor have government programs helped every farmer. But to the thousands of farmers who since 1986 have been helped by farm disaster assistance programs, to others who have been their commodities purchased by USDA to help alleviate temporary surplus conditions, and to yet others who have seen farm price support programs help them make the mortgage payment, this assistance has been very important.

We are facing some key challenges over the next several years. Certainly the biggest challenge ahead is how do we match a meaningful ability to maintain a structure of programs that can help farmers when assistance is needed with the limited resources that may be available for those programs. That is the challenge of the 1990 farm bill.

We also must be prepared for dealing with an integrated European Economic Community which over the next several years will be an important agricultural bloc. Some suggest that our American trade policies need to be revised so that we move toward free trade. The European Community has for quite some time operated some of the strongest agricultural programs which may allow commodities to be sold on residual world markets at open market

prices, but the Community has also worked quite diligently to safeguard the income levels of its producers. This trade problem is a challenge for both our trade negotiators as well as the 1990 farm bill, and I join with several of my colleagues who want to be sure that our negotiators do not give away the farm in the pursuit of a free trade goal that is not honestly shared by many of our trading partners.

Mr. Chairman, the bill before us today provides a blend of restoring vital agricultural programs that the President sought to diminish if not eliminate entirely, while providing increases in important initiatives offered by both the administration and the Congress. It will not be easy to protect every recommendation in this bill all the way to the bill's final signing, and we will have to depend upon the support of all of our colleagues in order to protect as much of this proposal as possible.

We have the abundance and quality of food that we do today because the Federal Government for over 100 years has been an active partner in agricultural research. This appropriation bill continues that vital partnership. Again let me emphasize that we were unable to fund every meritorious idea that was presented to us. Some new initiatives have begun while a limited number of others have been expanded.

One of those that has been expanded is funding for food toxicology through the Agricultural Research Service. The small amount of \$250,000 that will be available through this specific appropriation will help us to continue studies involving chemical toxicants, carcinogens, biological agents, and other substances or processes which may endanger the food supply and constitute a threat to public health. Some of the news reports in the past several months indicate how important it is that we mount an aggressive and ongoing research effort into the use of these substances for two reasons: To make sure that our food supply continues to be safe, and to make sure that false and unnecessary fears not be raised among consumers about the safety of their food.

This funding for research efforts ties very directly with funds provided to continue the design and begin construction of a food toxicology facility at Michigan State University. It is still amazing to me that we do not have an active ongoing research program nor a specific center for looking into these vital food toxicology issues. The efforts that have been made in this area to date by other individual research projects are important, but we need to become much more directed in this area.

An increase is provided for potato research in the ARS budget. These funds are directed toward the most pressing needs identified by potato producers—the problems caused by aphids and potato beetles. The work done by the National Potato Council in carefully identifying these needs and working that resources are directed toward them is to be commended. It should serve as a model for other nationwide commodity groups.

I am pleased to say that we are providing a modest increase for formula funding for research under the Cooperative State Research Service. Inflation has eroded the purchasing power of research dollars over the past several years, and we need to do more in this area.

Again, though, this is one of those situations in which our ability to respond is limited by our overall budgetary situation.

While expanding the formula funds, the bill also continues a number of targeted research programs. One of the real strengths of our research system is its ability to recognize the need for research on items that may not be huge to the Nation, but are vital to those affected by it. Work done on a variety of commodities, like dry beans, sugar beets, apples, potatoes, celery, stone fruit, blueberries, asparagus, and wood products are vital in our effort to maintain the wonderful variety of products available to our consumers.

One of the major expansions in the CSRS budget is the funds provided for ground water research. Coupled with significant increases for the Agricultural Research Service, the Extension Service, and the Soil Conservation Service, this area is the highest priority in agricultural research. We need to be certain that we are safeguarding our water resources. With the many competing needs for them, we must be sure that water is used as wisely as possible, and that it is returned to aquifers in a safe state.

To this end, the special research grants category include \$125,000 for subirrigation work in Michigan. This funding represents a continuation of work begun over the past few years with the assistance of the Soil Conservation Service. The goal in this project is to try to develop an underground method of irrigation that recaptures farm land runoff in a fashion that will allow reapplication of water and a recovery of farm chemicals. This recovery of chemicals may allow farmers to revise their methods of application so that both their costs are reduced and farmland runoff is minimized, safeguarding both our ground water supplies and other waterways.

While undertaking this activity in the CSRS budget, we retain the \$250,000 that had been provided to the Soil Conservation Service last year. With the research funding responsibility transferred, SCS should be in a position to expand its demonstration projects, including the possibility of establishing pilot irrigation districts. Noting that there are other agencies very much involved with these efforts, our report directs that these activities should be coordinated with those of the Environmental Protection Agency and the U.S. Geological Survey.

While this bill provides important assistance for production and conservation efforts, it also funds the many feeding programs offered by the Federal Government. As I am sure Chairman WHITTEN has carefully pointed out, this title of the bill has been fairly generous—even though the budget resolution did not provide as much generosity as some might believe. We were very nearly at a point where we would have to choose to expand some programs at the expense of current service levels in other programs. Fortunately, we were able to avoid that problem—but just barely.

We provide a major increase for the Women, Infants, and Children Feeding Program—\$118 million over current service levels. This increase demonstrates the high esteem in which this program is held.

But I want to provide a strong message to advocates of this feeding program: It is not the only one. Problems exist with the benefit levels in the Food Stamp Program that need to be addressed. Many who depended on commodities provided by the Temporary Emergency Food Assistance Program are finding that those supplies are drying up. Senior citizens find that food stamp help is virtually nonexistent, and that the Elderly Feeding Program which provides assistance to many doesn't provide the full amount of assistance that people need.

We should have one goal with our feeding programs: Feeding any needy individual who is hungry, regardless of age, regardless of program. It is admirable to mount campaigns in support of specific feeding programs, so long as everyone remembers that reference should be made to all other programs that can make a difference to people who need food.

I am quite pleased that we were able to provide adequate levels of funding in all of the feeding programs. I am particularly pleased that we were able to provide \$65 million for the Commodity Supplemental Food Program, which provides nutritious food packages to mothers, infants, children, and the elderly. This appropriation appears to be a large increase compared to the appropriated amount for fiscal year 1989, but that comparison is misleading. Nearly \$10 million of unspent funds was carried into fiscal 1989 from fiscal 1988 making the budget program level slightly more than \$60 million. The fiscal 1990 request reflects current service level needs, and we then provide a modest increase of \$3 million over this level for program expansion.

We know that there are opportunities to expand this program and we know that the opportunities are for the young and old alike.

It is for this reason that the report specifically discusses the committee's position that in those areas where mothers, infants, and children are adequately served unused caseload should be converted to the elderly. Please note that the report says "areas"—not States. The Food and Nutrition Service has maintained that it reviews these matters only on a statewide basis, and leaves local caseload assignment to State authorities. If this were true, then FNS should allow State authorities to allow local program operators to convert unused caseload when there is a demonstrable need for the elderly, and a clear likelihood that the additional caseload will not be needed for mothers, infants, and children. FNS has not done this in the past and instead insisted on a statewide need review, which holds the potential for being totally unfair to program operators who cannot control events in parts of the State outside their own program area.

This appropriation bill also funds the Food and Drug Administration. I want to say that I am in complete support of the report's provisions directing FDA to provide the technical expertise necessary for the development and design of protocols for a long-term study to determine if the secondary mechanism effect can be confirmed for FD&C Red No. 3. This action is necessary to once and for all bring to a close the questions surrounding the acceptability of Red No. 3, an item that is vital for meeting consumer demands for particular

food products. Any decision here should be based on good science, and nothing in this report precludes good science.

Mr. Chairman, I commend this bill to our colleagues and urge their support. It is an excellent bill under very difficult circumstances, and I caution our colleagues that what might appear to be slight assistance this year may be viewed as magnanimous help when we consider the fiscal 1991 budget with the limitations likely to be imposed upon all of us at that time.

Mr. TALLON. Mr. Chairman, I rise today in strong support of H.R. 2883, the rural development and agriculture appropriations bill for 1990.

Agriculture is the most rapidly changing sector of our economy. Managing this change means maintaining our technological advantage through ongoing, quality research. This bill includes funding for several vital research projects in South Carolina. South Carolina is a predominantly rural State, heavily dependent on tobacco. The funding included in this legislation will enable South Carolina to develop a competitive agribusiness economy that will take us into the next century.

First, the bill includes \$600,000 in planning funding for the improvement of facilities at the U.S. Vegetable [USDA Agricultural Research Service] Laboratory located in Charleston, SC.

For the past 50 years Clemson University has worked closely with the U.S. Vegetable Laboratory in conducting basic research in vegetable breeding and production. One of the primary missions has been to develop vegetable varieties with multiple resistance to diseases, nematodes, and insects without chemical pesticides. Work is currently underway on varieties of tomato, watermelon, canteloupe, green bean, southernpea, sweet potato, broccoli, and pepper with resistance to one or more of the common insect, disease, and nematode pests that affect them. I think the recent public concern over the pesticide residues in fruits and vegetables makes the work in Charleston particularly relevant.

Examples of their discoveries include the Homestead tomato with resistance to fungal diseases, which has been the primary variety for the fresh market tomato industry in Florida and South Carolina for 25 years; and the Charleston Gray watermelon which is still the primary variety throughout the South and in many parts of the world. The benefit-to-cost ratio of the Homestead tomato and Charleston Gray watermelon varieties has been estimated at over 300:1. As a result of these and many other contributions, this laboratory has earned national and international status as a center for vegetable research.

Yet, the current facilities for the USDA and Clemson research centers are inadequate to say the least. Staff are housed in an original 52-year-old building, a surplus World War II building, trailers, and other scattered small buildings, all occupied at 133 percent of design capacity. The buildings are very old, very costly to maintain and occupy, and are inadequate for the modern biotechnology-related research needed. As well, moving people and equipment between these buildings, along the heavily traveled highway, has created real safety hazards.

The need for new facilities for this vegetable laboratory are indisputable. The synergism of joint programs between the USDA and Clemson researchers will greatly enhance the efforts to develop new disease and pest resistant varieties of vegetables. The improved vegetable research and production, with focus on the environment, health, and nutrition, should be of real benefit to farmers and consumers.

The bill also includes \$285,000 for the ongoing southeast alternative cropping systems project. The project which is primarily directed through the Pee Dee Extension Research Station in Florence, SC, is researching new and viable vegetable markets. The land grant universities in South Carolina, Georgia, and North Carolina are cooperating in this effort to provide the agriculture community with information on the economic and biological potential of producing and marketing vegetables for greater duration and profit.

This research has provided production possibilities for at least 11 vegetable crops along with appropriate economic analysis. The economic analysis involves market windows, marketing channels, locating packing sheds, cropping combinations, price variables, economics of size, and international trade possibilities.

The bill also provides \$192,000 in preventative research for peaches in South Carolina. Peach tree short life continues to be the single most threatening disease problem for the peach industry in my State. The major factor associated with the disease that cannot be controlled is the ring nematode, which severely affects young trees in sandy soils. A long-range program has begun to identify peach trees and closely related plants with resistance to ring nematodes and have characteristics deemed desirable for rootstocks. This continued funding will allow researchers to develop promising leads for peach tree short life control.

Of great importance to the cotton farmers in my district and State is the funding in this bill for boll weevil eradication and containment. Cotton is making a strong comeback in South Carolina. It is a heartening sight to see new cotton fields stretching across my district. Without continued funding for boll weevil eradication and containment this would have been an exercise in futility for my farmers.

The successful Boll Weevil Eradication Program in South Carolina has permitted growers to reduce the number of spray applications approximately 70 percent below preeradicated levels. These reductions are due not only to total elimination of insecticide applications for weevils, but also to fewer applications for other insects.

These programs, which are cost-shared by growers who pay 70 percent of program costs, are effective area-wide management programs and need to be continued. They have demonstrated the positive results of a program involving coordinated efforts by Federal and State research, APHIS, cooperative extension, industry, State regulatory agencies, and growers. Though these programs are highly beneficial, they do not work if left up to each grower to act independently. Programs are only effective through the support of a na-

tional coordinated effort such as APHIS can provide.

Finally, I would like to reiterate my support for the bill's funding for the Gulf Coast Research Laboratory [GCRL] Consortium's U.S. Marine Shrimp Farming Program, of which South Carolina is a member. South Carolina has a long history of research and development leadership in the field of aquaculture. Just a few years ago, our State significantly increased its investment in aquaculture with the construction and staffing of the Waddell Mariculture Center. The mission of this center is to serve as an aquaculture experiment station for the State and to develop aquaculture as a viable commercial industry here.

Through research and extension activities of the Waddell Center and other institutions, several types of aquaculture appear to have good, near-term potential in South Carolina. One of these is marine shrimp. The Waddell Center began research on intensive pond culture of shrimp just 4 years ago, and already their results are being successfully implemented in the private sector.

Several small shrimp farms are in operation, three or four more will begin operations this year, and others are seeking financing and land. Production has more than doubled, with about 360,000 pounds of shrimp produced from private farms in South Carolina last year.

Of major importance to the Waddell Center's Shrimp Aquaculture Program has been the financial support and scientific exchange provided by the GCRL. This program, through its support of research and demonstration activities at the Waddell Mariculture Center, has been a major reason for the investments in shrimp farming that are occurring in South Carolina.

I believe that the GCRL Consortium Program will result in the establishment of a viable shrimp farming industry in South Carolina and other States, provide an important diversification option for coastal farmers, and help the Nation reduce its tremendous foreign trade deficit in seafood.

Mr. Chairman, this is a sound bill. It's good for my State, and it's good for every sector of the agricultural economy. Funding for agricultural research now will be repaid many times over with a stronger, healthier agricultural economy. Investment in research will mean the difference between a farm economy poised for the future or a farm economy scrambling to catch up with it.

Mr. LEHMAN of California. Mr. Chairman, for some time the industry and the FDA have been in disagreement over the course of action to take regarding Red No. 3. In the past the situation has been for short-term solutions as an answer. What the appropriations bill language does is require the two to come together, perform the long-term test for secondary mechanism, and take action based on the long-term study.

In a meeting with me and several other Members the Commissioner stated that his personal and professional opinion was that there is no negative health threat present from the color as it is now allowed. It is my understanding that the FDA has evidence that suggests that there is a secondary mechanism and that should be fully investigated before the FDA takes action. The fact is that

a 1960 amendment to the Food, Drug and Cosmetic Act, known as the Delaney clause, allows no room for any tolerance no matter how minute, no matter how remote the risk may be. Even though you would have to consume an incredible amount of the color before it has any effect, the Delaney clause prohibits its use unless there is a legitimate study ongoing. If the color is prohibited from use it will be because of a technicality in a 29-year-old law, not scientific evidence.

I must stress that this is not an end run around the FDA, they approve; it's not a protection for the industry, the color will be delisted if the long-term study does not show a secondary mechanism; and it is not an attempt to deceive the public on a matter of public health, the Commissioner of the FDA has stated unequivocally that there is no health threat. The language in the report states that if additional scientific information is made available prior to the completion of the chronic study, the FDA could consider the new information and take action based on it.

Mr. Chairman, there has been some criticism that this avoids the democratic process, but an outright ban of the food color before scientific studies are completed is no less an evasion of the democratic process. The use of scare tactics or gross exaggeration to play on the fears of the public is not the democratic process, it's a travesty.

Mr. RAHALL. Mr. Chairman, I am in strong support for H.R. 2883, the fiscal year 1990 appropriations for rural development, agriculture, and related agencies. This measure funds a variety of worthwhile programs that provide critical assistance to my home State of West Virginia as well as other areas throughout the Nation. Many of West Virginia's needy are dependent on the assistance provided by these programs while we in the State work to solve the economic and social problems brought about by the erosion of the State's industrial base and the resulting rates of high unemployment.

I would like to begin by discussing appropriations contained in H.R. 2883 for the school lunch and child nutrition programs which are of such significant importance to West Virginia. As most of my constituents know, the child nutrition and school lunch and breakfast programs are entitlements. Funds in the amount of \$4.869 billion are transferred this year from customs receipts to cover most of the costs, leaving an appropriation of \$713.3 million necessary in fiscal year 1990. This increase, from \$4.590 billion in fiscal year 1989 in transferred customs receipts, to \$4.869 billion in fiscal year 1990, plus the additional \$713.3 million in appropriations, will amount to an increase of \$992.3 million over last year for child nutrition programs in the United States.

In West Virginia, where 34 percent of children served in our public schools are eligible for free lunches and breakfasts due to an unstable economy and high unemployment rates in many regions, I am gratified that the Federal subsidies for each meal served, paid meals as well as reduced price and free meals, are available to little children who are hungry, and who could not otherwise learn on an empty stomach. In some counties in my district, upward of 82 percent of children in attend-

ance are eligible for free lunch and breakfast. For this reason I am pleased that appropriations will continue to be available to support section 4 of the National School Lunch Program which is the very foundation of the free and reduced price meals for hungry children.

The Special Milk Program which is also vital to the health and well being of low-income children in our schools, is increased from \$19.09 last year to \$20.4 in fiscal year 1990, and again is counted as being of significant importance to alleviating hunger nationwide.

The Special Supplemental Food Program for Women, Infants, and Children, popularly known as WIC, is increased from the fiscal year 1989 level of \$1.9 billion to \$2.126 billion in fiscal year 1990. This program will be able to serve in excess of an additional 300,000 participants in the next year. WIC, which returns \$3 for every \$1 spent on pre- and post-natal care, is a program that enjoys broad bipartisan support in the Congress and in the country at large, and which has proven to be an outstanding success. Nationwide, WIC serves on average about 3.9 million women, infants, and children per month. In my Fourth District in West Virginia, where less than one-half of all those eligible for WIC are currently being served, these additional funds are urgently needed and will be gratefully received.

Food donation programs, for needy families, the elderly, soup kitchens, all have been given modest increases in fiscal year 1990, which programs will continue to help alleviate, if not eliminate, hunger in the United States. There are \$120 million appropriated to purchase commodities for the critical use of families with temporary emergency food assistance needs [TEFAP], and in addition there are \$50 million provided to States to support their statewide commodity storage and delivery systems to ensure that these families and individuals will receive donated foods.

Food stamp appropriations are set at \$14.2 billion in fiscal year 1990, an increase of \$377 million over last year, and \$112 million more than the administration requested.

H.R. 2883 appropriates \$9.1 billion for the Farmers Home Administration which is responsible for this country's rural development programs, including housing, water and sewer grants and loans. Within the Rural Housing Insurance Fund, which makes rural housing loans used to construct, improve, repair or replace modest homes, the bill provides for insured loans totaling \$1.9 billion. This is \$100 million more than allowed for in fiscal year 1989. Funds are also included for numerous other FmHA rural housing programs, including \$300 million in rental assistance to reduce the rents paid by low-income persons and \$57,000 for rural housing site development loans.

Another program funded in this measure is the Rural Development Insurance Fund. The bill provides substantially more funding than the administration's apparent request for both loans and grants for rural water and sewer facilities. Included is \$370 million in direct loans, \$75 million in guaranteed loans, and \$209 million for grants. The fund also grants rural industrial development loans for the purpose of improving, developing or financing business, industry, and employment or improving the

economic and environmental climate in rural areas. Such loans are much needed in West Virginia as we in the State activity seek to expand our industrial and economic base and solve our unemployment problem.

H.R. 2883 appropriates \$733 million for the Soil Conservation Service which is an indispensable program in West Virginia. The SCC works with conservation districts, watershed groups and Federal and State agencies whose job is to conserve soil and water resources and reduce damage by floods and sedimentation.

In closing, Mr. Chairman, I urge my colleague to support this measure which allocates funds for programs of such great importance to many throughout this Nation, especially in America's rural areas.

Mr. GOODLING. Mr. Chairman, I rise in support of the bill, H.R. 2883, providing appropriations for rural development, agriculture, and related agencies for fiscal year 1990.

In particular, I want to commend and thank Chairman WHITTEN and the subcommittee's ranking minority member, Mrs. SMITH, for their strong support of Federal nutrition programs for our Nation's children and elderly.

I was especially pleased with the bill's recommendations for child nutrition appropriations, inasmuch as they left me with the thought that others share my belief that our child nutrition programs are and must be viewed as an integral part of the daily educational experience. I am further persuaded and very pleased that the House Appropriations Committee agrees with me that from the point of view of what makes good health policy and good education policy, it makes good public policy sense to provide at least current services funding levels for our child nutrition programs.

Consider that the funding recommended for just one of these programs, the Summer Food Service Program, will make it possible to serve approximately 86 million meals to about 1.7 million children during this summer's peak month.

I was also gratified to find that the Appropriations Committee was responsive to the concerns I had shared with it regarding the Department of Agriculture's Federal Review System [FRS] Program. The multiple audit requirements and paperwork FRS was in the process of generating triggered a strong reaction among State and local school food service personnel. The committee's instruction that future FRS audits are to be carried out in conjunction with State and local reviews as part of their annual management evaluations should go a long way to resolving the concerns State and local food service professionals had brought to my attention.

To close, I would only add that through this bill, the Appropriations Committee has taken a large and well-directed step toward resolving the Nation's hunger and nutrition problems.

Mr. COLEMAN of Texas. Mr. Chairman, I rise in strong support of the fiscal year 1990 rural development, agriculture, and related agencies appropriations bill. The chairman of the committee, the distinguished gentleman from Mississippi, has for the second year running included language in the report accompanying this bill which is directed at the Farmers Home Administration and concerns colonias.

Last year, the report accompanying Public Law 100-460 requested that Farmers Home review its regulations regarding priority applicants for water and wastewater construction grants and noted the expectation that the agency would amend those regulations to ensure that those colonias located along the United States-Mexico border which were not "truly rural" would be eligible for these grants with the same status as those areas of the country which are truly rural.

The Farmers Home Administration has not yet amended the regulations so as to make eligible those colonias which are located near or just outside urban areas. The report language accompanying this year's bill reiterates the committee's endorsement of a regulatory change and reiterates the expectation that such grants will be made in the coming fiscal year. It also includes a definition of colonias, one which should clarify the committee's understanding that these are areas characterized by acute poverty and which meet a number of objective criteria, among them a lack of potable water and access to sewage collection systems.

This provision cannot be considered controversial. The colonias along our southwestern border with Mexico need and deserve the attention of the Farmers Home Administration and of the Congress. I again commend our distinguished chairman for his recognition of these tragic conditions and urge support for this bill.

Mr. AUCOIN. Mr. Chairman, I strongly support this bill. Once again Chairman WHITTEN has reported an excellent, well-crafted appropriations bill.

In particular, I'm proud that the chairman and his subcommittee responded to my request and those of others to significantly increase the Special Supplemental Food Program for Women, Infants, and Children. This bill provides an increase of \$118 million above inflation for the WIC Program next year. The largest increase in WIC in 5 years: The increase will mean we can reach over 200,000 additional infants and children and low-income pregnant women with desperately needed nutritional services.

This country has a widespread and persistent hunger problem that is disproportionately affecting our children. One out of every five children in America is poor today. The Physicians Task Force on Hunger in America found that malnutrition affects almost 500,000 American children. Requests for emergency food assistance increased in 1987 by an average of 18 percent. The mayors' study, published in December 1987, also found that 25 of the 26 cities reported a substantial rise in the number of families with children requesting assistance. It is shocking that the United States, the richest country in the world, is ranked 13th in infant mortality rates behind such countries as Spain, Ireland, Japan, Germany, and France.

I am now a member of the Domestic Hunger Task Force of the House Select Committee on Hunger and know the important impact the WIC Program has had in reducing infant mortality, preventing low birthweight, and alleviating other conditions that threaten the health of America's children.

In my own State of Oregon, only 55 percent of those eligible are able to participate in this

program. That means that almost 40,000 eligible needy pregnant women and children in Oregon alone are going without proper nutrition during their most vulnerable days. This appropriations bill will help change that.

Numerous studies document the long-term savings associated with investing in WIC's prenatal services. Let me quote from one of those reports issued by former Presidents Gerald Ford and Jimmy Carter:

There is no easy answer to the problem of ingrained poverty. But early intervention is the best opportunity to break the cycle of poverty. There is solid evidence that Federal programs such as * * * WIC * * * offer(s) one of the best investments the country can make in its own people.

The increase in WIC funding as provided in this bill is a sound investment. Once again, the chairman has demonstrated his leadership on this issue and I want to thank him for that. I also want to thank him for working with those of us deeply concerned with expanding WIC.

Mr. BROWN of California. Mr. Chairman, I rise in support of H.R. 2883 to compliment the Appropriations Committee, the Subcommittee on Rural Development, Agriculture, and Related Agencies, its chairman, Mr. WHITTEN, and its ranking member, Mrs. SMITH, for the work they have done in bringing this fiscal year 1990 appropriations bill to the floor. I know the difficult decisions which faced the subcommittee and I thank them for their efforts.

Contained in this bill is a new effort on water quality, which the subcommittee has funded in the research and extension portions of the bill. This effort is long overdue and has been the subject of numerous hearings in the House Agriculture Subcommittee on Department Operations, Research, and Foreign Agriculture, which I chair. I wish that some of the other functions could have been fully funded, notably the effort in the Economic Research Service to compile a pesticide use data base, and I will continue to encourage full funding for these efforts in the future.

I hope that a significant portion of the water quality effort can be directed at finding alternative methods of pest control. Producers and consumers alike are concerned about agricultural chemicals on their food and in their water. Reducing agricultural chemical use, controlling waste from animal agriculture operations, and finding safer alternatives should be the focus of our efforts. Our subcommittee held a hearing on the water quality initiative and hope that as time goes on the specific details of the Department of Agriculture's [USDA] plans will become available for us to better judge the direction of the program in future years.

As I stated in my letter to the subcommittee, and as I mentioned in my testimony before the subcommittee, we are going to see a number of forces which will limit the use and availability of current agricultural chemicals. The reregistration program at the Environmental Protection Agency [EPA], state regulatory actions, and decisions on individual chemicals will begin to remove some of our currently registered pesticides. We will need to find ways of reducing the use of these chemicals and will need to find alternatives. Meeting these pressures and meeting the water quality

goals are very compatible and should run in concert.

While we are on the subject of research and extension, I want to make a few other observations. I am pleased that during these difficult times, the subcommittee has been able to find funding for needed increases for these functions. As usual, I would have preferred that funding for the competitive research grants be at the Department's recommended level, but I am pleased that we have been able to fund a modest increase. As we approach consideration of the 1990 farm bill, we will examine the research program funding issue in more detail and I look forward to working with the Appropriations Committee during this process.

I am pleased that the subcommittee has undertaken a review of the need for international trade and development centers. This program has resulted in an increased number of funding requests and we need to take a careful look at where we are headed, given our finite resources, before we continue to fund these efforts. I make note of the fact that the same issue should be raised about funding for biotechnology research centers, for which the funding requests have also expanded greatly. I do not feel that in these tough budgetary times it makes good sense to proceed without a strategic plan for the development of these centers. Nor does it make good scientific sense to fund these efforts in isolation of each other.

I am pleased that the Animal and Plant Health Inspection Service funding was increased. These vital functions are the frontline of defense of American agriculture against plant and animal pests in diseases. I am also pleased that the animal welfare functions, a small but politically important part of APHIS, is scheduled for an increase.

In the conservation area, I feel that the subcommittee has done a good job in restoring a number of vital programs. I hope that as water quality issues increase in importance and as we start into the 1990 farm bill that we can work with the Appropriations Committees to work these water quality goals into our conservation programs. I note and appreciate the increase in the Colorado River Salinity Control Program which is so important to folks in my part of the country.

I want to compliment the subcommittee for stressing the importance of food safety in the funding proposal for the Food and Drug Administration [FDA]. This issue is at the top of consumer concerns and is putting a great deal of pressure on us to respond. Increased monitoring of food, improved detection methodologies, better residue data bases, and a host of other programs are needed and the subcommittee has noted these needs in the proposed increase in FDA funding for the food safety function.

Finally, I thank the subcommittee for finding funding for the planned relocation of the U.S. Salinity Laboratory at Riverside, CA. I will be working with the subcommittee in the future to secure the needed construction funding for this vital USDA research facility. I also acknowledge the effort of the subcommittee to fund the documentary film of American food and agriculture, an education effort needed

more than ever given the food crises of recent months.

Again, I thank the subcommittee and its leadership for the effort they have put forth in this bill, and urge the Members to support it.

Mr. EMERSON. Mr. Chairman, I rise today to give my strong support to H.R. 2883, the rural development, agriculture, and related agencies appropriations bill for fiscal year 1990.

This measure represents what has been a long and deliberative process. It is fair to say that those of us who have been involved in shaping this legislation, have worked hard to send an appropriations bill to the floor that meets many of today's agricultural needs, but yet reflects much needed fiscal responsibility. This legislation represents many difficult budget decisions that continues to prove agriculture is willing to pull its fair share of the budget reduction load.

I am also pleased to note a particular item within this appropriations measure that continues to benefit agricultural producers across the Nation. For several years now, research on the soybean cyst nematode problem has been conducted in my district at the Delta Area Agricultural Research Center in Portageville, MO. This facility is ideally suited to conducting this research, given its extensive past work on the problem and the fact that many farmers in the country continue to face a serious soybean cyst nematode problem.

It is my hope that this body will do as in the past and approve this research as part of the appropriations package. By doing so, I believe we will be saving a number of farmers from financial ruin in the long run, thus saving the Federal Government many times the \$285,000 we will spend on soybean cyst nematode research this year.

Likewise, there are many other fine projects and research efforts contained in this bill and I urge my colleagues to show their support for these endeavors by giving favorable approval to this appropriations measure.

Mr. SHUMWAY. Mr. Chairman, I rise to support the committee report language to H.R. 2883 as it relates to the scientific investigation of FD&C Red No. 3. This color has become an essential component of a number of products.

The report provides, in essence, that the FDA and industry will perform a collaborative long-term study of the possible health impacts of FD&C Red No. 3. FDA will lend its scientific expertise particularly in protocol development, while the industry funds the study. FDA would await the results of this study prior to finalizing action regarding the permanently or provisionally approved uses of the color. Noted scientists such as Dr. Louis Braverman and Dr. Sorell Schwartz from the University of Massachusetts and Georgetown University, respectively, have indicated that this study would be relevant to addressing any outstanding questions concerning FD&C Red No. 3. Particularly in view of the fact that FDA had indicated that there is not a health concern associated with this color, adequate time should be devoted toward developing additional data confirming the safety of the color. The report language accomplishes this result.

Mr. GLICKMAN. Mr. Chairman, I rise in support of H.R. 2883, the bill to appropriate funds

for fiscal year 1990 for rural development, agriculture, and related agencies. Juggling priorities, meeting national needs, and still staying within the budget is never an easy task. I believe the committee, the subcommittee, and especially its chairman, Mr. WHITTEN, should be commended for meeting those, often conflicting, goals and for bringing an important appropriations bill to the floor in a timely fashion.

Mr. Chairman, the devastating drought of 1988 is still with us. Although parts of the Nation have been fortunate enough in recent weeks to receive rain, the damage done from last year is with us still. For example, in my own State, the wheat harvest this year, in spite of an increase in the number of acres planted in 1989 from 1988, is going to be half of what it was last year. The situation is the same in many other areas, and may worsen.

This House has responded with compassion to bring relief to those farmers by extending last year's disaster legislation for one more year. It is my hope that before we go home for the August break, the Senate will act likewise and a bill will be before the President for his signature.

In spite of the marvelous advances made in recent years in agricultural science and technologies, last year's drought, and its continuation into this year show all too vividly how much our farmers, the world's most productive farmers, depend still on the vagaries of the weather to meet our food needs. Making sure our farmers have the most modern, the leading edge of science, is growing more critical all the time to make sure the United States maintains its abundant, diverse, and affordable supply of food and can meet growing world demand for food.

In a modest building on the campus of Kansas State University, the battle to meet this challenge is being waged, and will be won with our support. The Wheat Genetics Resources Center is one of the world's preeminent centers of research into the development of new wheat varieties. Researchers there have collected specimens of wheat germplasm, the very genetic building blocks of the staff of life, from throughout the world for use in breeding wheat varieties resistant to disease, adverse weather, such as drought, as well as man made threats.

It is from this collection of wheat germplasm that researchers from academia and the private sector throughout the world are working to produce the wheats that will be milled into the bread flour, crackers, and pasta to feed us and our children in the future. This legislation makes a modest investment in that modest, yet extraordinary, facility. The \$100,000 for the Wheat Genetics Resources Center will enable its research to continue for another year, to produce results we all will realize for many years to come.

I commend the committee for this action and urge my colleagues' support of this critical legislation.

Mr. HOCHBRUECKNER. Mr. Chairman, I rise to express my strong support for H.R. 2883, the rural development, agriculture, and related agencies appropriation bill for fiscal year 1990.

There is one particular provision included in H.R. 2883 that is extremely important to my

constituents. That is the continuation of the Golden Nematode Program under the Animal and Plant Health Inspection Service [APHIS].

APHIS has for years now been routinely inspecting potatoes and other agricultural products in Suffolk County, NY, to check for infestation by the golden nematode disease. This disease is restricted to New York, and it has been successfully contained due to the work of APHIS inspectors.

If the Golden Nematode Program were not in place, the inspection of Long Island potatoes and other commodities by qualified Federal officials would cease. Were this to occur, other States and foreign nations would lose all confidence in Long Island agricultural products and likely impose embargoes on Long Island produce. This would result in a crippling of the farm industry in my district.

Farming is a vital industry on eastern Long Island. Suffolk County is the leading agricultural county in New York State based on the wholesale value of its farm products. Preserving APHIS funding for the inspection of local produce is a very important issue for Long Island farmers. H.R. 2883 provides the necessary funding for this program.

I greatly appreciate the advocacy of my concerns by my friend and colleague Mr. McHUGH, a member of the Agricultural Appropriations Subcommittee. I am also delighted by the responsiveness of the able chairman of the Agriculture Appropriations Subcommittee, Mr. WHITTEN, and the cooperation of the distinguished ranking minority member, Mrs. SMITH.

Mr. Chairman, I applaud H.R. 2788 and ask that my colleagues vote in favor of this important legislation.

Mr. WYDEN. Mr. Chairman, today, the House of Representatives took a positive action in solving our Nation's hunger crisis. By approving the Domestic Food Program provisions in the agriculture appropriations bill, we are helping to provide thousands of needy families find some relief from hunger.

In my State of Oregon, 480,000 people—over 17 percent of the population—sought help from community food assistance programs last year. These people, most of them families with children, received emergency food boxes consisting of plain, but nutritious foods.

Most of the food that filled these emergency food boxes came from Federal commodities programs, corporate donations, and community food drives. The sad fact is that the Federal and corporate nutrition resources are now in short supply—but more and more people are needing this kind of help.

The Oregon Food Bank gave away 20 million pounds of food last year, and Federal commodities accounted for nearly one-quarter of that amount. Now, with these commodities drying up, food banks are hard put to try to find alternatives.

This is not the time to eliminate funding for Federal cost sharing for the food transportation and storage provided for under the Temporary Emergency Food Assistance Act, as the kinder, gentler administration has proposed. The small investment of \$50 million will continue to pay big dividends in our Nation's hunger relief effort.

We can't forget that there's much more to be done to eliminate hunger, but we can all sleep a little better, knowing that needy families will have eaten a little better as a result of our efforts to keep this program alive.

Mr. GEJDENSON. Mr. Chairman, I rise today in support of H.R. 2883, the fiscal year 1990 rural development, agriculture, and related agencies appropriations legislation. I would like to commend the chairman of the committee, Mr. WHITTEN, the ranking member of the committee, Mr. CONTE, and the other members of the Appropriations Committee for their work on this important piece of legislation.

I would especially like to applaud the committee for its inclusion of two specific provisions in the bill.

First, Mr. Chairman, the committee included \$420,000 in funding under the 1990 Cooperative State Research Special Grant Program for the Food Marketing Policy Center which is based at the University of Connecticut in Storrs, CT. This level of funding is critical to the success of the policy center, which serves as the core research group for the national food and agriculture marketing research effort that involves 18 universities, the USDA, FDA, EPA, and the GAO.

I am pleased that the committee has recognized the Food Marketing Policy Center as the national leader in the effort to provide a safer and more efficient food distribution system in the United States. Increased funding in fiscal year 1990 will allow the center to continue to improve the safety of food to consumers, and help to find ways to increase the level of consumer confidence about the foods produced in this country, which has become an increasingly important issue in recent months.

Second, I would like to commend the committee for continuing to fund the farmers' market demonstration projects started in fiscal year 1989. In the 100th Congress, I introduced legislation with Congressmen LELAND and ATKINS to establish a demonstration program to provide mothers in the Women, Infants, and Children [WIC] Program with coupons to be redeemed for fresh fruits and vegetables at authorized farmers markets in addition to receiving vouchers to use at grocery stores to buy milk, cheese, cereal, eggs, juice, and infant formula.

After passage of the fiscal year 1989 appropriations in the 100th Congress, the USDA was appropriated \$2 million for distribution to 10 qualified States to begin a WIC-Farmers Market Program. One of the successful applicants for this program is my home State of Connecticut. Three years ago, the Hartford food system began distributing coupons in the Hartford area for WIC recipients. Because of the enormous success of the program, I introduced legislation to expand it nationwide. Now the Connecticut program has gone statewide and has been distributing coupons to more than 30,000 WIC recipients across the State.

Mr. Chairman, there are only winners with this program. First, not only does it provide fresh fruits and vegetables to WIC recipients, who may not otherwise buy them, but the program also increases the availability of low-cost fresh fruit in low-income areas by encouraging the development of farmers markets. Second, the program helps small farmers through their increased sales at farmers markets. Most im-

portantly, this program improves the nutrition of low-income mothers and children by supplementing the WIC-purchased items with fresh produce.

The Farmers Market Demonstration Program is one example where the Federal Government, in cooperation with the States, local governments, and private groups, is taking constructive action to improve the health and nutrition of low-income families. This partnership is a very positive step in bringing those who need together with the farmers who have.

Again, Mr. Chairman, I applaud the committee for its inclusion of funding for these two innovative but common sense programs, one to ensure the safety of our food supply and the other to improve the access of healthy foods to people who may not otherwise have it.

Mr. SCHUETTE. Mr. Chairman, I rise in support of this bill that will provide some much-needed support for efforts to diversify the agricultural economy by encouraging the planting of specified industrial and oilseed crops.

Industrial products derived from agricultural commodities hold great promise for strengthening the farm economy, reducing the need for petroleum imports, and improving the balance of trade.

Allowing producers of program crops to use part of their permitted acreage to raise specific new crops such as milkweed, kenaf and crambe is a sensible way to help reduce costs to the Federal Government while aiding research efforts that could yield valuable dividends for the Nation as a whole. Since the permitted crops are spelled out in the bill, producers of established nonprogram crops, such as dry edible beans, will not be faced with the problem of new competition from growers who normally raise program crops.

Mr. SCHUETTE. Mr. Chairman, I rise in support of this bill providing appropriations for agriculture and rural development programs for fiscal year 1990.

People sometimes don't realize that a large portion of the Agriculture Department's budget is devoted to food and nutrition programs. This bill contains funding for school lunch programs, food stamps, temporary food assistance programs, and other child nutrition programs.

One very important program funded by this bill is the Women, Infants, and Children Program, better known as WIC. WIC has gained the support of Members of Congress and of the public for its cost-efficient use of taxpayer money which has resulted in healthier babies and reduced long-term medical and educational costs. The bill we are passing today increases the WIC appropriation for the next fiscal year by \$200 million. This increase in funding will do a world of good for the hundreds of expectant women, infants, and young children whose health will be improved by the nutritious foods provided by WIC.

Mr. ANTHONY. Mr. Chairman, I applaud action by the Appropriations Committee to recognize the serious dilemma facing today's farmers and generations of Americans to come in the area of water quality and conservation. Questions of long-term environmental damage from groundwater depletion and sur-

face water contamination have become, as they should be, top priorities of national debate.

The front page of last week's Delta Farm Press, a farm magazine published in Mississippi and serving the Midsouth area, carried the headline "Aquifer Recharge Is Lagging." Similar stories are becoming all too common in areas reliant on groundwater resources for economic and community purposes.

In southeast Arkansas, groundwater resources are subject to a combination of groundwater depletion and contamination. Due to hydrological forces related to groundwater usage, salt contamination is destroying the quality of remaining water resources and, for those farmers who must rely on groundwater for irrigation, salt contamination to the surface is causing long-term damage to the productivity of the soil.

I have been working with Chicot County farmers to develop strategies to reverse these dangerous trends. The provisions in this bill which call for additional funding for agricultural conservation programs are highly complementary of the efforts made in Arkansas to curtail use of groundwater for agriculture and to rely on surface water which can be diverted from streams during periods of high flow and stored in on-farm reservoirs.

I think, Mr. Chairman, you will agree that the direction given by the committee in reference to ACP funding increases is in line with the type of solution my constituents are trying to achieve. Use of proper water management techniques will not only help reverse groundwater contamination and depletion, they will also have the benefit of reducing runoff of sedimentation and contaminants which form a major part of this country's non-point source pollution problem.

I assume, Mr. Chairman, that the funding increase in this bill for ACP includes both cost-share for project construction as well as technical assistance from the Soil Conservation Service.

Again, Mr. Chairman, I thank you and the committee for providing needed assistance to rural America so that together we can properly address water issues with rational solutions and not wait until the short-term dictates of emotion take control.

The CHAIRMAN. All time has expired.

The Clerk will read.

The Clerk read as follows:

H.R. 2883

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Rural Development, Agriculture, and Related Agencies programs for the fiscal year ending September 30, 1989, and for other purposes; namely:

TITLE I—AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING AND MARKETING

Mr. STAGGERS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the agriculture appropriations bill for fiscal year 1990 and would like to commend the fine work of Chairman WHITTEN and his committee for offer-

ing the House such a responsible and fair measure.

The committee recommends maintaining or increasing funding levels for critical programs upon which rural America depends. Throughout this decade, rural America has experienced a roller coaster ride of numerous economic spills with few of the thrills—a plight common to many victims of Reagan administration actions.

We in Congress must maintain our commitment to rural programs. This appropriations bill does just that. In my rural State of West Virginia there is a critical need for programs that provide grants and loans for water and sewer systems. These programs are essential for the economic revitalization of small rural communities. Indeed, many potential businesses are lost to more urban areas because of inadequate water and sewer facilities. By recognizing the importance of these programs to the vitality of rural communities, the committee bill will help to combat the loss of economic development in rural areas.

Chief among West Virginia's soil conservation line of action is the Agricultural Program. The State's steep topography and its high level of rainfall contribute to the large participation rate in this program. The committee found that the ACP yields the greatest conservation benefits of all conservation programs and therefore committed increased funding for this cost-efficient program.

Of critical concern to the future health of this Nation's population is the nutritional status of every American. The committee provided us with a responsible measure by maintaining or increasing our commitment to the domestic food programs. One of these programs, the Special Supplemental Food Program for Women, Infants, and Children or WIC, is noted for its effectiveness. This program currently reaches only half of those eligible. By expanding the number of participants, the committee does much to ensure the health and competitiveness of the Nation's future work force.

Other nutrition programs to which funds are maintained or increased are food stamps, child nutrition, and the Temporary Emergency Food Assistance Program or TEFAP. All of these combine to constitute our national line of defense against nutritional deficiency.

I urge my colleagues to support the committee bill. It is a fair and balanced response to the needs of rural America—that area which covers 84 percent of the total land in this country—and to the residents of urban areas who rely on the substantial non-farm programs contained in this bill.

Mr. ESPY. Mr. Chairman, I move to strike the penultimate word.

Mr. Chairman, I rise in support of H.R. 2883, the Agriculture Appropria-

tions bill for fiscal year 1990. This bill includes funding for the entire Department of Agriculture, with the exception of the Forest Service, which is funded in another bill. This appropriation bill provides funding for production, processing, and marketing activities within USDA. It also provides funds for farm price supports and farm export programs. Three million dollars is included for State mediation grants; increased funding for direct and guaranteed farm ownership and farm operating loans; and for emergency disaster loans, the bill provides \$600 million, the maximum amount authorized by the Food and Security Act of 1985. Many farmers in my district will qualify for these low interest loans.

This bill increases funding for watershed and flood prevention projects, which is desperately needed. Over 300 lives have been lost and over 51 million acres of land inundated by floods during 1983 and 1984, despite Federal projects during these same years to prevent such damages. Studies show that almost 6 million acres of farmland within the lower Mississippi Valley were flooded in 1984. Another 6.7 million acres in this same area were flooded during the next 3 years.

Public Law 98-8 addressed the need for flood control and conservation work caused by hurricanes and rains which covered much of the United States, including the lower Mississippi Valley, which drains over 40 percent of this Nation's water. Legislation since then has directed the continuation of this program.

This bill is the primary source of funding for Federal assistance to rural areas, which, as stated in the bill, covers 84 percent of the entire land areas of the Nation.

In addition, this bill includes funds for the food programs. Approximately one-half of the total funds included in this appropriation bill are for these nonfarm programs, including food stamps, school lunches, and WIC Programs.

As chairman of the Domestic Hunger Task Force of the House Select Committee on Hunger, I am acutely aware of the critical impact WIC has in improving the nutrition and health status of low income pregnant women, infants and children. Research evidence also suggests that WIC may improve children's cognitive skills. Numerous studies have documented this tremendous track record.

Currently, participation in WIC is limited to just over 50 percent of those eligible due to funding constraints. There is a strong bipartisan consensus that expanding WIC to reach more of those eligible is one of the most effective investments of limited Federal resources. A number of recent reports from corporate and education leaders,

Governors, and others have recommended an expansion for WIC.

This bill provides an increase of approximately \$200 million over current funding levels, roughly \$120 million more than the current services level for fiscal year 1990. As a result of this bill, thousands of additional poor pregnant women, infants, and children will receive WIC's critical nutritional benefits.

Mr. Chairman, I want to express my appreciation to the chairman of the committee and my colleague from Mississippi for his continued support in funding these much needed agriculture programs and for his leadership in expanding WIC and providing a substantial, and needed, increase for this very valuable program. I urge my colleagues to vote in favor of this bill.

Mr. LANCASTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong support of H.R. 2883, and commend the committee for once again providing a balanced bill that would meet the needs of our Nation's farmers and ranchers for fiscal year 1990. The spending that is required under the bill is equal to the committee's 302 (b) subdivision in both budget authority and outlays for the Subcommittee on Rural Development, Agriculture and Related Agencies. It is therefore consistent with the 1990 budget resolution and the bipartisan budget agreement.

Mr. Chairman, I appreciate the committee's inclusion of language in its report that will bolster the postharvest research being conducted on sweet potatoes at North Carolina State University in Raleigh, NC. Presently, the Agricultural Research Service supports its research in a very small way each year. Any increase in this funding will surely strengthen the important work now being conducted in this important area.

I must tell my colleagues from urban areas that while it's easy to make fun of agricultural research, this is a very serious business. Consumers want and need improved food products that are higher in nutrition and lower in calories and fat. Farmers and processors need new markets and improved products for these markets. The United States is one of the best fed Nations, at the least cost per dollar of disposable income, in the world. This fact is primarily due to the historical commitment of Congress to agricultural research.

Mr. Chairman, the sweet potato is one of our most nutritious vegetables, yet per capita consumption has declined from 35 pounds in 1935 to about 5 pounds today. A major reason for this decline in consumption is that the processing industry has not developed innovative products to meet changing consumer preferences. Researchers have targeted texture control as being a key to unlocking a vast potential

market for sweet potato products. Fundamental research is needed on composition and biochemical factors controlling the texture of sweet potato products, which could lead to new markets for this widely grown farm commodity. With the proper support, the Agricultural Research Service's work at North Carolina State University will yield beneficial results for farmers, processors and the American consumer.

Again, I thank the committee for recognizing this important need, and calling attention to the need for increased Federal support for research on sweet potatoes.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OFFICE OF THE SECRETARY

For necessary expenses of the Office of the Secretary of Agriculture, and not to exceed \$50,000 for employment under 5 U.S.C. 3109, \$1,789,000: *Provided*, That not to exceed \$8,000 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary.

FARM AND EXPORT PROGRAMS

For development of a plan by the Secretary for returning the use of the Commodity Credit Corporation to its primary function which was to buy and sell competitively to enable the farmer to offset high American costs and to maintain his fair share of world markets; and to restore the use of section 32 (30 per centum of customs receipts) as authorized by law, the use of which is presently suspended, to enable the farmer to secure his income from the user of his products rather than the U.S. Treasury and to enable the American farmer to regain and retain, by competitive sales, our normal share of world markets, \$500,000.

COMPILATION OF METHODS USED BY FOREIGN COUNTRIES TO PROTECT THEIR DOMESTIC AGRICULTURE

To enable the Secretary of Agriculture to investigate and compile a listing of the laws and practices used by foreign countries to protect their domestic agriculture from foreign competition and to expand their foreign markets in order to assist the Department in regaining and retaining our fair share of world markets, \$500,000.

OFFICE OF THE DEPUTY SECRETARY

For necessary expenses of the Office of the Deputy Secretary of Agriculture, including not to exceed \$25,000 for employment under 5 U.S.C. 3109, \$397,000: *Provided*, That not to exceed \$3,000 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Deputy Secretary.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed \$5,000 is for employment under 5 U.S.C. 3109, \$4,554,000.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary expenses of the Office of the Assistant Secretary for Administration

to carry out the programs funded in this Act, \$467,000.

RENTAL PAYMENTS (USDA)

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92-313 for programs and activities of the Department of Agriculture which are included in this Act, \$49,467,000, of which \$3,000,000 shall be retained by the Department of Agriculture for non-recurring repairs as determined by the Department of Agriculture: *Provided*, That in the event an agency within the Department of Agriculture should require modification of space needs, the Secretary of Agriculture may transfer a share of that agency's appropriation made available by this Act to this appropriation, or may transfer a share of this appropriation to that agency's appropriation, but such transfers shall not exceed 10 per centum of the funds made available for space rental and related costs to or from this account.

BUILDING OPERATIONS AND MAINTENANCE

For the operation, maintenance, and repair of Agriculture buildings pursuant to the delegation of authority from the Administrator of General Services authorized by 40 U.S.C. 486, \$23,033,000.

ADVISORY COMMITTEES (USDA)

For necessary expenses for activities of Advisory Committees of the Department of Agriculture which are included in this Act, \$1,494,000: *Provided*, That no other funds appropriated to the Department of Agriculture in this Act shall be available to the Department of Agriculture for support of activities of Advisory Committees.

HAZARDOUS WASTE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of Agriculture, except for expenses of the Commodity Credit Corporation, to comply with the requirement of section 107g of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. 9607g, and section 6001 of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6961, \$20,000,000, to remain available until expended: *Provided*, That appropriations and funds available herein to the Department of Agriculture for hazardous waste management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

For Personnel, Finance and Management, Operations, Information Resources Management, Advocacy and Enterprise, and Administrative Law Judges and Judicial Officer, \$22,020,000 and in addition, for payment of the USDA share of the National Communications System, \$2,000; making a total of \$22,022,000 for Departmental Administration to provide for necessary expenses for management support services to offices of the Department of Agriculture and for general administration and emergency preparedness of the Department of Agriculture, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department of Agriculture, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed \$10,000 is for

employment under 5 U.S.C. 3109: *Provided*, That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551-558.

WORKING CAPITAL FUND

An amount of \$3,750,000 is hereby appropriated to the Departmental Working Capital Fund to increase the Government's equity in this fund and to provide for the purchase of automated data processing, data communication, and other related equipment necessary for the provision of Departmental centralized services to the agencies.

OFFICE OF THE ASSISTANT SECRETARY FOR GOVERNMENTAL AND PUBLIC AFFAIRS

For necessary expenses of the Office of the Assistant Secretary for Governmental and Public Affairs to carry out the programs funded in this Act, \$414,000.

PUBLIC AFFAIRS

For necessary expenses to carry on services relating to the coordination of programs involving public affairs, and for the dissemination of agricultural information and the coordination of information, work and programs authorized by Congress in the Department, \$7,964,000 including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed \$10,000 shall be available for employment under 5 U.S.C. 3109, and not to exceed \$2,000,000, may be used for farmers' bulletins and not fewer than two hundred thirty-two thousand two hundred and fifty copies for the use of the Senate and House of Representatives of part 2 of the annual report of the Secretary (known as the Yearbook of Agriculture) as authorized by 44 U.S.C. 1301: *Provided*, That in the preparation of motion pictures or exhibits by the Department, this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225).

CONGRESSIONAL RELATIONS

For necessary expenses for liaison with the Congress on legislative matters, \$497,000.

INTERGOVERNMENTAL AFFAIRS

For necessary expenses for programs involving intergovernmental affairs and liaison within the executive branch, \$479,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), \$51,576,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(8) of the Inspector General Act of 1978 (Public Law 95-452), and including a sum not to exceed \$50,000 for employment under 5 U.S.C. 3109; and including a sum not to exceed \$95,000 for certain confidential operational expenses including the payment of informants, to be expended under the direction of the Inspector General pursuant to Public Law 95-452 and section 1337 of Public Law 97-98.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, \$21,316,000.

OFFICE OF THE ASSISTANT SECRETARY FOR ECONOMICS

For necessary expenses of the Office of the Assistant Secretary for Economics to

carry out the programs funded in this Act, \$454,000.

ECONOMIC RESEARCH SERVICE

For necessary expenses of the Economic Research Service in conducting economic research and service relating to agricultural production, marketing, and distribution, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621-1627), and other laws, including economics of marketing; analyses relating to farm prices, income and population, and demand for farm products, use of resources in agriculture, adjustments, costs and returns in farming, and farm finance; research relating to the economic and marketing aspects of farmer cooperatives; and for analysis of supply and demand for farm products in foreign countries and their effect on prospects for United States exports, progress in economic development and its relation to sales of farm products, assembly and analysis of agricultural trade statistics and analysis of international financial and monetary programs and policies as they affect the competitive position of United States farm products, \$50,489,000; of which \$500,000 shall be available for investigation, determination and finding as to the effect upon the production of food and upon the agricultural economy of any proposed action affecting such subject matter pending before the Administrator of the Environmental Protection Agency for presentation, in the public interest, before said Administrator, other agencies or before the courts: *Provided*, That this appropriation shall be available to continue to gather statistics and conduct a special study on the price spread between the farmer and the consumer: *Provided further*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225): *Provided further*, That this appropriation shall be available for analysis of statistics and related facts on foreign production and full and complete information on methods used by other countries to move farm commodities in world trade on a competitive basis.

NATIONAL AGRICULTURAL STATISTICS SERVICE

For necessary expenses of the National Agricultural Statistics Service in conducting statistical reporting and service work, including crop and livestock estimates, statistical coordination and improvements, and marketing surveys, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621-1627) and other laws, \$67,901,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$40,000 shall be available for employment under 5 U.S.C. 3109.

WORLD AGRICULTURAL OUTLOOK BOARD

For necessary expenses of the World Agricultural Outlook Board to coordinate and review all commodity and aggregate agricultural and food data used to develop outlook and situation material within the Department of Agriculture, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1622g), \$1,936,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225).

OFFICE OF THE ASSISTANT SECRETARY FOR SCIENCE AND EDUCATION

For necessary salaries and expenses of the Office of the Assistant Secretary for Science

and Education to administer the laws enacted by the Congress for the Agricultural Research Service, Cooperative State Research Service, Extension Service, and National Agricultural Library, \$438,000.

AGRICULTURAL RESEARCH SERVICE

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to enable the Agricultural Research Service to perform agricultural research and demonstration relating to production, utilization, marketing, and distribution (not otherwise provided for), home economics or nutrition and consumer use, and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed \$100, \$589,500,000: *Provided*, That appropriations hereunder shall be available for temporary employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$115,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That funds appropriated herein can be used to provide financial assistance to the organizers of national and international conferences, if such conferences are in support of agency programs: *Provided further*, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: *Provided further*, That uniform allowances for each uniformed employee of the Agricultural Research Service shall not be in excess of \$400 annually: *Provided further*, That appropriations hereunder shall be available to conduct marketing research: *Provided further*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided the cost of constructing any one building shall not exceed \$250,000, except for headhouses or greenhouses which shall each be limited to \$750,000, and except for ten buildings to be constructed or improved at a cost not to exceed \$400,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building or \$250,000, whichever is greater: *Provided further*, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: *Provided further*, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): *Provided further*, That the foregoing limitations on purchase of land shall not apply to the purchase of land at Corvallis, Oregon; Weslaco, Texas; and Kimberly, Idaho: *Provided further*, That not to exceed \$190,000 of this appropriation may be transferred to and merged with the appropriation for the Office of the Assistant Secretary for Science and Education for the scientific review of international issues involving agricultural chemicals and food additives.

Special fund: To provide for additional labor, subprofessional, and junior scientific help to be employed under contracts and cooperative agreements to strengthen the work at Federal research installations in the field, \$2,000,000.

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the agricultural

al research programs of the Department of Agriculture, where not otherwise provided, \$5,390,000: *Provided*, That facilities to house Bonsai collections at the National Arboretum may be constructed with funds accepted under the provisions of Public Law 94-129 (20 U.S.C. 195) and the limitation on construction contained in the Act of August 24, 1912 (40 U.S.C. 68) shall not apply to the construction of such facilities: *Provided further*, That funds recovered in satisfaction of judgment at the Plum Island Animal Disease Center shall be available and augment funds appropriated in a prior fiscal year for construction at Plum Island Animal Disease Center and be used for construction necessary to consolidate research and operations at the Center and for renovation of the Beltsville Agricultural Research Center.

COOPERATIVE STATE RESEARCH SERVICE

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, including \$158,545,000 to carry into effect the provisions of the Hatch Act approved March 2, 1887, as amended, including administration by the United States Department of Agriculture, and penalty mail costs of agricultural experiment stations under section 6 of the Hatch Act of 1887, as amended, and payments under section 1361(c) of the Act of October 3, 1980 (7 U.S.C. 301n.); \$12,975,000 for grants for cooperative forestry research under the Act approved October 10, 1962 (16 U.S.C. 582a-582a-7), as amended by Public Law 92-318 approved June 23, 1972, including administrative expenses, and payments under section 1361(c) of the Act of October 3, 1980 (7 U.S.C. 301n.); \$25,333,000 for payments to the 1890 land-grant colleges, including Tuskegee University, for research under section 1445 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (Public Law 95-113), as amended, including administration by the United States Department of Agriculture, and penalty mail costs of the 1890 land-grant colleges including Tuskegee University; \$47,835,000 for contracts and grants for agricultural research under the Act of August 4, 1965, as amended (7 U.S.C. 450i); \$40,416,000 for competitive research grants including administrative expenses; \$5,476,000 for the support of animal health and disease programs authorized by section 1433 of Public Law 95-113, including administrative expenses; \$200,000 for supplemental and alternative crops and products as authorized by the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319d); \$1,168,000 for grants for research and construction of facilities to conduct research pursuant to the Critical Agricultural Materials Act of 1984 (7 U.S.C. 178); and section 1472 of the Food and Agricultural Act of 1977, as amended (7 U.S.C. 3318), to remain available until expended; \$475,000 for rangeland research grants as authorized by subtitle M of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended; \$5,754,000 for higher education grants under section 1417(a) of Public Law 95-113, as amended (7 U.S.C. 3152(a)); \$3,750,000 for grants as authorized by section 1475 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 and other Acts; \$2,000,000 for grants to States for the operation of international trade development centers, as authorized by the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3292); \$4,450,000 for low-input agriculture as au-

thorized by the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 4701-4710); and \$11,248,000 for necessary expenses of Cooperative State Research Service activities, including coordination and program leadership for higher education work of the Department, administration of payments to State agricultural experiment stations, funds for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$100,000 for employment under 5 U.S.C. 3109; in all, \$319,625,000.

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities and for grants to States and other eligible recipients for such purposes, as necessary to carry out the agricultural research, extension and teaching programs of the Department of Agriculture, where not otherwise provided, \$22,960,000.

EXTENSION SERVICE

Payments to States, Puerto Rico, Guam, the Virgin Islands, Micronesia, Northern Marianas and American Samoa: For payments for cooperative agricultural extension work under the Smith-Lever Act, as amended, to be distributed under sections 3(b) and 3(c) of said Act, for retirement and employees' compensation costs for extension agents and for costs of penalty mail for cooperative extension agents and State extension directors, \$246,594,000; payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, \$58,635,000; payments for the urban gardening program under section 3(d) of the Act, \$3,500,000; payments for the pest management program under section 3(d) of the Act, \$7,164,000; payments for the farm safety program under section 3(d) of the Act, \$970,000; payments for the pesticide impact assessment program under section 3(d) of the Act, \$2,580,000; grants to upgrade 1890 land-grant college extension facilities as authorized by section 1416 of Public Law 99-198, \$9,508,000, to remain available until expended; payments for the rural development centers under section 3(d) of the Act, \$950,000; payments for extension work under section 209(c) of Public Law 93-471, \$953,000; payments for a groundwater quality program under section 3(d) of the Act, \$4,000,000; payments for a financial management assistance program under section 3(d) of the Act, \$1,427,000; for special grants for financially stressed farmers and dislocated farmers as authorized by Public Law 100-219, \$3,350,000; and payments for extension work by the colleges receiving the benefits of the second Morrill Act (7 U.S.C. 321-326, 328) and Tuskegee University, \$22,000,000; in all, \$361,631,000, of which not less than \$79,400,000 is for Home Economics: *Provided*, That funds hereby appropriated pursuant to section 3(c) of the Act of June 26, 1953, and section 506 of the Act of June 23, 1972, as amended, shall not be paid to any State, Puerto Rico, Guam, or the Virgin Islands, Micronesia, Northern Marianas, and American Samoa prior to availability of an equal sum from non-Federal sources for expenditure during the current fiscal year.

Federal administration and coordination: For administration of the Smith-Lever Act, as amended by the Act of June 26, 1953, the Act of August 11, 1955, the Act of October 5, 1962, section 506 of the Act of June 23, 1972, section 209(d) of Public Law 93-471, and the Act of September 29, 1977 (7 U.S.C. 341-

349), as amended, and section 1361(c) of the Act of October 3, 1980 (7 U.S.C. 301n.), and to coordinate and provide program leadership for the extension work of the Department and the several States and insular possessions, \$7,319,000, of which not less than \$2,300,000 is for Home Economics.

NATIONAL AGRICULTURAL LIBRARY

For necessary expenses of the National Agricultural Library, \$14,448,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$35,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That not to exceed \$675,000 shall be available pursuant to 7 U.S.C. 2250 for the alteration and repair of buildings and improvements.

OFFICE OF THE ASSISTANT SECRETARY FOR MARKETING AND INSPECTION SERVICES

For necessary salaries and expenses of the Office of the Assistant Secretary for Marketing and Inspection Services to administer programs under the laws enacted by the Congress for the Animal and Plant Health Inspection Service, Food Safety and Inspection Service, Federal Grain Inspection Service, Agricultural Cooperative Service, Agricultural Marketing Service (including Office of Transportation) and Packers and Stockyards Administration, \$427,000.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For expenses, not otherwise provided for, including those pursuant to the Act of February 28, 1947, as amended (21 U.S.C. 114b-c), necessary to prevent, control, and eradicate pests and plant and animal diseases; to carry out inspection, quarantine, and regulatory activities; to discharge the authorities of the Secretary of Agriculture under the Act of March 2, 1931 (46 Stat. 1468; 7 U.S.C. 426-426b); and to protect the environment, as authorized by law, \$342,146,000, of which \$4,500,000 shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds to the extent necessary to meet emergency conditions: *Provided*, That \$1,000,000 of the funds for control of the fire ant shall be placed in reserve for matching purposes with States which may come into the program: *Provided further*, That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 per centum: *Provided further*, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$40,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed two, of which one shall be for replacement only: *Provided further*, That uniform allowances for each uniformed employee of the Animal and Plant Health Inspection Service shall not be in excess of \$400 annually: *Provided further*, That, in addition, in emergencies which threaten any segment of the agricultural production industry of this country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as he may deem necessary, to be avail-

able only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with the Act of February 28, 1947, as amended, and section 102 of the Act of September 21, 1944, as amended, and any unexpended balances of funds transferred for such emergency purposes in the next preceding fiscal year shall be merged with such transferred amounts.

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 428a, \$15,172,000.

FOOD SAFETY AND INSPECTION SERVICE

For necessary expenses to carry on services authorized by the Federal Meat Inspection Act, as amended, and the Poultry Products Inspection Act, as amended, \$422,799,000: *Provided*, That this appropriation shall be available for field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$75,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building.

FEDERAL GRAIN INSPECTION SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the United States Grain Standards Act, as amended, and the standardization activities related to grain under the Agricultural Marketing Act of 1946, as amended, including field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$20,000 for employment under 5 U.S.C. 3109, \$8,185,000: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but, unless otherwise provided, the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building: *Provided further*, That none of the funds provided by this Act may be used to pay the salaries of any person or persons who require, or who authorize payments from fee-supported funds to any person or persons who require nonexport, nonterminal interior elevators to maintain records not involving official inspection or official weighing in the United States under Public Law 94-582 other than those necessary to fulfill the purposes of such Act.

INSPECTION AND WEIGHING SERVICES

LIMITATION ON INSPECTION AND WEIGHING SERVICES EXPENSES

Not to exceed \$36,856,000 (from fees collected) shall be obligated during the current fiscal year for Inspection and Weighing Services.

AGRICULTURAL COOPERATIVE SERVICE

For necessary expenses to carry out the Cooperative Marketing Act of July 2, 1926 (7 U.S.C. 451-457), and for activities relating to the marketing aspects of cooperatives, including economic research and analysis and the application of economic research findings, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621-1627), and

for activities with institutions or organizations throughout the world concerning the development and operation of agricultural cooperatives (7 U.S.C. 3291), \$4,714,000; of which \$99,000 shall be available for a field office in Hawaii: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$15,000 shall be available for employment under 5 U.S.C. 3109.

AGRICULTURAL MARKETING SERVICE MARKETING SERVICES

For necessary expenses to carry on services related to consumer protection, agricultural marketing and distribution and regulatory programs as authorized by law, and for administration and coordination of payments to States; including field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$70,000 for employment under 5 U.S.C. 3109, \$33,187,000; of which not less than \$1,623,000 shall be available for the Wholesale Market Development Program for the design and development of wholesale and farmer market facilities for the major metropolitan areas of the country: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but, unless otherwise provided, the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building.

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed \$37,962,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

(INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) shall be used only for commodity program expenses as authorized therein, and other related operating expenses, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more than \$8,007,000 for formulation and administration of Marketing Agreements and Orders pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and the Agricultural Act of 1961.

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), \$942,000.

OFFICE OF TRANSPORTATION

For necessary expenses to carry on services related to agricultural transportation programs as authorized by law; including field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$20,000 for employment under 5 U.S.C. 3109, \$2,397,000: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but, unless otherwise provided, the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building.

PACKERS AND STOCKYARDS ADMINISTRATION

For necessary expenses for administration of the Packers and Stockyards Act, as authorized by law, and for certifying procedures used to protect purchasers of farm products, including field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$5,000 for employment under 5 U.S.C. 3109, \$9,562,000.

FARM INCOME STABILIZATION

OFFICE OF THE UNDER SECRETARY FOR INTERNATIONAL AFFAIRS AND COMMODITY PROGRAMS

For necessary salaries and expenses of the Office of the Under Secretary for International Affairs and Commodity Programs to administer the laws enacted by Congress for the Agricultural Stabilization and Conservation Service, Office of International Cooperation and Development, Foreign Agricultural Service, and the Commodity Credit Corporation, \$419,000.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary administrative expenses of the Agricultural Stabilization and Conservation Service, including expenses to formulate and carry out programs authorized by title III of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301-1393); the Agricultural Act of 1949, as amended (7 U.S.C. 1421 et seq.); sections 7 to 15, 16(a), 16(f), and 17 of the Soil Conservation and Domestic Allotment Act, as amended and supplemented (16 U.S.C. 590g-590o, 590p(a), 590p(f), and 590q); sections 1001 to 1004, 1006 to 1008, and 1010 of the Agricultural Act of 1970 as added by the Agriculture and Consumer Protection Act of 1973 (16 U.S.C. 1501 to 1504, 1506 to 1508, and 1510); the Water Bank Act, as amended (16 U.S.C. 1301-1311); the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101); sections 202(c) and 205 of title II of the Colorado River Basin Salinity Control Act of 1974, as amended (43 U.S.C. 1592(c), 1595); sections 401, 402, and 404 to 406 of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 to 2205); the United States Warehouse Act, as amended (7 U.S.C. 241-273); and laws pertaining to the Commodity Credit Corporation, not to exceed \$632,588,000, to be derived by transfer from the Commodity Credit Corporation fund: *Provided*, That other funds made available to the Agricultural Stabilization and Conservation Service for authorized activities may be advanced to and merged with this account: *Provided further*, That these funds shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$100,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That no part of the funds made available under this Act shall be used (1) to influence the vote in any referendum; (2) to influence agricultural legislation, except as permitted in 18 U.S.C. 1913; or (3) for salaries or other expenses of members of county and community committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended, for engaging in any activities other than advisory and supervisory duties and delegated program functions prescribed in administrative regulations.

**DAIRY INDEMNITY PROGRAM
(INCLUDING TRANSFERS OF FUNDS)**

For necessary expenses involved in making indemnity payments to dairy farmers for milk or cows producing such milk and manufacturers of dairy products who have been directed to remove their milk or dairy products from commercial markets because it contained residues of chemicals registered and approved for use by the Federal Government, and in making indemnity payments for milk, or cows producing such milk, at a fair market value to any dairy farmer who is directed to remove his milk from commercial markets because of (1) the presence of products of nuclear radiation or fallout if such contamination is not due to the fault of the farmer, or (2) residues of chemicals or toxic substances not included under the first sentence of the Act of August 13, 1968, as amended (7 U.S.C. 450j), if such chemicals or toxic substances were not used in a manner contrary to applicable regulations or labeling instructions provided at the time of use and the contamination is not due to the fault of the farmer, \$5,000: *Provided*, That none of the funds contained in this Act shall be used to make indemnity payments to any farmer whose milk was removed from commercial markets as a result of his willful failure to follow procedures prescribed by the Federal Government: *Provided further*, That this amount shall be transferred to the Commodity Credit Corporation: *Provided further*, That the Secretary is authorized to utilize the services, facilities, and authorities of the Commodity Credit Corporation for the purpose of making dairy indemnity disbursement.

CORPORATIONS

The following corporations and agencies are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided.

FEDERAL CROP INSURANCE CORPORATION

ADMINISTRATIVE AND OPERATING EXPENSES

For administrative and operating expenses, as authorized by the Federal Crop Insurance Act, as amended (7 U.S.C. 1516), \$225,626,000: *Provided*, That not to exceed \$700 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i).

FEDERAL CROP INSURANCE CORPORATION FUND

For payments as authorized by section 508(b) of the Federal Crop Insurance Act, as amended, \$162,939,000, of which \$28,862,000 is to reimburse the Federal Crop Insurance Corporation Fund for agents' commission and loss adjustment obligations incurred during prior years, but not previously reimbursed, as provided for under the provisions of section 516(a) of the Act.

COMMODITY CREDIT CORPORATION

REIMBURSEMENT FOR NET REALIZED LOSSES

For fiscal year 1990, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed (estimated to be \$4,800,000,000 in the President's fiscal year 1990 Budget Request (H. Doc. 101-4)), but not to exceed

\$4,233,000,000, pursuant to section 2 of the Act of August 17, 1961, as amended (15 U.S.C. 713a-11).

Such funds are appropriated to reimburse the Corporation to restore losses incurred during fiscal years 1988 and 1989 in the amount of \$1,969,000,000 in connection with carrying out the Export Enhancement Program (EEP), \$264,000,000 to restore losses incurred in connection with carrying out the Targeted Export Assistance Program (TEA), and \$2,000,000,000 to restore losses in connection with carrying out the Federal Crop Insurance Program.

SHORT-TERM EXPORT CREDIT

The Commodity Credit Corporation shall make available not less than \$5,000,000,000 in credit guarantees under its export credit guarantee program for short-term credit extended to finance the export sales of United States agricultural commodities and the products thereof, as authorized by section 1125(b) of the Food Security Act of 1985 (Public Law 99-198).

INTERMEDIATE EXPORT CREDIT

The Commodity Credit Corporation shall make available not less than \$500,000,000 in credit guarantees under its export guarantee program for intermediate-term credit extended to finance the export sales of United States agricultural commodities and the products thereof, as authorized by section 1131(3)(B) of the Food Security Act of 1985 (Public Law 99-198).

GENERAL SALES MANAGER

(INCLUDING TRANSFERS OF FUNDS)

Not to exceed \$7,415,000 may be transferred from the Commodity Credit Corporation funds to support the General Sales Manager, of which up to \$4,000,000 shall be available only for the purpose of selling surplus agricultural commodities from Commodity Credit Corporation inventory in world trade at competitive prices for the purpose of regaining and retaining our normal share of world markets. The General Sales Manager shall report directly to the Secretary of Agriculture. The General Sales Manager shall obtain, assimilate, and analyze all available information on developments related to private sales, as well as those funded by the Corporation, including grade and quality as sold and as delivered, including information relating to the effectiveness of greater reliance by the General Sales Manager upon loan guarantees as contrasted to direct loans for financing commercial export sales of agricultural commodities out of private stocks on credit terms, as provided in titles I and II of the Agricultural Trade Act of 1978, Public Law 95-501, and shall submit quarterly reports to the appropriate committees of Congress concerning such developments.

Mr. WHITTEN (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of title I be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The CHAIRMAN. Are there any points of order against title I?

Are there any amendments to title I?

If not, the Clerk will read.

The Clerk read as follows:

TITLE II—RURAL DEVELOPMENT PROGRAMS

RURAL DEVELOPMENT ASSISTANCE

OFFICE OF THE UNDER SECRETARY FOR SMALL COMMUNITY AND RURAL DEVELOPMENT

For necessary salaries and expenses of the Office of the Under Secretary for Small Community and Rural Development to administer programs under the laws enacted by the Congress for the Farmers Home Administration, Rural Electrification Administration, Federal Crop Insurance Corporation, and rural development activities of the Department of Agriculture, \$424,000.

FARMERS HOME ADMINISTRATION

RURAL HOUSING INSURANCE FUND

From funds in the Rural Housing Insurance Fund, and for insured loans as authorized by title V of the Housing Act of 1949, as amended, \$1,944,990,000, of which not less than \$1,894,420,000 shall be for subsidized interest loans to low-income borrowers, as determined by the Secretary, and for subsequent loans to existing borrowers or to purchasers under assumption agreements or credit sales, and for loans to finance sales or transfers to nonprofit organizations or public agencies of not more than 5,000 rental units related to prepayment; and not to exceed \$10,000,000 to enter into collection and servicing contracts pursuant to the provisions of section 3(f)(3) of the Federal Claims Act of 1966 (31 U.S.C. 3718).

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) of the Housing Act of 1949, as amended, total new obligations shall not exceed \$300,310,000, to be added to and merged with the authority provided for this purpose in prior fiscal years: *Provided*, That of this amount not less than \$124,918,000 is available for newly constructed units financed by section 515 of the Housing Act of 1949, as amended, and not more than \$5,082,000 is for newly constructed units financed under sections 514 and 516 of the Housing Act of 1949: *Provided further*, That \$170,310,000 is available for expiring agreements and for servicing of existing units without agreements: *Provided further*, That agreements entered into or renewed during fiscal year 1990 shall be funded for a five-year period, although the life of any such agreement may be extended to fully utilize amounts obligated: *Provided further*, That agreements entered into or renewed during fiscal years 1986, 1987, 1988 and 1989, may also be extended beyond five years to fully utilize amounts obligated.

For an additional amount to reimburse the Rural Housing Insurance Fund for interest subsidies and losses sustained in prior years, but not previously reimbursed, in carrying out the provisions of title V of the Housing Act of 1949, as amended (42 U.S.C. 1483, 1487(e), and 1490a(c)), including \$1,317,000 as authorized by section 521(c) of the Act, also including not to exceed \$5,000,000 for debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Act, and not to exceed \$10,000 per project for advances to nonprofit organizations or public agencies to cover direct costs (other than purchase price) incurred in purchasing projects pursuant to section 502(c)(5)(C) of the Act; \$2,677,897,000. For an additional amount as authorized by section 521(c) of the Act, such sums as may be necessary to reimburse the fund to carry out a rental assistance program under section 521(a)(2) of the Housing Act of 1949, as amended.

SELF-HELP HOUSING LAND DEVELOPMENT FUND

For direct loans pursuant to section 523(b)(1)(B) of the Housing Act of 1949, as amended (42 U.S.C. 1490c), \$500,000 shall be available from funds in the Self-Help Housing Land Development Fund.

AGRICULTURAL CREDIT INSURANCE FUND

For direct and guaranteed loans as authorized by 7 U.S.C. 1928-1929, to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, \$569,000,000, of which \$474,000,000 shall be guaranteed loans; \$14,000,000 for water development, use, and conservation loans, of which \$3,000,000 shall be guaranteed loans; operating loans, \$3,523,000,000, of which \$2,600,000,000 shall be guaranteed loans; Indian tribe land acquisition loans as authorized by 25 U.S.C. 488, \$2,000,000; for emergency insured and guaranteed loans, \$600,000,000 to meet the needs resulting from natural disasters; and for matching grants authorized by section 502(b) of the Agricultural Credit Act of 1987 (7 U.S.C. 5101-5106), \$3,000,000.

For an additional amount to reimburse the Agricultural Credit Insurance Fund for interest subsidies and losses sustained in prior years, but not previously reimbursed, in carrying out the provisions of the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 1988(a)), \$4,259,000,000.

RURAL DEVELOPMENT INSURANCE FUND

For direct and guaranteed loans as authorized by 7 U.S.C. 1928 and 86 Stat. 661-664, to be available from funds in the Rural Development Insurance Fund, as follows: water and sewer facility loans, \$445,380,000, of which \$75,000,000 shall be for guaranteed loans; guaranteed industrial development loans, \$95,700,000; and community facility loans, \$119,700,000, of which \$24,000,000 shall be for guaranteed loans.

For an additional amount to reimburse the Rural Development Insurance Fund for interest subsidies and losses sustained in prior years, but not previously reimbursed, in carrying out the provisions of the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 1988(a)), \$1,474,499,000.

RURAL DEVELOPMENT LOAN FUND

For direct loans to intermediary borrowers, \$14,000,000, as authorized under the Rural Development Loan Fund (42 U.S.C. 9812(a)), to be available from funds in the Rural Development Loan Fund, \$2,000,000 and from funds appropriated to this account, \$12,000,000.

RURAL WATER AND WASTE DISPOSAL GRANTS

For grants pursuant to sections 306(a)(2) and 306(a)(6) of the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 1926), \$209,395,000, to remain available until expended, pursuant to section 306(d) of the above Act.

VERY LOW-INCOME HOUSING REPAIR GRANTS

For grants to the very low-income elderly for essential repairs to dwellings pursuant to section 504 of the Housing Act of 1949, as amended, \$12,500,000, to remain available until expended.

RURAL HOUSING FOR DOMESTIC FARM LABOR

For financial assistance to eligible nonprofit organizations for housing for domestic farm labor, pursuant to section 516 of the Housing Act of 1949, as amended (42 U.S.C. 1486), \$12,500,000, to remain available until expended.

MUTUAL AND SELF-HELP HOUSING

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), \$9,500,000.

RURAL COMMUNITY FIRE PROTECTION GRANTS

For grants pursuant to section 7 of the Cooperative Forestry Assistance Act of 1978 (Public Law 95-313), \$3,091,000 to fund up to 50 per centum of the cost of organizing, training, and equipping rural volunteer fire departments.

COMPENSATION FOR CONSTRUCTION DEFECTS

For compensation for construction defects as authorized by section 509(c) of the Housing Act of 1949, as amended, \$500,000, to remain available until expended.

RURAL HOUSING PRESERVATION GRANTS

For grants for rural housing preservation as authorized by section 552 of the Housing and Urban-Rural Recovery Act of 1983 (Public Law 98-181), \$19,140,000.

RURAL DEVELOPMENT GRANTS

For grants authorized under section 310(B)(c) (7 U.S.C. 1932) to any qualified public or private nonprofit organization, \$6,500,000: *Provided*, That \$500,000 shall be available for grants to qualified nonprofit organizations to provide technical assistance for rural communities needing improved passenger transportation systems or facilities in order to promote economic development.

OFFICE OF THE ADMINISTRATOR

For necessary salaries and expenses of the Office of the Administrator of the Farmers Home Administration, \$600,000: *Provided*, That no other funds in this Act shall be available for this Office.

SALARIES AND EXPENSES**(INCLUDING TRANSFERS OF FUNDS)**

For necessary expenses of the Farmers Home Administration, not otherwise provided for, in administering the programs authorized by the Consolidated Farm and Rural Development Act (7 U.S.C. 1921-2000), as amended; title V of the Housing Act of 1949, as amended (42 U.S.C. 1471-1490); the Rural Rehabilitation Corporation Trust Liquidation Act, approved May 3, 1950 (40 U.S.C. 440-444), for administering the loan program authorized by title III A of the Economic Opportunity Act of 1964 (Public Law 88-452 approved August 20, 1964), as amended, and such other programs which the Farmers Home Administration has the responsibility for administering, \$422,934,000, together with not more than \$3,000,000 of the charges collected in connection with the insurance of loans as authorized by section 309(a) of the Consolidated Farm and Rural Development Act, as amended, and section 517(i) of the Housing Act of 1949, as amended, or in connection with charges made on borrowers under section 502(a) of the Housing Act of 1949, as amended: *Provided*, That, in addition, not to exceed \$1,000,000 of the funds available for the various programs administered by this agency may be transferred to this appropriation for temporary field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), to meet unusual or heavy workload increases: *Provided further*, That not to exceed \$500,000 of this appropriation may be used for employment under 5 U.S.C. 3109: *Provided further*, That not to exceed \$3,068,000 of this appropriation shall be available for contracting with the National Rural Water Association or other equally qualified national organization for a circuit

rider program to provide technical assistance for rural water systems: *Provided further*, That, in addition to any other authority that the Secretary may have to defer principal and interest and forego foreclosure, the Secretary may permit, at the request of the borrowers, the deferral of principal and interest on any outstanding loan made, insured, or held by the Secretary under this title, or under the provisions of any other law administered by the Farmers Home Administration, and may forego foreclosure of any such loan, for such period as the Secretary deems necessary upon a showing by the borrower that due to circumstances beyond the borrower's control, the borrower is temporarily unable to continue making payments of such principal and interest when due without unduly impairing the standard of living of the borrower. The Secretary may permit interest that accrues during the deferral period on any loan deferred under this section to bear no interest during or after such period: *Provided*, That, if the security instrument securing such loan is foreclosed, such interest as is included in the purchase price at such foreclosure shall become part of the principal and draw interest from the date of foreclosure at the rate prescribed by law.

RURAL ELECTRIFICATION ADMINISTRATION

To carry into effect the provisions of the Rural Electrification Act of 1936, as amended (7 U.S.C. 901-950(b)), as follows:

RURAL ELECTRIFICATION AND TELEPHONE REVOLVING FUND LOAN AUTHORIZATIONS

Insured loans pursuant to the authority of section 305 of the Rural Electrification Act of 1936, as amended (7 U.S.C. 935), shall be made as follows: rural electrification loans, not less than \$622,050,000 nor more than \$933,075,000; and rural telephone loans, not less than \$239,250,000 nor more than \$311,025,000; to remain available until expended: *Provided*, That loans made pursuant to section 306 of that Act are in addition to these amounts but during fiscal year 1989 total commitments to guarantee loans pursuant to section 306 shall be not less than \$933,075,000 nor more than \$2,100,615,000 of contingent liability for total loan principal: *Provided further*, That as a condition of approval of insured electric loans during fiscal year 1990, borrowers shall obtain concurrent supplemental financing in accordance with the applicable criteria and ratios in effect as of July 15, 1982: *Provided further*, That no funds appropriated in this Act may be used to deny or reduce loans or loan advances based upon a borrower's level of general funds.

REIMBURSEMENT TO THE RURAL ELECTRIFICATION AND TELEPHONE REVOLVING FUND

For an additional amount to reimburse the rural electrification and telephone revolving fund for interest subsidies and losses sustained in prior years, but not previously reimbursed, in carrying out the provisions of the Rural Electrification Act of 1936, as amended (7 U.S.C. 901-950(b)), \$244,100,000.

RURAL TELEPHONE BANK

For the purchase of Class A stock of the Rural Telephone Bank, \$28,710,000, to remain available until expended (7 U.S.C. 901-950(b)).

The Rural Telephone Bank is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to such corporation in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the

Government Corporation Control Act, as amended, as may be necessary in carrying out its authorized programs for the current fiscal year. During fiscal year 1990 and within the resources and authority available, gross obligations for the principal amount of direct loans shall be not less than \$177,045,000 nor more than \$210,540,000.

RURAL COMMUNICATION DEVELOPMENT FUND

To reimburse the Rural Communication Development Fund for interest subsidies and losses sustained in prior years, but not previously reimbursed, in making Community Antenna Television loans and loan guarantees under sections 306 and 310B of the Consolidated Farm and Rural Development Act, as amended, \$1,329,000.

OFFICE OF THE ADMINISTRATOR

For necessary salaries and expenses of the Office of the Administrator of the Rural Electrification Administration, \$194,000: *Provided*, That no other funds in this Act shall be available for this Office.

SALARIES AND EXPENSES

For administrative expenses to carry out the provisions of the Rural Electrification Act of 1936, as amended (7 U.S.C. 901-950(b)), and to administer the loan and loan guarantee programs for Community Antenna Television facilities as authorized by the Consolidated Farm and Rural Development Act (7 U.S.C. 1921-1995), and for which commitments were made prior to fiscal year 1990, including not to exceed \$7,000 for financial and credit reports, funds for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$103,000 for employment under 5 U.S.C. 3109, \$31,124,000: *Provided*, That none of the funds in this Act may be used to authorize the transfer of funds to this account from the Rural Telephone Bank.

CONSERVATION

OFFICE OF THE ASSISTANT SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

For necessary salaries and expenses of the Office of the Assistant Secretary for Natural Resources and Environment to administer the laws enacted by the Congress for the Forest Service and the Soil Conservation Service, \$422,000.

SOIL CONSERVATION SERVICE

CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a-590f) including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed \$100; purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, \$481,000,000, of which not less than \$5,494,000 is for snow survey and water forecasting and not less than \$7,234,000 is for operation and establishment of the plant materials centers: *Provided*, That of the foregoing amounts not less than \$370,000,000 is for personnel compensation and benefits: *Provided further*, That except for \$1,841,000 for improvements of the plant

materials centers, the cost of any permanent building purchased, erected, or as improved, exclusive of the cost of constructing a water supply or sanitary system and connecting the same to any such building and with the exception of buildings acquired in conjunction with land being purchased for other purposes, shall not exceed \$10,000, except for one building to be constructed at a cost not to exceed \$100,000 and eight buildings to be constructed or improved at a cost not to exceed \$50,000 per building and except that alterations or improvements to other existing permanent buildings costing \$5,000 or more may be made in any fiscal year in an amount not to exceed \$2,000 per building: *Provided further*, That when buildings or other structures are erected on non-Federal land that the right to use such land is obtained as provided in 7 U.S.C. 2250a: *Provided further*, That no part of this appropriation may be expended for soil and water conservation operations under the Act of April 27, 1935 (16 U.S.C. 590a-590f) in demonstration projects: *Provided further*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225) and not to exceed \$25,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That qualified local engineers may be temporarily employed at per diem rates to perform the technical planning work of the Service (16 U.S.C. 590e-2): *Provided further*, That none of the funds in this Act shall be used for the purpose of consolidating equipment, personnel, or services of the Soil Conservation Service's national technical centers in Portland, Oregon; Lincoln, Nebraska; Chester, Pennsylvania; and Fort Worth, Texas, into a single national technical center.

RIVER BASIN SURVEYS AND INVESTIGATIONS

For necessary expenses to conduct research, investigation, and surveys of watersheds of rivers and other waterways, in accordance with section 6 of the Watershed Protection and Flood Prevention Act approved August 4, 1954, as amended (16 U.S.C. 1006-1009), \$12,533,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$60,000 shall be available for employment under 5 U.S.C. 3109.

WATERSHED PLANNING

For necessary expenses for small watershed investigations and planning, in accordance with the Watershed Protection and Flood Prevention Act, as amended (16 U.S.C. 1001-1008), \$8,997,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$50,000 shall be available for employment under 5 U.S.C. 3109.

WATERSHED AND FLOOD PREVENTION OPERATIONS

For necessary expenses to carry out preventive measures, including but not limited to research, engineering operations, methods of cultivation, the growing of vegetation, rehabilitation of existing works and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act approved August 4, 1954, as amended (16 U.S.C. 1001-1005, 1007-1009), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a-f), and in accordance with the provisions of laws relating to the activities of the Department, \$182,373,000 (of

which \$27,271,000 shall be available for the watersheds authorized under the Flood Control Act approved June 22, 1936 (33 U.S.C. 701, 16 U.S.C. 1006a), as amended and supplemented): *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$15,000,000 shall be available for emergency measures as provided by sections 403-405 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203-2205), and not to exceed \$200,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That \$7,949,000 in loans may be insured, or made to be sold and insured, under the Agricultural Credit Insurance Fund of the Farmers Home Administration (7 U.S.C. 1931): *Provided further*, That not to exceed \$1,000,000 of this appropriation is available to carry out the purposes of the Endangered Species Act of 1973 (Public Law 93-205), as amended, including cooperative efforts as contemplated by that Act to relocate endangered or threatened species to other suitable habitats as may be necessary to expedite project construction.

RESOURCE CONSERVATION AND DEVELOPMENT

For necessary expenses in planning and carrying out projects for resource conservation and development and for sound land use pursuant to the provisions of section 32(e) of title III of the Bankhead-Jones Farm Tenant Act, as amended (7 U.S.C. 1010-1011; 76 Stat. 607), and the provisions of the Act of April 27, 1935 (16 U.S.C. 590a-f), and the provisions of the Agriculture and Food Act of 1981 (16 U.S.C. 3451-3461), \$27,620,000: *Provided*, That \$1,207,000 in loans may be insured, or made to be sold and insured, under the Agricultural Credit Insurance Fund of the Farmers Home Administration (7 U.S.C. 1931): *Provided further*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$50,000 shall be available for employment under 5 U.S.C. 3109.

GREAT PLAINS CONSERVATION PROGRAM

For necessary expenses to carry into effect a program of conservation in the Great Plains area, pursuant to section 16(b) of the Soil Conservation and Domestic Allotment Act, as added by the Act of August 7, 1956, as amended (16 U.S.C. 590p(b)), \$20,474,000, to remain available until expended (16 U.S.C. 590p(b)(7)).

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

AGRICULTURAL CONSERVATION PROGRAM (INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry into effect the program authorized in sections 7 to 15, 16(a), 16(f), and 17 of the Soil Conservation and Domestic Allotment Act approved February 29, 1936, as amended and supplemented (16 U.S.C. 590g-590o, 590p(a), 590p(f), and 590q, and sections 1001-1004, 1006-1008, and 1010 of the Agricultural Act of 1970, as added by the Agriculture and Consumer Protection Act of 1973 (16 U.S.C. 1501-1504, 1506-1508, and 1510)), and including not to exceed \$15,000 for the preparation and display of exhibits, including such displays at State, interstate, and international fairs within the United States, \$184,935,000, to remain available until expended (16 U.S.C. 590o) for agreements, excluding administration but including technical assistance and related expenses, except

that no participant in the Agricultural Conservation Program shall receive more than \$3,500 per year, except where the participants from two or more farms or ranches join to carry out approved practices designed to conserve or improve the agricultural resources of the community, or where a participant has a long-term agreement, in which case the total payment shall not exceed the annual payment limitation multiplied by the number of years of the agreement: *Provided*, That no portion of the funds for the current year's program may be utilized to provide financial or technical assistance for drainage on wetlands now designated as Wetlands Types 3 (III) through 20 (XX) in United States Department of the Interior, Fish and Wildlife Circular 39, Wetlands of the United States, 1956: *Provided further*, That such amounts shall be available for the purchase of seeds, fertilizers, lime, trees, or any other conservation materials, or any soil-terracing services, and making grants thereof to agricultural producers to aid them in carrying out approved farming practices as authorized by the Soil Conservation and Domestic Allotment Act, as amended, as determined and recommended by the county committees, approved by the State committees and the Secretary, under programs provided for herein: *Provided further*, That such assistance will not be used for carrying out measures and practices that are primarily production-oriented or that have little or no conservation or pollution abatement benefits: *Provided further*, That not to exceed 5 per centum of the allocation for the current year's program for any county may, on the recommendation of such county committee and approval of the State committee, be withheld and allotted to the Soil Conservation Service for services of its technicians in formulating and carrying out the Agricultural Conservation Program in the participating counties, and shall not be utilized by the Soil Conservation Service for any purpose other than technical and other assistance in such counties, and in addition, on the recommendation of such county committee and approval of the State committee, not to exceed 1 per centum may be made available to any other Federal, State, or local public agency for the same purpose and under the same conditions: *Provided further*, That for the current year's program \$2,500,000 shall be available for technical assistance in formulating and carrying out rural environmental practices: *Provided further*, That no part of any funds available to the Department, or any bureau, office, corporation, or other agency constituting a part of such Department, shall be used in the current fiscal year for the payment of salary or travel expenses of any person who has been convicted of violating the Act entitled "An Act to prevent pernicious political activities" approved August 2, 1939, as amended, or who has been found in accordance with the provisions of title 18 U.S.C. 1913 to have violated or attempted to violate such section which prohibits the use of Federal appropriations for the payment of personal services or other expenses designed to influence in any manner a Member of Congress to favor or oppose any legislation or appropriation by Congress except upon request of any Member or through the proper official channels.

FORESTRY INCENTIVES PROGRAM

For necessary expenses, not otherwise provided for, to carry out the program of forestry incentives, as authorized in the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101), including technical assist-

ance and related expenses, \$12,446,000, to remain available until expended, as authorized by that Act.

WATER BANK PROGRAM

For necessary expenses to carry into effect the provisions of the Water Bank Act (16 U.S.C. 1301-1311), \$12,371,000, to remain available until expended.

EMERGENCY CONSERVATION PROGRAM

For necessary expenses to carry into effect the program authorized in sections 401, 402, and 404 of title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201-2205), \$10,000,000, to remain available until expended, as authorized by 16 U.S.C. 2204.

COLORADO RIVER BASIN SALINITY CONTROL PROGRAM

For necessary expenses for carrying out a voluntary cooperative salinity control program pursuant to section 202(c) of title II of the Colorado River Basin Salinity Control Act, as amended (43 U.S.C. 1592(c)), to be used to reduce salinity in the Colorado River and to enhance the supply and quality of water available for use in the United States and the Republic of Mexico, \$10,420,000, to be used for investigations and surveys, for technical assistance in developing conservation practices and in the preparation of salinity control plans, for the establishment of on-farm irrigation management systems, including related lateral improvement measures, for making cost-share payments to agricultural landowners and operators, Indian tribes, irrigation districts and associations, local governmental and nongovernmental entities, and other landowners to aid them in carrying out approved conservation practices as determined and recommended by the county committees, approved by the State committees and the Secretary, and for associated costs of program planning, information and education, and program monitoring and evaluation: *Provided*, That the Soil Conservation Service shall provide technical assistance and the Agricultural Stabilization and Conservation Service shall provide administrative services for the program, including but not limited to, the negotiation and administration of agreements and the disbursement of payments: *Provided further*, That such program shall be coordinated with the regular Agricultural Conservation Program and with research programs of other agencies.

CONSERVATION RESERVE PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the conservation reserve program pursuant to the Food Security Act of 1985 (16 U.S.C. 3831-3845), \$1,010,978,000, to remain available until expended, to be used for Commodity Credit Corporation expenditures for cost-share assistance for the establishment of conservation practices provided for in approved conservation reserve program contracts, for annual rental payments provided in such contracts, and for technical assistance: *Provided*, That none of the funds in this Act may be used to enter into new contracts that are in excess of the prevailing local rental rates for an acre of comparable land.

Mr. WHITTEN (during the reading). Mr. Chairman, I ask unanimous consent that title II be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The CHAIRMAN. Are there any points of order against title II?

Are there any amendments to title II?

If not, the Clerk will read.

□ 1350

The Clerk read as follows:

TITLE III—DOMESTIC FOOD PROGRAMS

OFFICE OF THE ASSISTANT SECRETARY FOR FOOD AND CONSUMER SERVICES

For necessary salaries and expenses of the Office of the Assistant Secretary for Food and Consumer Services to administer the laws enacted by the Congress for the Food and Nutrition Service and the Human Nutrition Information Service, \$412,000.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the National School Lunch Act (42 U.S.C. 1751-1769b), and the applicable provisions other than sections 3 and 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1773-1785, and 1788-1789); \$4,869,804,000, to remain available through September 30, 1991, of which \$713,250,000 is hereby appropriated and \$4,156,554,000 shall be derived by transfer from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c): *Provided*, That funds appropriated for the purpose of section 7 of the Child Nutrition Act of 1966 shall be allocated among the States but the distribution of such funds to an individual State is contingent upon that State's agreement to participate in studies and surveys of programs authorized under the National School Lunch Act and the Child Nutrition Act of 1966, when such studies and surveys have been directed by the Congress and requested by the Secretary of Agriculture: *Provided further*, That if the Secretary of Agriculture determines that a State's administration of any program under the National School Lunch Act or the Child Nutrition Act of 1966 (other than section 17), or the regulations issued pursuant to these Acts, is seriously deficient, and the State fails to correct the deficiency within a specified period of time, the Secretary may withhold from the State some or all of the funds allocated to the State under section 7 of the Child Nutrition Act of 1966 and under section 13(k)(1) of the National School Lunch Act; upon a subsequent determination by the Secretary that the programs are operated in an acceptable manner some or all of the funds withheld may be allocated: *Provided further*, That only final reimbursement claims for service of meals, supplements, and milk submitted to State agencies by eligible schools, summer camps, institutions, and service institutions within sixty days following the month for which the reimbursement is claimed shall be eligible for reimbursement from funds appropriated under this Act. States may receive program funds appropriated under this Act for meals, supplements, and milk served during any month only if the final program operations report for such month is submitted to the Department within ninety days following that month. Exceptions to these claims or reports submission requirements may be made at the discretion of the Secretary: *Provided further*, That up to \$3,600,000 shall be available for independent verification of school food service claims.

SPECIAL MILK PROGRAM

For necessary expenses to carry out the special milk program, as authorized by section 3 of the Child Nutrition Act of 1966 (42 U.S.C. 1772), \$20,449,000, to remain available through September 30, 1991. Only final reimbursement claims for milk submitted to State agencies within sixty days following the month for which the reimbursement is claimed shall be eligible for reimbursement from funds appropriated under this Act. States may receive program funds appropriated under this Act only if the final program operations report for such month is submitted to the Department within ninety days following that month. Exceptions to these claims or reports submission requirements may be made at the discretion of the Secretary.

SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For necessary expenses to carry out the special supplemental food program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), \$2,126,000,000, to remain available through September 30, 1991, of which up to \$2,000,000 may be used to carry out the farmer's market coupon demonstration project.

COMMODITY SUPPLEMENTAL FOOD PROGRAM

For necessary expenses to carry out the commodity supplemental food program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c (note)), including not less than \$8,000,000 for the projects in Detroit, New Orleans, and Des Moines, \$65,028,000: *Provided*, That funds provided herein shall remain available through September 30, 1991: *Provided further*, That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program.

FOOD STAMP PROGRAM

For necessary expenses to carry out the Food Stamp Act (7 U.S.C. 2011-2027, 2028, 2029), \$14,200,235,000: *Provided*, That funds provided herein shall remain available through September 30, 1990, in accordance with section 18(a) of the Food Stamp Act: *Provided further*, That up to 5 per centum of the foregoing amount may be placed in reserve to be apportioned pursuant to section 3679 of the Revised Statutes, as amended, for use only in such amounts and at such times as may become necessary to carry out program operations: *Provided further*, That funds provided herein shall be expended in accordance with section 16 of the Food Stamp Act: *Provided further*, That this appropriation shall be subject to any work registration or work fare requirements as may be required by law: *Provided further*, That \$345,000,000 of the funds provided herein shall be available only to the extent necessary after the Secretary has employed the regulatory and administrative methods available to him under the law to curtail fraud, waste, and abuse in the program: *Provided further*, That \$936,750,000 of the foregoing amount shall be available for Nutrition Assistance for Puerto Rico as authorized by 7 U.S.C. 2028, of which not to exceed \$10,825,000 is available for the Cattle Tick Eradication Project.

FOOD DONATIONS PROGRAMS FOR SELECTED GROUPS

For necessary expenses to carry out section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c (note)), section 4(b) of the Food Stamp Act

(7 U.S.C. 2013), and section 311 of the Older Americans Act of 1965, as amended (42 U.S.C. 3030a), \$206,510,000.

For necessary expenses to carry out section 110 of the Hunger Prevention Act of 1988, \$40,000,000.

TEMPORARY EMERGENCY FOOD ASSISTANCE PROGRAM

For necessary expenses to carry out the Temporary Emergency Food Assistance Act of 1983, as amended, \$50,000,000: *Provided*, That, in accordance with section 202 of Public Law 98-92, these funds shall be available only if the Secretary determines the existence of excess commodities.

For purchases of commodities to carry out the Temporary Emergency Food Assistance Act of 1983, as amended by section 104 of the Hunger Prevention Act of 1988, \$120,000,000.

FOOD PROGRAM ADMINISTRATION

For necessary administrative expenses of the domestic food programs funded under this Act, \$93,026,000; of which \$5,000,000 shall be available only for simplifying procedures, reducing overhead costs, tightening regulations, improving food stamp coupon handling, and assistance in the prevention, identification, and prosecution of fraud and other violations of law: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$150,000 shall be available for employment under 5 U.S.C. 3109.

HUMAN NUTRITION INFORMATION SERVICE

For necessary expenses to enable the Human Nutrition Information Service to perform applied research and demonstrations relating to human nutrition and consumer use and economics of food utilization, \$9,145,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225).

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Mr. WHITTEN (during the reading). Mr. Chairman, I ask unanimous consent that title III be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The CHAIRMAN. Are there any points of order against title III?

Are there any amendments to title III?

If not, the Clerk will read.

The Clerk read as follows:

TITLE IV—INTERNATIONAL PROGRAMS

FOREIGN AGRICULTURAL SERVICE

For necessary expenses of the Foreign Agricultural Service, including carrying out title VI of the Agricultural Act of 1954, as amended (7 U.S.C. 1761-1768), market development activities abroad, and for enabling the Secretary to coordinate and integrate activities of the Department in connection with foreign agricultural work, including not to exceed \$110,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), \$98,787,000: *Provided*, That this appropriation shall be available to obtain statistics and related facts on foreign

production and full and complete information on methods used by other countries to move farm commodities in world trade on a competitive basis.

AGRICULTURAL TRADE MISSIONS

For necessary expenses for agricultural aid and trade missions as authorized by Public Law 100-202, \$200,000.

PUBLIC LAW 480

(INCLUDING TRANSFERS OF FUNDS)

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1691, 1701-1715, 1721-1726, 1727-1727f, 1731-1736g), as follows: (1) financing the sale of agricultural commodities for convertible foreign currencies and for dollars on credit terms pursuant to titles I and III of said Act, or for convertible foreign currency for use under 7 U.S.C. 1708, and for furnishing commodities to carry out the Food for Progress Act of 1985, not more than \$860,900,000, of which \$309,845,000 is hereby appropriated and the balance derived from proceeds from sales of foreign currencies and dollar loan repayments, repayments on long-term credit sales, carry-over balances and commodities made available from the inventories of the Commodity Credit Corporation by the Secretary of Agriculture pursuant to sections 102 and 403(b) of said Act, and (2) commodities supplied in connection with dispositions abroad, pursuant to title II of said Act, not more than \$682,100,000, of which \$682,100,000 is hereby appropriated: *Provided*, That not to exceed 10 per centum of the funds made available to carry out any title to this paragraph may be used to carry out any other title of this paragraph.

OFFICE OF INTERNATIONAL COOPERATION AND DEVELOPMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of International Cooperation and Development to coordinate, plan, and direct activities involving international development, technical assistance and training, and international scientific and technical cooperation in the Department of Agriculture, including those authorized by the Food and Agriculture Act of 1977 (7 U.S.C. 3291), \$4,376,000: *Provided*, That not to exceed \$3,000 of this amount shall be available for official reception and representation expenses as authorized by 7 U.S.C. 1766: *Provided further*, That in addition, funds available to the Department of Agriculture shall be available to assist an international organization in meeting the costs, including salaries, fringe benefits and other associated costs, related to the employment by the organization of Federal personnel that may transfer to the organization under the provisions of 5 U.S.C. 3581-3584, or of other well-qualified United States citizens, for the performance of activities that contribute to increased understanding of international agricultural issues, with transfer of funds for this purpose from one appropriation to another or to a single account authorized, such funds remaining available until expended: *Provided further*, That the Office may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1736) and the foreign assistance programs of the

International Development Cooperation Administration (22 U.S.C. 2392).

SCIENTIFIC ACTIVITIES OVERSEAS (FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies owed to or owned by the United States for market development research authorized by section 104(b)(1) and for agricultural and forestry research and other functions related thereto authorized by section 104(b)(3) of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704(b) (1), (3)), \$750,000: *Provided*, That this appropriation shall be available, in addition to other appropriations for these purposes, for payments in the foregoing currencies: *Provided further*, That funds appropriated herein shall be used for payments in such foreign currencies as the Department determines are needed and can be used most effectively to carry out the purposes of this paragraph: *Provided further*, That not to exceed \$25,000 of this appropriation shall be available for payments in foreign currencies for expenses of employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), as amended by 5 U.S.C. 3109.

Mr. WHITTEN (during the reading). Mr. Chairman, I ask unanimous consent that title IV be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The CHAIRMAN. Are there any points of order against title IV?

Are there any amendments to title IV?

If not, the Clerk will read.

TITLE V—RELATED AGENCIES DEPARTMENT OF HEALTH AND HUMAN SERVICES FOOD AND DRUG ADMINISTRATION SALARIES AND EXPENSES

For necessary expenses of the Food and Drug Administration; for rental of special purpose space in the District of Columbia or elsewhere; and for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed \$25,000; \$550,171,000: *Provided*, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701: *Provided further*, That this appropriation shall be available to employ persons or organizations, on a temporary basis, by contract or otherwise without regard to chapter 51 and subchapter III of chapter 53, and section 2105(a) of chapter 21 of title 5, United States Code: *Provided further*, That of the sums provided herein, not to exceed \$2,000,000 shall remain available until expended, and shall become available only to the extent necessary to meet unanticipated costs of emergency activities not provided for in budget estimates and after maximum absorption of such costs within the remainder of the account has been achieved.

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment of facilities of or used by the Food and Drug Administration, where not otherwise provided, \$6,950,000.

RENTAL PAYMENTS (FDA) (INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92-313 for programs and activities of the Food and Drug Administration which are included in this Act, \$25,612,000: *Provided*, That in the event the Food and Drug Administration should require modification of space needs, a share of the salaries and expenses appropriation may be transferred to this appropriation, or a share of this appropriation may be transferred to the salaries and expenses appropriation, but such transfers shall not exceed 10 per centum of the funds made available for rental payments (FDA) to or from this account.

DEPARTMENT OF THE TREASURY PAYMENTS TO THE FARM CREDIT SYSTEM FINANCIAL ASSISTANCE CORPORATION

For necessary payments to the Farm Credit System Financial Assistance Corporation by the Secretary of the Treasury, as authorized by section 6.28(c) of the Farm Credit Act of 1971, as amended, for reimbursement of interest expenses incurred by the Financial Assistance Corporation on obligations issued in fiscal year 1990, as authorized, \$88,000,000: *Provided*, That not to exceed \$2,206,000 of the assistance fund shall be available for administrative expenses of the Farm Credit System Assistance Board: *Provided further*, That officers and employees of the Farm Credit System Assistance Board shall be hired, promoted, compensated, and discharged in accordance with title 5, United States Code.

COMMODITY FUTURES TRADING COMMISSION

For necessary expenses to carry out the provisions of the Commodity Exchange Act, as amended (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles; the rental of space (to include multiple year leases) in the District of Columbia and elsewhere; and not to exceed \$25,000 for employment under 5 U.S.C. 3109; \$37,691,000, including not to exceed \$700 for official reception and representation expenses.

FARM CREDIT ADMINISTRATION LIMITATION ON REVOLVING FUND FOR ADMINISTRATIVE EXPENSES

Not to exceed \$36,120,000 (from assessments collected from farm credit system institutions and the Federal Agricultural Mortgage Corporation), shall be available for administrative expenses as authorized under 12 U.S.C. 2249, of which not to exceed \$1,500 shall be available for official reception and representation expenses.

Mr. WHITTEN (during the reading). Mr. Chairman, I ask unanimous consent that title V be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The CHAIRMAN. Are there any points of order against title V?

POINT OF ORDER

The CHAIRMAN. Are there any points of order against title V?

Mr. FORD of Michigan. Mr. Chairman, I make a point of order against the language beginning at line 22 on page 65 and ending on line 2 of page 66. My point of order is this consti-

tutes legislation on an appropriation bill and thus violates clause 2 of rule XXI.

Mr. WHITTEN. Mr. Chairman, we concede the point of order to that particular language.

The CHAIRMAN. The gentleman from Mississippi [Mr. WHITTEN] concedes the point of order, and the point of order is sustained.

Mr. WEISS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am concerned about language in the Appropriations Committee's report covering the Food and Drug Administration regarding the carcinogenic color additive Red Dye No. 3—House Report 101-137, 101st Congress, 1st session, 1989, page 126. The report states that the committee "expects" FDA to delay making a decision on Red Dye No. 3 pending the completion of a long-term study to determine if the so-called secondary mechanism of Red Dye No. 3 effect can be confirmed for the dye.

The legal authority to use the form of Red Dye No. 3 that is applied to drugs, cosmetics and many foods is known as the provisional list. The provisional list is an interim category for color additives that was established when Congress enacted the Color Additive Amendments of 1960. It was supposed to last for 2½ years, during which time industry was supposed to test the dyes for safety. The industry has had 29 years to test these dyes. Since 1962, the FDA has given industry somewhere between 30 and 40 extensions of the provisional listing of Red Dye No. 3. The industry has used every trick in the book to prevent the law from being implemented. Red Dye No. 3 is the only dye that remains on the provisional list.

In 1984, the Acting FDA Commissioner reviewed the carcinogenicity tests for Red Dye No. 3. He concluded that the Delaney clause, which prohibits the approval of carcinogenic color additives, required the FDA to ban the dye because it causes cancer in animals. At that time, the industry made the secondary mechanism argument but the Commissioner said that the science did not support it. HHS Secretary Margaret Heckler overruled the FDA.

The Government Operations Subcommittee on Human Resources and Intergovernmental Relations, which I chair, has held two hearings on the Department of Health and Human Services' failure to enforce the law against six carcinogenic color additives, including Red Dye No. 3. In 1985, our first report unanimously concluded that FDA violated the law. After we issued our report, the FDA tried to avoid the Delaney clause through its so-called de minimis policy. Subsequently, that interpretation of the law was unanimously held

to be illegal in *Public Citizens v. Young*, 831 F.2d 1108, (D.C. Cir. 1987). Since my subcommittee's report, FDA has removed five of the carcinogenic color additives from the provisional list. Only Red Dye No. 3 remains.

In the meantime, the secondary mechanism issue has been thoroughly explored. The FDA established a special peer review panel to evaluate the issue. The panel was composed from prominent scientists from several agencies within the Government. Its 100-plus page report, issued in 1987, concluded that the secondary mechanism argument had not been proven.

Nevertheless, the FDA continued to evaluate data and arguments submitted by the industry. On August 30, 1988, the FDA proposed to grant yet another extension to allow the industry to conduct another test on the secondary mechanism issue. The extension was granted on October 24, 1988, and was scheduled to expire on June 30, 1989. In April 1989, FDA was prepared to take final action to remove the dye from the provisional list. On June 30, 1989, the FDA extended the provisional listing of Red Dye No. 3 for 2 months to allow time to prepare the document announcing its decision to terminate the provisional listing of Red Dye No. 3.

Mr. Chairman, it is my understanding that none of FDA's statutory powers and duties to ban Red Dye No. 3 have been altered by the Appropriations Committee actions.

Under the law the FDA has no option but to follow through with its stated intention to terminate the provisional listing of Red Dye No. 3. It is high time that it does so.

Mr. WATKINS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I first want to say to the chairman that I deeply appreciate the work that he has done in this bill, along with the gentlewoman from Nebraska [Mrs. SMITH] for her hard work, I appreciate being a member of this subcommittee and working under their leadership.

I want to state, as the chairman knows, I have a deep and long abiding concern about rural America and rural development programs. I appreciate the additional help this year in the area of rural development, even though we could not fulfill all the requests. I know members of the subcommittee have done tremendous work in providing an increase in dollars for the RC&D Program under soil conservation. This program works. It is an effective program. It is providing additional jobs and additional economic growth in a lot of the economically depressed areas. I know in southeastern Oklahoma those essential dollars to allow programs to be able to be continued and be able to expand economically depressed areas of the country.

Mr. Chairman, you are a great leader for rural America. I appreciate you [Mr. WHITTEN] and the gentlewoman from Nebraska [Mrs. SMITH] I say, thank you in behalf the many citizens who are working to improve the economic conditions in rural America.

Mr. WHITTEN. Mr. Chairman, I move to strike the last word.

In connection with the issue that the gentleman from New York [Mr. WEISS] is raising here, may I say that it is highly controversial, as has been shown here. I am no expert in this area at all, but I do know one of the problems we have in the Congress is that regulation and restrictions are changed frequently after Congress has adjourned, without the Congress having a right to look into it. So for that reason, I feel that we should insist that whatever action is taken, that the Congress be notified so that those who are interested will have an opportunity to deal with it. For that reason, I suggested that they report to the Congress.

We have many cases where regulations go far beyond the authority they have under the law. I do not mean that is true in this case, but it can be true. For that reason, I feel that any action that should be taken, we should be notified, the Congress should be notified, particularly where a controversy is existing.

Also, may I say to my colleague from Oklahoma, he is a very valuable member of the subcommittee, and as long as he is on the subcommittee we will not forget rural America.

Mr. ROBERT F. (BOB) SMITH. Mr. Chairman, I move to strike the last word, and I rise in strong support of this bill. I applaud the Committee on Appropriations for bringing down an issue which I think is to the benefit of not only agriculture in America, but also to those people who buy agricultural products. I want to reemphasize the fact that while this bill is still \$38 billion, the agricultural side of it, of course, has been slashed from 1986 levels of \$26 to \$7.1 billion. That is all agriculture is taking out of this total bill.

When we completed the farm bill in 1985, some people thought it was unpopular. Some said it cost too much and would distort world markets and domestic markets. Some said it allowed too much government interference. Now, as we begin on the 1990 farm bill, we have found, of course, the 1985 farm bill was very, very successful.

Think of it: We have slashed the cost of agriculture, commodity prices have risen, we have been successful in foreign markets. We produce in this country 20 percent of the world's food in this country, 27 percent of the planet's feed grain, and 25 percent of the world's beef. In agricultural trade, we produce more than we consume in this

country, so it is important that we export. We have had successes and failures. However, the successes, of course, outnumber the failures.

□ 1400

We have failed in areas like Korea. The European Community has been very tough on us with the hormone issue, but we did break into Japan with a billion dollars indeed with citrus. We have the Canadian Trade Agreement, which is most beneficial and will be most beneficial to this country.

So the big picture demonstrates that our policies are working. The vital signs of American agriculture are improving. Farm debt is being reduced. We are moving aggressively back into the export market. Farmers' income is increasing.

Mr. Chairman, that indicates to me that this is an excellent bill, and the future of agriculture is in the hands of those Members of Congress who vote hopefully on this bill in a positive fashion.

The CHAIRMAN. Are there amendments to title V?

If not, the Clerk will read.

The Clerk read as follows:

TITLE VI—GENERAL PROVISIONS

SEC. 601. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

SEC. 602. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for the fiscal year 1990 under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 514 passenger motor vehicles, of which 508 shall be for replacement only, and for the hire of such vehicles.

SEC. 603. Funds in this Act available to the Department of Agriculture shall be available for uniforms or allowances therefore as authorized by law (5 U.S.C. 5901-5902).

SEC. 604. Not less than \$1,500,000 of the appropriations of the Department of Agriculture in this Act for research and service work authorized by the Acts of August 14, 1946 and July 28, 1954, and (7 U.S.C. 427, 1621-1629), and by chapter 63 of title 31, United States Code, shall be available for contracting in accordance with said Acts and chapter.

SEC. 605. No part of the funds contained in this Act may be used to make production or other payments to a person, persons, or corporations upon a final finding by court of competent jurisdiction that such party is guilty of growing, cultivating, harvesting, processing or storing marijuana, or other such prohibited drug-producing plants on any part of lands owned or controlled by such persons or corporations.

SEC. 606. Advances of money to chiefs of field parties from any appropriation in this Act for the Department of Agriculture may

be made by authority of the Secretary of Agriculture.

SEC. 607. The cumulative total of transfers to the Working Capital Fund for the purpose of accumulating growth capital for data services and National Finance Center operations shall not exceed \$2,000,000: *Provided*, That no funds in this Act appropriated to an agency of the Department shall be transferred to the Working Capital Fund without the approval of the agency administrator.

SEC. 608. New obligational authority provided for the following appropriation items in this Act shall remain available until expended: Public Law 480; Mutual and Self-Help Housing; Watershed and Flood Prevention Operations; Resource Conservation and Development; Colorado River Basin Salinity Control Program; Animal and Plant Health Inspection Service, \$4,500,000 for the contingency fund to meet emergency conditions, and buildings and facilities; Agricultural Stabilization and Conservation Service, salaries and expenses funds made available to county committees; the Federal Crop Insurance Corporation Fund; Agricultural Research Service, buildings and facilities, and up to \$10,000,000 of funds made available for construction at the Beltsville Agricultural Research Center; Cooperative State Research Service, buildings and facilities; Scientific Activities Overseas (Foreign Currency Program); Dairy Indemnity Program; \$2,852,000 for higher education training grants under section 1417(a)(3)(B) of Public Law 95-113, as amended (7 U.S.C. 3152(a)(3)(B)); and buildings and facilities, Food and Drug Administration.

SEC. 609. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 610. Not to exceed \$50,000 of the appropriation available to the Department of Agriculture in this Act shall be available to provide appropriate orientation and language training pursuant to Public Law 94-449.

SEC. 611. Notwithstanding any other provision of law, employees of the agencies of the Department of Agriculture, including employees of the Agricultural Stabilization and Conservation county committees, may be utilized to provide part-time and intermittent assistance to other agencies of the Department, without reimbursement, during periods when they are not otherwise fully utilized, and ceilings on full-time equivalent staff years established for or by the Department of Agriculture shall exclude overtime as well as staff years expended as a result of carrying out programs associated with natural disasters, such as forest fires, droughts, floods, and other acts of God.

SEC. 612. Funds provided by this Act for personnel compensation and benefits shall be available for obligation for that purpose only.

SEC. 613. No part of any appropriation contained in this Act shall be expended by any executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), pursuant to any obligation for services by contract, unless such executive agency has awarded and entered into such contract as provided by law.

SEC. 614. None of the funds appropriated or otherwise made available by this Act shall be available to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

SEC. 615. Certificates of beneficial ownership sold by the Farmers Home Administration in connection with the Agricultural Credit Insurance Fund, Rural Housing Insurance Fund, and the Rural Development Insurance Fund shall be not less than 65 per centum of the value of the loans closed during the fiscal year.

SEC. 616. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and non-profit institutions in excess of 10 per centum of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 617. None of the funds in this Act shall be used to carry out any activity related to phasing out the Resource Conservation and Development Program.

SEC. 618. None of the funds in this Act shall be used to prevent or interfere with the right and obligation of the Commodity Credit Corporation to sell surplus agricultural commodities in world trade at competitive prices as authorized by law.

SEC. 619. Notwithstanding any other provision of this Act, commodities acquired by the Department in connection with Commodity Credit Corporation and section 32 price support operations may be used, as authorized by law (15 U.S.C. 714c and 7 U.S.C. 612c), to provide commodities to individuals in cases of hardship as determined by the Secretary of Agriculture.

SEC. 620. During fiscal year 1990, notwithstanding any other provision of law, no funds may be paid out of the Treasury of the United States or out of any fund of a Government corporation to any private individual or corporation in satisfaction of any assurance agreement or payment guarantee or other form of loan guarantee entered into by any agency or corporation of the United States Government with respect to loans made and credits extended to the Polish People's Republic, unless the Polish People's Republic has been declared to be in default of its debt to such individual or corporation or unless the President has provided a monthly written report to the Speaker of the House of Representatives and the President of the Senate explaining the manner in which the national interest of the United States has been served by any payments during the previous month under loan guarantee or credit assurance agreement with respect to loans made or credits extended to the Polish People's Republic in the absence of a declaration of default.

SEC. 621. None of the funds in this Act shall be available to reimburse the General Services Administration for payment of space rental and related costs in excess of the amounts specified in this Act; nor shall this or any other provision of law require a reduction in the level of rental space or services below that of fiscal year 1989 or prohibit an expansion of rental space or services with the use of funds otherwise appropriated in this Act. Further, no agency of the Department of Agriculture, from funds otherwise available, shall reimburse the General Services Administration for payment of space rental and related costs provided to such agency at a percentage

rate which is greater than is available in the case of funds appropriated in this Act.

SEC. 622. In fiscal year 1990, the Secretary of Agriculture shall initiate construction on not less than twenty new projects under the Watershed Protection and Flood Prevention Act (Public Law 566) and not less than five new projects under the Flood Control Act (Public Law 534).

SEC. 623. Funds provided by this Act may be used for translation of publications of the Department of Agriculture into foreign languages when determined by the Secretary to be in the public interest.

SEC. 624. None of the funds appropriated by this Act may be used to relocate the Hawaii State Office of the Farmers Home Administration from Hilo, Hawaii, to Honolulu, Hawaii.

SEC. 625. Provisions of law prohibiting or restricting personal services contracts shall not apply to veterinarians employed by the Department to take animal blood samples, test and vaccinate animals, and perform branding and tagging activities on a fee-for-service basis.

SEC. 626. None of the funds provided in this Act may be used to reduce programs by establishing an end-of-year employment ceiling on full-time equivalent staff years below the level set herein for the following agencies: Food and Drug Administration, 7,400; Farmers Home Administration, 12,675; Agricultural Stabilization and Conservation Service, 2,550; Rural Electrification Administration, 550; and Soil Conservation Service, 14,177.

SEC. 627. Funds provided in this Act may be used for one-year contracts which are to be performed in two fiscal years so long as the total amount for such contracts is obligated in the year for which the funds are appropriated.

SEC. 628. Funds appropriated by this Act shall be applied only to the objects for which appropriations were made except as otherwise provided by law, as required by 31 U.S.C. 1301.

SEC. 629. None of the funds in this Act shall be available to restrict the authority of the Commodity Credit Corporation to lease space for its own use or to lease space on behalf of other agencies of the Department of Agriculture when such space will be jointly occupied.

SEC. 630. None of the funds provided in this Act may be expended to release information acquired from any handler under the Agricultural Marketing Agreement Act of 1937, as amended: *Provided*, That this provision shall not prohibit the release of information to other Federal agencies for enforcement purposes: *Provided further*, That this provision shall not prohibit the release of aggregate statistical data used in formulating regulations pursuant to the Agricultural Marketing Agreement Act of 1937, as amended: *Provided further*, That this provision shall not prohibit the release of information submitted by milk handlers.

SEC. 631. Unless otherwise provided in this Act, none of the funds appropriated or otherwise made available in this Act may be used by the Farmers Home Administration to employ or otherwise contract with private debt collection agencies to collect delinquent payments from Farmers Home Administration borrowers.

SEC. 632. None of the funds in this Act, or otherwise made available by this Act, shall be used to sell loans made by the Agricultural Credit Insurance Fund.

SEC. 633. None of the funds appropriated or otherwise made available by this Act

shall be used to pay the salaries of personnel who carry out a targeted export assistance program under section 1124 of the Food Security Act of 1985 if the aggregate amount of funds and/or commodities under such program exceeds \$200,000,000.

Sec. 634. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries of personnel who carry out an export enhancement program (estimated to be \$1,000,000,000 in the President's fiscal year 1990 Budget Request (H. Doc. 101-4)) if the aggregate amount of funds and/or commodities under such program exceeds \$770,000,000.

Sec. 635. None of the funds in this Act, or otherwise made available by this Act, shall be used to regulate the order or sequence of advances of funds to a borrower under any combination of approved telephone loans from the Rural Electrification Administration, the Rural Telephone Bank or the Federal Financing Bank.

Sec. 636. In fiscal year 1990, section 32 funds shall be used to purchase sunflower and cottonseed oil, as authorized by law, and such purchases shall be used to facilitate additional sales of such oils in world markets at competitive prices, so as to compete with other countries.

Sec. 637. Such sums as may be necessary for fiscal year 1990 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

Sec. 638. When issuing statements, press releases, requests for proposals, bid solicitations, and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds, including but not limited to State and local governments, shall clearly state (1) the percentage of the total cost of the program or project which will be financed with Federal money, and (2) the dollar amount of Federal funds for the project or program.

Sec. 639. None of the funds in this Act shall be available to pay indirect costs on research grants awarded competitively by the Cooperative State Research Service that exceed 25 per centum of total direct costs under each award.

This Act may be cited as the "Rural Development, Agriculture, and Related Agencies Appropriations Act, 1990".

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Mr. WHITTEN (during the reading).
Mr. Chairman, I ask unanimous consent that title VI be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The CHAIRMAN. Are there points of order on title VI?

If not, are there amendments to title VI?

Mr. WHITTEN. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. BENNETT] having assumed the chair, Mr. LEATH of Texas, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2883) making appropriations for rural development, agriculture, and related agencies programs for the fiscal year ending September 30, 1990, and for other purposes, had directed him to report the bill back to the House with the recommendation that the bill do pass.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 394, nays 26, not voting 11, as follows:

[Roll No. 141]

YEAS—394

Ackerman	Bereuter	Bunning
Akaka	Berman	Burton
Alexander	Bevill	Bustamante
Anderson	Bilbray	Byron
Andrews	Billakis	Callahan
Annunzio	Bliley	Campbell (CA)
Anthony	Boehlt	Campbell (CO)
Applegate	Boggs	Cardin
Aspin	Bonior	Carper
Atkins	Borski	Carr
AuCoin	Boucher	Chandler
Baker	Boxer	Chapman
Ballenger	Brennan	Clarke
Barnard	Brooks	Clay
Bartlett	Browder	Clement
Barton	Brown (CA)	Clinger
Bateman	Brown (CO)	Coble
Beilenson	Bruce	Coleman (MO)
Bennett	Bryant	Coleman (TX)
Bentley	Buechner	Combest

Conte	Hubbard	Nielson
Conyers	Huckaby	Nowak
Cooper	Hughes	Oakar
Costello	Hunter	Oberstar
Coughlin	Hutto	Obey
Cox	Inhofe	Olin
Coyne	Ireland	Ortiz
Craig	James	Owens (NY)
Darden	Jenkins	Owens (UT)
Davis	Johnson (CT)	Oxley
de la Garza	Johnson (SD)	Packard
DeFazio	Johnston	Pallone
Dellums	Jones (GA)	Panetta
Derrick	Jones (NC)	Parker
DeWine	Jontz	Parris
Dickinson	Kanjorski	Pashayan
Dicks	Kaptur	Patterson
Dingell	Kasich	Paxon
Dixon	Kastenmeier	Payne (NJ)
Donnelly	Kennedy	Payne (VA)
Dorgan (ND)	Kennelly	Pease
Douglas	Kildee	Pelosi
Downey	Kleczka	Penny
Duncan	Kolbe	Perkins
Durbin	Kolter	Petri
Dwyer	Kostmayer	Pickett
Dymally	LaFalce	Pickle
Dyson	Lancaster	Porter
Early	Lantos	Poshard
Eckart	Laughlin	Price
Edwards (CA)	Leach (IA)	Pursell
Edwards (OK)	Leath (TX)	Quillen
Emerson	Lehman (CA)	Rahall
Engel	Lehman (FL)	Rangel
English	Leland	Ray
Erdreich	Lent	Regula
Espy	Levin (MI)	Rhodes
Evans	Levine (CA)	Richardson
Fascell	Lewis (CA)	Rinaldo
Fawell	Lewis (FL)	Ritter
Fazio	Lewis (GA)	Roberts
Feighan	Lightfoot	Robinson
Fish	Lipinski	Roe
Flake	Livingston	Rogers
Flippo	Lloyd	Rose
Foglietta	Long	Rostenkowski
Ford (MI)	Lowery (CA)	Roth
Ford (TN)	Lowey (NY)	Roukema
Frank	Luken, Thomas	Rowland (CT)
Frost	Lukens, Donald	Rowland (GA)
Gallo	Machtley	Roybal
Garcia	Madigan	Sabo
Gaydos	Manton	Saiki
Gejdenson	Markey	Sangmeister
Gekas	Marlenee	Sarpalius
Gephardt	Martin (IL)	Savage
Gibbons	Martin (NY)	Sawyer
Gillmor	Martinez	Saxton
Gilman	Matsui	Schaefer
Gingrich	Mavroules	Scheuer
Glickman	Mazzoli	Schiff
Gonzalez	McCloskey	Schneider
Goodling	McCollum	Schuetz
Gordon	McCrery	Schulze
Goss	McCurdy	Schumer
Gradison	McDade	Shaw
Grandy	McDermott	Shumway
Grant	McEwen	Shuster
Gray	McGrath	Sikorski
Green	McHugh	Siskis
Guarini	McMillan (NC)	Skaggs
Gunderson	McMillen (MD)	Skeen
Hall (OH)	McNulty	Skelton
Hall (TX)	Meyers	Slattery
Hamilton	Mfume	Slaughter (NY)
Hammerschmidt	Michel	Slaughter (VA)
Hansen	Miller (CA)	Smith (FL)
Harris	Miller (OH)	Smith (IA)
Hastert	Miller (WA)	Smith (MS)
Hatcher	Mineta	Smith (NE)
Hawkins	Moakley	Smith (NJ)
Hayes (IL)	Mollohan	Smith (TX)
Hayes (LA)	Montgomery	Smith (VT)
Hefley	Moody	Smith, Denny
Hefner	Morella	(OR)
Henry	Morrison (CT)	Smith, Robert
Herger	Morrison (WA)	(OR)
Hertel	Mrazek	Snowe
Hiler	Murphy	Solarz
Hoagland	Murtha	Solomon
Hochbrueckner	Myers	Spence
Holloway	Nagle	Spratt
Hopkins	Natcher	Staggers
Horton	Neal (MA)	Stallings
Houghton	Neal (NC)	Stangeland
Hoyer	Nelson	Stark

Stearns	Towns	Weiss
Stenholm	Trafficant	Weldon
Stokes	Traxler	Wheat
Studds	Udall	Whittaker
Sundquist	Unsoeld	Whitten
Swift	Upton	Williams
Synar	Valentine	Wilson
Tallon	Vento	Wise
Tanner	Visclosky	Wolf
Tauke	Volkmer	Wolpe
Tauzin	Vucanovich	Wyden
Thomas (CA)	Walgren	Wylie
Thomas (GA)	Walsh	Yates
Thomas (WY)	Watkins	Yatron
Torres	Waxman	Young (AK)
Torricelli	Weber	Young (FL)

NAYS—26

Archer	Fields	Rohrabacher
Armey	Frenzel	Russo
Bates	Gallegly	Schroeder
Broomfield	Hancock	Sensenbrenner
Crane	Jacobs	Shays
Dannemeyer	Kyl	Smith, Robert
DeLay	Lagomarsino	(NH)
Dornan (CA)	McCandless	Stump
Dreier	Moorhead	Walker

NOT VOTING—11

Bosco	Florio	Ridge
Collins	Hyde	Sharp
Courter	Molinar	Vander Jagt
Crockett	Ravenel	

□ 1420

Messrs. LEWIS of California, HERTEL, and MURPHY changed their votes from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RESIGNATION AS MEMBER AND ELECTION AS MEMBER OF COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

The SPEAKER pro tempore (Mr. BENNETT) laid before the House the following resignation as a member of the Committee on Standards of Official Conduct:

HOUSE OF REPRESENTATIVES,
Washington, DC, July 18, 1989.

HON. THOMAS S. FOLEY,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: As you may know, I was temporarily assigned to the House Committee on Standards of Official Conduct on June 2, 1988, to fill the seat vacated by the illness of our colleague, Floyd Spence of South Carolina. This temporary assignment was to ensure a full complement of committee members as deliberations began into the matter of the former Speaker, Jim Wright. Now that the Committee on Standards of Official Conduct has concluded its activity in regard to Mr. Wright, I hereby submit my resignation as a temporary assigned Member of the Committee on Standards of Official Conduct.

Sincerely,

HANK BROWN,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

Mr. MICHEL. Mr. Speaker, I offer a privileged resolution (H. Res. 204) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 204

Resolved, That Representative Grandy of Iowa be and is hereby elected to the Committee on Standards of Official Conduct.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 660

Mr. McCURDY. Mr. Speaker, I ask unanimous consent that the name of the gentleman from Arizona [Mr. RHODES] be removed as a cosponsor of the bill, H.R. 660.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

□ 1500

REPORT ON RESOLUTION WAIVING CERTAIN POINTS OF ORDER AGAINST CONSIDERATION OF H.R. 2916, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT—INDEPENDENT AGENCIES APPROPRIATION, 1990

Mr. WHEAT, from the Committee on Rules, submitted a privileged report (Rept. No. 101-152) on the resolution (H. Res. 205) waiving certain points of order against consideration of the bill (H.R. 2916) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1990, and for other purposes, which was referred to the House Calendar and ordered to be printed.

□ 1430

ILLINOIS DEMOCRATIC ETHNIC AMERICAN COUNCIL'S HERITAGE AWARD DINNER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. LIPINSKI] is recognized for 5 minutes.

Mr. LIPINSKI. Mr. Speaker, I am here tonight to inform my colleagues of last week's Illinois Democratic Ethnic American Council's Heritage Award Dinner. We were honored that evening to be joined by the chairman of the Democratic National Committee, Mr. Ron Brown, the majority leader of the U.S. House of Representatives, Hon. RICHARD GEPHARDT, and the mayor of Chicago, Richard M. Daley. We gathered to honor 14 outstanding individuals who have made extraordinary contributions to their country, their communities, and their

families. Their superior efforts have made this land of liberty a greater place in which to live and have raised the standard of living of all Americans. But, in a larger sense, we gathered to pay tribute to all those ethnic Americans who came here from the Old European World and their descendants who became Americans and democrats. Their contributions have made this fortress of freedom we call the U.S.A. stronger, freer, and more democratic. While the members of no single racial, ethnic, or religious group built America by themselves, ethnic Americans have played a strong part in developing this Republic into the economic powerhouse of the planet and in making America the lighthouse by which the rest of the world is guided.

Ethnic Americans have fought in two World Wars and countless smaller ones to protect this Nation and the rest of mankind. Ethnic Americans have made a very significant contribution to the building of the American labor movement and to the positive development of the American management style. They put the rivets in the American dream. They dug the holes and poured the mix and, one bucket at a time, helped to build "America the Beautiful, America the Tolerant and America the Free." Each ethnic American seeking to outreach the other for a place in the sun caused us all to grow taller. Their contributions to this land of the pilgrim pride, economically, socially, politically, and culturally is not surpassed by any other religious, cultural or racial group.

The minds and muscles of ethnic Americans have, for decades, played a major role in the Democratic Party's victories for such statesmen as Woodrow Wilson, Franklin Delano Roosevelt, Harry S. Truman, and John F. Kennedy. And, if the Democratic Party is ever again going to win the White House, it must have the support of ethnic Americans. Because, with their faith in God, love of country, dedication, strength, wisdom, courage, integrity, charity, patience, and discipline ethnic Americans can be the linchpin which puts the Democratic Party's grand coalition back together. The Democratic Party and ethnic Americans have been successful together. The advances and victories of each have been a direct result of the two forging together. It is the Democratic Party, as an entity, which has enabled ethnic Americans more than any other entity the opportunity to become educated, knowledgeable and economically successful and to become truly American. It is now time for ethnic Americans to put aside their differences with other Democrats and to join together with black democrats, Hispanic democrats, Asian democrats, and all other democrats in order to bring our party back into the main-

stream and back to victory—so that all Americans can be uncommon and reach their place in the sun and fulfill the American dream for themselves and our Nation.

Mr. Speaker, I include in my remarks this afternoon the names and the ethnic background of the 14 award recipients. Truly they are people who have contributed enormously to their neighborhood, their family, their city, their county, their State, their Government, and their country.

ILLINOIS STATE DEMOCRATIC ETHNIC COUNCIL 1989 HERITAGE AWARDS PROGRAM

RECIPIENTS

Robert Healy, Irish.
Dr. Ivan Leseiko, Ukrainian.
Jack Schneider, German.
Bernard Puchalski, Polish.
Joseph A. Carl, Italian.
Wally Vukovich, Serbian.
Aristotle Halikias, Greek.
Leroy W. Lemke, Czechoslovakian.
Gilda Karu, Estonian.
Vicki Shoshag Hovanessian, Armenian.
Robert Soldat, Lithuanian.
Reverend Vilis Varsbergs, Latvian.
Reverend Steve Budrovich, Croatian.
Reverend Andrew Eordogh, Hungarian.

DEBT-FOR-NATURE SWAPS ON COMMUNIQUE OF ECONOMIC SUMMIT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. PORTER] is recognized for 5 minutes.

Mr. PORTER. Mr. Speaker, recognizing the link between global environmental degradation and Third World debt, in the Paris Communique, developed during the economic summit, the Group of Seven concluded in point 38 that "In special cases, ODA debt forgiveness and debt for nature swaps can play a useful role in environmental protection."

The Tropical Forest Protection Act (H.R. 1704) offers the mechanism to implement debt for nature swaps by allowing heavily indebted developing countries to exchange their debt for conservation activities, particularly those that protect tropical forests. Over \$100 million in debt for nature swaps have already occurred. But, without additional cost to the U.S. taxpayer, H.R. 1704 makes available the assets of multilateral development banks for the increased funding that is necessary to combat problems such as global warming.

Mr. Speaker, we all know that much of the debt of developing countries is not being paid, and probably never will be paid in full. The Tropical Forest Protection Act offers something in return for that debt. Protection of tropical forests is a fair swap.

NEGOTIATORS IN GENEVA ANNOUNCE HISTORIC
BREAKTHROUGH

Mr. Speaker, on another subject, our negotiators in Geneva have announced a historic breakthrough.

After 8 years of hard negotiations, including the Vice President Bush's key draft treaty in 1985 and the British proposal on verification last year, we now stand on the edge of a multi-lateral treaty that will outlaw the production and stockpiling of chemical weapons.

Verification will be accomplished through surprise inspections described as "highly intrusive" and not limited to sites where production or storage of chemical weapons is acknowledged. The U.S. Chemical Manufacturers Association wholeheartedly supports these verification measures.

A small number of weapons would be retained by the United States and the Soviet Union until the 10-year-destruction phase is over. The State Department expects 60 to 80 countries to sign the convention.

Mr. Speaker, this is a historic moment that will help to enhance the security of the United States and remove the hideous threat of chemical weapon from the planet. President Bush deserves accolades as does our chief negotiator, Max Friedersdorf. We in Congress should now look forward to helping them finish the details and ratify this treaty.

B-2 IS A GOOD INVESTMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. McEWEN] is recognized for 5 minutes.

Mr. McEWEN. Mr. Speaker, before we adjourn today, I want to make a quick reference to a discussion that the House is considering presently concerning the B-2 bomber that will be before us next week.

The questions very simply settle down to the fact that we have a triad of defenses, one an air based, one a sea based, and one a land-based leg of our defense system.

Sea based has been upgraded in recent years with development of the Trident submarine and the D-5 missile, a program that has been supported by the Congress very effectively and is moving into production without delay.

The land based, of course, is a dilemma that we have faced over the MX missile or the Midgetman, and that hopefully is resolved in this year's budget coming from the Committee on Armed Services.

The final step is the upgrading of the air-based leg of the triad, which is the strategic bomber, and the B-52, which went into production in 1952, went out of production in 1962, continued to be the workhorse of this leg of the triad.

When John F. Kennedy was sworn in as President, we had in excess of 1,200 B-52's in inventory. Today we have less than 200, and in this interim period, as they have moved out of inventory, it was necessary in the early 1980's for us to begin to replace them with present technology aircraft which were a significant upgrade, having not built any strategic bombers for nearly three decades, with the B-1, and now that that has been supplanted and we now have less than 300 in that leg of the triad, we are now facing the additional step, that is, the quantum leap forward into the new Stealth technology for which this Congress has been committed for now a decade and a half.

Mr. Speaker, this revolutionary new technology, the B-2, is ready and under production presently, and as we all know, flew yesterday. This is a penetrating Soviet space strategic weapon that is coming in to us exactly as was asked for by this Congress at the beginning of this decade.

It was estimated that in order to be at this stage of production with the 20-some B-2's delivered, it was estimated in 1981, recognizing that this is all new technology and there was no way to predict what the cost would be, the estimate from the Department of Defense in 1981 was that this system would cost \$38 billion. We now at this present time are in production on a program that will take us to \$42 billion, in other words, virtually right on the mark as to where this revolutionary new technology will take us.

Much discussion has been made about the fact that somehow or another this is expensive. Let me just make a quick comparison shot. There is much that can be said to defend this airplane. It should not be, under any circumstances, debated on cost, because what we are talking about is an entirely new generation of defenses that will make obsolete hundreds of billions of dollars of investment by our adversaries in air defenses that this system can then penetrate.

It will make intercontinental ranges available. It will make obsolete the demand for forward deployment as we lose bases around the world, and it will make it cheaper, easier, more convenient, and safer for us to deploy them in this country. So all of those defenses are there.

However, I would like to make a quick reference to the fact of the cost, and the cost is an excellent reason for buying this aircraft.

□ 1440

Let me say that the most efficient airplane ever produced and now in its 20th year of production is the 747. It is designed, it is built by over 14 countries. Virtually every aerospace company in America can make a contribution to the production of that plane. If a

company would go to Boeing today and say I can make that one little window for eight-tenths of a cent cheaper, they will give that company the contract. It is a very efficient plane, and yet if you buy the commercial airplane in production for 20 years today off the shelf it costs \$125 million. If you put in new avionics for the President, it takes the figure over \$300 million, which is where it is today for the new Air Force One. The new B-1 which has just completed production is in the neighborhood of \$380 million.

In other words, in order to get the strategic bomber that would have any sort of a capability at all, we are well into the \$400 to \$500 million price tag just like that, because that is what airplanes cost. For us to be able to come to this Congress next week with the production of a B-2 that is secured, that has been tested, that is under production at this moment in that cost range is more than anything any of us could have hoped for of those of us who believe that this great technology should be made available.

Mr. DICKS. Mr. Speaker, will the gentleman yield?

Mr. McEWEN. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Speaker, I want to commend my friend from Ohio for an outstanding statement on the realities of the decision that the House will have to make in the next few days regarding the B-2. I certainly hope Members will listen carefully to this debate.

What we are talking about is the future of our penetrating bomber capability. I would like to see a day come when we did not have to have any of these weapons systems, but until we get a START agreement, until we get an agreement on conventional forces in Europe, we have got to continue to modernize the triad in order to stay strong.

We know today that our two land-based missiles are vulnerable. We know today that the bombers cannot penetrate in the middle 1990's.

I would just say to my friend, in summary, he has made a very good statement. I hope our colleagues in the House will listen carefully. This is a critical issue to this administration. To undercut them today would be a serious mistake.

Mr. McEWEN. I thank the gentleman from Washington for his excellent contribution.

LET US TAKE ACTION ON THE
DEBT

The SPEAKER pro tempore (Mr. COOPER). Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

Mrs. BENTLEY. Mr. Speaker, the June 30, 1989, issue of the *Journal of Commerce* offers us some disparaging numbers regarding our country's international financial position. In particular, I am referring to the latest external debt figure released by the Department of Commerce. America's current account balance standards at a negative \$532 billion, an astonishing 40 percent jump over the previous total. Frankly, little relief appears to be in sight.

For the last 5 years, this body has been presented staggering debt figures. In fact, if we take a moment to examine the course that our foreign trade imbalance has taken over this period of time it starts to look like a tidal wave of red ink rushing toward the shoreline of our America's economic sovereignty.

Riding the crest of this wave is the ever-increasing volume of foreign direct investment in our country. As regards this crisis, the Commerce Department provides the all-too-chilling facts. Direct investment was up a record \$57.1 billion with total investment now standing at \$326.9 billion.

Perhaps even more distressing than this is the fact that, for the first time in nearly three American generations, foreign interests have purchased more assets in the United States than the United States invested abroad all over the world.

These latest figures also indicate a dramatic point which should be illustrated. Specifically, when compared to the nations of Japan, Germany, France, and the United Kingdom, our Government must pay out a higher percentage of its total expenditures to cover its debt. It is my firm belief, and I have indicated this on many occasions, that the United States is mortgaging the future by continuing this destructive financial and industrial activity.

The foreign debt, a large percentage of which comes from investment, has serious impacts on all sectors of the economy. This investment, particularly in manufacturing, has resulted in the elimination of millions of jobs in U.S. companies and their replacement by one-time foreign competitors. Steve Salerno writing for *American Legion Magazine* in its March issue notes:

Is America for sale?

Foreign ownership in America may be getting out of hand. Led by Japan, total foreign investment in the United States is nearing \$1 trillion, and more than 3 million American workers now answer to foreign bosses.

The Pillsbury Doughboy is now kneaded by the British. Armco, America's fifth largest steel company, is half-owned by Kawasaki. Firestone Tire & Rubber has become the property of Japanese-owned Bridgestone, a longtime foe. Three quarters of the skyline in downtown Los Angeles looks west to Asian ownership. Office space surrounding our seat of government in Washington is 25 percent foreign-occupied. Tokyo's Aoki

Corporation has established a partnership with Tishman, one of New York's top construction firms. Citibank, the largest U.S. bank, sold about half its Manhattan headquarters complex to Japanese investors in 1987. Lee Iacocca, whose admonishments to "buy American!" anchored Chrysler's climb back to health, has now announced a joint venture with Mitsubishi.

Even "The Encyclopedia Americana" is published, these days, by the French. America is up for grabs, with no apparent end in sight. If the above examples are unsettling, consider the overall trends.

Mr. Speaker, I would like to point out that on this floor last week in regards to the Bridgestone buyout of Firestone, I noted that it was not only the manufacturing plant that they purchased and the manufacturing rights, but they also are out trying to buy the individual dealerships in all the communities around the United States. Where those individual dealers do not want to sell, Bridgestone has been setting up a competing retail outlet right around the corner in order to force the Americans out of business, and in one particular case on a special tire that Bridgestone also is buying from another manufacturer in order to gobble up that whole supply, the Firestone outlets are touting that tire as being available at \$56.75, while the independent tire dealer in the United States can sell it for \$35.

That should indicate what can happen when an outside entity who does not have the interests of the Americans at heart can do when they control the whole product line.

Indeed, the overall trends should be considered, because they can give some indication of how the foreign presence in America might look in the future. Mr. Salerno goes on to write, "Foreigners already control 12 percent of all manufacturing jobs in the United States. More than 3 million American workers answer to foreign bosses—almost a million to the Japanese alone."

The jobs of at least one million Americans are tied directly to the Japanese. I find this to be a frightening statistic. The question that we must ask ourselves is what is this control buying in other, less tangible areas such as political control and the influence in America's academic and political circles?

Just last month the scandalous revelation that Japanese companies were receiving access to U.S. Government funded research from MIT programs confirms, I think, the fact that influence at America's universities can be purchased. It all amounts to a lobbying effort against the American people.

But these political and psychological efforts are only half of the story. The Japanese and others are altering America's financial environment, and, when the facts are examined, creating

hostile economic conditions for Americans in their own country.

The primary example of this is in real estate. In this area the Japanese have been the pacesetters. The *Baltimore Sun* of March 14 notes that in 1988, "Japanese business interests rose to the top * * * in the growth of direct United States investments, which involve buying assets like factories, hotels, and real estate rather than securities." Perhaps if bidding on these purchases would have been reasonable, some sense of financial sanity would have been preserved, but, beginning in 1986, Japanese interests began purchasing properties at rates miles out of line with what was then considered market value.

Evidence of this is provided in an article by Neil Barsky in the *Wall Street Journal* of June 9, 1989. The article reads, "When Japanese investors went on a buying spree of first-class commercial real estate in the United States many American investors who stayed on the sidelines remarked that they were paying too much."

But, as Mr. Barsky goes on to write, "Three years later, it is becoming clear that they didn't overpay after all, say some experts. Instead, values of first class properties have crept up to the levels the Japanese were paying and American investors are matching their prices," if they have the money.

In fact, Mr. Simon Milde, a real estate executive, quoted in the article notes, "The Japanese have had the last laugh, * * * 'They've brought the market to their level. Now, if Americans want to buy first class properties, they have to pay top dollar.'"

I fear the day is coming, Mr. Speaker, when the Japanese will look to areas like residential properties for investment. If that day comes then we will all be able to carry the idea of owning a home exclusively in our dreams.

The thought of owning a home in America will not be a reality any longer. We have only to see what has happened in Hawaii where the Japanese have purchased a great deal of the residential real estate there and it is now said that the average native Hawaiian can not afford to buy any property there anymore.

This is the tragedy of debt as it affects the daily lives of all Americans, but there is another side. This is the effect of foreign investment on America's future. This equally sinister side of our debt crisis shows itself in the shortage of capital available to American companies. The fact of the matter is that, in the United States today, capital, the life blood of economic development is frighteningly scarce. That is, of course, unless a capital poor company can secure a relationship with a foreign capital rich bank or company that is more than willing

to hand over the desperately needed cash, at a price.

Scarcity is only half of the story. Even more damaging is the competition that ensues for this scarce capital. The end result of this "race for dollars" is inevitably that smaller firms are left out.

Anybody on Wall Street will tell you; when the dollars are scarce not everybody can have a piece of the pie.

The tragedy reaches its climax when a foreign interest acquires all of, or a significant portion of, the American firm. The bottom line is the loss of yet another U.S. firm and the addition of yet another foreign subsidiary based in our country, shipping more wealth offshore in repatriated profits.

The history of this trade debacle, begins from 1984; this was the last year that the United States was a creditor nation. It was about this time that a terrible cycle began its development, one which has not yet come to an end. The story goes as follows. This body, unwilling to accept the necessity of budget balancing began fueling the tremendous growth in the Federal deficit. The Treasury was forced into action. One of the steps taken in an effort to grapple with the deficit was to seek out agreement on new levels of the dollar relative to other currencies.

It was agreed between major industrial nations that the value of the dollar would have to come down. This was done under the aegis of providing a means by which American firms could generate sales overseas and then bring money back into our economy.

Hindsight shows us that this has become a formula for disaster. The value of the dollar has been slashed, but, rather than encouraging trade, the relatively cheap dollar opened the door for foreign interests not burdened with debt to invest in our country. Everything was, and is, "a steal", S-T-E-A-L.

Maybe things would have worked out. But, alas, there was a tragic flaw, we underestimated the ferocity with which foreign companies would attempt to cut their home markets off from our access.

Perhaps it should not come as a surprise that the most extreme opposite of the United States condition exists in Japan. In an atmosphere that can only be described as a "circus" of cash, The Bank of Japan, Japan's central bank, upon receiving the always welcomed advice of MITI—the Ministry of International Trade and Industry—places its stamp of approval on certain companies, which, in turn, seem to have little or no trouble securing loans from Japanese banks. These favored firms receive what amounts to a blank check for development, or foreign market infiltration, or whatever else is seen to be in the Japanese interest.

In the atmosphere of capital shortage and competition that exists in the

United States today, there is no doubt in my mind that certain nations will be attempting to use their purchased presence to influence this Government. In fact, we have seen signs of that already.

Once again, we need look only to Japan for evidence of the effect of influence peddling at the highest levels of government.

Under the heading "Takeshita Notice," the Washington Times reported that Japan's former Prime Minister, when he last met with President Bush, informed him that:

Tokyo, by virtue of its growing economic power, wanted to play a greater role in international affairs and receive greater consideration in U.S. foreign policy actions.

While it is certainly no secret to say that Japan maintains a large and well-financed lobbying group, this is the first time that I can recall where the Prime Minister of any nation has confronted an American President with demands regarding the right to influence United States foreign policy.

This is beginning to sound like international financial blackmail to me.

Yet this is only the latest and most arrogant example of Japanese actions, utilizing their ever increasing investment position. As a bureaucracy that has never been known to rest on its policy achievements, Japan is pushing forward to obtain further control over United States markets and technology.

The latest example that I have come across is a case that, until recently, was the kind of success story that all Americans dream of. The case I am speaking of is that of Mr. Joseph Lindmayer and his company, Optex Corp. What appears to have, at one point been an American dream, is now swiftly deteriorating into an American tragedy.

Forbes magazine from June 26 of this year painfully illustrates the story of Mr. Lindmayer, an immigrant who filed the tyranny of Communist Hungary with only his ideas and his dreams, becoming a very successful inventor and corporate businessman. Mr. Lindmayer's company seems typical of all that traditional business ethics in America have come to embrace.

His company has developed an ingenious process by which computer disks can store tremendous amounts of data. In fact, his idea could potentially revolutionize the world of computer information storage.

This modern business miracle was a small company quietly developing astounding technologies, and relying on the strength of its achievements to lure investors who provide the much needed capital flow which sustains these kind of operations. Normally, this is American market economics at its best.

Our huge debt servicing efforts, however, have skewed these forces,

making venture capital virtually unavailable to all but the most stable of companies, and certainly not to small high-technology relatively risky companies like Mr. Lindmayer's.

At the same time, foreign interests, bursting with cash and looking for any place in which to secure a position in the lucrative investment rich American market, have been steadily jockeying for a favored position as Mr. Lindmayer's source of funds.

To quote from a section of the Forbes article:

What do the experts think? Leonard Laub, president of Vision Three Inc., a New York consulting firm whose clients include IBM, Du Pont, Kodak and GE, says that although the invention is still at least three years away from production, Optex' development program is "well beyond the point where they are likely to encounter some fatal problem, a showstopper."

With all that going for it, you'd think that the high-tech world would be knocking down Lindmayer's door. Not exactly. Kodak, 3M, Xerox, IBM, Digital Equipment and Polaroid have all spurned his method in favor of more conventional schemes. And nowadays, with few initial public offerings, it seems, all too many venture firms are too busy protecting their past investments to pursue the future. In the first round of financing, Lindmayer approached some 30 venture firms before little Gryphon Ventures of Boston put up \$2 million. After a second round, he is now \$2 million short of his \$8 million goal.

Meanwhile, Lindmayer finds himself playing host in his offices in Rockville, MD, to a seemingly unending parade of Japanese businessmen seeking to beg, borrow, buy or steal his technology. Mitsubishi, Kubota, Nippon Mining, Denka and Tosoh—multibillion-dollar firms—have all made serious overtures to Optex.

While Forbes contends that a positive end is in sight, and if Optex is to be purchased I would certainly prefer an American firm to be the buyer, but I tend to be of the opinion that any sort of buy out, would in the long run, be negative, un-American.

The facts are clear, the American investment well is dry and the foreign, in particular the Japanese investment well, is overflowing.

Given the history of Japanese business practices in general and in this case particularly, only one conclusion can be drawn. Japan's investment pirates have set out to capture another United States technology while United States interests, too troubled with protecting themselves from effects of the foreign debt, can only stand by and watch.

In spite of what I have shown you today, I feel that the battle for the future is not yet lost. My faith in America is too strong. Indeed, it is my sincerest belief that we can find answers to our problems, but sacrifices must be made. One area is the budget, where I believe a spending freeze by the Federal Government is essential. Also in the area of ensuring U.S. com-

petitiveness, we can, and we must do more to make sure that U.S. products entering foreign nations are judged more on their value as products than on their perceived impact on the power brokers in foreign governments.

It is a hard fight, but a fight that must be won. I believe it is our role in this House to do what we can to make sure America's future stays secure.

IN OPPOSITION TO H.R. 1056

The SPEAKER pro tempore (Mr. COOPER). Under a previous order of the House, the gentleman from Georgia [Mr. RAY] is recognized for 5 minutes.

Mr. RAY. Mr. Speaker, the House is scheduled this week to debate H.R. 1056—the Eckart bill—passed out of the Energy and Commerce Committee.

This legislation addressing environmental concerns on Federal facilities is well intentioned, except for the fact that it gravely endangers plans, programs and funding already underway to restore environmental problems on defense bases.

My chief concern and the concerns of those who support a scheduled planned environmental restoration program and a ready and capable defense deterrent is that H.R. 1056 seeks to allow designated local and State regulators an entrance into the restoration funds and, when those are depleted, other overhead funds such as the personnel and payroll accounts.

H.R. 1056 allows fines and penalties to reach to the levels of \$25,000 per day, which can run into millions of dollars per site.

Previously these funds have been protected by sovereign immunity, which will be waived under H.R. 1056.

Let me explain about the defense environmental restoration account which we call the DERA account.

The funds are set aside specifically for environmental restoration.

The Defense Department requested \$500 million for 1989 and \$517 million for 1990.

The House Armed Services Committee increased the request by \$83 million to \$600 million.

The best estimates are that we must fund DERA to \$1 billion per year, and this is the committee goal for 1991.

The estimated cost to correct 40 years of environmental problems, some going back before World War II, is at least \$20 billion.

This funding program is the minimum needed to correct these problems and H.R. 1056 will take up a large amount of the restoration funding just to pay fees, fines, and penalties, to State agencies or designated local regulators.

Our current estimated time table to bring DOD environmental problems up to satisfactory standards is 20 to 25 years at a cost of \$20 billion estimated.

However with the interference of H.R. 1056, the cost could increase dramatically, the time table could stretch out.

Through the oversight of the House Armed Services Committee a great amount of progress has been made over the last 4 years.

DOD is not being dragged kicking and screaming to face up to their environmental task.

DOD has defined 8,139 potentially hazardous sites on 897 military installations; 7,711 of these sites have had preliminary assessment and 1,485 have had remedial investigations.

In short, DOD is committed, plans are made in place; 36 sites are on the national priority list [NPL], agreed to by EPA and DOD. It's those which have the worst problems.

Rocky Mountain Arsenal is No. 1 on the list—it is the worst, and restoration work is underway; 42 more sites are in line for early approval to be placed on the NPL.

H.R. 1056 would attempt to force a rapid acceleration which we all would desire, except that fuel for such an acceleration is taxpayers dollars. H.R. 1056 would siphon these off to fatten the treasuries of State governments and local agencies, thereby delaying the goals of DOD and all interested parties.

An example of what can happen is a \$15 billion shortage of O&M funds in the Air Force budget for 1988. As a result 88,000 Air Force civilian employees were faced with a 10-day furlough without pay.

Mr. Speaker, in its present form H.R. 1056 is not in the national interest and I doubt that it is even sound environmental legislation.

I do not come to this position without careful consideration of all sides of this issue.

I fully recognize that there is wide spread public dissatisfaction with Federal facility compliance with environmental laws and requirements.

It's evident that DOD has experienced compliance problems however with strong oversight from the House Armed Services Committee and with more dedicated Department of Defense environmental advocates, great progress has been made during the last 4 years.

H.R. 1056 also will allow parochial interest to flourish.

In fact in the last few years there have been increasing attempts by Members of Congress to earmark or legislatively raid DERA and DOD funds for lower priority cleanups.

We have been fairly successful in defeating these earmarking efforts with arguments that it is imperative that we spend the already scarce funds on the worst sites first.

Those which are at the point of endangering health or in some cases al-

ready causing environmental problems for adjacent communities.

The pressures for legislative earmarking are building. It's reasonable to assume that Members of Congress in powerful positions, will succumb to constituent pressure without appropriate restrictions which H.R. 1056 removes.

The environmental fallout from base closures and increasing pressure to address asbestos remediation associated with the demolition of old buildings on DOD formerly owned sites, will intensify the pressure for earmarking funds.

Frankly, if H.R. 1056 gives the States the means to interfere with and alter DOD cleanup priorities, how are we going to tell Members of Congress that they cannot do the same?

Frankly we cannot do so and the result will just be legislative anarchy and an organizational chaos.

The bottom line is that H.R. 1056 represents the newest extension of a compliance strategy that is inherently irrational and unworkable where DOD is concerned. In its present form, the bill will impair DOD cleanup efforts on a worst-first basis. It will also seriously complicate DOD efforts to deal with compliance requirements on a priority basis. Finally, it makes the regulatory process even less sensitive to cost and mission impacts associated with DOD compliance efforts. This is not a good law. It is not even a good environmental law, and I urge my colleagues not to support it.

□ 1510

Mr. Speaker, my final words are that H.R. 1056 is antidefense, it is anti-Veterans' Administration, and it is anti-NASA, because it affects all of those agencies.

THE MEDICARE CATASTROPHIC COVERAGE ACT OF 1988

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. FAWELL] is recognized for 60 minutes.

Mr. FAWELL. Mr. Speaker, the purpose of this special order is to allow a bipartisan discussion by Members of Congress in regard to the tremendously troubling problem of the Medicare Catastrophic Coverage Act of 1988.

This has been a problem for many of us here as we have tried to determine just what steps we would be able to take and, assuming that we will have the opportunity ultimately to vote—and it does appear that that will occur—just what we shall do about it. We have an opportunity, therefore, those of us who are partaking of this discussion to talk about the views that seniors have expressed to us, because I think there is some misconception about how seniors feel about this legis-

lation. They feel certainly very, very strongly about it, but there are those who have indicated that they do not believe that seniors really understand this complex piece of legislation.

Let me at the outset say that from my experience, that as I have talked to seniors throughout this land, and certainly in the 13th Congressional District of Illinois, I believe they certainly do understand all the ramifications of the Medicare Catastrophic Coverage Act of 1988. They have pushed their pencils, they have looked at it, they have read it and reread it, and they do not like what they see. Thus some of them have expressed themselves very strongly, and this, I suppose hurts some of the Members of this body who have worked long and hard to create the Medicare Catastrophic Coverage Act under the assumption that we were giving to the seniors of this land something that the seniors wanted.

Let me just express a bit some of the feelings that have been expressed. This was highlighted a few days ago when Joan Beck, a columnist for the Chicago Tribune, testified before a task force group here in the House and talked about the letters she had received, because she has written six articles on the subject. The letters were all rather critical in regard to the work product of this Congress. She cites the fact that she has had many articulate letters from people who were very much aware of what was going on, and she states, and I quote: "They feel Congress has pulled a scam on them."

The letters she testified, calls the Medicare Catastrophic Coverage Act a hoax, a sham, a rip-off, a catastrophe in itself, a nightmare, a clever ploy to soak retirees and to save the deficit, a sick joke, a swindle, elderly bashing, and in the words of a veteran from Bessemer, AL, a "financial Pearl Harbor sneak attack."

The people do feel very, very strongly about it, but as I have indicated, I think they also very much understand it. This is the first point that I think they have brought home to me, and, by the way, when I mention those strong words of dissent that seniors have expressed, in no way are they critical of key committee members of this Congress who have labored so hard to produce something that they hoped the seniors would actually see and feel as though they wanted. So in no way is this meant to be critical insofar as any Member of this body is concerned.

The fact is, Mr. Speaker, that we are mortal and we make mistakes, and sometimes we make real "doozies" of mistakes, and I think we have done so insofar as the catastrophic bill is concerned.

First of all, the seniors in my district came in very swiftly and they said:

We had assumed that when you used that word, catastrophic, in the title of the bill, you were talking about the number one catastrophe insofar as most seniors are concerned, and that is long-term custodial nursing home care.

And what they said to us is this:

You have gone, Mr. Congressman—

And I did not support this legislation, so they are referring to Congress in general—

you have gone in the wrong direction, and what you have done is to expand on the traditional areas of medicare coverage insofar as physicians' services and hospital services are concerned, and then you have added a budget-buster in the prescription drug coverage, which, it has been indicated, would have a shortfall of some \$4.7 billion at the end of the second year of its operation.

Then they said:

What we truly thought you were talking about was long-term custodial nursing home care, which to us is the number one catastrophe for which we cannot buy insurance in the open market and in regard to which we note that Medicare does not cover it at all. That is where we feel we are most vulnerable.

Many people, by the way, at town hall meetings have said to me that not only do the seniors feel this way, but speaking on behalf of the families in America in general, where they have mom or dad or grandma or grandpa, and so on in need of long-term custodial care, it is a real deep and serious problem.

□ 1520

Mr. Speaker, I see that my 5 minutes have passed by, but there are a number of people that I know that I would like to yield to.

First on the list, Mr. Speaker, is a gentleman from Pennsylvania [Mr. RITTER] who has worked very diligently on this area, the Medicare Catastrophic Coverage Act.

Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. RITTER].

Mr. RITTER. Mr. Speaker, I'd like to commend the gentleman from Illinois for his leadership on this issue. As one of the only 72 House Members who voted against the Catastrophic Illness Act, I am encouraged by the groundswell of senior citizen reaction, both from my own constituents in the Lehigh Valley of Pennsylvania and across the United States.

The politicians in Washington are beginning to listen. At the time of the vote, many people said that the seniors wouldn't understand what this legislation was for; that they would think it was insurance against the financial catastrophe of \$25 to \$30,000 dollars per year for long-term nursing home or custodial care at home. We in the Congress are finding out, more and more, that the seniors do read, they do figure, they do understand. And, they don't intend to take this one sitting down in some proverbial rocking chair.

Congress was largely uninformed when it voted on the Catastrophic Act of 1988. 435 Members had some 2 hours to digest a couple of copies of the over 250-page bill. Most had to wait until after the vote for a 17 page press release to learn of the specifics of the legislation. Can you imagine a bill of this magnitude being so mishandled? No wonder this bill is called the Catastrophic Illness Act. It's a real catastrophe.

First, and foremost is the fact that this bill imposes a major new tax on senior citizens. A surtax, a tax on a tax, whatever you want to call it.

In, what is in many areas, a labor-short America, including my own district, we have a Tax Code for seniors that is undermining their values of self-sufficiency, their incentive to work, save, and invest. For example, some employed middle income senior citizens now face marginal tax rates of some 100 percent, while self-employed seniors can face marginal rates of almost 120 percent. When all added income from employment goes to pay taxes, it's not worth working. Is that the kind of signal we wish to send seniors who are living longer, healthier lives and when 65 is no longer old?

The new Medicare surtax could be the straw that breaks the camel's back as we ask seniors to consider re-entering the work force. Why would they want to work when they must give back 50 percent of their earnings above \$8,800 (known as the Social Security Offset) immediately to the Government, pay the usual Federal income taxes and Social Security taxes (FICA), pay taxes on Social Security benefits when income is above a certain level and now incur yet an additional 15 percent surtax which is slated to rise to 28 percent by 1993? And this doesn't even take into account sharp increases in Medicare Part B premiums over that same period.

In one case I've read about, a 66-year-old woman with a job paying \$13,936 dollars a year, receiving a pension and Social Security benefits, netted an income of \$25,224. After a \$1500 dollar raise, her net income actually dropped to \$25,197 because of ridiculous tax rates at the margin. That is, a \$1500 dollar increase yielded \$27 dollars less income. She is earning more but keeping less and still has to pay an increased Medicare Part B premium.

This is insane. Are we out to shatter the hopes, dreams and aspirations of an entire segment of our population? Are we about to do without now that we need them, the skills and abilities honed over a lifetime?

And all this comes only 2 years after passage of Public Law 99-592, prohibiting age discrimination. We passed the late Senator Claude Pepper's legis-

lation to eliminate age discrimination which barred employers from establishing mandatory retirement ages.

If people who have worked, saved and invested all their lives to help provide for retirement years get the message that their taxes will soar after retirement, look out!

If senior citizens spend intelligence, time, energy and money to minimize their taxable income well beyond what already exists, look out for a ballooning deficit.

And then there are those who are planning for retirement who will see tax mayhem at age 65. They too will lose incentive to save and invest.

This decrease in savings and investment will not only lead to more reliance on federally funded programs, but will deplete the capital pool, the money available for American industries to borrow for modernization and investment in research, production, and jobs for the future. Reduction in savings by a society already deficient in savings will make financing of our Federal deficit more difficult and more expensive.

Ladies and gentlemen, as public policy, such tax treatment of senior citizens is a disgrace. The new surtax pays for a program that senior citizens never wanted and never asked for. There was a lot of input from huge lobbying interests, but were these interests really in touch with their grassroots constituencies, were they listening to their own members?

Then, we have the spectacle of further weighing down an already overburdened Medicare program with a new insurance program that replaces an existing one in the private sector.

In a survey conducted by the Wirthlin Group, 84 percent of seniors polled, said that they "have medical insurance in addition to Medicare." That's right, 84 percent.

A healthy, competitive insurance market exists right now to supplement Medicare with a range of benefits and a range of costs. Why replace it when it has been working pretty well, when seniors have been generally satisfied with its performance?

And, in addition to substituting for private supplemental insurance programs, seniors are now going to have to pay for previously secured benefits via the new surtax.

Taking up a baseball metaphor, this catastrophic bill is one well-hit, long and foul ball.

Seniors invested many of their working years with the understanding that their union and non-union employment agreements included these retirement benefits. Obviously, employees who are anticipating retirement benefits are willing to take either less pay during their working years or fewer benefits in exchange for future security and well being. Now those employees feel they gave up immediate

rewards for long range benefits that they now must pay for. Had they known then, what would happen, they could have gotten more benefits in direct wages from their company while they were working and relied much more on the Federal Government to support them when they retire. What a policy. What incentives provided by Government! No wonder we are living in an era where people are spending it all rather than saving for a rainy day.

The really sad part is that the Federal Government is using up both seniors' capital and their patience with this catastrophic plan. Long-term care which so many of us hear about so often has been shelved as long as the catastrophic bill has been on the table.

When asked in the Wirthlin survey, "Do you prefer Medicare Catastrophic Coverage or a new long-term care program?" only 19 percent responded positively to the Medicare coverage; 65 percent preferred long-term coverage and 14 percent said they "didn't know."

We've missed a golden opportunity to address long-term care. Let's change that.

Having been the first Member of Congress to sponsor a bill this session to repeal the Medicare Catastrophic Act of 1988 and having been active in establishing a bipartisan advisory group to study and develop proposals to provide protection against excessive cost of catastrophic illness beyond the scope of current Medicare coverage (H.R. 332), I would like to call attention to the 44 groups who formed a coalition to support the McCain amendment. This coalition that has rallied support for the McCain amendment is making great strides to inform and represent the people back home. I commend their efforts.

This amendment, originally introduced as S. 335 by Senator McCain preserves the long-term hospitalization and spousal impoverishment benefits which became effective in 1989.

I have cosponsored its House companion, H.R. 1564, the DeFazio/Tauke Medicare Catastrophic Coverage Revision Act of 1989. It defers the surtax and other part B benefits for 1 year, kept a \$4 monthly part B increase which helps fund the unlimited hospitalization for catastrophic illness. Mr. McCain's amendment lost narrowly in the Senate by 51 to 49.

In the Energy and Commerce Committee, we passed a sense of Congress resolution to make the Catastrophic Illness Act voluntary.

Administration officials and Ways and Means Committee members are struggling to change this catastrophe. Right at this moment the Ways and Means Committee members are considering a variety of options including repeal of the bill altogether, repeal of premiums, and even taxing beer and wine.

The substance of their deliberations is very likely to be seen in the reconciliation package, due to come before this House by the end of July.

I say we in the House do the right thing and repeal this foul ball.

Returning to the baseball metaphor: this has been a night game with no lights. Let's run 'em on!

Let's vote this time in the light.

□ 1530

Mr. FAWELL. Mr. Speaker, I thank the gentleman also for his very fine remarks.

Mr. Speaker, I yield to the gentleman from Kentucky [Mr. BUNNING].

Mr. BUNNING. Mr. Speaker, I thank the gentleman from Illinois for yielding to me.

Mr. Speaker, I rise today to voice my continuing opposition to the Catastrophic Health Care Act. When we passed this into law last year, I believe it was a well-intended effort.

However, after more and more benefits were added and the dust finally settled, the final product turned out to be a costly initiative that most senior citizens did not want and one for which they certainly did not want to pay.

The primary reason I opposed this bill was the huge cost increases levied on the backs of our senior citizens. By passing this law, we penalized those who scrimped and saved throughout their lives so they would not be a burden to society or on those they loved. We punished them, pure and simple.

Now, since our seniors have found out what we did to them by passing this law, there have been dozens of bills introduced that at least call for hearings on the Catastrophic Health Care Act, if not to alter or repeal it.

Fully 238 of my colleagues in the House have signed onto one or more of these bills. Yet we can not seem to get the House to hold committee hearings on it nor can we bring the issue to the floor.

Mr. Speaker, it is high time we do something about this unfair law. This law is a real danger to Medicare, it raises the taxes on our senior citizens, it will not help the vast majority of them, and it does not even begin to cover their real fear—long-term nursing home care or custodial care.

The law is specifically designed so that no more than 7 percent of our senior citizens will benefit from the cap on physician expenses. It has been estimated that less than 4 percent will benefit from the cap on hospital expenses, and no more than 16.8 percent will ever qualify for the copayment provisions under the brandnew prescription drug program.

I do not know who we were trying to help by passing this law but it certainly is not a good deal for our senior citi-

zens. We need to lift the burden we have unfairly placed on our seniors, and we need to address their real concerns, not those we imagine they may be worried about.

For once, let us listen to what our seniors are saying. Let us start over and come up with a bill that will help our senior citizens, not hurt them.

Mr. FAWELL. Mr. Speaker, I thank the gentleman also. He makes an excellent point that we should listen, and I think Congress certainly now is listening and listening quite diligently in regard to what the senior citizens are saying.

In the last couple days, with all due respect to the Committee on Ways and Means, they are certainly looking at this problem again and perhaps they will be able to come up with a solution that can be extremely helpful here. At this very moment I understand they are laboring on that particular problem.

Mr. Speaker, I yield to my good friend, the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Speaker, let me commend my Illinois colleagues for the strong leadership in this area that he has shown and thank the gentleman for allowing me to join him in this special order.

Mr. Speaker, no issue has generated more interest among my constituents than the passage of the Medicare Catastrophic Coverage Act; not child care, not the congressional pay raise, not even the closing of Fort Sheridan in my district, nothing has generated anywhere near the concern expressed by senior citizens in my district angered by the catastrophic care legislation.

Although this law was passed with the good intention of providing needed care for the elderly, Mr. Speaker, most House Members had no idea what was actually in the bill. It was rushed to the floor from conference and Members were told to vote for it because senior groups had signed off on it. Most Members did so.

I was 1 of only 72 House Members who voted no. I have worked with the gentleman from Illinois ever since to repeal it.

Why? Because 80 percent of senior Americans already have some form of Medigap post retirement or employer provided coverage. Now they are getting duplicate benefits at a higher cost. Because, more importantly, Congress completely ignored the No. 1 health care concern of seniors: long-term care. Seniors now realize that instead of addressing the real issue, the truly catastrophic cost of long-term care, Congress ducked the tough decisions to have something that sounded good, until you looked at the substance.

Finally, because of the financing mechanism adopted by Congress to

pay for the new benefits; although I agree completely that any new program should be paid for and not added to the deficit, Congress is trying to have it both ways with the Catastrophic Program.

□ 1540

On the one hand, it has the characteristics of an insurance program, with beneficiaries paying a \$4-per-month premium to receive coverage. On the other hand, it looks like a general entitlement program, where some seniors pay an additional premium based on income tax liability.

Which is it? If it is an insurance scheme, then all seniors should pay the same amount for the same coverage. If it is a general entitlement, then seniors should not be singled out to bear the total costs of new benefits.

Most distressing of all, the Catastrophic Program may become insolvent within the next several years. The Health Care Financing Administration [HCFA], which is charged with administering the new benefits, estimates that the prescription drug benefit reserve will be exhausted within 1 year, and will be \$4.5 billion in the red by 1993.

Mr. Speaker, the Medicare Catastrophic Coverage Act should be repealed. Poll after poll confirms that the majority of senior citizens do not want this new coverage. The do not need it, and they cannot afford it.

What they do want, and what they do need is long-term care coverage. We should scrap the Catastrophic Act and start over on the real issue of financing long-term care.

Mr. FAWELL. If the gentleman would pause, I would like to report that the CBO now agrees that, indeed, insofar as the drug program is concerned, there will be a shortfall of \$4.7 billion by 1993, and they warn that these figures are just healthy guesses. Nobody knows what the demand will be, and so the gentleman is quite correct in pointing out those admonitions, and I thank the gentleman.

Mr. Speaker, I yield to the gentleman from California [Mr. LAGOMARSINO], who has some comments in reference to this matter.

Mr. LAGOMARSINO. Mr. Speaker, I am pleased to join my colleagues in support of HARRIS FAWELL's motion, House Resolution 191, which would allow for the immediate consideration of H.R. 2770. This bill parallels Senator McCain's amendment and would delay implementation of the effective dates of the Medicare Catastrophic Coverage Act for 1 year.

I want to commend him and all of my colleagues who are engaged in this effort.

The Medicare Catastrophic Coverage Act which became law last year places an unfair surtax on many people who already have health insur-

ance or have otherwise made provisions for health care.

We must take responsible action to change this law. We cannot ignore our seniors who have let us know in no uncertain terms how they feel about this law. The people I hear from have expressed the sentiment "Why should I pay for something we don't want or need." Most of the letters I receive all echo that same complaint. That is, that in order to ensure that they would be able to take care of themselves in their old age, many sacrifices were made. Now they are told they must participate in a program which is costly and unnecessary.

At a series of town meetings in my district during the July 4 recess, catastrophic insurance was the No. 1 concern expressed, often in very heated terms, even eclipsing outrage about flag burning.

Many attempts have been made this year to get this measure revisited. Thus far, all such attempts have failed. Hopefully, today's effort will be more favorably received.

We have an opportunity with this discharge petition to let our senior citizens know that we do listen and that we intend to do something about this discriminatory law.

Mr. FAWELL. Mr. Speaker, I yield to the gentleman from Arizona [Mr. KOLBE], who has been extremely active in this matter of the Medicare Catastrophic Coverage Act along with his Senator, Senator McCain, from the great State of Arizona.

Mr. KOLBE. Mr. Speaker, I have heard from over 1,300 seniors from my district about the Catastrophic Protection Act, twice as many as wrote concerning the congressional pay raise. This issue has also been raised at every townhall I have held since the first of the year. Out of all this outcry, I can count on one hand the voices that have spoken in favor of the Catastrophic Protection Act. This is not a few displeased constituents; this is the public yelling its outrage.

When President Reagan and Secretary Bowen started the ball rolling on catastrophic protection they had some pretty sound ideas. They wanted to reduce the out-of-pocket expenses incurred by Medicare beneficiaries suffering from acute illnesses. This would have been paid for by an across-the-board Medicare part B increase. Simply put, the premise that every senior pays the same amount to gain equal services was maintained.

The final product that emerged was a completely different animal indeed. We ended up with a mandatory package of tax increases for middle-income seniors, expensive benefits that only a few seniors would be able to take advantage of, and almost no mention of the true catastrophic cost seniors face: long-term care. When I showed this

legislation to the Arizona Association of Retired Persons and other senior advocacy groups they all told me not to support this legislation. They said it would hurt seniors more than it would help them. I am glad I followed their advice.

The Catastrophic Act has created havoc for senior citizens, particularly for those who had so carefully planned for their futures and their health care. Many seniors have told me of the inadequacy of the Catastrophic Act. There are serious gaps in the coverage offered by the act. The biggest gap is the complete lack of what seniors need most: home care and long-term nursing home care. In addition, studies have shown that only 4 percent of Medicare beneficiaries will benefit from the provisions and benefits in the Catastrophic Act. We are forcing seniors to pay exorbitant prices for coverage they do not want, will be unable to use, and which fails to meet their needs.

Some who persist in defending the act have arbitrarily dismissed the growing clamor from seniors as the griping of rich seniors upset with paying for so-called freeloaders. I find this arrogance demeaning and patronizing to seniors and the record needs to be set straight. The surtax is not a tax on the wealthy. It is a tax on middle-class senior citizens with modest incomes. An example provided by the Reserve Officers Association [TROA] during a recent hearing of the Republican Research Committee Task Force on Catastrophic Care fully illustrates the severe impact of the surtax. A couple with a taxable income of \$52,465 will pay the maximum surtax of \$1,600 in 1989. In 1990, because the surtax rate increases 67 percent—from 15 to 25 percent—the taxable income threshold at which a couple would pay the maximum surtax of \$1,700 drops to \$39,000.

One direct result of the surtax is a change in investment and savings behavior on the part of seniors. Some retirees are shifting investments could be into tax-exempt options to reduce the flow of income subject to the surtax. This has serious economic implications. The shifting of retirees' wealth into tax-exempt securities from family business, stocks, bank deposits, rental real estate, and other income-producing assets could have a negative impact on economic growth in the future.

More and more seniors will be forced to simply consume their savings and assets at a more rapid rate. This could be a disastrous economic result for our country. It would make the national capital stock smaller and therefore would reduce future growth of income and employment. Additionally, it will increase the pressure for expanding Government benefits to support retirees when their money runs out.

We also need to consider the current generation of working people. Like people who are already retired, those working today, who are aware of the tax burden they have to look forward to, can shift their investment strategies toward tax-exempt securities and to housing and other durable goods that yield nontaxable services. These shifts will only worsen the detrimental effects on national economic growth that the shifts of income made by current retired people will have. Unfortunately, these detrimental effects will be much greater, because the generation due to retire after the turn of the century is much larger, potentially wealthier, than the current generation of retirees.

We have a chance to correct this big mistake. By supporting the approach offered by my Senate colleague, JOHN MCCAIN, an idea embodied in Mr. FAWELL's bill, to delay further implementation of the Catastrophic Act we can fully examine the ramifications of this expansion of Medicare. More importantly it will allow numerous seniors to come to the table to voice their thoughts and suggestions on the proper approach for coverage, seniors who were denied a place at the table when this was considered 2 years ago.

The McCain approach is very simple and does not prejudice what course Congress should take to remedy this faulty legislation. Many of us have supported legislation to repeal, delay or overhaul the Catastrophic Act. There are merits to all of these approaches that should be expressed. The bill introduced in the House by my friend from Illinois will allow for the consideration of all options.

But there is one option that should be rejected out of hand: shifting the cost to current employees. This looks distinctly like a turkey and it should be treated that way. Any attempt to raise deductibles and modify benefits only indicates the complete misreading of senior's needs and wants. Sure they are upset about the surtax, but they are upset because it does not go to pay for long-term nursing home or custodial care. Many of my senior constituents have told me they wouldn't mind the surtax, so long as their true needs are met. Shifting costs and juggling benefit levels is not the answer.

Unfortunately, the House leadership has seen fit to ignore the pleas of seniors. The House has yet to have a standing or select committee even schedule hearings on the subject. Thus, we are forced to exercise a fairly extreme procedural option in the form of a discharge petition to bring this bill to the House floor where it can be debated in an open forum.

We listened to the people when they demanded a vote on the congressional pay raise; we must listen again on this issue. I thank the gentleman from Illinois for taking this special order to air

some of the deficiencies of the act and for the tremendous leadership he and the cochair of the Catastrophic Care Task Force, Mr. ARCHER, have shown in the face of great institutional obstacles.

□ 1550

Mr. FAWELL. Mr. Speaker, the gentleman's point, I think, is very important. A lot of people do not give the seniors credit; they assume they are just selfish people who do not want to pay an enlarged income tax. I admit that certainly is the worst way to finance this bill and it is not a fair tax. But they are very, very concerned about the fact they are being asked to self-finance something that they do not want, that does not meet, as the gentleman indicated, their true needs.

When the gentleman hit that point, I think he hit the salient point here. If we tell people that it is your job to self-finance a Government program, at least it would seem to me we owe them the responsibility of saying, by the way, what do you believe is your prime catastrophic needs, because we do not want to treat this as a general entitlement, as the gentleman from Illinois [Mr. PORTER] indicated. If it is going to be something the seniors are paying for, we would like to have them paying for something they really want and something they really need.

Again I thank the gentleman and think he makes a good point when he stresses this.

Mr. KOLBE. The gentleman is absolutely right. Senior citizens are willing to pay their fair share of taxes, but whether it is senior citizens or any group in this country, if we make them pay for something we have to deliver the services intended. In this case we missed the mark. We are making them pay, we are making them pay megabucks, but they are not getting any of the services they need for this or that were intended from this.

Again I thank the gentleman for yielding.

Mr. FAWELL. I would add that I think oftentimes in Congress we think "one way for all" is something that can fit every American, and when we mandate those kinds of benefits we are always amazed, I think, to find out that this does not fit the myriad of circumstances out there, especially when we for years have tried to influence employers to provide health insurance for seniors. We have the private insurers in there, and then we devise a plan here that elbows out the private insurer, and we are surprised when a lot of people say this one way for all, this master insurance policy does not fit us, and we seem to be shocked when we hear people saying this. Some, I think, even believe they are ungrateful for the grandiose job that Congress

did, and they should be grateful for our expertise.

Mr. KOLBE. The gentleman's point is well taken, and again I thank him for the time.

Mr. FAWELL. Mr. Speaker, I thank the gentleman from Arizona.

I yield to the gentleman from Mississippi [Mr. SMITH].

Mr. SMITH of Mississippi. Mr. Speaker, I thank the gentleman from Illinois for yielding.

Mr. Speaker, I represent a constituency that includes a large percentage of retirees and elderly. They are not rich, and many live in rural areas. That combination means that we in south Mississippi are in a constant struggle to find available, affordable, and good—not just adequate—health care.

There is a need for catastrophic coverage in south Mississippi because most senior citizens are not able to pay the phenomenal cost.

But the situation presented to middle-income senior citizens with the Catastrophic Act of 1988 is just as cruel as the situation its authors were attempting to address last year. Middle-income elderly are having to deplete their savings to pay the cost of the coverage. Not just for themselves, but for the bulk of elderly Americans.

The elderly are afraid. They have live in fear of a health catastrophe that would deplete all their savings and assets. Now they live in fear of being bankrupted by the catastrophic surtax.

I urge Members of Congress to change the financing system for catastrophic coverage, to ensure that middle-income elderly do not bear an unfair tax burden for its benefits.

We owe it to them to act swiftly on a remedial measure.

Mr. FAWELL. Mr. Speaker, I thank the gentleman from Mississippi.

Mr. Speaker, I yield to the gentleman from Louisiana [Mr. McCRERY].

Mr. McCRERY. Mr. Speaker, first I want to thank the gentleman from Illinois [Mr. FAWELL] for giving me an opportunity to speak during this special order. This special order demonstrates the continuing commitment of our task force on catastrophic health care to repeal or change the catastrophic health care law and find a more equitable means of providing care to the elderly.

Let me take a moment to review how we got into this mess and what I believe the authors of the catastrophic bill neglected to consider when forming this legislation.

The catastrophic health care law should have been intended to provide expanded hospital coverage for those Americans who needed it, not for those who already had it. Those who needed the coverage provided in this bill only constitute about 20 percent of the elderly in this country. The au-

thors neglected to consider that the other 80 percent were covered for so-called catastrophic expenses through private insurance, Medigap insurance, pension-driven health plans or Medicaid. The result was an astronomically expensive health care program forced upon those who do not need it, do not want it, and in many cases cannot afford it.

That is not right. It is yet another example of Congress using a shotgun to hit a small target when using a rifle shot approach would have been much more effective and efficient.

In terms of its costs, the catastrophic bill represents the largest expansion of Medicare since its inception in 1965. However, it is estimated that less than 1 percent of the 32 million Medicare participants will benefit from the expanded hospital provision.

In addition, only about 7 percent of the elderly will benefit from a provision which calls for Medicare to pay 100 percent of physicians' fees and services over the \$1,370 out-of-pocket limit. Yet 100 percent of the elderly will pay increased Part B premiums, and about 40 percent will pay increased income taxes to pay for the program.

In short, never have so many paid so much to benefit so few so little.

Certainly the authors did not intend to place such a burden on the elderly, but that is what has happened. I hope we all note now the consequences of passing this law.

□ 1600

Across the Nation millions of senior citizens have expressed their outrage over being forced to pay for health care insurance which they already had, usually at a lower cost.

Congress has a responsibility to respond to this outcry. The elderly feel that the architects of the catastrophic health care law misrepresented its actual impact. They also believe that despite its magnitude, the law fails to address the primary concerns of the elderly in this country who have long-term insurance institutional care, nursing home care, and home health care.

That, combined with the tremendous cost of this is estimated to be nearly \$1 trillion over the first 20 years, is why Congress should repeal this law, go back to the drawing board, figure out a better way to address the real needs of the elderly in this country.

Mr. FAWELL. I thank the gentleman for his contribution.

Mr. Speaker, a lot has been said here this afternoon, and as I mentioned in my opening comments, seniors all believe we have gone in the wrong direction.

There are three ways, I guess, we could expand Medicare. First, in terms of the acute care which has been tradi-

tionally Medicare services, hospital and physician services, and then second, long-term in-home health care and third, long-term custodial nursing home care.

I have never been to a meeting yet of senior citizens where that question was asked where they did not rather unanimously say long-term custodial nursing home care is what they most need and want, yet have been asked to self-finance an expansion of acute care Medicare services—hospital, physicians—and a new prescription drug program, and do more than that, to subsidize such expanded services for a large group of other people less fortunate, who do not pay income taxes.

I suppose some very clever ones who do not pay income taxes are among the wealthy. But roughly 40 percent of seniors who do pay income taxes have to pay two-thirds of the cost of this catastrophic care bill by means of a new tax upon a tax, and it is an open-ended new income tax.

As we all know, income taxes when they are born, they never die.

So it is a real problem. There are the seniors who have done everything we have asked them to do, to save and scrimp and put aside for their later years. We are not talking about wealthy people. The very wealthy can afford this. They are even protected by a cap on the maximum supplemental income tax, the tax on the tax which is involved here. The very poor have Medicaid.

But in between, who supports and makes America? The middle class, the middle-income people. And they are the ones that we center in here and say, "This is your responsibility of self-finance, but more than that, to subsidize others because very frankly we, the Federal Government, are broke." So, when you cannot tax and spend, you cannot borrow and spend, and you do not dare print money, the only way, the only other way to come up with social progress is simply mandating the responsibility on others.

Some newspapers say it has to be a progressive tax. Well, it is a special income tax on a special group of people. I do not think however that there is a special group of people anywhere in America who want to be singled out with a special income tax.

I am not against progressivity; I do not believe seniors are. But in this kind of a bill, the way in which is set forth, you could not have worse financing than what we do have.

So they are talking about if, Congress, you are going to amend this act, if you are going to do a lot of things to try to correct it, my gosh, go in the direction of long-term custodial nursing home care; don't continue going down the road you are going down right now. That is not what we the people who are certainly going to be expected

to pay a portion of this, are thinking about.

When you think about long-term custodial care, nobody is suggesting that the Federal Government pay the whole cost. That would be impossible. But you could talk about something where you had deductibles for the first couple of years, for instance, and then the Federal Government in conjunction with private insurance and seniors, all three, could come in and make an attractive program that could at least begin to help what is a national number one catastrophic problem for most every family in America either now or in the future.

As has been indicated, we do have the ability to buy insurance insofar as the portion of the health care which is covered by the catastrophic bill. Seventy to eighty percent of all seniors have private insurance coverage, employer-provided or purchased in the market in Medigap insurance.

What we are doing, of course, is elbowing out private industry that has been in there for years and all the rest of our policy in this Government of ours is devoted to try to give incentives to employers to have health care provisions. Now we are going to elbow them out and tell them to get out of this field, that the Government can take over with a one-way for all, one master insurance policy that fits everyone, and not make it voluntary.

The mere fact that you are eligible for Medicare, you are stuck, even if you are, say 67 years of age and you work for a company and you have insurance coverage and you do not need Medicare. Nevertheless, you are still stuck with this income tax and the obligation to not only self-finance, but self-finance something you don't need and to also subsidize others.

You know, we have the euphemistic title of supplemental premium. We did not even, I think, come forward and really let the seniors of this Nation know what it was on income tax. AARP knew all about it. But AARP I do not think did a very good job in communicating with their membership to say, "By the way, folks, are you aware this bill is two-thirds financed by special income tax on seniors? That you will not only self-finance but to subsidize two-thirds of the total cost by means of a tax on a tax which means you have a double hit?"

A double hit means that every time from here on out in this open-ended income tax, every time Congress redefines what is gross income, subject to the income tax, then the seniors will get hit twice; first in the expansion of the definition of income or in the changing of the income tax rate, and then once again a tax upon the increased tax. And also it breaches every promise that every person in this body

made when we passed the Tax Reform Act.

We said we took away tax deductions and tax credits or income exclusions and shelters and things of this sort, and we took them away from seniors too, we said we would not then bring the income tax rate back up. And we kept our word except for one group of people, the seniors of America are picked out to have special income tax upon an income tax.

Again those who have done everything we have asked them to do. And by the way, they fought World War II, rebuilt America, the suburbs and all that, have finally come to the point where they save for their later years and they are the ones who have restricted income not only because of age but because, for instance, of the proscribed ability to earn \$1 of Social Security for every \$2 earned is being taken from them. So in effect we are saying, "You are going to pay this, as a practical matter, as far as middle-income America is concerned, from your savings, from your capital." And when they bring the money out, for instance, from income tax-exempt funds which they have put away in their working years, lo and behold, they get a big fat increase of tax just because they happen to be seniors.

Well, that is why the seniors do not like this bill. It has gone in the wrong direction. It has used the worst of all kinds of possible financing of a special tax upon income tax.

With a great deal of negotiating going on right now, I can only say, and this is repeating a bit, but only say that I hope if Ways and Means is going to try to recreate or regenerate or rechange or amend this bill, by gosh, I hope that they have heard the great middle-income, middle-class people of this Nation of ours in regard to what kind of catastrophic insurance expansion they need.

They want you to go in the area where Medicare now does not cover and where, as a practical matter, you cannot buy the insurance on the open market. That is long-term custodial nursing home care, embraced really by just about every family in America. And I hope that Congress is listening.

I hope that the people out there who are listening, too, might be renewed in communicating with their Members of Congress to bring their points across.

Every once in a while, Congress in its wisdom makes big mistakes. We made a bad mistake, not intentionally. I did not vote for the bill, as I have said before. Congress thought it was doing something for the benefit of the seniors.

But the next time, before we do anything more, please let us talk with the seniors of America, not just the AARP or the groups that say, "We represent them," but go out into the hustings,

go out into the rural communities, to the middle-class people of all America and ask them, if they are expected to start paying for some of this—and we recognize we have got the debt and the deficit problems—"What is it that you most want, because we are going to ask you to pay for it and we certainly want to know what is it that you need the most." You will hear the message: "Long-term custodial nursing home care."

□ 1610

CATASTROPHIC HEALTH CARE

The SPEAKER pro tempore (Mr. COOPER). Under a previous order of the House, the gentleman from Florida [Mr. Goss] is recognized for 60 minutes.

Mr. GOSS. Mr. Speaker, I would like to thank my good friend, Mr. FAWELL, for his assistance providing an avenue for the issue of catastrophic health care to be heard on the House floor, today, as a special order. I would also like to commend my good friend for all of his other efforts as leader of our task force to resolve the catastrophic health care problem.

It is clear that I, along with my fellow colleagues speaking today, feel compelled to rectify the shortcomings of the Catastrophic Health Care Act, not just the financing methods, but all of the shortcomings, before much more of it becomes implemented. We owe it to our constituents to go back and take another look because it is impossible to deny the legitimacy of the many questions raised about this act throughout the Nation. We can not close our ears and pretend the uproar is not there. It is real and we all know it.

We also know that we have been fighting an uphill battle to get this issue back to the House floor. I believe that we are reaching the top of that hill and I think the interest in the special order signifies that others do also, on both sides of the aisle.

Along with many colleagues, I am cosponsoring legislation in the House to repeal or delay the Catastrophic Health Care Act. In order to eventually bring one of these measures to the floor, I have pledged to sign a discharge petition for a proposal introduced by Mr. FAWELL, which is nearly identical to Senator McCain's amendment. I urge each and everyone of my colleagues to sign that petition so that a discussion on the Catastrophic Health Care Act can begin as soon as possible—hopefully right after August recess.

I believe that the Catastrophic Health Care Act is an example of legislation that was well intended but not carefully thought out. It does not do what it advertises. It does not deliver what was expected. In my opinion, the

bill does very little if anything to solve the most devastating of all catastrophic health concerns—addressing the long-term care needs of our senior citizens.

Currently, under the Catastrophic Health Care Act, seniors are being asked to pay more money for benefits that they either do not need or in some cases already have. Senior citizens are strenuously objecting to mandatory participation in a costly program of apparently small benefits. They feel trapped with no way out.

There is a virtual revolution among senior citizens who feel violated. As one of my constituents put it, "I think older Americans were promised a Cadillac, got a Volkswagen and are paying for a Rolls Royce."

There is no doubt that the No. 1 constituent issue in west coast Florida is the Catastrophic Health Care Act. My office has steadily received thousands of letters of informed complaint from constituents who are already covered through private and employer-provided insurance. They would prefer that any expansion of Medicare be for long-term custodial care, an area presently not covered by Medicare or practically speaking, by private insurance.

As we all now know, the Catastrophic Health Care Act is a mandated benefits program financed solely by those on Medicare, who are required to pay a supplemental premium on their income taxes. In this way, a portion of our seniors are stuck paying the bulk of the costs for all beneficiaries. We did not ask our senior citizens if they wanted these new benefits, yet we are forcing them to pay the bill. It is patently unfair to force 40 percent of the elderly population to pay for 60 percent of a program that they do not need and now say they don't want.

Because of the Catastrophic Health Care Act and other legislation, our seniors have one of the highest tax rates of any other group of individuals in this country. They are facing the possibility of marginal tax rates as high as 122 percent. This is outrageous. If you combine the surtax with the earnings test along with the taxes seniors pay on their benefits, an individual can exceed a marginal tax rate of 100 percent. We are financially crippling some of those who have been or who are hardworking and productive and who deserve fairer treatment from their Government. I think this is unintentional, but I can't understand why we haven't done anything, yet, in this Congress.

To make matters worse, a surplus created through implementation of the income tax surtax is apparently being used to help balance the Federal budget. This may make sense to those who are dutifully trying to follow Gramm-Rudman, but it makes no sense to millions of senior Americans

who are trying to balance their own budget.

The message that I am getting is unmistakable. Senior citizens are demanding that we reform the Catastrophic Health Care Act. In May, I hosted four town hall meetings throughout southwest Florida, providing a forum for people to voice their comments about this law. More than 3,000 showed up—it was standing room only and we actually were forced to turn away over 100 seniors, because of fire laws at one location. The tension and anxiety were immense. And when all was done—it was virtually unanimous—kill catastrophic before it kills us.

I asked the audience if they wanted the Catastrophic Health Care Act repealed or revised; every hand in the audience was raised.

That was May; in June, angry senior citizens through all parts of the district spent \$330 to charter a bus to the AARP headquarters in St. Petersburg, FL. They made the 1½-hour trip to protest AARP's support of the Catastrophic Health Care Act. They call themselves the Seniors Opposed to the Surtax [SOS], and they are sending a message to Congress and the AARP's national leaders to repeal the Catastrophic Health Care Act. They received national media attention.

I understand that the national AARP continues to support the law as enacted. Mr. Chairman, I submit for the RECORD a letter given to the seniors opposed to the surtax by the Florida State director of AARP stating, "It is the consensus of the chapter presidents in Florida that AARP national should recommend to the Congress that impelmentation of the legislation should be delayed until such time that a fairer arrangement of financing it could be developed." I hope the national AARP takes notice.

The letter follows:

AMERICAN ASSOCIATION OF
RETIRED PERSONS,
Washington, DC, June 14, 1989.

Mrs. LOUISE CROOKS,
President, American Association of Retired
Persons, Washington, DC.

DEAR MRS. CROOKS: This morning at approximately 11:15, a group of about forty-five persons from Venice arrived on a bus at our State Office in St. Petersburg to present their opposition to the Catastrophic Health Bill. Shelley Davis and I met with them and with representatives from radio, television and newspapers from around this area. Members of the group did walk up and down beside the bus carrying placards about AARP's position in supporting the Catastrophic Health Legislation. A group of three persons representing the larger group came into the State Office conference room and met with Mrs. Davis and I for approximately fifteen minutes. They asked me to send their letter to you, which is enclosed.

Essentially, their position is that AARP should support delaying implementation of the Catastrophic Health Legislation and that a review of the financial arrangements

in the legislation be made. They believe that the financial arrangements contained in the legislation are blatantly discriminatory and unacceptable. They also expressed the view that AARP National was not listening to nor supporting the views of its members.

The position of AARP was explained to them as contained in the Board of Directors statement that AARP was willing to accept recommendations for alternatives to financing the legislation but was unwilling to delay implementation of it.

The group asked about recommendations contained in my report to the Area Vice President, copies of which were sent to appropriate personnel in Washington, concerning ten Cluster Meetings I held with Chapter Presidents around our State. I advised the group that it was the consensus of the Chapter Presidents in Florida that AARP National should recommend to the Congress that implementation of the legislation should be delayed until such time that a fairer arrangement of financing it could be developed.

I have told you about May, I have told you about June—now it is July and the drumbeat of opposition continues to grow stronger. I would not be surprised to next see a protest by senior citizens outside those doors on the Capitol steps.

Mr. Speaker, the people in my district have labeled the Catastrophic Health Care Act as worse than taxation without representation. They call it taxation with misrepresentation. This Congress must respond. The time is now.

Mr. Speaker, I yield to the gentlewoman from Maryland [Mrs. BENTLEY].

Mrs. BENTLEY. Mr. Speaker, I thank the gentleman from Florida [Mr. Goss] for yielding. I want to commend both the gentleman from Florida and the gentleman from Illinois [Mr. FAWELL] for taking this time to speak on this matter which is of such urgency to all of our seniors around the country. Mr. Speaker, I am joining my colleagues in trying to represent to our constituents, the media, and to each other just what has been happening, as far as Medicare catastrophic coverage has been so far, and what we hope it will be in the future. Hopefully, the very near future.

This has been and still remains a complicated issue, maybe even more complicated by politicizing catastrophic. That is the sad thing. Like virtually all of my fellow Members of Congress and those in the other body, my Washington office, my district office, and even my home, have been deluged with letters and phone calls from senior citizens urgently requesting that something be done to remedy the catastrophic mistake. Each time we roll up our sleeves to get to work to draft a thoughtful, honest, and accurate response to those thousands of concerned and sometimes frantic citizens, the entire picture changes almost immediately. We all seem to

have been on a merry-go-round about catastrophic, but the brass ring continues to elude us.

Very simply, Mr. Speaker, the people have spoken, and they have said, "Do something about it." No. 1, they do not want to pay the heavy surtax imposed on them by catastrophic. They feel the financing of catastrophic is not fair. More importantly, most of these seniors have prepared, over the years, to take care of themselves and made other provisions, and as many of them have said to me:

I denied myself, and my wife denied herself of many, many pleasures while we were working and while we were younger, so that we would be able to take care of ourselves, and now we have the extra money, they are going to take that away from us as well and penalize us for it.

□ 1620

Second, they say:

What you are telling all the other people working and all the others coming up is, don't save anything, spend it all so that the government will provide all of the medical coverage for you, and you won't have to pay anything.

Those are the two things that we must watch for that are developing under this catastrophic bill program.

No. 2, they want to feel confident that the information they are given is correct, and that we can trust the numbers being used to calculate what is possibly one of their biggest annual expenses, their health.

Last week we learned that the projected surplus from the surtax was incorrect, thereby making a reduction in the surtax difficult without major cuts in the benefits.

No. 3, they want to know that their Representatives in Congress are truly looking out for them and not letting the politics of a big issue reflect the result. Let us worry later about where to lay the blame for the mistakes and how to spread around credit when and if we ever do get catastrophic to be a fair, effective, and acceptable program. We are all in this together.

The Medicare Catastrophic Coverage Act that passed in both Houses and was signed into law by the President was a mistake and must be fixed. It is a tough thing to admit, but until we collectively are able to do so, this will fester until it is too big to handle and we will all be big losers, especially our senior population.

The Ways and Means Committee of the House has been trying to work out a compromise package for the past 2 days in closed hearings. This morning in a budget hearing with Richard Darman, the head of OMB, the gentleman from Illinois [Mr. Russo] said he was going to be introducing this afternoon in the Committee on Ways and Means legislation to repeal the catastrophic bill. So there is a lot out there going up and down, and as I said

earlier, things are changing momentarily.

The issues and questions being raised are these: If benefits are to be cut so that we can afford to reduce the surtax on catastrophic, which ones will they be? Will a cut in the capital gains tax provide more revenue in the long-run and help make catastrophic financing more fair? And are we going to have to cut out the prescription drug part of catastrophic or cut it out altogether in order to ensure that seniors of all income levels can be assured adequate care during a catastrophic illness?

A few moments ago the gentleman from Florida [Mr. Goss] was talking about what his constituents were saying about the AARP, and I might point out that only last year AARP sent out a bulletin to all its spokesmen saying, "Whatever you do, don't let them change or take out the prescription drug coverage." That in itself tells the story. It tells the story of why the AARP pushed so hard to get the Medicare Catastrophic Coverage Act through to start with.

Can we feasibly and fairly place the burden of financing on a higher income group? And finally, should we let Congress as a whole vote on a repeal of catastrophic? Better yet, can we delay this for 1 year to give ourselves the opportunity to work out the bugs and look at the entire health picture? Everybody in this country is affected by health.

There may be no completely fair way to do all of this, and we already know there is no easy solution. But there has to be a best way, and our senior population expects us to find it without politicizing the issue.

Once again, Mr. Speaker, I want to commend the gentleman from Florida [Mr. Goss] and the gentleman from Illinois [Mr. Fawell] for taking the time to bring this very important issue to the floor.

Mr. GOSS. Mr. Speaker, I thank the gentleman from Maryland [Mrs. BENTLEY] for her very compelling remarks.

I see that I have been joined by many of my colleagues, and I will try to yield to each of them.

First, Mr. Speaker, I yield to my colleague, the gentleman from Ohio [Mr. MILLER].

Mr. MILLER of Ohio. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, seldom has my office received such a mountain of mail as we have in response to last year's Medicare catastrophic health care bill. The senior citizens of Ohio's 10th District—from all socioeconomic levels—are up in arms that the burden of financing catastrophic health care for all Medicare beneficiaries will fall completely on those citizens over the age of 65.

I am particularly concerned that a study by the institute for research on the economics of taxation indicates that the Medicare Catastrophic Coverage Act will cost the elderly considerably more than they will receive in benefits because it will shift part of the Nation's welfare expenditure from the general taxpaying population to the elderly taxpayers. Furthermore, this study shows that this new law will increase the total cost of comprehensive health insurance for our aging citizens. When this higher taxation of the elderly goes to finance other Federal spending, it is also reasonable to assume that smoke and mirrors will be manipulated to make Federal budget deficit figures look better than they really are.

Many of my constituents have explained that they already have satisfactory insurance to supplement their Medicare coverage. For example, Ohio retirees of the State teachers retirement system and the State's other public pension systems tell me that the catastrophic health care bill is a "no-benefit benefit" for them because the comprehensive health care offered to Ohio's State employees already covers everything incorporated in the catastrophic law. They see no logic in having to pay increased taxes on their income for coverage they are currently receiving.

In another poll taken by the Wirthlin Group in May of this year for the coalition for affordable health care, a surprising 85 percent of the senior citizens surveyed nationwide said that they already have supplemental medical insurance. Not so surprisingly, a majority of this group also responded that they do not feel that the benefits for them under the Medicare Catastrophic Health Care Act are worth the cost. Naturally, this group, too, resents having to pay higher taxes for coverage they are already receiving as part of their retirement benefits or from Medigap policies they have purchased. This same poll showed that these senior citizens would prefer private health insurance tailored to their own particular requirements over the so-called catastrophic plan.

Senior citizens justifiably feel that the Medicare Catastrophic Health Care Act is unfair and unprecedented in levying an additional income tax against just one age group. My constituents write that this will have the greatest impact on many of the middle-income elderly who are living on carefully budgeted fixed incomes, and they cannot understand why they should be faced with higher tax rates than any other segment of the population.

Over and over again my mail has mirrored the resentment of our aging taxpayers that the surtax on their income tax is to be used to pay for the

treatment of AIDS patients who are also covered under the Medicare Program. I think they are right in believing that society as a whole should pay for treatment of the AIDS epidemic. The elderly find their being saddled with this burden to be especially unjust, as they do not think that their generation is in any way responsible for our country's problems with AIDS.

Additionally, a majority of the communications that have come to my office regarding the Medicare catastrophic care law say that it missed the mark in not providing for long-term care. Senior citizens in my district point out that with today's shorter stays in the hospital, they perceive the cost of long-term care in a nursing home or home health care assistance which would enable them to remain in their own home as the true financial catastrophe they face. They ask the reasonable question—if the largest slice of the health care pie is mandated for hospital costs, what will be left to cover the nursing home care or long-term home health care services they really want?

□ 1630

Mr. GOSS. Mr. Speaker, I thank the gentleman from Ohio [Mr. MILLER] for his on-target remarks.

Mr. Speaker, I yield to the gentleman from Rhode Island [Mr. MACHTLEY].

Mr. MACHTLEY. Mr. Speaker, I would like to thank the gentleman from Florida [Mr. GOSS] for yielding, and I want to commend him for his concern for the elderly.

Today, I too, join with my colleagues in the House of Representatives to express my concern over the Medicare Catastrophic Coverage Act. We in the House speak for the elderly in each of our districts. We are their voice in our government, and we, as their voice in this institution, must listen to them and to their concerns, and we must not be hesitant to reverse a law which clearly seems in error.

Mr. Speaker, there can be no doubt in my mind that the elderly in this country are fighting mad. Since I took office in January, we have received over 2,000 letters of protest from the very people who have brought this country through the Depression and fought wars which have ensured our democracy. It is clear that until Congress does something, these letters, these phone calls, these voices at our town meetings will continue, as well they should. It is time that we in Congress respond to these voices of our senior citizens.

Rhode Island is my district, and we have a large elderly population, and, when I return home and speak with the members in my town meetings, they tell me this is the issue, this is what is concerning them, this is what causes them fear and worry at night.

Mr. Speaker, although I was not a Member when this bill was passed, I can say that I would have had severe reservations about this unfair way of discriminating a tax upon one segment of our population. This seniors-only surtax is indeed a catastrophe for the many older Americans who are often on fixed incomes. It seems a dangerous precedent to pit one generation against another when we are talking about providing social programs. We have always had the motto of "one for all, and all for one," and this is no time to change.

Mr. Speaker, I applaud these hearings and the opportunity for us to raise our voices.

The bills which have been presented to this House have various provisions, and I have cosponsored ones which will permit us to immediately begin a review of this protection, the review of the unfair taxation. We need to push for a change in this legislation. We need a better bill.

While I feel that seniors deserve to be freed from the worry that a catastrophic illness may wipe them out financially, I cannot support this discriminatory tax embodied in the legislation that bothers so many of our elderly. It is high time that we get on with the business of putting together a better piece of legislation.

My colleagues, let us not discriminate against a generation which fought wars, which raised us and which has hoped for a better future.

Mr. GOSS. Mr. Speaker, I thank the gentleman from Rhode Island [Mr. MACHTLEY], my colleague.

Mr. Speaker, I yield to the gentleman from Illinois [Mr. HASTERT].

Mr. HASTERT. Mr. Speaker, I certainly thank my colleagues, the gentleman from Illinois [Mr. FAWELL] and the gentleman from Florida [Mr. GOSS], for bringing this issue to the floor. It is certainly a timely issue, and a very important issue, and, even now as we speak, there are people who are planning and posturing to change this piece of legislation, some for the better, and some for the worse.

Mr. Speaker, I want to say that I appreciate the opportunity to speak briefly on an issue that has generated more interest among older Americans than any other issue during my 2½ years in Congress.

I am proud to say that I was one of only 72 Congressmen who voted against final passage of catastrophic health insurance coverage that so many of my colleagues are rushing to change. My opposition to the law has only been reinforced by the flood of letters and phone calls my office has been inundated with. Since passage of the law, my office has responded to over 2,000 individual letters and phone calls from irate seniors around my district.

The sea of data and statistics has been very helpful in making the case that this law is harmful to our Nation's older Americans. But when a personal story is relayed to me, the cold facts don't seem to have much weight. I would like to share with you the plight of just one of my constituents. While she resides in Batavia, IL, she could just as easily be from anywhere in the country.

Claire and her now deceased husband worked hard all their lives to save a little nest egg for retirement. It wasn't much, but it was enough for them to live comfortably. At age 80, Claire has been left to fend for herself since her husband died.

She has managed fairly well until now, but her situation has worsened greatly with the newly passed catastrophic health insurance. Her largest source of income is from a pension, which has been fixed since her retirement 16 years ago. Inflation has steadily eroded her purchasing power. Now the catastrophic health insurance surtax and part B premium increase will take a large chunk out of an ever-shrinking pie. For the many older Americans like Claire who live on the margin, this law will force a major readjustment in their already strained budget.

First and foremost, I have had grave reservations about the law from the start because of the financing of the benefits for catastrophic health insurance. The 40 percent of older Americans who have to pay the surtax—which is a tax on a tax—must pay \$22.50 for every \$150 in income tax liability. Singles could end up paying as much as \$800 and couples as much as \$1,600. That's an enormous strain on the budgets of senior citizens, many of whom live on fixed incomes.

What's more, this draconian tax increases in the outyears. By 1993, the surcharge escalates to \$42 for every \$150 in income tax liability. That's a tax rate of almost 30 percent on top of the Federal income taxes we all pay.

Before passage of catastrophic health insurance, about 75 percent of elderly Medicare enrollees purchased private sector insurance in addition to Medicare. These policies, often referred to as Medigap, covered essentially all out-of-pocket expenses for Medicare-covered services. The new law duplicates nearly two-thirds of the dollar amount of catastrophic benefits previously covered by Medigap policies.

Finally, let me say I opposed the catastrophic health insurance law because it did not address what the seniors in my district define as the true catastrophe—long-term nursing care. An estimated 50 million Americans will need nursing home care within 25 years—five times the number today—with the cost averaging \$20,000. I hope

that the controversy surrounding catastrophic health insurance becomes the impetus this august body needs to pass an affordable long-term nursing care bill.

In sum, the catastrophic health insurance law is too costly for older Americans, especially for those on a fixed income. Furthermore, the benefits don't even come close to justifying the cost. This debacle is proof positive that despite the best of intentions, Big Government has managed to make a bad situation worse. I call on all my colleagues to urge quick action on repealing catastrophic health insurance.

Again, I thank my fellow colleagues for the opportunity to participate in this special order.

Mr. GOSS. Mr. Speaker, I thank the gentleman from Illinois [Mr. HASTERT] for his very worthwhile remarks, and obviously all the homework he has done on this is very, very impressive.

Mr. Speaker, I yield to the gentleman from Florida [Mr. JAMES], my friend and colleague.

Mr. JAMES. Mr. Speaker, I rise today in support of efforts to reform the Medicare Catastrophic Coverage Act of 1988.

Originating as a proposal to assist senior citizens with the catastrophic health care costs of treating a serious illness or injury, the program enacted, in effect, was primarily an additional income tax burden for most beneficiaries.

While I have joined many of my colleagues in supporting a variety of approaches to reforming the catastrophic program, either by modification, delay of implementation, or repeal, I have also been working with my colleagues to, at the very least, have hearings held on the problems of the program that are plaguing so many of our constituents. I have heard from more of my constituents on this issue than on any other concern before us, approximately 5,000 individuals.

In this regard, I commend my colleague from Illinois and his staff for organizing this special order. It is my hope that today's effort will be realized by the leaders of this body as part of the steadfast commitment that it is to addressing this problem of critical importance.

□ 1640

Mr. GOSS. Mr. Speaker, I thank the gentleman from Florida for his comments. I note that we have shared the same experience from our constituency.

Mr. Speaker, I yield to my friend and colleague, the gentleman from Pennsylvania [Mr. YATRON].

Mr. YATRON. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I want to commend Congressman Goss and Congressman Fawell for arranging this special order today allowing us to express our

concerns about the Medicare Catastrophic Coverage Act. Since this law became effective in January of 1989, I have heard from many constituents, as I am sure my colleagues have, who are opposed to the Medicare Catastrophic Coverage Act. The primary source of this opposition has been the financing mechanism; specifically, the supplemental premium.

As we are all aware, the method of funding was selected, in large part, so that the cost of the program would not add to the budget deficit. Although Medicare part A and B benefits have been expanded under this legislation, the number of seniors who have expressed unwillingness to accept this added cost compels the Congress to address the shortcomings of this legislation. The supplemental premium, based on Federal tax liability and computed at a rate of \$22.50 for every \$150 of tax liability, is calculated on adjusted gross income and it is estimated that less than half of the beneficiaries—40 percent—will be required to pay a supplemental premium. To require 40 percent of the senior population to pay for the health care of the remaining 60 percent, however, is clearly unfair. In light of this, I have cosponsored a resolution, House Concurrent Resolution 13, which directs the Congress to restructure the surtax and seek other financing options.

This resolution is only one among many that have been introduced in the 101st Congress. With such a large number of bills having been introduced which in some way repeal, delay, amend, or re-examine the Medicare Catastrophic Coverage Act, it is evident that the Congress recognizes the need for change. While the catastrophic benefits are indeed needed and can hopefully be expanded to include long-term health care benefits, we must consider options other than the current supplemental premium to help pay for this expanded coverage. I look forward to working with my colleagues as we examine the alternatives and hope that the spirit of cooperation and compromise will prevail so that the crushing health costs incurred by our Nation's seniors will be diminished. The inequity which has been created cries out for reform.

Mr. GOSS. Mr. Speaker, I thank the gentleman from Pennsylvania.

I yield to the gentleman from Iowa [Mr. TAUKE].

Mr. TAUKE. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, when I was in college I had a priest-professor who would often say that the road to hell is paved with good intentions. Indeed, as I look at this legislation, I know that he was correct; because the legislation, the Catastrophic Health Insurance Act of 1988, was a piece of legislation that was very well-motivated. In fact, many of us looked at the problem confront-

ing senior citizens and concluded that it was important that we do something to try to deal with the catastrophic health costs that many of them faced.

I was one of those who originally cosponsored catastrophic health care legislation, but as I worked with it in the subcommittee and in the committee and finally on the floor of the House, it appeared to me that a good idea had gone haywire. I voted against the legislation and attempted to change it; but as some of the previous speakers noted, there were very few of us, only about 72 of us in the House who voted against the bill. We had a tough time trying to convince our colleagues a year ago that this was a good idea gone bad. Now, of course, there are more who are suggesting that it is a good idea gone bad; but even so, there seems to be a lack of understanding about what is wrong with this piece of legislation.

It is more than the fact we simply have a bad financing mechanism. There are other problems with the legislation, too. In broad terms, the problem is this. Senior citizens as a group pay into the system a whole lot more than they receive back in benefits.

Now, why is it that seniors pay in as a group much more than they receive back in benefits? The first reason is because there is duplicate coverage.

Now, more than just duplicate coverage, I think there is a problem that can best be summed up this way. Seniors pay in order that major corporations can be taken off the hook in the responsibilities they have to their retirees.

What happens in the real world? In the real world, the senior citizen goes in, retires, the employer says to them, "We will provide health care benefits for you."

Uncle Sam comes along and says, "We have a better idea. We have a catastrophic health insurance policy. You seniors will pay for that policy."

Now, that policy duplicates some of what the corporation was paying earlier, so the corporation gets let off the hook on its responsibilities. The senior citizen pays.

The second reason senior citizens get hit hard on this is because of the pool of those who are covered, you not only have senior citizens, you also have the disabled.

Now, if I came in and said to the Members of the House that I thought it was a good idea to provide catastrophic health insurance for the disabled, virtually everyone would stand up and say yes; but if I then said to you that the only people who will pay for this new program are the senior citizens of the country, you would look at me a little strangely, and indeed, you should. Yet that is exactly what happened under the catastrophic

health care legislation. The disabled are covered, but the seniors alone pay. That is not fair.

The third problem is the high administrative cost. Do you understand that at the current time the way the Drug Benefit Program is structured, we expect that 40 percent of the amount that seniors pay in for drug benefits will go to costs of administration of that program, 40 percent for administrative costs. I think that cries for restructuring.

That is why I thank my colleagues from New Jersey and Illinois who have called this special order to give us a chance to talk about what needs to be done, because what needs to be done now is for us to delay the implementation of certain portions of this act for a year so that we in Congress will have an opportunity to restructure this program.

We do need catastrophic health insurance, but we need a program that is fair to the senior citizens of this country and a program that does not burden them or others with excessively high administrative costs.

Mr. GOSS. Mr. Speaker, I thank the gentleman from Iowa for his very, very thoughtful remarks on this subject.

Mr. Speaker, I yield to the gentleman from Ohio [Mr. GILLMOR].

Mr. GILLMOR. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, let me begin by commending the gentleman from Illinois [Mr. FAWELL] and the gentleman from Florida [Mr. Goss] for organizing this special order today. This special order is important. It gives voice to the thousands of older Americans who have expressed great frustration regarding the Medicare Catastrophic Coverage Act of 1988.

As a new Member of Congress, I came to this body after the catastrophic coverage legislation was enacted. I was not here when the sale of the product was going on, but I arrived here when the bill became due, and in my district, Mr. Speaker, senior citizens are sending the bill back.

□ 1650

The product of catastrophic health coverage is fine, they are telling me, but the cost is simply unfair, and much too large.

I stand here today to say I understand that sentiment; to say that we must delay or change the catastrophic coverage funding mechanism at the earliest possible date.

All of us know that a listening and responsive ear is due to our senior citizens, because they are the people who weaved the social and economic fabric that we live in today.

So when our seniors ask us to protect Social Security, we listen.

When our seniors ask us to protect Medicare and other programs, we listen.

And now, Mr. Speaker, our seniors are asking us to protect their hard earned money from the Catastrophic Coverage Act, and we should listen.

The concept of an insurance system that guarantees catastrophic health care for a society's older population is a good one. It is a policy that represents the best intentions of a kind and gentle America.

But good intentions do have to be paid for. And they need to be paid for in a way that is both equitable and fair. That is the challenge for well intentioned plans like catastrophic coverage, which has, unfortunately, failed to meet that test.

Like other Members of Congress, I have received hundreds and hundreds of letters from constituents who are upset about the catastrophic funding mechanism. A letter that arrived at my office recently reflects the intensity and the anger that senior citizens are feeling about this issue.

The letter says:

The Medicare Catastrophic Coverage Act is the worst piece of legislation to come out of the Congress in many years. It is a grossly unfair tax on senior citizens. I trust that you are actively working to kill this monstrosity.

Well, Mr. Speaker, I can confidently say that we all have constituents who feel this anger, and they are trusting us to protect them from the steep surtax of the Medicare Catastrophic Coverage Act.

I hope we, as Members of the House of Representatives, will act soon to honor this trust.

Mr. GOSS. Mr. Speaker, I thank the gentleman from Ohio for his useful contribution, very useful contribution, to today's proceedings on this.

Mr. Speaker, I yield to the gentleman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Speaker, I want to commend my colleague, Mr. FAWELL, for his leadership and perseverance on this important issue and my colleague, Mr. Goss, for yielding the time and for his work on this issue. I believe it is time to take another look at the financing mechanism for the Medicare Catastrophic Coverage Act. The intentions of Congress were honorable in attempting to provide adequate health care for our elderly citizens. Unfortunately, as I have heard from so many of my constituents, this law does not truly meet their needs. I am concerned about the duplication of benefits, which penalizes those elderly who have planned for the future. I am also concerned about the burden that the catastrophic surtax places on our elderly with fixed incomes.

Many of the benefits provided by the Medicare Catastrophic Coverage

Act are necessary. However, the law does not cover long-term care coverage, an expressed need of many of our elderly. With nursing home care costs estimated at \$20,000 to \$25,000 per person per year, this is the true catastrophe.

This law has a very negative impact on Federal and military retirees, as well as on those retirees covered by public or private employer insurance plans. For example, for those 1.5 million annuitants enrolled in the Federal Employees Health Benefits Program insurance plan, the new catastrophic coverage will have little effect on the total coverage for most retirees. Prior to passage of the law, I worked with the National Association of Retired Federal Employees to include a provision that reduces the annuitant's share of FEHBP premiums, in order to address the issue of duplication of benefits. Federal retirees will receive few, if any, additional benefits, yet they will be assessed a surtax.

Many of my constituents have expressed their anger over this law and the burden it places on retirees living on a fixed income. It is time for their objections to be heard. Hearings must be held to discuss these concerns, especially regarding the funding mechanism. Many consider the supplemental premium to be discriminatory and a penalty on those who have worked and saved to provide for their needs when they retire.

I am encouraged by efforts over the past week by the Ways and Means Committee to try and develop a compromise solution to this problem. I hope we can continue in this same vein, working together to meet the needs of the elderly.

Mr. Speaker, I urge my colleagues to listen to the elderly in America. Let us work together to remedy the Medicare Catastrophic Coverage Act to reflect the needs of our citizens.

Mr. GOSS. Mr. Speaker, I see we have several more interested colleagues here, and I am going to ask that they impose a time limit.

Mr. Speaker, I yield to my friend and colleague, the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Speaker, I rise today to urge that Congress take action to change the Medicare Catastrophic Illness Protection Program which singles out the struggling middle-class senior citizen to pay a large surcharge for this new coverage.

Indeed, under the catastrophic illness plan, many senior citizens find they will be paying more money in a surcharge for the same coverage they had before the plan was enacted. This is unfair and should be changed.

Senior citizens should be paying less money, not more, for catastrophic health care. It is wrong to place the whole burden of paying for this pro-

gram on the senior citizens themselves. This amounts to a tax on those least able to pay. We ought to eliminate this unfair surcharge that our senior citizens are forced to pay under this plan.

Mr. Speaker, our retired population is comprised of people who worked hard all of their lives, decent people, who made this Nation great, and they struggled to achieve a better life, and all they ask is to be able to retire with dignity. Let us help them and not hit them in the pocketbook where it hurts.

While they were employed, the Government guaranteed to them that they would have certain benefits in retirement, and now the Government seems to go back on its commitment by requiring seniors to bear the total cost of the new health program.

Everyone agrees that seniors need more comprehensive medical coverage such as protection from the cost of long-term nursing home care. Instead of providing this insurance, the Catastrophic Illness Program mirrors the coverage that most seniors already receive from Medigap policies.

In an effort to change this law, I have cosponsored H.R. 2212, which would delay enactment of Medicare catastrophic illness protection for 1 year, and would order the General Accounting Office, the GAO, to study the program. The GAO, a respected watchdog agency, would be required to report to Congress within 1 year with recommendations on how this coverage should be changed.

The Harkin-Levin bill, sponsored by the gentleman from Michigan [Mr. BONIOR] in this House, H.R. 2547, is also something we should consider.

Mr. Speaker, in my district every day senior citizens voice their concerns about this program. We need a comprehensive catastrophic health care program, but we must finance it another way, not on the backs of people living with fixed incomes.

We spend over \$1 trillion a year on the Federal budget and should devote more money toward improving the lot of our seniors. I urge my colleagues to join me in working to see that the Catastrophic Illness Protection Program is revised to assist rather than penalize the struggling middle-class senior citizens.

Mr. GOSS. Mr. Speaker, I yield to the gentleman from California [Mr. ROHRBACHER].

Mr. ROHRBACHER. Mr. Speaker, I thank the gentleman from Illinois [Mr. FAWELL] for organizing this special order.

When President Reagan was elected President he pledged to cut the marginal tax rates for all Americans, and he kept his word. But due to congressional action, elderly Americans have been excluded from these low rates.

When Congress passed the Medicare Catastrophic Health Act, they effectively raised the marginal tax rates for the elderly far in excess of even the wealthiest nonelderly taxpayers. According to a recent study by the National Center for Policy Research, elderly taxpayers now face the highest marginal tax rates ever imposed on middle-income Americans in our Nation's history.

As a result of the Social Security benefit tax and Medicare surtax, some elderly taxpayers will see their 1989 marginal tax rates increased by 33.3 percent and by 1993, marginal tax rates will be increased by 38.76 percentage points for some elderly taxpayers.

We are now witnessing a tax revolt in the elderly community and rightfully so. It is an oppressive and punitive tax. It hurts our most vulnerable.

The Medicare Catastrophic Coverage Act of 1988, signed into law on July 1, 1988, requires beneficiaries, in addition to an increased monthly premium, to pay a supplemental premium based on their Federal income tax. For every \$150 tax liability, seniors will have to pay an additional \$22.50 in taxes for Medicare, up to the maximum of \$800 per person [\$1,600 if married].

Congress originally estimated that 40 percent of elderly Americans would be affected by the law. However, 1989 tax returns indicate that 14.6 million seniors, almost 47 percent of older Americans, have to pay the surtax. By 1993, almost 54 percent of the Nation's seniors will be forced to pay the seniors only tax.

Many senior citizens currently have private insurance equal to what the Catastrophic bill provides, yet they are forced to pay into the system although they receive no benefits.

Economists Norman True and Warren Brookes predict that the catastrophic coverage will require Medicare beneficiaries to pay \$44.3 billion in higher premiums and surtaxes for benefits worth only about \$30.9 billion.

The majority of senior citizens favor a repeal of the Catastrophic Health Care Act. In fact a recent poll by the Wirthlin Group shows that a majority of elderly Americans oppose the Medicare Catastrophic Coverage Act—53 to 31 percent.

Let us listen to the pleas of the elderly. They want repeal and not reform of the law. The time has come to start over. Let us bring the Reagan Revolution to the elderly community. Let us repeal this catastrophic surtax.

Mr. Speaker, I am including for the RECORD an editorial which appeared in the Orange County Register:

[From the Orange County Register]

BAD MEDICINE FOR THE ELDERLY

Earlier this year, with great fanfare and self-congratulation about how the politi-

cians were finally getting around to really helping older citizens facing catastrophic health-care costs, Congress passed the most ambitious expansion of the Medicare program since it was enacted during the Johnson administration, the Medicare Catastrophic Protection Act, or CATCAP.

President Reagan, who previously had opposed Medicare expansion and new taxes but had endorsed the idea of catastrophic health-cost protection in principle about a year earlier, signed the bill.

It is safe to say that hardly any member of Congress read this bill all the way through. Senior citizens who have begun to digest the implications are appalled. It turns out that those who have been most conscientious about saving for their retirement will be forced to pay for slim benefits only a few—including some people who aren't elderly—ever will receive. A number of senior citizens groups are now demanding that this law be postponed or repealed.

They are right. Congress and a few special interests pulled a shameless scam on America's elderly. Postponement of this bill isn't enough. It shall be repealed, and the whole Medicare program should be reexamined from the ground up.

The new bill provides a few additional benefits, like nearly full payment for long-term hospitalization, a cap on annual out-of-pocket payments to doctors, and coverage of 80 percent of the cost of prescription drugs. Based on current patterns of health service use, only 3 to 17 percent of the nation's elderly would be likely to use these benefits. And the new program doesn't cover long-term nursing home care.

The scandal is in how the bill is financed. Medicare premiums will be increased, with the monthly premium increase starting at \$4 and rising to \$10.20 by 1993. In addition, all elderly Medicare beneficiaries with enough income to pay income taxes—about 40 percent—will be forced to pay a surcharge on their income tax—starting at 15 percent and rising to 28 percent by 1993.

That's a tax increase, however you look at it, and a hefty one. The magnitude of the tax increase was hardly discussed at all when the bill was under consideration. But it would penalize those who have made prudent provisions for their retirement years—up to \$1,050 per person or \$2,100 per couple by 1993. Those on fixed incomes or a tight budget could be devastated.

One provision that has seniors up in arms is the extension of catastrophic coverage at no cost to those under 65 who are eligible for Social Security disability coverage and, ultimately, Medicare. Of particular concern is coverage provided to AIDS victims. Should older citizens who have been prudent enough to retire with a little income pay the full freight for government medical benefits to AIDS victims?

This law provides less coverage at more cost than Medicare supplemental coverage offered by some private organizations and companies. It's bad legislation that was sold under false pretenses. Repealing it should be the new Congress's first order of business.

□ 1700

Mr. GOSS. Mr. Speaker, I thank the gentleman from California.

Mr. Speaker, I yield to the gentleman from New Hampshire [Mr. SMITH].

Mr. SMITH of New Hampshire. Mr. Speaker, I thank the gentleman from Florida for yielding.

I just do not understand, Mr. Speaker, what it takes for some of my colleagues in the House and the Senate to realize they have made a mistake. That is just what the catastrophic coverage law is, a giant, costly mistake.

A typical letter reads, and we have all gotten them, but a typical letter says:

Dear Congressman, I am paying \$800 more per year in taxes for health coverage than I already have at a much lower rate. I did not request this coverage, nor was I given the opportunity to refuse it. What is Congress doing about this?

That is an excellent question.

Currently, over 20 bills have been introduced in the House and Senate to change this disastrous excuse for a law—over 20. The result: no action. Several of my colleagues and I have written letters to the distinguished chairman of the Ways and Means Committee urging him to reconsider this law. Thus far: no action. Thousands upon thousands of senior citizens have called and written letters, only to have their complaints fall upon deaf ears.

Senior citizens are angry, and I am angry. We are all angry because this incredible wave of protest has resulted in no real change. Instead, Congress has allowed itself to be cast as the enemy of the elderly.

That is not what this institution is all about. That is not government "by the people, for the people." It is time to put aside partisan politics and political concerns and do what is right. I urge my colleagues to join the fight to repeal the Catastrophic Coverage Law.

Mr. Speaker, this surtax targets only seniors for a problem that should be addressed by all of society. Seventy percent of seniors already have these benefits. It is time for action. We ought to start with a fresh, true, long-term, truly long-care custodial health care program, not this so-called catastrophic health law.

I thank the gentleman from Florida for yielding.

Mr. GOSS. Mr. Speaker, I thank the gentleman from New Hampshire.

Mr. Speaker, I yield to the gentleman from the Commonwealth of Virginia [Mr. SLAUGHTER].

Mr. SLAUGHTER of Virginia. Mr. Speaker, the Congress must act to reform or to repeal the law designated as the catastrophic illness law during this session. We must repeal the surtax that is provided in that law.

This law now on the books unfairly raises income tax rates on the elderly. The tax rate will increase swiftly over time, 15 percent this year, 28 percent by 1993, and it will increase further.

We should continue to protect the poor from the expenses of a catastrophic illness. We should permit

those who wish to protect themselves with private insurance, as over 70 percent did prior to this bill, to continue to do so. We should provide some kind of protection for the near-poor elderly, the roughly 10 percent who lacked this type of coverage prior to this new law.

The Congress can act. It should act for the benefit of the senior citizens of this country and for the country as a whole.

Mr. GOSS. Mr. Speaker, I thank the gentleman from Virginia.

Mr. Speaker, I yield to my colleague, the gentleman from Florida [Mr. HUTTO].

Mr. HUTTO. Mr. Speaker, like many of my colleagues, I received numerous letters from my constituents asking me to support the catastrophic health care bill. In fact, I received more letters in favor of this bill than any other during the 100th Congress. But what I'm receiving now are hundreds of letters asking for a change. I've heard comments from some Members saying that the objections are coming from the affluent elderly who are angry that they are going to have to pay for someone else's benefits. I disagree. My district is not heavily populated with affluent elderly.

Of course, there are a few who will pay the top level premium because of their earnings, but 99 percent of the complaints I'm hearing are coming from the average everyday American who has worked hard, perhaps saved a moderate amount, and is going to be heavily taxed by the supplemental premium. Some are Federal retirees, some had provided for themselves through the private sector, and some had employers who were providing for their insurance costs. The story for all of them, however, is about the same: After having invested all of their working lives to save money so they wouldn't be a burden on their families or the Government, and so they could have a comfortable retirement, we've rewarded our retirees by taxing them yet again and giving them benefits that they already have or don't need.

The catastrophic plan has the good intention of helping our elderly. It was crafted with good intentions and I don't think anyone questions that. A lot of time and effort was put into its provisions. But it's obviously unacceptable to the people we represent and I ask even those who are strongly opposed to making a change, to reconsider your position. There's no crime in admitting that we didn't do the best we could for our elderly, but it would be a terrible thing to ignore the pleas of our constituents and let this law go unchanged.

Mr. GOSS. Mr. Speaker, I thank the gentleman from Florida for his very wise remarks.

Mr. Speaker, I yield to the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Speaker, the first several months after the catastrophic health care bill was passed, and following January 1 when it came into existence, I spent a great deal of time in my district talking with the senior citizens I represent, trying to convince them that this was a good program and one that would benefit them, one that would be of significant help to those who became seriously ill long term.

I did not sell anybody on this program. In fact, they sold me on their point of view. They finally convinced me that it was not a question of them having questions about the provisions, it was not even a matter of them being concerned about it. It was not a matter of them not liking it. They flat out hate it, and I understand that. I understand where they are coming from.

This is an expensive program that will benefit very, very few people.

This prompted me to send out a survey, and I would like to share a part of that survey with my colleagues. We asked a whole series of questions, but three were important.

One question said: "Do you believe the cost of the program is worth the benefits that are provided?" Eighty-eight percent of the respondents said no.

Another question said: "Do you favor a change in the law?" Ninety-eight percent of those who responded said yes.

Then we asked other questions. "Do you support the repeal of the bill?" Forty-two percent said yes.

"Do you support lower fees and less coverage?" Sixteen percent said yes.

"Do you support an optional plan?" Thirteen percent said yes.

"Do you support the Michel plan," the alternative we know? Thirteen percent said yes.

"Do you support delay and studying the program further?" Seven percent said yes, and 5 percent said that a flat fee for all would be a more appropriate solution.

But perhaps the most telling communication of all that I received, and as the gentleman from Florida [Mr. HUTTO], has suggested, we have received a tremendous amount of mail, the letter that I got that tells the story the quickest, the most consistent, and the best says:

Medicare catastrophic. We don't like it. We don't need it. We don't want it. The cat must go.

At the onset, I want to compliment the gentleman from Illinois [Mr. FAWELL] and the gentleman from Florida [Mr. GOSS] for putting together this special order.

I also want to compliment them for their leadership on this issue which is of pressing concern to almost every senior citizen in my district.

I've heard what my colleagues have had to say thus far this afternoon. If there is one

thing that is clear, it is that the individuals who are supposed to benefit from the Catastrophic Care Program, that is, our older Americans, hate it.

Nowhere is that more evident than in the 13th District in New Jersey. In fact, I conducted an informal survey in my district 2 months ago, and an incredible 96 percent of those seniors who responded said the program should either be eliminated, or drastically changed.

Another 88 percent said the benefits are simply not worth the price.

Some, I know, will be quick to say, "Well, Congressman, what you did really was not a professional survey." My response to that criticism is that 96 percent under any circumstances is a mandate.

At what point are we going to realize that we can't afford to sit by and do nothing? Congress is not going to weather the catastrophic storm. This issue will not go away.

Letters and postcards continue to pour into my office. Some are angry, and demand action by this body. Some try to reason their way through it. But the message is always the same. The message, quite simply, is that the catastrophic care package must be stopped in its tracks.

I have in my hand, a constituent letter that virtually says it all:

Medicare catastrophic * * * we don't like it * * * we don't need it * * * we don't want it! The cat must go!

I commend Mr. FAWELL on his efforts to lead us to a solution. We do need to stop and take a look at this law which is causing so many so much grief. And I intend to be one of the first Members of the House to sign the discharge petition which will force this issue to the floor for debate.

You don't have to be a Democrat or Republican to support the discharge petition. All you have to be is someone who cares about older Americans, and who wants to meet their needs in the most responsible way possible.

I yield back the balance of my time.

FINAL RESULTS OF THE 1989 CATASTROPHIC COVERAGE QUESTIONNAIRE

58% were couples.

42% were singles.

1. Average estimated supplemental premiums under the new law?

Couple: \$748 per couple. Single: \$431.

2. Do you believe the cost of the program is worth the benefits?

Couples: 88% said no. 10% said yes. 2% had no opinion.

Singles: 88% said no. 7% said yes. 5% had no opinion.

3. Do you have private supplemental insurance?

Couples: 93% said yes. 7% said no.

Singles: 92% said yes. 8% said no.

4. Average cost of this supplemental insurance to the beneficiary?

Couples: \$830.09 (31% reported their former employer paid all or part of their coverage).

Singles: \$809.53 (29% had some or all of costs paid for by their employer).

5. Do you favor a change in the law?

Couples: 98% said yes. 2% said no.

Singles: 96% said yes. 2% said no. 2% had no response.

6. Do you support the establishment of a national lottery to fund Medicare?

Couples: 57% said yes. 36% said no. 7% did not respond.

Singles: 48% said yes. 38% said no. 14% did not respond.

Couples: 42% support repeal. 16% lower fees for those with other coverage. 13% support optional plan. 13% support Michel plan. 7% support delay and study. 5% flat fee for all.

Singles: 56% support repeal. 18% support lower fees for those with other coverage. 14% support delay and study. 6% optional. 3% flat fee for all. 3% Michel plan.

Mr. GOSS. Mr. Speaker, I thank the gentleman from New Jersey for his graphic and compelling contribution to this proceeding.

Mr. Speaker, I yield to the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Speaker, I appreciate the gentleman yielding.

Mr. Speaker, in an attempt to address the very real problem of catastrophic health care costs, the Congress enacted a program financed by an earnings surcharge on senior citizens. Rarely has any action by this body caused such an outcry from our citizenry. As people have become familiar with the reality of what has occurred, they have flooded my office and other Members' offices with communications of displeasure over this program. It is not that my constituents are unmindful of the real and pressing needs that exist in this regard. Huge hospital and physician bills can devastate a family, especially an elderly household where members exist on a fixed income. But as I said last year when the Congress had this proposal under consideration:

Agreeing that a problem exists does not justify endorsing a plan that will soak the elderly, especially those that have planned well for their retirement. Rather than creating a new and expensive health program, I believe that the federal government should be working to create a framework in which the private sector is encouraged to provide adequate insurance protection.

Now, Mr. Speaker, I opposed this legislation, and I think the outcry against it confirms that my fears and reservations about it were accurate. The Senate has taken some action that would require a study of the law's impacts and options available for alternative financing. This is totally inadequate. I call upon my fellow Representatives to exert pressure on Mr. ROSTENKOWSKI to report to the floor legislation which will allow us to express the will of the people—in short, grant us an up or down vote on repeal of catastrophic health insurance and the onerous assessments enacted to finance this ill-conceived scheme.

In conclusion, let me say that I did not support the Medicare Catastrophic Protection Act and I support its repeal today. Last year, I cosponsored legislation that would have delayed implementation of the program for 1 year until the Congress identified an alternative funding mechanism. The voters of my district are now telling

me that they preferred to make a decision on catastrophic on a voluntary basis, purchasing so-called Medigap policies and other plans from the private sector. I believe we should listen to that wisdom and act expeditiously to return this decision to each individual, and to eliminate the burdensome, unjustifiable income surcharge on our senior citizens.

Mr. ANNUNZIO. Mr. Speaker, I rise to join my colleagues in the House of Representatives in calling for a delay in the implementation of the Medicare Catastrophic Coverage Act. This delay would give Congress the opportunity to examine closely in comprehensive hearings the inequities in this law which unfairly penalize senior citizens by imposing a surtax on them—and them alone. Furthermore, this delay would provide the opportunity to correct these inequities either by reforming or repealing this law.

As it now stands, this law imposes the highest income tax rates in the country on some middle income senior citizens. These seniors, even if they could secure employment to pay for this higher levy, would lose most, if not all, of their earnings to the Social Security offset requirement. If the new tax cannot be met by current earnings, it must be met by past savings, which would then effectively reduce their standard of living.

Not only is this surtax unprecedented and unfair, it also does not provide benefits commensurate with the price being paid for them. These so-called benefits have so many co-payments, deductibles, and other prerequisites that only very few of our seniors will end up actually getting any monetary help with their medical bills. Furthermore, many seniors are being forced to pay up to \$1,600 annually per couple for benefits they will probably never receive, and for which they are already covered by health insurance included in their retirement benefits or in supplementary health insurance policies which they have already purchased.

And \$1,600 per year per elderly couple is only the beginning. This amount rises annually until it reaches a cap in 1993 of \$2,100 per elderly couple. But, of course, there is no guarantee that this cap will remain in place, and if it is lifted, the surtax will continue to rise year after year.

And most important of all, the one type of coverage which every senior citizen wants—long-term nursing home care—is not even included in this law. The fear which haunts many older Americans is that they will become seriously ill and bedridden for long periods of time, requiring nursing home care, which eventually would exhaust all of their savings.

Mr. Speaker, I have cosponsored legislation to delay implementation of the Medicare Catastrophic Coverage Act and to create a Bipartisan Commission to Review the Medicare Catastrophic Coverage Act, as well as legislation to provide long-term nursing home care. I have also urged those committee chairmen with jurisdiction to hold hearings in order to address the concerns raised by our senior citizens.

Mr. Speaker, our goal should be to improve health care coverage for all our senior citizens, instead of penalizing them. Some seniors state that they want an outright repeal of this coverage, while others feel that the coverage is good, but demand a change in the financing mechanism for this coverage. Hearings would give us the opportunity to hear all points of view on this matter, and fashion appropriate remedial legislation.

Mr. Speaker, as a fitting tribute to our late colleague, Senator Claude Pepper, we in Congress should work toward the enactment of comprehensive long-term health care legislation, including coverage for catastrophic health care, nursing home care, home health care, and hospice care. I urge my colleagues in the House of Representatives to support legislation to delay the implementation of the Medicare Catastrophic Coverage Act, and to call for hearings on the adverse effects of this new law, so that we can work together to achieve the fairest, best possible, and most affordable health care system for our senior citizens.

Mr. BEREUTER. Mr. Speaker, this Member is pleased to join with other colleagues in this special order on the need to reform the Medicare Catastrophic Coverage Act of 1988.

MEDCAT, as it is known, crept up on us. Members listened to AARP and the hosts of other organizations who vowed to push their No. 1 legislative priority through to the President. Many of us overcame our initial better judgment and supported the bill, believing that our constituents wanted and needed it. We should not have succumbed to the emotional appeals that this bill was the only way to protect American senior citizens from the decimation of their savings in the event of a catastrophic illness. We bought the AARP line, thinking that of course they spoke for their membership.

Now we know better. We were hoodwinked, and the Nation's senior citizens were hoodwinked. We passed, and the President signed, a special tax for seniors only. The surtax hits those middle-income senior citizens the hardest. Remember, some 60 percent of Medicare beneficiaries will pay little or no surtax—which means that those with better incomes will be footing the bill for the entire group. The new law penalizes seniors who saved and planned for their older years. It often duplicates some of the coverage they already have. It promises horrendous administrative costs for the implementation of the new prescription drug benefits. In fact, the Health Care Financing Administration estimates that the drug package will generate deficits almost as soon as the program begins in 1991, reaching \$4.5 billion by 1993. What a mess.

Despite the fact that millions of Americans have called for reform or repeal of this misguided act, its principal House sponsors are holding fast. In the other body, a 1-year delay of the surtax was defeated by one vote.

Clearly, too much misinformation and inaccurate material exists on the law as it stands. There are numerous bills that address this colossal mistake, and we must continue to insist on congressional action to correct this very large mistake. Our constituents deserve our continued diligence and our assurances that we will not give up our efforts to correct this grossly unfair law.

Mr. LENT. Mr. Speaker, it has become clear to me that Medicare beneficiaries would have far preferred the simpler and truly catastrophic benefit originally proposed by President Reagan and Secretary Bowen.

When the President first proposed to protect senior citizens from the devastating cost of catastrophic illnesses, I thought it was a wonderful idea. I still do. However, it has become obvious to many of us that it was a very serious mistake for Congress to move so far away from the original proposal. Indeed, I believe that if we do not step back and reform this program, the other pressing health care needs of this country, such as long-term care and access to the most basic health services for the uninsured will remain unsolved for that much longer.

Under current law, by fiscal year 1993, a married couple paying the maximum supplemental premium would be paying \$2,000 for the supplemental premium and \$1,022.40 for the flat part B premium. The end result would be a staggering \$3,122.40. This is not equitable and this is not what our senior citizens envisioned when they wrote to us to support this bill.

I have cosponsored legislation that would reform this program by repealing most of the current catastrophic law and replacing it with a benefit and financing structure that was fair and equitable. H.R. 2055 would retain those benefits in current law that meet truly catastrophic needs and would repeal the income tax surcharge.

Before Congress adjourns this session, it is imperative that action be taken to modify catastrophic along the lines of H.R. 2055. I urge my colleagues to support this effort.

Mr. BROOMFIELD. Mr. Speaker, there is a groundswell of opinion in this country regarding a very troubling law. Hundreds of senior citizens are taking pen to paper. They are writing their congressional Representatives in outrage over the catastrophic health care law.

When Congress voted on this act last year we were told catastrophic health care is a fair program which presents needed benefits at bargain prices. If this act ever came close to the promises of a year ago I would be satisfied that we had done our job. Instead my office is deluged with a massive grass-roots letter writing campaign. Today, I can't begin to count the cards and letters on catastrophic health which I have received since catastrophic coverage was signed into law. In all good conscience, we must do something.

A full congressional review of this law is the first step. We need to redefine the term catastrophic care. And this time let's include long-term care. Paying for nursing home and comparable noninstitutional care is a primary concern of senior citizens. Yet, provisions for these staggering expenses have been left out of the Catastrophic Act.

Ultimately, we are here to listen to our constituents and act in their best interests. Open the record on catastrophic coverage. It's the right thing to do.

Mr. ERDREICH. Mr. Speaker, I appreciate the chance to participate in this special order on the catastrophic care law. There are many features of the new law that I support and that I believe have filled a number of gaps in the health care system Congress created for older Americans. It is chiefly the financing of this benefit that I am concerned about, and want to speak on this afternoon. There are many suggestions being made to change this law, and we certainly should pursue constructive alternatives to improve this new law.

My constituents have two main complaints about the way the catastrophic health benefits are financed. First, those with employer-provided health insurance are understandably upset that they are required to pay for benefits that they do not need. They are not part of the population that the bill was intended to serve, and yet they are being assessed, usually at the higher end of the scale, for benefits they will not use. I understand why they were included in the financing; from an actuarial point of view making the paying population as large as possible keeps the rates from going higher. But there are two major problems with this approach. First, I believe Congress should encourage employers to provide health insurance for retirees, and this aspect of the bill does just the opposite. Second, it is no fairer to expect these people to pay than it would be to ask nondrivers to pay car license fees. Forced double coverage should be eliminated.

The second aspect of the catastrophic law that is objectionable to seniors is the amount that many will have to pay for this coverage, while retaining their Medigap policies. Because the benefits are phased in over several years, and because the deductibles remain fairly large for all three major benefits, many seniors feel they cannot drop Medigap coverage. As a result, those who must pay the supplemental premium are finding their insurance costs have increased dramatically, especially if there are two Medicare-eligible people in a household.

Two major changes would blunt these objections and increase support for this new law: Making the program voluntary, and returning each year's funding surplus to the beneficiaries who paid into the program.

If the first change were enacted, seniors would have the opportunity to opt out of the program. Surely that would be more fair than continually charging, year after year, for a program that is not of benefit to retirees who already have insurance, or who do not wish to obtain any added insurance.

Second, the surplus amounts in the trust fund each year could be returned to beneficiaries each January on a proportional basis, with a bonus for those who have not filed any Medicare claims. The rebate could be given as a credit toward the next year's premiums. This could help shore up confidence in the system.

These actions could be taken without entirely reworking the financial system that is already in place, but they would result in fairer

treatment of the retirees who must pay for the bulk of the new benefits.

I realize that the catastrophic program is only just being implemented, and that some experience with the program will enable more concrete judgments to be made. But I also understand the frustration of retirees who are seeing their insurance costs double and who wonder if the benefits are worth it. I urge the Ways and Means Committee to be open to suggestions and ideas and how to alter and improve the program. Similarly, I urge my colleagues to offer concrete and workable suggestions to make the Medicare Program a model of which we can all be proud.

Mr. GOODLING. Mr. Speaker, I rise to express my concern about the new catastrophic health care law.

Some Members of this body have indicated that the only seniors who are complaining are those who have to pay the tax and those who do not understand the law.

Early this year, I held senior citizen meetings in each of my three counties on the catastrophic health care law. More than 1,000 senior citizens attended these meetings. Each of these meetings was attended by representatives from the Health Care Financing Administration and the Internal Revenue Service, who explained the law and then answered a large number of questions from my constituents.

After the meeting, not one of the attendees had changed their mind. They were still opposed to the law. Were they all rich? No, the senior citizens who came to this meeting were from all walks of life. They just did not feel the benefits provided under this new law were worth the high price tag, whether it affected them or not. Many of them already had Medigap policies or health insurance policies provided by former employers which provided similar benefits at a lower cost.

However, the objection I heard most often was that the bill did not do what they thought it would do—provide them protection against the real catastrophic health care cost, long-term care.

There are some good provisions in the catastrophic health care law, but it is far from perfect and is not even close to addressing the catastrophic health care needs of our Nation's senior citizens.

I know most of my colleagues have received large amounts of mail on this new law. We cannot ignore their valid concerns about the catastrophic health care law. We must do something and we must do something now.

Mr. Speaker, I would encourage my colleagues on the Ways and Means and Energy and Commerce Committees to delay the implementation of this law for 1 year and revisit this issue. Our Nation's senior citizens would be eternally grateful.

Mr. MILLER of Washington. Mr. Speaker, I join my colleagues today in urging this body, and the other body, to move now toward substantial reform of the Medicare Catastrophic Coverage Act. The verdict has been sounded loud and clear by older Americans across this Nation: This law is unfair, too expensive, and isn't what seniors need and want.

The lives of senior should not be further complicated and infringed upon by the supplemental premium portion of this law. This

surtax will cost older Americans hundreds, in some cases over \$1,000 per year for coverage that only a tiny minority will ever use. Why are we forcing seniors to pay such an enormous price for gold-plated coverage so many of them do not want and cannot afford? Is this fair or right? Of course not.

Without a doubt, long-term care is what seniors want and need. Older Americans face truly catastrophic financial hardship in coping with long-term care requirements. Nearly every senior will require some kind of long-term care assistance at some time during his or her elder life, whether it be home health care, or nursing home care. It is here that the Congress should be concentrating its efforts. Unfortunately, before we can adequately address long-term care, we must overhaul the Catastrophic Coverage Act by repealing or at least altering the surtax portion of the act.

Mr. Speaker, I believe the Catastrophic Coverage Act is holding hostage the long-term care interests of older Americans. Without a doubt, if catastrophic care is not modified sizably, it will bankrupt seniors' fiscal ability to afford long-term or nursing care. Therefore, any legislative action on long-term care must be linked to real reforms in the catastrophic coverage law.

So let's get the job done. Let's make the necessary revisions in the Catastrophic Coverage Act so that we can then effectively and responsibly address the long-term care needs of millions of older Americans. Seniors have let their frustration and concern be known. This body cannot dodge this issue any longer. It would be an affront to the older citizens of this Nation if we did not act, and act decisively.

Mr. BALLENGER. Mr. Speaker, thank you for this opportunity to express my views on the Medicare Catastrophic Coverage Act of 1988.

During my travels through the district meeting with constituents and reviewing literally hundreds of letters and answering many phone calls, I have been struck by one thing—senior citizens are opposed to the Medicare Catastrophic Act—adamantly.

Senior citizens do not just have a few objections to the new Medicare law, they have many, and these objections are justified.

Highest among elderly concerns is that they are paying some of the highest taxes of anyone in the country—simply because they happen to be over age 65. One of the most important achievements of the Reagan administration was to lower the top tax rates from 70 percent to 15 or 28 percent. But for the elderly, the tax burden has actually gone up because of the Social Security earnings test and the supplemental Medicare catastrophic tax. In fact, older Americans will be paying average tax rates on non-Social Security income from 50 percent to 110 percent, depending on the amount of Social Security dollars that are forfeited for wage and salary earnings.

A study performed by the Institute for Research on the Economics of Taxation [IRET], shows that a retired couple with an average Social Security benefit of \$11,000 and with \$25,000 in other income would pay a surtax of \$329 in 1989 and by 1993 this couple would pay \$728.

Also, IRET points out that in 1989, 46.1 percent of senior citizens will pay some surtax and 8.6 percent will pay the maximum. By 1993, 46.5 percent of the elderly will pay some surtax, and 21.1 percent will pay the maximum.

Finally, IRET notes that for all the added taxes and premiums, the elderly will only receive an average of \$46.57 in benefits for 1989. The elderly Medicare premium is \$48 per month for part B catastrophic coverage. Most Medicare enrollees will not have enough medical expenses to qualify for benefits. Most rough estimates show that between 17 to 31 percent of senior citizens will benefit from the program.

All in all, counting premiums and surtaxes, the elderly will pay \$4.7 billion more in 1989 and \$3.9 billion more in 1993 than they will receive in benefits.

The extra tax burden is very hard for retirees to handle because they live on fixed incomes. It is difficult for seniors to increase their earnings because their marginal tax rates are so very high. Thus, the tax has the effect of lowering the standard of living as well as lowering seniors savings accounts.

I think all Members have heard from their senior citizens' and its high time we listened to their message—repeal the catastrophic bill.

Mr. WELDON. Mr. Speaker, let me congratulate the distinguished gentleman from Illinois for his leadership on the issue of catastrophic health care. While this special order is the most visible action to the general public, Mr. FAWELL has introduced several measures on the act and has convened a task force of Republican Members to study the problem. I am proud to be a member of this task force, and commend the gentleman for his leadership.

Last summer, Members of Congress spent a fair amount of time patting themselves on the back for passing the Catastrophic Health Care Act. It was supposed to be the greatest single expansion of the Medicare Program since its inception. It was designed to protect senior citizens from the devastating financial impact of extended hospital stays. It is also fatally flawed.

Congress has replaced the financial threat of an extended illness with an added tax burden which many senior citizens find themselves unable to meet. The law has been met with deep resentment by America's senior citizens. Funded by a supplemental premium, catastrophic health care is little more than a tax increase for middle-income senior citizens.

This tax increase is supported by very few of its supposed beneficiaries. I have received over 2,500 phone calls, letters, and petitions in opposition to this expansion of the Medicare Program. I have met with hundreds of senior citizens at gatherings around my district who have unanimously urged Congress to repeal or modify the law. I can recall only the one letter in support of catastrophic.

Supporters of this new Medicare Program have been telling us for months that the majority of senior citizens support the catastrophic health care plan. They are supposed to be the silent majority. Let me ask the program's supporters to tell me where I can find some of them. I'd like to ask them why they enjoy

paying extra taxes for benefits many already have. I'd like to learn why they support a prescription drug benefit that does not begin until the senior citizen has spent over \$600 in a single year. And I'd be interested to find out why they support a program in which they are paying for benefits which will not be phased in until 1991.

Mr. Speaker, I don't support the Catastrophic Health Care Act, and have taken several steps to work for real change in it.

Forty-four Members of Congress signed a letter which Congressman FOGLIETTA and I initiated. The letter to Congressmen STARK and WAXMAN asked that they hold hearings on the financing mechanism of the plan.

I followed that by becoming an original cosponsor of legislation urging the Committee on Energy and Commerce and the Committee on Ways and Means to reexamine the catastrophic health care law.

I am also a cosponsor of H.R. 2055, a bill to significantly restructure catastrophic health care. This bill would: Repeal the supplemental premium. Retain the expanded part A benefits including the removal of the cap on the length of inpatient hospital and hospice stays, expanded home health care, and expanded skilled nursing home coverage. Eliminate the coverage for mammography screening, respite care, and home administered intravenous drugs. Amend the prescription drug coverage to help low-income senior citizens on Medicaid. Retain the financial protections for the spouses of individuals receiving nursing home care, and it would adjust the Tax Code to encourage insurance companies to offer long-term care coverage.

It is long-term care that seniors think about when they speak of a catastrophic illness. It is long-term care that they thought would be included in the catastrophic health care law. And it is long-term care that senior citizens want from Congress.

When we pass a responsible long-term care bill which protects senior citizens from the true financial threat of an extended illness, Congress can take the time to pat itself on the back. Until then, we ought to get to take our hands out of our pockets and get to work.

Mr. FRANK. Mr. Speaker, I appreciate the initiative taken by my colleagues from Illinois, Mr. FAWELL; and from Florida, Mr. GOSS, in giving us the chance to express our strong views on the need for significant change in the law establishing the program concerning catastrophic illness.

I believe it was an error for President Reagan to insist, and for Congress to go along with his insistence, that this program be paid for by special taxes to be paid only by the elderly. The principle that people of a particular age group should be singled out for higher taxes for certain benefits is simply wrong. It has no economic justification, and it is not fair according to the rules of democratic government. Some have argued that the principle is that those who receive the benefit should pay for it. I do not agree with that, because benefits are often extended to those who are in fact least able to pay. And in this case it is not even accurate: Many of those who are being forced to pay higher taxes under this bill simply because of their age will in fact receive no benefit from it. They are eli-

gible for the benefits, but the great majority of people will not incur catastrophic illness, and many of those who are in fact being forced to pay for these benefits already receive them through retirement plans or other methods. They in fact are being forced to pay for something which is of no value to them whatsoever.

I do agree that we should be providing help for those who face catastrophic illness. Indeed, I think we should be going further in providing for a form of national health insurance that will, using private medical providers, even out many of the inequities of the medical system. But it is essential that any such program be paid for equally.

We made the grave error, at President Reagan's insistence, of creating a system in which a 70-year-old making a particular income pays higher taxes than a 40-year-old making the same income. That is not fair. A far better way to proceed would be to pay for those benefits people already receive—and pay for them by fair taxation and by reducing wasteful spending elsewhere in Government.

It is important that Congress act this session to repeal this unfair tax on the elderly. I believe it is possible for us to finance many of the benefits that this program contains through fairer methods. I have myself proposed increases in the cigarette taxes, which would be paid by all people. I believe we can also shift money from other parts of the budget—it is absurd for American taxpayers to continue to pay so much more for the defense of Europe as a percentage of our gross national product than do many of those countries which directly benefit from our expenditures.

The myth that older people represent collectively a large pool of funds which we can take to finance programs must be exploded. There are some wealthy elderly people. There are also many poor ones and a large number who are getting by adequately but with no great margin. To put an extra tax on people simply because of their age is wrong. To make people who already receive benefits of this sort pay for them when they receive nothing in return is wrong. The approach that we took in the catastrophic bill will, if we do not change it quickly, discredit the very notion of trying to use Government to provide necessary services.

Of course it is wrong for us to have a society in which, older people who become ill face impoverishment. We should be providing for protection against that—and in ways that go beyond this catastrophic bill, for instance by dealing with the problem of nursing home care. The catastrophic bill does things badly and we should drastically change it right away.

Mr. OWENS of Utah. Mr. Speaker, our continued concern for the well-being of our senior citizens is appropriate and necessary. The attempts by Congress to secure adequate catastrophic health care for seniors have been strong and well intentioned, but they have failed to cover some of the most pressing anxieties faced by the elderly.

My distress over this issue led me to hold many individual conversations with senior citizens as well as a town meeting in mid-April where I discovered that many of my older constituents were confused and disheartened

by what they perceived as an inequitable tax on those who have invested in pension plans and purchased health insurance in preparation for retirement. Although they may not receive additional benefits from catastrophic protection, many of these people will be paying twice for the same coverage.

This fact is particularly troubling when we consider the recent findings by the Senate Finance Committee which state that the suggested supplemental premiums may bring in more money than is necessary to fund the program. Although that projection is disputed, if there is a surplus it must be cut from the program's budget.

In addition, the act does not adequately address long-term health care, which is one of the most pressing concerns of the elderly and is still under discussion. Long-term care accounts for over 80 percent of out-of-pocket health care expenses, and it is estimated that this year nearly 1 million people in the United States will be forced into poverty trying to meet these costs. Congress has a responsibility to provide coverage for long-term care and prevent the impoverishment of elderly Americans.

In light of these facts, I have become a cosponsor of the Medicare Catastrophic Coverage Revision Act of 1989, offered by Mr. DEFAZIO, which would delay the implementation of many portions of the act until public hearings can be held and Congress has had another opportunity to examine the act.

I continue to believe that catastrophic protection has been an honest effort to relieve the burden of health care which has been placed on senior citizens. But I am not yet satisfied that this act fully covers what America's seniors want or need.

Mr. SHUMWAY. Mr. Speaker, I appreciate having this opportunity to speak out on behalf of the many senior citizens I am privileged to represent concerning the terribly unfair burden imposed by the Medicare Catastrophic Coverage Act.

I have opposed this bill from the outset, calling it "catastrophic taxation" and "a cruel hoax on the elderly." As passed, the bill fell far short of the goal of providing affordable, catastrophic health insurance coverage. Instead, it represented the largest expansion of Medicare since the program was created over 20 years ago, requiring that we impose the catastrophic taxation I mentioned earlier to provide protection against the cost of catastrophic illness.

Unfortunately, the media has presented a somewhat superficial overview and description of the act. Thus, most seniors remain in the dark concerning benefits included, costs incurred, and how the measure relates to similar coverage they may already have provided for themselves, or have provided for them by employer retirement programs. Middle-class seniors are being forced to bear the brunt of financing benefits for which they may not even qualify, or which they may already have provided for themselves under private plans.

More than 11 million senior citizens, or 35 percent of all retirees, will be forced to pay the new Medicare surtax this year. Both the tax rates and the percentage of elderly paying the tax will continue to rise in future years. Ac-

cording to the Congressional Budget Office [CBO], 42 percent of the elderly, or 14 million retirees, will be paying the new tax by 1993—by which time the surtax rate will have increased from today's 15 percent to 28 percent. Recent proposals to lower the cap will not cure the inequities in this legislation and should not be accepted as a solution. Congress can just as easily raise the cap when additional revenues are needed.

Most seniors will be paying for health care coverage they do not need. Of the Nation's 32 million Medicare beneficiaries, 125,000 will benefit from the provision allowing for hospital stays in excess of 60 days per year. This act assures that 93 percent of the participants will not exceed the out-of-pocket limit on physicians fees and services. Moreover, 83.2 percent will never exceed the deductible for prescription drugs. Costs to the potential beneficiaries in terms of taxes, premiums, and deductibles will continue to rise while the percentage of actual beneficiaries remains constant.

Furthermore, over 70 percent of Medicare beneficiaries already have provided catastrophic coverage for themselves. Participants who are most likely to incur the supplemental premium are likely to be covered by their existing Medigap or retirement health plans. Nearly 70 percent of Medicare enrollees also carry policies to cover what Medicare does not offer, and another 10 percent are covered by Medicaid.

As my colleagues joining in this special order today know well, the so-called catastrophic care package is riddled with flaws. It imposes a staggering burden; it treats seniors inequitably and, perhaps worst of all, it fails to provide the coverage which most seniors deem most important: long-term care. During a field hearing of the Aging Committee in my district last year, seniors overwhelmingly named long-term care their greatest medical threat and burden.

Congress needs to revisit this issue, and to provide that we are not above admitting that an error has been made. The Medicare Catastrophic Coverage Act as it now stands is a costly mistake in more ways than one. It should be repealed, or at least delayed, while more equitable and appropriate financing mechanisms are found. Additionally, I believe that seniors should have the opportunity to "opt out" of the program if they have already taken steps to provide for themselves. This session today will not correct any of the program's flaws, nor will it institute needed reforms. However, at least it will convince our respective senior constituencies that their voices have been heard, and that we share their outrage.

Mr. BAKER. Mr. Speaker, those of us who voted against the Medicare Catastrophic Coverage Act, and many others who have changed their position regarding this law, have worked incessantly hard to arrange additional hearings on the Medicare Catastrophic Coverage Law. Clearly, these hearings are essential to help deal with the animosity and anger which has been directed our way since passage of the catastrophic law. The majority of seniors are upset and rightly so. We must act quickly and responsibly, to either modify, delay, or if necessary, repeal the catastrophic law.

During my 16 years in the Louisiana State Legislature and the past 3 years in the U.S. House of Representatives, I cannot recall when I have received so much mail in opposition to a legislative act. I have received thousands of personal and often handwritten letters from seniors who tell me how this catastrophic law has hurt them financially. This vocal group of seniors have had the good fortune to be able to save their money for their retirement years. They have planned extensively, worked hard, and have every right to be secure in retirement. However, the current catastrophic law threatens to take much of this security away.

As you know, the catastrophic law creates havoc in the lives of senior citizens. Many seniors and young disabled individuals have told me of the inadequacy of this so-called "wonderful health care plan." Clearly, there are serious gaps in the coverage offered by the catastrophic law. One of the biggest deficits in the law is that the law does not provide the elderly with what they need the most; long-term home and nursing home care. In addition studies have shown that only 4 percent to four-tenths of 1 percent of seniors will benefit from the provisions in the catastrophic law. How can we require seniors to pay exorbitant prices for coverage they do not want, will not be able to use, and that is inadequate to meet their needs?

Over 70 percent of seniors have Medigap policies, receive employer sponsored health insurance coverage, are members of Health Maintenance Organizations (HMO's), or have other catastrophic insurance which adequately addresses their needs. Many of the seniors have told me that they will have to give up their adequate and comprehensive health care plans in order to afford to pay the mandatory fees and taxes required by this new law. This is outrageous! We are making strong, independent seniors dependent. What is worse, we are telling them that they have no choice; they must accept what we consider to be best for them, and that they have to pay the outrageous fees and a discriminatory surtax.

Clearly, seniors want the law changed. It is up to us to correct this situation and remove the additional unwarranted financial hardship this law has placed on them.

While there is certainly a need to help older Americans handle the financial burdens of catastrophic health care, my primary reason for voting against this bill was that its financing mechanism is seriously flawed and will create additional hardships for the elderly. The cost to the majority of Medicare participants far outweighs the benefits they could ever hope to receive.

I am looking forward to these hearings and hope that Congress will either modify or repeal the catastrophic law.

Mr. SPENCE. Mr. Speaker, in the past months, my office has been inundated with mail from concerned constituents expressing their strong opposition to Public Law 100-360, the Catastrophic Health Care law. Essentially, the law has two serious shortcomings which have been continually brought to my attention by the elderly and their families.

First, senior citizens had asked for some protection against the devastating, economic impact that can occur if struck by some debili-

tating, long-term illness. During consideration of H.R. 2470 in 1988, many of the elderly, and their Washington representatives, believed, partly due to the overwhelming publicity that billed the proposal as their economic savior, that the new law would address this concern by providing them with some reasonable assurance that they would not be reduced to poverty. Now, to their dismay, they have discovered that long-term coverage was not part of the new law.

Second, many elderly view the law as discriminatory. In an effort to keep this expansion of Medicare budget-neutral, the leadership devised a financing mechanism, under the guise of a premium, whereupon supposedly economically able older Americans would be taxed to pay for the expansion. The tax has the potential of serving as a disincentive to Americans to remain independent from Government assistance programs during their retirement years. Given current budget constraints, this is exactly the opposite of what Congress should be encouraging. Also, it sometimes results in citizens paying twice, once to their own private insurance policies and then in the form of the catastrophic surtax, for health coverage—a sort of health care double jeopardy.

While the law did include some valuable improvements in medical coverage for the elderly, it cannot be denied that the law is seriously flawed and that reform is needed. We should work to develop and initiate these reforms as soon as possible and I pledge my cooperation and energy to bring about such responsible change.

Mr. RINALDO. Mr. Speaker, I want to commend my colleagues for reserving this time today to speak on an issue that is of critical importance to senior citizens across the country—the Medicare Catastrophic Coverage Act passed into law last year.

We have witnessed an almost complete reversal of senior citizen sentiment on this matter.

In 1986, after his State of the Union message calling for catastrophic health coverage, President Reagan was almost universally praised by Members of Congress and senior citizens.

Today, we see a grassroots revolt among Medicare beneficiaries who are objecting to the financing mechanism of this legislation.

Moreover, we have seen over 2 dozen pieces of legislation introduced in the House alone to alter the catastrophic program. And in the other body, an amendment to delay enactment of the program for 1 year was narrowly defeated by only 1 vote.

I don't think Members should be surprised by these developments.

I remind my colleagues that when H.R. 2470 came to the House floor 2 years ago, many Democrats privately complained that the legislation was poorly conceived. In fact, many of them came up to commend the minority for its substitute to that bill.

They were right then, and I think we are right today to continue pushing for a more sensible, more pragmatic program, and one that is not so expensive that senior citizens will repudiate it.

The Michel-Rinaldo substitute that came to the House floor in 1987 was an excellent piece of legislation. In fact, it did one thing that the committee legislation could not do:

It attracted a number of votes from the other side of the aisle. It built upon the original Bowen plan for catastrophic hospital coverage by attacking the most important and pressing health care need of senior citizens—long-term nursing and home health care.

The substitute, which I helped to write, incorporated the provisions of my legislation, H.R. 3501, to establish a partnership between the Federal Government and the private sector to provide long-term care.

In the near future, I will reintroduce a modified version of the proposal.

My bill will repeal the surtax in the Medicare Catastrophic Coverage Act; retain the essential elements of that bill for catastrophic hospital coverage, extended part B coverage, and drug coverage for the poor; include the provisions of H.R. 3501 to establish a public-private partnership for long-term care; and establish a Federal reinsurance mechanism to promote widespread private long-term coverage.

Mr. Speaker, I am pleased at the opportunity to join my colleagues today in pressing for these reforms, and I also want to note that we are finally seeing some movement in the committees of jurisdiction.

The Senate Finance Committee has held hearings on this issue.

Just last week, the Energy and Commerce Committee adopted a resolution urging that this program be made voluntary.

And the Ways and Means Committee is also considering proposals to modify the act.

I endorse these efforts, because I think they are a direct response to the outcry from senior citizens.

We should listen to them when they tell us they don't want to be saddled with this surtax.

I oppose that tax, and it should be repealed without delay.

Again, I want to commend my colleagues for obtaining this special order today, and I yield back the balance of my time.

Mr. THOMAS of Wyoming. Mr. Speaker, I thank you and would like to join my colleagues in this special order to discuss the need to change the Medicare Catastrophic Coverage Act of 1988. The need for providing a comprehensive long-term coverage health care plan for the elderly is very real. Although many of the elderly and disabled have some private or public health insurance coverage in addition to that offered under Medicare, an estimated 20 percent of the elderly, many poor or near poor, do not have additional protection.

While the current Medicare Program does provide fairly good protection against costs associated with acute illness, it affords less adequate protection against certain other health care expenses of the elderly. Specifically, Medicare does not establish an upper limit on cost-sharing charges in connection with covered program services, nor does it provide coverage for particular services frequently used by senior citizens.

The Medicare Catastrophic Coverage Act of 1988 has attempted to respond to these concerns. This legislation does place an upper

limit on beneficiary cost sharing in connection with covered Medicare services, adds a catastrophic prescription drug program, and does require State Medicaid programs to pay Medicare cost-sharing and premium charges for Medicare enrollees below the poverty line.

However, this legislation does not include protection against long-term institutional care expenditures. Yet such long-term care insurance is the very type of health care protection which the elderly need most.

Furthermore, this mandatory program does not aid all Medicare enrollees. In fact, by 1993, when the program will be fully implemented, only 22 percent of Medicare enrollees will profit from the expanded benefits each year. Moreover, approximately 30 percent of the enrollees will pay more in new premiums, which include the supplemental plus the new part B provisions, than they will receive in new benefits.

Health care reform should benefit the majority. It should not penalize those who contribute the most to its financing while unfairly rewarding a minority or recipients who contribute least. Yet this is exactly what the Medicare Catastrophic Coverage Act of 1988 does. Consequently, I am firmly opposed to this bill and believe that it should be repealed in full.

We need to go back to the drawing board and reassess the health needs of the majority of the elderly in order to establish a comprehensive long-term care coverage program. I believe that H.R. 332, the Catastrophic Coverage Repeal Act of 1989, provides the means necessary to fulfill these goals. This bill would not only repeal the Medicare Catastrophic Coverage Act of 1988, but would also establish an advisory committee to study the needs of Medicare recipients for long-term acute care and to report on their findings. This report would devise a program to provide Medicare coverage for long-term acute care while simultaneously preserving the role of private insurance and minimizing duplicate coverage.

As a cosponsor of H.R. 332, I have pledged my support to finding a more efficient and comprehensive plan to provide insurance coverage for long-term health care costs for all Medicare enrollees. I encourage my colleagues to come to the aid of our elderly and support H.R. 332.

GENERAL LEAVE

Mr. GOSS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order tonight.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. FAWELL) to revise and

extend their remarks and include extraneous material:)

Mr. McEWEN, for 60 minutes, today.

Mr. PORTER, for 5 minutes, today.

Mr. BURTON of Indiana, for 60 minutes, today.

Mr. STEARNS, for 5 minutes, today.

(The following Members (at the request of Mr. GONZALEZ) to revise and extend their remarks and include extraneous material:)

Mr. RAY, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mrs. LOWEY of New York, for 15 minutes, today.

Mr. TALLON, for 30 minutes, on July 20.

Mr. WALGREN, for 30 minutes, on July 24.

(The following Member of Congress (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. RAY, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. FAWELL) and to include extraneous matter:)

Mr. GEKAS.

Mr. DAVIS.

Mr. CHANDLER.

Mr. DORNAN of California in two instances.

Mr. MACHTLEY.

Mr. BARTON of Texas.

Mr. GRANT.

Mr. COLEMAN of Missouri.

Mr. SOLOMON.

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:)

Mr. MAZZOLI.

Mr. RICHARDSON.

Mr. GRAY.

Mr. RANGEL.

Mr. BRUCE.

Mr. RAY.

Mr. STARK.

Mr. MONTGOMERY.

Mr. TALLON.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 85. An act to authorize the acceptance of certain lands for addition to Harpers Ferry National Historical Park, WV; to the Committee on Interior and Insular Affairs.

S. 267. An act to authorize the Secretary of the Interior to convey certain lands in Idaho to Mr. and Mrs. Kenneth Blevins of Kuna, ID; to the Committee on Interior and Insular Affairs.

S. 830. An act to amend Public Law 99-647, establishing the Blackstone River Valley National Heritage Corridor Commission, to authorize the Commission to take immediate action in furtherance of its pur-

poses and to increase the authorization of appropriations for the Commission; to the Committee on Interior and Insular Affairs.

JOINT RESOLUTION AND BILLS PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a joint resolution and bills of the House of the following titles:

H.J. Res. 174. Joint resolution to designate the decade beginning January 1, 1990, as the "Decade of the Brain";

H.R. 2214. An act to ratify certain agreements relating to the Vienna Convention on Diplomatic Relations; and

H.R. 2848. An act to amend the Computer Matching and Privacy Protection Act of 1988 to delay the effective date of the act for existing agency matching programs.

ADJOURNMENT

Mr. GOSS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 12 minutes p.m.) the House adjourned until tomorrow, Wednesday, July 19, 1989, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1467. A letter from the Assistant Secretary of State for Legislative Affairs transmitting copies of the original report of political contributions by Richard A. Moore, of the District of Columbia, Ambassador Extraordinary and Plenipotentiary-designate to Ireland, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1468. A letter from the Assistant Secretary of State for Legislative Affairs transmitting copies of the original reports of political contributions by William Lacy Swing, Ambassador Extraordinary and Plenipotentiary-designate to the Republic of South Africa; and by Johnny Young, Ambassador Extraordinary and Plenipotentiary-designate to the Republic of Sierra Leone, and members of their families, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1469. A letter from the Secretary of Veterans Affairs transmitting a draft of proposed legislation to provide for the realignment or major mission change of certain medical facilities of the Department of Veterans Affairs; jointly, to the Committees on Veterans' Affairs, Government Operations, Merchant Marine and Fisheries, and Rules.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 1031. A bill to authorize the reformation of Cedar Bluff Unit of the Pick-Sloan Missouri Basin Program, Kansas, to provide for the amendment of water service and repayment contracts; with an amendment (Rept. 101-151, Pt. 1). And ordered to be printed.

Mr. DERRICK: Committee on Rules. House Resolution 205. Resolution waiving certain points of order against the consideration of H.R. 2916, a bill making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1990, and for other purposes (Rept. 101-152). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. AUCOIN:

H.R. 2917. A bill to amend the Internal Revenue Code of 1986 to provide that the passive loss limitation shall not apply to deductions allowable for cash out-of-pocket expenses for taxes, interest, and trade or business expenses in connection with rental real estate activities in which the taxpayer actively or materially participates; to the Committee on Ways and Means.

By Mr. BOUCHER:

H.R. 2918. A bill to delay the effective date of an amendment to the Controlled Substances Act that prohibits transfers of forfeited property by the Attorney General to State and local law enforcement agencies if such transfers circumvent State law; jointly, to the Committees on Energy and Commerce and the Judiciary.

By Mr. LEHMAN of Florida (for himself, Mr. BENNETT, Mrs. COLLINS, Mr. DWYER of New Jersey, Mr. DYMALLY, Mr. FASCELL, Mr. FAUNTROY, Mr. GRANT, Mr. JOHNSTON of Florida, Mr. KOLTER, Mr. NELSON of Florida, Ms. PELOSI, and Mr. RANGEL):

H.R. 2919. A bill to amend the Rehabilitation Act of 1973 to authorize the Director of the National Institute on Disability and Rehabilitation Research to conduct research on the development of advanced technology prosthetic and orthotic devices; to the Committee on Education and Labor.

By Mr. MCCRERY (for himself, Mrs. BOGGS, Mr. LIVINGSTON, Mr. BAKER, Mr. HAYES of Louisiana, Mr. HOLLOWAY, Mr. HUCKABY, Mr. TAUZIN, Mr. WILSON, and Mr. CHAPMAN):

H.R. 2920. A bill to grant the consent of Congress to an amendment to a compact ratified by the States of Louisiana and Texas and relating to the waters of the Sabine River; to the Committee on Interior and Insular Affairs.

By Mr. MARKEY (for himself, Mr. RINALDO, Mr. FRANK, Mrs. ROUKEMA, Mr. SHAYS, and Mr. STARK):

H.R. 2921. A bill to amend the Communications Act of 1934 to prohibit certain practices involving the use of telephone equipment for advertising and solicitation purposes; to the Committee on Energy and Commerce.

By Ms. OAKAR (for herself and Mr. ANNUNZIO):

H.R. 2922. A bill to consolidate and revise the laws relating to the organization and authority of the U.S. Capitol Police Force, and for other purposes; to the Committee on House Administration.

By Mrs. SMITH of Nebraska (for herself, Mr. DORGAN of North Dakota, Mr. BROWN of Colorado, Mr. JOHNSON of South Dakota, Mr. ROBERTS, Mr. MARLENEE, Mr. LIGHTFOOT, and Mr. STENHOLM):

H.R. 2923. A bill to amend the Internal Revenue Code to extend the 1 year deferral of income from the sale of livestock on account of drought; to the Committee on Ways and Means.

By Mr. WAXMAN:

H.R. 2924. A bill to amend titles XVIII and XIX of the Social Security Act to provide for budget reconciliation of the Medicare and Medicaid Programs for fiscal years 1990 and 1991 in accordance with reconciliation instructions to the Committee on Energy and Commerce; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. MFUME:

H.J. Res. 367. Joint resolution designating February 11 through 17, 1990, as "Vocational-Technical Education Week"; to the Committee on Post Office and Civil Service.

By Mr. WEISS:

H.J. Res. 368. Joint resolution to prohibit the proposed sale to Pakistan of F-16 aircraft; to the Committee on Foreign Affairs.

By Mr. MICHEL:

H. Res. 204. Resolution electing Representative Grandy of Iowa to the Committee on Standards of Official Conduct; considered and agreed to.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

201. By the SPEAKER: Memorial of the General Assembly of the State of Illinois, relative to the Food and Security Act of 1990; to the Committee on Agriculture.

202. Also, memorial of the Senate of the Commonwealth of Pennsylvania, relative to military chaplains; to the Committee on Armed Services.

203. Also, memorial of the Senate of the Commonwealth of Pennsylvania, relative to the airplane crash of December 12, 1985, at Gander, NF, Canada; to the Committee on Foreign Affairs.

204. Also, memorial of the General Assembly of the State of Colorado, relative to an amendment to the Constitution of the United States which would protect the American flag from desecration; to the Committee on the Judiciary.

205. Also, memorial of the Senate of the Commonwealth of Pennsylvania, relative to proposing an amendment to the Constitution regarding flag desecration; to the Committee on the Judiciary.

206. Also, memorial of the Legislature of the State of Michigan, relative to the Army Corps of Engineers; to the Committee on Public Works and Transportation.

207. Also, memorial of the Assembly of the State of California, relative to highway projects; to the Committee on Public Works and Transportation.

208. Also, memorial of the Assembly of the State of California, relative to improving the traffic flow through the Calexico Port of Entry; jointly, to the Committees on

Public Works and Transportation and Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 83: Mr. UPTON.
H.R. 145: Mr. ECKART.
H.R. 373: Mr. SHUMWAY, Mr. RICHARDSON, and Mr. ECKART.
H.R. 418: Mr. NEAL of North Carolina.
H.R. 500: Mr. SPENCE.
H.R. 539: Mr. BARNARD, Mr. SUNDQUIST, Ms. KAPTUR, Mr. RANGEL, Mr. ROGERS, Mr. ANDREWS, and Mr. KOSTMAYER.
H.R. 572: Mr. SAIKI.
H.R. 579: Mr. PASHAYAN.
H.R. 638: Mrs. UNSOELD.
H.R. 694: Mr. LAUGHLIN.
H.R. 711: Mr. TRAFICANT, Mr. BEVILL, Mr. CLINGER, Mr. MATSUI, and Mr. HATCHER.
H.R. 720: Mr. SWIFT and Mr. FAWELL.
H.R. 752: Mr. BEREUTER.
H.R. 979: Mr. DIXON, Mr. CAMPBELL of California, Mr. MINETA, and Mr. BEREUTER.
H.R. 1029: Mr. GINGRICH.
H.R. 1046: Mr. TRAFICANT and Mr. RANGEL.
H.R. 1083: Mr. GINGRICH, Mr. MATSUI, Mr. WISE, Mr. ECKART, and Mr. MONTGOMERY.
H.R. 1129: Ms. SLAUGHTER of New York.
H.R. 1193: Mrs. MARTIN of Illinois, Mr. SARPALIUS, Mr. JOHNSON of South Dakota, Mr. BOEHLERT, Mr. TALLON, and Mr. SHUMWAY.
H.R. 1205: Mr. GILMAN, Mr. HOLLOWAY, and Mr. SCHIFF.
H.R. 1216: Mr. GORDON, Mr. FORD of Tennessee, Mr. HEFLEY, Mr. TRAFICANT, Mr. HUGHES, Mr. MAVROULES, and Mr. WAXMAN.
H.R. 1221: Mr. SKELTON.
H.R. 1307: Mr. NATCHER, Mr. ROBERT F. SMITH, Mr. LEATH of Texas, Mr. SUNDQUIST, Mr. BUECHNER, Mr. UPTON, and Mr. BLILEY.
H.R. 1337: Mr. BONIOR.
H.R. 1401: Mr. KOLBE.
H.R. 1565: Mr. HERGER.
H.R. 1573: Mr. HAYES of Illinois, Mr. VISCOSKY, Mr. KENNEDY, and Mr. ROE.
H.R. 1588: Mr. WISE, Mr. HOLLOWAY, and Mr. CLINGER.
H.R. 1617: Mr. BUNNING and Mr. MAZZOLI.
H.R. 1628: Mr. MCCURDY and Mr. SISISKY.
H.R. 1631: Mr. FASCELL.
H.R. 1733: Mr. DE LUGO, Mr. HUGHES, and Mr. ENGEL.
H.R. 1746: Mr. BONIOR.
H.R. 1845: Mr. STOKES.
H.R. 2086: Mr. KOLTER, Mr. PASHAYAN, Mr. CAMPBELL of Colorado, Mr. HOLLOWAY, and Mr. ECKART.
H.R. 2103: Mr. NIELSON of Utah, Mr. STANGELAND, and Mr. YOUNG of Alaska.
H.R. 2112: Mr. KOLBE.
H.R. 2121: Mr. YATRON, Mr. DEFazio, Mr. MAZZOLI, Ms. LONG, Mr. HANCOCK, Mr. SWIFT, and Mr. BUNNING.
H.R. 2131: Mr. CLEMENT and Mr. ECKART.
H.R. 2132: Mr. SAXTON and Mr. HERGER.
H.R. 2133: Mr. HERGER and Mr. SAXTON.
H.R. 2209: Mr. HAYES of Louisiana.
H.R. 2233: Mr. CAMPBELL of California.
H.R. 2283: Mr. SPENCE, Mr. HAWKINS, and Mr. HANCOCK.
H.R. 2290: Mr. RANGEL, Mr. HORTON, and Ms. PELOSI.
H.R. 2331: Mr. JOHNSON of South Dakota and Mr. LOWERY of California.
H.R. 2361: Mr. RAY.
H.R. 2362: Mr. RAY.
H.R. 2403: Mr. WHEAT and Mr. DE LUGO.
H.R. 2437: Mr. SHAYS.

H.R. 2462: Mr. BRYANT, Mr. CAMPBELL of Colorado, and Mr. ECKART.
H.R. 2466: Mr. CROCKETT.
H.R. 2485: Mr. JONTZ, Mr. ACKERMAN, Mr. ATKINS, Mr. MORRISON of Connecticut, Mr. CROCKETT, Mr. CAMPBELL of Colorado, Mr. SMITH of Florida, Mr. FORD of Michigan, Mr. FAZIO, Mr. LELAND, Mr. KILDEE, Mr. FUSTER, Mr. HILER, Mr. VISCOSKY, Ms. KAPTUR, Mr. SIKORSKI, and Mr. HENRY.
H.R. 2584: Mr. SCHEUER, Mr. FUSTER, Mr. HORTON, Mr. KOSTMAYER, Mr. BROWN of California, Mr. FLORIO, and Ms. PELOSI.
H.R. 2646: Mr. BALLENGER.
H.R. 2648: Mrs. BOXER, Mr. ENGEL, Mr. REGULA, Mr. FUSTER, Mr. KLECZKA, and Mr. KOLBE.
H.R. 2681: Mr. FLORIO and Mrs. COLLINS.
H.R. 2682: Mr. CLEMENT.
H.R. 2699: Mr. PRICE, Mr. SMITH of Florida, and Mr. GILMAN.
H.R. 2707: Mr. ROSE, Mr. JONES of North Carolina, Mr. BEVILL, and Mr. SAXTON.
H.R. 2708: Mr. ECKART, Mr. SLATTERY, Mr. JONES of Georgia, Mr. MORRISON of Connecticut, Mr. ATKINS, Mr. SMITH of Florida, Mr. HERTEL, and Mr. McDermott.
H.R. 2726: Mr. STARK, Mr. RAHALL, Mr. TOWNS, Mr. BATES, Mr. DE LUGO, Mr. MATSUI, Mr. McEWEN, Mr. DEFazio, Mr. CAMPBELL of Colorado, Mr. ROE, Mr. BEVILL, Mr. SENSENBRENNER, Mr. FAUNTROY, Mr. ATKINS, Mr. SCHEUER, Mr. DICKS, Mr. FALEOMAVAEGA, Mr. VALENTINE, Mr. ENGEL, Mr. NEAL of North Carolina, Mr. LEWIS of Georgia, Mr. SKELTON, Ms. PELOSI, Mr. BAKER, Mr. WALSH, Mr. DELLUMS, Mr. ACKERMAN, Mr. EVANS, Mr. AKAKA, Mr. JONES of Georgia, Mr. KENNEDY, and Mr. LANTOS.
H.R. 2772: Mr. LEWIS of Georgia, Mr. DE LUGO, Mr. TOWNS, Mr. FORD of Tennessee, Mr. CHAPMAN, Mr. BEREUTER, and Mr. KENNEDY.
H.R. 2796: Mr. INHOFE and Mr. MCCURDY.
H.R. 2807: Mr. RAY, Mr. MADIGAN, Mr. MOAKLEY, Mr. STUMP, Mr. FLORIO, Mr. HYDE, Mr. McEWEN, Mr. GUNDERSON, Mr. WAXMAN, and Mr. SKEEN.
H.R. 2853: Mr. ENGEL, Mr. HORTON, and Mr. DYMALLY.
H.R. 2872: Mr. MACHTLEY.
H.J. Res. 81: Mr. PETRI.
H.J. Res. 104: Mr. WEBER, Mr. AU COIN, Mr. HILER, Mr. PURSELL, and Mr. VANDER JAGT.
H.J. Res. 115: Mr. SMITH of Florida, Mr. FLAKE, Mr. WHITTAKER, and Mr. VOLKMER.
H.J. Res. 130: Mr. KANJORSKI, Mr. SARPALIUS, Mr. HANSEN, Mr. DICKS, Ms. SLAUGHTER of New York, Mr. HILER, Mr. BORSKI, Mr. WOLPE, Mr. BURTON of Indiana, Mr. CALLAHAN, Mrs. BOGGS, Mr. PARKER, Mr. BARTLETT, Mr. COBLE, Mr. PURSELL, Mr. MOORHEAD, Mr. CONTE, Mr. WISE, Mr. STAGGERS, Mr. DURBIN, Mr. CRAIG, Mr. DUNCAN, Mr. INHOFE, Mr. VALENTINE, Mr. SLATTERY, Mr. GILLMOR, Mr. HASTERT, Mr. MCCREY, Mr. HERGER, Mr. COLEMAN of Missouri, Mr. OXLEY, Mr. BILBRAY, Mr. HOUGHTON, Mr. DOUGLAS, Mr. SPENCE, Mr. THOMAS of California, Mr. DARDEN, Mrs. MARTIN of Illinois, Mr. UPTON, Mr. GINGRICH, Mr. SMITH of Texas, Mr. MARLENEE, Mr. ROHRBACHER, Mr. SCHIFF, Mr. McMILLAN of North Carolina, Mr. SLAUGHTER of Virginia, Mr. SKAGGS, Mrs. MORELLA, and Mr. SMITH of Mississippi.
H.J. Res. 138: Mr. RAHALL, Mrs. SAIKI, Mr. WALSH, Mr. MCCURDY, Mr. CARDIN, Mr. GRAY, Mr. TOWNS, Mr. YOUNG of Alaska, Mrs. LOWEY of New York, Mr. THOMAS A. LUKE, Mr. HAYES of Illinois, Mr. CARR, Mr. DEFazio, Mr. DERRICK, Mr. FORD of Tennessee, Mr. HAWKINS, Mr. KANJORSKI, Mr. TAUZIN, Mr. McMILLAN of Maryland, Mr.

RAY, Mr. SLATTERY, Mr. STOKES, Mr. SYNAR, Mrs. UNSOELD, Mr. WHEAT, Mr. WALGREEN, Mr. COOPER, Mr. LAGOMARSINO, and Mr. PETRI.

H.J. Res. 160: Ms. PELOSI.
H.J. Res. 204: Mr. SPENCE, Mr. BARTLETT, Mr. LELAND, Mr. VENTO, Mr. SABO, Mr. BEVILL, Mr. ARCHER, Mr. RANGEL, Mr. PRICE, Mr. PETRI, Mr. KOSTMAYER, Mr. GINGRICH, and Mrs. LLOYD.
H.J. Res. 217: Mr. STARK, Mr. MACHTLEY, Mr. WYDEN, Mr. HENRY, Mr. GREEN, and Mr. GORDON.
H.J. Res. 278: Mr. BEREUTER, Mr. HUGHES, Mr. SHUMWAY, Mr. GALLEGLY, Mr. ESPY, Ms. KAPTUR, Mr. GALLO, and Mr. HILER.
H.J. Res. 305: Mr. ROGERS, Mr. BILBRAY, Mr. SANGMEISTER, Mr. PAYNE of Virginia, Mr. HUTTO, Mr. LAGOMARSINO, Mr. DANNEMEYER, Mr. BARTON of Texas, Mr. HOCHBRUECKNER, and Mr. CHAPMAN.
H.J. Res. 330: Mr. GALLEGLY, Mr. PICKETT, Mr. WYLIE, Mr. McNULTY, Mr. BEVILL, Mrs. MARTIN of Illinois, Mr. STEARNS, Mr. OXLEY, and Mr. SANGMEISTER.
H.J. Res. 333: Mr. WILSON and Mr. DANNEMEYER.
H.J. Res. 350: Mr. GORDON, Mr. LIPINSKI, Mr. BUSTAMANTE, Mr. HASTERT, Mr. ARMEY, Mr. HATCHER, Mr. BLILEY, Mr. HORTON, Mr. WHITTEN, Mr. SCHAEFER, Mr. POSHARD, Mr. ESPY, Mr. QUILLIN, and Mr. BAKER.
H. Con. Res. 66: Mr. STUDDS.
H. Con. Res. 69: Mr. HERTEL.
H. Con. Res. 87: Mr. JONTZ, Mr. KENNEDY, Mr. ANDREWS, Mr. GEJDENSON, Mr. NOWAK, Mr. GLICKMAN, Mr. ASPIN, Mr. MICHEL, Mr. FRENZEL, Mr. CARPER, Mr. TORRICELLI, Mr. VENTO, Mr. AU COIN, Mr. LEACH of Iowa, Mr. MANTON, Mr. BONIOR, Mr. CAMPBELL of California, Mr. BATES, and Mr. WHEAT.
H. Con. Res. 128: Mr. PARKER.
H. Con. Res. 147: Mr. EDWARDS of Oklahoma, Mr. DELAY, Mr. ATKINS, Mr. MILLER of Washington, Mr. DYMALLY, Mr. ROBINSON, Mrs. MARTIN of Illinois, Mr. FRANK, Mr. NIELSON of Utah, Mr. LEVIN of Michigan, Mr. SCHEUER, Mr. TOWNS, Mr. MARTINEZ, Mr. RANGEL, and Mr. BOEHLERT.
H. Con. Res. 154: Mr. DONALD E. LUKENS, Mr. HORTON, and Mr. GEJDENSON.
H. Con. Res. 161: Mr. MCCOLLUM, Mr. COBLE, and Mr. HARRIS.
H. Res. 128: Mr. TORRICELLI, Mr. DONALD E. LUKENS, and Mr. BROOMFIELD.
H. Res. 170: Mr. FAZIO, Mr. ENGEL, and Mr. HAWKINS.
H. Res. 176: Mr. FIELDS.
H. Res. 178: Mr. FROST, Mr. RITTER, and Mr. WOLPE.
H. Res. 197: Mr. JOHNSTON of Florida, Mr. SKAGGS, Mr. BROWDER, Mr. BOEHLERT, Mr. LEWIS of Florida, Mr. RITTER, Mr. SMITH of Texas, Mr. SMITH of New Hampshire, Mr. HENRY, Mr. FAWELL, Mr. SLAUGHTER of Virginia, Mr. BUECHNER, Mrs. MORELLA, Mr. SHAYS, Mr. SCHIFF, Mr. PACKARD, and Mr. MORRISON of Washington.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS
Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:
H.R. 660: Mr. RHODES.

SENATE—Tuesday, July 18, 1989

(Legislative day of Tuesday, January 3, 1989)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

*Grace be to you and peace from God our Father, and from the Lord Jesus Christ. Blessed be God, even the Father of our Lord Jesus Christ, the Father of mercies, and the God of all comfort * * *.—II Corinthians 1:2, 3.*

God of all comfort, make Thy presence and Thy peace felt wherever there is hurting in our large family and with those who suffer in hospital and home. Encourage them with Thy love and grace. Assure them of the concern and prayers of their friends in the Senate community.

Our hearts are especially burdened for Willie Anthony, employee in the Dirksen Restaurant. Comfort him in the tragic loss of his wife, 4 months pregnant, shot in the head by a stray bullet as she sat on her front porch. Console him in the knowledge that all of us join in sympathy and prayer.

Help us, gracious Father, to be sensitive, loving, and caring to each other as we are aware of each other's needs.

In the love of God we pray. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President, this morning, following the time for the two leaders, there will be a period for morning business until 10:30, with Senators permitted to speak therein for up to 5 minutes each. The time between 10:30 and 12:30 will also be considered as morning business for the purpose of the introduction of legislation and constitutional amendments relating to the issue of the desecration

of the American flag and discussion of that question. Senators will be permitted to speak for up to 10 minutes each during that period.

The Senate will stand in recess from 12:30 to 2:15 for the party conferences. When the Senate reconvenes at 2:15 p.m., there will be 20 minutes of debate on the Moynihan amendment, equally divided and controlled between Senators MOYNIHAN and HELMS. A vote on the Moynihan amendment will occur at 2:35 p.m.

I expect other votes to occur after the vote on the Moynihan amendment. So Senators should be aware that there will very likely be rollcall votes throughout the day during today's session.

Mr. President, I reserve the remainder of my leader time and yield to the distinguished Republican leader.

The PRESIDENT pro tempore. Without objection, the time of the majority leader is reserved.

RECOGNITION OF THE REPUBLICAN LEADER

The PRESIDENT pro tempore. The Republican leader is recognized under the order.

Mr. DOLE. Mr. President, I reserve my time.

The PRESIDENT pro tempore. Without objection, the time of the Republican leader is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business not to extend beyond the hour of 10:30 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

Mr. ADAMS and Mr. THURMOND addressed the Chair.

The PRESIDENT pro tempore. The distinguished Senator from Washington [Mr. ADAMS] is recognized.

Mr. ADAMS. Mr. President, I yield to the Senator from South Carolina if he has business that he has to take care of immediately. I have a 5-minute speech I wish to make in morning business.

Mr. THURMOND. I thank the Senator.

The PRESIDENT pro tempore. The senior Senator from South Carolina [Mr. THURMOND] is recognized for not to exceed 5 minutes.

TRIBUTE TO LT. GEN. HENRY DOCTOR, JR.

Mr. THURMOND. Mr. President, I rise today to recognize Lt. Gen. Henry Doctor, Jr., the inspector general of the Army and a South Carolinian, for his many years of meritorious service to our Nation. General Doctor retires from active service on July 31, 1989.

Hank, as he is known by his friends, was born in Oakley, SC. He graduated from South Carolina State College, where he was commissioned a second lieutenant of infantry and awarded a bachelor of science degree.

General Doctor has been the inspector general of the Army since July of 1986. He is widely respected for his inspirational leadership of the Inspector General Corps and his significant enhancement of the inspector general system. General Doctor's frankness, honesty, and compassion are reflected daily by every inspector general, inspector general assistant, and civilian employee of the Inspector General Corps throughout the Army.

As the inspector general, he is the key advisor to the Secretary of the Army and the Chief of Staff. His professional advice to the Army's senior leadership always demonstrated his deep concern for the Army and, especially, for its soldiers and their families. His actions always reflected his deep commitment to the credibility of the Inspector General Corps.

During his 35 years of military service, "Hank" Doctor held a wide variety of important command and staff positions. Immediately prior to his assignment as the inspector general, he served as the deputy inspector general. Prior to that he commanded the 2d Infantry Division in Korea where, several years ago, I personally had the opportunity to observe his dynamic leadership and sincere concern for the soldiers under his command.

General Doctor's other significant assignments included: director of the enlisted personnel management at the Army Military Personnel Center; commander, 1st Brigade, 25th Infantry Division; assistant division commander, 24th Infantry Division; and, Chief of Staff, U.S. Army Materiel Development and Readiness Command. He served overseas in Alaska, Europe, Hawaii, South Korea, and Vietnam, where he was executive officer of the 1st Battalion, 35th Infantry, 25th Infantry Division.

General Doctor's professional schooling include the U.S. Army In-

fantry School, the U.S. Army Command and General Staff College, and the U.S. Army War College. He also holds a master of arts degree in counseling and psychological services. General Doctor's awards and decorations include the Distinguished Service Medal, the Legion of Merit, the Bronze Star, the Air Medal, and Army Commendation Medal.

He is married to the former Janie Manigault. The Doctors have four children: Constanza, Lori, Kenneth, and Cheryl.

Hank Doctor is now completing his remarkable career. He will be missed by the soldiers with whom he served and by our grateful Nation.

I am pleased to salute Lt. Gen. Henry Doctor, the inspector general of the Army, for his many years of outstanding service to the U.S. Army and our country.

I am glad Hank and Janie could be here this morning. I take great pride in the fact that he is a South Carolinian, and I am proud of him as a great American. His accomplishments reflect the opportunities we have in America for all people who are willing to work and willing to prove themselves, as he has done.

I wish him and his family well.

I wish to thank the able Senator from Washington State, for allowing me this time.

The PRESIDENT pro tempore. The senior Senator from Washington [Mr. ADAMS] is recognized.

A SPECIAL EVACUATION TEAM FOR THE DEPARTMENT OF STATE

Mr. ADAMS. Mr. President, I rise this morning to indicate that during the further consideration of the State Department authorization bill I will be offering an amendment on behalf of the American citizens and their families who were caught in the web of confusion during the recent unrest and bloody tragedy in Beijing last month. I hope this amendment will be accepted by the managers. I believe that it will be.

While the world watched thousands of brave Chinese students stand up for democracy and fight their Government's resistance to freedom, many American citizens were in China and were directly affected by the political unrest. Thousands of American travelers, students, and Government personnel from my State and elsewhere, saw the growing tensions in Beijing and looked to their Government for help and assistance. Unfortunately, a lack of preparation caused delays in evacuating American citizens and created immense anxiety for their families and dependents here at home. This, of course, was reflected in my office in Washington and in Seattle and I am sure in many other offices in the

Senate and the House of the United States.

Thousands of these people needed help. The amendment that I am offering is not meant to criticize our Foreign Service personnel nor the obvious hard work of State Department employees here in Washington. They were under enormous pressure to assist American citizens seeking to leave China, and they kept the lights burning. But the situation in Beijing did not explode overnight. It developed over several days. And as we watched the hostilities grow, better preparation was warranted. Instead, our office—and I am certain many others—saw mass confusion from a system lacking in coordination and communication. Many constituents were given conflicting advice by the Embassy and, in some cases, were given dangerous advice. I personally was called by families and contacted the State Department, which at one time advised Americans to go to the Beijing Hotel, which was very bad advice. Some were told not to go to the airport; others were told to go to the airport immediately.

We need a special evacuation team in the State Department to assist embassy personnel on the ground. Our embassy personnel in Beijing stopped issuing visas during the turmoil because they were forced to handle a delayed and ad hoc evacuation policy. Certainly, we have had enough problems around the world with evacuating U.S. citizens that we need to have a system and an office that will provide not only assistance but will be able to tell us here as well as those abroad what should be done.

Mr. President, I am sad to report that the United States lagged behind every other Western country in evacuating its citizens from China. Other countries were landing planes, giving specific instructions. They had vans on the streets and they were taking people to the airport and seeing that they were leaving. Similar measures should have been implemented for Americans.

Mr. President, this is a very simple amendment. I do not think it will cause any disruption at the State Department and it will not cost additional amounts of money, but it will save us from a tragedy in the future.

First, there should be developed a model emergency contingency plan for evacuation of personnel, dependents, and U.S. citizens from foreign countries. This should be in place in our State Department in Washington, DC.

Second, there must be a data bank of American citizens in the area being evacuated. We do have the time to develop this data bank if we are immediately contacting people who have visas in the area. During the China evacuation, the State Department was

trying to keep track of our citizens on index cards.

Third, State Department personnel with expertise in evacuations should assess the transportation and communication resources in the area and determine the logistic support needed for evacuation. Parenthetically, I might state, Mr. President, I have been in China a number of times. The airport is a distance from town. There is no direct public transportation. It must be traveled by van or by taxi. We should have had a plan to get Americans to the airport.

Fourth, we must develop a plan for coordinating communications between embassy staff, Department of State personnel, and families of U.S. citizens abroad regarding the whereabouts of those citizens.

Mr. President, we grieve for the heroes of Tiananmen Square. We are fortunate not to have lost Americans. I urge my colleagues this afternoon to adopt this amendment to increase our ability to prepare for future crises.

The PRESIDENT pro tempore. What is the will of the Senate? The junior Senator from California [Mr. WILSON] is recognized for not to exceed 5 minutes.

SDI

Mr. WILSON. Mr. President, on this fine sunny morning with our flag billowing proudly in the soft, summer breezes of Washington, America is at peace.

And America remains defenseless and as much at peril from nuclear missile attack as we have been every morning and evening for the more than four decades since the dawn of nuclear war at Hiroshima.

That is right.

The terrifying but undeniable fact is that America is without defenses against the mind-numbing nightmare of nuclear devastation wrought by ballistic missile attack.

Yes, we possess some limited ability to retaliate against such an attack. And there are some among us who find in that stark possibility an adequate substitute for real defenses. They take comfort in what they term the doctrine of mutually assured destruction.

I do not.

And, Mr. President, America need not—certainly not—when there is available to us a real defense which is infinitely better both militarily and morally than continued exclusive reliance upon a precarious balance of nuclear terror, depending uncertainly upon the threat of mutual destruction.

That real defense—that humane and militarily more credible deterrent to unwinnable nuclear war—is SDI, the strategic defense initiative.

In March 1983, President Ronald Reagan charged America's scientific and military community to launch the initiative that would set in place a peace shield of ballistic missile defenses that would make impossible the success of a decapitating first strike by nuclear missile attack, thereby enhancing the certainty and credibility of our retaliatory deterrent, and thereby rendering irrational to a rational Soviet war planner the notion of a successful first strike.

In launching SDI, President Reagan asked with simple eloquence, "how much better to save lives than avenge them."

Clearly it seemed fully possible that in voicing this profound hope for all mankind, the President and SDI might in fact bring the world into a bright new age when a future of mutually assured survival would replace the dark past of mutually assured destruction.

So it seemed then. But on this sunny morning, the future is far less bright and clear.

Tragically, with so much within our grasp, it is all too clear that Congress does not attach the same importance to SDI as President Reagan or President Bush.

And it is painfully clear that Congress does not share their sense of urgency that America reach that time of assured survival as soon as possible. Congress is in no hurry to achieve the promise of SDI.

Meanwhile America remains defenseless to nuclear missile attack.

America remains defenseless, but the House of Representatives seems ready to prove once again that democracy is that form of Government which repeatedly imperils its very survival by electing policymakers who refuse to provide for an adequate national defense.

Specifically, after the administration responded to deficit pressures by a painful reduction of a billion dollars from President Reagan's proposed SDI budget for fiscal year 1990, the House Armed Services Committee slashed another \$1.1 billion to bring down authorized spending for SDI from \$4.6 to \$3.5 billion, or \$200 million less than the fiscal year 1989 SDI budget.

And I am advised that when the full House takes up the defense authorization bill within the next 2 weeks, it is expected that an amendment will be adopted that will further cut authorized spending for SDI to only \$2.8 billion, almost a full billion cut from the level of last year's spending.

Mr. President, successive cuts of that magnitude by the House do not represent prudent cost reductions. This is not careful pruning or even radical surgery. It is mutilation.

It is a 50-percent cut in the Reagan proposal for fiscal year 1990, and a 40-percent reduction in the far more aus-

tere, deficit-driven request of President Bush.

It is irresponsible and dangerous.

Mr. President, it gives me absolutely no joy to make so harsh a charge, and I do not do so lightly.

Rather I am compelled to do so by the harsh realities that will be caused by these unwise House cuts. I am prepared to document the impacts produced by the cuts which range from unwise to downright dangerous.

Mr. President, I offer for the RECORD the expert assessment of these threatened impacts of Lt. Gen. George L. Monahan, Jr., USAF, Director of the Strategic Defense Initiative Organization. General Monahan's assessment is contained in a letter from him to me, dated July 7, 1989.

Mr. President, I ask unanimous consent that the full text of his letter, including the attached tabular data, be printed in the RECORD to appear at the conclusion of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered:

(See exhibit 1.)

Mr. WILSON. Mr. President, the sad experience of a continuing pattern of unwise House actions in prior years has led me to anticipate the need for General Monahan's expert assessment. I requested it during his appearance on June 15, 1989 before the Senate Armed Services Committee's Subcommittee on Strategic Forces and Nuclear Deterrence.

Specifically, I requested of General Monahan, in his capacity as Director of the Strategic Defense Initiative Organization, that he prepare an analysis of the impacts upon the SDI Program of spending cuts by the Congress of 10 percent, 20 percent, and 30 percent, from the \$4.6 billion requested by President Bush in the SDI budget for fiscal year 1990.

Mr. President, before proceeding to outline General Monahan's analysis, let me first provide some context for it.

I repeat that the United States has no defenses against ballistic missile attack other than the uncertain threat of our possible retaliation against such attack.

Let me add that none of our allies presently has defenses against missile attack. Some like Israel are in clear and present danger of such a potentially devastating attack and Israel specifically is trying desperately to achieve an antiballistic missile defense in time to prevent or successfully defend against the existing and growing missile capability of hostile neighbors.

But the ability of Israel, or Great Britain or West Germany to develop and deploy ABM defenses which may well make the difference between their destruction and their survival, is dependent upon the pace and progress of the American SDI Program. And

the pace and progress of SDI obviously depend upon adequate funding of SDI.

So what constitutes adequate funding?

Bear in mind that deficit reduction pressures have driven severe cuts in overall defense spending. President Bush's request of \$4.6 billion for SDI reflects one of the deepest and most serious cuts—a full billion dollars under the Reagan fiscal year 1990 request—even before any further cutting by Congress.

And the pace and progress of SDI?

At his appearance before the Strategic Subcommittee on June 15, General Monahan repeatedly and emphatically made a plea that no further cuts be entertained, stating unequivocally that the \$4.6 billion requested by the President represented the bare minimum required to sustain essential pace and progress. Repeatedly he emphasized that any reduction below the \$4.6 billion would result in unaffordable program disruption and delay.

In his July 7 response to my request for written analysis of the impact that would be produced by incremental further reductions by Congress, General Monahan spelled out with painful clarity the specific impacts of such cuts.

Quite properly, the general did not mince words. He wrote:

The current program is structured to permit a deployment by the President within the next 4 years. . . .

Budget reductions from current levels may force both a delay in projects supporting an initial phase of a future strategic defense system, but an even longer delay in projects which support follow-on systems. This outcome could force a major redirection of the program.

The impact of successive budget reductions would also produce increasingly serious damage to the SDI program infrastructure . . . even at the 90-percent level we will have to begin dismantling this infrastructure, incur additional costs due to program stretchout and contract renegotiation/termination, force layoffs, and suffer losses of skilled scientists and engineers.

What is the magnitude of these losses?

With a 10-percent cut, "the national work force currently planned for fiscal year 1990 SDI research may be reduced by 3,500 personnel."

With a 20-percent cut, the projected reduction in national work force is "more than 6,000 personnel."

And with a 30-percent cut, the resulting cut in the planned work force reaches "more than 8,000 personnel."

And what then would be the result of so drastic a reduction in the SDI research program work force?

This funding level could not support the research and testing needed to make an informed deployment decision within 4 years.

U.S. funding for most allied cooperative programs, would be terminated. Specifically the arrow missile project currently being de-

veloped to provide Israel the anti-tactical ballistic missile defense, upon which it may well depend for survival, is threatened with termination.

Further, at a level of SDI funding that is only 70 percent of the President's request, the "layered defenses that meet the requirements of the Joint Chiefs of Staff" would also be a casualty.

The Joint Chiefs conceive correctly that America needs the kind of ABM defenses, consisting of both ground-based and space-based components, capable in combination of destroying attacking ballistic missiles in all three phases of their trajectories: boost phase, mid-course, and terminal.

Specifically "directed energy and advanced technology programs for follow-on systems would be fund-limited, rather than free to advance at the pace technology is developed." As an example, the very promising "brilliant pebbles" technology would be threatened with cancellation, or at least significant delay which we just cannot afford.

The net result of a 30-percent cut would be that "... initial deployment would be delayed until well after the year 2000, with no provision for follow-on systems to offset Soviet countermeasures to the initially deployed system."

Not surprisingly, General Monahan concludes that "the President's fiscal year 1990 requested level for the SDI Program must be upheld."

Let me underscore as forcefully as I can that the dire results which General Monahan has outlined are predicated upon a 70-percent level of funding; and it is expected that the House of Representatives will irresponsibly cut SDI funding to the very dangerous and utterly unacceptable level of only 60 percent.

Should the House, under any pretext, engage in so irresponsible an action, it cannot be shrugged off as merely tiresome political gamesmanship.

While America and her allies remain defenseless, the Soviet Union has not only long ago deployed ABM defenses but for years has been spending heavily and working diligently to improve and expand them into a capability to deploy a nationwide network. We are engaged in a race.

It is crucial that America win that race. It is not another arms race.

In American hands, the ABM defensive capability that SDI can give us will be a peace shield deterring a Soviet first strike.

But should the Soviets deploy ABM defenses while we remain defenseless, that monopoly ABM capability could become an instrument of nuclear extortion in the hands of a Kremlin that holds both the sword and the shield.

Finally, to those who do not find these facts threatening because they

perceive a new and different Soviet leader and Soviet Union, a thaw or even an end to the cold war, I must point out that history teaches very clearly that optimism is luxury affordable by the nation ready to defend itself but very costly and even fatal to the nation that remains undefended and vulnerable.

But even putting the best face upon superpower relationships, there remains hideously plausible and even probable the scenario of Israel, defenseless against ballistic missile attack, suffering a second and final holocaust as nuclear or chemical warheads rain down upon her. Israel is surrounded by hostile neighbors who either have or are hell bent upon obtaining the kind of missile capability that could deal such a death blow.

It is patently urgent that Israel not suffer the delay or termination of the arrow program on which her life may well depend—which is threatened if not assured by a House vote to cut SDI funding to \$2.8 billion, or 60 percent of the President's request.

The President is not only fully justified but obligated to veto the defense authorization bill if the House persists in voting so dangerously inadequate a sum for SDI, in apparent contempt or indifference for the President's request and for the safety of Israel. The President should clearly inform the House that he will veto the bill if the House adopts a figure so low as to virtually assure that a conference cannot adequately fund SDI. He should do so before the House vote. Then if the House persists after warning, he must of course veto the bill.

The President is obliged to take this course not only to safeguard the people of America's strategic ally, Israel, but to safeguard the American people as well. The kind of conflagration that would be ignited by a missile attack upon Israel might very well and very quickly spread to engulf others.

Mr. President, let all who care about the safety of Israel and of the American people make clear to their Member of Congress that we cannot accept the House-proposed cut in SDI funding.

EXHIBIT 1

DEPARTMENT OF DEFENSE, STRATEGIC DEFENSE INITIATIVE ORGANIZATION,

Washington, DC, July 7, 1989.

HON. PETE WILSON,
U.S. Senate,
Washington, DC.

DEAR SENATOR WILSON: During my testimony before the Subcommittee on Strategic Forces and Nuclear Deterrence, Committee on Armed Services, you asked that I prepare an impact paper on the effects to the Strategic Defense Initiative (SDI) program of receiving a 10 percent, 20 percent, or 30 percent reduction off the requested level for fiscal year 1990. I have completed the assessment and forward the information herewith.

You will note that each incremental funding reduction from the current budget would have increasingly serious consequences for the SDI program. Specifically, options for deployment decisions, demonstration and validation of follow-on technologies, allied support, and arms control leverage would all be affected by budget reductions. The President's fiscal year 1990 requested level for the SDI program must be upheld.

I appreciate your interest in this very important issue. Please do not hesitate to contact me if I can be of additional assistance.

Sincerely,

GEORGE L. MONAHAN, JR.,
Lieutenant General, USAF, Director.

Enclosure as stated.

This paper responds to a request from Senator Pete Wilson to Lieutenant General Monahan during the General's testimony to the Senate Armed Services Committee on 15 June 1989. The Senator requested an analysis of the impact of a 10 percent, 20 percent and 30 percent reduction to the current (\$4.6B) FY 1990 budget request.

INTRODUCTION

The current program is structured to permit a deployment decision by the President within the next four years. It anticipates total funding of \$4.6 billion in FY 1990 and \$33 billion across the Five Year Defense Program (FYDP). The program goals remain the same as those formulated under the prior Administration's budget and, therefore, the general framework of the program is unchanged:

Pursuit of both space- and ground-based defenses;

Continuation on the path to deployment of a system that meets JCS requirements for a Phase I Strategic Defense System;

Close adherence with the deployment schedule presented to the Congress with the January 1989 FYDP; with

Flexibility to adjust the program as technology is tested and proven.

Near term efforts focus on evaluating the potential of the most rapidly advancing technologies. In particular, evaluation of the Brilliant Pebbles concept is emphasized.

The current budget is substantially less than the January 1989 FY 1990/1991 (Reagan) request which was based on funding of \$5.6 billion in FY 1990 and \$40.6 billion across the FYDP. Funds now requested are the minimum needed to meet the goals established for the SDI by the President.

As outlined on the following pages, each incremental funding reduction from the current budget would have increasingly serious consequences. The items most affected would be:

The timeliness and choice of options for a deployment decision;

The development and validation of advanced concepts for follow-on Phases;

Allied support; and

Leverage the SDI program provides in arms control negotiations.

Since follow-on systems will have to be deployed in a timely fashion to offset possible Soviet countermeasures to initial defenses, it is important that initial and follow-on phase efforts remain appropriately balanced. Budget reductions from current levels may force both a delay in projects supporting an initial phase of a future Strategic Defense System, but an even longer delay in projects which support follow-on systems. This outcome could force a major redirection of the program.

The impact of successive budget reductions would also produce increasingly serious damage to the SDI program infrastructure. Efforts of past years have coalesced technology into identifiable initial strategic defense system elements and architecture (i.e. a Dem/Val program), and several ground-based and space-based follow-on element concepts. To capitalize on this progress we have awarded many multi-million dollar, long term contracts, and established appropriate program offices. Even at the 90 percent level we will have to begin dismantling this infrastructure, incur additional costs due to program stretch-out and contract renegotiation/termination, force layoffs, and suffer losses of skilled scientists and engineers.

Although decisions on specific program cancellations/slowdowns and contract terminations/renegotiations will require additional study, the table at the end of this report lists most major SDI programs and primary contractors, and identifies the possible outcomes at each funding level.

Regardless of the SDI budget level approved, it is crucial that SDIO have the flexibility to adjust funding among the various programs and not be constrained by "fences" imposed by the Congress. SDI is still evolving, many technologies are developing rapidly, and international conditions cannot be confidently predicted. Changes may require the reordering of SDI program priorities and reallocation of available funds in order to attain program objectives and maximize the contribution of the SDI to National Defense.

The following impact assessments assume that the 10, 20 and 30 percent reductions are applied to each year of the FYDP.

IMPACT TO PROGRAM IF FUNDED AT 70 PERCENT OF CURRENT REQUEST

This funding level could not support the research and testing needed to make an in-

formed deployment decision within four years.

U.S. funding for most Allied cooperative programs would be terminated.

If we are to continue development of layered defenses that meet JCS requirements, Directed Energy and Advanced Technology programs for follow-on systems would have to be canceled and/or minimally funded.

All aspects of the program would be fund-limited, rather than free to advance at the pace technology is developed.

An initial deployment would be delayed until well after the year 2000, with no provision for follow-on systems to offset Soviet countermeasures to the initially deployed system.

The national workforce currently planned for FY 1990 SDI research would be reduced by more than 8000 personnel.

IMPACT TO PROGRAM IF FUNDED AT 80 PERCENT OF CURRENT REQUEST

The likelihood of making a deployment decision within four years would be further reduced due to an even lower level of research in technical risk, cost reduction, and key technology areas. For example:

Fewer flight tests of interceptors and sensors and ground simulators.

Cancellation, or up to three year delay of vital survivability and hardening measures.

Slowing of advanced materials program. This will affect the quality of estimates on producibility, manufacturing costs, life cycle costs, and life duration.

Emerging concepts, especially Brilliant Pebbles, would not be fully explored. The space architecture could, therefore, not be completely defined.

Additional U.S. Terminal Interceptor (including the Anti-Tactical Ballistic Missile) research may be canceled and Allied testing and participation would, therefore, be further limited.

Directed Energy and Advanced Technology programs would remain in the laboratory as the more expensive technology integration experiments would be unaffordable.

Follow-on systems would not be available in time to offset Soviet countermeasures to an initial U.S. strategic defense system.

Initial system development/deployment schedules would be delayed at least two years.

The national workforce currently planned for FY 1990 SDI research may be reduced by more than 6000 personnel.

IMPACT TO PROGRAM IF FUNDED AT 90 PERCENT OF CURRENT REQUEST

An informed decision on deployment may not be possible within four years. Reduced funding would bring about a lower level of research in technical risk, cost reduction, and key technology areas. Planned research in these areas is critical for a confident decision.

A delay of up to one year for the deployment decision can be expected, with corresponding delays for development and deployment schedules.

Some U.S. Terminal Interceptor (including the Anti-Tactical Ballistic Missile) research may be canceled and Allied testing and participation would, therefore, be limited.

A number of experiments critical to proving important technologies would be delayed or canceled.

Directed Energy and Advanced Technology programs would be slowed to the point where follow-on systems may not be available in time to offset possible Soviet countermeasures to an initial U.S. strategic defense system.

The national workforce currently planned for FY 1990 SDI research may be reduced by more than 3500 personnel.

Program	Contractor	90 percent			80 percent			70 percent		
		or			or			or		
		None	Slow	Cancel	None	Slow	Cancel	None	Slow	Cancel
Ground-based interceptor	(Not determined)	X	X		X			X		
Endoatmospheric interceptor (HEDI)	McDonnell Douglas	X	X		X	X		X	X	
Airborne optical adjunct	Boeing	X	X		X			X		X
National test bed	Martin Marietta	X	X		X			X		
Extended range interceptor	LTV	X	X		X	X		X	X	
ARROW missile	Israel	X	X		X			X	X	
Tactical high altitude area defense	(Not determined)	X	X		X			X	X	
Chemical laser	Martin Marietta, TRW	X	X		X			X	X	
Free electron laser	Lockheed, TRW, Boeing	X	X		X			X	X	
Neutral particle beam	Grumman, Boeing, Westinghouse, SAI, McDonnell Douglas, approx 15 others	X	X		X			X	X	

Although decisions on specific program cancellation/slowdowns and contract terminations/renegotiations will require additional study, this table lists most major SDI programs and primary contractors, and identifies the possible outcomes at each funding level.

MEDICAL CARE IN RURAL AMERICA

Mr. BENTSEN. Mr. President, 2 years ago, Brad Bell was driving across west Texas in his pickup truck. All of a sudden a duster plane hit his truck, smashed in the window, tore up the door and flipped his truck over. Someone saw him, came rushing up, sure that he was dead, but fortunately he was not. One of the fortunate things was that they were able to contact a helicopter service that rushed him to a hospital. They went to that remote area to bring skilled medical care.

They were on their way to Seminole when they realized he needed that special care. The helicopter was available and he is alive today.

But historically, and it is part of an excellent series in the Lubbock Avalanche-Journal on health care in rural areas. It should remind us that rural areas are risky; farming's 52 percent on-the-job death rate is the highest of any job category in America. That is for farmers and that is for people working on the farm. There are other jobs in rural America that are dangerous, too, when you have a roughneck bringing in a well or a pilot dusting

crops or someone working in a quarry with a drill hammer. So these are some of the concerns that face us in rural America.

Not everyone in rural America is as lucky as Brad Bell, and increasingly for them health care is becoming more difficult to obtain. That is why it is with great pleasure that I am a co-sponsor of Senate bill 1036, a bill that, thanks to the work of Senator LEAHY and others, can improve the access of medical care to rural America. They certainly do not have it now.

Between 1984 and 1988, 160 rural hospitals have closed in the United States. There were 44 last year alone. Nineteen of those were in Texas. Of course, that gives me a particular area for concern, but it goes far beyond the borders of Texas.

The chairman of the Appropriations Committee, the Senator from West Virginia, understands that well. A friend of mine last week told me about his son being out in a ski area of West Virginia last year, and some of the kids were horsing around that night in the lodge. One of them jumped across the bed, fell on the bed with his boots, hit on his son who was under the blankets—the kid did not know he was there—ruptured his spleen; ruptured his liver, tore him up internally. After a while the pain began to subside after he had taken some aspirin. He thought he was all right and went to sleep. Next morning he awakened in a pool of blood. They found he had lost most of the blood in his body. And then what to do about it? The father was called and told of the accident. He gave permission to the doctor to operate. The doctor said, "I'm not a surgeon. I am the only doctor in this small community." He said, "I cannot take care of the problem, and your son will be dead in a couple of hours." They were able to get a helicopter in there and take him out and get him to appropriate medical care.

One of the things we are saying is that one survey suggesting that as many as 600 rural hospitals—600—could close by the year 1993. Sixty percent of the administrators of these rural hospitals think that their particular institution is vulnerable to failure. I know there are those who make economic reasons for keeping rural hospitals open. Sure, on a lot of occasions the hospital has more jobs than other businesses in the town. In other words, if you try to get businesses to come into town and tell them you have no hospital facilities available, it offends them off.

But the most important reasons for addressing the problem is the most obvious and that is its effect on peoples' health. After all, how would we feel if we had a heart attack or a stroke here in Washington and the nearest ambulance was in Baltimore? That is what thousands of Texans face. And people in other rural parts of other States as seeing hospitals close time after time, 18 of them in different areas of Texas. It is a race over county roads to the nearest hospital.

What kinds of things can bring about that kind of desperation on the part of rural Americans? All kinds of things can happen. They can have a shotgun blast; a gun that goes off accidentally or shooting at a pheasant and happens to shoot a friend who is with him; electrical shocks; they can be caught in a flash flood; a kid who

cannot swim falls into a pond; kicked by a horse; run over by a tractor. I have seen those happen. Each year in Texas alone there are about 90 farm-related deaths, many of them that the doctors tell us are tractor related. I can recall driving a tractor on a hillside and having my youngest son near me and having it strike a rock and roll on me and throw my youngest son off the top side to keep from hitting him. I remember the burns I suffered as the exhaust pipe burned me as I was lying there on my side.

There are an estimated 100 disabling injuries, 1,200 serious injuries, 36 minor injuries. I am not just worried about the emergency care for farmers. What about the elderly, 12 percent of the Nation but 25 percent of rural America? The kind of people I admire, people like Elsie Popjoy from Sundown, TX. She says, "I'm old, but I'm awfully tough," she said last year. She was 90 then. She had cancer, but she still worked around the House. Every morning she took a walk. Whenever she had to see a doctor, her son had to take time off from work and drive an hour to the hospital. He had to do that until her death.

What can we do to provide better health care to those people in rural America? One of the reasons is the Medicare prospective payments system is just not fair to rural hospitals. You take the same operation, the same procedure and they are being paid from 10 to 12 percent below what the urban hospital is paid.

I am not trying to say to you that all rural hospitals should stay open. I know some of them are just not economically viable. But I think the vast majority of them should, and that is why I have joined with others to bring about legislation that would equate those payments between the urban and the rural areas to try to keep some of them open. That is legislation that I have introduced and it is going to be working to bring that about. I ask the support and the help of the Members of the Senate in bringing that about.

How could anyone doubt the effectiveness of this idea? How could anyone, in an age when the events in Beijing are seen instantly by people sitting in their offices in Washington, doubt that doctors in a farm town can be hooked up to colleagues and equipment say 100 miles away?

I know we can do that. Because we're doing it in Texas—in a demonstration project I am pleased to say was authorized by a provision I wrote into the 1987 reconciliation bill.

Let's say a patient comes in to one of the two doctors in Cochran County, TX, with a broken arm. These days, thanks to a new program, his doctor is linked by a computer to doctors at Texas Tech. By pushing a button he can exchange information with an or-

thopedist. Pretty soon they will be able to transmit x rays. According to the Cochran County doctors it is like having a number of consultants just down the hall.

Mr. President, in some ways rural Americans are cut off from their fellow citizens. But the jobs they do are vital for the rest of us. When somebody in Washington gets in their car and drives to Safeway to buy food for a Sunday barbecue, they should remember that. That should remember that the gasoline in their tank, the sirloins in the meat locker, the corn in the freezer all came from people farming or ranching or drilling in rural America.

They help us. But when it comes to health care, they need help from us. And they're not getting it.

That is what Senator LEAHY's bill aims to do. That is why I am for it.

Brad Bell does not remember the accident that changed his life 2 years ago. He slammed his head too hard. He is back at work, though, tending to his cotton crop. But there is a lesson in that accident—and its happy outcome—that the rest of us should never forget. It is this: Measures like this one small part of Senator LEAHY's bill save lives.

They are not the lives of famous people. They are not the lives of powerful people. They are simply the lives of average citizens in every State in America.

That makes this bill incalculably important to them. And should make it just as important to us.

Mr. MURKOWSKI addressed the Chair.

The PRESIDENT pro tempore. The junior Senator from Alaska [Mr. MURKOWSKI] is recognized for not to exceed 5 minutes.

THE NEED TO CURB THE FLAGRANT ABUSE OF BROKED DEPOSITS

Mr. MURKOWSKI. Mr. President, when this body considered the savings and loan bailout legislation, I offered an amendment to limit the use of brokered deposits by financially troubled institutions. After discussing the merits of this amendment at length with the distinguished chairman and ranking member of the Banking Committee, this body unanimously agreed to my amendment.

WHAT AMENDMENT DOES

Mr. President, my amendment prohibits banks and thrifts that do not meet minimum capital requirements from using federally insured brokered deposits. These institutions would have an option, however, of making an application to the FDIC to waive this prohibition. A waiver would be available if the FDIC makes a determination, in advance, that the use of bro-

kered deposits by that particular institution does not constitute an unsound banking practice.

WAIVER GIVE FDIC DISCRETION AND CREATES ACCOUNTABILITY

The purpose of the waiver clause is to give FDIC the discretion to permit the use of brokered deposits when it deems it appropriate based on the specific facts of a specific case. When used by sound institutions in a commercially reasonable manner, brokered deposits can be beneficial. The goal of my amendment is to prevent the flagrant abuse of the deposit insurance system by troubled institutions that take excessive risks and leave the taxpayers to suffer the consequences. By preventing troubled institutions from using brokered deposits unless permitted to do so by the FDIC, we accomplish this goal and create accountability on the part of the FDIC.

HOUSE PASSAGE OF SIMILAR AMENDMENT

Mr. President, the House has also recognized the need to limit the abuses associated with brokered deposits. The House included in their version of this legislation a provision sponsored by Congressman STEPHEN NEAL of North Carolina which is very similar to the amendment which I offered.

CONFERENCE COMMITTEE—DO NOT WEAKEN LANGUAGE

Mr. President, it is my understanding that the conference committee will be taking up the issue of brokered deposits some time next week. I would like to reemphasize to my colleagues on the committee that it is imperative that Congress curtail the abuses that contributed to the current banking crisis. We are asking taxpayers to spend \$157 billion to clean up an industry that has all too often become infected by fraud and abuse. Without meaningful restrictions on brokered deposits, and some of the other games that the industry has played, we will be going back to the American taxpayers again in a few years to clean up this industry again.

CONSTITUENT LETTER—EXAMPLE OF ABUSE

Mr. President, I would like to take a moment to share with my colleagues portions of a letter that I recently received from a constituent, and friend, who is a prominent banker in my State. The letter states:

The regulators now state that they will be able to "control" the use of brokered CDs. Their record certainly shows no such ability! Ask the FHLBB to describe Sunbelt Savings and Loan to you. Ask how that monstrosity funded itself? And ask them about Alliance Bank in Alaska?

Senator Murkowski, as you know, our bank acquired the deposits on a "clean bank" basis of three banks in the last two years. Each one used brokered CDs. By using them, these banks were continued in existence long after they should have failed * * * thereby increasing the losses to the FDIC. Alliance Bank was by far the worst.

As you know, Alliance was formed with substantial FDIC assistance from the insolvent Alaska Mutual Bank, United Bank of Alaska and United Bank Southeast. The regulators allowed the new Alliance Bank to be formed relying on brokered CDs. When Alliance failed in April, it had \$725,000,000 in deposits, of which \$514,000,000 were brokered deposits. The bank was in such poor condition that we won on a "clean bank" basis with a \$8,000,000 negative premium bid. FDIC will have lost in my opinion around \$700,000,000 on Alliance, Alaska Mutual and United Bank of Alaska. That's more than \$1000 for every man, woman and child in Alaska. This could not have been accomplished without brokered CDs.

Your proposal, as we understand it, is to have FDIC certify for each capital-impaired bank, that the use of brokered CDs is a safe and sound banking practice. What is so terrible about that? Does the FDIC want financial institutions engaging in unsafe and unsound banking practices?

Mr. President, unfortunately the abuses described in this letter are not unusual to Alaska, Texas, California, or any other State. These abuses have taken place all over the country, and will continue take place unless we act now.

CONCLUSION

Finally, Mr. President, I would like to reiterate to my colleagues on the conference committee that my amendment is designed to reign in the abuses of brokered deposits by troubled institutions and to create accountability on the part of the Federal regulators. This is not a blanket prohibition on the use of brokered deposits, but a narrowly drawn provision that specifically targets the most flagrant abusers. A provision intended to protect the taxpayers of this country.

DEATH OF HARVEY MALLOVE, NEW LONDON, CT

Mr. DODD. Mr. President, I would like to spend a few minutes today talking about a close friend of mine who passed away recently. Harvey Mallove was one of the best-known, and certainly one of the best-loved, individuals in the city of New London, CT.

Harvey's position in the community was a notable one. He was perhaps the most influential figure in city politics, holding a variety of elected posts and working behind the scenes. Harvey served two terms as mayor of New London, and many years on the city council. He chaired the city's redevelopment agency, guiding the way for construction projects which revitalized the New London's core. His jewelry store remained downtown after many neighboring businesses left for the suburbs.

Harvey's importance in New London assured that he would be well-known, but it was his tremendous caring for others that caused him to be so widely loved. He was on a first-name basis with, it seemed, the entire State. He would chat with everyone who came to

his store, asking about family and friends, passing on news about mutual acquaintances. But Harvey did not make mere facile friendships; rather he had deep concern for the many people he knew.

Rarely has there been a man more generously than Harvey Mallove. He was always willing to help people facing crises, whether they be personal, financial or emotional. He created a scholarship to help area students attend college. He contributed to a vast array of charities; his business helped out many others.

I mourn the loss of such a fine man and dear friend as Harvey Mallove. The director of my Connecticut office, Stanley Israelite, who knew Harvey better than almost anyone else, delivered the eulogy at the funeral. I ask permission to insert that eulogy in the RECORD.

There being no objection, the eulogy was ordered to be printed in the RECORD, as follows:

EULOGY FOR JAY BY STANLEY ISRAELITE

HARVEY MALLOVE'S SERVICE, CONGREGATION BETH EL, NEW LONDON, JULY 2, 1989

This is a very tough job for me, saying good bye to your best friend, being involved and caring so much for this wonderful loving family. Feeling their pain. How hard this support team worked, but it was all beyond our control.

I shall try not to cry—and to share with you my feelings, which I am sure in one way or another are manifested with all of you here today.

If I use the name Jay, you will understand I'm speaking about Harvey. For that was the name we had for each other. It was an inside joke, but a symbol of our affection for each other.

In a book of meditations that I have, I found something that I believe was Jay's creed:

"Friendship is like the air we breathe. We cannot live without it. We are not designed for loneliness. We thrive on the opportunity of human response. If we need to receive the love of others, we also need to give love. If we need to feel the concern of others, we also need to give our care. To cry alone, to laugh alone, to think without the challenge of other minds and other voices is to cease to be human. In a world without familiar people, no man can become a person."

No man is an island

No man stands alone

Each man's joy is joy to me

Each man's grief is my own.

We need one another

So will I defend

Each man as my brother

Each man as my friend.

Harvey was my beloved cousin and friend. We were always on the same wavelength. We were able to communicate even just by glances. We were able to share family stories of when we were kids. When I was in need he stretched out his hand. When I mourned, he mourned. He shared in my successes and joy with the pride of a brother.

I never ceased being amazed by his friendships. Whenever we would be together, people by the droves would come over from all walks of life. There was always that big hug and kiss or hearty handshake.

As a people person, he was a superstar. A man with friendships like no other I have ever met or probably will meet again. I liken him to a great artist. He was able to take the threads of friendship and weave them into beautiful tapestries. All one needs to do is look around here today. We're here today because this family, my Jay, touched your life in some way. Even the weddings he performed. As a justice of the peace, all you need do is read the written text as provided by the State. But he wrote his own service to try and give an added meaning, to send a message of love and caring.

Angle: What you shared almost every night in those late night phone calls and in your walks—there will be no more.

Sully, Frank, Tucker, Harry, Dave: New London will go on, but what a spirited worker you had in him. When he would talk to me about his New London, his face would light up. He suffered the thousand frustrations of public service but still kept pushing on. He was on the front line, and when you're there you make the tough decisions. There's always someone trying to blow you out of the water. His dreams for his New London were endless. They can be seen today. But we will go on.

Alvin, Ronnie: Your other manager of the Groton Motor Inn has left you. We will go on.

Bake, Ted, Marty, Barbara, Alatherius, Esposia: Your beautiful island, his island will never be the same. The wonderful memories will last. Even in St. Mararten, the friendships of this tapestry grew.

His home was truly his castle and Roz his queen. The door was always open to all. A home where there was love and affection. A home where programs were started, fundraisers, people programs, ideas were hatched. But above all, what always stood out in my mind: That all the kids knew it was an open door. All of the children's friends were there all the time and in the middle was my friend, Jay, being one of them. Young and old alike weaving this beautiful fine tapestry of friends with Jay in the middle: All of you will always remember. And we will go on.

Over these past several weeks, I had the opportunity to spend some private time with my friend. One day as we rode around New London with just chatter about this and that. We finally talked about his illness and what was ahead. He said to me, "You know, Jay, I'm not scared of dying. I don't want to, but let's face it, I've had a pretty good whack at it. What does bother me is thinking about Roz, the kids and my mother, hoping that they will be OK." All that I could do was tell him he had a tough fight on his hands and we would all be there for support. Then we talked of how blessed he was with his support team, a courageous wife and fine family and if he were to die he created one helluva team. We both cried a bit, looked at each other. The rest was a lot of understanding.

Roz, Danny and Althena, Lisie and Jim, Kathy and Martin, Ritchie and Jimmy: I haven't said anything you didn't already know. Look about you. Find comfort in what we all here share with you today.

He was a precious jewel, a perfect diamond whose facets are reflected in all of you. Diamonds are forever and my Jay is forever. He is gone and we will miss him, but his reflections will be forever.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, today is the 1,585th day that Terry Anderson has been held in captivity in Beirut.

On March 16, 1988, a date which then marked the third year that Terry Anderson had been held captive, an editorial by one of Terry Anderson's colleagues appeared in the New York Times.

I ask unanimous consent that this editorial be inserted in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 16, 1988]

TERRY ANDERSON, DEVALUED

(By Larry Pintak)

SARASOTA, FL.—Since the morning of March 16, 1985, when Terry Anderson, an Associated Press correspondent, was dragged from a car in West Beirut, his whole world has been a series of damp basements and cramped rooms. His companions have been a blindfold and a chain. Fear, loneliness and doubt have kept vigil with him through the long nights.

Terry's daughter will soon be 3 years old. But Terry has never touched her face, never held her in his arms. He has seen her only as a fleeting image on a videotape his captors allowed him to watch. Terry does not know that his father and brother are both dead; he does not know that they died praying to see him one last time.

Yet there are many things Terry does know. From the letters and occasional newspapers that have reached him, he knows that the Reagan Administration negotiated to win freedom for hostages on a TWA jetliner. He knows the Administration swapped a Soviet spy for an American newsman, Nicholas Daniloff. He knows that it traded arms for some of the other hostages in Lebanon; he watched three of them walk from his cell to freedom. Now, he knows, the deal has collapsed and he's been left behind.

Terry is not alone in his suffering. Eight more Americans and at least a dozen other Westerners share his ordeal. After Terry, Thomas Sutherland, dean of agriculture at the American University of Beirut, is the longest serving hostage. He recently marked his 1,000th day in captivity. Lieut. Col. William R. Higgins is the latest arrival, living testimony to the fact that, even after a parade of disasters, the Administration still does not understand the nature of Lebanon.

When the President, at a news conference on Feb. 24, virtually dared the faceless men in Beirut to try to torture information out of Colonel Higgins, the comment could not be clarified away by the White House media managers. The captors closely monitor Administration remarks.

The kidnappers have specific demands. They want 17 terrorists held in Kuwaiti jails to be freed. Although Algeria offered to act as an intermediary in negotiations, the White House instead sent a group of amateur spies and adventurers to deal with Iran. The result: More hostages were taken.

In Washington, the people who helped put those Americans in chains are running for cover. The hostages have become a hot political issue, one that is being filed away for the next Administration. As one bureaucrat told Terry's sister, "The hostages have been devalued." A grim thought on a grim anniversary.

ADMINISTRATION DENIAL OF EXPORT LICENSE TO INDIA FOR BALLISTIC MISSILE TEST DEVICE

Mr. BINGAMAN. Mr. President, earlier this year I learned that the Department of Commerce had received applications from two United States firms for a license to export a Combined Acceleration Vibration Climatic Test System [CAVCTS] to India. Over the past several years, I have become increasingly concerned about the proliferation to developing countries of ballistic and cruise missiles capable of carrying nuclear and chemical warheads. This has occurred despite the fact that in 1987 the United States, Canada, France, Japan, West Germany, Italy, and the United Kingdom adopted the Missile Technology Control Regime [MTCR] to limit the proliferation of missiles and missile technology. I believe that we and our partners in the MTCR have not adequately addressed the implementation and strengthening of the MTCR.

In response to the information I received about the export application for the CAVCTS, otherwise known as the shake and bake device because it simulates the heat and vibration encountered by a reentry vehicle as it returns to the atmosphere, I wrote Secretary Mosbacher and urged him to deny the license. Following my intervention, a determination was made that the CAVCTS belongs on the munitions control list and is subject to the MTCR, annex I. The case was transferred from the Commerce Department to the Office of Munitions Control of the Department of State, where an interagency team reviewed the application. Pursuant to that review, the State Department announced on July 14 that the license was denied.

I applaud this decision as a reaffirmation of our commitment to fulfill our obligations under the MTCR in a restrictive manner. We should not be looking for loopholes in the agreement, nor should our allies. And I congratulate Secretary of State Baker, Secretary of Defense Cheney and Secretary of Commerce Mosbacher for their work in this instance in preventing the spread of ballistic missile technology.

Mr. President, despite concerns expressed by Congress and the administration about India's Agni missile program, India recently successfully tested the missile. Moreover, on July 6, the Wall Street Journal reported that the Agni may not, as India claims, be entirely indigenously produced. There are indications that DLR, a West German firm, is involved in both the Indian missile program and the United States space program, raising the ominous prospect that our technology is indirectly helping the

Indian Government extend the range of the Agni ballistic missile.

I am concerned about these reports. I am concerned that we ourselves may not be doing enough to enforce the MTCR, and I am concerned that our allies may be transferring missile technology without regard for the MTCR.

I believe that the administration decision to deny an export license for the CAVCTS is the first in a series of steps that need to be taken, not just in regard to India's program, but in regard to the worldwide proliferation of ballistic and cruise missiles and missile technology. There are other applications for the export of missile technology that are now pending. These cases should receive the attention of senior officials in the administration, with a presumption that export licenses will be denied where the possibility exists that the technology in question will contribute to the proliferation of missile systems, consistent with the broadest reading of our obligations under the Missile Technology Control Regime. We must set an example for all MTCR adherents to follow.

In particular, I urge the administration to press the French Government to reaffirm its commitment to the MTCR, as we have pressed other signatories to the MTCR to fulfill their obligations. The French-led European consortium Arianespace has reportedly offered Viking liquid rocket engine technology to Brazil, as part of a broader agreement to win satellite launch contracts. Transfer of this technology would appear to be in violation of the MTCR.

A report in today's Washington Times indicates that the French Embassy in Brasilia has notified the United States Embassy there that France has granted preliminary approval for the transfer. This will only fuel a regional race between Brazil and Argentina to develop ballistic missiles, and undo some successes we have had in slowing the Argentinian effort. It is of even greater concern because of reported Libyan entreaties to Brazil for help in developing its own ballistic missile development capability and reported Libyan offers to cofinance or purchase outright a Brazilian or Chinese ballistic missile.

This deal may add export sales to Arianespace, but it is not worth changing the military equation in the Middle East, Africa, and beyond. The Libyans have already demonstrated their willingness to fire missiles at the United States and our allies when they fired at least two Soviet-built Scud B missiles at United States installations on the Italian island of Lampedusa in 1986, and there is little prospect that responsibility will reign in Libya with the acquisition of ballistic missiles. Therefore, Mr. President, this deal must be stopped.

I intend to pursue these and other cases further. I ask my colleagues to take a moment as well to consider the dangers that the spread of ballistic and cruise missiles present and the actions that we can take here in the Senate to further close the door on missile proliferation. I urge those of my colleagues who have not yet done so to take a look at the Missile Control Act, S. 1227, which I introduced June 22 and which currently has 15 cosponsors.

I ask that the July 6, 1989, Wall Street Journal article entitled "Space Research Fuels Arms Proliferation," the July 17, 1989, Washington Post article "U.S. to Bar India's Buying Missile Device," and the July 18, 1989, Washington Times article "France To Put Missile Secrets in Reach of Libya" be included in the RECORD at the end of my remarks.

The material follows:

[From the Wall Street Journal, July 6, 1989]

SPACE RESEARCH FUELS ARMS PROLIFERATION (By John J. Fialka)

WASHINGTON.—After India launched its first intermediate-range ballistic missile in May, Prime Minister Rajiv Gandhi hailed it as an "indigenous development," the product of 15 Indian military research laboratories.

But the real parenthood of this missile, called the Agni, is being questioned. Central Intelligence Agency analysts see a remarkable resemblance to the design of rockets developed by the U.S. in the 1960s. And a private weapons-system expert says the Agni's brain, nose cone and main engine look distinctly West German.

The spillover of technology from "peaceful" space research to ballistic-weapons programs present a growing and embarrassing problem to major powers such as the U.S. and West Germany, two of seven industrial nations that signed an agreement two years ago to limit the proliferation of missile-related technology.

Last week, Prime Minister Gandhi was quoted as saying that "ambassadors of certain foreign powers" had threatened to take action against India if it test-fired the Agni. He didn't identify the embassies. "I told them clearly that India would carry out the launching and we would not change our decision under pressure," Indian news agencies quoted Mr. Gandhi as telling a public meeting in central India. At the time of the Agni launch, the U.S. condemned it as a dangerous extension of the arms race.

A spokesman for the Indian Embassy in Washington denied the Agni was designed with U.S. or German help. The main components of the Agni are "not based on any imported technology," he said.

But Gary Milhollin, an engineer who studies the spread of nuclear warheads and the missiles that carry them, says the 1,550-mile-range Agni uses a guidance system, a first-stage rocket and a composite nose cone that were developed for India by the German Aerospace Research Establishment, a government agency.

Dietmar Wurzel, head of the German agency's Washington office, said his agency won't comment on Mr. Milhollin's charges, calling them unproved "suppositions" that joint German-Indian work on India's space

program was exploited by India's missile program. In a statement, Mr. Wurzel said the U.S. may have had more direct involvement in the Agni than Germany did, because the National Aeronautics and Space Administration trained the engineer who heads the missile's design team, A.P.J. Abdul Kalam.

With the Agni's launch on May 20, India became the first Third World nation to admit developing an intermediate-range ballistic missile. But others, including Argentina and Brazil, are considered close behind. China, an ally of India's longtime enemy, Pakistan, has had intercontinental missiles for years. And NBC news reported last week that Iraq is using U.S. technology, purchased for it by Austrian and West German companies, to develop a medium-range missile that could carry chemical, conventional and nuclear warheads.

PROLIFERATION WORSENING

CIA chief William Webster is among Bush administration officials who worry that space research is being used "as a conduit" for missile development. He told a Senate committee in May that "the missile proliferation problem will affect every region of the world. It will become worse—and may never become better."

Mr. Milhollin says documents issued by the Indian and German space agencies show that Indian scientists were given on-the-job training by the German agency in manufacturing carbon fiber composites and reinforced plastics used in nose cones and rocket engine nozzles.

In addition, he says, German microprocessors and software, developed jointly with India for a 1982 space experiment, became the guidance system for the Agni. Guidance systems are crucial for ballistic missiles. They sense direction and speed to manage the accurate re-entry of warheads, which can carry nuclear or conventional explosives or poison chemicals.

The first stage of India's space-launch vehicle, Mr. Milhollin says, became the first stage of the Agni missile. The rocket was first tested in a West German wind tunnel in 1974, he says.

The U.S. contribution to the Indian missile began in the mid-1960's when Mr. Kalam and five other Indian scientists came to NASA's Wallops Island Rocketry Center in Virginia. "They had very little knowledge of rockets," says Robert Duffy, the center's deputy director of operations. He says the official reason for their visit was to conduct joint rocket experiments on the earth's magnetic field. "But they were interested in everything."

INTEREST IN SCOUT ROCKET

The Indian Embassy spokesman dismissed the suggestion that Mr. Kalam acquired vital training in the U.S. Mr. Kalam spent only four months studying rocket technology in the U.S., he said. It is "incorrect to say that he acquired his expertise in the United States."

One of India's interests during the visit to Wallops Island appeared to be the U.S. Scout rocket, derived in the 1950s from the Polaris submarine ballistic missile. The Scout was used in scientific experiments at the time at Wallops Island, and, CIA officials say, "closely resembles" drawings that have been released of Indian rockets.

Mr. Kalam, who designed India's first space-launch vehicles, since 1983 has headed the Defence Research & Development Laboratory, which put together the Agni. The missile's range gives India the power to hit

targets in China. It also presents a further menace to Pakistan, where Pakistani scientists who were also given their initial training at Wallops Island are believed to be working on their own "indigenous" missile program.

The extent of America's contribution to India's missile program is the subject of a battle still being waged within the Bush administration over a Commerce Department proposal to export a device rocket engineers call "shake and bake." It simulates the heat and shock of re-entry into earth's atmosphere for testing various materials and devices.

The Commerce Department argues that it approved India's proposal to buy the device before the U.S. tightened controls on space technology in 1987. The Defense Department, says one official, asserts that the only use for the device would be to test missile warheads.

Sen. Jeff Bingaman, a New Mexico Democrat who has closely followed the missile proliferation issue, says the State Department must reject the sale. "Selling a shake and bake to India after the Agni test would be a clear signal that we really aren't serious about missile control."

[From the Washington Post, July 17, 1989]

U.S. TO BAR INDIA'S BUYING MISSILE DEVICE

(By David B. Ottaway)

The Bush administration has decided to ban the sale to India of a sophisticated missile-testing device, and has expressed "concern" to France about reports of an offer to sell advanced rocket technology to Brazil, according to U.S. officials.

The two steps reflects a toughening U.S. stand on an increasingly complex problem: the sale of sophisticated Western technology and know-how to Third World nations seeking to develop their own ballistic missiles.

A license for the sale to India of a \$1.2 million Combined Acceleration Vibration Climatic Test System (CAVCTS), used to put reentry vehicles under simulated stress, has been under intense debate within the U.S. government for the past two years, becoming a policy battleground for the Defense, State and Commerce departments and the Central Intelligence Agency.

The CIA and Pentagon have argued that CAVCTS technology could further India's efforts to develop intermediate-range missiles capable of carrying nuclear warheads. But the Commerce Department, noting that a now-expired export license had originally been approved for its sale in 1985, supported the sale.

The State Department is divided over the issue.

India's defense minister, K.C. Pant, who visited here in late June, sought to persuade the Bush administration to reverse its tentative decision to reject the sale. But a State Department official said last week: "It's been disapproved. It's dead."

Another official, explaining the decision, said Friday the denial was based on the longstanding U.S. policy of restricting exports that could contribute to missile development. "Specifically, the U.S. government is taking a restrictive approach to exports that can contribute to the development of ballistic missiles," he said.

"The denial in this case is based on the potential uses the CAVCTS would have had at India's Defense Research and Development Laboratory," which had sought the missile-testing device, he added.

As of Friday, however, official notification of this decision had not been delivered to the two American firms that manufactured the device, MB Dynamics and Wyle Laboratories, according to their attorney, Joseph F. Dennin.

Meanwhile, the United States has expressed to France its "concern" about reports that the French-led European consortium Arianespace has offered to provide Brazil with Viking rocket engine technology and extensive training for Brazilian missile technicians by French firms, if Brazil agrees to use the Ariane rocket to loft two new communications satellites.

Rep. Dante B. Fascell (D-Fla.), chairman of the House Foreign Affairs Committee, said Thursday at a hearing that he understood the French had made the offer as "a sweetener" to win the contract away from "the American company." That company was later identified as General Dynamics.

Fascell said a Brazilian decision was imminent. Another source said the committee had information that Brazil intended to make a decision by mid-July.

The same source said the French offer included giving Brazil the Viking rocket engine, which has a thrust of 160,000 to 185,000 pounds and is the booster for the first stage of the Ariane rocket. "It involves giving Brazil the total Viking engine technology," the source said.

Fascell said the administration should tell the French government not to provide the Viking to Brazil because this would be a violation of the Missile Technology Control Regime, to which France agreed to adhere in April 1987 with the United States, Canada, Japan, Italy, West Germany and Britain.

Vincent DeCain, deputy assistant secretary of state for politico-military affairs, said the administration was "very much aware" of the pending transaction.

"We are as concerned as you are about its implications," he told Fascell. "We have begun to take actions which we think are appropriate under the circumstances," he added, refusing to elaborate further in open session.

"I'll assume appropriate action means you told the French government not to do that," replied Fascell.

DeCain did not reply. But State Department officials indicated they were asking the French for more information about the reported French willingness to provide the technology, and were making known U.S. opposition to such action.

[From the Washington Times, July 18, 1989]

FRANCE TO PUT MISSILE SECRETS IN REACH OF LIBYA

(By Clarence A. Robinson, Jr.)

Senior U.S. defense and arms control officials are worried that a French decision to transfer sensitive rocket technology to Brazil could result in intercontinental ballistic missile technology ending up in the hands of Libyan strongman Moammar Gadhafi.

According to the officials, the French Embassy in Brasilia has notified the U.S. Embassy there that France has granted preliminary approval for the transfer of technology relating to the Viking liquid rocket engine, used to propel the French Ariane space-launch vehicle.

A strong link exists between Brazil and Libya in developing and building ballistic missiles, said the officials, who asked not to be identified. Libya offered \$2 billion to buy

Brazil's latest theater ballistic missiles, according to a June 1988 report from then-Senate Armed Services Committee member Dan Quayle.

"To have France exporting technology to Brazil knowing of Libya's intense interest in acquiring long-range missiles is outrageous," one official said. "While the Europeans may wish to believe that the Soviet military threat is on the wane, threats from [a] Gadhafi armed with ICBMs would be a threat to all nations."

The technology transfer, the officials said, could be a serious violation of the Missile Technology Control Regime signed in 1987 by France, the United States, Canada, West Germany, Italy, Japan and the United Kingdom.

"Whether or not it becomes a violation will depend upon Brazil's use of the rocket engines," one official said. "Brazil's interest is strongest in fielding ballistic missiles, and that nation is considered a high-risk country in terms of missile proliferation."

One reason why the French company, Arianespace, is pressing a sale of the Viking rocket engine technology to Brazil is to win an estimated \$60 million contract to launch two Brazilian communications satellites on the Ariane space-launch vehicle.

The French company is in fierce competition with a U.S. space-launch company, McDonnell Douglas, which has proposed using the Delta 2 launch vehicle. McDonnell Douglas is not offering technology transfer to Brazil.

In a May 18 report to the Senate on nuclear and missile proliferation, Bush administration aides said Brazil and Argentina are countries to watch. Each has taken steps since 1980 to develop nuclear weapons or to acquire them.

Brazil's civilian government is against nuclear arms, but the military wants that option, according to the report. The necessary nuclear research and development facilities are being built and are not under international inspection. Brazil is not a party to the Nuclear Non-Proliferation Treaty.

Vice President Quayle's report last year stated that Libya, Iraq, Iran, India, Egypt, North Korea, Pakistan, and Saudi Arabia had joined the military ballistic missile club. Use of the Viking motor for ICBMs could greatly increase Libya's striking range.

"Clearly, these and other Third World ballistic missiles pose a threat to U.S. and allied peace-keeping efforts in the Persian Gulf, the Middle East and Far East," the report said.

Mr. Quayle's report said the Brazilian company Orbita Aerospace Systems has considered Libyan offers of financial assistance in developing a new family of ballistic missiles, known as MBEE.

The missile series will include boosters capable of delivering warheads of up to 1,980 pounds a distance of 620 miles. The deal, if concluded, may require manufacture of the missiles in Libya.

Brazil is moving toward placing its first satellite in orbit this year or early next year, and has made the military responsible for the management of missile development and nuclear research programs, the report said.

Libya's attempts to buy intermediate range ballistic missiles from Brazil and China prompted then-Defense Secretary Frank Carlucci to warn Congress last year about a potential Libyan nuclear threat to the United States.

"Libya has also been attempting to establish its own ballistic missile development capability, and has been receiving assistance from German-owned firms, including OTRAG, which has built missile facilities in Libya," the report said. "They have established a secret missile test range in the Libyan desert in Tauwilwa, where work has focused on development of a 500-kilometer-range ballistic missile."

A number of firms in Western Europe are known to supply technical assistance to Third World ballistic missile programs, CIA Director William Webster told Congress two months ago. "This aid has included transfer of critical missile components and the direct participation of European missile specialists in missile development programs," Mr. Webster said.

The Ariane Viking rocket engine technology transfer deal also includes training Brazilians in European factories and at launch facilities, according to arms control officials.

The Viking rocket design is similar to a U.S. launch vehicle propulsion system, the Titan, which was used until recently as an ICBM armed with a large nuclear warhead.

"The French rocket motor for the Ariane is not a direct U.S. technology transfer," a NASA official said. The motor uses nitrogen tetroxide and hydrazine propellant. He said, "that same combination is used on the Titan 4 engines to develop a thrust of 200,000 pounds. This compares to a 150,000-pound thrust for the Ariane. Both launch vehicles use gas generator cycle engines."

"Unfortunately, most technologies applicable to a space launch program can be used in ballistic missile development," Mr. Webster said in his report to Congress. "Several countries have space and missile programs which overlap."

By the end of this century, up to 20 countries may have missiles, and many could be armed with chemical biological or nuclear warheads, according to congressional testimony by State Department officials. Many of these nations are located in regions where political tensions are high and the potential for conflict is great, such as the Middle East.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. ADAMS). Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 12:30 p.m., for the purpose of introducing legislation and constitutional amendments with regard to the desecration of the flag, with Senators permitted to speak therein for not to exceed 10 minutes. The Chair recognizes the Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the Chair.

OUR GREATEST NATIONAL SYMBOL

Mr. BYRD. Mr. President, the Supreme Court ruling that the destruction of the American flag, as happened in a Texas case, can be an act protected under constitutional first amendment freedom of speech provisions shocked millions of Americans across this country. It shocked me.

Stemming from an incident that occurred outside the Republican National Convention in Dallas in 1984, this decision, in my opinion, irrationally stretches every concept of freedom of speech envisioned by the authors of the first amendment to the Constitution.

I cannot envision the Members of the House and Senate in the First Congress that met in 1789, the Members who wrote those amendments, 12 of them that were submitted to the States, 10 of which were ratified by the States, and I cannot envision the people of the country, who through their chosen representatives ratified that Bill of Rights, having in mind, even by the furthest stretch of the imagination, that the freedom of speech clause would ever be stretched to the extent that the Supreme Court has gone in this instance.

Over the years, many thoughtful writers and philosophers have sought to crystallize the meaning of the flag in American national life. That is a difficult task, because the American flag is tied to an intangible quality of faith and devotion uncommon in other nations around the world.

Perhaps the most perceptive symbolism is projected by those who hold that, as a national symbol, the American flag plays in our national life a role equivalent to the role played by the reigning monarch in British national life.

The American flag is a symbol of our nationhood, our aspirations as a people, our representative form of government, and of the Republic itself for which so many thousands of American men and women have died.

For these reasons and others, I am today offering an amendment to the Constitution to make illegal the defacing, defiling, desecration, or mutilation of the American flag, the living emblem of our nationhood and our way of life.

Like all of my colleagues and the vast majority of the American people, I, too, believe in freedom of speech, but I also believe that, at some point, any freedom can potentially cross the line into license, and the destruction of the American flag, as we have seen it, crosses that line reprehensibly. I hope that my amendment will make clear where that demarcation line rests.

Mr. President, I ask unanimous consent that the text of my joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 179

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States,

which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years after its submission to the States for ratification:

"ARTICLE —

"SECTION 1. The Congress of the United States and the several States have the power to prohibit and punish the desecrating, mutilating, defacing, defiling, or burning of any flag of the United States.

I ask for the appropriate referral of the amendment.

I yield the floor.

The PRESIDING OFFICER. The amendment proposal will be received and appropriately referred.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

FLAG DESECRATION

Mr. BIDEN. Mr. President, I rise this morning to speak about the flag as well. I think it is particularly appropriate because there are so many young people on the floor of the U.S. Senate this morning, the young pages, many of whom are here for the first time because of the change in the summer session.

I wonder sometimes as I look at them what they think about all that we are about. I welcome them, and I hope they find their stay these next several weeks a positive learning experience. They are fine young people. I will probably embarrass a new young fellow in the group from Delaware, Christopher Buccini, along with his friends who are probably going to wonder a little bit in the next few weeks as we come in trying to get out in time for the recess what this process is about. Hopefully, they will learn something about the process.

To that end, Mr. President, I, like many of my citizens, think there is more to be learned about what the Supreme Court did not do when it found the Texas statute, which was designed to prevent the burning of the flag to make it illegal, unconstitutional.

I was saddened 3 weeks ago by the Supreme Court's decision on the so-called flag-burning case.

Let me begin by suggesting that I take no back seat to any man or woman who has served in this body for at least the last 17 years that I have been here when it comes to being a defender of the Bill of Rights, and particularly the first amendment. As a matter of fact, on the first amendment I have been a minority of sometimes as few as four, many times as few as 10, in voting against what I believe to be infringements upon the first amendment, legislative infringements such as the Agents Identification Act. I opposed part of the Criminal Code, so-called S. 1 that would have criminalized the disclosure of some Government secrets. I pressed the FBI

to investigate CISPES. I opposed the school prayer amendment because of the way it was written, and other Bill of Rights issues. I fought to protect the fourth amendment with regard to the exclusionary rule, protected the fifth amendment rights of aliens with respect to extradition under the immigration reform, defended the sixth amendment right to speedy trial and preserve the presumption of innocence under the Bail Reform Act of 1984, all of which as the President will recall were very unpopular positions in this body, and I suspect unpopular positions with the body politic at large but I believed all of which would have infringed upon the most sacred of our writings, if you will, as a nation—the Bill of Rights, and particularly the first amendment.

But no amendment to the so-called Bill of Rights is absolute. There are exceptions to every single amendment.

Let me just focus on the first amendment which is of great concern to some of my, hopefully, all of my colleagues. There are exceptions that have been recognized in the law to the first amendment freedom of speech. It is not absolute. For example, you are not allowed to defame someone's character in the name of free speech. Obscenity is not permitted in the name of free speech. And if you infringe upon one's copyright or creative works, you cannot do so and say I was just exercising my right to freedom of speech under the first amendment. There are exceptions, and there are others which I will not take time to elaborate on now.

So I ask the question: Why should we not recognize an exception for national unity and pride? Let me make a point here so I am going to be a little bit legalistic in the short time that I have, but I will elaborate on this written testimony which I will ask to be submitted at the conclusion of my statement.

Let me read here. The thing that disturbed me most about the Supreme Court decision was not how they could arrive at the conclusion that it was unconstitutional based upon the way the Texas statute was drawn. Reasonable men could reach that conclusion. Obviously they split 5 to 4. So reasonable men and women were closely divided on that issue. I do not in any way question the patriotism of any one of the judges no matter how they voted.

But I was a little shocked when you read the majority decision, to read such language with regard to the flag as the Court saying that: "No separate judicial category exists for protecting the American flag alone." I was shocked to hear the Court say that it did not know "how to decide if—" if "—the flag was a symbol that was 'sufficiently special to warrant unique status in our country.'"

Regardless of how they came about the decision, regardless of whether it was 5-4, 9-0, or 5-4 the other way, I was dumbfounded to read in the majority opinion that they could not determine whether or not the flag was " * * * sufficiently special to warrant unique status in our country." It did not say " * * * in our Constitution."

The reason that is so important, I say to my good friend, Senator COHEN, who is the major cosponsor of the bill I am about to put in, and to the President who is presiding, the distinguished Senator from the State of Washington, is that in order to have a first amendment exception there has to be a compelling State or compelling governmental interest. And there is a compelling governmental interest if the court can find that the flag is "sufficiently special" and has a "unique status" to warrant protection.

Let me speak to two points in the short amount of time I have left. One, there is in fact a special requirement for unity and pride embodied in that flag in this country unlike other countries.

The reason I say that, and it is often pointed out to me by my colleagues and the press that France does not have a statute to protect its flag, the Union Jack in Great Britain does not have special status in terms of how it is protected, and I respond in the following way. You do not define a French person or an Englishman by what they believe, or what form of government they subscribe to. You define them based on their ethnicity. You can determine who is French, who is British, by their ethnicity. How do you define an American? Do you define Americans based on their color, on their religious beliefs, or on their parental and grandparental lineage? We are the most unique democracy in the history of mankind because we are the most heterogeneous nation in the history of mankind. And we have remained strong, vibrant, and vital in spite of that great diversity.

These young people are taught in school as we were that our strength flows from our diversity. That is true ultimately. But initially, our diversity pushes us apart. It does not bring us together. The fact that we are black and white does not generate confidence. It generates fear initially.

The fact that we are Christian and Jew does not send us running into one another's embrace to herald our differences. Mankind fears that which is different, and we are very different, except in one very important regard. That is that we are, as a Nation, more or less united on the means by which we can realize our dreams and the rules and regulations which will guide us in our attempt to fulfill our dreams—the Constitution—a covenant, if you will, embodied in that flag, to the President's right. That is the na-

tional symbol of unity, and we need unity in this country because we are so diverse.

Symbols are important. We would have to be blind to world history to not understand that symbols are important. And I say to my friend, the Presiding Officer, that we have a symbol—unlike the Court's inability to recognize it—that is needed to unite this Nation, this diverse Nation, and the symbol is the flag. That is why, Mr. President, I rise to reintroduce my legislation on flag burning. The original legislation passed the Senate unanimously as an amendment to the child care bill, but since there may be extended debate on that child care bill in the House, I have decided with several of my colleagues to reintroduce the bill, slightly modified, after consultation these past 2 weeks with additional constitutional scholars.

My colleagues in the Senate, both Democrat and Republican, who join me in introducing this bill, believe that we must protect the American flag and the cherished value it embodies.

Mr. President, I ask unanimous consent that I have 5 more minutes to proceed.

The PRESIDING OFFICER. Is there objection? Hearing no objection, the Senator is recognized for 5 additional minutes.

Mr. BIDEN. Mr. President, I am absolutely confident that we can do this, that is protect the flag, by statute. And I now send to the desk such a statute.

The PRESIDING OFFICER. The Senator's proposed statute will be accepted and appropriately referred.

Mr. BIDEN. Mr. President, I send it to the desk on behalf of my distinguished colleague from the State of Delaware as the prime cosponsor, Senator ROTH, along with Senator COHEN, as the two prime cosponsors.

The PRESIDING OFFICER. The Chair will make an unusual request that his name might also be added.

Mr. BIDEN. I am delighted to do that. I ask unanimous consent that the Senator from Washington, [Mr. ADAMS] be added as a cosponsor. I also point out that there are 21 additional cosponsors on both sides of the aisle. In my view, and in the view of several distinguished constitutional scholars with whom I have consulted, the legislation I have offered today can and must be sustained by the Supreme Court.

Mr. President, the Supreme Court emphasized in its decision that the Texas law, which was overruled, was not aimed at protecting the physical integrity of the flag in all circumstances. This is important. It was aimed instead at protecting it against only those acts of physical destruction that would "cause serious offense to

others." I will not take the time, because I do not have the time this morning, to elaborate further, except to say that if in fact the Texas statute had just said you cannot burn the flag, period, it would have been constitutional, in the opinion of most constitutional scholars. But it said that if you burn this flag and as a consequence cause serious offense to my friend from Illinois, then you have violated the Texas statute. If I burn the flag and the Senator from Illinois were not offended, or none of the pages were offended, and nobody in this revered gallery was offended, then it would not be an offense. The gravamen of the offense must be that it caused offense to others.

Now, the court concluded, because that is the basis upon which one is found guilty or not guilty, that guilt depended thus upon "the communicative impact of the action." That is getting kind of fancy here, but that is the phrase, "communicative impact."

If there were no impact by my burning, other than the flag went up in flames, if it did not offend anybody out there, if the defendant could have proved nobody was offended, then he would not be guilty under Texas law, and the court says that. But the court says because it depended on a communicative impact, that as I was trying to offend you when I burned the flag, it falls into the realm of the first amendment, because you cannot outlaw things because they offend other people, by and large, but you can outlaw actions merely because you wish to protect the integrity of the flag, of a specific item.

In contrast, the legislation that we have offered today eliminates references to the communicative impact of the prohibited acts. In other words, prosecution under our bill will not depend on whether the flag is used for communicative or noncommunicative purposes, or whether any particular group of people might be appalled or applaud what is being done.

Mr. President, great care and deliberation have gone into this approach. I have consulted with significant scholars, including Dick Howard, from the University of Virginia Law School; Rex Lee, former Solicitor General under the Reagan administration; Lawrence Tribe, professor of Harvard Law School, just to name a few. I have taken each of their views into account.

Now, Mr. President, under the terms of the unanimous consent agreement entered into last Friday, as chairman of the Judiciary Committee, I will be holding a series of hearings on these important issues, on the constitutional amendment introduced by my friend from Illinois and the Republican leader, the constitutional amendment introduced by Senator BYRD, and this legislation, as well as other constitutional amendments.

We will begin those hearings, the Judiciary Committee, and I will have at least one major hearing prior to our leaving in August. There will be at least one major hearing during the month of August while we are in recess, and we will have at least two major hearings in the month of September and report back to this body on a constitutional amendment, as well as a statute, if one is reported out of committee. If they are not reported out of committee, they are reported back unfavorably, but they will be reported back.

Mr. President, let me conclude by saying, if a constitutional amendment is needed, so be it. But I believe if you can do something by statute without further adding to the Constitution, it is wiser and more reasonable to do so. Mr. President, I think we can make it the law of the land that one cannot burn the flag in the United States of America. I think it is important that that be done. I think it should be done by statute. If it proves that that cannot be done—which I am certain it can—but if it proves it cannot be done, then it is the time to pass a constitutional amendment, if in fact we need one, because a constitutional amendment process would take a long time. This could be passed the day after we report it back. It can be passed by the House and the Senate and on the President's desk by mid-October. A constitutional amendment could take or will take months and could take years.

Mr. President, nearly 4 weeks ago, the U.S. Supreme Court decided a case that—since the time it was handed down—has captured the hearts and minds of nearly all Americans. From the schoolboy in Seattle to the farmer in Dubuque to the dockworker in Wilmington, DE, we've all been talking about the decision by the Supreme Court in what's become known as the flag-burning case. Whether we believe the decision was wrong—as I do—or right, it's touched a nerve among all of us.

Why is that so?

Mr. President, the answer lies deep within us.

We might each express it differently, but the passion we feel when we see Old Glory mournfully draped over a fallen hero's casket, as it goes by in a solemn funeral procession; or joyously flown over our town squares on the Fourth of July holiday that we just celebrated; whether the flag flies defiantly on the shoulders of the marines who hoisted it at Iwo Jima on an unknown peak called Mount Suribachi, or simply flutters in a warm breeze at the ballpark on a summer's evening, when we stand with our children and salute our Nation, the emotions that the flag stirs in us are really quite extraordinary.

The flag is truly the Nation's most revered and profound symbol, representing all that this country stands for. After all, the "Stars and Bars"—first flown on January 2, 1776—are older than the Declaration of Independence—older than America itself.

So, Mr. President, I was saddened by the Court's decision, and I was shocked to hear the Court say that it did not know "how to decide" if the flag was a symbol that was "sufficiently special to warrant *** unique status" in our country.

With all due respect for the Supreme Court, I must disagree.

Mr. President, I take a backseat to no man or woman who serves in the U.S. Senate when it comes to being a defender of the Bill of Rights and particularly the first amendment. I defended first amendment rights in connection with the Agents Identification Act; I defended first amendment rights in opposing parts of S. 1, the Criminal Code reform legislation, that would have criminalized the disclosure of certain Government secrets; and I defended first amendment rights in pressing the FBI to investigate the Cispes matter. When it comes to the Bill of Rights generally, I have fought to protect the fifth amendment rights of aliens with respect to extradition under the Immigration Reform Act; I have fought to defend the sixth amendment right to a speedy trial; and I have fought to preserve the presumption of innocence under the Bail Reform Act of 1984.

The first amendment's protection for freedom of speech is not, however, absolute, as the Supreme Court has recognized on numerous occasions. Several exceptions have been recognized—for example, the first amendment does not provide protection for defamatory statements; for obscene materials, as the Supreme Court reaffirmed just a few weeks ago; and for artistic and other creative works protected by our copyright laws. So why shouldn't we recognize an exception for national unity and pride—in which there certainly is a compelling governmental interest.

We who inhabit this great land form the most unique and heterogeneous nation on Earth. We were told when we were children that we were a melting pot—and that this is what made us strong. But that is not true—people fear diversity. The fact that we are black and white does not generate love—but fear. The fact that we are Christian and Jew does not send us running into one another's embrace heralding our difference. Our diversity initially pushes us apart—not together.

What holds us together as a nation is not our ethnicity, but one overwhelming notion—the notion that we have all, by and large, committed to

realize our dreams and resolve our difference according to a set of guidelines that are listed in the Constitution—a covenant, if you will—the single most obvious, clear and unquestioned symbol of which is the American flag.

That flag symbolizes our national unity and our sense of community—and we have a compelling interest in its protection. Our sense of community is critically important if we are to solve the problems confronting this ever-changing Nation.

That is why, Mr. President, just 2 days after the Supreme Court handed down its flag decision, I stood on this floor and introduced legislation to amend the Federal flag burning law that would have allowed the Federal Government to continue to make flag burning and other acts of flag destruction a crime while remaining consistent with the Supreme Court's decision in *Texas against Johnson*. That legislation—which had bipartisan support—passed the Senate unanimously as an amendment to the child care bill.

I rise today to reintroduce that legislation. As we know, there may be extended debate in the House on the child care bill. And so I have decided—along with many of my colleagues, Democrats and Republicans—to once again offer my legislation—slightly modified after consultation these past several weeks with additional constitutional scholars.

My good friend from the great State of Delaware, Senator ROTH, and my distinguished colleague from Maine, Senator COHEN, join me as principal sponsors of this legislation. I thank them for their support, and I look forward to working with them on this important issue.

As a freestanding bill, the legislation we've introduced today can be enacted into law quickly—so that without any further delay, we can ensure that flag burning and other similar acts of destruction of the flag are against the law.

Mr. President, there are those who would like to see this entire issue swallowed up by the roar of partisan politics. They would like to make the flag—which historically has been aligned not with one party but with all parties, not with some people but with all people—an issue for the next election and for elections in years to come. They would like to turn what has been the eternal unifier of this diverse land into the great divider. They would like to split the values that we all hold—patriotism, love of country, pride in our land—along party lines, so that the flag becomes the property of some, but not all, Americans.

Mr. President, we need not and we should not engage in such partisan debate.

There is a way of remedying the Court's decision in *Texas against*

Johnson—and remedying it easily, quickly and constitutionally. We can protect the American flag—as we must—and the cherished values that the flag embodies. We can do this by a statute that achieves the objectives desired by all of us. We can take the statutory route if—as a recent *New York Times* editorial said—we “want a result instead of an issue.”

Mr. President, I rise today in the hope that we can achieve that result. I send to the desk a bill that would amend the Federal law on flag burning to read as follows:

Whoever knowingly mutilates, defaces, burns, maintains on the floor or ground, or tramples upon any flag of the United States shall be fined not more than \$1,000 or imprisoned for not more than 1 year, or both.

In my view and in the view of the several constitutional scholars I have consulted, this law would allow the Government to continue to make flag burning and other acts of destruction of the flag a crime while remaining consistent with the majority opinion in *Texas against Johnson*.

Mr. President, the Texas law at issue in the Supreme Court case made it a crime:

To defile, damage or otherwise physically mistreat (the American Flag) in a way that the actor knows—and here's the key language—will seriously offend one or more persons likely to observe or discover his action.

As Justice Brennan emphasized, the Texas law was thus not aimed at protecting the physical integrity of the flag in all circumstances, but instead was aimed at protecting it against only those acts of physical destruction that “would cause serious offense to others.” And as Justice Brennan concluded, whether the Texas law was violated “thus depended on the communicative impact” of the conduct.

In first amendment terms, therefore, the Texas statute was not neutral. Rather, it applied only to those circumstances in which there was “serious offense to others,” and as a result it was subject to the most exacting scrutiny under the first amendment.

Thus, Justice Brennan drew a critical distinction between the kinds of flag statutes that would be constitutional—those that ban destruction of the flag in all circumstances, regardless of the point of view being expressed—and those that would be unconstitutional—those, like the Texas statute, in which the application of the law is in fact inextricably linked to the expression of a particular point of view.

The legislation I've offered satisfies the test outlined by the Court and falls into the category of flag statutes that are constitutional. I've eliminated the phrase “casts contempt” and the word “publicly,” and I've made sure that none of the key operative words are imbued with any element of com-

munication. Thus, the bill eliminates any reference to the communicative impact of the prohibited acts on others.

What we've done, Mr. President, is draft a bill that is “content neutral”—so that operation of the statute does not depend on whether the flag is used for communicative or noncommunicative purposes, or upon whether any particular group of people might applaud or oppose what the person is doing.

In its recent pronouncements of the subject, the Supreme Court has said that a “content neutral” regulation is one that is “justified without reference to the content of regulated speech”—which means that the Government cannot grant rights and privileges to those whose views it finds acceptable, and deny them to those whose views it finds unacceptable. My proposed legislation meets that test.

It's important in examining this issue, I might add, to understand that the Government has a legitimate interest in protecting the American flag. The Supreme Court has made that crystal clear. What's important is that when the Government decides to protect that interest, it must do so in a “content neutral” manner—which is precisely what my bill does.

Some might question whether the Government can properly protect against private acts of destruction. After all, some might say, if I buy a flag, why can't I do anything I want with it? I would argue that this is a red herring. As one of the professors with whom I consulted—Dick Howard of the University of Virginia Law School—pointed out, there are certain things of such intrinsic value that the Government has a substantial interest in protecting them, even when privately owned.

Take historic preservation laws, for example. If I own a home that's been designated as a historic landmark, I have to check with the Government before I can alter its physical structure. Even though I own the home and even though it's my own property, I'm limited in what I can do with it. The same rationale applies to my bill and its limitation on what people can do to the flag, even a flag they own.

Mr. President, serious and extensive study has gone into my approach, and each word has been chosen with great care and deliberation. I've consulted with constitutional scholars and Supreme Court practitioners whose views are diverse and cross the ideological spectrum—Dick Howard, as I've mentioned, from the University of Virginia Law School; Rex Lee, former Solicitor General under President Reagan, and currently president of Brigham Young University; Henry Monaghan, from Columbia Law School; Laurence Tribe, from Harvard Law School; William

Coleman, former Secretary of Transportation under President Ford; Walter Dellinger, from Duke Law School—to name just a few. I've taken each of their views into account in coming up with my legislation.

As we debate the merits of my statute and any other approaches that might be offered, let us not lose sight of one fact. This is not a debate about who is a "better American" or about who believes in the flag and the cherished values it embodies more than someone else. I can state with the utmost confidence that we all believe in the flag and those cherished values.

Mr. President, under the terms of the unanimous-consent agreement entered into last Friday, the Judiciary Committee will be holding a series of hearings on this important issue. These hearings will be thorough and fair, and will provide an exhaustive examination of both the legislation I've introduced today as well as the joint resolution proposing a constitutional amendment. I am confident that we will have a complete record on which to act.

I urge my colleagues in Congress and the President to waste no time in enacting my flag-protection legislation—to make it the law of the land—and to join me in giving life once more to the American's creed proposed more than half a century ago by William Tyler Page. It goes like this:

I believe in the United States of America as a government of the people, by the people, for the people * * * established upon those principles of freedom, equality, justice and humanity for which American patriots sacrificed their lives and fortunes. I therefore believe it is my duty to my country to obey its laws, to respect the flag, and to defend it against all enemies.

I urge my colleagues to join me in moving swiftly, surely and safely to restore the dignity and the inviolability of the flag we have respected all of our lives.

Mr. President, I thank my colleagues for their indulgence in giving me an additional amount of time.

I introduced the bill on behalf of Senators ROTH and COHEN and myself. I ask unanimous consent that the text of our bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1338

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Biden-Roth-Cohen Flag Protection Act of 1989".

SEC. 2. AMENDMENT TO TITLE 18.

Subsection (a) of section 700 of title 18, United States Code, is amended to read as follows:

"(a) Whoever knowingly mutilates, defaces, burns, maintains on the floor or ground, or tramples upon any flag of the United States shall be fined not more than

\$1,000 or imprisoned for not more than one year, or both."

Mr. DIXON. Will my friend yield for a moment?

Mr. BIDEN. Yes.

Mr. DIXON. I wonder if my colleague would accommodate me by showing me as a cosponsor as well.

Mr. BIDEN. I ask unanimous consent that the Senator from Illinois be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, I also ask unanimous consent that the distinguished Senator from Nebraska [Mr. EXON] be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Maine.

Mr. COHEN. Mr. President, I commend the two Senators from Delaware for introducing this legislation.

I know there may be a tendency to try and characterize the offense that I think virtually everyone in this Chamber feels toward the individual who burned and desecrated the American flag. But I would hope that this debate would not turn into an issue of who is liberal or who is conservative, whether one is Republican or one is Democrat, and whether this statutory approach is weak or passive or reactive or not strong enough to overturn the Supreme Court decision.

I frankly think the Supreme Court decision was wrong. I think there was a basis for distinguishing this particular act, and it was an act as opposed to speech in my judgment.

As Senator BIDEN has pointed out, the first amendment is not absolute. We do not have absolute freedom to say whatever we want to say. We cannot defame individuals. We cannot stand in a public square and yell obscenities.

As Justice Holmes once reminded us many years ago, a person cannot falsely shout "fire" in a crowded theater.

There are recognized limitations not only to speech but also to action. There are a number of acts which are protected under the first amendment. We cannot desecrate public monuments. We would not, for example, allow the desecration of the Washington Monument. Someone could not spray paint on that monument, or place a swastika or other offensive symbols on it.

So there are no absolute guarantees under the Constitution.

The conduct itself—burning the American flag—offensive as it is, in my judgment was not protected by the first amendment, but the Supreme Court ruled on a 5-4 decision that it was.

Mr. President, Senator BIDEN pointed out the need to reaffirm our commitment to important symbols. I think it was Napoleon who said he could persuade men to let their veins for a piece

of bunting. That is how important symbols are in human existence.

I do not know of any more important symbol than the American flag. It is something that is deeply ingrained in our experience. We certainly fly it proudly on patriotic days. All of us who have been out on the Fourth of July break and participated in the various parades around our respective States know the deep sense of commitment there is to this country and what that flag represents.

We lower it to half mast to symbolize our grief over fallen colleagues. Our veterans' caskets are shrouded in it. We are now celebrating the 20th anniversary of man's landing on the Moon. Planting the flag on the surface of the Moon was the first act of our Apollo astronauts. It is perhaps the most unique symbol in our entire country.

Going back to the days long since passed in high school and college, I can remember there was no greater thrill than standing on a basketball court or baseball diamond listening to the national anthem being played and seeing the flag being saluted.

So it has a special place. I, too, was stunned to read the majority's opinion about the need to search around and see if we could find some national consensus about the importance of that symbol. It was an astonishing statement, in my judgment.

Mr. President, it is not simply a question of whether we must pass a statute or a constitutional amendment. It may be necessary to do both.

In this instance, Senator BIDEN has offered a statutory approach that can in fact correct the situation by amending the law to conform to the Supreme Court decision. I think that it is a positive approach. I think it is a wise approach. I hope it is possible to do so. If it is not, I certainly would support a constitutional amendment. In fact, I am a cosponsor of the President's proposal to amend the Constitution. But it may not be necessary that we go through that entire process, and I do not think anyone should stand on this floor and attack the motivations of any individual Member because he is not a cosponsor of the constitutional amendment.

I think this legislation is a way in which we can achieve our objective of trying to protect the integrity and the symbolism of the American flag.

I recall being on the floor when the Senator from Kansas took the floor, and I believe the Senator from Illinois did as well, to discuss an event that took place in Chicago, in which we had a so-called artist who laid an American flag on the floor and required patrons to that art exhibit to step across and violate that flag in order to sign their names to the registry.

All of us took the floor and challenged that particular act. It was not

an act of art. It was a desecration of the American flag. We spoke out very loudly. Senator DOLE was the first, and indeed his own background makes him the natural leader for those wishing to speak and criticize the desecration of the American flag.

I hope, Mr. President, that we can keep this issue in perspective. There are going to be Republicans supporting Senator BIDEN's measure; there are going to be Republicans certainly supporting Senator DOLE's measures and Senator THURMOND's. But if we have an opportunity to amend the Federal statute in such a way that we can protect the integrity and the honor of the American flag, I think we should do so.

Mr. President, I am proud to join Senators BIDEN and ROTH today in sponsoring legislation to remedy the U.S. Supreme Court's recent decision in *Texas versus Johnson*, upholding the burning of the American flag as a political expression protected by the first amendment. The legislation amends the Federal flag desecration statute to meet constitutional objections and it will, therefore, allow the Federal Government to continue to make flag desecration a crime while remaining consistent with the Court's decision in *Johnson*.

The Supreme Court's decision touched off an outcry of opposition in Congress and throughout the country. Old Glory evokes deep emotions in the hearts of millions of men and women in this country, many of whom have made sacrifices in the defense of the ideas of liberty and freedom that the flag represents. It is unique, a special emblem of our principles and ideals, and of our Nation's struggle for freedom. Americans stand respectfully when it rises, fly it from their front porches on patriotic holidays, lower it to half mast in times of tragedy and shroud their veterans' caskets in it. It is our most revered national symbol.

As Justice Stevens noted in his dissent in the *Johnson* case:

A country's flag is a symbol of more than "nationhood and national unity." It also signifies the ideas that characterize the society that has chosen that emblem as well as the special history that has animated the growth and power of those ideas. The value of the flag as a symbol cannot be measured.

I respect the Supreme Court and the role it plays in our system of government. But I cannot agree with a decision which permits the defacement of the symbol of our country's most cherished values and ideals.

The Court held that Mr. Johnson's action was expressive conduct protected by the first amendment. I share the Court's reverence for the first amendment and fully agree with the court that if there is a fundamental principle underlying the first amendment, it is that the Government may not prohibit the expression of an idea simply

because society finds the idea itself of offensive or disagreeable.

However, I believe that it is possible to honor the first amendment's protection for freedom of speech while recognizing that the flag is a unique national symbol that warrants unique protection. Preventing the physical desecration of this unique symbol does not in any manner inhibit the constitutional right to criticize the United States, its policies, or the principles upon which it was founded.

The Supreme Court struck down the Texas statute because it found that the law was designed to protect the flag only against abuse that would be offensive to others, rather than protecting the flag from physical destruction in all circumstances. It was, therefore, in the Court's view Mr. Johnson's expression of an idea—contempt for the flag and what it represents, and his desire to convey that message to those who witnessed the flag burning—that was targeted for punishment.

While the contempt and hatred Mr. Johnson expressed for the United States by his words and his actions are offensive to me and to the vast majority of Americans, I do not dispute his right to express or advocate such views. It is not his views but rather his action in physically violating the American flag that is in question here.

The legislation we are introducing today removes from the Federal flag statute those words that could be interpreted as attempting to suppress certain types of expression or speech. By amending the law so that it is "content neutral," it will prohibit the desecration of the flag in all circumstances without reference to the message or point of view being conveyed.

The Senate has passed a resolution expressing its profound disappointment that the Texas statute prohibiting the desecration of the flag was found to be unconstitutional, and expressing its continuing commitment to preserving the honor and integrity of the flag as a symbol of our Nation and its aspirations and ideals. We can demonstrate that commitment and, at the same time, remedy the Court's decision in *Johnson* by enacting the legislation being introduced today. By prohibiting the desecration of the American flag regardless of any political expression the individual may want to convey by his action, the legislation will achieve the result we all seek, and it will do so quickly and constitutionally.

Finally, I applaud Senator BIDEN for his work and leadership on this issue. And, I join him in urging our colleagues to work with us in supporting the passage of this legislation.

Mr. DIXON. Mr. President, I rise today with my distinguished colleagues from both sides of the aisle, to introduce an amendment to the Con-

stitution of the United States. The amendment will read as follows:

The Congress and the States shall have the power to prohibit the physical desecration of the flag of the United States.

Amending the Constitution is a serious matter, Mr. President. I do not undertake this endeavor hastily nor do I take it lightly. We must proceed carefully, but always keep in focus our objective. The American flag is a sacred symbol of this Nation's unprecedented breadth of freedoms, and, as such, the flag should never be desecrated.

Americans, since the birth of this great Nation, have fought and died to forward the ideals embodied in the American flag. They strongly believed in these ideals. They were willing to put their own lives on the line in defense of democracy. Citizens everywhere find the burning or desecration of the flag offensive.

Recently, other Senators and I have been flooded with letters concerning the flag amendment. A large majority of our citizens have expressed their outrage with the Supreme Court decision and have expressed their desire for a redress of this issue.

A July 3, 1989, Gallup poll in *Newsweek* magazine stated that over 71 percent—nearly three-fourths of the American people—support an amendment empowering Congress and the States to prohibit the physical desecration of the flag.

The American flag is woven into every facet of this Nation's being. Supreme Court Chief Justice William Rehnquist said in his dissent in *Texas versus Johnson* that the American flag,

... has come to be the visible symbol embodying our Nation. It does not represent the views of any particular political party, and it does not represent any particular political philosophy. The flag is not simply another "idea" or "point of view" competing for recognition in the marketplace of ideas. Millions and millions of Americans regard it with an almost mystical reverence regardless of what sort of social, political, or philosophical beliefs they may have.

Justice Stevens, who incidentally, happens to be an Illinoian, said in his dissent:

Had he chosen to spray paint—or perhaps convey with a motion picture projector—his message of dissatisfaction on the facade of the Lincoln Memorial, there would be no question about the power of the Government to prohibit his means of expression. The prohibition would be supported by the legitimate interest in preserving the quality of an important national asset.

In a 1969 Supreme Court case, *Street versus New York*, former Chief Justice Earl Warren said:

I believe that the States and Federal Government do have the power to protect the flag from acts of desecration and disgrace. * * * [I]t is difficult for me to imagine that, had the Court faced this issue, it would have concluded otherwise.

I agree with former Chief Justice Warren's analysis. Warren realized the true value of the flag, and sought to protect it.

Former Justice Hugo Black concurred with Warren and added:

It passes my belief that anything in the Federal Constitution bars a State from making the deliberate burning of the American flag an offense.

I agree with former Justice Black's statement.

As I said at the time of the Supreme Court decision in Texas versus Johnson, I believe one can disagree vigorously with the policies of the United States, and yet need not desecrate the flag to make one's point. The courts have placed reasonable limitations on some freedoms in the past, without significant dilution of an individual's freedoms. This amendment, I believe, does not encroach upon or denigrate the freedoms expressed under the first amendment.

The amendment we are introducing prevents the desecration of the flag through simple, clear language. It allows Congress and the States to prevent the physical desecration of the flag of the United States. The language is straightforward and correct.

I have thought a great deal about this matter, Mr. President, and after careful review of the decision I believe the passage of a constitutional amendment to prevent the physical desecration of the flag protects a unique national asset while not encroaching on the rights of free speech.

I urge my colleagues to join me in support of this amendment.

May I simply say this in conclusion. I am delighted to cosponsor the legislation introduced by my friend from Delaware, the distinguished chairman of the Judiciary Committee. I will vote for that bill. I hope it becomes law quickly. And I hope that shortly it is tested in the courts.

Should the Supreme Court of the United States ultimately say that we can effectively, by statute and by legislation, address this problem, that would be fine with this Senator.

Then perhaps the question of pursuing the question of a constitutional amendment would become moot. It takes a long time to adopt a constitutional amendment. It requires a two-thirds vote in both Houses and it requires the affirmation and support of 38 States. So that takes some time. But I say that there should be a guarantee somehow under the laws of this great Nation that we preserve the integrity of the flag.

If we cannot do it by a law, if we cannot persuade the Supreme Court to reverse its position, then I say it is necessary to do it ultimately by constitutional amendment.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, in America, a county borne proud by the traditions and nationalities of countless immigrants from countries around the world, our flag serves as an emblem of unity. It serves as a symbol of courage and virtue and truth that binds us all together as Americans. In a land made free by the blood, sweat, and tears of its patriots, the flag serves as the standard of liberty—the still, quiet, inspiring banner our heroes followed so boldly into war. To our youth it represents hope, and to our young families security. To our veterans it is a reminder of ideals for which they were willing to lay down their lives, and to our seniors it is the embodiment of principles for which they have labored so long.

I, too, remember returning from war, and seeing the red, white, and blue waving crisply in the wind above port, and I can't tell you the emotion I felt as I realized that I was, indeed, home. Not only did I serve beneath its shadow on foreign soil, but I was home to reap the many blessings it represents—the blessing of being an American.

Because the flag speaks so powerfully to the spirit of its people, America's detractors know that by defacing it, ripping it, burning it, or trampling upon it, they are violating not only the fabric of red, white, and blue, but everything for which it stands—a nation of homes and families under God, making life better for our children so our children, in turn, can do the same for generations to come. By violating our flag, these detractors know they are violating our principles of freedom and unity—principles of our very foundation.

I believe this is what Daniel Webster meant when he stood here more than 150 years ago, and said:

Let (our) last feeble and lingering glance . . . behold the gorgeous ensign of the Republic, now known and honored throughout the Earth, still full and high advanced, its arms and trophies streaming in their original luster, not a stripe erased or polluted, nor a single star obscured, bearing for its motto, no such miserable interrogatory as "What is all this worth." . . . But everywhere (let it) spread all over the characters of living light, blazing on all its ample folds, as they float over the sea and over the land, and in very wind under the whole heavens, that other sentiment, dear to every true American heart—Liberty and Union, now and for ever, one and inseparable.

Mr. President, when America's detractors violate our flag—whether in the alleys of Iran or on the streets of Dallas—they are insulting all who believe so strongly in the values symbolized by the flag as well as assaulting those very values.

Consequently, I am joining with my distinguished colleague, Senator BIDEN, in sponsoring this proposal to protect the flag, and I can say with safe assurance that I am doing so with

the support of folks back home. Since the Supreme Court decision my office has received many letters, notes, even poems calling for protection of the flag.

For example, one man from Lewes wrote to tell me: "I served overseas in the U.S. Navy in World War II, and when I saw Old Glory flying on ships, or on the islands, I had a sense of security and freedom. Please keep it flying high."

A lady from Dover wrote:

While stationed in Spain with the Air Force, we were not allowed to have an American flag anywhere. Finally after much "red tape," one small flag was allowed to be carried in a July 4th parade.

What emotion that touched off in all of us!

You'll never know how much it means until you aren't allowed to fly it!!

Before every movie at the base theater they played the Star Spangled Banner and at the end they would show the flag. Every time, most of us would get tears in our eyes for what that flag symbolizes. Thank you for your efforts to protect our flag. We support you in this endeavor with our prayers! We know, first hand, what it means to have the liberty to fly our great flag taken away! Please keep it flying!

Another sweet patriot from Milford wrote:

I never see Old Glory raised that I do not shed a tear thinking of my Dad, five brothers, two nephews, four cousins and one son who fought to protect her. . . . I fly her every day the weather permits.

Thousands of such responses have been pouring into my office, many of them suggesting what the penalties should be for those who desecrate the flag. One that especially caught my attention came from a man in Millville, who wrote:

As a Pacific veteran of World War II, I have always felt those who desecrated the flag should be trolled for bluefish!

I was also surprised by the number of immigrants—naturalized Americans—who are writing to support legislation to protect the flag. As one said, "It has come to be the symbol of our citizenship, and it is very precious. Burning it as a political protest is terrible."

I appreciate all these men and women, boys and girls, who are writing and calling. It demonstrates to me that the silent majority will not sit idly by and allow their country to be run by activists. It demonstrates to me that our folks back home are getting just about sick and tired of watching their important—almost sacred—symbols, beliefs, and institutions run into the ground by a radical agenda. But three of the letters I received, I will never forget.

The first is from Barbara Redden, from Newark, DE, who sent one of many poems I've received. Hers was an unpublished original—a poem for children, entitled "Betsy's Helper." I ask unanimous consent that the poem in

its entirety be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. KERRY). Without objection, it is so ordered.

(See exhibit 1.)

And I would also like to quote a few lines, a dialog between Betsy Ross and her friend and helper, a pet mouse:

It reads:

They wanted her to make a flag of red, white, and blue.
And they said it should have stripes and stars on it, too.
She said she'd love to make a flag to fly over their land,
And would be honored to make it with her very own hand.
George Washington, said:
The flag needed to be done for a big parade that day.
The country needs to pull together, and a flag may be the way.
He felt that an American flag flying over us, one and all,
Would give us something to look up to, and we'd be proud, and we'd never let it fall.

Mr. President, the second letter I will never forget comes from a veteran of Vietnam who described how a buddy was wounded for doing exactly what Mrs. Redden described, never letting the flag fall. During the course of a battle, he took the flag before it was allowed to fall into the dirt, and in the course was hit by enemy fire.

And the third, Mr. President, comes from a proud American in Seaford. Who said simply: "I was on Iwo Jima. * * * Need I say more."

No, Mr. President. No, he need not say more, and neither do I. Without condition, I support whatever action it takes to protect our flag.

EXHIBIT 1

BETSY'S HELPER

(By Barbara Redden)

There once was a little mouse,
Who lived in Betsy Ross's house.
Right in the middle of the city.
You've never heard of him? My what a pity!!!
That little mouse stayed mostly in the wall.
Although, sometimes for fun, he'd run up and down the hall.
Betsy was a Quaker, and came from a large family.
She had a sewing shop, and she was as neat as she could be.
If threads and material dropped on the floor,
She'd sweep them up, and then sew some more.
One night, Betsy was about ready for bed,
When she quickly turned her head,
And she spied that little gray mouse,
Sticking his head out of the door of his house.
Betsy liked him, and said, "Don't run away."
So he came back and started to play.
She gave him some crumbs on her cleaned up floor.
The next night he came back, and she gave him some more.
They became very good friends, what do you think of this?
The little gray mouse, and the Quaker Miss.

Some men came to see Betsy on business one day.
It was her uncle and George Washington the mouse heard her say.
They wanted her to make a flag of red, white, and blue.
And they said it should have stripes and stars on it too.
She said she'd love to make a flag to fly over their land,
And would be honored to make it with her very own hand.
The sat and talked, and drank some tea,
And told her how the flag should be.
They'd be back to get it one week from that date.
Betsy would have to hurry so she would not be late.
The cloth she used was bunting, and it was good and strong.
That is why she used it, because it would last so very long.
She worked hard every day to get that big job done.
She marked off on her calendar the days one by one.
Betsy made tiny stitches from sun up to sun down.
She worked very hard on the flag, but never wore a frown.
Even though her days were rushed, she remembered her little friend.
She still gave him crumbs and chatted while she hemmed.
In the conversation, she told the little mouse,
That early in the morning, General Washington would stop by her house.
The flag needed to be done for a big parade that day.
The country needs to pull together, and a flag may be the way.
He felt that an American flag flying over us one and all,
Would give us something to look up to, and we'd be proud, and we'd never let it fall.
Suddenly a bad thing happened. Betsy's scissors broke.
There was no way to repair them, and that was no joke.
Poor Betsy, to think her work was almost done,
And her scissors broke, that wasn't any fun.
The little mouse peeked from his hole in the wall.
Betsy looked sad, and down her cheek a tear did fall.
There were to be thirteen stars, one for each colony.
Ten were cut, and sewn, but what about the last three?
Her neighbors couldn't help her. They had all gone to bed.
There was nothing left to do, but lay down her weary head.
Soon the house was quite—just as quiet as could be.
The mouse came out to look, to see what he could see.
He said, "I wish I could do something to help my dear friend.
I'd be ever so happy if I had scissors that I could lend."
The little mouse sat and thought for a minute or two.
Then he said to himself, "there is one thing I could do."
Betsy had drawn stars on the cloth and placed in on the table.
The mouse started nibbling around the stars as fast as he was able.
At last the job was done, and he heaved a great big sigh.

Betsy could sew the stars on quickly, and the flag would be ready to fly.
When Betsy saw the stripes were cut, she jumped up and down with glee.
Who was here in the night and cut those stars for me?
Then she spied her friend the mouse.
He grinned at her from the door of his house.
Then with his eye, he gave her a wink.
"Oh," she said, "you're good at making stars I think."
She patted him on his head, and put some crumbs on the floor.
Betsy sewed the stars on quickly, then General Washington knocked at the door.
He saw the flag and loved it as all Americans do.
He always carried it proudly, and that's what you should do too.
Of course, all of this took place over two hundred years ago.
Since then our country has had lots of time to grow.
We now have a flag with fifty stars on a field of blue.
One for every state—the one you live in too.

Mr. LEAHY. Mr. President, all of us agree that burning the American flag is a despicable act—hostile to our shared values and sensibilities.

It should be outlawed.

And it will be outlawed.

Mr. President, I rise today not to address the question of flag burning. There is really no dispute about that issue. We Americans all oppose flag burning. But I rise today to protect the integrity of the U.S. Constitution.

Our forefathers fashioned a unique, remarkable charter—one deeply rooted in the past—yet dynamic and flexible enough to lead the way today and tomorrow. That charter—the Constitution of the United States and the Bill of Rights—is unparalleled by any in the history of the world. "We the People" benefit from it every day. It stands as a beacon—a shining monument to the principles of individual liberty.

The first amendment, perhaps more than any other provision of the Constitution, reflects the essence of American democracy. It provides:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

It protects the right and freedom of every American to think, to speak, and to write, to defend and to offend beliefs as we please without the threat of government censorship or reprisal. It ensures the rights of the minority—even a minority of one—in a political system run by the majority.

Every American holds dear the freedom guaranteed by the first amendment. But it has a special meaning for me. As the son of a Vermont printer, a publisher of a weekly newspaper, I grew up in a family which venerated

freedom of speech above almost all others.

I learned that freedom of expression is the first amendment to the Constitution for a very profound reason. If we are not free to express our thoughts, the inalienable right to govern ourselves is meaningless.

Freedom of speech and freedom of religion guarantee diversity in America. And that diversity guarantees the democracy all Americans hold dear.

Our appreciation and wonder at the extraordinary freedom we enjoy was renewed just last month as we witnessed the brutal massacre of Chinese students in Tiananmen Square. We paused, hoping that democracy might blossom there as it did here in our country more than 200 years ago. We saw all too clearly, though, that if democracy and freedom of expression lack the force and legitimacy of law, they are nothing more than fleeting, ephemeral notions.

Today, there is a lot of talk about amending the blueprint of our democracy. Many people, understandably upset with the Supreme Court's decision in the flag-burning case, believe that it is time to alter the Constitution, to change course even ever so slightly.

They are wrong.

Our founders fought a bloody war of independence to guarantee fundamental liberties to the American people. For 200 years, these liberties have shielded individuals from the excesses of government. They are the bedrock of our democracy.

Other generations faced crises that precipitated cries for changes in the Constitution. Through each challenge to our core principles and values, our basic charter of rights has survived unscathed. Outrage and passion were tempered. Wiser heads prevailed.

Is it not the President's responsibility to support the law of the land? The Supreme Court has no troops. Its edicts are followed by moral suasion.

What if President Eisenhower, for example, had asked for a constitutional amendment to reverse Brown versus Board of Education instead of pledging the support of the executive branch for the Court's decision?

In retrospect, we have to be grateful that the Senate and the President met their responsibility to protect the Constitution, to deliberate, to take the long view.

Well, Mr. President, it is time the Senate of the United States and the President do that again.

We must preserve that tradition as we debate the protection of our flag.

The flag is our most beloved symbol. And we are a nation grounded in symbols as well as in words. The flag unifies us as a nation and defines us as a people. One can burn a flag, but no one can ever destroy the flag as long

as its spirit and purpose endure in the hearts of all Americans.

The only way to truly dishonor the flag is to turn away from the principles it stands for, to betray the values it represents. We do just that when we talk about amending the Constitution unnecessarily.

With the exception of the Bill of Rights, our Constitution has been amended only 16 times. The amendments to the charter range from prohibiting slavery to guaranteeing women the right to vote.

The fundamental principle underlying our democracy is that the government's power over the people must be limited. Our democracy "of and by the people" cherishes individual liberty above all else. Increasing the government's power at the expense of individual freedom—because of the outrageous acts of one publicity seeking miscreant in Texas—runs contrary to our most fundamental principles.

It sets a dangerous precedent.

It defies the essence of our basic charter of individual freedom.

And it is avoidable. We can and we should address this reprehensible conduct easily and immediately by changing the Federal statute on flag desecration.

But amending our Constitution, that, Mr. President, is a grave undertaking—one we should consider only to redress the most profound grievances. In this instance, it is not necessary. We have the power and authority to prohibit desecration of the flag by statute.

There is no reason to tinker with the very structure of our Government. The chairman of the Judiciary Committee has a proposal that many constitutional scholars agree will not offend free speech values. It is really a more sound, reasoned approach than any proposed amendment to the Constitution.

As Senators we have a special responsibility to safeguard the Constitution. Each of us has sworn to "support and defend," not only the words, but the very essence of the document.

It is true that we have a responsibility to represent the dissatisfaction of people all over the country who are outraged at the thought of burning our national symbol. I am a Senator from Vermont and in that capacity I express my own and I believe the abhorrence of all Vermonters at despicable acts like flag burning.

Each of us is here in this great deliberative body, not only as a representative, but as a leader. And in that capacity we have a critical and more challenging responsibility—we must uphold our oath to protect the Constitution despite public condemnation and criticism.

We have to see the passion, the clamor, and the public outcry through the prism of the oath we are sworn to

uphold. We have to pause in the midst of the frenzy and recognize the gravity of the amendment we consider.

Ultimately we have to do what is right. We 100 men and women have to act as the conscience of our Nation.

We have to search our hearts and minds for a solution that does not betray the principles that underlie our democracy.

We owe that to the American people—to those in whose shadow we stand and to those whose future we hold in our hands.

We cannot allow the Constitution to become a forum for partisan battles. The issue is not political symbolism, political posturing, or political elections. Demagoguery has no place in discussions of the future of this Nation's Constitution.

It is too important for that.

For if we surrender those values that unite us as Americans, what then do we become?

And if we vote to amend the Constitution to overrule the Supreme Court's decision in this case, where do we stop?

Do we vote for constitutional amendments whenever the latest public opinion polls indicate public dissatisfaction with a decision of the Supreme Court? If public opinion surveys become the standard, by the end of the century we are going to need computer programs to decipher our Constitution.

Mr. President, this is the Constitution of the United States. This little booklet that I carry in my pocket is the Constitution of the United States.

Look what happens, though, when we amend everything to cover every possibility. Here is the Internal Revenue Code. These four piles of books, the Internal Revenue Code and the regulations that go with it. And here is the Constitution of the United States. This little booklet.

Do we dare risk turning this cherished charter, beautiful in its simplicity, into a morass like this?

In my 14½ years as a U.S. Senator, I threatened to filibuster one time—when the Reagan administration launched an assault on the Freedom of Information Act. I did not acquiesce to that attack on the first amendment principles of open, free government.

I shall not acquiesce to this attack.

I am telling Senators now that toying with the first amendment, this is where I draw the line, and this proposed constitutional amendment is where I make my stand. I will oppose the proposed constitutional amendment aggressively. I can conceive of no more important way to uphold the profound oath I took to defend and support the Constitution of the United States of America.

The Bill of Rights has survived unchanged for two centuries. Amending

it will be a monumental moment in the history of this body.

I can assure my colleagues that we will not consider any changes to our fundamental liberties in 36 hours or 36 days. We will explore each possibility, each ramification, and each conceivable cost—no matter how long it takes.

More than 200 years ago, Patrick Henry said, "Perhaps an invincible attachment to the dearest rights of man may, in these refined, enlightened days, be deemed old fashioned." Perhaps that is the case today. If so, I, like Patrick Henry, prefer being an "old-fashioned fellow"—an old-fashioned fellow who knows in his heart that the simplicity of the Constitution is perhaps our Founding Fathers' wisest bequest.

The Constitution has endured through historic changes unimaginable to those who crafted it—a bloody civil war, a great depression, battles over civil rights, and the threat of nuclear destruction. Through each crisis, the Constitution not only has endured, but has grown stronger and more vibrant.

As Chief Justice John Marshall said, the founders wrote the Constitution "To endure for ages to come, and consequently, to be adapted to the various crises of human affairs." What a bold and enlightened undertaking.

In conclusion, Mr. President, we are at a watershed. We can succumb to the passions of the day or we can remain true to the enlightened principles we all hold dear.

FLAG DESECRATION STATUTE

Mr. CRANSTON. Mr. President, I join with the distinguished chairman of the Senate Judiciary Committee, the Senator from Delaware [Mr. BIDEN], in introducing legislation today which would amend title 18 of the United States Code to make it a Federal crime, punishable by a fine of not more than \$1,000 or imprisonment for not more than 1 year, or both, for anyone who knowingly mutilates, defaces, burns, displays on the floor or ground, or tramples upon any flag of the United States.

This legislation is designed to respond to the recent decision of the U.S. Supreme Court in *Texas v. Johnson* by amending the existing Federal statute relating to desecration of the flag in a manner which would make such acts punishable without violating the constitutional standards set forth in that decision.

Mr. President, the constitutionality of the current Federal statute is questionable in light of the decision in the *Texas* case insofar as it makes it a crime to "cast contempt" publicly upon the flag in by any of the specified acts of desecration. The majority opinion in the *Johnson* decision clearly focused upon the constitutional prohibition against punishment of the communication of ideas; by removing

all references in the existing Federal statute to the ideas communicated and penalizing only the physical act itself, this legislation would, in the view of noted constitutional scholars, withstand constitutional challenge.

In other words, Mr. President, Federal law, as amended by this legislation, would make it a crime to commit the physical act of burning, mutilating, or trampling the flag. It would thereby remove the reference to the communicative or expression aspect which renders the current statute constitutionally questionable under the recent decision.

I believe this is an effective and appropriate response to the dilemma which the *Texas* decision has created. The American flag symbolizes our Nation and our ideals, and I do not believe that the Constitution of the United States prohibits Congress or the States from taking appropriate legislative steps to protect this unique symbol from deliberate mutilation or wanton destruction. A careful reading of the decision in the *Johnson* case makes it clear that the result might well have been difficult if the *Texas* statute had separated the physical protection of the flag from punishment for the expression of particular ideas. As the Court specifically stated,

The *Texas* law is * * * not aimed at protecting the physical integrity of the flag in all circumstances, but is designed instead to protect it only against impairments that would cause serious offense to others.

Lawrence H. Tribe, professor of constitutional law at Harvard Law School observed in a recent *New York Times* article,

Properly understood, the Court's decision upheld no right to desecrate the flag, even in political protest, but merely required that Government protection of the flag be separated from Government suppression of detested views. *Texas* went astray by punishing * * * *Johnson* for the views he publicly expressed in burning the flag instead of punishing him for the bare fact of this desecration of that special object.

Mr. President, I believe that a statutory approach to this problem is a swifter, more precise remedy than a constitutional amendment. At least three proposed constitutional amendments have been introduced in the Senate and are pending before the Judiciary Committee. The three I have seen use very general language which would empower government entities to take steps to protect the flag from physical desecration. The limits of that power are not defined, as they are in the statutory approach which delineates the specific prohibited acts and the penalty for violation of the statute. Unless a constitutional amendment is drawn with great care, we might well see some overzealous Government bureaucrat attempting to fine a citizen for using the stars and strips as decorative material. This type of display of our Nation's symbol has

become standard at patriotic events—witness the bunting displayed around the speaker's platform at a typical Fourth of July or Memorial Day event. We need to proceed very carefully in this area. I'm not convinced any of the draft proposals for constitutional amendments do so. The Biden statutory approach does so. It is narrowly drawn to deal with a specific problem.

Mr. President, I want to speak for a moment to those who believe that any action in this area—statutory or through a constitutional amendment—would violate the principles of the first amendment. I respectfully disagree. I yield to no one in my dedication to preservation of freedom of speech and expression. However, there are few absolutes in any area of governance, including freedom of expression. Great defenders of the civil liberties and the first amendment such as Chief Justice Earl Warren, Justice Hugo Black, and Justice Abe Fortas have all expressed the view that a simple prohibition on flag burning would not violate the first amendment. Justice Black observed in a 1969 case,

It passes my belief that anything in the Federal Constitution bars a State from making the deliberate burning of the American Flag an offense.

The United States is a democracy, not an anarchy. The concept of ordered liberty embodies laws and restraints that our people abide by and that includes certain areas of conduct which might be construed to be expressive in nature. For example, we do not permit citizens to walk down the streets naked, although displays of public nudity may be a form of free expression to some. Government entities now restrain free expression through a complex web of laws and regulations directed at behavior and actions. Trademark and copyright laws restrict certain aspects of speech. Respect for the dead underlies laws prohibiting desecration of graves or inappropriate display of corpses. Zoning laws restrict our use of private property in manners that might well be expressive. What is not permissible and what should never be tolerated in this country is the use of the law to single out and punish particular ideas. That was the fatal flaw in the *Texas* statute. The legislation which has been introduced preserves that important distinction.

Mr. President, I am pleased to be an original cosponsor of this legislation and hope that it will move swiftly through the Congress so that flag can be accorded the protection that it deserves as symbol of our heritage and identity as a nation of people bound together for the common good. Millions of Americans have fought valiantly, and many have died to protect

this symbol of our Nation. I believe we can protect the flag from abuse in a manner consistent with the values and ideals that the flag and our Nation represents.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. DOLE. Mr. President, I first of all want to agree with both Senators BIDEN from Delaware and COHEN from Maine. This is not a partisan issue in the sense that we are going to attack anyone's motivation. I think there are honest differences of opinion and some may conclude that we maybe should follow both the statutory and constitutional amendment approaches. I supported the Biden bill that was offered to the child care bill. I think it has been slightly modified since then. I have some reservations about the Biden bill. I think that these reservations will come out in testimony when we have the hearings on the constitutional amendment. There are going to be 4 days of hearings.

We have a unanimous-consent agreement now which protects those who want a statutory approach, those who prefer a constitutional amendment, or those who may decide that we need to do both.

Under the agreement, we will take up the statutory approach first, then there will be a week recess in October, and then the first order of business when we come back will be the constitutional amendment. This, I think, is a fair arrangement. I know some of my colleagues are concerned because the agreement we entered into on this floor, myself and the majority leader, contains a provision that no other flag amendments will be in order until we can dispose of these two major pieces of legislation.

The purpose of this provision is to make certain that the focus is where it should be, on a statutory approach versus a constitutional amendment.

We did not want to clutter up every bill that came along with some flag amendment. We think the issue has been joined. We will have witnesses, certainly constitutional experts and others, who will appear before the Judiciary Committee.

So I would send to the desk the joint resolution to amend the Constitution cosponsored by myself and Senator DIXON, Senator THURMOND, Senator HEFLIN, and 49 others.

The PRESIDING OFFICER (Mr. GRAHAM). The resolution will be received and appropriately referred.

Mr. DOLE. We have 53 cosponsors on the joint resolution. We need 67 votes if we are to pass the constitutional amendment.

My view is there are going to be 67 votes. And it is also my view that the Supreme Court, 28 days ago, made a red, white, and blue blunder. It ruled that our Nation's flag did not deserve

special protection—constitutional protection from desecration.

Twenty-eight days ago, this Senator called the Court's decision a mistake. But far more important than what this Senator said, the American people—in powerful and emotional tones—also said it was a mistake. Most are hopping mad, and I cannot blame them.

In their outrage, they are demanding that Congress do something—to act quickly and decisively to fix a major error by our Highest Court.

I must say that I read the opinion. I read it a couple of times. You could come down, I assume, on either side. You could read Justice Brennan's opinion and say: "Oh, it sounded pretty good." Then you could read Justice Rehnquist's opinion. To me, this opinion sounded better.

Since that time, some people have tried to sell the notion that this was a 24-hour issue—that emotions have now cooled, and that the American people really do not care anymore.

Some of the people who live inside the beltway and who write editorials and commentaries, who like to think they speak for all the American people—and they do not speak for many at all—said, "Oh, this is not an issue." Then we heard all of the intellectual arguments and editorials that said we were going to infringe on the first amendment, freedom of speech, and that we should not tinker with the Constitution.

All these arguments may sound good in somebody's ivory tower somewhere, but they do not sell too well in the VFW hall in Russell, KS, or anywhere in America. Maybe they are great guns in the press gallery. But when you get out where the people are, when you go out to a military cemetery or to a military funeral and when you see the military escort fold the flag and hand it to the widow or the children of someone who has been killed in service of his country, then you realize that the flag is a powerful symbol.

How many flags do we have flown over the Capitol each year by Members of this Senate? I would bet thousands and thousands of flags are flown over the Capitol at our request so that they can be sent back home for some special occasion in our States.

The flag, in my view, is more than a symbol. It ought to be protected by the Constitution. It should not be burned. It should not be mutilated. It should not be trampled upon. And that is the constitutional approach.

On October 16, we will be standing here debating the constitutional amendment. The amendment that Senator DIXON and I have introduced may not be perfect. Maybe there ought to be a word or two changed. Some have suggested a change or two.

But it would seem to me that with the people who have contacted me and

the people who have written to me, we need to have constitutional amendment protection.

I watched on C-SPAN the first day of hearings on the House side. There were very good witnesses at the hearings and very good questions from people who have different views. So I want to lay to rest any thought that somehow if we do not agree with one approach we are attacking someone's motives or someone's patriotism or someone's politics. That is not the case at all.

I want to commend President Bush for giving us leadership on this issue. He wants a constitutional amendment to save the flag from the hands of the desecrators and anyone else who relishes the thought of putting a torch to Old Glory. I commend the President for that.

So we have had a number of flag protection measures introduced in the House and in the Senate. We have had hearings open on the House side.

My staff and I have carefully reviewed these measures, and have come to the conclusion that there is really only one way to get the job done; only one fix that will satisfy the American people; and only one remedy that is equal to the lofty status of Old Glory—so today, as I have said before, the U.S. flag deserves nothing less than constitutional protection.

Again, I do not criticize the good faith efforts of Members on both sides who are trying to produce legislation that might reverse the Court's ruling—I applaud them. Senator BIDEN, Senator ROTH, and Senator COHEN, for example, are working hard on amending the Federal flag desecration statute. It is a solid effort. But, in my view, it will not do the job. Let me tell you why.

As I said, I supported the Biden bill and I may vote for it again. But is there a guarantee in the Biden bill that it will constitutionalize the Federal flag desecration statute? There is no guarantee at all. We might have to wait 3 to 5 years for the courts to put their stamp of approval or rejection stamp on the statute.

The Biden bill does nothing to ensure the constitutionality of the flag statutes that are now on the books in 48 States. The State legislatures are closer to the people, and the people have made their views known in their State legislatures. These 48 State statutes deserve protection. The President's constitutional amendment—simple and straightforward—accomplishes this goal.

For those reasons and others, it seems to me that the best approach is the constitutional approach. Certainly both warrant full debate. We are going to have full debate. We are going to have comprehensive committee review and that is why, as I indicated before,

the leaders agreed to this dual-track approach in the committee.

After careful consideration in the committee, both approaches will come to the Senate floor and, for purposes of Senate consideration, they will be separated just by a 1-week recess. That will give the American people an opportunity, if they wish to focus on the statutory approach or the constitutional approach, to see them side by side.

I share the view expressed by the distinguished Senator from Delaware [Mr. BIDEN] before the House Judiciary Committee: This should not be a partisan debate. I have worked very closely with Senator DIXON, going back to the trampling case in his own State of Illinois. As far as I know, there are no partisan politics involved. Some of us have different views. And some of us in this Chamber are constitutional experts. I am not a constitutional expert, so I may have a slightly different view.

So it seems to me that we are on the right track. I commend the majority leader for helping to work out an agreement and I commend Members on both sides for not objecting to the agreement. We are going to approach this as a serious matter. It is a serious matter. We may fail in the final effort to amend the Constitution. But the amendment process has been clearly laid down by the Founding Fathers.

It is a long process—a two-thirds vote in the House and the Senate, and ratification by 38 States. That is not easy to do. If the legislatures in the various States decide, or the Congress decides, or one House decides, that constitutional protection is not a good idea, that is the end of it. But, in my view, the American people are not going to change their view on the American flag. In fact, I think it may be a little stronger now than it was when the Court first handed down its decision.

So I am very proud to join with Senator DIXON, Senator THURMOND, Senator HEFLIN, Senator WILSON, and many other Senate colleagues, in introducing a joint resolution calling for a constitutional amendment to protect our flag. I am proud to say that the amendment has majority support in this Chamber—53 cosponsors, and we hope to have four or five more before the day is out. These cosponsors are both Democrats and Republicans.

I do not take amending the Constitution lightly, as I have said. The cosponsors do not take it lightly, either. It is serious business. It requires serious reflection, serious debate, both here in Congress and in State legislatures across our country. It could be a long and difficult process. I do not think it will be very long. It may prove not to be too difficult. It may just whip through the States.

I know in my home State of Kansas, our Governor wants to be the first Governor to take up this process and have the legislature ratify it first. Well, he may not have that opportunity, but at least that is an indication of the feeling in the Midwest.

If the amendment is not ratified, if it fails to survive the amendment process, then so be it. The American people will have spoken. But if the amendment is ratified, if the amendment receives the approval of two-thirds of Congress and three-quarters of the State legislatures, then the American people also will have spoken and their voice will be heard loud and clear.

Mr. President, I wish to thank my colleagues who have cosponsored the joint resolution for a constitutional amendment. I look forward to the debate and the committee hearings. In my view, whatever happens, we will make the right decision.

I ask unanimous consent that the text of our joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 180

Whereas the Flag of the United States of America is a national symbol of such stature that it must be kept inviolate;

Whereas the physical desecration of the Flag should not be considered constitutionally protected speech; and

Whereas physical desecration may include, but is not limited to, such acts as burning, mutilating, defacing, defiling or trampling on the Flag, or displaying the Flag in a contemptuous manner: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

"ARTICLE —

"The Congress and the States shall have power to prohibit the physical desecration of the Flag of the United States."

The PRESIDING OFFICER. The Senator from South Carolina.

PROPOSED CONSTITUTIONAL AMENDMENT TO ALLOW PROHIBITION OF DESECRATING THE AMERICAN FLAG

Mr. THURMOND. Mr. President, I rise today as an original cosponsor along with the distinguished minority leader, Senator DOLE, Senator DIXON, Senator HEFLIN, and others to introduce on behalf of President Bush a proposed constitutional amendment which would protect our American flag from physical desecration.

This constitutional amendment would effectively overturn the Supreme Court's decision in *Texas v. Johnson* which allows protesters to burn and physically desecrate the American flag.

Immediately after the Supreme Court's decision, I introduce a proposed constitutional amendment with 41 cosponsors to accomplish the objective we seek today.

As of today, we have 45 cosponsors on that amendment. However, after discussions with the Bush administration, the distinguished minority leader, and others, we have determined that today's proposed language is also an acceptable, simple and straightforward approach to protect the American flag.

Both proposals are succinct and make clear that the Congress and the States have power to prohibit the physical desecration of the flag of the United States.

I am disheartened that the Supreme Court has seen fit to sanction the contemptuous desecration of one of the most admired and venerable symbols of democracy in our Nation's history.

It is unfortunate that we must now pass a constitutional amendment to protect the American flag which has symbolized American democracy for over 200 years.

Mr. President, I must say, my good friend Senator BIDEN has introduced a statute to offset this decision. I shall be pleased to support that statute. It may get results. We do not know. There is some doubt, through, as to whether it will.

I think the only sound and safe way to approach it is to pass a constitutional amendment.

The recent decision by the Supreme Court struck down the laws of 48 States and also our Federal statute which prohibits the physical desecration of the American flag. The Supreme Court has couched its decision in terms of the first amendment's protection of freedom of speech. As generally recognized, the first amendment does not give an absolute protection for freedom of speech. The physical desecration of the American flag should not be protected under the first amendment.

The State legislatures and an overwhelming majority of Americans are now looking to the Congress to protect the integrity of our beloved national symbol—the flag of the United States of America.

Our flag represents our Nation, our national ideals and our proud heritage. As a shining beacon for democracy, the American flag has flown for over 200 years. Old Glory has earned the respect and admiration of freedom loving people all over the world.

Our Armed Forces and American veterans who have bravely defended

our freedoms must truly be angered and dismayed by the Supreme Court's decision. Throughout our history the American flag has led brave men and women into battle and served as an inspiration in the defense of our dramatic ideals.

Mr. President, the Supreme Court has opened an emotional hydrant across our country demanding immediate action to overturn this overreaching decision. It is, indeed, a feeling of great pride to know of the sincere patriotism that runs deep through our Nation.

We have a profound responsibility to act swiftly in passing a constitutional amendment and submitting it to the States for ratification.

I urge my colleagues to join us in our effort to restore the proper civil respect to the American flag. The United States flag, the symbol of freedom and democracy, must always be protected from desecration and forever wave over the land of the free and the home of the brave.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

THE AMERICAN FLAG—A SYMBOL OF IDEAS AND VALUES

Mr. COATS. Mr. President, often the American flag's unique power to move and inspire is only evident when displayed in times of crisis. Like on the day that it was draped over the caskets of those who died on the battleship *Iowa*. Or on the day it was burned by chanting Iranian fanatics during the hostage crisis.

These unforgettable images provoke a kind of pride and anger that is easier felt than explained. They are emotions that do not need to be syrupy or sentimental, but they are rooted in one solid and extraordinary fact—that the flag somehow embodies the selflessness of thousands of men and women who died to preserve an American experiment in freedom.

But now the Supreme Court has discovered a curious and disturbing new constitutional right. Ironically, as a flag flew over its white-marbled building, the Court determined it was perfectly legal to burn the American flag as a form of political speech.

The case they decided began with a protest at the Republican National Convention in 1984. In front of city hall, a protester doused the American flag with kerosene and set it aflame while several dozen others chanted, "America, the red, white and blue, we spit on you."

This kind of desecration provokes in most Americans, including myself, the sort of emotion that can keep you awake at night.

It is not that Americans are insecure. We do not blindly follow traditions, but we do care deeply about

symbols—particularly this symbol, this one symbol of ideas and values for which men and women have sacrificed and died in every generation in our country's history. To desecrate the flag, I believe and most Americans believe, is to desecrate their memory and make light of their sacrifice.

There is a type of patriotism that is held so deeply that it finds expression in concrete things like a patriot's crippled body—or in bits of colored cloth. For those who have risked death in service of a flag it is more than just a symbol, it is a tangible sacrifice you can actually hold in your hand.

The flag bears our pride in times of celebration. It bears our grief at half-staff. But it should not be forced to bear the insults of a calloused and deformed conscience.

Men and women who we ask to die for a flag have a right to expect deference for that flag by those who benefit from their sacrifice. It is part of the compact we make with those who serve. Until this decision, it was the law in 48 States, and it must be the law once again—even if that takes a constitutional amendment to accomplish this purpose.

Tolerance is an important thing in a free and diverse society. Agreement must never be a prerequisite for civility. But tolerance can never be rooted in the view that nothing is worth our outrage because nothing is worth our sacrifice.

Chief Justice Rehnquist authored a stinging dissent to this misguided decision, arguing:

Surely one of the high purposes of a democratic society is to legislate against conduct that is regarded as evil and profoundly offensive to the majority of people—whether it be murder, embezzlement, pollution or flag burning.

Justice John Paul Stevens added, referring to the ideals of American patriotism:

If those ideas are worth fighting for—and our history demonstrates that they are—it cannot be true that the flag that uniquely symbolizes their power is not itself worthy of protection from unnecessary desecration.

Yes, we must be tolerant. But we must never adopt an enervating and cowardly disdain that strips us of patriotic conviction and dulls our ability to be offended by the desecration of vital symbols. "In the world it is called tolerance," wrote Dorothy Sayers, "But in hell it is called despair . . . the sin that believes in nothing, cares for nothing, enjoys nothing, finds purpose in nothing, lives for nothing, and remains alive because there is nothing for which it will die."

Mr. President, I yield the floor.

PROTECTING THE AMERICAN FLAG FROM PHYSICAL DESECRATION

Mr. D'AMATO. Mr. President, let me commend my distinguished colleague from Indiana for the eloquence of his remarks, and I would like to be associated with him. I do believe that he has encapsulated the feeling of so many, not only in this body and in the House of Representatives, but more important what Americans feel. The flag, indeed, is the embodiment of this great Nation. None of us seek to keep people from exercising not only their constitutionally protected rights, but their God-given rights, to express themselves—whether it is with displeasure toward our country, or its Government, or its leaders. I do not believe, however, that the framers of the Constitution ever intended that flag desecration be protected under the first amendment and used, as some would use it, for the purposes of speech or disdain. Rather, it is uniquely a symbol and protecting it is not a test of whether or not we would deprive people of free speech.

I believe that we need a constitutional amendment to deal with this. While I will support Senator BIDEN's legislation, I see further challenges, further constitutional challenges. I see a turbulence in our society with regard to whether or not people can undertake the desecration of the flag and then claim constitutional protections of freedom of speech. I would suggest to those who say that a constitutional amendment is a dangerous procedure, that to rely upon the legislative approach would simply continue this controversy and this agony that so many people feel, a very distressful one.

The amendment of the Constitution is a very difficult process, very arduous. It requires approval of two-thirds of the Members of the Congress, both the House and Senate, and three-quarters of the States, and so it should be. But I believe, Mr. President, that it is a proper response to the decision of the Supreme Court and will ease the agony that so many people feel in their heart at this time.

Mr. President, I rise today in support of Senate Joint Resolution 180, a proposed constitutional amendment to protect the American flag from physical desecration. I commend Senators DOLE and DIXON for bringing together a bipartisan group, constituting a majority of the Senate, in support of this amendment.

The Supreme Court's decision permitting desecration of the flag has both enraged and divided the American people. I do not believe this case poses a choice between the first amendment and protection of the dignity of our flag. Americans are free to criticize our Government and our Gov-

ernment's policies—that is a fundamental right we are vigilant to safeguard. Protecting that right does not mean we must or should permit any conduct no matter how offensive or destructive.

This amendment focuses on specific conduct—desecration of the flag—and does not prohibit or impede the expression of any idea or view. We do not lightly propose an amendment to the Constitution, and the amendment process is appropriately arduous. This amendment is, however, a proper response necessary in light of the Supreme Court's decision.

Mr. President, I yield the floor.

Mr. GRASSLEY. Mr. President, I am also very pleased to cosponsor this resolution proposing an amendment to the Constitution to protect the flag of the United States. Obviously, my reason for doing so is because I disagree with the Supreme Court decision of *Texas versus Johnson*. If I thought we could correct this decision by statute, I might prefer that, rather than a constitutional amendment.

However, in the final analysis, I do not think that we are going anything extraordinary here, because I think we should remember that this is not the first time that a Congress of the United States has responded to a Supreme Court decision by proposing a constitutional amendment to change that decision.

I think the second thing we want to remember is that the Supreme Court spoke on this very important issue by just the barest of margins, 5 to 4.

The First Congress added the first amendment to the Constitution to ensure that robust, yet reasoned, debate take place on the issues of the day. Even speech that is outrageous or that questions the very foundation of our Republic, or that is just out-of-sync with the vast majority of the American people, is in fact, and ought to be, protected by the first amendment.

And, subsequent decisions by the Supreme Court have determined that even some conduct or gestures in conjunction with speech, should enjoy the protection of the first amendment.

Make no mistake about it, there should be no restrictions on the legitimate free speech rights of Americans, and this includes the right of individuals to advocate views with which a majority of Americans do not agree, or even to the point where the person speaking that point of view may be the only one out of 240 million people who believes that point of view.

However, the Founding Fathers did not mean that "anything goes" when the issue of speech is involved. In *Chaplinsky versus New Hampshire*, the Supreme Court in 1942 stated that even "fighting words are no essential part of any free expression of ideas, and are of such slight social value as a

step to truth that any benefit that may be derived from them is clearly outweighed by the social interest in order and morality."

Again in *Chaplinsky*, the Court determined that there is no constitutional protection for the "lewd and obscene, the profane, the libelous, and the insulting or 'fighting words'—those which by their very utterance inflict injury or tend to incite an immediate breach of peace."

Although the flag is, indeed, an object, it is not just another piece of cloth or fabric or just another identifying banner. To think of it as such is to trivialize that flag.

We are here to state that the flag of the United States should be protected against physical desecration. However, we are not here to consecrate that flag because there is nothing that this body can do to bring more meaning to the flag than the acts of those people who, in over 200 years, have shed their blood in the defense of that flag. There is nothing we can do here that can substitute for their sacrifices.

But, we can legitimately say something about the physical desecration of the flag so that we do not detract from its consecration over the past 213 years.

The flag is the unique symbol and manifestation of our nationhood. Clearly, the free speech clause does not protect those who desecrate the flag, especially when their conduct results in inflaming the passions of Americans who have risked their lives in order that this Nation remain—not only independent and whole—but true to the ideals of freedom and liberty that are contained in the Declaration of Independence and the Constitution.

I also believe that when we allow the flag to be burned, we insult those who in the defense of these ideals have made the ultimate sacrifice.

Finally, I would like to read the remarks of Jim Bethard of the little town of Clermont, IA, who spoke during a Memorial Day commemoration in 1895.

Mr. Bethard was a veteran of the Civil War. In 1862, he answered President Lincoln's call for 600,000 volunteers and entered the war as a private. In 1865, he was mustered out at the same rank of private.

Jim Bethard said:

With the succession of moving and strongly contrasting events that compose the history of a Nation's life, the national flag is so closely associated as to become, in men's minds, the emblem and visible presence of the Nation, personified.

It floats tranquilly over the turning points of battles which determine the Nation's existence, crowning its triumphs, gracing its festivities, draping its halls of legislation and justice, drooping in its defeats, and shrouding the dead bodies of its heroes.

If, like a mirror, the flag could reflect the scenes it has beheld, if it could reflect the voices it has heard, it would reproduce the

history of the past and the prowess of individuals in endless detail.

*** It is proper *** [to inculcate] a spirit of patriotism and love for the old flag in the hearts of the young, the coming men and women, for in a republican form of government the loyalty of its people is the only guarantee of its perpetuity.

It has been truly said that eternal vigilance is the price of liberty *** then let us be vigilant and not miss an opportunity to teach lessons of patriotism and love of the old flag and the institutions it represents to those who are shortly to become its guardians.

This year, the Supreme Court lowered the flag of which Jim Bethard spoke so eloquently 94 years ago. I believe that an amendment to the Constitution to protect the very same flag is in order.

I urge my colleagues in the Senate to support this amendment.

Mr. HEFLIN. Mr. President, I rise today in support of both the constitutional amendment and the statute which will prevent the desecration of the American flag. As an original cosponsor of these bills, I urge my colleagues to join me in protecting the sanctity of this symbol of our great Nation. As I have said before on the Senate floor, I feel that the Supreme Court's decision in *Texas v. Johnson*, No. 88-155, slip op. (U.S. June 21, 1989), incorrectly places flag burning under the protection of the Constitution. In my judgment, it is our responsibility to start the process to reverse this decision and return the flag to the position of respect it deserves.

Few people would disagree with the argument that the American flag stands as one of the most powerful and meaningful symbols of freedom ever created. In the dissent in *Texas versus Johnson*, Chief Justice Rehnquist states in his opening paragraph, "For more than 200 years, the American flag has occupied a unique position as the symbol of our Nation, a uniqueness that justifies a governmental prohibition against flag burning in the way *** Johnson did here." *Id.*, slip op. at 1 (C.J. Rehnquist dissent). Justice Stevens calls the flag a national asset much like the Lincoln Memorial. He states that, "Though the asset at stake in this case is intangible, given its unique value, the same interest supports a prohibition on the desecration of the American flag." *Id.*, slip op. at 3-4 (J. Stevens dissent). I must agree with Chief Justice Rehnquist and Justice Stevens in their belief that the flag should be protected from such desecration. However, I believe that the flag also has a tangible value. I feel that the Court could have expressed an opinion that would have allowed protection to both values, for in this case, the flag was stolen.

The flag holds a mighty grip over many people in this country. Its mystical appeal is as unique to every person as a fingerprint. Each person's feelings

about the flag begin at an early age and are continually shaped and reinforced throughout their lives. Early school days began this process as children stood by their desks saying the Pledge of Allegiance and beginning classes with the words "with liberty, and justice for all." The power of the flag grows as the flag becomes a common part of life. From Veterans Day parades where veterans proudly march through the streets holding high the flag they valiantly protected in battle to the singing of the "National Anthem" at special events, honoring the flag becomes an integral part of our lives.

Thousands of Americans have followed the flag into battle and thousands of these Americans have left these battles in coffins draped proudly by the American flag. Nothing quite approaches the power of the flag as it drapes those who died for it—or the power of the flag as it is handed to the widow of that fallen soldier. The meaning behind these flags goes far beyond the cloth used to make the flag or the dyes used to color Old Glory red, white, and blue. The flag reaches to the very heart of what it means to be an American. It would be a tragedy for us to allow the power of the flag to be undermined through the legal desecration of that flag. Allowing the legal burning of that flag creates a mockery of the great respect so many patriotic Americans have for the flag.

JUDICIALLY WRONG

As I have stated before, I feel on many different levels that the Supreme Court's decision was wrong. I feel it was wrong for me personally, it was wrong for patriotism, it was wrong for this country, but perhaps most importantly, this decision was judicially wrong.

I want to emphasize that although I am a strong believer in first amendment rights, I recognize that first amendment rights are not absolute and unlimited. There have been numerous decisions of the Supreme Court that limit freedom of expression.

In a landmark case reflecting the Supreme Court's long held belief that the Freedom of expression is not absolute, the Court in *Schenck v. United States*, 249 U.S. 47 (1919), stated that "The most stringent protection of free speech would not protect a man in falsely shouting fire in a theater and causing a panic." Justice Holmes further stated that "The question in every case is whether the words [actions] used are used in such circumstances and are of such a nature as to create a clear and present danger that they will bring about the substantive evils that Congress has a right to prevent." *Id.* at 52. Clearly the public outcry and indignation caused by the decision and the fisticuffs which have broken out over recent flag burning

attempts show that flag burning should not be protected by the first amendment. What if the flag burning had occurred in wartime? Certainly, a clear and present danger would be present.

Justice Stevens wrote in *Los Angeles, City Council v. Taxpayers for Vincent*, 466 U.S. 789 (1984), that "the first amendment does not guarantee the right to imply every conceivable method of communication at all times and in all places." *Id.* at 812.

There have been other decisions which show that if words or actions create danger either for individuals or for society, then these expressions do not fall under the protection of the first amendment. In the earlier case of *Chaplinsky v. New Hampshire*, 315 U.S. 568 (1942), the Supreme Court recognized that certain inherently inflammatory remarks or actions come within the class of "fighting words" which are "likely to provoke the average person to retaliation, and thereby cause a breach of the peace." *Id.* at 573. Moreover, the prevention and punishment of such have never been thought to raise any constitutional problem. Certainly, burning an American flag in front of patriotic American citizens can be taken to fall under the realm of fighting words. The Supreme Court should have held that the burning of an American flag amounts to symbolic fighting words and thus is not protected by the first amendment.

Arguments have been made that limitations on the freedom of expression refer only to cases involving bodily harm, however, the Supreme Court has recognized the need for individuals to protect their honor, integrity, and reputation when injured by libel or slander. See, for example, *New York Times v. Sullivan*, 376 U.S. 254 (1964) (providing standards regarding the libel of public figures); *Time, Inc. v. Hill*, 385 U.S. 374 (1967) (providing standards regarding libel of private individuals). These holdings protect an individual's honor from defamation. I see no reason why the honor of our flag should not be protected.

Arguments have also been made that limitations on free speech involve only civil suits. However, the Court has continually upheld criminal statutes involving obscene language and pornography. *New York v. Ferber*, 458 U.S. 747 (1982) (upholding a New York statute regarding child pornography), *Miller v. California*, 413 U.S. 15 (1973) (this case provides the current legal framework for the regulation of obscenity).

The U.S. Supreme Court has even upheld criminal statutes involving draft card burning. In *United States v. O'Brien*, 391 U.S. 367 (1968), the Court upheld the Federal statute which prohibited the destruction or mutilation of a draft card. In reaching this decision the Court expressly

stated, "[W]e cannot accept the view that an apparently limitless variety of conduct can be labeled 'speech' whenever the person engaging in the conduct intends thereby to express an idea." *Id.* at 376. Certainly the people of America have a right to expect that the honor, integrity, and reputation of this Nation's flag should be protected. If draft card burning can be prohibited, surely burning the American flag can also be prohibited. Does a draft card have more honor than the American flag? Certainly not.

In an earlier decision involving the desecration of the flag, Chief Justice Earl Warren wrote in dissent in *Street v. New York*, 394 U.S. 577 (1969), "I believe that the States and the Federal Government do have the power to protect the flag from acts of desecration and disgrace * * * However, it is difficult for me to imagine that, had the Court faced this issue, it would have concluded otherwise." *Id.* at 605. In this same case, Justice Hugo Black dissented stating, "It passes my belief that anything in the Federal Constitution bars a State from making the deliberate burning of the American flag an offense." *Id.* at 610. I do not think that anyone can question that Hugo Black and Earl Warren were champions of the first amendment, but they recognized that the flag was something different, something special. The Supreme Court substantiated this view in *Smith v. Goguen*, 415 U.S. 566 (1974), when the majority of the Court noted that "[C]ertainly nothing prevents a legislature from defining with substantial specificity what constitutes forbidden treatment of the United States flags." *Id.* at 582-583.

Finally, I would like to quote from Justice Stevens' dissent in *Texas v. Johnson*, No. 88-155, slip op. (U.S. June 21, 1989), when he says about the flag: "It is a symbol of freedom, of equal opportunity, of religious tolerance, and of good will for other people who share our aspirations. The symbol carries its message to dissidents both at home and abroad who may have no interest at all in our national unity or survival." *Id.*, slip op. at 2 (J. Stevens dissent).

I am a strong believer that the rights under the first amendment should be fully protected and do not feel that amendments changing these rights should be adopted except in very rare instances. The Founding Fathers, in drafting article V of the Constitution, intended that it would be extremely difficult to amend the Constitution, requiring a two-thirds vote of both Houses of Congress and a difficult ratification process requiring the vote of three-fourths of the States. The history of this country shows that only 26 amendments to the Constitution have been adopted and only 16

after the bill of rights (containing the first 10 amendments) were ratified.

Why should we adopt a constitutional amendment? If I were convinced that legislative changes could correct this error of the Supreme Court, then I would not push for a constitutional amendment, but I strongly believe that legislative changes in flag protection statutes will be an exercise in futility. But nevertheless, I will support legislative changes. However, I do not think that we should wait to consider a constitutional amendment. I think we ought to pursue both now.

In my judgment, we must act to ensure that the American flag remains protected and continues to hold the high place we have afforded it in both our hearts and our history. The flag is indeed an important national asset which we must always support as we would support the country herself. I want to share with you the eloquent words of Henry Ward Beecher's work, "The American Flag," which expresses this sentiment.

A thoughtful mind, when it sees a nation's flag, sees not the flag only, but the nation itself; and whatever may be its symbols, its insignia, he reads chiefly in the flag the government, the principles, the truths, the history which belongs to the nation that sets it forth.

GADSDEN AMBASSADORS

When this case came up, I thought of an old story I heard that says a lot about the American flag. As you may know, Alabamians are very proud of our musical heritage and of the many outstanding performers from our State. One of these groups, the Gadsden Ambassadors, who are led by H.M. Freeman, has cut a record which includes a patriotic medley telling one man's story about the American flag.

It seems there was a man who visited a small town for the first time and talked to an old man sitting on a park bench. He told the story like this:

I walked through a county courthouse square one day. On a park bench, an old man was sitting there. I said, "Your courthouse is kinda run down."

The old man said, "Naw, it'll do for our little town."

I said, "Your flag pole has leaned a little bit. And that's a ragged old flag you got hangin' on it."

He looked at me and said, "Is this the first time you been to our little town?"

I said, "I think it is."

He said, "Have a seat son." So I sat down. He said, "We don't like to brag, but we're kinda proud of that ragged old flag. You see, we got a hole in that flag there when Washington took her across the Delaware. And she got powder burns the night that Francis Scott Key sat watching her and writing, 'O say can you see.' She got a bad rip down in New Orleans with Pakenham and Jackson tugging at her

seams. She almost fell at the Alamo beside the Texas flag, but she waved on though. * * * The south wind blew hard on that ragged old flag. On Flanders Field in World War I, she got a big hole from a burp gun. She turned blood red in World War II. She hung limp and low a time or two. She was in Korea, Vietnam. She went where she was sent by her Uncle Sam. Yeah, her flag waved on the ships upon the briny foam. But now she's about to quit waiving back here at home. In her own good land here, she's been abused. She's been dishonored, denied, burned, refused. And the government for which she stands is scandalized throughout the land. Yeah, she's growing threadbare and she's wearing thin, but she's in good shape for the shape she's in. Because she's been through the fire before, and I believe that she can take a whole lot more. So we raise her up every morning; we take her down every night. Naw son, we don't even let her touch the ground. We fold her up just right. On second thought son, I do like to brag. Because, I'm mighty proud of that ragged old flag."

Mr. DeCONCINI. Mr. President, I am pleased to be a cosponsor of the constitutional amendment that will protect the integrity of our flag. Our flag is the living symbol of our great Nation. We must protect that symbol, keep it alive.

Our flag is as old as our country itself. She has served to unify our separate States, and has represented our national sovereignty around the world. During the American Revolution, she announced to the world the independence of the United States of America. She survived our Civil War. Our American soldiers raised her at battlefields during the First and Second World Wars. The American flag represents our achievements, our dreams, the hope for peace of not just our citizens but of people everywhere.

We have taught our children, as we were taught, to respect our great flag. We have taught our children to stand when she is raised, to lower her at sunset and during storms, to never let her touch the ground. We must continue this great tradition of respecting this most important symbol of our Nation. Three of the Supreme Court Justices dissenting in Texas versus Johnson recognized, in Chief Justice Rehnquist's words, that "millions and millions of Americans regard [the flag] with an almost mystical reverence regardless of what sort of social, political, or philosophical beliefs they may have."

Our Constitution, like our flag, has survived for generations. And to ensure that she will continue to survive, we undertake the task of amending the Constitution cautiously. But protecting our flag from physical desecration is so important that a constitu-

tional amendment is justified. In fact, our Constitution would in no way be weakened by an amendment that specifically protects this country's flag. A constitutional amendment will offer the appropriate protection that our flag so rightfully deserves.

Mr. DANFORTH. Mr. President, I am proud to be a cosponsor of the resolution offered by Senators Dole and Dixon proposing an amendment to the U.S. Constitution to allow the Congress and the States to prohibit the physical desecration of the flag of the United States. The flag is the most significant symbol of our Nation and the fundamental values that are the foundation of our Republic. The recent Supreme Court decision is Texas versus Johnson protecting the burning of the flag as free speech has rightly outraged citizens throughout this country.

I am a strong believer in the right of each individual to dissent and to express his views without regard to their popularity and without fear of governmental retribution. Such freedom of speech is indeed central to our democracy. But burning the flag is not speech; it is the destruction of property that every American in a sense owns. Because the flag represents our Republic and its fundamental values, every citizen has an interest and a stake in its protection. An individual may own a particular flag, but that does not give him the right to mistreat or destroy it. As Chief Justice Rehnquist noted in his dissent in Johnson, our society has long recognized that the flag is a special kind of property and that ownership of a flag brings with it special responsibilities.

To allow the ruling of the Supreme Court in Texas versus Johnson to stand uncorrected would undermine respect for the Constitution and the rule of law. The American people will not stand for a constitutional principle so removed from the common sense experience of ordinary life as to turn an act of vandalism into a high-minded form of political speech protected by the Constitution. As the outrage and years of strife following the Supreme Court decision in Roe versus Wade have shown, when the Court stretches the Constitution to create rights with no basis in the actual words of that document, public respect and confidence in the judiciary and the Constitution itself are damaged.

Mr. President, I take the process of amending the Constitution very seriously. Such action should never be taken lightly. However, given my concerns regarding the dangers inherent in the Supreme Court decision, I believe that some corrective action must be taken. A number of possible solutions have been suggested, including a revision of existing flag desecration statutes to meet the concerns raised

by the Supreme Court in Texas versus Johnson. My own reading of the Johnson decision, however, convinces me that anything short of a Constitutional amendment will not be effective in protecting the flag.

The amendment process will not be a quick one. Nor should it be. Careful deliberation is called for in matters of such importance. Introduction of this resolution, however, is an important first step. I commend President Bush for his leadership on this issue and I urge my colleagues to devote their energy and thoughtfulness to a careful consideration of this amendment. The country and the Constitution deserve no less.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

THE RIGHT TO EXPRESS AN OPINION

Mr. KERREY. Mr. President, I rise today to express my thoughts concerning the June 21, 1989, Supreme Court decision known as Texas versus Johnson, in which the Supreme Court protected the right to express an opinion by burning an American flag.

At first I, like most Americans, was outraged by the decision. It seemed ridiculous to me that flag burning could be a protected act. My anger grew when I watched a replay of the 1984 incident, which also included the expression of derogatory chants and epithets against the United States of America.

I joined with 96 other Senators expressing our disagreement with the decision. As I prepared to head home for the Fourth of July recess, I declared my disbelief at our apparent impotence in protecting this symbol of American freedom.

Then, during the recess, I read the decision. Mr. President, I was surprised to discover that I agreed with the majority. I was surprised to discover that I found the majority argument to be reasonable, understandable, and consistent with those values which I believe make America so wonderful.

Further, I was surprised to discover that after reading this decision my anger was not directed at Justices Brennan, Scalia, Kennedy, Marshall, and Blackmun who joined in the majority. Rather, it was the language of the dissent which angered me, particularly that of Chief Justice Rehnquist whose argument appears to stand not on 200 years of case law which has supported greater and greater freedom of speech for Americans, but on a sentimental nationalism which seems to impose a functional litmus test of loyalty before expression is permitted.

Today, I declare that I do not support any of the constitutional amendments which are being offered by my colleagues and friends as a necessary remedy to this decision. I will not yield in my belief that these amendments create problems rather than solving them.

Today, I am even skeptical about the need to pass anti-flag-burning laws at the State or the Federal level. Even this response seems more patronizing than necessary.

Today, I am disappointed that the strength of leadership shown by President Bush in his travels to Poland and Hungary was not shown here at home. President Bush did not stand before the angry and distressed mob to stop us in our tracks before we had done something we would regret. He did not offer words that calmed us and gave us assurance that the Nation was not endangered. Instead of leading us, President Bush joined us.

The polls showed support for a constitutional amendment and so the President yielded to his political advisers. Even though most Americans had not read the decision prior to being polled, even though they did not understand what is potentially at stake if our Bill of Rights was altered, the President chose the path of least resistance and greatest political gain.

I believe we should slow down and examine what it is we are about to do. I believe we should look at the decision carefully. And I believe if we do, we are less likely to conclude that action is even needed.

I believe that we should look first at the two States of the 50 States in this Nation that do have anti-flag-burning laws. Ask yourself how it is that Alaska and Wyoming have survived without such laws. Is it because they are less patriotic than the citizens of 48 other States? Is it because they simply were not aware of the great danger that exists to each of them if such laws were not passed?

Or is it because they simply recognize that no danger exists? Is it because they recognize there is already a sufficient amount of unwritten negative sanctions against flag burning without the need for the law makers to act further? I suspect it is the latter. I suspect that a law making it illegal to burn the American flag in Wyoming or Alaska is simply seen as unnecessary.

Mr. President, there is simply no line of Americans outside this building or in this Nation queuing up to burn our flag. On the face of the evidence at hand it seems to me that there is no need for us to do anything. The only reason to speak at all is to give credence to the cynical observation of H.L. Mencken who said: "Whenever you hear a man speak of his love for his country, it is a sign that he expects to be paid for it."

I also believe that a complete reading of the decision will yield the very strong impression that the court broke no new ground. Nor did it create any new rights, protections, or guarantees. Rather, it applied longstanding and settled principles of law to this specific case.

The Court's decision was the fifth since 1931 that found use or abuse of the flag to be a form of expression protected by the Constitution. The Court has long held that the first amendment applies to conduct as well as pure speech. Such conduct is protected if it meets two tests: First, if an intent to convey a particular message is present, and second, if it is likely that the message would be understood by those who viewed it, the conduct is protected, as the Court has held in the cases of students wearing black armbands, picketing, and attaching peace signs to the flag.

Not only has the Court protected such offenses as burning, it has also protected acts which commercialize this symbol of freedom and liberty. Mr. President, even the recent and, to many Americans, offensive act of the chair of the Republican National Committee is protected. I thought of the American flag when I saw the photograph of Mr. Atwater in Esquire magazine, clad in boxer shorts and a sweat-suit, rendering a right hand salute, a gesture normally reserved for the flag or those who fight to defend it.

I could not help but notice that President Bush is tolerant of these sorts of actions. For example, I heard no reprimand or anger when the Director of the Office of Management and Budget performed a similar stunt on the day that President Bush went to the Iwo Jima Memorial to impress upon Americans that we needed protection against the offense of flag burning.

Mr. President, America is the beacon of hope for the people of this world who yearn for freedom from the despotism of repressive government. This hope is diluted when we advise others that we are frightened by flag burning.

John Stuart Mill, in his 1859 essay "On Liberty" offered three reasons that the expression of opinion should rarely be limited. First, the suppressed opinion might be right; its suppression might deprive mankind of the opportunity of "exchanging error for truth." Second, even though the opinion might be false, it may contain "a portion of truth," and "it is only by the collision of adverse opinions," each of which contains partial truth, "that the remainder of the truth has any chance of being supplied." Third, even if the opinion to be silenced is completely wrong, in silencing it mankind loses "what is almost as great a benefit as that (of truth), the clearer perception and livelier impression of truth, produced by its collision with error."

Mr. President, flag burning is clearly in the third category. It does not persuade us that the burner holds an opinion that is true. It persuades us that his opinion is untrue. And it gives

us the opportunity to see what true freedom and true patriotism is.

Patriotism means loving one's country. And like any kind of love, it is fundamentally a personal, even private act.

It is the patriotism of mothers and fathers who provide a loving environment for their children to grow to their full potential. It is the patriotism of the men and women who farm our farms, toiling tirelessly to make ends meet while producing food for the rest of us. It is the patriotism of teachers who put in the extra hours to help their students do better in school. It is the patriotism of our local police who go in harm's way to keep us feeling safe and secure.

It is the patriotism of nurses and doctors who help us heal. And it is the patriotism of all of us who pay our taxes, register to vote, contribute to church and charity, and love our country.

Finally, Mr. President, Chief Justice Rehnquist, in his disappointing dissent, asserts that men and women fought for our flag in Vietnam. In my case I do not remember feeling this way.

I remember that my first impulse to fight was the result of a feeling that it was my duty. My Nation called and I went. In the short time that I was there, I do not remember giving the safety of our flag anywhere near the thought that I gave the safety of my men.

I do remember thinking about going home and I remember why that home felt so good to me. I remember realizing how wonderful my mother and father were. I remember longing to be back in the old neighborhood. I remember most vividly on the night that I was wounded, with the smell of my own burning flesh in my head, that I knew I was going home, and how happy I was with that certainty.

America—the home of the free and the brave—is my home, and I give thanks to God that it is. America—the home of the free and the brave—does not need our Government to protect us from those who burn a flag.

I yield the floor.

EXTENSION OF MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the period for morning business be extended to permit me to address the Senate, and following my remarks that, in this order, Senators WILSON, GRAMM, and WARNER be recognized to address the Senate for 5 minutes each, and that upon the completion of Senator WARNER's remarks, the Senate then stand in recess until the hour of 2:15 p.m.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

FLAG PROTECTION ACT—S. 1338

Mr. MITCHELL. Mr. President, I am pleased to cosponsor the legislation proposed by the chairman of the Judiciary Committee, the purpose of which is to make Federal law on the destruction of the American flag conform to the requirements of the first amendment.

This bill will ensure that the flag will be protected against physical destruction or abuse, for whatever purpose, with the appropriate penalties under law.

This legislation is what is needed to make certain that the Federal flag statute can withstand challenge by making the act of destruction itself the offense, rather than the purpose for which the act is carried out. The flag law would thereby punish vandalism against the flag, just as other, similar laws, punish vandalism against other national monuments.

The freedom of speech clause of the first amendment to the Constitution explicitly protects the right of all Americans to speak freely. It says nothing about actions. The speech provision of the Constitution protects the right of Americans to say things, but does not create a right to do things.

The Supreme Court has both limited and expanded the first amendment's protection.

As a limitation, it has imposed restrictions on some forms of speech. In the 1919 case of *Schenk versus United States*, Justice Oliver Wendell Holmes wrote that:

The character of every act depends on the circumstances in which it is done. The most stringent protection of free speech would not protect a man in falsely shouting fire in a theater and causing a panic.

Those words represented a common-sense principle of behavior that is essential to preserve a civil society with free speech. Clearly, no first amendment right would today protect a statement by an airplane passenger that he was about to explode a bomb, even if his purpose was to call attention to his political views.

The Court has expanded first amendment protection to certain actions, even though the amendment itself specifically protects only speech. The Court has reasoned that certain actions are closely related to speech and should be regarded as a form of speech, particularly where political ideas are involved.

In those cases involving action—the Court calls it "symbolic speech" or "expressive conduct"—the Court balances the governmental interest in prohibiting the conduct against the burden placed on the individual by not permitting the conduct to occur.

In reaching that balance, reasonable people can, do, and have disagreed.

In the flag burning case itself, the Court divided 5 to 4.

In another case, a divided court ruled that homeless persons wishing to demonstrate their destitution could not sleep in the square before the White House. The Supreme Court said that sleeping was not a form of speech protected by the Constitution.

In another case, local statutes barring demonstration within a certain distance of foreign embassies have been upheld, because they do not unduly burden speech, and they serve valuable government purposes.

In my judgment, the principle applied in those earlier cases applies to the actions in the flag case.

The protesters were not denied the right to speak. They chose to burn the flag as an addition to that right, not as a substitute when speech was impossible or endangering.

The facts in the case are not in dispute. Gregory L. Johnson, apparently leading a group of demonstrators outside the 1984 Republican Convention, poured kerosene on an American flag and set a match to it, while his group chanted: "America, the red, white, and blue, we spit on you."

Those words, offensive as they are to me and the vast majority of Americans, are protected by the first amendment. To my knowledge, no one disputed their right to say those words. Nobody interfered with their right to speak freely. They were not prevented from speaking.

But they did not merely speak. They also acted. It was this action which was punished, not the speech.

Indeed, they may well have burned the flag in order to obtain the attention that their speech itself would not have garnered.

The first amendment may guarantee the freedom to speak. It guarantees nobody an audience for his words.

And if these protesters' purpose was to compel attention that their words alone could not attract, there is no constitutional obligation to provide that attention.

I agree with the dissent of Justice Stevens in this case, when he said, "The case has nothing to do with 'disagreeable ideas' * * * it involves disagreeable conduct * * *". Justice Stevens is right. The five-man majority of the Court is wrong.

Justice Stevens made the point succinctly:

Had [Johnson] chosen to spray paint * * * his message of dissatisfaction on the facade of the Lincoln Memorial, there would be no question about the power of the government to prohibit his means of expression. The prohibition would be supported by the legitimate interest in preserving the quality of an important national asset.

The flag is also a national asset, although admittedly an intangible one.

We need not permit acts that undermine its value for all Americans in order to avoid burdening in slight fashion the speech rights of those who seek to be heard in the face of indifference, not persecution.

Every American has the right to speak freely and to dissent from the policies of the Government or from the orthodox and accepted views of the day. It is precisely that vast freedom that makes it so unnecessary to condone the desecration of the flag as a way to express dissent. The Court's decision is wrong and it should be corrected.

The Senate has already acted to provide that correction. It has unanimously approved an earlier version of this legislation. But because of the importance of the issue to so many of our people, a freestanding bill should be considered.

I have already set forth the proposed timetable under which the Senate will be able to give deliberate thought to the most appropriate way to correct this Court ruling.

The chairman of the Judiciary Committee has consulted with constitutional scholars on the validity of this approach. Scholars whose personal views on the ruling in question vary have given it as their considered opinion that this legislative approach now being introduced would serve to resolve the issue.

I hope that the course of the hearing, which the Judiciary Committee is committed to holding in September, will reassure all Americans that this legislation represents a full, adequate and sufficient response to the narrowly drawn ruling in *Texas versus Johnson*. I believe it does so, and I am glad to cosponsor it.

THE PRESIDING OFFICER. Under the previous order, the Senator from California [Mr. WILSON], is recognized for a period not to exceed 5 minutes.

Mr. WILSON. Mr. President, 44 years ago, 6,000 courageous U.S. marines sacrificed their lives in attack upon Iwo Jima which culminated in the raising of the American flag on Mount Suribachi.

Just 5 weeks ago, on June 21, 1989, the U.S. Supreme Court decided by a 5-to-4 vote that those who burn or otherwise desecrate the American flag have a constitutionally protected right under the first amendment to do so.

Mr. President, I profoundly and emphatically disagree.

What is more, I do not think that those of us who do disagree can simply shake our heads in dismay and passively suffer such acts which insult the memory, the courage, and sacrifice of better men who ironically have laid down their lives protecting the freedom of even contemptible ingrates who abuse it.

But we seem to be of three minds on this floor. There are those of us who

are outraged and think that the act of flag burning and desecration should be prohibited, in some cases think that it should be prohibited by an amendment to the Constitution of the United States which makes it clear that the protections of the first amendment do not extend to such acts. There are others who would prohibit flag burning by a statute. And there is a third group who think that we should show the strength of democracy and uphold our Constitution by simply ignoring the act.

Let us first address the debate that exists between those who support an amendment to the Constitution and those who propose a prohibition merely by statute.

To put the question most simply, Mr. President, there undoubtedly will be a continuing debate between constitutional scholars as to whether or not a statute will suffice for that purpose or whether an amendment to the Constitution is required. As long as that debate continues, it seems to me rather obvious that the simple resolution of it is to adopt the amendment and put an end to the debate.

Now, that leads us to the question of the wisdom of doing so, which again to put it simply has to do with what depredations will result from that amendment to the cherished first amendment rights of Americans.

Mr. President, I fervently believe that the right of free speech given Americans by the first amendment is the most important of all the rights established by the bill of rights. But the framers of the first amendment did so to protect the utterance of unpopular speech—speech critical of a government or its policies, or its laws or regulations—so that citizens who wished to protest what they saw as the unjust exercise of power by their government could do so without fear—knowing that their rights to express such opinions would be protected by the supreme law of the land.

God knows we all believe in that. No one is proposing that we diminish that most precious of American rights. Heaven knows I exercise it, and so do all Senators, almost daily on behalf of our constituents on the floor of the Senate.

But that is not what is at issue here. The framers of the first amendment did not intend that its protections should include all speech! The first amendment was not intended to license obscenity nor speech which poses physical danger to the public. The distinguished majority leader just quoted the time-honored, celebrated phrase of the great Oliver Wendell Holmes who declared that the right of free speech does not give an individual the right to yell "fire" in a crowded theater.

And in the case of flag burning, we are not dealing with speech at all, but

rather, with the physical act of desecration of the unique symbol of America, of all our history and aspirations as a free people. The distinction between speech, oral or written, and the symbolic act of burning the flag, America's unique national symbol, should be obvious.

However tasteless it might be to speak ill of the dead, no one doubts that such speech is protected constitutionally by the first amendment. But would anyone suggest that the first amendment protections should be extended to exonerate someone who enters a cemetery and physically defaces a headstone with a hammer and chisel or a can of spray paint? Of course not.

If we were to accept the implicit rule of the Supreme Court majority in the flag burning case, is there any action which could not be legitimized as free speech by the mere assertion that the act is intended as political protest or dissent?

Under so fatuous a rationale, it appears that even an act of treason could be dignified as political dissent entitled to the protections of the first amendment.

I submit that so liberal a construction of the first amendment would make its framers shudder in their graves.

I say that it is not necessary to protect freedom of speech, be the speech or writing in question be legitimate criticism of government or nonsense, popular opinion or a distinct minority view.

I say that the framers who felt so passionately that free speech must be protected would have rejected in outrage so tortured a construction of the first amendment.

And I say that those same farmers, to whom we are indebted down to this generation for the priceless legacy of individual freedom, were entitled to expect that we would respect it as well.

Liberty is not license.

The wide latitude America has accorded individual freedom does not require that it be utterly unbounded by any reasonable limits of decency and responsibility.

To the contrary, to keep faith with those who left us the priceless legacy of the Bill of Rights at such great cost, we must in decency meet our responsibility to set altogether reasonable and justified limits upon the abuse of the first amendment.

And indeed the courts have upheld laws which prevent hate groups like the Ku Klux Klan from such symbolic acts as burning crosses.

It is even a Federal crime to deface a U.S. Government mail box or to burn a dollar bill.

It simply should be and must be against the law to burn or otherwise

desecrate the unique national symbol of America, the flag of the United States.

So, Mr. President, to those who agree that desecration of our national symbol should be prohibited, I say let us resolve the conflict between constitutional scholars by resolving all doubt or uncertainty as the adequacy of a statutory prohibition. Let us do so by adopting a precise constitutional amendment focused narrowly upon America's unique national symbol, the American flag.

I agree that amendments to the Constitution should not be undertaken except with great care. Proper care should be exercised and can be to properly maintain the dignity and integrity of the flag. To say that constitutional amendments require such care is no argument against taking necessary steps to prohibit desecration of the flag by a precise and carefully drawn amendment.

Such care has been exercised in the past, and wise—indeed precious—amendments have been adopted in other times when loud voices shouted, " * * * not by amending the Constitution."

Well, Mr. President, let me remind those who would appoint themselves the exclusive guardians of that magnificent charter and who righteously argue against its amendment, that had their argument prevailed in those other earlier moments in our history when America undertook to improve even the U.S. Constitution, and did in fact amend it, * * * why then, Mr. President, today women would not have the vote; some Americans would still own other Americans as slaves, and none of us, ironically, would be guaranteed any of those rights and freedoms given to us by the bill of rights and symbolized by the American flag.

AMENDING THE CONSTITUTION

Mr. GRAMM. Mr. President, I do not think today we are going to settle the issue about when the Constitution should be amended and when it should not. I remind my colleagues that at the founding of the Nation, Benjamin Franklin wrote the Post Office into the Constitution, but yet our founders refused to put in the Bill of Rights. We later came back and corrected that. We have amended the Constitution 26 times. The issue before us today is: Should we amend the Constitution to protect the flag?

Mr. President, I believe that we have to answer several questions. One is, is this an important enough issue? I believe it is. The flag is the symbol of the Nation. I can tell my colleagues, having spent 10 days back in Texas during July, the people in my State believe that we have an obligation to protect the flag. It may not be an im-

portant issue to those who see the world through a lens focused here in Washington, DC, but from Muleshoe to Beaumont in my State it is a very big issue. From young children to old veterans, it is something about which people feel very strongly.

Second, Mr. President, we have to ask ourselves if burning the flag is necessary to free speech. I think not. I believe in free speech. I think people have a right to jump up and express their opinions. If they want to set their britches on fire to call attention to themselves, as long as they do not set anybody else's on fire, they have a right to do so. But I do not believe that they have the right to burn the flag. I think we have an obligation to protect that flag.

Quite frankly, if a bill is brought to the floor to protect the flag, I intend to vote for it. But I am concerned, given the ruling of the Supreme Court, that no simple statute will stand up. It may well be that the Court would uphold a burning provision if it were applied to someone who started his fire every morning by burning the flag, saying, "I do that to get the fire started but I do not do it as any kind of form of free speech." On the other hand, by and large our people do not do that. Mostly, flag burners are people who want to express a strong hatred for America and its institutions. So my guess is that we are going to have to protect the flag through the Constitution. I am in favor of doing that.

Finally Mr. President, I think we have an obligation to protect the Nation's symbol. I cannot see that the Nation is any poorer by it in terms of free speech. People will still be able to express their opinions, burn the President's picture, burn a map of the country or just jump up and down to seek attention. They simply will not be able to desecrate the flag.

Back home this is a big issue. I think people have a right to disagree. The people who oppose the constitutional amendment do not love the flag any less than I do, they simply have a difference of opinion. In my view, it is not free speech to burn the flag, and taking away the right of people to desecrate the flag does not limit their ability to say they hate America or its institution or its leaders. It simply protects a single symbol that is the embodiment of the country. I think it is vitally important we do that. I think the people want it done. I support it.

I yield the floor.

The PRESIDING OFFICER (Mr. Dixon). The Senator from Virginia.

Mr. WARNER. Mr. President, I wish to express my appreciation to the distinguished majority leader who made possible the extension of this time. I also wish to commend him on his very thoughtful and incisive statement.

THE CONSTITUTIONAL ROUTE

Mr. President, I will address one aspect of this issue which I find absolutely fascinating. That is that every American has an opinion on this subject. It does not require a law degree. It does not require a college degree. It requires only an expression of the heart. That is why I want to see as many Americans as possible involved in deliberating on this decision. I want to accord to every American just as much responsibility as I have to make that decision.

That is the reason I favor so strongly the constitutional amendment, although I will support both. For the constitutional amendment does not require a simple majority here. To the contrary, the framers carefully stated that two-thirds of both Houses of Congress of the United States have to render their judgment. This decision is so important that it adds another element of insurance to have not a simply majority, but two-thirds to render a decision.

Then it goes on to the States. And it is not a rushed procedure. That is another element that is important. There is plenty of time under the constitutional route to ensure that we reach the right result.

Once it goes to the 50 State legislatures, there are no less than 7,461 State legislators, all of whom will have a vote in many respects just as important as the vote of a Member of the U.S. Senate.

I am privileged to represent in the Commonwealth of Virginia nearly 6 million people. As hard as I try, as much as I travel, and I enjoy it, I can meet and receive the views but a small fraction of those individuals. But the distinguished President of the Senate having come up through the State legislature knows himself the ease of accessibility of a State legislator. Why, citizens can forgo a visit to Washington to see me or to see the Presiding Officer, or go to the expense of a call or write. They can, right in their own backyard, ask their State legislator to come over, sit down and freely and carefully and thoughtfully discuss this issue.

Therefore, if we go the constitutional route, nearly 8,000 legislators, 535 in the Congress of the United States, and 7,461 in the State legislatures will bring to bear the judgment of all the people.

It is almost provincial that the Founding Fathers when they laid down this procedure foresaw there would be issues that would involve the totality of our Nation, and that could receive the expression of the opinions of everyone. That is why I think the wiser course of action is to go with the constitutional amendment.

I will give my strongest endorsement, and look forward to an act of

participation here on the floor of the Senate.

I support the distinguished Republican leader's legislation and President Bush's call for an amendment to the Constitution of the United States which would give Congress and the States the power to prohibit the desecration of the flag. I am proud to be an original cosponsor of this legislation.

Decisions are made by the Government on almost a daily basis which affect the citizens of this great Nation. Some of these decisions are popular, some are not, and some go unnoticed by vast groups of people. But, in this Nation's system of government, the people ultimately have the last word. Let them exercise their rights through a constitutional amendment.

Rarely do we witness a decision, as in the Supreme Court's ruling in *Texas versus Johnson*, that reaches the core of every individual's mind, heart, and soul. Schoolchildren who work to learn how to recite the Pledge of Allegiance sense that there is something wrong in burning the American flag.

Virginians feel very strongly on this issue and I am pleased so many are contacting me and providing their views.

I understand that my distinguished colleague from Delaware [Mr. BIDEN] has crafted alternative legislation which would prohibit desecration of the flag, short of amending the Constitution, through a statutory revision of the United States Code. While I will support both approaches to resolving this vital issue, I strongly prefer the constitutional amendment route.

Why? Because I believe the American people should have the greatest possible opportunity to speak out on this controversial issue and to participate fully in reaching the right solution.

The procedure to amend the Constitution, which was devised over 200 years ago, requires the participation of all 50 State legislatures. The Founding Fathers of our Nation wanted to protect these living instruments, our Constitution and Bill of Rights, and the more people who become involved, the more likely the result—amendment or no amendment—will be the proper solution. It will be the solution which not only protects our flag but our equally cherished right of freedom of expression of our individual views.

Although I will support action by Congress to enact a statute, we are only 535 Federal lawmakers compared to 7,461 State legislators. Therefore the constitutional amendment procedure demands the individual judgment of nearly 8,000 men and women rather than 535 in Congress. This far greater breadth in number is insurance that our solution will be correct. Further, a far greater period of time, time for

careful reflection, perhaps several years, will be necessary to complete the constitutional amendment procedure. Is not this better than a brief debate in the Congress?

Through a constitutional amendment, the views of all Americans would be better reflected on this controversial issue. Citizens then will be able to participate in this decision at both the State and Federal levels.

People will not have to travel or call Washington to express their views; they can talk to their State legislator in their own back yards.

Let us make certain that constitutional scholars alone do not have the final word on this important issue—rather let Main Street America guide both their Federal and State legislators to a proper and balanced solution.

I urge my fellow colleagues to join the distinguished Republican leader and myself in cosponsoring this important legislation.

Mr. MACK. Mr. President, shock waves of concern and anger swept over our Nation as a result of the recent Supreme Court ruling permitting desecration of our flag. The American flag, emblazoned with its bold stripes and shining stars, has always been a symbol of freedom and democracy throughout the world. So many of our countrymen have fought and died in defense of our basic freedoms and our flag, that many Americans were stunned by the Supreme Court's approval of flag burning.

The Court's decision strikes at the heart of all we hold dear in this country. The flag is our most cherished symbol of liberty and is recognized throughout the world as an emblem of hope for those struggling for political freedom. The flag must be preserved and protected from willful destruction.

In past years, we have witnessed the steady erosion of basic American values. These values, including support of property rights, respect for families, and the appreciation of liberty, have suffered severe blows. Respect for the flag and all it represents is perhaps one of the final vestiges of these collective values. We must not condone the immorality embodied in the desecration of our flag.

I support President Bush's proposal for a constitutional amendment to protect the sanctity of the American flag. With such an amendment, we can uphold our first amendment rights provided under the Constitution while declaring clearly our reverence for and dedication to our greatest symbol of freedom—the American flag.

DESECRATION OF THE FLAG

Mr. McCURE. Mr. President, I join my Senate colleagues today in calling for passage for a constitutional amendment which will allow the States to enact laws against desecration of the U.S. flag. In my judgment, the Supreme Court erred in its recent

decision and I agreed with the dissenting opinions of Chief Justice Rehnquist, Justices White, O'Connor, and Stevens.

The first amendment, of course, is the very cornerstone of American freedom. It is what separates the United States of America from other countries where citizens are simply not allowed to think or speak for themselves. The recent events in China serve as a good reminder as to what a truly amazing country we live in. Imagine! A nation that has survived over 200 years of self-criticism.

But, Mr. President, not every right in America is absolute and I draw the line at desecration of the flag.

I will defend to my last breath the right to criticize the Government and its policies. I do it myself nearly every day. However, I also believe the flag holds a unique position in our society and in the world which should afford it special consideration. As Justice Stevens said in his dissent:

It is more than a proud symbol of the courage, the determination and the gifts of nature that transformed 13 fledgling Colonies into a world power. It is a symbol of freedom, of equal opportunity, of religious tolerance, and of goodwill for other peoples who share our aspirations.

I can think of no other act which is apt to enrage citizens of this country more, during a protest situation, than desecration of the flag. In the case recently decided by the Supreme Court there was no violence but there very well could have been. Indeed, in recent weeks, there have been violent encounters over flag burnings. The cause of the violence was not the protest demonstration itself—it was the fact that the symbol Americans hold most dear was being destroyed. Just as no one has the right to cry "fire" in a crowded theater, no one should have the right to destroy the flag.

There are those who are critical of Congress for discussing a constitutional amendment to address this problem, saying that it is not a widespread problem. However, I don't think that is the point. The point is that the American people are absolutely outraged that the Constitution does not adequately protect the greatest symbol of the free world. The people of the United States have the ultimate responsibility at deciding if the Constitution should be amended. They are asking to exercise that right and I believe it is Congress' duty to answer the people's demand.

Mr. SIMON. Mr. President, as I mentioned the other day, we are in hysteria because one person burned a flag and now we want to amend the Constitution.

I happen to agree with the Supreme Court decision. But to change the Constitution because of one 5-to-4 decision does not make sense.

James J. Kilpatrick wrote a column on the flag issue that tries to put some rationality into this whole debate.

I urge my colleagues of the House and Senate to read Mr. Kilpatrick's column, and I ask unanimous consent to have it printed in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

[From the San Francisco Chronicle, June 29, 1989]

THE FLAG WILL SURVIVE
(By James J. Kilpatrick)

President Bush is dead wrong in calling for a constitutional amendment to overturn the Supreme Court's ruling last week in the flag-burning case. Given the undisputed facts, the Texas law and the high court precedents, the case was properly decided. The defendant, one Gregory Lee Johnson, was engaged in a form of political "speech" that clearly merits protection under the First Amendment—and that precious amendment ought to be left alone.

The facts are now well-known. During the 1984 Republican National Convention in Dallas, demonstrators staged a march to protest policies of the Reagan administration. At some point in the march, one of the demonstrators stole an American flag and gave it to Johnson. In front of City Hall, "Johnson unfurled the flag, doused it with kerosene, and set it on fire." As the flag burned, the protesters chanted, "America, the red, white, and blue, we spit on you."

Johnson was arrested for violation of a Texas law governing "desecration of a venerated object." Specifically, he was charged with damaging the flag "in a way that the actor knows will seriously offend one or more persons likely to observe or discover his action." Johnson was convicted and sentenced to a year in prison, but the Texas Court of Criminal Appeals reversed the conviction: "The act for which he was convicted was clearly 'speech' contemplated by the First Amendment."

Only once before has the U.S. Supreme Court faced the issue of defacing a flag as a form of political expression. In 1970, Seattle police arrested Harold Spence for "improper use" of the flag. Spence had affixed a large peace symbol to the flag and then hung the flag upside down. His purpose was to protest the invasion of Cambodia and the killing of students at Kent State. The court found the state law unconstitutional in the context of political protest.

A whole string of decisions supports the sensible theory that free "speech," in a political context, embraces free expression. There are limits. When such expression takes the form of vandalism, is in spray-painting a swastika upon a Jewish temple, the First Amendment accords no protection. If Johnson's flag-burning stunt had set off a riot, the old exception for "fighting words" might have sufficed to affirm his conviction. But there was no such disturbance.

In the context of political protest, flag burning is the expression of an idea. Justice William Brennan said: "If there is a bedrock principle underlying the First Amendment, it is that the government may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable."

I cannot argue with that proposition, but I am consoled by the thought that the flag itself, and the American ideals for which it stands, will survive the assaults of such con-

temptible maggots as Gregory Lee Johnson. In the wake of the court's opinion, presumably we will see more flag burnings, but these too will pass. If the press will ignore such odious demonstrations, their point will be lost. Meanwhile, our most cherished ideal—the ideal of freedom—will be maintained.

CONCLUSION OF MORNING BUSINESS

Mr. DIXON. Morning business is now closed.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:53 p.m. having arrived, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:53 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. SANFORD].

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEAR 1990

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 1160, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1160) to authorize appropriations for fiscal year 1990 for the Department of State, the United States Information Agency, the Board for International Broadcasting, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

(1) Helms amendment No. 269, to prohibit negotiations with terrorists responsible for the murder, injury or kidnapping of an American citizen.

(2) Grassley amendment No. 270 (to Amendment No. 269), a perfecting nature.

(3) Heinz amendment No. 272, to provide international support for programs of sustainable development, environmental protection, and debt reduction.

(4) Moynihan amendment No. 268, to prohibit soliciting or diverting funds to carry out activities for which United States assistance is prohibited.

AMENDMENT NO. 268

The PRESIDING OFFICER. There will now be 20 minutes of debate on amendment 268, to be equally divided between the Senator from North Carolina and the Senator from New York, with a vote thereon to occur no later than 2:35 p.m.

Mr. MOYNIHAN. Mr. President, I thank the Chair for commencing this very brief, and I hope concise, summary of the arguments that were set forth yesterday on this matter.

I ask unanimous consent that the following distinguished Members of this body be added as cosponsors: Mr. BINGAMAN, Mr. INOUE, and Mr. KERRY.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. Mr. PELL and Mr. SARBANES, were original cosponsors.

Mr. President, this is simple legislation with a large purpose. The legislation is summarized in section 220(f). It says:

Prohibition on soliciting or diverting funds to carry out activities for which United States assistance is prohibited.

It simply says that the officers of our Government may not do indirectly what they may not do directly in consequence of a provision of law. We are not dealing with any past events. This statute can only apply to future prohibitions enacted by Congress and approved by the President.

We do not seek to limit the President's powers. To the contrary, owing to an amendment offered in the Committee on Foreign Relations by the distinguished Senator from North Carolina, this provision concludes:

Nothing in this section shall be construed to limit the full constitutional powers of the President to conduct the foreign policy of the United States.

This, sir, far from being a limitation on the power of the President, is an effort to protect him against the overzealous and ill-guided subordinates; subordinates who would break the laws enacted by Congress and the President, in order to pursue objectives they think desirable but which cannot be in the context of a constitutional government and the rule of law.

Yesterday, we introduced a reading of the minutes of a high level meeting of the President in the White House—the President, the Vice President, the Secretary of State, the Secretary of Defense, and the head of the CIA—in which George Shultz, an honorable, careful man, spoke against a proposal to solicit money to carry out an activity for which Congress had denied funding. Mr. Shultz said that, on the advice of the now-Secretary, then Chief of Staff, Mr. Baker, that—and I paraphrase—"This, sir, is an impeachable offense." He had to say to the President, "You will be impeached, sir."

So our present arrangements have a gulf between doing nothing and impeaching the President. There is no restraint.

This is a simple, moderate measure which I hope will be adopted.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. MOYNIHAN. Mr. President, may I add one more point. I would like to record that this measure was adopted by a unanimous voice vote in the Committee on Foreign Relations.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from North Carolina.

Mr. HELMS. Mr. President, I yield to the distinguished Republican leader, Mr. DOLE, such time as he may require.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. DOLE. Mr. President, I have discussed this amendment with the distinguished author, Senator MOYNIHAN. There is no one I have greater respect for than the Senator from New York.

I have also discussed this amendment with Secretary Baker by telephone this morning as they were flying back from wherever they are flying back from. Anyway, they are on their way back. We discussed the amendment, along with Under Secretary Eagleburger, a few moments ago.

It is the feeling of the administration that this amendment is a bad amendment and should be defeated; it should not be a party-line vote; that it is almost certainly unconstitutional on several grounds.

I believe there is also a feeling that we are getting sort of used to dictating to the President what he can do or cannot do or do in foreign policy. And that is bad enough—bad enough for the President, bad enough for those who advise the President. But this amendment goes even further. It dictates to the President what he can and cannot talk about—not what he can do, but what he can talk about with another government. And it is not just the President. We were told by Secretary Eagleburger it could be somebody all the way down the line, somebody who had a conversation somewhere, as long as they were officials. It is not just the President. The amendment does not apply to just the President or high-ranking people or officers of the Government. Officers means anyone working for the Government.

As the Justice Department states in a letter it has sent to the distinguished majority leader:

This provision appears designed to prohibit * * * consultation between the United States and another sovereign nation regarding actions that nation may wish to undertake.

That kind of restriction strikes me as bordering on the absurd.

The amendment is also dangerously vague.

Vague because it seeks to make a legal test of a phrase—direct effects—whose meaning is solely in the eyes of the beholder.

Dangerous because it imposes on those who might be seen in someone's eyes as failing the direct effects test not only political disapproval and censure—but up to 5 years in jail.

The message to the President, the Secretary of State and the other members of an administration is chilling: If there is the slightest doubt about how some Monday morning quarterback down the road will see your action, in light of the vague direct effects test—

then take no action. I am not certain we want to go down that road, either.

But even these are not the only serious problems with this amendment. It puts this Congress in the position of dictating, not only to the executive but to future Congresses, what should be the consequences of decisions by those Congresses to prohibit U.S. assistance to any country or group.

Finally, Mr. President, I would underscore what others have already said. This is a killer amendment. The President's senior advisers have notified us, formally and informally, that they will recommend a veto of this bill, if this amendment is part of it. And it was again repeated at noon. So I can assume maybe they are not bluffing. Nobody likes to throw a veto threat around because there is generally some way to work matters out. But if it stays as it is, I am advised that is not likely to happen.

Mr. President, as the earlier debate on this amendment makes clear, the objections to it go on and on. They are not partisan objections. They would apply no matter which party held the White House; should these provisions be enacted, they will straitjacket future Democratic Presidents, as well as the current Republican President.

I do not think the Senator from New York has many bad ideas, but this may fall into that category. Maybe just by accident, it may not be one of his better ideas.

As I have said, scholars tell us it is unconstitutional and it is a dangerous precedent. So I hope that we would take an objective look at the amendment and not have a party line vote because it is Republican and because Democrats control the Senate.

The PRESIDING OFFICER. Who yields time?

Mr. MITCHELL. Mr. President, as Senator MOYNIHAN's designee, I yield 1 minute to the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. SARBANES. Mr. President, I thank the distinguished majority leader.

Mr. President, I rise in support of the Moynihan amendment. I commend the very able and distinguished Senator from New York for moving with this. This is a revised amendment from what was considered in the committee. It makes clear, of course, that the amendment applies in a wholly prospective way; in other words, it is setting standards for the future. And it also has made it very clear that it applies only to specific activities which have been prohibited. I think that is a very important change and improvement in the amendment from the way we had it worded.

It is very simple, Mr. President; that is, when a law, which, of course, involves the Congress and the Executive working together, prohibits certain

conduct, whether it is going to be possible for Federal employees to, in effect, circumvent that law. That is what we are trying to prevent from happening.

We will also achieve by this relieving the employees of the improper pressures to which many of them have been subjected in order to do this. This serves as a protection for the employee from being pressured into engaging in activities which clearly ought not to take place.

I commend the Senator for offering the amendment.

Mr. MOYNIHAN. I thank the able Senator.

Mr. MITCHELL. Mr. President, this amendment can be summed up in three words: Obey the law. That is what it says. Neither the President nor the Secretary of State nor any Member of the U.S. Government has the right or the authority to break the law.

Yesterday, in debate on this amendment, my good friend, the distinguished Senator from North Carolina, who opposes this amendment, said and I quote it—he is here now:

Congress has no constitutional power to prohibit a foreign policy which any President wishes to pursue. The President of the United States, under the Constitution, can pursue any foreign policy he wishes if no funds are required to provide economic assistance or weapons of war or armies or the use of agencies of the Government.

With all respect, I strongly disagree with that assertion. The President of the United States is as constrained by law as is every other American. The President must obey the law and Congress has authority to make the law.

This is a democracy, not a monarchy. The President is not a king.

What this amendment says is that the President cannot break the law, the Secretary of State cannot break the law, and no member of the executive branch can break the law.

It is simple. It is straightforward. And I cannot for the life of me see how anyone could suggest that it is dictating to the President to say simply and straightforwardly that he is subject to the restraint of law, as is every citizen in a democratic society.

Indeed, one might look at many of the other amendments that are pending to this bill to find far more intrusive actions with respect to the President's prerogatives. This does not do so. This is not reliving the past. It is explicitly prospective. It applies only to future laws and future actions under those future laws. And I believe, Mr. President, this is an important amendment, appropriate amendment, and a necessary amendment. And the President ought to welcome this.

He ought to say to the members of his administration: You all must obey the law. And no members of my administration will be asked to break the

law nor should any member of any administration be asked to break the law.

Ours is a democracy in which all citizens stand equal before the law up to and including the President.

Correspondingly, Mr. President, I urge the Members of the Senate to approve this amendment as a modes, reasonable, responsible effort to ensure that there will henceforth be compliance with law and members of the executive branch of this Government will not be placed in the intolerable position of having to choose between loyalty to their President and loyalty to the Constitution; being directed to do something which is illegal and thereby being asked to forfeit either their job or their integrity.

This says that, if the law prohibits an act, it is prohibited indirectly as well as directly. Administration and other officials of our Government will not be placed in the unseemly and intolerable position of being required to take actions which would violate the law directly if taken.

The amendment offered by my distinguished colleague from New York is important and necessary.

In brief, it says that no U.S. government official should provide money or otherwise try to convince another government or individual to do something barred by U.S. law.

It is disappointing that such an amendment should even need to be considered here on the Senate floor. However we cannot ignore the fact that the actions that this amendment would ban have occurred or appear to have occurred in the past. We cannot ignore the need to ensure that such activities do not occur in the future. We must work to restore the faith that was ruptured in the wake of the Iran-Contra scandal.

Trust is a crucial element of a democracy. We must trust our elected officials, trust that they will faithfully execute the laws as they so pledge upon taking office. Similarly, we must have faith that the members of our military and foreign service will uphold United States law.

For this reason, it is important to clarify some apparent confusion about the limits of the law pertaining to funding for foreign countries or activities overseas.

This amendment would resolve this confusion by stating that if Congress bars funds for a country or group, no U.S. official can solicit funds for that country or group from another source.

The Moynihan amendment also states that if Congress bans such assistance, no third party can receive U.S. funds intended to advance the activity for which U.S. assistance has been barred.

The amendment establishes a penalty for those who violate these provisions, but the penalties would apply

only to future prohibitions. There should be no misunderstanding that this amendment would only apply to efforts to circumvent laws passed in the future. It would not apply to existing U.S. law and would not apply to any actions that already have occurred.

In summary, the Moynihan amendment would ensure that U.S. officials do not circumvent U.S. laws prohibiting spending for activities abroad by urging another country to do what the United States cannot do or by giving money to another country to accomplish the goals banned by U.S. law.

The administration apparently opposes this amendment. I am troubled by this opposition. Does the administration feel it has the right to circumvent laws duly passed by Congress?

I would hope that the Bush administration would want to allay lingering congressional concerns about the uses of foreign assistance and respect for legal restrictions on U.S. activities overseas. Senator MOYNIHAN has done his best to accommodate the administration as he seeks to prevent future circumvention of laws that prohibit spending for activities abroad.

The Senate Foreign Relations Committee already had adopted by voice vote similar amendments. As modified by the senior Senator from North Carolina, these provisions were incorporated into the State Department authorization bill.

Senator MOYNIHAN withdrew those provisions at the request of Senator HELMS, agreeing instead to combine them and offer them as one amendment.

My distinguished colleague from New York has further modified his amendment to address specific administration concerns. His effort is an important one which I fully support. We must prevent the further erosion of trust between the Executive and Congress. We must prevent the circumvention of U.S. law prohibiting spending abroad.

I urge my colleagues to support the Moynihan amendment.

The PRESIDING OFFICER. The Senator from North Carolina has 5 minutes and 19 seconds.

Mr. HELMS. Mr. President, I yield myself such time as I may require.

Mr. President, the opposition to this amendment can be summed up in three words: Obey the Constitution.

Mr. President, it is important to recognize that both the Department of State and the Department of Justice have sent word in writing in which they say that they will recommend to the President a veto of this bill if the Moynihan amendment, even the revised Moynihan amendment, is adopted as a part of the Foreign Relations Authorization Act. So it boils down to this: Do colleagues want a veto or do they want a bill?

The President is going to veto this bill. I talked to his people on Air Force One early this morning. I think I know what is going to happen if this amendment is sent to the President.

If Senators want a veto, fine, go ahead and adopt this amendment, make it a part of this authorization bill. But do it knowing that this amendment will bring down the bill, if it is adopted.

Why is the administration, and all the rest of us who oppose it, so adamant? The answer is that the amendment is a clear, bald effort to usurp the foreign policy prerogatives of the President of the United States in a manner not provided for in the Constitution. When it comes to policy questions, Congress has only the power of the purse. This is what I said yesterday, and I repeat it because constitutional authorities far brighter than I am have assured me that this is the case. If it takes U.S. Government funding to pursue a Presidential policy, Congress can effectively stop it. But that is all Congress can do unless we want to get into the area, as Senator DOLE has just described, where everybody is scared to death to do anything to try to implement a policy.

Let us not kid ourselves. This is a revisiting, a making permanent of Iran-Contra. Ronald Reagan tried to prevent a takeover of Central America by the Soviet Union. He was fought every step of the way by the Congress of the United States and now we have Nicaragua sitting down there, thumbing its nose at us.

If the President can execute the policy without calling on the U.S. Treasury, then the Constitution puts up no barrier. I would like any Senator to point out a barrier specified in the Constitution.

This amendment does two things: First, it imposes criminal penalties on the U.S. Government employees who solicit funds from foreign or domestic entities for carrying out the same or similar activities for which U.S. assistance is prohibited by law.

Good Lord, Mr. President, if Franklin Roosevelt has had to labor under this kind of inhibition, he would not have been able to prosecute World War II. It might have been lost.

Second, this amendment prohibits all foreign assistance to a third party, a foreign country or any other entity, if that assistance would have the effect of furthering the same or similar activities for which U.S. assistance, that is, Federal funds, are prohibited by law.

I can understand the frustration of some Senators when the President pursues policies which are perfectly permissible under the Constitution, but with which the Senators disagree. Yes, Congress can cut off the funds. Congress has done that repeatedly and

just about destroyed our efforts in Central America. However, Congress cannot cut off the policy if it is accomplished without U.S. Government funds.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 58 seconds.

Mr. HELMS. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator will be advised that his time will continue to run.

Mr. HELMS. That is fine.

Mr. COHEN. Mr. President, may I ask who else has any time left other than the Senator from North Carolina?

The PRESIDING OFFICER. All time is expired except that which is controlled by the Senator from North Carolina.

Mr. HELMS. I yield the remainder of my time.

Mr. MITCHELL. Mr. President, have the yeas and nays been requested?

The PRESIDING OFFICER. They have not.

Mr. MITCHELL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. MATSUNAGA] is absent because of illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 57, nays 42, as follows:

[Rollcall Vote No. 119 Leg.]

YEAS—57

Adams	Durenberger	Metzenbaum
Baucus	Exon	Mikulski
Bentsen	Ford	Mitchell
Biden	Fowler	Moynihan
Bingaman	Glenn	Nunn
Boren	Gore	Pell
Bradley	Graham	Pryor
Breaux	Harkin	Reid
Bryan	Hollings	Riegle
Bumpers	Inouye	Robb
Burdick	Johnston	Rockefeller
Byrd	Kennedy	Rudman
Cohen	Kerrey	Sanford
Conrad	Kerry	Sarbanes
Cranston	Kohl	Sasser
Daschle	Lautenberg	Shelby
DeConcini	Leahy	Simon
Dixon	Levin	Specter
Dodd	Lieberman	Wirth

NAYS—42

Armstrong	Cochran	Gorton
Bond	D'Amato	Gramm
Boschwitz	Danforth	Grassley
Burns	Dole	Hatch
Chafee	Domenici	Hatfield
Coats	Garn	Heflin

Heinz	Mack	Roth
Helms	McCaIn	Simpson
Humphrey	McClure	Stevens
Jeffords	McConnell	Symms
Kassebaum	Murkowski	Thurmond
Kasten	Nickles	Wallop
Lott	Packwood	Warner
Lugar	Pressler	Wilson

NOT VOTING—1

Matsunaga

So the amendment (No. 268) was agreed to.

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 277

Mr. GORE addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. GORE. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will read.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. GORE] proposes an amendment numbered 277.

Mr. GORE. Mr. President, I ask that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment is as follows:

On page 49, between lines 18 and 19, insert the following:

SEC. 153. RESTRICTION ON POLITICAL APPOINTMENTS TO KEY POSTS.

(a) FINDINGS.—The Congress finds that—

(1) the United States must increasingly rely upon the professionalism and expertise of its diplomatic service to promote military, political, and economic objectives on which the national security of the United States depends;

(2) the practice of filling ever larger numbers of ambassadorial and key State Department posts with political appointees is undermining the Foreign Service as an instrument of American foreign policy;

(3) other major states do not engage in the practice of undermining their professional corps of diplomats for the purpose of granting political favors or of ensuring loyalty to the political line of the governing party;

(4) this practice has reached the point of causing the Foreign Service to curtail prematurely the careers of increasing numbers of its finest diplomats; and

(5) the range of political appointments to civil service positions has not generally exceeded ten to twenty percent, while the number of political appointments to ambassadorial and key State Department posts has reached as high as approximately forty percent.

(b) POLICY.—(1) Therefore, except in extraordinary cases where the President finds that a non-Foreign Service officer candidate possesses unique skills and information directly pertinent to the post to which he or she is to be assigned, and that the Foreign Service, as certified in writing by the Director General of the Foreign Service, does not have an equally qualified candidate for the same post in its active ranks, it shall be the

policy of the United States that the President will not nominate persons from outside the career Foreign Service to more than 15 percent of all ambassadorial and key (Deputy Assistant Secretary and above) State Department posts.

(2) The Congress intends that the policy described in paragraph (1) should be enforced through natural attrition in the course of the term of the present President.

On page 3, after the items relating to section 152, insert the following new item: Sec. 153. Restriction on political appointments to key posts.

Mr. HELMS. Mr. President, point of order.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I believe there is a pending amendment. The amendment is out of order unless that is set aside; is that not correct?

The PRESIDING OFFICER. They have been set aside and can be brought back only on proper motion.

Mr. HELMS. In that case, for the time being, since all I have to do is call for regular order, which I will not do, I suggest the absence of a quorum while I discuss it.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that further proceedings under the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HELMS. Mr. President, I am going to call for the regular order.

Mr. GORE addressed the Chair.

The PRESIDING OFFICER. The regular order is the Grassley amendment to the Helms amendment.

Mr. HELMS. That is correct. Now, Mr. President, I ask unanimous consent that the Grassley amendment be set aside temporarily so that the distinguished Senator from Tennessee can call up his amendment. I want to get this show back on track.

Mr. GORE addressed the Chair.

The PRESIDING OFFICER. We need to set aside the Grassley and the Heinz amendments. Is there objection to the request?

Mr. HELMS. Just add that. That is fine.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I wonder if I might ask the Senator from Tennessee if I could see his amendment.

Mr. GORE. Certainly.

Mr. President, if the Senator from North Carolina will yield, we sent out a notice of it and the text of it will be immediately available to the Senator from North Carolina.

Mr. HELMS. The Senator is most gracious, and I appreciate it.

Mr. GORE addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. HELMS. Mr. President, I think we ought to have order out of courtesy to the distinguished Senator from Tennessee.

I will not proceed until we do have order.

Mr. PELL. Mr. President, I would join in suggesting the Senate is not in order.

The PRESIDING OFFICER (Mr. REID). The Senate will be in order.

The Senator from Tennessee is recognized.

Mr. GORE. Mr. President, may I inquire as to whether or not after the unanimous-consent request of the Senator from North Carolina the amendment which I earlier sent to the desk is now pending?

The PRESIDING OFFICER. It is now pending.

Mr. GORE. Has the reading of the amendment been dispensed with?

The PRESIDING OFFICER. It has been.

Mr. GORE. Mr. President, I would not like to move to a debate on this amendment. But before doing so I would like to thank the senior Senator from North Carolina for his courtesy in asking unanimous consent that the regular order of business be set aside temporarily so we might consider this amendment at this time.

This amendment is entitled "The Professionalism in Diplomacy Amendment." At the outset, I want to acknowledge that Democratic administrations and Republican administrations have both been guilty of going outside of the ranks of professional diplomats to a degree that is not wise where the Nation's interest is concerned. This amendment is not solely directed at the well-publicized practice in the current administration of making political appointments to very important foreign policy posts. I believe, however, that the degree to which political appointments are being made now is in fact unprecedented, and it is for that reason why I think the argument in favor of this amendment is far more compelling than it has ever been.

What is the national interest involved here, Mr. President? Well, to begin with, it seems obvious from the news every day that our Nation is increasingly part of an interdependent global economy. Our national interest must be pursued through the wise management of our international relations between the United States and other countries. No other country in the world uses the system of campaign contributions as the way of determining who is going to receive important ambassadorial appointments, or important appointments in the conduct of our foreign policy.

We can no longer afford to allow this practice to continue. Let me ac-

knowledge what we all know; that is, that there have been many appointments in the past, both by Democratic Presidents and by Republican Presidents, of individuals whose most salient credentials for the post involved seemed to be political support for the incumbent, and some of those appointments have turned out to be excellent because they have done a good job.

But, Mr. President, there have also been more examples of individuals who were appointed primarily for political reasons or primarily because they made campaign contributions, and their services turned out to be disastrous.

What I am saying in this amendment is that we have reached the point where we really should not conduct our business overseas in this manner any longer. We have a body of people who have built up experience, who are knowledgeable about the various countries of the world, who are trained in the Foreign Service, and we ought to draw upon their ranks for the people who do the job they have been trained to do.

All of us have been uneasy because of a series of candidates for ambassador posts recently that made us uncomfortable. We also know that the practice of making political appointments has now penetrated very deeply into the Department of State, down even to the Deputy Assistant Secretary level.

This morning in one of the Nation's newspapers our colleague from Maryland, Senator SARBANES, was very thoughtful in his statements about this practice. And that same article discussed the example of a person who evidently went shopping around for countries where she wanted to be ambassador, and she wanted to check the school systems in different countries to see what kind of education her children would get before she decided which country she wanted to go to represent the interests of the United States of America.

Is that a way for us as a nation to decide who is going to conduct the Nation's business in whatever country she decides is suitable for her family and her lifestyle? I do not want to single this particular person out. The problem is not one of personalities.

The problem is one of political abuse. As I say, it has been bipartisan in the past. It is unprecedented today, and it should not be allowed to continue.

Political appointments among Ambassadors has fluctuated to levels as high as 40 percent. This leads to the degrading spectacle of senior Foreign Service officers walking the halls of the Department without any assignments whatsoever. It leads to early retirement of scores of officers who have become vulnerable under the upper out principle precisely because they

were the hard chargers and they reached the highest levels of merit and performance earlier in their careers only to find that somebody else had made large political contributions, and even though the other candidates for that post had absolutely no experience whatsoever either in foreign policy or in the countries involved purely for political reasons they were given preference.

It has an impact all the way down the system by retarding the ability of career diplomats to advance since the top positions are also heavily occupied by political appointees.

This amendment would allow political appointments to continue. But it would put some boundaries on the practice. It would limit the practice. As I said before, no other major power does this kind of damage to its diplomatic service. We cannot afford to any more.

Every one of us knows that the United States is now far too dependent upon the expert management of its foreign relations to water down our approach with amateurs, hacks, people who bring absolutely nothing to the job but their political ties to the President.

As I said before, some such individuals have in the past turned out to do a good job. But that has been the exception. Hard statistics about this problem are difficult to find but as best I can determine, in the ranks of the senior civil service the average level of political appointment is somewhere between 10 and 20 percent.

So to be perfectly frank, I split the difference in this amendment and picked the 15 percent upper figure for a political appointment to ambassadorial positions and to departmental positions from the level of deputy Assistant Secretary and up.

I know there is a need for Presidents to have some number of slots for persons of high ability who are also dedicated to a President's particular view of policy.

Fifteen percent of the assignments should do that. But if not the President can attest under this amendment that he or she has a candidate of extraordinary qualifications providing that the Director General of the Foreign Service also attests that the Foreign Service has absolutely no one better, or the President can simply choose that someone within that 15 percent of the pool.

I am also aware that a policy along these lines cannot be implemented overnight. Therefore, the amendment calls for the implementation by attrition over the remainder of President Bush's term.

The practice of Presidential appointments of ambassadors and high-level officials in the State Department is, of course, I say it again, of long standing,

but it is not an unlimited right by virtue of his office or the Constitution.

In principle, the Senate can modify his choices, first, by rejecting those of them that involve confirmation, and as regards the civil service, Congress long ago established limits to what had earlier been a tradition of unlimited Presidential patronage.

This is the right time for the Senate to intervene with a constructive proposal under article I, section 6, clause 18.

Let me refer one more time, Mr. President, to the precedents established with the creation of the civil service. Before we had a civil service, there was a general and prevailing opinion that the practice was of appointing to Government service only those individuals who exercised political support in the campaign of the candidate for President who was elected, appointing only those individuals to what we now call civil service appointments.

The abuse rose to a level that Democrats and Republicans agreed that it was time for reform and the civil service was established and the Congress put some boundaries around the number of political appointments that an incumbent President of either party could make in the Government's domestic service.

Now we have seen a record of abuse with respect to the diplomatic service. We have seen the damage that excessive political appointments are causing within the diplomatic service. It is time to remedy this abuse and this injustice.

I might say that many years ago the current chairman of the Senate Foreign Relations Committee and the former Republican Senator from Maryland, Senator Mac Mathias, joined forces to propose an amendment in an earlier Congress very similar to this one, and I want to acknowledge my debt to them.

I also want to acknowledge the very eloquent and persuasive leadership of the senior Senator from Maryland [Mr. SARBANES] who has raised these concerns frequently in a very eloquent way, and I have consulted with both of these Senators in the drafting of this amendment.

It is an approach that I think is justified because we have not found any other way to do it and because the record of abuse is now such that some action by the Senate is required in order to reform this practice and serve the public interest well.

Mr. President, I ask my colleagues on both sides of the aisle to support this amendment, and I will yield back my time.

Mr. President, first I ask unanimous consent that an editorial from today's Kingsport Times-News be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Kingsport Times-News, July 18, 1989]

AMBASSADORS NEED BETTER EXPERIENCE

We don't know how many current U.S. ambassadors were political science majors with extensive experiences in government and world politics prior to their appointment. But doubtless it is very few.

That's because U.S. ambassadors seldom, if ever, have been appointed on the basis of experience or ability, but on how well they have courted political favor with whoever occupies the White House. Worse, those who survive long enough to gain experience in these important posts may lose their jobs just as quickly as they got them.

For too long, being named this nation's representative to a foreign land has been a political favor granted to those who raised money for a campaign or in some manner were owed something by a new president or party in power. In the early part of this nation's history, picking ambassadors out of a hat didn't matter all that much. But the world is not what it was 200 years ago.

As Sen. Al Gore puts it: "Other nations do not undermine their national interests overseas to grant political favors or ensure loyalty to the political line of the governing party. In our country, this practice has reached the point where the foreign service is unflinching prematurely the careers of increasing numbers of its finest diplomats. We've created a game of musical chairs in which the professionals—the core of expertise and continuity modern diplomatic life demands—lose out."

It shouldn't be that way. And Sen. Gore has proposed that it not remain that way. Legislation he introduced Friday would mandate that no more than 15 percent of ambassador-level and senior state department positions could be political appointments.

Would that all appointed positions in government that are funded by taxpayers be filled on the basis of ability. But Sen. Gore knows that change comes slowly. His bill is a start to increasing the integrity of the foreign service, and this country's image overseas. It is becoming increasingly important that America be represented overseas by persons with the professionalism and expertise to properly manage the economic, military, environmental and political objectives upon which our national security depends.

Sen. Gore also urges the Senate to properly carry out its constitutional mandate and give careful consideration to appointments requiring Senate approval. Says the senator, "The Constitution did not give the Senate the power to consider and vote on such appointments in order that it be set aside as a matter of custom. We have a major responsibility to use (that authority) as often as we think necessary."

The Senate should and the practice of giving the White House carte blanche on ambassadorial appointments. Our ambassadors should be men and women of distinction and achievement and not just the rich and politically powerful.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I applaud the Senator from Tennessee for proposing his amendment. Its adoption would have a profound effect upon the

morale of the Foreign Service and the officers therein.

Speaking as the only Member of this body who was a Foreign Service officer, can relate firsthand to the frustration with and the annoyance that one would feel as you work your way up the line and then when the time comes to reach a higher rank like an Ambassador—or, in the military a general or admiral—that chance at promotion is plucked away and someone is nominated who has no experience in that field at all, but who was just a rich generalist, but without real experience.

When this happens, it means that one more Foreign Service officer very often is disappointed and goes out.

We should also bear in mind that this amendment does not prevent able political appointees from serving because they are in that 15 percent of noncareer Ambassadors that we would have, which is incidentally more than any of the nations with which we negotiate and deal, of the technologically advanced nations. Most of them have virtually no political appointees but all careerists in it.

When this occurs, then you find at the conference table the load is either carried by a deputy or we get bested.

Here I am not in any way detracting from the work of some of our great Ambassadors, like Bunker, Harriman, Bruce, or Mansfield. They were all political appointees and excellent ones.

Also, I would note that the amendment that Senator Mathias and I proposed some years ago, while it was not agreed to at that time, had a positive impact in the service.

I hope very much that this amendment might be supported by my colleagues.

Mr. SARBANES. Mr. President, will the Senator yield?

Mr. PELL. I am glad to yield to the Senator from Maryland.

Mr. SARBANES. As I understand it, the distinguished Senator from Rhode Island and the former senior Senator from Maryland, Senator Mathias offered an amendment of this sort some years ago to which the distinguished Senator from Tennessee referred. Is that correct?

Mr. PELL. That is correct.

Mr. SARBANES. I join the Senator from Rhode Island in commending the very able Senator from Tennessee in offering this amendment.

While some may differ slightly on the percentage figures, I support this amendment and the figures therein because I think the current practice is so outrageous. In fact, some two-thirds of the country ambassadors which this administration has sent thus far to the Congress are political appointees, not out of the career service. The career service is being very sharply blocked

out thus far in the nominating process.

First, I think it is important to question how morale can be maintained within the career foreign service if officers see no substantial opportunity ever to move to the ambassadorial position.

Second, whereas in the past many of the political appointees have been very able and very distinguished and have served the country well, there now appears to be marked deterioration in that standard. What is now happening is that noncareer, political appointees are being named solely because of their partisan political involvement, without the other dimension of international experience and public service that in many prior instances had marked the noncareer people.

It is very important for us to sustain our career foreign service. In this respect, our practices differ markedly from those of other nations. None of them treat ambassadorial positions the way we do, because they appreciate that the selection of an ambassador is a serious proposition, and that an able ambassador can make an important difference in furthering the interests of his or her country in the capital to which he or she has been accredited. It is time for us to start thinking in those terms.

I commend the distinguished Senator from Tennessee for carrying this issue to the floor.

Mr. PELL. Mr. President, the Senator is absolutely correct in his point. Also, it is of some interest, I think, that when a man is appointed for really political reasons, as having been involved in politics, like Senator Mansfield was, he can do the job very well. But when it is based on contributions, that is not the same thing. I think many of the present ambassadors are being appointed because of their contributions, not their political skills.

I would also suggest that if we really want to reward generalists this way, or not so much generalists but contributors this way, we ought to think of making them generals or admirals, because that also is a flag rank. There is no reason in the world why a man from the outside could not come in as a general or an admiral and presumably take the skills that enabled him to pile up the normal fortune that is required to be a political appointee these days and give him flag rank. In that way, we would make less of an impact on the Foreign Service.

The PRESIDENT pro tempore. The senior Senator from North Carolina, Mr. HELMS.

Mr. HELMS. Mr. President, I thank the Chair.

I believe during the Reagan administration the number of so-called political nominations to be ambassador was something like 33 percent and thus far

in the Bush administration 38 percent, and yet the Senator proposes to limit the President's constitutional authority again.

Mr. SARBANES. Mr. President, will the Senator yield on that point?

Mr. HELMS. I will not. I beg the Senator's pardon.

AMENDMENT NO. 278 TO AMENDMENT NO. 277
(Purpose: To prevent contact with General Noriega or his representatives by American officials)

Mr. HELMS. Mr. President, I offer a second-degree amendment and ask that it be stated.

The PRESIDENT pro tempore. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 278 to amendment No. 277

At the end of the amendment, add the following:

SEC. . No funds authorized to be appropriated in this or any other act shall be made available for the purpose of initiating or conducting contacts with General Manuel Antonio Noriega except for the purpose of issuing a warrant or executing his arrest to stand trial under the terms of the indictment issued on February 5, 1988, in the United States District Court for the Southern and Central Districts of Florida on drug related charges.

Mr. HELMS. Mr. President, I thank the clerk for reading the amendment.

Mr. President, perhaps we ought to take a look at the Constitution with reference to ambassadorial appointments.

And I am not going back and analyzing the nominations by President Carter. As a matter of fact, the father of the distinguished chairman of the Foreign Relations Committee, as I understand it, was a political appointee as ambassador.

Mr. PELL. Will the Senator yield on that?

Mr. HELMS. Yes.

Mr. PELL. I point out, he may have been a political appointee a lot of years.

Mr. HELMS. There is nothing wrong with that.

Mr. PELL. But he passed the diplomatic exam originally.

Mr. HELMS. Perhaps you want to give the examination to all.

I mean no derogation of the chairman's father. I know if he was anything like his son, he was a great man. OK.

Article II, section 2 reads: "He"—meaning the President—"shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by law."

Now, the rank of ambassador is set by the Constitution. The Secretary of

State and Foreign Service officers are appointed by law and are therefore lower in legal status. But I would suggest that the right of the President to appoint ambassadors cannot or certainly should not be limited by law.

I have known a lot of ambassadors. Some career diplomats are fine and some of them awful. By the same token, I suppose that Senators can find political appointments to ambassador to be good and bad, depending on their views.

But here we are going again intruding upon the constitutional authority of the President of the United States.

Mr. President, I ask for the yeas and nays on my second-degree amendment.

The PRESIDING OFFICER. Is the request for the yeas and nays seconded?

There is not a sufficient second.

Mr. HELMS. I suggest the absence of a quorum and we will get a sufficient second.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I renew my call for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. REID. Mr. President, I rise today to oppose the proposition that we should, by statute, limit the President's constitutional authority to choose those he wishes to serve as ambassadors of this country.

We may not always agree with the President's choices for these important diplomatic positions.

But such concerns do not justify this amendment to curtail the powers of Presidential appointment and impede the carefully constructed system of checks and balances of our Federal Constitution.

The framers of this Constitution worked very, very hard to ensure a separation of powers between the executive and legislative branches.

There was to be no concentration of power. Our law provides the President with the power to make ambassadorial appointments; the Senate has the authority, by virtue of the Constitution, to check the wisdom of these appointments through the so-called confirmation process.

If we so choose, we, the Senate, can reject an appointment. We are the check over the President's appointment powers. And we have used that power.

In the recent past, we have rejected certain Presidential appointments, including appointments as significant as a Cabinet Secretary and a Supreme Court Justice.

If we believe the nominee does not pass muster, we can reject that individual. Moreover, as stated in a recent *Newsweek* article, "The Constitution holds the Senators to no legal standards of proof in passing on Presidential appointments."

Just as the President does not have to provide a comprehensive justification for his appointment decisions, the Senate is also not required to provide explanations and evidence that merits rejection of a Presidential appointment.

I believe we should not tamper with the system of Federal Government envisioned by our Founding Fathers. Unfortunately, this amendment by my good friend from Tennessee does just that.

I fully acknowledge the critical importance of ambassadorial posts, and the significant contributions of U.S. Foreign Service Officers.

Mr. President, in a recent publication of their monthly magazine, I was quoted as saying that in my service in Government I have never noted a more dedicated group of people than our Foreign Service officers. And I believe that.

These men and women play an essential role in implementing our Nation's foreign policies, establishing good relations with countries throughout the world, and providing the expertise and insight that is important in the arena of foreign affairs.

But, having said that, there is no reason why a member of the professional foreign service would necessarily make a better ambassador than an individual with an academic, business, professional, or political background.

What about John Kenneth Galbraith? He was a great ambassador. What about DANIEL PATRICK MOYNIHAN? A great ambassador. And, of course, Mike Mansfield.

We should not use Foreign Service officers as pawns in a game to change the rules established by our country's Constitution.

I believe that we should follow the clear intent of the Founding Fathers: to evaluate each ambassadorial candidate on the merits, and confirm or reject their appointment as we see fit.

This practice satisfies the Senate's desire to see qualified people appointed to diplomatic positions without usurping the powers of the executive branch and the President.

In the *Federalist Paper No. 66*, Alexander Hamilton, one of the framers of the U.S. Constitution, explained why he and others who conceived the Constitution gave the President the right to appoint and the Senate the power

to reject or confirm Presidential appointments.

Mr. Hamilton wrote:

It will be the office of the President to nominate, and with the advice and consent of the Senate to appoint. There will, of course, be no exertion of choice on the part of the Senate. They may defeat one choice of the Executive and oblige him to make another; but they cannot themselves choose—they can only ratify or reject the choice of the President.

They might even entertain a preference to some other person, at the very moment they were assenting to the one proposed, because there might be no positive ground of opposition to him; and they could not be sure, if they withheld their assent, that the subsequent nomination would fall upon their own favorite, or upon any other person in their estimation more meritorious than the one rejected.

That is only part of the quote, Mr. President, Hamilton went on to say:

Thus it could hardly happen that the majority of the Senate would feel any other complacency toward the object of an appointment than such as the appearances of merit might inspire, and the proofs of the want it destroys.

In the *Federalist Paper No. 76*, Hamilton expressed the belief that the requirement of Senate approval would be a salutary check on the President. This check "would have a powerful, though, in general, a silent operation. It would be an excellent check upon a spirit of favoritism of the President, and would tend greatly to prevent the appointment of unfit characters from State prejudice, from family connection, from personal attachment, or from a view to popularity."

Hamilton was the force behind the constitutional provisions concerning the right of the executive to nominate and the Senate to confirm.

Other framers of the Constitution—John Adams, for example—were critical of even giving the Senate confirmation powers.

In 1787, Adams wrote to Jefferson:

You are apprehensive of monarchy, I of aristocracy. I would, therefore, have given more power to the President, and less to the Senate. The nomination and appointment to all offices I would have given to the President, assisted by only a privy council of his creation; but not a vote or voice would I have given the Senate or any senator unless he were of the privy council.

Faction and distraction are the sure and certain consequences of giving to a Senate a vote on the distribution of offices.

As in many other aspects of the Constitution, the provisions in article II were the product of compromise. The view that prevailed was that of Hamilton and others, who promoted the concept of checks and balances, some thing that is built into our very framework of government.

This concept, translated into practice, has served this country well over the last two centuries.

Mr. President, the proposed amendment before us today would severely limit the President's choices by requir-

ing that a certain percentage of ambassadors be selected from among the ranks of Foreign Service officers and limit those other appointments a President can make.

Although such a restriction does not preclude all of the President's ambassadorial appointment powers, it is certainly a step in that direction.

Once started down this path, there is no reason why we might not see another step and yet another—eventually eroding the compromise of Presidential appointment powers and Senate confirmation and rejection authority.

If we take this first step today, who is to say how many more limits the majority could force on the President tomorrow—the next day—or 5 years from now? Taken to an extreme, the President's power and flexibility could be severely limited—all to the detriment of our democratic system of checks and balances.

I can share the frustration felt by the authors of this amendment—frustration fueled by some of the appointments that have been sent to the Senate over the last few years and certainly the last few months. We are all familiar with some of the writing and commentary in the newspapers recently. After all, Democrats have not controlled the White House for a decade now, and that means we have not made any appointments. But that is not a good enough reason to usurp the President's intended appointment powers under the Constitution.

I wonder how many numbers on our side of the aisle would want these limits placed on a Democratic President. The answer, of course, now is: well, that should not matter. But it does matter. We have to be careful how we deal with the office of the Presidency and the separation of powers that were long established.

Finally, Mr. President, I am not all that impressed with the argument that President Bush should be appointing ambassadors only on the basis of foreign relations experience. Let us look at some of the appointments made by other Presidents, and today, to save time, I will limit this to the discussion of one President.

In May 1961, John Kennedy appointed a man by the name of John Badeau as Ambassador to the United Arab Republic.

Badeau was an ordained minister and religion professor with the American University at Cairo when Kennedy appointed him.

According to Kennedy's biographers:

The choice of Badeau illustrated Kennedy's desire to appoint scholars and experts as ambassadors instead of career foreign service officers and political figures. Most importantly, Badeau was well liked in Egypt. Because U.S.-Egyptian relations had been strained since the Suez crisis of 1956, Kennedy wanted to establish a friendly rela-

tionship with President Gamal Abdel Nasser, head of the most powerful state in the Arab world.

Another of Kennedy's diplomatic appointments was John Martin as Ambassador to the Dominican Republic. In the 1950's, Martin won fame as a freelance journalist writing factual crime stories.

Active as a leader in the crusade for prison reform, Martin also worked intensively in Adlai Stevenson's Presidential campaigns in 1952 and 1956, and wrote a 1952 campaign biography, "Adlai Stevenson."

Associated with John F. Kennedy as a speechwriter during the 1960 presidential campaign, Martin was later confirmed as Kennedy's Ambassador to the Dominican Republic on March 1, 1962, where he ably served.

In reviewing the ambassadorial appointments of the Kennedy and other Presidents, I have found many other nonprofessional appointees who served their country well.

I close, Mr. President, by saying the greatest flaw in this amendment is that it is an example of trying to use a sledgehammer to drive a thumbtack.

The Senate has the right to turn down any of the President's nominees without ever being required to provide a reason. Why try to limit the President's clearly intended constitutional power of appointment for really no good reason?

If we take this step, I am convinced we will regret it. It will be bad for the country. I therefore urge my colleagues to vote against it.

THE PRESIDING OFFICER. The senior Senator from Maryland.

Mr. SARBANES. Mr. President, I think it is very important to get on the record some of the statistics relating to career and political nominations that have prompted this amendment by the very able Senator from Tennessee.

What is happening now is unprecedented. We have examined the figures back to President Kennedy—that is, almost 30 years ago. I just want to go through them very quickly because I share the same sorts of frustrations that the Senator from Tennessee obviously feels, while conceding some of the points that the Senator from Nevada has made.

President Kennedy, in the first 7 months of his term, appointed 61 country ambassadors; 37 career, 24 political. That is 61 percent career, 39 percent political.

President Johnson in the first 7 months in 1965: 31 nominees; 21 career, 10 political. That is 68 percent career, 32 percent political.

President Nixon, during the first 7 months of 1969: 51 nominations, 29 career, 22 political; that is, 57 percent career, 43 percent political.

President Nixon, in the first 7 months of his next term: 30 nomina-

tions, 18 career, 12 political; 60 percent career, 40 percent political.

President Carter, for the first 7 months of his term: 55 nominations, 32 career, 23 political; 58 percent career, 42 percent political.

President Reagan, first 7 months of his first term: 38 nominations total, 23 career, 15 political; 61 percent career, 39 percent political.

President Reagan, the first 7 months of 1985: 37 nominations total; 28 career, 9 political; 76 percent career, 24 percent political.

Now, in all of those years, the career nominations were more than half in every instance. In fact, the low figure was 57 percent career nominees. They were almost three-fifths or more in every instance.

President Bush, as of today, July 18, 1989, has sent to the Senate 42 nominations of country ambassadors. Forty-two. Fourteen of them are career. Only 14 out of the 42. Twenty-one of them are strictly political. The other seven, the State Department classifies as political, although they have previously held posts in the Department. Some have previously been ambassadors but they were political appointees when the first nomination was made.

Depending on how you count them—in two strict categories or in three—either only one-third are career nominees 40 percent are career. Only 14 out of the 42 ambassadorial nominations sent by President Bush thus far in his first term are career Foreign Service officers.

This is a marked, radical change from past practice. That is what, in part, helped to prompt this amendment. There has been vast departure on the part of this administration from the pattern followed by previous administrations, Democratic and Republican alike. Kennedy, Johnson, Nixon, Carter, and Reagan all nominated considerably more than half of their country ambassadors from the career service, even during the first 7 months after their election. Now all of a sudden we have a radical departure by President Bush in terms of the career/noncareer split in the 42 country ambassadors that he has sent to the Senate thus far in his administration.

I commend the Senator from Tennessee for bringing this issue to the floor.

Mr. GORE. Will the Senator yield?

Mr. SARBANES. Certainly.

THE PRESIDING OFFICER (Mr. REID). The Senator from Tennessee is recognized.

Mr. GORE. I appreciate the comments just made by the senior Senator from Maryland and I agree with him totally. We are seeing important ambassadorial positions auctioned off and the national interest suffers.

I wanted to make one other point, with the indulgence of my colleagues, and that is that the earlier statement about the constitutional provisions involved must be amended, in my view, by reference to article 1, section 8, clause 18—which gives to the Congress the power to make all laws "which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or any Department or officer thereof," and then in clause 14 to make rules for the Government.

In preparing this amendment, I consulted with the American Law Division of the Library of Congress and they said that, in their opinion, the weight of the legal authority is clearly that there is not a serious constitutional question involved here. There is also the case in 1976, Buckley versus Valeo, which is known to us for other reasons because it was a case which involved political fundraising principles, but it also spoke to the underlying constitutional issues here.

Then there is the practice which has gone on at least since the Madison administration when the Congress set terms and rules governing the diplomatic service. Let me quote from an opinion by Justice Brandeis in *Myers versus United States* case:

The assertion that the mere grant by the Constitution of executive power confers upon the President as a prerogative the unrestricted power of appointment and of removal from executive offices, except so far as otherwise expressly provided by the Constitution, is clearly inconsistent also with those statutes which restrict the exercise by the President of the power of nomination. There is not a word in the Constitution which in terms authorizes Congress to limit the President's freedom of choice in making nominations for executive offices. It is to appointment as distinguished from nomination that the Constitution imposes in terms the requirement of Senatorial consent. But a multitude of laws have been enacted which limit the President's power to make nominations, and which, through the restrictions imposed, may prevent the selection of the person deemed by him best fitted. Such restriction upon the power to nominate has been exercised by Congress continuously since the foundation of the Government. Every President has approved one or more of such acts. Every President has consistently observed them. This is true of those offices to which he makes appointments without the advice and consent of the Senate as well as of those for which its consent is required.

Thus, Congress has, from time to time, restricted the President's selection by the requirement of citizenship. It has limited the power of nomination by providing that the office may be held only by a resident of the United States; of a State; of a particular State; of a particular district; of a particular territory. It has limited the power of nomination further by prescribing specific professional attainments, or occupational experience.

And it goes on and on quite extensively listing all of the statutes that have been enacted by the Congress and approved by the President, which are exactly like the pending amendment, which would, in responding to the record of abuse, so well described by the Senator from Maryland, put this Senate in the position of correcting a problem that threatens our national interest. I thank my colleague for yielding at length.

Mr. SARBANES. Mr. President, I simply want to close with this quotation from Hamilton. The very able Senator from Nevada in the course of his exposition made reference to *Federalist Papers* and Hamilton and the fact that one of the issues at the constitutional convention was whether the President should have the sole power to make appointments. In fact, some argued that Presidential appointments should be subjected to some screening requiring a concurrence on the part of the legislative branch, and in particular on the part of the Senate. Hamilton says in *Federalist No. 76*:

To what purpose then require the co-operation of the Senate? I answer, that the necessity of their concurrence would have a powerful, though, in general, a silent operation. It would be an excellent check upon a spirit of favoritism in the President, and would tend greatly to prevent the appointment of unfit characters from State prejudice, from family connection, from personal attachment, or from a view to popularity. And, in addition to this, it would be an efficacious source of stability in the administration.

It will readily be comprehended that a man who had himself the sole disposition of offices would be governed much more by his private inclinations and interests than when he was bound to submit the propriety of his choice to the discussion and determination of a different and independent body, and that body an entire branch of the legislature. The possibility of rejection would be a strong motive to care in proposing. The danger to his own reputation, and, in the case of an elective magistrate, to his political existence, from betraying a spirit of favoritism or an unbecoming pursuit of popularity to the observation of a body whose opinion would have great weight in forming that of the public could not fail to operate as a barrier to the one and to the other. He would be both ashamed and afraid to bring forward, for the most distinguished or lucrative stations, candidates who had no other merit than that of coming from the same State to which he particularly belonged, or of being in some way or other personally allied to him, or of possessing the necessary insignificance and pliancy to render them the obsequious instruments of his pleasure.

Mr. President, this is a strong statement by Alexander Hamilton. What has happened here is that we, in effect, have been driven to this recourse of trying to insist on career appointees by the gross disproportion of career and political appointees to which I previously alluded.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I ask for the yeas and nays on the amendment of the distinguished Senator from Tennessee.

The PRESIDING OFFICER. It would take unanimous consent to request the yeas and nays.

Mr. HELMS. I ask unanimous consent it be in order for me to request the yeas and nays.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. I thank the Chair.

Mr. President, suppose we discuss what is in the amendment to be voted on; that is, my second-degree amendment to the amendment of the distinguished Senator from Tennessee. This amendment would prohibit the use of funds for the purpose of initiating contacts or conducting negotiations with Noriega. This amendment would allow only funds to be used to make contact with Noriega for only one reason, one purpose, that being to issue a warrant or execute the arrest of Mr. Noriega to stand trial under the terms of his indictments in U.S. Federal court.

Mr. President, I had been under the impression that the U.S. Government officials were no longer in communication with Mr. Noriega, but it just goes to show how wrong you can be around this place. The United States does not recognize the illegitimate regime of Noriega, and it had been my understanding that all contact with Noriega was discontinued after the administration negotiated unsuccessfully with him in May 1988.

Last week, I received some very surprising information. Surprising is not strong enough. It is appalling. I did not believe at first what I was told, so I began to check and check and check and, lo and behold, I found out the information was correct. I have now confirmed it with numerous sources in this city, including at least one in the White House.

Mr. President, what do you know, Mr. Stephen Dachi, the Acting Ambassador from the United States to the Organization of American States, has requested to meet with Mr. Noriega. Mr. Dachi apparently passed his request through Noriega's representative at the OAS, so, obviously, career ambassadors, like all the rest of us, make mistakes.

Let me tell you about Mr. Noriega's man at the OAS. His name is Carlos Russell, and he is a U.S. resident. And who is Mr. Russell?

He just happens to be Idi Amin's former lobbyist in this city. He is known to have a picture in his home of himself embracing Idi Amin. I can only comment he has very poor taste in the people he hugs. Furthermore,

Mr. Russell is just about as anti-American as they come.

Now, I just cannot understand why an American, let alone an official of the U.S. Government, a career employee, if you please, would have any desire to consort with a man like this Carlos Russell.

According to information that I have acquired—and I have no doubt about its authenticity—Mr. Dachi, this career employee of the State Department, asked Mr. Russell, Idi Amin's former lobbyist, to arrange for him a meeting with Noriega. Russell in turn asked Noriega to grant Dachi an audience. Noriega has accepted the invitation, obviously, with pleasure. Apparently they are in the process of working out arrangements for this little get-together.

Mr. President, this meeting is not going to take place if I have anything to do with it. Hence the amendment now pending.

I do not know Mr. Dachi, and I do not particularly want to meet him, judging by his judgment, but I understand that he has been with OAS for just a couple of weeks. Perhaps he ought to have stayed in his last post, São Paulo, Brazil, or perhaps we ought to send him back there, give him a one-way ticket, unless, Mr. President, he was acting on orders from higher authority. I do not suggest that that is the case. I believe to the contrary. But you never know in this town who is doing what to whom.

In any case, Mr. President, Mr. Noriega, sitting down there smiling, convinced that he is dealing with a bunch of boobs in the United States, is milking his connection with a U.S. employee at the OAS for all its worth. This past weekend Mr. Noriega sent his cronies to talk to opposition leaders, and the opposition leaders mistakenly believed they were meeting to negotiate Mr. Noriega's departure from Panama. But Noriega's representatives said that they had no intention of discussing Noriega's departure inasmuch as Noriega had established his own channels within and with the U.S. Government to discuss, what do you know, dropping his indictments. Noriega, of course, is referring to the invitation that he received from this Mr. Dachi, who is acting Ambassador from the United States to the Organization of American States.

Mr. President, this contact by Mr. Dachi was totally unauthorized, I hope. Nevertheless, it had the effect of torpedoing U.S. policy and giving false encouragement to Noriega. It has in fact encouraged Noriega to be more adamant. So I consider this to be a diplomatic blunder of colossal magnitude.

What has President Bush said about this sort of thing? He has said on numerous occasions that it is U.S. policy

to have no dealings with Noriega. In fact, last year the Congress stated in a resolution that "the United States should not conduct or authorize any negotiations or discussions with Noriega."

That resolution went on to say that any such negotiations "would be incompatible with the high priority that the U.S. places on the war on drugs, would not further the prospects for restoring a noncorrupt government in the Republic of Panama, and would not serve the interests of the United States."

What the Congress said then is correct today. That was a sense-of-the-Senate resolution that was, therefore, nonbinding. However, if low and middle level bureaucrats are going to initiate their own contact with Noriega and implement their own policy, then the Senate should and must act now to cut off funds for this sort of insanity.

Mr. President, I am ready to vote on my amendment if the distinguished chairman of the committee has no further discussion of it.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Rhode Island.

Mr. PELL. Mr. President, what this amendment of the Senator from North Carolina would do is prevent certain actions that might well be in the national interest. For example, taking a phone call from Noriega regarding a terrorist threat against the U.S. Embassy would be prohibited if this amendment was law. Or any discussions with Noriega about unconditionally resigning his position and leaving Panama—those conversations would not be possible under this amendment, or receiving a nomination of a Panamanian to head the Panama Canal as provided for by the canal treaty would also be prohibited if this amendment passed. No one likes Noriega, no one wants to deal with him and contact should be avoided to the extent possible. But to have a blanket prohibition on the President of the United States would be, under some circumstances, to cut off our nose to spite our face.

I believe that when you weigh the advantages of this amendment and the disadvantages that it would be more in the national interest if this amendment was not law.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, the distinguished chairman of the Foreign

Relations Committee knows of my respect for him. Sometimes we have to agree to disagree agreeably and this is one of those times. Contrary to what the distinguished Senator said, this amendment does not prevent U.S. officials from talking to others in Noriega's circle. It merely prohibits funds being used to contact directly Mr. Noriega himself.

Furthermore, the attempt by the United States employee at the OAS to meet with Noriega was unauthorized, and it has clearly set back United States policy with respect to Panama. Mr. Noriega has used this contact to stall for time, and we played right into his hand. A message ought to be sent by this Senate to the State Department and all others concerned that this is not to be tolerated.

If this is interpreted as micromanagement, so be it. But this contact by this man, the acting Ambassador from the United States to the Organization of American States, was totally unauthorized. It was awful judgment. It must not be repeated.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KERRY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WIRTH). Without objection, it is so ordered.

Mr. KERRY. Mr. President, I just have looked at a copy of the amendment of the distinguished Senator from North Carolina, and he and I, and I noticed the Senator from New York is on the floor, have worked very closely on this issue over a period of time.

This is the first time I have had a chance to read the amendment, but I am somewhat concerned that there is a departure between this amendment which the distinguished Senator has presented us with this year and the amendment that we passed last year which I and others were supportive of.

First of all, let me just say that on the issue of Panama and the question of our dealings with General Noriega, I do not think the Senator will find any argument from the Senator from Massachusetts or from most of the members of the Foreign Relations Committee that this has been a travesty in the handling of American foreign policy. It is really one of the saddest chapters that I can think of historically and certainly in the last quarter-century of our dealings with a country in this hemisphere.

When you think of the arguments that have centered around Cuba and what was referred to for many years as the loss of Cuba and the impact that that has had on the politics of this country and the implications that

it has over a long period of time, here we have really what has to be referred to as another Cuba in the same context which has come about because of the unwillingness of the American officials to really face up to the choices that we ought to be making.

In the past, Assistant Secretaries and Deputy Secretaries of State have been designated and have had an enormous impact on our affairs.

I recall, because I was deeply involved in the Philippines, that Assistant Secretary Paul Wolfowitz played a significant role; in the Middle East Dick Murphy, whom we all came to know and appreciate for his hard efforts, played a significant role.

Many of us disagreed with the role played by Elliott Abrams, but he played a significant role.

Here we have no identifiable individual whatsoever who is moving policy in this region, and notwithstanding all of the hullabaloo that surrounded General Noriega only a few weeks and months ago during the election, it has now disappeared from any burner, let alone the front burner, of foreign policy, and we have seen a whole opposition disintegrate with the lack of American strategy and the lack of willingness to go forward with that strategy.

So I share the desire of the Senator from North Carolina to try to proceed with the policy in Panama. However, I think the amendment as currently constructed works at cross-purposes with our desires to do so.

Last year, we passed a sense-of-Congress amendment that said that the United States should not conduct or authorize any negotiations and should not make any arrangements with General Noriega which would involve an effort by the United States to dismiss the indictments.

Now, the distinguished Senator who is no longer on the floor at this moment said to me, reading the first part of that sentence, that this amendment he seeks to have adopted this year does nothing different. I differ with him. I think it does something considerably different and very damaging to any efforts that may or may not exist or that might exist in the future with respect to our efforts to try to dislodge General Noriega.

There is in a sense a no severability clause in the amendment as passed last year so that in effect all that we did last year was say you cannot negotiate or make a deal that drops the indictments. That was last year's sentiment.

This year, the Senator from North Carolina is attempting to pass an amendment that would say that no funds appropriated or authorized in this act can be spent with respect to any contacts with General Noriega

except the Federal marshals going in to move him out.

I support and understand why the Senator wants to get him out, and I understand that he wants the Federal marshals to go in and get him out.

It would be, No. 1, I think unconstitutional for the Senate to pass a law prohibiting any funds or expenditures in this act from being used for any kind of contact, because that would be an enormous usurpation of the available power of the President to conduct the affairs of foreign policy.

No. 2, do we really want to do that? Do we want to restrict any kind of expenditure whatsoever that might bring us to the point where you have a negotiation through a contact with General Noriega that he might leave office.

I would respectfully suggest that to pass that kind of absolute general prohibition would be a grave mistake, would tie the hands of the administration and the Congress, would limit us in whatever prospects we may have down the road to hopefully negotiate something, and I do not think really accomplishes the purposes that the Senator wants to accomplish here if I read them correctly.

I would be delighted to try to sit with the Senator and see if we could not find language that more appropriately does accomplish what he sets out to do.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, I would like and hope that the Senate could come to a resolution that would send a very clear signal to Manuel Noriega and to his henchmen that we are not condoning and we are not loaning any kind of support to him in any way and that indeed we are not going to conduct business with him.

I think that is absolutely paramount, and I believe that is what Senator HELMS in offering this amendment was attempting to put into action.

I would hope we could come to an accommodation because I am deeply troubled when I read that the acting minister for OAS, our representative for the OAS, is conducting negotiations with an individual by the name of Carlos Russell who formerly represented Idi Amin—incredible, incredible, and, Mr. President, it sends the wrong message because while at one hand the opposition to Noriega comes forward in good faith to bargain with him, we send out a message with the other hand that says you do not have to because the United States is doing that.

And, therefore, they are treated in a cavalier manner, dismissed. Once again, we sent Noriega a signal that the right hand does not know what the left hand is doing. Absolutely wrong; the wrong message.

So I hope that particularly those among us who almost unanimously have come together in declaring Noriega the outlaw that he is, Noriega the ruler who rules by way of force, who has no support in the Congress of the United States, that we should and could and must fashion a legislative proposal that states very clearly that the United States does not recognize him in any way as the legitimate representative of the people, and that we will assist those people who are fighting for freedom and who seek freedom in Panama.

I believe that it is important that the administration understands that it cannot continue to say one thing and do another. I hope that the U.S. alternate representative to the Organization of American States undertook this initiative to meet with Noriega's representative and to set up a meeting with Noriega on his own, without approval from higher authority.

I would feel very, very disappointed indeed, if at the same time when we are attempting to demonstrate to Noriega and to the world that we stand with the forces of freedom, that we are still undertaking the kinds of activities that sent out a message and the wrong signal that we are willing, yes, to negotiate with Noriega.

I find it offensive. I think it is the wrong kind of message to send. I believe that it is important that we, the U.S. Senate, appear steadfast and united in our opposition to this tyrant. It is counterproductive to have a policy that is stated on one hand and the kind of activity that has been reported to us on the other hand. And it will inure to the benefit of only one person, Manuel Noriega and his drug cartel.

Mr. KERRY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I ask the pending amendment and all amendments behind it be laid aside temporarily.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from West Virginia is recognized.

AMENDMENT NO. 279

Mr. BYRD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself, Mr. DeCONCINI, and Mr.

GORE, proposes an amendment numbered 279.

Mr. BYRD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill add the following new section:

Condemning the brutal treatment of, and blatant discrimination against, the Turkish minority by the Government of the People's Republic of Bulgaria, and authorizing assistance for the relief of Turkish refugees fleeing Bulgaria.

(a) FINDINGS.—The Congress finds that—

(1) The Government of the People's Republic of Bulgaria is a signatory to the 1947 Paris Peace Treaty, the Universal Declaration on Human Rights by the United Nations, and the Helsinki Declaration of the Conference on Security and Cooperation in Europe;

(2) The Helsinki Accords express the commitment of the participating states to respect the fundamental freedoms of conscience, religion, expression, and emigration, and to guarantee the rights of minorities;

(3) The 1971 Constitution of the People's Republic of Bulgaria declares that fundamental rights will not be restricted because of distinction of national origin, race, or religion, and guarantees minorities the rights of study in their mother tongue and freely practice their religion;

(4) Despite its international obligations and constitutional guarantees, the Government of the People's Republic of Bulgaria has taken numerous steps to repress Turkish language and culture, including prohibiting the study of the Turkish language in schools, banning the use of the Turkish language in public, making the receipt and reading of Turkish publications a punishable act, and jamming the reception of Turkish radio and television, programs and Bulgaria;

(5) The right of the ethnic Turkish community to freedom of religion has been severely circumscribed by the Government of the People's Republic of Bulgaria, which has closed a number of mosques and barred the importation of copies of the Koran;

(6) Emigration by ethnic Turks and others has been banned with only a few exceptions;

(7) Beginning in December 1984, the Bulgarian authorities forced the Turkish minority to change their Turkish names to Bulgarian ones, and hundreds of ethnic Turks were killed, injured, or arrested by Bulgarian forces in 1984 and 1985 when they protested this new policy;

(8) The Bulgarian authorities have used both force and coercion to resettle ethnic Turks from their local villages to areas in Bulgaria with small Turkish populations;

(9) In May 1989, Bulgarian troops and police attacked ethnic Turks and others who were peacefully demonstrating against their discriminatory treatment in Bulgaria;

(10) Hundreds of demonstrators were killed or wounded in these attacks, and hundreds more were arrested; and

(11) Since these demonstrations, the Government of the People's Republic of Bulgaria has forcibly expelled or coerced into emigrating to Turkey thousands of ethnic Turks without either their money or their possessions, often resulting in the separation of families.

(b) **POLICY.**—It is the sense of the Congress that the Congress—

(1) strongly condemns the brutal treatment of, and blatant discrimination against, the Turkish minority by the Government of the People's Republic of Bulgaria;

(2) calls upon the Bulgarian authorities to immediately cease all discriminatory practices against this community and to release all ethnic Turks and others currently imprisoned because of their participation in nonviolent political acts;

(3) calls upon the Bulgarian Government to honor its obligations and public statements concerning the right of all Bulgarian citizens to emigrate freely; and

(4) urges the President and Secretary of State to make strong diplomatic representations to Bulgaria protesting its discriminatory treatment of its Turkish minority and to raise this issue in all appropriate international forums, including the Conference on Security and Cooperation in Europe meeting on the environment in Sofia, Bulgaria, this year.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Department of State, \$10 million for purposes of section 2(c) of the Migration and Refugee Assistance Act of 1962, to the Republic of Turkey for assistance for shelter, food and other basic needs to ethnic Turkish refugees fleeing the People's Republic of Bulgaria and resettling on the sovereign territory of Turkey.

Mr. BYRD. Mr. President, I have discussed this amendment with the managers and I hope that they will be willing to accept it. I am pleased to offer it on behalf of my distinguished colleague from Arizona and myself. It condemns Bulgaria's treatment of its ethnic Turkish minority and calls on the Bulgarian authorities to cease immediately the shameful persecution and deportation of these Bulgarian citizens. Further, it authorizes \$10 million in funds for fiscal year 1990 for the assistance of ethnic Turks who have fled Bulgaria and are resettling in the sovereign territory of Turkey.

I have spoken before on this issue here on the Senate floor. When I made that statement, on June 23, 1989, it was apparent that Bulgaria's long-standing draconian policy of forced assimilation of its ethnic Turkish minority had drastically escalated into a policy of expelling its Turkish citizens across the border into Turkey. At the time I made that statement, the estimates of the numbers of ethnic Turks expelled across the border ranged from 30,000 to 45,000.

Today, only 3 weeks after I made that speech, those estimates are 130,000 to 140,000. In only 3 weeks, Bulgaria has forcibly sent 100,000 of its citizens out of their homes, out of their jobs, away from their relatives, property, and bank accounts, into a neighboring country which has accepted them with outstretched arms.

The burden this has placed on Turkey is enormous. In the past year, Turkey has had to accept two massive streams of refugees—the Kurds who fled from Iraq's use of chemical weap-

ons against them late last summer and now these Bulgarian ethnic Turks.

When will this exodus from Bulgaria end? Reportedly, Bulgaria has issued passports for 300,000 of its ethnic Turkish citizens. Turkey's Prime Minister Ozal has said that Turkey will take all the Bulgarian Turks who cross the border—but at what cost to Turkey?

I thank my distinguished colleague, Mr. DeCONCINI, for proposing an amendment on this subject. It is necessary to focus the Senate's attention, and the U.S. Government's attention, on this deplorable matter.

I have added to Senator DeCONCINI's original legislation on authorization for assistance to Turkey to help meet the human needs of the refugees.

Turkey needs help handling this massive influx of refugees. Its most urgent need is for housing. Many of these refugees from Bulgaria are temporarily housed in tents right on the Turkish side of the border. Once the summer ends, some other form of housing will have to be found for these people.

It is my understanding that a bipartisan group of House members has written to the administration and has suggested that \$5 million in fiscal year 1989 foreign aid funds to Somalia, which apparently will not be obligated, should be reprogrammed for use by Turkey to resettle the ethnic Turks. I understand the administration is considering that request.

I would like to encourage the administration to act now favorably on that request. If the funds for Somalia are not available, I hope the administration can find some other way or some other funds to assist Turkey. I believe the United States should make every effort to assist this NATO partner, Turkey in its costly effort to absorb the ethnic Turks who are being expelled from Bulgaria.

For fiscal year 1990, this amendment provides \$10 million for feeding, clothing, and sheltering the ethnic Turks expelled from Bulgaria. Although this is not enough to care for all the Turks who might flee Bulgaria, I hope this amendment will help to dissuade the Bulgarian Government from continuing its draconian forced assimilation policy before it burdens the Turkish people with any further refugees.

As a July 1 editorial in the Washington Post noted, the human tragedy in a remote corner of Europe has been ignored by most of the world, or categorized as "Balkan," a patronizing metaphor for that which is unmodern and unworthy of serious attention. Events in Bulgaria have come to a head at the same time as the tragedy in China, to which the entire world has paid extensive, televised attention. This has meant that Bulgaria has gotten somewhat of a free ride. The Bulgarian expulsion of its Turkish minority is an

appalling violation of the norms of civilized behavior. It is time the world calls Bulgaria to account for this shameful persecution.

The editorial in the Washington Post reads as follows:

BULGARIA AND THE TURKS

In a letter last Saturday, the ambassador of Bulgaria had his say on the matter of the tens of thousands of people from his country who have been streaming across the border into Turkey. According to Ambassador Velichko Velichkov, Bulgaria, acting in the spirit of renewal and restructuring, has granted "Bulgarian Moslems" a full and generous right to travel abroad. The reason that Turkey describes the traffic as expulsion and deportation, he explains, is its own "Pan-Turkish imperial ambitions." This is his way to "set the record straight."

In fact, this is not one of those disputes where the truth lies somewhere in between. The Turks have a serious complaint. The Bulgarians are acting arbitrarily, cruelly and in a way that mocks their efforts otherwise to let in a little light. The ambassador grossly distorts the truth. What is going on is one of the major human rights outrages of the decade.

About five years ago, Communist Bulgaria stepped up an old campaign to assimilate the ethnic Turkish tenth of the population left over from five centuries of Ottoman rule: banning observance of Moslem customs and use of the Turkish language, requiring people who regard themselves as ethnic Turks (not as "Bulgarian Moslems") to take Bulgarian names and so on. The Turks of Turkey do not have strong human rights credentials in the West or a strong community of kin in the United States, and their appeals for the Turks of Bulgaria did not carry far. Most people, if they paid attention at all, filed Turkey's appeals under "Balkan"—which can be a patronizing metaphor for tribal, unmodern, unworthy of others' serious attention.

More recently, the stream of "tourists," as Bulgaria perversely calls them, tumbling, fleeing and being thrown into Turkey has gotten so large and pitiable as to be impossible for others to ignore. This is the basis of the international protests now mounting against Bulgaria's policy of forcible cultural and communal assimilation—a policy that has meant loss of property and livelihood for many of its victims and torture and loss of life for some.

This human tragedy in a remote corner of Europe has come to a head while most of the world was following the grander, more thoroughly televised events in China. In that sense Bulgaria has gotten something of a free ride. It deserves to be called to account for its appalling and shameful persecution of its Turkish citizens.

Mr. DeCONCINI. Mr. President, as Chairman of the Commission on Security and Cooperation in Europe, I am proposing with Senator Byrd an amendment to the State Department authorization bill (S. 1160) condemning Bulgaria's treatment of its ethnic Turkish minority, which accounts for over 10 percent of the population in Bulgaria. This amendment includes language which is identical to Senate Concurrent Resolution 46, which I submitted on June 15. It calls upon the Bulgarian authorities to immedi-

ately cease all discriminatory practices against its Turkish minority and to honor its international obligations and public statements concerning the right of all Bulgarian citizens to emigrate freely. The amendment also urges the administration to raise these issues at all appropriate international fora, including the Conference on Security and Cooperation in Europe [CSCE] meeting on the environment scheduled to take place in October in Sofia, Bulgaria.

In late May, we began to receive numerous reports of peaceful demonstrations protesting the Bulgarian Government's policy of forced assimilation of the Turkish minority. This policy began in the 1950's with the closing of Turkish schools and mosques. In late 1984, this campaign intensified when the regime compelled over 1 million members of the Turkish minority, sometimes by force, to change their names. At the same time, the Bulgarian Government insisted that there was no ethnic Turkish minority in Bulgaria claiming that ethnic Turks were in reality Bulgarians who had been forcibly Islamicized under Ottoman rule. To this day, the regime continues to have the audacity to claim that these 1 million people changed their names voluntarily within a 3-month period.

Since 1984, the Bulgarian Government has continued to suppress Turkish culture and identity. Public use of the Turkish language is forbidden and punishable by fines; the receipt and reading of Turkish publications are also prohibited and jamming of Turkish TV and radio programs continues. Bulgarian authorities even forbid the wearing of traditional Turkish clothes.

The Government also continues to suppress Bulgarian Muslims, the majority of whom are ethnic Turks whose culture is intertwined with Islam. Most of Bulgaria's mosques have been closed, observance of Muslim holidays discouraged, and Muslim rites such as weddings, burials, and circumcisions are restricted or prohibited. Religious education of children is not allowed, and the Koran is not published nor can it be legally imported. These repressive measures represent flagrant violations of Bulgaria's commitments under the Helsinki Final Act, Madrid Concluding Document and the recently concluded Vienna Document.

Mr. President, the May demonstrations, which resulted in the deaths and injuries of hundreds and the arrests of numerous others, and the subsequent exodus of over 100,000 ethnic Turks to date are the direct result of the Bulgarian Government's attempts to eradicate Turkish identity. We are now learning that these demonstrations were more widespread than initially thought, involving hundreds of thousands of people. It is important to

note that ethnic Turkish efforts to assert their legitimate rights are also supported by ethnic Bulgarians, particularly members of Bulgaria's Independent Association for the Defense of Human Rights and the independent trade union "Podkrepa." Indeed, in addition to ethnic Turks, Bulgarian human rights activists such as Konstantin Trenchev and Nikolai Kolev are still being detained for supporting the legitimate aspirations of the repressed Turkish minority. In late May, in the face of these widespread protests, often quashed through violent means, the Bulgarian Government began to deport thousands of ethnic Turks, some after only a few hours notice. Ethnic Turkish refugees now in Turkey report abandoning houses, apartments, domestic animals and cars in Bulgaria; still others report they had been separated from family.

The sudden and unanticipated influx of hundreds of thousands of ethnic Turks has placed a tremendous burden on Turkey. This amendment authorizes financial assistance in the amount of \$10 million to the Republic of Turkey for assistance for shelter, food, and other basic needs to ethnic Turks fleeing Bulgaria.

The demonstrations and expulsions, the direct result of the forcible assimilation campaign, represent a refusal by the Bulgarian Government to implement the obligations entered into voluntarily in Helsinki in 1975 and in Vienna earlier this year. They are particularly evident against the backdrop of improvements in human rights compliance in some parts of Eastern Europe. The issue of the brutal treatment of the Turkish minority in Bulgaria was a subject raised by many delegations, including our own, at the recently concluded Paris meeting of the CSCE Conference on the Human Dimension. It is a subject that we must continue to raise to make absolutely certain that the Bulgarian Government recognizes that its persecution of the Turkish minority will not be tolerated. We need to become more forceful in expressing our outrage over recent events in Bulgaria. I hope that this amendment will send a loud and clear message to the Bulgarian Government as well as concretely assist these displaced Turkish refugees.

Mr. BYRD. Mr. President, I ask unanimous consent that the names of Messrs. SARBANES and LUGAR be added as cosponsors to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. Mr. President, I would like to congratulate the distinguished Senator from West Virginia on his amendment. I ask unanimous consent I be added as a cosponsor.

Mr. BYRD. Mr. President, I thank the distinguished Senator and I ask unanimous consent that his distin-

guished name be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. And I also ask unanimous consent that Mr. BENTSEN's name be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered. The question is on agreeing to the amendment offered by the Senator from West Virginia.

Mr. BYRD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. PELL. Mr. President, I fully support this amendment. The Government of Bulgaria has long practiced a cruel policy of forced assimilation of its minority Turkish population. Indeed, the Bulgarian Government has long maintained an official lie—it has told the world that there is no such thing as a distinct ethnic minority in Bulgaria. Instead, it pretends that ethnic Turks are really Bulgarians who were compelled to convert to Islam under Ottoman rule.

That official lie, which began as early as the 1950's, intensified in 1984 when the regime forced over 1 million members of the Turkish minority to change their names. As part of its forced assimilation campaign, the Bulgarian Government has also outlawed the public use of the Turkish language and banned Turkish publications.

In May, the Turkish minority launched a series of demonstrations against this inhuman policy. The Bulgarian Government responded with a violent crackdown of killings and beatings. As a result, there has been an exodus of over 100,000 ethnic Turks from Bulgaria to Turkey.

This amendment helps to expose the official lie which the Bulgarian Government has for so long tried to hide behind and it sends a clear signal that the world will not be silent in the face of Bulgaria's brutal violation of human rights.

Mr. BYRD. I want to thank the distinguished manager of the bill for his very supportive statement. I am sure that statement is welcomed in all areas of the country and in the world where people prize freedom and decency.

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The question is on agreeing to the amend-

ment offered by the Senator from West Virginia.

Mr. BYRD. Mr. President, if the Chair will withhold momentarily, it may be that we can dispense of another matter before we do that roll-call.

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 278, AS MODIFIED, TO
AMENDMENT NO. 277

Mr. HELMS. Mr. President, I ask that it be in order, notwithstanding the fact that the yeas and nays have been ordered on the second-degree amendment to the underlying amendment of the Senator from Tennessee, that it be in order for me to modify the amendment, by agreement on both sides.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. HELMS. I send to the desk the modification to the amendment, and I thank the Chair.

The amendment (No. 278), as modified, is as follows:

At the end of the amendment bill, add the following:

Sec. . No funds authorized to be appropriated in this or any other act shall be made available for the purpose of initiating or conducting contacts with General Manuel Antonio Noriega except for the purpose of issuing a warrant or executing his arrest to stand trial under the terms of the indictment issued on February 5, 1988, in the United States District Court for the Southern and Central Districts of Florida on drug related charges, unless the President determines and certifies to Congress that the contacts are intended to result in the departure of Noriega from power.

Mr. HELMS. The yeas and nays are still ordered on the amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. HELMS. I thank the Chair. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that the name of Mr. STEVENS be added to the amendment on which a rollcall vote will occur.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from West Virginia. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.
Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. MATSUNAGA] is absent because of illness.

The PRESIDING OFFICER (Ms. MIKULSKI). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 120 Leg.]

YEAS—99

Adams	Fowler	McClure
Armstrong	Garn	McConnell
Baucus	Glenn	Metzenbaum
Bentsen	Gore	Mikulski
Biden	Gorton	Mitchell
Bingaman	Graham	Moynihan
Bond	Gramm	Murkowski
Boren	Grassley	Nickles
Boschwitz	Harkin	Nunn
Bradley	Hatch	Packwood
Breaux	Hatfield	Pell
Bryan	Heflin	Pressler
Bumpers	Helms	Pryor
Burdick	Hollings	Reid
Burns	Humphrey	Riegle
Byrd	Inouye	Robb
Chafee	Jeffords	Rockefeller
Coats	Johnston	Roth
Cochran	Kassebaum	Rudman
Cohen	Kasten	Sanford
Conrad	Kennedy	Sarbanes
Cranston	Kerrey	Sasser
D'Amato	Kerry	Shelby
Danforth	Kohl	Simon
Daschle	Lautenberg	Simpson
DeConcini	Leahy	Specter
Dixon	Levin	Stevens
Dodd	Lieberman	Symms
Dole	Lott	Thurmond
Domenici	Lugar	Wallop
Durenberger	Mack	Warner
Exon	McCain	Wilson
Ford		Wirth

NAYS—0

NOT VOTING—1

Matsunaga

So the amendment (No. 279) was agreed to.

Mr. BYRD. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HELMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MITCHELL. Madam President, I ask unanimous consent that the vote—

Mr. HELMS. Madam President, the Senate is not in order.

The PRESIDING OFFICER. The Senator from North Carolina is right. The Senate is not in order. I am going to ask first the pages to sit down and then I am going to ask the Senate to follow the example of the pages.

Could we sit down, please? Could we take our seats? Could we take our seats?

Now, the majority leader was asking unanimous consent.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Madam President, I ask unanimous consent that the votes on the Helms second-degree

amendment and the Gore first-degree amendment occur immediately without intervening debate or action and that the vote on the Helms amendment be a 15-minute vote and that the vote on the Gore amendment be followed immediately without intervening debate or action and be a 10-minute vote.

Mr. DANFORTH. Madam President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. DANFORTH. Madam President, parliamentary inquiry. I will direct the inquiry to the Senator from North Carolina.

Is the Helms amendment the Noriega amendment?

Mr. HELMS. The Senator is correct.

Mr. DANFORTH. Reluctantly, Madam President, I would have to object. I would like to debate that for at least a few minutes, say, maybe 10 minutes or so, if you would like an agreement on this.

Mr. MITCHELL. Madam President, I ask unanimous consent that there now be a period of 20 minutes of debate on the Helms second-degree amendment, equally divided, under the control of Senator HELMS or his designee in behalf of the amendment and Senator PELL or his designee in opposition to the amendment; that upon the completion of that debate or the yielding back of time, the vote on the Helms amendment occur without any further debate or intervening action; that upon the disposition of the Helms amendment, the Senate, without any intervening debate or action, vote on the Gore first-degree amendment; and that the vote on the Gore amendment be limited to 10 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. HELMS. Reserving the right to object, and I shall not object, if the Chair will bear with me for just 1 minute.

The PRESIDING OFFICER. Is there objection?

Mr. HELMS. Just 1 minute.

Mr. MITCHELL. Does the Senator from North Carolina reserve his right to object?

Mr. HELMS. I reserve my right to object, and did.

Mr. MITCHELL. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there objection to the majority leader's request?

Without objection, the majority leader's request is agreed to.

Who yields time on the amendment?

Mr. DANFORTH. Madam President, may we have order in the Senate before we start the time rolling?

The PRESIDING OFFICER. The Senator is correct. Those Senators standing and engaging in conversations, please withhold and other Senators take their seats.

The Senator from Missouri.

Mr. DANFORTH. Madam President, there still is not order in the Senate.

The PRESIDING OFFICER. The Senator from Missouri has asked the Senators standing to please sit down.

Mr. DANFORTH. Madam President, I thank the Chair.

The PRESIDING OFFICER. Who yields time to the Senator from Missouri?

Mr. PELL. Madam President, I was designated by the majority leader to control the time. Since I will be in support of the Senator's amendment, I have yielded my 10 minutes to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri now controls time in opposition to the amendment.

Mr. DANFORTH. Madam President, I thank the Chair.

Madam President, I use this opportunity to point out what Senator BOREN and I have been pointing out in the past, and that is the pitfalls of the Congress of the United States, particularly by floor amendments, determining the precise details for the conduct of foreign policy and thereby restricting this administration or any other administration in the appropriate utilization of the executive's function in the conduct of foreign policy.

Madam President, nobody likes General Noriega. If we had a vote on the floor of the Senate about whether or not Noriega is a good person, whether we should be supportive of General Noriega, whether we like General Noriega, whether we want him to be retained in power in Panama, 100 Members of the Senate would vote against General Noriega.

But that is not precisely what we are about to vote on. What we are about to vote on is whether the President of the United States or anyone else in the Government can have any contacts at all for any reason with General Noriega with the two exceptions of arranging for his arrest or resulting in his departure from power.

I would like to see General Noriega arrested. I would like to see him put in prison and throw away the key. And I certainly would like to see him removed from power.

But the question is whether the Congress of the United States is overdoing it when we put in State Department authorization bills detailed restrictions on who can be contacted by

whom in the ordinary conduct of the foreign policy of the United States.

That is the only point that I am making, Madam President. I think that it weakens the position of the United States for Congress forever to be mucking around in the conduct of foreign policy in floor amendments. I think that it creates a weak President, a weak Executive, for the Congress of the United States to limit, prohibit, even discussions by the executive branch, even with people we do not like very much. When you think about it, many, many negotiations in foreign policy are between representatives of the United States and people we absolutely abhor. That is the sole point that I would like to make to the Senate today.

I take it that in this vote it will be about 99 to 1 in favor of the Helms amendment. But I for one simply wanted to make the point, as I have done in the past, that it does not serve the interests of the United States and it does not serve the interests of the foreign policy of this country for us to be putting these kinds of restraints on the executive in even initiating or making contact with various officials around the world.

Mr. MITCHELL. Madam President, will the Senator yield to me for 2 minutes?

Mr. DANFORTH. Yes.

Mr. MITCHELL. Madam President, we just had a vote on the Moynihan amendment. The principal argument against the Moynihan amendment was advanced by the distinguished Senator from North Carolina, who characterized it as an impermissible intrusion upon the authority of the President. He told us yesterday and he told us today we should not be telling the President what to do, what not to do; what to say, what not to say.

Now here comes the Senator from North Carolina with an amendment that not only tells the President who he can or cannot talk to, but tells the President what he can or cannot say.

As I read this amendment, if the President talks to General Noriega or anyone else for the purpose of issuing a warrant for his arrest or to result in his departure from power, he may do so. But on any other subject, the President is precluded from doing so.

This does it by means of cutting off the funds. But if I may ask my distinguished colleague, the author of this amendment, when it says "no funds authorized," does that include payment for a Government vehicle to transport a Government official to a meeting for this purpose, say, in an aircraft or an automobile?

Mr. HELMS. Madam President, this question cannot be answered yes or no. I will answer him in some detail.

Mr. MITCHELL. All right. Perhaps the Senator could do it on his time, then.

Mr. HELMS. That is exactly right. There is no inconsistency whatsoever. I am just a lonely, obscure, nonlawyer Senator. But this amendment is clear, the Moynihan amendment was clear, and they are different; as different as night and day.

Mr. MITCHELL. The Senator may be lonely and a nonlawyer, but he is not obscure.

Mr. HELMS. I thank the Senator.

Mr. MITCHELL. I merely point out that under this amendment, a Government official could not make a telephone call, could not ride in a car, could not ride in an airplane—including the President, could not use any Government funds unless it were for a particular purpose specified in the amendment.

Mr. HELMS. Will the Senator yield?

Mr. MITCHELL. Rarely—if I may just finish—rarely have I seen, scarcely can any Senator imagine a greater intrusion upon the authority of the President than for the Senate to tell him, not only to whom he can or cannot talk, but what he can or cannot say.

So I think for those who voted against the Moynihan amendment on the grounds that it intruded upon the authority of the President, I ask you to consider how you will vote on this amendment. All of us in public life, whose words are recorded, meet ourselves coming around the corner from time to time. But not often do Senators cast votes with such total inconsistency within such a short period of time. We ought to try to at least let one sunset and sunrise elapse between totally inconsistent votes.

Yet anybody who voted against the Moynihan amendment who now votes for this amendment is casting a vote that is diametrically opposite to that which was cast just a short time ago.

Mr. President, I understand the Senator from Maine wishes to speak. The Senator from Missouri controls the time.

Mr. COHEN. Will the Senator yield for a question?

Mr. MITCHELL. Certainly.

Mr. COHEN. I would like my colleague's legal interpretation. If the contacts were to be initiated through nonappropriated funds or from funds furnished through third countries, would that be permissible conduct on behalf of the President of the United States?

Mr. MITCHELL. I did not write this amendment.

Mr. COHEN. I am trying to figure out if there is any symmetry between the previous Moynihan amendment, which would allow the President to take this action provided it was third countries who supplied the funds. If in this case we had a situation where funds were not appropriated but were furnished by third countries, would

that allow the President to continue to talk to Mr. Noriega?

Mr. MITCHELL. I believe under this amendment it would. I believe the Senator, my distinguished colleague, is making a point very effectively. Why does the Senator not make the point? It is a very good one.

Mr. COHEN. I am just trying to follow up on the point made by my good friend from Maine. That is, on one hand we have criticism coming where we seek to pass laws which require the President to comply with the rule of law, and this is viewed as an intrusion into foreign policy. Yet we have the same thing here, but it is written so: only if funds are not authorized. In other words, the President cannot carry out these contacts through appropriated funds. The question arises could he, in fact, initiate contact with General Noriega through nonappropriated funds or through funding coming from third countries?

If that is the case, would that be, in fact, consistent with the position of the Senator from North Carolina as articulated in the Moynihan amendment?

Mr. MITCHELL. The Senator has made the point very effectively, that what we have done here is to say that the President cannot do this with the use of U.S. funds but if somehow he could go around and solicit them from some other source, he could engage in that type of activity.

That is the position of one who voted against the Moynihan amendment and for this. It is, I think, a situation not contemplated by the men who wrote the Constitution.

I thank my distinguished colleague.

The PRESIDING OFFICER. Has the Senator from Missouri yielded? He yielded time and he controls the time.

Mr. DANFORTH. Madam President, how much time do I have?

The PRESIDING OFFICER. The distinguished majority leader asked for a few minutes. Is the Senator yielding time?

Mr. DANFORTH. Madam President, do I have any remaining time?

The PRESIDING OFFICER. The Senator has 36 seconds.

Mr. DANFORTH. I will reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from North Carolina has 10 minutes.

Mr. HELMS. I will say to my friend, the former Federal judge: let him call collect.

Madam President, I am just a little bit astonished that the distinguished majority leader and my friend from Missouri could possibly charge me with inconsistency. My opposition to the amendment by the distinguished Senator from New York [Mr. MOYNIHAN] was based on the fact that his amendment usurps the constitutional

powers of the President to conduct foreign policy. I stated then that Congress has the power of the purse. I said it yesterday over and over again. I said it today. And I will say it again. That is our power.

We do not have the power that Mr. MOYNIHAN bestowed upon the Congress of the United States to make policy a criminal act.

There is a great deal of difference. I stated as clearly as I knew how—

Mr. NICKLES. Will the Senator yield for a question?

Mr. HELMS. No, sir.

We could cut off U.S. Government funding, but we cannot touch the President's decision on policy if no U.S. Government funding is required. I said that with reference to Mr. MOYNIHAN's amendment. I say it to this one. I say to the distinguished Senator that the pending amendment is a cutoff of funds. It is an exercise of the power of the purse. It is our one recourse, under the Constitution. It is perfectly legitimate and constitutional.

Using nonappropriated funds for contacts would be consistent with the Helms amendment, but not consistent with the Moynihan amendment, contrary to what has been said here. Cutting off of funds is as far as we can go in the Congress. Maybe we would like to go farther, but we cannot and that is the point.

I am wondering if the distinguished majority leader and my friend from Missouri, Mr. DANFORTH, have read the amendment, particularly as modified. Let us read it all, just so everybody will understand what it says:

No funds authorized to be appropriated in this or any other act shall be made available for the purpose of initiating or conducting contacts with General Manuel Antonio Noriega except for the purpose of issuing a warrant or executing his arrest to stand trial under the terms of the indictment issued on February 5, 1988, in the United States District Court for the Southern and Central Districts of Florida on drug related charges * * *.

I will say parenthetically that that is the policy of the Bush administration right now. That is where they stand right now. We are not telling them to do anything. We are just saying that underlings, such as the one I mentioned a while ago, the acting Ambassador from the United States to the Organization of American States, will be absolutely prohibited. But I do not make it a criminal act. I just say he cannot do it and he cannot use any funds.

A mountain is being made out of a molehill. But let me finish the amendment.

* * * unless the President determines and certifies to Congress that the contacts are intended to result in the departure of Noriega from power.

That is the policy of the Bush administration and I hope to God that

he will not change it. And I hope, similarly, that no Senator wants that policy changed. And that is what this amendment is about. There is no inconsistency whatsoever in my position on the Moynihan amendment, which, according to constitutional experts who have advised me, is patently unconstitutional, this amendment, which we do all the time. Who are the majority leader's people to talk about this amendment? They are the ones who cut off funds to the freedom fighters in Nicaragua and they caused the problem in Central America when they did so. Go look at the Boland amendments. So let us be consistent around this place and not charge somebody who is being consistent with inconsistency.

How much time do I have remaining, Madam President?

The PRESIDING OFFICER. The Senator has 5 minutes and 14 seconds.

Mr. HELMS. In the interest of letting Senators go home, I yield back the remainder of my time. Let us vote.

The PRESIDING OFFICER. The Senator from Missouri controls time.

Mr. DANFORTH. Madam President, I make just two points in my 36 seconds. First, even as amended, I am told that the administration opposes this amendment.

Second, if it is the intention of the U.S. Senate to get Noriega out, the clearest way to get him out is to facilitate possible discussions, and the clearest way to cement him in power, to freeze him in, is to absolutely prohibit any kind of flexibility by the administration in dealing with him.

The PRESIDING OFFICER. The time of the Senator has expired. The Senator from North Carolina yields his time back. The question is on agreeing to the amendment. The yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. MATSUNAGA] is absent because of illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 37, nays, 62, as follows:

[Rollcall Vote No. 121 Leg.]

YEAS—37

Armstrong	Graham	McClure
Boschwitz	Gramm	McConnell
Breaux	Grassley	Murkowski
Burns	Harkin	Nickles
Coats	Hatch	Pressler
D'Amato	Heflin	Roth
DeConcini	Helms	Shelby
Dixon	Humphrey	Symms
Exon	Kasten	Thurmond
Ford	Kerry	Wallop
Fowler	Lieberman	Wilson
Garn	Lott	
Gore	Mack	

NAYS—62

Adams	Biden	Boren
Baucus	Bingaman	Bradley
Bentsen	Bond	Bryan

Bumpers	Hollings	Packwood
Burdick	Inouye	Pell
Byrd	Jeffords	Pryor
Chafee	Johnston	Reid
Cochran	Kassebaum	Riegle
Cohen	Kennedy	Robb
Conrad	Kerrey	Rockefeller
Cranston	Kohl	Rudman
Danforth	Lautenberg	Sanford
Daschle	Leahy	Sarbanes
Dodd	Levin	Sasser
Dole	Lugar	Simon
Domenici	McCain	Simpson
Durenberger	Metzenbaum	Specter
Glenn	Mikulski	Stevens
Gorton	Mitchell	Warner
Hatfield	Moynihan	Wirth
Heinz	Nunn	

NOT VOTING—1

Matsunaga

So, the amendment (No. 278), as modified, was rejected.

Mr. MITCHELL. I move to reconsider the vote by which the amendment was rejected.

Mr. GRAMM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GORE. Madam President, I ask unanimous consent to change the figure cited in the pending amendment from 15 percent to 30 percent.

Mr. GRAMM. Madam Chairman, I object.

The PRESIDING OFFICER. Objection is heard.

VOTE ON AMENDMENT NO. 227

The PRESIDING OFFICER. Under the previous order, the question is now on agreeing to the amendment by the Senator from Tennessee. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. MATSUNAGA] is absent because of illness.

The PRESIDING OFFICER (Mr. ROBB). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 20, nays 79, as follows:

[Rollcall Vote No. 122 Leg.]

YEAS—20

Breaux	Gore	Pell
Bumpers	Inouye	Pressler
Burdick	Kennedy	Pryor
Byrd	Leahy	Sarbanes
Cranston	Levin	Sasser
Exon	Metzenbaum	Simon
Ford	Mikulski	

NAYS—79

Adams	Danforth	Heflin
Armstrong	Daschle	Heinz
Baucus	DeConcini	Helms
Bentsen	Dixon	Hollings
Biden	Dodd	Humphrey
Bingaman	Dole	Jeffords
Bond	Domenici	Johnston
Boren	Durenberger	Kassebaum
Boschwitz	Fowler	Kasten
Bradley	Garn	Kerrey
Bryan	Glenn	Kerry
Burns	Gorton	Kohl
Chafee	Graham	Lautenberg
Coats	Gramm	Lieberman
Cochran	Grassley	Lott
Cohen	Harkin	Lugar
Conrad	Hatch	Mack
D'Amato	Hatfield	McCain

McClure	Riegle	Stevens
McConnell	Robb	Symms
Mitchell	Rockefeller	Thurmond
Moynihan	Roth	Wallop
Murkowski	Rudman	Warner
Nickles	Sanford	Wilson
Nunn	Shelby	Wirth
Packwood	Simpson	
Reid	Specter	

NOT VOTING—1

Matsunaga

So the amendment (No. 277) was rejected.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senator from Tennessee be permitted to address the Senate for 2 minutes on the subject of the amendment just voted on.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair recognizes the Senator from Tennessee.

Mr. GORE. Mr. President, I wish to serve notice that I intend to reoffer the amendment tomorrow to the same bill with the percentage change from 15 percent to 30 percent. The reason is that a number of colleagues expressed support for the principle contained in the amendment but felt that in light of past practice under administrations of both parties the percentage should be higher.

I also hope to continue to establish a record that will be useful when the Senate is next confronted with a nominee whose credentials are thin, who is clearly unqualified for the post for which that person is nominated, so that those who argue that the Senate has the remedy to abuses of the nominating process will then look more carefully at the qualifications of some of the people who are being sent over to use by this present administration.

But I do want to serve notice that during tomorrow's session I will introduce an amendment to the same bill worded as the amendment just defeated but with 30 percent instead of 15 percent.

I thank the majority leader for the unanimous-consent request.

The PRESIDING OFFICER. The Chair recognizes the majority leader, Senator MITCHELL.

Mr. MITCHELL. Mr. President, for the information of Senators there will be no further rollcall votes this evening.

However, Senators should be aware that there will continue to be debate and discussion on amendments.

Mr. PRESSLER. Mr. President, if it is necessary to have a rollcall vote,

could we get one early tomorrow morning?

Mr. MITCHELL. I was about to state that.

If any votes are ordered on amendments debated this evening they will be ordered for tomorrow morning.

It is my intention after discussion with the distinguished Republican leader, the chairman, and ranking member of the committee, to seek to obtain unanimous consent on the remaining amendments with time limits shortly.

Senators who have an interest in amendments should be present for that purpose or should communicate their intentions to the respective majority and minority staffs.

I understand the managers are prepared to consider an amendment or amendments now.

Mr. PELL. That is correct on our side.

Mr. MITCHELL. If they could proceed to do that with the understanding that when we have the proposed agreement ready, we could interject and try to get that agreement, that would be I believe, helpful to all concerned.

Mr. PRESSLER. That is fine.

The PRESIDING OFFICER. The Chair recognizes the Senator from South Dakota.

AMENDMENT NO. 280

(Purpose: Expressing the sense of the Congress on the Yugoslavian human rights situation)

Mr. PRESSLER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from South Dakota [Mr. PRESSLER], for himself, Mr. DOLE, Mr. D'AMATO, and Mr. DOMENICI, proposes an amendment numbered 280.

Mr. PRESSLER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following new section:

SEC. . HUMAN RIGHTS IN YUGOSLAVIA.

(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) the United States continues to support the independence, unity, and territorial integrity of Yugoslavia;

(2) the Department of State's 1988 Country Report on Human Rights Practices cites many human rights practices in Yugoslavia that violate internationally accepted human rights standards, including infringement upon and abrogation of the rights of assembly and fair trial, freedom of speech, and freedom of the press;

(3) the Country Report also indicates that these human rights violations are targeted at certain ethnic groups and regions, most particularly against the ethnic Albanians in

the Socialist Autonomous Province of Kosovo;

(4) the human rights of all ethnic groups in Kosovo must be preserved;

(5) those human rights violations, in addition to recent actions taken to limit the social and political autonomy of Kosovo, have precipitated a crisis in that region;

(6) the response of the Government of Yugoslavia to that crisis was a police crackdown that led to the deaths of many civilians and police officers, the wounding of hundreds more, and the imprisonment of additional hundreds;

(7) these human rights abuses violate the high ideals of mutual equality, dignity, and brotherhood among all of the nations and nationalities in Yugoslavia, which have been the guiding principles of Yugoslavia since 1945; and

(8) the European Parliament of the European Community has condemned these actions by the Government of Yugoslavia.

(b) **STATEMENT BY THE CONGRESS.**—The Congress—

(1) expresses concern regarding human rights violations by the Government of Yugoslavia and its repressive handling of the crisis in the Socialist Autonomous Province of Kosovo;

(2) urges the Yugoslav Government to take all necessary steps to assure that further violence and bloodshed do not occur in Kosovo;

(3) urges the Government of Yugoslavia to observe fully its obligations under the Helsinki Final Act and the United Nations Declaration on Human Rights to assure full protection of the rights of the Albanian ethnic minority and all other national groups in Yugoslavia;

(4) requests the President and the Department of State to continue to monitor closely human rights conditions in Yugoslavia; and

(5) calls upon the President to express these concerns of the Congress through appropriate channels to representatives of Yugoslavia.

Mr. PRESSLER. Mr. President, I understood that the distinguished managers of the bill were prepared to accept this amendment regarding human rights in Yugoslavia. If that is the case, I wish to express my appreciation to the managers.

This amendment is quite similar to a resolution offered by Senators DOMENICI, D'AMATO, DOLE, and myself a few weeks ago.

It is identical to language adopted by the House during floor consideration of the foreign assistance authorization bill the week before last. It is also identical to an amendment adopted to the foreign assistance bill last week in the Foreign Relations Committee.

It is clear that there is a growing human rights problem in Yugoslavia. It affects Albanians, Croats, Slovenians, and other non-Siberian nationalities in that country.

I do not argue that there have been abuses against all sides, but I refer specifically to the recently issued Amnesty International report on Yugoslavia. The report details some of the torture and other violence that has occurred in the Province of Kosovo.

Mr. President, I urge all Senators to examine the May and June 1989 Am-

nesty International report on the Yugoslavian situation as well as the 1988 State Department country report on human rights practices on this subject.

As this amendment states, Yugoslavia is violating internationally accepted human rights standards with respect to certain ethnic minorities, particularly ethnic Albanians in Kosovo Province.

The European parliament has condemned these human rights abuses. The Congress of the United States should do the same.

I might say that the House, under the leadership of Congressman LANTOS and others, has adopted this identical amendment, as has the Foreign Relations Committee of the United States Senate.

This amendment basically takes the same position as the European Parliament.

The amendment expresses concerns about human rights violation in Yugoslavia, urges Yugoslavia to prevent further violence in Kosovo and fully observe the Helsinki Final Act and the United Nations Declaration on Human Rights. It requests our own Government to continue close monitoring of Yugoslavian human rights conditions and calls on the President to express these concerns of the Congress to representatives of Yugoslavia.

Mr. President, I urge the adoption of this amendment, and ask unanimous consent that Senators DOLE, DOMENICI, and D'AMATO be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRESSLER. Mr. President, if this amendment is not accepted, I would like to ask for the yeas and nays and have them ordered for a time specific tomorrow.

Several Senators addressed the Chair.

Mr. PRESSLER. Mr. President, on this amendment I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There does not appear to be a sufficient second.

Mr. PRESSLER. Mr. President, I ask again for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota has the floor.

The Chair recognizes the Senator from Maryland [Mr. SARBANES].

AMENDMENT NO. 281 TO AMENDMENT NO. 280

Mr. SARBANES. Mr. President, I send a perfecting amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Maryland [Mr. SARBANES] proposes an amendment numbered 281 to the Pressler amendment numbered 280.

Strike all after "SEC. 862" and insert the following: "Human Rights in Yugoslavia."

Mr. PRESSLER. Mr. President, I did not yield the floor. Mr. President, I did not yield the floor.

Mr. President, a point of parliamentary inquiry.

The PRESIDING OFFICER. Once the yeas and nays were requested, the Senator yielded the floor with that particular request.

The clerk will read the amendment.

The assistant legislative clerk continued reading the amendment.

Mr. SARBANES. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

HUMAN RIGHTS IN YUGOSLAVIA.

(a) **FINDINGS.**—The Congress finds that—

(1) the United States continues to support the independence, unity, and territorial integrity of Yugoslavia;

(2) recent months have seen increased violence and social unrest in the Socialist Autonomous Province of Kosovo;

(3) the State Department's 1988 Country Report on Human Rights Practices cites many human rights practices in Yugoslavia that violate internationally accepted human rights standards;

(4) the Country Report also indicates that despite the Yugoslavian Government's efforts to provide for the equality of its citizens, some social prejudice continues to exist, particularly with regard to ethnic Albanians, and the Serbian minority in Kosovo has complained sharply of physical mistreatment and discriminatory practices on the part of the Albanian majority there;

(5) these human rights abuses violate the high ideals of mutual equality, dignity, and brotherhood among all of the nations and nationalities in Yugoslavia, which have been the guiding principles of Yugoslavia since 1945; and

(6) the human rights of all ethnic groups in Kosovo must be preserved.

(b) **STATEMENT BY THE CONGRESS.**—The Congress—

(1) expresses concern regarding human rights abuses, violence and ethnic unrest in the Kosovo province;

(2) urges the Government of Yugoslavia to take all necessary steps to assure that further violence does not occur in Kosovo;

(3) urges the Government of Yugoslavia to observe fully its obligations under the Helsinki Final Act and the United Nations Declaration on Human Rights to assure full protection of the rights of all citizens of Kosovo;

(4) requests the President and the Department of State to continue to monitor closely the human rights situation in Kosovo;

(5) calls upon the President to express these concerns of the Congress through appropriate channels to representatives in Yugoslavia.

Mr. SARBANES. Mr. President, I have had discussions earlier in the day

with the able and distinguished Senator from South Dakota that prompted a discussion I had with the very able Congresswoman from Maryland, HELEN BENTLEY of this issue. She makes the point, as in fact is made in the State Department's human rights report, that there have been allegations and complaints back and forth between the Serbian minority in Kosovo and the Albanian majority there.

There is a difficult human rights situation in Kosovo, and I believe the Senate must go on record with respect to it. I therefore think that the language must be worked out very carefully, and the language that I have just submitted I think accomplishes that.

On the 11th of July, Congresswoman BENTLEY made an extended statement in the CONGRESSIONAL RECORD, having just returned from a trip to Yugoslavia and a visit to Serbia.

I am not trying to determine the rights and wrongs of these disputes. I think that we need to recognize the difficult situation there on the human rights front and call on Yugoslavia to abide by its Helsinki commitments, as the Senator from South Dakota has done.

What we have done in this perfecting amendment—and I will quote from it now for the benefit of the Senate—is to find that:

The United States continues to support the independence, unity, and territorial integrity of Yugoslavia;

Recent months have seen increased violence and social unrest in Kosovo;

The State Department's 1988 Country Report on Human Rights Practices cites many human rights practices in Yugoslavia that violate internationally accepted human rights standards;

The Country Report also indicates that despite the Yugoslavian Government's efforts to provide for the equality of its citizens, some social prejudice continues to exist, particularly with regard to ethnic Albanians, and the Serbian minority in Kosovo has complained sharply of physical mistreatment and discriminatory practices.

So there are many allegations back and forth.

We also find that:

These human rights abuses violate the high ideals of mutual equality, dignity, and brotherhood among all of the nations and nationalities in Yugoslavia * * *;

The human rights of all ethnic groups in Kosovo must be preserved.

The perfecting amendment then goes on with the statement by the Congress expressing concern regarding human rights abuses; urging the Government of Yugoslavia to take steps to assure that further violence does not occur; urging the Government of Yugoslavia to observe the Helsinki Final Act and the U.N. Declaration on Human Rights to assure full protection of the rights of all citizens of Kosovo; requesting the President and the Department of State to continue

to monitor closely the human rights situation; and calling upon the President to express the concerns of the Congress through appropriate channels to representatives in Yugoslavia.

Mr. President, this language focuses on the human rights issue, expressed the very deep concern of the Congress about it, and references the State Department Country Report which sets forth a number of the human rights practices about which we are concerned, and which violate internationally accepted human rights standards. By referencing that report, we bring in the exposition that the State Department has made with respect to the human rights situation in Yugoslavia while in effect, broadening it to cover all ethnic groups and all minorities there, and pressuring Yugoslavia to respond with respect to all of its people.

I hope that this perfecting amendment will be found acceptable and that this matter can be disposed of, thus putting the Senate on record with respect to the human rights situation in Yugoslavia.

Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from South Dakota.

Mr. PRESSLER. Mr. President, I wish to point out to the Senate that my amendment discusses "the human rights of all ethnic groups in Kosovo." It mentions the Albanian ethnic minority and all other national groups in Yugoslavia.

The Amnesty International report mentions specifically some of the torture that has occurred against Albanians. I see very little change in my colleague's version of the amendment, except that he has added a reference to undocumented complaints by the Serbian minority.

My amendment, as filed, mentions all other ethnic groups. My amendment urges the Government of Yugoslavia to observe fully its obligations under the Helsinki Final Act and the United Nations Declaration on Human Rights to assure full protection of the rights of the Albanian ethnic minority and all other national groups in Yugoslavia.

This is the exact language that passed the House. It has been crafted in part by Congressman TOM LANTOS. It has passed the Senate Foreign Relations Committee.

We had agreement of the bill's managers to accept the amendment on the floor. I am sorry that the Senator from Maryland feels that my amendment takes sides. It does not. That much is quite clear from reading the amendment. Two rollcall votes on this really runs against my grain and is not my style, but we may have to proceed along those lines.

The PRESIDING OFFICER. Does any Senator seek recognition?

Mr. SARBANES. Mr. President, I commend to my colleague Congresswoman BENTLEY's statement of the 11th of July. It seems to me that the perfecting amendment avoids the problem of being too one-sided and still gets at the human rights problem that exists in Yugoslavia, which I think we need to address.

I commend the perfecting amendment to my colleague as a way of resolving this matter and essentially accomplishing his purpose without, at the same time, creating needlessly, in my view, a further problem. Let me just quote from Congresswoman BENTLEY's letter.

She says, "The amendment"—referring to the language that was originally offered—"does not take into account the suffering of the Serbians at the hands of Albanian separatist terrorists." She then goes on to reference the burning of the ancient Patriarchate of Pec, the See of the Patriarchs of the Serbian Orthodox Church.

I do not really want to get into the middle of what is obviously a very difficult situation in terms of the ethnic enmities and rivalries which have existed for a very long period of time and have very strong historical antecedents.

It seems to me the way to accomplish our purpose here without becoming embroiled in that problem is to take the perfecting language which references the State Department's human rights report—which, incidentally, does make reference to practices on both sides—and then put us very strongly on record expressing our concern about human rights abuses. The language goes on to urge the Government of Yugoslavia to take necessary steps to assure no further violence; urges it to observe the Helsinki Final Act and the U.N. Declaration on Human Rights; requests the President and the Department of State to monitor closely the human rights situation in Kosovo; and calls upon the President to express these concerns through appropriate channels to representatives in Yugoslavia.

It seems to me this language achieves what the Senator from South Dakota is trying to achieve. I really have no difference with him on that purpose without drawing us into this other issue about what I have heard from Congresswoman BENTLEY. I mean I would prefer not to make a judgment on the relative merits of the alternative arguments.

Mr. PRESSLER. Will my friend yield for a question?

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from South Dakota?

Mr. SARBANES. Certainly I yield for purposes of a question.

Mr. PRESSLER. With the greatest respect, is it not true that the second

and third points of my amendment refer to the Department of State 1988 Country Report on Human Rights Practices, which cites many human rights practices in Yugoslavia that violate internationally accepted human rights standards, including infringement upon and abrogation of the rights of assembly, fair trial, and freedom of speech? Is it not true that the Country Report also indicates these human rights violations are targeted at certain ethnic groups and regions, most particularly against the ethnic Albanians in the Socialist Autonomous Province of Kosovo?

Mr. SARBANES. But what the Senator has done is he has taken the State Department Human Rights Report and excerpted from it certain parts. What I think is fair and what ought to be done is to reference all of the report, which is what the perfecting amendment does. That, then, avoids our being drawn into the dispute.

The State Department has, in fact, referenced a range of human rights abuses involving both ethnic groups. To take only part of them or take it on one side, it seems to me, does not give a full picture.

I am trying to argue that position as much as I am trying to simply reference the entire report to avoid being drawn into that matter, and then to continue with a very strong statement about the concern of the Congress with respect to human rights abuses. Those violations ought not to be happening.

They may be happening on both sides and, in fact, the State Department notes that that may be the case.

Mr. PRESSLER. Mr. President, we have not seen the amendment. Perhaps to save the time of the Senate, we could see it to determine whether we could work the language out? My friend's amendment closely tracks mine in most respects?

Mr. SARBANES. I am sorry. I thought a copy had been delivered to the Senator. I will certainly take care of that right now.

Mr. PRESSLER. I do not want to delay the Senate's business. I would be willing, if it would be useful, to withdraw my amendment, perhaps work out something, and reoffer it tomorrow, if that is agreeable.

I do not think we are very far apart. If my colleague prefers to go forward with votes, I also am prepared to do that.

Mr. SARBANES. I am prepared to try to work something out. Why do we not leave it in the form in which it finds itself. I think, upon examining the amendment, the Senator may well reach the conclusion that it accomplishes his purposes, without drawing the Senate into trying to make a determinative judgment about a difficult ethnic conflict.

My problem is we cannot excerpt from the report part of the problem without referencing all of the problem.

Mr. PRESSLER. For example, part 4 of the Senator's amendment, which has been handed to me, mentions the Albanians. It is identical to my amendment. It says:

The Country Report also indicates that despite the Yugoslavian Government's efforts to provide for the equality of its citizens, some social prejudice continues to exist, particularly with regard to ethnic Albanians, and the Serbian minority in Kosovo has complained sharply of physical mistreatment.

Now, the Serbian minority, is that part of the Country Report?

Mr. SARBANES. That is right, page 1264.

Mr. PRESSLER. They have complained, but is that a factual finding? Is it our understanding that the Country Report made a finding regarding the Albanians, but simply identified complaints of the Serbian minority.

Is it my friend's effort to add the word "Serbian" to the amendment? Is that the intent of his perfecting amendment?

Mr. SARBANES. I am happy to strike paragraph 4, if that makes the Senator feel any better about it. Perhaps we can agree on it and then just reference the Country Report and go on to the fact that the human rights abuses entailed in the Country Report violate the high ideals mentioned in paragraph 5: "The human rights of all ethnic groups in Kosovo must be preserved." And strike out the specific references in 4 which were intended to make the point that we have one ethnic group complaining about its treatment from the other and then we have the other ethnic group complaining about its treatment from the first.

If that would resolve the matter, we could strike paragraph 4 and simply reference the State Department's Country Report, which is in paragraph 3. Then we do not have to get into the specifics.

Mr. PRESSLER. That would be agreeable to me. I have no problem with that.

Mr. SARBANES. If we do that, can we then go ahead and agree to this amendment and resolve the matter?

Mr. PRESSLER. Yes, as far as I am concerned. I do not think we have substantially changed it. If that would make the Senator from Maryland happy, that is agreeable to me.

AMENDMENT NO. 281 AS MODIFIED

Mr. SARBANES. Mr. President, I ask unanimous consent to modify the perfecting amendment by striking paragraph (a)(4), which begins: "The Country Report also indicates that"; strike that entire paragraph and renumber the following paragraphs 4 and 5.

The PRESIDING OFFICER. The Senator has the right. The perfecting amendment will be modified accordingly.

Amendment No. 281, as modified, is as follows:

HUMAN RIGHTS IN YUGOSLAVIA.

(a) FINDINGS.—The Congress finds that—
(1) the United States continues to support the independence, unity, and territorial integrity of Yugoslavia;

(2) recent months have seen increased violence and social unrest in the Socialist Autonomous Province of Kosovo;

(3) the State Department's 1988 Country Report on Human Rights Practices cites many human rights practices in Yugoslavia that violate internationally accepted human rights standards;

(4) these human rights abuses violate the high ideals of mutual equality, dignity, and brotherhood among all of the nations and nationalities in Yugoslavia, which have been the guiding principles of Yugoslavia since 1945; and

(5) the human rights of all ethnic groups in Kosovo must be preserved.

(b) STATEMENT BY THE CONGRESS.—The Congress—

(1) expresses concern regarding human rights abuses, violence, and ethnic unrest in the Kosovo province;

(2) urges the Government of Yugoslavia to take all necessary steps to assure that further violence does not occur in Kosovo;

(3) urges the Government of Yugoslavia to observe fully its obligations under the Helsinki Final Act and the United Nations Declaration on Human Rights to assure full protection of the rights of all citizens of Kosovo.

(4) requests the President and the Department of State to continue to monitor closely the human rights situation in Kosovo; and

(5) calls upon the President to express these concerns of the Congress through appropriate channels to representatives in Yugoslavia.

Mr. SARBANES. Mr. President, I am prepared to go ahead and adopt that amendment and conclude the matter.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment of the Senator from Maryland to the amendment of the Senator from South Dakota.

The amendment (No. 281), as modified, was agreed to.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment of the Senator from South Dakota.

The amendment (No. 280), as amended, was agreed to.

Mr. SARBANES. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Maryland [Mr. SARBANES].

Mr. SARBANES. Mr. President, I do want to commend the distinguished

Senator from South Dakota for his leadership on this issue. As I explained to him earlier, my own involvement was essentially brought by the representations made to me by my able and distinguished colleague from Maryland, Congresswoman BENTLEY, who based them on a recent trip that she made. I think we are better off now without having actually gotten into the details. We have referenced the State Department human rights study. We have adopted essentially the Senator's version of the statement by the Congress. I think it is an important contribution on the human rights front.

I thank the Senator.

Mr. PRESSLER. I thank my colleague from Maryland. I enjoy working with him on the Foreign Relations Committee. He is always thoughtful, articulate, and very concerned about human rights. I am glad we were able to work this out.

The PRESIDING OFFICER. The Chair recognizes the Senator from Florida.

Mr. MACK. Mr. President, I strongly support the Helms/Grassley PLO amendment prohibiting American diplomats from negotiating with representatives of the PLO who were involved in the death, injury, or kidnapping of an American citizen. It is unfortunate that an amendment such as this is necessary, but it is.

This amendment is consistent with title 13 of this bill, called the PLO Commitments Compliance Act of 1989, which I offered as an amendment to the bill in Foreign Relations Committee. The central purpose of the PLO Commitments Compliance Act is to hold the PLO to its commitments to recognize Israel and renounce terror. Both the provision in the bill and the amendment before us attempt to make sense of our policy of talking to the PLO. Both try to make this policy consistent with our support for the freedom and security of our closest ally in the region, Israel, and our opposition to terrorism wherever it may occur.

Mr. President, I would like to believe that President Bush was not aware that his representative would be meeting with Salah Khalaf, the No. 2 man in the PLO and a founder of Black September, one of the most vicious terrorist factions we have ever seen. I would like to believe that if he was aware of and approved this meeting, that he did not know the crimes which this man is responsible for against American citizens, and the citizens of American allies.

Because I believe that President Bush meant it when he said that "Terrorism is a crime, and terrorists must be treated as criminals." I believe that he meant it when he said that "Rewarding terrorism will only encourage more terrorism." I believe he meant it

when he said "We will bring terrorists to justice."

Salah Khalaf is not a diplomat. He is a terrorist. He should, as President Bush said, be treated as a criminal and brought to justice. He should not, as President Bush said, be rewarded.

Nor is Salah Khalaf the only terrorist with whom we are talking. A regular participant in our dialog with the PLO is Yasser Abed Rabbu identified in the November 1988 Defense Department publication "Terrorist Group Profiles" as the "number two man" in the DFLP, the Democratic Front for the Liberation of Palestine.

The Defense Department report describes the DFLP as a "Marxist-Leninist and pro-Soviet group which believes that the Palestinian national goal cannot be achieved without a revolution of the working class * * *". The report says that "the DFLP opposed the agreement between Yasir Arafat and King Hussein that called for a joint PLO-Jordanian position on peace negotiations with Israel."

The report also states that the DFLP "receives training in the Soviet Union and aid from Cuba and is in contact with members of the Nicaraguan Sandinista Liberation Front."

I will ask unanimous consent that excerpts from the report "Terrorist Group Profiles" be included in the RECORD following my remarks.

Mr. President, do we not have a human obligation to the mothers and fathers of the children who died at the direction of this man, Yasser Abed Rabbu, to help bring him to justice rather than treat him as a diplomat?

I do not know if the DFLP was implicated in the deaths of any Americans. But I do not think we should be talking to anybody who deliberately slaughters innocent children.

Just as I would hope that no ally of ours would talk to terrorists who kill Americans, we should not talk to terrorists who murder citizens of our allies, such as Israel. This is not just a matter of courtesy, but of an internationally coordinated approach to combating terror.

In closing, I am not in principle opposed to conveying our views to the PLO in a responsible manner, especially if the PLO actually makes fundamental changes transforming its terrorist nature, rather than simply adjusting its rhetoric. It seems to me that this message can be conveyed without talking to people responsible for the deaths of Americans or innocent civilians in allied nations.

I commend the Senator from North Carolina for his amendment and urge its adoption.

I ask unanimous consent that the excerpts to which I referred be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

DEMOCRATIC FRONT FOR THE LIBERATION OF PALESTINE [DFLP]

Date formed 1969.

Estimated membership 500.

Headquarters previously Syria, presently unknown.

Area of operations Lebanon and Israel.

Leadership Naif Hawatmeh, who depends heavily on Yasser Abed Rabbu, Qais Samarrah (Abu Leila), and Abd-al-Karim Hammad (Abu Adnan).

Other names Popular Democratic Front for the Liberation of Palestine (PDFLP).

Sponsor Syria has provided some support, but the DFLP is intensely independent.

Political objectives/target audiences.—seek revolutionary change in the Arab World, especially in the conservative monarchies, as a precursor to the achievement of Palestinian objectives; advocate an international stance that places the Palestinian struggle within a general world context of liberation in Africa, Asia, and Latin America; repeatedly affirm its "hostility and resistance" to US policy in the region, its support for the nonaligned block, and its solidarity with all national liberation movements that fight against "imperialism" and racism.

BACKGROUND

The DFLP is Marxist-Leninist and pro-Soviet and believes that the Palestinian national goal cannot be achieved without a revolution of the working class; elite members of the movement should not be separated from the masses, and the lower classes first should be educated in true socialism to carry on the battle.

At the spring 1977 Palestine National Council meeting, the DFLP gave full support to the Palestine national program, seeking creation of a Palestinian state from any territory liberated from Israel.

In mid-1979, the DFLP reportedly experienced an upsurge in its membership and an accompanying increase in influence. Although it remained a member of the Executive Committee of the Palestine Liberation Organization (PLO), the DFLP cooperated increasingly with anti-Arafat Palestinian extremists.

The DFLP strongly disapproved of the PLO leadership's failure to take more severe action against Anwar Sadat after his peace initiative.

Furthermore, the DFLP signed the Tripoli declaration in 1983, rejecting the Reagan and Fez peace plans and contact with the Israelis. The DFLP also did not support the Fatah rebels in 1983 or 1984, believing that their movement was damaging to the Palestine cause. In addition, the DFLP opposed the agreement between Yasir Arafat and King Hussein that called for a joint PLO-Jordanian position for peace negotiations with Israel.

The DFLP refused to join the Syrian-created Palestine National Salvation Front, but the Popular Front for the Liberation of Palestine (PFLP) did, leading to the breakup of the "Democratic Alliance" between the DFLP and PFLP.

DFLP operations always have taken place either inside Israel or the occupied territories. Typical acts are minor bombings and grenade attacks, as well as spectacular operations to seize hostages and attempt to negotiate the return of Israeli-held Palestinian prisoners.

Prior to the rift following the March 1987 Palestine National Council meeting in Algiers, Syria had provided most of the DFLP's outside support. The DFLP receives

training in the Soviet Union and aid from Cuba. The DFLP is also in contact with members of the Nicaraguan Sandinista Liberation Front.

SELECTED INCIDENT CHRONOLOGY

May 1974.—Took over schoolhouse and massacred Israelis in Ma'alot after infiltrating using uniforms that resemble those of the Israel Defense Forces (IDF). Murdered 27 Israelis and wounded a total of 134.

November 1974.—Attacked the town of Bet She'an in Israel. Three terrorists barricaded themselves in a building with handgrenades and Kalashnikov rifles and demanded the release of 15 Palestinians.

July 1977.—Implicated in several bombings in Jerusalem and Tel Aviv.

January 1979.—Attempted to seize 230 civilians at a guest house in Ma'alot. The three terrorists, armed with Kalashnikovs and handgrenades, were killed by a routine IDF patrol.

March 1979.—Claimed responsibility for planting bombs in Israeli buses to protest President Carter's visit to Israel.

March 1982.—Claimed responsibility for a grenade attack in the Gaza Strip that killed an Israeli soldier and wounded three others.

February 1984.—Claimed responsibility for a grenade explosion in Jerusalem that wounded 21 people.

September 1985.—Attacked an Israeli bus near Hebron on the West Bank.

March 1986.—Several guerrillas, wearing IDF uniforms, attempted to infiltrate from Lebanon into Israel but were intercepted by an Israeli patrol.

May 1988.—Threw molotov cocktail at Industry and Trade Minister Ariel Sharon's car. Security forces uncovered several terrorist squads of DFLP and charged them with terrorist activities.

SCHEDULE

Mr. MITCHELL. Mr. President, the respective staffs are working on preparing lists of amendments intended to be offered. It is clear, as so often happens in the legislative process, that the list is a lengthy one. It will, apparently, not be possible to prepare it in form sufficiently complete to present this evening.

Accordingly, Senators should be aware that it is my intention, following consultation with the distinguished Republican leader and the managers, to, upon recess of the Senate this evening, have the Senate come in tomorrow morning at or about 9:15 a.m. and that following only brief time for leaders to go back to this bill, and at that point which would be shortly after 9:15, to propound this unanimous-consent request. Senators who are interested should be aware of that.

We will attempt to identify and obtain time limitations on such amendments as are intended to be offered as of tomorrow morning early. Senators should also be aware that it is my intention, it is my hope, that we can complete action on this bill tomorrow which means that tomorrow will be a lengthy session with the possibility of several rollcall votes, and Senators should be prepared for that in

arranging their schedules for tomorrow.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Kalbaugh, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 3:19 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following joint resolutions, without amendment:

S.J. Res. 93. Joint resolution to designate October 1989 as "Polish American Heritage Month";

S.J. Res. 110. Joint resolution designating October 5, 1989, as "Raoul Wallenberg Day"; and

S.J. Res. 129. Joint resolution to provide for the designation of September 15, 1989, as "National POW/MIA Recognition Day".

The message also announced that the House has passed the following bills, and joint resolutions, in which it requests the concurrence of the Senate:

H.R. 875. An act to expand the boundaries of the Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park near Fredericksburg, Virginia;

H.R. 919. An act to increase the size of the Big Thicket National Preserve in the State of Texas by adding the Village Creek Corridor unit, the Big Sandy Corridor unit, and the Canyonlands unit;

H.R. 1860. An act to provide that a Federal annuitant or former member of the uniformed service who returns to Government service, under a temporary appointment, to assist in carrying out the 1990 decennial census of population shall be exempt from certain provisions of title 5, United States Code, relating to offset from pay and other benefits;

H.R. 2431. An act to redesignate the Midland General Mail Facility in Midland, Texas, as the "Carl O. Hyde General Mail Facility"; and

H.J. Res. 221. Joint resolution to designate the week beginning September 1, 1989, as "World War II Remembrance Week".

MEASURES REFERRED

The following bills and joint resolutions were read the first and second times by unanimous consent, and referred as indicated:

H.R. 875. An act to expand the boundaries of the Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park near Fredericksburg, Virginia; to the Committee on Energy and Natural Resources.

H.R. 919. An act to increase the size of the Big Thicket National Preserve in the State of Texas by adding the Village Creek Corridor unit, the Big Sandy Corridor unit, and the Canyonlands unit; to the Committee on Energy and Natural Resources.

H.R. 2431. An act to redesignate the Midland General Mail Facility in Midland, Texas, as the "Carl O. Hyde General Mail Facility"; to the Committee on Governmental Affairs.

H.J. Res. 221. Joint resolution to designate the week beginning September 1, 1989, as "World War II Remembrance Week"; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1860. An act to provide that a Federal annuitant or former member of a uniformed service who returns to Government service, under a temporary appointment, to assist in carrying out the 1990 decennial census of population shall be exempt from certain provisions of title 5, United States Code, relating to offsets from pay and other benefits.

MEASURES ORDERED HELD AT THE DESK

The following joint resolution, previously received from the House of Representatives for concurrence, was ordered held at the desk by unanimous consent:

H.J. Res. 281. Joint resolution to approve the designation of the Cordell Bank National Marine Sanctuary, to disapprove a term of that designation, to prohibit the exploration for, or the development or production of, oil, gas, or minerals in any area of that sanctuary, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

S. 54. A bill to amend the Age Discrimination in Employment Act of 1967 with respect to the waiver of rights under such act without supervision, and for other purposes (Rept. No. 101-79).

By Mr. PELL, from the Committee on Foreign Relations, without amendment:

S. 1347. An original bill to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act, and related statutory provisions, to authorize development and security assistance programs for fiscal year 1990, and for other purposes (Rept. No. 101-80).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BIDEN (for himself, Mr. ROTH, Mr. COHEN, Mr. MITCHELL, Mr. SIMON, Mr. DeCONCINI, Mr. BURDICK, Mr. BOND, Mr. HEFLIN, Mr. HATCH, Mr. REID, Mr. GORE, Mr. BRYAN, Mr. KOHL, Mr. PELL, Mr. LIEBERMAN, Mr. CRANSTON, Mr. HOLLINGS, Mr. GRAHAM, Mr. SANFORD, Mr. LEVIN, Mr. GLENN, Mr. GRASSLEY, Mr. DIXON, Mr. FORD, Mr. CONRAD, Mr. DODD, Mr. NUNN, Mr. ADAMS, Mr. EXON, and Ms. MIKULSKI):

S. 1338. A bill to amend title 18, United States Code, to protect the physical integrity of the flag of the United States; to the Committee on the Judiciary.

By Mr. COHEN (for himself and Mr. PRYOR):

S. 1339. A bill to amend title XIX of the Social Security Act to continue Medicaid financing of daytime habilitation services in certain States; to the Committee on Finance.

By Mr. SPECTER:

S. 1340. A bill to amend the Inspector General Act of 1978 (5 U.S.C. App.) to provide for an Inspector General of the Federal Bureau of Investigation; to the Committee on the Judiciary.

By Mr. DeCONCINI (for himself and Mr. CRANSTON):

S. 1341. A bill to provide certain administrative authority and requirements relating to the Arizona Veterans Memorial Cemetery; to the Committee on Veterans' Affairs.

By Mr. SANFORD:

S. 1342. A bill to suspend temporarily the duty on ranitidine hydrochloride; to the Committee on Finance.

By Mr. WIRTH:

S. 1343. A bill to designate certain lands in the State of Colorado as components of the National Wilderness Preservation System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DODD:

S. 1344. A bill to amend the Internal Revenue Code of 1986 to allow insurance companies to be consolidated with noninsurance companies; to the Committee on Finance.

By Mr. GORE:

S. 1345. A bill to provide for the continuous assessment of critical trends and alternative futures; to the Committee on Governmental Affairs.

By Mr. BRYAN (for himself and Mr. GRAHAM):

S. 1346. A bill to amend the Communications Act of 1954 regarding the broadcasting of certain political matter, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. PELL, from the Committee on Foreign Relations:

S. 1347. An original bill to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act, and related statutory provisions, to authorize development and security assistance programs for fiscal year 1990, and for other purposes; placed on the calendar.

By Mr. BAUCUS:

S. 1348. A bill to amend the Disaster Assistance Act of 1988 to require the Secretary of Agriculture to establish separate payment rates for the 1988 crops of feed barley and malting barley for purposes of deter-

mining the amount of any refund of advance deficiency payments payable by producers of such crops, to require the Secretary to conduct a study of the impact of establishing separate payment rates for the 1989 and subsequent crops of feed barley and malting barley for purposes of determining the amount of deficiency payment payable to producers of such crops, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. PRYOR:

S. 1349. A bill to amend the Internal Revenue Code of 1986 to exclude small transactions and to make certain clarifications relating to broker reporting requirements; to the Committee on Finance.

By Mr. BYRD:

S.J. Res. 179. Joint resolution proposing an amendment to the Constitution of the United States to prohibit the desecration of the flag; to the Committee on the Judiciary.

By Mr. DOLE (for himself, Mr. DIXON, Mr. THURMOND, Mr. HEFLIN, Mr. WILSON, Mr. GRASSLEY, Mr. HATCH, Mr. ARMSTRONG, Mr. BENTSEN, Mr. BOND, Mr. BOSCHWITZ, Mr. BREAUX, Mr. BRYAN, Mr. BURDICK, Mr. BURNS, Mr. BYRD, Mr. COATS, Mr. COCHRAN, Mr. COHEN, Mr. D'AMATO, Mr. DANFORTH, Mr. DeCONCINI, Mr. DOMENICI, Mr. EXON, Mr. FORD, Mr. GARN, Mr. GORTON, Mr. GRAMM, Mr. HEINZ, Mr. HELMS, Mr. HOLLINGS, Mr. KASSEBAUM, Mr. KASTEN, Mr. LOTT, Mr. MACK, Mr. MCCAIN, Mr. McCLURE, Mr. McCONNELL, Mr. MURKOWSKI, Mr. NICKLES, Mr. NUNN, Mr. PRESSLER, Mr. REID, Mr. ROBB, Mr. ROCKEFELLER, Mr. ROTH, Mr. RUDMAN, Mr. SHELBY, Mr. SIMPSON, Mr. STEVENS, Mr. SYMMS, Mr. WALLOP, and Mr. WARNER):

S.J. Res. 180. Joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress and the States to prohibit the physical desecration of the flag of the United States; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DeCONCINI (for himself and Mr. DURENBERGER):

S. Con. Res. 54. Concurrent resolution relating to a White House Conference on Water Resources; to the Committee on Environment and Public Works.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BIDEN (for himself, Mr. ROTH, Mr. COHEN, Mr. MITCHELL, Mr. SIMON, Mr. DeCONCINI, Mr. BURDICK, Mr. BOND, Mr. HEFLIN, Mr. HATCH, Mr. REID, Mr. GORE, Mr. BRYAN, Mr. KOHL, Mr. PELL, Mr. LIEBERMAN, Mr. CRANSTON, Mr. HOLLINGS, Mr. GRAHAM, Mr. SANFORD, Mr. LEVIN, Mr. GLENN, Mr. GRASSLEY, Mr. DIXON, Mr. FORD, Mr. CONRAD, Mr. DODD, Mr. NUNN, Mr. ADAMS, Mr. EXON, and Ms. MIKULSKI):

S. 1338. A bill to amend title 18, United States Code, to protect the physical integrity of the flag of the United States; to the Committee on the Judiciary.

By Mr. BYRD:

S.J. Res. 179. Joint resolution proposing an amendment to the Constitution of the United States to prohibit the desecration of the flag; to the Committee on the Judiciary.

By Mr. DOLE (for himself, Mr. DIXON, Mr. THURMOND, Mr. HEFLIN, Mr. WILSON, Mr. GRASSLEY, Mr. HATCH, Mr. ARMSTRONG, Mr. BENTSEN, Mr. BOND, Mr. BOSCHWITZ, Mr. BREAUX, Mr. BRYAN, Mr. BURDICK, Mr. BURNS, Mr. BYRD, Mr. COATS, Mr. COCHRAN, Mr. COHEN, Mr. D'AMATO, Mr. DANFORTH, Mr. DeCONCINI, Mr. DOMENICI, Mr. EXON, Mr. FORD, Mr. GARN, Mr. GORTON, Mr. GRAMM, Mr. HEINZ, Mr. HELMS, Mr. HOLLINGS, Mr. KASSEBAUM, Mr. KASTEN, Mr. LOTT, Mr. MACK, Mr. MCCAIN, Mr. McCLURE, Mr. McCONNELL, Mr. MURKOWSKI, Mr. NICKLES, Mr. NUNN, Mr. PRESSLER, Mr. REID, Mr. ROBB, Mr. ROCKEFELLER, Mr. ROTH, Mr. RUDMAN, Mr. SHELBY, Mr. SIMPSON, Mr. STEVENS, Mr. SYMMS, Mr. WALLOP, and Mr. WARNER):

S.J. Res. 180. Joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress and the States to prohibit the physical desecration of the flag of the United States; to the Committee on the Judiciary.

(The remarks of Senators on the introduction of this legislation and the text of the legislation is printed earlier in today's RECORD.)

By Mr. COHEN (for himself and Mr. PRYOR):

S. 1339. A bill to amend title XIX of the Social Security Act to continue Medicaid financing of daytime habilitation services in certain States; to the Committee on Finance.

PRESERVING DAY HABILITATION SERVICES FOR THE DEVELOPMENTALLY DISABLED

Mr. COHEN. Mr. President, I am proud to introduce today legislation to protect day habilitation services currently being provided to developmentally disabled people in many States.

What are habilitation services? Habilitation services teach daily living skills to developmentally disabled people—individuals with mental retardation or related conditions. The people served by these programs live with their parents or in boarding homes. They can, if we continue to help, lead dignified lives outside of an institution. I would like to tell you about some of the people served by

this program in my home State of Maine.

I know of a man who is 24 years old and lives at home with his mother in Patten, ME. He was hit by a car at the age of 2 and was left brain damaged and physically disabled. He uses an electric wheelchair and does not have use of his arms or legs. He could only communicate by blinking before entering a habilitation program. Since taking part in a program run by the Green Valley Association, he has learned to communicate by pointing at objects or pictures on a board which he keeps in his lap. He can point toward the kitchen to say he wants food or toward the bathroom to communicate the need to use the toilet.

Another Mainer, a woman from Crystal, is now in a day habilitation program because of the effects of brain tumors. Twelve years ago, she was married, working as a bookkeeper and living in her own home. Unfortunately, however, the brain tumors left her unable to work or to live on her own and, when her husband died, she had to give up her home. She now lives in a boarding home and is learning daily living skills such as how to dress, bathe, and cook through the day habilitation program.

There are other people who are taken even further toward living independently through day habilitation programs. These people learn personal habits and how to control their behavior in order to be able to work. They also learn how to maintain a checking account, shop for groceries, and how to manage other activities that are part of being independent and self-sufficient.

Day habilitation programs in my State and many others give the developmentally disabled the means to live as fully and as freely as is possible for them. Without such day habilitation programs, the people I have just discussed may not have had the opportunity to learn to express or to help themselves. In some families with developmentally disabled children or dependents, breadwinners would have to quit jobs if there were no day habilitation services. For many developmentally disabled persons, the lack of habilitation services would leave them no choice but to reside in a large institution.

This legislation is needed to protect the developmentally disabled from being denied services which help them to live as independently and self-sufficiently as possible. The Health Care Financing Administration [HCFA] has approved many State Medicaid plans for the provision of day habilitation services to the developmentally disabled. However, HCFA is now claiming that its approval was a mistake in the cases of Arkansas, Massachusetts, and my home State of Maine—and is likely to make similar claims affecting pro-

grams in a number of other States as well. Indeed, I know that my colleague from Arkansas, Senator PRYOR, has been concerned by this matter and intends to pursue related legislation. I look forward to working with him and with other members of the Finance Committee in this regard. The bill that I am introducing today would protect programs already approved by HCFA until regulations are published that specify just what day habilitation services can and cannot receive Federal funding under the Medicaid Program.

I believe that this legislation is essential to ensure that the developmentally disabled do not have to pay for what may or may not be a mistake on the part of HCFA. Programs of day habilitation services allow the developmentally disabled to learn daily living skills. It is a humane and cost-effective way to provide the greatest degree of freedom to the developmentally disabled. By passing this legislation, we, in Congress, will be telling the mentally retarded and their families that we care about them. It will tell them that we will not force them to bear the pain of an arbitrary decision by a Federal agency. It will tell them that we will be providing the services that they depend on unless and until HCFA can justify why the Federal Government cannot pay for these services.

This legislation would go one step further. It would allow States which already operate day habilitation programs to convert their programs to make use of Medicaid home- and community-based waiver authority. In this way, those mentally retarded who already benefit from these valuable programs can continue to do so.

I believe it would be unfair to allow HCFA to deny funding for these programs without first having to publish regulations. I also believe that it would be shortsighted to deny services to those mentally retarded who have benefited from these programs. The mentally retarded and their families, however, are not the only ones who would benefit from this legislation. If maintaining these services will keep the mentally retarded from having to be institutionalized unnecessarily or will reduce the pressure to build more institutions, we all benefit.

There are, of course, more important benefits to continuing programs which help the developmentally disabled individuals to realize their fullest potential and self-sufficiency. These efforts give developmentally disabled individuals opportunity and hope. That is why we really cannot afford to retreat from these important efforts despite the fact that a Federal agency has made an abrupt and ill-considered about-face in interpreting the statutes governing the Medicaid Program. To the contrary, it behooves the Congress to go on record in support of the kind

of work that day habilitation programs can accomplish by supporting this legislation and by pursuing further improvements in the Medicaid Program.

Mr. President, I urge my colleagues to support this legislation which would enable very worthwhile day habilitation programs to continue to help the developmentally disabled to live more fully and freely.

By Mr. SPECTER:

S. 1340. A bill to amend the Inspector General Act of 1978 (5 U.S.C. App.) to provide for an Inspector General of the Federal Bureau of Investigation; to the Committee on the Judiciary.

FEDERAL BUREAU OF INSPECTION INSPECTOR
GENERAL ACT OF 1989

Mr. SPECTER. Mr. President, today I am reintroducing a bill which I first introduced on February 19, 1988, as S. 2076. This bill would amend the Inspector General Act of 1978 by including the creation of a statutory inspector general for the Federal Bureau of Investigation. This bill is being reintroduced at this time in light of the Intelligence Committee's report on the Committee in Solidarity with the People of El Salvador [CISPES].

In consonance with the 1978 act, this inspector general would be nominated by the President and confirmed by the Senate, similar to 24 other existing inspector generals in government today, and would have the authority and duty to inspect, investigate and audit—independently—every phase of the FBI's activities. The result of these inspections, investigations and audits would be reported to the Director of the FBI, the Attorney General, and to the appropriate committees of the Congress.

I believe this new office will well serve the FBI by promoting consistency in its interpretation and enforcement of existing guidelines for the investigation of Federal criminal acts and foreign espionage activities. Current allegations; that the Federal Bureau of Investigation in recent years may have overstepped its bounds by investigating a wide array of lawful domestic political and religious groups raises a fundamental question about the effectiveness of the FBI's current system of internal oversight. After all of the lessons of the past, it is startling that we still do not have in place a statutory inspector general as we do in so many other branches of Government, which in my view is essential to effective oversight.

Embarrassing episodes provide ammunition for critics of the FBI and of the U.S. Government, and realistically viewed undermines the activities of the FBI. We can be sure that the claims being leveled by some against the FBI are being widely circulated in the press in foreign countries and

being used to undermine the legitimate activities of the FBI. In Judge Webster, and now in Judge Sessions, we have selected FBI Directors who have a proven understanding of the Constitution and the rule of law, and a demonstrated respect for the principles of individual freedom upon which this country was founded.

But it is not possible for the Director of the FBI or any one individual to manage personally the vast oversight necessary for such an organization. Judge Webster was quoted as saying that certain activities invoking criticism of the FBI were not of a sufficient nature to come to his personal attention. That, Mr. President, is why additional oversight within an organization like the FBI is necessary.

I am personally convinced that, with extremely few exceptions, the men and women of the FBI share that respect for law of men like Judge Webster and Judge Sessions, and that the men and women are loyal, hardworking Americans who are dedicated to upholding the laws and Constitution. We owe them a debt of gratitude for their untiring fight against crime and their enormously successful efforts to counter the growing threat of domestic and international terrorism and foreign espionage.

I personally have had the opportunity to work with many members of the Federal Bureau of Investigation as assistant counsel for the Warren Commission in 1964. I also worked with members of the FBI on the preparation of complex cases as an assistant district attorney in Philadelphia and later for 8 years as district attorney. I know of their competence, their dedication, and their capability.

Sometimes, however, a complex organization does not work as designed because the design itself is flawed. We must build more checks and safeguards into our powerful government organizations so that we are not relying on one well-intentioned, but greatly overburdened, official at the top to keep an entire organization on course. We saw the problems of this structure with the CIA in the Iran-Contra affair. By creating independent inspectors general, we can ensure the trust and credibility we expect of our intelligence or law enforcement agencies like the FBI and the CIA and, in turn, our entire government.

It seems clear that there was a lack of overall direction in some of the FBI's investigations of domestic political and religious groups over the past several years. As recently as 1984, one FBI document reflected the views of the Denver and New Orleans FBI field offices that "in spite of attempts by the Bureau to clarify guidelines and goals for this investigation, the field is still not sure of how much seemingly legitimate political activity can be monitored." Why was there such con-

fusion and what did the FBI do internally to address it? Who was watching the watchdogs, as they proceeded with their investigations, unsure of the bounds of the law?

More recently, at the instigation of the Senate, the FBI's Inspection Division undertook an internal investigation of the FBI's Terrorism Section's performance in investigating the Committee in Solidarity with the People of El Salvador [CISPES]. That report makes clear that if there were an effective system of management and administrative oversight in place for cases involving First Amendment rights, the Bureau's 1983-85 investigation of CISPES might have been avoided.

In 1982, the FBI's Inspection Division identified and reported deficiencies in the FBI's terrorism section's policy structure and training. While it recommended corrective action, those actions were not effectively implemented because of internal disagreement and the lack of a followup system by the Inspections Division which was designed to serve the Director in a management oversight role. This situation reflects weaknesses in a system where FBI actions could adversely impact the First Amendment rights of Americans. It would be difficult to state with a high degree of confidence that today's FBI Inspection Division would serve the role for which it was intended.

In November 1988, the General Accounting Office [GAO] noted some improvements in the FBI's inspection capabilities since 1979. Nonetheless, the GAO has recommended that the head of the FBI's Inspection Division be independent in order to ensure permanency in the position and to "avoid instances where leaders of the division may not be willing to report situations or make recommendations consistent with what should be done because of their concern about their future careers as a result of presenting bad news to the leadership." I agree with this statement for a number of reasons.

The legislative branch plays an important oversight role with respect to the FBI, but usually after the fact. Two congressional committees from each house of Congress have overlapping oversight responsibility for FBI activity. The two Judiciary Committees oversee FBI activity relating to criminal law enforcement, while the two intelligence committees oversee FBI activities relating to foreign counterintelligence and international terrorism. The dividing line is not always so neat, however, and many cases involve both of these spheres. The Attorney General's guidelines under which the FBI operates differ significantly depending on whether a criminal investigation or a foreign counterintelligence investigation is involved.

The latter guideline is classified, and that is a matter which will be the subject of scrutiny and inquiry by the intelligence committees. The FBI's decision to use one guideline or the other determines which congressional committee will exercise oversight of the FBI involvement.

It is a complicated system, with many opportunities for things to go wrong. As we have seen, they do go wrong, even with strong leadership, and the largely post-facto congressional oversight which realistically viewed is structurally insufficient to catch and correct small errors of judgment and policy before they become on some occasions embarrassing disasters. Simply put, the FBI's authority is so great, its potential for abuse or miscalculation so high, and its organizational structure so complex that independent internal monitoring on a day-by-day basis is essential. This is the case with 108 other governmental agencies, and perhaps among that list the FBI would rank high in its requirement of, and the necessity for, an independent inspector general.

I feel very strongly that we in Congress should protect our intelligence and law enforcement agencies from being scapegoats for every policy failure or unsuccessful venture by our Government. We can only do this, however, if our constituents are confident that these agencies are adequately monitored—the public confidence is vital—and that we in Congress are willing to take steps to correct mistakes when they are made, and make structural changes in the designs of organizations like the FBI or CIA. The current system of oversight is inherently incapable of providing us with the information we need in order to do this.

Statutory inspectors general already are providing an independent internal system of checks and balances for 24 departments and agencies of the Federal Government. The Comptroller General, who inspects these IG's, has concluded that they are serving the executive and legislative branches far better than the IG's under the previous system, who were beholden to the system which they inspected. It is time to add the FBI to the list.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1340

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Bureau of Investigation Inspector General Act of 1989".

SEC. 2. OFFICE OF INSPECTOR GENERAL OF THE FEDERAL BUREAU OF INVESTIGATION.

(a) SPECIAL PROVISIONS CONCERNING THE FEDERAL BUREAU OF INVESTIGATION.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended by redesignating sections 8E and 8F as sections 8F and 8G, respectively, and inserting after section 8D the following new section:

"SPECIAL PROVISIONS CONCERNING THE FEDERAL BUREAU OF INVESTIGATION

"Sec. 8E. (a)(1) Notwithstanding any other provision of this Act, the Inspector General of the Federal Bureau of Investigation shall be under the authority, direction, and control of the Director of the Federal Bureau of Investigation with respect to audits or investigations, or the issuance of subpoenas, which require access to information concerning—

"(A) ongoing criminal investigations or proceedings;

"(B) undercover operations;

"(C) the identity of confidential sources, including protected witnesses;

"(D) intelligence or counterintelligence matters; or

"(E) other matters the disclosure of which would constitute a serious threat to national security.

"(2) With respect to the information described in paragraph (1), the Director may prohibit the Inspector General from carrying out or completing any audit or investigation, or from issuing any subpoena, after the Inspector General has decided to initiate, carry out, or complete such audit or investigation or to issue such subpoena, if the Director determines that such prohibition is necessary to prevent the disclosure of any information described in paragraph (1) or to prevent the significant impairment to the national interest of the United States.

"(3) If the Director exercises any power under paragraph (1) or (2), the Director shall notify the Inspector General of the Federal Bureau of Investigation in writing stating the reasons for such exercise. Within 30 days after receipt of any such notice, the Inspector General of the Federal Bureau of Investigation shall transmit a copy of such notice to the Committees on Governmental Affairs and Judiciary of the Senate and the Committees on Government Operations and Judiciary of the House of Representatives, and to other appropriate committees or subcommittees of the Congress.

"(b) In carrying out the duties and responsibilities specified in this Act, the Inspector General of the Federal Bureau of Investigation—

"(1) may initiate, conduct and supervise such audits and investigations in the Federal Bureau of Investigation as the Inspector General considers appropriate;

"(2) shall give particular regard to the activities of the Counsel, Office of Professional Responsibility of the Department of Justice and the audit, internal investigative, and inspection units outside the Office of Inspector General of the Federal Bureau of Investigation with a view toward avoiding duplication and insuring effective coordination and cooperation; and

"(3) shall refer to the Counsel, Office of Professional Responsibility of the Department of Justice for investigation, information or allegations relating to the conduct of an officer or employee of the Federal Bureau of Investigation employed in an attorney, criminal investigative, or law enforcement position that is or may be a viola-

tion of law, regulation, or order of the Bureau or any other applicable standard of conduct, except that no such referral shall be made if the officer or employee is employed in the Office of Professional Responsibility of the Department of Justice.

"(c) Any report required to be transmitted by the Director of the Federal Bureau of Investigation to the appropriate committees or subcommittees of the Congress under section 5(d) shall also be transmitted, within the seven-day period specified under such section, to the Committees on the Judiciary and Governmental Affairs of the Senate and the Committees on the Judiciary and Government Operations of the House of Representatives."

(b) CONFORMING AND TECHNICAL AMENDMENTS.—The Inspector General Act of 1978 is amended.—

(1) in section 4(b)(2)—

(A) by striking out "section 8E(a)(2)" in each place it appears and inserting in lieu thereof "section 8F(a)(2) in each such place"; and

(B) by striking out "section 8E(a)(1)" and inserting in lieu thereof "section 8F(a)(2)"; and

(2) in section 8G (as redesignated in subsection (a) of this section)—

(A) by striking out "or 8D" and inserting in lieu thereof ", 8D or 8E"; and

(B) by striking out "section 8E(a)" and inserting in lieu thereof "section 8F(a)".

SEC. 3. TRANSFER OF FUNCTIONS.

Section 9(a)(1) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in subparagraph (T) by striking out "and" at the end thereof; and

(2) by inserting at the end thereof the following new subparagraph:

"(V) of the Federal Bureau of Investigation, the division of such bureau referred to as the 'Inspection Division' and, notwithstanding any other provision of law, that portion of each of the divisions or offices of such bureau which is engaged in internal audit activities; and".

SEC. 4. FEDERAL BUREAU OF INVESTIGATION DEFINED AS AN ESTABLISHMENT.

Section 11 of the Inspector General Act of 1978 is amended—

(1) in paragraph (1) by inserting "Federal Bureau of Investigation," after "Director of the"; and

(2) in paragraph (2) by inserting "the Federal Bureau of Investigation," after "the Federal Emergency Management Agency."

SEC. 5. INSPECTOR GENERAL AS AN EXECUTIVE SCHEDULE LEVEL IV POSITION.

Section 5315 of title 5, United States Code is amended by inserting after the item relating to the Inspector General of the Small Business Administration the following new item:

"Inspector General, Federal Bureau of Investigation".

By Mr. DECONCINI (for himself and Mr. CRANSTON):

S. 1341. A bill to provide for certain administrative authority and requirements relating to the Arizona Veterans Memorial Cemetery; to the Committee on Veterans' Affairs.

ARIZONA VETERANS MEMORIAL CEMETERY

● Mr. DECONCINI. Mr. President, as a member of the Senate Committee on Veterans' Affairs, I am introducing, along with my distinguished colleague, the chairman of the Veterans' Affairs Committee, Senator CRANSTON, an im-

portant bill to establish certain administrative authority and requirements for the Arizona Veterans Memorial Cemetery. Specifically, this bill would authorize the Department of Veterans Affairs to employ persons in connection with the Administration of this cemetery if they were employed the State of Arizona in that capacity at the State-run Arizona Veterans Memorial Cemetery on the day before the United States pursuant to section 346 of the Veterans' Benefits and Services Act of 1988 (Public Law 100-322; 102 Stat. 541). In addition, this bill would require the Secretary of Veterans Affairs to prepare an operating budget plan for the administration of the cemetery for fiscal years 1989, 1990, and 1991, and submit such plans to the Committees on Veterans' Affairs of the Senate and House of Representatives.

Before I discuss the needs for the current proposal, I would like to express my deep appreciation and gratitude to the distinguished chairman and the ranking member of the Senate Committee on Veterans' Affairs, Senators CRANSTON and MURKOWSKI, without whose invaluable assistance the dream of a new national cemetery in Arizona could never have been realized. I would also like to give special thanks to my friend and distinguished colleague from Arizona, Senator McCAIN, for all his hard work in the development of the original authorization for the incorporation of the Arizona Veterans Memorial Cemetery into the Nation Cemetery System. And I would be remiss if I did not mention invaluable contributions of House Committee on Veterans' Affairs Chairman SONNY MONTGOMERY and Representative BOB STUMP, that committee's new ranking member, in these efforts. Finally, I would like to thank all the Members of the Arizona delegation, both past and present, for their cooperation and support through the years on this issue.

Together we have traveled a long road since 1976 when the State of Arizona first appropriated funds for the development of a parcel of land in Maricopa County for use as a veterans' cemetery. Mr. President, the State of Arizona's Veterans Service Commission obtained the land for a cemetery in 1976, and the cemetery was then developed by the State with a Veterans' Administration [VA] grant pursuant to the 50/50 matching funds program in section 1008 of title 38, United States Code. The cemetery opened in May 1979 as the Arizona Veterans Memorial Cemetery and was operated by the State until 1989.

On May 22, 1988, section 346 of Public Law 100-322, which was based on legislation I authored, was enacted to provide for the transfer of the cem-

tery into the National Cemetery System. The transfer was effective on April 1, 1989, and the cemetery was then renamed "the National Memorial Cemetery of Arizona." It now operates as the 113th cemetery in the National Cemetery System.

Mr. President, when the transfer became effective, certain State of Arizona employees who had provided exceptional service to the facility when it was run by the State were nevertheless found to be ineligible for Federal employment because they were not Federal civil service employees and apparently did not test well on normal civil service standardized measures despite their specialized experience and expertise. This bill would authorize the Department of Veterans Affairs [DVA] to employ certain persons who had worked at the cemetery prior to its transfer into the National Cemetery System. Specifically, under this bill, DVA could employ such persons without regard to civil service requirements if they meet criteria and qualifications established by the Secretary.

In addition, this bill includes a reporting requirement regarding the funding of the operations of the cemetery. Under the provisions of section 346 of Public Law 100-322, the Secretary is prohibited, for 3 fiscal years, from obligating funds for the operation of the cemetery in excess of the greater of: First, the amount the Secretary estimates the DVA would have been required to pay under section 903(b)(1) of title 38—relating to payments to States in connection with the DVA \$150 burial payment for each eligible veteran in a State cemetery—had the cemetery not been transferred; or second, the amount that VA paid to the cemetery in fiscal year 1987, which was \$129,000, under that authority.

Our bill would require the Secretary to outline in an operating budget plan the anticipated sources of funds for the operation of the cemetery for each of fiscal years 1989, 1990, and 1991, and, to submit such plan each year to the Committees on Veterans' Affairs of the Senate and the House of Representatives. The plan for fiscal year 1989 would be due within 30 days after the enactment of this bill, the fiscal year 1990 plan would be due by October 1, 1989, and the fiscal year 1991 plan would be due by February 1, 1990. I believe this provision is necessary to ensure that DVA has a strategy for coping with the special funding constraints that will exist under section 346 through fiscal year 1991 and that effective service at this national cemetery is not interrupted by those constraints. If a funding shortfall is projected, because of these constraints, we need to know about it so that sources other than DVA funding can be sought and obtained.

Mr. President, enactment of this bill would help ensure that this most

recent addition to the National Cemetery System is sufficiently funded for the next 3 fiscal years and that it is maintained and provides service in a manner that befits a U.S. national cemetery. I urge all of my colleagues to give their support to this measure.

Finally, I again thank my good friend, Senator CRANSTON, for his assistance and collaboration in the preparation of this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1341

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADMINISTRATION OF ARIZONA VETERANS MEMORIAL CEMETERY.

(a) APPOINTMENT OF EMPLOYEES.—The Secretary of Veterans Affairs may, without regard to laws relating to appointments in the competitive service, employ in a position in the Department of Veterans Affairs in connection with the administration of the Arizona Veterans Memorial Cemetery transferred to the Department pursuant to section 346 of the Veterans' Benefits and Services Act of 1988 (Public Law 100-322; 102 Stat. 541) any person who (1) was employed by the State of Arizona in connection with the administration of such cemetery on the day before the date of the transfer, and (2) meets the criteria and qualifications established by the Secretary for employment in such position.

(b) OPERATING BUDGET PLAN.—(1) For each of the fiscal years 1989, 1990, and 1991, the Secretary of Veterans Affairs shall prepare an operating budget plan for the administration of the Arizona Veterans Memorial Cemetery referred to in subsection (a).

(2) The operating budget plan for a fiscal year shall include the anticipated sources of funds for such fiscal year, the Secretary's estimate of any budget deficit (taking into consideration the operating needs of the cemetery for such fiscal year and the limitations and requirements in section 346(f) of the Veterans' Benefits and Services Act of 1988), and the Secretary's estimate of the workload for such fiscal year.

(3) The Secretary shall transmit the budget operating plan for a fiscal year to the Committees on Veterans' Affairs of the Senate and the House of Representatives—

(A) in the case of fiscal year 1989, not later than 30 days after the date of the enactment of this Act;

(B) in the case of fiscal year 1990, not later than October 1, 1989; and

(C) in the case of fiscal year 1991, not later than February 1, 1990.●

By Mr. SANFORD:

S. 1342. A bill to suspend temporarily the duty on ranitidine hydrochloride; to the Committee on Finance.

SUSPENDING THE DUTY ON RANITIDINE HYDROCHLORIDE

Mr. SANFORD. Mr. President, I rise to introduce legislation to suspend temporarily the duty on N[2-[[[5-[[[dimenthylamino)menthyl]-2-furanyl]menthyl]thio]ethyl]-N'-

methyl-2-nitro-1, 1-ethenediamine, hydrochloride, also known as ranitidine hydrochloride.

Mr. President, this legislation affects imports of ranitidine hydrochloride, which is currently imported by one U.S. company, Glaxo Inc., which then uses this raw material in its U.S. manufacturing facility in order to produce the pharmaceutical product Zantac. Zantac is a very widely used product for treating ulcers.

Ranitidine hydrochloride is not currently produced in the United States; all ranitidine used for manufacture in the United States must be imported from abroad.

Payment of the current 3.7 percent ad valorem duty on ranitidine hydrochloride increases the cost of production for the only U.S. producer of Zantac.

Glaxo Inc. is a new entrant into the U.S. pharmaceutical market. In 1984, Glaxo completed construction of manufacturing facilities in Zebulon, NC and began processing imported ranitidine hydrochloride into Zantac tablets for sale in the U.S. market. Prior to that time, Glaxo imported Zantac tablets in finished form and marketed it to customers in the United States. Production of Zantac in the United States currently involves 500 to 600 American workers.

Glaxo Inc. manufacturing facilities are currently producing at full capacity in order to meet the growing demand for Zantac tablets in the United States. Unless capacity is expanded, this growing demand will force Glaxo to import once again the finished product from abroad. Glaxo will also have to import new dosage forms of Zantac in finished form unless it constructs new manufacturing facilities for processing these dosage forms for sale in the United States. Suspension of duty will reduce the cost of production of Zantac and allow resources to be used for the construction of much needed new manufacturing facilities, which will employ an estimated 80 to 160 additional workers.

Passage of legislation temporarily suspending duty on ranitidine hydrochloride would have a strong beneficial effect in the United States. Such legislation would suspend a duty that artificially increases a U.S. processing cost and would provide a financial incentive for a U.S. producer to increase the manufacture of the finished product in the United States rather than to import it from abroad. This in turn would increase jobs for American workers and enhance U.S. balance of payments.

Its duty level does not represent a conscious decision on the part of U.S. Congress as to what the particular tariff on ranitidine hydrochloride should be. Rather, it is merely one of

hundreds of chemicals included in the Harmonized Tariff Schedule 2932.19.50007.

Because there are no domestic producers of ranitidine hydrochloride, this bill would adversely affect no domestic interests. Duty suspension will lower the impact on the cost of production for Zantac without negatively affecting U.S. competition. Moreover, it would benefit considerably the Nation's interest in having Zantac produced by a U.S. manufacturer.

I urge my colleagues to support this bill as part of any tariff suspension legislation that comes before the Senate.

By Mr. WIRTH:

S. 1343. A bill to designate certain lands in the State of Colorado as components of the National Wilderness Preservation System, and for other purposes; to the Committee on Energy and Natural Resources.

COLORADO WILDERNESS ACT OF 1989

● Mr. WIRTH. Mr. President, the purpose of my rising today is to introduce the Colorado Wilderness Act of 1989. This is a piece of legislation that has been long in discussion. We have been working on this off and on since the last CWA was passed in 1980. This is legislation that covers some 750,000 acres in 18 different areas of land in the State of Colorado, most of it very high country land in so-called headwaters areas, a few other regions that because of the wonderful forthcomingness of two or three landowners is lower areas of wilderness designation.

As we approach the 21st century, Mr. President, one of the most important issues that is emerging is the need for us to manage our public lands in something of a different way than we have in the past.

Historically, we have viewed those public lands for the purposes of extraction and now we are understanding that it is a good idea to look at those public lands with a goal of attraction in mind as well.

In other words, the economics of our public lands often point in very much of a different direction from the old extractive approach. Managing for wilderness is clearly one of those. Wilderness designations are very good for the economics of the surrounding areas. They draw people in and this is so important to my State of Colorado where tourism, recreation, skiing industry, hunting, fishing, rafting, and so on have become so much a major part of our economy.

The legislation in front of us not only identifies that 750,000 acres in 18 different parcels but it also reaches to a number of very significant water issues which have really bogged this legislation down for such a long period of time.

At issue here for the most part is an issue called the reserve water rights

issue. The question is how much wilderness land if any deserves to have a reserve water right?

This is an issue that we in the West have been debating since the early part of the 20th century when the Winters doctrine came down from the Supreme Court identifying Indian reservations as having reserve water rights that came with that reservation.

Since that first decision by the Supreme Court reserve water rights has been expanded to include two or three other Federal properties as well. Now the issue is how much beyond Indian reservations—beyond various wildlife refuges, monuments and so on—how much water goes with wilderness areas? We have made after a process of long negotiation a number of concessions in this area identifying in the area of water that any water right from the Federal Government will go through the State water court; identifying that any issues at stake will be adjudicated by the State water engineer; identifying that any Federal water right will stand last in line in terms of the date of the designation of the wilderness—a whole variety of issues that are concessions I believe for an ability to solve this problem.

In addition, Mr. President, in this legislation we have solved the North Platte River wilderness issue. That came up as a result of the passage of the Wyoming wilderness bill in 1984. This legislation defines in two areas ways in which we resolve any water rights issues that may surround this legislation.

Finally, in the bill I have also been very careful to separate out the high country or headwaters area from the downstream area. What I proposed that we do in the Colorado wilderness bill is to follow the model that was successfully used by New Mexico, Arizona, Wyoming, and the State of Washington. But rather in this legislation, rather than trying to solve all the wilderness issues that exist downstream from the high country areas, the more flatland BLM land, to separate that out and leave it for another time.

We have no proposals coming from the administration as to what to do with this kind of flatland country. We have no proposals coming from anybody in the CWA delegation.

What I have done, as these other States have done, is separate out these downstream wilderness issues from the high country issues.

Let us protect the high country issues. Let us protect the high country wilderness now while we have the opportunity to do so before we have any more incursions, and protect this beautiful part of our legacy for our children, grandchildren, and all future generations.

Mr. President, Colorado is known across the country for the soaring peaks of our Rocky Mountains, the gold medal trout streams that flow from glaciers high in those mountains, and the bighorn sheep, cougar, bear, and elk that make their home in these wild lands. Coloradans take great pride in these wilderness lands, and overwhelming majorities of the people of my State are committed to the protection of this heritage for future generations.

When it was enacted into law in 1964, the Wilderness Act designated three wilderness areas in Colorado. In 1974, the Flat Tops Wilderness was established to protect a large tract of rugged mountains where the White and Yampa Rivers originate. The next year, Congress set aside the Eagles Nest Wilderness Area, which sits astride the rugged Gore Range.

And in 1978, countless Coloradans worked with me and the rest of the congressional delegation to find a compromise that enabled us to designate the Indian Peaks Wilderness just south of Rocky Mountain National Park. Today, Indian Peaks is one of the Nation's most heavily visited wilderness areas.

The watershed event for protecting Colorado's high elevation wild lands came with passage of the Colorado Wilderness Act of 1980. With one bill we added more than 1.4 million acres to the wilderness system. That legislation truly was a legacy to our children and grandchildren. But it left the question of whether to protect a number of important areas still unresolved.

That bill recognized that not enough was known about some of the still undeveloped areas in our national forests to make final decisions on which should be designated as wilderness and which should be released for multiple-use management. Accordingly, the 1980 act established 12 wilderness study areas, and retained 6 areas in their administratively designated "further planning" status. The Forest Service was directed to study these areas during the ensuing 3 years to determine their suitability for wilderness.

Since 1983 members of the Colorado congressional delegation have been working to finish the work we began in 1980. Bills were introduced in the 98th Congress to designate certain areas as wilderness and to release others. But the Colorado wilderness bill passed by the House of Representatives foundered in the Senate on the question of whether, and how, wilderness water resources should be managed. Legislation introduced in the 99th Congress met a similar fate.

One of my highest priorities, as a newly elected Member of this body, was to find a way to break the impasse

in Colorado over wilderness water resources so that we could get on with the job we began in 1980. In 1987, I joined with the senior Senator from Colorado in asking a number of distinguished Coloradans to attempt to resolve the dispute over wilderness water rights.

Two negotiating teams, representing conservationists and water resource developers, met at least nine times in an effort to find a compromise. Smaller teams of negotiators met many times more.

In months of hard work, these negotiating teams identified the salient issues, and made significant progress in narrowing their differences. At times, it seemed as if they were close to agreement. Ultimately, however, they deadlocked over lands that have nothing to do with the study areas that were identified in the 1980 act: Low elevation lands which the Bureau of Land Management [BLM] is studying for possible future designation as wilderness.

In March, I circulated among the two negotiating teams and many other Coloradans a comprehensive proposal for resolving the dispute over wilderness water resources. My proposal was designed to integrate water rights for wilderness into the State water rights system, so that existing water rights would be fully protected, while also providing a measure of protection for the proposed wilderness areas. No one was entirely satisfied by that proposal—a sure sign of a compromise—but representatives of both sides to the dispute suggested that it might provide the framework for a solution that would enable us to complete wilderness legislation for Colorado's forested, high mountain, headwaters areas.

Unfortunately, a few weeks ago some members of the water resource development negotiating team rejected that approach. Instead, they repeated their demand that any wilderness legislation for Colorado's high elevation headwaters areas must also address the question of water rights within BLM areas that may someday be recommended for wilderness—despite the near impossibility of finding a way to bind future Congresses to resolve a problem of, as yet, unknown dimensions.

At the risk of belaboring this issue, I want to emphasize that the BLM has not yet made any recommendations to the President for wilderness on Colorado's low elevation BLM lands. The President has transmitted no proposals to the Congress. Indeed the BLM is still conducting the studies needed to determine which areas are suitable for wilderness. As a result, we do not know today what areas will someday be recommended for wilderness, or when those recommendations will be received. Neither do we know what, if

any water resource conflicts will be implicated by those recommendations.

Over the past few weeks, it has become clear to me that while the negotiating teams were able to substantially narrow their differences, the negotiating teams had become deadlocked on the issue of BLM wilderness areas. As a result, I concluded that the time has now come to draft legislation that codifies the progress that has been made and strikes a fair balance—legislation that protects existing water rights but which also recognizes that, where it is found in these high mountain areas, water is a vital part of the wilderness environment we are trying to protect. I believe that the legislation I am introducing today achieves those dual objectives.

Before I describe that compromise on water rights, I want to take a few moments to describe the heart of this legislation.

The Colorado Wilderness Act of 1989, which I am introducing today, would add 751,260 acres of high mountain land to the wilderness system.

This bill includes popular recreation areas such as Lost Creek, an 11,000-acre addition to the Lost Creek Wilderness not far from the Denver metropolitan area. This bill also includes the limestone escarpment of Fossil Ridge, with its alpine lakes and steep forested slopes.

And this bill would preserve the lion, lynx, ptarmigan, and cutthroat trout habitat of the Spruce Creek addition to the Hunter-Fryingpan Wilderness. Just a few short weeks ago, my wife and I had the opportunity to ride through a small part of that area, and we were struck by its beauty, solitude, and ruggedness.

These areas, and others—especially the Sangre de Cristo Mountains, perhaps the most significant new area proposed in this bill—deserve to be protected as wilderness. They are a crucial part of our heritage as Coloradans. And they are becoming ever more important as a foundation of Colorado's economy, where recreation is now the second largest, and fastest growing, industry. Preserving these areas is good environmental policy. It is also good economic policy.

Mr. President, in 1964 we began the process of protecting Colorado's wild, pristine mountain lands. In 1980, we took a giant step forward, but we deferred some key decisions. Now, 25 years after the United States pioneered the idea of legislatively protected wilderness areas, it is time to finish the task we began with passage of the Colorado Wilderness Act of 1980. The one remaining obstacle is finding a fair solution to the water rights dispute. I believe my legislation provides a fair and reasonable solution that fits the needs of Colorado, the desires of its citizens to see its wilderness resources protected, and the specific

circumstances of our State's water laws and its hydrology.

The bill I have drafted would:

First, specifically recognize that this is a "headwaters only" bill and would raise no conflicts with upstream water rights. My staff and I carefully reviewed maps of past proposals for wilderness, and we modified boundaries where that was necessary, to eliminate such conflicts with upstream water users;

Second, expressly reserve water for the headwaters wilderness areas while waiving implied reserved wilderness rights for these areas;

Third, require the Federal Government to stand in line like all other water users, by giving the Federal Government a water right that is junior to all existing water rights;

Fourth, require the adjudication of these wilderness water rights in State water court;

Fifth, provide that nothing in this bill will affect the interstate water compacts that protect Colorado's water;

Sixth, provide that wilderness rights on the North Platte River cannot be asserted to diminish the State's ability to use its full share of water from that river, to resolve the concerns of North Platte water users;

Seventh, reiterate that nothing in this bill will alter previously enacted legislation concerning the Homestake II project and the Hunter-Fryingpan project; and

Eighth, retain two other areas, encompassing 62,240 acres, in a protective study status while the Forest Service and other agencies evaluate potential water resource conflicts in those areas.

To the best of my understanding, this proposal responds to all of the concerns that were raised over the past 2 years of negotiations. No one comes out a winner. The conservationists will have to give some ground under this proposal, and so will the water resource development interests.

But I believe this is a fair and responsible solution to an issue that has, for nearly 6 years, stalled wilderness legislation in Colorado. This is a Colorado solution to a Colorado problem, since it respects existing water rights, protects the State's ability to develop water resources for economic development, and integrates well with the State's existing system for managing water resources.

Mr. President, the only issue this proposal does not resolve is how we will address water resource conflicts that may be implicated by future legislation for BLM areas. I understand that such proposals may raise far more serious concerns about water resource conflicts than does today's legislation. And I am committed to finding a consensus in Colorado on these

issues when the Congress receives the President's proposals for BLM wilderness in Colorado.

But we can not today foresee what problems we will encounter in 1992, or whenever those proposals are received by the Congress. The citizens of Colorado have been waiting patiently since 1980 to finish the job of protecting our high mountain wild lands. With each passing day, the threats to those areas increase. No one identified any water resource conflicts in these areas, despite years of debate and negotiation.

There is, in short, no reason to delay and every reason to proceed. The time for action has arrived—and I hope that 1989 will be the year we pass the next installment in Colorado's legacy to the future.

At this point, Mr. President, I ask unanimous consent to have printed in the RECORD the text of my bill and a section-by-section analysis of that bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1343

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. SHORT TITLE.—This Act may be cited as the "Colorado Wilderness Act of 1989."

TITLE I—ADDITIONS TO THE WILDERNESS PRESERVATION SYSTEM

SEC. 101. (a) In furtherance of the purposes of the Wilderness Act, the following lands in the State of Colorado are hereby designated as wilderness and, therefore, as components of the National Wilderness Preservation System:

(1) certain lands in the San Isabel National Forest, which comprise approximately fifty-eight thousand one hundred sixty acres, as generally depicted on a map entitled "Buffalo Peaks Wilderness—Proposed," dated July 1989, and which shall be known as the Buffalo Peaks Wilderness;

(2) certain lands in the Uncompahgre National Forest and in the Bureau of Land Management Gunnison Basin Resource Area, which comprise approximately sixty-nine thousand nine hundred forty acres, as generally depicted on a map entitled "Cannibal Plateau Wilderness—Proposed," dated July 1989, and which shall be known as the Cannibal Plateau Wilderness;

(3) certain lands in the Routt National Forest, which comprise approximately thirty-six thousand acres, as generally depicted on a map entitled "Davis Peak Additions to the Mount Zirkel Wilderness—Proposed," dated July 1989, and which are hereby incorporated in and shall be deemed a part of the Mount Zirkel Wilderness as designated by Public Law 88-577;

(4) certain lands in the Gunnison National Forest, which comprise approximately fifty-five thousand five hundred sixty acres, as generally depicted on a map entitled "Fossil Ridge Wilderness—Proposed," dated July 1989, and which shall be known as the Fossil Ridge Wilderness;

(5) certain lands in the San Isabel National Forest, which comprise approximately twenty-four thousand one hundred thirty acres, as generally depicted on a map entitled "Greenhorn Mountain Wilderness—Proposed," dated July 1989, and which shall

be known as the Greenhorn Mountain Wilderness;

(6) certain lands in the Pike National Forest and in the San Isabel National Forest, which comprise approximately eleven thousand acres, as generally depicted on a map entitled "Lost Creek Wilderness Additions—Proposed," dated July 1989, and which are hereby incorporated in and shall be deemed a part of the Lost Creek Wilderness as designated by Public Law 96-560;

(7) certain lands in the Gunnison National Forest, which comprise approximately five thousand five hundred acres, as generally depicted on a map entitled "O Be Joyful Additions to the Raggeds Wilderness—Proposed," dated July 1989, and which are hereby incorporated in and shall be deemed a part of the Raggeds Wilderness as designated by Public Law 96-560;

(8) certain lands in the Arapahoe National Forest, which comprise approximately twenty-four thousand one hundred sixty acres, as generally depicted on a map entitled "St. Louis/Vasquez Peaks Wilderness—Proposed," dated July 1989, and which shall be known as the St. Louis/Vasquez Peaks Wilderness.

(9) certain lands in and adjacent to the Rio Grande and San Isabel National Forests, which comprise approximately two hundred fifty-two thousand eighty acres, as generally depicted on a map entitled "Sangre de Cristo Wilderness—Proposed," dated July 1989, and which shall be known as the Sangre de Cristo Wilderness;

(10) certain lands in the Routt National Forest, which comprise approximately fifty-four thousand seven hundred acres, as generally depicted on a map entitled "Service Creek Wilderness—Proposed," dated July 1989, and which shall be known as the Service Creek Wilderness;

(11) certain lands in the San Juan National Forest, which comprise approximately thirty-two thousand eight hundred acres, as generally depicted on a map entitled "South San Juan Additions Wilderness—Proposed," dated July 1989, and which are hereby incorporated in and shall be deemed a part of the South San Juan Wilderness as designated by Public Law 96-560;

(12) certain lands in the San Isabel National Forest, which comprise approximately nineteen thousand five hundred seventy acres, as generally depicted on a map entitled "Spanish Peaks Wilderness—Proposed," dated July 1989, and which shall be known as the Spanish Peaks Wilderness;

(13) certain lands in the White River National Forest, which comprise approximately eight thousand acres, as generally depicted on a map entitled "Spruce Creek Additions to the Hunter-Fryingpan Wilderness—Proposed," dated July 1989, and which are hereby incorporated in and shall be deemed a part of the Hunter-Fryingpan Wilderness as designated by Public Law 95-327;

(14) certain lands in the San Juan National Forest, which comprise approximately eight thousand six hundred fifty acres, as generally depicted on a map entitled "Weminuche Wilderness Additions—Proposed," dated July 1989, and which are hereby incorporated in and shall be deemed a part of the Weminuche Wilderness as designated by Public Law 93-632;

(15) certain lands in the San Juan National Forest, which comprise approximately twenty-two thousand one hundred ten acres, as generally depicted on a map entitled "West Needles Wilderness—Proposed," dated July 1989, and which shall be known as the West Needles Wilderness;

(16) certain lands in the Rio Grande National Forest, which comprise approximately twenty-five thousand acres, as generally depicted on a map entitled "Wheeler Peak Additions to the La Garita Wilderness—Proposed," dated July 1989, which are hereby incorporated in and shall be deemed a part of the La Garita Wilderness as designated by Public Law 88-577;

(17) certain lands in the Arapahoe National Forest, which comprise approximately forty thousand acres, as generally depicted on a map entitled "Williams Fork Wilderness—Proposed," dated July 1989, and which shall be known as the Williams Fork Wilderness: *Provided, however,* That subject to valid existing rights, that part of the Williams Fork Further Planning Area as generally depicted on said map and which is not designated part of the Williams Fork Wilderness by this Act, shall be managed until Congress determines otherwise to maintain its presently existing wilderness character and potential for inclusion in the National Wilderness Preservation System: *Provided further,* That no right, or claim of right, to the diversion and use of water from the Williams Fork Further Planning Area by the Board of Water Commissioners of the city and county of Denver shall be prejudiced, diminished, altered, or affected by this section, and this section shall not be construed to impair, impede, or interfere with the exercise of such rights, including the exercise of such rights in a manner affecting the Williams Fork Further Planning Area's presently existing wilderness character and potential for inclusion in the National Wilderness Preservation System; and

(18) certain lands in the Bureau of Land Management Gunnison Basin Resource Area, which comprise approximately three thousand nine hundred acres, as generally depicted on a map entitled "American Flats Additions to the Big Blue Wilderness—Proposed," dated July 1989, and which are hereby incorporated in and shall be deemed a part of the Big Blue Wilderness as designated by Public Law 96-560.

TITLE II—WATER RIGHTS

SEC. 201. (a) FINDINGS.—The Congress finds and declares that—

(1) where it exists in wilderness, water is vital to those natural values and recreation uses that wilderness, as defined by this Act and the Wilderness Act (78 Stat. 890), is meant to provide for and preserve;

(2) the wilderness areas designated by this Act are situated at the headwaters of streams in the State of Colorado;

(3) the express reservation of water for wilderness areas designated by this Act will not diminish the presently adjudicated valid existing appropriate water rights within or upstream of the areas designated as wilderness by this Act;

(4) the express reservation of water for wilderness areas designated by this Act will not diminish valid existing or future appropriate rights located downstream of the exterior boundaries of the areas designated wilderness by this Act and will benefit such rights as maintaining existing stream flows and preserving the natural ecosystems of the watersheds;

(5) the express reservation of water for areas designated wilderness by this Act will not diminish the State of Colorado's right to use those quantities of water apportioned pursuant to interstate compacts and equitable decrees of the United States Supreme Court;

(6) the express reservation of water for areas designated wilderness by this Act is in lieu of the rights that would otherwise be reserved by implication when areas are included in the National Wilderness Preservation System;

(7) the Federal water rights reserved by this Act shall be in addition to express or implied water rights previously reserved by the United States for purposes other than wilderness; and

(8) Except as provided in subsection 201(b), this Act is not intended to determine the existence or scope of any express or implied reserved water rights created in or arising from other Federal legislation.

(b) DETERMINATION.—(1) Therefore, the Congress determines and directs that the United States reserves a quantity of water sufficient to fulfill the purposes of the wilderness areas created by this Act.

(2) For the purposes of state water rights administration, the priority date of the water rights reserved in this section shall be the date of enactment of this Act.

(3) The Secretary shall, no later than two years after the date of enactment of this Act, file a claim for the adjudication of the water rights reserved by this section in appropriate proceedings in the courts of the State of Colorado pursuant to the provisions of 43 U.S.C. 666, and shall take all steps necessary to protect such rights in such adjudication.

(4) Nothing in this Act shall be deemed to alter or modify any interstate compact or equitable decree of the United States Supreme Court, effecting the allocation of water between or among the State of Colorado and other states.

(5) Notwithstanding anything contained in this Act or any prior Acts of Congress to the contrary, the United States shall not assert reserved water rights to waters in the North Platte River for purposes of the North Platte Wilderness Area located on the Colorado-Wyoming state boundary, to the extent such rights would prevent the use or development by present and future holders of valid water rights of Colorado's full apportionment of interstate waters within the State of Colorado pursuant to interstate compact or equitable decrees of the United States Supreme Court: *Provided*, That nothing herein shall excuse the Secretary from promptly adjudicating those rights in appropriate stream adjudications.

(6) The Congress hereby reaffirms Section 102(a)(5) of Public Law 96-560 (94 Stat. 3266) and the last sentence of Section 2(e) of Public Law 95-237 (92 Stat. 41).

(7) Nothing in this Act shall be construed as a precedent for the designation of future wilderness areas in the State of Colorado or any other state.

TITLE III—WILDERNESS STUDY AREAS

SEC. 301. (a) The following lands in the State of Colorado are hereby designated as wilderness study areas:

(1) certain lands in the San Juan National Forest, which comprise approximately sixty thousands acres, as generally depicted on a map entitled "Piedra Wilderness Study Area—Proposed," dated July 1989; and

(2) certain lands in the San Juan National Forest, which comprise approximately two thousand two hundred forty acres, as generally depicted on a map entitled "Purgatory Flats Wilderness Study Area—Proposed" dated July 1989.

(b)(1) The Secretary of Agriculture, in conjunction with the Colorado Water Conservation Board and other appropriate state and federal agencies, shall, within two years

after the date of enactment of this Act, conduct and transmit to the Congress a comprehensive study of (i) the wilderness values that are supported by streams areas that arise upon or flow through such wilderness study areas and necessary flow for the protection of wilderness values on streams within such wilderness study areas; (ii) the potential for the development of water resources on stream segments upstream of such wilderness study areas; (iii) a range of alternatives for protecting water resources within such wilderness study areas, including recommendations of the Colorado Water Conservation Board; and (iv) the effect such alternatives would have on private rights to develop water resources upstream of such wilderness study areas pursuant to state law.

(2) In conducting the study, the Forest Service shall hold at least one public hearing in the vicinity of each of the wilderness study areas designated by this Act and at least of the wilderness study areas designated by this Act and at least one hearing in the Denver metropolitan area, and shall request from interested public agencies and individuals recommendations on protecting instream flow values within such wilderness study areas.

(d) The wilderness study areas designated by this Act, shall, until Congress determines otherwise, be managed by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act of 1964 governing areas designated as wilderness by that Act: *Provided, however*, That on Federal water rights, express or implied, are established by enactment of this section.

TITLE IV—ADMINISTRATIVE PROVISIONS

SEC. 401. (a) As soon as practicable after this Act takes effect, the Secretary of Agriculture and the Secretary of the Interior, as appropriate, shall file the maps referred to in this Act and legal descriptions of each wilderness area and wilderness study area designated by this Act with the Committee on Energy and Natural Resources, United States Senate, and the Committee on Interior and Insular Affairs, House of Representatives, and each such map and legal description shall have the same force and effect as it included in this Act: *Provided, however*, That correction of clerical and typographical errors in such legal descriptions and maps may be made. Each such map and legal description shall be on file and available for public inspection in the office of the Chief of the Forest Service, Department of Agriculture.

(b) Subject to valid existing rights, each wilderness area designated by this Act shall be administered by the Secretary of Agriculture or the Secretary of the Interior, as appropriate, in accordance with the provisions of the Wilderness Act of 1964 (78 Stat. 890) governing areas designated by that Act as wilderness areas, except that, with respect to any area designated in this Act, and reference in such provisions to the effective date of the Wilderness Act of 1964 shall be deemed to be a reference to the effective date of this Act.

SEC. 402. REPEAL OF WILDERNESS STUDY AREA MANAGEMENT RESTRICTIONS.—Section 2(e) of Public Law 95-237 is amended by deleting the fourth sentence of that subsection and Public Law 96-560 is amended by deleting subsections 105(c) and 106(b) of that Act.

SEC. 403. (a) The Congress finds that—

(1) the Department of Agriculture has completed the second Roadless Area Review and Evaluation Program (RARE II);

(2) the Congress has made its own review and examination of National Forest System roadless areas in Colorado and of the environmental impacts associated with alternative allocations of such areas;

(b) On the basis of such review, the Congress hereby determines and directs that—

(1) without passing on the question of the legal and factual sufficiency of the RARE II final environmental impact statement (dated January 1979) with respect to National Forest System lands in states other than Colorado, such statement shall not be subject to judicial review with respect to National Forest System lands in the state of Colorado;

(2) with respect to National Forest System lands in the State of Colorado which were reviewed by the Department of Agriculture in the second Roadless Area Review and Evaluation (RARE II) and those lands referred to in subsection (d), except those lands remaining in wilderness study upon enactment of this Act, that review and evaluation or reference shall be deemed for the purposes of the initial land management plans required for such lands by the Forest and Rangeland Renewable Resources Planning Act of 1976 (Public Law 94-588), as amended by the National Forest Management Act of 1976, to be an adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System and the Department of Agriculture shall not be required to review the wilderness option prior to the revisions of the plans, but shall review the wilderness option when the plans are revised, which revisions will ordinarily occur on a ten-year cycle, or at least every fifteen years, unless, prior to such time the Secretary of Agriculture finds that the conditions in a unit have significantly changed;

(3) areas in the State of Colorado reviewed in such final environmental impact statement or referenced in subsection (d) and not designated wilderness or remaining in wilderness study upon enactment of this Act, except for the Williams Fork Further Planning Area, shall be managed for multiple use in accordance with land management plans pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976; *Provided*, That such areas need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of the initial land management plans;

(4) in the event that revised land management plans in the State of Colorado are implemented pursuant to section 6 of the Forest and Land Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law, areas not recommended for wilderness designation need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of such plans, and areas recommended for wilderness designation shall be managed for the purpose of protecting their suitability for wilderness designation as may be required by the Forest and Rangeland Renewable Resources Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law;

(5) unless expressly authorized by Congress, the Department of Agriculture shall

not conduct any further statewide roadless area reviews and evaluation of national forest system lands in the State of Colorado for the purpose of determining their suitability for inclusion in the National Wilderness Preservation System.

(c) As used in this section, and as provided in section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, the term "revision" shall not include an amendment to a plan.

(d) The provisions of this section shall also apply to National Forest System roadless lands in the State of Colorado which are less than five thousand acres in size.

SECTION-BY-SECTION ANALYSIS OF THE COLORADO WILDERNESS ACT OF 1989

Section 1—Provides that the Act may be referred to as the "Colorado Wilderness Act of 1989."

TITLE I—ADDITIONS TO THE WILDERNESS PRESERVATION SYSTEM

Section 101(a)—Provides for the designation of 18 new wilderness areas, totaling 751,260 acres. The areas are:

1. Buffalo Peaks Wilderness—San Isabel NF—58,160 acres
2. Cannibal Plateau Wilderness—Uncompahgre NF—69,940 acres
3. Davis Peak Additions to the Mt. Zirkel Wilderness—Routt NF—36,000 acres
4. Fossil Ridge Wilderness—Gunnison NF—55,560 acres
5. Greenhorn Mountain Wilderness—San Isabel NF—24,130 acres
6. Additions to the Lost Creek Wilderness—Pike NF—11,000 acres
7. O Be Joyful Additions to the Raggeds Wilderness—Gunnison NF—5,500 acres
8. St. Louis/Wasquez Peaks Wilderness—Arapahoe NF—24,160 acres
9. Sangre de Cristo Wilderness—Rio Grande and San Isabel NFs—252,080 acres
10. Service Creek Wilderness—Routt NF—54,700 acres
11. Additions to the South San Juan Wilderness—San Juan NF—32,800 acres
12. Spanish Peaks Wilderness—San Isabel NF—19,570 acres
13. Spruce Creek Additions to the Hunter-Fryingpan Wilderness—White River NF—8,100 acres
14. Additions to the Weminuche Wilderness—San Juan NF—8,650 acres
15. West Needles Wilderness—San Juan NF—22,110 acres
16. Wheeler Additions to the La Garita Wilderness—Rio Grande NF—25,000 acres
17. Williams Fork Wilderness—Arapahoe NF—40,000 acres
18. American Flats Additions to the Big Blue Wilderness—Gunnison Basin BLM—3,900 acres

TITLE II—WATER RIGHTS

Section 201(a). Sets out Congressional findings as follows:

- (1) Water is vital to the natural values and recreational uses of wilderness areas;
- (2) The areas designated wilderness by this bill are headwaters areas;
- (3) The reservation of water rights to protect wilderness values in these areas will not diminish any existing water rights;
- (4) Water rights to protect these wilderness areas cannot take any water away from present or future water rights downstream of these areas, and can benefit such rights by protecting watershed values upstream of them.
- (5) Express reservation of water for wilderness areas will not diminish the State of

Colorado's rights to use all the water it is entitled to under interstate compacts and decrees of the U.S. Supreme Court.

(6) Express reservation of water for wilderness in this bill is in lieu of water rights that otherwise would, according to the courts, be reserved by implication when wilderness is designated.

(7) The water rights reserved by this Act shall be in addition to other, previously reserved by the United States.

(8) This bill is not intended to determine the existence or scope of any reserved water rights created in or arising from any other federal legislation.

Section 201(b).—Provides the following directions regarding water rights for the protection of the wilderness areas created in this bill:

(1) Directs the express reservation of water sufficient to fulfill the purposes of the wilderness areas created by the bill.

(2) Provides that for purposes of administration by the state, the priority date of water rights reserved in this bill be the date of its enactment into law.

(3) Requires the Secretary of Agriculture to file claims for such rights in state court within two years.

(4) Provides that nothing in this bill shall change any interstate water compact or allocation of water amongst the States by the U.S. Supreme Court.

(5) Provides that the federal government cannot assert any claim to reserved water rights for the North Platte Wilderness on the Colorado/Wyoming border which would prevent the development of Colorado's full apportionment of water as provided by interstate compact or decree of the U.S. Supreme Court.

(6) Reaffirms previous legislation concerning water development projects and wilderness areas in Colorado.

(7) Provides that nothing in this bill shall be construed as a precedent for the designation of future wilderness areas in Colorado or any other state.

TITLE III—WILDERNESS STUDY AREAS

Section 301(a). Designates two wilderness study areas. They are:

- (1) Piedra Wilderness Study Area—San Juan NF—60,000 acres
- (2) Purgatory Flats Wilderness Study Area—San Juan NF—2,200 acres

Section 301(b). Requires the Forest Service, working with the Colorado Water Conservation Board and others, to study:

- (1) The need for water to protect wilderness values in these areas.
- (2) The potential for water development in stream segments upstream of these areas which might be affected by the creation of water rights for wilderness protection there.
- (3) A range of alternative ways to protect the water resources in these areas.
- (4) The effects of each such alternative on private rights.

Section 301(c). Provides that these wilderness study areas will be managed as if they had been designated wilderness, except that no federal water rights are established by this protection.

TITLE IV—ADMINISTRATIVE PROVISIONS

Section 401(a). Provides for the filing and availability to the public of maps containing the official boundaries of the wilderness and wilderness study areas designated in this bill.

Section 401(b). Provides for administration of the areas designated wilderness by this bill under the provisions of the Wilderness Act of 1964, subject to valid existing rights.

Section 402. Repeals wilderness study area designations made in prior Acts of Congress.

Section 403. Releases the Forest Service from obligation to study for wilderness, or to protect the wilderness characteristics of, areas not designated wilderness by this bill. This is the "release language" which has been incorporated in every Forest Service wilderness bill passed by the Congress following the Forest Service RARE II nationwide wilderness study, which was completed in 1979.●

By Mr. DODD:

S. 1344. A bill to amend the Internal Revenue Code of 1986 to allow insurance companies to be consolidated with noninsurance companies; to the Committee on Finance.

REMOVING LIMITATIONS ON THE USE OF TAX CONSOLIDATION BY LIFE INSURANCE COMPANIES

● Mr. DODD. Mr. President, today I am reintroducing legislation to rectify an inequity in current law which prevents life insurance companies from making use of consolidated tax returns in the same manner as other corporations. I hope that the Senate will be able to address the bill this year.

While the different tax treatment was justified some time ago because of other special income tax rules for life insurance companies, those reasons are no longer valid since the passage of the Deficit Reduction Act of 1984, the Tax Reform Act of 1986, and the Omnibus Budget Reconciliation Act of 1987. Moreover, the present limitation on tax consolidation has the effect of diminishing overall capacity in the insurance industry, to the disadvantage of consumers.

The legislation I am introducing today would repeal certain provisions of the Internal Revenue Code to remove limitations on the use of tax consolidation by life insurance companies. It would treat life insurance companies the same as all other corporations.

Let me describe the background and purpose of the legislation in more detail.

BACKGROUND AND PURPOSE OF THE LEGISLATION

Prior to the Tax Reform Act of 1976, life insurance companies, unlike other corporations, could not join in the filing of a consolidated return that included other types of corporations. The 1976 legislation partially lifted the ban against life-nonlife consolidation for taxable years beginning after 1980.

While the 1976 legislation accorded life insurance companies a greater measure of the consolidation treatment permitted for other corporations, it stopped short of parity, limiting the extent to which losses of companies not taxed as life insurance companies may be used against the income of a life insurance company in arriving at consolidated taxable income. Thus, under current law, the amount of loss which may be so used is limited to the

lesser of 35 percent of such loss or 35 percent of the income of the life insurance company members. In addition, no life insurance company may join in the consolidated return until it has been a member of the affiliated group for 5 years, and no loss of a company not taxed as a life insurance company may be used against the income of a life insurance company until the 6th year in which such companies have been members of the affiliated group.

These restrictions were based primarily on the fact that life insurance companies were taxed under special rules that differed from those applicable to other types of companies. However, changes under the Deficit Reduction Act of 1984 have made the tax provisions applicable to life companies comparable to those applicable to other corporations. Since other substantial changes were made under the Tax Reform Act of 1986 and the 1987 Reconciliation Act to assure that all insurance companies are taxed on their full economic income, there is no longer any reason to deny to life-non-life affiliated groups the full tax consolidation treatment that is generally available. Therefore, the bill would simply remove the existing restrictions on such consolidation.

Mr. President, I ask unanimous consent that the full text of the bill be included in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1344

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONSOLIDATION OF INSURANCE COMPANIES WITH NONINSURANCE COMPANIES PERMITTED.

(a) IN GENERAL.—Section 1504(b) of the Internal Revenue Code of 1986 (defining includible corporation) is amended by striking out paragraph (2).

(b) CONFORMING AMENDMENTS.—

(1) Section 1503 of such Code (relating to computation and payment of tax) is amended by striking out subsection (c) thereof.

(2) Section 1504 of such Code (relating to definitions) is amended by striking out subsection (c).

SEC. 2. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this Act shall apply to taxable years beginning after December 31, 1988.

(b) TRANSITIONAL RULE.—The amendments made by this Act shall not apply to—

(1) the carryover of a loss or credit from a taxable year beginning before January 1, 1989, to a taxable year beginning on or after January 1, 1989, or

(2) the carryback of a loss or credit to a taxable year beginning before January 1, 1989.●

By Mr. GORE:

S. 1345. A bill to provide for the continuous assessment of critical trends and alternative futures; to the Committee on Governmental Affairs.

CRITICAL TRENDS ASSESSMENT ACT

● Mr. GORE. Mr. President, during the 99th Congress I introduced a bill that would get the Federal Government to do something it rarely does in-depth—consider the future. The idea behind that bill—the Critical Trends Assessment Act—was to gather the vast array of complex information about trends in our society and throughout the world economy and environment and put it to work in public policy decisionmaking.

Four years later, the reasons behind that legislative initiative are even more compelling. Today I am reintroducing the Critical Trends Assessment Act, and encourage my colleagues to consider its case.

We often lurch from one crisis to another. Meanwhile, new problems bubble beneath the surface for years and we barely recognize them in our preoccupation with the present day's crisis. Then, suddenly, they burst forth, in the form of global warming, the savings and loan catastrophe, energy supplies and prices, or trade imbalances.

For example, we thought for years that the Earth contained inexhaustible resources and could cope with whatever abuses we heaped on it and into it. We have since discovered the enormous quantity of toxic wastes oozing into our water supplies. We learned about soil erosion and later about finite fossil fuel resources.

And, in perhaps the best case of inadequate planning in the history of mankind, we now face problems and implications of global environmental change that threaten the planet's very survival.

During the 1970's, our country's energy picture was severely distorted first by lower supplies, then by higher prices. Demand eventually dropped and we were sent reeling by having to pay for powerplants we no longer needed.

As baby boomers matured and entered the working world, school enrollment dropped and schools closed in their wake. Now, the baby boomers are having children of their own and we find a shortage of elementary schoolteachers that we could have anticipated but failed to do so.

These examples are only the tip of the iceberg.

Sometimes when we try to glimpse into the future we get more confused than when we started. Computer models in executive agencies often develop conclusions that are widely inconsistent with one another. Deregulation, understaffing, and the Paperwork Reduction Act have taken their toll, reducing the quality of Federal data available on some issues.

Our shortsightedness does not necessarily result from the fact that we aren't doing enough studies or collecting enough information. From the

Census Bureau to the Social Security Administration, the Federal Government often seems awash in statistics.

But what are we doing with all this information? How are we, as elected leaders, assessing today the critical trends that tomorrow will become crisis and the day after require our immediate response?

It is this institutional shortsightedness that creates a renewed justification for the Critical Trends Assessment Act. The bill would provide for the continuous assessment of critical trends and alternative futures.

Mr. President, I am aware that initiatives which threaten the status quo of decisionmaking are sometimes controversial. Shortly after this century began, in fact, President Theodore Roosevelt created a national Commission to study the future of the country's natural resources. The group met with congressional opposition to "government by commission" and eventually wilted.

The Critical Trends Assessment Act would not constitute government by commission. The Office it would create would not usurp powers from any Federal agency. It would not be a method to involve centralized planning into the Federal Government.

The Office created by this bill would be a mechanism to encourage useful debate among people in the Federal Government as well as in the private sector, focusing our attention beyond immediate concerns, making us better prepared for the future.

Specifically, the bill would establish within the Executive Office of the President an Office of Critical Trends Analysis, with a \$5 million annual budget. The Office would be authorized to advise the President "of the potential effect of Government policies on critical trends and alternative futures."

The Office would produce, every 4 years, an "Executive Branch Report on Critical Trends and Alternative Futures." The Joint Economic Committee of Congress would produce a similar report, with its own findings, every 2 years.

Both reports would be expected to identify and analyze critical trends and alternative futures for the next 20 years in light of economic, technological, political, environmental, demographic and social causes and consequences. They would analyze these trends based on current conditions, evaluate current Government policies and consider any alternative approaches.

The Advisory Commission on Critical Trends Analysis would be created with executive, congressional, and private sector representation. The Advisory Commission would assist the Office and promote public discussion of critical trends.

I have seen the value of getting Congress to look to the future. Six years ago the Congressional Clearinghouse on the Future, which I chaired, published a "Future Agenda" as seen by committees and subcommittees to focus beyond day-to-day concerns and look at long-term trends.

We know that land fueled the agricultural revolution and capital fueled the industrial revolution. There is growing awareness that information is fueling our present revolution.

But what are we doing with it? We are gathering data, we are making studies and we are shoving it all aside so we can handle the crises of the present day.

I think Congress and the White House can show more foresight than that. I urge my colleagues to support the Critical Trends Assessment Act.

I ask unanimous consent that the entire text of the bill appears in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1345

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Critical Trends Assessment Act".

SEC. 2. FINDINGS AND PURPOSES.

The Congress finds and declares that—

(1) the growing complexity and interdependence of the modern world, exhibited by such issues as global environmental change, homelessness, Third World debt, and others, require that national decision machinery be capable of identifying long-term changes affecting the national welfare and that it bring these factors to bear upon public policy;

(2) while the Government has available to it enormous information resources, there is a need to integrate existing capabilities to provide a systematic and comprehensive use of that information to guide policymakers concerning critical trends and alternative futures;

(3) these information resources can and should be made publicly available in a form suitable for use by the public and private sectors of the United States economy; and

(4) therefore, it is necessary to establish mechanisms to bring all relevant perspectives into the decision process to evaluate available information, to focus attention on areas in which information is inadequate, and to identify and analyze critical trends and alternative futures based upon the best available information.

SEC. 3. FUNCTIONS OF THE OFFICE OF CRITICAL TRENDS ANALYSIS.

(a) There is established in the Executive Office of the President the Office of Critical Trends Analysis (hereafter in this title referred to as the "Office"). The Director and Deputy Director of the Office shall be appointed by the President, by and with the advice and consent of the Senate.

(b) The Office shall be responsible for—

(1) the preparation of the executive branch report as required by section 4;

(2) the review and analysis of Government policies as required by section 5; and

(3) the organization and utilization of the Advisory Commission as required by section 6.

(c) The President shall authorize the Office to utilize the information, property, facilities, services, and personnel of each department and agency in the executive branch to the extent necessary in carrying out such functions. In addition, the Director is authorized to appoint and fix the compensation of employees of the Office.

(d) There are authorized to be appropriated not to exceed \$5,000,000 for fiscal year 1990 and each of the succeeding fiscal years for the purpose of carrying out sections 3 through 6 of this Act.

SEC. 4. PREPARATION OF REPORT.

(a) Not later than the end of 1993 and each fourth year thereafter, the Office shall prepare for publication an Executive Branch Report on Critical Trends and Alternative Futures. The report shall contain—

(1) an identification and analysis, of critical trends and alternative futures for the ensuing twenty-year period;

(2) a description of the relationship of such trends and alternative futures to the economic, technological, political, environmental, demographic, and social causes and consequences;

(3) an analysis of such trends and alternative futures with respect to present and future problem areas and potential future opportunities;

(4) an evaluation of the effects of existing and alternative Government policies on such trends; and

(5) an identification of the information and a discussion of the analysis upon which conclusions in the report are based.

(b) Such reports shall be based upon information obtained from sources outside the Federal Government and upon information obtained from Federal departments and agencies.

(c) Prior to the publication of the report required by this section, the Director of the Office shall make a draft copy of such report available to interested persons for the purposes of review and comment. Any significant comments received from interested persons or a summary thereof shall be included as an appendix to the published report.

(d) The President shall submit such report, together with his comments or recommendations thereon, to each House of the Congress and such report shall be made available within the Government and to the public as a public document.

(e) The Office shall also publish such interim reports as it considers necessary and appropriate.

SEC. 5. REVIEW AND ANALYSIS OF GOVERNMENT POLICIES.

The Office shall be responsible for advising the President of the potential effects of Government policies on critical trends and alternative futures. The Office shall—

(1) analyze available information to identify present policies and policy options for the United States in relation to critical trends and alternative futures;

(2) review Federal laws, regulations, programs, and other activities of the Federal Government to determine their long-term effects;

(3) prepare reports for the President as necessary and appropriate;

(4) insure that the Federal departments, agencies, and establishments with responsibilities in the area of policy under consideration are provided an opportunity to com-

ment on the potential effects of Government policies on critical trends and alternative futures;

(5) consider the comments of such Federal departments, agencies, and establishments in performing its functions under this section; and

(6) include the official comments of such Federal departments, agencies, and establishments in any reports provided to the President by the Office under the authority of this section.

SEC. 6. ADVISORY COMMISSION ON CRITICAL TRENDS ANALYSIS.

(a) The Office shall be responsible for the establishment of the Advisory Commission on Critical Trends Analysis.

(b) The Advisory Commission shall—

(1) provide advice to the Office with respect to its operations; and

(2) promote the public discussion and public awareness of critical trends and the use of analyses of such trends to create alternative futures.

(c) The Advisory Commission shall be composed of nineteen members, as follows:

(1) Five members of the Advisory Commission shall be the heads of Federal agencies designated by the President.

(2) Three members of the Advisory Commission shall be Members of the Senate, appointed by the majority leader and minority leader of the Senate, acting jointly, at least one of whom shall be a member of the minority party.

(3) Three members of the Advisory Commission shall be Members of the House of Representatives appointed by the Speaker of the House of Representatives, at least one of whom shall be a member of the minority party who is appointed in consultation with the leader of the minority party.

(4) Eight members of the Advisory Commission shall be individuals appointed by the President from among individuals who—

(A) are representative of business, labor, academic institutions, community organizations, and other private institutions and organizations; and

(B) have background and experience which has provided such individuals with knowledge concerning demographic, ecological, and economic trends, long-range data collection and analysis or the management of large enterprises, or with other experience relevant for membership on the Advisory Commission.

(d) Members of the Advisory Commission shall be appointed for a term of three years, except that—

(1) the term of office of the members first appointed under subsection (c)(1) shall expire, as designated by the President at the time of appointment, two at the end of one year, two at the end of two years, and one at the end of three years;

(2) the term of members first appointed under subsection (c)(2) shall expire, as designated by the majority leader and the minority leader of the Senate at the time of appointment, one at the end of one year, one at the end of two years, and one at the end of three years;

(3) members appointed under subsection (c)(3) shall be appointed for a term of two years, and the term of members first appointed under such subsection shall expire, as determined by the Speaker of the House of Representatives at the time of appointment, one at the end of one year, and two at the end of two years; and

(4) the term of members first appointed under subsection (c)(4) shall expire, as des-

igned by the President at the time of appointment, three at the end of one year, two at the end of two years, and three at the end of three years;

No individual may be appointed to serve more than two terms on the Advisory Commission.

(e) The Advisory Commission shall elect one of its members as Chair of the Advisory Commission.

(f) Any vacancy in the Advisory Commission shall not affect its power to function. A vacancy in the Advisory Commission shall be filled in the manner in which the original appointment was made.

SEC. 7. PREPARATION OF CONGRESSIONAL REPORT.

(a) Not later than the end of 1994 and each second year thereafter, the Joint Economic Committee shall prepare for publication a Legislative Branch Report on Critical Trends and Alternative Futures.

(b) The legislative branch report shall examine the information and methods of analysis used in preparation of the executive branch report.

(c) The legislative branch report may include a response to the contents and conclusions of the executive branch report.

(d) The legislative branch report may contain—

(1) an identification and analysis of critical trends and alternative futures for the ensuing twenty-year period;

(2) a description of the relationship of such trends and alternative futures to the economic, technological, political, environmental, demographic, and social causes and consequences;

(3) an analysis of such trends and alternative futures with respect to present and future problem areas and potential future opportunities;

(4) an evaluation of the effects of existing and alternative Government policies on such trends; and

(5) an identification of the information and a discussion of the analysis upon which conclusions in the report are based.

(e) Such reports shall be based upon information obtained from sources outside the Federal Government and upon information obtained from Federal departments and agencies.

(f) The Congressional Budget Office, the General Accounting Office, the Congressional Research Service of the Library of Congress, the Office of Technology Assessment, the Congressional Clearinghouse on the Future, and other entities within the legislative branch shall make available such information as may be required for the purpose of carrying out this section.

(g) Upon approval by the committee, such report shall be submitted to each House of the Congress and shall be made available within the Government and to the public as a public document.●

By Mr. PRYOR:

S. 1349. A bill to amend the Internal Revenue Code of 1986 to exclude small transactions and to make certain clarifications relating to broker reporting requirements; to the Committee on Finance.

BROKER REPORTING REQUIREMENTS

● Mr. PRYOR. Mr. President, I stand today to introduce legislation to provide regulatory relief to thousands of small businesses across the country. This bill will clarify the reporting re-

quirements for mom-and-pop coin and bullion dealers, who have been unfairly treated by the IRS in the regulatory process.

The 1982 Tax Equity and Fiscal Responsible Act [TEFRA] changed Internal Revenue Code section 6045 to broaden the authority of the Internal Revenue Service in regard to the mandatory filing of reports by securities brokers and others.

In March 1983, the IRS promulgated its first regulations which became effective for transactions made on or after July 1 of that year. On March 5, 1984, the IRS issued proposed regulations to modify the March 1983 regulations. The proposed regulations conflict directly with the promulgated regulations, and the IRS has failed to take any action to clarify which set of regulations are binding. As a result, taxpayers find themselves in the impossible situation of having to conform to both sets of regulations at the same time.

There also seems to be confusion within the IRS as to the proper enforcement of these regulations. Some IRS agents require taxpayers to file 1099(b) reports on all transactions. Some agents ignore the regulations altogether. While other agents have suggested an arbitrary de minimis limit, such as 1 ounce of gold or 1 silver coin. All the while, these business people around the country do not know when the other shoe will fall, and the IRS will come in and decide retroactively whether or not their businesses are in compliance with the regulations.

Mr. President, this is no way to do business. If the Federal Government is going to require taxpayers to comply with costly and time-consuming reporting requirements, the least we can do is clarify the law so that people know whether or not they are in compliance with those laws.

This bill will clarify the definition of "broker." It provides that collectibles are not brokered property. Finally, it exempts small transactions from the reporting requirements.

I believe this is a fair resolution to the problem, and I urge Senators to join with me as cosponsors. Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1349

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CLARIFICATION OF DEFINITION OF TERM "BROKER".

Paragraph (1) of section 6045(c) of the Internal Revenue Code of 1986 (relating to returns by brokers) is amended to read as follows:

"(1) BROKER.—
"The term 'broker' includes—
"(A) a dealer,

"(B) a barter exchange, and
"(C) any other person

if such dealer, barter exchange, or other person regularly acts (for a consideration) as a middleman with respect to property or services."

SEC. 2. COLLECTIBLES NOT INCLUDED IN REPORTED BROKERED PROPERTY.

Subsection (c) of section 6045 of the Internal Revenue Code of 1986 (relating to returns by brokers) is amended by adding at the end thereof the following new paragraph:

"(5) PROPERTY OR SERVICES.—The term 'property or services' does not include any work of art, rug, antique, metal, gem, stamp, coin, alcoholic beverage, gun, or any other tangible personal property specified by the Secretary for purposes of this section."

SEC. 3. RELIEF FROM REPORTING REQUIREMENTS FOR SMALL TRANSACTIONS.

Section 6045 of the Internal Revenue Code of 1986 (relating to returns by brokers) is amended by adding at the end thereof the following new subsection:

"(f) EXCEPTION FROM FILING FOR SMALL TRANSACTIONS.—Except in the case of stocks, bonds, commodity futures contracts, securities, and other intangible personal property, subsection (a) shall apply only to a transaction the gross proceeds of which is more than \$10,000."

SEC. 4. EFFECTIVE DATE.

The amendments made by this Act shall apply to transactions occurring after December 31, 1982.●

ADDITIONAL COSPONSORS

S. 197

At the request of Mr. SASSER the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 197, a bill to authorize the insurance of certain mortgages for first-time home buyers, and for other purposes.

S. 231

At the request of Mr. MOYNIHAN, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 231, a bill to amend part A of title IV of the Social Security Act to improve quality control standards and procedures under the Aid to Families With Dependent Children Program, and for other purposes.

S. 247

At the request of Mr. METZENBAUM, the names of the Senator from Wisconsin [Mr. KOHL], the Senator from Oklahoma [Mr. BOREN], the Senator from New Mexico [Mr. BINGAMAN], the Senator from Ohio [Mr. GLENN], and the Senator from Iowa [Mr. HARKIN] were added as cosponsors of S. 247, a bill to amend the Energy Policy and Conservation Act to increase the efficiency and effectiveness of State energy conservation programs carried out pursuant to such act, and for other purposes.

S. 388

At the request of Mr. BINGAMAN, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 388, a bill to provide for 5

year, staggered terms for members of the Federal Energy Regulatory Commission, and for other purposes.

S. 659

At the request of Mr. SYMMS, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 659, a bill to repeal the estate tax inclusion related to valuation freezes.

S. 686

At the request of Mr. MITCHELL, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 686, a bill to consolidate and improve laws providing compensation and establishing liability for oil spills.

S. 804

At the request of Mr. MITCHELL, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 804, a bill to conserve North American wetland ecosystems and waterfowl and the other migratory birds and fish and wildlife that depend upon such habitats.

S. 828

At the request of Mr. DOMENICI, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 828, a bill to amend the Internal Revenue Code of 1986 to provide incentives for the removal of crude oil and natural gas through enhanced oil recovery techniques so as to add as much as 10 billion barrels to the U.S. reserve base, to extend the production of certain stripper oil and gas wells, and for other purposes.

S. 893

At the request of Mr. LAUTENBERG, the names of the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Alabama [Mr. SHELBY], the Senator from Utah [Mr. HATCH], and the Senator from Missouri [Mr. BOND] were added as cosponsors of S. 893, a bill to establish certain categories of Soviet and Vietnamese nationals presumed to be subject to persecution and to provide for adjustment to refugee status of certain Soviet and Vietnamese parolees.

S. 1051

At the request of Mr. BOSCHWITZ, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of S. 1051, a bill to promote the development of small business in rural areas.

S. 1081

At the request of Mr. GRAHAM, the names of the Senator from Virginia [Mr. ROBB], the Senator from Louisiana [Mr. BREAU], the Senator from Alabama [Mr. HEFLIN], and the Senator from Nebraska [Mr. EXON] were added as cosponsors of S. 1081, a bill to authorize the Secretary of Housing and Urban Development to carry out a cost-effective community-based program for housing rehabilitation and development to serve low- and moderate-income families.

S. 1127

At the request of Mr. WILSON, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 1127, a bill to provide for fair and reasonable payment for services related to the insertion of intraocular lenses.

S. 1203

At the request of Mr. MCCAIN, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 1203, a bill to encourage Indian economic development.

S. 1253

At the request of Mr. COCHRAN, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 1253, a bill to amend the copyright law regarding work made for hire.

S. 1261

At the request of Mr. JEFFORDS, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 1261, a bill to amend the Civil Rights Act of 1964 to clarify the burden of proof for unlawful employment practices in disparate impact cases, and for other purposes.

S. 1283

At the request of Mr. CONRAD, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 1283, a bill to provide disaster assistance to producers who suffered certain losses in the quantity of the 1989 crop of a commodity harvested as the result of damaging weather or related conditions in 1988 or 1989, and for other purposes.

S. 1314

At the request of Mr. BOREN, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1314, a bill to amend the Honey Research, Promotion, and Consumer Information Act to improve the coordinated program of research, promotion, and consumer education established for honey and honey products, and for other purposes.

SENATE JOINT RESOLUTION 48

At the request of Mr. HOLLINGS, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of Senate Joint Resolution 48, a joint resolution proposing an amendment to the Constitution of the United States relative to contributions and expenditures intended to affect congressional and Presidential elections.

SENATE JOINT RESOLUTION 124

At the request of Mr. GORTON, the name of the Senator from Georgia [Mr. FOWLER] was added as a cosponsor of Senate Joint Resolution 124, a joint resolution to designate October as "National Quality Month."

SENATE JOINT RESOLUTION 166

At the request of Mr. KERRY, the names of the Senator from Washington [Mr. ADAMS], the Senator from

Delaware [Mr. BIDEN], the Senator from New Jersey [Mr. BRADLEY], the Senator from Nevada [Mr. BRYAN], the Senator from Rhode Island [Mr. CHAFFEE], the Senator from Maine [Mr. COHEN], the Senator from California [Mr. CRANSTON], the Senator from New York [Mr. D'AMATO], the Senator from South Dakota [Mr. DASCHLE], the Senator from Connecticut [Mr. DODD], the Senator from Georgia [Mr. FOWLER], the Senator from Ohio [Mr. GLENN], the Senator from Washington [Mr. GORTON], the Senator from Florida [Mr. GRAHAM], the Senator from Utah [Mr. HATCH], the Senator from New Hampshire [Mr. HUMPHREY], the Senator from Hawaii [Mr. INOUE], the Senator from Vermont [Mr. JEFFORDS], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Wisconsin [Mr. KOHL], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Vermont [Mr. LEAHY], the Senator from Michigan [Mr. LEVIN], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Indiana [Mr. LUGAR], the Senator from Florida [Mr. MACK], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Ohio [Mr. METZENBAUM], the Senator from New York [Mr. MOYNIHAN], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Georgia [Mr. NUNN], the Senator from Oregon [Mr. PACKWOOD], the Senator from South Dakota [Mr. PRESSLER], the Senator from Arkansas [Mr. PRYOR], the Senator from Nevada [Mr. REID], the Senator from Virginia [Mr. ROBB], the Senator from Maryland [Mr. SARBANES], the Senator from Alabama [Mr. SHELBY], the Senator from Illinois [Mr. SIMON], the Senator from South Carolina [Mr. THURMOND], the Senator from Virginia [Mr. WARNER], the Senator from Colorado [Mr. WIRTH], and the Senator from Oregon [Mr. HATFIELD] were added as cosponsors of Senate Joint Resolution 166, a joint resolution to designate the period of September 16 through October 9, 1989, as "Coastweeks '89."

AMENDMENT NO. 253

At the request of Mr. D'AMATO, the names of the Senator from Nevada [Mr. REID], the Senator from Illinois [Mr. DIXON], and the Senator from South Dakota [Mr. PRESSLER] were added as cosponsors of amendment No. 253 intended to be proposed to S. 1160, an original bill to authorize appropriations for fiscal year 1990 for the Department of State, the U.S. Information Agency, the Board for International Broadcasting, and for other purposes.

AMENDMENT NO. 268

At the request of Mr. MOYNIHAN, the names of the Senator from New Mexico [Mr. BINGAMAN], the Senator from Hawaii [Mr. INOUE], and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of

amendment No. 268 proposed to S. 1160, an original bill to authorize appropriations for fiscal year 1990 for the Department of State, the U.S. Information Agency, the Board for International Broadcasting, and for other purposes.

SENATE CONCURRENT RESOLUTION 54—RELATING TO A WHITE HOUSE CONFERENCE ON WATER RESOURCES

Mr. DeCONCINI (for himself and Mr. DURENBERGER), submitted the following concurrent resolution, which was referred to the Committee on Environment and Public Works:

S. CON. RES. 54

Whereas water is more than a natural resource—it is a necessity of life;

Whereas the use we make of the water resources of our Nation may in large measure determine our future progress and the standard of living of our citizens;

Whereas it is essential to our continued growth and economic prosperity that we have an adequate supply of water, protect and manage our ground water and wetlands resources, have for our citizens safe drinking water supplies, abate and prevent pollution to the greatest extent possible, improve and maintain navigation and flood control protection, preserve our scenic and recreational areas, preserve fish and wildlife resources, and provide the financial means for developing and maintaining needed infrastructure;

Whereas the growing need for more coordinated development and operation of the Nation's water resources is apparent and, to achieve maximum beneficial utilization of water resources, planning for their use must be a cooperative effort participated in by all levels of government, the business and environmental community, academic and public interest organizations, and individual citizens;

Whereas the development of a national water policy is needed to ensure a coordinated and comprehensive focus on key water resources issues and is critical to the economic and social well-being of our citizens;

Whereas we are at a critical juncture in our history where the future of our Nation's water resources must be carefully planned and developed; and

Whereas there has never been a comprehensive water policy which considers all components of our Nation's water resource base: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the President of the United States should convene a White House conference on water resources with the goal of focusing national attention on water and the critical need to develop a national policy which ensures the availability of this valuable resource for current and future generations.

Mr. DeCONCINI. Mr. President, today, my colleague, Senator DURENBERGER, and I have introduced a resolution which urges President Bush to convene a White House Conference on Water Resources. The resolution expresses a sense of the Congress on the need for a national forum to discuss

the major issues our country faces in the water resources area.

The resolution highlights the essential nature of water to the continued growth and economic prosperity of our country. It seeks to focus the attention of our Nation's leaders on the critical need to develop a national policy which ensures the availability of this valuable resource for current and future generations.

Mr. President, we are at a critical juncture in our history. This Nation's water resources must be carefully planned and properly developed. We cannot afford to wait until there is a crisis, but instead should look to the future and prepare accordingly.

A White House Conference on Water Resources would aid us in this effort by bringing together all interested parties—business, the environmental community, academia, all levels of government, individual citizens and public interest organizations—to provide a clear picture of this Nation's water resource needs.

AMENDMENTS SUBMITTED

FOREIGN ASSISTANCE AUTHORIZATION ACT

GORE (AND OTHERS) AMENDMENT NO. 277

Mr. GORE (for himself, Mr. SARBANES, Mr. LUGAR, Mr. KERRY, and Mr. BENTSEN) proposed an amendment to the bill (S. 1160) to authorize appropriations for fiscal year 1990 for the Department of State, the U.S. Information Agency, the Board for International Broadcasting, and for other purposes, as follows:

On page 49, between lines 18 and 19, insert the following:

SEC. 153. RESTRICTION ON POLITICAL APPOINTMENTS TO KEY POSTS.

(a) FINDINGS.—The Congress finds that—

(1) the United States must increasingly rely upon the professionalism and expertise of its diplomatic service to promote military, political, and economic objectives on which the national security of the United States depends;

(2) the practice of filling ever larger numbers of ambassadorial and key State Department posts with political appointees is undermining the Foreign Service as an instrument of American foreign policy;

(3) other major states do not engage in the practice of undermining their professional corps of diplomats for the purpose of granting political favors or of ensuring loyalty to the party line of the governing party;

(4) this practice has reached the point of causing the Foreign Service to curtail prematurely the careers of increasing numbers of its finest diplomats; and

(5) the range of political appointments to civil service positions has not generally exceeded ten to twenty percent, while the number of political appointments to ambassadorial and key State Department posts

has reached as high as approximately forty percent.

(b) POLICY.—Therefore, except in extraordinary cases where the President finds that a non-Foreign Service officer candidate possesses unique skills and information directly pertinent to the post to which he or she is to be assigned, and that the Foreign Service, as certified in writing by the Director General of the Foreign Service, does not have an equally qualified candidate for the same post in its active ranks, it shall be the policy of the United States that the President will not nominate persons from outside the career Foreign Service to more than 15 percent of all ambassadorial and key (Deputy Assistant Secretary and above) State Department posts.

(2) The Congress intends that the policy described in paragraph (1) should be enforced through natural attrition in the course of the term of the present President.

On page 3, after the items relating to section 152, insert the following new item:

Sec. 153. Restriction on political appointments to key posts.

HELMS AMENDMENT NO. 278

Mr. HELMS proposed an amendment to amendment No. 277 proposed by Mr. GORE to the bill S. 1160, supra, as follows:

At the end of the amendment, add the following:

SEC. . No funds authorized to be appropriated in this or any other act shall be made available for the purpose of initiating or conducting contacts with General Manuel Antonio Noriega except for the purpose of issuing a warrant or executing his arrest to stand trial under the terms of the indictment issued on February 5, 1988 in the United States District Court for the Southern and Central Districts of Florida on drug related charges.

BYRD (AND OTHERS) AMENDMENT NO. 279

Mr. BYRD (for himself, Mr. DeCONCINI, Mr. BENTSEN, Mr. STEVENS, Mr. D'AMATO, Mr. GORE, Mr. SARBANES, Mr. LUGAR, and Mr. KERRY) proposed an amendment to the bill S. 1160, supra, as follows:

At the end of the bill add the following new section:

Condemning the brutal treatment of, and blatant discrimination against, the Turkish minority by the Government of the People's Republic of Bulgaria, and authorizing assistance for the relief of Turkish refugees fleeing Bulgaria.

(a) FINDINGS.—The Congress finds that—

(1) The Government of the People's Republic of Bulgaria is a signatory to the 1947 Paris Peace Treaty, the Universal Declaration on Human Rights by the United Nations, and the Helsinki Declaration of the Conference on Security and Cooperation in Europe;

(2) The Helsinki Accords express the commitment of the participating states to respect the fundamental freedoms of conscience, religion, expression, and emigration, and to guarantee the rights of minorities;

(3) The 1971 Constitution of the People's Republic of Bulgaria declares that fundamental rights will not be restricted because of distinction of national origin, race, or religion, and guarantees minorities the rights

to study in their mother tongue and freely practice their religion;

(4) Despite its international obligations and constitutional guarantees, the Government of the People's Republic of Bulgaria has taken numerous steps to repress Turkish language and culture, including prohibiting the study of the Turkish language in schools, banning the use of the Turkish language in public, making the receipt and reading of Bulgarian publications a punishable act, and jamming the reception

(5) The right of the ethnic Turkish community to freedom of religion has been severely circumscribed by the Government of the People's Republic of Bulgaria, which has closed a number of mosques and barred the importation of copies of the Koran;

(6) Emigration of ethnic Turks and others has been banned with only a few exceptions;

(7) Beginning in December 1984, the Bulgarian authorities forced the Turkish minority to change their Turkish names to Bulgarian ones, and hundreds of ethnic Turks were killed, injured, or arrested by Bulgarian forces in 1984 and 1985 when they protested this new policy;

(8) The Bulgarian authorities have used both force and coercion to resettle ethnic Turks from their local villages to areas in Bulgaria with small Turkish populations;

(9) In May 1989, Bulgarian troops and police attacked ethnic Turks and others who were peacefully demonstrating against their discriminatory treatment in Bulgaria;

(10) Hundreds of demonstrators were killed or wounded in these attacks, and hundreds more were arrested; and

(11) Since these demonstrations, the Government of the People's Republic of Bulgaria has forcibly expelled or coerced into emigrating to Turkey thousands of ethnic Turks without either their money or their possessions, often resulting in the separation of families.

(b) **POLICY.**—It is the sense of the Congress that the Congress—

(1) strongly condemns the brutal treatment of, and blatant discrimination against, the Turkish minority by the Government of the People's Republic of Bulgaria;

(2) calls upon the Bulgarian authorities to immediately cease all discriminatory practices against this community and to release all ethnic Turks and others currently imprisoned because of their participation in nonviolent political acts;

(3) calls upon the Bulgarian Government to honor its obligations and public statements concerning the right of all Bulgarian citizens to emigrate freely; and

(4) urges the President and Secretary of State to make strong diplomatic representations to Bulgaria protesting its discriminatory treatment of its Turkish minority and to raise this issue in all appropriate international forums, including the Conference on Security and Cooperation in Europe meeting on the environment in Sofia, Bulgaria, this year.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—

There are authorized to be appropriated to the Department of State, \$10 million for purposes of section 2(c) of the Migration and Refugee Assistance Act of 1962, to the Republic of Turkey for assistance for shelter, food and other basic needs to ethnic Turkish refugees fleeing the People's Republic of Bulgaria and resettling on the sovereign territory of Turkey.

PRESSLER (AND OTHERS) AMENDMENT NO. 280

Mr. PRESSLER (for himself, Mr. DOLE, Mr. D'AMATO, and Mr. DOMENICI) proposed an amendment to the bill S. 1160, supra, as follows:

At the end of the bill, add the following new section:

SEC. . HUMAN RIGHTS IN YUGOSLAVIA.

(a) **CONGRESSIONAL FINDINGS.**—The Congress finds that—

(1) the United States continues to support the independence, unity, and territorial integrity of Yugoslavia;

(2) the Department of State's 1988 Country Report on Human Rights Practices cites many human rights practices in Yugoslavia that violate internationally accepted human rights standards, including infringement upon and abrogation of the rights of assembly and fair trial, freedom of speech, and freedom of the press;

(3) the Country Report also indicates that these human rights violations are targeted at certain ethnic groups and regions, most particularly against the ethnic Albanians in the Socialist Autonomous Province of Kosovo;

(4) the human rights of all ethnic groups in Kosovo must be preserved;

(5) those human rights violations, in addition to recent actions taken to limit the social and political autonomy of Kosovo, have precipitated a crisis in that region;

(6) the response of the Government of Yugoslavia to that crisis was a police crackdown that led to the deaths of many civilians and police officers, the wounding of hundreds more, and the imprisonment of additional hundreds;

(7) these human rights abuses violate the high ideals of mutual equality, dignity, and brotherhood among all of the nations and nationalities in Yugoslavia, which have been the guiding principles of Yugoslavia since 1945; and

(8) the European Parliament of the European Community has condemned these actions by the Government of Yugoslavia.

(b) **STATEMENT BY THE CONGRESS.**—The Congress—

(1) expresses concern regarding human rights violations by the Government of Yugoslavia and its repressive handling of the crisis in the Socialist Autonomous Province of Kosovo;

(2) urges the Yugoslav Government to take all necessary steps to assure that further violence and bloodshed do not occur in Kosovo;

(3) urges the Government of Yugoslavia to observe fully its obligations under the Helsinki Final Act and the United Nations Declaration on Human Rights to assure full protection of the rights of the Albanian ethnic minority and all other national groups in Yugoslavia;

(4) requests the President and the Department of State to continue to monitor closely human rights conditions in Yugoslavia; and

(5) calls upon the President to express these concerns of the Congress through appropriate channels to representatives of Yugoslavia.

SARBANES AMENDMENT NO. 281

Mr. SARBANES proposed an amendment, which was subsequently modified, to amendment No. 280 proposed by Mr. PRESSLER (and others) to the bill S. 1160, supra, as follows:

HUMAN RIGHTS IN YUGOSLAVIA.

(a) **FINDINGS.**—The Congress finds that—
(1) the United States continues to support the independence, unity, and territorial integrity of Yugoslavia;

(2) recent months have seen increased violence and social unrest in the Socialist Autonomous Province of Kosovo;

(3) the State Department's 1988 Country Report on Human Rights Practices cites many human rights practices in Yugoslavia that violate internationally accepted human rights standards;

(4) these human rights abuses violate the high ideals of mutual equality, dignity, and brotherhood among all of the nations and nationalities in Yugoslavia, which have been the guiding principles of Yugoslavia since 1945; and

(5) the human rights of all ethnic groups in Kosovo must be preserved.

(b) **STATEMENT BY THE CONGRESS.**—The Congress—

(1) expresses concern regarding human rights abuses, violence and ethnic unrest in the Kosovo province;

(2) urges the Government of Yugoslavia to take all necessary steps to assure that further violence does not occur in Kosovo;

(3) urges the Government of Yugoslavia to observe fully its obligations under the Helsinki Final Act and the United Nations Declaration on Human Rights to assure full protection of the rights of all citizens of Kosovo.

(4) requests the President and the Department of State to continue to monitor closely the human rights situation in Kosovo; and

(5) calls upon the President to express these concerns of the Congress through appropriate channels to representatives in Yugoslavia.

KENNEDY (AND OTHERS) AMENDMENT NO. 282

(Ordered to lie on the table.)

Mr. KENNEDY (for himself, Mr. PELL, Mr. MOYNIHAN, and Ms. MIKULSKI) submitted an amendment intended to be proposed by them to the bill S. 1160, supra, as follows:

At the appropriate place in the bill, insert the following:

SEC. . FINDINGS.—

(1) It is the policy of the United States to support and promote democratic values and institutions around the world.

(2) Over the last decade, the United States, in concert with other nations, has provided support to those working for democracy in many nations throughout the world.

(3) Such support has advanced the cause of freedom and democracy in those nations by providing international technical expertise on holding free and fair elections, providing international observers to document the conduct of the elections and in offering economic and humanitarian support to newly established democracies.

(4) On June 8, 1989, at the commencement ceremonies at Harvard University, the newest leader of a democratic nation, Prime Minister Benazir Bhutto of Pakistan, called for the establishment of an Association of Democratic Nations to support the right of peoples everywhere to choose freely their own government.

(5) The goals of the Association would be to promote:

(a) the holding of elections at regular intervals which are open to the participation

of all significant political parties, which are fairly administered and in which the franchise is broad or universal;

(b) respect for fundamental human rights including freedom of expression, freedom of conscience, and freedom of association.

(c) international recognition of legitimate elections through international election observer missions at all stages of the election, including the campaign, the voting and the ballot counting.

(d) the mobilization of international opinion and economic measures against the military overthrow of democratic governments.

(e) the provision of economic assistance to strengthen and support democratic nations.

Sec. . It is the sense of the Senate that—

(1) the proposal offered by Prime Minister Benazir Bhutto of Pakistan would further the cause of democracy, freedom and justice and is in the interest of the United States.

(2) the President of the United States should give serious consideration to the implementation of the proposal, and should provide by December 31, 1989, a report to Congress on ways to establish such an Association of Democratic Nations.

Mr. KENNEDY. Mr. President, I send an amendment to the desk calling for the establishment of an Association of Democratic Nations. In the last decade, we have witnessed an extraordinary transfer of political power from dictatorship to democracy in countries across the globe. The United States and other nations have given extensive support to this worldwide struggle for democracy, and this amendment will encourage and enhance that support.

This proposal was first put forward on June 8th of this year during the commencement ceremonies at Harvard University by the world's newest democratic leader—Prime Minister Benazir Bhutto of Pakistan. In her eloquent speech before her alma mater, Prime Minister Bhutto recalled how important such international support was to her own struggle to bring democracy to Pakistan. From the letter to her by Senator PELL that she received in prison to the international delegation of election observers that monitored the 1988 elections, international support time and again provided critical assistance in her struggle. As Prime Minister Bhutto noted in her commencement address, "Democracy needs support and the best support for democracy comes from other democracies."

This amendment is straightforward. It recognizes that the proposal offered by Prime Minister Bhutto would advance the cause of democracy, freedom, and justice and is in the interest of the United States. It also urges the President to give serious consideration to the implementation of the proposal and to report to Congress by the end of the year on ways to establish an Association of Democratic Nations.

Democratic nations should come together in a new consensus to support what Prime Minister Bhutto has called "the most powerful political idea in the world today: the right of

people to freely choose their government." In Latin America and Central America, where dictatorships were once the norm, country after country has moved to a democratic form of government. Ignited by the people power revolution led by President Corazon Aquino in the Philippines, the idea of democracy has spread throughout Asia—to South Korea, to Burma, to Pakistan, and to the students of China. And now we are witness to historic democratic movements in the Communist nations of Eastern Europe.

The United States has worked with democratic individuals and institutions in these nations in support of their efforts to promote freedom and justice in their own nations. We have urged free and fair elections, provided technical election assistance, sent international observer missions, and provided economic assistance to newly democratic nations. In cases where democracy continues to be denied, where dictators continue to brutalize advocates of freedom—such as in China—we have worked for international condemnation and diplomatic, military, and economic isolation of the government.

The imaginative proposal put forward by Prime Minister Bhutto would help to bring together the democratic nations of the world in a concerted effort to promote democracy and to support all peoples working to achieve it. America's own experience underscores how important international support is to a struggling democracy.

This amendment will put the United States and all the democracies of the world in the forefront of the effort to support struggling democracies everywhere. I urge my colleagues to lend their support to Prime Minister Bhutto's commendable proposal.

I also ask unanimous consent that the text of Prime Minister Bhutto's address at Harvard may be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Harvard Gazette, June 16, 1989]

**BHUTTO URGES DEMOCRATIC NATIONS TO
UNITE FOR FREEDOM**

[Note.—The following is the 1989 Commencement address by Prime Minister Benazir Bhutto.]

President Bok, members of the Board of Overseers, new graduates, and distinguished alumni. I am honored to have been asked to make this commencement address to the Class of 1989. First let me congratulate all those who have been awarded degrees at today's commencement.

No too long ago, I sat where you now sit. I can vividly recall the effort your degrees represent—tramping to class in sub-Arctic temperatures, fighting for reserve books at Hilles Library, cramming for exams, and the occasional all-nighter to complete a term paper.

Today is the day of celebration and I am privileged to share it with you. I am also greatly honored by the degree you have

conferred on me, I am grateful, President Bok, for the kind words in your citation. However, I regard this honor as more than a personal recognition.

I consider it an affirmative of your abiding belief in the universality of the principles of democracy, liberty and human rights. Events two centuries ago earned Cambridge, Boston, and the surrounding region the sobriquet "the cradle of liberty." It was here that the first successful struggle against European imperialism began. It was here—under the banner "no taxation without representation"—that the idea of government by the consent of the governed first gained currency.

Cambridge and Harvard were my cradle of liberty, too. I arrived from a country that, in my lifetime, had not known democracy or political freedom. As an undergraduate I was constantly reminded of the value of democracy by the history of freedom that permeates this place. It was not just the history of democracy that inspired me at Harvard. It was, above all, the concrete expression of it.

My Harvard years, 1969 to 1973, coincided with growing frustration over U.S. policy in Southeast Asia. This was particularly true in the campuses where students were in the forefront of those protesting the Vietnam War. For me, there were demonstrations on Boston Common and in Washington; mass meetings at Harvard Stadium.

Some American commentators argued that the division over Vietnam signalled American weakness. I saw it as a measure of America's greatness—a reflection of democracy in action—of an open society, which, because it is open has the means of regeneration and revitalization. In the Pakistan of those days, the press did not criticize the government—because the government controlled the press.

When I was a junior at Harvard, Pakistan initiated an experiment in democracy. The experience is instructive. As 1971 ended, our country was in ruins. A third of the territory and more than one-half of the population was gone, the result of a military defeat precipitated by military repression in what was then East Pakistan. War and mismanagement had left our treasury empty and our economy in shambles. Ninety-three thousand Pakistani soldiers were prisoners of war, threatened by their captors with trial and punishment. Internal discord in West Pakistan threatened the survival of what was left of our country. A protracted period of military rule produced this catastrophe.

It was a disaster resulting from rule without accountability, brought about by the arrogance of a self-imposed mission to save the country from its own people. In the face of catastrophe, what did our military leaders do? They turned power over to the civilians, to an elected Prime Minister.

In a pattern repeated by the Greek colonels and Argentine junta, our military said, in essence, "we have created a hopeless situation; we now wash our hands of the responsibility to resolve it." But resolve it we did. The elected Prime Minister negotiated an honorable peace with the victor. He secured the return of the prisoners of war. He put the economy back on its feet. And he initiated a program of social and economic reform to benefit the poor and dispossessed, who are the majority in our land.

All this was done, I might add, at a time of global economic recession brought about by the oil shocks of the 1970s. What then happened? As is the case of democracies, the po-

litical process again became rambunctious. Opposition politicians challenged the elected government in the press, at the polls, and in the streets.

The military whose dignity was restored by the elected government moved in "to end the squabbling politicians." The new dictatorship proved more brutal, more determined to stay in power than any of its predecessors. Elections were promised and summarily cancelled. The elected Prime Minister was arrested and then, under the cloak of a judicial proceeding, murdered. Flogging, imprisonment, and execution became the staple of political life in our land. Under the circumstances that were as remarkable as they were unexpected, Pakistan last fall got a second chance at democracy. It is an opportunity we must not lose.

In our first act, I am happy to say, our government freed all political prisoners and commuted all death sentences. We have restored freedom of speech, freedom of association, and freedom of the press. In the National Assembly there is a lively opposition and, for the first time in our history, the State-owned television provides full coverage of their activities. Senator Daniel Patrick Moynihan, who recently visited me in Islamabad, once wrote that "if you are in a country where the newspapers are filled with good news, you can be sure that the jails are filled with good men."

Even a casual review of our press would serve to confirm the obverse of the Senator's statement. Around the world democracy is on the march. In the last decade Pakistan is only the most recent country to change course from dictatorship to democracy.

But we must be realistic. We must recognize that democracy, particularly emerging democracy, can be fragile.

I have already cited the experience of our last democratic government. The example is not confined to Pakistan. In the Philippines, Corazon Aquino's three-year-old democracy has already endured several coup attempts. In Argentina, there have been half a dozen military rebellions. In Peru, terrorism and narcotics threaten a 15-year-old experiment in democracy.

Democracy needs support and the best support for democracy comes from other democracies. Already there is an informal network to support democracy. Annually, the United States prepares a report on human rights in every country.

In prison, I was heartened to learn that the Congress had linked U.S. assistance to Pakistan, in the Pell Amendment, to the "restoration of full civil liberties and representative government in Pakistan."

Friends of democracy in other countries, including Britain, Canada, and Germany, sent delegations to investigate human rights abuses in Pakistan. Our elections last November 16 were made easier by the presence of observers sponsored by the Democratic Party of the United States, the British Parliament, and the South Asian Association for Regional Cooperation.

This informal network for democracy can and should be strengthened. Democratic nations should forge a consensus around the most powerful political idea in the world today: the right of people to freely choose their government.

Having created a bond through evolving such a consensus, democratic nations should then come together in an association designed to help each other and promote what is a universal value—democracy.

Not every democracy organizes itself in the same way; nor does every democracy ex-

press itself the same way. But there are two elements I consider essential to all democracies. These are:

1) the holding of elections at regular intervals, open to the participation of all significant political parties, that are fairly administered and where the franchise is broad or universal; and

2) respect for fundamental human rights including freedom of expression, freedom of conscience, and freedom of association.

There are several ways in which members of an Association of Democratic Nations can help each other. One way is to ensure the impartiality of elections. After all, democracy as a system of government can only work when all participants in the political process accept the verdict of the people.

For the verdict to be accepted as legitimate, elections must not only be fair, but they must also be seen to be fair. International observer missions have already played critical roles in ensuring fair outcomes to elections in several countries, including mine.

The presence of observers is a deterrent to fraud. The observers' report can help legitimize an election in an emerging democracy where popular skepticism can be rife (as in South Korea), or it can validate local perceptions of fraud, as in the Philippines and Panama.

Observers also bring television cameras with them. It is harder to steal an election if the whole world is watching, and, as the experience of the Philippines suggests, attempted fraud under the glare of television lights can help galvanize a popular uprising.

There are other ways in which an Association of Democratic Nations can provide some protection for democratic governments in the Association. In countries without established traditions of representative government, democracy is always at risk. All too often, there is the overly ambitious general, the all-too-determined fanatic, or the all-too-avaricious politician. The Association of Democratic Nations can help change the calculus for each of these potential coup plotters by adding the element of international opprobrium.

The Association can mobilize international opinion against the leaders of any coup. Ultimately, I believe, the door should be open to stronger steps, including economic sanctions. Democracy depends on our ability to deliver to the people.

Many new democracies find that dictatorship has left them with empty treasuries—because of reckless spending and no accountability under dictatorship. As was true for new democracies in other lands—notably Argentina and Brazil—we in Pakistan also found that dictatorship had left the state coffers empty. Our situation is not unique. Other new democracies have come to power to find the cupboard bare.

The Association could promote the idea that foreign aid should be challenged to democracies. There is nothing wrong with rewarding an idea in which the donors believe. The prospects for democracy may depend on it. Some may object that the Association I am proposing will have primarily moral force.

I acknowledge this, but I would urge that morality has a larger power in international relations than commonly recognized. Democratic nations can also cooperate in building an international machinery to protect human rights and principles of justice and due process of law.

National efforts to strengthen institutions that protect people from human rights

abuses and guarantee their political freedoms need to be reinforced at the international level.

Dictatorships will always seek ways and means to clothe their crime in the garb of legality—always seek to settle political scores and eliminate opponents in the name of justice, law, and due process.

The instrument that they use is as old as political history, as old as the trial of Socrates. It is the instrument of the Political Trial—a most pernicious and destructive weapon, which in the hands of skillful manipulators is extremely effective in suppressing dissent and in destroying opponents. I believe it is time that the international community makes a concerted effort to put an end to such practices.

In my country many of those who resisted dictatorship—the heroes of our democratic struggle—were young men and women of your age. Many of them endured long periods of incarceration, and faced charges on political trials that were a travesty of truth and justice.

Many suffered the worst forms of torture and the humiliation of the physical punishment of flogging. Indeed, many had to make the supreme sacrifice with their young lives.

I can never forget what they endured. I can only strive with all my strength to give meaning to what they sought—those simple but priceless freedoms that you here, perhaps, take for granted.

But it is faith that inspired and provided sustenance to our democratic struggle—faith in the righteousness of our cause, faith in the Islamic teaching that 'tyranny cannot long endure.' How wrong therefore is the picture that is often painted about Pakistan as a country that cannot be democratic because it is Muslim. I have often heard the argument that a Muslim country as such cannot have or work democracy.

But I stand before you, a Muslim woman, the elected Prime Minister of a hundred million Muslims, a living refutation of such arguments and notions. This has not happened as an isolated phenomenon.

It has happened because the people of Pakistan have demonstrated, time and again, that their faith in their inherent right to fundamental freedoms is irrepressible, that they will always fight against dictatorship.

This love for freedom and human rights may owe a considerable debt to the colonial legacy and to the example of Western democratic institutions. But it arises fundamentally from the strong egalitarian spirit that pervades Islamic traditions. The Holy Quran calls upon Muslims to resist tyranny. Dictatorships in Pakistan, however long, have therefore always collapsed in the face of this spirit.

Islam, in fact, has a very strong democratic ethos. With its emphasis on justice, on equality and brotherhood of men and women, on government by consultation and consensus, Islam's essence is democratic.

Pakistan is heir to an intellectual tradition of which the illustrious exponent was the poet and philosopher Muhammad Iqbal. He saw the future course for Islamic societies in a synthesis between adherence to the faith and adjustment to the modern age.

It is that tradition which continues to inspire the people of Pakistan in their search for their own way of life amidst competing ideologies and political doctrines. Tolerance, open-mindedness, pursuit of social justice, emphasis on the values of equality and

social concord, and encouragement of scientific inquiry are some of its hallmarks.

It drew strength from the fact that Islam admits no priesthood and that Muslim culture, in its most vital and creative periods, accommodated and advanced what was best in other cultures. Intensely devoted as the pioneers of this tradition were to the Islamic spirit, they were also strongly opposed to bigotry and obscurantism in all their forms.

Xenophobia or prejudice against other civilizations, western or non-western, was repugnant to their outlook. I am indeed proud of this heritage. It is this heritage that has enabled me to take on the awesome responsibilities of the Prime Ministership of my country.

As my country stands on the threshold of greater freedom and sets the priorities that it will take into the 21st century, we draw our inspiration from what the poet-philosopher Iqbal said—and what is universally applicable:

"Life is reduced to a rivulet under dictatorship. But in freedom it becomes a boundless ocean." This is true in Pakistan, and on every continent on earth. Let all of us who believe in freedom join together for the preservation of liberty.

Democratic nations unite.
Thank you very much.

STATEHOOD CENTENNIAL COMMEMORATIVE COIN ACT

BAUCUS AMENDMENT NO. 283

Mr. MITCHELL (for Mr. BAUCUS) proposed an amendment to the bill (S. 681) to require the Secretary of the Treasury to mint and issue coins in commemoration of the 100th anniversary of the statehood of Idaho, Montana, North Dakota, South Dakota, Washington, and Wyoming, and for other purposes, as follows:

On page 2, strike line numbered 22.
Renumber (1)(B) to (1)(A); and (1)(C) to (1)(B).

On page 7, line numbered 9, after "Idaho Centennial", strike "Commission" and insert in lieu thereof "Foundation".

NOTICES OF HEARINGS

SUBCOMMITTEE ON AGRICULTURAL PRODUCTION AND STABILIZATION OF PRICES

Mr. LEAHY. Mr. President, I wish to announce that the Subcommittee on Agricultural Production and Stabilization of Prices of the Committee on Agriculture, Nutrition, and Forestry, will hold a hearing on August 3, 1989, on the preparation for 1990 farm bill: Sugar and honey. The hearing will be held at 9:30 a.m. in SR-332.

Senator KENT CONRAD will conduct the hearing. For further information please contact Miles Goggans of the subcommittee staff 224-2353 or Bob Young of the full committee staff at 224-2035.

SUBCOMMITTEE ON AGRICULTURAL PRODUCTION AND STABILIZATION OF PRICES

Mr. LEAHY. Mr. President, I wish to announce that the Subcommittee on Agricultural Production and Stabilization of Prices of the Committee on Ag-

riculture, Nutrition, and Forestry, will hold a hearing on August 1, 1989, on the preparation for 1990 farm bill: Livestock and poultry. The hearing will be held at 10 a.m. in SR-332.

Senator MAX BAUCUS will conduct the hearing. For further information please contact Miles Goggans of the subcommittee staff 224-2353 or Bob Young of the full committee staff at 224-2035.

SUBCOMMITTEE ON AGRICULTURAL CREDIT

Mr. LEAHY. Mr. President, I wish to announce that the Subcommittee on Agricultural Credit of the Committee on Agriculture, Nutrition, and Forestry, will hold a hearing on August 1, 1989, on the implementation of the Agricultural Credit Act of 1987 by the Farmers Home Administration. The hearing will be held at 2:30 p.m. in SR-332.

Senator KENT CONRAD will conduct the hearing. For further information please contact Suzy Dittrich of the subcommittee staff 224-5207.

SUBCOMMITTEE ON CONSERVATION AND FORESTRY

Mr. LEAHY. Mr. President, I wish to announce that the Subcommittee on Conservation and Forestry of the Committee on Agriculture, Nutrition, and Forestry, will hold a hearing on August 2, 1989, on water quality protection. The hearing will be held at 9 a.m. in SR-332.

Senator WYCHE FOWLER, JR. will conduct the hearing. For further information please contact DuBoise White of the subcommittee staff 224-5207.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the full committee of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate July 18, 1989, 9:30 a.m. for a hearing to consider the following Department of Energy nominations: Stephan A. Wakefield to be general counsel of the Department of Energy; J. Michael Davis to be an Assistant Secretary of Energy (Conservation and Renewable Energy); John J. Easton, Jr., to be an Assistant Secretary of Energy (International Affairs and Energy Emergencies); Jacqueline Knox Brown to be an Assistant Secretary of Energy (Congressional and Intergovernmental Affairs); and Harry M. Snyder to be Director of the Office of Surface Mining Reclamation and Enforcement.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the

Senate on Tuesday, July 18, 1989, at 9:30 a.m. to hold a hearing on rising prescription drug prices and the impact of this phenomenon on the elderly.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate Tuesday, July 18, 1989, at 3:30 p.m. to conduct hearings on the nomination of Michael Skarzynski to be an Assistant Secretary of Commerce.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Tuesday, July 18, at 9:30 a.m., on S. 1237, the Degradable Commodity Plastics Procurement and Standards Act of 1989.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on July 18, 1989, at 2:30 p.m. to hold a hearing on the nomination of Rockwell Anthony Schnabel, of the District of Columbia, to be Under Secretary of Commerce for Travel and Tourism.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

ABE STOLAR'S VISIT TO WASHINGTON

● Mr. DIXON. Mr. President, today we have the opportunity to celebrate a very special event. Abe Stolar, a U.S. citizen and Chicago native is visiting our great Capitol. Every year thousands of U.S. citizens have the opportunity to visit Washington and see democracy up close. But, Abe Stolar's visit is particularly special. Since 1974, Abe, who was taken by his family to the Soviet Union in the early 1930's, has fought to leave the Soviet Union.

This past March, after many unsuccessful efforts, Abe, his wife Gita, and their son, Michael, were finally allowed to emigrate to Israel. Abe and Gita are now visiting our Nation so that he can meet and personally thank the many individuals who helped his family achieve their dream of freedom.

As cochairman of the Congressional Call to Conscience of the Union of

Council for Soviet Jews, I took great interest, along with my close colleague, PAUL SIMON, and many others, in the Stolar's case. This evening, to welcome the Stolar's to Washington, several of my colleagues and I will host a reception in Abe's honor. We hope that your schedules will allow you to stop by and meet Abe and his wife Gita. They are a courageous family, and a poignant reminder that we must continue to press for human rights in the Soviet Union.●

MRS. ELIZABETH S. PORTER, AN OUTSTANDING WOMAN

● Mr. LUGAR. Mr. President, today I would like to pay tribute to Mrs. Elizabeth S. Porter, an outstanding woman.

She was a pioneer—the first woman to graduate from the Christian Theological Seminary—during a time when women were not readily encouraged to go into the ministry.

Mrs. Porter is known nationally as well as locally as an advocate for senior citizens. Nursing homes and convalescent homes are her "second home." She has received many honors and citations because of her untiring dedication to this special group of people.

Through the years she has enriched the lives of many people by finding the energy to serve, to work, and to lead—shouldering countless burdens with entailing good humor and grace; she has used her own money and collected money from friends to help others.

Mrs. Porter serves as a role model for many youngsters by filling them with the desire to "stay in school" and to "go to college." She is constantly giving them encouragement.

I ask my colleagues to join me in saluting this remarkable lady.●

ALLOCATION OF FISCAL YEAR 1990 SPENDING AUTHORITY TO THE SUBCOMMITTEES OF THE COMMITTEE ON ARMED SERVICES

● Mr. NUNN. Mr. President, under section 302(a) of the Congressional Budget Act, the statement of managers accompanying a conference report on a concurrent budget resolution includes an allocation of budget totals among the committees of the Senate and House of Representatives that have jurisdiction over spending authority. The 302(a) allocation of the fiscal year 1990 budget totals among the Senate committees was printed in the conference report on the fiscal year 1990 budget resolution.

Section 302(b) of the Budget Act requires committees to allocate such spending authority among either subcommittees or programs within their jurisdiction. After consultation with appropriate committees of the other

House, the committees are required to report the allocations they have made to their respective House.

The Committee on Armed Services submits the following report in compliance with section 302(b) of the Budget Act allocating its direct spending authority among the subcommittees. I ask that the report be included in the RECORD at this point.

The report follows:

REPORT OF THE COMMITTEE ON ARMED SERVICES PURSUANT TO SECTION 302(B) OF THE CONGRESSIONAL BUDGET ACT OF 1974

Mr. NUNN, from the Committee on Armed Services, submitted the following

REPORT

The Committee on Armed Services, which was allocated certain budget authority and outlays by the managers of the conference on the House Concurrent Resolution 106, reports the division of such allocations among subcommittees of the Committee for fiscal year 1990.

BACKGROUND

Under section 302(a) of the Congressional Budget Act, the statement of managers accompanying a conference report on a concurrent budget resolution includes an allocation of budget totals among the committees of the Senate and House of Representatives that have jurisdiction over spending authority.

Section 302(b) of the Act requires the committees to allocate such spending authority among either subcommittees or the programs over which they have jurisdiction. After consultation with appropriate committees of the other House, the committees are required to report the allocations they have made.

ALLOCATION RECEIVED BY THE COMMITTEE

The allocation received by the Committee on Armed Services from the managers of the conference was in two parts: (1) direct spending authority; and (2) entitlements that require appropriations.

The direct spending authority allocation was made to this committee of original and complete jurisdiction for the federal programs and activities assumed in the allocation.

Entitlements and other direct spending accounts that require appropriations were allocated both to this committee and to the Appropriations Committee of the Senate. These amounts, therefore, are reflected in the reports filed by both committees as required by section 302(b).

The Committee on Armed Services received the following allocations for fiscal year 1990:

Fiscal Year 1990	
	Millions
Direct spending authority:	
Budget authority.....	\$46,882
Outlays.....	32,778
Entitlements that require appropriations:	
Budget authority.....	0
Outlays.....	0

ALLOCATIONS MADE BY THE COMMITTEE

The Committee has made its allocations among the several subcommittees as shown in the following table. Budget authority and outlay figures are CBO baseline estimates incorporated in the budget resolution.

The total amount of funds allocated in this report is equal to the allocations made to this Committee in H. Con. Res. 106, the

Concurrent Resolution on the Budget for Fiscal Year 1990.

Fiscal Year 1990

Subcommittee on Manpower and Personnel:		Millions
Budget authority.....		\$46,835
Outlays.....		32,730
Subcommittee on Readiness, Sustainability and Support:		
Budget authority.....		46
Outlays.....		48

SUBCOMMITTEE ACCOUNT ASSIGNMENTS FOR FISCAL YEAR 1990 COMMITTEE ON ARMED SERVICES

(Dollars in millions)

	Amount
Committee total:	
Budget authority.....	\$46,882
Outlay.....	32,778
Subcommittee on Manpower and Personnel:	
1. Account Name: Payment to military retirement fund—	
Budget authority.....	11,183
Account Number: 97 0040 0 1 054—Outlay.....	11,183
2. Account Name: Military retirement fund—Budget authority.....	35,470
Account Number: 97 8097 0 7 602—Outlay.....	21,409
3. Account Name: Education benefits fund—Budget authority.....	182
Account Number: 97 8098 0 7 702—Outlay.....	138
4. Account Name: Miscellaneous trust fund (other veterans benefits and services)—Budget authority.....	0
Account Number: 20 9971 0 7 705—Outlay.....	0
5. Account Name: Payment of claims—Budget authority.....	0
Account Number: 84 8930 0 7 705—Outlay.....	0
6. Account Name: Retired pay, defense—Budget authority.....	0
Account Number: 97 0030 0 1 602—Outlay.....	0
Subcommittee subtotal:	
Budget authority.....	46,835
Outlay.....	32,730
Subcommittee on Readiness, Sustainability and Support:	
1. Account Name: Department of the Navy trust funds—	
Budget authority.....	27
Account Number: 17 9972 0 7 051—Outlay.....	27
2. Account Name: Navy trust revolving funds—Budget authority.....	0
Account Number: 17 9981 0 8 051—Outlay.....	4
3. Account Name: Department of the Army trust funds—	
Budget authority.....	0
Account Number: 21 9971 0 7 051—Outlay.....	0
4. Account Name: Surcharge collections, sales of commissary stores, Army—Budget authority.....	0
Account Number: 21 8420 0 8 051—Outlay.....	2
5. Account Name: Department of the Air Force general gift fund—Budget authority.....	0
Account Number: 57 8928 0 7 051—Outlay.....	0
6. Account Name: Air Force trust revolving funds—Budget authority.....	0
Account Number: 57 9982 0 8 051—Outlay.....	9
7. Account Name: Claims, Defense—Budget authority.....	0
Account Number: 97 0102 0 1 051—Outlay.....	0
8. Account Name: Homeowners assistance fund, Defense—	
Budget authority.....	3
Account Number: 97 4090 0 3 051—Outlay.....	2
9. Account Name: Coast Guard general gift fund—Budget authority.....	0
Account Number: 69 8533 0 7 403—Outlay.....	0
10. Account Name: Panama Canal revolving fund—Budget authority.....	0
Account Number: 95 4061 0 3 403—Outlay.....	0
11. Account Name: Barry Goldwater scholarship and excellence in education fund—Budget authority.....	4
Account Number: 95 8281 0 7 502—Outlay.....	1
12. Account Name: Panama Canal Commission compensation fund—Budget authority.....	12
Account Number: 16 5155 0 2 602—Outlay.....	3
Subcommittee subtotal:	
Budget authority.....	46
Outlay.....	48
Grand total:	
Budget authority.....	46,882
Outlay.....	32,778

ASBURY PARK, NJ, TO CELEBRATE POLISH FREEDOM DAY

● Mr. LAUTENBERG. Mr. President, the mayor and council of the city of Asbury Park, NJ, have proclaimed Sunday, August 27, 1989, Polish Freedom Day, in honor of the 50th anni-

versary of an event decisive in the history of the world, the attack upon Poland by the Nazi and Soviet Hordes.

I rise to pay tribute to the brave Polish people who fought valiantly in the struggle for freedom and independence in Poland, and to honor Polish-Americans, who have, since our Nation's birth, fought for freedom and democracy here in America. Our Nation is a stronger Nation, thanks to the contribution of generations of Polish-Americans.

We seek not only to honor the Polish-Americans who gallantly fought against the forces of tyranny and oppression 50 years ago, we seek to honor also a people that is right now, bravely continuing the struggle for freedom and democracy. The recent elections in Poland mark an important victory in that struggle.

I extend my very best wishes to the citizens of Asbury Park as they gather to celebrate the Seventh Annual Polish Festival. May they continue to commemorate this important day for many more years to come.●

AGRICULTURE COMMODITY-BASED PLASTICS DEVELOPMENT ACT, S. 244 AND THE DEGRADABLE COMMODITY PLASTICS PROCUREMENT AND STANDARDS ACT, S. 1237

● Mr. D'AMATO. Mr. President, I rise today as a cosponsor of two bills which strive to promote the development of degradable plastics markets by increasing the purchases of these items by the Federal Government. These two bills, introduced by my distinguished colleague from Ohio, Senator GLENN, are the Agriculture Commodity-Based Plastics Development Act (S. 244) and the Degradable Commodity Plastics Procurement and Standards Act (S. 1237).

The United States is currently generating approximately 160 million tons of solid waste each year. At this rate our country faces the prospects of being buried by our own garbage in the near future.

Storage of solid waste in landfills is currently the cheapest form of disposal, however, active landfills are declining rapidly. The EPA estimates that half of the Nation's 6,000 municipal landfills will close within the next 5 years. Added to this problem are environmental concerns associated with landfills, such as ground water contamination, surface water contamination, and methane gas generation.

Currently, it is estimated that plastics comprise between 20-30 percent of a landfill by volume, and 7 percent by weight. While many materials in an landfill eventually decompose, plastics do not.

There has been extensive research into a new kind of plastic that does degrade. What makes these plastics

unique is the addition of cornstarch, which aids in the decomposition process. Use of these new biodegradable plastics will provide a new market for our Nation's agricultural industry while at the same time helping our environment.

S. 244 requires the Administrator of the General Services Administration to encourage the development and use of plastics derived from certain commodities and making these products available to Federal agencies. The GSA Administrator is further directed to encourage development and use of biodegradable agricultural commodity-based plastics through a system of preferential Government procurement, as well as establish an interagency working group to coordinate such activities. In both bills, preferential Government procurement by the GSA will provide incentive for further technological development of biodegradable plastics.

In addition, S. 1237 establishes an interagency council composed of Federal Government agencies in consultation with private agencies demonstrating interest in these issues to develop uniform standards, definitions, and testing procedures for degradables.

I believe that opportunities for the expansion of agricultural based products are abundant. Taking the case of the new cornstarch-based degradable plastics, we can see that benefits are not limited to the agricultural market, but may extend to other areas such as the environment and technological development in a similarly beneficial manner.

I urge my colleagues to join me in cosponsoring these measures, which encourage us to make the most from our resources in an efficient and productive manner.●

FEDERAL ENERGY REGULATORY COMMISSION MEMBER TERM ACT OF 1989, S. 388

● Mr. D'AMATO. Mr. President, I rise today as a cosponsor of the Federal Energy Regulatory Commission Member Term Act of 1989, S. 388. This legislation provides for 5-year, staggered terms for members of the Federal Energy Regulatory Commission [FERC]. Identical legislation introduced in the House indicates the universal recognition of its importance.

As the FERC exercises important regulatory powers over the Nation's natural gas and utility industries, this independent, 5-member commission is a significant determinant for the Nation's energy future.

At the end of the last Congress, the FERC found itself in a quandary when 2 seats on the commission became empty and the terms of 2 more members were to expire shortly thereafter. Because a situation like this could leave the FERC without a quorum to

conduct business, it is obvious that immediate rectification of conditions of Members' terms are necessary.

Passage of S. 388 would ensure that this situation does not occur again, as the bill would set 5-year, staggered terms of office, and provides that each term would expire at the rate of 1 per year. Currently, continuous expiration of the 5 Members' terms are in 1989, 1991, and 1992. The transition to fully staggered terms would be activated for terms ending in 1993 through 1997. Thereafter all terms will be based on the aforementioned 5-year terms.

This legislation provides a remedy to preventing the events of last year from occurring again. I urge my colleagues to support S. 388.●

COASTWEEKS 1989 SENATE JOINT RESOLUTION 166

● Mr. D'AMATO. Mr. President, I rise today as a cosponsor of Senate Joint Resolution 166 which designates the 3 weeks of September 16-October 9 as "Coastweeks '89".

In years past we have watched with dismay and disgust as garbage polluted our treasured coastlines, degenerating not only the scenic beauty of these natural resources but their esthetic and economic values as well. Congress has recently passed legislation which will promote beautification of our shores, but the nationwide participation of individuals and communities in programs such as "Coastweeks" express even more the national desire to act, not just speak of rectifying the situations endangering our shores. Fishermen, scientists, elected officials and environmental organizations are just a few of the participants who will work together in an event which calls attention to the problems facing our coastal resources.

The purpose of "Coastweeks '89" is to bring together all those interested in preserving our oceans and beaches and devise strategies to combat the problem of coastal pollution. As the program ultimately creates a forum for educating the public about this detrimental situation, I urge my colleagues to join me in supporting this worthy resolution.●

DEATH OF CHESTER NORRIS LYNCH II

● Mr. McCONNELL. Mr. President, it is with a great deal of pride and sorrow that I bring to the attention of my colleagues a young man who lost his own life in a brave attempt to save the life of his companion, a young woman. I would like to insert into the RECORD two articles, one from the Lexington Herald-Leader and one from the Barbourville Mountain Advocate, about the heroic actions of Chester Norris Lynch II, 19, of Louisville, KY.

Chester Lynch and his companion, Diana Cook, of Louisa, KY, were both students at Carl D. Perkins Comprehensive Rehabilitation Center in Thelma, KY. The two were crossing a 140-yard-long railroad bridge nearly 60 feet above the Levisa Fork of the Big Sandy River on May 28, heading toward the center. When they were about halfway across the bridge an empty coal train rounded a blind curve heading straight for them. Chester reached the end of the bridge safely, but Diana's foot had gotten caught in one of the 4-inch spaces between the cross-ties of the bridge. In complete disregard for his own safety, Chester went back and tried to save her. The engineer slammed on his emergency brakes and leaned on the warning whistle of the train, but he did not have enough room to stop before striking the two students, 15 feet away from safety.

Chester was an active member of the center's basketball team. Having received a Kentucky Colonelcy about 5 weeks prior to the accident, he was named an honorary secretary of state on May 18, and on June 7 was awarded the city of Louisville's Mayor's Citation for Valor for his act of bravery performed at the risk of his own life.

Chester Norris Lynch II demonstrated unbelievable courage in trying to save Diana Cook. It is with honor and pride that I share his story with my colleagues. I hope that they take note of his bravery and join me in offering his family my most sincere condolences.

The articles follow:

[From the Lexington (KY) Herald-Leader]
HEROIC RESCUE ATTEMPT COST STUDENT HIS LIFE

(By Lee Mueller)

PAINTSVILLE.—It might have been a scene out of a movie. But this was real life—and death.

Two 19-year-old handicapped students were halfway across a 140-yard-long railroad bridge Sunday afternoon when an empty coal train rounded a blind curve and charged straight at them.

The students, Chester Norris Lynch II of Louisville and Diana Cook of Louisa, turned and ran.

Lynch, a member of a basketball team at Carl D. Perkins Comprehensive Rehabilitation Center at Thelma, ran ahead of Miss Cook on the bridge's cross-ties, which have 4-inch spaces between them.

About 60 feet beneath them flowed the Levisa Fork of the Big Sandy River. Behind them, the CSX engineer slammed on his emergency brakes and leaned on the locomotive's warning whistle, state police said.

Lynch reached the end of the bridge, the engineer later told state police, but then he turned and ran back to help Miss Cook. They were about 15 feet from safety when the train ran over them, police said.

"The boy did a pretty brave thing," trooper Earl Gorrell said yesterday. "In complete disregard for his own safety, he went back and tried to save her. There was an act of heroism here."

In yesterday's aftermath, officials at the state operated rehabilitation school and other authorities were sorting out details of the incident.

"It's a tragic, unfortunate incident that we're very upset about and are trying to deal with," said William G. Duke, director of the center.

The 17-year-old rehabilitation center provides training for about 140 students from across Kentucky who have either physical or mental handicaps or both. Most of the students stay at the center.

A counselor at the rehabilitation center told Trooper Gorrell that neither Lynch nor Miss Cook was physically handicapped or had hearing problems. "He (the counselor) said they had been going together while at the center," Gorrell said.

Duke said details of students' activities at the center and their handicaps are, by law, confidential. "Both were fine students and were progressing well," he said.

All but about 60 or 70 of the students had gone home for the Memorial Day weekend, Duke said.

The CSX railroad line runs in front of the center, crosses Ky. 1107, and loops around a residential area before it crosses the 86-year-old steel bridge, which is mounted on two stone pillars.

"Ever since this facility's been here, we've been concerned about the railroad track and bridge," Duke said. "We're continually and constantly dealing with that problem."

Students are prohibited from walking to Paintsville, about three miles away—a rule aimed at keeping them off the railroad track and off a narrow stretch of Ky. 40 beside the river, Duke said.

Violators are sometimes restricted to their dormitories or have passes withdrawn, Duke said. "But our students are not in any fashion confined here," he said. "They are not committed here in any form or fashion. This is strictly voluntary."

The rules apparently did not stop several rehabilitation students from strolling on the railroad tracks or walking on the bridge.

Don Muncy of Thelma lives about 150 feet from the railroad bridge.

On Sunday afternoons and sometimes in the evening after classes, "I've seen as high as 10 go down through here at a time," Muncy said.

"They seemed like a decent bunch of kids. They never bothered nobody. They'd just go down through there, looking around."

Gorrell said Lynch and Miss Cook apparently had crossed the bridge and were on their way back to the rehabilitation center—visible from the bridge—when the east-bound train crossed Ky. 1107 and rounded the bend.

"There were two engines, and they were pulling 156 cars," Gorrell said. "They were only traveling about 30 miles an hour, but it still took them 900 feet to stop."

A secretary at the rehabilitation center information desk looked up and said, "the train stopped more abruptly than she'd ever seen it stop," Duke said.

The deaths were the first student casualties on the railroad tracks, he said.

"Both the students and the staff are upset," Duke said. A memorial service for the two victims has been tentatively scheduled for Wednesday, he said.

[From the Barbourville (KY) Advocate,
June 8, 1989]

FORMER RESIDENT'S GRANDSON LOSES LIFE

A young man with family ties to Barbourville lost his life May 28 in a futile attempt to save a girl near Paintsville.

He was Chester Norris Lynch II of Louisville, who was a student at the Carl D. Perkins Comprehensive Rehabilitation Center at Thelma, Ky.

Chester, who was 19, was a grand-nephew of former Barbourville mayor Lee Lynch and grandson of Curtis Lynch, now of Louisville, who used to run the Courtesy Cleaners at Second and Matthew Streets in the city. Curtis lived here between 1921 and 1954.

The Lexington Herald-Leader last week reported that Chester had been walking with a friend of his across a 140-yard-long railroad bridge.

The friend was Diana Cook of Louisa, Ky., who also was a student at the Perkins Center. She also was 19.

The two were about halfway across the bridge when an empty coal train came around a blind curve toward them. About 60 feet below the bridge was the Levisa Fork of the Big Sandy River.

Both students ran on the bridge's cross-ties to get off the structure, but Miss Cook's foot got caught in one of the four-inch spaces between the ties.

Chester, whose nickname was "Check," reached safety at the end of the bridge first but when he saw she was stuck he ran back to get her. The train struck them both.

The director of the Perkins Center said afterward that the railroad track and the bridge near the center have been recognized to be safety hazards for students, who are prohibited from walking to Paintsville about three miles away. But the rule is not always observed, he said.

Trooper Earl Gorrell said that Chester's action in trying to rescue the girl was an act of heroism "in complete disregard for his own safety."

Chester played on the basketball team at the center. His father, Chester Lynch Sr., is a Louisville real estate broker who attended the Barbourville School as a youth where he was known as Norris Lynch and also played softball in the city.

His son, Chester, had received a Kentucky Colonelcy about six weeks ago and also was named an Honorary Secretary of State. He suffered from dyslexia, a disturbance of the ability to read.

Among his survivors he left three sisters, Donna Dwell and Christine Lynch of Campbellsville, and Malissa Heron of Louisville, and four brothers, Donnie, Joshua, Robert and Micah, all of Michigan.

Graveside services were held at a family plot at the Barbourville Cemetery on May 31 after a funeral at the O.D. White Funeral Home in Louisville.●

CAPTIVE NATIONS WEEK—REFLECTIONS ON CURRENT DEVELOPMENTS

● Mr. RIEGLE. Mr. President, today we take heart in the movement toward freedom in several of the world's captive nations. One of the most striking developments in the past few weeks has occurred in Poland. Solidarity, the independent Polish labor union, has not only been included in the political process, but it is now acknowledged as

the government's official opposition. The overwhelming victory of Solidarity in the recent open elections was a decisive victory for the once underground labor movement, a victory for democracy, and a triumph for Poland.

In Hungary, the rapidly changing economic and political structure has evoked the support of President Bush. On July 12, at the Karl Marx Economics University in Budapest, the President offered \$25 million in support of Hungary's private sector and stated that he would seek commitments from the leading democracies to provide Hungary with additional economic and technical assistance.

Mr. President, I would also like to highlight several recent events in Lithuania. On March 26, 1989, Sajudis, the Lithuanian reform movement, took 38 of 40 contestable seats in the Congress of People's Deputies. Furthermore, on May 18, the Supreme Soviet of Lithuania adopted a resolution reasserting the sovereignty of the Lithuanian republic. These constitutional amendments enable Lithuania to veto Soviet legislation which it deems to be threatening to the cultural integrity of the Lithuanian people. Similar to the Polish experience, this kind of institutional reform promises the smoothest path to state sovereignty and durable economic and political reform.

In other captive nations, however, the prospects for democracy are considerably less certain. One need only think back to the events of Tiananmen Square, in the People's Republic of China. The PRC has enjoyed encouraging economic progress for at least a decade. Unfortunately, the Chinese government has continued to rule as a lumbering and corrupt bureaucracy despite profound economic growth and development. China's experience provides an important lesson for those governments in whose hands lie the destinies of the captive nations. Economic reform alone cannot meet the people's demand for freedom; ultimately, the people must be integrated into the political process.

The recent events in the Soviet Ukraine are also of great concern to me. On March 12, 1989, a peaceful demonstration for human, cultural, and religious rights was met with brutal force by the Soviet Special Forces. Tragically, over 300 Ukrainians were arrested and several national rights activists were detained and beaten by Soviet authorities. Despite the forcefulness with which Mikhail Gorbachev promotes perestroika, the oppression of the Ukrainian people stands out as a glaring contradiction to the espousal of openness and toleration of dissent.

The exciting developments in the captive nations have taken on a momentum of their own. For most of these nations, Mr. President, the

future looks bright indeed. For others, such as China and Ukraine, one can only hope that democracy prevails over tyranny and the arbitrary exercise of authority. The United States can help by expressing its revulsion with the shame of Tiananmen Square and the recklessness of Soviet force in Lviv.

The captive nations now present even a greater challenge to the two superpowers than ever before. As long as the Soviet Union continues to promote political openness and economic restructuring within the Russian republic, it must extend glasnost and perestroika to all republics under Soviet control. For the United States, the challenge of the captive nations is twofold. On the one hand, we must be careful not to force the hand of change beyond what the agents of change can peacefully accommodate. On the other hand, Mr. President, we cannot neglect to engage the captive nations with our commercial and economic presence, and with our values. ●

CAPTIVE NATIONS WEEK

● Mr. SIMON. Mr. President, the third week of July has been proclaimed "Captive Nations Week" every year since 1959. I would like to voice my support for Captive Nations Week 1989.

Real progress is being made in Poland and Hungary, but we still have not seen completely free elections in any East bloc country. Some nations, like Bulgaria, East Germany, and Romania, have not even begun to make the move toward greater political and economic liberties. A truly free and fair election in any Eastern European country would turn out the ruling Communist parties by an overwhelming margin.

Democratic ideals hold a powerful appeal for people everywhere. The United States must always be there to support these ideals and keep the flame of hope alive among the oppressed peoples of the world. We should always encourage those struggling for freedom. We should do what we can to peacefully change the status of captive nations to that of free and prosperous nations.

I ask my colleagues to join me in sending this message to the people of the captive nations of the world. ●

CARMEN ROMANO

● Mr. LIEBERMAN. Mr. President, every once in a while I bring to the attention of my colleagues some of Connecticut's community leaders. Today, I would like to speak for a few minutes about Carmen Romano, a man who has dedicated much of his life to helping Connecticut's elderly.

Mr. Romano, who is currently serving as chairman of the Governor's

Council on Aging, first began serving Connecticut's elderly in 1957. In that year, he was appointed by former Governor Ribicoff to serve as a member of the Commission on Services for Elderly Persons. He served as Chairman of the committee for 5 years until the Connecticut Department of Aging, whose authorizing legislation he helped draft, was created.

In my hometown of New Haven, Mr. Romano's work is evident in many different ways. In 1958, he opened the first senior citizen center in New Haven, a project he had worked on for a number of years. Not being one to rest on his laurels, Mr. Romano served as a consultant for the Commission on Aging in New Haven, which built a new senior center on Pool Road. Additionally, Mr. Romano directed a preretirement program for the employees of the Winchester Co., the first of its kind in New Haven, with labor and management participation.

I would be remiss to say that Mr. Romano has helped only Connecticut's elderly. Over the years, his innovative ideas and programs have been instituted by communities all over the country. Additionally, Mr. Romano has twice attended the White House Conference on Aging.

For his work, Mr. Romano has received numerous awards such as the Society of Gerontology David C. King Award, the New Haven Senior Council Award, and the Nutmeg Club of New Haven Award for his time and effort on behalf of senior citizens.

I hope that all my colleagues in this body will take note of Carmen Romano's dedication and join me in thanking him for all the outstanding work he has done on behalf of the elderly. ●

USE OF POISON GAS IN SOVIET GEORGIA

● Mr. KERRY. Mr. President, on April 9, 1989, Georgian authorities used poisonous gas to quell a nationalist demonstration in Soviet Georgia. This action was in complete violation of recognized international codes of conduct, and constitutes a serious violation of human rights. Soviet authorities have openly recognized the tragedy, and have replaced Georgia's Prime Minister and the head of the Georgian Communist Party.

In response to this tragedy, House Resolution 144 was introduced on May 2, 1989. I believe that this resolution correctly expresses outrage with this type of action, and will support similar legislation that may be introduced in the Senate concerning this issue.

I ask that the following articles, "Party Chief: Army Used Poison Gas on Georgians," from the Boston Globe, published April 26, 1989, and "U.S. Doctors Say Soviets Used Potent

Tear Gas," also from the Boston Globe, published May 26, 1989, be included at this point in the RECORD.

The articles follow:

PARTY CHIEF: ARMY USED POISON GAS ON GEORGIANS

(By Robin Lodge)

TBILISI, SOVIET UNION.—Georgia's new Communist Party leader acknowledged yesterday that many of the 20 civilians who died in protests in the capital of the Soviet republic this month were killed by poison gas used by troops.

The official, Givi Gumbaridze, said the affair had caused a crisis of confidence in the Communist Party and had seriously harmed the process of reform.

"It has been established that tear gas was used. And a second type of gas was also used. There are cases of poisoning, and some people died," he told visiting foreign journalists.

Until yesterday, Soviet officials have said only that tear gas of the type used in other countries to disperse rioters was used on April 9, despite statements to the contrary by the Georgian Health Ministry.

The remarks by Gumbaridze, appointed after Soviet Foreign Minister Eduard Shevardnadze went to Tbilisi, was the most authoritative yet on the use of poison gas.

"There was a crisis of confidence in the party and we do not think that crisis is over," Gumbaridze told the reporters at the city's communist headquarters. "There is still a deficit of trust by the people; this is no doubt."

Gumbaridze, who previously served as the republic's KGB security police chief, replaced Dzhumbar Patiashvili, who stepped down with Georgia's prime minister and president after the killings.

He was speaking a few hundred yards from the government building on Tbilisi's Rustaveli Prospekt where the troops, also armed with clubs and shovels and backed by tanks, attacked some 10,000 demonstrators calling for nationalist reforms.

Six prominent intellectuals, recently elected to the new Soviet parliament, said last week the demonstration was "essentially peaceful" and the troops had not been provoked.

Gumbaridze said blame for the heavy-handed treatment of the gathering lay with a small group within the Georgian Party who took the decision to send in the troops without consultation.

Gumbaridze said specialists from Moscow and Leningrad had come to help people suffering from the effects of the poisoning.

But members of an independent, officially sanctioned commission set up to investigate the affair said doctors were still unable to treat gas victims or establish what types of gas were used.

U.S. DOCTORS SAY SOVIETS USED POTENT TEAR GAS

(By Anne Wyman)

An old and particularly harsh form of tear gas was among those used against nationalist demonstrators in Soviet Georgia last month, according to three American doctors who returned from the area this week.

Human rights were violated by the use of tear gas against a civilian population and also by failure to disclose the nature of the gas so doctors could treat victims, the American doctors charged yesterday.

Uncertainty about the cause of death of 20 persons and the illness of some 4,000 more during peaceful demonstrations on

April 9 created panic and hysteria among the 1.3 million people of Tbilisi, said Dr. Jennifer Leaning, chief of emergency services at the Harvard Community Health Plan.

Leaning is a member of the Somerville-based Physicians for Human Rights, which made the trip at the invitation of a committee headed by Andrei D. Sakharov, the Soviet physicist and human rights activist.

The people of Soviet Georgia "could not believe the military had come in and killed their people and used poison gas," Leaning said. "It was as if it had happened in Brookline, Mass."

In an unusual piece of medical detection, the team, which included Dr. Barry H. Rumack, director of the poison center at Denver General Hospital in Colorado, and Dr. Ruth A. Brown of McLean Hospital in Belmont, were able to identify the gas chloropicrin as the cause of conflicting symptoms in victims of the April 9 clash.

The Soviet government at first denied the use of any gas in the confrontation, then was forced to admit the use of two forms of tear gas commonly called CN and CS. What puzzled doctors in Tbilisi were symptoms inconsistent with either gas, such as dry mouth, enlarged pupils and reduced bowel activity.

Arriving almost 10 days after the demonstration, the Americans, working with a team of French doctors and local physicians, received "autopsy material that was so scrambled it was impossible to tell the cause of death," said Leaning.

Patient records were reviewed and a Georgian neurosurgeon who had been gassed during the demonstration was able to recall the symptoms precisely. Finally, Rumack used the University of Tbilisi's mass spectrometer to confirm the presence of chloropicrin in a canister found at the demonstration site.

The chemical, used in riot control and military training during World War I and before the 1960s, is restricted to use as a fumigant for rodents and bugs and requires a licensed operator in the United States. It is usually not fatal and its effects wear off in seven to 20 days, Rumack said.

"Both the French, the Georgians and ourselves agreed on the entire process," Rumack said in a telephone interview.

Weeks after the demonstration, hundreds of children began showing symptoms of poisoning. These were determined to be entirely psychosomatic.

"The whole populace was suffering acute post-traumatic stress disorder, including some doctors," said Brown, who helped explain the poison during a two-hour television program in Soviet Georgia. ●

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination: Calendar No. item 227, Lt. Gen. Claudius E. Watts III, to be appointed to the grade of lieutenant general on the retired list in the Air Force.

I further ask unanimous consent that the nominee be confirmed; that any statements appear in the RECORD as if read; the motion to reconsider be

laid upon the table; that the President, be immediately notified of the Senate's action; and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination was considered and confirmed as follow:

AIR FORCE

The following-named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of title 10, United States Code, Section 1370:

To be lieutenant general

Lt. Gen. Claudius E. Watts III, U.S. Air Force.

Mr. HOLLINGS. Mr. President, I thank Senator NUNN and the Armed Services Committee for their expeditious handling of the retirement of Lt. Gen. Bud Watts, and I join Senator THURMOND in urging the Senate's approval of this nomination.

Mr. President, ordinarily the retirement of a distinguished officer is an occasion for regret. The beauty of this particular retirement, however, is that our Nation will not lose the talents and skills of this outstanding general officer. Properly understood, Lieutenant General Watts is not retiring from the Air Force, he is retiring to The Citadel. After a highly competitive selection process, the Board of Directors at the The Citadel voted without dissent to tap Lieutenant General Watts as the 17th president, in the college's distinguished history. I think it is a superb choice.

The fact is that Lieutenant General Watts embodies the highest qualities of character and leadership. He is a prime example of the kind of officer and gentleman The Citadel strives to mold. A native of Cheraw, SC, Bud Watts graduated from the The Citadel in 1958, won a Fulbright Scholarship, and earned a master's degree from Stanford's Graduate School of Business. Most recently, he has done an outstanding job as comptroller of the Air Force.

Mr. President, I join with Senator THURMOND in congratulating The Citadel on its excellent choice. In approving this retirement list, the Senate also extends to Lieutenant General Watts its best wishes for success at The Citadel. Bud Watt's distinguished career of public service now begins a new and important chapter.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

**BILL PLACED ON CALENDAR—
H.R. 1860**

Mr. MITCHELL. Mr. President, I ask unanimous consent that H.R. 1860, a bill relating to Federal annuitants

who are reemployed for the purpose of the 1990 census, just received from the House of Representatives, be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE HELD AT THE DESK— HOUSE JOINT RESOLUTION 281

Mr. MITCHELL. Mr. President, I ask unanimous consent that House Joint Resolution 281, which designates the Cordell Bank National Marine Sanctuary, just received from the House of Representatives, be held at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEHOOD CENTENNIAL COMMEMORATIVE COIN ACT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar item No. 155, S. 681, which requires the minting and issuance of a commemorative coin on the 100th anniversary of statehood of Idaho, Montana, North Dakota, South Dakota, Washington, and Wyoming.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 681) to require the Secretary of the Treasury to mint and issue coins in commemoration of the 100th anniversary of the statehood of Idaho, Montana, North Dakota, South Dakota, Washington, and Wyoming, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 283

(Purpose: To make certain technical corrections)

Mr. MITCHELL. Mr. President, on behalf of Mr. BAUCUS, I send a technical amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maine [Mr. MITCHELL], for Mr. BAUCUS, proposes an amendment numbered 283.

Mr. MITCHELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, strike line numbered 22. Renum (1)(B) to (1)(A); and (1)(C) to (1)(B).

On page 7, line numbered 9, after "Idaho Centennial", strike "Commission" and insert in lieu thereof "Foundation".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 283) was agreed to.

Mr. BAUCUS. Mr. President, S. 681 is an amended version of a bill I introduced last year to commemorate the centennial of statehood for six Northwestern States. It has been 100 years since the States of Montana, North and South Dakota, Idaho, Wyoming, and Washington entered the Union. To commemorate this singular event, this bill would authorize the striking of both palladium and silver coins designed to highlight the unique heritage and importance of these six States.

It is a pleasure to say that Senators BURNS, ADAMS, BURDICK, CONRAD, DASCHLE, EVANS, MCCLURE, PRESSLER, SIMPSON, SYMMS, and WALLOP join me as cosponsors of this legislation.

The States that are to be commemorated by this coin represent the culmination of Thomas Jefferson's vision, the uncharted and courageous journey of Lewis and Clark, and the subsequent settlement by people that drew their inspiration, vision, and strength from the very land. It is a land of great rivers—the Missouri, Columbia, and Snake, the Powder, Sweetwater, Salmon, and Yellowstone; and great mountains—the Wind River Range and Tetons, the Rockies, the Bitterroots, and Cascades.

Just as importantly, it is a land of great people—pioneering, enduring people with a sense of optimism and community, people who have helped define the American character, people from Calamity Jane and Wild Bill Hickock to Jeannette Rankin and Mike Mansfield. A land where Crazy Horse rode at will and Custer rode his last.

These States represent the culmination of Thomas Jefferson's dream of one land, from sea to shining sea. Land stretching from the Minnesota borders to the Straits of Juan de Fuca, and from the Canadian border to the Laramie Trail were brought together. The result was statehood for the great agricultural heartland and the northern tier of the Rockies to the Pacific Ocean.

This is a land of immigrants from Europe and the Orient; this is a land where native Americans are a proud part of our heritage. The coin that will commemorate these six States will underscore the brilliance of Jefferson's Louisiana Purchase and Daniel Webster's foresight in claiming the Oregon Territory through the Webster-Ashburton Treaty.

From the rain forests of the Pacific Northwest to the Rockies and onward to the Great Plains, this is a land of salmon and shipbuilding, coal and cattle, Yellowstone and Glacier Parks, the Olympics and Lake Coeur d'Alene. But most importantly, this is a land of people—sturdy people—as unique as the coin that will be struck for this occasion.

Mr. President, I would like to offer my personal thanks to Senator RIEGLE for his help with this bill and to Sharon Bauman of the Banking Committee staff whose expertise in redrafting and improving the original bill was most helpful.

Mr. President, time draws short to enact this legislation in order to guarantee that this commemorative coin presents the people of these six States with the kind of acknowledgment they deserve. It is a fact that not a single commemorative honors a city or State in the Intermountain West. Thus, this coin would be an important reminder and recognition of the grandeur of this region and the goodness of the people it will represent.

Mr. MCCLURE. Mr. President, I rise in support of the Statehood Centennial Commemorative Coin Act of 1989 of which I am an original sponsor. This bill commemorates the centennial of statehood for six northwestern States—Idaho, Montana, North Dakota, South Dakota, Washington, and Wyoming—by minting silver and palladium coins.

Mr. President, legend has it that the name Idaho comes from an Indian word meaning light on the mountains or gem of the mountains. Although historians have done their jobs and told we Idahoans that our long-held belief about the origin of our State's name is a myth, the reality is that Idaho is the gem of the mountains.

The Commemorative Coin Act will help celebrate the 100th year of the gem of the mountains by minting 1 million silver coins. Silver is one of Idaho's gems. In fact, Idaho is the largest silver producer in the United States. It accounts for close to one-fourth of the Nation's production.

The silver coins will be 90 percent silver and 10 percent alloy. The coins will be engraved on one side with the Centennial States' regional logo which depicts the centennial States and on the other with busts of Thomas Jefferson, and Lewis and Clark overlooking the Missouri River. Silver for the coins will come from the National Defense Stockpile.

In addition, profits from coin sales will go to reduce the deficit and to provide \$1.5 million for Documents West.

Mr. President, title II of this bill will allow the Secretary to mint and issue proof sets containing 90 percent silver. Proof sets have not contained silver since 1965 when the circulating coinage ceased to be made of silver.

A recent poll conducted by Coin World showed that collectors overwhelmingly prefer commemorative coins made of silver. Two thousand collectors were polled and 50 percent indicated they preferred silver to gold or clad. This is a strong indication that there is a great demand for these coins. Experienced retailers claim that

sales of the proof sets would double if the dime, quarter and half-dollar were made of traditional 90 percent silver.

Proof coins composed of 90 percent silver would consume approximately six-tenths of an ounce of silver per set. Thus, if sales remain constant, over 2 million ounces of silver would be consumed per year. If the retailers predictions are accurate, over 4 million ounces would be consumed. This silver will come from the National Defense Stockpile.

The Mint's very successful regular five-coin proof set program has traditionally achieved sales of 3.5 to 4 million sets annually. Beginning in 1988, the Mint further enhanced this successful program by offering the sets to coin dealers in bulk quantities with discounted prices. This marketing move increased sales of regular proof sets by half million sets. We expect the silver proof sets to be marketed in a similar manner. Annual sales through these two channels is expected to match, if not exceed, the sale of the regular proof coin sets, and consume 2 to 3 million ounces of silver each year.

I am pleased to be an original sponsor of this important legislation and ask my colleagues to join in our effort to celebrate this historic event.

Mr. SYMMS. Mr. President, I am pleased to support legislation to authorize the Treasury to mint and issue coins in commemoration of the 100th anniversary of the statehood of Idaho, Montana, North Dakota, South Dakota, Washington, and Wyoming. Beginning in November and continuing through the next 2 years, no fewer than six States will celebrate 100 years of statehood.

In 1889, North and South Dakota, Montana, and Washington were granted statehood. The following year, President Benjamin Harrison created my home State of Idaho as well as Wyoming. Together, these—the 39th through 44th States—made up more than one-fifth of the area of the United States. Also in 1889, the United States was celebrating the anniversary of the ratification of the Constitution. The East had long been settled and civilized, but west of the Missouri River the country was still raw and untamed. Statehood for this northern tier meant the official end of the frontier. Railroads had already spanned the prairies and mountains; now the ranges would be fenced and the lands would be tilled. Only Utah, Oklahoma, New Mexico, and Arizona were needed to complete the continental union.

The celebrating of the next 2 years will offer Americans a rare opportunity to sample a wide variety of historical exhibits and recreations as well as the small towns so characteristic of the West. Each of the six States will have events that focus on their own unique history and culture, but many

States are also planning joint celebrations with other States.

In my home State, the Idaho Centennial Foundation has produced a fine guide to products and sponsors of Idaho's centennial. In addition, many events are being planned including an All-Indian Expo, centennial summer games, an Idaho Centennial Trail, a major women's cycling event, a Basque festival, the annual National Oldtime Fiddlers' Contest as well as a centennial train that will run between Boise and Cheyenne.

This legislation would allow for the minting and issuance of not more than 350,000 \$5 palladium coins and 1,000,000 \$1 silver coins. With no net cost to the Federal Government, this issuance would utilize silver from stockpiles established under the Strategic and Critical Materials Stock Piling Act which would certainly help the declining silver market in northern Idaho.

Additionally, an amount equal to \$1,500,000 of all surcharges received by the Secretary of the Treasury from the sale of coins minted under this title shall be provided to the "Documents West" exhibition program. This provision will greatly aid in the exhibition of historical and educational artifacts pertaining to the six centennial States and will bring about increased awareness of these historic observances.

Mr. President, I join with the Senators from these six northern tier States as well as the many cosponsors to this legislation in urging support for final passage of this bill. This is a unique opportunity to join in the celebrations of six States and the many fine citizens promoting the observance of their historic pasts.

Mr. BURNS. Mr. President, I am extremely pleased to be here today supporting the passage of S. 681, the Statehood Centennial Commemorative Coin Act of 1989.

This bill directs the Treasury to mint 350,000 \$5 palladium coins and 1 million silver dollars to commemorate the centennial of six Western States—Montana, Wyoming, North Dakota, South Dakota, Idaho, and Washington. All of these States will celebrate the 100th anniversary of their statehood this year or next.

These six States share a common Western heritage and have made numerous contributions to the history of this great land of ours—from Lewis and Clark to General Custer. We also share many of the same qualities, such as being rich with natural resources. Silver and palladium are two of those resources. In fact, Montana has the distinction of being the only primary domestic source of palladium. The Stillwater Mine in Montana produces approximately 120,000 ounces of palladium a year. In addition, Idaho has

the distinction of being the home of the largest U.S. silver mine.

The coins that will be minted under this act will be an important addition to our centennial celebrations. I hope that the House will act quickly on this bill so as to make sure that coins are available during the centennial years—1989 and 1990.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill S. 681 was ordered to be engrossed for a third reading, was read the third time, and passed as follows:

S. 681

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—STATEHOOD CENTENNIAL COIN

SEC. 101. SHORT TITLE.

This title may be cited as the "Statehood Centennial Commemorative Coin Act of 1989".

SEC. 102. SPECIFICATIONS OF COINS.

(a) AUTHORIZATION.—Subject to subsection (b), the Secretary of the Treasury (hereinafter referred to as the "Secretary") shall mint and issue—

(1) not more than 350,000 five-dollar palladium coins, and

(2) not more than 1,000,000 one-dollar silver coins,

in commemoration of the 100th anniversary of the statehood of Idaho, Montana, North Dakota, South Dakota, Washington, and Wyoming.

(b) SPECIFICATIONS.—

(1) PALLADIUM COINS.—Each five-dollar palladium coin shall—

(A) weigh 31.103 grams;

(B) have a diameter of 1.500 inches; and

(C) contain 23.327625 grams of palladium (.75 fine troy ounce) and shall contain an alloy of such metals and in such proportion as may be deemed necessary by the Secretary.

(2) SILVER COINS.—The silver coins shall—

(A) have a diameter of 1.500 inches; and

(B) be composed of 90 percent silver and 10 percent alloy.

(c) DESIGN.—The design of the coins minted in accordance with this section shall contain an engraving of the Centennial States' regional logo on one side; and on the other side, the bust of Thomas Jefferson, and the busts of Lewis and Clark overlooking the Missouri River. Each coin shall bear a designation of the value of the coin, the year 1989, and inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum". The reverse may also contain the words "Northwest Centennial" and "Statehood 1889-1890". Modifications to these designs may be made, if necessary, by the Secretary upon consultation with a duly authorized representative of the 6 States' Centennial Commissions. The design for each coin authorized by this title shall be selected by the Secretary upon consultation with the Commission of Fine Arts.

(d) NUMISMATIC ITEMS.—For purposes of section 5132(a)(1) of title 31, United States Code, all coins minted under this title shall be considered to be numismatic items.

(e) LEGAL TENDER.—The coins referred to in subsection (a) shall be legal tender as

provided in section 5103 of title 31, United States Code.

SEC. 103. SOURCES OF BULLION.

(a) **PALLADIUM.**—The Secretary shall obtain palladium for the coins referred to in this title by purchase of palladium mined from natural deposits in the United States within one year after the month in which the ore from which it is derived was mined and by purchase of palladium refined in the United States. The Secretary shall pay not more than the average world price for the palladium. In the absence of available supplies of such palladium at the average world price, the Secretary shall purchase supplies of palladium pursuant to the authority of the Secretary under existing law. The Secretary shall issue such regulations as may be necessary to carry out this provision.

(b) **SILVER.**—The Secretary shall obtain silver for the coins minted under this title only from stockpiles established under the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 et seq.).

SEC. 104. MINTING AND ISSUANCE OF COINS.

(a) **UNCIRCULATED AND PROOF QUALITIES.**—The coins minted under this title may be issued in uncirculated and proof qualities, except that not more than 1 facility of the United States Mint may be used to strike each quality.

(b) **COMMENCEMENT OF ISSUANCE.**—The Secretary may issue the coins minted under this title as soon as practicable.

(c) **TERMINATION OF AUTHORITY.**—Coins may not be minted under this title after December 31, 1990.

SEC. 105. SALE OF COINS.

(a) **IN GENERAL.**—Notwithstanding any other provision of law, the Secretary shall sell the coins minted under this title at a price equal to the face value, plus the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, and overhead expenses).

(b) **BULK SALES.**—The Secretary shall make any bulk sales of the coins minted under this title at a reasonable discount to reflect the lower costs of such sales.

(c) **PREPAID ORDERS.**—The Secretary shall accept prepaid orders for the coins minted under this title prior to the issuance of such coins. Sale prices with respect to such prepaid orders shall be at a reasonable discount to reflect the benefit of prepayment.

(d) **SURCHARGES.**—Sales of coins minted under this title shall include a surcharge of \$20 for the palladium coin or \$7 for the silver coin.

SEC. 106. FINANCIAL ASSURANCES.

(a) **NO NET COST TO THE GOVERNMENT.**—The Secretary shall take such actions as may be necessary to ensure that minting and issuing coins under this title will not result in any net cost to the United States Government.

(b) **PAYMENT FOR COINS.**—A coin shall not be issued under this title unless the Secretary has received—

- (1) full payment for the coin;
- (2) security satisfactory to the Secretary to indemnify the United States for full payment; or
- (3) a guarantee of full payment satisfactory to the Secretary from a depository institution whose deposits are insured by the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation, or the National Credit Union Administration Board.

SEC. 107. DISPOSITION OF PROCEEDS.

(a) **IN GENERAL.**—Except as provided in subsection (b), notwithstanding any other provision of law—

(1) all amounts received from the sale of coins issued under this title shall be deposited in the coinage profit fund;

(2) the Secretary shall pay the amounts authorized under this title from the coinage profit fund; and

(3) the Secretary shall charge the coinage profit fund with all expenditures under this title.

(b) **REDUCTION OF NATIONAL DEBT.**—An amount equal to \$1,500,000 of all surcharges received by the Secretary from the sale of coins minted under this title shall be provided to the "Documents West" exhibition program and administered by the Idaho Centennial Foundation. These funds shall be used for the sole purpose of promoting the exhibition of historical and educational artifacts pertaining to the six Centennial States. The remaining amount of surcharges that are received by the Secretary from the sale of coins minted under this title shall be deposited in the general fund of the Treasury and shall be used for the sole purpose of reducing the national debt.

SEC. 108. AUDITS.

The Comptroller General shall have the right to examine such books, records, documents, and other data of the Idaho Centennial Foundation as may be related to the expenditure of amounts paid under section 107.

SEC. 109. GENERAL WAIVER OF PROCUREMENT REGULATIONS.

(a) **IN GENERAL.**—Except as provided in subsection (b), no provision of law governing procurement or public contracts shall be applicable to the procurement of goods and services necessary for carrying out the provisions of this title.

(b) **EQUAL EMPLOYMENT OPPORTUNITY.**—Subsection (a) shall not relieve any person entering into a contract under the authority of this title from complying with any law relating to equal employment opportunity. No firm shall be considered a Federal contractor for purposes of 41 C.F.R. part 60 et seq. as a result of participating as a United States Mint coin consignee.

TITLE II—SILVER PROOF SETS

SEC. 201. SHORT TITLE.

This title may be cited as the "Silver Coin Proof Set Act".

SEC. 202. DENOMINATIONS, SPECIFICATIONS, AND DESIGN OF SILVER PROOF SETS.

Section 5112 of title 31, United States Code, is amended by redesignating subsections (h) and (i) as subsections (i) and (j), respectively, and by inserting after subsection (g) the following new subsection:

"(h)(1) Notwithstanding this section and section 5111(a)(1) of this title, the Secretary may mint and issue, in quantities the Secretary decides are necessary to meet the public demand, proof sets containing coins described in paragraphs (5) and (6) of subsection (a), and coins described in paragraphs (1), (2), (3), and (4) of subsection (a) that—

"(A) are an alloy of 90 percent silver and 10 percent copper;

"(B) have a design and inscriptions consistent with subsection (d)(1);

"(C) have reeded edges;

"(D) have a mintmark indicating their place of manufacture; and

"(E) bear a hallmark as determined by the Secretary evidencing their fine metal content.

"(2) The Secretary shall sell the proof sets minted under this subsection to the public at a price equal to the market value of the bullion at the time of sale, plus the cost of minting, marketing, and distributing such coins (including labor, materials, dyes, use of machinery, and overhead expenses).

"(3) For purposes of section 5132(a)(1) of this title, all coins minted under this subsection shall be considered to be numismatic items."

SEC. 203. SOURCE OF SILVER FOR PROOF SETS.

Section 5116(b) of title 31, United States Code is amended by adding at the end thereof the following new paragraph:

"(3) The Secretary shall obtain silver for the coins authorized under section 5112(h) of this title by purchase from stockpiles established under the Strategic and Critical Materials Stock Piling Act and from Treasury stocks on hand. At such time as the Secretary determines that a surplus no longer exists with respect to the sources referred to in the preceding sentence, the Secretary shall acquire silver for such coins by purchase of silver mined from natural deposits in the United States, or in a territory or possession of the United States, within 1 year after the month in which the ore from which it is derived was mined. The Secretary shall pay not more than the average world price for the silver. The Secretary may issue such regulations as may be necessary to carry out this paragraph."

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the bill, as amended, was passed.

Mr. PRESSLER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BURDICK. Mr. President, it is with a great deal of pride that I join my colleagues from the Great Plains and Pacific Northwest in recognizing the centennial celebrations of our home States.

Centennial coins will be unique and fitting commemoratives of the 100th birthday of our six States. The palladium coin will be the first of its kind minted in the United States and made from Montana palladium. I am pleased that the Senate has seen fit to pass this coin bill as a tribute to the great States of North Dakota, South Dakota, Montana, Idaho, Washington, and Wyoming.

This has been an historic summer for the State of North Dakota. This past Fourth of July, I was home for the largest celebration in North Dakota's history. Flying over the State between Fargo and Bismarck early on July 4, I had time to reflect on just how much we have to celebrate. From the fertile plains of the Red River Valley to the rolling hills around Bismarck to the Badlands on the other side of the Missouri River, our State offers wide open spaces, abundant wildlife, rich agricultural and energy resources, fresh air and some of the best people in the world.

My father, Usher Burdick, started serving North Dakota in the State legislature in 1906 and went on to serve the State in the U.S. House of Repre-

EXTENSIONS OF REMARKS

COMMEMORATING NIKOLA
TESLA

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1989

Mr. GEKAS. Mr. Speaker, I would like to take this opportunity to honor the 133d anniversary of the birth of a scientist whose inventions sit in the ranks with those of Edison, Watts, and Marconi. Throughout his life, this inventor was awarded 13 honorary degrees and 7 medals commending his revolutionary work with electrical machinery. Today, however, he has been deemed the "Forgotten Genius." His name: Nikola Tesla.

As a physicist, electrical engineer, and inventor, the Croatian-born Tesla came to America to dedicate his life to scientific research. The impact of his work is immeasurable. As the American electrical engineer Bernard Arthur Behrend once stated:

Were we to eliminate from our industrial world the results of Tesla's work, the wheels of industry would cease to turn, our electric trains and cars would stop, our towns would be dark, our mills and factories dead and idle. So far reaching is his work that it has become the warp and woof of industry.

Important inventions such as the synchronous and the split-phase motors comprised the generators of the Niagara Falls which were to supply electricity cleanly and cheaply. It is now 43 years after Mr. Tesla has passed away, but where is his name in the history books?

It is due time that we recognize Nikola Tesla for his revolutionary lifetime achievements, and it is a time for those of Croatian descent to salute one of their greatest forefathers.

Now, I include in the RECORD excerpts from a speech given by Dr. Michael B. Petrovich, professor of history, University of Wisconsin-Madison, before the Tesla Memorial Society, in Niagara Falls, July 12, 1980:

[From the Congressional Record, April 28, 1981]

TESLA: THE KNOWN, UNKNOWN, AND
UNKNOWABLE

It would be difficult to find any important historical figure about whom so much is known, and yet who is as unknown as the American scientific discoverer Nikola Tesla (1854-1943). On the one hand here is an extraordinary man whose achievements have literally changed the face of the earth and who has received honors and recognition from all sides, from those, that is, who know and value his works. On the other hand, there is a discouraging and even shocking ignorance of Tesla and his discoveries by the vast majority of people today, including millions whose own lives have been profoundly affected by Tesla's discoveries. He

has been called the Forgotten Genius. There is not only the known and the unknown Tesla, but the unknowable—called by some an eccentric, by others a mystic, a visionary, and a person of extraordinary powers of perception . . . And so Nikola Tesla's memory is virtually venerated by some and utterly neglected by many more. Tesla deserves to be known better.

It is not my purpose today to describe Tesla's life and works. This has already been done by dozens of biographers and historians of science. Perhaps it is enough merely to cite a readily available source such as the Encyclopaedia Britannica, whose 1969 edition states that Nikola Tesla was a "U.S. inventor of electrical devices and equipment who introduced the first practical application of alternating current. . . ." After some biographical details the article continues, "Tesla conceived the rotating magnetic field principle as an effective method of utilizing alternating current for power. He patented the induction, synchronous and split-phase motors, and new forms of generators and transformers; this equipment formed the system for the generation and use of power from Niagara Falls. By means of lectures in Europe and the United States beginning in 1891, he announced discoveries and applications of high frequency alternating current, including the high-frequency resonant transformer, or 'Tesla coil.'"

Behind this drily objective language there is a dramatic story, of a Serbian immigrant from Croatia, in Austria-Hungary, who came to this land of opportunity with four cents in his pocket, and who gave to it far more than it gave to him—except freedom and opportunity, which he valued above all. The importance of Nikola Tesla's discoveries was described quite graphically by the American electrical engineer Bernard Arthur Behrend (1875-1932), himself of Swiss birth and a designer of electrical machinery and inventor: "Were we to eliminate from our industrial world the results of Tesla's work, the wheels of industry would cease to turn, our electric trains and cars would stop, our towns would be dark, our mills and factories dead and idle. So far-reaching is his work that it has become the warp and woof of industry."

Let us turn, first, to the known Tesla, indeed, the renowned Tesla. Though forgotten by many today, Tesla was honored greatly and many times, during his lifetime and after, by those who knew his worth. Let me give some examples.

In 1882 the Royal Institute in London invited Tesla to lecture there. So did the Institute of Electrical Engineering in London and the Physics Society of Paris. In 1893 he lectured before the Franklin Institute in Philadelphia. This august body presented him with the Certificate of the Elliott Cresson Gold Medal Award.

A dozen institutions of higher learning conferred honorary degrees on him: Columbia and Yale in 1894, the High Technical School in Vienna in 1908, the Universities of Belgrade and Zagreb in 1926, the High Technical School in Prague in 1936, the High Technical School in Brno in 1937, the

Universities of Paris and Graz and the Polytechnical School in Bucharest in 1937, the University of Grenoble in 1938, and the University of Sofia in 1939.

Tesla was made a member or honorary fellow of various academic and professional societies: the American Association for the Advancement of Science in 1895, the American Electro-Therapeutic Association in 1903, the New York Academy of Sciences in 1907, the American Institute of Electrical Engineers in 1917, the Serbian Academy of Sciences in Belgrade in 1937, and many others.

The medals and other honors which he received were many. Among the first was the Montenegrin Medal of Prince Danilo I, awarded by Prince Nicholas of Montenegro in 1895. In 1917 the American Institute of Electrical Engineers gave Tesla the Edison Gold Medal Award. He almost did not make it for the award. One story is that he skipped out during the banquet to feed his beloved pigeons in Bryant Park, behind the New York Public Library. Luckily a colleague knew of his custom and was able to bring him back in time. In 1926 Tesla received the Yugoslav Order of St. Sava, and ten years later the Yugoslav Order of the White Eagle. In 1934 the City of Philadelphia awarded him the John Scott Medal Award. In 1938 the National Institute of Immigrant Welfare presented, Tesla with a scroll of honor as a foreign-born citizen whose influence was national and international in scope, constructive in character, and purposeful in objective. Tesla shared this honor with Justice Felix Frankfurter.

On his 75th birthday Tesla was given a yearly pension of \$7,000 from the Tesla Institute in Yugoslavia. This annual stipend saved him from dying penniless in a New York City hotel room.

Perhaps none of these honors and others during his lifetime would have given him as much satisfaction as a decision of the United States Supreme Court nine months after Tesla's death which recognized that some discoveries attributed to Marconi had actually been Tesla's previously and protected by patent. It should be noted that Tesla was not himself involved in the suit but rather companies that were using his patents. Tesla cared little for money or honors. Yet after Tesla's death, in 1943, there were more honors to come. One can hardly enumerate them here.

Of special interest is the fact that the word "Tesla" became part of the language of electrical science—not only in the name of the Tesla Coil, but in the term "tesla" for the unit of magnetic flux density. Thus the word tesla, with a small letter "t", is in the same class with terms such as ampere, ohm, volt, and watt—all of which have become so much a part of our language that we scarcely remember that they were all the names of great men. Tesla shares this honor with two other Americans—Joseph Henry (1797-1878) and the Italian American physicist Enrico Fermi, (1901-1954), after whom the henry and the particle fermion have been named.

In 1952 a bronze replica of a bust of Tesla was unveiled at the Technical Museum in Vienna. It is a copy of the original by the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Jan, Yugoslav and Yugoslav sculptor Ivan Mestrovic, which is in the Yugoslav Academy of Arts and Sciences in Zagreb.

In 1952 there was also established the Nikola Tesla Museum in Belgrade, Yugoslavia. It was opened to the public in 1956, on the 100th anniversary of Tesla's birth. It is a magnificent monument to Tesla's memory and a fitting resting place for his ashes. The Tesla Museum contains not only various exhibits and mementoes of Tesla's life but a library and archives arranged in six groups: (1) personal and biographical data; (2) correspondence; (3) scientific papers; (4) diplomas, testimonials, honors, new articles; (5) technical drawings and plans; and (6) photographs. The director, Dr. Veljko Korac and his staff, deserve praise and gratitude for their work. In 1956 the Tesla Museum, under the auspices of a National Yugoslav Committee and the Society for the Promotion of Science and Technology, organized a round of commemorative activities celebrating the 100th anniversary of Tesla's birth. Among the distinguished guests who gathered in Belgrade for the occasion were Niels Bohr of Denmark, Arthur Flemming of Great Britain, Frederik Dahlgren of Sweden, and Carl Chambers and Richard Sogg of the United States. The last two came as the representatives of the American Institute of Electrical Engineers and brought a special citation with them.

The 1956 observance had a very tangible and useful result when the Tesla Museum of Belgrade published a mammoth volume, in English, entitled "Nikola Tesla: Lectures, Patents, Articles." Much of the volume reproduces in their original form various patents and other documents. In 1961 the Tesla Museum published a second significant work: "Tribute to Tesla," which contains reviews and evaluations of Tesla's achievements by noted scientists and specialists from all over the world.

In October 1956 the American Institute of Electrical Engineers held its own commemorative session in Tesla's honor. The Chicago section of that organization held a similar session, on October 1, 1956, which was designated by Mayor Richard Daly as Nikola Tesla Day. Similar tribute was paid to Tesla on his centenary by the city of Philadelphia. President Tito of Yugoslavia was informed of these American festivities by the then United States Secretary of State John Foster Dulles. In his reply of thanks, President Tito wrote: "I would especially like to stress my accordance with your statement that scientists of Tesla's genius are the symbol of the universality of science and human endeavor for progress in peace."

In 1976 there was another series of commemorative festivities in honor of Tesla, all the more impressive because the 120th anniversary of Tesla's birth coincided with the 200th anniversary of the birth of the United States—the Bicentennial. A joint Yugoslav-American committee of some twenty-five members was formed in 1975 to coordinate activities. Again there were several noteworthy results. In January 1975 Tesla was included in Washington's Hall of Fame. A year later a Nikola Tesla Prize was instituted by the IEEE, the leading society of electrical engineers in the United States. The first prize was awarded to Leon T. Rosenberg, to whom the Yugoslav Nikola Tesla Society also awarded a gold plaque. In July 1976 a tablet was unveiled at Shoreham, Long Island, on the site where Tesla's wireless tower used to stand. The tablet reads:

"In this building designed by Stanford White, architect, Nikola Tesla, born Smil-

jan, Yugoslavia 1856—died New York, U.S.A. 1943—constructed in 1901-1905 Wardencliff, huge radio station with antenna tower 187 feet high (destroyed 1917), which was to have served as his first world communication system.

"In memory of 120th anniversary of Tesla's birth and 200th anniversary of the U.S.A. Independence July 10, 1976."

Peggy McKinnon Clark of Shoreham deserves special thanks for her tireless efforts on behalf of this project.

On July 23, 1976, there took place the unveiling of the heroic-sized monument to Nikola Tesla, by the eminent Yugoslav sculptor Frano Krsinic, in Niagara Falls, on Goat Island, in the picturesque courtyard of the old Edward Dean Adams Hydro Electric Power Station Number One of the Niagara Falls Power Company. The event commemorated Tesla's successful use of alternating current to provide electric power at long distances from the source.

Meanwhile in Yugoslavia a whole series of cultural events marked Tesla's 120th anniversary. Chief among these was the Symposium held on July 7-10, 1976, in Zagreb and in Tesla's birthplace, the village of Smiljan, Lika. President Tito attended the festivities in Smiljan on July 10. The Symposium brought together some four hundred participants, including noted scientists from the whole world. In honor of the event, the Niagara-Mohawk Power Corporation of Syracuse, N.Y. presented the Tesla Museum in Belgrade with some artifacts from the Edward Dean Adams Generating Station at Niagara Falls. The certificate of presentation reads: "This corporation takes pride in the fact that its predecessor, the Niagara Falls Power Company, pioneered the use of the polyphase alternating current system invented by Dr. Tesla. That principle, proved in operation at the Adams Station in 1895, made modern electric power systems possible."

Several important publications resulted from these meetings. A bilingual volume of Tesla's writings—*Moji pronalasci: My Inventions*—was published in Zagreb in 1977 by the Yugoslav Academy of Arts and Sciences, the Nikola Tesla Museum in Belgrade, and the Skolska Knjiga Publishing House of Zagreb. More recently, in 1977, the Nikola Tesla Museum had the Belgrade publishing house NOLIT put out a luxurious edition, all in English, called *Nikola Tesla: Colorado Springs Notes 1899-1900*. This is Tesla's research diary which he kept during his daring experiment of transmitting high frequency electrical energy without wires on a global scale.

There are today many books and articles concerning Tesla, in English and in other languages, including several biographies. Though there is much yet that can be written about Tesla and his work, no one can plead ignorance of Tesla on the grounds that there is no information about him. There is, indeed.

It is precisely because the known Tesla has been so honored and recognized in the world of science, and because there is material available about him today that the general ignorance on the part of most Americans that he ever existed is so astonishing and bewildering.

And how are Americans ever to learn about Tesla is their schools and textbooks and libraries do not teach them? For example, the excellent World Book Encyclopedia, which is used extensively in our public schools, contains four inches on Tesla, and only up to 1900, with nothing in the last

thirty-four years of his life. The justly noted Encyclopedia Britannica publishes an annual Yearbook as well as a special Yearbook of Science and the Future. These are big, thick volumes that are supposed to incorporate all that occurred of any importance in the scientific world. Yet one looks in vain at them for any mention of Tesla or the Tesla Prize in the volumes for the 1970's.

And so we have this strange paradox. On the one hand Tesla is unknown to millions of Americans today though they know the name of Edison, Tesla's first American employer and later competitor. On the other hand, Tesla is the object of veneration by cultists who see in him a kind of Superman, even from another planet. But between this unknown Tesla of the uninformed and the unknowable Tesla of the cultists there is the known Tesla, whose works are daily manifested in our lives. Even as we sit here, in Niagara Falls, next to the electric station which his motors powered, we are literally basking in Tesla's light. When, in 1917, Tesla was awarded the Edison Medal of the American Institute of Electrical Engineers, his close associate B.A. Behrend paraphrased Alexander Pope's famous line on Sir Isaac Newton, when he said:

"Nature and Nature's laws lay hid in the night; God said, Let Tesla be! and all was light."

It is to make him the known Tesla that we are here today to honor this extraordinary man, this truly immortal scientist.

OPPOSE TAX DIVERSION— SUPPORT INFRASTRUCTURE

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1989

Mr. ANDERSON. Mr. Speaker, last week I, along with some of my colleagues from the leadership of the Committee on Public Works and Transportation, sent an urgent Dear Colleague to all Members of the House regarding the recent action of the Ways and Means Committee to suspend the aviation trigger tax and divert almost \$1 million in aviation user taxes from the aviation trust fund to the general fund.

In that communique, I emphasized our strong opposition to this action, especially the diversion of funds. In support of that position, I would like to include for the record a recent letter from the Aircraft Owners & Pilots Association. That letter accurately capsulizes the critical aspects of the issue. On behalf of our committee, I would like to commend President Baker and AOPA for its initiative and foresight in addressing this matter.

In addition, I might add that it is my intent to explore through the Rules Committee a means of deleting the diversion portion of the Ways and Means proposal.

AIRCRAFT OWNERS & PILOTS
ASSOCIATION,
Frederick, MD.

HON. GLENN M. ANDERSON,
U.S. House of Representatives,
Washington, DC.

DEAR CONGRESSMAN ANDERSON: At a time when our air transportation system is in critical need of improvements and concern

continues to increase regarding airport congestion, the Office of Management and Budget is pressuring the Ways and Means Committee to repeal the Aviation Trust Fund Trigger. Worse yet, the Administration is offering nothing in return for this \$1 billion raid on the Aviation Trust Fund—intended solely to help offset the budget deficit.

The so-called "trigger" was enacted by Congress in 1987 to force the Administration to spend the billions of unobligated Trust Fund dollars on the critical needs of our air transportation system. The funding levels mandated by the trigger were not met for FY88 and 89, falling some \$400 million short. In the meantime, the unobligated surplus in the Aviation Trust Fund has grown to over \$6 billion. The trigger provides that if the user tax dollars paid into the Trust Fund by airline passengers and general aviation pilots are not spent for capital improvements and modernization as intended, then aviation user taxes are to be cut in half.

Those are the rules set by Congress in 1987, and it's time to play by the rules. Because mandated funding levels were not met, the trigger is to be pulled on January 1, 1990 and the user taxes will be reduced—unless OMB has its way, that is.

And OMB isn't stopping with repeal of the Trust Fund trigger. OMB is also proposing some creative accounting practices which will permit substantially more of the tax dollars in the Aviation Trust Fund to be used to pay for the routine operational expenses of the FAA. AOPA's 290,000 members pay significant fuel taxes into the Trust Fund every time they fly. They also purchase more than 4 million airline tickets annually and pay the 8% ticket tax. Our members are understandably outraged.

Congress created the Trust Fund to pay for the capital development needs of the system, not the FAA's paper clips and rubber bands. On behalf of our 290,000 members, we encourage you to contact members of the Ways and Means Committee. Urge them to reject OMB's proposal to repeal the trigger and to raid the Trust Fund for routine operating expenses. Protect the integrity of the Aviation Trust Fund.

Sincerely,

JOHN L. BAKER,
President.

THE BLACK HOLE OF NASA SPENDING

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1989

Mr. STARK. Mr. Speaker, today I would like to include in the RECORD an excellent editorial which appeared in the New York Times on Monday, July 17, 1989.

The article makes a couple of very good points about our space program. The space shuttle and the space station are interesting projects, but what are our goals in building them? Space probes have provided us with much more scientific yield than the space shuttle has. Yet NASA has not launched a space probe since 1978 and will not launch another until 1992. Manned space flight has proved to be inefficient—robots can do the same work for far less money.

Until we can decide on a coherent space program with concrete objectives, we shouldn't be spending tens of billions of dollars on the shuttle and the space station.

[From the New York Times, July 17, 1989]

TO THE MOON—AND BACK

The United States caught the world's imagination when the Apollo project sent Neil Armstrong and Buzz Aldrin to tread the moon's ancient surface. But in the 20 years since, the hope of Apollo, that humankind would take more giant steps in exploration of the universe, has been miserably thwarted.

After Apollo, NASA's leaders turned their backs on the stars and planets. They delayed or canceled astronomy and space missions, gambling the agency's future on hardware like the space shuttle and space station. Their hope was that some President would find a use for these ruinously expensive devices. None has, and now NASA is left heading down a black hole.

After the Challenger disaster, President Reagan ordered commercial payloads off the shuttle, and the Air Force has now decided to use expendable rockets for all missions after 1991. Erecting the space station is the chief remaining use for the shuttle. But if Congress balks at the extraordinary cost, now \$24 billion, the shuttle will have little to do. NASA's 20-year investment in manned space since Apollo will have yielded a pitiful return.

Consider, by contrast, the Voyager 2 spacecraft. Launched by a Titan-Centaur rocket, it is now 12 years out from Earth on a tour that has taken it past the Great Red Spot of Jupiter, the breathtaking rings of Saturn and the strange moons of Uranus. Its rich harvest of data will continue into the next century. Voyager will reach Neptune on Aug. 24. Its telescopes have already detected a new moon orbiting the pale green planet.

This is the quick, cheap and smart way to explore the universe—put human intelligence into space and keep human bodies safely on Earth. The total cost of the two Voyager spacecraft has been a mere half-billion dollars; compare that with the more than \$30 billion spent just on the shuttle.

For NASA, Voyager represents the road not taken. After Apollo, it could have made a bold decision: to postpone the circus of manned space flight and, at half the cost, explore the planets with robots and automated spacecraft like Voyager. Had it done so, a stream of information would by now be pouring back from robots, perhaps as enduring as R2D2, roaming the plains of Mars and the terraces of Triton. Such machines could have kept NASA on another frontier—high technology.

Instead, NASA chose more manned space projects, big budgets and alliance with defense contractors and Congressional pork-seekers. That dim choice bound the agency to its fleet of space shuttles. The shuttle's unique purpose is to carry men to the space station. But almost all the missions proposed for the space station could be performed more effectively from unmanned platforms. The Russians seem to have discovered this expensive truth. Their space station, designed to be permanently manned, now flies empty.

Since the odds of losing another shuttle are about 1 in 100 for each mission, there is a substantial chance that another crew will perish for no clear purpose. Whether the shuttle program can survive a second crash is doubtful. Whether Congress will now pay

\$24 billion for a space station of contrived purpose is equally unclear.

Who can rescue NASA from its blunders? Probably only President Bush. No one else can face down the bureaucrats, the contractors and Congress and acknowledge that the space station makes no sense—and without it, the space shuttle has little role. No one, more than he, has the duty to rethink America's goals in space, restore NASA to the frontiers of exploration and technology. Only he can put it back on the trail it once blazed to the Sea of Tranquility.

END DISCRIMINATION AGAINST THE MILITARY, SUPPORT H.R. 572, H.R. 2277, AND H.R. 2300

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1989

Mr. DORNAN of California. Mr. Speaker, I have placed into the RECORD a number of letters that have been written to me in support of my legislation to redress a number of inequities inherent in the Spouse Protection Act. (June 15, 27, 28, 1989, July 12.)

Mr. Speaker, I would like to share with my colleagues a few more of the many supportive letters that I have received. These letters are illustrative of the necessity to change the current law and make the Spouse Protection Act more equitable and fair to those men and women who proudly serve their country.

June 22, 1989.

Congressman ROBERT K. DORNAN,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN DORNAN: I have read about your efforts to add a measure of fairness to Rep. Pat Schroeder's Former Spouses Protection Act. I am an active duty Air Force major commissioned in 1975. Although, like much legislation, the overall purposes served by the Act are admirable, it has resulted in callous inequities. Let me tell you about my case.

I was married in Nov. 1974 and came on active duty on 3 Jan 75. Marital difficulties developed between my ex-wife and me in 1983 while stationed in Washington DC. I did everything possible to try to salvage the relationship including not filing for divorce. Although we lived in the same house my wife slept in a separate bedroom and led a life of her own apart from our Air Force friends. I was reassigned to a base in Spain in July 1984. My wife chose not to join me. She and my son, then three years old, remained in Washington. Even while in Europe for the following two and one-half years I hoped for a reconciliation and attempted to work a separation agreement with no success. When I returned for a Xmas visit to the home in VA in 1984 she surprised me by having the sheriff serve divorce papers on Xmas eve. I am not and was not a Virginia domiciliary. It was a traumatic experience. Our lawyers fought for the next few years over our small assets. She wanted \$15,000 and my financing of a further college education plus \$500/month child support in exchange for giving up a claim on my retirement pay. In the meantime, she had been seeing other men. She eventually moved in with a well-paid congressional employee. We were finally divorced in 1987 after I returned to the US;

the basis of the divorce was her adultery! Within two months of the divorce she married the congressional employee and bore a child shortly thereafter.

She now will be entitled to 15% of my active duty retirement pay for the rest of my life and \$450/month child support until 1999. I had always counted on my retirement pay to pay house payments with when I retire in 1995. Now I'll owe her the monthly 15% plus the child support which will amount to a good one-third of my retirement pay. She bought her new husband, whose salary is better than mine, a gold Rolex watch as a wedding gift, recently bought a new \$200,000 house in Springfield and a new car. Her new husband has a lucrative retirement plan.

As you can see, she left me and is by no means out on the street. I held on to the marriage too long and thus under the Act was penalized. She, the adulterous, was rewarded with a lifelong cut of my retirement pay. Is this what Pat Schroeder calls fairness? Something needs to be done. Former spouses who left the service member of their own volition (particularly in adultery cases) should not be rewarded. Ex-military spouses who remarry and are taken care of by a new spouse should not be entitled to benefits. The greatest inequity: the retroactive application of the Act, must be eliminated. Finally, servicemen like me, who try to save their marriages should not have to "pay" from their retirement pay for doing so! I appreciate your efforts to change this unfair law. I also want to thank you, albeit belatedly, for all your efforts on behalf of POWs.

Very Truly Yours,

RICHARD A. MORGAN.

June 15, 1989.

Hon. BOB DORNAN,
U.S. House of Representatives, Washington,
DC.

DEAR REPRESENTATIVE DORNAN: Please accept my sincerest "thank you" for having introduced H.R. 572.

I am among many that are suffering because of the disbursement of my retirement pay to an ex-spouse who remarried. In addition, after settling with her according to the "Ex-spousal Protection Act", the State courts ruled that she was entitled to December 1969 (date of legal separation) and I was presented with a judgment against me in the amount of \$43,000 plus interest (almost 20 years worth), plus all court costs.

My only outlet to the above was to file bankruptcy, ruining my credit for the next 10 years, and as of this date the outcome is still in question.

As a matter of information, I am writing every Congressman and Senator asking for their support of your bill. Thus far I have mailed letters to the entire delegation of Louisiana, Texas, Mississippi, North Carolina, California, Alabama and have started with Ohio. Hopefully, this will help gain support.

Again, sincere thanks for being on our side and trying to help us out of a trying situation.

Sincerely,

ALBERT C. WILLIS,
Major, USAF (Retired).

June 8, 1989.

DEAR REPRESENTATIVE DORNAN, I recently wrote a letter to Senator Fowler to voice my concern about an Act that I consider to be very unjust, Public Law 97-252, The Uniformed Services Former Spouse's Protection Act.

I was told that you have introduced HR 572. I applaud your initiative to amend Title 10, U.S.C., to provide that a court-ordered allocation of military retired pay to a former spouse of a member of the uniformed services based upon treatment of such retired pay as property of both the member and the former spouse shall terminate upon remarriage of the former spouse.

However, other inequities in the Act will still remain uncorrected. Some of the questions that still remain to be answered are:

Why are courts being allowed to re-open divorce cases to apply the Act retroactively?

Why are courts being allowed to divide something which was not an entitlement at the time of divorce?

Why are courts being allowed to divide military retired pay with former spouses who were never awarded alimony/maintenance by the original divorce decree?

Why are courts being allowed to award a monetary benefit which continues for the life of the military retiree, even after the death of the former spouse?

The rapacious manner in which this Act is being exploited retroactively in many courts across the country is alarming.

Please initiate legislation to repeal the retroactive application of this Act.

Sincerely,

BARRY J. DOICK.

The media readily publicize events and maneuvering on Capitol Hill as certain members of the Congress publicly advocate cuts in Defense spending. Frequently, however, little or no publicity is accorded to the sponsorship or support, by members of the Congress, of pork barrel amendments to Defense appropriations which bloat the Defense budget but contribute little or nothing to Defense capabilities or combat readiness. Worse than that, some of these will even adversely affect military readiness and capabilities in the long run. Moreover, they will escalate the costs of national defense to the American taxpayer.

A prime example is the quasi-social program established by the Uniformed Services Former Spouse Protection Act (Public Law 97-252) which was passed in 1982 by attaching it to a Defense appropriation bill which was not likely to be vetoed. The Act politicizes military divorce by creating a loophole in the Federal Supremacy Clause permitting state courts to divide military retired pay as if it were community property. Only ten years of marriage while in military service is required to qualify and spousal eligibility extends for the balance of the military member's life thereafter. This division of retired military pay is in addition to alimony, child support, and the distribution of tangible assets of the marriage. Unlike the normal treatment of alimony, however, the award of retirement pay, once made, is effective until the death of the military member, or the spouse, irrespective of a possible remarriage by either.

The Act, which applies to both male and female military personnel, is a cruel hoax played on a large body of competent, dedicated, but divorced professionals. It reneges on military personnel contracts signed at the outset of military service. These contracts make no mention that a future divorce will penalize a career military member by permitting state courts to indenture him or her for life.

The passage of the Act, in the first place, was a knee-jerk reaction, by the Congress, to the equal rights lobbyists who capitalized on the trauma of divorce to swell their

ranks during the heyday of the Equal Rights Amendment. The military professional was a natural target for the Act's principal sponsor, Patricia Schroeder (D-Colorado), whose voting record is markedly anti-Defense oriented.

Mrs. Schroeder and the other framers of the Act flagrantly ignored the existing Federal law and Supreme Court decisions already controlling the lives of military retirees receiving retainer pay.

First, they ignored the fact that 'retired pay' is not a pension, per se, but is reduced pay (or a retainer) for reduced, but obligated, military service. Every able-bodied military retiree remains subject to involuntary recall to active duty in the event of a national emergency.

Second, military retirees remain subject to the Uniform Code of Military Justice for so long as they receive retired pay. Military retirees are subject to recall and court martial if circumstances warrant. Moreover, they are subject to conflict-of-interest laws which place restrictions on their marketing of their service-developed skills within the United States military/industrial community and in dealings with foreign governments.

Third, the lawmakers ignored the fact that Federal law, before the Act and now, protects the welfare of ex-spouses by providing that alimony and child support payments can be withheld from both active duty and/or retainer pay so long as mandated by a legitimate court order.

The really insidious aspect of the Act, however, is that it undermines other well-intentioned Congressional legislation aimed at enabling the recruitment and retention of competent, career-minded personnel in the Armed Forces, thus holding down the high costs of personnel turnover. (As an example, it is estimated that every Navy pilot who leaves the service for other employment represents a government training investment of not less than one million dollars.)

The bitter irony of the Act is the fact that it punishes a large cadre of military's most dedicated professionals, who are the sinew of the increasingly technological Armed Forces: just because they have had the misfortune of being divorced. Marriage may be made in heaven but not all of them end there. Military professionals approaching ten years of service are virtually irreplaceable. There is no outside manpower pool where the services can hire such military experience. These professionals are forced to choose between another career outside the military or to remain in the service until normal retirement only to face a possible life of bondage to an ex-spouse.

One wonders why the Congress has singled out the divorced professional for such harsh, unfair treatment. Is the divorced, experienced member any less valuable to the military operation than the experienced non-divorced member? Has the divorced member experienced any less arduous tours of duty or fewer family separations? Has the divorced member been any less competent, less dedicated, less patriotic or less exposed to hostile fire? Has the military spouse had the same exposure?

Given that about 50% of the Defense budget goes to manpower, it is difficult to comprehend the anguished cries of certain members of Congress over the nation's budget deficits while, at the same time, they unhesitatingly increase the military tax burden by countenancing the Uniformed Services Former Spouse Protection Act. Over the next decade the Act will cost the

taxpayers extra billions for defense because of the high turnover rate of divorced professionals and the attendant loss of fighting proficiency. It should be kept in mind, however, that the military's loss should not be just measured in dollars—for there are additional unquantifiable costs in the loss of morale and the esprit de corps which are so vital in developing that innate sense of pride in oneself, service and country.

Clearly, the Act represents a biased, unprincipled breach of faith with some of the military's most valuable personnel. Equally reprehensible is that the costs of Defense paid by the American taxpayer will continue to escalate until responsible members of the Congress exercise the leadership required to repeal this unjustifiable law.

ADM. M.D. CARMODY,

U.S. Navy Ret.

FRANK AULT,
Arlington, VA, Chapter Leader.

THE VISION, THE DREAM, THE TASK

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1989

Mr. CLAY. Mr. Speaker, Mrs. Margaret Bush Wilson, former Chair of the NAACP, recently gave a very insightful and inspiring speech before the Civic Luncheon of the 32d Area Conference Mid-West Region of the LINKS, Inc., in St. Louis. I am pleased to take this opportunity to share Mrs. Wilson's eloquent remarks about the challenge confronting the black community:

THE VISION, THE DREAM, THE TASK

The theme of this 32nd Central Area Conference is "Share the Vision." It is a theme directly related to the national theme of LINKS, INC., "Enhance The Legacy: Fulfill the Dream."

Before I address this conference theme, however, I want to spend a few moments on a critical subject for all of us.

Dorothy Gilliam, distinguished writer for the Washington Post, made the following comment in one of her perceptive columns: "History is absolutely essential to creating a positive sense of self, and in the Eurocentric world in which American blacks exist, the restoration of Africa to its rightful place in this history is of utmost importance."

What made me recall Gilliam's words was a recent disconcerting anecdote about a group of African-American children in an inner city classroom during one of their lessons. It seems their teacher had occasion to mention the continent of Africa, and just by way of fleshing out relationships, she said to the students, "how many of you are of African ancestry?" These children were all African-Americans. Not a single hand went up. It is reported that the teacher was stunned and dumbfounded.

We have, it seems, a disturbing phenomenon to confront—namely a generation of our children and young adults who do not know who they are. We have offspring who do not know about our ancient heritage. They have no knowledge of their roots in the continent of Africa, nor that among our ancient ancestors we number those who were the first to practice agriculture, to irrigate the valley of the Nile, build dams, invent science, arts, writing and the calen-

dar. In short, our ancestry includes those who created the first civilization.

To have a generation ignorant of these roots and this heritage is cause for alarm. In some ways, this is more disturbing than all the statistics on teen pregnancy, drug addiction and crime. The first step toward solid personal achievement is to have a positive sense of self, and a clear vision that one stands on the shoulders of those who came before. The words of McCauley are prophetic: "A people who takes no pride in the achievements of remote ancestors, will never achieve anything to be remembered by remote posterity."

Without dwelling on the forces and events which led to this phenomenon among this generation of the young, I say individually and collectively each of us must mount the bastions and do something about it. If our schools are not responsive, then let's turn to our churches and our institutions, not to mention our own breakfast tables and dinner tables where we can talk about this heritage, and to our own bookshelves where the books should be available and the pages worn with use.

My purpose in dwelling on this matter of heritage and roots first is directly related to this Area Conference theme of "Share the Vision."

What is this vision—how is it defined and by whom?

Some years ago, it was Ralph Ellison who said, "... some Blacks have taken too narrow a view of their role and significance in American Society."

It is my own vision of that role which is the foundation and bulwark for my faith in the future of these United States. For I firmly believe that Americans of African descent, individually and collectively, are our nation's conscience and its hope for the redemption of the Promise of America.

This is not wishful thinking. We Americans of African ancestry have been at the vortex of every major thrust forward in the history of this country as a nation. The American Revolution, the War between the States, and the somewhat Peaceful Revolution of the Sixties which transformed the South.

And now the question looms "What is required in the final 11 years of the 20th Century for the survival and progress of these United States in general and African-Americans in particular?"

Let me suggest that the broad-based issues are economic, political, cultural and spiritual, but it is the urban crisis that is physically and mentally destroying black people.

If we are serious about making the daily lives of the average black person better, then we must begin to understand and direct the interrelated urban forces of school, work, housing, health and the justice system. In other words, our attention, our resources and our keenest intellect must turn relentlessly to the business of *economic justice*.

Social change is going on all around us, and the need for intelligent adaptation on our part to this accelerating and convulsive process is urgent.

But, before setting policy—which can lead to plans, there is a prior process of seminal conception. This is what we ought to consider very seriously during this area conference.

What fundamental changes do we contemplate as necessary in the structure of the organizations we serve and the institutions which affect our lives?

What core values do we consider essential and inviolate?

The ultimate direction in which this nation of ours moves may well depend on socially responsible and effective leadership in these organizations and institutions, including the LINKS.

Our present challenge is to build an economic, social and cultural environment to serve the present age. Many people in our country are deeply dissatisfied with the present state of affairs.

In the recent June 7th issue of the Wall Street Journal there was a report from the U.S. Census Bureau and the Conference Board indicating that more than 70% of American households have no discretionary income—that is no money left after paying taxes and paying for the necessities of life. This represents some 87 million households. A mere 26 million have these funds.

The pain of millions unemployed is intense; some have exhausted unemployment benefits; others have lost job-related insurance coverage; and too many are on the threshold of being destitute or are already homeless. These are our nation's critical problems, and they are not problems of one class or one race.

Words like liberty, freedom, equity, parity, justice and the advancement of civilized people are not likely to mean much beyond rhetoric unless those words are linked in specific ways to such issues as:

The criteria used to allocate resources and the actual allocation of resources.

The trade-offs between today's demands and tomorrow's safeguards.

The purposes to which advances in technology are applied.

Population growth and spread.

We must be more conscious of our innate potential, and our ability to organize must no longer be confined to our social life.

For example, the national organization of LINKS should come to grips with the fact that the needs and problems of African-Americans require massive intervention to achieve significant impact.

If each chapter of LINKS gives a single scholarship a year this hardly puts a dent in the massive need for scholarships among our young people.

On the other hand—not far from here in Evanston, Illinois, there is a complete program and mechanism in place called the National Achievement Scholarship Program which screens and processes hundreds of young African American high schoolers who are academically eligible for college. Yearly, our national organization of LINKS funds six of these scholars—each with a \$2,000.00 stipend. Only about 700 actually win as Achievement Scholars, but what of the hundreds who are not chosen.

This organization of talented LINKS women could forge a closer bond with the National Achievement Scholarship Program and through our various chapters and with imagination, ingenuity, contacts and clout, we could, each year make a commitment to assure that everyone of those eligible achievement scholar contestants enters college.

In a short span of time, the impact could be outstanding.

Or take another example: It is estimated that 37 million persons in our country under 65 have no health insurance and another 17 million do not have adequate coverage. That's 54 million and a disproportionate number of these persons are African-Americans. An overwhelming problem you say,

but forces may be at work to make a strategic role for the LINKS possible.

First, health care costs are on the rise. Second, for the first time big business, the Chrysler Corp., for one, is frustrated with these rising costs since many corporations pay 25% to 35% of employee health care costs.

Third, Members of Congress, including our distinguished William Clay of the 1st Congressional District here in Missouri have introduced H.B. 1845, The Basic Health Benefits for All Americans Act of 1989 to address the problem.

Clearly, if adequate health care was assured for each U.S. citizen, this would be a major breakthrough in achieving parity, in making health care more effective. It would also be a wise allocation of our resources and a significant step in fulfilling a part of the vision for a better America.

The momentum is already there. The need is for concerted action. LINKS and CONNECTING LINKS could be the catalysts for reaching out, linking up and effectively mobilizing the broad-based support which could make adequate health care in this nation a reality for us all. What we have done for the elderly through Medicare could be extended to all our citizens. The impact for good would be massive and this is a proper allocation of resources for a caring nation as well as sound social and health policy.

Then, as a last example, there is THE EBONY ALERT. One of the constant complaints about our people is apathy. Yet, explain the appeal of a Martin Luther King or Jesse Jackson, both whom mobilized the masses. Without regard to background, most people in this country are yearning for a better America.

This is not the time for more conferences, speeches and summits. This is the time to inform and mobilize for action and to overcome the division and discord among us that have undermined and thwarted or struggled for well over three centuries.

THE EBONY ALERT is an action idea for unity. It is grounded on a Statement of Principles and Purpose, which recognizes that our effective survival and triumph depends on our ability to make rational, studied and unemotional judgments on where our basic interests lie on important issues that affect our lives. And that the imperative is for a broadly based, well informed body of concerned citizens committed to act together.

Every person who becomes a part of THE EBONY ALERT signs a solemn commitment which is worthy of reciting here:

"I agree to be an active part of the THE EBONY ALERT and solemnly commit myself to the following:

1. That I am now and will stay a registered voter.
2. That I will always know my political profile.
3. That I will seek to be informed about issues which affect the vital interests and well being of the black community as a whole.
4. That I will support unity, not fragmentation, in the black community.
5. That I shall respond promptly to an "alert" for action when I am contacted by the THE EBONY ALERT.
6. That I will pay at least \$5.00 a year to the THE EBONY ALERT to cover postage and mailings . . ."

The third and essential part of THE EBONY ALERT is the Resource Panel of informed, capable and independently

minded advisors who would serve as a research, policy analysis and resource arm to THE EBONY ALERT. They would be drawn from all relevant disciplines, such as economics, health, education, political science, natural science, the justice system and business. It is this group that analyzes and reaches a conclusion as to what is in the best interest of our community—and then the "action alert" goes out to the cadre of the concerned.

This is not pie in the sky. It is a framework for action by a people who are suffering needlessly and at great cost from senseless fragmentation, disorganization and lack of discipline, at a time when we can least afford it.

There is cause for deep concern when leaders of this nation glibly talk about a permanent underclass. It becomes a crisis situation and cause for a five alarm alert when that underclass is viewed as being substantially African-American.

One hundred years ago, we African-Americans faced formidable odds. *Plessy vs. Ferguson*, that infamous U.S. Supreme Court decision which made racial segregation and "separate but equal" a matter of social and public policy, was just seven years away. Some astronomical number of us were really poor and most of us were illiterate. It took fifty-eight years from 1896 to 1954—to throw off the legal shackles of the *Plessy* decision. Some of us still carry the scars and stigma of distrust, disunity and division which were deliberately spawned among us during those dreary years and before.

How else can we explain the wife of a successful African-American service station owner who takes her car to the white service station around the corner for her gasoline and service?

How else can we explain a people with a 200 billion dollar gross national product, but without a single African-American owned financial institution in the country with assets over 1 billion?

How else can we explain this conference in this hotel where there is not a single written reference in the printed program which tells us who we are. Look carefully, the only clue that this conference is of, by and for women of African descent is the art work on the program cover and the pictures of our sisters in the ads.

And yet, every one of us is committed, intellectually and practically, to the basic aim of achieving long run permanent reductions in black poverty and the restoration of the respect and appreciation for the heritage and the contributions of Africa and Americans of African descent.

It's just that commitment alone is not enough.

Today 70 percent of us are not illiterate and we are not poor. Concentrated in these United States is probably the greatest pool of competence among persons of African descent in the entire world. Quite frankly if we black Americans now lose our way and fall into eclipse, it will be our fault.

The fundamental change in our strategy must be to move from the modest to the massive in our action programs.

Let's take literally the unpublished poem attributed to Langston Hughes: "There's a dream in this land with its back against the wall. To save the dream for some, it must be saved for all."

The task is to focus our public policy debate around the fundamental goal of achieving long run permanent reductions in the 30% poverty level of African Americans—this debate is not about bussing, but

about what is not happening in the classrooms in our public schools.

Let's not be victimized by the Rhetoric or Rejection—reverse discrimination, welfare, affirmative action—these all have negative connotation today as the result of a very calculated campaign to make them terms of distaste, if not contempt.

We can stop this by coining our own positive phrases. From now on, let's talk "employment equity" rather than affirmative action; let's be concerned about "well-being" in place of welfare, and "reasonable redress" instead of reverse discrimination. Then we, not others, define the terms and the rhetoric of our agenda.

Finally, over and over we must remind ourselves of the vision and the dream—the vision of a humane society and the dream of a country and culture of real freedom with unrestricted respect for each other and a profound understanding that in our diversity lies our greatest strength.

In this light, the words of an unknown writer are compelling:

"A vision without a task is a dream—
A task without a vision is drudgery—
But, a vision and a task together can be the hope of the world."

CONGRESSIONAL TRIBUTE TO SGT. CONRAD N. NUTZMAN

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1989

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to a great citizen in my district, Sgt. Conrad N. Nutzman. Sergeant Nutzman is retiring today from the Long Beach Police Department after almost 26 years of dedicated service.

Conrad is a native Californian, born on October 6, 1935, in Los Angeles. He attended elementary school in Los Angeles and graduated from Compton High School in Compton, CA, in February 1954. Upon graduation, he entered the U.S. Marine Corps, and was honorably discharged in 1958. During his 4-year tour of duty, Conrad rose to the rank of sergeant. Shortly before leaving the Marine Corps, Sergeant Nutzman married Catherine J. Grasham.

In 1962, Conrad moved his family to Long Beach. He joined the Long Beach Police Force on August 5, 1963, at the urging of another career officer, Ed Mac Lyman. His career with Long Beach was not all smooth sailing, for on April 18, 1969, while pursuing a traffic violator as a motorcycle officer, a collision occurred which would mark the end of this assignment. It took him 9 months to recover from his injuries and 19 years later, Sergeant Nutzman would be awarded one of the department's first Purple Hearts.

In order to further his education and professional aspirations, Conrad attended Long Beach City College, which in 1974 granted him an associate arts degree in police science. Then, on August 8, 1978, he was promoted to the rank of sergeant, and assigned to the jail division as administrative sergeant. In 1982, he was assigned the responsibilities of court liaison sergeant in the court affairs office until September 1985, when he was

then moved to the Community Relations Division. He held this assignment up until today, capping a career of 25 years, 11 months, and 12 days.

Conrad begins his retirement tomorrow, and much of it will be spent developing his "Six Lil' Acre Ranch" in Anza Valley, CA, with Cathy, and with his children, and grandchildren.

My wife, Lee, joins me in extending our congratulations to Sgt. Conrad N. Nutzman. He is a remarkable individual who has contributed greatly to law enforcement in the Long Beach area. On behalf of the entire community, we wish Conrad and his wife Cathy, his three children, Lisa Marie, Constance Lynn, and Christine Ann, and his six grandchildren, Katerina, Kristen, Shaun, Kenneth, Dustin, and Carolyn, all the best in the years to come.

RELEASE NELSON MANDELA

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1989

Mr. STARK. Mr. Speaker, today, July 18, is Nelson Mandela's 71st birthday. He, of course, will be spending this day away from his wife and family, and separated from millions of his fellow countrymen.

Nelson Mandela's incarceration by the South African Government is both tragic and criminal. This case symbolizes the need for the United States and other allied industrial nations to continue to apply strong political and economic pressures on the Botha government. Although South Africa is no longer front-page news and the lead on the network news, we ought not refrain from continued pressure on the South African Government.

Until the South African Government realizes the harmful consequences of this intolerable treatment of Nelson Mandela, the Botha government will continue to be the focus of worldwide shame and disdain. And any United States company who rationalizes its business ties with the South African Government as "business as usual," shares the blame for this inexcusable treatment of this national hero.

I appeal to the collective conscience of the South African Government's leadership to release Nelson Mandela.

SENATOR FOWLER'S RURAL EDUCATION PROGRAM

HON. RICHARD RAY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1989

Mr. RAY. Mr. Speaker, I rise today to praise the work of Senator WYCHE FOWLER in his effort to establish star schools throughout our Nation's rural areas. Senator FOWLER has successfully had this program inserted into Senate Bill 1036, the Rural Partnerships Act of 1989. It provides the funding necessary to purchase telecommunications equipment to connect students with instructors through television, telephones, and computers. This will allow students to take courses not offered in

their local schools in an effort to better prepare themselves for college and the working world. This will not replace local teachers, but rather enhance their teaching curriculum. Mr. Speaker, along these lines I would like to submit, for the benefit of my colleagues, a copy of an editorial which recently appeared in the *Americus Times Recorder*.

This measure is yet another example of Senator FOWLER's deep commitment to rural Georgia and rural America. Through his Senate seats on the Agriculture Committee and the Agriculture Subcommittee of the Appropriations Committee, Senator FOWLER has shown time and time again that he will do all he can to better the life in our rural communities. He realizes that the way to shore-up the Nation's rural population is to offer opportunities and incentives to those remaining in their local communities. We must make these rural areas attractive to our increasingly educated and mobile young people. Senator FOWLER realizes that they are the future of rural America and is doing all he can to make that future strong.

[From the *Americus Times Recorder*, May 20, 1987]

FOWLER KEPT HIS PROMISE

When the U.S. Rep. Wyche Fowler announced that he would not seek re-election to the House, but instead would run for the Senate, there were many objections raised from the citizenry. Particularly from rural sections of the state, including our own Southwest Georgia counties.

"He's never been out of the Atlanta area," was the principal criticism. "What does he know about problems of agriculture and other ones facing us?" people would ask.

And always, there was the claim that he was only running for the Senate because the Atlanta area district he had long represented was realigned and because of the heavy concentration of black population that resulted, he was a sure loser.

This perhaps was true, but it also served to prove that Wyche Fowler is an intrepid politician—and perhaps even on his way to becoming a statesman.

Fowler jumped headlong into the campaign which included a number of impressive runners, including, of course, the Republican incumbent Mack Mattingly.

And rather than spending a great deal of his time on the campaign trail in the metropolitan areas of the state, he gave a real priority to the rural sectors. And the right combination and strategy proved correct as Fowler won the seat beside fellow Georgian, Senator Sam Nunn.

And he still hasn't forgotten about Southwest Georgia and other rural areas, and the people, since having taken office either.

Now, he has proved it again through legislation he has introduced which would provide some \$70 million over the next five years for satellite and telecommunications technology to increase educational opportunities in rural areas.

The Democrat, who somehow skillfully and with the assistance of influential colleagues has been named to the powerful Senate Agriculture Committee in his freshmen term, managed to get his measure made a part of a \$300 million rural development initiative which was prepared by his committee to aid the growing economic problem in rural sections of the nation.

In announcing the plan, Senator Fowler said that "One of the key components of any meaningful rural legislation has got to

be education, bringing the finest teaching techniques and methodology to our nation's schools."

Foremost in the proposal is a \$100 million rural investment fund that would be used to create revolving loan funds at the local, regional or state level to provide capital for the development of small businesses in rural sectors.

In addition, the bill would hike Farmers Home Administration grants for poorer communities, make loans for water and sewer improvements easier for rural communities and set up telecommunications systems for rural hospitals and businesses, and other emergency problems.

Fowler also said that "There are thousands of promising students in rural areas throughout this nation who have exhausted some of the higher level course work available in their schools. This act will provide the teachers and the advanced course work these students want and need to prepare for college and beyond."

We obviously cannot yet foresee the great bearing this legislation could have on our own communities and people. But it could be monumental.

The *Times-Recorder* appreciates this specific legislation, and especially Mr. Fowler's steady efforts at representing the rural people of Georgia.

He kept his promise.

CLEAN FUELS AND ENVIRONMENTAL PROTECTION ACT OF 1989

HON. TERRY L. BRUCE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1989

Mr. BRUCE. Mr. Speaker, after seeing the outline for the acid rain portion of the President's clean air bill, I didn't know whether to be pleased or panicked. The President's proposal was ambitious and environmentally sound. But it would also have the effect—however unintended—of throwing tens of thousands of hard-working Americans into the streets and unfairly burdening many utility ratepayers with cleanup costs that far exceed their contribution to the problem.

As one of the 11 House Members serving on both subcommittees with jurisdiction over acid rain legislation, I knew that concern alone would not get these needs considered. A bill had to be proposed. On Monday, I introduced legislation that followed the general guidelines set forward by President Bush last month, while adding provisions to make the economic impact acceptable to all regions of the country.

During the campaign last fall, President Bush talked about protecting the environment. With his proposal last month, he went a long way toward meeting that promise to the American people. On the subjects of acid rain and ozone nonattainment, he has gone much farther than I would have expected and I applaud his leadership. After years of inaction from the administration, the President's initiative was indeed a breath of fresh air.

On other fronts, however, the administration proposal does not meet its mandate.

There is nothing kind or gentle about the impact the President's acid rain proposal would have on the Nation's mine workers. While the outcome may not be what the President expected, there is no doubt that tens of thousands of mine workers would be jobless shortly after enactment of the President's proposal.

The President has said he stands for fairness, yet his proposal falls short on fairness to Midwest utility ratepayers. The precursors of acid rain—sulfur dioxide and nitrogen oxide—must be reduced, but paying for the reductions should not be done in the disproportionate manner of the administration proposals.

As Energy and Power Subcommittee Chairman PHIL SHARP has pointed out, nine Midwestern States contribute 51 percent of the Nation's sulfur dioxide emissions, but the Bush proposal would tell our ratepayers to pick up 67 percent of the cleanup tab. On cleanup for nitrogen oxides, the bill is even more wrong: 10 States, with 31 percent of the NO_x emissions, would pay for 69 percent of the reductions. Other current proposals are worse.

To these States, that's like eating a hamburger but paying for someone else's prime rib. We don't mind paying to clean up our share of the acid rain problem, because we recognize the importance of preserving our environment. But we will only pay our share.

Industrial sources contribute heavily to acid rain, but cleaning up utilities is far more cost effective than going after smaller industrial sources.

I agree with the President that there is no reason to pay \$1,200 to \$2,000 per ton removed from industrial sources when we can remove that same ton of sulfur dioxide for \$300 to \$400 at utilities. The question is: who pays?

The bill I have introduced, H.R. 2909, includes in it a 90-percent capital cost subsidy that will erase much of the inequity for the States that use most of the Nation's high-sulfur coal. Those States will still have to pay for the expensive operations and maintenance costs, and will still be paying for slightly more than their share of the cleanup costs. All States will be able to benefit from the clean fuels emission reduction equity fund in the second phase for use in purchasing and installing clean coal technology, technologies to control NO_x , and for energy conservation programs.

Clean coal technology is another area where I don't think the President's beliefs match his proposal. In giving the 3-year extension for clean coal technologies in the second phase, the President was recognizing that many of these technologies will not be ready to be used in the next 10 years. In fact, I am not sure that the 3-year extension is enough time to allow many of these technologies to be usable but I have let it at 3 years in this legislation. What the domestic policy council did not recognize is the massive amount of first phase fuel switching that would take place with no subsidy for scrubbers.

The President gave the extension for clean coal, a move I have duplicated in my bill, but he virtually guaranteed that high-sulfur coal would be extinct as a fossil fuel alternative.

The subsidy for scrubbing should make it possible for our most abundant fossil fuel to remain an energy option into the next century. It also means that job losses for mine workers will be minimalized.

In many ways, my bill builds on the work done by others, including President Bush. I have retained his freedom-of-choice approach. The subsidy I have included is an option for States, but the Governors could still decide to allow fuel switching, utility unit shut-downs, or any of several other measures that can be used to meet reduction targets.

On the issue of trading, I agree with the President's belief that we will achieve the greatest possible reductions at the lowest cost by allowing emission trading and this legislation makes emissions trading practical. I have also borrowed heavily in many areas from legislative language crafted by Congressman JIM COOPER for H.R. 144.

The broad parameters of the President's proposal are excellent with my legislation, I have fine-tuned an approach that is fair to all utility ratepayers, gives preference to maintaining present jobs, takes long-term advantage of the clean coal technologies we have spent hundreds of millions in developing, and does it with the lowest possible cost to the private sector.

I believe that this proposal is fair, it is in the best interests of this Nation, and can be passed and signed into law. As I begin to look for cosponsors, I hope to draw support from all regions of the country and both parties.

The quality of our air is a national concern and deserves a national solution. It also deserves a fair solution.

SUMMARY OF H.R. 2909 INTRODUCED BY CONGRESSMAN TERRY L. BRUCE

DEADLINES

Two-phased bill with the first phase taking effect 6 years after date of enactment and the second phase ending four years later. If this legislation is enacted in 1989, that would put the dates at 1995 and 1999, with a 3-year extension for clean coal technology.

REDUCTIONS

The bill calls for a 10 million ton national reduction in sulfur dioxide (SO_2), half in the first phase in keeping with the President's proposal. It also requires a 2 million ton cut in nitrogen oxide (NO_x) from a 1985 baseline.

ALLOCATION OF SO_2 REDUCTIONS

States with an actual annual average rate above 1.2 lb./mmBtu will reduce. The Administrator will make the determination using a 1980 baseline—1985 if emissions have gone up.

WHO MIGHT SCRUB

The bill sets up a process by which 13 states will be able to receive capital cost reimbursement if the governor of that state certifies (or requires) that an appropriate number of plant units will scrub to meet the state's first phase reduction requirements. The subsidy will be limited to 90 percent of the costs of scrubber construction. O&M costs will still lie with a utility's ratepayers.

THE 13 STATES

Alabama, Ohio, Tennessee, Indiana, Georgia, Wisconsin, Illinois, Missouri, Maryland, West Virginia, Pennsylvania, Florida, and Kentucky.

CAN PLANTS FUEL SWITCH

Yes. The state compliance plan, to be filed by each governor, would specify how reductions will be met. The reductions can be met through scrubbing, clean coal projects, energy conservation, fossil fuel switching, coal switching, retirement, changes in utility dispatch designed to reduce emissions, precombustion cleaning of fuels, and emissions trading.

TRADING

Trading can be done (1) between utilities in a state, (2) between utility units in different states, (3) within utilities, (4) between utilities and industrial sources in a state.

THE FUND

Establishes the Clean Fuels Emission Reduction Equity Fund. First phase payments for scrubbing cover up to 90 percent of capital costs between a range of \$170 and \$270 per kilowatt of nameplate capacity for each scrubbed unit. All states are eligible for second phase payments of up to \$170 per ton of reduced SO_2 or NO_x to a maximum of 80 percent for clean coal capital costs or 70 percent of costs in the use of other technology. Payments benefit ratepayers.

THE FEE

Starts at 0.3 mill per kilowatt with the Administrator able to adjust up to 1.0 mill per kilowatt if the funding is needed. Different states can have different rates, based on emissions.

ENERGY CONSERVATION

Conservation is encouraged and payments from the Fund will be made on the basis of tons removed.

A CONSTITUTIONAL AMENDMENT

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1989

Mr. BARTON of Texas. Mr. Speaker, I would like to submit into the CONGRESSIONAL RECORD a letter which appeared recently in the Midlothian Reporter, a newspaper in my congressional district. Entitled: "Flag Burning Decision Nothing But Treason," this letter reflects the feelings of many individuals in my district regarding the recent U.S. Supreme Court decision which ruled acts of desecration of the American flag as constitutional.

[From the Midlothian Reporter, June 29, 1989]

FLAG BURNING DECISION NOTHING BUT TREASON

The recent decision by the Supreme Court to sanction the burning, spitting upon, and mutilating of the American flag should outrage all free-loving Americans.

They used the lame excuse that it was free speech.

It was a symbolic gesture by a dirty-Communist, who by his action, denounced the United States and promoted the advancement of Communism in America.

I would suggest that these unholy judges start representing the American people instead of giving aid and comfort to the Communist scum who have bragged that they will bury us.

From the looks of the decision of the Supreme Court, the court is determined to supply the Reds with shovels.

Our Constitution clearly states that "Giving aid and comfort to our enemies is treason." If this decision is not comforting to the Communist, what is?

Look at their decision on prayer in school and public places. They promoted the idea that it was dangerous to allow prayer in schools. Yes, it was dangerous, but not to the American people, only to the Communist party who hates the mere mention of the word of God.

Who did the Supreme Court render this decision in favor of? Just another Communist beast whose name is not worthy to mention here.

When are we going to wake up?

The Communists have boasted repeatedly that if they can take the opium (meaning religion) away from the American people, they could control the people's minds. They sure are doing this.

Let us examine the right to free speech they boasted about. Did the Christian people have the right to free speech in regards to religion. The answer is No!

The Constitution clearly states, and I quote "Article 1, Congress shall make no law respecting the establishment of religion, or prohibiting the free exercise thereof." When they outlawed prayer and religious pageants from schools and public places, they violated two laws:

1. They made a law regarding religion, being the judges of when and where you could pray.

2. They forbade Christians to freely exercise their right to follow their religious beliefs, whether in school, work, or in public places, etc.

Where is the Christian's rights to free speech these judges boast about!

Yet we are told it is okay for the enemies of America, under the disguise of free speech, to talk and teach and burn our flag and do everything treasonable to further the overthrow of our American government.

The very antidote against Communism is religion, and we let the enemies of America promote the idea to our kids that it is dangerous to have simple prayer in schools.

It's no wonder our kids are turning to dope. We robbed them of every decent moral value and left them empty inside.

Believe in nothing and stand for nothing and I will guarantee you will become empty and restless inside.

You will continue to seek out something to fill that empty void. Think about it!

The prayer decision and burning of our flag decision passed by the Supreme Court has given the Communist party a strong foothold in America to further demoralize the American people.

Next, our flag will be banned in schools. "Rally Around the Flag" should be our battle cry!

This flag is our symbol of freedom, pride, and independence.

How many Americans died around the world under this flag, in order that we as a nation might keep our nation strong and free.

And yet the Supreme Court treats it as a worthless rag. It makes me so mad I cannot see straight.

Don't you think it is strange that this decision was handed down just as we are getting ready to celebrate our Independence Day, July 4?

Is this just a cunning way for the Communist party to take a slap at all the American patriots who died under the flag?

I would suggest you do some hard thinking about our flag, and what it stands for. Let me remind you that anytime a nation allows an enemy to haul down your flag and mutilate and burn it, it amounts to surrender.

When the Supreme Court blessed the tearing down of Old Glory by an avowed enemy of America, it amounted to outright surrender of America to the Soviet Union.

As long as Old Glory can wave freely and with respect, we are free.

But when it is allowed to be dragged down and burned, we are on our way to being enslaved.

Think hard and long about how many of the things that are held dear to us have been made a mockery of.

Think. Think. Think.

Delbert Ray

STATEMENT BY POPE JOHN PAUL II—L'OSSERVATORE ROMANO

HON. WILLIAM H. GRAY III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1989

Mr. GRAY. Mr. Speaker, I rise today to bring to the attention of my colleagues a statement made on July 6, 1989, at the Vatican by His Holiness, Pope John Paul II, to a congressional delegation co-led by the gentle lady from Illinois, LYNN MARTIN, and myself. The delegation, consisting of 13 Members from several States and both sides of the aisle, visited the Middle East and Europe on a fact-finding mission to study United States foreign aid, the Middle East situation and the European Economic Community open market beginning in 1992.

At the Vatican, we were graciously granted a private audience by the Pope. I commend his inspiring words to my colleagues:

Ladies and Gentlemen, I am happy to have this opportunity of meeting this Delegation from the United States Congress during your visit to Rome. I greet you most cordially, a greeting which I extend to your spouses and staff members.

I have learned with much pleasure that you are involved in foreign assistance programs, and so I take this occasion to encourage you in this work of providing material and financial aid to those who have suffered as a result of war or civil strife. And I thank you for the generosity you have shown to date.

There is a fundamental truth about humanity which is self-evident for a Christian but nonetheless worth repeating frequently: we are one human family, irrespective of race, culture, language or history. This truth calls us to recognize the underlying solidarity and interdependence of the human family as the basis for peaceful co-existence. When we see our brothers and sisters in need there is a spontaneous desire to reach out and help those who are affected by natural disasters, war or famine. The human spirit can and does respond with generosity to the plight of the suffering and the less fortunate. The call to solidarity and assistance impels us to do all we can to break down the barriers which prevent us from reaching out with love and trust to all who need our help. True human solidarity does not recognize political or ideological

boundaries. It has an ethical dimension which is all-embracing.

I hope that our meeting today will strengthen our common resolve to work for a world where human dignity is properly respected and effectively safeguarded. I pray that Almighty God will continue to grant you the gifts of wisdom and understanding, so that in your noble office you will give inspiring leadership and ever more generous service according to the best aspirations of your people and on behalf of the genuine good of men, women and children everywhere.

God Bless you all.

INSTILL LOGIC AND REASON INTO PHYSICIAN PAYMENT SYSTEM

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1989

Mr. RICHARDSON. Mr. Speaker, Congress is in the process of revising its method of reimbursing physicians under part b of Medicare in an effort to instill logic and reason into our physician payment system. In so doing, maintaining continuing access to health care must be one of our preeminent objectives. I would like to bring to the attention of my colleagues 10 reasons, authored by the American Society of Internal Medicine, to reject the imposition of expenditure targets.

TEN REASONS WHY CONGRESS SHOULD REJECT EXPENDITURE TARGETS

1. The expenditure target is not yet sufficiently developed for Congress to make an informed decision on its advisability or feasibility. The administration cannot even answer such basic questions as whether targets work best on a national, regional, state, carrier, or locality basis; what services they should apply to and on what basis; whether a single target is better than several targets; how physicians are supposed to collectively organize to control volume; what happens to access to care if the targets are exceeded; and how the government will determine what is an "appropriate" increase in volume. The administration asks Congress and beneficiaries to "trust us" to come up with the answers. But shouldn't Congress demand specific answers—and a detailed proposal—before enacting a program with such uncertain effects for the medical care system? After all, once ETs are accepted, it may be difficult to turn back.

2. Expenditure targets penalize precisely those physicians whom the system should reward: those who have a more conservative, lower volume style of practice. Their fees will be cut if their higher volume colleagues cause the target to be exceeded. On the other hand, physicians who are already inclined to "overutilize" are likely to order even more services, in order to maintain their Medicare revenue base should the target be exceeded and fees cut. Does it make any sense to enact a program that penalizes the good doctors while rewarding the bad ones?

3. Similarly, expenditure targets will penalize communities with volume that differs from the average. Physicians in rural areas, for example, who typically provide a lower volume of services, will lose if their urban colleagues cause the target to be exceeded.

If the fees of rural physicians are cut because of ETs, this will undo the benefits of the other portion of the administration's reform package: implementation of a new fee schedule designed to increase payments for primary care services in rural communities. Inner city areas that appropriately provide more services per patient—due to the poorer health status of many inner city patients, as evidenced by higher rates of cancer, heart disease, and other expensive illnesses—also will be penalized because their utilization exceeds the "average" predicted by the target. That is one of the basic problems with ETs: it assumes that all patients are average, when in fact, the needs of individual patients—and the communities in which they live—may be far different than the average.

4. There is no reason to believe that the medical community can collectively organize to control volume, especially if ETs are implemented in fiscal year 1990. Even though the profession is committed to reducing ineffective services, there are a host of practical and legal obstacles to collective action. One suspects that proponents of ETs recognize the difficulties involved in collective action, and are really more interested in obtaining an easy mechanism to cut the Medicare budget than in reducing ineffective services.

5. Without a scientific basis to separate out ineffective from effective services, ETs may force reductions in appropriate services. ETs can reduce volume only if physicians decline to provide certain services that they otherwise would have ordered on behalf of their patients. Without a rational basis for evaluating the effectiveness of each service, physicians will be unable to reduce volume without risking a reduction in needed services. ETs place physicians in an inherent conflict of interest: if they provide their patients with all of the services that they believe are needed, the target may be exceeded and their fees cut; if they don't provide those services, they'll gain financially at the risk of compromising the health of their patients. Do we really want physicians to choose between underproviding needed services or seeing their fees cut?

6. There is no reason to believe that the Government is capable of predicting in advance what the volume of services should be in any given year. Is there any reason to believe that the same people who can't accurately predict inflation, interest rates, or the deficit in any given year will do a better job in predicting how many services Medicare patients really need? And if their predictions are wrong, it is the patient who loses. The health of Medicare patients is just too important to take that gamble.

7. Expenditure targets are inherently discriminatory against Medicare patients. In 1965, Congress promised the elderly that Medicare would provide them with care that is equal to, or better, than that available to all other Americans. As the only group that would now be subject to a limit on total dollars spent on their medical care, ETs would break that promise.

8. Expenditure targets will shift costs to all other patients, businesses, and insurers. As the dollars spent on Medicare are capped, the costs of treating Medicare patients will inevitably be passed through to all other patients. Is it fair to impose a hidden tax on all patients because the administration no longer wants Medicare to pay its fair share of the bill?

9. If the administration continues to insist on holding reform of the payment system

hostage to expenditure targets, an historic opportunity for progress on reform may be lost. Congress has before it a proposal to establish a Medicare fee schedule based on a resource based relative value scale (RBRVS). This proposal would correct many of the distortions that now adversely affect the quality, cost, and availability of care provided to Medicare patients. The administration says it won't support RBRVS implementation without expenditure targets. Holding a good idea hostage to a bad one doesn't make sense. The administration tells Congress that there are only two choices: mandating ETs, despite all of the dangers, questions, concerns and uncertainties discussed above, or doing nothing. But there is another choice, if Congress has the wisdom to take it: enact an RBRVS fee schedule, but reject expenditure targets.

10. There is a viable alternative to ETs that can reduce the volume of ineffective services without placing Medicare patients at risk. That alternative is to embark on an aggressive program of outcomes research and development of practice guidelines, so that physicians—and the Medicare program—can identify, and eliminate, ineffective services. Practice guidelines can be developed to begin having an impact within the same time frame contemplated by proponents of ETs. Expenditure targets are not needed to stimulate physicians to develop and support practice guidelines. The Patient Outcomes Research Bill, S. 702, and the Health Care Research and Policy Act, H.R. 2601, provide the framework for a national policy on effectiveness research and practices guidelines. We urge Congress to support those proposals—and to reject expenditure targets.

BACK TO THE FUTURE IN PROMOTING INTERNATIONAL RESPECT FOR WORKER RIGHTS

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1989

Mr. PEASE. Mr. Speaker, in the past 5 years the Congress has led the way in statutorily linking respect for fundamental worker rights to the conduct of U.S. trade and investment policies. This year the Congress is taking the first steps to include respect for worker rights among the basic criteria to be met by foreign countries seeking foreign assistance from the U.S. Department of State and the Agency for International Development.

The worker rights provisions in the International Cooperation Act of 1989 (H.R. 2655) may seem like novel steps for U.S. foreign aid, but, in fact, they harken back to some of the most successful foreign assistance programs ever undertaken by the U.S. Government—the Truman doctrine and the Marshall plan of the late 1940's.

I commend to the reading of my colleagues the following interview with 86-year-old Alan Strachan, one of America's first labor advisers under the Truman doctrine. I applaud the U.S. Department of Labor for collecting this very valuable oral history in a recently published pamphlet entitled "Rebuilding Labor and Democracy in Postwar Greece: An Eyewitness Account".

REBUILDING LABOR AND DEMOCRACY IN POSTWAR GREECE: AN EYEWITNESS ACCOUNT INTRODUCTION

Recently both the House Foreign Affairs Committee and the Agency for International Development (AID) have called for a new approach to American foreign aid, one which emphasizes economic growth, the strengthening of democratic institutions, and political and economic pluralism.

These same concepts lay at the heart of the Truman Doctrine and the Marshall Plan—perhaps America's most successful foreign aid programs. In considering the future of American foreign assistance, therefore, perhaps one should also consider its past.

President Harry S. Truman launched the Truman Doctrine in 1947 to help Greece's fragile new democratic government rebuild its devastating postwar economy and counter an emerging communist challenge. The Truman Doctrine, for the first time ever, included a small but significant labor program aimed at assisting Greek democratic trade unions and the labor ministry contribute to Greece's recovery.

The success of this first experiment in international labor assistance was later extended to other countries in Western Europe under the Marshall Plan, and to literally dozens of Third World countries under programs administered by the Agency for International Development and the U.S. Department of Labor. More recently, however, these efforts have declined as shifting AID priorities focused on other areas.

In February 1989, Lydia Sigelakis of the Labor Department's Bureau of International Affairs, interviewed Alan Strachan, one of America's first labor advisers under the Truman Doctrine. In the exchange which follows, Mr. Strachan provides an eyewitness account of American efforts to help rebuild labor and democracy in postwar Greece.

LABOR AND DEVELOPMENT

Question. Let's begin with an almost philosophical question: Do you think, based on your vast experience in Greece and elsewhere, that it's important to help develop independent labor unions and improve wages and working conditions hand-in-hand with overall development efforts in order to ensure sound economic growth?

Answer. Oh, there's no question about it. A good, educated, more understanding, shall we say, well disciplined labor movement is an asset for economic growth. I'm not sure you can have economic growth without some kind of emphasis on the labor force.

I should think that anybody who had any common sense who wanted to improve his country, say a Minister in the country, would realize that he has to develop the labor of the country. The better the labor movement is, the more educated it is, the better it is for the country's economy.

A worker produces more under better, safer working conditions and higher wages. He's not worrying about what he's going to get paid (will it be enough to survive?). I don't think you can have a good economy unless you have adequate working conditions and wages.

Question. Can we take Greece as an example? It had been occupied by the Germans during the Second World War. What shape was it in when you got there?

Answer. I was there from 1947 to 1953. The German army had ravaged the whole country. And they did it very scientifically. They destroyed all the key parts of the rail-

ways—they took all the fireboxes out, for instance. The whole economy was shattered. Not only bombed out and destroyed, but the whole financial system was absolutely in chaos. The economy was just a wreck.

Greek politics also was in complete chaos. The government had been in exile in several different places during the war. They were brought back by the allied forces and formed a coalition government. They were mixed up between conservatives, liberals, right wing, left wing—you never knew how they were going to vote. There might be six or seven political parties in the coalition. And one of the great problems of these coalition governments—if they didn't like something they'd resign, and the government would fall. I had seventeen Labor ministers while I was there. That's how upset it was, the whole thing.

Question. What was the situation like for Greek labor?

Answer. The labor unions had been destroyed by the Greek dictator Metaxas. In 1936 he did away with all democratic organizations in Greece, and of course the labor movement was one of them. When we went in there, there was no real organized labor movement. It was all underground, roaming around in little groups here and there. That was one of our problems—they represented every damn political group in the country.

Question. What about the communist threat—Soviet subversion and the guerilla war?

Answer. The communist threat was there, but I don't think the Communist Party was very strong. It was so mixed up, survival was more important than political action. But the communists were beginning to organize parades and demonstrations. The communists had their eye on Greece as a warm water port. That's what they really wanted Athens for. They had no direct exit to the Mediterranean. They had to go through the Black Sea. They never got it, but that's what they were after.

The guerrillas were chased out of the country by the British, but they came back and organized in the hills. They were a terrible nuisance. I'd say that most of the rural areas of Greece were controlled by the Communists.

TRUMAN DOCTRINE AND LABOR ASSISTANCE

Question. What led to the Truman Doctrine?

Answer. The British army was defending Greece, so when the war ended they were left trying to help a country that was bankrupt and in terrible shape. But Britain was having its own economic problems and just didn't have any resources. They came to the United States, to Truman, and told him that they could not hold Greece much longer, so would we take it over. Now this, you understand, is a really important part of our history—we had never done anything like this before.

Question. How did the labor assistance program become part of the Truman Doctrine?

Answer. The British Trades Union Congress, the TUC, came to us and said look, we've got to get the Greek labor movement back on its feet. Could you help us out of this mess? So we sent Sam Berger, our labor attaché in London, to Greece to develop a labor program to rebuild the Greek labor movement.

Question. Was Truman a promoter of labor assistance?

Answer. Yes, I think you'd say he was a promoter. You didn't have to struggle to win him over, particularly when [Averell]

Harriman [Secretary of Commerce] tells him he needs a labor division over there.

Question. You were one of the first labor advisors to go to Greece under the Truman Doctrine. What were your objectives? What was your role?

Answer. Well, our objectives, of course, were to balance the economy and get labor to play a collective bargaining role as we understood it back in the States. The first thing with the trade unions, and almost the last thing, was the question of money—wages. They had terrific inflation in Greece back then. My role was, first of all, determining labor wages.

Another problem was trying to find out how many unemployed there were. The statistics were very inaccurate. We tried to get that straightened out with the Ministry of Labor.

Also, I was very interested in teaching people skilled work through vocational education programs in schools around the country, not just in Athens. We did very well. We financed a number of schools in small towns, bought them equipment. I remember two or three went very well. And up at Salonika—my God, it seemed that we had almost built a university, last time I was there!

Question. Your main role was helping Greek unions. What was your relationship with the labor leaders?

Answer. Oh, a very close one. I attended all the big meetings. Most of what we did was behind the scenes—you didn't make it too obvious. They'd come to see me and I'd tell them what I thought they ought to do or ought not to do.

As part of the Mission program, we sent a lot of labor people—from the unions and the Labor Ministry—to the States for training. We'd begin in Washington to give them a briefing, then they'd meet with American unions and companies. The trouble was to find somewhere in the States where they'd learn something, because we were too far ahead. Everything was so modern here compared to what they had that they were just flabbergasted.

Question. What kind of assistance did you give to the Greek Labor Ministry?

Answer. I was in to see the Minister at least once or twice a week. I'd give him advice or might ask him to do something. He was also a member of parliament.

We made one study of wages and cost of living. We took people from the Greek Labor Ministry and showed them what to do—how to go into a village and get some idea of the standard of living. It was a very, very nice job. The purpose was to show them that they ought to do this, and at the same time give us more accurate information about what went on in the small towns and villages.

Question. What kinds of special problems did you face?

Answer. A well known businessman in Greece came to us and said, "Look, IKA (which is the social security system) is in such a mess that you simply must look into it." I looked into it and agreed it was pretty awful. So we had a team of three experts come over and they spent about six months there, then went back and wrote a paper on what they found. But they were applying American standards to a different situation which they didn't understand—our people wanted to make Greece's social security system like ours.

We got into a terrible fight over this. They absolutely had the unions in an uproar, and I wound up threatening to

resign if they went ahead with the proposals in our experts' report. It came before the Greek cabinet, and I happened to be sitting in the cabinet meeting. The cabinet decided to go along with our experts' report and signed it. But they had this rule—an action doesn't become law until it's published the next day. Well, I saw them sign it—I was there—and I saw them take it to the printer. But it never got printed; it got "lost." The Prime Minister told me afterwards that he was against it and was only doing it because he thought we wanted it. Anyway, I won out on that one. That was social security.

POSITIVE RESULTS

Question. Were you able to make any changes in social security?

Answer. Oh yes. We made the changes that I and the unions had worked out.

Question. Were they successful?

Answer. I would say it was successful. But in this case, had we made the changes that our people wanted, it would have been a disaster.

Question. What was the impact of your work on Greek labor?

Answer. Well I think it brought some kind of organization to it. They didn't have work stoppages and strikes every day in Greece like they did before. A country can avoid strikes and instability by well-trained labor groups and a more disciplined workforce.

Question. Would you say that by helping Greek labor you helped Greek economic development?

Answer. Oh yes, very much so. I couldn't believe it, in some areas, after we left Greece, Greece was exporting wheat. I never knew they could export any wheat. And the railroads looked much better. Stores were much better. Everything else seemed to be working pretty well. Greece started to produce and export and did rather well for a while.

Question. What lessons from helping Greek labor could be applicable to today's foreign assistance programs?

Answer. I hate to say this, but I think you've got to have a certain kind of person dealing with these countries. You can't go in and tell them, "In the United States we do it this way or that way." They get sick of listening to that. You'll find sometimes some very good reasons why they do it differently from us. You've got to have somebody who's willing to listen to the other side.

DOUGLAS ALAN STRACHAN

Douglas Alan Strachan was born in London, England August 6, 1903 and came to the U.S. twenty-three years later. He started out as a toolmaker in the automobile industry in Detroit, and later held various jobs in the United Auto Workers, CIO. Mr. Strachan held several positions on the War Production Board: Labor Advisor (1941), Director of the Automotive division (1943-44), and Deputy Vice Chairman of the Office of Labor Production (1944-45). During his career in Greece he started as the Assistant Labor Advisor to the American Mission for Aid to Greece (1947-48) and became Director of the Labor and Manpower Division of the Mutual Security Agency (formerly Economic Cooperation Administration E.C.A.) in Greece. Mr. Strachan was labor consultant and Chief of the Labor Training Division of the Office of Labor Affairs, International Cooperation Administration (ICA) Washington, and later held the following posts abroad: Provincial Director Lahore ICA Mission, Pakistan (1959-62); Deputy Chief of Mission, ICA, Egypt (1963-

65); Deputy Chief of Mission, ICA, Viet Nam (1965-66); director of the Colombo Plan, Sri Lanka, (1966-69). Since his retirement in 1973, Mr. Strachan has been writing and travelling.

DOD SAYS "NO" TO NUNN-McCURDY VOLUNTARY NATIONAL SERVICE BILL

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1989

Mr. MONTGOMERY. Mr. Speaker, I'm certain my colleagues are at least aware of, if not well acquainted with, the various proposals now being circulated which would establish some type of voluntary national service program. The most highly publicized of these—the Citizenship and National Service Act of 1989, S. 3 and its companion bill H.R. 660—has been touted by its chief proponents as a means of awakening "a new spirit of civic obligation and participation in America." But what they fail to mention is that it would, in fact, seriously diminish our military strength, both in personnel numbers and quality. This is supported by the Department of Defense.

Senator SAM NUNN, coauthor of the legislation, has said the bill is meant "to expand the military's recruitment and training base and bring about better social representation in our Armed Forces." Senator NUNN has also said: "Obviously, we will need the Department of Defense's support and expertise in refining enlistment options for citizen soldiers * * *". He does not have this support.

Representative DAVE McCURDY, the other chief proponent, has expressed his deep concern over "the prospect of a declining pool of youth available for military service" and has claimed that "This shortage will threaten the quality of our Armed Forces * * *". According to the Department of Defense, his citizenship and National Service Act would only exacerbate the problem.

The Department of Defense says the enactment of the bill would do great harm to the military from a personnel standpoint. As DOD puts it, the bill "would reduce operational readiness, complicate mobilization, and increase Federal expenditures significantly in a constrained fiscal environment."

Mr. Speaker, I would like to share with my colleagues a letter to the committee from the Office of General Counsel detailing the DOD position on this unnecessary legislation.

[The letter and comments follow:]

DEPARTMENT OF DEFENSE,
OFFICE OF GENERAL COUNSEL,
Washington, DC, July 11, 1989.

Hon. G.V. (SONNY) MONTGOMERY,
Chairman, Committee on Veterans' Affairs,
House of Representatives, Washington,
DC.

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Defense on H.R. 660, 101st Congress, a bill "To establish a corporation to administer a program of voluntary national service, and for other purposes."

The Department of Defense believes in service to America. It is proud of the 3.3 mil-

lion active, National Guard and Reserve Servicemen and Servicewomen who stand ready to give their lives in the Nation's defense. The Department opposes enactment of this bill because we believe, as written, it would reduce operational readiness, complicate mobilization, and increase Federal expenditures significantly in a constrained fiscal environment. It is not needed to meet military manpower requirements. The analysis leading to this position is enclosed. We expect the President to submit his own youth service bill in the near future, which we urge you to support.

People are our top priority, and the Amended Budget Submission provides resources required to arrest negative recruiting trends. Key military recruiting requirements (the Navy College Fund for 4-year enlistments, Army College Fund increases for longer enlistment options, Joint and Service-specific advertising, and resources for optimum recruiter placement), a competitive pay raise and quality-of-life programs are fully funded. With them, we can attract and retain quality people to operate and maintain our sophisticated systems. Barring unforeseen changes in the youth labor market, this package should preserve our competitive position with education and industry.

The Office of Management and Budget advises that from the standpoint of the Administration's program there is no objection to the presentation of this report for consideration of the Committee.

A similar letter has been sent to the Chairmen and Ranking Republicans of the House Committee on Armed Services and the Senate Committees on Armed Services and Labor and Human Resources.

Sincerely,

L. NIEDERLEHNER,
Deputy General Counsel.

Enclosure: as stated.

DEPARTMENT OF DEFENSE VIEWS ON
S. 3/H.R. 660

CITIZENSHIP AND NATIONAL SERVICE ACT OF
1989

This report summarizes the views of the Department of Defense on S. 3/H.R. 660, 101st Congress, a bill "To establish a corporation to administer a program of voluntary national service, and for other purposes."

Because the volunteer force has proven to be highly effective and we have demonstrated the ability to attract the number of people we will need during the next decade, there is no need for either a peacetime draft or national service to satisfy military manpower requirements. There is, however, a strong need to sustain our success by maintaining the purchasing power and competitive appeal of recruiting/retention resources, incentives and military compensation. We request your support in doing this. We cannot afford to bid up the price for military manpower by setting up competitive forms of service.

S. 3/H.R. 660 would establish a program of voluntary national service, and require successful participation to qualify for Federal educational assistance. Options for service in the Citizens Corps include the Armed Forces, Civilian Service or a Senior Service established by the proposed legislation. Financial assistance of between \$10,000 and \$24,000 (depending on the nature of the selected service option) could be used to assist with education, vocational training, or the purchase/construction of a home. Civilian participants would be provided health insurance and be paid \$100 per week, while military participants would earn 66 percent of basic military compensation and could not

earn current in-service or veterans' education and housing benefits, based upon their period of national service.

The Department of Defense supports the concept of national service and is proud of the 3.3 million active, National Guard and Reserve Servicemen and Servicewomen who, under challenging circumstances, are prepared to give their lives in the Nation's defense. The Department's opposition to the proposed Citizenship and National Service Act of 1989 is based upon the need to sustain operational readiness and to meet mobilization requirements in a constrained fiscal environment. This proposed legislation could prove detrimental to both of these critical national security interests, would increase Federal expenditures by many billions of dollars, and is not needed to satisfy military manpower requirements.

We expect the President to submit his own youth service bill in the near future, which we urge you to support. The President's proposal will call for voluntary national service, service that is integrated into a young person's normal schedule and career path (as opposed to programs that require a set period of full-time service) and service that is not compensated with Federal dollars, because he believes that service is its own reward.

For the last several years, the Military Services have successfully recruited the high-quality people demanded by the increasing complexity of modern national security strategy and the high-technology weapon and support systems being acquired to execute it. While concern that it may be difficult to sustain this level of success in the immediate future is one basis for this legislation, the increased cost of doing so through adjustment to currently authorized recruiting and retention programs is measured in millions of dollars, rather than the billions this legislation could cost. By the time the programs envisioned by the legislation would be implemented, the 15-year decline in the youth population that has received such wide publicity will be over, and another expansion will have begun.

The national service program outlined in the proposed legislation would likely lead to lower overall military recruit quality, as the civilian service options are significantly more attractive than all currently available military service options and those proposed in the bill. Preliminary estimates indicate military compensation, recruiting, training and retention costs would have to be increased between \$3-13 billion to sustain current levels of recruit quality without drastically reducing experience levels if S. 3/H.R. 660 is enacted.

The alternative is unacceptable. Because of the large influx of 2-year enlistments, the training base (and associated costs) would have to expand markedly. In addition, unit training work loads, personnel turbulence, and attrition experienced in active and Reserve operational units would all increase. Minimum overseas tour lengths would need to be cut, sharply increasing permanent change of station costs. The combined effect of these factors would drive sharp accession and end strength increases, disrupt unit cohesion, weaken esprit and morale, reduce individual proficiency and compromise unit readiness.

The Department of Defense is also concerned with the potential economic impacts of this bill. If the promise of guaranteed opportunities for all who volunteer is fulfilled, program costs could grow to several million participants each year, with costs of many

billions of dollars. Limiting the program to about a million participants would raise serious questions of equity in selection of participants; since this is only about half the number of college freshmen who receive Federal educational assistance. In addition, any of the "forgotten half" of high school graduates (those who do not attend college) who would be attracted to the program by the housing or vocational training benefit would further drive up program costs or force an aspiring college student to find assistance elsewhere.

To the extent program growth is constrained financially, decisions must be made among those volunteers who will be permitted to serve. Avoiding inconsistencies that would be perceived as unfair by those denied the opportunity of serving would require a carefully developed set of national standards and an effective monitoring system (i.e., bureaucracy). Otherwise, the potential for waste, fraud and mismanagement appears substantial.

Our continued reliance on the volunteer force on its demonstrated ability to produce the level of readiness required by our national strategy in a time of austere budgets. The demonstrated ability to attract the proportion of the youth population needed during the next decade confirms there is no need for either a peacetime draft or national service to satisfy military manpower requirements. To sustain our success, however, will require adequate recruiting/retention resources and incentives as well as maintaining the competitive appeal of military compensation. We cannot afford to bid up the price for military manpower by setting up competitive forms of service. We request your support for these actions.

PERSONAL EXPLANATION

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1989

Mr. TORRES. Mr. Speaker, I was unavoidably absent on official business during rollcall vote 140 on July 17, 1989. Had I been present on the House floor I would have voted "no" on the Rhodes amendment in the nature of a substitute to H.R. 1484, legislation establishing a National Park Review Board.

A SALUTE TO THE PEACE CORPS FELLOWS PROGRAM

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1989

Mr. RANGEL. Mr. Speaker, I would like to take this opportunity today to bring to the attention of my colleagues an outstanding teacher training/recruitment program which was initiated at Teachers College—Columbia University, in partnership with Peace Corps and the Board of Education of the city of New York. The name of this highly innovative program is the Peace Corps Fellows Program.

Originally established in 1985 to attract mathematics and science teachers to inner city classrooms, the Peace Corps Fellows Program has since been expanded to include

special education, bilingual education, and English as a second language teachers. With partial scholarships toward a Master of Arts in Education, Teachers College is recruiting and training former Peace Corps educators for duty in New York's public schools. What makes this program so unique is that this is the only program in the entire Nation which is tapping the returned Peace Corps volunteer pool to fill teaching vacancies in the aforementioned specialty areas.

Thanks to the funding support for scholarships from various corporations and institutes of education, over 65 veteran Peace Corps educators have entered the program since its beginning in 1985. This program is a wonderful opportunity for so many experienced, motivated, and academically talented teachers to give of themselves. A great majority of the volunteers who return from overseas, return without a job or to discover that they do not have the proper teaching credentials to teach in the U.S. public schools. However, after completing the 2-year course of study with the Fellows Program, the participants are eligible for a permanent New York State teaching certificate, which is recognized by 29 other States and U.S. territories.

The Peace Corps Fellows Program benefits not only these fine and very dedicated teachers, but the New York City school children as well. Both gain a vast knowledge of each other and both grow from that knowledge. New doors are opened and new paths made.

Mr. Speaker and my fellow colleagues, this program is an outstanding example of what hard work, dedication, and the will to succeed can accomplish. More importantly, it is the true ideal of what American voluntarism is all about. And for that, I am glad to have shared this program with you here today.

ALTERNATIVES TO TOXICITY TESTING IN ANIMALS

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1989

Mr. GREEN. Mr. Speaker, I should like to take this opportunity to address the issue of finding alternatives to utilizing animals in toxicity testing. In the August 1989 issue of Scientific American, authors Alan M. Goldberg and John M. Frazier highlight developments in the field of in vitro testing, or testing in glass as opposed to testing in live beings, in vivo testing. Although still in its infancy, this alternative science could eventually lead to toxicity testing without the need for intact, higher animals. Methods of this kind will not replace the use of animals immediately, as new technology takes time to become established. As we move toward the goal of replacing animals, in vitro testing can be used to lessen animal discomfort in many ways such as identifying chemicals that have the lowest probability of toxicity, allowing smaller quantities of a substance to be used, and other humane uses.

I should like to point out my long-term opposition to the use of the LD-50 (lethal dose 50) toxicity test, and my efforts to put an end to it. I initiated letters to the Environmental Protec-

tion Agency, the Consumer Product Safety Commission, and the Department of Transportation which were signed by 75 Members of Congress asking those agencies to promulgate regulations which would eliminate the use of the LD-50 test.

The VA-HUD-Independent Agencies Appropriations Subcommittee, where I serve as ranking minority member, inserted language in the EPA appropriations bill for fiscal year 1987 which mandated that EPA spend \$16 million of its research money to find alternatives to the use of animals in toxicity testing. The EPA's program for nontoxicity testing will continue through 1990 at a similar level. In fiscal year 1988, language was inserted providing \$300,000 to the Center for Environmental Management at Tufts University for studies aimed at finding alternatives to animal testing.

With the advent of in vitro testing, the research industry has the opportunity to avoid the excessive time and expense associated with the use of live animals, and more importantly, it can avoid pain and death in animals. I support research to find alternatives to the use of animals in toxicity testing, specifically the in vitro method, and shall continue to support funding for new alternatives.

PREPARING FOR AMERICA'S FUTURE

HON. THOMAS R. CARPER

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1989

Mr. CARPER. Mr. Speaker, each year the Veterans of Foreign Wars and its ladies auxiliary conduct the Voice of Democracy broadcasting scriptwriting contest. This year, more than 250,000 secondary school students participated in the contest competing for the nine national scholarships totalling \$42,500 which was distributed among the top nine winners. The contest theme this year was "Preparing For America's Future."

Ihor Szeremeta was the Voice of Democracy Winner from Delaware this year. Ihor is a recent graduate of William Penn High School, located in New Castle, DE. He is the son of Wasy and Teodora Szeremeta. I am proud to present the text of his winning speech for inclusion in the CONGRESSIONAL RECORD.

"PREPARING FOR AMERICA'S FUTURE"

(By Ihor Szeremeta, Delaware Winner)

America now stands on the forefront of the third century of its existence. This is an exciting time for all Americans, yet there are those who say that America's future is bleak. These people claim that America has become a second-rate power: economically, militarily, and politically. They cite events such as the Stock Market crash of 1987, the bombing of the Marine barracks in Lebanon, the Iranian hostage crisis, and the U2 Spyplane incident as examples of America's growing weakness. These same people say that the American public has become lazy and content with being second best. To these people I offer a loud and resounding "NO!" I refuse to accept that over 300,000 brave men and women who died in World War II to protect a country that was happy being second best. I refuse to accept that

241 US Marines died in Lebanon to protect the interests of a second rate nation. I refuse to accept that 7 Challenger astronauts died serving a country that was proud to be second best. I refuse to accept that 8 Presidents died leading a country that didn't mind being second best.

I think that as America prepares for its future, we should all remember the words of John F. Kennedy, "Once you say you're going to settle for second, that's what happens to you in life, I find." We as Americans must refuse to settle for second best and constantly set our goals to be the best in all endeavors.

This goal of being the best must be set by national, state, and local governments, but most importantly, the American people must dedicate themselves to expanding their horizons in order to make America great. I propose that there are four major factors in America's achievement of her goal. First: participation in the Democratic process. Second: Emphasis on Education. Third: A new spirit of Volunteerism. Fourth: Exploration. With this plan we can succeed in preparing a bright future for America.

On the first topic of participation in government students like myself who are yet unable to vote have the responsibility of keeping informed on the issues facing our country. Those who have the right to vote must exercise this privilege that millions of men and women fought and died to preserve.

Secondly, Americans must put more emphasis on education—both about America and the world around us. We must learn about America in order to uphold her truths and values, but we must also learn about the world because the only way to beat a competitor is to know that competitor as well as you know yourself.

Thirdly, I feel that Americans should devote themselves to helping each other through volunteer work at places like hospitals, nursing homes, and shelters for the homeless. We should heed the words of Ralph Waldo Emerson when he said, "Make yourself necessary to somebody." As we take the gifts that God gave us and use them to help the fortunate in our society, we will become a stronger America if Americans help each other to overcome the obstacles that stand before them.

Fourthly, Americans should never allow themselves to become content with their present boundaries. We should be more than willing to spend the time and money necessary to explore the universe around us. I propose that Americans should, during my lifetime, be able to travel from the darkest corners of space in space shuttles to the heart of sub-atomic particles with powerful microscopes. If we better understand the world around us, then we will be able to better cope with the problems that we face here in America. America was founded by people who were not afraid to explore those things that they didn't understand. I hope and pray that Americans everywhere will be blessed with this pioneer spirit.

In closing, I refuse to accept the news from some people that "America is in decay." If we as Americans prepare ourselves for the future through involvement, education, volunteerism, and exploration, then we can insure that the Voice of Democracy in America will ring loud and clear throughout the world. Then will all Americans be able to boast of never being willing to settle for "second best" and always striving to create a stronger democracy.

A TRIBUTE TO CHRISTINE "KITTY" O'LONE

HON. CRAIG T. JAMES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1989

Mr. JAMES. Mr. Speaker, today I want to bring to the attention of my colleagues the fine accomplishments of Christine "Kitty" O'Loone, a very special young lady who resides in my congressional district.

On June 4, 1989, Kitty graduated from Seabreeze High School as the first multiple handicapped student to graduate from the school. Born as a rubella child, Kitty was left deaf and crippled, yet she was far from being deterred toward the attainment of her education. Through perseverance guided by great spirit, Kitty graduated with honors from Seabreeze High School last month.

The Florida House of Representatives recently honored Kitty with a commemorative resolution that reads as follows:

A RESOLUTION COMMENDING CHRISTINE O'LOONE FOR HER ACCOMPLISHMENTS IN GRADUATING WITH HONORS FROM SEABREEZE HIGH SCHOOL IN DAYTONA BEACH

Whereas on June 4, 1989, Christine "Kitty" O'Loone will graduate from Seabreeze High School and will be the first multiple handicapped student to graduate from the school, and

Whereas Kitty was born a rubella child in 1969, and the disease left her deaf and crippled, and

Whereas in a journey which has taken her from Johns Hopkins to the Kennedy Institute with the help of the United Way, she has traveled from a hopeless prognosis of permanent institutionalization to a full active life as a high school student, and

Whereas the faculty, staff, and students at Seabreeze High School provided an environment in which Kitty was able to grow and excel, and

Whereas it is fitting and appropriate that the House of Representatives take time out to commend Christine "Kitty" O'Loone for her exemplary spirit and outstanding accomplishments: Now, therefore,

Be It Resolved by the House of Representatives of the State of Florida, That the House of Representatives of the State of Florida hereby commends Christine "Kitty" O'Loone for her accomplishments in overcoming tremendous obstacles and graduating from Seabreeze High School with honors.

Be it further resolved, That a copy of this resolution be presented to Christine "Kitty" O'Loone as a tangible token of the sentiments expressed herein.

Kitty certainly serves the 4th congressional district and the Nation as a fine example of the importance of individual initiative and determination to the achievement of one's goals. Therefore, I want to extend my own congratulations to Kitty on her graduation from high school, and wish her continued success in all her future endeavors.

HONORING ELIZABETH AYELLO

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1989

Mr. ACKERMAN. Mr. Speaker, I rise today to pay special tribute to Elizabeth A. Ayello, RN, MS, clinical nurse specialist at Booth Memorial Medical Center in Flushing, Queens County, NY. Ms. Ayello was recently named the statewide winner of the New York State Legislature's Nurse of Distinction Award. This prestigious honor, which recognizes individual excellence in the nursing profession and promotes community awareness of the role of nurses in the State's health-care system, was presented to Ms. Ayello by Governor Mario Cuomo and State Senator Tarky Lombardi, Jr., legislative coordinator of the Award Program.

Ms. Ayello has gained national recognition through her work on several committees of the American Society for Parental and Enteral Nutrition (ASPEN). She revised the ASPEN national nutrition support standards used by physicians, nurses, dietitians, and pharmacists in caring for inpatients and outpatients in need of intravenous feeding and tube feeding.

At Booth Memorial, Ms. Ayello is a clinical nurse specialist for surgery. She provides direct patient care, teaching, and emotional support to persons with severe body disfigurements. Ms. Ayello is also assistant professor of clinical nursing at Adelphi University's Graduate School of Nursing. She has been a guest lecturer at the State University of New York at Stony Brook, is a former instructor in the Queensborough Community College Department of Nursing, and served as technical advisor for the television series, Nurse.

Ms. Ayello is a moderator of the monthly Nursing Grand Rounds at Booth, and is chairperson of the Nursing Care Plan/Documentation Committee, where she helps design ways to more efficiently comply with regulations mandated by New York State for individual patient care plans. She also co-developed an outpatient ostomy service at Booth Memorial, the first in Queens to be run by a nurse.

Among contributions to the community, she is the founder and director of the Down's Syndrome Parent Support Group of Queens, and is the professional coordinator of the Long Island Breast Cancer Support Group.

Ms. Ayello is a role model and inspiration for those in the medical community. We in Queens are proud and lucky to have her among us. I would like all of my colleagues in the House of Representatives to join me in honoring Ms. Elizabeth Ayello and commending her for her outstanding service.

A PLACE THAT WE ARE ALL PROUD TO CALL HOME

HON. ROBERT LINDSAY THOMAS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1989

Mr. THOMAS of Georgia. Mr. Speaker, this year there are several significant milestones

being recognized in my congressional district—Evans County, GA, celebrates its 75th anniversary and the city of Claxton, GA, and the Seaboard Railroad—which runs through Claxton from Savannah, GA, to Montgomery, AL—celebrate their 100th anniversary. As their special celebrations take place, I would like to pay tribute to a man who was raised in this area and went on to represent the people of this area in the U.S. Congress in the early part of the 1900's.

Charles Gordon Edwards was born in what is now Evans County, and served two separate tenures in the U.S. House of Representatives as the Congressman from the First District. Throughout his service in the Congress and his life, Congressman Edwards was a tireless servant to his constituents. The scope of his activities far exceeded the boundaries of his official duties—he was honestly concerned about the personal well-being of his constituents. He enacted many measures into law, but the greatest legacy of his service is the honesty, the integrity, and the hard work that was the hallmark of his public life.

Congressman Edwards was not only interested in the welfare of the people in his district—he carefully considered legislation to determine how it would affect the country at large. He made special efforts to act in a manner that was representative of all of the people of this country.

His work was well-known on the Rivers and Harbors Committee—at one point he was the ranking Democratic member of the committee. His efforts were tireless in promoting river and harbor activities in Savannah and to secure projects that would offer greater opportunities to the people of the First Congressional District.

Congressman Edwards was born in Daisy, GA, on July 2, 1878. He attended public schools, Gordon Institute in Barnesville, GA, and Florida State College. He graduated from the law department of the University of Georgia in 1898 and was admitted to the bar that same year. He began practicing law in Reidsville and in 1900, he moved to Savannah where he continued his law practice.

He was elected to the 60th Congress and served from March 4, 1907 until March 3, 1917. After resigning his congressional seat, Congressman Edwards resumed his practice of law in Savannah. During his time in Savannah, he also served as president of the Savannah Board of Trade in 1919 and 1920, and as a member of the Harbor Commission of Savannah from 1920 to 1924. Congressman Edwards returned to the Congress in 1925, being elected to the 69th Congress and the three succeeding Congresses. He died in Atlanta on July 13, 1931, in the middle of his seventh year in office.

As the citizens of Evans County salute the city of Claxton, the county, and the railroad, I ask that we all remember Charles Gordon Edwards and the many good things that he did for Evans County and the First Congressional District. He was a hardworking diligent Member of Congress who helped mold and shape his country and his district into a place that we are all proud to call home.

TRIBUTE TO THE OUTSTANDING CONTRIBUTION MADE BY JAMES D. "JIMMY" GRAUGNARD, PRESIDENT OF THE LOUISIANA FARM BUREAU

HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1989

Mr. BAKER. Mr. Speaker, I would like to take this opportunity to extol the outstanding contribution Mr. James D. "Jimmy" Graugnard has made to the Louisiana Farm Bureau. For the past 26 years, Jimmy has been president of one of the most influential and highly respected farm bureaus in the United States. It has been my honor to have worked with him closely during some of these years. Since Jimmy's advice and recommendations were sought out by all of us, including many U.S. Presidents, we will sorely miss his input into developing sound farm policies. Clearly, Jimmy's leadership ability and personal style will be sorely missed. I wish Jimmy the best in all future endeavors and that his future remain bright. I will deeply miss his leadership as president of the Louisiana Farm Bureau.

INTRODUCTION OF THE TELEPHONE ADVERTISING REGULATION ACT

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1989

Mr. MARKEY. Mr. Speaker, I rise today to introduce the Telephone Advertising Regulation Act, a bill to make it possible for businesses and individuals, who rely on the telephone as a necessary ingredient of their daily activities, to free themselves from the cost and intrusion of the unwanted advertising that is increasingly finding its way into their offices and homes.

The telephone resides in virtually every American home and business and has become an integral part of our daily lives. Its promises and problems affect us all. Telephone solicitation also offers us both promises and, unfortunately, problems.

Telemarketing, the use of the telephone to purchase or sell products and services, or obtain and give information, has been with us since the 1920's. It offers businesses an opportunity to reach out cost-effectively to broader markets and to provide fast, efficient customer service information to those who need it. However, unsolicited telemarketing to consumers and businesses that are not familiar with either the company or its product or service increasingly crosses the line between helpful and unacceptably intrusive.

The telephone is an insistent master—when it rings we answer it—and many consumers complain bitterly that, when it rings to deliver unsolicited advertising, it is invading their pri-

vacy. Likewise, businesses, dependent on their telephone lines to carry the words, data and images that are so essential to the success of their enterprise, have come to decry the cost and interference with business activities of some forms of unsolicited advertising.

In recent years a growing number of telephone solicitors have started to use automatic dialing systems. Each of these machines can automatically dial up to 1,000 phones per day to deliver a prerecorded message. According to industry officials, each day they are used by more than 180,000 solicitors to call more than 7 million Americans. Unfortunately, these machines are often programmed to dial sequentially whole blocks of numbers, including hospitals, fire stations, pagers, and unlisted numbers. This not only makes the machine an equal opportunity nuisance, but an equal opportunity hazard, particularly in instances where the machine is not capable of releasing the called party's line once they hang up.

The newest technology to gain popularity for delivering unsolicited advertising is the facsimile machine. An office oddity 2 years ago, the fax machine has rapidly become an office necessity in my office and more than 2 million others, delivering more than 30 billion pages of material each year. But, with the growth in fax machine numbers has come junk fax, the electronic equivalent of junk mail. To quote a recent article from the Washington Post, receiving a junk fax is like getting junk mail with the postage due. Succinctly put, using a facsimile machine to send unsolicited advertising not only shifts costs from the advertiser to the recipient, but keeps an important business machine from being used for its intended purpose.

The bill I am introducing today, together with the ranking minority member of the subcommittee, Mr. RINALDO, and Mr. FRANK, Mrs. ROUKEMA, Mr. SHAYS, and Mr. STARK, is a bipartisan effort to return a measure of control to consumers over what they hear and read.

This is a bill that combines the best aspects of three separate pieces of legislation on which the Subcommittee on Telecommunications and Finance held hearings earlier this year. It has received broad acceptance within both the telecommunications and direct marketing industries as a fair and reasonable compromise between more stringent calls for restrictions of telemarketing and a continuation of today's growing consumer complaints.

This bill will not eliminate unsolicited telephone advertising, for certainly we must acknowledge that telephone solicitation, when conducted properly, is an established, lawful marketing practice. But this bill will give consumers a mechanism to specify that they do not want to receive unsolicited advertising and require advertisers to honor that choice.

I urge my colleagues to examine and support this legislation, not as a restriction on commercial practices, but as an affirmation of an individual's right to choose to be free from unwanted intrusions.

**BILL DRAKE—PACIFICA'S FORE-
MOST CITIZEN JOURNALIST**

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1989

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me today in paying tribute to my good friend, Bill Drake of Pacifica, CA.

Bill Drake, the retiring editor of the Pacifica Tribune, was its copublisher and a major contributor to its columns for 30 years. With Drake at the helm, the Pacifica Tribune took off—expanding its circulation among the newly incorporated villages that formed Pacifica, and setting award-winning standards of journalistic excellence.

A glance at Bill Drake's resume reflects the valuable background and experience he brought to Pacifica in 1959. He graduated from Franklin College in Indiana and went to work for the Franklin Evening Star. His next assignment was with the Tucson Citizen which eventually led to a position with United Press International in Indiana. He rose within the wire service's ranks to manage U.P.I.'s entire coverage of Nebraska, operating from both Omaha and Lincoln.

Bill Drake's experience and dedication to his community reporting showed right from the start. Not long after moving to Pacifica with his wife, Peggy, the coastal city faced the greatest crisis of its newly incorporated life. In 1962, a flood devastated the town, and true to form, Bill Drake was all over the story. The coverage brought him the first of many awards and, more importantly, provided a great service to Pacificans.

A newspaper binds together the residents of any community, and over the years, Bill Drake's fair and thorough coverage has informed, motivated, and entertained the residents of Pacifica. In fact, in many ways, the Pacifica Tribune and Bill Drake made Pacifica the civic-minded community it is today.

Mr. Speaker, I invite you and the rest of my colleagues in the House of Representatives to join me in commending Bill Drake for his 30 years of devotion to the Tribune, Pacifica, and Pacificans.

HOME FREE

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1989

Mr. EDWARDS of California. Mr. Speaker, I wish to call to the attention of my colleagues in the House a July 3 column from the Hayward Daily Review regarding the freedoms we as Americans take for granted every day.

The article, by outstanding columnist Ray Orrock, reminds us of how we should take the time to reflect upon these freedoms. It is in our interest as a democracy to continually reflect upon our freedoms in order to ensure their protection. Mr. Orrock points out it is indeed even among our rights to show dislike for something which is considered the "American way," and still be considered an Ameri-

can. To be an American is to openly express our ideas, no matter what they may be. Our tolerance of unpopular views and forms of expression is indeed much of what makes America great.

Mr. Speaker, as we in Congress consider what action to take regarding the recent Supreme Court ruling in Texas versus Johnson, I find it important that we take the time to think about Mr. Orrock's column. For the benefit of my colleagues and the American people, I submit the article that appeared in the Hayward Daily Review for the RECORD.

HOME FREE

(By Ray Orrock)

Freedom is like not having a toothache.

Remember when you were little and were stricken with a painful toothache? Do you recall how it took over your entire consciousness? And do you remember telling yourself: "What I wouldn't give just to feel normal again! How could I have ever forgotten how good it feels not to have a toothache? I will never again take that wonderful, normal feeling for granted!"

And eventually the toothache did go away, and you promptly forgot all about what it felt like—and went right back to taking your teeth for granted.

We Americans, thank God, are like a man who has never had a toothache. He cannot conceive of the pervasive pain that the malady engenders, because he has never experienced it.

And we cannot conceive of what pain the loss of freedom might bring, because we have always been free.

Tomorrow, however, we will honor the efforts of a group of Americans who did know what it was like not to be free.

They had experienced taxation without their consent, the repression of free speech and a free press, the denial of trial by jury, the violation of their privacy, and a host of other high-handed insults that amounted to a chronic pain in the aspirations.

They decided that enough was enough, hired a hall, convened a ragtag congress, and settled down to bickering among themselves over what they should do.

They insulted one another, accused one another, questioned one another's motives, called one another names and got on one another's nerves until finally—out of that Quarrelsome Quorum—came one of the most remarkable documents the world had ever seen.

That document, the Declaration of Independence, amounted to a birth announcement for a nation. It was dubbed the "United States," but its middle name—then as now—was "Freedom."

Among the myriad rights included under the blanket term Freedom is the right to take it for granted, and it is the right we Americans have assiduously exercised since the day the Declaration was declared. This worries some people and puzzles others.

Bartlett's is full of quotations about freedom, from people clearly recognized as patriotic Americans. But I think it's a good idea once in a while to tune in on what is said by people who once were viewed as anything but patriots, or people who are not Americans at all.

Someone like Aleksandr Solzhenitsyn, for example, who loves his native Russia, deplores its denials of personal freedom, and is equally awed by the level of freedom found in the U.S. and disgusted by the way we take it for granted.

Or Eldridge Cleaver, who once expressed his contempt for America, left it to spend several years in some of those People's Paradises he'd heard so much about, and came back, abashed and apologetic, to proclaim: "Americans have got to stop taking freedom for granted."

We will go right on treating Freedom casually, though, perhaps because we feel we'll know when it's time to stop being nonchalant—and that might be the best attitude, after all. There is a difference between the American Way and the concept of Freedom.

According to Madison Avenue, the American Way is baseball, hot dogs, apple pie and Chevrolet.

But according to the average citizen, you can prefer football, get indigestion from hot dogs, detest apple pie, and drive a Ford, and still be a star-spangled American. That's Freedom.

It was a birthday present, 213 years ago, from those quarrelsome gents who, in their wisdom, put humanity ahead of vanity. Vanity would have dictated a Declaration enshrining principles; the Continental Congress dictated a Declaration enshrining people.

They sought to provide Americans with the Best Things in Life, and were wise enough to know that the best things in this country's life were Americans. Principles cannot feel compassion or laugh out loud or fall in love. Only you and I can do that. We are the Best Things in Life.

And thanks to those cantankerous delegates, today the Best Things in Life are free.

**TOUGHENED BY AUSTERITY,
MEXICO HAS EARNED DEBT
RELIEF**

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1989

Mr. ASPIN. Mr. Speaker, I would like to share with my colleagues the following article by my friend, the Honorable Patrick J. Lucey, the former U.S. Ambassador to Mexico. Governor Lucey gives a solid, commonsense approach to dealing with the financial situation of our neighbor to the South. I believe it provides valuable insight as we consider measures to deal with the Mexican debt.

**TOUGHENED BY AUSTERITY, MEXICO HAS
EARNED DEBT RELIEF**

(By Patrick J. Lucey)

During the early stages of the peace negotiations between the United States and North Vietnam, the big issue was the shape of the table. Now, in the negotiations between Mexico and its commercial bank creditors, the table is also at issue—not its shape but the seating arrangement. It is a high-stakes game of chairs.

Usually, a debtor, especially one in desperate straits, finds itself on the other side of a formidable desk or table from its banker. But Mexico's relationship with its creditors is not a typical one. Mexico is not in default on any of its loans. In fact, some of Mexico's close friends (I am one) have watched with pleasure, if not surprise, the development of Mexico's well-earned reputation as an ideal debtor.

Mexico has learned to live with the austerity of the guidelines imposed by the

International Monetary Fund. For six years, Mexico has had a virtually no-growth economy, with a roughly 50% net loss of real income for poor, blue-collar and middle classes alike. The people of Mexico have demonstrated admirable patience through this travail, yet one cannot but wonder how much longer this will last.

Mexico's burgeoning population (an annual increase of nearly 1 million in the potential work force) demands healthy, job-creating growth. This is not possible as long as the cost of debt service exceeds 6% of the gross domestic product and 80% of the value of Mexico's total exports.

The cost of debt service must be sharply reduced. Both sides of the table have come to realize this. The questions are: How, and by how much, can it be reduced?

While some narrowing of the spread between the two positions is duly noted, the bankers and the Mexican negotiators still find themselves in an adversarial relationship—as on opposite sides of the bargaining table. Yet their goals are not that different. The banks must recognize by now that their self-interest requires a stable, prosperous, growing Mexican economy. Only in this happy circumstance can they hope to recover any substantial amount of their principal and realize a reasonable return on that reduced amount as it is being repaid.

When I was U.S. ambassador to Mexico, I never found any conflict of interest in working on behalf of the United States to encourage a prosperous, democratic, stable Mexico. What was good for Mexico, on most issues, also was in the best interest of the United States.

The commercial bankers are in a similar situation. The Bush Administration's Brady Plan has acknowledged the need for reducing the principal of Third World debt. The banks themselves, during the recent period when debt-for-equity swaps were being used to encourage foreign investment in Mexico, created a secondary market for Mexican obligations. That market currently values Mexico's sovereign debt at less than 50 cents on the dollar.

Time is running out. The narrow and hotly disputed election victory of President Carlos Salinas de Gortari last July indicated that Mexicans' traditional acceptance of their economic plight may be nearing the breaking point.

Salinas' every move in office has strengthened his credibility and restored Mexicans' confidence that the system can be made to work. But he needs a successful resolution of the debt crisis—and soon. Mexico's foreign reserves are being depleted. There are suggestions in some news reports that support may be eroding for the responsible, nonconfrontational position that Mexican debt negotiators have taken.

Last month, President Salinas again displayed effective leadership by hammering out a renewal of the anti-inflation pact with labor and business. This policy has, in recent years, reduced Mexico's annual rate of inflation from nearly 160% to about 19%. Many felt that a new pact could not be achieved prior to a resolution of the debt crisis. The fact that it has strengthens the negotiating position of Mexico. But the president still needs to get this critical issue behind him.

A workable solution of the debt crisis would encourage the return to Mexico of domestic capital that has moved abroad. A breakdown of negotiations or a protracted delay of the debt's resolution could have the opposite effect.

We hear that some banks are continuing to push for a renewal of debt-for-equity swaps. The Salinas administration feels that swaps are unacceptably inflationary and it has no intention of renewing this program. But the remote possibility that the banks might eventually prevail with equity swaps is, no doubt, keeping on hold many major job-creating foreign investments.

If the Brady Plan, in its present form, does not provide a sufficient carrot-and-stick to get the banks off dead center, the Bush Administration must find other ways to put additional pressure on the banks. To do less risks our well-developed and multifaceted relationship with our most important southern neighbor.

The value of preserving a friendly, stable, prosperous, democratic Mexico on the other side of the 2,000-mile land border that we share is incalculable. It far exceeds whatever it would cost to get the bankers and the Mexicans to the same side of the table.

THE 10,000TH SBA 504 LOAN

HON. ROD CHANDLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1989

Mr. CHANDLER. Mr. Speaker, I am proud to acknowledge the Seattle District Office of the U.S. Small Business Administration for awarding its 10,000th loan under the Certified Development Company Loan Program, known as the 504 program.

This 10,000th loan was made in May of this year to Baxter Manufacturing, Inc. of Orting, WA, located in the Eighth Congressional District which I represent.

Mr. John Talerico is District Director of the Seattle District Office of the SBA; Mr. Hal Wolf is Regional Administrator. For a program that came very close to extinction a few years ago, I think the Seattle office should be congratulated for its achievements. In addition to guaranteeing loans to small businesses, the Seattle office provides counseling and other forms of assistance to about 8,900 businesses in the region.

Baxter Manufacturing makes bakery ovens and equipment for use in the baking industry. Their annual sales in fiscal year 1988 were over \$12 million. I am aware that the White House has one of their ovens.

Baxter Manufacturing is owned by Max and Thelma Baxter and Marlen and Marlene Palmer. They employ a total of 138 people. Their SBA loan guaranty will be used for construction of an 80,000-square-foot office and warehouse and will create 43 new jobs in Pierce County, WA.

More than ever, small businesses are the backbone of our economy. I salute the SBA for encouraging and assisting the entrepreneurs of our country.

VOCATIONAL-TECHNICAL EDUCATION WEEK

HON. KWEISI MFUME

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1989

Mr. MFUME. Mr. Speaker, I rise today to introduce legislation which will designate the week of February 11 to February 17, 1990 as "National Vocational-Technical Education Week". I call upon this Congress and the President to recognize the significance and value of vocational and technical education.

Mr. Speaker, this legislation is quite similar to House Joint Resolution 572, which overwhelmingly passed this House during the 100th Congress. Senator SARBANES has recently introduced a companion bill, Senate Joint Resolution 130.

This legislation will help to bring out the significance of vocational programs to many of our communities and young adults. Vocational and technical education serves multiple goals—preparing students not only for jobs, but also to encourage these students to further their education, and providing alternative learning experiences that can reduce the dropout rate in our schools.

As a nation we must continue our fight for better schools and vocational-technical education is an integral part of such a fight. Vocational-technical education programs prepare our young people for today's working world by increasing their knowledge and improving their skills and aptitudes.

According to the Department of Labor, 80 percent of the jobs in our country require the kind of skills usually taught in vocational education programs. Vocational students already make up a large portion of the high school population in many of our districts. Greater attention needs to be given to the value of vocational and technical education programs and the contribution that they make to the livelihood of our communities.

Mr. Speaker, to ensure greater competitiveness among our Nation's industries we must continue to train workers of the future. Vocational-technical training can provide America's future workers with the ability to increase productivity and to compete in world labor markets.

I urge my colleagues to join me in bringing attention to the significance and value of vocational-technical education by cosponsoring Vocational-Technical Education Week.

SECTION 1440 OF THE FARM BILL REVIEWED

HON. E. THOMAS COLEMAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1989

Mr. COLEMAN of Missouri. Mr. Speaker, the Congressional Rural Caucus recently heard testimony regarding the administration of section 1440 of the 1985 farm bill. As the author of that section I am impressed with the good work the extension service has made in its im-

plementation. This year's agriculture appropriation bill contains \$3.35 million to fund this program for next year. I include a copy of the testimony presented by Dr. Gail Imig and Ms. Diane Flynn.

A REVIEW OF EXTENSION RURAL DEVELOPMENT ACTIVITIES CONDUCTED UNDER THE AUSPICES OF SECTION 1440, 1985 FARM BILL AND PUBLIC LAW 100-219

(Presented by Dr. Gail L. Imig, Associate Vice President and Director, University Extension, University of Missouri and Ms. Diane Flynn, Interim Associate Dean of Home Economics, Iowa State University)

INTRODUCTION

Section 1440 of the Food Security Act of 1985 authorized educational and counseling services for financially stressed and displaced farmers, including: farm financial management for alternative sources of farm income; emotional stress counseling and stress management; family financial management; off-farm employment and job training; off-farm job creation, and entrepreneurship development; identifying available assistance resources and linkage to specific resources and opportunities.

This report summarizes the activities and accomplishments of the eight states' Section 1440 pilot programs under FY 1987 funding.

SUMMARY OF PROGRAM CONTENT AND EMPHASES

The rural farm and economic crisis has affected states in different ways. Therefore, the state Section 1440 FY 1987 plans of work contain a range of assistance activities that address the most pressing unmet needs in the respective states. These activities generally include: farm financial management assistance, emphasizing on-farm alternative income opportunities and combined farm family management strategies; emotional stress counseling and stress management, including training for Extension personnel in recognizing the symptoms of stress and in coping with stress by farm families; referrals, as needed, to rural mental health treatment facilities, and the organizing of community based peer group support networks; assistance in skill assessment and job search activities for finding alternative, off-farm employment; and referral to community colleges and other providers of Job Training Partnership Act (JTPA) supported classroom skill training and on-the-job training. Some state plans include work with the local community to help retain existing jobs or generate new non-farm employment opportunities.

The Section 1440 program content and administration, briefly stated, were as follows:

Iowa—An interagency work committee, led by Extension, including representation from Job Training (JTPA), the State Public Policy Group, and the Departments of Human Services and Education was formed to identify demonstration sites, assess special local programs, help plan local implementation, enhance information dissemination systems, and strengthen helping networks. Communications and interface with a broader set of agencies and voluntary associations were accomplished through the Governor's Iowa Rural Work Group. The four major program components were: (1) improving emotional readiness for non-farm work and job-seeking skills; (2) improving financial planning and management skills; (3) expanding the functions of the Rural Concern programs to include follow-through; and (4) establishing formal linkages with 10 other helping agencies.

Kansas—The program was closely coordinated with ongoing programs, including the Farmers Assistance, Counseling, and Training Services (FACTS), computerized farm financial management services and lender agencies, the Friends in Deed support network, the Kansas Department of Human Resources displaced farmer business startup and management project, and the community economic development Office of Technical Assistance. The four major program components were: (1) balancing farm profits and family finances; (2) creating jobs and income opportunities; (3) job search education and community based job clubs; and (4) enhancing development of local emotional support and counseling systems.

Mississippi—Cooperation in program implementation was with the Mississippi Private Industry Council, the State Mental Health Agency, and the Mississippi Farm Bureau. The five major program components were: (1) farm and family financial management, including establishment of an area center and a toll-free farm crisis hotline; (2) training in recognizing and coping with emotional stress; (3) job training and job referrals; (4) alternative farm enterprise production and marketing; (5) limited resource farm management and alternative cropping.

Missouri—Program implementation was coordinated with already existing services, such as mental health, employment security, JTPA, vocational rehabilitation, health and public welfare. Program referrals were received from community care givers, lenders, elected officials, various hotlines, MO-FARMS consultants, rural residents, and other Extension personnel. The three major program components were: (1) crisis service coordination and stress management, including rural stress; (2) career and occupational assessment, planning, and referral; and (3) horticultural income alternatives for farm families.

Nebraska—Program outreach was implemented from six agriculture action centers located at community colleges statewide. The three major components of the program were: (1) assessment career counseling and planning, financial evaluation and management training; (2) on-the-job or classroom skill training in demand occupations; and (3) supportive services (health, transportation, and relocation).

North Dakota—The four major program components were: (1) establishing a toll-free 24-hour rural stress hotline; (2) establishing a rural community survival team (ES volunteers other agencies) to help individuals and communities adjust; (3) facilitating new wealth and job creating alternatives for farm and rural families; and (4) helping local governments reduce the cost of services and thereby reduce farm taxes.

Oklahoma—Program cooperation and networking included the State Department of Mental Health, the New Horizons Mental Health Clinic, Catholic Social Ministries, the Oklahoma Conference of Churches, Oklahoma Bar Association, JTPA, farm organizations, Oklahoma County Commissioners Association, SBA, Small Business Development Center, the State Commission on Economic Development, and agricultural lenders. The five major program components were: (1) financial and stress management and planning, (2) income alternatives and career counseling, (3) alternative agricultural enterprises; (4) networking with support agencies; and (5) alternative economic development strategies.

Vermont—Program cooperation and collaboration was provided by several other

agencies, including mental health employment and training, vocational rehabilitation, State Department of Agriculture, Small Business Development Centers, health service providers, clergy, attorneys, lenders, advocacy and volunteer groups, and informal support networks. The three major program components were: (1) financial management and planning for alternative farm income; (2) providing linkages for off-farm employment opportunities; and (3) strengthening human service systems for stressed farm families.

PROGRAM ACCOMPLISHMENTS

As indicated in the state program summaries, a very wide range of assistance was provided to participating farm families, depending upon the nature of problems faced in each state and the extent to which other agencies or organizations, including other Extension educational programs, were already providing assistance.

The states were successful in assisting 6,120 dislocated farm families and 3,463 severely financially distressed farm families in 1987. Since each assisted family averaged from two to four persons, approximately 28,750 persons were assisted altogether.

Other types of assistance provided in selected states included the development of state and local assistance directories in Mississippi, with 1,250 copies distributed. Mississippi also conducted a broad scale media campaign to inform farmers of the services available, and developed a business management video tape. Oklahoma Extension developed five farm crisis-related newsletters or fact sheets, with over 10,200 copies distributed.

Several states also provide assistance and education to others that indirectly assisted dislocated and stressed farm families. In three states, a total of 545 non-farm related businesses were provided business development assistance, and three states provided economic development assistance to 70 communities to help increase non-farm employment opportunities. Large numbers of other professionals, such as clergy, school teachers, and bankers were provided education on working with financially stressed and/or dislocated farm family members. Altogether, six states reported work with 7,805 other professionals in this effort.

Altogether, over 2,500 dislocated or financially stressed farm families experienced positive employment, training, and income earning experience as a direct result of the Section 1440 program. In addition, although the exact number cannot be determined, it is believed that several thousand farm families and small business operators have been able to stay in business as a result of the educational assistance provided by the Section 1440 program.

COOPERATING AGENCIES

By its very nature, a broad based assistance program such as Section 1440 requires cooperation and coordination with a wide range of state and local agencies, organizations, and groups. Section 1440 program directors and field staff appeared to go out of their way to assure that all relevant other assistance providers were involved in the process of helping the dislocated or financially stressed farm families.

The list of cooperators in all states included state and regional mental health agencies, the state job training agency (JTPA) or private industry council (PIC's), and the state employment service agency. Other cooperators in most states included the religious community; state agriculture, econom-

ic development, small business development and human services agencies; community colleges and vocational schools; numerous other, regular, Extension staff members; and the public and private sector farm finance institutions.

Other cooperators in one or most states included the State Department of Commerce (market development), the Main Street program (business and job development), public libraries (information distribution), and public schools (youth stress). Also cooperating were the state bankruptcy conference, the farm bureau, the state bar and veterinary medical associations, the dairymen's association, the migrant education program, the natural organic farmers' association, and sub-state planning and development districts.

In summary, it appears that cooperation was obtained from as many agencies, organizations, and groups as necessary to assure that dislocated and financially distressed farm families received whatever help they needed to cope with the problems they faced and to adjust to new economic and social circumstances in their families.

A TRIBUTE TO GIL HEARD

HON. ROBERT W. DAVIS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1989

Mr. DAVIS. Mr. Speaker, Gil Heard, a man who I have known and admired for years, was recently honored by being inducted into the College Sports Information Directors of America [CoSIDA] Hall of Fame. Gil has been an integral part of northern Michigan's sporting community for many years, and I would like to extend my congratulations on his fine achievement.

Gil was formerly sports information director for Northern Michigan University in Marquette, MI. He retired last year after 23 years of dedicated service. He came to Northern Michigan University after working 11 years as sports director at WMIQ radio in Iron Mountain, MI. For 19 years he performed the play-by-play duties for the Northern Michigan University Wildcat football and basketball radio networks.

He attended the University of Michigan and received his bachelor's degree from NMU in 1970. The Ontonagon, MI native served as secretary to the university's athletic council, and, in addition to membership in CoSIDA, was a member of the Football Writers Association and U.S. Basketball Writers Association.

Gil helped found the Upper Peninsula Sports Hall of Fame, and currently serves as its secretary. He was recognized for his efforts in helping organize the Upper Peninsula All-Star Basketball Classic for high school boys and girls. Elected to the NMU Sports Hall of Fame in 1987, he was also honored by the Upper Peninsula Sportswriters and Sportscasters Association in 1980 for his dedication to sports in the Upper Peninsula of Michigan. Gil was inducted into the CoSIDA Hall of Fame on July 6, 1989 in Washington, DC.

Once again, I would like to express my sincere congratulations to Gil for his accomplishments, and thank him for his contribution to the sports community in northern Michigan.

ACTORS THEATRE OF LOUISVILLE

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1989

Mr. MAZZOLI. Mr. Speaker, one of the most prominent artistic and theatrical companies in the United States is located in my congressional district: Actors Theatre of Louisville.

Actors Theatre is renowned for the high quality and professionalism of its performances of the classics of the theatre. And, it has achieved international repute for its productions of new works by young American playwrights.

Now located on Louisville's historic Main Street in a building designated as a national landmark, Actors Theatre has served the Louisville area for some 25 years. It has given over 1,000 performances of a wide range of theatrical dramas, musicals, and other offerings.

Actors Theatre of Louisville has captured numerous awards during its rich history including a Special Tony Award in 1980.

Recently, Actors Theatre returned from Finland where the players served as America's representative to the International Theatre Institute's world theatre festival. Finland is the 15th nation in which Actors Theatre has appeared.

I extend to Actors Theatre and its guiding force all this quarter century—Jon Jory—my thanks as a native Louisvillian for all the credit and acclaim Actors brought to our local community, to the Commonwealth of Kentucky, and to the world of performing arts.

On behalf of the city of Louisville, the county of Jefferson, and the State, I wish Actors Theatre of Louisville many more years of success and accomplishment.

EXPENSE OF SOVIET WAR MACHINE SENDS POLES BEGGING FOR AMERICAN DOLLARS

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1989

Mr. SOLOMON. Mr. Speaker, I hope other Members notice the interesting juxtaposition of two Washington Post headlines last week.

On July 12, one headline told us "Soviet Says Bush's Goal Unreachable." Another headline the same day informed us that "Poles Disappointed By Bush's Offer Of Investment Aid."

The accompanying stories reported, respectively, that the Soviets wouldn't be able to make the reductions in conventional forces urged by President Bush, and that Polish officials had been hoping for billions, rather than merely millions, of American investment aid.

The connection between the two stories should be obvious. If the Soviet Union's communist masters spent less money enslaving the Poles and the rest of Eastern Europe with their expensive war machine, there might be a few rubles to spare for the development of

Poland and their other client states. Instead, the Poles look to the United States for help.

Mr. Speaker, what clearer proof do we need that Communism has failed, morally and intellectually, and can only be maintained by tanks and bayonets?

At a time when Mr. Gorbachev is seducing the West by talk of a greater Europe that includes the Soviet Union, thereby putting the long-desired wedge between North America and the other NATO nations, the United States needs to assess its own strength. Much of that strength is economic, and we must not hesitate to use it if we wish to prevent our isolation on the world stage.

The fact that this generation of Soviet leaders has learned to smile and to wear tailored suits does not mean the Soviet Union has, all of a sudden, abandoned its dreams of world domination.

CONGRATULATIONS ADAM FISHMAN

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1989

Mr. MACHTLEY. Mr. Speaker, it is my distinct pleasure to congratulate Adam Fishman, of Providence, RI, this year's recipient of the First Annual Ronald K. Machtley Award for Hope High School in Providence, RI.

This award is presented to the student, chosen by Hope High School, who demonstrates a mature blend of academic achievement, community involvement and leadership qualities.

Adam has clearly met this criteria by being an honor roll student. He is also vice president of the senior class and is active in community service.

I commend Adam for his achievements and wish him all the best in his future endeavors.

AMWAY CORP. RECEIVES UNITED NATIONS AWARD

HON. PAUL B. HENRY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1989

Mr. HENRY. Mr. Speaker, I am pleased to report to my colleagues that Amway International, headquartered in Ada, MI, has recently received the prestigious and coveted "Environmental Achievement Award" from the United Nations Environment Program. Amway Corp. Chairman Jay VanAndel and President Richard DeVos accepted the award on behalf of Amway International at the United Nations in New York City on World Environment Day, June 5, 1989.

This year alone, Amway Corp. is sponsoring three environmental programs designed to raise world awareness of problems plaguing our fragile sphere. This past spring, Amway supported an international team in the Icewalk Expedition to the North Pole which on May 14 planted the flag of the United Nations at the North Pole.

Amway is one of the first corporations to participate in the American Forestry Association's Global Releaf project. The Forestry Association has set a goal of 100 million trees to be planted by the year 1992. And in an effort to help reach this goal, Amway is giving seedlings to all its employees and major distributors. The company is also sponsoring a special display at the United Nations headquarters of Inuit stone sculptures. This exhibition, entitled "Masters of the Arctic," showcases the diverse culture and history of the Inuit people.

Mr. Speaker, Amway Corp. has been a good corporate citizen to the people of west Michigan, home to its international headquarters. It is therefore a particular honor to see it receive international recognition by the United Nations for its contributions to environmental understanding and stewardship. I know that my colleagues join with me in extending congratulations to the thousands upon thousands of Amway employees and distributors who share in this award.

IN RECOGNITION OF THE FLORIDA A&M MARCHING BAND

HON. BILL GRANT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1989

Mr. GRANT. Mr. Speaker, on the night of July 14, the French Revolution bicentennial celebration culminated in the Bastille Day Parade down the Champs Elysees, the broad avenue which cuts through the heart of Paris. The parade was witnessed by 33 heads of state and governments from 4 continents and more than 1 million spectators.

This extravaganza featured 9,000 French and foreign parade participants and was covered live around the world. There were 16 bands invited by the French Ministry of Culture to participate in the bicentennial festivities. One was from the United States. Mr. Speaker, I am proud to say that the American band representing the United States was the Marching 100 from Florida A&M University, under the direction of Dr. William P. Foster. Florida A&M University is located in Tallahassee, the capital of Florida and part of the Second Congressional District.

Mr. Speaker, I want to congratulate every member of the band for their hard work and spirited dedication to excellence. The honor of being selected to participate in the Bastille Day Parade did not come by accident. It was the result of determination and a lot of sweat under the strong Florida Sun.

Leadership also plays a big role. And no one is more responsible for instilling in the band a sense of spirit and mission than band director Dr. William P. Foster. Congratulations are also in order for his staff, which includes associate director Julian E. White, assistant director Charles S. Bing, arranger Lindsey B. Sarjeant, director of percussion Dr. Shaylor L. James, and equipment manager Donald Bechwith.

French officials became interested in the band as early as September 1988, when the French Minister of Culture asked band director Foster to send a video of the Marching 100.

In November, several French officials traveled to Tampa to see the band perform live.

The style and quality of the band impressed the visitors so much that the French Government promptly offered the university an all expense paid trip to participate in the bicentennial celebration. Including chaperons and university officials, 235 people were treated to a once-in-a-lifetime experience in the French capital.

By all accounts, the French Government made the right choice. They were not disappointed. Neither were the 1 million spectators lining the parade route. The Marching 100, nationally famous for their rapid, high stepping maneuvers, thrilled the crowd with tunes composed by the Godfather of Soul James Brown and moon-walking techniques made popular by pop artist Michael Jackson.

The French Government could have honored any band in America with an invitation to play before the biggest celebration in French history. But they chose a band from Florida.

As Florida A&M University President Dr. Frederick S. Humphries said,

This trip to Paris represents a great honor for Florida A&M University, the State university system, the State of Florida and the United States of America.

On July 15, weary but ecstatic from the experience, the band returned to Tallahassee. Despite arriving near midnight, the band was greeted at the airport by more than 1,000 well-wishers.

Today will be Florida A&M day in Tallahassee. A downtown noon celebration is planned to honor the Marching 100.

Mr. Speaker, the Marching 100 has previously been featured on the television programs "60 Minutes," "20/20" and the "15th Anniversary Walt Disney World Special." In 1985, the band was the recipient of the Sudler Marching Band Trophy, one of a series of awards developed by Louis Sudler and administered by the John Philip Sousa Foundation.

The Marching 100 has been called by many names. ABC and NBC television networks have declared it "the Nation's No. 1 marching band." The Miami Herald newspaper said the Marching 100 is "the most imitated band in America."

After the triumph in Paris, the Marching 100 has earned yet another name. America's band.

HOUSE RESOLUTION 203—SUP- PORTING THE CONGRESSIONAL MEDAL OF HONOR SOCIETY'S "HOMETOWN HERO" PROJECT

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1989

Mr. GAYDOS. Mr. Speaker, yesterday, I introduced House Resolution 203, a resolution expressing the sense of the House of Representatives in supporting a most noteworthy undertaking by the Congressional Medal of Honor Society.

Chartered by Congress and comprised of living Medal of Honor recipients, on July 4, the

society launched a 2-year, nationwide campaign to encourage America to discover its "Hometown Heroes," the recipients of our Nation's highest military award, and to assure them the honor and respect they rightly deserve.

According to the society, 3,393 people have been awarded the Medal of Honor. In many instances, unfortunately, information about some recipients and their deeds is sadly lacking. The society knows that there are more than 400 Medal of Honor recipients who have been lost, with no known record of what happened to them.

This is a tragedy as the names and accomplishments of these individuals who received their country's highest military award for "gallantry and intrepidity at the risk of their lives above and beyond the call of duty" would forever be preserved and remembered.

The society hopes to make America's hometowns aware of their Medal of Honor recipients, inspire school children, college students, and others to research their communities for background on their hometown heroes, and encourage the placing of special gravemarkers on unmarked burial sites of Medal of Honor recipients.

It plans to distribute this new information to libraries, museums, and the Congressional Medal of Honor Society national archives for use by future Americans.

As dean of the Congressional Pennsylvania Delegation, I am especially proud that our State, which has 374 Medal of Honor recipients accredited to it, has been selected by the society to be a flagship in its project.

The Freedoms Foundation at Valley Forge is coordinating the efforts of the society in our State, and already the Pennsylvania House of Representatives has passed a resolution in support of the society's project and urging our citizens to participate in it.

I think the American people would be very willing to help preserve our historic heritage. Here is just one example of what one person can do to recover a "lost" Medal of Honor recipient.

Franklin J. Phillips' act of heroism went unrecognized as he lay in an unmarked grave for 85 years.

Mr. Phillips was a resident of McKeesport, PA, part of my 20th Congressional District, and he enlisted in the Army in 1895 and served 3 years.

He fought in the Spanish-American War, contracted malaria, and, apparently dissatisfied with the medical treatment he received upon his return to the United States, he left the Army and was declared absent without leave. A few months later, after recovering at home, Phillips sought to return to the Army. In stead, he was dishonorably discharged as a deserter.

In 1899, Phillips enlisted in the Marine Corps under the name of Harry Fisher. He was assigned to China to help quell the Boxer Rebellion there. On July 16, 1900, Harry Fisher was shot and killed. His body was returned home to McKeesport where he was buried under his real name of Franklin Phillips.

McKeesport's "forgotten hero" rested in obscurity until 1981 when Mr. Wes Slusher, a city resident, while researching another

project, stumbled upon this case of dual identity. For the next 7 years, Mr. Slusher worked to clear Phillips' name and to give the honors he had earned. His tenacity paid off. Today, Phillips' dishonorable discharge from the Army has been expunged. His military records with the Marine Corps have been corrected to reflect his real name and a duplicate Congressional Medal of Honor has been awarded.

Franklin Phillips' story demonstrates exactly what the Congressional Medal of Honor Society hopes to achieve with its hometown hero project. Although Mr. Phillips is no longer a forgotten hero, there are those Americans who are still lost to history.

I urge my colleagues to join me in supporting the society's project by cosponsoring House Resolution 203.

INTRODUCTION FOR HIS HOLINESS THE DALAI LAMA

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1989

Mr. LEVINE of California. Mr. Speaker, I recently had the great pleasure of welcoming His Holiness the Dalai Lama to Santa Monica and introducing him at a party held in his honor. I insert my remarks that day in the RECORD:

INTRODUCTION FOR HIS HOLINESS THE DALAI LAMA, JULY 6, 1989, MALIBU

It is my extraordinary pleasure to have the opportunity to introduce His Holiness the Dalai Lama to you this afternoon.

His Holiness' fifth visit to the United States comes at a particularly auspicious and critical time. All the world's attention has been focused on the People's Republic of China, and its brutal crackdown on pro-democracy demonstrators. Sadly, the severity of the reaction perhaps did not come as a total surprise to those of us who have followed the recent and tragic history of the Tibetan people. But to those less familiar with the struggles of Tibetans to regain their freedom and to preserve their culture, recent events in Beijing and elsewhere have given a sadder but deeper understanding and heightened international awareness to the fate of the Tibetan people.

Indeed, my congressional colleagues and I have repeatedly sought to remind the American people that the situation in Tibet should not be forgotten in the midst of the turmoil in China. The congressional sanctions legislation against China, which

passed as an amendment to the foreign aid bill just last week, stipulates that United States policy toward the People's Republic of China should be explicitly linked with the situation in Tibet, including the lifting of martial law, the opening of Tibet to foreign press and international human rights organizations, the release of political prisoners, and the commencement of negotiations between representatives of His Holiness and the People's Republic regarding a settlement of the Tibetan question.

I am pleased to report that this amendment passed unanimously, by a 418-to-0 vote, despite the Bush administration's opposition to some of the economic sanctions in the legislation. Congress is steadfast and united in its support for the rights of Tibetans and in opposition to human rights abuses by the Chinese Government against citizens of the People's Republic.

Tibet, its future, and human rights for its people are issues of deep personal and professional concern to me and at this point I would like to pay tribute to Michele Bohana, who has been a tireless and passionate advocate for Tibet, and who continues to keep me updated on Tibetan issues on a regular basis. I would like to thank her for helping us to understand better the tragic difficulties the Dalai Lama and his people have faced, and for being an invaluable ongoing resource on Tibet for me and my staff.

I would also like to thank Michele, and all of you, for the honor of joining you to congratulate His Holiness on this occasion.

His Holiness has become over the past 30 years a symbol of peace and a leading international spokesperson for the cause of non-violent social change. His spiritual and political leadership of Tibetans has been the principal force for the preservation of the Tibetan culture and way of life. His ongoing efforts to achieve a peaceful political resolution to the crisis in Tibet is our greatest hope for a future for Tibet that guarantees Tibetan human and political rights, and insures the survival of Tibetan culture.

As the spiritual leader of his people, His Holiness has inspired Tibetans to persevere in the face of the tragic hardships they have suffered, and that they continue to suffer. By his example and leadership, non-violence remains the tool of the Tibetan people in their resistance to oppression.

He was selected to become the Dalai Lama at the age of 2, after which he pursued a rigorous 18-year course in metaphysics. In a recent Time magazine profile of him entitled "Tibet's Living Buddha," Time concludes that "the single most extraordinary thing about him may simply be his sturdy, unassuming humanity. [He] is, in his way, as down to earth as the hardy brown ox-

fords he wears under his monastic robes, and in his eyes is still the mischief of the little boy who used to give his lamas fits with his invincible skills at hide-and-seek." Time quotes his brother as saying, "I recall one summer day—I must have been about 7—when my mother took me to the summer palace to see His Holiness. * * * When we got there His Holiness was watering his plants. The next thing I knew, he was turning the hose on me."

The Dalai Lama is renowned for teaching compassion and love rather than vengeance or hate. In response to China's repression of his own people, he has said, "There is no point in developing hatred for the Chinese. Rather, we should develop respect for them and love and compassion."

As a member of the Congressional Human Rights Caucus, I am delighted that the Congressional Human Rights Foundation has chosen to present its 1989 Raoul Wallenberg Human Rights Award to the Dalai Lama. His Holiness' commitment to the principles of peace, human dignity, and human rights is an inspiration to us all, and there could be no more fitting recipient of this honor.

Indeed, it would be difficult to devise an award that would take note of all the roles and functions which His Holiness has fulfilled in such an exemplary way. He is, of course, a spiritual leader. However, his spiritual leadership extends not only to Tibetan Buddhists, but to all people of religious faith, both through his devout example and through his officiation at numerous interfaith services, most recently in Costa Rica this past week. He has just returned from meetings with a man I admire greatly, last year's Nobel Peace Prize recipient and the architect of peace in Central America, Costa Rica's President Oscar Arias. As an international statesman, he has kept alive the hopes and cause of his land and his people and has shown great leadership and initiative in advancing the cause of a peaceful resolution to the status of Tibet. And as an advocate of human rights, nonviolence and peaceful change he is an inspiration and example to all who seek justice. His Holiness has been nominated three times for the Nobel Peace Prize, a nomination I have actively supported, and truly, the Nobel is the only award that does justice to the work of this man.

On the occasion of His Holiness' 54th birthday, we celebrate and honor his wisdom, his leadership, and the strength of the human spirit in the face of adversity, which his life so profoundly demonstrates.

It is my great pleasure and honor to introduce to you today His Holiness the Dalai Lama.

HOUSE OF REPRESENTATIVES—Wednesday, July 19, 1989

The House met at 10 a.m.

The Reverend Richard House, Grand Avenue United Methodist Church, McAlester, OK, offered the following prayer:

Eternal and gracious God:

We come to this moment acknowledging Your presence among us. As we find ourselves with this new day, and the opportunities that this day presents, we pause to ask for Your guidance and help. May we remember that we share in the most significant of responsibilities. As we have been invested with the public trust, so let us remember that we are called to serve those who have put their trust in us. Make us mindful of our role, and once again help us to commit ourselves to those endeavors that serve the common good. May we seek always to benefit all of humanity, and let us not rest until the rule of love becomes the rule of life. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. SMITH of Vermont. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. SMITH of Vermont. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 282, nays 98, not voting 51, as follows:

[Roll No. 142]

YEAS—282

Akaka	Beilenson	Browder
Alexander	Bennett	Bruce
Anderson	Bereuter	Bryant
Andrews	Berman	Bustamante
Annunzio	Bevill	Byron
Applegate	Blibray	Callahan
Aspin	Boggs	Campbell (CA)
Atkins	Bonior	Campbell (CO)
Ballenger	Borski	Cardin
Barnard	Bosco	Carper
Bartlett	Boucher	Clarke
Bateman	Boxer	Clement
Bates	Brennan	Coleman (MO)

Coleman (TX)	Jones (GA)	Pickle
Combest	Jones (NC)	Porter
Conte	Jontz	Poshard
Cooper	Kanjorski	Price
Costello	Kaptur	Quillen
Craig	Kasich	Rahall
Crockett	Kastenmeier	Rangel
Darden	Kennedy	Ray
Davis	Kennelly	Regula
de la Garza	Kildee	Richardson
Dellums	Kolter	Rinaldo
Derrick	Kostmayer	Ritter
DeWine	LaFalce	Robinson
Dicks	Lancaster	Roe
Dingell	Lantos	Rohrabacher
Dixon	Lehman (CA)	Rose
Donnelly	Lehman (FL)	Rowland (GA)
Dorgan (ND)	Leland	Roybal
Downey	Lent	Russo
Dreier	Levin (MI)	Sabo
Duncan	Levine (CA)	Salki
Durbin	Lewis (GA)	Sangmeister
Dwyer	Lightfoot	Sarpallius
Dymally	Lipinski	Sawyer
Dyson	Livingston	Saxton
Early	Lloyd	Scheuer
Eckart	Long	Schiff
Edwards (CA)	Lowey (NY)	Schneider
Emerson	Lukens, Thomas	Schulze
Engel	Manton	Schumer
English	Markey	Sharp
Erdreich	Martin (NY)	Shaw
Espy	Martinez	Shumway
Evans	Matsui	Shuster
Fawell	Mavroules	Siskis
Fazio	Mazzoli	Skaggs
Feighan	McCrary	Skeen
Fish	McCurdy	Skelton
Flippo	McDade	Slatery
Florio	McDermott	Slaughter (NY)
Foglietta	McEwen	Smith (FL)
Ford (MI)	McHugh	Smith (IA)
Frank	McMillen (MD)	Smith (NE)
Frost	McNulty	Smith (NJ)
Gallo	Meyers	Snowe
Gephardt	Miller (CA)	Solarz
Gibbons	Mineta	Spence
Gillmor	Moakley	Staggers
Gilman	Mollohan	Stallings
Glickman	Montgomery	Stark
Gonzalez	Moody	Stenholm
Gordon	Morella	Stokes
Gradison	Morrison (WA)	Studds
Grandy	Mrazek	Swift
Grant	Murtha	Synar
Green	Myers	Tallon
Guarini	Nagle	Tanner
Gunderson	Natcher	Tauzin
Hall (OH)	Neal (MA)	Thomas (GA)
Hall (TX)	Nelson	Torres
Hamilton	Nielsen	Torricelli
Hammerschmidt	Nowak	Traficant
Harris	Oakar	Traxler
Hatcher	Oberstar	Unsoeld
Hawkins	Obey	Valentine
Hayes (IL)	Olin	Vento
Hayes (LA)	Ortiz	Visclosky
Hefner	Oxley	Volkmer
Henry	Packard	Walgren
Hertel	Pallone	Walsh
Hoagland	Panetta	Watkins
Hochbrueckner	Parker	Waxman
Horton	Patterson	Weiss
Houghton	Payne (NJ)	Weldon
Hoyer	Payne (VA)	Whitten
Hubbard	Pease	Williams
Huckaby	Pelosi	Wolpe
Hughes	Penny	Wyden
Hutto	Perkins	Wylie
Johnson (SD)	Petri	Yates
Johnston	Pickett	Yatron

NAYS—98

Armedy	Baker	Bentley
AuCoin	Barton	Billakis

Bliley	Inhofe	Schuetz
Boehert	Ireland	Sensenbrenner
Brown (CO)	Jacobs	Shays
Buechner	James	Sikorski
Bunning	Kolbe	Slaughter (VA)
Burton	Kyl	Smith (MS)
Chandler	Lagomarsino	Smith (TX)
Clay	Leach (IA)	Smith (VT)
Clinger	Lewis (CA)	Smith, Denny
Coble	Lewis (FL)	(OR)
Coughlin	Lukens, Donald	Smith, Robert
Cox	Machtley	(NH)
Crane	Madigan	Smith, Robert
Dannemeyer	Marlenee	(OR)
DeLay	Martin (IL)	Solomon
Dickinson	McCandless	Stangeland
Dornan (CA)	McCollum	Stearns
Douglas	McGrath	Stump
Fields	McMillan (NC)	Sundquist
Frenzel	Miller (OH)	Tauke
Galleghy	Molinari	Thomas (CA)
Gekas	Moorhead	Thomas (WY)
Goodling	Murphy	Upton
Goss	Parris	Vucanovich
Hancock	Paxon	Walker
Hastert	Rhodes	Weber
Hefley	Roberts	Wheat
Herger	Rogers	Whittaker
Hiller	Roth	Wolf
Holloway	Roukema	Young (AK)
Hopkins	Schaefer	Young (FL)
Hunter	Schroeder	

NOT VOTING—51

Ackerman	Garcia	Morrison (CT)
Anthony	Gaydos	Neal (NC)
Archer	Gedjenson	Owens (NY)
Brooks	Gingrich	Owens (UT)
Broomfield	Gray	Pashayan
Brown (CA)	Hansen	Pursell
Carr	Hyde	Ravenel
Chapman	Jenkins	Ridge
Collins	Johnson (CT)	Rostenkowski
Conyers	Kleccka	Rowland (CT)
Courter	Laughlin	Savage
Coyne	Leath (TX)	Spratt
DeFazio	Lowery (CA)	Towns
Edwards (OK)	McCloskey	Udall
Fascell	Mfume	Vander Jagt
Flake	Michel	Wilson
Ford (TN)	Miller (WA)	Wise

□ 1024

Mr. McNULTY changed his vote from "nay" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. HOYER). The Chair will ask the gentleman from Maryland [Mrs. BENTLEY] if she would kindly come forward and lead the membership in the Pledge of Allegiance.

Mrs. BENTLEY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

WELCOME TO THE REVEREND DR. RICHARD HOUSE

(Mr. WATKINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WATKINS. Mr. Speaker, it is my pleasure to assist in the opening ceremonies today by introducing to the House the chaplain for today, the Reverend Dr. Richard House, who has been the pastor of the Grand Avenue Methodist Church in McAlester, one of the fine cities in the Third District of Oklahoma, for about 5 years.

One former Member is familiar with Dr. House, a very distinguished person not only in the congregation of that church but a longtime friend of ours, the former Speaker of the House, Carl Albert, and I know he is watching today.

A native Oklahoman, Dr. House is from the Custer County area, of Clinton/Weatherford, OK. He holds a bachelor of arts degree from Southwestern State University of Weatherford, a master of theology degree from Southern Methodist University in Dallas, and his doctorate was conveyed by Phillips University in Enid, OK.

Dr. House has served as minister in Blanchard, OK, and also the New Haven Methodist and Southern Hills Methodist Church in Tulsa, OK.

Mr. Speaker, this is not the first time that Dr. Dick House has been to Washington. He was an intern for another former Member of this House, from the Second District of Oklahoma, Ed Edmondson, in 1965. He is a friend of many Members in this room.

In the gallery today, Reverend House has his wife, Nancy, and two of his children, Kimberly and Matthew.

It is my privilege of having my friend, Dr. Dick House, as chaplain of the day.

COMMEMORATING THE 20TH ANNIVERSARY OF MANKIND'S FIRST LUNAR LANDING

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the resolution (H. Res. 197) to commemorate the 20th anniversary of mankind's first lunar landing, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mrs. MORELLA. Mr. Speaker, reserving the right to object, the minority has no objection.

Mr. Speaker, I yield to the distinguished gentleman from New Jersey [Mr. ROE], who is the chairman of the Committee on Science, Space, and Technology and is the prime sponsor of this very important resolution.

□ 1030

Mr. ROE. Mr. Speaker, I thank the distinguished gentlewoman from Maryland for yielding.

For our colleagues here today, tomorrow the world will celebrate the 20th anniversary of mankind's first step onto soil beyond planet Earth. Twenty years ago on July 20, 1969, American astronauts Neil Armstrong, Michael Collins, and Edwin Aldrin took us to a place that lives on in man's dreams and imagination. As millions watched on television that July day, America's lunar module, *Eagle*, landed on the Moon and ushered in a new era in modern civilization.

That day and this anniversary marks a proud page in America's history, and today I want to offer House Resolution 197 to commemorate the 20th anniversary of the manned Moon landing.

If my colleagues will indulge me for a moment, tomorrow we are going to celebrate the 20th anniversary of this Nation's great leadership in landing on the Moon. It seems to me that as the Nation watches the deliberations and as we are offering this particular resolution, at least those of us in the leadership and being responsible for our respective States ought to be listening a little bit to what this commemoration is all about.

Just imagine, with all of our problems and budgets and everything else we are dealing with today, and the priorities of America that we have, some place 20 years ago people had imagination and they had ideas, and that is what we need today, is imagination and ideas, and that is what the celebration on July 20, tomorrow, is all about.

So what we are doing today is commemorating that particular achievement, and it is an achievement that is important to America. We led the entire world in our space program. All of the world looked at what we were doing when two people, first one and then another, got off and stood on that Moon. It had never happened before.

Some people disagreed with that. They came back and said why go to the Moon because we have so many problems on Earth? But America had a dream.

In 1992 we are going to celebrate the 500th anniversary of Columbus discovering America. If people did not listen to Columbus's dream, we may not have been in this free body this morning and we may not have been here in this free legislature we are talking about.

So as we celebrate, Mr. Speaker, the 20th anniversary of the landing on the Moon, it is one of the most glorious achievements ever accomplished by mankind. And equally important, it was an American achievement and, therefore, I think that this resolution

commemorating this event and the celebrations that are taking place points out to America and the free world that technology, expertise, engineering, and all of the things that are needed for the benefits of mankind lies in the United States of America, and that is what this resolution is about.

So having said all of that, I appreciate my colleagues giving me this courtesy and attention this morning on their behalf to honor those three great Americans who landed on the Moon, and the celebration that will take place tomorrow. Therefore, I recommend this resolution to my colleagues.

Mrs. MORELLA. Further reserving the right to object, Mr. Speaker, I thank the chairman of the committee for his very emotional and appropriate tribute to a first for the United States.

Mr. Speaker, I yield to the distinguished ranking member of the House Committee on Science, Space, and Technology, the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentlewoman for yielding.

In this body we tend to think in terms of historic events going day to day. We often come to the floor and we talk about something that we are doing as being historic in nature.

The fact is there are very few events that take place in any person's lifetime or in any generation that are truly historic in that they will be in the history books forever after. Twenty years ago one of those events took place, an event that assures a place in history that says that America at one point in history accomplished something that no one else had ever accomplished, that mankind had never done before. We set foot on an extraterrestrial body.

The 20th anniversary of that event is tomorrow. It is something that we should commemorate. But more importantly, we should use it as a way of looking into our future.

It is time again to understand that that particular historic occasion did not come about without a lot of vision, without a lot of hard work, and without a lot of resources being committed in a particular direction.

The 20th anniversary gives us a chance to renew that sense of spirit and that sense of commitment. This resolution is one part of that, and I would recommend to my colleagues that it should be passed.

Mrs. MORELLA. Mr. Speaker, further reserving the right to object, I join with my colleagues as a cosponsor of this important resolution (H. Res. 197) as a member of the Science, Space, and Technology Committee, and as the chairman, as one who is very proud of the accomplishments that we have made.

We salute our astronauts, Neil Armstrong, Michael Collins, Buzz Aldrin. Our House committee this afternoon will have them appear before Members of Congress so that we can again salute them.

NASA has been in existence for 30 years. They worked very hard on this mission. What incredible possibilities, what it can do for our young people, young men and women in interesting them in space science, mathematics, and particularly I make a plea for women and minorities to engage in preparing for the future in terms of our space program.

NASA has a booklet which tells about even some of the many spinoffs that have helped us in our everyday lives because of space exploration.

Tomorrow the President will be making a major address, and at that time we will all be listening to every word in the hopes that he will make a commitment for the United States to soar ahead in space with the possibility of a manned or womaned lunar outpost, or ultimately for a manned or womaned mission to Mars.

So I ask all of my colleagues to join in this celebration of what we have accomplished in this country and the possibilities for the future.

Mrs. MEYERS of Kansas. Mr. Speaker, tomorrow is the 20th anniversary of the most significant event in human history since the birth of Christ—the landing of *Apollo 11* on the Moon. Neil Armstrong's " * * * one giant leap for mankind," proved that humanity does not live on only one Earth. We live in a solar system with nine planets, over 30 moons, thousands of asteroids, a billion comets, and an energy source that will last for at least 2 billion more years. Development of these resources would do more to bring planetwide prosperity and protect Earth's environment than any other endeavor.

There are still those who say, "How can we spend money on space, when there are so many problems still on Earth?" The benefits of the space program are so immense that no one person could list them all. Other than the obvious, such as weather satellites and the ability of our constituents to watch us here on C-SPAN, there are the industrial and medical advances spurred by the space program. But these are just a fraction of the benefits we could get if we could actually manufacture products in space. The microgravity of space allows for industrial processes that are impossible on Earth. But this cannot happen unless we make the necessary investment, now.

As we recall the triumphs of the past, we must prepare for the needs of the future. Mr. Speaker, the most important gift we can give to posterity is to ensure that Harrison Schmitt and Eugene Cernan will not be remembered as the last Americans to set foot on the Moon. America must build the space station Freedom, explore the solar system, and must return to the Moon. On this heroic anniversary we must remember, if America is to remain a great Nation, it must remain a leader in space.

Mr. SAWYER. Mr. Speaker, I am pleased to join with my colleagues today to commemo-

rate the first lunar landing in the history of our life on this planet and to pay tribute to those three courageous astronauts who completed this historic voyage. All of us here today remember the thrill, the feeling of accomplishment we all felt as America became the first nation to land a man on the Moon.

It was 28 years ago that President John Fitzgerald Kennedy threw down the gauntlet, exhorting America to meet this challenge, to join together to make a dream reality. Twenty years ago that challenge—that dream—became reality for Neil Armstrong, Buzz Aldrin, Mike Collins, and for all of us.

This anniversary presents us with an opportunity not only to reflect on past accomplishments, but to aspire toward a future filled with even greater endeavors. As we spend this day commemorating one of our Nation's greatest moments, we reap benefits today that go beyond even the information we learned from the astronauts' voyage and beyond the confidence our Nation gained. An even greater benefit from humankind's first lunar landing, which we celebrate today, is the ability which we as a nation have to dream, to plan for the future, to go beyond ourselves in order to accomplish the impossible. We need to reestablish confidence in our Government, our civil servants, our national space program, and ourselves, and to move ahead with determination and vision.

I hope that some portion of that spirit of national unity can be achieved because of what is happening here today.

Mrs. MORELLA. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. TORRES). Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 197

Whereas on July 20, 1969, America's lunar module, Eagle, landed on the moon;

Whereas this event marked a major milestone in the history of civilization;

Whereas this momentous occasion will live forever in the memory of millions of people around the globe who witnessed it on television;

Whereas this historic space mission was carried out by three American astronauts, Commander Neil A. Armstrong, Command Module Pilot Michael Collins, and Lunar Module Pilot Edwin E. Aldrin;

Whereas this achievement could not have been accomplished without the dedication, commitment, and talent of thousands of men and women throughout the National Aeronautics and Space Administration, American industry, and the nation's academic institutions;

Whereas this first-ever manned lunar landing proclaimed to the entire world America's technical excellence and space leadership;

Whereas this singular space event demonstrated unequivocally the possibilities for manned exploration of the universe and generated widespread enthusiasm for America's space program;

Whereas numerous scientific and technological advances from the Apollo manned space program have improved substantially the quality of life on Earth;

Whereas the lunar landing has inspired American youth and provided new incen-

tives for young people to pursue educational opportunities in science and mathematics;

Whereas the space program has received strong and consistent support from the Congress throughout the 30 year history of the National Aeronautics and Space Administration: Now, therefore, be it

Resolved, That the House of Representatives commemorates the twentieth anniversary of man's first lunar landing, and pays homage to the many dedicated individuals who made possible that "giant leap for Mankind".

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

IRONY OF IRONIES—THE PLO REQUESTS FULL MEMBERSHIP IN THE WORLD TOURISM ORGANIZATION

(Mr. LANTOS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANTOS. Mr. Speaker, someone in the PLO must have a sense of humor. This organization has applied for full membership in the World Tourism Organization.

I can think of nothing more ironic. The PLO singlehandedly has done more to discourage tourism through its vicious terrorist attacks than all the pick-pockets, and tourist-preying charlatans in the world combined. This is the PLO which shows its commitment to encouraging international tourism through murderous attacks, such as the bombing of Pan Am Flight 103, the perpetration of terror and killing aboard the cruise liner *Achille Lauro*, and terrorist attacks and bombings of tour buses, airports, kindergartens.

Mr. Speaker, this House voted 396 to 6 just a few weeks ago to prohibit all U.S. contributions to the United Nations or its affiliated organizations if the PLO is admitted to full membership as a state. I invite my colleagues to join me in urging President Bush to take the same position if the PLO is admitted to the World Tourism Organization.

Mr. Speaker, I invite my colleagues to join me in sponsoring appropriate legislation.

KINDNESS IN THIS SELFISH WORLD

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, in this era when we hear all too much about selfishness of individuals, it is a pleasure to hear about a group of people who give both time and encouragement to a fellow human being, particularly to someone who is terminally ill.

□ 1040

Mr. Speaker, I rise today to commend the Essex branch of the Baltimore County Department of Social Services for their kindness toward a fellow employee, Nina Gordon. These people who work and live in my district, the 2nd District of Maryland, have raised enough money to send Mrs. Gordon on a trip to Hawaii, fulfilling her lifelong dream.

The employees of the Essex branch of the Baltimore County Department of Social Services are worthy of the highest commendation and should be an example to others.

THE GAP IN THE TRADE DEFICIT IS NARROWING THE HARD WAY

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the trade deficit for May is back up, it is over \$10 billion. But the Bush administration said, "Don't worry, the gap is narrowing—the hard way."

I will say; it is getting so hard for American companies that McDonald's Corporation is going to start home deliveries with rickshaws.

Ladies and gentlemen, let's face it, we have tried everything. We passed resolutions, we passed incentives, we negotiated, compromised, drove down the dollar; Congress has tried everything except doing its job.

The Constitution clearly states that Congress shall regulate commerce. The Constitution does not say that we should finance these trade joy rides.

Mr. President, the hard way is extending those voluntary restraint agreements for the American steel industry unless everybody is resigned to try and protect America with styrofoam.

You think about it.

ORGANIZE OUR WAR ON DRUGS

(Mr. SHUSTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHUSTER. Mr. Speaker, after studying the drug issue for the past 18 months in the Intelligence Committee,

I have reluctantly come to the conclusion that our war on drugs is doomed to failure unless we create a unified command to fight it.

We have brave men and women—dedicated people—in the Drug Enforcement Administration, Customs, Coast Guard, FBI, intelligence agencies, State, and Defense Departments, putting their lives on the line to stop drug trafficking.

But each department is going off in its own, well-meaning, direction. Bill Bennett is supposed to be the drug czar, but he is a general without an army; a general surrounded by other generals who have armies. He does not have the authority to run anything except his own small staff, and surely, one of the most elementary principles of management, of command, is that the person in charge must be given authority commensurate with his responsibility. When Bill Bennett's drug plan is submitted to the President on September 5, it undoubtedly will be well crafted, but it will not be worth the paper it is written on if he, or someone else, is not given the clear-cut authority to run the show.

ANOTHER GOOD-COP, BAD-COP ROUTINE

(Mr. LEVINE of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVINE of California. Mr. Speaker, the Secretary of the Interior, our former colleague, Manuel Lujan, is now calling for massive offshore drilling even before his task force on this subject reports to the President. Shades of James Watt.

His call, before his task force is finished, taints the task force recommendations. It biases the results that we are going to see from the task force and, unfortunately, Mr. Speaker, it is time to call for Secretary Lujan's resignation as chairman of that task force.

The President promised in California to protect the environment, particularly California's Outer Continental Shelf. But he is developing the same good-cop, bad-cop routine on the environment that he has on politics. On politics it is the good-cop Bush and the bad-cop Atwater. On the environment it looks like it is going to be the good-cop Bush and bad-cop Lujan.

It is an unfortunate position for our friend and former colleague in which to be. I hope he will change his tune. I hope the President will remember his promises to the American people when he was campaigning for office, and go back to protecting the coastline that he promised he would protect.

CONGRATULATIONS TO THE COAST GUARD

(Mr. YOUNG of Alaska asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Speaker, today I address my colleagues complimenting the Coast Guard, especially the cutter *Morgenthau* and its enforcement officers. Last night they intercepted and apprehended through a sting operation the Taiwanese high seas pirate vessel group with 500 metric tons, at a value of \$1.3 million of illegally caught salmon. Six people were arrested. Three of those people reside in Seattle.

Those were salmon chum and reds and they were salmon that belonged to the people of America and the State of Alaska.

Right now the cutter *Morgenthau* is in pursuit of the remaining six vessels, and I again want to thank the Coast Guard cutter, especially the crew members, the members of the enforcement of the NMFPs office for their diligence to try to stop this high seas piracy of the Nation that takes out great ads in Time magazine on how they are working with Americans and in the meantime they are robbing us of our fish which are rightfully ours.

Mr. Speaker, it is time we put a stop to this. It is time the State Department and the rest of the Congress recognized the worst pirates on the high seas today are the Taiwanese.

YUCCA MOUNTAIN SITE NOT SUITABLE FOR NUCLEAR WASTE REPOSITORY

(Mr. BILBRAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BILBRAY. Mr. Speaker, the 100th Congress selected Yucca Mountain, NV, as a potential high-level waste repository. Since that time all other sites have been removed from the potential list. The U.S. Geological Survey has reported to the Department of Energy they felt this site was unsuitable.

Scientists from the DOE, in memos that were known to the DOE prior to the selection of Yucca Mountain site, reports have now come out showing that they too felt that the site was unsuitable.

In the last week the NRC, through John Trapp, their senior geologist, has stated in his report and I quote,

I do not think the Yucca Mountain site can be shown to be favorable in a licensing arena. I, therefore, am of the opinion that this is not the site at which we should be trying to license the first high-level radioactive waste repository.

The senior geologist at the NRC further states that because of the volcan-

ic activity at the site which is a 1-in-6 chance that an eruption could take place in the foreseeable geologic future, because of that reason he feels it is dangerous. The people of the country should be alerted and the Congress should be alerted.

THROUGH THE DRUG WAR MAZE IN 28 DAYS—DAY 2: HOUSE ARMED SERVICES COMMITTEE

(Mr. SMITH of Mississippi asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Mississippi. Mr. Speaker, I stand here today to continue highlighting the maze of congressional panels—as depicted in the exhibited illustration—that makes the war on drugs a disorganized and fragmented effort. It is a setup designed more for its PR value than for an ability to get things done.

Today, I call to your attention the House Armed Services Committee as it relates to the war on drugs. I have no problem with this committee in and of itself, but collectively, along with the more than 80 other committees, subcommittees, and select committees that have some jurisdiction over drug-control policy. Together these panels form a bureaucratic mire that impedes the formation of an effective strategy for a true war on drugs.

How do they impede the formation of a drug-control strategy?

For one, they slow the process down and drag it out over many, many months. For example, the 1988 drug law states that in developing each strategy in the war on drugs, the drug czar shall consult with Members of Congress. With whom does he consult? Is it possible for him to consult with the members of 80 committees and subcommittees between the time the first strategy is sent to Congress in September and when the second strategy is due in February? By the time this consultation had finished, there would be no time to legislate.

I again call on the Congress to reduce this maze of congressional panels into one single oversight committee. The lines of command must be clearly drawn in order to coordinate an effective national drug-control effort.

THE MONTGOMERY GI BILL—A REAL SUCCESS STORY

(Mr. PENNY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENNY. Mr. Speaker, the Montgomery GI bill is a real success story, and we in the House can be proud of the role we played in establishing this educational assistance program for

members of the All-Volunteer Force. Under the guidance and leadership of the GI bill's chief sponsor and advocate, the Honorable G.V. (SONNY) MONTGOMERY, we instituted a program that will enable millions of young people to realize their dream of pursuing a post-secondary education. Since the implementation of the GI bill on July 1, 1985, more than 723,907 young active duty recruits have elected to participate in the program and more than 130,000 members of the National Guard and Reserves have gone to school under the Montgomery GI bill. We expect to reach over a million participants early next year.

It should be noted that this is one Federal program that is cost-effective. Through May 1989, over \$712 million has reverted to the Treasury as a result of basic pay reductions required under the GI bill for active duty service members. Because only \$42.2 million has been paid out in benefits through June 30, 1989, the program is currently more than paying for itself. Certainly benefit costs will rise in the future, but these expenditures will also be partially offset by increased taxes paid by these well-educated young people. Statistics provided by the Brookings Institute show that in 1986 the income of college graduates was 49 percent higher than that for those with only a high school diploma. Education pays, and the American taxpayer will continue to reap the benefits of the Montgomery GI bill.

□ 1030

PETITIONERS OPPOSE SUPREME COURT FLAG-BURNING DECISION

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, it is a pleasure for me to rise today with a stack of petitions signed by more than 10,000 Floridians opposed to the Supreme Court's flag-burning decision. These petitions were presented to me yesterday by Warren Stines, W.M. Martin, and Claude Donald Dorman of the Veterans of the Vietnam War, Post 3, Crystal River, FL.

Within 24 hours after the Court's decision, these men organized a vigil in Crystal River. They manned a tent and requested signatures for these petitions to Congress. First the signatures came in by the dozens, then the hundreds, even a 98-year-old World War I veteran added his name.

"When that 98-year-old man came over to sign his name, I knew in my heart we were doing the right thing," said Mr. Martin.

I asked these men why the flag inspired them and Mr. Dorman replied with an experience from Vietnam. His camp was under heavy enemy fire and

men were running for cover as fast as they could. All except one, who turned and ran to lower the American flag to protect it from the Viet Cong. Unfortunately, that brave man lost his life protecting our sacred symbol of liberty.

Mr. Speaker, I support efforts for a constitutional amendment prohibiting the physical desecration of the American flag. Burning it is not political expression, it is an act of patriotic destruction. I am extremely proud to bring this stack of petitions to the House floor to submit to the House Judiciary Committee.

SUPPORTING A RATIONAL EVALUATION OF THE B-2

(Mrs. BYRON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BYRON. Mr. Speaker, I rise today to urge my colleagues to keep the B-2 Stealth Bomber Program moving until we have had an opportunity to measure the capability and determine how it fits into our future defense strategy.

The Air Force has stated repeatedly that this Nation needs a manned bomber. The B-2 has been developed over the last 10 years to meet this need. As we try at this time to adjust to shrinking defense budgets, we are being urged to abandon our most promising weapons system before we evaluate the effectiveness. Despite the gloom and doom of the critics, American ingenuity triumphed on Monday when the innovative new B-2 Stealth bomber, the flying wing, made the maiden voyage. Technology is once again on the move, at a time when we celebrate the 20th anniversary of our great achievement, the Apollo visit to the Moon.

The Committee on Armed Services has carefully evaluated the sunk costs, the remaining development risks, and the marginal costs of lower production rates. It has recommended a less concurrent and lower risk program than that proposed by the administration. We need the B-2.

BIPARTISAN MAJORITY VOTES CHARGES

(Mr. BROWN of Colorado asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Colorado. Mr. Speaker, with my resignation yesterday from the House Committee on Standards of Official Conduct, I have completed my commitment to serve on that committee during the deliberations regarding our former Speaker.

Mr. Speaker, during those deliberations it was said on this House floor

that the committee's activities constituted a partisan feeding frenzy. That is just plain baloney. The committee's deliberations were started by an investigation that received the support of every Democrat and every Republican on the committee. It was not partisan. It was bipartisan.

Second, the counsel that conducted the investigation of our former Speaker was far from being partisan Republican. He was a lifelong Democrat and a delegate at the Democratic National Convention.

Third, Mr. Speaker, every single one of the 69 charges that the committee voted out stating they had reason to believe them received a bipartisan majority. Not a single one of those charges was voted out by a straight partisan vote.

Mr. Speaker, that committee has served this Congress well. Far from being partisan, it has acted in a bipartisan spirit to uphold the integrity of this House. It deserves commendation and thanks of this House, not the scorn of those who wished to avoid a hearing on the facts.

ANNOUNCEMENT OF THE DEPARTMENT OF DEFENSE AND STATE MEMORANDUM OF AGREEMENT [DSMOA]

(Mr. RAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and to include extraneous matter.)

Mr. RAY. Mr. Speaker, at a time when we hear so much about differences between the States and Federal facilities, I am pleased to announce an agreement on a model Department of Defense and State Memorandum of Agreement [DSMOA] involving the cleanup of DOD hazardous waste sites.

The DSMOA is the product of 8 months of negotiation and represents a major breakthrough in DOD's relationship with State environmental agencies. A work group with representatives from the Association of State and Territorial Solid Waste Management Officials, the National Governors Association, and the National Association of Attorneys General and DOD have come up with a model agreement that they believe suitable for most States.

The DSMOA covers four critical aspects of State/DOD relationships in the cleanup program. First, it lays out an approach for reimbursing the States for their support services. Second, it requires designation of principal points of contact at DOD installations for the States. Third, the DSMOA provides for a rapid bilateral dispute resolution process for sorting out differences.

Last, and most important, the DSMOA provides the commitment of the military services to secure needed

funding for cleanups and establishes a worst-first prioritization process that involves the States in its development and application.

I am pleased to say that the Environmental Restoration Panel of the Armed Services Committee was able to assist the successful negotiation of this agreement and we look forward to its speedy transformation into specific DOD/State agreements in the coming months.

[From the Wall Street Journal, July 19, 1989]

A ROUTINE OUTRAGE

Anyone who wants to see why U.S. Defense costs keep rising need only tune into C-Span to watch the House of Representatives debate H.R. 1056 today. The Members will try to commit another quiet but routine outrage by passing a spending bill that doesn't look like one.

Ohio Representative Dennis Eckart's bill would waive the federal sovereign-immunity clause under the Solid Waste Disposal Act, thereby inviting every legal yahoo and politician in the country to sue the Defense Department for not instantly cleaning up waste sites. Fines and penalties will run into the tens of millions. But that's the boring substance, which the Members barely understand.

The reason this bill may pass is because it offers all of the elements of the modern, risk-free Congressional vote. It allows the Members to declare for a cause no sane person can oppose—waste disposal. It frees them from any responsibility for what might happen if the bill passes—the judgments will be made by someone else. It reshuffles Defense spending priorities without the Members actually having to vote.

No one knows how much the bill will cost: both the White House and Congressional budget offices say it's impossible to tell because state regulators and judges will be able to do what they like. But that's substance; what's that got to do with Congress?

SPACE TRANSPORTATION SERVICES PURCHASE ACT OF 1989

(Mr. PACKARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PACKARD. Mr. Speaker, tomorrow is the 20th anniversary of man's first steps on the surface of the Moon. The historic mission of Apollo 11 is truly one of mankind's most remarkable feats.

Today, as we remember that great event, we also honor the three outstanding men who so bravely conducted that mission—Comdr. Neil A. Armstrong, command module pilot Michael Collins, and lunar module pilot Edwin E. "Buzz" Aldrin, Jr. We also remember and honor all of those engaged in the noble pursuit of space who made the Apollo 11 mission successful.

I would like to recall Commander Armstrong's immortal words that his walk on the moon represented "one small step for man, a giant leap for mankind." It is with this recollection

of the past that I look forward to the future and I am forced to ask, what is to be our next step in furthering U.S. involvement in space? We must take the next giant leap in advancing the U.S. space program—we must allow American business wider access to the world of space development.

To this end, I have recently introduced the Space Transportation Services Purchase Act of 1989 (H.R. 2674) which would promote America's standing in space development and exploration through fuller commercial participation. We have seen great advances and benefits come from our Government involvement in space. But it is American industry and business that has been the backbone of the development and prosperity of our Nation and we must move to allow for greater participation.

Currently we run the risk of losing our edge to foreign competition. We cannot stand by and let this happen. A vigorous commercial industry is the sole bulwark against that threat.

On the eve of this momentous anniversary, I firmly say, now is the time to rededicate ourselves to space and to strengthen America's commitment to space by encouraging the emergence of a vital and competitive U.S. space transportation industry.

FREE TECHNOLOGY FOR KOREA?

(Mr. APPELEGATE asked and was given permission to address the House for 1 minute.)

Mr. APPELEGATE. Mr. Speaker, yesterday I talked about the State Department, who wanted to give \$30 million to Iran. Today, the Defense Department wants to give billions of dollars to Korea. First it was the FSX. Now we have the son of FSX, so named by Senator HEINZ and DIXON. It was not enough that we give our technology to Japan, but now we are going to give it to Korea.

They want to build and assemble 108 F-16 or F-18's; they have not made up their mind which, yet. Now, would the Koreans give technology to the United States if they were the world's leader? No way that they would. However, the U.S. seems willing to give ours away.

It is like finding a gold mine, and then handing the shovel to a friend and saying, "Here, you dig the gold and you can have it." However, if Japan or Korea wants our technology in that area, then we will build the planes and we will sell it to them. We are nuts if we do not. By God, I think it is time we learned to keep our industries and our jobs here in America.

□ 1100

WHY THE STEALTH BOMBER SHOULD NOT BE ELIMINATED

(Mr. DAVIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS. Mr. Speaker, our body is about to make a decision that may decide the fate of the Stealth bomber. A move to eliminate this critical weapon system would have a serious negative effect on the balance of power in our world.

For more than 30 years both Democratic and Republican presidents have relied on a theory of deterrence built on the foundation of a strategic triad—land-based missiles, submarine-launched missiles, and bombers. A decision to kill the B-2 would cut the bomber leg of that triad off at the knees. Imagine cutting off one leg of a three-legged stool and you get a vivid picture of what would happen to our decades-old policy of deterrence.

Yes, we have the B-52, but it is more than 25 years old and hardly state-of-the-art. The B-1—everyone agreed—was only an interim bomber. If we eliminate the B-2 we enter the 21st century without a serious bomber fleet. And that—my colleagues—is bad news for those who want to keep America strong, free, and out of war.

U.S. ATTORNEY TERRY HALPERN DANGLING IN BUREAUCRATIC LIMBO

(Mr. DE LUGO asked and was given permission to address the House for 1 minute and to revise and extend his remarks, and include extraneous matter.)

Mr. DE LUGO. Mr. Speaker, I would like to bring to my colleagues' attention an editorial appearing in today's Daily News, one of the daily newspapers in my district.

It reads:

TOO LONG TO WAIT

For more than two years, the U.S. Justice Department and the White House have left U.S. Attorney Terry Halpern dangling in a bureaucratic limbo.

She was named interim U.S. attorney in June 1987. A few months later, she got the title of acting U.S. attorney. Somewhere along the line the "interim" and "acting" got dropped, but her official appointment got lost in the 1988 presidential election shuffle.

Meanwhile, the Justice Department has invested her with the power and authority that other U.S. attorneys around the country enjoy. But Halpern still lacks two important items: a presidential appointment and Senate confirmation.

She deserves both.

During her two-year tenure, Halpern has enhanced her reputation as a tough prosecutor and earned one as an efficient, fair but no-nonsense administrator.

She has doubled the size of the federal prosecutor's office, and appears to be the first U.S. attorney in recent Virgin Islands

history to appreciate the importance of beefing up two key areas: narcotics and white-collar crime investigations and prosecutions.

Her only real shortcoming seems to be in the area of public information. While we certainly do not expect her to compromise the integrity of any investigation or prosecutorial case, she can and should play an important public role in educating the community about crime in these islands. One major benefit would be enhanced community cooperation in solving crimes.

That aside, we believe Terry Halpern has proved to be a competent, concerned U.S. attorney who has earned the community's respect.

She deserves President Bush's unqualified support as his nominee to this important position, and enthusiastic Senate backing during the confirmation process.

We hope both developments occur soon. Two years is long enough for Halpern, and the Virgin Islands, to wait.

FAIR ELECTIONS FOR NICARAGUA

(Mr. DREIER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER of California. Mr. Speaker, we just passed a resolution in which we are commemorating the 20th anniversary of that historic landing on the Moon tomorrow.

However, Mr. Speaker, today marks an important anniversary. Today the people in the tiny town of Esteli, Nicaragua, are attempting to celebrate the 10th anniversary of the Sandinistas' overthrow of that repressive dictator, Anastasio Somoza. In that tiny town they had three battles against the Guardia Nacional, and they are trying to celebrate it, but unfortunately, Mr. Speaker, the people of Esteli have found that the revolution was betrayed. Ten years ago today, when that revolution succeeded, they were promised free and fair elections and an end to human rights violations, a nonaligned foreign policy and political pluralism. All four of those promises, Mr. Speaker, have unfortunately been thrown out the window.

My colleagues, let us hope that, as this election process proceeds, that the Sandinistas will allow us to have visas to get into the country and to, in fact, bring about the kind of fair elections which they have been promised.

WHICH SIDE ARE YOU ON?

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, tomorrow I will be offering an amendment to the HUD independent agency appropriation that will cut \$714 million from the space station and add the money to a variety of programs including veterans health care, housing and cleaning up the environment.

Why am I offering this amendment? Do I not like exploration in space? No. Mr. Speaker, I think we should be exploring space. I think we must, and I think it is important.

However, my colleagues, there are two problems with the whopping increase for the space station that is in the appropriations bill. First, it is not the way to go. If we really want to explore space, if we want to learn what is going on in the extraterrestrial world, unmanned missions are cheaper and accomplish the goal better. The space station in a sense is very real gold plating.

However, Mr. Speaker, I offer the amendment for a second reason. We have to start drawing priorities in this country. We are in 1989, not 1969. If we build a space station, we will not be able to do the kinds of things that will keep America No. 1 on Earth, the kinds of things for industrial competitiveness, and helping our people and educating our people that we need.

Mr. Speaker, I ask my colleagues, "Which side are you on?"

SLAP IN THE FACE TO VICTIMS OF BOMBING OF PAN AM 103

(Mrs. ROUKEMA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. ROUKEMA. Mr. Speaker, today I rise in sympathy with the families of the victims of Pan Am 103, and I want to express with them their sense of bitterness and betrayal at the actions the President has taken this week in announcing that he is going to compensate the families of the Iranian Airbus tragedy over the Persian Gulf to the tune of \$250,000. This adds up to \$62.5 million.

While I agree that this incident was tragic, and the United States was responsible, it must be stressed that it was an accident. But, when placed in the proper context, the Government's decision represents a cruel slap in the face to the hundreds of American families of the American victims of the bombing of Pan Am 103. The injustice is clear when considered against what many intelligence experts have said: The Pan Am bombing was ordered by a group sympathetic to Iran or Iraq itself to avenge the Airbus incident. Unlike the Iranian disaster, the downing of Pan Am 103 was no accident. Why make this overture to Iran? When our Government is blocking legislative efforts, including my bill, H.R. 2507, calling for a full investigation of the Pan Am bombing. In my opinion, such an investigation will prove beyond a shadow of a doubt gross negligence by the FAA and the State Department which ignored prior warnings that Pan Am 103 was vulnerable to a terrorist attack. Proving gross

negligence will entitle these Americans with compensation beyond the \$75,000 limit set by the Warsaw Convention to which the United States is a signatory.

Why is our Government satisfied to let our own American families pursue the costly and painful process of litigation to prove gross negligence on their own? Why is our Government satisfied to support a higher level of compensation for Iranian families than for American families? What is our Government doing?

I ask my colleagues to join me in writing the President and Secretary of State to move forward with the investigation and treat these families with the dignity and respect they deserve as American citizens.

THE B-2 AND THE MILITARY INDUSTRIAL COMPLEX

(Mr. McEWEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McEWEN. Mr. Speaker, the enemies of the strategic bomber modernization are bringing out their big guns in an effort to kill the B-2 Program. Some have even attempted to paint this revolutionary quantum leap forward in aerospace technology as a product of the industrial complex, that ill-defined enemy of all that is good and right. Well, this accusation is not only groundless and illogical, it is deceptive because, if one side of this debate is serving an industrial complex, it is the attackers of the B-2 with their port barrel politics.

Mr. Speaker, the opponents of the B-2 do not wish to save money. They just want to redistribute it to programs that the Defense Department and the President no longer want. Now that is putting special interest politics ahead of our national strategic defense interests. It is attacking a strategic system that employs revolutionary technology in an effort to preserve peace well into the next century in hopes of continuing to fund yesterday's weapons systems. It is scrapping any hope for a viable triad in the 1990's in order to scavenge a few more dollars for their favorite systems that have not met the tougher standards of tight times.

Mr. Speaker, we have the opportunity to enter a new era of deterrence. Maintaining a viable triad, supporting stable deterrents and keeping peace through strength; these are goals that are important to allow us to discontinue the pork barrel politics and overrule good strategic sense.

GENOCIDE IN NICARAGUA

(Mr. DORNAN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN of California. Mr. Speaker, my colleagues, everything is going to hell in a handbasket still in the poor little forsaken country of Nicaragua.

Mr. Speaker, I say to my colleagues, "Imagine if you're a humble campesino farmer running a cooperative farm and your standard of living has declined 95 percent over the 10 years since the Communists betrayed their revolution 10 years ago today. Your standard of living collapses 95 percent. So you make a statement that you're going to be working for the opposition, and, after holding out through this hell on earth for 10 years, your farm is confiscated."

Mr. Speaker, that is what happened to a half a dozen farmers in Nicaragua within the last week, but get this.

While 80 Members on the majority side signed a letter in the last few days; I have yet to see it; I am looking forward to this letter signed in blood, but we should jerk all money from the democratic resistance in Nicaragua. America's Watch, which is a left-of-center group, but fairly decent, they say that there is now a policy of killing hundreds of civilians in the northern part of Nicaragua because they might feed Contras if they ever come back in the country. That is kind of minigenocide by these Communist thugs, the Ninth Comandantes.

Mr. Speaker, I want to see that letter signed by 80 Members.

PROVIDING FOR CONSIDERATION OF H.R. 1056, FEDERAL FACILITIES COMPLIANCE ACT OF 1989

Ms. SLAUGHTER of New York. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 202 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res 202

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1056) to amend the Solid Waste Disposal Act to clarify provisions concerning the application of certain requirements and sanctions to Federal facilities, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and which shall not exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill as an original bill for the purpose of amendment under the five-minute rule and each section shall be considered as having been read. At the conclusion of the consideration of the bill for

amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. TORRES). The gentlewoman from New York [Ms. SLAUGHTER] is recognized for 1 hour.

Ms. SLAUGHTER of New York. Mr. Speaker, I yield the customary 30 minutes, for the purposes of debate only, to the gentleman from Tennessee [Mr. QUILLEN], and pending that I yield myself such time as I may consume.

Mr. Speaker, House Resolution 202 is the rule providing for the consideration of H.R. 1056 to amend the Solid Waste Disposal Act to clarify provisions concerning the application of certain requirements and sanctions to Federal facilities.

This is an open rule providing for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce.

The rule makes in order the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce, now printed in the bill, as an original bill for the purposes of amendment under the 5-minute rule and each section shall have been considered as read.

Finally, the rule provides for one motion to recommit, with or without instructions.

Mr. Speaker, H.R. 1056, the bill for which the Rules Committee has recommended this rule, would remedy a longstanding problem, the inability to enforce Federal facilities' compliance with our hazardous waste laws. H.R. 1056 would clarify the rights of States to assess civil fines and penalties against Federal installations which violate hazardous waste laws. In addition the bill would make clear the Environmental Protection Agency's authority to enforce these laws.

The committee reports it heard considerable testimony that "Federal facilities present some of the very worst Resource Conservation and Recovery Act compliance problems." H.R. 1056 would give States and the EPA needed tools to aggressively attack and deter this misconduct.

Mr. Speaker, this is an open rule, which will allow full and fair debate on this important bill. I ask my colleagues to support this rule so that we may proceed with consideration of the merits of this legislation.

Mr. QUILLEN. Mr. Speaker, I yield myself as much time as I may use.

Mr. Speaker, the gentlewoman from New York has ably explained the provisions of the rule. This is the first rule she has managed since joining the House Rules Committee.

I would like to call her a Member formerly from the great State of Tennessee, but she was right across the line in Kentucky and somehow migrated to New York instead of Tennessee. The gentlewoman does a good job as the newest member of the House Rules Committee.

Mr. Speaker, I think we all share the goal of protecting the environment. And most of us would agree with the purpose of this bill which is to ensure that Federal facilities comply with environmental laws and regulations. After all if the Federal Government sets one standard for private industry, it seems only fair that Federal Government installations should meet the same standards.

As is often the case, Mr. Speaker, it is easier to agree on the general goals than it is to agree on the specific means to carry them out.

For example, in this case the administration strongly supports Federal facility compliance with environmental statutes. But it opposes enactment of this bill, which the administration considers to be a piecemeal measure that would not result in more timely or effective compliance. Instead, this bill could delay ongoing Federal efforts to bring Federal facilities into compliance. Specifically, the administration objects to provisions which would allow States to assess administrative and judicial civil penalties against Federal facilities, among other things.

Mr. Speaker, the Rules Committee has provided for an open rule in this case, so that the House will have an opportunity to clean up some of the problem areas remaining in this bill. There are no waivers of the Budget Act and no waivers of House rules.

Mr. Speaker, I should like to note that in recent weeks we have seen an increasing number of open rules. I hope this is a trend which will continue for the longer term. And I commend the new leadership for starting out with this step in the right direction.

I will support this open rule so that the House can get down to the business of debating and amending the Federal Facilities Compliance Act.

Mr. QUILLEN. Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Ms. SLAUGHTER of New York. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. QUILLEN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 412, nays 0, not voting 19, as follows:

[Roll No. 143]

YEAS—412

Ackerman	Dannemeyer	Hamilton
Akaka	Darden	Hammerschmidt
Alexander	Davis	Hancock
Anderson	de la Garza	Hansen
Andrews	DeFazio	Harris
Annunzio	DeLay	Hastert
Applegate	Dellums	Hatcher
Archer	Derrick	Hawkins
Armey	DeWine	Hayes (IL)
Aspin	Dickinson	Hayes (LA)
Atkins	Dicks	Hefley
AuCoin	Dingell	Hefner
Baker	Dixon	Henry
Ballenger	Donnelly	Herger
Barnard	Dorgan (ND)	Hertel
Bartlett	Dornan (CA)	Hiler
Barton	Douglas	Hoagland
Bateman	Downey	Hochbrueckner
Bates	Dreier	Holloway
Beilenson	Duncan	Hopkins
Bennett	Durbin	Horton
Bentley	Dwyer	Houghton
Bereuter	Dymally	Hoyer
Berman	Dyson	Hubbard
Bevill	Early	Huckaby
Bilbray	Eckart	Hughes
Billakis	Edwards (CA)	Hunter
Billie	Edwards (OK)	Hutto
Boehlert	Emerson	Inhofe
Boggs	Engel	Ireland
Bonior	English	Jacobs
Borski	Erdreich	James
Bosco	Espy	Jenkins
Boucher	Evans	Johnson (CT)
Boxer	Fascell	Johnson (SD)
Brennan	Fawell	Johnston
Brooks	Fazio	Jones (GA)
Broomfield	Feighan	Jones (NC)
Browder	Fields	Jontz
Brown (CA)	Fish	Kanjorski
Brown (CO)	Flake	Kaptur
Bruce	Fliippo	Kasich
Bryant	Florio	Kastenmeier
Buechner	Foglietta	Kennedy
Bunning	Ford (MI)	Kennelly
Burton	Ford (TN)	Kildee
Bustamante	Frank	Kolbe
Byron	Frenzel	Kostmayer
Callahan	Frost	Kyl
Campbell (CA)	Galleghy	LaFalce
Campbell (CO)	Gallo	Lagomarsino
Cardin	Garcia	Lancaster
Carper	Gaydos	Lantos
Carr	Gekas	Laughlin
Chandler	Gephardt	Leach (IA)
Chapman	Gibbons	Lehman (CA)
Clarke	Gillmor	Lehman (FL)
Clement	Gilman	Leland
Clinger	Gingrich	Lent
Coble	Glickman	Levin (MI)
Coleman (MO)	Gonzalez	Levine (CA)
Coleman (TX)	Goodling	Lewis (CA)
Combust	Gordon	Lewis (FL)
Conte	Goss	Lewis (GA)
Conyers	Gradison	Lightfoot
Costello	Grandy	Lipinski
Coughlin	Grant	Livingston
Cox	Gray	Lloyd
Coyne	Green	Long
Craig	Guarini	Lowery (CA)
Crane	Gunderson	Lowey (NY)
Crockett	Hall (OH)	Luken, Thomas
	Hall (TX)	Machtley

Madigan	Pease	Smith (TX)
Manton	Pelosi	Smith (VT)
Markley	Penny	Smith, Denny
Marlenee	Perkins	(OR)
Martin (IL)	Petri	Smith, Robert
Martin (NY)	Pickett	(NH)
Martinez	Pickle	Smith, Robert
Matsui	Porter	(OR)
Mazzoli	Poshard	Snowe
McCandless	Price	Solarz
McCloskey	Pursell	Solomon
McCollum	Quillen	Spence
McCrery	Rahall	Staggers
McCurdy	Rangel	Stallings
McDade	Ray	Stangeland
McDermott	Regula	Stark
McEwen	Rhodes	Stearns
McGrath	Richardson	Stenholm
McHugh	Rinaldo	Stokes
McMillan (NC)	Ritter	Studds
McMillen (MD)	Roberts	Stump
McNulty	Robinson	Sundquist
Meyers	Roe	Swift
Mfume	Rogers	Synar
Michel	Rohrabacher	Tallion
Miller (CA)	Rose	Tanner
Miller (OH)	Rostenkowski	Tauke
Miller (WA)	Roth	Tauzin
Mineta	Roukema	Thomas (CA)
Moakley	Rowland (GA)	Thomas (GA)
Molinari	Roybal	Thomas (WY)
Mollohan	Russo	Torres
Montgomery	Sabo	Torricelli
Moody	Saiki	Towns
Moorhead	Sangmeister	Trafigant
Morella	Sarpalius	Udall
Morrison (WA)	Savage	Unsoeld
Mrazek	Sawyer	Upton
Murphy	Saxton	Valentine
Murtha	Schaefer	Vander Jagt
Myers	Scheuer	Vento
Nagle	Schiff	Visclosky
Natcher	Schneider	Volkmer
Neal (MA)	Schroeder	Vucanovich
Neal (NC)	Schuette	Walker
Nelson	Schulze	Walsh
Nielson	Schumer	Watkins
Nowak	Sensenbrenner	Waxman
Oakar	Sharp	Weber
Oberstar	Shaw	Weiss
Obey	Shays	Weldon
Olin	Shumway	Wheat
Ortiz	Shuster	Whittaker
Owens (NY)	Sikorski	Whitten
Owens (UT)	Sisisky	Williams
Oxley	Skaggs	Wilson
Packard	Skeen	Wise
Pallone	Skelton	Wolf
Panetta	Slattery	Wolpe
Parker	Slaughter (NY)	Wyden
Parris	Slaughter (VA)	Yates
Pashayan	Smith (FL)	Yatron
Patterson	Smith (IA)	Young (AK)
Paxon	Smith (MS)	Young (FL)
Payne (NJ)	Smith (NE)	
Payne (VA)	Smith (NJ)	

NOT VOTING—19

Anthony	Kolter	Rowland (CT)
Collins	Leath (TX)	Spratt
Cooper	Lukens, Donald	Traxler
Courter	Mavroules	Walgren
Gejdenson	Morrison (CT)	Wylie
Hyde	Ravenel	
Kiecicka	Ridge	

□ 1143

Mr. DIXON changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE REPORT ON FOREIGN OPERATIONS APPROPRIATIONS BILL, FISCAL YEAR 1990

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on a bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1990, and for other purposes.

Mr. McDADE reserved all points of order on the bill.

The SPEAKER pro tempore (Mr. TORRES). Is there objection to the request of the gentleman from Mississippi?

There was no objection.

FEDERAL FACILITIES COMPLIANCE ACT OF 1989

The SPEAKER pro tempore. Pursuant to House Resolution 202 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1056.

□ 1145

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1056) to amend the Solid Waste Disposal Act to clarify provisions concerning the application of certain requirements and sanctions to Federal facilities, with Mr. SMITH of Florida in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

The gentleman from Ohio [Mr. THOMAS A. LUKEN] will be recognized for 30 minutes, and the gentleman from Kansas [Mr. WHITTAKER] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Ohio [Mr. THOMAS A. LUKEN].

Mr. THOMAS A. LUKEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the legislation before us today, H.R. 1056, is the Federal Facilities Compliance Act of 1989, a bill which comes from the Committee on Energy and Commerce by a vote of 38 to 5 and is endorsed by a whole host of organizations and individuals including, individually, every State Attorney General in this country.

I want to thank the gentleman from Kansas [Mr. WHITTAKER] for working on bringing the bill to this point. I also want to recognize the gentleman from Ohio [Mr. ECKART] who is the author of the legislation and principal sponsor. I also want to recognize the contribution of the gentleman from Colo-

rado [Mr. SCHAEFER] for his efforts on this legislation.

Mr. Chairman, H.R. 1056 addresses a long-standing problem—the lack of enforcement of the Nation's hazardous waste laws at federally owned facilities. The bill does two things: First, it clarifies the existing waiver of sovereign immunity in Section 6001 of the Resource Conservation and Recovery Act [RCRA] to make it absolutely clear that States have the right to enforce the hazardous waste laws against Federal facilities. Second, the bill restores to the Environmental Protection Agency the right to use administrative orders to resolve regulatory violations at Federal facilities.

The need for this bill is clear and immediate. Throughout the country, facilities owned by the Departments of Energy, Defense, and others generate millions of tons of hazardous waste each year, much of it mixed with radioactive materials. Many of these facilities have exceptionally poor environmental track records.

President Bush acknowledged the serious environmental compliance problems at Federal facilities when he stated in a speech just 1 year ago:

Unfortunately, some of the worst offenders are our own Federal facilities. As President, I will insist that in the future Federal agencies meet or exceed environmental standards. The government should live within the laws it imposes on others.

In the same speech, Mr. Bush said the environmental laws should be vigorously and uniformly enforced.

Mr. Chairman, H.R. 1056 would accomplish just that.

The importance of this bill cannot be overestimated. Federal facilities are, as President Bush stated, among the worst offenders of the hazardous waste laws. The Subcommittee on Transportation and Hazardous Materials, which I chair, has exposed decades of wanton pollution at facilities such as the Fernald plant in Ohio and Hanford in Washington.

The seriousness of this problem was graphically illustrated again just a few weeks ago when 70 FBI agents raided the Department of Energy's nuclear weapons plant at Rocky Flats, CO. The crimes being investigated at Rocky Flats include the midnight dumping of hazardous waste and mixed hazardous and nuclear waste, and the secret incineration of hazardous and mixed waste. In addition the FBI indicated in their affidavit that the Department of Energy had deliberately mixed waste for the purpose of removing it from coverage from enforcement under RCRA.

Ironically, despite the extensive pollution at Rocky Flats, the State is unable to enforce the hazardous waste laws at the plant. Their hands are tied because the Department of Energy, aided and abetted by the Justice Department, has managed to prevent en-

forcement of RCRA by EPA and the States against Federal polluters. The bill we are considering today is designed to rectify this and accomplish one simple purpose: To implement the original intent of Congress when it enacted RCRA.

Specifically, when Congress enacted RCRA back in 1976, we mandated that Federal agencies comply with Federal, State, and local requirements, including any provisions for injunctive relief and enforcement sanctions which might be imposed by the courts. The law also specifies that Federal agencies are subject to and must comply with these requirements in the same manner and to the same extent, as any person.

However, Federal polluters have successfully argued in some courts that RCRA did not clearly and unambiguously waive the sovereign immunity of the United States for enforcement of the hazardous waste laws. Thus, in the world according to the Department of Energy, private companies and municipalities may face legal and financial consequences for polluting, while Federal facilities pay nothing more than lip service to environmental protection.

H.R. 1056 would clarify RCRA to ensure that it is applied to Federal agencies, just as are all the other major environmental laws. This is not a radical idea. The Clean Air Act and the Safe Drinking Water Act both contain provisions which DOE and DOD oppose adding to RCRA. And the Medical Waste Tracking Act of 1988, reported by our subcommittee and enacted last year, contains the same provision. Federal facilities must comply with those laws—why should they be exempt from the hazardous waste laws?

Mr. Chairman, this bill enjoys very broad support. The Administrator of the Environmental Protection Agency, Mr. William K. Reilly, has endorsed the bill, and in a letter to OMB Director Richard Darman, recommended that the administration support the bill also.

In addition, the bill has been endorsed by all 50 State attorneys general; by the National League of Cities; the National Conference of State Legislatures; all of the major environmental groups; and by all the major labor unions.

On June 20, 1989, the Energy and Commerce Committee approved the bill in a vote of 38-5. This strong approval, and the EPA's endorsement, came after our subcommittee adopted an amendment in the nature of a substitute offered by our colleague, the gentleman from Colorado, DAN SCHAEFER, which addressed all three of EPA's concerns.

As a result of the Schaefer amendment, the bill now expressly provides

that Federal employees cannot be held personally liable for RCRA violations. However, it retains the current law which allows prosecution of Federal employees for criminal violations. At the same time, the bill has been clarified to provide that States cannot bring a criminal action against a Federal agency. Finally, the bill has also been clarified to make it absolutely clear that EPA may still use dispute resolution procedures in dealing with Federal polluters and that Federal agencies have the opportunity to confer with the EPA Administrator before any administrative order becomes final.

Mr. Chairman, at this time I would like to commend Mr. ECKART for his intro-drafting and active support of this legislation, and the ranking minority member, Mr. WHITTAKER, and the gentleman from Colorado [Mr. SCHAEFER], whose amendment in our subcommittee markup greatly strengthened the bill and in my opinion made necessary improvements in it.

Mr. Chairman, H.R. 1056 is an important bill and it enjoys very broad support. I urge the House to act favorably on the bill.

□ 1150

Mr. Chairman, I reserve the balance of my time.

Mr. WHITTAKER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to H.R. 1056 in its present form. I do wish to make clear that I support the principle that Federal facilities must comply with environmental laws. I support substantial portions of this bill. But the bill in its entirety remains flawed, and until those flaws are remedied I cannot support it. Nevertheless, I commend the chairman of the subcommittee, Mr. LUKEN, and my colleagues, especially the gentleman from Colorado [Mr. SCHAEFER], for their efforts in attempting to compromise. I am sorry that we could not reach agreement.

I consider this bill to be important legislation. It ought to complement the environmental legislation reported by the Energy and Commerce Committee earlier this year, H.R. 765. I was pleased to join with my colleagues, the distinguished chairman of the committee, Mr. DINGELL, the ranking Republican, Mr. LENT, and the chairman of the subcommittee, Mr. LUKEN, in introducing the DOE cleanup commission bill. I believe that it is important to set up a group of affected parties to consider, and eventually arrive at a consensus regarding the technically complex and politically sensitive issues of environmental cleanup at Federal facilities. Only by including representatives of diverse States and citizens groups, together

with technical experts and Federal agencies, will we be able to arrive at a viable, long-term solution to cleaning up Federal facilities.

But what about preventing future cleanup needs? That should be the function of H.R. 1056. As the author of the legislation has so often said, only by implementing the RCRA "cradle to grave" hazardous waste management requirements will we prevent new cleanup needs. These requirements address the proper storing, treating, and disposing of hazardous waste. It is entirely appropriate to subject Federal facilities to fines and penalties for failing to comply with that RCRA cradle-to-grave system.

Unfortunately, H.R. 1056, in its present form, goes further. It extends the waiver of sovereign immunity to failing to comply with corrective action requirements of RCRA permits. Corrective action means cleanup; and cleanup of Federal facilities means money from Congress. There is no doubt that Congress cannot instantly fund all of the corrective action requirements of Federal facilities. Cleaning up the Department of Energy's defense nuclear facilities alone may require up to \$100 billion and take until the year 2045.

My colleagues and I offered several amendments during committee consideration of this bill. We believed that these amendments would perfect the bill and make clear its purpose to require compliance with the RCRA cradle-to-grave waste management system. Regrettably, the committee did not agree to those amendments. In the absence of those amendments, this bill remains flawed and may have results its advocates never intended.

I am aware how popular this bill is with the States, especially the State regulators and attorneys general. My own State attorney general and Governor have endorsed it. Perhaps if I had the responsibility for only a State, I too would favor the bill. But as Members of Congress, we have responsibilities to the entire Nation. Cleaning up Federal facilities is a national problem that must be addressed by a national solution. This bill gives State regulators the power to redirect cleanup dollars, without any corresponding responsibility to preserve an orderly "worst-first" cleanup scheme. We may find cleanup dollars being directed to States with the most aggressive attorneys general, not to facilities in the greatest need of action. The national interest would be harmed by such a result.

In closing, let me urge my colleagues, before they cast an "easy environmental vote" or before they reflexively vote to please the "folks back home" to think carefully about just what this bill may mean to a national Federal facilities cleanup effort. That effort will be hindered, not helped, by

H.R. 1056 in its present form. I urge my colleagues to vote against H.R. 1056.

Mr. Chairman, I reserve the balance of my time.

Mr. THOMAS A. LUKEN. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. ECKART], the author of the legislation.

Mr. ECKART. Mr. Chairman, today is the day we end the sweetheart deal, a deal that has allowed the Department of Energy and the Department of Defense to grow, as the Secretary of Energy said, "a culture of mismanagement and ineptitude" that has polluted our air, contaminated our ground water, and raised very serious questions about the competency of these two Federal agencies to bring about the best for the health and welfare of the neighbors that live around them.

□ 1200

H.R. 1065 ends the hypocrisy that for too long has held private industry, States, and municipalities to one standard of environmental compliance while at the same time turning a blind eye toward the Federal facilities that generate 20 million tons a year of hazardous and mixed hazardous and radioactive wastes.

Why, we should ask ourselves, do we hold our taxpaying constituents to one environmental standard and at the same time tell taxpayer-funded Federal agencies, "Go ahead and pollute your neighbor's backyard?"

H.R. 1056 ends that hypocrisy. It reasserts what we thought had been the status of the law for so many years in which the Resource Conservation and Recovery Act—RCRA—would be applied uniformly and directly toward Federal facilities and Federal agencies. We end business-as-usual for these two agencies, and we cement firmly that partnership that was so clearly envisioned in the Superfund amendments of 1986 in which we structured both the U.S. EPA and the State EPA's in conjunction with the relevant attorneys general and the Department of Justice to work out compliance schedules for the cleanup of Superfund sites.

Under RCRA, under what we thought had been the law since 1984, we gave to States special authorities to be sure that State standards and community standards would also be part of the operations of these Federal facilities. As my colleague, the gentleman from Ohio [Mr. THOMAS A. LUKEN], has found in his backyard, we have witnessed dozens and dozens of problems. At Fernald, 300,000 pounds of radioactive particles have been routinely emitted into the air, poisoning their neighbor's drinking water.

We did discover other things, too. Some of them had to be discovered by the use of "tiger teams."

We have had Federal agencies employing sophisticated listening devices, radio, infrared sensors, to detect the illegal dumping and disposal of hazardous and radioactive substances into streams and the burning of illegal products in incinerators for which they had no licenses.

We will be told a little later in the day that progress is being made. H.R. 1056 says that States, long recognized as being a meaningful partner, in the Clean Water Act and the Clean Air Act and in the Safe Drinking Water Act and the Superfund Act amendments, can now assert with vigor and reality, in support of the Maine and Ohio Federal court decisions, their role in the cleanup process. Mr. Arlington, in the office of the gentleman from Ohio [Mr. THOMAS A. LUKEN], has been extremely helpful. Mr. Eck in the office of the gentleman from Colorado [Mr. SCHAEFER], has worked to craft amendments for addressing a number of the objections that Federal agencies have raised. The gentleman from Michigan [Mr. DINGELL], with his aide, Mr. Frandsen, has helped keep this legislation on track. My staff, with Ms. Forristall and all the rest of us, has worked hard in order to assure each of our colleagues that H.R. 1056 represents for us an opportunity to assert States' rights that reflect uniformly and equally other important environmental laws across this Nation.

Mr. Chairman, H.R. 1056, with its broad base of popular support, as reflected by the reading of the gentleman from Ohio [Mr. THOMAS A. LUKEN] of a long list of representatives of labor, environmental groups, district attorneys, and chief law enforcement officers, and, yes, even the Western Governors Association, speaks a broad bipartisan philosophical coalition that says the business as usual of polluting our neighbors' countryside in the interest of not meeting our obligations to protect the health and welfare of our Nation's citizens is wrong. On that point, I will now insert in the RECORD a letter from the National Association of Attorneys General, signed by all 50 State attorneys general, Republican and Democrat alike, in support of H.R. 1056:

NATIONAL ASSOCIATION OF
ATTORNEYS GENERAL,
Washington, DC, July 13, 1989.
MEMORANDUM

To: All Members of the House of Representatives.

Re Urging Support for HR 1056.

We, the undersigned, urge you to vote and speak out on behalf of HR 1056, legislation which would clarify the waiver of federal sovereign immunity under the Resource Conservation and Recovery Act, when it comes to a vote in the full House. The National Association of Attorneys General (NAAG), a bipartisan organization comprised of the chief legal officers of the states and jurisdictions, strongly supports this bill. This is a priority issue on our legis-

lative agenda and we express our enthusiastic support for prompt enactment of this legislation. Attached is a copy of the resolution in support of HR 1056, which the Association just adopted at our Summer Meeting.

There has been a split in the courts on the issue of waiver of federal sovereign immunity under RCRA. HR 1056 is needed: 1) to ensure that federal agencies comply with state and federal laws so that they manage their hazardous wastes in a safe manner; 2) to subject federal facilities to the same accountability and substantive enforcement provisions that apply to state agencies, municipalities, and private industries; and 3) to guarantee proper management of federal facilities in the future. We believe that ensuring environmental compliance now will save the taxpayers millions of dollars in potential cleanup costs in the future.

It is indeed an anomaly that our state facilities are subject to penalties imposed by the federal government for non-compliance with federal environmental laws while the reverse does not hold true. We believe that fairness in the implementation of the laws should exist and that states should have the capabilities of imposing penalties upon federal facilities for violations of environmental laws for the same reasons as penalties are imposed by the federal government. Penalties serve as an essential deterrent factor against future violations and also help to obtain compliance with the laws. The threat of a civil penalty is an essential tool in the states enforcement arsenal. EPA has delegated authority for the RCRA program in approximately 45 jurisdictions and HR 1056 would provide a logical and essential enforcement tool to carry out that mission.

Waiver of federal sovereign immunity is not a new concept. Other environmental acts such as the Clean Air Act, the Safe Drinking Water Act, and the Medical Waste Tracking Act of 1988 (Subtitle J) all waive federal sovereign immunity for civil penalties against federal facilities. The states have exercised their authority in these areas in a responsible manner and we believe they will continue to do so under RCRA as well as under other environmental acts as they have in the past. A recent NAAG survey and testimony from EPA officials have confirmed that penalties to date have not been excessive.

It is important to note the following: 1) under the existing environmental statute, Congress has given EPA and the states the major role in establishing cleanup priorities; 2) the existing language of the statute already provides clearcut injunctive authority for states to compel federal facilities or other persons to abide by corrective action schedules; and 3) when the state sues a federal agency to obtain penalties for violations, the federal government routinely removes the case to federal district court; thus a federal district court judge determines the penalty.

A safeguard is already built into Section 6001 of RCRA to address those limited situations where compliance with the hazardous waste laws may raise national security concerns. The President has clear authority to "exempt any solid waste management facility of any department, agency, or instrumentality in the executive branch from compliance with such a requirement if he determines it to be in the paramount interest of the United States to do so."

We are pleased to learn of EPA Administrator Reilly's support for HR 1056 and that

he has proposed to convene a state-federal conference to discuss cleanup priorities. We commend him for this cooperative federalism approach on what has been an adversarial relationship with the federal government regarding federal facilities. It would be far more constructive to spend our limited resources on environmental enforcement and compliance than on time-consuming and expensive litigation with the federal government. A cooperative relationship should be developed; it is then that the state-federal partnership that is essential to resolve these pressing environmental problems can be strengthened.

HR 1056 will help restore the public's confidence in government's ability to address the major environmental problems that have developed in connection with federal facilities, such as the Department of Energy's Rocky Flats plant. We would appreciate your vote in support of HR 1056, which will help us more effectively address the very serious environmental problems that we are encountering in our states.

Sincerely,

Tom Miller, Attorney General of Iowa,
President, NAAG.

Robert Abrams, Attorney General of
New York, Immediate Past President,
NAAG.

Mary Sue Terry, Attorney General of
Virginia, President-Elect, NAAG.

Jeffrey Amestoy, Attorney General of
Vermont, Chair, NAAG Environment
Committee.

Jim Jones, Attorney General of Idaho,
Chair, NAAG Environment Legislative
Subcommittee.

Don Siegelman, Attorney General of
Alabama.

Douglas B. Baily, Attorney General of
Alaska.

Robert K. Corbin, Attorney General of
Arizona.

Steve Clark, Attorney General of Arkan-
sas.

John K. Van de Kamp, Attorney General
of California.

Duane Woodard, Attorney General of
Colorado.

Clarine Nardi Riddle, Attorney General
of Connecticut.

Charles M. Oberly III, Attorney General
of Delaware.

Robert A. Butterworth, Attorney General
of Florida.

Michael J. Bowers, Attorney General of
Georgia.

Warren Price III, Attorney General of
Hawaii.

Neil F. Hartigan, Attorney General of Il-
linois.

Linley E. Pearson, Attorney General of
Indiana.

Robert T. Stephan, Attorney General of
Kansas.

Frederic J. Cowan, Attorney General of
Kentucky.

William J. Guste, Jr., Attorney General
of Louisiana.

James E. Tierney, Attorney General of
Maine.

J. Joseph Curran, Jr., Attorney General
of Maryland.

James M. Shannon, Attorney General of
Massachusetts.

Frank J. Kelley, Attorney General of
Michigan.

Hubert H. Humphrey III, Attorney Gen-
eral of Minnesota.

Mike Moore, Attorney General of Mis-
sissippi.

William L. Webster, Attorney General of Missouri.
 Marc Racicot, Attorney General of Montana.
 Robert M. Spire, Attorney General of Nebraska.
 Brian McKay, Attorney General of Nevada.
 John P. Arnold, Attorney General of New Hampshire.
 Peter N. Perretti, Jr., Attorney General of New Jersey.
 Hal Stratton, Attorney General of New Mexico.
 Lacy H. Thornburg, Attorney General of North Carolina.
 Nicholas Spaeth, Attorney General of North Dakota.
 Anthony J. Celebrezze, Jr., Attorney General of Ohio.
 Robert H. Henry, Attorney General of Oklahoma.
 Dave Frohnmayer, Attorney General of Oregon.
 Ernest D. Preate, Jr., Attorney General of Pennsylvania.
 James E. O'Neill, Attorney General of Rhode Island.
 T. Travis Medlock, Attorney General of South Carolina.
 Rogert A. Tellinghuisen, Attorney General of South Dakota.
 Charles W. Burson, Attorney General of Tennessee.
 Jim Mattox, Attorney General of Texas.
 Paul Van Dam, Attorney General of Utah.
 Kenneth O. Eikenberry, Attorney General of Washington.
 Charles G. Brown, Attorney General of West Virginia.
 Don Hanaway, Attorney General of Wisconsin.
 Joseph B. Meyer, Attorney General of Wyoming.

RESOLUTION OF NATIONAL ASSOCIATION OF ATTORNEYS GENERAL

(Resolution urging the Congress to clarify the waiver of Federal sovereign immunity under the Resource Conservation and Recovery Act)

Whereas, a significant number of the most dangerous hazardous waste disposal sites in the United States that pose a significant threat to public health and the environment are located at federal facilities; and

Whereas, federal facilities are among the worst violators of federal and state solid and hazardous waste laws; and

Whereas, Executive Order 12088 requires all federal agencies to comply with all applicable pollution control standards; and

Whereas, the states have experienced significant problems in bringing federal facilities into compliance with federal and state solid and hazardous waste laws because the federal facilities refuse to acknowledge state regulatory authority over their facilities; and

Whereas, disputes over state enforcement authority at federal facilities has caused costly, time-consuming and acrimonious litigation between the states and the federal agencies; and

Whereas, the U.S. Environmental Protection Agency's and the states' lack of clear enforcement authority has eroded the public confidence in the federal government's willingness and ability to address the serious solid and hazardous waste management problems at federal facilities; and

Whereas, the states' role in enforcing federal and state solid and hazardous waste

laws against recalcitrant federal agencies has become more important because of the U.S. Department of Justice contention that the Constitution prohibits EPA from enforcing solid and hazardous waste laws at federal facilities and from imposing sanctions at federal agencies; and

Whereas, federal agencies must be subject to the same sanctions as private industry, states, and local governments for violations of federal and state solid and hazardous waste laws to deter violations of and ensure compliance with these laws; and

Whereas, the Congress is considering HR 1056 and S 1140, which would clarify the federal sovereign immunity waiver under the Resource Conservation and Recovery Act;

Now, therefore, be it resolved that the National Association of Attorneys General:

(1) supports HR 1056 and S 1140, legislation which would a) provide states with comprehensive enforcement authority for hazardous waste programs; b) subject federal facilities to the same accountability, procedural, and substantive enforcement provisions that apply to state and local governments and private industry; and c) enhance proper waste management practices at federal facilities in the future by ensuring that federal agencies comply with federal and state solid and hazardous waste laws; and

(2) authorizes the Executive Director and General Counsel to transmit this resolution to the President and EPA Administrator William Reilly and appropriate members of his staff; Secretary Cheney of the Department of Defense; to Admiral Watkins of the Department of Energy; Congress; and to other interested associations.

Mr. Chairman, the passage of H.R. 1056 ends business as usual, and I urge its adoption.

Mr. WHITTAKER. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. LENT], the ranking member of the Committee on Energy and Commerce.

Mr. LENT. Mr. Chairman, I thank the gentleman for yielding time to me, and I rise in opposition to H.R. 1056 in its present form.

I share the view of my colleagues that Federal facilities should comply with environmental laws and regulations. We have no right to demand that private companies do what the Federal Government is unwilling to do. I agree with the advocates of this legislation that Federal facilities should be held accountable for environmental violations, especially when those violations result from carelessness or neglect. For that reason, I support the portions of the bill that waive sovereign immunity for violations of the RCRA "cradle-to-grave" system of waste management. I also support the portion of the bill that gives the EPA Administrator the power to issue administrative orders to other departments of the Federal Government. But I disagree with my colleague, the gentleman from Ohio [Mr. ECKART], that the way to get a grip on careless Federal facilities is to abdicate our responsibilities to the 50 State attorneys general.

There are substantial differences between Government operations and private operations that may require adjusting how compliance is enforced, and those differences lead me to oppose this bill in its present form.

Environmental compliance, especially cleanup, is often a matter of spending large amounts of money, maybe as much as \$100 billion, on DOE sites and maybe another \$35 billion on Department of Defense sites over a lengthy number of years. Spending for cleanup of these Federal installations must be allocated by us in the Congress according to a rational system of "worst-first" priorities. It must also be done in a balanced way, balanced against other needs such as military preparedness. Such a balance is best addressed through the budget and appropriations process in Congress. This bill contains language which gives the ability to levy substantial fines and assess penalties to State attorneys general or to State regulatory officials. These officials will be able under the legislation we have before us to upset and to redirect the allocation of Federal cleanup resources by imposing or threatening to impose these fines and penalties. Yet none of these State regulators have any responsibility for cleaning up facilities in other States, nor for supporting the mission that these various facilities may have.

As the Wall Street Journal said in today's editorial, this bill "would waive the federal sovereign-immunity clause, under the Solid Waste Disposal Act, thereby inviting every legal yahoo and politician in the country to sue the Defense Department for not instantly cleaning up waste sites." And I could add: The Department of Energy sites, as well.

I know that some of my colleagues believe that I am exaggerating the risk or somehow accusing regulators of being unpatriotic. Nothing could be further from the truth. I have no doubt that State attorneys general are all patriotic Americans, but the need to balance competing cleanup priorities or to balance cleanup with military preparedness is simply not their job. It is our job. They have no accountability for cleanups in other States, nor for military preparedness, nor should they. That is our job.

Accountability, then, should lie with elected Federal officials, with the Congress and with the President. If elected Federal officials fail to appropriate the money to meet environmental goals and maintain military preparedness, they should be held accountable by the voters. So, therefore, in its present form, H.R. 1056 "fuzzes up" that accountability, and I oppose it for that reason.

□ 1210

Now later at the appropriate time an amendment will be offered by the gentleman from Georgia [Mr. RAY] which, if passed, will correct this problem.

Mr. Chairman, I urge that we all support the amendment of the gentleman from Georgia [Mr. RAY] which will later be offered, and in that case, should it pass, this bill will become acceptable.

Mr. THOMAS A. LUKEN. Mr. Chairman, I yield 4 minutes to the gentleman from Colorado [Mr. SCHAEFER].

Mr. SCHAEFER. Mr. Chairman, I rise in strong support of H.R. 1056, and I would like to commend its sponsor, the gentleman from Ohio [Mr. ECKART], as well as the chairman of the full committee, the gentleman from Michigan [Mr. DINGELL] and the subcommittee chairman, the gentleman from Ohio [Mr. THOMAS A. LUKEN] for their leadership in this important issue, and as well as many of my Republican Members who voted for the final version of this bill coming out of committee. I also commend the gentleman from Kansas [Mr. WHITTAKER] for his input into this, and I certainly do understand some of the concerns that he may have on it, but I, as an individual from a State that has looked at it firsthand due to the Rocky Flats incident, as the gentleman from Ohio [Mr. THOMAS A. LUKEN] pointed out, as well as the gentleman from Ohio [Mr. ECKART], I take a little bit different view of this, and I view H.R. 1056 not only for what its passage may prevent, but for what its absence may have caused.

Mr. Chairman, I am referring, of course, to the Rocky Flats incident where some 70 agents came in and found at this point in time some cause for serious violations, and, regardless of the findings of this particular search, its effects on the surrounding communities are going to be long felt. Many nearby residents of Rocky Flats, located within 16 miles of downtown Denver, now question the quality of their drinking water. Home owners express concern about declining real estate values, and trust in the Federal Government has drastically diminished, as well it should.

Mr. Chairman, for years we have been told that the government agencies are somehow above the scope of our environmental statutes, that in no way should they be subject to the State requirements at State agencies, municipalities, or the private sector. After all, setting a good example was good enough for Federal facilities to comply. The facts tell us differently.

Yet when it is suggested that States be permitted to levy fines and penalties against Federal facilities for environmental violations, the agencies' refusal is as astounding as it is hypocritical.

States, they argue, cannot be trusted to act in a responsible manner. They will use this authority to drain agency budgets, reorder priorities, and leave military bases unable to perform their national security missions. Rather environmental safety would be better left in the hands of the weapons producers. Their concerns have no basis in fact.

Mr. Chairman, in cases where the waiver of sovereign immunity is explicit under the Clean Air and Clean Water Acts, States have not levied excessive fines, nor have they levied excessive penalties. There is no reason to expect the authority under RCRA would prove to be any different.

Mr. Chairman, H.R. 1056 is not a partisan issue. The substitute amendment I offered at subcommittee passed the Committee on Energy and Commerce 38 to 5 with the majority of Republicans' support. Endorsements of the measure range from the Environmental Protection Agency, to the Western Governors Association, to the Sierra Club, to the AFL-CIO. It is clearly an idea whose time has not only come, but is long overdue.

Mr. Chairman, the gentleman from Ohio [Mr. THOMAS A. LUKEN] kindly pointed out the portions of my substitute that are now incorporated in the bill, and I would like to close with a quote from a high-ranking DOE official who stated soon after the Rocky Flats incident:

We've got to come into compliance. . . . We've got to change the mental attitude, the culture of the people who work for Rockwell and work for DOE that things have changed. It's got to be more than a speech, it's got to be more than a memorandum, it's got to be more than a toughly worded letter.

Deputy Secretary of Energy Moore:

I couldn't have said it better. It's got to be H.R. 1056.

Mr. Chairman, if my colleagues wish to support the States' right issue, 1056 is that issue. I urge my colleagues to join me in supporting this bill, this legislation, and I ask them to oppose all weakening amendments.

Mr. Chairman, I thank the gentleman from Ohio [Mr. THOMAS A. LUKEN] for yielding.

Mr. WHITTAKER. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina [Mr. McMILLAN].

Mr. McMILLAN of North Carolina. Mr. Chairman, I rise in support of the desperate need for Federal compliance with RCRA, but I am not for giving up our responsibility to the State's attorney general. I firmly believe that we should hold Federal facilities responsible for compliance with RCRA statutes and be prepared to fund the consequences. Congress and the Executive should live within the laws it imposes on others, but, by waiving sovereign immunity, this bill will in effect allow States to levy fines against Federal fa-

cilities to encourage RCRA compliance and cleanup. Therein lies the possibility of States raiding the Federal Treasury through litigation. While it is generally agreed that States have not abused this tool under the Clean Air and Clean Water Acts where sovereign immunity has been waived, that is no assurance for the future under this act.

However, Mr. Chairman, I feel that H.R. 1056 does not adequately address the expectant cleanup problem. Hypothetically the most aggressive State regulators and attorneys general could use the fines and orders of courts to direct money and action to their States even though those facilities may not be as environmentally threatening as facilities in other States. This could allow the States to dictate Federal budgetary priorities without any consideration of worse-site, first cleanup priorities which should be set at the national level by this Congress. Congress should set the priorities according to the environmental risks we face, not through rewarding the more successful litigators.

I introduced an amendment in the subcommittee which would have eliminated the waiver of sovereign immunity solely to noncompliance, not cleanup. Although this was defeated in subcommittee, I would hope that the full House would recognize that we cannot allow the Federal budget and cleanup priorities to be held hostage to the most aggressive State litigators.

Mr. Chairman, I urge my colleagues to support the amendment of the gentleman from Georgia [Mr. RAY] to make this bill acceptable.

Mr. THOMAS A. LUKEN. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. BLILEY].

Mr. BLILEY. Mr. Chairman, I rise in strong support of H.R. 1056, the Federal Facilities Compliance Act. Each year, Federal facilities generate millions of tons of hazardous waste. I find it unconscionable that some of the most horrifying stories of noncompliance with our hazardous waste laws deal with Federal facilities. This bill correctly recognizes the fact that this Nation's ground water cannot tell the difference between Federal pollution and the rest of the country's pollution.

H.R. 1056 clarifies the existing waiver of sovereign immunity in section 6001 of the Resource Conservation and Recovery Act [RCRA] to provide that Federal facilities are subject to the same enforcement sanctions, including civil penalties, that apply to State and local governments and private companies. It also restores the environmental protection agency's ability to use administrative orders to resolve regulatory violations at Federal facilities. For too long, Federal facilities have been like the coach's son—not forced to do the drills like the rest

of the team. Well, this bill puts an end to favoritism. It tells the Federal facilities: "Practice what you preach."

This is not a radical concept. Congress has clearly waived sovereign immunity under the Clean Air Act, the Safe Drinking Water Act, and the Medical Waste Tracking Act. Under these laws States have shown reasonable, responsible behavior. I expect no different under this legislation. Of course, the best way of preventing any problems would be for the Federal facilities to be in compliance with the laws from the start.

This bill is a much needed tool to work for enforcement of our hazardous waste laws. I urge my colleagues to vote for fair play and a healthy environment. I urge their support of H.R. 1056.

Mr. WHITTAKER. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. RAY].

□ 1220

Mr. RAY. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, this legislation, H.R. 1056, which addresses environmental concerns on Federal facilities is well intentioned, except for the fact that it gravely endangers plans, programs and funding already under way to restore environmental problems on defense bases.

My chief concern and the concerns of those who support a scheduled planned environmental restoration program and a ready and capable defense deterrent is that H.R. 1056 seeks to allow designated local and State regulators an entrance into the restoration funds and, when those are depleted, other overhead funds such as the personnel and pay roll accounts.

H.R. 1056 allows fines and penalties to reach to the levels of \$25,000 per day, which can run into millions of dollars.

Previously these funds have been protected by sovereign immunity, which will be waived under H.R. 1056.

Let me explain about the defense environmental restoration account which we call the DERA account.

The funds are set aside specifically for environmental restoration.

The Defense Department requested \$500 million for 1989 and \$517 million for 1990.

The House Armed Services Committee increased the request by \$83 to \$600 million.

The best estimates are that we must fund DERA to \$1 billion per year, and this is the committee goal for 1991.

The estimated cost to correct 40 years of environmental problems, some going back before World War II, is at least \$20 billion.

This funding program is the minimum needed to correct these problems and H.R. 1056 will take up a large amount of the restoration funding just

to pay fees, fines, and penalties to State agencies or designated local regulators.

Our current estimated timetable to bring DOD environmental problems up to satisfactory standards is 20 to 25 years at a cost of \$20 billion, estimated.

However with the interference of H.R. 1056, the cost could increase dramatically, the timetable could stretch out.

Through the oversight of the House Armed Services Committee a great amount of progress has been made over the last 4 years.

DOD is not being dragged kicking and screaming to face up to their environmental task.

DOD has defined 8,139 potentially hazardous sites on 897 military installations; 7,711 of these sites have had preliminary assessments and 1,485 have had remedial investigations.

In short, DOD is committed, plans are made and in place.

Thirty-six sites are on the national priority list [NPL] agreed to by EPA and DOD. It's those which have the worst problems.

Rocky Mountain arsenal is one—it is the worst, and restoration work is underway.

Forty-two more sites are in line for early approval to be placed on the NPL list.

H.R. 1056 would attempt to force a rapid acceleration which we all would desire, except that fuel for such an acceleration is taxpayers' dollars. H.R. 1056 would siphon these off to fatten the treasuries of State governments and local agencies, thereby delaying the goals of DOD and all interested parties.

An example of what can happen is a \$15 billion shortage of O&M funds in the Air Force budget for fiscal year 1988. As a result 88,000 Air Force civilian employees were faced with a 10-day furlough without pay.

Mr. Chairman, in its present form H.R. 1056 is not in the national interest and I doubt that it is even sound environmental legislation.

I do not come to this position without careful consideration of all sides of this issue.

I fully recognize that there is widespread public dissatisfaction with Federal facility compliance with environmental laws and requirements.

It is evident that DOD has experienced compliance problems however with strong oversight from the House Armed Services Committee and with more dedicated Department of Defense environmental advocates, great progress has been made during the last 4 years.

H.R. 1056 also will allow parochial interest to flourish.

In fact in the last few years there have been increasing attempts by Members of Congress to earmark or

legislatively raid DERA and DOD funds for lower priority cleanups.

We have been fairly successful in funding of these earmarking efforts with arguments that it is imperative that we spend the already scarce funds on the worst sites first. Those which are at the point of endangering health or in some cases already causing environmental problems for adjacent communities.

The pressures for legislative earmarking are building. It is reasonable to assume that Members of Congress in powerful positions, will succumb to constituent pressure without appropriate restrictions which H.R. 1056 removes.

The environmental fallout from base closures and increasing pressure to address asbestos remediation associated with the demolition of old buildings on DOD formerly owned sites will intensify the pressure for earmarking funds.

Frankly, if H.R. 1056 gives the States the means to interfere with and alter DOD cleanup priorities, how are we going to tell Members of Congress that they cannot do the same?

Frankly we cannot do so and the result will just be legislative anarchy and an organizational chaos.

The bottom line is that H.R. 1056 represents the newest extension of a compliance strategy that is inherently irrational and unworkable where DOD is concerned. In its present form, the bill will impair DOD cleanup efforts on a worst-first basis. It will also seriously complicate DOD efforts to deal with compliance requirements on a priority basis. Finally, it makes the regulatory process even less sensitive to cost and mission impacts associated with DOD compliance efforts. This is not a good law. It is not even a good environmental law, and I urge my colleagues not to support it.

Mr. THOMAS A. LUKEN. Mr. Chairman, I yield 2 minutes to the gentleman from Washington [Mr. SWIFT].

Mr. SWIFT. Mr. Chairman, we have a lot of expressions in the English language, things like "do as I say, not as I do." "What is good for the goose is good for the gander." "Practice what you preach."

The English language is filled with sayings and proverbs and cliches that describe in frankly very pejorative terms the game the Federal Government has been playing on environmental law for years. "Do as I say, but don't expect me to do the same."

The harsh word for this kind of action is hypocrisy.

Now, not to be parochial, but because my State offers some extraordinarily good examples of what I am talking about, I would like to just cite them. The Department of Defense is the largest single source of potential ground water contamination in the

State of Washington. Just this March, the Environmental Protection Agency added four areas at Fairchild Air Force Base in eastern Washington to its Superfund National Fund Priorities List of the most serious hazardous waste sites.

The biggest and the most contaminated Federal facility in the State of Washington is the Department of Energy's Hanford Reservation. The State of Washington recently entered into a three-party agreement with the Department of Energy and EPA to bring that facility into compliance with the State's hazardous waste laws and to clean up the facility under CERCLA. However, the specter of sovereign immunity looms large over that agreement and its ability to be enforced. Any enforcement action brought under the agreement cannot be done because the agreement is not a consent decree.

H.R. 1056 would virtually eliminate the possibility of such a jurisdictional defense to an action brought to enforce the Hanford agreement. Thus this bill is absolutely essential to the enforceability of that agreement.

This same pattern is duplicated in State after State after State across this Nation. As the gentleman from Virginia said, this is not anything radical. It simply requires the Federal Government to practice what it preaches. In fact, it is a pretty straightforward application of fairness and common sense, and I urge my colleagues to support the legislation.

Mr. WHITTAKER. Mr. Chairman, I yield 2 minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Chairman, I rise in strong support of H.R. 1056 which the Energy and Commerce Committee approved by an overwhelming 38 to 5 vote. This is important environmental, health, and public safety legislation which deserves as resounding a "yes" vote by the full House.

In my opinion, this bill obviously corrects an outrageous abuse which has resulted from the misguided interpretation of current environmental law. This bill will end once and for all the double standard which allows Federal facilities to avoid enforcement actions under the Resource Conservation and Recovery Act [RCRA].

It seems wholly hypocritical that our main law protecting the public from hazardous solid waste disposal has been interpreted by the Pentagon, the Energy Department, and the courts to apply only to the private sector and local governments while exempting Federal facilities, including nuclear weapons facilities. The disturbing revelations at Rocky Flats in Colorado and those at Picatinny Arsenal in my home State of New Jersey prove the need for strong RCRA compliance and enforcement actions at

Federal facilities throughout the nation.

Mr. Chairman, this bill will simply clarify the intention of Congress, first stated in 1976, that States should be permitted to use the same enforcement tools against Federal Government facilities which are currently used against businesses and local governments. However, some of my colleagues are concerned with the waivers of Federal sovereign immunity in the bill. Let me just remind them that the waiver of sovereign immunity is not a new concept. Other environmental statutes, such as the Clean Air Act, the Safe Drinking Water Act, and the Medical Waste Tracking Act, all waive Federal sovereign immunity for civil penalties against Federal facilities. In addition, section 6001 of RCRA gives the President more than enough authority to exempt a Federal facility from compliance if he determines that to do so is in the national security interest.

Mr. Chairman, this bill is necessary to change the current regulatory climate which has allowed Federal officials to disregard the intent of RCRA.

I know some have spoken about the concerns on Federal sovereign immunity in the bill. I think they are adequately handled. It is not a new concept and it has already been working well in other areas.

In addition, the President has more than enough authority to exempt a Federal facility from compliance if he determines to do so is in the national interest.

But fundamentally and in conclusion, I want to say that this bill deserves support. It is necessary to correct the inequity here. This legislation will surely restore public confidence in congressional efforts to demand a safe environment for communities in the shadow of not only private, but also public hazardous waste facilities.

Mr. THOMAS A. LUKEN. Mr. Chairman, I yield 2 minutes to the gentleman from Kansas [Mr. SLATTERY].

Mr. SLATTERY. Mr. Chairman, on May 16, 1988, President Bush acknowledged the serious environmental compliance problems at Federal facilities when he stated:

Unfortunately, some of the worst offenders are our own Federal facilities. As President, I will insist that in the future Federal agencies meet or exceed environmental standards. The Government should live within the laws it imposes on others.

I agree with the President's position. In Kansas, the Environmental Protection Agency has cited five Department of Defense facilities for serious RCRA violations during the past 4 years.

Many years of careless disposal of hazardous materials at Fort Riley may now threaten drinking water supplies and require an expensive cleanup effort.

The State of Kansas clearly needs the authority to impose civil penalties on Federal facilities that continue to violate laws designed to protect our Nation's environment.

I know that some of my colleagues are concerned about the sovereign immunity issue, and I would just point out that State-assessed penalties are a key part of enforcing compliance with Federal environmental law. Ninety percent of civil lawsuits filed by the Federal Government against State or local government for violation of Federal environmental law include civil penalties. The penalties assessed under RCRA and the Clean Air Act has been reasonable and cannot be construed by any stretch of the imagination as a raid on the Federal Treasury.

In the event this should change, the Congress is certainly in a position to address that.

The legislation before us today merely clarifies that the Federal facilities are subject to the same enforcement sanctions, including civil penalties, that apply to State and local governments and private companies.

This legislation requires the Federal Government to live within the laws it passes, nothing more, nothing less.

I therefore urge my colleagues on both sides of the aisle to support this legislation and oppose the amendments that will be offered here today.

Mr. WHITTAKER. Mr. Chairman, I yield 2 minutes to our colleague, the gentleman from Florida [Mr. HUTTO].

Mr. HUTTO. Mr. Chairman, I rise in opposition of H.R. 1056.

At the outset I want to make it clear that I am not opposed to Department of Defense or Federal facility compliance with the Resource Conservation and Recovery Act. I also fully support the initiatives of the gentleman from Georgia [Mr. RAY] to increase funding for DOD cleanups and to improve management and budgetary efforts to address environmental requirements. I think it is important to point out that DOD environmental cleanup funding has increased by over 35 percent over the past 3 fiscal years. As such, it represents the fastest growing area in the DOD operation and maintenance account which as experienced negative growth over the same period.

As chairman of the Readiness Subcommittee, I have serious reservations about this bill. If there were more concrete national standards or a comprehensive compliance and cleanup strategy, it would be one thing. As things stand today, however, there is little centralized guidance or the the setting of overall priorities. This bill could turn the environmental funding process into every regulatory body for itself and with no certainty that the national interest or environmental

needs will even be considered, let alone addressed.

I am particularly disturbed by this bill's focus on cleanup, not RCRA compliance. Trying to find the means to meet a \$20 billion plus DOD cleanup price tag is going to be hard enough over the next 25 years. Attempting to arbitrarily approach these cleanups in a way that undercuts the worst-first approach is unwise. Hazardous waste cleanups are currently getting the preferential treatment they merit.

I am also concerned about what I believe to be a fundamental misunderstanding of the impact of these unconstrained funding requirements on the defense budget. There appeals to be a belief that offsetting these increased environmental costs will be a snap because we can just take the money from the big ticket weapons programs.

Unfortunately, it does not work that way. If you want immediate outlays, it does not do much good to take money from the B-2 or Midgetman, or SDI because the spendout rates for first year outlays on procurement programs is about 20 percent and about 50 percent for R&D programs. Moreover, you are not going to get a political consensus to cut \$5 in major procurement programs to get \$1 in outlays to apply to environmental programs.

No, if you want fast outlays you have to use operation and maintenance and military personnel funding for offsets. Ever since the Federal budget deficit has become the driving force in the congressional budget process, O&M has been called upon to take up more than its share of cuts. Nobody really wants to cut readiness and quality of life programs, but outlays have become the critical factor in deficit reduction efforts.

As a result, we are now looking at real property and depot maintenance backlogs that would have been unimaginable just a few years ago. For example, in the early 1980's there was a real property maintenance backlog of about \$3 billion. Military personnel and their families were living and working in substandard facilities because DOD did not have the money for maintenance. Today we are looking at a \$7 billion backlog.

Depot maintenance backlogs in the early 1980's were scandalous when they amounted to one-half of a billion dollars. Aircraft could not fly and were being cannibalized, ships could not be fully maintained. Today we are looking at backlogs that are three times as large.

Another thing to remember is that over 25 percent of the O&M budget is devoted to civilian pay and contract personnel costs. You do not have to make very deep cuts before you run into the prospects of large furloughs and layoffs will become inevitable. We are on the slippery slope without any

real prospect that things will get better in the foreseeable future.

Even now we are faced with the immediate prospect of trying to sort out a \$3 or \$4 billion outlay problem in the reconciliation of OMB and CBO budget estimates for the DOD authorization bill. Looking at the O&M impact of trying to come up with those outlays is instructive. First, there would be no civilian cost-of-living increase, accompanied by the firing of over 20,000 civilian employees. Flying hours, steaming days and ground training would be cut by 10 percent—well below minimum readiness standards. Depot maintenance would be cut another 10 percent. Real property maintenance funding would be cut to the point DOD could not even fully address emergency requirements, let alone any backlog reduction. And we would have to roll back the funding increase for DOD cleanups. This is reality in the O&M world.

So you can imagine my alarm when I hear that we are considering legislation that results in virtually unconstrained additional O&M outlay requirements.

And it is not just the money I am concerned about. At Pensacola Naval Air Station we are stripping paint off of aircraft by hand because EPA would not consider a gradual phase out of existing practices. The result in that productivity fell by 40 percent and costs increased by \$1 million a year. I am not saying we should not change certain critical industrial processes, but the cost-and-operation impact should at least be considered.

Likewise, environmental law and regulatory guidance just does not currently consider unique national security requirements like the preservation of a mobilization base and whether certain military capabilities are of paramount national interest. Again, I am not saying that environmental requirements are not important, but that they should be placed within the larger context of national interest.

In conclusion, I want to make it clear that I believe Federal facilities, including military installations, should make hazardous waste cleanup a priority. Although H.R. 1056 has the sound goal of expanding RCRA compliance, this legislation would actually undercut the current worst-first DOD cleanup approach. Therefore, I oppose this bill because it would, in reality, make it more difficult to insure that our Nation's hazardous waste is effectively cleaned up.

□ 1230

Mr. THOMAS A. LUKEN. Mr. Chairman, I yield 3 minutes to the gentleman from Oregon [Mr. WYDEN].

Mr. WYDEN. Mr. Chairman, I rise in support of the legislation.

Mr. Chairman, for too many years Federal facilities have been the lag-

gards and not the leaders on environmental policy.

The message today is simple, and that is that there should be no more kid glove treatment for Federal facilities. The environmental scofflaw policies of the past have caused uncounted headaches for the States. We need State enforcement authority. When the 50 State attorneys general agree on something, we know the problems the States are facing are prevalent and real.

There is ample precedent for giving the States this power. We have had full State enforcement authority under the clean air and clean water acts, and I think we will find that although our Federal facilities have problems, the air and water problems are not as serious or as prevalent as the hazardous-waste problems we deal with in this bill.

State enforcement does work. It has a proven track record. And that record shows that the States will not impose irrational punishments on Federal facilities.

States prefer to talk softly but carry a big stick. So long as the Federal Government tries in good faith to clean up its sites, I am confident the States will proceed responsibly, and will do more talking than stick-swinging.

The last point that I would mention is that this is a particularly important issue for the Pacific Northwest. My district is downstream from Hanford, which has serious ground water problems. That ground water flows into the Columbia River, which is the lifeblood of our area.

The gentleman from Washington [Mr. SWIFT] touched on the importance of this bill for the Northwest. It is tremendously important, but it is also vital legislation for the country.

Mr. Chairman, I commend the sponsor, the gentleman from Ohio [Mr. ECKART], the chairman of the subcommittee, the gentleman from Ohio [Mr. THOMAS A. LUKEN], and the full committee chairman, the gentleman from Michigan [Mr. DINGELL].

Mr. WHITTAKER. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado [Mr. BROWN].

Mr. BROWN of Colorado. Mr. Chairman, I rise in strong support of H.R. 1056.

Mr. Chairman, "Do as I say, not as I do" is an old political adage. The Federal Government follows that adage in spades when it comes to the environment.

Some have risen in this debate saying the Federal Treasury should not be held hostage by State attorneys general, and that raises concern. But that argument simply ignores the facts of what is taking place.

Federal facilities in this Nation have disregarded our environmental laws and endangered their neighbors. This

situation is not going to end until this Congress says the Federal Government has to live by the same rules as everybody else. Allowing Federal facilities to be exempt from environmental laws may sound good to some, but I guarantee that it does not sound good to the neighbors of these facilities.

In my congressional district is a facility called the Rocky Mountain Arsenal. A few years ago, chemicals from the Rocky Mountain Arsenal polluted, and some say poisoned, the drinking water of the adjacent community. We came to the Defense Department to get help in filtering that drinking water that was endangering the health of the neighbors. Does anyone know what the Defense Department said initially? "We do not want to pay a penny to help filter the drinking water of our neighbors."

I hope anybody in this House who wants to defend that kind of callous attitude that endangers the health and safety of the drinking water of neighbors of Federal facilities will stand up. I want to hear someone tell me how they justify endangering the water of their neighbors and then refusing to come up with the funds to correct it.

The truth is that nobody can justify it, and the laws that exempt Federal facilities from the ordinary responsibilities we demand of everybody else are just plain wrong.

Eventually, the Defense Department helped pay for filtering the drinking water of its neighbors in Colorado, but it was a long, tough fight. That is why this bill is needed to make the Federal Government act responsibly.

Mr. Chairman, environmental problems at our Nation's Federal facilities represent some of the most flagrant violations of our environmental statutes.

In Colorado we have witnessed, in addition to the situation at the Rocky Mountain Arsenal, a myriad of problems at the Department of Energy's Rocky Flats nuclear weapons facility. By failing to comply with these environmental laws, we endanger the neighbors who have a right to expect the Federal Government will follow its own statutes.

I believe the Federal Government, like all other entities, must be held accountable. Our States have the ability to protect the health and safety of their citizens and the quality of the environment, and they ought to.

H.R. 1056 is a step forward in requiring Federal facilities to comply with the same environmental laws with which everyone else must comply. This House ought to enact it not just because it is good law but because it follows the good neighbor policy this Nation should be concerned about.

Mr. THOMAS A. LUKEN. Mr. Chairman, I yield 1 minute to the gentleman from Oklahoma [Mr. SYNAR].

Mr. SYNAR. Mr. Chairman, my colleagues, why are we here today? We are here for three reasons: First of all, our failure over the decades to deal with the problem that all of us know has been there, which is the unequal application of the environmental laws of our country, one standard for business, one standard for our Federal facilities. Second, once we recognized our failure, we did not set it as a priority to clean up these sites, and, finally, it is that because of the failure of our own Federal Government to enforce against its own agencies to make sure that our citizens would not be jeopardized in their health and safety.

Mr. Chairman, that is why we need H.R. 1056. That is why we should demand that it pass today. It is not only good law. It is long overdue.

Mr. THOMAS A. LUKEN. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. BATES].

Mr. BATES. Mr. Chairman, I rise in support of H.R. 1056, the Federal facility compliance with RCRA. I commend the gentleman from Ohio [Mr. ECKART] for his work in drafting this legislation that will ensure greater compliance by Federal facilities with requirements of the Resource Conservation and Recovery Act for management, treatment, storage, and disposal of hazardous and solid wastes.

The need for this legislation in California is urgent. In San Diego County, the Department of the Navy is the largest single generator of hazardous waste, accounting for 23 percent of the 93,000 tons produced annually. There are at least 15 sites where the Navy has disposed solvents, oils, various chemicals, pesticides, and explosives.

A recent study of five sites on an amphibious base in Coronado concluded that "the potential for off-site migration of wastes via tidal interaction with contaminants is considered high." The contaminants include thousands of gallons of waste lubricating oils, paints, thinners, and solvents.

The Federal Government should comply with the same laws that private industry must obey. We owe it to the public and the environment to pass this vitally important legislation.

Mr. WHITTAKER. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. BILIRAKIS].

Mr. BILIRAKIS. Mr. Chairman, I rise in support of the Federal Facilities Compliance Act and urge my colleagues to support this important measure.

The Federal Facilities Compliance Act will assure greater compliance by Federal facilities with the Resource Conservation and Recovery Act, known as RCRA. As you know, RCRA regulates the management, treatment, storage, and disposal of hazardous waste. The Department of Defense and the Department of Energy facilities together generate approximately

20 million tons of hazardous or mixed hazardous and radioactive waste annually.

H.R. 1056 will accomplish two goals. First, it will clarify that States have the authority to assess civil fines and penalties against Federal facilities which do not comply with RCRA requirements. Until this time, States have been divided with regard to the authority to levy fines and penalties against Federal facilities. The State courts in California, Washington, and North Carolina and the Department of Justice state that Congress did not clearly and unambiguously waive sovereign immunity of the United States with respect to civil penalties.

Other State courts in Ohio and Maine have resolved this differently and have in fact found that RCRA clearly permits the recovery of civil penalties. H.R. 1056 will remove any ambiguity and permit States to assess fines and penalties against Federal facilities just as municipalities, individuals, and private facilities are subject to.

In addition, this bill explicitly grants the Environmental Protection Agency [EPA] the authority to bring administrative enforcement actions against Federal facilities. The EPA uses administrative actions for enforcement of hazardous waste regulations. H.R. 1056 would define "person" under RCRA to include each department, agency, and instrumentality of the United States. RCRA will now parallel the Clean Air Act, the Safe Drinking Act, the Comprehensive Environmental Response, Compensation, and Liability Act which we refer to as "Superfund," the Toxic Substances Control Act, and the Marine Protection, Research, and Sanctuaries Act all of which treat Federal agencies as "persons."

During further consideration of H.R. 1056, I plan to offer an amendment which has been agreed to by the majority. This amendment requires that States use strictly for environmental restoration projects any fines collected for violations of the Resource Conservation and Recovery Act [RCRA] by a Federal facility. Instead of these Federal taxpayers' dollars going into the State's general treasury to be spent in any manner, as is the current law, I believe these moneys should be returned to the environment.

In closing, Mr. Chairman, I wish to state that this bill, although not perfect, will eliminate the current dual standard and instead simply subject Federal facilities to the same substantive and procedural RCRA requirements as State and local governments and private companies are subject to.

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Mr. THOMAS A. LUKEN. Mr. Chairman, I yield 1 minute to the gen-

tleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Chairman, the environmental problems at our Federal facilities are unprecedented. Day after day we read about environmental contamination throughout our Federal complex. The Department of Justice launched a criminal investigation into possible environmental violations at the Rocky Flats nuclear weapons plant. Most recently, Energy Secretary Watkins stated that "the underlying operating philosophy and culture of DOE was that adequate production of defense nuclear materials and a healthy, safe environment were not compatible objectives."

It is time that the Federal Government is held fully accountable for environmental violations just as private industry and municipalities are. In 1976 Congress enacted section 6001 of the Resource Conservation and Recovery Act [RCRA] with the intent of holding Federal facilities subject to the same requirements as private industry, State agencies, and municipalities. Some State courts, however, in cases involving civil penalties against Federal facilities, have ruled that Congress did not clearly waive the sovereign immunity of the United States with respect to civil penalties.

H.R. 1056 would make it clear that Federal facilities are subject to requirements of Federal, State, and local government under the Resource Conservation and Recovery Act, including administrative orders and civil and criminal penalties. This bill is extremely important to the States and their ability to assess penalties against Federal facilities for environmental violations. I urge my colleagues to support this legislation.

NATIONAL ASSOCIATION OF
ATTORNEYS GENERAL,
Washington, DC, July 13, 1989.
MEMORANDUM

To: All Members of the House of Representatives.

Re: Urging Support for H.R. 1056.

We, the undersigned, urge you to vote and speak out on behalf of H.R. 1056, legislation which would clarify the waiver of federal sovereign immunity under the Resource Conservation and Recovery Act, when it comes to a vote in the full House. The National Association of Attorneys General (NAAG), a bipartisan organization comprised of the chief legal officers of the states and jurisdictions, strongly supports this bill. This is a priority issue on our legislative agenda and we express our enthusiastic support for prompt enactment of this legislation. Attached is a copy of the resolution in support of H.R. 1056, which the Association just adopted at our Summer Meeting.

There has been a split in the courts on the issue of waiver of federal sovereign immunity under RCRA. H.R. 1056 is needed: (1) to ensure that federal agencies comply with state and federal laws so that they manage their hazardous wastes in a safe manner; (2) to subject federal facilities to the same accountability and substantive enforcement

provisions that apply to state agencies, municipalities, and private industries; and (3) to guarantee proper management of federal facilities in the future. We believe that ensuring environmental compliance now will save the taxpayers millions of dollars in potential cleanup costs in the future.

It is indeed an anomaly that our state facilities are subject to penalties imposed by the federal government for non-compliance with federal environmental laws while the reverse does not hold true. We believe that fairness in the implementation of the laws should exist and that states should have the capabilities of imposing penalties upon federal facilities for violations of environmental laws for the same reasons as penalties are imposed by the federal government. Penalties serve as an essential deterrent factor against future violations and also help to obtain compliance with the laws. The threat of a civil penalty is an essential tool in the states enforcement arsenal. EPA has delegated authority for the RCRA program in approximately 45 jurisdictions and H.R. 1056 would provide a logical and essential enforcement tool to carry out that mission.

Waiver of federal sovereign immunity is not a new concept. Other environmental acts such as the Clean Air Act, the Safe Drinking Water Act, and the Medical Waste Tracking Act of 1988 (Subtitle J) all waive federal sovereign immunity for civil penalties against federal facilities. The states have exercised their authority in these areas in a responsible manner and we believe they will continue to do so under RCRA as well as under other environmental acts as they have in the past. A recent NAAG survey and testimony from EPA officials have confirmed that penalties to date have not been excessive.

It is important to note the following: (1) under the existing environmental statute, Congress has given EPA and the states the major role in establishing cleanup priorities; (2) the existing language of the statute already provides clearcut injunctive authority for states to compel federal facilities or other persons to abide by corrective action schedules; and (3) when the state sues a federal agency to obtain penalties for violations, the federal government routinely removes the case to federal district court; thus a federal district court judge determines the penalty.

A safeguard is already built into Section 6001 of RCRA to address those limited situations where compliance with the hazardous waste laws may raise national security concerns. The President has clear authority to "exempt any solid waste management facility of any department, agency, or instrumentality in the executive branch from compliance with such a requirement if he determines it to be the paramount interest of the United States to do so."

We are pleased to learn of EPA Administrator Reilly's support for H.R. 1056 and that he has proposed to convene a state-federal conference to discuss cleanup priorities. We commend him for this cooperative federalism approach on what has been an adversarial relationship with the federal government regarding federal facilities. It would be far more constructive to spend our limited resources on environmental enforcement and compliance than on time-consuming and expensive litigation with the federal government. A cooperative relationship should be developed; it is then that the state-federal partnership that is essential to

resolve these pressing environmental problems can be strengthened.

H.R. 1056, will help restore the public's confidence in government's ability to address the major environmental problems that have developed in connection with federal facilities, such as the Department of Energy's Rock Flats plant. We would appreciate your vote in support of H.R. 1056, which will help us more effectively address the very serious environmental problems that we are encountering in our states.

Mr. CRAIG. Mr. Chairman, I rise today to express my support for a bill very important to my State of Idaho, the Pacific Northwest, and the entire Nation.

This bill will bring Federal facilities under the same rules of the Resource Conservation and Recovery Act that currently apply to facilities owned by States and private businesses. For the water on which my constituents depend for their very livelihood, this is vital.

In Idaho we have a very positive relationship with our Federal facilities; namely the Idaho National Engineering Laboratory at Idaho Falls and the Mountain Home Air Force Base. They have been very good neighbors.

However, in order to guarantee that the State of Idaho retains a vital interest in the quality of its water and other natural resources, I think that it is vital to pass H.R. 1056. By passing this bill we will be serving notice to facility managers, both good and bad, that they should observe the laws that everyone else must already comply with.

States presently have the authority under the Clean Air and Clean Water Acts to impose penalties; H.R. 1056 will extend that ability to RCRA. As I see it, this is a State's rights issue—a State's right to oversee the operations of Federal facilities as they affect the environment.

As already mentioned on this floor today, the State of Washington has recently entered into a joint agreement for the cleanup of the Hanford site. This was certainly a welcomed event for citizens of the Northwest, but one that could have come about sooner. By giving States the ability to impose fines and other penalties for noncompliance, I am confident that any future cleanup agreement for the Idaho site will be entered into by the Department of Energy with a great degree of sincerity—knowing full well that failure to cleanup the messes they have made will result in the State of Idaho unleashing its legal forces upon them.

Mr. Chairman, I think that H.R. 1056 is important for our States and urge my colleagues to vote for it.

Mr. FOGLIETTA. Mr. Chairman, I rise in support of H.R. 1056.

This bill is needed to ensure that all our citizens are protected from every source of toxic pollution, regardless of whether the source of that pollution is public or private.

In my State of Pennsylvania several Federal facilities have had serious hazardous waste problems.

There is no reason for the people of my State, or the people of your State, to suffer because Federal facilities refuse to comply with our basic environmental laws.

The Resource Conservation and Recovery Act [RCRA] is our first line of defense in pre-

venting future Superfund sites. It has been shown that if RCRA procedures are followed, pollution is prevented. For this reason, it is an absolute necessity for the health and safety of this country that everyone be forced to comply with its regulations—not just private companies, State government and local municipalities.

How can we—the Federal Government—tell private business to clean up their act with any credibility—when our own house is not in order?

Directly related to the compliance of this law, is the ability to assess fines and penalties.

Hazardous waste producers are more likely to abide by the law when fines are significant and enforced.

Only the looming threat of a fine and the authority to assess them will give States the tools they need to continue in their protection of the environment. We cannot allow any Federal facility to continue on the course of polluting the Nation's water and air.

For the health of your constituents and the future of the environment, I urge you to vote in favor of H.R. 1056.

Mr. BRENNAN. Mr. Chairman, I urge my colleagues to join me in support of the Federal Facility Compliance Act, a measure that would restore environmental accountability at Federal facilities.

It is an unfortunate fact that Federal facilities now lag behind private industry in developing a proper commitment to environmental protection. Recent incidents, such as the illegal storage and disposal of hazardous waste at the Department of Energy's installation at Rocky Flats, CO, show that Federal facilities are among the worst polluters of the environment.

As a former Governor and Attorney General, I can appreciate the frustration that is felt at the State level in the inability to hold accountable the Federal Government for environmental violations. It is indeed a hypocrisy that State facilities are subject to penalties imposed by the Federal Government for environmental violations while Federal facilities enjoy sovereign immunity.

As a member of the House Armed Services Committee, I recognize, but disagree with, concerns that enforcement of civil penalties may adversely impact our Nation's defense installations. In providing for the common defense, we must consider protection of our Nation's well-being from an environmental standpoint. For over a decade, military installations have conducted their operations subject to State civil penalty authority under the Clean Air and Safe Drinking Water Acts with no adverse impact on military readiness.

It is unfair that the Federal Government assumes a "Do as I say, not as I do" policy with respect to Federal facilities. This measure would eliminate this double standard that allows the Federal Government to ignore the laws that it expects States, municipalities, and private industry to abide by.

Mr. SCHEUER. Mr. Chairman, I rise today to voice my strong support for the Federal Facilities Compliance Act of 1989.

As chairman of the Subcommittee on Natural Resources, Agriculture Research, and Environment, the authorizing subcommittee for

the Department of Energy's Environment, Safety, and Health Division, I am all too familiar with the threat to human health and the environment posed by Federal facilities.

Wherever we choose to focus our attention—Rocky Flats, Savannah River, Fernald or Hanford—the double standard that has existed for the Department of Energy [DOE] has resulted in toxic and radioactive contamination of the environment and the citizens in the areas surrounding the facilities.

Many people have suffered from the dangerous delusion that the nuclear energy produced for national safety is somehow less threatening than that produced to light our homes.

Experience has now clearly shown us, to the contrary, the secrecy surrounding the Department's nuclear reactor and weapons facilities, as well as the immunity from prosecution of the employees of the Department and the Government contractors that operate the facilities, has made the Department of Energy one of the worst polluters in our country.

A clear example of the flagrant disregard for the environment, safety and health at DOE facilities can be found by examining the number of technically trained employees at both the field offices and within the program offices.

At the Rocky Flats field office, for example, no more than 5 of the approximately 70 employees are technically trained to oversee the environmental, safety, and health needs of the facility.

The present fiasco at Rocky Flats is not surprising in light of the fact that employees who are intent on maximizing production outnumber environment and safety personnel by more than eight to one.

While Energy Secretary Admiral Watkins has taken commendable steps to end the practices that have brought us to this situation, we are still faced with a legacy of toxic waste dumps that must be cleaned up.

This bill will help end the dangerous double standard applying to Federal facilities and recognize the reality that protecting human health and the environment requires a single standard, applicable to all.

Mrs. VUCANOVICH. Mr. Chairman, I rise in opposition to H.R. 1056. I believe this is a well intentioned bill and concur with many of my colleagues who want Federal facilities to operate in an environmentally safe manner. However, I have many reservations about H.R. 1056 and believe it goes too far in expanding the enforcement mechanisms for achieving safe operations.

This bill does not differentiate between non-compliance and cleanup, contains ambiguous sovereign immunity language, is retroactive, and does not require money from fines to be applied to the causal problem.

Equally important, if not more so, is that H.R. 1056 would allow the prioritization of cleanup and compliance efforts to be decided by administrative orders of the Environmental Protection Agency, civil suits, and 50 State attorneys general. We should not subject the Defense Department and the Energy Department to these constraints. The allocation of scarce Federal resources for our national defense and energy independence is far too important to be determined by such a divisive, uncoordinated process.

We should allow the Federal Government to continue its "worst-first" cleanup policy with the appropriate input from Federal agencies themselves, Congress, and affected parties. In this way we will achieve the most responsive policy possible. Therefore, Mr. Chairman, I oppose H.R. 1056 and encourage my colleagues to do the same.

Mr. STARK. Mr. Chairman, Federal facilities are among the worse polluters in the country.

The Departments of Energy and Defense alone generate about 20 million tons of hazardous and radioactive waste each year. In the last four decades, these Departments have been remarkably irresponsible in disposing of this waste.

The DOE has already acknowledged having polluted the ground water and jeopardizing the safety of citizens in sites all around the country, including: Hanford, Savannah River, Fernald, Rocky Flats, and at Livermore, in my own district.

Worse still, the DOE has lied about poisoning the environment. At the Fernald facility in Ohio, the DOE admitted to greatly underrepresenting the amount of radioactive waste that it spewed into the community.

In the past, Federal agencies have not been held accountable for their environmental problems. States could not enforce crucial environmental statutes against Federal facilities. The EPA relies heavily upon States to enforce these statutes.

H.R. 1056 clarifies that States can levy fines against Federal facilities for violations of environmental laws. It's clear that monetary penalties are the most effective way to force Federal agencies to act responsibly in dealing with hazardous waste.

President Bush has called himself the "Environment President." Admiral Watkins, Secretary of Energy, says he will usher in a new safety culture at the DOE. I think H.R. 1056 sends exactly the right message—talk is cheap, gentlemen, if you want to protect the environment, put your money where your mouth is.

Mr. SYNAR. Mr. Speaker, the bill under consideration today is rather straightforward. It is a reaffirmation of a principle of equity which was originally established by Congress in 1976. It simply confirms that all aspects of our hazardous waste law—the Resource Conservation and Recovery Act [RCRA]—applies to Federal agencies just as it applies to States, municipalities, and private corporations. H.R. 1056 accomplishes this by specifying that any Federal polluter may be assessed fines and civil penalties for hazardous waste violations, and that Federal and State enforcement officials have the authority to bring administrative enforcement actions against Federal agencies to obtain compliance with RCRA.

The record of environmental compliance at Federal facilities is a disgrace. It is a history of improper handling and disposal practices which have resulted in threats to the health and safety of citizens in neighboring communities, and multi-billion-dollar cleanup costs for the American taxpayer.

Yet, even as the rest of the Nation recognized the need to reduce waste generation and improve disposal practices, Federal agencies resisted at every turn. Instead of being a

leader, the U.S. Government—one of the largest generators of hazardous waste in the Nation—was a laggard in complying with its own waste laws and regulations. Supported by the Justice Department, Federal agencies argued that the intent of RCRA was unclear, and they were exempt from key enforcement mechanisms of the law. For too long, our Government has operated under this dual standard of enforcement, whereby Federal and State enforcement agencies can move aggressively against private violators, State agencies, and municipalities, but are relegated to cajoling and bargaining with Federal polluters. As a result, the credibility of our Government's commitment to the protection of public health and the environment has been seriously damaged, and the morale of enforcement officials dedicated to equal application of our Nation's environmental laws has suffered.

The tragic and embarrassing situation at Rocky Flats, where a Federal facility was raided by a cadre of agents from our Nation's top law enforcement agency, is only the latest manifestation of the serious environmental problems that can occur when any individual, company, or agency believes it is above the law.

The timing couldn't be more appropriate for passage of this bill. The President has frequently proclaimed his commitment to improving the environment. Energy Secretary Watkins recently announced that proper environment and safety practices would be the primary goals at DOE facilities. It is now time to start to make good on these promises. We can do that by passing H.R. 1056 and reaffirming that no entity including the Federal Government, can disregard the environmental laws of the Nation.

I am proud to have been an early cosponsor of H.R. 1056, and want to congratulate Chairman DINGELL, and the chairman of the subcommittee, Mr. LUKEN, for their fine work on this legislation. I especially want to commend our colleague, Mr. ECKART, for the hard work he has put into this bill over the last 2 years.

I urge my colleagues to support this legislation.

Mr. WHITTAKER. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. THOMAS A. LUKEN. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Pursuant to the rule, the committee amendment in the nature of a substitute now printed in the reported bill is considered as an original bill for the purpose of amendment, and each section is considered as having been read.

The Clerk will designate section 1.

The text of section 1 is as follows:

H.R. 1056

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Facilities Compliance Act of 1989".

The CHAIRMAN. Are there any amendments to section 1?

If not, the Clerk will designate section 2.

The text of section 2 is as follows:

SEC. 2. APPLICATION OF CERTAIN PROVISIONS TO FEDERAL FACILITIES.

(a) IN GENERAL.—Section 6001 of the Solid Waste Disposal Act (42 U.S.C. 6961) is amended—

(1) by inserting "(a) IN GENERAL.—" after "6001";

(2) in the first sentence, by inserting "and management" before "in the same manner";

(3) by inserting after the first sentence the following: "The Federal, State, interstate, and local substantive and procedural requirements referred to in this subsection include, but are not limited to, all administrative orders and all civil administrative penalties and fines."; and

(4) by inserting after the second sentence the following: "For purposes of enforcing any such substantive or procedural requirement (including, but not limited to, any injunctive relief, administrative order, or civil or administrative penalty or fine) against any such department, agency, or instrumentality, the United States hereby expressly waives any immunity otherwise applicable to the United States. No agent, employee, or officer of the United States shall be personally liable for any civil penalty under any Federal or State solid or hazardous waste law with respect to any act or omission within the scope of his official duties. An agent, employee, or officer of the United States shall be subject to any criminal sanction (including, but not limited to, any fine or imprisonment) under any Federal or State solid or hazardous waste law, but no department, agency, or instrumentality of the executive, legislative, or judicial branch of the Federal Government shall be subject to any such sanction."

(b) ADMINISTRATIVE ENFORCEMENT ACTIONS.—Such section is further amended by adding at the end the following new subsection:

"(b) ADMINISTRATIVE ENFORCEMENT ACTIONS.—(1) The Administrator may commence an administrative enforcement action against any department, agency, or instrumentality of the executive, legislative, or judicial branch of the Federal Government pursuant to the enforcement authorities contained in this Act. The Administrator shall initiate an administrative enforcement action against such a department, agency, or instrumentality in the same manner and under the same circumstances as an action would be initiated against any other person. Any voluntary resolution or settlement of such an action shall be set forth in a consent order.

"(2) No administrative order issued to such a department, agency, or instrumentality shall become final until such department, agency, or instrumentality has had the opportunity to confer with the Administrator."

AMENDMENT OFFERED BY MR. BILIRAKIS

Mr. BILIRAKIS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BILIRAKIS: In section 2(b), insert at the end of the matter proposed to be added (page 6, after line 4) the following new subsection (and make appropriate conforming amendments):

"(c) LIMITATION ON STATE USE OF FUNDS COLLECTED FROM FEDERAL GOVERNMENT.—Unless a State constitution requires the funds to be used in a different manner, all funds collected by a State from the Federal

Government from penalties and fines imposed for violation of any substantive or procedural requirement referred to in subsection (a) shall be used by the State only for projects designed to improve or protect the environment or to defray the costs of environmental protection or enforcement."

Mr. BILIRAKIS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. BILIRAKIS. Mr. Chairman, at the outset I wish to express my gratitude to the gentleman from Ohio [Mr. LUKEN], chairman of the subcommittee; the gentleman from Kansas [Mr. WHITTAKER], the ranking minority member; and very particularly to the gentleman from Ohio [Mr. ECKART], and the gentleman from Colorado [Mr. SCHAEFER] for their assistance and willingness and openmindedness, if you will, in working out this amendment in its concept. Especially I would also want to thank the majority and minority staff for their assistance.

Mr. Chairman, this amendment is very simple. It requires that States use any fines collected for violations of the Resource Conservation and Recovery Act [RCRA] by a Federal facility on environmental restoration projects. Instead of these Federal taxpayers' dollars going into the State's general treasury to be spent in any manner, as is current law, I believe very strongly, as I said earlier, that this money should be returned to the environment.

This amendment is, I think, a matter of environmental equity. If States receive money because a Federal facility has harmed the environment through a violation of RCRA, the money collected through fines and penalties ought to be returned to the environment in the form of restoration project. I guess I would put it in terms of it came as a result of dirt, and, therefore, should go back to clean up the dirt.

My amendment leaves plenty of flexibility I think for the State to designate what types of environmental restoration projects, but it does require that the States spend the money on the environment.

Mr. Chairman, I urge my colleagues to support this amendment since it is a reasonable and equitable use of Federal moneys derived from fines and penalties levied for RCRA violations against facilities.

Mr. THOMAS A. LUKEN. Mr. Chairman, will the gentleman yield?

Mr. BILIRAKIS. I am very happy to yield to the gentleman from Ohio, my chairman.

Mr. THOMAS A. LUKEN. Mr. Chairman, it is always a great experience to work with the gentleman from

Florida. He did offer this amendment in a little different form at the subcommittee level, and at that time we opposed it on the basis that it needed some work.

That work has been accomplished. The amendment has been modified so that this side is willing to accept it, is glad to accept it, and congratulates the gentleman from Florida for offering the amendment. We will support it.

Mr. SCHAEFER. Mr. Chairman, will the gentleman yield?

Mr. BILIRAKIS. I thank the gentleman from Ohio, and I yield to the gentleman from Colorado.

Mr. SCHAEFER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, we did work out the details on this particular amendment. I commend the gentleman from Florida for bringing this to our attention.

What it is going to do basically is it is going to deter a lot of these possible high, expensive fines and penalties that have been talked about because they cannot be used for education or any type of highways or anything else. They will go for environmental purposes.

I commend the gentleman from Florida for his ingenuity on this amendment.

Mr. WHITTAKER. Mr. Chairman, will the gentleman yield?

Mr. BILIRAKIS. Mr. Chairman, I thank the gentleman from Colorado.

Mr. Chairman, I yield to the gentleman from Kansas.

Mr. WHITTAKER. Mr. Chairman, I would like to commend the gentleman from Florida for his amendment. He showed determination and common sense during the committee deliberations, and though his amendments were not successful at that level, he did show a willingness to compromise to a point where it did make the amendment satisfactory now on the floor.

I supported his amendment even in its original form, and I am enthusiastic in supporting it now.

I might point out, Mr. Chairman, that his amendment, as amended now or modified, is 100 percent compatible with an amendment I consider absolutely essential for the well-being of the overall bill, and that is the amendment yet to be coming from the gentleman from Georgia [Mr. RAY]. So I enthusiastically support the amendment of the gentleman from Florida and urge its passage.

Mr. BILIRAKIS. I thank the gentleman from Kansas.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. BILIRAKIS].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. RAY

Mr. RAY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RAY: In section 2(b), insert at the end of the matter proposed to be added (page 6, after line 4) the following new subsection (and make appropriate conforming amendments):

"(c) EXEMPTION.—The waiver of sovereign immunity under subsection (a) does not apply to an administrative or civil action that seeks to impose fines or penalties for a violation of, or a violation arising out of, a requirement for corrective action for past solid and hazardous waste disposal, including action under section 3004(u) of this Act, section 3008(h) of this Act, or comparable State, interstate, or local provisions."

Mr. ECKART (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. RAY. Mr. Chairman, the effect of my amendment is to modify the waiver of sovereign immunity presently found in H.R. 1056 in one important way. In its current form, the sovereign immunity waiver in the bill would permit State and local agencies to impose fines and penalties against Federal facilities in order to compel not only compliance with the requirements of the Resource Conservation and Recovery Act [RCRA], but also to compel corrective action. Corrective action refers to cleanup activities, and H.R. 1056 would extend the liability of Federal facilities for their inability to comply with corrective action requirements. My amendment would leave the sovereign immunity waiver intact in so far as it concerns Federal facility compliance, but would limit the waiver as it pertains to corrective action.

The ability to undertake corrective action is largely a matter of resources, and the bill as it now stands ignores the fact that Congress may and probably will limit the amount of money which may be provided to clean up Federal facilities with environmental problems. Giving the States the power to levy fines and penalties for failures to fully implement corrective action requirements will lead to several inefficient and undesirable effects for the cleanup program nationwide. For one thing, the notion of a national system of cleanups based on a worst first priority scheme will go out the window because of the ad hoc imposition of fines and penalties by States who will have little concern for the relative danger to human health and the environment posed by sites outside their jurisdiction. For example, the Attorney General for Ohio is likely to have little regard for arguments that a site in California requires corrective action before one in Ohio because the California site poses a greater threat to the local population. In addition, money for cleanups would not be balanced with money to ensure that Fed-

eral facilities can continue to perform their missions. Congress and not the States is in the best position to make judgments about balancing cleanup priorities, funding decisions and mission requirements.

My amendment is designed to rectify the inequity created by H.R. 1056 by limiting the sovereign immunity waiver so that the waiver would only apply to failures by Federal facilities to address ongoing compliance activities, not corrective action. This amendment would strike the balance which is missing from the present bill of the need for environmental restoration with the requirement that Federal facilities perform their mission within funding constraints. This amendment does not effect the ability of States to fine, penalize or take other enforcement action against Federal facilities when hazardous waste management activities do not comply with law and regulations. Federal facilities should comply with environmental laws, and H.R. 1056 does not need the unwarranted lever of compelled corrective action to ensure that they do.

The virtue in my amendment is that it allows the States to have the mechanisms for ensuring that the environmental activities of Federal facilities comply with environmental laws while at the same time leaving the centralized control of our national cleanup effort with Congress. I submit that this approach represents a reasonable balance of the important priorities involved with environmental restoration, and I urge my colleagues to support this amendment.

KING & SPALDING,
Atlanta, GA, April 5, 1989.

HON. RICHARD RAY,
U.S. House of Representatives, Washington,
DC.

DEAR CONGRESSMAN RAY: At your request, I reviewed H.R. 1056, which is a proposed amendment to that part of the Solid Waste Disposal Act usually known as the Resource Conservation and Recovery Act (or "RCRA"). Based on my experience in the Executive and Judicial Branches, my strong view is that this legislation is contrary to the Constitution and is unwise public policy.

The proposed legislation would expand EPA enforcement authority for certain environmental violations existing at facilities owned or operated by the U.S. Government, including Department of Defense and Department of Energy installations. Most importantly, this legislation would permit the EPA to sue other parts of the Executive Branch to force compliance with EPA orders.

I am opposed on both Constitutional and policy grounds to allowing the Executive Branch to sue itself in federal court, and therefore in my view the proposed legislation, to the extent it would permit such suits, should not be enacted.

The Constitution provides for a unitary Executive Branch and requires that Branch to carry out the laws as written by Congress and interpreted by the federal courts. It is the President alone who has the constitutional duty to "execute the laws." The pro-

posed legislation would dilute the unity of the Executive Branch and in effect permit the Judiciary to referee disputes between the EPA and other Executive agencies, a duty left under the Constitution to the President. Therefore, my opinion is that the legislation is inconsistent with both the unity of the Executive Branch and the doctrine of separation of powers.

In *The Federalist*, Alexander Hamilton argued that a unitary Executive was desirable because "plurality in the executive tends . . . to conceal faults and destroy responsibility." *The Federalist* No. 70, at 427 (A. Hamilton) (C. Rossiter ed. 1961). Although Hamilton was specifically concerned with showing the disadvantages of a council of executives, I think his reasoning is equally applicable to the effect of the proposed legislation. If the EPA is authorized to litigate against another Executive agency, there will be an inevitable tendency for the EPA and the agency to blame one another, or the Judiciary, for any failure to correct environmental problems promptly and effectively.

The better Constitutional policy is for the President to continue to have the sole and ultimate responsibility for resolving disputes within the Executive Branch. As President Truman's famous desk plaque said: "The Buck Stops Here."

The proposed legislation would also enlarge the waiver of federal sovereign immunity to provide for the state enforcement of monetary fines and penalties against federal agencies for environmental violations at defense and other federal facilities. Congress previously waived sovereign immunity for environmental violations, but the courts have interpreted this waiver to be limited to injunctive relief.

The enlarged waiver of sovereign immunity in the legislation is within congressional authority under the Constitution. Nonetheless, Congress should carefully consider whether the federal government should be placed in the position of paying fines and penalties at the instance of state officials. My own view is that the time and resources will be spent in lawsuits seeking fines and penalties from the federal government could be better devoted to solving directly the underlying environmental problems."

Thank you for your courtesy in requesting my views on H.R. 1056.

Sincerely,

GRIFFIN B. BELL.

H.R. 1056—FEDERAL FACILITIES COMPLIANCE ACT

The Administration strongly supports Federal facility compliance with environmental statutes, and has initiated a comprehensive effort to manage wastes properly and to clean up environmental problems at Federal facilities. For example, the Department of Energy recently announced a 10-point program to ensure that compliance agreements are developed for all sites, remedial feasibility studies are initiated, and cleanup actions are assigned priority on a worst-case-first basis.

The administration believes that further administrative and legislative actions may be necessary to enhance this effort, and plans to make specific recommendations in the near future. However, the administration opposes enactment of H.R. 1056, which is a piecemeal measure that would not result in more timely or effective compliance. Instead, this bill could delay ongoing Federal efforts to bring Federal facilities into compliance.

Rather than facilitating the development and implementation of compliance plans and programs at Federal facilities, H.R. 1056 would erroneously focus on the use of penalties and sanctions as the solution. The bill would waive Federal sovereign immunity and allow States to assess administrative and judicial civil penalties against Federal facilities for failure to undertake corrective actions. These penalties could be assessed without regard to whether Congress has appropriated sufficient funds to undertake necessary compliance actions. The bill would also seriously circumvent the Federal Government's ability to set worst-case-first cleanup priorities on the basis of health and environmental need. Rather, it would force Federal agencies to assign highest priority to States that threaten to impose penalties and fines. Further, allowing States to impose monetary penalties could result in already scarce Federal funds being transferred to States, leaving Federal agencies with less funds for cleanup.

DEFENSE ENVIRONMENTAL ACTIVITIES OVERVIEW

In recent years there has been growing interest and concern about environmental matters related to federal facilities and their compliance with statutory requirements. The Department of Defense (DoD) activities and Department of Energy National Security Programs account for the vast majority of the total federal facilities that are subject to regulation under environmental laws.

Responding to this growing interest in Department of Defense and Department of Energy environmental activities, the committee created a full committee panel on Environmental Restoration on July 24, 1985 to review these activities and report back to the committee. Subsequently, the panel became involved in the consideration of the federal facility portions of the Superfund Amendments and Reauthorization Act of 1986 (SARA) (Public Law 99-499) and was instrumental in developing sections 120, 121 and 211 of that Act.

In the 100th Congress, committee oversight of Department of Defense environmental activities continued by means of an Environmental Restoration Panel of the Readiness Subcommittee, established on March 12, 1987. The panel held seven hearings and was heavily involved in efforts to facilitate federal facility agreements between Department of Defense, Environmental Protection Agency (EPA) and State regulatory agencies governing hazardous waste cleanups at Department of Defense National Priority List (NPL) sites.

Recognizing the need for more comprehensive oversight of Department of Defense environmental matters that cross a number of subcommittee jurisdictions, another full committee panel on Environmental Restoration was appointed on March 10, 1989. Since its appointment, the panel has held six hearings and one briefing on matters related to Department of Defense compliance with the Clean Water Act, SARA, the Resource Conservation and Recovery Act (RCRA) and environmental issues associated with proposed base closure and realignment actions.

Since its initial oversight of environmental activities, the committee has found the issues involved to be among the most complex, difficult and demanding challenges facing the Department. Moreover, the statutory framework for environmental compliance by federal facilities has created a new

and more constrained context within which to conduct committee budgetary and policy oversight to DoD activities. It is also apparent that emerging environmental requirements will impose significantly greater demands upon DoD resources and management attention in the coming years. Lastly, environmental considerations will create a host of new problems for the department and further complicate efforts to address existing national security challenges in a period of increasing budget austerity.

MAJOR CHALLENGES

Scope of the Department of Defense's environmental challenge

Compliance with environmental laws represents a major challenge to the Department of Defense. A listing of the major pertinent environmental laws enacted since 1970 provides some idea of the scope of statutory requirements:

- 1970—Clean Air Act (CAA).
- 1970—National Environmental Policy Act (NEPA).
- 1970—Occupational Safety and Health Act (OSHA).
- 1972—Federal Insecticide, Fungicide and Rodenticide Act (FIFRA).
- 1972—Federal Water Pollution Control Act.
- 1974—Safe Drinking Water Act (SDWA).
- 1976—Resource Conservation and Recovery Act (RCRA).
- 1976—Toxic Substances Control Act (TSCA).
- 1977—Clean Water Act (CWA).
- 1980—Comprehensive Environmental Response, Compensation and Liability Act (CERCLA).
- 1984—Hazardous and Solid Waste Amendments of RCRA (HSWA).
- 1986—Superfund Amendments and Reauthorization Act (SARA).
- 1987—Water Quality Act (WQA).

In addition to these major acts, there are over 25 other lesser statutes that impose additional environmental and safety requirements. Furthermore, a host of state laws and local ordinances have been enacted during this period (California alone has enacted several hundred environmental laws) that have similar or new requirements with which DoD installations must comply.

But this is not the whole story because each of these laws depends upon the drafting and distribution of regulatory implementing guidance. The following chart reflects the growth in the number of pages in the Code of Federal Regulations involving the implementation of federal statutory requirements. Undoubtedly, there has been a corresponding growth in the number of pages of regulatory guidance for the implementation of state and local environmental statutes.

Even if one were able to master the detail and intricacies of the legal and regulatory guidance associated with any of these federal, state or local environmental statutes, many of the laws overlap, and statutory requirements must be reconciled. Many of these conflicts were not anticipated by the authors of the acts or the regulatory agencies charged with implementing them. The regulated community is finding the reconciliation process to be frustrating, time-consuming and costly. Among federal agencies, the burden is greatest for the Department of Defense, with its over 800 installations located in every state and territory. Under the circumstances, it is very difficult for the Department to develop and implement coherent and responsive policy and manage-

ment guidance for environmental programs when so much depends upon constantly changing site-specific circumstances and requirements.

To place the growing emphasis on federal facilities in perspective, it is useful to examine their relative size within the total regulated community in terms of the Clean Water Act (CWA), Resource Conservation and Recovery Act (RCRA), and the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA).

According to recent General Accounting Office testimony before the committee, federal facilities account for about 2 percent of the total community regulated under the Clean Water Act. Of the total of 150 federal facility major permit holders, DoD holds 107 permits, or about 71 percent of the total.

In terms of the RCRA regulated community, federal facilities account for approximately 339 hazardous waste treatment, storage and disposal (TSD) facilities, or about 6 percent of the total. Of the total number of federal TSD facilities, DoD accounts for 271 or about 80 percent of the total.

The data with regard to CERCLA are less clear, but it seems fair to say that DoD's 8,000-plus suspected hazardous waste sites and 7,000-plus formerly owned sites account for a little over 10 percent of the national total. It should be noted that DoD's efforts to identify such sites over the past decade provide a higher degree of confidence that most sites have been identified than for the nation as a whole. For example, GAO found that the EPA's total number of CERCLA sites may only account for a third of the sites that will eventually be identified. Using National Priority List (NPL) sites as a basis for comparison, it appears that, despite continual increase, the number of DoD NPL sites will account for less than 10 percent of the total. Looking at the Hazard Ranking Scores that are used to determine NPL sites the mean score for DoD sites is very close to the national average.

On the whole federal facilities account for a relatively small but significant share of the total national community regulated under existing environmental laws; DoD accounts for between 70 and 90 percent of the federal facility total.

Statutory framework for Department of Defense compliance

For over a decade environmental proponents have been concerned about bringing about federal facility compliance with environmental laws. This sensitivity has been heightened by the resulting tension between these agencies and the EPA and state regulatory bodies over the extent of their respective roles and authority. This situation has been further complicated by disagreements between the various regulatory agencies themselves and serious problems stemming from statutory ambiguity and the fact that environmental laws contain conflicting and overlapping requirements.

Given these uncertainties, it is not surprising that the Department often found itself immersed in controversy regarding its relationship with regulatory agencies and local communities. It seems less a case that the Department was not complying with the letter of the law than its inability to abide by the spirit of the law and to recognize its own long-term self interest. The Department should have been quicker to recognize that few issues can evoke community concerns and emotional responses more than those dealing with hazardous and toxic waste. The Department should have been

quicker to recognize that the success of its environmental efforts depended upon community awareness and participation. Likewise, the Department should have been quicker to try to cultivate a positive working relationship with the EPA and state and local regulatory agencies.

As a result of the Department's delay in fully recognizing its need to openly and cooperatively address environmental problems, many perceive that the Department lacked commitment, was recalcitrant, arrogant and attempting to hide its noncompliance with environmental laws behind the shield of national security. Although the committee found that this widespread perception has been greatly exaggerated, it continues to be strongly held in environmental circles and served as a catalyst for subsequent legislative action.

The resulting federal facility compliance strategy incorporated in subsequent environmental laws enacted by Congress was both unique and revolutionary. In terms of compliance with "procedural and substantive" environmental statutory requirements, federal agencies were to be treated the same as private parties. As such, the Department of Defense and other federal agencies would come under the authority of the EPA and state and local regulatory agencies in complying with all applicable environmental laws and requirements. This becomes a very broad grant of authority considering how most environmental laws are designed to be implemented. In the case of the Clean Air Act and RCRA, EPA develops national standards and requirements and then delegates authority to states, whose programs meet or exceed these standards and requirements. In turn, states can delegate authority to political and administrative subdivisions if they meet state standards and requirements. Thus, a Department installation could legally come under the authority of a local regulatory agency whose authority has been delegated from EPA through the state and that operates in a manner that is consistent with or exceeds federal and state guidelines.

To address legal arguments based on federal supremacy and sovereign immunity, subsequent environmental laws contained broad waivers of sovereign immunity to permit state and local regulatory agencies to bring enforcement actions and to permit citizen suits to be filed against federal facilities that were not complying with environmental requirements. These enforcement actions range from the revocation of permits to civil fines and penalties, criminal prosecution and injunctive relief. In effect, Department of Defense noncompliance with environmental requirements could result in closing down operations at a base and subjecting responsible military and civilian personnel to civil and criminal penalties.

In addition, Congress has progressively expanded the EPA's role and authority to oversee environmental activities of other federal agencies. Under existing environmental laws, the EPA has sole authority where the implementing program has not been delegated to state and local regulatory agencies, or in the case of the selection of a remedy at DoD NPL sites. Where program authority has been delegated, the EPA shares authority and assists in the coordination of regulatory actions involving DoD facilities.

Concerns about the statutory enforcement strategy

Although the statutory enforcement strategy outlined above provides powerful mech-

anisms for bringing about federal facility compliance with applicable environmental laws, it does not adequately provide for the consideration of competing national interests and day-to-day realities affecting the operation of the Department of Defense.

The foremost concern is that the statutory enforcement strategy does not take into account the national security mission of the DoD installation being regulated. Attempting to treat a major military installation without considering its missions and mode of operation could result in regulatory decisions that are not in the national interest. This is not to say that DoD installations should not comply with environmental laws, but that actions to achieve compliance should be structured to reconcile national security requirements to the greatest extent possible. Currently, the only legal mechanism to prevent a regulatory action from impairing national security capabilities is a presidential waiver that must be granted on a case-by-case basis for a one-year exemption from statutory environmental requirements. Although presidential waivers have existed for over ten years, this authority has only been exercised once, and it is unlikely that future waivers would be used except in the most extreme circumstances. The committee believes that "extreme circumstances" is not a workable or appropriate criterion and that a better means should be found to reconcile environmental and national security requirements involving the day-to-day management of DoD installations.

Another problem with the current statutory enforcement strategy is that it is often insensitive to cost considerations. A cost-is-no-object criterion may make sense for private parties that generally operate in one state or region, but is unrealistic for an agency that operates in every state and depends entirely on federal funding. Moreover, the Department is more likely to be viewed as "deep pockets" by the regulatory community and be subject to funding requirements that would not be imposed upon private parties that have limited funds and may declare bankruptcy if pressed too vigorously. As will be discussed in more detail below, Department of Defense environmental funding requirements are substantial and increasing.

The current statutory enforcement strategy does not provide a means to prioritize compliance actions within a single environmental statute or among several, if sufficient funding is not available. There is no way to determine which RCRA requirement has the highest priority and no way to determine whether the highest RCRA priority is more important than a competing Clean Air Act or Clean Water Act requirement. The current statutory enforcement strategy assumes that all identified requirements will be addressed at the same time, even though no process exists to sort them and to provide for their timely integration into the DoD planning, programming and budgeting process.

Equally important, the current enforcement strategy does not recognize the relative importance of other environmental requirements that may involve a greater benefit to human health and the environment than those addressed in current law. For example, an EPA study in 1987 found that indoor radon exposure poses a far more serious threat to human health (5,000 to 20,000 new cases of cancer a year) than from inactive and active hazardous waste sites (1,000 cases of cancer a year), hazardous and toxic

air pollutants (2,000 cases of cancer a year), and polluted drinking water (1,000 cancer cases a year). Although DoD is pursuing an aggressive radon testing and remediation program, the current statutory enforcement strategy could legally require the diversion of funding from this program to support compliance actions that would appear to have significantly less immediate benefit to human health.

Lastly, a legal redefinition of the Department as a private party cannot overcome practical and fundamental differences between the two. For example:

(1) DoD installations do not operate to earn a profit and unlike private business or municipalities, the department cannot raise prices or increase taxes to fund increased environmental requirements;

(2) DoD installations have a unique primary mission to provide for the security of the United States;

(3) DoD activities receive all of their funding and authority directly from the Congress—most of it on a year-to-year basis;

(4) DoD installations have to conform to very detailed statutory requirements governing procurement of goods and services, personnel management, the expenditure of appropriations and special interest actions that have no counterpart in the private sector.

In sum, there are a number of compelling reasons to question a statutory enforcement strategy that focuses upon DoD compliance without regard to mission requirements, cost, the budget process and other practical considerations. There is even reason to question whether this strategy places sufficient emphasis on environmental problems posing the greatest threat to human health.

DoD compliance with applicable environmental laws.

In view of the repeated claims that the Department is among the worst violators of environmental laws, it would seem reasonable to assume the existence of compelling statistical data to substantiate these charges. In fact, the committee has discovered that is not the case.

In large part, the lack of such statistical data is due to the decentralization of regulatory authority and a corresponding decentralization of responsibility for environmental compliance within the Department of Defense. Absent an integrated management system within the Department or the EPA to track and capture such data, data collection from the field has proven to be a tedious and imprecise task. Even the General Accounting Office has experienced serious difficulties collecting EPA compliance data covering relatively short periods of time.

In the case of RCRA compliance, EPA and DoD data invariably differ, and the differences are significant. For example, committee efforts to compare the EPA data used in a 1988 staff report by the House Energy and Commerce Committee on DoD RCRA compliance with DoD data gathered from the cited field activities disclosed widespread errors and differences in fact and interpretation. A subsequent effort by the EPA to update DoD RCRA compliance data took over three months and still differed substantially from data provided in later DoD testimony.

Another problem with EPA management information data on compliance is that it can be easily misunderstood. For example, the primary indicator of RCRA compliance is the number of significant noncompliers (SNCs). However, the number of DoD land disposal facilities that could be classified as

SNCs prior to fiscal year 1989 involve only about 50 of the total universe of over 250 treatment, storage and disposal facilities. DoD data show that it had 31 RCRA SNCs at the end of fiscal year 1988. Looked at one way, it would appear that the Department has very serious RCRA compliance problems, with 60 percent of its land disposal facilities being SNCs. Examining the data more carefully, a different picture emerges since 22 of the SNCs have returned to compliance, or are covered by a state consent order or the department has entered into a Federal Facility Compliance Agreement (FFCA) with EPA. It is also important to note that these facilities will continue to be carried as SNCs until all RCRA requirements are met, and the compliance schedule could extend over several years. Of the remaining nine DoD SNCs, six were in the process of being resolved. Thus, only three sites were unresolved or in litigation.

From a policy-making point of view, which of these statistics is more relevant. Should the emphasis be on the fact that 60 percent of DoD land disposal facilities are SNCs compared to 48 percent of all other land disposal facilities in the United States? Or should the emphasis be on the nine DoD SNCs that have not entered into some sort of compliance agreement? Or should the emphasis be on the three RCRA SNCs not in the process of resolution?

Likewise, DoD compliance statistics for the Clean Water Act can be interpreted a number of ways. Comparing the Department with industrial treatment plants, as GAO recently did, shows that DoD noncompliance is almost twice as high as that for private parties. Conversely, comparing the Department with municipal treatment works shows the compliance rate to be about the same or slightly better.

But there are also difficulties comparing DoD facilities with private and municipal facilities. For example, EPA has defined a DoD RCRA facility to include an entire military installation, not just the area containing RCRA regulated units. As a result, RCRA regulations apply to activities that are not regulated anywhere else—sanitary landfills, gas stations, hospitals. In much the same fashion, DoD sewage treatment plants are subject to both RCRA regulations and Clean Water Act requirements, even though similar public owned treatment facilities operated by municipalities are specifically exempted from RCRA regulation. The committee has consistently found that DoD facilities are subject to the greatest amount of regulation within the environmental regulated community. The committee knows of no instance where DoD is subjected to less regulations than other government or nongovernment entities.

In sum, the lack of a comprehensive and integrated system to track DoD environmental compliance makes it difficult for Congress to make informed decisions about federal facility compliance issues. Available data do not permit meaningful comparisons with private parties and other government entities, provide a firm foundation for efforts to improve DoD compliance or offer compelling proof to support arguments for or against increased enforcement measures. Consequently, the debate on federal facilities environmental issues is dominated by fragmentary data, anecdotal examples and special pleading.

Funding issues

Aside from the Defense Environmental Restoration Account (DERA), DoD funding for other environmental activities is sub-

sumed within the appropriations of the military services, primarily operation and maintenance and military construction. The resultant lack of visibility has made it nearly impossible to track or project DoD environmental expenditures and the funding trade-offs involved to meet compliance requirements. The committee has found the Department generally to be reluctant to identify clearly environmental dollars because of an apparent fear that they would be fenced, impairing the Department's flexibility. There are also serious difficulties in defining which costs are environmental in nature.

The committee appreciates the Department's need for funding flexibility in a period of austere defense budgets and recognizes the difficulty in defining environmental costs. Nevertheless, the committee feels that there are overriding considerations that dictate greater visibility of environmental funding within the defense budget. First of all, the Department's failure to identify environmental compliance costs creates the appearance that it lacks commitment and high level interest in meeting environmental requirements. Second, the lack of visibility of DoD environmental costs disguises the funding impact of environmental laws and regulations and the size and nature of the trade-offs involving other department activities to meet environmental requirements. Congress cannot make informed judgments about the Department's environmental performance and an appropriate compliance strategy if it does not know the cost or mission impact associated with environmental requirements.

The best estimate the department has been able to provide the committee about DoD cleanup and compliance funding in fiscal year 1989 is that it probably exceeds \$1 billion, distributed roughly as follows:

(In millions of dollars)

Defense environmental restoration account.....	500
Military construction.....	100
O&M facility projects.....	110
Research and development.....	30
Natural resources.....	35
Environmental personnel salaries.....	200
Hazardous waste disposal.....	100
Total.....	1,075

Assuming this distribution for fiscal year 1989 is generally accurate and that the FYDP projects the same modest level of funding growth for these categories as for DERA, it seems reasonable to believe that there are similar funding shortfalls in these other environmental programs. Accordingly, the committee estimates that the unfunded requirements associated with environmental compliance will be over \$5 billion in the next five years and could actually be double that amount. The committee's estimate is based on the following assumptions:

(In millions of dollars)

Defense Environmental Restoration Account.....	1,600
Hazardous Waste Minimization—assumes that the department will have to expend \$100 million a year on major capital improvements and modifications at its industrial funded activities (depots, shipyards, logistic centers, etc.) to reduce its generation of hazardous waste.....	500

Base Closure Environmental Activities—assumes that the department will require a dedicated funding mechanism to expedite cleanups and other environmental requirements at bases affected by proposed closure and realignment actions.....	500
Environmental Compliance—assumes that DoD projections for environmental compliance requirements are as understated as its DERA funding projections.....	1,600
New Clean Air Act Requirements—assumes that Congress will reauthorize the Clean Air Act similar to the bills under consideration in the 100th Congress. The department estimates that such legislation could involve \$3 billion in military construction costs and an additional annual O&M requirement of \$1 billion.....	3,000

Total shortfall..... 7,200

Although there is a great deal of uncertainty about future environmental funding requirements, the committee believes that these estimates of unfunded requirements are probably conservative. As indicated earlier, the Department has little control over these requirements, and the regulatory agencies overseeing the implementation of environmental laws are not required to be cost conscious in their determination of requirements. These estimates also do not take into consideration any DoD offsets or user fees that might be required to support environmental activities at Department of Energy facilities.

If current federal budget trends continue to require negative growth in the defense budget over the next five years, it will be extremely difficult to address unfunded environmental requirements on the order of \$5-10 billion. To make matters worse, these environmental expenditures will have a maximum budget deficit impact because they involve high first year outlay rates since they are chiefly paid out of the O&M and military construction appropriations. Unless extraordinary measures are taken to increase defense expenditures, provide for large transfers of funding within DoD appropriations or constrain environmental funding requirements, defense readiness and quality of life programs will have to be sacrificed. In sum, the environmental cost of doing defense "business" in the 1990s is likely to involve a significant restructuring of DoD activities.

OTHER CHALLENGES

Department of Defense cleanup process

Last year, the committee expressed concern that DoD hazardous waste cleanup efforts were being seriously impaired by the attempt to reconcile overlapping statutory and regulatory guidance. This involves conflicting procedures and substantial requirements and difficult determinations of which federal, state or local regulatory body is in control.

For example, the Superfund Amendments and Reauthorization Act provides that the EPA administrator makes the final selection of a remedy at a DoD NPL site, and that state regulators make the final selection of a remedy at non-NPL sites. However, SARA also provides that RCRA corrective action cleanup requirements be met at DoD NPL and non-NPL sites. Both EPA and state regulators can exercise RCRA corrective action authority, and more states are being delegated this authority as times goes on. As a

result, DoD cleanup efforts have been confronted by unremitting efforts by the EPA and the states to assert control through the selective application of SARA or RCRA statutory requirements.

The magnitude of this problem and its potential for delaying DoD cleanup efforts would be difficult to overstate. For example, under current law the cleanup of a significant DoD hazardous waste site that has not been listed as an NPL site by EPA could be regulated under state SARA procedures, or under EPA or state corrective action authority under RCRA. If the state did not have corrective action authority, it would probably assert control over the cleanup through a state SARA program. Even so, it is possible that state authority could be disputed by the EPA through its assertion of RCRA corrective action authority. If, as is the case at Wright-Patterson Air Force Base, Ohio, or the Louisiana Army Ammunition Plant, the state maintained its authority and signed an agreement with the Department governing the cleanup, the state/EPA control issue could be reopened if the site was subsequently listed on the NPL. EPA's policy with regard to the nomination and listing of DoD NPL sites has been inconsistent and has all too often only complicated efforts to establish who is in control and what statutory authorities apply.

At NPL sites, EPA authority to select a remedy could be challenged by the state through its assertion of RCRA closure or corrective action authority. This type of challenge is currently in litigation involving DoD's largest single cleanup at Rocky Mountain Arsenal, Colorado.

The upshot is that there is no clear statutory guidance to answer the fundamental questions of who is in charge and what procedures shall apply at DoD hazardous waste cleanups.

The failure of current environmental laws to address who should be in control of cleanups at DoD hazardous waste sites throws the burden of sorting these conflicting claims of authority to those least able or willing to do so. The result has been confusion, frustration, conflict, litigation, delay and additional cost to the taxpayer.

Ideally, the solution would be to have DoD installations conducting cleanup activities enter into a comprehensive agreement that would govern all phases of cleanup with all regulatory bodies involved. Unfortunately, this continues to prove very difficult.

Initial efforts to reach agreements at DoD NPL sites on a piecemeal basis lacked consistency and could have resulted in national policy guidance based on the lowest common denominator. Dissatisfied with this trend, the committee encouraged DoD and EPA to negotiate a headquarter-level federal facility cleanup agreement that would have served as the basis for site-specific agreements. It was hoped that this approach would provide a framework for those in the field to undertake hazardous waste cleanups in a consistent fashion that would reconcile statutory and regulatory guidance. Despite the committee's involvement, it took almost seven months of hard bargaining for the Department and the EPA to negotiate a model agreement for NPL sites.

Subsequent efforts to use the model agreement language in the field have been complicated by state dissatisfaction with some of the provisions and the efforts of various EPA regions to change some of the language agreed to by EPA headquarters.

The committee appreciates the fact that the states were not formally involved in the

DoD/EPA negotiation process in developing the model agreement. Nevertheless, the committee believes that efforts to move the process along were governing in this instance. Formal state participation in the DoD/EPA negotiations could only have complicated and delayed the resolution of differences between the two federal agencies. Moreover, the model agreement language only applied to DoD NPL sites where EPA remains the primary regulatory agency under both SARA and RCRA. Finally, the committee recognized that some modifications would become necessary in the model agreement language to address various state and site specific problems.

One of the biggest state-related issues involved the reimbursement for or state oversight costs associated with the development of cleanup remedies. Although the committee finds the statutory authority for the payment of such costs unclear, it also recognizes that adequate state participation in the total cleanup process is essential in the development of the most appropriate remedies. Accordingly, the committee supports the draft DOD-State Memorandum of Agreement (DSMOA) that provides for the use of a cooperative agreement governing the state reimbursement for oversight at DOD NPL and non-NPL sites.

Another issue complicating negotiations with the states on federal facility agreements at DOD NPL sites has been over funding commitments. Although the committee believes that every effort should be made to fund cleanups at DOD NPL sites as expeditiously as possible, it cannot allow the Department to make binding funding commitments that are inconsistent with, or in advance of, Congressional appropriations. Such commitments are fundamentally inconsistent with the congressional budget, authorization and appropriations process, and the committee believes that they would be unconstitutional. Congress must reserve to itself the authority to set national funding priorities and see that they are honored.

Negotiations with the states have also raised the issue of funding priorities for hazardous waste cleanups and the Department's role in setting these priorities. The committee has strongly supported the Department's position that, where human health and the environment are at stake, the worst sites should be cleaned up first. For the past two years the Department has been attempting to improve its ability to establish site priorities for cleanup through the development of a new computer model. The model uses quantitative data gathered in the Remedial Investigation/Feasibility Study phase and is currently being tested by the Air Force. Since the model was first announced in the Federal Register in November 1987, the EPA and several states have provided comments that have been reviewed and incorporated into the model.

The committee is encouraged by the willingness of the EPA and most states to support a DOD prioritization model as part of the federal facility agreement and Defense-State Memorandum of Agreement, provided they are given an adequate opportunity to provide input and comments. On the other hand, the committee is concerned about the reluctance of a few states to subscribe to the new DOD model and, in one case, any DOD prioritization system. The committee remains convinced that a credible DOD prioritization process is essential to ensure the cost-effectiveness of DOD hazardous waste cleanup efforts.

Equally important, the failure to agree to such a prioritization process will foster congressional efforts to "earmark" DERA funds for specific site cleanups. Invariably, the committee has found that these earmarking efforts involve lower priority sites and, if carried out, would displace higher priority projects elsewhere and pose a greater threat to human health and the environment. This practice is inappropriate and could seriously interfere with DOD efforts to comply with environmental statutory guidance or carry out agreements with EPA and the states.

Since last July, 1988 the Department and the EPA have been trying to negotiate federal facility agreements with the states at DoD NPL sites with mixed results. About a half dozen have been signed, with another dozen close to being finalized. California has been the most successful state in reaching such agreements because the negotiations have had high level management attention and involvement. As the number of signed agreements grows, the committee hopes that the momentum will increase. In addition, the signing of Defense-State Memorandums of Agreement should provide a better working relationship to help overcome some of the remaining areas of disagreement.

Nevertheless, the committee has two concerns relating to the agreement process at DoD NPL sites. First, increasing the involvement of EPA and state regulators in the cleanup process involves additional time and costs. This is significant considering that the minimum time that will elapse between the discovery and cleanup of an NPL site is about eight years. Although federal facilities agreements at an earlier phase in the cleanup process may serve to avoid litigation and reduce later regulatory problems, it is almost certain that they will stretch out cleanup efforts beyond the eight-year minimum. These agreements call for additional regulatory review requirements, longer review and comment periods and formal dispute resolution procedures. The Department will also have to bear the cost of responding to this increased regulatory review and, in the case of the states, pay reimbursement for oversight.

Second, the committee is aware that the number of DoD NPL sites is growing faster than federal facility agreements are being negotiated. The committee also recognizes that neither the federal facility agreement prior to the Record of Decision or DSRMOA are statutory requirements, and that state participation is voluntary. To the extent that states fail to enter into such agreements and pursue other means to assert control over cleanup activities at DoD NPL sites, they will raise questions about the adequacy or relevance of ongoing DoD efforts to characterize those sites or develop remedies. Although the lack of state participation is not sufficient to halt Remedial Investigations and Feasibility Studies that are already underway, they cast doubt on the advisability of providing funds for those studies. Ultimately, the issue to be addressed is who is in charge and what statutory requirements apply. At a time when funds are so scarce, the committee cannot justify expenditures that may turn out to be a waste of taxpayer dollars.

These concerns reiterate the committee's belief that, barring a national consensus through the ongoing agreement process, Congress must act quickly to address the current uncertainty about who is in charge at DoD NPL sites and what statutory requirements must be met.

Base closure environmental issues

Congress's enactment of the Defense Authorization Amendments and Base Closure and Realignment Act (P.L. 100-526) authorized the creation of a Commission on Base Closure and Realignment to recommend base closure and realignment actions and for their subsequent consideration by the Secretary of Defense, the President and Congress. The commission's recommendations to close or realign missions at 86 military bases were approved by the President and transmitted to Congress on January 6, 1989. Subsequently, a resolution of disapproval was reported unfavorably by the committee and rejected by the House of Representatives on April 18 by a vote of 381-43.

From the earliest consideration of base closure legislation one of the most serious congressional concerns involved environmental issues and how they would be addressed. Ultimately, the matter was left to the commission, and it chose not to address specifically environmental issues because they would have to be dealt with whether or not the bases were closed or realigned.

Nevertheless, congressional concerns remained and the committee held a hearing on May 17, 1989 to receive testimony from congressional and DoD witnesses.

The foremost issue raised by congressional witnesses involved the cost of cleanups at bases to be closed or realigned and the source of DoD funds for that purpose. DoD testimony provided a preliminary estimate that cleanup costs would exceed \$500 million, of which at least \$150 million would come from non-DEA funding sources. DERA funds would only be used if the cleanups were eligible for such funding on a "worst-first" basis. Other funding sources for the lower priority cleanup were not identified, but could, according to DoD, include the use of Base Closure Account monies.

Although the committee recognizes that the Department cleanup costs estimates are very difficult to make prior to Remedial Investigations and Feasibility Studies at these bases, it believes that the current estimates are optimistic. For example, only five of the bases have sites on the NPL that would assure their eligibility for DERA funds. Consequently, there is likely to be greater reliance on other funding sources if the department adheres to its "worst-first" allocation of DERA funds.

In addition, the actual cost of cleanup may be significantly understated because of two concerns that are unique to base closures and realignment. First, there is a great deal of political pressure to complete cleanup actions as quickly as possible so that the base property can be transferred to other parties near the time the base is actually closed. There are almost certain to be additional costs associated with an expedited cleanup schedule.

Second, the Department's estimates do not seem to be based on probable land use requirements that may turn out to be the single most important factor driving the cost of environmental cleanups at these bases. These communities are certain to be very interested in making the best use of this property, and this will have a major impact on cleanup standards. For example, the difference in cleanup standards for residential use compared to green space may involve a three- or four-fold increase in cleanup costs. Even the difference between residential and commercial/industrial purposes could double the cost of cleanup. Note however, the selection of remedies at these sites

are in the hands of regulatory agencies that are acting in accordance with environmental laws that address health and environmental issues, not use requirements.

A related problem involves long-term government liability for problems associated with the transfer of previously contaminated land. Under current environmental law, the Department remains liable for the consequences of hazardous or toxic contaminants at its properties even though all known or reasonably foreseeable contamination has been removed. Even if the new owner of the property agrees to assume the risk, the Department is still liable if the owner disappears, goes bankrupt or otherwise reneges on what seems a binding contract. In some cases, the Department is either not going to be able to transfer all the base property, or do so with stringent deed restrictions.

Another major congressional concern was that the bases would not be cleaned up quickly and property would remain unutilized for years after the base closure or realignment. DoD testimony pointed out that in some cases this might be unavoidable for technical or procedural reasons. Technically certain remedies, such as ground water pump and treatment, usually take at least ten years to complete. Procedurally, the Department cannot dispose of the property until it complies with all environmental laws, including the National Environmental Policy, Clean Air, Clean Water, RCRA, National Historical Preservation, Endangered Species and Safe Drinking Water Acts. Moreover, the schedule for cleanup efforts is in the hands of the EPA, state and local regulators. Their requirements for site characterization and remedial action may call for a schedule that will exceed the six-year deadline for base closure. In addition, the regulatory agencies involved will have to make a commitment to give these sites a high enough priority to ensure that adequate funding and personnel are available to support an expedited cleanup schedule.

DoD testimony emphasized that these bases could be closed, thereby achieving operational savings, before funding and completion of all environmental requirements associated with the disposal of property.

In sum, the testimony the committee received was somewhat disturbing. Although the Department is placing a great deal of emphasis upon the environmental aspects of base closure, it cannot yet determine how much it will cost to address environmental requirements and the source of funds. Furthermore, it is increasingly apparent that regulatory agencies will have a larger effect on the cost, nature and scheduling of environmental activities than DoD policy, management and funding actions. Lastly, the communities themselves will play a major role in the outcome. If they press for unreasonable land use requirements and allow the cleanup process to get bogged down in bureaucratic red tape and litigation, the Department will be able to expedite cleanup and land disposal actions. These communities will have to serve as catalysts for action to make sure that the regulatory agencies and the Department act in a timely fashion.

To facilitate DoD efforts to expedite cleanup and other environmental actions associated with the bases to be closed or realigned, the committee directs the Secretary of Defense to prepare a five-year plan that will provide updated cost projections, identify a dedicated source of funding and make

recommendations to address technical, procedural and land use issues.

Clean Water Act Compliance

On April 26, 1989 the committee held a hearing on Department of Defense compliance with the Clean Water Act and received testimony from congressional, General Accounting Office (GAO) and DoD witnesses.

The testimony mainly addressed a GAO report entitled, "Water Pollution: Stronger Enforcement Needed to Improve Compliance at Federal Facilities," issued on December 27, 1988. Looking at federal facility compliance with the Clean Water Act in fiscal years 1986-1987, GAO found that:

(1) Major federal facilities' rate of non-compliance with priority program requirements is twice that of non-federal industrial facilities;

(2) The fundamental barrier to compliance has been the low priority that federal facilities have assigned to compliance with pollution discharge requirements;

(3) Federal budget and procurement processes cause delays in correcting some violations, but three-quarters of the violations were administrative in nature and could be corrected in a timely fashion involving modest expenditures of operating funds;

(4) EPA and state regulators were not taking timely enforcement actions on significant violations needed to raise the priority that federal facilities place on compliance; and

(5) EPA's enforcement and oversight of state enforcement have been hindered by ineffective management controls for identifying and following up on cases of untimely enforcement.

DoD witnesses took issue with GAO's comparison of federal facilities with industrial wastewater treatment systems, arguing that most of the department's facilities are more like municipal wastewater treatment plants than industrial plants because they typically generate and treat both domestic and industrial wastewater. A comparison of federal and municipal wastewater treatment plants' noncompliance rates by quarter between fiscal year 1986 and the first quarter of fiscal year 1989 revealed that federal facilities had a better compliance rate about half the time. Nevertheless, the Department conceded that it was not satisfied with an average noncompliance rate of 15 percent over this period. The Department also agreed with GAO that during this period compliance problems were primarily administrative in nature and pointed out the need for better training and more certified plant operators. In addition, the Department is requiring more environmental audits at its installations and is developing an on-line database to better track Clean Water Act compliance and correct deficiencies quicker. Equally important, the Department is connecting to regional wastewater treatment systems, where feasible, rather than investing in improvements to old and outdated wastewater treatment systems.

At the same time, however, the Department pointed out the continuing need for military construction water pollution abatement projects due to new laws and regulations by the EPA and the inability of aging plants to comply with tough new standards. Even though the department spent almost \$1.3 billion for military construction water pollution abatement projects between fiscal years 1974-1989, many of these plants will require substantial upgrades or replacement in the next decade. The committee estimates that these projects and related oper-

ation costs could exceed \$500 million in the next five years.

In view of the management and funding requirements for DoD compliance with the Clean Water Act identified at this hearing, the committee believes the Department must provide more management attention and resources to meet these needs. To assist the Department in this regard the committee directs the Secretary of Defense to submit an updated five-year cost estimate incorporating funding for new Clean Water Act requirements, including more stringent secondary treatment standards. This report should also detail and provide the status of DoD management actions to improve the qualifications and training of treatment plant personnel, installation environmental audit procedures and the development and fielding of an integrated compliance data base system.

Government-owned contractor-operated facilities/industrial base issues

On May 2, 1989 the committee held a hearing on environmental issues involving Department of Defense government-owned contractor-operated (GOCO) activities, receiving testimony from the Department of Defense, industry and EPA witnesses.

The testimony disclosed that the Department currently owns 66 GOCO plants (34 Army, 18 Navy, 13 Air Force and one Defense Logistics Agency) located in 31 states. The number of DoD GOCO plants has steadily declined since the Korean War because of the policy to turn the plants over to private industry except plants involved in the production of military-unique products like ammunition.

Although the number of DoD GOCO plants is fairly small, these facilities represent a major investment and present some significant challenges with regard to environmental regulation. GOCO environmental compliance and hazardous waste problems are among the most difficult and complicated facing the Department. Over \$112 million of Defense Environmental Restoration Account funds have been spent over the past three fiscal years on projects to obtain and maintain environmental compliance and GOCO plants.

The hearing testimony focused on a dynamic tension among the Department, the contractors and EPA regulators in addressing environmental issues at GOCOs.

DoD testimony indicated that it is aggressively examining ways to limit the Government's environmental liability at these plants. To create a greater incentive for operating contractors to comply with environmental requirements and recognize that purely operational deficiencies are very often responsible for violations, the department is requiring them to sign as "operator" on environmental permits required at GOCOs. In addition, the Defense Acquisition Regulatory (DAR) Council has recently formed an ad hoc committee to study DoD acquisition regulations and cost principles with regard to environmental concerns. The Department hopes that study recommendations will provide a better basis for distinguishing between types of environmental requirements in future contracts. Nevertheless, DoD testimony emphasized that the complexity of current environmental law and the differing contractual relationships at each of its GOCOs make sorting out the degree of financial responsibility in a particular situation difficult and, as a result, are made on a case by case basis.

Contractor testimony reflected the concern that DoD contracting procedures and

regulatory enforcement strategies were shortsighted and unfair in holding the contractor responsible for actions that were clearly beyond its control. For example, the contractor can identify environmental requirements but has no control over the amount of funding provided for environmental compliance. Likewise, the GOCO contractor cannot spend the government's money or its own for facility modifications to meet regulatory requirements without the approval of the contracting officer. In addition, production performed at GOCO plants is strictly controlled by government specifications that cannot be modified independently by the contractor. Lastly, there was concern that as the "operator" on an environmental permit, a contractor could find itself liable for actions at the facility prior to its arrival. Contractor witnesses, therefore, maintained that a GOCO contractor should not be required to comply with environmental laws applicable to a federal facility unless the authority to do so is expressly granted and unless the government provides funds for compliance. Furthermore, the government should indemnify the contractor for any environmental costs under the contract.

EPA testimony emphasized that the U.S. Department of Justice's (DOJ) position is that there are no constitutional or statutory problems to asserting enforcement authorities under environmental laws against GOCO operators. DOJ further stated that even where the federal agency and its contractor share responsibility for the operation of a GOCO facility, if the contractor falls within the statutory definition of an operator it can be sued. Moreover, indemnification provisions in the contract do not affect the contractor's liability under environmental statutes. In effect, the EPA and state regulators take the position that environmental statutes give them the authority to act against all potentially liable parties at a GOCO plant and that they will make the final determination of liability on the basis of their review of the facts. To that end, EPA is in the process of developing a GOCO enforcement strategy that will clarify EPA's enforcement response policy, identify criteria and factors for EPA programs to consider in determining enforcement responses and provide for timely and consistent EPA responses to GOCO violations.

This testimony strongly suggests that environmental statutory requirements are having a profound impact on GOCO operations and the traditional relationship between the Department and its contractor operators. For example, uncertainty about the future extent of liability for environmental damage and the reluctance of contractors to assume a share of the government's liability are frustrating ongoing DoD efforts to divest most of its remaining GOCO plants. Likewise, ongoing efforts by the Department and the contractors to better define their respective responsibilities and liabilities under environmental laws are raising new and extremely difficult contractual issues. Department of Defense and contractor efforts to fashion a mutually acceptable new working relationship that meets regulatory guidelines promises to be a time-consuming and difficult undertaking.

Even more significant, however, is the fact that many of these same concerns also apply to DoD efforts to contract for services and products generally. At the very least, efforts by defense contractors to comply with more stringent environmental standards while attempting to meet military specifica-

tions is going to drive procurement costs up at a time when investment funding is severely constrained. Hard choices are going to have to be made in the development process to minimize the use of hazardous materials that will create environmental compliance problems during the manufacture, fielding and maintenance of new weapon systems.

It is also going to be difficult to reconcile industrial base needs with environmental compliance requirements. Current environmental law does not provide for any consideration of industrial base or mobilization base requirements. The statutory compliance strategy makes no distinction between a commercial manufacturer operating at capacity and a defense contractor producing well below capacity during peacetime. The former can increase prices to offset environmental compliance costs, but the latter may be largely dependent upon government contracts to sustain minimum production levels. It is also well known that the existing defense industrial base is seriously underutilized and woefully undercapitalized. Environmental compliance requirements may provide the catalyst to take a hard look at existing Defense industrial base capacity to develop a scaled down infrastructure that can meet environmental compliance requirements.

The same goes for DoD industrial funded activities themselves. There just may not be enough funding and workload in the coming years to justify maintaining the current number of depots, arsenals, shipyards and air rework facilities if all of these activities must meet existing and projected environmental requirements. Even in cases where existing industrial funded activities continue to operate, they may have to significantly scale back functions and capabilities. For example, Mare Island Naval Shipyard has closed its plating shop, primarily to avoid future environmental compliance costs and liability. Similar choices are going to have to be made on a function-by-function basis at virtually all industrial funded activities to accommodate emerging environmental realities.

Alternatively, it might also be appropriate to take a hard look at environmental requirements to determine whether they should be modified to take into consideration the peculiar needs of the defense industrial base. Perhaps underutilized manufacturing operations that are determined to be essential to meet mobilization base requirements should be regulated differently. Serious consideration might also be given to ensure that issues relating to paramount national interests should not be addressed in a one-dimensional fashion, but should take into account all relevant factors and environmental laws should provide for that flexibility.

Personnel and organizational issues

Currently, the Department of Defense is using more than 5,000 civilian and military personnel to staff its various environmental programs. These DoD positions range from scientists engaged in research aimed at minimizing the generation of hazardous waste; to engineers conducting site cleanups; to technicians involved in the inspection and analysis of hazardous substances; to personnel responsible for the day-to-day management for the handling, treatment and disposal of hazardous substances. Even so, the Department is not staffed to address adequately all environmental requirements. To comply with existing and emerging environmental requirements, DoD will probably

have to more than double the current size of its environmental staff over the next five years.

Under the best of circumstances, doubling the number of qualified environmental personnel would be a very difficult task. The demand for trained environmental specialists has never been greater and will continue to grow in the foreseeable future. To make matters worse, however, the Department enters this competition with a number of serious disadvantages.

Civil Service hiring procedures, promotion guidelines and DoD personnel regulations are cumbersome, time-consuming and not targeted to optimize the recruitment of environmental professionals. In addition, the Department salary scales are not competitive with the private sector for these skills, especially at the middle and upper management levels. Under the circumstances, the Department must make the most of job satisfaction and security and retirement benefits to attract and retain environmental specialists. Initial indications are that the Department is experiencing significant problems in filling environmental positions and retaining personnel.

DoD recruiting problems and personnel turbulence, however, are not unique to the federal government. The EPA is experiencing many of the same problems with a high turnover rate among those seeking higher paying jobs in the private sector. If anything, the problem is even more severe with state and local regulatory agencies, which often pay less and offer fewer benefits than their federal counterparts.

A major difference between the Department and EPA and state regulatory agencies has been boldly highlighted by the recent criminal convictions of Army senior civilian management personnel at Aberdeen Proving Ground in Maryland. When these three managers were indicted by a federal grand jury, they learned that the Department of Justice would not allow the Army to represent them and, even if acquitted, they could not expect to recover their legal costs. In effect, once they were indicted, they could expect no legal support from their employer.

Subsequent testimony before the committee revealed that this policy was not generally consistent with private sector practice. Many, if not most, large private firms provide legal representation for their employees if it is determined that they were operating within the scope of their duties.

Another significant difference compared to their counterparts in the private sector is that DoD environmental personnel are in the front lines in an ongoing conflict between the Department and federal, state and local regulators over what statutory authorities apply and who is in charge. As indicated previously, there is a great deal of ambiguity about these matters in current environmental laws and much is left open to individual interpretation. The resulting climate of mutual suspicion, controversy and acrimony substantially increase the risk DoD employees will be prosecuted for criminal violations.

To make matters worse, pending legislation would strengthen state authority to initiate criminal proceedings against DoD employees for violation of environmental laws.

In addition to the exposure to risk from criminal prosecution, DoD employees are not uniformly protected from being held personally liable for civil fines and penalties associated with noncompliance with environmental requirements. As a result, the

committee is aware that a number of DoD personnel have taken out insurance policies to protect them against civil penalties and are paying the premiums out of their own pockets.

In sum, the perception is being created that working for the Department of Defense in positions of responsibility for environmental compliance generally pays less than the private sector and involves more risk of criminal prosecution and civil penalties, with the prospect of little, if any, government support to defray substantial legal costs. This situation raises serious questions about the Department's ability to recruit and retain the increasing number trained and qualified environmental professionals needed to comply with expanding and increasingly stringent environmental statutory requirements.

The Department also faces an organizational challenge in dealing with increasing environmental requirements. Although environmental requirements and funding levels have been growing in recent years with no end in sight, DoD organizational changes have been relatively modest.

Within the Office of the Secretary of Defense, the Director for Environment was elevated to a Deputy Assistant Secretary (Environment) in 1986. This position is now held by a political appointee who is responsible for establishing policy; coordinating with the military departments to foster consistency and integration in policy implementation; monitoring congressional action; maintaining liaison with federal, state and local regulatory agencies on major policy issues; and functioning as the single manager for the Defense Environmental Restoration Program (DERP).

Although the service secretaries have authority over environmental activities, the policy oversight and day-to-day management is handled by a Deputy Assistant Secretary of the Air Force, the Army's Special Assistant for Environment and the Navy's Deputy Director for Environment—all of which are career civilian senior management positions.

In sum, the organizational approach is centralized policy making with decentralized implementation.

The committee is concerned that the current DoD organization does not have sufficient size or stature to effectively deal with the growth of environmental requirements and adequately participate in the overall policy, programming and budgeting process. This is demonstrated by the inability of senior environmental managers to secure realistic funding increases for the Defense Environmental Restoration Account for fiscal years 1990-1991, increase the visibility of compliance requirements and funding and the necessary expansion of DoD headquarters environmental organizations. Having to secure support for policy and funding initiatives and their advocacy by going through an assistant secretary and an undersecretary who have to deal with a host of unrelated issues dilutes the emphasis given to environmental matters.

In addition, the lack of stature makes it more difficult for DoD senior environmental managers to represent effectively the Department. Although the Department has the largest and most complex environmental program in the federal government, it suffers in its dealing with other agencies because it is being represented by a Deputy Assistant Secretary of Defense, whereas the Environmental Protection Agency is represented by an assistant administrator and

the Department of Energy by an assistant secretary. By the same token, this level of representation before Congress creates the perception that the Department is not providing the emphasis or commitment needed to deal with environmental matters on a priority basis.

Under the circumstances, the committee believes the Department should make a very close examination of its current organization for managing environmental activities to determine whether organizational and staffing changes are necessary for its effective management of current programs and responsiveness to emerging environmental requirements.

Another committee concern is the adequacy of DoD legislative liaison efforts when dealing with environmental issues. It would be hard to imagine issues more controversial or politically salient than those dealing with hazardous waste and environmental compliance. Furthermore, recent developments underscore the fact that environmental concerns in Congress are not going to subside. They will only get more complex, difficult and potentially damaging as time goes on. Therefore, it is imperative that the Department increase the number and improve the qualifications of its legislative liaison personnel working DoD environmental issues of interest to Congress.

Summary

The foregoing discussion amply demonstrates the magnitude, complexity and seriousness of the environmental challenges facing the Department of Defense. Although a great deal of uncertainty exists regarding the exact scope and nature of these challenges and how they should be addressed, a number of points seem clear.

The Department of Defense is the largest single regulated entity in the United States with over 800 installations located in every state and territory. The Department has the vast majority of the total federal facilities that are subject to regulation under environmental laws.

The Department has identified over 8,000 suspected hazardous waste sites at its active installations and over 7,000 suspected sites at formerly owned military facilities.

DoD compliance with environmental laws has been uneven and less than desirable, but available data do not conclusively support changes that the Department's compliance record is worse than private parties and municipalities, or offer compelling evidence that increased enforcement authorities are needed.

Environmental requirements are growing at a rate that is outstripping the Department's ability to effectively respond to them.

Environmental requirements are being generated piecemeal without any clear mechanism to integrate them in a coherent and comprehensive fashion.

Environmental requirements are being developed almost exclusively by federal, state and local regulators that are in no way accountable or responsible for the funding or mission impact upon the Department.

Largely because of the Department's delay in fully recognizing its need to address openly and cooperatively environmental problems, Congress enacted an enforcement strategy that equates the Department to a private party in terms of environmental regulations. A key element in the implementation of these strategies are broad waivers of sovereign immunity to permit regulatory agencies to pursue the same enforcement

actions that could be used against private parties.

Although this enforcement strategy addresses environmental concerns, it is flawed in several respects when applied to the Department of Defense. First, it does not adequately take into account that DoD's national security mission or operational requirements. Second, the Department is wholly dependent upon congressional appropriations and must comply with a host of other statutory requirements. Third, it is inherently insensitive to cost considerations at a time when DoD expenditures are under intense scrutiny. Fourth, it does not provide a means to prioritize compliance requirements if sufficient funding is not available.

Although the department estimates that it is spending over \$1 billion a year for environmental cleanup and compliance activities, unfunded environmental requirements may exceed \$5 billion over the next five years, most of which would be paid out of the operation and maintenance and military construction accounts.

DoD cleanup efforts are progressing at an impressive rate, but face serious obstacles due to overlapping statutory requirements, the degree of federal and state control and the growing amount of red tape involved in the cleanup process.

Environmental requirements and liability issues are fundamentally changing the department's relationship with its contractors and seriously complicate efforts to address defense industrial base and mobilization base problems.

Compliance with environmental laws have created major personnel and organization challenges for the department. Foremost among them is the need to double the size of the environmental workforce of more than 5,000 over the next five years when government service pays less and involves greater personal risk from civil and criminal sanctions.

In sum, the committee is seriously concerned that DoD environmental activities are characterized by too few being asked to do too much, too fast, with too little. The emerging demands upon the Department very likely exceed its ability to respond and are beyond its control. The outcome is likely to be continued frustration, delay and waste of taxpayer dollars. Thus, as a result of piecemeal congressional actions over the past two decades, regulatory chaos has been created in the guise of a federal facility compliance strategy. Unless Congress fashions a comprehensive and integrated federal facility compliance strategy that prioritizes environmental requirements, is fiscally realistic and takes into consideration national security considerations, things are likely to get worse before they get better.

Mr. SYNAR. Mr. Chairman, I move to strike the last word.

Mr. Chairman, if I may get the attention of the gentleman from Georgia in order to pose some questions which I would like to ask him about his amendment.

First of all, let me say that all of us who serve on the Committee on Energy and Commerce have a tremendous amount of respect from Mr. RAY, and I think it is important that his dialog appear in this debate today.

We need to clarify some things, if I may ask the gentleman.

If the gentleman from Georgia would tell us, private industry today is

required to meet these compliance standards; is that correct?

Mr. RAY. Mr. Chairman, will the gentleman yield?

Mr. SYNAR. I yield to the gentleman from Georgia.

Mr. RAY. I thank the gentleman for yielding.

Mr. Chairman, that is correct.

Mr. SYNAR. And State agencies are required to meet these compliance standards; is that correct?

Mr. RAY. That is correct, although they are very, very far behind in complying.

I would just say this, that in the last 4 years the Department of Defense has made progress.

Mr. SYNAR. I am just talking about State agencies.

Mr. RAY. State agencies have fell behind.

Mr. SYNAR. But State agencies do have to meet these compliance standards.

Mr. RAY. That is correct.

Mr. SYNAR. And towns and municipalities within all our congressional districts have to meet these standards then.

Mr. RAY. That is true.

Mr. SYNAR. So towns and municipalities, State agencies and private industry all have to meet the standards which the gentleman's amendment would exempt the Federal Government from. Is that correct?

Mr. RAY. Let me say that those towns, cities, counties and States do not have to defend the country; the Department of Defense does.

So there is, there should be a distinct difference.

Mr. SYNAR. Now is the gentleman aware that of the polluters which we have dealt here in the last decade some of the major polluters are the Federal agencies; would he agree with that?

Mr. RAY. That is true, and we have identified 8,000 sites which have occurred back when it was legal to have oxidation ponds and so forth over the last 40 years.

It is true that some of the major polluters have been dealt with. But let me say that those major polluters, in the Department of energy—if I could I would draw a line between those, they are only 3 percent of all the facilities and DOD has the rest of them and they are in much better shape.

Mr. SYNAR. And one final question.

The gentleman is aware one of the reasons why we have this bill before us today is the fact that during the last decade the Justice Department and EPA have not enforced the law against Federal agencies, he is aware of that.

Mr. RAY. I am aware of that, but I ask the gentleman to think about what has occurred in the last 4 years,

and in those years things have gotten considerably better.

Mr. SYNAR. Could the gentleman point to any success in the last 4 years where a facility has been cleaned up?

Mr. RAY. Yes, I can. The worst one in the country is the Rocky Mountain Arsenal, No. 1 on a worst-case basis; we are well under way now in cleaning that up. We are putting funds forward to accelerate that as rapidly as possible. And there are numerous others.

Compliance agreements have just been entered into with Robins Air Force Base in Georgia, for instance.

Mr. SYNAR. I thank the gentleman very much.

I think the questions that I have just asked the gentleman from Georgia point out why Members who are standing up today in favor of this legislation feel so strongly about it. All of us believe that private industry should meet these standards. All of us believe that State agencies should meet these standards. All of us believe that towns and municipalities should meet these standards.

We would be very remiss in our duties if we tried to exempt Federal agencies.

As the gentleman from Georgia said, some of the worst polluters in our Nation's history have been our Federal facilities. Without this legislation we are going to have two standards, one for cities and towns, State agencies and private industry and one for the Federal Government.

Second, over the last decade we have study upon study where our Federal agencies such as the Justice Department and EPA did not enforce the laws. With all due respect to what the gentleman from Georgia said, he can only point to really one example of where we have begun the process of cleaning up these Federal facilities.

So all those people in the 50 States where these Federal facilities exist, this legislation, H.R. 1056, starts us down the path to clean these facilities up and protect the safety and health.

That is why I rise in strong opposition to the gentleman's amendment.

Mr. HANSEN. Mr. Chairman, I move to strike the requisite number of words and I rise in support of the amendment.

Mr. Chairman, I rise in support of the amendment offered by RICHARD RAY. My good friend from Georgia and I sit on the Armed Services Environmental Restoration Panel, and while we fully understand the importance of expediency in cleaning up our environment, we also are aware that the Defense Department is doing its best to undertake the enormous task of assessing over 8,000 potential hazardous waste sites at 897 military installations, as well as over 7,000 potential sites at formerly used facilities.

As I indicated, environmental restoration is an enormous task, and DOD

is committed to environmental restoration. However, it is expected that it will take DOD 25 years at a cost of over \$20 billion to clean up our military installations. But even 25 years could be a soft figure because the rate of restoration depends on the amount of funding provided by Congress.

Now, if fines and penalties are assessed on DOD to get the services to accelerate its cleanup schedule, but if Congress does not provide adequate funding for all of DOD's needs, then how will the Defense Department pay the fines and penalties?

There's only one logical place the services could tap, the operations and maintenance accounts that pay the thousands of civilians who work on our military bases, the thousands of civilians who insure that our weapons systems are in a ready state, the thousands of civilians who are our constituents. If O&M funds are used to pay fines and penalties and lawyers' fees, the services will be forced to furlough. Do we really want to see thousands of our constituents lose their jobs to pay lawyers' fees? I personally wouldn't want to be in the shoes of my colleagues who vote against the Ray amendment when the calls start pouring in from constituents who have lost their jobs, or from those in the civilian work force who were fortunate enough not to lose their jobs, but who now must do double duty to maintain readiness.

I recently went through an excruciating experience when O&M funds were threatened at Hill Air Force Base and 17,000 of my constituents were going to be furloughed for 10 days. I never received so many irate calls. I personally don't want to go through that exercise again.

Do we really want DOD to spend millions of dollars in fines and penalties when that money could be better spent on environmental cleanup?

And what about the process that requires that worst case hazardous site wastes be cleaned up first? If we don't support the Ray amendment, we'll be making a mockery of the worst-case priority list, because it will become a "He who gets to the courthouse first gets the funding" game.

Finally, assessing fines and penalties is not necessary because States already have the authority to force compliance upon any DOD facility that fails to take corrective cleanup action.

The Defense Department is proceeding with the cleanup of its hazardous waste sites in compliance with existing law. Assessment of fines and penalties to expedite DOD cleanups under RCRA is not warranted and the Ray amendment should be adopted.

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Mr. THOMAS A. LUKEN. If the gentleman will yield, the gentleman is supporting the Ray amendment, and

there has been some talk here that there has been some improvement with the record of the DOD or the DOE on cleanup of these facilities.

Just this morning, before our subcommittee, before we came over here, we had the inspector general from the Department of Energy and he issued a report which has been covered in the press already this morning, the most scathing denunciation, a comprehensive denunciation, condemnation, self-indictment of the Department of Energy, saying they have no infrastructure, they have no system, no training for employees, no systematic approach to identify or assess the problems. Very complete description, and he did not just set forth principles, he also identified the number of violations and potential violations, which is in the thousands on both sides.

I might remind the gentleman of another thing, not only is the Department of Energy in the same or worse shambles than ever, but in reference to Defense, there is a provision in 6001 which we are merely amending and clarifying, which says that the President has the power to exempt any Federal facility in the name of national security, at any time, by just the wave of his hand. I really think there is no need for this amendment.

Mr. CALLAHAN. Mr. Chairman, I move to strike the requisite number of words.

All of us here agree in principle that Federal facilities must comply with environmental regulations as ordinary citizens and businesses must comply. We must insist agencies involved will act more responsibly to ensure effective compliance, and it is appropriate for Congress to foster the agencies' compliance.

However, H.R. 1056 goes entirely too far in waiving sovereign immunity and allowing State attorneys general to take cases against the Government to the Federal courts. It is ludicrous to grant the various attorneys general this authority when some could and would use this power for political purposes and, in the process, redirect scarce Federal funds from high priority to low priority projects.

State attorneys general testified before our Subcommittee on Transportation and Hazardous Materials that they would not abuse the rights granted by this bill. They merely desired a waiver of sovereign immunity to give them a tool to help in negotiations with agencies. That's fine, but that is not what this bill does. There is no guarantee in this bill that unreasonable fines and penalties against Federal agencies will not be levied. Those Federal costs will only defray the funds available for compliance and other imperative Government functions.

The Ray amendment would remove the bill's waiver of sovereign immunity, and I strongly support the gentleman from Georgia in his effort. His amendment will eliminate the serious threat to our national interest and very possibly to meaningful environmental compliance. It will also ensure that Congress and the Federal Government do not abdicate their rightful responsibilities to State officials.

I strongly urge my colleagues to support the amendment.

Mr. TANNER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment to H.R. 1056. This amendment, offered by the distinguished gentleman from Georgia, allows the Department of Defense to continue a balanced approach to the serious problem it faces with environmental cleanup.

The Department has undertaken a cleanup strategy based upon attacking the worst cases first. Utilizing this approach, the Department is spending over \$600 million a year. This represents an increase of \$200 million since 1985, a period during which DOD has experience negative real growth in funding.

I want to make it clear here that I share the concerns of our colleagues with regard to this problem of Federal compliance with the provisions of the Resource Conservation and Recovery Act. However, in supporting that compliance, I also recognize that the size of this problem among Federal agencies, and especially the Department of Defense, demands the use of a priority system to ensure that the worst cleanups are addressed promptly and effectively.

The Department of Defense, at the constant urgings of this body and its committees of jurisdiction, has developed such a priority system. That worst-case first system allows DOD to balance its obligations to clean up its environmental problems with its responsibilities to maintain an effective and efficient military deterrent. I urge support for this amendment.

Mr. FLORIO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of H.R. 1056, legislation that will end the double standard Government-owned facilities operate under when it comes to complying with our Nation's environmental laws.

Congress, through the Resource Conservation and Recovery Act and the Superfund law clearly intended that Federal facilities be held accountable for complying with the strong environmental protections that are part of these laws. Hazardous waste, whether it comes from a munitions plant owned by the Army or from the private industrial plant down the road,

needs to be treated in a way that complies with our environmental laws.

What we have found, however, is that a double standard has been in place when it comes to taking enforcement actions against Federal agencies that do not comply with our environmental laws. By claiming sovereign immunity from enforcement actions by the EPA, Federal agencies like the Defense Department and the Energy Department have avoided compliance with cleanup laws and have produced a massive environmental cleanup problem.

What we have seen, over the years, is a record of inaction being replaced by a record of obstruction. We have seen a series of unnecessary conflicts between the EPA and the States who are trying to enforce the law and the culprits—in this case the Federal agencies—working with the Justice Department to find ways to avoid the law.

When we crafted the Federal facility provisions under RCRA and Superfund, we very clearly intended that the States and the EPA have the authority and responsibility to ensure that Federal facilities are held to the same tough standards that private facilities need to meet. We did not intend for this to become a power struggle between agencies. We meant this to be a commitment to our citizens to clean up hazardous waste, wherever it is.

A good example of this power struggle that has resulted in an environmental cleanup mess took place in New Jersey, at Picatinny Arsenal. Over 54 hazardous waste sites were located by the EPA at this facility. Both the EPA and the State Department of Environmental Protection have repeatedly cited the Army for noncompliance. DEP even tried to fine the Army for the violations but the Army refused to pay. The Army's position here has been "We sign no agreement, we pay no fines." Just last week, Picatinny Arsenal became a Superfund site on our national priorities list. The cleanup will be paid for the Defense Department. These environmental cleanup costs could have been avoided if the Army had complied with our environmental laws in the first place.

The lesson here is that our Government will have to pay, regardless. The cost of complying with our environmental laws would probably have been less than what it will cost the Army to clean up the facility. It will cost over \$8 billion for the Energy Department to clean up all of the DOE facilities.

By making sure that Federal facilities are held to the same standard as private facilities, H.R. 1056 will help us avoid costly cleanups in the future. Amendments will be offered to try to protect the Defense Department from having to comply with environmental laws. By exempting the Defense Department from the arm of our environ-

mental laws, this amendment would be step backward from progress in cleaning up toxic waste at our Nation's military installations and will result in environmental disasters that will be paid for, eventually, by future generations.

I urge my colleagues to support this bill and oppose any weakening amendments.

□ 1310

Mr. SCHAEFER. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, a smokescreen has been raised that says applying the waiver of sovereign immunity to violations of compliance schedules for corrective action would somehow disrupt DOD national cleanup priorities. That is simply erroneous.

Congress has by statute already given EPA and the States a principal vote in establishing national cleanup priorities. Two years ago in legislation on which I closely worked, the Superfund amendment and Reauthorization Act, Congress rejected the idea that Federal facility polluters should have control over the pace and type of cleanup.

For example, in section 120 of Superfund, Congress gave the EPA Administrator the final word in selecting cleanup remedies at Federal facilities. Further, section 120(e) explicitly states that "The Administrator and appropriate State authorities shall publish a timetable and deadlines for expeditious completion of the remedial investigation and study."

Thus, Congress gave the authority to establish worst-first priorities to independent environmental agencies not to the Federal agencies responsible for the contamination.

But if the concern is that States will somehow disapprove of and reorder the worst-first schedule, I would suggest that they be actively included in the development of a prioritization list. In fact, such a process has already been recommended in a letter endorsing my substitute sent by EPA Administrator Reilly to OMB Director Darman. Quoting from that letter, "The Agency recognizes the need for establishing priorities for major cleanups which will occur at Federal facilities in the coming years. In this regard, EPA is proposing to convene a conference later this summer with Federal agencies and State representatives to begin discussing this problem and a process for developing practical solutions." The attorneys general of all 50 States responded in a letter stating, "A cooperative relationship should be developed; it is then that the State-Federal partnership that is essential to resolve these pressing environmental problems can be strengthened." Given these commitments, this

amendment is not only unnecessary, but is in fact detrimental to this important process.

As I mentioned in my opening remarks, arguments accusing States and EPA of acting irresponsibly when it comes to the environment carry little weight coming from Federal agencies which have created this nightmare. There is simply no evidence to suggest that the fears created by supporters of this amendment will ever come about. As the Rocky Mountain News pointed out so appropriately in a June 15th editorial, "The real danger lies in not giving States and EPA more freedom to hold DOE's feet to the fire." I urge my colleagues to vote down this amendment.

Mrs. LLOYD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Ray amendment. I do believe the Federal Government should abide by the laws of this Nation including environmental laws.

The Ray amendment will enable States and other Federal agencies to insist that Federal facilities handle their currently produced hazardous wastes in compliance with the Resource Conservation and Recovery Act. However, this amendment would prohibit an abandonment of established plans for cleanup of Federal facilities based on a worst-first criteria.

Further, we cannot permit States to fine Federal facilities for environmental problems which have already been identified and scheduled for cleanup. The Federal Government simply does not have the funds to clean up all sites immediately, which is why a schedule was developed. We should not penalize those facilities which are currently exhibiting a good faith effort to cleanup their sites.

Additionally, I will not support a measure which would allow other States to impose fines which could divert funds intended for my own district for cleanup of serious environmental problems at a nuclear weapons facility, as is possible under H.R. 1056.

I urge my colleagues to support the Ray amendment as the rational and reasonable approach to a unified effort to clean up our lands.

Mr. ASPIN. Mr. Chairman, will the gentlewoman yield?

Mrs. LLOYD. I yield to my colleague, the gentleman from Wisconsin, the chairman of the Committee on Armed Services.

Mr. ASPIN. Mr. Chairman, I appreciate the gentlewoman's yielding to me.

Mr. Chairman, I rise also in strong support of the Ray amendment. I would like to tell the members of the Committee of the Whole here which is considering the bill that the Committee on Armed Services sought joint referral of this legislation on the

grounds that we have the policy and budgetary oversight for 83 percent of the Federal facilities that are addressed in this legislation, H.R. 1056. I clearly, we thought, ought to have some overview of the Committee on Armed Services of the House as part of the consideration if they are going to be the people involved in an overwhelming number of facilities and with the overwhelming number of dollars involved. As it turned out, however, we did not get joint referral.

I believe the amendment offered by the gentleman from Georgia [Mr. RAY] is critical in order to pass this legislation in proper form, because otherwise we may end up biasing the way in which the money is spent for the cleanups. I think the Ray amendment is absolutely critical to avoid this kind of bias, which naturally is going to mean that the money is going to go where the squeaky wheel will get the grease. That is not a rational cleanup policy. I think the Ray amendment is absolutely critical in order to make sure that this bill makes any sense at all, and I strongly urge the passage of the Ray amendment.

Mr. Chairman, I rise in support of the Ray amendment.

I want to associate myself with the earlier remarks of my committee colleagues on the specific reasons for opposing this bill, but I want to raise a few different points.

The first has to do with committee jurisdiction and the Armed Services Committee's interest in H.R. 1056. Some are asserting that our involvement is not appropriate or constructive, but the fact is that this committee provides policy and budgetary oversight for over 83 percent of the Federal facilities addressed by H.R. 1056. In reality, this probably translates into over 90 percent of the potential costs involved in environmental compliance and corrective action, and those costs can be calculated in the billions.

Furthermore, the provisions and procedures laid out in this bill will have a profound impact on the operations of the affected Department of Defense and Department of Energy facilities. Passage of this bill will cause a change in the way they operate, and control the extent to which they are able to continue operating. Beyond that, however, this bill fails to even provide for consideration of the impact of new requirements and procedures upon DOD and DOE costs and national security missions.

A bill that significantly affects the cost and operation of virtually every major DOD and DOE facility is a measure that merits careful consideration by the Armed Services Committee and the Members of this House.

There seems to be a widespread belief outside our committee that any environmental requirement is justified if it is paid from the Defense budget. If the committee involved does not have to worry about authorizing or appropriating the funding, there is a tendency to ignore cost considerations. This is a natural reaction, but one which the Armed Services Committee cannot ignore.

A case in point was the handling of Federal facility cleanups during the consideration of

the Superfund Amendments and Reauthorization Act in 1985. The original position of the environmental committees was to make these Federal facility cleanups subject to all Federal, State, and local requirements. Giving a veto to all parties made the States happy, but ignored the reality that if everyone is in charge, nobody is in charge. Fortunately, the committee's environmental restoration panel chaired by Congressman MCCURDY was able to serve as the vehicle for fashioning a more realistic and workable Federal facilities cleanup process. I think we were successful because we could offer useful insights about DOD budgeting and operations that the environmental committees did not have.

We have continued our interest in defense environmental issues through the activities of subcommittee or full committee environmental restoration panels since 1985. Although it is not generally recognized, these panels have held more hearings on DOD environmental restoration matters over that period than any other congressional committee—and maybe all of them combined. These panels have been influential and effective in trying to develop a rational and workable cleanup process with EPA and the States. This year is the culmination of that effort resulting in committee recommendations to increase DOD cleanup funding and the adoption of seven legislative provisions to improve DOD budgeting and management of environmental activities. I think that our efforts have been positive and constructive.

We also have a deep interest in environmental legislation affecting the DOD and DOE, because the committee must authorize every dollar required to address these requirements. While the committee supports the thrust of bills like H.R. 1056, we are going to have to take a hard look at all DOD requirements in the coming years, including environmental requirements. Programs that lack focus, internal consistency, and coherent structure will have a hard time competing for scarce resources.

In short, we have a legitimate interest in environmental legislation affecting DOD. We have exercised oversight of DOD implementation of these programs and will continue to do so. We are supportive of focused and realistic environmental requirements, but we think that the taxpayer deserves his money's worth. I think that the Committee on Armed Services has a great deal to offer in developing a better Federal facilities compliance strategy and we are willing to work with all interested parties toward that end but in its current form, H.R. 1056 does not represent a step in the right direction and I urge its defeat.

Mr. DICKINSON. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, as I understand this bill, it allows EPA, States, and localities to assess fines and penalties against DOD and other Federal agencies for violations involving the handling, disposal, and cleanup of hazardous waste under the Resource Conservation and Recovery Act. The argument is that fines and penalties are

needed to improve DOD compliance with RCRA.

The first problem with this bill concerns how these requirements are developed. It seems that a State or State agency which has been delegated RCRA authority by EPA can set any standards that are more stringent than national standards. In applying these standards to DOD, the regulators do not have to consider the cost-effectiveness of the requirement or its operational impact on the installation's mission. If the military installation does not agree with the requirement because it is too costly or disruptive to operations or has not programmed funds to implement it, the installation can be fined up to \$25,000 a day. We are being asked to support the proposition in which cost is no object and national security considerations are not relevant to the process.

A second concern involves the assessment of fines and penalties for cleanups under RCRA corrective action. What it boils down to is that if the States are unhappy with the pace and scope of the DOD cleanup program based on a worst-first priority system, they would be allowed to use fines and penalties to write their own ticket. We are being asked to support the position that States should be allowed to undermine the worst-first cleanup approach and to unilaterally compress a DOD cleanup program that will cost between \$20 and \$30 billion?

Let's just suppose for the sake of argument that the American taxpayers and Congress fail to make an open-ended commitment to provide DOD with unlimited funds necessary to address all environmental regulatory requirements at once. What happens to this process in the real world.

Is there a national plan for environmental compliance at Federal facilities that allows for the prioritization of all projects and requirements to allow the allocation of scarce resources in a cost-effective manner?

Not on your life. All DOD has to do is respond to 10 EPA regions, 50 States and who knows how many regulatory agencies—each with their own standards and procedures. Thus, if H.R. 1056 passes the national environmental compliance plan for Federal facilities would become regulatory anarchy with the tiebreaker being the first one to the courthouse. Such a process is inherently absurd.

Aside from the billions involved in cleanup actions, DOD unfunded compliance requirements over the next 5 years will probably run over \$5 billion in outlays. In case there is anyone out there who has not been following deliberations on the Defense budget, finding these outlays is going to take some doing unless there is some substantial growth in defense expenditures.

Frankly, if defense spending stays level, I just do not see consensus in Congress to support the tradeoffs necessary to provide these outlays. It is very hard to generate much enthusiasm to fully fund regulatory chaos when there are so many other valid military requirements that need to be addressed. If this bill passes, it is very likely that Congress will find itself in the untenable position of supporting the requirements, but denying the funding to meet them.

In that regard, I would like to point out that the Congressional Budget Office has taken a bizarre position on H.R. 1056. Even though the clear intent of the bill is to accelerate and increase funding for environmental requirements, CBO says there is no budget impact because DOD would have to do these things anyway. This is like telling someone that there is no economic impact by requiring him to pay off a 30-year house mortgage in 5 years. This may be sound economic theory, but it flunks real world 101. Maybe CBO would be so kind as to provide us with the near-term outlay offsets associated with this curious analysis.

Another argument for this bill is that the States want it. I can certainly understand that. If I were a State and was being given almost unrestricted access to the Federal Treasury, I would like it too.

The problem is that the States want lots of things, they want military bases to stay open and provide jobs. They want defense contracts. They want new military missions and defense contractors to locate within their borders. And now they want more environmental dollars and fines and penalties.

I would have to tell the States, however, that we are operating within a zero sum or negative sum budget process. You can't significantly increase the amount of funding for environmental requirements without giving something else up. The resulting tradeoff may be justified, but a tradeoff there will be. If the existing environmental requirements process remains insensitive to cost or national security considerations, the tradeoffs are likely to be substantial and painful.

I would also like to mention an apparent inconsistency with the State positions on this bill and the recent base closure legislation. Listening to today's debate, one would be inclined to believe that DOD facilities are staffed by irresponsible and arrogant military and civilian personnel who have little regard for the environment or existing law. What happened to the hard working and dedicated military and civilian personnel who are so essential to the Nation's security and the well-being of the surrounding communities? Did we just close the bases

where the good military and civilian personnel worked?

As I have said a number of times, we are facing a lot of tough decisions on the defense budget in the coming years. If there are bases or functions that arbitrarily fail to comply with environmental laws or are no longer cost-effective in terms of emerging environmental requirements, they are likely to receive close scrutiny. We only have enough money to reinforce success.

In closing, I would say again that it is time to get real about environmental requirements. We need a comprehensive and cohesive compliance strategy for DOD and other Federal facilities that is sensitive to cost and their national missions. The regulatory anarchy which would be worked by the passage of this bill can only lead to fiscal and program chaos that gives the American taxpayer a poor return for his dollars, both in terms of defense and environmental activities. In its present form, H.R. 1056 does not provide for a realistic approach to current problems or the development of a comprehensive solution. I urge my colleagues to vote against it.

□ 1320

(On request of Mr. THOMAS A. LUKE and by unanimous consent, Mr. DICKINSON was allowed to proceed for 2 additional minutes.)

Mr. THOMAS A. LUKE. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from Ohio.

Mr. THOMAS A. LUKE. Mr. Chairman, I understand the concern of the gentleman from Alabama [Mr. DICKINSON], and he has stated it very well, but there has been a refrain here about worst first as if there is some such priority in effect by the Department of Energy and the Department of Defense.

As I mentioned before, the inspector general of the Department of Energy came to our committee and said that there is no systematic ability, no system in the Department of Energy for doing the Department of Defense work, and there is no capacity to assess, identify or assess, the compliance problems. There is no priority in effect by the Department of Defense on the worst first.

Mr. Chairman, the only priority is bombs first and safety last, and that is what the Secretary of Energy said when he came into office, and that is what everyone has said, and there has been no indication of any change.

So, if we are really serious about treating everyone equally, we cannot make an exemption such as this in this amendment which will gut the bill, or at least will gut a portion of the bill with reference to clean up. It takes cleanup out of it, and that is

what we are really worried about, is cleanup.

Mr. DICKINSON. Mr. Chairman, I thank the gentleman from Ohio [Mr. THOMAS A. LUKEN] for the additional time, and let me say to him, "If you're worried about a proposal and the prioritization, taking the initiative away from Admiral Watkins at Energy and taking it away from the Secretary of Defense and allocating all the authority to 50 State attorneys general hardly seems to be a reasonable approach to the problem."

Let us let the Department of Defense and the Department of Energy go forward with what they are attempting to do. I think they started out in good faith.

Mr. SLATTERY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, first, if I can, I would like to address the concern that some of my colleagues have raised about this sovereign immunity and whether in fact this legislation is going to open up a raid on the Treasury if we allow the States this additional enforcement tool, and the observation I would make is that over the last 5 or 6 years, if one were to check the information that is available, they would find that the States have attempted, collectively, all 40 of them that are involved in RCRA enforcement, have attempted to collect only \$500,000 from the Federal Government. Now, when my colleagues look further, they will find that they have actually collected less than \$5,000, so this hardly qualifies as some sort of a raid on the Treasury. So, please keep that in mind.

Mr. Chairman, I would also observe that in the future, if in fact this pattern would significantly change, this body has an opportunity to come back on a monthly basis and revisit this whole issue, but in the final analysis it seems to me what we really need to be focused on is whether we believe that the States should be given the tools they need to enforce this environmental law. If it is not completed and the job is not done under RCRA, then how is it going to be done, and, if the States are not out there with the tools they need to enforce RCRA, who is going to do it?

Mr. Chairman, I would suggest that, if it is not done under RCRA, it is going to be done under Superfund, and if it is done under Superfund, the taxpayers are going to end up paying there also, and, as far as I am concerned, the Federal agency that is responsible for the mess should bear the fundamental and first responsibility for cleaning up the mess, and the mess should be cleaned up as promptly as possible.

The legislation without the amendment provides the States the tools they need to do just that, Mr. Chairman, so I would reluctantly have to

oppose the attempt of the gentleman from Georgia [Mr. RAY], my good friend, to gut this legislation.

Mr. LENT. Mr. Chairman, will the gentleman yield?

Mr. SLATTERY. I yield to the gentleman from New York.

Mr. LENT. Mr. Chairman, the gentleman from Kansas [Mr. SLATTERY] keeps making the point that this amendment is gutting the legislation and somehow going to take the tools away from the States to enforce their environmental laws. The gentleman acknowledges, does he not, that even under this legislation, and despite this amendment, the States would still have the right in court to sue under their State environmental laws and get a judgment that way?

Mr. Chairman, what this amendment does, if the gentleman from Kansas [Mr. SLATTERY] will yield one second further, it stops the States from unilaterally assessing fines which can be as much as \$25,000 a day against Federal facilities. It makes them go to court first.

Mr. SLATTERY. Mr. Chairman, the fact of the matter is, when we get involved in the actual and practical enforcement of the law, what we are going to be dealing with here is a situation where a Federal institution comes in and says, "We need an operating permit to continue our operation."

At that point, Mr. Chairman, the States should have the tools to say to that Federal agency, "You can continue what you're doing if you assist us in cleaning up the mess that you've already made."

That is what we are talking about. If we adopt this amendment, what we will be in effect saying is, "You can't say to that Federal agency that has created this incredible mess that may be a threat to the health and safety of the citizens of that State, you can't tell that agency to go back and clean up the mess," and all I am saying is that as part of the prospective effort to prevent further mess, we should have the ability to tell that Federal agency to clean up the mess that they have already made.

Mr. Chairman, I think that what we are really talking about is whether the States should have the tools that they need to protect their citizens' basic health and safety, a fundamental question.

Mr. LENT. Mr. Chairman, will the gentleman yield?

Mr. SLATTERY. I yield to the gentleman from New York.

Mr. LENT. Mr. Chairman, I agree with the gentleman from Kansas [Mr. SLATTERY] that the States should have the tools. The point where we disagree is I say they still will have the tools. They will still have the tools for going into court, getting an injunction, get-

ting a judgment, but they cannot do it unilaterally simply by assessing fines.

Mr. Chairman, that is what this amendment does. It takes away the right to assess fines.

Mr. SLATTERY. Mr. Chairman, I would just follow up and respond to the concern of the gentleman from New York [Mr. LENT], my good friend, by saying, "Don't make it sound like the States can just lay a fine on a Federal military installation, for example, and the Federal installation has no recourse."

□ 1330

That is not the case under existing law. It is not the case under RCRA. They are certainly allowed an opportunity to be heard.

Mr. BLILEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman I rise in reluctant opposition to this amendment by my good friend, the gentleman from Georgia, with whom I agree almost always. But this amendment is wrong for two reasons; first of all, a matter of simple justice. We tell States, we tell localities, we tell corporations, we tell individuals, these are the laws of the environment. You have got to abide by them.

It is only right that we should tell the Federal Government and its agencies that they abide by the same rules.

Now we say, well, it is going to cost, we have straitened financial circumstances and dollars are scarce.

My colleagues, I stipulate to you, dollars will always be scarce because the agencies are going to have their priorities, and their priorities are not cleaning up this environment. It is that simple.

We, the policymakers of this Nation, have got to make it their priority, and H.R. 1056 does that.

I see my good friend, the gentleman from Ohio [Mr. ECKART]. I wonder if the gentleman would respond to several questions, because we have had some legal matters raised and I am not a lawyer.

Mr. ECKART. Mr. Chairman, if the gentleman will yield further, that may inure to the gentleman's advantage, but please proceed.

Mr. BLILEY. Is it true that a Federal agency initially has the right to appeal a permit compliance schedule if it thinks it is unreasonable?

Mr. ECKART. Mr. Chairman, if the gentleman will yield further, absolutely under current law that is the case.

Mr. BLILEY. Is it also true that if a State sues to collect a penalty, the Federal agency routinely can remove the case to Federal court and it is a Federal judge, appointed by the President, who determines whether a penalty is appropriate?

Mr. ECKART. Mr. Chairman, that is absolutely the case, and the issue raised in the earlier discussion about somehow unilaterally granting the States the right to appeal is untrue. These matters get removed to the Federal court where the jurisdiction raised, as the question embodied by the gentleman from Virginia suggests, is determined by a Federal judge.

Mr. McCURDY. Mr. Chairman, will the gentleman yield?

Mr. BLILEY. I yield to the gentleman from Oklahoma.

Mr. McCURDY. Has the gentleman in his previous capacity as mayor of the city of Richmond, was the gentleman ever involved in a Federal court action?

Mr. BLILEY. Continually; in fact, I was held in office for 7 years on a 2-year term.

Mr. McCURDY. The gentleman probably was not too much in favor of Federal court intervention in a lot of the activity in the city. As one who was a former assistant attorney general, I can assure the gentleman that tying up the Federal Government and the State governments in Federal court in 50 States is not going to allow us to resolve the crisis facing this country on hazardous waste.

Mr. BLILEY. I understand what the gentleman is saying, and reclaiming my time, I wish that it was not necessary to do so.

I have a Federal facility in my district. It is a Superfund site. I have talked to the Army about cleaning it up. Meanwhile, my citizens' well water is being contaminated and they will not talk to me. They will not give me any date. They are not interested in providing funds to do it.

Therefore, I feel that we must make the priority to clean up. If we do not make the priority, they, the agencies, never will.

Mr. Chairman, I will yield to the gentleman from Oklahoma in a minute, but I have a further question of the gentleman from Ohio.

Finally, is it true that before a State can exercise corrective action authority, the authority must be delegated by a Presidential appointee, namely, the EPA Administrator?

Mr. ECKART. That is correct under current law.

Mr. BLILEY. Mr. Chairman, I thank the gentleman for his responses.

Clearly, the Federal Government has a number of safeguards to deter any unreasonable State behavior.

Further, I oppose allowing Federal facilities special treatment, and I have to oppose this amendment for those reasons.

Mr. McCURDY. Mr. Chairman, will the gentleman yield?

Mr. BLILEY. I yield to the gentleman from Oklahoma.

Mr. McCURDY. Mr. Chairman, I thank the gentleman for yielding to me.

I share the concern of the gentleman in the well about the Federal Government being involved in prioritizing and cleaning up these areas that they created.

I, too, have a Federal installation which is on the list, which has contaminated well water in our area. That is one of the reasons that I chaired the Environmental Restoration Panel of the Armed Services Committee when we took up the Superfund bill and working in good faith with the committee, the gentleman's committee, to try to establish a procedure for the first time whereby the Department of Defense actually had jurisdiction over those facilities and tried to first assess what damage was actually out there; second, to try to develop a plan based on priorities; and third, to actually have funds—

The CHAIRMAN. The time of the gentleman from Virginia [Mr. BLILEY] has expired.

(By unanimous consent, Mr. BLILEY was allowed to proceed for 2 additional minutes.)

Mr. BLILEY. Reclaiming my time, Mr. Chairman, I would like to ask the gentleman from Oklahoma, what kind of schedule is the Army giving the gentleman? When are they going to start work cleaning it up? Have they told the gentleman?

Mr. McCURDY. Mr. Chairman, if the gentleman will yield, it is the Air Force in my instance, but the Department of Defense now has a list, a priority list—

Mr. BLILEY. I understand they have a list, but have they told the gentleman when they are going to start work?

Mr. McCURDY. Well, can I reverse the question on the gentleman? The gentleman is not on the Budget Committee.

I was going to ask the gentleman from Kansas, if this is such a high priority, how much money did the Budget Committee put in for environmental cleanup for either the Department of Defense or the Department of Energy?

Mr. Chairman, we are talking about pushing the problem off. We are trying to give the States the action to take it up.

Mr. BLILEY. Reclaiming my time, Mr. Chairman, maybe we might have to consider the amendment of another gentleman from Ohio next week on the defense budget dealing with the B-2 to get some money to go out and clean up the gentleman's project.

Mr. SLATTERY. Mr. Chairman, will the gentleman yield?

Mr. BLILEY. I yield to the gentleman from Kansas.

Mr. SLATTERY. Mr. Chairman, I thank my friend, the gentleman from Virginia, for yielding.

I would just observe, let us not lose sight of the fundamental point of the discussion and that is the question of whether we are going to have an incredible amount of litigation that develops beyond what is already out there if we oppose this amendment.

The fact of the matter is, in partial response to the gentleman's question earlier, if today a State assesses a fine against a Federal agency, the Federal agency can quickly move that question into Federal court and have it decided there. That is existing law.

All we are suggesting is that should continue.

I would respond to my good friend, the gentleman from Oklahoma, by saying that the Budget Committee gives the Armed Services Committee a fixed amount of money and they have to ultimately decide how it is going to be spent.

I would observe that when the Armed Services Committee get finished with their work this year and when the Appropriations Committee gets finished with its work, it will be interesting to see how much money they prioritize for environmental cleanup on some of these sites.

The CHAIRMAN. The time of the gentleman from Virginia has again expired.

(At the request of Mr. THOMAS A. LUKEN, and by unanimous consent, Mr. BLILEY was allowed to proceed for 2 additional minutes.)

Mr. THOMAS A. LUKEN. Mr. Chairman, will the gentleman yield?

Mr. BLILEY. I yield to the gentleman from Ohio.

Mr. THOMAS A. LUKEN. Mr. Chairman, I would also like to ask the gentleman from Oklahoma a question, because I would like to bring this debate back to where we have some base.

It seems to me that the gentleman from Oklahoma is not just arguing for the Ray amendment, but is arguing against the bill; is that not right?

Mr. McCURDY. Mr. Chairman, will the gentleman yield?

Mr. BLILEY. I yield to the gentleman from Oklahoma.

Mr. McCURDY. Mr. Chairman, first of all, I am not arguing against the bill.

Mr. THOMAS A. LUKEN. The gentleman is arguing against the cleanup.

Mr. McCURDY. Who controls the time, Mr. Chairman?

The CHAIRMAN. The gentleman from Virginia controls the time.

Mr. BLILEY. I control the time, and I yield to the gentleman from Oklahoma.

Mr. McCURDY. Mr. Chairman, let me say to the gentleman in the well, in the Federal installation in my district,

they are under an interagency agreement right now between the Department of Defense, the EPA, and the State of Oklahoma to actually perform the cleanup. They are in there now trying to do just that. Funds have been allocated for that.

If this provision comes into effect, the State if it wins can go off and breach that agreement, and what you end up doing, you allow the State—people keep saying that the agency is tied up in court. You are inviting attorney generals who have their own political agendas in their own States, in their own areas, to seek administrative remedies first against Federal installations, and if that fails, then going into Federal court.

□ 1340

We are going to have court actions in 435 congressional districts across this country based on this provision. That was not the intent. The intent was originally, and again I am one who actually worked to try to get the Department of Defense to establish procedures to have a system whereby we orderly now prioritize those areas and try to establish cleanups and work out agreements between the EPA and the States and the Federal Government.

The Department of Defense for the first time the last 4 years is talking environmental cleanup.

Mr. ECKART. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, my colleague from Oklahoma just hit the nail on the head: For the first time in 4 years the Department of Defense is talking about the problem. Ladies and gentleman, that is all they have done the last 8 years.

An amendment is being proposed to gut the significant provisions of enforcement in 1056. This polluter-protection amendment, and that is exactly what it does, has this floor awash in a sea of crocodile tears.

The same folks who never met a weapon system that they did not like now want to come forward and tell us that in some way, shape, or form 1056 is going to force a change in the priorities of the Department of Defense. We know what the priorities of the Department of Defense are. It is buy the build, buy the build.

When have they cleaned up?

We know what the actions that they have been forced to take are. They are forced to bring in FBI agents under cover of darkness to seize Federal records because the Department of Energy refuses to follow the law of the land as we know it now today.

If anyone wants to protect the polluters, if they want to encourage the spending of taxpayers' dollars to create pollution that drives the constituents of my colleague from Colorado out of their homes, then vote for

the Ray amendment, protect those polluters, vote for the Ray amendment. If Members want to ensure a culture of mismanagement, if they want to cripple an EPA that is so struggling to come to grips with the problems affecting clean air, safe drinking water, the Clean Water Act, and strip from it any ability to stand toe to toe with those who have spent taxpayers' dollars to create this problem, then go for the Ray amendment.

If Members choose, however, to stand up, as we do in the current law, under the Clean Air Act, under the Safe Drinking Water Act, under the Toxic Substances Control Act, under the Clean Water Act, to allow the States, as we so artfully drafted with my colleagues, to have a say in the level of environmental protection, that they share with the communities in which these Federal facilities are involved, then they will have to reject this polluter-protection amendment.

Make no mistake about what we are doing here this afternoon. We are told in some way, shape, or form that fiscal constraints will make the application of this law somehow odious to this administration. Read the law. We do not amend the specific sections of 6001 which say, the President may exempt any solid waste management facility of any Department, Agency, or instrumentality of the executive branch from requirements met in this section, if he determines, first, that it in the national-security interests of the United States; or, second, if, having requested an appropriation from the Congress, the Congress fails to do so, that exemption shall be made.

We are not under any set of circumstances forcing fiscal constraints on any agency than the current law forces on communities, businesses, and States who must meet the environmental laws of this Nation.

Let us put the focus exactly where it belongs. We have heard a wide variety of claims about the provisions of this bill in some way, shape, or form affecting the national-security interests of the United States. If this President thinks that is the case, let him sign a waiver. If the President thinks under any set of circumstances that the provisions of 1056 and CBO concurs that it does not have a significant budgetary impact on this Nation, let the President sign a waiver.

The fact of the matter is that H.R. 1056 would not have any significant budgetary impact, and that such straw devices are designed only to perpetuate the ineptitude and inefficiencies of the same people who created the problem. Continuing to talk about it, can only lead the mind to the conclusion simply that those who have created the problem now want to be entrusted with the exclusive legal responsibility for cleaning it up, a set of circumstances which defies any per-

son's understanding of the law as I know it.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. ECKART] has expired.

(At the request of Mr. THOMAS A. LUKEN and by unanimous consent, Mr. ECKART was allowed to proceed for 3 additional minutes.)

Mr. ECKART. Mr. Chairman, let us make it very clear: States can come in and assess penalties under the Clean Air Act. States can come in and assess penalties under the Safe Drinking Water Act. Under the Medical Waste Tracking Act, the Federal Government may be held to the same standards as States, cities, and private industry. But guess what, folks: With the adoption of the polluter protection amendment offered by the gentleman from Georgia, guess who cannot be held accountable. The people who created the problem.

Mr. THOMAS A. LUKEN. Mr. Chairman, will the gentleman yield?

Mr. ECKART. I am happy to yield to the gentleman from Ohio.

Mr. THOMAS A. LUKEN. Mr. Chairman, I think as to this amendment we should get back again to the point that we are talking about an amendment, and many of the speakers are against the bill. They are against cleanup. They do not think we can afford cleanup. But what this amendment says basically is that one gets a "get-out-of-jail card" free, but does not have to clean up. One pays the fine, but does not have to clean it up. That is basically what this amendment does.

The States must have the ability to protect health and safety, as I would address the gentleman from Oklahoma. It is going to be a painful process. It is going to be a painful process, and the estimates are up to \$200 billion or more, and we are either going to have to pay the bill or continue in this quiet delusion that I think that those who are arguing for this amendment are under, that we somehow have a worst first priority policy, which we do not have, and we still have one DOD policy, and that is bombs first, safety last.

The Inspector General who testified today for the Department of Energy said, "Talk about are we going to be in court; we ought to be in court." He said, "A partial list is 174 violations and 233 potential violations." The States had better be in court, and we had better be ready to pay for it, and we cannot continue to delude ourselves into thinking that we can somehow imagine that there is some other priority list and we do not have to pay for it.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. ECKART] has again expired.

(By unanimous consent, Mr. ECKART was allowed to proceed for 2 additional minutes.)

Mr. McCURDY. Mr. Chairman, will the gentleman yield?

Mr. ECKART. I am happy to yield to the gentleman from Oklahoma.

Mr. McCURDY. Mr. Chairman, I apologize if I interrupted the gentleman's train of thought in his previous time, and I appreciate him yielding on this.

I would take exception in two areas, first of all, to my good friend in the well and my friend at the table.

I do not believe that anyone who is supporting this amendment is trying to protect polluters or is against environmental cleanup. The fact of the matter is that DOD is currently, and the gentleman talked about the 100-some-odd potential sites, the Department of Defense is currently assessing 8,139 potential hazardous-waste sites at 897 installations, as well as sites at 7,118 formerly used properties. It is not a question of whether if we want to have an orderly process in trying to get the Department of Defense involved, not just talking, and by the way, the Department of Defense has spent \$1.7 billion already on environmental restoration. That is a drop in the bucket of what is going to be required in the future.

What the gentleman is trying to do is press into a 5-year timeframe, now, half a century of problems developing in remedies that are going to take probably 20 to 25 years at a cost of untold billions of dollars.

□ 1350

To be honest, if we are just trying to seek administrative remedy, you are allowing the States to have this option, but no one here has stood up.

If the gentleman wants to vote against the B-2, vote against the B-2 and direct it entirely to the environmental restoration, and take that back to your constituents and justify it. If that is your priority, there are ways to do so. Get the Budget Committee to set aside \$50 billion over the next 3 years.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. ECKART] has again expired.

(By unanimous consent, Mr. ECKART was allowed to proceed for 3 additional minutes.)

Mr. ECKART. Mr. Chairman, I continue to yield to the gentleman from Oklahoma.

Mr. McCURDY. Mr. Chairman, the point is, from our perspective of having to try to work with the gentleman's committee in the past on the Superfund to establish a procedure, that now they come back with a new requirement in the middle of the ball game and say it is not being done. The fact of the matter is the Department of Defense has spent \$1.5 billion. They

are assessing for the first time, and yes, they should have been doing this 30 years ago. They should not have been polluting in the first place. But the state of knowledge today is a lot different than it was at that time.

Mr. ECKART. Reclaiming my time, I would like to pick up on the gentleman's point.

Two things. The gentleman is right. In 1986 we rewrote the amendments to the Superfund, and I authored that, so I know. Recently 52 Federal facilities were put on the Superfund list.

Why were they put on the Superfund list? Because we legislated the evaluation for those purposes, No. 1.

No. 2, in that debate, we specifically authorized the States to do what we thought was the law in 1986 under RCRA, until the Justice Department, under the brilliant legal leadership of Ed Meese, decided to turn RCRA on its head, and then said that they did not believe what we wrote in 1976 under RCRA to be accurate. Then the net result was that there was a split in the Federal courts, several courts saying our interpretation which we thought was the case for 10 years was accurate, and several courts saying it was not.

So the gentleman raising the Superfund issue is precisely on point. We required in the law the evaluation. We mandated States' participation and the right to sue, which we declared at the time in 1986 was the law for RCRA as well, until that brilliant legal scholar, Ed Meese, thought he could change the law, tried to do it and found a Federal court that agreed with him. Now we are correcting what we thought was a deficiency in agreeing with the other Federal courts.

Mr. LENT. Mr. Chairman, will the gentleman yield?

Mr. ECKART. I yield to my friend, the gentleman from New York.

Mr. LENT. Mr. Chairman, just a moment ago the gentleman referred to the Clean Air Act and the Clean Water Act and the Safe Drinking Water Act and indicated that under those statutes a State could sue for cleanup, and that this legislation would have the same effect. It is my understanding, and I would like to ask the gentleman because he is an acknowledged expert in the field of this legislation, is it not the fact that no State can sue for cleanup under any of those environmental laws?

Mr. ECKART. I did not assert the rights of the States to sue for cleanup, and in fact H.R. 1056 does not address the right of States directly to sue for cleanups. We are talking about compliance. We are talking about living with compliance. We are talking about even enforcing cleanup activities at sites.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. ECKART] has again expired.

Mr. ECKART. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

The Chair hears no objection, and the gentleman from Ohio is recognized for 2 additional minutes.

Mr. RAY. Mr. Chairman, I object. Mr. Chairman, there are other Members who desire to be recognized.

The CHAIRMAN. The gentleman from Ohio [Mr. ECKART] is recognized for 2 additional minutes.

Mr. RAY. Mr. Chairman, I object unless there is a time limit.

Mr. HUTTO. Mr. Chairman, I ask unanimous consent the gentleman from Ohio have 2 additional minutes.

The CHAIRMAN. The gentleman in the well is recognized for 2 additional minutes.

No objection was timely heard.

Mr. ECKART. Mr. Chairman, before yielding to the gentleman from Florida, I would say to the gentleman from Georgia [Mr. RAY] I am only seeking this additional time for the purpose of answering Members' questions.

Mr. HUTTO. Mr. Chairman, will the gentleman yield?

Mr. ECKART. I yield to the gentleman from Florida.

Mr. HUTTO. Mr. Chairman, I would just like to correct a statement made earlier that the gentleman made about the Defense Department only talking and not doing anything. I think that is not correct.

As has been pointed out here, the Defense Department has an active program now, and admittedly they have not been doing it for too many years. But we have authorized, and the Congress has appropriated money in the DERA account specifically for that. They are addressing the 8,000-something sites that have been pointed out.

I would also like to point out that the gentleman said the Defense Department wants to buy a bill, but actually what you are going to do is affect the quality of life, because these fines will be paid out of DERA, and then out of civilian pay, out of quality-of-life programs that the military has now that I think we all support.

Mr. ECKART. Reclaiming my time, the fact is that there are separate accounts made available for environmental restoration, separate accounts, as the gentleman is aware of, in the budget process. There is no legal basis for making that claim and, in fact, however, if there is a legal claim made, judiciously arrived at to which the agency could be subject, that money may in fact come from the Federal judgment fund.

Let me just conclude because there are many other Members who want to be heard on this question.

It is this gentleman's very clear understanding of the statute, having helped author it in 1984 and the Superfund subsequent to it in 1986 that what this amendment does simply is create a sweetheart deal, a deal that allows the Department of Defense and the Department of Energy to get out of having to comply with the Nation's environmental laws that every other city, every other county, every other State and every other business in the United States is constrained to live with. Those kinds of sweetheart deals, those kinds of arrangements that will allow, under adoption of this amendment, for the polluters who pollute, using taxpayers' dollars, to avoid being held accountable before the bar of justice for the damages they do to the quality of life of all citizens who pay for these is wrong.

The Ray amendment should be defeated.

Mr. WHITTAKER. Mr. Chairman, I move to strike the requisite number of words and I rise in favor of the amendment.

Mr. Chairman, the essence of the Ray amendment is to clarify an aspect that right now is in confusion in the bill. Even the Members who worked with the majority trying to arrive at a compromise were able to agree on numerous points on this bill.

Nowhere in the discussions, either early in the deliberations or at this point where we now find ourselves on the floor is there any disagreement with the necessity to enforce compliance. But there is an ambiguity that the Ray amendment attempts to correct, and that ambiguity is that right now, the way the law is written, it allows a confusion to exist that not only deals with compliance, but also corrective action.

Mr. Chairman, corrective action means cleanup. The Ray amendment attempts to leave alone the compliance side, but to strip out the corrective action aspects.

Let me point out that this bill is a significant allowance for additional authority to the State attorneys general. I am going to grant that for probably 99 percentile, all of our attorneys general in the country are honorable individuals, and they would never even consider using such a bill as we are dealing with here in H.R. 1056 for political purposes. But let me suggest a scenario that would be available to them if their scruples did not necessarily confine them to doing, you might say, the honorable thing.

Let us say in a State that there were six sites within that particular State, all designated by the Environmental Protection Agency for cleanup. The designation maybe was even entered into a schedule of compliance at that point in time, and those six sites were granted and ranked as to the very

worst case, the next worst, and on down.

Let us further explore the aspect that maybe of those six sites, five of those sites were in remote or rural areas. Maybe the first, second, third, and fourth site was in a rural area and maybe the sixth site was as well, but the fifth site maybe was on the outskirts of a major metropolitan area, possibly the biggest community within that State. Would it not be feasible to suggest that that metropolitan center might also be a media center? That is logical.

What would keep an attorney general from selecting that site to be the one to promote a corrective action suit, which this law, without the Ray amendment, allows? Who would be the winners and who would be the losers?

Granted, numerous times it has been said that corrective action is not supposed to be part of this bill. It is without the Ray amendment.

But let us say that the fifth most polluted site was the one selected by this attorney general.

□ 1400

Who pays the bill for that litigation? The State taxpayers pay for the initiative. Who pays the defense side of it? The Federal taxpayer on the Federal side.

Let us say the attorney general wins, granted he is going to receive a great deal of notoriety in the pursuit of that particular suit. Who pays the bill? The State of course pays for the filing of the suit. The Federal Government has to pay the fines and penalties, which means the Federal taxpayers and the Federal Treasury support a State fund allowance to give to the State Federal taxpayers' money.

In case the State loses, then the priority list for cleanup remains the same.

Without the Ray amendment, there is an incredible opportunity for mischief on the part of some to whom we are granting a wide area of discretion.

Mr. Chairman, I strongly support and urge the House to support the Ray amendment.

Mr. BLILEY. Mr. Chairman, will the gentleman yield?

Mr. WHITTAKER. I yield to the gentleman from Virginia.

Mr. BLILEY. I thank the gentleman for yielding.

I would like to inquire: Is it not true that before you can enter into a schedule of whatnot, that the EPA Administrator has to give the States authority? As I understand it, only three States have that authority now.

So I think that the gentleman is worried about a problem that does not exist: To think that automatically these attorneys general are going to be able to run to court, get judgments and proceed against the Federal installations. But I want to say this: If we

pass the Ray amendment, it is going to be business as usual in the Defense Department and they will talk a lot, but you are not going to get much action because their priorities are building ships, planes, and tanks, and not cleanup.

Mr. SKELTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am convinced that without the Ray amendment this might very well be the law of unanticipated consequences. If we follow this to its logical conclusion, a State may fine a Federal military installation or DOD, Department of Defense, for failure to clean up something. Of course, the Federal Government has the right to contest it by taking it and removing it to a Federal court as the forum.

Now suppose for political or other reasons a State attempts to fine the Department of Defense for not cleaning up a specific site which may be, in truth and in fact, at the bottom of the priority list but politically advantageous to bring a lawsuit or to bring the fines, what that does is causes those that are worst and those that are listed on the priority list of the Department of Defense to be cleaned up, to slide and to have less precedence than ones chosen by the State attorney general.

And when the question is put to us, "Why didn't they clean up the worst first?", the answer by the State attorney general is, "I was following the law as was given to me." We would have to answer, should we support this without the Ray amendment, "That is not what I intended."

What we intend, in my opinion, is that the worst cases should be cleaned up first. There is a priority list. As a matter of fact, contrary finding to statement made a few moments ago, the Department of Defense has spent \$1.7 billion in cleanup funds over the last 4 years. It is not necessary that we go through, it is not necessary to have an assessment of fines and penalties to expedite the DOD cleanups. It is currently assessing potentially hazardous sites; it has initiated remedial investigation feasibility studies at hazardous waste sites; it does have a priority list on the EPA national priority sites, and the Department of Defense is proceeding with the assessment and study and it is going to take, as we all know, some 20 to 25 years to complete this.

They have it in priority; the worst situations will be handled first rather than leaving it to the whim of the various States.

Mrs. BYRON. Mr. Chairman, will the gentleman yield?

Mr. SKELTON. I yield to the gentleman from Maryland.

Mrs. BYRON. I thank the gentleman for yielding.

Let me say that I join with my colleague in rising in support of the amendment of the gentleman from Georgia [Mr. RAY].

Mr. Chairman, as chairman of the Subcommittee on Military Personnel and Compensation, I have to look at where these funds are going to come from. They are going to come out of DOD's budget.

Mr. SKELTON. Reclaiming my time, I can tell the gentlewoman where they are going to come from: from personnel, from civilian personnel, from readiness, from steaming hours, from flying hours, and training.

Mrs. BYRON. They are not going to come out of a Superfund budget; they are going to come out of DOD's budget.

This bill would allow the States to impose fines, penalties against Federal facilities with environmental problems in order to comply with the environmental laws, but also corrective action.

I am one that agrees wholeheartedly that Federal facilities must comply with the environmental, but coercive corrective action, that is another matter.

Eighty percent of the Federal facilities are run by DOD. The moneys to pay for those DOD facilities corrective actions, are going to come, as the gentleman has said, clearly out of DOD and from high outlay accounts such as personnel and readiness.

This means that States will be given the power to override congressional spending decisions in a way that will take money away from discretionary programs for soldiers and sailors? We have worked hard for medical care, for child care, we have worked hard for quality of life programs; those are the ones that are going to suffer, not the procurement accounts.

The CHAIRMAN. The time of the gentleman from Missouri [Mr. SKELTON] has expired.

(By unanimous consent Mr. SKELTON was allowed to proceed for 3 additional minutes.)

Mrs. BYRON. Mr. Chairman, will the gentleman continue to yield?

Mr. SKELTON. I yield to the gentleman from Maryland.

Mrs. BYRON. I thank the gentleman for continuing to yield.

Let me say that I do not think this country, as serious as the issues are, is going to be willing to say that the personnel accounts and readiness accounts which keep us strong and vital, for those individuals that are military families, is where they want the funds to come from. This amendment by Mr. RAY would still give the States the ability to make sure that Federal facilities comply with the environmental laws.

It also addresses what the Wall Street Journal, in their editorial today, said were fallacies and faults with this bill. It would do so without

hindering the ability of a worst-first cleanup system.

Mr. SKELTON. I thank the gentleman.

Mr. MONTGOMERY. Mr. Chairman, will the gentleman yield?

Mr. SKELTON. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. I thank the gentleman for yielding.

Mr. Chairman, I support the Ray amendment.

The DOD side of this amendment has been well covered. I would like to point out that the bill, H.R. 1056, which we are talking about today, also covers the VA health care facilities.

Superfund legislation already renders the VA liable for costs of cleaning up leaking hazardous waste dump sites. We really do not need any more responsibilities on our health care; the VA currently has cleanup liability under the Superfund at approximately 10 sites.

Our problem in the VA is a shortage of dollars in the medical care system.

This Congress voted for a supplemental several weeks ago. We did not have enough money to run the VA hospitals. We do not need States attorneys general putting fines on our VA hospitals, taking that money away from patient care. Let me point out that the different States really have to carry very little responsibility for taking care of our veterans. We really do not need the different States meddling with our VA hospitals.

Mr. Chairman, I support the amendment. I appreciate the gentleman yielding this time to me.

Mr. THOMAS A. LUKEN. Mr. Chairman, will the gentleman yield?

Mr. SKELTON. I yield to the gentleman from Ohio.

Mr. THOMAS A. LUKEN. I thank the gentleman for yielding.

Mr. Chairman, the question of source of payment for penalties has been discussed here and it has been rather glibly stated that it will come from the Department of Defense or Department of Energy. However, as the report shows, the United States is subject to civil penalties for violations of various penalties and the decision has come down from the Comptroller on this issue.

□ 1410

If the agency disputes the liability for the amount of penalties assessed by the State and refers the matter to the Attorney General's office, then a compromise settlement or judgment would be payable from the permanent judgment fund appropriation by the Congress.

Mr. SKELTON. Mr. Chairman, absolutely that is right, but unfortunately, there is only one pot of taxpayers' dollars for the Department of Defense or for all of this.

(By unanimous consent, Mr. SKELTON was allowed to proceed for 1 additional minute.)

Mr. THOMAS A. LUKEN. What this bill says is that the Department of Energy, which has 17 plants doing the Department of Defense work, and these are subject to penalties, and we must make up our mind as a society to pay for the cleanup. We cannot operate under the delusion which has been suggested here that there is some sort of a priority list that the Department of Defense-Department of Energy has in which they will clean it up on their own. Where will they get the money on their own? Members cannot have it both ways, saying they have a priority list to follow, and then on the other hand, do not have the money to do it.

Mr. SKELTON. Mr. Chairman, I submit, that this judgment fund of which the gentleman speaks would not be liable to pay this type of fine under the law as it exists. I think that is not correct. I am so informed by counsel that it would not come from therein, a fine assessed by the people and by the State.

Mr. SKAGGS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in strong support of H.R. 1056, a bill that clarifies the fact that Federal facilities must comply with one of our Nation's most important environmental protection laws. I urge my colleagues to support the bill and to oppose the amendment offered by the gentleman from Georgia.

The Resource Conservation and Recovery Act is one of our most important environmental laws. When it was passed 13 years ago, Congress meant for the law to apply to Federal and private facilities alike. Unfortunately, while Federal agencies like the DOE have been some of our Nation's worst polluters, some of these agencies resisted the law, and its enforcement has been tied up in the courts.

As many of my colleagues know, my district in Colorado is home to the Rocky Flats nuclear weapons plant, run by DOE. Late last year, a DOE report called ground water contamination at Rocky Flats the No. 1 potential public health hazard of the entire weapons complex. The DOE's internal memos have admitted for years that the plant was violating RCRA. Yet the ultimate authority of the EPA and Colorado to bring the plant into compliance with the law has been uncertain because of conflicting rulings on whether RCRA allows enforcement actions to be taken against a Federal agency.

This is a shame, and this is what the Eckart bill would solve. It would give EPA and the States the power Congress originally meant them to have to make sure DOE and other Federal

agencies comply with the law. Without the authority to impose sanctions, that power would be enormously diminished.

Let me read to you some excerpts from internal DOE memos that show how important it is that EPA and the States have this power. A 1986 DOE-prepared briefing memo for then-Assistant Secretary for Environment, Safety and Health, Mary Walker, stated:

Rocky Flats, an NPL [Superfund] candidate, is in poor condition generally in terms of environmental compliance.

We have basically no RCRA ground water monitoring wells, our permit applications are grossly deficient (some of the waste facilities there are patently illegal). We have serious contamination, and we have extremely limited environmental and waste characterization data for a site of this complexity.

Much of the good press we have gotten *** has taken attention away from just how really bad the site is.

Despite this unconscionable situation, when the EPA and State of Colorado then tried to enforce the important RCRA law at Rocky Flats, the manager of the DOE office overseeing the plant advised DOE headquarters to "send a message to EPA that DOE and its management contractors are willing to go to the mat" to oppose enforcement actions at Rocky Flats and other plants. Frankly, the DOE ought to be ashamed.

The State of Colorado strongly supports the Eckart bill. I would like to submit for the record a letter I received earlier this year from the Colorado Department of Health in support of this bill, as well as a letter from the attorney general of the State of Colorado to the distinguished chairman of the Transportation and Hazardous Materials Subcommittee. These letters make very clear how important this Eckart bill is for the State of Colorado to help ensure that operations at Rocky Flats present the least possible risk to public health and safety.

Let me also add that the fact that we have to order DOE to comply with this vital environmental law is one more reason why we just have to beef up independent oversight of DOE plants. Giving the EPA and the States this power through the Eckart bill today is one important way to do this.

I also want to alert my colleagues that next week on the Defense authorization bill, rule permitting, I intend to offer an amendment to tighten substantially independent oversight over DOE operations. There are a lot of health and safety reasons for doing this. Since the DOE wants the taxpayer to spend \$150 to \$200 billion over the next 30 years on its weapons plants, there's also a big financial reason. I hope my colleagues will support me in that effort.

COLORADO DEPARTMENT OF HEALTH,

Denver, CO, April 7, 1989.

Re H.R. 1056—A Bill to Amend the Solid Waste Disposal Act to Clarify Provisions Concerning the Application of Certain Requirements and Sanctions to Federal Facilities by Mr. Eckart.

Hon. DAVID E. SKAGGS,
Longworth House Office Building, Washington, DC.

DEAR REPRESENTATIVE SKAGGS: I want to bring to your attention a very important piece of legislation that has been introduced to the House of Representatives by Mr. Eckart concerning federal facilities. We urge you to support this critical legislation which evens the playing field for private and public facilities with regard to their compliance with the Resource Conservation and Recovery Act and state programs operated in lieu of the federal program.

In our efforts to bring federal facilities into full compliance with our hazardous waste laws, we have consistently had problems in the areas of full enforcement. While we can bring violations to the attention of the federal facility, such as the Rocky Flats Plant, and can order corrections to be made, the normal civil penalty sanctions have not been clearly available to us, according to the federal agencies and the Department of Justice. (The current situation is even worse for the Environmental Protection Agency because the Department of Justice will not allow them to take any enforcement action against the responsible federal agency.) This bill would clarify that those sanctions that are available to the state or federal regulatory authority would apply to all regulated facilities including federal facilities.

Based on the importance of federal facility compliance with environmental laws, we believe it is appropriate that the same incentives for compliance exist there as with any other operator of a hazardous waste facility. We urge you to support this legislation in Congress so that we may move ahead in Colorado with a fair and equitable program which results in protection of the environment and public health.

Sincerely,

DAVID C. SHELTON,
Director, Hazardous Materials and
Waste Management Division.

THE STATE OF COLORADO,
DEPARTMENT OF LAW,
Denver, CO, April 13, 1989.

Re H.R. 1056.

Hon. THOMAS A. LUKEN,
Chairman, House Transportation and Hazardous Materials Subcommittee, Washington, DC.

DEAR REPRESENTATIVE LUKEN: I would like to express my strong support for H.R. 1056, which makes explicit the waiver of federal sovereign immunity under the Resource Conservation and Recovery Act (RCRA). This legislation, if enacted, would help eliminate one of the most tragic ironies in the nation's effort to clean up its hazardous waste problem: While states look to the federal government for leadership in this battle, federal agencies are frequently the most recalcitrant of polluters, and federal facilities comprise some of the most contaminated sites in the country. Federal agencies, in particular the Departments of Defense and Energy, have been extremely reluctant to acknowledge state regulatory authority over hazardous waste management and cleanup activities. By clarifying that federal agencies, like private industry and other governmental entities, are subject

to fines and penalties for violating state and federal hazardous waste laws, H.R. 1056 will make federal agencies accountable for their actions.

In Colorado, the Department of the Army has strenuously resisted the state's efforts to ensure safe and thorough cleanup of the nation's most severely contaminated hazardous waste site, the Rocky Mountain Arsenal. Even though a federal judge ruled in February that the state's hazardous waste law does apply at the Arsenal, the Army has taken no action to come into compliance with Colorado's requirements, and it continues to argue that it is not subject to the state's authority. Similarly, the Department of the Air Force has refused to comply with state laws governing closure of hazardous waste management units, insisting that state laws are pre-empted by the Defense Department's "Installation Restoration Program." The Department of Energy did acknowledge the state's hazardous waste regulatory authority over the Rocky Flats Plant in 1986, but routine inspections have revealed continuing and repeated regulatory violations since that time.

Overall, federal agencies have tended to exhibit a rather lackadaisical attitude toward compliance with hazardous waste laws. In recent months, the consequences of federal agencies' continued disregard of environmental requirements have come to national prominence with widespread coverage of massive environmental contamination at DOE's nuclear weapons production facilities, particularly Rocky Flats, Fernald and Hanford. This disregard stems in part, no doubt, from the mission-oriented nature of administrative agencies such as the Departments of Defense and Energy. Their behavior scarcely sets a good example for private firms that also have missions (i.e., maximizing their profits), but also must comply with these laws. Federal agencies' refusal to pay state-assessed civil penalties for hazardous waste violations also raises serious questions of equity, because private firms (and state and local governments) are also subject to such penalties. Colorado has found that civil penalties induce compliance in the private sector, and we believe that this lesson will hold true for federal agencies as well.

Some people would argue that instead of paying penalties, federal agencies should spend their funds on environmental cleanup. The very real need to increase federal funding for cleanup of past contamination does not lessen federal agencies' present, ongoing obligation to comply with state and federal environmental laws. As the contamination at sites like the Rocky Mountain Arsenal, Rocky Flats, Fernald and Hanford graphically attests, however, their obligation has not been a sufficient incentive to instill in federal agencies an appreciation for environmental concerns, much less ensure compliance with environmental requirements. The threat (and imposition) of civil penalties effectively deters regulated entities from violating hazardous waste management regulations, because penalties reduce profits or, in the case of governmental agencies, the amount of operating funds available for other purposes. Penalties thus reduce the chance of contamination arising from mismanagement. Consequently, making federal agencies subject to penalties will ultimately result in reduced federal expenditures for hazardous waste remediation.

In short, although federal agencies should be leading the way in achieving uniform compliance with hazardous waste and other environmental laws, they all too often bring

up the rear instead. H.R. 1056 would provide these agencies with much-needed incentive to comply, and it has my wholehearted support. I urge your committee to report favorably on the bill.

DUANE WOODARD,
Attorney General.

The CHAIRMAN. The time of the gentleman from Colorado [Mr. SKAGGS] has expired.

(On request of Mr. VENTO and by unanimous consent, Mr. SKAGGS was allowed to proceed for 2 additional minutes.)

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. SKAGGS. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I rise in strong support of H.R. 1056, the Federal Facilities Compliance Act of 1989. I am very pleased that this measure has reached the House floor today and I want to commend the distinguished chairman of the Energy and Commerce Committee, Mr. DINGELL and subcommittee chairman THOMAS LUKEN, as well as the members of the committee, for moving this important legislation forward.

Mr. Chairman, we in Minnesota have unfortunately had extensive firsthand experience with the consequences of permitting a double standard to exist in pollution cases involving Federal facilities. The Twin Cities Army Ammunition Plant [TCAAP], a Government-owned contractor-operated facility located in Arden Hills, MN, in my congressional district, has been at the center of a political and legal controversy since a serious ground water contamination problem was discovered 9 years ago. Unfortunately, the Department of Defense and their subcontractors produce a significant amount of our Nation's toxic material—toxic pollutants—yet the policy governing responsibility is ill-defined and the problems and cleanup is falling between the cracks.

Congress has strongly adhered to the principle that the polluter pays when that polluter is a private individual or a private company. However, when the polluter is our own Federal Government, Congress has historically had a more lax attitude, allowing such Federal agencies as the Department of Defense and the Department of Energy great leeway in cleaning up the problems which they have created. The passage of H.R. 1056 in its present form will send the strongest possible signal that the days of the double standard are over and that Federal facilities will abide by the same cleanup standards which the Environmental Protection Agency [EPA] routinely imposes upon private parties.

In 1986, I attempted to address this very issue by introducing an amendment to the Superfund reauthorization bill permitting the immediate expenditure of EPA cleanup funds to clean up Federal facilities on the Su-

perfund list so that State and local governments and their taxpayers would not be left holding the bag for pollution caused at Federal facilities. That amendment was not adopted. But I believe that the principle of responsibility which I sought then to advance is vindicated and is contained in the bill before the House today. The solution embodied in the 1986 Superfund law for Federal facilities was simply perspective not dealing with the universe of existing problems then or now.

Local residents who are exposed to carcinogenic pollutants in their soil or ground water do not care whether these pollutants were put there by a Federal agency, a private contractor operating on a Federal facility, or by a private company operating on private property. They want the problem cleaned up so that they will know that the water they drink and the air that they breathe is safe.

The urgent need for this legislation is clear. The Environmental Protection Agency [EPA] and the General Accounting Office [GAO] have clearly established that some of the worst hazardous waste problems in the Nation are at Federal facilities. Yet the EPA and the States have been unable to enforce the provisions of the Resource Conservation and Recovery Act [RCRA] because Federal departments and agencies like the Department of Defense and others have maintained that they are not subject to State regulation or fines for their activities and because the EPA cannot legally force other Federal departments and agencies to comply with its regulations under RCRA. The policy of both the Reagan and Bush administrations against intragovernmental suits has sent a signal to the worst offenders in the Federal Government that they have nothing to fear if they drag out their cleanup negotiations and activities.

Indeed, this is precisely what has happened at TCAAP in Minnesota. While the Army has reached a negotiated settlement with the city of New Brighton regarding its damage claims because of ground water contamination, the Army has continued to stall and delay in reaching an agreement with private property owners who are suing for damage to their wells. These claims are no less legitimate than those made by New Brighton, yet the Army continues to postpone concluding these cases.

Mr. Chairman, attorneys general from States across the Nation have expressed their strong support for this legislation, including Minnesota's Attorney General Hubert Humphrey III. I strongly agree with Attorney General Humphrey's contention that "Federal facilities should be models of compliance with environmental laws." The

swift passage of H.R. 1056 today will help to set us on that path.

Mr. LANCASTER. Mr. Chairman, I move to strike the last word. I rise in support of the amendment from the gentleman from Georgia [Mr. RAY]. Though I support the goals of this legislation, Mr. RAY's amendment represents a reasonable modification of an objectionable aspect of H.R. 1056 as it now stands.

In its current form, H.R. 1056 would waive Federal sovereign immunity under the Resource Conservation and Recovery Act and would give State and local authorities the authority to impose fines and penalties as a means to compel not just compliance with environmental laws and regulations but corrective action as well. It is this latter aspect of the sovereign immunity waiver which is troublesome. This bill would permit State and local entities to accelerate cleanups of hazardous waste sites in a way that will reshuffle defense spending priorities without congressional approval. The decision about which sites are cleaned up first will not depend on a reasoned and rational "worst-first" priority scheme but rather upon which States are the most efficient and aggressive in attending to their parochial interests. No one knows how much this bill will really cost, but it seems clear that Congress will lose all semblance of a centralized hazardous waste management program. Such a result just does not make good sense.

Mr. RAY's amendment does make sense because it limits the waiver of sovereign immunity so that the States may compel Federal facility compliance with environmental laws but not corrective action. Thus, States will have the tools they need to ensure a logical approach to cleaning up Federal facilities. At the same time, Federal budget, national security, and mission priorities will not be usurped. I support a clean environment and the notion that we must sensibly manage our hazardous waste sites. H.R. 1056 simply goes too far, and Mr. RAY's amendment represents a more workable approach. I urge my colleagues to support it.

□ 1420

Mr. MARTIN of New York. Mr. Chairman, will the gentleman yield?

Mr. LANCASTER. I yield to the gentleman from New York.

Mr. MARTIN of New York. Mr. Chairman, an editorial in the Wall Street Journal was referred to earlier in the debate, and I find it unfortunate that it seems to have accurately predicted the way this debate would proceed. What is even worse, it accurately predicts what will happen if this legislation is passed without the Ray amendment.

During the course of this debate some comments were made relative to the gentleman from Oklahoma [Mr. McCurdy], and it was inferred that somehow he was in the business of protecting polluters. That is ridiculous. Nothing could be further from the truth. I served with the gentleman from Oklahoma as a matter of fact, as a conferee on the Superfund legislation. We are very concerned about this. Every single one of these Federal installations has to be and will be cleaned up. This is not the way to do it.

We talk about setting priorities. This bill without the Ray amendment certainly does set priorities. Every site will be first, depending on how many Governors or how many attorneys general want to set those priorities.

I think we were instrumental in getting the Department of Defense to identify these sites. I cannot speak for the Department of Energy, but we were instrumental in getting the Department of Defense to identify these thousands of sites where we have committed crimes against the environment for better than a hundred years. And now, under this bill, we are going to say to the State, "You get to set the priorities all right. Every one of your sites—and they are terrible sites—is going to be first." The debate tells us that.

We have heard the priorities here. We have heard about Colorado, we have heard about Ohio, we have heard about every State anyone has spoken of concerning some catastrophic, environmental hazard in their particular areas.

Those moneys are going to be coming out of the O&M funds. They are going to be coming out of the personnel accounts. They are the only ones that will be spent out fast enough to try to resolve the problems. Perhaps some of those environmental problems will be resolved, but I think as we look back on this debate 2 years from now, we will find that the biggest problem we will have resolved is the anxieties of those people in political offices in the 50 States that are going to attract attention with their suits against the Federal Government.

Mr. LENT. Mr. Chairman, will the gentleman yield?

Mr. LANCASTER. I am happy to yield to the gentleman from New York.

Mr. LENT. Mr. Chairman, I would like to commend the gentleman from New York [Mr. MARTIN] for his remarks with respect to the characterization of this amendment offered by the gentleman from Georgia as the "polluter protection bill." I do not think that kind of characterization or the use of pejorative terms really adds much to the quality of the debate. Somebody might call this "the bombs first amendment," but we on the other

side might call this bill the "Congress ducks the issue" bill, but I do not care to use that kind of terminology because I do not think that adds to the quality of the debate.

The CHAIRMAN. The time of the gentleman from North Carolina [Mr. LANCASTER] has expired.

(On request of Mr. THOMAS A. LUKEN, and by unanimous consent, Mr. LANCASTER was allowed to proceed for 2 additional minutes.)

Mr. THOMAS A. LUKEN. Mr. Chairman, will the gentleman yield?

Mr. LANCASTER. I am happy to yield to the gentleman from Ohio.

Mr. THOMAS A. LUKEN. Mr. Chairman, the gentleman has been talking about the prohibitive costs and the arbitrariness of asking that we clean up the mess and clean it up now, but on the other side of the coin, if we put this amendment in so there is not any effective requirement and we take away that tool for enforcement of corrective action for cleanup, we are going to be living with sacrifice zones. There are those of us who are near where these nuclear cesspools exist. Wherever we have had a nuclear plant or hazardous waste site or an Army or Navy base and they have left this mess and they do not have to clean it up and the States cannot force them to clean it up, then we are going to have a sacrifice zone there.

We cannot have it both ways. The opponents first said that there would be a "worst-first" kind of priority, and the DOD has identified the problem. The DOE identified the problem years ago and it has not done anything about it. We found that out today.

That is what we say, the worst first. But then when we are faced with the rejection of that argument, when that argument falls down, we say that we cannot afford it, we cannot afford everything at the same time. But we can afford safety, we can afford the health of our constituents, and we can afford to let the States enforce the law; we can afford to allow the polluters to be treated the same as everybody else.

That is the way H.R. 6001 was written in the first place. It has been distorted, and all we are asking to do is to have us come back to it so we can go from here on and require not only compliance but require cleanup. Anything else makes no sense at all. We cannot face our constituents and say:

Yes, from now on we are going to ask for compliance but for those people who have been out of compliance in the past and have created a health problem for us, we cannot afford to clean it up.

That is what they are saying. Anybody can characterize it anyway they want to; they can call them the polluters or whatever they want to call them, but that is what they are saying.

The CHAIRMAN. The time of the gentleman, Mr. LANCASTER, has again expired.

(By unanimous consent, Mr. LANCASTER was allowed to proceed for 2 additional minutes.)

Mr. LANCASTER. Mr. Chairman, I will take this time to answer the gentleman's question. The gentleman has asked really who is going to set the priorities? And that is the argument we are making. If we have this bill without the amendment, then it is going to be the States setting the priorities and Congress is once again going to duck the responsibility of putting in the necessary resources to clean up the mess we have made. We do not want to continue to duck that responsibility, but that is exactly what we are doing with this bill.

Mr. MCCRERY. Mr. Chairman, will the gentleman yield?

Mr. LANCASTER. I yield to the gentleman from Louisiana.

Mr. MCCRERY. Mr. Chairman, I thank the gentleman for yielding, and I rise today in strong support of the Ray amendment to H.R. 1056.

This commonsense amendment allows the Department of Defense and the Environmental Protection Agency [EPA] to continue the process of cleaning up hazardous waste sites on a "worst first" basis.

There is no denying the breadth or depth of the environmental problem facing DOD facilities. According to the General Accounting Office, Federal facilities account for about 6 percent of the sites regulated under RCRA and the DOD maintains about 80 percent of those Federal facilities.

The DOD and the EPA are currently working very hard to gain control of this problem. The major hazardous waste sites on currently active installations have been identified and given a priority for cleanup.

The Ray amendment would allow the cleanup process to continue in a rational manner. DOD and EPA have agreed to clean these sites on a worst-first basis and will allocate their resources accordingly.

Mr. RAY and my colleagues on the Environmental Restoration Panel of the Armed Services Committee have succeeded in including over \$600 million in the National Defense Authorization bill for the Defense Environmental Restoration account. The Ray amendment will allow the DOD to spend this money the way Congress intended, for environmental cleanup.

The CHAIRMAN. The time of the gentleman from North Carolina [Mr. LANCASTER] has again expired.

(By unanimous consent, Mr. LANCASTER was allowed to proceed for 2 additional minutes.)

Mr. SISISKY. Mr. Chairman, will the gentleman yield?

Mr. McCRERY. Mr. Chairman, if the gentleman from North Carolina would yield further, I would say to the gentleman from Virginia [Mr. SISISKY] that I would like to finish my statement and it will only take me about 30 seconds.

Mr. LANCASTER. I yield further to the gentleman from Louisiana.

Mr. McCRERY. Mr. Chairman, if H.R. 1056 passes without this amendment, it will destroy the rational worst-first strategy for cleanup and put in its place a haphazard, crazy-quilt nonstrategy that amounts to, as the chairman of the Armed Services Committee put it, the squeaky wheel gets the grease. States will be free to use their newly granted authority to assess fines against Federal facilities as a lever to force the Federal Government to clean up sites regardless of the relative severity of the problem. In short, national cleanup priorities would be sacrificed to State and local desires.

Mr. Chairman, the Ray amendment will not affect the ability of States to seek civil penalties for future acts of Federal environmental mismanagement. It will not affect the ability of the EPA to initiate environment actions against other executive agencies, including the DOD, as provided in the bill. It merely allows us to continue the process of cleaning up identified sites in the order of the threat they pose to public health and safety. I urge your support for this important amendment.

Mr. SISISKY. Mr. Chairman, will the gentleman yield now?

Mr. LANCASTER. I yield to the gentleman from Virginia.

Mr. SISISKY. Mr. Chairman, I appreciate the gentleman's yielding.

Mr. Chairman, before I spoke, another Member asked me which side I am on, and I would just like to say to the Members that I hope I am on the public's side.

It is hard to be against this bill. It is very difficult. Who could be against cleanup? And who is the enemy? The enemy is us.

I have sat in meetings two and three times a week on the Department of Energy panel and listened to the Department of Energy talk about the cleanup in the 17 sites. Do you know how much money they talked about? They have talked about \$100 billion, \$150 billion, and \$200 billion, and somebody even said \$300 billion. We have \$600 million in the budget.

I am not worried about the Department of Defense because actually they have allotted \$20 billion, \$1 billion a year, and they think they can do it on that. But what is going to happen to the Department of Energy?

□ 1430

Mr. Chairman, some say we do not need plutonium. That may be right

right now, but I can assure my colleagues that we need tritium, and I can assure them that there are not many people in this body that would vote for this bill that would be ready, ready to vote for an extra \$20 billion a year to clean up. I do not believe it is here, or \$50 billion.

Mr. Chairman, the enemy is us. We have got to do it in an orderly manner, and I would hope that we will.

Mr. DINGELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, there are some misconceptions here that I believe have to be addressed. First of all, I would like to speak with great respect and affection to the gentleman from Georgia [Mr. RAY] and all of his colleagues who support the amendment. They are fine Members, and in no way are they seeking to degrade, or destroy or to inhibit cleaning up the environment, and I do not think that this debate should be permitted to be conducted on that basis or in this way.

Mr. Chairman, I would like to take my colleagues back to when RCRA was last considered by the House. At that point it was understood that the legislation, among other things, did three things. First of all it required that EPA should be able to issue civil orders to other Government agencies. That was understood. That is in H.R. 1056. It is there because of a change in interpretation of that statute. It is absolutely essential if EPA is to carry out its proper responsibilities that it have the ability to issue orders to the sister agency. DOE and DOD are enormously recalcitrant in complying with these civil orders.

Mr. Chairman, the second thing it did, which is very important, was that it permitted the assessment of civil penalties against Federal agencies by States. This is nothing new, but because of a split interpretation in the courts in a number of States that issue has come into question. It is no longer clear that the States have the authority to issue those civil assessments or penalties against Federal agencies for their failure to comply with the Act. There is nothing new, or startling, or terrifying or horrible in this particular legislation. It was always known.

This is the third part: that EPA and the States were going to have the prime and the paramount responsibility in terms of addressing problems of cleanup. H.R. 1056 makes that clear. This is nothing new I tell my colleagues.

Now I would like to address two additional points. There have been a number of discussions about how this is going to inhibit, deter and misallocate the resources of the United States in terms of cleanup of agencies like DOD and DOE and the other agencies of the Federal Government. I want to make the point here that other agen-

cies of the Federal Government are in fact covered now by the RCRA law, and they are also covered by H.R. 1056. It is not DOD only which is subject to this legislation. It is all the agencies of the Federal Government.

Now why is it that we have to take this step? I mentioned that we are returning to what was the original interpretation of RCRA as of the time it was considered last in the House, a very sensible and a sane consideration. It should be pointed out that under that interpretation of the law there was no destruction of the Department of Defense, there was no misallocation of its budget. There was no expenditure of money on cleanup programs dictated to agencies by the States out of the ordinary priorities that were set by the Department of Defense, or the Department of Energy or any of the other agencies of the Federal Government.

What am I saying to my colleagues, Mr. Chairman? I am saying that we should have no terror with regard to this legislation.

Now are there problems? Of course. Almost every Federal agency has areas under its jurisdiction which are Superfund sites. It has been mentioned that DOD has an enormous number of them. That is true, and they are very serious. It has been mentioned that DOE has them, and they are indeed terrifying because we are talking about not only hazardous waste of the most dangerous sort, but we are talking about nuclear waste. We are also talking about mixed waste, substances which defy almost any judgment as to the real peril that they impose upon this society, and we are not just talking about pollution of the air. We are talking about contamination of the soil, pollution of the water and contamination of the ground water, something which will persist for hundreds or thousands of years.

(By unanimous consent, Mr. DINGELL was allowed to proceed for 3 additional minutes.)

Mr. DINGELL. Mr. Chairman, it must be observed here that the peril is enormous. One of the problems has been the absolute recalcitrance of Government agencies, not just the Defense Department, but the Department of Energy and other Federal agencies to comply with the law. They have refused to adhere to the requirements that the Congress has set forth, and, if my colleagues want proof, take a look. They have contaminated the air, the soil, the water and the subsurface waters. They have lied to the Congress about it. They have concealed the facts from the State agencies. They have refused to cooperate in cleanups. They have engaged in falsification of books, records, and documents.

Mr. Chairman, as has been pointed out in debate, it was necessary for a battalion of FBI agents to raid Federal agencies because of serious abuses committed by those agencies, incineration of mixed waste in defiance of the law without permit, contamination of air and ground water, and it goes on in almost every State in the Union. This is a massive problem.

Now it is said, "You're going to give the States the ability to engage in some political activity with regard to this cleanup." Perhaps that is a good thing because the people of this country want this mess cleaned up, and they want it done now.

The Congress says, "We haven't got any money, and so we're going to do it on a cleanup of the worst first." Maybe that is good, but I would like anybody to tell me that the Superfund site or the hazardous waste sites at a military or a Government installation in his district is not the worst which exists in the United States and is not the first which should be cleaned up.

The harsh fact of the matter is, yes, this bill is going to put pressure on DOE, and it is going to put pressure on the Defense Department, and it is going to put pressure on the Office of Management and Budget, and it is going to put pressure on the Congress and the administration, and it is going to make possible some cleanup.

H.R. 1056 is not going to cost billions. The cost of cleanup is going to be billions. At DOE the cost is probably at least \$100 billion. At Department of Defense nobody has the vaguest idea.

My colleagues on the Committee on Armed Services want to do something about this, and I commend them for it, but the harsh fact of the matter is that, when dealing with an agency that lies, cheats, steals, suppresses the truth, dishonors its responsibility to the Congress and the people of the United States, sometimes it is necessary to have a little bit of help, and if having EPA be able to issue administrative orders is a part of it, and it is a part of it and it was a part of it in the plan of the Congress when we passed RCRA last, and if having the States able to assess civil penalties as a part of it, then I say it is good, and I say we should go forward. Remember the other power of the States, the other power of EPA, the other powers of the Federal Government are available. I think we ought to add this to it so we can make real progress and a good cleanup.

Mr. LENT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of this amendment from the gentleman from Georgia [Mr. RAY], and let me make two points with respect to this amendment which I think has been somewhat mischaracterized during the debate this afternoon.

First of all, this amendment does not, as suggested by opponents, exempt Federal facilities from cleanup.

□ 1440

That responsibility is still there, but it would remain with us, the Congress, and with the EPA Administrator to oversee this process. State officials can still enforce cleanup requirements, but through the courts, but they cannot under the terms of this amendment unilaterally assess fines against Federal facilities.

The second point I would make is that this amendment in no way diminishes or affects the ability of a State to fine or penalize a Federal facility when the RCRA "cradle to the grave" waste management requirements are not being followed.

Now, unfortunately, H.R. 1056 in its present form permits States to impose fines and penalties against Federal facilities for failure to take corrective action. Corrective action is a term of art. Corrective action means something very, very special under this legislation. It was added to RCRA in 1984, by the way, 8 years after the section we are amending was first enacted.

I question, and I think others in this body do as well, the wisdom of permitting States to recover fines and penalties for failure to clean up sites that may have existed for decades. The ability to clean up is largely a matter of resources. In the case of Federal facilities, it is this body, the Congress, which provides the money. It is unwise to subject Federal facilities to State-imposed fines and penalties when it is the Congress which has the responsibility to allocate the money to clean up the facility.

You cannot clean up all the scores of facilities and sites at once. Someone has to set those priorities. Priorities should be set nationally, by the Congress, by William Reilly, the EPA Administrator, and not, as the Wall Street Journal suggests today in its editorial, by every legal yahoo and politician out there in the States.

I do not believe that I impugn the integrity or the motives of any State official to say that their concerns are necessarily much more narrow than those of the Federal Government. State attorneys general and State regulators are naturally apt to feel that the environmental problems faced by their States are especially pressing and ought to be addressed first. The attorney general for the State of Washington, for example, is unlikely to be impressed with the need for corrective action at Rocky Flats in Colorado. Similarly, the Colorado attorney general probably cares little about situation at the Idaho National Engineering Laboratory, and none of these attorneys general or State environ-

mental officials are apt to restrain their hands because of the pressing needs at the DOE Materials Production Center at Fernald, OH. Yet H.R. 1056 permits each one of these persons to take corrective action—corrective action that may be impossible because of a lack of funds from this very body.

This bill conveys power to the States, but not responsibility. That is simply no way to run any sort of an orderly worst-first cleanup effort.

So I support and urge adoption of the amendment of the gentleman from Georgia [Mr. RAY].

Mr. THOMAS A. LUKEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this is a bill that we have been discussing to clarify section 6001, the waiver of immunity clause. Our chairman has effectively put it that this was the intent when section 6001 was adopted. Since then we have an unrelieved bleak history of pollution by the various agencies of the U.S. Department of Defense and Department of Energy.

Following up on that, instead of adopting a priority list of cleanup, as is suggested here, these Departments have continued to pollute. They have made certain promises and in those promises have lied to the Congress. They have covered up. They have condoned.

The FBI found out in Rocky Flats that it was a policy of contamination and concealment.

Now, what can you do to Government agencies when the Federal police force, the investigative agency, says they are following a policy of first contamination and then concealment? Do we trust those people to follow up at their own discretion on a cleanup procedure? Of course not.

Now, we have got to make up our minds, and I suggest to the gentleman from New York and to those who have spoken, we have got to make up our minds whether we really want to clean up this mess and whether we are really going to withstand whatever the pain is. We cannot avoid it by calling people names. Just because the Wall Street Journal in their masthead editorial uses terms like "yahoo," we do not have to adopt it and suggest that perhaps the attorneys general of the various States are yahoos, nor do we suggest that those people who bring actions which are based upon State law and based upon Federal law, that they are yahoos. They are citizens, and if they can prevail in court under the law as it is and has been adopted, then we ought to be as a Congress willing to appropriate the necessary money. We ought to do what is necessary to clean it up.

We cannot on the one hand say that the environment is the big issue out there, and on the other hand say that

we are going to put in a provision here that says we want our agencies to comply, but not to clean up. We are not going to force them to clean up.

Now, it just does not do to say there are other provisions. This is the provision of the law that was put into the law, that was put there to put teeth into it so the Federal agencies would have to obey the law.

Now, we should not exempt, and we did not exempt them in the first place, and now that they have messed it up, it is not the time to say, "OK, you messed it up, we are going to give you a get-out-of-jail card free. You don't have to clean it up."

Mr. RAY. Mr. Chairman, will the gentleman yield?

Mr. THOMAS A. LUKEN. I yield to the gentleman from Georgia.

Mr. RAY. Mr. Chairman, I think this has been a very meaningful debate. I think we have aired out a lot of things here today that ought to have been said.

I particularly want to commend the committee chairman, the gentleman from Michigan [Mr. DINGELL], for his very fine remarks.

I would like to respond to one question. I believe that question was from someone who had the worst problem in the States, that was not a military installation.

I will tell you that we have that problem in Georgia. We have seven military installations, but the worst problem under the control of the State and the EPA is the Chattahoochee River, where the city of Atlanta dumps 200 million gallons of phosphates and nitrates each day into that river, and it is killing the streams and cities downstream, and we seem to be harmless to do anything about it, so we do have these problems there.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. THOMAS A. LUKEN. I am glad to yield to the gentleman from Ohio.

Mr. DINGELL. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I would simply observe that dumping into the Chattahoochee River, and I am satisfied it is a very serious matter—is now covered under the Federal Water Pollution Control Act. Under that Act the States have authority to assess civil penalties right this minute for failure of the Federal Government to comply with the Federal Water Pollution Control Act. That really is an excellent case to cite and it is a case where the authority now exists on the part of the State to assess civil penalties.

The only Federal conservation or environmental law of which I am aware where the States appear to lack authority to assess civil penalties is under RCRA.

Mr. RAY. Mr. Chairman, if the gentleman will yield further, this has

been going on, this particular problem has been going on as long as some of the military base problems. It is so bad that citizens now are threatening to sue the State and the EPA in that particular case; but that is not the point for me getting up to close this debate, if the gentleman will yield further.

I would like to say that an awful lot has been said today about why do we not appropriate the money, why do we not move forward, why do we not clean up these things?

Mr. CHAIRMAN. The time of the gentleman from Ohio has expired.

(At the request of Mr. DINGELL, and by unanimous consent, Mr. THOMAS A. LUKEN was allowed to proceed for 3 additional minutes.)

Mr. THOMAS A. LUKEN. Mr. Chairman, I yield to the gentleman from Georgia [Mr. RAY].

□ 1450

Mr. RAY. Mr. Chairman, I think the final comment I want to make is that this country has a severe fiscal problem. We owe \$2.8 trillion. It is true that the defense budget is the largest, 30 percent, and the third largest is the interest on the national debt, 18 percent, \$180 billion. We are in a severe crisis financially. We cannot get anyone to raise taxes, nor am I encouraging them to do so. But where are we going to get the money? I would just like to say that I think the only possible way that we can approach these problems is in an organized and procedural manner which I think my amendment will do. It will simply allow us to take these 8,000 sites that we have and those 7,000 inspections we made and those 1,400 investigations we made and put them into a category where we know it is going to take 20 years to complete them, we know it is going to take \$20 billion excluding DOE to do it, and I think we are on the track to doing that. I simply think that if my amendment does not pass that we will be off that track.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. THOMAS A. LUKEN] has expired.

(At the request of Mr. LENT and by unanimous consent, Mr. THOMAS A. LUKEN was allowed to proceed for 1 additional minute.)

Mr. THOMAS A. LUKEN. Mr. Chairman, I yield to the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Chairman, I do want to express great affection for my friend from Georgia. I would simply observe this, that we have now spent 8 years cutting off the arms and legs of the boy in fiscal matters to make the suit fit, and I do not believe that that is the way that we should approach the kind of environmental problem that the gentleman from Georgia is referring to.

We are contaminating ground water, we are spewing out hundreds of thousands of pounds of nuclear waste into the atmosphere. We are contaminating soils. We are contaminating water. We are creating problems that are going to affect not only this but future generations, and the harsh fact of the matter is that the only way we are going to get it done is to buckle down and clean it up.

The gentleman talks about the Chattahoochee. I know the Chattahoochee. I went to infantry school years ago at Fort Benning, and I love the stream, the Chattahoochee. The harsh fact of the matter is that on the basis of what we are talking about, first, the Chattahoochee could be cleaned up, because the State has the power to issue civil penalties.

Second of all, it has to be recognized that if somebody does not get started on this whole mess, it is going to get worse. The levels of expenditures projected both by the Committee on Armed Services and every other governmental agency are far below the needs that have to be met in order to get a cleanup within the life expectancy of anybody in this Chamber, the youngest to the oldest.

Mr. HOPKINS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from Georgia [Mr. RAY], the principal sponsor of the amendment.

Mr. RAY. Mr. Chairman, if I might continue my dialog with the chairman here, what I am hearing the gentleman say with the fiscal problems in this country, \$2.8 trillion debt, \$700 billion in foreign lands, \$50 billion interest going to those foreign lands, that the only answer that I see to complying with the gentleman's view is a severe tax increase among the people, because more revenue has to come into this country. I think our plan would simply prevent that tax increase. We are going to tell the people that we are going to correct these problems, but it is going to take much longer to do so, and we are going to put them in line, and we are going to promise that they are going to be done.

I think that the last 4 years with the Department of Defense would indicate that we are on track in that respect.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. HOPKINS. I am happy to yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Chairman, I would simply observe that we have a problem here that is so large that current levels of expenditures are not going to clean it up. We are going to find that every year the problem is going to get a little worse, because we did not address the problem of hazardous waste, nuclear waste, mixed haz-

ardous waste, and nuclear waste contamination, which is so large that it boggles the mind. There is no estimate of what the real cost is: \$1 billion a year at defense installations is not going to clean it up; \$800 or \$600 million, whatever the figure is that DOE proposes to expend, is not going to clean up the mess at that agency. Superfund, which is a problem not startlingly larger than what we are talking about here, may cost over \$100 billion. We know we are spending \$10 billion every 5 years on that particular problem, but we are not making a significant dent in the problem.

Mr. RAY. Mr. Chairman, to do what the gentleman wants to do without a tax increase would mean dismantling the military. It would mean reduction in troop strength, reduction in the weapons pipeline, and it would mean reduction in the strategy of this country. I mean, as has been said, we cannot have it both ways. We can do it slow and procedurally in an orderly process, which I advocate, or we can do a crash-type situation which gets us into, I would say, legislative chaos of some kind.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. HOPKINS. I am happy to yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Chairman, I am not advocating a crash cleanup. I am just advocating cleanup. I am pointing out that at the current levels of expenditures suggested by my friend from Georgia, we are not going to do the cleanup. We cannot get ahead of not only the current inventory of pollution and contamination, but we cannot get ahead of that which is coming down the road at us, and all I am saying is that we cannot approach this problem by cutting off the legs of the boy to make the suit fit. What we have to do is decide what has to be done to clean up the mess.

The people of this country who are afflicted with polluted waters, radioactivity in their air, their soil, their subsurface waters, the people of this country who are afflicted with hazardous waste in their surface waters, have a right to expect that we are going to clean it up and that their Government is not going to endanger them by the contamination of their environment under circumstances where we cannot, in fact, do the cleanup that has to be done in the time it must be done at the level of expenditures that we are talking about. That is why the amendment offered by my dear friend is a bad amendment. It is not that he intends one, it is just that it has bad consequences.

Mr. RAY. Mr. Chairman, my final word is I do not see any other way to keep it in an orderly process.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia [Mr. RAY].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. WHITTAKER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 98, noes 322, not voting 11, as follows.

[Roll No. 144]

AYES—98

Alexander	Heger	Parker
Anthony	Hiler	Petri
Armedy	Holloway	Pickett
Aspin	Hubbard	Quillen
Ballenger	Huckaby	Ray
Barnard	Hunter	Rhodes
Bartlett	Hutto	Roberts
Barton	Ireland	Robinson
Bateman	Jones (NC)	Rogers
Bentley	Kasich	Rohrabacher
Bevill	Kyl	Rose
Bunning	Lancaster	Shumway
Burton	Lent	Shuster
Byron	Lightfoot	Siskis
Callahan	Lloyd	Skeen
Clement	Lukens, Donald	Skelton
Coble	Marlenee	Smith (MS)
Combest	Martin (NY)	Smith (NE)
Cox	McCandless	Smith (TX)
Craig	McCrery	Spence
Crane	McCurdy	Stangeland
Crockett	McEwen	Stenholm
Dannemeyer	McMillan (NC)	Stump
DeLay	Michel	Sundquist
Dickinson	Miller (OH)	Tanner
Emerson	Molinari	Thomas (CA)
Gallegly	Montgomery	Thomas (WY)
Gingrich	Moorhead	Vander Jagt
Hall (TX)	Morrison (WA)	Vucanovich
Hammerschmidt	Myers	Whittaker
Hancock	Nielson	Whitten
Hansen	Olin	Young (AK)
Hatcher	Oxley	

NOES—322

Ackerman	Clinger	Flake
Akaka	Coleman (MO)	Flippo
Anderson	Coleman (TX)	Florio
Andrews	Conte	Foglietta
Annuzio	Conyers	Ford (MI)
Applegate	Cooper	Ford (TN)
Archer	Costello	Frank
Atkins	Coughlin	Frenzel
AuCoin	Coyne	Frost
Baker	Darden	Gallo
Bates	Davis	Garcia
Bellenson	de la Garza	Gaydos
Bennett	DeFazio	Gekas
Bereuter	Dellums	Gephardt
Berman	Derrick	Gibbons
Bilbray	DeWine	Gillmor
Bliley	Dicks	Gilman
Boehlert	Dingell	Glickman
Boggs	Dixon	Gonzalez
Bonior	Donnelly	Goodling
Borski	Dorgan (ND)	Gordon
Bosco	Dornan (CA)	Goss
Boucher	Douglas	Gradison
Boxer	Downey	Grandy
Brennan	Dreier	Grant
Brooks	Duncan	Gray
Broomfield	Durbin	Green
Browder	Dwyer	Guarini
Brown (CA)	Dymally	Gunderson
Brown (CO)	Dyson	Hall (OH)
Bruce	Early	Hamilton
Bryant	Eckart	Harris
Buechner	Edwards (CA)	Hastert
Bustamante	Edwards (OK)	Hawkins
Campbell (CA)	Engel	Hayes (IL)
Campbell (CO)	English	Hayes (LA)
Cardin	Erdreich	Hefley
Carper	Espy	Hefner
Carr	Evans	Henry
Chandler	Fasell	Hertel
Chapman	Fawell	Hoagland
Clarke	Fazio	Hochbrueckner
Clay	Feighan	Hopkins
	Fields	Horton

Houghton	Moody	Shaw
Hoyer	Morella	Shays
Hughes	Mrazek	Sikorski
Inhofe	Murphy	Skaggs
Jacobs	Murtha	Slaughter (NY)
James	Nagle	Slaughter (VA)
Jenkins	Natcher	Smith (FL)
Johnson (CT)	Neal (MA)	Smith (IA)
Johnson (SD)	Neal (NC)	Smith (NJ)
Johnston	Nelson	Smith (VT)
Jones (GA)	Nowak	Smith, Denny
Jontz	Oakar	(OR)
Kanjorski	Oberstar	Smith, Robert
Kaptur	Obey	(NH)
Kastenmeier	Ortiz	Smith, Robert
Kennedy	Owens (NY)	(OR)
Kennelly	Owens (UT)	Snowe
Kildee	Packard	Solarz
Klecza	Pallone	Solomon
Kolbe	Panetta	Spratt
Kolter	Parris	Staggers
Kostmayer	Pashayan	Stallings
LaFalce	Patterson	Stark
Lagomarsino	Paxon	Stearns
Lantos	Payne (NJ)	Stokes
Laughlin	Payne (VA)	Studds
Leach (IA)	Pease	Swift
Lehman (CA)	Pelosi	Synar
Lehman (FL)	Penny	Tallon
Leland	Perkins	Tauke
Levin (MI)	Pickle	Tauzin
Levine (CA)	Porter	Thomas (GA)
Lewis (CA)	Poshard	Torres
Lewis (FL)	Price	Torricelli
Lewis (GA)	Pursell	Towns
Lipinski	Rahall	Trafficant
Livingston	Rangel	Traxler
Long	Regula	Udall
Lowery (CA)	Richardson	Unsold
Lowey (NY)	Rinaldo	Upton
Luken, Thomas	Ritter	Valentine
Machtley	Roe	Vento
Madigan	Rostenkowski	Visclosky
Manton	Roth	Volkmer
Markey	Roukema	Walgren
Martin (IL)	Rowland (GA)	Walker
Martinez	Roybal	Walsh
Matsui	Russo	Watkins
Mavroules	Sabo	Waxman
Mazzoli	Saiki	Weber
McCloskey	Sangmeister	Weiss
McCollum	Sarpallus	Weldon
McDade	Savage	Wheat
McDermott	Sawyer	Williams
McGrath	Saxton	Wilson
McHugh	Schaefer	Wise
McMillen (MD)	Scheuer	Wolf
McNulty	Schiff	Wolpe
Meyers	Schneider	Wyden
Mfume	Schroeder	Wylie
Miller (CA)	Schuetz	Yates
Miller (WA)	Schulze	Yatron
Mineta	Schumer	Young (FL)
Moakley	Sensenbrenner	
Mollohan	Sharp	

NOT VOTING—11

Collins	Hyde	Ridge
Courter	Leath (TX)	Rowland (CT)
Fish	Morrison (CT)	Slattery
Gejdenson	Ravenel	

□ 1519

Messrs. SCHULZE, GEKAS, SMITH of Vermont, DOUGLAS, PAXON, LIVINGSTON, and PASHAYAN changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. WOLPE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong support of H.R. 1056, the Federal Facilities Compliance Act offered by my friend, Mr. ECKART and I applaud the efforts of Chairmen LUKEN and DINGELL and the Energy and Commerce Committee in bringing this legislation to the House floor.

H.R. 1056 simply clarifies that Federal facilities—both civilian and military—are subject to the same substantive and procedural requirements regarding hazardous waste management as are States and local governments and private companies.

Some of the worst hazardous waste problems in this country are located at Federal facilities operated by the Department of Energy and the Department of Defense. Yet EPA and the States cannot take enforcement action against these or other agencies. This bill would make clear that Federal facilities can no longer disregard environmental laws. This legislation establishes, very simply, that every person and entity—including any agency of the Federal Government—must act within the law.

If we are serious about cleaning up our environment, it is imperative that the Federal Government set an example for the rest of the Nation and the world. Only if the Federal Government is made to act in an environmentally sound fashion will it be possible to begin to change the collective thinking from "use and dispose" to "conserve, reduce and recycle."

Later in this session, we will be taking up my legislation to encourage waste reduction as the best means of achieving a cleaner environment. This bill does not mandate waste reduction at Federal facilities. However, by removing from Federal facilities the option of ignoring environmental problems created by their poor hazardous waste management, waste reduction at the source becomes an economically preferable alternative to expensive disposal and cleanup after the fact. Given a choice between waste reduction and cleanup, waste reduction often makes far greater economic as well as environmental sense.

The time has come for the Congress to mandate that the Federal Government must comply with the same standards regarding the disposal and cleanup of hazardous waste that we impose on others, and I urge my colleagues to support this greatly needed legislation.

The CHAIRMAN. Are there other amendments to section 2?

If not, the Clerk will designate section 3.

The text of section 3 is as follows:

SEC. 3. DEFINITION.

(a) PERSON.—Subtitle F of the Solid Waste Disposal Act is amended by adding at the end the following:

"SEC. 6005. DEFINITION OF PERSON.

"For purposes of this Act, the term 'person' wherever used in this Act, shall be treated as including each department, agency, and instrumentality of the United States."

(b) TABLE OF CONTENTS.—The table of contents for such subtitle F is amended by adding the following new item at the end:

"Sec. 6005. Definition of person."

The CHAIRMAN. Are there any amendments to section 3?

AMENDMENT OFFERED BY MR. JONES OF NORTH CAROLINA

Mr. JONES of North Carolina. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JONES of North Carolina: At the end of the bill add the following new section:

SEC. 4. APPLICABILITY WITH RESPECT TO A FEDERAL WASTEWATER TREATMENT WORKS AT MARINE CORPS AIR STATION, CHERRY POINT, NORTH CAROLINA.

(a) APPLICABILITY.—Subtitle F of the Solid Waste Disposal Act is amended by adding at the end of the following:

"SEC. 6006. APPLICABILITY TO A FEDERAL WASTEWATER TREATMENT WORKS AT MARINE CORPS AIR STATION, CHERRY POINT, NORTH CAROLINA.

"(a) APPLICABILITY.—A wastewater treatment works at the Marine Corps Air Station, Cherry Point, North Carolina, that receives and treats waste, a majority of which is domestic waste generated by a department, agency, or instrumentality of the Federal Government—

"(A) shall be considered to be managing a solid waste, but not a hazardous waste, for purposes of this Act, if such a wastewater treatment works and all discharges to the treatment works comply with the pretreatment program requirements established pursuant to sections 307 and 402(b)(8) of the Federal Water Pollution Control Act (33 U.S.C. 1317 and 1342(b)(8)); and

"(B) shall be subject to enforcement only under the Federal Water Pollution Control Act for any violation of such pretreatment program requirements.

"(2) Removal of solid waste from any unit that is part of a wastewater treatment works as described in paragraph (1), whether or not such solid waste was defined as a hazardous waste before the date of the enactment of this section, shall not be required unless the removal is part of a correction action taken in response to a release from the unit.

"(b) RELATIONSHIP TO FEDERAL WATER POLLUTION CONTROL ACT.—Nothing contained in this section may be construed as defining a wastewater treatment works owned by a department, agency, or instrumentality of the Federal government as a publicly owned treatment works for purposes of the Federal Water Pollution Control Act."

(b) TABLE OF CONTENTS.—The table of contents for such subtitle F, as amended by section 3, is further amended by adding the following new item at the end:

"Sec. 6006. Applicability to a Federal wastewater treatment works at Marine Corps Air Station, Cherry Point, North Carolina."

Mr. JONES of North Carolina (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. JONES of North Carolina. Mr. Chairman, I rise today to offer an amendment to H.R. 1056 which will clarify a troubling interpretation of the Solid Waste Disposal Act, or RCRA, for the waste water treatment works at Marine Corps Air Station, Cherry Point, NC.

With respect to Cherry Point, the problem arose last year just as the Navy had completed construction of its multimillion dollar state-of-the-art

electroplating facility. The plating facility is designed so that rinse water from the facility would be treated first at an industrial pretreatment plant owned by the Navy. After electroplating sludges are removed, the treated effluent from the industrial pretreatment plant would be discharged into a Navy-owned waste water treatment works which further treats the effluent before it is discharged into surface water pursuant to a permit under the Federal Water Pollution Control Act—also the Clean Water Act. Some sludge has built up over time in polishing ponds at the treatment works site; other sludge has been land applied pursuant to State of North Carolina permits.

Just as the facility was ready to open, the EPA advised the Navy that the sludge in the ponds would constitute a listed hazardous waste under RCRA because the sludge could contain small amounts of metals from the plating facility's rinse water. Since the ponds did not have a RCRA permit to handle hazardous waste, the rinse water from the plating facility could not be discharged in the treatment works. To prevent a violation of RCRA, the new plating facility has not opened.

What makes this situation ironic is that if the same plating facility were to discharge the same rinse water into a waste water treatment works that was owned by a State or municipal government, the waste would be completely exempt from RCRA. I will briefly explain.

RCRA applies to "solid waste" but does not include "solid or dissolved material in domestic sewage"—section 1004(27). As construed by the EPA, any mixture of domestic sewage and other wastes that passes through a sewer system to a publicly owned treatment works for treatment falls within the domestic sewage exclusion. But, EPA has defined publicly owned treatment works for purposes of the domestic sewage exclusion as limited to those owned by a State or municipality. This interpretation is based on EPA's reading of the Clean Water Act, and in particular its concern that federally owned treatment works should not be eligible for construction grants under that act.

In short, under EPA's interpretation of the domestic sewage exclusion, different laws and standards apply to sewage treatment works depending on whether they are owned by the Federal Government or by a State or local government. The practical result of this construction has been the inability of the Navy to open its new plating facility at Cherry Point.

To resolve its problem at Cherry Point, the Navy has considered various design alternatives, including a closed loop system so that no waste water is

discharged and building new storage tanks at the waste water treatment works. But, these alternatives are all costly and would require a few years and millions of dollars to complete. I have therefore concluded that the best solution is to amend RCRA to clarify its applicability to the treatment works at Cherry Point.

My amendment adds a new section 6006 to RCRA, as follows:

First, the federally owned waste water treatment works at Marine Corps Air Station, Cherry Point, NC that receives and treats waste, a majority of which is domestic waste generated by federal installations, shall be considered to be managing a solid waste but not a hazardous waste for purposes of RCRA, provided the treatment works and all discharges to the treatment works comply with the pretreatment requirements of sections 307 and 402(b)(8) of the Clean Water Act;

Second, if, in the future, the treatment works violates the pretreatment requirements of the Clean Water Act, it shall be subject only to an enforcement action under the Clean Water Act for the violation;

Third, removal of solid waste from any unit of the waste water treatment works will not be required by EPA or the State unless the removal is part of a corrective action taken in response to a release from the unit into the surrounding environment; and

Fourth, the federally owned waste water treatment works at Cherry Point shall not be considered a publicly owned treatment works for purposes of the Clean Water Act by virtue of this amendment to RCRA.

The amendment only applies to the federally owned waste water treatment works at Cherry Point which treats a majority of domestic waste. By majority, I mean that most or at least 51 percent of the waste is of domestic origin. By domestic origin, I mean untreated sanitary wastes.

The amendment enables the Navy to exercise an option as to which Federal law should apply to its waste water treatment works at Cherry Point. The choice is to stay within the purview of RCRA and comply with all of RCRA's provisions, or to be exempt from the hazardous waste provisions of RCRA provided that the treatment works and all discharges to the treatment works meet the pretreatment requirements of the Clean Water Act. The treatment works will qualify for the RCRA exemption when it meets all of the pretreatment program requirements of the Clean Water Act. The pretreatment requirements are those established by EPA and the States pursuant to sections 307 and 402(b)(8) of the Clean Water Act.

Should the waste water treatment works fall out of compliance with the pretreatment requirements in the

future, the exclusive remedy for a violation of such requirements is an action under the Clean Water Act to enforce the pretreatment provisions.

To ensure that the environment is completely protected, the amendment explicitly provides that EPA retains its authority to bring a corrective action against the waste water treatment works for a release into the environment. The emphasis is on release as opposed to simply the presence of a solid waste in a unit. EPA cannot require the removal of a solid waste from the unit just because, prior to the enactment of this amendment, the waste would have been technically considered a hazardous waste. The Navy will be required to clean up any releases into the ground or ground water from its solid waste management units that cause environmental harm but will not be required to spend money unnecessarily on the cleanup of ponds and other applications of sludge that were deemed in the past to contain hazardous wastes. A corrective action may be brought under RCRA or the Comprehensive Environmental Response, Compensation, and Liability Act [CERCLA].

Finally, the amendment makes clear that the federally owned waste water treatment works shall not be considered a publicly owned treatment works for purposes of the Clean Water Act. Although the amendment provides parity between the treatment of a federally owned treatment works for purposes of RCRA's hazardous waste provisions and requires that the federally owned treatment works comply with the pretreatment requirements of the Clean Water Act to achieve this parity, it is not thereby considered to be a publicly owned treatment works for purposes of the Construction Grants Program or any other provisions of the Clean Water Act.

The bottom line is that my amendment will resolve a confusing issue, the applicability of RCRA to the federally owned waste water treatment works at Cherry Point Marine Corps Air Station. It will give the Navy an important option for treating waste from its industrial and domestic waste water treatment plants at Cherry Point. I am confident this option will enable Cherry Point Marine Corps Station to comply with the law and open its new plating facility.

I wish to thank again Chairman DINGELL and his staff, in particular Richard Frandsen, for their cooperation and help in resolving this troubling situation. I also appreciate the willingness of EPA and the Navy to be consulted on technical aspects of this amendment. Without all their help, the Navy's \$15 million plating facility would continue to remain idle and the Navy would be forced to spend millions of dollars on redesign and con-

struction with no clear environmental benefit.

I urge my colleagues to support my amendment.

Mr. THOMAS A. LUKEN. Mr. Chairman, will the gentleman yield?

Mr. JONES of North Carolina. Mr. Chairman, I yield to the gentleman from Ohio.

Mr. THOMAS A. LUKEN. Mr. Chairman, I rise in support of the amendment. The gentleman's amendment is of narrow application. We are given to understand that the EPA accepts it, and it is acceptable to the committee. I support the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. JONES].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments? If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. GEPHARDT] having assumed the chair, Mr. SMITH of Florida, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1056) to amend the Solid Waste Disposal Act to clarify provisions concerning the application of certain requirements and sanctions to Federal facilities, pursuant to House Resolution 202, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. THOMAS A. LUKEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 380, nays 39, not voting 12, as follows:

[Roll No. 145]

YEAS—380

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Aspin
Atkins
AuCoin
Baker
Ballenger
Bates
Beilenson
Bennett
Bentley
Berman
Bevill
Bilbray
Bilirakis
Billey
Boehlert
Boggs
Bonior
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Browder
Brown (CO)
Bruce
Bryant
Buechner
Burton
Bustamante
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clarke
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Conte
Conyers
Cooper
Costello
Coughlin
Cox
Coyne
Craig
Crockett
Dannemeyer
Darden
Davis
de la Garza
DeFazio
Dellums
Derrick
DeWine
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Douglas
Downey
Dreier
Duncan
Durbill
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
Engel
English
Erdreich

Espy
Evans
Fasell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Flippo
Florio
Foglietta
Ford (MI)
Ford (TN)
Frank
Frenzel
Frost
Gallegly
Gallo
Garcia
Gaydos
Gedenson
Gephardt
Gibbons
Gillmor
Gillman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Grant
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Hertel
Hiller
Hoagland
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Inhofe
Ireland
Jacobs
James
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kostmayer
LaFalce
Lagomarsino
Lancaster
Lantos
Laughlin
Leach (IA)
Lehman (CA)

Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lipinski
Livingston
Long
Lowery (CA)
Lowey (NY)
Luken, Thomas
Lukens, Donald
Machtley
Madigan
Manton
Markley
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nelson
Nowak
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Pallone
Panetta
Parker
Parris
Pashayan
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Rangel
Regula
Rhodes
Richardson
Rinaldo

Ritter
Roberts
Robinson
Roe
Rohrabacher
Rose
Rostenkowski
Roth
Roukema
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Sangmeister
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Schauer
Schiff
Schneider
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Sikorski
Skaggs
Skeen
Slattery

Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (MS)
Smith (NJ)
Smith (TX)
Smith (VT)
Smith, Denny
(OR)
Smith, Robert
(NH)
Smith, Robert
(OR)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stangeland
Stark
Stearns
Stokes
Studds
Sundquist
Swift
Synar
Tallon
Tauke
Tauzin
Thomas (CA)
Thomas (GA)
Thomas (WY)

Torres
Torricelli
Towns
Traficant
Traxler
Udall
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Walgren
Walker
Walsh
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

NAYS—39

Armey
Barnard
Bartlett
Barton
Bateman
Bereuter
Bunning
Byron
Callahan
Combest
Crane
DeLay
Dickinson

Hammerschmidt
Hancock
Hansen
Herger
Hutto
Kyl
Lent
Lightfoot
Lloyd
Marlenee
Nielson
Packard
Petri

Pickett
Ray
Rogers
Shumway
Shuster
Sisisky
Skelton
Smith (NE)
Stenholm
Stump
Tanner
Vucanovich
Whittaker

NOT VOTING—12

Brown (CA)
Collins
Courtner
Gekas

Hyde
Leath (TX)
Molinari
Morrison (CT)

Oakar
Ravenel
Ridge
Rowland (CT)

□ 1549

Mr. PICKETT changed his vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. THOMAS A. LUKEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R. 1056, the bill just passed.

Mr. SPEAKER pro tempore (Mr. GEPHARDT). Is there objection to the request of the gentleman from Ohio?

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1056, FEDERAL FACILITIES COMPLIANCE ACT OF 1989

Mr. THOMAS A. LUKEN. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 1056, the Clerk be authorized to make such changes and technical corrections as reflect the actions of the House in amending the bill, H.R. 1056, Federal Facilities Compliance Act of 1989.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

PERMISSION FOR CERTAIN SUBCOMMITTEES OF THE COMMITTEE ON THE JUDICIARY TO SIT DURING 5-MINUTE RULE ON THURSDAY, JULY 20, 1989

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that the following subcommittees of the Committee on the Judiciary may be permitted to sit while the House is reading for amendment under 5-minute rule on Thursday, July 20, 1989:

The Subcommittee on Economic and Commercial Law;

The Subcommittee on Civil and Constitutional Rights;

The Subcommittee on Immigration; and

The Subcommittee on Crime.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION FOR COMMITTEE ON RULES TO HAVE UNTIL MIDNIGHT TONIGHT TO FILE A PRIVILEGED REPORT ON FOREIGN OPERATIONS APPROPRIATIONS BILL, 1990

Mr. BEILENSEN. Mr. Speaker, I ask unanimous consent that the Committee on Rules be permitted to have until midnight tonight to file a privileged report relating to the consideration of a bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1990, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Saunders, one of his secretaries, who also in-

formed the House that on the following dates the President approved and signed bills and joint resolutions of the House of the following titles:

On May 11, 1989:

H.R. 678. An act to make a correction in the Education and Training for a Competitive America Act of 1988.

On May 17, 1989:

H.R. 1385. An act to make permanent the Martine Luther King, Jr., Federal Holiday Commission.

On May 22, 1989:

H.J. Res. 135. Joint resolution to designate the week beginning May 7, 1989, as "National Correctional Officers Week".

On May 25, 1989:

H.J. Res. 170. Joint resolution designating May 1989, as "National Digestive Disease Awareness Month"; and

H.J. Res. 247. Joint Resolution designating May 29, 1989, as the "National Day of Remembrance for the Victims of the USS IOWA".

On June 19, 1989:

H.J. Res. 274. Joint resolution to designate the week beginning June 11, 1989, as "National Scleroderma Awareness Week".

On June 20, 1989:

H.R. 964. An act to correct an error in Private Law 100-29 (relating to certain lands in Lamar County, Alabama) and to make technical corrections in certain other provisions of law.

On June 21, 1989:

H.R. 932. An act to provide for the settlement of land claims, and the resolution of certain issues of governmental jurisdiction, of the Puyallup Tribe of Indians in the State of Washington, and for other purposes.

On June 18, 1989:

H.J. Res. 111. Joint resolution designating June 23, 1989, as "United States Coast Guard Auxiliary Day"; and

H.R. 881. An act to provide for restoration of the Federal trust relationship with, and assistance to, the Coquille Tribe of Indians and the individual members consisting of the Coquille Tribe of Indians, and for other purposes.

On June 30, 1989:

H.R. 2344. An act to authorize the transfer to the Republic of the Philippines of two excess naval vessels; and

H.R. 2402. An act making supplemental appropriations for the Department of Veterans Affairs for the fiscal year ending September 30, 1989, and for other purposes.

On July 6, 1989:

H.J. Res. 132. Joint resolution to designate the second Sunday in October of 1989 as "National Children's Day";

H.R. 923. An Act to redesignate the Federal hydropower generating facilities located at Dam B on the Neches River at Town Bluff, TX, as the "Robert Douglas Willis Hydropower Project"; and

H.R. 2119. An act to authorize the exchange of certain Federal public land in Madison County, IL.

On July 7, 1989:

H.J. Res. 276. Joint resolution designating September 14, 1989, as "National D.A.R.E. Day"; and

H.J. Res. 298. Joint resolution designating July 14, 1989, as "National Day To Commemorate the Bastille Day Bicentennial."

U.S. CUSTOMS SERVICE 200TH ANNIVERSARY YEAR

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service and the Committee on Ways and Means be discharged from further consideration of the joint resolution (H.J. Res. 363) to designate 1989 as "United States Customs Service 200th Anniversary Year," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

Mr. CRANE. Reserving the right to object, it is not my intention to object, Mr. Speaker. In fact, I happily join in support with my distinguished chairman of this joint resolution, House Joint Resolution 363, and will happily yield to the distinguished gentleman from Illinois [Mr. ROSTENKOWSKI].

Mr. ROSTENKOWSKI. Mr. Speaker, House Joint Resolution 363 commemorates the 200th anniversary of the establishment of the U.S. Customs Service by the First Congress in July 1789. It calls upon the President to issue a proclamation observing the year with appropriate ceremonies, and designates 1989 as the "United States Customs Service 200th Anniversary Year."

The resolution acknowledges the critical role that Customs has played throughout our Nation's history—not only as a revenue collector—but also as a key trade and law enforcement agency.

Over the years, the responsibilities of the Customs Service has become increasingly complex as the Congress has passed wide-ranging trade and tariff legislation regulating international trade in goods. With the dramatic rise in the volume of imports and as the frontline in the war on drugs, the Customs Service has been resourceful and courageous in carrying out its mission.

This resolution is a tribute to all the dedicated employees of the Customs Service, both past and present, for their significant contribution to the Nation's welfare. And I am proud to say that my father once served as the collector of customs in Chicago.

Finally, Mr. Speaker, let me say that it is fitting that we are commemorating the 200th anniversary of Customs Service during the same month that its oversight committee—the Committee on Ways and Means—is also celebrating its bicentennial. I want to express my appreciation to the chairman of the Committee on Post Office and Civil Service—my good friend, BILL FORD—for his cooperation in moving this resolution.

I urge all of my colleagues to join with me in supporting this resolution

honoring this important Federal agency.

Mr. CRANE. Mr. Speaker, I simply want to join in the remarks made by our chairman. I have had the privilege of serving on the National Bicentennial Commission of the Constitution since 1987. As we go into these bicentennial years honoring both our committee and one of the first products that served our committee, namely, the Customs Service, I want to take advantage of the opportunity also to salute the dedicated men and women who have served with distinction and carried those great burdens through the years.

Mr. Speaker, I am pleased to join with Chairman ROSTENKOWSKI today in support of House Joint Resolution 363, to designate 1989 as "United States Customs Service 200th Anniversary Year," and to authorize the President to issue a proclamation on the bicentennial celebration of the creation of the Customs Service.

This anniversary is particularly noteworthy since it coincides with the bicentennial of the Committee on Ways and Means. Both were born out of the new Nation's need for revenue. Customs was virtually the sole source of Federal revenue throughout the Nation's formative years. Through enforcement of prohibition in the 1920's, to today's emphasis on commercial fraud and control of critical technology exports, Customs has retained the essential role it played in our national security and economy since the beginning of the Republic.

The challenge for the Customs Service now, and into the future, is to somehow maintain the delicate balance between facilitating the ever growing international traffic in cargo and passengers, and the increasing demands of law enforcement. This is a particularly difficult task for Customs, since they also serve as the country's "first line of defense" in the war on drugs.

I want to personally salute the dedicated women and men of the Customs Service for their outstanding work to this end. They should be particularly proud of their agency's rich, 200-year history of service to the country. I urge my colleagues to join with me in support of this bicentennial resolution.

Mr. ROSTENKOWSKI. Mr. Speaker, will the gentleman yield further?

Mr. CRANE. I am happy to yield to the gentleman from Illinois.

Mr. Speaker, I urge that our colleagues join in making this unanimous, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 363

Whereas July 31, 1989, marks the 200th anniversary of the signing by President George Washington of legislation establishing the United States Customs Service;

Whereas the controls on imports and exports and on shipping and trade, deemed es-

sential by the founders of the Republic would have been impossible without implementation by an honest, resourceful, and efficient Customs Service;

Whereas the Collector of Customs, the Customs House, and the Customs officer have stood for 200 years as the symbols of Federal authority in the ports and on the waterfronts;

Whereas after 200 years the ever more complex demands of our economy and our civilization require the Customs Service of the Department of the Treasury to remain alert and ready to perform on short notice a widening variety of tasks;

Whereas the men and women of the United States Customs Service have been the first line of defense against the entry into the United States of illicit drugs and other contraband goods;

Whereas the United States Customs Service has protected the economic well being of the Nation against predatory trade practices and violation of intellectual property rights;

Whereas the United States Customs Service is one of the oldest of the Federal agencies, having been created by the 5th Act of the 1st Congress; and

Whereas the United States Customs Service was the source of the creation of many Federal agencies, is the principal United States border agency, and enforces all laws of the United States at our border: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That 1989 is designated as "United States Customs Service 200th Anniversary Year", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe the year with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Joint Resolution 363, the joint resolution just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

REAUTHORIZING THE ADVISORY COUNCIL ON HISTORIC PRESERVATION

Mr. VENTO. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 999) to reauthorize the Advisory Council on Historic Preservation, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Senate amendments:

Page 1, line 7, after in insert: "each".

Page 1, line 8, strike out "years" and insert: "year".

Mr. VENTO (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Minnesota?

Mrs. VUCANOVICH. Reserving the right to object, Mr. Speaker, I would appreciate it if the gentleman would explain what this bill, H.R. 999, does, and I yield to the gentleman from Minnesota for that purpose.

Mr. VENTO. Mr. Speaker, H.R. 999 introduced by our colleague Representative LINDY BOGGS and cosponsored by our former colleague Dick Cheney, reauthorizes the Advisory Council on Historic Preservation. Established in 1966 as part of the National Historic Preservation Act, the advisory council plays a crucial role in preservation in this country. It has served as the regulatory agency for historic preservation and has been instrumental in providing regulations, in working out disputes, and in providing training and publications for the Federal Government's preservation community. As the independent voice for historic preservation in the Federal Government, I want to commend the advisory council for its efforts these past years, and to encourage it to continue those reports.

The authorization for the Advisory Council on Historic Preservation expires at the end of this fiscal year. H.R. 999 reauthorizes the Advisory Council on Historic Preservation for 5 more years, through 1994. Mr. Speaker, the Senate decided to amend H.R. 999 to clarify that the Advisory Council on Historic Preservation should receive funding of up to \$2.5 million each year. This is precisely what we understood and intended with our language. Given that this is strictly a technical change, we accept the Senate's language, and recommend that the House concur in the Senate amendment to H.R. 999 and pass the bill as amended.

Mrs. VUCANOVICH. Mr. Speaker, I support the adoption of the Senate amendment, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Minnesota?

There was no objection.

A motion to reconsider was laid on the table.

APEX PROJECT, NEVADA, LAND TRANSFER AND AUTHORIZATION ACT OF 1989

Mr. VENTO. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1485) to direct sale of certain lands in Clark County, NV, to meet national defense and other needs; to authorize sale of certain other lands in Clark County, NV; to further the ability of the United States to recover for damages to certain marine and other resources of the National Park System; and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Senate amendments: Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Apex Project, Nevada Land Transfer and Authorization Act of 1989".

SEC. 2. FINDINGS AND DEFINITIONS.

(a) FINDINGS.—Congress finds the following—

(1) The only two domestic producers of ammonium perchlorate ("AP"), a principal component of solid rocket fuel essential to the Nation's defense and space programs, are Pacific Engineering and Production Company, Incorporated ("Pepcon") and Kerr-McGee Chemical Corporation ("Kerr-McGee"), which established production facilities near the city of Henderson in Clark County, Nevada ("the county"). On May 4, 1988, an explosion destroyed the Pepcon plant, thereby substantially reducing the Nation's capacity to produce solid rocket fuel.

(2) A commission subsequently appointed by the Governor of Nevada to examine the adequacy of existing policies and regulations pertaining to the manufacture and storage of certain industrial materials has recommended new policies which imply the desirability of relocating both some of Kerr-McGee's AP production and storage facilities and also other industries to a less densely populated part of Clark County, but within reasonable distance of the present work force.

(3) The Department of Defense and the National Aeronautics and Space Administration have identified an urgent need to replace the domestic ammonium perchlorate production capacity lost in the Pepcon accident and to firm up existing production capabilities in order to meet current shortages and long-term requirements.

(4) The county has identified as the preferred site for the relocation of Kerr-McGee's AP facilities approximately thirty-seven hundred acres of land ("Kerr-McGee Site"), which is part of approximately twenty-one thousand acres of Federal lands, identified by the county as the "Apex Site", managed by the Bureau of Land Management ("BLM"). The county has advised the BLM it would like to purchase some or all of the lands comprising the Apex Site for development as a heavy-industry use zone, to locate potentially hazardous facilities. Orderly and appropriate development of such an industrial zone, in a manner consistent with public safety, protection of environmental and other values, and relevant State and

Federal policies and programs (including the national defense) would be preferable to development of the lands comprising the Apex Site in an unplanned manner.

(5) The Federal lands comprising the Apex Site are presently classified for retention and multiple use by the applicable BLM land use plan. At the time the current land use plan was developed, disposal of large parcels of land immediately outside the Las Vegas Valley was not identified as a possibility. However, the expeditious transfer of the Kerr-McGee Site to Clark County for resale to Kerr-McGee, and transfer of necessary associated rights-of-way to the county, will serve an important national need which cannot be served as well on non-Federal land in Clark County and which outweighs other existing and potential public uses of the lands which would be served by maintaining them in Federal ownership.

(6) Kerr-McGee has prepared an environmental assessment on the proposed transfer of the Kerr-McGee Site and supporting utility and transportation rights-of-way, dated April 1989, entitled "Apex Nevada Land Transfer Proposal and Proposed Kerr-McGee Ammonium Perchlorate Facility", which identifies certain environmental impacts likely to result from the transfer of the site and supporting rights-of-way to the county which would be mitigated with various control measures. Any transfer by the United States of lands within the Apex Site should be conditioned upon provision of all measures appropriate to prevent or mitigate adverse environmental impacts.

(7) Lands within the Apex Site provide habitat for the desert tortoise. The BLM, recognizing that the desert tortoise habitat found in Nevada, and elsewhere, is being significantly affected, especially within the Mojave Desert, by the rapid development associated with industrial growth and by other human activities, has prepared a range-wide plan for desert tortoise habitat management on the public lands. The goal of this plan is to ensure that viable desert tortoise populations will continue to exist through cooperative resource management aimed at protecting the species and its habitat. The BLM's implementation of this plan should be accelerated.

(8) Lands within the Apex Site are close to Nellis Air Force Base and to public lands withdrawn for use by the Air Force as part of the Nellis Air Force Range complex. Nellis Air Force Base is the most active military airfield in the United States (with many of the aircraft using the base carrying live ordnance) and, together with the Nellis Air Force Range, constitutes a unique facility that plays a vital role in maintaining the combat capability of the Air Force's tactical units. Maintaining the capability of Nellis Air Force Base to fulfill its mission must be a central part of any decisions concerning future use or disposition of the lands within the Apex Site.

(b) DEFINITIONS.—As used in this Act, the following terms shall have the following meanings—

(1) The term "Secretary" means the Secretary of the Interior.

(2) The term "lands" means lands and interests therein.

(3) The term "county" or "Clark County" means Clark County, Nevada.

(4) The term "Kerr-McGee" means the Kerr-McGee Chemical Corporation.

(5) The term "BLM's Desert Tortoise Plan" means the plan entitled "Desert Tortoise Habitat Management on the Public Lands: A Range-wide Plan", approved November 14, 1988.

(6) All other terms shall have the same meaning as such terms have when used in the Federal Land Policy and Management Act of 1976.

SEC. 3. KERR-McGEE SITE TRANSFER.

(a) DIRECTED SALE.—Subject to all valid existing rights, the Secretary is directed to convey the public lands comprising approximately thirty-seven hundred acres designated as "Area 1" and "Area 2" within the "Kerr-McGee Site" on the map entitled "Apex Heavy-Industry Use Zone" dated May 1989, to Clark County, Nevada, solely for sale to Kerr-McGee, in return for payment of the lands' appraised fair market value, as determined by the Secretary in accordance with established appraisal practices. However, the lands within Area 1 shall not be conveyed unless and until the Secretary has received a written commitment from Clark County and Kerr-McGee that whichever is offered the opportunity to purchase the lands within Area 2 will do so at such lands' appraised fair market value when the lands are offered pursuant to subsection (c) of this section.

(b) RIGHTS-OF-WAY.—Subject to all valid existing rights, the Secretary is directed to grant utility and transportation rights-of-way to Clark County for the connection of existing electric power, water, natural gas, telephone, railroad and highway facilities to the Kerr-McGee Site, all as generally depicted on the map entitled "Rights-of-Way and Proposed Access and Utility Locations" dated May 1989. Each right-of-way shall not exceed two hundred feet in width and shall not preclude the Secretary from permitting other uses of the affected lands compatible with the uses for which such rights-of-way are granted. Clark County may permit other parties to use the lands covered by such rights-of-way for some or all of the purposes specified in this subsection.

(c) TIMING, ETC.—(1) Subject to subsections (a) and (b) of this section, the Secretary shall offer to sell to Clark County the lands within the Kerr-McGee Site depicted as Area 1 and shall offer to grant the rights-of-way described in subsection (b) of this section to Clark County within thirty days of the date of enactment of this Act, but the Secretary's duty to transfer such lands and rights-of-way shall not lapse if they are not offered to the county within the prescribed time. Such sale shall be for fair market value, as determined by the Secretary in accordance with established procedures of the BLM. If Clark County fails to purchase such lands within sixty days of receiving the Secretary's offer, the lands and rights-of-way shall be offered to Kerr-McGee for sale and grant on the same basis, and subject to Kerr-McGee's entering into an agreement with the Secretary similar to the agreement described in section 6(a). If within sixty days after such offer, Kerr-McGee fails to purchase such lands, the lands shall become subject to the authorization provided for in section 4 of this Act, and the total acreage authorized for disposition under this section shall be increased accordingly.

(2) If the lands within Area 1 are purchased pursuant to paragraph (1) of this subsection, upon completion of a survey of the boundaries of Area 2, the Secretary shall offer to sell to the purchaser of Area 1 the lands within Area 2 at their appraised fair market value, as determined by the Secretary in accordance with established procedures of the BLM.

(3) Each right-of-way granted pursuant to this section shall be subject to rental payments and other conditions provided for in

applicable law, including the Federal Land Policy and Management Act of 1976 and this Act. The amounts received by the United States from sales of lands covered by this section shall be distributed pursuant to laws generally applicable to sales of public lands.

SEC. 4. AUTHORIZATION FOR ADDITIONAL TRANSFERS.

(a) SALE AUTHORIZED.—Notwithstanding any BLM land use plan calling for retention of the Apex Site and notwithstanding the reporting requirements and competitive bidding requirements of section 203 of the Federal Land Policy and Management Act of 1976, the Secretary is authorized, subject to any other requirements of law, including the conditions of this section, to sell to Clark County some or all of the lands within the Apex Site, depicted on the map referred to in section 3(a), that lie outside the boundaries of the Kerr-McGee Site (as depicted on such map) for fair market value as determined by the Secretary in accordance with established appraisal procedures.

(b) REQUIREMENTS AND CONDITIONS.—If, no later than one year after the date of enactment of this Act, the county demonstrates to the satisfaction of the Secretary that the county has designated the lands comprising the Apex Site as a heavy-use industrial zone, pursuant to applicable laws of the State of Nevada, and has adopted a plan for the development of some or all of such lands accordingly, the Secretary shall offer to enter into a land sales agreement with Clark County for the transfer of some or all of such lands to the county by one or more direct sales pursuant to this section over a period not to exceed ten years. Such agreement shall provide for purchasers of parcels of the lands within the Apex Site, with any specific parcels to be sold to be determined by the Secretary, in response to proposals by the county and after consultation with the Secretary of the Air Force concerning any potential impact of any such sale on activities associated with Nellis Air Force Base. The purchase price for each parcel shall be its appraised fair market value at the time of the sale, but any agreement between the county and the Secretary under this section shall provide that if the county sells any such parcel or portion thereof, the county shall pay to the United States an amount equal to 50 per centum of the amount by which the amount received by the county exceeds 110 per centum of the sum equal to the total amounts expended by the county for acquisition of such parcel or portion thereof, for improvements to such parcel or portion thereof, and for preparation of such parcel or portion thereof for sale.

(c) RIGHTS-OF-WAY.—Pursuant to applicable law, the Secretary may grant Clark County such rights-of-way on public lands as may be necessary to support the development as a heavy-use industrial zone of some or all of the lands identified in subsection (a).

(d) PROCEDURES.—Except as specified in subsection (a) nothing in this section shall relieve the Secretary from compliance with all laws applicable either to the transfer of some or all of the lands identified in subsection (a) or to the granting of any rights-of-way, including, but not limited to, the National Environmental Policy Act of 1969. Unless otherwise specified in this Act, sales of lands pursuant to this section shall be made and patents or other documents of conveyance shall be issued as if such sales were made pursuant to the Federal Land Policy and Management Act of 1976.

(e) **WITHDRAWAL, ETC.**—(1) Subject to all valid existing rights, the lands within the Apex Site (depicted on the map referred to in section 3(a)) are hereby withdrawn from all forms of entry and appropriation under the public land laws, including the mining law, and from operation of the mineral leasing and geothermal leasing laws, but shall remain available for disposition under the Recreation and Public Purposes Act (43 U.S.C. 869 et seq.) and for sale under this Act or other applicable law. This withdrawal shall continue in effect until a parcel of land affected by such withdrawal is sold, if such sale includes the right, title and interest of the United States in the minerals in such parcel. If the county or another party to whom such parcel is offered, elects not to seek to purchase the minerals in any such parcel, such parcel shall remain withdrawn from entry, location, or patent under the mining laws but after receipt by the Secretary of notification that the county or other offeree does not seek to purchase such minerals, such parcel shall be open to operation of the mineral leasing and geothermal leasing laws. The withdrawal made by this subsection shall continue for twelve years after the date of enactment of this Act or until otherwise provided by an Act of Congress enacted after the date of enactment of this Act.

(2) Before offering any parcel for sale pursuant to an agreement with the county under this section, the Secretary (in addition to other requirements of law) shall consider whether development of such parcel as part of a heavy-use industrial zone, including any appropriation mitigation measures, would be inconsistent with BLM's Desert Tortoise Plan.

(f) **COGENERATION PROJECT.**—Notwithstanding any withdrawal of the Apex Site (depicted on the map referred to in section 3(a)), and subject to the provisions of applicable law, the Secretary may grant to holders of valid existing mill-site claims on such lands such rights-of-way as may be necessary for the construction, operation, and maintenance of facilities required in the cogeneration of electricity at the site of existing mill-site operations on such claims, unless and until the land subject to such claims is transferred out of Federal ownership. No such grant shall be made unless and until all environmental studies required in connection with such construction, operation, and maintenance have been completed and any necessary mitigation measures have been agreed to.

SEC. 5. RESERVATION OF RIGHT-OF-WAY CORRIDORS.

The transfer of lands pursuant to section 4 of this Act shall be subject to the reservation to the United States of the right-of-way corridors depicted on a map entitled "Right-of-Way Corridors Across the Apex Heavy Industrial Zone" dated May 1989. These corridors shall be administered by the Secretary, who may grant rights-of-way over, upon, under and through the corridors consistent with applicable law. In the administration of such corridors, the Secretary shall, so far as feasible, locate rights-of-way so as to have the least possible impact on any industrial uses. Nothing in this Act shall be construed as restricting the authority of the Secretary, under the Federal Land Policy and Management Act of 1976 or other applicable law, to reserve or grant any other rights-of-way with respect to such lands, in addition to the rights-of-way described on such map.

SEC. 6. ENVIRONMENTAL CONSIDERATIONS.

(a) **KERR-McGEE SITE.**—The Secretary shall not make the conveyance directed by section 3 until Kerr-McGee and Clark County have

entered into a written agreement with the Secretary whereby Kerr-McGee and the county commit to undertake the measures specified in the document identified in section 2(a)(6) in order to mitigate adverse effects on wildlife and other resources and values resulting from the use of such lands for industrial purposes. At the request of the Secretary, the Attorney General of the United States may bring and appropriate legal action to enforce such agreement.

(b) **BLM REPORTS.**—(1) No later than one year after the date of enactment of this Act, the Secretary shall submit to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate a report as to the funds and personnel required to fully implement BLM's Desert Tortoise Plan.

(2) As soon as possible after the date of enactment of this Act, the Secretary, acting through the Director of the Bureau of Land Management, shall arrange for a class-three soil survey of public lands in Clark County, to assist in the implementation in such county of BLM's Desert Tortoise Plan and other aspects of the management of the public lands in such county.

(3) As soon as possible after the date of enactment of this Act, the Secretary shall invite public proposals for the designation, pursuant to the Federal Land Policy and Management Act of 1976, of areas of critical environmental concern whose designation would further the implementation of BLM's Desert Tortoise Plan or otherwise assist in the protection of resources and values of public lands in Nevada. The Secretary shall provide a reasonable period for receipt of such proposals, shall evaluate all proposals received, and shall take such action thereon as the Secretary considers appropriate.

(4) As soon as possible after the date of enactment of this Act, the Secretary shall consider the desirability of restricting or eliminating uses of public lands in the Paiute Valley which may conflict with implementation of BLM's Desert Tortoise Plan with respect to those lands. No later than one year after the date of enactment of this Act, the Secretary shall submit to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate a report concerning the results of the Secretary's actions pursuant to this paragraph.

(c) **OTHER REPORTS.**—(1) At the time that the President submits a budget request for fiscal year 1991, and annually thereafter for fifteen years, the Secretary shall submit to the Congress a statement of the total amounts received by the United States as the result of sales of public lands described in this Act, and an account of the distribution of such receipts.

(2) No later than ninety days after the date of enactment of this Act, the Secretary shall evaluate the desirability of acquisition of the lands specified in appendix A to the report of the Committee on Interior and Insular Affairs of the United States House of Representatives to accompany H.R. 1485 of the One Hundred First Congress (House Report 101-79). Such evaluation shall be based solely on the resources and values of such lands and the extent to which national policies and programs for management of such resources and values would be furthered by such acquisition. Promptly after the completion of such evaluation, the Secretary shall report the results thereof to the Committee on Interior and Insular Affairs of the

United States House of Representatives, the Committee on Energy and Natural Resources of the United States Senate, and the Representatives and Senators from the State of Nevada.

SEC. 7. MAPS AND LEGAL DESCRIPTIONS.

As soon as practicable after the date of enactment of this Act, the Secretary shall file maps and legal descriptions of the lands identified in sections 3, 4, and 5 with the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. Such legal descriptions shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in such legal descriptions. The maps and legal descriptions shall be on file and available to public inspection in the offices of the Director of the BLM.

Amend the title so as to read: "An Act to direct the sale of certain lands in Clark County, Nevada, to meet national defense and other needs; to authorize the sale of certain other lands in Clark County, Nevada; and for other purposes."

Mr. VENTO (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Minnesota?

Mrs. VUCANOVICH. Reserving the right to object, Mr. Speaker, I will not object. I support this bill and I yield to the gentleman from Minnesota to explain what the bill will do.

Mr. VENTO. Mr. Speaker, as the gentlewoman knows, this is the bill that she, along with the gentleman from Nevada [Mr. BILBRAY], introduced that provides for the sale of certain public lands in Nevada.

This matter was given rather full consideration in our subcommittee and in the full Committee on Interior and Insular Affairs and has been modified by the Senate. As the gentlewoman will recall, we placed on this title II a number of provisions.

This would respond, among other things, to the problems in the Gulf of Alaska caused by the Exxon Valdez oil spill and coral reef damage in such places as Biscayne Bay.

The Senate actually eliminated this particular provision and has assured me that they are going to give separate consideration to this title II matter, and so at the conclusion or in the next unanimous-consent request I have, we will deal with that topic; but because there is an urgency with regard to dealing with Kerr-McGee development of ammonium perchlorate types of solid fuel for rockets and for NASA purposes and because other

provisions of the House measure have remained intact in this that provide for consideration of the environmental effects and the protection of other species in this area of Nevada where we are transferring land, as well as assuring equitable return to the Federal Government for the purchase of such lands, should that occur, to Clark County, I want to urge the House to act on this today and to agree to my unanimous consent.

I want to commend the gentlewoman from Nevada and our colleagues in the Senate and others who have worked so hard on this bill. I think it is a good bill and it certainly should be acted on.

Mr. Speaker, the House passed H.R. 1485 on June 20 of this year. As passed by the House, it had two titles. Title I would expedite the sale of certain public lands in Nevada so as to permit the relocation of existing facilities used by the Kerr-McGee Chemical Corp. for the manufacture of a component of solid fuel for rockets. This relocation is a matter of urgency because we know just how dangerous such facilities may be—as was dramatized by last year's explosion of the only other domestic plant where this material is made. The plant that exploded was located near the one that would be relocated onto the lands affected by the House-passed bill. The existing plant is dangerously close to a chlorine factory and to populations centers. Title I would also authorize but not require the sale of additional public lands in the same area.

Title II of the House-passed bill included a number of provisions that would give the Secretary of the Interior additional legal tools to recover for damages to resources of coastal areas of the National Park System caused by negligence, and also to recover for the costs of responding to situations caused by such negligence as the grounding of the *Exxon Valdez* or the crash of a ship into a coral reef in Biscayne Bay. Similar provisions actually passed the House in the last Congress but died in the other body when time ran out at the end of the session.

Now, the Senate has returned the bill to us after stripping off title II. I regret this, but I am prepared to recommend that the House concur, because of the urgency that attaches to the situation in Nevada. My unanimous-consent request would have the effect of agreeing to the Senate's change in the bill, and thus would clear the measure for the President.

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Mrs. VUCANOVICH. Further reserving the right to object, Mr. Speaker, I would also like to thank the gentleman for his work with this bill and recognize how important it is not only to Clark County but to the defense of our country. I think that we have

worked well together. This is a bill that took a lot of work and a lot of agreement on all of our parts, and I appreciate the gentleman from Minnesota doing this. I strongly support this legislation.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. McNULTY). Is there objection to the initial request of the gentleman from Minnesota?

There was no objection.

A motion to reconsider was laid on the table.

IMPROVING ABILITY OF THE SECRETARY OF THE INTERIOR TO PROPERLY MANAGE CERTAIN RESOURCES OF THE NATIONAL PARK SYSTEM

Mr. VENTO. Mr. Speaker, I ask unanimous consent that the Committee on Interior and Insular Affairs be discharged from further consideration of the bill (H.R. 2844) to improve the ability of the Secretary of the Interior to properly manage certain resources of the National Park System, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

Mrs. VUCANOVICH. Mr. Speaker, reserving the right to object, I think I understand what this bill will do, but I would appreciate it if the gentleman from Minnesota would explain what it is about.

Mr. VENTO. Mr. Speaker, will the gentlewoman yield?

Mrs. VUCANOVICH. I am happy to yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Speaker, H.R. 2844 is identical to title II of H.R. 1485, as passed by the House on June 20, of this year. It would give the Secretary of the Interior additional legal tools to respond to and recover for damages caused to resources of coastal areas of the National Park System by negligence.

Originally, these provisions were prompted by the grounding of a ship on a coral reef in Biscayne Bay, in Florida, and similar provisions were passed by the House in the last Congress. Unfortunately, the Senate did not complete action on them at that time, and so our committee included them in H.R. 1485, a bill dealing with transfer of certain lands in Nevada, when we reported that priority bill to the floor last month.

The Senate now evidently has decided that these provisions should be considered apart from the remainder of H.R. 1485 as passed by the House, and so they have returned that bill to us without title II. But have assured me of expedited consideration of this measure separately the provisions of

title II, which Representative BILBRAY and I have reintroduced as H.R. 2844, are very important. Their importance has been dramatized by the wreck of the *Exxon Valdez* and the consequent damage to several national park areas in Alaska. So I am now seeking to have that bill sent to the Senate, to assure that it can receive priority consideration and, I hope, speedy enactment.

Mrs. VUCANOVICH. Mr. Speaker, I thank the gentleman for his statement. I support passage of the bill.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The Clerk read the bill, as follows:

H.R. 2844

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PARK SYSTEM RESOURCES.

(a) DEFINITIONS.—As used in this Act—

(1) DAMAGES.—The term "damages" includes the following:

(A) Compensation for—

(i) the cost of placing, restoring, or acquiring the equivalent of a park system resource; and

(ii) the value of any significant loss of use of a park system resource pending its restoration or replacement or the acquisition of an equivalent resource; or

(iii) the value of the park system resource in the event the resource cannot be replaced or restored.

(B) The cost of assessments under subsection (d).

(2) RESPONSE COSTS.—The term "response costs" means the cost of action taken by the Secretary of the Interior to prevent or minimize destruction or loss of or injury to park system resources; or to abate or minimize the imminent risk of such destruction, loss, or injury; or to minority ongoing effects of incidents causing such destruction, loss, or injury.

(3) PARK SYSTEM RESOURCE.—The term "park system resource" means any living or nonliving resource that is located within or is a living part of a marine regimen or a Great Lakes aquatic regimen (including an aquatic regimen within Voyageurs National Park) within the boundaries of a unit of the National Park System.

(4) REGIMEN.—The term "regimen" means a water column and submerged lands, up to the high-tide or high-water line.

(b) LIABILITY.—

(1) IN GENERAL.—Subject to paragraph (3), any person who destroys, causes the loss of, or injures any park system resource to a greater than de minimis extent is liable to the United States for response costs and damages resulting from such destruction, loss, or injury.

(2) LIABILITY IN REM.—Any instrumentality, including but not limited to a vessel, vehicle, aircraft, or other equipment that destroys, causes the loss of, or injures any park system resource shall be liable in rem to the United States for response costs and damages resulting from such destruction, loss, or injury to the same extent as is a person described in paragraph (1).

(3) DEFENSES.—A person is not liable under this subsection if—

(A) that person can establish that the destruction or loss of, or injury to, the park system resource was caused solely by an act of God, an act of war, or an act or omission of a third party other than an employee or agent of the allegedly liable person or a party (other than a common carrier) whose act or omission occurred in a contractual relationship with the allegedly liable person, and that the person acted with due care.

(B) the destruction, loss, or injury was caused by an activity authorized by Federal or State law; or

(C) the destruction, loss, or injury was of a de minimus nature.

(C) CIVIL ACTIONS FOR RESPONSE COSTS AND DAMAGES.—The Attorney General of the United States, upon request of the Secretary of the Interior after a finding by the Secretary of greater than de minimus damages to a park system resource, may commence a civil action in the United States district against any person who may be liable under subsection (b) for response costs and damages. The Secretary, acting as trustee for park system resources on behalf of the United States, shall submit a request for such an action to the Attorney General whenever a person may be liable for such costs or damages.

(d) RESPONSE ACTIONS AND ASSESSMENT OF DAMAGES.—

(1) RESOURCE ACTIONS.—The Secretary of the Interior may undertake all necessary actions to prevent or minimize the destruction or loss of, or injury to, park system resources, or to minimize the imminent risk of such destruction, loss, or injury.

(2) ASSESSMENT OF DAMAGES.—The Secretary shall assess and monitor damages to park system resources.

(e) USE OF RECOVERED AMOUNTS.—Response costs and damages recovered by the Secretary under this section shall be retained by the Secretary and without further congressional action may be used as follows:

(1) RESPONSE COSTS AND DAMAGE ASSESSMENTS.—Twenty percent of amounts recovered under this section shall be used to finance response costs and damage assessments by the Secretary.

(2) RESTORATION, REPLACEMENT, MANAGEMENT, AND IMPROVEMENT.—Amounts remaining after the operation of paragraph (1) shall be used, in order of priority—

(A) to restore, replace, or acquire the equivalent of park system resources which were the subject of the action and to monitor and study such park system resources; and

(B) to manage and improve the National Park System unit of which such park system resources are a part.

SEC. 2. INJUNCTIVE RELIEF.

If the Secretary of the Interior determines that there is an imminent risk of destruction or loss of or injury to a park system resource, or that there has been actual destruction or loss of or injury to such resource which may give rise to liability under section 1, the Attorney General of the United States, upon request of the Secretary, shall seek to obtain such relief as may be necessary to abate such risk or actual destruction, loss, or injury, or to restore or replace the resource, or both. The district courts of the United States shall have jurisdiction in such a case to order such relief as the public interest and the equities of the case may require.

SEC. 3. DONATIONS.

The Secretary of the Interior may accept donations of money or services for expenditure or employment to meet expected, im-

mediate, or ongoing response costs. Such donations may be expanded or employed at any time after their acceptance, without further action by the Congress.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the three bills just considered, H.R. 999, H.R. 1485, and H.R. 2844.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

REPORT ON NATIONAL EMERGENCY WITH RESPECT TO LIBYA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 101-85)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, without objection, referred to the Committee on Foreign Affairs and ordered to be printed.

(For message, see proceedings of the Senate of today, Wednesday, July 19, 1989.)

ANNUAL REPORT RELATED TO U.S. GOVERNMENT ACTIVITIES IN PREVENTION OF NUCLEAR PROLIFERATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs.

(For message, see proceedings of the Senate of today, Wednesday, July 19, 1989.)

ANNUAL REPORT ON DEVELOPMENTS RELATING TO THE AUTOMOTIVE PRODUCTS TRADE ACT OF 1965—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means.

(For message, see proceedings of the Senate of today, Wednesday, July 19, 1989.)

GENERAL LEAVE

Mr. LIPINSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include therein extraneous material on the subject of the special order today by the Gentleman from New Jersey [Mr. ROE].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

YEAR OF CLEAN WATER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. ROE] is recognized for 5 minutes.

Mr. ROE. Mr. Speaker, it is my pleasure to announce the introduction today of a very important joint resolution to commemorate the 20th anniversary of the Clean Water Act. GLENN ANDERSON, JOHN PAUL HAMMER-SCHMIDT, HENRY NOWAK, ARLAN STANGELAND, and myself have been joined by over 80 original cosponsors in celebrating the accomplishments of this legislation and more importantly in reaffirming our commitment to the goal of truly safe, clean water.

Water quality in America was at a critical point in 1972 when Congress passed the Clean Water Act. Rivers, lakes, and aquifers were being contaminated by industrial wastes and raw sewage. Fish and wildlife were disappearing from the Great Lakes and our major rivers at such an alarming rate that our Nation was on the brink of creating a chain of Dead Seas.

Congress moved to correct this travesty nearly 20 years ago and the results have been highly effective. Great progress has been made in cleaning up many water pollution problems and preventing any additional degradation of our water quality. Rivers and lakes once choking on pollution and devoid of life have been reborn and are now clean and vital once more.

We renewed our efforts in the 1987 amendments to the act by providing for new initiatives to assist municipalities in constructing sewage treatment plants, controlling toxic pollutants, reducing nonpoint sources of pollution and protecting environmentally sensitive areas such as estuaries. This is a continuous procedure, however, and there is much left to do in implementing what we have already authorized.

This resolution designates 1992 as the Year of Clean Water and October 1992 as Clean Water Month. Passage of this legislation will initiate the formal kickoff of America's clean water. The commemoration of the 20th anniversary of the Clean Water Act. This is a national effort being coordinated by the Association of State and Interstate Water Pollution Control Administrators [ASIWPCA] and America's Clean Water Foundation. The focus of this project will be to:

Enhance public awareness of and personal stewardship for the water resources of this Nation,

Expand environmental education opportunities for American youth to include water resources protection programs, documents, video and computer presentations,

Increase technical exchange among national and international environmental professionals involved directly or indirectly with water resources through a series of technical symposia and World Water Summits,

Document water quality status over the last two decades and set forth recommendations for improved program management, and

Commemorate the 20th anniversary of the Clean Water Act with a series of water related festivities to be held here in our Nation's capital and in State capitals throughout the country.

Pollution, drought and an ever increasing demand are problems which continue to threaten our water resources. As a founding member of America's Clean Water Foundation and as a public servant who has battled clean water issues at every level of government, I am convinced of the need for each of us to take stock of our accomplishments, to evaluate our failures and to examine our commitment to the future. I am proud to be associated with this important effort, and I encourage each of you to join with me in support of this resolution.

Mr. ANDERSON. Mr. Speaker, the Clean Water Act was enacted in 1972. Since Congress took that bold action, we have made great strides in cleaning up the Nation's waters. There are bodies of water—rivers, lakes, and streams—that were once considered hopelessly lost but have now been brought back to life.

These improvements resulted from the commitment of national resources that stood as the foundation for the clean water effort. There was a public resolve that clean water was a national priority and that the resources of the Federal Government should be used as a part of that effort.

Although progress has been made, much more remains to be done. We are faced with an \$83 billion price tag for sewage treatment plants, and with the need to find solutions to the complicated problems of nonpoint pollution, persistent toxics, and coastal and estuary pollution.

With its recognition of the national desire for clean water, the 1972 act was a major turning point. It represented a commitment by the people to a cleaner environment.

America's Clean Water Foundation is working with Congress, the administration, and some 60 national water-related organizations to rekindle this nation's grassroots commitment to clean water. The resolution being introduced today will help the foundation launch its 3-year campaign to commemorate the 20th anniversary of the Clean Water Act.

As a founding member of the board of governors, I congratulate America's Clean Water Foundation for its willingness to take the lead in bringing the message of clean water to the attention of every American citizen.

I hope that the 20th anniversary celebration that is being planned will renew our national commitment and that we will be able to make the same kinds of strides in the coming decades as we have since 1972. America's Clean Water Foundation is the type of activity we

need to make water pollution control more than just an abstract figure of speech that means little to most people.

It is important for people to realize that water pollution impacts on each and every person. Clean water is vital for every aspect of the quality of life in this country from business to recreation. The America's Clean Water Celebration in 1992 will help make all of our citizens aware of the importance of clean water.

Mr. ROWLAND of Georgia. Mr. Speaker, as a founding member of America's Clean Water Foundation Board of Governors, I rise in strong support of this resolution which launches a unique project to commemorate the 20th anniversary of the Clean Water Act. Having played an active role in the enactment of the most recent amendments to this law, I am particularly pleased to help advance our goals in this way.

Working closely with the States and some 60 national water-related organizations, America's Clean Water Foundation will sponsor a series of activities to promote clean water throughout the world. The five major components of this important effort are:

Citizen involvement and awareness: Enhance citizen involvement in cleanup efforts and promote personal stewardship of the water resources of the Nation;

Youth education: Expand education opportunities for America's youth by developing water protection programs, creating study documents and text, and initiating video and computer learning opportunities;

Innovation and technology exchange: Increase technical exchange among national and international policymakers and environmental professionals;

Status and trends report: Document water quality status between 1972 and 1992 and set forth the results in a report to Congress and the American public; and

National celebration: Commemorate the twentieth anniversary of the Clean Water Act with a series of water-related festivities to be held in the Nation's Capital and the 50 State capitals.

Necessary to the success of any venture is a group of like-minded citizens, willing to take a stand. Following is a list of esteemed persons who share my enthusiasm and commitment for the goals of the foundation:

The Honorable Glenn Anderson, U.S. House of Representatives.

The Honorable Gerald L. Bailes, Governor, Commonwealth of Virginia.

The Honorable Lloyd M. Bentsen, U.S. Senate.

Mr. Peter A.A. Berle, president, National Audubon Society.

The Honorable John Blatnik, U.S. House of Representatives (retired).

The Honorable Bill Bradley, U.S. Senate.

The Honorable Terry Branstad, Governor, State of Iowa.

The Honorable Jimmy Carter, Former President of the United States.

The Honorable John Chafee, U.S. Senate.

The Honorable George Deukmejian, Governor, State of California.

Mr. Gilbert Grosvenor, president and chairman of the board, National Geographic Society.

Dr. Jay D. Hair, president, National Wildlife Federation.

The Honorable John Paul Hamerschmidt, U.S. House of Representatives.

The Honorable Frank R. Lautenberg, U.S. Senate.

The Honorable Scott Matheson, former Governor, State of Utah.

The Honorable Edmund Muskie, former Senator and Secretary of State.

The Honorable Henry Nowak, U.S. House of Representatives.

The Honorable James Oberstar, U.S. House of Representatives.

The Honorable Robert Roe, U.S. House of Representatives.

The Honorable J. Roy Rowland, U.S. House of Representatives.

The Honorable Arlan Stangeland, U.S. House of Representatives.

Mr. Speaker, this body stood together in 1986 in unanimous support of our Nation's Clean Water Act, with its goal to preserve and protect this country's precious waterways. But so often after a problem is discovered and we subsequently legislate a solution, the public perceives that the problem goes away. The result generally means that the problem will reappear on the horizon even worse than before. It is good, therefore, when we do not let these problems slip from view. We need to monitor our progress and continuously educate the public. Celebration of our successes is also good for the public morale. The examples it provides for the future become themselves powerful incentives to continue the progress.

Our Nation must continue to protect our water supplies—this means that clean water must become a priority for every American citizen. Each one of us needs to accept personal responsibility for clean water at work, at school, and at home. Only then can we hope to leave a clean water legacy for our children and their children.

Mr. NOWAK. Mr. Chairman, as an original cosponsor of this resolution and a founding member of the board of governors for America's Clean Water Foundation, I am intrigued by this project, which is designed to involve the American people, our children, and all levels of government in reaffirming clean water as a national priority.

I am further intrigued by the program's goal to spread the message of clean water beyond our shores to Third World and developing countries. The concept of the world water summits to promote U.S. technology abroad is an exciting approach to environmental protection. A national and international approach to water protection is essential to ensure pure water for each and every living being.

Mr. Chairman, it is also essential for us to review our progress toward meeting the objectives which we the United States set forth in 1972. We all need to know how far we have come in cleaning up our water and how much each of us, as taxpayers, have contributed to the effort. Further, we need to have a sense of where the water program needs to go in the years ahead to ensure a pure and healthy water supply for the generations to follow.

For these reasons, I am delighted that the Association of State and Interstate Water Pollution Control Administrators [ASIWPCA] has agreed to undertake the important task of documenting water quality status and trends over the last two decades. The States, work-

ing together through ASIWPCA, are the best equipped to provide us with data, and I commend the States for their willingness to take on this essential activity.

In addition, I would like to commend America's Clean Water Foundation for its creativity and its dedication to the goals of the Clean Water Act. I join my colleagues in support of this important resolution.

Mr. STANGELAND. Mr. Speaker, I am pleased to join my colleagues today in introducing a joint resolution to declare 1992 as "The Year of Clean Water" and October 1992 as "Clean Water Month."

In 1972 water quality was at a crucial point. Fish and wildlife were disappearing from the Great Lakes coastline, and some fish that were caught were not edible. Our Nation's lakes, aquifers, and rivers were being contaminated by industrial waste and raw sewage. This trend had to be reversed.

Congress took the initiative. Working through the Committee on Public Works and Transportation, Congress adopted the Federal Water Pollution Control Act. This act, commonly referred to as the Clean Water Act, set the goal of making the Nation's polluted waters fishable and swimmable.

Now in 1989 we embark on the commemoration of the 20th anniversary of this act. We do so by introducing a joint resolution which, to a large extent, is the result of the hard work and leadership of America's Clean Water Foundation. This joint resolution will celebrate our progress as well as remind us of the work we must continue to do in the future.

The coming years will present new problems in water quality. We must be able to respond as we have in the past; in 1972, 1981, and 1987, Congress was willing to react to current needs by amending, and thus, reinforcing the Clean Water Act. I am hopeful today's resolution, which contemplates increased education, will encourage us to work even harder in the years to come. And we will have to do that, Mr. Speaker, if we are going to successfully tackle industrial and municipal wastewater, nonpoint pollution, and toxics.

I encourage all of my colleagues to join in the celebration and the renewed commitment to keeping our Nation's waters clean.

CHICAGO FOLK ARTIST, JOHN URBASZEWSKI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, I rise to call to the attention of my colleagues in the House of Representatives, the creations of John Urbaszewski, a Chicago resident and retired State government employee, who has achieved local recognition for his innovative and unique folk art.

At age 75, Mr. Urbaszewski builds models of famous buildings, by using bits and pieces of everyday "throw-away" objects, such as old buttons and discarded plastic cups and bottles. He has constructed more than 100 models of famous sights, including the Taj Mahal and the Leaning Tower of Pisa, ranging in size from a few inches to several feet long. As his only guide to construct these models,

he relies upon pictures and photographs from newspapers and magazines.

I would like to take this opportunity to congratulate Mr. Urbaszewski on his accomplishments. A local community newspaper in Chicago recently published an article on Mr. Urbaszewski's creations, and the text of the article follows:

LOCAL "GRANDPA MOSES" ENJOYS WORLD OF FOLK ART

(By Erwin E. Bach)

When a man retires, he may fret himself into the grave or start a new career. John Urbaszewski of Oak Park chose the latter, and woke up one morning to find himself hailed as a genuine "folk artist."

"At first I tried reading, but I got tired of that; so I made bird houses, all kinds, shaped like churches with different sized holes—even a seven-story bird condominium," recalls Urbaszewski, who retired 10 years ago from his job as a state of Illinois property control investigator.

"Then I started building models from pictures I saw. My first was a three-inch tall copy of Italy's Leaning Tower of Pisa and I showed it to a friend at Barn Door Antiques." In a short while, his friend had sold the model for \$75, and turned the money over to Urbaszewski (less a small commission).

"I was amazed that it brought so much," says Urbaszewski, who realized he had discovered a viable new career which paid money and brought him recognition of a sort.

Urbaszewski began scavenger hunts for materials. What other people threw away became gold to him.

Now at the age of 75, he has completed more than 100 model objects including most recently a six-foot tall copy of Frank Lloyd Wright's proposed Mile High Center skyscraper which has fascinated him since he first saw a picture of the great architect's project.

He has proposed to John Hedges of the Oak Park, Park District that a senior workshop be installed in the basement of the Cheney home where senior craftsmen such as himself can find a place to work.

Moreover, Urbaszewski is searching for a museum to store his sometimes giant-sized models such as a four-foot copy of Rome's Piazza di Spagna (Spanish Steps), and Brasilia's baroque Opera House. His copy of the banks of the Chicago River along West Wacker Drive runs some 10 feet in length and is over a foot wide.

Urbaszewski does not work to exact scale. His usual blueprint is a photograph or a post card of the object he wishes to model. The materials he has available at any given time often dictate what subject he chooses next, and he continues to finish a project over several months while starting on new ones.

"I consider myself a schlepperman," says Urbaszewski, whenever he hears the term, "folk artist." "I never had an art lesson in my life."

Nevertheless, the Wild Goose Chase gallery in Old Town has been selling some of his smaller models to Eastern collectors who are delighted with his work. He has become a kind of "Grandpa Moses" in spite of himself.

"Come on, I'm just a guy who got tired of reading and began to do something with my hands to get rid of the boredom of retirement," claims Urbaszewski, who is one of 15 children raised in Chicago by a Polish black-

smith father who came to this country in 1906.

He is proud of his models of course, and wants a place to display them since his temporary storage room in his son's funeral home in Chicago will soon be unavailable.

Urbaszewski hopes to find such a museum and workshop in Oak Park. "This is the ideal town for a senior crafts museum," he says.

SECTION 89 OF THE TAX CODE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. LIPINSKI] is recognized for 60 minutes.

Mr. LIPINSKI. Mr. Speaker, it is in our nature as representatives of the people, I believe, to solve social problems when we see them. This was, and still is, the case with the uninsured. Today, in the United States of America, many of our citizens live every day without the safety net of comprehensive health insurance. I am not talking about the homeless or the unemployed, but about hard-working men and women. These people can do no more than they are doing to provide for themselves and their family. Yet the fear of a serious illness or long-term hospital stay looms over them like a dark cloud. Despite their hard work and sacrifices, their savings could be wiped out by a serious medical emergency. All they had worked for; their hopes and dreams, could be liquidated and sent to doctors and hospitals. With this crisis before us, the Members of Congress created section 89 of the Tax Code. Although my colleagues here today were not with me in 1986, I have no doubt that they would have supported Congress' intent to protect all working Americans from this fear of financial ruin.

Congress saw in the marketplace an opportunity to financially protect many of these hard-working Americans by insisting that employers cover the health care costs of their lowest paid employees like they cover their highest paid ones. I realize that it is dangerous to use the U.S. Tax Code for social engineering, but it is even more dangerous to allow hard-working Americans to go without adequate medical coverage for themselves and their families. I am not ashamed of the high social goal we aimed at when we enacted this legislation, but it is quite obvious that the results of our efforts diverged from our goals during the implementation process.

Tax laws provide incentives for many beneficial programs. Employers get tax breaks when they provide day care, when they pay for an employee's education, and when they invest in their own future through research and development. When it comes to benefits such as health care, Congress needs to insist that there is at least a minimum level of coverage for all em-

ployed if we are going to forego revenue by allowing deductions. Some employers however were using these allowances to give high-paid employees very attractive health care packages and not providing the lower compensated employees with sufficient coverage. I am not against giving a valued employee excellent health insurance, I just don't think that the American taxpayer should be asked to pay for all this coverage.

Our goals in enacting section 89 were to insure that employers did not use these tax breaks to discriminate in favor of the highly compensated employees. And our request was simple, be fair. Section 89's intent was to require that all employees from the highest paid to the lowest, were afforded comparable coverage. As long as all employees were treated fairly, Congress was willing to allow the tax breaks.

If section 89 succeeds as intended, it may achieve a significant reduction in the numbers of working uninsured and their families. About 80 percent of the 37 million uninsured work, or live in families where someone works at least part of the time. Some of these working uninsured are linked to employers that maintain a health plan. If section 89 achieves its immediate goal of expanded coverage, more workers and families linked to employers with health plans will newly receive coverage or more comprehensive coverage. Despite the current problems with section 89, I remain committed to this goal.

Although the principle of comparable, nondiscriminatory benefits in employee health insurance is a worthy one, it is not what we have achieved. What has resulted from our efforts appears to be frustration through taxation. And what is worse is that the hardest hit is not the large Fortune 500 firms, but the small business, the backbone of this country, the segment of our business community that creates the lion's share of new jobs year after year. It is primarily in recognition of their hardships that I and my colleagues rise today to urge the other Members of Congress to change the section 89 regulations.

What has resulted from our efforts on section 89 can be compared to cooking dinner by turning an open oven to high and leaving the meal on the kitchen table. After many hours the food may well be cooked, but the kitchen is ruined. In an effort to comply with the myriad of regulations, many small businesses may be forced to cancel health benefits to all employees. In order to comply with section 89, employers are asked to put their coverages through a variety of very complicated tests. This procedure is confusing and expensive. The large businesses may be able to hire an entire personnel department that has

the time and resources to work toward compliance, but the small mom and pop store can not afford to have mom's day taken up by testing insurance coverage. Their only alternative may well be to just cancel coverage altogether.

I am pleased to see that the Ways and Means Committee has taken the very important first step toward easing section 89 regulations. I urge my colleagues to support Chairman ROSTENKOWSKI's efforts to simplify the current laws. The chairman's proposal, first of all, pushes back the effective date of compliance. This will give all employers more time to comply with both the spirit as well as the letter of the new laws. This new proposal also makes it easier for small businesses, those with 20 or fewer employees, to use alternative nondiscrimination tests that are intended to be easier to meet than the percentage-based tests that are required of larger employers.

Millions of American workers are not covered now by any employer-sponsored health insurance programs. Many of them work in small businesses. While it is important to require fair standards for benefit plans, Federal law should not act as a disincentive to extending health insurance programs to these workers. Currently, this is the case. My call for revising or repealing the current system should not be seen as a retreat from the goal originally set, the goal of seeing that anyone who works gets at least a minimal amount of health insurance. If and when this regulation is changed, we must continue to work toward our goals. If we don't, then section 89 was truly a failure.

In closing, I would like to remind you of a story Mark Twain used to tell. The story is of a cat that loved to jump onto the arm of a couch. One day this cat jumped up and landed on a pin that was inadvertently left on the arm. From this painful experience the cat learned never again to jump on the arm when there was a pin in it. And that was good. But the cat also learned never to jump onto the arm at all. And that was unfortunate.

□ 1610

ONE GIANT STEP FOR AMERICA

The SPEAKER pro tempore (Mr. McNULTY). Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

Mrs. BENTLEY. Mr. Speaker, after numerous trips to the drawing board and intense negotiations stretching into the early morning hours, congratulations are in order for U.S. Trade Representative, Carla Hills, and key aides—Deputy U.S. Trade Representative S. Linn Williams and Undersecretary for International Trade Ad-

ministration, Mike Farren. The recent telecommunications accord between the United States and Japan will, I hope, clear the way for small and large companies in all segments to follow Motorola to Japan.

Mrs. Hills says that the measures should provide immediate improvements for U.S. companies in both mobile-telephone and two-way radio services. On this promise, I look forward to seeing American telephones throughout Japan. Reciprocity is the best medicine for our trade ills.

After years of neglect and stagnation, it is encouraging to see the administration standing up for U.S. companies. Many segments of our economy, including government and the private sector, have ignored the cries of foul play from American manufacturers. Our corporations have been painted as laggards incapable of producing quality goods and services.

No one will deny that U.S. companies have had to restructure and reorganize to meet the challenges of international competition—but this is no reason to ignore the large problems plaguing international trade.

A Time magazine article entitled, "Is the Door Open Wide Enough?", points out that the Japanese are dismayed when branded protectionist because their markets are opening up. They then cite a statistic—"United States sales of telecommunications equipment in Japan reached \$263.3 million last year, up from \$106 million in 1985."

On paper this appears to be a monumental improvement—however, in reality, improvements are but a pittance when looking at the whole picture.

Statistics can be very misleading. For example, the American Chamber of Commerce in Japan published a white paper on "United States-Japan Trade." The white paper lists United States exports to Japan and United States imports from Japan. If we look only at the percent change in exports to Japan between 1987 and 1988, it appears as if the United States increased its rate of exports to Japan by almost 40 percent.

It is not enough to read what appears to be an end result. Two questions must be asked: First, what was the previous level of exports, and, second, how do the figures compare to the export level of Japan in the same category?

The United States exported \$418.9 million in telecommunications equipment to Japan in 1987, increasing to \$585.8 million in 1988—a 39.8 percent increase. This leads us to the second question: In 1987, Japan exported \$3.3 billion in telecommunications equipment increasing to almost \$4 billion in 1988—a percent change of "only" 6.2 percent.

Mr. Speaker, if we look only at the percentage changes, and this is what is done in many cases, we will see that from 1987 to 1988, it looks like the United States is taking the Japanese market by storm—a whopping 40-percent increase in exports compared to a Japanese percent increase of only 6.2 percent.

These figures mean nothing. What is \$585 million compared to \$308 billion? It is like comparing apples and peanuts.

The bottom line is simple: Japanese markets are not open to United States products. Japan repeatedly falls back on the excuse that there are few American products they will buy—either because they are too expensive or because of poor quality. The saddest part of this statement is that many Americans, including Government officials, fall for this propaganda—hook, line, and sinker. I must point out here, Mr. Speaker, that Japan made its first agreement with Motorola some 5 years ago, but would never allow any equipment to enter the island country.

A recent *Forbes* article by Norm Alster entitled, "An Uneven Playing Field," details the trials and tribulations of the automotive components market at home and abroad. Many so-called experts have said that United States auto components are inferior to Japanese components. And at one point, this might have been a valid complaint—but no longer.

Many United States companies have improved their operations—upgrades in production and equipment have enabled Inland Steel, Delco, and Sheldahl, Inc., to garner a percentage of the auto parts market to Japanese companies located in the United States. These companies are to be congratulated, but a long uphill climb remains. The stigma of poor quality workmanship is hard to shake.

The *Forbes* article also points out that "Japan's automakers in the United States boast of buying 60 percent of their needs from American sources. Those figures include the transplanted suppliers and Honda concedes that one-third of the United States sources are Japanese transplants."

The example of United States auto suppliers being pushed out of the domestic market by Japanese producers demonstrates that the Japanese certainly have free and far-reaching access to our markets. But what about their markets?

Mr. Alster writes, "Can the United States component makers counterattack by entering the Japanese market? It is tough—nontariff barriers rise high." If anyone needs a good definition of a nontariff barrier, just take a good look at the struggle between T. Boone Pickens and Koito Manufacturing Co. of Japan—Mr. Pickens is the

largest shareholder but has no rights as a major stockholder.

Mr. Alster continues, detailing what many of us know and others refuse to believe—that auto suppliers are partially owned by the automakers—he says, "Often geographic as well as economic satellites of the carmakers are typically less independent than American suppliers." This is an understatement.

The result is that United States auto suppliers' exports accounted for only \$308 million of Japan's billion auto component market. Is it only coincidental that United States parts are suitable here, but not in Japan? The typical response is that American components are inferior to Japanese components. The Japanese suggest that we try joint ventures and maybe that would help.

This suggestion is clever, but I have repeated, time and time again, that joint ventures serve only as a vehicle for transfer of American technology and know-how to foreign firms. Finally it appears that American firms are realizing this.

An article by Ronald Rosenberg in the July 5, 1989, *Washington Post* entitled, "High-Tech Firms Rethinking Foreign Ties—U.S. Companies Worry That Partners May Become Competitors Later," echoes what my colleagues and I already know.

Gordon Moore, Intel chairman and cofounder, says that he recently looked back on a deal with NEC Corp. of Japan for microprocessor chips and declared the deal shortsighted. "It was good for Intel but bad for the national interest," said Moore. The article says, "Increasingly, U.S. computer equipment and chip manufacturers are thinking twice about building state-of-the-art products overseas with foreign partners who might use the technology and become their competitors." Amen to that.

No—it is not joint ventures that we need; it is not better quality products that we need—there are numerous high quality American products and companies that would do very well in Japan. What we need is market access and this can only be done by breaking down the system of tangible and intangible barriers that block the United States out of Japan.

Motorola's claim that it was being prevented from \$2 billion in potential business over the next 5 years was not borne out of an imaginary persecution complex. The fact that the markets have been opened demonstrates that American products are competitive.

A very tangible trade barrier, and one I hope will be a topic of future discussions, is the nontariff certification requirements placed on the export of assembled American automobiles. American automobiles are essentially disassembled because of differences in United States/Japanese certification

standards. The cost of these strategic barriers price U.S. autos right out of the market.

The Motorola agreement is definitely a step in the right direction. I do hope that Japanese officials quoted in a *New York Times* article, "Japan Says Phone Accord Cuts Tension," believe their own words when they say, "... access to Japan's mobile telephone market has defused a major source of trade tension and opened the way for a series of more complex negotiations starting next month." Again I must remind everyone, Mr. Speaker, that Japan signed the first agreement with Motorola 5 years ago.

I do welcome further negotiations between our nations—albeit with some trepidation. Japanese sources quoted in the July 3, *Journal of Commerce*, labeled American negotiators as "arrogant." If arrogant is what we must be to carve out a niche in the world markets, I suppose it is a step up from Japanese practices of dumping.

The most important point to emerge from settlement of United States and Japanese trade disputes is not necessarily who wins or who loses—rather, it is recognition that a trade imbalance exists at all. Recognition is half of the battle and is key to ever taking a first step.

Once again, I would like to congratulate U.S. Trade Ambassador Carla Hills—she identified a problem, predicted its possible results, decided upon a course of action, and executed a solution. Thank you for taking one giant step for America.

□ 1630

DRUG-RELATED CRIMINAL ACTIVITY IN PUBLIC HOUSING

The SPEAKER pro tempore (Mr. McNULTY). Under a previous order of the House, the gentleman from Ohio [Mr. WYLIE] is recognized for 5 minutes.

Mr. WYLIE. Mr. Speaker, I take this time to point out to my colleagues in the House, an adverse and detrimental situation, which has been created by the inclusion of section 404 of the conference report on H.R. 2072, the Dire Emergency Supplemental Appropriations Act pertaining to evictions in public housing. This amendment was inserted in the conference report on H.R. 2072 and was passed by the House on June 23, 1989 I fear without the benefit of proper review.

Current law—section 6(k) of the Housing Act of 1937—and HUD regulations, permits the Secretary of HUD to waive Federal procedures for any grievance which could be cause for an eviction or termination of the lease of a tenant in public housing if there is no conflict with local law.

Regarding eviction proceedings an amendment in section 404(b), of H.R. 2072, the Dire Emergency Supplemental Appropriations Act of 1989, which passed on June 23, is a setback to this procedure by imposing new restrictions in the guise of due process.

First, it requires HUD to review within 6 months, the drug-related eviction procedures of all jurisdictions having a public housing authority to determine whether such procedures meet Federal due process standards. This requirement to review the policies of as many as 3,000 jurisdictions will put on hold for more than 6 months HUD Secretary Jack Kemp's priority effort to rid public housing of the terrorism of drug-related activity.

Second, the new provision limits waiver request approvals made by the Secretary involving drug-related criminal activity evictions only to such activity which "threatens the health and safety of other tenants." The provision also prohibits evictions of any other household member who is not involved in such drug-related criminal activity.

Obviously, Mr. Speaker, the combined effect of these modifications is especially onerous and will make it very difficult to expedite the eviction of drug offenders who reside in public housing, unless the PHA is able to prove in court that such drug activity actually threatens the health and safety of other tenants. It further prohibits evictions for drug dealing in public housing unless all household members are involved in such illicit activity. This limitation creates yet another difficult obstacle in combating the urban violence and terrorism connected to drug activity. Overall, this provision heavily tips the scales of justice in favor of the rights of criminals. The purpose and intent of these changes disguised as due process rights will produce litigation delays and obstruct protections by making it harder to evict drug terrorists. Surely we owe more to these families currently living in fear in public housing. I commend my colleagues on the full Appropriations Committee for deleting this provision when they reported out the HUD bill yesterday.

Mr. Speaker, I am including the full text of a letter sent to the chairman of the Veterans' Administration, HUD, and Independent Agencies Appropriations Subcommittee by HUD Secretary Jack Kemp, which urges prompt action to correct this problem.

U.S. DEPARTMENT OF HOUSING
AND URBAN DEVELOPMENT,
Washington, DC, July 5, 1989.

HON. BOB TRAXLER,
Chairman, Subcommittee on HUD-Independent Agencies, Committee on Appropriations, U.S. House of Representatives,
Washington, DC.

DEAR MR. TRAXLER: I am writing to express my strong opposition to Section 404 of the Dire Emergency Supplemental Appropria-

tion Bill. This provision will seriously delay and otherwise impede eviction of drug criminals from public housing projects. The new law will make it harder for a housing authority to evict a tenant for drug-related criminal activity than for non-payment of rent or other violations of the tenant lease. Enactment of Section 404 is a significant setback to our efforts to establish drug-free public housing and a drug-free America, at a time when residents, law enforcement officials, the Administration and the Congress are calling for tough action. I urge that Congress immediately take steps to remedy this error.

Section 404 will essentially force local housing authorities to provide administrative hearing for eviction of drug criminals, even if these hearings duplicate and delay due process eviction procedures in State landlord and tenant courts (except where HUD issued a due process determination before enactment of Section 404). This requirement imposes an unnecessary burden on housing authorities trying to speedily and fairly evict drug dealers and drug abusers in accordance with State law. The new law also seriously limits the ability of the housing authority to carry out evictions for drug crimes by a public housing resident which threaten health or safety of other tenants or of housing authority employees.¹

In addition, while the provision may have been intended to protect innocent family members from being evicted as a result of drug activities being conducted inside their homes, Section 404 appears to preclude expeditious eviction of individuals who are directly engaged in such criminal activity. As I have stated in several appearances before Congress and elsewhere, I will be tough on evicting criminals, while being fair and compassionate towards innocent victims.

Under Section 6(k) of the United States Housing Act of 1937, a housing authority must offer the opportunity for an administrative grievance hearing before evicting a tenant unless HUD has determined that the law of the jurisdiction requires a due process pre-eviction hearing in court. In response to pleas from tenant groups and public housing residents, and the recommendation made by Representative Atkins during my appearance before the House Appropriations Subcommittee on Veterans Administration, HUD and Independent Agencies on April 18, I directed HUD Field offices to expeditiously review laws of all the 50 States. After careful analysis of laws in the individual States, HUD has determined that most States have eviction procedures which require a due process hearing in court. State eviction procedures, which the

¹ Section 404 (a) and (b) provide as follows:

(a) Within 6 months of the enactment of [the Dire Supplemental Appropriation] and after granting notice and opportunity to comment to affected tenants, the Secretary [of HUD] shall review the drug-related eviction procedures of all jurisdictions having a Public Housing Authority for the purpose of determining whether such procedures meet Federal due process standards.

(b) Upon conclusion of the review mandated by subsection (a), if the Secretary determines that due process standards are met for a jurisdiction, the Secretary shall issue that jurisdiction a waiver of the procedures required in section 6(k) of the United States Housing Act of 1937, 42 U.S.C. 1437d(k), for evictions involving drug-related criminal activity which threatens the health and safety of other tenants (or) public housing authority employees as long as evictions of a household member involved in drug-related criminal activity shall not affect the right of any other household member who is not involved in such activity to continue tenancy.

housing authority may use under Section 6(k), provide a fair pre-eviction hearing in State court. This enables a housing authority to avoid up to 12 months of unnecessary federally-mandated hearing procedures for drug evictions, that already duplicate and delay proceedings in the State courts.

Before Section 404 was passed, HUD made due process determinations for a succession of jurisdictions. HUD had expected to substantially complete the necessary analysis of State procedures in a matter of weeks. I view these statutory due process determinations as essential for speedy eviction of public housing residents who engage in drug-related criminal activity. By shutting down the procedure for issuing due process determinations, which the new law does, we signal to both our drug-dealing adversaries and our tenant allies a weakening in the Federal Government's commitment to make America truly drug-free.

While over half the States have to date been certified, HUD must now solicit tenant comments before issuing any additional due process determinations covering evictions for drug-related criminal activity. This new tenant comment requirement is not necessary, since State law can be readily determined by examination of the State Constitution, statutes, court rules and court decisions.

Any contention that exemption from the Statutory grievance requirements denies anyone the opportunity for a due process hearing is without merit. A leasehold right to occupancy of a public housing unit is a constitutionally protected property right. The State judiciary is bound by requirements of the Fourteenth Amendment, and may not authorize eviction until a due process hearing. The tenant is only entitled to a single due process hearing, and this right is fully satisfied by the opportunity for a hearing in court. An additional administrative grievance hearing for drug-related evictions is not only redundant; it also frustrates the efforts of the local housing authority to provide safe housing to its residents.

The Anti-Drug Abuse Act of 1988 prohibits a public housing tenant or any member of the household from engaging in drug-related criminal activity on or near public housing premises. The 1988 law explicitly states that drug-related criminal activity is a ground for termination of tenancy. This was a wise decision by the Congress. Swift and sure eviction for drug-related criminal activity is necessary to bring public housing drug crime under control, and to reclaim public housing projects for their law-abiding tenants. I strongly believe that the enactment of Section 404 is inconsistent with the anti-drug policies reflected in Section 5101, and will unnecessarily impede eviction of residents responsible for drug-related criminal activity.

We all share the commitment to protect the innocent and guarantee due process to all Americans. But the protection of public housing residents' rights extends to all residents, especially those who suffer from the crime and violence produced by drug dealers and abusers, who may also be their neighbors. Eviction of residents who engage in drug-related activity is not as much an effort to punish the criminal, as it is to safeguard the community and provide a decent and healthful quality of life for the residents.

I cannot overemphasize my profound objection to the provisions of Section 404, which impose new and difficult problems in the struggle against drug activity in public

housing. I strongly urge that you seek corrective legislation, and would gladly work with you to achieve that end.

Very sincerely yours,

JACK KEMP,
Secretary.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. RIDGE (at the request of Mr. MICHEL) for today on account of personal reasons.

Mr. RAVENEL (at the request of Mr. MICHEL) for the week of July 17th on account of family illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. BENTLEY) to revise and extend their remarks and include extraneous material:)

Mr. DORNAN of California, for 60 minutes, today.

Mr. BURTON of Indiana, for 60 minutes, today.

Mr. BURTON of Indiana, for 60 minutes, on July 20.

(The following Members (at the request of Mr. LIPINSKI) to revise and extend their remarks and include extraneous material:)

Mr. ROE, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. WYLIE, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mrs. BENTLEY) and to include extraneous matter:)

Mr. GILMAN in two instances.

Mr. LEWIS of Florida.

Mr. GRADISON.

Mr. HORTON.

Mr. BEREUTER.

Mr. PARRIS.

Mr. CONTE.

Mr. COX.

Mr. McDADE.

Mr. CRAIG.

Mr. ROWLAND of Connecticut.

(The following Members (at the request of Mr. LIPINSKI) and to include extraneous matter:)

Mr. MINETA.

Mr. KANJORSKI in two instances.

Mr. GUARINI.

Mr. NOWAK.

Mr. PEASE.

Mr. HAWKINS in two instances.

Mr. HAMILTON.

Mr. TORRES.

Mr. DYMALLY in two instances.

Mr. COLEMAN of Texas.

Mr. BRUCE.

Mr. PENNY.

Ms. KAPTUR.

Mr. CRAIG, prior to vote on H.R. 1056, in House today.

ENROLLED BILL SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 310. An act to remove a restriction from a parcel of land in Roanoke, VA, in order for that land to be conveyed to the State of Virginia for use as a veterans nursing home.

SENATE ENROLLED JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to enrolled joint resolutions of the Senate of the following titles:

S.J. Res. 93. Joint resolution to designate October 1989 as "Polish American Heritage Month;"

S.J. Res. 110. Joint resolution designating October 5, 1989, as "Raoul Wallenberg Day;" and

S.J. Res. 129. Joint resolution to provide for the designation of September 15, 1989, as "National POW/MIA Recognition Day".

ADJOURNMENT

Mrs. BENTLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 38 minutes p.m.) the House adjourned until tomorrow, Thursday, July 20, 1989, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1470. A letter from the Chairman and President, Federal Agricultural Mortgage Corporation, transmitting a report on the loan diversification standards; to the Committee on Agriculture.

1471. A letter from the Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of July 1, 1989, pursuant to 2 U.S.C. 685(e) (H. Doc. No. 101-83); to the Committee on Appropriations and ordered to be printed.

1472. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of reports of political contributions by Howard K. Walker, of New York; Lannon Walker, of Maryland; Glen A. Holden, of California; Ambassadors-designate, and members of their families, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1473. A letter from the Director of Civilian Personnel, Uniformed Services Universi-

ty of the Health Sciences, transmitting the 1987 annual pension reports for the University; Teachers' Insurance and Annuity Association/College Retirement Equities Fund, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

1474. A letter from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

1475. A letter from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

1476. A letter from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

1477. A letter from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

1478. A letter from the Chief, Forest Service, Department of Agriculture, transmitting a copy of the boundary description and classification of the Kings, Middle Fork Kings, and South Fork Kings Wild and Scenic River within the Sierra National Forest, California, pursuant to 16 U.S.C. 1274; to the Committee on Interior and Insular Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DINGELL: Committee on Energy and Commerce. H.R. 315. A bill to clarify the congressional intent concerning, and to codify, certain requirements of the Communications Act of 1934 that ensure that broadcasters afford reasonable opportunity for the discussion of conflicting views on issues of public importance; with an amendment (Rept. 101-153). Referred to the Committee of the Whole House on the State of the Union.

Mr. MONTGOMERY: Committee on Veterans' Affairs. H.R. 2486. A bill to amend title 38, United States Code, with respect to veterans' readjustment appointments authorized by such title; with an amendment (Rept. 101-164). Referred to the Committee of the Whole House on the State of the Union.

Mr. OBEY: Committee on Appropriations. H.R. 2939. A bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1990, and for other purposes (Rept. 101-165). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALL of Ohio: Committee on Rules. House Resolution 207. Resolution providing for the consideration of H.R. 2939, making

appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1990, and for other purposes (Rept. 101-166). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BROOKS: Committee on the Judiciary. H.R. 426. A bill for the relief of Christy Carl Halligen of Arlington, TX. (Rept. 101-154). Referred to the Committee of the Whole House.

Mr. BROOKS: Committee on the Judiciary. H.R. 429. A bill for the relief of Melissa Johnson (Rept. 101-155). Referred to the Committee of the Whole House.

Mr. BROOKS: Committee on the Judiciary. H.R. 568. A bill for the relief of Whitworth Incorporated of Gardena, CA. (Rept. 101-156). Referred to the Committee of the Whole House.

Mr. BROOKS: Committee on the Judiciary. H.R. 713. A bill for the relief of Bruce C. Veit (Rept. 101-157). Referred to the Committee of the Whole House.

Mr. BROOKS: Committee on the Judiciary. H.R. 715. A bill for the relief of the Junior Achievement of Sacramento, Inc. (Rept. 101-158). Referred to the Committee of the Whole House.

Mr. BROOKS: Committee on the Judiciary. H.R. 757. A bill for the relief of Richard W. Ireland (Rept. 101-159). Referred to the Committee of the Whole House.

Mr. BROOKS: Committee on the Judiciary. H.R. 1017. A bill for the relief of William A. Cassidy (Rept. 101-160). Referred to the Committee of the Whole House.

Mr. BROOKS: Committee on the Judiciary. H.R. 1018. A bill for the relief of Samuel R. Newman (Rept. 101-161). Referred to the Committee of the Whole House.

Mr. BROOKS: Committee on the Judiciary. H.R. 1020. A bill to permit reimbursement of relocation expenses of William D. Morger (Rept. 101-162). Referred to the Committee of the Whole House.

Mr. BROOKS: Committee on the Judiciary. H.R. 1021. A bill for the relief of Charlotte S. Neal (Rept. 101-163). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BROOKS:

H.R. 2925. A bill to revise, codify, and enact without substantive change certain general and permanent laws, related to aliens and nationality, as title 8, United States Code, "Aliens and Nationality"; to the Committee on the Judiciary.

By Mrs. BOXER (for herself, Mr. DURBIN, Mr. FAZIO, Mr. HUBBARD, Mr. BOSCO, Mr. WAXMAN, Mr. MILLER of California, Ms. PELOSI, Mr. DOWNEY, Mr. WEISS, Mr. LEWIS of Georgia, Mr. FOGLETTA, Mr. SCHUMER, Mr. PANETTA, Mr. BARNARD, Mr. OLIN, Mr. HARRIS, Mr. STALLINGS,

Mr. PARKER, Mr. BEILSON, and Mr. LEHMAN of California):

H.R. 2926. A bill to require tuna products to be labeled respecting the method used to catch the tuna, and for other purposes; jointly, to the Committees on Energy and Commerce and Merchant Marine and Fisheries.

By Mr. COLEMAN of Texas (for himself and Mr. MARTIN of New York):

H.R. 2927. A bill to amend the Low-Level Radioactive Waste Policy Act to prescribe that States which are not members of regional compacts for the disposal of nuclear waste may not locate regional disposal facilities within 60 miles of an international border; jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

By Mr. FLAKE:

H.R. 2928. A bill to amend the Housing Act of 1964 to reserve amounts for loans under the section 312 rehabilitation loan program for first-time homebuyers in larger cities; to the Committee on Banking, Finance and Urban Affairs.

By Mr. MORRISON of Connecticut (for himself, Mr. FRANK, Mr. BERMAN, Mr. FISH, Mr. SMITH of Texas, and Mr. BARTON of Texas):

H.R. 2929. A bill to amend the Immigration and Nationality Act to provide for temporary protected status for Chinese nationals and for nationals of other foreign states which are designated by the Attorney General; to the Committee on the Judiciary.

By Mr. LANTOS:

H.R. 2930. A bill to amend the Foreign Service Act of 1980 with respect to the number of chiefs of diplomatic mission who are career members of the Foreign Service; to the Committee on Foreign Affairs.

By Mr. LEHMAN of California (for himself and Mr. HILER) (both by request):

H.R. 2931. A bill to authorize appropriations for the U.S. Mint for fiscal years 1990 and 1991, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. PASHAYAN (for himself, Mr. THOMAS of California, Mr. PANETTA, Mr. BOSCO, Mr. PURSELL, Mr. LANTOS, and Mr. DAVIS):

H.R. 2932. A bill to amend section 131(c) of title 23, United States Code, relating to billboard advertising of farmer-to-consumer produce; to the Committee on Public Works and Transportation.

By Mr. PORTER:

H.R. 2933. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to phase in the exclusion of receipts and disbursements of the social security trust funds when calculating maximum deficit amounts; to the Committee on Government Operations.

By Mr. ROBERTS:

H.R. 2934. A bill to amend title 23, United States Code, to provide for a maximum speed limit of 65 miles per hour on all highways located outside of urbanized areas; to the Committee on Public Works and Transportation.

By Mr. SOLARZ:

H.R. 2935. A bill to amend title VII of the Civil Rights Act of 1964 to provide for religious accommodation; to the Committee on Education and Labor.

By Mr. UPTON:

H.R. 2936. A bill to amend the Congressional Budget and Impoundment Act of 1974 to reform the Federal budget process, and for other purposes; jointly, to the Com-

mittees on Government Operations, Rules, and Appropriations.

By Mr. OBEY:

H.R. 2939. A bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1990, and for other purposes.

By Mr. ROE (for himself, Mr. ANDERSON, Mr. HAMMERSCHMIDT, Mr. NOWAK, Mr. STANGELAND, Mr. KOLTER, Mr. ROWLAND of Georgia, Mr. COSTELLO, Mr. DWYER of New Jersey, Mr. HAYES of Illinois, Mr. ROYBAL, Mr. HORTON, Mr. PACKARD, Mr. MARTIN of New York, Mr. LIGHTFOOT, Mr. ACKERMAN, Mr. HASTERT, Mr. RAHALL, Mr. WOLF, Mr. AU COIN, Mr. JONTZ, Mr. AKAKA, Mr. MANTON, Mr. CLINGER, Mr. HUGHES, Ms. PELOSI, Mr. COYNE, Mr. BILBRAY, Mr. SCHUETTE, Mr. BALENGER, Mrs. COLLINS, Mr. HANCOCK, Mr. McNULTY, Mr. TOWNS, Mr. RAVENEL, Mr. FLORIO, Mr. CARDIN, Mr. LEHMAN of Florida, Mr. McGRATH, Mr. MATSUI, Mr. WELDON, Mr. FAUNTROY, Mr. SAVAGE, Mr. JONES of Georgia, Mr. PALLONE, Mr. CLEMENT, Mr. UPTON, Mr. WALSH, Mr. MILLER of Washington, Mr. CONTE, Mrs. BOXER, Mr. LAUGHLIN, Mr. SMITH of New Jersey, Mr. PETRI, Mr. HALL of Texas, Mr. McDermott, Mr. EMERSON, Mr. BEVILL, Mr. VALENTINE, Mr. HAWKINS, Mr. LANCASTER, Mr. DEFazio, Mr. MOAKLEY, Mr. MINETA, Mr. MRAZEK, Mr. FROST, Mrs. BYRON, Mr. MARKEY, Mr. ENGEL, Mrs. MEYERS of Kansas, Mr. GALLO, Mr. LENT, Mr. KLECZKA, Mr. BLILEY, Mr. SKAGGS, Mr. COURTER, Mr. FASCELL, Mr. FISH, Mrs. KENNELLY, Mr. ESPY, Mr. FAZIO, Mr. SHUSTER, Mr. GREEN, Mr. WOLPE, Mr. LaFALCE, Mr. DYMALLY, Mr. THOMAS of Georgia, Mrs. JOHNSON of Connecticut, Mr. DE LUGO, Mr. LELAND, Mr. TORRICELLI, and Mr. SCHEUER):

H.J. Res. 369. Joint resolution designating the calendar year 1992 as the "Year of Clean Water" and the month of October 1992 as "Clean Water Month"; to the Committee on Post Office and Civil Service.

By Mr. ROYBAL:

H.J. Res. 370. Joint resolution to designate the period commencing on September 9 and ending on September 15, 1989, as "National Nursing Home Residents' Rights Week"; to the Committee on Post Office and Civil Service.

By Mr. GIBBONS:

H. Con. Res. 171. Concurrent resolution to commemorate the 50th anniversary of the airborne units of the U.S. Armed Forces; to the Committee on Armed Services.

By Mr. GORDON:

H. Res. 206. Resolution making the official expenses allowance of Members of the House of Representatives available for printing and production of newsletters containing directories of State, local, and non-profit private programs that provide drug counseling, treatment, and information; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. PASHAYAN:

H.R. 2937. A bill for the relief of Rodney E. Hoover; to the Committee on the Judiciary.

H.R. 2938. A bill for the relief of Wesley P. Kliever and Lois P. Kliever; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 39: Mr. LANTOS, Mr. SMITH of New Hampshire, and Mr. HOAGLAND.

H.R. 109: Mr. CLEMENT, Mr. CHAPMAN, and Mr. ROBINSON.

H.R. 118: Mr. FIELDS, Mr. KOLBE, and Mr. BARNARD.

H.R. 290: Mr. LEHMAN of California and Mr. ANTHONY.

H.R. 325: Mr. CRAIG.

H.R. 500: Mr. SMITH of New Jersey.

H.R. 655: Mr. MFUME.

H.R. 665: Mr. FEIGHAN.

H.R. 844: Mr. WALKER and Mr. ROHRA-BACHER.

H.R. 866: Mr. ROE.

H.R. 867: Mr. ROE.

H.R. 868: Mr. ROE.

H.R. 979: Mr. TOWNS and Mr. ACKERMAN.

H.R. 1187: Mr. HAWKINS and Mr. FROST.

H.R. 1235: Mr. HAWKINS.

H.R. 1383: Mr. SKAGGS and Mr. WILSON.

H.R. 1416: Mr. FISH, Ms. OAKAR, Mr. HANSEN, Mr. HOLLOWAY, Mr. FIELDS, and Mr. HAYES of Illinois.

H.R. 1493: Mrs. BOXER and Mr. MOLINARI.

H.R. 1584: Mr. RAHALL.

H.R. 1614: Mr. WISE, Mr. KENNEDY, and Mr. DIXON.

H.R. 1615: Mr. TORRES and Mr. FALEOMAVAEGA.

H.R. 1661: Mr. MAVROULES, Mr. HORTON, and Mr. PAYNE of New Jersey.

H.R. 1676: Mr. AKAKA.

H.R. 1677: Mr. McDERMOTT.

H.R. 1690: Mrs. SCHROEDER.

H.R. 1782: Mr. HORTON.

H.R. 1879: Mr. WISE.

H.R. 2041: Mr. FISH, Mr. STEARNS, and Mr. DICKINSON.

H.R. 2051: Mr. McDERMOTT.

H.R. 2060: Ms. PELOSI.

H.R. 2243: Ms. PELOSI, Mr. FORD of Michigan, Mr. BATES, and Mr. CAMPBELL of Colorado.

H.R. 2254: Mr. GILMAN, Mr. FAUNTROY, and Mr. HORTON.

H.R. 2257: Mr. HENRY.

H.R. 2265: Mr. SHAYS.

H.R. 2269: Mr. LANCASTER.

H.R. 2274: Mr. KASTENMEIER, Mr. CAMPBELL of Colorado, Mr. CLINGER, Mr. ROE, and Mr. HANCOCK.

H.R. 2351: Mr. SIKORSKI, Mr. CHAPMAN, Mr. CAMPBELL of Colorado, Mr. HOCHBRUECKNER, and Mr. HANCOCK.

H.R. 2373: Mr. FISH and Mr. FROST.

H.R. 2403: Mr. HEFNER, Mr. SCHUMER, Mr. OLIN, Mr. SLATTERY, Ms. SLAUGHTER of New York, and Mr. BRUCE.

H.R. 2437: Mr. OLIN.

H.R. 2480: Mr. STALLINGS.

H.R. 2486: Mr. MONTGOMERY, Mr. STUMP, Mr. EDWARDS of California, Mr. HAMMERSCHMIDT, Mr. APPEGATE, Mr. WYLIE, Mr. EVANS, Mr. McEWEN, Mr. STAGGERS, Mr. BURTON of Indiana, Mr. ROWLAND of Georgia, Mr. BILIRAKIS, Mr. FLORIO, Mr. RIDGE, Mr. ROBINSON, Mr. ROWLAND of Connecticut, Mr. STENHOLM, Mr. SMITH of New Hampshire, Mr. KENNEDY, Mr. JAMES, Mrs. PATTERSON, Mr. STEARNS, Mr. JOHNSON of

South Dakota, Mr. PAXON, Mr. JONTZ, Mr. PAYNE of Virginia, Mr. MORRISON of Connecticut, Mr. SANGMEISTER, Mr. PARKER, Mr. JONES of Georgia, Ms. LONG, Mr. LEATH of Texas, Mr. HEFNER, Mr. JENKINS, Mr. RICHARDSON, and Mr. BROWDER.

H.R. 2493: Mr. DERRICK.

H.R. 2530: Mr. FROST.

H.R. 2544: Mr. SIKORSKI, Mrs. MORELLA, and Mr. WOLF.

H.R. 2578: Mr. CONTE and Mr. EVANS.

H.R. 2584: Mr. DWYER of New Jersey and Mr. NAGLE.

H.R. 2625: Mr. BRYANT, Mr. CROCKETT, Mr. ECKART, Mr. MARTINEZ, Mr. MORRISON of Connecticut, and Mr. VENTO.

H.R. 2668: Mr. BROWN of Colorado, Mr. ROBINSON, Mr. STUDDS, Mr. STALLINGS, Mrs. BENTLEY, Mr. HERTEL, Mr. McCURDY, Mr. WATKINS, Mr. McDERMOTT, Mr. LEHMAN of California, Mr. SIKORSKI, Mr. JONES of Georgia, Mr. DE LUGO, Mr. JONTZ, Mr. BRYANT, Mr. ROYBAL, Mr. DE LA GARZA, and Mr. KOLBE.

H.R. 2710: Mr. MAZZOLI, Mr. WHEAT, Mr. TRAXLER, Mr. FRANK, Mr. FASCELL, Mr. POSHARD, Mr. HOYER, Ms. KAPTUR, Mr. FUSTER, Mr. MORRISON of Connecticut, Mr. VENTO, Mr. TOWNS, Mr. GAYDOS, Mr. WALGREN, Mr. LIPINSKI, Mr. DWYER of New Jersey, Mr. McCLOSKEY, Mr. MRAZEK, Mr. DE LUGO, Mr. SABO, Mr. FAZIO, Mr. COYNE, Mr. BATES, Mr. NAGLE, Mr. BERMAN, and Mr. KLECZKA.

H.R. 2711: Mr. PAYNE of Virginia, Mr. THOMAS of California, Mr. WALSH, Mr. GALLEGLY, Mr. LAGOMARSINO, Mr. HORTON, Mr. DEFazio, Mr. MILLER of Washington, Mr. LIPINSKI, Mr. SKEEN, Mr. LIGHTFOOT, Mr. LEWIS of California, and Mr. CHANDLER.

H.R. 2740: Mr. BOUCHER and Mr. CHANDLER.

H.R. 2756: Mr. FASCELL, Mr. HAYES of Illinois, Mr. ANDERSON, Mr. DE LUGO, Mr. CROCKETT, Mr. FLORIO, Mr. FAZIO, and Mr. POSHARD.

H.R. 2761: Mr. DYMALLY, Mr. DYSON, Mr. ENGEL, Mr. FUSTER, Mr. HUGHES, Ms. KAPTUR, Mr. LEATH of Texas, Mr. MADIGAN, Mrs. MARTIN of Illinois, Ms. PELOSI, Mr. RAHALL, Mr. RANGEL, Mr. ROE, Mr. TOWNS, Mr. VALENTINE, Mr. WHEAT, Mr. WOLF, Mr. LAGOMARSINO, Mr. WALSH, Mr. SKELTON, Mr. PARKER, Mr. KENNEDY, Mr. HERTEL, Mr. SOLOMON, Mr. DE LUGO, Mr. QUILLEN, and Mr. STENHOLM.

H.R. 2778: Mr. PAYNE of Virginia, Mr. GINGRICH, Mr. DORGAN of North Dakota, Mr. MADIGAN, Mr. BENNETT, Mr. HENRY, Mr. CONTE, Ms. LONG, Mr. SIKORSKI, and Mr. FLORIO.

H.R. 2779: Mr. RANGEL, Mr. WELDON, Mr. ATKINS, Mr. TOWNS, Mr. FAUNTROY, and Mr. UPTON.

H.R. 2787: Mr. HANCOCK.

H.R. 2800: Mr. SMITH of Florida, Mr. ACKERMAN, Mr. LEWIS of Florida, Mr. BENNETT, and Mr. LELAND.

H.R. 2844: Mr. BILBRAY.

H.R. 2853: Mr. EVANS.

H.J. Res. 57: Mr. SLATTERY.

H.J. Res. 106: Mr. WEBER, Mr. LANTOS, Mr. SKEEN, and Mr. RITTER.

H.J. Res. 130: Mr. LaFALCE, Mr. FROST, Mr. OLIN, Mr. LEACH of Iowa, Mr. LANTOS, Mr. GRANDY, Mr. ROBERTS, Mr. MADIGAN, Mr. HOCHBRUECKNER, Mr. BEREUTER, Mr. LIGHTFOOT, Mr. PETRI, Mr. MOLINARI, Mr. LEWIS of California, Mr. RUSSO, Mr. TRAFICANT, Mr. PICKETT, Mr. McEWEN, Mr. IRELAND, Mr. SPRATT, Mr. DREIER of California, Mr. WHEAT, Mr. WELDON, and Mr. MFUME.

H.J. Res. 163: Mr. MOODY, Mr. TAUZIN, Mr. BOUCHER, Mr. GOODLING, Mr. ROE, Mr. WYDEN, Mr. CLEMENT, Mr. FAUNTROY, Mr.

LIVINGSTON, Mr. SANGMEISTER, Mr. CROCKETT, Mr. PARKER, Mr. FLAKE, Mr. HEFNER, Mr. ACKERMAN, Mr. MFUME, Mr. HOPKINS, Mr. COX, Mr. JOHNSON of South Dakota, Mr. GARCIA, Mr. OBEY, Mr. THOMAS of Georgia, Mrs. BYRON, Ms. SLAUGHTER of New York, Mr. TORRICELLI, Mr. SWIFT, Mr. HATCHER, Mr. GRAY, Mr. CONYERS, Mr. SAKTON, Mr. BOEHLERT, Ms. KAPTUR, Mr. MACHTLEY, Mr. WISE, Mr. COUGHLIN, Mr. MOAKLEY, Mr. GINGRICH, Mr. APPEGATE, Mr. NAGLE, and Mr. FORD of Michigan.

H.J. Res. 164: Mr. AUcoin, Mr. HALL of Texas, Mr. HOAGLAND, Mr. TAUKE, Mr. PAYNE of Virginia, and Mr. BALLENGER.

H.J. Res. 214: Mr. FASCELL, Mr. KASICH, and Mr. WYLIE.

H.J. Res. 245: Mr. CARPER and Mr. CROCKETT.

H.J. Res. 253: Mr. ANNUNZIO, Mr. ARMEY, Mr. BARTLETT, Mr. BATEMAN, Mr. BALLENGER, Mrs. BENTLEY, Mr. BEREUTER, Mr. BILIRAKIS, Mr. BILBRAY, Mr. BROOMFIELD, Mr. BROWN of Colorado, Mr. BUECHNER, Mr. BURTON of Indiana, Mrs. BYRON, Mr. CALLAHAN, Mr. CARR, Mr. COBLE, Mr. COX, Mr. CRAIG, Mr. DANNEMEYER, Mr. DICKS, Mr. DELAY, Mr. DEWINE, Mr. DOUGLAS, Mr. DUNCAN, Mr. ECKART, Mr. EDWARDS of Oklahoma, Mr. ENGEL, Mr. FAZIO, Mr. FISH, Mr. FLORIO, Mr. FRANK, Mr. GILMAN, Mr. GINGRICH, Mr. GALLO, Mr. GRANDY, Mr. GUNDERSON, Mr. HAMMERSCHMIDT, Mr. HASTERT, Mr. HENRY, Mr. HERGER, Mr. HILER, Mr. HOCHBRUECKNER, Mr. HORTON, Mr. HOUGHTON, Mr. HUNTER, Mr. HUTTO, Mr. INHOFE, Mrs. JOHNSON of Connecticut, Mr. KASICH, Mr. LAGOMARSINO, Mr. LAUGHLIN, Mr. LEACH of Iowa, Mr. LIGHTFOOT, Mr. LIPINSKI, Mr. LIVINGSTON, Mr. LOWERY of California, Mr. DONALD E. LUKENS, Mrs. MARTIN of Illinois, Mr. MARTIN of New York, Mr. McCANDLESS, Mr. MCCREY, Mr. McEWEN, Mr. McGRATH, Mr. McMILLEN of Maryland, Mr. McNULTY, Mr. MICHEL, Mr. MOLINARI, Mr. MOLLOHAN, Mr. MONTGOMERY, Mr. MOODY, Mrs. MORELLA, Mr. MRAZEK, Mr. NAGLE, Mr. NATCHER, Mr. NIELSON of Utah, Mr. OBERSTAR, Mr. PARRIS, Mr. PAYNE of Virginia, Mr. PAXON, Mr. PETRI, Mr. PORTER, Mr. PURSELL, Mr. RHODES, Mr. RINALDO, Mr. RITTER, Mr. ROGERS, Mr. ROHRBACHER, Mr. ROSE, Mrs. ROUKEMA, Mr. SAKTON, Mr. SCHAEFER, Mr. SHAW, Mr. SHAYS, Mr. SHUSTER, Mr. SKEEN, Ms. SLAUGHTER of New York, Mr. SLAUGHTER of Virginia, Mr. SMITH of New Hampshire, Mr. SMITH of Vermont, Mr. SPENCE, Mr. STAGGERS, Mr. STEARNS, Mr. STENHOLM, Mr. STUMP, Mr. SUNDQUIST, Mr. TAUKE, Mr. THOMAS of California, Mr. TOWNS, Mr. TRAFICANT, Mr. VENTO, Mr. VISCLOSKEY, Mrs. VUCANOVICH, Mr. WALGREN, Mr. WEBER, Mr. WELDON, Mr. WHITTAKER, Mr. WISE, Mr. WOLPE, and Mr. WYDEN.

H.J. Res. 256: Mr. DONNELLY, Mr. EVANS, Mrs. COLLINS, Mr. HANSEN, Mr. RANGEL, Mr. FAZIO, Mr. NELSON of Florida, and Mr. KOSTMAYER.

H.J. Res. 275: Mr. TAUKE, Mr. GINGRICH, Mr. BROWN of Colorado, Mrs. MARTIN of Illinois, Mr. SMITH of Mississippi, Mr. RAVENEL, Mr. HANSEN, Mrs. MEYERS of Kansas, Mr. McCOLLUM, Mr. BROOMFIELD, Mr. WALSH, Mr. DENNY SMITH, Mr. LEACH of Iowa, Mr. CONTE, Mr. WEBER, Mr. SHAW, Mr. SCHAEFER, Mrs. BENTLEY, Mr. GORDON, Mr. HUBBARD, Mr. HAYES of Louisiana, Mr. SKEEN, Mr. KOLBE, Mr. COSTELLO, Mr. LIGHTFOOT, Mr. UPTON, Mrs. MORELLA, Mr. ROE, Mr. CROCKETT, Mr. DICKINSON, Mr. KOLTER, Mr. TANNER, Mr. SMITH of New Hampshire, Mr. NIELSON of Utah, and Mr. BURTON of Indiana.

H.J. Res. 303: Mrs. VUCANOVICH.

H.J. Res. 320: Mr. ACKERMAN, Mr. AKAKA, Mr. ANDREWS, Mr. ATKINS, Mr. AU COIN, Mr. CAMPBELL of Colorado, Mr. COSTELLO, Mr. DARDEN, Mr. DONNELLY, Mr. EMERSON, Mr. ESPY, Mr. EVANS, Mr. FORD of Tennessee, Mr. FORD of Michigan, Mr. FRANK, Mr. FRENZEL, Mr. FUSTER, Mr. HALL of Ohio, Mr. HARRIS, Mr. HAWKINS, Mr. HAYES of Illinois, Mr. HORTON, Mr. JONTZ, Mrs. KENNELLY, Mr. KOLTER, Mr. KOSTMAYER, Mr. LANCASTER, Mr. LEVIN of Michigan, Mr. LEWIS of Georgia, Mr. McNULTY, Mr. MANTON, Mr. WISE, Mr. MOAKLEY, Mrs. MORELLA, Mr. OWENS of Utah, Ms. PELOSI, Mr. RANGEL, Mr. SAVAGE, Mr. VALENTINE, Mr. VENTO, Mr. WEISS, Mr. BATES, Mr. GARCIA, and Ms. LONG.

H.J. Res. 338: Mr. LIPINSKI, Mr. FORD of Michigan, Mr. MATSUI, Mr. ANNUNZIO, Mrs. COLLINS, Mr. HUGHES, Mr. AKAKA, Mr. ANDERSON, Mr. ASPIN, Mr. BLILEY, Mr. BOSCO, Mr. CAMPBELL of Colorado, Mr. CONYERS, Mr. COSTELLO, Mr. COYNE, Mr. SCHEUER, Mr. OWENS of Utah, Mr. PICKETT, Mr. KASTENMEIER, Mr. KILDEE, Mr. KOLTER, Mr. LANTOS, Mr. LEVIN of Michigan, Mr. McCLOSKEY, Mr. McHUGH, Mr. MARKEY, Mrs. MEYERS of Kansas, Mr. MFUME, Mr. MILLER of Ohio, Mr. MRAZEK, Mr. MURPHY, Mr. NATCHER, Mr. GEKAS, Mr. HAYES of Louisiana, Mr. HOCHBRUECKNER, Mr. HYDE, Mr. DEFazio, Mr. DELLUMS, Mr. DE LUGO, Mr. LEACH of Iowa, Mr. VENTO, Mr. WILSON, Mr. BENNETT, Mr. FLORIO, Mr. WOLFE, Mr. LEHMAN of California, Mrs. PATTERSON, Mr. LELAND, Mr. VALENTINE, Mr. DANNEMEYER, Mr. SMITH of Florida, Mr. LEVINE of California, Mr. TRAXLER, Mr. TOWNS, Mr. WAXMAN, Mr. WYDEN, Mr. PAYNE of Virginia, and Mr. OLIN.

H.J. Res. 350: Mr. ENGLISH, Mr. LAGOMARSINO, Mr. KANJORSKI, Mr. HERGER, Mr. WELDON, and Mr. LANCASTER.

H.J. Res. 367: Mr. SAWYER, Mr. ACKERMAN, Mr. ANDERSON, Mr. ATKINS, Mr. BEVILL, Mr. BLILEY, Mr. BILBRAY, Mrs. BYRON, Mr. CARDIN, Mr. CARPER, Mr. CARR, Mr. CLARKE, Mr. CLAY, Mr. CLINGER, Mrs. COLLINS, Mr. CROCKETT, Mr. DARDEN, Mr. DIXON, Mr. DORGAN of North Dakota, Mr. DWYER of New Jersey, Mr. DYMALLY, Mr. DYSON, Mr. ECKART, Mr. EMERSON, Mr. ENGLISH, Mr. ERDREICH, Mr. FLIPPO, Mr. FAWELL, Mr. FAUNTROY, Mr. FAZIO, Mr. FLAKE, Mr. FROST, Mr. HAWKINS, Mr. HILER, Mr. HUGHES, Mrs. JOHNSON of Connecticut, Mr. JONTZ, Mr. KANJORSKI, Ms. KAPTUR, Mr. LAGOMARSINO, Mr. LEWIS of Georgia, Mr. LIPINSKI, Mr. DONALD E. LUKENS, Mr. MATSUI, Mr. MILLER of Washington, Mrs. MORELLA, Mr. MURPHY, Mr. OWENS of New York, Mr. ROE, Mr. RAVENEL, Mr. SCHAEFER, Mr. SCHEUER, Mr. SMITH of Mississippi, Mr. DENNY SMITH, Mr. VENTO, Mr. TOWNS, Mr. HALL of Ohio, and Mr. AU COIN.

H. Con. Res. 154: Mr. BROOMFIELD and Mr. GILMAN.

H. Con. Res. 156: Ms. KAPTUR, Mr. SYNAR, Mr. RAVENEL, Mr. CLARKE, Mr. TANNER, Mr. NATCHER, Mr. SPRATT, Mr. HUTTO, Mr. TRAFICANT, Ms. LONG, Mr. HEFNER, Mr. YOUNG of Alaska, Mr. CROCKETT, Mr. FRANK, Mr. SAWYER, Mr. GILMAN, Mr. OWENS of Utah, and Mr. ROBINSON.

H. Res. 41: Mr. THOMAS of Wyoming.

H. Res. 158: Mr. CARDIN, Mr. WYLIE, Mrs. COLLINS, Mr. MINETA, Mr. BALLENGER, and Mr. SCHAEFER.

H. Res. 197: Mr. COSTELLO.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

64. By the SPEAKER: Petition of the City Council, Jacksonville, FL, relative to appropriate legislation to prohibit wrongful destruction against the American flag; to the Committee on the Judiciary.

65. Also, petition of the Veterans of the Vietnam War, Inc., relative to the recent decision of the U.S. Supreme Court on the burning or desecration of the American flag; to the Committee on the Judiciary.

66. Also, petition of the Republican Conference, State Assembly, Albany, NY, relative to support of H.R. 1863; jointly, to the Committees on Interior and Insular Affairs and Energy and Commerce.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2916

By Mrs. ROUKEMA:

—Page 13, beginning on line 12, strike out "\$528,133,500" and all that follows through "\$2,000,000,000" on line 5 and insert in lieu thereof "\$2,528,133,500".

—Strike out section 516 (Page 60, line 19, through page 61, line 2).

Mr. MURPHY. Mr. Speaker, I am pleased to have the opportunity to discuss the importance of the National Endowment for the Arts and the National Endowment for the Humanities. These two organizations are the backbone of our cultural life, and they deserve our full support. I am proud to have been able to contribute to the reauthorization of these agencies, and I look forward to continuing our work together in the future.

VICE MOUNTAIN IN NEVADA
UNSURED FOR NUCLEAR
WASTE REPOSITORY

Mr. REID. Mr. Speaker, I am pleased to have the opportunity to discuss the importance of the National Endowment for the Arts and the National Endowment for the Humanities. These two organizations are the backbone of our cultural life, and they deserve our full support. I am proud to have been able to contribute to the reauthorization of these agencies, and I look forward to continuing our work together in the future.

Yosemite Mountain in Nevada is a beautiful area that has been the subject of much controversy. The issue of whether to build a nuclear waste repository there is a complex one, and it requires careful consideration. I am pleased to have the opportunity to discuss this issue, and I look forward to working with my colleagues to find a solution that is in the best interests of the people of Nevada and the Nation.

That is the report on the issue of this year, which is being presented to the public. I am pleased to have the opportunity to discuss this issue, and I look forward to working with my colleagues to find a solution that is in the best interests of the people of Nevada and the Nation.

REORIZATION OF LEADERS

Mr. MURPHY. Mr. Speaker, I am pleased to have the opportunity to discuss the importance of the National Endowment for the Arts and the National Endowment for the Humanities. These two organizations are the backbone of our cultural life, and they deserve our full support. I am proud to have been able to contribute to the reauthorization of these agencies, and I look forward to continuing our work together in the future.

The Acting President and the Vice President are the two highest offices in the Executive Branch. They are responsible for the execution of the laws of the United States and for the management of the Government. It is a great honor to serve in these positions, and I am proud to have been able to contribute to the reauthorization of these agencies, and I look forward to continuing our work together in the future.

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SENATE—Wednesday, July 19, 1989

(Legislative day of Tuesday, January 3, 1989)

The Senate met at 9:15 a.m., on the expiration of the recess, and was called to order by the Honorable ALBERT GORE, Jr., a Senator from the State of Tennessee.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

For whosoever exalteth himself shall be abased; and he that humbleth himself shall be exalted.—Luke 14:11.

**** God resisteth the proud, but giveth grace unto the humble.*—James 4:6.

God of truth and justice, infinite love and mercy, the brief biography of Uzziah, King of Judah for 52 years, is a profound reminder of the reality that some people do not grow but only swell when in a position of power.

II Chronicles records, concerning him, "*** as his power increased *** his heart grew proud *** and this was his ruin!" Strengthen us, mighty God, against the destructiveness of pride and grant to each of us, whatever position, however powerful or powerless, never to take himself too seriously.

In the name of Him who humbled himself as servant to all. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 19, 1989.

To the Senate:

Under the provisions of Rule 1, Section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ALBERT GORE, Jr., a Senator from the State of Tennessee, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. GORE thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President, immediately following the time for the two leaders, the Senate will resume consideration of the State Department authorization bill. I hope shortly to propound to the Senate a request for a unanimous-consent agreement to cover the remaining amendments to the State Department bill. I am advised that the list is a very lengthy one.

Accordingly, Senators should be alert to the possibility, indeed to the certainty, of votes throughout the day today and the likelihood of a lengthy session this evening. In planning their schedules for the day, Senators should be aware that we are going to attempt to move forward on this bill, and that means the likelihood of votes well into the evening and beyond the 7 p.m. time. Senators should be aware of that. I regret any inconvenience to Senators but it is imperative that we complete action on this bill in the near future. We have a very long list of amendments which I will shortly read, and it is my hope that we can make substantial progress on this bill.

RESERVATION OF LEADER'S TIME

Mr. MITCHELL. Mr. President, I ask unanimous consent to reserve the remainder of my leader time and the time of the distinguished Republican leader as well.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEAR 1990

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 1160, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1160) to authorize appropriations for fiscal year 1990 for the Department of State, the United States Information Agency, the Board for International Broadcasting, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Helms amendment No. 269, to prohibit negotiations with terrorists responsible for the murder, injury, or kidnaping of an American citizen.

Grassley amendment No. 270 (to amendment No. 269), of a perfecting nature.

Heinz amendment No. 272, to provide international support for programs of sustainable development, environmental protection, and debt reduction.

The ACTING PRESIDENT pro tempore. What is the will of the Senate?

Mr. MITCHELL. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there now be a period for morning business, not to extend beyond 5 minutes with the Senator from Nevada being recognized to address the Senate during that period, and that upon completion of that, the Senate return to legislative session and to the consideration of the State Department authorization bill.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered. The Senator from Nevada.

YUCCA MOUNTAIN IN NEVADA UNSUITED FOR NUCLEAR WASTE REPOSITORY

Mr. REID. Mr. President, I am taking the floor this morning to issue a warning and not just to the Senate or Washington officials but to the country at large.

Yesterday, it was revealed that Yucca Mountain in Nevada is unsuited for a nuclear waste repository because of potential volcanic activity. This startling revelation came in the form of a rigorous scientific report written by the senior Geologist at the Nuclear Regulatory Commission.

That senior geologist is Dr. John Trapp. He wrote the report on June 22 of this year after visiting Nevada and

the Yucca Mountain site from May 1 through May 5 of this year.

The report is approximately 30 to 40 pages long. It is full of mathematical equations page after page, but also many scientific calculations that assess a variety of "volcanic scenarios."

These equations and calculations would bore you at this time and are too lengthy to even fit into the CONGRESSIONAL RECORD—so rigorous and thorough is the work of Dr. Trapp.

Dr. Trapp's conclusions are clear as a bell and the warning they ring out should be heard by the Senate and the American people.

Dr. Trapp writes—and I quote verbatim:

From May 1 through May 5, 1989 * * * I attended a volcanics field trip during which I had the opportunity to view many of the areas where both the State of Nevada and DOE workers are studying volcanic features.

Following that trip, I expressed my opinion that the information I had seen suggested to me that the Yucca Mountain site would have a very hard time passing a licensing hearing, strictly on the volcanics issue.

The implications of Dr. Trapp's conclusions are obvious but he goes even further. Let me quote again:

I do not think the Yucca Mountain site itself can be shown to be favorable in a licensing arena. I, therefore, am of the opinion that this is not the site at which we should be trying to license the first high-level radioactive waste repository.

Mr. President, if any reader had any doubts, the Nuclear Regulatory Agency's Senior Geologist goes one step further:

The Yucca Mountain site should be dropped from consideration for a nuclear waste repository.

This scientific evidence from the Nuclear Regulatory Commission is clear, direct to the point, and in plain English for all to understand.

There are three obvious conclusions because of this startling, new report from the Nuclear Regulatory Commission:

One, it was wrong for Congress and the Department of Energy to stampede into the issue of a nuclear waste dump in Nevada or anywhere in the United States without further evidence that geological burial was the best thing to do. I stood at this very place on the Senate floor and spoke for many hours, and I told the Senate at that time when we were being penny-wise and pound-foolish, rushing pell-mell into this nuclear waste situation. Dr. Trapp confirms what I said.

Two, it is time to stop the stampede. The DOE and Congress must admit that Yucca Mountain is a dangerous site.

Three, we have spent millions of dollars—shortly it will be into the billions of dollars—to prove what we already knew—that Yucca Mountain is unsuitable as a dump site for many reasons,

volcanic activity among them. Why should we commit many more billions of dollars to a project we know is a white elephant?

Dr. John Trapp is a hero. He did what no one expected him to do, tell it like it really is, and let the chips fall where they may.

There will be those who will try and minimize this report. They will say Dr. Trapp's conclusions are one among many opinions. They will say it is minor and insignificant and no worse than a hairline crack on a nuclear reactor. They will try as quickly as possible to put a lid on the whole subject.

But we know better.

There is no reasonable scientific justification for a nuclear waste repository under Yucca Mountain. That would be as smart as storing nitroglycerin in a boiling teapot or taking all the radioactive poison and toxic chemicals in the world and storing them in Krakatoa, Mount St. Helen's, or Mount Vesuvius.

The nuke dump is dead. Now that the scientists have killed the idea, it's up to the DOE and Congress to kill the project.

If the bureaucrats cannot keep a lid on the truth, what makes them think they can keep a lid on the dump?

It is time we put an end to this foolishness that has been going on and on and on. The nuclear waste repository in Nevada is not safe.

I yield the floor.

Mr. MITCHELL addressed the Chair.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. MITCHELL. I ask unanimous consent that the period for morning business be extended for 10 minutes, that the Senator from Ohio [Mr. GLENN] be recognized to address the Senate during that period, and upon completion of his remarks, the Senate return to legislative session and to the consideration of the State Department authorization bill.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. GLENN. I thank the Chair.

(The remarks of Mr. GLENN pertaining to the introduction of S. 1350 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEAR 1990

The ACTING PRESIDENT pro tempore. Under the unanimous-consent request now governing business, the pending business will be S. 1160.

EXTENSION OF MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the period for morning business be ex-

tended for 5 minutes; that during that time, the Senator from Mississippi [Mr. COCHRAN] be recognized to address the Senate; and that upon the completion of his remarks, the Senate return to legislative session and return to the consideration of the State Department authorization.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The senior Senator from Mississippi.

Mr. COCHRAN. Mr. President, I thank the distinguished majority leader for his indulgence and I appreciate the opportunity to address the Senate as if in morning business.

PRESIDENT BUSH

Mr. COCHRAN. Mr. President, as President Bush returns from his trip to Eastern Europe and from the economic summit meeting with our Western friends and allies, I think it is appropriate for us to recognize his strong leadership in the international arena.

I know that during debate on the State Department authorization bill on the floor of the Senate for the last few days some have criticized the President for choices he has made for ambassadorships and other positions in the administration.

I would like to point out, however, that the President is giving the country very strong, very capable, and very mature international leadership. We are rising to a position of true influence that is very appropriate for the United States at this critical time in history.

We are seeing democracy develop in countries where before we saw only military dictatorship. We are seeing experimentation in Eastern Europe, in China, in the Soviet Union itself, with new economic practices and policies which indicate that people around the world are recognizing the success of the American experience with economic and political institutions that have protected individual rights and have responded to human needs and aspirations.

I think it is instructive also to look at the recent findings about the feelings of the American people toward President Bush by some of our major polling organizations. The June Gallup poll indicated, for instance, that President Bush completes his first 6 months with the highest performance rating of any President at this point in his term of office. It showed a 70-percent approval rating from the American people, with only 14 percent disapproving of the way he is conducting the office of President.

The ABC News/Washington Post ratings for the first 6 months of President Bush's term show that 73 percent of the American people approve of the way he is handling the job.

It is appropriate for us to recognize and commend the strong and capable leadership we are receiving. While those who criticize the President have every right to do so in debates and in trying to point out better ways of doing things, I think we should also realize he is doing a very good job. We are, I think, very fortunate to have a man of his background and experience at the helm when our country is conspicuously called upon for guidance and leadership at such meetings as were just concluded in Europe.

In connection with the situation in China, I note that we passed the other day a resolution expressing hope that some additional actions could be taken by our Government to persuade the regime in China to be more sensitive to the interests of the people of that important country. I hope the resolution is effective. But I also hope we recognize that we are probably better served by support for the initiatives we can get others to support around the world.

I recall that when we were angered by actions of the Soviet Union at one point in our recent history, we imposed a grain embargo to show that the United States was taking firm action to show our disapproval. By that action, however, we hurt ourselves economically, and we damaged the well-being of many American farm families and others. The embargo may have made us feel good at the time, but it gave us an economic headache later.

As we approach future choices in the attempt to exert influence and to express our concerns around the world in international matters, I hope we look to the President for leadership and try to work in concert with our allies to support reasonable and effective policies.

I thank the Chair, and I yield the floor.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEAR 1990

The Senate continued with the consideration of the bill.

The ACTING PRESIDENT pro tempore. The pending business is S. 1160. By unanimous consent, three amendments were set aside. A call for the regular order would bring back the Grassley second-degree amendment, No. 270, to the Helms amendment, No. 269. Upon disposition of those amendments, the regular order would call for consideration of a Heinz amendment, No. 272.

Mr. PELL. Mr. President, I ask unanimous consent that we set aside the amendment that is before us and take up at this point an amendment that would be offered by the Senator from North Carolina concerning Tibet.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 284

(Purpose: To express the sense of the Congress regarding the future of Tibet)

Mr. HELMS. Mr. President, I am pleased to join the distinguished chairman of the Foreign Relations Committee in presenting this amendment on the concern of the future of Tibet. I know that Tibet has long been a source of concern of Senator PELL, as it certainly has been of mine. So I send to the desk an amendment and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The bill clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 284.

Mr. HELMS. I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill insert the following:

SEC. . POLICY TOWARD THE FUTURE OF TIBET.

(a) FINDINGS.—The Congress finds that—

(1) Beginning October 7, 1950 the Chinese Communist army invaded and occupied Tibet;

(2) The Government of the People's Republic of China declared martial law in Lhasa and other parts of Tibet on March 7, 1989;

(3) Tibet has been closed to foreigners, including representatives of the international press and international human rights organizations; and

(4) As part of an organized system of repression in Tibet scores of persons have been imprisoned for their beliefs;

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the Government of the People's Republic of China should immediately lift martial law in Tibet and release all political prisoners; and

(2) the Government of the People's Republic of China should enter into negotiations with representatives of the Dalai Lama on a settlement of the Tibetan question.

Mr. HELMS. I will be brief, Mr. President, because this amendment has been cleared on both sides.

Recently television viewers around the world were horrified to see the Chinese Communist declare martial law in Beijing and send in their army to massacre unarmed demonstrators, most of them students. But what these television viewers did not see, what they do not know, is that the Chinese Communists had tested martial law and committed wholesale massacres in Tibet before they imposed them on the citizens of their own capital.

So this amendment is very simple. It calls for the Chinese Communists to lift martial law and to release political prisoners and negotiate the future of

Tibet with the representatives of the Dalai Lama.

On a number of occasions Senator PELL and I have met with the Dalai Lama. I hold him in great affection, as I know Senator PELL does. I think this amendment is imperative. I urge its immediate adoption.

Mr. PELL. Mr. President, I ask unanimous consent that my name be added as a cosponsor.

Mr. PELL. Mr. President, I support this amendment as a welcome acknowledgment by Congress of the continued occupation of Tibet by the Chinese and as a statement of support for the Dalai Lama in his efforts to negotiate peacefully a settlement to this issue.

The declaration of martial law in Tibet and the continued exclusion of all foreign visitors is of grave concern. While the world's attention has been focused on events in China, the eyes of the world have been closed to Tibet from which seeps only the vaguest but still disturbing information about the repression.

I am glad to support this amendment and urge my colleagues to do likewise.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from North Carolina [Mr. HELMS].

The amendment (No. 284) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 285

(Purpose: To express the sense of the Congress regarding the future of Taiwan)

Mr. PELL. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. Without objection, the clerk will report the amendment.

The bill clerk read as follows:

The Senator from Rhode Island [Mr. PELL] proposes an amendment numbered 285.

Mr. PELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill insert the following:

SEC. . POLICY TOWARD THE FUTURE OF TAIWAN.

(a) FINDINGS.—The Congress finds that—

(1) although peace has prevailed in the Taiwan Strait for the past decade, on June 4, 1989, the Government of the People's Republic of China showed its willingness to use force against the Chinese people who were demonstrating peacefully for democracy; and

(2) in the Taiwan Relations Act, the United States made clear that its decision to enter into diplomatic relations with the People's Republic of China rested upon the expectation that the future of Taiwan would be determined by peaceful means—

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the future of Taiwan should be settled peacefully, free from coercion, and in a manner acceptable to the people of Taiwan; and

(2) good relations between the United States and the People's Republic of China depend upon the Chinese authorities' willingness to refrain from the use or the threat of force in resolving Taiwan's future.

Mr. PELL. Mr. President, I ask unanimous consent that Senator LIEBERMAN be added as a cosponsor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. PELL. Mr. President, this amendment asks that the future of Taiwan be settled peacefully, free from coercion, and in a manner acceptable to the people on Taiwan. I believe it is important, as we consider the continued uncertainty in China, that we remind ourselves that we also have an obligation to protect the rights and freedoms of the Taiwanese people.

Good relations between the United States and the People's Republic of China will depend not only on improvements in domestic conditions in China—as the Senate made clear Friday when it voted in favor of a new set of sanctions against China—but also on the willingness of the Chinese authorities to refrain from the use or the threat of force in resolving Taiwan's future.

The people of Taiwan can take great comfort in their accomplishments: the creation of a vital and dynamic economy and their continued insistence and efforts at achieving a democratic state. But these dramatic accomplishments should not obscure the fact that danger still lurks in Taiwan Straits until Taiwan and the People's Republic of China can peacefully resolve their differences.

We need to reaffirm to all parties concerned that we oppose settling the Taiwan dispute by force or coercion.

Mr. HELMS. Mr. President, if the Senator has not listed me as a cosponsor, I ask unanimous consent that I be added as a cosponsor of this amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I strongly favor the amendment. I genuinely commend my distinguished friend for offering the amendment. Just for the record, we have worked together on this and many other amendments.

The Senate has already responded to the Tiananmen massacre with direct sanctions on Communist China. However, the ripple effects of the Tiananmen massacre are being felt through-

out East Asia, including our friends, the Republic of China in Taiwan.

The amendment which the distinguished chairman of the Foreign Relations Committee and I are cosponsoring notes these effects. It states that the future of Taiwan should be settled free of coercion and the future of our relations with the Chinese Communists absolutely depends on their willingness to refrain from the use of force and violence. I urge adoption of the amendment.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Rhode Island [Mr. PELL].

The amendment (No. 285) was agreed to.

Mr. PELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HELMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HELMS. Mr. President, I believe by my count we have at least 10 other amendments which have been approved by both sides. I know the Senator from Rhode Island feels as I do. I hope those Senators who are sponsors of those amendments will come on over here so that we could get those out of the way. Otherwise we are going to end up with a logjam at the tail end of consideration of the State Department authorization bill.

So if the aides of Senators or the Senators themselves are listening, I hope they will hotfoot it over to the Senate floor and let us get those amendments taken care of.

Mr. PELL. Mr. President, I could not agree more with the Senator from North Carolina. The floor is open and waiting for Senators from both parties to come on over and present their amendments. In the meantime, we have no alternative but to ask for a quorum call, which does not reflect well on the Senate, as we wait for our colleagues to come over with amendments.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SANFORD). Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, as I indicated last night I would do, I am now about to propound a request for unanimous consent and to identify the amendments remaining in order with respect to this legislation. Mr. President, it is a very long list, now totaling 109 amendments. It is imperative, in my judgment, that we proceed to deal

with this bill and with these many amendments. Accordingly, I hope I will have the cooperation of my colleagues on the Republican side to move forward. This is legislation which the President has asked for. This is an administration effort which I am attempting to accommodate.

As I indicated earlier, it will obviously be necessary to have a lengthy session tonight. There will undoubtedly be votes this evening well beyond the 7 p.m. hour as we make an effort to continue. I ask my colleagues to consider whether or not they wish to proceed with every one of these amendments. Our experience has been in the past, of course, that many amendments are stated as an intention and then not offered.

In any event, I am going to propound the agreement now. It is my hope that immediately following this the managers will proceed to receive amendments and dispose of them as promptly as is consistent with thorough consideration.

UNANIMOUS-CONSENT REQUEST

Mr. MITCHELL. Accordingly, Mr. President, I ask unanimous consent that the following amendments that I shall list be the only amendments in order to S. 1160, the State Department authorization bill; that any second-degree amendment must be relevant to the first-degree amendment except where noted, and that no motions to reconsider be in order:

A Dole-Mitchell amendment on Lebanon;

A Lautenberg amendment on presumptive refugee status;

A Lautenberg-Pressler amendment on Romania;

A Lautenberg amendment on a Special Commission on Pan Am flight 103;

A Byrd amendment on the Commerce Department and Brussels;

A Byrd amendment on the Khmer Rouge;

A Byrd second-degree amendment on clean coal technologies;

A Graham amendment on free and fair elections in Nicaragua;

A Graham amendment on Soviet-military assistance to Nicaragua;

A Graham amendment on Cuban human rights violations;

A Graham amendment on Cuban visa processes for profit and GAO investigation;

A Graham amendment on Contra humanitarian aid;

A Graham amendment on electoral reform in Nicaragua;

A Graham amendment on administration's policy toward Panama;

A Bumpers amendment on China, the ACDA program related to nuclear proliferation;

A Bumpers amendment, the subject of which is yet unspecified;

A Biden amendment on technical amendments;

A DeConcini amendment on the Ukrainian Famine Commission;

A DeConcini amendment on the Romanian meat ban;

A DeConcini amendment on Mexico;

A DeConcini amendment on a change in title of Department of State position;

An Exon amendment on Chinese students in Japan;

A Gore amendment on political appointees, no more than 30 percent;

A Gore amendment on EIS—technology transfer to Communist countries;

A Gore amendment on National Public Radio;

A Wirth amendment on requiring the VOA to carry NPR material;

A Gore amendment on global warming and climate problem as it affects national security;

A Glenn amendment to increase VOA funding by \$35 million;

A Wirth amendment on USIA;

A Kennedy amendment to support the establishment of Association of Democratic Nations;

A Moynihan amendment on the Cultural Property Act;

A Moynihan amendment on Burma;

A Sanford amendment to reduce the bill's authorization to conform with budget agreement level;

A Dodd amendment on Central America;

A Dodd amendment on USIA program restriction;

A Dodd amendment on the bipartisan Central American accord;

A Dodd amendment on Honduras;

A Breau amendment on international agreements on sea turtles;

A Bradley amendment on Hong Kong;

An Adams amendment to promote capability for emergency evacuation from foreign countries;

A Levin amendment on Panama;

A Pell amendment on Taiwan;

A Pell amendment on Soviet Armenia;

A Pell amendment to erect a "Godness of Liberty" statute;

A Pell amendment to expand the Samantha Smith exchange program;

A Dixon amendment on Korean FX;

A Kohl amendment on Chinese students;

A Simon second-degree amendment to any Helms amendment repealing South Africa sanctions;

A Coats amendment on the Panama Canal;

A D'Amato amendment on drugs in HUD projects;

A Humphrey amendment on Poland, first or second degree;

A Wilson amendment to prohibit Middle East conference at the United Nations;

A Wilson amendment on Ethiopian Jewry;

A Wilson amendment on the visa status of Chinese nationals in the United States;

A Symms amendment on international environmental policy;

A Symms amendment on Hong Kong refugees, first or second degree;

A Symms amendment on the Oliver North pension;

A Symms amendment on Mount Alto;

A Symms amendment on United States loans to the Soviet bloc;

A Mack amendment on Cuba;

A second Mack amendment on Cuba;

A Mack amendment on TV Marti;

A Wallop amendment on Tiananmen Square;

A Domenici amendment on an international energy conference;

A Lott amendment on drug decertification;

A Specter amendment on the death penalty to terrorists;

A Specter amendment on an international strike force;

A Boschwitz amendment, a possible second-degree amendment, on the PLO;

A Kasten amendment, possible second degree, on U.N. voting;

A Kasten amendment on the VOA to China;

A Pressler amendment on Yugoslavian human rights;

A Stevens amendment on United States-Canada negotiations on oil pollution;

A Wallop amendment on naming of the square across from the Chinese Embassy;

A McConnell amendment on clean coal technologies;

A McCain amendment on Cambodia;

A McCain amendment on missile proliferation;

A Helms amendment to reduce U.N. contributions by \$23 million and transfer to State salaries and expenses;

A Helms amendment to reduce funding for the Fulbright program, NED and Asia Foundation to increase USIA salaries and expenses;

A Helms amendment to strike Moscow Embassy language;

A Helms amendment on hard-line China sanctions;

A Helms amendment to transfer Blair House from State Department to White House;

A Helms amendment to prohibit foreign-borns FSO's or spouses from service in country of origin;

A Helms amendment to prohibit hiring of selected out FSO as GS employee at State Department;

A Helms amendment on Thomas Commission recommendations;

A Helms amendment on senior Foreign Service cannot serve in bargaining unit;

A Helms amendment on diplomats in residence limited to 1 year;

A Helms amendment on drug discharge;

A Helms amendment on lifting sanctions on Namibia;

A Helms amendment on the PLO;

A Helms amendment on the United States-United Nations;

A Helms amendment on the Wrangel Islands;

A Helms amendment on INF verification;

A Heinz amendment to provide for the delay in Korea fighter MOU;

A Heinz amendment on U.N. personnel policies;

A Heinz amendment on Slepach principles for trade with the East bloc;

A Heinz amendment on the environment;

A McClure amendment on MFN status of U.S.S.R.;

A Heinz amendment on pending amendment No. 272;

A Chafee amendment on the sense-of-the-Senate on the Middle East;

A Chafee amendment on the sense-of-the-Senate on the Middle East;

A Dole amendment on chemical weapons;

A Murkowski amendment to increase the amount of reward for combatting terrorism;

A Murkowski amendment on international driftnet with Japan;

A Murkowski amendment on Cambodia;

A Murkowski amendment on plastic explosives;

A Murkowski amendment on Poland;

A Coats amendment on crop eradication;

An Armstrong amendment, the subject of which is not specified;

A Specter amendment on the quality of life on the West Bank;

A Specter amendment commemorating the victims of terrorism.

The PRESIDING OFFICER. Is there objection?

Mr. HELMS. Reserving the right to object.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I thank the Chair.

Let me say to the majority leader that there is no Member of the Senate who more enthusiastically hopes we can reach a conclusion of this bill. He has managed bills, as Senator PELL and I are doing. To sit here and wait for Senators to come and offer amendments must be something like having a root canal.

Having said that and emphasizing to the distinguished majority leader that I appreciate his desire to arrive at limiting the amendments to the bill, I think the effort will be a little premature at this time. We will take a look at it.

For example, I will meet with the administration as soon as John Sununu gets up here with respect to PLO. I need to know what is going to happen on that before I get into a time agreement.

Mr. MITCHELL. If I can simply say to the Senator, there is no time amendment on this end. That amendment is on the list. You could not be injured in any way.

Mr. HELMS. I misspoke. I did not mean a time limitation. I meant a limitation on amendments. Senators are continuing, even within the past 5 minutes, to alert us of additional amendments, and I have an obligation to do the best I can to accommodate these Senators who ask me to attend to their interest. And others have expressed concern, last night and this morning, that they do not want to be left behind because they will not get to register their amendments. I feel just like the majority leader. We need to get cracking and get through this piece of legislation.

It has been extremely useful to have this list read by the distinguished majority leader and made part of the record.

These are amendments which have been identified, and like the majority leader, I do not believe all of them will be called up. If they are, even the youngest member of the Senate may be collecting Social Security before we pass this bill.

If I could suggest to the leader, I believe it would be useful, as he said earlier today, for those Senators who have amendments which have been cleared—and there are now at least 10 or 12 remaining according to our count—to come to the floor and offer the amendments. Senator D'AMATO, I believe, is here and ready to go with one of his amendments. If Senators have amendments which they believe may be cleared and worked out, I hope they will come over and work with Senator PELL, myself, and our respective staffs. Those would be my recommendations at this time as to how to proceed.

I wonder if I might ask the majority leader a question which has arisen a number of times to which I do not have a definitive answer. What is the leader's intention with respect to the foreign aid authorization bill? Is it his plan to call up the foreign aid bill immediately following the disposition of the State Department authorization?

Mr. MITCHELL. Yes, it is, depending upon when we finish this bill. I do not want to create an incentive for the Senator to delay this bill any further. This is already in the 4th day. The Senator says that Senators do not know if they want to offer an amendment or not. We are in the 4th day of deliberation of this bill. Senators have a responsibility to the Senate, to their colleagues, to the President, and—

Mr. HELMS. I think I have the floor.

Mr. MITCHELL. I am responding. May I be permitted to respond? I hope that Members of this Senate will be prepared to meet their responsibilities.

Mr. HELMS. I say to the majority leader, as his friend, as one who wants to cooperate with him, do not ignore the fact that it was he who scheduled the first day of consideration of this bill on Friday and the second day on Monday, and it has he who declared there would be no votes, and that is just telling Senators by-by, go home and stay home.

So we actually have had Tuesday and we did not begin on this bill until yesterday afternoon at 2:15, if my collection serves me correctly. We went out last night and here we are really on the first full day of consideration of this bill.

Mr. MITCHELL. This is the 4th day of consideration. There is no reason why Senators cannot be present to present amendments if they are serious about doing so. That is the question.

Mr. HELMS. The Senate can make a judgment—

Mr. D'AMATO. Mr. Majority Leader, I have an amendment. I have been waiting for 3 days.

Mr. HELMS. Just a minute. We have unanimous consent—

Mr. MITCHELL. If the Senator will wait a moment, we will accommodate that. Do I understand the distinguished manager objects to my unanimous-consent request?

Mr. HELMS. I would like to finish my statement, if I might.

Mr. MITCHELL. The Senator can say anything he likes.

Mr. HELMS. I thank the Senator. Now, could the majority leader give any assurance or does he wish to give any assurance that no attempt will be made to add the foreign aid bill to this authorization bill for the State Department? Does the majority leader contemplate linking them together and making them one bill?

Mr. MITCHELL. No, I do not.

Mr. HELMS. So I can be assured that that is not going to happen?

Mr. MITCHELL. If I can get cooperation to get this bill passed, the President's bill, then I will be pleased to discuss that with the Senator. But what the Senator is asking is that he have the unlimited right to delay this legislation—

Mr. HELMS. No.

Mr. MITCHELL. For as long as he wants. We are in the 4th day now.

Mr. HELMS. No.

Mr. MITCHELL. And also extract from me a commitment that I will not present another bill that he does not want. In other words, heads the Senator wins, tails I lose. That is what the Senator is suggesting.

Mr. HELMS. It sounds like a good proposition to me.

Mr. MITCHELL. I think that is the kind of proposition that I have been presented with.

Mr. HELMS. No. No.

Mr. MITCHELL. If I can get some assurance from the Senator from North Carolina that we will complete action on this bill, that there will be no further delays in this bill, then I will consider agreeing to not link the foreign aid bill with this. But so long as we are going to have this continuing delay on this bill, and a refusal to move forward on this bill, then I obviously have to retain all my options.

Mr. HELMS. Of course the Senator does. I regret that he has implied that I am delaying this bill. I do not think the Senator did that. It is not so, I will state to the Senator. I know the Senator stated it in good faith, but it is simply not so.

Mr. MITCHELL. The Senator is the manager of the bill. I announced last night that we were going to go to this bill at 9:15 this morning.

Mr. HELMS. Right.

Mr. MITCHELL. The managers have a responsibility to the Senate to be present when the bill is to be presented.

Mr. HELMS. Right.

Mr. MITCHELL. We had a 30-minute delay this morning until the Senator from North Carolina, who is the manager of the bill, showed up to manage the bill. Now, that is a 30-minute delay.

Mr. HELMS. The Senator told me last night that he was going to have a morning period.

Mr. MITCHELL. No, I specifically stated there would be no morning period and announced last night there would be no morning business. I specifically announced it. If the Senator misunderstood, I regret that. The important thing now is that we have to move forward on this bill. It is the President's bill. This is the administration's bill. I am doing my best to accommodate the President. What I find over and over and over again is that I am struggling to advance the President's interests when members of the President's party are opposing the President's interests. I am trying to accommodate the President. I am trying to present his bill in the way that gives everybody the opportunity for full and fair discussion. I want to emphasize that.

The Senator from North Carolina has the absolute right to offer what amendments he wants, to speak as long as he wants, and I do not object to that. That is why we are here, not the kind of delay that is not in the nature of offering amendments and speaking. Now, we have a list here of 109 amendments. I have another one since we have been talking.

Mr. HELMS. How many more do we have?

Mr. MITCHELL. And the Senator probably has some more. I would like to suggest to the Senator at this point, he has asked that foreign aid not be

linked to this. I have proposed a list of amendments which does not include the foreign aid bill and which would be exclusive. He has just objected to my list, and yet if he withdraws his objection, acceptance of the unanimous consent agreement accomplishes what the Senator wants. The Senator is objecting to the very thing which the Senator has asked me to do.

Mr. HELMS. I will ask the Chair if I have objected.

The PRESIDING OFFICER. Objection has not yet been heard.

Mr. HELMS. Right.

Mr. MITCHELL. Then may I take it that the Senator does not object?

Mr. HELMS. No.

Mr. MITCHELL. Then I amend my request by adding a Levin second-degree amendment to the Specter death penalty/terrorist amendment, and I ask that my request be agreed to.

The PRESIDING OFFICER. Is there objection?

Mr. D'AMATO. Reserving the right to object, I say to Mr. Majority Leader, I do not object. I would just like to know whether or not, since I have—

The PRESIDING OFFICER. Senators will please be reminded to address each other through the Chair.

Mr. D'AMATO. Mr. President, I have an amendment that has been filed. It is an amendment on behalf of myself and Senator MOYNIHAN, Senator REID, and another group of Senators. I do not believe there is any objection to it. It is dealing with drugs in public housing authorities, and it is designed to take care of a problem that has come up as a result of the urgent supplemental, an inclusion in the conference of language which makes it literally impossible to evict drug dealers from public housing.

Mr. MITCHELL. If the Senator will yield and permit us to complete this exchange with respect to this agreement, if we get an agreement, then the senior Senator can proceed. And if we do not, the Senator can proceed.

Mr. D'AMATO. I was just wondering if I was protected and if my amendment would be included in that agreement.

Mr. MITCHELL. The Senator's amendment is on the list which has been read.

Mr. D'AMATO. I thank the Senator.

The PRESIDING OFFICER. Is there objection?

Mr. HELMS. Mr. President, I am going to make the majority leader's wish come true, his prediction. For the time being I do object, so I can run traps on my side.

The PRESIDING OFFICER. Objection is heard.

Mr. MITCHELL. Mr. President, I add to the list a Byrd-Hatfield amendment to permit earmarks to authoriza-

tion, and a Cranston amendment regarding the Chino Air Museum.

Mr. President, I yield the floor.

Mr. MURKOWSKI. I wonder if I can ask—

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. D'AMATO. Mr. President, I ask unanimous consent that the pending amendments Nos. 269, 270, and 272 be temporarily laid aside so that I might be permitted to offer an amendment on behalf of myself, Senator MOYNIHAN, Senator REID, Senator GRASSLEY, Senator SPECTER, and Senator MACK on drugs, to which—

The PRESIDING OFFICER. Is there objection?

Mr. D'AMATO. To which no second-degree amendments may be in order.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. GORE. Reserving the right to object, the last part of the unanimous-consent request was to which no second-degree amendment may be in order? Without having seen the text of the amendment, I reserve the right to object to that just as a matter of principle.

Mr. D'AMATO. I am delighted to show it to the Senator.

Mr. GORE. I withdraw the objection.

Mr. PELL. Could we have copies of the text of the amendment?

Mr. D'AMATO. Yes.

Mr. PELL. Could the Senator repeat the unanimous-consent request made?

Mr. D'AMATO. I ask that the pending amendments be temporarily laid aside so I might be permitted to offer an amendment on behalf of Senator MOYNIHAN, myself, Senators REID, DIXON, and GRASSLEY, which deals with drugs in public housing authorities, and inadvertent legislative action taken certainly by the Senate which makes it literally impossible to evict drug dealers in public housing authorities. This legislation is intended to revoke section 404 of the urgent supplemental that inadvertently—

The PRESIDING OFFICER. Is that part of the unanimous-consent request?

Mr. D'AMATO. I am trying to explain to my colleague. Yes, it is.

Mr. PELL. Can the Senator send me a copy of the amendment?

Mr. D'AMATO. I am attempting to explain what it does because it is repeal of section 404 of the dire supplemental.

If I might be permitted to explain what that repeal does—

The PRESIDING OFFICER. Will the Senator from New York explain or state the request for unanimous consent? What is the request?

Mr. D'AMATO. I request unanimous consent that the pending amendments

269, 270, and 272 be temporarily laid aside.

The PRESIDING OFFICER. Is there objection?

Mr. PELL. Mr. President, I am constrained to object for the moment until we make sure it is cleared on both sides.

The PRESIDING OFFICER. Objection is heard.

Mr. GORE addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. GORE. I have an amendment but I want to make it clear that I withdraw any reservation I have on the amendment proposed by the Senator from New York. If the floor is open for business, I would like to proceed with an amendment that was on the list read earlier by the majority leader. I do not wish to be discourteous to the Senator from New York if this matter is going to be imminently resolved.

The PRESIDING OFFICER. The Senator is reminded there are three pending amendments.

Mr. GORE. I understand that, Mr. President. I ask unanimous consent that those three amendments be temporarily set aside that I might offer an amendment to the pending bill.

The PRESIDING OFFICER. Is there objection?

Mr. D'AMATO. I object, Mr. President.

The PRESIDING OFFICER. There is objection heard.

Mr. MURKOWSKI. Reserving the right to object—

Mr. D'AMATO. I object.

The PRESIDING OFFICER. There is objection heard.

Mr. GORE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GORE. I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. It is the intention of the Senator from Alaska if it is appropriate with the floor manager, I have two pending amendments that have been cleared by both sides. I do not wish to delay my friend from New York if the leader is prepared to act on his amendment, nor the Senator from Tennessee. If there is anticipated delay, I have two amendments that have been cleared. In the spirit of expediting the process, I bring this to the attention of the floor manager. One is simply adjusting the rewards

on terrorism and one on drift net fishing.

I ask the chairman of the Foreign Relations Committee if there is any objection on his part to proceed.

The PRESIDING OFFICER. The Senator will be reminded that to proceed he will have to set aside the pending amendments.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. I ask unanimous consent to temporarily lay aside the pending amendments to move on to the amendments of the Senator from Alaska.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. D'AMATO. Mr. President, reserving the right to object—

The PRESIDING OFFICER. The Senator's objection is not in a timely manner. No objection was heard, and the unanimous consent was accepted by the Chair.

Mr. MURKOWSKI. I will defer to my colleague from New York out of my respect and out of my respect for the Chair and his comment, assuming I have the floor at this time.

Mr. D'AMATO. Mr. President, I just indicated to my good friend, the Senator from Tennessee, I do not desire to impede him or the Senator from Alaska, or any other Senator, from moving forward on their legislative request. But for 3 days now I have been looking for an opportunity to offer my amendment. I will say this: Unless I have no opportunity to offer this amendment I am going to be putting forth objections in the future. I want to have that heard. I have been patient, I have been waiting, and filed it early.

I just offer that by way of explanation.

The PRESIDING OFFICER. The Senator from Alaska has the floor.

Mr. MURKOWSKI. I gather that pending no further questions of the Senator from Alaska that my colleagues will agree that the—

Mr. PELL. Which one of the two amendments?

Mr. MURKOWSKI. I have two; combating terrorism, which adjusts the rewards, and the other one is expressing the sense of the Senate regarding drift net fishing in the North Pacific Ocean.

Mr. PELL. From this side, there is no objection to the amendments of the Senator from Alaska.

AMENDMENT NO. 286

(Purpose: To express the sense of the Senate relating to the recently concluded agreement with the Government of Japan regarding driftnet fisheries in the North Pacific Ocean)

Mr. MURKOWSKI. I would like to proceed, send the amendments to the desk and ask for their immediate con-

sideration—on those two amendments, assuming they are cleared.

Mr. President, I offer an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska (Mr. MURKOWSKI), for himself, Mr. STEVENS, Mr. HOLLINGS, Mr. HATFIELD, Mr. PACKWOOD, Mr. ADAMS, Mr. GORTON, and Mr. KERRY, proposes an amendment numbered 286.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 143, beginning with line 6, strike out all through line 20 on page 144 and insert in lieu thereof the following:

(1) fisheries currently conducted in the international waters of the North Pacific Ocean, including the Bering Sea, by foreign vessels using long plastic driftnets result in the entanglement and death of enormous numbers of both target and non-target marine resources;

(2) the losses of valued non-target species in such fisheries may reach tens of thousands of marine mammals, hundreds of thousands of seabirds, millions of salmonids, and unknown numbers of other species;

(3) the salmon and steelhead trout intercepted in such fisheries are commercially and recreationally valuable anadromous species, and include large numbers of fish from stocks that spawn in the waters of the United States, and that remain under United States jurisdiction while in waters outside the exclusive economic zone and territorial sea of any nation;

(4) the unauthorized taking of anadromous species subject to the jurisdiction of the United States is unlawful;

(5) the efficiency with which driftnets intercept and harvest large numbers of salmon and steelhead trout has encouraged the development of international trading in fish taken illegally in driftnet fisheries on the high seas;

(6) economic losses to the citizens of the United States from such illegal fishing and fish marketing are estimated to be as much as several hundred million dollars annually;

(7) the Congress has demonstrated its deep concern about the effects of driftnet fisheries by the passage of the Driftnet Impact Monitoring, Assessment and Control Act of 1987 (16 U.S.C. 1822 note), often called "the Driftnet Act";

(8) the Driftnet Act called upon the Secretary of Commerce, through the Secretary of State and in consultation with the Secretary of the Interior, to negotiate agreements with each foreign government that permits its nationals to engage in driftnet fishing which results in the taking of marine resources of the United States on the high seas;

(9) the Driftnet Act required that such agreements provide for statistically reliable monitoring and assessment of the numbers of marine resources of the United States killed by driftnet vessels, and for certain measures necessary for effective enforcement of applicable laws, regulations, and agreements;

(10) an agreement has been negotiated with the Government of Japan;

(11) many individuals and interest groups in the United States have expressed grave doubts about the ability of the agreement negotiated with the Government of Japan to meet the requirements of the Driftnet Act in a number of important respects, including statistically reliable monitoring and effective enforcement.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the agreement with the Government of Japan should be interpreted to ensure at a minimum that, for the 1990 fishing season:

(A) an electronic position-indicating and vessel-identification device will be installed and operating aboard all Japanese vessels which fish with driftnets in the North Pacific Ocean outside the exclusive economic zone or territorial sea of any nation, including, but not limited to, the vessels of the squid-fishing, large-mesh, land-based salmon, and mothership-based salmon drift-net fleets; and

(B) a sufficient number of observers will be placed aboard vessels of each driftnet fleet to ensure the collection of statistically reliable data on the numbers of marine resources of the United States killed by the vessels of each fleet.

Mr. MURKOWSKI. Mr. President, I rise to offer an amendment relating to a recently concluded agreement with Japan on driftnet fishing in the North Pacific. The amendment has the support of my fellow Alaskan Senator STEVENS, of the distinguished chairman of the Commerce Committee, Senator HOLLINGS, and of my friends and colleagues Senators ADAMS and GORTON of Washington State, Senators HATFIELD and PACKWOOD of Oregon, and Senator KERRY of Massachusetts.

The effect of the amendment, Mr. President, is to put the administration on notice that, in 1990, the Members of the Senate expect: First, all vessels of Japan's driftnet fleets will be required to carry position transmitters; and second, Japan will be required to accept enough on-board observers to gather statistically reliable data on the death of United States marine resources during driftnet fishing operations.

The language before you amends a section of the bill that I offered as an amendment during markup in the Foreign Relations Committee. That section also addressed the need for position transmitters and a comprehensive observer program, and called on the administration to study needed changes in the U.S. policy toward boarding foreign fishing vessels on the high seas.

Let me reflect for a moment on the history of this issue. Driftnet fishing, Mr. President, is one of the most environmentally destructive forms of harvest known to us today. Imagine a wall of death circling the world—invisible to its prey, and completely indiscriminate in its slaughter of a huge variety of marine animals in addition to the targeted species—salmon, squid, birds,

seals, dolphins, other fish—the list is far too long to recount.

Or imagine instead, that same wall of death stretching from Seattle to Boston—then to New York City, then back to Portland, OR, then east again to Washington, DC, and back to San Francisco, and then to Atlanta, and west again to Los Angeles. Now double that, and you have some idea of the extent of this fishery. Throughout most of the year, Mr. President, upwards of 30,000 miles of these nets are put into the waters of the North Pacific every single day.

Further, Mr. President, the extraordinary efficiency of driftnet fishing makes it possible to intercept and harvest millions upon millions of salmon and steelhead trout bound for the rivers and streams of the United States. These are fish of tremendous recreational and commercial value to the citizens of the United States, and which remain under U.S. jurisdiction as long as they are not inside another country's exclusive economic zone. The harvest of these fish is—in a word—piracy.

The resulting economic loss is almost impossible to calculate. Last year, for example, the fishermen of one small town in southeast Alaska—Ketchikan—lost approximately \$36 million due to the interception of returning U.S. salmon. Estimates are that the community as a whole may have suffered over \$100 million in economic impact. However, take the fishermen's losses and multiply them by the National Fisheries Institute's estimate that each dollar of U.S.-harvested fish is worth \$7 to the U.S. economy as a whole, and we may be looking at an impact of over \$250 million. That's one town. Our total losses, affecting virtually every city on the west coast, affecting sport fishermen as well as commercial harvesters, and affecting all of the other U.S. resources intercepted in these fisheries, simply cannot be reliably calculated.

It was because of the destructive potential of driftnet fishing that Congress passed the Driftnet Impact Monitoring, Assessment and Control Act of 1987. That Act called on the Administration to negotiate agreements with the countries that allow this type of fishing. There are only three: Japan, Taiwan, and South Korea. These agreements were to serve two major purposes: First, to gain a better understanding of the biological impact of the fisheries by providing for statistically reliable monitoring; and second, to provide for effective, cooperative enforcement against illegal fishing.

So far, negotiations have been concluded with Japan and Taiwan. The ad referendum agreement with Taiwan does not provide everything we could have wished, particularly for 1989, but it does, at least, contain firm commitments for 1990. Among those are a

pledge to require position transmitters on all vessels and a pledge to develop statistically reliable monitoring programs centering on the use of observers on fishing vessels. Both of these measures are vital.

However, the agreement with Japan is terribly flawed in the opinion of myself and a number of my colleagues. I will not recount its entire history here, but simply note that despite the recommendations of several Members of Congress and opposition from many U.S.-industry advisers, the U.S. negotiators have failed to dot the "i's" and cross the "t's". Neither statistically reliable data nor effective enforcement are provided for 1989, and both are absolute requirements.

The administration, however, has argued that the agreement should not be examined solely in light of the 1989 provisions, but that it is a multi-year exercise in which the requirements of the Driftnet Act will be met in 1990 and beyond.

Mr. President, I want to make my position perfectly clear. My ultimate goal is the complete and total eradication of this type of fishing from the world's oceans. However, this was not the purpose of the Driftnet Monitoring Act, and it is not the purpose of this amendment. This is not an exercise in Japan-bashing. I fully recognize and applaud the efforts that the Government of Japan has made to control imports of illegally taken salmon, and its many contributions to our knowledge of the North Pacific through its membership in the International North Pacific Fisheries Commission.

However, the fact is that our agreement with Japan does not ensure that the elements addressed in this amendment will be in place for 1989, and I tell you frankly, they must be in place.

Mr. President, I understand that the amendment has been cleared on both sides, and I ask that it be accepted.

Mr. PELL. If the Senator will yield. The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. The Senator will be informed that there is one Senator on this side who would want to clear the driftnet amendment. I must ask his indulgence, if he would like to move on to the other amendment that he has, the one on the terrorism, we could take that right now.

Mr. MURKOWSKI. I will be happy to move on.

I ask unanimous consent that Senator HELMS be placed on my driftnet amendment at this time as well. It is my understanding that the floor manager would like me to set aside the driftnet amendment pending clearance on his side and proceed to the remaining amendment on terrorism.

The PRESIDING OFFICER. That is correct.

AMENDMENT NO. 287

(Purpose: To increase the amount of rewards for combatting terrorism)

Mr. MURKOWSKI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI] proposes an amendment numbered 287.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following new section:

SEC. 915. INCREASING AMOUNT OF REWARDS FOR COMBATTING TERRORISM.

Section 36(c) of the State Department Basic Authorities Act of 1956 is amended by striking out "\$500,000" and inserting in lieu thereof "\$2,000,000".

Mr. MURKOWSKI. Mr. President, the amendment I am offering today is fairly straightforward and I believe it has been cleared by the bill managers and is supported by the State Department.

It is intended to strengthen the hand of the United States in combatting international terrorism by increasing the maximum per incident award for information leading to the arrest and conviction of individuals engaged in terrorist acts against the United States from \$500,000 to \$2,000,000.

Increasing the statutory cap will encourage individuals with knowledge concerning past terrorist acts against the United States, such as the tragic bombing of Pan Am flight 103, to step forward and provide such information. In addition, it will be a powerful deterrent to future terrorist acts.

Mr. President, the Counter Terrorism Task Force headed by State Department has indicated that raising the statutory cap will greatly enhance their ability to obtain information needed to conclude ongoing investigations and would act as an effective deterrent.

The inadequacy of the current cap, especially as an incentive to bring terrorists to justice was initially brought to my attention by Capt. Bruce Smith of Alaska. Captain Smith is a Pan Am pilot from Alaska. His late wife Ingrid was on flight 103. Since December 21, Captain Smith has immersed himself in activities to bring the perpetrators of the 103 bombing to justice.

I commend Captain Smith for bringing the inadequacy of current law to the attention of the public and to this body, I share his desire to see the perpetrators of this horrendous act brought to justice. I might add that Captain Smith is also actively involved

in an effort to raise private matching funds for any reward the United States could offer to apprehend the perpetrators of the Pan Am 103 bombing.

While this amendment does not address such privately raised funds, it is my sincere hope that the State Department and the Counter Terrorism Task Force will work with Captain Smith, and other private individuals, in their efforts to establish a private matching fund.

I believe this is a good amendment, I hope my colleagues will support it. I think it raises the amount sufficiently to deter the terrorist activities that we have seen in the past.

I yield the floor.

Mr. PELL. Mr. President, I think this is an excellent amendment. We support it on this side, and I would add that the objection to the driftnet amendment is being withdrawn and we are ready to move on that.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 287) was agreed to.

Mr. MURKOWSKI. The request is, as I understand it, would be that the proposed driftnet amendment which I had laid aside, is to be called up at this time; is that correct?

Mr. PELL. That is correct.

VOTE ON AMENDMENT NO. 286

The PRESIDING OFFICER. The question is on agreeing to amendment 286.

The amendment (No. 286) was agreed to.

Mr. PELL. I move to reconsider the vote by which the amendments were agreed to.

Mr. MURKOWSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. D'AMATO addressed the Chair. The PRESIDING OFFICER. The Senator from New York.

AMENDMENT NO. 288

(Purpose: To repeal section 404 of (P.L. 101-45))

Mr. D'AMATO. Mr. President, I ask unanimous consent that the pending amendment No. 269 be temporarily laid aside so that I may be permitted to offer an amendment on drugs and public housings on behalf of myself, Senators MOYNIHAN, REID, DIXON, MACK, HEINZ, GRASSLEY, SPECTER, HELMS, PRESSLER, and I believe Senator BYRD.

Mr. President, this legislation corrects an error that was made in the adoption of the 1989 dire supplemental appropriations bill, Public Law 101-45, in late June. The fact is that inadvertently legislation, section 404, was passed which essentially makes it impossible for the eviction of drug dealers from public housing. It is rather easy to see how this could come

about in an attempt to protect legitimate rights of tenants who face an eviction proceeding.

The language added, as section 404 and I read it to you, said that the authority may bring about these eviction proceedings as long as the evictions of a household member involved in drug-related criminal activity shall not affect the right of any other household member who was not involved in such activity to continue tenancy.

What this means to housing authorities is that if they proceed to evict a tenant involved in drug-related activities, for example, drug sales being generated in an apartment, and there is maybe one other person or even a child who would be evicted, then the eviction proceedings would come to a virtual standstill.

What, in essence, that legislation did was make it more difficult to evict a drug dealer than a person who fails to pay his rent.

I received numerous communications from our public housing authorities throughout the country. The public housing authority in New York wrote to me indicating their strong objection to section 404. They have approximately 50,000 or more units impacted.

A letter from Secretary Kemp indicates that section 404 essentially will force public housing authorities to provide, number one, administrative hearings that go well beyond that which is necessary because we have States which now are certified as providing these due process and, second, as a result of the section 404 language, will literally make the eviction of drug dealers impossible.

Senator REID and Senator MOYNIHAN join me in this. Senator DIXON, who has large public housing complexes in his State, joins me.

I certainly do not think that we wanted to thwart that which the Congress, Senator MOYNIHAN and I drafted in our drug legislation, section 5101 of the drug bill, which provided that each public housing agency shall utilize leases which provide that a public housing tenant can be evicted for drug related criminal activity.

We specifically put that into the drug bill this past year.

What 404 does is thwart that completely.

I hope we could deal with this expeditiously and I request its adoption.

Mr. President, I ask unanimous consent to print in the RECORD a letter, dated July 5, 1989, to me from Emanuel P. Popolizio, chairman of the New York City Housing Authority.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NEW YORK CITY

HOUSING AUTHORITY,

New York, NY, July 5, 1989.

Re section 404 of the Dire Emergency Supplemental Appropriations Act of 1989.

HON. ALFONSE M. D'AMATO,

U.S. Senator, Hart Senate Office Building, Washington, DC.

DEAR AL: I am writing to express the alarm of the New York City Housing Authority regarding a clause added to Section 404 of the FY89 Supplemental during the final moments of its passage.

The practical impact of this clause actually prohibits the Nation's public housing authorities ("PHAs") from effectively evicting drug dealers and users from public housing. I cannot believe that Congress intended this result.

Allow me to explain.

Last November, Congress recognized that there is a specific duty to provide public housing that is not only decent and safe—but also free of illegal drug activity. See, Section 5122(i) of the Anti-Drug Abuse Act of 1988, 42 U.S.C. 11901(i). To effectuate its finding, Section 6(i) of the Housing Act of 1937 ("the Act") was amended with the addition of a new Subparagraph 5, authorizing the eviction of public housing tenants and members of their households who engage in drug-related criminal activity. Section 5101(3) of the Anti-Drug Abuse Act of 1988, 42 U.S.C. 1437d(1)(5).

On April 20, 1989, Secretary Kemp issued a Notice requiring PHAs to amend their current leases by adding provisions consistent with the new statute. See, 54 Fed. Reg. 15998.

We viewed Section 5101 of the 1988 Drug Act as a major new weapon. Now it has been blunted by hastily conceived language that has impacts never imagined by its sponsors. As expressed by Congressman David Dreier, a member of the House Subcommittee on Housing and Community Development, on the floor of the House:

"Unfortunately, the modification of the general provisions of the conference report—section 404(b)—has the effect of tying Secretary Kemp's hands. It is a garbled provision . . . which will deal a devastating blow not to drug traffickers but to those it was intended to protect—the innocent neighbors and tenants who must continue to be victimized by drug dealers."

"Although I am certain that those proposing this modification (Section 404) do not intend for this language to in any way overrule any provision of the 1988 Anti-Drug Abuse Act of 1988, . . . Unfortunately, their drafting may not adequately reflect this."—Congressional Record at page H3121 (June 23, 1989).

This Authority is not new to the fight against drug abuse. I daresay, most public housing authorities have been in the forefront of this fight—though faced with numerous administrative and financial obstacles. But we have used initiative and our limited resources to thwart this menace.

The final moments in the passage of a bill is not the time to get tough on drugs or drug dealers by hastily drafted language on a subject such as drug-related evictions from public housing—something which has had a long and involved history. This Authority seeks the repeal of this ill-considered legislation and asks that you join us in that effort.

We cannot believe that the Appropriations Conference intended to halt efforts by

housing authorities and public housing residents to expeditiously rid their communities of drug abusers who threaten the safety of residents and housing employees. Yet, that is the result which Section 404 will have.

Secretary Kemp's report to Congress on the impact of HUD's lease and grievance procedure on the ability of PHA's to evict or take other actions against drug abusers, required by Section 5103 of the 1988 Drug Act is due shortly. His report could serve as a basis for thoughtfully considering further action in this area.

I therefore ask your support for the immediate and swift repeal of Section 404 of the FY89 Supplemental.

Sincerely,

EMANUEL P. POPOLIZIO,
Chairman.

Mr. BYRD. Mr. President, will the distinguished Senator yield?

Mr. D'AMATO. I yield.

Mr. BYRD. Mr. President, I received a letter from the two Senators from New York, the distinguished Senators DANIEL PATRICK MOYNIHAN and ALFONSE D'AMATO, dated July 14, in which they called attention to the provision that has been added to the Dire Emergency Supplemental Appropriations Act.

I have also received a letter from the Secretary of the U.S. Department of Housing and Urban Development, the Honorable Jack Kemp, calling attention to this matter.

I am aware of the adverse effects of section 404 of the Dire Emergency Supplemental Appropriations Act on Secretary Kemp's ability to move expeditiously in dealing with public housing tenants who are involved in drug offenses.

This adverse impact was unintentional. It was my understanding that HUD was provided with a copy of the final conference report language several days prior to the adoption of the conference report by the House and Senate.

I am strongly committed, as I am sure Senator MIKULSKI is strongly committed, she being the chairman of the VA, HUD, and Independent Agencies Appropriations Subcommittee, to eliminating drugs from our country, including that abuse that exists in public housing.

I regret that the Department of HUD did not comment on their concerns prior to the enactment of the supplemental, prior to the adoption of the conference report.

The original Senate-passed section 404 was little more than a restatement of existing law with the added requirement that Congress be notified in the process. Once the House and Senate conference on the provision met, the House Banking Committee insisted on modifications to the original Senate language. That was subsequently incorporated into the final conference report.

The Banking Committee staff had indicated that these changes would

not significantly alter the effect or intent of the original Senate language.

Once the provisions were finalized the staff of the Appropriations Committee notified the Department of HUD's budget office of the changes made by the conference when the conference report was filed.

The Budget Office in turn informed the Office of Legislation and Congressional Relations of these changes shortly after the conference report was filed.

This notification occurred several days prior to the action on the conference report by either House and left plenty of opportunity for the Department of HUD to outline its opposition to the conference changes. So, it was certainly done unintentionally. The adverse impact is recognized.

But I just wanted to state for the record that the Department of Housing and Urban Development had been notified of these changes of this legislation and that it had not taken advantage of the opportunity to outline its opposition.

So, I concur in the action that is being taken here, and with that explanation for the RECORD, I am happy to join in cosponsoring the amendment and in supporting the amendment, and I am confident that Senator MIKULSKI is aware of the amendment, and I know of her strong support for dealing with drug abuse in public housing and eliminating drugs from the country. So, I cannot presume to speak for her, but I have a feeling that she would also support the action.

I compliment the Senator and thank him and Senator MOYNIHAN for writing to me about the matter.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from New York [Mr. D'AMATO], for himself, Mr. MOYNIHAN, Mr. GRASSLEY, Mr. SPECTER, Mr. REID, Mr. DIXON, Mr. BYRD, Mr. MACK, Mr. HEINZ, Mr. PRESSLER, Mr. MURKOWSKI, and Mr. HELMS, proposes an amendment numbered 288.

Mr. D'AMATO. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. . Section 404 of title IV—General Provisions, of the Dire Emergency Supplemental Appropriations and Transfers, Urgent Supplementals, and Correcting Enrollment Errors Act of 1989 (P.L. 101-45) is repealed.

Mr. D'AMATO. Mr. President, I thank the chairman of the Appropriations Committee for lending his support to this effort.

I wish to thank Senator MOYNIHAN for his strong support.

I ask unanimous consent that the letter which I have submitted to Senator BYRD, chairman of the Committee

on Appropriations, on behalf of Senator MOYNIHAN and myself be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, July 14, 1989.

HON. ROBERT BYRD,
Committee on Appropriations,
U.S. Senate, Washington, DC.

DEAR ROBERT: It has come to our attention that a provision was added to the Dire Emergency Supplemental Appropriations Act of 1989 [Sec. 404] moments before its passage which will dramatically limit Secretary Kemp's ability to waive Federal administrative grievance procedures when a jurisdiction otherwise meets due process standards for tenants involved in a drug offense.

During our negotiations last year to develop a comprehensive response to the drug crisis, we carefully negotiated a provision, which was included in the "Anti-Drug Abuse Act of 1988" (PL 100-690) [Sec. 5101], which allowed Public Housing Authorities to expedite the evictions of tenants who were known to be involved in criminal drug activity.

There are no easy solutions to the drug epidemic. Its ravaging effects are apparent throughout the country but they are nowhere more obvious than in the public housing projects within New York City and other urban areas. We must do all that is possible to insure that tenants are safe from the violence associated with drug use. Mothers and children are not safe from the random violence surrounding them. Indeed, they are often its innocent victims.

We would hope that you would support us in our efforts to repeal this provision as negotiations continue on the FY 1990 appropriations bill.

Thank you for your attention to this request.

Sincerely,

ALFONSE D'AMATO.

DANIEL PATRICK MOYNIHAN.

Mr. MOYNIHAN. Mr. President, I am pleased to join my colleague, Senator D'AMATO, in cosponsoring an amendment to the State Department authorization bill, S. 1160, which will undo what was done, in haste and with ill-conceived consequence, during the final hours of the debate on the 1989 dire emergency supplemental appropriations bill. During those deliberations, a provision was added, section 404, which has weakened the impact of the Anti-Drug Abuse Act of 1988.

Section 404 has undone the eviction provision of the drug law—a provision which I wrote and which was a part of our effort to develop a comprehensive and effective response to the drug epidemic.

Today, we seek to restore the intent of the provision we included in the drug bill, one which we carefully negotiated, which allows public housing authorities to expedite the evictions of tenants who are known to be involved in criminal drug activity.

The 1988 drug law, for the first time, permitted expedited procedures by which public housing authorities could evict drug users. Don't let it be said

that we didn't get tough. We drew the line. We insisted on accountability. No longer would we subsidize violence and criminal activity in public housing. We sought to put an end to the terror families face when they leave their homes.

Indeed, we were reacting to an epidemic which, if left unchecked, will result in nearly unimaginable social upheaval. Where the heroin epidemic of the 1960's gave us the one-parent family, the crack epidemic of the 1980's will give us the no-parent child; 51 percent of young addicts admitted to treatment in New York are female.

Most of us are now aware of the effects of this epidemic. But few know it better than those families who live in New York City's public housing.

I sought a careful balance between the use of law enforcement and the availability of treatment in our legislation as a means to end the growth and spread of this epidemic.

I, too, recognized that many innocent families were and continue to be violently affected. Public housing projects have become war zones. Reaching into them to offer the availability of treatment, a helping hand, is nearly impossible given the levels of violence there.

With the adoption of this amendment we restore to public housing authorities the discretion to expedite proceedings against drug criminals.

Mr. DIXON. Mr. President, I am pleased to support this amendment to S. 1160 which would repeal title IV, section 404, of the recently enacted Dire Emergency Supplemental Appropriations Act (Public Law 101-45).

Section 404 was intended to assure that due process standards are met for tenants of public housing who are being evicted for drug-related criminal activities that threaten the health and safety of other tenants and housing authority employees. In addition, section 404 was intended to ensure continued tenancy for other innocent household members who were not involved in the criminal activity.

However, as I understand the dilemma, section 404 forces local housing authorities to provide administrative hearings prior to eviction of drug criminals, even when the hearings duplicate and delay due process eviction procedures in State courts. Therefore, it becomes harder and delays the process for housing authorities to evict tenants for drug-related criminal activities.

While I want to make sure that every American citizen is guaranteed due process, I believe that the requirements under section 404 add unnecessary protection for the drug criminal—protection that is not provided during any other public housing eviction procedure.

The repeal of section 404 in no way denies anyone due process protection.

Instead, State courts continue to be available for eviction challenges. This repeal only makes available to housing authorities the same tools that are provided to other private landlords.

Mr. President, I have heard from a number of housing authorities in Illinois regarding this issue. Each has expressed strong opposition to section 404 and a concern for the detrimental effect that the provision has on efforts to rid public housing units of drug-related crime.

I urge my colleagues to support this amendment.

Mr. REID. Mr. President, I rise in support of the D'Amato amendment to delete section 404 of the Supplemental Appropriations Act for fiscal year 1989. While I do not believe the State Department authorization bill is the appropriate vehicle for this repeal amendment, I do believe it is important for the Senate to go on record in opposition to the provision.

It is important for my colleagues to understand how we arrived at this point. When the original provisions of section 404 of the Supplemental Appropriations Act were included in the Senate bill, they represented an effective tool to fight the drug war. The Drug-Free Public Housing Act, as it was known, required HUD to complete a review of due process protections included in State and local eviction laws to determine if public housing authorities could abide by these laws rather than their restrictive Federal counterparts. HUD was given only 6 months to complete this review and report its findings to Congress. There is no doubt that upon completion of this review, the eviction of drug-related offenders from PHA's would have been greatly expedited. Unfortunately, the original intent of the Drug-Free Public Housing Act was altered during the conference; altered to the point where it has the opposite effect of its original intent. As section 404 was adopted into law, it makes the eviction of drug offenders nearly impossible.

For this reason, section 404 should be repealed and repealed quickly. This Senator is second to none in his desire to rid public housing authorities of drug offenders. Tenants of these facilities have as much of a right to a safe living environment as do citizens at large. The State Department authorization bill is the first bill that has come before the Senate offering an opportunity to attach a repeal amendment. But it is not the proper vehicle and may slow efforts to repeal section 404.

The proper vehicle for repeal of this provision is the HUD appropriations bill. The House HUD Appropriations Subcommittee has already included repeal language in its bill. I know the Senate Subcommittee is willing and eager to include repeal language in its bill. Furthermore, the Senate bill is

scheduled to be marked up early next week and will probably go to conference before the August recess. By addressing this problem through the Appropriations Committee, the committee with jurisdiction in this case, the problem will be resolved in short order. In contrast, pursuing repeal through the State Department authorization bill may slow the process.

First, it is unlikely the conferees on the State Department bill will accept this nongermane amendment. The conferees have plenty of contentious issues to resolve, they do not need to debate any other issues regardless of merit.

Second, the State Department authorization bill is always very controversial. It is the focal point of executive/legislative battles over control of our Nation's foreign policy. Even should the conferees accept this amendment, months may pass before a bill acceptable to both Houses is hammered out.

I appreciate the efforts of my colleague from New York to address this important issue. The Senate should be aware of section 404 and the urgent need to repeal it. As I said earlier, I strongly support efforts to repeal section 404 and hope this one is successful. But I fear it will not be. This is unfortunate, because next week the Appropriations Committee will mark up a bill providing a sure route to repeal.

Mr. D'AMATO. Mr. President, I urge adoption of the amendment, if there is no objection.

Mr. PELL. Mr. President, this amendment does have support from both sides of the aisle, and I think we should support it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York.

The amendment (No. 288) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 289

Mr. GORE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. GORE] proposes an amendment numbered 289.

At the appropriate place insert: "It is the sense of the Senate that the President should limit political appointments to the position of United States Ambassador to 30 percent, as a means to promote professionalism in American diplomacy. It is the further sense of the Senate that the President should establish a bipartisan review board for the purpose of prescreening all potential nominees for the post of ambassador, and

that the members of such a board should be selected in consultation with Senate leadership of both parties."

Mr. GORE, Mr. President, I ask for the yeas and nays on the amendment. The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. GORE, Mr. President, let me note several changes in the amendment which is presently before the Senate as compared to the amendment which was considered yesterday by the Senate and not adopted.

First of all, the percentage in the amendment yesterday, the limitation on political appointments by the President to senior State Department positions and as ambassadors, was a limit of 15 percent. That limitation has been increased to 30 percent because a number of my colleagues made the sensible point that past practice has never seen a figure as low as 15 percent. I continue to believe it would be in the Nation's interest to have a limitation of 15 percent, but in recognizing what practice has been even in the best of times, I propose in this amendment to raise the figure to 30 percent.

The second change is that the limitation will apply only to ambassadors and not to senior positions within the Department of State. The earlier amendment included the positions within the Department of State because we have seen in the last few months the unprecedented appointment of political people to the post of deputy assistant Secretary, for example, which really has not been done in the past, at least not to my knowledge.

But this new amendment recognizes that in appointing people to the Department of State the President will have under this amendment more discretion than he would have under the last amendment.

The third change is that this is a sense-of-the-Senate amendment which would make a strong statement by the Senate yet would not have the binding figure that was in yesterday's amendment.

The fourth change is that the amendment would establish a bipartisan review board for the purpose of prescreening all potential nominees for the post of ambassador and that the members of such a board would be selected in consultation with the Senate leadership in both parties.

Let me briefly, Mr. President, discuss yesterday's debate and discuss this new approach to the problem.

To begin with, yesterday I found it surprising that there was conspicuously little defense of the actual pattern of nominations for these high-ranking positions. Perhaps that is because all of us in both parties really are uneasy and embarrassed by the kinds of appointments that have been made in the last few months. If so, that is reason-

ing because we should have those feelings. It is not just a question of the occasional candidate whose credentials are grossly inadequate. It is our realization that the well being of our country really does depend more on the astuteness of our diplomats now than at any time since the very earliest days of the Republic. Not since then have we been so vulnerable in our lives here to decisions taken in other capitals around the world.

We also realize that American interests can be strongly affected not just by events in the major power centers but in smaller countries as well. Our ability to deal with the drug trade, for example, depends upon the good will and cooperation of the Caribbean democracies. Increasingly, we know that there are fewer and fewer inconsequential places in the world.

Nevertheless, even though many of my colleagues share all these perceptions, most felt that the proposed remedy was too severe. Some felt that we simply should not constrain political appointments to a percentage of the total. Others thought that the stated percentage in the amendment was too severe. Quite a few believed that the issue is not whether an appointment is political as such but, rather, the quality of the appointment. Many felt that the Senate ought to address this problem by changing its own practices; for example, by rejecting a few inferior nominations rather than by trying to impose change on the President.

Let me address those points. First of all, as I said on the floor yesterday, the President does not have a constitutional right to place whomever he wishes in positions of authority without interference from the Congress. That point was made in law when the civil service was created. The same debate took place then at a time when there was unprecedented abuse in using patronage for filling virtually every position throughout the Government. The civil service was established by the Congress and this innovation curtailed the previous custom of Presidents in using patronage throughout the executive branch.

Congress clearly has constitutional authority of the broadest kind to make rules for the Government and it has used that authority long and often even in the matter of diplomatic assignments.

Second, as for the issue of a cap at 15 percent rather than some higher number, I said yesterday that the number chosen in the previous amendment was based on a rough-cut view of practices in the civil service and that I was open to alternatives.

Although colleagues who may have read the recent Thomas Commission report will note a call there for capping political appointments at 12 percent, 12 percent of a somewhat larger

base, historically the Foreign Service has done no better in modern times than about 70 percent of ambassadorial positions and that was under the Carter administration. So perhaps the cap should be set at 30 percent. That would be better than things have been for a long time.

I certainly agree with those of my colleagues who said that part of the solution is for the Senate to become less tolerant of blatantly inferior nominations. But even were we to do so and to more or less predictably turn those nominations down, it would only be a partial solution to the problem we face. It is not just the problem of the occasional candidate who is grossly inappropriate. It is the long-term effect of having a large proportion of key assignments preempted by political appointees, this to the detriment of the Nation's requirement for a solid corps of professional diplomats.

This cannot be addressed by greater selectivity in the Senate. It needs a change of policy.

At any rate, I rise today to offer a kinder and gentler alternative in the form not of a hard cap of 30 percent, much less 15 percent, but rather a sense-of-the-Senate resolution which calls upon the President to do two things: First, to aim for a maximum of 30 percent political appointments to ambassadorial positions; less if possible, but a maximum of 30 percent. Second, to create a bipartisan review panel whose members would be selected in consultation with Senate leadership for the purpose of prescreening all potential nominees for the position of ambassador and of advising the President on these. The precedent for such a panel was set in the Carter administration. I believe very strongly that if it were established and made to work well it would indeed be a service to the country.

So, in conclusion, Mr. President, I want to ask my colleagues on both sides of the aisle to support this amendment. It is a sense-of-the-Senate resolution. It does call upon the President to meet a guidance that is higher and more flexible than the one in yesterday's amendment. It does limit the guidelines' application to ambassadorial appointments and not to positions within the State Department. And further, it would establish this bipartisan commission to assist the President and the Senate in its review of Presidential nominations in the task of selecting quality individuals with experience and ability of a kind necessary to conduct the Nation's business overseas.

(Mr. BYRD assumed the chair.)

Mr. SANFORD. Mr. President, will the Senator yield for a question?

Mr. GORE. I am delighted to yield to my friend, the Senator from North Carolina.

Mr. SANFORD. Do I understand the Senator is proposing an advisory committee to act on the credentials and propriety of appointments as ambassadors? Is that part of the Senator's amendment?

Mr. GORE. This calls upon the President to establish a bipartisan review board for the purpose of pre-screening potential nominees for the post of ambassador, with the members of such board selected in consultation with the Senate leadership of both parties.

Mr. SANFORD. Does the Senator think that there might be a possibility that that would preempt the present responsibilities of the Senate Foreign Relations Committee?

Mr. GORE. In no way. This would take place well prior to the sending of a nomination.

Mr. SANFORD. Then it would be presumed, Mr. President, that the Senate Foreign Relations Committee, having had Members of this body on the screening committee, would have nothing to do but to rubber stamp it.

Mr. GORE. No. That is not the intention at all.

Presently, for example, the Judiciary Committee receives nominees to the Federal bench. It is common practice for nominees to be reviewed by a board of the American Bar Association, for example, and members of the Judiciary Committee have often said that in fulfilling their responsibilities to the Senate, in helping the Senate discharge its responsibilities under the Constitution, they have found it very useful to have the review of the screening panel in judging the qualifications of the nominee.

Mr. SANFORD. Mr. President, I am very familiar with the procedure of the American Bar Association, which is purely advisory. It may be accepted and it may not. But that is not made up of Senators. Here we are creating another senatorial body to do what, it seems to me, the Foreign Relations Committee is charged with doing and that is to screen nominees and to approve nominees. I could support this bill except for this provision.

Mr. GORE. If the Senator would yield further, I believe there is an inadvertent misunderstanding about the nature of the review board. It is not a senatorial body made up of Senators to pass on the suitability of nominees. Not at all.

This is a board to advise the President on his selection before that selection is made and before the nominee so selected is sent to the Senate. The board would not be made up of Senators. It would be made up, in consultation with the Senate leadership of both parties, of individuals selected by the President to advise him or her on the qualifications of nominations that he would then send to the Senate and then the Senate would continue to dis-

charge its responsibilities using the same procedures as it currently uses.

Mr. SANFORD. Well, Mr. President, does the Senator feel that the President would accept such a restriction on his appointive powers?

Mr. GORE. First of all, it is not a restriction in any way. It is advisory in nature.

This amendment calls upon the President to set up such an advisory board, and there is precedent for such a board. Such a board was used in the Carter administration. Many believe that the existence of such a board represented one of the reasons why there was the highest percentage of professional appointments to the diplomatic service during the Carter administration.

It is not a restriction on the President's ability to appoint. It is advisory in nature.

Mr. SANFORD. Well, if the Senator will allow me one comment as distinguished from a question, it seems to me that the President has the authority now to seek all of the advice that he wants; that he would take very unkindly toward the Senate's telling him that he had to have an advisory committee. It seems to me that the advice of that advisory committee, having had the stamp of approval of the Senate, would pretty much preclude any real function for the Foreign Relations Committee in dealing with ambassadorial appointments, which is a very important part of the responsibility of that committee.

Mr. GORE. Mr. President, I do not see the impact of the amendment in those terms at all. Let us review the record one more time which leads to the debate on remedies for the problem that we are discussing here. Ambassadorial appointments are, in effect, being sold to the people who make the largest political campaign contributions. That hurts the national interest. There is an unprecedented abuse of that particular practice going on right now.

Are we concerned enough about it to do anything? We are in the political arena and we are in constant communication with political campaign contributors. So we are not babes in the woods. We know exactly what is going on in our diplomatic service right now.

We had a potential ambassador who made large contributions to the incumbent President when this President was a candidate who, evidently, had such assurances that she could be an ambassador as a result of those campaign contributions that she went out shopping to see to which country she would prefer to go to represent the citizens of the United States.

She looked at the school systems in the capital cities of various countries to see where her children would be happiest. Did she have expertise in all of the countries where she was shop-

ping for the lifestyle that she would like to have there? Of course not. How did she have such assurance that she could pick whatever country she wanted on this list and go and live there? Because the Senate, the Presidency, the country as a whole has acquiesced in an unprecedented degree of abuse in selling off the diplomatic posts that are important as this country conducts its relationships with other countries around the world.

We are part of a global community now, a global economy now. We have problems that are international in scope: economic, political, strategic, environmental. And no other country in the world goes about the conduct of its foreign policy the way we do. No other country allows the person elected President to auction off the diplomatic positions on the basis of who has made the most campaign contributions during the preceding election campaign.

It is a disgrace that we allow this. What are we going to do about it? Are we going to remain silent? Look at the cartoon by the distinguished cartoonist Herblock in this morning's Washington Post. Look at the editorials around the country on this question.

We are politicians. Maybe that makes us less willing to see what the problem is. Again, let me note that there are a lot of political appointments to ambassadorial positions that have turned out to be great appointments. That practice can continue under this amendment. In fact, the President can continue doing what he is doing right now under this amendment. But I hope that if this amendment passes we will see a change, because the Senate will be on record as saying: We do not like the practice of auctioning off ambassadorial positions that are important to the conduct of America's foreign policy. And we will see a commission of the kind that was established during a previous administration to give the President some advice on the qualifications of potential nominees.

Mr. President, I feel very strongly about what is going on today. I do not think it is right and I think we have acquiesced in it, and I think that we ought to serve notice today that we will no longer routinely acquiesce in it and that quite apart from the qualifications of individuals nominees, the overall pattern is one that we want to see changed.

The administration itself, in reflective moments, is embarrassed by what they are doing. One of their senior officials was quoted, not by name, but quoted in an article yesterday as saying: Well, we hope by the end of this 4 years to reach a much higher level of professionalism in the diplomatic service and not have quite so many political appointments. They

know it is wrong. But they are under pressure from their campaign contributors.

We know how it works, Mr. President. The finance chairman or the campaign manager or somebody who has been raising money during the campaign gets a telephone call from a big contributor who says: "I would like Belgium," or, "I would like Honduras," or, "I would like some other country."

And then the political operative calls up somebody in the policymaking apparatus, or even the President himself, I do not know that, but I know basically how it works and they say, "Look, you remember so and so gave us a ton of money in the campaign and now he or she wants Belgium, wants to be our ambassador there."

The response might be, "Well, what qualifications?" "Well, I do not know, but they gave a ton of money."

This is not in the national interest, Mr. President. It is time for us to speak up and do something about it.

There are basically two parts of this amendment. One is the sense of the Senate on the percentage, as I mentioned before, and the other is the bipartisan review board. I note the concerns expressed by one of my colleagues. I have been in consultations with others. I, again, ask the Senate to adopt the amendment. So, again, Mr. President, I really hope that the Senate can go on record today as being opposed to the unprecedented degree of political abuse in the appointment of ambassadors who are so important to the conduct of the foreign relations of this country.

AMENDMENT NO. 290 TO AMENDMENT NO. 289

Mr. GORE. Mr. President, I send a second-degree amendment to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. GORE] proposes an amendment numbered 290 to amendment numbered 289.

At the appropriate place insert: "is the sense of the Senate that the President should limit political appointments to the position of United States Ambassador to 30 percent, as a means to promote professionalism in American diplomacy."

Mr. GORE. Mr. President, this is a second-degree amendment that modifies the pending amendment to delete the bipartisan review board. I think the review board is a good idea, but as a way of gaining support for the amendment and in hopes of gaining a majority for the amendment, I ask the adoption of the second-degree amendment modifying it, which would mean the remaining first-degree amendment is a sense-of-the-Senate expression adopted as an amendment to this bill that the President of the United States should limit political appoint-

ments to the position of U.S. ambassador to 30 percent.

The PRESIDENT pro tempore. The Senator from Rhode Island [Mr. PELL] is recognized.

Mr. PELL. Mr. President, on behalf of the majority leader, I ask unanimous consent that the vote on the pending Gore amendment occur at 12 noon today.

The PRESIDENT pro tempore. The yeas and nays have not been ordered on the second-degree amendment. To which amendment does the Senator refer?

Mr. PELL. The Chair is correct. We are talking about the second-degree amendment. The yeas and nays have not been asked for. I am sure the sponsor wants them asked for.

Mr. GORE. Mr. President, I ask for the yeas and nays.

The PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. PELL. Mr. President, on behalf of the majority leader, I ask unanimous consent that the vote on the pending Gore second-degree amendment occur at 12 noon.

Mr. HELMS. Mr. President, reserving the right to object, and I probably shall not, would the Senator be willing to modify that to no later than 12 o'clock because people who are now at the White House may be back earlier.

Mr. PELL. Mr. President, that is acceptable.

The PRESIDENT pro tempore. So what is the request?

Mr. PELL. So the vote on the pending Gore amendment will occur no later than 12 o'clock noon.

The PRESIDENT pro tempore. Is there objection to the request?

The Chair hears no objection. That is the order of the Senate.

The Senator from Rhode Island, Mr. PELL.

Mr. PELL. Mr. President, I have four amendments which I believe are acceptable on both sides of the aisle.

Mr. HELMS. Mr. President, I ask unanimous consent that the amendments be temporarily laid aside.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Rhode Island.

Mr. PELL. The Senator is quite correct.

AMENDMENT NO. 291

(Purpose: To express the sense of the Congress concerning the aspirations of the people of Soviet Armenia for a peaceful and fair settlement to the dispute over Nagorno-Karabagh)

Mr. PELL. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. PELL], for himself, Mr. SIMON, Mr. LEVIN,

Mr. PRESSLER, Mr. CHAFEE, Mr. BUMPERS, Mr. MCCAIN, and Mr. WILSON, proposes an amendment numbered 291.

Mr. PELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, add the following:

SUPPORT FOR THE PEOPLE OF SOVIET ARMENIA

(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) the people of the United States have strong historical and cultural ties with the people of Armenia.

(2) the Armenian people have been subjected to ethnic discrimination, cultural oppression and economic adversity.

(3) portions of Armenia were totally devastated by a massive earthquake on December 7, 1988, where, according to official Soviet reports, more than 25,000 Armenians were killed, more than 100,000 were injured, more than 500,000 were left homeless, and tens of thousands of children were orphaned.

(4) the Government and the people of the United States strengthened their commitment to Armenia by assisting in the immediate relief effort and in the overall reconstruction of those areas affected by the earthquake.

(5) in the face of such hardship and adversity, the Armenian people continue to exhibit their strong will and resilience.

(6) the current status of the region of Nagorno-Karabagh is a matter of concern and contention for the people of the Armenian and Azerbaijani Soviet Republics.

(7) The Soviet Government has termed the killings of Armenians on February 28-29, 1988, in Sumgait Azerbaijan "pogroms."

(8) the Special Administrative Committee set up by the Soviet Government to stabilize the Nagorno-Karabagh region has proven ineffective in that mission, giving rise to further dissatisfaction among the Karabagh Armenians, who constitute the overwhelming majority in the region.

(9) the Karabagh Committee, spokespersons for the popular movement in Armenia, had been jailed for nearly six months before their release on May 31, 1989.

(10) continued discrimination against Karabagh Armenians and the uncertainty about Nagorno-Karabagh have led to massive demonstrations and unrest in this area that are continuing to this day.

(b) SENSE OF THE CONGRESS.—It is the sense of the Senate that the United States should—

(1) continue to support and encourage the reconstruction effort in Armenia.

(2) encourage Soviet President Gorbachev to continue a dialogue with the Armenian representatives to the Soviet Congress of People's Deputies.

(3) encourage Soviet President Gorbachev to engage in meaningful discussions with elected representatives of the people of Nagorno-Karabagh regarding their demands of reunification with the Armenian homeland and with the leadership of Armenia's pro-democracy popular movement which includes the recently released Karabagh Committee.

(4) promote in its bilateral discussions with the Soviet Union, an equitable settlement to the dispute over Nagorno-Karabagh.

bagh, which fairly reflects the views of the people of the region.

(5) urge in its bilateral discussions with the Soviet Union, that investigations of the violence against Armenians be conducted at the highest level of the Soviet judiciary, and that those responsible for the killing and bloodshed be identified and prosecuted.

Mr. PELL. Mr. President, this amendment incorporates the text of a resolution that I submitted on Friday, July 14, along with Senators SIMON, LEVIN, PRESSLER, CHAFFEE, BUMPERS, MCCAIN, and WILSON.

The purpose of this amendment is to encourage a peaceful and equitable resolution of the controversy between the Soviet republics of Armenia and Azerbaijan over the status of the region of Nagorno-Karabagh. The area lies south of the Transcaucasus mountains and has been administered by the Republic of Azerbaijan, despite the fact that more than 70 percent of the population is of Armenian descent.

The people of Armenia wish to promote a peaceful and fair settlement to the rioting and violence that the dispute has engendered. The amendment I am proposing expresses the sense of the Congress that the United States should press for a resolution of this matter in its bilateral discussions with the Soviet Union; that we should encourage the Soviet Government to meet with the elected representatives and popular leaders of the area in order to resolve the controversy fairly; and that the United States should continue its efforts to support the reconstruction of those areas destroyed by the earthquake in Armenia last December.

Mr. President, the dispute over Nagorno-Karabagh has cost the lives of more than 90 Soviet citizens during the last year. It is particularly important to act now. Just last week, press reports stated that three more people were killed in renewed ethnic strife, and the Armenian community in the United States is fearful that the violence will continue to escalate.

The United States, because of its longstanding relationship with Armenia, has a responsibility to promote an equitable settlement to the dispute. Accordingly, I urge my colleagues to support this amendment.

Mr. President, I ask unanimous consent that the Senator from Kansas [Mr. DOLE] be added as a cosponsor.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The senior Senator from North Carolina [Mr. HELMS].

Mr. HELMS. Mr. President, I commend the Senator on his amendment.

Mr. DECONCINI. Mr. President, I am pleased to sign the amendment offered by Senator PELL regarding the situation in Nagorno-Karabagh, which is inhabited both by Armenians and Azerbaidjanis. We have all watched the unfolding situation there with concern. The violence that has taken

place, particularly in the city of Sumgait, is horrifying testimony to the level of emotion the issue excites and to its potential for uncontrolled escalation in the absence of wise and firm political leadership.

The continuing tension in Nagorno-Karabagh is all the more alarming in light of the recent rash of outbreaks of nationality-based violence elsewhere in the Soviet Union, most notably in the Central Asian republics and Georgia. All these developments demonstrate the urgent need for reasoned dialogue between the parties involved and the mediation of the central authorities. Clearly, the Soviet leadership under Mikhail Gorbachev understands the seriousness of these problems and we will be closely watching the proceedings of the special Central Committee Plenum on the nationality issue next week.

The years 1988 and 1989 have been extremely difficult years for Armenians. Apart from the agony surrounding Nagorno-Karabagh, the devastating earthquake in December 1988 left thousands dead, injured, homeless, and bereaved. The hearts of all Americans went out to the people of Armenia in their moment of grief and we continue to help in whatever ways we can as they go about reconstructing their lives.

Sadly, there is nothing we can do to prevent such natural disasters. We can and should, however, support all efforts to approach the difficult situation in Nagorno-Karabagh in ways that offer promise of finding a reasoned and balanced outcome. The amendment offered by Senator PELL and his call for dialog leading to a fair and equitable resolution of the conflict over Nagorno-Karabagh is especially timely, and I fully support it.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment (No. 291) was agreed to.

Mr. PELL. Mr. President, I move to consider the vote by which the amendment was agreed to.

Mr. HELMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 292

(Purpose: To enhance the capability of the Department of State to evacuate United States citizens)

Mr. PELL. Mr. President, I send an amendment to the desk and ask for its immediate consideration. This amendment is offered on behalf of Senator ADAMS.

The PRESIDENT pro tempore. Without objection, the pending amendment will be laid aside temporarily. The Chair hears no objection.

The clerk will report.

The bill clerk read as follows:

The Senator from Rhode Island [Mr. PELL], for Mr. ADAMS, proposes an amendment numbered 292.

Mr. PELL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

On page 28, between lines 5 and 6 insert the following new section:

SEC. 127. ENHANCEMENT OF EVACUATION CAPABILITY.

(a) Section of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4801(b)) is amended—

(1) by striking out "and" at the end of paragraph (4);

(2) by redesignating paragraph (5) as paragraph (6);

(3) by inserting after paragraph (4) the following new paragraph:

"(5) to set forth the responsibility of the Secretary of State with respect to the safe and efficient evacuation of United States Government personnel, their dependents and private United States citizens when their lives are endangered by war, civil unrest, or natural disaster; and"

(b) Section of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4802) is amended—

(1) by redesignating paragraphs (b) and (c) as paragraphs (c) and (d) respectively;

(2) by inserting after paragraph (a) the following new paragraph:

"(b) OVERSEAS EVACUATIONS.—The Secretary of State shall develop and implement policies and programs to provide for the safe and efficient evacuation of United States Government personnel, dependents and private United States citizens when their lives are endangered. Such policies shall include measures to identify high risk areas where evacuation may be necessary and, where appropriate, providing staff to United States Government missions abroad to assist in those evacuations. In carrying out these responsibilities, the Secretary shall:

(1) develop a model contingency plan for evacuation of personnel, dependents and United States citizens from foreign countries;

(2) develop a mechanism whereby American citizens can voluntarily request to be placed on a list in order to be contacted in the event of an evacuation or which, in the event of an evacuation, can maintain information on the location of American citizens in high-risk areas submitted by their relatives.

(3) assess the transportation and communications resources in the area being evacuated and determine the logistic support needed for the evacuation; and

(4) develop a plan for coordinating communications between embassy staff, Department of State personnel and families of U.S. citizens abroad regarding the whereabouts of those citizens."

Mr. PELL. Mr. President, this amendment is designed to enhance the State Department's evacuation capabilities during an emergency, such as the recent crisis in China. I believe it has been cleared on both sides. I urge my colleagues to support it.

Mr. HELMS. Mr. President, it has indeed been cleared on both sides.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment (No. 292) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 293

Mr. PELL. Mr. President, I send an amendment to the desk and ask for its immediate consideration, and the laying aside of the amendment that is before us.

The PRESIDENT pro tempore. Without objection, the pending amendment will be laid aside temporarily.

The clerk will report.

The bill clerk read as follows:

The Senator from Rhode Island [Mr. PELL], for Mr. CRANSTON, proposes an amendment numbered 293.

Mr. PELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

Add to end of bill S. 1160:

SEC. . IMPORTATION OF CERTAIN DEFENSE ARTICLES FROM POLAND AND HUNGARY.

(a) PERMISSIBLE IMPORTS.—The authorities of section 38 of the Defense Trade and Export Control Act may not be used to prohibit the importation into the United States, by a museum or educational institution described in subsection (b), of any defense article from Hungary or Poland if it—

(1) was manufactured at least 25 years before its importation into the United States;

(2) was imported into the United States before June 30, 1989;

(3) has been disabled so that no weapon or weapons system is functional; and

(4) is used only for display to the public by the museum or educational institution, for education purposes.

(b) QUALIFIED MUSEUMS AND EDUCATIONAL INSTITUTIONS.—Subsection (a) applies only to a museum or educational institution that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code.

(c) DEFINITION.—For purposes of this section, the term "defense article" means a defense article designated under section 38(a) of the Defense Trade and Export Control Act.

Mr. PELL. Mr. President, I offer this amendment on behalf of the Senator from California [Mr. CRANSTON]. It is designed to allow aircraft more than 25 years old and which were imported from Hungary and Poland before June 30, 1989, to be used by museums. This amendment, too, I understand, has been cleared on both sides.

Mr. HELMS. This is the amendment involving Soviet aircraft; is that correct? Soviet bloc.

Mr. PELL. The Soviet bloc.

Mr. CRANSTON. Mr. President, this amendment, which I understand has been cleared with both managers of the bill, will address a problem encountered by the Chino Planes of Fame Air Museum, the oldest, independent, nonprofit flying aviation museum in the United States, located in Chino, CA.

The museum has a collection of over 70 aircraft, including many famous planes of the past that have been restored to their former glory. From an 1896 Chanute glider to a mock-up of an Apollo space capsule, from a Japanese Zero to a German ME-109, the Chino Air Museum's collection spans international aviation history.

Over a year ago, the museum purchased three aircraft from Poland and Hungary: a Soviet Mig-15, a Soviet Mig-17, and a Soviet-designed AN-2 biplane. The museum was thrilled at acquiring planes from Eastern Europe to add to its collection. Museum volunteers restored the planes, similar to planes flown against United States forces in Korea and Vietnam, and the planes are displayed prominently in a hangar. The planes are disarmed.

All the paperwork for these purchases was handled by a customs brokerage house and the aircraft were brought into the country without problem. Now, however, the Bureau of Alcohol, Tobacco and Firearms has come forward and determined that the aircraft were imported illegally because they are from Hungary and Poland. Unfortunately, the Defense Trade and Export Control Act prohibits the importation of military aircraft from certain countries, including Poland and Hungary. The Bureau is asking the museum to dispose of the aircraft.

Customs officials have conceded that they made a technical error when they allowed the planes into the country in the first place. The fact of the matter is that the planes are now here. They are prominently on display and they serve an important educational purpose.

Mr. President, this amendment would allow the Chino Air Museum to retain its aircraft. It does not overturn our munitions control regulations, nor are we setting a precedent for private collectors to argue for future imports of restricted munitions. The amendment explicitly makes an exception for museums or educational institutions that have imported defense articles, if the articles are at least 25 years old and were imported before June 30, 1989.

The Chino Air Museum has brought joy to thousands who have marveled at the history of flight and have learned about the role of aircraft in our own history. In order to help further this effort I urge my colleagues to support this amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment (No. 293) was agreed to.

Mr. PELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HELMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 294

(Purpose: Relating to Burmese refugees and conditions in Burma)

Mr. PELL. Mr. President, I ask unanimous consent that the pending amendments be laid aside.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. PELL. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. Without objection, the pending amendments are laid aside. The Chair hears no objection.

The clerk will report.

Mr. PELL. This amendment is offered then on behalf of the Senator from New York.

The PRESIDENT pro tempore. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. PELL], for Mr. MOYNIHAN, proposes an amendment numbered 294.

Mr. PELL. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

On page 71, line 8, insert "AND BURMESE" after "TIBETANS".

On page 71, line 11, after "Tibet" insert "and not less than 15 scholarships shall be made to Burmese students and professionals who are outside Burma".

On page 93, between lines 19 and 20, insert the following:

(g) ALLOCATION OF FUNDS.—Of the amounts authorized to be appropriated by section 104 for the Department of State for "Migration and Refugee Assistance", \$250,000 shall be available only for assistance to displaced Burmese in India and Thailand.

On page 94, between lines 5 and 6, insert the following new section:

SEC. 504. REPORT REGARDING BURMESE STUDENTS.

(a) The Attorney General, in consultation with the Secretary of State, shall report to the Committees on Foreign Relations and Judiciary of the Senate within 30 days after the date of enactment of this Act on the immigration policy of the United States regarding Burmese pro-democracy protesters who have fled from the military government of Burma and are now located in border camps or inside Thailand. Specifically, the report shall include—

(1) a description of the number and location of such persons in border camps in

Burma, inside Thailand, and in third countries;

(2) the number of visas, parole applications, and approvals for such persons by United States authorities, and precedents for increasing such visa and parole applications in such circumstances;

(3) the immigration policy of Thailand and other countries from which such persons have sought immigration assistance;

(4) the involvement of international organizations, such as the United Nations High Commission for Refugees, in meeting the residency needs of such persons; and

(5) the involvement of the United States, other countries, and international organizations in meeting the humanitarian needs of such persons.

(b) The Attorney General shall recommend in the report any legislative changes he deems appropriate to meet the asylum, refugee, parole, or visa status needs of such persons.

(c) As used in this section, the term "pro-democracy protester" means any person who has fled from the current military regime of Burma since the outbreak of pro-democracy demonstrations in Burma in 1988.

At the end of the bill, add the following new section:

SEC. 915. EXPRESSING THE SUPPORT OF THE CONGRESS FOR FREE AND FAIR ELECTIONS IN BURMA.

(a) FINDINGS.—The Congress finds that—

(1) General Ne Win overthrew a democratically elected government in 1962, and established the Burma Socialist Program Party which ruled Burma until September 1988, when it was replaced by a military junta which continues to rule Burma;

(2) the Government of Burma has followed the "Burmese Road to Socialism" from 1962 until April 1989, a policy which has resulted in the indiscriminate seizure of private property, the demonetization of currency, and economic hardship for the Burmese people;

(3) on July 23, 1988, General Ne Win, called for a transition to a multi-party system of government;

(4) on July 17, General Sein Lwin became President of Burma, and popular demonstrations erupted throughout the country against his rule and his rejection of a referendum on a multi-party system of government;

(5) on August 3, 1988, General Sein Lwin declared martial law in Burma, imposing a curfew, press censorship, closing schools, and banning meetings of more than 5 persons;

(6) on August 8, 1988, the Burmese Army opened fire on peaceful demonstrators in Rangoon and other cities, killing many hundreds of persons;

(7) on August 11, 1988, the Senate unanimously adopted Senate Resolution 464, condemning the Government of Burma for gross human rights violations;

(8) on September 7, 1988, the House of Representatives unanimously adopted House Resolution 529, urging the restoration of democratic government in Burma;

(9) on September 18, 1988, General Saw Maung took power in Burma, establishing a military junta and ordering the Burmese Army to kill many hundreds of additional peaceful protesters, until such protests were forcibly halted;

(10) the United States, Canada, the European Community, Australia, and Japan, have withheld aid from the Government of Burma to protest the gross violations of

human rights and to urge political and economic reform;

(11) on February 28, 1989, the President decertified Burma as a nation taking adequate steps to control narcotic trafficking;

(12) the United Nations Human Rights Commission adopted a resolution on March 8, 1989, expressing concern about human rights violations in Burma;

(13) on April 13, 1989, the President suspended trade benefits for Burma under the Generalized System of Preferences program because of worker rights violations;

(14) approximately 6,000 protesters, students, monks, and other civilians, sought refuge in the border camps of the National Democratic Front which represents ethnic minority insurgents, and in Thailand and India;

(15) Amnesty International has reported that the Government of Burma continues to arrest, torture, and kill civilian opponents;

(16) in May 1989, the Government of Burma refused an offer from the Government of Thailand to mediate an end to the civil war with the Democratic Alliance of Burma, which represents the ethnic minorities and the armed Burmese opposition;

(17) the Government of Burma announced in February 1989 that elections would be held by May 1990, but has refused offers of electoral assistance planning from Thailand and rejected foreign observers;

(18) martial law remains in effect and opposition parties are prevented from freely organizing for elections, and Daw Aung Suu Kyi of the National League for Democracy has been subject to harassment, arrest, and threats of death by the Government of Burma and the Burmese Army.

(b) POLICY.—In recognition of the violence and denial of human rights in Burma and the need for free and fair elections, the Congress—

(1) condemns the continued killings, torture, arrests, and denial of human and civil rights by the Government of Burma, and calls for an immediate halt to them;

(2) expresses its support for an end to martial law in Burma, for free and fair elections to be held before the end of May 1990, and for the transfer of power to an elected civilian government;

(3) calls upon all nations to withhold assistance to the Government of Burma until a democratic government assumes power in Burma;

(4) voices its strong support for the people of Burma and its admiration for their courage;

(5) urges an end to the civil war in Burma; and

(6) calls upon the President, the Vice President, the Secretary of State, the United States Ambassador to Burma, and the United States Permanent Representative to the United Nations to—

(A) publicly condemn the killings, torture, and arrests that continue in Burma;

(B) encourage the restoration of democracy and free and fair elections by May 1990, including the provision for international observers for such elections;

(C) continue to withhold all assistance to the Government of Burma until the holding of free and fair elections and the restoration of democracy, and urge all other nations to do the same;

(D) seek a mediated end to the civil war in Burma, including the involvement of the United Nations, the countries of the Association of Southeast Asian Nations, and other interested parties; and

(E) provide humanitarian resettlement assistance to the refugees from Burma now in Thailand and India.

Mr. MOYNIHAN. Mr. President, it is not quite 1 year ago that events in Burma seized the attention of the Senate and the American people. Hundreds of thousands, literally millions of people began spontaneous peaceful protests against the continued rule of Gen. Ne Win and the Burma Socialist Program Party. It is no exaggeration to say that what recently occurred in China had already happened in Burma. Students and monks led the entire population in an effort to bring democracy to Burma.

These efforts were met with bullets from the Burmese Army last August. The Senate proudly stood with the Burmese people at that time and unanimously passed a resolution of condemnation, expressing its outrage at the slaughter. The Burmese people continued their efforts until in September a military junta established control, ending any facade of civilian authority, and mercilessly gunned down protesters until they left the streets of Burma's cities.

Killings, torture, and arrests continue until now. Martial law remains in effect. Schools remain closed. Press censorship is complete. Indeed, the New York Times reported on Tuesday that tensions are increasing and there is a growing fear of another outbreak of military violence.

One ray of hope does exist: the military has promised free elections by May 1990. Our goal must be to hold them to that promise. Albeit the governing junta has lately seemed to back away even from this commitment—not that the actions of dictators can surprise us—and now suggest the elections will be only for an assembly to write a new constitution and not a real transfer in power. Nevertheless, we must do all that we can to insist on a genuine return to civilian and democratic rule.

Meanwhile, a civil war is being waged against Burma's ethnic minorities, whose struggle has provided ample practice for the brutality that the Burmese Army turned against the majority ethnic Burman population to quell their demonstrations. The civil war now includes Burmans as well, since thousands of students fled to the minority-controlled regions and have established common purpose with them under the Democratic Alliance of Burma—seeking a restoration of democracy and a federal union.

The position of the U.S. Government has been correct. The administration has suspended all aid to the Government of Burma—and has encouraged all other nations to do the same. President Bush has recognized the futility of antinarcotics cooperation with a government that murders

its own people, and has decertified Burma. In fact, it would surprise me little if in Ne Win we have long been dealing with an Asian Noriega. A dictator determined to enrich himself and his military commanders through drug corruption, while turning U.S. eradication assistance against minority armies and populations opposed to his rule.

Indeed, it has long seemed clear to me that until the civil war is resolved in Burma, and political authority is restored to the minority regions which are the source of Burma's opium, no antinarcotics assistance will prove effective. Opium production in Burma has increased dramatically during the decade long period of our involvement. And we have sided with a Communist military dictatorship against pro-Western minorities who fought bravely with us during World War II. Fortunately, the President's decertification has finally ended our participation in the Burmese civil war.

The administration has also taken positive steps to impose trade sanctions on Burma for its woeful human rights record—Burma was suspended from the Generalized System of Preferences Program for worker rights violations.

At the same time, however, other nations have unfortunately sought to make quick profits from the desperation of the Burmese junta. Lucrative logging, fishing and mineral rights have been offered at discount prices by the regime to firms from Thailand, Singapore, South Korea, Malaysia, Hong Kong, Australia, and Japan. The Burmese Government is stealing the resources of the Burmese people. Desperate for cash to buy arms and feed its troops, the Burmese regime has sadly found willing partners to the rape of the country.

The administration should speak out more forcefully against these practices—they not only make foreign firms partners in the oppression of the Burmese people, they threaten to hasten the destruction of one of the regions few remaining rain forests.

How is it that the Thai Government can ban teak logging in Thailand because of the severe ecological damage that it has caused, and then rush in to Burma to repeat the mistake? In an editorial of March 9, 1989, *The Nation* newspaper of Bangkok asked the same question. And the World Rainforest Movement based in Malaysia, among other groups, has expressed deep concern about the logging in Burma. I have introduced a bill that would ban the United States importation of teak and fish products from Burma, and I intend to offer it to the first appropriate trade legislation considered by the Senate.

In the meantime, if there can be any doubt about the feeling of the Burmese people, we should listen to Daw

Aung San Suu Kyi, the leader of the main opposition National League for Democracy, who has called for the suspension of all trade and economic relations with Burma until the regime holds the promised free elections. Dialog with the regime, yes, Trade and assistance, no. The benefits will only be stolen from the people.

Finally, Mr. President, we need to take some concrete steps to demonstrate our support for the aspirations of the students of Burma who have showed such inspiring courage. The amendment that I offer today provides a further statement of support. And it calls upon the administration to do the same. It also offers a little more. Above all, it recognizes that more must be done for the brave student-led protesters who remain in border camps. They have suffered hunger, disease, and death. But, as a New York Times editorial of June 30, titled "Burmese Heroes, Faithless Friends," said, they have not received the support they deserve.

Therefore, I would ask that \$250,000 in refugee assistance be earmarked for Burmese protesters who are now to be found in Thailand, India and border camps under the protection of the ethnic minorities.

In addition, I would ask that 15 scholarships be made available through the United States Information Agency for Burmese students and professionals now outside Burma because of their prodemocracy activities.

I would also ask that a report be requested from the Attorney General and Secretary of State on our immigration policy toward these Burmese protesters. This is the same provision that was adopted by the Senate on the immigration bill considered last week. So far, it appears that we have not offered them any help at all. And to be true to our principles, we can not do less for them than we have for the students of China. They too took their inspiration from American democracy. And it is time we return their faith in us.

Mr. President, today, July 19, is Martyrs Day in Burma, a holiday commemorating the assassination of Aung San, Burma's independence leader, and the father of Daw Aung San Suu Kyi, the current leader of the democratic movement in Burma. Let us hope that this is the last Martyrs Day that all of the Burmese peoples will see without their true independence and freedom from dictatorship and violence.

Mr. PELL. Mr. President, this amendment expresses the sense-of-the-Senate for free and fair elections in Burma and provides scholarships for students from Burma. I understand this amendment too has been cleared by both sides. I would like to be added as a cosponsor.

Mr. HELMS. Mr. President, it has been cleared on this side.

The PRESIDENT pro tempore. The question is on adoption of the amendment.

The amendment (No. 294) was agreed to.

Mr. PELL. I move to reconsider the vote by which the amendment was agreed to.

Mr. HELMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I ask that it be in order for the distinguished Senator from Florida to offer an amendment on which he will request a rollcall vote, and that that rollcall vote occur subsequent to the rollcall vote on the Gore amendment.

The PRESIDENT pro tempore. Will the Senator repeat his request?

Mr. HELMS. I ask that it be in order for the distinguished Senator from Florida to offer an amendment.

The PRESIDENT pro tempore. All right. Could we proceed with that request? Without objection, the pending amendments are laid aside.

Mr. PELL. Right. Until we have had a chance to look at the amendment—I would like to see it—I hope the Senator will hold off requesting that we consider it.

Mr. HELMS. Mr. President, could the Chair act on my unanimous consent request?

The PRESIDENT pro tempore. There will be order in the Senate.

Will the Senator from North Carolina repeat the request.

Mr. HELMS. I will be glad to, Mr. President. The Senator from Florida [Mr. MACK] desires to call up an amendment. I ask unanimous consent, first, that the pending amendments, all three of them—all four of them actually—be laid aside temporarily, that he be permitted to call up his amendment, that he be permitted to ask for the yeas and nays, but with the understanding that the vote on the Mack amendment would occur subsequent to the vote on the Gore amendment.

The PRESIDENT pro tempore. Is there objection? The Chair hears none. The pending amendments are set aside in accordance with the request, and the Senator from Florida [Mr. MACK] is recognized.

Mr. HELMS. I thank the Chair.

Mr. MACK. I thank the Chair.

AMENDMENT NO. 295

(Purpose: To express the sense of the Congress regarding policy toward Cuba)

Mr. MACK. Mr. President, I have an amendment which I send to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Florida [Mr. MACK], for himself, Mr. DOLE, and Mr. D'AMATO, proposes an amendment numbered 295.

Mr. MACK. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

On page 145, after line 22, add the following new section:

SEC. 915. POLICY TOWARD CUBA.

It is the sense of Congress that—

(1) after 30 years, Fidel Castro has failed to recognize the basic human rights, aspirations, and freedoms of the Cuban people;

(2) oppressive government policies and economic mismanagement have increased the suffering and hardship on the people of Cuba;

(3) the Cuban people should be allowed to express their view on their country's political future, that the Cuban Communist Party should permit a plebiscite, by a secret "yes/no" ballot, of the people's approval or rejection of Castro's continued rule;

(4) in order to guarantee an open and honest plebiscite, the government of Cuba should meet the following conditions—

(A) allow opposition and human rights groups to organize publicly and repeal all laws curtailing freedom of expression and of assembly;

(B) grant all opposition groups equal access to national press, radio, and television media;

(C) release all political prisoners; and

(D) invite a neutral, international commission to oversee the voting and ensure the legitimacy of the results;

(5) should the "no" vote on Castro's rule prevail, the regime would respect the will of the people, initiate a period of democratic openness, and hold prompt national elections through which the Cuban people would freely choose their leaders; and

(6) normalized relations between the Governments of the United States and Cuba should one day be restored, and that a democratic Cuban Government elected by all the people must be an essential condition for such normalization.

On page 5, in the table of contents, after the item relating to section 914, add the following new item:

"Sec. 915. Policy toward Cuba."

Mr. MACK. Mr. President, is it necessary for me to ask for the yeas and nays at this time, or was it covered by unanimous consent?

The PRESIDENT pro tempore. No, it is not covered. The Senator may request the yeas and nays.

Mr. MACK. I request the yeas and nays.

The PRESIDENT pro tempore. Is there a sufficient second? There is not a sufficient second.

The Senator from Florida is recognized.

Mr. MACK. Mr. President, I think all of us are aware of the immense changes that have taken place around the world over the last several years, to the point where many of us are looking at the decade of the 1990's being the decade of freedom and democracy. We have seen the election in the Soviet Union, a Congress in Moscow in which Gorbachev and the KGB have been under very tough questioning from that Congress. We have seen the elections in Poland and Hungary, the sharing of power in Poland, the removing of the fence between Hungary and Austria, Gorbachev pushing for his ideas of glasnost and perestroika. We have seen a free and open election in El Salvador and the transfer of power from one party to another party. We have seen a plebiscite in Chile where the people in Chile were able to express their feelings, and we have seen now that Pinochet has been defeated and is preparing to step down.

While all these changes are taking place, there is one leader of one country that appears not to recognize this change, this wave of freedom that is sweeping the globe. That leader is Fidel Castro. He is not only not recognizing the changes that are taking place in the world but he is failing to understand the failures of his own policies, his own leadership, and communism.

The economy of Cuba is in a shambles. He is unable to make his international payments. The U.N. human rights panel has issued a 400-page report indicating the human rights violations in Cuba. And we are all too well aware today of the known admission on the part of Fidel Castro and his Government of Cuba of involvement in international drug trafficking.

It is precisely for those reasons that I have offered my amendment today which is calling for a plebiscite in Cuba, in essence giving the Cuban people the opportunity for a simple yes or no with respect to their either support or rejection of Mr. Castro and his policies. Let me just read a couple of points from the amendment.

Paragraph 3:

(3) the Cuban people should be allowed to express their view on their country's political future, that the Cuban Communist Party should permit a plebiscite, by a secret "yes/no" ballot, of the people's approval or rejection of Castro's continued rule;

(4) in order to guarantee an open and honest plebiscite, the Government of Cuba should meet the following conditions—

(A) allow opposition and human rights groups to organize publicly and repeal all laws curtailing freedom of expression and of assembly;

(B) grant all opposition groups equal access to national press, radio, and television media;

(C) release all political prisoners; and

(D) invite a neutral, international commission to oversee the voting and ensure the legitimacy of the results;

(5) should the "no" vote on Castro's rule prevail, the regime would respect the will of the people, initiate a period of democratic openness, and hold prompt national elections through which the Cuban people would freely choose their leaders;

Mr. President, the objective here is to try to bring about freedom and democracy in Cuba some day. At the beginning of this year, there was a letter and an advertisement in newspapers all across this country recognizing that Castro is the longest leader in power, dictator, over 30 years now. It is hard to believe that of the 80 years since the independence of Cuba from Spain that 30 of those years have been dominated by a totalitarian system.

This idea of a plebiscite, while I have no belief that when we conclude our work here today that Mr. Castro will rush forward to call for an election in Cuba, I think is important, and that we follow the work of others who have indicated that the time has come to force Mr. Castro to recognize his failures, to force the world to focus their attention on the failures of the policies in Cuba.

As I indicated earlier this year, 163 intellectuals, writers, actors, scientists, Nobel laureates, suggested that if there could be a plebiscite of the right in Chile, certainly it is reasonable for us to ask that there be plebiscite in Cuba.

Again, our objective is freedom. Some people claim that since there is no open armed hostilities in Cuba today that the Cuban people are living in peace. I quickly add that they are not living in freedom, and that peace without freedom is false.

Some claim that peace is the absence of war. I would state that peace is the presence of freedom. What can it be like to live in peace without the freedom to worship God, to choose your own livelihood, to read or to speak the truth, or to live for a dream of handing over a better life to your children and your grandchildren. I believe that the Cuban people understand how precious freedom is, and that freedom is the core of all human progress.

So I hope my colleagues in the Senate will support this amendment, and send a message not only to Cuba but around the world of the importance of focusing in on the actions of Castro and that totalitarian government.

Mr. President, I ask that my colleagues cast a vote in support of this amendment.

Thank you, Mr. President.

Mr. PELL addressed the Chair.

The PRESIDENT pro tempore. The Senator from Rhode Island [Mr. PELL].

Mr. PELL. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll, the absence of a quorum having been suggested.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, under the previous order, the vote on the Gore amendment—

The PRESIDENT pro tempore. May we have order in the Senate. The majority leader.

Mr. MITCHELL. Under the existing order, the vote on the Gore amendment is scheduled to occur shortly. In order to accommodate two Senators who have been required on official business to travel out of Washington and will not be back until 2:15, I ask unanimous consent that the vote on the Gore amendment occur at 2:15 p.m., that it be a 15-minute vote, that if votes on other amendments are ordered prior to that time, that those votes be stacked to occur following the vote on the Gore amendment, and that any votes after the vote on the Gore amendment be 10-minute votes.

Mr. President, I withhold for a moment.

I propound the request, Mr. President.

The PRESIDENT pro tempore. The yeas and nays have been ordered on both the amendment in the second degree by Mr. GORE and the amendment in the first degree by Mr. GORE. Does the leader wish the vote on the amendment in the first degree to follow along immediately after the vote on the amendment in the second degree?

Mr. MITCHELL. Mr. President, I expect that if the second-degree amendment prevails, that the sponsor will seek to vitiate the vote on the first degree. So we can schedule it as though they were going to occur with the understanding that that may change pending the result of the first vote.

The PRESIDENT pro tempore. Is there objection to the request by the majority leader?

The Chair hears none. It is so ordered.

Mr. HELMS. Mr. President, I ask for the yeas and nays on the amendment of the Senator from Florida [Mr. MACK].

The PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. I thank the Chair.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SHELBY). Without objection, it is so ordered.

The Senator from Kentucky will be advised there are several pending amendments before the body now.

Mr. McCONNELL. Mr. President, I ask unanimous consent that those amendments be laid aside momentarily.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Kentucky is recognized.

AMENDMENT NO. 296

(Purpose: Clean Coal Technology Export Programs)

Mr. McCONNELL. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL] proposes an amendment numbered 296.

Mr. McCONNELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Insert where appropriate:

The President shall provide a report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives within 90 days of enactment of this legislation which will identify, inventory and analyze clean coal technologies export programs within United States Government agencies including the Departments of State, Commerce, and Energy and at the Export-Import Bank and the Overseas Private Investment Corporation. The study shall address the effectiveness of interagency coordination of export promotion and determine the feasibility of establishing an interagency commission for the purpose of promoting the export and use of clean coal technologies.

Mr. McCONNELL. Mr. President, this amendment has been cleared on both sides. It is fairly simple. It deals with the question of clean coal technology. It is to export the promotion programs for clean coal technologies which would enable the United States to, first, renew its technological leadership in a growing world market for coal utilization technology; second, increase its exports of coal without the risk of environmental damage; and, third, reduce our merchandise trade deficit.

Currently there are several clean coal technology export promotion programs operated by a variety of U.S. Government and quasi-governmental agencies.

Government officials operating these programs as well as industries involved in the development of clean coal technologies agree there is a potential for better coordination of these various programs in the agencies overseeing them.

My amendment simply asks the Federal officials involved in the clean coal technology programs at State, Commerce, and Energy to inventory and analyze the various programs now being operated and identify ways they might be better coordinated.

This particular study would have to be completed within 90 days.

The PRESIDING OFFICER. Does the Senator from Kentucky make a request?

Mr. McCONNELL. Mr. President, I ask the amendment be approved.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, this amendment has been cleared on both sides. The Senator from North Carolina said it has been cleared on his side. It is cleared on our side.

I suggest we support the amendment and vote for it.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I join in supporting the amendment that has been offered, and I would be happy if I could be added as a cosponsor.

Mr. President, I ask unanimous consent that my name be added as a cosponsor.

Mr. McCONNELL. I thank the Senator from West Virginia.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. And I thank the Chair.

The PRESIDING OFFICER. The question now is on agreeing to the amendment of the Senator from Kentucky.

The amendment (No. 296) was agreed to.

Mr. McCONNELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

AMENDMENT NO. 297

(Purpose: To honor the world's most recent heroes in the universal struggle for freedom and democracy, and to designate the park in the District of Columbia directly across from the Embassy of the People's Republic of China as "Tiananmen Square Park")

Mr. WALLOP. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The Senator from Wyoming is advised that there are several pending amendments that will need to be set aside.

Mr. WALLOP. Mr. President, I ask unanimous consent that pending business be set aside so that this amendment may be considered.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WALLOP. I thank the Chair.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Wyoming [Mr. WALLOP], for himself, Mr. DOMENICI, Mr. DIXON, Mr. WILSON, Mr. SYMMS, Mr. BURNS, Mrs. KASSEBAUM, Mr. DeCONCINI, Mr. DODD, Mr. SIMON, Mr. D'AMATO, Mr. MACK, Mr. ROCKEFELLER, Mr. HUMPHREY, Mr. BAUCUS, Mr. BURDICK, Mr. HEINZ, Mr. MOYNIHAN, Mr. WIRTH, Mr. McCLURE, Mr. GARN, Mr. RIEGLE, Mr. WARNER, Mr. MCCAIN, Mr. GRASSLEY, Mr. MURKOWSKI, Mr. DURENBERGER, Mr. DOLE, and Mr. JEFFORDS, proposes an amendment numbered 297.

Mr. WALLOP. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 145, after line 22, add the following new section:

SEC. 915. TIANANMEN SQUARE PARK AUTHORIZATION.

(a) FINDINGS.—The Congress finds that—

(1) in April and May of 1989, Chinese students began hunger strikes and peaceful demonstrations in Beijing's Tiananmen Square to commemorate the seventieth anniversary of the May 19, 1919 student movement; these students demanded fundamental civil liberties such as those found in the United States Bill of Rights;

(2) Americans stand for certain timeless values that transcend political and national boundaries, among these principles is the American belief in the sanctity of human life and the inviolability of individual rights and freedom;

(3) hundreds of thousands of Chinese took to the streets throughout China in support of the ideals and aspirations expressed by the students;

(4) the Chinese students erected a version of the Statue of Liberty in Tiananmen Square to express their fervent desire to bring democracy and freedom to their country;

(5) the American people share the aspirations of all those around the world who struggle to win respect for these fundamental principles;

(6) when the pursuit of these ideals results in the shedding of innocent blood and the destruction of young lives, all Americans feel a profound sense of loss and an equally great sense of outrage;

(7) the Communist regime in Beijing, unjustly and unprovoked, brutally slaughtered thousands of citizens engaged in peaceful demonstrations;

(8) our Nation mourns for the families and loved ones of those killed in China;

(9) despite the outrageous brutality of elements of the Chinese Army in massacring unarmed, peaceful protestors, the Chinese leadership, including Communist Party leaders Deng Xiaoping and Li Peng, have publicly commended the actions of the Chinese Army;

(10) since the massacre in Tiananmen Square, the Communist regime in Beijing has been engaged in the systematic arrest and detention of Chinese students and other dissidents allegedly involved in the demonstrations;

(11) there have been dozens of rallies across the United States in support of the Chinese students, including a demonstration held across the street from the Embassy of the People's Republic of China involving more than 2,000 protestors;

(12) at this protest a twenty foot replica of the Statue of Liberty was erected in a small park across the street from the embassy in honor of those students who lost their lives while demonstrating for greater political and economic freedom;

(13) a wreath was placed beneath the bright torch of the original Statue of Liberty to mourn the world's most recent heroes in the universal struggle for freedom and democracy; and

(14) the Communist regime in Beijing continues to deny the existence of any mass demonstration, deny Chinese troops ever fired into groups of protestors, and deny that anyone other than soldiers and innocent bystanders were killed.

(b) DESIGNATION.—The park located in front of the Embassy of the People's Republic of China at the northwest corner of Connecticut Avenue and Kalorama Road in the District of Columbia, designated Reservation No. 303A and Reservation No. 303B by the National Park Service, shall be designated and known as the "Tiananmen Square Park".

(c) LEGAL REFERENCES.—Any reference in any law, regulation, document record, map, or other record of the United States or the District of Columbia to the park referred to in subsection (b) is deemed to be reference to the "Tiananmen Square Park". Such designation shall expire three years from the date of enactment of this Act unless terminated earlier by the Secretary of the Interior.

On page 5, in the table of contents, after the item relating to section 914, add the following new item:

"Sec. 915. Tiananmen Square Park authorization".

Mr. WALLOP. Mr. President, several weeks ago, this Senator, along with Senators DOMENICI, DIXON, and 18 of our colleagues, introduced a bill, S. 1232, to name the small plot of land located across Connecticut Avenue from the Embassy of the People's Republic of China "Tiananmen Square Park." I now rise to amend the State Department authorization bill with language similar to that proposed in S. 1232.

While this necessarily is only a symbolic gesture, we feel it is a unique opportunity to accomplish several objectives. Our primary interest is to recog-

nize the bravery exhibited by the participants in the month-long Tiananmen Square demonstrations. We need to remember all of the those victimized by the brutal crackdown.

Second, our purpose is to remind Beijing that Americans will not only remember those killed or incarcerated, but also that we will never and can never forget the ruthlessness and callousness of the Communist Chinese Government in crushing their citizen demonstrators and their aspirations. Finally, it is also our desire to applaud the efforts of the Chinese Nationals and Americans who participated in the large June 10 demonstration across the street from the Chinese Embassy on the site we now wish to name.

Mr. President, the original measure, S. 1232, has been referred to the Appropriations Committee, the Committee on Energy and Natural Resources. In offering my amendment today, it is not my intention to preempt that committee's consideration of S. 1232. I merely wish to note that while the Energy Committee has other issues it must address, Senators also desire to speak on this matter in a timely fashion.

Mr. President, the Senate must continue to speak repeatedly and unequivocally against the atrocities in China since the beginning of June of the year. It has been stated by some that the collective memory of Americans is insufficient to allow us to remain outraged indefinitely by events such as the massacre in Tiananmen Square. Personally, I do not nor have I ever accepted that viewpoint. However, I do believe it is precisely this notion on which the authorities in China are counting.

Therefore, we should make it abundantly clear to the Communist regime in China that Americans will always remember the tragic events of that June weekend. Similarly, it is imperative that the world continue to monitor the plight and the fate of those individuals accused and convicted by the Chinese regime—and not by courts of law—of instigating the demonstrations—individuals who are being jailed and executed primarily for their participation in the demonstrations.

It is with these thoughts in mind that I and my colleagues today offer this amendment to name for 3 years the plot of land across from the Chinese Embassy "Tiananmen Square Park." We believe this relatively simple gesture will signal to the people of China who hope—and to the brutal authorities responsible for the crackdown and its carnage in an attempt to dash that hope—our resolve to remember the sacrifices for freedom so courageously made.

We must also commit to support the forces for change in China. In their endeavor to secure for citizens of their

country the same rights and powers possessed by free peoples elsewhere, the Chinese people must know that America will not ignore acts of repression against them by the Communist Chinese regime. Such actions will and should incur direct and concrete costs.

Mr. President, I trust the full Senate will agree with this Senator and the other 28 Senators offering this amendment that the creation of Tiananmen Square Park is an appropriate and commendable gesture for Americans to make.

I ask the distinguished chairman of the committee and my colleagues to offer their support to this amendment at this time so we can send our powerful signal as quickly as possible.

AMENDMENT NO. 298 TO AMENDMENT NO. 297
(Purpose: To express the sense of the Congress regarding the placement of a statue memorializing the Chinese student "Democracy Movement")

Mr. PELL. Mr. President, I think this is an excellent amendment, and I intend to support it, but I would add here that I send to the desk a perfecting amendment to the Wallop amendment for our consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. PELL] proposes an amendment number 298 to amendment numbered 297.

Mr. PELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the amendment, insert:

(d) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the National Park Service should support public initiatives to raise private funds to place a replica of the Chinese students' Statue of Democracy on the redesignated "Tiananmen Square Park;" and

(2) such a memorial should be dedicated to the Chinese students and workers who have lost their lives in the struggle for democracy.

(e) RECEIPT OF PRIVATE FUNDS. The National Park Service is authorized to accept donations of private funds for purposes of subsection (d)(1).

Mr. PELL. Mr. President, this amendment expresses the sense of the Congress regarding the placement of a statue memorializing the Chinese student "Democracy Movement."

Recently, Senators WALLOP and DOMENICI introduced a bill calling for the renaming of the park in front of the Embassy of the People's Republic of China in Washington, DC, as the "Tiananmen Square Park," the amendment that we are presently considering.

I support this measure which had been previously referred to the Subcommittee on Public Lands, National Parks and Forests of the Committee

on Energy and Natural Resources as an appropriate demonstration of America's concern for the brutal suppression of a people's desire for democracy. But in so doing, it would be equally appropriate in my view for the Senate also to support any public efforts to raise funds to build a replica of the Statue of Liberty which the Chinese students erected in Tiananmen Square and which was destroyed by the Chinese Army.

My perfecting amendment would add language to the Wallop-Domenici measure as a further demonstration of America's concern to the Government of China that we cannot forget the brutal repression now being carried out in China.

Mr. WALLOP. Mr. President, through the Chair, I direct a question to the distinguished chairman: Is it a replica of the Statue of Liberty or the Goddess of Democracy?

Mr. PELL. I am informed it is the Goddess of Democracy.

Mr. WALLOP. Mr. President, I will accept that without contesting it. I would just simply point out that we did not include it originally in our amendment because it runs a little contrary to the law which we passed a couple of years ago regarding the construction and placement of monuments and other "memorials" in the District of Columbia.

I think the Senator is quite correct that it would be an appropriate gesture. I am assuming that somewhere along the line in the course of our deliberations we can find a way to make it fit with the intention of the statute that we passed a couple of years back.

So I commend the Senator on it and I am quite willing to accept it.

Mr. PELL. I thank the Senator from Wyoming. I ask that the amendment be adopted.

The PRESIDING OFFICER. Is there any further debate on the amendment? If not, the question occurs on the second-degree amendment offered by the Senator from Rhode Island [Mr. PELL].

The amendment (No. 298) was agreed to.

The PRESIDING OFFICER. The question now occurs on the amendment offered by the Senator from Wyoming.

Mr. DOMENICI. Mr. President, parliamentary inquiry. Is there any time restraint on this amendment?

The PRESIDING OFFICER. There is none.

Mr. DOMENICI. Might I ask my friend from Wyoming, before we agree to it, if the Senator from New Mexico may have a few minutes? I do not want to be unaccommodating, but I worked on this with the Senator.

Mr. WALLOP. I do not sense that the amendment is in trouble, so I think it would be fine.

Mr. DOMENICI. Mr. President, the United States, in terms of our ideals and principles, was a grand experiment. I am sure many looking back at how it started who would say it is almost miraculous that we made it to this point in history, because freedom for individuals is a very, very significant concept, but it had not worked for most of human history. As a matter of fact, there had been little American-style freedom until this great Republic decided that we were going to experiment with giving the maximum amount of freedom to the maximum number of people—a very exciting concept.

Some look at us and wonder why this country achieved so much. I assume people who know more than I might give a different reason that I will give. But it seems to this Senator that there is a simple concept that human achievement occurs when a man or a woman is free.

I think that holds for history before democracy. I think, if we take a look, we will find that achievers—be it Michelangelo or whomever—were in a very real sense free. The problem with humankind is that until we had broad-based freedom, the achievers were the select few who had individual freedom. My hunch is that individual achievement was limited until we had maximum opportunity for achievement through maximum individual freedom. So I think that individual freedom and individual achievement are very related.

And while there are many things to be proud of, I think that achievement in its broadest sense—everything from the finding of basic scientific truths to the production of light bulbs and automobiles—is what the American people set a new standard for.

By making more and more people free, we built on the concept that human achievement occurs when a man or a woman is free. The answer to America's success is that when we make many people free, achievement is dramatic and broad-based. It comes from sources you could not predict. It might be a janitor's son who becomes the crackerjack nuclear physicist or who invents something rather dramatic. That did not happen in civilization before.

So what is happening out there in the world today is clearly understandable. Those who would like regimentation and control and who think that their regime or their system should tell everybody what to do have seen its failure to promote individual achievement.

And the converse is absolutely true. The so-called free industrial nations, producing more goods and wealth today than anybody ever thought possible by seven countries, including our own, are setting a new standard. So,

understandably enough, the controlled societies are finding that you cannot have necessarily an economic system that will work unless there is a governmental system that works right with it in tandem to promote achievement.

Our Nation's basic ideals are contagious. Our ideals of individual freedom under an orderly system of governance, where you get the concept that the people govern themselves, is catching on in the world. When you couple it with an economic system like ours, built upon achievement, incentive, private ownership, and the like, you have a system that is apt to cure the world of many, many ailments, such as malnutrition, illness, lack of basic material wealth, and the inability to participate in what our Declaration of Independence calls the pursuit of happiness.

So what is going on in the world was epitomized in China when these young students, who had had a real taste of freedom along with a slight change in the economic system that said, "There is real potential for progress again in this society; we might really be able to do something individually and as a people to take big strides."

Many of them found this when they came to the United States to study. In studying here, they got a real taste of the essence of our culture. With all its shortcomings, the essence is individual freedom and individual achievement, which should not be thwarted by government but rather should be promoted.

What happened at Tiananmen Square, with all those young people, was an effort on their part to say to the leadership of that country: "We will do better as a people, we will have a better chance to spread the good things, if you give us some freedom." They were not even, as has happened in many places in the world, trying to have a literal revolution. They were begging, so to speak, for a little bit. And they ended up getting nothing. In fact many lost everything.

So what we did when we started working on this amendment—and I was pleased to join my friend from Wyoming—was to look for something that we could do that was clearly our prerogative and had nothing to do with the Chinese Government. We were looking for some way to indicate our indignation and our protest and, on the other hand, our support and our joining hands with the students in China. It came to us that we ought to do something symbolic here that would send the idea out there to young people in China and elsewhere that we truly respect and admire what they have tried to do. So we came up with this amendment.

Earlier, we attached an amendment to this bill that was our effort to encourage our Government not to do certain things and to urge the Chinese

Government not to do this or that or the other thing. And all of that is well and good. But this amendment is a little different in that, in the name of the American people, we want to set up a symbol of our close ties to the ideals for which the Chinese students stood.

It encapsulates the idea and the ideal in a very simple but reverent way, a piece of ground that we will call Tiananmen Square Park. As it becomes known, it will have tremendous rays, spreading many, many miles and across many countries from that little piece of ground across the street from the Chinese Embassy. It will epitomize the United States and her people in our constant quest to spread the ideal of individual freedom and the idea that those who govern get their power from those that they govern.

This amendment will designate a small tract of land on Connecticut Avenue in front of the Chinese Embassy as Tiananmen Square Park. The tract, which has a small park on it, currently is unnamed.

Naming this tract as Tiananmen Square Park can serve as our Nation's tribute to the democracy movement in China. Perhaps it will also serve as a constant reminder to the Communist officials that we in the United States will never forget how they have brutally repressed those who simply yearned to be free.

Tiananmen Square has long been the gathering place for Chinese longing for democracy. On May 19, 1919, Chinese students first demonstrated peacefully there to demand many of the fundamental liberties that we hold dear.

This spring's demonstrations began as a commemoration of the 70th anniversary of the 1919 student movement. It developed into a broad-based popular movement of students, workers, and intellectuals seeking democracy and freedom in China. Hundreds of thousands of persons throughout China joined this movement.

The Chinese students erected in Tiananmen Square a statue called the Goddess of Democracy, modeled after our Statue of Liberty. Unlike the Statue of Liberty, however, the Goddess of Democracy needed both hands to hold up the torch of liberty, symbolizing the difficulty of holding freedom aloft in China.

On June 3 and 4, the Chinese Army, under direction from the Communist Government of China, brutally crushed the democracy movement, killing hundreds—perhaps thousands—of persons who had been engaged in peaceful demonstrations. In the process, they crushed the Goddess of Democracy.

The Chinese Communist Government is in control now, but it is obvious that the aged leaders of the decrepit Communist system in China are fighting the tide of history.

Mr. President, the Communist troops may have crushed the statue of the Goddess of Democracy that stood in Tiananmen Square that sad day last June, but it is obvious that they could not—and will not—crush the hopes, dreams, and ideas that will 1 day lead to the freedom that the Chinese people want and deserve.

It is my sincere hope and belief that eventually the Goddess of Democracy will stand proudly once again in Tiananmen Square, and China will become a land where freedom, liberty, and democracy are valued by the people, and by their government.

Mr. President, since the crushing of the democracy movement in China, many Chinese citizens in this country—as well as many American citizens—have gathered on a tract in front of the Chinese Embassy in our Nation's Capital to protest the actions of the Chinese Government. They have left flowers, banners, and even a replica of the Statue of Liberty there to serve as reminders of what has occurred in China.

This amendment will allow the people of the United States to demonstrate their support for the democracy movement in China by naming this tract Tiananmen Square Park.

I think it is an exciting concept, one that has some very, very significant ramifications. I am delighted we are going to pass it here. We have a lot of people on the committee of jurisdiction to thank. I am sure Senator WALLOP thanked them for permitting us to work it this way and not coming down and insisting that it be delayed. I think it belongs on this bill and I am delighted we are going to adopt it. I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. WALLOP. Mr. President, I thank the Senator from New Mexico, who was, early on, along with Senator DIXON on this concept. He is quite correct. The authorizing committee has been most cooperative to work with, and we thank them all.

I ask now for the question on the amendment.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing on the amendment of the Senator from Wyoming.

The amendment (No. 297) was agreed to.

Mr. WALLOP. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Mr. President, for the benefit of any Senators or their staffs who may be listening to the nonproceedings going on, on the Senate floor at this time, the ranking minority member and I are both here welcoming any amendments Senators may care to present. It is frustrating to be ready and waiting and have no amendments coming over here.

Mr. HELMS. Will the Senator yield?

Mr. PELL. Certainly, with pleasure.

Mr. HELMS. I thank the Senator. I would say in addition to the statement by the distinguished Senator from Rhode Island, in which I concur, I hope I will not hear a whole lot of complainers along about 10:30 or 11 o'clock tonight with Senators saying, "When are we going home?" If we could do the work now, we would not have to be in at 10:30.

Mr. President, I want to give a gold star to the Senator from Pennsylvania. He just said he will have an amendment in 5 minutes. We will be ready for him. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The Senator from Pennsylvania is advised that there are three pending amendments before the Senate that have to be temporarily set aside.

Mr. SPECTER. Mr. President, I ask unanimous consent that those three pending amendments now before the Senate be set aside.

The PRESIDING OFFICER. Is there objection?

Mr. PELL. I object.

The PRESIDING OFFICER. Objection is heard.

The pending question is the Grassley amendment to the Helms amendment.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I had thought that the managers of the bill were in search of an amendment, and that is why I came to the floor to present this amendment. This Senator has a problem in terms of timing because we are

in the process of hearing the impeachment proceedings of Judge Alcee Hastings, and I am on that panel, so that my time is limited to before 9, from 12 to 1:30, and after 6 o'clock. So it would be my hope that this amendment could be the subject of proceedings here.

Mr. PELL. Mr. President, the Senator is at perfect liberty to discuss his amendment as long as he wishes, but there is some objection on this side of the aisle to it coming to a vote at this time.

Mr. SPECTER. I certainly would be willing to not call for a vote until every Senator, including those on the other side of the aisle, have had a full opportunity to discuss the matter. There is no intention on my part to foreclose any Senator from coming to the floor to debate it. If I might make a suggestion, we might lay the amendment down and I might make an argument which would consume perhaps 20 minutes.

Then there could be an opportunity, if it is inconvenient for those who oppose the amendment, to come at this time. We would at least have accomplished that much. I would be glad to await the arrival of anybody who cares to oppose the amendment.

Mr. HELMS. If the Senator will yield?

Mr. SPECTER. I do.

Mr. HELMS. I know of no Senator on this side of the aisle who opposes the amendment. I favor it. I suggest he go ahead, discuss it, and if he wishes to get the yeas and nays on it, we will let the other side of the aisle discuss it.

Mr. SPECTER. I appreciate that. I certainly do not press. I know there is opposition. I know people have expressed an interest. I would be glad to await their arrival. I do not intend to press anybody for a vote until there is ample opportunity for a debate in accordance with our rules.

Mr. HELMS. If the Senator will yield further, I understand perfectly the situation he is in with respect to his schedule. He has a full plate. If he wants to get the yeas and nays, we will protect him in his right to come and answer any debate if he wishes. I hope the Senator will proceed.

Mr. SPECTER. I very much appreciate that.

Let me propound the unanimous-consent request again in the light of our discussion and my assurance that I will not hasten the vote.

Mr. PELL. Mr. President, I must object at this time. As I said earlier, the Senator is free to discuss it, but I have been requested on this side to object for the time being. But discuss the amendment by all means.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, it is not clear to me why the Senator is objecting.

Mr. PELL. As I understand it, he is calling for a rollcall vote.

Mr. HELMS. That is almost an entitlement around here as a matter of comity. He could get it. I can help him get enough Senators to get a rollcall vote.

The PRESIDING OFFICER. The Chair would inform the Senator from Pennsylvania before any amendment can be offered the two pending amendments will have to be set aside.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Perhaps the issue arises because of a pending unanimous-consent agreement that sets any vote to follow a vote previously scheduled for 2:15 and a vote to immediately follow that. If that is the impediment to proceeding, I would ask unanimous consent that there not be a vote on this Senator's amendment until after the two votes previously scheduled, and that no such vote occur on this Senator's amendment until any opponent has ample opportunity to respond.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, there is a Senator on this side of the aisle particularly interested in this vote. I would like to postpone the decision of whether to object or not until he comes. He is on his way to the floor at this time. I would hasten to add I would like to hear the Senator's arguments.

Mr. SPECTER. In light of that development, I would certainly await his arrival. I withdraw my unanimous-consent request.

Mr. WIRTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. WIRTH. Mr. President, I have an amendment and I ask unanimous consent that the pending business be temporarily set aside.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 299

Purpose: To require the United States Information Agency to report to Congress on the acquisition and use of public programming material

Mr. WIRTH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. WIRTH] proposes an amendment numbered 299.

Mr. WIRTH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place insert:

"Not later than 90 days after the enactment of this Act, the Director of the United States Information Agency shall provide a detailed report to the Chairman of the Foreign Relations Committee of the Senate and the Speaker of the House of Representatives describing all programming material acquired by the United States Information Agency in fiscal year 1988 and fiscal year 1989 from public television and radio entities, including a description of how such program material was utilized by the United States Information Agency, in whole or in part, in original or edited form. Further, the Director of the United States Information Agency shall include in such report a description of projected United States Information Agency use of programming material acquired for public television and radio entities through fiscal year 1992."

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. WIRTH. Thank you very much, Mr. President.

This amendment has been agreed to on both sides. This amendment refers to the U.S. Information Agency's purchasing of programs funded by public television and public radio in the United States. The amendment directs the U.S. Information Agency to report back to the Congress within 90 days with detailed information on how USIA spends its acquisition funds for public radio and television programming.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

AMENDMENT NO. 300 TO AMENDMENT NO. 299

Mr. HELMS. Mr. President, I commend the Senator from Colorado for what he said about the necessity of freedom of information. He is exactly right. In that connection, I have a second-degree amendment which I send to the desk.

The PRESIDING OFFICER. Is there objection to the consideration of the amendment?

Without objection, the clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS], for himself, Mr. GLENN, Mr. BOREN, and Mr. PRESSLER, proposes an amendment numbered 300 to amendment No. 299.

Mr. HELMS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the pending amendment, add the following:

On page 55, line 15, strike "\$36,000,000" and insert in lieu thereof "\$71,000,000".

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. I thank the Chair.

Mr. President, this amendment addresses the President's request for the modernization of our Voice of America facilities by increasing VOA's radio construction budget by \$35 million—for a total of \$71 million in fiscal year 1990.

As I mentioned in my opening remarks last week, I believe that the State Department authorization bill as reported from the Foreign Relations Committee ignores the urgent need to modernize our public diplomacy capabilities. At a time when many international polls show Soviet leader Mikhail Gorbachev to be as popular as President Bush, and Chinese students are relying heavily upon the transmissions of Voice of America, the United States must pay close attention to its public diplomacy effort.

Mr. President, may we have order?

The PRESIDING OFFICER. The Senate is not in order. The Senate will be in order. People in the well will take their seats and clear the aisles. The Senator from North Carolina is entitled to be heard on his amendment.

Mr. HELMS. I thank the Chair.

This amendment will permit VOA to develop relay stations in both Thailand and Morocco, in addition to meeting other necessary expenses. These stations will significantly augment the quality of our broadcasts into China, Afghanistan, Eastern Europe, the Soviet Union, and Africa.

Mr. President, we are all concerned about the citizens of China and Tibet. Much can be done to augment our ability to deliver a strong signal inside China. Many of the students involved in the recent demonstrations in Tiananmen Square have reported on how they had to rely on Voice of America programs in order to learn how the world was reacting to events in Communist China. Unfortunately, the VOA relay station in the Philippines is now the only station capable of reaching China and East Asia with a reliable signal. That station has seven different kinds of transmitters—many of which are nearly four decades old. It must carry not only Chinese, but other languages such as Vietnamese and Burmese.

By jamming VOA broadcasts into China, the Chinese have picked up where the Soviets left off. But with the Thailand station, and other stations, VOA can effectively counter the Chinese jamming. Let us not forget, Mr. President, that in China alone, we are talking about one-fourth of the world's population.

Mr. President, as a former radio broadcaster myself before I came to the Senate in 1973, I understand the importance of public diplomacy. I also

know what it means to have outdated transmitting equipment or inadequate transmission capability. The quality of our VOA programs becomes irrelevant, if we are unable to deliver the message to our target audiences. Each year that we fail to update our facilities, represents another year of missed opportunities to spread the message of freedom, as Mr. WIRTH emphasized. And if we put off necessary modernization and expansion, it will inevitably be at much greater expense to the U.S. taxpayer when we finally do get around to it.

So it is a matter of priorities. I suppose the question will be raised as to whether we can offset this. That is not the responsibility of the authorizing committee. The Appropriations Committee will do that, and I am persuaded that the Appropriations Committee may cut something like the United Nations—and I pray the Lord that they will—and provide the funds for this. We are pumping too much money in these international organizations, and we ought to concentrate on the business of spreading the message of freedom.

Mr. President, sadly, our international broadcasting system is generally outdated and below modern international standards. Countries around the world are doing better than we are. It is slowly improving, due to an aggressive modernization effort. In 1982, the National Security Council directed that the Voice of America provide a stronger, and more reliable signal into areas of the world that are important to U.S. interests. Pursuant to that directive, in 1983 USIA began a detailed study of how to generate a stronger message.

The review discovered the obvious—that our international broadcasting system is seriously outdated. Let me cite from a USIA factsheet that explains the current state of our facilities. This is a direct quote:

Some of our relay sites still receive signals for broadcast over high-frequency (short-wave) radio, a method that allows only minimum technical standards for broadcasts and low listenability. About three quarters of VOA's transmitters are more than 15 years old, and about one-third have been in operation more than 30 years. For example, a 1930's-era mobile transmitter that was captured from Nazi forces in the Second World War remains in use as a back-up transmitter at the Munich Relay station site.

The document also states:

The present international standard is the 500 kilowatt shortwave transmitter which is dramatically more efficient than older models and more than twice as powerful as those VOA has been using. For example, the U.S.S.R. has more than 30 of the higher power 500 kilowatt transmitters which, because of their power and newer features, give them, the Soviet Union, an advantage in broadcast capability and range.

Is that what we want? Do we want the Soviet Union to be pumping out its

propaganda while we cannot even get there with our signal? If we do get there, it is so poor that people do not listen to it. The Senator is exactly right. We must do everything we can to get them to listen to the Freedom and Liberty and to get it circulated around the world.

Numerous technical studies were conducted, and other areas were identified where USIA must upgrade its facilities. Prolonged, and often difficult agreements were concluded to construct relay stations in several countries. Hence, the pending second degree amendment to Senator WIRTH's amendment.

So now, after the studies have been conducted, this modernization program has entered into the critical construction phase. In order to keep the progress on track, the administration originally requested \$89 million. But in view of serious budget constraints, they went back to the drawing board, and proposed a bare-bones budget of \$71,000,000, a reduction of \$18,000,000. That budget is acceptable to USIA, contingent upon the approval of a multiyear contracting authority, that was accepted earlier this week by the Senate.

Some have argued that in this era of so-called glasnost, the need for an aggressive public diplomacy effort has diminished. I strongly disagree.

We never needed it more, because we do not know what is going to happen to the Soviet Union. We do not know what is going to happen to Mr. Gorbachev. We certainly do not know how sincere Mr. Gorbachev is. He is certainly a good PR man, and that is all we know about him. Now more than ever, we must bolster our ability to get our message of freedom and free enterprise to the world—the message of Washington and Jefferson. The Soviets may have stopped jamming VOA broadcasts recently, but what will prevent them from resuming their jamming? We have no guarantees against that. Besides, the absence of jamming doesn't mitigate against the necessity of sending a strong, reliable message to those in the Soviet bloc. That is what this amendment is all about. I think we ought to take the necessary few million dollars away from the enormous sum that we pump into the United Nations, for example, and use it for the benefit of America.

In conclusion, Mr. President, I believe it is of utmost importance that we stay on track with the modernization program. There is great return for a relatively small investment, as compared with the rest of the State Department and USIA budget. I urge the adoption of this amendment.

Finally, Mr. President, I ask unanimous consent that a list of all the languages to be broadcast by the VOA relay stations in Thailand and Morocco be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

LANGUAGES TO BE BROADCAST BY THE VOICE OF AMERICA RELAY STATION IN MOROCCO

Armenian, English, Georgian, Polish, Russian, Czechoslovak, Hungarian, Lithuanian, Albanian, Bulgarian, Greek, Romanian, Serbo-Croatian, Turkish, French (Africa), Hausa, Portuguese (Africa), Slovenian, Ukrainian, and Arabic.

LANGUAGES TO BE BROADCAST BY THE VOICE OF AMERICA RELAY STATION IN THAILAND

Cantonese, Mandarin, Korean, Russian, Dari, English, Farsi, Hindi, Indonesian, Pashto, Urdu, Arabic, Uzbek, Swahili, Amharic, and Bangla.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, the purpose of the amendment is an excellent one. We need to beef up USIA, VOA programs in Thailand and Morocco, but we also face budgetary problems.

Unfortunately, this would bust the budget by an even larger amount, and I think that on balance as responsible legislators we would be advised to hold off for this for the time being, bearing in mind it is a good idea and good objective looking forward to a time when our budget may be more in balance and when we can support it.

So I, as one Senator, do not intend to support this amendment.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. EXON). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, a few moments ago I had sent an amendment to the desk and asked for its immediate consideration. Then I sought to have the pending amendment set aside by unanimous consent there was an objection. I have since conferred with Senator LEVIN. Even though we worked out an arrangement where I might proceed at this time to offer the amendment, I think I shall not do that, but shall await a later time to offer the amendment. In the absence of any other Senate business, however, I will use the present time to describe the amendment which I intend to propose, and it will abbreviate the time that I will later speak on the subject.

I am discussing the issue at this time because we are proceeding with the impeachment of Judge Alcee Hastings in a matter which convenes from 9 to 12 and from 1:30 to 5:30.

I have sought to propose the amendment at this time because of my unavailability otherwise, so that I am

putting the managers on notice and also all Senators interested in this matter, that I will return at the first opportunity when the Hastings proceedings are not in progress to offer the amendment and to debate it more fully.

Mr. President, the amendment which is at the desk would provide the death penalty for any terrorist act which results in the murder of a U.S. citizen anywhere in the world.

In 1984, this Senator added similar legislation to a State Department authorization bill, legislation which made it a crime against the laws of the United States of America for anyone anywhere in the world to attack, maim, or murder a U.S. citizen. The amendment which I proposed to pursue at this time would add the death penalty to that provision.

Mr. President, this Senator believes that laws dealing with terrorism and the appropriate penalty for the murder of a U.S. citizen anywhere in the world, which should include the possibility of the death penalty being imposed by a jury under U.S. law, is a very important aspect of U.S. foreign policy.

We have seen a time when acts of terrorism have really become a means of modern warfare; when national objectives are carried out by terrorists; and when a response to terrorism by making it a violation of U.S. law under so-called long-arm jurisdiction is a very, very important aspect of U.S. foreign policy.

This kind of a provision, therefore, is very relevant, very germane, and very appropriate for consideration by the U.S. Senate on this legislation.

Mr. President, I have previously introduced Senate bill 36 which seeks to make the death penalty a sentencing option in a number of Federal criminal statutes. At the present time, there is very little on the Federal books which meets constitutional standards on the imposition of the death penalty. It may be that the only law which accomplishes that result is the statute passed last year by this body on drug-related murders because, since 1972 when the Supreme Court of the United States handed down a decision in Furman versus Georgia, a case which has been further modified by other Supreme Court decisions, there are very exacting standards which have to be met regarding so-called aggravating and mitigating circumstances. For example, the assassination of a U.S. President or treason or espionage or many other offenses which had prior to 1972, carried the death penalty no longer do because they have not been reenacted.

Senate bill 36 introduced earlier in this session by this Senator would seek to accomplish that result. But in the legislation which I am proposing at

the present time I will not seek to involve any broader aspect of the death penalty statute than that to cover international terrorism.

Mr. President, the acts of international terrorism have been horrendous. After I introduce this amendment formally, when I do not need unanimous consent to set aside other pending amendments, I will spend time detailing some of the acts of terrorism which I think require the death penalty.

But suffice it to say at this time for the limited purposes today that an act of terrorism is probably the classic example of murder in the first degree with malice aforethought because terrorist acts are carefully calculated, carefully planned, carefully pursued, and reflect the traditional brutality, malice, viciousness and the classical definition of malice aforethought which has been attached to murder in the first degree.

Murder in the first degree is accomplished both by the malicious act resulting directly in the killing, as, for example, the assassination of an American President, such as the assassination of President Kennedy. Or, it may be constituted by the commission of certain categories of felonies when a killing results in the course of a felony and the aspect of the felony imports the requisite malice to make the killing murder in the first degree. In some of the cases of terrorism, however, it may be that the killings were not calculated in advance. But there is no question, for example, in the murder of Robert Stethem, aboard TWA flight 847—which I will address in greater detail when I later formally propose the amendment—that the act unequivocally constitutes a murder in the first degree, or during the *Achille Lauro* hijacking that the killing of Mr. Leon Klinghoffer, terrorists pushing him over the side of the ship, constituted the requisite malice, even aside from the malice imputed in the actual hijacking or in the hostage-taking.

Mr. President, since 1984 when the Congress of the United States acted to see to it that U.S. interests are protected around the world under so-called long-arm jurisdiction, the traditional rule is that criminal jurisdiction attaches where the offense is committed. For example, if the crime is committed in Arlington, VA, only Arlington has jurisdiction, the State of Maryland does not. But if the act is committed in Bethesda, MD, then only Maryland has jurisdiction.

But there is another category of the so-called long-arm jurisdiction where a nation or a sovereign can articulate a law where there is a nexus to or an interest in that party. The United States of America did that in 1984 in the Omnibus Crime Control Act when we established hijacking and hostage taking as a violation of U.S. law, and we did it

further, as previously explained, in 1986 when legislation was passed making it a violation of U.S. law for terrorists to murder a U.S. citizen anywhere in the world.

Within the past several months, we have had the conviction in a celebrated case, *United States versus Fawaz Yunis*, of a man who was lured onto a boat in the Mediterranean and brought back to the United States for trial. He was convicted of an act of terrorism involving U.S. citizens, which was an exemplary prosecution reflecting excellent work by U.S. law enforcement officials.

The time has come, Mr. President, to make the death penalty apply to such acts of terrorism against U.S. citizens around the world, to put terrorists squarely on notice that the United States of America means business and that we have extended our long-arm jurisdiction to acts against U.S. citizens anywhere in the world. This country has every right to make it a violation of the criminal law of this country when our citizens' rights are affected anywhere in the world. And when a murder has resulted and people are apprehended, as Fawaz Yunis was, and brought to the United States, that a jury will have the option to impose the death penalty.

Mr. President, that is a very brief statement of what I propose to do. I note that there are other Senators on the floor who I believe have business to transact. I appreciate the opportunity to use this break in the action, so to speak, to give a very brief introduction of the amendment which I will be offering at a later time.

I thank the Chair, and I yield the floor.

Mr. GLENN. Mr. President, a parliamentary inquiry. What is the pending business?

The PRESIDING OFFICER. The pending business is the Wirth amendment, as amended by the amendment of the Senator from North Carolina.

Mr. GLENN. Pending is the Helms-Glenn VOA amendment; is that correct?

The PRESIDING OFFICER. The pending business is amendment No. 300 offered by the Senator from North Carolina.

Mr. GLENN. I thank the Chair.

Mr. WIRTH. Will the Senator yield?

Mr. GLENN. Yes.

Mr. WIRTH. Mr. President, I will withdraw my amendment numbered 299 which will therefore clean up the current parliamentary situation.

We had an agreement on both sides to approve the amendment which I had offered related to the USIA. The agreement was reached with the distinguished chairman of the committee and with the ranking member of the committee. In that agreement, however, we were not informed, I was not informed and I do not believe the com-

mittee was informed, that there was an intent to amend my amendment. It is my understanding that when you clear an amendment, you clear an amendment; you do not clear an amendment but then offer another amendment to it.

The amendment offered by Senator HELMS, and I believe the distinguished Senator from Ohio is a cosponsor of that amendment, that is fine. But that gets us into all kinds of other complexities related to the budget and so on.

All I wanted to do was simply offer the USIA amendment which was a very simple and straightforward one. It got all complicated now with the addition of the broadcasting facility in Thailand, which may be a perfectly legitimate goal, but that was not part of the original agreement that was reached here.

So what I am going to do, Mr. President, is to withdraw that amendment. It does not require unanimous consent. At this point, I withdraw the amendment.

The PRESIDING OFFICER. The Senator from Colorado has the right to withdraw his amendment. He has requested that of the Chair; is that correct?

Mr. WIRTH. That is correct.

The PRESIDING OFFICER. The amendment of the Senator from Colorado is, therefore, withdrawn.

The amendment, amendment No. 299, was withdrawn.

Mr. WIRTH. I thank the distinguished Senator from Ohio for yielding. I understand how the situation got more complicated than it has to be.

Mr. PELL. Mr. President, the Senator from Colorado is correct in his understanding. I understood there would be no further amendments. I thought it was a very simple and good amendment but it became more complicated.

Mr. GLENN. Mr. President, I say to my good friend, the distinguished Senator from Colorado, I was not aware of the parliamentary intricacies here that had developed. I had been at another meeting and was told that the amendment I was interested in with Senator HELMS was on the floor and I should come over and make my remarks on it now. I was not aware of this other difficulty here. I hope this has taken care of it.

Mr. WIRTH. We might come back in a few minutes and offer the amendment in a clean fashion. Certainly the distinguished Senator from North Carolina and Senator GLENN and others who are interested in the Thailand broadcasting amendment, which is probably a good idea by itself, can go ahead and do that, but let us not get the two raveled up with each other.

I thank the distinguished Senator from Ohio.

The PRESIDING OFFICER. The Chair would advise the body that we are now back on the Helms amendment, as amended by the Grassley amendment, which is the pending business before the body.

AMENDMENT NO. 300

Mr. GLENN. Mr. President, I am very pleased to join my distinguished colleague from North Carolina and co-sponsors BOREN, KASTEN, and PRESSLER in offering this amendment to restore \$35 million for the Voice of America modernization program. For the fiscal year 1990, the administration requested \$89 million to continue the replacement and refurbishment of VOA's aged and aging equipment and facilities. The Foreign Relations Committee-reported bill provides only \$36 million for VOA modernization. As I understand it, this amount is sufficient only to pay the rent on leased transmitters in West Germany, to avoid default on existing contracts with suppliers, and to do minimal maintenance systemwide. Therefore, the committee figure would stop the critical modernization effort dead in its track—put it on hold—and push farther into the future the operational startup dates for the vital new relay stations in Morocco and Thailand.

Mr. President I was formerly a member of the Foreign Relations Committee for some 8 years. I served there with the very distinguished chairman, Senator PELL, and have nothing but the highest respect for him and for his competence and his leadership on that committee. I understand the difficulty he faces in trying to reconcile the administration's request with the congressional budget resolution. However, I must respectfully disagree with the decision to halt progress on the VOA modernization program.

The amendment now before us would add a modest \$35 million to the radio construction account, bringing the total to \$71 million. This amount would allow development of the Morocco and Thailand relay stations to continue on schedule; allow acquisition and installation of the transmitters and antennas to proceed on schedule.

It does us precious little good, Mr. President, to have acquired and developed these sites if we are not willing to provide the funding needed to buy the equipment necessary to broadcast from them. I believe, and I hope my colleagues would agree, that this is a relatively small investment that will pay—certainly has the potential to pay—large dividends for the United States. For less than 2 cents per listener a year, VOA reaches hundreds of millions of people around the world—even more in times of crisis, such as we have recently witnessed in China.

Again, we see the reports coming back from China that the Voice of

America and the information being sent out from this country played a very effective role in what happened in China.

Let me expand upon that just a little bit, Mr. President. We thought for the last 25 or 30 years if the nations around this world would just come to their senses and embrace some phases of our democracy, both political and economic, that it would indeed make major changes in this world. We have sought that; we have hoped for that.

But now all at once over just the last 2 or 3 years we begin to see movement in that direction—movement started off by the Soviet Union, followed up by the Warsaw Pact nations, by Poland, by Hungary, and other nations around this world. We see the nations out in the Far East. We see China now becoming much more interested in an open economy. They have not followed up yet with the political opening up that we think should follow that.

But we see these movements toward democracy that we have hoped for over a quarter of a century now starting and people around the world wanting to emulate the success story that is the history of the United States of America. The story is there. The story is to be told. Our example is there for the rest of the world to use if we can keep them informed during this very crucial time period.

In times past, I have been among those who questioned whether our efforts in this, the Voice of America and some of the information programs, really were that effective around the world. Some of our libraries at the different Embassies and the consulates around the world, are they really used? Well, you wonder whether they are really worth keeping open. You wonder whether the broadcasts are really listened to going out.

Yet here in a crucial example, a crucial time in Chinese history, when the students and those who wanted the political freedoms to follow, the economic freedoms that had been started by the Chinese Government, they wanted more. They wanted more movement toward a democracy like ours and certainly they are not approaching our standards of constitutional law and rights of the individual that we hold dear in this country.

But they are moving in that direction and that is the reason I think it is so important that we carry on with the Voice of America. The major source of information during that whole episode with the students in China was coming from the Voice of America, from other international broadcasts, as well as from TV, satellite broadcasts going back and forth.

We had phone banks of students in this country who were phoning their counterparts in China to try to get support for the students' movement.

We had people listening, hundreds upon hundreds of thousands estimated in China, that had the Voice of America as their major source of information during that period. And, fortunately, during most of that period, the Chinese made no attempt to jam them. They made no attempt, really, to cut off communications by telephone and other things that could have been used to cut off communication from one student group to another.

So I think particularly at this time period, as we see the world opening up to democratic ideas, as we see some of the monolithic nature of communism of the past beginning to crack a little bit, beginning to crumble a little bit, it creates such a tremendous opportunity for us if we can just avail ourselves of this opportunity and help supply information to interested parties and students and others around the world.

That is the reason I think this is so important, the critical role of the VOA in China as a reliable source of accurate and timely information to hundreds of millions of Chinese who did not and do not have access to such information from their own news media. That was evident to us all.

But how many of my colleagues are aware that the VOA facility in the Philippines, which carries the broadcast to China, is the only shortwave relay station for all of China and Eastern Asia? It is made up of 35-year-old transmitters, now stretched to the limit with the increased demands for broadcast hours to China as well as the multiple other language broadcasts carried by the Philippine station.

In many other parts of the world VOA's signal is weak. In some areas it is distorted. In some areas it is not existent because of similarly antiquated equipment.

America's international broadcasting system is generally below modern international standards and it is just increasingly difficult to maintain this old equipment. About three-quarters of VOA's transmitters are more than 15 years old. About one-third have been in operation for more than 30 years. Unbelievable as it may seem, VOA is even still using equipment captured from the Nazis in World War II.

For these older transmitters VOA must specially fabricate some replacement parts because they are no longer available. They are not even being manufactured anymore.

Other major international broadcasters are using newer, more powerful transmitters which incorporate technical advances made in recent decades.

The present international standard is the 500-kilowatt shortwave transmitter which is dramatically more efficient than older models as well as more than twice as powerful than

those we have been using in the VOA system.

For example, France, West Germany, and Great Britain all make extensive use of these more powerful transmitters.

Let me note this, The Soviet Union has more than 30 of the higher-power 500-kw transmitters. We must be able to provide a strong and clear signal if we are to be competitive, if we are to keep these people fully informed who look to us for information. The Morocco and Thailand relay stations will employ state-of-the-art 500 KW transmitters.

In the early 1980's a decision was made in the National Security Council to modernize and expand the broadcast capabilities of the VOA. Some might argue that the early 1980's was a different era and that the international climate has changed to such a degree that VOA has outlived its usefulness. Nothing, I believe, could be further from the truth, as witnessed by China in 1989. VOA still provides a vital service to millions of listeners worldwide. But it cannot continue to compete in the realm of information and ideas into the next century with decades-old equipment.

VOA clearly demonstrated its utility during the recent crisis in China. In support of this amendment a continuation of VOA modernization will ensure that the United States has the capability to respond with sufficient power and clarity to the next crisis, whether it be in Asia or elsewhere in the world.

Mr. President, we have some charts here that I would like to call to the attention of my colleagues very briefly. Mr. President, I invite my colleagues' attention to the charts.

In the first chart the pink and lighter color areas are areas that we are reaching now. Senators can see what large areas of the world we are not covering adequately. What we are proposing with these new transmitters would do what? This would be the coverage, in pink, to the nations of the world once we have made the changes that I am talking about today. That is the reason I support this. It gives us much better coverage, more reliability, particularly out in that Far East area, that we find critical and where so many changes are now going on.

So, Mr. President, for all these reasons I certainly support the amendment offered by my distinguished colleague from North Carolina. I am proud to offer this along with him. We hope that we can see this construction continue and not be cut off because of our other fiscal difficulties.

Let me talk for a minute about these new stations. The Israeli station is a joint BIB/VOA station which the committee has fully authorized so it is not at issue. The Morocco station is located at Tangier; it will have ten-500

kilowatt shortwave transmitters. Site development work has been done and station design completed. Last year construction and transmitters contracts were awarded. The Morocco station will carry broadcasts in Armenian, English, Georgian, Russian, Polish, Czechoslovak, Hungarian, Lithuanian, Albanian, Bulgarian, Greek, Romanian, Serbo-Croatian, Turkish, French, and Portuguese, Slovenian, Ukrainian, Arabic, and Hausa.

That is quite a lineup. That gets almost all the people we can think of in that part of the world. Its estimated on-air date is September 1992—assuming, Mr. President, that we pass this amendment and keep the modernization project on schedule.

The Thailand station is located at Udorn and will have six 500-kilowatt shortwave transmitters. Preliminary site development and station design have been completed. The Thailand station will carry broadcasts in Cantonese, Mandarin, Korean, Russian, Dari, Pashto, English, Farsi, Hindi, Indonesian, Urdu, Arabic, Uzbek, Swahili, Amharic, and Bangla. Its estimated on-air date is June 1993, again assuming we do not fall off schedule due to inadequate funding this coming fiscal year. The Thailand station will vastly improve VOA's signal to China, as well as to other critical areas of the Near East and Far East. Nearly half the world's population will be within listening range of the Thailand station.

Information is a powerful tool and shortwave radio has proved an effective means of circumventing official news distortion and censorship by reaching listeners directly with accurate and timely information. Who did the Chinese Government expel during the height of the recent crisis—the VOA correspondent. I hope my colleagues will agree that this modest additional investment is warranted in order to insure that the VOA's signal can be heard loudly and clearly in the target areas on into the 1990's and beyond.

One further glance at these two charts indicates what we are talking about. The pink areas are those that are covered now. The pink areas on the other chart are the areas of the world that will be covered if we go ahead and authorize these stations and appropriate the money for them. I think it is obvious that we need this. The modest \$35 million investment will provide that capability for getting the story of the world's democratic example before the rest of the nations of the world aspiring to sometime attain the same kind of freedom of economy and political freedom that we have in this country.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. FOWLER). The Senator from Rhode Island.

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the votes previously ordered for 2:15 p.m. occur at 3:15 p.m.; that no further amendments be in order to either the Gore or the Mack amendments; that no votes occur prior to the first vote at 3:15 p.m., and that this unanimous-consent agreement supersede the previous unanimous-consent agreement.

The PRESIDING OFFICER. Is there objection? The Chair hears none. It is so ordered.

The Senator from Montana is recognized.

Mr. BAUCUS. I thank the Chair.

(The remarks of Mr. BAUCUS pertaining to the introduction of S. 1353 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER (Mr. WIRTH). The Senator from Mississippi.

Mr. LOTT. Mr. President, I ask unanimous consent to address the Senate for 5 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Mississippi is recognized.

Mr. LOTT. I thank the Chair.

(The remarks of Mr. LOTT pertaining to the submission of S. Res. 155 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

AMENDMENT NO. 301

Mr. KENNEDY. Mr. President, I send an amendment to the desk and ask for its immediate consideration. I send it on behalf of myself, the Senator from Rhode Island [Mr. PELL]; the Senator from New York [Mr. MOYNIHAN]; and the Senator from Maryland [Ms. MIKULSKI].

The PRESIDING OFFICER. Without objection, the pending amendment will be set aside and the clerk will report the amendment.

Mr. LOTT. Reserving the right to object. Could we inquire what the amendment is?

Mr. KENNEDY. I will describe the amendment and after a brief description, if the Senator wants to have a full reading of it, I would ask that his rights be preserved.

Mr. LOTT. I will be glad to go along with that reservation.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for himself, Mr. PELL, Mr. MOYNIHAN, and Ms. MIKULSKI, proposes an amendment numbered 301.

Mr. KENNEDY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. . FINDINGS.—

(1) It is the policy of the United States to support and promote democratic values and institutions around the world.

(2) Over the last decade, the United States, in concert with other nations, has provided support to those working for democracy in many nations throughout the world.

(3) Such support has advanced the cause of freedom and democracy in those nations by providing international technical expertise on holding free and fair elections, providing international observers to document the conduct of the elections and in offering economic and humanitarian support to newly established democracies.

(4) On June 8, 1989 at the commencement ceremonies at Harvard University, the newest leader of a democratic nation, Prime Minister Benazir Bhutto of Pakistan, called for the establishment of an Association of Democratic Nations to support the right of peoples everywhere to choose freely their own government.

(5) The goals of the Association would be to promote:

(a) the holding of elections at regular intervals which are open to the participation of all significant political parties, which are fairly administered, and in which the franchise is broad or universal;

(b) respect for fundamental human rights including freedom of expression, freedom of conscience, and freedom of association.

(c) international recognition of legitimate elections through international election observer missions at all states of the election, including the campaign, the voting and the ballot counting.

(d) The mobilization of international opinion and economic measures against the military overthrow of democratic governments.

(e) The provision of economic assistance to strengthen and support democratic nations.

SEC. . It is the sense of the Senate that—

(1) the proposal offered by Prime Minister Benazir Bhutto of Pakistan would further the cause of democracy, freedom and justice and is in the interest of the United States.

(2) the President of the United States should give serious consideration to the implementation of the proposal, and should provide by December 31, 1989 a report to Congress assessing the merits of and estimated annual costs of establishing such an Association of Democratic Nations.

Mr. KENNEDY. Mr. President, this amendment calls for the establishment of an Association of Democratic Nations. In the last decade, we have witnessed an extraordinary transfer of political power from dictatorship to democracy in countries around the globe.

The United States and other nations have given extensive support to this worldwide struggle for democracy, and this amendment will encourage and enhance that support.

This proposal was first put forward on June 8 of this year during the commencement ceremonies at Harvard University by the world's newest democratic leader—Prime Minister Benazir Bhutto of Pakistan.

In her eloquent speech before her alma mater, Prime Minister Bhutto recalled how important such international support was to her own struggle to bring democracy to Pakistan.

From the letter to her by Senator PELL that she received in prison to the international delegation of election observers that monitored the 1988 elections, international support time and again provided critical assistance in her struggle.

As Prime Minister Bhutto noted in her commencement address, "democracy needs support and the best support for democracy comes from other democracies."

This amendment is straightforward.

It recognizes that the proposal offered by Prime Minister Bhutto would advance the cause of democracy, freedom and justice and is in the interest of the United States.

It also urges the President to give serious consideration to the implementation of the proposal and to report to Congress by the end of the year on ways to establish an Association of Democratic Nations.

Democratic nations should come together in a new consensus to support what Prime Minister Bhutto has called "the most powerful political idea in the world today: The right of people to freely choose their government."

In Latin America and Central America, where dictatorships were once the norm. Country after country has moved to a democratic form of government. Ignited by the people power revolution led by President Corazon Aquino in the Philippines, the idea of democracy has spread throughout Asia—to South Korea, to Burma, to Pakistan, and to the students of China. And now we are witness to historic democratic movements in the Communist nations of Eastern Europe.

The United States has worked with democratic individuals and institutions in these nations in support of their efforts to promote freedom and justice in their own nations.

We have urged free and fair elections, provided technical election assistance, sent international observer missions and provided economic assistance to newly democratic nations.

In cases where democracy continues to be denied, where dictators continue to brutalize advocates of freedom—such as in China—we have worked for international condemnation and diplo-

matic, military and economic isolation of the government.

The imaginative proposal put forward by Prime Minister Bhutto would help to bring together the democratic nations of the world in a concerted effort to promote democracy and to support all peoples working to achieve it. America's own experience underscores how important international support is to a struggling democracy.

This amendment will put the United States and all the democracies of the world in the forefront of the effort to support struggling democracies everywhere. I urge my colleagues to lend their support to Prime Minister Bhutto's commendable proposal.

Mr. President, I ask unanimous consent that the text of Prime Minister Bhutto's address at Harvard be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

[From the Harvard Gazette, June 16, 1989]

BHUTTO URGES DEMOCRATIC NATIONS TO UNITE FOR FREEDOM

[NOTE.—The following is the 1989 Commencement address by Prime Minister Benazir Bhutto.]

President Bok, members of the Board of Overseers, new graduates, and distinguished alumni, I am honored to have been asked to make this commencement address to the Class of 1989. First let me congratulate all those who have been awarded degrees at today's commencement.

Not too long ago, I sat where you now sit. I can vividly recall the effort your degrees represent—tramping to class in sub-Arctic temperatures, fighting for reserve books at Hilles Library, cramming for exams, and the occasional all-nighter to complete a term paper.

Today is the day of celebration and I am privileged to share it with you. I am also greatly honored by the degree you have conferred on me. I am grateful, President Bok, for the kind words in your citation. However, I regard this honor as more than a personal recognition.

I consider it an affirmation of your abiding belief in the universality of the principles of democracy, liberty, and human rights. Events two centuries ago earned Cambridge, Boston, and the surrounding region the sobriquet "the cradle of liberty." It was here that the first successful struggle against European imperialism began. It was here—under the banner "no taxation without representation"—that the idea of government by the consent of the governed first gained currency.

Cambridge and Harvard were my cradle of liberty, too. I arrived from a country that, in my lifetime, had not known democracy or political freedom. As an undergraduate I was constantly reminded of the value of democracy by the history of freedom that permeates this place. It was not just the history of democracy that inspired me at Harvard. It was, above all, the concrete expression of it.

My Harvard years, 1969 to 1973, coincided with growing frustration over U.S. policy in Southeast Asia. This was particularly true in the campuses where students were in the forefront of those protesting the Vietnam War. For me, there were demonstrations on

Boston Common and in Washington; mass meetings at Harvard Stadium.

Some American commentators argued that the division over Vietnam signalled American weakness. I saw it as a measure of America's greatness—a reflection of democracy in action—of an open society, which, because it is open has the means of regeneration and revitalization. In the Pakistan of those days, the press did not criticize the government—because the government controlled the press.

While I was a junior at Harvard, Pakistan initiated an experiment in democracy. The experience is instructive. As 1971 ended, our country was in ruins. A third of the territory and more than one-half of the population was gone, the result of a military defeat precipitated by military repression in what was then East Pakistan. War and mismanagement had left our treasury empty and our economy in shambles. Ninety-three thousand Pakistani soldiers were prisoners of war, threatened by their captors with trial and punishment. Internal discord in West Pakistan threatened the survival of what was left of our country. A protracted period of military rule produced this catastrophe.

It was a disaster resulting from rule without accountability, brought about by the arrogance of a self-imposed mission to save the country from its own people. In the face of catastrophe, what did our military leaders do? They turned power over to the civilians, to an elected Prime Minister.

In a pattern repeated by the Greek colonels and Argentine junta, our military said, in essence, "we have created a hopeless situation; we now wash our hands of the responsibility to resolve it." But resolve it we did. The elected Prime Minister negotiated an honorable peace with the victor. He secured the return of the prisoners of war. He put the economy back on its feet. And he initiated a program of social and economic reform to benefit the poor and dispossessed, who are the majority in our land.

All this was done, I might add, at a time of global economic recession brought about by the oil shocks of the 1970s. What then happened? As is the case in democracies, the political process again became rambunctious. Opposition politicians challenged the elected government in the press, at the polls, and in the streets.

The military whose dignity was restored by the elected government moved in "to end the squabbling among politicians." The new dictatorship proved more brutal, more determined to stay in power than any of its predecessors. Elections were promised and summarily cancelled. The elected Prime Minister was arrested and then, under the cloak of a judicial proceeding, murdered. Flogging, imprisonment and execution became the staple of political life in our land. Under the circumstances that were as remarkable as they were unexpected, Pakistan last fall got a second chance at democracy. It is an opportunity we must not lose.

In our first act, I am happy to say, our government freed all political prisoners and commuted all death sentences. We have restored freedom of speech, freedom of association, and freedom of the press. In the National Assembly there is a lively opposition and, for the first time in our history, the State-owned television provides full coverage of their activities. Senator Daniel Patrick Moynihan, who recently visited me in Islamabad, once wrote that "if you are in a country where newspapers are filled with good news, you can be sure that the jails are filled with good men."

Even a casual review of our press would serve to confirm the obverse of the Senator's statement. Around the world democracy is on the march. In the last decade Pakistan is only the most recent country to change course from dictatorship to democracy.

But we must be realistic. We must recognize that democracy, particularly emerging democracy, can be fragile.

I have already cited the experience of our last democratic government. The example is not confined to Pakistan. In the Philippines, Corazon Aquino's three-year-old democracy has already endured several coup attempts. In Argentina, there have been half a dozen military rebellions. In Peru, terrorism and narcotics threaten a 15-year-old experiment in democracy.

Democracy needs support and the best support for democracy comes from other democracies. Already there is an informal network to support democracy. Annually, the United States prepares a report on human rights in every country.

In prison, I was heartened to learn that the Congress had linked U.S. assistance to Pakistan, in the Pell Amendment, to the "restoration of full civil liberties and representative government in Pakistan."

Friends of democracy in other countries, including Britain, Canada, and Germany, sent delegations to investigate human rights abuses in Pakistan. Our elections last November 16 were made easier by the presence of observers sponsored by the Democratic Party of the United States, the British Parliament, and the South Asian Association for Regional Cooperation.

This informal network for democracy can and should be strengthened. Democratic nations should forge a consensus around the most powerful political idea in the world today: the right of people to freely choose their government.

Having created a bond through evolving such a consensus, democratic nations should then come together in an association designed to help each other and promote what is a universal value—democracy.

Not every democracy organizes itself in the same way; nor does every democracy express itself the same way. But there are two elements I consider essential to all democracies. There are:

(1) The holding of elections at regular intervals, open to the participation of all significant political parties, that are fairly administered and where the franchise is broad or universal; and

(2) Respect for fundamental human rights including freedom of expression, freedom of conscience, and freedom of association.

There are several ways in which members of an Association of Democratic Nations can help each other. One way is to ensure the impartiality of elections. After all, democracy as a system of government can only work when all participants in the political process accept the verdict of the people.

For the verdict to be accepted as legitimate, elections must not only be fair, but they must also be seen to be fair. International observer missions have already played critical roles in ensuring fair outcomes to elections in several countries, including mine.

The presence of observers is a deterrent to fraud. The observers' report can help legitimize an election in an emerging democracy where popular skepticism can be rife (as in South Korea), or it can validate local perceptions of fraud, as in the Philippines and Panama.

Observers also bring television cameras with them. It is harder to steal an election if the whole world is watching, and as the experience of the Philippines suggests, attempted fraud under the glare of television lights can help galvanize a popular uprising.

There are other ways in which an Association of Democratic Nations can provide some protection for democratic governments in the Association. In countries without established traditions of representative government, democracy is always at risk. All too often, there is the overly ambitious general, the all-too-determined fanatic, or the all-too-avaricious politician. The Association of Democratic Nations can help change the calculus for each of these potential coup plotters by adding the element of international opprobrium.

The Association can mobilize international opinion against the leaders of any coup. Ultimately, I believe, the door should be open to stronger steps, including economic sanctions. Democracy depends on our ability to deliver to the people.

Many new democracies find that dictatorship has left them with empty treasuries—because of reckless spending and no accountability under dictatorship. As was true for new democracies in other lands—notably Argentina and Brazil—we in Pakistan also found that dictatorship had left the state coffers empty. Our situation is not unique. Other new democracies have come to power to find the cupboard bare.

The Association could promote the idea that foreign aid should be challenged to democracies. There is nothing wrong with rewarding an idea in which the donors believe. The prospects for democracy may depend on it. Some may object that the Association I am proposing will have primarily moral force.

I acknowledge this, but I would urge that morality has a larger power in international relations than commonly recognized. Democratic nations can also cooperate in building an international machinery to protect human rights and principles of justice and due process of law.

National efforts to strengthen institutions that protect people from human rights abuses and guarantee their political freedoms need to be reinforced at the international level.

Dictatorships will always seek ways and means to clothe their crime in the garb of legality—always seek to settle political scores and eliminate opponents in the name of justice, law, and due process.

The instrument that they use is as old as political history, as old as the trial of Socrates. It is the instrument of the Political Trial—a most pernicious and destructive weapon, which in the hands of skillful manipulators is extremely effective in suppressing dissent and in destroying opponents. I believe it is time that the international community makes a concerted effort to put an end to such practices.

In my country many of those who resisted dictatorship—the heroes of our democratic struggle—were young men and women of your age. Many of them endured long periods of incarceration, and faced charges on political trials that were a travesty of truth and justice.

Many suffered the worst forms of torture and the humiliation of the physical punishment of flogging. Indeed, many had to make the supreme sacrifice with their young lives.

I can never forget what they endured. I can only strive with all my strength to give meaning to what they sought—those simple

but priceless freedoms that you here, perhaps, take for granted.

But it is faith that inspired and provided sustenance to our democratic struggle—faith in the righteousness of our cause, faith in the Islamic teaching that “tyranny cannot long endure.” How wrong therefore is the picture that is often painted about Pakistan as a country that cannot be democratic because it is Muslim country as such cannot have or work democracy.

But I stand before you, a Muslim woman, the elected Prime Minister of a hundred million Muslims, a living refutation of such arguments and notions. This has not happened as an isolated phenomenon.

It has happened because the people of Pakistan have demonstrated, time and again, that their faith in their inherent right to fundamental freedoms is irrepressible, that they will always fight against dictatorship.

This love for freedom and human rights may owe a considerable deal to the colonial legacy and to the example of Western democratic institutions. But it arises fundamentally from the strong egalitarian spirit that pervades Islamic traditions. The Holy Quran calls upon Muslims to resist tyranny. Dictatorships in Pakistan, however long, have therefore always collapsed in the face of this spirit.

Islam, in fact, has a very strong democratic ethos. With its emphasis on justice, on equality and brotherhood of men and women, on government by consultation and consensus, Islam's essence is democratic.

Pakistan is heir to an intellectual tradition of which the illustrious exponent was the poet and philosopher Muhammad Iqbal. He saw the future course for Islamic societies in a synthesis between adherence to the faith and adjustment to the modern age.

It is this tradition which continues to inspire the people of Pakistan in their search for their own way of life amidst competing ideologies and political doctrines. Tolerance, open-mindedness, pursuit of social justice, emphasis on the values of equality and social concord, and encouragement of scientific inquiry are some of its hallmarks.

It drew strength from the fact that Islam admits no priesthood and that Muslim culture, in its most vital and creative periods, accommodated and advanced what was best in other cultures. Intensely devoted as the pioneers of this tradition were to the Islamic spirit, they were also strongly opposed to bigotry and obscurantism in all their forms.

Xenophobia or prejudice against other civilizations, western or non-western, was repugnant to their outlook. I am indeed proud of this heritage. It is this heritage that has enabled me to take on the awesome responsibilities of the Prime Ministership of my country.

As my country stands on the threshold of greater freedom and sets the priorities that it will take into the 21st century, we draw our inspiration from what the poet-philosopher Iqbal said—and what is universally applicable:

“Life is reduced to a rivulet under dictatorship. But in freedom it becomes a boundless ocean.” This is true in Pakistan, and on every continent on earth. Let all of us who believe in freedom join together for the preservation of liberty.

Democratic nations unite.

Thank you very much.

Mr. LOTT. Mr. President, reserving the right to object, and I do not intend to object, we have not had an opportu-

nity to see the amendment, as I understand it, on this side. If we could get a copy of the amendment, maybe our staffs could have a moment to look it over.

Mr. KENNEDY. I would be glad to follow whatever procedure the minority would want. I was under the impression they had an opportunity to review it. I certainly understand. I would be glad to either suggest the absence of a quorum or, if the floor leader wants to proceed in some other way, to temporarily set this aside, I would be glad to do that.

Mr. KERRY. If my colleague will withhold that for just a moment. It was my understanding with the distinguished chairman of the committee that this has been cleared on both sides, if my colleague from Mississippi would like to check that momentarily. But I have been told expressly that it has been cleared.

Mr. LOTT. I was under the impression that we had not seen the amendment. We are checking to see if we cannot clear this up momentarily. We would certainly like to do that. If the Senator could withhold for just a minute I think we will get some definitive word or get it worked out.

Mr. KERRY. Let me restate again that this has been discussed with Senator HELMS. In fact, Senator HELMS suggested changes. Those changes were incorporated.

Mr. KENNEDY. Mr. President, I am glad to temporarily set it aside and give the acting minority manager a chance to review it. At a time when he is satisfied, if they would find an appropriate time to consider it favorably, that is satisfactory to me, or if they would want to have a quorum call, whichever way the managers want to proceed.

Mr. KERRY. Mr. President, before we proceed with a quorum call or to see if we could temporarily set aside, if it needs to be—I know my colleague does not intend to hold this up—let me just say that I would like to commend my senior colleague from Massachusetts for this proposal and offer my own support and the support of the chairman for it.

We were delighted to be able to welcome Prime Minister Bhutto to Massachusetts, to Harvard for commencement exercises, as well as for a dinner which the senior Senator hosted at the Kennedy Library. I think that her speech at Harvard really contained a concept which can be in some ways likened to the proposal of General Marshall when he came to Harvard and proposed the Marshall Plan itself.

The plan which she set forth contained a very bold and farsighted proposal for the creation of this new international organization, an association of democratic nations.

I think that when you measure the number of organizations that we have

in the world today—from NATO to ASEAN, to the economic organizations, the G-7, the OECD, and so forth—it really is appropriate that there exists an organization such as this that is dedicated to the simple right of human beings to be able to choose the kind of government that they want to live under.

So we are very supportive of it. I commend my colleague for this particular amendment to the bill.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the as roll.

Mr. KERRY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. Mr. President, I am informed now this matter is fully cleared and we can proceed, I believe.

Mr. LOTT. If the Senator will yield, yes, we have checked on that. It had been previously cleared with this side of the aisle and, as I understand it, there is no problem.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment of the Senator from Massachusetts.

The amendment (No. 301) was agreed to.

Mr. KERRY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KERRY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COATS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Indiana.

Mr. COATS. Mr. President, I want to indicate to Senators on the floor that I am prepared at this time to offer an amendment to this bill relative to Panama. However, it is my understanding that Senator Dobb is attending, or at least has attended, a funeral for a former Governor of Connecticut and has not returned and I will withhold offering that amendment until he does return.

This is the same amendment as was offered several weeks ago as a sense-of-the-Senate amendment to the supplemental appropriation. Senator Dobb and I engaged in lengthy discussion on that amendment. I think it is appropriate that he be here, but I

wanted to indicate to the floor managers that I am prepared to offer this amendment at this time and will do so as soon as Senator Dobb returns.

THE PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I appreciate the patience of the distinguished Senator from Indiana. There are a number of amendments on which we are waiting to proceed which involve Senator Dobb as chairman of the Western Hemisphere Committee. But I would ask colleagues who have amendments, particularly I think there are some with respect to China, there are some with respect to the environment, and others, which we may well be able to accept. If we cannot, we certainly are prepared to proceed forward on them.

I think for those Members who, obviously, do not cherish staying here until the wee hours of night, it would be good if we could try to use this time at this moment. I alert them this is a good time to come. We can proceed forward and I hope they will do so.

Mr. President, I suggest the absence of a quorum.

THE PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KERRY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

THE PRESIDING OFFICER [Mr. GRAHAM]. Without objection, it is so ordered.

Mr. KERRY. Mr. President, as we all know, the President of the United States just returned from a very successful trip abroad, during which time, for the first time in history at summit level, the environment became a significant issue of discussion. I know that the Senator from Colorado, Senator WIRTH, will have a few comments to make on this and will join me in a moment.

But as all of us know, we face a period of time now where national security has to begin to be defined in something more than simply military terms. I know the Presiding Officer has been one of those leading the fight to try to help define it in the context of an economic challenge, both our own competitiveness capacity, as well as the trade issue.

But the Senator from Colorado has been a leader along with others in trying to help define it in environmental terms. Certainly, no issue rises as clearly to the top priority of those issues among the environmental constellation as the issue of global warming on which Senator WIRTH has been a leader. I think many of us had an expectation and a hope that Paris would have produced something more than rhetoric.

Increasingly, scientists are becoming aware that the chlorofluorocarbon

emission issue is something that really cannot wait until the year 2000 for resolution. And there are many of us who believe that it would have been provident for the leaders at that summit to do more than merely acknowledge the importance in acknowledge in rhetoric the willingness to talk about it but to actually take specific steps and begin to set out a protocol by which the industrialized nations of the world are going to judge their actions.

I ask the Senator from Colorado who has watched this closely and really helped to raise the consciousness of the country on this issue whether or not from his perspective he believes that an opportunity was taken advantage of or neutralized or even lost with respect to what happened in Paris.

THE PRESIDING OFFICER. The Senator yields to the Senator from Colorado.

Mr. WIRTH. If the Senator will yield, I thank the distinguished Senator from Massachusetts for bringing up this issue at this important time on this piece of legislation.

There is no question about the fact that almost all of us are overtaken by the rapidity with which the issue has grown, the growing awareness on the part of our public and that of the other Western industrialized democracies, that understanding very clearly that that issue transcends our relationships between the United States and the Soviet Union, and the economics discussed in the G-7 group are almost overtaken, if you read the stories in the press about the environmental issue.

With all of that as setting the question I think we have to ask ourselves, which is raised so well by the Senator from Massachusetts, is did we appropriately take advantage of this opportunity presented last week in Paris, and I think while there were a couple of small wedges in the door, one, as the President said in his press conference, we talked about it; and, second, a little bit of research was agreed to do, we did not really do much more than that.

The sense of urgency that I believe is felt by the Senator's constituents and mine, a sense of urgency felt by a whole set of constituencies in Europe, a sense of urgency made very, very clear by any indications of what is going on in terms of environmental destruction, that sense of urgency felt by everybody else I do not think was accurately or adequately reflected by the response of the leaders not only from the United States but elsewhere.

We have started. There is no question about the fact that we have started in the admission that this is out there on the agenda, and it is certainly important to have it on the agenda. It is better than it not being on the agenda from my perspective, and I

think that is shared by the distinguished Senator from Massachusetts. It should be much higher on the agenda, and should have been an item that was picked off in terms of how are we going to get the Montreal Convention to move more rapidly to eliminate all chlorofluorocarbons where possible.

That is not going to be 100 percent possible. We can move more rapidly in that direction. Can we get some kind of a protocol right away on carbon dioxide? Is that going to be possible? What kind of greater cooperation ought to exist between the G-7 countries and the countries in Eastern Europe where prevailing winds go back and forth and damage is being done by one nation to another with enormous economic consequences?

There are a series of very important steps that we could be taking now. We must be taking them much more quickly than I think we are.

The urgency was not felt. It was a start, pretty modest start, but that is a long response to the question. But I think we started but not with the kind of urgency, not with the kind of direction, not with the kind of momentum that we are going to need.

I know that the Foreign Relations Committee is committed to increasingly pushing in this direction. We are doing that on the Energy Committee. The Senator from Massachusetts and I and others on the Banking Committee are working on it. It is coming in a lot of different directions. We have to push, and we have to increase that momentum. That is part of our responsibility.

The Senator from Vermont, Senator LEAHY, is always talking about us, and I think very accurately, as a conscience of the country in the U.S. Senate. The country wants to hear that our Government is moving much more aggressively on the environment, and environmentally related issues. Let us continue to work with the administration, and I hope we can get a little faster movement than we have seen so far.

Mr. KERRY. I thank my colleague for his answer.

I would also point out that in the context of this national security issue it took us as human beings 130 years to go from 1 billion people on the face of this planet. We are now 5 billion people. We will go from 5 billion to 6 billion in the span of 10 years. So we will add in 10 years to the globe what was added in 130 years.

What is important to note is that—I believe we are at the hour of 3:15.

THE PRESIDING OFFICER. The Chair would indicate that by unanimous consent the Senate, at 2:15, was to commence two back-to-back rollcall votes.

Mr. KERRY. Mr. President, I ask unanimous consent that the Senator from West Virginia be permitted to proceed for not more than 3 minutes for the purpose of disposing of an amendment prior to the commencement of the prior-determined vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that I may offer this amendment notwithstanding that there are other amendments pending.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 302

(Purpose: To assign commercial officers to the U.S. Mission to the European Community)

Mr. BYRD. Mr. President, I send an amendment to the desk on behalf of myself, Mr. DANFORTH, Mr. DIXON, Mr. ROCKEFELLER, and Mr. BINGAMAN, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself, Mr. DANFORTH, Mr. DIXON, Mr. ROCKEFELLER, and Mr. BINGAMAN, proposes an amendment numbered 302.

Mr. BYRD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, add the following new section:

SEC. . ASSIGNMENT OF COMMERCIAL OFFICERS TO THE UNITED STATES MISSION TO THE EUROPEAN COMMUNITY.

Within 90 days of enactment of this law, the United States Foreign and Commercial Service shall assign to the United States Mission to the European Community in Brussels no less than three commercial officers and other support staff as necessary.

Mr. BYRD. Mr. President, I have a very simple amendment to propose today. The Commerce Department wants to send its own representatives to Brussels to which the European Community—the EC—as it makes arrangements which will govern the conduct of business after Europe further integrates in 1992. The State Department does not want Commerce to have its own people in Brussels. I think this is shortsighted and deleterious to the economic future of the United States. My amendment directs the relevant division within the Commerce Department, the United States and Foreign Commercial Service, to assign not less than three commercial officers and support staff as necessary to the U.S. Mission to the European Community.

That is all it does. It tells Commerce to do what it ought to be doing and it tells the State Department to stop holding up the process. The State Department wants a monopoly on economic reporting from Brussels. That does not make sense. Of course, there is a role for the State Department in

Brussels. But there is also a role for the Commerce Department—and it is one that does not duplicate that of the State Department. For example, the U.S. Foreign and Commercial Service is responsible for promoting American exports, including those of small- and medium-size businesses. The National Institute of Science and Technology has expertise in the standards area that exists nowhere else in the U.S. Government. They exist nowhere else in the U.S. Government.

After all, the State Department is not the only Federal agency which has representatives in Brussels. The U.S. Trade Representative has one person; the Customs Service has one person; the U.S. Information Agency has three people. The Agriculture Department has six people in Brussels. Yet the State Department does not think the Commerce Department should have any people in Brussels. That does not make sense.

I continue to remain concerned that America's economic future is being mortgaged because we refuse to recognize that America's national security is inextricably linked to America's economic health and well-being. What Europe does to enhance its economic and monetary cooperation will directly affect America's economic health and well-being. Decisions made about 1992 will directly affect America's ability to export to Europe.

I hope the managers will accept the amendment.

I urge my colleagues to support this amendment. It is in America's interest to do whatever we can to ensure America is ready for 1992.

The PRESIDING OFFICER. Is there further debate?

Mr. KERRY. Mr. President, this has been cleared on both sides. We are delighted to accept the amendment. It is an important step in terms of American competitiveness. We thank the distinguished President pro tempore for this amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from West Virginia.

The amendment (No. 302) was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KERRY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 290

The PRESIDING OFFICER. Under the previous order, the vote will not occur on amendment No. 290, which has been offered by the Senator from Tennessee [Mr. GORE].

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. MATSUNAGA], is absent because of illness.

The PRESIDING OFFICER (Mr. GRAHAM). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 38, nays 61, as follows:

[Rollcall Vote No. 123 Leg.]

YEAS—38

Adams	Gore	Nunn
Bentsen	Harkin	Pell
Biden	Inouye	Pressler
Bradley	Jeffords	Pryor
Breaux	Johnston	Riegle
Bumpers	Kennedy	Robb
Burdick	Kohl	Rockefeller
Byrd	Lautenberg	Sanford
Cranston	Leahy	Sarbanes
Daschle	Levin	Sasser
Exon	Metzenbaum	Simon
Ford	Mikulski	Wirth
Glenn	Moynihan	

NAYS—61

Armstrong	Fowler	McCain
Baucus	Garn	McClure
Bingaman	Gorton	McConnell
Bond	Graham	Mitchell
Boren	Gramm	Murkowski
Boschwitz	Grassley	Nickles
Bryan	Hatch	Packwood
Burns	Hatfield	Reid
Chafee	Heflin	Roth
Coats	Heinz	Rudman
Cochran	Helms	Shelby
Cohen	Hollings	Simpson
Conrad	Humphrey	Specter
D'Amato	Kassebaum	Stevens
Danforth	Kasten	Symms
DeConcini	Kerry	Thurmond
Dixon	Kerry	Wallop
Dodd	Lieberman	Warner
Dole	Lott	Wilson
Domenici	Lugar	
Durenberger	Mack	

NOT VOTING—1

Matsunaga

So, the amendment (No. 290) was rejected.

Mr. GORE. Mr. President, I will ask unanimous consent to vitiate the yeas and nays on the underlying first-degree amendment insofar as the Senate has expressed its will on the substance of the amendment with this vote. I ask unanimous consent to vitiate the yeas and nays on the underlying amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE ON AMENDMENT NO. 289

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Tennessee.

The amendment (No. 289) was rejected.

VOTE ON AMENDMENT NO. 295

The PRESIDING OFFICER. Under the previous order, the vote now occurs on amendment No. 295 by the Senator from Florida [Mr. MACK].

The yeas and nays having previously been ordered, the clerk will call the roll.

The clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. MATSUNAGA] is absent because of illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 124 Leg.]

YEAS—99

Adams	Fowler	McClure
Armstrong	Garn	McConnell
Baucus	Glenn	Metzenbaum
Bentsen	Gore	Mikulski
Biden	Gorton	Mitchell
Bingaman	Graham	Moynihan
Bond	Gramm	Murkowski
Boren	Grassley	Nickles
Boschwitz	Harkin	Nunn
Bradley	Hatch	Packwood
Breaux	Hatfield	Pell
Bryan	Heflin	Pressler
Bumpers	Heinz	Pryor
Burdick	Helms	Reid
Burns	Hollings	Riegle
Byrd	Humphrey	Robb
Chafee	Inouye	Rockefeller
Coats	Jeffords	Roth
Cochran	Johnston	Rudman
Cohen	Kassebaum	Sanford
Conrad	Kasten	Sarbanes
Cranston	Kennedy	Sasser
D'Amato	Kerrey	Shelby
Danforth	Kerry	Simon
Daschle	Kohl	Simpson
DeConcini	Lautenberg	Specter
Dixon	Leahy	Stevens
Dodd	Levin	Symms
Dole	Lieberman	Thurmond
Domenici	Lott	Wallop
Durenberger	Lugar	Warner
Exon	Mack	Wilson
Ford	McCain	Wirth

NOT VOTING—1

Matsunaga

So the amendment (No. 295) was agreed to.

Mr. DECONCINI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BREAUX. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DECONCINI. Mr. President, I have a parliamentary inquiry. Is the pending business amendments 269, 270, and 272? Is that correct?

The PRESIDING OFFICER. The pending business is the second-degree amendment, No. 270, to amendment numbered 269.

Mr. DECONCINI. Mr. President, I ask unanimous consent that I may send to the desk an amendment and ask for its immediate consideration and that the two pending amendments be set aside so this amendment can be taken up.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 303

(Purpose: To express the sense of the Congress regarding efforts by Mexico to control illegal narcotics-related activities)

Mr. DECONCINI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. DECONCINI], for himself, Mr. HELMS, Mr. D'AMATO,

Mr. DIXON, Mr. LOTT, Mr. MACK, Mr. COATS, and Mr. WILSON proposes an amendment numbered 303.

Mr. DECONCINI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following:

SEC. 915. POLICY TOWARD THE CONTROL OF ILLEGAL DRUGS IN MEXICO.

(a) FINDINGS.—The Congress finds that—

(1) the Foreign Assistance Act of 1961 requires, except in cases of vital national interest, that all countries determined to be a major illicit drug producing country or a major drug-transit country must be "cooperating fully" with United States anti-narcotics activities in order to continue receiving various forms of United States foreign assistance;

(2) relations between the United States and Mexico have suffered since none of the suspects in the 1985 kidnapping and murder of Drug Enforcement Administration agent Enrique Camarena and the 1986 torture of DEA agent Victor Cortez have been brought to justice;

(3) testimony before the Senate dating to 1986 has indicated that high-ranking Mexican government, military, and law enforcement officials have been involved in illegal narcotics operations, including narcotics trafficking operations into the United States;

(4) Mexico has been determined to be the primary producer of marijuana and heroin entering the United States and the transit point for up to 50 percent of the cocaine being smuggled into this country;

(5) there have been three drug-related mass murders involving more than 30 victims along the southwest border in recent months involving Mexican drug trafficking organizations;

(6) the United States continues to seek, with Mexican cooperation, hot pursuit and over-flight authority for United States law enforcement agencies, access to bank records, verification of eradication figures, information on those who have been tried, charged, sentenced, and served time for narcotics-related crimes, and extradition of criminal figures;

(7) there was sworn in a new president and government of Mexico on December 1, 1988, creating a new era of opportunity for increased cooperation and mutual friendship;

(8) the new President of Mexico, Carlos Salinas de Gortari, has indicated a strong willingness to expand and improve Mexico's anti-narcotics activities;

(9) the Chief of the Mexico City Police Investigative Service, Miguel Nazar Haro, who is under indictment in the United States, has been fired;

(10) the Government of Mexico has arrested Miguel Angel Felix-Gallardo, one of the most notorious drug trafficking figures in Mexico.

(11) Mexican officials have for the first time conceded that corrupt Mexican officials, including law enforcement, government, and military officials, have previously protected Mr. Gallardo; and

(12) criminal charges of electoral fraud against the mayor of Hermosillo, Carlos Robles, and homicide and arms charges against the head of Mexico's Oil Workers Union, Joaquin Hernandez Galicia, have been filed.

(b) POLICY.—It is the sense of the Congress that—

(1) President Salinas should be supported in his expressed willingness to end the narcotics-related corruption that has permeated the Government of Mexico in the past;

(2) Mexico should conclude the prosecution of the murderers of Drug Enforcement Administration agent Camarena, the perpetrators of torture against DEA agent Cortez, and make progress in the prosecution of Felix-Gallardo;

(3) Mexico should demonstrate its commitment to cooperating fully in anti-narcotics activities by entering into negotiations with the United States on—

(A) joint over-flight and hot pursuit operations, involving Mexican law enforcement officials traveling on United States interdiction aircraft with Mexican officers having responsibility for actual arrests of suspects;

(B) participation of United States law enforcement agencies in air surveillance flights for interdiction efforts and joint United States-Mexico border enforcement and interdiction operations;

(C) United States requests for access to bank records in carrying out narcotics-related investigations; and

(D) United States requests for verification of eradication statistics, including ground verification.

Mr. DECONCINI. Mr. President, I offer this amendment in behalf of Senator HELMS, Senator D'AMATO, Senator DIXON, Senator LOTT, Senator MACK, Senator COATS, and Senator WILSON.

Mr. President, this is a sense-of-the-Senate amendment. It is nonbinding. The purpose of this amendment is to literally praise Mexico and the present regime there for some of the actions it has taken. I hope my colleagues would take a moment and read this amendment while we have some debate on it because it also asks and suggests to the Mexican people and their government, and particularly President Salinas, that they enter into expansion and further cooperation with the United States.

I think we need to realize, Mr. President, that some improvements have occurred in Mexico, but we also need to realize we still have a very, very difficult problem there.

Mr. President, I see the Senator from North Carolina is here. I yield the floor to the Senator from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina.

AMENDMENT NO. 304 TO AMENDMENT NO. 303

(Purpose: To express the sense of the Congress regarding efforts by Mexico to control illegal narcotics-related activities)

Mr. HELMS. Mr. President, I send a second-degree amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 304 to amendment 303.

Mr. HELMS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after "SEC." and insert

915. POLICY TOWARD THE CONTROL OF ILLEGAL DRUGS IN MEXICO.

(a) FINDINGS.—The Congress find that—

(1) the Foreign Assistance Act of 1961 requires, except in cases of vital national interest, that all countries determined to be a major illicit drug producing country or a major drug-transit country must be "cooperating fully" with United States anti-narcotics activities in order to continue receiving various forms of United States foreign assistance;

(2) relations between the United States and Mexico have suffered since none of the suspects in the 1985 kidnapping and murder of Drug Enforcement Administration agent Enrique Camarena and the 1986 torture of DEA agent Victor Cortez have been brought to justice;

(3) testimony before the Senate dating to 1986 has indicated that high-ranking Mexican government, military, and law enforcement officials have been involved in illegal narcotics operations, including narcotics trafficking operations into the United States;

(4) Mexico has been determined to be the primary producer of marijuana and heroin entering the United States and the transit point for up to 50 percent of the cocaine being smuggled into this country;

(5) there have been three drug-related mass murders involving more than 30 victims along the southwest border in recent months involving Mexican drug trafficking organizations;

(6) the United States continues to seek, with Mexican cooperation, hot pursuit and over-flight authority for United States law enforcement agencies, access to bank records, verification of eradication figures, information on those who have been tried, charged, sentenced, and served time for narcotics-related crimes, and extradition of criminal figures;

(7) there was sworn in a new president and government of Mexico on December 1, 1988, creating a new era of opportunity for increased cooperation and mutual friendship;

(8) the new President of Mexico, Carlos Salinas de Gortari, has indicated a strong willingness to expand and improve Mexico's anti-narcotics activities;

(9) the Chief of the Mexico City Police Investigative Service, Miguel Nazar Haro, who is under indictment in the United States, has been fired;

(10) the Government of Mexico has arrested Miguel Angel Felix-Gallardo, one of the most notorious drug trafficking figures in Mexico;

(11) Mexican officials have for the first time conceded that corrupt Mexican officials, including law enforcement, government, and military officials, have previously protected Mr. Gallardo; and

(12) criminal charges of electoral fraud against the mayor of Hermosillo, Carlos Robles, and homicide and arms charges against the head of Mexico's Oil Workers Union, Joaquin Hernandez Galicia, have been filed.

(b) POLICY.—It is the sense of the Congress that—

(1) President Salinas should be supported in his expressed willingness to end the nar-

cotics-related corruption that has permeated the Government of Mexico in the past;

(2) Mexico should conclude the prosecution of the murder of Drug Enforcement Administration agent Camarena, the perpetrators of torture against DEA agent Cortez, and make progress in the prosecution of Felix-Gallardo;

(3) Mexico should demonstrate its commitment to cooperating fully in anti-narcotics activities by entering into negotiations with the United States on—

(A) joint over-flight and hot pursuit operations, involving Mexican law enforcement officials traveling on United States interdiction aircraft with Mexican officers having responsibility for actual arrests of suspects;

(B) participation of United States law enforcement agencies in air surveillance flights for interdiction efforts and joint United States-Mexico border enforcement and interdiction operations;

(C) United States requests for access to bank records to assist in carrying out narcotics-related investigations; and

(D) United States requests for verification of eradication statistics, including ground verification; and

(4) the people of Mexico should be supported in their efforts to rid their country of illicit narcotics, bribery and corruption, and electoral fraud.

Mr. DeCONCINI. Mr. President, I thank the Senator from North Carolina.

Mr. President, the State Department authorization bill is a important piece of legislation that gives us, as we know, the authority for the State Department to enter into literally hundreds of different programs and our relations with our foreign allies and other nations. It has restrictions in it. It has some sense-of-the-Senate's in it. The sense of the Congress regarding Mexico, which is just being offered here, is merely that. It addresses, however, the narcotics problem and the political corruption. The amendment also expresses the need for increased cooperation with the United States in the ongoing war on drugs.

Mr. President, the length of our border between Mexico and the United States has fostered an intimate and meaningful economic, social, cultural, and religious relationship between our two countries. And rightfully so.

I happen to come from a State that borders the great nation of Mexico, and it is a rich State because of those relationships. Mexico is our third largest trading partner. In the United States, Mexico is the largest foreign market.

In 1988, United States-Mexico trade totaled \$44 billion, a 25-percent increase over 1987.

I have been a strong supporter of the United States Congress for the Maquiladoras program, which is a very important program that permits American companies to do assembly work in Mexico and have those products, after they are assembled, brought back into the United States without any tariff. Over 200,000 Mexican workers are employed now in that

particular industry. I have also worked hard to ensure that United States immigration policy toward Mexico is fair.

In the 100th Congress, I was one of only four Senators who voted against the Kennedy-Simpson legal immigration bill, and I did so because of what I considered were some very detrimental parts of that bill as it relates to Mexico. I would note that the Mexican Government expressed their concern to the State Department on a number of occasions regarding that bill.

In that bill we put a ceiling on family reunification visas and we would have reduced the visas for the second and fifth preference.

Just last week Senator HATCH and myself were successful in adding an amendment to the Kennedy-Simpson bill that would guarantee at least 216,000 family preference visas. The 216,000 figure is based on the number granted in 1988.

The General Accounting Office, however, had estimated that the bill as presented to the Senate would have resulted in decreasing family preference visas over the next 10 years resulting in a complete elimination of those family visas in the category by 1999.

Who was most affected from our allies and neighbors? It would have affected certain countries in Asia and certain countries south of our border. In particular, Mexico. I am pleased that the Senate saw fit to pass legal immigration reform that protects the preference system so important to Mexico.

As a result of these changes, I decided to vote for that bill. I would have not done so if that had not occurred.

I am sensitive to the needs and desires of the Mexican people. I visit there often. I have many relationships there.

I have talked to the Mexican people and they want to see the end of corruption; they want to see the end of the drug trafficking through that Nation. I am equally sensitive to the desire of the American public to reduce the amount of drugs flowing into the United States through Mexico. The 2,000-mile border with Mexico is now the No. 1 point of entry of narcotics coming into the United States. I want to emphasize that. It is the No. 1 point—this is not the Senator from Arizona stating that is the No. 1 point, this is from our own Government which says the Southwest border is the largest single geographic area that drugs come into the United States. Mexico is the primary producer of heroin and marijuana which flows into the United States and is a transshipment point for up to 50 percent of the cocaine into this country.

As law enforcement agencies have strengthened their effort in Florida, in The Bahamas and the Southeast area

of our country, the Colombian cartels have found anxious and new partners in Mexico. At a recent drug hearing that I chaired in Arizona, the FBI and DEA reported that California, Arizona, and Texas are three of the top five distribution and trafficking centers of illegal drugs in the United States. Imagine, these three States—California, Arizona, and Texas—are three of the top five distribution centers for illegal drugs in the United States.

The U.S. Border Patrol has seized more cocaine and marijuana in the first 9 months of this fiscal year than they did in all of 1987 and 1988 combined. The border patrols seized a total of 17,900 pounds of cocaine in the past 2 years while just so far in this fiscal year, they have already seized over 18,000 pounds. The Customs Service reports that cocaine seizures along the Southwest border have increased by 425 percent just in the past 3 years. So law enforcement is having some success, I must say, but, indeed, it demonstrates we have a sieve or maybe an open door.

Federal prosecutors are literally being overwhelmed in the Southwest. In Arizona, DEA arrests of class 1 and class 2 violators, the major traffickers, have increased by 85 percent between 1987 and 1988 alone.

I recently sent a letter to the Director of the National Drug Policy, Secretary William Bennett, recommending that he designate the Southwest border as this country's first high intensity drug area. This designation is provided in the omnibus drug bill that we passed last year creating the National Drug Policy Office with which Mr. Bennett serves. This designation would allow Secretary Bennett to direct temporary reassignments of Federal personnel to the area and provide increased Federal assistance.

The letter was signed by all eight Southwest border Senators demonstrating a strong bipartisan support for the severity of the problem of drugs coming in through the Southwest through Mexico. However, for the United States to be effective and to wage an effective battle against the drug epidemic, it will require more than just increased Federal, State, and local assistance.

The cooperation of the Government of Mexico is absolutely critical. In the past 6 months, actions taken by the new administration of President Salinas provides a glimmer of hope and should be and are applauded by this Senator. We have seen some dramatic steps taken by this new regime.

United States law enforcement officials were stunned when Mexico announced the arrest of the godfather of Mexico drug kingpins, Miguel Felix-Gallardo. His arrest came just 6 months after a successful DEA orchestrated investigation of Felix-Gallardo

had been destroyed by corrupt Mexican officials.

United States officials were further shocked when Mexico conceded that corrupt Mexican enforcement officials, members of the Mexican Government and military officials had previously protected Felix-Gallardo.

President Salinas addressed one of his early blunders in office when he fired his appointment for the chief of Mexico City Police Investigations Service, Mr. Miguel Nazar Haro. Mr. Haro is under indictment in the United States for operating a major car theft ring and is also tied to several narcotic organizations. This is a Federal indictment against the man the Salinas government put into a very sensitive position as the chief of the Mexico City Police Investigations Services. That has changed. President Salinas took a personal step to see that that occurred. I think the United States and Mexico have a very good relationship in bringing to the attention of the Mexicans the importance that Mr. Haro was not only an embarrassment but he was a wanted fugitive for a felony offense in the United States.

Most recently, Government investigators arrested the former Director of the Federal Security Directorate, known as the DFS, charging him with the 1984 murder and coverup of Mexico's best known columnist. Police also have arrested three former associates of Nazar Haro in connection with the murder of the columnist who was ready to expose links between Federal law enforcement officials and top drug traffickers in Mexico.

I have also been impressed with recent action taken by President Salinas to open Mexico's one-party system to greater democratic freedoms. Recently Mexico's PRI, known as the PRI Party, conceded its first major election defeat in 60 years. Those of us who follow the Mexican political system know there have been countless problems and improprieties and outright fraud and stealing of elections in Mexico.

So for the PRI to concede and to come to the conclusion that the people of Mexico should have a right to select their governors and their other elected officials is certainly encouraging, even though this is the first major defeat of a PRI candidate in the 60 years they have been there.

The candidate for the National Action Party, known as PAN, was declared the winner of the governor's race in the Baja California Norte.

(Ms. MIKULSKI assumed the chair.)

Mr. DECONCINI. Madam President, the Salinas government has also filed charges of electoral fraud against the mayor of Hermosillo, Sonora, the border State of Arizona.

Despite these positive steps, Madam President, there are long-standing, unresolved drug and corruption issues that Mexico really has to address.

At a recent Senate appropriations hearing I chaired in Tucson, AZ, Federal, State, and local law enforcement officials testified that the flow of drugs coming out of Mexico is out of control and corruption is a one-way street and cooperation—there is none. Corruption is so great in the law enforcement in Mexico that little can be accomplished.

Sheriff Clarence Dupnik of Pima County, who represents one of the four Arizona counties that border Mexico, testified that local corruption was just overwhelming. Dupnik said, "Border drug enforcement efforts have turned into a one-sided operation because the Mexican Government has literally shut the door in our faces." That is a direct quote from the sheriff of Pima County.

The head of Operation Alliance, who is responsible for coordinating Federal, State, and local drug enforcement operations along the border, testified at those same hearings: "While Mexico is making positive internal changes on drug enforcement, there has been no bilateral changes whatsoever." He said there has been no change in Mexico's attitude toward cooperation between law enforcement agencies working on both sides of the border.

It has been 4 years since the DEA agent Enrique Camarena, an American citizen working in the Drug Enforcement Agency in Mexico, was brutally tortured and murdered in that country.

Not one individual has been convicted in that case. The Mexican Government has always been uncooperative in this case, according to the DEA. That is our Government agency. Whatever headway has been made has been the result of information and intelligence supplied to the Mexican Government from the Drug Enforcement Administration of this Government of ours.

Mexico must conclude the prosecution of those responsible for the kidnapping and the murder of Mr. Camarena or extradite them if they do not want to face a political problem, and allow the United States to finish that job. The United States Customs Service has made repeated requests for overflights in what is known as hot pursuit, operations similar to those that are allowed in the Bahamas today to Customs and other law enforcement agencies.

Now, these overflights are an interesting prospect. The argument of sovereignty always comes up, but it is not a free flow of our airplanes penetrating Mexico at will. It would only be with Mexicans on board and with their

permission for apprehension purposes. Why do we need this? Because we have videotapes of planes coming in from Mexico, dumping drugs—sometimes not even dumping them, because they are detected—turning around and going back into Mexico, and our pursuit planes are prohibited from going there and they are lost forever from the standpoint of apprehension.

If the Mexican Government would permit overflights at their discretion with Mexican officials on board, then a decision can be made whether or not to pursue that particular clandestine plane.

The hot pursuit operation involves interdiction of aircraft and I think it is an issue that we should at least negotiate. That is all our sense-of-the-Senate resolution says—to negotiate these things. It does not demand of Mexico. It does not place a burden or penalty on Mexico if it does not negotiate, but it encourage them to do so, and it would be an expression by this body if we pass this resolution, that maybe Mexico would see fit to sit down and talk about it. They are not willing to do so now.

The Mexican military today will not allow the United States to verify its eradication figures or any other statistics as to elimination of drugs in that country. Last year, DEA had to pull out of Operation Vanguard because of continued threats against their agents in that country.

For those of you who are interested in the subject matter, the intelligence community will gather for you different exhibits demonstrating the fields and the geographic areas of drugs in Mexico. They will also tell you literally that they are not permitted to go in to verify what drugs the military actually destroyed. The only way they find out is to send people back in on their own, often on foot, days after the destruction is supposed to have taken place, and they have not found the eradication as has been represented by the military.

Operation Vanguard allowed the DEA agents to verify eradication efforts by the Government only by air surveillance. That had to be stopped because of threats against our agents by the organized crime and drug elements in Mexico. There was no way apparently that the Mexican Government or military were prepared to assist the United States to continue such verification.

If Mexico is confident of its eradication efforts, they should allow United States drug agents to conduct ground verification of Government and military eradication while they are doing it. We are not going to be there with weapons. We are sending people along only to observe. The DEA was forced recently to temporarily pull its agents and their families out of Guadalajara because of the continued threats to

those particular agents and families. We are there as guests. They are the host country. They are to provide the security for our people, and yet they cannot do so. This has become a common practice for the DEA in Mexico because of the inability of the Government of Mexico to provide protection for the United States Drug Enforcement Agents.

The DEA agents are not allowed to carry firearms. Mexico should give them that authority, on a case-by-case basis, resolving and understanding the sovereignty issue there. If the Mexicans are interested in fighting drugs as they say they are and as President Salinas has done some things to indicate, why not allow DEA agents, who have trained many Mexican agents, to carry firearms? Mexico should also provide full-time security for United States drug agents' homes and their families.

The U.S. Customs Service request for access to bank records to assist in narcotics money laundering investigations has gone unanswered for more than 6½ years. Mexico should display good faith and provide this information to Customs.

This Congress should immediately approve the Mutual Legal Assistance Treaty that has already been signed by the Mexican Government, so we are at fault also for not approving this treaty that is before the Foreign Relations Committee. I suspect that the Foreign Relations Committee is well aware of this and it intends to address this in the very near future.

The Bureau of Alcohol, Tobacco, and Firearms continues to make major firearm violation cases along the Southwest border. BATF is finding an increasing trend of assault weapons, purchased in the United States, being smuggled into Mexico, often in exchange for narcotics. A direct link appears to exist between the expansion into Mexico of Colombian drug traffickers and the increase in smuggling of assault weapons such as AK-47's and AR-15's.

BATF has attempted to work out a joint operation with Mexico on firearm investigations. Mexican officials have never responded to the requests by our law enforcement agencies. Mexico should work with BATF to establish an identification program to enable BATF to track the seized weapons.

Finally, there is an extensive list of individuals appointed to high government and law enforcement positions by President Salinas that greatly concerns the DEA and other U.S. law enforcement agencies, and greatly concerns this Senator.

As President Salinas did with Mr. Nazar Haro, he should clean his government of these individuals. I realize this is a very sensitive problem for us to address, to tell any other government who is corrupt within their gov-

ernment but, believe me, they have no trouble telling us what to do when they feel we are wrong. I am sure that when we present this kind of information to the proper attention, it is justified for those government officials to give it serious consideration.

To President Salinas' credit, he finally took the evidence that DEA and the Justice Department gave him as to Mr. Nazar Haro and did dismiss him.

The next 8 months provides President Salinas time to demonstrate how far the commitment of his government extends. On February 28, 1990, President Bush is required by statute to determine whether Mexico should be granted certification. This sense-of-the-Congress amendment simply challenges Mexico to provide full cooperation with United States antidrug efforts as required under the certification process. It is not mandatory. This sense-of-the-Senate resolution that is before us does not punish Mexico if they fail to do anything about greater cooperation or if President Salinas elects not to do anything more about the list of people that has been sent to him. But it does express a view that we hope, we wish, we challenge, the Mexicans to work closer, and at the same time praising President Salinas for his efforts so far.

President Salinas must now demonstrate that the arrests of Felix Gallardo was not just a smokescreen, as Congress prepared for its certification debate this year. Mexico should vigorously prosecute Gallardo and see to it that his prison is not a country club as has been enjoyed by others who have been arrested but never disposed of in the judicial system in Mexico—specifically those arrested for the murder of Mr. Camarena. That is over 4 years ago, Madam President, and it is important that we not forget the principle involved with Mr. Camarena, a DEA agent, nor his family, nor other DEA agents in law enforcement who are in jeopardy on a day-to-day basis.

Treasury Secretary Brady said that Mexico is the first priority under the administration's debt reduction plan. This Senator is willing to support Secretary Brady's effort if Mexico is willing to display a similar good-faith effort in drug enforcement eradication and interdiction cooperation. American taxpayers deserve something in return. The situation on the Southwest border is critical. I believe that this amendment indicates to the Government of Mexico that the United States intends to intensify its antidrug efforts and is asking for help.

I hope my colleagues will vote in favor of the perfecting amendment and the underlying amendment.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mr. WILSON. Thank you, Madam President.

I congratulate my friend from Arizona not only on the statement but on the amendment he is offering. I am pleased to join him in support of this amendment expressing the sense of the Senate that the Government of Mexico must take clear and unequivocal steps to increase its cooperation with the United States in halting the flow of drugs into our Nation.

His statement was I think a very comprehensive and specific and detailed statement.

What it amounts to simply stated is he is giving credit where it is due to a new President who seems sincere when he states that the winds of change have begun to blow through the Republic of Mexico, and those winds of change seem to promise a democracy that has not existed in the past. Indeed, my friend from Arizona and I incurred the wrath of our Mexican friends some years back when we had the temerity, the presumptuousness to introduce a resolution critical of the lack of democracy within Mexico pointing specifically at the election frauds that had been alleged widely by presumably dispassionate observers both domestic and foreign indicating that there had been in fact a theft of office won in elections.

Today, we have the pleasant responsibility, and I think it a duty, to observe that something has changed in Mexico. For the first time in the 60 years in which PRI, the not just dominant party, but a political culture in Mexico has been in office someone has won as a nonmember of PRI, the office of governor of a Mexican state, and been seated.

That may seem little enough to celebrate in this country, that the opposition having duly won an election is permitted to take the seat that was won, but it is in fact the first time within the 60 years of the history of PRI that has occurred in Mexico, and the next Governor of the State of Baja Norte will in fact be a member of the PAN party.

A week after the election the President, the new President of Mexico, Mr. Salinas, commented that his candidate had lost, that new winds of change were indeed blowing. What he was saying is no longer will PRI seek to strong-arm election results. They will honor the results that have been generated at the ballot box.

Madam President, that is something upon which the new President of Mexico is to be congratulated. We may take it as an accomplishment. The fact is it is not. I am grateful that change seems to be occurring because what it means simply stated is that without competition of the kind we take for granted on the floor of this body and throughout our entire political system, a political monopoly is an invitation to

corruption, a corruption that takes many different forms—one that has led, I think, to the underdevelopment of the nation economically, and one that has led to a corruption literally of its law enforcement as the Senator from Arizona has recently detailed.

But to the point, Madam President, there seems to be a change that came about with the election of the new President, Mr. Salinas. As you have been told, it has been his efforts—that is, the efforts of his government—that resulted in the arrest of Miguel Angel Felix Gallardo, one of the most notorious drug trafficking figures in Mexico. He has indeed punished those who have been seen to violate the law even if they were among the most powerful of labor union officials. He has in fact certified the result in the election of the governor in the State of Baja Norte. He has brought criminal charges against the mayor of Hermosillo, Carlos Robles. It is a fact that he has done things which his predecessors have not done.

There is much left to be done. Senator DECONCINI's sense-of-the-Senate amendment simply calls forth as the tests of the seriousness of new Mexican cooperation in our antidrug efforts what the law presently provides as criteria. These can be found in the 1986 Omnibus Drug Act.

When he says that there should be negotiations on these points he is doing no more than suggesting that a good faith effort requires no less than the negotiation of our presently stated criteria in that 1986 act by which we are to measure whether or not a drug-producing nation is in full cooperation with the antidrug efforts of the United States.

Madam President, last year the Senate overwhelmingly adopted a resolution that I had introduced overturning the President's certification of Mexico as being in full cooperation with the United States Government in undertaking our joint narcotics interdiction programs. This year I chose not to introduce a similar resolution. If I had been moved to make that judgment purely on the basis of the performance of the final year of the de la Madrid administration, then another resolution urging decertification would have been in order.

But along with I suspect most of my colleagues, and clearly a heavy majority of those on the Foreign Relations Committee, I felt that the new Salinas government, the new President, needed and deserved an opportunity to make good upon efforts to demonstrate their good faith consistent with the rhetoric that we have heard indicating a sincere desire to win a war on drugs on both sides of the border. For that reason, I did not offer a resolution nor did anyone else. I think it was a wise decision.

But what we are saying in this resolution expressing the sense of the Senate is very simply that that action should not be misconstrued. We congratulate the new President on what seems to be genuine change, evidence of a different mentality.

Let us give credit where it is due. On the other hand, it would be no kindness considering the fact that what he has done is regarded by many as having required great courage, it will be no kindness to him or to those seeking reform, further reform, if we were to allow our forbearance in not seeking decertification of Mexico to be misconstrued as either abandoning the interest expressed in United States law or as being satisfied with the efforts that have been made to date. We cannot afford that misconception. We cannot be guilty of sending a wrong signal.

And I think that this sense-of-the-Senate amendment makes very clear that we are not satisfied, that we are commendatory of the efforts thus far, but that we expect much, much more. We expect what is prescribed in U.S. law.

Madam President, this morning the Center for International Studies at Georgetown released a booklet that spoke of the relationship between this Congress and the Republic of Mexico. And it was titled "Bordering On Change." It is an optimistic title, one that I think is warranted by recent developments. Let us hope that real change is occurring as it seems to be, and let us encourage that change by cooperation. Let us not be guilty of sending a false signal or of being somehow guilty of sending an ambiguous signal.

I think Senator DECONCINI's language is clear. I hope that it is clearly understood, and I commend him for his effort. I join him as a sponsor, and I urge my colleagues to support it.

The Senator from Connecticut.

Mr. DODD. Madam President, I rise in opposition to this particular amendment and to this resolution. I say that with all due respect to my distinguished colleague from Arizona and others who have joined with him in cosponsorship of this sense-of-the-Senate resolution. It sounds harmless enough on its face because it has the language in here that, depending on which paragraph you want to read, you can find something you may like about it.

One paragraph commends President Salinas, and the next paragraph attacks him. So it sends at the very least—before I get to the more substantive arguments about it, there is something in it for everybody, I suppose, in this resolution, to try to succeed in achieving and receiving its adoption. The bottom line is, it is a slap at the Government of Mexico

under President Salinas. That is the bottom line; that is how it will be read, and that is how it will be reported, and that is the intent, with all due respect to the authors of this amendment. We are not having a resolution offered here that eludes a list of nations that have not fully cooperated with the United States in trying to interdict an end to the supply of drugs coming into this country.

There is no mention of the Bahamas in this resolution. God knows, we have a Prime Minister there that, according to most officials in this country, ought to be indicted. It does not mention Thailand or Cambodia, or a whole host of nations that we know are involved in the supply and interdiction and they are on that list of 26 nations that, quite honestly, all of us know are not cooperating fully, fully.

The only nation mentioned is Mexico. Ironically, it is the only nation under this new administration that has done anything, that is, really cooperating with us. It is really fighting to end the supply of drugs coming into this country and to eradicate the corruption that occurs at various levels of government.

Madam President, I offer as my first exhibit a letter from the Secretary of State, James Baker, dated April 12, 1989, in which he goes on for two and a half pages reciting the various things that have happened in the first 5 months or 6 months of the Salinas government—real cooperation with our Nation in trying to eradicate this problem. In that letter he specifically asks the Senate Foreign Relations Committee not to deny the certification that he had given to Mexico. He is passionate in this letter about how we might undo the very cooperation we have been achieving, if in fact we are to adopt the language such as being offered in this sense-of-the-Senate resolution.

Madam President, I ask unanimous consent that the letter of the Secretary of State be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF STATE,
Washington, DC, April 12, 1989.

HON. CLAIBORNE PELL,
Chairman, Committee on Foreign Relations,
U.S. Senate.

DEAR CLAIBORNE: On April 13, your Committee will vote on a resolution that seeks to deny the President's narcotics certification of Mexico. The Administration urges you to oppose Senate Joint Resolution 82. The Mexican Government is acting strongly against narcotics trafficking and corruption in Mexico. Moreover, we see improved prospects for enhanced bilateral law enforcement cooperation with the Salinas administration. Decertification of Mexico would only undermine those prospects.

As you know, on March 1, the President certified Mexico, adding a "Statement of Explanation" that said, in part, that "much was accomplished in 1988, but, working to-

gether, much more can be done. We must cooperate on reducing availability and on effecting greater seizures of contraband and assets as well as drugs." I wholeheartedly support the President's decision.

As I said in my letter conveying the President's certifications, I want a constructive dialogue with Congress on ways to improve our narcotics cooperation with other countries, including Mexico. Despite substantial efforts by authorities on both sides of the border, the drug problem remains a very serious one. This is not, however, due to lack of political will.

President Salinas explicitly recognizes the threat posed by traffickers to the well-being of Mexico's youthful population and to government authority. He also recognizes that the issue causes justifiable and serious concern in the U.S.

During his four months in office, President Salinas has repeatedly pledged to make the fight against narcotics trafficking a national priority. In a February 13 letter to President Bush, he again provided assurances that we will "fight with utmost energy" drug production and trafficking in and through Mexico.

Moreover, he has backed up his tough rhetoric against drugs and corruption with concrete actions. Immediately upon inauguration, President Salinas established a distinct anti-narcotics investigative unit in the Attorney General's office. In December, he sought and obtained Congressional approval of amendments to the Mexican Penal Code to provide for stiffer sentences for criminals, including drug traffickers and cultivators. In January, he ordered the re-arrest of a major marijuana trafficker, Gilberto Ontiveros, and the investigation of judges who had released this trafficker. Mexican police also arrested Raul Kelly Osuna, one of the principal marijuana drug traffickers in northern Mexico.

In early February, Mexican authorities arrested Federal Judicial Police commanders in Matamoros for alleged corruption. Mexican police also arrested major Italian drug trafficker Giuseppe Catania Ponsiglione, an alleged participant in the so-called "French Connection."

Most recently, on April 8, the Mexican Government arrested Miguel Angel Felix Gallardo, the most notorious drug trafficker in Mexico. As part of this action, the Mexican Federal Judicial Police and Army also arrested a number of municipal and state policemen in Culiacan, Sinaloa.

Salinas has also taken tough actions against other forms of corruption. Besides the already noted arrest of policemen and investigation of judges, Salinas in two recent bold actions, sent an unmistakable message against corruption, both narcotics-related and otherwise. In January, he ordered the arrest of the leadership of the politically powerful Oil Workers Union. While corruption in this union had been an embarrassment for decades, previous administrations had been reluctant to deal firmly with the problem because of the union's financial clout and influence over the vital petroleum industry. In February, President Salinas ordered the arrests of several, highly prominent and influential businessmen for stock fraud. Some of those arrested included staunch supporters of the ruling party.

On eradication, his administration has worked closely with our Embassy and a U.S. contractor to boost aircraft availability for the Attorney General's aerial drug eradication fleet. The Mexican Attorney General's office devotes 60 percent of its budget to

fighting narcotics, while the Mexican Army deploys up to 25 percent of its troops to eradicating and interdicting drugs. These are significant allocations of resources by any country's standards, and especially when one considers that Mexico has suffered years of economic stagnation.

All these actions are encouraging steps toward fighting drugs and weeding out corruption. Much has been accomplished; admittedly, more must be done.

I remain thoroughly convinced that the best way to reduce the flow of drugs through and from Mexico into the United States is by improving our bilateral anti-narcotics cooperation.

During the recent visit by Mexican Foreign Secretary Solana, I emphasized that Mexico must make even greater efforts to suppress narcotics trafficking. Solana agreed and reiterated his President's commitment. I assure you that our new Ambassador to Mexico will be a firm advocate of this position.

In cooperation with all U.S. law enforcement entities, I want to develop an agreed upon agenda for a focused dialogue with Mexico on drugs. The Salinas Government has committed itself to even greater cooperation; this is a pledge we should take full advantage of. I believe Mexico's receptivity to such discussions would be greatly enhanced by Senate support of the President's decision to certify Mexico. Therefore, the Administration opposes Senate Joint Resolution 82.

The Office of Management and Budget advises that from the standpoint of the Administration's program there is no objection to the submission of this report.

Sincerely yours,

JAMES A. BAKER III.

Mr. DODD. Second, I point out that the administration is flatly opposed—in fact, to use its own language, strongly opposed to the DeConcini resolution. Let me share with my colleagues some of their concerns.

First of all, the resolution is factually incorrect. It is one thing to disagree with a policy, but when the facts are just flat wrong, that ought to be enough, in a sense, to defeat the amendment. In paragraph 2 of the resolution it says:

Relations between the United States and Mexico have suffered since none of the suspects in the 1985 kidnapping and murder of Drug Enforcement Administration—

Madam President, the Senate is not in order.

THE PRESIDING OFFICER. The Senate will be in order.

Mr. DODD. The second paragraph of the resolution reads:

Relations between the United States and Mexico have suffered since none of the suspects in the 1985 kidnapping and murder of Drug Enforcement Administration agent Enrique Camarena and the 1986 torture of DEA agent Victor Cortez have been brought to justice.

That is factually incorrect, as pointed out by the administration. That particular paragraph fails to identify the four policemen who are currently serving 5-year prison terms because of their mistreatment of DEA agent Cortez. They have been found guilty

and sentenced. Last year a number of suspects in the Camarena murder were sentenced in Mexican courts to lengthy prison terms on related charges. These defendants, plus others, have been in prison for the past 4 years and are currently standing trial for Mr. Camarena's murder, and three other persons involved in the Camarena murder were recently sentenced by a U.S. court. When the resolution says none of the suspects in the 1985 kidnaping and murder have been brought to justice, that is factually incorrect.

Mr. DECONCINI. Will the Senator yield?

Mr. DODD. I listened patiently, and I will finish, and then I will be glad to respond to questions. I would draw my colleague's attention to that particular cite.

Paragraph 3, testimony before the Senate during 1986 has indicated that high-ranking Mexican Government, military and law enforcement officials, have been involved in illegal narcotics operations, include operations and trafficking in the United States. Now, that is a sweeping statement. Who are we talking about here, local police officials? We have that problem in our own country, I might add. Talking about cabinet-level people? Are you talking about the President of the country? A sweeping indictment of the entire governmental structure of Mexico? When we know that President Salinas already has been most successful in bringing some of the major drug kingpins in that country to the bar of justice, and to suggest that this is somehow a resolution that compliments the Salinas Government? It was not even in power in 1986 at all.

We are talking about a new administration and its efforts, and it has political problems, Madam President. It has political problems for cooperating with the United States. It is not going to be a shock to anybody in this Chamber to know that it is not exactly popular in many countries to be perceived as cooperating with us. I regret that deeply, but the political facts of life are that if you cooperate with us and some of these countries around the world, you pay the price politically. President Salinas has been cooperating with us. Let me take a moment or two, if I can, and share with my colleagues exactly what that cooperation has been over the last 5 or 6 months.

On April 8 Mexican Federal police arrested and charged one of the most notorious drug traffickers in the world, Felix Gallardo, who by all accounts had a virtual army of bribed officials protecting him in Guadalajara. Nine corrupt officials associated with Gallardo were also arrested. Those arrested were orchestrated with great secrecy by the new Assistant Attorney General in charge of antinarcotics ef-

forts, Xavier Arguello Trejo, a highly respected former prosecutor.

On April 5, 3 days earlier than that, Mexican authorities launched a major 45-day antidrug operation, arresting 33 drug traffickers and seizing more than a ton of marijuana and cocaine in the first 24 hours.

During the month of March, Mexican authorities seized nearly 16,000 pounds of marijuana, nearly 3,000 pounds of cocaine, and 10 pounds of heroin. I do not know the estimated value of those seizures, but I am confident it is in the hundreds of millions of dollars, if not billions.

In February, the United States and Mexico signed a bilateral agreement on cooperation in the war on drugs. In January, President Salinas created a new narcotics division in the Department of the Attorney General staff with 1,200 Federal employees to be devoted full time to narcotics-related matters. It was members of this newly created division who apprehended drug trafficker Felix Gallardo. Despite debt service payments of more than \$10 billion annually and significant domestic displeasure over the declining standard of living of Mexican citizens, due to economic austerity measures mandated by the debt problem, President Salinas has increased Federal funding levels for 1989 antinarcotics programs.

Madam President, based on a review of those facts, I do not know why we do not have a resolution being offered by my good friend from Arizona and our friend from California commending President Salinas, which is in effect what we did only a few short months ago. Just prior to the interparliamentary meeting between this body and the other body of the Congress of the United States and the Mexican Parliament, Senator DICK LUGAR, of Indiana, and I drafted a letter in which we did commend the government of President Salinas for their actions over the past 4 or 5 months, recounting some of the details I have just shared here on the floor, Madam President.

That letter was signed by 68 of our colleagues and, Madam President, I ask unanimous consent that that letter, with the signatures of our colleagues, be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MEXICO-UNITED STATES INTERPARLIAMENTARY GROUP, U.S. DELEGATION,

April 27, 1989.

His Excellency CARLOS SALINAS DE GORTARI, President, United Mexican States.

DEAR MR. PRESIDENT: As you know, in the past the subject of international narcotics trafficking and the level of U.S./Mexican cooperation in dealing with this international menace had been a major irritant in our otherwise generally cordial bilateral rela-

tionship. In our view the friction over this matter has not served the interest of either the United States or Mexico, and has certainly not served to put an end to narcotics trafficking and other narcotics-related activities in either country.

Therefore, we welcomed your inaugural commitment to "an all-out war against narcotics trafficking" and your proposed program for carrying out that pledge. Moreover, we have been impressed by the rapidity with which you and your government have sought to turn the inaugural pledge into reality. The following actions speak for themselves: the arrest of Felix Gallardo, a notorious international drug trafficker, by Mexican federal police on April 8; the apprehension of a significant number of other drug traffickers and the seizure of substantial quantities of illegal substances by federal authorities; the signing of a U.S./Mexico bilateral agreement on narcotics cooperation; and the general crackdown on narcotics-related corruption by certain officials. Such actions serve to underscore assurances given to President Bush of your intention to "fight with utmost energy" drug production and trafficking.

We commend you for your early efforts to stem the flood of illegal narcotics activities. While much remains to be done in this area, we are convinced that these efforts will foster a better working relationship as we strive to tackle the twin problems of illicit drug production and trafficking. In the coming years, please be assured of our firm commitment to endeavor to develop policies and programs of mutual benefit to the United States and Mexico.

Sincerely yours,

Christopher J. Dodd, Richard G. Lugar, Bill Bradley, Spark Matsunaga, Frank R. Lautenberg, Wyche Fowler, Jr., Kent Conrad, Paul Simon, John Glenn, Paul Sarbanes, Carl Levin, Jeff Bingaman, Joseph R. Biden, Jr., Timothy E. Wirth, Terry Sanford, Peter Domenici, Bill Cohen, Dale Bumpers, Bob Kerrey, David Pryor, Bob Graham, Richard Shelby, Harry Reid, James McClure,

Tom Daschle, Quentin N. Burdick, Donald Riegle, Howard Metzenbaum, James Exon, Don Nickles, Charles Grassley, Howell Heflin, Patrick Leahy, David Boren, Nancy Kassebaum, Orrin G. Hatch, Claiborne Pell, Brock Adams, Alan Dixon, James Jeffords, Thad Cochran, Connie Mack, John Chafee, Lloyd Bentsen, Alan Cranston, Mark O. Hatfield, Charles S. Robb,

John Warner, Strom Thurmond, Slade Gorton, William Roth, Alan Simpson, Rudy Boschwitz, John F. Kerry, Conrad Burns, Phil Gramm, John Danforth, Dan Coats, John Heinz, Ted Stevens, Edward Kennedy, Herb Kohl, Trent Lott, William Armstrong, Robert Kasten, Frank H. Murkowski, Jim Sasser, John McCain,

U.S. Senators.

Mr. DODD. Madam President, I cannot tell you what a positive response this letter evoked from President Salinas and from officials in his government. They have taken knocks politically because of the steps they have taken and for the first time in memory the U.S. Senate, albeit only a letter—I did not ask for a sense-of-the-Senate resolution—but just a letter

commending him for his actions was received by that government, and it has encouraged that government to go on and further be cooperative and supportive of the Bush administration in going after the curse of drugs.

Let us not forget during this debate that to the extent we have a problem in trafficking and production and also transiting drugs in Mexico and other places is because we consume it. We have an insatiable appetite in our own country for narcotics.

So here just a few months ago we go on record as a body supporting that government. Now 3 to 4 months later we are about to engage, and I hope reject, or pass a resolution, if the authors prevail, which does just the opposite of what our letter did in April. We commend him in April. We slap him across the face in July. And we pick on one country in the entire world for this problem.

Madam President, it is bad foreign policy generally, but it is specifically bad in this case at the very hour we need to maximize cooperation, we need to encourage a government in Mexico that has signed treaties with us, working cooperatively with the Drug Enforcement Agency, really making an impact. We are going to slap that government in the face, and that is what the DeConcini resolution does. That is the reason they have introduced it. No matter how they try to couch it with a couple of paragraphs saying what a nice job we think he might do, the bottom line of the resolution is a slap in the face, and that is how it will be taken in Mexico, in the most important audience.

Are they really going to be more cooperative? I would tell you the likelihood of that if this resolution is adopted is not. We will not get greater cooperation, and frankly I think some people would prefer to have that.

I hope that my colleagues will reject this amendment, with all due respect to the good intentions of my colleague from Arizona, who, by the way, I would not include as being a party to that last statement—he, to my mind, really does want to see improved cooperation, but, frankly, there are some who I do not think do.

Factually, this is not correct. We have had cooperation. We have a new government. We are going after official corruption. We are getting specific help. They are already arresting major officials, bringing to sentence in the bar of justice those involved.

As I said at the outset, Madam President, to single out just one country, the one country with whom we are getting some cooperation, is really to turn logic on its head.

So, Madam President, I would urge my colleagues to reject this amendment.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCain. Madam President, I also rise in opposition to this amendment. I do so recognizing that the sponsor of this amendment is a friend who has labored long and hard in our war on drugs. Senator DeConcini has done as much or more than any other Member of this body in trying to prosecute those involved in drug trafficking, and his efforts to rid this Nation of the cancer that affects this Nation is deeply appreciated. I also am grateful of the work that he has done on the Appropriations Committee in securing much needed funding for programs, equipment, and manpower in order that we may address this Nation's drug problem.

I also understand the concern of my colleague from California whose State like mine has been overrun by drugs that transit through Mexico.

But the question we have to ask ourselves when addressing this amendment is: Will the passage of this amendment help or hurt relations between our two countries and will it help or hurt our joint efforts to combat drug trafficking and abuse?

Madam President, in my view the passage of this amendment will only create problems between Mexico and the United States and it will adversely impact the very sensitive and highly regarded relations that exist between our two countries.

Last year when the Senate approved a bill to decertify Mexico because of their "lack of cooperation" in the war against drugs thousands of Mexicans marched outside of our Embassy in Mexico City and outside of our consulate in Hermosillo. These marchers did not oppose the United States attempts to get tough on drugs and drug traffickers. What these deeply concerned people vehemently resented was the United States continued paternalistic attitude toward that nation and our dictation to them of what their national policy should be when clearly they have a clear understanding of what their needs are. As I have stated on many occasions Mexico should not be treated as if they were a vassal state of the United States. They are a proud people and sovereign nation. If we want to further our joint efforts against drug trafficking and abuse, we should refrain from the temptation of blaming other countries for our drug abuse problem.

All drugs do not arrive in the United States. A great deal of it stops in Mexico. Drugs are a cancer in Mexican society as badly as they are in America, and I believe the Mexican authorities are dedicated to eradicating this scourge. At the same time it must be acknowledged that the money associated with drugs has an enormous corrupting influence and it will corrupt poorer people more rapidly than it will wealthier people, and indeed we are seeing the first signs of corruption in

some of our own Federal agencies. Recently in my own State of Arizona there were media reports that allege that several Border Patrol officers have been involved in a drug ring and drug ripoffs. The extent of the involvement is under investigation; but it only goes to show that everyone is susceptible to the corruption associated with drug trafficking.

The Drug Enforcement Agency is the lead Federal agency in our war on drugs and in our cooperation with Mexico. So it is not an accident to me that the DEA has stated their opposition to this amendment along with the Department of State. For the past 3 years, the Senate of the United States has engaged in what could be referred to as Mexico-bashing. And despite arguments to the contrary, this amendment is just another counterproductive veiled attempt to engage in this practice. I think that by engaging in another round of Mexico-bashing we are making a very serious mistake.

Let me emphasize, again, that I believe Senator DeConcini is a highly respected authority on the issue of drugs and the reception that his amendment will receive in this body, and in this country, is bound to be very positive. After all, we are urging greater cooperation on the part of the Mexican Government. However, what we have to be concerned about is the reception and the impact that this amendment will have on our relations with our neighbor to the south.

Let me also elaborate a bit on my opposition as well as that of the State Department and Drug Enforcement Administration.

Paragraph 915(A)2 of the resolution states:

None of the suspects in the 1985 kidnapping and murder of DEA Agent Enrique Camarena and the 1986 torture of DEA Agent Victor Cortez have been brought to justice.

According to the State Department, and as my colleague from Connecticut has stated that statement is false.

According to DEA files, four Jalisco state police officials are currently serving 5-year prison terms because of their mistreatment of agent Cortez.

In addition, Mexican courts have convicted Rafael Caro-Quintero—the drug kingpin charged with the torture-murder of special agent Enrique Camarena—along with 22 associates, in cases involving marijuana production and trafficking operations in Mexico. Caro-Quintero was sentenced to 34 years in prison without possibility of parole, and Mexican authorities seized more than 20 of his properties worth more than \$4 million. Each of Caro-Quintero's associates, including Fonseca-Carrillo, received sentences of more than 10 years as well. Additionally, these defendants are currently standing trial for Mr. Camarena's murder. Moreover, three other persons

involved in the Camarena murder were recently sentenced by a U.S. court.

Madam President, I do not know if the exact details of that statement is correct but that is the information that I am given by the U.S. State Department which I think is probably accurate.

Also ambiguous is the third paragraph in section 915 when it makes reference to a 1986 Senate hearing in which allegations were made that high-ranking Mexican Government officials have been involved in illegal narcotics operations.

That was in 1986. I might add that that was during another administration and, frankly, the fact that there are allegations of people who are corrupted I think is probably true. I do, however, think it is unfair that because of the lack of specificity of this section all are placed under a cloak of suspicion. This is wrong and we should not accuse everyone for the inappropriate action of a few.

Madam President, I too would like to have a situation evolve in which the taking of testimony or statements of witnesses is agreed to between the United States and Mexico; the provision of documents, records, and evidences agreed to between the United States and Mexico; the execution of requests for searches and seizures; the serving of documents and the provision of assistance and procedures regarding the immobilizing, securing, and forfeiture of the proceeds, fruits and instrumentalities of crime. But, if we would like to see that, Madam President, then I strongly suggest that this body ratify the 1987 treaty on cooperation between the United States of America and the United Mexican States for mutual legal assistance signed in Mexico City on December 9, 1987.

Madam President, that treaty was ratified by the Mexican Congress on December 29, 1987. Why has it not gone into effect? Because, for reasons perhaps which the distinguished chairman of the Foreign Relations Committee can elaborate on, it has failed to reach the floor of this Senate.

Madam President, rather than propounding amendments of this nature, why do we not get this treaty ratified in order that we may directly and dramatically increase the degree of cooperation between our two nations?

I would like to again state, as my colleague from Connecticut did, when one country is singled out, they will believe that they have become a target. I ask, where are the resolutions on Colombia, on Bolivia, on Guatemala, on El Salvador? Do not all of those countries need to cooperate more in our efforts on the war on drugs? What about the rest of the Latin American nations that are also afflicted by this

scourge? But no, we have chosen Mexico.

I do appreciate the aspect of this resolution which praises the efforts of the new Government of Mexico. But, at the same time, as I have stated, we must be careful about the effect an amendment such as this has on Mexico.

Ambassador Charles Pilliod spoke admirably and knowledgeably of Mexico's recent efforts against illegal narcotics when he said:

Mexican antinarcotics officials have made clear their desire to meet with their U.S. counterparts and the U.S. Congress to develop a comprehensive, coordinated strategy to combat drug trafficking. The Mexican Government knows that the American public is watching with the utmost attention and expectancy for continued and improved signs of its dedication and commitment to real success in the drug war. More importantly, Mexico is acutely aware that if left unchecked drugs will have adverse consequences for Mexico, including the continued growth of corruption, addiction and the type of social anarchy found in Colombia.

Madam President, I make no apologies for corruption that exists in Mexico. I make no apologies for corruption that exists in the United States. I think it is a disgraceful and horrible situation. We have a problem in fact, a very serious problem. The question, however, that needs to be resolved is how can we jointly—Mexico and the United States—fight our war on drugs.

I applaud the request or the mandate for better cooperation across borders between the United States and Mexico. I applaud the praise which is extended to the Salinas government. But, I do not applaud nor appreciate the undertone of mistrust that has been leveled against Mexico.

Madam President, we must encourage a spirit of cooperation that is based on mutual respect for each other. We must continue to demonstrate support and balanced judgment. And I hope that my colleagues will see this amendment for what it is: a well-intended but misguided venture that will create more harm than good.

Mr. LOTT. Madam President, I rise in support of this amendment, which simply expresses the sense of Congress regarding efforts by Mexico to control illegal narcotics-related activities. I wish to commend the distinguished Senator from Arizona for bringing this measure to the Senate at this particular time.

Madam President, here we go again. In America, in Washington, in the Senate, we pound our chests and talk about how we are going to do something about drugs and the drug problems in this country. We get mad. We have a drug czar. And then, what do we do about it? We have so many committees here in Congress, the drug czar does not even know who to report to.

We need to know who is in charge. We wanted to know who was in charge in the administration, so now we have a drug czar. We want to know now who is in charge in the Congress.

But also, every time when we say we are going to get tough, whether it is on supply or demand, we begin to back away. I think there is progress being made in Mexico. I join others, as this language in this resolution does, commending President Salinas. He is making progress. He is moving in the right direction.

But the facts are that Mexico is one of the worst offenders in the world of drugs coming into this country and corrupt officials that are contributing to that. If they have made progress this year over last year, why did the Congress and the administration certify Mexico last year?

You know, we talk tough about these other countries. As far as what the Senator from Arizona, Senator McCain, had to say about Bolivia or The Bahamas, I say, "Let's take strong action in every instance."

I wonder about the State Department. They certify that these countries are not allowing these drugs to be dumped into the United States. That is ridiculous. I say give credit where credit is due, but I also say let us be honest. Let us admit the facts. And the facts are that Mexico is a major problem.

Let me read some statistics. The simple facts are that Mexico is the No. 1—I repeat, the No. 1—source for heroin coming into the United States. Mexico is the No. 2 source for marijuana coming into the United States. Mexico is the main transit country for cocaine coming into the United States.

Madam President, the United States law requires that for a country to be certified there must be full cooperation in three major areas: crop eradication, money laundering, and drug interdiction. With respect to crop eradication, the fact is that the Mexican Government refuses to let us verify their statistics. With respect to money laundering, the Mexican Government has repeatedly denied requests by the United States Customs Service to be able to turn over bank records for inspection and analysis. With respect to drug interdiction, the Mexican Government has denied us hot pursuit and overflight rights.

The Mexican Government has even denied joint crewing of air surveillance flights, such as we had back in the 1970's.

The State Department, our State Department, in a classic example of saying one thing and doing another, stated in its annual narcotics report published in March:

Political and economic instability in drug-producing areas around the world have re-

sulted in the subordination of our drug control agenda to other pressing concerns.

I suggest that it is the State Department itself that has subordinated our Nation's war against drugs to other pressing affairs, such as fear of wounding the sensibilities of major drug-producing countries that allow these drugs to come into our country without real efforts to stop it.

The State Department would have us believe that Mexico has met the standard of full cooperation in our antinarcotics legislation. They have not. They have not met the standard of full cooperation.

Unlike what was said by the Senator from Connecticut, this is not and is not intended to be a slap in the face of the President of Mexico, President Salinas. It is a recognition of reality.

Mr. DODD. Will my colleague from Mississippi yield?

Mr. LOTT. I will be glad to yield.

Mr. DODD. Will my colleague tell me which of the 26 countries on the list for certification have fully cooperated with us? Which one of those 26 countries? Can my colleague name one?

Mr. LOTT. Maybe none of them.

Mr. DODD. Can he name one? Name one? Will my colleague name one for me?

Mr. LOTT. But that does not mean there is any justification for us saying there has been full cooperation.

Mr. DODD. Will my colleague just name one for me, 1 nation out of the 26 that has fully cooperated with us?

Mr. LOTT. I think maybe the Senator makes my point. Why are we so pusillanimous in this area?

Mr. DODD. So we are picking on one nation?

Mr. LOTT. Let me reclaim my time and respond. Why do we continue to provide assistance to these countries? Why do we continue to certify they are doing fine when, in fact, they are not doing enough? When the people—

Mr. DODD. Will the Senator yield?

Mr. LOTT. I will be glad to yield.

Mr. DODD. Does my colleague realize we do not provide a nickel of assistance to Mexico?

Mr. LOTT. A number of them, we do.

Mr. DODD. That is not the subject of this resolution. Mexico is the only subject of this resolution.

Mr. LOTT. We provide assistance through other areas, multilateral organizations.

Mr. DODD. Will my colleague generally agree with me the other 25 countries are as deserving of this resolution as Mexico is, in his mind?

Mr. LOTT. Yes. There are a number of them that are deserving of that.

Mr. DODD. I thank my colleague.

Mr. LOTT. And I think we should take very aggressive action in each of those countries and we are not doing

it. Our State Department is not doing enough and that is why the Senate needs an opportunity to have its voice heard and to have an opportunity to vote on these decertifications.

I know our problem is also on the demand side. We all know that. And we have to do more about that. But that is not what we are talking about right now. We are talking about the problems on the supply side.

So, I think, Madam President, that we are serious about trying to get a control on the drugs flowing into this country, that we have to take stronger actions against this whole list of countries. In each instance that I have seen, I think with two exceptions over the past 6 years, we have backed away from decertification and we have certified, one way or the other, that they have complied and they are cooperating. A little cooperation is great. I am glad to see some progress being made by President Salinas.

But the fact is Mexico is still one of the most offending countries in this area. We should acknowledge that.

If we continue to back away, they are going to continue to allow too much of this to go on.

I think the Senator from Arizona is offering the right resolution. I would prefer, frankly, that we be voting today on Senate Joint Resolution 82, to decertify Mexico, but this expresses the sense of the Congress without going to the extent that we would have done in the Senate Joint Resolution 82.

I commend the Senator from Arizona for what he has done. I support it and the question is very simply: Are we serious about this, or are we not, in the United States? The American people do not think we are doing everything we should do and this is one step in the right direction.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. Madam President, does the distinguished chairman care to make his remarks?

Mr. PELL. I will follow my colleague.

Mr. DECONCINI. Madam President, I want to address a couple of things. One, I thank the Senator from Mississippi for pointing out what is full cooperation and what is not. We have a process now that has been struck in this bill, I must say, that the law today says the President must certify and the President certified that Mexico was fully cooperating. There is no question in anybody's mind here that Mexico is not fully cooperating but Mexico is making some changes and has done some positive things. What this resolution does, it says Hooray for you and thank you for doing that. But it also says we want you to do more.

It is nonpunitive. It does not ask for any sanctions against Mexico. If we decertify Mexico, as we did 2 years

ago, and had the House decertified them and the President had signed it, we would not see Mexican airlines coming into the United States. And there is a lot of money that the United States helps Mexico with and I am proud that we do it.

What happened in 1982 when the peso was devalued? Who put up \$1 billion immediately? The U.S. Treasury. And advanced that money so Mexico could make their payments. And I am glad we did it.

If that is not foreign aid I do not know what it is, and I do not want to call it foreign aid; it was mutual assistance, friendship, and it was something that should be done.

My colleague from Connecticut wants to talk about cooperation. My gosh, we really have cooperation from the Salinas government. We have some action in Mexico that has been demonstrative, by President Salinas. But is that cooperation?

I would like to ask the Senator from Connecticut when this is all over, and the weather cools off in Arizona, that he come down to the Southwest border next time I hold hearings in Arizona or someplace there and listen to the law enforcement people testify about what is going on along that border. Let me just read to my colleagues from hearings that we just recently had, on June 28, in Tucson, AZ. The Pima County sheriff testified there. Pima County borders Mexico.

We were talking about what kind of cooperation they have gotten from the local law enforcement and the Federal law enforcement in Mexico in the last several months. Let me read to you.

For example, a few months ago a situation just to illustrate the problem developed where a local federal agency tracked an airplane all the way from Columbia to a ranch about three miles south of the border, in an area up by the Sells Indian reservation; watched the plane load of cocaine being unloaded into a couple of pickup trucks; contacted the federal comandante in San Luis. Got his cooperation in arranging for a strike force with a couple of helicopters and some of our people and some of their own people to go provide support for the Mexicans in making the seizure and making the arrest. We were all set to do that when the Mexican comandante said, "I'm sorry, Mexico City has told me that we have to end this," while we watched two truck loads of cocaine three miles south of the border being unloaded. That's a common occurrence unfortunately. And without the cooperation of Mexico in that kind of a situation it makes it not only very difficult but it makes it frustrating for those of us that are trying to do something about the problem.

My friend from Connecticut points out that in paragraph 2 the resolution talks about suspects in the 1985 kidnapping and murder of Drug Enforcement Administration Agent Camarena. That is very true, that my good friend from Arizona, my junior colleague, points out that Caro-Quintero and Ernest Fonseca have been prosecuted

and they did receive some heavy terms, one 10 years and one 30 years. But not for the murder of Agent Camarena. For drug involvement, for violating Mexican drug laws. Not for the murder.

This murder happened 4½ years ago in Mexico. What did they do? Let me recount a little bit of that.

They picked up this agent in Guadalajara, took him out to a ranch, tortured him for several days and then they killed him 4½ years ago. And those people have not come to justice for the murder.

Do not tell me that that is justice, to have a couple of convictions on some drug charges and then have them put in a "prison" that has telephones, that has wall paneling, that the DEA, our own agents, found two tunnels almost to those cells to help them escape.

I do not know who was digging the tunnels but I suspect that there was a powerful amount of influence from inside that prison to get those men out before they might be tried for murder.

So, this resolution is correct and, indeed, something should be done about it.

Jack Lawn, who is the Director of the DEA, sat in Senator Wilson's office and the Senator from North Carolina was there, the Senator from California and myself, and we talked about decertification about 4 months ago when the issue was up here. My recollection is that Mr. Lawn said: I hope you do not move to decertification. But we need more cooperation from Mexico and you can do anything else but do not move the decertification. And he had a good reason. Now we know why. Because they were about ready to make a major arrest of Mr. Gallardo and did.

We did not move the decertification because our Government said it was not timely to do it; because we did not want to do what the Senator from Connecticut says we may be doing here, slapping somebody in the face. We are not slapping anybody.

In fact, we are praising the President of Mexico for some of the things he has done. And we are telling the Mexican Government we want them to do some more to help us.

I will get down on my knees if it will help to get Mexico to stop 50 percent of the cocaine coming into the United States through Mexico. The largest producer of marijuana and heroin coming into the United States is Mexico.

What are we asking that Government to do? We are not saying if you do not do it we are going to impose sanctions. We are not saying if you do not do it we are not going to be your friend. We are not saying we are slapping you in the face or any such thing. We are saying you should do more. You should work with us so that we can stop this scourge, not only in the

United States but in your own country.

Is this asking too much? It is asking too much for this Senate to go on record on a nonbinding, sense-of-the-Senate resolution praising the Government of Mexico for some of the improvements that they have made and asking them and urging them to do more in the war on drugs and to stop the drugs coming through that country into the United States?

The PRESIDING OFFICER (Mr. BURDICK). The Senator from North Carolina.

Mr. HELMS. I thank the Chair.

Mr. President, back in March, I think it was March 16, I introduced a resolution of disapproval of the President's certification of Mexico. It was cosponsored by the able Senator from Arizona, Mr. DeCONCINI, the distinguished Senator from New York, Mr. D'AMATO, Senator LOTT of Mississippi, and Senator COATS of Indiana. After much thought, I have reluctantly, I will say to my friend, decided to join Senator DeCONCINI in the nonbinding sense-of-the-Senate resolution instead of forcing a vote on the decertification resolution.

Mr. President, let me be candid about it. I have my doubts, but I am willing to compromise and give the President of Mexico perhaps more than he is due. I hope I am mistaken about that, but give him a 1-year grace period and see what he does.

On March 1 of this year, the State Department released its annual narcotics control strategy report. For the third year in a row, the State Department has certified to the Congress that the Government of Mexico has "fully cooperated" with the United States during the preceding 12 months in the effort to stem the flow of illegal drugs into the United States.

Without that certification, the President is prohibited from sending any economic, military, or other assistance to Mexico. Like the distinguished Senator from Arizona, oh, how I do wish I could agree with the State Department certification. I wish I could stand here in the Senate this afternoon and state with utmost conviction that Mexico has "fully cooperated" with the United States in the 12 months preceding March 1, 1989. I wish I could report the cooperation between the United States and Mexico is so extensive that we are successfully winning the war against drugs.

I cannot do any of those things for the very reason the distinguished Senator from Arizona has specified. No, that is not the case. They have not fully cooperated. Those are not my words. Those are the words of the law which must prevail before the Congress of the United States is to agree to certify Mexico. We are not winning the war on drugs, and we are not winning in part at least because the Gov-

ernment of Mexico is not "fully cooperating" with the United States. They are not fully cooperating today and they certainly did not fully cooperate during the period March 1, 1988 until March 1, 1989, and that is the period involved.

So, Mr. President, the entire certification process has been allowed to become a sham, and the Congress of the United States is doing it with the help of the State Department.

Under the 1986 law—and I will discuss the things that went on at the time that law was approved by Congress—countries must be certified as having—and I will repeat again for the purpose of emphasis—"cooperated fully," not cooperated except, not cooperated pretty good, not cooperated a little bit encouraged, in an encouraging way, but cooperated fully. That is what the law says.

They have to have cooperated fully in the previous 12 months in three key areas: crop eradication, interdiction of traffickers, and money launderers; one, two, three. That is what the law says. That is what the Senate voted on, the Senator from Connecticut included.

What do we hear on the Senate floor now? Oh, we hear that the Anti-Drug Abuse Act is flawed and how the standard for judging cooperation is imperfect.

Mr. President, when that law was being considered in this Chamber, I recall distinctly that there was not one Senator—not one—who got out of his chair and off his fanny to question the standard by which the State Department was judging cooperation in the drug eradication. No, sir, not a peep. Everybody was in favor of it because they would get headlines back home for having done something about drugs. There was not one Senator at that time who argued that the standard was imprecise or too strong.

So we approved the law, and we beat on our breast. "Look at us, we did something about drugs. Please, Mr. Radio, look at it, Mr. Television Camera, look at it, we are really doing something."

Here we are when it comes to abiding by the law, what do we have? We have the State Department and some Senators who say, "Well, let us bend the law a little bit to achieve various diplomatic objectives," et cetera, et cetera.

Mr. President, if there is a Senator who thinks the law ought to be changed, then let us debate it, let us discuss it, let us put it before the Senate and the House of Representatives for a vote, and then let us see if the American people who watch in growing despair as a generation is being crippled by illegal drugs, let us see if the American people feel that the standard is too high. Let us see if

the American people who cannot open a newspaper or turn on the television or the radio without hearing about a drug-related problem, let us see if they feel the standard is too high.

I hear all the time in this Chamber, let us obey the law. The majority leader said it yesterday, obey the law. What we mean around this place is obey the law except. To my knowledge, the Congress has not entertained one proposed modification other than to delete expedited procedure, which would effectively gut the certification process and which I will oppose at the appropriate time.

So until the law is changed, Mr. President, I believe the law means what it says. It is written in the King's English. It is a simple statement of what the law is. Either a country has fully cooperated or a country has not. That is a reasonable standard.

So, Mr. President, it is against that standard, a law approved by the House and Senate, signed by the President, that we must judge cooperation in the international war on drugs. It is against that standard that we must look at Mexico's record during the relevant year and ask ourselves, "Has Mexico fully cooperated with the United States?" And the record clearly shows the answer is indisputably "No."

In April of this year, I think it was April 5, the Senate Foreign Relations Committee held an important hearing. It was chaired by the distinguished junior Senator from Massachusetts, Mr. KERRY. The hearing was on the President's narcotics control strategy report.

At that hearing, the Assistant Secretary of State for International Narcotics Matters testified that "Mexico remains the largest single source country for heroin and the second largest source country for marijuana and a leading transit point for cocaine."

Mr. President, Mexico is a leading transit point for the poison that is killing our children all across this country. Mexico is a leading transit point for the substances that have caused this city of Washington, DC, to be known around the world as the drug capital and murder capital, and Mexico is the leading transit point for these substances that have turned our cities virtually into combat zones where outright drug warfare is engaged in with impunity.

Now, I understand as well as anybody else the difficulties in stemming the war on drugs, and I tried to keep an open mind when I listened to some of the State Department witnesses. I realized that even if Mexico were fully cooperating with the United States, there is still much to be done to seal off our southern border from drug trafficking. So I was fully prepared to listen to the testimony of all the administration witnesses scheduled to

appear at that important hearing on April 5. I was fully prepared to keep an open mind when listening to the views of the State Department, the DEA, the Drug Enforcement Agency, and the Treasury Department.

But a funny thing happened at that hearing. The State Department sent a witness to tell the committee why Mexico should be certified. "No doubt about it," the witness said. The DEA had no problem sending a witness to tell the committee why Mexico should be certified. But one witness who had received a formal written invitation from the chairman of the Senate Foreign Relations Committee almost 2 weeks before the hearing was not there. His chair was empty.

The man who was not there, Mr. President, was the Commissioner of Customs for the United States of America. I wondered about it because I know for a fact that the Customs Commissioner was willing to testify, he was prepared to testify on that day before the Foreign Relations Committee, and I also know that the Secretary of the Treasury, Nick Brady, had no objection to the Commissioner appearing before the committee because I called him on the telephone and asked him. He did not even know anything about it. He said, "It suits me all right."

But the Commissioner of Customs did not come because he could not come. He was not allowed to come because some bureaucrat in the Treasury Department, down in the soft underbelly of the bureaucracy, had taken it upon himself to decide who can and who cannot testify before the Senate Foreign Relations Committee. And he said, "William von Raab cannot go because he is likely to embarrass the other witnesses." You see, William von Raab, the most dedicated, distinguished public servant I have ever known in my life, was prepared to come and tell the truth about what is going on involving Mexico. He was not allowed to come. Some bureaucrat decided on his own, "It ain't going to happen." Someone in the Department of the Treasury did not want us to hear about United States-Mexican so-called cooperation on the drug issue.

In any event, after securing a commitment from the distinguished chairman of the Foreign Relations Committee to permit another hearing with the Commissioner of Customs, Mr. von Raab, we proceeded to hear testimony from the State Department and the Drug Enforcement Agency, and in that hearing the administration witnesses testified, what do you know, that Mexico had not cooperated in seven—count them, seven—key areas.

One, the witnesses testified that Mexico had not granted the essential overflight rights.

Two, they testified that Mexico will not grant hot-pursuit rights to the United States.

Three, they testified that Mexico had not granted permission for the United States to join in participation of air surveillance flights or interdiction in the past 12 months, the 12 months which were the basis for the judgment as to certification.

Four, the administration had said that Mexico had not granted access to bank records requested by the United States.

Five, and perhaps the most troubling point, and Senator DeCONCINI addressed that eloquently, is the fact that Mexico has not tried, convicted, and sentenced the principal suspects responsible for the brutal, unconscionable murder of the DEA agent, Mr. Camarena. They tortured him for days, buried him in sand, and killed him. Senator DeCONCINI has already outlined that, and I will not duplicate what he has said, but he told it like it was. I thank the Senator from Arizona for doing that.

The testimony revealed that Mexicans had not allowed the United States to verify through satisfactory procedures certain eradication statistics. And the administration witnesses acknowledged before the Foreign Relations Committee that there were, indeed, various new officials in high-level law enforcement posts in Mexico who have been alleged to be tied to drug trafficking and other criminal activities.

Mr. President, I ask unanimous consent that a copy of the testimony I have just referred to be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HELMS. So, Mr. President, based on that testimony, I asked our administration witnesses how they could possibly certify that Mexico had, as the law puts it, "fully cooperated" with the United States the previous 12 months. As I expected, I got mush for answers, such as, "Well, Senator, there are other factors that need to be taken into consideration."

That is what we hear on this floor. They say we ought to obey the law except when it is more convenient for us not to obey it. That is not what the law says. And if Senators do not like that law, let them propose changing it.

I asked at least one of the witnesses what other factors could possibly be as important as the war on drugs. A response from one of the State Department witnesses was, "We are all in a wait-and-see pattern as we wait and see what the new administration in Mexico does."

How is that for a bureaucratic answer? May I ask just how long we

should wait and see while the killer drugs keep pouring in a deluge over the border? Well, I also heard one of the bureaucrats say, "Oh, Senator, the relationship with Mexico is complex on narcotics issues."

You bet your boots it is complex, and it is because we are not requiring full cooperation, as our own law passed by the Senate requires.

Mr. President, many of those in Mexico argue that Mexico should be given a 1-year grace period on certification inasmuch as President Salinas has been in office only a few months, and I agree that Mr. Salinas has shown a little more receptiveness in his first few months in office than his predecessor showed in the years he was in office. Thus far, the President has presented some good rhetoric, taken one or two positive steps.

For example, in April, Mexican officials arrested a major drug kingpin, Felix Gallardo, and I welcomed that arrest. He certainly needed to be arrested. But this should not be a once-in-a-decade event. Mr. Gallardo is simply one of many.

Mr. President, it is interesting to note that other Mexican Presidents also started their first year in office with mighty tough rhetoric, and I fervently hope that President Salinas will in fact wage a 6-year war on drugs.

In the meantime, I am willing to join my colleagues in expressing my support for President Salinas' efforts, such as they are, what there is of them, and in sending a signal as to how we will measure the cooperation in the next year.

I mentioned Willie von Raab—that is what everybody who knows him and likes him calls him—William von Raab, Commissioner of Customs.

On May 2, he finally was able to come before the committee, and the media ignored his testimony like it was a plague. I remember one reporter sitting there, three or four sitting there, one was nodding, about to slump over on the table, and nothing appeared in the press or on television. But Mr. von Raab came and he reminded the committee that the man who was Governor of the Jalisco State where the U.S. DEA agent was murdered is currently serving as—what do you reckon? The attorney general of Mexico, and in the new government, the one that is going to do so much.

This attorney general, according to the testimony of Customs Commissioner von Raab refused to provide any assistance to the U.S. efforts to prosecute those responsible for the Camarena murder. The chief law enforcement officer in the new Mexican Government, the new attorney general, said "No deal. We ain't going to prosecute him"—no assistance despite the fact that a fine dedicated U.S. official was kidnapped, savagely tortured

and murdered. How do you like them apples of full cooperation?

Mr. von Raab asked whether he feels confident that the new attorney general will take his responsibilities seriously with regard to drug trafficking and here is what he replied. It is in the RECORD:

I am not comfortable with the present attorney general. His prior performance is such that I don't think we could ever overlook a situation in which someone was either actually or titularly responsible for one of the most corrupt law enforcement organizations in Mexico. That is not to say that there are not some reliable people in the attorney general's office. But the attorney general himself, to me, has a background that has a lot of explaining that needs to be done about it.

At that hearing, one of the best-kept secrets in Washington this year because Mr. von Raab was not telling anything that a lot of people in the news business liked to report, Mr. von Raab confirmed each of the seven points that I identified earlier about Mexico's noncooperation, the same points that were confirmed by other administrations a month previously.

Mr. President, it is again that background that I think to be rational about it we must temper these high hopes of unprecedented semicooperation of drug control under the Salinas government.

Back in February of this year the Commissioner of Customs sent an unclassified memorandum to the Secretary of the Treasury in which he stated:

Intelligence information currently at my disposal does not reflect any radical deviation of the new Salinas administration from the prior Mexican administration; in fact, quite the contrary may be the case.

It would be unconscionable, Mr. President, to do nothing on this matter this year. I just pray that we are not doing the wrong thing by confining ourselves to a sense-of-the-Senate resolution but I will agree to go along with it, and I will.

By remaining silent we would be endangering more lives in our own country. President Salinas has said that combatting the drug crisis is a "national security objective of the highest priority", and I praise that statement, but if it is a "national security objective of the highest priority", I wonder why they are not providing the kind of cooperation that I listed earlier.

Mr. President, inasmuch as no yeas and nays are yet obtained on my second-degree amendment, I send to the desk two minor modifications which are in language only.

The PRESIDING OFFICER. The Senator has that right and the amendment will be so modified.

The amendment, (No. 304) as modified, is as follows:

Strike all after "SEC." and insert:

915. POLICY TOWARD THE CONTROL OF ILLEGAL DRUGS IN MEXICO.

(a) FINDINGS.—The Congress finds that—

(1) the Foreign Assistance Act of 1961 requires, except in cases of vital national interest, that all countries determined to be a major illicit drug producing country or a major drug-transit country must be "cooperating fully" with United States anti-narcotics activities in order to continue receiving various forms of United States foreign assistance;

(2) relations between the United States and Mexico have suffered since the 1985 kidnapping and murder of Drug Enforcement Administration agent Enrique Camarena and the 1986 torture of DEA agent Victor Cortez;

(3) testimony before the Senate dating to 1986 has indicated that high-ranking Mexican government, military, and law enforcement officials have been involved in illegal narcotics operations, including narcotics trafficking operations into the United States;

(4) Mexico has been determined to be the primary producer of marijuana and heroin entering the United States and the transit point for up to 50 percent of the cocaine being smuggled into this country;

(5) there have been three drug-related mass murders involving more than 30 victims along the southwest border in recent months involving Mexican drug trafficking organizations;

(6) the United States continues to seek, with Mexican cooperation, hot pursuit and over-flight authority for United States law enforcement agencies, access to bank records, verification of eradication figures, information on those who have been tried, charged, sentenced, and served time for narcotics-related crimes, and extradition of criminal figures;

(7) there was sworn in a new president and government of Mexico on December 1, 1988, creating a new era of opportunity for increased cooperation and mutual friendship;

(8) the new President of Mexico, Carlos Salinas de Gortari, has indicated a strong willingness to expand and improve Mexico's anti-narcotics activities;

(9) the Chief of the Mexico City Police Investigative Service, Miguel Nazar Haro, who is under indictment in the United States, has been fired;

(10) the Government of Mexico has arrested Miguel Angel Felix-Gallardo, one of the most notorious drug trafficking figures in Mexico;

(11) Mexican officials have for the first time conceded that corrupt Mexican officials, including law enforcement, government, and military officials, have previously protected Mr. Gallardo; and

(12) criminal charges of electoral fraud against the mayor of Hermosillo, Carlos Robles, and homicide and arms charges against the head of Mexico's Oil Workers Union, Joaquin Hernandez Galicia, have been filed.

(b) POLICY.—It is the sense of the Congress that—

(1) President Salinas should be supported in his expressed willingness to end the narcotics-related corruption that has permeated the Government of Mexico in the past;

(2) Mexico should conclude the prosecution of the murders of Drug Enforcement Administration agent Camarena, and perpetrators of torture against DEA agent Cortez, and make progress in the prosecution of Felix-Gallardo;

(3) Mexico should demonstrate its commitment to cooperating fully in anti-narcotics activities by entering into negotiations with the United States on—

(A) joint over-flight and hot pursuit operations, involving Mexican law enforcement officials traveling on United States interdiction aircraft with Mexican officers having responsibility for actual arrest of suspects;

(B) participation of United States law enforcement agencies in air surveillance flights for interdiction efforts and joint United States-Mexico border enforcement and interdiction operations;

(C) United States requests for access to bank records to assist in carrying out narcotics related investigations; and

(D) United States requests for verification of eradication statistics, including ground verification; and

(4) the people of Mexico should be supported in their efforts to rid their country of illicit narcotics, bribery and corruption, and electoral fraud.

Mr. HELMS. I thank the Chair.

I shall conclude. I think we have all gone a little longer than we anticipated going.

Mr. President, I was a little bit surprised that the distinguished Senator from Connecticut, who is my friend—I enjoy my friend, Senator CHRIS DODD—and also the Senator from Arizona complained that this resolution is inaccurate. They say the suspect in the Camarena and Cortez cases have been brought to justice. It is true, as I think Senator DeCONCINI mentioned, and in the case of the Camarena murder, the principal suspect, Mr. Caro-Quintero was tried on a nonrelated charge but he has not been tried for kidnap and murder. Senator DeCONCINI, if the Senator wants to look at the record, will see that he explained that very carefully about the tunnel. I have heard two or three different versions of why the tunnel was built, so that the defendants could come and go and some of their nocturnal guests could come and go.

But Mr. Caro has not been tried for kidnap and murder. That is what the resolution says. It says kidnap and murder. That is for the torture of Mr. Cortez, the DEA agent, that there was a trial, but Mr. Cortez was brutally and savagely tortured because he was a representative of the U.S. Government. It is true that the torturers went to trial, but they were sentenced to a total of 5 years.

The Senator from Connecticut may call that justice, but I do not. It is more of a travesty. He might want to check with Mrs. Cortez and see how she feels about it; and the children.

So I believe the resolution as it stands is absolutely correct. I would inquire in closing: I am correct, am I not, that the yeas and nays on the second-degree amendment have not been obtained?

The PRESIDING OFFICER. The Senator is correct. The yeas and nays have not been ordered on the second-degree amendment.

Mr. HELMS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. I thank the Chair.

I yield the floor.

EXHIBIT 1

ADMINISTRATION WITNESSES, APRIL 5, 1989,
SENATE COMMITTEE ON FOREIGN RELATIONS

Senator HELMS. Thank you, Mr. Chairman.

I have a number of questions that I'm going to pose to both of you at the same time. I think they are yes or no answers.

The first one is this:

Has Mexico granted overflight and/or hot pursuit to the United States in the last 12 months?

Mr. WESTRATE. No, although DEA in Mexico is able to do some flights. I think you are referring probably to the Customs Service request for that authority, and the answer is no, they have not.

Senator HELMS. I'm sorry, but I didn't hear you. Your answer is no?

Mr. WESTRATE. It's no in terms of the Customs Service request for hot pursuit. DEA does overfly with our Mexican counterparts on investigations, when appropriate.

Senator HELMS. What does that mean?

Mr. WESTRATE. Well, sir, I think you were getting at the—

Senator HELMS. I just want to know yes or no whether Mexico has granted overflight and hot pursuit to the United States during the past 12 months, and that is what the certification period is.

Mr. WESTRATE. Yes, sir, they have, in terms of DEA with our Mexican counterparts. We can overfly.

The answer is no in terms of the Customs Service request to fly from the U.S. into Mexico for hot pursuit.

Senator HELMS. Has Mexico granted permission for the United States to join in participation of air surveillance flights for interdiction efforts in the last 12 months?

Mr. WESTRATE. No.

Mr. WROBLESKI. Not to my knowledge.

Senator HELMS. Both of you say no.

Has Mexico granted access to bank records requested by the United States in the last 12 months?

Mr. WROBLESKI. My understanding, Senator, on that issue is they have not, you are right. I think that their response would be that the Mutual Legal Assistance Treaty currently pending would make that process a lot easier and a lot simpler.

Senator HELMS. But they have not done it?

Mr. WROBLESKI. No.

Senator HELMS. Has Mexico tried, let alone convicted and sentenced, the principal suspects in the murder of DEA agent Camarena in the past 12 months?

Mr. WESTRATE. Yes, sir, they have, in terms of the drug prosecutions. They have not in terms of the murder prosecution. But they are expected to do so by June 15.

Senator HELMS. So the answer to the question that I asked is no.

I asked specifically as to the murder.

Mr. WESTRATE. No as to the murder. That's correct.

Senator HELMS. Has Mexico tried, let alone convicted and sentenced, the principal suspects in the torture of DEA agent Cortez in the last 12 months?

Mr. WESTRATE. Yes, they have.

Senator HELMS. Tell me about it.

Mr. WESTRATE. They received up to five years in prison and some other fines and restrictions.

Senator HELMS. Up to five years—

Mr. WESTRATE. Yes, sir.

Senator HELMS.—for deliberate torture.

Mr. WESTRATE. Yes, sir.

Senator HELMS. Well, that's just great.

Can you say with confidence that the new Mexican Administration has not named any high level law enforcement officials whom the United States believes may have ties to drug trafficking or other criminal activities?

Mr. WESTRATE. Would you restate that, sir?

Senator HELMS. Sure.

Can you say with confidence that the new Mexican Administration has not named any high level law enforcement officials whom the United States believes may have ties to the drug trafficking or other criminal activities?

Mr. WESTRATE. Let me answer that question by saying that there are allegations that we possess against some officials; but they are allegations, and they are unproven.

Senator HELMS. When were the allegations made?

Mr. WESTRATE. They span a number of years.

Senator HELMS. Do you have any opinion satisfactory to yourself why a number of years have elapsed and nothing has been done about it?

Mr. WESTRATE. Well, I think you have to look at the nature of the allegations, which I have done in great depth. An allegation is an allegation. You have to understand the same old problem that we have here. When we receive an allegation like this, first of all, it must be reported, which we do. Second, to the extent that we can pursue it, we do that. We do that with the host country involved, if circumstances are appropriate.

In many of these cases, if not, in fact, in most of these cases of allegations against officials, you have no way to pursue it. You cannot go to a foreign country and institute a Grand Jury process, for example.

If it were an allegation in the U.S., we would handle it one way. But because it is not, we are limited.

We do, however, I think have a solid track record, Senator, in terms of actually taking action here when we have the proof that we need to reach indictments against people who are alleged to be involved.

During the course of the past year, year and a half or two years, we have done that on a number of occasions, as you know, against officials of various countries. We will continue to do that when we can develop that information.

Senator HELMS. I understand all of that. But evidence is evidence, and you and I cannot discuss it in this open hearing. But it is conclusive, and I think you know that.

This is what troubles me.

Well, let's move on.

Did Mexico grant safe haven in Cuba for William Morales, the terrorist wanted for extradition by the United States?

Mr. WESTRATE. My understanding—although that is not a drug case—my understanding is that he was released by the Mexican authorities and did go to Cuba.

Senator HELMS. He was released by the Mexican authorities so he could go to Cuba.

Mr. WESTRATE. I believe so. At least our request for extradition was not honored.

Senator HELMS. Right.

Is it true that the Mexican army will not allow the United States to verify its eradication procedures?

Mr. WESTRATE. No, that is not true. We are allowed to verify, and there are different ways that that happens.

Senator HELMS. Is it, in your judgment, a satisfactory verification procedure?

Mr. WESTRATE. No, it is not.

Senator HELMS. Do you agree?

Ms. WROBLESKI. I think that is right.

Senator HELMS. The last question is do you believe these and other facts show that Mexico has "cooperated fully" in the past 12 months?

Mr. WESTRATE. Well, considering the answers to those questions and the other factors that are taken into consideration in this process, the President has determined that they have fully cooperated and, therefore, did certify them.

Senator HELMS. And even if you disagreed with him, you wouldn't say so?

Mr. WESTRATE. No, sir, I would not. [General laughter.]

Senator HELMS. Diogenes can put down his lantern. You are an honest man.

Do you agree?

Ms. WROBLESKI. Well, I think that Mr. Westrate makes a good point. There are issues other than those on your list, although the answers to those questions would appear to be self-evident. But there are, of course, other factors which need to be taken into consideration: the eradication campaign, the seizures, all of the statistics, if you will, on Mexico are up for the calendar year of 1988. We have seen action since President Salinas took office which I think both we at the State Department and at the Justice Department find encouraging. Stemming from his first, very candid, meeting with President Bush in November, we have seen him saying, and doing, to a certain extent, all of the right things.

This was the first year that narcotics was an issue in the Mexican election. I think that we are all in a wait-and-see pattern as we wait and see what the new administration in Mexico does.

Senator HELMS. Well, I would not debate with you about that. I think it was Humpty Dumpty in Lewis Carroll's "Through the Looking Glass" who said, "When I use a word, it means precisely what I intend it to mean, nothing more nor less."

What do the words "cooperated fully" mean to you?

Ms. WROBLESKI. We have this debate fairly frequently.

It seems to me that Congress has built into the certification process certain judgment calls, as the Chairman reflected in his opening statement. We take into consideration, the President takes into consideration, I think, the full range of narcotics issues.

Because the relationship with Mexico is complex on narcotics issues, not to mention all of the other issues, there is more there to look at. I think, again, when you look at seizures, when you look at arrests.

COMMISSIONER WILLIAM VON RAAB, MAY 2, 1987, SENATE COMMITTEE ON FOREIGN RELATIONS

Senator KERRY. Do you want to summarize it? I mean, maybe your memory as to what is and what is not in it will be stronger if you do that.

Mr. VON RAAB. No, except to say that I have been—

Senator KERRY. Why don't I ask you a few questions?

How long have you been Commissioner now?

Mr. VON RAAB. For seven and a half years.

Senator KERRY. And in the seven and a half years that you have been Commissioner, have you worked closely with the Mexican Government?

Mr. VON RAAB. The first trip I took abroad, which was actually within two weeks of my taking over as Commissioner, I went to Mexico.

It was a rather remarkable trip. Among other things, I was invited to go to a whore house while I was there. Fortunately, I turned that request down.

So, having had that rather startling introduction, we actually went through a period of two years in which we tried very hard to develop as good cooperation as we could. I will say that between the two Customs Services, we reached a point at a meeting in Zijuatenejo in which we actually agreed on 17 points of cooperation.

At that point, the Customs Commissioner and his boss were fired. Two Customs Commissioners were produced, each of whom claimed responsibility for Customs, making it impossible for us to work with the Customs Service.

I made a trip at that time with Senator Hawkins to Mexico, in which we put forth some of the proposals that have been kicked around now for some years. We put them forth with some enthusiasm and some hope. They were politely discouraged and slowly, but persuasively, rejected over time.

Then the next events that took place were a serious degradation of, if you would, relations on the law enforcement front, sort of culminating in the Camarena murder and the Cortez beatings, and a gradual period of cooling off of relations between the de la Madrid law enforcement structure and the Customs Service, leaving us in a rather miserable state of affairs at the end of that administration.

Senator KERRY. I think many of us recognize that there were a lot of problems in the prior administration. This Senator co-sponsored, with Senator Helms, the decertification previously, and we won in the Senate, as you know. Then it died in the darkest reaches of the House.

We are back here. I am not this year a co-sponsor. I guess the really relevant question for most Senators is where are we now. Is there an indication that there is a move toward better cooperation? Is there a breathing spell that ought to be granted to the President, and so forth?

So, let me, on behalf of Senator Helms, ask some of his questions.

I think you have really answered the first question, which is cooperation of the last Mexican administration.

Now, President Salinas has been President for five months. In your opinion, has there been more cooperation with the new administration?

Mr. VON RAAB. If I may, to quote from a letter that I have written to Dr. Bennett, the issue is simply whether the recent actions taken by the Salinas Government, which are attractive, and apparently supportive of law enforcement, "are indicative of a major shift by the Mexican Government, or whether there is a throw-away activity exclusively arranged for its domestic political effect in the United States."

If, as I hope is the case, the kinds of actions that we're seeing generated almost directly from the Office of the President are evidence of a systemic change, then things look good. If, however, it is similar to what we saw in the de la Madrid administration of sort of two years of trying to look good, followed by four years of not caring, then it's bad.

I do not like to be the lone critic of Mexico. I don't find that position comfortable. But I do think it is important to keep our eyes open, as we do with glasnost, to insure that this is real, that it is permanent.

We have only a short experience with Salinas. There have been some bright spots. I would hardly say there were a "thousand points of light," but maybe three or four.

Senator KERRY. In comparison with other countries, how would Mexico rank in terms of cooperation?

Mr. VON RAAB. Through the de la Madrid Administration, Mexico's performance was about as dismal as I could expect, including using up a lot of high level U.S. administration time in wild goose chases on cooperation.

Now, as I indicated, there are signs of improvement. If you believe glasses are half full, you are feeling very good about this administration.

I want to feel good about it.

Senator KERRY. Who was the governor of Jalisco State when the U.S. DEA agent Camarena was murdered?

Mr. VON RAAB. The governor was Enrique Alvarez del Castillo, who is now the Attorney General of Mexico.

Senator KERRY. Was he cooperative with U.S. efforts to prosecute those responsible for the Camarena murder?

Mr. VON RAAB. He refused to provide any assistance as governor.

Senator KERRY. How would you describe your attitude toward the Attorney General Alvarez, that same governor, with the information regarding—well, would you trust him with information regarding drug trafficking provided by the U.S. under the current MLAT treaty?

Mr. VON RAAB. I am not comfortable with the present Attorney General. His prior performance is such that I don't think we could ever overlook a situation in which someone was either actually or titularly responsible for one of the most corrupt law enforcement organizations in Mexico.

This is not to say that there are not some reliable people in the Attorney General's office. But the Attorney General himself, to me, has a background that has a lot of explaining that has to be done about it.

Senator KERRY. Have there been any formalized agreements between the United States and the Mexicans that involve the Customs Service which provide for increased cooperation?

Mr. VON RAAB. There are no formal agreements between Customs and the Mexican law enforcement establishment.

At the time of the establishment of Operation Alliance, which is our special anti-drug operation on the border, Assistant Secretary Frank Keating made a number of efforts to craft some agreements with the then-Deputy Attorney General, a fellow by the name of Ortega-Padilla, and our Assistant Commissioner, William Rosenblat, was designated as the Customs individual to work these out.

He met once or twice with Ortega-Padilla. There was lots of good talk. As soon as the proposals were reduced to writing, although we signed the proposal, Ortega-Padilla never found the time or the enthusiasm to agree to any of the proposals, as a result of which, we never had a proposal, although we did a lot of talking.

Senator KERRY. Has the Mexican Government granted Customs overflight rights?

Mr. VON RAAB. No. They have not granted us overflight rights.

Senator KERRY. With Mexican agents on board, or solo, or in any status?

Mr. VON RAAB. We have not been granted overflight rights to follow airplanes across the border in hot pursuit.

We have been given permission to fly our planes to get over to the Gulf Coast of Mexico, across Mexico, but not for the purpose of surveillance; just, basically, for the purpose of a shorter route to the Gulf.

Senator KERRY. And not at all for the purpose of hot pursuit?

Mr. VON RAAB. That's right.

Senator KERRY. Do the Mexicans currently participate with U.S. Customs Service in joint air operations?

Mr. VON RAAB. No. They do not.

Senator KERRY. Have you requested those operations?

Mr. VON RAAB. We have a sort of permanent, I guess the longest established floating request—to paraphrase Damon Runyon—with the Mexicans to have that. But it has not been granted.

Senator KERRY. Has it been reiterated in recent days?

Mr. VON RAAB. It has been reiterated on a regular basis. Yes.

Senator KERRY. How regularly? When most regularly?

Mr. VON RAAB. Well, I can't tell you the last time the request was made, but I would assume that the request was made certainly informally within the past three or four months.

Senator KERRY. And if the Mexicans were to participate in those joint operations, what would be the impact on drug smuggling from Mexico?

Mr. VON RAAB. I think it would be a similar impact to that which we have seen with the Bahamas. That is, with the Bahamas, we actually have U.S. officers on our planes flying into the Bahamas with Bahamian officers. At the same time, our planes at times fly into the United States with Bahamian officers.

When we are in Bahamas, we support the Bahamian officers while they make an arrest. In other words, we guard the plane. We take sort of nonintrusive enforcement action, and vice versa.

The result I think would be to reduce air traffic, illicit smuggling air traffic, across the U.S. border, and, I might point out, illicit air traffic into Mexico, because these fellows are no dummies. They don't "dead-head" back into Mexico. They carry smuggled goods, usually electronics, back into Mexico.

I think it would cut that two-way trade of drugs and electronics substantially.

Senator KERRY. Has Mexico granted access to bank records requested by the United States?

Mr. VON RAAB. No, they have not.

Senator KERRY. Are you familiar with a Mr. Ortega-Padilla?

Mr. VON RAAB. Yes.

He is the individual to whom I referred earlier. He was one of the Deputies Attorney General, and now he is the Director of the U.S. UNFEDOC program, the agricultural development program in Mexico.

Senator KERRY. Is that related to narcotics?

Does he hold a position in the Mexican Government related to narcotics?

Mr. VON RAAB. Mr. Outlaw from our Enforcement Division will given you a little more detail on that.

Mr. OUTLAW. Mr. Ortega is in charge of approximately a \$15 million fund that is designed to promote agricultural development

in support of Third World countries. The principal theory behind this agricultural development is to provide alternatives to illicit crop production.

Senator KERRY. Has he ever personally blocked any anti-drug operations or initiatives?

Mr. VON RAAB. In May of 1988, U.S. Customs had two Black Hawk helicopters in Yuma, Arizona, and we had established contact with the commandante of the local MFJP in Sonora. They had agreed with us to engage in a joint U.S.-Mexican operation, which we believe would have been quite successful.

In spite of the agreement of the commandante and the MFJP, when the request went to Mexico City, Ortega-Padilla turned it down. As a result, we think we lost a substantial load of cocaine.

Senator KERRY. Does the Customs Service have information on high level officials in the current Mexican Administration that indicates they are involved in the drug business or have associations with known drug traffickers?

Mr. VON RAAB. We have discussed the Attorney General at length before. It is a bit difficult for me to run through a list of what might be regarded as high level officials. But there is information, particularly with respect to associations of individuals, in the Mexican Government, association with individuals with known drug trafficking activities.

Senator KERRY. But you are saying, you are not confirming, then, that there are high level government officials involved in drug trafficking?

Mr. VON RAAB. I think the two major concerns we have would have to go to the background and previous associations of the Attorney General and his involvement in the Jalisco activities. Secondly, I am personally concerned about Ortega-Padilla and the role that he played in basically quashing any number of successful efforts when he was in the de la Madrid Administration.

Those are the individuals who give me the greatest concern.

Senator KERRY. To your knowledge, are there other agencies of our government that have information on corrupt Mexican officials?

Mr. VON RAAB. There is a substantial amount of information in DEA files, with respect to a number of administration officials. In some cases, obviously, as law enforcement information is, it is alleged or unconfirmed. But, however, there is information in their files on officials in the Mexican Government.

Senator KERRY. Now, immediately before leaving office, Secretary Shultz wrote a letter to the enforcement agencies here in this country asking them to turn over all information in their files on corrupt Mexican officials.

Did you turn over information?

Mr. VON RAAB. We were queried on that by the Treasury Department. Our response to the Treasury Department was that we thought it would be inadvisable to turn this information on over to the Mexican officials.

Senator KERRY. Well, it was not to Mexican officials. It was to the State Department, wasn't it?

Mr. VON RAAB. Well, our understanding was it was going to go to Mexican officials.

Senator KERRY. From the State Department to Mexican officials?

Mr. VON RAAB. Right.

Senator KERRY. Do you know of any governors in Mexico involved in drug-related corruption?

Mr. VON RAAB. The governor of Baja California South has two brothers arrested on drug trafficking charges. The governor of the Federal District is closely associated with Nazar Haro. The governor of Jalisco's niece is, or was, Caro Quintero's girlfriend. Those are some examples of some of the governors.

Senator KERRY. But none of those examples that you gave me specifically is of a governor involved in trafficking. It is association.

Mr. VON RAAB. Those are all associations. That's correct.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, the amendment of the Senator from Arizona [Mr. DeCONCINI] recognizes the positive efforts that are being made by the Salinas government on the anti-narcotics front but it places demands on Mexico that the Mexicans believe impinge on their sovereignty such as joint overflight, hot pursuit, and joint border enforcement.

The Mexican Government has been making great strides in their antinarcotics efforts as evidenced by the arrest of one of the most notorious drug figures in Mexico, the firing of a high-ranking Mexico City police official, and the bringing of criminal charges against political and union officials.

The great majority of the members of the Foreign Relations Committee believe that Mexico is serious about antinarcotics efforts as the resolution to disapprove the President's certification of Mexico was defeated in committee by a vote of 14 to 3 this past April.

Mexico under President Salinas has demonstrated renewed vigor in the antinarcotics area and wants to work with the United States. I believe that a resolution such as this would be interpreted in Mexico as interference and could set back the positive developments that have recently been made on the narcotics front.

The PRESIDING OFFICER. The Senator from New York [Mr. D'AMATO].

Mr. D'AMATO. Mr. President, I rise today as an original cosponsor of this sense-of-the-Senate amendment concerning efforts by Mexico to control illegal narcotics-related activities. I commend my distinguished colleagues who have joined together to draft and introduce this important amendment as an alternative to the decertification resolution.

Through the process of debating and adopting this amendment, I am confident that we can help Mexico's improving performance rise to the level where they will, in fact, meet the test of "full cooperation" which is the legal basis for certification under the

International Narcotics Control Act of 1986.

I have been a leader in efforts to decertify Mexico. In truth, previous certifications of Mexico as "fully cooperating" were a farce. Drug production in Mexico and drug transit through Mexico were growing, not shrinking. DEA agent Enrique Camarena was tortured and murdered, and the Mexican legal system was inventing new definitions for delay. Corruption and neglect were the norm for Mexican law enforcement, except when producing indignant public statements defending their unacceptable performance.

Now, I am happy to report, President Salinas has energized Mexican antidrug efforts. Most strikingly, Mexican law enforcement officials arrested Miguel Angel Felix Gallardo, one of the most famous and powerful Mexican drug traffickers. They also arrested a substantial number of local law enforcement officers and charged them with protecting Gallardo.

Mexican officials have finally fired the chief of the Mexico City police investigative service, Miguel Nazar Haro, who has been under United States indictment for narcotics offenses for some time. Other progress is being made, as major narcotics trafficking organizations have been dismantled or disrupted.

On March 15, 1989, I asked Secretary of State Baker about Mexican progress in arresting and convicting major drug traffickers last year. I received the Secretary's response in writing.

The Secretary stated that Rafael Caro-Quintero, who was arrested in 1985 in connection with Agent Camarena's murder, was convicted and sentenced in September 1988 to 34 years in prison. He listed the following major violators as having been arrested in 1988-89:

Miguel Quintero-Paez, Filemon Medina-Medina, Juan Lizarraga-Lizarraga, Juan Jose Quintero-Payan, Jose Pineda-Trinidad, Juan Frank Garcia, Hugo Etienne-Marin, Gilberto Ontiveros-Lucero, and Guiseppe Catania-Ponsiglioni.

The Secretary further reported that the Esparragosa and Fonseca drug organizations have been dismantled and three other organizations had been disrupted.

All of this good information marks what we hope and believe is the beginning of real progress in Mexico's efforts. President Salinas deserves full credit for this movement, where before there had been indignant protests that everything that could be done was being done.

However, the amendment I am supporting is still vitally necessary. Let me explain why.

Mr. President, I am confident that the Secretary answered my questions to the best of his ability. However,

there are some points that were not fully addressed.

For example, while Rafael Caro-Quintero was convicted for narcotics trafficking activities, his trial for his role in Agent Camarena's murder is still not finished. The Secretary stated that verdicts in this trial are expected later this year.

Also, I asked if the Mexican Government had arrested, prosecuted, and convicted a single major drug trafficker in the last year, and, with the exception of Caro-Quintero, all of the persons he named had only been arrested. The question of prosecution and conviction was not answered, because the answer would not have supported certification.

Finally, I was not precise in my formulation of the question. I asked about arrests "in the last year," meaning during calendar year 1988. In his response, he supplied names from 1989, after President Salinas took office. This answer made Mexican performance look better than it actually was.

Looking further at the question of full cooperation, as the amendment states, we are seeking major steps forward on issues that have been on the table for years. These major issues are:

Hot pursuit of fleeing drug suspects by United States law enforcement aircraft, with Mexican law enforcement officials aboard, across the Mexican border;

United States participation on Mexican air surveillance flights for interdiction;

Access for United States law enforcement to Mexican bank records;

Verification by United States personnel of Mexican drug eradication performance;

Extradition to the United States of Mexicans charged with crimes.

Until we see progress on these issues, certification of Mexico as "fully cooperating" will remain an "Alice of Wonderland" exercise. We will be saying something we all know is not true, solely to prevent embarrassment to Mexico.

The State Department's International Narcotics Control Strategy Report, which assesses Mexico's performance from March 1, 1988, to March 1, 1989, lists many examples of Mexican failures to cooperate or to take adequate steps on its own. The following statements are from pages 107 to 111 of that report, and I quote:

Mexico is a major producer of opium poppy and cannabis and continues to be a primary source of heroin and marijuana entering the United States.

Additionally, traffickers increasingly use Mexico as a transit country for shipping cocaine from South America to the United States.

Corruption continues to undermine effective drug law enforcement.

According to the Mexican military, it manually eradicated 6,781 hectares of

opium poppy and 8,785 hectares of cannabis in 1988. U.S. officials are unable to verify these claims which, when combined with reported PGR [Attorney General's Office] eradication totals, equal or exceed U.S. estimates of total cultivation. The Mexican military does not permit civilian scrutiny of its official activities.

The [Mexican] Government for reasons of sovereignty, has declined to grant open-ended or unrestricted rights to the U.S. Customs Service to cross the Mexican border in pursuit of suspect aircraft. Various alternatives have been proposed by both sides without resolution.

*** It is unclear whether the level of narcotics-related corruption has diminished, either in absolute terms or in its impact on programs.

Mr. President, they are not fully cooperating. That is the truth. No amount of exaggeration or clever presentation of the facts will overcome this fact.

But Mexico is making progress. This year, we are offering this sense-of-the-Senate amendment to encourage this progress, in the hope that in the near future, we will be able to honestly certify full cooperation—and that, as a result, Mexico's prominent role in the international drug traffic that is making our neighborhoods, our schools, and our cities unsafe is actually being reduced.

Mr. KOHL. Mr. President, everyone seems to agree that Mexico has made real improvements in their efforts to fight the war on drugs. Everyone seems to agree that there is more that Mexico can and should do. The disagreement comes from how we can best encourage and work with Mexico to make sure that those additional steps are taken.

I do not believe this amendment is the best way to do that. This amendment begins by praising Mexico for its improved record and then singles them out for criticism for not doing more. The Government and the people of Mexico are not going to respond well to the fact that they—above all other nations—are subject to this criticism despite their improved record. Every country could cooperate more fully. If they did, the drug problem would not be as great as it is. So why single out Mexico which is improving the job it is doing? What about Cuba or El Salvador or the Bahamas—or even the United States. You know, we aren't perfect. We have corruption caused by drugs. We have failed to fully cooperate with Mexico—we have never ratified the MLAT agreement which could help us develop a better strategy for dealing with Mexico on the drug issue.

Mr. President, the question here is not on the goal we seek; the question is the tactics we ought to use. If Mexico had not made the progress it has—then I would vote for this amendment. But Mexico has made progress, has made improvements, and I don't

think the reward for that ought to be the rebuke implicitly contained in this amendment. I always learned that you ought to reward progress in an effort to encourage even better behavior. I think that is why the President of the United States certified that Mexico is "fully cooperating" with us in an effort to stop the drug trade. I don't think that certification is accurate—"fully cooperating" isn't an accurate description of the state of affairs. But it is more accurate than decertification would have been—which is why, as he explained today, Senator HELMS declined to seek action on his resolution disapproving that certification by President Bush. And the President's certification is more accurate than this amendment—which is why I am voting against it.

Let me make one final point, Mr. President, we are trying to work with Mexico on a number of important problems: debt, pollution, trade. These are important issues. I am afraid that in addition to making Mexico less likely to cooperate with us in the war on drugs, adoption of this amendment will also make Mexico less likely to work with us on these issues. I might be willing to take that risk if I believed it would buy us more cooperation in the war on drugs. But as I have explained, I don't think that would be the case. This amendment will hurt our ability to achieve important economic and foreign policy goals while not advancing the war on drugs. I urge my colleagues to vote against it.

Mr. KENNEDY. Mr. President, I rise in opposition to this amendment relating to Mexico. At first glance, the amendment appears to be simply a harmless expression of concern over the serious drug problem facing our Nation. All of us in this Chamber have the concern of the authors of this amendment over the flow of drugs in this country. We all want more to be done to combat the crisis of drugs undermining our society.

But let us be clear what this amendment does. Bash Mexico. It bashes our neighbor at a time when it is making dramatic and significant progress on the very issues of concern to the United States: debt, drugs, democracy, and corruption.

The amendment itself recognizes these achievements. It states that the new President of Mexico, Carlos Salinas, has indicated a strong willingness to expand Mexico's antinarcotic efforts. The amendment lists a variety of impressive steps President Salinas has taken to confront its most serious problems. He has fired the chief of police, under indictment in the United States; he has arrested the godfather of drug trafficking, Felix-Gallardo; and he has moved against the corrupt leader of the Oil Workers Union, Joaquin Hernandez Galicia.

Since taking office last December 1st, President Salinas has also taken impressive steps to eliminate corruption in the electoral system. President Salinas has filed criminal charges against a variety of officials allegedly involved in fraud. And in one of the most historic moments in modern Mexican history, the ruling party, PRI, conceded defeat in a gubernatorial race for the first time in 16 years—in Baja California.

The new leadership in Mexico has lost no time in moving against the evils facing the Mexican society. And these are the very problems which are of concern to the United States—and to the supporters of this amendment.

The United States ought to stand firmly behind President Salinas and his government in his struggle—not undermine him with ill-advised and harmful amendments such as the one before us.

Let me recommend to my colleagues several articles on the recent events in Mexico. An editorial in the July 8, 1989, Washington Post states that "Mexico is a remarkable case of an authoritarian state going through a genuine and sweeping process of reform imposed from the top."

And a similar editorial in the July 7, 1989, New York Times states:

In his seven months in office, Mr. Salinas has jailed corrupt union leaders and financiers, cracked down on major drug traffickers, and moved to prosecute a former security official accused of arranging the murder in 1984 of Mexico's leading journalist * * * (President Salinas') vision and his courage deserve U.S. applause and support.

Mr. President, I hope my colleagues will agree that President Salinas deserves our support and applause. Amendments such as the one before us can only undermine his determined efforts toward progress. I urge my colleagues to vote for a continuation and expansion of the steps taken by President Salinas by defeating this ill-advised and counterproductive amendment.

I ask unanimous consent that the text of several articles relating to recent events in Mexico may be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, July 7, 1989]

WINNING BY LOSING IN MEXICO

Mexico's governing Institutional Revolutionary Party, or PRI, has just registered a rare political triumph. For the first time since it was founded by revolutionary generals 60 years ago, the party conceded defeat in a major election, for governor of the state of Baja California Norte. Not only that, but the ruling party may soon acknowledge a possible second defeat, in elections for the Michoacán state legislature.

President Carlos Salinas de Gortari thus improves the credibility of his impressive program of reforms from above by opening the possibility of opposition success from below.

In his seven months in office, Mr. Salinas has jailed corrupt union leaders and financiers, cracked down on major drug traffickers and moved to prosecute a former security official accused of arranging the murder in 1984 of Mexico's leading journalist. Now, Mr. Salinas embarks on what may be his toughest challenge: preparing his party and his country for a future of democratic pluralism.

Opposition parties have occasionally elected representatives to city halls state legislatures and the national Congress. But until this week, PRI candidates were automatically declared the winners of every presidential and gubernatorial election, regardless of vote totals. A process known as "alchemy" transformed losing numbers into golden victories.

PRI traditionalists have cited their party's perfect record as a sign of the stability and popular legitimacy of their rule. But the growing odor of fraud in fact fostered instability. And in the context of the powerful democratic trend elsewhere in Latin America, Mexico's backward ways had become an embarrassment.

Even the boldest reforms are devalued when regimes rig the rules against real opposition. Mr. Salinas knows that. His vision and his courage deserve U.S. applause and support.

[From the Washington Post, July 8, 1989]

MEXICAN DEMOCRACY

Mexico's government is keeping that promise about the integrity of ballot boxes. Having won every gubernatorial election for 60 years until last Sunday, the dominant Institutional Revolutionary Party—the PRI—now acknowledges that it has lost one. In the past, the PRI never hesitated to resort to the most blatant fraud when persuasion and patronage weren't sufficient to guarantee a victory. This week, in the state of Baja California Norte, it broke that tradition and conceded that its conservative rival has won the governorship.

Mexico is a remarkable case of an authoritarian state going through a genuine and sweeping process of reform imposed from the top. It began earlier in this decade under President Miguel de la Madrid, and it is now being broadened and accelerated by his successor, President Carlos Salinas de Gortari. They recognized that Mexico is no longer a backward nation of peasants who can be ruled by a few wealthy and ruthless men. As the country has developed, they saw, it is the political system that has become backward and a drag on the rapid growth that Mexico, with a young and rapidly growing population, urgently needs.

It will take steady nerves and a bit of luck to carry these reforms through. Much of the PRI still prefers the comfortable, corrupt old ways of doing things. The transition from one-party rule to democracy is always perilous, with a chorus of naysayers shrieking that it will all lead to chaos.

But the leadership of the PRI decreed a straight count of the vote in Baja California Norte and made that decision stick. It's not an isolated example. In the state of Sonora, prosecutors are currently going after fraud carried out by the PRI in last year's elections.

As the Mexican system used to work, the government protected industries and made them profitable despite their inefficiency. The industrialists returned the favor by supplying the funds that kept the PRI in power. It was a formula that made a few

people very rich and kept most of the country very poor. Over the past generation a rising middle class has begun to challenge it. In the early 1980s, the government started to open the economy up. It dropped many of its protectionist habits. In a dramatic turnabout, it has begun inviting foreign investment in. Mexico is on its way to becoming a fully competitive economy. But a competitive economy requires a competitive political system to govern it. That's the significance of the latest returns.

Mr. BENTSEN. Mr. President, I oppose punishing Mexico for supposedly refusing to cooperate with the United States in the war on illegal drugs.

While this amendment is nonbinding and while it contains recognition of Mexico's increased cooperation with the United States to control the drug traffic, the tone and the specific findings are excessively critical. Senate approval under these circumstances would be a rebuke to Mexico rather than a reaffirmation of our mutual determination to do better.

The facts confirm what President Reagan and now President Bush have certified—that Mexico has made extraordinary efforts to work with us against this common enemy.

To try to condemn Mexico in spite of these facts would be bad foreign policy and bad drug control policy.

An unfavorable Senate vote would embarrass President Bush and Mexican President Salinas; it could destroy the cooperative relationship we have with Mexico on drug matters; and it could provoke troubles which might well exacerbate the Latin debt crisis and lead to a new influx of illegal immigrants.

What are the facts?

In the past year, according to the President's certification report, Mexico has expanded the scope and efficiency of its opium and marijuana eradication programs.

From that start, President Salinas has made antinarcotics programs a top national priority and has backed his commitment with scarce financial resources. He deserves an opportunity to prove his mettle in this fight. Already he has increased the drug control budget by 174 percent to a record \$53.9 million. He has created a new 1,200-man antinarcotics force under the attorney general and has added 344 new drug prosecutors.

Sixty percent of Mexico's justice department budget goes for the war on drugs.

One-fourth of the Army regularly engage in eradication programs. Over 20 percent of the Mexican defense budget goes for antinarcotics activities. The comparable figure for the United States is one-tenth of 1 percent, in large part because we are sensitive about giving our Armed Forces any role in domestic law enforcement.

More than 1 year ago Mexico ratified the mutual legal assistance treaty

which the United States Government has long sought in order to strengthen procedures for the investigation and prosecution of narcotics-related crimes. Though Mexico has ratified the treaty, this Senate has yet to act. That treaty, by the way, would pave the way toward much of the information sharing sought by this amendment.

Last February 23, the United States and Mexico signed another agreement for increased cooperation against illegal drugs including the creation of a permanent joint commission on cooperation.

Over the past 6 years, at least 48 Mexican drug enforcement agents and 150 soldiers have been killed in the war on drugs.

Despite what has already been accomplished, Mr. President, much more needs to be done. But that is true on both sides of the border.

We haven't done enough to reduce the demand and the supply; Mexico hasn't done enough. But the shortfalls have not occurred because of a lack of Mexican cooperation.

Before we pass judgment on Mexico, let us look in our own backyards—at the bloodstained streets of our Nation's Capital, at the fancy homes built with drug profits on our side of the border, and at United States marijuana production which has tripled in this decade while that in Mexico has remained relatively steady.

This resolution would single out Mexico for additional criticism but would leave unchallenged the President's certification for several other countries which also could do a better job: Bolivia—a poor country with great economic dependence on the drug trade; Colombia—the primary source of marijuana brought into the United States and home of the notorious Medellín cartel; and Pakistan—one of the world's largest producers of opium.

Mexico's record of cooperation is surely as good as or better than that of those countries. What an outrageous injustice it would be to put Mexico on the same level as the handful of nations already on our sanctions list—such as Noriega's Panama, the Ayatollah's Iran, and the Soviet puppet regime in Afghanistan. It is an insult of the first order to lump Mexico with those pariah regimes.

Mr. President, Mexico deserves praise, not punishment, for the extraordinary steps it has taken to solve its problems, not only in narcotics control but also in attacking corruption and in reforming its troubled economy.

Former President de la Madrid took some major steps in reversing the profligacy of his predecessors. He recently told a friend of mine,

You are visiting me in the same home I lived in before I became president. How long

has it been since a Mexican President could make such a statement?

Consider the take-charge way President Salinas has acted since taking office last December, as summarized by the Wall Street Journal on March 16:

Since then, he has cracked down on Mexico's strongest labor union and arrested a top financier on stock-fraud charges.

He has shored up his support on the right with a historic political opening to the long-suppressed Catholic Church and on the left with an offer of amnesty for political prisoners. And he has presented an economic reform program that has persuaded Mexican investors to repatriate about \$1 billion of capital.

All this, in his first 100 days. All this, despite his bare-majority victory in last year's elections.

It is easy to criticize Mexico for political corruption and bureaucratic inefficiency. President Salinas has recognized those problems and moved against them.

Just imagine the political earthquake here if a newly elected U.S. President arrested one of his own top fundraisers for tax fraud and sent troops to seize the head of a powerful union of government employees which has long been a major power base in his party.

It is even harder to imagine how the United States would have coped with the economic austerity which Mexico has tolerated for the past 6 years—as per capita GDP fell by 16 percent. That means a reduction of its standard of living by 40 percent as the Government enacted tough economic reductions of expenditures.

Mexico has undertaken economic reforms in recent years which make our own efforts meager by comparison. While our budget deficits were doubling, Mexico was cutting its in half.

While United States Federal spending has remained right around 22 to 23 percent of GNP, Mexico, since 1982, has slashed its public sector expenditures by one-third, from 44 to 30 percent of GDP.

While we have agonized year by year over how to eliminate a budget deficit amounting to about 5 percent of GNP, Mexico has already cut its deficits by nearly twice as much, from over 18 percent of GDP to under 10 percent.

One of the most important reforms has been the privatizing of enterprises previously run by the Mexican Government. Six years ago, Mexico had more than 1,100 state-owned firms; today the number is below 400 and still dropping.

This movement toward a more market-oriented economy has been accompanied by reduced corporate taxes as well as cuts in subsidies, social services, and the size of the bureaucracy.

In addition, Mexico has moved in the past decade from one of the most protected economies to one much

more open. Non-tariff barriers have been greatly reduced—though we've had some recent problems selling our hogs—and average tariffs have been slashed from 45 to 10 percent, the lowest in Latin America.

Mexico has been able to accomplish these dramatic reforms in spite of the economic and social pressures of the collapse of oil prices, an ever-growing population, a heavy foreign debt burden, and much stronger domestic political opposition groups.

But there are limits to what can be achieved, as we saw when Venezuelans rioted to protest their own government's more modest austerity plans. There are also limits to how much Mexico—or any economy—can grow when it is saddled by interest payments abroad that eat up 5 percent of its total GDP each year.

Mexico needs help if it is to succeed in these far-reaching reforms, not the back of our hand.

It does not deserve this slap-in-the-face resolution.

If we now vote to condemn them because of alleged shortcomings in cooperation on drugs, we risk undermining all the progress of recent years.

The Senate did not act to reject the President's certification of Mexican drug control cooperation earlier this year. We should not now approve this back-door measure to convey the same message.

For if Mexico concludes that we are bent on criticizing and punishing their impressive through insufficient action. I wonder whether a chastized Mexican Government would continue to accept our drug-fighting funds and our involvement in their drug control activities.

If this misguided measures wins, I would anticipate a subsequent effort to force the United States to vote against loans to Mexico by international development banks. That would knock the props out from under their tough, new president and from his coordinated economic recovery program.

If we start punishing Mexico because of drugs, we risk punishing ourselves even more. A weakened Mexican economy may well mean fewer jobs in the United States as well, and more failed banks in the United States, and more illegal immigrants to the United States.

Reductions in international aid flows translates directly into slower economic growth in Mexico. And we have a very recent test case of the consequences that could hit our own economy. When Mexico began its austerity program in 1982, thousands of peasants abandoned their farms and flocked to the big cities, or across the border into Texas and other States. At the same time, our exports to Mexico plunged by one-half, costing an estimated 227,000 United States jobs.

Private lending—so crucial to resolving the Latin debt crisis—might also be discouraged if our official policy becomes one of punishing Mexico because of drugs.

In other words, this resolution could trigger a downward spiral of unwanted and unintended consequences which hurts Americans far more than Mexicans.

On the other hand, we can move toward a better, brighter day, with new jobs created on both sides of the border and United States exports to Mexico increased, if President Salinas can sustain the reforms he has launched and if the United States works to be part of the solution.

Mr. President, I believe that Mexico has been cooperating with the United States on a broad range of issues, including narcotics control.

I hope that our nations will continue and expand such cooperation, and I believe that the chances for that result are far greater if we do not approve this resolution.

We should resist the political temptation to criticize our southern neighbor for shortcomings we ourselves have in abundance. We should avoid actions that seem likely to hurt ourselves more than they help.

Mr. PELL. Mr. President, I move to table the amendment of the Senator from Arizona.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second. The yeas and nays are ordered on the motion to table.

The question is on agreeing to the motion to table the amendment of the Senator from Arizona [Mr. DeCONCINI].

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. MATSUNAGA] is absent because of illness.

The PRESIDING OFFICER (Mr. ADAMS). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 37, nays 62, as follows:

[Rollcall Vote No. 125 Leg.]

YEAS—37

Bentsen	Gorton	Moynihan
Bingaman	Hatfield	Packwood
Bond	Jeffords	Pell
Boren	Johnston	Riegle
Boschwitz	Kassebaum	Robb
Bradley	Kennedy	Roth
Bumpers	Kerrey	Sarbanes
Chafee	Kerry	Sasser
Cranston	Kohl	Simpson
Danforth	Leahy	Warner
Dodd	Lugar	Wirth
Durenberger	McCain	
Glenn	Mitchell	

NAYS—62

Adams	Bryan	Cochran
Armstrong	Burdick	Cohen
Baucus	Burns	Conrad
Biden	Byrd	D'Amato
Breaux	Coats	Daschle

DeConcini	Helms	Nunn
Dixon	Hollings	Pressler
Dole	Humphrey	Pryor
Domenici	Inouye	Reid
Exon	Kasten	Rockefeller
Ford	Lautenberg	Rudman
Fowler	Levin	Sanford
Garn	Lieberman	Shelby
Gore	Lott	Simon
Graham	Mack	Specter
Gramm	McClure	Stevens
Grassley	McConnell	Symms
Harkin	Metzenbaum	Thurmond
Hatch	Mikulski	Wallop
Heflin	Murkowski	Wilson
Heinz	Nickles	

NOT VOTING—1

Matsunaga

So, the motion to lay on the table amendment No. 303 was rejected.

Mr. DeCONCINI. Mr. President, I move to reconsider the vote by which the motion was rejected.

Mr. DIXON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 304, AS MODIFIED

The PRESIDING OFFICER. The question now occurs on the second-degree amendment of the Senator from North Carolina [Mr. HELMS]. The yeas and nays have been ordered.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll to ascertain the presence of a quorum.

The assistant legislative clerk proceeded to call the roll.

Mr. DeCONCINI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The pending business is the yeas and nays have been ordered on the second-degree amendment of the Senator from North Carolina.

Mr. HELMS. Mr. President, that depends on the wishes of the leadership. If we can have a voice vote in favor of the amendment, that would be fine. If not, we will have a rollcall vote.

Mr. President, having the understanding that I will know how the vote will come out, I ask unanimous consent that the order for the yeas and nays be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from North Carolina [Mr. HELMS], as modified.

The amendment (No. 304), as modified, was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment, as modified, was agreed to.

Mr. GRAMM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 303, AS AMENDED

The PRESIDING OFFICER. The question now occurs on agreeing to the first-degree amendment of the Senator from Arizona [Mr. DeCONCINI], as amended.

The amendment (No. 303), as amended, was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment, as amended, was agreed to.

Mr. DeCONCINI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HEINZ. Mr. President, I understand the pending business to be the Heinz amendment, is that correct?

The PRESIDING OFFICER. The Chair would state that the pending business is the Grassley amendment to the Helms amendment.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HEINZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HEINZ. Mr. President, I ask unanimous consent that the pending amendment be laid aside so that I might offer an amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 305

(Purpose: To express the sense of the Senate on the agreement to be signed between the Government of the United States and the Government of the Republic of Korea to co-produce the "Korean fighter Program" (KFP))

Mr. HEINZ. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. HEINZ], for himself, Mr. DIXON, Mr. BYRD, Mr. D'AMATO, Mr. FORD, Mr. BOREN, Mr. HELMS, Mr. SHELBY, and Mr. CONRAD, proposes an amendment numbered 305.

Mr. HEINZ. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER (Mr. KERREY). Without objection, it is so ordered.

The amendment is as follows:

On page 145, after line 22, add the following new section:

SEC. 915. POLICY TOWARD COPRODUCTION OF KOREAN FIGHTER PROGRAM.

(a) FINDINGS.—The Congress finds that—

(1) the United States has a large trade deficit with the Republic of Korea, more than \$10 billion in 1988;

(2) the Government of the Republic of Korea has pledged to do its utmost to take appropriate measures to open its markets to United States industries in an effort to reduce its trade surplus with the United States;

(3) the Government of the Republic of Korea has indicated that its intent in entering into the coproduction of the "Korean Fighter Program" is not simply related to national security considerations, but also includes acquiring United States aerospace technology in order to develop an indigenous aerospace capability;

(4) the "Korean Fighter Program's" impact on the United States industrial base needs to be fully understood; and

(5) the United States Government's interagency coordinating and negotiating process must take into consideration United States economic security concerns.

(b) PRINCIPLES FOR NEGOTIATION.—The President shall ensure that—

(1) offset provisions are not included in any memorandum of understanding governing the proposed coproduction by the United States and the Republic of Korea of the "Korean Fighter Program"; and

(2) any agreement shall preclude the transfer to the Republic of Korea's commercial aerospace industry of United States aerospace technology and applied technology derived from the "Korean Fighter Program";

(c) POLICY TOWARD MOU.—It is the sense of the Senate that the President should instruct the Secretary of Defense not to sign any government-to-government memorandum of understanding regarding the Korean Fighter Program until—

(1) a thorough review of the "Korean Fighter Program" is conducted by the Comptroller General of the United States in consultation with appropriate officials pursuant to sections 824 and 825 of the National Defense Authorization Act for Fiscal Year 1989 (Public Law 100-456); and

(2) a report is submitted within 60 days of the adoption of this resolution to the chairmen of the Committees on Foreign Relations and Armed Services describing and analyzing—

(A) any effects of the "Korean Fighter Program" on the United States industrial base in light of the Republic of Korea's publicly stated objective to utilize the Program to develop an indigenous commercial aerospace industry;

(B) the effects of the "offset" provisions of the proposed "Korean Fighter Program" on the United States trade deficit with the Republic of Korea and any detrimental effects on United States or third country suppliers; and

(C) the extent of implementation of the United States Government's interagency coordinating and consulting process as called for in sections 824 and 825 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456), and any negative or positive aspects thereof.

On page 5, in the table of contents, after the item relating to section 914, add the following new item:

"Sec. 915. Policy toward coproduction of Korean fighter program."

Mr. HEINZ. Mr. President, I send this amendment to the desk on behalf of myself, my principal cosponsor, Senator DIXON, and also on behalf of Senator BYRD, Senator D'AMATO, Senator FORD, Senator BOREN, Senator

HELMS, Senator SHELBY, and Senator CONRAD.

This amendment, Mr. President, is essentially the legislation that Senator DIXON and I and others introduced on Monday having to do with the way that this Government should handle memorandums of understanding between this country and other countries.

And, most specifically, with reference to the so-called Korea Fighter Program [KFP] which I have dubbed "Son of FSX."

We are all familiar in this body with the controversy that surrounded the FSX. It was a situation in which a memorandum of understanding had been negotiated by the previous administration, the Reagan administration. Many of us had grave reservations about it. But, it was a done deal.

Notwithstanding that, many of us made an effort to persuade President Bush to reopen the FSX MOU. He did. He solved some, but not all, of the problems. In the case of the Korean Fighter Program, it is not, happily, a done deal. Mr. President, may we have order?

The PRESIDING OFFICER (Mr. KERREY). The Senate will come to order.

Mr. HEINZ. Mr. President, there is in Washington this week a delegation from Korea seeking to negotiate a memorandum of understanding on the United States-Korea Fighter Program. What I find particularly troublesome, however, about these negotiations, is not only that the Korean Government and its defense ministry make no bones about why they want the United States to enter into this deal. The Koreans seek United States assistance to produce and to learn how to produce the KFP with United States technology and know-how. They have been very clear about this objective: making an arrangement, a deal to coproduce in Korea an advanced fighter aircraft. They have not selected the basic model yet—either General Dynamics' F-16 or McDonnell Douglas' F-18. But, they intend to learn how to become a major manufacturing center in international aerospace competition.

My view on that, Mr. President, is that if Korea wants to become a player in international aerospace competition, that is their decision. But our Government and United States aerospace industry should not be in the business of assisting them in becoming our competitors. The Republic of Korea has a \$10 billion trade surplus with this country. Korea narrowly escaped being targeted under section 301 of the Trade Act for a series of trade-distorting practices. For us to assist them in their attempt to dominate another U.S. industry would, to say the least, send the wrong message.

The message would say that we are willing to acquiesce—*notwithstanding* Korea's surplus and *notwithstanding* Korea's unfair trade practices—in helping them to move ahead of the United States.

Remember, Mr. President, this is a nation that we help to a very considerable extent, both materially and financially, and by the presence of our troops on the 39th parallel.

But even more troubling than that, Mr. President, is the fact that this agreement includes something called an offset. What is an offset? An offset occurs when someone in this country sells either products or services to another country and accepts as a condition of that sale by this country, and purchase by the other, that we in this country, either as a business or as a government, obligate ourselves to offset the benefit of that transaction by purchasing some amount back. It does not necessarily have to be the same product, or a related product, but some amount back. The amount could range from 60 to 70 percent, which is what Korea wants, to more than 100 percent of the value.

It is the offset component of this deal that troubles me. Originally, the Koreans wanted a 100-percent offset. That is to say, if we sold them, as the United States-Korea MOU contemplates, some \$1.8 billion to \$3 billion worth of goods and technology, then we would have to purchase from, Samsung, the Korean contractor, the same amount, \$1.8 billion to \$3 billion.

The effect of that on our budget deficit with Korea, currently \$10 billion as I mentioned a minute ago, would, of course, be zero.

The other problem with offsets, Mr. President, is that they are inherently trade distorting. By making that kind of arrangement you cut other suppliers out; namely, suppliers in this country in the case of the offset I have described. But it could also be suppliers in third countries.

We, obviously, are going to care more about our own firms. But these offsets, Mr. President, are in my judgment always suspect.

There may be a justification for them once in a while, but, as a general rule, you cannot defend them as good trade practice. In this case, the KFP certainly offsets, in another sense of that word, any benefit to this country in reducing our merchandise trade deficit.

So, what the amendment of Senator Dixon and myself and our cosponsors says is this. First, we in effect say no more secrecy on this kind of memorandum of understanding. We need the administration to consult and to cooperate with the Congress. That is how we can head off the kinds of confrontations we had on the FSX, and may still have, I may add, on the Byrd-Dixon amendment. We in Congress

are necessarily concerned about U.S. national and economic security of this country, and for those who wonder whether we should be concerned about it, it is a fact that the Constitution gives the power to regulate interstate and foreign commerce not to the executive branch, but explicitly to the Congress.

I might, in that connection, bring up another troublesome aspect of these negotiations. I have recently learned that the Department of Defense has been studying the impact of the Korean Fighter Program on the United States industrial base and aerospace industry, and that is good. They should be studying it.

The studies are in draft form. They are not yet approved by the Defense Department, but even so the Department of Defense told my staff within the last 24 hours that it, the Defense Department, will not share these studies with the Congress because they are classified. That is to say they are secret, as far as DOD is concerned. And we will only be allowed to read them when Congress is officially notified of the program about a year from now, after it is a done deal.

Mr. President, I do not understand that position. I do not think any of our colleagues can understand that. What is driving this Senator and my colleagues to raise this issue now is that we do not want to be presented with a fait accompli, a done deal.

Second, we do not want offsets with other countries, particularly where we have a huge trade deficit and where there is great evidence of serious unfair trading practices with such countries. Korea is certainly in that category. If you ask me, they are passing up a very good opportunity to make good on their word by not insisting on an offset and being more cooperative in reducing the trade deficit that we have with them and the surplus they enjoy with us.

So, Mr. President, I hope my colleagues will join Senator Dixon and our cosponsors in supporting this amendment.

I am pleased at this point to yield the floor and hope that my colleague from Illinois is recognized.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. Mr. President, I will be very brief. I understand the distinguished managers have agreed to take this amendment. I want to express my personal appreciation to the distinguished chairman of the committee for his accommodation. I want to thank the ranking member who, over the years, particularly on this issue, has been so very accommodating to this Senator.

I fully support this amendment by my colleague from Pennsylvania. The amendment is very similar to the

Senate Resolution 154, which we submitted on Monday.

In the proposed Korean fighter sale, the transfer of this Nation's manufacturing technology is all one way—from the United States to Korea. Before an agreement is signed, we need to assess the effect of this sale on our defense industrial base. We also need inter-agency coordination and consulting to analyze the sale, as required by last year's Department of Defense authorization legislation.

The cost of this proposal is between \$1.8 and \$3.0 billion. Korea had wanted offsets for 60 percent of the total cost. However, I now understand that the percentage of offset has been lowered to 30 percent. I like to think that congressional pressure is the cause of the change. I applaud the reduction, but I want to make it clear that 30 percent is still too much. We do not want a program that requires any buy-back of spare parts and the like.

We must not forget that this Nation had a \$10 billion trade deficit with Korea last year. Korea barely avoided being listed under 301 provisions. Korea has never lived up to a military licensing agreement. I continue to think that the best agreement would be for Korea to buy United States aircraft off-the-shelf—that is the most effective for them, and it is clearly what makes sense for us.

We must ensure that United States aerospace technology is not just given away so that the Koreans can use their military program to develop a major civilian aerospace industry—their stated national goal. Any agreement reached must be in both our economic and national security interests. Understanding the ramifications of such an agreement will require the assessments this provision calls for. This amendment gives us a chance to send a message to both the Koreans and the administration that Congress intends to watch these negotiations very closely, and that Congress simply will not accept another sale that is not in our long-term economic and national security interests. I urge the Senate to make its voice heard. This is the time we can make a difference; this is the time to act.

Mr. President, I ask unanimous consent that my colleague, the junior Senator from Nevada, Senator BRYAN, be added as a cosponsor.

I think there is no necessity for a rollcall vote.

Mr. BYRD. Mr. President, I am pleased to rise as a cosponsor of this amendment. I want to compliment the author for anticipating a contentious issue and taking steps which will, hopefully, diffuse many potential problems. I fully support his effort to avoid a repeat of the circumstances surrounding the FSX deal with Japan,

where Congress was presented with a completed agreement in a "take it, or leave it" situation. Congressional actions on the Korean Fighter Program and the Japanese FSX are not meant to encroach on the President's authority to conduct foreign policy; our intention is to ensure that American economic and commercial interests are given proper consideration. Arms negotiations have been based solely on a narrow DOD perspective for far too long. We can no longer ignore the profound effect these agreements have on America's ability to compete and survive in world markets.

These memoranda of understanding are too important for Congress to be kept in the dark until their completion. The Constitution makes Congress responsible for regulating foreign commerce. Arms sales and coproduction arrangements must be approved by Congress. In order to accomplish these tasks, we must stay informed. It does no good for the Defense Department to negotiate an agreement which Congress cannot support. Whether or not such an agreement eventually passes, as with the FSX, it becomes a source of conflict and division within the Congress, between the Congress and the President, and between the United States and a trusted ally.

With the Korean Fighter Program no agreement has been finalized. This will lead some to say it is premature to criticize specific provisions. But it is precisely because nothing is yet carved in stone that makes this the most propitious time for congressional comment. We would be remiss in our duties if we allowed this agreement to proceed without voicing our opinions. We do not know the details, but we do know some of the issues. And the issues are indeed important.

We are negotiating a deal to sell fighter aircraft to a country which ran a \$10 billion trade surplus with the United States in 1988. This same country avoided targeted negotiations under Super 301 by promising to open its markets and to search for other ways to reduce the trade imbalance. This was a very welcome and encouraging development. Despite this obvious opportunity to address the trade problem, the Koreans are insisting on, and our negotiators are acquiescing to, a huge offset provision in the fighter deal. Under this provision the American firm which wins the contract will be required to turn around and buy Korean products to "offset" some part of the contract value. Mr. President, I find that bizarre. Can it be reasonable for the Koreans, who have the chance to reduce the trade imbalance by as much as \$3 billion, to insist on erasing a large part of that reduction? I would think Korea would welcome an opportunity to diffuse the trade deficit issue in connection with this military ar-

angement. More to the point, I just cannot fathom the Defense Department's willingness to agree to this so-called offset provision despite the strong reservations expressed by Congress in the 1989 Defense Authorization Act.

Perhaps this is not such a bizarre situation when viewed in light of statements made by Korean officials. As my able colleagues have already pointed out, it is the aim of the Korean Government to build a competitive aerospace industry. They want to become "an aerospace manufacturing center of the world." Can they? Will this deal help them? Will it hurt U.S. manufacturers? I do not know, but I certainly want to find out before we sign on the dotted line. The GAO review included in this amendment is designed to help all of us answer these questions. The Defense Department justification, presented in a short, slick, simple noninformation sheet, is insufficient to evaluate the advisability of this project. The actions of U.S. industry also provide little insight. Our companies are being portrayed as in a mad scramble to outbid each other by offering up U.S. technology in the hopes of achieving short-term gain. This is a pattern we have seen too often and one we cannot afford to repeat. Just last week this headline appeared in the Washington Post, "High Tech Firms Rethinking Foreign Ties: U.S. Companies Worry that Partners May Become Competitors Later." Well Mr. President, I worry too, especially when the U.S. Government is involved in creating those competitors.

Whatever we find out about the Korean Fighter Program, and I am not prejudging this deal, it is very important for us to prevent the sort of acrimonious dispute that marked the debate over the FSX Program with Japan. One way to accomplish this is by staying informed, and by making our opinions known early in the negotiation process. That is exactly what Senators HEINZ and DIXON have designed this amendment to do, and I am pleased to join with them in this effort.

Mr. President, I ask unanimous consent the Washington Post article to which I referred be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HIGH-TECH FIRMS RETHINKING FOREIGN TIES—U.S. COMPANIES WORRY THAT PARTNERS MAY BECOME COMPETITORS LATER

(By Ronald Rosenberg)

When Intel Corp. sought additional production sources in the 1970s for its microprocessor chips, it turned to NEC Corp. of Japan.

Gordon Moore, Intel chairman and co-founder recently looked back on that decision and declared it shortsighted.

"It was good for Intel bad for the national interest," said Moore. "I don't think we understood what we were doing at the time."

When 3Com Corp. of Santa Clara, Calif., acquired Bridge Communications of Mountain View, Calif., the diversified South Korean conglomerate Hyundai was about to make some key electronic parts for Bridge's communications products. William Kraus, 3Com's chairman, quickly canceled the deal.

His reason: Hyundai might take the technology and begin competing against 3Com in the United States.

Increasingly, U.S. computer equipment and chip manufacturers are thinking twice about building state-of-the-art products overseas with foreign partners who might use the technology and become their competitors.

"We are bleeding our technology" away to foreign competitors, worries Jack Clifford, director of the Commerce Department's Office of Microelectronics & Instrumentation in Washington.

Clifford recalls how history is repeating itself. Nearly 25 years ago, Sears Roebuck and Co. and Montgomery Ward & Co. Inc. turned over television production to the Japanese, who built sets to U.S. specifications—a strategy that effectively transferred some key television manufacturing technology to the Orient and eventually led the Japanese to dominate the consumer electronics industry.

Nearly four years ago, Micron Technology, a small U.S. chipmaker, turned to a South Korean company to build computer memory chips, only to have the overseas manufacturer turn around and build identical memory chips under its own name using identical designs and infringing on Micron's patents.

Currently, industry observers are nervously watching Chips and Technology Inc. of San Jose, Calif., and MIPS Computer Systems Inc. of Sunnyvale, Calif. Both firms turned to diversified Japanese electronics companies to build their latest computer-on-a-chip sets.

U.S. chipmakers, Clifford says, give away critical American technology to foreigners as part of joint development and production arrangements. Often, they do it naively, not realizing the consequences until the overseas partner suddenly becomes a competitor.

If the United States wants to retain its thin lead in technology, it must rethink its foreign manufacturing relationships, say a growing cadre of government, academic and industrial leaders.

At issue is economic survival in a fast-moving global economy where both Japanese and European conglomerates are stalking innovative U.S. companies.

One major Japanese steel company is ready to spend more than \$2 billion over the next decade to help American startup companies with leading technologies. Its eagerness is just one example of a tide of foreign funders looking for high-tech targets in the United States—a trend caused largely by strong foreign currencies and a weak dollar that makes buying into U.S. companies very attractive.

Their overtures are all but irresistible to entrepreneurs in particular—who are attracted to long-term relationship deals that often include overseas production, access to foreign markets and low-cost financing in exchange for minority ownership.

The net result, say government and academic leaders, is a continuing erosion of the

U.S. semiconductor industry and, most recently, the computer industry.

"The U.S. is becoming a public service organization for worldwide industries: We innovate but others copy and capture the markets," says Charles H. Ferguson, a professor at the Massachusetts Institute of Technology's Center for Technology, Policy and Industrial Development.

But others counter that in a world economy, U.S. firms have no choice but to work with European and Japanese companies. Moreover, large foreign companies often provide higher-quality production than their American counterparts. Major U.S. manufacturers also don't like to cooperate with small companies, often viewing them as competitive threats—a strategy that plays into the hands of foreign firms that jump at the chance to work with emerging companies.

"Are the Japanese companies seeing something that the U.S. firms are not seeing or view as less valuable? That is often the question," said Richard K. Lester, executive director of the MIT Commission on Industrial Productivity that recently released "Made in America."

That report on how the United States should regain its productivity edge cites how innovative startup companies sell their technology to Asian competitors and provide market knowledge and even direct assistance. By comparison, large American firms are more circumspect about proprietary information.

Lester says the problem is not whether a Japanese company is buying into an American startup, but rather why large U.S. computer makers don't see similar opportunities.

"Foreign ownership of our high-technology companies is not a critical issue compared to where the design capability resides," argues Gordon Bell, vice president of research and development at Ardent Computer Corp. in Sunnyvale, Calif., who spent 23 years at Digital Equipment Corp. and pioneered the development of minicomputers.

Comparing manufacturing strategies of Ardent and its chief competitor, Stellar Computer Corp. of Newton, Mass., reveals how far some foreign firms are willing to go to gain access to U.S. technology products and companies.

Both Ardent and Stellar are developers of supercomputer workstations, Stellar manufactures its systems under a contract with Texas Instruments Inc. in Johnson City, Tenn.

"We save a lot of money without having to build a plant and staff it under this arrangement. Plus, as a U.S. manufacturer we are eligible for government-related contracts, particularly classified military programs," said Ian Edmonds, a cofounder of Stellar and vice president of marketing.

Ardent, by contrast, struck a deal with Kubota, a 100-year-old Japanese tractor company that wanted to diversify into electronics. To get Ardent's business, Kubota has spent \$40 million on its American venture for a nearly 40 percent equity stake. It also agreed to build a new Japanese production facility for Ardent and market the equipment in Japan, according to Bell.

"We're getting five times the manufacturing quality of a Sun workstation," boasted Ardent's Bell at a Washington conference on U.S. computer industry competitiveness in May. "We [the U.S. companies] can't manufacture worth a damn."

Bell insists there is no technology transfer since Ardent controls the design of its prod-

ucts and had no U.S. manufacturing expertise.

"The bottom line is that U.S. high-tech loss would not have happened if we, as a nation, were more attuned to the manufacturing problems in the first place. We just don't have high-quality production compared to the Japanese."

At Stellar, Edmonds insists Ardent traded away much of its autonomy under the Kubota deal. But if Stellar had not found such a good contract with Texas Instruments, it too would have looked for overseas production, he added.

"No individual company would resist going overseas if they had a good deal, even though many of them know they are exporting technology to Japan," said Edmonds. "Most U.S. companies are motivated first by profits and will only change if there are federal regulations."

Ironically, while Edmonds would not accept a Kubota-like deal, Stellar's chief financial backer, William Hambrecht, president of Hambrecht & Quist, a San Francisco venture capital firm, said he would consider such an offer. Like Gordon Bell, he does not believe there is any technology transfer under the Kubota-Ardent manufacturing arrangement.

Still, Hambrecht acknowledges that large Japanese companies are looking to gain a foothold in emerging U.S. companies that have new technologies. He said he gets three calls a week from representatives of large Japanese companies looking to form "alliances" with U.S. ventures.

"They want to establish long-term relationships and have the staying power," said Hambrecht. "They seal their deals with equity money—usually 5 to 10 percent of a company—no more. They don't want to take over companies."

Bill Kraus, who is both chairman of 3Com and the American Electronics Association, acknowledges that the Japanese are "seriously eating their way up the food chain," referring to the 1960s when they supplied materials, then electronic components, semiconductor production equipment and now both personal and very large computers.

"Twenty years from now," warns Kraus, "your children will be dishwashers in sushi bars."

THE PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, on this side we have had an opportunity to look over this amendment. We think it is a good amendment and intend to recommend its passage to our colleagues.

THE PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. Might I inquire of the chairman of the committee, what is the administration's position on this amendment?

Mr. HEINZ. May I respond to the Senator?

Mr. SYMMS. I would be happy to have my colleague respond.

Mr. HEINZ. On Monday when Senator Dixon and I introduced the bill, we called the Department of Defense, the Deputy Secretary's office and the White House, Fred McClure's shop, to ascertain if there was any specific objection of an urgent nature. We told them what our plans were. We told

them I might well offer this as an amendment to this legislation.

I have to tell you that in spite of repeated calls by my office, both yesterday and today, we have nothing from the administration. When I learned today that the position of the Department of Defense was going to be that, yes, they will do some impact studies but they are not going to make them available to us until after this is a done deal, I decided that this is no time to sit idly by unless we in Congress want to yield our prerogative to the executive branch.

I have made every effort to determine if the administration has a position.

Mr. SYMMS. Mr. President, if I might just continue, I have to confess to my colleagues that I am probably like most of the Senators in this Chamber who have not really examined the coproduction proposition with our good friends and allies, the South Koreans, that is proposed here. What does this amendment state?

Mr. HEINZ. Mr. President, the Senator asks a fair question, and I would like to respond to him.

This amendment does not prevent any negotiation of a memorandum of understanding. It simply says that before the Government may enter into such a memorandum of understanding that the General Accounting Office has some 60 days to make an examination and then report to us on the extent to which this is going to impact our industrial base, the extent to which the offset provisions have positive or negative effects, and the extent to which sections 824 and 825 of the National Defense Authorization Act are being followed.

Mr. SYMMS. I take it, then, the intent is to try to avoid what the Senator felt was not a good deal on the FSX.

Mr. HEINZ. That is right.

Mr. SYMMS. On the other side of that, I just want to say I do not consider myself enough of an expert to intervene with what my colleagues are trying to do here, and I have the highest esteem for my colleagues who are offering this amendment. But it appears to me that an amendment of this importance really should have some hearings and let the administration speak on it. After all, it is the President who was elected to conduct our foreign policy, and the Senate was elected to advise and consent. What you are trying to do is put the cart ahead of the horse. That is my view as a Senator.

If the Senator did not like the FSX deal, I think we had an opportunity to vote against it. The President thought it was a good deal for the United States. What the Senator is trying to do then is to say you make it more dif-

difficult to do the same thing with our friends in South Korea.

Mr. HEINZ. Mr. President, if the Senator will yield.

Mr. SYMMS. I yield.

Mr. HEINZ. I would not put that interpretation on what we are doing. What we are simply saying is that the administration cannot finalize a memorandum of understanding for a total of 60 days. At the end of 60 days, they can do anything they want. During the 60-day period, we are asking the General Accounting Office to look into three aspects of this particular deal: Its effect on offsets; its effect on our industrial base; and the extent to which the Defense Department is complying with the fiscal 1989 National Defense Authorization Act, sections 824 and 825, which directs them to consult with the Secretary of Commerce on those kinds of questions.

So we are simply saying, in effect to some people who appear to be down in the bowels of the Defense Department, that maybe Dick Cheney and Secretary Baker have never heard of and do not even know what they are doing, let us bring this into the light and make sure that we all understand what it is that is out there. Let us make sure this is not just some kind of basement deal to save the Defense Department a few pennies in the defense budget while we are crippling our industrial base or the aerospace industry in the future. Let us bring the details to light.

Mr. SYMMS. I appreciate what the Senator said and I think I understand what the Senator is talking about.

I might just say here we are on the verge of having a whole new era of aviation. We have developed the Stealth technology in this country, Stealth fighters, Stealth bombers that are already now becoming known to people that we have this capability, a completely new leading edge technology. That is not the technology that we are talking about here for our friends in South Korea to help coproduce an aircraft for their own defense.

I think the Senator would agree that the South Koreans are one country in this world that lives on a border with a country that if the dictator of that country decides he wants to go to war tomorrow morning, there is no one to counter his decision, and they can do it. And that is North Korea, Kim Il-sung. It is a hard, tough dictatorship that does pose a threat to the peace and freedom of the people in South Korea.

I guess my opposition to this proposition on the surface is I do not believe we should be doing things here that discourage our good friends from South Korea. We hear about burden sharing. I think we should be encouraging them to help with their own defenses so that they are strong.

Mr. DIXON. Will my friend from Idaho yield for a moment?

Mr. SYMMS. I will be happy to yield.

Mr. DIXON. May I say to my friend from Idaho, does he understand this is a sense-of-the-Senate resolution? It is not binding.

Mr. SYMMS. It is a sense of the Senate?

Mr. DIXON. Yes; it is a not a formal resolution to be debated heatedly for many days as the FSX resolution.

May I say further to my colleague, we have bipartisan sponsorship on both sides, including the distinguished ranking member. We have been discussing this all day long and part of yesterday. I did talk to Dick Cheney at one time yesterday about this issue. I do not believe there is anything secretive about it. I do not believe there is anything harmful about it. In time, maybe we will get to the question where we will debate this. I do not think it is necessary to do it at this time. I assure my colleague I do not think it does any harm.

Mr. SYMMS. I thank my colleague. I think I made my point: as long as we are not doing anything that will be binding at this time, then it will give other Senators an opportunity to examine this issue.

I know some of my colleagues have been very active on this issue. Some of us disagreed on the FSX which I think is certainly every Senator's right, and I respect that right. But I do think we need to be not so concerned.

I will just say in closing that I am not concerned about the United States of America not being able to lead the world in the cutting edge of modern technology if we will just be optimistic and look to the future and go to the future as our charge should be, I think. If we do that, I think we will find that we will always be ahead. We were first to the Moon and, hopefully, we will go back and go on further and be able to lead this world in modern aviation and not have to fear competition from some of our best trading partners in the world.

I yield the floor.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 305) was agreed to.

Mr. DIXON. I move to reconsider the vote by which the amendment was agreed to.

Mr. HEINZ. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Rhode Island.

AMENDMENT NO. 306

Mr. PELL. Mr. President, I send an amendment to the desk for Mr. BRAD-

LEY and ask for its immediate consideration.

The PRESIDING OFFICER. Does the Senator from Rhode Island wish to lay aside the pending amendments?

Mr. PELL. I ask unanimous consent to lay aside the pending amendments.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Rhode Island [Mr. PELL], for Mr. BRADLEY, proposes an amendment numbered 306.

Mr. PELL. Mr. President, I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Insert after section 914 in S. 1160, the Foreign Relations Authorization Act a new section, entitled "FUTURE OF HONG KONG" or insert as section 910(c), entitled "REPORT ON FUTURE OF HONG KONG".

SEC.

The Secretary of State shall report to Congress no later than January 1, 1990, about the implications of the June 3-4 crackdown by the Government of the People's Republic of China against prodemocracy demonstrations in Beijing for the reversion of Hong Kong to PRC sovereignty in 1997, and about the way in which the administration intends to work with the United Kingdom, Hong Kong, and our friends and allies in the region to ensure the democratic rights of the people of Hong Kong, and the general political and economic stability of the territory, after such reversion.

Mr. PELL. Mr. President, this is a noncontroversial amendment cleared by both sides.

The concern of the Senate about Hong Kong's future status was expressed last Friday when the Senate passed the China sanctions package. This amendment further asks the Secretary of State to report on the implications of current developments in China for Hong Kong's future.

The reversion of Hong Kong to China's control after 1997 without sufficient safeguards for democratic rights is of considerable concern to all of us.

I would ask unanimous consent to be added to this amendment as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. I want to add here that this amendment is being offered on behalf of the Senator from New Jersey [Mr. BRADLEY].

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 306) was agreed to.

Mr. HELMS. I move to reconsider the vote by which the amendment was agreed to, Mr. President.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 307

Mr. HELMS. Mr. President, on behalf of the distinguished Senator from Alaska, I submit an amendment and ask for its immediate consideration. It has been cleared by both sides.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside.

Mr. HELMS. Mr. President, let us consider until we finish these few amendments that the amendments, the pending amendments be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from North Carolina [Mr. HELMS], for Mr. STEVENS, proposes an amendment numbered 307.

Mr. HELMS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Amend Title I by inserting the following new section:

SEC. . Agreement between the United States and Canada governing liability for potential oil spills in the Arctic Ocean and international contingency plans.

(a) FINDINGS.—The Congress finds that—

(1) Canada has discovered commercial quantities of oil and gas in the Amalagak of the Northwest Territory;

(2) Canada is currently exploring alternatives for transporting the oil from the Amalagak field to markets in Asia and the Far East;

(3) One of the options the Canadian government is exploring involves transshipment of oil from the Amalagak field across the Beaufort Sea to tankers which would transport the oil overseas;

(4) The tankers would traverse the American Exclusive Economic Zone through the Beaufort Sea into the Chukchi Sea and then through the Bering Straits;

(5) These waters serve as the kitchen table for Alaska's native people providing them with sustenance in the form of walrus, seals, fish, and whales;

(6) The Beaufort and Chukchi Seas provide important habitat for the bowhead whale, the lifeblood of the Eskimo people of Alaska;

(7) An oil spill in the Arctic Ocean, if not properly dealt with, could have significant impacts on the indigenous people of Alaska's North Slope;

(8) The Canadian Arctic Waters Pollution Act limits recovery of damages incurred as a result of offshore exploration or development to \$C40 million and does not apply west of 141 degrees latitude;

(9) The Canadian government has entered into an agreement with all companies licensed to drill in the Canadian Beaufort mandating liability to United States' claimants for damages suffered west of 141 de-

grees latitude, but that liability is limited to \$C20 million;

(10) There is no international agreement in effect between the United States and Canada outlining legal liability in the event of an oil spill;

(11) There are no international contingency plans involving our two governments governing containment and clean-up of an oil spill in the Arctic Ocean; and

(12) There is no pool of money immediately available to mitigate the impact of an oil spill or to reimburse the people of the North Slope for any losses they might suffer in the event of an oil spill in Canadian waters or by a Canadian tanker.

(b) NEGOTIATIONS.—The Congress calls upon the Secretary of State of the United States of America and the Foreign Minister of the Republic of Canada to begin negotiations on a treaty dealing with the complex questions of recovery of damages, contingency plans, and coordinated actions in the event of an oil spill in the Arctic Ocean or a tanker accident during the shipment of oil by sea.

(c) REPORT.—The Secretary of State shall report to the Senate Committee on Foreign Relations and the House Committee on Foreign Affairs on his efforts toward this end no later than January 1, 1990.

Mr. HELMS. Mr. President, this amendment, as I said earlier, has been cleared by both sides. It has to do with Alaska oil. Of course, Senator STEVENS has a particular interest in that.

Mr. PELL. Mr. President, this amendment calls upon the Secretary of State and Foreign Minister of Canada to begin negotiations on a treaty to ensure coordinated actions in the event of a future oilspill in the Arctic Ocean or a tanker accident during the shipment of oil by sea.

This amendment, as the Senator from North Carolina just pointed out, has been cleared by both sides. It is an excellent amendment, and I urge its passage.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 307) was agreed to.

Mr. HELMS. I move to reconsider the vote by which the amendment was agreed to.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 308

(Purpose: To establish a policy toward human rights abuses in Romania)

Mr. PELL. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. PELL], for Mr. LAUTENBERG, for himself, Mr. PRESSLER, Mr. DeCONCINI, Mr. WILSON, and Mr. HELMS, proposes an amendment numbered 308.

Mr. PELL. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the "Miscellaneous" Title of the bill, add the following new section:

SEC. . POLICY TOWARD HUMAN RIGHTS ABUSES IN ROMANIA.

(a) FINDINGS.—The Congress finds that—

(1) human rights abuses in Romania, particularly the abuse of the ethnic Hungarian minority, have increased in the last year;

(2) President Ceausescu is now carrying out his plans to obliterate as many as half of the country's 13,000 rural villages and force the resettlement of the families in agro-industrial centers without proper plumbing facilities;

(3) family homesteads, churches, and synagogues, traditional folk architecture and private sources of scarce food are being systematically destroyed;

(4) the collectivization has had a particularly bad impact on the nation's ethnic minorities, particularly its Hungarian minority, who suffer the loss not only of their homes, but also of their centuries-old ethnic communities because of collectivization;

(5) recent Helsinki Watch report cited Romania's Hungarian minorities as victims of a government campaign to end their separate cultural identity;

(6) tens of thousands of Romanians, predominantly ethnics Hungarians, have fled into neighboring Hungary, because of the persecution in Romania;

(7) in March, in response to the worsening situation in Romania, the United Nations Human Rights Commission voted overwhelmingly to appoint a special rapporteur to investigate the human rights situation there;

(8) even Romania's Warsaw Pact allies refuse to support it on this question;

(9) Hungary cosponsored the United Nations action while the Soviet Union, East Germany, and Bulgaria abstained from voting; France recalled its Ambassador from Romania, and Portugal and Denmark closed their embassies in Romania; and Belgium, Switzerland, and the European Parliament have passed resolutions condemning Romania human rights abuses;

(10) West Germany has cancelled economic meetings with Romania and scientific co-operation programs between the two countries; France recalled its Ambassador from Romania and cancelled a scheduled economic meeting; and Britain, France, and West Germany have frozen all high level government-to-government contacts;

(11) although Congress suspended Most-Favored-Nation trading status for Romania in 1987, the situation has gotten worse;

(12) this past spring, Romanian President Ceausescu announced that Romania has repaid its foreign debt, yet the austerity program shows no sign of abating and the Romanian Government has exported food even as Romanian store shelves have lain bare, at the expense of the Romanian people's well-being; and

(14) the worsening situation, plus the strong reaction of the world community, mean that it is imperative that the United States consider all available policy options to address Romania's continuing human rights abuses.

(b) POLICY.—It is the sense of the Congress that—

(1) the United States should prohibit the importation into the United States of the Romanian meat, meat products, and wine until such time as the Romanian Government ceases to withhold food particularly meat from the Romanian people and improves significantly its domestic human rights records; and that

(2) the United States should vigorously protest, at all international conferences and forums, Romania's human rights abuses and, particularly, its abuses of the ethnic Hungarian minority.

(c) REPORT.—The Secretary of State should make a study of what additional diplomatic and trade sanctions could be imposed on Romania, and should specifically consider, evaluate, and report to the Committee on Foreign Affairs and Appropriations of the House of Representatives and the Committee on Foreign Relations and Appropriations of the Senate within 60 days from the adoption of this resolution on the advisability of taking the following actions:

(A) Instituting a boycott on food exports coming from Romania to the United States.

(B) Prohibiting service of any kind by the Romanian state airline, Tarom, or any aircraft owned or controlled, directly or indirectly, by the Socialist Republic of Romania, except for humanitarian reasons;

(C) calling for continued inquiries by the United Nations and other appropriate international bodies into the status of religious and human rights in Romania, including the sponsorship of resolutions therein on the topic;

(D) Severely limiting the number of Romanian government employees and dependents who can visit the United States for any purpose except to seek political asylum;

(E) Additional restrictions on the importation of products from Romania of any kind, except for opposition political literature or religious articles.

Mr. PELL. Mr. President, this amendment is the culmination of work by Senators LAUTENBERG, PRESSLER, and DeCONCINI, who all planned to propose amendments to address the human rights abuses in Romania.

This amendment, which I offer on behalf of these three Senators, boils down their respective amendments into a single package. I understand this amendment has been cleared on both sides.

Mr. DeCONCINI. Mr. President, together with Senator LAUTENBERG and Senator PRESSLER we have put forward an amendment to require the State Department to review human rights in Romania and to recommend courses of action by the United States Government. I personally feel one course of action should be a ban on United States imports of Romanian meat products until the Romanian regime ceases its policy of withholding food from the Romanian people.

Decades of financial misplanning and inefficient industrial development have led to the dire condition of the Romanian economy, making it the poorest in Europe after Albania.

The Government has implemented a severe austerity program as it has repaid its foreign debts at a swift rate and pursued a drastic modernization program. It has exported food even as

Romanian store shelves have lain bare. It has done so at the expense of the Romanian people's well-being.

This past spring, Romanian President Ceausescu announced that Romania has repaid its foreign debt. But the austerity program shows no sign of abating.

Nor does the regime's policy of repression show any softening. Over 20,000 refugees have fled from Romania to Hungary over the past year and a half; others have sought to take refuge in Yugoslavia, and even in Bulgaria.

The six former party leaders who signed a courageous open appeal calling on the Romanian regime to observe its Helsinki commitments and enter into a constructive dialog with the Romanian people remain isolated, under house arrest, and subject to constant interrogations.

Three journalists and a typesetter have been incarcerated since January on suspicion of preparing a critical manifesto. The Romanian Government has rejected all inquiries as to their condition and whereabouts.

Outspoken dissident Doina Cornea remains under house arrest.

Baptist Nestor Popescu languishes in a psychiatric institution despite doctors' reports that he is mentally fit.

The regime continues its policy of assimilating the country's minorities, steadily chipping away at their opportunities to maintain and nurture their cultures.

The United States imports only paltry amounts of Romanian meat. In 1987, the United States imported 16 million dollars' worth of Romanian pork. In 1988, it imported 9.5 million dollars' worth. In the first 3 months of this year, it imported \$1.7 million of pork and \$430,000 of other meats and meat products.

Yet as long as the Romanian people cannot obtain meat—meat that is raised in their own country—we have no business purchasing it.

Mr. President, a ban on imports of Romanian meat would be a symbolic gesture of solidarity with the beleaguered Romanian people. It would take nothing away from them except, perhaps, a feeling of isolation and hopelessness.

Mr. PRESSLER. Mr. President, this amendment is aimed at the Romanian dictatorship. Like many Senators, I was disgusted recently when Soviet President Gorbachev was photographed embracing and kissing Romania's long-time dictator, Nicolae Ceausescu.

The amendment, which is the product of the combined efforts of Senators LAUTENBERG, DeCONCINI, and myself, is aimed at the complete unwillingness of the Romanian regime to move in the direction of improved religious and human rights for its citizens. I must say parenthetically, Mr. Presi-

dent, that when government has the power to grant rights, it also has the power to deprive them. That is why a concept central to our own constitutional development—that our rights come from God—is so basic.

Romania is in the business of tyranny. In the past few years, while Mr. Gorbachev has been running his propaganda campaign to make the West think he is becoming warm and cuddly, Romania's Ceausescu has been going in completely the opposite direction.

The West flirted with Romania in the 1970's. Wishful thinkers were convinced that reform and kindness, along with a more open system, were breaking out in that country. One prominent Romanian defector, Mr. Pacepa, has noted that Mr. Gorbachev probably learned a lesson from Ceausescu about how to wrap the West around his finger.

We have learned much in the recent past about the truth in Romania. Much of the best information came from the outstanding former American Ambassador to Romania, Dr. Funderburk.

We know now that Romania has been helping Libya build its poison gas plant at Rabta. Romania also has been lending Libya chemical weapons.

We know that Romania has literally been selling its citizens to get hard currency—especially Jews and ethnic Germans.

We know now that Romania has been expelling its citizens of Hungarian background in order to eliminate diversity and preclude dissent in that country.

Even more recently, Romania has decided to take further inhuman steps to wipe out village life. The dictatorship will accomplish this by bulldozing rural villages and moving people against their will into urban apartment houses where they can be watched and indoctrinated.

In the process of smashing traditional Romanian culture and life, Mr. President, the number one enemy of the tyranny is religious belief and practice. In addition to destroying villages, the tanks and earthmovers are crushing churches, synagogues, and monasteries.

Certain people can get out of Romania in addition to people of Hungarian background. They are the unwanted potential dissenters and people who are described officially as parasites because they cannot hold their own to create a more prosperous socialist Romania.

While in some ways we can rejoice that the dictator is letting some of his victims out of the country, it is important to recall that nobody leaves the country without Ceausescu's permission. Period.

Our amendment welcomes those who seek political asylum in the United States. But more important, it recalls that most Romanians are held prisoner in their own country—as is the case in the rest of the Communist world.

People who leave are chosen by the government, but what about those who cannot leave—those left behind?

Ceausescu has proposed to build a fence to prevent Romanians from getting out of their country on their own. Believe it or not, even the Helsinki Human Rights Commission took note of this violation of human freedom. There has been some small indication that the Romanian regime may be giving the fence a second thought. The Senate must be crystal clear about our thoughts on this important question.

Mr. President, the United States must do something to express its abhorrence of the illegitimate Communist Romanian regime.

First, the President should report on a regular basis about the practices that have made life in Romania such a horror. This should be easy for him to do, especially since he has positive alternatives. Moreover, it is the right thing to do.

But we must go beyond a report. The amendment lists possible actions the President should take in order to demonstrate United States abhorrence of the abuse of religious rights and human liberty in Romania in the event the situation does not improve.

The President is not required to impose each or any of these provisions. He may find other powerful ways to demonstrate his deep passion for people forced to live under communism. I urge him to be both tough and innovative.

Certainly the provisions listed in the amendment are reasonable—even familiar—to Senators.

I would add that, in addition to encouraging entry of Romanians who seek political exile, the United States should encourage the importation of anti-Ceausescu literature and religious articles before they are destroyed by this corrupt and heartless regime.

I urge adoption of the amendment, and express my gratitude to Senator LAUTENBERG for working with me on it. Senator DeCONCINI and Senator WILSON also contributed to the final product, and I thank them, too, for helping to make this fine statement on the human rights situation in Romania.

Mr. LAUTENBERG. Mr. President, this amendment directs that the United States vigorously protest human rights abuses of ethnic Hungarians in Romania at all available international forums and conferences. It expresses the sense of the Congress that the United States should prohibit the importation into the United States

of Romanian meat and meat products until such time as the Romanian Government ceases to withhold food from the Romanian people. It also directs the State Department to study and evaluate what trade and diplomatic sanctions could be imposed by the United States on Romania for its continuing human rights abuses, and to report to the Congress within 60 days on which of these possible sanctions makes sense for the United States at this juncture.

As part of that study, it directs the Secretary of State to specifically consider the advisability of taking the following actions: First, instituting a boycott of food exports coming from Romania to the United States; second, prohibiting service of any kind by the Romanian state airline, Tarom, or any aircraft owned or controlled, directly or indirectly, by Romania, except for humanitarian reasons; third, calling for full inquiries by the United Nations and other appropriate international bodies into the status of religious and human rights in Romania, including the sponsorship of resolutions on the topic; fourth, severely limiting the number of Romanian Government employees and dependents who can visit the United States for any purpose except to seek political asylum; and fifth, additional restrictions on the importation of products from Romania of any kind, except for opposition political literature or religious articles.

Human rights abuses in Romania, particularly the abuse of the ethnic Hungarian minority, have increased in the last year. President Ceausescu is now carrying out his plans to obliterate as many as half of the country's 13,000 rural villages and force the resettlement of the families in agro-industrial centers without proper plumbing facilities. Family homesteads, churches, and synagogues, traditional folk architecture and private sources of scarce food are being systematically destroyed. The collectivization has had a particularly bad impact on the nation's ethnic minorities, particularly its Hungarian minority, who suffer the loss not only of their homes, but also their centuries-old ethnic communities because of the collectivization.

A recent Helsinki Watch report cited Romania's Hungarian minorities as victims of a government campaign to end their separate cultural identity. Tens of thousands of Romanians, predominantly ethnic Hungarians, have fled into neighboring Hungary, because of the persecution in Romania.

In March, in response to the worsening situation in Romania, the United Nations Human Rights Commission voted overwhelmingly to appoint a special rapporteur to investigate the human rights situation there.

Even Romania's Warsaw Pact allies refuse to support her. Hungary co-

sponsored the resolution while the Soviet Union, East Germany, and Bulgaria abstained from voting.

Western European countries have reacted strongly to the situation in Romania. Portugal and Denmark closed their embassies there. Belgium, Switzerland, and the European Parliament have passed resolutions condemning Romanian human rights abuses. Germany has canceled economic meetings with Romania and scientific cooperation programs between the two countries. France recalled its Ambassador from Romania, and cancelled a scheduled economic meeting. Britain, France, and Germany have frozen all high level government to government contacts.

Although Congress suspended most-favored-nation trading status for Romania in 1987, the situation has gotten worse. That fact, plus the strong reaction of the world community, mean that it is imperative that the United States consider all available policy options to address Romania's continuing human rights abuses. This amendment, by directing the State Department to study all available diplomatic and economic options for pressure on Romania, will force a reconsideration of our policy toward that country.

I urge my colleagues to swiftly approve this amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. HELMS. Mr. President, Senator WILSON would like to be a cosponsor of the amendment, and so would I. So I ask unanimous consent that both of us be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 308) was agreed to.

Mr. PELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HELMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 309

(Purpose: To express the Sense of the Congress that the Government of the People's Republic of China should release all political prisoners including Yang Wei)

Mr. HELMS. Mr. President, I send an amendment to the desk and ask that it be immediately considered.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS], for himself and Mr. DeCONCINI, proposed an amendment numbered 309.

Mr. HELMS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, add the following new section:

Sec. . YANG WEI.

(a) FINDINGS.—The Congress finds that—

(1) Yang Wei, a Chinese national, studied at the University of Arizona from 1983 until he received his Masters of Science degree in microbiology in 1986;

(2) On January 11, 1987, while still an official student at the University of Arizona, Yang Wei was arrested by the Shanghai Public Security Bureau.

(3) After being held without charge for almost a year, Yang Wei was sentenced to two years in a labor camp for participating in the Chinese Alliance for Democracy.

(4) Yang Wei has been rearrested and again charged with participation in the Chinese Alliance for Democracy.

(5) Yang Wei has not committed any crime under United States or Chinese law; and

(6) Officials of the People's Republic of China are conducting a campaign of repression against those, such as Yang Wei, who only aspire to freedom and democracy in their homeland.

(b) POLICY.—It is the sense of Congress that—

(1) the People's Republic of China should immediately release all political prisoners including Yang Wei; and

(2) the leadership of the People's Republic of China should take all necessary steps toward establishing a democratic society, with a free and open political system that will protect the essential human rights of all people living within that country.

Mr. HELMS. Mr. President, this morning brings further news of the spiraling campaign of repression in China. University of Arizona student Yang Wei has been rearrested in his home city of Shanghai. According to news reports, Mr. Yang is charged with demagogical propaganda for counter-revolutionary ends.

Yang Wei is not unknown to this body. During 1987 the distinguished Senator from Arizona, Mr. DECONCINI, and I repeatedly brought his case before the Senate. We were joined by the distinguished chairman of the Senate Foreign Relations Committee, Mr. PELL. We explained that Mr. Yang had returned to Shanghai to get married and was arrested before he could return. He was accused of distributing pro-democracy literature. "Free Yang Wei" became a rallying cry for Chinese students in the United States.

We can see now that the arrest of Yang Wei in 1987 was nothing more than a preview to the nationwide crackdown sweeping China in 1989. Thousands, perhaps tens of thousands, are being swept up in the net—workers, students, writers, journalists, and ordinary people who longed to be free.

Just 3 weeks before the June 4 massacre, I had the honor of introducing

Mr. Yang's wife to the new Assistant Secretary of State for East Asia and the Pacific, the Honorable Richard Solomon. I told him that I hoped he could quickly arrange for her to be reunited in freedom with her husband. It is clear that will not happen soon.

In 1987 this Senate spoke on Yang Wei's behalf and we did so on the predecessor of the very bill we have before us, the State Department authorization bill. At the very least we have an obligation to speak again and this amendment does so.

ARREST OF YANG WEI

Mr. DECONCINI. Mr. President, I am outraged that the Chinese Government, in continuing its wave of repression against the Chinese people, has arrested Yang Wei. As you will recall, Yang Wei graduated from the University of Arizona in 1986 with a masters degree in microbiology. He was originally arrested on January 11, 1986 by the Shanghai Public Security Bureau—while he was still an official University of Arizona student. He was held without charge for nearly a year and then sentenced to 2 years in a labor camp for participating in the Chinese Alliance for Democracy and was only released this past January.

Now, in the government's crackdown against the unarmed pro-democracy demonstrators and others who have worked for the expansion of civil rights and liberties for the Chinese people, Yang Wei has been arrested once again. Those closest to him are fearful for his safety. Indeed, people who embrace democracy the world over are fearful for the personal safety of all those people who have been detained by the Chinese Government.

I am pleased to join with Senator HELMS in offering this resolution calling for the immediate release of Yang Wei and all other political prisoners now held by Chinese officials. I join my Senate colleagues in calling once again upon the leadership of the People's Republic of China to take all necessary steps toward establishing a democratic society and toward respecting the human rights of the Chinese people.

Mr. PELL. Mr. President, this amendment has been cleared on both sides of the aisle. I recommend its adoption.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 309) was agreed to.

Mr. HELMS. I move to reconsider the vote by which the amendment was agreed to.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 310

Mr. PELL. Mr. President, I send an amendment to the desk and ask for its immediate consideration. I offer this technical amendment to title II of the bill on behalf of the Senator from Delaware [Mr. BIDEN]. I believe that this amendment has been cleared on both sides.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Rhode Island [Mr. PELL], for Mr. BIDEN, proposes an amendment numbered 310.

Mr. PELL. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(1) On page 94, line 19, after "cancellation" insert "or redemption".

(2) On page 95, line 1, change ", and" to "or".

(3) On page 95, line 14, after "cancelled" insert "or redeemed".

(4) On page 95, starting on line 16, strike the language of (b) and insert in lieu thereof "Notwithstanding any other provision of law, a grantee (or any subgrantee) of the grants referred to in section (a) may retain, without deposit in the Treasury of the United States and without further appropriation by Congress, interest earned on the proceeds of any resulting debt-for-nature exchange pending the disbursements of such proceeds and interest for approved program purposes, which may include the establishment of an endowment, the income of which is used for such purposes."

(5) On page 98, line 13, after "that" insert "an agreement has been reached to cancel". On line 14, strike "has been cancelled". On line 14, strike "the" and insert "an".

(6) On page 99, starting on line 20, strike the language of (c)(2) and insert in lieu thereof "Notwithstanding any other provision of law, a grantee (or any subgrantee) of the grants referred to in section (a) may retain, without deposit in the Treasury of the United States and without further appropriation by Congress, interest earned on the proceeds of any resulting debt-for-nature exchange pending the disbursements of such proceeds and interest for approved program purposes, which may include the establishment of an endowment, the income of which is used for such purposes."

Mr. PELL. This amendment has been cleared, as I understand it, on both sides of the aisle. I recommend its passage.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 310) was agreed to.

Mr. PELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HELMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 311

(Purpose: To increase the authorization for Radio Marti by \$700,000 with a concurrent increase of \$700,000 in the overall authorization for the U.S. Information Agency)

Mr. HELMS. Mr. President, I send an amendment to the desk on behalf of Senator MACK and myself.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from North Carolina [Mr. HELMS], for Mr. MACK (for himself and Mr. HELMS), proposes an amendment numbered 311.

Mr. HELMS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 55, line 4, strike "\$181,724,000" and insert in lieu thereof "\$182,424,000".

On page 55, line 10, strike "\$12,000,000" and insert in lieu thereof "\$12,700,000".

Mr. HELMS. Mr. President, the amendment is to increase the amount available for Radio Marti by \$700,000, for a total of \$12.7 million, the amount requested by the administration for that purpose.

Mr. PELL. Mr. President, this amendment has been cleared on both sides of the aisle. I would accordingly recommend its adoption.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 311) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 312

Mr. PELL. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. PELL] proposes an amendment numbered 312.

Mr. PELL. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

The Mutual Educational and Cultural Exchange Act and Related Materials, as amended, is amended by inserting in section 112(a)(8) following the word "degree" and preceding the ":", the following: "or through other programs designed to promote contact between the young peoples of the United States, the Soviet Union, and Eastern European countries"

Mr. PELL. Mr. President, this is an amendment to the Mutual Educational and Cultural Exchange Act and related materials and, within that act, the Samantha Smith Youth Exchange Program.

For my colleagues information, the Samantha Smith Program was created to promote contact between the youth of the United States, the Soviet Union, and Eastern European countries. My amendment is designed to broaden the types of programs that can be included within the Samantha Smith Program.

As we witness the changes in Poland, Hungary, and the Soviet Union, it seems to me there can be little doubt about the merit of seeking to increase the exposure of youth in those countries to the ideas, hopes, and aspirations of youth here in the United States. My amendment would expand the opportunities for this sort of communication through programs such as television "bridges," or letter exchanges such as Pen Pals.

Mr. President, it seems to me that we can only benefit from this sort of expanded exchange. I urge my colleagues to support the adoption of this amendment which I understand has been cleared on both sides.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 312) was agreed to.

Mr. PELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HELMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

AMENDMENT NO. 313

(Purpose: Report to Congress on the acquisition and use of public programming material)

Mr. PELL. Mr. President, in behalf of Senator WIRTH, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. PELL], for Mr. WIRTH, proposes an amendment numbered 313.

Mr. PELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place insert: Not later than 90 days after the enactment of this Act, the Director of the United States Information Agency shall provide a detailed report to the chairman of the Foreign Relations Committee of the Senate and the Speaker of the House of Representatives describing all programming material acquired by the United States Information Agency in fiscal year 1988 and fiscal year 1989 from public television and radio entities, including a description of how such program material was utilized by the United States Information Agency, in whole or in part, in original or edited form. Further, the Director of the United States Information Agency shall include in such report a description of projected United States Information Agency use of programming material acquired for public television and radio entities through fiscal year 1992.

Mr. WIRTH. Mr. President, the amendment I offer this afternoon would simply direct the USIA to report back to Congress within 90 days with detailed information on how it spends its acquisition funds for public radio and television programming. The purpose of the amendment is to give Congress an idea of what sorts of non-USIA produced programs are being bought for broadcast overseas. With such information, Congress will be in a position to better determine what sort of support, if any, USIA may need to enhance its broadcast efforts.

Ultimately, we want to be sure that the USIA, and especially the Voice of America—which is the beacon of information for hundreds of millions of people who seek to be truthfully informed about events in their countries and throughout the world—has access to highest quality sources of radio and TV programming available in the United States today.

People in the Soviet Union, Eastern Europe, China, Southeast Asia, Africa, Latin America, and elsewhere—people behind the walls of totalitarianism and repression imposed by their governments—are looking to the United States as the living symbol of freedom.

When the tanks roll into Tiananmen Square, when elections are rigged in the Philippines, when the people of Poland repudiate the control of the state—when the yearning for democracy is tested, people seek the real story of what is happening and they turn to VOA to find it.

Mr. President, this amendment gives us a chance to learn what USIA purchases for overseas broadcast, so we may continue to support its efforts in bringing to the world the very best in news and information.

The taxpayers of the United States—and the contributions individual citizens are also making at the

same time—are making significant investments in public radio and public television in various sources. What we would like to do, many of us, is to see that expanded or enhanced as much as possible as we understand that is really fine quality programming representing the diversity which we have in the United States. So the more of a merger of these two which we can occasion perhaps the better off we will be. Let us learn a little bit more about it.

I hope my colleagues will see fit to accept this amendment. I think we are all increasingly strong advocates of both public radio and public broadcasting, and the wonderful invention that has been over its 20-year history. I hope we will be able to strengthen it.

I hope my colleagues will accept the amendment.

I yield the floor.

Mr. PELL. On behalf of Senator WIRTH, Mr. President, this amendment which has been sent to the desk will require a report on the USIA use of material for public television and radio.

As I understand, it is acceptable on both sides.

Mr. HELMS. Mr. President, I believe the distinguished Senator from Mississippi has an amendment.

The PRESIDING OFFICER. The question is on agreeing—

Mr. HELMS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, what is the pending business?

The PRESIDING OFFICER. The amendment of the Senator from Colorado is pending.

Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Colorado.

The amendment (No. 313) was agreed to.

Mr. PELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HELMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WILSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 314

(Purpose: To support the Constitutional Rights of the President to conduct foreign policy)

Mr. WILSON. Mr. President, I ask unanimous consent that the amendments numbered 269, 270, 272 be temporarily laid aside so that I may send an amendment to the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from California [Mr. WILSON] proposes an amendment No. 314.

At the end of the bill add the following: The Senate hereby supports the constitutional rights of the President to conduct foreign policy.

AMENDMENT NO. 315 TO AMENDMENT 314

(Purpose: To preserve existing law with respect to consideration of resolutions of decertification)

Mr. LOTT. Mr. President, I send a second-degree amendment to the desk and ask for its immediate consideration. This amendment is being proposed by the Senator from Mississippi for himself, Senators DECONCINI, HELMS, WILSON, D'AMATO, and COATS.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] for himself, Mr. DECONCINI, Mr. HELMS, Mr. WILSON, Mr. D'AMATO, and Mr. COATS, proposes an amendment No. 315 to amendment of Mr. WILSON, No. 314.

Mr. LOTT. Mr. President, I ask unanimous consent that further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the word "The" and insert the following: "lines on page 130, starting with 6, and continuing through 16, are null void and of no effect".

Mr. LOTT. Mr. President, this amendment deals with the role of the Senate in reviewing administration certifications as to whether foreign countries are cooperating fully with the United States in controlling the production and distribution of narcotics. I think we should maintain that role as it is now.

To do that, my amendment would simply negate section 902 of the committee bill. Section 902 deletes the expedited procedures that we established in 1986, just 3 years ago, for considering resolutions of decertification. My amendment would keep these expedited procedures intact, which is all I seek to do.

Each year, the President is required to certify whether major drug producing and drug transit countries have cooperated fully with the United States, or taken adequate steps on their own, with regard to preventing drug production, drug trafficking, and drug-related money laundering. If certain countries are found not to be cooperating fully, sanctions are imposed. These include a cutoff of foreign aid, U.S. opposition to multilateral development bank loans to offending countries, and imposition of trade sanctions, including duties, loss of tariff benefits, and suspension of air service.

The submission of the Presidential certification is accompanied by an annual International Narcotics Control Strategy Report prepared by the State Department. Both are transmitted to Congress by March 1 each year and set in motion a process that gives us 45 days of continuous session to override the certification.

Mr. President, the application of expedited procedures preserves the right of the full Senate to consider resolutions of disapproval and preserves the right of the Senate to vote at a time certain, regardless of whether the Committee on Foreign Relations votes to report a resolution.

Treating such resolutions as privileged, as the committee bill proposes, offers no assurance that the Senate would have a chance to work its will regarding the cooperation or lack thereof by foreign countries in the war against drugs. In fact, the committee proposal would make it more difficult for the Senate to consider resolutions of disapproval.

There will be argument made here, I am sure, tonight about committee jurisdiction, committee rights, and that is not intended. I did not create this process. But the process exists, and the full Senate certainly deserves the opportunity, the right, to express itself, debate, and to vote on this certification question. We are talking about drugs, my colleagues, drugs. Is it serious enough for the full Senate to vote on something involving the decertification of countries that allow these drugs to pour over the borders? I think so.

The committee proposal would require that joint resolutions of disapproval first be reported by the Foreign Relations Committee before they could be considered by the Senate. Once reported, yes, a privileged resolution could be brought before the Senate either by unanimous consent or through nondebatable motion to proceed. But then—and here is the big shortcoming to this approach—the resolution would be subject to amendment and extended debate, with no assurance of a vote to occur at a time certain.

Some of my colleagues who are critical of the certification process believe we should alter the sanctions or fine tune the definition of fully cooperate. That is fine. That's a matter for the Foreign Relations Committee to consider. But that is not what is at issue here in this amendment.

Opponents of current law make much of the fact that the Foreign Relations Committee is the only committee in the Senate, and the only committee in the Congress, that is subject to expedited procedures. They say that expedited procedures makes a mockery of the Senate committee system and would render the Foreign Relations Committee irrelevant. I think that is nothing more than hyperbole.

We will have an opportunity to consider these things for the committee process, but the full Senate, 81 of us that are not on the committee, have a right to be heard, to participate in debate and have a right to vote. Without this, we have no assurance—

Mr. DODD. Will my colleague yield—

Mr. LOTT. In a minute.

Mr. DODD. For a clarification with respect to the amendment for purposes of debate? We know exactly the effect of the amendment. That is all I would care to inquire on.

As I understand it, the only change that has been made is that the committee would no longer be automatically discharged, and if the committee sends a resolution to the floor, that resolution would be treated just as if the committee had been discharged. Ten hours of debate unamendable as to the resolution, expedited procedures. The only distinction here is that the Senate Foreign Relations Committee would no longer automatically be discharged from its responsibility. Otherwise, the resolution would be treated exactly the same. Am I not correct?

Mr. LOTT. There is no question that section 902 would change the existing procedures that have existed since 1986. There is no question about that. The Senate, full Senate, has acted, as I understand it, six times under that procedure, and they have acted very responsibly; four times they refused to go on with decertification, two times to go along with it. There is no question that you change that procedure. I want to preserve the right of the full Senate to take these issues up in this body and debate them and vote on them. We can discuss further the exact intent of the Senator and my intent.

Let me sum up by saying all I want to do is preserve the status quo where the Senate is plainly involved.

Plainly and simply, Mr. President, the opponents of expedited procedures wish to strip the Senate of its ability to vote on individual resolutions of dis-

approval in cases where the Senate disagrees with a determination of the administration that a certain country is cooperating fully in the war on drugs.

I do not have any reason to be necessarily complaining about this administration. It is one that I certainly support. But in cases where the State Department certifies that countries are fully cooperating when they are not cooperating, let alone fully cooperating, I think we ought to have a chance to debate that and vote on it.

To eliminate the existing structure of expedited procedures, it seems to me, represents a serious erosion of the Senate's capacity to examine the degree to which countries have cooperated fully—and represents a serious erosion of the Senate's right, if necessary, to override the recommendation of its Foreign Relations Committee.

Since expedited procedures were established under the Anti-Drug Abuse Act of 1986, the full Senate has voted six times on resolutions of disapproval. Twice the Senate has disagreed with Presidential determinations. And four times, the Senate has defeated resolutions of disapproval.

In the two instances in which resolutions were approved, the Presidential certifications still were upheld because the other body declined to act. But the Senate did have an opportunity to express itself and that is their problem. And I believe it is vital that that right be preserved. And it does make a difference. Countries would be impressed if we would take this very strong action.

I also think it important to note that the Senate sometimes has endorsed the recommendations of its Foreign Relations Committee on these resolutions and on other occasions has overturned the committee's findings.

There is a high regard for the Foreign Relations Committee and certainly I have an extremely high regard for the Senator from Connecticut. I worked with him off and on now for I guess 20 years almost. He did a great job in the other body. We served on the same committee together. I understand about exit prerogatives and I am sensitive to that. But is this a drug war? Is this a situation where the full Senate should be heard? Absolutely.

Too many times we know that committees are legitimately busy with confirmations of ambassadors and whatever and maybe they just do not get around to it.

The Senate would have a right in 45 days to act.

In 1987, the committee voted 15 to 4 against a resolution of disapproval of Panama. But the full Senate disagreed, by a 31-to-58 margin.

Last year, the committee voted against a resolution of disapproval of Mexico, but the full Senate reversed that finding, 63 to 27. The committee

also recommended last year that the Bahamas be decertified, but the full Senate disagreed, by 40 to 53.

So it has gone full way back and forth. This is the Senate. And under the Constitution should not the Senate, the whole Senate, be able to debate and vote on issues as serious as decertification or certification?

In 1987, the Senate twice supported the committee, by tabling resolutions to decertify Mexico and the Bahamas. And earlier this year, the Senate again voted down a resolution of disapproval for the Bahamas, again supporting the judgment of the committee, which did not report a resolution of disapproval, which I did not agree with.

I would point out to my colleagues that these expedited procedures are patterned after those that apply to Senate consideration of arms sales. So even if those who wish to weaken current law in the war against drugs should prevail, the Foreign Relations Committee still would have expedited procedures in effect for consideration of arms sales.

I maintain that drugs are as serious as arm sales. They surely kill just as certainly, and I certainly do not hear any calls by the opponents of current laws on drugs to also make it more difficult for the Senate to consider resolutions of these disapprovals of arm sales.

So what are we to imply from the position of those who oppose expedited procedures on drugs? We have not abused it. It is a right we need especially now.

Are resolutions that would cut foreign aid to countries that fail to cooperate with us in controlling the flow of drugs into the United States not as high a priority for Senate consideration as resolutions to disapprove arms sales to particular countries?

Mr. President, this is not the time to start unraveling the bipartisan consensus that exists in the Senate and in the Congress over the war against drugs. This is a part of the drug bill, an important part. We adopted these expedited procedures 3 years ago as title II of the omnibus drug bill. And last year, in the Anti-Drug Abuse Act of 1988, we created a new drug czar and directed him to prepare a strategic plan as to how our country can best combat illegal drugs.

Less than 2 months from now, that report is due out. And, at any request, and at the request of some of my colleagues, that report will address our Nation's international narcotics control strategy. After that report is presented to the Congress, there will be ample time to consider changes in the law that might be desirable.

But let me ask you. Can you explain to your constituents, can you explain to the American people where there are countries that we know are export-

ing these drugs of death into our country and we are providing them aid? What nonsense. Sure, the list may be long. I say it is time we act on that list. Are we serious or not? I ask that not just of my colleagues, I ask it of Americans on the supply and the demand side, and I ask it of the administration.

Wouldn't it be infinitely wiser for us to await the findings of the drug czar before we go off, willy-nilly, and do something that we may wish we had not given up later on?

In conclusion, let me just say that it is important that we keep the pressure on those countries that the President and the Congress determine are not doing enough to halt the flood of drugs into our country. This is not the time to stage a retreat in our war against drugs, because a committee feels that it is being treated differently.

That is not the point. The jurisdiction of committees should not be a point in a war on drugs, for heaven's sake.

So let us vote to preserve the right of the full Senate to express itself in a timely manner.

I urge my colleagues to support this amendment and send a message to our own State Department and to drug traffickers around the world that the United States Senate continues to stand tall—both domestically and internationally—in the war against drugs, and we are going to fight even more aggressively in the future.

Mr. President, I ask for the yeas and nays on my second-degree amendment.

The PRESIDING OFFICER (Mr. LIEBERMAN). Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Chair recognizes the senior Senator from Connecticut [Mr. DODD].

Mr. DODD. Mr. President, let us try and get clear as to what this amendment is. This is a housekeeping amendment. This is not a question about who wants to be tougher on drugs.

This amendment deals with one simple question that is basically an issue involving the committee structure of this institution and the other body and how those committees were treated when we deal with the problem that every one of us cares about, and that is the successful war against drugs in our society.

What happened in the committee was that we changed an oversight, and it was an oversight, frankly, at least as far as this Senator was concerned, because I had no idea that in the waning hours a few years ago the law included a provision that said that the House Foreign Affairs Committee, the House Ways and Means Committee, the Senate Finance Committee, would be treated one way and the Senate For-

eign Relations Committee another way, and that in effect is what the law does. In the case of the other three committees, if they act and send a resolution of disapproval to the floor of the House or the floor of the Senate, then those resolutions must be dealt with in the case of the Senate in a privileged way and in the case of the House in a highly privileged way.

That was an oversight.

Contrary to what my good friend from Mississippi says, we do not change in any way how this body as a whole deals with those resolutions. They are to be dealt with under expedited procedures.

The language that has included in this bill by a vote of 13 to 2 says that for the purposes of expediting the consideration and enactment of joint resolutions under this subsection, a motion to proceed to the consideration of any such joint resolution after it has been reported by the appropriate committee shall be treated as privileged in the Senate or as highly privileged in the House of Representatives.

So we are not changing the expedited procedures on the floor. The only thing we are saying is that if the Senate Foreign Relations Committee, just like the Senate Finance Committee, just like the House Foreign Affairs Committee, or the House Ways and Means Committee, in its judgment decides that a particular resolution does not deserve merit than that resolution will not be sent automatically to the floor of the Senate or the House.

Now, it is not coincidental that my good friend from Mississippi has offered an amendment to take us back to the previous law which treats one committee differently than the other three.

An amendment that might have enjoyed even the support of this Senator would have said let us treat all four committees alike. Let us insist that the Finance Committee and the Ways and Means Committee and the House Foreign Affairs Committee be treated like the Senate Foreign Relations Committee, and let me add, if you really want to zing Mexico, trade areas are far more poignant than aid. We do not give any aid to Mexico. We have a lot of trade agreements with Mexico.

I frankly think such an approach is wrong. I do not think we ought to say that regardless of how the Senate Finance Committee feels that their consideration, their debate, ought to be totally disregarded, and no matter what they do we are going to come to the floor anyway.

I suspect my good friend, and I see him here, from Texas would object strongly if our colleague from Mississippi had offered such an amendment to discharge the Finance Committee from its deliberation, and I would not blame him for that.

I suspect the Senator from Mississippi would encounter a similar problem with the Congressman and the chairman of the Ways and Means Committee of the House or DANTE FASCELL of the House Foreign Affairs Committee.

We respect the committee process and the committee procedures.

The Foreign Relations Committee has sent resolutions of disapproval on drug matters to the floor and in some cases this body has supported them and in some cases they have not.

We are not unique in that regard as a committee. That is the way this institution has been set up, to function intelligently so we have a committee process.

The drug issue is an important question. But if we return to the situation as being advocated by my colleague from Mississippi, you potentially have a situation where 25 different resolutions could be offered by one Member of this body, be given 10 hours of debate immediately, superceding any other motion here except a motion to adjourn, and one Senator could control 250 hours of debate if that one Senator did not happen to want to see this body move.

I do not think that is the way we ought to potentially conduct our business. If there is merit to a resolution of disapproval, then we ought to react to it. And all we are saying from a housekeeping standpoint is that the Senate Foreign Relations Committee ought not to be treated any differently than any other committee. And if you want to change the rules and discharge committees, then discharge all of them and do not just pick on one. And that is all this amendment is about—to pick on one committee.

I suggest that the authors of this amendment would not even consider any amendment to discharge the Finance Committee or the Ways and Means Committee. You would have your heads handed to you if you tried it. But you go after the Senate Foreign Relations Committee. It is wrong and it is demagoguery to suggest that this is a debate over who cares more about drugs. It is whether or not we deal with these issues intelligently and thoughtfully. That is what the American public wants. They are not impressed with tub-thumping speeches about who cares more about drugs. They want something done, intelligently done, about it.

And if you offer an amendment around here that has drugs on it and Mexico on it, regardless of whether it has merit, it passes.

So all I am suggesting to you here is this amendment is housekeeping. If you want to treat the Foreign Relations Committee differently than all other committees, then adopt this language. It will not be lost on this Senate.

If you really want to treat this issue equitably, offer an amendment that treats all committees alike and discharge it when it comes to the question of drugs.

If you are really serious about drugs, if you are really serious about Mexico, go after the trade questions. That is how you will affect these countries more importantly than any aid. We do not give any aid to anybody any longer, or hardly. It amounts to about 1 percent of our budget and half of it goes to three countries of the world, none of which are on the list involving drugs.

Trade is important. But trade, you see, touches some other questions. So maybe we are not quite as serious about drugs when it comes to offending some business interests who may do business in some of these countries and maybe we curtail their ability to do business in those countries. No, that is a different question. Members are not quite inclined to get involved in those questions because they might offend some local fellow back home. So we will go after the Foreign Relations Committee and tell them they have got to be discharged regardless of what their judgment is on some of these questions.

And it is not as if there are no other opportunities available to Members to offer their thoughts on the drug question. We saw an example of it here just a few minutes ago. Even though no amendment was offered or no resolution was offered in a timely fashion to deal with Mexico earlier this year when it could have been, our distinguished colleague from Arizona offered a sense-of-the-Senate resolution that just took a good whack at Mexico. They did not have to wait. It is not as if you are not going to have the opportunity to go after Mexico every year if you want. You could probably do it once a week if you would like with the opportunities around here. We do not have a germaneness rule. You are not back in the House, I say to my good friend from Mississippi, where you were restrained from offering those kinds of amendments. You can offer it every day of the week if you want.

But what you are doing here is you are picking out one committee. And if you really cared about drugs, if you really wanted to send a message to the folks in Mississippi, offer an amendment that discharges the Finance Committee and goes after trade questions automatically on this floor. I would welcome a debate. I would like to hear the debate, on that issue. That would be true waging war. Then you could really make a difference in some of these countries.

So I just urge my colleagues, as they come over to vote on this, it is a house-keeping matter. Treat all committees alike—Ways and Means, Finance, Foreign Relations, House Foreign Af-

fairs—but treat them equitably. They deserve to be treated equitably.

What happened a year or two ago was an oversight, in my view, I think, as Members were made aware of it. As I said, in the committee, it was not 2 members out of the Foreign Relations Committee that cared about drugs and 13 did not. The vote was 13 to 2 on that committee—conservatives, liberals, moderates, all felt the same.

I hope that you would respect their judgment in the committee, respect the committee system, respect the committee process. That is how this body functions. We do not go around discharging committees right and left because we may not like their decision. We could not function as an institution if that became the modus operandi. So I urge the defeat of this amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the chairman of the Foreign Relations Committee, the Senator from Rhode Island [Mr. PELL].

Mr. PELL. Mr. President, the measure which Senator Lott seeks to overturn was, as the Senator from Connecticut just pointed out, adopted by our committee on a bipartisan 13 to 2 vote. The committee-adopted measure offered by Senator Dobb is procedural and does not in any way diminish the committee's or the Senate's ability to move against narcotic trafficking or transiting countries. It just places our Foreign Relations Committee's procedures in conformance with the three other committees that also have jurisdiction—the Senate Finance Committee, the House Foreign Affairs Committee, and the House Ways and Means Committee. These committees, as we all know, are not automatically discharged from a resolution which they have not voted to report. The Foreign Relations Committee should not be treated differently. I intend to vote against the amendment.

Mr. DECONCINI addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arizona.

Mr. DECONCINI. Mr. President, I say to anybody who might be listening that this amendment by the Senator from Mississippi is not an amendment to pick on anybody. I think the history needs to be laid out.

Why are we even here debating this issue tonight? We are here because in 1986, this body felt that there was not enough pressure, that there was not enough—excuse me for saying this—perhaps leadership in an administration that was talking very tough about drugs but not willing to exercise some strong pressure and influence on many countries that, no question about it, are in the drug-producing business; not to be partisan, because it was of-

fered in my recollection by a Republican Senator from Florida who wanted to put these expedited procedures in. Many Republicans felt that the administration that they support on many issues, on many international foreign policy issues, needed to be given an assurance that this body was going to look at those certifications very carefully and that we were going to vote here on the Senate floor and that it was necessary for us, if we are going to talk tough and be tough on drugs, that we vote and we face up to this difficult situation, be it Colombia, Mexico, or whoever.

If the Senator from Connecticut or anybody else thinks it is fun to get up here and talk about a country, as I have supported the certification of The Bahamas and others feel very strongly they are not doing enough. The point here is that it was absolutely necessary, if we were going to get tough on drugs, that we do it internationally as well as we do it with law enforcement, with education, and with treatment, et cetera.

So what happened? This process was put into formation where the President is to certify countries that are fully cooperating and recommend non-certification of those who are not.

Now, the problem this gets down to is that a country that we have got a good relationship with, they get certified. They get certified because of the many other perhaps justifiable reasons in the mind of the State Department. But in the minds of some Members of this body and a vast majority, they said, "No, we want to pass on that, if that country is really involved with full cooperation or any semblance thereof."

That is why this procedure was put into the law in 1986. And in 1988, just to remind everybody, we passed a wham-bam drug bill here, omnibus drug bill, 60 percent of it into treatment and education and law enforcement and what have you. And we told everybody, "We are getting tough."

We did not have the courage to fund it, but we are getting tough. We still have not funded it.

Mr. DODD. Will my colleague yield on that point?

Mr. DECONCINI. I yield.

Mr. DODD. Does my colleague understand I have no objection? In fact, I support the expedited procedures. The only objective and the only question being addressed by this amendment is whether or not we treat all committee of this body differently than the other three or do we treat all of them alike? Either discharge all of them or discharge none of them and maintain the expedited procedures. That is the only question. Expedited procedures, I am fully, totally in agreement with my colleague on that.

Mr. DeCONCINI. I thank the Senator for his comment, but let me say the question is not the treatment of one committee over the other. The question is treatment of our Nation versus nations that are drug producers and sending those drugs north, usually.

What do we do? What kind of certifications do we get, and decertifications do we get? Well, we get certifications of Mexico, we get certifications of Colombia, we get certifications of the Bahamas. I happen to agree with that one. Some others may feel a little different. We had a vote on the floor here on the Bahamas. But which ones get decertified from the administration? These are the ones that get decertified.

Iran: Is anybody going to object to that? No. Panama? Absolutely not. Afghanistan? Burma? Are we going to stand up here and say, boy, we do not want to do that?

Cuba? No. And rightly so. The administration had the courage to call it the way it was.

But on a few other countries, and I am more than happy to debate some of them. Colombia happens to be one. A good, friendly nation to the United States. A country that has paid dearly. But have they fully cooperated? I rather doubt it. I rather doubt it.

This body went on record a year ago saying that Mexico, a good nation, good people, was not fully cooperating. Sixty-two Members of this body wanted to have an expedited procedure so they could vote on it if somebody called it up.

There are only 45 days during which anybody can call it up. Was this decertification of Mexico called up this year? It was not.

Any 1 of 100 Members could have called that up for a vote. Why not? Maybe Mexico got the message last year when we voted, 62 Members, to decertify that country. Because it is severe. It is not just foreign aid. It is a severe sanction if we should pass that in both Houses and it be enacted into law.

So this body I thought did a responsible thing. The Senator from Connecticut had a lot to do with that in arguing with a number of us. So did the administration, as to Mexico; pointing out that they were working in a constrictive manner. So nobody called it up. I did not. The Senator from California did not; nor did other Senators who had very strong feelings and argued for the decertification 1 year ago.

So here we are now debating a tool, a very effective tool. Not just a little housekeeping procedure. It is a very effective tool for international control of narcotics. I daresay I think that if Mexico's improvements are there, and indeed they are, it may very well have had something to do with the fact

that last year we voted to decertify that country.

Sure it hurt Mexico. It hurt me to cast that vote against a great nation. But it also was a responsibility that I had to my constituents in Arizona to tell it like it is; to tell the problems that we already addressed today and debated about Agent Camarena; 3 years then with no resolution of that murder committed.

So it is time that we look at this for what it is. It is a tool and it is a good tool. It has not been abused. Nobody has called up 25 of these. Nobody is talking about seeing any abuse of this. It has been very selective when anybody—or when somebody, first of all, thinks we have enough. And then when a majority wants to get up here and vote we have had enough from some country that is a drug shipment or drug producing nation.

I support the amendment offered by the Senator from Mississippi, Senator Lott. This amendment would strike section 902 from the State authorization bill for fiscal year 1990. Section 902 would delete the expedited procedure provision included in the certification process from the 1986 drug bill.

No one hesitates in this body to call the illegal drug epidemic in the United States the No. 1 problem facing this country. My colleagues are right to do so. In fact, in a recent nationwide poll conducted by the Democratic Party the American people said that drugs was the No. 1 problem facing our country, with the deficit second.

Last year, the Senate, in bipartisan fashion, drafted and passed a comprehensive antidrug bill. During the process, we all traveled back home and told our constituents that nobody would be tougher on illegal drugs and those who dealt with these poisons than the U.S. Congress. So what happened, we talked tough, but when it came to make the tough decision and fully fund the 1988 drug bill, we dropped the ball on the American people. We lacked the political courage to make the difficult cuts required to fund the bill.

Mr. President, if we fail to adopt the amendment offered by my friend from Mississippi today, we will take another step backward in the war on drugs. We will stifle debate in the U.S. Senate, the world's greatest deliberative body, on this country's war on drugs.

When the Anti-Drug Act of 1986 was passed, it included a section on certifying drug producing and transshipment countries. Those of us who worked on the 1986 bill, fully understood that if the United States was going to mount a successful antidrug program, we could not ignore the international side of the issue. For those of my colleagues who were not involved in drafting the 1986 drug bill, we included a tough set of guidelines that drug producing and transshipment coun-

tries would have to meet. They would be judged on whether they were fully cooperating with U.S. antidrug efforts.

If these countries failed to meet these guidelines, they would be decertified and face sanctions. These sanctions include cutting off foreign aid, the United States would have to vote against multilateral development bank loans, and the imposition of trade sanctions.

Section 902 of the bill, would make it nearly impossible for the full Senate to debate the certification, by the President, of drug producing and drug transshipment countries. Section 902 would require that the Foreign Relations Committee would first have to report a resolution of disapproval before they could be considered by the Senate.

Senator Lott's amendment, would return expedited procedures to the certification process as it was approved in the 1986 drug bill. Let me provide my colleagues an example. If President Bush felt that Panama should be certified next year, the full Senate, under the Lott amendment, would be insured of having the opportunity to debate the certification, regardless of how the Foreign Relations Committee votes.

I believe the certification process is critical to this Nation's international drug policy. It is imperative that drug producing and transshipment countries know that the United States takes the drug problem seriously and has the necessary provisions to punish those countries who do not fully cooperate with U.S. antidrug efforts.

I believe that the illegal drug problem is the most important problem facing this Nation. I want to know that I will have the opportunity to debate any area of this Nation's drug policy that comes before this body.

I truly hope, Mr. President, that this body will pass the Lott amendment. I think it is reasonable to leave the law exactly as it is. It has worked the last couple of years. We have only had a couple of votes on this matter. To me it is a very positive approach. We ought to leave it as it is, at least for the time being.

The PRESIDING OFFICER. The Chair recognizes the Senator from California, Mr. Wilson.

Mr. HELMS. I wonder if the Senator would permit me to inquire of the Senator from Arizona.

Mr. WILSON. I will be happy to yield to my friend from North Carolina without losing the floor.

Mr. HELMS. I thank the Senator.

As a matter of fact, the Dodd provision as contained in the bill reduces the war on drugs to a fizzle, does it not? As far as the matter is concerned?

Mr. DeCONCINI. In my judgment that is a good way to put it. The Senate would now not have an oppor-

tunity to counterbalance a decision made, perhaps by the State Department, for other reasons. Maybe for trade, maybe for some other reasons. The Senate would no longer have a right to bring it up for a vote.

That is all we are talking about. If the votes are not there we do not do it.

Mr. HELMS. The Senator is exactly right. In the process of the provision by Senator Dobb in the bill, unless the Lott amendment is approved, every Senator not on the Foreign Relations Committee automatically loses his right to call it up because it never gets to the Senate if the Foreign Relations Committee does not report it out just like any other bill.

Mr. DeCONCINI. The Senator is correct. That is why the procedure is there.

Mr. HELMS. Exactly. Exactly. I think it is imperative that the amendment of the distinguished Senator from Mississippi be approved. I hope Senators will understand what they are doing to themselves if they do not support the Senator from Mississippi.

I thank the Senator for yielding.

The PRESIDING OFFICER. The Senator from California.

Mr. WILSON. Mr. President, I think this was a useful exchange because what came out of it was the fact that, under present law, any Member of the Senate could call up a resolution of certification or of decertification. But, if the law is changed, as it is proposed to be changed by the version brought to this floor by the committee, all that would change.

My friend from Connecticut is absolutely correct when he says that we would not be altering the expedited procedures on the floor. I noticed that he was careful, and properly so, and accurate in that statement. But what we certainly would do if the Lott amendment did not go through to restore us to the existing law, is that we would dramatically change, in fact we would flat foreclose, the right of any Member to withdraw that bill from committee by his request. It would, instead, languish there if the committee chose not to release it. There would no longer be a power to bring it out.

I find it remarkable. I think sometimes we get a little too close to things. I listened to a man, whom I greatly respect, argue with passion about committee prerogatives.

My friend from Connecticut has said that if the law were the same, if there were an equitable treatment, if all committees were treated, the same, he would have no objection. My friend from Rhode Island agrees.

Why do they not propose that expedited procedures be applied to the committees to which they think they should be applied? It may make sense. It may not. I do not know. But what I do know is that the expedited procedures that are applied to this commit-

tee were applied because of a special circumstance.

If my friend thinks that we erred in response to a crisis, I will tell him that that crisis not only continues to exist, it has grown worse. And that all that the Senator from Arizona said about the efficacy of this provision is true. Perhaps not because we cut off so much in the way of aid, but because it is unpleasant for drug-producing nations to be identified as such and to have to defend against the onus of the charge that they are not certifiable as giving full cooperation in an antidrug effort.

I think that has had a very salutary effect. Just as I think Jackson-Vanik over a long period of time eroded the indifference, the callousness of the Soviet regime to the desire of Russians to emigrate.

This is an instrument of focused moral pressure. Let there be no doubt about it. But to say that we are picking on the Foreign Relations Committee, Mr. President. With all due respect to the august members of that committee, I do not think my constituents care a fiddler's damn about the Foreign Relations Committee or its prerogatives. But they care deeply about whether or not their kids are being exposed to the peril of drug use. They are concerned with the volume of the drug traffic in their neighborhoods, whether or not their children are safe going onto a playground or a school ground or whether they will be importuned to become part of a retail apparatus. And we do not propose for a moment that this certification process is the entire answer. It is not.

It is not. Good God, we all know that we have not begun to do nearly enough in the way of demand reduction or the other things that are required to prevent drug use. Our domestic effort has been inadequate.

Yes, we passed legislation, and we have not funded it. But what is true is that drug-producing nations outside the United States are a significant part of the problem. If it is true that a particular nation is either the point of origin or the point of transshipment for the flow of dangerous drugs into the United States, and if the nation is not making the effort required in U.S. law to be certified as in full cooperation, then why is it improper for us to say so and to attempt to impose pressure to change that situation? Do we not owe that to our children and to law enforcement who are outgunned and outnumbered on the streets of this country?

I will just say I do not think this is either picking on one committee; indeed, there are other committees subject to special rules. I do not like the fast-track procedure, but that is what we use when we consider free trade agreements. A free trade agreement, once consummated by the nego-

tiations, goes to the Finance Committee. It is there briefly. It cannot be amended. Bingo, it is out on the floor and it cannot be amended here either. You talk about an abridgment of prerogatives. But that is supposed to be so terribly important, Mr. President, that we are willing as a group to suffer that abridgment of the ordinary rights and privileges of individual Members of the Senate, as well as the very important and powerful Finance Committee.

I submit to you that as important as free trade agreements may be, that the crisis of drug use on America's playgrounds and in our schools is a far greater and more important crisis, demanding far more attention and far more resolve than this body has yet shown it. God knows, we will send the wrong message altogether if we change the law in a way that permits the Foreign Relations Committee to simply bottle up resolutions which they think are ill-advised because they may offend a drug-producing nation. The fact of the matter is that the Senators who have spoken against the Lott amendment do not agree with the entire certification procedure. They concern themselves with giving offense to these drug-producing nations.

Mr. President, our purpose is not to give offense. It is to try to reduce at least the problem of the flow of drugs from outside the United States into the United States. It is infinitely more difficult and dangerous for law enforcement in this Nation to deal with the problem at retail once the drugs are inside our borders, once they are being distributed on a retail basis. We will be more effective if we can interdict beyond the borders of the United States, which is why this same body broke a precedent and in last year's defense authorization bill adopted an amendment that, for the first time, really involves the military in the interdiction of drugs beyond the borders of the United States because we felt it that important.

It is that important, Mr. President, and it is important that we send a clear message to drug-producing nations that are not in full cooperation as U.S. law requires.

If my friends think that that was a mistake, the enactment of these provisions that impose those requirements, if they think it was a mistake to adopt those laws in response to a crisis, well, I respectfully disagree. The crisis continues and, indeed, grows worse, and foreign suppliers are very much a part of it.

I must say that whatever passions are stirred by a tax upon committee prerogatives, my outrage has not diminished from the moment that I had watched the grief in the faces of the family—the mother, the wife, the

widow and the children of Enrique Camarena.

I will say today his killers have not yet come to justice, and I am enraged by that. But it is not my purpose, nor the purpose of any Senator who has supported the certification to engage in bashing. It is not our purpose to give offense. It is our purpose to make a difference, to change the odds in favor of the children of this Nation whose talents for whom we hope so much can be wasted by one tragic experiment.

Mr. President, let us come back to what is really at stake here. Were it not for the Lott amendment, if this were to become law, this bill as it has been amended in committee, changing existing law, what we would have is a dramatic change in the way this body operates. Those not on the Foreign Relations Committee, I predict, would never likely have the opportunity again, except in the most egregious cases like Panama or Iran, to vote decertification of a drug-producing nation. We will not refight that fight.

Sixty-three Senators last year who the year before had refused to decertify Mexico voted to decertify Mexico last year because they had been convinced that it was necessary to do so. They would not have that opportunity, I will predict, if the Lott amendment were not successful. Instead, a resolution seeking to decertify them would languish in the Foreign Relations Committee.

I think that is wrong, Mr. President. I think the rest of us should have the opportunity by a well known and established procedure to be able to call it up or to see that resolution discharged after 15 days if no action has been taken.

And why, Mr. President, why this extraordinary procedure? Because of this extraordinary threat that it seeks to deal with. That is why. It is that simple and it is a lot more important, I submit, than the imagined slight, if I may say so, on committee prerogatives.

My friends do not think it is equitable. Let them change the law so that they can find—if they can find some similar justification—to have expedited procedures apply to the discharge of legislation from other committees. Perhaps I will support it. I do not know. But I think they will find it difficult to find justification equivalent to the drug crisis in America, which is the justification for this special procedure.

Mr. President, I commend the Senator from Mississippi. He is right. He is right in proposing his amendment. The amendment seeks to restore the law, or rather to prevent its being changed so that we do have the opportunity, if we are required to do so, to engage in the unpleasant task of saying to a drug-producing nation

whom we would wish to be a good neighbor that they are not yet a good enough neighbor. That is what this is all about. And it is more important, far more important in the eyes of our constituents, I assure you, than any committee prerogatives.

Mr. President, I yield the floor.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Indiana [Mr. COATS].

Mr. COATS. Mr. President, I, too, rise in support of the Lott amendment. What we are seeing here on the floor I think is a great deal of frustration which we all share, frustration over our inability to get a handle on perhaps one of the most insidious problems ever to face our society. We witness daily the death and destruction and destroyed lives and destroyed families that result from the illegal use of drugs, the drug abuse that pervades every segment of our society.

We travel back to our districts and visit schools in rural, suburban, and urban areas and find that drugs have invaded every school yard, every educational institution, nearly every neighborhood of our States. We cannot be blind to the fact that drugs simply do not just exist on CBS or NBC or ABC newscasts in the evening or headlines of our papers, or our inner-city problems that exist in Miami, New York, and Los Angeles. They exist in every community of this Nation, and they are having a devastating impact on the social fabric of our communities and of our country.

So it is with this intense frustration that we all reach out to try to find a handle on this problem, to try to deal with it in Washington. People in Indiana say why does Washington not do more? Those of us in Washington representing those people say we are attempting to do this, but it is a complex, difficult, pervasive problem that no single law, no single statute, no amount of rhetoric can begin to solve the problem.

I wish there were a silver bullet; I wish there were a magic formula; I wish there were one single answer to solving the problem of illegal drugs. There is not. But what we have attempted in Washington is to do everything we possibly can as a Federal Government to do our part in the fight against drugs. We have labeled it a war on drugs.

When you are fighting in a war as pervasive as this, when you are fighting in a war as devastating as this, with consequences such as this, you need to apply all your assets and all your resources. So we have said at the Federal level, what can the Federal Government do to assist in this process?

We have put together now two comprehensive drug bills, one 3 years ago and one last year, that attempt to ad-

dress the problem in as comprehensive and effective a way as possible, recognizing that a big component of the solution to the drug problem in the United States is on the demand side, and on the streets and in the school yards and the homes and factories where people ultimately have to make that moral commitment, and individual personal commitment to say no to drugs.

By the same token, they need to know that we are waging the war with all the assets at our disposal. The Congress 3 years ago, and reaffirmed a year ago, has said we will apply resources necessary to address this problem from supply to demand. It is very important that we show the American people that we are engaged in the fight, that we will do everything we can from the very point of origin all the way through the point of rehabilitation. In between those two points, there are a whole series of actions that have to be taken.

Now, the issue with which we are dealing this evening is the question of going to the root, going to the supply, going to the origin of the problem. The Congress has clearly spoken on two occasions and said that we have every right to expect absolute full cooperation on the part of our neighboring nations in working with us as partners to eradicate the supply.

Does that solve the problem? No, because we know in this large world of ours, with the mobility currently available to drug growers, they can simply shift that source of supply to another area. But does that mean we throw up our hands and say we make no effort? I submit it does not. I submit that the United States has every right to go to every nation in this world and sit down with its leadership and say, "You must fully cooperate with us in eradicating the source of drugs."

We recognize that we have plenty to do in terms of interdiction, plenty to do in terms of education, plenty to do in terms of operating on the demand side. But we have every right to operate on the supply side. When we are operating on the supply side, we have to go to the source. To go to the source, we need the cooperation of foreign nations.

Now, everybody in this body knows that there are nations in this world that are not fully cooperating in the eradication of supply. Everybody knows there are in fact a number of nations which we could name where there has been complicity in producing the supply of drugs which flow into this country, complicity by Government officials, complicity by Customs agents, complicity by military forces, and by police forces. And while governments may be making an attempt to eliminate that, they fall far short of the standard which we have

every right to expect and far short of the standard which is embodied in the statutes of the United States and endorsed by a solid majority of both the House of Representatives and the Senate.

So when the State Department sends to us each year their report indicating that not one of those countries has cooperated less than fully and therefore does not deserve decertification, does not deserve any sanction whatsoever in terms of our foreign assistance to that country, it defies our belief, it defies our ability to come here and tell the American people every nation is fully cooperating with the United States in every way to eradicate the supply. We know that is a hoax. We know that is a sham.

So the Senate, as representatives of the people of this country, has every right to come here and say to those countries, "You are not fully cooperating. We want to work with you, but we have this evidence before us, and until you do fully cooperate, we will not fully cooperate with you in terms of our foreign assistance."

The Senator from Mississippi is simply trying to retain that statement of full cooperating embodied in the 1986 and 1988 Drug Abuse Acts which were endorsed by a solid majority of this Senate and the House of Representatives.

To transfer that authority back to a situation where we have to deal with diplomatic niceties and all the ramifications of the diplomatic process, offsets our ability to make one clear unequivocal statement, full cooperation in the eradication of the source of drugs. I do not doubt for 1 second there is any Member of this body who does not expect us to fulfill and pursue that standard. I am not here to get into the jurisdiction issue. All I am saying is we are facing a national crisis and a national emergency.

I do not think it is proper for the Senate to undo what has been so strongly recommended in two lengthy processes of putting together antidrug abuse acts which require full cooperation on the part of other nations that may be engaged in supplying drugs into this country.

We have a big job to do. This is only one small piece of the puzzle, but unless we demonstrate a commitment, an unequivocal commitment, a clear commitment, one without hedging, one without delay in every piece of the puzzle, from A to Z, with everything available at our disposal, unless we fully engaged the enemy at every point—

Mr. DODD. Will my friend yield at that point?

Mr. COATS. I will be happy to yield when I finish my statement.

Unless we engage the enemy at every point from supply to demand, we are not going to be successful. And

unless we utilize every asset at our disposal, including foreign assistance that goes to nations supplying drugs into this country and the threat of removing that assistance, we will not be successful in the war on drugs and we will be sending a signal to the American people that we are less than fully committed.

Now I will be happy to yield to my colleague.

Mr. DODD. Will my friend from Indiana support an amendment to discharge the Finance Committee and the two House committees as well?

Mr. COATS. It seems to me the question at hand is jurisdiction of the Foreign Relations Committee.

Mr. DODD. Will my colleague support such an amendment? Then we have the trade issue, which I think will really put pressure on countries. Will he support such an amendment?

Mr. COATS. Of course, that question has been debated.

Mr. DODD. I am just asking—

Mr. COATS. I think the question before us, if I could reclaim my time, is whether the certification procedures as established in the law by the 1986 and 1988 Antidrug Abuse Acts shall remain there as endorsed by a solid majority of Congress. Why change it? I do not understand.

Mr. DODD. My colleague's major point was that we ought to do everything possible. If we accept that point, would he then be willing to accept and support an amendment to modify the existing amendment right now? The author can modify his own amendment to discharge all the committees that are named in the Drug Act of 1986 from their committee responsibilities. Let us do it by a vote of 100 to nothing. We can go after the trade issues in both the House and the Senate.

Will the author of the amendment modify his amendment in that regard so that all four committees are discharged so we can vote on trade issues and whether or not Mexico should get preferences on trade?

If we really want to fight drugs, let us modify the amendment.

Will the author of the amendment modify his amendment? Will my colleagues support such an amendment?

Mr. COATS. In response to the Senator, let me say there is an amendment before us. We obviously will look at it. There is no amendment before us on that.

Mr. DODD. Will the author modify the amendment?

Mr. COATS. The author is the Senator from Mississippi. That is the amendment that is before the Senate. Other amendments can be offered before the Senate. I am sure all Senators will look at the amendment to see whether or not it is justified. Right now the question before us is the amendment of the Senator from Mis-

issippi. I hear no other amendment being offered. No other amendment has been laid down.

So it would be premature to speculate on what the support would or would not be. We have not even seen an amendment. We do not know what the words are. The Senator has not offered that amendment.

I rise in support of the amendment of the Senator from Mississippi, and I yield back my time.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Connecticut.

Mr. DODD. Mr. President, I ask my colleague from Mississippi. Will he modify his amendment to cover all four committees?

Mr. LOTT. If the Senator will yield, if he would like to offer such an amendment, I am sure the body would be glad to consider it. Let me comment now. I understand the Senator yielded to me.

Mr. DODD. I asked a simple question of my colleague. Would he modify his own amendment?

Mr. LOTT. I will certainly consider the amendment, if the Senator would like to offer it. Let me explain that I did not cook this up. I did not pick on Foreign Relations. This was done 3 years ago in the omnibus drug bill in a bipartisan way.

Mr. DODD. I am asking a simple question.

Mr. LOTT. The Senator wants to make it appear that I am picking on Foreign Relations. I did not mean to do that.

Mr. DODD. Mr. President, I ask a simple question. The Senator from Connecticut does not have a pending amendment before this body. The Senator from Mississippi does.

Under the procedures of this body, the author of any amendment may modify his or her own amendment. I am asking a simple question of whether or not my colleague from Mississippi, given his outrage over the fact that we are doing nothing about drugs, would modify his own amendment to discharge all four committees so we may discuss on this floor, if any one Senator did raise the issue of trade, as well as aid—in both this body and the other. I accept their argument. They are incensed—that every Senator ought to be able to raise resolutions regardless of the import of the other 99 Senators, meritorious or not, and then let us do it on all committees. I will support him.

Will he modify his own amendment to cover all four committees?

Mr. DeCONCINI. Mr. President, will the Senator yield?

Mr. DODD. Let me get the response. I heard the outrage. I would like to know whether or not the Senator would modify the amendment to cover

all four committees. A yes or no response is simple enough. It takes no time at all to do it.

Mr. LOTT. Will the Senator yield?

Mr. DODD. Of course. I am asking a question.

Mr. LOTT. I am going to preserve my amendment as offered since it would preserve the status quo. That is all I am asking here—the status quo.

As a matter of fact, the Senator voted for the omnibus drug bill of 1986. He voted for this procedure.

Mr. DODD. I admit that I did because I did not pick up on this. I apologize. I was ignorant of this provision of the law. That is the bill about 6,700 pages long. I did not pick up on this.

Mr. LOTT. If the Senator will yield, it has been on the books for 3 years. The Senator has debated it six times.

Mr. DODD. The Senator will not deny that I have been for 3 years trying to figure out a way to modify this provision. He knows that. I am asking a simple question of whether or not he will modify the pending amendment to cover the existing committees, and really deal with this issue. He answered me "No," which I think explains the point. We are picking on one committee.

If he really wants to go after drugs, we do not give any foreign aid to Mexico. We just got through beating up on Mexico. We do not give a nickel in foreign aid to Mexico. It is our second largest trading partner in the world.

If we really want to bring pressure to bear on Mexico, trade is the area, not aid. If we want to get to the trade questions, we have to discharge the Finance Committee, not the Foreign Relations Committee.

All I am suggesting is modify the amendment, and we will discharge those committees. If that is not the Senator's point, then I must say with all due respect that I do not think that he is being serious about this question.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Is there further debate?

Mr. LOTT. Mr. President, if I could conclude—

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Since there is apparently no other debate, I will be very brief.

It was inferred earlier that we should change the procedure that has been in place for 6 years so we could deal intelligently with these issues. I maintain the full Senate can deal intelligently with it. Intelligence does not repose in one committee or a number of committees. We have that right here in the full Senate.

The Senate under the Constitution has a higher responsibility than foreign relations matters. That is why the Foreign Relations Committee is particularly noted here because this is a foreign relations issue involving drug

trafficking. I understand the Senator speaking about the committee. I would be jealous of jurisdiction too. But I think we should look at the bigger picture and rise above the committee jurisdiction question.

I did not cook this process up. I am asking that the Senate have an opportunity as they have for the past 3 years to legitimately, intelligently bring up these certification questions so that all Senators will have a chance to express themselves and be heard.

I urge my colleagues to maintain the process so that we too, the other 81 of us, in the Senate can be involved in this most important drug-related issue.

Mr. D'AMATO. Mr. President, I rise today to cosponsor the amendment offered by Senator LOTT which preserves expedited Senate consideration of narcotics decertification resolutions.

A provision contained in the fiscal year 1990 State Department authorization bill threatens to put an end to such expedited consideration.

This provision would require that decertification resolutions first be reported by the Foreign Relations Committee before they could be considered by the Senate. Unless Senator LOTT's amendment passes, even if a decertification resolution is reported by the committees, it could still be subject to amendment and extended debate; that is, filibuster. Under current law, filibusters are not possible and no amendments or motions to recommit are in order.

The new provision contained in the State Department Authorization Act does treat the resolution as privileged but that only assures Senate consideration if the Foreign Relations Committee reports it to the full Senate.

The Lott amendment assures that the Senate will be able to consider decertification resolutions even if the committee does not report them. The Lott amendment strikes the new provision, and maintains the expedited procedures of existing law.

Expedited procedures under existing law preserve the right of the Senate to consider joint resolutions of disapproval within 45 days of a Presidential certification, regardless of whether the Foreign Relations Committee votes to report such a resolution.

The House, which does not have expedited procedures for resolutions of disapproval, has never debated a decertification resolution on the floor. This is a prime example of why the Senate must maintain the integrity of the decertification procedure as it currently stands.

Since the inception of the decertification law in 1986, the Senate has considered six resolutions of disapproval. It has disagreed with two Presidential certifications—Panama in 1987, and Mexico in 1988. It has defeated three resolutions of disapproval for the Ba-

hamas—1987, 1988, and 1989—and one for Mexico, 1987.

The Senate must be guaranteed an opportunity to debate the level of cooperation of foreign nations in controlling the production and distribution of narcotics. The possibility that these resolutions, under the new provision, may never emerge from committee is a real concern. The American people demand that we address the international narcotics problem. To do any less, is to deny our obligation for full debate and vote on the issue.

The PRESIDING OFFICER. If there is not further debate, the yeas and nays have been ordered and the clerk will call the roll.

Mr. DODD. Mr. President, I move to table the amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. The Chair recognizes the Senator from Connecticut.

Mr. DODD. I move to table the pending amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Chair inquires of the Senator from Connecticut for the purpose of clarification. Is the motion to table the second-degree amendment? This is the amendment submitted by the Senator from Mississippi [Mr. LOTT].

Mr. DODD. Yes, the second-degree amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Connecticut to lay on the table the amendment of the Senator from Mississippi. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Texas [Mr. BENTSEN], the Senator from Delaware [Mr. BIDEN], and the Senator from California [Mr. BREAU] are necessarily absent.

I further announce that the Senator from Hawaii [Mr. MATSUNAGA] is absent because of illness.

The PRESIDING OFFICER (Mr. ROBB). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 25, nays 71, as follows:

[Rollcall Vote No. 126 Leg.]

YEAS—25

Bingaman	Inouye	Riegle
Bradley	Kassebaum	Robb
Byrd	Kennedy	Sanford
Danforth	Lieberman	Sarbanes
Daschle	Lugar	Sasser
Dodd	Metzenbaum	Simon
Durenberger	Mitchell	Simpson
Glenn	Moynihan	
Hatfield	Pell	

NAYS—71

Adams	Garn	McCain
Armstrong	Gore	McClure
Baucus	Gorton	McConnell
Bond	Graham	Mikulski
Boren	Gramm	Murkowski
Boschwitz	Grassley	Nickles
Bryan	Harkin	Nunn
Bumpers	Hatch	Packwood
Burdick	Heflin	Pressler
Burns	Heinz	Pryor
Chafee	Helms	Reid
Coats	Hollings	Rockefeller
Cochran	Humphrey	Roth
Cohen	Jeffords	Rudman
Conrad	Johnston	Shelby
Cranston	Kasten	Specter
D'Amato	Kerry	Stevens
DeConcini	Kerry	Symms
Dixon	Kohl	Thurmond
Dole	Lautenberg	Wallop
Domenici	Leahy	Warner
Exon	Levin	Wilson
Ford	Lott	Wirth
Fowler	Mack	

NOT VOTING—4

Bentsen	Breaux
Biden	Matsunaga

So the motion to lay on the table was rejected.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the motion was rejected.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HELMS. Mr. President, on behalf of Senator LOTT, I ask unanimous consent that the yeas and nays on the amendment be vitiated and that we proceed to a voice vote.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. GORE addressed the chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Tennessee, Senator GORE.

Mr. GORE. Mr. President, I have an amendment that has been agreed to on both sides. I do not think it will take very long, but I spend it to the desk at this point.

The PRESIDING OFFICER. The Chair would remind the Senator that it would take unanimous consent.

Mr. GORE. Mr. President, I ask unanimous consent that the amendments we have been setting aside be set aside.

Mr. PELL. Mr. President, I suggest the Senate is not in order.

The PRESIDING OFFICER. Is there objection to setting aside amendments numbered 315 and 314?

Mr. HELMS. Reserving the right to object, I do not want this passed on until we have order in the Senate.

The PRESIDING OFFICER. The Senator is correct. The Senate is not in order. The Senate will be in order.

Mr. HELMS. Mr. President, what was the unanimous-consent request?

The PRESIDING OFFICER. The Senator from Tennessee requested unanimous consent that amendments 314 and 315 be set aside temporarily to proceed to an amendment that is

being offered by the Senator from Tennessee.

Mr. HELMS. There is so much confusion, where does that leave the Lott amendment?

The PRESIDING OFFICER. The Chair did not hear the Senator's question.

Mr. HELMS. Where does that leave the Lott amendment?

The PRESIDING OFFICER. The Lott amendment is pending but would recur upon the disposition of the motion being proposed by the Senator from Tennessee.

Mr. GORE. Mr. President, I intended to ask unanimous consent to set aside those amendments that had been routinely set aside. If the ranking member of the committee and the chairman of the committee wish to go ahead with the Lott amendment, I did not intend to interfere with the flow of business where that amendment is concerned.

Mr. HELMS. I thank the Senator for his courtesy. I would prefer to go ahead and finish it.

Mr. GORE. I withhold my request, Mr. President.

The PRESIDING OFFICER. The Senator's request to propose an amendment has been withheld.

VOTE ON AMENDMENT NO. 315

The PRESIDING OFFICER. Is there further debate on the Lott amendment No. 315 to the Wilson amendment No. 314? If not, the question is on agreeing to amendment No. 315 proposed by the Senator from Mississippi [Mr. LOTT].

The amendment (No. 315) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GORE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 314, AS AMENDED

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from California [Mr. WILSON], as amended by the amendment by the Senator from Mississippi [Mr. LOTT].

The amendment (No. 314), as amended, was agreed to.

Mr. GORE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Tennessee, Senator GORE.

AMENDMENT NO. 316

Mr. GORE. Mr. President, I send an amendment to the desk. It has, as mentioned earlier, been worked out on both sides. I have worked very closely with the Senator from New Mexico [Mr. DOMENICI].

Mr. President, this is an amendment on global warming and global climate change and ways in which our Nation

can prepare a more intelligent response to that threat.

Mr. DOMENICI. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. The Senator from Tennessee has the floor. Other Senators are requested to continue their conversations in the cloakroom.

Without objection, the other amendments are set aside and the clerk will report the amendment of the Senator from Tennessee.

The bill clerk read as follows:

The Senator from Tennessee [Mr. GORE] proposes an amendment numbered 316.

Mr. GORE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Insert at the end of title VI, the following new section:

The Secretary of State, shall, six months after entry into force of this legislation, submit to the Congress a report of the political, economic, commercial, and security implications of assistance to foreign countries in the form of systematically organized and financed transfers of technology for the purpose of improving energy efficiency and reducing carbon emissions to the atmosphere. The report shall review the extent to which such transfers may be deemed in the net interests of the United States. In conducting such review, the Secretary shall consider benefits of reduced emissions of greenhouse gases that would result from such transfers as well as any concerns regarding potential political, economic, commercial, or security risks. Said report is to include comments of the Secretary of Defense, the Secretary of Energy, the Secretary of Commerce, and the Administrator of the Environmental Protection Agency.

Mr. GORE. Mr. President, I thank my colleague from New Mexico for his courtesy. I have enjoyed working with him on this issue and on this amendment and on the second-degree amendment which will shortly be proposed which has also been worked out on both sides. We have jointly worked on both of these amendments.

The first-degree amendment provides that:

The Secretary of State, shall, six months after entry into force of this legislation, submit to the Congress a report of the political, economic, commercial, and security implications of assistance to foreign countries in the form of systematically organized and financed transfers of technology for the purpose of improving energy efficiency and reducing carbon emissions to the atmosphere.

The report is supposed to review the extent to which transfers may be deemed in the net interest of the United States and the Secretary is supposed to consider the benefits of reduced emissions of greenhouse gases in consultation with other parts of the Federal Government.

I will not belabor this issue this evening because there is agreement on

this but, suffice it to say in brief, Mr. President, that I believe that the global environmental problems we now face should be seen as issues of national security.

They have within them the potential for destabilizing the international order; for causing massive flows of illegal immigration, political instability in many countries as well as, of course, the degradation of the environment, the ability to grow food, and many, many other problems.

The greenhouse effect and the other problems which are part of the global climate challenge, represent together the most serious environmental challenge this world has ever faced. This begins to move the State Department more rapidly in the direction that all of us recognize we should be moving. Again, I wish to acknowledge my debt to the Senator from New Mexico for many excellent suggestions in crafting this amendment and this points us toward a strategic environment initiative, an initiative which I think is eminently in our national interest.

Mr. President, many of us have come to share the belief that humankind has suddenly entered into a brand new relationship with the planet Earth, and that human civilization is, in its current pattern, causing grave and perhaps soon irreparable damage to the ecological system which supports life as we know it.

My purpose is to sound an alarm loudly and clearly—of imminent and grave danger—and to describe a strategy for confronting this crisis, with changes in our collective behavior and thinking which, if made, can forestall and prevent the horrendous prospect of an ecological collapse.

First, why is such an alarm necessary? Do we need a crisis before we can act?

Sometimes in human affairs a pattern is well set before its implications are felt in our daily lives. This is true both in politics and in science. When shattered glass filled the streets of Berlin on Kristallnacht, few could conceive of the holocaust to follow. But from a distance, the pattern is now clear. When the first atom was split, few could conceive of nuclear bombs. But when Einstein wrote Roosevelt, the pattern was clear.

How much information is needed by the human mind to recognize a pattern? How much more is needed by the body politic to justify action in response?

It took a long time for the world to respond to Hitler. Because of Hitler, it took only a short time for Roosevelt to respond to Einstein.

In a classic experiment often cited, a frog dropped into a pot of boiling water quickly jumps out. But the same frog, put in the water before it is slowly heated, will remain in place until it is boiled.

The meaning of a pattern is conveyed by contrast as opposed to sameness. Sameness lulls the senses and conveys an absence of danger. Gradual change sometimes resembles sameness, obscuring danger from minds which reserve their alertness for sharp contrasts. Exponential change at first resembles sameness, then gradual change, then explosive contrast.

It is often hard to recognize the shape of an exponential curve before it reaches the explosive stage it is difficult because the contrast essential to understanding very large patterns is sometimes visible only from a distance.

If an individual or a nation is accustomed to looking at the future 1 year at a time, and the past in terms of a single lifetime, then many large patterns are concealed. If a political body looks at policies in the context of a single nation, then the global impacts will remain invisible.

When you consider the relationship of the human species to the planet Earth, not much change is visible in a single year, in a single nation. Yet, if you look at the entire pattern of that relationship from the emergence of the species until today, a distinctive contrast in very recent times clearly conveys the danger to which we must respond. It took 10,000 human lifetimes for the population to reach 2 billion. Now, in the course of a single human lifetime—mine and yours—it is rocketing from 2 billion toward 10 billion, and is already halfway there.

Startling graphs showing the loss of forest land, topsoil, stratospheric ozone, and species all follow the same pattern of sudden, unprecedented acceleration in the latter half of the 20th century. And yet, so far, the pattern of our politics remains remarkably unchanged.

The Earth's forests are being destroyed at the rate of one football field's worth every second, one Tennessee's worth every year. An enormous hole is opening in the ozone layer, reducing the Earth's ability to protect life from deadly ultraviolet radiation. Living species die at such an unprecedented rate that more than half may disappear within our lifetimes. Chemical wastes, in growing volumes, seep downward to poison ground water and upward to destroy the atmosphere's delicate balance. Huge quantities of carbon dioxide, methane, and chlorofluorocarbons dumped in the atmosphere are trapping heat and raising global temperatures.

In 1987, carbon dioxide levels in the atmosphere began to surge with record annual increases. Global temperatures are also climbing: 1987 was the second hottest year on record; 1988 was the hottest. Scientists now predict our current course may raise world temperatures almost 5 degrees Celsius in the lifetimes of people in

this room. The last time there was such a shift, it was 5 degrees colder: New York City was under 1 kilometer of ice. If 5 degrees colder over thousands of years produces an ice age, what could 5 degrees warmer produce in one lifetime?

Why are these dramatic changes taking place? Because the human population is surging, because the industrial, scientific, and technological revolutions magnify the environmental impact of these increases, and because we tolerate self-destructive behavior and environmental vandalism on a global scale.

The problem in organizing our response is that the worst effects seem far off in the future, and they are so unprecedented they seem to defy common sense. While right now, in the present, millions of people are suffering in poverty and dying of starvation, warfare, and preventable diseases. How do we deal with these immediate problems and at the same time confront the problems of the future? One of the philosophers of the environmental movement, Ivan Illich, in a recent interview, explained the sudden environmental activism of Margaret Thatcher, Mikhail Gorbachev, and other world leaders previously uninterested in the global environment by saying "what has changed is that our common sense has begun searching for a language to speak about the shadow our future throws."

Science already has such a language. Have you ever seen the picture showing how time and space are shaped by mass, with a black hole pictured as a deep well in a grid, with the space and time around the well sloping toward it? Human political awareness is shaped by history in precisely that way. Our political awareness of the world is shaped and bent by events. Large events like World War II exert a powerful gravitational pull on every idea we have about the world around us. The Holocaust shapes every idea we have about human nature.

And just as in Einstein's theory, future events can exert the same gravitational pull on our thinking as events in the past—even though the events in the future have not yet occurred.

Time is relative in politics as in science. The political will which made possible the mass political protests against escalating the nuclear arms race came from awareness of a downslope toward a future we did not want to see. Many felt us being pulled toward a nuclear war that would crush human history forever into a black hole. We are now changing our course away from that downslope, we hope, and taking a new direction—even though 99.99 percent of all human beings on Earth have never seen, heard, or personally felt nuclear de-

struction. The awareness of that potential future event came from political communication, with abstract symbols, like words.

Now, throughout the world, we are witnessing the emergence of a new political will to take a different course in order to avoid the slope toward global environmental destruction. We see the catastrophe coming, we hear Rachel Carson's "Silent Spring". The slope seemed gradual at first but now it is steep. We feel strongly pulled toward ecological collapse by the policies we are now pursuing.

I, personally, became deeply involved in the effort to avoid a nuclear holocaust 9 years ago because I felt the slope toward that horrendous possibility. And I tried to bring to the task the skills of my profession. I believe all this talk about the global environment as a national security issue makes a great deal of sense in political terms.

For the past 13 years, as a citizen and as a Member of the U.S. Congress, I have had longstanding interests in both the environmental threat and in national security. As a practical matter, I have dealt with these subjects as separate intellectual accounts: Involving distinct areas of public policy, each with its own completely different set of concerns and participants.

Yet, they grow more and more alike. National security comprises matters that directly and imminently menace the interests of the state, or the welfare of the people. As such, these issues command the attention of political leaders at the highest level, with a proportionate claim on the resources of government and the wealth of the Nation. If society were an organism, national security would involve the instinct for survival.

To this point, the national security agenda has been dominated by issues of military security, embedded in the context of global struggle between the United States and the Soviet Union: A struggle which the protagonists have often waged through distant surrogates, but which has always harbored the risk of direct confrontation and nuclear war.

Given the changes in Soviet behavior which have begun under Gorbachev, there is growing optimism that this long, dark period may be passing. There is also hope this will open the international agenda for other urgent matters and for the release of enormous resources, now committed to war, toward other objectives.

Many hope that the global environment will be the new dominant issue. They assert that a collective, international struggle for stability in the ecosystem will succeed the old pattern of national struggle for temporal power, and will justify the preemption of enormous resources, and reshape the

public consciousness in support of another long, global struggle.

I am deeply in sympathy with this view, and yet as someone who has worked hard on both issues, I believe the analogy must be used very cautiously. The United States-Soviet struggle has lasted almost half a century, consumed several trillions of dollars, cost us close to 100,000 American lives in Korea and Vietnam, and has profoundly shaped the psychological and social consciousness of our people. Much the same could be said of the Soviets, who, if anything, have endured far more than have we for the sake of their ideology.

Nothing is automatic or foreordained about the course of United States-Soviet relations, no matter how many editorial writers now claim the "Cold War Is Over." Nothing relieves us of our present responsibilities for defense or of the need to conduct painstaking negotiations to limit arms and reduce the risk of war. The old agenda is with us still, exacting its price in wealth, creativity and the attention of statesmen.

And yet, environmentalists are right.

Certainly, there is strong evidence the new enemy is at least as real as the old. For the general public, the shocking images of last year's drought, or of beaches covered with medical garbage, inspired a sense of peril once sparked only by Soviet behavior. But for environmental specialists, the steady flow of data from scientific investigations of the environment—often ambiguous, but always menacing—is eerily equivalent to intelligence collection against the more familiar Soviet threat. The U-2 spy plane, for example, now is used to monitor not missile silos but ozone depletion.

Already, we are seeing governments struggling to resolve issues whose domains go far beyond anything in our experience. Debate over the disposition of radioactive wastes, for example, involves choices that must remain valid across geological time. The species now disappearing at an unprecedented rate will never return. The global climate pattern could shift to a new equilibrium and never regain its former pattern.

In the not distant future, there will be a new "sacred agenda" in international affairs: policies that enable the rescue of the global environment. This task will one day join, and then perhaps, even supplant, preventing the world's incineration through nuclear war, as the principal test of statecraft.

However, in thinking about environmentalism as a national security concern, it is important to differentiate between what would—in military jargon—be called the level of threat. Certain environmental problems may be important but are essentially local; others cross borders, and in effect represent theaters of operations; and still

others are global and strategic in nature.

On this scale, even phenomena as important as the slow suffocation of Mexico City, the deaths of northern forests in America and Europe, or even the desertification of large areas of Africa, will likely not be regarded as full scale national security issues.

However, the greenhouse effect and stratospheric ozone depletion fit the profile of national security issues of global significance. These phenomena certainly will in time produce effects big enough to threaten international order, even at the level of war and peace. In the case of global warming, the fact that some of the worst effects will not fully manifest themselves until the middle of the next century is offset by the fact that actions we take now will determine the extent of the damage later.

When nations perceive that they are threatened at the strategic level, they may be introduced to think of drastic responses, involving sharp discontinuities from everyday approaches to policy. In military terms, this is the point when the United States begins to think of invoking nuclear weapons. The global environment may well involve responses that are, in comparative terms, just as radical. Not just business as usual, not just incremental variations but massive departures from the norm.

Nuclear war is an apocalyptic subject, and so is global environmental destruction. We are dealing here with increasingly credible forecasts of climatic dislocations, vast changes in growing cycles, inundations of coastal areas and the loss to the sea of vast territories—some of them very heavily developed and populated. We also are dealing not only with a threat to human health, but unpredictable and potentially vast changes to all life at the surface of the Earth and the seas, as the result of prolonged exposure to increased ultra-violet radiation.

What's more, despite some progress made toward limiting some sources of the problem, such as CFC's, we have to face the stark fact that we have barely scratched the surface. Even if all other elements of the problem are solved, a major threat is still posed by emissions of carbon dioxide, the exhaling breath of the industrial culture upon which our civilization rests. The implications of the latest and best studies on this matter are staggering. We must be honest about them. Essentially, they tell us that with our current pattern of technology and production, we face a Hobson's choice between economic growth in the near term, and massive environmental disorder as the subsequent penalty.

This central fact cuts across the face of all environmental strategies as we generally think of them. It suggests

that the notion of environmentally sustainable development at present may be an oxymoron, rather than a realistic objective. It declares war, in effect, on routine life in the advanced industrial societies. And—central to the outcome of the entire struggle to restore global environmental balance—it declares war on the Third World.

The Third World does not have a choice about whether or not it will develop economically. If it does not develop economically, poverty, hunger and disease will consume entire populations. And long before that, whole societies will experience revolutionary political disorder. Rapid economic growth is a life-or-death imperative throughout the Third World. The peoples and governments of the Third World will not be denied that hope, no matter the longer-term costs for the global environment.

And why should they accept what we, manifestly, will not accept for ourselves? Who is so bold as to say that any nation in the developed world is prepared to abandon industrial and economic growth? Who will proclaim that any nation in the developed world will accept even serious compromises in levels of comfort, for the sake of global environmental balance? And who will apportion these sacrifices; who will then bear them?

Development, of course, is part of the problem as well as the solution. We know that, just as we know that nuclear deterrence depends on the weapons we are trying to render obsolete.

The effort to solve the nuclear arms race has been complicated not only by simplistic stereotypes of the enemy and the threat he poses. It also has been complicated by simplistic demands for immediate unilateral disarmament, without any basis for a widely shared confidence that the original threat is no longer real.

My own belief is that perceptions must evolve simultaneously in both superpowers as technology evolves simultaneously in both countries, as conscious efforts are made to improve information about the other, about the nature of the threat, and the confidence we can summon that the threat is in fact changing and receding.

In similar fashion, the effort to solve the global environmental crisis will be complicated not only by blind assertions that more and more environmental manipulation and more and more resource extraction are essential for economic growth. It will also be complicated by the emergence of simplistic demands that development, or technology itself, must be stopped for the problem to be solved. This is a crisis of confidence which must be addressed.

We must acquire sufficient knowledge of the Earth's system to judge when it can heal itself, and when it is necessary for us to intervene. For ex-

ample, when 40,000 children die of disease and starvation every 24 hours, we obviously must intervene. But it is past time to recognize that many of society's interventions in the environment have been and are unwise. Much ecological destruction is subsidized by governments. We need more knowledge, more experience, and the kind of sensitive judgments that modern doctors have learned to make.

The cross cut between the imperatives of growth and the imperatives of environmental management, represents a supreme test for modern industrial civilization. The test is whether we can devise very dynamic new strategies which will accommodate economic growth within a stabilized environmental framework.

That is an extreme demand to place upon technology. There is no real assurance that such a balance can in fact be struck. Nevertheless the effort must be made. And because of the urgency, scope and even the improbability of complete success in such an endeavor, I am strongly tempted to use a military term for a metaphor. To deal with the global environment, we will need the environmental equivalent of the strategic defense initiative, a strategic environment initiative.

I have been an opponent of the military SDI. But even opponents of SDI recognize this effort has been remarkably successful in drawing together previously disconnected Government programs, in stimulating the development of new technologies, and in forcing upon us a wave of intense new analysis of subjects previously thought to have been exhausted.

We need the same kind of focus and intensity, and similar levels of funding, to deal comprehensively with global warming, stratospheric ozone depletion, species loss, deforestation, ocean pollution, acid rain, air and water, and ground water pollution, and all of the problems degrading the world's environment. In every major sector of economic activity—energy, agriculture, manufacturing, and transportation, for example—a strategic environment initiative must identify and then spread sets of increasingly effective new technologies. Some that are already well in hand; some that need further work, though well understood in principle; and some that are revolutionary ideas whose very existence is now a matter of speculation.

Let me briefly illustrate:

Energy is the lifeblood of development. Unfortunately, today's most economical technologies for converting energy resources into usable forms of power—as in burning coal to make electricity—release a plethora of pollutants. An energy SEI should focus on producing the energy of development without compromising the environment. Chief on the near term list of alternatives are energy efficiency

and conservation; on the midterm list, solar power, possibly new generation nuclear power, biomass—with no extraneous pollutants and a closed carbon cycle—as well as enhanced efficiency; and long term, nuclear fusion, as well as enhanced versions of solar, biomass, nuclear energy, and energy efficiency.

In agriculture, we have witnessed vast growth in Third World food production through the green revolution, but often that growth relied on heavily subsidized fertilizers, pesticides, irrigation, and overall mechanization, sometimes giving the advantage to rich farmers over poor ones. We need a second green revolution, to address the needs of the Third World's poor: a focus on increasing productivity from small farms on marginal land, with low-input agricultural methods.

These technologies, whose components are not only technological, but financial and political, may be the key to satisfying the land hunger of the disadvantaged and the desperate who are slashing daily into the rainforest of Amazonia—leaving behind the depleted soil of their first homesteads. It may also be the key in the battle to arrest the desertification of sub-Saharan Africa, where human need and climate stress are now operating in a deadly partnership.

Fortunately, the next wave of agricultural improvements is almost upon us—from biotechnology. In my view, we should carefully push forward work on new crop strains with genetic encoding that allows natural resistance to pests, disease, and droughts; not to mention improved yield. Of course, biotechnology will not completely solve the problems that arise from inadequate distribution of food supplies—they are most often due to a failure of politics, not crops.

In addition, new industrial processes, new materials, and increased use of recycled materials, will all become important to sustainable development.

Needed in the United States probably more than anywhere, is a transportation SEI focusing in the near term on improving the mileage standards of our vehicles, and encouraging and enabling Americans to drive less. In the midterm, come questions of alternative fuels, such as biomass-based liquid fuels or electricity. And in the mid- and long-terms come the inescapable need for reexamining the entire structure of our transportation sector, and its inherent demand on the personal vehicle for efficient transport.

The U.S. Government should organize itself to finance the export of energy-efficient systems, and of renewable energy sources. That means preferential lending arrangements through the Export-Import Bank, and Overseas Private Investment Corp.

Encouragement for the Third World should also come in the form of attractive international credit arrangements for energy efficient and environmentally sustainable processes. Funds for this lending stream would be generated by institutions such as the World Bank, which, in the course of debt swapping, might dedicate new funds to the purchase of environmentally sounder technologies.

Finally, the United States, other developers of new technology, and international lending institutions, should establish centers of training at locations around the world, to create a core of environmentally educated planners and technicians, in order to make the ground fertile for sowing environmentally attractive technologies and practices; an effort not unlike that which produced agricultural research centers throughout the world during the green revolution.

With this SEI, we must transform science and technology to make it more efficient, consume less of the Earth's natural resources, and emphasize waste minimization, recycling, and the use of renewable resources in harmony with the natural world. We must start by quickly obtaining massive quantities of information about the global processes now underway—through, for example, the Mission to Planet Earth Program of NASA.

And we also must target first the most readily identifiable and correctable sources of environmental damage. I have introduced a comprehensive legislative package to effectively halt chlorofluorocarbon, carbon tetrachloride, methyl chloroform, and halon emissions, and to promote development of technologies to replace those that now rely on CFC's. Earlier this year, I introduced the World Environment Policy Act of 1989, a far-ranging bill to address virtually every aspect of the global environmental crisis, including CFC's and CO₂.

In order to accomplish our goal we also must transform global politics, shifting from short-term concerns to long-term concerns, from conflict to cooperation.

The evidence of the last 6 months leads me to believe we have the capacity for this change. Just as the equilibrium of an environmental system can suddenly change from one State to another, the equilibrium of one political system can suddenly change from one State to another. We politicians are frequently adept at symbolic action, a pretense of change without the substance of change. And for that reason, my optimism is tempered by awareness of the power in the forces of greed and fear. But I do believe we have the capacity for what is needed—because the challenge can now be accurately described in terms of national security.

Some may believe that the idea of the environment as a national security issue is just rhetoric. Most of us in this room, however, accept it as a statement of fact. But, we also know that just as the world has been living with the possibility of manmade disaster in the form of nuclear war, so it now lives with the growing threat of man-made disaster in the form of catastrophic environmental failure.

In many ways, it is the same basic dilemma. In each case, our survival was threatened at a basic, primal level—the fear of death from attack by an enemy, the fear of death from running out of food. To each threat, we responded with more and more efficiency. The increasing sophistication of our technology has enabled us to confront each threat to our survival with more powerful response. And in each case, the effort to secure our survival has instead threatened our survival.

Moreover, even if we are successful this time in meeting the needs of our survival and preserving the world environment, it probably won't be the last time we'll face this basic problem. Genetic engineering may pose the same dilemma all over again. In the effort to protect ourselves against disease, we're creating a new and more powerful technology and ultimately will confront us with the same historic challenge to human nature and the same hubristic relationship of our species to the limits nature has designed for us as part of the world ecological system.

As a result, it is hard to escape the conclusion that we must also transform ourselves—or at least the way we think about ourselves, our children, and our future. This last transformation is the most essential, and yet the most difficult. If there is one cause for the prevailing pessimism about our ability to meet this unprecedented challenge, it is the belief by many that we are incapable of the change in thinking required.

And yet, there are precedents which give cause for realistic hope. Human sacrifice and slavery were both once commonplace in human societies, yet both are now obsolete. Our thinking was transformed. These changes, like most changes in global climate patterns, took place over a long period of time. But now, just as climate changes are telescoped into short periods of time, we must create in a single generation changes in human thinking of a magnitude comparable to the change that brought about the abolition of slavery. Yet once again, we must remind ourselves that the pattern of change required is visible only from a distance.

In this case, we cannot rely on science to give us a new point of view for it is partly responsible for the prob-

lem. In ways not yet fully understood, the scientific revolution itself changed the way we saw ourselves in relation to the world. We detached ourselves from nature to examine the physical world. In a kind of Heisenberg principle writ large, we altered—without realizing it—the nature of what we began to examine. The new pattern of thinking we must now create is one in which we once again see ourselves as a part of the ecological system in which we live. What we now lack is a sense of the proper location of our species in the ecosystem. We have lost our equilibrium.

How then can we gain sufficient distance from ourselves to see a pattern which contains ourselves in a larger context? My own religious faith teaches me that we are given dominion over the Earth, but that we also are required to be good stewards of the Earth. If we witness the destruction of half the living species God put on this earth during our lifetimes as a result of our actions, we will have failed in the responsibility of stewardship. Are those actions, because of their result, "evil"? The answer depends not upon the everyday nature of the actions, but upon our knowledge of their consequences. In an examination of Hitler's lieutenants, Hannah Arendt coined the memorable phrase "the banality of evil." The individual actions which collectively produce the world's environmental crisis are indeed banal when they are looked at one by one: the cutting of a tree, the air conditioning of a car.

"Evil," and "good" are terms not used frequently by politicians. But in my own view, this problem cannot be solved without reference to spiritual values found in every faith. For many scientists on the edge of new discoveries in cosmology and quantum physics, the reconciliation of science and religion sometimes now seems near at hand. It is a reconciliation not unlike the one we seek between man and nature.

But even without defining the problem in religious terms, it is possible to conclude that the solutions we seek will be found in a new faith in the future of life on earth after our own, a faith in the future which justifies sacrifices in the present, a new moral courage to choose higher values in the conduct of human affairs, and a new reverence for absolute principles that can serve as guiding stars by which to map the future course of our species and our place within creation.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Mexico [Mr. DOMENICI].

AMENDMENT NO. 317 TO AMENDMENT NO. 316

(Purpose: Expressing the Sense of the Senate that the United States should take the lead to convene an International Energy Conference to bring countries of the World together in order to develop clean energy technologies to meet future energy needs)

Mr. DOMENICI. Mr. President, I send a second-degree amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The Senator from New Mexico [Mr. DOMENICI], for himself, Mr. WIRTH, and Mr. CHAFEE, proposes an amendment numbered 317 to amendment No. 316.

Mr. DOMENICI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the pending amendment add the following:

SEC.

FINDINGS.—The Senate finds that—

(1) The population of the World is predicted to double within the next 36 years;

(2) About 90 percent of this enormous increase will occur in developing nations;

(3) Many scientists are predicting significant increases in the planet's mean temperature in the next 50 to 60 years as the result of the accumulation of carbon dioxide and other gases that are a product of energy consumption;

(4) Increases in energy consumption will accompany the significant increase in population;

(5) Such increased energy consumption will lead to increased emissions of "greenhouse gases", which could lead to even greater increases in temperature;

(6) The United States possesses the scientific and technical expertise to develop new clean energy technologies to meet future energy needs of this planet.

Now, therefore, it is the Sense of the Senate that the President of the United States should persuade other world leaders to join in convening an International Energy Conference, or use the occasion of the third plenary session of the Intergovernmental Panel on Climate Change, to bring the Nations of the World together to focus attention on international energy problems. Such effort will identify ways and means of assisting lesser-developed nations in the development of their energy needs, through efficient and clean energy technologies that will mitigate the alterations to the atmosphere that cause global warming.

Mr. DOMENICI. Mr. President, the amendment is a sense of the Senate resolution, calling on the President to persuade other world leaders to join in convening an International Energy Conference. The purpose of the conference would be to bring nations of the world together to focus attention on international energy problems, as well as to consider ways of assisting lesser-developed nations through technology transfer and financing in order to mitigate the problem of global warming.

Mr. President, I am joined by Senators CHAFEE and WIRTH in proposing this amendment.

The amendment would serve to equate global warming with energy policy and hopefully elevate the importance of future energy decisions.

For some time, many scientists have been predicting that the accumulation of carbon dioxide and other gases will raise the planet's mean temperature in the next 50 to 60 years by 3 to 4 degrees centigrade, the same increase that brought us out of the Ice Age 18,000 years ago.

Because this issue is so complex scientifically, it is not clear whether or not these forecasts are accurate.

However, one thing is absolutely certain—that the number of people on this planet will continue to increase at a startling rate. In fact, the United Nations Population Fund now predicts that by the year 2025, the world population will double in size. It is predicted that 90 percent of that increase will occur in the lesser developed nations.

And a fundamental component of economic growth in those developing countries will be energy. With the combination of growth in population and economic advancement, it is certain that energy demand will expand.

And since the burning of fossil fuels is tied so very closely to what appears to be a warming of the planet, we confront a situation we dare not avoid.

With all this in mind, I must say we will not suddenly scale down energy use. Such a change would be politically unsustainable in the United States and Europe. And the developing nations will not accept the fact that they cannot improve their standard of living.

Consequently, it is imperative that the United States—a nation with the capability of developing alternative sources of energy and new clean energy technology—take the lead in addressing future energy problems that will confront the world.

If our country were to unilaterally reduce our emissions of greenhouse gases, future growth in other parts of the world would more than offset any reductions we made. Therefore, since the United States is already developed, we are in a position to help lesser developed countries through technology transfer and through financial assistance.

Much good work is already being undertaken by the United States-chaired, Response Strategies Working Group of the Intergovernmental Panel on Climate Change. It is my understanding that the countries of Japan and China head a subgroup that is looking at energy issues.

However, since global warming is essentially an energy issue, we must bring energy concerns to the forefront. What is important is that we begin to focus international attention

on the need to meet future energy demands without wreaking havoc on our environment. Common sense dictates that we do something now to avoid irreversible damage in the future.

It will only be through a coordinated international effort that the lesser-developed countries will be able to leap into the future without committing horrendous damage to this planet. An International Conference on Energy is a forum to accomplish this need, and I urge my colleagues to support this amendment.

Mr. President, when I was born 57 years ago, the population of the world was 2 billion. It is estimated that by 2025 the population will be no less than 8.5 billion. Most probably, 10 billion. That sounds almost incredible but it means that the population of the world will at least be 4½ times larger, by 2025, than the year I was born and maybe 5 times as high.

There is much being said about the greenhouse effect on the various climatic factors which will have great consequence on this Earth. But essentially, whether one believes or has enough information regarding the greenhouse effect or not, and some will say there is not enough, the truth of the matter is that this 8.5 to 10 billion people, 5 times as many as in 1932, are going to consume large quantities of energy.

In fact, their proportionate add of energy will be even greater than the additional population because the population increase will be almost entirely in underdeveloped countries which currently, on per capita basis, have low standards of living and use small quantities of energy. I do not believe it should be their fate, nor do I think it should be their fate, that they remain as such forever. As a matter of fact, they are going to increase their standard of living and, in doing so, they are going to use huge amounts of new energy.

I think, consistent with our ideas and our ideals, we hope they grow and prosper.

Essentially, what we are doing in the amendment of the Senator from Tennessee and mine which modifies it, is to call to the attention of the executive branch, in his case, and to the President in my case, the amendment of the Senator from New Mexico, that it is incumbent upon the United States as the world leader to bring together all those countries which are going to be helping the underdeveloped countries. It is incumbent on us to urge that we set out on a path of helping them develop their energy sources in the cleanest possible way; that we make available in an orderly manner the clean energy technologies that we are the leader in so that, as the underdeveloped countries develop, they will know that we are trying to help them

grow and prosper but to do so with a minimal adverse environmental contribution.

I believe it is inevitable that we do this if we intend to maintain our standard of living and if we intend to clean up our pollution. The truth of the matter is that more will be contributed by the new growth than we can possibly reduce. But since we are so developed and use such a large quantity today and contribute almost 25 percent of the carbon dioxide, obviously the growing countries are going to expect that we do more.

We should be on their side, urging that they grow and that we and others help them with the cleanest possible energy technology and energy sources. I think this will work. It is going to take a long time and this is just a first step, in the instance of the underlying amendment, asking for certain very specific information from the Department of State with the assistance of the Department of Energy and others.

In the amendment that I offer we are asking the President to take advantage of either the forthcoming conference or a subconference of the forthcoming greenhouse conference, or to call another conference with reference to energy and energy alone with countries that are going to be aiding those who want to grow and need our help.

To the end that we work out some mutually beneficial approaches to this, I do believe those developing countries are going to use what energy they need to prosper and grow, but I believe they can be in a cooperative manner assisted to use the cleanest possible energy technologies. They will not have the technology. They will not have the desire unless the free industrial nations help them.

The amendment of the Senator from New Mexico urges that the President use the great prestige of his office to bring countries together to that end.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Tennessee [Mr. GORE].

Mr. GORE. Mr. President, I wish again to make clear that I very strongly favor the second-degree amendment. Both amendments have been worked out in concert.

I compliment not only the author of the second-degree amendment, but his cosponsors. The Senator from Colorado [Mr. WIRTH] has been a particularly close ally in this effort, and the Senator from Rhode Island, Senator CHAFEE, has long been very active in this, as has the chairman of that particular subcommittee, Senator BAUCUS, who is the head of the global warming task force here on this side of the aisle. We are all very pleased to be working with him.

I do not think there is any more important problem that we will debate or

deal with on the floor of this Senate in this Congress than the global environmental challenge that is so unprecedented. Even though this is worked out and hopefully it will be adopted on voice vote, I want to highlight it because it shows that this body is moving toward a much more serious, comprehensive response to the global environmental challenge.

Again, I compliment my partner and colleague in this effort.

The PRESIDING OFFICER. Is there additional debate? The Chair recognizes the Senator from Colorado [Mr. WIRTH].

Mr. WIRTH. Mr. President, it was clear at last week's G-7 economic summit in Paris that global environmental issues are inching their way to the forefront of international diplomacy. The summit communique contained 13 pages on environmental concerns and some progress was made toward addressing the greatest environmental challenge we face—global warming. These are promising developments, Mr. President, because all nations, particularly the industrialized world, must work together to get a handle on this issue.

First and foremost on the domestic and international global warming agenda must be energy policy. The majority of so-called greenhouse gases entering the earth's atmosphere can be traced to the production and use of energy. In short, it is becoming increasingly clear that energy and environmental policy are inextricably linked. At present, energy use and greenhouse gas emissions are the product of the industrialized world. The NATO and Warsaw Pact nations account for more than 70 percent of today's emissions. Given current demographic and development trends, however, the Third World's energy use and contribution to global environmental decline looms ominously on the horizon.

We must immediately seek to work with other nations to craft international energy policies that make environmental and economic sense. The amendment being offered by my friend from New Mexico, Senator DOMENICI, would help forward these aims.

This amendment urges the President to help convene a major International Energy Conference. The aim of this conference should be to consider strategies for promoting economic and energy development that is clean and sustainable, particularly in the developing world.

We in the United States have both a great deal to share with and learn from the developing world. Our technological expertise in solar, renewable and energy efficient technology should be the cornerstones of the Third World's short-term energy future. And this conference can focus

on international cooperation to craft long-term efforts to develop clean, large-scale sources of power.

I do not wish to take too much of the Senate's time, but I did wish to commend this amendment to my colleagues. I understand that Senator GORE is working on a separate, but related amendment, and I want to commend Senator GORE, once again, for his continued leadership in the effort to address the global warming issue.

Environmental decay knows no boundaries. If one country uses chlorofluorocarbons, it affects the ozone layer that affords equal protection to all countries. Acid rain precursors produced in one State falls on others. Nations that burn their forests and nations that consume large amounts of fossil fuel per capita contribute to atmospheric loading of carbon dioxide, but we all get warm together.

Global cooperation to clean up the energy we use is critical to the environmental health of the planet. And no one nation can take on these weighty matters by themselves. For our part, however, the United States can show leadership. It is time for all nations to sit down and sort out the most promising opportunities to create an energywise and environmentally considerate future. That is what this amendment is all about and I urge my colleagues to join me in supporting it. Again, I commend the senior Senator from New Mexico for his farsightedness in crafting this amendment.

The PRESIDING OFFICER. The Chair recognizes the Senator from Massachusetts [Mr. KERRY].

Mr. KERRY. Mr. President, as a member of the full committee of the Foreign Relations Committee as well as the Subcommittee of the International Economic Affairs and Environment, I welcome both of these amendments which embrace a concept that we in fact discussed within the committee during the markup. The chairman has graciously agreed that the Foreign Relations Committee Environment Subcommittee will be having hearings to progress on a larger package which we decided was too complicated to attach to this specific bill at this time. But the effort of the Senator from Tennessee, who has been a leader in awakening the American consciousness with respect to the seriousness of this issue, as well as the Senator from Colorado and the Senator from New Mexico, is extremely well taken and timely. I agree completely with the Senate from Tennessee.

This issue is going to transform the politics of the world. It is going to change all of the dynamics of relationships between nations, of developing economies and of all of our policies.

And it is going to be incumbent upon the Foreign Relations Committee, and indeed all the committees of the Con-

gress, to determine exactly how our foreign relations policies are going to be defined in the context of the tensions that will rise as developing nations argue for their share of the economic pie while at the same time trying to do so in a way that the developed nations are insisting is commensurate with the demands of global warming, as well as a host of other issues—toxic, chemical, hazardous waste, pesticides, ground water.

There is not one issue relating to the ecosystem that is not going to start to dominate this discussion. I think it is a very well thought-out effort which is important in terms of any foreign relations bill, and I am delighted that the chairman intends to move the committee more forcefully into a position to be considering a larger international package which is critical in terms of the IMF, the World Bank, the Inter-American Development Bank, all of our lending policies, and so forth. So I welcome the amendment.

I thank the distinguished Senators from Tennessee and New Mexico for their leadership on this issue.

The PRESIDING OFFICER. The Chair recognizes the Senator from Rhode Island [Mr. PELL].

Mr. PELL. Mr. President, I concur with the remarks that have been made by the Senator from Massachusetts. I think the amendment is a good one, as amended, and would urge my colleagues to support the amendment.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Carolina [Mr. HELMS].

Mr. HELMS. I thank the Chair.

We are prepared to accept the two amendments on our side.

I must be candid with both distinguished Senators. The administration has indicated to me it has more problems that we will work on in conference, but I am prepared to accept them.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to amendment No. 317 offered by the Senator from New Mexico, the second-degree amendment to the amendment offered by the Senator from Tennessee.

The amendment (No. 317) was agreed to.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 316 as amended, offered by the Senator from Tennessee.

The amendment (No. 316), as amended, was agreed to.

Mr. GORE. Mr. President, I move to reconsider the votes by which the amendments were agreed to.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Chair recognizes the Senator from Nebraska [Mr. EXON].

Mr. EXON. Mr. President, what is the pending business before the body?

The PRESIDING OFFICER. Amendment No. 269 is the pending amendment before the body.

Mr. EXON. I ask unanimous consent that the pending amendment be set aside for the purpose of the Senator from Nebraska offering an amendment.

The PRESIDING OFFICER. The Chair would interpret that as a request for all three pending amendments to be set aside.

Without objection, it is so ordered.

AMENDMENT NO. 318

(Purpose: To end the blanket refusal of student visas to Chinese students currently residing in Japan)

Mr. EXON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nebraska [Mr. EXON] proposes an amendment numbered 318.

At the appropriate place in the bill add the following:

STUDENT VISAS FOR CHINESE STUDENTS IN JAPAN

() The United States Embassy in Japan shall not deny student visas to nationals of the Peoples Republic of China currently in Japan based solely on the recent political events in China, where the student can demonstrate an ability to meet all other requirements of a student visa and demonstrate that the student initiated an education plan prior to June 4, 1989, which included study in the United States.

The PRESIDING OFFICER. The Chair recognizes the Senator from Nebraska [Mr. EXON].

Mr. EXON. Mr. President, I will be brief. The amendment has been cleared on both sides. I want to give a brief description.

Several weeks ago, I was contacted by Mr. Gary Bartholomew, of York, NE, regarding Chinese students presently residing in Japan who were preparing to come to the United States for college study. I rise to offer this amendment which will help these students escape their current international legal limbo.

Mr. President, the basic situation is this: There are about 115 private colleges in the United States that have had an ongoing program of taking qualified Chinese students and bringing them to be educated in the United States. But before they can come here, they are required to go to Tokyo where they receive an accelerated course on English, and then they have to meet other academic standards. They cannot come to the United States unless they meet the English standards and unless they have grades that are acceptable.

The education visas are required to be issued and have been issued on a regular basis by our State Department officials in Tokyo. This has somewhat changed with the recent trouble in mainland China.

This amendment has nothing to do with immigration quotas; it has nothing to do with any changes whatsoever. It merely directs in the bill the State Department should continue to issue education visas on the same basis that they have in the past, including the certification if they were a student, they are a student, and they are qualified to enter the various colleges in the United States, scattered all over the United States.

It is a shame that this has been interrupted by the difficulties in China, and I think that we should pass this as part of this bill and make clear what the U.S. Senate wants to do in this area.

Mr. Bartholomew is the president of American College Locators International [ACLI], a consortium of 35 small independent and primarily religious colleges in 17 States. These schools have aggressively recruited Asian students to study at their colleges.

This arrangement has been ideal for international students who wish to study in the United States and for American schools looking for ways to cope with the declining numbers of college age American students.

For quite some time, Mr. Bartholomew and ACLI have been working with a group of students from mainland China. There are at least 350 ACLI students in Japan learning English and preparing for study in the United States under the ACLI Program.

Even though it is United States policy to consider Chinese visa requests on a case-by-case basis, I have been informed that the U.S. Embassy in Tokyo has been summarily denying ACLI and other Chinese student visa requests based solely on the political changes in mainland China.

This blanket policy is most unfair. Each of the ACLI students have been in Japan preparing to study in the United States prior to the current problems in China. Some students have been in Japan for up to 2 years. You can imagine the disappointment among these students when after working so hard and so long their visa for travel to the United States is summarily denied.

These students are financially responsible and have the means to support themselves in the United States. In the Case of ACLI students, they have committed to pay their tuition in full and in advance. The U.S. Embassy blanket policy has placed these students in an unfortunate international legal limbo.

Not only would it be a grave injustice to these students to reverse their long held plans to study in the United States, it would impose a serious financial burden on the American schools which were expecting these students to enroll for the fall term. The ACLI estimates that each student in their program will spend an average \$10,000 a year on room, board, tuition and books. Most of the participating institutions are small religious schools with some expecting 10 or more Chinese students. The economic impact of the Tokyo Embassy's visa action is serious indeed. This loss of enrollment could seriously compromise the economic well-being of some of the participating colleges.

I have contacted Secretary Baker and the State Department about this problem. Unfortunately, the State Department has been unable to resolve this matter administratively. With the fall school term quickly approaching, the need for action is urgent.

The amendment I offer is simple and straightforward. It states that—

The U.S. Embassy in Japan shall not deny student visas to nationals of the People's Republic of China currently in Japan based solely on the recent political events in China, where the student can demonstrate an ability to meet all other requirements of a student visa and demonstrate that the student initiated an education plan prior to June 4th, 1989 (the date of the Beijing massacre) which included study in the United States.

The amendment is simple and straightforward. It is narrowly drawn and would only affect those Chinese students who were in Japan preparing for study in the United States prior to the Beijing massacre. The amendment does not seek special treatment; it only seeks fairness.

I encourage my colleagues to carefully consider the equity of the situation. These Chinese students are in Japan for the purpose of preparing for study in the United States. Current policy has left these bright young students stranded in Japan, unable to safely return home and unable to move forward as they had long planned. If they were to return to China, it would be unlikely that the Chinese Government would grant new exit visas.

For the American colleges involved, the policy poses a severe economic loss. I ask my colleagues to support this amendment and correct this unfortunate problem.

Mr. President, I ask unanimous consent that a list of the 35 schools affected by the current U.S. Embassy student visa policies be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ACLI NETWORK OF COLLEGES AND UNIVERSITIES

[As of April 5, 1989]

Alderson-Broaddus College, Philippi, West Virginia, Dr. W. Christian Sizemore, President.

Belhaven College, Jackson, Mississippi, Dr. I. Newton Wilson, Jr., President.

Buena Vista College, Storm Lake, Iowa, Dr. Keith G. Briscoe, President.

California Baptist College, Riverside, California, Dr. Russell R. Tuck, President.

College of Saint Mary, Omaha, Nebraska, Dr. Kenneth Nielsen, President.

Columbia Christian College, Portland, Oregon, Dr. Gary Elliott, President.

Dakota Wesleyan University, Mitchell, South Dakota, Dr. James Beddow, President.

Dallas Baptist University, Dallas, Texas, Dr. Gary Cook, President.

Dana College, Blair, Nebraska, Dr. Myrvyn Christopherson, President.

Davenport College, Grand Rapids, Michigan, Donald W. Maine, President.

Faulkner University, Montgomery, Alabama, Dr. Billy D. Hilyer, President.

Florida Southern College, Lakeland, Florida, Dr. Robert Davis, President.

Hannibal-La Grange College, Hannibal, Missouri, Dr. Paul Brown, President.

Hardin-Simmons University, Abilene, Texas, Dr. Jesse C. Fletcher, President.

Johnson & Wales University, Providence, Rhode Island, Dr. Morris J. W. Gaebe, President.

Kansas Wesleyan College, Salina, Kansas, Dr. Marshall Stanton, President.

King College, Bristol, Tennessee, Dr. Donald R. Mitchell, President.

Lubbock Christian University, Lubbock, Texas, Dr. Steven Lemley, President.

McPherson College, McPherson, Kansas, Dr. Paul Hoffman, President.

Michigan Christian College, Rochester Hills, Michigan, Dr. Milton Fletcher, President.

Midland Lutheran College, Fremont, Nebraska, Dr. Carl Hansen, President.

Northwestern College, Orange City, IA, Dr. James Bultman, President.

Ohio Valley College, Parkersburg, West Virginia, Dr. Keith Stotts, President.

Oklahoma Christian College, Oklahoma City, Oklahoma, Dr. J. Terry Johnson, President.

Ottawa University, Ottawa, Kansas, Dr. Wilbur Wheaton, President.

Queens College, Charlotte, NC, Dr. Billy O. Wireman, President.

Sioux Falls College, Sioux Falls, South Dakota, Dr. Tom Johnson, President.

Sterling College, Sterling, Kansas, Dr. Roger Parrott, President.

Tabor College, Hillsboro, Kansas, Dr. Levon Balzer, President.

Tarkio College, Tarkio, Missouri, Dr. Roy McIntosh, President.

Texas Wesleyan University, Fort Worth, Texas, Dr. Jerry G. Bawcom, President.

Trevecca Nazarene College, Nashville, Tennessee, Dr. Homer J. Adams, President.

Wartburg College, Waverly, Iowa, Dr. Robert Vogel, President.

Westmar College, Le Mars, Iowa, Dr. Arthur Richardson, President.

Mr. HELMS. The amendment of the distinguished Senator has been cleared on this side.

Mr. President, I ask unanimous consent to be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there further debate on the amendment offered by the Senator from Nebraska?

The Chair recognizes the Senator from Rhode Island, Senator PELL.

Mr. PELL. Mr. President, this is, I believe, a good amendment and has been cleared on both sides of the aisle. I believe we should support it.

The PRESIDING OFFICER. Is there further debate?

If not, the question is agreeing to amendment No. 318 offered by the Senator from Nebraska.

The amendment (No. 318) was agreed to.

Mr. HELMS. I move to reconsider the vote by which the amendment was agreed to.

Mr. EXON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COATS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COATS. Mr. President, I have an amendment that I would like to offer.

The PRESIDING OFFICER. The Chair would remind the Senator that it will require a unanimous consent to again lay aside the three pending amendments.

Mr. PELL. Mr. President, I ask the Senator from Indiana if he would withhold for the time being. We are trying to get together a list. If he wants to talk on the amendment, fine, but I wish he would not pursue it at this juncture.

Mr. COATS. I will be happy to withhold. Are those cleared amendments you are attempting to get?

Mr. HELMS. Exactly.

Mr. COATS. I withhold and will offer the amendment at the proper time.

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 319

(Purpose: To establish a date for the submission of a coordinated national policy on global climate change)

Mr. PELL. Mr. President, I send to the desk an amendment by the Sena-

tor from Colorado [Mr. WIRTH] and ask for its immediate consideration.

The PRESIDING OFFICER. The Chair will remind the Senator there are three pending amendments.

Mr. PELL. I ask unanimous consent that the pending amendments be set aside.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. PELL], for Mr. WIRTH, proposes an amendment numbered 319.

Mr. PELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill insert the following:

SEC. . Section 1103 of Public Law 100-204 is amended:

(1) by inserting at the end of subsection (b), "The President shall submit to Congress a coordinated national policy on global climate change by February 1, 1990."

Mr. PELL. This amendment, which calls for a report on the subject of environment by a date certain, has met with the approval of both sides of the aisle, and I hope it will be supported.

Mr. WIRTH. Mr. President, I rise today to offer a very simple amendment on a topic of great concern to this body and the world. Two years ago, Congress passed the Global Climate Protection Act of 1987 as part of the State Department authorization bill. This act directed the President to submit to Congress a coordinated national policy on global climate change.

During the past 18 months, global environmental issues, and global warming in particular, have been elevated to the top of the international policy agenda. As was graphically demonstrated at last week's economic summit in Paris, there is a new diplomatic currency in global environmental negotiations. Indeed, the 1989 G-7 meeting was dubbed the first "green summit."

As it always has, the United States should be the world's leader in global environmental cooperation. President Bush pledged last year to apply the "White House effect" to the greenhouse effect. My amendment simply asks the President to submit a coordinated national policy on global climate change by February 1, 1990. I am confident that the President intends to give his full attention to the global warming phenomenon, so this amendment should not be burdensome to the administration.

In short, this amendment puts a timetable on the initiative we established 2 years ago during the 100th Congress. It allows the President to

clearly and fully announce to the American people his strategy for addressing the greatest environmental threat we have ever faced. I look forward to working with the administration and other Senators on these matters and I urge my colleagues to join me in support of this amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 319) was agreed to.

Mr. PELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HELMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 320

(Purpose: To require not less than 12 hours each day of Voice of America broadcasts into the People's Republic of China)

Mr. HELMS. Mr. President, I ask unanimous consent the pending amendments be laid aside temporarily.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I send an amendment to the desk on behalf of the Senator from Wisconsin, Mr. KASTEN, and ask it be stated.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS], for Mr. KASTEN, proposes an amendment numbered 320.

Mr. HELMS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 75, after line 8, insert the following new section:

SEC. 222. VOICE OF AMERICA BROADCASTS TO THE PEOPLE'S REPUBLIC OF CHINA.

For fiscal year 1990, the Voice of America shall broadcast its programs not less than 12 hours each day into the People's Republic of China.

On page 5, in the table of contents, after the item relating to section 221, add the following new item:

"Sec. 222. Voice of America broadcasts to the People's Republic of China."

On page 55, line 4, strike out "\$182,424,000" and insert in lieu thereof "\$183,924,000".

Mr. HELMS. Mr. President, this amendment has been cleared on both sides.

Mr. KASTEN. Mr. President, on June 4, Tiananmen Square in Beijing was a scene of brutality and murder. It was the final act of the drama of hope enacted by the people themselves in the self-styled People's Republic.

Since then, it has been reported that some 10,000 students, intellectuals, teachers, union leaders and other counterrevolutionaries had been ar-

rested—often in the dark of night. The bureau chief of the Voice of America was ordered out of the country. Three workers were executed in Shanghai, 17 in Jinan (Hinan), and 7 in Beijing. Many more have been sentenced.

Another 50 army officers were executed and 2 generals were arrested in early June for disobeying orders to attack the students in Tiananmen Square. The hardliners of the Communist Party have even—ridiculously—pointed the finger of blame at the Republic of China's government in Taiwan.

Today, the open rebellion is over. We all watched as the 7th Field Army knocked down the Goddess of Liberty.

Premier Li Peng announced that there had been no massacre in Beijing, and that most of those who died were soldiers fighting nobly to quash an organized rebellion.

Too often, dictatorships are held aloft by just such an edifice of lies. As Americans—as lovers of liberty and believers in freedom and the ideal that truth will indeed make us free—it is our duty, our national task, to keep truth alive.

The truth—the real story of Tiananmen Square—was supplied by Western camera crews. That story must continue to be told, not just to Americans, but most especially to the people of China.

I am offering an amendment that will do just that. It provides for 12 hours of broadcast time for Voice of America transmissions to China. The Voice of America—also known as VOA—is listened to by an estimated 60 million people in China. During the demonstrations, the audience was estimated to have grown to 100 million. Many of these listeners were concentrated in the urban coastal areas where the anti-Communist unrest took shape.

VOA used to broadcast 9 hours a day to China. After the massacre, they began broadcasting 12½ hours a day. My amendment will require that the VOA continue to broadcast for the additional 3½ hours throughout 1990.

Mr. President, as China continues to devour her children it becomes more essential than ever that we preserve the Chinese people's avenues of communication with the outside world. Truth is the food which nourishes the human spirit, and American democracy is the breadbasket of Chinese hope. We must not allow this dream to die from neglect; when we cannot do much, it is all the more important that we do all we can.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 320) was agreed to.

Mr. PELL. I move to reconsider the vote by which the amendment was agreed to.

Mr. HELMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 321

(Purpose: To enhance the capability of the Department of State to evacuate U.S. citizens)

Mr. PELL. Mr. President, this is a technical amendment offered in behalf of Senator ADAMS to enhance the capability of the Department of State to evacuate U.S. citizens.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. PELL], for Mr. ADAMS, proposes an amendment numbered 321.

Mr. PELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 28, between lines 5 and 6, insert the following new section:

SEC. 127. ENHANCEMENT OF EVACUATION CAPABILITY.

(a) Section 102(b) of the Diplomatic Security Act of 1986 (22 U.S.C. 4801(b)) is amended—

(1) by striking out "and" at the end of paragraph (4);

(2) by redesignating paragraph (5) as paragraph (6);

(3) by inserting after paragraph (4) the following new paragraph:

"(5) to set forth the responsibility of the Secretary of State with respect to the safe and efficient evacuation of U.S. Government personnel, their dependents and private United States citizens when their lives are endangered by war, civil unrest, or natural disaster; and"

(b) Section 103 of the Diplomatic Security Act of 1986 (22 U.S.C. 4802) is amended—

(1) by redesignating paragraphs (b) and (c) as paragraphs (c) and (d) respectively;

(2) by inserting after paragraph (a) the following new paragraph:

"(b) OVERSEAS EVACUATIONS.—The Secretary of State shall develop and implement policies and programs to provide for the safe and efficient evacuation of United States Government personnel, dependents and private U.S. citizens when their lives are endangered. Such policies shall include measures to identify high risk areas where evacuation may be necessary and, where appropriate, providing staff to United States Government missions abroad to assist in those evacuations. In carrying out these responsibilities, the Secretary shall:

"(1) develop a model contingency plan for evacuation of personnel, dependents and U.S. citizens from foreign countries;

"(2) develop a mechanism whereby American citizens can voluntarily request to be placed on a list in order to be contacted in the event of an evacuation, or which, in the event of an evacuation, can maintain information on the location of American citizens in high risk areas submitted by their relatives.

"(3) assess the transportation and communications resources in the area being evacuated and determine the logistic support needed for the evacuation;

"(4) develop a plan for coordinating communications between embassy staff, Department of State personnel and families of U.S. citizens abroad regarding the whereabouts of those citizens."

Mr. PELL. Mr. President, this amendment has been cleared on both sides of the aisle. I trust it will be supported.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 321) was agreed to.

Mr. HELMS. I move to reconsider the vote by which the amendment was agreed to.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 322

Mr. HELMS. Mr. President, I ask unanimous consent that the pending amendments be laid aside temporarily.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I send to the desk an amendment by Senator BIDEN and ask that it be stated.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] for Mr. BIDEN, proposes an amendment numbered 322.

Mr. HELMS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike "PART C—INTERNATIONAL DEBT EXCHANGES AND THE ENVIRONMENT", of Title VI, and insert in lieu thereof the following:

"PART C—INTERNATIONAL DEBT EXCHANGES AND THE ENVIRONMENT

"SEC. 631. SENSE OF THE CONGRESS RESOLUTION REGARDING ENVIRONMENTAL POLICY AND INTERNATIONAL DEBT EXCHANGES.

"(a) POLICY.—It is the sense of the Congress that the Secretary of Treasury, should include support for sustainable development and conservation projects when providing a framework for negotiating or facilitating exchanges or reductions of commercial debt of foreign countries.

"(b) GOAL.—In assisting or facilitating the reduction of debt of heavily indebted foreign countries, either through bilateral institutions or multilateral institutions such as the International Monetary Fund or the World Bank, the Secretaries of State and Treasury shall support efforts to provide adequate resources for sustainable development and conservation projects as a component of the restructured commercial bank debt of that country.

"(c) CRITERIA.—In providing that support, the Secretaries shall seek to assure that:

"(1) the host government, or a local nongovernmental organization acting with the support of the host government, has identi-

fied conservation or sustainable development projects it will target for assistance;

"(2) there will be in place an organization, either governmental or nongovernmental, that will have the commitment to assure the long-term viability of the project;

"(3) the allocation of the resources provided for conservation and sustainable development projects through the debt restructuring agreement is done in a manner that will not overwhelm or distort economic conditions in the host country.

"SEC. 632. REPORTS.

"(a) Within 120 days of enactment of this act, the Secretary of the Treasury shall provide a report to the Senate Foreign Relations Committee and the Speaker of the House on the methods that will be used to incorporate environmental considerations into debt restructuring plans.

"(b) The Secretary shall include in the annual Multilateral Development Bank environmental report a section providing a summary and analysis of the support provided to conservation and sustainable development projects as a part of major agreements to restructure a country's foreign debt."

Mr. HELMS. This amendment has been cleared on both sides.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 322) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Indiana [Mr. COATS].

Mr. COATS. Mr. President, I ask unanimous consent that the pending amendments be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 323

(Purpose: To insure that there is a democratically elected government in Panama before a new Administrator of the Panama Canal Commission may be appointed)

Mr. COATS. Mr. President, I have an amendment at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Indiana [Mr. COATS] for himself, Mr. HELMS, and Mr. BOREN, an amendment numbered 323.

Mr. COATS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following new section:

"SEC. . . APPOINTMENT OF THE NEW ADMINISTRATOR OF THE PANAMA CANAL COMMISSION."

Title 22, United States Code, section 3613 is amended by adding before the period the following: "Provided, That no Administrator may be appointed to fill a new term unless and until the President certifies to Congress that the ruling government of Panama is democratically elected according to procedures specified in the Constitution of Panama providing for a civilian government in control of all Panamanian military and paramilitary forces."

Mr. COATS. Mr. President, judged only by its priority in the press, you would know there continues to be a wrenching crisis in Panama. Long ago the news cameras folded their tripods and silently stole away. It is, after all, no easy task to capture fear on film.

But though the media may have come to the end of its patience, Panama has not come to the end of its pain. For that unfortunate nation there is no comfort in its anonymity. It has slipped into a pale, monotonous routine of repression—unrelieved by even the faintest hope.

Panama's political institutions have been violently wrung of their legitimacy in the vice of Manuel Noriega's avarice and ambition.

The victors in its latest election remain deprived of their rightful power by despotic whim.

Panama remains, under Noriega's protection, a virtual free-trade zone for drug shipments, with traffickers given the run of Panama's banks and airports.

And now this same criminal regime—a government that has beaten and imprisoned its political opponents, targeted American citizens for harassment, and fostered narcoterrorism with grinning expediency—has evidently handpicked a candidate for administrator of the Panama Canal they intend to forward for Senate confirmation.

I think I can say with assurance that this Congress would admit no limit to the depth of its disdain for that choice and its source. I say it because I have seen the evidence.

During the last few months the Congress has not hesitated to take concrete actions, signaling to Panama our support of its democratic institutions, and expressing our intractable opposition to Noriega's illegitimate rule.

Our efforts began with a sense of the Senate resolution I introduced in May. It stated that we would not accept any new administrator of the Panama Canal unless and until the United States President could certify to the Senate that the Government of Panama is elected according to its own constitution. And, after considerable debate, it was adopted overwhelmingly by this body.

The measure survived conference, was sent to the President, and then signed.

In June, Congressman SOLOMON offered identical language as an amendment to the Foreign Assistance Act. It was adopted in the House by voice vote.

That legislation made its point. But now we finally have the chance to reaffirm and extend that commitment by adopting a binding version of the same language.

The purpose of the legislation before us is simple and its message is direct. As long as Noriega's drug dictatorship remains in power—as long as he stands against Panama's democratic will—the ordinary transfer of control outlined in the canal treaties will halt dead in its tracks. Manuel Noriega and his military supporters cannot count on our inattention. There is no time limit on our resolve—no expiration date to our outrage. The canal administrator must be selected by a legitimate government. And until that condition is met, the Congress pledges to withhold its consent.

To Noriega this measure promises serious and unrelenting resistance to his illusory authority. It asserts that the nonnegotiable precondition for the normal and orderly transition of control over the canal is, quite simply, his absence. He, not anyone else, is the obstacle. He, not anyone else, stands in the way.

To the democratically elected Government of Panama, it pledges our recognition of its legitimacy—rooted in the Panamanian popular will. It is only when they pick the canal administrator that he will be recognized. It is only when that official has their support that he will have our support as well.

I can already imagine certain objections to this measure. First, it might be charged that it violates our commitments under the Panama Canal Treaty.

But refuting this allegation only requires a glance at the text of the legislation. This is not a change of any sort in the Panama Canal treaties, much less their abrogation. It deals only with American law—not provisions that have been negotiated with any foreign nation. It is simply an instrument for the expression of congressional resolve—a method to ensure our message is not mistaken. It outlines the criteria for our consent—criteria we can set according to whatever principles we choose.

Second, it might be alleged that Noriega could exploit this action for his own propaganda purposes. He might try to characterize any pressure from the United States as an imperialistic attempt to regain control of the canal.

I certainly do not put anything of this sort past Noriega. The ancient Greeks had a saying, "Any excuse will serve a tyrant." But of the range of excuses Noriega might employ to

strengthen his hand, this is undoubtedly the most transparent.

How could it possibly offend Panamanian pride to recognize and deal with the government legitimated by their own election? We are simply saying that we will only deal with the government they themselves have approved. It seems to me that ignoring their democratic choice would be more likely to embitter than pacify. Respecting that choice would only invite their respect. And it is a belief that has been confirmed in my own discussions with elements of the Panamanian opposition.

Give the people of Panama a little credit. Noriega has been trying to sell these tired ploys for years. But none has ever given him the legitimacy he desperately seeks. His rule is not supported by an appeal to Panamanian patriotism. It is supported by the bayonet. And the Panamanian people have always been able to tell the difference.

I have, in fact, written a letter to the Secretary of State, asking him to communicate with the ministers of the Organization of American States to make the intention of this legislation perfectly clear. In this letter I emphasize that nothing could be further from my intentions than to abrogate the Panama Canal treaties. This legislation is a method to further isolate Noriega and recognize the authority of Panama's legitimate government to appoint the new canal administrator.

Finally, it might be argued that the timing for these actions might undermine the efforts of the OSA—meeting today to deliberate on options to deal with Noriega. Some might say that we should wait on their pronouncements and actions. But I am convinced that delay, in this case, is not a matter of prudence, it is a missed opportunity to lead.

The Senate is not historically accustomed to the role of reaction. What the Greek statesmen Pericles said of the Athenians is equally true of this body, "We do not imitate—for we are a model for others." When the Senate speaks its intractable opposition to Noriega, we set the standard for others to match.

And today I challenge the OAS to match it. Conjure your conviction, steel your nerves, and match it. The evidence is compelling. The need is great. And your soul is at stake. For those who have surrendered to compromise, who have become captive to timid doubt, finally lose the ability to believe in anything, even in their own courage.

Sending Noriega and his lawless confederates into well deserved exile will not be simple. They cling so tenaciously to power precisely because they are harassed in their guilty souls by the fear of ever-approaching retribution.

Taken alone, the measure before us would not be enough to achieve our goal. But it would be one resolute voice, leading a swelling chorus of impatient disapproval. To paraphrase Winston Churchill, it would not be an explosion, but the kindling of a fire which rises steadily hour by hour, to an intense furnace heat of condemnation.

Mr. President, now is the time to feed this fire. The legislation before us will make clear to Noriega that longevity does not mean legitimacy. It will reaffirm our support and recognition of Panama's democratic government. And it will apply pressure at a time when Noriega might feel secure behind a comforting shield of obscurity.

This legislation takes the measure of our continued commitment. I strongly urge my colleagues to support it.

Mr. President, this amendment that I am offering is the same amendment that I offered several weeks ago. It is a sense-of-the-Senate resolution to the supplemental appropriations bills. The Senate debated it at length. The matter was voted on. I do not believe we need a great deal of discussion.

Let me briefly explain it. It simply states that the appointment under the section providing for the appointment of a new administrator of the Panama Canal Commission, which is earmarked in the United States Code, title 22, section 3613—it amends that to say that in the appointment of the new administrator of the Panama Canal Commission no administrator may be appointed to fill a new term unless and until the President certifies to Congress that the ruling Government of Panama is democratically elected according to procedures specified in the Constitution of Panama, providing for a civilian government in control of all Panamanian military and paramilitary forces.

Mr. President, under the current treaty governing the transfer of the canal, the administrator of the canal will change on January 1, 1990. The American administrator's term will end the day before. A new Panamanian administrator will be appointed to conduct the administration of the canal.

This amendment which, as I said, was debated at length previously in the Senate and voted on simply says that it is not acceptable to the United States that an administrator appointed by General Noriega would be acceptable to the U.S. Senate as new administrator. And, therefore, we provide the specific prohibition against the appointment of that administrator until such time as the President certifies to us that the ruling Government of Panama is democratically elected.

I believe this is an important signal that the Senate needs to send to General Noriega that we have a clear, un-

equivocal position that the United States Senate and the United States people will not accept an administrator that he appoints; and, second, a signal to the Panamanian opposition forces that the United States stands foursquare behind their efforts to establish a democratically elected Government in Panama.

This does not refute the treaty. It does not violate our commitments under the treaty. It outlines simply for our consent that we will not accept the appointment of a new administrator.

I think it is an important statement that the Senate makes, that it simply will not be tolerable for the American people to accept such a situation.

I am urging my colleagues to support the amendment.

The PRESIDING OFFICER (Mr. CONRAD). Is there further debate on the amendment?

Mr. PELL address the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. As I understand, this amendment is a mandatory one. It is not a sense-of-the-Senate. It is mandatory.

Mr. COATS. That is correct. It would be binding.

The reference to the sense-of-the-Senate was the amendment offered earlier to the supplemental appropriations. It will sustain language, except it is a binding amendment, not a sense-of-the-Senate.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. I am curious. I have just one question, the same question I asked my good friend I think about 3 weeks ago when he offered this amendment the last time. Do we know where the administration is on this amendment?

Mr. COATS. As the Senators knows, we have protracted discussion about that several weeks ago. To the best of my understanding the administration was concerned that this might send a confused signal to the members of the OAS which were meeting to determine what sanctions if any they might impose against General Noriega. They were concerned that this amendment not be offered before they met. They went into executive session today at 3 p.m. I assume they are concluded. If they are not, they are in executive session.

So I do not believe this will have any adverse affect on whatever decision they might make. Therefore, I believe without that we do not run into a conflict.

Mr. DODD. I appreciate my colleague's response to the question. We are told they are opposed to it. But I suspect what we are revisiting here—rather than go through the process we did 2 or 3 weeks ago where my good

friend from Indiana and I sat here back and forth trying to figure out where the administration was—they were saying something to him and saying something to us. I suspect that is what we are faced with again.

I have reached a conclusion on these matters. If the administration cannot make up its mind on these questions, I do not know why others of us here ought to challenge the good judgment of our colleague from Indiana.

So in my view here, frankly, I am not going to take the time of this body. If we cannot get a clear statement from the White House or others as to whether or not this amendment they think makes sense from a foreign policy standpoint or not, Mr. President, I stand here in support of my colleague's amendment from Indiana because I give up trying to figure out where the administration is on these questions. If we can get some guidance and some clear view, I think a lot of us would be willing to stand up and at least make a case.

If you cannot get the President, if you cannot get the Secretary of State, if you cannot get the ambassadors to come up with a straight story to tell the Senator from Indiana and the Senator from Connecticut, give us the same message, frankly, I do not know why we ought to take the time of this body arguing among ourselves.

So I am delighted to support my colleague from Indiana. He may be disappointed that I am cosponsoring or supporting the amendment. I do not want to cause him to withdraw the amendment having received that endorsement.

I congratulate him on the amendment. He did very well with the last sense-of-the-Senate resolution. This amendment really, as I understand it, just codifies what the sense-of-the-Senate resolution did several weeks ago.

Mr. COATS. That is correct. I thank the Senator for his support.

I will spare the Senate reading the statement presented to us 3 weeks ago because it seemed to support both of our positions.

I would state to the Senator that I have in the interim discussed this amendment with several individuals of the democratic opposition in Panama. They have unanimously supported the language which I have provided, do not see it as a measure of our support for the democratic forces, and do not see it as any way giving General Noriega a propaganda tool or anything that he could use in solidifying his support; just to the contrary.

So I thank my colleague from Connecticut for his support.

I urge the adoption of the amendment.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. I understand the administration opposed this amendment specifically. But since nobody sees fit to be representing the administration, and they have made no effort to have that view advanced on that side of the aisle as it should be advanced, I will join my colleague from Connecticut, and in the spirit of defeatism, and support the amendment.

Mr. COATS. I thank the Senator from Rhode Island, and perhaps the old song "Silence is Consent" is applicable in this instance.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, the administration has a problem on this side because I do not know anybody on this side who opposes the amendment of the distinguished Senator from Indiana. Certainly I support it. I supported it on June 1 at which time an effort was made to table it.

Mr. President, on June 1, I cosponsored with Senator Coats and others a sense of the Senate resolution regarding the appointment of an Administrator of the Panama Canal Commission. At that time, the motion to table our resolution failed 63 to 31. The amendment we are offering today is exactly the same one agreed to on June 1, except we are proposing to make it binding.

Since the last Senate debate on this issue, events in Panama have only worsened. Noriega continues to maintain power through the barrel of a gun, rather than accepting the results of the ballot box. He continues to use his goon squads to intimidate the people of Panama into passivity. He has rounded up dozens of political opponents and thrown them into jail without the benefit of even a kangaroo trial. And this week, Noriega kicked out five top colonels from the defense forces without explanation.

Mr. President, there are those in this Government who do not want to act until they consider that either the canal or American interests are at risk. I submit that both of those were at risk as long as 10 years ago when Noriega sold his soul and his country to the Medellin drug cartel. Noriega has engaged consistently in the worst kind of narco-militarism. He has used his position to amass illegitimately a personal fortune estimated at as much as \$1 billion. His closest competitors seem to be the drug lords, or former Mexican Presidents.

U.S. interests have been at risk for a long time. In the past year there have been almost 1,500 recorded incidents of harassment against U.S. military personnel and their families. If that is not sufficient cause for action, I wonder what is.

Not only are U.S. interests at stake; so are those of our neighbors in this hemisphere. Noriega has solidified his already strong ties with Fidel Castro and Daniel Ortega. And in the opinion of this Senator, the triple alliance of Noriega-Castro-Ortega is as great a threat to U.S. interests as one could imagine.

Mr. President, just this past weekend, a bullet from an AK-47 rifle flew through the window of the child of a U.S. Army colonel. The Pentagon has said that the bullet came from the vicinity of the Panama Defense Forces compound. The bullet landed less than a foot from the child's bed. But maybe next time an American family will not be so lucky.

Mr. President, today the issue is whether or not the President should appoint a new Administrator of the Panama Canal Commission, an Administrator of Noriega's choice.

Last month, the Panama Legislative Assembly—controlled by Noriega—attempted to pull the wool over our eyes by changing the law to say that the assembly would elect the new Administrator—not Noriega. They promptly moved to elect a life-long Noriega crony to the post. The man chosen was Mr. Thomas Altamirano Duque, a congressman from Noriega's party, and the printer of the Government lottery tickets. It is well known that the profits from this lucrative business are shared by Mr. Altamirano and his partner in crime, Noriega.

Mr. President, Noriega was indicted last year in the United States on drug charges. It would be ludicrous for the President to send to the Senate the nomination of a man chosen by Noriega. The only contact the U.S. Government ought to be having with Noriega is enough contact to handcuff him and bring him to this country to stand trial.

Last month when the Senate debated this issue, I heard plenty of poppycock. There were charges that this was a violation of the Panama Canal treaties. Well this particular amendment has nothing to do with the treaties. The process for the appointment of Canal Administration is dealt with in U.S. domestic law (22 U.S.C. 3613), not in the treaties.

Then I listened during the last debate to charges that the Panamanians were not in favor of this amendment. Well I don't know to which Senator they were referring. Obviously Noriega does not like this amendment. But I have communicated with many members of the Panamanian opposition who have said that they do support this amendment. They are in favor of anything which isolates Noriega further.

Now as to whether or not the State Department supports this, I'm not sure why my colleagues are all of a sudden so interested in the administra-

tion position. The administration position never seemed to matter when we were attempting to get miniscule support for the Nicaraguan freedom fighters. Furthermore, Secretary Baker was out of the country during the last debate, so I doubt that he had occasion to state any position on this matter.

The President and the Secretary of State have stated repeatedly that there can be no accommodation with any government controlled by Noriega. So this amendment is fully consistent with administration policy. I urge my colleagues to support this amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. COATS. Mr. President, I would like to note that Senator BOREN is also a cosponsor of this amendment; to give a little bipartisan flavor.

I thank the Senator from North Carolina for his support.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Indiana.

The amendment (No. 323) was agreed to.

Mr. COATS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HELMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 324

Mr. ARMSTRONG. Mr. President, it is my desire to offer an amendment. May I inquire of the managers if it would be agreeable to them to set aside the pending business for that purpose?

I ask unanimous consent that the pending business be set aside so I may present an amendment which I send to the desk on behalf of the Senator from Arizona, Mr. DeCONCINI, myself, and also Senators COATS, HUMPHREY, and HELMS, and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending business is set aside and the clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Colorado [Mr. ARMSTRONG], for himself, Mr. DeCONCINI, Mr. COATS, Mr. McCLURE, Mr. HUMPHREY, and Mr. HELMS, proposes an amendment numbered 324.

Mr. ARMSTRONG. Mr. President, I ask unanimous consent that we dispense with the reading of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill add the following new section:

"SEC. CHINESE FLEEING COERCIVE POPULATION CONTROL POLICIES.

"(a) Pursuant to paragraph (42)(A) of section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(42)(A)), all adjudicators of asylum or refugee status shall give fullest possible consideration to applications from nationals of the People's Republic of China who express a fear of persecution upon return to that country because they refuse to abort a pregnancy or resist sterilization in violation of Chinese Communist Party directives on population.

"(b) In view of the urgent priority assigned to the 'one couple, one child' policy by high level Chinese Communist Party officials and local party cadres at all levels, as well as the severe consequences commonly imposed for violations of that policy, which are regarded as 'political dissent,' refusal to abort or to be sterilized, as described in subsection (a) of this section, shall be viewed as an act of political defiance justifying a 'well-founded fear of persecution' sufficient to establish refugee status under paragraph (42)(A) of section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(42)(A)).

"(c) All other factors which may contribute to a determination of asylum or refugee status in such cases are to be given additional weight by asylum and refugee adjudicators, such factors including, but not limited to, overt political activities while in the United States or third countries, membership in an ethnic or religious minority, family background and history, or suspicion of 'counterrevolutionary' activities by Chinese Communist Party officials.

"(d) Nothing in this section shall be construed to necessitate a grant of asylum or refugee status to any individual who is ineligible for admission to the United States under section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)).

"(e) The Secretary of State and the Attorney General shall, within 30 days of enactment of this section, promulgate regulations and guidelines to carry out the provisions of this section."

Mr. ARMSTRONG. I will undertake to explain it.

Mr. President, my colleagues, I ask that you try to focus your attention on a nation which requires each and every citizen to be sterilized after the birth of their first child. Imagine, Mr. President, a society which requires parents to put their unborn children to death. Imagine a country which forces unwed mothers to have an abortion because illegitimacy is illegal.

This may sound like an improbable circumstance. In fact it sounds like a nightmare, but it is the true-to-life situation in Communist China today.

Forced abortions and mass sterilization may sound unreal, but they are not. That is the normal course of things in the People's Republic of China. Mr. President, as a consequence of this, in August 1988 the U.S. Department of Justice issued policy guidelines to the Immigration and Naturalization Service designed to assure that Chinese parents are given the opportunity to find a safe haven here in the United States. These guidelines require that careful consideration be given to Chinese nationals who apply for asylum because of their

fear that they will be forced to abort their unborn children or be sterilized upon their return to China.

Mr. President, this was a wise, thoughtful, compassionate policy. The establishment of the Justice Department policy guidelines was a step in the right direction, but I am chagrined to report to my colleagues that the Immigration and Naturalization Service has failed to implement these guidelines, as required.

The number of parents who have fled China and have been denied assistance in the United States under the circumstances which are addressed in this amendment which I have been describing is not large, given the scheme of things less than 50, I believe. It seems to me that anyone who finds themselves in this kind of tragic circumstance deserves our consideration.

Let me mention one such case, and I have a notebook full, but let me mention this so my colleagues will understand the horror of what is under consideration here. There was the case of Mr. Lee who fled China after officials forced his wife to have an abortion and was arrested in San Francisco on a forged passport. He was granted political asylum by an immigration official, but as reported in the New York Times:

The immigration officials fear setting precedent with unmanageable consequences, and they are now appealing the decisions.

Interestingly, the Board of Immigration Appeals asserts that they are not bound by the guidelines issued by the Department of Justice.

Now, the Armstrong-DeConcini-Coats - McClure - Humphrey - Helms amendment simply codifies, and to a modest extent expands the existing Department of Justice policy by requiring the Secretary of State and the Attorney General to promulgate regulations and guidelines that would require asylum and refugee adjudicators to give the fullest possible consideration to applications from nationals of the People's Republic of China who express a fear of persecution upon return to that country, because they refuse to abort a pregnancy or resist sterilization in violation of Chinese Communist Party directives.

Mr. President, the amendment speaks for itself. It is appalling to me that INS continues to fight asylum requests, even in very extreme circumstances, notwithstanding the guidelines promulgated by the Department of Justice. Under the circumstances, it seems to me that we have no choice but to adopt an amendment along the lines that I have suggested, on which I am joined by my colleagues who I have mentioned. That is the issue.

Unless others want to speak, I simply urge the consideration of my

colleagues and call for the adoption of the amendment.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. Is there further debate? The Senator from Rhode Island.

Mr. PELL. This is the first time that we were aware of this amendment. I have not seen it before, nor has my staff, and it is quite a strong amendment with quite a large scope. I think it should be read by the immigration people. I think it should also be run by some of our people who have not had a chance to see it. So we are not prepared to vote on it at this time, and I suggest the absence of a quorum.

Mr. ARMSTRONG. Mr. President, if the distinguished chairman will withhold that, I would like to counter his suggestion in this way: Let me propose that I insert some material in the RECORD, and I would be happy to defer final action on the amendment until tomorrow so he and others would have a chance to look at it.

We did not intend to surprise anybody and, in fact, let me point out to the distinguished chairman that this matter was a subject of a "Dear Colleague" letter circulated by Mr. DeConcini and myself. There is nothing about it that requires action tonight. In fact, I would be glad if Senators would take the time to review the material which I will put in the RECORD. I ask unanimous consent that we put in the RECORD an article from the New York Times editorial of Wednesday, April 19, 1989, under the headline "Forced Abortion And A Chinese Refugee." It describes what the Times correctly terms an act of official inhumanity, which drove Le Yuan Pan to test the humanity of the American refugee law. What he discovered is outlined in this thoughtful editorial from the Times, that at a critical moment, that humanity, a sense of decency was not afforded to this refugee, notwithstanding the guidelines of the Department of Justice. So I ask unanimous consent that that be inserted in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 19, 1989]

FORCED ABORTION AND A CHINESE REFUGEE

An act of official inhumanity in his native China drove Lee Yuan Pan to test the humanity of America's refugee law. When Chinese officials forced his wife to have an abortion, Mr. Lee fled to San Francisco, only to be arrested for trying to enter the U.S. on a forged passport.

An immigration judge reasonably granted him political asylum based on his resistance to China's policy of one child per family. But immigration officials fear setting a precedent with unmanageable consequences and have now appealed the decision.

Mr. Lee has a compelling case. Under the 1980 Refugee Act, foreigners are entitled to permanent sanctuary if they can demonstrate "a well-founded fear of persecution"

based on race, religion, nationality, membership in a particular social group or political opinion. Forced abortion may not fit these categories neatly but it violates one of the most basic human rights. Refugee status can rightly be granted, on a case-by-case basis, to families that can prove such an abuse.

Last August Edwin Meese, then Attorney General, issued guidelines to give "careful consideration" to asylum applications from Chinese nationals afraid of returning home because of their Government's policy of one child per family. According to Mr. Meese, if a Chinese family refused to end a pregnancy or undergo sterilization as "an act of conscience," that refusal could be considered political defiance sufficient to establish refugee status.

Immigration officials fear opening a huge loophole in the refugee law, however. It could be argued that Mr. Lee was not singled out for persecution but was the victim of a policy affecting more than a billion Chinese—provoking visions of an unending flow of migrants. But the specific facts of Mr. Lee's case are what make it so compelling. He said he and his wife were subjected to a heavy tax and had their electricity cut off after the birth of their second child. He also lost his work assignment as a carpenter. A third pregnancy caused them to flee their village.

Mr. Lee eventually made his way to the U.S. But he testified that his wife, who had gone into hiding in China, was discovered and forced to undergo an abortion in her fifth month. Immigration Judge Bernard Hornbach found him a credible witness and granted him asylum. The Immigration Service in San Francisco is appealing the case.

Recent visitors to China suggest that the policy of one child per family has been relaxed somewhat in the last five years and in any event is not universally enforced. That means that while Mr. Lee may justly qualify for asylum, another Chinese family may not. Far from opening the floodgates, such case-by-case determinations are consistent with the legal process and the humanitarian spirit of the refugee law.

Mr. ARMSTRONG, Mr. President, I ask unanimous consent that there appear in the RECORD at this point an article from the Washington Post of Sunday, April 10, 1988, under the headline "The Long Arm of 'One Child' China."

Finally, Mr. President, I am not going to put voluminous material in the RECORD, but I ask unanimous consent that the "Dear Colleague" which Mr. DECONCINI and I have circulated and the fact sheet on the amendment be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE LONG ARM OF "ONE-CHILD" CHINA

(By Steven W. Mosher)

The man on the phone was nervous, as if afraid of being overheard. "I am calling you only as a last resort," he said in a heavy Chinese accent. "I don't know where else to turn * * *. It concerns China's one-child policy."

I was not surprised he would contact me. During my lengthy stay in a Chinese village in 1980, I had seen women in the third trimester of pregnancy forced to undergo abortions. I had written extensively about

this and other aspects of China's coercive population-control program and had interviewed many Chinese about their experiences. But Dr. Quan B. Li's story was different.

"My wife is seven months pregnant," Li told me. "Even though we are living in the United States, the Chinese government has been trying to force us to return to China for an abortion. We hope that you can help us to stay in the United States, at least until our baby is born."

As I listened, he told a shocking tale of how Chinese birth-control officials were trying to enforce Beijing's one-child policy on this couple living in Phoenix, pursuing them long distance with a series of brutal warnings that threatened sanctions not only against Li's wife but also her coworkers back in China.

Q.B., as his American friends call him, was selected by the Chinese government seven years ago to come to the United States to pursue a doctorate in mechanical engineering at the University of Arizona.

Like most Chinese scientists sent abroad to study, Q.B. was not allowed to take his family. His wife, a nurse, and his three-year-old son had to remain in China, helping to ensure that the family head would return to the motherland upon the conclusion of his studies. In short, his wife and son were hostages.

Q.B.'s wife, Ping Hong, chafed at this forced separation from her husband and four years ago applied herself to study in America. Such requests are seldom granted. Ping Hong, however, was a Communist party member in good standing and her unit, the Walfantia Bearing Factory, vigorously endorsed her application. She and her son were given exit visas and arrived in Phoenix three years ago.

Q.B. completed his Ph.D. in March 1986, and was given permission to stay on for an additional 18 months of practical training in his field. He and his wife were looking forward to returning to China. Q.B. had been promised a full professorship at his university while Ping Hong was given to understand that an important post awaited her at the Walfantia Bearing Factory.

Then late May 1987, Ping Hong became pregnant with her second child. They still can't understand how it happened. Q.B. said Ping had an IUD inserted after the birth of their son, as mandated by the birth-control regulations. "As a nurse, she was very responsible about going in for required pelvic examinations each quarter. The IUD was always in place," Q.B. said.

The couple had considered, only to reject, the idea of an abortion. "At one time my wife had assisted doctors in performing abortions in China, even late-term and forced abortions," Q.B. recalled. Now that experience came back to her in nightmares, and she felt she must protect the child she was carrying.

After hesitating for a number of weeks, they wrote Ping Hong's factory, asking the population control official there if they could be granted an exemption from the one-child policy. They had conceived their second child in the United States, they argued. Surely China's one-child limitation did not apply to them here. Couldn't they be allowed to keep it?

The birth-control officer at Ping Hong's factory quickly set them straight. "When you left for America three years ago, the birth-control policy in our country was already very strict. The 'one-child' policy is now even stricter. * * * If you come back at

the end of this year pregnant, even if you are eight or nine months along, you will absolutely not be allowed to have your baby."

Last year, Communist Party General Secretary Zhao Ziyang reaffirmed the "technical policy on birth control" and officials were ordered to redouble their efforts to enforce this policy, which calls for IUD insertion after one child, sterilization after two and abortion for women like Ping Hong who were pregnant outside the plan.

In the last few months, I had been hearing persistent reports that women pregnant with "illegal" second children were being forced to have abortions, even as late as the final months of pregnancy. There were also alarming reports of infanticide of "illegal" newborns. In my view, Li was right to believe the official's threat.

When Q.B. and his wife were debating what to do—should they return to China and run the risk of losing their unborn child, or should they attempt to stay in the United States until after the child was born—Ping Hong received another letter. This one was more threatening than the last.

"Second children are absolutely banned," the letter read. "If a woman insists on having a second child, all the staff and line workers of her factory will be punished. No salary increases will be allowed, and the factory will be disqualified from production contests. She herself will be placed on probation, and receive only minimum living expenses. You absolutely cannot afford these political and financial losses. * * * Do not lose any more time. Fix this problem as soon as possible."

Without any further delay, the Lis secretly applied to stay in the United States. They also moved away from their apartment near the university campus to a house in the suburbs, so that the Chinese government would not know of Ping Hong's whereabouts. "Ping was afraid that even in the United States we were being watched by agents of our government," Q.B. recalled.

Unable to pressure Ping Hong and her husband directly, Chinese population control officials turned instead to their next of kin. Ping Hong's elderly mother was a favorite target. The old woman was paid nightly visits and repeatedly warned of the terrible consequences for the entire family if Ping Hong did not abort the "illegal" child she was carrying.

Q.B. and Ping Hong agonized over what to do. They knew that Ping Hong's mother was in poor health and was distraught over the nightly propaganda sessions.

In desperation, Q.B. wrote his mother-in-law and told her that Ping Hong had obeyed her superiors: She had gone in for an abortion. Ping Hong's mother showed this letter to the population-control officials the next time they came, and the nightly visits ended for a time.

But Q.B. then made a serious tactical error. Not knowing if he and his wife would be allowed to stay in this country, he tried one last time to obtain permission to have a second child. Hoping that his university, the Dalian Institute of Technology, might be more forgiving of their situation than Ping Hong's factory, he wrote them a letter. He put the matter in the hypothetical ("What if my wife became pregnant in America?"), but the Walfantia Bearing Factory found out about the letter—and the pressure was on again.

"Before they had been trying to talk us into having an abortion," Q.B. recalled, "Now they began ordering us to. We re-

ceived what was called an 'extremely urgent letter of warning.' " This letter follows:

September 25, 1987.

COMRADE PING HONG: How are you? After explaining the birth control policy to you in our last letter, we were sure that you would fix your problem right away. But from your husband's recent letter to the Dalian Institute of Technology asking about the policy, we know that your pregnancy continues. You must already be at least four months along. (She was actually five months pregnant at this time.)

We have been severely criticized by both the municipal and the prefectural birth control departments and ordered to send you this extremely urgent letter of warning.

Birth control is one of our nation's basic policies. The "one-couple, one-child" policy is known to every family and every individual throughout the land. You are an official as well as a medical worker. It is hardly necessary to repeat this slogan to you. You have not been out of the country that many years.

Let me give you an example that deserves your serious attention: Recently, a woman at the Chuangliu Grain Store ignored official warnings and had a second child. As punishment, both the woman and her husband were fired from their jobs and put on probation for one year. During this period they are receiving only \$5 a month for living expenses. They have been ordered to pay back the subsidy they received for the health and nursery school care of their first child. The officials in charge of both the husband's and the wife's place of employment and their superiors had their bonuses withheld for several months.

The Walfantia Bearing Factory is now working on a major, government-sponsored expansion. We have successfully passed all the necessary evaluations and reviews. But if our birth control program allows even a single second birth, our factory will not be permitted to advance. All of the strenuous efforts of our 20,000 employees towards this goal will have been in vain. Moreover, our whole factory will be disqualified from any production contests, and the bonuses and benefits of all employees will be negatively affected. From the factory director, to the department heads, to the cadres in charge of the birth control program, all of us will be punished.

The consequences for you are unthinkable. You would be condemned by all the staff and line employees of the factory. How could you bear the losses you would cause and suffer?

You should seriously reflect on these consequences, and come to a speedy decision to fix your problem any way you can. You must not delay! If you have real difficulties [getting an abortion in the U.S.], return to China immediately for an abortion. We expect you to report your actions to factory officials as soon as you receive this letter, so that we may report them to higher authorities * * *

To your health!

Population Control Office, Walfantia Bearing Factory, Dalian Subdivision, Dalian, Manchuria, People's Republic of China.

The last letter Ping Hong received, approximately two weeks before Q.B. called me, was the bluntest of them all.

COMRADE PING HONG: Have you received our last express mail letter? Have you taken any action as a result?

The factory officials are anxious to know whether or not you have done as ordered, since your actions affect the benefits of all

employees in the factory as well as the factory's future. The punishment for this kind of violation [having a second child] is very severe, and we strongly advise you not to risk it.

If you cannot have this abortion done abroad, then the factory director orders you to return to China immediately. Any further delays, and you will be punished according to the law.

There is nothing ambiguous about our order! Make up your mind immediately!

To your health!

On Feb. 29, the application of Dr. Q.B. Li and his wife Ping Hong to remain in the United States was turned down by the U.S. State Department. They now face deportation proceedings.

The news that month was not all bad, however. On Feb. 1 Ping Hong gave birth to a healthy 7½ pound baby girl. The Lis' have named their daughter Mei, which in Chinese means beautiful but also stands for America, land of her birth.

U.S. SENATE,

Washington, DC, July 19, 1989.

DEAR COLLEAGUE: Imagine a nation which requires that each and every citizen be sterilized after the birth of their first child. Imagine a society which requires parents to put their unborn children to death. Imagine a country which forces unwed mothers to have an abortion, because illegitimacy is illegal.

Unbelievable? Forced abortions and mass sterilization may sound unreal, but they're not. They're a fact of life in Communist China today.

In August of 1988, the U.S. Department of Justice issued policy guidelines to the Immigration and Naturalization Service [INS] designed to ensure that Chinese parents are given the opportunity to find a safe haven here in the United States. These guidelines require that the fullest consideration be given to Chinese nationals who apply for asylum because of their fear they will be forced to abort their unborn babies or be sterilized upon their return to China.

The establishment of the Justice Department policy guidelines was a step in the right direction, but the INS has failed to implement them as required. To our knowledge, the number of parents who have fled China and been denied assistance in the United States is less than 50, yet each case merits our consideration. One such case was that of Mr. Lee, who fled China after officials there forced his wife to have an abortion, and was arrested in San Francisco for trying to enter the U.S. on a forged passport. He was granted political asylum by an immigration judge, but the New York Times reports that "immigration officials fear setting a precedent with unmanageable consequences and have now appealed the decision."

To insure the INS implements the Justice Department's policy, we will offer an amendment to the State Department Authorization Act that ensures the Department of Justice's policy guidelines are not overlooked. Please join us in this effort.

If you would like to cosponsor this amendment, please contact Carter Pilcher or Denise Malone at 4-5941.

Sincerely,

DENNIS DECONCINI.

WILLIAM L. ARMSTRONG.

ARMSTRONG-DECONCINI AMENDMENT ON ASYLUM FOR PRC NATIONALS

Current Law: A section of the Immigration and Naturalization Act (8 U.S.C. 1103) empowers the Attorney General to issue policy guidelines to be followed in the adjudication of applications for asylum. The Attorney General issued guidelines instructing asylum adjudicators to give "careful consideration" to applications from PRC nationals who seek asylum because they have defied their government's population control policies.

Current Practice: The INS has not implemented these guidelines. It continues to seek deportation orders against PRC nationals who fear persecution because they have not complied with the government's "one couple, one child" policy. Moreover, the Board of Immigration Appeals in a May 12 decision to deport a PRC national, said that it was not bound by the DOJ guidelines.

Armstrong Amendment: The Armstrong amendment would codify and expand existing DOJ policy by requiring the Secretary of State and the Attorney General to promulgate regulations and guidelines that would require asylum and refugee adjudicators to give the "fullest possible consideration" to applications from nationals of the PRC who express a fear of persecution upon return to that country because they refuse to abort a pregnancy or resist sterilization in violation of Chinese Communist Party directives on population.

WHY THIS AMENDMENT SHOULD BE ADOPTED

The Chinese government's population control policy that bars families from having more than one child is strictly enforced—often by means of compulsory abortions and sterilizations.

About 50 PRC nationals have sought asylum in the U.S., fearing stringent sanctions because of their defiance of their government's population control policy. DOJ guidelines, noting that the PRC government views such defiance as an act of "political dissent", state that "a finding of the requisite 'well-founded fear of persecution' under these circumstances is reasonable". This constitutes persecution for "political opinion" under the Immigration Act and would result in a grant of asylum.

The INS nevertheless continues to fight such asylum requests, even in the most extreme circumstances. For example, they are seeking to deport Mr. Zhao, a PRC national. In October 1984, according to court depositions, Chinese police burst into Mr. Zhao's home and brought his wife to a hospital in order to abort her child. Mrs. Zhao, who was in the ninth month of her pregnancy, was beaten and went into labor en route to the hospital. Her child, born alive, was strangled by government officials while Mr. Zhao tried to intervene. Mr. Zhao subsequently escaped to the U.S. and sought asylum. Annette S. Elstein, an Immigration Judge in New York, ordered Mr. Zhao deported, arguing that he had not demonstrated a "well-founded fear of persecution."

An INS attorney in New York recently filed a brief in opposition to an asylum request from a PRC national who feared persecution because he had not complied with the "one couple, one child" edict. The INS brief argued that the request for asylum "does not rise to the level of a finding of a well founded fear [of persecution]" because the policy has been "applied to the nation as a whole." This directly contravenes DOJ guidelines which state that "a finding of the

requisite 'well-founded fear of persecution' under these circumstances is reasonable."

The agency is also seeking to deport Mr. Yun Pan Lee, a Roman Catholic who was prohibited from working for a period of six months and whose family's supply of food and water was cut off after the birth of his second child. When Mrs. Lee became pregnant with their third child, Mr. Lee fled the country and sought asylum in the U.S. Mrs. Lee was subsequently compelled by the government to have an abortion. An immigration court judge, citing the DOJ guidelines, found in Lee's favor. The INS has appealed this ruling to the Board of Immigration Appeals.

The Board of Immigration Appeals has argued that it is not bound by the DOJ guidelines. In a May 12 ruling, the board found that these guidelines "were directed to the Immigration and Naturalization Service, rather than the immigration judges and this board." It ordered Jin Han Chang, who had sought asylum under the DOJ guidelines, deported.

Thus, neither the INS nor the Justice Department's Board of Immigration Appeals have implemented the DOJ guidelines. Indeed, the INS has made only the most minimal efforts to make its various offices aware of the guidelines. Despite the Attorney General's instruction to the INS Commissioner to "insure that these guidelines are immediately distributed to INS headquarters, all regional, district and local offices," it appears that the INS has not disseminated the policy guidelines. Duke Austin, an INS spokesman, recently told the New York Times that his agency's district directors were made aware of the guidelines at a conference held in San Diego last September, but that "no corresponding additional instructions were put out."

The INS continues to seek deportation orders against Chinese nationals who fear persecution because they have defied their government's "one couple, one child" policies, and the Board of Immigration Appeals continues to deny them asylum.

The Armstrong amendment would by statute apply the DOJ policy to all relevant agencies, including INS and the Board of Immigration Appeals. It would thereby assure that applications for asylum by Chinese nationals who fear persecution because they have defied the party's population control policies would be given the fullest possible consideration.

Mr. ARMSTRONG. Then, Mr. President, I would be happy to yield the floor, but I will point out to the chairman not only would it be my intention to lay this over until tomorrow, if that is his desire, but at any point I intend to ask for a rollcall vote on this matter. I would do that even if it were accepted by the managers, as I hope it will be, because this is a case where we have clearcut guidelines in existence now that are being ignored. I do not think we ought to adopt this casually or on a voice vote. I think this ought to be adopted on a rollcall vote of the Senate and with what I trust will be an overwhelming rollcall.

Mr. President, with that explanation, I ask for the yeas and nays on the amendment to be voted on at a time to be set later.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. ARMSTRONG. Mr. President, before I yield the floor, one other matter. I would also like to have printed in the RECORD letters of support on this matter which we have received from organizations which are interested and concerned about this matter. Specifically I invite the attention of my colleagues to the letter from the Ad Hoc Committee in Defense of Life, dated today; from the Family Research Council; and from the National Right to Life Committee. I ask unanimous consent that these appear in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE AD HOC COMMITTEE
IN DEFENSE OF LIFE,
Washington, DC, July 19, 1989.

HON. WILLIAM ARMSTRONG,
U.S. Senate, Washington, DC.

SENATOR ARMSTRONG: I am writing to inform both you and Sen. Dennis DeConcini of the Ad Hoc Committee's strong and full support for your proposed amendment to the State Department reauthorization bill that would end the cruel and inhumane efforts of the U.S. Immigration and Naturalization Service against Chinese nationals who are seeking asylum here because they face severe sanctions for defying their government's oppressive population control program.

As you know, the People's Republic of China has adopted a rigid "one couple, one child" population policy which includes the widespread practices of forced abortion, coercive sterilization, and female infanticide. This program is so brutal that our government has denied it funding, and the House has voted overwhelmingly to condemn its practices as "crimes against humanity."

Despite claims by the PRC and the United Nations Fund for Population Activities denying the existence of such brutality, let me recite just one recent account—reported in the February 26, 1989 Washington Post—of the ongoing atrocities inflicted by the PRC on pregnant women in Tibet:

"... The villagers were informed that all women had to report to the tent for abortions or sterilizations or there would be grave consequences... The women who refused were taken by force, operated on, and no medical care was given. Women nine months pregnant had their babies taken out... We saw many girls crying, heard their screams as they waited for their turn to go into the tent, which smelled horrible... Since 1987 there has been a tremendous increase in the number and frequency of the teams that move from town to town, and to nomad areas."

The INS is fully aware of both the severity of the PRC program and of the guidelines issued last year by the Attorney General instructing agency officials to give "careful consideration" to the applications of Chinese nationals who—refusing to subject themselves to such unspeakable brutalities, and facing certain punishment for their opposition to their government's program—are seeking asylum and the protections which our Nation's liberty affords.

Nevertheless, the INS has refused to implement these guidelines, which it claims are non-binding. It has even sought to deport some of the 50 Chinese nationals now seeking asylum—going so far as to appeal one immigration court judge's ruling favoring asylum.

Your amendment, which would codify and expand the policy now disregarded by the INS, would go far to end the unconscionable efforts being undertaken by our government. And while your proposal does touch on an issue which the Ad Hoc Committee is deeply concerned about—the PRC's practice of forced abortion—it more so addresses the broader issue of our Nation's willingness to employ a humane immigration policy.

All Senators, irrespective of their views on the issue of abortion, can support your proposal. As an American, I do not believe that any Member of Congress would allow our government to deny asylum to people—many of them pregnant women—who will face the most stringent of sanctions if deported.

Again, the Committee thanks both you and Sen. DeConcini for your humane proposal, which we hope receives quick approval from the Senate.

Respectfully,

JOHN P. FOWLER
(For the Committee).

FAMILY RESEARCH COUNCIL,
July 19, 1989.

HON. WILLIAM ARMSTRONG,
U.S. Senate, Washington, DC.

DEAR SENATOR ARMSTRONG: The Family Research Council, a division of Focus on the Family, is pleased to endorse your proposed amendment to the Fiscal Year 1990 State Department and Related Agencies Authorization Bill.

We share your grave concern about the brutal and coercive "one child per couple" population program in the People's Republic of China. While there are few steps the United States can take directly to challenge or change this program, our nation can and should make use of every appropriate means to express its unqualified opposition to such grotesque violations of fundamental human rights. The amendment you propose, to require U.S. immigration authorities and adjudicatory bodies to give the "fullest possible consideration" to asylum applications from PRC nationals in our country who fear persecution on the basis of their defiance of the one-child directive, is consistent with—indeed, we would say "required by"—any fair reading of the asylum provisions in U.S. immigration law.

Regrettably, despite a memorandum from the Attorney General in 1988 directing the Immigration and Naturalization Service to provide such consideration to PRC asylum applicants, U.S. immigration officials and courts have continued to deny these applicants the protection of our laws and to seek their deportation. Your proposal is clearly necessary, therefore, to restate and reemphasize the humanitarian values embodied in the law of asylum. Recent events in China underscore how critically important it is that free nations speak with a single and unequivocal voice in response to brutal acts of government-sponsored violence. The Chinese government's population program represents an act of continuing violence against the people that calls for a unified and unambiguous American policy. We believe that your amendment merits the unan-

imous support of the Senate and the Congress of the United States.

Sincerely,

GARY L. BAUER,
President.

NATIONAL RIGHT TO LIFE COMMITTEE, INC.,
Washington, DC., July 19, 1989.
Senator WILLIAM ARMSTRONG,
U.S. Senate, Washington, DC.

DEAR SENATOR ARMSTRONG: We understand that you and Senator DeConcini will offer an amendment to the State Department authorization bill (S. 1160) to facilitate grants of political asylum to Chinese nationals who may be forced to submit to abortion under the Chinese government's coercive population control program.

The National Right to Life Committee strongly supports your amendment. It should be beyond dispute that the Chinese government compels countless women to submit to abortion each year—often late in pregnancy. Indeed, each year since 1985, the Agency for International Development (AID) has officially declared that China systematically employs compulsory abortion, and has backed these declarations with extensive documentation from intelligence, diplomatic, and journalistic sources. AID has also referred to official decrees by organs of the Chinese government, compiled by the China Desk of the U.S. Census Bureau.

As recently as June 7, the U.S. delegate to the United Nations Development Programme Governing Council strongly objected to a proposal to extend the support of the United Nations Population Fund for China's program, because of the coercion pervasive in that program.

It is likely that only a small number of the Chinese citizens subjected to these coercive policies will be able to request asylum—but in those cases, the United States should surely extend its protection to those persecuted individuals, and to the unborn children who will otherwise be killed.

We thank you for your initiative on this important issue.

Respectfully submitted,

DOUGLAS JOHNSON,
Legislative Director.

Mr. ARMSTRONG. Last but not least, I ask unanimous consent that the distinguished Presiding Officer, Senator CONRAD, be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ARMSTRONG. I urge my colleagues to look at this material in the RECORD overnight and to vote with us tomorrow when the vote occurs.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DASCHLE). Without objection, it is so ordered.

AMENDMENT NO. 307, AS MODIFIED

Mr. PELL. Mr. President, I ask unanimous consent that amendment No. 307 offered by the Senator from North Carolina [Mr. HELMS] and Senator STEVENS be modified to include perfecting language which has been sent to the desk on behalf of Senator KOHL.

The PRESIDING OFFICER. If the Senator would send that modification to the desk it will be so modified.

Mr. PELL. It is at the desk.

The PRESIDING OFFICER. The desk informs the Chair they do not have that amendment.

Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

Amend Title I by inserting the following new sections:

SEC. . Agreement between the United States and Canada governing liability for potential oil spills in the Arctic Ocean and international contingency plans.

(a) FINDINGS.—The Congress finds that—

(1) Canada has discovered commercial quantities of oil and gas in the Amalagak region of the Northwest Territory;

(2) Canada is currently exploring alternatives for transporting the oil from the Amalagak field to markets in Asia and the Far East;

(3) One of the options the Canadian government is exploring involves transshipment of oil from the Amalagak field across the Beaufort Sea to tankers which would transport the oil overseas;

(4) The tankers would traverse the American Exclusive Economic Zone through the Beaufort Sea into the Chukchi Sea and then through the Bering Straits;

(5) These waters serve as the kitchen table for Alaska's Native people providing them with sustenance in the form of walrus, seals, fish, and whales;

(6) The Beaufort and Chukchi Seas provide important habitat for the bowhead whale, the lifeblood of the Eskimo people of Alaska;

(7) An oil spill in the Arctic Ocean, if not properly dealt with, could have significant impacts on the indigenous people of Alaska's North Slope;

(8) The Canadian Arctic Waters Pollution Act limits recovery of damages incurred as a result of offshore exploration or development to \$C40 million and does not apply west of 141 degrees latitude;

(9) The Canadian government has entered into an agreement with all companies licensed to drill in the Canadian Beaufort mandating liability to United States' claimants for damages suffered west of 141 degrees latitude, but that liability is limited to \$C20 million;

(10) There is no international agreement in effect between the United States and Canada outlining legal liability in the event of an oil spill;

(11) There are no international contingency plans involving our two governments governing containment and clean-up of an oil spill in the Arctic Ocean; and

(12) There is no pool of money immediately available to mitigate the impact of an oil spill or to reimburse the people of the North Slope for any losses they might suffer in the event of an oil spill in Canadian waters or by a Canadian tanker.

(b) NEGOTIATIONS.—The Congress calls upon the Secretary of State and the Foreign Minister of Canada to begin negotiations on a treaty dealing with the complex questions of recovery of damages, contingency plans, and coordinated actions in the event of an oil spill in the Arctic Ocean or a tanker accident during the shipment of oil by sea.

(c) REPORT.—The Secretary of State shall report to the Senate Committee on Foreign Relations and the House Committee on Foreign Affairs on his efforts toward this end no later than January 1, 1990.

SEC. . Report on agreements between the United States and Canada governing liability for potential oil spills in the Great Lakes and the St. Lawrence Seaway and international contingency plans.

(a) FINDINGS.—The Congress finds that—

(1) The Great Lakes contain 95 percent of the United States' and 20 percent of the world's fresh surface water, providing drinking water for approximately 25 million Americans, supporting 20 percent of all United States manufacturing, providing habitat for thousands of wildlife species, and providing invaluable recreational opportunities and businesses for millions of people;

(2) Last year four United States and twenty-two Canadian tanker vessels carried 81 million barrels of petroleum and hazardous materials through the Great Lakes;

(3) The Great Lakes are particularly vulnerable to oil spills, because they contain fresh water and are a closed system, without a larger sea to help disperse contaminants and reduce retention time;

(4) The potential for a disastrous oil spill on the Great Lakes was recently demonstrated in March 1989, when the Canadian tank barge Slurry narrowly avoided the release of 1.4 million gallons of carbon black feedstock when it ran aground twice on the Detroit River, near the drinking water intakes which serve nearly 3 million people;

(5) The near miss in March of 1989 was not an isolated incident, and hundreds of smaller spills have actually occurred in recent years on the Great Lakes;

(6) Concerns have been raised about inadequate requirements by the United States and Canada on the prevention and remediation of oil spills in the Great Lakes, including questions about measures on double-hulled tankers, double-skinned barges, vessel inspections, pilotage rules, spill notifications, spill contingency plans, containment equipment, wildlife rehabilitation facilities, clean-up procedures and the allocation of liability.

(b) REPORT.—The Secretary of State shall review the international agreements and treaties with the Republic of Canada, including relevant provisions of the Great Lakes Water Quality Agreement of 1978, as amended by the Protocol of 1987, and the Canada-United States Marine Pollution Contingency Plan for Spills of Oil and Other Noxious Substances, in order to determine whether amendments or additional international agreements are necessary to resolve complex questions of recovery of damages in the event of an oil spill in the Great Lakes and to ensure the adequacy of measures to prevent and remediate such spills. To the extent possible, the Secretary of State shall consult with the United States Coast Guard, the Environmental Protection Agency, and states surrounding the Great Lakes during this review.

(c) REPORT.—The Secretary of State shall report to the Congress on the results of this review no later than September 1, 1989.

Mr. STEVENS. Mr. President, I rise to offer an amendment concerning oil-spill liability in the event of an oilspill in Canadian waters. After the *Exxon Valdez* oilspill I began to investigate the international laws and contingency plans which would apply if a tanker accident occurred in the Canadian Beaufort Sea. I learned that the recovery of damages for Alaskans impacted by the spill would be limited to \$20 million Canadian.

I have talked with the Canadian Ambassador to the United States about the need to initiate high-level discussions to address this issue. The amendment calls on Secretary Baker to initiate discussions with the Canadians to negotiate a treaty with Canada. The State Department has cleared this provision.

Senator KOHL has expressed similar concerns about the legal regime which would apply in the event of a spill in the Great Lakes. He drafted an additional section addressing the problems in the Great Lakes which is included as part of this amendment.

I am pleased that Senators MURKOWSKI, LEVIN, REID, DURENBERGER, and BOSCHWITZ are joining with us in offering this amendment.

Mr. KOHL. Mr. President, I am pleased to offer this amendment with my distinguished colleague from Alaska, Senator STEVENS, to address the important issue of oilspill liability between the United States and Canada. His concerns about the potential for oilspill in the Arctic are certainly well founded. I am equally concerned, however, about the possibility of an oilspill in the Great Lakes, which constitute a significant portion of the common boundary between the United States and Canada.

Americans across the Nation were deeply saddened by the environmental havoc wreaked on the wildlife and the people of Alaska when the Exxon tanker *Valdez* hit a reef in Prince William Sound. But most importantly, Americans were outraged that this unthinkable tragedy could occur in this day and age. We all thought that there were plans and equipment in place to prevent such a spill from taking place. And at the very least, we thought that containment procedures were in place to stop the spread of spilled oil before sensitive coastline areas were smothered in oil. Unfortunately, we were wrong.

Although we cannot go back and undo the tragedy which was inflicted on the coastline of Alaska, we can take every possible step to prevent another spill.

I have heard from hundreds of constituents in Wisconsin who were concerned about the Alaskan oilspill. But the people of Wisconsin are just as concerned about their very own Great Lakes shoreline. The people of Wisconsin know that the Great Lakes are

one of our Nation's greatest natural resources.

They know that the Great Lakes are the world's most important source of fresh surface water—important for industry, recreation, wildlife, and drinking water. They know that tankers carrying refined oil products cross the Great Lakes daily, loading and unloading their cargo's at ports in the United States and Canada.

The people of Wisconsin and every other Great Lakes State would like to think that the *Exxon Valdez* tragedy could not be repeated in their own back yard, but they have no such assurances.

The fact of that matter is, without adequate prevention and contingency plans, an oilspill in the Great Lakes could have catastrophic consequences. The Great Lakes are extremely vulnerable to oilspills because they are a closed system, without a larger sea to help disperse contaminants. Swift currents in the connecting channels could easily carry a toxic oil slick from one lake to another. Drinking water supplies for millions of Americans and Canadians could be endangered.

The United States and Canada have cooperated for many years in efforts to protect the environmental integrity of the Great Lakes, their greatest shared resource. Through the Great Lakes Water Quality Agreement and the Canada-United States Marine Pollution Contingency Plan for Spills of Oil and Other Noxious Substances, the two nations have displayed a clear understanding of the need for joint efforts at protection.

But in the aftershock of the *Exxon Valdez*, it is time to take a good look at the status of our contingency plans. We need to know whether or not we are needlessly endangering our coastlines, our people, and our wildlife. In addition, we need to resolve complex questions related to the recovery of damages in the event of an oilspill.

Mr. President, this amendment requires that the Secretary of State review the international agreements and treaties between the United States and Canada to determine whether amendments or additional international agreements are necessary to resolve any problems related to oilspill liability or the adequacy of prevention and remediation plans with respect to the Great Lakes.

The Secretary is directed to review the Great Lakes Water Quality Agreement, the Canada-United States Marine Pollution Contingency Plan for Spills of Oil and Other Noxious Substances, and any other relevant agreements or treaties.

Following this review, the Secretary will report to Congress on or before September 1, 1989. This report will be extremely helpful to the Subcommittee on Oversight of Government Management, chaired by Senator LEVIN,

who is planning a hearing on these issues sometime this fall.

I congratulate Senator STEVENS for raising the important issue of oilspill liability between the United States and Canada, and I am pleased that he has agreed to accept provisions offered by myself and Senator LEVIN to help protect our magnificent Great Lakes.

Mr. LEVIN. Mr. President, 4 months ago, the *Exxon Valdez* tanker caused the tragic oilspill in Alaska. That incident showed all too clearly how fragile our water resources are—how easily humanity can disfigure them for generations to come. It heightened awareness about the need for us to take strong measures to protect our waters.

Senator STEVENS has offered an amendment to the State Department authorization bill to require the United States to enter into negotiations with Canada on issues related to oilspills in the Arctic Ocean. I join Senator KOHL to raise similar concerns about oil spills in the Great Lakes.

The Great Lakes experiences many—sometimes hundreds—of oilspills each year. Most are very minor, but the potential exists for a tragedy similar in scope to the *Valdez* incident. For example, during the same month that the *Valdez* tanker ran aground, a Canadian tank barge ran aground twice on the Detroit River, narrowly averting the release of 1.4 million gallons of a dangerous petroleum product near the water intake for the city of Detroit—a system that supplies drinking water to nearly 3 million people.

As explained in a report of May 23, 1989, by the State of Michigan, an oilspill in that amount could cause serious damage. Unlike the salt waters of the Arctic Ocean, the Great Lakes contain fresh water—the drinking water for millions of Americans and Canadians. An oilspill fouling these waters would threaten not only birds, fish, and other wildlife, but also people who depend upon the lakes for their water. It would also threaten fishing and other industries which depend upon the lakes for fresh water to operate. Moreover, since the Great Lakes are a closed system, with a slow rate of turnover in its waters, there is no sea nearby to disperse contaminants or carry the problem out of the immediate area.

Because of the seriousness of the potential threat, the Subcommittee on Oversight of Government Management, which I chair and on which Senator KOHL sits, has begun a detailed inquiry into oilspill problems affecting the Great Lakes. Our preliminary research has raised a host of questions about oilspill prevention and remediation programs. There are questions about differences between Canada and the United States on such matters as requiring that tankers be double hulled and that ships navigating cer-

tain areas have experienced Great Lakes pilots onboard. There are questions about the adequacy of existing vessel inspection programs. There are questions about the adequacy of existing oilspill notification systems, contingency plans, cleanup equipment, and cleanup techniques. There are questions about the allocation of legal liability in the event of a serious spill. The subcommittee is looking at all of these issues and is planning hearings for the fall.

The amendment that Senator KOHL and I are offering requires the Secretary of State to undertake a review of existing international agreements and treaties with Canada on the issue of oilspills in the Great Lakes. Unlike the situation in Alaska, where there is no international document on spills in the Arctic Ocean, Canada, and the United States have agreements and a joint contingency plan to deal with oilspills in the Great Lakes. The *Valdez* incident has shown us that it is time to review them and determine if changes are needed.

The amendment also requires the State Department to file a report with the Congress by September 1, 1989. This timeframe is adequate, because a number of ongoing activities related to Great Lakes oilspill issues have reached or are nearing completion. For example, the United States and Canadian Coast Guards are meeting next week, in a regularly scheduled session mandated by the Great Lakes Water Quality Agreement of 1978, to review oilspill issues in the Great Lakes. A survey begun in April by the U.S. Coast Guard of oilspill contingency plans and equipment in the Great Lakes, should be nearing completion. Also, the State of Michigan has completed a major review of its emergency preparedness for oil and other hazardous material spills. These and other activities will enable the State Department to report to Congress by September on the need for additional international negotiations with Canada concerning Great Lakes oilspills.

The Great Lakes provide 95 percent of the fresh surface water in the United States. They are a unique and irreplaceable resource and must be protected. I commend Senator KOHL for his work on protecting the Great Lakes, and I hope you will join us in accepting this amendment.

Mr. PELL. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business before the Senate is the Armstrong amendment No. 324.

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 326

Mr. BYRD. Mr. President, I send some technical amendments to the desk. I ask that they be considered en bloc.

The PRESIDING OFFICER. The Chair would inform the Senator from West Virginia that the Armstrong amendment is currently pending.

Mr. BYRD. Mr. President, I ask unanimous consent that the amendments en bloc may be in order at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself and Mr. HATFIELD, proposes an amendment en bloc numbered 326.

Mr. BYRD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 7, line 1, strike "shall be available only" and insert "are authorized to be appropriated";

On page 9, line 10, beginning with "; and" strike all through "(f)" on page 10, line 6, and insert "(e)";

On page 27, strike lines 13 through 19 and insert the following:

"(a) AUTHORIZATION.—Of the funds authorized to be appropriated for fiscal year 1990 by this title, \$1,300,000 are authorized to be appropriated to provide continued support for the establishment of a Latin American and Caribbean Data Base."

On page 55, lines 10 and 11, strike "shall be available only" and insert "are authorized to be appropriated";

On page 55, line 22, beginning with "Of the funds" strike all through the period on page 57, line 8 and insert the following:

"Of the funds authorized to be appropriated by this section, there are authorized to be appropriated—

(1) \$98,000,000 for grants for the Fulbright Academic Programs;

(2) \$40,400,000 for grants for the International Visitors Program;

(3) \$5,500,000 for grants for the Hubert H. Humphrey Fellowship Program;

(4) \$2,500,000 for Congress-Bundestag Exchanges;

(5) \$2,000,000 for the Samantha Smith Programs;

(6) \$7,800,000 for the Arts America Program;

(7) \$11,900,000 for the Office of Citizen Exchanges; and

(8) \$150,000 for books and materials for the collections at the Edward Zorinsky Memorial Library in Jakarta, Indonesia.

(b) SOVIET AND EASTERN EUROPEAN RESEARCH EXCHANGES.—(1) Of the funds authorized to be appropriated in subsection (a) \$3,250,000 are authorized to be appropriated for research exchanges with the Soviet Union and Eastern Europe for—

(A) professors and other professionals holding the doctoral degree or its equivalent; and

(B) enrolled doctoral candidates who will have satisfied all requirements for the doctoral degree except for the dissertation by the time of their exchange participation.

(2) In addition to maintaining or expanding their traditional exchange programs with the Soviet Union and Eastern Europe, organizations receiving the funds authorized by this subsection shall be encouraged to develop direct exchanges with academic institutions in non-Russian republics in the Soviet Union."

On page 61, line 11, strike "Of the funds made available to the United States Information Agency for fiscal year 1990 for the acquisition, production, and transmission by satellite of television programs, not less than \$1,500,000 shall be available" and insert "Of the funds authorized to be appropriated by the United States Information Agency by this title, \$1,500,000 are authorized to be appropriated".

On page 7, line 22, strike "shall be available only" and insert "are authorized to be appropriated";

On page 93, line 17, strike "shall be made available" and insert "are authorized to be appropriated"; and

On page 107, line 2, after the word "which" insert "not more than".

Mr. BYRD. Mr. President, as the managers of the bill are aware, Senator HATFIELD and I are concerned on behalf of the Committee on Appropriations with certain provisions of the Foreign Relations Authorization Act, fiscal year 1990 (S. 1160) as reported by the Committee on Foreign Relations. In reviewing this legislation, we have found several instances in which the bill would essentially mandate spending by the Appropriations Committee. In addition, the authorizations for several appropriations accounts contain floors which would have the effect of disproportionately reducing or eliminating programs not earmarked within those accounts if the Appropriations Committee is not able to fully fund the authorized level.

The Appropriations Committee would like to cooperate with the Foreign Relations Committee in the funding of authorized programs, as it did several years ago when we included provisions to ensure that the President would sign the authorization act into law. Aside from raising jurisdictional questions, spending floors and restrictions on management activities in authorization bills complicate the appropriations process. Inevitably we are forced to waive such provisions if the appropriation is lower than the authorization for the account in question in order to avoid the detrimental impact such provisions can cause.

We intend to attempt to reflect the priorities of the authorization act—and by implication the Senate—to the extent possible within the constraints of the section 302(b) allocation for the Subcommittee on Commerce, Justice, and State, the Judiciary, and related agencies. There may, of course, be some differences which can be addressed within the appropriations

process. However, the funding floors in S. 1160 will add to the problems the committee will face in marking up the fiscal year 1990 Commerce, Justice, State appropriations bill.

Mr. President, by letter, Senator HATFIELD and I brought our concerns to the managers and enclosed an amendment that addresses our concerns.

I now offer it, and I hope that the managers will accept it.

Mr. PELL. Mr. President, this is, I think, a very significant amendment, and as indicated, I would like to cooperate in reaching a mutually acceptable solution to this question of earmarks. I think it is important to note, though, that earmarks of the exchange accounts, the exchange of students, et cetera, have been a part of the bill since 1981. The earmarks in this bill are nothing new. Several members of our Foreign Relations Committee have expressed concern to me about dropping earmarks that have always been a part of this bill. The point being why do it now after all of these years?

As I understand it, there has been considerable discussions back and forth between the chairman of the Appropriations Committee, members of our committee, and the chairman objects, understandably, to the idea of us establishing a floor, but he does not object to our establishing a ceiling.

I would only then request that when there is enough money in the pot that our authorization would be considered as the governing guideline. Would that be the case?

Mr. BYRD. Mr. President, as long as when I first came to the Senate 31 years ago the Senate operated on the basis that unless appropriations were authorized there could not be appropriations but also on the basis that an authorization constituted the ceiling, not a floor. An authorization by itself is not an appropriation. The Appropriations Committee then may appropriate any amount from zero up to the ceiling which has been authorized. That gives the authorizing committees their appropriate jurisdiction, and it gives the Appropriations Committee its appropriate jurisdiction.

I have no objection to the ceiling. I think that is quite appropriate. I do not think the Appropriations Committee should go above the ceiling. But by the same token I do not think that there should be floors written into law which require the Appropriations Committee to appropriate an amount, not less than a given amount. And the circumstances at the time may dictate that the appropriations be less than that especially in times like these when we are operating under the constraints of very, very tight budgets.

So the ceilings I have no problem with. I think there is some misunderstanding as to what earmarkings

mean. The problem here is as we have already indicated there have been floors set forth, and I think that is in essence taking over the work of the Appropriations Committee. The Foreign Relations Committee in essence is doing the appropriating of money when it says there cannot be anything less than a certain amount appropriated for a certain account.

This amendment would correct that.

Mr. PELL. Would my understanding be correct that when adequate funds are in the pot the recommendations of the authorizing committee would be considered as a guideline then?

Mr. BYRD. The authorizing committee's recommendations are always and will continue to be a guideline, but that is the extent of it. The authorizing committees set the ceilings, and authorize the appropriations. Without the authorizations, there is not supposed to be any appropriations. But I do call to the chairman's attention that in recent years the burden has fallen upon the Appropriations Committee to do in essence the authorizing and the appropriations in some cases because there was no authorizing legislation. I want to protect both. I want to protect both the authorizations process and the appropriations process.

Mr. PELL. I recognize the difference, when there is not an authorizing bill. This has happened twice in this decade where we have been forced to have the responsibility of moving ahead filling the gap. But when there is an authorization bill. I would hope that those guidelines would be honored.

The Senator from West Virginia and I have both been here for quite a long time now, and there is a great deal of merit to the idea the Appropriations Committee not be hampered by the Budget Committee. And it worked out pretty well. We may have reached the goal of a politburo. But it still did a pretty effective job.

At this time I would not offer any great objection to this amendment. But I believe very strongly that the authorizing committee should not be rendered further castrated, and not have a decisive role in the direction of the legislation.

Mr. BYRD. The authorizing committee is not rendered impotent by this amendment. The authorizing committee will have this full authority authorizing the programs and setting forth the ceiling in the Appropriations Committee, and then can carry out its responsibility by considering the facts as they are at the time that it makes its appropriations in appropriating the money up to but not above that ceiling.

Mr. PELL. Would I be correct to say that when there is an authorization bill, I would expect the Appropriations

Committee would not legislate on the Appropriations Committee?

Mr. BYRD. Under rule XVI, there is always that point of order that can be raised.

Mr. PELL. I thank the Senator for his responses. I have nothing further to add at this time.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, not only do I find this amendment acceptable, I personally appreciate it. I know the Senator recognizes that there are rare occasions, rare as they may be, that something of this sort happens, but there has been too much of it. I personally appreciate the amendment by Senator BYRD and Senator HATFIELD.

Mr. BYRD. I thank both managers.

The PRESIDING OFFICER. Is there further debate?

Hearing no further debate, the question is on agreeing to the amendment of the Senator from West Virginia.

The amendment (No. 326) was agreed to.

Mr. BYRD. I move to reconsider the vote by which the amendment was agreed to.

Mr. HELMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, for the information of Senators, the schedule for the remainder of the evening and, I hope, for the disposition of this bill, will be as follows: Momentarily, Senator DOLE will be recognized to offer an amendment on his behalf and mine, regarding the situation in Lebanon, on which there will be a rollcall vote within 5 or 10 minutes.

The Senators who are not present on the floor should be aware that a rollcall vote will occur in just a few minutes, that will be the last rollcall vote this evening.

Immediately following that vote, it is my intention to propound to the Senate a unanimous-consent agreement request, which will seek to identify the remaining amendments, establishing time limits for most, but not all of them, and thereby enable us to proceed to dispose of this matter.

The last time I saw the list, which was just a few minutes ago, there were 53 amendments on it. If all of these amendments are offered, of course, it will take a considerable length of time to dispose of them.

I hope that we can reach agreement on the list. I put Senators on notice, so there can be no misunderstanding that we will remain in session this week until this bill is completed, no matter how long that takes, Friday, Saturday, Sunday, Monday, whatever length of time it takes.

As for tomorrow, since Thursday is the regularly scheduled late night, Senators should be prepared not for just a late night, but a very late night, and I hope that it will not be necessary to go beyond that, but if it is, we will do so. We are in a familiar position. We have the amendments intended to be offered, and yet we waste great amounts of time trying to find a Senator who will come to the floor and offer an amendment. There is no limit to the number of Senators who say they will offer an amendment, but it is very difficult to get any one of them to come here and offer the amendment. As a consequence, we have had lengthy delays as a result. The consequence, of course, is that the Senate is in session until 10:30 or 11 o'clock this evening, and we will be much later than that tomorrow night.

I encourage Senators who can summon their restraint not to proceed to offer the amendments, but if they do want to offer them, they ought to extend the courtesy to their colleagues of coming to the Senate floor and doing so. It seems to me that that is the least we, as a collective body and an institution, can expect from the individual Members.

So repeating and in summary, there will be a rollcall vote on the Dole-Mitchell amendment now to be offered by Senator DOLE. It will be in just a few minutes. That will be the last rollcall vote today. I will then seek to obtain unanimous consent to identify and limit the remaining amendments with times on most of them, and then we will proceed. Whether we get the agreement or not, we are going to proceed tomorrow. It might make it a little bit more difficult and longer if we do not get one, but I repeat it so there can be no misunderstanding by Senators with respect to preparation of their schedules for this weekend. We will remain in session as long as it takes to complete action on this bill and as long as it takes to complete action on this bill this week. So I hope Senators are fully apprised of that.

Mr. President, I thank my colleagues and I yield to the distinguished Republican leader.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Mr. President, first, I want to say that I hope that we can complete action on this bill. Earlier on today we were encouraging Members on both sides to understand this will not be the last bill we will have this year. There will be others. There are other opportunities. Every day is a challenge. Every day provides new opportunities, every day the staff can think of some other amendment. We do not want them to wear out on this one bill.

I must confess to the majority leader that we thought each side could reduce the number to 10. The Demo-

crats reduced theirs to 10, but I think we ended up with 43 on the Republican side. I am certain every one of those is meritorious, but it could be that they will not all be offered on this bill.

I urge my colleagues on this side that if in fact they might go on the defense bill or some bill later on, and if it is germane to that bill, maybe we do not need to offer it on this bill. We started on this bill last Friday. This is Wednesday and shortly going to be Thursday. Tomorrow night will be a long night. I know most Members would like to be gone from here on Friday afternoon. So I do not know who will start, but I think ever more important, if we insist on having our amendments listed, we ought to be here to offer them. It is difficult for the leaders and the managers. The managers cannot do anything. They have been here all day long, since 9:30 this morning, waiting to do business, and they have had some lapses where there was no business to be done.

So again, in the spirit of fairness, and I think the majority leader has been totally open, and fair on this matter and we need to reciprocate where we can, because there are other matters that need to be completed before the August recess starts on August 4. I say to the majority leader that we will continue on this side to not discourage amendments—we will, yes, to discourage some—hopefully we can get an agreement tonight that there will not be any more offered. That would be helpful. That would at least give us some indication of when we might finish. Having said that, I will be working with the majority leader and the manager, Senator HELMS and Senator PELL, if you will expedite completion of this bill.

AMENDMENT NO. 327

Mr. DOLE. Having said that, I send an amendment to the desk on behalf of myself and the distinguished majority leader and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE], for himself and Mr. MITCHELL, proposes an amendment numbered 327.

Mr. DOLE. I ask that further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

EXPRESSING THE SENSE OF THE SENATE CONCERNING THE SITUATION IN LEBANON

SECTION 1. The United States supports the restoration of Lebanon's unity, sovereignty, and territorial integrity, to include the withdrawal of all foreign forces and the disbandment of militias in the context of a reconstituted central government;

The restoration of Lebanon's unity requires a political dialog among the Leba-

nese, free of intimidation or the threat of violence from any party, foreign or domestic;

The restoration of Lebanon's sovereignty requires a reconstitution of Lebanon's central government through free elections and the extension of that reconstituted government's authority throughout all of Lebanon;

The restoration of Lebanon's territorial integrity requires the withdrawal of all foreign forces;

The continuing conflict in Lebanon has secured for its Lebanese participants neither communal security nor political equality;

The toll of that extended conflict has now exceeded 125,000 lives lost and uncounted thousands more wounded;

The Arab League Higher Committee has called for a ceasefire between the forces fighting in Lebanon and a lifting of the blockades;

The Arab League Higher Committee is seeking a peaceful resolution to the crisis in Lebanon and has called for a meeting of Lebanese parliamentarians at a site outside Lebanon to be chosen by the parliamentarians: Now, therefore, be it

The Sense of the Senate that the Senate hereby—

(1) commends the Bush administration's support for the efforts of the Arab League Higher Committee to restore peace and security to Lebanon;

(2) shares the Bush administration's goals of restoring Lebanon's unity, sovereignty, and territorial integrity, to include the withdrawal of all foreign forces and, in the context of a reconstituted central government, the disbandment of militias;

(3) calls on the President to support actively and publicly all peaceful efforts, including efforts of the Arab League and the United Nations, to: (a) establish a political dialogue among the Lebanese that is free of intimidation or the threat of violence from any party, foreign or domestic; (b) reconstitute Lebanon's central government and extend that government's authority throughout all of Lebanon; and (c) secure the withdrawal of all foreign forces;

(4) calls on all Lebanese parties to commit themselves to a process of internal reconciliation whose goal is the restoration of Lebanon's unity through free presidential elections and constitutional reform;

(5) calls on all parties, Lebanese and non-Lebanese, to let that process proceed in an atmosphere devoid of intimidation or threat of violence;

(6) calls on the international community to support actively and publicly such a process and to take all necessary actions to peacefully promote that process;

(7) urges the Bush administration to pursue the issue of Lebanon vigorously in its diplomatic contacts with all parties involved in or interested in the conflict in Lebanon, specifically including the USSR and Syria;

(8) urges the Bush administration to impress upon Syria the need to desist from any further actions which threaten the sovereignty of Lebanon or exacerbate the conflict there; and

(9) urges the Bush administration to encourage the Arab League, the United Nations and all parties to use their influence to the end of restoring Lebanon's unity and sovereignty.

Mr. DOLE. Mr. President, the hour is late. When I say that, I speak both of the hour on the clock—an hour

which calls on all of us to be brief and to the point.

But I speak metaphorically, too, of the situation in Lebanon. The hour is truly late for that war-torn nation.

I am under no illusion that offering and agreeing to this resolution this evening is going to solve any of the critical problems of Lebanon. I am convinced, though, that we must take this stand, this evening.

Lebanon is nearly a country no more. The Syrians have invaded. The national government is split into two competing halves. Ethnic and local militias make a mockery of the concept of national unity. People by the score are dying. A nation, day by day, is disappearing.

I have spoken to the President on the issue of Lebanon. I know that he shares the fundamental goals expressed in this resolution. I know that he is open—indeed he solicited from me—ideas and recommendations on how America can best help foster the outcome we all want in Lebanon.

This amendment lays out some of the essentials of a solution. For us, it lays out this imperative: That America must take a stand now.

We must take this stand now, because it is the right thing to do. As a nation founded on freedom and justly proud of our role as leader of the free world, we cannot just stand by and watch a once free and proud country fall apart.

We must take this stand now, because unless the United States shows some leadership in the cause of Lebanon's survival and sovereignty, who will?

More concretely, this amendment lays out these other criteria: End Syrian aggression. Put America's diplomacy to the task of accomplishing that. End other nation's meddling. Rebuild Lebanese unity through a political process that represents the will of all the Lebanese parties.

These are the essentials. This amendment lays them out. Agreeing to this amendment sends the message: It is time to get on with this task.

Mr. MITCHELL. Mr. President, Lebanon and its capital, Beirut, have become contemporary metaphors for violence and death. Over the course of Lebanon's 14-year conflict, more than 125,000 have perished. Four hundred have died in the last 4 months alone, the tragic consequence of the continuing artillery exchanges mainly between the Syrian Army and those elements of the Lebanese Armed Forces loyal to Gen. Michel Aoun.

This long conflict has solved no internal problem nor advanced any cause. No community in Lebanon can claim greater security, no political faction can claim greater national power. Lebanon's 17 religious communities are today arguably less secure, and the country's political factions have lost,

rather than gained, national power. Since September 1988, the presidency has been vacant and the prime ministry contested. Parliament is paralyzed and leaderless, its speakership unfilled. The remaining institution of central government, the Lebanese Armed Forces, is splitting between Christian-led and Muslim-led factions. By any measure, the pace of partition is accelerating.

Mr. President, although the political partition of Lebanon is deepening, it is my firm belief that the great majority of Lebanese—both Muslim and Christian—prefer reconciliation and union. If this belief is true, then the fundamental problem in Lebanon is this: those who have the will to compromise and reconcile do not occupy positions of political and military power. Those who do occupy these positions do not yet have the will.

The administration has correctly chosen to encourage all parties to work toward the restoration of a peaceful Lebanon. The Bush administration supports the Arab League's current effort with Lebanese leaders to restore security and stability to Lebanon. We in the United States applaud that effort. We welcome as well the recent Franco-Soviet and Soviet-American joint statements on Lebanon. We believe the Soviet Union can play a constructive role in ending the Lebanon crisis, and we urge that the cooperation on Lebanon continue between the Soviet Union and the West.

We encourage the Arab League's Higher Committee on Lebanon to find a balanced resolution to the Lebanese crisis, a resolution that restores Lebanon's unity, sovereignty, and territorial integrity, and secures the disbandment of militias and the withdrawal of all foreign forces, including those of Syria and Israel.

The withdrawal of Syrian forces is essential, if security and stability ever are to be restored in Lebanon. Syrian forces are perpetuating Lebanon's crisis, not easing it. Whatever they might conceivably contribute to security and order in West Beirut or the Becca Valley is overwhelmed by the death and destruction their recent artillery bombardments have wreaked upon innocent Lebanese. The Lebanese themselves of course bear ultimate responsibility for ending Lebanon's crisis, but let it not be forgotten that the Lebanese alone are not the cause of that crisis, nor are they alone responsible for its continuation.

Syria's armed forces must leave Lebanon. Its seige of the Christian enclave and its occupation of Lebanon must end. That is clear. It is also clear that Lebanon's institutions of central government must be reformed as soon as possible, through the election of a consensus president dedicated to the implementation of agreed upon constitutional reforms. Toward those ends, we

support the Arab League's recent call for a meeting of Lebanese parliamentarians outside Lebanon, at a site to be chosen by the parliamentarians themselves. If the parliamentarians are not free in Lebanon to discuss and debate reconciliation and constitutional reform, then let them begin the process outside Lebanon.

Mr. President, the amendment I am offering today calls on President Bush to pursue actively and support publicly all peaceful efforts to establish a political dialog among the Lebanese. The amendment makes clear our opposition to the continued occupation of Lebanon by foreign forces, especially those of Syria.

Lebanon must not be ignored. Lebanon must not be treated as a pariah to be isolated from the rest of the international community, for united, Lebanon has much to offer the world, and divided, Lebanon will only continue to undermine regional stability and further international terrorism.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, before Senators leave, they should be aware that the Senate will come into session not later than 9 a.m. and there will be a rollcall vote not earlier than 9:30 a.m.

So Senators should be aware that a rollcall vote will occur at or about 9:30 a.m. tomorrow and there will be very many votes during the day and a very long session tomorrow night.

I thank my colleagues.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas.

On this amendment, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from New Mexico [Mr. BINGAMAN], the Senator from Arkansas [Mr. BUMPERS], the Senator from Hawaii [Mr. INOUE], the Senator from Maryland [Ms. MIKULSKI], and the Senator from Arkansas [Mr. PRYOR] are necessarily absent.

I also announce that the Senator from Hawaii [Mr. MATSUNAGA] is absent because of illness.

The PRESIDING OFFICER (Mr. DASCHLE). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 94, nays 0, as follows:

[Rollcall Vote No. 127 Leg.]

YEAS—94

Adams	Garn	McConnell
Armstrong	Glenn	Metzenbaum
Baucus	Gore	Mitchell
Bentsen	Gorton	Moynihan
Biden	Graham	Murkowski
Bond	Gramm	Nickles
Boren	Grassley	Nunn
Boschwitz	Harkin	Packwood
Bradley	Hatch	Pell
Breaux	Hatfield	Pressler
Bryan	Heflin	Reid
Burdick	Heinz	Riegle
Burns	Helms	Robb
Byrd	Hollings	Rockefeller
Chafee	Humphrey	Roth
Coats	Jeffords	Rudman
Cochran	Johnston	Sanford
Cohen	Kassebaum	Sarbanes
Conrad	Kasten	Sasser
Cranston	Kennedy	Shelby
D'Amato	Kerrey	Simon
Danforth	Kerry	Simpson
Daschle	Kohl	Specter
DeConcini	Lautenberg	Stevens
Dixon	Leahy	Symms
Dodd	Levin	Thurmond
Dole	Lieberman	Wallop
Domenici	Lott	Warner
Durenberger	Lugar	Wilson
Exon	Mack	Wirth
Ford	McCaIn	
Fowler	McClure	

NAYS—0

NOT VOTING—6

Bingaman	Inouye	Mikulski
Bumpers	Matsunaga	Pryor

So the amendment (No. 327) was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

REGARDING HIGH SEAS DRIFTNET FISHING

Mr. HOLLINGS. Mr. President, I rise today to discuss the section of S. 1160 which addresses high seas driftnet fishing. This is a pressing environmental and fishery issue which has long been a concern of the Committee on Commerce, Science, and Transportation.

In 1987, Congress passed Commerce Committee legislation on this issue, the Driftnet Impact Monitoring, Assessment, and Control Act. At that time, we found the use of long plastic gillnets within international waters of the north Pacific Ocean caught thousands of marine mammals, seabirds, and other nontarget species. In addition, lost or abandoned driftnets became "ghost" nets, entangling and killing many more marine animals long after the boats returned to the dock. Of particular concern are the interceptions of U.S.-origin salmon and steelhead trout, encouraging the development of international black markets and leaving U.S. fishermen to take the economic loss. We know now, as we did then, that driftnet fishing is a crime that violates both the laws of the United States and the laws of nature.

Speaking as the chairman of the Commerce Committee, our goal has

been to assess and minimize the adverse environmental impacts of high seas driftnet fishing. The committee is currently in the process of reviewing the Driftnet Act and any amendments which may be required. Senator MURKOWSKI's amendment to S. 1160 is supported by a number of members of the Commerce Committee including Senators KERRY, STEVENS, PACKWOOD, GORTON, and myself. The provision seeks to clarify the recent agreement with the Japanese regarding: First, the installation of transponders on all vessels which fish with driftnets in the north Pacific; and second, the placement of a sufficient number of observers aboard vessels within each driftnet fleet to ensure the collection of reliable data. As such, it demonstrates the determination of this body to eliminate the damage caused by high seas driftnet fishing.

Mr. President, I reiterate my support for prompt passage of the amendment on high seas driftnet fishing.

DRIFTNET FISHING IN THE NORTH PACIFIC—
SENATE AMENDMENT NO. 286

Mr. D'AMATO. Mr. President, I rise today to join my good friend, Senator MURKOWSKI, in cosponsoring Senate amendment No. 286. This amendment expresses the sense of the Senate relating to the recently concluded agreement with the Government of Japan regarding driftnet fisheries in the north Pacific Ocean.

When the United States-Japan Fishery Agreement Approval Act—the Driftnet Act—was passed in 1987, it was the intent of Congress to express concern about the use of driftnet fishing techniques as stated in title IV of the act. The use of these nets has resulted in the random entanglement and subsequent death of millions of fish, marine mammals, and birds each year. The economic loss to the United States of this "strip-mine" fishing approach by other countries runs into the hundreds of millions of dollars each year.

The unauthorized taking of salmon and other migrating species by foreign vessels is unlawful on the high seas. I feel, as I believe my good friend from Alaska feels, that the U.S. Government must make it known that this sort of "seaway robbery" will not be tolerated. This amendment will help alleviate this problem by expressing the sense of this Senate that fishing fleets of foreign governments in or around U.S. territorial waters must take the steps necessary to meet the enforcement and monitoring requirements of the Driftnet Act of 1987.

I believe this is a timely and worthy amendment, and I urge my colleagues to join me in cosponsoring it.

Thank you, Mr. President.

RESTRICTION ON APPOINTMENTS TO
AMBASSADORIAL POSTS—AMENDMENT NO. 289

Mr. BIDEN. Mr. President, throughout my Senate career I have voted

consistently against measures that would infringe upon the President's constitutional authority to make appointments to Government positions, especially ambassadorial posts. I have always believed that the President has the right, within reason, to make appointments unencumbered by congressional restrictions.

Of course, this does not mean I have ever advocated that the Senate relinquish its advise and consent role with respect to Presidential appointments. Once appointments are sent to us for confirmation, the Senate has a clear responsibility to assess nominees and approve them based on their qualifications. However, I think the President should have wide latitude in sending whomever he pleases to the Senate for confirmation.

For this reasons, I was reluctant to vote in favor of the amendment to the State Department authorization bill that was offered by my colleague from Tennessee [Mr. GORE]. That amendment urged the President to limit the number of political appointees to ambassadorial posts to 30 percent—a clear restriction of Presidential prerogative.

But as a member of the Foreign Relations Committee I have been made painfully aware of the Bush administration's practices with regard to ambassadorial appointments. Seven months into his term, nearly two-thirds of President Bush's nominees are political appointees—an unprecedented level. During the comparable periods in the Carter and Reagan administrations, 39 and 24 percent of the ambassadorial appointments were political.

Clearly, this is an alarming departure from past practice and must be stopped if we are to protect our interests around the world by sending the best qualified individuals to represent us at foreign posts.

Therefore, I believe that it is time to send the administration a signal that it must curtail its flagrant abuse of the appointment process. That is why I reluctantly voted to express the Senate's desire to put a lid on the number of political appointments that he makes to ambassadorial posts.

ASSOCIATION OF DEMOCRATIC NATIONS
AMENDMENT NO. 301

Mr. PELL. Mr. President, I would like to commend my colleague from Massachusetts for his amendment, and I am proud to join him as a cosponsor.

In a speech reminiscent of George Marshall's historic speech, Pakistani Prime Minister Benazir Bhutto proposed to a Harvard commencement audience that a new international organization be created, an Association of Democratic Nations.

The Association of Democratic Nations would promote the most endur-

ing political idea of our century—the right of people to live under a government of their own choosing. Specifically, the Bhutto plan would:

First, encourage observer missions to monitor elections;

Second, assist in the development of independent judicial institutions;

Third, mobilize world opinion against any coupmaker, including possible economic sanctions; and

Fourth, facilitate the provision of assistance from wealthy democracies to newly emerging democracies.

The Bhutto plan is a bold and far-sighted initiative from a leader who knows personally the consequences of lost democracy: As a result of Pakistan's most recent military dictatorship, her father was murdered, and Benazir Bhutto subjected to extended imprisonment.

Prime Minister Bhutto knows first hand the value of democracy. I strongly support her effort to strengthen democracy worldwide.

I urge passage of the Kennedy amendment.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, in accordance with my earlier statement, I will now propound a unanimous-consent agreement identifying what I hope will be the only remaining amendments.

Mr. President, I ask unanimous consent that the following be the only amendments remaining in order to S. 1160, that they be amendments in the first degree except where noted, that there be time limitations on amendments when noted, and that relevant second-degree amendments be in order under the same time limitation as the first degree.

A Lautenberg amendment on refugee status, 40 minutes, equally divided;

A Graham amendment on Soviet military assistance to Nicaragua, 30 minutes equally divided;

A Sanford amendment to reduce the bill's level across the board to conform with the budget agreement, 30 minutes equally divided;

A Simon sense of the Senate regarding South Africa, 30 minutes equally divided;

A Levin second-degree amendment to the death penalty amendment providing for life imprisonment without parole, no time limit;

A Dodd amendment relating to foreign aid policy, 30 minutes equally divided;

A Rockefeller amendment regarding U.S. Trade Representative in Tokyo, 30 minutes equally divided;

A Graham-Mack amendment on Cuba, 30 minutes equally divided;

A Robb amendment on Cambodia, 1 hour equally divided;

A Breaux amendment regarding sea turtles, no time limit;

A Dole-Mitchell amendment regarding the PLO, no time limit.

A Mitchell-Dole amendment regarding the PLO, no time limit.

A Wilson amendment to prohibit a Mideast conference at the U.N. 20 minutes equally divided;

A Symms amendment regarding Hong Kong refugees, 10 minutes;

A Symms amendment regarding Mount Alto, 60 minutes equally divided;

A Mack amendment regarding Cuba, 20 minutes equally divided;

A second Mack amendment regarding Cuba, 20 minutes equally divided;

A Specter amendment regarding death penalty to terrorists, no time limit;

A Thurmond second-degree to the Specter death penalty amendment, no time limit;

A Boschwitz amendment regarding the PLO, 40 minutes equally divided;

A Kasten amendment on VOA to China, 20 minutes equally divided;

A McClure amendment on MFN status for the U.S.S.R., no time limit.

A Chafee sense-of-the-Senate on the Middle East, 60 minutes equally divided;

A Murkowski amendment on Cambodia, 60 minutes equally divided;

A Murkowski amendment on plastic explosives, 10 minutes equally divided;

A Dodd amendment on USIA programming information, 30 minutes equally divided;

An Armstrong amendment regarding China refugees, 30 minutes equally divided;

Three Simpson amendments, one a second-degree to the Lautenberg amendment, a second Simpson amendment on refugee financial aid, a third Simpson amendment on refugees, 30 minutes equally divided on each of the three Simpson amendments;

A Gorton amendment on Chinese students status, no time limit;

A Roth amendment on Polish-American equity fund, 20 minutes equally divided;

A Danforth-Boren amendment on the role of Congress in foreign policy, 20 minutes equally divided;

A Heinz amendment on the Slepak principles for trade, no time limit;

A Heinz amendment on the rain forest, 10 minutes equally divided;

A Kasten amendment second degree to the Heinz amendment, 10 minutes equally divided;

A Humphrey amendment in the second degree to the Poland amendment, no time limit;

A Specter amendment on victims of terrorism, 20 minutes equally divided;

A Specter amendment on international strike force, 20 minutes equally divided;

A D'Amato amendment on Panama elections, 30 minutes equally divided;

A Grassley pending amendment No. 270, no time limit;

A Helms pending amendment, No. 269, no time limit;

A Helms amendment regarding Soviet Georgia, 20 minutes equally divided;

A Helms amendment regarding the Ukrainian Famine Commission, 20 minutes equally divided;

A Helms amendment on VOA construction in Morocco and Thailand, 20 minutes equally divided;

A Helms amendment on Soviet bloc loans, 20 minutes equally divided;

A Helms amendment on United States-Soviet boundary agreements as treaties, 20 minutes equally divided;

A Helms amendment on a report on U.S. membership in OAS, 20 minutes equally divided;

A Helms amendment on revolving door State Department ethics, 20 minutes equally divided;

A Helms amendment on the Moscow Embassy, 60 minutes equally divided;

A Helms amendment additional on the PLO, 20 minutes equally divided;

A Helms amendment on the State Department Grievance Board, 20 minutes equally divided;

A Helms amendment on the United Nations transition assistance group, 60 minutes equally divided; and

A Helms amendment on South Africa, 20 minutes equally divided.

I further ask unanimous consent that the agreement be in the usual form with respect to the division of time.

The PRESIDING OFFICER. Is there objection?

Mr. HELMS. Reserving the right to object, may I ask the distinguished majority leader a question? Is there any amendment listed here which would enable any Senator who put the foreign aid bill on the State Department authorization bill as an amendment?

Mr. MITCHELL. Not to my knowledge. I did not personally prepare the list. I am reading the list prepared by the majority and minority staffs. But the answer to your question is not to my knowledge.

Mr. HELMS. This may not be customary, but would the majority leader allow me at this point to propound a unanimous-consent request stating that such an amendment would not be in order?

Mr. MITCHELL. Mr. President, let me just respond to that to my distinguished colleague from North Carolina. Earlier today in an effort to expedite consideration of this bill, there were discussions between majority and minority staffs, between myself and the Republican leader, and we attempted to reach an agreement that would accommodate the interests of the Senator from North Carolina. My understanding was that the Senator from North Carolina did not want the foreign aid bill brought up. He has made that very clear.

Mr. HELMS. Not in conjunction with this bill.

Mr. MITCHELL. Not in conjunction with this bill?

Mr. HELMS. Correct.

Mr. MITCHELL. I was asked, could we reach an agreement that if I agreed to accommodate the Senator from North Carolina in that respect and agree not to bring the foreign aid bill up as part of this in exchange for that, there would be a limitation of 10 amendments to be offered by the Democrats and 10 by the Republicans.

Now I have just read off a list that has fewer than 10 amendments by the Democrats, and it also has 43 amendments by the Republicans, including 12 offered by the Senator from North Carolina.

Now I ask the Senator from North Carolina to put himself in my shoes.

Mr. HELMS. I will be glad to do that. I do not know what that has to do with my inquiry.

Mr. MITCHELL. What kind of a response is that? What we sought to do—

Mr. HELMS. Are you being critical because they were not limited to 10 amendments on this side? I could not help that, I say to the Senator.

Mr. MITCHELL. You could; you offered 12 yourself. The Senator from North Carolina offered 12 himself, by himself exceeded the limit. What I have been asked to do is to reach an agreement in which I would agree not to attempt to include the foreign aid bill as part of this bill. In exchange for that, there would be a limitation of 10 amendments on both sides. I have carried out my side of the bargain.

Mr. HELMS. You have a better memory, if the Senator will yield.

Mr. MITCHELL. The exchange for that is I now get 43 amendments from the Republican side and a request to accede to that. Let me say to the Senator that it is not my intention to include the foreign aid bill as part of this bill.

Mr. HELMS. That is all I need.

Mr. MITCHELL. I understand that.

Mr. HELMS. Your assurance.

Mr. MITCHELL. You have my assurance.

Mr. HELMS. OK.

Mr. MITCHELL. But I also understand that I have completed my side of the bargain, and I have not received the accommodation from the other side that I understood was part of the bargain: 10 amendments on both sides, and I am presented with 43 from the Republican side.

I have told several Democratic Senators here tonight that they cannot have the amendments they want. I have told them to take the amendments off the list. In exchange for that, I now get not just 10, I get 12 from the Senator from North Carolina alone.

So I give you my assurance, as I did earlier, that I am not going to offer the foreign aid bill as part of this. But I just say to the Senator that it seems to me what we have here is a one-sided discussion in which I am asked to make commitments to which I adhere in exchange for which nothing occurs, and this bill has now completed its fourth long day with no prospect in sight of completion. My answer to you is yes, I give you that assurance that I will not offer the foreign aid bill as part of this bill.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Still reserving the right to object. I do not know why I am getting this lecture because I never agreed to limit this side to 10 amendments because I do not have that power and I think the majority leader knows—did the minority leader make any such agreement with the majority leader? I did not make any such agreement.

Mr. DOLE. We indicated we would do our best to reduce it to that. We were able to get about 18 off. We got more added than off in the final analysis.

Mr. HELMS. This is the second time the distinguished majority leader, who is my friend, has lectured me today.

Mr. MITCHELL. I did not mean it as a lecture. I am stating the facts.

Mr. HELMS. I beg the Senator's pardon. I mentioned this morning you continued to talk about 4 long days in consideration of this bill when the majority leader himself is the one who decided that this bill would be brought up Friday, following which, he told Senators there would be no rollcall votes, and he also told them there would be no rollcall votes on Monday, which meant that Senators went by-by and they were not here, and Senator PELL and I sat here like two potted plants. We did not get anything done. And then on Tuesday, I say to the majority leader—and I say this as your friend—we did not get on the bill until 2:15 yesterday. We did not.

I was late this morning, but I sat here for 2 or 3 hours while we accommodated two Democratic Senators. We could not have any votes. So I hope the Senator will not lecture me because I am doing the best I can. I want to be his friend, and I want to cooperate with him and I will cooperate with him. I think it will work out. I do not mind lectures, and I will never lecture the Senator. But I never agreed to any 10-10 arrangement. I never heard it. Now, Senator DOLE may have heard it, but I did not hear it.

The PRESIDING OFFICER. Is there an objection?

Mr. HELMS. What is the unanimous consent? We have had so much conversation I do not know what the question is. Will the Chair state it?

The PRESIDING OFFICER. The unanimous consent was read at some length, listing each one of the amendments and the accompanying times for those amendments to be considered.

Mr. HELMS. It is only that part of it, the list of the amendments and the times.

The PRESIDING OFFICER. The Senator is correct.

Mr. HELMS. All right. I have no objection.

Mr. CHAFEE. Well, Mr. President—

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. I would like to ask the majority leader a question if I might. I was a little confused as to the amendments in the second degree to these amendments. This thing has a possibility of going on forever.

Mr. MITCHELL. That is correct.

Mr. CHAFEE. Can we lock out second-degree amendments on this? How does one defend one's self? Should everybody come in with one extra amendment so they could close out the tree?

Mr. MITCHELL. I wish we could lock them out, I say to the Senator, but we cannot. We have been trying for 2 days now to get an agreement and this is the most we could get in the way of an agreement. There are some Senators who simply will not agree to an agreement unless they have a right to a second degree, and so my hope is that we can get this agreement. At least then we have it down to about, I believe the number is 53, although it changes rapidly and it may be more, and we can proceed from there and complete it tomorrow.

Mr. CHAFEE. I am for an agreement, but has the Senator tried to lock out second-degree amendments?

Mr. MITCHELL. Yes.

Mr. CHAFEE. Does somebody object?

Mr. MITCHELL. Yes.

The PRESIDING OFFICER. Is there an objection? Hearing none, it is so ordered.

Mr. HELMS. The Chair had already ruled once.

The PRESIDING OFFICER. The Chair has not ruled. The Chair recognized the Senator from Rhode Island with regard to a question.

Mr. HELMS. We are talking only about the list of amendments and the times assigned thereto.

The PRESIDING OFFICER. The Senator is correct.

Mr. HELMS. I thank the Chair. Now let me say this, if I may, that today we have handled 43 amendments, despite having to wait and sit like potted plants. But we have done pretty well. We have handled 43 amendments. We had some down time in the morning. I hope that Senators will get over here and get cracking tomorrow so that we

can finish up this bill, because it is not any particular fun to sit here all day long and all night long waiting for people. I understand the frustration of the majority leader.

May I ask, I was presented this earlier today. It says:

Mr. President, I ask unanimous consent that the following be the only amendments remaining in order to S. 1160; that they be amendments in the first degree except where noted; that no motion to recommit be in order; that there be time limitations on amendments when noted; and that relevant second-degree amendments be in order under the same time limitation as the first degree.

But now I get a copy with the words "that no motion to recommit be in order" removed.

Mr. MITCHELL. That is correct. That is what I read.

Mr. HELMS. That is the reason I asked the Chair two or three times if this referred only to the amendments, list of amendments and the times assigned thereto, because I take it that the preceding part has not yet been acted upon. Is that correct?

The PRESIDING OFFICER. The Chair would inform the Senator from North Carolina the entire request propounded by the majority leader included the paragraph the Senator is currently citing.

Mr. HELMS. Notwithstanding the fact that I asked the Chair twice if this was confined to the list of the amendments and the times assigned thereto?

Mr. Mitchell addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. If the distinguished Senator from North Carolina misunderstood the request, or if it was not clear, then I do not believe the agreement should be permitted to stand. I think there should be no misunderstanding. It should be clear. Accordingly, Mr. President, although the Chair has already ruled on it, I ask unanimous consent that my unanimous-consent agreement be withdrawn and that the Senator from North Carolina have the opportunity to express his objection to it upon fully understanding what it is that is being objected to.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. It is not difficult to understand. Either that phrase is in there or it is not.

Mr. MITCHELL. It is not. It is not in agreement as I presented it.

Mr. HELMS. But it was taken out after this agreement was presented to me.

Mr. MITCHELL. No, I do not believe that is correct. If I could say to the distinguished Senator, the list I read has been the product of efforts all day. If the Senator will observe, there are numerous delineations, inserts, handwritings. This has been changed

all day. This was presented as read, and if the Senator objects to it on those grounds, if he wishes to object to it, he should have a full opportunity to do that.

There are numerous—I do not know what document the Senator has. It may be an earlier draft. This has been changed right up to, indeed, while I was speaking; I was handed a sheet that had some inserts or deletions.

Mr. HELMS. It would serve no purpose for me, I say to my friend, for me to object now. It is not going back in. There is no motion I can make, no vote I could have.

Mr. MITCHELL. The Senator from North Carolina may object to it if he disagrees; he has that opportunity. I have asked that the prior agreement as approved be withdrawn because it is clear to me from the colloquy that the Senator from North Carolina understood the Chair's question to be solely to the list and not to the preceding, or the introductory paragraph to the unanimous consent request, whereas the Chair was ruling on the full document.

Therefore, although the Chair has already ruled, in order to give the Senator from North Carolina the opportunity to object, I withdrew my request, thereby voiding the approval and I will now present it as I read it, giving the Senator from North Carolina a full opportunity to object if he wishes to do so.

Mr. HELMS. That will not be necessary because if I objected to it as it is now, that would serve no purpose. The Senator knows that and I know that. But I am just saying that I labored under the impression all afternoon long, and delightedly so, that no motion to recommit would be in order because that is what I had on my sheet, and obviously it had been scratched out here, which is fine. But nobody told me that it was being taken out, and I just happened to see it a while ago. But the Senator need not propound another unanimous consent request. Just let it stand as if it were approved.

The PRESIDING OFFICER. The Chair would inform all Senators the request was withdrawn under unanimous consent, so it would take another unanimous consent request to restate it.

Does the leader wish to renew the request?

Mr. MITCHELL. I renew the request as previously stated.

The PRESIDING OFFICER. Is there an objection? The Chair hears none, and it is so ordered.

Mr. MITCHELL. I thank the Chair, and I thank my colleague.

Mr. KERRY. Mr. President.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. I would simply like to inquire—I do not want to take long—as

occasionally one of the deputized managers on this particular bill and more particularly an observer of the process here for a much shorter time than any of the Senators on the floor, whether there is some way we could ask of the minority, without propounding a unanimous-consent request, which may not be possible to achieve, if, since there are some 43 amendments on that side—and I think only three or four on this side—if there is—I gather that motion means absolutely, whatever I want?

Mr. DOLE. No. I think there are about nine on that side.

Mr. KERRY. About nine. All right. The gaps that existed today were really an enormous loss of time for everybody here. We know tomorrow night is going to be late. Is there some way to proceed that could guarantee the lineup, so to speak, and an expedited process with respect to the movement of these amendments?

Mr. DOLE. We have been urging, as the majority leader knows, all day Members on our side, and it is our hope—we have an early vote tomorrow, and I am not under the illusion that all these 43 amendments are going to be offered. I would be surprised if maybe 20 are offered. It may be more. There may be more offered. I know of four or five myself that are not going to be offered.

So the number is 43. I think it is much less. Some of them are legitimate amendments. Senators want to offer them. We have time agreements on all but three or four. We have one major roadblock, and that is the Specter amendment.

We will try to work it out so it will be freestanding, and brought up at some other time. But certainly we want to work with the majority leader. I think it is normally the minority. I can recall when I was in the majority.

The minority always had the amendments. We were always able to go to our people and say we run the committees, and it is a Republican bill. In this case it is probably a Democratic bill. That means we have more amendments.

I think that goes with the majority-minority status. But notwithstanding that, I have been trying to work with the majority leader throughout the day.

Mr. KERRY. I appreciate the comments. I think the issue is not so much the number. I understand the predicament. I think it is more a question of 45 minutes or an hour that sometimes passed without anything happening.

Mr. DOLE. We hope to be able to take care of that tomorrow. People may play around with this all day. It is tough. Sometimes we get people here. But I think they disposed of 43. That is not bad. Someone said 43, or 35.

Mr. KERRY. I thank the distinguished leader.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

Mr. MITCHELL. Mr. President, I send a cloture petition to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on S. 1160, a bill to authorize appropriations for fiscal year 1990 for the Department of State, the United States Information Agency, the Board for International Broadcasting, and for other purposes.

Senators George J. Mitchell, John Glenn, J.J. Exon, Kent Conrad, E.F. Hollings, Quentin Burdick, Wendell Ford, Charles S. Robb, John F. Kerry, Dennis DeConcini, Paul Simon, Joe Biden, Claiborne Pell, Thomas Daschle, Christopher Dodd, Edward M. Kennedy, Bob Dole, Al Simpson, and Bob Packwood.

Mr. MITCHELL. Mr. President, we have had difficulty today in getting Senators to offer their amendments. As a consequence, there have been lengthy delays. It is my hope that filing of this petition will serve as an incentive to Senators to come over tomorrow to offer their amendments, to have them disposed of. As I indicated earlier, it is my intention to complete action on this bill this week. I hope we will not get to the point where we have to proceed to cloture but it is imperative I believe that we do have that option available in the event that we get to that point.

So I hope again, and encourage Senators to be available tomorrow, to offer their amendments so that we can proceed with some dispatch to what I hope will be final disposition of this matter tomorrow.

I yield to the Republican leader.

Mr. DOLE. I share the view expressed by the majority leader. It might tend to expedite handling of the bill. That is the purpose of the motion. We might even be able to get consent to vote on cloture tomorrow. That would really expedite the process because most of those amendments would fall. But if not, the cloture motion will ripen on Friday. And I think it will encourage Members to be

here tomorrow with their nongermane amendments.

Mr. MITCHELL. I thank the distinguished Republican leader.

That is a good suggestion that we ought to consider on tomorrow, as to whether or not to seek consent to vote on that. Perhaps it will have the intended effect in any event.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there be a period for morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 1,586th day that Terry Anderson has been held in captivity in Beirut.

In the spring of 1988, a French hostage who had shared a cell with Terry Anderson was released. I ask unanimous consent that a Los Angeles Times report on this matter be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times, May 5, 1988]
SAW ANDERSON, FREED FRENCH HOSTAGE SAYS

PARIS.—A freed French hostage said today that he had shared a cell with American Terry Anderson during his captivity in Lebanon.

Asked by a French television reporter how he felt, Marcel Fontaine replied: "We survived."

"I passed the time playing dominoes and chess with my cellmate," he added.

Asked who his companion was, Fontaine replied, "The American, Terry Anderson."

Anderson, 40, chief Middle East correspondent for the Associated Press, is the longest held of the hostages. He was kidnapped March 16, 1985.

Anderson's sister, Peggy Say, said she was encouraged and planned to contact the Frenchman and ask "what Terry is thinking and dreaming about, what his hopes are. How he's surviving." She spoke in a telephone interview from her home in Batavia, N.Y.

Fontaine, Marcel Carton and journalist Jean-Paul Kauffmann arrived in Paris today after being freed a day earlier.

Premier Jacques Chirac said Iran intervened to free the Frenchmen. He said normal relations with Iran, broken July 17, "could be envisaged."

Iran said it intervened for "humanitarian reasons."

Interior Minister Charles Pasqua told reporters that no money was paid to free the hostages and that France did not negotiate with the captors. But a Syrian mediator, Omram Adham said in Geneva that France repaid \$670 million in borrowed money to Iran and made other compensation to the kidnappers.

Diplomats Carton, 62, Fontaine, 45, and journalist Kauffmann, 44, arrived at the

military airport of Villacoublay in a special government jet.

"It's an incredible day," Kauffmann said, looking thin but healthy. "But it's also a day which remains overshadowed because we are just three."

He then recalled Western hostages still being held in Beirut "leading that nightmare life."

Carton said the three saw other hostages, but did not know who they were.

Chirac also thanked Syrian President Hafez Assad and Lebanese military authorities for their help in gaining freedom for the hostages, who were held by pro-Iranian extremists.

"As we all know, the liberation of our hostages falls into the framework of our relations with Iran," Chirac said. "It's the authorities in Tehran who intervened with the captors so that they freed our countrymen."

AIDS UPDATE

Mr. CRANSTON. Mr. President, according to the Centers for Disease Control, as of June 31, 99,936 Americans have been diagnosed with AIDS; 57,094 Americans have died from AIDS; and 42,842 Americans are currently living with AIDS.

Mr. President, 2,743 more Americans have developed AIDS and 1,521 Americans have died from this horrible disease during the month of June.

Mr. President, over the last few years, a number of experimental and potentially life-saving drugs for AIDS have been developed that are currently undergoing testing. Accompanying these efforts has been a considerable attempt to help match qualified people with AIDS with appropriate clinical trials. The National Institute of Allergy and Infectious Diseases, for example, has recently established a new NIAID AIDS Clinical Trials Information Service—a free computerized service providing up-to-date information about clinical trials sponsored by the National Institutes of Health for people with AIDS and others infected with the human immunodeficiency virus [HIV]. Despite these efforts, however, many of those with AIDS are, for a variety of reasons, unable or ineligible to participate in trials to evaluate new therapies and are, consequently, denied access to promising new drugs.

As my colleagues know, the drug approval process of the Food and Drug Administration is a lengthy and complicated one. Approval of a single drug can take several years. It has been a difficult and often frustrating struggle to balance the need to protect the public against potentially dangerous drugs with the interest in giving terminally ill patients access to potentially life-saving drugs. I firmly believe that it is appropriate from both a public policy and humanitarian point of view to make experimental new drugs, once they have completed safety testing, available to desperately ill persons,

such as those with AIDS, when no other options exist.

For this reason, I was particularly encouraged when Federal officials said recently that they would develop a plan to allow the distribution of experimental drugs that have gone through safety testing, even if testing to determine efficacy was incomplete, so that people with AIDS who could not participate in clinical trials might obtain these potentially life-saving drugs. Although this proposal was greeted enthusiastically, there was some concern that drug manufacturers, being unable to charge for drugs until FDA testing is completed, might hesitate to provide experimental pharmaceuticals free of charge.

Then, last week, one of the Nation's largest pharmaceutical manufacturers, Bristol-Myers, announced that it will soon make available to people with AIDS, at no cost, an antiviral agent called dideoxyinosine (DDI)—an experimental drug that has been shown in early tests to be promising in treating AIDS—while further testing continues. Bristol-Myers' decision is a shining example of urgently needed support from the private sector in the battle against AIDS. A public-private partnership is essential to help make additional treatment options available to people with AIDS, and the compassion and leadership illustrated by Bristol-Myers in this bold initiative is to be applauded. It is this type of demonstrated commitment that brings hope to those infected with the virus, and I challenge others in the private sector to take similar action to help end this terrible disease. More than ever, we, as a nation, must act in a concerted effort to address swiftly and responsibly this epidemic.

I ask unanimous consent that a July 14 Washington Post article reporting Bristol-Myers' announcement be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 14, 1989]

AIDS DRUG TO BE GIVEN AT NO COST

(By Michael Specter)

In a surprising decision that was immediately hailed by AIDS activists, Bristol-Myers announced yesterday that it will soon make a promising new drug widely available at no cost to AIDS patients until testing to prove its effectiveness is completed.

The unprecedented action is a major victory for advocates who have pushed to give people with AIDS earlier access to experimental drugs. The drug is an antiviral agent called dideoxyinosine (DDI). It appears in early tests to be as effective, but not nearly as dangerous as AZT, the only drug now approved to treat the AIDS virus directly.

"This is a historic development," said Larry Kramer, a leading AIDS activist who founded the AIDS Coalition to Unleash Power (ACT UP), the group that has agitated most vigorously for faster access to experimental drugs. "We are grateful that a

pharmaceutical company has put compassion before greed."

Details of the distribution plan are still to be resolved, but Bristol-Myers officials said yesterday that beginning in September, when the next phase of trials gets underway, the company would give the drug to any AIDS patient who needs it but does not qualify to be a part of the testing.

The announcement came as a shock to many high-ranking federal health officials. Scientists from the Food and Drug Administration and the National Institutes of Health have been discussing such a plan with representatives of the company, but they did not expect a decision this quickly.

It is legally up to the FDA to decide whether Bristol-Myers can distribute the drug to people who are not part of a formal test of its effectiveness. Normally, a drug's safety is examined in Phase I tests and its effectiveness is determined during a larger Phase II study. DDI has completed only the Phase I stage.

In the past, it would have been impossible to imagine any company handing out its drug to people before it was proven effective. But AIDS activists have so dramatically changed the FDA's drug approval process over the past two years that federal officials now say that if a drug has proven safe they will consider giving it to people battling a terminal illness well before it has been proven effective.

"It's very good to think about compassionate ways to handle experimental drugs while adhering to the scientific methods needed to find out if they work well," said Samuel Broder, director of the National Cancer Institute and a leading developer of AIDS drugs, including DDI. "But the only thing that will make a durable imprint is whether we can develop scientific knowledge or not."

AIDS activists have long argued that the needs of the research community and of patients with a fatal disease are not very different. As federal officials have watched the activists seize the initiative in shaping the policy that governs testing and approving new drugs, they have come to agree.

Three weeks ago, when Anthony S. Fauci, director of AIDS activities at NIH, proposed a plan to make drugs like DDI available early, AIDS activists reacted with joy. But, since drug companies are not allowed to charge for drugs until after final FDA approval, many people wondered whether the companies would bear the initially large cost.

"We want to do what we can do to help," said Jerry Parret, a spokesman for Bristol-Myers. "Any patient who does not meet the criteria for Phase II clinical trials but for whom DDI is critical would receive the drug."

The company stands to gain in several ways. If the drug proves as good as is hoped, the firm will have established a ready market that will want to continue using it. If the drug proves less toxic than azidothymidine, more commonly known as AZT, it would likely be far more popular. With more than 1 million Americans estimated to be infected with human immunodeficiency virus, or HIV, the potential market is huge.

Under the Bristol-Myers plan, all those who are excluded from DDI's Phase II trial will receive the drug free until it is approved. For various reasons, drug trials often exclude those who could benefit from the substance. Some live too far from a medical center to participate. Others are already taking another drug that may con-

found the results. Often with AIDS patients, people are too sick to abide by the rigors of the trials. In the past, all of them would have had to wait, possibly for years, to receive a new drug.

"Regulators, researchers, drug companies and most AIDS activists all want these trials to get done right," said Jim Eligo, an ACT UP leader. "We do not want the market flooded with safe but useless drugs."

Eligo and others have said that they will help collect data from all those who receive DDI, which should help the company gather information needed to win FDA approval much more quickly than if they relied only on official studies.

Mr. WALLOP. Mr. President, I wish to join my colleagues in their expressions of sorrow at the passing of our dear friend, Alan Woods. Alan was a remarkable man and a tireless civil servant, striving to better the United States and our relations with the rest of the world. In his final post as Administrator of the Agency for International Development [AID] and his prior position as Deputy U.S. Trade Representative, Alan was a strong proponent of the free market system, helping to open foreign markets to American trade. Alan has also left his mark through his efforts for international economic development.

Alan Woods was a fine citizen and a devoted family man. I extend my most heartfelt condolences to his wife and children in this time of grief. The death of Alan Woods is a great loss to this country which he loved so dearly, and he will be sorely missed by all that knew him.

UNITED NATIONS VOTING REPORT

Mr. KENNEDY. Mr. President, I want to commend the chairman of the Foreign Relations Committee, Senator PELL, and the other members of the committee for including in this bill a number of changes that greatly improve the quality of the State Department's annual Report to Congress on Voting Practices in the United Nations.

These changes were first suggested during a debate on the floor of the Senate last year and subsequently developed in my proposal for changes which became the basis for section 403 of the bill, which deals with the report.

Since I first raised this issue, many of my colleagues, current and former Ambassadors to the U.N., and several experts on voting in the United Nations, have joined in calling attention to the inaccuracies and distortions created by the report's "voting coincidence scores." These scores are flawed because they focus exclusively on the number of times that other nations vote with us or against us on U.N. roll-call votes, regardless of the importance of those votes to U.S. foreign policy objectives.

All of us are familiar with the use of voting records on domestic policy issues. They are widely used by interest groups to try to give a sense of which Senators tend to support the position of the groups and which Senators tend to oppose the groups.

But in preparing these voting records, no group uses as its base all the rollcall votes in a given year. They select 10 or 20 key votes on which to base their analysis and calculate the percentage of agreement or disagreement. It makes no sense to lump dozens of irrelevant votes into the base for the calculations, and no interest group does it.

The methodology used to generate these scores is flawed because it forces the State Department to focus virtually exclusively on a meaningless mathematical percentage of votes. It completely ignores absences, abstentions, and the wide range of important issues that are resolved by consensus and negotiation, often under the leadership of the United States, and without rollcall votes. As a result, the "voting coincidence scores" distort the real record of support that we often enjoy on issues of major importance to us in the U.N.

The original legislation calling for these annual State Department reports was enacted with the legitimate purpose of helping Congress to assess the degree of support for U.S. foreign policy in the United Nations. The use of raw "voting coincidence scores" is inconsistent with that purpose, because the scores are incapable of fairly or accurately measuring support for our position, and because the scores easily lend themselves to mindless U.N.-bashing in the hands of certain ideological interest groups. Nevertheless, in 1986 Congress chose to amend the statute to mandate the inclusion of these "voting coincidence scores" in the annual report.

In recent years, high officials in both the Reagan and Bush administrations have come to recognize the potential of these discredited scores for such abuse.

One of our most distinguished diplomats, Thomas R. Pickering, U.S. Ambassador to the United Nations, agrees that the scores are dubious. During his recent confirmation hearings he noted:

The problem [with the voting coincidence scores] is that having a higher score than everyone else does not guarantee greater support for the United States. . . . Nor does having a lower score than everyone else guarantee less support. . . . The formula used to generate the scores does not necessarily show the extent to which a country supports U.S. policy.

During a Senate Appropriations Subcommittee hearing earlier this year, Ambassador Pickering spoke of the "inadequacies of the present reporting format," saying the "voting coincidence scores do not have a statisti-

cal basis and a statistical continuity . . . they are in fact compilations of information that do not add up to what they purport to add up to."

Ambassador Pickering's predecessor at the U.N., Vernon A. Walters, is no admirer of the "coincidence scores" either. In the State Department's most recent voting report, Ambassador Walters was forced by statute to include the scores, but he went out of his way to disavow them. He wrote:

As I have previously cautioned the Congress, the statistical system used to measure voting patterns, as required by law, does not give a comprehensive or accurate picture of the results of the General Assembly sessions.

Ambassador Walters goes on for two pages in the report's introduction, talking about the invalidity of these scores and warning the reader against making comparisons between one report and another.

Former Permanent Representative to the U.N., Ambassador Jeanne J. Kirkpatrick, has also noted the inadequacies in the report. In 1985, she said that these computations "cannot legitimately be regarded as reflecting the level of support for the United States."

Lincoln P. Bloomfield, professor of political science at MIT, has written that the methodology used in this report is "fatally flawed and if applied by one of my students at MIT would justify a failing grade. The only wonder is why it has been tolerated so long by those interested in a serious analysis of the situation."

As a result of the reforms mandated by this legislation, future reports will be greatly improved. They will include several new sections which I hope will provide a clearer and more accurate picture of voting in the United Nations. For example, 64 percent of the decisions during the recent session of the General Assembly were taken by consensus and many of those issues are of great importance to us. Future reports will include a qualitative analysis of those decisions.

Future reports will also include information about all of the votes of special importance to U.S. foreign policy objectives, instead of just 10 votes, as has been the practice in the past. It will also include all of the raw data, including absences and abstentions, on U.N. General Assembly votes. There are several other additions which are included in the bill which I believe will improve its quality.

Again, I commend the chairman, the members of the committee, and all of the experts who have contributed to making these changes possible. I look forward to next year's report. I believe that these reforms will enable the State Department to produce a much more balanced and objective report on voting practices in the United Nations and minimize the distortions and inac-

curacies which have been caused in the past by the undue prominence given to the "voting coincidence scores."

Mr. President, I ask unanimous consent that a collection of comments by distinguished officials of the present administration, past administrations, and other officials and experts on this issue be printed in the RECORD.

There being no objection, the comments were ordered to be printed in the RECORD, as follows:

COMMENTS ON THE USE OF "VOTING COINCIDENCE SCORES" IN THE STATE DEPARTMENT'S ANNUAL REPORT ON VOTING PRACTICES IN THE UNITED NATIONS

"The voting coincidence scores do not have a statistical basis and a statistical continuity as far as I can see, and they are in fact compilations of information that do not add up to what they purport to add up to."—U.S. Ambassador to the United Nations, Thomas R. Pickering, March 1989

"Another problem applies to comparing scores. This problem occurs in comparisons between countries or groups during any single session, as well as between a country's or a group's scores from one year to another. The problem is that having a higher score than everyone else does not guarantee greater support for the United States on issues of importance to us. Nor does having a lower score than everyone else guarantee less support. . . . the formula used to generate the scores does not necessarily show the extent to which a country supports U.S. policy."—Ambassador Pickering, May 1989

"The methodology we use was originally developed for a very different purpose and does not generate accurate voting coincidence data of the kind that Congress wants. The voting coincidence figures promote invalid comparisons between countries; they are even more inaccurate when used to make comparisons from one year to another."—Michael Metelits, Director, Department of State Office of Multilateral Coordination, January 1989

The computations in the U.N. report "cannot legitimately be regarded as reflecting the level of support for the United States"—Former U.S. Ambassador to the United Nations, Jeanne J. Kirkpatrick, 1985

"As I have previously cautioned the Congress, the statistical system used to measure voting patterns, as required by law, does not give a comprehensive or accurate picture of the results of the General Assembly sessions."—Former U.S. Ambassador to the United Nations, Vernon A. Walters, April 1989

"It is useful to recall some of the problems with the methodology. First, the data used to determine the overall level of voting coincidence with the United States are drawn only from recorded votes and exclude the large numbers of resolutions and decisions, many of great importance to the United States, adopted by consensus. Therefore, the voting coincidence statistics are based on a minority of UNGA actions."—Ambassador Walters, April 1989

"I think the system is ridiculous. I think the system of measurement reflects no understanding of how the United Nations works. . . . I know of no scholar who looks upon it as an accurate measurement."—Former U.S. Ambassador to the United Nations, Donald McHenry, July 1988.

"The report tries to measure our progress on controversial political issues, but it can justly be looked at with a degree of skepticism."—Charles Lichenstein, former U.S. Delegate to the U.N., now with the Heritage Foundation, February 1988

"The methodology used thus far is fatally flawed, and if applied by one of my students at MIT would justify a failing grade. The only wonder is why it has been tolerated so long by those interested in a serious analysis of the situation."—Lincoln P. Bloomfield, Professor of Political Science at M.I.T., August 1988

"The analysis of General Assembly votes can easily be deceptive. It cannot be purely mathematical. The analysis often quoted does not include consensus votes or absences and abstentions. It also does not take special account of votes in which there were overwhelming majorities which have often included the United States. In consequence, this analysis makes the General Assembly seem much more hostile to the United States than it really is."—Secretary-General of the United Nations, Javier Perez de Cuellar, May 1988

SENATOR KASTEN'S LEADERSHIP ON CAPITAL GAINS

Mr. SYMMS. Mr. President, I call to the attention of my colleagues two excellent op-ed pieces by my friend Senator BOB KASTEN. In the February 7 issues of the Milwaukee Sentinel and Washington Post Senator KASTEN has unleashed a real "truth offensive" on the issue of capital gains. Cutting the capital gains tax would spark the kind of investment that will create the jobs for the future. Furthermore, lower capital gains tax rates will increase GNP growth—which means higher tax revenue.

Senator KASTEN has assumed the leadership on this issue by taking a bold and innovative approach to capital gains reform. I am an original co-sponsor of Senator KASTEN's new bill because I believe it addresses a number of concerns raised by my colleagues on the other side of the aisle without compromising on the pro-growth aspects of his original proposal to cut the top tax rate from 28 to 15 percent.

I highly recommend these two articles by Senator KASTEN and I ask unanimous consent that they be printed at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 7, 1989]

CAPITAL GAINS: THE RIGHTS CUTS

(By Robert W. Kasten, Jr.)

In 1987, certain that I had discovered a sure-fire way to spark a new job-creation boom, I introduced a bill to cut the tax rate on capital gains from 28 to 15 percent. This proposal was adopted by then-vice president George Bush as a key economic element of his presidential campaign.

But the measure stalled on Capitol Hill. Some of my Democratic Senate colleagues, notably Dale Bumpers of Arkansas, and even a number of my Republican friends

raised what I thought were serious objections to my plan.

Senator Bumpers, along with other leading Senate Democrats, supported reforming the capital gains tax to help spur productivity growth. But there were parts of the 15 percent bill that they thought were not the very best we could do to achieve that goal. And on some points at least, they were right. An across-the-board cut in the capital gains rate would, in fact, boost productivity growth and job creation. But it would also promote investment in real estate and collectibles, and encourage the kind of unproductive tax-sheltering activity that atrophied the economy back in the 1970s.

Boosting investment in coins, vintage cars and untenanted office buildings won't spark the kind of technological advances, industrial innovation and small-business formation we need to create 21st-century jobs for our workers.

I learned from last year's legislative debate on capital gains that the idea of lowering the capital gains rate is a sound one, but that it is essential to limit the new capital gains differential to job-creating, wealth-creating investment.

Because they recognize the immense economic value of a low capital gains rate, some of America's chief economic rivals (Germany, South Korea and many other countries) don't tax capital gains at all—and this has substantially increased their competitiveness.

We also have a serious capital shortage in this country. Since Black Monday, risky start-up ventures have found it difficult to sell initial public stock offerings. In a survey of start-up businesses by the national accounting firm Grant Thornton, 50 percent of the respondents said the crash forced them to abandon expansion plans—and only 10 percent eventually found venture-capital financing for their projects.

It would be tragic if we were to allow our disagreement on the specifics of capital gains legislation to sidetrack the competitive boost our workers and businesses need—the boost that Democrats and Republicans alike agree a cut in the capital gains tax rate would provide.

With this in mind, I have worked out a new capital gains proposal that takes into account the most serious objections to the Bush-Kasten proposal of 1987.

My bill contains three major new elements. First, it would reduce the capital gains tax by allowing taxpayers to exclude from their taxable income 50 percent of the capital gain on assets they have held for longer than one year.

But (the second element) it would limit this tax benefit entirely to corporate stocks, which make up only about 35 percent of the capital gains tax base. In this way, we would be able to liberate the capital of which so many small start-up businesses have been deprived. We would stem the leveraged buyout craze by reducing the cost of long-term equity capital and thus making debt financing less attractive. And we would revitalize our corporations by encouraging them to retain their earnings and reinvest them in increased productivity.

Third, the bill would index capital gains for any year in which inflation rises above 4 percent. While the 50 percent exclusion would lower the tax burden on holders of stock, this indexing provision would ease the burden on holders of non-equity assets, whose capital gains are mostly due to inflation.

It is inherently unfair to tax investors on a purely inflationary gain. Holders of assets

such as homes, family farms and land are particularly vulnerable to this tax. Allowing 4 percent inflation to trigger indexing would help persuade investors to save and invest in capital assets instead of letting long-term inflation worries scare them into channeling their income into consumption.

One of the chief objections to last year's proposed capital gains cut was that it would lose revenues for the federal government. That wasn't true then, and it's not true now. More risk capital means more GNP growth, and that means more tax revenues. One Harvard economist estimates that a 15 percent flat rate would rise over \$30 billion for the Treasury in three years. And the 4 percent indexing trigger would (according to the Congressional Budget Office's inflation projections) result in zero revenue loss, even using a static revenue model.

It is essential that we come up with a bipartisan, pro-growth capital gains reform bill. My bill is an olive branch to all sides of this debate—and a call to unity on the goals of American jobs, competitiveness and productivity.

[From the Milwaukee Sentinel, Feb. 7, 1989]

CUTTING CAPITAL GAINS TAX WOULD CREATE JOBS

(By Robert W. Kasten, Jr.)

I just introduced a bill in Congress that would create thousands of new jobs for Wisconsin—and already opponents are lining up to call it a massive giveaway to the rich.

It's yet another instance of politicians and political commentators letting their ideology blind them to the truth—and I'd like to clear the air and let the facts tell the story.

My bill, the Entrepreneurship and Productivity Growth Act of 1989, would cut the tax rate on capital gains by 50%. Capital gains are the income investors get from investing in growing businesses. These gains are the reason people invest.

If you reduce the federal tax bite on these gains, investors will invest more of their money in businesses. This investment goes directly into new plants and equipment, and creates economic growth. That means jobs and rising incomes for working families.

We all hear the commentators on television and in the newspapers complaining about how Americans are losing jobs to foreign countries. Have you ever wondered why a job created in South Korea or West Germany couldn't have been created just as easily here in Wisconsin, for a Wisconsin worker?

The answer is simple. Countries such as South Korea, Belgium, West Germany, Italy, Netherlands, Hong Kong and Malaysia don't tax long-term capital gains at all. If you invest in businesses. In those countries you get to keep the whole profit you make.

This also is one reason why many foreign products are of such high quality. We need to promote the investment in new technology that will raise the quality of American products.

West German investors invest in a German company and keep their profit. American investors invest in an American company and lose 28% of their profit to the federal government.

Many people who would invest in the American companies are convinced not to by the fact that our capital gains tax is too high (practically the highest in the whole world).

The result is that new companies in America—the small businesses that create the

most new jobs—don't have enough investors willing to invest in them.

Who gets hit the hardest when this happens? Workers who can't find jobs—jobs that would have existed if only companies had been able to keep themselves afloat and on the road to growth.

When investors are discouraged from investing they don't usually pull their money out of large, well-established companies such as IBM and General Motors. They tend to keep away from small, risky companies with a lot of growth potential.

Economist David Birch of the Massachusetts Institute of Technology recently concluded a study that shows that these high-growth companies—which make up only 7% of all companies—create a whopping 87% of all the new jobs in America.

Clearly, if making sure all Americans have a good job is important to us, we have to encourage investment in this kind of company just like the other growing industrial countries do. And that means cutting the tax rate on capital gains.

That's what my bill would do—and it would target the incentive not to invest in tax shelters such as paintings, vintage cars and collectibles, but to the kind of investment that will create the jobs of the future.

Look what happened the last couple of times we cut the capital gains tax. By cutting the tax in 1978 and 1981, we boosted investment in new high-growth companies from just \$800 million in 1977 to \$4.5 billion (that's right, billion) in 1983. This incredible explosion of investment helped spark the growth that created 19 million new jobs in this decade.

Look at all the Wisconsin success stories that were made possible by venture capital investment—innovative and job-creating companies such as Cray Research in Chipewa Falls and Supercomputing Systems Inc. in Eau Claire.

Wisconsin has one of the nation's brightest labor forces and a can-do work ethic. Combine that with a cut in the capital gains tax and Wisconsin can be America's next Silicon Valley.

The debate on the capital gains tax will boil down very rapidly to one question: Do we care about Wisconsin's future labor force? If we do, we'll cut the tax—and watch the prosperity of the average Wisconsin family grow steadily into the next century.

If we don't, we'll continue to let the high tax stifle investment—and blight the dreams of our children for a more prosperous future.

I'll be on the side of growth—and on the side of Wisconsin workers.

REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO LIBYA—MESSAGE FROM THE PRESIDENT—PM 53

The Presiding Officer laid before the Senate the following message from the President of the United States; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

1. I hereby report to the Congress on developments since former President Reagan's last report of January 11, 1989, concerning the national emergency with respect to Libya that was declared in Executive Order No. 12543 of January 7, 1986. This report is sub-

mitted pursuant to section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c); section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c) ("IEEPA"); and section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa-9(c).

2. Since the last report on January 11, 1989, there have been no amendments to the Libyan Sanctions Regulations, 31 C.F.R. Part 550 (the "Regulations"), administered by the Office of Foreign Assets Control ("FAC") of the Department of the Treasury. Additionally, since January 11, 1989, there have been no amendments or changes to orders of the Department of Commerce or the Department of Transportation implementing aspects of Executive Order No. 12543 relating to exports from the United States and air transportation, respectively.

3. During the current 6-month period, FAC has issued a limited number of specific licenses to individuals and corporations to permit them to engage in activities that would otherwise be prohibited by the Regulations. Under FAC licensing procedures, 12 individuals are registered to remain in Libya with immediate family members. Less than ten licenses were extended authorizing transactions in connection with U.S. persons' filings or renewals of Libyan patents, copyrights, and trademarks.

On January 19, 1989, President Reagan authorized the Treasury Department to modify specific licenses of five U.S. oil companies holding concessions in Libya to permit their resumption of operations in Libya or sale of their concessions to controlled or independent foreign nationals. The decision was made in order to protect U.S. interests from forfeiture or expropriation and to avoid the financial windfall that Libya has been receiving from the sale of U.S.-owned oil under the standstill agreements between the oil companies and Libya. Those agreements, which expired June 30, 1989, provided for a suspension of U.S. oil company operations in Libya to protect the companies from default on their contractual obligations to work their concessions in Libya. The decision to license reentry of the oil companies did not alter the sanctions against Libya; the U.S. trade embargo and the freeze of Libyan assets remain in effect, as do the bans on travel-related transactions and the use of U.S. passports for travel to Libya.

4. Various enforcement actions mentioned in previous reports continue to be pursued. In addition, during the last 6-month period, FAC received payments of a \$7,000 civil penalty from a U.S. broker and a \$3,000 civil penalty from a Mexican exporter for their respective roles in an attempted transshipment in June 1988 of canned

tuna through the United States to Libya.

5. During the 6-month period, the London Commercial Court directed the London branch of Manufacturers Hanover Trust Company to pay to a Libyan bank funds deposited in London and blocked pursuant to Executive Order 12544. In light of the rulings in this case and the 1987 Bankers Trust Company case, previously reported, FAC licensed Manufacturers Hanover Trust Company to pay the Libyan bank. Two further licenses were issued permitting payment of Libyan funds similarly blocked in the London branches of U.S. banks, as to which litigation was pending before the same London court.

6. The expenses incurred by the Federal Government in the 6-month period from January 11, 1989, through the present time that are directly attributable to the exercise of powers and authorities conferred by the declaration of the Libyan national emergency are estimated at \$449,471.60. Personnel costs were largely centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control, the Customs Service, the Office of the Assistant Secretary for Enforcement, the Office of the Assistant Secretary for International Affairs, and the Office of the General Counsel), the Department of State, the Department of Commerce, the Federal Reserve Board, and the National Security Council staff.

7. The policies and actions of the Government of Libya continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. I shall continue to exercise the powers at my disposal to apply economic sanctions against Libya as long as these measures are appropriate, and I will continue to report periodically to the Congress on significant developments as required by law.

GEORGE BUSH.

THE WHITE HOUSE, July 19, 1989.

REPORT ON THE OPERATION OF THE AUTOMOTIVE PRODUCTS TRADE ACT OF 1965—MESSAGE FROM THE PRESIDENT—PM 54

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance:

To the Congress of the United States:

In accordance with the Automotive Products Trade Act of 1965 (Public Law 89-283; 19 U.S.C. 2032), I transmit herewith the twentieth annual report relating to developments during 1985.

GEORGE BUSH.

THE WHITE HOUSE, July 19, 1989.

ANNUAL REPORT ON THE NUCLEAR NON-PROLIFERATION ACT OF 1978—MESSAGE FROM THE PRESIDENT—PM 55

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

I have reviewed the activities of the United States Government departments and agencies during the calendar year 1988 related to preventing nuclear proliferation, and I am pleased to submit my annual report pursuant to section 601(a) of the Nuclear Non-Proliferation Act of 1978 (Public Law 95-242).

As the report demonstrates, the United States continued its efforts during 1988 to prevent the spread of nuclear explosives to additional countries. This is an important element of our overall national security policy, which seeks to reduce the risk of war and increase international stability. I want to build on the positive achievements cited in this report and to work with the Congress toward our common goal: a safer and more secure future for all mankind.

GEORGE BUSH.

THE WHITE HOUSE, July 19, 1989.

MESSAGES FROM THE HOUSE

At 12:58 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 952. An act to authorize the Secretary of the Interior to provide for the development of a trails interpretation center in the City of Council Bluffs, Iowa, and for other purposes;

H.R. 1484. An act to establish a National Park System Review Board, and for other purposes;

H.R. 2799. An act to amend the Agricultural Act of 1949 for the 1990 crops to allow the planting of alternative crops on permitted acreage and to amend the provisions regarding the designation of farm acreage base as acreage base established for oats;

H.R. 2802. An act to amend title 39, United States Code, and associated provisions of other laws, to make technical and perfecting corrections, and for other purposes.

The enrolled bill and joint resolutions were subsequently signed by the President pro tempore [Mr. Byrd].

ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

At 1:06 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following bill and joint resolutions:

H.R. 310. An act to remove a restriction from a parcel of land in Roanoke, Virginia, in order for that land to be conveyed to the

State of Virginia for use as a veterans nursing home;

S.J. Res. 93. Joint resolution to designate October 1989 as "Polish American Heritage Month";

S.J. Res. 110. Joint resolution designating October 5, 1989, as "Raoul Wallenberg Day"; and

S.J. Res. 129. Joint resolution to provide for the designation of September 15, 1989, as "National POW/MIA Recognition Day".

At 4:48 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 828. An act to authorize appropriations for programs, functions, and activities of the Bureau of Land Management for fiscal years 1990, 1991, 1992, and 1993, and for other purposes; and

H.R. 2883. An act making appropriations for Rural Development, Agriculture, and Related Agencies programs for the fiscal year ending September 30, 1990, and for other purposes.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 828. An act to authorize appropriations for programs, functions, and activities of the Bureau of Land Management for fiscal years 1990, 1991, 1992, and 1993, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1484. An act to establish a National Park System Review Board, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2802. An act to amend title 39, United States Code, and associated provisions of other laws, to make technical and perfecting corrections, and for other purposes, to the Committee on Governmental Affairs.

H.R. 2883. An act making appropriations for Rural Development, Agriculture, and Related Agencies programs for the fiscal year ending September 30, 1990, and for other purposes; to the Committee on Appropriations.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 952. An act to authorize the Secretary of the Interior to provide for the development of a trails interpretation center in the city of Council Bluffs, IA, and for other purposes.

ENROLLED JOINT RESOLUTION SIGNED

The PRESIDENT pro tempore (Mr. Byrd) reported that he had signed the following enrolled joint resolution; which had previously been signed by the Speaker of the House:

S.J. Res. 113. Joint resolution prohibiting the export of technology, defense articles,

and defense services to codevelop or coproduce the FS-X aircraft with Japan.

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, July 19, 1989, he had presented to the President of the United States the following enrolled joint resolution:

S.J. Res. 113. Joint resolution prohibiting the export of technology, defense articles, and defense services to codevelop or coproduce the FS-X aircraft with Japan.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1423. A communication from the President of the Federal Agricultural Mortgage Corporation, transmitting, pursuant to law, a report on the uniform underwriting, security appraisal, and repayment standards for qualified loans; to the Committee on Agriculture, Nutrition and Forestry.

EC-1424. A communication from the Director of the Defense Security Assistance Agency, transmitting, pursuant to law, notification of the Department of the Air Force's proposed Letter(s) of Offer and Acceptance [LOA] to Pakistan for Defense Articles estimated to cost \$50 million or more; to the Committee on Armed Services.

EC-1425. A communication from the Deputy Assistant Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain overpayments of offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1426. A communication from the Deputy Associated Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain overpayments of offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1427. A communication from the Secretary of the Interior transmitting, pursuant to law, the annual report for fiscal year 1988 covering the Outer Continental Shelf [OCS] Oil and Gas Leasing and Production Program; to the Committee on Energy and Natural Resources.

EC-1428. A communication from the Under Secretary of the Treasury, transmitting, pursuant to law, notification that the permanent debt limit of \$2,800 billion will be sufficient only until early August; to the Committee on Finance.

EC-1429. A communication from the Assistant Secretary of Legislative Affairs, U.S. Department of State, transmitting, pursuant to law, the third report on Application of Travel Restrictions to Personnel of Certain Countries and Organizations; to the Committee on Foreign Relations.

EC-1430. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-57 adopted by the Council on June 27, 1989; to the Committee on Governmental Affairs.

EC-1431. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-58 adopted by the Council on June 27, 1989; to the Committee on Governmental Affairs.

EC-1432. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-59 adopted by the Council on June 27, 1989; to the Committee on Governmental Affairs.

EC-1433. A communication from the Special Counsel of the U.S. Merit Systems Protection Board, transmitting, pursuant to law, a report of the Secretary of the Army setting forth the findings and conclusions of the Secretary's review of allegations of a violation of law and regulation and mismanagement by officials responsible for contracting at the U.S. Army, Fort Carson, Colorado; to the Committee on Governmental Affairs.

EC-1434. A communication from the Archivist of the United States, transmitting, pursuant to law, a report concerning the administration of the Archivist, the Administration, the National Historical Publications and Records Commission, and the National Archives Trust Fund; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. NUNN, from the Committee on Armed Services, without amendment:

S. 1352. An original bill to authorize appropriations for fiscal years 1990 and 1991 for military functions of the Department of Defense and to prescribe military personnel levels for such Department for fiscal years 1990 and 1991, and for other purposes (Rept. No. 101-81).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources:

Martin Lewis Allday, of Texas, to be Solicitor of the Department of the Interior; Lou Gallegos, of New Mexico, to be an Assistant Secretary of the Interior;

Stella Garcia Guerra, of Texas, to be an Assistant Secretary of the Interior; and Constance Bastine Harriman, of Maryland, to be Assistant Secretary for Fish and Wildlife, Department of the Interior.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GLENN (for himself, Mr. DIXON, Mr. DURENBERGER, Mr. SIMON, Mr. D'AMATO, Mr. KOHL, Mr. KASTEN, Mr. LUGAR, Mr. COATS, Mr.

BURDICK, Mr. BOSCHWITZ and Mr. LEVIN):

S. 1350. A bill to promote the maritime trade interests of the United States in the Great Lakes; to the Committee on Commerce, Science, and Transportation.

By Mr. ROTH:

S. 1351. A bill to temporarily suspend the duty on quinalofop-ethyl; to the Committee on Finance.

By Mr. NUNN, from the Committee on Armed Services:

S. 1352. An original bill to authorize appropriations for fiscal years 1990 and 1991 for military functions of the Department of Defense and to prescribe military personnel levels for such Department for fiscal years 1990 and 1991, and for other purposes; placed on the calendar.

By Mr. BAUCUS (for himself and Mr. SIMPSON):

S. 1353. A bill to enhance drug interdiction in rural areas; to the Committee on the Judiciary.

By Mr. PRYOR (for himself and Mr. STEVENS):

S. 1354. A bill to amend chapter 84 of title 5, United States Code, to correct certain employing agency errors relating to the Thrift Savings Plan, remove certain restrictions on investments for the Thrift Savings Fund, and for other purposes; to the Committee on Governmental Affairs.

By Mr. BUMPERS (for himself and Mr. JEFFORDS):

S. 1355. A bill to assist private industry in establishing a uniform residential energy efficiency rating system, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. COATS:

S. 1356. A bill to amend chapter 30 of title 39, United States Code, to designate certain solicitations in the mails as nonmailable matter, and for other purposes; to the Committee on Governmental Affairs.

By Mr. BOND:

S. 1357. A bill to amend the Agricultural Act of 1949 to allow producers to provide the appropriate county committees with actual yields for the 1989 and subsequent crop years, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. RIEGLE (for himself, Mr. DOLE, Mr. PRYOR, Mr. HARKIN, Mr. MOYNIHAN, Mr. DURENBERGER, Mr. MATSUNAGA, Mr. ROCKEFELLER, Mr. CHAFFEE, Mr. HEINZ, Mr. CRANSTON, Mr. DECONCINI, Mr. LEVIN, Mr. LUGAR, Mr. SASSER, Mr. INOUE, Mr. METZENBAUM, Mr. SIMON, Mr. DODD, Mr. JEFFORDS, Mr. ADAMS, Mr. EXON, Mr. PRESSLER, Mr. LIEBERMAN, Mr. FORD, Mr. BURDICK, Mr. MCCONNELL, and Mr. WIRTH):

S. 1358. A bill to amend the Social Security Act to take into account monthly earnings in determining the amount of disability benefits payable to a recipient of disabled adult child's benefits and certain other beneficiaries and to provide for continued entitlement to disability and Medicare benefits for such individuals, and for other purposes; to the Committee on Finance.

By Mr. REID (for himself and Mr. BRYAN):

S. 1359. A bill to provide for the Environmental Protection Agency to relocate certain laboratory facilities from the University of Nevada, Las Vegas, and for other purposes; to the Committee on Environment and Public Works.

By Mr. MITCHELL (for himself, Mr. CHAFFEE, Mr. BURDICK, Mr. BAUCUS,

Mr. SASSER, Mr. SHELBY, Mr. SARBANES, Mr. CONRAD, Mr. LEVIN, Mr. COATS, Mr. LAUTENBERG, Ms. MIKULSKI, Mr. PRYOR, Mr. BUMPERS, Mr. DECONCINI, Mr. COHEN, Mr. INOUE, Mr. DODD, Mr. D'AMATO, Mr. JEFFORDS, Mr. REID, Mr. KERREY, Mr. MATSUNAGA, Mr. ADAMS, Mr. CRANSTON, Mr. FOWLER, Mr. DASCHLE, Mr. SIMPSON, Mr. MURKOWSKI, Mr. DOMENICI, Mr. WARNER, Mr. LIEBERMAN, Mr. LEAHY, Mr. HATFIELD, Mr. BENTSEN, Mr. GRAHAM, Mr. BRADLEY, Mr. HUMPHREY, Mr. LUGAR, Mr. ROBB, Mr. WILSON, Mr. PACKWOOD, Mr. KERRY, Mrs. KASSEBAUM, Mr. GORTON, Mr. MOYNIHAN, Mr. KASTEN, Mr. NUNN, Mr. HATCH, Mr. BURNS, Mr. HEINZ, Mr. BOSCHWITZ, and Mr. PRESSLER):

S.J. Res. 181. Joint resolution to establish calendar year 1992 as the "Year of Clean Water"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT:

S. Res. 155. Resolution to establish a temporary special committee of the Senate to provide oversight and guidance with respect to the responsibilities of the Director of National Drug Control Policy; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GLENN (for himself, Mr. DIXON, Mr. DURENBERGER, Mr. SIMON, Mr. D'AMATO, Mr. KOHL, Mr. KASTEN, Mr. LUGAR, Mr. COATS, Mr. BURDICK, Mr. BOSCHWITZ, and Mr. LEVIN):

S. 1350. A bill to promote the maritime trade interests of the United States in the Great Lakes; to the Committee on Commerce, Science, and Transportation.

GREAT LAKES MARITIME TRADE ACT OF 1989

Mr. GLENN. Mr. President, I rise to introduce a bill in association with my distinguished colleagues from the Great Lakes States on behalf of the important maritime trade of our region. Cosponsors are Senators DIXON, DURENBERGER, SIMON, D'AMATO, KOHL, KASTEN, LUGAR, COATS, BURDICK, BOSCHWITZ, and LEVIN.

We are proud of the Great Lakes, Mr. President, of our people, and of our contribution as an agricultural and industrial heartland of the United States.

This bill is titled the "Great Lakes Maritime Trade Act of 1989," and it is directed to our maritime system which is essential to the economic vitality of our area. And because of the importance of our region to the country as a whole, we believe the bill to be in the national interest, as well.

Our maritime transportation is unique in the midwest: it links not

only major commercial areas within our country, and the United States and Canada, our biggest trading partner, but it also—through the St. Lawrence Seaway—ties the world's greatest fresh-water system with the oceanic routes to other continents. We need our maritime trade capability to be strong and competitive. This bill works toward that objective in several ways.

I am pleased to say also that the provisions of this bill have widespread support throughout the Great Lakes region from those interested in protecting and enhancing our maritime trade. A companion bill in the other body already has attracted more than 30 sponsors, including a number of Members from other parts of the country—not just Great Lakes Members.

Let me describe briefly the principal provisions of the bill:

First, title I of the bill is intended to encourage bringing regular ocean-going American flag cargo ship service to the ports of the Great Lakes. Unfortunately in recent years, visits of U.S.-flag vessels in international trade to the Great Lakes have declined dramatically. Most of our exports are carried in foreign ships.

One reason is that under present law, ships built abroad which are newly brought under the U.S.-flag must wait 3 years before they are allowed to carry U.S. Government preference cargoes such as Public Law 480 Food for Peace agricultural exports. This 3-years wait rule deters investors from putting money into modern, re-flagged ships which would be economically viable for Great Lakes service.

Title I of this bill would encourage American flag service to the Great Lakes by removing the 3-year waiting rule for reflagged vessels serving us. At the same time, the bill keeps U.S. shipyard interests in mind by requiring that the reconditioning, repair, and maintenance work on these American Great Lakes vessels shall be done in the United States. And these ships of course would be manned by American crews, adding to our sea-going as well as onshore employment.

Title II of the measure contains several provisions to maintain and assist in the viability of the Great Lakes/St. Lawrence Seaway trade and transportation system. To describe them in their order in the bill:

Section 201 provides for extension of the so-called Great Lakes set-aside, which under current law is due to expire at the end of this year. The set-aside, which earmarks for the Great Lakes a historically based share of Public Law 480 title II agricultural shipments, originally was included in the 1985 Food Security Act as part of the compromise under which cargo preference on these shipments was raised from 50 to 75 percent.

The reason for the set-aside—amounting to about 4 percent of the Public Law 480 shipments nationwide—was to reduce the injury to Great Lakes exports caused by the cargo preference increase, in view of our lack of U.S. flag service. The increased 75 percent cargo preference rate is still in effect indefinitely. Therefore, this bill seeks to maintain the status quo of the 1985 farm bill by retaining the Great Lakes set-aside and not letting it die at the end of this year.

Section 202 addresses the project for a second lock at Sault Sainte Marie. This vital passageway connects Lake Superior with the rest of the system. It is the conduit for large amounts of cargo such as export grain and the ores needed for U.S. steel mills.

The facilities at the Soo are aging and a replacement lock has been delayed pending an agreement on cost-sharing. The bill does not deal with the cost-sharing question, which is being worked on separately by the interested parties, but it does extend the current authorization period of the project until 1993 and it directs the Army Corps of Engineers to go ahead with preliminary work.

Section 203 calls for United States initiation of discussions with Canada on elimination of St. Lawrence Seaway tolls. The Seaway is a binational system, with more of the locks going through Canadian territory than American.

On the American side, we provide rebates to the users of the locks. But the Canadian Government still collects its tolls and keeps them.

It would be beneficial for both American and Canadian shipping, and for other shipping and the seaway trade generally, if the Canadians were to adopt a toll policy similar to ours. The bill calls on the Secretary of State to initiate discussions with the Canadian Government on this matter.

Lastly there is a sense-of-Congress provision recognizing the importance of adequate icebreaking capability for the Great Lakes so that the voyages will not be disrupted either early or late in the season due to unseasonal icing. The U.S. Coast Guard cutter *Mackinaw*, currently assigned to the Great Lakes, or an equivalent icebreaker is needed for the task, as the bill states. While this provision emphasizes the importance of holding the line on existing ice-breaking capability, it does not seek to expand the shipping season or to expand ice-breaking capability. The actual funding for the icebreaker maintenance and repair is carried in separate appropriations legislation and is not a cost item here. Nor is the bill a budget breaker in any other respect. There is no money required other than that which has already been authorized.

In sum, this is a bill with broad support and one which seeks to support and promote maritime trade which is important to the Great Lakes region. We believe this is in the interest of not only our section of our Nation but to the whole Nation as well. We look forward to its future consideration in the Senate.

Mr. President, I ask unanimous consent that the text of my bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1350

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Great Lakes Maritime Trade Act of 1989".

SEC. 2. FINDINGS AND POLICY.

(a) FINDINGS.—The Congress finds the following:

(1) Because approximately one-third of the population of the United States lives in States bordering the Great Lakes, because approximately one-half of the manufacturing capacity of the United States is located in those States, because the Great Lakes region is an integral component of the mid-west agricultural heartland, and for other reasons, maintaining the economic well-being of the Great Lakes region is in the economic and strategic interests of the United States.

(2) A strong maritime trade capability is important to the economy of the Great Lakes region.

(b) POLICY.—It is in the national interest of the United States to foster a strong and competitive maritime trade capability for the Great Lakes region, including by resuming regular ocean-going United States-flag vessel service in the Great Lakes.

TITLE I—ELIGIBILITY OF CERTAIN RE-FLAGGED VESSELS IN THE GREAT LAKES TO CARRY PREFERENCE CARGOES

SEC. 101. EXEMPTION OF AMERICAN GREAT LAKES VESSELS FROM RESTRICTION ON CARRIAGE OF PREFERENCE CARGOES.

(a) EXEMPTION FROM RESTRICTION.—The restriction described in subsection (b) shall not apply to an American Great Lakes vessel.

(b) RESTRICTION DESCRIBED.—The restriction referred to in subsection (a) is the restriction in section 901(b)(1) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1241(b)(1)), that a vessel which is—

- (1) built outside the United States;
- (2) rebuilt outside the United States; or
- (3) documented under any foreign registry;

shall not be a privately owned United States-flag vessel under that section until the vessel is documented under the laws of the United States for a period of 3 years.

SEC. 102. DESIGNATION OF AMERICAN GREAT LAKES VESSELS.

(a) IN GENERAL.—The Secretary shall designate a vessel to be an American Great Lakes vessel for purposes of this title if—

- (1)(A) the vessel is documented under the laws of the United States; or
- (B) the Secretary determines that the vessel—

- (i) meets appropriate safety requirements; and

(ii) will be documented under the laws of the United States not later than 90 days after the end of the first Great Lakes shipping season during which the vessel is an American Great Lakes vessel;

(2) the Secretary receives an application for such designation submitted in accordance with regulations issued by the Secretary under subsection (d); and

(3) the owner of the vessel enters into an agreement in accordance with subsection (b).

(b) **CONSTRUCTION AND PURCHASE AGREEMENT.**—As a condition of designating a vessel as an American Great Lakes vessel under this title, the Secretary shall require the person who will be the owner of the vessel at the time of that designation to enter into an agreement with the Secretary which provides that—

(1) all repair, maintenance, reconditioning, and other construction—

(A) required to be performed on the vessel for it to qualify for such designation; and

(B) performed on the vessel during the period of that designation;

shall be performed in the United States, except emergency repairs which are necessary to enable the vessel to sail safely from a port outside of the United States; and

(2) if the Secretary determines that the vessel is necessary to the defense of the United States, the United States Government shall have, during the 120-day period following the date of any revocation or termination of such designation under section 104, an exclusive right to purchase the vessel for a price equal to—

(A) the approximate world market value of the vessel; or

(B) the cost of the vessel to the owner less an amount representing reasonable depreciation of the vessel;

whichever is greater.

(c) **CERTAIN FOREIGN REGISTRY AND SALE NOT PROHIBITED.**—Notwithstanding any other law, if the United States does not purchase a vessel in accordance with its right of purchase under a construction and purchase agreement under subsection (b), the owner of the vessel shall not be prohibited from—

(1) transferring the vessel to a foreign registry; or

(2) selling the vessel to a person who is not a citizen of the United States.

(d) **ISSUANCE OF REGULATIONS.**—Not later than 60 days after the date of the enactment of this Act, the Secretary shall issue regulations establishing requirements for submission of applications for designation of vessels as American Great Lakes vessels under this section.

SEC. 103. RESTRICTIONS ON OPERATIONS OF AMERICAN GREAT LAKES VESSELS.

(a) **IN GENERAL.**—Subject to subsection (b), an American Great Lakes vessel shall not be used to engage in trade—

(1) from a port in the United States that is not located on the Great Lakes;

(2) between ports in the United States; or

(3) between Great Lakes ports in the United States and Great Lakes ports in Canada.

(b) **OFF-SEASON CARRIAGE EXCEPTION.**—

(1) **IN GENERAL.**—Subject to paragraph (2), an American Great Lakes vessel may be used to engage in trade otherwise prohibited by subsection (a)(1) for not more than 90 days during any 12-month period.

(2) **LIMITATION.**—An American Great Lakes vessel shall not be used during the Great Lakes shipping season to engage in trade referred to in paragraph (1).

SEC. 104. REVOCATION AND TERMINATION OF DESIGNATION.

(a) **REVOCATION.**—The Secretary shall revoke the designation of a vessel as an American Great Lakes vessel immediately upon determining that—

(1) the vessel does not meet a requirement for such designation;

(2) the vessel has been operated in violation of this title; or

(3) the owner of the vessel has violated a construction and purchase agreement under section 102(b).

(b) **TERMINATION.**—The designation of a vessel as an American Great Lakes vessel under this title shall terminate—

(1) 3 years after the date of that designation; or

(2) on such earlier date as may be requested by the owner of the vessel.

SEC. 105. DEFINITIONS.

In this title—

(1) **GREAT LAKES.**—The term "Great Lakes" means Lake Superior; Lake Michigan; Lake Huron; Lake Erie; Lake Ontario; the Saint Lawrence River west of Saint Regis, New York; and their connecting and tributary waters.

(2) **GREAT LAKES SHIPPING SEASON.**—The term "Great Lakes shipping season" means the period of each year during which the Saint Lawrence Seaway is open for navigation by vessels, as declared by the Saint Lawrence Seaway Development Corporation created by the Act of May 13, 1954 (33 U.S.C. 981 et seq.).

(3) **AMERICAN GREAT LAKES VESSEL.**—The term "American Great Lakes vessel" means a vessel which is so designated by the Secretary in accordance with section 102.

(4) **SECRETARY.**—The term "Secretary" means the Secretary of Transportation.

(5) **UNITED STATES.**—The term "United States" means the 50 States.

TITLE II—GREAT LAKES MARITIME PASSAGE ENHANCEMENTS

SEC. 201. EXTENSION OF GREAT LAKES PUBLIC LAW 480 SET ASIDE.

Section 901(b)(2)(B) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1241f(c)(2)(B)) is amended by striking "calendar years 1986, 1987, 1988, and 1989" and inserting in lieu thereof "each calendar year".

SEC. 202. PROJECT FOR SECOND LOCK AT SAULT SAINT MARIE, MICHIGAN.

(a) **INITIATION OF DESIGN, PLANNING, AND ENGINEERING.**—Notwithstanding any requirement of the Water Resources Development Act of 1986 (33 U.S.C. 2201 et seq.) that a cost sharing agreement be entered into before design, planning, and engineering may be initiated for a water resources project authorized by that Act, the Secretary of the Army shall initiate not later than 30 days after the date of the enactment of this Act, and shall complete not later than 5 years after that date of enactment, design, planning, and engineering of the Sault Sainte Marie lock project.

(b) **EXTENSION OF AUTHORIZATION OF PROJECT.**—Notwithstanding section 1001 of the Water Resources Development Act of 1986 (33 U.S.C. 579a), the Sault Sainte Marie lock project is hereby modified by extending the period during which that project is authorized until the end of fiscal year 1993.

(c) **SAULT SAINT MARIE LOCK PROJECT DEFINED.**—In this section the term "Sault Sainte Marie lock project" means the project for construction of a second lock at Sault Sainte Marie, Michigan, authorized by

section 1149 of the Water Resources Development Act of 1986 (Public Law 99-662).

SEC. 203. NEGOTIATIONS FOR ELIMINATION OF GREAT LAKES AND SAINT LAWRENCE SEAWAY TOLLS.

(a) **SECRETARY OF STATE TO INITIATE NEGOTIATIONS.**—The Secretary of State shall initiate discussions with the Government of Canada at the earliest practicable date with the objective of eliminating all tolls on the Great Lakes and the Saint Lawrence Seaway.

(b) **REPORT.**—The Secretary of State shall submit a report to the Congress not later than January 1, 1990—

(1) describing attempts by the Secretary of State to initiate discussions pursuant to subsection (a) and any results of those discussions; and

(2) recommending what further action should be taken to urge the Government of Canada to cooperate with the United States in eliminating tolls on the Great Lakes and the Saint Lawrence Seaway.

SEC. 204. GREAT LAKES ICEBREAKING CAPABILITY.

(a) **FINDINGS.**—The Congress finds the following:

(1) It is in the national interest of the United States to maintain adequate icebreaking capability in the Great Lakes because of the importance of maritime commerce in the Great Lakes region.

(2) More than 175,000,000 tons of cargo moved through the Saint Lawrence Seaway in domestic and foreign trade during 1988, including raw materials for United States factories, agricultural exports, and manufactured goods.

(3) Such commerce is significant for the United States peacetime economy and for maintaining the capability of the United States merchant marine to support the national defense.

(4) Adequate icebreaking capability is required for international shipping in the Great Lakes-Saint Lawrence Seaway system.

(5) Because shipping schedules usually must be set well in advance, persons engaged in international shipping require assurance that voyages can be completed in the Great Lakes without undue delays, including delays from unseasonal icing.

(b) **SENSE OF CONGRESS.**—It is the sense of the Congress that—

(1) funding for icebreaking capability in the Great Lakes should be maintained at a level sufficient to ensure passage for domestic and international shipping under any conditions which may reasonably be expected to occur during the Great Lakes shipping season; and

(2) to accomplish this purpose it is essential to maintain in the Great Lakes an icebreaking vessel with horsepower and beam equivalent to those of the United States Coast Guard cutter Mackinaw.

Mr. D'AMATO. Mr. President, I rise today as an original cosponsor of the Great Lakes Maritime Trade Act of 1989. I would like to commend my distinguished colleague from Ohio, Senator GLENN, for his leadership in introducing legislation which is so vital to Great Lakes ports.

The Great Lakes/seaway system commenced operations in 1959, typing the industrial and agricultural heartland of the United States to international commerce. This system has been trumpeted as the Nation's fourth seacoast.

Last year, the seaway ended its 30th operating season with a cumulative tonnage of 1,238,912,000 tons. In 1988, approximately 3,100 commercial vessels traveled through the U.S. seaway locks. The cargo that is shipped over the Great Lakes is astounding. Last year alone, Great Lakes ships carried approximately 67.9 million tons of iron ore, 40.5 million tons of coal, and 5.3 million tons of grain.

The intent of this legislation is to bolster Great Lakes maritime commerce, and increase the number of vessels in our merchant marine fleet. The maritime industry on the Great Lakes is important in that it ties commercial centers within the United States to each other, to Canada, and to ports all over the world.

Among other issues, the Great Lakes Maritime Trade Act directs the Army Corps of Engineers to proceed with preparatory work for the replacement lock needed at the Soo Locks, includes an inducement to bring newly re-flagged U.S. ocean-going cargo ships into service on the Great Lakes, continues the Great Lakes set-aside for Public Law 480, title II agricultural exports, and calls for negotiations with Canada on elimination of St. Lawrence Seaway tolls.

This legislation is important to the Great Lakes ports which stand to benefit from the needed changes contained in the act. I urge my colleagues to join us in cosponsoring this legislation.

By Mr. ROTH:

S. 1351. A bill to suspend temporarily the duty on quizalofop-ethyl; to the Committee on Finance.

SUSPENDING THE DUTY ON QUIZALOFOP-ETHYL

● Mr. ROTH. Mr. President, I rise to introduce S. 1351 to temporarily suspend the duty on quizalofop-ethyl. This chemical is the active ingredient used by one of my constituents to formulate an important weed control product. Other companies that make products to serve this market already enjoy similar duty free treatment on imports of their raw materials.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1351

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. QUIZALOFOP-ETHYL.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007) is amended by inserting in numerical sequence the following new heading:

"9902.30.18 2-(4-((6-chloro-2-quinoxalyl)oxy)-phenoxy)-propionic acid, ethyl ester (quizalofop-ethyl) (provided for in subheading 2933.59.10) ... Free ... No change ... No change ... On or before 12/31/94."

SEC. 2. EFFECTIVE DATE.

The amendment made by this Act shall apply with respect to articles entered, or withdrawn from warehouse for consumption, on or after the date that is 15 days after the date of enactment of this Act.●

By Mr. BAUCUS (for himself and Mr. SIMPSON):

S. 1353. A bill to enhance drug interdiction in rural areas; to the Committee on the Judiciary.

RURAL DRUG INITIATIVE ACT

Mr. BAUCUS. Mr. President, I am today introducing the rural drug initiative to improve Federal drug interdiction efforts in rural areas. In the past years less populated areas were able to avoid many of the problems associated with big cities. But, unfortunately, the problem of drug abuse is catching up with us in rural areas.

Here are some alarming facts concerning drug use in Montana: In 1986 an ounce of cocaine in Billings, MT, cost approximately \$2,600. Today the price is down to \$900. As the laws of economics tell us, as price decreases, supply increases.

Drug Enforcement Administration cocaine arrests in Montana have increased 100 percent in the last 5 years. Members of the Los Angeles street gang, the Crips, have been arrested in Billings on drug charges.

Methamphetamine, a highly addictive speed derivative, is growing in popularity and may pose as big a problem as crack.

Rural areas are especially conducive to methamphetamine production. Montana law enforcement authorities have shut down 12 methamphetamine labs in the State during the past few years. That is compared with five labs shut down in the entire decade of the 1970's.

A runaway shelter in Billings, MT, estimates that 90 percent of the children it serves are substance abusers. The average age of runaways is 14 years. A recent poll conducted by Yellowstone County revealed that sixth graders had access to crack, and a small percentage of them had used crack within 30 days of the survey.

The point is not to paint a picture of Montana as a haven for drug dealers and users; instead, it is to let the Senate know that rural areas are not immune to the problems of drug abuse, and that we should receive adequate resources for our needs.

In many ways rural areas experience problems similar to their urban counterparts. Drug arrests are increasing at unprecedented rates. Students are exposed to drugs at younger ages, and dealers are becoming more blatant and more violent in their trade. But rural areas face unique problems as well. Small towns with historically low-crime rates are sometimes unprepared for the introduction of drug-related crimes.

The sudden need for additional law enforcement agents can place a great burden on city and county budgets. And the production of methamphetamine, commonly referred to as crack, poses another problem.

The production of methamphetamine, commonly referred to as crack, poses another problem. Crack producers like to find secluded areas to set up their labs. They know they can avoid detection easier in rural areas with fewer neighbors around than in cities.

Rural law enforcement agents generally must cover more ground than agents in cities. Montana, for example, encompasses over 145,000 square miles. The distance from Washington, DC, to the State of Maine is less than the distance between Ekalaka, MT, and Eureka, MT. Montana's Canadian border is over 500 miles long. We border four States.

Despite these distances, Montana has only three Drug Enforcement Administration agents.

This does not look like a Federal commitment to ending the war on drugs to me. Rather it looks like an abdication.

The Federal grant formula contained in last year's drug bill also does not recognize the drug enforcement problems caused by geography. Montana receives funding similar to other States with similar population, but many of these States are a fraction of the size of my home State of Montana.

That is why my bill contains a rural State set aside to help make up for the distances we need to cover. The bill also authorizes the hiring of 30 new agents to be assigned to rural areas.

In addition, my bill also requires Director William Bennett to designate someone in his office to coordinate interdiction efforts in rural areas. That way, our needs will not be overlooked in the Federal drug interdiction policymaking effort.

My bill also allows States to make the most of resources they already have.

The rural drug initiative would set up a five-State pilot program for highway patrol units that develop plans to coordinate their work with State and local drug interdiction efforts.

It would also require the Federal Law Enforcement Training Academy in Georgia to develop special training for rural drug interdiction efforts.

The Federal war on drugs must be fought everywhere in the country. That means the Government must recognize there are battles in all our States, not just the ones with big cities.

Montana law enforcement officers and their counterparts in other less-populated States currently are bearing more than their share of the work and the cost of drug interdiction. My bill would help even things out.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, if I might speak for a moment on the bill Senator BAUCUS has introduced. I am pleased to join him as a cosponsor of that measure. I think it is excellent legislation, and particularly urge my colleagues from Montana, Wyoming, and other Western States to look at it very carefully.

Indeed, drug traffic and drug abuse are pervasive national problems which affect rural communities as well as urban areas.

However, the existing drug interdiction funds do not recognize the resource needs of the enforcement officials in rural areas and small towns.

In rural areas like Wyoming and Montana, law enforcement officials must often cover huge expanses of territory. They patrol even the unpopulated areas in search of drug manufacturing labs—many of which have now moved inland from the western seaboard. They also have to cover miles of highway that serve as a transcontinental pipeline for hundreds of millions of dollars of illegal narcotics.

Without the significant resources available to large metropolitan areas, rural drug enforcement activities fall to the highway patrolman, rather than to the special narcotics policing unit.

Under the current appropriations formula, most drug interdiction resources are absorbed by the eastern and western seaboard. The drug problems in urban areas are much more acute and high-profile than they are in States like Wyoming. However, as the law cracks down on producers and distributors on the coasts, more and more of these crass and greedy bums are moving inland, and our drug problems are growing as a result.

Mr. President, this bill recognizes finally that drugs are as real a problem in the Big Sky country of Montana, and in wonderful Wyoming as they are in the inner cities. Without focused interdiction efforts in those areas, we just cannot win the national war on drugs.

To illustrate—and this is rather remarkable—the Wyoming Highway Patrol recently stopped a car with California plates on a legitimate traffic violation only to discover 8½ pounds of cocaine in a spare tire. A

State agent then accompanied the two men to their destination in Wisconsin, where he delivered a dummy package to two more individuals. As it turns out, this led to the bust up of one of the largest cocaine rings in Madison, WI. Then the agent followed the connections backward, to the original supplier in Florida, where another large ring was broken and all involved were tried and imprisoned.

So you see, the ties stretch all across this country—Florida to California to Madison, via Wyoming, the same with Montana, the same with Idaho, the same with Utah, perhaps even with Colorado. Seeing the occupant of the Chair, I thought that was worthy of note.

The people who deal with this doomsday product are now coming to small, rural areas of the United States and setting up shops. There was a rental house in Casper, WY, a couple of years ago where they were really cranking up quite a batch, and the house blew up. That is the way they found them. The remarkable materials that they were concocting in their alchemy of the drug world simply detonated or exploded.

These are not uncommon incidents. The dealers go there because they think rural people are not sophisticated and that the highway patrol cannot handle it—but we have some pretty savvy people in those law enforcement agencies.

Drug enforcement agencies must be trained in arrest followup, and they must have the resources and manpower to do so.

The legislation would at least give rural communities the resources they need to fight the good fight in this national battle. This legislation would set an appropriations level for drug enforcement activities that recognizes the unique needs of rural areas. Its training provisions would help State and local law enforcement authorities coordinate their efforts with highway patrol units to stem the flow of drugs through the I-80 pipeline. In Wyoming, we also have the I-90 pipeline and the I-25 pipeline, three interstates. Most importantly, it would give each of the 15 rural Western States an additional 2 DEA agents to expand the range of criminal investigations into drug networks and to trace supply routes and distribution centers which are becoming a very unwelcome part of the western landscape.

Mr. President, I urge my colleagues to support this bill, and I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1353

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rural Drug Initiative Act".

SEC. 2. COORDINATION OF RURAL DRUG POLICY.

(a) DESIGNATION OF OFFICIAL.—The Director of National Drug Control Policy (referred to as the "Director") shall designate an official in the Office of National Drug Control Policy to act as the Rural Drug Policy Coordinator.

(b) DUTIES OF RURAL DRUG POLICY COORDINATOR.—The Rural Drug Policy Coordinator shall—

(1) examine the special needs of rural areas in drug interdiction;

(2) recommend to the Director policy options for the enhancement of drug interdiction in rural areas;

(3) coordinate the drug interdiction efforts of Federal agencies (including the Bureau of Land Management, the Bureau of Indian Affairs, and the National Forest Service) in rural areas; and

(4) make available to law enforcement agencies in rural areas materials pertinent to drug interdiction in rural areas.

SEC. 3. SET-ASIDE FOR RURAL AREAS.

(a) MODIFICATION OF FORMULA FOR ALLOTMENTS.—Subsection (a) of section 506 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3756(a)) is amended to read as follows:

"(a)(1) Of the total amount appropriated for this part in any fiscal year, the amount remaining after setting aside the amount required to be reserved to carry out section 511 of this title shall be set aside for section 502 and allocated to States as follows:

"(A) \$500,000 shall be allocated to each of the participating States;

"(B) \$5,000,000 shall be allocated to and shared equally among participating States that are special need rural areas described in paragraph (2); and

"(C) of the total funds remaining after the allocation under paragraph (1), there shall be allocated to each State an amount which bears the same ratio to the amount of remaining funds described in this paragraph as the population of such State bears to the population of all the States."

"(2) For the purpose of this subsection, the term 'special need rural area' means a State that—

"(A) has a population density of 40 or fewer persons per square mile; and

"(B) has experienced a rise in drug-related crime over the preceding 5 years."

SEC. 4. ADDITIONAL DRUG ENFORCEMENT AGENTS FOR RURAL AREAS.

(a) ADDITIONAL AGENTS.—The Attorney General shall create 30 drug enforcement agent positions within the Drug Enforcement Agency in addition to those authorized prior to the date of enactment of this Act.

(b) ASSIGNMENT TO RURAL AREAS.—The 30 additional agents specified in subsection (a) shall be assigned to drug interdiction activities in special need rural areas, their number to be divided equally among the States that qualify as special need rural areas.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$4,500,000 for the fiscal year that next follows the date of enactment of this Act.

SEC. 5. HIGHWAY DRUG INTERDICTION PILOT PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—The Director of the Bureau of Justice Assistance (referred to as the "Director") shall estab-

lish a 1-year highway drug interdiction program in which a grant of \$500,000 shall be made to each of 5 special need rural areas.

(b) **USE OF GRANT MONIES.**—A special need rural area to which a grant is made pursuant to subsection (a) shall use the grant monies to—

(1) establish in the State police force responsible for Statewide highway patrol a drug liaison office whose function shall be the coordination of drug interdiction activities by—

(A) State and local police forces responsible for highway patrol; and

(B) other Federal, State, and local law enforcement agencies;

(2) develop a plan for the most efficient use of State and local police forces responsible for highway patrol in drug interdiction;

(3) provide financial support for the implementation of the plan referred to in paragraph (2); and

(4) evaluate and report to the Director on the effectiveness of the uses of the grant monies.

SEC. 6. DRUG INTERDICTION TRAINING FOR RURAL LAW ENFORCEMENT OFFICERS.

(a) **IN GENERAL.**—The Secretary of the Treasury, acting through the Federal Law Enforcement Training Center, shall develop a drug interdiction training program for law enforcement officers in rural areas.

(b) **NATURE OF TRAINING.**—The training program required by subsection (a) shall include instruction designed to—

(1) familiarize law enforcement officers with drug-related crime especially as it tends to occur in rural areas, including the production of methamphetamine and cultivation of marijuana; and

(2) inform law enforcement officers concerning the growth of organized crime, gangs, and other drug-related criminal activities.

SEC. 7. DEFINITIONS.

For the purposes of this Act—

(1) the term "drug" has the same meaning as the term "controlled substance" has in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6));

(2) the term "rural area" means a State that has a population density of 40 or fewer persons per square mile; and

(3) the term "special need rural area" means a rural area that has experienced a rise in drug-related crime over the preceding 5 years.

By Mr. PRYOR (for himself and Mr. STEVENS):

S. 1354. A bill to amend chapter 84 of title 5, United States Code, to correct certain employing agency errors relating to the thrift savings plan, remove certain restrictions on investments from the thrift savings fund, and for other purposes; to the Committee on Governmental Affairs.

FEDERAL RETIREMENT THRIFT BOARD IMPROVEMENTS

● Mr. PRYOR. Mr. President, today I am introducing, with Senator TED STEVENS, a bill to allow Federal agencies to correct their errors relating to the Federal Retirement Thrift Investment Plan and to remove certain restriction on the way in which Federal Employees Retirement System [FERS] money can be invested in the Thrift Savings Plan [TSP]. The Thrift Investment Board and the Employee Thrift Advi-

sory Council, which includes representative of organizations representing Federal and Postal employees, forwarded this legislation to the Congress for consideration.

The Thrift Investment Board has established a process by which an agency can correct any errors it makes in contributing to the Plan on behalf of its employees. However, in response to agencies' requests for an interpretation of the law, the Comptroller General issued a decision which stated that "there is no statutory basis for agencies to pay into employee TSP accounts earnings lost due to agency's delay in making contributions to those accounts." This means that an employee is denied the earnings on the account that would have resulted had the agency made the contribution as it should have been. This legislation simply gives the agencies the statutory authority to make-up any lost earnings due to agency errors.

The bill also removes the statutory restrictions on FERS participants' investments in the Common Stock Index Investment Fund [C Fund] and the Fixed Income Investment Fund [F Fund]. The Federal Employees' Retirement System Act of 1986 [FERSA] created a 10-year phase-in period for investments into the C and F Funds. Beginning in 1988, each year an additional 20 percent of new employee contributions can be invested in any of the thrift funds. For the first 5 years, employer contributions are restricted to the Government Securities Investment Fund [G Fund]. During the second 5 years of the 10-year period, restrictions on employer contributions are phased out in a similar way. By 1997, all contributions will be unrestricted.

The current restrictions require the Thrift Savings Plan to keep track of both the restricted and unrestricted contributions and earnings in each FERS participant's account. This increases the cost of processing information and increases the complexity of the recordkeeping system. The original intent of this restriction was to avoid sudden budget impacts. However, the Office of Management and Budget and the Congressional Budget Office treat the G Fund as off-budget and, therefore, there is not a need to protect against a budget impact. The basis for the restrictions are no longer compelling and the restrictions should be removed.

I am pleased to be joined in co-sponsoring this legislation with Senator STEVENS, the ranking minority member on the Federal Services Subcommittee, and I hope to move this legislation quickly.

Mr. President, I ask that the bill be printed after my statement in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1354

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CORRECTION OF EMPLOYING AGENCY ERRORS RELATING TO THE THRIFT SAVINGS PLAN.

(a) **IN GENERAL.**—Chapter 84 of title 5, United States Code, is amended by inserting after section 8432 the following new section:

"§ 8432a. Correction of employing agency errors

"(a) The Executive Director shall prescribe regulations under which employing agencies shall pay to the Thrift Savings Fund amounts representing lost earnings by the Thrift Savings Fund because of errors (including errors of omission) by the employing agencies relating to the Thrift Savings Plan described under this subchapter. The regulations may require an employing agency to reimburse the Thrift Savings Fund for costs incurred by the Thrift Savings Fund in implementing corrections of employing agency errors.

"(b)(1) Regulations prescribed by the Executive Director under subsection (a) shall provide for procedures for determining—

"(A) whether an employing agency error has occurred;

"(B) which agencies are responsible for correcting the error; and

"(C) the manner in which the error shall be corrected.

"(2) The Executive Director may provide in such regulations for exceptions from the requirements of this section to the extent that correction of an error is not administratively feasible. Determinations of administrative feasibility shall include consideration of the costs of correcting the errors and the benefits to the participants and beneficiaries of the Thrift Savings Fund derived from correcting the errors.

"(c) In addition to such other requirements as the Executive Director determines are appropriate to carry out the provisions of this section, regulations prescribed under subsection (a) shall provide that if—

"(1) an employing agency error causes delay in or failure of contributions (including any employee or employer contributions) or other monies to be invested in the Thrift Savings Fund, and neither the Thrift Savings Fund nor the participant had the use of or access to such contributions or other monies during the period of the failure or delay, then the employing agency shall pay to the Thrift Savings Fund (in addition to any amounts it is otherwise required to pay to the Thrift Savings Fund) an amount representing lost earnings on such contributions or other monies;

"(2) an employing agency error causes the Thrift Savings Fund to invest monies in the wrong investment fund, then the employing agency shall pay to the Thrift Savings Fund an amount representing lost earnings;

"(3) an employing agency error causes delay in or failure of employee contributions or other monies (other than monies representing repayment of a loan made under section 8433(i)) to be invested in the Thrift Savings Fund, but the participant has had the use of or access to the contributions or other monies which should have been invested in the Thrift Savings Fund, then—

"(A) the participant may elect to contribute from current pay on a tax deferred

basis, in addition to an amount not to exceed the contributions or other monies which should have been invested in the Thrift Savings Fund, an amount representing lost earnings on such contributions or other monies;

"(B) if the participant elects to make contributions under subparagraph (A), the employing agency shall pay to the Thrift Savings Fund, in addition to any employer matching contributions which the employing agency is required to pay under section 8432(c)(2), an amount representing lost earnings on such matching contributions;

"(C) any amounts contributed by the participant pursuant to an election made under subparagraph (A) shall be exempt from the percentage of basic pay limitations on contributions to the Thrift Savings Fund under—

"(i) section 8351(b)(2) of this title;

"(ii) section 8432(a) of this title;

"(iii) section 8440a of this title as added by section 401 of the Federal Employees' Health Benefits Amendments Act of 1988 (Public Law 100-654); and

"(iv) section 8440a of this title as added by section 7 of the Retirement and Survivors' Annuities for Bankruptcy Judges and Magistrates Act of 1988 (Public Law 100-659); and

"(D) the participant may seek relief from the employing agency under subsection (g) of this section, if such participant—

"(i) is not receiving pay which enables such participant to contribute to the Thrift Savings Fund;

"(ii) ceases receiving such pay before all contributions elected under subparagraph (A) have been made; or

"(iii) is otherwise unable to obtain correction under this paragraph.

"(d) Amounts representing lost earnings under subsection (c) shall be computed in a manner established by the Executive Director.

"(e)(1) To be eligible to make an election under subsection (c)(3)(A) the participant shall provide notice to the employing agency of the error and that such participant is seeking correction—

"(A) within 1 year of the date on which the participant first knew or reasonably should have known of the employing agency error; or

"(B) with respect to errors occurring before the effective date of this subsection, on or before the date which is the later of—

"(i) 180 days after the effective date of this subsection; or

"(ii) 1 year after the participant first knew or reasonably should have known of the employing agency error.

"(2) Notwithstanding the provisions of paragraph (1), a participant may not make an election for contributions under subsection (c)(3)(A) more than 30 days after the date on which the participant is provided written notification of a determination that such participant may make such an election.

"(f) Any amounts required to be paid by an employing agency under this section shall be paid from the appropriation or fund available to the employing agency for payment of salaries of the participant's office or establishment. If a participant in the legislative branch is paid by the Clerk of the House of Representatives, the Clerk may pay from the contingent fund of the House of Representatives the amount required to be paid to correct errors relating to the Thrift Savings Fund that otherwise would be paid from the appropriation or fund used to pay the participant.

"(g) If an employing agency error affecting the Thrift Savings Plan is not corrected under this section or if an agency fails to take action required by this section, the participant or beneficiary may bring a civil action to recover Thrift Savings Plan benefits under section 8477(e)(3)(C)(i) against the employing agency, naming the head of the agency as defendant. A participant or beneficiary shall, prior to instituting any action under this subsection, exhaust any administrative claims procedures established in accordance with the Executive Director's regulations under this section."

(b) CONFORMING AMENDMENT.—The table of sections for chapter 84 of title 5, United States Code, is amended by inserting after the item relating to section 8432 the following:

"8432a. Correction of employing agency errors."

SEC. 2. REMOVAL OF RESTRICTIONS ON INVESTMENTS FROM THE THRIFT SAVINGS FUND.

Section 8438 of title 5, United States Code, is amended—

(1) in subsection (c) in paragraph (1) by striking out "Subject to subsection (e), the" and inserting in lieu thereof "The";

(2) in subsection (d) in paragraph (1) by striking out "and not subject to subsection (e)";

(3) by striking out subsection (e) and redesignating subsections (f), (g), (h), and (i) as subsections (e), (f), (g), and (h), respectively;

(4) in subsection (g) (as redesignated by paragraph (3) of this section)—

(A) in paragraph (1) by striking out "subsection (f) of this section" and inserting in lieu thereof "subsection (e) of this section";

(B) in paragraph (2) by striking out "subsection (f)" and inserting in lieu thereof "subsection (e)";

(C) in paragraph (3) by striking out "subsection (f)(2) of this section" and inserting in lieu thereof "subsection (e)(2) of this section"; and

(D) in paragraph (6) by striking out "subsection (i) of this section" and inserting in lieu thereof "subsection (h) of this section"; and

(5) in subsection (h) (as redesignated by paragraph (3) of this section)—

(A) in paragraph (1) by striking out "subsection (h) of this section" and inserting in lieu thereof "subsection (g) of this section"; and

(B) in paragraph (2) by striking out "subsection (f) of this section" and inserting in lieu thereof "subsection (e) of this section".

SEC. 3. EFFECTIVE DATES.

(a) CORRECTION OF EMPLOYING AGENCY ERRORS.—The amendments made under section 1 of this Act—

(1) shall be effective—

(A) on the first day of the second election period, described under section 8432(b) of title 5, United States Code, following the date of the enactment of this Act; or

(B) upon such earlier date that the Executive Director may prescribe in regulations; and

(2) shall apply to the correction of errors affecting the Thrift Savings Fund since the date of its establishment, except to the extent an exception to the requirements of section 8432a of title 5, United States Code, (as added by section 1 of this Act) is made in accordance with the regulations prescribed thereunder.

(b) REMOVAL OF RESTRICTIONS ON INVESTMENTS.—The amendments made under section 2 of this Act shall be effective—

(1) on the first day of the second election period, described under section 8432(b) of title 5, United States Code, following the date of the enactment of this Act; or

(2) upon such earlier date as the Executive Director may prescribe in regulations.●

By Mr. BUMPERS (for himself and Mr. JEFFORDS):

S. 1355. A bill to assist private industry in establishing a uniform residential energy efficiency rating system, and for other purposes; to the Committee on Energy and Natural Resources.

RESIDENTIAL ENERGY EFFICIENCY RATINGS ACT

● Mr. BUMPERS. Mr. President, I am introducing legislation today with my cosponsor, the Senator from Vermont [Mr. JEFFORDS], to encourage the national adoption of a uniform, voluntary, energy efficiency ratings system for existing homes. A national home energy efficiency ratings system will have energy conservation benefits, expand the pool of affordable housing and have a positive impact on the greenhouse effect.

My concept for a national program is based on the successful pilot efforts of energy efficiency ratings systems in Arkansas, Vermont, Alaska, Mississippi and Washington. The pilot programs are operated by nonprofit entities and were developed through the voluntary cooperation of leaders, mortgage insurers, real estate professionals, and builders. By integrating energy audits into the housing loan process the program provides important benefits for potential home buyers and as well as providing incentives for sellers and purchasers to make homes more energy efficient.

First, the programs utilize a standard energy rating system which looks at a number of features in the home: insulation; caulking and weatherstripping; solar energy use or potential; and the hot-water, heating and cooling systems. Each of these is rated for efficiency on a 1-to-100 point scale; then the house is given an overall energy efficiency rating on a 1-to-5 star scale, with 5 stars meaning high efficiency. The simple star rating provides a easy way for buyers to compare the energy efficiency of similar homes.

Second, the analysis supplies an estimate of the annual energy cost of a house. The difference between that cost and comparable average energy costs for the area translates the home's energy efficiency into dollars saved per month. That figure can be used to justify expanded debt-to-income and debt-to-payment ratios for energy-efficient homes, under the rationale that purchasers will have increased residual income from their energy cost savings that can be applied to the loan. For example, to qualify

for a fixed-rate, 30-year \$108,000 mortgage at 12 percent, with a loan-to-value ratio of 90 percent, a would-be buyer of a house with a two-star rating would have to have a monthly gross income of \$4,949. If the house's rating were five stars, that would-be buyer would qualify for the loan with a monthly gross income of \$4,650.

Finally, the analysis provides a list of energy efficiency improvements which can be made to the home to improve its rating. The costs of these improvements can be incorporated into the buyer's mortgage and make the home buyer eligible for the expanded qualifying ratios.

My bill does not address the concept of the energy efficient mortgage which is often used in conjunction with energy ratings systems. At the present time there are several programs available from mortgage lenders which permit home buyers to incorporate the cost of certain energy efficiency home improvements in their mortgage. However, these programs are complicated and underutilized. The Department of Energy recently supported a study to identify the barriers that have limited the use of existing energy efficient mortgage programs and to develop guidelines for a Uniform Energy Efficient Mortgage Program. I will be following the DOE process closely and will consider introducing legislation on energy efficient mortgages in the future if necessary.

The national energy efficiency ratings system established by my bill will be an important impetus for improving the energy efficiency of our housing stock. The key to the success of the pilot programs in Arkansas and other States has been the voluntary involvement of the leading and housing industry groups who must implement the the programs in their development. My bill would retain this emphasis on voluntary industry involvement while providing Federal support for the establishment of similar programs in all 50 States.

The legislation would direct the Secretary of Energy to select a qualified residential energy ratings organization to develop a ratings system in consultation with participants in the residential shelter industry, energy conservation officials and others, to set standards for State energy rating organizations, to provide training and technical assistance and to maintain a national residential energy efficiency data bank. Federal funds would be authorized to support these efforts for 4 years, after which time the organization is intended to be self-sufficient.

I urge my colleagues to support this legislation. Energy efficient homes are more affordable for home buyers, will enhance our energy security and will be beneficial to the environment. I ask unanimous consent that the text of the bill and an article entitled "M.P.G.

for Houses: the Uphill Battle of Energy Rated Homes," which appeared in the Spectrum newspaper in Little Rock, be printed in the RECORD at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1355

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Residential Energy Efficiency Ratings Act".

SEC. 2. DEFINITIONS.

For purposes of this Act—

(1) the term "cost-effective residential energy efficiency improvements" means residential energy efficiency improvements that will result in a reduction in the monthly cost of supplying energy to a residence in an amount greater than the increased amount of principal and interest that would be required to be paid monthly if the amount of a residential mortgage loan were increased to cover the cost of installation;

(2) the term "residential energy efficiency rating contractor" means the qualified residential energy efficiency rating organization with which the Secretary of Energy enters into a contract pursuant to section 3;

(3) the term "residential energy efficiency improvements" means the design, manufacture, and installation of features in a residence, including structural changes, insulation, weatherproofing, heating, ventilating, and air conditioning systems, and water heaters and other major appliances, that have the potential of contributing to the efficient use of energy in or a reduction in energy loss from a residence;

(4) the term "residential building industry" means persons engaged in the design, construction, marketing, and financing (including secondary financing) of residences and residential energy efficiency improvements, including building contractors, architects, appliance manufacturers and dealers, realtors, appraisers, inspectors, lenders, participants in the secondary mortgage market, mortgage insurers, and other private and Government entities that engage in those activities or regulate, promote, or otherwise participate in those activities;

(5) the term "qualified residential energy efficiency rating organization" means a corporation or other legal entity that—

(A) has had experience in the development and administration of programs for the inspection of residences for the purposes of—

(i) assessing the efficiency with which they use energy, as compared with other residences in the same locality;

(ii) determining the monthly cost of supplying a residence's energy needs;

(iii) making recommendations for cost-effective residential energy efficiency improvements; and

(iv) reporting the results of such inspection to residence purchasers, residence owners, and their lenders;

(B) is an organization whose shareholders or members include a broad representation of the residential building industry;

(C) is an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 exempt from taxation under section 501(a) of the Code; and

(D) is an organization capable of administering the uniform residential energy effi-

ciency rating system described in section 3 on a self-sustaining basis after the expiration of the contract entered into pursuant to section 3(a);

(6) the term "rating system" means the uniform residential energy efficiency rating system developed by the residential energy efficiency rating contractor pursuant to section 3(a); and

(7) the term "residence" means a new or existing single-family residence (including manufactured housing), multiple family residence, or residential unit (such as a condominium or cooperative unit) in a multiple-family residence or multiple-purpose building that contains a residential unit.

SEC. 3. CONTRACT WITH RESIDENTIAL ENERGY EFFICIENCY RATING CONTRACTOR.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary of Energy shall enter into a contract with a qualified residential energy efficiency rating organization to develop a uniform residential energy efficiency rating system (as described in subsection (b)) within 2 years after the date of enactment of this Act and to administer the system (as described in subsection (c)) for a period of 4 years following the date of contract.

(b) RATING METHODOLOGY.—(1) The rating system shall include a methodology which—

(A) provides a means of assessing the energy efficiency of, assigning a comparative energy efficiency rating to, and estimating the monthly cost of supplying energy to, a residence;

(B) includes an inspection and assessment of the basic structure of a residence (commonly known as the "building envelope"), including insulation, weatherproofing of doors and windows, orientation of windows, and air infiltration and circulation, and of the heating, ventilating, air conditioning, and water heating systems of a residence;

(C) is based on a scale that—

(i) accurately reflects the energy costs associated with each aspect of the structure and item of equipment to be inspected; and

(ii) is normalized for comparative purposes in a statistically acceptable manner; and

(D) is adapted for both manual and computer-aided application.

(2) The rating system shall prescribe, in order of energy efficiency and cost effectiveness, residential energy efficiency improvements that may be recommended to improve the energy efficiency of a residence.

(3) The rating system shall be subject to statistical verification for accuracy.

(4) The rating system shall be designed to be acceptable to financing institutions, including participants in the secondary mortgage market. In developing the rating system, the residential energy efficiency rating contractor shall consult with participants in the residential shelter industry, including—

(A) the National Association of Residential Builders;

(B) the Mortgage Bankers of America;

(C) the Mortgage Insurance Companies of America;

(D) the National Association of Realtors;

(E) the Society of Real Estate Appraisers;

(F) the Institute of Real Estate Appraisers;

(G) the Federal National Mortgage Association;

(H) the National Association of Utility Regulatory Commissioners;

(I) the National Association of State Energy Officials;

(J) the Federal Housing Commissioner;
(K) the Farmers Home Administration;
(L) the Department of Veterans' Affairs;
(M) the Assistant Secretary for Conservation and Renewable Energy of the Department of Energy; and
(N) the Association of State Housing Finance Agencies,

and invite public comments through notices published in the Federal Register by the Secretary of Energy.

(5) The Secretary of Energy shall make the services of the Lawrence Berkeley Laboratory available to assist the residential energy efficiency rating contractor in developing the rating system by providing data, technical evaluations and other analytical support.

(C) ADMINISTRATION OF RATING SYSTEM.—
(1) The residential energy efficiency rating contractor shall—

(A) develop a course of instruction for training residential inspectors, realtors, appraisers and loan officers in the use of the residential energy efficiency rating methodology;

(B) in cooperation with State and local energy offices and members of the residential building industry, set standards for the licensing of State and locally authorized residential energy efficiency rating organizations, whose function will be the training of and the maintenance of a high level of proficiency among residential inspectors in the use of the residential energy efficiency rating methodology developed pursuant to this section;

(C) provide assistance to State and local energy offices and members of the residential building industry in the establishment of residential energy efficiency organizations;

(D) draft proposed amendments of and additions to regulations, forms, and procedures to be recommended for adoption by Federal, State, and local administrative agencies in the interest of the uniform implementation of the provisions of this Act;

(E) maintain a national residential energy efficiency data bank containing the results of all residential energy efficiency rating inspections using the methodology developed pursuant to this section, for the purpose of compiling information on energy costs associated with the Nation's housing stock; and

(F) provide periodic consultation to State and local residential energy efficiency rating organizations and residential inspectors on technical matters relating to the methodology developed pursuant to this section and on other matters relating to the proper management and operation of the residential energy efficiency rating system.

(2) In order to provide non-Federal funds for the continued administration by the contractor of a uniform residential energy efficiency rating system, the contractor may assess fees for its services, at levels designed to reflect the cost of the service and approved by the Secretary of Energy.

(d) AUTHORITY TO EXTEND CONTRACT.—The Secretary may extend the contract entered into pursuant to subsection (a) for 2 years upon finding that continued Federal support is necessary to carry out the purposes of the Act.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for carrying out the provisions of this Act \$8,000,000 for each of fiscal years 1990 and 1991, \$4,000,000 for fiscal year 1992, and \$2,000,000 for fiscal year 1993, to remain available until expended.

[From the Spectrum, July 6-19, 1988]
M.P.G. FOR HOMES: THE UPHILL BATTLE OF ENERGY RATED HOMES

(By Jim Nichols)

Ron Hughes knows how frustrating it can be to advocate energy conservation. Not too many people appear concerned about energy issues these days, and the perceived threat of dwindling energy resources has largely dissipated into apathy.

"It makes it difficult to get the message across," said Hughes, the youthful-looking executive director of Energy Rated Homes of America, a non-profit organization headquartered in Little Rock's downtown Technology Center.

The message Hughes and his colleagues at Energy Rated Homes are working to convey, to American home buyers, builders, financiers, and governments, is that making houses more energy-efficient will boost a sagging housing market and allow more people to own homes.

The means to that end, Hughes believes, is a standardized method Energy Rated Homes is developing to quantitatively rate the energy efficiency of houses all over the country. Today, a buyer often doesn't discover the energy costs of a newly purchased home until the deal is closed and he or she has moved in. Unlike automobiles, there's no sticker on the window clearly estimating miles per gallon—or, in the case of a house, monthly utility costs. High utility bills can push the cost of what seemed to be an affordable home right out of reach. In other cases, the monthly outlays for a house with a higher price tag may actually be lower than a comparable cheaper house if efficient energy use produces utility bills small enough to offset a higher mortgage payment.

Hughes and other advocates claim if ERH's program is implemented nationwide, it could revolutionize home financing and construction. The potential benefits are many.

For the first time, a buyer would be able to tell immediately which of two homes under consideration would be more efficient, and thus cheaper to operate.

Lenders and real estate agents would know how energy costs will factor into a borrower's monthly expenses, and thus be able to arrange larger monthly mortgage payments for homes with lower monthly energy costs.

Builders would be rewarded for building more efficient homes, since those homes would presumably be easier to sell than inefficient homes of comparable price and location.

Buyers of older, inefficient homes would be able to include, as part of their mortgage, the costs of upgrading by installing insulation, storm windows, efficient appliances and other energy-saving features.

"What this means is that for some people, they can afford a more expensive home," Hughes says. "For other people, especially first-time buyers or those with a low down-payment, it means they can afford a home, period."

"This is an incredibly ambitious thing we're trying to do, with enormous social impact. Just look at what miles-per-gallon ratings did for cars."

The concept of energy ratings has been heralded by Governor Bill Clinton, whom Hughes credits for being a major backer in the group's quest for state research and development funding. Chances are fair to good, in fact, that Congress may emphasize home ratings and other energy issues in an

upcoming overhaul of federal housing policy. Senators from key committees, representing both parties, recently joined a Washington, D.C. think tank focusing on energy conservation in calling for just such consideration when housing policies are debated in this session of Congress. Among the options under consideration is a federal mandate that would require each state to develop a home energy-rating system that would either be patterned on a national model, or at least be consistent and compatible with that of the other states.

Hughes is hoping Energy Rated Homes' method will become the standard. To date, the system is under development or has been implemented in only five states: Arkansas, Washington, Vermont, Alaska and Mississippi. Although difficult to develop, the home rating process itself is fairly simple, and can be completed in an hour. The rating begins with an impartial, trained party such as a real-estate appraiser examining the home, using a rating sheet and awarding points according to a standard scale for energy-saving features. Various appliances, including heaters, air conditioners and water heaters are scored for efficiency. So too is the house's inherent ability to keep heat out during the summer and in during the winter, known as its envelope efficiency. Extra points are added for living space heated by sunlight, as well as for added features such as insulated windows, zoned thermostat controls, weather stripping, and other items.

The rater then adds up the totals, with weighted values assigned to each category. Using a simple formula that involves nothing beyond junior-high math, the rater calculates the house's energy efficiency rating on a scale of one to 100, based on how the home's present level of efficiency stacks up to its ultimate or ideal efficiency. The rating number is actually a percentage of a given house's ultimate—like a test score that judges a student only on the number of questions correctly answered instead comparing her scores to the rest of the class. By doing so, the rating takes into account differences in size, shape and age from house to house. Thus, a house with a 100 rating is saving 100 percent of the energy it could possibly save; a zero rating means it has no energy-saving features.

In addition to computing an annual energy cost estimate, an ERH audit awards a home up to five "stars" to make quick comparisons simple and to provide easy graphic illustration. A poor rating results in one star, three stars is good and five stars means a home is very efficient. The measurement is of potential energy savings, not total energy use; clearly, due to climatic differences, a four-star bungalow in Alaska is likely to use more energy than a four-star bungalow in Arkansas.

But the significance of home energy ratings extends well beyond making it easier for consumers to compare prospective home buys. For mortgage lenders, an objective standard of energy-use comparison permits prediction of utility costs, and, more importantly, how they affect a borrower's ability to buy a home.

When making a home loan, a lender usually figures that a maximum of 25 to 28 percent of a buyer's monthly income should go toward paying the mortgage principle and interest, plus taxes and insurance—a combination known in the industry as PITI. If a particular home is highly energy-efficient, however, the lender can assume a borrower's utility bills will be lower, and thus a

greater income percentage can go toward such mortgage expenses. The income-to-expense ratio can be stretched—even to as much as 36 percent.

Consequently, the total loan value can be greater and a buyer can purchase a more expensive home—or simply purchase a home, which might otherwise be out of the question. According to ERH literature, a savings of \$40 per month on utility bills is equal to lowering a 12-percent interest rate on a 30-year, \$50,000 mortgage by a full point.

"That would especially come into play when we're looking at borderline cases, and a lot of people fall into the borderline category," said Dennis Mills, treasurer at Simmons Mortgage Company and an ERH director.

The effect would not be a slight one either, according to a 1986 study by the Howard University and Massachusetts Institute of Technology Joint Center for Housing Studies. That study found that if the Energy Rated Homes system was implemented nationwide, the result would be an increase in first-time home buying of between 11 and 22 percent.

Simmons Mortgage and other financial institutions are looking hard at ERH, Mills says, and liking what they see. So too is the "secondary market"—individuals and institutions who purchase mortgages from the lending institutions that made them as investments. Prominent among secondary-market buyers are the Federal Home Loan Mortgage Corporation and the Federal National Mortgage Association—popularly known as Freddie Mac and Fannie Mae, respectively. Those two self-supporting, quasi-governmental agencies buy mortgages from banks and use them as collateral for securities sold to banks and institutional investors. Such investors generally urge lenders to adhere to fairly strict mortgage guidelines, seeking to minimize borrower loan default and thus maximize the collective return on the securities they resell. Among those restrictions is general adherence to the 25-percent income ratio for borrowers.

However, Fannie Mae and Freddie Mac have realized the importance of energy costs in home affordability, particularly since utility and energy costs are one of the eight major causes of mortgage default. According to letters to ERH, those agencies have recognized that a favorable ERH rating is good cause to stretch that 25-percent income-to-expenses ratio. Freddie Mac and Fannie Mae have each deemed an ERH evaluation acceptable underwriting documentation in lieu of their own forms. "Your improved ratings system may well become the nationally recognized standard for this important facet of the mortgage underwriting process," wrote Freddie Mac vice president William R. Thomas Jr. "Your rating system is a good one and we encourage lenders to look closely at the Energy Rated Homes of America program as a vehicle for meeting the needs of energy evaluation in housing."

If the system becomes widely accepted some day, it will also benefit builders, Hughes says. "Energy-efficient homes ought to be worth more—and they are, as long as the public can see why."

"A builder will be able to say, 'Hey, my house is more energy efficient than the one down the street, and here's why.'"

And as more and more homes are rated and additional data from them is collected and sorted, appraisers will be able to ascertain just how much additional value the market places on the energy efficiency of a

home, and adjust the overall home value accordingly.

Even the group that has been least hospitable to the idea—real estate agents—could profit from it, Hughes says. The ratings could be used as selling tools for efficient homes. Further, lenders are now exploring an idea already endorsed by Fannie Mae and Freddie Mac that would help older, inefficient homes to sell. According to that plan, home buyers would be able to use the rating to identify energy inefficiencies, and then borrow more money as part of the mortgage to upgrade. Now, such improvements are rarely "rolled into" the mortgage. Agents might also like the possibility of more first-time buyers, or owners of existing homes who hope to move up to a bigger house, as lenders use the stretched income-expense ratios to make more mortgages available.

For the above reasons, the ultimate beneficiary would be the consumer, Hughes contends. Not only would homes be more affordable and accessible, but home owners and prospective home owners would be able to make better-informed decisions when selling or buying. Additionally, ratings and the attendant inspections point home owners who want to keep their homes toward ways to cut their utility bills.

Yet, for the most part, no one in the shelter industry—particularly real estate agents—has been willing to step up and tell the public that the industry's current structure is inadequate, Hughes said.

"Nobody advocates for the consumer," he added. "Right now there's a disincentive to even talk about energy efficiency."

A decade ago, when the former history major first became obsessed with energy conservation, the nation was still reeling from the Organization of Petroleum Exporting States' 1973 oil embargo, and doom-sayers were predicting that nonrenewable energy sources would have disappeared by the century's end. In that atmosphere, it wasn't hard to get attention. A worldwide dedication to energy conservation took hold.

Today, the energy-conservation issue has entered the mainstream, but many of the zealous prophets who spurred the movement are seen as alarmists. Hughes seems to know this, and know that he'll have to work from within the system to get his program implemented nationwide. When he talks about Energy Rated Homes, it is with the measured conviction of a realist.

Hughes is a businessman, and, as such, knows he'll open more doors in the industry by emphasizing the program's benefits to the shelter industry than he would by seeking more government regulation. Thus, Energy Rated Homes is a not-for-profit corporation: It seeks neither to impose its programs with government restrictions, nor to make short-term profits off businessmen or gullible home owners. Hughes' common-sense approach found allies shortly after he learned about the Energy Rated Homes project in Seattle six years ago, eventually taking its reins when its headquarters moved here. Among those allies was Clinton, who Hughes credited with building perhaps the nation's most progressive state energy department.

"I've been committed to it from the start," Clinton said of Energy Rated Homes. Clinton approved state startup money and this cooperation helped build the coalition of representatives from the building industry, utilities, financial institutions, appraisers and real estate agents that worked with ERH to develop the program.

Once the ratings system was workable, ERH began its effort to export it to other states. Approaching other energy offices, Hughes met with skepticism. But the program's success in Washington, Alaska and Arkansas piqued interest among government and industry leaders in Vermont and Mississippi, and both adopted the program.

"It's taken off and done pretty well for the small state that Vermont is," says Richard Faesi, ERH director there. "A lot of builders and realtors are interested in the program. A number of developers are interested in rating whole developments."

The Vermont program has taken hold in the initial four-county trial area, and will go statewide in August, Faesi said. Appraisers who were initially skeptical of the program are now lining up to be trained to do energy ratings.

In Mississippi, Energy Rated Homes is in its infancy, but Hughes said representatives there found the reception warm among the government and industry representatives forming the startup committee.

If the program is to go nationwide, it must be voluntary, Hughes insists. State support, including financial backing, is important, but more rules and regulations would alienate the shelter industry. "If the states try to run programs like this, they wouldn't get the cooperation of the shelter industry—they don't want regulation," Hughes explains. "So the way to get around that is to get it going and turn it over to a nonprofit when it's self-sustaining."

The program's strength is that it is adaptable enough that each state can modify it to the state's own climatic and economic peculiarities, yet still have a program compatible with other states, Hughes said. That might allow ERH to become the national standard if Congress directs every state government to assist in implementing some form of uniform home rating system to be operated by a non-profit group, as Clinton, Hughes and other advocates hope.

The Alliance to Save Energy, a Washington think tank, was joined by two senators—Republican John Heinz of Pennsylvania and Democrat Tim Wirth of Colorado, the alliance chairman—at a June 21 news conference calling for stringent energy policies in the new federal housing policy, expected to be formulated in the next Congressional session. Bill Prindle, a spokesman for the Alliance, said Senator Alan Cranston, the California Democrat, will "get the ball rolling" as chairman of the Senate Banking and Urban Affairs Committee's Housing Subcommittee. Heinz, co-chairman of the subcommittee, and Wirth of the full committee will join Cranston.

"It's sort of a bandwagon effect," Prindle says of ERH, which the Alliance applauds. "Once it gets going, everyone wants to get aboard. The question is getting the critical momentum going."

Clinton, whom some speculate might have a prominent administrative post should Michael Dukakis win the presidency, says he would like to see legislation favorable to Energy Rated Homes instituted on a national scale.

"I don't know if we'd want to mandate it or not, but there should be some kind of incentive" in the housing legislation. "I'm pretty strong for not having another national housing policy that doesn't take into account energy issues." ●

By Mr. COATS:

S. 1356. A bill to amend chapter 30 of title 39, United States Code, to des-

ignite certain solicitations in the mails as nonmailable matter, and for other purposes; to the Committee on Governmental Affairs.

DECEPTIVE MAILINGS PREVENTION ACT

● **Mr. COATS.** Mr. President, today I am introducing the Deceptive Mailings Prevention Act of 1989. This legislation is designed to address the problem of misleading and deceptive mail solicitation practices affecting the elderly.

Increasingly many organizations and companies are using the mails to solicit contributions and sell products and services. There is widespread congressional concern about those nongovernmental entities which utilize in their mailings official insignia, trade names, or other symbols or terms with governmental connotations or ties in order to misrepresent themselves as having Federal approval, support, or connections. Because these mailings appear to be directed primarily at the elderly and involve organizations offering products or services to or of interest to older Americans, many legitimate groups representing the elderly, such as the AARP, have expressed strong concern about the need to stop such deceptive mailings practices.

This bill would end such practices by doing three things: First, require specific disclaimers to be placed on mailing soliciting funds which are falsely presented as bills, invoices, or statements of accounts due; second, provide for disclaimers on mailings and envelopes with a seal, insignia, trade or brand name, or any term or symbol which could be construed as implying a Federal connection, approval, or endorsement; and third, require the U.S. Postal Service to study the problem of postal personnel declaring certain items nonmailable and detaining mail without authorization.

The vast majority of companies and private entities which use the mails to reach potential customers and members of the public are responsible organizations which offer and sell legitimate products and services. Unfortunately, a few companies, through misuse of mailing techniques, give the false impression that they represent the Federal Government or are offering services sanctioned by the Federal Government. Many solicitations and offers come in envelopes which could be reasonably interpreted to be an official mailing from a Federal agency, and most use titles which imply association with the Federal Government. As a consequence, customers are induced into paying for products or services which they do not need or which the Government could otherwise provide without charge.

One organization uses the Statue of Liberty as a logo and, in a brown, official-looking envelope, offers to provide a Social Security card for all children

under the age of 5 for a cost varying from \$12. to \$20. for the first child, with a supplemental charge for each additional child. Their enclosed material states: "Do not pull this off. Federal law requires that you must have this completed before your (1987) taxes are filed."

Another organization encloses sweepstakes tickets designed to look like Social Security cards. The recipient is informed that for a fee of \$7, you not only have the chance of winning \$50,000, but you can get a gold embossed Social Security card, an earnings statement, a guide to retirement, and representation in Washington to protect your Social Security benefits.

Other organizations mail solicitations to Medicare recipients. On the outside, the envelopes indicate the mailing pertains to "supplemental Medicare benefits." Inside the reader is informed that Medicare benefits have been drastically reduced by Congress. The point of this mailing is to sell Medigap insurance policies. The advertisement uses scare tactics to cause some recipients to submit their names. As a result, they find themselves paying for an expenditure they do not fully understand.

Most of these deceptive mailings target our Nation's elderly, focusing on Medicare or Social Security benefits, the most important issues to senior citizens. Health care and economic security for the seniors are very complex matters for most people. It is the combination of the complexity of these issues and their importance to the public, particularly the elderly, that has made the subject of increasing abuse of mass mailing practices.

Clearly, senior citizens should be afforded protection for false advertising through the mails and from fraudulent, deceptive, or misleading mailing practices which seek needless contributions from persons who must rely on fixed incomes and limited resources.

Legislation to correct this problem, H.R. 2331, was introduced in the House of Representatives by my Indiana colleague, Congressman FRANK McCLOSKEY, who is a member of the House Committee on Post Office and Civil Service. That bill was later amended and reported to the House Post Office and Civil Service Committee. This bill is identical to the amended version and is similar to legislation which passed the House last year but which the Senate failed to act on.

The Deceptive Mailings Prevention Act of 1989 would require the use of a disclaimer on the envelope and the inside matter which constitutes a solicitation by a nongovernmental entity for the purchase of products or services and contains a seal, insignia, trade or brand name, or any other term or symbol which reasonably could be in-

terpreted as implying any Federal Government connection or endorsement.

The bill also includes a provision expanding current law to declare false billing statements for the solicitation of donations as a nonmailable unless such matter bears on its face a disclaimer stating: "This is a solicitation of donations, and not a bill or invoice or statement of accounts due." Under title 39, United States Code, false billing statements for goods and services are nonmailable unless there is a disclaimer.

Under section 3 of the bill the Postal Service is requested to conduct a study on whether or not section 123.3 of the Domestic Mail Manual [DMM] is being appropriately observed; take actions to correct the misapplication of this provision; and report to the appropriate committees of the House and Senate on its findings and the measures taken to correct the problem. Section 123.33 of the DMM states that postmasters are not permitted to deny entry to or exclude from the mail any written, printed, or graphic matter even if they believe it is nonmailable under postal laws and regulations. Many nonprofit mailers have encountered problems with local postmasters making these kinds of determinations and telling the mailers that they cannot mail the item in question. Because the postal officials have thus far been unable to take corrective measures to rectify the problem, this legislation would require the Postal Service, which is the only authority which can declare items nonmailable, to take appropriate steps to make their postmasters comply with their own regulations.

The legislation which I am proposing will deter those few organizations which resort to deceptive mailings and attempt to portray themselves as being Government-affiliated or endorsed, when, in fact, they are not. This bill will address these deceptive mailing practices without infringing on the rights of honest persons and legitimate organizations to communicate their ideas and to have easy access to mass mailing practices to communicate with postal patrons nationwide. Most importantly, without trampling on first-amendment guarantees or freedom of speech, the Deceptive Mailings Prevention Act will strengthen the rights of the consumer, especially the elderly, against the real threat from false and misleading advertising circulated by disreputable persons and entities through the mails. To the extent that we can protect the public from such fraudulent mailing practices, we assure that those who provide a real service through honest advertising of legitimate, needed products and services are also protected. ●

By Mr. BOND:

S. 1357. A bill to amend the Agricultural Act of 1949 to allow producers to provide the appropriate county committees with actual yields for the 1989 and subsequent crop years, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CERTAIN DATA TO COUNTY AGRICULTURAL COMMITTEES

● Mr. BOND. Mr. President, today I am introducing legislation designed to address an important component of the next farm bill; the method by which farm program payment yields are calculated. While this might seem trivial to some, this methodology affects thousands of farmers and could potentially involve millions of dollars. It is very important that we analyze the impacts of these formulas closely; while we should strive for maximum efficiency, we must also be cognizant of budgetary realities.

While the income of farmers outside of Government farm programs is derived by multiplying price times yield times acreage, program participants must use a more complex formula. These producers are paid according to their crop-specific base acreage and program payment yield. In recent months, both of these components have been criticized for being too inflexible and there has been much discussion of potential alternatives.

Although it is not feasible to expect major modifications in crop acreage bases prior to the farm bill, we do have an opportunity to generate additional information with regard to program payment yields. Under current law, these yields are simply the average for a farm for the 1981 through 1985 crop years, excluding the high and low years. However, many farmers feel this approach is too rigid and fails to recognize gains achieved since the 1985 crop year. In other words, efficiencies made in the past 3 years are not currently reflected in program payment yield calculations. In addition, this can be a real hardship for those farmers who purchase land without a historical yield.

The legislation I am introducing today is a logical first step in determining if the current system should be maintained, or if it would be feasible to utilize a yield calculation based on proven or actual yields. Specifically, this legislation requires the Secretary of Agriculture to allow producers of wheat, feed grains, upland cotton, rice and soybeans, to report actual yield information on the 1989 and 1990 crops to local agriculture stabilization and conservation service offices. While this is currently allowed in some areas of the country, this legislation paved the way for uniform data collection. To encourage producers to provide this information, the Secretary is required to provide appropriate modification. The local ASCS offices will be re-

quired to save this data for a period of 5 crop years.

The Secretary is also required to report to Congress, by January 30, 1990, on the budget implications associated with a change to actual crop yields. In addition, the Secretary shall determine the costs of a couple of other yield determinations, based on the 1989 crop year. Beyond cost, the report will analyze the potential impacts which these calculations will have on both commodity programs and participants.

Mr. President, by authorizing ASCS to accept yield data, we are simply making a proactive move. If Congress decides to switch to actual yields, a solid data base will have been started. If we learn that the use of actual yields is cost-prohibitive, we have not lost a thing. As is rarely the case in Government, this is a win-win proposition. Furthermore, it is my understanding that the Congressional Budget Office estimates there would be no significant cost to implement the provisions of this legislation.

Mr. President, our neighboring colleagues are very familiar with this legislation. Last month, the House Agriculture Committee held a hearing on the bill and passed it shortly thereafter. Subsequently, on July 13, under a suspension of the rules, the House passed the bill by a voice vote.

Mr. President, it is my hope that this issue will come before the full Senate in the near future. I believe this legislation provides the mechanism necessary to address the complexities of yield calculations.●

By Mr. RIEGLE (for himself, Mr. DOLE, Mr. PRYOR, Mr. HARKIN, Mr. MOYNIHAN, Mr. DURENBERGER, Mr. MATSUNAGA, Mr. ROCKEFELLER, Mr. CHAFEE, Mr. HEINZ, Mr. CRANSTON, Mr. DECONCINI, Mr. LEVIN, Mr. LUGAR, Mr. SASSER, Mr. INOUE, Mr. METZENBAUM, Mr. SIMON, Mr. DODD, Mr. JEFFORDS, Mr. ADAMS, Mr. EXON, Mr. PRESSLER, Mr. LIEBERMAN, Mr. FORD, Mr. BURDICK, Mr. MCCONNELL, and Mr. WIRTH):

S. 1358. A bill to amend the Social Security Act to take into account monthly earnings in determining the amount of disability benefits payable to a recipient of disabled adult child's benefits and certain other beneficiaries and to provide for continued entitlement to disability and Medicare benefits for such individuals, and for other purposes; to the Committee on Finance.

SOCIAL SECURITY WORK INCENTIVES ACT

● Mr. RIEGLE. Mr. President, today I am introducing for myself, the distinguished minority leader, Mr. DOLE, and 26 other Senators a bill to provide incentives for beneficiaries of Social Security Disability Insurance [SSDI]

to work despite their impairments. Some of the individuals on SSDI can work, but they need access to health insurance and sufficient cash support to maintain themselves in an employed status. This legislation potentially could help over 112,000 disabled people in my home State of Michigan and 4 million SSDI beneficiaries nationwide.

Current law encourages retirement from the work force by removing SSDI cash benefits and Medicare coverage from people who work and earn over the substantial gainful activity [SGA] level of \$300 per month.

The concept underlying current law is that people fit neatly into two categories, those who cannot work at all, and those who can fully support themselves. This is no longer valid, if it ever was. My bill would change SSDI policy to reflect this reality.

S. 1358 extends the section 1619 work incentives provisions of the Supplemental Security Income [SSI] Program to the SSDI Program. Experience with the section 1619 program has shown, that for most disabled people, continued access to Medicaid health insurance coverage is the most important factor in successfully returning to work. People must have confidence that a work attempt will not disqualify them from benefits in the future, should that work attempt fail. S. 1358, parallels section 1619 to provide such an assurance to SSDI beneficiaries. The success of this program is reflected in the fact that, between 1981 and 1986, 55,000 people took advantage of the 1619 work incentive program. The program also has proven to be cost effective, resulting in a net savings to the Government.

Mr. President, the most important part of this work incentive program is the continuation of medical coverage. Under our bill, all Social Security Disability Insurance beneficiaries who work would be eligible for continued Medicare benefits if other insurance is unavailable.

Currently, disabled individuals who work are eligible for 48 months of continued Medicare benefits. After 48 months, disabled people who attempt to work lose their Medicare health benefits. Under this bill, all SSDI beneficiaries would be eligible for continued Medicare benefits after the 48-month period. The bill would allow beneficiaries to buy into Medicare, with Medicaid subsidizing lower income people.

All individuals with incomes at or below 150 percent of the poverty level—\$9,200 per year—would have all Medicare premiums paid for by Medicaid. This is similar in principal to the provision in the Medicare Catastrophic Coverage Act of 1988 which mandates Medicaid to pay the premium

and deductible and copayment costs for low-income elderly and disabled individuals. Individuals with incomes between 150 and 250 percent of poverty—\$15,400 per year—would also be eligible for Medicaid payment of Medicare premiums. But for these individuals, a State could impose a copayment on them based on a sliding scale related to their income. States could also provide funds for individuals up to 350 percent of poverty. Again, States have the option of implementing a sliding fee scale based on income.

Key to any work incentive program is gradual reflection of benefits in proportion to increases in income, in order to reflect the ability of the disabled person to work. Not only does this approach ease the impact of loss of benefits, but it also allows the disabled individual to feel more self-sufficient.

S. 1358 would provide reduced cash benefits to a targeted group of the most needy SSDI beneficiaries, primarily disabled adult children, who earn over \$300 a month. These beneficiaries would remain eligible for SSDI benefits, including Medicare, as long as they continue to have a disabling impairment. Their SSDI cash benefits would be reduced by \$1 for each \$2 earned above the first \$85.

The bill also would allow SSDI beneficiaries who face the loss of SSDI benefits to be treated as SSI recipients, if they meet SSI eligibility requirements, and thus to participate in the SSI 1619 work incentive program. These individuals would then have access to health benefits under the Medicare Program. Medicaid health benefits often can better meet the long-term care needs of disabled persons.

Mr. President, S. 1358 is a bipartisan approach to reform the SSDI Program to encourage beneficiaries to reach their full potential. While the Congressional Budget Office estimates the cost of the bill to be approximately \$2 million in 1990, \$14 million in 1991, and \$120 million over 5 years, the bill should generate net savings to the disability trust funds due to reduced benefit payments. In addition, these newly employed Americans will pay Federal income and Social Security taxes as well as contribute to the general health of our economy.

Only one-half of 1 percent of SSDI beneficiaries ever return to the work force. This is a tragedy. We must make a greater effort to return these people to productive lives, making them more independent while reducing Federal outlays for assistance.

We have worked closely with a number of leading advocacy organizations for disabled Americans in developing this legislation, and 25 national organizations have endorsed the Social Security Work Incentives Act of 1989. They include:

American Diabetes Association,
American Federation of Government Employees,
American Psychiatric Association,
Association for Children and Adults with Autism,
Association for Retarded Citizens—U.S.,
Catholic Charities, USA,
Epilepsy Foundation of America,
International Association of Psychosocial Rehabilitation Services,
Mental Health Law Project,
National Association of Protection and Advocacy Systems,
National Association of State Mental Retardation Program Directors,
National Head Injury Foundation,
National Council of Community Mental Health Centers,
National Mental Health Association,
United Cerebral Palsy Association, Inc.,
National Council on Independent Living,
National Association of Rehabilitation Professionals in the Private Sector,
National Association of Disability Examiners,
National Alliance for the Mentally Ill,
National Federation of Societies for Clinical Social Work,
Save our Security,
National Association of Rehabilitation Facilities,
National Association of Social Workers,
National Association of State Mental Health Program Directors, and
National Rehabilitation Association.

Mr. President, I hope S. 1358 is enacted this year. The Congress and the administration need to move strongly to reform the SSDI Program to meet the changing needs of beneficiaries.

I urge my colleagues to cosponsor this critical legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1358

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—SPECIAL STATUS FOR PERSONS WITH DISABILITIES WHOSE EARNINGS EXCEED SUBSTANTIAL GAINFUL ACTIVITY

SEC. 101. IN GENERAL.

Title II of the Social Security Act is amended by inserting after section 224 (42 U.S.C. 424a) the following new section:

"SEC. 224A. BENEFITS FOR INDIVIDUALS WHO PERFORM SUBSTANTIAL GAINFUL ACTIVITY DESPITE A SEVERE MEDICAL IMPAIRMENT OTHER THAN BLINDNESS.

"(a) ELIGIBLE INDIVIDUALS.—

"(1) Any individual who receives benefits (A) under subsection (d) of section 202 other than by reason of blindness, or (B) subject to the limitations set forth in paragraph (2), under subsection (a) of section 223, and who works and earns over the level for substantial gainful activity shall continue to be eligible for benefits, as set forth in this section, for so long as the Secretary determines that such individual continues to have the disabling physical or mental impairment or impairments on the basis of which such individual was found to be under a disability and continues to meet all nondisability-related requirements for eligibility for benefits under this subsection.

"(2) Those individuals who became entitled to benefits under subsection (a) of section 223 as a result of receiving quarters of coverage due to earnings for work while entitled to benefits under subsection (d) of section 202, section 1611, or subsections (a) or (b) of section 1619 shall be considered eligible individuals for purposes of subsection (a)(1).

"(b) REDUCTION OF BENEFITS BASED ON DISABILITY BY REASON OF MONTHLY EARNINGS.—

"(1)(A) For individuals eligible under this subsection, except as provided in subparagraph (B)—

"(i) the amount of an individual's benefit for any month under subsection (d) of section 202 based on disability shall be reduced (to not less than zero) by 50 percent of such individual's monthly earnings in excess of \$85 ordinarily taken into account by the Secretary in determining substantial gainful activity, and

"(ii) the amount of an individual's disability insurance benefit for any month under section 223 and the amounts of all other monthly benefits under this title for such month based on the same wages and self-employment income shall, in the aggregate, be reduced (to not less than zero) by 50 percent of such individual's monthly earnings in excess of \$85 ordinarily taken into account by the Secretary in determining substantial gainful activity, except that such reduction shall be applied—

"(I) first to the disability insurance benefit for such month of such individual (in an amount not to exceed the amount of such benefit),

"(II) then to all such other benefits for such month in proportion to the amounts of such other benefits (in amounts not to exceed the respective amounts of such benefits); and

"(III) if an individual receives a benefit which is based upon both subsection (d) of section 202 and section 223, the reductions listed in subclauses (I) and II shall be made only once, from the entire amount of the benefit which the individual is entitled to receive.

"(B) In the case of an individual who is entitled for any month both to a benefit referred to in subparagraph (a)(1) and a benefit under the supplementary security income program under title XVI (including any federally administered supplementary payment of the type described in section 1616(a))—

"(i) the reduction under subparagraph (A) shall not apply, and

"(ii) the total benefit (consisting of the benefit under title XVI and the benefit referred to in subsection (a)(1)) shall be subject to the reduction provided under section 1611(b) as if such total benefit were the benefit under title XVI,

except that, in so applying such reduction to such total benefit, such reduction shall be applied to the portion payable under title XVI before being applied to the portion payable under this subsection.

"(2) The amount by which a benefit for any month is reduced under this section shall be determined on the basis of earnings in the first or, if the Secretary so determines, second month preceding such month. The amount of the reduction shall be re-determined at such time or times as may be provided by the Secretary.

"(3) Reduction under this section shall be made after any reduction or deduction made under section 203, 222(b), or 224."

SEC. 102. CONTINUATION OF ENTITLEMENT TO BENEFITS BASED ON DISABILITY WHILE UNDER SPECIAL STATUS.

(a) TERMINATION OF ENTITLEMENT DELAYED UNTIL TERMINATION OF SPECIAL STATUS.—

(1) **DISABILITY INSURANCE BENEFITS.**—Section 223(a)(1) of the Social Security Act (42 U.S.C. 423(a)(1)) is amended in the second sentence by striking the period at the end thereof and by inserting in lieu thereof “, or, in the case of an individual who is eligible for continued benefits under section 224A, such individual’s disability shall not be considered to have ceased until such status terminates.”.

(2) **CHILD’S INSURANCE BENEFITS BASED ON DISABILITY.**—Section 202(d)(1)(G)(i) of such Act (42 U.S.C. 402(d)(1)(G)(i)) is amended by striking “except that” and all that follows through “activity” and inserting “except that, in the case of an individual who is eligible for continued benefits under section 224A, such individual’s disability shall not be considered to have ceased until such status terminates”.

(b) **SPECIAL STATUS.**—Section 224A of such Act (42 U.S.C. 424A) as added by this Act is further amended to read as follows:

“(c) **SPECIAL STATUS.**—Any individual who is entitled for a month to a disability insurance benefit under this section as limited by subsection (a) or to a monthly insurance benefit based on disability under subsection (d) of section 202, and whose earnings in a subsequent month are greater than or equal to the amount designated by the Secretary ordinarily to represent substantial gainful activity shall be considered to be in a special status under this subsection for so long as—

“(1) such individual continues to have the disabling physical or mental impairment on the basis of which such individual was found to be under a disability, and

“(2) such individual meets all other non-disability related requirements for entitlement to such benefits under this title.”.

(c) CONFORMING AMENDMENTS TO TRIAL WORK PERIOD PROVISIONS.—

Subsection (c) of section 222 of such Act (42 U.S.C. 422(c)) is amended—

(1) in paragraph (1), by inserting “only for disability based on blindness” after “202(d)”;

(2) in paragraph (2), by inserting “subject to the exceptions set forth in section 224A(a),” after “section 223”; and

(3) in paragraph (3), by striking “or, in the case of an individual entitled to benefits under section 402(d) of this title who has attained the age of eighteen, with the month in which he becomes entitled to such benefits or the month in which he attains the age of eighteen, whichever is later.”.

SEC. 103. MISCELLANEOUS AND CONFORMING AMENDMENTS.

(a) TREATMENT OF SIMULTANEOUS ENTITLEMENTS.—Subsection (k) of section 202 of the Social Security Act (42 U.S.C. 402(k)) is amended by adding at the end the following new paragraph:

“(5) The preceding provisions of this subsection shall be applied to benefits for each month before application of section 224A to any such benefits.”.

(b) LIMITATION ON RECOVERY OF OVERPAYMENT FROM OTHERS ON THE SAME WAGE RECORD OF BENEFITS OVERPAID TO DISABLED ADULT CHILD DUE TO EARNINGS.—Section 204(a)(1)(A) of such Act (42 U.S.C. 404(a)(1)(A)) is amended by inserting after the first sentence the following new sentence: “In any case in which the overpaid person or any other person referred to in the preceding sentence is entitled to a benefit for any month under section 202(d)

based on disability, if any decrease pursuant to this subparagraph in payments under this title for such month is a result of payment to the overpaid person of more than the correct amount by reason of failure to apply an appropriate reduction under section 224A, the benefit for such month of other persons entitled to benefits on the same earnings record shall not be subject to reduction as a result of the overpayment.”.

(c) EXTENSION TO CURRENT RECIPIENTS OF DISABILITY INSURANCE BENEFITS OF CURRENT RULE PREVENTING REDUCTIONS IN PRIMARY INSURANCE AMOUNT FOR PRIOR RECIPIENTS.—Subparagraph (C) of section 215(a)(2) of such Act (42 U.S.C. 415(a)(2)(C)) is amended—

(1) by striking “after the close of” and inserting “during, or after the close of,”;

(2) by striking “because of recomputation of such individual’s primary insurance amount during such period of disability,” after “whether”;

(3) by inserting “because of recomputation of such individual’s primary insurance amount during such period of disability,” after “whether”; and

(4) by striking “former”.

(d) ROUNDING CONFORMING AMENDMENT.—Subsection (g) of section 215 of such Act (42 U.S.C. 415(g)) is amended by striking “sections 203(a) and 224” and inserting “sections 203(a), 224, and 224A”.

(e) CONFORMING AMENDMENT.—The heading for section 224 of such Act (42 U.S.C. 424a) is amended by adding at the end the following: “BY REASON OF PERIODIC BENEFITS”.

(f) LIMITATION OF APPLICABILITY TO INDIVIDUALS WHOSE DISABILITY IS BASED ON BLINDNESS.—Nothing in section 101, 102, or 103 shall be construed to limit in any way the benefits and protections provided under the Social Security Act to individuals who receive benefits based upon blindness.

(g) EFFECTIVE DATE.—

(1) **IN GENERAL.**—The amendments made by this title shall apply with respect to entitlement to or benefits provided on the first day of the 13th calendar month following the month in which the date of enactment of this Act occurs.

(2) **DELAYED EFFECTIVE DATE FOR BENEFICIARIES ENGAGED IN TRIAL WORK.**—In the case of any individual entitled on the first day of the 13th calendar month following the month in which the date of enactment of this Act occurs to benefits based on disability under section 202(d) of the Social Security Act or section 223, as set forth in subsection (a) of section 224A, for whom such month is a month of trial work under section 222 of such Act, the amendments made by this title shall apply with respect to entitlement to or benefits provided on the first day of the 13th calendar month following the month in which the date of enactment of this Act occurs or, if the first day of the 13th calendar month following the month in which the date of enactment of this Act occurs is one of two or more consecutive months of trial work for such individual under such section 222, the month following such period of consecutive months.

(3) **SPECIAL RULE FOR CERTAIN EXISTING BENEFICIARIES.**—The amendments made by this subtitle shall not apply in the case of an individual who is entitled to benefits on the first day of the 13th calendar month following the month in which the date of enactment of this Act occurs if such individual has derived earnings (during the period of such entitlement ending with such month) ordinarily taken into account by the

Secretary of Health and Human Services under section 223(d)(4) of such Act in determining substantial gainful activity, and such earnings have never equaled or exceeded (for any month in such period of entitlement) the amount designated by the Secretary (for such month) ordinarily to represent substantial gainful activity.

TITLE II—AMENDMENTS TO SECTION 1619 OF THE SOCIAL SECURITY ACT

SEC. 201. BENEFITS FOR PERSONS WHO LOSE SOCIAL SECURITY DISABILITY BENEFITS.

(a) IN GENERAL.—Part A of title XVI (42 U.S.C. 1382 et seq.) is amended by inserting after section 1619 the following:

“BENEFITS FOR PERSONS WHO LOSE SOCIAL SECURITY DISABILITY BENEFITS

“Sec. 1619A. Each individual—

“(1) who received benefits under subsection (d), (e), or (f) of section 202 based on disability, or disability insurance benefits under section 223;

“(2) whose benefits under such provision are not payable in a month after the close of the individual’s trial work period determined by application of section 222(c)(4)(A) by reason of the rendering of services; and

“(3) who files an application for benefits under this title during the 33-month period beginning with the first month, after the end of such individual’s trial work period, for which a benefit described in paragraph (1) is not payable,

shall, for purposes of the requirement in section 1619 of a prior month of eligibility for benefits under section 1611, be deemed to have been eligible for benefits under section 1611 in the month immediately preceding such 33-month period, and such application shall be deemed to have been filed in such immediately preceding month.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to individuals whose trial work period ends after the first day of the 13th calendar month following the month in which the date of enactment of this Act occurs.

TITLE III—CONFORMING AMENDMENTS RELATING TO TITLE XVI

SEC. 301. INAPPLICABILITY OF SPOUSAL DEEMING UNDER SECTION 1619(b).

Section 1619 of the Social Security Act (42 U.S.C. 1382h) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

“(c) In determining whether an individual meets the requirements of subsection (b)(1)(B), beginning with the first month in a period of disability or blindness that an individual would have income deemed to be available to them under the provisions of section 1614(f)(1) which (except for the provisions of this subsection) would have made them ineligible under subsection (b) because of the requirements of subsection (b)(1)(B) and continuing for each subsequent month during such period of disability or blindness, the income of such individual’s spouse shall not be considered in determining whether such individual meets the requirements of subsection (b)(1)(B).”.

SEC. 302. EXCLUSION FROM INCOME UNDER SECTION 1619 OF ALL COSTS OF ATTENDANT CARE.

Section 1619(b)(1)(D) of the Social Security Act (42 U.S.C. 1382h(b)(1)(D)) is amended by inserting “whether or not such services or assistance is also needed to enable him to carry out his normal daily func-

tions," before "which would be available to him in the absence of such earnings."

SEC. 303. EXCLUSION FROM INCOME OF IMPAIRMENT-RELATED WORK EXPENSES IN STATE SUPPLEMENTATION-ONLY CASES.

Section 1612(b)(4)(B)(ii) of the Social Security Act (42 U.S.C. 1382a(b)(4)(B)(ii)) is amended by inserting "(or a federally administered State supplementary payment)" after "title".

SEC. 304. DISREGARD OF COST-OF-LIVING ADJUSTMENTS UNDER TITLE II IN DETERMINING MEDICAID ELIGIBILITY UNDER SECTION 1619 IF SUCH ADJUSTMENTS WOULD BE THE SOLE BASIS FOR ELIGIBILITY.

Section 1619(b) of the Social Security Act (42 U.S.C. 1382h(b)) is amended by adding at the end the following new paragraph:

"(4) Benefits shall be provided under title XIX to any individual (and such individual's spouse (if any)) for any month for which such individual is entitled to a monthly insurance benefit under title II but is not eligible for benefits under subsection (a), in like manner and subject to the same terms and conditions as are applicable under this section in the case of individuals who are eligible for and receiving benefits under subsection (a) for such month, if for such month such individual would be (or could become) eligible for benefits under subsection (a) except for amounts of income received by such individual which are attributable to increases in the level of monthly insurance benefits payable under title II which have taken effect pursuant to section 215(i), in the case of such individual, since the later of November 1989 or the last month for which such individual was both eligible for (and received) benefits under subsection (a) and was entitled to a monthly insurance benefit under title II, and, in the case of such individual's spouse (if any), since the later of November 1989 and the last month for which such spouse was both eligible for (and received) benefits under subsection (a) and was entitled to a monthly insurance benefit under title II."

SEC. 305. ATTAINMENT OF AGE 65 NOT TO SERVE AS BASIS FOR TERMINATION OF ELIGIBILITY UNDER SECTION 1619(b).

Section 1619(b) of the Social Security Act (42 U.S.C. 1382h(b)) is amended by striking "under age 65".

SEC. 306. STATE SUPPLEMENTATION FOR INDIVIDUALS UNDER SECTION 1619.

Section 1616 of the Social Security Act (42 U.S.C. 1382e) is amended—

(1) in subsection (b)(1), by inserting "(including benefits under section 1619)" after "title"; and

(2) in subsection (c)(3), by striking "have the option of making" and inserting in lieu thereof "make".

SEC. 307. TREATMENT OF ROYALTIES HONORARIUM AND SCHOLARSHIPS AS EARNED INCOME.

Section 1612(a) of the Social Security Act (42 U.S.C. 1382a(a)) is amended—

(1) in paragraph (1), by inserting after "(D)" the following:

"(E) any royalty which is earned in connection with any publication of an individual's work or any portion of any grant, honorarium, scholarship, or fellowship; and"; and

(2) in paragraph (2)(F), by inserting after "interest, and" the following: ", subject to the exception in (a)(1)(E)".

SEC. 308. EFFECTIVE DATES.

The amendments made by this title shall apply with respect to benefits for months after beginning on or after the first day of

the 13th calendar month following the month in which the date of enactment of this Act occurs, except as otherwise provided.

TITLE IV—AMENDMENTS RELATING TO MEDICARE AND MEDICAID PROGRAMS

SEC. 401. 48-MONTH LIMITATION ON MEDICARE BENEFITS FOR INDIVIDUALS IN SPECIAL STATUS.

(a) **IN GENERAL.**—Section 226(b) of the Social Security Act (42 U.S.C. 426(b)) is amended by adding at the end the following: "Notwithstanding paragraph (2)(A), in the case of an individual who is entitled to hospital insurance benefits under this subsection for a month only because the individual is entitled to disability insurance benefits, or benefits under subsection (d) of section 202 based on disability, as a result of being under the special status under section 224A, and whose earnings in the month are greater than or equal to the amount designated by the Secretary ordinarily to represent substantial gainful activity in connection with the disability involved, such entitlement shall cease as of the end of the 48th month (which need not be in a period of consecutive months) in which the individual both is so entitled and has such earnings and the Secretary shall provide such individual's notice (not later than the 45th such month) of the period remaining in such entitlement and the opportunity under section 1818A to buy into the Medicare program after the expiration of the 48th such month."

(b) **TRANSITIONAL RULE.**—In the case of an individual who was provided hospital insurance benefits under the third sentence of section 226(b) of the Social Security Act before the first day of the 13th calendar month following the month after the date of enactment of this Act occurs, months in which such benefits were provided under such sentence shall be counted against any 48-month limitation provided under the sentence added by subsection (a).

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to benefits for months after June 1990.

SEC. 402. PERMITTING MEDICARE BUY-IN FOR CONTINUED BENEFITS.

(a) **IN GENERAL.**—Title XVIII of the Social Security Act is amended by inserting after section 1818 the following new section:

"HOSPITAL INSURANCE AND MEDICAL BENEFITS FOR DISABLED INDIVIDUALS WHO HAVE EXHAUSTED OTHER ENTITLEMENT

"Sec. 1818A. (a) Every individual who—

"(1) has not attained the age of 65,

"(2)(A) would be entitled to benefits under this part under section 226(a) or 226(b), but for the 48-month limitation specified in the fifth sentence of such section, or (B) is blind (within the meaning of section 216(i)(1)) and would be entitled to benefits under this part under section 226(b), but for the 24-month limitation specified in the third sentence of such section, and

"(3) is not otherwise entitled to benefits under this part, shall be eligible to enroll in the insurance program established by this part.

"(b) Any individual enrolling under this section in the insurance program established by this part shall also be required to enroll in part B of this title.

"(c) An individual may enroll under this section only in such manner and form as may be prescribed in regulations, and only during an enrollment period prescribed in or under this section.

"(d) The provisions of section 1837 (except subsections (f), (g) and (i) thereof), section 1838 (other than subsections (c) and (e) thereof), and section 1840 shall apply to individuals authorized to enroll under this section, except that—

"(1) the initial enrollment period shall begin on the first day of the third month before the month in which the individual first becomes eligible and shall end 7 months later; and

"(2) an individual's entitlement under this section shall terminate with the month before the first month in which the individual becomes eligible for hospital insurance benefits under section 226 (including, in the case of an individual described in subsection (a)(2)(B), such eligibility under section 226(b) or 226(a) through the application of section 223(d)(1)(B)) and upon such termination such individual shall be deemed, solely for purposes of hospital insurance entitlement, to have filed in such first month the application required to establish such entitlement.

"(e) The provisions of subsections (d) through (f) of section 1818 shall apply to individuals enrolled under this section."

(b) **MEDICARE AS SECONDARY PAYOR TO EMPLOYER PLANS.**—Section 1862(b)(4)(A)(i) of the Social Security Act (42 U.S.C. 1395y(b)(4)(A)(i)) is amended by inserting "or any other individual is eligible for or receives benefits under this title due to enrollment under section 1818A" after "226(b)".

SEC. 403. REQUIRING MEDICAID PAYMENT FOR MEDICARE PREMIUMS FOR POOR, DISABLED INDIVIDUALS ENROLLING IN MEDICARE.

(a) **IN GENERAL.**—Section 1902(a)(10)(E) of the Social Security Act (42 U.S.C. 1396(a)(10)(E)) is amended—

(1) by inserting "(i)" after "(E)",

(2) by striking the semicolon at the end and inserting ", and", and

(3) by adding at the end the following new clause:

"(ii) for making medical assistance available for payment of Medicare cost-sharing described in section 1905(p)(3)(A) for qualified disabled and working individuals described in section 1905(r);"

(b) **ELIGIBILITY.**—Section 1905 of such Act (42 U.S.C. 1396d) is amended by adding at the end the following new subsection:

"(r) The term 'qualified disabled and working individual' means an individual—

"(1) who is entitled to enroll for hospital insurance benefits under part A of title XVIII under section 1818A and who is enrolled under part B of such title;

"(2) whose income (as determined under section 1612 for purposes of the supplemental security income program) does not exceed 250 percent, or at the State's option 350 percent, of the income official poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved;

"(3) whose resources (as determined under section 1613 for purposes of the supplemental security income program) do not exceed the maximum amount of resources that an individual (or a couple, in the case of an individual with a spouse who is eligible for supplemental security income benefits under title XVI) may have and obtain benefits under that program; and

"(4) who is not otherwise eligible for medical assistance under this title."

(c) PREMIUM PAYMENTS REQUIRED FOR CERTAIN INDIVIDUALS.—Section 1916 of such Act (42 U.S.C. 1396o) is amended—

(1) in subsection (a), by striking "(E)" and inserting "(E)(i)";

(2) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(3) by inserting after subsection (c) the following new subsection:

"(d)(1) With respect to a qualified disabled and working individual described in section 1905(r) whose amount of income (as it would be determined as if such individual was applying for benefits under title XVI of this Act) exceeds 150 percent of the income official poverty line for an unrelated individual under the age of 65 (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981), the State plan of a State may provide for the charging of a premium (expressed as a percentage of the Medicare cost-sharing described in section 1905(p)(3)(A) provided with respect to the individual) according to a sliding scale under which such percentage increases from 0 percent to 100 percent, in reasonable increments as the individual's income increases from 150 percent of such poverty line to 250 percent of such poverty line or 350 percent of such poverty line at the State's option.

"(2) A State shall not require prepayment of a premium imposed under this subsection and shall not terminate eligibility of an individual for medical assistance under this title on the basis of such individual's failure to pay any such premium until such failure continues for a period of not less than 60 days."

(e) CONFORMING AMENDMENTS.—(1) Section 1905(p)(3) of such Act (42 U.S.C. 1396d(p)(3)) is amended—

(A) by inserting "(or, with respect to a qualified disabled and working individual, the premiums described in subparagraph (A))" after "qualified Medicare beneficiary" the first place it appears, and

(B) in subparagraph (A), by striking "section 1818" and inserting "sections 1818 and 1818A".

(2) Section 1905(p)(1)(A) of such Act (42 U.S.C. 1396d(p)(1)(A)) is amended by inserting "but not including an individual entitled to such benefits only pursuant to an enrollment under section 1818A".

(3) Section 1902(f) of the Social Security Act (42 U.S.C. 1396a(f)) is amended by inserting "and except with respect to qualified disabled and working individuals (described in section 1905(r)) after "1619(b)(3)".

(e) EFFECTIVE DATE.—(1) The amendments made by this title apply (except as provided under paragraph (2)) to payments under title XIX of the Social Security Act for calendar quarters beginning on or after the first day of the 13th calendar month following the month in which the date of enactment of this Act occurs without regard to whether or not final regulations to carry out such amendments have been promulgated by such date.

(2) In the case of a State plan for medical assistance under title XIX of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by this section, the State plan shall not be regarded as failing to comply with the rest of such title solely on the basis of its failure to meet

these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.●

Mr. DOLE. Mr. President, I am pleased to join my distinguished colleague from Michigan, Senator RIEGLE in introducing the Social Security Work Incentives Act. The purpose of this legislation is to provide work incentives for beneficiaries of the Social Security Disability Insurance [SSDI] program similar to those provided under section 1619 of the Supplemental Security Income [SSI] program.

Unfortunately the current work incentives in the SSDI have not been successful. Under current law, beneficiaries of this program risk loss of their cash benefits and, most important, access to health insurance under Medicare. Encouraging retirement from the workplace by these individuals is not the intent of Congress.

The provisions of this legislation are similar to the work incentive provisions of section 1619, which I worked with my Senate colleagues and Representative STEVE BARTLETT to enact during the 99th Congress. The provisions enacted under the Employment Opportunities for Disabled Americans Act—Public Law 99-643—have proven effective—evidenced by the growing numbers of SSI recipients that have returned to work and contributed to the tax base. The Social Security Work Incentives Act will extend the 1619 work incentive provisions—of continued cash assistance and access to health insurance under Medicare—to adult disabled children [DAC's], and a small population of eligible SSDI beneficiaries who have developed an earnings record while on SSI, and achieved insured status.

The applicability of the basic work incentive provisions which offers a benefit offset of \$1 for every \$2 earned above the disregard of \$85 plus impairment-related work expenses will reach over 500,000 DAC's eligible for SSDI as disabled individuals age 18 or older, whose disability began before age 22, and who is a son, daughter, or eligible grandson/daughter of an insured, retired, deceased, or disabled worker.

Many individuals who became DAC's were previously on SSI, which entitled them to 1619 work provisions. Because of a change in family circumstances—for example, the death of a parent—this vulnerable group of individuals with their changed status into the SSDI program will now have the opportunity to continue working and receiving cash assistance and access to health care.

Evidence suggests that disincentives to work emanate from loss of medical

benefits. Currently, all individuals on SSDI would no longer receive Medicare once they exhaust the trial work period and the extended period of work eligibility totaling 48 months. Under this legislation, recipients would be given the option to continue to receive health insurance as a second payor under Medicare. All individuals with incomes below or at 150 percent of the poverty level would have Medicare part A and Part B premiums paid for entirely by Medicaid.

Individuals with income between 150 percent and 350 percent of the poverty level would also be eligible for Medicaid payment of the Medicare premiums giving States the option of imposing a copayment based on income.

A final option for SSDI beneficiaries who face loss of SSDI benefits due to return to employment—is an allowance to be treated as SSI recipients and participate in the section 1619 program as long as they remain disabled. This option would only be available to individuals who are not eligible under part A and meet resource tests required for SSI eligibility.

The legislation I am introducing with Senator RIEGLE today will provide people with disabilities protection against the loss of one's economic and medical security.

Increasing employment opportunities for persons with disabilities is high on the agenda for the 101st Congress. We are all aware of the Harris Poll indicating that two-thirds of all disabled persons in this country between the ages of 16 and 64 are not working—despite the fact they want to work.

Congress should focus on creating incentives for employment of the disabled and equally important, eliminating the disincentives that currently exist. Individuals receiving Social Security Disability Insurance [SSDI], and who earn above the substantial gainful activity [SGA], must be assured access to health care. Allowing individuals to work makes good financial sense. More important however, is the human dignity derived by being a contributing member of society.

A recent CBO preliminary estimate of the cost pertaining to the provisions of this bill project the cost to be \$120 million over 5 years. The financial advantages of enabling an SSDI recipient to work are substantial. In the 1984 report to Congress by the rehabilitation services administration—it was indicated that for every \$1 spent to return a disabled person to work, 18 were returned to the tax base upon their placement. This would include not only taxes paid by the individual but money saved by the removal of public expenditures.

The cost effectiveness of this program seems quite evident, considering the high costs of Federal and State

Social Security and welfare benefits which are reduced when work opportunities are provided.

Returning people with disabilities to the workforce will contribute to a vision of America where persons are judged by their abilities, not their disabilities.

Mr. President, in concluding, I would like to share one of many letters that I have received from those affected by the current disincentives under this program. She writes:

My problem is my Social Security Disability Income. I am currently not allowed to earn over \$300.00 per month. I started at \$3.64 an hour and will soon get a raise—but that means dropping back my hours more or lose my benefits. If I gave up my benefits and tried to work full time, by the time I paid income tax on my earnings and paid for medical insurance I would not be any better off than I am now.

I don't know of any handicapped person who wants to be pitied. Most want a chance to live as normal a life as possible. We can be productive citizens and need a chance to prove it.

I look forward to passing this important piece of legislation during the 101st Congress and writing her to share the news that she can do just that.

I ask unanimous consent that the entire text of her letter be included in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

PORTSMOUTH, NH,
May 6, 1989.

Senator ROBERT DOLE,
Hart Senate Office Building, Washington
DC.

DEAR SENATOR DOLE: This morning on Good Morning America I heard you talking about your interest in helping disabled people.

Every time I hear someone talking on this subject, it's always about finding jobs or housing to make a handicapped person more independent. But I have never heard anyone address the problem that I am having. I'm sure there must be thousands of people in the same situation.

I had polio in 1949. I have no use of my legs and a limited use of my left hand and arm.

I worked at an electronics company for 8 years in the 1960's. I quit that job when the company moved out of State. I then applied for Social Security disability and we adopted two girls.

In 1980 my husband divorced me and left me with 2 girls to raise and no child support. I had to find a job so I called vocational rehab. They worked with me for 3 years trying to find a job that would fit my situation. Then the supervisor of the service dept. at Sears Roebuck called vocational rehab with a 20-hour a week job that he felt a handicapped person could do.

I took the job and have been working there for 5 years. I love my job. The manager and other employees have been very helpful to me. They have arranged the office so everything is handy for me—low files and special desk. Someone gets my work for me and helps if there is anything I need.

My problem is my Social Security Disability. I'm not allowed to earn over \$300.00 a month. I started at \$3.65 and so was able to work 20 hours a week and I got 2 weeks paid vacation and 6 paid holidays. But with raises over the past 5 years I now make \$7.05 an hour.

Everytime I got a raise I had to drop back my hours and so lost my paid vacation and paid holidays.

In September my Social Security benefits were stopped because I was still a little over \$300.00 a month. I reapplied and was reinstated and was told that I was still eligible as long as I stay under \$300.00. Now I can only work 11 hrs. a week and my take home pay \$63.00 a week. I will be getting another raise soon and I'll have to drop back my hours more or lose my benefits. If I gave up my benefits and tried to work full time—Sears only hires mostly part-time help—by the time I paid income tax on my earnings and paid for medical insurance I would not be any better off than I am now.

It is very discouraging and there is no incentive. I have a nice job that I am able to do, the people that I work with are wonderful and Vocational Rehab helped me purchase a handicap van that I drive from my wheelchair, so I have no transportation problems and yet I'm going to work myself out of a job.

I feel the \$300.00 a month limit is ridiculous and should certainly be raised. I don't understand how anyone could consider \$300.00 "gainful employment."

What can I do to help get this law changed. They both told me I should apply for welfare. I don't want welfare and I don't need it. I want to be able to work about 20 hours a week and do the job I was hired to do.

Also I feel this law must discourage companies from hiring disabled people. Sears hired me for a 20-hr-a-week job and I can only work 11 hours so they have to have someone else finish my job.

Thank you for your time in hearing me out. I realize this letter is rather long, but I need to have someone understand another problem a disabled person faces in working. I don't know of any handicap who wants to be pitied. Most want a chance to live as normal a life as possible. We can be productive citizens and need a chance to prove it.

Thank you very much.

Yours truly,

RITA JOLLY.

● Mr. HARKIN. Mr. President, I am pleased to again join with Senators RIEGLE and DOLE in introducing legislation to extend the section 1619 work incentives provisions of the Supplemental Security Income [SSI] Program to disabled adult children and certain other beneficiaries of the Social Security Disability Insurance [SSDI] Program.

In 1986, we guaranteed Americans who are disabled and receive SSI the opportunity to work full or part time without fear of losing all SSI payments or medical benefits and attendant services simply because they were successful in earning more than \$300 a month. This program has been very successful. It saves the taxpayers money while, at that same time, provide people with disabilities an opportunity and an incentive to work.

This legislation will allow us to do the same thing for adults with disabilities who have parents or grandparents that are participants of SSDI programs, or who were successful in developing an earnings record while enrolled in the Supplemental Security Income [SSI] Program. Evidence suggests that disincentives to work comes from loss of medical benefits as well as cash benefits. This bill will allow people with disabilities to continue their participation in the work life of America without being penalized for doing so.

For too long the SSDI Program has been seen by many as an early retirement program for people too disabled to continue working. This legislation will redirect the SSDI Program away from the retirement model and toward a program specifically designed to meet the needs of disabled workers. Further, it supports the efforts of many Americans with disabilities who want to—and deserve to be—productive and contributing members of our work force.

Mr. President, this legislation remains consistent with the SSI Program and, with only modest modification, produces a significant improvement in the Social Security Disability Insurance Program. Most importantly, it better serves our citizens with disabilities, and is supported by members of the disabled community.

I want to thank my colleagues from Michigan and Kansas for their unflagging commitment to reforming the Social Security Disability Insurance Program and making it more relevant and useful to a significant number of Americans.●

● Mr. SASSER. Mr. President, I am pleased to join my colleagues, Senators RIEGLE and HARKIN, in support of the Social Security Work Incentives Act that is being introduced today. I am also proud to announce that I am an original cosponsor of this landmark legislation.

The passage of this act would remove some of the insensitivity that presently exists in our Nation's Social Security Disability Insurance [SSDI]. Under the current system, SSDI recipients have no reason to work or to attempt to remove themselves from Social Security disability. Indeed, our system is a disincentive to working because any gainful employment results in the elimination of one's benefits after a 9-month trial period.

Mr. President, I am aware of the need to keep our disability program strictly limited to those who are truly disabled to prevent fraud and abuse. This legislation would do nothing to change the eligibility requirements for SSDI, but it would recognize the fact that there are many legitimately disabled people who are able to perform some types of work. The number of

disabled who are able to work is increasing daily with additional technological advances that are allowing them to do so.

Presently, most SSDI recipients are afraid to work, because after 9 months of working all of their benefits are revoked. After only 9 months they are expected to support themselves totally and provide for their own health insurance. As all of us are aware, this is virtually impossible for the vast majority of SSDI recipients.

The legislation that is being introduced today would allow SSDI beneficiaries to work to the extent that they are able while having their cash benefits reduced according to the amount of income they earn. They would also be allowed to keep the Medicare benefits that are a part of their disability package until their incomes reach a level that allows them to pay for some or all of their Medicare premiums on a sliding scale.

The concept of scaled benefits has been tested with the supplemental security program and has proved effective in returning many disabled individuals to work. It's high time we extend this progressive approach to our SSDI Program. Disabled Americans deserve a better chance to become contributing members of society. The Social Security Work Incentives Act gives us an opportunity to give them that chance.

Mr. President, I urge my colleagues to join me in supporting this overdue legislation.●

● Mr. SIMON. Mr. President, I am happy to join my colleagues, Senators RIEGLE and DOLE, as they reintroduce the Social Security Work Incentives bill. This bill would provide incentives for those Social Security disability insurance [SSDI] recipients who wish to work. Under this proposal SSDI recipients would be able to become productive members of the work force without the risk of losing basic income assistance and health benefits. We must do all that we can to support and encourage every individual to work to the full extent of his or her ability.

I was an original cosponsor of this bill last year, and it should be noted that some changes have been made in the legislation. While we had focused more on cash benefits in earlier versions of the bill, we now limit the cash benefits to two groups of beneficiaries and focus on maintaining medical benefits. While this is a compromise that I would have preferred not to have made, it is one that should allow us to enact this bill quickly and get moving in the right direction.

The Congressional Budget Office has estimated that this bill will cost roughly \$14 million over 2 years, and \$115 million over 5, compared to the \$310 million over 5-year estimate that the CBO gave last year's bill. This is a cost that should be viewed as a sound

investment in the increased productivity of a large group of Americans. To those who will move from the status of being supported to the status of supporting themselves and others, it is an investment in human dignity and self fulfillment.

The Social Security Work Incentives bill has the endorsement of a number of important organizations representing individuals who are differently abled. I am proud to join in this effort and I encourage my colleagues on the Senate Finance Committee to move quickly in support of this measure.●

Mr. PRESSLER. Mr. President, I am pleased to join my distinguished colleagues, Senators RIEGLE and DOLE, in cosponsoring the Social Security Work Incentives Act. The provisions of this bill would be a tremendous help to disabled persons who stay in the work force.

The current law is a disincentive to disabled persons because they lose Medicare coverage after 9 months of continuous work. When they lose Medicare, they often are without any form of health insurance. Disabled persons are employed in work that is extremely beneficial to society, but often in businesses that are too small to afford offering health insurance to their employees. The end result of the current law is the loss of talented, dedicated individuals from the work force.

Further, the current law creates a situation in which employers may be reluctant to employ disabled persons. They realize that, following 9 months of employment, the disabled persons will probably resign in order to protect his/her Medicare benefit. If this legislation becomes law, disabled persons could continue to work and not fear losing Medicare coverage. Employers would benefit through a stable work force and enhanced productivity.

Currently, approximately 1,442 South Dakotans with disabilities are employed at training sites throughout the State. Approximately, 80 percent of those in training are receiving Social Security disability income [SSDI]. Many are very capable of increasing their skills and moving into full-time employment. However, their fear of losing Medicare coverage is a disincentive.

I am very proud to state that 15,486 disabled persons are currently employed in the South Dakota labor force. That number represents 82 percent of all disabled persons in which the disability does not prevent them from working. I am proud of them because despite the disincentives they continue to help meet the needs of society.

This legislation is vitally needed to increase the number of individuals with disabilities in the work force. South Dakota, a State where the work ethic is highly valued, would benefit from passage of the Social Security

Work Incentive Act. I lend my support to this effort and look forward to substantial growth in the number of disabled individuals in the American work force.

By Mr. MITCHELL (for himself, Mr. CHAFEE, Mr. BURDICK, Mr. BAUCUS, Mr. SASSER, Mr. SHELBY, Mr. SARBANES, Mr. CONRAD, Mr. LEVIN, Mr. COATS, Mr. LAUTENBERG, Ms. MIKULSKI, Mr. PRYOR, Mr. BUMPERS, Mr. DECONCINI, Mr. COHEN, Mr. INOUE, Mr. DODD, Mr. D'AMATO, Mr. JEFFORDS, Mr. REID, Mr. KERREY, Mr. MATSUNAGA, Mr. ADAMS, Mr. CRANSTON, Mr. FOWLER, Mr. DASCHLE, Mr. SIMPSON, Mr. MURKOWSKI, Mr. DOMENICI, Mr. WARNER, Mr. LIEBERMAN, Mr. LEAHY, Mr. HATFIELD, Mr. BENTSEN, Mr. GRAHAM, Mr. BRADLEY, Mr. HUMPHREY, Mr. LUGAR, Mr. ROBB, Mr. WILSON, Mr. PACKWOOD, Mr. KERRY, Mrs. KASSEBAUM, Mr. GORTON, Mr. MOYNIHAN, Mr. KASTEN, Mr. NUNN, Mr. HATCH, Mr. BURNS, Mr. HEINZ, Mr. BOSCHWITZ, and Mr. PRESSLER):

S.J. Res. 181. Joint resolution to establish calendar year 1992 as the "Year of Clean Water"; to the Committee on the Judiciary.

YEAR OF CLEAN WATER

Mr. MITCHELL. Mr. President, today I am introducing a joint resolution to establish calendar year 1992 as the "Year of Clean Water."

I am pleased to have over 40 of my colleagues as sponsors of this resolution, including the distinguished chairman of the Environment and Public Works Committee, Senator BURDICK, the ranking member of the committee, Senator CHAFEE, and the chairman of the Subcommittee on Environmental Protection, Senator BAUCUS.

Twenty years ago, pollution of our rivers, lakes, and marine waters was a major national problem. Discharges of raw sewage and untreated industrial wastes had turned some of our rivers and streams into stinking, open sewers.

In 1972 Congress responded to public concern for water pollution problems with passage of the Clean Water Act. I am pleased to note that my predecessor, Senator Edmund S. Muskie, played a major role in the development and enactment of the first Clean Water Act.

Since the passage of the Clean Water Act, we have made substantial progress in cleaning up water pollution problems and protecting water quality. The American people can be proud of these accomplishments, but the job is not complete. Serious water pollution problems persist in every part of the country.

The 1987 amendments to the Clean Water Act, passed in the last Congress over the veto of President Reagan, renewed our commitment to clean water and provided for new initiatives to assist municipalities in the construction of sewage treatment plants, in controlling toxic pollutants, in reducing nonpoint sources of pollution, and in protecting environmentally sensitive areas, such as estuaries.

Effective implementation of these new initiatives is essential to continued progress in water pollution control. We need to follow through on our commitment to make a gradual transition in funding of municipal sewage treatment plants from Federal grants to State revolving loan funds. We need to provide grant support for the implementation of State programs for control of nonpoint sources of pollution. And, we need to continue to press the Environmental Protection Agency for the full and aggressive implementation of the many important provisions of the Clean Water Act amendments.

As we look forward toward 1992, we need to continue our efforts to develop the best possible water pollution control program. An area of special concern is protection of the quality of our marine and coastal waters. These waters are a natural resource of tremendous environmental and economic importance, but they face an unprecedented number of environmental threats and, in some cases, their quality is declining.

Last summer, beaches were closed throughout the Northeast after the discovery of medical waste and other pollution problems. There is a large dead zone in the Gulf of Mexico. Lobsters taken off the mid-Atlantic coast have large burn holes as a result of pollution. We face huge cleanup problems in east coast harbors, including Boston Harbor. And, on the west coast, toxic chemicals and other heavy metals are in the sediments of Puget Sound, San Francisco Bay, and Santa Monica Bay.

I have introduced legislation to expand and strengthen research and protection programs for marine waters. I look forward to working with Senators LAUTENBERG, CHAFEE, BAUCUS, and others in developing the best possible legislation to respond to this important water quality problem.

October 1992 will be the 20th anniversary of the passage of the original Clean Water Act. As we approach this important anniversary of our water quality program, it is fitting that Congress reaffirm the Nation's commitment to the goals and objectives of the original Clean Water Act.

I urge any of my colleagues who have not sponsored this resolution to consider doing so and I ask unanimous consent that a copy of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 181

Whereas, clean water is a natural resource of tremendous value and importance to the Nation;

Whereas, there is resounding public support for protecting and enhancing the quality of this Nation's rivers, streams, lakes, wetlands, and marine waters;

Whereas, maintaining and improving water quality is essential to protect public health, to protect fisheries and wildlife, and to assure abundant opportunities for public recreation;

Whereas, it is a national responsibility to provide clean water as a legacy for future generations;

Whereas, substantial progress has been made in protecting and enhancing water quality since passage of the 1972 Federal Water Pollution Control Act (Clean Water Act) due to concerted efforts by Federal, State, and local governments, the private sector, and the public;

Whereas, serious water pollution problems persist throughout the Nation and significant challenges lie ahead in the effort to protect water resources from point and nonpoint sources of conventional and toxic pollution;

Whereas, further development of water pollution control programs and advancement of water pollution control research, technology, and education are necessary and desirable; and

Whereas, October of 1992 is the 20th anniversary of the enactment into law of the Clean Water Act; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, the Congress of the United States hereby designates calendar year 1992 as the "Year of Clean Water" and the month of October 1992 as "Clean Water Month" in celebration of the Nation's accomplishments under the Clean Water Act, and the firm commitment of the Nation to the goals of the Act.

Mr. CHAFEE. Mr. President, America's Clean Water Foundation is working with the Congress, the administration, and some 60 national water related organizations to rekindle this Nation's grassroots commitment to clean water. In passing this resolution, we in the Congress will help the foundation launch its 3 year campaign to commemorate the 20th anniversary of the Clean Water Act.

Nearly two decades have passed since we, the Members of Congress, enacted the Federal Water Pollution Control Act Amendments of 1972. Since that time, we have made tremendous progress. Even so, water protection is a dynamic process requiring the continual vigilance of the American public. Much has been accomplished and much remains to be done.

Over two decades we have addressed discreet sources of pollution coming from municipalities and industrial sites. Now, we must focus on nonpoint sources, toxics pollution, stormwater runoff, and pollution in our oceans, bays, and estuaries.

To me, Mr. Chairman, the commemoration of two decades of water

pollution control in this country is a testament to all we have tried to achieve and I rise in strong support of this important resolution.

As a founding member of the board of governors, I congratulate America's Clean Water Foundation for its willingness to take the lead in bringing the message of clean water to the attention of every American citizen.

Mr. LIEBERMAN. Mr. President, I am proud to join Senator MITCHELL as a cosponsor of the joint resolution to establish 1992 as the "Year of Clean Water" in commemoration of the 20th anniversary of the Clean Water Act.

The Clean Water Act of 1972 and the unanimous support of the Water Quality Amendments of 1977 stand with the best of our environmental legislation. With the Clean Air Act and the Wilderness Act, the Clean Water Act also represents the best of our environmental values. It provides the vision and the path: to keep America beautiful and to keep America healthy and strong, we must protect and conserve our natural resources.

The years since 1972 have shown remarkable improvement in water quality. No longer can industries discharge directly into our Nation's rivers and waterways. But the cleanup of those obvious sources have revealed the truth of our original vision: it is not some mysterious "they" which is responsible for our water pollution, but "we." A good 65 percent of the degradation of our waters presently comes from "nonpoint" sources—the runoff of streets and lawns, of farms and construction sites; in short, the runoff of every-day life. We must protect and conserve our natural resources; we must make some changes in how we live.

That is why this 20-year commemoration is so important. To make the changes needed in water conservation, in pesticides control, in wastewater treatment, we need to educate ourselves. To that end, I support the goals of America's Clean Water Foundation and their pledge to build on this joint resolution of Congress to enhance public awareness and personal stewardship for the water resources of our great Nation.

Mr. FOWLER. Mr. President, I am pleased to be an original cosponsor of this resolution to designate 1992 as the "Year of Clean Water." The 20th anniversary of the passage of the Clean Water Act provides an excellent opportunity to celebrate the act's considerable achievements.

We have come a long way in the past two decades toward curbing water pollution and protecting our precious water resources, and we cannot afford to relax our vigil now. Our progress in these areas was made possible only by a tremendous cooperative effort between all levels of government and the

American people. It is my hope that we will use this occasion to reaffirm a nationwide sense of unity of purpose as we consider the challenges that lie ahead for our water quality program. I believe the commemorative events being planned by America's Clean Water Foundation will play an important role in achieving this goal of renewed community involvement.

In assessing the accomplishments and unrealized potential of the Clean Water Act, it is important that we have accurate information on water quality trends since its inception. I am pleased that the Association of State and Interstate Water Pollution Control Administrators [ASIWPCA] has agreed to work with the States on the important project of documenting nationwide water quality trends over the past two decades.

I would like to take this opportunity to extend my appreciation to the ASIWPCA and to America's Clean Water Foundation for their important contributions to the upcoming "Year of Clean Water" commemoration. I would also like to commend the sponsors of this resolution and this effort to reaffirm our commitment to the goals of the Clean Water Act.

ADDITIONAL COSPONSORS

S. 6

At the request of Mr. McCAIN, the name of the Senator from California [Mr. WILSON] was added as a cosponsor of S. 6, a bill to grant the power to the President to reduce appropriated funds within 10 days after the date of enactment of a bill appropriating such funds.

S. 34

At the request of Mr. HUMPHREY, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 34, a bill to amend title 28 of the United States Code to clarify the remedial jurisdiction of inferior Federal courts.

S. 134

At the request of Mr. GLENN, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 134, a bill to establish the Congressional Scholarships for Science, Mathematics, and Engineering, and for other purposes.

S. 135

At the request of Mr. GLENN, the names of the Senator from South Carolina [Mr. HOLLINGS] and the Senator from Nevada [Mr. REID] were added as cosponsors of S. 135, a bill to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes.

S. 260

At the request of Mr. MOYNIHAN, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 260, a bill to amend the Internal Revenue Code of 1986 to make the exclusion from gross income of amounts paid for employee educational assistance programs.

S. 419

At the request of Mr. SIMON, the names of the Senator from Texas [Mr. GRAMM], the Senator from Virginia [Mr. ROBB], and the Senator from Louisiana [Mr. JOHNSTON] were added as cosponsors of S. 419, a bill to provide for the collection of data about crimes motivated by race, religion, ethnicity, or sexual orientation.

S. 673

At the request of Mr. BRYAN, the names of the Senator from Washington [Mr. ADAMS], the Senator from Connecticut [Mr. DODD], the Senator from Hawaii [Mr. INOUE], the Senator from Oregon [Mr. PACKWOOD], the Senator from Illinois [Mr. SIMON], and the Senator from California [Mr. WILSON] were added as cosponsors of S. 673, a bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 and the Motor Vehicle Information and Cost Savings Act to authorize appropriations for fiscal years 1990 and 1991, and for other purposes.

S. 714

At the request of Mr. McCURE, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 714, a bill to extend the authorization of the Water Resources Research Act of 1984 through the end of fiscal year 1993.

S. 720

At the request of Mr. BOREN, the name of the Senator from Illinois [Mr. DIXON] was added as a cosponsor of S. 720, a bill to amend the Internal Revenue Code of 1986 to extend and modify the targeted jobs credit, and for other purposes.

S. 727

At the request of Mr. HEFLIN, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of S. 727, a bill to amend the Animal Welfare Act to provide protection to animal research facilities from illegal acts.

S. 805

At the request of Mr. McCURE, the name of the Senator from Pennsylvania [Mr. HEINZ] was added as a cosponsor of S. 805, a bill to amend the Food Security Act of 1985 to permit certain school districts to receive assistance to carry out the school lunch program in the form of all cash assistance or all commodity letters of credit assistance.

S. 843

At the request of Mr. ROCKEFELLER, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of S. 843, a bill to establish a program of awards by the National Science Foundation for undergraduate students who are willing to commit themselves to teach elementary or secondary mathematics or science for a specified period of time.

S. 849

At the request of Mr. DASCHLE, the names of the Senator from Indiana [Mr. LUGAR], the Senator from North Carolina [Mr. HELMS], the Senator from Kentucky [Mr. FORD], the Senator from Louisiana [Mr. JOHNSTON], and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of S. 849, a bill to repeal section 2036(c) of the Internal Revenue Code of 1986, relating to valuation freezes.

S. 896

At the request of Mr. SPECTER, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 896, a bill to amend the Public Health Service Act to aid in the planning, development, establishment, and ongoing support of Pediatric AIDS Resource Centers, to provide for coordinated health care, social services, research and other services targeted to HIV infected individuals, and for other purposes.

S. 952

At the request of Mr. KERRY, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of S. 952, a bill to stimulate the design, development, and manufacture of high definition television technology, and for other purposes.

S. 1091

At the request of Mr. GRAHAM, the names of the Senator from Maryland [Ms. MIKULSKI] and the Senator from Hawaii [Mr. INOUE] were added as cosponsors of S. 1091, a bill to provide for the striking of medals in commemoration of the bicentennial of the U.S. Coast Guard.

S. 1107

At the request of Mr. SIMON, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 1107, a bill to provide education, training, employment, and related services to displaced homemakers, and for other purposes.

S. 1150

At the request of Mr. CONRAD, the name of the Senator from Wisconsin [Mr. KASTEN] was added as a cosponsor of S. 1150, a bill to provide for the payment by the Secretary of the Interior of undedicated receipts into the refuge revenue sharing fund.

S. 1200

At the request of Mr. CONRAD, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of S. 1200, a bill to implement a national comprehensive plan management program that will protect our environment by controlling or con-

taining undesirable plant species on Federal lands.

S. 1216

At the request of Mr. SIMON, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of S. 1216, a bill to amend the National Labor Relations Act to give employers and performers in the live performing arts, rights given by section 8(e) of such act to employers and employees in similarly situated industries, to give to such employers and performers the same rights given by sections 8(f) of such act to employers and employees in the construction industry, and for other purposes.

S. 1243

At the request of Mr. CRANSTON, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 1243, a bill to amend title 38, United States Code, to establish a retirement and survivor benefit program for judges of the new U.S. Court of Veterans Appeals, and for other purposes.

S. 1300

At the request of Mr. HATCH, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 1300, a bill to amend the Job Training Partnership Act to improve the delivery of services to hard-to-serve youth and adults, to establish the Youth Opportunities Unlimited Program, and for other purposes.

S. 1312

At the request of Mr. KERRY, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of S. 1312, a bill to improve the ability of States and localities impacted by narcotics-related crime to monitor, track, and prosecute major narcotics offenders, money launderers, and youth gangs involved in narcotics activity by improving intelligence regarding narcotics trafficking and money laundering operations.

SENATE JOINT RESOLUTION 12

At the request of Mr. THURMOND, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of Senate Joint Resolution 12, a joint resolution proposing an amendment to the Constitution relating to a Federal balanced budget.

SENATE JOINT RESOLUTION 59

At the request of Mr. WIRTH the names of the Senator from Minnesota [Mr. DURENBERGER], the Senator from West Virginia [Mr. ROCKEFELLER], and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of Senate Joint Resolution 59, a joint resolution designating January 19, 1990 as "National Skiing Day."

SENATE JOINT RESOLUTION 86

At the request of Mr. RIEGLE, the names of the Senator from Wisconsin [Mr. KOHL], the Senator from Washington [Mr. ADAMS], and the Senator from Kansas [Mrs. KASSEBAUM] were

added as cosponsors of Senate Joint Resolution 86, a joint resolution designating November 17, 1989, as "National Philanthropy Day."

SENATE JOINT RESOLUTION 131

At the request of Mr. DURENBERGER, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of Senate Joint Resolution 131, a joint resolution to designate November 1989 as "National Diabetes Month."

SENATE JOINT RESOLUTION 164

At the request of Mr. NICKLES, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of Senate Joint Resolution 164, a joint resolution designating 1990 as the "International Year of Bible Reading."

SENATE CONCURRENT RESOLUTION 52

At the request of Mr. HATFIELD, the names of the Senator from Utah [Mr. GARN], the Senator from Arkansas [Mr. PRYOR], the Senator from Vermont [Mr. JEFFORDS], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of Senate Concurrent Resolution 52, a concurrent resolution to express the sense of the Congress that science, mathematics, and technology education should be a national priority.

SENATE RESOLUTION 136

At the request of Mr. CONRAD, the name of the Senator from Washington [Mr. ADAMS] was added as a cosponsor of Senate Resolution 136, a resolution to express the sense of the Senate that the Committee on Appropriations should make the full appropriations authorized for carrying out programs for assessment and mitigation of radon under the Toxic Substances Control Act.

SENATE RESOLUTION 154

At the request of Mr. HEINZ, the names of the Senator from Alabama [Mr. SHELBY] and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of Senate Resolution 154, a resolution expressing the sense of the Senate on the agreement to be signed between the Government of the United States and the Government of the Republic of Korea to co-produce the "Korean Fighter Program" [KFP].

AMENDMENT NO. 253

At the request of Mr. D'AMATO, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of amendment No. 253 intended to be proposed to S. 1160, an original bill to authorize appropriations for fiscal year 1990 for the Department of State, the U.S. Information Agency, the board for International Broadcasting, and for other purposes.

AMENDMENT NO. 258

At the request of Mr. D'AMATO, the name of the Senator from Delaware [Mr. ROTH] was added as a cosponsor of amendment No. 258 proposed to S.

358, a bill to amend the Immigration and Nationality Act to change the level, and preference system for admission, of immigrants to the United States, and to provide for administrative naturalization, and for other purposes.

SENATE RESOLUTION 155—ESTABLISHING A SPECIAL COMMITTEE OF THE SENATE TO PROVIDE OVERSIGHT AND GUIDANCE WITH RESPECT TO RESPONSIBILITIES OF THE DIRECTOR OF NATIONAL DRUG CONTROL POLICY

Mr. LOTT submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 155

Resolved,

SECTION 1. ESTABLISHMENT OF THE SPECIAL COMMITTEE.

(a) ESTABLISHMENT.—(1) There is established a temporary special committee of the Senate to be known as the Special Committee on National Drug Control Policy (hereafter in this resolution referred to as the "special committee"). The special committee shall be composed of 10 members appointed by the President pro tempore from the recommendations of the Majority Leader and the Minority Leader. Five members shall be appointed from the majority party and 5 members shall be appointed from the minority party.

(2) The President pro tempore shall designate a member of the special committee recommended by the Majority Leader to serve as chairman.

(b) QUORUM, VACANCIES, AND RULES.—(1) A majority of the members of the special committee shall constitute a quorum for the transaction of business, except that the special committee may fix a lesser number as a quorum for the purpose of taking testimony.

(2) Vacancies in the membership of the special committee shall not affect the authority of the remaining members to execute the functions of the committee, and shall be filled in the same manner as original appointments are made.

(3) The special committee shall adopt rules of procedure not inconsistent with the rules of the Senate government standing committees of the Senate.

(c) SUBCOMMITTEES.—The chairman may establish such subcommittees of the special committee as he considers appropriate, but each such subcommittee shall be composed of not less than 4 members.

(d) SERVICE ON OTHER COMMITTEES.—Service of a Senator as a member or as chairman of the special committee shall not be taken into account for the purpose of paragraph 6 of rule XXV of the Standing Rules of the Senate.

SEC. 2. DUTIES OF SPECIAL COMMITTEE.

(a) IN GENERAL.—It shall be the function and duty of the special committee to provide oversight and guidance to the Director of National Drug Control Policy with respect to the Director's responsibility for—

(1) the development and submission of a National Drug Control Strategy; and

(2) the submission of a National Drug Control Program Budget with the annual budget request of the President.

(b) **NO LEGISLATIVE JURISDICTION.**—No proposed legislation shall be referred to the special committee, and such committee shall not have the power to report by bill or otherwise have any legislative jurisdiction.

SEC. 3. FINAL REPORT.

After November 18, 1993, and the submission of a final report, the special committee shall have 30 days to close its affairs, and on the expiration of such 30-day period cease to exist.

SEC. 4. AUTHORITY OF SPECIAL COMMITTEE.

(a) **IN GENERAL.**—For the purposes of this resolution, the special committee is authorized, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel;

(3) to hold hearings;

(4) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate;

(5) to require, by subpoena or otherwise, the attendance of witnesses and the production of correspondence, books, papers, and documents;

(6) to take depositions and other testimony;

(7) to procure the services of individual consultants or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946, as amended; and

(8) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) **USE OF OTHER COMMITTEES SERVICES.**—With the consent of the chairman of any other committee of the Senate, the special committee may utilize the facilities and the services of the staff of such other committee of the Senate, or any subcommittee thereof, whenever the chairman of the special committee determines that such action is necessary and appropriate.

(c) **OATHS.**—The chairman of the special committee or any member thereof may administer oaths to witnesses.

(d) **SUBPOENAS.**—Subpoenas authorized by the special committee may be issued over the signature of the chairman or any member of the special committee designated by the chairman, and may be served by any person designated by the member signing the subpoena.

SEC. 5. EXPENSES.

Expenses of the special committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the special committee, except that vouchers shall not be required for the disbursement of salaries of employees paid an annual rate. Such expenses shall not exceed \$ _____ of which amount not to exceed \$ _____ shall be available for the procurement of the services of individual consultants, or organizations thereof, as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended.

Mr. LOTT. Mr. President, last year Congress created a drug czar to oversee and coordinate all aspects of the war against drugs. And that was good. In fact, I thought it was long overdue and I think now our new drug czar is

making progress. He is about to report to the Congress.

The job was created to make certain that all agencies in the executive branch are working together and to identify one person who is in charge, so that we will not have a conflict between a number of departments and agencies.

Now the drug czar is in place and working feverishly to establish a new office, coordinate all aspects of the drug war, and write a report that Congress mandated he send to Congress 180 days after his confirmation.

When Mr. Bennett sends his first strategy to Congress, who is in charge? Which of the over 23 committees and subcommittees has prime jurisdiction and to whom is the drug czar responsible for oversight and legislative authority?

In short, who is in charge in Congress?

First, if Bill Bennett began testifying before every committee and subcommittee the week after the strategy is due—September 5—he would still be testifying way into 1990 on the first strategy—long after the second strategy is due in February of next year when the President's budget comes up to Congress.

Second, the 1988 drug law states that in developing each strategy the drug czar shall consult with Members of Congress. With whom does he consult? Is it possible for him to consult with the members of 80 committees and subcommittees between the time the first strategy is sent to Congress and the second strategy is due?

Third, who is in charge? Take the example of drugs being smuggled into the United States. First, the United States tries to eradicate the crops, which is the business of the Foreign Relations Committee.

The Drug Enforcement Agency [DEA] then tries to destroy the cocaine laboratory where the drugs are processed, and the issue becomes one for the Judiciary Committee.

Then the smuggler flies out of the country and is tracked by an intelligence agency, which concerns the Intelligence Committee. From there he would fly over the ocean where Armed Services [Navy], Commerce [Coast Guard], and Finance [Customs] would take an interest.

Once the smuggler entered the United States, if he were to fly into a national forest, the Energy and Natural Resources Committee would take an interest; if U.S. currency were involved in the operation, the Banking Committee would have some jurisdiction; and, as a general matter, Governmental Affairs could get involved at any stage of the process. And, of course, Appropriations will be involved at every stage of this process.

You see my point. In other words, who would the drug czar testify

before? How many would he testify before?

So I think it is time we ask a question of ourselves now: Who is in charge of the Congress? We need to deal with this problem and limit the amount of time that this important man and this important position spends testifying.

So today I am introducing legislation which would create in the Senate a special committee to provide oversight and guidance to our drug czar in his capacity in dealing with the drugs of this country.

AMENDMENTS SUBMITTED

FOREIGN ASSISTANCE AUTHORIZATION ACT

HELMS (AND PELL) AMENDMENT NO. 284

Mr. HELMS (for himself and Mr. PELL) proposed an amendment to the bill (S. 1160) to authorize appropriations for fiscal year 1990 for the Department of State, the U.S. Information Agency, the Board for International Broadcasting, and for other purposes, as follows:

At the appropriate place in the bill insert the following

SEC. . POLICY TOWARD THE FUTURE OF TIBET.

(a) **FINDINGS.**—The Congress finds that—

(1) Beginning October 7, 1950 the Chinese Communist army invaded and occupied Tibet;

(2) The Government of the People's Republic of China declared martial law in Lhasa and other parts of Tibet on March 7, 1989;

(3) Tibet has been closed to foreigners, including representatives of the international press and international human rights organizations; and

(4) As part of an organized system of repression in Tibet scores of persons have been imprisoned for their beliefs;

(b) **SENSE OF CONGRESS.**—It is the sense of the Congress that—

(1) the Government of the People's Republic of China should immediately lift martial law in Tibet and release all political prisoners; and,

(2) the Government of the People's Republic of China should enter into negotiations with representatives of the Dalai Lama on a settlement of the Tibetan question.

PELL (AND OTHERS) AMENDMENT NO. 285

Mr. PELL (for himself, Mr. LIEBERMAN, Mr. HELMS, Mr. CRANSTON, and Mr. KENNEDY), proposed an amendment to the bill S. 1160, *supra*, as follows:

At the appropriate place in the bill insert the following

SEC. . POLICY TOWARD THE FUTURE OF TAIWAN.

(a) **FINDINGS.**—The Congress finds that—

(1) although peace has prevailed in the Taiwan Strait for the past decade, on June

4, 1989, the Government of the People's Republic of China showed its willingness to use force against the Chinese people who were demonstrating peacefully for democracy; and

(2) in the Taiwan Relations Act, the United States made clear that its decision to enter into diplomatic relations with the People's Republic of China rested upon the expectation that the future of Taiwan would be determined by peaceful means.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the future of Taiwan should be settled peacefully, free from coercion, and in a manner acceptable to the people on Taiwan; and

(2) good relations between the United States and the People's Republic of China depend upon the Chinese authorities' willingness to refrain from the use or the threat of force in resolving Taiwan's future.

MURKOWSKI (AND OTHERS) AMENDMENT NO. 286

Mr. MURKOWSKI (for himself, Mr. STEVENS, Mr. HOLLINGS, Mr. HATFIELD, Mr. PACKWOOD, Mr. ADAMS, Mr. GORTON, Mr. KERRY, Mr. HELMS, and Mr. D'AMATO) proposed an amendment to the bill S. 1160, supra, as follows:

On page 143, beginning with line 6, strike out all through line 20 on page 144 and insert in lieu thereof the following:

(1) fisheries currently conducted in the international waters of the North Pacific Ocean, including the Bering Sea, by foreign vessels using long plastic driftnets result in the entanglement and death of enormous numbers of both target and non-target marine resources;

(2) the losses of valued non-target species in such fisheries may reach tens of thousands of marine mammals, hundreds of thousands of seabirds, millions of salmonids, and unknown numbers of other species;

(3) the salmon and steelhead trout intercepted in such fisheries are commercially and recreationally valuable anadromous species, and include large numbers of fish from stocks that spawn in the waters of the United States, and that remain under United States jurisdiction while in waters outside the exclusive economic zone and territorial sea of any nation;

(4) the unauthorized taking of anadromous species subject to the jurisdiction of the United States is unlawful;

(5) the efficiency with which driftnets intercept and harvest large numbers of salmon and steelhead trout has encouraged the development of international trading in fish taken illegally in driftnet fisheries on the high seas;

(6) economic losses to the citizens of the United States from such illegal fishing and fish marketing are estimated to be as much as several hundred million dollars annually;

(7) the Congress has demonstrated its deep concern about the effects of driftnet fisheries by the passage of the Driftnet Impact Monitoring, Assessment and Control Act of 1987 (16 U.S.C. 1822 note), often called "the Driftnet Act";

(8) the Driftnet Act called upon the Secretary of Commerce, through the Secretary of State and in consultation with the Secretary of the Interior, to negotiate agreements with each foreign government that permits its nationals to engage in driftnet fishing which results in the taking of

marine resources of the United States on the high seas;

(9) the Driftnet Act required that such agreements provide for statistically reliable monitoring and assessment of the numbers of marine resources of the United States killed by driftnet vessels, and for certain measures necessary for effective enforcement of applicable laws, regulations, and agreements;

(10) an agreement has been negotiated with the Government of Japan;

(11) many individuals and interest groups in the United States have expressed grave doubts about the ability of the agreement negotiated with the Government of Japan to meet the requirements of the Driftnet Act in a number of important respects, including statistically reliable monitoring and effective enforcement.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the agreement with the Government of Japan should be interpreted to ensure at a minimum that, for the 1990 fishing season:

(A) an electronic position-indicating and vessel-identification device will be installed and operating aboard all Japanese vessels which fish with driftnets in the North Pacific Ocean outside the exclusive economic zone or territorial sea of any nation, including, but not limited to, the vessels of the squid-fishing, large-mesh, land-based salmon, and mothership-based salmon drift-net fleets; and

(B) a sufficient number of observers will be placed aboard vessels of each driftnet fleet to ensure the collection of statistically reliable data on the numbers of marine resources of the United States killed by the vessels of each fleet.

MURKOWSKI (AND D'AMATO) AMENDMENT NO. 287

Mr. MURKOWSKI (for himself and Mr. D'AMATO) proposed an amendment to the bill S. 1160, supra, as follows:

At the end of the bill, add the following new section:

SEC. 915. INCREASING AMOUNT OF REWARDS FOR COMBATTING TERRORISM.

Section 36(c) of the State Department Basic Authorities Act of 1956 is amended by striking out "\$500,000" and inserting in lieu thereof "\$2,000,000".

D'AMATO (AND OTHERS) AMENDMENT NO. 288

Mr. D'AMATO (for himself, Mr. MOYNIHAN, Mr. GRASSLEY, Mr. SPECTER, Mr. REID, Mr. DIXON, Mr. BYRD, Mr. MACK, Mr. HEINZ, Mr. PRESSLER, Mr. MURKOWSKI, Mr. HELMS, Mr. SIMON, and Mr. ROTH) proposed an amendment to the bill S. 1160, supra, as follows:

Sec. . Section 404 of title IV—general provisions, of the Dire Emergency Supplemental Appropriations and Transfers, Urgent Supplementals, and Correcting Enrollment Errors Act of 1989 (Public Law 101-45) is repealed.

GORE AMENDMENT NO. 289

Mr. GORE proposed an amendment to the bill S. 1160, supra, as follows:

At the appropriate place, insert:

"It is the sense of the Senate that the President should limit political appointments to the position of United States Ambassador to 30 percent, as a means to promote professionalism in American diplomacy. It is the further sense of the Senate that the President should establish a bipartisan review board for the purpose of prescreening all potential nominees for the post of ambassador, and that the members of such a board should be selected in consultation with Senate leadership of both parties."

GORE AMENDMENT NO. 290

Mr. GORE proposed an amendment to the bill S. 1160, supra, as follows:

At the appropriate place, place insert: "it is the sense of the Senate that the President should limit political appointments to the position of United States Ambassador to 30 percent, as a means to promote professionalism in American diplomacy."

PELL (AND OTHERS) AMENDMENT NO. 291

Mr. PELL (for himself, Mr. SIMON, Mr. LEVIN, Mr. PRESSLER, Mr. CHAFEE, Mr. BUMPERS, Mr. MCCAIN, Mr. WILSON, and Mr. DOLE) proposed an amendment to the bill S. 1160, supra, as follows:

SUPPORT FOR THE PEOPLE OF SOVIET ARMENIA

(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) the people of the United States have strong historical and cultural ties with the people of Armenia;

(2) the Armenian people have been subjected to ethnic discrimination, cultural oppression and economic adversity;

(3) portions of Armenia were totally devastated by a massive earthquake on December 7, 1988, where, according to official Soviet reports, more than 25,000 Armenians were killed, more than 100,000 were injured, more than 500,000 were left homeless, and tens of thousands of children were orphaned;

(4) the Government and the people of the United States strengthened their commitment to Armenia by assisting in the immediate relief effort and in the overall reconstruction of those areas affected by the earthquake;

(5) in the face of such hardship and adversity, the Armenian people continue to exhibit their strong will and resilience;

(6) the current status of the region of Nagorno-Karabagh is a matter of concern and contention for the people of the Armenian and Azerbaijani Soviet Republics;

(7) the Soviet Government has termed the killings of Armenians on February 28-29, 1988 * * *

(8) the Special Administrative Committee set up by the Soviet Government to stabilize the Nagorno-Karabagh region has proven ineffective in that mission, giving rise to further dissatisfaction among the Karabagh Armenians, who constitute the overwhelming majority in the region;

(9) the Karabagh Committee, spokespersons for the popular movement in Armenia, had been jailed for nearly six months before their release on May 31, 1989; and

(10) continued discrimination against Karabagh Armenians and the uncertainty about Nagorno-Karabagh have led to massive

demonstrations and unrest in this area that are continuing to this day.

SENSE OF THE CONGRESS.—It is the sense of the Senate that the United States should—

(1) continue to support and encourage the reconstruction effort in Armenia;

(2) encourage Soviet President Gorbachev to continue a dialogue with the Armenian representatives to the Soviet Congress of People's Deputies;

(3) encourage Soviet President Gorbachev to engage in meaningful discussions with elected representatives of the people of Nagorno-Karabagh regarding their demands of reunification with the Armenian homeland and with the leadership of Armenia's pro-democracy popular movement which includes the recently released Karabagh Committee;

(4) promote in its bilateral discussions with the Soviet Union, an equitable settlement to the dispute over Nagorno-Karabagh, which fairly reflects the views of the people of the region; and

(5) urge in its bilateral discussions with the Soviet Union, that investigations of the violence against Armenians be conducted at the highest level of the Soviet judiciary, and that those responsible for the killing and bloodshed be identified and prosecuted.

ADAMS AMENDMENT NO. 292

Mr. PELL (for Mr. ADAMS) proposed an amendment to the bill S. 1160, supra, as follows:

On page 28, between lines 5 and 6 insert the following new section:

SEC. 127. ENHANCEMENT OF EVACUATION CAPABILITY.

(a) Section of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4801(b)) is amended—

(1) by striking out "and" at the end of paragraph (4);

(2) by redesignating paragraph (5) as paragraph (6);

(3) by inserting after paragraph (4) the following new paragraph:

"(5) to set forth the responsibility of the Secretary of State with respect to the safe and efficient evacuation of United States Government personnel, their dependents and private United States citizens when their lives are endangered by war, civil unrest, or natural disaster; and"

(b) Section of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4802) is amended—

(1) by redesignating paragraphs (b) and (c) as paragraphs (c) and (d) respectively;

(2) by inserting after paragraph (a) the following new paragraph:

"(b) OVERSEAS EVACUATION.—The Secretary of State shall develop and implement policies and programs to provide for the safe and efficient evacuation of United States Government personnel, dependents and private United States citizens when their lives are endangered. Such policies shall include measures to identify high risk areas where evacuation may be necessary and, where appropriate, providing staff to United States Government missions abroad to assist in those evacuations. In carrying out these responsibilities, the Secretary shall:

(1) develop a model contingency plan for evacuation of personnel, dependents and United States citizens from foreign countries;

(2) develop a mechanism whereby American citizens can voluntarily request to be

placed on a list in order to be contacted in the event of an evacuation or which, in the event of an evacuation, can maintain information on the location of American citizens in high-risk areas submitted by their relatives.

(3) assess the transportation and communications resources in the area being evacuated and determine the logistic support needed for the evacuation; and

(4) develop a plan for coordinating communications between embassy staff, Department of State personnel and families of United States citizens abroad regarding the whereabouts of those citizens."

CRANSTON AMENDMENT NO. 293

Mr. PELL (for Mr. CRANSTON) proposed an amendment to the bill S. 1160, supra, as follows:

Add to end of bill S. 1160:

SEC. . IMPORTATION OF CERTAIN DEFENSE ARTICLES FROM POLAND AND HUNGARY.

(a) PERMISSIBLE IMPORTS.—The authorities of section 38 of the Defense Trade and Export Control Act may not be used to prohibit the importation into the United States, by a museum or educational institution described in subsection (b), of any defense article from Hungary or Poland if it—

(1) was manufactured at least 25 years before its importation into the United States;

(2) was imported into the United States before June 30, 1989;

(3) has been disabled so that no weapon or weapons system is functional; and

(4) is used only for display to the public by the museum or educational institution, for educational purposes.

(b) QUALIFIED MUSEUMS AND EDUCATIONAL INSTITUTIONS.—Subsection (a) applies only to a museum or educational institution that is described in section 501(c)(3) of the Internal revenue Code of 1986 and exempt from tax under section 501(a) of such Code.

(c) DEFINITION.—For purposes of this section, the term "defense article" means a defense article designated under section 38(a) of the Defense Trade and Export Control Act.

MOYNIHAN AMENDMENT NO. 294

Mr. PELL (for Mr. MOYNIHAN) proposed an amendment to the bill S. 1160, supra, as follows:

On page 71, line 8, insert "AND BURMESE" after "TIBETANS".

On page 71, line 11, after "Tibet" insert ", and not less than 15 scholarships shall be made available to Burmese students and professionals who are outside Burma".

On page 93, between lines 19 and 20, insert the following:

(g) ALLOCATION OF FUNDS.—Of the amounts authorized to be appropriated by section 104 for the Department of State for "Migration and Refugee Assistance", \$250,000 shall be available only for assistance to displaced Burmese in India and Thailand.

On page 94, between lines 5 and 6, insert the following new section:

SEC. 504. REPORT REGARDING BURMESE STUDENTS.

(a) The Attorney General, in consultation with the Secretary of State, shall report to the Committees on Foreign Relations and Judiciary of the Senate within 30 days after the date of enactment of this Act on the immigration policy of the United States re-

garding Burmese pro-democracy protesters who have fled from the military government of Burma and are now located in border camps or inside Thailand. Specifically, the report shall include—

(1) a description of the number and location of such persons in border camps in Burma, inside Thailand, and in third countries;

(2) the number of visas, parole applications, and approvals for such persons by United States authorities, and precedents for increasing such visa and parole applications in such circumstances;

(3) the immigration policy of Thailand and other countries from which such persons have sought immigration assistance;

(4) the involvement of international organizations, such as the United Nations High Commission for Refugees, in meeting the residency needs of such persons; and

(5) the involvement of the United States, other countries, and international organizations in meeting the humanitarian needs of such persons.

(b) The Attorney General shall recommend in the report any legislative changes he deems appropriate to meet the asylum, refugee, parole, or visa status needs of such persons.

(c) As used in this section, the term "pro-democracy protester" means any person who has fled from the current military regime of Burma since the outbreak of pro-democracy demonstrations in Burma in 1988.

At the end of the bill, add the following new section:

SEC. 915. EXPRESSING THE SUPPORT OF THE CONGRESS FOR FREE AND FAIR ELECTIONS IN BURMA.

(a) FINDINGS.—The Congress finds that—

(1) General Ne Win overthrew a democratically elected government in 1962, and established the Burma Socialist Program Party which ruled Burma until September 1988, when it was replaced by a military junta which continues to rule Burma;

(2) the Government of Burma has followed the "Burmese Road to Socialism" from 1962 until April 1989, a policy which has resulted in the indiscriminate seizure of private property, the demonetization of currency, and economic hardship for the Burmese people;

(3) on July 23, 1988, General Ne Win, called for a transition to a multi-party system of government;

(4) on July 27, General Sein Lwin became President of Burma, and popular demonstrations erupted throughout the country against his rule and his rejection of a referendum on a multi-party system of government;

(5) on August 3, 1988, General Sein Lwin declared martial law in Burma, imposing a curfew, press censorship, closing schools, and banning meetings of more than 5 persons;

(6) on August 8, 1988, the Burmese Army opened fire on peaceful demonstrators in Rangoon and other cities, killing many hundreds of persons;

(7) on August 11, 1988, the Senate unanimously adopted Senate Resolution 464, condemning the Government of Burma for gross human rights violations;

(8) on September 7, 1988, the House of Representatives unanimously adopted House Resolution 529, urging the restoration of democratic government in Burma;

(9) on September 18, 1988, General Saw Maung took power in Burma, establishing a military junta and ordering the Burmese

Army to kill many hundreds of additional peaceful protesters, until such protests were forcibly halted;

(10) the United States, Canada, the European Community, Australia, and Japan, have withheld aid from the Government of Burma to protest the gross violations of human rights and to urge political and economic reform;

(11) on February 28, 1989, the President decertified Burma as a nation taking adequate steps to control narcotics trafficking;

(12) the United Nations Human Rights Commission adopted a resolution on March 8, 1989, expressing concern about human rights violations in Burma;

(13) on April 13, 1989, the President suspended trade benefits for Burma under the Generalized System of Preferences program because of worker rights violations;

(14) approximately 6,000 protesters, students, monks, and other civilians, sought refuge in the border camps of the National Democratic Front which represents ethnic minority insurgents, and in Thailand and India;

(15) Amnesty International has reported that the Government of Burma continues to arrest, torture, and kill civilian opponents;

(16) in May 1989 the Government of Burma refused an offer from the Government of Thailand to mediate an end to the civil war with the Democratic Alliance of Burma, which represents the ethnic minorities and the armed Burman opposition;

(17) the Government of Burma announced in February 1989 that elections would be held by May 1990, but has refused offers of electoral assistance planning from Thailand and rejected foreign observers;

(18) martial law remains in effect and opposition parties are prevented from freely organizing for elections, and Daw Aung San Suu Kyi of the National League for Democracy has been subject to harassment, arrest, and threats of death by the Government of Burma and the Burmese Army.

(b) **POLICY.**—In recognition of the violence and denial of human rights in Burma and the need for free and fair elections, the Congress—

(1) condemns the continued killings, torture, arrests, and denial of human and civil rights by the Government of Burma, and calls for an immediate halt to them;

(2) expresses its support for an end to martial law in Burma, for free and fair elections to be held before the end of May 1990, and for the transfer of power to an elected civilian government;

(3) calls upon all nations to withhold assistance to the Government of Burma until a democratic government assumes power in Burma;

(4) voices its strong support for the people of Burma and its admiration for their courage;

(5) urges an end to the civil war in Burma; and

(6) calls upon the President, the Vice President, the Secretary of State, the United States Ambassador to Burma, and the United States Permanent Representative to the United Nations to—

(A) publicly condemn the killings, torture, and arrests that continue in Burma;

(B) encourage the restoration of democracy and free and fair elections by May 1990, including the provision for international observers for such elections;

(C) continue to withhold all assistance to the Government of Burma until the holding of free and fair elections and the restoration of democracy, and urge all other nations to do the same;

(D) seek a mediated end to the civil war in Burma, including the involvement of the United Nations, the countries of the Association of Southeast Asian Nations, and other interested parties; and

(E) provide humanitarian resettlement assistance to the refugees from Burma now in Thailand and India.

MACK (AND OTHERS) AMENDMENT NO. 295

Mr. MACK (for himself, Mr. GRAHAM, Mr. DOLE, and Mr. D'AMATO) proposed an amendment to the bill S. 1160, supra, as follows:

On page 145, after line 22, add the following new section:

SEC. 915. POLICY TOWARD CUBA.

It is the sense of Congress that—

(1) after 30 years, Fidel Castro has failed to recognize the basic human rights, aspirations, and freedoms of the Cuban people;

(2) oppressive government policies and economic mismanagement have increased the suffering and hardship on the people of Cuba;

(3) The Cuban people should be allowed to express their view on their country's political future, that the Cuban Communist Party should permit a plebiscite, by a secret "yes/no" ballot, of the people's approval or rejection of Castro's continued rule;

(4) in order to guarantee an open and honest plebiscite, the Government of Cuba should meet the following conditions—

(A) allow opposition and human rights groups to organize publicly and repeal all laws curtailing freedom of expression and of assembly;

(B) grant all opposition groups equal access to national press, radio, and television media;

(C) release all political prisoners; and

(D) invite a neutral, international commission to oversee the voting and ensure the legitimacy of the results;

(5) should the "no" vote on Castro's rule prevail, the regime would respect the will of the people, initiate a period of democratic openness, and hold prompt national elections through which the Cuban people would freely choose their leaders; and

(6) normalized relations between the Governments of the United States and Cuba should one day be restored, and that a democratic Cuban Government elected by all the people must be an essential condition for such normalization.

On page 5, in the table of contents, after the item relating to section 914, add the following new item:

"Sec. 915. Policy toward Cuba."

MCCONNELL (AND OTHERS) AMENDMENT NO. 296

Mr. MCCONNELL (for himself, Mr. BYRD, Mr. ROCKEFELLER, and Mr. METZENBAUM) proposed an amendment to the bill S. 1160, supra, as follows:

Insert where appropriate:

The President shall provide a report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives within ninety days of enactment of this legislation which will identify, inventory and analyze clean coal technologies export programs within United States Government agencies including the Department of State, Commerce, and Energy and at the Export-Import Bank and the Overseas Private In-

vestment Corporation. The study shall address the effectiveness of interagency coordination of export promotion and determine the feasibility of establishing an interagency commission for the purpose of promoting the export and use of clean coal technologies.

WALLOP (AND OTHERS) AMENDMENT NO. 297

Mr. WALLOP (for himself, Mr. DOMENICI, Mr. DIXON, Mr. WILSON, Mr. SYMMS, Mr. BURNS, Mrs. KASSEBAUM, Mr. DECONCINI, Mr. DODD, Mr. SIMON, Mr. D'AMATO, Mr. MACK, Mr. ROCKEFELLER, Mr. HUMPHREY, Mr. BAUCUS, Mr. BURDICK, Mr. HEINZ, Mr. MOYNIHAN, Mr. WIRTH, Mr. MCCLURE, Mr. GARN, Mr. RIEGLE, Mr. WARNER, Mr. MCCAIN, Mr. GRASSLEY, Mr. MURKOWSKI, and Mr. DURENBERGER) proposed an amendment to the bill S. 1160, supra, as follows:

SEC. 915. TIANANMEN SQUARE PARK AUTHORIZATION.

(a) **FINDINGS.**—The Congress finds that—

(1) in April and May of 1989, Chinese students began hunger strikes and peaceful demonstrations in Beijing's Tiananmen Square to commemorate the seventieth anniversary of the May 19, 1919, student movement; these students demanded fundamental civil liberties such as those found in the United States Bill of Rights;

(2) Americans stand for certain timeless values that transcend political and national boundaries, among these principles is the American belief in the sanctity of human life and the inviolability of individual rights and freedom;

(3) hundreds of thousands of Chinese took to the streets throughout China in support of the ideals and aspirations expressed by the students;

(4) the Chinese students erected a version of the Statue of Liberty in Tiananmen Square to express their fervent desire to bring democracy and freedom to their country;

(5) the American people share the aspirations of all those around the world who struggle to win respect for these fundamental principles;

(6) when the pursuit of these ideals results in the shedding of innocent blood and the destruction of young lives, all Americans feel a profound sense of loss and an equally great sense of outrage;

(7) the Communist regime in Beijing, unjustly and unprovoked, brutally slaughtered thousands of citizens engaged in peaceful demonstrations;

(8) our Nation mourns for the families and loved ones of those killed in China;

(9) despite the outrageous brutality of elements of the Chinese Army in massacring unarmed, peaceful protesters, the Chinese leadership, including Communist Party leaders Deng Xiaoping and Li Peng, have publicly commended the actions of the Chinese Army;

(10) since the massacre in Tiananmen Square, the Communist regime in Beijing has been engaged in the systematic arrest and detention of Chinese students and other dissidents allegedly involved in the demonstrations;

(11) there have been dozens of rallies across the United States in support of the Chinese students, including a demonstration held across the street from the Embassy of

the People's Republic of China involving more than 2,000 protestors;

(12) at this protest a twenty foot replica of the Statute of Liberty was erected in a small park across the street from the embassy in honor of those students who lost their lives while demonstrating for greater political and economic freedom;

(13) a wreath was placed beneath the bright torch of the original Statute of Liberty to mourn the world's most recent heroes in the universal struggle for freedom and democracy; and

(14) the Communist regime in Beijing continues to deny the existence of any mass demonstration, deny Chinese troops ever fired into groups of protestors, and deny that anyone other than soldiers and innocent bystanders were killed.

(b) DESIGNATION.—The park located in front of the Embassy of the People's Republic of China at the northwest corner of Connecticut Avenue and Kalorama Road in the District of Columbia, designated Reservation No. 303A and Reservation No. 303B by the National Park Service, shall be designated and known as the "Tiananmen Square Park".

(c) LEGAL REFERENCES.—Any reference in any law, regulation, document record, map, or other record of the United States or the District of Columbia to the park referred to in subsection (b) is deemed to be reference to the "Tiananmen Square Park". Such designation shall expire three years from the date of enactment of this Act unless terminated earlier by the Secretary of the Interior.

On page 5, in the table of contents, after the item relating to section 914, add the following new item:

"Sec. 915. Tiananmen Square Park authorization."

PELL AMENDMENT NO. 298

Mr. PELL proposed an amendment to amendment No. 297 proposed by Mr. WALLOP to the bill S. 1160, supra, as follows:

At the end of the bill, insert:

(d) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the National Park Service should support public initiatives to raise private funds to place a replica of the Chinese students' Statute of Democracy on the redesignated "Tiananmen Square Park;" and

(2) such a memorial should be dedicated to the Chinese students and workers who have lost their lives in the struggle for democracy.

(e) RECEIPT OF PRIVATE FUNDS.—The National Park Service is authorized to accept donations of private funds for purposes of subsection (d)(1).

WIRTH AMENDMENT NO. 299

Mr. WIRTH proposed an amendment to the bill S. 1160, supra, as follows:

At the appropriate place insert:

"Not later than 90 days after the enactment of this Act, the Director of the United States Information Agency shall provide a detailed report to the Chairman of the Foreign Relations Committee of the Senate and the Speaker of the House of Representatives describing all programming material acquired by the United States Information Agency in fiscal year 1988 and fiscal year 1989 from public television and radio enti-

ties, including a description of how such program material was utilized by the United States Information Agency, in whole or in part, in original or edited form. Further, the Director of the United States Information Agency shall include in such report a description of projected United States Information Agency use of programming material acquired for public television and radio entities through fiscal year 1992."

HELMS AMENDMENT NO. 300

Mr. HELMS proposed an amendment to amendment No. 299 proposed by Mr. WIRTH to the bill S. 1160, supra, as follows:

At the end of the pending amendment, add the following:

On page 55, line 15, strike "\$36,000,000" and insert in lieu thereof "\$71,000,000".

KENNEDY (AND OTHERS) AMENDMENT NO. 301

Mr. KENNEDY (for himself, Mr. PELL, Mr. MOYNIHAN, and Ms. MIKULSKI) proposed an amendment to the bill S. 1160, supra, as follows:

At the appropriate place in the bill, insert the following:

SEC. . Findings.

(1) It is the policy of the United States to support and promote democratic values and institutions around the world.

(2) Over the last decade, the United States, in concert with other nations, has provided support to those working for democracy in many nations throughout the world.

(3) Such support has advanced the cause of freedom and democracy in those nations by providing international technical expertise on holding free and fair elections, providing international observers to document the conduct of the elections and in offering economic and humanitarian support to newly established democracies.

(4) On June 8, 1989, at the commencement ceremonies at Harvard University, the newest leader of a democratic nation, Prime Minister Benazir Bhutto of Pakistan, called for the establishment of an Association of Democratic Nations to support the right of peoples everywhere to choose freely their own government.

(5) The goals of the Association would be to promote:

(a) the holding of elections at regular intervals which are open to the participation of all significant political parties, which are fairly administered, and in which the franchise is broad or universal;

(b) respect for fundamental human rights including freedom of expression, freedom of conscience, and freedom of association.

(c) international recognition of legitimate elections through international election observer missions at all stages of the election, including the campaign, the voting and the ballot counting.

(d) the mobilization of international opinion and economic measures against the military overthrow of democratic governments.

(e) the provision of economic assistance to strengthen and support democratic nations.

SEC. . It is the sense of the Senate that—

(1) the proposal offered by Prime Minister Benazir Bhutto of Pakistan would further the cause of democracy, freedom and justice and is in the interest of the United States.

(2) the President of the United States should give serious consideration to the im-

plementation of the proposal, and should provide by December 31, 1989, a report to Congress assessing the merits of and estimated annual costs of establishing such an Association of Democratic Nations.

BYRD (AND OTHERS) AMENDMENT NO. 302

Mr. BYRD (for himself, Mr. DANFORTH, Mr. DIXON, Mr. ROCKEFELLER, and Mr. BINGAMAN) proposed an amendment to the bill S. 1160, supra, as follows:

At the appropriate place in the bill, add the following new section:

SEC. . ASSIGNMENT OF COMMERCIAL OFFICERS TO THE UNITED STATES MISSION TO THE EUROPEAN COMMUNITY.

Within 90 days of enactment of this law, the United States Foreign and Commercial Service shall assign to the United States Mission to the European Community in Brussels no less than three commercial officers and other support staff as necessary.

DECONCINI (AND OTHERS) AMENDMENT NO. 303

Mr. DECONCINI (for himself, Mr. HELMS, Mr. D'AMATO, Mr. DIXON, Mr. LOTT, Mr. MACK, Mr. COATS, Mr. WILSON, and Mr. PRESSLER) proposed an amendment to the bill S. 1160, supra, as follows:

At the end of the bill, add the following:

SEC. 915. POLICY TOWARD THE CONTROL OF ILLEGAL DRUGS IN MEXICO.

(a) FINDINGS.—The Congress finds that—

(1) the Foreign Assistance Act of 1961 requires, except in cases of vital national interest, that all countries determined to be a major illicit drug producing country or a major drug-transit country must be "cooperating fully" with United States anti-narcotics activities in order to continue receiving various forms of United States foreign assistance;

(2) relations between the United States and Mexico have suffered since none of the suspects in the 1985 kidnapping and murder of Drug Enforcement Administration agent Enrique Camarena and the 1986 torture of DEA agent Victor Cortez have been brought to justice;

(3) testimony before the Senate dating to 1986 has indicated that high-ranking Mexican government, military, and law enforcement officials have been involved in illegal narcotics operations, including narcotics trafficking operations into the United States;

(4) Mexico has been determined to be the primary producer of marijuana and heroin entering the United States and the transit point for up to 50 percent of the cocaine being smuggled into this country.

(5) there have been three drug-related mass murders involving more than 30 victims along the southwest border in recent months involving Mexican drug trafficking organizations;

(6) the United States continues to seek, with Mexican cooperation, hot pursuit and over-flight authority for United States law enforcement agencies, access to bank records, verification of eradication figures, information on those who have been tried, charged, sentenced, and served time for narcotics-related crimes, and extradition of criminal figures;

(7) there was sworn in a new president and government of Mexico on December 1, 1988, creating a new era of opportunity for increased cooperation and mutual friendship;

(8) the new President of Mexico, Carlos Salinas de Gortari, has indicated a strong willingness to expand and improve Mexico's anti-narcotics activities;

(9) the Chief of the Mexico City Police Investigative Service, Miguel Nazar Haro, who is under indictment in the United States, has been fired;

(10) the Government of Mexico has arrested Miguel Angel Felix-Gallardo, one of the most notorious drug trafficking figures in Mexico;

(11) Mexican officials have for the first time conceded that corrupt Mexican officials, including law enforcement, government, and military officials, have previously protected Mr. Gallardo; and

(12) criminal charges of electoral fraud against the mayor of Hermosillo, Carlos Robles, and homicide and arms charges against the head of Mexico's Oil Workers Union, Joaquin Hernandez Galicia, have been filed.

(b) **POLICY.**—It is the sense of the Congress that—

(1) President Salinas should be supported in his expressed willingness to end the narcotics-related corruption that has permeated the Government of Mexico in the past;

(2) Mexico should conclude the prosecution of the murderers of Drug Enforcement Administration agent Camarena, the perpetrators of torture against DEA agent Cortez, and make progress in the prosecution of Felix-Gallardo;

(3) Mexico should demonstrate its commitment to cooperating fully in anti-narcotics activities by entering into negotiations with the United States on—

(A) joint over-flight and hot pursuit operations, involving Mexican law enforcement officials traveling on United States interdiction aircraft with Mexican officers having responsibility for actual arrests of suspects;

(B) participation of United States law enforcement agencies in air surveillance flights for interdiction efforts and joint United States-Mexico border enforcement and interdiction operations;

(C) United States requests for access to bank records to assist in carrying out narcotics-related investigations; and

(D) United States requests for verification of eradication statistics, including ground verification.

HELMS (AND PRESSLER) AMENDMENT NO. 304

Mr. HELMS (for himself and Mr. PRESSLER) proposed an amendment, which was subsequently modified, to amendment No. 303 proposed by Mr. DeCONCINI (and others) to the bill S. 1160, *supra*, as follows:

Strike all after "SEC." and insert:

915. POLICY TOWARD THE CONTROL OF ILLEGAL DRUGS IN MEXICO.

(a) **FINDINGS.**—The Congress finds that—

(1) the Foreign Assistance Act of 1961 requires, except in cases of vital national interest, that all countries determined to be a major illicit drug producing country or a major drug-transit country must be "cooperating fully" with United States anti-narcotics activities in order to continue receiving various forms of United States foreign assistance;

(2) relations between the United States and Mexico have suffered since the 1985

kidnapping and murder of Drug Enforcement Administration agent Enrique Camarena and the 1986 torture of DEA agent Victor Cortez;

(3) testimony before the Senate dating to 1986 has indicated that high-ranking Mexican government, military, and law enforcement officials have been involved in illegal narcotics operations, including narcotics trafficking operations into the United States;

(4) Mexico has been determined to be the primary producer of marijuana and heroin entering the United States and the transit point for up to 50 percent of the cocaine being smuggled into the country;

(5) there have been three drug-related mass murders involving more than 30 victims along the southwest border in recent months involving Mexican drug trafficking organizations;

(6) the United States continues to seek, with Mexican cooperation, hot pursuit and over-flight authority for United States law enforcement agencies, access to bank records, verification of eradication figures, information on those who have been tried, charged, sentenced, and served time for narcotics-related crimes, and extradition of criminal figures;

(7) there was sworn in a new president and government of Mexico on December 1, 1988, creating a new era of opportunity for increased cooperation and mutual friendship;

(8) the new President of Mexico, Carlos Salinas de Gortari, has indicated a strong willingness to expand and improve Mexico's anti-narcotics activities;

(9) the Chief of the Mexico City Police Investigative Service, Miguel Nazar Haro, who is under indictment in the United States, has been fired;

(10) the Government of Mexico has arrested Miguel Angel Felix-Gallardo, one of the most notorious drug trafficking figures in Mexico;

(11) Mexican officials have for the first time conceded that corrupt Mexican officials, including law enforcement, government, and military officials, have previously protected Mr. Gallardo; and

(12) criminal charges of electoral fraud against the mayor of Hermosillo, Carlos Robles, and homicide and arms charges against the head of Mexico's Oil Workers Union, Joaquin Hernandez Galicia, have been filed.

(b) **POLICY.**—It is the sense of the Congress that—

(1) President Salinas should be supported in his expressed willingness to end the narcotics-related corruption that has permeated the Government of Mexico in the past;

(2) Mexico should conclude the prosecution of the murderers of Drug Enforcement Administration agent Camarena, the perpetrators of torture against DEA agent Cortez, and make progress in the prosecution of Felix-Gallardo;

(3) Mexico should demonstrate its commitment to cooperating fully in anti-narcotics activities by entering into negotiations with the United States on—

(A) joint over-flight and hot pursuit operations, involving Mexican law enforcement officials traveling on United States interdiction aircraft with Mexican officers having responsibility for actual arrests of suspects;

(B) participation of United States law enforcement agencies in air surveillance flights for interdiction efforts and joint United States-Mexico border enforcement and interdiction operations;

(C) United States requests for access to bank records to assist in carrying out narcotics-related investigations; and

(D) United States requests for verification of eradication statistics, including ground verification; and

(4) the people of Mexico should be supported in their efforts to rid their country of illicit narcotics, bribery and corruption, and electoral fraud.

HEINZ (AND OTHERS) AMENDMENT NO. 305

Mr. HEINZ (for himself, Mr. DIXON, Mr. BYRD, Mr. D'AMATO, Mr. FORD, Mr. BOREN, Mr. HELMS, Mr. SHELBY, Mr. CONRAD, and Mr. BRYAN) proposed an amendment to the bill S. 1160, *supra*, as follows:

On page 145, after line 22, add the following new section:

SEC. 915. POLICY TOWARD COPRODUCTION OF KOREAN FIGHTER PROGRAM.

(a) **FINDINGS.**—The Congress finds that—

(1) the United States has a large trade deficit with the Republic of Korea, more than \$10 billion in 1988;

(2) the Government of the Republic of Korea has pledged to do its utmost to take appropriate measures to open its markets to United States industries in an effort to reduce its trade surplus with the United States;

(3) the Government of the Republic of Korea has indicated that its intent in entering into the coproduction of the "Korean Fighter Program" is not simply related to national security considerations, but also includes acquiring United States aerospace technology in order to develop an indigenous aerospace capability;

(4) the "Korean Fighter Program's" impact on the United States industrial base needs to be fully understood; and

(5) the United States Government's inter-agency coordinating and negotiating process must take into consideration United States economic security concerns.

(b) **PRINCIPLES FOR NEGOTIATION.**—The President shall ensure that—

(1) offset provisions are not included in any memorandum of understanding governing the proposed co-production by the United States and the Republic of Korea of the "Korean Fighter Program"; and

(2) any agreement shall preclude the transfer to the Republic of Korea's commercial aerospace industry of United States aerospace technology and applied technology derived from the "Korean Fighter Program."

(c) **POLICY TOWARD MOU.**—It is the sense of the Senate that the President should instruct the Secretary of Defense not to sign any government-to-government memorandum of understanding regarding the Korean Fighter Program until—

(1) a thorough review of the "Korean Fighter Program" is conducted by the Comptroller General of the United States in consultation with appropriate officials pursuant to sections 824 and 825 of the National Defense Authorization Act for Fiscal Year 1989 (Public Law 100-456); and

(2) a report is submitted within 60 days of the adoption of this resolution to the chairmen of the Committees on Foreign Relations and Armed Services describing and analyzing—

(A) any effects of the "Korean Fighter Program" on the United States industrial

base in light of the Republic of Korea's publicly stated objective to utilize the Program to develop an indigenous commercial aerospace industry;

(B) the effects of the "offset" provisions of the proposed "Korean Fighter Program" on the United States trade deficit with the Republic of Korea and any detrimental effects on United States or third country suppliers; and

(C) the extent of implementation of the United States Government's interagency coordinating and consulting process as called for in sections 824 and 825 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456), and any negative or positive aspects thereof.

On page 5, in the table of contents, after the item relating to section 914, add the following new item:

"Sec. 915. Policy toward coproduction of Korean fighter program."

BRADLEY (AND PELL) AMENDMENT NO. 306

Mr. PELL (for Mr. BRADLEY, for himself and Mr. PELL) proposed an amendment to the bill S. 1160, *supra*, as follows:

Insert after section 914 in S. 1160, the Foreign Relations Authorization Act a new section, entitled "FUTURE OF HONG KONG" or insert as section 910(c), entitled "REPORT ON FUTURE OF HONG KONG":

SEC. . The Secretary of State shall report to Congress no later than January 1, 1990, about the implications of the June 3-4 crackdown by the government of the People's Republic of China against pro-democracy demonstrators in Beijing for the reversion of Hong Kong to PRC sovereignty in 1997, and about the way in which the administration intends to work with the United Kingdom, Hong Kong and our friends and allies in the region to ensure the democratic rights of the people of Hong Kong, and the general political and economic stability of the territory, after such reversion.

STEVENS (AND OTHERS) AMENDMENT NO. 307

Mr. HELMS (for Mr. STEVENS, for himself, Mr. KOHL, Mr. LEVIN, Mr. MURKOWSKI, Mr. REID, Mr. BOSCHWITZ, and Mr. DURENBERGER) proposed an amendment which was subsequently modified, to the bill S. 1160, *supra*, as follows:

Amend title I by inserting the following new sections:

SEC. . Agreement between the United States and Canada governing liability for potential oil spills in the Arctic Ocean and international contingency plans.

(2) FINDINGS.—The Congress finds that—
(1) Canada has discovered commercial quantities of oil and gas in the Amalagak region of the Northwest Territory;

(2) Canada is currently exploring alternatives for transporting the oil from the Amalagak field to markets in Asia and the Far East;

(3) one of the options the Canadian government is exploring involves transshipment of oil from the Amalagak field across the Beaufort Sea to tankers which would transport oil overseas;

(4) the tankers would traverse the American Exclusive Economic Zone through the

Beaufort Sea into the Chukchi Sea and then through the Bering Straits;

(5) these waters serve as the kitchen table for Alaska's Native people providing them with sustenance in the form of walrus, seals, fish, and whales;

(6) the Beaufort and Chukchi Seas provide important habitat for the bowhead whale, the lifeblood of the Eskimo people of Alaska;

(7) an oil spill in the Arctic Ocean, if not properly dealt with, could have significant impacts on the indigenous people of Alaska's North Slope;

(8) the Canadian Arctic Waters Pollution Act limits recovery of damages incurred as a result of offshore exploration or development to \$C40 million and does not apply west of 141 degrees latitude;

(9) the Canadian government has entered into an agreement with all companies licensed to drill in the Canadian Beaufort mandating liability to United States' claimants for damages suffered west of 141 degrees latitude, but that liability is limited to \$C20 million;

(10) there is no international agreement in effect between the United States and Canada outlining legal liability in the event of an oil spill;

(11) there are no international contingency plans involving our two governments governing containment and clean-up of an oil spill in the Arctic Ocean; and

(12) there is no pool of money immediately available to mitigate the impact of an oil spill or to reimburse the people of the North Slope for any losses they might suffer in the event of an oil spill in Canadian waters or by a Canadian tanker.

(b) NEGOTIATIONS.—The Congress calls upon the Secretary of State and the Foreign Minister of Canada to begin negotiations on a treaty dealing with the complex questions of recovery of damages, contingency plans, and coordinated actions in the event of an oil spill in the Arctic Ocean or a tanker accident during the shipment of oil by sea.

(c) REPORT.—The Secretary of State shall report to the Senate Committee on Foreign Relations and the House Committee on Foreign Affairs on his efforts toward this end no later than January 1, 1990.

SEC. . Report on agreements between the United States and Canada governing liability for potential oil spills in the Great Lakes and the St. Lawrence Seaway and international contingency plans.

(a) FINDINGS.—The Congress finds that—

(1) the Great Lakes contain 95 percent of the United States and 20 percent of the world's fresh surface water, providing drinking water for approximately 25 million Americans, supporting 20 percent of all United States manufacturing, providing habitat for thousands of wildlife species, and providing invaluable recreational opportunities and businesses for millions of people;

(2) last year four U.S. and twenty-two Canadian tanker vessels carried 81 million barrels of petroleum and hazardous materials through the Great Lakes;

(3) the Great Lakes are particularly vulnerable to oil spills, because they contain fresh water and are a closed system, without a larger sea to help disperse contaminants and reduce retention time;

(4) the potential for a disastrous oil spill on the Great Lakes was recently demonstrated in March 1989, when the Canadian tank barge Slurry narrowly avoided the release of 1.4 million gallons of carbon black feedstock when it ran aground twice on the

Detroit River, near the drinking water intakes which serve nearly 3 million people;

(5) the near miss in March of 1989 was not an isolated incident, and hundreds of smaller spills have actually occurred in recent years on the Great Lakes; and

(6) concerns have been raised about inadequate requirements by the United States and Canada on the prevention and remediation of oil spills in the Great Lakes, including questions about measures on double-hulled tankers, double-skinned barges, vessel inspections, pilotage rules, spill notifications, spill contingency plans, containment equipment, wildlife rehabilitation facilities, clean-up procedures and the allocation of liability.

(b) REPORT.—The Secretary of State shall review the international agreements and treaties with the Republic of Canada, including relevant provisions of the Great Lakes Water Quality Agreement of 1978, as amended by the Protocol of 1987, and the Canada-United States Marine Pollution Contingency Plan for Spills of Oil and Other Noxious Substances, in order to determine whether amendments or additional international agreements are necessary to resolve complex questions of recovery of damages in the event of an oil spill in the Great Lakes and to ensure the adequacy of measures to prevent and remediate such spills. To the extent possible, the Secretary of State shall consult with the United States Coast Guard, the Environmental Protection Agency, and states surrounding the Great Lakes during this review.

(c) REPORT.—The Secretary of State shall report to the Congress on the results of this review no later than September 1, 1989.

LAUTENBERG (AND OTHERS) AMENDMENT NO. 308

Mr. PELL (for Mr. LAUTENBERG, for himself, Mr. PRESSLER, Mr. DECONCINI, Mr. WILSON, and Mr. HELMS) proposed an amendment to the bill S. 1160, *supra*, as follows:

At the end of the "Miscellaneous" Title of the bill, add the following new section:

SEC. . POLICY TOWARD HUMAN RIGHTS ABUSES IN ROMANIA.

(a) FINDINGS.—The Congress finds that—

(1) human rights abuses in Romania, particularly the abuse of the ethnic Hungarian minority, have increased in the last year;

(2) President Ceausescu is now carrying out his plans to obliterate as many as half of the country's 13,000 rural villages and force the resettlement of the families in agro-industrial centers without proper plumbing facilities;

(3) family homesteads, churches, and synagogues, traditional folk architecture and private sources of scarce food are being systematically destroyed;

(4) the collectivization has had a particularly bad impact on the nation's ethnic minorities, particularly its Hungarian minority, who suffer the loss not only of their homes, but also of their centuries-old ethnic communities because of collectivization;

(5) recent Helsinki Watch report cited Romania's Hungarian minorities as victims of a government campaign to end their separate cultural identity;

(6) tens of thousands of Romanians, predominantly ethnic Hungarians, have fled into neighboring Hungary, because of the persecution in Romania;

(7) in March, in response to the worsening situation in Romania, the United Nations

Human Rights Commission voted overwhelmingly to appoint a special rapporteur to investigate the human rights situation there;

(8) even Romania's Warsaw Pact allies refuse to support it on this question;

(9) Hungary cosponsored the United Nations action while the Soviet Union, East Germany, and Bulgaria abstained from voting; France recalled its Ambassador from Romania, and Portugal and Denmark closed their embassies in Romania; and Belgium, Switzerland, and the European Parliament have passed resolutions condemning Romanian human rights abuses;

(10) West Germany has cancelled economic meetings with Romania and scientific co-operation programs between the two countries; France recalled its Ambassador from Romania and cancelled a scheduled economic meeting; and Britain, France, and West Germany have frozen all high level government-to-government contacts;

(11) although Congress suspended Most-Favored-Nation trading status for Romania in 1987, the situation has gotten worse;

(12) this past spring, Romanian President Ceausescu announced that Romania has repaid its foreign debt, yet the austerity program shows no sign of abating and the Romanian Government has exported food even as Romanian store shelves have lain bare, at the expense of the Romanian people's well-being; and

(13) the worsening situation, plus the strong reaction of the world community, mean that it is imperative that the United States consider all available policy options to address Romania's continuing human rights abuses.

(b) **POLICY.**—It is the sense of the Congress that—

(1) the United States should prohibit the importation into the United States of Romanian meat, meat products, and wine until such time as the Romanian Government ceases to withhold food particularly meat from the Romanian people and improves significantly its domestic human rights record; and that

(2) the United States should vigorously protest, at all international conferences and forums, Romania's human rights abuses and, particularly, its abuses of the ethnic Hungarian minority.

(c) **REPORT.**—The Secretary of State should make a study of what additional diplomatic and trade sanctions could be imposed on Romania, and should specifically consider, evaluate, and report to the Committee on Foreign Affairs and Appropriations of the House of Representatives and the Committee on Foreign Relations and Appropriations of the Senate within 60 days from the adoption of this resolution on the advisability of taking the following actions:

(A) Instituting a boycott on food exports coming from Romania to the United States.

(B) Prohibiting service of any kind by the Romanian state airline, Tarom, or any aircraft owned or controlled, directly or indirectly, by the Socialist Republic of Romania, except for humanitarian reasons;

(C) calling for continued inquiries by the United Nations and other appropriate international bodies into the status of religious and human rights in Romania, including the sponsorship of resolutions therein on the topic;

(D) Severely limiting the number of Romanian government employees and dependents who can visit the United States for any purpose except to seek political asylum;

(E) Additional restrictions on the importation of products from Romania of any kind,

except for opposition political literature or religious articles.

HELMS (AND DeCONCINI) AMENDMENT NO. 309

Mr. HELMS (for himself and Mr. DeCONCINI) proposed an amendment to the bill S. 1160, supra; as follows:

At the appropriate place in the bill, add the following new section:

SEC. . YANG WEI.

(a) **FINDINGS.**—The Congress finds that—

(1) Yang Wei, a Chinese national, studied at the University of Arizona from 1983 until he received his Masters of Science degree in microbiology in 1986;

(2) On January 11, 1987, while still an official student at the University of Arizona, Yang Wei was arrested by the Shanghai Public Security Bureau.

(3) After being held without charge for almost a year, Yang Wei was sentenced to two years in a labor camp for participating in the Chinese Alliance for Democracy.

(4) Yang Wei has been rearrested and again charged with participation in the Chinese Alliance for Democracy.

(5) Yang Wei has not committed any crime under United States Chinese law; and

(6) Officials of the People's Republic of China are conducting a campaign of repression against those, such as Tang Wei, who only aspire to freedom and democracy in their homeland.

(b) **POLICY.**—It is the sense of Congress that—

(1) the People's Republic of China should immediately release all political prisoners including Yang Wei; and

(2) the leadership of the People's Republic of China should take all necessary steps toward establishing a democratic society, with a free and open political system that will protect the essential human rights of all people living within that country.

BIDEN AMENDMENT NO. 310

Mr. PELL (for Mr. BIDEN) proposed an amendment to the bill S. 1160, supra, as follows:

(1) On page 94, line 19, after "cancellation" insert "or redemption".

(2) On page 95, line 1, change ", and" to "or".

(3) On page 95, line 14, after "cancelled" insert "or redeemed".

(4) On page 95, starting on line 16, strike the language of (b) and insert in lieu thereof "Notwithstanding any other provision of law, a grantee (or any subgrantee) of the grants referred to in section (a) may retain, without deposit in the Treasury of the United States and without further appropriation by Congress, interest earned on the proceeds of any resulting debt-for-nature exchange pending the disbursements of such proceeds and interest for approved program purposes, which may include the establishment of an endowment, the income of which is used for such purposes."

(5) On page 98, line 13, after "that" insert "an agreement has been reached to cancel". On line 14, strike "has been cancelled." On line 14, strike "the" and insert "an".

(6) On page 99, starting on line 20, strike the language of (c)(2) and insert in lieu thereof "Notwithstanding any other provision of law, a grantee (or any subgrantee) of the grants referred to in section (a) may retain, without deposit in the Treasury of the United States and without further ap-

propriation by Congress, interest earned on the proceeds of any resulting debt-for-nature exchange pending the disbursements of such proceeds and interest for approved program purposes, which may include the establishment of an endowment, the income of which is used for such purposes."

MACK AMENDMENT NO. 311

Mr. HELMS (for Mr. MACK) proposed an amendment to the bill S. 1160, supra; as follows:

On page 55, line 4, strike "\$181,724,000" and insert in lieu thereof "\$182,424,000".

On page 55, line 10, strike "\$12,000,000" and insert in lieu thereof "\$12,700,000".

PELL AMENDMENT NO. 312

Mr. PELL proposed an amendment to the bill S. 1160, supra; as follows:

The Mutual Educational and Cultural Exchange Act and Related Materials, as amended, is amended by inserting in section 112(a)(8) following the word "degree" and preceding the ";" the following: "or through other programs designed to promote contact between the young peoples of the United States, the Soviet Union, and Eastern European countries".

WIRTH AMENDMENT NO. 313

Mr. PELL (for Mr. WIRTH) proposed an amendment to the bill S. 1160, supra, as follows:

At the appropriate place insert:

"Not later than 90 days after the enactment of this Act, the Director of the United States Information Agency shall provide a detailed report to the chairman of the Foreign Relations Committee of the Senate and the Speaker of the House of Representatives describing all programming material acquired by the United States Information Agency in fiscal year 1988 and fiscal year 1989 from public television and radio entities, including a description of how such program material was utilized by the United States Information Agency, in whole or in part, in original or edited form. Further, the Director of the United States Information Agency shall include in such report a description of projected United States Information Agency use of programming material acquired for public television and radio entities through fiscal year 1992."

WILSON AMENDMENT NO. 314

Mr. WILSON proposed an amendment to the bill S. 1160, supra, as follows:

At the end of the bill add the following:

The Senate hereby supports the constitutional rights of the President to conduct foreign policy.

LOTT (AND OTHERS) AMENDMENT NO. 315

Mr. LOTT (for himself, Mr. DeCONCINI, Mr. HELMS, Mr. WILSON, Mr. D'AMATO, and Mr. COATS) proposed an amendment to the bill S. 1160, supra, as follows:

Strike all after the word "The" and insert the following: "lines on page 130, starting with 6, and continuing through 16, are null void and of no effect."

**GORE (AND KASTEN)
AMENDMENT NO. 316**

Mr. GORE (for himself and Mr. KASTEN) proposed an amendment to the bill S. 1160, supra, as follows:

Insert at the end of title VI, the following new section:

"The Secretary of State, shall, six months after entry into force of this legislation, submit to the Congress a report of the political, economic, commercial, and security implications of assistance to foreign countries in the form or systematically organized and financed transfers of technology for the purpose of improving energy efficiency and reducing carbon emissions to the atmosphere. The report shall review the extent to which such transfers may be deemed in the net interests of the United States. In conducting such review, the Secretary shall consider benefits of reduced emissions of greenhouse gases that would result from such transfers as well as any concerns regarding potential political, economic, commercial, or security risks. Said report is to include comments of the Secretary of Defense, the Secretary of Energy, the Secretary of Commerce, and the Administrator of the Environmental Protection Agency."

**DOMENICI (AND OTHERS)
AMENDMENT NO. 317**

Mr. DOMENICI (for himself, Mr. CHAFEE, Mr. WIRTH and Mr. KASTEN) proposed an amendment to the bill S. 1160, supra, as follows:

At the end of the pending amendment add the following:

SEC. . FINDINGS.—The Senate finds that—

(1) The population of the World is predicted to double within the next 36 years;

(2) About 90 percent of this enormous increase will occur in developing nations;

(3) Many scientists are predicting significant increases in the planet's mean temperature in the next 50 to 60 years as the result of the accumulation of carbon dioxide and other gases that are a product of energy consumption;

(4) Increases in energy consumption will accompany the significant increase in population;

(5) Such increased energy consumption will lead to increased emissions of "greenhouse gases", which could lead to even greater increases in temperature;

(6) The United States possesses the scientific and technical expertise to develop new clean energy technologies to meet future energy needs of this planet.

Now, therefore, it is the Sense of the Senate that the President of the United States should persuade other world leaders to join in convening an International Energy Conference, or use the occasion of the third plenary session of the Intergovernmental Panel on Climate Change to bring the nation of the World together to focus attention on international energy problems. Such effort will identify ways and means of assisting lesser-developed nations in the development of their energy needs through efficient and clean energy technologies that will mitigate the alterations to the atmosphere that cause global warming."

**EXON (AND HELMS)
AMENDMENT NO. 318**

Mr. EXON (for himself and Mr. HELMS) proposed an amendment to the bill S. 1160, supra, as follows:

At the appropriate place in the bill add the following:

**STUDENT VISAS FOR CHINESE STUDENTS IN
JAPAN**

() The U.S. Embassy in Japan shall not deny student visas to nationals of the Peoples Republic of China currently in Japan based solely on the recent political events in China, where the student can demonstrate an ability to meet all other requirements of a student visa and demonstrate that the student initiated an education plan prior to June 4, 1989, which included study in the United States.

WIRTH AMENDMENT NO. 319

Mr. PELL (for Mr. WIRTH) proposed an amendment to the bill S. 1160, supra, as follows:

At the appropriate place in the bill insert the following:

SEC. . Section 1103 of Public Law 100-204 is amended:

(1) by inserting at the end of subsection (b), "The President shall submit to Congress a coordinated national policy on global climate change by February 1, 1990."

KASTEN AMENDMENT NO. 320

Mr. HELMS (for Mr. KASTEN) proposed an amendment to the bill S. 1160, supra, as follows:

On page 75, after line 8, insert the following new section:

**SEC. 222. VOICE OF AMERICA BROADCASTS TO THE
PEOPLE'S REPUBLIC OF CHINA.**

For fiscal year 1990, the Voice of America shall broadcast its programs not less than 12 hours each day into the People's Republic of China.

On page 5, in the table of contents, after the item relating to section 221, add the following new item:

"Sec. 222. Voice of America broadcasts to the People's Republic of China."

On page 55, line 4, strike out "\$182,424,000" and insert in lieu thereof "\$183,924,000".

ADAMS AMENDMENT NO. 321

Mr. PELL (for Mr. ADAMS) proposed an amendment to the bill S. 1160, supra, as follows:

On page 28, between lines 5 and 6 insert the following new section:

SEC. 127. ENHANCEMENT OF EVACUATION CAPABILITY.

(a) Section 102(b) of the Diplomatic Security Act of 1986 (22 U.S.C. 4801(b)) is amended—

(1) by striking out "and" at the end of paragraph (4);

(2) by redesignating paragraph (5) as paragraph (6);

(3) by inserting after paragraph (4) the following new paragraph:

"(5) to set forth the responsibility of the Secretary of State with respect to the safe and efficient evacuation of United States Government personnel, their dependents and private United States citizens when

their lives are endangered by war, civil unrest, or natural disaster; and"

(b) Section 103 of the Diplomatic Security Act of 1986 (22 U.S.C. 4802) is amended—

(1) by redesignating paragraphs (b) and (c) as paragraphs (c) and (d) respectively;

(2) by inserting after paragraph (a) the following new paragraph:

"(b) OVERSEAS EVACUATIONS.—The Secretary of State shall develop and implement policies and programs to provide for the safe and efficient evacuation of United States Government personnel, dependents and private U.S. citizens when their lives are endangered. Such policies shall include measures to identify high risk areas where evacuation may be necessary and, where appropriate, providing staff to United States Government missions abroad to assist in those evacuations. In carrying out these responsibilities, the Secretary shall:

"(1) develop a model contingency plan for evacuation of personnel, dependents and U.S. citizens from foreign countries;

"(2) develop a mechanism whereby American citizens can voluntarily request to be placed on a list in order to be contacted in the event of an evacuation, or which, in the event of an evacuation, can maintain information on the location of American citizens in high risk areas submitted by their relatives.

"(3) assess the transportation and communications resources in the area being evacuated and determine the logistic support needed for the evacuation;

"(4) develop a plan for coordinating communications between embassy staff, Department of State personnel and families of U.S. citizens abroad regarding the whereabouts of those citizens.

BIDEN AMENDMENT NO. 322

Mr. HELMS (for Mr. BIDEN) proposed an amendment to the bill S. 1160, supra, as follows:

Strike "PART C—INTERNATIONAL DEBT EXCHANGES AND THE ENVIRONMENT", of Title VI, and insert in lieu thereof the following:

**"PART C—INTERNATIONAL DEBT EXCHANGES
AND THE ENVIRONMENT**

**"SEC. 631. SENSE OF THE CONGRESS RESOLUTION
REGARDING ENVIRONMENTAL
POLICY AND INTERNATIONAL DEBT
EXCHANGES.**

"(a) POLICY.—It is the sense of the Congress that the Secretary of Treasury should include support for sustainable development and conservation projects when providing a framework for negotiating or facilitating exchanges or reductions of commercial debt of foreign countries.

"(b) GOAL.—In assisting or facilitating the reduction of debt of heavily indebted foreign countries, either through bilateral institutions or multilateral institutions such as the International Monetary Fund or the World Bank, the Secretaries of State and Treasury shall support efforts to provide adequate resources for sustainable development and conservation projects as a component of the restructured commercial bank debt of that country.

"(c) CRITERIA.—In providing that support, the Secretaries shall seek to assure that:

"(1) the host government, or a local non-governmental organization acting with the support of the host government, has identified conservation or sustainable development projects it will target for assistance;

"(2) there will be in place an organization, either governmental or nongovernmental,

that will have the commitment to assure the long-term viability of the project;

"(3) the allocation of the resources provided for conservation and sustainable development projects through the debt restructuring agreement is done in a manner that will not overwhelm or distort economic conditions in the host country.

"Sec. 632. REPORTS.

"(a) Within 120 days of enactment of this act, the Secretary of the Treasury shall provide a report to the Senate Foreign Relations Committee and the Speaker of the House on the methods that will be used to incorporate environmental considerations into debt restructuring plans.

"(b) The Secretary shall include in the annual Multilateral Development Bank environmental report a section providing a summary and analysis of the support provided to conservation and sustainable development projects as a part of major agreements to restructure a country's foreign debt."

COATS (AND OTHERS) AMENDMENT NO. 323

Mr. COATS (for himself, Mr. HELMS, and Mr. BOREN) proposed an amendment to the bill S. 160, supra, as follows:

At the end of the bill, add the following new section:

"SEC. . APPOINTMENT OF THE NEW ADMINISTRATOR OF THE PANAMA CANAL COMMISSION.

Title 22, United States Code, section 3613 is amended by adding before the period the following: "; provided that no Administrator may be appointed to fill a new term unless and until the President certifies to Congress that the ruling government of Panama is democratically elected according to procedures specified in the Constitution of Panama providing for a civilian government in control of all Panamanian military and paramilitary forces."

ARMSTRONG (AND OTHERS) AMENDMENT NO. 324

Mr. ARMSTRONG (for himself, Mr. DECONCINI, Mr. COATS, Mr. MCCLURE, Mr. HUMPHREY, Mr. HELMS, and Mr. CONRAD) proposed an amendment to the bill S. 160, supra, as follows:

At the end of the bill add the following new section:

"SEC. . CHINESE FLEEING COERCIVE POPULATION CONTROL POLICIES.

"(a) Pursuant to paragraph (42)(A) of section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(42)(A)), all adjudicators of asylum or refugee status shall give fullest possible consideration to applications from nationals of the People's Republic of China who express a fear of persecution upon return to that country because they refuse to abort a pregnancy or resist sterilization in violation of Chinese Communist Party directives on population.

"(b) In view of the urgent priority assigned to the 'one couple, one child' policy by high level Chinese Communist Party officials and local party cadres at all levels, as well as the severe consequences commonly imposed for violations of that policy, which are regarded as 'political dissent,' refusal to abort or to be sterilized, as described in subsection (a) of this section, shall be viewed as an act of political defiance justifying a 'well-

founded fear of persecution' sufficient to establish refugee status under paragraph (42)(A) of section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(42)(A)).

"(c) All other factors which may contribute to a determination of asylum or refugee status in such cases are to be given additional weight by asylum and refugee adjudicators, such factors including, but not limited to, overt political activities while in the United States or third countries, membership in an ethnic or religious minority, family background and history, or suspicion of 'counterrevolutionary' activities by Chinese Communist Party officials.

"(d) Nothing in this section shall be construed to necessitate a grant of asylum or refugee status to any individual who is ineligible for admission to the United States under section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)).

"(e) The Secretary of State and the Attorney General shall, within 30 days of enactment of this section, promulgate regulations and guidelines to carry out the provisions of this section."

SPECTER AMENDMENT NO. 325

(Ordered to lie on the table.)

Mr. SPECTER submitted an amendment intended to be proposed by him to the bill S. 1160, supra, as follows:

At the appropriate place insert the following:

SEC. 17. DEATH PENALTY FOR TERRORIST ACTS ABROAD AGAINST UNITED STATES NATIONALS.

Section 2331(a)(1) of title 18, United States Code, is amended by inserting before the semi-colon the following: ", or the court may impose a sentence of death in accordance with the procedures set forth in section 7001 of the Anti-Drug Abuse Act of 1988 (21 U.S.C. 848)".

BYRD (AND HATFIELD) AMENDMENT NO. 326

Mr. BYRD (for himself and Mr. HATFIELD) proposed an amendment to the bill S. 1160, supra, as follows:

On page 7, line 1, strike "shall be available only" and insert "are authorized to be appropriated";

On page 9, line 10, beginning with "; and" strike all through "(f)" on page 10, line 6, and insert "(e)";

On page 27, strike lines 13 through 19 and insert the following:

"(a) AUTHORIZATION.—Of the funds authorized to be appropriated for fiscal year 1990 by this title, \$1,300,000 are authorized to be appropriated to provide continued support for the establishment of a Latin American and Caribbean Data Base."

On page 55, lines 10 and 11, strike "shall be available only" and insert "are authorized to be appropriated";

On page 57, line 8 and insert the following:

"Of the funds authorized to be appropriated by this section, there are authorized to be appropriated—

"(1) \$98,000,000 for grants for the Fulbright Academic Programs;

"(2) \$40,400,000 for grants for the International Visitors Program;

"(3) \$5,500,000 for grants for the Hubert H. Humphrey Fellowship Program;

"(4) \$2,500,000 for Congress-Bundestag Exchanges;

"(5) \$2,000,000 for the Samantha Smith Programs;

"(6) \$7,800,000 for the Arts America Program;

"(7) \$11,900,000 for the Office of Citizen Exchanges; and

"(8) \$150,000 for books and materials for the collections at the Edward Zorinsky Memorial Library in Jakarta, Indonesia.

"(b) SOVIET AND EASTERN EUROPEAN RESEARCH EXCHANGES.—(1) Of the funds authorized to be appropriated in subsection (a), \$3,250,000 are authorized to be appropriated for research exchanges with the Soviet Union and Eastern Europe for—

"(A) professors and other professionals holding the doctoral degree or its equivalent; and

"(B) enrolled doctoral candidates who will have satisfied all requirements for the doctoral degree except for the dissertation by the time of their exchange participation.

"(2) In addition to maintaining or expanding their traditional exchange programs with the Soviet Union and Eastern Europe, organizations receiving the funds authorized by this subsection shall be encouraged to develop direct exchanges with academic institutions in non-Russian republics in the Soviet Union."

On page 61, line 11 strike "Of the funds made available to the United States Information Agency for fiscal year 1990 for the acquisition, production, and transmission by satellite of television programs, not less than \$1,500,000 shall be available" and insert "Of the funds authorized to be appropriated to the United States Information Agency by this title, \$1,500,000 are authorized to be appropriated".

On page 7, line 22, strike "shall be available only" and insert "are authorized to be appropriated".

On page 93, line 17, strike "shall be available" and insert "are authorized to be appropriated".

On page 107, line 2 after the word "which" insert "not more than".

DOLE (AND MITCHELL) AMENDMENT NO. 327

Mr. DOLE (for himself and Mr. MITCHELL) proposed an amendment to the bill S. 1160, supra, as follows:

SECTION 1. The United States supports the restoration of Lebanon's unity, sovereignty, and territorial integrity, to include the withdrawal of all foreign forces and the disbandment of militias in the context of a reconstituted central government;

The restoration of Lebanon's unity requires a political dialogue among the Lebanese, free of intimidation or the threat of violence from any party, foreign or domestic;

The restoration of Lebanon's sovereignty requires a reconstitution of Lebanon's central government through free elections and the extension of that reconstituted government's authority throughout all of Lebanon;

The restoration of Lebanon's territorial integrity requires the withdrawal of all foreign forces;

The continuing conflict in Lebanon has secured for its Lebanese participants neither communal security nor political equality;

The toll of that extended conflict has now exceeded 125,000 lives lost and uncounted thousands more wounded;

The Arab League Higher Committee has called for a cease-fire between the forces

fighting in Lebanon and a lifting of the blockades;

The Arab League Higher Committee is seeking a peaceful resolution to the crisis in Lebanon and has called for a meeting of Lebanese parliamentarians at a site outside Lebanon to be chosen by the parliamentarians: Now, therefore, be it the sense of the Senate that the Senate hereby—

(1) commends the Bush Administration's support for the efforts of the Arab League Higher Committee to restore peace and security to Lebanon;

(2) shares the Bush Administration's goals of restoring Lebanon's unity, sovereignty, and territorial integrity, to include the withdrawal of all foreign forces and, in the context of a reconstituted central government, the disbandment of militias;

(3) calls on the President to support actively and publicly all peaceful efforts, including efforts of the Arab League and the United Nations, to: (a) establish a political dialogue among the Lebanese that is free of intimidation or the threat of violence from any party, foreign or domestic; (b) reconstitute Lebanon's central government and extend that government's authority throughout all of Lebanon; and (c) secure the withdrawal of all foreign forces;

(4) calls on all Lebanese parties to commit themselves to a process of internal reconciliation whose goal is the restoration of Lebanon's unity through free presidential elections and constitutional reform;

(5) calls on all parties, Lebanese and non-Lebanese, to let that process proceed in an atmosphere devoid of intimidation or threat of violence;

(6) calls on the international community to support actively and publicly such a process and to take all necessary actions to peacefully promote that process;

(7) urges the Bush Administration to pursue the issue of Lebanon vigorously in its diplomatic contacts with all parties involved in or interested in the conflict in Lebanon, specifically including the USSR and Syria;

(8) urges the Bush Administration to impress upon Syria the need to desist from any further actions which threaten the sovereignty of Lebanon or exacerbate the conflict there;

(9) urges the Bush Administration to encourage the Arab League, the United Nations and all parties to use their influence to the end of restoring Lebanon's unity and sovereignty.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON NUCLEAR REGULATION

Mr. PELL. Mr. President, I ask unanimous consent that the Subcommittee on Nuclear Regulation, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Wednesday, July 19, 1989, beginning at 10 a.m., to conduct a hearing on S. 946, the Nuclear Regulatory Reorganization and Reform Act of 1989.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. PELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the

Senate on Wednesday, July 19, 1989, at 10:30 a.m., to hold an ambassadorial nomination hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. PELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, July 19, 1989, at 10 a.m., to hold a hearing on the nomination of William Lucas to be an Assistant Attorney General for the Civil Rights Division at the Department of Justice.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. PELL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate on Wednesday, July 19, 1989, at 10 a.m., to conduct an oversight hearing on the Defense Production Act and competitiveness.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. PELL. Mr. President, I ask unanimous consent that the Science, Technology, and Space Subcommittee, of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on July 19, 1989, at 2 p.m. to hold a hearing to assess the comparative status of the Nation's Space Program vis-a-vis other spacefaring nations.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COMMUNICATIONS

Mr. PELL. Mr. President, I ask unanimous consent that the Communications Subcommittee, of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on July 19, 1989, at 9:30 a.m. to hold a hearing on S. 999, the Clean Campaign Act of 1989, and S. —, the Political Broadcasting Disclosure Act of 1989.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. PELL. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate July 19, 1989, at 2 p.m. for a hearing to receive testimony on S. 866, a bill to establish the Calumet Copper Country National Historical Park in the State of Michigan, and for other purposes; S. 931, a bill to protect a segment of the Genesee River in New York; H.R. 419, a bill to provide

for the addition of certain parcels to the Harry S. Truman National Historic Site in the State of Missouri; and H.R. 1529, an act to provide for the establishment of the Ulysses S. Grant National Historic Site in the State of Missouri, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TAXATION AND DEBT MANAGEMENT AND THE SUBCOMMITTEE ON PRIVATE RETIREMENT PLANS AND OVERSIGHT OF THE INTERNAL REVENUE SERVICE

Mr. PELL. Mr. President, I ask unanimous consent that the Subcommittee on Taxation and Debt Management and the Subcommittee on Private Retirement Plans and Oversight of the Internal Revenue Service of the Committee on Finance be authorized to meet during the session of the Senate on July 19, 1989, at 3:15 p.m. to hold a joint hearing on ESOP's and Retiree Health.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TAXATION AND DEBT MANAGEMENT

Mr. PELL. Mr. President, I ask unanimous consent that the Subcommittee on Taxation and Debt Management of the Committee on Finance be authorized to meet during the session of the Senate on July 19, 1989, at 2:30 p.m. to hold a hearing on a bill to increase the public debt limit.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

COMMITMENT TO ARMENIA—SENATE JOINT RESOLUTION 178

● Mr. BUMPERS. Mr. President, I am pleased to join in support of Senate Joint Resolution 178. I do so because I believe it is imperative that the United States support people around the world who hunger for freedom. This resolution reaffirms America's commitment to the people of Armenia, and it sends a signal to Armenians around the world that America will never forget their ongoing struggle.

Last December, the world witnessed the tremendous courage of the Armenian people as they struggled to rebuild their lives after a devastating earthquake left thousands dead and thousands more without homes. As the world watched with horror, the world also witnessed the amazing determination and resilience of the Armenian people. The United States was quick to respond with donations and volunteers, and we were proud to lend our support to help these courageous people.

This resolution, however, focuses on another type of hardship the Armenian people have had to endure. The status of the Nagorno-Karabagh

region, an area located to the south of the Caucasus Mountains in Soviet Azerbaijan with Armenians comprising an overwhelming majority of the population, has been of particular concern to Armenians and to all people struggling to establish a more just world. Since 1923 ethnic discrimination and economic oppression have been the fate of the Armenian population of Nagorno-Karabagh. In February of 1988, several Armenians were killed in Sumgait, Azerbaijan, and spokespersons for the popular movement in Armenia were jailed for nearly 6 months before their release on May 31, 1989. As a result of these human rights abuses, large demonstrations and unrest continue in Nagorno-Karabagh to this day.

This resolution encourages Soviet President Gorbachev to engage in meaningful discussions with elected representatives of the people of Nagorno-Karabagh regarding their demands for reunification with the Armenian homeland, and with the leadership of Armenia's prodemocracy movement. By urging bilateral negotiations, I believe that a peaceful compromise is a realistic hope. We must be optimistic that Soviet President Gorbachev is intent on carrying his message of change throughout the entire Soviet Union, and we must continue to demand that the rights of Armenians are protected everywhere.

It is apparent then, Mr. President, that greater freedom has not extended to all corners of the Soviet Union. While glasnost has made some progress in Moscow and elsewhere, I can assure you that the United States will continue to appeal to Soviet President Gorbachev to allow Nagorno-Karabagh to reunite with Soviet Armenia. I believe it is important to Armenians in Nagorno-Karabagh and to Armenians around the world to know that the United States stands behind them as they try to gain a freedom that has so far proven to be elusive.●

JUDI HACKETT

● Mr. McCONNELL. Mr. President, I would like to bring to the attention of my colleagues a Kentucky leader who is working hard to revitalize the rural areas of America. Today, I would like to recognize a Kentuckian named Judith Hackett for her contributions to rural Kentucky and rural America. I also want to place into the RECORD excerpts from an article about this individual whose concern for rural America's growth is an example to us all.

Ms. Judi Hackett is the very model of the ideal citizen-leader. She believes she can help rural areas grow and she has been doing just that for the past 4 years. During that time, her life has been dedicated to the preservation and

creation of jobs in America's small towns and communities.

Ms. Hackett has served as the director of the Center for Agriculture and Rural Development since 1985. In this position, Ms. Hackett feels that her greatest impact on rural growth has been that of an information-giver. The center informs political leaders and citizens in rural areas across the country about what kind of programs are available, and provides answers to their questions.

Recently, Ms. Hackett served a year and a half here in Washington as a special assistant for rural development in the Small Business Administration. During that time, she helped to publish "Working Together: A Guide to State and Federal Resources for Rural Economic Development," which listed over 700 Federal and State programs available to rural citizens.

In the words of Ms. Hackett, "If we can help one small business in each county add one job, over the course of several years that's made a big difference." Making a difference is what Ms. Hackett has done.

It was in the spirit of Ms. Hackett's dedication to helping others that the Rural Partnership Act of 1989 was introduced. This bill will redirect and refocus efforts on behalf of rural America while allowing individual communities to identify their most pressing needs and to work closely with the Government. Ms. Hackett knows that the bureaucracy can seem overpowering and frightening to the average citizen. The Rural Partnership Act will address that problem as it seeks to focus and coordinate the efforts of all governmental agencies for the benefit of rural Americans.

Helping the small town citizens is what Judi Hackett has been doing and it is what the U.S. Congress should be doing too. I hope that all of my colleagues in this body will take note of Ms. Hackett's enthusiasm and join me in thanking her for her efforts on behalf of rural America.

[From the Lexington (KY) Herald-Leader, June 19, 1989]

CENTER DIRECTOR CONCERNED WITH RURAL GROWTH

(By Joseph S. Stroud)

Judi Hackett says the key to the future of America's rural areas is their ability to preserve and create jobs.

"We've gone from having about 25 percent of the population employed in agriculture at the turn of the century to having less than 3 percent in agriculture now," she said. "That doesn't mean that we only have 2 percent of our people living in rural areas. We don't. In fact, about 25 percent of our population live in rural areas."

As director of the Center for Agriculture and Rural Development in the Council of State Government, Ms. Hackett spends a lot of time thinking about rural development issues. Much of the job that the Center for Agriculture and Rural Development does is informational—letting political leaders and people in rural communities across the

country know what kind of programs are available, which ones have been tried before and what states are doing now.

She helped publish "Working Together: A Guide to State and Federal Resources for Rural Economic Development," which listed more than 700 federal and state programs available to rural citizens. The publication was part of a broader campaign to give people better access to rural development programs—a campaign that worked, Ms. Hackett said.

The broader question is whether government rural development programs are the best way to enliven America's rural economy. When asked whether rural development works, Ms. Hackett seemed certain.

"I think you should ask the question: 'What are the costs of not having a rural development policy? What would be the cost of not being able to go back to your home town again? Of having it become a ghost town?'"

A bigger question, she added, is "What happens if we don't try?" "I think that's a question that we can't afford to answer."●

ON RETURNING TO WASHINGTON

● Mr. SIMON. Mr. President, several months ago Stephen Trachtenberg, the relatively new president of George Washington University, was a guest speaker at the National Women's Democratic Club. Before assuming his role as president, as well as professor of public administration, at George Washington University, Mr. Trachtenberg served 11 years as president of the University of Hartford, where he also taught. Dr. Trachtenberg spent some time in Washington, both as special assistant at the old Commission on Education as well as a frequent visitor. His return has left him with some thoughts and some hopes, which he shared with those present at the National Women's Democratic Club.

Dr. Trachtenberg focuses on a problem we all continue to grapple with: Racism and opportunity. He speaks of the wonderful country in which we live and the institutions and ideals which many of us take for granted. To many, these ideals are directly contradicted by the reality of racism.

Twenty years ago, Dr. Trachtenberg tells us, we lived in an age of seemingly unending prosperity and opportunity. At that time, the issues of minority rights were questions of morals and justice. Now, Trachtenberg argues, these issues are also questions of our economic future and our own self-interest.

He believes that at least part of our economic decline results from our inability to fairly incorporate minorities into our economy. According to Trachtenberg, we cannot continue to rely solely on the shrinking white middle class for our skilled labor. We must use minority skilled labor as well. Unfortunately, many minorities are not yet ready to assume such responsibilities because they have been denied

the access to the education and job experience necessary to perform these jobs.

Thus, Mr. Trachtenberg proposes what he calls a "Marshall Plan" for the United States, that concentrates on the needs of disadvantaged and minority children, providing them with the necessary education and the resulting opportunity. He hopes to start a "child-focused crusade" which will result in the improvement of the quality of life for all Americans.

There is much in Dr. Trachtenberg's speech that addresses programs and ideas currently before the Congress. I urge my colleagues to read his entire speech, as it is timely and, in many instances, right on target. I ask that the speech be printed in full in the RECORD.

The speech follows:

RETURNING TO WASHINGTON AFTER 20 YEARS
IN THE DIASPORA

(By Stephen Joel Trachtenberg)

When I was asked to give a title to my remarks at this luncheon, I chose, as you already know, "Returning to Washington After 20 Years in the Diaspora." My purpose in doing so was twofold: (a) to make a joke, and (b) to suggest something serious.

The joke has to do with something already quite familiar to you. Those who have experienced the exhilaration of life in our nation's capital, with its proximity to every conceivable kind of political power and political pretension, soon find they cannot do without it. During my years in New England, I found myself reading the news from Washington with at least as much interest as the news from New York and Boston. When the splendid opportunity finally arrived, and I was able to return to Foggy Bottom as the president of no less an institution than The George Washington University, I thought carefully, moved swiftly, and here I am happily warming up to the serious part of my talk!

The serious part, also suggested in my title, is that Washington occupies—for me, for many other Americans, and for a surprising number of people around the globe—a position not altogether unlike that historically accorded to Jerusalem. Indeed, there are ways in which Washington can even be said to out-Jerusalemize Jerusalem. According to the Bible, the latter city existed long before it was conquered by King David, and even took an unusually long time to conquer once the Israelites had conquered other parts of the Holy Land. In a certain sense, therefore, it had to be reconsecrated after David had wrested control of it from the Canaanites—a reconsecration not really completed until his son Solomon built the Temple.

Washington, on the other hand, can truly be called a city that was consecrated from the word "go." It was built to express a vision of life that had already created the Declaration of Independence and the United States Constitution. When Washington had taken the basic form we are familiar with today, it sought to declare to the world, by its architecture as well as the functions housed within it, that democracy, power and grandeur are fully compatible.

And despite the deism to which the Founding Fathers were inclined, a deism which drew so directly on the European Enlightenment, that American axiom was pro-

claimed with a truly religious fervor. Every military conflict engaged in by the United States from the middle of the last century to the middle of our own included, so to speak, a "human rights component"—whether it was the Civil War, the Spanish-American War, or the two World Wars.

Needless to say, the world has not lacked historical revisionists keen on letting us know that all that—quote—"idealistic stuff" was just a bunch of propaganda, and that America's wars were planned and controlled by an elitist upper class not too different in outlook from its European counterparts. But revisionism, in this case, has been able to go only so far. It has helped us to balance the naivete of those earlier historians who thought that when you said "Karl Marx" you were describing what a young boy named Karl might enjoy doing, with a black crayon, to a white wall. Revisionism has not succeeded in eliminating from our consciousness the fact that Americans, as a society, have always been unusually susceptible to idealistic as opposed to materialistic appeals, especially when idealism has translated into a desire to empower—to grant political and economic maturity—to those who presently have no voice in their own destinies.

And all that helps to explain why when in 1966 I went to work as Special Assistant to the U.S. Commissioner of Education, I found myself and my office and my boss so totally immersed in issues having to do with race. Back then, when Europeans liked to think of themselves as virtually immune from problems involving racial and ethnic minorities, race was the stick with which European intellectuals regularly beat America over the head. "Ha ha!" they would crow in effect, "you have all these pretensions about justice and equality and the rights of the individual. Yet look at what you've been unable to achieve a hundred years after your President Lincoln issued the Emancipation Proclamation!"

Americans weren't happy to hear that, of course. Even those who noticed the rising migration of Third World people to Western European nations, and were willing to predict that the Europeans would soon be changing their tune, still felt uncomfortable about the extent to which the United States, with a New Jerusalem of sorts as its capital, had failed in the effort to integrate its African-American and Hispanic-American citizens into the mainstream of its economy.

More than two decades have passed since that moment. I myself have experienced the Diaspora, followed by my personal return. And what I see around me is what you yourselves are just as aware of: the fact that where race is concerned, not enough has improved, much remains the same, and some has gotten worse.

In 1989, it is still impossible for us to say that a talented child born into a minority family in a center-city location stands a 100 percent or 75 percent or even 50 percent chance of developing those talents into a successful career when compared to a similarly talented child born into a white suburban household.

In 1989, it is still impossible for us to say that a talented minority child who makes it all the way through elementary school and high school stands an equal chance, with his or her white suburban counterpart, of becoming a mainstream professional—unless that young person is so talented that Princeton and Harvard and Yale and Stanford and George Washington University are

all bidding for his or her attendance on their campuses. African-American males, as you all know, represent a declining proportion of the students in our colleges and universities. At the same time, they represent a steadily rising proportion of those admitted to the emergency rooms of American hospitals with wounds of a kind not usually seen except in wartime.

When I first came to Washington there was more awareness than at present of the thinking of Gunnar Myrdal, the Scandinavian sociologist who insisted, over and over again, that race was the overriding issue of American social, political and economic life. Today, for those who remember his work, it appears that Myrdal was right. Race is on all of our minds much of the time. It forces its way onto the front page of every major newspaper almost every day. It is, therefore, what we feel most hopeless about and prefer, by and large, not to discuss on social occasions or when we don't absolutely have to. It is the not-so-secret flaw that runs through our once-hopeful New Jerusalem. It lowers our self-image as Americans, and by doing so it reduces our optimism as we try to cope with a host of other challenges that now confront us, be they economic or ecological or political or, most often, some combination of the three. One thing has changed, however. Twenty years ago, when the American economy looked as if it would go on expanding and triumphing forever, unresolved issues having to do with race and ethnicity were seen as issues of justice and decency. Those in Washington and elsewhere who campaigned on behalf of our minorities and their access to education, jobs and other benefits would do so on the premise that they were demanding what all Americans deserve and need. The struggle was cast in moral terms, and those who opposed this or that move in the direction of—quote—"helping our minorities" would typically do so by saying that there was no moral obligation, or only a very limited obligation, to help those who were so mysteriously failing to help themselves.

In retrospect, and even with the Vietnam War atmosphere taken into account, that looks like a time when America was in balance. Those most vigorously protesting the Vietnam War, for example, had no doubt that when it ended, and they could once again devote themselves to their careers, well-paid jobs would be waiting for them. The production of and demand for college graduates and trained professionals were working with each other. In a booming economy—superheated by the war itself—those with talent and appropriate credentials took opportunity for granted.

That world began to disappear with the Arab oil embargo of 1973, the subsequent inflation, and the more recent discovery that we have been and are being outstrategized by international economic challengers who, twenty years ago, looked more like subordinates and occasional partners. Those rivals, in turn, have been the first to inform us that our own economic stagnation and probable decline have everything to do with our inability to bring our minority groups, soon to form a majority of the American population, into full participation, as productive workers and managers, in the American economy.

Declarations to that effect, by industrialists in East Asia and Western Europe, have not been greeted kindly by middle-class citizens in the United States. Sometimes those declarations have had a racist flavor, in which the minority groups themselves have

apparently been allotted complete responsibility for their situation. That, in turn, has been taken as adequate grounds for throwing the baby out with the bathwater. Instead of listening carefully when those industrialists say that the problems of the American economy are increasingly personnel problems in an age when there are desperate shortages of skilled labor, we have used this or that piece of tactlessness, especially when uttered by a Japanese chief executive officer, as an excuse for not listening at all.

So in fairness to our critics, including those who are urging us to do better so that we can remain a pillar of world trade, I will say it myself. The problems of our economy are not matters of technology or lack of inspiration. They are personnel-related. And they are going to become steadily worse if we continue to rely solely on the high school, college and professionally trained graduates produced by our mainly white and affluent suburbs. If we rely for our industrial survival on our soon-to-be minority, the white middle-class, to meet the personnel demands of our economy, then we will find ourselves on a downward slope to disaster that will leave none of our wallets and pocketbooks unaffected. We will be in danger of fulfilling, indeed of casting in concrete, one of the most cutting of all modern Japanese proverbs, the one which declares that—quote: "Japan is a factory, Europe is a boutique, and America is a farm."

What I am going to say to you now, therefore, involves higher education but goes far beyond it. Twenty years ago, changes in the situation of our minority groups were mandated by justice, decency, ethics, good morals, and even good taste. Those considerations, derived from all of our religious traditions and all that was best in the European and American Enlightenment, are still operative, just as strongly as ever—but they have been superseded in importance by a considerably more pressing argument, the one we usually refer to as self-interest. Either we do something to bring our soon-to-be majority groups into full participation in the national economy or we watch ourselves, in terms of real money and real purchasing power, become steadily poorer.

What is needed right now, if you and I are not to experience the shock of the steadily-more-impooverished, is a Marshall Plan aimed at our own internal Third World—the world of America's center-cities and older industrial suburbs that house our wretched and our poor, including millions upon millions of children who are growing up under conditions not too different from those that apply to the half-American kids abandoned on the streets of the city formerly known as Saigon.

The Marshall Plan, however, was a relatively easy and straightforward affair once it had gained the approval of the U.S. Congress. Talent and energy, we knew, were already present in Western Europe. All that was needed was enough money for the work of industrial reconstruction, after which the European nations would once again be our major trading partners whose orders would help our own population to stay employed.

A Marshall Plan aimed at our present-day minority groups, on the other hand, would have to dedicate itself to levels of foundation-building that even George Catlett Marshall would have regarded as exceedingly difficult. We would have to devote ourselves heart and soul to healing the flaw that runs beneath our New Jerusalem, the one we have been unable to heal even with a centu-

ry of sporadic effort. We would have to become very serious indeed about the future of our country, and in seeking to strengthen that future we would have to achieve full cooperation between government at all levels, education at all levels, business at all levels, and the white middle-class citizens of our nation.

Dwight Eisenhower gave his memoirs of World War Two the title "Crusade in Europe." What we need right now is a "Crusade in America." It would be a crusade motivated by positives rather than negatives. It's easy enough to devote yourself to destroying those expressly out to destroy you. It's so much harder, given the limits of human nature, to generate an equal amount of urgency when there's nothing riding on the crusade but the ability of you, your children and your grandchildren to maintain an economic level that favors happiness over unhappiness.

When the Marshall Plan was formulated, the public relations problem that had to be overcome was obvious. It was the reaction that threatened to run along the following lines:

"How dare you give all that money, garnered from our taxes, to a bunch of feckless Europeans who have gotten themselves into all that hot water? We've done enough by sacrificing so many of our boys to pull their political chestnuts out of the fire. Giving them a fortune, with the hope that they'll give it back when and if they pull themselves together, is the kind of behavior usually associated with suckers."

Today the counterarguments to a Marshall Plan for America are likely to take an even more virulent form:

"Those people have had a sufficient length of time to get themselves organized for success. They had a chance to do it for themselves. If they haven't done it by now, nothing we do is going to stand a chance of success. We've tried for over a century. Everything from the Emancipation Proclamation to Harry Truman's Fair Deal to Lyndon Johnson's Great Society has come up short. Having done all we can, there's nothing more we should feel obligated to try."

Have we in fact done all that we can? If the test of seriousness is perseverance, the establishment of policy directions that go on for decades if necessary, then we have in fact done nothing. Reconstruction in the South, after the Civil War, was soon brought to an end—and a version of the pre-Civil War system reestablished. More recent efforts, despite the media hurrahs that initially greeted them, have proven no more enduring—with exceptions like Head Start—and, therefore, no more serious. Most of all, Americans acquiesced in the creation, after the Second World War, of suburban rings around our center-cities that welcomed white middle-class Americans, their money and their businesses, while calmly leaving minorities behind in the increasingly tax-starved downtowns. Today, some of those downtowns are flourishing as a result of gentrification and new types of business activity that pass by most minority-group members—and often physically displace them into meaner surroundings or outright homelessness.

That is not a record we can be proud of. It is a record we must begin to reverse. And in the world of 1989, within which we have learned all kinds of new lessons about how human beings actually function, it is a record that will only be reversed if we keep our clearest, sharpest vision focused on the experience of minority-group or otherwise

disadvantaged children, from the time of gestation to the time they enter the economy as fully productive citizens.

It was an early 19th-century poet who declared: "The child is father of the man." Today, all psychological schools and all physicians agree that the earliest experiences of our lives shape the limits within which those lives proceed to develop. Stresses imposed on a pregnant woman increase the likelihood of physical and behavioral defects in the first years of life. Growing up in an urban jungle channels the talents of young people—their entrepreneurship, if you will—in destructive and self-destructive directions. The sense that no one wants your physical presence, that you have been relegated to your circumstances like a piece of wastepaper flung into a garbage can, is not one we usually encourage in those who can do us some good.

When I talk about a Marshall Plan for America, therefore, I am talking about what used to be called a—quote—"radical restructuring" and can now be called a conservative restructuring . . . especially if we identify conservatism with fiscal prudence. George Marshall sold his plan to America's businessmen, most of them instinctively conservative, by convincing them it would conserve and advance their own interests. What was good for America then is vital for America now. Either we move forward in a new, child-focused crusade that lasts long enough to succeed—long enough to have positive results for the national economy on which we all depend—or we can kiss much of our future and our own children's futures goodbye.

I thank you. ●

POLITICAL PUNCH LINES

● Mr. DeCONCINI. Mr. President, I would like to draw the attention of my Senate colleagues to an insightful article, "Political Punch Lines" which appeared in the July/August 1989 issue of Campaigns and Elections. This article focuses on what I believe to be an important lesson to us all—the use of humor in the political arena.

I found accounts of the humorous doings of Arizona's two senior statesmen—Congressman Mo Udall, of Arizona, and our former colleague in the Senate Barry Goldwater, of Arizona, especially entertaining. I think we can all agree that people like Mo and Barry have made an important contribution to Congress by reminding us not to take ourselves too seriously.

I ask that this article be printed in the CONGRESSIONAL RECORD at this point.

The article follows:

POLITICAL PUNCH LINES

(By Robert Neuman)

While their ideologies differed, U.S. Rep. Morris Udall and U.S. Sen. Henry Jackson had a good deal in common when they sought the presidency in 1976. Both were from the West—a region where the Democrats needed to broaden their appeal. Both were widely respected by their colleagues as well as the media.

And both lost.
The failure of Mo Udall and the late "Scoop" Jackson to achieve their party's highest prize underscores the importance of humor and its proper use at all levels of po-

litical endeavor. One did himself injury when he sought to employ humor; the other undermined his credibility when he failed to.

Jackson was without peer in his knowledge and authority on defense and foreign policy issues. He was admired for his work habits and integrity. And yet, there was something missing that prompted questions about his ability to move up: The man simply could not tell a joke.

Jackson's "humor gap" plagued him throughout an otherwise distinguished career. His staff despaired at the media's persistent references to the senator's tiresome speeches and stultifying delivery (the phrase "dour Norwegian" appeared regularly in profiles of Jackson). The senator's aides used coaches and technicians to enliven his style. And they urged him to pepper his speeches with one-liners in the manner of rival Mo Udall, an unquestioned master of political wit.

Jackson finally followed their advice, much to everyone's later regret.

In 1975, the senator went to a luncheon and heard a joke that struck him as topical and funny; he considered it a sure-fire winner for a speech he had to give that evening. The story went as follows:

Shortly after his emotional resignation from the presidency, Richard Nixon paid a courtesy call on Gerald Ford at the White House. As he entered the Oval Office, he tripped and bumped into a startled Ford.

"Pardon me, Jerry," said Nixon.

"I already did, Dick," replied Ford.

That night, Jackson was on the road. Introduced to an adoring audience as labor's friend, a staunch anti-Communist and a committed social liberal, Jackson had the crowd in his hand. He decided to show the press corps traveling with him that he could do as well as Udall, and he proceeded to tell the story:

"President Nixon was visiting the White House after his resignation, and as he entered the Oval Office, he tripped and bumped into President Ford.

"Excuse me, Jerry."

"Already did, Dick."

The audience was stunned. The disbelieving press corps eyed each other with looks that betrayed genuine embarrassment for the man. And Scoop Jackson took another step away from the White House.

Udall, meanwhile, was as uncomfortable with negative campaigning as Jackson was with humor.

In the crucial 1976 Wisconsin primary, he watched as his opportunity to defeat Jimmy Carter was being eaten away by other candidates cutting into Udall's support among liberals and union members. Udall's advisers told him that he had to go on the attack—especially against Jackson, long a favorite of organized labor. But Udall resisted, arguing that he could counter an opponent better with a joke than with a gut shot.

"There is no time for jokes, Mo," his advisers cried. "Jackson is going to kill you . . . you have to take him on."

Udall protested that would be out of character.

"Mo," his consultants pleaded, "the bottom line is simple. No one is taking you seriously. How are you going to talk about the economy when everyone is waiting for the punch line?"

So Udall held a press conference in Milwaukee in which he unmasked Henry Jackson as a hawk (big surprise), hostile to the environmental movement (big deal), an opponent of school desegregation (which did

not go over well in South Milwaukee) and unfriendly on women's issues (ditto).

Udall was ill at ease, and his heart clearly was not in the attack. The press, accustomed to Udall flaying an opponent with a gentle barb and a joke, were shocked at Udall's assault and lapse of form. Columnist Robert Novak summed up the effort neatly in a dispatch filed from Milwaukee:

"Congressman Mo Udall tried to do a hatchet job on Henry Jackson today, a task to which he is spectacularly ill-suited."

There is an old politician's prayer that says, "Oh Lord, teach us to utter words that are gentle and tender, because tomorrow we may have to eat them." Udall had to eat his words, to say nothing of watching his chances of winning the presidential nomination taken off the table by a 7,000-vote Carter victory in Wisconsin.

Udall and his advisers learned a lesson: If you can tell a joke and are known for your sense of humor, take advantage of it—and, for God's sake, don't turn negative.

There are few people in politics today as funny as Mo Udall, as there are some who are as "dour" as Scoop Jackson. For the latter group, the lesson is: If you don't have the timing and the touch to tell a joke, don't try.

There is, however, a large group in the middle. These are politicians whose private wit could be used to advantage in their public lives, but who are simply afraid to try:

Excuse No. 1: I feel jokes detract from the seriousness of an issue or the campaign.

Excuse No. 2: I don't know any jokes that haven't been told a hundred times.

Excuse No. 3: I just can't get a joke over to an audience (memories of "Excuse me, Jerry").

Pardon me, but one does not have to be a bore to be substantive. In fact, the case can be made that politicians who use humor are more likely to be taken seriously. Such successful presidents as Abraham Lincoln, Franklin D. Roosevelt, John F. Kennedy and Ronald Reagan are a testament to that.

And the two highest-ranking Republicans in the U.S. Senate—Minority Leader Robert Dole and Minority Whip Alan Simpson—also are two of that body's wittiest members (excepting those occasions when Dole has squashed his image on national television with some dark statement).

Lincoln's use of humor during the Civil War did take some heat from political opponents and press critics. The story is told of a conversation during that terrible conflict in which two Quaker women were speaking of the protagonists, Lincoln and Jefferson Davis. One said, "I think Jefferson will succeed." Said the other, "Why dost thou think so?" Replied the first, "Because he is a praying man." "But so is Abraham a praying man." "Yes," said the first, "but the Lord will think Abraham is joking." (The Lord never would have suspected Michael Dukakis of joking.)

What Lincoln and some of his wittier successors have done is to frame their messages carefully with laboriously crafted humor, thereby building acceptance from the audience. Most of the above-mentioned political wits also have used self-deprecating humor as a way of inspiring affection from a crowd.

That lesson sometimes escaped Jimmy Carter. Early in the 1976 campaign, Carter—having finished fourth in the Massachusetts primary—was in a surly mood. On the campaign plane, Carter was stopped in the aisle by Boston Globe reporter Curtis Wilkie:

"Governor, why don't you use deprecating humor like Mo Udall?" asked the reporter.

Snapped Carter: "If I had written the legislation creating the Postal Service like Udall, I'd have plenty to be self-deprecating about."

Udall's classic in self-deprecation came during the same campaign. He told of walking into a New Hampshire barber shop on the first day of his long-shot effort. Sticking his head in the door, he introduced himself to the barber and a shop full of townsmen: "Hi, Mo Udall of Arizona, I'm running for president." The barber looked up, nodded and said: "We know, we were just laughing about it this morning."

That brings us to Excuse No. 2 for not using humor in politics: originality.

Do not be afraid to steal jokes; they are in the public domain upon being told for the first time. "Buchwald's Law" (named for columnist Art Buchwald) mandates that you give credit to the author the first two times you use someone else's joke. After that, the hell with it.

Udall's barber shop joke was "borrowed" by U.S. Sen. Albert Gore, Jr. in New Hampshire during Gore's presidential bid in 1988. Gore changed the locale to a grocery story, but kept the punch line intact. The joke had such widespread currency in New Hampshire that, within 24 hours, Gore's theft had been reported in the press. That prompted a written apology from Gore to Udall, who replied that Gore was free to use that and any other joke. Udall also expressed the hope that Gore would have better luck with the jokes than he did (Gore didn't).

Finally, there is Excuse No. 3. How can a politician learn to tell a joke and avoid the Scoop Jackson syndrome?

In short, it takes hard work, practice and some self-confidence. There are few natural comedians; being humorous is a skill that can be acquired. Delivery—which includes body language, voice inflection and timing—is about three-quarters of the art. And there are now media coaches who claim the ability to turn sows' ears into silk purses.

Perhaps the most notable transformation of the 1988 campaign involved former Arizona Gov. Bruce Babbitt. In early televised appearances, Babbitt resembled a cross between Ichabod Crane and a gecko lizard; he had an unnerving manner of darting his tongue out of his mouth. By the time he left the race, Babbitt had become a candidate of polish and wit whom the press corps regularly described as the class of the field.

Babbitt's Cinderella act was the work of media trainer Michael Sheehan; in the process, he provided a glimmer of hope to every candidate who freezes on camera or stumbles over punch lines.

At the same time, there is a danger of being overcoached. When he sought the presidency in 1984, U.S. Sen. John Glenn was plagued with the Scoop Jackson Curse—he was alternately described as humorless, wooden and downright boring. To combat this, the ex-astronaut's advisers arranged for Glenn to be one of the featured speakers at the annual Gridiron Dinner, whose audience of Washington insiders provides one of the toughest tests for political wit.

Glenn's consultants left nothing to chance. They recruited the most accomplished speechwriters and political wits, and met long into the night selecting appropriate jokes and refining the senator's presentation. On the night of the Gridiron Dinner, Glenn was very, very good—but received little credit for his performance. Wrote one member of the press: "It took more people

to get John Glenn up on stage than it did to get him to orbit the Earth."

Even politicians who are masters of delivery must continually worry about the content of their humor. Jokes about ethnics, women, the poor, religion and Dan Quayle just about have been frozen out of politics, and more is the pity (about the only ethnic group safe to belittle are WASPs, because—as columnist Mark Shields points out—there is no Episcopalian Anti-Defamation League).

If you are tempted to take on any of the above individuals or groups, keep in mind Neuman's Fourth Law: "Nobody can take a joke anymore." For example, there was the time in 1984 when I was working on a Gridiron speech for former Democratic National Chairman Robert Strauss—who was being mentioned as a possible presidential candidate. As the presidential race heated up, Jesse Jackson had caused a great stir with comments (reported in the Washington Post) that were widely considered to be anti-Semitic.

With that background, I offered the following joke for delivery by Strauss: "You know, a lot of people have been talking about my running for president. And I kind of like the idea. I would work hard all week. And then, after, I would take my wife Helen by the arm and walk out of the Oval Office, across the South Lawn to the Marine Corps helicopter—and we'd fly off to Camp Hymie."

Strauss laughed until tears came out of his eyes. Then he put down the joke and said, "Too bad we can't use it." It was too Jewish, too black, and too "inside-the-Beltway."

But do not be scared off; there are plenty of targets that are in-bounds for the politician who wants to warm up his audience with some humor. For starters, there are the rich, George Bush, stockbrokers and journalists.

Of course, the best targets for political humor are politicians themselves, particularly those who work and live in Washington. As a public service to the aspiring novice, I offer a couple of sure fire jokes, free for the stealing, that feature politicians as targets. These have the advantage of being constructed so that the most prominent (or notorious) public figures of the moment can be inserted to make the joke topical.

Recommended for a Democratic audience.

The president was spending the weekend at Camp David after a particularly trying time; Congress was rebelling and his staff was riddled with internal conflict. He stole away from his Secret Service detail for a solitary walk in the woods. Suddenly, he came upon a cave entrance covered with brush. Upon entering the cave, he encountered a hermit.

"Old man," said the president. "Give me a sign. If John Sununu, James Baker and Lee Atwater jumped off the Washington Monument, who would land first?"

The old man thought a moment, and replied: "It is not important which of them would land first. It is important that they jump."

Recommended for a Republican audience.

A jogger running through the nation's capital was accosted recently by an armed robber. After taking the runner's watch and Walkman, he put a gun to the jogger's head, and demanded: "Who do you want to be the Democratic nominee in 1992—Cuomo, Nunn or Jackson?"

The jogger thought for a long moment and finally replied: "Go ahead, shoot."

THE CALL TO CONSCIENCE VIGIL

● Mr. BRADLEY. Mr. President, Emanuel and Judith Lurie, their daughter Bella and their loved ones outside the Soviet Union have waited long enough. Glasnost, or openness, appears to offer profound changes in the Soviet Union. But far from Mr. Gorbachev's whirlwind tours of Europe, away from the pomp of superpower summits and seemingly overshadowed by the democratic stirrings of the East bloc, the Luries, and others, wait.

I am encouraged by the increases in refuseniks being given permission to emigrate from the Soviet Union. In fact, it is estimated that as many as 60,000 Jews will emigrate from the Soviet Union this year—a substantial increase over the lowest levels only a few years ago. However, the measure of a society's freedom should not begin with those who have been lucky enough to benefit from the temporal whims of bureaucracy—it should begin when there are no more Luries waiting.

Mr. President, I commend the Call to Conscience Vigil for helping to raise our awareness of individuals fighting to be free. I believe that we must strongly support the right of all people to emigrate. Any Soviet restrictions on Jewish emigration are a flagrant violation of the international standard of human rights and freedom set forth by the Helsinki Final Act of 1975 and the Vienna Concluding Document signed just 6 months ago.

In 1979 Emanuel Lurie and his family first applied for visas to emigrate to Israel. In 1980 the Luries received permission to leave the Soviet Union only to have that offer rescinded shortly before their departure. Since then the Luries' older daughter, Anna, their son-in-law, their grandchildren and Mrs. Lurie's mother have been allowed to leave for Israel but the Luries have been forced to wait.

Ostensibly, the Soviets cling to the contention that Mr. Lurie, as a junior scientist at the Moscow Institute of Organic Chemistry, was exposed to state secrets over 25 years ago. Time and time again the Luries have been denied the opportunity to simply be reunited with their family. In the meantime Emanuel and Judith work within the Soviet Union to help support others attempting to emigrate.

Mr. President, this week Washington has witnessed the arrival of Judith Lurie in the United States. Mrs. Lurie traveling on a temporary tourist visa must return shortly to the Soviet Union to be with her husband and daughter—to wait. It is time that the Soviet Union recognize that the road to democratic reform requires actions that match words. The impressive steps taken to broaden the political process in the Soviet Union are lauda-

ble and it is my hope that these changes will lead to the eventual freedom of the Luries, and all who wish to emigrate.●

UNITED STATES TROOP WITHDRAWAL FROM SOUTH KOREA

● Mr. JOHNSTON. Mr. President, I urge my colleagues to read the New York Times article which appeared July 13, 1989, entitled "U.S. Considers the Once Unthinkable on Korea" written by Richard Halloran and the Wall Street Journal article which appeared July 14, 1989, entitled "U.S. Is Developing a Plan To Scale Back Its Front-line Troop Strength in Korea" written by Andy Pasztor. I feel that these articles lend additional credence to S. 1264, the "United States Forces in Korea Realignment Act of 1989" which would provide for the phased reduction of approximately 10,000 United States Army personnel stationed in the Republic of Korea. Senator BUMPERS and I along with four of our colleagues introduced this legislation on June 23, 1989.

The New York Times article states that "For the first time in nearly a decade, top Pentagon policymakers are actively developing plans to remove thousands of U.S. troops from front-line units in South Korea." However, the article goes on to state that "Secretary Cheney's cautious, behind the scenes planning effort could take years to produce even token cuts, and the rest of the Bush administration still must sign off on the idea."

Mr. President, S. 1264, as evidenced by the Pentagon planning efforts, is sound policy. It could achieve the troop reduction objective by the early 1990's while continuing to demonstrate the United States commitment to South Korean security. In these times of huge budget and trade deficits we must reevaluate our troop deployment in South Korea and around the world. I ask that these two aforementioned articles be inserted in the Record at this point.

The articles follow:

[From the Wall Street Journal, July 14, 1989]

U.S. IS DEVELOPING A PLAN TO SCALE BACK ITS FRONT-LINE TROOP STRENGTH IN KOREA

(By Andy Pasztor)

WASHINGTON.—For the first time in nearly a decade, top Pentagon policymakers are actively developing plans to remove thousands of U.S. troops from front-line units in South Korea.

Defense Secretary Dick Cheney is expected to deliver that bitter news to senior military officials from South Korea when they arrive at the Pentagon next week for an official visit. Their talks could mark the beginning of a sea-change in U.S. relations with a key Asian ally.

Mr. Cheney and the Pentagon's top brass won't propose an immediate, unilateral withdrawal of any of the 43,000 Army and Air Force troops currently in Korea. Those

forces have been a fixture in that part of the world for more than three decades. Rather, Pentagon aides say, the U.S. will emphasize the need to gradually scale back troop levels in Korea and the rest of Asia.

Mr. Cheney's plans are prompted in part by escalating budget pressures. In addition, the administration faces general congressional opposition to keeping troops overseas, especially in countries in the booming Pacific region. Many lawmakers claim such allies compete unfairly against American industry even while depending heavily on U.S. military protection.

The Pentagon's new stance indicates a significant shift from the Reagan administration's resistance to touching the U.S. forces facing North Korean soldiers across the demilitarized zone.

"I don't think you can rule out . . . adjustments in our presence" in Korea, Undersecretary of Defense Paul Wolfowitz told reporters recently. If cuts do become a reality, he added, they will be carefully calibrated to demonstrate continued U.S. commitment to South Korean security.

But Seoul's military leaders, apparently sensing the beginning of an upheaval in their relations with U.S., clearly are worried. Though their visit was previously scheduled for routine consultations, they are determined to secure more authority over the existing joint U.S.-Korean command structure, and to try to stave off troop reductions as long as possible.

Potential troop cuts "obviously will be one of the main agenda items" during the three days of discussions, concedes Chung Tae Ik, political counselor for the South Korean Embassy. Mr. Chung says his government seeks a firm U.S. commitment "to maintain the present level of forces."

The U.S. last considered reducing American troops in Korea in the spring of 1977, when President Jimmy Carter proposed a five-year timetable to withdraw nearly all ground forces. The idea stirred up vehement bipartisan opposition on Capitol Hill and quickly died.

But now, deficit-conscious lawmakers seem determined to push through cuts that ordinarily would be considered politically unpalatable. The Senate Armed Services Committee today is expected to approve legislative provisions calling on South Korea to increase its defense expenditures.

The number of U.S. troops in Korea peaked at 510,000 during the height of the Korean War in 1950. It dropped to a low of 37,500 in 1980, before rising substantially during the Reagan administration's defense buildup.

Secretary Cheney's cautious, behind-the-scenes planning effort could take years to produce even token cuts, and the rest of the Bush administration still must sign off on the idea. Bush administration officials are going out of their way to portray the Korean issue as part of a broader, long-range review of U.S. military posture throughout the Pacific.

But it is unlikely such reductions can be delayed indefinitely. Sen. Carl Levin, the Michigan Democrat who chairs an armed services subcommittee, says: "I'm absolutely determined to get more burden-sharing [by Pacific countries] to reduce America's military role in the region."

Several lawmakers have introduced or are drafting bills to require reductions of 10,000 or more U.S. troops in Korea by the early 1990s. Louisiana's Democratic Sen. Bennett Johnston bluntly told Mr. Cheney during a recent hearing that "negotiations ought to

begin" for a phased withdrawal of U.S. forces there.

South Korean officials have demanded early written notification of any U.S. withdrawal plans. To some extent, the Seoul government itself has opened the door to possible cutbacks. Last fall, it moved to ease tensions with North Korea by proposing, among other things, negotiations over mutual troop reductions. If such steps produce results, South Korea contends, it would then be ready to discuss possible changes in U.S. troop levels.

"We aren't opposed to reductions under any circumstances," says Mr. Chung, the embassy official.

Next week's visit comes at a time when South Korean officials are seeking Bush administration support for their plan to negotiate an agreement with U.S. companies to jointly produce 120 fighter jets for Seoul's air force.

[From the New York Times, July 13, 1989]

U.S. CONSIDERS THE ONCE UNTHINKABLE ON KOREA

(By Richard Halloran)

WASHINGTON, July 11.—A decade ago, President Jimmy Carter sought to pull some American troops out of South Korea. He ran into so much opposition from military leaders, politicians and diplomats here, and from many foreign governments, that he dropped the plan.

That was then. Now a general reassessment of United States military deployment in East Asia has extended so far as to provoke the beginnings of a hard, though reluctant, look in the Pentagon at how to plan for a reduction of the 46,100 American troops in the Korean peninsula.

Political pressures from Congress on the one side and from Korean nationalists on the other are the forces they must work with, Pentagon strategists say, even as the American military is trying to keep as many American troops there as long as possible.

\$100 BILLION INVESTMENT

The latest pressure from Congress comes in the form of a bill, introduced by Senator Dale Bumpers, Democrat of Arkansas, that would require pulling 10,000 troops out of Korea over three years. Senator Carl Levin, Democrat of Michigan, a member of the Armed Services Committee, has urged that all but 3,000 troops be withdrawn.

And in the House, Representative Robert J. Mrazek, Democrat of Nassau, spoke for many of his colleagues in asserting, "Overwhelmingly, the American people recognize that at this particular juncture—considering the investment of almost \$100 billion since 1954—that the South Koreans can pretty well take care of themselves."

In a recent response, Defense Secretary Dick Cheney gave Congress the standard public comment. The Pentagon has "no current plans" to reduce American forces in Korea, he said. But he pointed to President Bush's proposed withdrawal of 30,000 troops from Europe, saying it was possible that "such a proposal would ultimately be developed in connection with Korea."

On Friday, the Chairman of the Joint Chiefs of Staff, Adm. William J. Crowe Jr., reinforced the point to a luncheon audience at the National Press Club when he told the journalists:

ASIA NATIONALISM RISING

"There's both a military and a political content to our presence in Korea, one that has served us very well now for many years.

It has kept at least contributed, to the stability of that region.

"On the other hand, I must tell you, as a military man, that with the kind of fiscal constraints that we are having put on us, then everything in our inventory is open to looking at and certainly being re-examined every year."

In Asia, meanwhile, rising nationalism has generated new cries of "Yankee, go home." With Korean forces still under United States command 36 years after the Korean war, dissidents frequently make American offices and camps targets of protests.

PRESSURE FOR CUTS GROWS

The Chosun Ilbo, a leading newspaper, said in an editorial that it was "rather natural" for Washington to seek to withdraw some American forces from Korea "to whittle down its mounting fiscal and trade deficits," especially "when it weighs the waning popularity of U.S. forces in Korea."

But many obstacles remain before a new military strategy could go into effect in Asia, not the least of which is resistance on the part of the American military to change that will cut into budgets and the size of the armed forces. No mechanism exists, such as NATO in Europe, to pull allies together. National antagonisms in Asia run deep, especially those directed at Japan.

But Pentagon officials also acknowledge that they might not be able to fend off demands from Congress while they work out a regional strategy; sentiment to slice into military spending by bringing troops home, they note, is spreading.

"All of this," an official said of the long-term plan for regional deployment the Secretary of Defense and the Joint Chiefs of Staff is working on, "depends on the time we've got."

Beyond the issues of American troop strength in Korea, the officials said, the mix of land, sea and air forces is being reassessed. In addition, allies in Asia, especially Japan, will be urged to provide more of their own defense and to pay more of the local costs of American forces. As in the past, a threat of restrictions on trade would be the main lever.

Then there is the turmoil in China, which, as Admiral Crowe put it, "changes the calculus in the Far East" and could lead to "a genuine deterioration in our relationship." Negotiations with Moscow on arms control will also effect American deployments in Asia.

The Pentagon officials emphasized that the reassessment was in a preliminary stage and that it would take a year before recommendations would be made to the White House. If those recommendations are approved by the President, they said, they would be executed over 5 to 10 years.

U.S. TO PRESS FOR MORE

The officials said the United States would press Japan and, to a lesser extent, South Korea to pay more for American forces stationed there. The officials said Japan now spends \$40,000 a year for each of the 49,600 American military men and women there, including the 36,800 on the island of Okinawa.

"That's going up," an official said "we're going to keep pushing it up."

Specifically, Japan would be urged to buy more ammunition and other supplies to sustain operations, including some from the United States to ease America's trade deficit with Japan. Japan might also be urged to buy war materiel to be stored in Japan but to be available to American forces in a crisis.

The United States stores such materiel in Europe but pays for those supplies.

"I believe that we must challenge Japan with a far broader burden-sharing framework," Senator Levin said recently. "Japan, as with other countries in the Pacific area, wishes to retain a U.S. security presence in the theater. In this broader framework, Japanese should be challenged to support U.S. forces in the Asian theater, not just in Japan."

Pentagon officials said the Administration would urge Asian nations, through senior political meetings, diplomatic contacts and the yearly meetings between the Secretary of Defense and his Asian counterparts, to take more responsibility for defending themselves, the officials said. Mr. Cheney is scheduled to meet here with the Korean Minister of National Defense, Lee Sang Hoon, on Monday. ●

CLEANING UP

● Mr. BURDICK. Mr. President, I rise today as chairman of the Committee on Environment and Public Works to commend to my colleagues a Newsweek magazine special report on the environment entitled "Cleaning Up" which was written by Gregg Easterbrook. Though I have a few reservations with certain of Mr. Easterbrook's assumptions, my reservations are mild compared to the thoughtfulness and evenhanded approach of his excellent work.

This article discusses programs within my committee's jurisdiction. It discusses the development of air, water, land, and hazardous waste issues from an historical perspective. And it discusses environmental issues in the context of today's America—with a viewpoint that is as refreshing as it is essentially accurate.

As all of us are painfully aware, legislating on environmental matters is often emotional and contentious, accompanied by innuendo and charges from one side or another as to whether or not someone is sufficiently in love with nature—whether someone is sufficiently concerned about the public's health. Without being sarcastic or iconoclastic "Cleaning Up" identifies all of the "sky is falling" rhetoric from all sides which those of us who have been involved in environmental issues over these many years have become used to, if not inured to.

Again, I commend this article to my colleagues' attention.

The text of the article follows:

CLEANING UP

(By Gregg Easterbrook)

In the aftermath of events like the Exxon Valdez oil spill every reference to the environment is prefaced with the adjective "fragile." Nothing could be further from the truth.

The environment is damned near indestructible. It has survived ice ages, bombardments of cosmic radiation, fluctuations of the sun, reversals of the seasons caused by shifts in the planetary axis, collisions of comets and meteors bearing far more force than man's doomsday arsenals and the

lightless "nuclear winters" that followed these impacts. Though mischievous, human assaults are pinpricks compared with forces of the magnitude nature is accustomed to resisting.

One aspect of the environment is genuinely delicate, though. Namely, the set of conditions favorable to human beings. Earth's ecosphere is ever in flux. Climates, configurations of the continents, dominant biological and chemical forces shift endlessly. A scant 20,000 years ago the rivers and lakes we now fret about preserving did not exist; retreating glaciers had yet to carve them. Turn back a few pages and none of the rain forests or wilderness tracts we fear "irrevocably" losing existed to lose; nor did the vast majority of current plants and animals; nor did any human forebear.

To Mother Nature our contemporary infatuation with endangered species must seem callow sentimentality, for extinction is the environment's norm: 99 percent of the creatures ever to have come into existence have vanished. Nature doesn't care if the globe is populated by trilobites or thunder lizards or people or six-eyed telepathic slugs. What nature cares about is that the ecosystem live. Should man sour the environmental conditions now slanted in our favor, creatures will rise up in our stead that thrive on murky greenhouse air, or dine on compounds human metabolisms find toxic. The full measure of the ecosystem's toughness is how little it needs us, the sea otters of Prince William Sound or any particular creature.

In the modern world even if a nation renders its own environment clean, no amount of wealth or military strength may enable it to escape the side effects of environmental abuses elsewhere. Inevitably, this suggests the coming century will hold either general environmental misfortune, the distress to be suffered everywhere, or increased international cooperation, the benefits to be shared by rich and poor alike. Perhaps the environment, the place where we all must live, will become the bond that finally brings the nations of the world together.

With these thoughts in mind we turn from the majesty of nature to mere humanity's efforts at environmental control. The article that follows attempts to sort out which ecological alarms merit worry, and which are overblown; which Environmental Protection Agency programs work and which do not. Though the subject is complex, readers should be of cheer: the environment can be understood, and the path for improvements can be lighted.

PART 1—AIR POLLUTION: IT'S ALL LEGAL

One of the largest factories in the United States, the USX Clairton Coke Works, sprawls across a bend in the Monongahela River south of Pittsburgh. This vast organism manufactures carbon feedstock for steel. Freight trains and river barges serve it like blood cells, and the ovens at the factory's core, like a heart, once started are never shut off.

Clairton also exhales. Last year it pumped nearly 6 million pounds of toxic chemicals into the Pennsylvania sky. "We do put up big numbers," admits USX vice president Philip Masciantonio. "But every one of those pounds going into the air is in total compliance with the law." Indeed. That's the point.

Much as any place might, Clairton symbolizes American progress against air pollution. Since the early 1970s the plant has dramatically reduced some types of pollution, investing \$200 million in controls of

smoke and sulfur. This reflects the national experience: by several measures strides have been made against air pollution. Lead, a potent poison, has nearly vanished from the U.S. sky. Levels of factory and auto smoke are down, as are emissions of sulfur and some "volatile organics," a prime ingredient in smog. Until the recent hot summers, urban ozone had diminished slightly. Given that the American population grew 21 percent during the last two decades while the economy expanded 60 percent, pollution would have been expected to worsen proportionately: moderate improvements are reason for optimism.

But failures are legion. Each year more cities violate smog standards; today two thirds of the U.S. population dwells in zones of what the EPA delicately calls "air-quality nonattainment." And though in 1970 Congress directed the EPA to restrict some 320 toxic air pollutants, in 19 years the agency has managed to complete regulations governing just seven. That's why the Clairton emissions are lawful. Poisons perfectly legal when pumped into the air include chloroform, formaldehyde, phosgene, butadiene and benzene.

In 1985 Rep. Henry Waxman of California, a leading environmentalist, issued an estimate that 80 million pounds of toxic chemicals were emitted into U.S. air each year. "Industry went haywire," Waxman said. "They denounced the figure as environmental paranoia, wildly overstated and irresponsible." Later Congress passed a bill requiring corporations to disclose their toxic output. The first statistics from the law were released recently: confessed toxic air pollution added up to 2.7 billion pounds—34 times Waxman's paranoid number.

Powering environmental protection are four key laws: the Clean Air Act of 1970; the Clean Water Act of 1972; the Resource Conservation and Recovery Act of 1976, governing solid-waste disposal, and Superfund, a 1980 statute aimed at cleaning toxic dumps. Since passage, each law has been amended or "reauthorized," a confusing process under which existing statutes are reenacted with new language; pending reauthorization of the Clean Air Act is the reason for the Bush administration antipollution proposals in the news. Each change has served to make environmental regulation much more strict, partly reflecting society's growing intolerance of pollution, partly reflecting congressional dissatisfaction with the EPA's work.

Established in 1970, the EPA is best understood as an organization that has spent its short existence in a tug of war between two conflicting political tensions, the conventional liberalism of the 1970s and the fire-breathing conservatism of the 1980s.

During the 1970s the EPA had a pronounced antibusiness flavor. Conventional liberalism then viewed industrial activity as tainted, nearly wicked; shutting down a few factories would be just desserts for the robber barons. This sentiment ingrained between the EPA and the private sector a ritual of mutual hostility and suspicion. Thus the EPA quickly won a place on the roster of Great Satans of the conservative movement that would later carry Ronald Reagan to the White House. Often it wasn't clear why: though hostile to industry in temperament, when the time came for action the EPA seemed afraid of its shadow. From the start statutory deadlines for antipollution regulations were missed by months or years. EPA life came to be dominated by droning committee sessions, court-

room-like public hearings and excruciating debates over minutiae: action slowed to a crawl. Instead of imposing rules, the EPA would issue documents with crazy names like "preliminary draft proposal" or "interim final" standards, paperwork that served mainly to sow confusion. "EPA has always done the bare minimum it could get away with," says Rep. James Florio of New Jersey.

Meanwhile the EPA was committing a fundamental legal mistake. Industry's first counterattack came in the courts: lawyers tried to stall what few regulations the EPA imposed by arguing that the agency had not demonstrated an exact scientific basis for its thinking. Instead of responding that such demonstrations were unnecessary, the EPA's process-happy hierarchy set about generating mountains of impressive studies to prove that toxics are bad for you.

This early drive for "scientific certainty" was appealing to the young EPA because it would christen the institution with academic objectivity, abjuring mere political calculation. But a monster was soon created as courts set down precedents suggesting the EPA must have a foolproof scientific basis for its actions—something Congress never intended. Since no scientist can be certain about the effect of releasing any particular pollutant into a living, reacting environment, industry found it could delay nearly any regulation simply by trotting out an expert who would testify that further study was required. The EPA has never been able to "prove" precisely which thresholds of emissions are bad, any more than industry can "prove" which are not.

Yet the most successful example of pollution control began not with a weighty corpus of scientific contemplation but a rough guess. Automobile-emission controls, mandated in 1970, simply declared a target of 90 percent reduction, then left industry to its own devices regarding how that target should be met. "It was a back-of-the-envelope calculation," explained Philip Cummings, former counsel of the Senate Environment and Public Works Committee. "We didn't have any particular methodology. We just picked what sounded like a good goal."

After the obligatory dirge of mournful protests—"Federal Standard Impossible, Auto Makers Declare" is a typical headline from 1970—Detroit hit the target without lasting pain. Today new cars produce on average only 4 percent as much pollution as 1970 models. But instead of following this simple example the EPA made pseudocertainty a fetish which now imposes a layer of delay and billable legal hours atop nearly every antipollution initiative.

In its second decade the EPA passed to Reagan, who placed the agency under Anne McGill Burford, arguably among the least qualified individuals ever to hold an important federal office. Reagan instructed that EPA rule makings be submitted to the Office of Management and Budget for review. He wanted Burford to avenge the real or imagined liberal excesses of environmentalism, while using OMB to backstop any worthwhile proposal that slid by accidentally.

Reagan staged several pitched battles against pollution controls, notably a 1982 attempt to enervate the Clean Air Act. He suffered a loss of political capital when this offensive failed. Burford resigned in disgrace and her deputy Rita Lavelle was jailed for perjury. Several executives interviewed for this story described the failed assault on the Clean Air Act as what convinced them pol-

lution control was here to stay: if Reagan at the crest of the conservative whitecap could not reverse the momentum for environmental control, then it would not be reversed.

Renowned for a finger on the public pulse, Reagan miscalculated badly regarding the environment. Polls then showed wide support for pollution abatement: by 1988 George Bush would, at the urging of his pollsters, make ecology a campaign theme. Today polls suggest Americans consider acid rain as great a threat to U.S. security as Soviet aggression. Conspiracy theorists held that Reagan pleased in the notion of despoiling the land: more likely his attitudes were generational.

When the prewar cohort was growing up nature was the enemy, industrialization the ally. Nature spread disease and spoiled food, savaged the countryside with floods and dust bowls. Pesticides, pharmaceuticals, dams and similar interventions held out the hope of a more civilized existence. By the time the postwar generation came along nature's excesses had been tamed, replaced by industrial excess. Paved acreage was expanding resolutely, making nature seem the aggrieved party; an expanding body of information about synthetic substances suggested civilization conferred mixed blessings. "I'm an environmentalist, as is just about everybody under 40," says Robert Grady, 31, an associate director of OMB now responsible for reviewing EPA regulations.

After 1982 Reagan never took on environmentalism directly again. But his OMB continued to pocket-veto regulations by refusing the EPA permission to print them in the Federal Register. For the second half of Reagan's term the EPA was run by Lee Thomas. Within the EPA, Thomas is admired for having fought a brilliant rear-guard campaign to keep the agency animate until the next administration. No new damage was done to the EPA's mandate, while initiatives in technical areas discreetly crept forward.

Today the EPA administrator is William Reilly: if he can't make the agency effective, no one can. Former head of the Conservation Foundation, Reilly has intelligence, charm and, most important, the president's ear. Reilly has already logged more hours in the Oval Office than all his predecessors combined; the president is said to have deferred to him at meetings of senior staff, the kind of power cue that gets around Washington fast.

For Reilly, 1989 offers a fortuitous alignment of the stars. One important factor is Bush's campaign promises of environmental reform. A second, in the Senate, is the change of majority leader from Robert Byrd of West Virginia to George Mitchell of Maine. Byrd was soft on pollution; his state produces high-sulfur coal petrochemicals. Mitchell is an environmentalist from a state on which acid rain falls.

A third factor in Reilly's favor is the oil spill in Alaska. Traditionally ecological legislation passes in the wake of some mobilizing event: Superfund after Love Canal, the toxic-disclosure law after Bhopal. A fourth factor, in the House, is the ostensible conversion to environmentalism of Rep. John Dingell, a Detroit congressman who often has used his strategic committee chairmanship to obstruct environmental legislation. Now he's throwing clean-air bills in the hopper, too. The fact that even Dingell feels compelled to line up on the side of the angels indicates there simply are no respectable anti-environment positions left.

"Now Hiring," the sign on the Clairton gate read last month. "One Hundred Posi-

tions Available." With the steel industry booming again, Clairton is hiring new help, not callbacks, for the first time in more than a decade. This is a source of considerable cheer in the working-class Monongahela Valley. Yet a milestone is reflected by the fact that there now exists a local citizens' group opposed to increased production at Clairton.

Often environmentalism is seen as a cause for the affluent who make their dough in law or investment banking and want the woods clean for duck hunting. In the Mon Valley, the Kanawha Valley of West Virginia and "cancer alley" near Baton Rouge, La.—three of the worst toxic-pollution zones—those who suffer customarily shrug their shoulders. Pollution means jobs, they'll say. Fumes? Stuff can't hurt you long as you can smell it.

As emission control began to bud in the 1970s, people who live near factories came to learn that industrial activity without environmental degradation is entirely possible. And for good or ill the early 1980s recession provided an object lesson: when many factories cut back operations or sent work overseas, neighbors found their morning skies blue, their headaches and hacking coughs gone. But if Congress enacts a tough new clean-air law, USX officials warn, Clairton might have to scale back operations or even close. So here's the first of two big questions about air-pollution control: does it cost jobs?

Industry says yes, offering countless lamentations regarding a tighter clean-air act. Trouble is, industry has made the same prophecy regarding nearly every proposal for environmental management. "When I was a state's attorney in 1970, Pennsylvania passed a law mandating 50 percent reductions in air emissions," says Anthony Picadio, a Pittsburgh lawyer. Picadio was present when Edgar Speer, then president of U.S. Steel (now USX), flew to Harrisburg to meet with the governor. "Speer insisted the legislation was out of the question, totally impossible," Picadio said. "He swore U.S. Steel would shut down every plant in Pennsylvania before he'd even try to meet the requirement." The threat was idle; the rule met. "They've claimed that kind of thing every step of the way for 20 years," Picadio says.

An instructive example involves vinyl chloride, a carcinogenic raw material used in plastic manufacturing. In the 1970s this was one of the first air toxics the EPA moved to regulate. Hearing records from the period show something like clinical hysteria on the part of the plastics industry: predictions of bankruptcy, sweeping market losses. In fact, not only was vinyl chloride controlled with admirable effect, in the process a technique was discovered that reduced the cost of plastics manufacturing. "Vinyl-chloride control turned out to make the industry stronger, not weaker," says Jerry Martin, director of environmental affairs for Dow Chemical Co.

One reason industries cry wolf, according to Senator Mitchell, is that they believe their own press releases. "The basic way to address acid rain are either to add smoke-stack scrubbers or switch from high-sulfur coal to other fuels," Mitchell said. "Every year the utility companies count up capital costs as if every plant installed scrubbers, and the unions count up mining jobs lost as if every plant switched fuel, then they combine the figures and come up here yelling 'Oh my God!'"

Another cause for wolf cry is that cost estimates are based on technology available at the time a cutback is proposed. "Before a

regulation exist, industry has little incentive to invent effective controls," says David Doniger, author of a book on vinyl chloride. "Invariably industry later finds better and cheaper ways to cut emissions, so actual costs are nowhere near the dire predictions."

Lobbyists develop contact amnesia when challenged to name a specific example of a factory that has actually closed because of environmental regulation. "You can't find examples because they don't exist," says Martin Rivers, head of the Air and Waste Management Association, an industry group. That's not quite true. In the last decade several copper smelters, notoriously dirty enterprises, shut down under environmental pressure. The Avtex Fibers rayon factory in Front Royal, Va.—source of an amazing 38 percent of toxic air pollution in that state, according to EPA figures—might close if compelled to cleanliness. "But in cases like that the plant is antiquated or in a troubled industry or both. It would probably fail anyway," Rivers continued. Even without pollution abatement, Avtex nearly shut down last fall.

Not all companies resist progress on the environment. The smart ones recognize that controls are only going to get tighter, and plan accordingly. "Whenever we propose regulations we get deluged with angry letters from industry," says John DeVillars, chief environmental official for Massachusetts. "What strikes me is the companies we don't hear from. Those are the ones whose energies are focused on innovating looking ahead of the market. They're the ones that will come out on top."

But the trade associations that are industry's spear chasers on Capitol Hill are driven by lowest-common-denominator politics. Their worst-run members, needing protection most, squeal most; so when lobbyists head to the Hill it is with the entreaties of industry's least deserving in mind. In a self-fulfilling cycle, lobbyists have an incentive to horrify corporate managers by exaggerating the potential burden of regulations: this makes the client willing to pay the lobbyist his breathtaking retainer.

A related debate concerns whether environmentalism helps or hurts the economy as a whole. Some jobs in some places are surely lost, as acid-rain legislation will reduce mining employment in high-sulfur coal belts. Yet the same legislation will cause scrubber manufacturers and producers of low-sulfur coal to start hiring. Aspects of the housing, recreation and tourism industries depend on clean environments. Potentially huge savings in health-care costs are engendered: one estimate puts medical bills avoided by pollution control at \$40 billion per year.

In Clairton's case, USX officials declare that foreign competition, not cost, is the real defect of ecological regulation. "We have to sell against foreign competitors who have nothing like our level of antipollution costs," Masciantonio said.

Such complaints don't hold water for much of American industry. Auto-emission controls, for instance, lend no comfort to Japanese and German carmakers, as every car sold in the United States must meet the standards. If anything, the controls confer a comparative advantage on Detroit. U.S. firms enjoy an economy of scale since all their production is EPA-equipped, while foreign competitors must design special systems for cars sold here.

But USX has a point about commodities like steel: about 27 percent of steel imports

come from countries where manufacturers can pollute at will. Though Japan and Western Europe have tough environmental standards, anyone who travels the Third World quickly discovers it's fantasy that the industrial countries are the polluted ones. Air quality in Mexico City, New Delhi or Lagos makes Pasadena at noon seem like a mountain health spa. General pollution in Taiwan, South Korea, Poland, Brazil, Indonesia and other developing nations far surpasses the West's.

Cold free-market analysis of this situation says Fine. The environment of the West is worth more, measured by property values, than in the developing world: so why not shift pollution there? Health in the West, measured by the courtroom standard of lifetime-earnings potential in dollars, is worth dramatically more than Third World health measured in bahts or rupees. So why not let somebody else get sick while enjoying cheap products made possible by distant pollution?

Shifting society's pollution to other lands is no more acceptable than exporting uncertified drugs. One of the Bush administration's first acts was a selfless order that U.S. firms not ship toxic wastes to undeveloped countries. Another step in the right direction might be a "pollution tariff"—a levy on products imported from countries not making good-faith steps toward ecological control. That would help American industry while pressuring foreign governments to protect their own citizens and workers.

Now the second big question—what air-pollution bill should Congress pass this year? Nearly everybody agrees the existing Clean Air Act is a disappointment. For smog it established excessively complex "attainment zones" that made upwind cities smile, downwind cities weep. Its clauses threatening loss of federal funds are a standing joke: dozens of cities flunked an EPA smog test last August, and not a finger was lifted. The law tolerates one of regulatory history's premier ruses, the 1,000-foot smokestack. Operators of coal-fired power plants built these towers so emissions would be carried up into the high winds. Then they looked around with Cheshire-cat grins saying, "Pollution? What pollution?" And the act distinguishes between new sources of emissions, which are very tightly regulated, and existing sources, which are nearly exempt. This gives corporations an incentive to keep old, inefficient plants in operation rather than build advanced products in new facilities.

Competing for a new law are Bush's bill and a package championed by Representatives Waxman, Florio and a huge list of Democrats. Each proposal is divided into three segments: acid rain, air toxics and smog. Dramatic legislation is possible in the Gramm-Rudman milieu because none of the initiatives involves significant federal spending. Costs (up to \$19 billion per year for the Bush plan) would be imposed on industry, ultimately financed by consumer prices.

Acid rain involves the fewest uncertainties, since cause and cure are well known. Antiquated coal-fired power plants are the primary source of sulfur dioxide, the chief acid-rain precursor. Just 50 generating stations, most located in the Midwest, account for fully half of U.S. sulfur pollution. Bush proposes cutting sulfur-dioxide emissions by nearly 50-percent. Allies of the United Mine Workers, whose members mine high-sulfur coal, will fight to tack on scrubber subsidies that would help generating stations continue using this fuel; Midwestern congressmen will try to add subsidies for affected power cooperatives.

The Bush plan includes "emissions trading," a system of permits that may be bought and sold on the open market. Emission trading sounds weird, and is sure to inspire a few outraged stories about giant corporations profiting from the right to expel sulfur above idyllic Ohio towns. But nearly everyone who studies pollution regulation concludes that what's missing is a positive inducement that works from the bottom up, supplanting the conventional structure of costs imposed from the top down. Emission trading will allow engineers rather than regulators to judge which factories can meet standards most efficiently while adding a profit motive for inventing improved controls.

Debate over air-toxics legislation will be hard to follow, as regulatory lingo here is thick. The existing Clean Air Act is a "health standards" instrument. It contains ringing declarations that public health takes precedence over the cost or feasibility of pollution-control systems. This language rings much better than it regulates. Courts have interpreted the act as requiring emissions to decline to zero; a fine goal for the 21st century, but unattainable today.

The EPA attempted to work around this problem by adapting "risk management." Experts dueled and studies clashed over what level of danger is "negligible"—one additional cancer in 10,000 people? In a million? Ultimately risk management was tossed into limbo by a complex court order from none other than Robert Bork.

Now Bush proposes that air toxics be cut via "technology" standards that skip the health debate altogether, simply requiring that factories lower emissions to whatever can be achieved by the best antipollution devices available. This appears a straightforward means for knocking out the bulk of air toxics, allowing any residual risks to be debated at leisure. Technology standards have no scientific certainty component. The White House projects its proposal would reduce air toxics 75 to 90 percent: there is no theoretical underpinning to the target, chosen strictly because it seemed practical. Thus the idea resembles the "performance" standards that worked well against auto emissions.

For years environmentalists put up a united front against technology standards because writing this concept into law would formally acknowledge there are limits to how much society should spend to avoid the last few cancer cases. Recently, however, Representative Waxman introduced an air-toxics bill embracing the technology approach. Though much stronger than Bush's, its agreement in principle is a hopeful sign.

In the urban-smog category most Bush strategies concern cars, trucks and everyday consumer items. While it's comforting to think that distant corporations are solely to blame for savaging the environment, in cities the villain is the man in the street. Forty percent of smog comes from automobiles. Another 40 percent derives from bakeries, dry cleaners and consumer products; only 15 percent from industry. (Dry cleaners use solvents that emit fumes; baking of your daily bread releases yeast byproducts which sunlight changes to ozone.) Automobiles also emit nitrous oxides, an acid-rain source, plus several air toxics.

Bush proposes that all cars sold in the United States meet the California tailpipe-emission standard, more stringent than its federal counterpart, and that emission limits be extended to light trucks. He calls for stricter inspection programs to ensure

that auto antismog equipment is in working order; vapor-recovery nozzles on gas pumps; regulation of evaporative consumer products such as paint thinner, and various technical goals under a trading program allowing auto manufacturers and oil companies to sort out the specifics themselves.

Further, gas stations in smog areas would be permitted to sell only "oxygenated" gasoline, a blend similar to gasoline having superior combustion properties. Already Reilly has ordered oil refiners to reduce gasoline "volatility" by removing additives that evaporate; further reductions will be required in the early 1990s. Tinkering with fuel affords faster paybacks than tightening new vehicle standards, since the benefits spread to cars already in use.

Most dramatically, Bush proposes that by 1997 about 10 percent of new cars be powered by methanol, ethanol or compressed natural gas, fuels inherently lower in pollution than petroleum. Sales would be concentrated in the worst ozone areas: Los Angeles, Houston, New York, Milwaukee, Baltimore, Philadelphia, suburban Connecticut, San Diego, and Chicago. Bush believes his initiatives would cut U.S. smog emissions by 45 percent.

The advent of cars emitting far less pollution than 1970 models has failed to eradicate smog because there are now 55 percent more cars on the road, traveling more net miles. That the auto population grows much faster than the people population—two-car families now typically being three- or even four-car fleets—may be a sign of American prosperity, but guarantees a built-in losing cycle against smog. Absent progress toward alternative fuels, increases in total cars and miles driven will steadily worsen air quality even as individual new cars become cleaner still.

Of course we all know that if only everybody else would get off the road, car-caused social problems would vanish. Los Angeles, car and smog capital (148 days last year in violation of the EPA ozone standard), indicates where the country's future lies unless firm steps are taken. Recently the L.A. air-quality authority unveiled a master plan under which gasoline power would be banned by the year 2007. Sooner will come limits on cars per family, rules against free parking, mandatory car-pooling. "People complain we're getting into intrusive lifestyle issues," says Anne Baker, an official of the Southern California Association of Governments. "Isn't being stuck on the freeway in a two-hour traffic jam a bit of a lifestyle intrusion, too?"

Voters are sure to be snowed under by the swirl of statistics and buzzwords the coming debate about the Clean Air Act will generate. One way to cut through the confusion is this: it doesn't really matter precisely which language triumphs. What matters is that every year regulations become a little tighter; business gets the message a little louder; tolerance of pollution declines. Any of the major clean-air initiatives will accomplish these goals.

And whatever cries of woe industry may utter, air-pollution control need not mean hardship. Case in point: complying with the disclosure law, Monsanto recently revealed that in 1987 it released 19.5 million pounds of toxics into the air. After seeing those numbers chairman Richard Mahoney decreed his company would voluntarily cut air emissions by 90 percent, while establishing a corporate goal of zero emissions. Monsanto says it can achieve the reduction within current capital budgets.

"We don't think our emissions represent any hazard," Mahoney said. "But the public has spoken, and it's unmistakable they will no longer tolerate toxic emissions. Might as well get on with it."

Monsanto is not the only company to take the pledge. Union Carbide and Hoffman LaRoche have voluntarily committed themselves to dramatic reduction. Both likewise acknowledge public pressure, a faster and more flexible regulatory mechanism than any law. Neither means that jobs will be lost or zillions of dollars expended. They're just getting on with it.

PART 2—WATER POLLUTION: VISIBLE RESULTS

Boston Harbor has played a role in two presidential elections. A tea party there helped make George Washington the first president. Sewage there helped make George Bush president number 41.

Candidate Bush was correct to call Boston waters filthy. Tons of disgusting slop from toilets and factories pour directly into the inlet 24 hours a day, along with more "effluent," a polite name for rank waste water, than the flow of the Charles River. At the Boston Aquarium, kids gawk at an MIT computer model of the sludge mass that undulates around the harbor mouth, sliding in and out with the tides.

What Candidate Bush didn't tell you is that well before the damning Boston Harbor commercial, a Massachusetts state authority broke ground for the most ambitious water-cleaning system in U.S. history, a \$6.1 billion complex of machinery and plumbing. Residents are paying for the project themselves, not relying on federal subsidies. Then again, Candidate Dukakis didn't tell you this either. Oh well.

A sign of progress is that Boston is one of the few important places still without modern sewage treatment. New York City and New Jersey are the other big offenders: both still dump sludge into the Atlantic using East 106, an EPA-sanctioned discharge point 106 miles off Cape May, N.J., and a candidate for Most Disgusting Place on Earth. (It's on the navigation charts; sailors have gotten pretty good at steering around.) But thanks to the strictures of the Clean Water Act and federal distribution of \$50 billion in treatment grants, most cities now have modern sewage control.

Water quality is the success story of U.S. antipollution efforts. Dangerous chemicals discharged to waterways equal less than one fifth the amount pumped into the air, according to EPA figures. Drinking-water supplies, though in places imperiled, are in the main safe. The most disturbing ecological image of the 1960s—junk pouring directly into a stream—is history thanks to the National Pollutant Discharge Elimination System (NPDES). Under the NPDES any "pointsource" pumping fluids into a river or lake must obtain an easily revoked permit specifying what the discharge can contain. Because point sources are fairly easy to spot, the NPDES has stopped most deliberate pollution of water bodies.

Payback has come quickly. Water quality in the Great Lakes, Chesapeake Bay and elsewhere is on the rebound. Lake Erie, pronounced dead in the 1960s, is looking lively. Infamous "flammable rivers" such as the Cuyahoga are no longer threats to ignite; channels like the Potomac are close to being swimmable again.

Such rapid recoveries indicate two things. First, the resiliency of the ecology. The environment is a living system, able to retaliate against pollutants. The failure of Exxon's carelessness to "destroy" Prince

William Sound is best understood by recalling that petroleum leaks from the earth's crust into the ecosphere on a constant basis. Conceptually what Exxon did was reposition a natural contaminant from inside a rock formation to the surface of a water body, where natural forces (wave action, bacteria, sunlight) immediately began acting in opposition to the intrusion.

Second, relatively fast recovery of water bodies teaches an important political lesson about environmentalism: that it's a tunnel with a bright, cheery light at the end. "In so much of politics you have no idea whether you are doing any good," says Paul Levy, head of the authority building the Boston system. "Ecological control produces visible, satisfying results. Nature can't recover till you stop polluting. But once you do she works amazingly fast."

An irony of success against water pollution is that it greatly increases stress on water treatment: pollutants that once went into rivers may now go down the drain instead. And "the better your water treatment gets, the worse your sludge problem becomes," according to Richard Fox, Boston's construction manager.

Some environmental gains, like pollution prevention, benefit everyone. When Polaroid discovered a way to remove mercury from its film packs the company cut costs while society enjoyed the elimination of a category of poisonous waste. But others are zero-sum: blocking pollutants from one destination only diverts them to another. Modern water treatment offers much-improved ability to extract sludge, but then you're stuck with the sludge.

Incineration is one option. At the Blue Plains plant outside Washington, D.C., officials want to burn half of the sludge tonnage their system generates. But Congress voted strong language opposing sludge incineration, so permits have been denied. The EPA wants sludge recycled into fertilizer, which is what Boston will attempt. People who will live adjacent to the sludge processor are beside themselves in their opposition: partly because of the Nimby (Not In My Backyard) Reflex, partly because sludge processors "don't exactly have a great track record," Fox admits.

Boston may be able to market the product. Though sludge fertilizer is on paper great stuff, farmers are wary of consumer reactions. Never mind that it would be inconsistent for the public to demand that sludge not be dumped or landfilled or incinerated, then also demand that sludge not be recycled. In the Nimby Era these are the kinds of problems municipal officials face.

The Clean Water Act contains two loopholes. Fines are modest: Exxon's penalty for the Alaska spill probably will be \$50,000, though other damages will drive the grand total far higher. And the act is lax on "non-point" pollution, runoff from streets and farmers' fields. "Nonpoint control is the largest area of failure in environmental policy," Reilly says.

Today just 9 percent of stream pollution comes from industry. Fully 65 percent is nonpoint, primarily from agriculture. It's one thing for congressmen to deliver speeches blasting corporations for defiling the countryside, another to call the friendly farmer to task. The EPA has authority to certify pesticides but little ability to restrict their use to prevent runoff pollution; Congress worries about pesticide residues that end up in food but has been gun-shy about the link between agricultural chemicals and pollution.

Here's a water-pollution vignette that sums up many dynamics in environmental affairs today. Ciba-Geigy, the chemical conglomerate, has a dye factory in Toms River, N.J. For years the plant discharged foul process water to the Atlantic via pipelines that moved the pollution just far enough offshore to be out of sight, out of mind. It wasn't alone: nearby municipal waterworks also spewed grubby water to the ocean. So in a sense Jersey citizens were just as guilty as Ciba-Geigy. They didn't want to know where their toilet water was going, or pay the higher rates required to clean it properly.

About a decade ago environmental groups started pressuring Ciba-Geigy to reform. After the obligatory hemming and hawing something clicked in the corporate boardroom: the company built a state-of-the-art water-treatment facility. Today the plant pumps to the Atlantic water that is nearly potable: significantly nicer than the discharge of some public waterworks on the New Jersey shore.

This hasn't done the company the slightest good. Ciba-Geigy is phasing out the dye operation and wanted to replace it with a modern pharmaceuticals factory. But when the company applied for permission to run water from the new plant through its high-tech cleansers, public reaction was violently negative. "Our polls showed people are just incredibly opposed to any ocean discharge," Ciba-Geigy spokesman Mark Ryan said. "Whether the water is clean is no longer an issue. They don't even want to discuss that aspect." Recently the New Jersey counterpart of the EPA gave Ciba-Geigy an award for pollution control—then, under pressure, rejected the application for a new permit. Construction plans were abandoned.

Shed no tears for Ciba-Geigy. The company was once irresponsible toward the environment, and if a deferred price is now paid, those are the breaks. But what about people who might have had jobs in the new plant—clean jobs, in a factory with safer new technology? What about the weight of anxiety on nearby residents, and millions of Americans, falsely convinced the environment around them is damaged beyond hope?

PART 3—YESTERDAY'S TOXICS: SUPERFUND

The Demode Road dump site in rural Rose Township, Mich., is in principle among the most dangerous places in the United States. Once 5,000 drums of toxic wastes were scattered there. They leaked PCB's, poisons and carcinogens onto the pristine land. Today the wooded tract is surrounded by barbed wire and signs warning of a Superfund site.

Inside the fence Demode Road does not appear particularly scary. "The bad part of showing you this site," said Robert Hayes of the Michigan Department of Natural Resources, "is that it doesn't look horrible." Trees and grasses grow; deer, owl, and rabbit abound. Since people started leaving Demode Road alone, animals find it an agreeable habitat.

In fact, Demode Road is sort of boring. Today most Superfund sites are. During the early Superfund years many discoveries were dramatic: valleys of drums, vile potions oozing from the earth. Most such urgent health threats have now been addressed. What remains are thousands of locations where contaminants permeate the ground and nobody quite knows what to do about it. Of 1,224 sites on the formal Superfund inventory, just 27 have been "delisted" as fully clean. For this reason congressmen regularly lambast Superfund as a fiasco.

The writer Betsy Carpenter calls the program Superfund.

Toxic dumping at Demode Road took place during the 1960s. Like many environmental abuses of the time, it was no secret to the authorities. Records show local officials received frequent complaints about trucks reeking of alchemy cutting down the rustic back roads after sunset: no action was taken. When Love Canal hit the headlines in 1978, Demode Road was discovered. A new state commission swooped into town, declaring a "toxic-substance emergency." The barrels were picked up by men in moon suits, hauled off to a supposedly secure facility that was itself later declared a Superfund site. But about the chemicals that had penetrated the ground, nothing was done. These qualified Demode Road for Superfund.

Gisela King, who moved to Rose Township "to escape the pollution and noise of the city," recalls the numbing effect of the phrase *toxic-substance emergency*. People whose horses or livestock had died recently had no way to know whether the dump was to blame, or if they'd be next. "Back then we were flabbergasted when they announced it would be eight years till cleanup was completed," King said. Ten years later the cleanup has yet to begin.

Superfund has three basic provisions. First, a tax on chemical manufacturers, to create the fund. Second, federal authority over places contaminated with toxics. Third, legal presumption of "joint and several" liability for any firm whose wastes are found in a dump: meaning a company responsible for a single barrel may be liable for the entire cost of restoring a site.

Cleanups may be financed directly from the fund, which contains \$8.5 billion; later, federal attorneys sue responsible parties to recover costs. If the accountable cooperate, the EPA seeks payment in advance. This happened at Demode Road. TRW, Ford, Chrysler, Hoeschst Celanese and others owned up that their wastes were present, though maintaining they hadn't a clue how they got there.

Advancing to cleanup is laborious even when companies cooperate. Multiple tiers of hearings, appeals, studies and reviews of studies are required. Partly because of an EPA personnel freeze, more than 80 percent of Superfund spending has gone to consultants and their kinsmen, who have a pecuniary interest in dragging the process out: to keep the meter running.

Nearby residents typically want every shovelful of tainted soil dug up and shipped far, far away. That makes plenty of sense to them; little sense for society as a whole. EPA managers often propose "cap and contain": packing clay and synthetic barriers around the tainted soil, then enlarging the warning signs. Usually this is sufficient to prevent toxics from moving, but land is not cleaned in any sense acceptable to locals: rather, written off for the time being. Cap and contain is the only technique that would allow the EPA to remove sites from the danger list fast. It is under enormous pressure from Congress and the press to produce "numbers"—body counts of subtractions from the Superfund inventory. It's also under pressure to restore land to a pristine standard. The two goals are incompatible.

Another option is incineration. This ensures that toxics are destroyed, but is very expensive. "If we practiced incineration everywhere we would quickly exhaust the fund, and what would that accomplish?"

asked John Cannon, the official now overseeing Superfund. For instance there's a particularly nagging Superfund site in Uniontown, Ohio, where residents want an incineration cleanup estimated to cost \$500 million: more than the land in question, restored, is ever likely to be worth. Between cheap capping and costly incineration are midpriced experimental approaches such as chemical-munching microbes and "washing": deluging a site with water, then collecting and treating the runoff.

Following years of lumbering over Demode Road, the EPA published a formal decision saying all tainted soils would be incinerated, estimated cost \$34 million. Residents were delighted; environmentalists hailed the decision. Then last summer the EPA reversed itself. The agency signed a consent decree with the responsible parties specifying that most of the site would be subjected to soil washing, estimated cost \$14 million.

"It was strictly a money thing," said Kevin Adler, the EPA's project manager. The maximum the companies would pay voluntarily was \$14 million; any more and they'd take the EPA to court. Superfund is under an additional level of pressure, from OMB, to settle with companies rather than finance cleanups directly. So long as Superfund reserves are not spent, they can be applied to offsetting the federal deficit.

When the change of plans was announced, Rose Township achieved a heightened level of consciousness. At a meeting, local residents screamed at EPA officials; suits were filed to block the deal. Now the whole situation is back in stalemate.

Rose Township residents were livid mainly because the new plan leaves them hanging. With soil washing, the EPA admitted, it might be a decade before anyone could determine whether the technique worked. If not, there might ensue another decade of studies, hearings and legalistic Kabuki. Meanwhile local public health would be devastated. Or would it?

Two years ago some EPA analysts set off a shock wave in the environmental community by producing a report declaring Superfund sites vastly overrated as health hazards. The report was written in technobabble, so received little public attention. Translated, the conclusions were stunning: "inactive hazardous wastes sites" finished down at number eight in a ranking of environmental cancer risks. The report suggested that the furor over Superfund diverts attention from more pressing problems such as radon and stratospheric ozone depletion.

Here's the argument: toxic-waste sites pose a threat to the tiny number of people who live right next door, but no one else. After all, chemicals can't hurt you unless you are exposed to them, and those in the ground move incredibly slowly, sometimes taking years to advance a few feet. Air pollution is such a broad health worry because it is the ideal medium for widespread exposure. Once in the air, pollutants can go anywhere; recapturing or treating them is impossible; people inhale huge volumes of air, up to 20,000 liters per day, giving a high statistical likelihood of swallowing airborne chemicals. Toxic-waste sites are the reverse, chemicals localized in a way that makes exposure improbable.

Consider that if even half the "poisoning of America" stories were true, people would be dropping like flies. Yet by almost all measures, U.S. public health is improving, not declining. James Enstrom, a cancer epidemiologist at UCLA, has calculated that if

mortality rates from 1940 applied to 1988, 4 million Americans would have passed on last year. Instead, 2.2 million died. This represents a spectacular increase in net public health occurring during the same period when prevalence of chemicals, pesticides and radioactive substances expanded exponentially.

It is now 10 years after the evacuation of Love Canal, one of the most callous toxic-waste sites ever: 22,000 tons of chemicals under a schoolyard. Several children of families immediately nearby had bone deficiencies, cleft palates or mild retardation; one 7-year-old died of kidney disease. But no drastic health problems struck the community as a whole.

At most Superfund sites the principal public-health impact has been not physical illness but mental anguish. Animals are drinking from the ponds at Demode Road and thriving. They couldn't do so—especially small creatures with low body weights—if the chemicals present were a menace to the degree the public has been led to believe. One of the largest Superfund sites is the 27 square miles of Rocky Mountain Arsenal, an old munitions plant near Denver. Once nerve and mustard gas were made there, the manufacturing byproducts strewn willy-nilly. Cleanup estimates run to \$3 billion; work may be complicated by the fact that the land may be declared a wildlife sanctuary. When *Homo sapiens* fenced off the arsenal, eagle, hawk, deer and other species took over. Now there are bus tours for wildlife lovers. Bus tours of a toxic-waste site. This does not demonstrate that Superfund sites are wonderful places for a picnic, simply hyped as health threats.

Several groups have reasons for resisting this message. For the EPA, Superfund is the agency's sole major new funding flow. For environmentalists, toxic wastes represent an issue where everyone is completely scared to death, which has become an environmentalist agenda item. For the media, toxic waste is a great story. People living next door to Superfund sites are frightened, fed up and highly emotional, which means good copy. They are visual victims, television's most prized commodity. Stories can focus on their outrage without having to broach complexities.

"Now that I've studied the issues I realize factories are a greater health concern than Superfund sites," King said. "But people are sick of hearing about these places, just sick of it. We want them cleaned up so we can put the issue out of our minds."

There is cause to hope Superfund will begin to perform. Bear in mind nearly all the program's operational life has been under Ronald Reagan, a president hostile to its mission. "The main thing missing from Superfund has been a failure to instill in corporations a sense that prosecution is inevitable if they don't voluntarily settle," Reilly says. Bush has pledged stepped-up enforcement; companies may find it in their interest to become cooperative.

Laws like Superfund also have a power widely overlooked, their liability impact. A Xerox factory near Rochester, N.Y., recently paid a \$95,000 fine for failing to report in a timely fashion that trichloroethylene was seeping toward wells of nearby homes. Xerox then paid \$4.75 million to two families with poisoned wells. Take a guess which figure catches the eye of corporate managers.

Owing to liability trepidation, creation of new toxic dumps has nearly stopped during the 1980s, most observers believe: an accom-

plishment easily overlooked, since the absence of problems is rarely remarked on. "We also think there's been a great deal of 'midnight cleanup,'" said William Roberts, an aid to Representative Florio. "Firms clean sites privately to keep them off the Superfund list. So far, more good has probably been done this way than through formal EPA intervention."

Post-Superfund, liability judgments involving toxics can only get bigger. Ultimately, this may have more restraining effect on industry than all copies of the Federal Register combined.

PART 4—TODAY'S TOXICS: DISPOSAL

The Pinewood, S. C., "secure" landfill of the GSX Corp. is among the dwindling number of facilities with legal permission to accept the type of wastes once tossed onto the fields of Rose Township. Pinewood is modern, well engineered and scrupulously clean. Everybody hates it.

Demonstrators have lain before trucks at Pinewood's gate. Environmentalists nationwide condemn the facility; congressional subcommittees have held inquiries; thousands have attended local protest meetings. One of the largest secure landfills in the country, Pinewood accepts 135,000 tons of hazardous wastes annually. Since 1980 Pinewood has operated on an interim EPA permit. Its application for a final license runs 30 hardbound volumes.

A law passed by Congress in 1984 had at its centerpiece a stringent "land ban". Wastes such as PCB's and dioxins were land-banned immediately; basically, compounds like these may now be disposed of only via neutralization or destruction in high-temperature incinerators, never placed in the ground. For other chemicals the law wielded "hammers", a creative new countermeasure to EPA foot dragging. The EPA was given deadlines by which to promulgate rules on how various toxics should be treated. If the agency failed to act on time it would be "hammered"—further bans would take effect automatically. That got even the Reagan administration's attention, and regulations began to flow.

Five years later most hazardous wastes have been "listed" by the EPA, and cannot be buried unless first treated or solidified. In May 1990, a sledgehammer falls: it will become illegal in the United States to dispose of nearly any untreated chemical.

Most trucks entering Pinewood carry chemicals already on a hammer list. Samples are processed in a lab equipped with chromatographs, spectrometers and other expensive gizmos to see if content matches what the shipper declared on an EPA manifest. Chemicals too hot to handle may be sent to a GSX incinerator in a nearby town. Legal compounds are mixed with clay derivative similar to Kitty Litter or with kiln dust to form low-grade cement. Then they are drummed and lined up in huge gashes in the earth decorously called "cells".

Under most cells are two layers of compacted clay, which is highly resistant to liquids, plus two synthetic liners. Between these are sumps to collect rainwater that may leach through, pumping it up for destruction in the GSX incinerator. Around the cells are ground-water monitors. An inspector from the South Carolina Department of Health and Environmental Control is present at all times; the inspectors rotate, making them harder to buy off.

When filled, a cell is covered with more clay and high-density polyethylene, the polyethylene ridges are welded, the cover landscaped. On the GSX computer is a 3-D

record of which waste sits where in the grid in case the cells have to be excavated someday. In theory they will remain forever. At present rates Pinewood will be in operation till the year 2030.

Less than 1,000 yards down the hydraulic gradient from the GSX property line is a lovely sportsman's paradise, Lake Marion. The proximity of this water, plus technical details of local soil strata, are the chief reasons environmentalists oppose Pinewood. Scientists paid by GSX swear that even if chemicals escaped the cells it would take nearly a hundred years for them to reach the lake; scientists with environmental groups swear this could happen far faster. Because Lake Marion is infested with marine plants that inhibit sports fishing, its surface has been regularly sprayed with herbicide. Under "hammer" rules, GSX would have to neutralize the same herbicides just to enclose them in welded cells. If chemicals ever do escape Pinewood and migrate to Lake Marion, they will arrive in concentrations vastly lower than what's applied directly to the water on purpose.

As a young reporter in the late 1970s, I covered the original round of toxic-waste horror stories, trooping across many government-sanctioned hazardous landfills. Compared with them, Pinewood is a hospital operating theater. At one facility near Los Angeles there were big pits in the ground; trucks would drive up and pour chemicals straight into them. No treatment, no liners, no sumps, no 3-D computer records. The lab consisted of a dingy trailer with a few test tubes; as an "inspection", the guard placed his hand on a truck's side to feel if it was hot, which would indicate the chemicals within were reacting. Places like Pinewood may only be steps along the way to a fully accountable system for managing society's dangerous byproducts. But they are so much better than what we had just a decade ago that it's not funny.

Any burying of hazardous byproducts in verdant soil may sound barbarous. It is: ideally all waste toxics should be destroyed or chemically broken down, preferably while still inside factory gates. On a practical basis industry can't do that yet; and inert hazardous materials such as heavy metals will probably always go into landfills. One obstacle to ideal disposal is that consumers will pay higher prices if better techniques are applied to every product that contains a hazardous chemical or requires use of one during manufacture, which is to say nearly every product. The acid in flashlight batteries, for example, is an EPA-restricted corrosive; hair mousse contains propane. Companies do not manufacture toxics because they get their jollies that way. Toxics are manufactured because consumers want the products they make possible.

Though businessmen whined piteously about the expense of using improved facilities like Pinewood, most are learning to live with it. "Our customers are an even greater regulatory force on us than EPA," Roger Davis, a GSX vice president, said. "They send auditors here to ensure our site conforms to RCRA, because they're intensely concerned about their liability if we slip up." After Davis crowed about the environmental safeguards at Pinewood, I asked whether the company would have installed them if not for government and public pressure. He answered simply, "No." But GSX and other disposal firms are learning to live with strictness as well. "Now we recognize that the waste industry benefits from tight regulation. It put the midnight dumpers out

of business, so we have no cut-rate competition," Davis added.

New liability standards have persuaded many factory managers not to let anyone else, who might slip up, touch their toxics. Today just 4 percent of industrial hazardous wastes are sent to facilities like Pinewood; the rest is handled at the point of production. Much on-site disposal involves a technique called "deep injection," which sends toxics down to the briny part of the water table, theoretically beneath the zones tapped for drinking water. Deep injection is probably safe, though nobody has paid much attention to it. Nearly all public concern has focused on commercial sites where trucks can be seen entering a gate. Such places are just part of the story: as they shut down, the public may be lulled into thinking that toxics have gone away. They won't have.

Nobody wants a facility like Pinewood nearby because of the Nimby Reflex. Contrary to what you've heard lately, this reflex is not all bad. "Nimby has created many positives," says Henry Cole of the Clean Water Action Project. "It forces people to come to terms with where their wastes go, forces society to seek better alternatives." Many environmental offenses were facilitated by the old out-of-sight, out-of-mind complacency. If today's demonstrations against reasonable facilities like Pinewood are overreactions, at least they keep the pressure cranked up on industry and regulators.

But Nimby can backfire. Once the public went along with anything: now it opposes everything. Fitted with the quiver of modern due-process precedents that makes blocking easier than doing, Nimby patrols oppose nearly all construction of new waste facilities, which has the effect of locking society in to already-existing facilities—the lousy old designs. Because hazardous wastes received intense study in the last decade, a body of knowledge now exists that could make for control facilities with superior environmental characteristics. But good luck getting permission to put one anywhere. The EPA has even had trouble siting support facilities for Superfund cleanups, an Alice-in-Wonderland arrangement.

Nimby is to some extent a property-value phenomenon, but the active ingredient is terror. Industry once conned people into believing toxics harmless; environmentalists now terrify them into believing that just reading the name of some chemicals is enough to make you keel over.

Twenty years ago environmentalists would have kissed the ground on which the Boston Harbor system now sits. Today the Clean Water Action Project says little but nay about the plant: it's too high tech, the sludge will be hideously toxic, the sponsoring authority isn't interested in punishing industry. The Boston cleanup is remarkable both for what it will accomplish and for enjoying broad voter support, though Bostonians will pay through their noses: annual water bills are expected to rise from \$300 to \$1,100. This indicates the public has been converted to environmentalism in the most significant sense, willingness to spend. Time to celebrate, it would seem.

Likewise 20 years ago an environmentalist who heard that U.S. cities would like to renounce trash landfills in favor of waste-to-energy plants would have thought he'd lived to see the heavens open. Yet today many frantically oppose any municipal waste remedy other than universal recycling, a debatable proposition. Activists fear that to

the extent trash power projects are successful they will undercut recycling by reducing the perception of a "garbage crisis," tortured logic at best. Lancer, a trash power system that might have done wonders for the Los Angeles landfill crunch, was recently defeated by a sky-is-falling campaign of panic over trace toxic emissions, though similar furnaces have been used in Western Europe without adverse effect on public health.

At the extreme, some environmentalists have evolved a world view in which it's fine for them to enjoy the goods and services of industrial society but horribly selfish for anybody else to. To this contingent, cries that the sky is falling become second nature. The dilemma is that environmental hyperbole often plays a worthy role, spurring the political system toward decisions that are in fact in society's interest. Could you catch the attention of Congress on such technical matters as delayed RCRA regulations if you didn't exaggerate a bit, say by claiming the country was being "poisoned?" Probably not.

PART 5—THE ECOSPHERE

Maryland's Blackwater National Wildlife Refuge is nature on the throne of her glory. Here you may at dawn behold the dance of the ages. Bird cries rise with the sun over thickets of wetland grasses; eagle, red-tailed hawk, black duck lift skyward to begin their daily rituals of quest, or soar unbounded over the adjacent majesty of Chesapeake Bay. Blackwater is pure inspiration. And doesn't have much to do with protecting the environment.

Places of conspicuous beauty usually come to mind when the subject is general ecological preservation. But such areas constitute only a small part of the equation, both statistically and because beauty speaks for itself: only a stooge could oppose protection of Blackwater, Yellowstone and similar marvels. The real action in preservation involves aspects of the ecosystem not particularly striking: wetlands, tundra, forest tracts containing no geologic wonders or prestige endangered species.

In his first State of the Union address George Bush pledged "no net loss" of wetlands, surely one of the most arcane policy commitments ever pronounced from a presidential forum. Over recent decades the United States has been filling wetlands at about 500,000 acres a year, significant even in a nation of America's expanse. Yet "the overwhelming majority of threatened wetlands aren't sensational places like Blackwater," says Lyndon Lee, a wetlands expert. "They are scattered tracts of private property you might drive right past. Kind of blah, unless you know what you're looking at." To most people wetlands go by the name swamps. To most people getting rid of swamps is a big plus.

The Clean Water Act classified saturated soil formations as "waters of the United States," invoking a legal phrase used to assert common public interest in rivers and lakes. Federal permits are now required for "converting" wetlands. Section 404, the name of this program, hence have become swear words to developers.

In principle the 404 system prohibits nearly all development of wetlands. According to a strict reading, developers can't build houses on riparian acreage even though waterfront property is what everybody wants. One of Reilly's first acts was to block Two Forks, a water-supply dam for Denver. His rationale was that downstream of the proposed reservoir sat a 300-acre wetland that

is a habitat for migrating sandhill cranes. For anyone who remembers the snail darter, it's engaging to note that this decision did not set off howls of outrage. Public sentiment on the environment has shifted such that Reilly was praised, not excoriated, for sacrificing a major public-works project to protect a few odd-looking birds.

In practice the system has loopholes, a major chink being sweetheart exemptions for agriculture. Farmers, and sometimes developers claiming to be farmers, basically can ignore 404. The EPA has the authority to flat-out forbid commercial wetland development, but uses this power sparingly. The compromise increasingly cut is that those who fill a wetland in one place must create an equivalent somewhere else. This is why Bush promised no "net" loss. "Wetlands are comparatively easy to make or restore," Lee explained. "It's not like making a wilderness, which takes centuries."

The ecological virtues of wetlands are these: they are exceptional breeders of life and natural filters for removing pollutants from water. Most of the life that springs from wetlands is not spectacular like the red-tailed hawk. It's dull stuff: snails, reeds, beetles. Wetlands are competitive, active environments, so life there tends to evolve vigorously compared with national parks where preservation policies may reduce natural pressure on species to change.

While the publicity goes to endangerment of glamour animals like condors and grizzlies, the "germline"—the general genetic heritage, especially of lesser organisms that form the majority—ought to concern us more. In a world increasingly paved over, blah niches such as wetlands are the germline's best hopes. Around the globe, life forms are falling extinct in worrisome numbers as habitats are displaced by everything from elegant condos to mud huts. For instance, between now and the year 2000, three times as many native American plant species will disappear as during the last 200 years combined.

From the planetary perspective it matters little whether any individual species gets wiped out. What matters is that there always be a large pool of species with diverse genetic libraries, ready to react to whatever environmental change comes along. Through genetic diversity the ecosystem doesn't merely survive onslaughts such as ice ages. From each hour of trial the living system emerges stronger than before: populated by more highly developed creatures bearing richer genetic heritages.

Who can say whether man, as he learns genetic engineering, won't need to reach into some obscure subspecies and pluck out DNA that helps him endure some coming ecological transition, perhaps one of his own making? Who could have predicted we'd find penicillin in a crummy mold? Thus Reilly should be praised not for saving the cranes but saving the wetland with its snails, spiders and machineries of life.

In environmental affairs it is crucial to draw the distinction between one-shot problems—Love Canal, Times Beach, Exxon's idea of steering a tanker—and cumulative damage. Transitory ecological infractions happen fast; usually the restoration can, too. Problems that take a long time to build up take a long time to fix. That's why global warming and depletion of the ozone layer are the most troubling environmental predicaments of our age: both have been in the works for decades.

Six of the 10 warmest years on record have occurred during the 1980s. Garbled

talk-show commentary to the contrary, science is not certain this results from an artificial greenhouse effect. Rising temperatures may be caused by fluctuations in the output of the sun, about whose internal dynamics precious little is known. They may stem from quirks in record keeping or some novel climate factor which, once discovered, will seem obvious in retrospect.

But whether or not a greenhouse effect has officially commenced, logic says one is coming. Since the 1850s atmospheric carbon dioxide, the primary greenhouse gas, has increased 25 percent; the chief culprit is the Western world's enthusiasm for burning fossil fuel in power plants, factories and family cars. Other man-made gases that trap heat are being detected in the air in rising concentrations. It's hard to imagine how this stuff could fail to have some effect. Sen. Albert Gore Jr. calls the situation "a bad science-fiction movie."

According to EPA estimates here's what will happen in reel two. On our present course earth's overall temperature will increase 3 to 8 degrees Fahrenheit by about the middle of the next century. Sea levels will rise, flooding coastal areas; ocean currents that dictate weather patterns will grow much stranger than the recent El Nino variations. Most chilling, if that's the right term, is that the best science can project is slowing of the trend. "Even if all greenhouse emissions stopped tomorrow, a century might pass before the correction took effect," says Stephen Schneider of the National Center for Atmospheric Research.

Corrections? The ecosphere is an elaborately defended fortress. Nature can prevent a runaway warming, if we but give it the chance.

The first natural thermostat is the cloud cover. Hot weather tends to increase clouds; more clouds increase the portion of the sun's radiation that is reflected back into the space. If weather cools, clouds attenuate and additional sunlight gets in.

The second natural thermostat is majestic in scale. Carbon dioxide constantly enters the atmosphere naturally via volcanic eruptions, seepage and plant decay. Such processes release 200 billion tons of carbon dioxide each year, compared with humanity's puny 7 billion-ton contribution. Rainfall constantly washes carbon compounds from the air and into the sea, where they settle to form sediments. Through tectonic movements these sediments are gradually subducted back into Earth's mantle. There they mix with magma, melt, and one day return anew to the air.

So: if the climate is too cold rainfall declines, slowing the rate at which carbon dioxide is bathed from the air and triggering natural global warming. If the climate is too hot rainfall increases, speeding up the washing and moderating the natural greenhouse. Currently, because it's too hot, nature is subtracting carbon dioxide from the atmosphere at about 204 billion tons a year. But because man is adding 7 billion tons and subtracting none, the net is a 3 billion-ton annual increase.

Earth's inanimate mechanisms of climate control are joined by a third system, the biological thermostat. Plants aspirate carbon dioxide, emanate oxygen. When it's hot they grow faster, pulling more carbon dioxide from the air and influencing temperatures downward. When it's cool plant metabolism slows down, reducing demand as that greenhouse builds up.

Researchers are beginning to suspect that a few hundred million years ago flora and

fauna were not the only primitive things about Earth: climate was primitive, too, characterized by greater swings in highs and lows, in rainfall and drought, than the world experiences today. As life's influence on climate improved, whether moderated and subtle creatures such as mammals became possible. Eons of development pointed in the direction of conditions sufficiently temperate that a hairless, physically deficient primate could prosper on brain power alone. Now we're using those brains to throw monkey wrenches into the machine that spawned us.

Unfortunately nature's thermostats work on a millenarian clock which has trouble keeping pace with the technological stopwatch. And currently humanity is doing everything in its power to prevent natural thermostats from coming to our aid. Deforestation, for instance, reduces vegetation that would otherwise draw carbon dioxide from the air. World forest acreage has declined about 15 percent over the last century with the rate accelerating, particularly in South America.

Before getting steamed up about Brazil, however, consider that South America has millions of poor who need land and work. For struggling nations environmentally damaging behavior may be economically rational in the short term: when settlers leveled the American wilderness in pursuit of opportunity, no international delegations came by to say tut-tut. Even today the United States is merrily felling forest acres for federally subsidized timber sales. Why don't we put a halt to that? Because the lumber companies and their workers are an interest group not unlike the interest groups Brazil's leaders must contend with.

America burns more oil than any other nation, the principal reason each of us puts five times as much greenhouse gas into the atmosphere as each Brazilian. We could be driving higher mileage cars, or switching to fuels such as ethanol that not only pollute less but subtract carbon dioxide during production, while growing as corn. "Irresponsible" Brazil has a thriving ethanol industry.

We could make more electricity from something other than coal, a carbon-dioxide malefactor. A little surprise the 21st century may have in store is that nuclear energy turns out to be important after all: even an environmental ally, since nuclear plants have no greenhouse effect. Anyone who fears nuclear power based on its current manifestation is thinking rationally. But should current problems rule out future progress? Engineers have designed conceptually new "inherently safe" reactors that combine lower temperatures, less energetic fuel and passive cooling systems in such a way that it should be physically impossible for the core to run amok. Perversely, industrial and anti-nuke interests have joined to work against this development. Industry fears talk of "safe" factors will constitute an admission the nuclear status quo leaves something to be desired. Anti-nukers suffer mental meltdowns at the suggestion any aspect of the atom might on balance be good for the ecosphere.

Without saying so, this article has proceeded on the assumption that environmental protection is a social good transcending cost-benefit calculations. That is why little space has been accorded to discussion of how many dollars' worth of particular anti-pollution devices will prevent how many cancers, how bad smog must be before you have an asthma attack as opposed to just coughing, and so on.

This choice of assumptions is a fair one because it is the same the American people have made. In recent years the voting behavior of Congress and state legislatures has given unequivocal voice to public inclination in favor of environmental protection as an American value. Last fall's presidential campaign removed any doubt. Our changing social perception of pollution is much like the changed view toward drunken driving. Both are now seen as fundamentally disgraceful and bespeaking lack of character, as opposed to just mistakes.

It would be nice to think that salvation for the environment lies in forsaking civilization and getting back to nature. It would also be nice to think that tapping our feet together takes us to Kansas. Naysayers believe that technology grows ever more damaging and inhumane. That need not be so. Truly advanced technology should grow steadily cleaner, safer, more responsible toward its masters. "Sophisticated" devices don't pollute; only crude ones do. If the makers of technology mean what they say about sophistication, the next stage beyond high tech will be clean tech.

The future of the environment is machines, people and nature working together without doing each other harm. In current environmental policy exists a foothold toward that goal. From here on there is no excuse to settle for the other than climbing. ●

THE SOCIAL SECURITY WORK INCENTIVES ACT OF 1989

● Mr. CHAFEE. Mr. President, I am proud to join Senator DOLE and Senator RIEGLE in sponsoring the Social Security Work Incentives Act of 1989. This legislation takes a critical step toward ending the disincentives built into the Social Security Disability Insurance Program [SSDI] that discourage recipients from gaining financial independence.

Over the past few decades we have made great strides toward helping people with disabilities achieve their fullest potential as members of our communities. We enacted the Education of the Handicapped Act in 1975 to ensure that individuals with disabilities receive an appropriate education to enable them to become productive members of the community. In 1981, we enacted the Medicaid 2176 waiver allowing State Medicaid programs to make community care available to individuals wishing to remain at home, in the neighborhood or other community settings. We are now close to reforming the Medicaid Program to create a system of services that will provide individuals with physical and mental impairments with assistance they need to remain in their own communities, and participate fully in society. In addition, the Senate will soon consider the Americans with Disabilities Act, legislation to prevent discrimination on the basis of a disability in order to further enhance fully community integration.

All these efforts are aimed at recognizing the talents of those with dis-

abilities, and the contribution that they are capable of making. However, we have left one very important stone unturned. We have neglected to change a provision of law that works against everything we are striving to accomplish. We continue to allow the Social Security Disability Insurance Program to penalize those persons with disabilities who are working toward financial independence.

The SSDI Program provides financial assistance and Medicare benefits to people with disabilities. However, if a SSDI beneficiary earns over \$300, under current law, he or she loses not only financial assistance but also his or her Medicare benefits. Medicare coverage is absolutely critical for these individuals. Until they are able to earn a significant income from an employer that provides an adequate health plan, individuals are seriously at risk if their SSDI and Medicare benefits are withdrawn.

A similar problem existed for people with disabilities who receive supplemental security income [SSI] and Medicaid. We fixed that problem and now these individuals are able to work without completely losing their cash assistance and Medicaid benefits. The SSI 1619 Program provides SSI recipients with a reduction in their benefit based on the amount of money they earn. Thus, the more SSI recipients work, the more financial independence they gain and the less they have to rely on SSI for support. Most importantly, they are able to retain their Medicaid health benefits.

The legislation we are introducing today creates a work incentive program under SSDI which is modeled after the SSI 1619 program. This legislation will allow certain SSDI recipients to work but have their benefits reduced by \$1 for every \$2 earned above \$85 per month. The bill removes

the \$300 income threshold at which all benefits are lost. This enables persons with disabilities to build their financial independence while retaining health insurance and some income security.

Unfortunately, eligibility for this work incentive program is limited, due to budgetary restraints. However, enacting this bill will be a first step toward expanding eligibility for these work incentive provisions to all SSDI recipients.

Mr. President, I urge my colleagues who have been so supportive of legislation benefitting those with disabilities to closely examine this problem. I hope they see the necessity of this legislation and support us in this effort. ●

ORDERS FOR TOMORROW

RECESS AND MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 9 a.m. on Thursday, July 20, and that following the time for the two leaders there be a period for morning business with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE URANIUM ENRICHMENT BILL

Mr. MITCHELL. Mr. President, I ask unanimous consent that at 9:25 a.m. tomorrow the Senate proceed to the immediate consideration of Calendar Order No. 136, S. 83, the uranium enrichment bill, and that it be considered under the following time limitation: 5 minutes on the bill, equally divided and controlled between Senators JOHNSTON and McCLURE, or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. That no amendments to the bill be in order except the committee-reported amendments; that no motions to recommit be in order; that the agreement be in the usual form with respect to the control and division of time; and that at 9:30 a.m. a vote occur on final passage of the measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. I further ask unanimous consent that it be in order to request the yeas and nays now on the passage of S. 83.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Mr. MITCHELL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. MITCHELL. I now ask unanimous consent that upon disposition of S. 83, the uranium enrichment bill, the Senate resume consideration of S. 1160, the State Department authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL TOMORROW AT 9 A.M.

Mr. MITCHELL. Mr. President, if the distinguished Republican leader has no further business, and if no other Senator is seeking recognition, I ask unanimous consent that the Senate stand in recess under the previous order until 9 a.m. on Thursday, July 20.

There being no objection, the Senate, at 11:29 p.m., recessed until Thursday, July 20, 1989, at 9 a.m.

EXTENSIONS OF REMARKS

SCHOOL REFORM: A NATIONAL STRATEGY

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1989

Mr. HAWKINS. Mr. Speaker, I include "School Reform: A National Strategy", a speech by Dr. Ernest L. Boyer to the Business Roundtable in Washington, DC, on June 5, 1989:

SCHOOL REFORM: A NATIONAL STRATEGY

(By Ernest L. Boyer, president, the Carnegie Foundation for the Advancement of Teaching)

INTRODUCTION

In his first report card on the nation's schools, Secretary of Education Lauro Cavazos concluded that student performance is now "stagnant," a sobering indictment. The Secretary confessed that, "This situation scares me and I hope it scares you, too." And he then offered this apocalyptic view: "We must do better or perish as the nation we know today."

It's been six years since the National Commission on Excellence in Education declared "The nation is at risk," and since that warning hit the headlines, America has been engaged in the most sustained drive for school renewal in its history. Academic standards have been raised, teachers' salaries have gone up, and business leaders have become strong advocates of public education.

But with all of our achievements, there still remains a disturbing gap between rhetoric and results. Many of our students receive a first-class education. But the majority go to schools that range from good to mediocre, and for large numbers of our young people, schooling is a failure.

What's gone wrong? Why is school performance so uneven?

The problem is that our efforts have been more fragmented than coherent. Since 1983, we've had a flood of reports on education, but no comprehensive plan. A variety of model schools has been introduced, but it's a reform strategy best described as "excellence by exception." If school reform has begun to stall, as Secretary Cavazos now concludes, it's not from lack of effort, but from lack of overall direction.

This piecemeal approach is not surprising. It dates back to 1647 when the Massachusetts Bay Colony required every town or village to hire a schoolmaster to teach its own children to read and write. From the very first, our schools have been locally controlled, locally supported, and accountable only to the parents. This "unsystematic" system of public education—some might even say "chaotic"—seemed to work, and, for years, Americans have had great confidence in their schools.

Now, the pendulum has shifted. Today, less than half the support for public education comes from local districts. Voter participation in school elections is low, and, with increased mobility, neighborhoods less

stable. America's traditional grass-roots approach to public education has weakened.

Further, Americans are troubled that millions of students are economically and civically ill-prepared. We're shocked that high school graduates cannot confidently read and write, or accurately compute. We're deeply worried that the United States is losing the high-tech race.

"Modern societies," John Gardner said, "run on talent," and there's a growing conviction that the nation's 83,000 schools, 16,000 districts, and 50 states cannot, without coordination, meet the challenge.

Indeed, Americans today seem less concerned about local control than about national results—convinced that if the nation is at risk, the nation must respond.

Consider that, just two years ago, a national board for teacher certification was created.

Consider that the U.S. Department of Education now presents, annually, a national report card on school performance.

Consider that former Secretary of Education William Bennett's James Madison High School contained a proposed national curriculum.

Consider, especially, that we've just elected, to the highest office in the land, a candidate who pledged to be the "Education President"—suggesting national leadership in education.

This is an historic moment. America is moving, in fits and starts, toward a national view of education, but how can we achieve more coherence without sacrificing vitality at the local level? It's a new challenge, something we've never seriously faced before, and our response surely will shape education in this country for years to come.

How do we proceed?

Clearly, we don't need a federal ministry of education to force all schools into a bureaucratic lockstep. We don't need yet one more critical report. We don't need more "patch work" and "tinkering"—as Secretary Cavazos recently reminded us. We know what works.

What we do need is a national agenda for school reform. We need a strategy that sustains state and local leadership, while giving coherence to the effort, overall. And I'd like to focus on five priorities that are crucial if our push for excellence is to be, not just symbolic, but systemic.

I. GOALS

First, a national strategy for school reform requires a larger vision, and the President himself must lead the way.

If a health epidemic were striking one-fourth of the children in this country, if snow were piling up on city streets, if we had heaps of garbage on the curbs, a national emergency would be declared. But when hundreds of thousands of students leave school, year-after-year, shockingly unprepared, the nation remains far too lethargic.

We need an urgent call to action. And this is where corporate America has a role to play. To paraphrase the TV commercial, "When the Fortune 500 speak out for better schools, politicians listen."

Last fall, I suggested that the next President call a summit meeting of the governors

from all fifty states, declaring that this nation is committed to provide, for every student, a solid vocational, civic, and moral education. The goal must be quality for all.

I also suggested that the next President, as a national objective, pledge that by the year 2000—when today's first graders are high school seniors—America will have the best education system in the world.

Over forty years ago, Secretary of State George C. Marshall, in an historic address at Harvard University, announced a bold recovery plan to lift Europe out of the ashes of a devastating war. This was an audacious proposition, wildly optimistic. But let the record show that, within four short years, the European community was miraculously reborn. The Marshall Plan—with a \$12 billion assist from the United States—delivered dramatically on its promise.

Dreams can be fulfilled only when they've been defined. As a national strategy, let's commit ourselves to rebuild, within a decade, the nation's schools, just as the Marshall Plan helped rebuild a devastated world.

II. EQUALITY

This leads to priority number two. To rebuild the schools, America must focus, with special urgency, on students who are least advantaged.

To talk about school reform while ignoring poor children is dangerously to misdiagnose the problem. The Harvard School of Public Health recently reported that a child who is nutritionally deficient will have a lower IQ, shorter attention span, and get lower grades in school. Yet, in the United States today, nearly one out of every four school-age children is classified as poor. They're neglected, undernourished. They lack even the most basic care required to have a healthy start, and to disregard the tragedy of poor children is to imperil the future of the nation.

Poverty and schooling are inextricably connected, and it's here that the federal government's obligation is most explicit. Winston Churchill observed that there is no finer investment for any community than "putting milk into babies", and I propose that the federal nutrition program for low-income mothers and babies be fully funded, since better schooling starts with little children.

During the decade of the nineties, let's also incrementally increase support for Head Start, with full funding by the year 2000. This effective program provides preschool education for three- and four-year-old disadvantaged children, and it's a disgrace that twenty years after Head Start was authorized by Congress, only 20 percent of the eligible children are being served.

To give all children a better start, let's also reorganize the first years of formal education—that's kindergarten through grade four—into a single unit called "The Basic School." This school would give top priority to language and have no class with more than 15 students each. Each child would get personal attention and rigid grade levels would be blurred.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Also, in the Basic School, all disadvantaged children would get special help in reading and mathematics, with support from the federal Chapter One program, and the school day would be lengthened for afternoon enrichment. The goal is to have every child, by grade four, write with clarity, read with comprehension, compute with accuracy, and effectively speak and listen. If these skills are not well formed, it will be impossible fully to compensate for the failure later on.

Finally, serving the least advantaged means urging states to revise the formulas by which schools are funded. In my home state of New Jersey, the Englewood Cliffs School District spends \$9,200 for every pupil, while in East Orange, just 15 miles down the road—where the needs of children are so great, where the ravages of poverty are so apparent—the district spends just \$4,500 for each student. Of course, money is not the only answer. But does anyone really believe that East Orange students deserve only half as much support as students in the more affluent suburbs?

Excellence and equality cannot be divided, and as a national strategy, we must focus on the disadvantaged. We must finance, more fairly, the public schools and give priority to early education, since it's here that the battle for excellence will be won or lost.

III. TEACHERS

Third, this nation must give more dignity and more status to its teachers.

Washington Irving, in his popular nineteenth century story, "The Legend of Sleepy Hollow," describes Ichabod Crane as a man who was "built like a scarecrow. A gangling, pinheaded, flat-topped oaf. But what would anyone expect? He was a teacher."

It's a paradox. Americans have always had a love affair with education, but we've been enormously ambivalent about teachers. Perhaps it's here that we can borrow something from the Japanese. In Japan, parents are intensely supportive of the schools. In that culture, the term *sensei*—teacher—is a title of great honor.

Last year, at the Carnegie Foundation, we surveyed 22,000 teachers, and I was shocked to discover that 50 percent said that morale in the profession is lower than it was five years ago; only 22 percent said it's gotten better.

We also found that more than 20 percent of today's teachers do not help choose textbooks and instructional materials. Over 50 percent do not participate in planning their own in-service education, and 70 percent are not asked to help shape retention policies at their school. In a word, they're powerless. And then we wonder why our most gifted students do not go into teaching!

There are poor teachers. And for the reform movement to succeed, the teaching profession must more vigorously police itself. We simply cannot tolerate mediocrity in the classroom.

But no profession is made healthy by focusing only on what's bad and, today, we need a national strategy to strengthen teaching, one that focuses on the three R's of recognition, recruitment, and renewal.

First, we need a 1989 version of President Dwight Eisenhower's National Defense Education Act—a program of teacher fellowships and summer institutes in every region of the country, which, incidentally, corporations could help fund.

Second, we need a national campaign to recruit outstanding students into teaching, beginning with those in junior high. Col-

leges and universities should organize this crusade, focusing especially on black and Hispanic students.

Third, we need, in every state, a full-tuition scholarship program for top students who agree to teach at least three years in disadvantaged schools. A quarter century ago, John Kennedy inspired the nation's youth to join the Peace Corps to serve the needy overseas. Why not inspire the brightest and the best to serve in inner-city schools and in rural districts here at home?

Finally, let's have teacher recognition programs in every state, and nationally, as well. Specifically, I suggest that President Bush, building on his splendid teacher award program, invite the "teachers of the year" from all 50 states to a dinner in the East Room of the White House, with the event televised, prime time. It's a symbolic act, but we live by symbols, and a White House dinner would affirm that classroom teachers are the unsung heroes of the nation.

IV. SCHOOL LEADERSHIP

Fourth, in shaping a national strategy for education, school-based management is crucial.

Thus far, over forty states have drafted tough new regulations. But all too often these mandates focus on bureaucratic procedures rather than on the outcomes of education, forcing teachers and principals to spend more time with paperwork, and less time with their students.

State officials should set goals, provide equitable support, and hold every school accountable for its performance. Here the leadership of governors is crucial. But within this framework, principals and teachers should be given full authority to choose textbooks, shape curriculum, hire teachers, organize the school day, and have discretionary funds to introduce bold innovations.

In other words, we must create, in the nation's 83,000 schools, what industry likes to call "circles of quality control," with teachers and principals creatively building schools that meet high academic standards and meet the needs of students, too.

In a recent Carnegie survey, we found that half the students in eighth grade go home after school to an empty house; 40 percent wish they could spend more time with their mothers and fathers; about a third say their family never sits down together to eat a meal. And many are often lonely.

We also found this sense of loneliness within the school itself, with teen-agers often moving anonymously from class to class, lacking contact with adults, and dropping out of school because no one noticed that they had, in fact, dropped in.

Frankly, if I had just one wish for school reform, I'd break up every junior and senior high school into units of no more than 400 students each. I'd locate these schools as satellite campuses, in shopping malls, in corporate buildings, and at worksites, too. In downtown Atlanta, for example, there's a high school in Rich's Department Store, a place where several hundred students go to study, while mingling with adults.

At these satellite campuses, every student should be assigned to a small "support group" of no more than 25 students each, meeting with a mentor at the beginning of each day to talk about problems, review academic progress, and receive emotional support.

Above all, I'd like to see all students feel needed and have a sense of worth. In our report, *High School*, we proposed a new "Carnegie unit" of high school credit—a

community service term to help teen-agers become responsibly engaged in youth clubs, in retirement villages, and in tutoring other kids at school, discovering a connection between what they learn and how they live.

I'm suggesting that, as a national strategy, every state define its goals, and then give freedom to the schools, focusing on outcomes, not procedures. Such a restructuring will breathe new life into a suffocating system.

V. ACCOUNTABILITY

Finally, we simply must clarify the content of education and find better ways to measure the results.

It's ironic that after six years of unprecedented school reform, we still can't agree on what it means to be an educated person. Some districts and some states have made great progress in defining goals. But in most schools, the K through 12 curriculum is still a Rube Goldberg arrangement that lacks both quality and coherence.

During the past six years, we've added more Carnegie units, but we've failed to ask "What's behind the labels?" We say "science," but what science should be studied? History, yes. But which history? We require English, but "English" can mean anything from Shakespeare to basic grammar.

As a national strategy, I propose that master teachers and research scholars come together—in a kind of peacetime Manhattan Project—to design, for the twenty-first century, a curriculum that focuses, not just on knowledge acquisition, but on integration, too. If this nation can invest billions in new weapons systems, why can't we invest in a new curriculum for the nation's schools? Specifically, let's have an endowment for this project, supported by both public and private funds.

It's ironic, too, that we still can't agree on how to evaluate school performance, and without reliable yardsticks, no one seems to know for sure if our \$180 billion annual investment in public education is paying off. When Secretary Cavazos recently presented his report card on school performance—using dropout rates, SAT scores and the like—he explained that these yardsticks may not be adequate, but they're all we have. It's like an industry that's unclear about its product, and thus is hopelessly confused about quality control.

The President has a Council of Economic Advisors to keep track of the nation's fiscal health, but we don't have an authoritative way to monitor, adequately, the nation's education health. Perhaps the time has come to establish a National Council on Education Trends. Such a nongovernmental panel—comprised of distinguished citizens from all sectors—could develop a framework by which school performance, state-by-state, could be appropriately assessed.

This is an enormously difficult assignment that may take several years. But careful assessment of education is crucial, and here are some of the questions Americans should be asking:

Does each state have clearly defined goals for education? Are schools held accountable for results?

Is school financing adequate? Are states reducing the inequity from one district to another?

What about the dropout rate? Is it going down, especially among black and Hispanic populations?

Do teachers feel good about their work? Are salaries adequate and are working conditions getting better?

What about student performance?

Can all students read with comprehension, write with clarity, and accurately compute?

Have all students learned about the world around them? Do they know about their own heritage, other cultures, and have they discovered the interconnected nature of our world?

Can students think critically and integrate ideas?

Do they know the joy of reading, and have the motivation for lifelong learning?

Are the nonverbal abilities of students—including the aesthetic—being shaped in school?

Is education increasing the students' self-esteem and helping them become tolerant of others?

Are students, through community service projects, learning to become responsibly engaged?

After graduation, how do students perform in college and at the workplace? Are we, in short, preparing our students to be better workers, better citizens, and better people, too?

James Agee wrote that "in every child who is born, under no matter what circumstance . . . the potentiality of the human race is born again." As part of the national strategy, let's develop, during the decade of the nineties, a more coherent curriculum for our schools and a more precise, more humane evaluation of our students.

CONCLUSION

Here, then, is my conclusion. If this nation is to achieve excellence in education, a national strategy is required. This means:

An urgent call to action,
A commitment to the disadvantaged,
A crusade to strengthen teaching,
State standards, with leadership at the local schools,

A quality curriculum, and
An effective way to monitor results.

John Gardner said, "A nation is never finished. You can't build it and leave it standing as the Pharaohs did the pyramids. It has to be recreated for each new generation." I'm convinced that the most urgent task our generation now confronts is a crusade to rebuild the nation's schools.

JOHN E. LAWE: LABOR LEADERSHIP AT ITS BEST

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1989

Mr. GILMAN. Mr. Speaker, in a few weeks, our Nation will be celebrating Labor Day—the day set aside to honor the men and women who toil to keep our Nation going.

This year, the labor movement will be a little less joyous than usual, for earlier this year our good friend, John E. Lawe, the international president of the Transportation Workers Union [TWU], passed away.

John was a true gentleman who represented the best of union leadership.

John E. Lawe was born in the family farmhouse in Kilglass, Strokestown in County Roscommon, Ireland, back in 1919. John worked on the family farm as a youth, and later worked on road repair crews. During World War II, when coal imports were disrupted by the hostilities, John worked in the peat bogs

where he learned to supervise others, and quickly earned a reputation for doing so with fairness.

John emigrated from Ireland to the United States in 1949, finding work first as an elevator operator and then as a bus cleaner with the New York City Transit Co. Soon, John was a bus driver and was also active in Local 100 of the TWU. His skill at leadership, coupled with his compassion for his fellow workers, became legendary, so that in 1977 he became president of Local 100 and in 1985 became international president.

John Lawe served with distinction in this position until his death earlier this year.

Mr. Speaker, the career of John Lawe is an inspiration to us all. This Labor Day 1989, let us reflect on John Lawe and others like him whose unselfish devotion and tireless efforts have brought about the significant advances made by the labor movement in these United States.

Mr. Speaker, I would like to insert into the RECORD the account of John Lawe's funeral which appeared in the newspaper of the Transportation Workers Union. The tributes paid to this fine man upon his death underscore his outstanding contributions:

THOUSANDS BID FAREWELL

The imposing gothic spires of St. Patrick's Cathedral towered over thousands of mourners and friends of John Lawe—including hundreds of TWU members, active and retired—as Archbishop John Cardinal O'Connor celebrated a Mass of the Resurrection for the repose of his soul.

St. Patrick's Cathedral had been the setting of two earlier memorable moments in John Lawe's career. In April 1980 during the 11-day strike he led, John Lawe would steal a few moments in the morning for prayerful reflection in the pews of the cathedral before heading to the stormy negotiations with TA management. Years later in March of 1987 John Lawe was triumphant on the steps of St. Patrick's as he was greeted by Cardinal O'Connor on the occasion of his stroll up 5th Avenue as Grand Marshal of the St. Patrick's Day parade.

Leading public officials attending the funeral service included, among others, former Governor Hugh Carey, Mayor Ed Koch, City Comptroller Harrison Goldin, State Comptroller Ned Regan, State Attorney General Robert Abrams, Manhattan Borough President David Dinkins, former MTA Chairman Richard Ravitch, U.S. Senator Alfonse D'Amato, former Congressman Mario Biaggi, State Special Prosecutor Charles J. Hynes, and Irish Consul General Daithi O'Ceallaigh.

Trade union leaders present included AFL-CIO Secretary-Treasurer Tom Donahue, Service Employee President John Sweeney, New York State AFL-CIO President Ed Cleary, New York State COPE Director Denis Hughes, UFT President Sandra Feldman, New York City Central Labor Council President Tom Van Arsdale, Local 237 IBT President Barry Feinstein, ATU Vice President Joseph Welch and many others.

The TWU leadership from around the country was led by new International President George Leitz; Charles Faulding, Secretary-Treasurer; Sonny Hall, President Local 100; and ATD Director John Kerrigan.

Hundreds of John's friends from the Irish community came to pay last respects. A transit PBA pipe band played "The Minstrel Boy" and other mournful Irish airs.

Cardinal O'Connor regretted that, despite the best of intentions, he never came to know John Lawe well. But he was honored that John, knowing the end was near, requested that he lead the service. "I know I was chosen not because I am Archbishop of New York, but because I am a union man."

He reached into his pocket and produced three personal notes. The first two were from Charles Haughey, Prime Minister, and Brian Lenihan, Foreign Minister of the Republic of Ireland, each a personal friend of John Lawe. They recognized his work on behalf of Irish freedom and immigrant rights.

Equally impressive was the note from one of New York's best radio reporters Richard Lamb of CBS who called John Lawe "a gentle, powerful soul who never let his position of awesome power get the better of his deep well of humility."

The Cardinal quoted an employer view, that of Richard Ravitch, sometimes an adversary in collective bargaining, who said that John Lawe epitomized "strength with grace." The Cardinal reflected at length on the Catholic theology of suffering. He guessed that few knew that Lawe had visited the cathedral during the 1980 strike. How curious, he reflected, that John Lawe's epitaph contained so many references to the 1980 strike when what ought to be noted is his 40 years of patient work to build the union, work that earns little media notice. O'Connor referred to Lawe as a man who never forgot his roots as an immigrant worker.

Universally, Lawe's reputation was that of a decent, honest man. In the present climate, said the Cardinal, public opinion needs to be reminded of how awful conditions were for workers before trade unionism arose. Whatever social gains won by workers have been won by trade unions. "We owe a debt to the John Lawes of the world who, as the gospel parable suggests, used their talents to build a more just society." "Those who love this cathedral know that it was workers," he went on to say, "who chiefly built it 'stone by stone, dollar by dollar.'"

"I missed his bus," said the Cardinal, "in not getting to know him as well as I wished to when we first met." In recalling March 1987, O'Connor said the only thing that seemed amiss when he met Lawe dressed in his St. Patrick's Day finery of top hat, sash and baton was the strong impression he conveyed of, "Why is all this fuss being made about me?"

He concluded, "I thank you, his wife and his family, for being what you have been to him, so that he could be what he was to us."

To the surprise of many in the cathedral, near the close of the service, the City's highest elected official Mayor Ed Koch walked to the microphone to pay homage to a man with whom he had crossed swords, sometimes bitterly, in the 1980 strike. In an eloquent tribute to Lawe, Mayor Koch called him a "gentle but a tough man." Like many sons and daughters of foreign lands who have settled in New York City, John Lawe never forgot his roots. He was a "Prince of Ireland," said Mayor Koch. Courage and civility were his main personal qualities. Mayor Koch recalled how proud he was to see, when he paid his respects to the family at the funeral home, that the Liberty Medal bestowed by the City of New York in 1986 on its most prominent immigrant citizens was draped over the casket. The Mayor alluded to W.H. Auden's eulogy of William Butler Yeats, the famed Irish

poet who also died on "a cold, dreary day in the month of January" fifty years ago. He also quoted Yeats own poem "Under Ben Bulbin." "Yeats knew and we know that death has no power here. A brief parting from those dear is the worst we have to fear." Poets, the mayor said, are remembered by their poetry and John Lawe will be remembered by a living memorial, by the lives of working men and women throughout our nation.

TRIBUTE TO POLICE CHIEF KENNETH R. STONEBRAKER

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1989

Mr. DYMALLY. Mr. Speaker, I rise today to pay tribute to Police Chief Kenneth R. Stonebraker, who will be honored this Friday, July 21, 1989, on the occasion of his retirement from the Hawthorne Police Department after 30 years of dedicated and meritorious service.

As a police reserve officer in 1958, Chief Stonebraker served the department with distinction as he moved up through the ranks. He impressively performed a variety of duties including undercover officer for the crime impact team, motorcycle officer, detective bureau, watch commander, patrol sergeant, patrol lieutenant, administrative captain and then Chief-of-Police.

Under his extraordinary leadership, Chief Stonebraker successfully launched a number of innovative law enforcement programs within the Hawthorne Police Department that have continued to serve as models for other departments in the State. Such programs have included the creation of a computer software program that has greatly enhanced the career criminal apprehension program, a unique police services center located in Hawthorne Plaza Shopping Center, the implementation of K-9 patrols as a crime fighting tool, and the development of a strong business and community watch program city-wide.

Chief Stonebraker has further given of himself to his community as a veteran of the U.S. Air Force, and through his active service in the Kiwanis Club, Rotary Club, Boy Scouts, Hawthorne Family YMCA and the Hawthorne Elks.

Chief Stonebraker has worked diligently through the years to enhance the law enforcement profession through his active involvement in the California Police Officers Association and the South Bay, L.A. County, California and International levels of the Police Chiefs Association.

It is with great privilege for me to announce, on behalf of the residents of Hawthorne and the Hawthorne City Council, the designation and formal recognition of "Chief Stonebraker Day," on Friday, July 21, 1989, on the occasion of his retirement from the Hawthorne Police Department after 30 years of dedicated service.

EXTENSIONS OF REMARKS

BOB McHUGH NAMED GOVERNOR OF DISTRICT 14-W LIONS CLUB

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1989

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to Bob McHugh, of Pittston Township, PA. Mr. McHugh has been named as District 14-W Lions Club governor and is the first governor to be chosen from the Pittston Township Lions Club of Pittston Township, PA.

Mr. McHugh has been a member of the Lions Club of Pittston Township for 12 years. He served as Lion Tamer director, secretary for 2 years, third vice president, second vice president, and zone chairman.

In addition to his Lions Club activities, Mr. McHugh is very active in the community. He is a member of the Pittston Township Ambulance Association and the Pittston Township Hose Co. Mr. McHugh also served his country during World War II and was honored by receiving the distinguished Purple Heart Medal.

The Pittston Township Lions Club will honor Bob McHugh at a testimonial dinner on Saturday, July 22, 1989, for having been named as the first district governor to be a member of the Pittston Township Lions Club.

I take great pleasure in congratulating Bob McHugh on being named as governor of District 14-W Lion's Club. Mr. McHugh has distinguished himself as an active member in both community affairs and Lions Club activities. It is citizens like Bob McHugh who help our communities remain strong, and I am sure that my colleagues in the House of Representatives will join me in commending Mr. McHugh on his new position.

MANAGEMENT OF THE U.S. DEFENSE INDUSTRIAL BASE

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1989

Mr. HORTON. Mr. Speaker, the Committee on Government Operations' Subcommittee on Legislation and National Security convened an extremely timely and important hearing yesterday, on the management of the U.S. defense industrial base.

With the House gearing up for its debate on the defense authorization bill and discussions continuing on the reauthorization of the Defense Production Act, the hearing could not have come at a more appropriate time. The purpose was to not only gain additional insight into what needs to be done to ensure a strong and efficient defense industrial base, but also to contribute to the momentum needed to get the job done.

The United States spends over \$100 billion a year buying equipment from defense suppli-

July 19, 1989

ers. Yet, we are finding that the Pentagon cannot on a timely basis determine if specific parts and weapons purchased with that \$100 billion will be available when they are needed.

In fact, no service has a complete set of analyses on the ability of the defense industry to supply its needs for future conflict situations.

What information that has been compiled points toward a growing dependence on foreign-sourced components and a significant decline in certain sectors of the U.S. industrial base.

A 1985 National Research Council study found that the U.S. defense industry is now heavily, if not totally, dependent on foreign sources for computer chips, silicon for high-powered electronic switching, and precision glass used in reconnaissance satellites and other military equipment.

Luckily, all of the news isn't bad. Efforts are underway in the Departments of Defense and Commerce and in the Federal Emergency Management Agency to improve the access and timeliness of information systems. Issues relating to the American industrial base are receiving renewed attention and visibility.

An effort I have found of particular interest has been the establishment of the Center for Optics Manufacturing in Rochester, NY. Precision optics are utilized in systems such as Maverick, TOW, and Hellfire missiles, as well as in binoculars, artillery range-finders, and submarine periscopes.

Optics imports currently account for 75 percent of DOD needs and 98 percent of commercial. By helping to introduce innovative manufacturing techniques the center will not only aid the U.S. optics industry, but will also help ensure a secure source of optics for our Nation's defense.

The nature of the threat to American security continues to evolve and change. A few weeks ago, we witnessed the destruction of the last Pershing 1A ballistic missile, marking the first time in history that an entire class of nuclear weapons has been eliminated. President Bush's recent visits to Poland and Hungary underscored some of the dramatic changes taking place in the Soviet bloc. The winds of democracy continue to blow throughout the world—ever stronger—with increasing vigor.

Despite these historic changes, we cannot lose sight of the fact that American security continues to rest on a strong, robust, and efficient industrial base. To ensure that base, we must have the capability to identify areas of vulnerability. Only then can we take the necessary steps to minimize or eliminate those vulnerabilities.

Yesterday's hearing provided an excellent opportunity to examine some of the current shortcomings in the management of the U.S. defense industrial base. Mr. Speaker, I appreciate the opportunity to bring to your attention the work of the Legislation and National Security Subcommittee, and look forward to working with you and our other colleagues in an effort to address these critical problems.

THE PEACE DIVIDEND

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1989

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, July 19, 1989, into the CONGRESSIONAL RECORD.

THE PEACE DIVIDEND

In my recent poll of Ninth District residents, those favoring cuts in national defense outnumbered those favoring increases by more than ten to one. These results are indicative of a growing sentiment in the country—that tensions between the superpowers are easing and that defense budgets should be cut in response. Many Hoosiers have talked to me recently about this "peace dividend" from improved relations with the Soviets, which would free up money in the federal budget for deficit reduction or for other spending priorities, such as education, housing, and health care. While I am as anxious as the next person to get meaningful defense spending reductions, I am skeptical about our ability to achieve major cuts in the defense budget in the near term.

Advocates of the peace dividend point out that improved superpower relations offer the U.S. several opportunities for savings. First, U.S.-Soviet arms control agreements on long-range nuclear arsenals and conventional forces in Europe, if concluded quickly, could reduce the cost of building and operating expensive weapons systems. Second, the U.S. could achieve further savings by requiring its allies in Europe and Asia to pay for a greater share of their own defense (a concept known as "burdensharing"). Third, the Pentagon could assist these cost-cutting efforts, by streamlining its expensive and wasteful system of procuring new weapons systems and by allocating its resources more efficiently—for example, by moving more of its active forces to the reserves, or eliminating very expensive weapons systems like the B-2 bomber.

However, there are several reasons to doubt whether radical reductions in U.S. defense budgets will occur, particularly in the near term. First of all, there are practical limits to savings from arms control agreements or burdensharing with our allies. Arms control requires costly efforts to dismantle weapons systems, transfer forces back to the U.S., and meet verification requirements, which in the short term far outweigh the savings from arms reductions. Arms control agreements are likely to be long in coming and short on savings, as they have been in the past. Likewise, increasing allied burdensharing is surely reasonable, but none of our allies is jumping forward to assume world leadership or to increase defense spending substantially at a time of improving relations with the Soviet Union.

Second, reductions in overseas deployments, major cuts in forces, and large defense budget savings are unlikely so long as U.S. commitments and national security strategy remain unchanged. Defense experts point out that it is meaningless to talk about significant savings in the defense budget as long as the U.S. is committed to defending its allies and security interests around the world. While I believe that continued U.S. military strength is desirable, I do not argue that everything should remain

the same. U.S. global commitments are expensive—the defense of our NATO allies alone is estimated to exceed \$150 billion per year in direct and indirect costs—and they continue to strain our military resources. Yet real savings in the defense budget probably will not come unless the U.S. is willing to scale back its global responsibilities and relinquish some of its power and influence around the world.

Third, the structure of the defense budget makes me skeptical about immediate defense savings. Several factors complicate defense spending and make it especially difficult to control. One is the "bow wave" and the "stern wave". The spending bow wave is the accumulation of required spending for weapons and equipment ordered in previous years but not yet delivered. The spending stern wave is the rising cost of operating and maintaining weapons and equipment on hand. Together these waves complicate the task of reducing near-term defense spending because they create a situation in which a large percentage of the defense spending required in a given year is generated by prior year decisions.

Another factor is the difficulty of achieving savings from procurement reform. Since the early 1980s, Pentagon reformers have talked about saving \$10-50 billion by eliminating waste, inefficiency, and fraud in the way we purchase new weapons systems. Yet most attempts at reform to date have not yielded major savings. Most defense experts agree that real procurement reform will require major changes in the way the Pentagon purchases weapons—changes which would take time and, above all, political will. Although reductions may be obtained through procurement reform, my view is that significant savings are not likely in the near term.

Several other factors related to the defense budget further complicate the problem. For example, achieving immediate defense savings would entail major cuts in programs which have rapid spend-out rates—such as personnel and operations and maintenance accounts—but which are essential to force readiness. The Congress is also concerned about the breadth and depth of the U.S. defense industrial base and technological base. Policymakers have to consider not just the value of a particular weapon in the field but also the effect that funding or not funding it may have on preserving certain critical defense-related industries. Moreover, some defense spending may be closely tied to the ability of the United States to fulfill its agreements with other countries. For example, several U.S. weapons systems are produced jointly with allied countries.

This is not to suggest that savings are impossible in the coming years, only that they are not automatic and may have to come at a price in terms of U.S. defense capabilities and influence in the world. Because of these factors, it is more likely that we will see flat defense budgets in the coming years. I think that the improving relations with the Soviets offer the Congress and the President an opportunity to work together to set defense priorities which would reflect more accurately both national needs and budget realities. The challenge is to apply our defense resources in accordance with a coherent strategy and the changing international environment.

LOW-LEVEL RADIOACTIVE WASTE POLICY ACT

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1989

Mr. COLEMAN of Texas. Mr. Speaker, today Mr. MARTIN of New York and I are introducing legislation to amend the Low-Level Radioactive Waste Policy Act to prescribe that States may not locate regional disposal facilities within 60 miles of an international border.

Congressional involvement on the subject of low-level radioactive waste disposal ended with legislation adopted in 1982 which directed the States to provide for the disposal of low-level radioactive waste generated within their borders. High-level nuclear waste was made the exclusive province of the Federal Government, and low-level waste was at that time left to the exclusive responsibility of the States.

Our concern relates to the location of low-level radioactive waste disposal sites within 60 miles of an international border. While political boundaries may be set by law, environmental boundaries are under the total jurisdiction of nature. Placing a low-level waste disposal site over an aquifer that extends across an international boundary raises environmental concerns for both nations. As clean water becomes an increasingly scarce resource we must ensure that all environmental concerns are thoroughly addressed. We have an obligation to protect the environment on both sides of the border from possible contamination by low-level nuclear wastes. We cannot ignore our obligation to support the efforts of the great nations on our northern and southern borders to protect their environment.

Mr. MARTIN and myself are not opposed to the safe disposal of nuclear waste and I want to stress that the Radioactive Waste Policy Act is a good beginning. We do feel, however, that future problems could be safely avoided if we made border areas off-limits to low-level nuclear disposal facilities.

INTRODUCTION OF LEGISLATION AMENDING THE LOW-LEVEL RADIOACTIVE WASTE POLICY ACT

HON. DAVID O'B. MARTIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1989

Mr. MARTIN of New York. Mr. Speaker, my colleague from Texas, Mr. COLEMAN, and I are today introducing legislation designed to protect the environmental rights of our Canadian and Mexican neighbors during the ongoing low-level radioactive waste site selection process being undertaken by the States at the direction of the Congress. Specifically, we are opposed to the siting of any such nuclear waste facility within 60 miles of an international border.

In my own State of New York, site selection is underway and some of the proposed sites

are located near the international boundary. A report recently released by the State Low-Level Radioactive Waste Siting Commission indicates that the nuclear waste to be deposited at one of these sites will be more than 10 times as radioactive as previous figures indicated. Certainly we do not need to subject our northern neighbors, let alone our own residents, to the possibility of devastating damage from leaks from the facility. We have already exported the disastrous effects caused by acid rain. Let us not add insult to injury.

Nor should we be insensitive to our Mexican neighbors to the south. They, too, deserve the same consideration when Southern States are making their site selections. In the event of a facility failure they should not have to suffer the environmental consequences which would result from a leaking facility designed to dispose of nuclear waste generated in the United States.

While I concede that some level of low-level radioactive waste facilities are necessary, I do not believe that such sites should be situated along our international borders.

SALUTE TO RANDALL M. GEE

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1989

Mr. MINETA. Mr. Speaker, I rise today with great pleasure to ask my colleagues to join me in a salute to Randall M. Gee of San Jose, CA.

Randall M. Gee is an undergraduate student at the University of California at Berkeley and has worked with the NASA Ames Research Center at Moffett Field, CA. His goal is to continue that work at NASA Ames, perhaps as a mathematician or computer scientist, upon his graduation from college.

Citing his dedication to pursue a career in Government, the Public Employees Roundtable has selected Randall from more than 450 applicants nationwide to receive one of eight 1989 Public Service Scholarships. The Public Employees Roundtable is a non-profit, education-oriented coalition of professional and employee organizations dedicated to public service.

Mr. Speaker, Randall's essay for the Roundtable, entitled "How My Chosen Government Career Affects the Quality of Life in America," is of such high caliber that I have asked that it be included in the RECORD. I commend it to the attention of my congressional colleagues for its wisdom on the rewards of pursuing a career in public service.

HOW MY CHOSEN GOVERNMENT CAREER AFFECTS THE QUALITY OF AMERICAN LIFE

The Government is able to enrich the quality of American life in many ways. Some obvious ways are having socialized medical benefits for everyone and eliminating social problems related to drug, crime, and poverty. But there are many less obvious ways. I would like to enrich life through research in mathematical theories and computer science.

At first glance, working at a computer terminal seems trivial compared to eliminating poverty, but what I have in mind could be even more significant. Computers have al-

ready greatly affected American life. They do everything from making the business executives' job a little easier to categorizing everyone for tax purposes. As computers grow more powerful, and computer science becomes more advanced, it becomes clear that in the right hands, computers can become a powerful tool to enhance the quality of American life. I believe that if any organization can be numbered among those "right hands", it is the National Aeronautics and Space Administration (NASA).

NASA is dedicated to the pursuit of knowledge and technology for the enrichment of mankind and economic prosperity. Its space program is a source of national pride and prestige. With the aid of computers and scientists, NASA has, among other things, set a man on the moon, developed the space shuttle, and hopefully will launch a permanent manned space station. In the process, NASA not only took the first step to conquering a new frontier, but developed technologies used by millions of people daily. The pacemaker for heart patients, fire retardant clothing for firefighters, and communication and research satellites are just some of the items that NASA has helped develop.

Even while NASA shoots for the stars, NASA also tries to help the endangered earth. The most convincing evidence to date of the thinning of the ozone layer comes from a NASA project, and in Oahu, Hawaii, NASA helped build the world's largest horizontal-axis wind turbine. It now supplies 1,200 homes with pollution-free energy, and is, naturally, computer controlled. Given the current condition of the earth, protecting the environment in this way could be of paramount importance.

In short, NASA is an organization working toward many goals. There is pollution to be reduced, ozone to be saved, stars to study, and planets to settle. NASA is at the forefront in accomplishing these tasks and goals. Some of these are important, some are vital, and some are even noble, but all would greatly enrich the quality of American life as well as life in the universe. I would be proud to pursue a career with NASA as a mathematician or a computer scientist and to be a member of the team that will achieve life enrichment objectives.

Although I am ambitious, it would be presumptuous of me to think that I will have a profound effect on the quality of American life in the next few decades, but I am willing to try to be a contributor in the pursuit process. In fact, I will get an opportunity this summer to participate in a small way since I will be working at NASA Ames Research Center under their summer intern program.

INCREASE PUBLIC INVESTMENT NOW

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1989

Mr. HAWKINS. Mr. Speaker, the greatest challenge facing America today is how to transfer the broad rhetorical support that exists for education among all segments of our society into quality educational results.

I have been in public service for over 50 years, and I cannot remember another case where policy makers, business leaders, educators, parents, and others from virtually every

walk of life, have held such similar views on the need for increased investment in our educational system. Governors, chief executive officers of Fortune 500 companies, researchers, and even former Presidents have issued reports calling for full Federal support for effective educational programs like Head Start, Chapter One compensatory education, and other such programs.

Today, we can add 327 noted American economists whose representatives told a meeting of the Joint Economic Committee, "If America is to succeed in an increasingly competitive world, we must expand efforts to equip our children with better education and our workers with more advance skills."

These well-respected academicians call for at least \$30 billion in net new public investment for education, training, and infrastructure. They argue that: "In economic terms, budget deficit reduction and an expansion in public civilian investment are compatible. Indeed, over the long run we cannot eliminate the twin deficits and maintain our living standards unless we expand our public investments."

These economists, and many policymakers who share their view, have been advocating the reprioritizing of our national commitments for quite some time. As my colleagues are well aware, we need only look to our own backyards in districts around the country to see the result of inadequate attention to education and infrastructure. A descriptive case in point, was detailed on ABC's Good Morning America, which reported the recent action taken by a small Massachusetts school committee, which voted to lay off a principal of the only school in town in order to save the jobs of two of that school's teachers.

Faced with severe budget problems, the principal, Mr. Norman Najmy, did everything he could to come up with the \$150,000 needed to balance his school's budget. A transcript from the television broadcast, included below, details all of the steps he took to try to work things out. His own stepping down, on his recommendation, was the final result.

Asked who or what is to blame for this sad economic situation that the schools find themselves in, Mr. Najmy answered: "No one person. It's not Richmond's problem, it's not Massachusetts' problem, it's a national problem. It belongs to everybody. It is an absurdity to a nation being able to find over \$100 billion to bail out savings and loan associations which fell into red ink because of ineptitude of its own leadership, an absurdity to be able to find \$13 billion to repair helicopters that crash on takeoff, those kind of absurdities. We can find billions to create weapons that we hope never to use, and so—thank God we don't use them—they'll rot in the sun. And we're leaving our children a financial debt of trillions of dollars. We're leaving them an uncalculated debt of cleaning up the environment, but we can't provide the education, the nutrition and the health care that they're going to need to handle those debts."

I urge my colleagues to heed well the warnings of these economists and this courageous principal, and act now to invest for our future.

The letter from 327 economists, and transcript from Mr. Najmy's interview follow:

In addition to our trade and fiscal deficits, America faces a "third deficit"—the deficiency of public investment in our people and our economic infrastructure. This deficit will have a crippling effect on America's future competitiveness.

Just as business must continually reinvest in order to prosper, so must a nation. Higher productivity—the key to higher living standards—is a function of public, as well as private, investment. If America is to succeed in an increasingly competitive world, we must expand efforts to equip our children with better education and our workers with more advanced skills. We must assure that disadvantaged children arrive at school age healthy and alert. We must prevent drug abuse and dropping out among teen-agers. We must fix our bridges and expand our airports. We must accelerate the diffusion of technology to small and medium sized businesses.

Yet these needs have been neglected throughout the past decade. In real dollar terms, federal spending in the 1980's on science and civilian technology has been significantly below the levels in the 1960s and 1970s. Compared to the late 1970s, the federal government is now spending less per person on education and less per worker on training. We are devoting less of our national spending to federal investments in highways, mass transit, airports and other transportation infrastructure.

State and local governments have not been able to pick up the slack. In the 1980s, state and local spending on both education and transportation as a percent of GNP has been below the level of the 1970s.

We fully understand the problem that the current U.S. fiscal deficit poses for efforts to expand public investment in these areas. Many of the undersigned have been in the forefront of those arguing that the fiscal deficit must be reduced. But, in economic terms, budget deficit reduction and an expansion in public civilian investment are compatible. Indeed, over the long run we cannot eliminate the twin deficits and maintain our living standard unless we expand our public investments.

Clearly, this will require adjustments in other parts of the Federal budget. Substantial savings are obviously possible in the military and agriculture sectors. And there is no escaping the need for more revenue.

Raising taxes is never popular. Neither is reducing spending on programs which benefit powerful economic or ideological interests. But there is strong evidence that the people know that there is no free lunch. Polls have shown that majorities support a change in priorities and that people are willing to pay for public services that are vital to the nation's future.

Thus, while there is no easy answer, there is an answer: it is to devote a portion of new revenues raised, and/or savings made from reducing areas of excess spending, to critical public investments. We can afford it. For example, \$30 billion in net new public investment would come to approximately one-half of one percent of our GNP in fiscal year 1990. Such an investment, if properly administered, would be a bargain for today's working population. The present generation of workers will have to depend on a much smaller working population to support their retirement. Without adequate training and an efficient economic infrastructure, tomorrow's workers will not be able to maintain

tomorrow's retirees in a comfortable and dignified standard of living.

The future will not wait. Each year of delay means another million dropouts and an increase in the number of American workers whose skills are inferior to those against whom they have to compete. It means more deterioration in our roads, bridges and airports. It means falling behind another step in the race for the technologies that will support tomorrow's higher incomes. It means compounding the already massive debt we are leaving to the next generation of workers by denying them the tools they will need to pay off that debt.

We therefore urge you to resist the temptation to deal only with today's crises, as important as it is to solve them. For the sake of our nation's future, we urge you to raise the monies needed to regain America's competitive edge—before it is too late.

Signers—

Jeff Faux, Economic Policy Institution.
Henry Aaron, Brookings Institution.
F. Gerard Adams, University of Pennsylvania.

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William J. Adams, University of Michigan.
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Arne Anderson, United Food Commercial Workers.

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Ron Blackwell, Amal. Clothing/Textile Workers.

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 Bruce Norton, Wellesley College.
 Leslie Nulty, United Food Commercial Workers.
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 Oliver Oldman, Harvard Law School.
 Paul Osterman, Mass. Institute Technology.
 Rudolph Oswald, Am. Fed. Labor-Cong. Ind. Orgs.
 Arnold Packer, Interactive Training, Inc.
 John Palmer, Syracuse University.
 Richard Parker, Washington, D.C.
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 Wallace C. Peterson, University of Nebraska, Lincoln.
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 Charlotte A. Price, Sarah Lawrence College.
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 Robert Rosenman, Washington State University.
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Donald Schaefer, Washington State University.

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Fabio Schiantarelli, Boston University.

Juliet Schor, Harvard University.

Elliott Sclar, Columbia University.

Bruce R. Scott, Harvard Business School.

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Mohammed Sharif, University of Rhode Island.

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Derek Shearer, Occidental College, Los Angeles.

Stanley K. Sheinbaum, New Perspectives Quarterly.

Howard J. Sherman, Univ. of California, Riverside.

Carl S. Shoup, Columbia University, Emeritus.

Terry Sicular, Harvard University.

Bert Silverman, Hofstra University.

John Simmons, Participation Associates.

Ruth Leger Sivard, World Priorities.

James W. Smith, United Steelworkers of America.

Robert M. Solow*, Mass. Institute of Technology.

John Sorrentino, Jr., Temple University.

James L. Starkey, University of Rhode Island.

Herman Starobin, Intl. Ladies Garment Wkrs. Union.

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Izumi Taniguchi, Calif. State Univ., Fresno.

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Paula B. Voos, Univ. of Wisconsin, Madison.

Howard M. Wachtel, American University.

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Thomas E. Weisskopf, University of Michigan.

Frank Wilkinson, Notre Dame University.

Robert L. Wills, Univ. of Wisconsin, Madison.

Stephanie Wilson, Natl. Economics Association.

Ernest Wilson III, University of Michigan.

Bernard Wolfman, Harvard Law School.

Stephen A. Woodbury, Michigan State University.

Glenn Yago, SUNY, Stony Brook.

Peyton Young, University of Maryland.

Helen Youngelson-Neal, Portland State University.

June Zaccane, Hofstra University.

Robert B. Zevin, United States Trust Company.

Shoshana Zuboff, Harvard Business School.

*Nobel Laureate in Economics.

CAPTIVE NATIONS WEEK

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1989

Mr. GILMAN. Mr. Speaker, by Presidential proclamation, the 3d week in July is commemorated as Captive Nations Week. First proclaimed in 1959, the past 3 decades have been a turbulent time indeed for all those who have found themselves under Soviet domination. Yet although the situation in Estonia, Latvia and Lithuania, as well as the Ukraine and elsewhere in the U.S.S.R. has improved somewhat in recent years, we cannot ignore the fact that they remain part of the Soviet Union by coercion rather than by intent.

Therefore, Congress and the American people have stood foursquare with those who continue in their efforts to seek justice, liberty and freedom for the millions of men and women who comprise the captive nations. Soviet influence and power extend far beyond its own shores. There are, unfortunately, many captive nations. We commemorate this week on the heels of our own celebration of independence, as well as the bicentennial of the French Revolution. The desire for freedom and democracy is spreading around the world, and it is incumbent upon us to support those legitimate efforts. Accordingly, Mr. Speaker, I join my colleagues in commemorating this year's Captive Nations Week, with the hope that next year there will be many more men and women whose aspirations for liberty can be realized.

In addition, I would like to commend the President for proclaiming Captive Nations Week and for his distinguished comments on the plight of suppressed peoples throughout the world.

Mr. Speaker, I insert the text of the Presidential proclamation at this point in the RECORD:

[A proclamation by the President of the United States of America]

CAPTIVE NATIONS WEEK, 1989

Each July, we Americans celebrate our Nation's independence and the blessings of self-government. As we give thanks for the rights and freedoms that citizens of this Nation have enjoyed for more than 200 years, we also recall our obligation to speak out for oppressed peoples around the world. We thus pause during Captive Nations Week to remember in a special way those people who suffer from foreign domination and from ideologies that are inimical to the

ideas of national sovereignty and individual liberty.

Today, the leaders of the Soviet Union and other Communist governments are discovering that the voices of those who long for freedom and self-determination cannot be silenced. Around the world, men and women in captive nations are calling for recognition of their basic human rights. Their calls—the undeniable expression of just aspirations—are beginning to be heard.

In Afghanistan, the nightmarish years of Soviet occupation are over, and the Afghan people's demand for self-determination is drawing closer to realization. Unfortunately, a decisive end to the Afghans' long ordeal remains elusive while a puppet regime in Kabul continues the proxy devastation of their war-ravaged homeland.

In Africa, the people of Angola have a real chance to find peace after years of violent struggle against the ruling Marxist-Leninist regime. Our hopes for national reconciliation in Angola will remain tempered, however, as long as armed Cuban mercenaries continue to stalk the forests and veldt of that land and other countries on the African continent.

Communist expansionism has been frustrated in Southeast Asia, and today there is new hope that the people of Cambodia, Laos, and Vietnam will regain some day their long-denied political and religious freedom. Such hope has also returned for many of our neighbors to the south. In Nicaragua and other Latin American nations, popular resistance to attempts at repression by local dictators—as well as resistance to political and military interference from Cuba and the Soviet Union—has proved to be formidable.

In Eastern Europe, even as we see rays of light in some countries, we must recognize that brutal repression continues in other parts of the region, including the persecution of ethnic and religious minorities.

This week, we recall with deep sadness the infamous Molotov-Ribbentrop pact between Nazi Germany and the U.S.S.R. that doomed Poland, Estonia, Latvia, and Lithuania to dismemberment and foreign domination. The United States refuses to accept the subsequent incorporation by the Soviet Union of the Baltic States during World War II. Since their forcible annexation in 1940, the people of Lithuania, Latvia, and Estonia have faced political oppression, religious persecution, and repression of their national consciousness. But decades of oppression have not broken the great spirit of the Baltic people and other victims of Soviet domination.

Hundreds of thousands of men and women around the world continue to demonstrate publicly their desire for liberty and democratic government, demanding freedom of speech, assembly, and movement, as well as the freedom to practice their religious beliefs without fear of persecution.

Their voices are being heard; there have been improvements in human rights practices by the ruling regimes in many of these countries. But justice demands that more positive steps be taken. The fundamental rights and dignity of individuals must be recognized in law and respected in practice; the peoples living in captive nations not only ask for but are entitled to lasting protection of their God-given rights.

The United States shall continue to call upon all governments and states to uphold the letter and the spirit of the United Nations Charter and the Helsinki Final Act

until freedom and independence have been achieved for all captive nations.

Affirming all Americans' determination to keep faith with those who are denied their fundamental rights, the Congress, by Joint Resolution approved July 17, 1959 (73 Stat. 212), has authorized and requested the President to issue a proclamation designating the third week in July of each year as "Captive Nations Week."

Now, therefore, I, George Bush, President of the United States of America, do hereby proclaim the week beginning July 16, 1989, as Captive Nations Week. I call upon the people of the United States to observe this week with appropriate programs, ceremonies, and activities, and I urge them to reaffirm their devotion to the aspirations of all peoples for justice, self-determination, and liberty.

In Witness Whereof, I have hereunto set my hand this sixth day of July, in the year of our Lord nineteen hundred and eighty-nine, and of the Independence of the United States of America the two hundred and fourteenth.

GEORGE BUSH.

TRIBUTE TO JOE PLACENTIA OF THE UAW

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1989

Mr. DYMALLY. Mr. Speaker, after 41 years of dedicated service as the international representative and member to the United Automobile, Aerospace and Agricultural Implements Workers of America, my dear friend, Mr. Joe Placentia, will retire from this position on July 31, 1989.

Mr. Placentia was born in East Los Angeles and attended schools in the nearby community. He was honorably discharged with the rank of sergeant before he entered the job market. Throughout his career, he served as president of UAW local 808, and international representative Region Six, and delegate to the Democratic National Convention on four occasions. Mr. Placentia served as an ambassador of goodwill as representative of the Hispanic community on a fact-finding mission to Israel. He has worked on behalf of many candidates representing different ethnic groups, helping them get elected to State and local government.

In a recent interview, Joe said, "There are many challenges in this world. I plan to conquer some as a retired activist. In the last 41 years, I may not have moved a mountain but I believe that with your help, I pushed a few hills. In doing so, I have tried to work in a constructive humanitarian manner, with the goal for a better world."

Since entering politics over 30 years ago, I have appreciated Joe's support in our common struggle for a better way of life. I am grateful that we have had the ability to disagree and continue to work together as friends. Today, we acknowledge and thank you, Joe Placentia, from the bottom of our hearts, for making a difference in the lives of so many.

FATHER SENIOR FRANCIS KOLWICZ CELEBRATES 35 YEARS OF RELIGIOUS SERVICE

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1989

Mr. KANJORSKI. Mr. Speaker, I rise today to honor Father Senior Francis Kolwicz, pastor of St. Mary's Parish in Duryea, PA. This year Father Kolwicz is celebrating his 35th year in the holy priesthood.

Father Kolwicz attended the University of Bridgeport and completed his theological studies in the Savonarola Theological Seminary in Scranton, PA. He was ordained into the priesthood on July 22, 1954, by the late Bishop John Misiaszek in the Mother Church of St. Stanislaus in Scranton.

Prior to his assignment as pastor of St. Mary's, Reverend Kolwicz served as pastor in parishes in northern Wisconsin; Chicago, IL; Parma, OH; and Milwaukee, WI. In addition to his commitment to the church, he was a member of the U.S. Army in Europe during World War II and during the Korean war.

Father Kolwicz was elevated to the prestigious rank of Senior Priest in the Polish National Church in 1969. He was assigned to his present position as pastor of St. Mary's in Duryea, PA, in 1986. In April of this year Father Kolwicz received the distinct honor of being named vice-rector of Savonarola Theological Seminary in Scranton, PA, by the Most Reverend John F. Swantek, Prime Bishop of the Polish National Catholic Church.

On Sunday, July 23, Father Kolwicz will celebrate the 35th anniversary of his ordination into the priesthood at a testimonial banquet. I would like to take this opportunity to congratulate Father Kolwicz and thank him for his 35 years of selfless service to his parish and to his community.

A LETTER ON THE FLAG

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1989

Mr. HORTON. Mr. Speaker, like many other Members, I have received countless letters protesting the Supreme Court's decision in the case Texas versus Johnson. Of these constituents, no one has spoken more eloquently on behalf of the flag than S. Sgt. Henry S. Merithew, of Waterloo, NY. Sergeant Merithew is currently serving in the Air Force in the United Kingdom. I think my colleagues will agree that he has summed up the issue quite well in his letter.

APO, NY, July 10, 1989.

HON. FRANK HORTON,
Rayburn House Office Building, Washington, DC.

DEAR MR. HORTON: I'm a registered voter from Waterloo, NY. I'm currently serving in the U.S. Air Force at RAF Alconbury, United Kingdom. I'm writing you to let you know how some of the service members you represent feel about the flag burning issue of late.

Being from Waterloo, the birthplace of Memorial Day, the flag has a long history of making an impression on me. As I grew up, I was witness to many different ways that people pay respect to the flag. From saying the Pledge of Allegiance in school to the Memorial Day parade in Waterloo being climaxed by a 21 gun salute at our local cemetery honoring the dead, POW and MIA who sacrificed their lives for our flag.

When I joined the Air Force, I took an oath that states that I will defend my country, its people, and its flag no matter what the consequences are, even death if need be. The Air Force is my life and, I feel as strong about my country, its people, and the American flag, more than I ever knew possible. The flag means my right to be me, an individual but yet still a representative of all American people. I suggest we put an end to this gross injustice to our flag and let it live forever. No person has the right to destroy what is the perfect symbol of equal rights. Without you, me, the midwest farmer, the Pittsburgh steel mill worker, the Californian scientist, and all the other Americans striving to better our great country, no person would have any rights. I love my country, but I cannot bear to think that we allow people to deface our pride. The flag represents us all both within our boundaries and across the globe.

Please keep me advised of all that you intend to do with this issue. I, like many of my fellow servicemen, are counting on you to keep Old Glory flying. Thank you for your time.

Sincerely yours,

HENRY S. MERITHEW,
S. Sgt., USAF.

RETHINKING THE LONG MARCH LICENSING DECISION

HON. BILL NELSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1989

Mr. NELSON of Florida. Mr. Speaker, earlier this year, the administration erred in granting an export license for the sale of United States made satellites to the People's Republic of China for launch on the Long March vehicle. The administration maintained that the People's Republic of China was a friendly and stable nation deserving of this opportunity. Now that recent events are glaringly reminding us that a stable relationship with China won't be occurring, I hope that the administration will learn that their time would be better spent making sure we have a domestic commercial launch industry available for the launch of Western built satellites.

Since its inception, I have been fundamentally opposed to the granting of this license. The granting of the license was inconsistent with U.S. foreign policy in the first place. I have repeatedly questioned why the administration would allow United States satellites to be launched by China when our policy flatly denies their export to the Soviet Union for launch. State Department representatives last year maintained that China was completely different from the Soviet Union. China was a friendly ally, they said. In China we have been seeking an enduring relationship and increasing interaction with China on political, eco-

nomic, and security matters. How many believe now, after all that has happened in recent weeks, that our relationship with China will be enduring.

United States policy has strictly prohibited entry of the Soviets into the Western launch market on national security grounds which not only entail technology transfer considerations. This policy also ensures we will not endanger our national security by allowing this Nation to rely on the Soviet Union for launching Government, or commercial satellites. The same arguments apply to China, and those who refused to acknowledge this last year have been made painfully aware today of what many of us have known: Simply, we are endangering our national security when we rely on the Chinese to launch our satellites for us.

We have learned a valuable lesson from these recent events. The United States should not put itself into a position where we must rely on the People's Republic of China to protect our national security interests.

A recent Aviation Week & Space Technology editorial entitled "Survival of the Fittest" discussed the "remarkable comeback from near extinction expendable launch vehicles faced in the late 1970's, when the U.S. Government directed their phase-out." The editorial urges continued national attention to the needs of this important industry, noting that a state of permanent security is far off. The Congress and the administration made great progress last year in stabilizing this new industry with passage of the Commercial Space Launch Act Amendments, Public Law 100-657. However, the United States must be mindful that the long term security of this industry is not a sure thing. We must be aware of not only the foreign competitive threat to the U.S. launch industry, but problems posed by a small world market of satellite payloads, and stresses on our Government launch ranges. We cannot forget that the United States must be attuned to ways in which it can be an accommodating host to the launch industry at Government ranges. The U.S. Government can also learn to be a better customer of U.S. launch services. If we expect our launch industry to compete effectively in the world market, the Government must be a reliable partner in the endeavor.

I will include in the RECORD the full text of the Aviation Week & Space Technology editorial:

SURVIVAL OF THE FITTEST

Final preparations are under way at Cape Canaveral for the first commercial launch by a large U.S. booster manufacturer. McDonnell Douglas is preparing for the launch in early June of the first commercial Delta, carrying an Indian Insat satellite. The mission will mark a remarkable comeback from the near-extinction expendable launch vehicles faced in the late 1970s, when the U.S. government directed their phaseout.

Following the Challenger accident in 1986, U.S. booster companies decided to embark on risky plans to enter the commercial market. The firms met with difficult obstacles in lessening their dependence on government contracts. But they worked closely with Congress and the Reagan Administration to create the right environment for private launch operations. Today the payoff is close at hand.

The executive branch should share in the credit for helping the booster industry reach this point. And Congress led in providing insurance legislation and establishing rules for commercial use of federal facilities.

But the commercial booster industry is far from a state of permanent security. Foreign competition, an oversupply of launch vehicles and the potential for more policy changes threaten to make the success short-lived. Bush Administration space officials, many of whom are woefully inexperienced in this business, must look beyond this symbolic start and examine the industry's health on a deeper level. The new Administration should be alert to the threats. If it is not, the U.S. probably will see its young commercial rocket industry fade away.

What is left for government to do for the industry? First, it should guarantee that policies remain stable. Second, the agreement with China restricting marketing of the Long March must be monitored closely for compliance. Industry is depending on the government to negotiate fair, enforceable trade agreements with China and Europe. Eventually, such negotiations may be needed with the Soviet Union. The possibility that the Soviets will break into the market with highly subsidized prices continues to haunt the U.S. industry. But Soviet marketing efforts have been naive and unsuccessful.

The government also must endeavor to make its purchase of launch services more like a straight commercial deal. With good cause, industry managers complain that government procurements require volumes of needless paperwork, substantially raising costs. The launch industry also must work harder at becoming truly commercial and weaning itself from overreliance on government. But cooperation among industry, Congress and the executive branch has been good. It should serve as a model for other endeavors in which industry needs extensive government support.

NEW YORK TIMES EDITORIAL: FACT-FUDGING ON PUERTO RICO

HON. JAIME B. FUSTER

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1989

Mr. FUSTER. Mr. Speaker, I would again like to share with my colleagues important information and articles concerning the proposed political status referendum in Puerto Rico. As you may know, the Senate Energy and Natural Resources Committee, chaired by the distinguished Senator from Louisiana, J. BENNETT JOHNSTON, concluded its hearings last week on enabling legislation for the referendum and now plans to hold a markup later this month.

The plebiscite process is on a fast-track, which is necessary if we are to hold such a referendum in Puerto Rico in 1991. The legislation still has to be introduced in the House, and I understand hearings may be held by the Interior and Insular Affairs Committee in September, after the recess.

Thus, time is crucial to the process—as is the need for the administration to furnish to the appropriate congressional committees the information needed to help Puerto Rican

voters make informed choices eventually about the ultimate political status of the island.

This is the point raised by the New York Times in its lead editorial of July 17, 1989. Thus, I commend to the attention of my colleagues that editorial, which was headlined, "Fudging the Facts on Puerto Rico".

[From the New York Times, July 17, 1989]

FUDGING THE FACTS ON PUERTO RICO

What's the right status for Puerto Rico, statehood, commonwealth or independence? The answer to the perennial question isn't obvious. Yet the Bush Administration now endorses statehood while carelessly declaring that the debate should be "unencumbered" by tax and economic implications. That policy fuses ignorance and danger.

Acquired by conquest in 1898, Puerto Rico became a commonwealth in 1952, a status giving it substantial autonomy, immunity from Federal taxes, access to some Federal benefit programs but no vote in Federal elections.

At the same time, support for statehood has swelled while a minority of islanders keeps clamoring for independence. All sides agree that a permanent status should be decided by a referendum in 1991, and the Senate is now weighing the necessary legislation.

Some Puerto Ricans may believe that statehood would allow them to have their cake and eat it, enjoying new benefits without new Federal taxes. To dispel that illusion, Senator J. Bennett Johnston of Louisiana has pressed the Administration, vainly so far, for authoritative fiscal calculations.

Last week, Kenneth Gideon, an Assistant Treasury Secretary, declared that "The selection among the possible status options should be a choice made by the people of Puerto Rico unaffected by the bias which specific costs and benefits could bring to the process." That's like advising a car buyer with modest means to go for a Cadillac and not worry about payments.

Statehood would mean that three million Puerto Ricans could vote for President, elect two senators and three to four representatives. But they would also have to pay Federal taxes, offset by an increase of perhaps \$1 billion in annual Federal benefits.

The balance of pain and benefits needs careful evaluation. So do other questions: Would Congress let Spanish continue as an official language, given the sharp debate over bilingualism on the mainland?

Commonwealth status would mean keeping for a while tax exemptions Puerto Rico has enjoyed since 1952. These have spurred its development as an offshore workshop with free access to the mainland market—while the island benefits from \$6 billion annually in Federal assistance programs.

But this arrangement isn't likely to continue indefinitely. Nor would Congress easily agree to "enhance" commonwealth status by giving the island quasi-sovereign powers, like the right to negotiate trade agreements with other countries.

Independence would mean a loss of current benefits and of automatic access to the mainland—though a sovereign Puerto Rico might bargain to retain some of those advantages through the Caribbean Basin Initiative.

Senator Johnston, who is neutral on the status argument, hopes to fashion legislation offering feasible choices, so a Puerto Rican referendum would be morally binding on Congress, the lawful arbiter. His task is difficult enough given the passionate divi-

sions among Puerto Ricans. It will be impossible if the Bush Administration fudges on furnishing authoritative fiscal information and feeds the delusion that Puerto Ricans can have whatever they want, without knowing the cost.

**HONORING WILLIAM KOWAL,
THE 1989 PUBLIC SERVICE
SCHOLARSHIP WINNER**

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1989

Mr. CONTE. Mr. Speaker, I rise today to congratulate William Kowal of Northampton, MA, who has been chosen to receive a 1989 Public Service Scholarship which will be presented by the Public Employees Roundtable on July 19. William is one of only eight recipients nationwide to receive a scholarship from among more than 450 applicants.

I have known William for several years, since he sought a nomination from me to the U.S. Military Academy at West Point. Although he was appointed, he chose to pursue a pre-med career at Wesleyan University. I know that William will be a most valuable asset to the medical profession.

I salute William Kowal and would like to share with you his award-winning essay:

**HOW MY CHOSEN GOVERNMENT CAREER
AFFECTS THE QUALITY OF AMERICAN LIFE
(By William Kowal)**

At Wesleyan University I have pursued a major in biology with a particular interest in how such knowledge applies to medicine. I would like to begin my career in the government upon receiving an M.D. whether it be in one of the armed services or in the Veterans Administration. Aside from my interest in the biological sciences, my desire to become a doctor in the government sector has arisen in part from my mother who is a nurse, my father who is employed in the government sector, and my positive experience as a nursing assistant at the V.A. Medical Center in Northampton, Massachusetts. Also, I have always longed to serve our country and its people. Wesleyan had been a narrow choice over acceptances at West Point and the Coast Guard Academy. A government career in medicine could have many important and positive affects on the quality of American life.

The doctor provides a critical service to the patient by tending to the patient's health. A healthier patient is better equipped to cope with life's struggles as well as to achieve his/her aspirations. The doctor, by helping to maintain the soldier's optimal health, has the secondary affect of enhancing the soldier's morale, job functioning, and service to the country. A healthy Army, Navy, and Air Force equals a safe and secure democracy. The nation's defense depends on the willingness of doctors to serve in the armed forces.

The doctor in the Veterans Administration similarly has a positive affect on the quality of American life. I believe the country is morally obligated to provide health care to persons who have willingly and unselfishly borne the brunt of the battle to preserve the ideals of our democracy. These persons suffered so that the dreams and goals of other Americans would not be dashed, but could be realized in safety and

peace. I personally feel that America owes its veterans more than it could ever repay them. Providing health care is one important way of compensating veterans for their losses in battle. Furthermore, it is a way of expressing the gratitude and pride of all Americans toward those persons who served the nation so well in its time of need.

Practicing medicine in the armed services or in the Veterans Administration would be a very honorable career choice. Practicing medicine in a democratic government such as ours is akin to serving the nation as a whole, for the United States government was created by the people to serve the people. By serving in the government, I would, by analogy, be serving the nation as a whole. It is this reason that makes a career choice in the government so worthwhile and fulfilling. By helping to finance my undergraduate education, a Public Service Scholarship would be a step toward achieving this goal.

**FLOOD PROJECT DELAYS
DROWNING OUR DISTRICT**

HON. MIKE ESPY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1989

Mr. ESPY. Mr. Speaker, I rise today to encourage support and acceleration of three vital flood control projects needed desperately in my rural Mississippi Second Congressional District and of great benefit statewide. They are the Upper Yazoo project, the Sunflower River Basin project and the backwater pump project.

The Upper Yazoo project, dating back to when Congress authorized the Flood Control Act of 1936, consists of 179 miles of channel enlargement of the Yazoo, Tallahatchie, and Coldwater Rivers and 210 miles of levees and drainage structures. The project is designed to reduce headwater flooding in the Upper Yazoo basin by providing associated levee protection and increased channel capacity. The increased channel capacity will also provide for the efficient evacuation of flood control storage from four Yazoo Basin lakes: Arkabutla, Sardis, Enid, and Grenada. The project affects 12 counties in the basin: Humphreys, Holmes, Carroll, Leflore, Grenada, Tallahatchie, Quitman, Tunica, Yazoo, Coahoma, Panola, and Sunflower.

The Sunflower River Basin flood control project, dating back to the Flood Control Act of 1944, consists of improvements along the Big Sunflower River, Hull Brake-Mill Creek Canal, Hushpuckena, and Quiver Rivers and their tributaries, Bogue Phalia, Ditchlow Bayou, Little Sunflower River, Deer Creek, and Steele Bayou. All work has been completed except for work in the Upper Steele Bayou Basin.

The remaining flood control work in the lower Yazoo River Basin consists of what is called the Yazoo backwater pump project just north of Vicksburg on the Yazoo River. The U.S. Army Corps of Engineers claims all remaining work is subject to cost sharing. Work has ceased on this project that was authorized by Congress in 1941. This project, however, is an integral part of the Mississippi River tributary project. The mighty Mississippi

River Basin receives 41 percent of the surface water drainage of the United States, encompassing the land area of 31 States and parts of 2 Canadian Provinces. This project was authorized by Congress to address controlling that great influx of water into the river basin. Issaquena, Sharkey, and Warren Counties, which would greatly benefit from the completion of this project, do not need the added burden of the flooding resulting as the flood control work remains stagnant. For example, Issaquena, one of the poorest counties in my district, had an unemployment rate of 14.7 in May. This \$106 million project should continue with only Federal funds because preliminary work on the project began before the May 1, 1986, effective date of the law requiring the State to provide a portion of the funding.

Debate by environmentalists, the U.S. Army Corps of Engineers, and State officials has stalled the completion of these flood control projects. As debates continue, hundreds of homes flood, sewers backup causing health threats, and just this summer, more than 190,000 acres of delta farmland have been flooded by heavy rains. While others debate, I and all local, elected public entities support the flood control projects.

The flooding ignores all political boundaries, all lines between poverty and wealth, industry and agriculture and certainly the boundaries of the district's rich natural resources.

My heartfelt concern turns to residents like Coahoma County mother, Earnestine Hopson. The 37-year-old mother of four, with a home in the rural community of Lyon, has been flooded twice this year. Her family is still struggling with the recent floods that affected hundreds of homes since early July.

Mrs. Hopson, a remedial math teacher, tells stories about water moccasins swimming into her home, her young sons, 4 and 7 years old, getting viruses perhaps caused by the sewer rising into her home and about mud caking all of her personal belongings. Mrs. Hopson said recently: "When the water comes, it covers the entire house. It gets everything."

And the water, Mr. Speaker, keeps coming in torrential storms. Across the Mississippi Delta, cities have received rainfalls, during the first 7 months this year, more than their average rainfall for 12 months. For example, Clarksdale, with an average annual rainfall of 51.19 inches, had received 56.92 inches of rain as of July 17; Greenwood, with an average annual rainfall of 57.04 inches, had received 51.86 inches as of July 17; and Belzoni, with an average annual rainfall of 50.80 inches, had received 54.9 inches as of July 17.

Some statistics, as provided by the Mississippi State University Agricultural Economics Department, showing the ravaging results from this month's flooding in the delta: \$165 million in cotton lost; \$105 million in soybeans lost; \$27 million in feed grain and hay lost; and \$46 million in rice lost. In all, a total of about \$343 million in lost crops has resulted due to recent torrential rains. The damages and losses of crops are expected to rise as the saturated farmland continues to be pounded by storms.

As State officials continue to assess the impact of the flooding, at least 300 homes have been damaged with just the recent rains.

In a briefing last week from the U.S. Army Corps of Engineers to the Mississippi congressional delegation, we were told that much of this flooding could be stopped with the completion of the flood control projects.

Mr. Speaker, we need the completion of the Upper Yazoo project for many reasons but specifically because: completion would reduce annual flood damage in this area by 64 percent; completion would reduce flood damage to residential and business areas by 72 percent; completion has the potential to create 40,000 acres of waterfowl habitat with the formation of ponds behind control structures; completion would mean that maximum control flows could be passed from the four reservoirs—Grenada, Enid, Sardis, and Arkabutla—without flooding crop lands; and completion would reduce an undetermined amount of flood damage to fences, irrigation systems, roads and bridges.

Completion of work in the Sunflower River Basin project would: Reduce pesticides and sediment deposits going into the Yazoo National Wildlife Refuge; result in low water weirs that would provide fish and wildlife benefits; and reduce flood damage in this area by 70 percent.

Completion of the Yazoo backwater project would reduce flooding in the lower delta in economically depressed counties such as Issaquena, Sharkey, and Warren. This area has been plagued with severe flooding in 1973, 1975, 1979, and in 1983. It's estimated that the 1979 flood caused \$20.5 million in damages for these south delta residents.

Some of the real problems continuing to haunt my constituents as the flood control projects are debated by officials include: homeowners can't afford, or in some places can't obtain, flood insurance; as flood waters stagnate in homes, streets and yards, the State health department has warned that these conditions induce health problems such as encephalitis; and flood waters consistently block school bus routes, police and ambulance routes and interrupt elderly feeding programs.

Concerning insurance, the Greenville Industrial Park in Washington County, sits in a 100-year flood zone. This fact places Greenville in a less competitive position to recruit industries, run by executives who won't risk locating their multimillion dollar businesses where they can't get flood insurance.

Greenville Mayor William C. Burnley, Jr., recently wrote in a letter:

It has been in the past and is now the only hope for proper drainage for the city of Greenville, MS. The city government has presented this (Yazoo drainage) project as the drainage hope to our people for the past decade. We have literally begged the U.S. Corps of Engineers to proceed with their work.

Much of the criticism of these flood control projects has come from environmentalists but studies have shown positive environmental results that can be obtained. Though I believe the U.S. Army Corps of Engineers was slow to consider environmental effects in the past, I welcome the comments from Col. Frank Skid-

more, Vicksburg district engineer, indicating he has sharpened his focus on the environmental concerns of my constituents. A report by the board of levee commissioners for the Yazoo-Mississippi Delta indicates that the 112 outlet structures in the Upper Yazoo project will provide the possibility of improving the amount of flooded land available for water fowl habitats. Colonel Skidmore said in a May news release:

The Corps recognizes the environmental significance of ongoing and scheduled work in this basin. We fully intend to carry out our flood control mission with maximum environmental sensitivity. We are not only dedicated to achieving a better environment than now exists, but have an excellent opportunity, working with the State to do just that.

As Congressman for one of the poorest districts in the country, I also would like to note that work on merely the Upper Yazoo project would have an extremely positive economic impact on my constituents. A report by the Mississippi Institutions of Higher Learning in 1988 noted that 30 percent of the annual cost is assumed to be equal to the annual payroll. That would mean that from 1989 to the year 2013, the payroll for our Second Congressional District would be increased by \$166.8 million and it would mean a total of about 18,200 new jobs.

In light of the briefings I have attended, the comprehensive input of my constituents, the findings in Gov. Ray Mabus' report and my sensitivities to our natural environment, I recommend the following: Expedite all flood control projects that will bring relief to urban and residential communities; incorporate the environmental features into these projects concurrently as they are being constructed; and avoid deviation from the originally authorized projects to prevent the triggering of any cost sharing provisions.

I ask all public officials and affected citizens to support these flood control projects as a way of saving my constituents from drowning personally and financially in the continuing floods devastating our Second Congressional District.

JACK F. HOLLAND, 57 YEARS IN CALIFORNIA BANKING

HON. C. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1989

Mr. COX. Mr. Speaker, Jack Holland completes his 57th year in the banking business on July 31, 1989. A resident of Newport Beach for over 20 years, Jack Holland not only has spent 57 years in banking but done it with the same firm—Security Pacific Bank. Not many employees in many firms can claim such a record, nor as important a track record of achievement.

His career began in 1932 as a messenger with the Farmers and Merchants Bank. This institution later merged with Security First National Bank, the predecessor to Security Pacific. At Farmers and Merchants Bank, Jack held many assignments, including administering the personnel department. He eventually became assistant to V.H. Rossetti, chairman of the

board, and established the public relations and business development departments. Following the merger into Security Bank in 1956, Jack headed the western division of the national banking department at head office. His responsibilities included oversight of the bank's major corporate and correspondent bank relationships in the Western United States.

In 1964, the board of directors announced that Jack Holland had been promoted to coordinate the bank's business development activities across the entire institution, reporting to Lloyd Austin, chairman of the board.

In August of 1968, following the merger that produced Security Pacific National Bank, the management asked Jack to head to San Francisco to build a marketing and business development program for the growth of the northern California operation. Since the presence of the bank to that time had consisted of one branch in northern California, this was no small undertaking.

In September 1971, Carl Hartnack, president of the bank, called Jack to return to Los Angeles for a specific mission—expand Security Pacific's range of services to include the government sector. Jack formed the government services division. Over the years, this division established Security Pacific as a primary bank for the State of California and many local government entities. Likewise, the bank's reputation has grown for providing financial services to Federal agencies both in California and through its Washington, DC office.

The business of providing banking services to the Government became a true labor of love. Over the years, Jack served on many boards and advisory panels dedicated to improving the financial management of government at all levels.

In 1984, Jack was appointed first vice president by the board of directors, and in August 1985, he gave up active day-to-day management of the government services division to become senior advisor to the bank and the division regarding the Government and its financial operations.

Born in Oklahoma, Jack has been a resident of California for over 60 years, and has been married to Eleanor—whom he fondly calls the Chief—for 40 years. He has six children and recently became a great grandfather. Jack has attended many schools and universities and held many positions in the California Bankers Association, chambers of commerce and other groups over his long career.

Mr. Speaker, each State and region has many citizens of whom it can be proud. For Californians, and particularly for Orange countians, Jack Holland exemplifies the best—a dedicated worker and family man; an individual who commits his energies to improving the community in which he lives, by working to see that government receives the most able financial and fiscal assistance; and a person who has committed 57 years of his life to building a fine and important institution. Orange County, Newport Beach, Security Pacific and all of us are fortunate to have had Jack Holland working so well for so long and we are all grateful.

TROUBLING TRADE FIGURES

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1989

Mr. PEASE. Mr. Speaker, the Commerce Department announced some troubling trade figures yesterday. The U.S. trade deficit increased dramatically in May to \$10.24 billion, the biggest imbalance in 5 months and a 24-percent increase over April's figure.

As many had predicted, progress on the trade deficit is beginning to slow. To make future dents in the trade deficit, we must act swiftly to reduce our fiscal budget deficit, which remains the largest cause of our trade problems.

We also must continue to knock down foreign trade barriers. The Uruguay round of GATT still represents our best hope for accomplishing this. Complementing GATT are mechanisms such as Super-301, the structural impediments initiative with Japan, and other bilateral negotiations.

Finally, we must encourage U.S. businesses to take advantage of market opportunities abroad. For example, the unification of the European market—the so called EC 1992 exercise—has enormous potential for American firms that get in on the ground floor. The growing markets of Asia offer similar opportunities for the aggressive, export-oriented firm.

Let's use this May's trade deficit as a reminder that much work remains to be done on the trade scene. Let's get to work on our fiscal budget deficit, and let's continue to chip away at foreign trade barriers. If we accomplish these things, we will have turned the corner in our efforts to address our trade imbalance.

PAUL THOMPSON—SHRIVER
AWARD WINNER

HON. TIMOTHY J. PENNY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1989

Mr. PENNY. Mr. Speaker, in this headline-conscious world, it is important to recognize those who make their impact felt in a quiet but effective way. One such individual is Paul Thompson of Minneapolis, MN, who is the 1989 recipient of the Sargent Shriver Award for Humanitarian Service. The following editorial from the Minneapolis Tribune spells out Thompson's accomplishments, which are not made for personal gain or recognition, but on behalf of the cause of ending world hunger. As a member of the Select Committee on Hunger and as a fellow Minnesotan, it is my pleasure to congratulate Paul on receiving the Shriver Award and commend him for his continued work.

A GIFT THAT KEEPS ON GIVING

At the end of their two-year tour of duty, Peace Corps volunteers are charged with bringing the world back home to their communities and challenged to make a difference. Many have gone on to become influential members of Congress, business executives, ambassadors, educators and entertain-

ers who keep their Peace Corps experience alive in their daily work. Many more do so in anonymity. One Peace Corps veteran who has made a big difference in a quiet way is Paul Thompson of Minneapolis. Now Thompson's cover has been blown: He is the 1989 recipient of the Sargent Shriver Award for Humanitarian Service.

The award was inaugurated three years ago during the Peace Corps' 25th anniversary to honor former volunteers who have made ongoing contributions to humanitarian causes at home and abroad. Thompson, 40, who served with the Peace Corps in Malaysia in 1971-73, was selected from more than three dozen nominees for this year's award.

Thompson was honored for combining the organizational skills of a CEO, the persuasiveness of a politician and the diligence of a ditch digger to enlist Minnesotans in a battle against hunger. He helped establish the Hunger Project, started a Twin Cities office of Save the Children, founded Skiers Ending Hunger and organized a local arm of the Results humanitarian lobbying group. The past two years he has participated in fasts to raise money and awareness about efforts to combat world hunger. He also was part of a Ski for Peace exchange with the Soviet Union last year.

Peace Corps promoters like to say that the United States benefits as much as poor countries from the corps because of the knowledge of other places and cultures that volunteers bring home. Thompson's contribution is richer. In a career of good works, he has not lost his faith that better things are possible, and that, given enough information, people will do right by each other whether they live across town or across the ocean. You wouldn't know the guy if you passed him on the street, but he has made a difference.

MOON LANDING 20 YEARS AGO

HON. TOM LEWIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1989

Mr. LEWIS of Florida. Mr. Speaker, 20 years ago tomorrow people all over the world were riveted to their television sets waiting for each new report of the progress of the spaceships *Columbia* and *Eagle*.

At the end of that day no one doubted nor dared challenge the U.S. superiority in space exploration.

This epic event has benefited mankind immeasurably but the spinoffs of space research are all too often taken for granted.

They include breakthroughs in medicine, car safety and weather predicting that have saved countless lives.

And space exploration literally began the modern computer age.

Unfortunately, these and thousands of other spinoffs have not held the public's imagination long enough to commit for the long term.

As we honor those who landed on the moon 20 years ago, let us recommit our energies and resources to our space program.

Mr. Speaker, we have the technology to reinvigorate our space program for the good of all mankind. What we need now is the commitment.

PERSONAL EXPLANATION

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1989

Mr. MORRISON of Connecticut. Mr. Speaker, I was unavoidably absent on July 19 for rollcall No. 142, to approve the journal; rollcall No. 143, to approve the rule providing for the consideration of the Federal facility compliance with RCRA—H.R. 1056; rollcall vote No. 144, an amendment to provide an exception to the waiver of the Federal Government's sovereign immunity—H.R. 1056; and rollcall vote No. 145, final passage of H.R. 1056. Had I been here, I would have cast the following votes: "aye," "aye," "nay," and "aye."

A CONGRESSIONAL SALUTE TO
SALVATORE J. D'AMICO

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1989

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to the distinguished 35-year career of continuous Government service by Mr. Salvatore "Sal" D'Amico. Sal left his position with the Committee on Public Works and Transportation on June 30 to pursue the private practice of law.

Sal served for 7 years as staff director and special counsel to the chairman of the Public Works and Transportation Committee where he was known for his diligence and strong attention to detail. The many friends he has made throughout his career, both on and off the committee, can attest to the effectiveness of his work in that very demanding position.

Sal D'Amico was born in New York City in February 1924. After attending St. Francis Seminary in Catskill, NY, and St. Anthony's Seminary in Andover, MA, he graduated from Fordham University in 1948 and received a doctor of laws from Fordham in 1951.

In 1954, Sal began his Government service when he became an assistant district attorney in the office of New York County District Attorney Frank S. Hogan. He served as a senior trial assistant and had experience in the indictment, fraud, and homicide bureaus.

In 1961, Sal came to Washington to work as associate counsel with the Subcommittee on the Federal-Aid Highway Program chaired by Representative John Blatnik of Minnesota. He worked on the investigations and hearings on right-of-way acquisition and construction, toll facilities, and uniform traffic laws. He continued under the panel's new chairman, Jim Wright of Texas, when it became the Subcommittee on Investigations and Oversight.

Sal began his long association with the late Representative James J. Howard of New Jersey in 1972 when he became special counsel and then chief counsel of the Subcommittee on Energy. When Congressman Howard became chairman of the Subcommittee on Surface Transportation in 1975, Sal became chief counsel. He was named special counsel

to the chairman and staff director of the Committee on Public Works and Transportation in 1981 when Congressman Howard became chairman. He served on special projects in the months immediately proceeding his retirement.

Beyond that outline of the bare facts of his career, volumes are spoken by the fact that an outstanding public servant such as Congressman Howard placed his trust in Sal D'Amico for 15 years. Congressman Howard, during that time, continually awarded Sal with the top committee post at his disposal and I am sure that Sal responded with nothing less than his best.

Sal D'Amico will certainly be missed on the Committee on Public Works and Transportation. His unique contributions to the activities of the committee will be virtually impossible to duplicate. However, with his long and distinguished record of public service, Sal deserves a break from the demanding and unpredictable hours that are required of congressional staff, especially of someone in the role of staff director.

It's time Sal got to tend to that garden at home that has been neglected while he has been buried under the mounds of paperwork that dominate the life of a staff director. I am sure I speak for the rest of the committee when I wish Sal and his family the best of luck in their endeavors after the Committee on Public Works and Transportation.

IN SUPPORT OF WIC APPROPRIATIONS

HON. JOHN MILLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1989

Mr. MILLER of Washington. Mr. Speaker, I want to call to your attention a provision that passed the House yesterday in the fiscal year 1990 Agriculture appropriations bill. Included in this measure was a \$2,126 billion appropriation for the Special Supplemental Food Program for Women, Infants, and Children. This is a vitally important program providing nutritional and health assistance for women, infants, and children in need. Recently, a multi-year national evaluation issued by the USDA found that the WIC Program reduces the incidence of low birthweight and premature births which are a leading cause of infant mortality and disability. With the number of children in poverty on the rise, it is especially important that these children have access to adequate nutrition. Unfortunately, the program has only been able to serve about half of the eligible women and children. I strongly supported full funding of this program at the \$2,126,000,000 level recommended by the Appropriations Committee. This funding level will allow the program to serve an additional 1.5 million children over the next 5 years. Our children are our Nation's most valuable resource and we must assure that their medical and nutritional needs are met.

EXTENSIONS OF REMARKS

WE STILL NEED THE FAIRNESS DOCTRINE

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1989

Mr. DINGELL. Mr. Speaker, the codification of the Fairness Doctrine continues to be my highest telecommunications priority. The doctrine, which served as the cornerstone of the public interest standard of broadcast regulation for over 40 years, needs to be reinstated to protect the first amendment rights of the public.

A provision recodifying the Fairness Doctrine has been included in the budget reconciliation package that was reported from the Energy and Commerce Committee. A motion to strike the provision was defeated by a vote of 35-8, reflecting the truly bipartisan nature of support for the Fairness Doctrine.

I am including for the record several op-ed pieces which have appeared in the past several months. I hope that my colleagues will read these articles and take time to reflect on the importance of the doctrine in stimulating healthy, public debate of the issues.

[From the Chicago Tribune, Tuesday, May 9, 1989]

WE STILL NEED THE FAIRNESS DOCTRINE

(By Benjamin L. Hooks)

In 1955, NBC News aired an interview with Thurgood Marshall, then special counsel for the National Association for the Advancement of Colored People. Although the civil rights movement was the most important political issue of the generation, this nationally televised program was never seen by the residents of Jackson, Miss.

Instead of carrying the interview with a man who later would become a U.S. Supreme Court Justice, WLBT-TV, the NBC affiliate, posted a notice on the screen that falsely claimed technical problems: "Sorry, Cable Down."

Two years later, WLBT broadcast a show during which participants discussed the alleged social benefits of segregation. No one opposing segregation, or supporting desegregation, was allowed to give the other side of the story.

These and several other incidents over the years eventually led to a tremendous citizen victory. Citizens used the Fairness Doctrine to challenge WLBT's failure to provide balanced coverage of controversial issues in its overall programming.

The court case was heard by Warren Burger, then a judge on the District of Columbia Circuit Court of Appeals and later the chief justice. He stated that compliance with the Fairness Doctrine is "a sine qua non of every licensee." In other words, the Fairness Doctrine is the essence of every licensee's programming responsibilities.

I heartily agree. The 1st Amendment exists to serve the public's right to hear debate on important issues, and the Fairness Doctrine reinforces that right as to television and radio airwaves. Nothing could be more fair than giving citizens access to all points of view.

However, not everyone feels that way.

In 1987, the Reagan-appointed Federal Communications Commission struck down the 38-year-old doctrine, ignoring years of FCC opinions, a unanimous Supreme Court decision upholding the constitutionality of

the doctrine and the basic fact that the public, not the broadcasters, owns the airwaves.

By abolishing the doctrine, the current FCC simply disregarded the premise that broadcasters, who volunteer for a free license to use those public airwaves, must operate in a manner that will serve the public interest.

Contrary to the claims of some, but by no means all, broadcasters, the Fairness Doctrine does not require or enable the government to monitor or meddle in newsroom decisions. It is not a tool of censorship.

In fact, in 1974 during my tenure as a commissioner of the FCC, we issued a report showing that the doctrine enhanced the quality and the amount of news coverage. Under the Fairness Doctrine, a licensee presenting one side of a controversial issue is not required to provide a forum for opposing views on that same program or series of programs. He or she is simply expected to make a provision for the opposing views in his overall programming.

Through this, the Fairness Doctrine guarantees that the public hears more information, not less, and that debates on public issues are not repeatedly slanted by a station owner with a grudge or an advertiser with deep pockets. That is true now, and it was true when the FCC enacted the Fairness Doctrine in 1949.

As I said in 1974, uprooting the primary concept of fairness would leave an unbridgeable chasm between two sides of a dialogue on controversial public issues.

Our elected representatives in Congress have a chance to rebuild the bridge across that chasm by passing legislation to codify the Fairness Doctrine, thereby overturning the FCC's 1987 decision. President Bush has an opportunity to protect the 1st Amendment rights of all Americans by signing that legislation into law.

Each one of us has the right to fully participate in the debate of issues that affect us and our communities. The Fairness Doctrine enables us to use that right.

FAIRNESS DOCTRINE WOULD IMPROVE RADIO

To the Editor:

Your report that radio industry pioneers are disillusioned about the state of American radio (Word and Image page, June 27) does not explore why the medium has changed. Many industry veterans say that they associate the deterioration of service (along with the phenomenon of "trash TV") with the deregulation of broadcasting.

Deregulation has attracted a breed of entrepreneur who values the stability of a monopoly and realizes that there is no longer a legal obligation to provide service in exchange. He also understands the extraordinary power of a broadcast license, as exemplified by the industry's self-promotional stunt of having 10,000 radio stations simultaneously go silent for 30 seconds last month. Indeed, the willingness of these custodians of public property to abuse their trusteeship in this manner is strong reason for Congress to restore broadcasting's Fairness Doctrine, so that the airways are used for public, not purely private, purposes.

ANDREW JAY SCHWARTZMAN,
Executive Director,
Media Access Project.

[From the Pittsburgh Post-Gazette, May 18, 1989]

KEEPING FAIRNESS ON THE AIR
(By Charles D. Ferris)

WASHINGTON.—Does freedom of speech permit a speaker with a megaphone to read outside your home at 3 a.m.? Of course not. The courts, in interpreting our First Amendment free-speech rights, have consistently balanced our rights as listeners against the orator's rights as a speaker. This balancing is particularly crucial in the context of broadcasting.

The government has granted broadcasters the right to reach all of our homes through the free and exclusive use of public airwaves. In exchange for the right to use those airwaves, broadcasters have traditionally been asked to meet certain minimal obligations, including the Fairness Doctrine. This doctrine only requires that when television and radio broadcasters do reach our homes, they provide us with fair and balanced coverage of controversial and significant issues.

In August 1987, however, the Federal Communications Commission, the agency that regulates broadcasters, abolished the Fairness Doctrine. In doing so, the FCC failed to properly balance these rights, or to adequately consider the unique status of broadcasters.

Now Congress is moving quickly to pass the Fairness Doctrine into law. Undoubtedly, President Bush will have an opportunity to review this legislation and to support our rights with respect to information provided via the public airwaves.

In abandoning the Fairness Doctrine, the FCC focused almost exclusively on the supposed free-speech rights of broadcasters, while paying mere lip service to the rights of viewers.

However, the Supreme Court, the body we have entrusted with interpreting the Constitution, has never found that the rights of speakers, much less those of broadcasters, are absolute. Rather, it has recognized, in unanimously upholding the Fairness Doctrine, that the right of listeners to hear differing viewpoints on essential public issues must take precedence over the right of broadcasters to unfettered commercial or personal use of their stations.

The Fairness Doctrine simply provides that a broadcaster may not use his license to favor a political candidate, or allow utilities to bombard the public with ads favoring nuclear power, without allowing opposing views on the air as well.

Thus, far from "chilling" speech or silencing dissident voices, the Fairness Doctrine allows free speech by many outside the institutional media.

In recent congressional hearings, representatives of groups of the right, center and left testified that without the Fairness Doctrine, their viewpoints would not be, and are not, covered.

Undue attention to the rights of broadcasters also obscures a more fundamental point: The Fairness Doctrine has long been viewed by the U.S. Congress, and until the Reagan administration by the FCC, as central to the responsibilities of broadcasters to act as trustees in their use of the public airwaves. These trustee responsibilities were established in the Communications Act of 1934 in recognition of the fact that far more individuals wished to broadcast than could be accommodated in the limited spectrum available.

The growth of alternative media, such as cable television, has not changed this funda-

mental reality. Broadcasters are still granted the free and exclusive use of a valuable resource that ensures them entry into the viewer's home. Other forms of communications receive no such benefit.

So long as this basic framework exists, the requirement of some minimal quid pro quo in the form of obligations such as the Fairness Doctrine is not only eminently fair, but also fully consistent with the First Amendment.

Opponents of the Fairness Doctrine cannot have it both ways. Either broadcasters are special and have unique public-interest responsibilities, or they should be truly cast into the free marketplace they invoke but seek to avoid. In this free market, broadcast spectrum would be allocated to the highest bidder, or subject to a transfer tax.

Congress will soon take the sensible course and vindicate the public interest by re-enacting the Fairness Doctrine. The Bush administration would do well to take a principled stand and abide by the will of Congress this time around.

THE RAIZ FAMILY OF VILNIUS

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1989

Mr. HOCHBRUECKNER. Mr. Speaker, I rise today to participate in the Congressional Call to Conscience Vigil for Soviet Jewry and to bring to the attention of this Chamber the plight of the Raiz family of Vilnius, Lithuania.

Vladimir and Carmella Raiz first applied for permission to emigrate to Israel over 17 years ago—in May, 1972. At that time, Vladimir was employed as a molecular biologist at the Moscow Institute of Molecular Biology. Carmella was the first violinist in the Vilnius Philharmonic Orchestra. Upon submitting their request to emigrate, as is typical in refusenik cases, Carmella was demoted and has been allowed to work only sporadically since then. Vladimir was dismissed from his position at the Moscow Institute of Molecular Biology in June, 1979.

The reason given for refusal of permission to emigrate was Vladimir's access to "state secrets." Vladimir has not dealt with classified material since 1965. His institute has certified that the research he conducted is no longer classified. Clearly, 25 years after this work, access to state secrets is not a credible excuse for refusing the Raiz family permission to emigrate.

Vladimir and Carmella Raiz have two sons, Moshe, born in 1977, and Shaul, born in 1982. Both have lived their entire lives as refuseniks. In Vilnius, the Raiz family have tried to learn about, and fully observe, the precepts of their religion. They have organized seminars on Jewish culture, religion, modern Israel, and Hebrew. In 1983, Carmella led efforts to restore the mikvah, the Jewish ritual bath, in the Vilnius synagogue. This mikvah had been out of use since World War II. Due to Carmella's efforts, this mikvah is now operational.

Carmella's sister lives in Netanya, Israel. It is the desire of the Raiz family to observe their religion and raise their children in a Jewish atmosphere. This is a desire they have had for more than 17 years. I hope that Soviet

OVIR officials will reexamine their decision and allow the Raiz family to emigrate to Israel.

**FARMER TO CONSUMER FARM
PRODUCE ENHANCEMENT ACT**

HON. CHARLES PASHAYAN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1989

Mr. PASHAYAN. Mr. Speaker, today I am introducing the Farmer to Consumer Farm Produce Enhancement Act.

The bill amends the Highway Beautification Act of 1968 by permitting farmers to place reasonable roadside signs to advertise home-grown produce to sell.

Many small farmers, in order to survive the economic hardship prevailing in the agricultural community, are selling their produce direct to consumers. My legislation promotes the development and expansion of direct marketing from farmers to consumers.

Farmers who sell their own produce provide fresh high-quality varieties of fruits and vegetables at a lower cost to consumers. The sales provide the farmers added cash-flow that enables many of them to stay in business.

The present restrictions on roadside signs discriminate against farmers located on highways receiving Federal aid. Farmers on other highways are free to advertise their products with roadside signs. My legislation would end this discrimination.

To allow farmers to advertise with roadside signs would increase traffic safety on the highways specified in the bill, by giving notice to passing motorists in time for them to exit the highway safely.

I invite my colleagues to join me in supporting this bill as an important step toward promoting the small farmers across the country.

CAPTIVE NATIONS WEEK

HON. HENRY J. NOWAK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1989

Mr. NOWAK. Mr. Speaker, 30 years ago, the third week in July was designated Captive Nations Week by President Eisenhower during a period characterized by cold war frustrations, McCarthyism, and genuine fear of an international Communist conspiracy. Each year since 1959, the United States by observance of Captive Nations Week (Public Law 86-90), has sought to express personal support and offer hope to the citizens of those Communist countries seeking to regain self-determination.

There have been waves of change in the world since this resolution became law, most recently and significantly due to Soviet Premier Gorbachev's policies of glasnost and perestroika. Eastern European markets have become more open, travel and emigration policies eased, Hungary has been granted observer status in the European Parliament in Strasbourg; and there is raised hope for a bi-

lateral NATO-Warsaw arms-reduction agreement. Poland's recent parliamentary elections are a classic example of the new breezes blowing across the captive nations.

President Bush's visit to Poland and Hungary exemplifies the growing optimism and reinforces our historical commitment to encouraging national self-determination in Communist countries and elsewhere in the world. His pledge of monetary support to these nations and his message to our Western allies to support a restructuring of their huge foreign debts offer hope for economic as well as political reforms.

These many positive and hopeful developments in Eastern Europe, however, do not eliminate the need to observe Captive Nations Week. Although perestroika has improved economic and political conditions, injustice and repression remain behind the softened Iron Curtain. For example, new vague laws have been enacted in the Soviet Union that make defamation of the state in any way punishable by a 3-year prison term. Similarly, any public calls to overthrow the government are punishable by 10 years in prison. Religious intolerance remains a reality and political dissidents continue to be silenced by commitment to mental hospitals.

These human rights discrepancies amid glasnost and perestroika suggest the Free World adopt a cautious attitude toward Soviet policies while we work to encourage true and total reform, genuine human rights, and a dismantling of the Iron Curtain. Therefore, Captive Nations Week this year allows the United States a most meaningful opportunity to reaffirm our commitment to our vision of liberty for all people throughout the world. While we celebrate the progress achieved to date, we acknowledge by this 30th annual observance that much more needs to be done before we can truly proclaim "Free Nations Week" in Eastern Europe.

PERSONAL EXPLANATION

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1989

Mr. GEKAS. Mr. Speaker, as you know I am one of the managers, on the part of the House of Representatives, at the impeachment proceedings of Judge Alcee Hastings by the U.S. Senate. Due to evidentiary hearings in the Hart Senate Office Building, I was unable to arrive on the floor of the House of Representatives in time to cast my vote on H.R. 1056, a bill to amend the Solid Waste Disposal Act to clarify provisions concerning the application of certain requirements and sanctions to Federal facilities. Had I made it to the floor of the House of Representatives I would have voted "yes" on H.R. 1056.

EXTENSIONS OF REMARKS

A TRIBUTE TO JOHNNY BENCH

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1989

Mr. GRADISON. Mr. Speaker, many arguments have occurred between fans of the national pastime over which team was the greatest in history. We all have our biases and perhaps those arguments will never be settled definitively. That is one of the charms of baseball. However, no debate of this kind would be complete without mentioning the Cincinnati Reds of the 1970's. The powerful Big Red Machine of those years won six National League Western Division titles, four National League pennants, and back-to-back World Series championships in 1975 and 1976.

On Sunday, July 23, the first of the many great Cincinnati players of that time will be inducted formally into the National Baseball Hall of Fame in Cooperstown, NY. Johnny Bench made his first appearance in a Cincinnati uniform at old Crosley Field in 1967. The following year, he was named the National League Rookie of the Year. That was merely the first of many accolades and accomplishments to follow.

Bench was the National League's Most Valuable Player in 1970 and 1972. In his MVP seasons, Bench led the major leagues in home runs and runs batted in. His 129 RBI's in 1974 gave him another RBI championship. As an offensive player, Johnny Bench was clearly a power hitter from whom no pitcher was safe. In 1980, he surpassed Yogi Berra as the all-time home run leader among catchers. By his retirement at the end of the 1983 season, Bench collected over 2,000 career hits. He stands as the Reds' all-time leader in home runs (389) and RBI (1,376).

They say that a man who puts on the equipment of a catcher dons the "tools of ignorance." Yet, with 10 gold gloves, Bench proved himself to be as comfortable and talented behind the plate as he was hitting along side of it. His defensive brilliance, his ability to throw out runners, seemingly without effort, and his acumen in handling pitchers earned him 14 trips to the All Star Game. As a testament to his legacy, you can still see Bench's influence on the game in any major league ballpark or on any sandlot across the country. He invented the one-handed style of catching emulated by backstops everywhere.

There have been many great catchers in baseball. In my view, without question, Johnny Bench was the greatest ever to play the game.

This Sunday, he joins baseball immortals. He enters the Hall of Fame along with Red Schoendienst, Carl Yastrzemski, umpire Al Barlick, and broadcaster Harry Carey. I congratulate them all on this crowning achievement of their baseball careers. As a Cincinnati, I extend to Johnny Bench, who continues to give so much of himself to my hometown, a special congratulation in appreciation for his contributions to the game, his drive to succeed, and the enjoyment he brought to so many.

PERSONAL EXPLANATION

HON. JOHN G. ROWLAND

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1989

Mr. ROWLAND of Connecticut. Mr. Speaker, today, Wednesday, July 19, 1989, I attended the funeral of the late John Dempsey, former Governor of the State of Connecticut, and was unable to cast votes on rollcall 142, 143, 144, and 145. Had I been present, I would have voted in the following manner: Rollcall 142, "yes"; rollcall 143, "yes"; rollcall 144, "yes"; and rollcall 145, "yes."

Mr. Speaker, I respectfully request that each of my votes be inserted in the record after each of the respective votes.

NEW JERSEY BISHOPS' STATEMENT ON SUBSTANCE ABUSE

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1989

Mr. GUARINI. Mr. Speaker, today I rise to relay to the distinguished Members of the House a message on substance abuse from the Catholic bishops of New Jersey. This is the first major statement by American bishops on substance abuse, a topic of central importance to all Americans, regardless of religion, color, or background.

The bishops' statement is centered on the philosophy of Our Holy Father, Pope John Paul II, as he expressed it in a meeting with me, Chairman RANGEL and other members of the Select Narcotics Committee in Rome in 1984. At that meeting, the Pope strongly emphasized the theme of family. The best and only way to prevent and treat drug abuse, he said, is through strengthening the family and its function as the basic unit of society. The Pope said:

I would invite you . . . to favor unhesitatingly all initiatives which aim at strengthening the family in American society. As you try to make your fellow citizens more and more conscious of the dangers of drug abuse; as you promote legislation, on the national and international level, which seeks to draw up a comprehensive plan of deterrence against trafficking in narcotics, may you ever strive to meet the needs of the family, for it is a key element in establishing stable, loving relationships and in offering to every person the support needed for a fulfilling life. May God Almighty bless you in your efforts.

In the same vein, the New Jersey bishops begin their recent statement by saying,

Substance abuse is a family problem. No individual, no family and church is exempt from the potential harm that exists within a society where drug addiction and alcoholism are on an alarming increase.

They go on to state,

Research has shown that for each individual who is chemically dependent, at least four other persons' lives are directly impaired as a result of their relationship to that person. These people are our neigh-

bors, parishioners and coworkers. They are children who lie in bed at night crying and praying that the fighting will stop. They are parents who fear the trauma of hospital emergency rooms and police investigations stemming from car accidents caused by their addicted son or daughter. They are spouses whose daily existence is fraught with feelings of guilt, inadequacy, fear, anger and frustration as a result of their futile efforts to control the alcoholic behavior of their loved ones. The list of examples is endless.

Mr. Speaker, the Catholic Church and the bishops of New Jersey recognize the enormity of the problems drug and alcohol abuse pose to this country, and it embraces its responsibility for helping to defeat the destructive forces of drug abuse. They write:

The local church should be aware of services and resources for alcohol and drug prevention and treatment. Through parish social concerns committees, knowledgeable persons may be identified to facilitate the process of referral or treatment as special needs arise . . . Many groups can conduct seminars, discussions and workshops related to parenting skills, stress management, and alcohol and drug abuse. The use of parish families should be extended to those who provide programs that aid in the recovery process. Parishes providing these opportunities serve an important human need and participate in the healing ministry of Jesus.

The bishops conclude,

We acknowledge the significant ways in which the church can be an active participant in the recovery process. Spiritual resources are abundant in the Catholic church. Our sacramental tradition of reconciliation and communion offers both a moral imperative and a spiritual catalyst for living the Gospel in a loving, caring, non-judgmental way.

Mr. Speaker, I want to commend the good works of the New Jersey Catholic community, as well as the religious community all over the Nation. Their work on behalf of the family, to defeat drug abuse and promote rich, healthy human development is indispensable. Our churches are an invaluable national resource, a frontline battalion against drugs—not seeking publicity, but working steadily for small, individual successes in all our hometowns.

TRIBUTE TO THE YSTRADGYNLAIS MALE CHOIR

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1989

Mr. McDADE. Mr. Speaker, I rise today to pay tribute to the Ystradgynlais Male Choir of Wales which will be graciously performing in the city of Scranton, PA, on July 22, 1989, in memory of Dr. Daniel Protheroe, a native son of both Wales and Scranton. Dr. Protheroe, a resident of Ystradgynlais, was a professional musician who emigrated from Wales to settle in Scranton in 1885 where he was a composer and choral director. Dr. Protheroe, who through hard work won international recognition for the warmth and beauty of his musical accomplishments, was buried in Scranton in 1934.

Appropriately, many of Dr. Protheroe's works have been deposited in the U.S. National Archives in Washington, DC, because of their esthetic and cultural value. The thoughtfulness of the Ystradgynlais Male Choir in dedicating their performance to the memory of Daniel Protheroe is greatly appreciated by the people of northeastern Pennsylvania and gives special meaning to this eagerly awaited event.

Mr. Speaker, it is a great honor for the citizens of the 10th Congressional District to have the opportunity to host a choir with such a rich history of accomplishments as the Ystradgynlais Male Choir. The choir was founded in 1947 to compete at the British Coal Miners' Eisteddfod where the richness of their voices, arrangements, and high professional standards won first prize. In the last 42 years, the Ystradgynlais Male Choir has enjoyed success in all major Welsh and English musical competitions and festivals, toured throughout Europe and is currently touring Canada and the United States.

Clearly, the history of this fine choir is one of bringing joy and fulfillment to the audiences that have had the privilege of hearing its rich choral arrangements. Moreover, I would like to extend a heartfelt "thank you" to the members and director of this excellent choir for taking the time to grace us with their musical gifts and for paying tribute to a mutually respected and loved son—Daniel Protheroe.

CHANGE IN EASTERN EUROPE

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1989

Mr. BEREUTER. Mr. Speaker, as the President returns from his historic visit to Poland and Hungary, it is time to reflect upon the change that has occurred, and continue to occur, in Eastern Europe. For example, in Poland elections were held where political parties were allowed to compete with the Communist Party. In those races where the Communists were contested, 99 out of 100 solidarity candidates were victorious. Although the electoral rules were drafted to ensure that the Communists would retain power, the success of opposition candidates portends major changes for the future.

During his visit, President Bush committed the United States to work for the democratization and development of Poland. Among other things, the President proposed: First, a \$100 million Polish-American Enterprise Fund; second, support for World Bank loans to be used to import technology from the West; third, an effort on the part of the West to support early and generous rescheduling of Poland's \$39 billion debt; fourth, \$15 million to assist in the cleanup of Krakow; and fifth, an American Cultural Center in Warsaw to open in 1990 at a cost of \$1.1 million.

Mr. Chairman, these initiatives proposed by the President, which the Congress will have to consider and decide whether or not to approve, provide a strong signal of support for the Polish efforts at democratization.

Of course, they fall far short of the tens of billions in assistance sought by the Poles.

This sends the Poles the signal that the West will provide a helping hand, but the burden of modernization must be borne by the Poles themselves. That is a sensible, responsible policy position.

Mr. Speaker, I would like to have placed into the RECORD a July 13, 1989, editorial from the Lincoln Star entitled "East Freedom Awesome." As the editorial notes:

The U.S. President being cheered in the streets of Poland and Hungary is an event that would not have been imagined a few short years ago. It marks a time of huge potential and cautious optimism.

I would commend this insightful editorial to my colleagues.

[From the Lincoln Star, July 13, 1989]

EAST FREEDOM AWESOME

Experienced statesman that he is, even President Bush must be awed by the turn of world events as exemplified in his highly successful journey this week through Poland and Hungary. The pace of political change in Eastern Europe is so rapid as to leave one constantly astonished.

After nearly half a century under the iron fist of communism and the Soviet Union, Eastern Europe is entering the sunlight of democracy. It is not yet the democracy that we know in the United States, but it is moving in that direction.

In free elections, the Communist Party has been successfully challenged in Poland. In Hungary, the political and economic system is rapidly evolving into personal freedom and free enterprise in the marketplace.

Matters are moving so fast as to surprise even those who helped foster them.

In Poland, Solidarity leader Lech Walesa urged restraint in the aftermath of labor's overwhelming election victory.

As leader of the opposition to the established communist government, Walesa said, "I face the disaster of having had a good crop. Too much grain has ripened for me, and I can't store it all in my granary."

He urged his followers to be cautious in their efforts to apply democratic processes. "We have to go slowly, step by step, on the evolutionary road. If you jump over five steps, you could slip and fall. I don't want to slip," he said.

His words reflect the stunning changes taking place, as well as the risks they involve. The world today is witnessing the consequences of communism's failure, but it has not yet seen the demise of that system.

Much of the Warsaw Pact continues to resist change, and China is a living reminder of what can happen between the birth of democratic processes and their maturity. Soviet Premier Mikhail Gorbachev's move to democratization still could wither and die as easily as it could fully flower.

That is precisely why Bush has sought not to stir ideological conflict or to seek a tactical advantage for the West as he offers encouragement to the cause of freedom in Eastern Europe. The president's visit to Poland and Hungary has been highly positive, renewing long dormant international friendships but not damaging the fragile atmosphere that has given him such an opportunity.

The U.S. president being cheered in the streets of Poland and Hungary is an event that would not have been imagined a few short years ago. It marks a time of huge potential and cautious optimism.

IN HONOR OF BALDEMAR VELASQUEZ, 1989 MACARTHUR FELLOWSHIP AWARD RECIPIENT

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1989

Ms. KAPTUR. Mr. Speaker, since 1978, the MacArthur Foundation has been providing much needed momentum to extraordinarily talented individuals from all walks of life to carry on their work at their highest potential without the inhibition of financial constraints. Ohio's Ninth District is honored to count as its own a recipient of a 1989 MacArthur Fellowship Award for his outspoken leadership on behalf of migrant workers through the Farm Labor Organizing Committee [FLOC] cofounded by him 20 years ago. Baldemar Velasquez, president of FLOC, has worked diligently to enhance the quality of life of thousands of migrant workers throughout northwest Ohio and the United States.

Through selfless and unwavering determination, Mr. Velasquez has strived to establish a consensus among various groups throughout our community in meeting the unique needs of his committee's membership. He has further worked toward and has succeeded in maintaining a relationship with growers whereby there exists a reciprocal understanding of labor supply needs and the requirements of fellow migrant workers to maintain a respectable standard of living.

Mr. Velasquez pioneered the development of four collective bargaining agreements among the membership of FLOC and area farmers—the first such agreements in Midwest migrant agriculture. Additionally, he succeeded in securing access to basic health care, housing, and day care for migrant workers and their dependents.

Clearly, future migrant workers everywhere will look to the courage and foresight demonstrated by Mr. Velasquez as they continue to assert their inherent rights to the same opportunities afforded all hard working men and women in our communities and throughout our Nation. The words of Helen Keller perhaps best characterize his efforts and those of his fellow agricultural workers when she said: "the World is moved along, not only by the mighty shoves of its heroes, but also by the aggregate of the tiny pushes of each honest worker." I know my colleagues join me in congratulating Baldemar Velasquez on receiving this 1989 MacArthur Foundation Award and for his many unique achievements.

USACERL—PROTECTING OUR DEFENSE BUDGET AND INNOVATING FOR TRADE MARKETS

HON. TERRY L. BRUCE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1989

Mr. BRUCE. Mr. Speaker, the 1980's have been a time when concern has grown for helping private industry and making the most

of our defense dollars. USACERL, located in the Interstate Research Park in Champaign, IL, is doing something about both.

With a direct mandate to reduce life-cycle costs in constructing, operating, and maintaining Army installations, CERL has spawned hundreds of products that have commercial value. Now, with the use of the Technology Transfer Act of 1986, which I supported, private companies are marketing these products to the mutual benefit of the Army and the company.

Any product that provides a 34 to 1 return on investment is good for this country and the cooperative research and development agreements signed by CERL in the last several years have benefited the Army, the companies which market the products, and the industrial competitiveness of American companies.

In the 1960's, the U.S. Army Construction Engineering Research Laboratory went looking for a research partner and found one in the University of Illinois' civil engineering department. USA-CERL makes annual funding commitments for student employment, shared professors, and research programs in the millions of dollars. The total contribution of USA-CERL to the Champaign-Urbana payroll is about \$15 million.

USA-CERL has been the Government's leading innovator in technology transfers, making the first two exclusive licensing agreements in Corps of Engineers history in 1987. In 1987, it signed the first cooperative research and development agreements within the Army, using the Technology Transfer Act.

What has the research at USA-CERL done for private industry? They have developed: Systems for assessing the quality of construction welds as they are placed; a microcomputer pavement management system; computer programs for predicting energy consumption and energy systems performance; programs to determine the environmental impact of DOD initiatives; and a program to allow designers to visualize three-dimensional images.

The type of cooperation between Government research and private industry typified by USA-CERL should be duplicated in all aspects of our economy. The research done to make Government work better can often help make industry more competitive.

HONORING PEDRO CARRANCO, SR., PRISONER OF WORLD WAR II

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1989

Mr. TORRES. Mr. Speaker, I rise today in honor of Mr. Pedro Carranco, a long unrecognized, former prisoner of war during World War II. On Sunday, July 23, Mr. Carranco will receive a Prisoner of War Medal for his service and dedication to the United States of America.

Mr. Carranco volunteered to join the U.S. Air Corps on January 9, 1942. He ascended to the rank of a fourth stripe staff sergeant. He was the tailgunner in a two-engine B-26 fight-

er plane. To his misfortune, on July 4 Mr. Carranco was shot down in Sicily where he was taken as a prisoner of war.

Fortunately though, he was recaptured by Canadian Forces 2 weeks later, and evacuated to an American field hospital in Tripoli. Mr. Carranco was later moved to an American field hospital in Cairo, Egypt. From there he was sent to recuperate in a rest camp in Tel Aviv.

Mr. Carranco rejoined his outfit in Tunisia in November 1943. At this time he was awarded the Purple Heart medal.

After returning to the United States on May 11, 1944, Mr. Carranco was assigned to Lake Charles, LA, until September 1945. And on September 9, 1945, Mr. Carranco was separated from the service at Fort Sam Houston, TX.

The medals Mr. Pedro Carranco received for serving in the U.S. Air Corps during World War II were: the European Theatre of Operations Medal with five Battle Stars; the Purple Heart; the Good Conduct; and the Presidential Citation Medal with Oak Leaf Cluster.

In addition to the many awards received by Mr. Carranco he is also active in many service organizations. He belongs to the American Legion; the American Ex-POW's, San Gabriel Valley Chapter; the Military Order of the Purple Heart; the Disabled American Veterans; and the Veterans of Foreign Wars, Irwindale Post 9895.

Mr. Speaker, on Sunday, July 23, 1989, the American Legion of Baldwin Park will hold its medal ceremony to award Mr. Pedro Carranco a special long overdue Prisoner of War medal for his courage and service to the United States of America during World War II. I ask my colleagues to join me in saluting Mr. Pedro Carranco for his commitment and dedication to our country.

CONGRESS' RESPONSIBILITY FOR THE BUDGET OF THE DISTRICT OF COLUMBIA

HON. STAN PARRIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1989

Mr. PARRIS. Mr. Speaker, The Congress is now engaged in its annual review of the \$3.137 billion budget of the District of Columbia. As you know, under the Home Rule Act, it is Congress which has final authority over the budget. Under the terms of the Home Rule Act, no funds may be obligated or expended by any officer or employee of the District of Columbia government unless that amount has been approved by an act of Congress. The funds may, of course, be spent only according to the act.

It is a major responsibility for us as stewards of this city, our Nation's Capital. While the locally elected Mayor and city council are charged with the responsibility to formulate a budget for Congress to consider, the priorities which are finally adopted are to be established by Congress.

Let me emphasize that it isn't just that Congress has a legally defined role in this budget that we should be concerned about the prior-

ities which are established. As the budget is set, Congress also appropriates various Federal funds. The city has requested some \$497,560,000 for the fiscal year 1990 budget. That would consist of a Federal payment of \$430 million; St. Elizabeth's Hospital transfer assistance of \$15 million; and, retirement contributions of \$52,070,000.

The city would also receive an additional payment for water and sewer reimbursements of \$34,470,000 and, if approved by both Chambers, an increase in the Federal payment of a substantial number of dollars dedicated to the hiring of 700 additional police officers. No other city in the country receives this level of Federal Government support. Yet, it seems as though the city faces one financial crisis after another. In a city with an estimated population of 620,000 residents and a more than \$3 billion budget, it should be possible to accomplish all of the essential government tasks without repeatedly crying for more Federal funds or more taxes.

As the committees of Congress review the proposed city budget, let me suggest that we need to encourage the city to set some clear priorities. They need to set some values on what is important for government to perform and they need to look at innovative ways to deliver services to those who need them. The fact that something has been done a given way for so many years does not mean it must continue to be done that way. The fact that a service has been delivered by government for many years does not mean that it need continue to be delivered by government. Perhaps the time has come for a change.

In reviewing the budget, I am prepared to suggest a number of these changes. They range from the minor to the very major. Some of them are decidedly contrary to the conventional way we have done things over the past many years. Some of my suggestions may turn out to be impractical. Reality, however, requires that we question the conventional wisdom. The failure to do so will, in the longer run, mean higher taxes to support services that may be outmoded, unwanted, or cheaper to deliver in other modalities. If the priorities are misplaced by a failure to question the conventional wisdom, it will also mean that needed services, newly desired services, and better delivery systems will not happen, will not occur. The end result is higher taxes, lessened services, and a much more poorly run city. We are headed in that direction now; if we don't change, the city will simply deteriorate before our eyes. As one of the stewards of this city who sits on the committee of the District of Columbia, I do not intend to allow that to happen.

So, what should be changed? I start with the operating budget which, itself, totals \$2,992,100,000.

The first place of change should be with the advisory neighborhood commissions. While their activities and resources are set by the Home Rule Act, there is nothing which precludes Congress from cutting the resources and how those resources may be used. These commissions have an important role in making recommendations on planning and zoning issues. They do not, however, need \$1.172 million. Their resources could be cut by half and limited to the purchase of materials for

local schools, police, and environmental needs. That would save \$586,000. If all funding were eliminated, that would save \$1.175 million.

The second change ought to be with the office of the mayor. The fiscal year 1990 budget seeks 31 appropriated and 19 non-appropriated positions for a total of \$1.715 million. These fifty individuals do perform important tasks. The question is not that they are unimportant. The question is whether the Mayor is going to set the standard for cutting the fat in city employment. Some of the tasks which the budget document notes might well be performed elsewhere; some probably ought not be performed at all. Obviously the Mayor's schedule needs to be managed in the Mayor's office. Shouldn't, however, legal opinions be prepared for the Mayor by the corporation counsel and labor management issues reviewed and brought to the Mayor by the office of personnel. This may well be this unnecessary duplication which hinders the decision-making process by those at departmental levels who are charged with making these decisions. I think it ought to end.

If, however, it is determined that the Mayor's office is appropriately sized, what is the proper function of the office of the secretary. This office combines archives and records management along with the numerous ministerial and ceremonial duties for the Mayor, maintenance of the Mayor's mailing lists, and the processing of complaints and inquiries directed to the Mayor. It is, in fact, part of the Mayor's office in that broad sense of the term. While the fiscal year 1990 budget shows some changes which decrease the amounts sought for this function, those have resulted from transfers—not real reductions. I would propose a careful review of this function and the Mayor's office with a view of enhancing coordination and eliminating some substantial number of positions and expenses. This function spends some \$2,124,000. Surely we can save something if just \$700,000.

Another area of concern which I view as part of the Mayor's domain is the office of communications which has a budget of \$508,000. Surely there is a need for centralized and coordinated communications. But, how does this office relate to the distribution by the Mayor's office of a monthly community service bulletin, the office of the secretary's mailing lists, and their own myriad publications including a 16-page quarterly magazine? It has been suggested that this office has as its primary responsibility the care and feeding of the Mayor's political interests. I hope that is not true. Whether or not it is true, the office ought to be eliminated for it duplicates much of what is done in the office of the Mayor and the secretaries. If there is an essential function, it can be transferred. We need to have our priorities realigned to reflect reality and the Mayor needs to lead the way and save another \$508,000.

It is, candidly, difficult to assess how much could be saved from the office of personnel, which has 387 positions and budget of \$15.653 million. We know from the public discussions that this office has been engaged in providing some kind of services to the Government of the Virgin Islands. If there are resources sufficient for this office to devote to

the Virgin Islands, I think there are resources than are needed. More importantly, while there have been numerous complaints about the speed by which this office processes various claim forms and a commentary in the budget materials about expected delays resulting from council and court-mandated hiring requirements, the long-term answer will not be found in additional personnel so much as it is to be found in new procedures, new priorities, and increased automation. One area where limited savings could be achieved would be by authorizing the police department to establish its own personnel function as well as to recruit and hire.

The department of administrative services proposes to spend \$29.281 million with 448 positions. This is less than was proposed last fiscal year since 45 vacant positions and other reductions have been taken. That is not enough. More to the point, this is an agency whose overall philosophy ought to be reconsidered. The agency ought to operate in a reimbursement mode thereby putting the recipient agency to task for any requested service or good. Some of that surely is done: how much is unclear from the budget submissions. Overall, one might not save much money with a revamped operation. What would be achieved, however, is greater efficiency which are savings by a different name.

The admission to statehood programs seek \$150,000 to be equally divided between the statehood commission and the statehood compact commission. These two bodies have as their objective the establishment of the District of Columbia as a State. Congress has not spoken favorably toward this proposition; indeed there is substantial opposition to it. It behooves the government of the District of Columbia to use taxpayer funds and some proportion of Federal funds to lobby on behalf of statehood especially at a time when all resources of the city are greatly taxed. Elimination of this item, which could be funded from private sources, would save \$150,000. A model which might be followed would be that of the baseball commission which has ended its reliance on city funds. The baseball commission will seek private funding.

The office of the Mayor for economic development has responsibility for management, supervision, and leadership of eight cluster agencies plus direct oversight of the office of banking, and financial institutions. Much has been made about the importance for the city to have its own bank regulator. Federal regulation in the Nation's Capital ought, however, to be sufficient and, except as Congress might otherwise decide, Federal policy ought to be the rule governing banking practices in the Nation's Capital. Elimination of the office of banking and finance institutions could well save 8 positions and \$653,000.

A number of the cluster agencies which report to the office of the Mayor for economic development are subjects for restructuring or elimination with a realization of substantial savings.

For example, the office of international business could well be combined with the office of business and economic development for savings upward of \$502,000. Additionally, if the objective is to enhance business opportunities

for small and minority businesses, the successor component to the minority business opportunity commission, which has now been placed with the new Department of Human Rights and Minority Business Development, could also be combined with the Office of Business and Economic Development with savings upward of \$1.056 million.

One area which requires substantial review is housing. There are several programs in this vital area. In the budget documents they are characterized as the Department of Housing and Community Development, the Department of Public and Assisted Housing, the Housing Finance Agency, and the Housing Assistance Fund. All together these programs require something on the order of \$216 million.

The department of housing and community development \$69.234 million for programs including homesteading, home purchase assistance, and rehabilitation loan financing. These programs, alone, cost a total of \$8.214 million. No doubt these are valuable programs. However, in a period of needed fiscal austerity, it is difficult to justify a program like home purchase assistance which will produce 380 loans for a total of \$5.514 million. Cutting back on these programs for just 1 year would go long ways toward balancing the budget.

The department of public and assisted housing seeks \$112.299 million to modernize and acquire units through lease, rehabilitation and repair so as to enhance the supply of low- and moderate-income housing in the city. It is a truly admirable goal. How much, however, should a financially strapped city spend in any 1 year? No doubt that maintenance operations must be maintained or even enhanced. How much of these programs, however, could be turned over to tenant councils with appropriate support from the department? Surely, that would lower some costs and improve the level of maintenance. Has it been tried? I doubt it. We could go through each component here using the same kind of analysis and probably find some significant savings. More importantly some things can be deferred. Like in most financial matters there are priorities which can and must be set. There are no unlimited funds and sometimes we have to delay or stretch out programs for a year or two or even three. There have been some reductions taken in making this budget; they are not, however, enough to meet the kinds of demands which have been placed on the city by other circumstances. In a program of this magnitude, I would anticipate that savings in the order of 10 percent should be possible for at least 1 or 2 years which would amount to \$11 million.

The housing finance agency, on the other hand, spends something on the order of \$2.459 million to raise private funds in the private capital markets to aid single, and multi-family housing and homeownership. The agency expects to raise some \$130 million to develop 1,529 multifamily units and \$110 million for single-family loan financing. This appears to be a cost effective program and represents the development of a public-private partnership which more programs should seek to emulate.

The housing assistance fund is a new program which, at a cost of \$32.9 million for fiscal year 1990, will seek to provide maximum

flexibility in moving homeless families from dependence to independence, and to maintain low- and moderate-income families within private dwellings. Presumably this is what the whole housing program is about. Somewhere and somehow we have lost the direction of the department. No one wants to shortchange the homeless; but, we need to question whether this program is the way to help them and whether it is duplicative of other programs thereby adding unnecessary costs.

The department of employment services operates more than 30 programs with local and Federal funds totaling \$74.265 million. These programs range from the payment of unemployment compensation to the Summer Youth Employment program, the monitoring of labor standards, and pre-apprenticeship training programs. Like most government programs, each of these is, too, well-intended. Like many well intended programs, they become embedded in the function of expected government services which, in this instance, results in government becoming the employer of last resort. That is neither good policy, good government, or good economics. It has been suggested that savings of upwards of \$2 million or even more could be achieved with careful paring and the development of employment strategies.

The department of consumer and regulatory affairs with 903 positions and a budget of \$41.117 million needs a very careful reassessment of its mission. That becomes especially evident from a review of the city's own budget document which requests 109 positions and \$8.370 million for expenses of the director, the controller, administration and management. That is about 20 percent of the total costs of the entire department and, in my view, quite excessive. The budget narrative states that this cost center provides executive direction and support to the operating administrations and that this cost center includes administrative and management support, legislative assistance, correspondence control, ADP development, women's program support, public affairs, budget, accounting, procurement, and support services. Very little, really, for a very substantial sum of money. Surely, we can save at least \$2.79 million or one third if we try.

It is not just administration, however, that is expensive in this department. There are 16 positions and \$487,000 allocated to consumer education and information. That is also excessive.

The most egregious expense, however, is that which is associated with the rental accommodations program or rent control in the District of Columbia. Without even addressing the efficacy of rent control when it was initially adopted, it has now become outmoded and harmful to the maintenance of a low to moderate income housing stock and antithetical to the creation of new rental housing. The elimination of rent control could well result in savings approximating \$1.4 million.

There was a fair amount of discussion about the impact that the smaller fiscal year 1990 budget would have as against the fiscal year 1980 budget. There is no doubt that it is smaller and, if current thinking and current practices do not change, it will mean longer license processing times and fewer inspec-

tions. It doesn't have to be so. With innovation in some areas, such as private inspections in new construction for example, both time and costs could be saved.

The public service commission has tended to receive high marks from those whom it regulates. The PSC does seek reimbursement for on-site audits and it does impose other charges such as registration fees for customer-owned coin telephones. With a careful eye on potential conflicts, it could probably increase its charges thereby lessening its impact on the appropriated budget. I would encourage it to do so with a view of saving an additional \$500,000 or more.

The area where substantial savings could be achieved would be by the full allocation of costs to the regulated utility by the peoples counsel. That would mean a return to approvals by the PSC for reimbursement of incurred expenses and possible reviews by the courts in disputed cases. We could, however, save \$2.022 million. If, at the same time, the taxicab commission were abolished and its functions given over to the PSC, an additional \$1.820 million could be saved.

Another body which could be eliminated with savings of \$787,000, is the civilian complaint review board. Their function is to investigate and adjudicate public complaints of excessive, force, harassment, and improper language made against police officers. The current backlog is presently on the order of 912 cases. More importantly, the board has been racked with dissension, a sense of bias against police officers, and an insensitivity to the nature of police work. The board has failed to increase accountability, decrease suspicion, or to create the kind of community bond and understanding which police must have in order to function well with the community. In enacting and funding requests for 700 additional police officers, the House of Representatives imposed a requirement that the city develop a COPS [Community Oriented Police Service] Program which when developed will replace the need for this board.

The University of the District of Columbia is seeking \$76.088 in appropriated funds for fiscal year 1990. While it is a land grant institution created to provide educational opportunities at minimal cost to students, the present tuition schedule is ridiculously low. Full time undergraduates can attend at a cost of \$332 per semester of \$664 per year opposed to \$11,000 per year at another local university. Non-District of Columbia residents need pay only slightly more—\$1,232.00 per semester or \$2,464.00 per year. Certainly the District needs to encourage higher education learning but there are sufficient loans and grant resources which would make it possible for the University of the District of Columbia to be less a burden on the city's financial resources. At a minimum, the University of the District of Columbia should double its tuition over the next 3 years and double it again over the next succeeding 2 years. At the end of this 5-year period, tuition would then be only \$1,328 per semester which is still a bargain. Over the next 2 years, tuition should again be doubled.

Additionally, the university should seek to define its mission. Presently, it offers 6 certificates, 44 associate, 68 baccalaureate, and 17

master degree programs. There are continuous discussions about whether to offer doctoral programs. In light of the present financial resources generally available, the university would do well to offer solid 4-year programs that result in respected baccalaureate degrees. At a point when the university is essentially financially self-sufficient and its graduates sought-after, consideration of postgraduate-degree programs might then be appropriate. This scenario should result in substantial savings both in operating expenses and in capital needs.

The District of Columbia School of Law should be abolished which would create savings of \$3.965 million. It has been suggested that the law school be made a part of the University of the District of Columbia. The university is unable to take this burden. More significantly, the history of the creation of this law school comes more from a desire to resurrect a philosophical teaching and learning style than it rises from any demonstrated need for an additional school of law in the Nation's Capital. It is a philosophical luxury the city can ill afford.

The Public Library is an important resource which must be enhanced if it is to serve the citizens, especially in a period of tight finances. To do so, it must increase its reliance on development programs which encourage citizens to support the library with substantial gifts or bequests as well as gifts of books, records, films, and other materials much as many nonprofit charitable institutions presently do. That the library appears unable to project any revenues from voluntary funding sources suggests that they may not be as aggressive in seeking such funds as they need to be. While no one would suggest that there be cuts in library resources, the city probably cannot assure additional growth in this budget function.

Like the Public Library, the commission on the arts and humanities represents the type of program and amenity which softens the harshness of urban living. Just as the library needs to develop other resources aside from governmental funds, the commission on the arts and humanities must, too. The commission anticipates receiving about \$352,000, or 10 percent of its appropriations from Federal grants. It should be able to raise something approaching that amount from other sources as well.

The department of human services is the single largest component in the budget of the District of Columbia with 8,943 positions and \$1.075 billion in appropriated resources which includes \$374 million in expected Federal funds. It has also been the department hardest to manage.

Of particular concern to members of the committee on the District Committee is the youth services administration which has responsibility for youthful delinquency prevention and detention. These programs have been challenged in courts; a number of the youthful offenders have substantial criminal records accompanied by numerous escape attempts which challenge the sobriquet of youthful offender. In light of past problems, one might wonder whether it should be retained in this department under the direction of the commission on social services. The \$39.893 million and 582 positions might well be better utilized

in a revamped public safety and corrections department.

A broader view concern goes to the organization of the department. One example for which some additional explanation would be helpful is the preventive health services administration with several bureaus for each of cancer, tuberculosis, and venereal disease control. There may be good and substantial reason for his management scheme; but, it does appear to be overloaded from a review of the budget submissions. There are similar management issues which ought to be raised throughout this department. To the extent that funds may be saved, positions eliminated, efficiencies increased, that would allow the department to deliver the services it is charged to do.

The department of recreation seeks \$34.752 million which includes \$33.706 million in appropriated funds and 573 positions. Executive support and administration control for the entire department is expected to require \$7.688 million and 94 positions. While the department has responsibility for numerous facilities and programs, there appears to be an excess as it constitutes 22 percent of the total budget. Areas which might be reduced include the office of communications and the office of policy, planning, and evaluation with the resulting savings used to support actual services until such time as the finances of the city will permit these agency luxuries.

Some programs, particularly those associated with the resource development and production function in the budget, may also be susceptible to enhanced private support. An example would be the Riverfest, Autumnfest, and the New Year's Eve celebrations. The department should, following along the suggestions made in the areas of libraries and the arts and humanities, seek to develop long term private funding programs. Savings that could result from such an undertaking over the longer run and from a postponement or a reduction in the scale of some of these types of activities might well approach \$2 million.

In response to the growing number of Latino residents, the city has created an office on Latino affairs with a budget of \$2.091 million. While the needs of the Latino community need to be addressed in a coordinated fashion, creation of this agency at this funding level may be viewed as providing preferential treatment for some segments of society. There is, for example, no comparable agency for Asians. More services might be better provided to a greater number of segments through a program designed to assist disadvantaged minorities provided it is based out of existing nonprofit institutions such as the university system and their several law schools.

Other savings which might be achieved could come from the department of public works which, while it has already engaged in substantial budget modifications, can do still more with innovative thinking. One area would be through tighter controls over the number of vehicles used throughout the government to assure that only those persons who need vehicles have them. Another would be to assure that all vehicles are, in fact, accounted for in this inventory. It has been alleged, for example, that vehicles intended to be assigned to

the Metropolitan Police, have been assigned to other agencies.

Innovative undertakings might include the sale of the right to collect and dispose of solid waste from private residences following the system presently used by the WSSC. That would tend to foster more efficiencies, smaller number of DPW employees, and, if properly done, create a whole new group of entrepreneurs. The savings would not be as much as the expenditures on residential solid waste collection and disposal during the first year; in succeeding years, it should be substantial.

Innovative undertakings such as proposed for DPW need to be applied to enterprise fund operations such as the water and sewer utility administration. This is an operating utility which is no different than the electric, telephone, or gas utilities. Given the managerial and financial needs of the local government, the value of plant and equipment, the customer base, and projected debt—which according to the city's budget documents could push the total debt service ratio above 10 percent—it would make sense to either create a public operating authority or to sell it for a profit to private operators who could manage it much like other utilities which would be regulated by the PSC. Properly managed, such a sale could eliminate \$228.174 million in general obligation bonds used to support the water and sewer fund. That represents an annual costs savings of \$24.484 million in public debt service.

There are other areas where innovation ought to be considered. They would include the D.C. General Hospital which, if operated as a private fully independent hospital with a special relationship to the District government might overcome both its image and its inability to attract, hold, and pay for the dedicated high caliber staff it needs. There is no reason that D.C. General is not a hospital of choice; its location, space, and potential growth makes it an ideal candidate for partner in a hospital group. That potential should be realized.

There are, undoubtedly, other ways the city can enhance its short and longer term financial well-being. These would range from the organization and financing of the convention center and stadium/armory complex as well as any projected enlargement or new facility. Major reorganization in the area of public safety to assure that mandates of Congress are met without undue duplication would go a long way toward assuaging concerns of whether the city is committed to the highest level of funding and support for its police, fire, emergency medical services, and corrections. Each of these requires substantial resources; they also require modern management techniques and modern tools including proper communications and information systems.

Most important, however, the city needs to carefully review its long-term capital program and decide how it can best manage its capital needs. Many programs, particularly those related to the infrastructure as evidenced in roads, bridges, and certain public buildings, cannot be postponed without severe consequences. On the other hand, use of private sector support in new construction of correctional facilities and other public use buildings, including fire houses and libraries, might en-

hance both the value of the total project and lower the District's borrowing needs.

Some projects, following upon changes in the operating budget, might well be postponed or canceled. Facilities for the new District of Columbia Law School, for example, could well be canceled if the law school were likewise canceled. That would save \$2.354 million in capital costs for renovations plus additional costs which might be incurred in the future.

Likewise, the District needs to seek support for some projects from those who might want to make a substantial contribution that would have a permanent benefit. One project which could benefit substantially from such private support would be the proposed department of recreation's performing arts center to be located in ward 7. It would be a new concept in the construction of public facility in the District of Columbia; and, it would require new and different efforts by city officials. The results could, however, be substantial savings and renewed pride by many in city facilities. Similar efforts should be made in seeking funding opportunities for schools and housing.

The comments suggested here are not intended to be comprehensive. Neither are they intended to capture some given dollar figure. They are, instead, intended to represent a new way of examining budget expenditures in light of the needs for public safety, education, and deficit reduction. These comments are also intended to signal a change in congressional perspective on the city's budget and the way the city assumed Congress' acquiescence in these matters.

The city failed to reduce its general fund deficit in fiscal year 1988 by the congressionally mandated \$20 million. Instead, it added \$14 million to the deficit. That means the city will have to seek an excess of revenues over expenditures of \$54 million if it is to meet its originally anticipated schedule of general fund deficit reduction in fiscal year 1989. It is not likely to do so and Congress is unlikely to press harder than to merely note the fact. Nonetheless, it is matter of grave concern for left unchecked, the general fund deficit will once again grow to unacceptable levels.

The city needs, also, to increase its contributions to the pension funds. There is little doubt that the Federal Government's contribution ought to be increased beyond its present commitment of 25 annual payments totaling \$1.3 billion. The liability, however, rightfully belongs to the city and it is the city's responsibility to do as much as possible in the first instance and to do so without awaiting further commitments from the Federal Government. While some might argue that the increased liability is derived from federally mandated increases in public safety, the facts would show that the residents of the District were the primary beneficiaries of the increased patrols and the marginal costs to the pension from these added public safety officers will have been met by the Federal contribution. There is no reason for the city to dally in adding to its contributions or in making a commitment to do so in the future.

Finally, the city needs to focus upon its level of capital borrowings. The District of Columbia presently owes \$2.366 billion in capital debt which includes funds borrowed on the private market and from the Treasury for both

water and sewer improvements and other capital expenditures. The debt service for this will amount to more than \$250 million. While that amounts to less than 9 percent, which is less than the statutory debt service to revenue ratio limit of 14 percent, when this debt considered in the context of the general fund deficit and the unfunded pension liability, it becomes more important than the percentages would indicate since it is the only debt which readily controllable. It is also important to note the assumptions the city has relied upon in order to keep the debt service to revenue limit below 10 percent. Those assumptions include amounts anticipated to be borrowed, interest rates, fees, and maturities. Changes in any of these can affect the debt service with potential consequences for the city's rating.

All of us need to be cognizant of this city's financial management. We need, too, to take a more active role in the finances of the city. After all, we do make a substantial contribution to its operations by appropriating more than \$430 million for a Federal payment, fees, transition funds, and pension benefits. It is not a little amount of money and we owe to all of our taxpayers and to the citizens of the District to assure that the funds are well utilized.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, July 20, 1989, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 21

- 9:00 a.m.
Special on Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings. SH-216
- 9:30 a.m.
Armed Services
To hold hearings on the operational requirements for the B-2 bomber and a

report on the initial B-2 flight and the subsequent testing program.

- SR-325
Commerce, Science, and Transportation
To hold hearings on the nominations of D. Allan Bromley, of Connecticut, to be Director of the Office of Science and Technology Policy.
- SR-253
Energy and Natural Resources
To hold hearings on issues relating to the Prince William Sound oil spill. SD-366
- Environment and Public Works
Environmental Protection Subcommittee
To hold hearings on proposed oil spill legislation. SD-406
- 10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1990 for foreign assistance programs. SD-138
- Governmental Affairs
General Services, Federalism, and the District of Columbia Subcommittee
To hold hearings on S. 1163, to amend the District of Columbia Code to limit the length of time for which an individual may be incarcerated for civil contempt in a child custody case in the Superior Court of the District of Columbia Court of Appeals for individuals found in civil contempt in such case. SD-342
- Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume hearings on S. 1109, authorizing funds through fiscal year 1995 for programs of the Carl D. Perkins Vocational Education Act. SD-430
- 1:30 p.m.
Special on Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings. SH-216
- JULY 24
- 9:30 a.m.
Special on Impeachment Committee
To resume evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings. SH-216
- 10:00 a.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 974, to designate certain lands in the State of Nevada as wilderness. SD-366
- 1:30 p.m.
Special on Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings. SH-216
- 2:00 p.m.
Energy and Natural Resources
To hold hearings on issues relating to the Gulf of Mexico oil spill. SD-366
- Environment and Public Works
To hold hearings on the nominations of John F. Turner, of Wyoming, to be Director of the U.S. Fish and Wildlife

Service, Department of the Interior, and Constance B. Harriman, of Maryland, to be Assistant Secretary for Fish and Wildlife, Department of the Interior.

SD-406

2:30 p.m.

Labor and Human Resources

To hold hearings on National Institutes of Health and biomedical research.

SD-430

JULY 25

8:30 a.m.

Office of Technology Assessment

The Board, to meet to consider pending business.

EF-100, Capitol

9:00 a.m.

Special on Impeachment Committee

To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.

SH-216

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings on S. 1191, authorizing funds for fiscal years 1990, 1991, and 1992 for the Department of Commerce's Technology Administration, to speed the development and application of economically strategic technologies.

SR-253

Environment and Public Works

Environmental Protection Subcommittee
Superfund, Ocean and Water Protection Subcommittee

To resume joint hearings on proposals to improve the environmental quality of marine and coastal waters, including S. 587, S. 588, S. 1178, and S. 1179.

SD-406

Judiciary

To hold hearings on S. 994 and S. 995, bills to reform and modernize certain procedural aspects of the antitrust laws, and S. 996, to provide for treble damages for the United States for violations of the antitrust laws.

SD-562

10:00 a.m.

Banking, Housing, and Urban Affairs

To hold hearings on the Federal Reserve's Second Monetary Policy Report for 1989.

SD-538

Judiciary

To hold hearings on incarceration and alternative sanctions for drug offenders.

SD-226

2:00 p.m.

Special on Impeachment Committee

To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.

SH-216

2:30 p.m.

Environment and Public Works

To hold hearings on the nomination of Michael R. Deland, of Massachusetts, to be Chairman of the Council on Environmental Quality.

SD-406

Labor and Human Resources

To hold hearings on S. 15, "Emergency Medical Services and Trauma Care Improvement Act of 1989."

SD-430

JULY 26

9:00 a.m.

Commerce, Science, and Transportation Communications Subcommittee

To hold hearings on S. 1009, relating to the purchase of broadcasting time by candidates for public office.

SR-253

Labor and Human Resources

Business meeting, to mark up S. 543, "JTPA Youth Employment Amendments of 1989," S. 933, "Americans with Disabilities Act," proposed legislation authorizing funds for programs of the Domestic Volunteer Service Act, S. 436, "The Employee Health and Safety Whistleblower Protection Act," and the nomination of William C. Brooks, of Michigan, to be an Assistant Secretary of Labor.

SD-430

Special on Impeachment Committee

To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.

SH-216

9:30 a.m.

Energy and Natural Resources

Business meeting, to mark up S. 712, to provide for a referendum on the political status of Puerto Rico.

SD-366

10:00 a.m.

Governmental Affairs

Business meeting, to consider pending calendar business.

SD-342

1:30 p.m.

Commerce, Science, and Transportation Science, Technology, and Space Subcommittee

To hold hearings on S. 1067, to provide for a coordinated Federal research program to ensure continued United States leadership in high-performance computing.

SR-253

Special on Impeachment Committee

To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.

SH-216

2:30 p.m.

Energy and Natural Resources

To hold hearings on the formulation of a national energy plan and related policies which affect global climate change.

SD-366

JULY 27

9:00 a.m.

Special on Impeachment Committee

To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.

SH-216

9:15 a.m.

Veterans' Affairs

Business meeting, to consider pending calendar business.

SR-418

9:30 a.m.

Energy and Natural Resources

Business meeting, to continue mark up of S. 712, to provide for a referendum on the political status of Puerto Rico.

SD-366

Select on Indian Affairs

To hold hearings on S. 143, to establish the Indian Development Finance Corporation, S. 1203, to encourage Indian economic development, and to hold oversight hearings on the implementa-

tion of the Indian Financing Act Amendments of 1988.

SR-485

10:00 a.m.

Agriculture, Nutrition, and Forestry Agricultural Research and General Legislation Subcommittee

To hold hearings on the funding of agricultural research programs.

SR-332

Judiciary

Business meeting, to consider pending calendar business.

SD-226

1:00 p.m.

Energy and Natural Resources

Public Lands, National Parks and Forests Subcommittee

To hold hearings on S. 286, to establish the Petroglyph National Monument in the State of New Mexico, and S. 798, designating the Chaco Culture Archaeological Protection Sites.

SD-366

1:30 p.m.

Special on Impeachment Committee

To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.

SH-216

JULY 31

9:30 a.m.

Special on Impeachment Committee

To resume evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.

SH-216

1:30 p.m.

Special on Impeachment Committee

To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.

SH-216

AUGUST 1

9:00 a.m.

Special on Impeachment Committee

To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.

SH-216

10:00 a.m.

Agriculture, Nutrition, and Forestry

Agricultural Production and Stabilization of Prices Subcommittee

To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on livestock and poultry.

SR-332

2:00 p.m.

Special on Impeachment Committee

To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.

SH-216

2:30 p.m.

Agriculture, Nutrition, and Forestry

Agricultural Credit Subcommittee

To resume oversight hearings on the Farmers Home Administration implementation of the Agriculture Credit Act of 1987 (P.L. 100-233).

SR-332

AUGUST 2

9:00 a.m.

Agriculture, Nutrition, and Forestry

Conservation and Forestry Subcommittee

To hold hearings on the protection of water quality.

SR-332

Special on Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.

SH-216

9:30 a.m.

Commerce, Science, and Transportation
Consumer Subcommittee

To hold hearings on S. 870, to label consumer products containing substances that contribute to the depletion of the ozone layer in the upper atmosphere, to regulate the sale, distribution, and use of such substances in consumer products and services in and affecting interstate commerce, and to recapture and recycle such substances.

SR-253

Governmental Affairs

To hold oversight hearings on certain programs of the Department of Energy.

SD-342

1:30 p.m.

Special on Impeachment Committee

To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.

SH-216

AUGUST 3

9:00 a.m.

Agriculture, Nutrition, and Forestry
Agricultural Production and Stabilization of Prices Subcommittee

To hold hearings on proposed legislation to strengthen and improve U.S. agri-

cultural programs, focusing on sugar and honey.

SR-332

Special on Impeachment Committee

To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.

SH-216

1:30 p.m.

Special on Impeachment Committee

To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.

SH-216

AUGUST 4

9:00 a.m.

Special on Impeachment Committee

To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.

SH-216

1:30 p.m.

Special on Impeachment Committee

To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.

SH-216

SEPTEMBER 14

9:30 a.m.

Governmental Affairs

To hold hearings on S. 1165, to provide for fair employment practices in the U.S. Senate and U.S. House of Representatives.

SD-342

CANCELLATIONS

JULY 25

9:30 a.m.

Governmental Affairs

To hold hearings on provisions of S. 135, Hatch Act Reform Amendments of 1989.

SD-342

POSTPONEMENTS

JULY 20

9:30 a.m.

Energy and Natural Resources

Energy Research and Development Subcommittee

To resume hearings on S. 964, authorizing funds for fiscal years 1990 and 1991 for civilian energy programs of the Department of Energy, focusing on reactor research and development, and on commercial efforts to develop advanced nuclear reactor technologies.

SD-366

JULY 21

9:30 a.m.

Select on Indian Affairs

To hold hearings on S. 498, to clarify and strengthen the authority for certain Department of the Interior law enforcement services, activities, and officers in Indian country.

SR-485

HOUSE OF REPRESENTATIVES—Wednesday, July 20, 1989

The House met at 10 a.m.

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

Open our hearts, O God, to the opportunities for service that are all about us. Teach us that in every situation where people gather, there is time when we can witness to justice and mercy, where compassion can be given, and where life and love can be exalted. As Your presence, gracious God, is in every place, so may Your spirit never depart from us, but continue to guide, guard, and keep us all our days. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New York [Mr. McNULTY] please lead the House in the Pledge of Allegiance?

Mr. McNULTY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

A STUDY OF SIGNIFICANT PLACES IN LABOR HISTORY

(Mr. McNULTY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McNULTY. Mr. Speaker, today I am introducing legislation that would authorize a study of nationally significant places in American labor history.

I would like to thank Chairman BRUCE VENTO for his original cosponsorship of this legislation, because it is important to remind future generations of the role labor has played in the development of our great Nation.

I believe we have a need—indeed a responsibility—to examine labor's history in depth. It was labor that built our houses, roadways, ships, and trains; and labor provided the technologies that have defended our Nation in time of peril.

The city of Troy, NY, which is in my district, has been called the "birthplace" of the American labor movement, and that great city played a formative role in the industrial revolu-

tion. In fact, the Hudson-Mohawk Rivers park region of New York has preserved many of the original homes of workers as evidence of the early days of unionism.

I hope my colleagues will join me and Chairman VENTO to recognize our labor history and the men and women who made it such a significant part of our national heritage.

THE DRUG WAR NEEDS A REAL COMMANDER

(Mr. SHUSTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHUSTER. Mr. Speaker, America is going to lose the war on drugs unless we create a unified command to fight it.

Although Congress is providing hundreds of millions of dollars for the effort, it is clear after studying this issue for the past 18 months in the Intelligence Committee, that our various Federal agencies are all going off in their own well-meaning directions.

Our law enforcement agencies naturally see it as an immediate problem: kick down the door and make an arrest. Our intelligence agencies see it as a strategic problem: collect information on the structure and money flows of the international narcotics trade, but be very reluctant to share that information with law enforcement agencies because they might compromise sources and methods. The Defense Department is uncomfortable about getting involved because counternarcotics is not their normal mission. The State Department worries about stepping on diplomatic toes.

We are going to end up throwing billions at this problem, only to see the various agencies scrambling for their piece of the pie without being responsive to unified direction.

Unless drug czar Bill Bennett, an outstanding individual, or someone else, is given clear cut authority to run the show, our war on drugs is going to be a costly failure.

CONGRESS SHOULD INVESTIGATE REVELATORY STATEMENTS OF WILLIAM F. WELD

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, Washington is like a one-eyed jack in

the deck of playing cards. No one ever sees the hidden side, until today.

William F. Weld, the Republican candidate for Governor of Massachusetts, has admitted a stark truth. He said that Reagan officials often pressed him to stop investigation of Reagan friends and allies.

Now, if my colleagues will recall, Weld is the prosecutor who resigned because of the sleaze in the Department of Justice run by Ed Meese, but he also said another outstanding thing yesterday. He said that he, quote, unquote, once obeyed a written order to begin "a criminal investigation of a Reagan critic."

Now, what is going on here? Let us tell it like it is.

I say to my colleagues, "If you know the right people, you're O.K.; and, if you don't, and someone dislikes you politically in America, they target you, and come after you and screw you."

Mr. Speaker, is that the way it works?

I am saying today that that is not the way it should be, and, as the No. 1 critic of Ronald Reagan, I have been investigated every year for the last 7 years. I do not like it. I am saying, "Get off my back, and start meting out justice for all, like it should be, not just justice for the in people."

In addition, Mr. Speaker, Congress should investigate the revelatory statements of William Weld. Thank God he has come forward.

THROUGH THE DRUG WAR MAZE IN 28 DAYS—DAY 3: HOUSE BANKING COMMITTEE

(Mr. SMITH of Mississippi asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Mississippi. Mr. Speaker, I stand here today to continue highlighting the maze of congressional panels that the President's drug czar must pass through to come up with a national drug-control strategy—the so-called war on drugs.

Today, I call to your attention the House Committee on Banking, Finance and Urban Affairs, as it relates to the war on drugs. Banking and Finance and four of its subcommittees have some jurisdiction over the Nation's drug-control efforts and the work of the President's drug czar. For example, the processing of money derived from illicit drug activities and drug law enforcement in public hous-

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

ing projects are two areas under this panel's jurisdiction.

Mr. Speaker, these areas ought to be handled by a single oversight committee that would coordinate all drug-control legislation. It just does not make sense to spread this authority among more than 80 committees, subcommittees and select committees. Such a fragmented setup is better suited for its PR value than for an ability to get anything done.

But that is all the war on drugs is right now—a public relations campaign. And that is all it will ever be as long as the Congress runs its efforts by choir rather than by troop.

I call on my colleagues to support legislative efforts, currently under way in the House and the Senate, to consolidate jurisdiction over drug-control policy. We must have a coordinated effort, and the lines of authority must be clearly drawn, if we are to have an effective drug-control strategy and a true war on drugs.

SUPPORT CHINESE STUDENTS

(Ms. SLAUGHTER of New York asked and was given permission to address the House for 1 minute.)

Ms. SLAUGHTER of New York. Mr. Speaker, I rise today with respect, admiration, and heartfelt support for the students at the University of Rochester and all across this Nation who are assembling today in endorsement of the nationwide American Students' Resolution in Support of the Chinese Student Struggle for Freedom and Democracy.

Chinese and Chinese-American students in the United States have been an indispensable link in helping students in China to keep abreast of what has really been happening in their own country. Through a deluge of facsimile transmissions of Western news accounts to China, these students truly have been the lines of communication in this fight for democracy.

Today, students at the University of Rochester and elsewhere in this Nation are holding press conferences to demonstrate their solidarity with and support for the Chinese student movement for democracy. They recognize the courage of the Chinese students who have to endure repression and adversity unimaginable to most of us.

I applaud the efforts of the students at the University of Rochester and all the other colleges and universities who are participating in this demonstration of support for the Chinese students in America and in China. Their endeavor preserves the memory of those who died in the horror and tragedy at Tiananmen Square.

HELPING AMERICA'S WORKING POOR BY MAKING EITC REFORM A REALITY

(Mr. PETRI asked and was given permission to address the House for 1 minute.)

Mr. PETRI. Mr. Speaker, Chairman ROSTENKOWSKI of the Ways and Means Committee announced additional proposals for the reconciliation bill.

Included was an expansion of the earned income tax credit much along the lines I have been advocating for 2 years now.

I want to congratulate Chairman ROSTENKOWSKI for coming out in favor of EITC expansion and Representative DOWNEY and others on the committee for their work on this important reform.

There might be differences between my Family Living Wage Act and the chairman's proposal, but still, Chairman ROSTENKOWSKI has made a very positive move that will help us to do something significant for America's working poor who have children to support.

I note that the chairman has proposed to vary the earned income tax credit for family size, adjusting the EITC for up to three children.

Further, I note that Mr. ROSTENKOWSKI's proposal includes an extra amount where the child care need is greatest—for families with preschool children.

The cost of his proposal does press the outer limits of what some people are prepared to accept. But if this is our major initiative to help working poor families, it should be cost-effective.

I look forward to joining Chairman ROSTENKOWSKI to help America's working poor by making EITC reform a reality.

INTRODUCTION OF POPULATION CENTERS BILL

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, in the wake of the Webster decision rolling back Roe versus Wade the gentlewoman from Maine [Ms. SNOWE] and I today are rolling out what we think is a very, very important bill, and that is to reclaim the very important leadership role that the United States of America used to have in family planning pre-Ronald Reagan and used to have in science and technology.

□ 1010

We are offering a population centers bill in which we ask the NIH to form five different research centers in America, three dealing with safe contraceptives and two dealing with infertility research.

Almost every other industrialized country has moved way ahead of us. We think it is really tragic that many people in the United States now are using exactly the same form of family planning that Cleopatra did, a sponge, because they have no other form that they think is trustworthy.

We think it is unbelievable that the Reagan administration has done so much damage to that center. People should have choices. They should have choices about their families. They should have choices in child care later on, they should have choices about parental leave. They should have all sorts of choices that have been denied by this administration.

So we will be rolling out this bill today and we hope that many, many people join us, and that we can get this country back on a course of giving family choices once again to the people who need them.

TURKISH INVASION OF CYPRUS

(Mr. BILIRAKIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BILIRAKIS. Mr. Speaker, I want to take a moment to mark an anniversary—a 15th anniversary. While most anniversaries are happy occasions, however, this one is, unfortunately, a very sad one.

Mr. Speaker, July 20, 1974, was the day that Turkish troops undertook the invasion of Cyprus that resulted in the occupation and colonization of 40 percent of the previous independent Republic's territory. Today, 15 years after the invasion, thousands of Turkish troops and scores of thousands of settlers from Turkey are illegally occupying and exploiting the properties of 200,000 displaced Greek-Cypriots who have become refugees in the land of their birth.

Rather than conciliatory steps, Mr. Speaker, Turkey and the Turkish-Cypriot leadership, in direct violation of relevant U.N. resolutions and international law, have taken a series of actions, subsequent to the 1974 invasion, which are aimed at consolidating the occupation and division of the small Mediterranean Republic. As recently as 1983, there was even an illegal attempt to create a new Turkish political entity in the occupied areas. An entity, I might add, that only one country—Turkey—has recognized as legal.

Mr. Speaker, we, in Congress, have a responsibility to use our influence to help create a unified Cyprus. Turkey is, after all, largely financing her military actions in Cyprus from United States foreign aid moneys. My colleague, HELEN BENTLEY, has introduced a bill which I am proudly an original cosponsor of, H.R. 1045, which

seeks to condition United States assistance to Turkey on steps taken toward reaching a solution to the Cypriot problem. I encourage all our colleagues to cosponsor H.R. 1045 and help restore peace and unity to Cyprus.

SPACE EXPLORATION GIVES US VALUABLE TECHNOLOGY

(Mr. POSHARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POSHARD. Mr. Speaker, 20 years ago tonight, in my living room at my home in Marion, IL, I watched *Apollo 11* land on the Moon. I stayed up early into the morning, rocking my son to sleep, holding the future of my life in my arms, watching the future of my country unfold before my eyes.

Some in a generation before found it hard to believe we had actually landed on the Moon. Those in a generation later, such as my son Dennis and daughter Kris, cannot imagine life if we had not.

I will never forget the unbelievable courage of American heroes Neil Armstrong, Edwin Aldrin, and Michael Collins.

Space exploration has given us technology that improves our daily lives, an understanding of the world around us, and a belief that America can achieve whatever it sets its mind to.

Within our budget we should continue to pursue the standards set by *Apollo 11*. Manned and unmanned space exploration is a necessary part of our scientific and strategic future.

Let us resolve to continue to push back the boundaries of our ability to dream and our determination to do great things.

THE 15TH ANNIVERSARY OF ILLEGAL OCCUPATION OF CYPRUS BY TURKISH ARMY

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, I, too, want to recognize the 15th anniversary of the illegal occupation of the island Republic of Cyprus by the Turkish Army. After 15 years the Turkish Army still occupies 40 percent of the island, forcing hundreds of thousands of Cypriots to live as refugees in their own land.

This occupation, declared illegal by both the United States and the United Nations, is being continued in part with American tax dollars, \$500 million of which go to Turkey every year, much of it in the form of military aid.

I renew my request to all my colleagues to join me in cosponsoring H.R. 1045, the Bentley-Bilirakis-Feighan bill, to halt aid to Turkey until

that country takes steps to end the illegal occupation of Cyprus.

This Congress has gone to great lengths to recognize and deplore human rights violations in numerous countries which receive no U.S. foreign aid. Let us focus our attention on a villainous depravation of human rights being perpetrated by the nation which receives the third largest package of United States foreign aid, Turkey.

DEFICIT REDUCTION ACCOUNT

(Mr. WISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WISE. Mr. Speaker, no one is happy about this year's budget result. Everyone involved in the process—the White House, Republican and Democratic Members of Congress—say “much more must be done” and then immediately disagree over what.

Today I am introducing legislation that not only meets this challenge, but also begins making vital investments in our country's future by creating a trust fund called the deficit reduction account—or DRA. If new taxes are passed, they can be allocated to the DRA where they will be used only to reduce the deficit—not for new spending. But the DRA does not stop here. After 5 years have passed, the accumulated principal and interest stays in the fund. But new interest earned after the fifth year will be allocated to vital capital-intensive programs that need assured long-term funding. Building infrastructure like highway construction, the space program, scientific investments—those programs that truly build America.

With the DRA, the American people get a double bang for their buck. First, there is no new spending, but true deficit reduction. Second, this provides genuine investment making our country stronger.

Mr. Speaker, I urge my colleagues to join with me in cosponsoring the deficit reduction account.

REPUBLICAN TASK FORCE ON INDIAN AFFAIRS ORGANIZED FOR 101ST CONGRESS

(Mr. RHODES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RHODES. Mr. Speaker, I am pleased to announce that the Republican Task Force on Indian Affairs of the Committee on Interior and Insular Affairs has been organized for the 101st Congress. I served as the chairman of the task force in the 100th Congress and it is with great pleasure that I assume the chairmanship again in the 101st Congress.

The Republican Task Force on Indian Affairs was first organized in 1979 when the Interior Committee began considering Indian issues at the full committee without a subcommittee. Its purpose is to coordinate Indian policy and legislative issues for the Republican members of the committee, and its chairman acts as floor manager of bills under consideration by the House.

Serving with me as members of the task force for the 101st Congress are the Honorable DON YOUNG, of Alaska, the Honorable ROBERT J. LAGOMARSINO, of California, the Honorable LARRY CRAIG, of Idaho, the Honorable JAMES V. HANSEN, of Utah, the Honorable BARBARA VUCANOVICH, of Nevada, the Honorable BEN BLAZ, of Guam, the Honorable ELTON GALLEGLY, of California, the Honorable STAN PARRIS, of Virginia, the Honorable ROBERT F. SMITH, of Oregon, the Honorable JIM LIGHTFOOT, of Iowa, and the Honorable CRAIG THOMAS, of Wyoming.

The committee expects to have a wide range of Indian issues before it during this Congress. Through the forum provided by the task force, we will be better able to reach consensus on key issues relating to Indian affairs legislation. In this way, we can enact laws that have a sound legal and policy basis, and that better serve the needs of Indian and non-Indian people alike.

TIME TO REDEDICATE OURSELVES TO THE CIVILIAN SPACE PROGRAM

(Ms. OAKAR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. OAKAR. Mr. Speaker, it seems hardly possible that in the 1960's President Kennedy issued a clarion call to land a man on the Moon, and here we are today celebrating the 20th anniversary.

I am proud to be from the State of Ohio where we have contributed the astronauts, the late great Judy Resnick, JOHN GLENN, Neil Armstrong, and countless civil servants who work at places like the Lewis Research Center.

The value of civilian space research, the spinoffs affect every aspect of American life from cataract surgery, the medicine we use, the clothes we wear and the food we eat.

The world has looked to our country for leadership. It is time to rekindle that leadership, our sense as Americans for adventure and creativity, and rededicate ourselves to the civilian space program.

A COMPARISON BETWEEN THE SPACE PROGRAM AND THE STEALTH BOMBER

(Mr. DAVIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS. Mr. Speaker, today, on the 20th anniversary of the Apollo landing, is an appropriate time to note the striking similarities between our space program and the Stealth bomber. I think there is an important analogy to be made.

Remember what the critics said when we began the space program years ago.

The critics said it was too expensive.

The critics said there were too many other priorities.

The critics said the technology was too revolutionary.

The critics said it was unnecessary.

Well the critics were wrong, and the critics who say we do not need a Stealth bomber are wrong too.

The Stealth is versatile. It can be used in nearly any conflict scenario * * *. It is stabilizing. The bomber portion of our triad has always been the best in that regard * * *. It is revolutionary. It will change the way we build aircraft long into the future and it will render obsolete a Soviet air defense system worth more than \$300 billion * * *. It is the future. It is a great opportunity that we should not let slip between our fingers.

□ 1020

ENFORCEMENT OF ADMINISTRATIVE SANCTIONS AGAINST SOUTH AFRICA

(Mr. HAYES of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYES of Illinois. One of the alleged primary goals of American foreign policy since 1945 has been to contain the influence of communism, or any other institution that has proven to be the major contributor to the detriment of a race or to a nation of people. Unfortunately, this philosophy has been applicable over the years to the black race, either through inadvertent omission or deliberate exclusion.

This is an issue that is of deep concern not only to me as a Congressman but to my constituents and to African Americans throughout this country who believe that democracy should not be selective in the application of it, but that we should apply it on an even basis.

Our recent actions supporting efforts to tighten sanctions against Communist China are to be applauded. China's bloody repression of those seeking democracy in a seemingly changeless society, reminds me of an-

other equally intolerable situation, repression in South Africa.

I have to ask how many more lives have to be exterminated in South Africa before administrative sanctions are enforced? How many Steven Biko's, Nelson Mandela's, and Alan Boesak's must endure South African tyranny before an administrative stand is taken? Finally, how much longer does the institution of apartheid have to exist before it is recognized by the Bush administration as the sole contributor to the detriment of the black race and to the nation of South Africa?

Mr. Speaker, I urge the Bush administration to recognize their apathy in regards to their policy initiatives toward South Africa, and to be consistent with our foreign policy objectives. Let us tighten the noose on South Africa.

In light of press speculation that an unprecedented meeting of the leader of the apartheid regime, F.W. de Klerk, and President George Bush is imminent, I, as an elected official with the interests of mankind at heart, again urge President Bush not to meet with Mr. de Klerk. Administrative refusal to meet with a leader that advocates white supremacy and minority inferiority will clearly indicate to the South African Government that the institution of apartheid must be abandoned.

THE GOAL OF ENERGY INDEPENDENCE

(Mr. HUBBARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUBBARD. Mr. Speaker, the United States must begin to develop and implement policies that move us toward the goal of energy independence.

This morning the U.S. Senate took an important step in that direction by passing Senate bill 83, the uranium enrichment bill, by a margin of 73 to 26.

We in the House of Representatives must also pass this important and needed legislation, already introduced in the House, which will allow the United States to maintain a competitive, financially strong and secure uranium enrichment capability by establishing a Government-owned corporation to operate the Nation's uranium enrichment enterprise.

We can be proud that uranium enrichment technology was developed in the United States. It was only 15 years ago that the United States controlled 100 percent of the world's market for uranium enrichment services.

Today, however, the U.S. uranium enrichment services, which are produced and sold by the U.S. Government through the Department of

Energy, receives less than half of the world's uranium enrichment business.

As Congressman for a huge Department of Energy uranium enrichment plant in Paducah, KY, which employs about 1,300 people, I want to emphasize that under the current structure the United States will continue to lose its already decreasing market share of the enrichment business. The current structure is not cost effective. Passage of the uranium enrichment bill introduced in the House will create a new corporation to replace the current structure. The new corporation will have the commercial flexibility that typical Government agencies lack, possessing the ability to respond quickly to market needs through contracting and pricing without the bureaucratic restrictions of the current structure.

Now is clearly the time for the House to take note and act accordingly, and I urge my colleagues to support this important legislation.

SPACE, THE FINAL FRONTIER

(Mr. LOWERY of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LOWERY of California. Mr. Speaker, today marks the 20th anniversary of humankind's first landing on the Moon. As our Nation celebrates one of its greatest accomplishments let us not just remember but look to the future with dreams of new destinations.

Mr. Speaker, some of our young people today grew up watching "Star Trek" or reruns of "Star Trek," but many of us grew up watching the space program grow up. The astronauts of the Apollo 11 mission were our heroes. There was the thrill of the unknown, the daring of the astronauts, the successes for our country as we competed with the Russians and won. Neil Armstrong walked on the Moon, and we stared at the television set in disbelief and unquenchable pride.

Each launch, each mission, each walk in space added to a storehouse of information. And as NASA devoured reams of information, it hungered for more. Like Socrates we have become so aware of and overwhelmed by the mysteries of space that we can say as he did, "I know nothing except the fact of my ignorance."

Today let us commit our Nation to the spirit of those space pioneers and turn ignorance into an educational commitment to our future in space. I hope the construction of the space station will be the jumping off place to worlds unknown and unexplored.

WAIVING CERTAIN POINTS OF ORDER AGAINST CONSIDERATION OF H.R. 2916, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1990

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 205 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 205

Resolved, That during the consideration of the bill (H.R. 2916) making appropriations for the Departments of Veterans Affairs, and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1990, and for other purposes, all points of order against the following provisions in the bill for failure to comply with the provisions of clause 2 of rule XXI are hereby waived: beginning on page 4, lines 16 through 20; beginning on page 6, line 20 through page 7, line 8; beginning on page 7, line 13 through page 9, line 4; beginning on page 10, lines 14 through 21; beginning on page 12, line 18 through page 17, line 7; line 16 through page 19, line 13; beginning on page 20, lines 1 through 20; beginning on page 22, line 1 through page 26, line 25; beginning on page 27, line 8 through page 28, line 18; beginning on page 30, lines 5 through 15; beginning on page 31, line 6 through page 32, line 4; beginning on page 32, line 12 through page 33, line 15; beginning on page 33, line 21 through page 34, line 20; beginning on page 35, line 3 through page 38, line 13; beginning on page 40, lines 1 through 14; beginning on page 40, line 19 through page 41, line 24; beginning on page 43, line 6 through page 49, line 2; beginning on page 49, lines 12 through 16; beginning on page 51, line 1 through page 52, line 9; and beginning on page 53, line 1 through "States:" on line 22. In any case where this resolution waives points of order against only a portion of a paragraph, a point of order against any other provision in such paragraph may be made only against such provision and not against the entire paragraph. It shall be in order to consider the amendments printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative SCHUMER of New York, or his designee. Said amendments may be considered en bloc and may amend portions of the bill not yet read for amendment, shall not be subject to amendment, and shall be debatable for not to exceed one hour, equally divided and controlled by the proponent and a Member opposed thereto. Said amendments shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole.

The SPEAKER pro tempore (Mr. McNULTY). The gentleman from South Carolina [Mr. DERRICK] is recognized for 1 hour.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 30 minutes to the gentleman from Tennessee [Mr. QUILLEN], pending which I yield myself such time as I may consume.

□ 1030

Mr. Speaker, House Resolution 205 waives points of order and makes in order en bloc amendments in the consideration of H.R. 2916, the Departments of Veterans Affairs and Housing and Urban Development, and independent agencies appropriations bill for fiscal year 1990. This rule does not provide for the bill's consideration since general appropriation bills are privileged under rules of the House. The rule also does not contain any provisions relating to time for general debate. Customarily, general debate will be limited by a unanimous-consent request by the floor manager when the bill is considered.

House Resolution 205 waives clause 2 of rule XXI against specified provisions of the bill. This clause would prohibit unauthorized appropriations or legislative provisions in general appropriations bills and would restrict the offering of amendments proposing limitations not specifically contained or authorized in existing law.

This resolution further provides that in any instance where this resolution waives points of order against only a portion of a paragraph, a point of order against any other provision in such paragraph may be made only against such provision, and not against the entire paragraph.

The provisions for which these waivers are provided are detailed by reference to page and line in H.R. 2916. Generally, these waivers have been granted for specified provisions in titles I, II, and III of the bill.

House Resolution 205 also makes in order the amendments printed in Report No. 101-152 accompanying this resolution if offered by Representative SCHUMER of New York or his designee. The resolution provides that these amendments may be considered en bloc and may amend portions of the bill not yet read for amendment, shall not be subject to amendment, and shall be debatable for not to exceed 1 hour, with the time to be equally divided and controlled by the proponent and a member opposed thereto. Said amendments shall not be subject for a demand for division on the question in the House or in the Committee of the Whole.

Mr. Speaker, H.R. 2916 appropriates \$65 billion for the Departments of Veterans Affairs and Housing and Urban Development and for 18 independent agencies, boards, commissions, corporations, and offices. The bill provides \$29.5 billion in new budget authority for the Department of Veterans Affairs, with a substantial portion of this money directed to veterans' medical care. I know that most of my colleagues recognize the value of this funding in ensuring that veterans will have access to a dependable medical care system.

H.R. 2916 also provides \$15.2 billion in new budget authority for the Department of Housing and Urban Development, including a sizeable amount allocated for subsidized housing; and \$12.3 billion in new budget authority for NASA, the National Aeronautics and Space Administration.

Mr. Speaker, this bill addresses several important programs. I urge adoption of the rule and of the underlying bill.

Mr. QUILLEN. Mr. Speaker, I yield myself as much time as I may use.

Mr. Speaker, in the Rules Committee meeting on this rule the chairman and ranking Republican member of the Committee on Science, Space, and Technology, the gentleman from New Jersey, [Mr. ROE] and the gentleman from Pennsylvania [Mr. WALKER] joined in a bipartisan request to the Rules Committee. All they wanted was for the rule to provide for en bloc consideration of their amendment, and to protect it from a division of the question.

The amendment was a very modest proposal. They simply sought to shift a total of \$100 million among programs within the jurisdiction of their committee. They were not proposing to change funding within the jurisdiction of any other authorization committee.

Believe it or not, Mr. Speaker, the majority on the Rules Committee turned down this very reasonable request by a record vote of 5 to 6.

And not only did they turn down this request, but at the same time they provided for the gentleman from New York [Mr. SCHUMER] exactly the same protections which had been sought by the chairman and ranking Republican member of the Committee on Science, Space, and Technology. The Rules Committee majority even gave more to the gentleman from New York. Because his amendment is protected from further amendments. The Schumer amendment would take money away from the jurisdiction of one authorizing committee and give it to programs within the jurisdiction of different authorizing committees.

I have no objection at all to the gentleman from New York having his amendment considered en bloc. But I do think that it is unfair for the chairman and ranking Republican member of a full committee to be denied a similar request.

Mr. Speaker, this appropriation bill provides for some very important programs.

The new Department of Veterans Affairs will receive its funding under this bill. As my colleagues may recall. We ran into problems earlier this year because veterans medical care was not fully funded in the current fiscal year.

In the Rules Committee we were assured that this bill provides adequate

funds for veterans medical care for the next fiscal year. We certainly do not want to see a repeat of the situation we had earlier this year. Where funding for veterans health care programs was held hostage in an attempt to hook on other less necessary programs.

The veterans of this country answered the call when the Nation was in need, and we should never again permit anyone to play political games with the funds needed for their health care.

Mr. Speaker, the refusal of the Rules Committee to provide for the Roe-Walker amendment can be corrected. The House can defeat the motion for the previous question on this rule. If that is done, I will then be prepared to offer an amendment to the rule to provide for the consideration of the Roe-Walker amendment en bloc. The amendment would also include a waiver of clause 2, rule XXI. This is the only way I see to provide fair and equitable treatment to the chairman and ranking Republican member of the Committee on Science, Space, and Technology.

I urge this body, the Members of this House, to vote down the previous question so that we can be fair to all of the committee chairmen of this House. It simply is not fair to allow special treatment to be given to one Member and not allow it to be given to another who is more senior and a full committee chairman as well.

So I urge Members of this House to vote down the previous question so that we can get down to business and vote on the HUD and independent agencies appropriation. We can correct the shortcomings of this rule by giving the gentleman from New Jersey [Mr. ROE] and the gentleman from Pennsylvania [Mr. WALKER] what they requested.

Mr. Speaker, I ask for a no vote on the previous question.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 7 minutes to the distinguished gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Speaker, we have before us today the rule on the Housing and Urban Development and Independent Agencies Appropriation Act.

I first wish to commend the committee and the subcommittee on this bill. I have some reservations about it as to certain points, but I think generally overall, within their 302 allotment, the committee has done an outstanding job, especially in the areas of the Veterans' Administration and in the housing parts of the bill. As one who has a veterans hospital in my district and who recognizes the need that we have to upgrade those medical facilities and the medical care for our veterans, I am very pleased at what we did in the supplemental appropriation earlier passed

this summer, and what we have now done in this bill to bring about the required medical care for our veterans who have served this country so well in times past in order to preserve those freedoms that we all enjoy and the comforts of this country rather than to have to live in a style of elsewhere. I wish to commend the committee for doing that.

My serious question is on what the committee has done in regard to the NASA budget, in regard to our space activities and the allocation of funds there, as other members of the Committee on Science, Space, and Technology have those reservations as well. I would much rather have seen some different allocation of those funds.

□ 1040

It does not mean necessarily that if those are not corrected that I will support the bill. No, I plan to support the bill and vote for final passage, even though we may not be able to do the things in the NASA budget as I would like to have seen them done and even though we may not even have that opportunity.

I hope we will be able to work this out so at least we will have the opportunity to let the House decide on whether or not we should have more funds in the space station. Let the House decide whether or not we should have more funds for our space plane or whether we should almost mothball that opportunity.

Let the House decide whether or not there should be funding for—additional funding—for the Jet Propulsion Laboratory in California which NASA did not ask for, no one else really asked for, but all of a sudden we find it in the appropriation bill.

It is those reservations I have, but generally I feel that the bill overall is a good bill and we will be having other amendments during the period today, most of which, after the question of NASA matters, will be taken up concerning the Housing and Urban Development, most of, if not all of the other amendments.

Some of those amendments I think are very worthwhile. Others I think I have some concerns about.

I will wait to hear the chairman of the subcommittee as to whether or not he feels that those amendments should be adopted by the House, because he and the authorizing committee are probably more familiar with those programs than most Members of this House.

So we would welcome the gentleman from Michigan's viewpoint on those.

I would like to address one other amendment that will be offered that I think needs to bear some attention and I am sure will be thoroughly discussed when we get into the Committee of the Whole.

That is the amendment of the gentleman from New York, commonly known as the Schumer amendment.

As you know, this amendment was offered last year and was overwhelmingly defeated. This amendment, if it would be adopted, would basically do away with our total effort for a space station. It would, in other words, put our whole space effort, the future of this country in space, in mothballs.

At the same time, when we today, on the 20th anniversary of man's landing on the moon, are celebrating that past effort which was so successful; many of us remember the words of our astronaut, Neil Armstrong, when he first set foot on the moon and talked about one small step for man and a giant step for mankind.

For us today then to say that we are going to stop our efforts in space and not continue those efforts that lead to a greater future of this country, I think would be a wrong decision.

I know that the gentleman from New York would allocate those funds for very useful purposes. I will not deny that. I will not deny that we could use additional money for our VA hospitals, medical care for our veterans. I will not deny we could use additional funds for our housing, our homeless and our poor.

We could use that, and on and on. We can use additional funds for congregate care for our elderly, there is no question about that. But to actually victimize, completely do away with our total space effort, our future in space and all that holds for this country, I think would be an unwise decision.

As a result, I plan to oppose that amendment when it comes forward, and I think most of the House will recognize that we do need the space station effort to continue in order to continue our future in space.

In closing I would just like to ask the House that when we do get to the amendment stage in the Committee of the Whole, that it oppose the gentleman from New York's amendment and that we continue on with our efforts in space for the future, not only for ourselves but for our children and grandchildren.

Someday I am sure that many of you right now here listening to my voice will not see a person just set foot, again, on the moon, not just that but you will be able to see a person set foot on Mars because that is where we are going.

From the space station we will be going there and we need that additional opportunity now to build that space station as a precursor to our trip to Mars.

I thank the gentleman from South Carolina for yielding me the time.

Mr. QUILLEN. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Speaker, Before I express the concerns I have about the rule for H.R. 2916, I would like to pay tribute to the chairman of the Appropriations Subcommittee on VA/HUD, Mr. TRAXLER, and the ranking Republican, Mr. GREEN, for the really outstanding job they have done on title I of this bill, the title dealing with the Department of Veterans Affairs.

Not long ago, this House went through a grueling ordeal in trying to pass a supplemental appropriations bill for the current fiscal year.

The veterans of America were essentially held hostage during that whole process, which lasted about 2 months.

The good work done on this veterans package in H.R. 2916 should obviate much of the need to do a supplemental bill for veterans next year.

And so every Member is indebted to Mr. TRAXLER and Mr. GREEN for working so diligently to produce a responsible package for our veterans.

That, Mr. Speaker, is the good news about H.R. 2916.

Listen now to the bad news.

This bill reduces the President's request for NASA by over \$1 billion. It then goes on to raise budget authority for subsidized housing by \$1.6 billion over the President's request. All told, taking into account some of the other priorities which were shifted, the administration calculates the outlays under this bill at a level which is \$300 million above the allocation authorized under section 302(b) of the Budget Act.

How then did the Rules Committee respond to this problem? It did so, quite frankly, in a manner that defies rational analysis. The rule we will be voting on makes in order an amendment, by Mr. SCHUMER of New York, which would take yet another \$700 million out of NASA and plow most of this money into—you guessed it—subsidized housing.

I join with my colleague, the distinguished Ranking Republican of the Rules Committee, Mr. QUILLEN, in expressing disbelief at this turn of events. What makes the Rules Committee's action even more puzzling is the fact that another proposed amendment, by Members with much more seniority than Mr. SCHUMER, with all due respect, was turned down cold.

Mr. ROE, the chairman of the Science and Technology Committee, and Mr. WALKER, the ranking Republican on that committee, came before the Rules Committee to ask permission to offer a bipartisan amendment shifting funds—about \$35 million to be exact—among several programs in the NASA account that would coincide with their committee's actions. This modest amendment was turned down cold.

I realize that the workings of the Rules Committee are often unexplainable to the uninitiated, but this one really takes the cake. When the distinguished chairman and ranking member of a standing committee are turned down from offering a modest amendment in an area of their own committee's oversight jurisdiction, it becomes a cause for real concern.

If Mr. ROE and Mr. WALKER were going to be treated so arbitrarily, then there is no way the Schumer amendment—which shifts hundreds of millions of dollars through multiple accounts: Housing, EPA, Veterans, and NASA—should have been made in order as an en bloc package. This amendment takes a bill that is already moving in the wrong direction and gives it a further shove the wrong way.

Mr. Speaker, this is a bad rule that is unfair to Members from both sides of the aisle and I hope we can do a lot better on some of the forthcoming rules concerning other appropriations bills that will be coming soon.

In conclusion, Mr. Speaker, I would also say that I have even more reservations about the bill itself. I particularly object to the emphasis on taking everything out of NASA's hide. All Americans, all of our constituents, have benefited in countless ways from the commercial applications and spin-offs from the technologies developed in our aerospace programs.

We neglect NASA R&D at our peril. Our national economic vitality and competitive position are at stake in our ongoing efforts to expand the frontiers of high technology. So let's dispense with this false dichotomy between so-called social programs and technological development. The greatest social program our country can offer is a vibrant and growing economy. Let's keep it that way by defeating the previous question unless the agreement is reached before the committee rises.

□ 1050

Mr. DERRICK. Mr. Speaker, I yield 5 minutes to the distinguished chairman of the committee, the gentleman from New Jersey [Mr. ROE].

Mr. ROE. Mr. Speaker, I think we have the matter at least in some semblance of order, but like every other thing that happens in a good family, there is a difference of opinion. I think those differences of opinion are manifested very strongly in the situation that we are faced with in the country with the enormous debt we are trying to reduce, and the other items, and to establish the right priorities.

Let me make it clear, if I may, to our distinguished Members that are here, this committee, as an authorizing committee, went before the Committee on Rules and they not only are authorizing, but we are responsible, as Mem-

bers know, for the oversight work and for the constant daily operation of the NASA Program. We went before the Committee on Rules, and we wanted a rule or an amendment in order that what has been en bloc, that would have adjusted certain issues within the confines of our program affecting no other Members' program, taking no money away, and adding no additional money whatsoever. We simply agreed that from this committee's perspective, we are on a day-by-day operation of NASA, and we understand those problems. We felt that at that point that part of the program being recommended by the Committee on Appropriations subcommittee with our distinguished chairman, we felt needed some adjustment. We have been attempting, over a period of time, to get that done. I think we have just come to a conclusion and an agreement with the distinguished chairman, the gentleman from Michigan [Mr. TRAXLER] and our distinguished minority representative and leader, the gentleman from New York [Mr. GREEN].

If I might have a dialog with the distinguished gentleman from Michigan [Mr. TRAXLER] for a moment, it is our understanding that we will be offering, under the open section of the rule, three amendments. One amendment would be to strike the language on the establishment, I think of \$14 million in the California project which has not been authorized, and we are going to look into the matter as we agreed to, as far as the authorizing committee is concerned.

Mr. TRAXLER. If the gentleman will yield, this is correct.

Mr. ROE. Mr. Speaker, the second thing we have agreed to do, with the gentleman's acquiescence, is an amendment that would strike the restrictive language in the National Science Foundation legislation, precluding the use or the implementation of the academic research bill which this committee, meaning the House, voted on last year at 405 in favor and 5 against. It is my understanding that that amendment would be agreed, to strike that restrictive language?

Mr. TRAXLER. If the gentleman will yield, yes, this is the language. Let me say yes to the gentleman and then qualify my response with some further information.

The gentleman is correct, that is part of our agreement. I might add, this language has been in this bill before. It is not new to it, and it represents some concerns that many Members have over allowing NSF to embark upon a brick-and-mortar program that could very seriously jeopardize the basic research that the Foundation does.

The gentleman, as I understand it, is assuring me that in the course of events dealing with his authorization

bill, as he moves that forward, that there will be no effort to change any of the language in the NSF section. NSF is authorized for several more years.

Mr. ROE. We are agreeing to, that we would not put a floor and tamper with that.

Let me say to the distinguished gentleman and our colleagues here, the committee is extremely concerned about that particular piece of legislation. We added that bill and we put that bill together in the trade bill and then we refined it as a body, bipartisanly refined it, and put it into a separate standing piece of legislation.

What was it to do? What is it to do? To provide the resources to the universities, the black colleges, the junior colleges, to start to train our young people and provide the resources for them to be able to learn what they can do in science, space, and technology. That is what those resources are for.

I am willing to work closely, as the gentleman from Pennsylvania [Mr. WALKER] is with our distinguished chairman, and he has agreed to take that language out. We agree we will not put a floor under that language, and it will be up to the House to decide what, if anything, they chose to appropriate.

Third thing, if I may add, the committee has agreed to put an additional \$20 million into the national aerospace program which would raise that authorization or earmarked funding to \$98 million, and the distinguished chairman and the distinguished ranking member have agreed with the authorizing committee that they will extend every effort possible to bring those resources up to the \$127 million, which is one-third NASA program, and the balance of those resources to be brought forth by DOD, in their two-thirds responsibility.

That is the understanding?

(On request of Mr. DERRICK and by unanimous consent, Mr. ROE was allowed to proceed for 2 additional minutes.)

Mr. ROE. Mr. Speaker, I yield to the gentleman from Michigan [Mr. TRAXLER].

Mr. TRAXLER. Mr. Speaker, the gentleman correctly stated that point.

Mr. ROE. Mr. Speaker, under those circumstances, we will join, as we intended, and I want to thank the gentleman for their strong support as far as the amendment is concerned, to strip the funding out of the space station, which we discuss at a different time.

We would then be prepared to offer three amendments when we go into the committee, on the bill, under the provision of the bill covering those three elements. If that is agreeable, we want to support it.

I yield to the gentleman from Michigan.

Mr. TRAXLER. Would the gentleman have patience for a moment to discuss a couple of points here?

I am very appreciative. We do not want to explain too much more here. Let me say to the gentleman that the resistance on the part of the subcommittee toward funding a brick-and-mortar program is based upon a deep concern that all across America every college and university needs a science building or facility. We are confident that there is not enough money in the entire NSF budget to accomplish that purpose. That is our only reservation.

Mr. ROE. I do not disagree with the gentleman. Where we are coming from, if the good folks would read the legislation, the legislation is not brick and mortar per se alone, it provides broad-based authorization for providing, for example, microscopes, if a particular consortium in a school needs it. We ought to know, we wrote the bill.

I yield to the gentleman from Michigan.

Mr. TRAXLER. I know the gentleman would be thrilled to know we are now providing \$284.7 million for instrumentation and equipment as requested by the President.

Mr. ROE. Good God, this is no time to nitpick on semantics. We are coming back and saying in this House of Representatives, your committee notwithstanding, my committee notwithstanding, they voted 405 to 5, almost unanimously, for that program.

(On request of Mr. DERRICK and by unanimous consent, Mr. ROE was allowed to proceed for 2 additional minutes.)

□ 1100

Mr. ROE. Mr. Speaker, I do not want to get into the argument and nitpicking on this, but let me say this one point to the gentleman, that we are distressed as an authorizing committee in part of the testimony coming out of the National Science Foundation on this very issue, and, as an authorizing committee, we will get into that point of view. I am not so sure that the \$2 billion that we provide a year to the National Science Foundation is being spent in the most efficient way in this country.

So, Mr. Speaker, without saying any more, I believe we have agreed on our points of interest. Does the gentleman from Michigan [Mr. TRAXLER] have one more point?

Mr. TRAXLER. Mr. Speaker, this is an extremely important point; not to worry, please. I think we ought to have a couple of minutes on this because it is a critical issue.

Mr. Speaker, reading from a letter from the Association of American Universities that was sent yesterday:

We hear that further reductions from the Committee recommended levels of nearly 3 percent may be necessary before the House passes the bill. In this severe budgetary cli-

mate, we must conclude that it would be imprudent, and even irresponsible, of us to support attempts to fund the Academic Research Facilities Modernization program at the expense of the Committee's recommendations for the Foundation's research and education activities.

Mr. ROE. Mr. Speaker, if I can reclaim my time, in a communique of July 19 of the American Council on Education:

DEAR MR. CHAIRMAN: We strongly support your amendment to remove appropriations language forbidding funding of the new NSF authority for renovation of research facilities. Implementation of this important program is a high priority for America's colleges and universities.

Mr. DERRICK. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. TRAXLER].

Mr. TRAXLER. Mr. Speaker, let me tell you what the Director of NSF has to say about this provision. Incidentally, this language has been our bill before at the director's request. The reason we do this at his request, and at the request of intelligent educators across the country is very simple, we do not have adequate funding to do basic research, let alone a brick and mortar program. If we start a brick and mortar program, every one of my colleagues, every one of the honorable Members of this body, will have a legitimate request that will run this program up to an astronomical sum of money. I have consistently said that if and when we have the funding that will not rob the basic research and education mission of NSF, we will consider this program. It is a good one, but we simply cannot afford it now.

Mr. Speaker, I yield to the gentleman from Michigan [Mr. HENRY].

Mr. HENRY. Mr. Speaker, I appreciate my colleague's comments, but I do want to indicate the irony of his position. What is really said is we are not going to go forward with the facilities program because the need is so great. It seems a bit self-contradictory.

It was once said of our Lord disparagingly, "Can anything good come out of Nazareth?" This was presuming that all wisdom came from Jerusalem.

This is part of the problem with the NSF bureaucracy, as it were, and I say this as a defender and supporter of NSF, but we have had the problem of several major research universities sucking up all the funds to the detriment of others, and the Facilities Modernization Act has very strong criteria which encourages—

Mr. DERRICK. Mr. Speaker, I yield 2 additional minutes to the gentleman from Michigan [Mr. TRAXLER].

Mr. TRAXLER. Mr. Speaker, I thank the gentleman from South Carolina [Mr. DERRICK], and no, we do not have that kind of money.

Let me say to the gentleman from Michigan [Mr. HENRY], my good friend, that, if we were to fund this

program, it would be impossible to peer review. The gentleman understands that, does he not? The National Science Foundation cannot peer review 2,289 university requests for facilities with limited funds, \$100 million when there are billions in requests. It would become an authorizing and appropriations bill issue. I can now say to the gentleman that so far we have kept NSF sanitized. We would not be able to do that under these circumstances, as the gentleman well knows. I know that in his district there is a university, a very fine school, which has a need for this kind of facility funding. And I can assure him that the university in my district has the same, and I know the honorable chairman has the same.

Mr. Speaker, there is not a person in this body who could not make a claim legitimately. We cannot meet all of those demands, no matter how worthy they are.

Mr. HENRY. Mr. Speaker, will the gentleman yield?

Mr. TRAXLER. I yield to the gentleman from Michigan.

Mr. HENRY. Mr. Speaker, that is why in the Modernization Act it has explicit legislative criteria rewarding consortia arrangements between sister institutions so as to reduce the number of these kinds of proposals, and to assume that we do get, in fact, on an equity basis the best return for the public's dollar.

Mrs. TRAXLER. Mr. Speaker, will the gentleman from Michigan [Mr. HENRY] assure me that he will work against the across-the-board cut that may be offered at the end of this bill to protect what funding we do have in NSF at this time?

Mr. HENRY. Mr. Speaker, I will work against an across-the-board cut insofar as it is consistent with our 302(b) and consistent budgetary applications that we do not transfer back into the previous fiscal year.

Mr. TRAXLER. Mr. Speaker, I regret that the gentleman from Michigan [Mr. HENRY] cannot help me in that end. NSF needs the money, and I am sorry the gentleman cannot help them get it.

Mr. QUILLEN. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman from Tennessee [Mr. QUILLEN] for yielding, and, Mr. Speaker, anybody who does not believe that there is a difference between the authorization appropriation and the appropriations process in Congress ought to have spent the last 24 hours or so with me. There is a big difference here, and it seems to me that one of the things we ought to do under the rules is accommodate the fact that there are some differences in that area and that we ought to make certain that everyone does have a fair chance

to make their presentation with regard to these issues.

Now, Mr. Speaker, I do not particularly have a quarrel with the appropriators on this. I have worked over the last few hours with the gentleman from New York [Mr. GREEN], the ranking Republican, and the gentleman from Michigan [Mr. TRAXLER] who have attempted to work with those of us on the Committee on Science, Space, and Technology, the authorizing committee, to work out an accommodation here based upon some differences of opinion and priorities, but I got to tell my colleagues that I am very disappointed in what the majority on the Committee on Rules did with regard to this rule.

Mr. Speaker, it seems to me that it was entirely legitimate for the Committee on Rules to say we are going to allow no en bloc amendments, that that is not something we can countenance as a part of this process. I think that is an entirely legitimate point to be made.

It is an entirely different matter, however, when there is a bipartisan group from the authorizing committee coming to them for an en bloc amendment which we thought at least identified priorities of ours, to deny us the right to have that amendment offered, and then turn around and offer another Member of the body, who has no jurisdiction in either the authorizing committee or the Appropriations Committee, the right to offer an en bloc amendment that stripped money out of our account.

Mr. Speaker, that is very difficult for us to understand as fairness within the rules process. We think that that is a direct affront to the authorizing process around here where we spend a lot of time trying to become experts in these areas, and I am very disappointed with the kind of process—

Mr. DERRICK. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from South Carolina.

Mr. DERRICK. Mr. Speaker, is the gentleman from Pennsylvania [Mr. WALKER] satisfied with the arrangement that has been worked out?

Mr. WALKER. Mr. Speaker, I just said I am very grateful for the fact that the gentleman from Michigan [Mr. TRAXLER] and the gentleman from New York [Mr. GREEN] worked with the gentleman from New Jersey [Mr. ROE] and myself in order to arrive at an agreement, but we had to do that, I will tell the gentleman from South Carolina [Mr. DERRICK], despite the rule.

Mr. DERRICK. Mr. Speaker, we are just giving the gentleman from Pennsylvania [Mr. WALKER] an opportunity to hone his skills of negotiation.

Mr. WALKER. Mr. Speaker, I thank the gentleman from South Carolina [Mr. DERRICK], but that is not what

the rules process is all about. The rules process is to assure that the rules of the House are obeyed and where there is a need for the rules to be circumvented for whatever reason that every Member of this House is treated fairly within the process.

Mr. Speaker, what we have in this particular case is a direct attempt by the Committee on Rules to suggest that the authorizing committee ought not be a part of the process, but that someone else can come in and strip out priorities that has really no jurisdiction in the areas at all.

I do not mind the gentleman from New York [Mr. SCHUMER] getting his amendment, but, if Mr. SCHUMER is offered an en bloc amendment, then surely the authorizing committee should be offered an en bloc amendment. I do not mind that the authorizing committee is told that we cannot have our en bloc amendment, but then do not give it to another Member. Do not take care of internal politics within the Democratic Party at the expense of bipartisanship in this House because that is what was done here.

Mr. Speaker, this was internal politics within the Democratic Party that was accommodated. The bipartisan authorizing committee was not accommodated. I think that is wrong. I think that that blows ill wind for the future, and I would hope that we would never again see the Committee on Rules put the House in a posture where all of us had to negotiate because the rule was so bad.

□ 1110

Mr. DERRICK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, if I may make a meager answer to this very seething indictment of the Rules Committee just a few moments ago, and say that we are dealing with two different propositions here.

The Schumer amendment raised broad priorities and shifts funding. What the Roe-Walker amendment does is try to micromanage various projects, such as the jet propulsion lab project and the flight telerobotic servicer and the extended duration orbiter.

Another difference, and I think this is very important, is that the Schumer amendments could have been offered individually if the Rules Committee had not taken any action. The Roe-Walker amendment could not.

But having said that, I am delighted that the parties have been able to work out a situation that is satisfactory.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. DERRICK. I am delighted to yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, let me just say to the gentleman, it is the job of the authorizing committees to micromanage these accounts. That is exactly what authorization is supposed to be all about. We are supposed to set the policy. The appropriators are supposed to be those who within the general scheme of what we decide to do in a policy sense appropriate the money. That is our job.

What the gentleman is criticizing us for is coming to the gentleman's committee and asking for an amendment that allows us to do our job. I find that completely incongruous, particularly when you allow someone to make major policy shifts with the amendment that has no particular knowledge because he does not serve on the committees. That strikes me as being unfair.

Mr. DERRICK. Mr. Speaker, I say to the gentleman from Pennsylvania [Mr. WALKER], I am not criticizing anybody. I am just staggering that the gentleman has other opportunities to do this micromanagement, and this is not the place for it.

Mr. WALKER. Mr. Speaker, if the gentleman will yield further, the problem is that if the authorizers cannot get out of the gentleman's committee a chance to offer our own amendments en bloc, then it does lock out of the process. I just think that does not make much sense, when you are willing to give somebody the opportunity to come on to the floor and totally obliterate all the work of the Appropriations Committee and the authorizing committee.

Mr. DERRICK. Mr. Speaker, I thank the gentleman for his remarks.

Mr. Speaker, I reserve the balance of my time.

Mr. QUILLEN. Mr. Speaker, I have five requests for time, but before I yield, I want to say that since an agreement has been reached on the matter between the committees, I am now happy to support the rule. I will not ask for a recorded vote to vote down the previous question. I want everyone to know that I wholeheartedly support the rule at this time.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. QUILLEN. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman for yielding to me.

Let me just say I concur in the remarks of the senior ranking member of the Rules Committee, and really do thank these people for their understanding, the gentleman from Michigan [Mr. TRAXLER], and all concerned.

Mr. DERRICK. Mr. Speaker, will the gentleman yield?

Mr. QUILLEN. Certainly; I yield to the gentleman from South Carolina.

Mr. DERRICK. Mr. Speaker, I might suggest to those here in the

body, and I am sure there is this saying in Tennessee, it certainly is in South Carolina, that when you have reached an agreement and both parties say yes, it is time to quit talking.

Mr. QUILLEN. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. DYMALLY].

Mr. DYMALLY. Mr. Speaker, I agree with the gentleman from South Carolina that when you are ahead, you ought to quit, and I plan to quit right away. I simply want to support a statement the gentleman from New Jersey [Mr. ROE] made. In the gentleman's opening remarks, he mentioned the fact that this effort of his was to support the historically black colleges. This morning, I came into my office to find a statement from the president of the United Negro College Fund. He has asked me to bring this to the attention of the Members. It is brief. I shall not be long.

UNCF SUPPORTS ROE'S EFFORTS TO FUND NSF FACILITIES PROGRAM

The United Negro College Fund, which represents the 42 private historically black colleges and universities, strongly supports the effort of Representative Robert A. Roe, chairman of the House Science and Technology Committee to remove certain language in H.R. 2916, a bill making FY 1990 appropriations for the Veterans Administration, Housing and Urban Development [HUD] and independent agencies (including the National Science Foundation [NSF]).

Chairman Roe's efforts come as part of a two-stage process to delete language included in the bill which precludes funding for a new program the Congress authorized last year providing funding for facilities at small liberal arts, comprehensive and historically black colleges and universities which train students in mathematics, the natural sciences and engineering. First, the rule (H. Res. 205) must be defeated. Second, the House must adopt a Roe amendment deleting the objectionable language in H.R. 2916.

Congress' enactment of the Academic Research Facilities Modernization Act marked the first time that NSF funding has been specifically directed toward the improvement of science education facilities at what some would call "second and third tier" comprehensive and liberal arts institutions. Heretofore, NSF funding, by executive fiat, has been focused on the top 500 large research universities. This concentration of resources in a select few institutions has not resulted in much improvement in the number of American students either pursuing engineering degrees or masters and the Ph.D. degree in mathematics, or the physical or natural sciences. The production of minority undergraduates and graduate degree recipients in these types of institutions is abysmally low.

For example, in 1986 only six black Americans earned the Ph.D. in mathematics and one in computer science, and out of 26,000 Ph.D.s in mathematics only 24 are black females.

We urge your support for both Roe amendments as a means of providing additional funds for the Nation's historically black colleges and universities and many other smaller liberal arts and comprehensive institutions that produce the majority of undergraduate institutions that produce

the majority of undergraduate science and mathematics majors.

Mr. Chairman, this effort on the part of the Members, such as the gentleman from Michigan [Mr. TRAXLER] and the gentleman from New York [Mr. GREEN] must be commended.

I am very pleased that we have reached an agreement, because this is a very, very important issue for the historically black colleges and the small black liberal arts colleges across the country.

Mr. Speaker, I rise in support of the gentleman from New Jersey's objection to the rule governing consideration of H.R. 2916, making fiscal year 1990 appropriations for the VA, HUD, and independent agencies. Mr. Roe, my friend and colleague who chairs the Committee on Science and Technology, wants to remove certain language in H.R. 2916, but he is not permitted to do so under the rule. I support his efforts to overturn the rule because the Appropriations Committee has exceeded its authority in directing that no funding be provided for facilities.

Chairman ROE, who served as the principal author of last year's successful reauthorization of the National Science Foundation, has a simple two-part strategy—defeat the rule, House Resolution 208, and then delete the offensive language in H.R. 2916. The offensive language prohibits funding for the New Facilities Program authorized by the Academic Research Facilities Modernization Act. This program will provide funding for rehabilitation, construction, and renovation of facilities at small liberal arts, comprehensive, and historically black colleges and universities. Funding for this program is critical to expanding the Nation's capacity to increase its mathematics, physical science, and engineering graduates.

Congress' enactment of the Academic Research Facilities Modernization Act marked the first time that NSF funding has been specifically directed toward the improvement of science education facilities at what some would call "second and third tier" comprehensive and liberal arts institutions. Heretofore, NSF funding has, by executive fiat, been focused on the top of 500 large research universities. This concentration of resources in a select few institutions has not resulted in much improvement in the number of American students either pursuing engineering degrees or masters and the Ph.D. degree in mathematics, or the physical or natural sciences. The production of minority undergraduates and graduate degree recipients in these types of institutions is abysmally low.

For example, in 1986 only six black Americans earned the Ph.D. in mathematics and only one in computer sci-

ence. Additionally, out of 26,000 Ph.D.s in mathematics earned at American universities, only 24 are held by black females.

The important fact here is to keep the role played by the nonresearch universities in perspective. Black American students, for example, are concentrated in the Nation's 4-year public and private historically black colleges and universities and 4-year, urban public institutions; while Hispanics are found in large numbers at comprehensive and 4-year public institutions in a few States in the Southwest and West, plus Colorado, Illinois, and New York. Growing numbers of blacks and Hispanics are enrolled in community colleges, but never graduate or go on to complete the baccalaureate degree.

The National Science Foundation's own data outline the problem quite vividly—among white Americans—61 percent—who received a doctorate in science or engineering, there are 50 percent more likely to have received their first degree at a research university or other doctorate degree granting institution than black Americans—40 percent—or Hispanic Americans—41 percent.

Among blacks and Hispanics, their degrees were earned at comprehensive institutions, while Asian Americans received their degrees at a research institution not located in the United States or affiliated with a U.S. college or university—57 percent.

I urge my colleagues to join Chairman ROE in opposing this rule and deleting this language which threatens this Congress' commitment to increasing the number of mathematicians, scientists, and engineers, and expanding the number of minorities and women in these critical occupations.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. GREEN].

Mr. GREEN. Mr. Speaker, I thank the gentleman for yielding this time.

Mr. Speaker, just so everyone understands after this long colloquy what we have all agreed to; we have agreed that we would add \$20 million for NASP.

We have agreed that we would strike the language with respect to the JPL project, which the authorizing committee will review in due time, and we have agreed that we would strike the restriction on funding with respect to title II of the NSF authorization legislation.

We have entered into two further agreements which will not show up in the text of the bill as it is ultimately passed by this body: we agree on our part that we are going to fight as hard as we can in the conference to get the additional money for the NASP Program, and the gentleman from New Jersey agrees that he will not try to bring the legislation to the floor which

would put a floor under the bricks and mortar program, and thereby avoid the need to go to the Appropriations Committee with respect to that program.

I think it is a fair deal for those, like the gentleman from Michigan [Mr. HENRY] who are concerned at the condition of the science facilities in our colleges and universities, like the distinguished chairman of the authorizing committee and its distinguished ranking minority member. Let me assure them that we share that concern.

In fact, as I am sure they know, a significant portion of the money in the NSF research and related activities account has been programmed by the National Science Foundation for instrumentation and major equipment.

I would estimate that when we are done today, there will be something over \$260 million still in the bill that will provide for that funding, assuming that the National Science Foundation continues to program the funds as it has told us it intends to do.

So I want to assure my colleagues that although we have not been able to fund title II of the authorizing legislation, as I think, if we had enough money, we would dearly love to do, the funding under title I does to some degree, not enough we all acknowledge, address the instrumentation and equipment problem.

I thank all who have worked on resolving this issue. I am glad that we managed to do it and spared our colleagues a time-consuming fight. I therefore hope that all of us will now join in passing the rule.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. BARTLETT].

Mr. BARTLETT. Mr. Speaker, I thank the gentleman for yielding this time to me.

I want to bring to the attention of the House a relatively small, but I think very important issue, which will be discussed on the House floor today. In the context of that issue, this rule is an open rule and permit the amendment that I plan to offer to be offered. The amendment is made in order, although in some sense in somewhat of a circuitous fashion.

The amendment that I will be offering, and I will be joined by other members of the Housing Authorizing Committee, will be to reinstate the priorities that this Congress and the authorizing committee of the Housing Subcommittee has established over the last several years, and that is a priority for providing housing assistance in a tenant-based fashion, so that when we focus on housing assistance, we focus on providing funding directly to low-income residents and giving them the ability to make their own choices, to make their own decisions

on where to live and under what conditions to live.

What the Appropriations Committee has done is that it has increased project-based assistance for new construction of public housing by one-third, from \$5,000 that it had been for several years to \$7,500, at a cost of \$176 million.

I will be offering an amendment to transfer that \$176 million from new construction of public housing where it is not needed, where in fact it is a lower priority and where in fact it does not provide the kind of choices to low-income residents that the tenant-based assistance does, to transfer that to the tenant-based section 8 certificates, doubling the number of families that we can assist, increasing the number of families that we would be assisting from 2,500 to 5,500, and providing a replacement pool with those 5,500 tenant-based certificates to be used to replace those expiring 221-D-3's and 236's of current law.

□ 1120

The result of this amendment would be to reinstate the concept of the priority of tenant-based assistance to stop the appropriations bill from rewriting Federal housing priorities as this bill does and to reinstate the concept of tenant-based assistance, of tenant-based section 8 certificates, so the amendment does not cut money. It does not add to nor does it delete from the budget authority of this bill. It merely transfers the \$176 million increase from new construction into an equivalent dollar amount for section 8 certificates.

Mr. Speaker, I urge support of the amendment.

Mr. QUILLEN. Mr. Speaker, I remember when I stood here making a speech arguing that "a deal is a deal" on the Federal savings and loan bill, and I did not have much luck. I hope this deal is a deal and that it will work out. I am sure it will.

Mr. Speaker, I urge the adoption of the rule.

Mr. Speaker, I yield back the balance of my time.

Mr. DERRICK. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

Mr. BROWN of Colorado. Mr. Chairman, I was pleased to see that the Appropriations Committee included in its report on H.R. 2916, the Departments of Veterans Affairs and Housing and Urban Development, and independent agencies appropriations bill, a statement urging that the National Science Foundation [NSF] make available up to \$1,500,000 for computing capabilities not available at national supercomputer centers. The committee also acknowledged that since the national centers may not meet all research requirements, funding should be available for propos-

als to utilize supercomputer facilities which are not designated as national centers.

NSF advanced scientific computer and networking programs are of vital importance to the Nation. Congress should be commended for the strong support it has demonstrated in the past for supercomputer programs and scientific research. This support is increasingly critical to the economic competitiveness of the United States. Technologies such as supercomputers are already indispensable in some areas of research, and, with rapid technological advance, will offer even more powerful and far-reaching capabilities in the future. In turn, these technological advances can be applied to products and services in order to keep this country at the cutting edge of international economic leadership.

In May, yet another domestic maker of high performance supercomputers announced that it was discontinuing its manufacturing in this area. In order to maintain U.S. leadership in this important area, we must continue to support and encourage supercomputers and associated networks.

This year, as in recent years, I have urged Congress and the NSF to put as much emphasis on accessibility to this technology as it does to keeping newer centers modernized. I have urged the provision of adequate funding for the NSF phase I supercomputer centers. Colorado State University [CSU] in Fort Collins, CO, is widely acknowledged as the first university in the country to purchase and operate a supercomputer. Since 1981, CSU has operated a supercomputer research center for its own sophisticated research needs and for those of a wide array of remote users. And while it led the field in this area for many years, loss of critical NSF support has had a detrimental impact on the entire research community which depends upon access to its center.

In 1984, the NSF Advanced Scientific Computing Initiative selected three universities—Colorado State, the University of Minnesota, and Purdue University—to provide supercomputer resource access to the NSF and other academic researchers.

Funding for these phase I centers has decreased markedly in recent years as a result of NSF support for a phase II program and five new centers. This is unfortunate for several reasons. These phase I centers have succeeded in providing quality access for thousands of university researchers to supercomputing facilities and cycles across the country. Moreover, this access has provided significant and tangible research results as well as training for scientific research. The evidence in support of the benefits of supercomputers is impressive and growing, particularly in the areas of science and engineering research. Consequently, my hope is that we will continue to recognize the importance of maintaining our commitment to advanced high performance supercomputing and the vital communications networks on which these machines and our entire scientific research community depends.

Mr. WILLIAMS. Mr. Chairman, on June 19, 13 of our colleagues joined me in writing to Chairman TRAXLER regarding our concern with the shortage of safe, sanitary and decent housing in Indian and Alaskan native commu-

nities. We urge the funding of a minimum of 2,000 units in fiscal year 1990.

Nearly one-fourth of the American Indian population lives in substandard housing. It is well documented that decent housing is a critical important ingredient in improving and maintaining healthy families. In my home State of Montana, 1988 statistics just released state that 14 percent of the infant mortality rate applies to Indians although they make up only 5 percent of Montana's population.

Between 1987 and 1988 the Bureau of Indian Affairs reported a 6-percent increase in substandard housing; however since 1981, funding for Indian housing has been cutback by nearly 80 percent. The inclusion of 1,000 units in the budget before us today is less than the fiscal year 1989 level of 1,243 units. We are moving backwards.

We are well aware of the budget constraints facing the Nation. I'm sure my colleagues will agree however that unsafe and unsanitary housing simply adds more to what we spend for medical attention.

I urge my colleagues to remember the compelling need for Indian housing units. Should the Senate include additional funds I urge my colleagues to support a higher number of units in conference than the 1,000 units contained within H.R. 2916.

Mr. BLILEY. Mr. Chairman, not long ago the Chesapeake Bay was near death. This national treasure, whose waters provided food for our dinner table, recreation for our families, and a livelihood for so many of our communities was on its last leg from years of uncontrolled activities.

Recognizing this tragedy, the Federal Government joined with State and local governments in an unprecedented effort to cleanup the bay. Initial studies showed that pollution acted as a nutrient that enhanced rapid algae growth in the bay. As the algae grew, it consumed greater and greater quantities of oxygen from the water. Of course, marine life found it difficult to survive in an environment with a diminished oxygen supply.

Surprisingly we learned that one of the greatest sources for this pollution was in the form of runoff from agricultural pesticide use, animal waste from feed lots and poultry operations, and everyday use of chemicals and detergents in homes and businesses—located hundreds of miles away from the bay. The problem was much more complex than we had ever imagined.

This realization led to two important events. In December 1987 the Environmental Protection Agency, the States of Virginia, Maryland, and Pennsylvania as well as the District of Columbia signed an agreement to reduce and control point and non-point sources of pollution in order to improve the health of the bay. They agreed to develop, adopt, and begin implementation of a basinwide strategy to achieve at least a 40 percent reduction in these harmful pollutants entering the bay by the year 2000.

That same year Congress passed the water quality act that was to pave the way for the attainment of these goals. This plan requires each State to study the effects of non-point source pollution and develop a management plan to reduce this pollution. The last 2 years, though this program was authorized for funding, it did not receive a single penny. Last

year I was to offer an amendment with my colleague from Minnesota, Mr. OBERSTAR, that would have transferred \$25 million into this program. It was withdrawn for lack of support. As Congress frittered time away, the threat to the bay grew by the day.

Mr. Chairman, I am pleased with the progress we have made this year. We have shown that our efforts the last 2 years have not been in vain. This year's appropriations bill shows a greater wisdom by allocating \$80 million to this worthwhile program. Today marks a giant step toward not only the revitalization of the Chesapeake Bay but also a great advancement in our efforts to protect and enhance the entire Nation's water quality. I applaud the Appropriations Committee for their hard work in this area and urge my colleagues to support this provision of the bill. It is high time Congress lived up to its commitment to the Chesapeake Bay.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TRAXLER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2916, and that I be permitted to include tables, charts, and other extraneous material.

The SPEAKER pro tempore (Mr. McNULTY). Is there objection to the request of the gentleman from Michigan?

There was no objection.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1990

Mr. TRAXLER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 2916) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1990, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not to exceed 1 hour, the time to be equally divided and controlled by the gentleman from New York [Mr. GREEN] and myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. TRAXLER].

The motion was agreed to.

□ 1124

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2916, with Mr. BEILENSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Without objection the bill is considered as having been read the first time.

There was no objection.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from Michigan [Mr. TRAXLER] will be recognized for 30 minutes, and the gentleman from New York [Mr. GREEN] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Michigan [Mr. TRAXLER].

Mr. TRAXLER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, before I begin, I would like to express my deep personal gratification and thanks to the chairman of the full committee, the gentleman from Mississippi [Mr. WHITTEN], and to the ranking minority member of the full committee, the gentleman from Massachusetts [Mr. CONTE]. Their good counsel, advice, and support have enabled me to go through this difficult process the first time out of the chute managing, I think, a difficult bill under trying circumstances.

Regretfully, we do not have enough money to fund the full needs of the departments, agencies, and fine programs which are in this bill. I must tell you that the choices and tradeoffs were extremely difficult.

I would also extend my appreciation to the members of the subcommittee. And I want to especially thank the gentleman from New York [Mr. GREEN], the ranking minority member of the subcommittee, for his very generous support, for his gentlemanliness, for his knowledge of the subject matter. In whole, I consider him one of the most outstanding Members of this body.

The members of the subcommittee deserve their moment, and I want to tell the Members how appreciative I am to each and every one of them, Republican and Democrat alike.

I must also tell the Members that it is with deep regret that I advise them that the subcommittee clerk, Dick Malow, is not here with us on the floor today. I'm sorry to say his mother just passed away. I might add that this is the first time Dick has not been on the floor with this bill in some 17 years. He is an outstanding employee of this body. He is totally dedicated to public service and the public good, and I deeply regret the sorrow and the circumstances surrounding his absence.

I am very appreciative of the other subcommittee staff and the fine work that they have done. And I should add, that the full committee staff have done an exceptionally fine job in assisting us in learning the paths we must travel to complete the process of sending a bill to the President of the United States.

Mr. Chairman, we bring to the House today the 1990 VA, HUD, and independent agencies appropriations bill. The bill provides some \$65.1 billion in new budget authority for the fiscal year 1990. That amount is \$2,364,461,635 above the President's request and \$4,520,369,000 above the 1989 appropriations level.

As the bill currently stands, it is within the subcommittee's section 302(b) allocation for both budget authority and outlays. Indeed, we are nearly \$5 million in budget authority and nearly \$2 million in outlays below our section 302(b) allocation, and at the appropriate time I will offer amendments which utilize that remaining allocation.

Let me say in addressing the outlay allocation issue first, the section 302(b) allocation for the subcommittee was about \$1.5 billion short in outlays—that is if we were to fund the President's requested increase for NASA, a 24-percent increase, and the National Science Foundation increase of 14 percent above last year, and if we were to restore the VA medical care account to a current services level, and this body and its Members are dedicated to that. I believe that that is what the subcommittee and the full committee would have liked to do. However, in seeking to do that, again, we were \$1.5 billion short in outlays.

We have explored various savings measures, and with some success. We have been able to close that \$1.5 billion gap by about \$1 billion, and the largest single scorekeeping change was to move the pay date for VA, NASA, and EPA from the first part of October to September 29. This is the same technique being used by Secretary Cheney for DOD.

OMB wants to score it for DOD, and they are going to permit the Treasury to issue the checks early for DOD. But they refuse to do the same, I might add, for the domestic agencies, and I strongly protest that unfairness. We will hear more about this later at the appropriate time. I am sure the Members do not believe that that is a fair approach. I am also sure that Members believe that DOD will get their scorekeeping gimmick.

In any instance, my distinguished friend and colleague, the gentleman from California [Mr. PANETTA], the chairman of the Committee on the Budget, will move to strike the language changing the pay date on a point of order. We will discuss it either at that point or later as we approach

what will probably be an across-the-board cut.

But even with the \$359 million in outlay savings that we get from moving the pay date, this bill was still short by at least \$500 million, in necessary outlays. That means we had to cut more than \$1 billion, in budget authority from various programs, a very, very difficult task.

We cut NASA by \$1,011 million, and I take no pleasure in that. But we did preserve the space station. We cut the National Science Foundation's requested additions by more than \$150 million. But, the amount recommended for basic research and education is still \$133,500,000 above the 1989 levels. I wish we could have given them every penny requested.

We cut Superfund by more than \$300 million, but still provide a slight increase above the 1989 appropriation. And we have offset those cuts by one or two additions.

We provided, as the first priority, sufficient money in 1990 for VA medical care to assure that we do not have to come back next year for a supplemental if this bill passes in its current form. If we come out of conference with less money, if the Senate does not agree with this top priority of the House's and we are forced to make some reduction there, I can foresee a supplemental request in this area.

□ 1130

We are committed to fully providing for the medical needs of America's deserving veterans. I hope that the President in his budget message to us next January will recognize that priority and fully fund VA medical care needs. That would go a long way to alleviating the problems that this subcommittee has.

The funds recommends in this bill, \$820 million, above the budget request, will maintain current hospital staffing at a level of 194,720 FTEE's. And let me tell my colleagues that the staffing level is the key, because hospitals, as everyone knows, are personnel-intensive. We need to keep those people there to provide those services. Their numbers are not now sufficient in relationship to the ever-increasing demands because of our aging World War II veteran population.

We added over \$100 million, for EPA's operating programs which, by the way, is not anywhere near enough, given all of the programs that the authorizing committees have been pumping out in the last few years. Given the fact that this President tells us he is strongly interested in the environment, as is this committee and as is every Member of this Congress, we should be adding something like, and here is a target for Members, something like \$300 million to EPA in my judgment. But the allocation and the

desire to present a balanced bill do not permit us to do that at this time. I hope in another year we will be able to do that. I hope the funding will be made available.

We have added \$2,233,753,635 above the request for programs of the Department of Housing and Urban Development. Of that amount, \$1,092,112,375 is for renewing expiring housing contracts. I recognize this is a lot of money. It is necessary, in my judgment, to continue providing subsidies for families in assisted housing.

I also might mention that while the renewal number is large in 1990, it is going to be many times that next year. Next year, just to provide funds to renew expiring section 8 contracts will require somewhere between \$10 billion and \$24 billion—and that will not provide for one additional subsidized unit. It will only provide for the renewal of expiring contracts.

The other large increase in HUD is \$425,848,000 for housing for the elderly or the handicapped program. Those funds will provide for approximately 8,500 units. It is a decrease of about

1,000 units from the level provided in 1989, and I regret that.

We have added \$75,000,000 for public housing operating subsidies, a very necessary sum to preserve the physical inventory of public housing buildings. I am grateful to the distinguished gentleman from New York [Mr. GREEN] for being a strong supporter of that addition.

Mr. Chairman, in my judgment, this bill does not do everything for NASA that either I, the subcommittee, or the full committee would like—and certainly not what the authorizers would like. But, the increase provided equates to about a 15-percent increase over last year, and that is quite remarkable when one considers the overall increase in discretionary domestic programs across the board is about 4 percent, which just takes inflation into account for a current services level.

The fact is we made a valiant effort within the 302(b) allocation given to us to fund the space station. And we have been able to do that, not to everyone's satisfaction, not to the levels

that they would expect, or want or need, but we have been able to do it. It has been tough on some other NASA programs. It is tough on other programs within the subcommittee's jurisdiction. However, we hope there will be opportunities for improvements on this bill as we negotiate with the Senate.

I want to close by telling Members that this bill will inevitably undergo some substantial changes in conference, changes that probably some of us will not like, will not be pleased with, but it is inevitable.

I also would say that if an across-the-board cut succeeds today, we are driving down the outlays in an incredible fashion. I will ask Members when we get to that point not to do that. The reason is due to the pending determination of the outcome on the DOD issue. I promise I will have more to say about that at the appropriate time.

I will include a table comparing the amounts recommended with the 1989 appropriations and the revised 1990 budget requests at this point.

	FY 1989 Enacted	FY 1990 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
TITLE I					
DEPARTMENT OF VETERANS AFFAIRS					
Veterans Benefits Administration					
Compensation and pensions	15,460,581,000	15,367,506,000	15,367,506,000	-93,075,000	.....
Readjustment benefits	619,812,000	434,100,000	434,100,000	-185,712,000	.....
Veterans insurance and indemnities	9,220,000	13,940,000	13,940,000	+4,720,000	.....
Loan guaranty revolving fund	778,100,000	453,000,000	453,000,000	-325,100,000	.....
Direct loan revolving fund (limitation on direct loans)	(1,000,000)	(1,000,000)	(1,000,000)	.....	.....
Subtotal, Veterans Benefits Administration	16,867,713,000	16,268,546,000	16,268,546,000	-599,167,000	.....
Veterans Health Service and Research Administration					
Medical care	10,882,671,000	10,741,431,000	11,561,431,000	+678,760,000	+820,000,000
(By transfer)	(5,000,000)	.....	.....	(-5,000,000)	.....
Medical and prosthetic research	210,241,000	197,310,000	211,000,000	+759,000	+13,690,000
Medical administration and miscellaneous operating expenses	47,909,000	48,541,000	48,541,000	+632,000	.....
Grants to the Republic of the Philippines	500,000	500,000	500,000	.....	.....
Subtotal, Veterans Health Service and Research Administration	11,141,321,000	10,987,782,000	11,821,472,000	+680,151,000	+833,690,000
Departmental Administration					
General operating expenses	784,216,000	803,559,000	805,059,000	+20,843,000	+1,500,000
(By transfer)	(15,000,000)	.....	.....	(-15,000,000)	.....
Office of the Inspector General .....	.....	22,249,000	22,249,000	+22,249,000	.....
Construction, major projects	363,040,000	365,849,000	417,549,000	+54,509,000	+51,700,000
Construction, minor projects	111,596,000	114,699,000	113,699,000	+2,103,000	-1,000,000
(Limitation on administrative expenses)	(41,731,000)	(45,136,000)	(44,136,000)	(+2,405,000)	(-1,000,000)
Parking garage revolving fund	26,000,000	7,075,000	29,375,000	+3,375,000	+22,300,000
Grants for construction of State extended care facilities	42,000,000	42,000,000	42,000,000	.....	.....
Grants for construction to State veterans cemeteries	9,000,000	4,356,000	4,356,000	-4,644,000	.....
Subtotal, Departmental Administration	1,335,852,000	1,359,787,000	1,434,287,000	+98,435,000	+74,500,000
Total, title I, Department of Veterans Affairs	29,344,886,000	28,616,115,000	29,524,305,000	+179,419,000	+908,190,000
TITLE II					
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT					
HOUSING PROGRAMS					
Annual contributions for assisted housing	7,538,765,000	7,592,594,365	9,145,000,000	+1,606,235,000	+1,552,405,635
Rescission of assisted housing deobligations (budget authority, indefinite)	-313,500,000	-221,500,000	-221,500,000	+92,000,000	.....
Total, annual contributions for assisted housing (net)	7,225,265,000	7,371,094,365	8,923,500,000	+1,698,235,000	+1,552,405,635
Rental rehabilitation grants	150,000,000	130,000,000	130,000,000	-20,000,000	.....
Rental housing assistance:					
Rescission of budget authority, indefinite	-50,000,000	-48,000,000	-48,000,000	+2,000,000	.....
(Limitation on annual contract authority, indefinite)	(-2,000,000)	(-2,000,000)	(-2,000,000)	.....	.....
Housing for the elderly or handicapped fund:					
(Limitation on direct loans)	(480,106,000)	(32,000,000)	(480,106,000)	.....	(+448,106,000)
Authority to borrow, indefinite	428,998,000	.....	425,848,000	-3,150,000	+425,848,000
Congregate services	5,400,000	.....	6,000,000	+600,000	+6,000,000
Payments for operation of low-income housing projects	1,617,508,000	1,694,200,000	1,769,200,000	+151,692,000	+75,000,000
(By transfer)	(88,000,000)	.....	.....	(-88,000,000)	.....
Housing counseling assistance	3,500,000	.....	3,500,000	.....	+3,500,000
Flexible subsidy fund .....	.....	35,000,000	.....	.....	-35,000,000
Emergency shelter grants program	46,500,000	125,000,000	125,000,000	+78,500,000	.....
Transitional and supportive housing demonstration program	80,000,000	105,000,000	105,000,000	+25,000,000	.....
Supplemental assistance for facilities to assist the homeless .....	.....	11,000,000	11,000,000	+11,000,000	.....
Interagency Council on the Homeless	1,100,000	1,200,000	1,200,000	+100,000	.....
Federal Housing Administration Fund	237,720,000	350,093,000	350,093,000	+112,373,000	.....
(Limitation on guaranteed loans)	(96,000,000,000)	(67,000,000,000)	(67,000,000,000)	(-29,000,000,000)	.....
Temporary mortgage assistance payments (limitation on direct loans)	(103,350,000)	(88,600,000)	(88,600,000)	(-14,750,000)	.....
Total, Federal Housing Administration Fund	237,720,000	350,093,000	350,093,000	+112,373,000	.....
Nonprofit sponsor assistance (limitation on direct loans)	(960,000)	(910,000)	(1,100,000)	(+140,000)	(+190,000)
Government National Mortgage Association					
Guarantees of mortgage-backed securities (limitation on guaranteed loans)	(144,000,000,000)	(75,000,000,000)	(75,000,000,000)	(-69,000,000,000)	.....
Total, Housing Programs (net)	9,745,991,000	9,774,587,365	11,802,341,000	+2,056,350,000	+2,027,753,635

	FY 1989 Enacted	FY 1990 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
COMMUNITY PLANNING AND DEVELOPMENT					
Community development grants	2,650,000,000	2,744,000,000	2,950,000,000	+300,000,000	+206,000,000
(By transfer)	(350,000,000)	(136,000,000)	(50,000,000)	(-300,000,000)	(-86,000,000)
(Limitation on guaranteed loans)	(144,000,000)		(46,000,000)	(-98,000,000)	(+46,000,000)
Urban development action grants					
Urban homesteading	13,200,000	12,000,000	12,000,000	-1,200,000	
Total, Community Planning and Development	2,663,200,000	2,756,000,000	2,962,000,000	+298,800,000	+206,000,000
POLICY DEVELOPMENT AND RESEARCH					
Research and technology	17,200,000	21,400,000	21,400,000	+4,200,000	
FAIR HOUSING AND EQUAL OPPORTUNITY					
Fair housing activities	10,000,000	12,753,000	12,753,000	+2,753,000	
MANAGEMENT AND ADMINISTRATION					
Salaries and expenses	335,081,000	341,252,000	341,252,000	+6,171,000	
(By transfer)	(3,490,000)			(-3,490,000)	
(By transfer, limitation on FHA corporate funds)	381	528	0		355
Office of the Inspector General		22,681,000	22,681,000	+22,681,000	
(By transfer, limitation on FHA corporate funds)		6	431	0	
Total, title II, Department of Housing and Urban Development:					
New budget (obligational) authority (net)	12,771,472,000	12,928,673,365	15,162,427,000	+2,390,955,000	+2,233,753,635
Appropriations	(12,705,974,000)	(13,198,173,365)	(15,006,079,000)	(+2,300,105,000)	(+1,807,905,635)
Authority to borrow	(428,998,000)		(425,848,000)	(-3,150,000)	(+425,848,000)
Rescissions	(-363,500,000)	(-269,500,000)	(-269,500,000)	(+94,000,000)	
(Limitation on annual contract authority, indefinite)	(-2,000,000)	(-2,000,000)	(-2,000,000)		
(Limitation on direct loans)	(584,416,000)	(121,510,000)	(569,806,000)	(-14,610,000)	(+448,296,000)
(Limitation on guaranteed loans)	(240,144,000,000)	(142,000,000,000)	(142,046,000,000)	(-98,098,000,000)	(+46,000,000)
(Limitation on corporate funds to be expended)	(381,528,000)	(362,277,000)	(362,277,000)	(-19,251,000)	
TITLE III					
INDEPENDENT AGENCIES					
AMERICAN BATTLE MONUMENTS COMMISSION					
Salaries and expenses	15,085,000	14,507,000	15,000,000	-85,000	+493,000
CONSUMER PRODUCT SAFETY COMMISSION					
Salaries and expenses	34,500,000	33,479,000	35,500,000	+1,000,000	+2,021,000
COURT OF VETERANS APPEALS					
Salaries and expenses	3,100,000	1,462,000	3,000,000	-100,000	+1,538,000
DEPARTMENT OF DEFENSE - CIVIL					
Cemeterial Expenses, Army					
Salaries and expenses	13,195,000	12,569,000	12,569,000	-626,000	
ENVIRONMENTAL PROTECTION AGENCY					
Salaries and expenses	810,000,000	868,583,000	874,583,000	+64,583,000	+6,000,000
Office of the Inspector General		31,734,000	31,734,000	+31,734,000	
Research and development	202,500,000	235,000,000	241,500,000	+39,000,000	+6,500,000
Abatement, control, and compliance	724,625,000	700,000,000	785,000,000	+60,375,000	+85,000,000
Buildings and facilities	8,000,000	8,000,000	12,000,000	+4,000,000	+4,000,000
Subtotal, operating programs	1,745,125,000	1,843,317,000	1,944,817,000	+199,692,000	+101,500,000
Hazardous substance superfund	1,425,000,000	1,739,683,000	1,425,000,000		-314,683,000
Rescission	-15,000,000			+15,000,000	
(Limitation on administrative expenses)	(190,000,000)	(200,000,000)	(220,000,000)	(+30,000,000)	(+20,000,000)
Leaking underground storage tank trust fund	50,000,000	100,000,000	76,000,000	+26,000,000	-24,000,000
(Limitation on administrative expenses)	(5,000,000)	(6,000,000)	(6,000,000)	(+1,000,000)	
Construction grants	1,950,000,000	1,200,000,000	2,024,000,000	+74,000,000	+824,000,000
Rescission			-47,700,000	-47,700,000	-47,700,000
Total, Environmental Protection Agency	5,155,125,000	4,883,000,000	5,422,117,000	+266,992,000	+539,117,000
EXECUTIVE OFFICE OF THE PRESIDENT					
Council on Environmental Quality and Office of Environmental Quality	850,000	861,000	861,000	+11,000	
National Space Council		563,000	1,200,000	+1,200,000	+637,000
Office of Science and Technology Policy	1,587,000	2,027,000	2,027,000	+440,000	
Total, Executive Office of the President	2,437,000	3,451,000	4,088,000	+1,651,000	+637,000

	FY 1989 Enacted	FY 1990 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
FEDERAL EMERGENCY MANAGEMENT AGENCY					
Disaster relief.....	100,000,000	270,000,000	100,000,000		-170,000,000
Salaries and expenses.....	137,274,000	141,329,000	141,329,000	+4,055,000	
Emergency management planning and assistance.....	282,438,000	268,505,000	271,160,000	-11,278,000	+2,655,000
Office of the Inspector General.....		2,439,000	2,439,000	+2,439,000	
Emergency food and shelter program.....	114,000,000	134,000,000	134,000,000	+20,000,000	
(By transfer).....	(12,000,000)			(-12,000,000)	
Total, Federal Emergency Management Agency.....	633,712,000	816,273,000	648,928,000	+15,216,000	-167,345,000
GENERAL SERVICES ADMINISTRATION					
Consumer Information Center.....	1,354,000	1,360,000	1,360,000	+6,000	
(Limitation on administrative expenses).....	(1,736,000)	(2,092,000)	(2,092,000)	(+356,000)	
DEPARTMENT OF HEALTH AND HUMAN SERVICES					
Office of Consumer Affairs.....	1,708,000	1,988,000	1,888,000	+180,000	-100,000
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION					
Research and development.....	4,191,700,000	5,751,600,000	5,203,100,000	+1,011,400,000	-548,500,000
Rescission.....	-25,000,000			+25,000,000	
Space flight, control and data communications.....	4,364,200,000	5,139,600,000	4,709,600,000	+345,400,000	-430,000,000
Construction of facilities.....	290,100,000	341,800,000	384,300,000	+94,200,000	+42,500,000
Science, space and technology education trust fund (by transfer).....	(15,000,000)			(-15,000,000)	
Research and program management.....	1,855,000,000	2,032,200,000	1,957,200,000	+102,200,000	-75,000,000
(By transfer).....	(35,000,000)			(-35,000,000)	
Office of the Inspector General.....		8,795,000	8,795,000	+8,795,000	
Total, National Aeronautics and Space Administration (net).....	10,676,000,000	13,273,995,000	12,262,995,000	+1,586,995,000	-1,011,000,000
NATIONAL CREDIT UNION ADMINISTRATION					
Central liquidity facility: (Limitation on direct loans).....	(600,000,000)	(600,000,000)	(600,000,000)		
(Limitation on administrative expenses, corporate funds).....	(880,000)	(864,000)	(864,000)	(-16,000)	
NATIONAL INSTITUTE OF BUILDING SCIENCES					
National Institute of Building Sciences.....			500,000	+500,000	+500,000
NATIONAL SCIENCE FOUNDATION					
Research and related activities.....	1,620,500,000	1,803,022,000	1,715,000,000	+94,500,000	-88,022,000
Program development and management (limitation on administrative expenses).....	(89,800,000)	(104,000,000)	(97,000,000)	(+7,200,000)	(-7,000,000)
United States Antarctic Program activities.....	131,000,000	156,000,000	74,000,000	-57,000,000	-82,000,000
Science education activities.....	171,000,000	190,000,000	210,000,000	+39,000,000	+20,000,000
Total, National Science Foundation.....	1,922,500,000	2,149,022,000	1,999,000,000	+76,500,000	-150,022,000
NEIGHBORHOOD REINVESTMENT CORPORATION					
Payment to the Neighborhood Reinvestment Corporation.....	19,494,000	14,581,000	21,260,000	+1,766,000	+6,679,000
(By transfer).....		(6,679,000)			(-6,679,000)
SELECTIVE SERVICE SYSTEM					
Salaries and expenses.....	26,313,000	26,313,000	26,313,000		
TITLE IV					
CORPORATIONS					
Federal Home Loan Bank Board: (Limitation on administrative expenses, corporate funds).....	(31,942,000)	(33,464,000)		(-31,942,000)	(-33,464,000)
Federal Savings and Loan Insurance Corporation, (limitation on administrative expenses, corporate funds).....	(1,667,000)	(1,748,000)		(-1,667,000)	(-1,748,000)
Total, title IV, Corporations.....	(33,609,000)	(35,212,000)		(-33,609,000)	(-35,212,000)

	FY 1989 Enacted	FY 1990 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Grand total:					
New budget (obligational) authority (net).....	60,620,881,000	62,776,788,365	65,141,250,000	+4,520,369,000	+2,364,461,635
Appropriations.....	(60,595,383,000)	(63,046,288,365)	(65,032,602,000)	(+4,437,219,000)	(+1,986,313,635)
Authority to borrow.....	(428,998,000)		(425,848,000)	(-3,150,000)	(+425,848,000)
Rescissions.....	(-403,500,000)	(-269,500,000)	(-317,200,000)	(+86,300,000)	(-47,700,000)
(By transfer).....	(523,490,000)	(142,679,000)	(50,000,000)	(-473,490,000)	(-92,679,000)
(Limitation on administrative expenses).....	(328,267,000)	(357,228,000)	(369,228,000)	(+40,961,000)	(+12,000,000)
(Limitation on annual contract authority, indefinite).....	(-2,000,000)	(-2,000,000)	(-2,000,000)		
(Limitation on direct loans).....	(1,185,416,000)	(722,510,000)	(1,170,806,000)	(-14,610,000)	(+448,296,000)
(Limitation on guaranteed loans).....	(240,144,000,000)	(142,000,000,000)	(142,046,000,000)	(-98,098,000,000)	(+46,000,000)
(Limitation on corporate funds to be expended).....	(416,017,000)	(398,353,000)	(363,141,000)	(-52,876,000)	(-35,212,000)

Mr. Chairman, I reserve the balance of my time.

Mr. GREEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, at the outset, let me say that it was not an easy task to fill the shoes left by the distinguished former chairman of our subcommittee, our former colleague, Mr. Boland, but the gentleman from Michigan [Mr. TRAXLER] has done it. He has done it with grace, with good humor in the face of overwhelming problems, and with great skill. We can all be proud of the bill he is bringing to the floor today.

Having said that, we all acknowledge that the bill has problems. The distinguished chairman has already explained in considerable detail the ups and downs of the bill, and I should rather use my time to try to give Members and the House as a whole some feeling for the problems we faced as we put this bill together.

In the first place, we faced the fact that the total 302(b) allocation for our subcommittee, generous though it was, and we certainly have no complaints at the decision of the distinguished chairman of the full Appropriations Committee or of our colleagues in the full committee in terms of our allocation, but generous though it was under the circumstances, it left us a couple hundred million below what the administration has initially requested for the programs within our jurisdiction.

Compounding that was the fact that after the administration had sent in its budget request, we all learned, and the administration now acknowledges, that its request for VA medical facilities was short in outlays by some three-quarters of \$1 billion compared with what we need to keep that program going. I want to tell Members that it is a vital program. My friend, the gentleman from New York [Mr. SOLOMON] and I recall when our State health commissioner, Dr. Axelrod came down here, and pleaded with us to get the money for the VA medical system, because it was such an integral part of the overall delivery of care in New York State. We are facing a very serious crisis in health care delivery, and the fact that the VA hospitals are

there serving the veterans is a most critical thing in our State.

So we know we have to provide that extra money, and we have provided it. If we can hold that money in conference, we hope we will not have to be back here for a supplemental next year. But that already puts us \$1 billion short in outlays.

In addition to that, the administration came to us and said, "We undercounted the amount of money we need to replace expiring housing subsidy contracts." So we had to respond to that administration request, because we are not going to have people in subsidized housing or with rent certificates being thrown out on the street. So that drove us up still more.

If a point of order is not made against the pay shift provision, then we shall indeed have complied not only with our budget authority limitation, but also with our outlay limitation. However, we know that point of order will be offered, and we know that it will be sustained by the Chair. As a result, though we still are below the ceiling in our budget authority, we are above, to the tune of about \$359 million, the limit on our outlays. We understand that fully, and we fully intend to come back from conference to this House with a bill that meets all our obligations under the Budget Act and under Gramm-Rudman-Hollings.

We ask our colleagues' indulgence at this stage of the process in permitting the bill to pass without an across-the-board reduction. Across-the-board reductions are not the way to deal with the many varied, complicated programs we have in this bill.

I should point out that we may in the conference face a situation where in fact the pay shift is allowed. I understand the Democratic leadership in the House is, at this time at least, taking a position that, if it is ultimately allowed for the Defense Department, we shall be permitted the same treatment.

□ 1140

If that should happen, our problem is resolved.

Though it is not permissible under the rules to anticipate what will

happen in the other body, I think I can report that already the other body's 302(b) allocation has some things which make it different from ours and, in conference, we may be able to use that as a means of resolving a good part of the \$359 million problem we are facing today.

So I do ask the House to bear with us. We acknowledge our problems. We pledge to the House that if you will bear with us today we shall deal with them as we get to conference.

I should now like to address a point which I am sure we shall debate at a greater length as the day unfolds, but, since it was raised by the gentleman from Texas [Mr. BARTLETT] during the debate on the rule, I think the Members ought to have a response.

The gentleman from Texas represented to the House that our bill constituted a reversal of a policy that had been adopted by the Committee on Banking, Finance and Urban Affairs in its authorizing legislation for HUD programs. He described that reversal of policy as the fact that we were increasing the number of units assisted by project-based subsidies whereas in fact it had been the policy of the Committee on Banking to reduce them.

The gentleman is in error when he tells you that we have increased the number of project-based subsidies. That is just not true.

We have reduced the number of units in project-based subsidies in this bill by 1,442 units compared with the current fiscal year legislation that Congress has enacted.

So we are in no way trying to usurp the role of the Committee on Banking. We have been quite consistent with that in reducing the total number of project-based units by 1,442.

The dilemma we faced is that a portion of those project-based units in the current fiscal year bill, 2,942 to be precise, were in the section 8 moderate rehab program.

Now anyone who reads the front page of the papers knows that the section 8 moderate rehab program is one of those programs where there are terrible problems at HUD. We did not want to appropriate money for that

program until HUD fixes it. I do not think there is anyone here in this House who would disagree with that decision.

But that left us with the dilemma that, if we are going to continue to have some project-based units, reflecting the mix that the Banking Committee's authorizing legislation provides, we had to deal with the section 8 moderate rehab situation which frankly the Banking Committee had obviously not contemplated when it put together its legislation.

So we took a portion of those 2,942 units, to be exact 2,500 of them, and we put them instead in the public housing program because that is the only other family-oriented project-based program that the Committee on Banking has given us.

They abolished the section 8 new construction program, and they have abolished the section 8 substantial rehabilitation program.

Mr. BARTLETT. Mr. Chairman, will the gentleman yield?

Mr. GREEN. I yield to the gentleman from Texas.

Mr. BARTLETT. I thank the gentleman for yielding for a clarification.

I know we will have the debate. I respect the gentleman's point.

Mr. Chairman, for clarification, the gentleman does concur that in essence that the public housing new construction in prior years had been at the 5,000 new unit level and the committee increased that to 7,500 units and that amount of money could have funded about 5,500 section 8 certificates.

Mr. GREEN. There is no doubt that you can fund more section 8 certificates than you can fund moderate rehabs, substantial rehabs, new construction, I would never quarrel with that fact.

The fact of the matter is we have funded fewer project-based units this year in this bill than the current bill under which we are operating, the fiscal year 1989 bill, provides.

I think everyone in this House should understand that. We have not reversed the policy of the Committee on Banking. We are in fact lower in project-based units this year than we were for the fiscal year 1989.

Mr. BARTLETT. If the gentleman would yield just briefly.

Mr. GREEN. Just briefly because there are others who would like to speak.

Mr. BARTLETT. I thank the gentleman. But the committee did increase the new construction of public housing by one-third, from 5,000—

Mr. GREEN. In fact by one-half, from 5,000 to 7,500. We did that simply to replace the moderate rehab units. We did not want to fund a program having so much difficulty. We did want to keep some project-based programs as indeed the Committee on Banking contemplates we should. So

given the crisis in the section 8 moderate rehab program, we took the only other family-based project program that the Committee on Banking gives us and we utilized that while at the same time continuing to use the project-based units overall.

Mr. BARTLETT. I thank the gentleman.

Mr. GREEN. Mr. Chairman, I yield such time as he may consume to the distinguished ranking minority member of the full committee, the gentleman from Massachusetts [Mr. CONTE].

Mr. CONTE. Mr. Chairman, I rise in support of H.R. 2916, the fiscal year 1990 appropriations bill for VA, HUD, and independent agencies. Mr. Chairman, this is the fourth car of the appropriations express, and I am proud to be on board. I want to congratulate my dear and beloved friend, the gentleman from Michigan, the Honorable BOB TRAXLER, for the outstanding job he has done during his maiden voyage as chairman of the VA-HUD subcommittee. Throughout this process, the gentleman has been fair but firm.

And he has somehow managed to load twenty pounds of programs, into a ten-pound sack.

I would also like to recognize my distinguished colleague from New York, the ranking member of the subcommittee, the Honorable BILL GREEN. Working with the chairman and the other members of the subcommittee, the gentleman has never shied away from the difficult choices. He has always exercised his very best judgment in balancing the diverse national priorities reflected in the VA-HUD bill.

Although H.R. 2916 is, on balance, a good bill, I do have some serious concerns about the legislation. The billions of dollars in this bill appropriated to NASA research and development generally, and to the space station specifically, commits us to a future course of multi-multibillion-dollar spending for programs included in this year's bill. As we have yet to articulate a clear space policy, this commitment seems premature. Of more serious concern, we have no idea where the money to finance these grandiose programs is going to come from.

If you think money is tight this year, just wait until next year. And if we keep pumping billions upon billions of dollars into space programs without a clear sense of purpose, we will further restrict our ability to home the homeless, feed the hungry and educate our young.

Also, if certain provisions of this bill are struck on points of order, the bill will substantially exceed the subcommittee's 302(b) allocation for outlays. According to the administration's mid-session budget review, it is imperative to stay within the outlay allocations to avoid sequestration. It is our duty to

make the hard choices necessary to avoid such an action, and I submit that we should take a hard look at programs, such as the space station, that promise to consume billions of dollars of unidentifiable origin.

H.R. 2916 is the product of countless hours of hard work, and the entire subcommittee on VA-HUD-independent agencies is to be congratulated on its dedication.

Although the bill may not satisfy any of us in all of its particulars, the collective judgment of the Appropriations Committee has produced a bill that is balanced, fair and attentive to our most critical national needs. I am particularly pleased that the bill contains \$11.56 billion for VA medical care. During consideration of the recently enacted supplemental, we sent a clear signal that we were determined to reverse the decline of the VA medical care system; this bill provides the Department of Veterans Affairs with the tools it needs to begin that important job. I commend the members of the committee for honoring our sacred trust with this Nation's veterans.

I am also pleased that this bill designates the Office of Science and Technology Policy as the lead agency to coordinate governmentwide activities associated with Decade of the Brain. When Congress enacted legislation this session to proclaim the 1990s as the Decade of the Brain, it promoted awareness of one of the most complex, mysterious and vital human resources: the human brain. Under OSTP's leadership, we will enter the next decade committed to unlocking the brain's secrets and discovering remedies to its disorders and diseases. The President recently submitted a budget amendment to increase the fiscal year 1990 request for OSTP. Additional funds would permit the President to aggressively pursue development and implementation of national science policy, including promotion of the life sciences. Unfortunately, that amendment was submitted too late for the Appropriations Committee to give it due consideration. I would, however, hope that as this bill moves along, we will ultimately be able to accommodate the administration's request.

H.R. 2916 provides needed resources for the protection of our environment and the provision of emergency assistance. It also provides for full funding of the Stewart B. McKinney Homeless Assistance Act, an accomplishment we can all be proud of.

Further, it provides funds to protect consumers, advance the sciences, promote community development, and preserve our national heritage.

This bill also continues to honor the Federal Government's commitment to help clean up Boston Harbor. The bill provides \$20 million for this effort in fiscal year 1990 and keeps Congress on

track to fully fund the Federal Government's \$100 million contribution to this project by 1992.

The bill as a whole is carefully balanced to promote the general welfare and maximize the value of our limited financial resources. Accordingly, I strongly support H.R. 2916 and urge my colleagues to do the same.

□ 1150

Mr. TRAXLER. Mr. Chairman, let me extend my appreciation to the distinguished gentleman from Massachusetts [Mr. CONTE] for his kind words. Mr. Chairman, I yield such time as he may consume to the chairman of the full committee, the gentleman from Mississippi [Mr. WHITTEN].

Mr. WHITTEN. Mr. Chairman, I am proud of this day, and of our friend, the gentleman from Michigan [Mr. TRAXLER]. Not only is he going to be, but he is now one of our outstanding subcommittee chairmen. I take this time not only to congratulate him and various members of the subcommittee, but all those who have attempted to work out this situation here.

May I say the Committee on Appropriations has a wonderful record of holding down expenditures. Since 1945 we have been \$187 billion below the total recommended by Presidents. Under President Reagan we were \$16 billion below the amounts that he recommended.

May I say further that I was one of those that recommended the Committee on the Budget, for the purpose of helping the Committee on Appropriations to hold down expenditures, and to help Members to hold down entitlement bills as well as binding contracts which have caused our real trouble.

There are two or three things which are bound to be recognized here. One of them is that the technology and inventions that grow out of our science programs are not developed in the United States frequently, because of the Gramm-Rudman bill, and we are not able to cash in on them. However, we do end up buying from other countries who are taking and putting in production things we have discovered over here. Another result of the Gramm-Rudman-Hollings Act, CBO comes in with estimates about what will happen and then anytime during the year or at the end of the year, comes up with another last-minute estimate about outlays, which means we are on a teeter pole all year.

I shall not, at this time, go into the various things in this bill which our chairman [Mr. TRAXLER] has done, and which the ranking member from New York [Mr. GREEN] has done, and others on the floor, but I will extend my remarks and point out some of the great things we have done here. Again, my I say this is a changing world, and much of the money in this bill is for the purpose of keeping up with scien-

tific developments. They all cost money, and sooner or later we will have to recognize that our President, who is a fine person, recommends many things, but he does not recommends funds with which to pay for them.

I think the subcommittee and all the members—and I am a member of the subcommittee, and proud of it—have done a good job in trying to balance these things. Along the line we will have to have freedom in the committee on Appropriations to look at this as they have done for years, and may I say until this time, the budget Committee process has not saved any money, it has not operated as well, and Congress at the present time is tied down by restrictions that are unnecessary and unworkable, because they have failed to carry out the intent of the Congress in providing the Budget Act.

Mr. Chairman, this bill provides for the various veterans programs, which we have always supported, including the recent supplemental appropriations bill, H.R. 2402.

Truly this bill is of national interest, for it covers activities in every district of the Nation.

Included are funds for housing for the elderly and handicapped and other housing programs, community development grants, emergency shelter grants, supplemental assistance for the homeless, hazardous substance superfund, wastewater construction grants, disaster relief, emergency food and shelter program, the National Aeronautics and Space Administration, and the National Science Foundation.

I am glad to say that the bill contains \$121 million for the Advanced Solid Rocket Motor Program which is at Yellow Creek in my district, a facility which will contribute greatly to the scientific period in which we live. I point out too, that we have an agreement to authorize the contingent liability provision for the contractors, which will speed up this project.

Again, it has been a pleasure as a member of this subcommittee to have first hand knowledge of the great job BOB TRAXLER has done with the support of BILL GREEN and the other members of the subcommittee.

Mr. TRAXLER. Mr. Chairman, I am pleased to yield such time as he may consume to the chairman of the Committee on Energy and Commerce, the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Chairman, I rise today to commend and congratulate my dear friend from Michigan [Mr. TRAXLER], the chairman of the subcommittee, for the outstanding job which he has done in preparing this legislation for the floor. I rise today in support of H.R. 2916 and for the purposes of entering into a colloquy with

my good friend and Michigan colleague, BOB TRAXLER, chairman of the Subcommittee on VA, HUD, and independent agencies. My Michigan colleague, BILL FORD, and I thank subcommittee Chairman TRAXLER for including in the bill \$500,000 for a nonpoint source control demonstration for the Rouge River in southeast Michigan as part of a more comprehensive cleanup project.

Mr. TRAXLER, I would like to confirm that it is the intent of the committee that these moneys are provided for the element one portion of a four-part project targeting basins identified within the Rouge River remedial action plan. Element one works toward cleaning basins with separate sanitary and storm sewer facilities that have been identified as areas of contamination. Element one of the demonstration project identifies those pipes that contribute substantial pollutant loading into the stormwater collection system.

I yield to the gentleman from Michigan.

Mr. TRAXLER. My good friend and colleague is correct in stating that the funds are provided for a nonpoint portion of a project developed by the Wayne County Department of Public Services, Division of Public Works. The project has the support of the Michigan Department of Natural Resources and the U.S. Environmental Protection Agency. The overall project proposes a three-prong approach on solving the pollution problems associated with combined sewer overflows and nonpoint source discharges. These moneys are intended to assist with implementation of the nonpoint pollution demonstration control portion of the project.

Mr. DINGELL. Mr. Chairman, the remainder of the proposed project not yet funded by this bill includes elements two through four addressing problems with combined sewer overflows, development of a primary treatment facility, and engineering and computer integration of the entire system.

In addition, I commend my good friend for the inclusion of \$51.8 million for the Nationwide Program for Nonpoint Source Planning and Implementation Programs. I believe this Nationwide Program will be instrumental in assisting communities to address serious environmental problems with nonpoint sources of pollution.

Mr. Chairman, I commend my friend for his outstanding work.

Mr. GREEN. Mr. Chairman, I yield 3 minutes to the distinguished former ranking minority member of the subcommittee, the gentleman from Pennsylvania [Mr. COUGHLIN].

Mr. COUGHLIN. Mr. Chairman, I want to join in commending the distinguished gentleman from Michigan, my friend, the new chairman of the subcommittee on his maiden voyage for a job well done. The gentleman, [Mr. TRAXLER], is a fine chairman, a knowledgeable chairman, and a fair chairman. I want to commend the distinguished gentleman from New York [Mr. GREEN], whose knowledge of our housing programs is surpassed by no one in this Congress, and indeed, by no one in this country. Let me also commend the staff, the Committee on Appropriations has one of the finest staffs, imaginable, and this subcommittee has a staff with no peer.

Mr. Chairman, this subcommittee has the unbelievable task of balancing many competing interests from housing to the environment, veterans' health care, to space science, and selective service. Striking a balance within the existing budgetary limitations is certainly a herculean task. We have in this bill provided for America's poorest tenants, and have forced reexamination of those HUD programs that have been tainted by scandal.

□ 1200

We have maintained our commitment to the space station and have provided the funding to maintain our lead in science. We have provided for America's veterans, and I might say that we have been assured in the subcommittee that the funding provided in this bill will be adequate to provide for the veterans without the situation we faced last year when we had to pass a supplemental appropriation.

We have continued our quest for a cleaner atmosphere and a better environment for our citizens and for the minimization of waste. In my own backyard, we have continued support of the people of Philadelphia who are facing the loss of their homes due to a serious ground subsidence problem.

This is a good bill, Mr. Chairman, and I hope that all of our Members will support it. I may have an amendment during the course of the consideration of the bill to delay the construction of the National Science Foundation's research vessel so that a potential duplication with the Coast Guard can be worked out. This delay has also been proposed in the budget of the Coast Guard.

Needless to say, the funding levels in this bill will not satisfy everyone. We all have our own interests and our own desires, but I think that this bill meets all of our commitments in an equitable manner. It clearly deserves the support of the Members of the House, and I urge its support.

Mr. TRAXLER. Mr. Chairman, I am pleased to yield such time as he may consume to my dear friend, a highly respected Member of this body and chairman of the authorizing commit-

tee, the Committee on Veterans' Affairs, the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Chairman, I rise in support of this appropriations measure.

As it relates to veterans programs, the Committee on Veterans' Affairs appreciates the leadership of the distinguished chairman of the subcommittee, the gentleman from Michigan [Mr. TRAXLER], and the very able ranking minority member of the subcommittee, the gentleman from New York [Mr. GREEN], the ranking minority member of the full committee, the gentleman from Massachusetts [Mr. CONTE], and the chairman of the full committee, the gentleman from Mississippi [Mr. WHITTEN].

I thank all of them for helping move forward what I think is a fair veterans appropriation bill.

I especially want to thank the gentleman from Michigan [Mr. TRAXLER] for keeping me totally informed through many phone calls of what was taking place as far as veterans' programs were concerned. This is really the first time this has happened to me in dealing with appropriation matters, and I want to make a public record of my thanks to him for his total willingness to work with our committee.

Mr. TRAXLER. Mr. Chairman, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from Michigan.

Mr. TRAXLER. Mr. Chairman, I want to express my deep appreciation to the chairman of the authorizing committee, the Committee on Veterans' Affairs. His good assistance and guidance has made possible what we have been able to do in the area of veterans. For that, the veterans of America are grateful, and so am I. I thank the gentleman for his help.

Mr. MONTGOMERY. Mr. Chairman, I thank the gentleman for those kind words.

Mr. Chairman, I want to point out that the allocation to the Subcommittee on VA, HUD, and Independent Agencies was about \$700 million below the President's budget. When the subcommittee has to start out \$700 million in the hole, and recognizing that approximately \$725 million in outlays must be added to maintain a proper level of funding for veterans' health care, it is really starting out about \$1.4 billion short, assuming the full funding for the President's request. This did create a major problem for the subcommittee.

The bill treats veterans very fairly, given the budget situation we face today. I am generally pleased with the overall numbers in this bill. The veterans' health care system may be able to operate, Mr. Chairman, without further reductions in services during the next fiscal year should we adopt this bill. It contains \$820 million more

than the President's request for medical care.

Based on our committee's investigations, we believe the amount should be a little more than \$1 billion, but it is not possible to appropriate the full amount this year, and we realize that. If we adopt this bill, it may be possible to survive another year without a supplemental. It all depends on what happens in the other body, and this is certainly important. It is important that the Senate meet the amount contained in this bill for medical care, and I really call on the veterans' service organizations to do the work that needs to be done on the Senate side. What I am saying is that if the Senate comes in and reduces medical care for veterans and gives it to other departments and agencies, the Department of Veterans Affairs will be unable to take care of the health care needs of veterans.

Mr. Chairman, the bill contains \$30 million for homeless veterans. The bill would restore 8,526 personnel in the VA hospital system that would have been reduced by the administration's proposed budget. We have a critical shortage of nurses, and the bill would provide \$8.7 million for the Nurse Scholarship Program.

The bill contains \$13.6 million more than the President requested for medical and prosthetic research and \$1.5 million more for general operating expenses.

The bill contains \$418 million for major construction. Some of this would be for new outpatient clinics and other needed facilities. This is about \$52 million more than requested by the administration.

Mr. Chairman, the committee has done its work for veterans. I again want to thank the gentleman from Michigan [Mr. TRAXLER], the gentleman from New York [Mr. GREEN], and other members of the subcommittee and the full committee for the high priority they have given to veterans. I would certainly hope that we can get a fair shake over in the other body, and if we do that, I believe the medical care for veterans will be completely covered by this legislation.

Mr. Chairman, I urge my colleagues to support the bill.

Mr. GREEN. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona [Mr. STUMP].

Mr. STUMP. Mr. Chairman, the Appropriations Committee has done a very good job under difficult circumstances, and for that I think we are to be grateful to the leadership, the chairman of the Committee on Appropriations, as well as the chairman of the subcommittee, the gentleman from Michigan [Mr. TRAXLER]. I would also like to commend the gentleman from Massachusetts [Mr. CONTE], the ranking member of the Committee on

Appropriations, as well as the gentleman from New York [Mr. GREEN], the ranking member of the subcommittee, for all of their hard work.

Mr. Chairman, I support the funding level for the Department of Veterans Affairs because it is a significant step toward addressing shortfalls being experienced by the VA health care system. However, I do not believe it is enough to maintain the current decreased level of services much less return to the service levels provided veterans prior to our supplemental funding battle of this year.

Mr. Chairman, the VA health care system may well be worse off next year than it is next year. I hope not, but we had better be prepared for another bout over emergency supplemental appropriations next year.

Mr. Chairman, let us clearly understand what \$11.56 billion will and will not do for veterans' health care.

In my opinion, it will not support a VA health-care staffing level of 194,720, as the committee report states. It will not even support the current inadequate staffing level of about 190,000.

Discretionary health care for categories B and C veterans may be permanently eliminated.

New equipment purchase accounts, and repair and maintenance accounts will probably be stripped to fund day-to-day operations.

VA facilities may be forced to curtail the types of health-care services available for veterans who are entitled to care.

Activations of newly constructed facilities may be delayed further.

The VA will increasingly become viewed as an unattractive and noncompetitive employer because of funding inadequacies and uncertainties.

It will be increasingly difficult for the Department to recruit and retain the health care professionals necessary to provide quality health care for veterans.

Mr. TRAXLER. Mr. Chairman, I am pleased to yield such time as he may consume to a good friend and a very valuable member of the full committee, the distinguished gentleman from Oregon [Mr. AuCOIN].

Mr. AuCOIN. Mr. Chairman, I appreciate the gentleman's yielding time to me, and I take this time to engage my good friend, the chairman of the subcommittee and the manager of this bill, in a brief colloquy. I would like to ask the gentleman from Michigan this question:

Mr. Chairman, I know the gentleman is aware of a recent final decision by the ninth circuit court of appeals which rejected the Department of Housing and Urban Development's policy of employing a separate comparability analysis to limit annual rent adjustments as part of the Section 8 Rental Assistance Payments Program.

What is the gentleman's understanding of any steps HUD is taking to comply with this decision?

Mr. TRAXLER. Mr. Chairman, if the gentleman will yield, it is the committee's understanding that HUD is currently in the process of calculating precise retroactive payments owed to participants in this program in the 10 States affected by the ninth circuit's decision. HUD expects final determinations of need to be made by its field offices by August 1, 1989.

Mr. AuCOIN. Is it the committee's intent that HUD should make such retroactive payments on an expedited basis?

Mr. TRAXLER. Indeed it is. We are in complete agreement that HUD should promptly comply with the law in this regard, and we believe sufficient funds have been appropriated for HUD to make required payments.

Mr. AuCOIN. Mr. Chairman, I thank the gentleman for his responses.

Mr. GREEN. Mr. Chairman, I yield 3 minutes to the distinguished ranking minority member of the Subcommittee on Housing and Community Development of the Committee on Banking, Finance and Urban Affairs, the gentleman from New Jersey [Mrs. ROUKE-MAL].

Mr. Chairman, I thank the gentleman from New York [Mr. GREEN] for yielding me this time. As the ranking minority member of the Subcommittee on Housing and Community Development, I take a particular interest in this appropriations bill.

At the outset, I would like to compliment the gentleman from Michigan [Mr. TRAXLER] for this bill, which is his first as chairman of the subcommittee. He and the gentleman from New York [Mr. GREEN] have done an admirable job under what are always difficult circumstances. There is never as much money as we would like, and the committee always has a demanding task in its distribution.

I would like to highlight a couple of the committee's actions in particular.

First, the bill provides for a mix of vouchers and 5-year section 8 certificates. This is a prudent approach and one which many of us have advocated over the years. Vouchers work well in certain areas and not as well in others, so a reasonable mix makes good sense.

Second, the committee recognized the problem we face with expiring section 8 contracts and has recommended \$1.092 billion for contract renewals. As I have said on this floor before, the expiration of such contracts is only one of several growing and expensive housing problems we face in the years immediately ahead of us. Other problems, like prepayment and cleaning up lead paint, will also demand more and more resources.

I am disturbed that the committee has chosen to increase the number of units of public housing new construc-

tion. At over \$70,000 per unit, such public housing is very expensive. We could provide more housing for more low-income people if we would use that new construction money for other types of housing assistance. For example, my preference would have been to direct more resources to modernization which is more cost-effective than new construction. As the committee report indicates, PHA's could easily use \$1 billion more for modernization beyond that which is already provided in the bill. It simply makes no sense to build additional units when we cannot even afford to properly maintain the units we already have.

Later today, the gentleman from Texas [Mr. BARTLETT] will offer an amendment which I will support which would take only the increase—\$176 million—for new construction and provide it to section 8 certificates, resident management technical assistance, and a public housing drug initiative. I will have more to say on this subject when the gentleman offers his amendment.

The Appropriations Committee shares the same concerns my own Housing Subcommittee has over the scandals which have plagued the Department of Housing and Urban Development. In response, the committee has provided no funds in its bill for the section 8 Modernization Rehabilitation Program. This leaves the option for future funding after evaluation of the systemic problems in the program. This action by itself does not greatly trouble me for the following reason. The gentleman from New York [Mr. RANGEL] and I have introduced H.R. 1637, the Affordable Housing Act. One of its provisions would create a new Housing Opportunities Partnership Program, known as the HOP Program. This would be a block grant style of housing assistance which would allow rental assistance, rehabilitation or construction. It would maximize local control over such decisions, which I think is good because what is needed in one area of the country is not necessarily what is needed in another. Senators CRANSTON and D'AMATO are pushing this proposal in the Senate, and I hope the Housing Subcommittee of the House will consider new housing legislation in the near future. So, while I think the Modernization Rehabilitation Program has produced much good housing, despite the abuses in the program, its benefits should be evaluated relative to other innovative targeted programs.

The bill also prohibits the use of consultants for any projects which may receive units from remaining 1988 or 1989 funds. I have two concerns with this action.

First, this is clearly a matter within the jurisdiction of the Subcommittee on Housing and Community Develop-

ment. Our subcommittee is looking at several different legislative proposals in reaction to the scandal. It is not helpful to include this kind of legislation in an appropriations bill.

Second, outright prohibition of consultants, whether in an authorization bill or an appropriation bill, may be a degree of overkill. Housing consultants, per se, are not necessarily bad. Many PHA's which need technical assistance will be at a serious disadvantage with this prohibition. The problem is influence peddling by unqualified politically connected consultants. In contrast, qualified, knowledgeable consultants can provide an important and necessary service. I am afraid the committee took the sledge-hammer approach on this one.

Finally, the bill again engages in legislation by requiring that all Deputy Assistant Secretaries at HUD be reclassified as career positions instead of political appointments. In conversations I have had with members of the Appropriations Committee, I objected to the usurpation of the jurisdiction of the Banking Committee.

I am grateful that our discussions have been serious and productive. I understand that a member of the committee will offer a technical amendment which will satisfy my jurisdictional and substantive concerns.

My last comment is that I am pleased that the committee has recommended full funding of the McKinney homeless programs, which President Bush called for last fall. I have been a strong supporter of these programs and was a cosponsor of the original McKinney legislation and its reauthorization last year.

As Members also know, I have called for certain reforms, specifically in addressing the needs of the mentally ill homeless. I think that combining the various McKinney programs into one homeless block grant would be much more effective. Such a proposal offered last year by the gentleman from Pennsylvania [Mr. RIDGE] and myself failed by only a handful of votes on the floor. I hope this is a matter which we can revisit when the Housing Subcommittee next considers the McKinney Act. In short, while I support full funding, I also hope we may achieve some program reforms in the near future.

□ 1210

Mr. TRAXLER. Mr. Chairman, I yield such time as she may consume to the distinguished gentlewoman from Ohio [Ms. KAPTUR] in order to join her in a colloquy.

Ms. KAPTUR. Mr. Chairman, I thank the gentleman from Michigan [Mr. TRAXLER], the chairman of the committee, for his fantastic leadership on this measure, and the ranking member as well, and Mr. Chairman, the report accompanying H.R. 2916 di-

rects EPA to study eutrophication control programs in the Maumee River and Bay and survey existing research on the western basin of Lake Erie. Is the chairman aware of the University of Toledo's experience in conducting such water quality studies?

Mr. TRAXLER. Let me assure the gentlewoman from Ohio, that in including this directive to EPA. The committee was fully aware of the special qualifications of the University of Toledo and its staff. They have done extensive work in developing baseline data in these waterways and offer a very cost-effective resource to EPA. And I would urge the Environmental Protection Agency to take advantage of their experience.

Ms. KAPTUR. Mr. Chairman, I thank the gentleman from Michigan [Mr. TRAXLER], and I do want to say that we are so pleased that the western basin of Lake Erie will no longer be neglected, being the shallowest area on the Great Lakes and subject to so many environmental hazards and concerns, and I also want to commend the gentleman for the leadership in the area of veterans and bringing to this House a bill which at least attempts to meet some of the needs of our veterans especially in health care and in housing which has been a long and difficult struggle with this administration and the previous one. So, I want to commend him for his efforts on the entire bill.

Mr. GREEN. Mr. Chairman, I yield 1 minute to the gentlewoman from Illinois [Mrs. MARTIN].

Mrs. MARTIN of Illinois. Mr. Chairman, no doubt the Members of the House are by now aware of the controversy which arose last week over the belated discovery of a provision in the recent supplemental appropriations bill which threatened a terrible disservice to the hundreds of thousands of Americans living in federally subsidized public housing. I want to commend my colleagues on the Appropriations Subcommittee for the foresight they exercised by including countervailing provisions in the legislation before the House today.

In an effort to rid the public housing system of drug dealers and drug abusers, and make it safer for the people living there, HUD began streamlining its eviction procedures earlier this year. Secretary Kemp directed that in cases where State laws were in place to protect the due-process rights of tenants against whom eviction proceedings had been initiated, HUD would exercise its authority to waive a pretrial administrative hearing and proceed directly into court. Secretary Kemp has estimated that the waiver of this duplicative phase of the eviction process would save as much as a year's delay in getting drug dealers out of public housing. A lot of young lives can be lost to drugs in a year.

The provision in the supplemental—well intentioned though it may have been—would have substantially undermined the Secretary's "waiver policy." The protections the provision seeks to provide to innocent members of a household threatened with eviction as a result of the drug-related activities of other household members are already in place. I am confident that if this was not so the public housing administrators in my State would not support the actions which my colleagues have taken in this bill. To the contrary, all of those I have heard from indicated support for these efforts.

The energy and enthusiasm which Secretary Kemp has brought to his new job speaks clearly of his commitment to improving the lives of the men and women and children who call public housing home. The Secretary, no less than those he serves most directly, deserves a chance and he deserves our support. I congratulate my colleagues on their effort to ensure that he gets that chance.

Mr. GREEN. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. LOWERY].

Mr. LOWERY of California. Mr. Chairman, I rise in support of the bill and commend the chairman and ranking member for bringing this bill to floor. I also rise to enter into a brief colloquy with the chairman of the subcommittee.

Mr. Chairman, the subcommittee has demonstrated foresight and serious commitment toward addressing the environmental devastation caused by decades of raw sewage flowing from Mexico into the United States. Currently, a long-term solution is under consideration; specifically, the construction of a joint international treatment facility at the border—an approach somewhat different from that envisioned in last year's report. Would you clarify whether the \$20 million provided last year and the \$7 million included in this measure could be used for alternate projects such as the construction of a joint facility?

Mr. TRAXLER. Mr. Chairman, let me assure the gentleman from California [Mr. LOWERY], who has taken a lead role in this matter, that we are very proud and grateful for his assistance in this matter. We want to assure him that the committee is supportive of any technical approach to the Tijuana sewage problem around which a consensus can form. Both the 1989 and 1990 appropriations are intended to be available for activities authorized by section 510, including participation in a joint facility if that approach is cost effective.

Mr. LOWERY of California. Mr. Chairman, I appreciate the gentleman from Michigan [Mr. TRAXLER] for clarifying that language.

Mr. TRAXLER. Mr. Chairman, I thank the gentleman from California [Mr. LOWERY] for his inquiry and his support.

Mr. GREEN. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Chairman, I thank the gentleman from New York [Mr. GREEN] for yielding me this time, and, Mr. Speaker, I will not take much time. I just want to again thank the gentleman from Michigan [Mr. TRAXLER] and the gentleman from New York [Mr. GREEN] for the outstanding job they have done on title I.

Mr. Chairman, we have had such a terrible problem in funding the VA medical facilities over the last several years, and I say to the gentleman from New York [Mr. GREEN] that there was a shortfall of over three-quarters of a billion dollars which is really coming home to roost. The fact that we were able to take care of most of that shortfall in the recently passed supplemental, and with the outstanding job that has been done on this particular bill before us now, will go a long way toward correcting many of the problems that we have in the VA medical facilities, especially with the geriatrics problem. The average age of the World War II veteran today is about 69 years of age. Problems continue to grow, and, if we underfund these facilities, we are just going to be doing a terrible injustice to these American citizens.

So, Mr. Chairman, I again say to these gentlemen that I know their job is only half finished here. When they get to the conference I know their work is going to be doubly hard because the Senate bill does not carry the level of funding in medical care facilities that this bill does here. I would just hope that we stick to our guns and refuse to yield to the Senate. Let's keep this level of funding even if we have to come back in disagreement and fight another day.

So, again I take my hat off to both of these gentlemen for an outstanding job.

□ 1220

Mr. TRAXLER. Mr. Chairman, I yield such time as she may consume to the distinguished gentlewoman from Louisiana [Mrs. BOGGS], a long-time Member and a most valuable member of the subcommittee and of the full Appropriations Committee.

Mrs. BOGGS. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise to commend the chairman and the ranking member and all the members of the committee and all the members of the staff for coming to the floor with a reasonable bill under very, very difficult circumstances.

There is one aspect of the bill that has not been complimented that I would like now to commend, and that is that we put into the bill under these very difficult circumstances \$20 million more for the appropriation of teachers for precollege activities in science and mathematics and for the enhancement of some of the tools that are necessary in order for these teachers to be able to spread the kind of information and to devise the kinds of programs and the curricula that will be necessary to prepare the young children of this Nation to take up the kinds of jobs and opportunities upon which our Nation will depend in the 21st century.

We have learned that statistical evidence is very strong that by the year 2000 the average time of training for an ordinary job in the kind of economy that will be extant at the time is 13.2 years of training, so that we must go forward with the kind of preparation that will be needed into the elementary schools, into the middle schools, and into the high schools, so that the young people of this Nation may be prepared to enter into all of the magnificent programs that the President pointed out this morning in his speech.

We cannot go to a manned space station. We cannot go to manned moon station and we cannot go to Mars without making certain that the young people of this country are properly educated and capable of taking us there.

So I commend the committee especially for this add-on that we are very grateful to receive.

Mr. GREEN. Mr. Chairman, I yield the balance of my time to the gentleman from Ohio [Mr. DONALD E. "BUZ" LUKENS].

Mr. DONALD E. "BUZ" LUKENS. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in support of H.R. 2916, making appropriations for the Departments of Veterans Affairs, Housing and Urban Development, and independent agencies for fiscal year 1990.

While I have some reservations about the funds requested over and above what the President requested for HUD, I strongly believe that we are getting back on track in the Department of Housing and Urban Development with our former colleague, Jack Kemp, at the helm.

Secretary Kemp has taken the lead in trying to get to the bottom of the ongoing scandal at HUD. The hearings in the Government Operations Subcommittee on Employment and Housing, of which I am a member, are uncovering fundamental flaws in the management system and in personnel selection in this program which authorizes the Federal Government to

provide housing to low-income persons and to the elderly.

As we have heard in the committee hearings and read in the press, the problems with the mod rehab program have run rampant. I feel the committee has begun to address these problems with the change in status of the deputy assistant secretaries from political appointments to confirmed positions. This change, which is supported by Secretary Kemp, will hopefully prevent future abuse of the system.

I also support the veterans portion of this bill. I believe that Ed Derwinski, another former colleague of ours, will continue to do an outstanding job as Secretary of this new Department. I feel he has shown that he will truly stand up for the veterans of this country by refusing to appeal the recent court decision on agent orange, which I strongly agree with.

The veterans budget offered by my colleagues fully addresses the needs of this country's veterans. It provides \$15.4 billion for compensations and pensions and \$16.3 billion for the Veterans Benefits Administration. I strongly believe that these two accounts should continue to be fully funded to compensate those who were willing to defend our Nation's borders.

Mr. Chairman, I urge my colleagues to support this legislation and resist any attempt to cut these needed programs. I thank the gentleman for the time.

Mr. TRAXLER. Mr. Chairman, I yield 30 seconds to the distinguished gentleman from Arkansas [Mr. ALEXANDER], a member of the committee.

Mr. ALEXANDER. Mr. Chairman, I thank the gentleman for his generosity in yielding me all this time.

Mr. Chairman, about all I have time to say is that I once served as a member of this subcommittee, and it was with great pride that I participated in the space programs and the funding of NASA.

Mr. Chairman, last night I extended a well deserved "well done" to my friends Mike Collins, Neil Armstrong, and Buzz Aldrin. I vividly remember 20 years ago tonight when they successfully traveled to the Moon and landed.

I was in Williamsburg, VA, on July 20, 1969, at the late evening hour when Neil Armstrong first set foot on the Moon. Just before the hatch opened on the lunar vehicle I awakened my 1-year-old daughter, Alyse, so that she could see history in the making. She opened her eyes, gazed quizzically at the TV and went back to sleep. But, she was awake long enough to later learn about the significance of that important event. For our great Nation had achieved a new height in technological advancement—the age of technology had arrived. All Americans take pride in the space program.

Also Mr. Chairman, I rise in support of this bill to provide funding for the Departments of Veterans Affairs and Housing and Urban Development and a number of independent

agencies for the coming year. The chairman, Mr. TRAXLER, and members of the subcommittee have labored long and hard to formulate the best possible bill within the limits of the tight Federal budget situation which faces the Congress.

I would like to focus particularly on two portions of the bill and report.

HOUSING PROGRAMS

The report on this bill expresses the reaction of outrage and distress shared by many of us in the Congress over the scandals resulting from theft, fraud, influence peddling, and gross mismanagement in subsidized and non-subsidized housing programs administered by HUD.

The report on the bill affirms the commitment of the Committee on Appropriations to cooperate with the efforts of the Secretary of Housing and Urban Development to correct the problems which have given rise to this villainy.

I believe it is important to note that information thus far available on these infamous actions indicates that much of the potential mismanagement, fraud, and abuse is directly related to programs that are not associated with funds appropriated by the Congress.

At any time the crooked actions which have produced the scandals would be wicked. They are doubly evil in a period such as the present when the numbers of homeless individuals and families are growing in every part of the Nation and when the evidence indicates that the American dream of home ownership is slipping further and further out of the reach of low- and moderate-income families.

The housing problems facing persons living in Arkansas' First Congressional District are as difficult, and if not more difficult, than those in most other parts of this Nation. The per capita income is among the lowest in the Nation. The district suffers from severe, chronic economic distress.

Thousands of new jobs have been generated in the district in the last two decades. But, the number of new people entering the labor force has grown even faster. The portion of the population 65 years old and older is 16 percent, and rises to 27 percent in at least one county. The percent of the population surviving on incomes below the poverty level reaches 30 percent in some areas.

Despite the economic problems and the narrow profit margins involved, I am proud to say that the private home building industry in the district has been aggressively working to meet the housing needs challenge.

An affordable housing program was initiated by Crittenden County home builders. It has spread across the State. The program's success in responding to the homeownership needs of low-income families, has drawn national recognition.

Don Bulter, a State and national leader in home building and an originator of the affordable housing project in Crittenden County, is regularly asked to meet with home builders and other community leaders across the Nation to brief them on Arkansas' affordable housing miracle.

Last year I had the privilege of helping the people of Elaine, AR, dedicate their first federally assisted housing complex built to meet the needs of older and of handicapped Arkan-

sans. This was constructed through a private and public partnership effort. It is located in one of the most economically distressed counties in Arkansas and the Nation. The 21 units were constructed with assistance from a program administered by HUD. It cost an average of \$30,000 per unit to build the housing.

No one who works to help people like those of Elaine to supply their housing needs can doubt that the scoundrels who committed the greedy, dishonest deeds which spawned the HUD housing scandals have robbed low- and moderate-income families of a chance to find safe, sanitary, and decent housing.

It is cruelly ironic that information now coming to light indicates that former HUD officials raked in hundreds of thousands of dollars in profits by abusing the very housing program they and the previous Presidential administration tried to kill.

In crafting the housing portion of the bill before us, the subcommittee has recognized the diverse housing needs and conditions across the Nation. It has done its work with an understanding that a single solution will not be appropriate for all the problems or all regions. A variety of approaches to housing low- and moderate-income Americans would be supported through the funding in this bill.

Of particular importance in this bill is the direct loan program explicitly for the purpose of assisting qualified nonprofit sponsors to provide housing to meet the needs of senior citizens and handicapped persons.

The President proposed limiting the aggregate loan total in 1990 to \$32 million. The committee recommends a 1990 total of \$480.1 million which should provide for approximately 6,375 housing units under the regular program and 2,125 units for handicapped persons under the separate program authorized in 1987.

VETERANS PROGRAMS

This appropriations bill provides the funding for programs specifically benefiting U.S. military veterans, their families and survivors which are administered by the Department of Veterans Affairs.

Thirty percent, 74.4 million persons, of the U.S. population are potential recipients of veterans benefits. This includes 27.3 million veterans, 45.4 million family members of living veterans, and 1.7 million survivors of deceased veterans.

More than 42,000 veterans live in Arkansas' First Congressional District which I have the honor of representing.

The bill before us today would provide \$29.5 billion to support veterans benefit programs. This is \$908.2 million more than the President requested.

Most of the additional Department of Veterans Affairs funding, \$820 million, is for the medical care programs to provide health benefits to veterans. The American military veteran population is aging. Their health care needs are increasing.

Leaders of Arkansas veterans organizations and individual veterans have reported growing problems with obtaining the health services to which they are entitled. At least one major factor appears to be that needs have outrun the supply which VA funding could provide.

I believe it is vitally important for the Nation to make good on its health care commitments

to these men and women who answered the Nation's call to arms in defense of the freedoms, liberty, and democracy enjoyed by all Americans. The proposed increase in medical care funding is vitally important.

If the President will not request sufficient funding for these programs, the Congress must lead the way. I do not believe that there is a single Member of this House who wants our Nation's veterans to experience a repeat of the anxiety and uncertainty of this spring because of the unwillingness of the Presidential administration to correctly assess the need for veterans health care funds.

Again, I support passage of this bill.

Mr. TRAXLER. Mr. Chairman, I yield 30 seconds to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY of New York. Mr. Chairman, today I rise to commend the Appropriations Committee and the Subcommittee on the VA, HUD and Independent Agencies for recognizing the importance of the Construction Grants Program of the Clean Water Act. As you know, the President sought just half of the authorized amount, \$1.2 billion, for this vital program in its final year of operation. Under that proposal literally hundreds of clean water programs would have languished uncompleted. Or, local communities would have been severely burdened by the need to fund the construction necessary to meet the requirements of the Clean Water Act.

Many of my colleagues joined together to send messages to the Budget and Appropriations Committees expressing the need to provide funds for the Construction Grant Program. We are grateful that the Appropriations Committee has provided \$2.024 billion for clean water.

The committee went even further by including new funding for another clean water program of great importance—nonpoint source pollution control. In providing \$52 million in set-asides for the abatement of nonpoint source pollution, we begin a new phase in cleaning up our waterways. Nonpoint source pollution is not easy to identify and more difficult to control than the point source pollution addressed by the Construction Grants Program. This nonpoint source pollution set-aside is a good beginning to find ways to decrease the contaminants entering our waters.

The Construction Grants Program has been granted a reprieve this year, but the program will be completely phased out next year, replaced by State revolving loan funds which were mandated in the 1987 Clean Water Act amendments. The goals of the Clean Water Act of 1972 have not been met. We must continue to look for ways to assist localities, with funding and technology, to put an end to the damage done to our Nation's waters from pollution in the form of untreated or undertreated sewage. Many of the beaches along Long Island Sound have already been closed this summer because of high bacteria counts caused by untreated sewage polluting the water in which we swim and fish. Upgrading sewage treatment plants and expanding their capacity will help return Long Island Sound, and other bodies of water throughout the country, to healthy, safe waterways.

Without clean water and fresh air, all the technological advances, scientific discoveries, and defense initiatives in the world will be meaningless. The appropriations bill we will be voting on today takes a step in the right direction to acknowledge the importance of our Nation's water resources. I urge my colleagues to join me in supporting the clean water provisions of the EPA appropriation by voting in favor of this measure.

Mr. FAZIO. Mr. Chairman, I rise in strong support of H.R. 2916, the bill providing appropriations in fiscal year 1990 for the Departments of Veterans Affairs, Housing and Urban Development, and independent agencies.

There are many diverse items in this bill and I know it was not easy for the subcommittee to allocate the funds for these various programs. Yet Mr. TRAXLER, the subcommittee chairman, and Mr. GREEN, the ranking minority member, did an excellent job of putting together a fair bill which helps to meet this Nation's needs. In his first effort as subcommittee chairman on a regular appropriations bill, Mr. TRAXLER should especially be commended for the fine job he has done on this bill. The subcommittee staff also deserves recognition for their efforts in this legislation. I know that many hours of hard work were put into the development of this measure.

First, I would like to thank the subcommittee for including \$500,000 in the budget of the Environmental Protection Agency for the Federal share of a \$2 million air quality modeling study for the Sacramento Valley.

The air quality modeling study, which is scheduled to begin the spring of 1990 and be completed in October 1992, will look at the entire Sacramento Air Quality Maintenance Area, which includes the Sacramento and Yuba City-Marysville urban areas as well as seven separate air basins within the larger Sacramento Valley air basin.

The study area runs north to south, from Yuba City-Marysville to just north of Rio Vista, and east to west from Placerville to the coastal range.

The study will examine the "Schultz Eddy," a meteorological event which recirculates emissions in the air basins, and the extent to which pollutants move between metropolitan Sacramento and the Yuba City-Marysville urban areas.

The study will also determine how pollutants move between the San Francisco Bay area and the Sacramento area and the degree to which areas in the Sierra Nevada Mountains near Lake Tahoe are affected by Sacramento Valley air pollution.

This Federal funding is crucial to ultimately producing a plan that will improve the air quality in Sacramento and the entire Sacramento Valley.

In 1988, Sacramento air quality was in violation of Federal and State standards 26 times, and Sacramento is ranked among the dozen metropolitan areas in the Nation with the worst air pollution.

Mr. Chairman, again, I greatly appreciate the cooperation and support of the subcommittee chairman and the ranking minority member on this effort.

The subcommittee also deserves commendation for its funding recommendations for various housing programs contained in the bill.

The measure provides \$11.8 billion for the Department of Housing and Urban Development, including \$8.9 billion for housing assistance and \$1.8 billion for public housing operating subsidies. This total is \$2.1 billion more than the current funding level and \$2 billion more than the administration request. This Nation is facing serious problems with some of our housing programs, not only in terms of the management of these programs, but we also face a tremendous lack of affordable housing. This bill helps address these problems.

I also applaud the subcommittee for increasing funding by \$1.76 million over the current funding level for the Neighborhood Reinvestment Corporation. This invaluable agency, along with Neighborhood Housing Services, has been instrumental in providing revitalization assistance to neighborhoods throughout the country, including several in my congressional district.

Mr. Chairman, I could go on mentioning the fine job of the subcommittee in providing funding for veterans' programs, EPA, NASA, and the other programs contained in the bill. Instead, I will close by saying that the subcommittee should be commended for its excellent work in allocating limited resources to a wide array of essential programs. I urge my colleagues to support the bill.

Mr. WELDON. Mr. Chairman, I rise today to commend the members of the House Appropriations Committee for their work to preserve funding for the U.S. Fire Administration and the National Fire Academy.

The Federal Fire Prevention and Control Act of 1974 foresaw a vision of Government and the fire service working together to advance their common goal of a fire-safe America. Fifteen years later, I have seen that vision eroded to the point that the fire service has to fight to maintain a level of funding far below that which Congress and the fire service alike had determined was needed. Faced with threats of zero funding, the fire service has found itself embracing a policy of containment, when what today's fire problem demands is a rollback to original funding levels.

The United States boasts one of the highest standards of living in the world, yet has the worst fire problem of any industrialized country. Ten billion dollars' worth of property damage and thousands of lives lost each year is not a sketch of an insoluble problem; it is evidence that, despite the fine work of many of my colleagues, we have yet to address the fire problem in a complete, comprehensive manner.

The programs which my colleagues on the Appropriations Committee preserved will remain critical components of the Federal fire focus. The Student Travel Stipend Program continues to be the fire service's lifeline to the National Fire Academy, a lifeline which, if cut, would have dramatically altered the landscape of fire service training programs nationwide.

In the current fiscal climate, it is especially significant that the Appropriations Committee would not agree to the steady attrition of programs which have served as the linchpin of the Federal fire focus since 1974. I urge my colleagues to support the Appropriation Committee's budget for the Federal Emergency Management Agency.

Mr. FRENZEL. Mr. Chairman, H.R. 2916 serves many important national needs. However, it comes to us with even more important flaws.

We do need services to veterans, especially health care. We need a space program and a housing program. But we don't need a bill creating 7½ percent more spending than last year. And we don't need a bill which flouts our budget constraints by pushing expenditures back into fiscal year 1989 or forward into fiscal year 1991.

The subcommittee was given an impossible task, or at least it was given insufficient 302(b) spending authority to fund all the needs that it saw, or that the rest of the Congress had already supported. The large gap between what the subcommittee wanted to spend and the spending authority it had was funded in a way that affronts our budget process. Shifting pay days and delaying outlays simply adds to the national debt and avoids the meager controls of our budget system.

This bill is a perfect example of why the deficit is growing so fast. Members want to fund programs more than they want to reduce deficits. Today the House is heroic in its spending. In a few weeks, many of the heroes will don a different uniform and vote against a debt-ceiling extension. Today the note is to spend big. After the spending bills are safely passed, the vote will be for frugality, as long as it's too late for the frugality to stop the spending.

The place to stop spending is here. The time is now. H.R. 2916 funds attractive programs but it is just too expensive. For that reason, I shall vote no.

Mr. VENTO. Mr. Chairman, I rise in support of the rule for H.R. 2916 and in support of the bill. I would like to thank the chairman and the ranking member of the subcommittee, for all of their hard work in trying to meet the diverse needs of the important programs under their jurisdiction.

I would especially like to express my support of the full funding of the McKinney Homeless Assistance Act programs that fall within this appropriations bill. From the VA medical assistance for the homeless to HUD's emergency shelter grants to the transitional housing demonstrations, it is indeed heartwarming to see our promises to assist the homeless begin to be fulfilled with this \$456 million.

Of course, the tragedy of homelessness is in many ways a direct result of the severe cutbacks in Federal housing assistance. If we sometimes sound like a broken record with regards to the over 70-percent cut since 1980, perhaps that is because for so long, no one seemed to have heard us. It does appear that this year, we are headed in the right direction by starting to redirect essential money to housing. The bill provides \$11.8 billion for the various housing programs, some 21 percent more than fiscal year 1989 appropriations.

I am somewhat concerned with the zero-funding of the section 8 moderate rehabilitation program. Although I cannot condone what has occurred with the program at HUD, nor do I believe that the paying of exorbitant consultant fees or other nongermane costs is the most effective way to provide our citizens with affordable housing. However, I would hope

that we don't get caught in the syndrome of throwing out the baby with the bath water. We cannot start indiscriminately ending all programs that have been abused without determining the ramifications that may have on the people they are supposed to serve. I would remind my colleagues that despite the defense procurement scandals, we didn't shut down DOD. Let's not shut down HUD.

Mr. Chairman, I am supportive of so many of the veterans, environmental, housing programs that I will not belabor the point. I urge my colleagues to support the rule and the bill.

Mr. STOKES. Mr. Chairman, I rise today in support of the fiscal year 1990 Department of Veterans Affairs and Housing and Urban Development, and independent agencies appropriations bill, H.R. 2916. As the ranking majority member on the subcommittee responsible for this bill, let me say that Chairman BOB TRAXLER and the ranking minority member, BILL GREEN, have done an outstanding job in leading efforts to fund those many programs which are essential to maintaining and enhancing the quality of life which distinguishes our Nation from all others.

With current budget constraints being what they are, funding the many programs covered under this bill has resembled a fiscal nightmare. There is, as Chairman TRAXLER has often said, "no money." Despite this reality, I am proud to say that I believe the subcommittee did a remarkable job in providing enough funds to keep many environmental, housing, veterans, science, and space programs alive.

This bill would appropriate \$65.1 billion in new budget authority for the Departments of Veterans Affairs and Housing and Urban Development and 18 independent agencies. Specifically, the bill provides approximately \$29 billion for the Department of Veterans Affairs; \$15.2 billion for the Department of Housing and Urban Development; \$12.3 billion for NASA; almost \$2 billion for the National Science Foundation; and \$5.4 billion for the Environmental Protection Agency.

Most of us here today would like to see more money appropriated for these programs. I think we are all fed up with having to borrow from Peter to pay Paul. Every day my constituents report to me their frustrations and their need for additional Federal assistance. There are thousands of veterans in my district in need of improved medical care. Hundreds of people throughout the State of Ohio have contacted my office to seek additional funding for the EPA sewer construction project. The NASA Lewis Research Center employs many of my constituents. The subcommittee's failure to fund the advanced communications technology satellite may directly affect many of their jobs. I also have some of the oldest housing in my congressional district, Mr. Chairman. Modernization moneys are desperately needed. I am pleased that the committee has provided \$2 billion for this program in fiscal year 1990, but with \$20 billion in modernization needs across the Nation, the more difficult task of providing decent housing to public housing tenants clearly await us.

Mr. Chairman the problems plaguing our cities and paralyzing the poor can only be put on hold for so long. Action must be taken to end this fiscal tug-of-war.

Passage of H.R. 2916 is a crucial and necessary first step. Unfortunately, Mr. Chairman, passage of the bill we consider today is not a panacea. In order for us to effectively address the many housing, environmental, veterans, technological challenges we currently face, we must have the assistance of the administration. It is no secret, Mr. Chairman, our Nation has a huge budget deficit. For fiscal year 1989 we have about \$160 billion worth of debt. The solution is obvious, we must increase revenue, or face irreparable damage from the deep budget cuts we have been forced to inflict year after year.

I ask my colleagues to join me in passing this bill today.

Mr. JOHNSON of South Dakota. Mr. Chairman, the funding for veterans' programs contained within H.R. 2916, the VA-HUD-independent agencies appropriations bill, represents a vast improvement over the disastrous vets' budget proposal submitted to this House earlier this year by President Bush, and I commend the Appropriations Committee members and especially Chairman WHITTEN for his diligent efforts to treat American veterans with the respect they deserve.

The bill we are acting on today appropriates \$11.6 billion for medical care and treatment of eligible beneficiaries, and that represents a \$679 million, 6 percent, increase over last year's funding level. The committee has wisely rejected the Bush administration's proposals to drastically decrease total staffing for VA hospitals despite a rapidly growing demand for VA health care as a result of an increasing number of aging veterans.

Nonetheless, despite significant improvements over the administration's initial budget proposal, I believe that VA funding is still inadequate. I do not believe that any category of veteran should be denied the health care that has been promised to him, on either an outpatient or in-patient basis. While the increased funding in this bill will allow the VA to treat more patients, I remain very doubtful that it will be enough to meet what I regard as a fundamental commitment of our Government—that is to meet the health care needs of every veteran regardless of category.

H.R. 2916 contains \$15.4 billion for veterans' service connected compensation payments and pensions, but it does not provide adequate funds for a needed cost-of-living-adjustment [COLA] a COLA of at least 3.6 percent is appropriate this year, and the cost of that adjustment—\$318 million—ought to have been included in this legislation. Mr. Chairman, if we are unable to add a vets' COLA to this bill, I will do all in my power to support a supplemental appropriation to the budget to provide for a fiscal year 1990 pension cost-of-living increase.

I am also concerned about the \$434 million appropriation for education, training, and rehabilitation programs for post-Korean war vets, and for educational assistance to the dependents of certain veterans. This represents a 30-percent cut—\$186 million—in funding over last year, and while a projected decrease in the number of veterans utilizing these programs may occur, I believe the cut far exceeds what is justifiable.

Mr. Chairman, one of the greatest challenges we have facing us in this country, is to

arrive at sensible and appropriate budget priorities. We all recognize that the Government must restrain its spending and that reduction of the Federal deficit is essential for the future health of our Nation. I am pleased that the administration's original proposal to gut VA spending, while requesting a massive \$3.5 billion increase in foreign aid has been rejected by the Appropriations Committee. But our spending priorities are still not what they should be. The needs of our veterans—the very people who have made it possible for us to openly and freely debate this issue on the floor of the House today—should be among the very first of our concerns. Given the very limited financial resources we have, it continues to make absolutely no sense to me that this Government spends tens of billions of dollars to subsidize our allies' defense, on foreign aid, and on space programs when we have not fully and adequately taken care of what should be regarded as sacred commitments to our vets. Our vets are not asking for extravagance; they have sacrificed for America and will continue to do so. But we, as Representatives of all Americans, have a special obligation to uphold the commitments made to our vets, and to at all times remember the high priority their basic needs should play in the course of our budget deliberations. This legislation is an improvement over other alternatives proposed by the administration, but I am hopeful that before the budget is finalized, that we will be able to come together in the House and the Senate, as Republicans and Democrats, to do still better for American veterans.

I am supportive of Representative SCHUMER's (D-NY) amendment to this legislation which would add an additional \$240 million for veterans' medical services, as well as assisting some other programs for the elderly and for schools, by deleting funds from the NASA appropriation for the proposed space station. Space station funding would continue to have a very healthy 4 percent increase in funding over last year, so I regard this to be a very moderate but helpful change in the original legislation.

Mr. KOLBE. Mr. Chairman, I have the highest regard for the Subcommittee on VA, HUD, and Independent Agencies. Consistently, the task of dividing up a shrinking pie between our veterans, first-time home buyers, homeless, space scientists, and environmental professionals is the most difficult on the Appropriations Committee. This year, the subcommittee has done an excellent job.

The subcommittee has taken steps to insure that our veterans receive quality medical care for the entire fiscal year. The veterans who depend on that care can have peace of mind knowing that Congress took care of funding before the fiscal year, rather than resorting to another supplemental appropriations halfway through it. At least, we can agree that holding veterans health care hostage to our other disagreements will not be tolerated.

The subcommittee has also been able to fully fund the McKinney Homeless Assistance Act programs that fall under the jurisdiction of the Department of Housing and Urban Development and the Department of Veterans Affairs. This includes \$30 million for homeless

veterans, tripling the funding for the Emergency Shelter Grants Program to \$125 million, and significant increases for the Transitional and Supportive Housing and Supplemental Assistance for Facilities to Assist the Homeless Programs. This bill also contains \$134 million for the Emergency Food and Shelter Program administered by the Federal Emergency Management Agency.

Total direct assistance for the homeless in this bill alone amounts to \$456.2 million, an increase of \$100 million over last year for all Federal homeless programs. In addition, the overall funding level for HUD jumps \$2.3 billion over last year. Furthermore, we should keep in mind that additional funding for homeless assistance will be included in the Labor-HHS-Education appropriations bill which will be on the floor in a few days.

The McKinney Act has made a difference in helping communities cope with the rising rate of homelessness. However, it was always intended as a stopgap effort to get the homeless off of the street and into shelters. The funding in this bill reflects that priority. Now, however, the time has come to reorder those priorities and redirect McKinney funds to give communities assistance in treating and preventing homelessness. We should shift the emphasis from shelter programs to health, mental illness treatment, skills training, and permanent housing for families.

I look forward to addressing these needs with my colleagues when we begin consideration of the McKinney reauthorization. There are many innovative ideas being used in various communities that should be explored and nurtured. In the meantime, we can help those currently in the streets by approving this appropriations package.

Mr. CLEMENT. Mr. Chairman, I rise in strong support of H.R. 2916, the 1990 appropriations bill for the Department of Veterans Affairs, the Department of Housing and Urban Development, and several important independent agencies.

Included in the bill is funding for the clinical improvements and patient privacy project at the Nashville VA Medical Center and I would like to thank Chairman BOB TRAXLER, ranking Republican BILL GREEN and the other members of the subcommittee for recommending these funds in the bill.

This clinical addition is VA medical district 11's No. 1 priority and the No. 1 priority of veterans living in Nashville and middle Tennessee. Unfunded last year because completion of the architectural and construction drawings was delayed, the Appropriations Subcommittee nonetheless shared my view that the project should be funded at the earliest possible date once the drawings were ready. And I am pleased that that time has now arrived.

At present, the Nashville VA Medical Center serves about 300,000 veterans in middle Tennessee. Nearly 100,000 outpatient visits are recorded at the center each year.

The clinical improvements and patient privacy project includes construction of a 150,000-square-foot four-story addition on the front of the medical center, and the renovation of approximately 100,000 square feet of existing medical center space. The new construction will house new operating rooms, dental clinics,

medical and coronary intensive care units, a 40-bed intermediate care ward, a rehabilitation medical service, and additional mental health space.

The existing portions of the facility to be renovated include radiology, supply, processing and distribution, additional ambulatory care space, which will finally bring that entire function to the first floor and, finally, all 16-bed wards will be converted into three four-bed rooms for patient privacy.

This improvement project is long overdue and I thank the committee for finally bringing its construction to fruition.

I would also like to comment briefly on the Public Housing Home Ownership Demonstration Program.

Last week in Nashville, I had the honor of participating with Secretary Kemp, mayor and former Congressman Bill Boner, and the residents of the new edition Community Apartments Housing Cooperative in a ceremony whereby HUD transferred ownership of 85 units.

I would like to congratulate the residents of the new edition co-op and commend the officials of the Nashville Development and Housing Agency. Once again, our community is among the Nation's leaders in finding innovative solutions to the housing needs of our citizens.

At the same time, however, I want to emphasize my belief that we must continue to replace those public housing units which are taken off the market whether under the Home Ownership Demonstration Program or any other program. In that regard, I want to commend the VA-HUD Appropriations Subcommittee for continuing the fight for new housing units.

Against the housing philosophy of this and the previous administration, the committee has worked to assure an adequate supply of low- and moderate-income housing. And given the constraints imposed by the Government's current fiscal problems, they have done a yeoman's job.

I urge my colleagues to support H.R. 2916.

Mr. STARK. Mr. Chairman, I rise in support of the gentleman from New York, Mr. SCHUMER's amendment to the VA-HUD appropriations bill, H.R. 2916. I am for space exploration, but I think that before we continue to spend huge sums of money on programs such as the space station, we must establish concrete goals for a national space program. There have been some recent editorials on this theme in both the Wall Street Journal and one of my district's newspapers, the Oakland Tribune. I would like to include in the RECORD, the editorial that appeared in the Oakland Tribune:

[From the Oakland Tribune, July 18, 1989]

WHAT NASA NEEDS

Twenty years after America made history by landing men on the moon, its space program is drifting as aimlessly as an untethered astronaut. It has been buffeted by political whims, budgetary shifts and changing administrations.

Above all, it has suffered from lack of clear purpose. All too often, NASA has set its sights—and its budgets—on huge hardware projects like the space shuttle and now the space station rather than missions of great scientific or human importance.

As Walter McDougall, a University of Pennsylvania historian of space flight, commented last year, "I'm extremely disappointed that we've not used the opportunity that Challenger gave us to rethink the whole program, set new goals and revitalize the civilian space program. I don't see that that has happened."

Unclear as to its goals, the space agency has swallowed up tens of billions of dollars with little to show. NASA expended inordinate energy and money on the space shuttle. Yet it has proved a mind-bogglingly expensive way of putting payloads into orbit. It serves mainly to keep the space program manned and thus popular in Congress.

Now the space station threatens to repeat that failure by eating up more than three times its original cost estimate of \$8 billion—and for ends that NASA still hasn't clearly defined.

Some space enthusiasts have tried to fill the void by recommending a new era of manned missions, either to establish a permanent colony on the moon or to explore Mars. Both goals have scientific and emotional merit but would be prodigiously expensive to realize.

In the shorter run, America can revive its space program at low cost by concentrating on international, unmanned probes of the solar system and the broader universe—including planetary satellites, space telescopes and, above all, earth sensors.

NASA could start by taking up an offer made by Soviet leader Mikhail Gorbachev last December to help fund space-based studies of the global environment, now threatened by the greenhouse effect and chemical attacks on the ozone layer.

The proposal was greeted enthusiastically by members of the American Geophysical Union, who for two years have been calling for a joint U.S.-Soviet project to launch satellites to monitor the earth's climate, atmosphere, pollution, ocean currents, deforestation and conditions of enormous importance to life in this small but unique part of the solar system. Former shuttle astronaut Sally Ride has a similar proposal for an unmanned "mission to planet Earth." International coordination in this field would eliminate wasteful duplication of separate national efforts.

A Soviet proposal for an international effort to orbit radio telescopes capable of seeing to the limits of the universe, also warrants America's participation. The project would satisfy humanity's hunger to know more about the origins of the universe and the mysteries of quasars, black holes, pulsars and colliding galaxies. Yet the Reagan administration refused to join Canada, West Germany and other nations in supporting it, thus possibly cutting off American scientists from the data it will gather.

Even sensible missions like these are only as good as the data analysis that follows them. Perhaps the most scandalous of NASA's failures has been to shortchange this vital but low-profile task.

As The Wall Street Journal reported last year, "the little-known secret is that scientists have looked at only 10 percent of the data that spacecraft have sent back to earth. They have closely analyzed only 1 percent of the mountain of tape." Indeed, the space agency hasn't even located or catalogued 60 percent of its data tapes.

Sending missions into space without studying the results makes as much sense as buying tanks without shells or spare parts. As America rethinks its goals in space, it

should start with a commitment to ending the mismatch between raw data and analysis. It should then pursue the rich possibilities of satellite-based exploration of the earth and the vast universe around us.

As the editorial points out, NASA has many worthwhile programs worth pursuing. The shuttle has produced little scientific yield whereas unmanned probes have yielded such a wealth of information that NASA has only analyzed 10 percent of it. Perhaps if NASA scientists weren't putting so much energy into building the space station, they might have a chance to look at some of this data.

Another point to consider before sinking tens of billions of dollars into the space station is this: Whatever happened to Skylab? NASA had a space station for almost 6 years, and what did they do with it? Skylab was launched in 1973, manned by three crews for less than a year, then floated around for 5 years until it fell to Earth in 1979. Will the same thing happen with the space station? I strongly urge support of the gentleman from New York's amendment to ensure that this doesn't happen. Until we figure out what it is that our space programs are supposed to accomplish, let's spend the money on useful programs with specific goals.

Mr. SMITH of Texas. Mr. Chairman, years ago today, Americans were thrilled to see an American astronaut become the first human to walk on the Moon and to hear the first words spoken from the lunar surface. Our excitement came not only from the pride of mastering the enormous technical and physical challenges of landing a man on the Moon, but also from the realization of our national dream—the accomplishment of a difficult goal that we had set for ourselves. President Kennedy had called on America to reach beyond its horizons, and we met that challenge.

Similar pride of accomplishment was evident in our other space endeavors, from the first manned space shot in 1961, to our first orbital flight, through the first launch and return of our versatile and reusable craft—the space shuttle.

All of these accomplishments started out as a dream. Without having set goals for our Nation, we could not have begun to reach those milestones. In fact, one of the common criticisms of our space program over the last few years is that it doesn't embody any clear goals.

But I believe that the American people have goals for our space program, and one of those goals is embodied in the space station program—the dream of living and working in space. But the amendment now before us will snatch that dream away.

We know how to get to space and back, and how to deliver and retrieve items from space. But it is now time that we learn to live in space and to use that environment to conduct scientific research, manufacture new materials, and establish a way station for the manned exploration of our solar system. The

space station will allow us to achieve those goals.

Make no mistake—the Schumer amendment will not just delay the space station—it will kill it outright. Having already spent nearly \$2 billion on research and hardware development, the Government/industry teams are in place and entering the detailed design phase of the project. NASA contractors are ready to make the final push toward component construction and launch in 1995. In effect, the Schumer amendment says that all of this is for naught, and that we should demobilize our work teams and put our current accomplishments in mothballs.

In deference to budgetary realities, the space station budget request made by NASA has already been reduced by one-fourth. Americans understand and accept these limitations, but they also strongly support the goal of building this facility.

Americans know that our success through history has been spurred by our desire for discovery and by constantly pushing toward the next frontier. Our goals are now higher because our accomplishments have been so great.

We must not shrink from this challenge—to do so would cut against the grain of our national character. Americans dream of living and working in space, and our job is to help make that dream a reality. The Schumer amendment would kill that dream, and I urge my colleagues to defeat it.

Mr. RAHALL. Mr. Chairman, I am in strong support of H.R. 2916, the fiscal year 1990 appropriations bill for VA, HUD, and independent agencies. Many of the programs funded in this \$65.1 billion measure are of great importance to my home State of West Virginia, and I would like to take this opportunity to highlight a few of them.

H.R. 2916 appropriates \$29.5 billion for the Department of Veterans Affairs, including \$11.6 billion for veterans' medical care, which is \$679 million over the fiscal year 1989 funding level. These funds will allow VA hospitals to treat more patients, purchase much needed supplies and equipment, and provide for homeless programs for veterans as authorized by the McKinney Homeless Assistance Act. This amount also provides \$164 million for an assumed 3.6 percent pay increase for VA medical personnel in 1990.

In addition, \$15.4 billion is appropriated for veterans' service-connected compensation payments and pensions. The measure also includes \$417.5 million for major construction projects and \$113.7 million for minor construction projects. It is up to the discretion of the VA as to how the money appropriated for the minor construction projects will be allocated. Veterans Affairs medical center hospitals such as the ones in Beckley and Huntington will be eligible to receive funds.

I strongly support the funding included in H.R. 2916 for this Nation's veterans. They have risked their lives and made immense

sacrifices for this great country of ours, and it is our obligation to see that their commitment is honored. To quote Theodore Roosevelt, "A man who is good enough to give his blood for his country, is good enough to be given a square deal afterward."

Also of great importance is the \$456.2 million contained in H.R. 2916 for HUD, VA, and FEMA programs to assist the homeless, which represents full funding for these programs as called for by the McKinney Act.

According to the West Virginia Task Force on Children at Risk, there are no hard statistics estimating the number of children who are living in substandard housing or who are homeless. Nationally, of course, estimates vary, but the numbers appear to approach 500,000 homeless children, with families with children being the largest growing sector of homeless people.

In fiscal year 1987, the year for which we have the most recent available data, 9,224 homeless individuals received services to meet basic needs in West Virginia, with 2,655 such individuals receiving shelter.

Yet another statistic, often overlooked when we think of homeless children, are those who are making the transition from the State foster care systems to the outside world, having reached the age of majority. Among the most critical needs of such youth, without family ties, is housing. It is difficult at best for this neglected segment of homeless children to find jobs, or the training for jobs and continuing education services, if they have no home base from which to operate. In West Virginia during fiscal year 1987, 132 such youths were transitioned from foster care homes, and required services to assist them in finding independent living programs to serve them.

And lest we forget, there are those children, under the age of accountability, who are runaways. National authorities report that only 1 in 12 youth who runs away receives shelter care. In West Virginia in 1987, 695 young people ran away from home. Shelter care was provided to 518 of those youth. These young people are, for the most part, homeless because they have been rejected by their parents who disclaim further responsibility for their welfare. While many of these young people in West Virginia are in foster care or awaiting foster care services, 72 of them were categorized as homeless.

The saddest statistic of all about homeless children is the rate of school failure among them. Homeless children go from school to school, if they go to school at all, and too many of them fall through the cracks despite valiant efforts on the part of West Virginia's Human Services Department and other agencies to find them and serve them. They are often ill-clothed and ill-fed—another disincentive to the learning process. Parents of homeless children are often so burdened with finding jobs, food, and some kind of temporary shelter week after week, that few if any of them are able to take an active role in their children's education. Yet I am confident they care as much as any parent.

Funds in this bill will go far toward alleviating the homelessness of children and their families in the United States. It won't solve all the problems, but combined with State and local efforts, administered by people who have the courage to care and to help fight to obtain any and all services to which the homeless are entitled, it can mean the difference, literally, between life and death for children and adults alike.

I applaud this effort by the Federal Government to provide, to the best of its ability during times of budgetary restraints and scarce resources, opportunities to alleviate, if not eliminate, homelessness in America. I know the States and local governments anxiously await this helping hand being held out to them today on the floor of the House of Representatives, sending a clear signal that they are not alone in their battle against the loneliness and despair of homeless children and families.

Intricately tied in with efforts to solve the homeless problem are the housing programs funded in H.R. 2916. The bill provides a total of \$11.8 billion for these various programs, including \$8.9 billion for housing assistance and \$1.8 billion for public housing operating subsidies. I am especially pleased that once again the Appropriations Committee has rejected administration proposals to convert all new housing subsidies into housing vouchers. It is important to note that the total funding for housing programs is 21 percent more than the fiscal year 1989 appropriations level and \$2 billion more than the apparent request by the administration. It seems the administration, unlike this body, does not recognize the grave housing needs of this Nation or simply is not willing to give more than lip service to efforts to solve the problem.

H.R. 2916 allocates \$1.4 billion for rental units for the elderly or handicapped under the section 202 program. Importantly, the bill directs HUD to address the snail's pace construction of section 202 projects—only 10 percent of pending projects were constructed last year—and to report to Congress on ways to complete these projects in a timely manner. I am especially pleased that \$6 million is included for congregate services at these housing projects which will promote and encourage the elderly and handicapped to maintain a maximum degree of independence in a home environment, thereby avoiding costly and premature or unnecessary institutionalization.

The bill provides a total of \$3 billion in fiscal year 1990 for the Community Development Block Grant Program which is equal to the level provided for fiscal year 1989. This program supplies much needed development assistance to towns and cities throughout West Virginia and the Nation.

Finally, I would like to mention the funding included for the Environmental Protection Agency, a total of \$5.4 billion for fiscal year 1990. Of great importance to West Virginia is the \$2 billion allocated for construction grants to municipal, State, and interstate agencies to assist with the planning, design, and construction of wastewater treatment facilities. I am pleased to note that this is 69 percent more

than the administration wanted. Adequate funding is especially important this year in view of the fact that this is the last year that funds are authorized for wastewater treatment construction grants—in the future, funding for such construction will be transferred to State revolving funds. Many communities in West Virginia are struggling to comply with the secondary sewage treatment standards mandated by the Clean Water Act. The funding provided by this measure for the sewer grants program is critical for these and other communities throughout the Nation which simply do not have the financial resources to meet the sewage treatment requirements on their own.

To close Mr. Chairman, I urge my colleagues to support this important appropriations measure.

Mr. WALGREN. Mr. Chairman, while I understand the difficulty of responding to all the needs covered in the HUD and independent agencies appropriations bill, and while I want to commend the appropriation of \$11.6 billion for veterans' medical programs and the rejection of administration requests to further decrease the staffing of VA hospitals, I want to express my regret that the committee omitted further funding for programs under the Veterans' Job Training Act.

This is an omission that is part and parcel of the hardships all veterans have faced as a result the large deficits associated with Reaganomics and the repeated administration attempts to cut domestic spending. As a result, programs funded under the Veterans' Job Training Act [VJTA] will stop.

The Veterans' Job Training Act originated in 1983 as the Emergency Veterans' Job Training Act to provide jobless veterans with assistance so that they could secure permanent private-sector employment. This was not an act of charity, but instead a tribute to those Americans who sacrificed and served their country during the Korean conflict and the Vietnam era.

The act sought to help solve the severe, continuing unemployment that these veterans continue to face, by providing training and incentives to employers to hire worthy veterans. The program has been a resounding success. In western Pennsylvania alone, the program has provided local businesses with over \$11.1 million to train 2,794 veterans since 1983.

Despite these successes, only \$220,000 currently remains available in this program nationwide. Although Congress authorized an additional \$30 million in fiscal year 1987 and \$60 million every year between fiscal year 1988 and fiscal year 1990, those have been empty authorizations. An authorization and a dime gets you a cup of coffee. No funds were appropriated since 1987, and that is the bottom line. Emphasizing different priorities, the Reagan and Bush budgets have consistently excluded requests for funding of the Veterans' Job Training Act. And, with all our dollars spoken for, no further funds have been provided.

It is a tragedy that funds have been allowed to run out on one of the most successful pro-

grams of its kind. Veterans have a higher unemployment rate than other groups and remain out of work longer. This unemployment continues despite the demand for trained employees in many of this country's high-technology growth industries. As recently as last year, this program was finding approximately 600 veterans jobs each month. Due to budget constraints, however, the VJTA currently helps fewer than 50 veterans nationwide each month.

In my Pittsburgh district, many of the middle-aged workers who risked their lives in Korea and Vietnam were forced into an early retirement during the collapse of the steel industry in the early 1980's. The pensions they receive are not enough to cover the costs of home ownership, let alone obligations for sons and daughters approaching college age. These are proud, capable and mature workers who must turn either to minimum wage jobs or unemployment. These men and women have risked their lives in service to their country and lost their jobs through unfair trade practices. And now budget cuts eliminate one of the most proven ways to full employment and a better life.

As we all know, the national interest demands we do our level best to reduce the deficit. But deficit reduction should not be made at the expense of veterans. Although I will support H.R. 2916 as it comes to the floor today, I hope to see the day when the administration joins the Congress in advancing the proper budget priorities to address basic needs.

Mr. WYDEN. Mr. Chairman, I rise in support of the proposed appropriation for the Departments of Veterans Affairs and Housing and Urban Development, and for independent agencies for fiscal year 1990.

In particular, I wish to speak in support of the bill's funding for VA medical care.

The state of affairs at this country's VA medical centers is every bit as much a scandal as the much-publicized problems at the Department of Housing and Urban Affairs.

More than a year ago, I began hearing an increasing number of complaints from patients and caregivers alike regarding the quality of care at the Portland VA Medical Center and cutbacks in many VA health care programs.

The information my office has accumulated since then about the quality of care at the Portland VA Medical Center is both shocking and disturbing.

Consider these facts:

When the new Portland VA Medical Center opened in February 1988, one 39-bed ward was not opened because of the funding shortages. Since then, an additional 40 beds have been closed due to funding shortages.

During the month of February 1989 alone, an estimated 39 ambulances that normally would have come to the VA medical center were turned away because of funding shortages. Veterans turned away must then pay for the medical care they receive at these other facilities.

Hours of nursing care per patient at the Portland VA Medical Center are substantially below VA standards.

Because of budget shortfalls, the Portland VA is slated to cease treating 1,552 nonpriority veterans.

The great irony in Portland is that we have a gleaming new VA medical center paid for with Federal funds—but we don't have enough money to provide care to needy veterans.

The roots of the problem—both in Oregon and nationwide—go back several years, when the Reagan administration said it could adequately care for veterans' needs with fewer dollars. The cuts we are seeing today clearly show that the Reagan administration was not straight with Congress.

What is happening in veterans health care facilities around the country is not right. It is not fair. And it is not moral. Our Nation should not subject its veterans—in their greatest hour of need—to substandard health care. Nor should it be turning away veterans who, by serving their country, earned the right to receive that medical care.

Mr. Speaker, it's my understanding that the bill before us today provides a 6-percent increase in current-dollar funding for the VA medical system. This is enough to preserve the current level of staffing at VA facilities nationwide.

I'm particularly pleased to see that the legislation rejects the administration's proposal to decrease total staffing for VA hospitals.

Unfortunately, this bill will not provide our Nation's veterans with the quality and level of medical care that they deserve. But it will stop the bleeding in the VA medical system. I urge my colleagues to support this legislation.

Mr. GILMAN. Mr. Chairman, I rise in support of H.R. 2916, the Housing and Urban Development and Veterans Affairs appropriations of 1989. I thank the distinguished subcommittee chairman, the gentleman from Michigan [Mr. TRAXLER] and the ranking Republican member from New York [Mr. GREEN], for their diligent efforts to bring this legislation before the Congress.

Mr. Chairman, it is my belief that one of the most pressing issues facing our Nation today is the question of affordable housing. If our Nation is to live up to its potential for greatness, all Americans must believe that they are shareholders in the American dream of one day owning a home.

Today many Americans find home ownership virtually an impossible dream. The lack of affordable, decent housing has become so pronounced in some regions of the country that many people despair that they will never have a home that they call their own.

For this reason, I am a strong supporter for H.R. 2916 which will provide \$456,200,000 for programs to assist the homeless in HUD, VA, and FEMA. This represents full funding for all of the Stewart B. McKinney Act programs within the subcommittee's jurisdiction—a call for funding which has been strongly supported by both the President and Secretary Kemp.

Mr. Chairman, throughout our evening news programs and news tabloids we hear of the scandals which have in the past encompassed the Department of Housing and Urban Development. Yet, we have failed to recognize the one man, who has diligently and masterfully carried the banner for those who are dependent and in need of the many out-

standing programs which HUD stands to offer. I am of course speaking of Jack Kemp, the distinguished Secretary of Housing and Urban Development.

Secretary Kemp, on a number of occasions, has gone on record stating that he wants "to use the full resources of the Department of Housing and Urban Development to help wage war on poverty." Accordingly, Secretary Kemp has expediently and wholeheartedly participated in the cleanup of the programs which have sidetracked the needy of our Nation as well as our Nation's housing policy.

Mr. Chairman, Secretary Kemp and H.R. 2916 provide the support needed to enhance decent, affordable housing for the people of the United States. We cannot afford to let an essential ingredient of the American dream—home ownership—to remain only a dream and not a reality. For this reason I urge my colleagues to support H.R. 2916.

Mr. LELAND. Mr. Chairman, during consideration of fiscal year 1989 HUD appropriations in the 100th Congress, I voted for the Schumer amendment because it was my understanding then that it would not put the space program in jeopardy. Today, however, the space program would definitely be adversely affected by the amendment offered by Mr. SCHUMER. For that reason, I cannot support my colleague from New York.

I vehemently disagree with any attempt to gut the space program which is vital to the future of this country. On the contrary, I am committed to doing everything in my power to enhance the space program which means continued research and development in technology and medicine and which also contributes to the economic well-being of the entire United States as well as the economically depressed Southwest. In the past two decades, the country has enjoyed the fruits of the technological and medical advancements of this critical program and all of us will be the poorer if we don't allow the program to remain healthy.

In light of the above considerations, I am duty bound to vote against the Schumer amendment.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, it shall be in order to consider the amendments printed in House Report 101-152 by, and if offered by, the gentleman from New York [Mr. SCHUMER] or his designee. Said amendments may be considered en bloc and may amend portions of the bill not yet read for amendment, shall not be subject to amendment, and are debatable for 60 minutes, equally divided and controlled by the proponent and a Member opposed thereto. Said amendments shall not be subject to a demand for a division of the question.

The Clerk will read.

The Clerk read as follows:

H.R. 2916

Be it enacted by the Senate and House of Representatives of the United States of America in Congress, assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Veterans

Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1990, and for other purposes, namely:

Mr. PANETTA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to take this opportunity to provide an explanation to the Members of why, at the appropriate time in the reading of the bill on page 12, I will make a point of order against a provision which allows for a pay shift from one fiscal year to the present fiscal year, from fiscal year 1990 to fiscal year 1989.

First of all, let me indicate my greatest respect for the chairman of the subcommittee, the gentleman from Michigan [Mr. TRAXLER], and his ranking member, the gentleman from New York [Mr. GREEN] for the dedication and commitment that they have to the issues that are before their subcommittee. They have done an excellent job in trying to balance some very difficult priorities between issues related to housing, the environment, veterans and space, issues that are important to the people of this country as well as to our future. They have every right to fight for full funding for the priorities that are before their committee, and I commend them for the fight that they make. Indeed, they would not be responsible were they not fighting for full funding.

Second, they have every right to be treated equally with every other area of the budget.

For that reason, I do not come to the floor here to blame them for trying to implement the same kind of pay shift that Secretary Cheney is trying to implement in the Department of Defense to try to obtain additional outlays for expenditures in fiscal year 1990.

The tactic is simple. Instead of paying individuals in fiscal year 1990, you simply move the date back and you save yourself additional outlays to be spent in that year.

The problem is that this approach undercuts the budget agreement and the budget resolution. These are illusory savings. They are not real savings. They are the worst kind of smoke and mirrors and accounting games. They result in additional expenditures beyond the targets established by the budget resolution.

The second point is that they set a terrible precedent in terms of enforcing the budget resolution. It is a legitimate argument that if you do it for defense, then why not do it for the Post Office, why not do it for veterans? Why not do it for Social Security?

Indeed, if you decided to take all the benefits that the Federal Government pays at the beginning of the fiscal year and move them into this fiscal year, it is about \$30 billion. So it sets a terrible precedent.

But lastly and most importantly, when we agreed to the budget agreement with the administration and the leadership of the Congress, we agreed to certain numbers, and we did not assume any pay shifts. This issue was raised, and it was debated.

□ 1230

We said no pay shifts are involved when we decided the numbers included in the budget resolution. Otherwise, very frankly, we would have agreed to a different set of numbers.

Unfortunately, and it is unfortunate, the administration is taking the position now that it is OK for the Defense Department to do it but other agencies are going to be restricted. That is not the position that the Committee on the Budget or the leadership in both the House and the Senate are going to take with regard to our implementation of the budget resolution. Our position is that we will oppose all pay shifts. Furthermore, the Congressional Budget Office will not score these shifts when it comes to determining accounting versus the budget resolution, and we intend not only to fight these issues with regard to pay shifts on appropriations measures but, indeed, with regard to the authorizing measures.

Mr. Chairman, we are going to offer an amendment that the gentleman from Minnesota [Mr. FRENZEL] has proposed to eliminate the Secretary's power this year to make a pay date shift.

I recognize that these are not pleasant results for anyone and, yet, I think we have to stop kidding the American people about where we are at. We cannot continue to promise more space programs, we cannot continue to promise more money for housing, we cannot continue to promise more money for day care, we cannot continue to promise more money for education, and for other programs and not tell the American people how we are going to pay for these programs.

The basic point is that we cannot afford it, and we have to find the resources to deal with these kinds of priorities and, indeed, the President of the United States ought to say how we are going to pay for these priorities.

Mr. Chairman, that is where we are. It is a harsh reality. I recognize that. I think the place to start is now, and if we can do that, it will be a healthy beginning.

Mr. FRENZEL. Mr. Chairman, will the gentleman yield?

Mr. PANETTA. I am happy to yield to the gentleman from Minnesota.

Mr. FRENZEL. Mr. Chairman, I support the gentleman from California in his statements. I support his accolades of the gentleman from Michigan and the gentleman from New York. I support his opposition to date shifting, and I support his position of consistency

which says we have to make it apply to all of them. I also support his emotional outburst, because I feel the same depth about the problem of the deficit which we are simply postponing and sweeping under the rug.

The CHAIRMAN. The time of the gentleman from California [Mr. PANETTA] has expired.

(At the request of Mr. TRAXLER and by unanimous consent, Mr. PANETTA was allowed to proceed for 2 additional minutes.)

Mr. TRAXLER. Mr. Chairman, will the gentleman yield?

Mr. PANETTA. I am happy to yield to the gentleman from Michigan.

Mr. TRAXLER. Mr. Chairman, I want to extend my deep appreciation to the distinguished chairman of the Committee on the Budget. The gentleman from California [Mr. PANETTA] has treated this subcommittee and the members and myself with great courtesy. And I might add that the gentleman from Minnesota [Mr. FRENZEL] has always been forthcoming and forthright as to what their views were. Certainly in our relations with the Committee on the Budget, we have absolutely no complaints in the courtesies which have been extended to us by the chairman and the ranking member. I might add that the staff of the Committee on the Budget has also been most helpful in assisting us in determining precisely where we were in scorekeeping.

Mr. Chairman, a little later on when we get to the across-the-board amendment, I will want to say a few words about some of the issues that the gentleman has raised, and I will defer my comments to that time.

Before we get there, I want him to know, and also the distinguished gentleman from Minnesota, that we as Members of this body are appreciative of the diligence and the commitment that they have exercised toward budgeteering and maintaining and upholding whatever agreements are reached. It is a difficult task, and I do not envy them in that work. I think they have performed it most honorably.

Mr. GREEN. Mr. Chairman, will the gentleman yield?

Mr. PANETTA. I am happy to yield to the gentleman from New York.

Mr. GREEN. Mr. Chairman, let me assure the gentleman that from this side of the aisle I do not find the gentleman's remarks harsh in the least. I think he is very generous in recognizing that we seek only to be treated like everyone else in this House, and I hope that we will be treated like everyone else in this House as this drama unfolds.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE I

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

For the payment of compensation benefits to or on behalf of veterans as authorized by law (38 U.S.C. 107, chapters 11, 13, 51, 53, 55, and 61); pension benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 15, 51, 53, 55, and 61; 92 Stat. 2508); and burial benefits, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of Article IV of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, and for other benefits as authorized by law (38 U.S.C. 107, 412, 777, and 806, chapters 23, 51, 53, 55, and 61; 50 U.S.C. App. 540-548; 43 Stat. 122, 123; 45 Stat. 735; 76 Stat. 1198), \$15,367,506,000, to remain available until expended.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 21, 30, 31, 34-36, 39, 51, 53, 55, and 61), \$434,100,000, to remain available until expended. Any funds transferred to this account from the Veterans' Job Training appropriation under the authority of section 126 of Public Law 98-151 which were not returned to the Veterans' Job Training appropriation as authorized by section 16 of Public Law 98-77, as amended, shall be available until expended for all expenses of this account, which until March 31, 1990, shall be deemed to include such expenses as may be incurred in carrying out the purposes of section 18 of Public Law 98-77, as amended.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by law (38 U.S.C. chapter 19; 70 Stat. 887; 72 Stat. 487), \$13,940,000, to remain available until expended.

LOAN GUARANTY REVOLVING FUND

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to carry out loan guaranty and insurance operations, as authorized by law (38 U.S.C. chapter 37, except administrative expenses, as authorized by section 1824 of such title), \$453,000,000, to remain available until expended.

During 1990, the resources of the loan guaranty revolving fund shall be available for expenses for property acquisitions and other loan guaranty and insurance operations, as authorized by law (38 U.S.C. chapter 37, except administrative expenses, as authorized by section 1824 of such title): *Provided*, That the unobligated balances, including retained earnings of the direct loan revolving fund, shall be available, during 1990, for transfer to the loan guaranty revolving fund in such amounts as may be necessary to provide for the timely payment of obligations of such fund, and the Secretary of Veterans Affairs shall not be required to pay interest on amounts so transferred after the time of such transfer.

During 1990, with the resources available, gross obligations for direct loans and total commitments to guarantee loans are authorized in such amounts as may be neces-

sary to carry out the purposes of the "Loan guaranty revolving fund".

DIRECT LOAN REVOLVING FUND

During 1990, within the resources available, not to exceed \$1,000,000 in gross obligations for direct loans are authorized for specially adapted housing loans (38 U.S.C. chapter 37).

VETERANS HEALTH SERVICE AND RESEARCH ADMINISTRATION

MEDICAL CARE

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities; for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs, including care and treatment in facilities not under the jurisdiction of the Department of Veterans Affairs, and furnishing recreational facilities, supplies and equipment; funeral, burial and other expenses incidental thereto for beneficiaries receiving care in Department of Veterans Affairs facilities; repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the Department of Veterans Affairs, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); aid to State homes as authorized by law (38 U.S.C. 641); and not to exceed \$2,000,000 to fund cost comparison studies as referred to in 38 U.S.C. 5010(a)(5); \$11,561,431,000, plus reimbursements: *Provided*, That of the sum appropriated, \$7,220,000,000 is available only for expenses in the personnel compensation and benefits object classifications: *Provided further*, That of the funds made available under this heading, \$268,882,000 is for the equipment and land and structures object classifications only, which amount shall not become available for obligation until August 1, 1990, and pursuant to section 202(b) of the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987, this action is a necessary (but secondary) result of a significant policy change.

POINT OF ORDER

Mr. FRENZEL. Mr. Chairman, I have a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. FRENZEL. Mr. Chairman, I make a point of order that the language in H.R. 2916 on page 5, beginning with the word "and" on line 22 and going through the end of line 25 constitutes legislation on an appropriations bill in violation of rule XXI, clause 2.

The CHAIRMAN. Does the gentleman from Michigan wish to respond?

Mr. TRAXLER. Mr. Chairman, we concede the point of order.

The CHAIRMAN (Mr. BEILENSON). The point of order is conceded, and the point of order is sustained.

AMENDMENTS EN BLOC OFFERED BY MR. SCHUMER

Mr. SCHUMER. Mr. Chairman, I offer en bloc amendments made in order by the rule.

The Clerk read as follows:

Amendments en bloc offered by Mr. SCHUMER:

Page 5, line 15, strike "\$11,561,431,000" and insert in lieu thereof "\$11,801,431,000".

Page 12, line 22, strike "\$9,145,000,000" and insert in lieu thereof "\$9,515,000,000".

Page 13, line 7, strike "\$883,830,000" and insert in lieu thereof "\$1,013,830,000".

Page 13, line 10, strike "\$7,796,258,750" and insert in lieu thereof "\$1,036,258,750".

Page 19, line 5, strike "\$6,000,000" and insert in lieu thereof "\$10,000,000".

Page 32, line 24, strike "\$785,000,000" and insert in lieu thereof "\$885,000,000".

Page 43, line 15, strike "\$5,203,100,000" and insert in lieu thereof "\$4,489,100,000".

Mr. SCHUMER (during the reading). Mr. Chairman, I ask unanimous consent that the en bloc amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. Pursuant to the rule, the gentleman from New York [Mr. SCHUMER] will be recognized for 30 minutes, and a Member opposed will be recognized for 30 minutes.

The Chair recognizes the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the amendment that I offer here today poses this body with a stark choice: Fund programs for our veterans, our children and our elderly, or give an increase in funding for the space station.

Ladies and gentleman, first before I begin my remarks, let me thank the chairman of the subcommittee, the gentleman from Michigan, for his kindness and his understanding. He has been a gentleman throughout. Let me commend the gentleman from New Jersey, the chair of the authorizing committee, for his strong fight and leadership in space, and both the ranking minority on the appropriating and the authorizing committees for their consideration.

Ladies and gentlemen, it is painful to come to the floor and make choices, but that is what we must do here today.

This morning our President announced his plans for a space station, a station on the Moon, and a landing on Mars by the year 2010. That will cost us \$400 billion, and we cannot have space exploration by press release. We must have space exploration by money.

Once we talk about money, ladies and gentlemen, we must have choices. This amendment, the Schumer amendment, is offered for several reasons. First, it is to require us to make those choices.

The chairman of the Committee on Veterans' Affairs, the gentleman from Mississippi, came up and praised the committee for doing all it could within its confines, but said that veterans' health care is not funded to the level

that it should be. The gentleman from New York, my good colleague and friend, came here and said that housing is not funded to what it should be. The gentlewoman from Louisiana, my good friend, came here and said that we are doing the best within the constraints of this bill.

Ladies and gentlemen, the leading constraint within this bill is the huge increase for the space station. In fact, last year, this year, we appropriated \$900 million, and it will go up, if the Schumer amendment does not pass, by a whopping 84 percent.

What this amendment does is it gives an increase for the space station, but it says that there are other priorities that are more important: taking care of the health of our veterans, educating our children in a safe environment, housing the people who have been so neglected over the past decade. Yes, here on Earth, ladies and gentlemen, and let me say, first, that I am a believer in space exploration. It can improve technology, help our economy stay innovative and current, and uncover vast new worlds that excite the imagination, but we cannot have everything. We can say we can, but we cannot.

This amendment says that here on Earth we have millions of people living on our streets, a plague of drug abuse spreading from our big cities to our smallest towns, and millions of veterans who urgently need the medical care that has been promised them.

□ 1240

On all of these issues, by our own admission, this Government spends only a fraction of what is needed. So I ask my colleagues, as we reach for the stars, let us not forget those who live underneath them. As we try to discover distant worlds, let us not forget our own planet.

My amendment would grant the space station a 4-percent increase in funding, enough to keep up with inflation, but transfers money to critically needed service programs around the country.

The amendment is supported by a variety of groups. I will just mention some of them. The American Legion supports this amendment.

Mr. WALKER. Mr. Chairman, will the gentleman yield on that point?

Mr. SCHUMER. I am happy to yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I just talked to the American Legion a few moments ago, and the American Legion tells me they do not support the gentleman's amendment.

Mr. SCHUMER. Reclaiming my time, we have a letter from the American Legion which I will share with the gentleman.

Mr. WALKER. The American Legion states that they do not support the gentleman's amendment.

Mr. SCHUMER. We will show the gentleman from Pennsylvania the letter.

Also supporting my amendment are the Veterans of Foreign Wars, the American Association of Retired people, the National Education Association, and AFSCME, among other groups. So there are many people in this country, as these groups represent, saying yes, we need to explore space, but no, this kind of money for the space station compared to our other priorities is not adequate.

Second, the space station itself is misguided if one wants to explore space. It is gold plating. It is the kind of thing that costs a lot of money, and I realize that that creates some jobs, but it is not the best way, according to so many scientists, of exploring space.

Thomas Donahue, the prestigious University of Michigan scientist who chaired a space advisory committee for NASA, said he did not know what experiments could be put on the space station.

James Van Allen, the one who the rings are named after and the radiation belts, called the space station "a solution in search of a problem." Again, my colleagues, this is one of our leading astrophysicists who says it is "a solution in search of a problem."

Even Ronald Reagan's science adviser, George Keyworth, called the space station "an unfortunate step backward."

Yet here we are ready to spend \$30 billion over the next 7 years for a station that will mean less money to fight crime, less money to educate our youngsters. For what?

I would submit to all of my colleagues, many of us do wish to explore space, but the space station is another B-2. We start spending money for it, we will not find an adequate purpose for it, and then as the cost goes up, and up and up, the only justification for spending additional dollars will be that we have spent so many already.

Let us stop this kind of folly, my colleagues. We are not saying end the space station. But what we are saying is fund it at a little more than last year's level, and let us see if we can really spend the huge amount of dollars that the space station would require.

There is a better way, my colleagues. There are unmanned space probes, and in the last three decades the overwhelming majority of scientific and economic progress has come out of the investment in unmanned space probes.

It was robot satellites in earth orbit that revolutionized global communications and navigation.

It was satellites that have changed our understanding of the atmosphere, the ozone layer, our weather, the dis-

tribution of natural resources, and how our oceans function.

Yet, these kinds of great programs are being slashed to make room for this huge, expensive, unwieldy, and unneeded space station.

So in conclusion, my colleagues, the space station is squeezing out needed programs in space. The space station is squeezing out needed programs on Earth.

The bottom line, my colleagues, is that we should make science policy on what is good and what is needed. We should not make science policy based on what makes for the best press release.

The bottom line is there is not enough money to fight crime, clean the environment, house the homeless, feed the hungry, and educate the young here on Earth. Building the space station will mean less not only in these programs, but less for the really successful space programs.

This is ultimately, my colleagues, a question of priorities. The American people want us to spend their money wisely. Let us spend it where we can get the most bang for the buck scientifically, and where it can do the most good for those who live under the stormy skies here on Earth.

Mr. Chairman, I reserve the balance of my time.

Mr. TRAXLER. Mr. Chairman, I rise in opposition to the amendments.

The CHAIRMAN. The gentleman from Michigan [Mr. TRAXLER] is recognized for 30 minutes.

Mr. TRAXLER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me at the outset say that the distinguished gentleman from New York [Mr. SCHUMER] recognized and has identified a number of concerns that many Members of this body would agree with and would not be in opposition to. The concept that our Nation needs additional funding for very vital areas of this budget is a fact that I do not think any one of us can disagree with. In that sense I want to applaud the gentleman from New York for recognizing what I see as shortfalls within the appropriations of this subcommittee.

I might also add to his list. I could put together a rather extensive list which, incidentally, would include the agency from which he would take the money to do the things which are necessary, and in many respects with which I do not disagree.

We have reduced this bill from the President's request for NASA by approximately \$1 billion. That was a painful decision, with painful results which I found very, very difficult to accept.

This bill, in my judgment, recognizes the necessity for balancing the equities between the various agencies within the subcommittee's jurisdic-

tion. I think on review, we all recognize there are across this Nation people who will speak on behalf of each of the agencies within this committee's jurisdiction—they would speak for the VA, they would speak for HUD, they would speak for NASA, they would speak for the academic community and the National Science Foundation. And certainly every environmentalist would tell us we need more funding for the general purposes and principles that EPA represents. There are others who would look at the 15 remaining independent agencies, smaller agencies that I think have some important impacts. We have the American Battle Monuments Commission, a very tiny agency, incidentally, that cares for our overseas cemeteries where our war heroes are buried, a very small appropriation. One could reach across this bill and say I have a favorite topic here. The gentleman from New York does not pick one favorite topic—he touches several of them to transfer funds. I have no quarrel with what he would like to do except for one thing. He takes the money out of NASA, specifically the space station. I must say that we have labored very diligently, as a good parent ought to, to balance the equities between the various agencies that are within the subcommittee's jurisdiction. The committee strove mightily to recognize the needs of the veterans, of our environment, of housing for low-income people—and Members are going to hear more about that later—elderly housing programs that the gentleman is aware of and seeks to add to—and we have tried the very best we could to attend to that—and the Elderly Congregate Services Program.

The gentleman from New York has distributed the reduction in NASA among various agencies. I would say as we crafted this bill we sought mightily and with great diligence to balance the equities here among these competing interests.

I cannot tell Members that we were absolutely and totally correct and that no Member's judgment could supersede ours. But I can tell them that from the members on the committee who represent disparate points of view, differences of opinion, and points of view, they felt comfortable with what we put together. I felt comfortable, not because I was totally satisfied with what was done, but given the financial resources presented to us, I thought that it was the best product that we could come forward with.

I am going to ask Members this afternoon to say no to the gentleman from New York's amendment, because I think if Members look at the total bill, it represents the keenest kinds of balance that can be achieved among all of these worthy endeavors which

the people of America look to the Congress and the President to protect and enhance.

I trust and believe that the amendment will be rejected.

□ 1250

Mr. Chairman, I reserve the balance of my time.

Mr. SCHUMER. Mr. Chairman, I yield 3 minutes to the gentleman from Delaware [Mr. CARPER].

Mr. CARPER. I thank the gentleman for yielding.

Let me preface my remarks by saying I realize what a difficult task the gentleman from Michigan [Mr. TRAXLER], and the gentleman from New York [Mr. GREEN], and members of the subcommittee are faced with in trying to craft this bill today. I applaud them for their efforts.

Mr. Chairman, the Schumer amendment, and those of us who support it, do not intend to reflect badly on the subcommittee's efforts. We understand how difficult their task is.

We are faced today, and others have said we are faced today, with a series of hard choices. I think all of us in this country would like to again enjoy the unchallenged leadership in space perhaps we once did. All of us in this country would like to reverse the rise in homelessness and see some increase in the rise in homeownership.

All of us would like to be able to respond to the pleas of our veterans for better medical care. All of us would like to see the day come when the rains that fall from the skies would not bring, as they did last night, acids to poison our rivers, lakes, and streams.

We also know that while we would like to have those things, we have to be willing to pay for them. There is a reluctance in this body and there is a reluctance in the White House to raise taxes to pay for more spending. We know we cannot go deeper and deeper into debt and borrow the money for these programs.

The funds, as it turns out, must come from some other programs.

I believe we should have a space program in this country. I believe that is important for the United States. I believe that the idea of a manned colony on the Moon at some point in time may be desirable and a manned mission to Mars could be desirable as well.

Having said that, I also think we need to provide, as a first priority, a decent place for families to live here on Mother Earth and in this country.

I believe we do need to provide adequate health care for our veterans whether it is in Delaware or New York or in any other State.

Finally, I think we have to provide a safe living environment not just for a future colony on the Moon or a possible manned mission to Mars, but a safe

clean environment right here where we live.

The Schumer amendment does not eliminate the space station. It provides \$1 billion next year for the space station, which is actually a small increase in current funding for that program.

It does, however, reorder our priorities. It reorders them in a way I am comfortable with, and I hope a majority of my colleagues will be comfortable with.

The Schumer amendment represents a policy that we call pay-as-you-go. It is a policy that I think is fiscally responsible and I believe deserves our support today.

Mr. SCHUMER. I thank the gentleman for his contribution.

Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Chairman, today we commemorate the 20th anniversary of the United States landing on the Moon. The scenes of that historic event are still fresh in our memory. That one small step inspired this Nation, stirred our dreams, and opened an era of discovery.

With this amendment we reduce the growth in spending for the space station and dedicate those funds to other frontiers, other challenges, other dreams.

Our Nation came to its feet to cheer an astronaut's step into immortality. Today we can set a new national goal, the goal of safe housing for our Americans, health for our children, security for the elderly and the veterans who risked their lives so we could have our peaceful dreams.

Bringing children in from the cold and the crime of the streets to a safe home does not have the pageantry of an astronaut girded for exploration hurtling into space. But our Nation can come to see a national goal of decent and affordable shelter as a great victory over the elements.

Protecting kids from cancer and disease may not bring the same rush of emotion as a liftoff from the Cape but there is as great a promise in a healthy child as in a conquered frontier.

We need not look to the heavens to find our future inspiration; we can find it in neighborhoods redeemed from violence and poverty; children well schooled, healthy and anxious to lead, and elderly Americans with dignity and security.

This amendment is a small step for this Congress, but if it leads to a commitment to compassion and fairness by our Nation, it too can bring a chorus of pride from future generations.

Mr. TRAXLER. Mr. Chairman, I yield 15 minutes to the gentleman from New York [Mr. GREEN] and I ask unanimous consent that he be allowed to subdivide that time.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. GREEN. Mr. Chairman, I yield myself such time as I may consume.

We have heard some interesting rhetoric but maybe we ought to look at what the actual amendment is that we are debating. That is the amendment made in order by the Committee on Rules. It is an amendment that reduces the NASA research and development account by \$714 million, period.

The amendment as it has been made in order by the Committee on Rules does not specify to what programs the cuts would apply. It certainly does not specify that the cuts could only come out of the space station. In fact, the space station is substantially less than half the funds in that account, about \$1.6 billion, as I remember, out of the account of \$5.2 billion, as the account now stands.

So in fact the space station is less than a third of that account.

As the Schumer amendment is drafted, NASA is perfectly free to keep the Space Station Program intact and to take that money out of many other things that NASA is doing.

Moreover, even within the space station account there are a lot of different things going on. For example, under the Schumer amendment, if NASA chose to take some of that funding out of the space station they could take it out of work package 3, which happens to be the Earth orbiting satellite that is a key part of Mission to Planet Earth.

If NASA chose to do that, it would be absolutely destructive to the Mission to Planet Earth Program.

There are many other things that NASA could choose to do that are included within that account. We have money in here for a satellite to observe what is happening to the ozone layer.

The only satellite we have up there now is deteriorating very badly. The data we are getting from it is increasingly garbled and unreliable and if we do not move quickly to replace it we shall no longer know what is happening to the upper atmospheric ozone.

Yet that is something that NASA could easily do under the amendment of the gentleman from New York.

I should also point out that even if the gentleman from New York persuades NASA to take all the money out of the space station, in the long run that is going to be extremely destructive to that which he wants to accomplish by his amendment, because I can assure the gentleman from New York that the one thing that is going to drive the cost of the space station through the roof is to go the route that he is proposing and buy it a little bit at a time.

We have put a big cut already in the space station program. We have cut it almost \$400 million below what the administration requested. In response to what we have done, NASA in fact is, during this month, engaged in a review of the scope of the space station to see how to accommodate to that level of change.

But I think everyone who is connected with the program agrees that if we drop to the level that the gentleman from New York is proposing we would be dropping to a level which is just going to drag this program out indefinitely and increase its costs enormously.

As those costs increase in that program, under the plan that the gentleman from New York has put forth, there is less and less left in our bill for programs for veterans, for programs to deal with pollution control and research, for programs to provide housing subsidies, for programs for the elderly, for congregate services.

So the gentleman really saves a penny this year but he will be giving pounds and pounds in future years as his approach to this program drives the station costs through the roof. That is not a prudent way to go. Perhaps if the gentleman from New York has proposed terminating the Space Station Program we would be having a different debate here today. But the gentleman from New York has not done that. He is simply following a course which in the long run is going to be very destructive, very expensive, and in the end we shall have much less money for the program that is dear to his heart. I think that is a poor approach to this issue, and I hope that my colleagues will reject it this year as they rejected it last year.

□ 1300

I yield to the gentleman from Connecticut.

Mr. GEJDENSON. Mr. Chairman, did the gentleman indicate that the gentleman from New York's amendment simply strikes the money, and does not move it to housing?

Mr. GREEN. The gentleman's amendment, as set forth in the report of the Committee on Rules, reduces the research and development account as NASA by \$714 million in the NASA portion, and adds money in other portions of the bill not related to NASA.

I yield to the gentleman from New York.

Mr. SCHUMER. Mr. Chairman, does not the money added in, include money for housing?

Mr. GREEN. I did not challenge that. My only argument is that, if Members go about the development of the space station as the gentleman proposes, Members are in the end going to increase the space station costs very materially. At that point, our subcommittee will have less

money left for housing, we shall have less money left for veterans, less money left for environment, and then in the end the amendment that the gentleman from New York offers will be very damaging to the causes that he seeks to advance.

I yield such time as he may consume to the gentleman from Texas [Mr. FIELDS].

Mr. FIELDS. Mr. Chairman, I rise today in strong opposition to my colleague from New York's amendment to transfer \$714 million from the Space Station Program and reallocate it to other programs authorized under this bill.

I'm afraid it is a case of "here we go again—the U.S. Congress is trying to pull the rug out from under NASA." I am perplexed that this situation reoccurs, especially when Americans continuously put space high on their list of priorities.

If the Schumer amendment were to prevail, the Space Station Program would be effectively dead. NASA would have no alternative but to recommend to the President that the Space Station Program be canceled.

As one Representative from Houston, TX, the home of the Johnson Space Center, I have a vested interest in the success of the Space Station Program. The Space Station Program has unquestionably contributed to the recent upturn in the Houston economy.

But, the program's contribution to Houston is minuscule compared to the benefits a manned space station will have on the country as a whole. Like previous space endeavors which established the United States as the leader in space, space station Freedom will generate not only new knowledge, but also, new industries, new products, new jobs, and greater innovation that will benefit the American economy.

The Space Station Program is a project of international significance. The United States is not the only nation involved in building the space station Freedom. The European Space Agency, Canada, and Japan have contributed heavily to the program. Space station Freedom has become the symbol of our commitment to our allies. If we do not continue our leadership, nations will seek partners other than the United States to benefit from space, and we will have reneged on an international commitment.

Mr. Chairman, the first obligation of each generation is to invest in the next. Twenty years ago today, Neil Armstrong's walk on the Moon paved the way for the next generation. The Space Station Program is a symbol of our Nation's commitment to the innovative use of space for all mankind. Now more than ever we must pave the way for the next generation to give them the edge in technology and discovery so that they can continue our

role in world leadership and our efforts toward an improved quality of life for all mankind.

Mr. TRAXLER. Mr. Chairman, I am pleased to yield 5 minutes to the distinguished chairman of the Committee on Science, Space, and Technology, the gentleman from New Jersey [Mr. ROE].

Mr. ROE. Mr. Chairman, I thank the gentleman for yielding time to me.

I was thinking to myself what I wanted to say today, and I want to say to the distinguished gentleman from New York [Mr. SCHUMER], that he is doing a great service today in offering the amendment that he is offering today. I think it is time that the House spoke to the issue, does it want a space program or does it not want a space program.

Today, as we celebrate the 20th anniversary of landing on the Moon, I remember well and maybe other Members do, too, "The Eagle has landed, the Eagle has landed, the Eagle has landed," and all over the world, the world stopped, because something tremendous had happened.

In all the history of mankind, through science, space, technology, and engineering, and most important, people, we had people walking on the Moon. We named the space station, "Space Station Freedom," and we talked a little bit today about planet Earth and gravity and all the other things we are talking about.

I want to explode a myth, if I can, in the few minutes we have. Peaceful use of space is essential to mankind, and the myth we have to shatter, that space is a luxury. Space is not a luxury. The space program produces almost a million jobs on Earth. Those are resources for people to buy homes and to educate their children. It is creating the new wealth that this country needs. The economic ratio in the United States, for every dollar we spend on Earth, for the space program, it produces \$5 or five times the economic dynamics for this country in cities and communities and States throughout this Nation.

World communications would be impossible, had we not entered into space. Instantaneous communications, where Americans can fax a particular communique from here to Bombay, people would never have been able to do that before 10 years ago, if we did not have the space program.

Let me say one other thing, and I am going to close on two points, because I am going to try to save a little extra time. The security of the Nation depends on our space program. There is no way we could monitor the security of the Nation without the space program.

Let me conclude on this, because I want to turn back some of my time for other Members, I have spoken on this

issue, forgive me, a thousand times. I, too, am a veteran. I served in World War II in a combat infantry unit. I do not want to be in the Congress of the United States in dealing bonbons, where we pick a bonbon out of the box, because I get 30 votes here, because a Member is afraid in 2 years' time that the veterans will be mad at them. I say to my veterans in New Jersey, right now, the future of mankind depends on this program, and if the veterans in New Jersey do not want to support BOB ROE anymore, then elect somebody else, but I will not give up the bonbons, the needs of this country to try to win votes in a coalition, and bring in the poor souls who have not got homes, the homeless involved, and the veterans, and the American Legion coming back and saying to this, when they are the first ones who come in and speak to the security of this Nation. So let me challenge everybody here today, we can do better, and we can do both. We should not pit brother against brother and sister against sister, nor should we force our country into deciding a one-future nation. The future of this country, the future of this world, depends on our neighbor space. That is where the real world is. I hope Members will defeat this amendment.

Mr. SCHUMER. Mr. Chairman, may I ask how much time remains?

The CHAIRMAN. The gentleman from New York [Mr. SCHUMER] has 16 minutes remaining.

Mr. SCHUMER. Mr. Chairman, I yield myself 30 seconds to make three brief points.

First, communications are important. The space station, not the space program, but the space station, with this amendment, has nothing to do with communications. Second, it has no military applications, according to many of our generals. And third, in reference to what the gentleman from New York and the gentleman from New Jersey said, it is not this amendment that is pitting program against program, it is the fact that the space station under this bill is going up 84 percent, \$700 million, and that the other programs do not have the money left. So do not blame the amendment. It is the fact of the huge cost of the space station crowding out all the other programs that is causing the problem.

Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. OBERSTAR].

Mr. OBERSTAR. Mr. Chairman, on the occasion of the 20th anniversary of man's walk on the Moon, it is indeed tempting to burst with national pride and say "Onward, outward, and farther into space," but this is precisely the moment to hold the very kind of debate we are having today on national priorities. Whether to make the broad choices that we ought to be

making, not micromanaging within the internal operation of this or that agency budget, but making the broad public policy choices on whether to send men to the Moon, where we will house the six fittest among us on the Moon, or to house the poorest and neediest among us on Earth. Whether we should launch man on a journey, a \$25 billion-a-year journey from the Moon, on to Mars, a journey on which we will be spending more in each year than we spent in the whole 10-year period of the effort to land a man on the Moon. Or whether we should be spending money on crowded bridges, crowded highways, crowded airports right here on Earth.

The very gentlemen who want to get man to the Moon and to Mars' surface, cannot get people downtown, cannot get people into the Nation's airports. Last year we had 100,000 hours of delay at O'Hare Airport. That will triple in a decade when three more airports will join O'Hare in the 100,000-hour delay club. There are 25 airports around the country that are experiencing as much as 50,000 hours of delay, and we should be launching ourselves on a mission to Mars?

I am for science in space. I think it is important. However, for 10 percent of the cost of manned space science, we can do all the science we need in outer space. We need not put men in space with these greatly restricted financial resources we have, at 10 times the cost of unmanned space science studies. I say let Members focus our resources, make this broad policy choice that we are confronted with here in the Schumer amendment; focus those resources where they are most needed, which is here on Earth. Confront, think about this, confront this \$12 billion-a-year space budget with a \$5 billion budget for cleaning up water on Earth.

Vote for the Schumer transfer amendment.

Mr. SCHUMER. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, I want a good space program. I was at Cape Kennedy 20 years ago with the mission launch that sent Neil Armstrong to the Moon. It was a wonderful experience. It was inspiring.

However, the fact is that the budget for the space station is up 85 percent and everything else in our domestic budget is getting crunched. The President is now announcing a grandiose scheme to go ahead with the space station, go ahead with the Moon colony, and go on to a manned mission to Mars. It all sounds terrific.

The problem is, it is not built on bonbons, as the gentleman from New Jersey suggested, it is built on cotton candy. It is all froth.

□ 1310

It is all froth, all fluff, because there are no dollars here to pay for it. The President has designed a beautiful, grandiose, imaginative mission with no way to pay for it; there is no design there.

We do a disservice to the space program if we allow these budget increases to continue without knowing where the money is going to come from. Today we have \$1.6 billion in the budget for the space station. Within a year and a half we are going to have \$3 billion. Where is the money going to come from? We ought to know that now before we begin to add to that budget.

The beauty of the Schumer amendment is that it recognizes, yes, we want to explore the universe, but for most people the universe they experience for all of their lives will be right here on this planet. And if we take a look at their everyday living universe, what do we see? We see lousy housing, we see inadequate education, we see schools loaded with asbestos. I used to work with asbestos. I know how dangerous it is to kids and adults.

The best thing to do today, if we care about the integrity of the space station, is to send a message that we are not going to fund these increases until the President shows us how we are going to pay for them. Meanwhile, we are not going to let this space station squeeze out the other mercy initiatives in this budget right here at home for people who need housing, for veterans who need decent health care, or for schools kids who need a safe place to go to school.

That is all we are trying to do. We are trying to not only deal with the problems that every human being has in his own universe. We are also trying to send a message to the President: "Don't sell the country on these grandiose plans until you've got a way to pay for it," because if we do not have a way to pay for it, all of those plans are going to come down in a crashing heap once more, great expectations ruined.

Mr. Chairman, that is not going to help the space program; this is not going to help national morale. The Schumer amendment will.

Mr. TRAXLER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from New York [Mr. SCHEUER], a member of the authorizing committee.

Mr. SCHEUER. Mr. Chairman, reasonable men can differ on this proposal, but I feel that it is just as important for us to go ahead with this space station effort as it is for us to fill these admittedly unmet domestic needs of our society.

We are desperately underspending for our education, for elementary education, for preschool education, for literacy education, and for education in

science, technology, mathematics, and engineering, but does that mean that we should stop the space effort? No.

The question is not whether mankind is going to go to space. Mankind is going to go to space. The European space agency is going to get there. The Japanese are very likely to get there. The Russians are already there.

The decision we have to make today is whether we are going to deal ourselves out of participating in the space station effort and participating in cooperative space exploration efforts with other nations. Are we going to try to reassert primacy in space? Are we going to be an actor in space? We are and we must reassert our leadership in our civilian space program. To do less would abandon space activities to the military and deprive our citizens of the significant spinoffs benefiting all Americans.

There are unimaginable advantages derived from the process of getting into space. There are advances in health care, in the development of new drugs, and in the production of all kinds of new materials that can be produced in a vacuum, that whole new manufacturing environment.

Mr. Chairman, let us not deal ourselves out of space. Let us be a participant. Let us maintain American leadership in space, and we will find simultaneously a way to meet our admittedly unmet domestic needs.

Mr. GREEN. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Chairman, just this morning the President of the United States said that we should go the lower orbit and do the mission to Planet Earth so that somehow we can improve the environment of this world in the future. The President said this morning that we ought to go back to the Moon and establish a permanent base there so we can have another big project that pays back to the gross national product at a 9-to-1 ratio the same way Project Apollo did. The President said this morning that we should go on to Mars and fulfill man's destiny of exploring and learning.

The President said we ought to go the lower orbit, we ought to go to the Moon, and we ought to go to Mars, and the Schumer amendment says to all of that, "Hell, no, we won't go."

Mr. SCHUMER. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I will yield to the gentleman in a moment.

Mr. Chairman, everything we want to do in the future in space depends on our ability to build that space station.

What does it mean to say, "Hell, no, we won't go"? It means that we will retreat from world leadership in science, space, and technology, that we will retreat, not compete.

Will that be good for veterans? Will that be good for retired folks? Will

that be good for education or for all the good things we want here on Earth? Of course not. Retreat means a lower quality of life for the future. It means the future will be a little lesser rather than greater, and that would be tragic.

Do we really want to be the first generation in this Nation's history that leaves the Nation poorer for our having been here, or do we want to join with the President of the United States in making a choice for new goals and better priorities?

Twenty years ago we could have chosen to fund immediate needs and defer the future, but we were bigger, we were better and more visionary than that, and today, as a result of that vision, as a result of being bigger and better than that, we are infinitely better off.

Some have told us that they believe that "Hell, no, we won't go" is indeed a proper policy. I hope that this House will agree with us that America needs to be a Nation great enough to look outward rather than only inward.

Mr. Chairman, let us reject the Schumer amendment as one of those bad ideas that a great nation should never countenance.

Mr. SCHUMER. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from New York.

Mr. SCHUMER. Mr. Chairman, I would ask the gentleman from Pennsylvania [Mr. WALKER], who has been a great fiscal watchdog in this House, if the President has suggested how we are going to pay for this \$400 billion project?

Mr. WALKER. Mr. Chairman, if I may reclaim my time, what the President suggested is that there is a matter here of national will. If we have the will to do as much now as we had in the 1960's in terms of investment, we can do it. In the 1960's we had the will to invest 3.6 percent of the Federal budget for space. We can do that again. We are only investing 1 percent now.

Mr. GREEN. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. Mr. Chairman, I rise in strong opposition to the pending amendment.

Mr. Chairman, there is a saying attributed to the philosopher George Santayana to the effect that "those who do not learn from history are doomed to repeat it."

What we are seeing on the House floor today, in the attempt to gut the space program, is a lesson in history in the making. In 1961, President John Kennedy demonstrated remarkable vision and leadership by setting the United States on the path to the Moon. Twenty years ago today, that vision, that goal,

was achieved, in what many have called the most remarkable voyage since Christopher Columbus set foot in the New World. I find it ironic, therefore, that some in the party of John Kennedy are leading the charge to dismantle our space program. The comparison with Columbus is instructive. Five hundred years ago, Portugal and Spain were competing for leadership in exploring sea routes to the rich lands of the Orient, Columbus (an Italian by birth) approached leaders of the two nations, Portugal's king rejected his proposal; Spain's Queen Isabella agreed to underwrite the voyage. The result was that Portugal's once-rising star as a maritime power was eclipsed by that of Spain. Spain went on to build an empire which, in time, was eclipsed by yet another maritime power, England.

The lesson is that the nation which rests on its laurels, which rejects the challenges of succeeding eras, is doomed to the status of an also-ran.

The United States accepted the challenge posed by the Soviets in the 1960's, and achieved worldwide recognition as the leading space-faring nation. Then we walked away from the challenge, today, as we meet in this chamber, a Soviet space station is passing over our heads every 90 minutes. Today, on the 20th anniversary of the Apollo landing, there are no Americans in space.

If we vote today, on the 20th anniversary of the Apollo landing, to gut the Space Station Freedom, we will have no one to blame but ourselves if we fall into eclipse as a leader among nations.

The space station is our stepping stone to the Moon, and then to Mars. It is also our eye on the planet Earth, our best hope, really, for solving the problem of pollution, which is a worldwide epidemic respecting no national boundaries. It was through the technology of the space program that we gained our first real perspective on global warming, ozone layer depletion, deforestation, and other environmental scourges. It is through space technology that we will solve those problems.

If we turn our backs on that challenge today, Mr. Chairman, we will be doomed to repeat the harsh lessons of history, even on the very day we celebrate the anniversary of that remarkable achievement of 20 years ago. I urge my colleagues to defeat the Schumer amendment, and accept the mantle of leadership as a space-faring nation.

Mr. TRAXLER. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR. Mr. Chairman, I want to compliment the committee on what I think is the best they could do under the circumstances. We should not be pitting the civilians' space program against all the other domestic programs, but that is what this amendment would do.

My friend, the gentleman from New York [Mr. SCHUMER] and I have worked very closely on Housing issues together, but I say to him that to cut more than \$700 million from this pro-

gram is to gut the space station program. This would be gutting the future of this country, and I have to oppose it. We could go and ask the woman who has had cataract surgery if the space program is not important to her. Or we could ask the person who has a pacemaker, who depended on the research and the technology that made possible under the space program. Or we could ask the person who takes blood pressure medication and who depended on the kind of research in the field of medicine that has been done in space, or we could ask the individual who has witnessed in his or her living room a people's quest for liberty, as we witnessed it in China.

Mr. Chairman, I say that we should oppose the Schumer amendment and stick with the committee.

Mr. SCHUMER. Mr. Chairman, I yield 1 and one-half minutes to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I rise in support of the Schumer amendment to provide additional, necessary funds to house our Nation's people, clean our children's water, and keep our commitment to provide health care to our Nation's veterans.

Mr. Chairman, I am as proud as any American can be about the accomplishments of our space program. Clearly, as we are now celebrating the 20 years since our astronauts walked on the face of the Moon, this is a time when we can reflect on our accomplishments and look to the future for achievements to come. But these historic events did not and do not happen in a vacuum. Today, millions of people live below the poverty line in this country. We have some 3 million people without homes. We have numerous environmental hazards that threaten the very health and safety of our citizenry which must be addressed. And Mr. Chairman, we are obviously not proud of these circumstances.

The Schumer amendment is an attempt to improve this bill by providing for planet Earth first. "Planet Earth first" is a goal that will be furthered by providing \$100 million for EPA pollution control and research, \$240 million in section 8 low-income housing rental subsidies, \$134 million to elderly housing programs, and \$240 million to essential veterans' medical services. This amendment still leaves the space station with over a 4-percent increase from fiscal year 1989 funds. NASA will still have \$938 million and real serious people problems would be addressed.

With the \$240 million this amendment for low-income housing rental subsidies, we can provide over 6,000 families with a place to live. A recent report issued by the Center for Budget and Policy Priorities and the Low Income Housing Information Services underscored the significant crisis faced

by low-income Americans trying to obtain affordable housing. According to the report, some 45 percent of all poor renter households—over 3 million households—paid at least 70 percent of their incomes for housing while 63 percent paid 50 percent or more for housing in 1985. We must help these Americans. We must help those seniors who face the housing crunch by providing the additional \$130 million for section 202 elderly housing loans—a program that has been cut over 50 percent since 1981.

The passage of this amendment will ensure additional funding for asbestos removal efforts in schools. The EPA estimates that over 15 million children and 1.5 million employees are exposed to this health hazard in over 44,000 school buildings. Congress has demonstrated its support for reducing the health threat posed by asbestos by requiring schools to inspect and remove asbestos from buildings and by providing loans and grants to schools for these abatement efforts. However, the level of funding provided by Congress over the years has been inadequate. EPA estimates that it will cost over \$3.1 billion for schools to comply with Federal asbestos inspection, management, and removal requirements. Only 17 percent of the funds requested by schools have been provided, and among those schools with the worst health risks, only 43 percent have been funded.

Mr. Chairman, what the Schumer amendment injects into this debate is a big dose of reality. Some national policymakers apparently think that the budget can create money out of thin air. Maybe there is a NASA or NSF Program that is planned to do that, but the space station does not do that. It does not create money out of thin air, that type of alchemy doesn't exist today and isn't likely in the future.

Where is the payment component of the space station program, the balance for this unbalanced equation? I would appeal to my colleagues and ask, where is the \$30 billion to fund this program?

We must deal with all our commitments. We must stand up for people who do not have a multimedia advertising blitz with all the glitz. In the past 8 years the U.S. Government has tripled its deficit because our hunger for many new high-cost programs has not been tempered by the reality of the cost. That is the balance. If the American public wants to support these programs and they are willing to go ahead, then we should go to them and ask them to pay for them, and if they do support them, then we can march forward.

Apparently the attitude here is—just keep adding on to the deficit, or worse yet, let us take from the neediest of the needy. Today we have 13.5 percent

of the U.S. population living below the poverty level. It has gone up by 7 million or 8 million people in the last 8 years and yet the National Government is taking from programs that serve the poorest of the poor.

□ 1320

Mr. Chairman, this is robbing from Peter to pay Paul, and we should not do it. We have to address this matter in a rational way.

In the 1960's the National Government was able to balance the budget. That is why we were able to do the things we did in the 1960's, and we did not have to take from needed programs to fund the new initiatives. Disregarding past commitments is the wrong way to approach the funding of the space program. This is a good program, and there are a lot of good programs, but we have to pick and choose, and we have to make decisions, and we have to pay as we go.

Mr. GREEN. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from New York [Mr. SCHUMER]. His amendment will destroy the very inventions and technologies that increase the quality of life for those very people he feels so deeply about.

Let's take a minute to look at what the space station really means for America. I'm sure the gentleman from New York will be pleasantly surprised to learn that many of the principles and ideals he speaks of can be found in the space station program.

Proponents of the amendment speak of the need for increased medical care for veterans—a very admirable program. But, did you know that life sciences research aboard Space Station Freedom will have many health care benefits here on Earth? For example, space research to control bone-calcium loss may lead to a cure for osteoporosis. Space research on white blood cell behavior may help lead to a cure for cancer. Further, previous NASA space programs have provided medical advances such as insulin infusion pumps, reading machines for the blind, ocular screening systems to detect eye problems in children, and laser heart surgery. Obviously, medical care in general has benefited significantly from the space programs in the past and will continue to prosper under the space station program.

Proponents of the amendment also speak of adding money to perform research on global warming and other environmental projects. If these Members are really serious about our environment, they would be more than willing to support funding for the space station. Let's look at the facts. Space Station Freedom is a permanent

observatory for Earth sciences. Environmental scientists will be able to continually view and study Earth from a new perspective and characterize change over the next 30 years. Earth observations from the space station contribute to "Mission to Planet Earth," providing a better understanding of our ecological system, leading to solutions for environmental problems such as air and water pollution, deforestation, greenhouse effect, ozone depletion, and waste and resource management.

In conclusion, Mr. Chairman, I feel it is important to put in perspective just where these funds will ultimately fall. They will fall on precisely the people the gentleman from New York wishes to help. The space station means increased medical care through medical advancements. The space station means increased environmental protection through extensive research in our planet. The space station, with its 50,000 jobs directly associated with the development and construction of the program, and, countless jobs associated with spinoff technology, means greater national pride and fewer Americans that will require public support for basic needs like food and housing.

Mr. TRAXLER. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida [Mr. NELSON], who is the chairman of NASA's authorizing subcommittee.

Mr. NELSON of Florida. Mr. Chairman, I thank the gentleman from Michigan [Mr. TRAXLER], and it is tough to say what I want to say in 1 minute, but I will try.

Mr. Chairman, if this Nation ever stops its space program, we would turn inward, and we would become a second-rate nation. We never want to do that. It is part of the character of this country and our people that we are always expanding out, that we are explorers, that we are adventurers.

Mr. Chairman, today the President has laid out a plan. We need his help desperately, more than he said this morning, in helping to fund that plan, but an integral part of that plan is this space station. We need to fund it, and we need to beat badly the amendment of the gentleman from New York [Mr. SCHUMER] on a vote of 2 to 1 like we did last time last year.

In conclusion I would just say that the Scriptures say that where the people have no vision, then surely the people will perish. That is not for this Nation. We need the vision.

Mr. SCHUMER. Mr. Chairman, I yield 3 minutes to my distinguished chairman, the gentleman from Texas [Mr. BROOKS], who, even though he is opposed to the amendment, has such wisdom that I am yielding to him.

Mr. BROOKS. Mr. Chairman, I want to thank the gentleman from New York [Mr. SCHUMER] for yielding

me this time, though I do regret that he offers the amendment again like he did before. I say to the gentleman, "I would recommend that, if you want to look for places to save money, look in the big budgets. Look at the Defense Department. They've got \$296 billion. I don't know if they can even count that high. Lord knows they don't know where it all goes."

But, Mr. Chairman, I want to say that this is a minor budget, but it is essential, and I rise, 20 years to the day after America first landed on the Moon, to voice my strong opposition to the amendment. The time has come to put a stop to this yearly tug of war. Anyone who cares to examine my record in Congress knows of my strong support for our Nation's veterans and for the HUD program. These are important commitments which deserve our strong support. But we made an equally important commitment over 30 years ago when we decided as a nation to strive for world leadership in the exploration of our last great frontier, space. Our Space Program has endured through many a scientific and technological setback, and through many a tough budgetary battle. Men and women have sacrificed their lives in an attempt to further our understanding of the vast benefits of space exploration and research.

The next step on this road is the establishment of a permanently manned space station. Many years of research, and many dollars, over \$900 million last year alone, have been spent to insure that the space station becomes a reality. We have watched as the Soviet Union reaps the innumerable scientific benefits already being enjoyed as a result of their currently orbiting station.

Funding for the space station has already been cut by almost \$400 million from the original request, and virtually all agree that the current amount debated and agreed to by both the subcommittee and full committee, is the bare minimum necessary to keep the Space Station Program alive. Passage of this amendment would surely sound the death knell for this program. I strongly urge my colleagues not to shirk this body's longstanding commitment to space and vote against this amendment.

Mr. GREEN. Mr. Chairman, I yield 2 minutes to the gentleman from Kansas [Mrs. MEYERS].

Mrs. MEYERS of Kansas. Mr. Chairman, I rise on my birthday and, incidentally, also on the 20th anniversary of Apollo XI in opposition to the amendment of the gentleman from New York [Mr. SCHUMER].

Neil Armstrong's "one giant leap for mankind" proved that humanity does not live on only one Earth. We live in a solar system with nine planets, over 30 moons, thousands of asteroids, a billion comets, and an

energy source that will last for at least 2 billion more years. Development of these resources would do more to bring planetwide prosperity and protect Earth's environment than any other endeavor.

Mr. Chairman, there are still those who say, and I believe that it is being indicated in this amendment, "How can we spend money on space when there are so many problems still on Earth?" The benefits of the Space Program are so immense that no one person could list them all. Other than the obvious, such as weather satellites and the ability of our constituents to watch us here on C-Span, there are the industrial and medical improvements and developments that touch everybody's everyday life: fireproof clothing, improvement of automobile brakes, industrial and medical advances, and these have been spurred by the space program.

However, Mr. Chairman, these are just a fraction of the potential that space development holds for the people of the world. This cannot happen unless we make the necessary investment now.

As we recall the triumphs of the past, we must prepare for the needs of the future. America must build this space station, explore the solar system, and we must return to the Moon.

On this heroic anniversary we must remember that, if America is to remain a great nation, it must remain a leader in space.

I support all the excellent programs supported by the amendment of the gentleman from New York [Mr. SCHUMER], but our attitude cannot be either/or. It must be both/and. Space definitely must be included.

□ 1330

The CHAIRMAN. On behalf of all the membership, the Chair wishes the gentlewoman from Kansas [Mrs. MEYERS] a happy birthday.

Mr. TRAXLER. Mr. Chairman, I yield 1 minute to a most distinguished member of the subcommittee, the gentleman from Ohio [Mr. STOKES].

Mr. GREEN. Mr. Chairman, since I understand that the gentleman from Michigan [Mr. TRAXLER] is pressed for time, I also yield 1 minute to the gentleman from Ohio.

The CHAIRMAN. The gentleman from Ohio [Mr. STOKES] is recognized for a total of 2 minutes.

Mr. STOKES. Mr. Chairman, I thank both gentlemen for yielding this time to me.

Mr. Chairman, I rise in opposition to the amendment of the gentleman from New York. Ordinarily I would vote for this amendment because on its face the amendment appears to establish priorities between America's space program and many of our press-

ing domestic programs. I do not know of anyone in this Chamber who has cried out longer or more vociferously than I have for this Nation to establish priorities. If I thought that this amendment did that I would not be here today opposing this amendment. On balance, I do not think the amendment accomplishes this.

Mr. Chairman, as a member of this subcommittee I sponsored an amendment to this bill which also establishes priorities. That amendment establishes bill language that at least 10 percent of station funds be allocated for women- and minority-owned businesses. The reason for this language is that the development, construction, and operation of the space station is one of the most ambitious economic projects ever undertaken by our Nation. It will address economic development and jobs in an unprecedented manner right here on Earth. More specifically it will substantively address the fact that in 1987, less than 1 percent of space station contracts were awarded to women-owned businesses and only approximately 3 percent of space station contracts were awarded to minority-owned businesses in 1989.

Mr. Chairman, traditionally minority-owned firms have not been involved with projects of this magnitude. Consequently, our Nation faces a situation constituting de facto exclusion of qualified contractors from such projects. By including this bill language that at least 10 percent of station funds be allocated for women- and minority-owned businesses, NASA will be able to enhance and guarantee minority involvement in the scientific and technological industries which will be such an integral part of this Nation as we move into the 21st century. This is extremely important as we move into the next century with the knowledge that in the year 2000 the majority of the new entrants into the work force will be minorities. In fact, we know now that by the year 2020 that one-third of the Nation's work force will be minorities.

Mr. Chairman, as I look at today's priorities I see the appropriation of funds for the space station to be vital in eradicating joblessness, poverty, poor housing, inadequate health care, and other pressing domestic problems. I see these space station funds as vital in enabling us to produce the economic development that can eradicate these domestic ills.

I urge you to defeat the Schumer amendment.

Mr. SCHUMER. Mr. Chairman, I yield 1½ minutes to the very distinguished gentleman from New York [Mr. FLAKE], a member of the Subcommittee on Housing and Community Development of the Committee on Banking, Finance and Urban Affairs.

Mr. FLAKE. Mr. Chairman, I rise today in support of the amendment of-

fered by the gentleman from New York, in support of the amendment because the arguments that we have heard here today talk about our concern for the development of the space station, but yet I am concerned that so many speak of it without some concern for those people who live in this space which we occupy, this space called Earth. It seems to me there must be a concern about setting some priorities. Our priorities today would seem to suggest that we are indeed concerned about our relationships in space, are concerned about the development of space and technology, our role in that as a nation, as the leading nation in it; yet it seems to me that there must also be a concern that this amendment does not say that we will not have a space station. What it does say is that we will cut. We will cut so that we might be able to assure those veterans who rallied behind the flag to fight for democracy for this Nation and other nations, that they will be able to have the benefit of living in good and clean and usable space in this Nation.

Also to say to the senior citizens who deserve the right to live in dignity at this stage of their lives that their space will be a space that will not be dilapidated, and to those persons who continue to live every day as a part of the homeless, as a part of the hungry, that we are concerned about your space here on Earth as much as we are concerned about space on Mars and other places.

Mr. Chairman, let us support this amendment. Let us pass it so that we might be able to do all these things so that our minds, our hearts, and our heads may be satisfied.

Mr. TRAXLER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Alabama [Mr. FLIPPO].

Mr. FLIPPO. Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from New York. The amendment offered by my distinguished colleague devastate the very centerpiece of NASA's future endeavors in space exploration, the space station "Freedom".

While I support the programs that this amendment seeks to increase funding for—housing programs, veterans programs, and the Environmental Protection Agency, the fact is that these programs have received substantial increases in funding under the bill before us today.

I believe Mr. TRAXLER and the members of the committee have done an outstanding job in assuring that all of the programs in the VA-HUD and independent agencies bill receive the funding they need to carry out their missions.

I believe it is shortsighted to put an end to a program like space station, which holds such vast potential for

the betterment of mankind, in order to provide what amounts to only a month or two of additional funding for housing programs.

It is ironic that we are debating this amendment on the anniversary of America's greatest achievement in space, the landing of the first man on the Moon.

In his message to Congress outlining his proposal to beat the Soviets in a race to the moon, President Kennedy said:

*** Now is the time to take longer strides—time for a great new American enterprise—time for this great nation to take a clearly leading role in space achievement, which in many ways may hold the key to our future on earth.

The space station Freedom is our Nation's next great achievement in space and one which holds even greater promise for the future of every nation through medical and scientific breakthroughs that some believe can only come in the environment of space.

I urge my colleagues to once again take up the challenge John Kennedy made to this Nation in 1961, but did not live to see achieved on this very day in 1969.

Mr. Chairman, I urge my colleagues to defeat the Schumer amendment so that we can through NASA push back the frontiers of space for all mankind.

Mr. GREEN. Mr. Chairman, I yield such time as he may consume to the gentleman from New Hampshire [Mr. SMITH].

Mr. SMITH of New Hampshire. Mr. Chairman, I rise in strong opposition to the Schumer amendment.

Mr. Chairman, in addition to pushing us to the outer limits of discovery, the space program generates a well-spring of technology. Every day, this technology improves the life of yet another American here on Earth as we find yet a new and different application for it. For this reason, I would argue that a vote for the space station Freedom is also in fact a vote for veterans, the sick, the homeless, and the environment.

Before you cast your vote against the space station because you think that research on asbestos and global warming is a far more pressing need, I urge you consider how many times in how many different ways aerospace technology has contributed essentially to our knowledge of the environment. Over the past 15 years, environmental researchers at NASA have been looking at processes occurring in nature as a cost-effective way of controlling pollution both on Earth and in space. We have already achieved very promising results with indoor air pollution and wastewater treatment using NASA technology. Today, NASA researchers are contributing steadily to our knowledge of landfill leachate treatment, hazardous waste disposal, tropical rainforests, and ground water pollution. The scanning instruments aboard NASA satellites give us a total picture of the forest damage from acid rain. Technology developed in the space pro-

gram also gave us the means to discover the stratospheric ozone hole.

And before you vote to kill the space station because you think that another housing program would give the American taxpayer more for his dollar, I urge you to consider the countless numbers of sick and homeless helped by NASA's experimental work. Just a few outstanding examples of space-pioneered medical technology include: A cardiac pacemaker that can be automatically recharged without surgery, a human tissue stimulator that relieves chronic pain, anticontamination hospital garments, x rays that can penetrate bone and produce pictures of body tissues and organs, a means of automatically correcting the heart's inability to pump blood, a self-injury inhibitor for the autistic and retarded, an automatic insulin delivery system for diabetics, a wearable computerized system that allows doctors to monitor ambulatory patients with coronary artery disease, a filtering system for removing impurities from blood, and a means of warming newborn premature babies without noise or burn hazard.

Finally, I urge my colleagues to remember that an investment in NASA and the space station Freedom is also an investment in the health of the American economy. In today's world, if our industries can't offer what the rest of the world wants because of weaknesses in technology, our standard of living is likely to fall. Because American industry benefits directly from NASA spinoff technology, our support of the space program indirectly improves the life of every U.S. citizen.

I urge my colleagues to remember that exactly 20 years ago, America's lunar module, Eagle, landed on the Moon. This event marked a major milestone in the history of civilization and will live forever in the memories of millions of people around the globe.

In short, Mr. Chairman, a vote to preserve the space station is a vote to move ahead with the future—a vote for another giant leap for mankind—rather than to preserve the status quo.

Today President George Bush called for a permanent colony on the Moon and manned exploration of Mars.

My colleagues, we cannot make new discoveries on Mars, if we will not leave the Earth. Join with me and defeat the Schumer amendment and lead America into the 21st century of space discovery—discovery that will benefit all mankind.

Mr. GREEN. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, in conclusion of my segment of the debate, I should simply like again to point out the fact that this amendment, as drafted, as approved by the Rules Committee, is a general cut of \$714 million from the NASA research and development account, of which the space station is less than a third.

NASA, as this amendment is drafted, would be free to apply that cut anywhere it chose, including some of the most environmentally important programs that NASA has, programs which are critical to Mission to Planet Earth.

If it is applied against the station program, I want to assure my colleagues that in the long run that is going to drive the cost of the space station through the roof.

It is a stupid way to procure the Space Station to go this route. You would be better off to kill it and start over some year.

Do not support this halfway measure that in the end is going to drive up costs and leave us still less money in future years to fund programs for the veterans, the homeless, and the environment. Vote against the amendment.

Mr. SCHUMER. Mr. Chairman, I yield 1½ minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK. Mr. Chairman, the suggestion that it is better for the environment to do more research as an offshoot of the space station than in fact to spend money on the environment is silly. No one believes it, so there is no point in dwelling on it. No one believes that if your priority is doing environmental improvement that you would forebear trying to work on the environment today so that you would learn more about how to do it 10 years from now.

Beyond that, we are told, well, this is for all mankind to take a step forward. No, it is not. It is for those of us who are well off to take a step forward. It is for those of us who live comfortably to take a step forward, but for those among us who are veterans in need of medical care, poor and working people and older people who are ill-housed or spending too much for housing, it is a pushback for them.

Let us not pretend that there is some equality about this. Yes, it would be nice to go forward in space. We have veterans in our medical hospitals desperately in need of nursing care. We have people who are starving themselves slowly because the alternative would be to go homeless, and we are saying to this very wealthy Nation, let us take care of some of those basic needs first.

There are Members here who have paid a lot of lipservice and will continue to do it to people worried about veterans' care, who are worried about the environment, and who are worried about housing.

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This is one of those rare chances to put our money where our mouth is, and those who vote no on the amendment, as they have a right to do, ought to at least forbear in the future from telling the veterans and the ill-housed and those who care about the environment how deeply they are concerned.

Mr. SCHUMER. Mr. Chairman, I yield 1½ minutes to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman and members of the committee, the notion is that somehow if we do not give this money to the space station that it is a dream deferred. I think the fact of the matter is that if we do not adopt this amendment we are asking millions of Americans to have their dreams deferred. We are asking them to defer their health care, to defer their housing, to defer the safety of their schools.

This Congress has said time and again that it is our obligation and the necessity to clean up the schools from the asbestos hazard, and all of us have listened to school districts who have told us that they have to close classrooms and close schools until this problem is taken care.

Instead of taking care of that problem, we are going to send this money to space. That is unacceptable. We should be going to space. We should be building the space station. But let space lead the way in an economic conversion. Let them lead the way in an economic conversion from the military spending to space exploration, to space R&D, to the buildup of the vehicles that are needed. Do not let it be subsidized on the backs of people who need the basic necessities, the basic medical care, the basic housing in everyday American life.

If this is a program that we embrace as a nation, let us have the courage to embrace it with the revenues. The President today is asking us to embrace it, but he will not tell anybody how he wants to pay for it. This is how he wants to pay for it. He wants the elderly, he wants the veterans, he wants the children of this Nation to pay for it rather than having the courage of his convictions, rather than leading an economic conversion away from the B-2 to the lunar module to the exploration vehicles. He says no. Make the veterans pay for it, pay for it with their health care, with their housing. It is unacceptable.

Mr. Chairman, we should adopt the Schumer amendment.

Mr. SCHUMER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, we have heard a lot of argument today, but there is a bottom line here. The bottom line is we must draw priorities.

Mr. Chairman, going to space is nice. It is even important. The space station is not the way to go to space. It is the B-2 bomber of the Space Program. Leading scientists and the President's own advisers say that it is not necessary.

What are we doing if we get the space station? What harm are we doing? What good does the space station do to a veteran in a hospital who cannot get health care? What good does the space station do to a child doubled up in a classroom because his

classrooms has asbestos in it? What good does the space station do to a young family trying to buy a home and unable to do it?

Mr. Chairman, do my colleagues want to keep America No. 1? Do they want to be proud? Do they want to lead the way?

Mr. Chairman, every country in this world will tell us that if we do not educate our youth, care for the health of our people, and clean up our environment, no matter what we do in space, we are going to be a second-rate power.

Let us look at the real problems we have. Let us explore space, but not with gold plating, not with things that we really do not need. Let us explore it in a rational, careful way and let us look to the real priorities this Nation has to keep us No. 1: our people.

Mr. TRAXLER. Mr. Chairman, I yield such time as he may consume to the gentleman from Alabama [Mr. BROWDER].

Mr. BROWDER. Mr. Chairman, I rise in opposition to the amendment by the gentleman from New York.

I can agree with the causes which he champions and the legitimacy of his attempt to fund those causes by the amending route. But, in my mind, this amendment is misplaced. Both the authorizing and appropriating committees have looked at competing causes and they have concluded that the space station deserves this funding. While other causes are meritorious, they should be considered on those merits, and not jumbled together in an emotional raid on the space station. This amendment reminds me of the notorious bank robber who, when asked why he robbed banks, explained, "because that's where the money's at."

But the basic reason for my opposition is my fundamental belief that this backdoor burglary robs our country's space destiny.

Mr. TRAXLER. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. ANDREWS].

Mr. ANDREWS. Mr. Chairman, I rise in opposition to this amendment.

Mr. Chairman, just 20 years ago today, as Apollo 11 landed, Members of Congress stood in this very Chamber, proud to be Americans. Proud as they watched Neil Armstrong raise our flag, achieving our goal of putting the first man on the Moon.

But today, as we consider how we will fund our space program, Congressman CHARLES SCHUMER of New York offers an amendment that will make those proud achievements of our space program just a thing of the past.

What we are voting on today is not whether we, as a nation, should spend more money on the homeless, on veterans, or to protect our environment. No, today we are voting on whether we will kill the space program.

In 1984, we made a national commitment to build a space station which would establish a U.S.-manned presence in Earth's orbit. We committed to build a research facility that would act as a platform for Earth-viewing instruments, a lab for life science and materials

research, and a staging area for the future exploration of the solar system.

Furthermore, we made a commitment to our international partners to build the space station in unison for the benefit of the whole world. Was that commitment just a passing fancy? I think not. I believe we have an obligation to renew our preeminence in space.

Today President Bush, intent on reasserting that preeminence, announced that he will commission a study of feasible goals for the U.S. Space Program. The President told us he wants to see this country once again establish itself as a pioneer in space, venturing to the Moon and Mars. However, he recognized that we will never get to the Moon or to Mars if we do not deploy the space station. President Bush called for a fully operational space station by the turn of the century. The station is the critical building block for all our future aspirations in space.

Let me be clear that I, too, believe that housing, veterans' medical care, and the environment are priorities. That's why I wrote a letter to Chairman WHITTEN expressing my concern that all the interests in the Veterans' Affairs-Housing and Urban Development [HUD]-independent agencies appropriations bill be given utmost priority in the budget process. All of the agencies in Chairman TRAXLER's jurisdiction—the Veterans' Administration, HUD, the National Aeronautics and Space Administration, and various independent agencies including the Environmental Protection Agency and the National Science Foundation—are feeling the pinch of our budget dilemma. And all have equal significance to our Nation's future. In that letter, which Congressman SCHUMER himself signed, I felt that those of us with varying interests had come together in a coalition to protect each of the programs. Today I find this was sadly not the case. Today we pit one group against another.

Indeed I would have liked to have seen a stronger NASA budget come out of the Congress this year. The administration and NASA made a compelling case that \$2.1 billion was needed to keep the current configuration of the station on track. After it became clear that because of competing priorities the space station would only receive \$1.65 billion, NASA went back to the drawing board. Today NASA issued a statement that any further cuts would mean complete cancellation of the station. While I accept the fact that the space station will not receive NASA's original request, because I believe in keeping the coalition intact, I will not accept a move to destroy our space program.

Yet our space program is in jeopardy. As we speak the Soviet space station circles above us, as it has every single day since February 20, 1986. And since that time a Soviet crew has spent more than a year in space, setting the record for continuous manned flight.

Certainly we should not forget President Kennedy's words,

The exploration of space will go ahead whether we join in it or not, and it is one of the great adventures of all time, and no nation which expects to be the leader of other nations can expect to stay behind in this race for space.

Today let us not forget that the Apollo spirit which we are celebrating was the spirit of conquering the impossible. Once again, we face a crossroads. It is my hope that we will have the courage to choose the course of continuing this pioneering spirit which has been the inspiration of our youth and our country. I urge my colleagues to vote against this amendment.

Mr. TRAXLER. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. ORTIZ].

Mr. ORTIZ. Mr. Chairman, I urge my colleagues to vote no on the Schumer amendment.

Mr. Chairman, I rise in opposition to the Schumer amendment to reprogram funds away from the space station Freedom.

The space station represents the cutting edge of the American space program today. In order to reclaim our position has a world leader in this area, we must fully fund this important program. The Schumer amendment, in cutting space station funding by \$714 million, would kill the program.

Why do I support the space station so strongly? Because it is good for America and good for the world. The space station is sorely needed to reassert American presence in the arena of space. The space program has consistently provided America and the world with a myriad of scientific advances. The space station, in serving as a national laboratory in space, will make possible important research in the areas of pharmaceuticals, metallurgy, and robotics, among others.

My distinguished colleague from New York seeks to reprogram space station funds to some very worthy programs, including medical care for veterans and various housing programs. I must point out to the gentleman, however, that VA medical care is fully funded at \$11.56 billion in this bill. Also, HUD receives a \$500-million increase in the bill. In contrast, the space station has already received cuts of \$450 million during the budget process for fiscal year 1990. We do not have to kill the space station to fund these very worth-while programs.

The space station has important security applications as well. The Soviet Union continues to improve their already advanced space program. We have put one space station, Skylab, in orbit—the Soviets have put up three. Their latest effort, the space station Mir, is circling the Earth as we speak. Who knows what kind of experiments the Soviets are performing up there? Who knows what kinds of scientific advances they are making in the Mir space station? The Soviets already have the longevity record in space by a huge margin. Are we simply going to continue to allow the Soviet Union to be unchallenged in this vital area? Or are we going to show the determination that the Soviets have shown in making their space program No. 1?

I strongly urge my colleagues to vote no on the Schumer amendment.

A no vote on this amendment says yes to the space station Freedom and yes to renewed American leadership in space.

Mr. TRAXLER. Mr. Chairman, I yield such time as he may consume to

the gentleman from Texas [Mr. BUSTAMANTE].

Mr. BUSTAMANTE. Mr. Chairman, I rise in opposition to the Schumer amendment.

Mr. Chairman, I rise today on the 20th anniversary of the Apollo lunar landing, to urge my colleagues to take yet another step forward for our country by approving the full appropriation for the space station Freedom. Space station Freedom promises to establish this country as a leader in scientific and technological competitiveness. It will enable immediate research in electronics, composite metals and pharmaceuticals, plus provide an environment for continual experimentation which could lead to cures for critical health problems.

It is most hopeful, though, that our children will benefit from the continuation of a strong space program. It is hoped that as our children share the benefits and observe the advancements from space experiments their interest in science and technology will grow and they will pursue these fields for their and this country's advancement. The future of our country lies in their vision of importance, and few things are of such importance as exploring a new frontier.

Twenty-seven years ago John Kennedy cautioned us about the relationship between the future of our country and the support of a strong space program, that was still in its infancy. He said:

Surely, the opening vistas of space promise high costs and hardships, as well as high reward. So it is not surprising that some would have us stay where we are a little longer to rest, to wait.

He warned us that:

If history teaches us anything, it is that man, in his quest for knowledge and progress, is determined and cannot be deterred. The exploration of space will go ahead, whether we join in it or not. * * *

Today we are being challenged to stay in the race. I urge my colleagues to vote against efforts to reduce funding for the space station and let us continue moving ahead to explore the vistas that await us.

Mr. TRAXLER. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. LAUGHLIN].

Mr. LAUGHLIN. Mr. Chairman, I rise in opposition to the Schumer amendment.

Mr. Chairman, today marks the 20th anniversary of man's first steps on the Moon. A day that we all remember and a day I will never forget. Twenty years ago I was never prouder to be an American.

You can be assured that a vote for the Schumer amendment will shatter any future dreams in space and will devastate America's ability to compete for the technological advances of tomorrow.

Let there be no mistake that the technological advances of tomorrow will come from space. For example, Ariospace, the French equivalent of NASA, now controls more than 50 percent of the world's commercial satellite launching business.

What worries me is that we as a nation are not worried. There must be a national sense

that the space station will be a major mechanism for reaching our goal of establishing man as a builder and permanent worker in space. In addition, the economic and scientific windfall to our Nation can not be ignored. It is interesting to note that the Apollo mission yielded a 7-to-1 return of every dollar invested.

Space exploration not only drives the economy over the long term, but is the best investment for our future because it sharpens the skills and harnesses the talents of all Americans involved.

Other countries recognize that the jobs and products of the future will come from space exploration. So should we.

I encourage all Members to vote against the Schumer amendment.

Mr. TRAXLER. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. HALL].

Mr. HALL of Texas. Mr. Chairman, I rise in opposition to the Schumer amendment.

Mr. Chairman, I rise in opposition to the Schumer amendment. This amendment which would cut \$714 million from the space station Freedom Program, if passed, would effectively kill the prospects of a U.S. space station.

The space station is the first step of a rejuvenated national space program that will regain U.S. leadership in space. The establishment of the space station will send a message to the Nation that the United States will continue being a leader in space research and exploration. This commitment to the space station will lead to a critical and necessary revitalization of science and engineering education in the United States. It will provide a centerpiece for international cooperation in space. Together with increased emphasis on the commercialization of space, space station Freedom will contribute toward a favorable trade balance.

Space station Freedom functioning as a permanently manned national space center will enable critical space science research and technology not possible on Earth. For example, basic physics research on Earth has always been affected by the Earth's gravitational pull and hindered by the inability to accurately measure the influence of gravitational effects. In the weightless environment of the space station, man will continuously be able to perform basic physics research isolated from the effects of gravity. The microgravity space environment will enable materials research leading to the development of the next generation of super computers as well as new discoveries in superconductors and pharmaceuticals. The research and production of new pharmaceuticals is a very exciting field for it will enable us to work toward cures for diseases which we have not been able to develop here on Earth because of the gravitation pull. Medical research and development alone constitutes hope for the diabetes victims—and we might—we just might—find that elusive cure for cancer through the exploration of space.

Our Nation must continue moving forward with the permanently manned space station Freedom. The Soviet permanently manned space station MIR is presently operating, with the Europeans developing plans to establish their own permanently manned national space

center. The United States must continue working to establish our own space station in order to sit at the table of world space leaders in the next century.

Space station Freedom will proclaim to the world that the United States has returned to a space leadership role, instilling national pride and prestige in all Americans similar to the pride felt when Neil Armstrong became the first man to walk on the Moon.

Today we celebrate the 20th anniversary of the landing of Apollo 11 on the Moon. Today, Americans are proud of the United States' space program. We must give them a program in which to display their pride in the future. I urge my colleagues to show their pride in our space program by defeating the Schumer amendment and allowing the continued development of space station Freedom.

Mr. TRAXLER. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. SARPALIUS].

Mr. SARPALIUS. Mr. Chairman, I rise in opposition to the Schumer amendment.

Mr. Chairman, it seems almost inconceivable to me that on the 20th anniversary of the greatest technological achievement in the history of mankind we actually would be debating the worth of the space station. I would have thought everyone understood that worth by now.

Space exploration and the trip to the Moon yielded far more for this Nation than the simple thrill we all felt two decades ago when Neil Armstrong first set foot on the Moon. The technology we created for our space program has gone on to revolutionize our everyday lives and the work of this House.

All of us have computers in our office. They make our work more efficient. They enable us to communicate quickly with our constituents. They help us organize every aspect of our operations. We all take these fabulous machines for granted, but few of us think of how they came to be.

The answer is simple—space exploration. NASA needed high-speed computers for its complex missions. And, they needed computers compact enough to fit inside a spaceship. These needs led to the creation of computers driven by microchips instead of vacuum tubes, powerful computers that could fit on a desk-top instead of a warehouse.

Consider another example: satellite communication. Every word we say on the floor of this House is recorded by a television camera and beamed by satellite to cable systems across the United States. When I was born, this kind of technology was the stuff of science fiction. Today, we take it for granted. Every time one of us books a satellite feed-back to a local station in our district, we should say a silent prayer of thanks to our space program.

The list of benefits from space could go on and on. Tremendous medical research has been done in space. We understand so much more about our environment and the way it works because of studies we've conducted in space. We've saved countless thousands of lives because weather satellites have enabled

us to warn people in advance that severe weather is on the way.

Our space station will be no different from the space programs that have gone before it. It will yield phenomenal technological and scientific advances. In fact, I will go on record today as predicting the benefits of the space station will outstrip those of its predecessors for one simple reason. The space station will be dedicated almost entirely to research, to increasing human knowledge.

Mr. Chairman, by any objective measure, this nation's space program has been an overwhelming success. The space station is the next logical step forward. Thirty years ago, we left our Earth and ventured into space. Twenty years ago, we left the bonds of Earth orbit and went to the Moon. We committed ourselves to the exploration of space. We've gone too far to turn back now.

Mr. TRAXLER. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. YATES].

Mr. YATES. Mr. Chairman, I rise in support of the Schumer amendment.

Mr. TRAXLER. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. PICKLE].

Mr. PICKLE. Mr. Chairman, I join in the big majority of our colleagues in opposing the Schumer amendment.

Mr. Chairman, I rise in opposition to the Schumer amendment to cut the Space Station Freedom Program by \$714 million and transfer those funds to other programs in the bill. I oppose this amendment because of my strong support for the Space Station Program.

I agree with Representative SCHUMER on the importance of programs such as veteran's medical care, housing for the elderly, homeless assistance, and environmental programs. However, these programs have been responsibly addressed by the committee in this bill and should not be further bolstered at the expense of the space station.

In a statement made yesterday, NASA reported that "past funding constraints have already delayed the deployment of the space station more than 2 years, and the prospect of additional congressional funding limitations jeopardizes continuation of the program." I believe that the Schumer amendment would virtually kill the space station by slowing it to a snail's pace and would eliminate the leadership of the United States in space technology and exploration.

As you will recall, this body overwhelmingly voted to approve the full budget request for the Space Station Freedom Program last Congress. It is also important to note that we successfully defeated a similar amendment offered by Representative SCHUMER last year by a vote of 166 to 256.

On this 20th anniversary of America's successful landing on the Moon, I believe it would be a travesty to cripple this country's opportunity for future manned space exploration. I urge my colleagues to consider the consequences of their vote on this important issue and ask you to vote against the Schumer amendment.

Mr. TRAXLER. Mr. Chairman, I yield such time as he may consume to

the gentleman from Kansas [Mr. SLATTERY].

Mr. SLATTERY. Mr. Chairman, I rise in opposition to the Schumer amendment.

Mr. TRAXLER. Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland [Mr. McMILLEN].

Mr. McMILLEN of Maryland. Mr. Chairman, I rise in opposition to the Schumer amendment.

Mr. TRAXLER. Mr. Chairman, I yield 1 minute, the remainder of my time to the gentleman from New Jersey [Mr. TORRICELLI].

Mr. TORRICELLI. Mr. Chairman, around this globe people debate whether or not this generation of Americans has the vision of our ancestors. Indeed, they debate whether or not America is an ascending or a declining nation.

Today we face that question in the same terms as every other generation of Americans. Are we prepared to invest in the future? Do we understand that science is the basis of our economic hope? Do we understand that our goals, our common goals to feed the hungry, house the homeless, will never be met borrowing from the future?

They are the product of economic growth, and only by wealth created by investing and learning will we ever meet those common objectives.

Mr. Chairman, every generation of Americans has understood that choice. Answer affirmatively for our time. Our culture, our heritage as Americans demands that we do no less.

Defeat the Schumer amendment. Send the message on this 20th anniversary of America's greatest triumph that America is still young, still bold, with her eyes still fixed on the future.

Vote "no."

Ms. PELOSI. Mr. Chairman, I rise today in support of the Schumer amendment to H.R. 2916, the VA-HUD-independent agencies appropriations bill. The Schumer amendment would transfer \$714 million from the space station to other worthwhile but underfunded programs for veterans, for pollution control and for housing.

Today, on the 20th anniversary of the Moon landing, we can take pride in the history and accomplishments of the American space program. I think we can all agree that space exploration and the research and development which underlie it contribute to our lives. I support a continuation of funding for the exploration of space.

Yet, today, as the President announces the initial stages of planning for a space flight to Mars by the year 2010, I believe we must take a serious and soul-searching look at the state of our domestic programs. Funding for the space station will accomplish little if it is at the expense of meeting our citizens' basic needs. We can look up at the Moon and take pride in the fact that we have succeeded in visiting it. But what do we say to the children who visit our Nation's Capital, look around them and

see homeless men, women, and children living on The Mall and picking through the trash to find food to eat? What do we say to the children whose parents are struggling to keep roofs over their heads?

I support the Schumer amendment because I believe that we must, we absolutely must, make meeting our many serious domestic needs a priority. Since 1980, the money spent by this Nation on subsidized housing has decreased from \$26.6 billion to \$7.4 billion in fiscal year 1989. Proposed funding for the space station has been increased by 84 percent in this appropriations bill—bringing the amount to \$1.65 billion for the space station alone. That amount is equal to over one-seventh of the total amount spent on subsidized housing. Where are our priorities? Where is that money really best spent—to meet the dreams of a handful of scientists striving for a project in space or to meet the needs and to give dreams to thousands of low-income people, to veterans, and to the elderly across the Nation?

The space station project will continue with or without this proposed transfer of funds away from it. Can we say the same thing about the lives of the individuals who may find themselves homeless due to lack of funds? I urge my colleagues to support the Schumer amendment.

Mr. FOGLIETTA. Mr. Chairman, I rise in support of the amendment offered by the gentleman from New York. Today, we celebrate the 20th anniversary of the historic Moon landing. This was a challenge set by John F. Kennedy. The inspiration of John Kennedy's goal gave spirit to all Americans during a troubled decade. Some people may find it ironic that anniversary could be marked with passage of this amendment. Well, it may seem ironic, but it is not wrong.

John Kennedy taught us about other priorities on this planet, and for our own people. We must try to fix the broken parts of this planet before we start venturing to others.

Before we reach for Mars, or build a space station, we must try to help the Americans living in tragedy. The senior citizen in New York who can't afford a decent meal. The family in Chicago which has to live in a homeless shelter. The children who are poisoned by asbestos—because the Philadelphia schools cannot pay to restore the buildings. The Vietnam vet in Texas who receives inadequate medical care.

These are the priorities that America needs to focus on, the priorities that this amendment restores. Let's go into space. Let's keep on the cutting edge of technological brilliance.

But as we gaze into the heavens, let's take a look down America's streets—and focus on the real needs of our people.

Mr. ROYBAL. Mr. Chairman, I rise in support of Mr. SCHUMER's amendment to the Veterans Affairs, HUD, independent agencies appropriations bill.

Mr. SCHUMER's amendment would allow NASA a 4.5-percent increase over last year's budget and transfer \$714 million to veterans' medical services, EPA pollution control and research, including asbestos in schools, and to low-income housing programs.

NASA has received continuous increases while low-income housing programs have been reduced by over 80 percent in the last 8 years. There are 3.5 million elderly living in poverty. Only 16 percent of those elderly live in subsidized housing.

In light of the HUD scandals where millions of dollars were diverted from the needy poor to the unscrupulous consultants, section 202 is a model program. Servicing only the very low income, it has a 30-year history of only one default. It is one of only two new construction programs still funded since the Reagan era. The housing starts in this program dropped 58 percent in the first 5 years of the Reagan era and have been steadily reduced since then.

These programs are vital to our future and need to be a priority.

Mr. RICHARDSON. Mr. Chairman, the Space Station Program has already been sharply reduced by \$400 million during markup of the bill, severely stretching NASA's capacity to retain it as a viable program. If the Schumer amendment were to go into effect, the space station program would effectively be killed.

The space station, as the cornerstone of the U.S. Space Program is the critical element in maintaining U.S. leadership in space technology and exploration. As currently requested by the administration and Congress, Space Station Freedom will be used as a national laboratory in space that will allow basic research and production of new pharmaceuticals, and a variety of materials and processes that will advance metallurgy, optics, automation and robotics, medical research leading to cures for fatal diseases, and basic scientific advances that will substantially impact the United States competitiveness in the world. Beyond that, the space station is the staging center that will be used for future manned exploration of our solar system including a possible return to the Moon for long duration activity and a manned mission to Mars.

Space Station Freedom has been approved and endorsed by two administrations, Congress, and many scientific groups including the National Research Council. Congress last year overwhelmingly approved the authorization and full budget request for the Space Station Freedom Program. With nearly \$2 billion currently invested in the program, the Government and industry teams are assembled and have already proceeded with the development hardware phase of the program.

Mr. Chairman, it is ironic that an amendment to kill the space station would occur on the 20th anniversary of America's successful landing on the Moon. The death of Space Station Freedom would mark the end of America's quest for civilian preeminence and competitiveness in space technology and exploration. It is with this in mind that you are urged to oppose the Schumer amendment to the fiscal year 1990 VA-HUD and independent agencies appropriations bill.

Mr. DREIER of California. Mr. Chairman, I wish to state my opposition to the Schumer amendment to cut \$714 million from the NASA research and development account.

The development, construction, and operation of a fully equipped, manned space station called "Freedom" is one of the most im-

portant and ambitious projects undertaken by our Nation. We must continue funding for the space station in order to assure the leadership of the free world in space during the 1990's and beyond.

The Schumer amendment essentially would kill the Space Station Program. President Bush, recognizing the overriding importance of the space station, requested \$2 billion for this program in fiscal year 1990. I support the President's efforts to provide the maximum level of funding possible for the space station in the upcoming fiscal year.

However, the Subcommittee on VA, HUD, and Independent Agencies reduced the development funds for the space station by \$395 million. The subcommittee recognizes that this \$395 million cut may cause a slip in the first element launch of the space station beyond the current date of March 1995. Due to the funding reduction mandated by our current fiscal constraints, NASA will be forced to make sacrifices in the development of the space station. Passage of the Schumer amendment would signal an end to this body's strong commitment to insuring our leadership in space.

I stand firmly behind President Bush's policy of expanding the human presence into the solar system. The United States must remain competitive in space and cannot afford to fail in obtaining the technology and knowledge derived from a strong civilian space program.

No Nation can match our experience in space or our technical capabilities. If we continue to apply these with vision and imagination, and proceed with the development of the space station, then leadership in space will again belong to the United States.

Once again, I urge my colleagues to vote against the Schumer amendment.

Mr. BRENNAN. Mr. Chairman, today I rise in support of an amendment to H.R. 2916 by my colleague Congressman SCHUMER to increase funding for programs that are, or at least should be, top national priorities.

A short time ago this House fought a grueling battle to provide a small amount of money to the Veterans' Administration to keep VA hospitals solvent for the remainder of this fiscal year. But this did not even begin to meet the long-term challenge of restoring veterans' medical care to the high level of quality it enjoyed just a few years ago. In order to accomplish this we in the Congress must provide adequate funding next year and in all the years ahead, not just to maintain current services but to reopen wards, compensate talented staffs, and give veterans back the peace of mind they enjoyed before this recent budget crisis within the VA. By adopting this amendment, we can take another step toward meeting these challenges.

In addition to honoring our veterans, protecting our environment, and providing quality housing to elderly and low-income citizens, many of whom are families with small children should be top national priorities. Decades of polluting our air, our seas and rivers, and our landscape are finally catching up with us. There is a housing crisis in this country that has forced those in both the dawn and twilight of life to suffer either in substandard housing—or to go without any housing at all. This country cannot hope to make progress toward

leading the free world into the 21st century if it cannot commit itself to protecting its all-important environment and helping its most vulnerable citizens acquire the basic necessities of life. By adopting the Schumer amendment we can address these problems without affecting either national security or our place in the forefront of the technological revolution.

Our environment, our homeless and our veterans deserve our best efforts. I urge my colleagues to support the Schumer amendment.

The CHAIRMAN. The question is on the amendments en bloc offered by the gentleman from New York [Mr. SCHUMER].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. SCHUMER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 125, noes 291, not voting 15, as follows:

[Roll No. 146]

AYES—125

Ackerman	Gray	Panetta
Atkins	Hall (OH)	Pelosi
AuCoin	Hamilton	Poshard
Bates	Hawkins	Rahall
Beilenson	Hayes (IL)	Rangel
Bennett	Hertel	Ray
Berman	Hochbrueckner	Rose
Bonior	Hubbard	Roukema
Borski	Jacobs	Rowland (CT)
Boxer	Johnson (SD)	Roybal
Brennan	Jontz	Russo
Campbell (CA)	Kanjorski	Salki
Cardin	Kaptur	Sangmeister
Carper	Kastenmeier	Savage
Conte	Kennedy	Sawyer
Conyers	Kildee	Schroeder
Courter	Klecza	Schumer
Crockett	Kostmayer	Shays
DePazio	LaFalce	Sikorski
Dellums	Lehman (CA)	Slaughter (NY)
Donnelly	Lehman (FL)	Smith (FL)
Dorgan (ND)	Levin (MI)	Snowe
Downey	Lewis (GA)	Solarz
Duncan	Lipinski	Staggers
Durbin	Lowey (NY)	Stark
Dymally	Manton	Studds
Early	Markey	Synar
Edwards (CA)	Mavroules	Torres
Evans	McCloskey	Towns
Fish	McHugh	Trafficant
Flake	Mfume	Udall
Florio	Miller (CA)	Unsoeld
Foglietta	Moakley	Vento
Ford (MI)	Moody	Visclosky
Ford (TN)	Morrison (CT)	Weiss
Frank	Murphy	Wheat
Garcia	Neal (MA)	Williams
Gaydos	Oberstar	Wolpe
Gejdenson	Obeys	Wyden
Gilman	Olin	Yates
Gonzalez	Owens (NY)	Yatron
Gradison	Owens (UT)	

NOES—291

Akaka	Bereuter	Buechner
Alexander	Bevill	Bunning
Anderson	Bilbray	Burton
Andrews	Bilirakis	Bustamante
Annunzio	Bliley	Byron
Anthony	Boehlert	Callahan
Applegate	Boggs	Campbell (CO)
Archer	Bosco	Carr
Armey	Boucher	Chandler
Baker	Brooks	Chapman
Ballenger	Broomfield	Clarke
Barnard	Browder	Clay
Bartlett	Brown (CA)	Clement
Barton	Brown (CO)	Clinger
Bateman	Bruce	Coble
Bentley	Bryant	Coleman (MO)

Coleman (TX)	Kasich	Richardson
Combest	Kennelly	Ridge
Cooper	Kolbe	Rinaldo
Costello	Kolter	Ritter
Coughlin	Kyl	Roberts
Cox	Lagomarsino	Robinson
Coyne	Lancaster	Roe
Craig	Lantos	Rogers
Crane	Laughlin	Rothbacher
Dannemeyer	Leach (IA)	Roth
Davis	Leland	Rowland (GA)
de la Garza	Lent	Sabo
DeLay	Levine (CA)	Sarpalius
Derrick	Lewis (CA)	Saxton
DeWine	Lewis (FL)	Schaefer
Dickinson	Lightfoot	Scheuer
Dicks	Livingston	Schiff
Dingell	Lloyd	Schneider
Dixon	Long	Schuetz
Dornan (CA)	Lowery (CA)	Schulze
Douglas	Lukens, Donald	Sensenbrenner
Dreier	Machtley	Sharp
Dwyer	Madigan	Shaw
Dyson	Marlenee	Shumway
Eckart	Martin (IL)	Shuster
Edwards (OK)	Martinez	Skaggs
Emerson	Matsui	Skeen
English	Mazzoli	Skelton
Erdreich	McCandless	Slattery
Espy	McCollum	Slaughter (VA)
Fawell	McCrery	Smith (IA)
Fazio	McCurdy	Smith (MS)
Feighan	McDade	Smith (NE)
Fields	McDermott	Smith (NJ)
Flippo	McEwen	Smith (TX)
Frenzel	McGrath	Smith (VT)
Frost	McMillan (NC)	Smith, Denny
Galleghy	McMillen (MD)	(OR)
Gallo	McNulty	Smith, Robert
Gekas	Meyers	(NH)
Gephardt	Michel	Smith, Robert
Gibbons	Miller (OH)	(OR)
Gillmor	Miller (WA)	Solomon
Gingrich	Mineta	Spence
Glickman	Mollinari	Spratt
Goodling	Mollohan	Stallings
Gordon	Montgomery	Stangeland
Goss	Moorhead	Stearns
Grandy	Morella	Stenholm
Grant	Morrison (WA)	Stokes
Green	Mrazek	Stump
Guarini	Murtha	Stundquist
Gunderson	Myers	Swift
Hall (TX)	Nagle	Tallon
Hammerschmidt	Natcher	Tanner
Hancock	Neal (NC)	Tauke
Hansen	Nelson	Tauzin
Harris	Nielson	Thomas (CA)
Hastert	Nowak	Thomas (GA)
Hatcher	Oakar	Thomas (WY)
Hayes (LA)	Ortiz	Torricelli
Hefner	Oxley	Traxler
Henry	Packard	Upton
Herger	Pallone	Valentine
Hiler	Parker	Vander Jagt
Hoagland	Parris	Volkmer
Holloway	Pashayan	Vucanovich
Hopkins	Patterson	Walgren
Horton	Paxon	Walker
Houghton	Payne (VA)	Walsh
Hoyer	Pease	Watkins
Huckaby	Penny	Waxman
Hughes	Perkins	Weber
Hunter	Petri	Weldon
Hutto	Pickett	Whittaker
Inhofe	Pickle	Whitten
James	Porter	Wilson
Jenkins	Price	Wise
Johnson (CT)	Pursell	Wolf
Johnston	Quillen	Wylie
Jones (GA)	Regula	Young (AK)
Jones (NC)	Rhodes	Young (FL)

NOT VOTING—15

Aspin	Hefley	Martin (NY)
Collins	Hyde	Payne (NJ)
Darden	Ireland	Ravenel
Engel	Leath (TX)	Rostenkowski
Fascell	Luken, Thomas	Sisisky

□ 1406

The Clerk announced the following pairs:

On this vote:

Mr. Payne of New Jersey for, with Mr. Hefley against.

Mrs. Collins of Illinois for, with Mr. Darden, against.

Messrs. THOMAS of Wyoming, SMITH of New Jersey, and TAUKE changed their vote from "aye" to "no."

Mr. DYMALLY and Mr. CONTE changed their vote from "no" to "aye."

So the amendments en bloc were rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. ENGEL. Mr. Speaker, I was unavoidably detained for rollcall vote No. 146. Had I been present, I would have voted "aye."

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by law, to remain available until September 30, 1991, \$211,000,000, plus reimbursements.

MEDICAL ADMINISTRATION AND MISCELLANEOUS

OPERATING EXPENSES

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law, \$48,541,000, plus reimbursements.

GRANTS TO THE REPUBLIC OF THE PHILIPPINES

For payment to the Republic of the Philippines of grants, as authorized by law (38 U.S.C. 632), for assisting in the replacement and upgrading of equipment and in rehabilitating the physical plant and facilities of the Veterans Memorial Medical Center, \$500,000, to remain available until September 30, 1991.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including uniforms or allowances therefor, as authorized by law; not to exceed \$7,000 for official reception and representation expenses; cemetery expenses as authorized by law; purchase of six passenger motor vehicles, for use in cemetery operations, and hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail; \$805,059,000, including \$553,329,000 for the Veterans Benefits Administration; *Provided*, That, during fiscal year 1990, jurisdictional average employment shall not be less than 12,600 for the Veterans Benefits Administration.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$22,249,000.

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 1004, 1006, 5002,

5003, 5006, 5008, 5009, and 5010 of title 38, United States Code, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, and site acquisition, where the estimated cost of a project is \$2,000,000 or more or where funds for a project were made available in a previous major project appropriation, \$417,549,000, to remain available until expended: *Provided*, That, except for advance planning of projects funded through the advance planning fund and the design of projects funded through the design fund, none of these funds shall be used for any project which has not been considered and approved by the Congress in the budgetary process: *Provided further*, That funds provided in the appropriation "Construction, major projects" for fiscal year 1990, for each approved project shall be obligated (1) by the awarding of a working drawings contract by September 30, 1990, and (2) by the awarding of a construction contract by September 30, 1991: *Provided further*, That the Secretary shall promptly report in writing to the Comptroller General and to the Committees on Appropriations any approved major construction project in which obligations are not incurred within the time limitations established above; and the Comptroller General shall review the report in accordance with the procedures established by section 1015 of the Impoundment Control Act of 1974 (title X of Public Law 93-344): *Provided further*, That no funds from any other account, except the "Parking garage revolving fund", may be obligated for constructing, altering, extending, or improving a project which was approved in the budget process and funded in this account until one year after substantial completion and beneficial occupancy by the Department of Veterans Affairs of the project or any part thereof with respect to that part only: *Provided further*, That prior to the issuance of a bidding document for any construction contract for a project approved under this heading (excluding completion items), the director of the affected Department of Veterans Affairs medical facility must certify that the design of such project is acceptable from a patient care standpoint.

AMENDMENT OFFERED BY MR. TRAXLER

Mr. TRAXLER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAXLER: On page 7, line 25, strike out "\$417,549,000" and insert in lieu thereof "\$420,249,000".

Mr. TRAXLER. Mr. Chairman, this amendment adds \$2.7 million to the VA's major construction appropriation. Of that amount, \$2.3 million is for the design of a renovation/30-bed spinal cord injury project at the Tampa VA Medical Center. These funds are urgently needed so as to be able to provide additional spinal cord injury treatment for veterans in Florida. As I understand it, this project has the support of the entire Florida delegation.

The balance of the amendment—\$400,000—is for planning of a nursing home care unit to be built at the new VA medical center at Palm Beach. This project will provide much needed

additional nursing home care for veterans in southern Florida.

Both of these projects have been authorized. I would add that the addition of \$2.7 million provided in this amendment will not cause the subcommittee's allocation for budget authority or outlays to be exceeded.

Mr. Chairman, I urge Members to support this amendment.

□ 1410

Mr. Chairman, I yield to the gentleman from Florida [Mr. LEWIS].

Mr. LEWIS of Florida. Mr. Chairman, I rise for the purpose of having a colloquy with the subcommittee chairman, the gentleman from Michigan [Mr. TRAXLER].

It is my understanding that the \$400,000 now included in the legislation is for preliminary funding for the completion of the nursing home at the Palm Beach Veterans' Medical Center in Palm Beach, FA, is that correct?

Mr. TRAXLER. If the gentleman will yield, yes, that is correct.

Mr. LEWIS of Florida. Mr. Chairman, it is also my understanding that the gentleman is willing to make the Palm Beach Nursing Home a priority for fiscal year 1991 appropriations, and is willing to work toward its completion with the members of the subcommittee?

Mr. TRAXLER. If the gentleman will further yield, the gentleman is correct. I make that commitment to the gentleman. I will work with the members of the subcommittee to assure that it becomes a reality in the 1991 appropriations bill.

Mr. LEWIS of Florida. Mr. Chairman, I thank the gentleman from Michigan for his support of this project, and I also want to tell the gentleman that I think his services are greatly appreciated by the veterans of south Florida, and I am grateful for the gentleman's sensitivity to their concerns and look forward to working with the gentleman from Michigan.

Mr. TRAXLER. Mr. Chairman, I yield to the gentleman from Florida [Mr. BILIRAKIS].

Mr. BILIRAKIS. Mr. Chairman, I too rise to enter into a very brief colloquy with the gentleman from Michigan [Mr. TRAXLER.] I would ask the gentleman, is it correct, sir, that your amendment provides \$2.3 million as design funds for the 70-spinal-cord-injury bed renovation and 30-spinal-cord-injury bed additions for the VA Hospital in Tampa, FA, which we are authorized in the VA medical construction resolution?

Mr. TRAXLER. Mr. Chairman, the gentleman is totally correct, a most worthwhile project.

Mr. BILIRAKIS. Mr. Chairman, I thank the gentleman for his consideration and his open-mindedness. I also, at this time, thank the gentleman from Florida [Mr. YOUNG], for his as-

sistance in this matter, and more particularly, the diligent staff out there.

Mr. TRAXLER. Mr. Chairman, I am grateful to the gentleman for his remarks and for his interest in this program.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. TRAXLER].

The amendment was agreed to.

Mr. CONTE. Mr. Chairman, I move to strike the requisite number of words, and do so to request a colloquy with the gentleman from Michigan.

Mr. Chairman, this bill purports to fully fund the President's request for the Office of Science and Technology Policy. However, I understand that the President amended his request to increase the budget estimate for OSTP by \$970,000.

Is my understanding correct that the subcommittee did not receive this amendment in time to give it due consideration?

As this bill moves through the process, would the gentleman give every consideration to providing the full amount of the President's request for OSTP, as amended?

I yield to the gentleman from Michigan [Mr. TRAXLER].

Mr. TRAXLER. Mr. Chairman, as always, we are pleased to work with the distinguished member of the subcommittee and the full committee in order to achieve a very desirable result. I regret that the budget amendment for OSTP arrived too late to be considered by the subcommittee. I want to assure the gentleman that we will work diligently to provide the funds as he has mentioned.

I might also say I appreciate the gentleman's support on defeating the motion to cut this bill across the board at a later time so we can have enough money to do all these things.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CONSTRUCTION, MINOR PROJECTS
(INCLUDING TRANSFER OF FUNDS)

For constructing, altering, extending, and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, and site acquisition, or for any of the purposes set forth in sections 1004, 1006, 5002, 5003, 5006, 5008, 5009, and 5010 of title 38, United States Code, where the estimated cost of a project is less than \$2,000,000, \$113,699,000, to remain available until expended, along with unobligated balances of previous "Construction, minor projects" appropriations which are hereby made available for any project where the estimated cost is less than \$2,000,000: *Provided*, That not more than \$44,136,000 shall be available for expenses of the Office of Facilities, including research and development in building construction technology: *Provided further*, That funds in this account shall be available

for (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Department of Veterans Affairs which are necessary because of loss or damage caused by any natural disaster or catastrophe, and (2) temporary measures necessary to prevent or to minimize further loss by such causes: *Provided further*, That up to \$15,000,000 of the funds provided under this heading may be transferred to and merged with sums appropriated for "General operating expenses".

PARKING GARAGE REVOLVING FUND

For the parking garage revolving fund as authorized by law (38 U.S.C. 5009), \$29,375,000, together with income from fees collected, to remain available until expended. Resources of this fund shall be available for all expenses authorized by 38 U.S.C. 5009 except operations and maintenance costs which will be funded from "Medical care".

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist the several States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify or alter existing hospital, nursing home and domiciliary facilities in State homes, for furnishing care to veterans as authorized by law (38 U.S.C. 5031-5037), \$42,000,000, to remain available until September 30, 1992.

GRANTS FOR THE CONSTRUCTION OF STATE VETERANS CEMETERIES

For grants to aid States in establishing, expanding, or improving State veterans cemeteries as authorized by law (38 U.S.C. 1008), \$4,356,000, to remain available until September 30, 1992.

ADMINISTRATIVE PROVISIONS
(INCLUDING TRANSFER OF FUNDS)

Any appropriation for 1990 for "Compensation and pensions", "Readjustment benefits", "Veterans insurance and indemnities", and the "Loan guaranty revolving fund" may be transferred to any other of the mentioned appropriations.

Appropriations available to the Department of Veterans Affairs for 1990 for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

No part of the appropriations in this Act for the Department of Veterans Affairs (except the appropriations for "Construction, major projects", "Construction, minor projects" and the "Parking garage revolving fund") shall be available for the purchase of any site for or toward the construction of any new hospital or home.

No part of the foregoing appropriations shall be available for hospitalization or examination of any persons except beneficiaries entitled under the laws bestowing such benefits to veterans, unless reimbursement of cost is made to the appropriation at such rates as may be fixed by the Secretary of Veterans Affairs.

Appropriations available to the Department of Veterans Affairs for fiscal year 1990 for "Compensation and pensions", "Readjustment benefits", "Veterans insurance and indemnities", and the "Loan guaranty revolving fund" shall be available for payment of prior year accrued obligations required to be recorded by law against the aforementioned accounts within the last quarter of fiscal year 1989.

Personnel compensation and benefits payments for the Department of Veterans Affairs, the Environmental Protection Agency,

and the National Aeronautics and Space Administration for the two-week pay period ending September 23, 1989, shall be made by no later than September 29, 1989, and pursuant to section 202(b) of the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987, this action is a necessary (but secondary) result of a significant policy change.

POINT OF ORDER

Mr. PANETTA. Mr. Chairman, I make a point of order. Under rule XXI, clause 2(b), which prohibits legislating in an appropriations bill, with regard to title I, page 12, lines 5 through 13, this contains language which changes existing law. This provision would change the pay dates for employees of the Veterans' Administration, the Environmental Protection Agency, and the National Aeronautics and Space Administration from October 3, 1989, to September 29, 1989. This would have the effect of moving fiscal year 1990 outlays into fiscal year 1989.

We would object that that is legislation on appropriation.

Mr. FRENZEL. Mr. Chairman, if I may be heard on the point of order, I join the distinguished gentleman from California in making the point of order, and my rationale is the same as his. The regular payroll would be made on October 3, under the normal process. The language in question would change that law, cause about \$358 million to be transferred into fiscal year 1989, thereby providing additional outlay moneys in 1990 in that amount, contrary to the budget resolution. I urge the point of order be sustained.

Mr. FRANK. Mr. Chairman, if I also may be further heard on the point of order, I would like to ask the gentleman from California and the gentleman from Minnesota a question with regard to the point of order, and whether a similar issue would lie when the defense appropriation would come up.

Mr. PANETTA. Mr. Chairman, in regard to the question of the gentleman from Massachusetts [Mr. FRANK] in regard to the point of order, if the defense appropriation bill contains legislation to move back the payday, similar to what is contained in this bill, this gentleman, and I believe I would be joined by the gentleman from Minnesota, will again make the same point of order.

□ 1420

Mr. FRENZEL. Mr. Chairman, if I may be heard further on the point of order, as far as I know, there is no similar language in the authorization, but I have an amendment to that bill; if the Rules Committee makes it in order. My amendment would rescind the order of the Secretary of Defense.

Should there be a similar kind of provision in the appropriation bill, I

would join the gentleman from California in this same point of order.

Mr. FRANK. Then, Mr. Chairman, my understanding from the two distinguished budgeteers here is that we would hope to be setting a precedent that would be followed in all the appropriation bills.

Mr. FRENZEL. If it is sauce for the goose, it is sauce for defense, as well.

Mr. FRANK. I wish the gentleman's "sauce" well.

Mr. TRAXLER. Mr. Chairman, I concede the point of order.

The CHAIRMAN (Mr. BEILENSEN). The point of order is conceded, and the point of order is sustained.

The Clerk will read.

The Clerk read as follows:

TITLE II

DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT
HOUSING PROGRAMSANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING
(INCLUDING RESCISSION AND TRANSFER OF
FUNDS)

For assistance under the United States Housing Act of 1937, as amended ("the Act" herein) (42 U.S.C. 1437), not otherwise provided for, \$9,145,000,000, to remain available until expended: *Provided*, That of the new budget authority provided herein, \$74,652,000 shall be for the development or acquisition cost of public housing for Indian families, including amounts for housing under the mutual help homeownership opportunity program under section 202 of the Act (42 U.S.C. 1437bb); \$528,133,500 shall be for the development or acquisition cost of public housing, including major reconstruction of obsolete public housing projects, other than for Indian families; \$2,000,000,000 shall be for modernization of existing public housing projects pursuant to section 14 of the Act (42 U.S.C. 1437l); \$883,830,000 shall be for assistance under section 8 of the Act for projects developed for the elderly under section 202 of the Housing Act of 1959, as amended (12 U.S.C. 1701q); \$796,258,750 shall be for the section 8 existing housing certificate program (42 U.S.C. 1437f), of which \$47,302,500 shall be for eligible tenants affected by the demolition or disposition of public housing units (including units occupied by Indian families); \$50,000,000 shall be for the section 8 moderate rehabilitation program (42 U.S.C. 1437f) to be used to assist homeless individuals pursuant to section 441 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11401); up to \$318,545,152 shall be for section 8 assistance for property disposition; \$1,092,112,375 shall be for use in connection with expiring subsidy contracts; and \$1,208,912,500 shall be available for the housing voucher program under section 8(o) of the Act (42 U.S.C. 1437f(o)): *Provided further*, That of that portion of such budget authority under section 8(o) to be used to achieve a net increase in the number of dwelling units for assisted families, highest priority shall be given to assisting families who as a result of rental rehabilitation actions are involuntarily displaced or who are or would be displaced in consequence of increased rents (wherever the level of such rents exceeds 35 percent of the adjusted income of such families, as defined in regulations promulgated by the Department of Housing and Urban Development): *Provided further*, That up to \$107,617,500 shall be for

loan management under section 8; and, any amounts of budget authority provided herein that are used for loan management activities under section 8(b)(1) (42 U.S.C. 1437f(b)(1)), and any amounts from the \$1,092,112,375 hereinbefore provided for use in conjunction with expiring subsidy contracts that are used for loan management, shall not be obligated for a contract term that exceeds five years: *Provided further*, That those portions of the fees for the costs incurred in administering incremental units assisted in the certificate and housing voucher programs under sections 8(b) and 8(o), respectively, shall be established or increased in accordance with the authorization for such fees in section 8(q) of the Act: *Provided further*, That of the \$9,145,000,000 provided herein, \$374,062,500 shall be used to assist handicapped families in accordance with section 202(h) (2), (3) and (4) of the Housing Act of 1959, as amended (12 U.S.C. 1701q): *Provided further*, That amounts equal to all amounts of budget authority (and contract authority) reserved or obligated for the development or acquisition cost of public housing (including public housing for Indian families), for modernization of existing public housing projects (including such projects for Indian families), and except as hereinafter provided for programs under section 8 of the Act (42 U.S.C. 1437f), which are recaptured during fiscal year 1990, shall be rescinded: *Provided further*, That up to 50 percent of the amounts of budget authority, or in lieu thereof up to 50 percent of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (Public Law 100-628, 102 Stat. 3224, 3268) shall not be rescinded, or in the case of cash, shall not be remitted to the Treasury, and such amounts of budget authority or cash shall be used by State housing finance agencies in accordance with such section: *Provided further*, That notwithstanding the 20 percent limitation under section 5(j)(2) of the Act, any part of the new budget authority for the development or acquisition costs of public housing other than for Indian families may, in the discretion of the Secretary, based on applications submitted by public housing authorities, be used for new construction or major reconstruction of obsolete public housing projects other than for Indian families: *Provided further*, That up to \$14,000,000 of the funds provided under this heading may be transferred and added to sums appropriated for "Salaries and expenses".

AMENDMENT OFFERED BY MR. BARTLETT

Mr. BARTLETT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BARTLETT:

On page 13, line 2, strike out "\$528,133,500" and insert in lieu thereof "\$352,133,500".

On page 13, line 5, strike out "\$2,000,000,000" and insert in lieu thereof "\$2,002,500,000".

On page 13, line 7, immediately before the semicolon insert the following: ", of which \$2,500,000 shall be for technical assistance and training under section 20 of the Act (42 U.S.C. 1437r)".

On page 13, line 10, strike out "\$796,258,750" and insert in lieu thereof "\$945,758,750".

On page 14, line 24, insert immediately before the colon the following: "; and

\$15,000,000 shall be used for grants under the Public Housing Drug Elimination Act of 1988 (42 U.S.C. 11901 et seq.)."

Mr. BARTLETT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BARTLETT. Mr. Chairman, this is not an earth-shattering amendment in the context of the total \$60 billion HUD and independent agencies appropriation bill. It is an amendment in which a very clear choice is offered to the House floor in terms of how to spend housing dollars. This amendment is not an amendment that cuts.

Mr. Chairman, this amendment does not reduce total funding out of the HUD appropriation bill. In fact, it leaves the funding exactly the same. It is a very simple and straightforward amendment in which the choice is very clear, and it is not very complicated at all.

The Appropriations Committee was faced with an amount of money totaling \$176 million in which they appropriately concluded that they wished to transfer from moderate rehab a program which was not working very well. That \$176 million had been used for project-based assistance. The committee chose to transfer that to another and more workable housing program. The problem at that point is that the Appropriations Committee chose a wrong program to transfer the money to, wrong from the perspective of the tenants whom they were attempting to assist. The Appropriations Committee transferred the \$176 million to new construction of new units of public housing, a 50-percent increase in public housing new construction over last year and the prior year's appropriations.

The Bartlett amendment would redirect that \$176 million away from the new construction of public housing add-ons and instead add it on to tenant-based certificates, to the drug-free public housing program previously authorized, and to a previously authorized and previously funded resident management corporation.

So the choice is clear. Under the Appropriations Committee version, we would end up with 2,500 additional units of new construction of public housing. In that case the residents or the tenants themselves would have no choices of where they live. The Government would decide where they would live. It would require 3 to 5 years more to get those new units of public housing on line and constructed so people could live in them. And the cost per unit would be \$70,000 per unit in capital costs and an additional

\$44,000 per unit of operating subsidies in 1989 dollars for the life of the units.

The Bartlett amendment, on the other hand, would offer a sharp contrast. The Bartlett amendment would provide assistance to 5,500 families instead of 2,500 as is in the bill, would allow those families to choose themselves where they live and not be required to have the Government tell them where to live, and it would make those certificates and that assistance available immediately so that families would not have to wait 3 to 5 years for assistance. The cost of this would be less than half of what it is in the committee version per unit, that is, \$25,500 per unit.

The Bartlett amendment also provides the funding of an unfunded program of \$15 million in drug-free public housing that was authorized by this Congress in the last session but not funded by the Appropriations Committee. In addition, it would continue to fund at \$2.5 million per year the assistant resident management activities that had been authorized and funded in the last two cycles but which the committee chose not to fund in this particular year.

The housing policy throughout the country, led by the authorizing committee of this Congress and the Subcommittee on Housing and Community Development in fact is pushing increasingly toward tenant-based choices, toward allowing tenants to decide for themselves where to live, what landlord to choose, what part of town to live in, and what their housing circumstances would look like. This amendment would continue that set of priorities. Indeed, just simply reading from Public Law 100-242, the last Housing Act of 1987, we in fact authorized at that time only \$337 million for new construction or no more than 5,000 units. In this case the Appropriations Committee has taken it on themselves to reverse that priority and to allocate 7,500 units of new construction.

The choice is very clear as we come to the House floor and vote. If we want to allow low-income families that we choose to assist to make their own choices, then we would vote for the Bartlett amendment and allow those families to decide where to live and under what circumstances. If, on the other hand, we want to continue the housing policies of the past and have the Government make choices for residents themselves, if we want to have the construction of more project-based units and fewer choices for residents at a higher cost, then Members would vote for the committee version of the bill and against the Bartlett amendment.

Mr. PORTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, let me first commend the gentleman from Texas [Mr. BART-

LETT] for offering this very, very good amendment.

I am particularly interested in the part of the amendment that would fund resident management technical assistance and training. Current law provides \$2.5 million in resident management technical assistance and training for fiscal year 1989. This level provides assistance to between 25 and 30 resident management corporations nationwide.

Mr. Chairman, HUD would have 60 resident management corporations coming on line this year. So this money is very much needed in public housing across the country.

Resident management gives residents the control of their own lives. It allows them to unleash their creative energies. By any objective standard, resident managers manage at least as well as the PHA's that precede them, and often they manage their units much more efficiently.

Where we have resident management, Mr. Chairman, we usually have lower crime, higher employment, better physical living conditions, reduced vandalism, and increased rent collections. I have seen the results in Chicago. There is a huge contrast between the LeClaire Courts, which is resident-managed, and, for example, others such as Ida B. Wells, which are PHA-managed.

Here in the Washington, DC, area, in a complex called Kenilworth-Parkside, Kimi Gray has taken the lead in providing resident management to that complex, and according to Coopers and Lybrand rental income in those units is up 117 percent, administrative costs are down 60 percent, maintenance costs are down 20 percent, crime is down 75 percent, AFDC dependency is down 33 percent, teenage pregnancy is down 50 percent, and mean resident income is up \$1,000.

□ 1430

Mr. Chairman, let us make sure that we are efficiently managing the units that are already in use across our country before we go building thousands of new units.

I urge my colleagues to support this small, but very important, change to the VA-HUD appropriations bill, and I urge support for the amendment of the gentleman from Texas [Mr. BARTLETT].

Mr. GREEN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, let me say to the gentleman from Illinois [Mr. PORTER], my friend, that, if all this amendment did were to fund the program in which he is interested, I would probably have little problem with this amendment. That is really the tail wagging the dog in terms of the dollars that we are talking about in this amendment, so let me focus on what is by far the large-

est part, and that is the proposal to delete the 2,500 additional units of public housing that we put in this bill.

I want to suggest, Mr. Chairman, that it was not me on the Committee on Appropriations who deviated in the policy of the Committee on Banking, Finance and Urban Affairs, but it is the amendment of the gentleman from Texas [Mr. BARTLETT] that does so because plainly the Committee on Banking, Finance and Urban Affairs' approach in the legislation over the last few years has been to continue a mixed program, one with heavy emphasis, to be sure, on the tenant-based programs, but one which preserves and has some funding for project-based programs.

Mr. Chairman, we have been faithful to that vision. We provide in this bill 35,000 incremental vouchers, so by far the largest number of incremental units in this bill is coming in the voucher program, and we have been very true, therefore, to the picture of housing that the Committee on Banking, Finance and Urban Affairs has supported and that this Congress has supported in adopting the authorizing legislation of the Committee on Banking, Finance and Urban Affairs.

However, Mr. Chairman, the Committee on Banking, Finance and Urban Affairs also wanted some project-based housing, and the format that has taken in recent years has been 5,000 units of low-rent public housing and 2,500 units of this section 8 moderate rehab program, and that is how we have funded the family units.

We have also, of course, funded the 202 program for the elderly and the handicapped, and so we maintained that mixed program.

As I explained earlier, we faced a problem this year, and it was one that the Committee on Banking, Finance and Urban Affairs did not anticipate. The problem is one that the Committee on Banking, Finance and Urban Affairs obviously did not anticipate when it last presented us with the authorizing legislation, and that is the disarray into which the section 8 moderate rehab program has fallen.

So, we wanted to keep the bill on an even keel. In fact, last year, as the bill originally came through, we had 2,942 units of that moderate rehab section 8 program. Though we did not have the money to do all of that and to maintain the total of units, 7,942 project-based that we had in last year's bill, so we reduced it somewhat, and we came up with the 7,500-unit proposal for low-rent public housing. Low-rent public housing is the only other project-based program for families that currently exists in the housing legislation as the Committee on Banking, Finance and Urban Affairs has written it and as this House has passed it, so, if we wanted to maintain the kind of mix we had in the bill last

year, the kind of mix that the Committee on Banking, Finance and Urban Affairs authorized, we had very little choice but to do exactly what the subcommittee and the full committee above the appropriation did.

Now why does the Committee on Banking, Finance and Urban Affairs want a mix of housing, and why do we on the Committee on Appropriation want a mix of housing? I think the reason is quite simple. Conditions in housing markets are very different in different parts of the country.

Mr. Chairman, I understand the situation of the gentleman from Texas [Mr. BARTLETT]. He has got, what, a 15-percent vacancy rate in his housing market? Of course it would be foolish to build public housing units there, and I would not support that, and of course the voucher program works very well in that kind of very loose market where there are lots of vacancies. But this gentleman come from a housing market where there is a 2.4-percent vacancy rate, and roughly half of the people who get vouchers from the housing authority cannot find housing with those vouchers because it is not there even at the rent levels that the voucher program provides.

The gentleman from Texas [Mr. BARTLETT] wants people to have a choice in housing. Well, I say to my colleagues that there are almost 200,000 families applying for public housing in New York City who cannot be admitted to that housing because very little of it has been built in recent years. Those families want a choice, too, and it is a choice that the gentleman from Texas [Mr. BARTLETT] is denying them. I say:

Let's be fair. Let's deal with the problems of his housing market. Let's not create new assisted housing there. Let's use the voucher program there. Let's give his constituents a choice.

However, Mr. President, in my housing market what the gentleman from Texas [Mr. BARTLETT] wants to do does not give people a choice. It takes the choice away, and I say, "Let's be fair to the gentleman from Texas, and we have with the 35,000 voucher units."

(By unanimous consent, Mr. GREEN was allowed to proceed for 1 additional minute.)

Mr. GREEN. Mr. Chairman, please let us be fair to my constituents, too. Let us be fair to the people in northern New Jersey with the very tight housing market. Let us be fair to the people on Long Island with the tight housing market. Let us be fair to the people in the Boston area with the tight housing market. Let us be fair to many parts of California with tight housing markets. I say to the gentleman from Florida nodding to me that they have a very tight housing market there. Those low-income tenants are entitled to a choice, too.

Mr. colleagues, stick with the committee, and give those folks a choice.

Mr. TRAXLER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, let me in the interest of time just agree with the eloquent statement of the distinguished gentleman from New York [Mr. GREEN]. Then let me urge everyone to turn down this amendment.

Let me say to the author of the amendment, the gentleman from Texas [Mr. BARTLETT], who is a very fine member of the authorizing committee and whose housing judgments I respect greatly, that I think the point he makes in connection with the drug money and the point he makes in connection with tenant management are very well stated. I want to pledge to him that no matter how this works out, if he is not successful, we are going to work diligently in the conference committee to see that we can do something in those two areas which I believe he is correct on.

Mr. BARTLETT. Mr. Chairman, will the gentleman yield?

Mr. TRAXLER. I yield to the gentleman from Texas.

Mr. BARTLETT. Mr. Chairman, I thank the gentleman from Michigan [Mr. TRAXLER] for his kind words about those two areas.

Mr. Chairman, it does occur to me to wonder as to why the drug-free public housing authorized and the authorized and previously funded resident management technical assistance were left out of the appropriations bill. I wonder if the gentleman from Michigan [Mr. TRAXLER] can enlighten us. My amendment, as the gentleman knows, would reinstate funding for those two programs. They seem to have been defunded.

Mr. TRAXLER. Mr. Chairman, I must say to the gentleman from Texas [Mr. BARTLETT] that it was his good effort through this amendment that brought this critical issue to our attention, and for that we are grateful. Another minor problem we had was allocating too little money around here and there, and I think in the course of this dialog he has made an excellent point.

Mr. BARTLETT. Mr. Chairman, I thank the gentleman from Michigan [Mr. TRAXLER] for his clarification.

Mr. ATKINS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I hope that this amendment does not prevail.

Mr. Chairman, what this amendment would do by striking out the 2,500 units of public housing money, project-based housing, is it would essentially cripple the capacity of housing authorities to deal with a very severe problem of burned-out units. The vast majority of this money for these 2,500 units would go into hous-

ing authority projects where there are burned-out units. If the gentleman would look, and I know how concerned the gentleman is about questions of crime and drug dealing in these units, but, if he looks at the major problem, it is an invitation for drug dealing, for criminal activities in the burned-out units that exist.

Mr. Chairman, it would be my hope that we would continue to maintain the modest effort that this bill provides for that project-based housing. Section 8 vouchers are important. They work very well in tight housing markets, but I think the balance that the committee has struck is the correct balance.

Mr. BARTLETT. Mr. Chairman, will the gentleman yield?

Mr. ATKINS. I yield to the gentleman from Texas.

Mr. BARTLETT. Mr. Chairman, I thank the gentleman from Massachusetts [Mr. ATKINS] for yielding because perhaps I can clarify how this amendment would assist in those burned-out units.

Mr. Chairman, last year the State of Massachusetts, for example, received 1,051 new vouchers just out of the voucher program in additional section 8 certificates, but the State of Massachusetts received 162 new units of public housing. I would just comment to the gentleman that it is much more productive, useful, and there is much more freedom of choice to fund new vouchers, and then the State of Massachusetts and other States would be able to use those vouchers, I think, much more productively in a much higher quantity than in new units of housing.

□ 1440

Mr. ATKINS. Reclaiming my time, Mr. Chairman, I would simply suggest that those vouchers in Massachusetts did nothing to help with the burnt out units. If you do not deal with a burnt out unit in a public housing project, you have a constant deterioration in the quality of life for the tenants.

There needs to be in this bill some kind of commitment to those 2½ million people in this country who live in public housing projects to begin to eradicate crime, to deal with the problems, many of which are exacerbated by the presence of these burned out units.

The only way you can deal with them, because the modernization funds are not sufficient to totally reconstruct these units, is through the money provided in this section of the bill for these 2,500 units.

Mr. DREIER of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from Texas [Mr. BARTLETT].

Mr. BARTLETT. Mr. Chairman, I thank the gentleman for yielding to me.

Briefly, I do want to follow up on the comment regarding the State of New York which was similar. In fact, last year alone the State of New York received and used 3,775 additional vouchers just from vouchers, but only 400 units of new public housing.

I would further stipulate that the issue here is how to assist families, not how to assist sticks and bricks, whether burned out or not, but how those families can live a decent life.

Mr. GREEN. Mr. Chairman, will the gentleman yield?

Mr. DREIER of California. I am very happy to yield to the distinguished ranking minority member of the subcommittee, the gentleman from New York [Mr. GREEN].

Mr. GREEN. Mr. Chairman, the gentleman from Texas quotes those numbers showing that States got more money and more numbers in vouchers than they did in public housing. Of course, the gentleman is correct. That is, because our subcommittee had a mixed program last year, as it has a mixed program this year, and that program heavily emphasized vouchers, as this program heavily emphasizes vouchers. We are talking about 7,500 units of public housing against 35,000 vouchers. Naturally, the States are going to get a lot more vouchers than they are going to get public housing. They are doing it this year. They will do it next year.

Again, I have to say to the gentleman, the units that are given out in New York City, most of them get turned back after the period of the tenants occupying the housing, because they cannot find housing under this section 8 moderate rehab voucher program.

If we are going to give people in New York City choices and give people in other types of markets choices, then we need to continue the mixed program that we have had in the past, that the Banking Committee legislation has and this bill would continue.

Mr. DREIER of California. Mr. Chairman I yield to the gentleman from Texas [Mr. BARTLETT].

Mr. BARTLETT. Mr. Chairman, the point is that New York City can and does use vouchers in large quantities, but it is not the Government that uses vouchers and it is not the State of New York or the city of New York, it is the people, it is the families themselves who are able to find decent, safe, and sanitary housing.

Mr. Chairman, I am going to ask that the gentleman from California have an additional 3 minutes added to his time.

(At the request of Mr. BARTLETT, and by unanimous consent, Mr. DREIER of California was allowed to proceed for an additional 3 minutes.)

Mr. DREIER of California. Mr. Chairman, it is apparent here that we all want to create a wide range of choices. I think that is a goal which every one of us has, and I think that the approach that we have is a little different, obviously.

I would like to compliment the chairman of the subcommittee, the gentleman from Michigan [Mr. Traxler], and the distinguished ranking member, but I rise as a cosponsor of this amendment with my friend, the gentleman from Texas [Mr. BARTLETT], and I congratulate him for his fine work.

I believe that his approach toward addressing the issue of choice is the appropriate one to take, but I would like specifically to express my appreciation to the chairman of the subcommittee for recognizing that a critically important mistake has been made. Virtually every Member here has had a chance to take the well of the House and demagog against the scourge of drugs which has existed and continues to proliferate in public housing projects.

Obviously, a mistake was made in failing to provide that important \$15 million for the public housing drug elimination program.

We know that in the emergency appropriations bill \$8.2 million was provided, but unfortunately none was provided here.

We have a litany of about nine goals which this program is designed to address. We did put it into place through the authorization process.

I hope very much that as this bill moves forward to conference that addressing this important issue of insuring that we work as diligently as possible to get drugs out of public housing is addressed.

Mr. Chairman, I urge my colleagues to join in cosponsoring legislation which I have which is designed to speed up the eviction process for these drug kingpins who are in public housing.

Mr. GREEN. Mr. Chairman, will the gentleman yield?

Mr. DREIER of California. I am happy to yield to the distinguished gentleman from New York.

Mr. GREEN. Mr. Chairman, I would like to point out to the gentleman that we have increased the operating subsidy account, which is the account from which funds go to public housing agencies for the operation of projects to the tune of over \$151 million, and very plainly a significant portion of that is going to be used to address security and drug problems in the project.

I also think the gentleman ought to be aware that we have language in the bill which would repeal the language that was passed in the supplemental appropriation restricting HUD's right

to give waivers to housing authorities where State due process is in place.

I think we have at least started to address the gentleman's concerns. I know he would like to do more, and so would we, but I think it is fair to point out that we have recognized his concerns and we have tried to address them.

Mr. DREIER of California. Mr. Chairman, I congratulate the gentleman for that and thank the subcommittee for doing just that, but I hope very much that the chairman will in fact address the issue of the public housing drug elimination program itself and the funding of it. I am a little confused as to exactly where we are going.

Mr. TRAXLER. Mr. Chairman, will the gentleman yield?

Mr. DREIER of California. I am very happy to yield to the gentleman from Michigan.

Mr. TRAXLER. Mr. Chairman, I say to the gentleman, we have committed to the distinguished author of the amendment, the gentleman from Texas, that he raises some very valid issues both in regards to tenant management of the projects and in terms of the drug issue.

I think the gentleman's approach is not unreasonable. We pledge that in the course of this bill winding its way through the tortuous routes to the White House, we will be of every assistance possible on those two issues.

Mr. DREIER of California. Mr. Chairman, I think the distinguished gentleman for that assurance.

Mr. TRAXLER. Mr. Chairman, if the gentleman will yield further, let me say that I want to commend the gentleman from California for his interest in this matter. There is no more important issue to this Nation than the serious drug crisis we have.

Mr. DREIER of California. So my point has just been made, Mr. Chairman, that every Member loves to take the microphone and talk against drugs in public housing.

Mr. TRAXLER. Mr. Chairman, I know the gentleman, understanding the money issue here, is going to join with us in opposing the across-the-board cut in this bill.

Mr. HAYES of Illinois. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today to express my opposition to my colleague's Mr. BARTLETT of Texas, amendment which seeks to transfer \$176 million from public housing construction and development to resident management technical assistance, section 8 Housing Rent Subsidy Certificates, and for the Drug Elimination Act.

As many of you are aware, my congressional district in Chicago, IL, is greatly suffering, as are many urban areas, from a public housing crisis. With problems of public housing and homelessness, this is clearly not the time to transfer funds from construction and development.

Over the past 8 years we have seen such a great loss to our Nation's housing programs. Not only have we witnessed a program slash of 70 percent, which reflects a funding cut from \$30 to \$8 billion, we have seen outright abuse within the Reagan administration which has certainly hampered any possibility of improving our housing programs.

I strongly oppose this amendment because my constituents, 70,000 of which reside in public housing, are in need of new public housing construction. Our Nation's housing crisis is a sad reflection of our priorities in this country, and I encourage that my colleagues join in my opposition of this very untimely amendment. Thank you.

Mrs. ROUKEMA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Bartlett amendment.

Mr. Chairman, I think the amendment is really a most reasonable one. I am speaking now as the ranking minority member of the Housing Subcommittee. I am certainly knowledgeable and informed on the problems of public housing and I have great sympathy and empathy for the problem the committee had in its Hobson's choice here. We have all faced the problem of scarce resources and enormous needs, but we have never adequately funded the public housing units that we presently have.

I have never understood, as I said earlier in this debate, why it makes sense to build more new units when we cannot even adequately maintain those units that we have.

It seems to me that the amendment of the gentleman from Texas [Mr. BARTLETT] reduces itself to plain arithmetic, and that arithmetic is compelling in terms of pointing us to "the bottom line" of what is at issue here.

Fundamentally, the committee bill gives us new construction and the addition of 2,500 units. That is 2,500 units nationwide, not much at all. These units are very expensive, that conservatively estimated are going to cost in excess of \$70,000 per unit.

The Bartlett amendment simply does this. It transfers most of the increase in new construction to section 8 certificates. For the same amount of money, and this is the arithmetic, for the same amount of money this transfer will allow us to serve more than twice as many low-income households, that is 5,500 certificates versus 2,500 units built some time in the future, which by the way, again does not do one thing to renovate one existing public housing unit.

Let me finish the arithmetic here. We face a growing and serious prob-

lem in some other technical areas, which I will not bore my colleagues about, but take it from me as honest information that we are going to have a horrendous number of units, public units, pulled out of public housing because of the prepayment question.

□ 1450

I do not want to go into the prepayment, but over the next years many are going to be withdrawn from the housing market. The Bartlett amendment makes it clear that the 5,500 certificates could be used to assist any of these tenants who are displaced because of prepayment, and I think that is an important issue that we can face right here, and we will be facing it in greater numbers next year and the year after that.

Mr. BARTLETT. Mr. Chairman, will the gentlewoman yield?

Mrs. ROUKEMA. I am happy to yield to the gentleman from Texas.

Mr. BARTLETT. Mr. Chairman, it is worth noting that HUD has committed to me firmly that they would use these 5,500 additional certificates as a replacement tool for those prepayments of 221(d)(3)'s and 236's.

Mrs. ROUKEMA. Reclaiming my time, for our colleagues, prepayment means the holders of the mortgages and the holders of these units are going to pull out of the program. They are no longer going to be available for certificates, so we are going to have to find alternative means of housing these people, and it is going to be very costly. I think we ought to start right here with the Bartlett amendment.

Mr. GREEN. Mr. Chairman, will the gentlewoman yield?

Mrs. ROUKEMA. I am happy to yield to the gentleman from New York.

Mr. GREEN. Mr. Chairman, the concerns of the gentlewoman from New Jersey are very real. I do not think that they are a reason to support the Bartlett amendment, because they are addressed already in the bill. The fact of the matter is that in terms of public housing modernization, the appropriation for the current fiscal year was \$1,647,000,000. It is \$2 billion in the bill we bring to the Members, up over 20 percent. In the case of the expiring housing contracts, we have \$1.1 billion in here.

Mrs. ROUKEMA. Reclaiming my time, I want to point out here that it is arithmetic here that we are talking about. We are using numbers in a very funny way.

In the first place, if we put \$9 billion into modernization, we still would not be making much of a dent in the nationwide problem in rehab for public housing.

On the subject of prepayment, I yield to the gentleman who offered the amendment.

Mr. BARTLETT. Mr. Chairman, because the committee does take care of expiring contracts, the committee does not attempt to take care of those families who would be moved out of their homes because of a prepayment of a previously insured FHA mortgage. That is what these 5,500 units would do.

Mr. GREEN. Mr. Chairman, would the gentlewoman yield?

Mrs. ROUKEMA. I am happy to yield to the gentleman from New York.

The CHAIRMAN. The time of the gentleman from New Jersey [Mrs. ROUKEMA] has expired.

(At the request of Mr. GREEN and by unanimous consent, Mrs. ROUKEMA was allowed to proceed for 5 additional minutes.)

Mr. GREEN. Mr. Chairman, I find it a little odd that the Members of the authorizing committee are asking us to put these units for expiring 221(d)(3)'s and 236's, because they are asking us to make a policy in this bill which many members of the Committee on Banking, Finance and Urban Affairs are not prepared to accept, and that is that people who are living in 236's and 221(d)(3)'s will be taken care of by vouchers. That is not a policy that this Congress has adopted. It is not a policy that the Committee on Banking, Finance and Urban Affairs has brought us and, in fact, as the gentlewoman knows, they brought us a 2-year moratorium on opting out of the program in order to give the Committee on Banking, Finance and Urban Affairs more time to deal with this problem.

I think if the members of the Committee on Banking, Finance and Urban Affairs do not want the appropriations process to be deciding their policy issues, they should not be deciding that policy issue by this amendment today.

Mrs. ROUKEMA. Reclaiming my time, we are not deciding the policy issue how we determine the contractual agreements on prepayment. What we are saying, however, is that an acknowledgment that there are going to be a certain number of increasing number of families that are displaced, and we will give them a priority. That is something that is quite outside the question of the prepayment issue per se.

Mr. BARTLETT. Mr. Chairman, will the gentlewoman yield?

Mrs. ROUKEMA. I am happy to yield to the gentleman from Texas.

Mr. BARTLETT. Mr. Chairman, the point is in housing policy we at the policy level have to start looking at those policies from the perspective of the family themselves to allow that family to make choices. There will be an enormous number of prepaid mortgages that, unless we address it in this appropriations bill, will throw families

out of their units. By passing this amendment, we can assist 5,500 of those individuals to be able to choose decent, safe, and affordable housing of their own. Without the amendment, they are out the window.

Mrs. ROUKEMA. Mr. Chairman, I thank the gentleman for that closing comment.

I just wanted to say that that brings us back to the arithmetic of this. The arithmetic is: Do we want to have 2,500 units 3 or 5 years down the line, or do we want to take care of an increasingly difficult problem as it is unfolding before us in the coming year to the effect of taking care of twice as many families?

Again, I would say to the ranking member that I am most appreciative of his Hobson's choice. This is a very difficult dilemma, but I think the gentleman from Texas makes an excellent point by demonstrating that with the same amount of money we can do twice as much in 1 year instead of 5 years down the road.

As the ranking member and as the author of a bill that will be before the Committee on Housing this year, we are going to be looking for new ways of getting at the fundamental problem of multifamily housing and public housing that plagues the gentleman's district and mine where we have very low vacancy rates. So this does not say that we do not need to increase the stock of housing. The question is how do we set our priorities.

Mr. GREEN. Mr. Chairman, will the gentlewoman yield?

Mrs. ROUKEMA. I am happy to yield to the gentleman from New York.

Mr. GREEN. When we get done with it, however, what is being proposed here today is to accept the fact that tenants currently living in subsidized apartments and 221(d)(3)'s and 236's can be thrown out in the street, and then we will try to help them with vouchers, even in markets like the New York City market, where half the people who get vouchers find no place to use them.

I do not think that the Committee on Banking, Finance and Urban Affairs is prepared to offer that to us as policy. I do not think the House is prepared to adopt it, but we surely should not be debating and adopting it on an amendment to an appropriation bill and, therefore, I would urge we defeat this amendment.

Mr. BARTLETT. Mr. Chairman, will the gentlewoman yield?

Mrs. ROUKEMA. I am happy to yield to the gentleman from Texas.

Mr. BARTLETT. Mr. Chairman, we just have a fundamental difference of the way we view it. The fact is this amendment will allow that individual family to be able to continue to reside in assisted housing, and in this case to

reside in assisted housing of their own choice.

If we adopt the appropriations bill, maybe 5 years from now there may be some Government-operated public housing assistance, and those families, are out on the street.

Mrs. ROUKEMA. Reclaiming my time, that will never be equal to the need for the displacement.

Mr. KOLBE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am pleased to be here to support the amendment offered by the gentleman from Texas [Mr. BARTLETT]. This issue really hits home to me. This last week I have had a group of people sitting in my Tucson office because they believe that I am not sufficiently committed to doing something about housing and about homeless people.

I think we have an opportunity today with this amendment to do something for people who need housing today, who cannot wait for tomorrow, who cannot wait for new construction to be added, but who need housing today.

As has been explained in the debate on the floor, this amendment will provide housing for more than twice as many people as we would have with the funds going into new construction. That is pretty simple arithmetic.

Mr. Chairman, more can be done with sec. 8 vouchers than with new construction. We just cannot build as many new units of new housing with construction funds. But we can double the number of families we can get in housing if we adopt this amendment today.

The issue at stake, and I think the more important one, it is freedom. It is choice. It is tenant-based. Instead of the Government telling people where they are going to live and in what kind of lousy public housing project they are going to live in, we can give them a voucher and let them make their own choice of where they want to live. That is the ultimate goal of public housing. That is what this is all about, giving people a choice as to where they want to live.

Mr. Chairman, I would hope that this body would adopt this amendment and provide more housing for more people and give them the choice of where they want to live.

I commend my colleague, the gentleman from Texas, for offering what I believe is a visionary amendment.

Mr. BARTLETT. Mr. Chairman, will the gentleman yield?

Mr. KOLBE. I am happy to yield to the gentleman from Texas.

Mr. BARTLETT. Mr. Chairman, the gentleman makes it very crystal clear that the choice in this amendment is do we as Congress begin to allow tenants of assisted housing to make their own choices on where to live, or do we,

instead, continue to have the Government make those choices for them.

In this case, it is only \$176 million. That means that only 5,500 families can make those choices, but the Committee on Appropriations has found \$176 million of new dollars, of free dollars.

Our choice on this floor is how to spend it. Do we spend it in a way that residents can make their own choices, or do we spend that new money in the old ways of having the Government make the choices for them?

I commend the gentleman for his understanding of that fundamental issue.

□ 1500

Mr. KOLBE. I thank the gentleman for his comments and certainly concur with the idea that maximum choice is the best approach. As we well know from our experience with public housing projects, we do not have what we would consider to be good housing projects.

Mr. GREEN. Mr. Chairman, will the gentleman yield?

Mr. KOLBE. I am happy to yield to the gentleman from New York.

Mr. GREEN. Mr. Chairman, let me say if the gentleman's tenants in his communities would prefer vouchers, they ought to get them. I have to tell him that in my community there are almost 200,000 households who are applying for public housing, and if you gave them a choice between trying to go out in the New York City housing market with vouchers or an apartment in public housing, they will pick that apartment in public housing any day.

I am not trying to deny the gentleman's people their choice, and we have 35,000 units in this bill. Please do not deny my people their choice because we have a different housing market situation from yours. We are entitled to some choice too.

Mr. DONALD E. "BUZ" LUKENS. Mr. Chairman, will the gentleman yield?

Mr. KOLBE. I yield to the gentleman from Ohio.

Mr. DONALD E. "BUZ" LUKENS. Mr. Chairman, I rise in strong support of the BARTLETT amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. BARTLETT].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. BARTLETT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 152, noes 268, not voting 11, as follows:

[Roll No. 147]

AYES—152

Archer	Hancock	Ridge
Armey	Hansen	Ritter
Baker	Hastert	Roberts
Ballenger	Hefley	Robinson
Bartlett	Herger	Rohrabacher
Barton	Hiler	Roth
Bateman	Holloway	Roukema
Bennett	Hopkins	Saiki
Bentley	Houghton	Sarpalius
Bereuter	Hubbard	Schaefer
Billakis	Huckaby	Schiff
Billey	Hunter	Schulze
Broomfield	Inhofe	Sensenbrenner
Brown (CO)	James	Shaw
Buechner	Johnson (CT)	Shumway
Bunning	Kasich	Shuster
Burton	Kolbe	Skeen
Byron	Kostmayer	Slaughter (VA)
Callahan	Kyl	Smith (MS)
Campbell (CA)	Lagomarsino	Smith (NE)
Chandler	Leach (IA)	Smith (TX)
Coble	Lewis (FL)	Smith (VT)
Coleman (MO)	Lightfoot	Smith, Denny
Combest	Livingston	(OR)
Cox	Lowery (CA)	Smith, Robert
Craig	Lukens, Donald	(NH)
Crane	Machtley	Smith, Robert
Dannemeyer	Madigan	(OR)
DeLay	Marlenee	Solomon
DeWine	Martin (IL)	Spence
Dickinson	McCandless	Stangeland
Dornan (CA)	McCollum	Stearns
Douglas	McCrery	Stenholm
Dreier	McEwen	Stump
Duncan	McMillan (NC)	Sundquist
Edwards (OK)	Meyers	Tauke
Emerson	Michel	Tauzin
Fawell	Miller (OH)	Thomas (CA)
Fields	Moody	Thomas (WY)
Frenzel	Moorhead	Udall
Gallegly	Morrison (WA)	Upton
Gekas	Nielson	Vander Jagt
Gibbons	Oxley	Vucanovich
Gillmor	Packard	Walker
Gingrich	Paxon	Walsh
Goodling	Payne (VA)	Weber
Goss	Penny	Weldon
Gradison	Petri	Whittaker
Grant	Porter	Wylie
Gunderson	Quillen	Young (AK)
Hall (TX)	Ray	Young (FL)
Hammerschmidt	Rhodes	

NOES—268

Ackerman	Clinger	Florio
Akaka	Coleman (TX)	Foglietta
Alexander	Conte	Ford (MI)
Anderson	Cooper	Ford (TN)
Andrews	Costello	Frank
Annunzio	Coughlin	Frost
Anthony	Courter	Gallo
Applegate	Coyne	Garcia
Atkins	Crockett	Gaydos
AuCoin	Darden	Gejdenson
Barnard	Davis	Gephardt
Bates	de la Garza	Gilman
Beilenson	DeFazio	Glickman
Berman	Dellums	Gonzalez
Bevill	Derrick	Gordon
Bilbray	Dicks	Grandy
Boehlt	Dingell	Gray
Boggs	Dixon	Green
Bonior	Donnelly	Guarini
Borski	Dorgan (ND)	Hall (OH)
Bosco	Downey	Hamilton
Boucher	Durbin	Harris
Boxer	Dwyer	Hatcher
Brennan	Dymally	Hawkins
Brooks	Dyson	Hayes (IL)
Browder	Early	Hayes (LA)
Brown (CA)	Eckart	Hefner
Bruce	Edwards (CA)	Henry
Bryant	Engel	Hertel
Bustamante	English	Hoagland
Campbell (CO)	Erdreich	Hochbrueckner
Cardin	Espy	Horton
Carper	Evans	Hoyer
Carr	Fazio	Hughes
Chapman	Feighan	Hutto
Clarke	Fish	Jacobs
Clay	Flake	Jenkins
Clement	Filippo	Johnson (SD)

Johnston	Mrazek	Schuette
Jones (GA)	Murphy	Schumer
Jones (NC)	Murtha	Sharp
Jontz	Myers	Shays
Kanjorski	Nagle	Sikorski
Kaptur	Natcher	Siskisky
Kastenmeier	Neal (MA)	Skaggs
Kennedy	Neal (NC)	Skellon
Kennelly	Nelson	Slattery
Kildee	Nowak	Slaughter (NY)
Kleczka	Oakar	Smith (FL)
Kolter	Oberstar	Smith (IA)
LaFalce	Obey	Smith (NJ)
Lancaster	Olin	Snowe
Lantos	Ortiz	Solarz
Laughlin	Owens (NY)	Spratt
Lehman (CA)	Owens (UT)	Staggers
Lehman (FL)	Pallone	Stallings
Leland	Panetta	Stark
Lent	Parker	Stokes
Levin (MI)	Parris	Studds
Levine (CA)	Pashayan	Swift
Lewis (CA)	Patterson	Synar
Lewis (GA)	Pease	Tallon
Lipinski	Pelosi	Tanner
Lloyd	Perkins	Thomas (GA)
Long	Pickett	Torres
Lowey (NY)	Pickle	Torricelli
Manton	Poshard	Towns
Markey	Price	Traficant
Martinez	Pursell	Traxler
Matsui	Rahall	Unsoeld
Mavroules	Rangel	Valentine
Mazzoli	Regula	Vento
McCloskey	Richardson	Visclosky
McCurdy	Rinaldo	Volkmer
McDade	Roe	Walgren
McDermott	Rogers	Watkins
Rose	McGrath	Waxman
McHugh	McHugh	Weiss
McMillen (MD)	McMillen (MD)	Rowland (CT)
McNulty	McNulty	Rowland (GA)
Mfume	Mfume	Roybal
Miller (CA)	Miller (CA)	Russo
Miller (WA)	Miller (WA)	Sabo
Mineta	Mineta	Sangmeister
Moakley	Moakley	Savage
Molinari	Molinari	Sawyer
Mollohan	Mollohan	Saxton
Montgomery	Montgomery	Scheuer
Morella	Morella	Schneider
Morrison (CT)	Morrison (CT)	Schroeder

NOT VOTING—11

Aspin	Hyde	Martin (NY)
Collins	Ireland	Payne (NJ)
Conyers	Leath (TX)	Ravenel
Fascell	Luken, Thomas	

□ 1520

The Clerk announced the following pair:

On this vote:

Mr. Ireland for, with Mr. Payne of New Jersey against.

Messrs. ENGLISH, FAZIO, and McGRATH changed their vote from "aye" to "no."

Mrs. SMITH of Nebraska and Mr. HOLLOWAY changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. BARTLETT

Mr. BARTLETT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BARTLETT: On page 13, line 2, strike out "\$528,133,500" and insert in lieu thereof "\$510,633,500".

On page 13, line 5, strike out "\$2,000,000,000" and insert in lieu thereof "\$2,002,500,000".

On page 13, line 7, immediately before the semicolon insert the following: ", of which \$2,500,000 shall be for technical assistance

and training under section 20 of the Act (42 U.S.C. 1437r)".

On page 14, line 24, insert immediately before the colon the following: "; and \$15,000,000 shall be used for grants under the Public Housing Drug Elimination Act of 1988 (42 U.S.C. 11910 et seq.)."

Mr. BARTLETT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BARTLETT. Mr. Chairman, this is an amendment that I think will be agreed to by the committee as they have previously indicated. This amendment would transfer from the new construction public housing, the sum of \$17,500,000, transfer that into funding the resident management corporation technical assistance, as previously authorized and funded, at the rate of \$2.5 million, and also fund the new program that has been authorized under the leadership of the gentleman from California [Mr. DREIER], the new program providing drug-free public housing.

This would be the first proposal for that program. It is very helpful to get that in the appropriations on this bill. It would fund that program at the authorized rate of \$15 million.

I would express my disappointment that there was opposition to the third part of this amendment, which was to provide additional tenant choice, but that is a debate we will have at a subsequent time on subsequent legislation. However, I do very much appreciate, at least the indications earlier, of the support of these two portions of the amendment. We can get these out of the way and work on the tenant.

I yield to the gentleman from Michigan [Mr. TRAXLER].

Mr. TRAXLER. Mr. Chairman, it improves the bill and it does the things that we discussed on the prior amendment. Again, it is acceptable to this side.

Mr. BARTLETT. Mr. Chairman, I yield to the gentleman from California [Mr. DREIER], and in yielding, I want to comment that the gentleman from California has shown extraordinary leadership in assuring both the original authorization and now the appropriations of drug-free public housing.

Mr. DREIER of California. Mr. Chairman, I thank my friend for yielding, and simply would like to express my appreciation again to the chairman of the subcommittee, and I believe to the ranking minority member, who I am sure will be supportive of this amendment. I hope very much that we will now be successful in eliminating the scourge of drugs in public housing.

Mr. BARTLETT. Mr. Chairman, I yield to the gentleman from New York [Mr. GREEN].

Mr. GREEN. Mr. Chairman, I want to thank the gentleman for his amendment. As we indicated, we are happy with this.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. BARTLETT].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Section 6 of the United States Housing Act of 1937 (42 U.S.C. 1437d) is amended by inserting after subsection (a) the following new subsection:

"(b)(1) Each contract for loans (other than preliminary loans) or contributions for the development, acquisition, or operation of public housing shall provide that the total development cost of the project on which the computation of any annual contributions under this Act may be based may not exceed the amount determined under paragraph (2) (for the appropriate structure type) unless the Secretary provides otherwise, and in any case may not exceed 110 percent of such amount unless the Secretary for good cause determines otherwise.

"(2) For purposes of paragraph (1), the Secretary shall determine the total development cost by multiplying the construction cost guideline for the project (which shall be determined by averaging the current construction costs, as listed by not less than 2 nationally recognized residential construction cost indices, for publicly-bid construction of a good and sound quality) by—

"(A) in the case of elevator-type structures, 1.6; and

"(B) in the case of nonelevator-type structures, 1.75."

RENTAL REHABILITATION GRANTS

For the rental rehabilitation grants program, pursuant to section 17(a)(1)(A) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437o), \$130,000,000, to remain available until September 30, 1992.

RENTAL HOUSING ASSISTANCE (RESCISSION)

The limitation otherwise applicable to the maximum payments that may be required in any fiscal year by all contracts entered into under section 236 of the National Housing Act (12 U.S.C. 1715z-1) is reduced in fiscal year 1990 by not more than \$2,000,000 in uncommitted balances of authorizations provided for this purpose in appropriations Acts.

HOUSING FOR THE ELDERLY OR HANDICAPPED FUND

In fiscal year 1990, \$480,106,000 of direct loan obligations may be made under section 202 of the Housing Act of 1959, as amended (12 U.S.C. 1701q), utilizing the resources of the fund authorized by subsection (a)(4) of such section, in accordance with paragraph (C) of such subsection: *Provided*, That such commitments shall be available only to qualified nonprofit sponsors for the purpose of providing 100 per centum loans for the development of housing for the elderly or handicapped, with any cash equity or other financial commitments imposed as a condition of loan approval to be returned to the sponsor if sustaining occupancy is achieved in a reasonable period of time: *Provided further*, That the full amount shall be available for permanent financing (including con-

struction financing) for housing projects for the elderly or handicapped: *Provided further*, That 25 per centum of the direct loan authority provided herein shall be used only for the purpose of providing loans for projects for the handicapped, with the mentally ill homeless handicapped receiving priority: *Provided further*, That the Secretary may borrow from the Secretary of the Treasury in such amounts as are necessary to provide the loans authorized herein: *Provided further*, That, notwithstanding any other provision of law, the receipts and disbursements of the aforesaid fund shall be included in the totals of the Budget of the United States Government: *Provided further*, That of the direct loan authority provided under this heading, an amount necessary to provide for 250 dwelling units shall be used only for the purpose of providing dwelling units for persons who have contracted the disease of acquired immune deficiency syndrome: *Provided further*, That, notwithstanding section 202(a)(3) of the Housing Act of 1959, loans made in fiscal year 1990 shall bear an interest rate which does not exceed 9.25 per centum, including the allowance adequate in the judgment of the Secretary to cover administrative costs and probable losses under the program.

CONGREGATE SERVICES

For contracts with and payments to public housing agencies and nonprofit corporations for congregate services programs in accordance with the provisions of the Congregate Housing Services Act of 1978, \$6,000,000, to remain available until September 30, 1991.

PAYMENTS FOR OPERATION OF LOW-INCOME HOUSING PROJECTS

For payments to public housing agencies and Indian housing authorities for operating subsidies for low-income housing projects as authorized by section 9 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g), \$1,769,200,000.

HOUSING COUNSELING ASSISTANCE

For contracts, grants, and other assistance, not otherwise provided for, for providing counseling and advice to tenants and homeowners—both current and prospective—with respect to property maintenance, financial management, and such other matters as may be appropriate to assist them in improving their housing conditions and meeting the responsibilities of tenancy or homeownership, including provisions for training and for support of voluntary agencies and services as authorized by section 106(a)(1)(iii), section 106(a)(2), and section 106(c) of the Housing and Urban Development Act of 1968, as amended, \$3,500,000.

FLEXIBLE SUBSIDY FUND

For assistance to owners of eligible multifamily housing projects insured, or formerly insured, under the National Housing Act, as amended, or which are otherwise eligible for assistance under section 201(c) of the Housing and Community Development Amendments of 1978, as amended (12 U.S.C. 1715z-1a), in the program of assistance for troubled multifamily housing projects under the Housing and Community Development Amendments of 1978, as amended, all uncommitted balances of excess rental charges as of September 30, 1989, and any collections and other amounts in the fund authorized under section 201(j) of the Housing and Community Development Amendments of 1978, as amended, during fiscal year 1990, to remain available until expended: *Provided*, That assistance to an owner of a multifamily housing project assisted, but not insured,

under the National Housing Act may be made if the project owner and the mortgagee have provided or agreed to provide assistance to the project in a manner as determined by the Secretary of Housing and Urban Development.

EMERGENCY SHELTER GRANTS PROGRAM

For the emergency shelter grants program, as authorized under subtitle B of title IV of the Stewart B. McKinney Homeless Assistance Act (Public Law 100-77), as amended, \$125,000,000, to remain available until expended.

TRANSITIONAL AND SUPPORTIVE HOUSING DEMONSTRATION PROGRAM

For the transitional and supportive housing demonstration program, as authorized under subtitle C of title IV of the Stewart B. McKinney Homeless Assistance Act (Public Law 100-77), as amended, \$105,000,000, to remain available until expended.

SUPPLEMENTAL ASSISTANCE FOR FACILITIES TO ASSIST THE HOMELESS

For grants for supplemental assistance for facilities to assist the homeless as authorized under subtitle D of title IV of the Stewart B. McKinney Homeless Assistance Act (Public Law 100-77), as amended, \$11,000,000, to remain available until expended.

INTERAGENCY COUNCIL ON THE HOMELESS

For necessary expenses of the Interagency Council on the Homeless, not otherwise provided for, as authorized by title II of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11311-11319), as amended, \$1,200,000, to remain available until expended: *Provided*, That the Council shall carry out its duties in the 10 standard Federal regions under section 203(a)(4) of such Act only through detail, on a non-reimbursable basis, of employees of the departments and agencies represented on the Council pursuant to section 202(a) of such Act.

FEDERAL HOUSING ADMINISTRATION FUND

For payment to cover losses, not otherwise provided for, sustained by the Special Risk Insurance Fund and General Insurance Fund as authorized by the National Housing Act, as amended (12 U.S.C. 1715z-3(b) and 1735c(f)), \$350,093,000, to remain available until expended.

During fiscal year 1990, within the resources available, gross obligations for direct loans are authorized in such amounts as may be necessary to carry out the purposes of the National Housing Act, as amended.

During fiscal year 1990, additional commitments to guarantee loans to carry out the purposes of the National Housing Act, as amended, shall not exceed a loan principal of \$67,000,000,000.

During fiscal year 1990, gross obligations for direct loans of not to exceed \$88,600,000 are authorized for payments under section 230(a) of the National Housing Act, as amended, from the insurance fund chargeable for benefits on the mortgage covering the property to which the payments made relate, and payments in connection with such obligations are hereby approved.

NONPROFIT SPONSOR ASSISTANCE

During fiscal year 1990, within the resources and authority available, gross obligations for the principal amounts of direct loans shall not exceed \$1,100,000.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

GUARANTEES OF MORTGAGE-BACKED SECURITIES

During fiscal year 1990, new commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721g), shall not exceed \$75,000,000,000 of loan principal.

COMMUNITY PLANNING AND DEVELOPMENT COMMUNITY DEVELOPMENT GRANTS

(INCLUDING TRANSFER OF FUNDS)

For grants to States and units of general local government and for related expenses, not otherwise provided for, necessary for carrying out a community development grants program as authorized by title I of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301), \$3,000,000,000, to remain available until September 30, 1992, of which \$50,000,000 shall be derived by transfer from amounts deobligated in fiscal year 1990 in the Urban Development Action Grants account: *Provided*, That not to exceed \$75,000,000 shall be available for the discretionary fund established pursuant to section 107 of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301): *Provided further*, That not to exceed 20 percent of any grant made with funds appropriated herein (other than a grant using funds set aside in the following proviso) shall be expended for "Planning and Management Development" and "Administration" as defined in regulations promulgated by the Department of Housing and Urban Development: *Provided further*, That \$5,000,000 shall be made available from the foregoing \$3,000,000,000 to carry out a child care demonstration under section 222 of the Housing and Urban-Rural Recovery Act of 1983, as amended (12 U.S.C. 1701z-6 note): *Provided further*, That after September 30, 1989, no funds provided or heretofore provided in this or any other appropriations Act shall be used to establish or supplement a revolving fund under section 104(h) of the Housing and Community Development Act of 1974, as amended, and pursuant to section 202(b) of the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987, this action is a necessary (but secondary) result of a significant policy change.

During fiscal year 1990, total commitments to guarantee loans, as authorized by section 108 of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301), shall not exceed \$46,000,000 of contingent liability for loan principal.

REHABILITATION LOAN FUND

During fiscal year 1990, collections, unexpended balances of prior appropriations (including any recoveries of prior obligations) and any other amounts in the revolving fund established pursuant to section 312 of the Housing Act of 1964, as amended (42 U.S.C. 1452b), after September 30, 1989, are available and may be used for commitments for loans and operating costs and the capitalization of delinquent interest on delinquent or defaulted loans notwithstanding section 312(h) of such Act: *Provided*, That none of the funds in this Act may be used to sell any loan asset that the Secretary holds as evidence of indebtedness under such section 312.

URBAN HOMESTEADING

For reimbursement to the Federal Housing Administration Fund or the Rehabilitation Loan Fund for losses incurred under the urban homesteading program (12 U.S.C.

1706e), and for reimbursement to the Secretary of Veterans Affairs and the Secretary of Agriculture for properties conveyed by the Secretary of Veterans Affairs and the Secretary of Agriculture, respectively, for use in connection with an urban homesteading program approved by the Secretary of Housing and Urban Development pursuant to section 810 of the Housing and Community Development Act of 1974, as amended, \$12,000,000, to remain available until expended.

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970, as amended (12 U.S.C. 1701z-1 et seq.), including carrying out the functions of the Secretary under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, \$21,400,000, to remain available until September 30, 1991.

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended, and section 561 of the Housing and Community Development Act of 1987, \$12,753,000, to remain available until September 30, 1991: *Provided*, That not less than \$6,000,000 shall be available to carry out activities pursuant to section 561 of the Housing and Community Development Act of 1987.

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary administrative and nonadministrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including not to exceed \$7,000 for official reception and representation expenses, \$697,098,000, of which \$355,846,000 shall be provided from the various funds of the Federal Housing Administration: *Provided*, That during fiscal year 1990, notwithstanding any other provision of law, the Department of Housing and Urban Development shall maintain an average employment of at least 1,368 for Public and Indian Housing Programs.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$29,112,000, of which \$6,431,000 shall be transferred from the various funds of the Federal Housing Administration.

ADMINISTRATIVE PROVISIONS

Notwithstanding any other provision of law or other requirement, the City of College Park, in the State of Maryland, is authorized to retain any categorical settlement grant funds, urban renewal grant funds, and land disposition proceeds that remain after the financial closeout of the Lakeland Urban Renewal Project (R-44 No. B-79-UR-24-0001), and to use such funds and proceeds in accordance with the requirements of the community development block grant program specified in title I of the Housing and Community Development Act of 1974. The City of College Park shall retain such funds and proceeds in a lump sum and shall be entitled to retain and use,

in accordance with this paragraph, all past and future earnings from such funds and proceeds, including any interest.

Notwithstanding any other provision of law or other requirement, the City of Hartford in the State of Connecticut, is authorized to retain any land disposition proceeds from the financially closed-out Sheldon-Charter Oak, Section A Urban Renewal Project (No. Conn. R-77) not paid to the Department of Housing and Urban Development and to use such proceeds in accordance with the requirements of the community development block grant program specified in title I of the Housing and Community Development Act of 1974. The City of Hartford shall retain such proceeds in a lump sum and shall be entitled to retain and use, in accordance with this paragraph, all past and future earnings from such proceeds, including any interest.

It is hereby approved in accordance with section 124(c) of the Housing and Community Development Act of 1987 (Public Law 100-242, 101 Stat. 1815, 1847), that as specified in section 124(a) of such Act, accrued interest is forgiven and interest paid shall be returned to the City of Pittsburgh.

Section 404 in title IV, General Provisions of the Dire Emergency Supplemental Appropriations and Transfers, Urgent Supplementals, and Correcting Enrollment Errors Act of 1989 (Public Law 101-45) is hereby repealed.

Mr. DORGAN of North Dakota (during the reading). Mr. Chairman, I ask unanimous consent that title II be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

The CHAIRMAN. Are there any points of order against title II?

Are there amendments to title II?

□ 1530

Mr. DORGAN of North Dakota. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I had intended to offer an amendment at this point in the bill. I shall not offer the amendment, but I want to describe what my intent is and what I intend to do in a future piece of legislation.

I am talking here about the inspector general at HUD. The IG's office has about \$29 million, with a staff of several hundred people. There are over 400 people down at the IG's office. That is \$29 million and over 400 people.

Those of us who are not on the relevant committee have been reading daily now week after week about the scandals at HUD. We read about fraud and abuse in a variety of programs, especially section 8. Apparently there are five programs now under scrutiny with several others targeted for review. My purpose is not to be partisan. My purpose is to say that when we come to the floor of the House and appropriate money for housing programs to help people in this country who need help and then discover

much later that fraud, waste, and abuse totaling at least, according to some accounts, up to \$2 billion, then it is time for us to ask why and how.

Why is that happening, and how did it happen? How can it be that when we have \$29 million worth of resources in the office of the inspector general to investigate and oversee what is happening and how taxpayer dollars are being spent, we do not have people standing on rooftops sounding the sirens and blowing the whistles to report that this sort of fraud is going on? I want to understand why it happened and how it happened.

My original intent today, Mr. Chairman, was to take \$150,000 from the inspector general and designate it to the GAO, because I would like the GAO to do a complex review of how the inspector general's office has operated and how their budget was spent in the last 8 years. We now estimate that there is over \$2 billion in potential scandal-related losses so far. That is \$2 billion. Let me give some examples so the Members will understand why I question this and why I ask: Where was the inspector general?

With relation to section 8, we are told that the rents on which subsidies were based were improperly inflated, leading to excess payments from HUD that could total \$413 million. Where were audits and investigations and inspections, why did someone not catch that? And if they did catch it and put it in a report someplace, why did they not shout it to someone and make sure that interested parties were informed.

On the question of proper disposition, HUD employs contractors to oversee the sale of homes obtained by the Government when the owners default. HUD and the Justice Department are now investigating the embezzlement of \$20 million or more by a dozen or so settlement agents. How can that happen when we have \$29 million in the IG's office?

A former HUD agent said she kept \$5.5 million from the Government on the sales of foreclosed homes that were owned by HUD, and no one at HUD questioned her about the money for 3 years. She kept \$5.5 million for 3½ years and no one bothered to question her about the money.

Again the question I ask is, if we spend \$29 million to trail these large appropriations that go to HUD, \$29 million for the inspector general to inspect and oversee and investigate, what happened? Where did this money go? Why are these people unable to tell us that this sort of waste, fraud, and abuse has occurred?

What I want to do, Mr. Chairman, is to ask the GAO to do a thorough, comprehensive, broad-based investigation of all these contracts to find out exactly what has happened. I think the taxpayers deserve to know, and I think this Congress must know. How

are we going to prevent this in the future if we do not understand what happened in the past?

So had the rules not prevented it, I would like to have offered this amendment to take \$150,000 from the HUD account and give it to the GAO to find out who got what and why and under what circumstances. That is what I think we owe the taxpayers of this country.

This Government spends a great deal of money. We do it because we believe the purposes are laudable and needs are great. I do not believe that. There are a lot of things I support here on the floor of the House because I think the American people need them, and when we appropriate that money, we expect the money to go not for waste, and abuse; we expect it to go to housing projects and farm programs and help for those in need.

So, Mr. Chairman, I shall not offer the amendment today, but I will, when the legislative appropriations bill comes to the floor of the House, see if we can appropriate sufficient moneys for the GAO to conduct a sufficient investigation and report to Congress what happened at HUD and why and how to prevent it from ever happening again.

Mr. Chairman, this kind of waste, fraud, and abuse should never, ever be tolerated by this Congress, and it will not be tolerated by the American people.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE III

INDEPENDENT AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one for replacement only) and hire of passenger motor vehicles; and insurance of official motor vehicles in foreign countries, when required by law of such countries; \$15,000,000: *Provided*, That where station allowance has been authorized by the Department of the Army for officers of the Army serving the Army at certain foreign stations, the same allowance shall be authorized for officers of the Armed Forces assigned to the Commission while serving at the same foreign stations, and this appropriation is hereby made available for the payment of such allowance: *Provided further*, That when traveling on business of the Commission, officers of the Armed Forces serving as members or as Secretary of the Commission may be reimbursed for expenses as provided for civilian members of the Commission: *Provided further*, That the Commission shall reimburse other Government agencies, including the Armed Forces, for salary, pay, and allow-

ances of personnel assigned to it: *Provided further*, That section 509 of the general provisions carried in title V of this Act shall not apply to the funds provided under this heading: *Provided further*, That not more than \$125,000 of the private contributions to the Korean War Memorial Fund may be used for administrative support of the Korean War Veterans Memorial Advisory Board including travel by members of the board authorized by the Commission, travel allowances to conform to those provided by Federal Travel regulations.

CONSUMER PRODUCT SAFETY COMMISSION SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS-18, and not to exceed \$500 for official reception and representation expenses, \$35,500,000: *Provided*, That not more than \$325,000 of these funds shall be available for personnel compensation and benefits for the Commissioners of the Consumer Product Safety Commission.

COURT OF VETERANS APPEALS SALARIES AND EXPENSES

For necessary expenses for the operation of the Court of Veterans Appeals as authorized by 38 U.S.C. 4051-4091, \$3,000,000.

DEPARTMENT OF DEFENSE—CIVIL CEMETERIAL EXPENSES, ARMY SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, and not to exceed \$1,000 for official reception and representation expenses; \$12,569,000, to remain available until expended.

ENVIRONMENTAL PROTECTION AGENCY SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, including hire of passenger motor vehicles; acquisition or purchase, hire, maintenance, and operation of aircraft; uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS-18; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; lease purchase, under a lease purchase contract hereby authorized to be entered into by the Environmental Protection Agency, which lease purchase contract shall have a term not to exceed twenty years and shall provide that title to the property shall vest in the United States at or before the expiration of the lease term, for the Motor Vehicles Emissions Laboratory; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed \$75,000 per project; and not to exceed \$7,000 for official reception and representation expenses; \$874,583,000: *Provided*, That none of these funds may be expended for purposes of Resource Conservation and Recovery Panels established under section 2003 of the Resource Conservation and Recovery Act, as amended (42 U.S.C. 6913).

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978,

as amended, and the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, \$31,734,000, of which \$10,317,000 shall be derived from the Hazardous Substance Superfund trust fund.

RESEARCH AND DEVELOPMENT (INCLUDING TRANSFER OF FUNDS)

For research and development activities, \$241,500,000, to remain available until September 30, 1991: *Provided*, That not more than \$11,600,000 of these funds shall be available for procurement of laboratory equipment: *Provided further*, That up to \$5,000,000 of the funds provided by this paragraph may be transferred to and merged with sums appropriated for "Salaries and expenses".

ABATEMENT, CONTROL, AND COMPLIANCE (INCLUDING TRANSFER OF FUNDS)

For abatement, control, and compliance activities, \$785,000,000, to remain available until September 30, 1991: *Provided*, That up to \$10,000,000 of the funds provided by this paragraph may be transferred to and merged with sums appropriated for "Salaries and expenses": *Provided further*, That up to \$2,000,000 shall be available for grants and cooperative agreements to develop and implement asbestos training and accreditation programs: *Provided further*, That none of the funds appropriated under this heading shall be available to the National Oceanic and Atmospheric Administration pursuant to section 118(h)(3) of the Federal Water Pollution Control Act, as amended: *Provided further*, That none of these funds may be expended for purposes of Resource Conservation and Recovery Panels established under section 2003 of the Resource Conservation and Recovery Act, as amended (42 U.S.C. 6913), or for support to State, regional, local and interstate agencies in accordance with subtitle D of the Solid Waste Disposal Act, as amended, other than section 4008(a)(2) or 4009 (42 U.S.C. 6948, 6949).

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment for facilities of, or use by, the Environmental Protection Agency, \$12,000,000, to remain available until expended.

HAZARDOUS SUBSTANCE SUPERFUND

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including sections 111 (c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611), \$1,425,000,000, to be derived from the Hazardous Substance Superfund, plus sums recovered on behalf of the Hazardous Substance Superfund in excess of \$82,000,000 during fiscal year 1990, with all of such funds to remain available until expended: *Provided*, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA, as amended: *Provided further*, That, notwithstanding section 111(m) of CERCLA, as amended, or any other provision of law, not to exceed \$46,500,000 of the funds appropriated under this heading shall be available to the Agency for Toxic Substances and Disease Registry to carry out activities described in sections 104(i), 111(c)(4), and 111(c)(14) of CERCLA and section 118(f) of the Superfund Amendments and Reauthorization Act of 1986: *Provided further*, That none of the funds appropriated under this heading shall be available for the Agency for Toxic Sub-

stances and Disease Registry to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA, as amended, during fiscal year 1990: *Provided further*, That no more than \$220,000,000 of these funds shall be available for administrative expenses.

LEAKING UNDERGROUND STORAGE TANK TRUST FUND

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by section 205 of the Superfund Amendments and Reauthorization Act of 1986, \$76,000,000, to remain available until expended: *Provided*, That no more than \$6,000,000 shall be available for administrative expenses.

CONSTRUCTION GRANTS (INCLUDING RESCISSION)

For necessary expenses to carry out the purposes of the Federal Water Pollution Control Act, as amended, and the Water Quality Act of 1987, \$2,024,000,000, to remain available until expended, of which \$989,000,000 shall be for title II (other than sections 201(m)(1-3), 201(n)(2), 206, 208, and 209) of the Federal Water Pollution Control Act, as amended; \$989,000,000 shall be for title VI of the Federal Water Pollution Control Act, as amended; and \$46,000,000 shall be for title V of the Water Quality Act of 1987, consisting of \$7,000,000 for section 510, \$20,000,000 for section 513, and \$19,000,000 for section 515: *Provided*, That, notwithstanding any other provision of law, (1) of the funds appropriated for title VI, the Administrator shall reserve 2 percent of the amount authorized under section 607 for allotment to each State, or \$200,000, whichever is greater, for grants to implement nonpoint source programs under section 319; and (2) the reserves under sections 205(j)(1), 205(j)(5), and 604(b) of the Federal Water Pollution Control Act may be, at the discretion of a State, 2 percent of the amount authorized under sections 207 and 607; the funds reserved under section 205(j)(1) and 604(b) in excess of 1 percent of allotted amounts are not subject to the requirements of section 205(j)(3); and the amount used under section 603(d)(7) may be based on the amount authorized under section 607: *Provided further*, That of the funds appropriated in previous fiscal years under this heading to carry out the purposes of section 206(a) of the Federal Water Pollution Control Act, as amended, \$47,700,000 are rescinded: *Provided further*, That, notwithstanding sections 602(b)(6) or 201(g)(1) of the Federal Water Pollution Control Act, as amended, of the funds appropriated in this paragraph, amounts awarded in a capitalization grant to an agency of any State, including funds transferred pursuant to section 205(m), shall be available for providing assistance in that State for the construction of publicly owned treatment works as defined in section 212 of that Act: *Provided further*, That, notwithstanding any other provision of law, from sums appropriated under this paragraph and allotted to the State of Texas under section 205 of the Federal Water Pollution Control Act, as amended, the State of Texas is authorized to set aside, at the discretion of the Governor, up to \$15,000,000 for the establishment of a special revolving fund for the sole purpose of making loans to residents of colonias in the counties of Cameron, Hidalgo, Zapata, Starr, Webb, Maverick, Val Verde, Terrell, Brewster, Presidio, Hudspeth, and El Paso. Repayment amounts

may remain in the special revolving fund for future loans to colonia residents, and funds set aside but not used for loans, including repayment amounts, may be transferred by the State to its general title VI revolving fund. Loans from the special revolving fund shall be made for the purposes of connecting residences to sewer collection systems and making any necessary plumbing improvements to enable such residences to meet existing county or city code requirements. The Texas Water Development Board is authorized to use funds from this set-aside for the administrative expenses of the special revolving fund: *Provided further*, That, notwithstanding any provision of the Federal Water Pollution Control Act, as amended, from sums appropriated under this paragraph and allotted to the State of South Carolina under section 205, the Administrator shall award a grant under title II for \$6,800,000 for construction of a connector sewer line, consisting of a main trunk line and four pump stations, for the Town of Honea Path, South Carolina to the wastewater treatment facility in the Town of Ware Shoals, South Carolina.

ADMINISTRATIVE PROVISIONS

Notwithstanding any other provision of law, after September 30, 1990, amounts deposited in the Licensing and Other Services Fund from fees and charges assessed and collected by the Administrator for services and activities carried out pursuant to the statutes administered by the Environmental Protection Agency shall thereafter be available to carry out the Agency's activities in the programs for which the fees or charges are made.

In order to promote the development of innovative technology for the study, mitigation and management of hazardous and toxic substances, the Administrator of the Environmental Protection Agency may lease a portion of the Environmental Technology and Engineering Center located in Edison, New Jersey to the New Jersey Institute of Technology, under such terms and conditions which he determines to be in the public interest, for a term not to exceed ten years. Such lease may be with or without consideration and any compensation received may be used by the Agency to defray costs of providing the space and supporting services.

EXECUTIVE OFFICE OF THE PRESIDENT

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses of the Council on Environmental Quality and the Office of Environmental Quality, in carrying out their functions under the National Environmental Policy Act of 1969 (Public Law 91-190), the Environmental Quality Improvement Act of 1970 (Public Law 91-224), and Reorganization Plan No. 1 of 1977, including not to exceed \$500 for official reception and representation expenses, and hire of passenger motor vehicles, \$861,000.

NATIONAL SPACE COUNCIL

For necessary expenses of the National Space Council, including services as authorized by 5 U.S.C. 3109; \$1,200,000: *Provided*, That the National Space Council shall reimburse other agencies for not less than one-half of the personnel compensation costs of individuals detailed to it.

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and

Priorities Act of 1976 (42 U.S.C. 6601 and 6671), hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, not to exceed \$1,500 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, \$2,027,000: *Provided*, That the Office of Science and Technology Policy shall reimburse other agencies for not less than one-half of the personnel compensation costs of individuals detailed to it.

FEDERAL EMERGENCY MANAGEMENT AGENCY DISASTER RELIEF

For necessary expenses in carrying out the functions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), \$100,000,000, to remain available until expended.

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, including hire and purchase of motor vehicles (31 U.S.C. 1343); uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS-18; expenses of attendance of cooperating officials and individuals at meetings concerned with the work of emergency preparedness; transportation in connection with the continuity of Government program to the same extent and in the same manner as permitted the Secretary of a Military Department under 10 U.S.C. 2632; and not to exceed \$2,500 for official reception and representation expenses; \$141,329,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$2,439,000.

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

For necessary expenses, not otherwise provided for, to carry out activities under the National Flood Insurance Act of 1968, as amended, and the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977, as amended (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 et seq.), the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251 et seq.), the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.), section 103 of the National Security Act (50 U.S.C. 404), and Reorganization Plan No. 3 of 1978, \$271,160,000.

NATIONAL FLOOD INSURANCE FUND

(TRANSFERS OF FUNDS)

Of the funds available from the National Flood Insurance Fund for activities under the National Flood Insurance Act of 1968, and the Flood Disaster Protection Act of 1973, \$10,734,000 shall, upon enactment of this Act, be transferred to the "Salaries and expenses" appropriation for administrative costs of the insurance and flood plain management programs and \$40,303,000 shall, upon enactment of this Act, be transferred to the "Emergency management planning and assistance" appropriation for flood plain management activities. In fiscal year 1990, no funds in excess of (1) \$32,000,000 for operating expenses, (2) \$165,000,000 for agents' commissions and taxes, and (3) \$3,500,000 for interest on Treasury borrow-

ings shall be available from the National Flood Insurance Fund without prior notice to the Committees on Appropriations.

EMERGENCY FOOD AND SHELTER PROGRAM

There is hereby appropriated \$134,000,000 to the Federal Emergency Management Agency to carry out an emergency food and shelter program pursuant to title III of Public Law 100-77, as amended: *Provided*, That total administrative costs shall not exceed three and one-half per centum of the total appropriation.

GENERAL SERVICES ADMINISTRATION

CONSUMER INFORMATION CENTER

For necessary expenses of the Consumer Information Center, including services authorized by 5 U.S.C. 3109, \$1,360,000, to be deposited into the Consumer Information Center Fund: *Provided*, That the appropriations, revenues and collections deposited into the fund shall be available for necessary expenses of Consumer Information Center activities in the aggregate amount of \$5,200,000. Administrative expenses of the Consumer Information Center in fiscal year 1990 shall not exceed \$2,092,000. Appropriations, revenues and collections accruing to this fund during fiscal year 1990 in excess of \$5,200,000 shall remain in the fund and shall not be available for expenditure except as authorized in appropriations Acts.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF CONSUMER AFFAIRS

For necessary expenses of the Office of Consumer Affairs, including services authorized by 5 U.S.C. 3109, \$1,888,000.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RESEARCH AND DEVELOPMENT

For necessary expenses, not otherwise provided for, including research, development, operations, services, minor construction, maintenance, repair, rehabilitation and modification of real and personal property; purchase, hire, maintenance, and operation of other than administrative aircraft, necessary for the conduct and support of aeronautical and space research and development activities of the National Aeronautics and Space Administration; \$5,203,100,000, to remain available until September 30, 1991: *Provided*, That of the funds made available under this heading, \$384,000,000 is for space transportation capability development only, which amount shall not become available for obligation until April 15, 1990, and pursuant to section 202(b) of the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987, this action is a necessary (but secondary) result of a significant policy change: *Provided further*, That of the funds made available under this heading for space station development, not more than \$484,500,000 shall be available for supporting development, operations/utilization capability, and management and integration.

AMENDMENT OFFERED BY MR. ROE

Mr. ROE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROE: On page 43, line after the ":", insert the following: "*Provided further*, That of the funds provided under this heading \$98,000,000 shall be made available for the National Aerospace Plane."

□ 1540

Mr. ROE. Mr. Chairman, this is the amendment that was agreed to in our earlier colloquy with the distinguished chairman and ranking member on our national aerospace plane.

Mr. TRAXLER. Mr. Chairman, will the gentleman yield?

Mr. ROE. I yield to the gentleman from Michigan.

Mr. TRAXLER. Mr. Chairman, the gentleman from New Jersey is correct, and we are delighted to accept his amendment.

Mr. GREEN. Mr. Chairman, will the gentleman yield?

Mr. ROE. I yield to the gentleman from New York.

Mr. GREEN. Mr. Chairman, this is the subject we discussed at length in debate on the rule, and of course we are happy to accept it.

Mr. TRAXLER. Mr. Chairman, will the gentleman yield?

Mr. ROE. I yield to the gentleman from Michigan.

Mr. TRAXLER. Mr. Chairman, I would like to say that it is a pleasure to do business with the distinguished chairman of the authorizing committee, the gentleman from New Jersey [Mr. ROE].

Mr. ROE. Mr. Chairman, I extend my good will and graciousness to both the gentleman from Michigan [Mr. TRAXLER] and the gentleman from New York [Mr. GREEN] for their kindness in including my amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. ROE].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SPACE FLIGHT, CONTROL AND DATA COMMUNICATIONS

For necessary expenses, not otherwise provided for; in support of space flight, spacecraft control and communications activities of the National Aeronautics and Space Administration, including operations, production, services, minor construction, maintenance, repair, rehabilitation, and modification of real and personal property; tracking and data relay satellite services as authorized by law; purchase, hire, maintenance and operation of other than administrative aircraft; \$4,709,600,000, to remain available until September 30, 1991: *Provided*, That of the funds made available under this heading, \$1,400,000,000 is for space transportation system only, which amount shall not become available for obligation until April 15, 1990, and pursuant to section 202(b) of the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987, this action is a necessary (but secondary) result of a significant policy change: *Provided further*, That \$50,000,000 of the funds appropriated in section 101(g) of Public Law 99-591 for orbiter production shall be available until September 30, 1991, for all expenses of this account.

CONSTRUCTION OF FACILITIES (INCLUDING TRANSFER OF FUNDS)

For construction, repair, rehabilitation and modification of facilities, minor construction of new facilities and additions to existing facilities, and for facility planning and design not otherwise provided, for the National Aeronautics and Space Administration, and for the acquisition or condemnation of real property, as authorized by law, \$384,300,000, to remain available until September 30, 1992: *Provided*, That, notwithstanding the limitation on the availability of funds appropriated under this heading by this appropriations Act, when any activity has been initiated by the incurrence of obligations therefor, the amount available for such activity shall remain available until expended, except that this provision shall not apply to the amounts appropriated pursuant to the authorization for repair, rehabilitation and modification of facilities, minor construction of new facilities and additions to existing facilities, and facility planning and design: *Provided further*, That no amount appropriated pursuant to this or any other Act may be used for the lease or construction of a new contractor-funded facility for exclusive use in support of a contract or contracts with the National Aeronautics and Space Administration under which the Administration would be required to substantially amortize through payment or reimbursement such contractor investment, unless an appropriations Act specifies the lease or contract pursuant to which such facilities are to be constructed or leased or such facility is otherwise identified in such Act: *Provided further*, That the Administrator may authorize such facility lease or construction, if he determines, in consultation with the Committees on Appropriations, that deferral of such action until the enactment of the next appropriations Act would be inconsistent with the interest of the Nation in aeronautical and space activities: *Provided further*, That up to \$35,000,000 of the funds provided by this paragraph may be transferred to and merged with sums appropriated for "Space flight, control and data communications" and/or "Research and program management": *Provided further*, That with funds appropriated under the Research and Development account to the National Aeronautics and Space Administration in this Act, and subsequent appropriations Acts, the National Aeronautics and Space Administration may enter into a contract with the California Institute of Technology to amortize the Observational Instruments Laboratory over a ten-year period for a total cost of not to exceed \$14,000,000; plus applicable financing costs equal to the ten-year Treasury Bond Rate plus 2 1/4 percent, under the authority granted under Public Law 98-45. The building shall be built at the Jet Propulsion Laboratory with title to be vested initially in the California Institute of Technology, and to revert to the National Aeronautics and Space Administration upon completion of payments.

AMENDMENT OFFERED BY MR. ROE

Mr. ROE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROE: On page 46, line 9, strike the colon and all that follows through line 22, and replace it with a period.

Mr. ROE. Mr. Chairman, this is one of the amendments that we discussed

earlier in the bill and had a colloquy on with our distinguished chairman and ranking member which in effect would strike a section of the bill relating to the Observational Instruments Laboratory.

Mr. TRAXLER. Mr. Chairman, will the gentleman yield?

Mr. ROE. I yield to the gentleman from Michigan.

Mr. TRAXLER. Mr. Chairman, this amendment is in accord with our agreement, and we are very pleased to accept it on this side.

Mr. GREEN. Mr. Chairman, will the gentleman yield?

Mr. ROE. I yield to the gentleman from New York.

Mr. GREEN. Mr. Chairman, the gentleman from New Jersey [Mr. ROE] has adequately stated the amendment, and we are happy to agree on this side.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. ROE].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

RESEARCH AND PROGRAM MANAGEMENT

For necessary expenses of research in Government laboratories, management of programs and other activities of the National Aeronautics and Space Administration, not otherwise provided for, including uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); awards; lease, hire, purchase of one aircraft for replacement only (for which partial payment may be made by exchange of at least one existing administrative aircraft and such other existing aircraft as may be considered appropriate); maintenance and operation of administrative aircraft; purchase (not to exceed thirty-three for replacement only) and hire of passenger motor vehicles; and maintenance and repair of real and personal property, and not in excess of \$100,000 per project for construction of new facilities and additions to existing facilities, repairs, and rehabilitation and modification of facilities; \$1,957,200,000: *Provided*, That contracts may be entered into under this appropriation for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year: *Provided further*, That not to exceed \$35,000 of the foregoing amount shall be available for scientific consultations or extraordinary expense, to be expended upon the approval or authority of the Administrator and his determination shall be final and conclusive.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$8,795,000.

ADMINISTRATIVE PROVISIONS

MINORITY PARTICIPATION IN THE SPACE STATION

(a) FEDERAL FUNDING.—The NASA Administrator shall, to the fullest extent possible, ensure that at least 10 percent of Federal funding for the development, construction, and operation of the space station be made available to business concerns or other organizations owned or controlled by socially

and economically disadvantaged individuals (within the meaning of section 8(a)(5) and (6) of the Small Business Act (15 U.S.C. 637(a)(5) and (6))), including Historically Black Colleges and Universities and minority educational institutions (as defined by the Secretary of Education pursuant to the General Education Provisions Act (20 U.S.C. 1221 et seq.)).

(b) OTHER PARTICIPATION.—The NASA Administrator shall, to the fullest extent possible, ensure significant participation, in addition to that described in subsection (a), in the development, construction, and operation of the space station by socially and economically disadvantaged individuals (within the meaning of section 8(a)(5) and (6) of the Small Business Act (15 U.S.C. 637(a)(5) and (6))) and economically disadvantaged women).

POLAR PLATFORM

Of the funds made available in this Act for space station development, not more than \$10,700,000 shall be reduced from the \$107,000,000 requested for work performed on or under the work package numbered 3 prime contract (polar platform).

NATIONAL CREDIT UNION ADMINISTRATION

CENTRAL LIQUIDITY FACILITY

During fiscal year 1990, gross obligations of the Central Liquidity Facility for the principal amount of new direct loans to member credit unions as authorized by the National Credit Union Central Liquidity Facility Act (12 U.S.C. 1795) shall not exceed \$600,000,000: *Provided*, That administrative expenses of the Central Liquidity Facility in fiscal year 1990 shall not exceed \$864,000.

NATIONAL INSTITUTE OF BUILDING SCIENCES

PAYMENT TO THE NATIONAL INSTITUTE OF BUILDING SCIENCES

For payment to the National Institute of Building Sciences, \$500,000.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861-1875), and the Act to establish a National Medal of Science (42 U.S.C. 1880-1881); services as authorized by 5 U.S.C. 3109; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; hire of passenger motor vehicles; not to exceed \$6,000 for official reception and representation expenses; uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); rental of conference rooms in the District of Columbia; and reimbursement of the General Services Administration for security guard services; \$1,715,000,000, to remain available until September 30, 1991: *Provided*, That of the funds appropriated in this Act, or from funds appropriated previously to the Foundation, not more than \$97,000,000 shall be available for program development and management in fiscal year 1990: *Provided further*, That contracts may be entered into under the program development and management limitation in fiscal year 1990 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year: *Provided further*, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation: *Provided further*, That none of the funds appropriated in this Act may be made available for a new academic research facili-

ties program: *Provided further*, That to the extent that the amount appropriated is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally.

AMENDMENT OFFERED BY MR. ROE

Mr. ROE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROE: On page 50, beginning on line 18, strike the words, "Provided further, That none of the funds appropriated in this Act may be made available for a new academic research facilities program:".

Mr. ROE. Mr. Chairman, this is the third amendment which was agreed to earlier in the colloquy by our distinguished chairman of the committee, the gentleman from Michigan [Mr. TRAXLER] and the gentleman from New York [Mr. GREEN], and it has to do with striking some restrictive language.

Mr. TRAXLER. Mr. Chairman, will the gentleman yield?

Mr. ROE. I yield to the gentleman from Michigan.

Mr. TRAXLER. Mr. Chairman, this amendment is part of our understanding, and it is acceptable.

Mr. GREEN. Mr. Chairman, will the gentleman yield?

Mr. ROE. I yield to the gentleman from New York.

Mr. GREEN. Mr. Chairman, we accept the amendment of the gentleman from New Jersey [Mr. ROE] on this side.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. ROE].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

UNITED STATES ANTARCTIC PROGRAM ACTIVITIES

For necessary expenses in carrying out the research and operational support for the United States Antarctic Program pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861-1875); maintenance and operation of aircraft and purchase of flight services for research and operations support; maintenance and operation of research ships and charter or lease of ships for research and operations support; hire of passenger motor vehicles; not to exceed \$2,500 for official reception and representation expenses; \$74,000,000, to remain available until expended: *Provided*, That receipts for support services and materials provided for non-Federal activities may be credited to this appropriation: *Provided further*, That no funds in this account shall be used for the purchase of aircraft other than ones transferred from other Federal agencies: *Provided further*, That no funds in this or any other Act shall be used to acquire or lease a research vessel with ice-breaking capability built by a shipyard located in a foreign country if such a vessel of United States origin can be obtained at a cost no more than 50 per centum above that of the least expensive technically acceptable foreign vessel bid: *Provided further*, That, in

determining the cost of such a vessel, such cost be increased by the amount of any subsidies or financing provided by a foreign government (or instrumentality thereof) to such vessel's construction: *Provided further*, That if the vessel contracted for pursuant to the foregoing is not available for the 1989-1990 austral summer Antarctic season, a vessel of any origin may be leased for a period of not to exceed 120 days for that season and each season thereafter until delivery of the new vessel: *Provided further*, That the preceding three provisos shall not apply to appropriated funds used for the lease of the vessel POLAR DUKE, nor for procurements covered by the GATT Agreement on Government Procurement.

AMENDMENTS OFFERED BY MR. COUGHLIN

Mr. COUGHLIN. Mr. Chairman, I offer several amendments and I ask unanimous consent they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. COUGHLIN: On Page 51, line 17, strike "or lease".

On page 51, line 18, place a "." after "capability" and strike the balance of that line through "construction" on page 52, line 1.

On page 52, line 1 and 2, strike "if the vessel contracted for pursuant to the foregoing is not available for" and add in its place "during".

On page 52, line 5, place a "." after "thereafter" and strike the balance of that line through "vessel:" on line 6.

On page 52, line 6, strike "three" and add in its place "two".

Mr. COUGHLIN (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. COUGHLIN. Mr. Chairman, what this amendment would do would be to put on hold temporarily the acquisition of an icebreaking scientific vessel by the National Science Foundation. This year's budget request included provisions for two different icebreakers. There was a budget request for a \$244 million new start for the Coast Guard to construct an icebreaker which would have scientific capabilities for the National Science Foundation. At the same time the National Science Foundation is planning to construct a scientific vessel which would have icebreaking capabilities.

Mr. Chairman, we have in the transportation Appropriations Subcommittee proposed eliminating the funding for the new start by the Coast Guard. This would see to put the Coast Guard and the National Science Foundation on an equal basis and put both the icebreakers on hold to see if the two can resolve the differences and come up

with a common icebreaker. I believe it may have the approval of the chairman and the ranking member, but the amendment is really that simple in its purpose.

Mr. TRAXLER. Mr. Chairman, I rise to strike the last word.

Mrs. BOGGS. Mr. Chairman, will the gentleman yield?

Mr. TRAXLER. I yield to the distinguished gentlewoman from Louisiana.

Mrs. BOGGS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I feel very strongly that the National Science Foundation needs this research ship, icebreaker, because, of course, it would be designed to support year-round, large-scale, multidisciplinary research in higher latitudes, and this research is really central to the understanding of many of the scientific endeavors in which this body and the other body are engaged. It fits in, of course, with the global warming experiments that are being conducted and many other critical environmental and resource related issues.

Mr. Chairman, the NSF ship would not be a competitor with the U.S. Coast Guard icebreaker. They are totally different ships, and they have totally different missions. We have to have this ship that can have the capability of a scientific laboratory that can conduct these multidisciplinary research programs, and the Coast Guard very badly needs an icebreaker with the ice-breaking capabilities that this ship would be able to have.

Mr. Chairman, we have only two icebreakers in the Coast Guard now. They are 20 years old, and they are constantly being laid up for repairs, so this is not an either/or situation that we need either an icebreaker by the Coast Guard or an icebreaker, fully equipped research laboratory to do the multidisciplinary research of the National Science Foundation. It is critical to our country that we be able to have both of these ships.

Mr. Chairman, I would hope that we will not accept the amendment of the gentleman from Pennsylvania [Mr. COUGHLIN].

Mr. WALKER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to join with the gentlewoman from Louisiana [Mrs. Boggs] in the presentation that she has made.

Mr. Chairman, this is an icebreaker which is very important to the science missions of NSF. As most of my colleagues have noted, much of the research run at the South Pole is run by the NSF, and we are in fact engaged in major scientific experiments there.

Mr. Chairman, it seems to me that it is vital that this particular program goes forward. We are attempting within the language that has been developed for the icebreaker and for the

RFP that has gone out to try to assure that it is something that expands American technology, and it certainly would be something which would enhance the work of NSF.

□ 1550

So I would hope that we would keep this particular vehicle on track and assure that NSF does have this capability in the future.

Mr. COUGHLIN. Mr. Chairman, will my colleague yield?

Mr. WALKER. I am happy to yield to the gentleman from Pennsylvania.

Mr. COUGHLIN. Mr. Chairman, it is not the intention of this Member to eliminate the icebreaking program and the scientific program of the National Science Foundation.

Heretofore the National Science Foundation research has been done aboard a Coast Guard icebreaker in the Antarctic, as the gentleman knows. What I am trying to do is see if we cannot get the National Science Foundation and the Coast Guard together, save some money, and produce only one icebreaking vehicle with the ice-breaking capability. I am not trying to interfere with the Coast Guard.

Mr. WALKER. Well, I thank the gentleman, but the effect of his amendment at this particular time, and I understand where the gentleman is trying to go, he is trying to work out something later on down the pike, but the effect of his amendment right now does appear to be a detriment to where the National Science Foundation has been heading, and that is our concern. That is within our jurisdiction and we are concerned about the effect of this particular amendment.

Mr. COUGHLIN. Mr. Chairman, will the gentleman yield further?

Mr. WALKER. I am glad to yield to my colleague, the gentleman from Pennsylvania.

Mr. COUGHLIN. Mr. Chairman, I just would point out that, of course, nothing will happen with this until the bill is signed by the President, which is down the line a considerable way.

I would hope that we might put this amendment in at this time and then try to resolve the issue before it goes to the President. No contract will be let until the bill is signed anyway.

Mr. WALKER. Well, I would join the gentleman and hope that something can be worked out here. I am not certain that approving the amendment at this time is the route to that particular kind of settlement, but I would certainly join the gentleman in hoping that we can work something out.

Mr. ROE. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from New Jersey.

Mr. ROE. Well, Mr. Chairman, I sympathize highly, and though I am opposed to the amendment I would like to say to the distinguished gentleman from Pennsylvania [Mr. COUGHLIN] that he has raised a very important point and we have recognized this. It is an important one, because as the gentleman pointed out in his work on transportation and we have in ours, that the relationship between the Coast Guard and NSF where icebreaking is concerned is a coordinated program, and I think the gentleman is heading in that direction.

That is being considered by OMB, and according to language we have placed in our Antarctic program legislation 2 years ago, and they are supposed to report back to us from OMB very soon.

I think the position of the gentleman from Pennsylvania [Mr. WALKER] is right, however, because we are out now for the bid and this would destruct that whole program maybe for 6 or 8 months or even a year.

So I would hope from my point of view as chairman of the committee that we will follow specifically on the gentleman's area of concern to see that this matter is resolved, but I think we would be making a grave error if we were to stop the program now and wait another 2 or 3 months. It is a complex bid. There is a lot to it.

I would assure the gentleman if he would withdraw his amendment that we will work with him to get this thing resolved.

Mrs. BOGGS. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentlewoman from Louisiana.

Mrs. BOGGS. Mr. Chairman, I thank the gentleman for yielding to me.

When we are talking about cost-benefit ratios, we should also consider operating costs. It has been estimated that the National Science Foundation icebreaker has an annual operating cost of about \$14 million, whereas the Coast Guard would have an operating cost of about \$50 million.

I think they have different missions. They need different kinds of construction, and therefore different kinds of operating costs.

I do feel very strongly that in the Antarctic all U.S. citizens and all of us in this body can be very proud of the work that the National Science Foundation conducts there and the fact that it is the lead agency among the various agencies that operate in Antarctica, and that should make us very comfortable with the fact that they need an icebreaker and should have one.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

(By unanimous consent, Mr. COUGHLIN was allowed to proceed for an additional 3 minutes.)

Mr. COUGHLIN. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I am glad to yield to my colleague, the gentleman from Pennsylvania.

Mr. COUGHLIN. Mr. Chairman, I simply would point out that the language I have continues to permit the National Science Foundation to lease icebreaking ships and scientific ships which they are doing, and have the capability of doing presently. It would not interfere with that program.

I just would point out again, of course, this bill will not be effective until it is signed by the President in any case, so that the provisions presently in the bill permitting the contract to be let, would not delay in any way the letting of the contract, because the contract cannot be let until this bill is signed by the President.

Mr. WALKER. Well, Mr. Chairman, I thank the gentleman.

I think our concern, however, as I understand it, the RFP is now out on the street, and that while the contract may not be able to be let until the money is available, we do think that a decision to withhold the authorization out of the bill at this time might interfere with the ability to responsibly run the RFP Program at the present time. That is our concern.

Mr. COUGHLIN. I think we did a similar thing last year when we put the "Buy America" provision in it. If you recall, we had the provision in the bill, and then did a similar thing.

Mr. WALKER. I am not certain that the RFP Program was on the streets at that point as we now have the situation.

Mr. COUGHLIN. I think the RFP was on the streets at that time.

Mr. WALKER. Well, the gentleman is more of an expert in the field than I am, but I think that is largely the concern of the effect the gentleman's amendment might have at this point.

Mr. ROE. Mr. Chairman, I move to strike the requisite number of words.

There is one point that we have to make here. In the continuity of this program, as I am just looking at some of the background details at the moment, the contract is to begin on November 1, 1990, so if we do not move that program now and work the thing out, we are going to be losing out on the overall program.

I would hope that the gentleman would either withdraw his amendment, or I would urge defeat of the amendment.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Pennsylvania [Mr. COUGHLIN].

The amendments were rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SCIENCE EDUCATION ACTIVITIES

For necessary expenses in carrying out science and engineering education programs and activities pursuant to the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861-1875), including services as authorized by 5 U.S.C. 3109 and rental of conference rooms in the District of Columbia, \$210,000,000, to remain available until September 30, 1991: *Provided*, That to the extent that the amount of this appropriation is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101-8107), \$21,260,000.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by law (5 U.S.C. 4101-4118) for civilian employees; and not to exceed \$1,000 for official reception and representation expenses; \$26,313,000: *Provided*, That during the current fiscal year, the President may exempt this appropriation from the provisions of 31 U.S.C. 1341, whenever he deems such action to be necessary in the interest of national defense: *Provided further*, That none of the funds appropriated by this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States: *Provided further*, That no later than January 1, 1990, the Selective Service System shall revise the basis for the classification of a person as a conscientious objector under 32 CFR 1636 to conform to the standards established by *Clay v. United States*, 403 U.S. 698 (1971).

POINT OF ORDER

Mr. DOUGLAS. Mr. Chairman, I have a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. DOUGLAS. Mr. Chairman, I have a point of order against the language beginning on line 22 of page 53 and continuing through line 2 on page 54.

The point of order is that language constitutes legislation on an appropriation bill, and violates clause 2, rule XXI, of the rules of the House.

The CHAIRMAN. Does the gentleman from Michigan wish to be heard on the point of order?

Mr. TRAXLER. Mr. Chairman, I concede the point of order.

The CHAIRMAN (Mr. BEILENSEN). The point of order has been conceded, and the point of order is sustained.

The Clerk will read.

The Clerk read as follows:

TITLE IV CORPORATIONS

Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act, as amended, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Act as may be necessary in carrying out the programs set forth in the budget for 1990 for such corporation or agency except as hereinafter provided: *Provided*, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

FEDERAL HOME LOAN BANK BOARD AND FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

ADMINISTRATIVE PROVISION

Until such time as the Federal Home Loan Bank Board and the Federal Savings and Loan Insurance Corporation are abolished pursuant to the Financial Institutions Reform, Recovery and Enforcement Act of 1989, such Board and Corporation shall take such action as may be necessary to minimize losses at insured institutions (as defined in section 401(a) of the National Housing Act).

TITLE V

GENERAL PROVISIONS

SECTION 501. Where appropriations in titles I, II, and III of this Act are expendable for travel expenses and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amounts set forth therefor in the budget estimates submitted for the appropriations: *Provided*, That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards of the Selective Service System; to travel performed directly in connection with care and treatment of medical beneficiaries of the Department of Veterans Affairs; to travel performed in connection with major disasters or emergencies declared or determined by the President under the provisions of the Disaster Relief Act of 1974; to site-related travel performed in connection with the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended; to site-related travel under the Solid Waste Disposal Act, as amended; or to payments to interagency motor pools where separately set forth in the budget schedules: *Provided further*, That if appropriations in titles I, II, and III exceed the amounts set forth in budget estimates initially submitted for such appropriations, the expenditures for travel may correspondingly exceed the amounts therefor set forth in the estimates in the same proportion.

SEC. 502. Appropriations and funds available for the administrative expenses of the Department of Housing and Urban Development and the Selective Service System shall be available in the current fiscal year for

purchase of uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109.

SEC. 503. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811-1831).

SEC. 504. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 505. No funds appropriated by this Act may be expended—

(1) pursuant to a certification of an officer or employee of the United States unless—

(A) such certification is accompanied by, or is part of, a voucher or abstract which describes the payee or payees and the items or services for which such expenditure is being made, or

(B) the expenditure of funds pursuant to such certification, and without such a voucher or abstract, is specifically authorized by law; and

(2) unless such expenditure is subject to audit by the General Accounting Office or is specifically exempt by law from such audit.

SEC. 506. None of the funds provided in this Act to any department or agency may be expended for the transportation of any officer or employee of such department or agency between his domicile and his place of employment, with the exception of any officer or employee authorized such transportation under title 31, United States Code, section 1344.

SEC. 507. None of the funds provided in this Act may be used for payment, through grants or contracts, to recipients that do not share in the cost of conducting research resulting from proposals not specifically solicited by the Government: *Provided*, That the extent of cost sharing by the recipient shall reflect the mutuality of interest of the grantee or contractor and the Government in the research.

SEC. 508. None of the funds provided in this Act may be used, directly or through grants, to pay or to provide reimbursement for payment of the salary of a consultant (whether retained by the Federal Government or a grantee) at more than the daily equivalent of the maximum rate paid for GS-18, unless specifically authorized by law.

SEC. 509. No part of any appropriation contained in this Act for personnel compensation and benefits shall be available for other object classifications set forth in the budget estimates submitted for the appropriations.

SEC. 510. None of the funds in this Act shall be used to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings. Nothing herein affects the authority of the Consumer Product Safety Commission pursuant to section 7 of the Consumer Product Safety Act (15 U.S.C. 2056 et seq.).

SEC. 511. Except as otherwise provided under existing law or under an existing Executive order issued pursuant to an existing law, the obligation or expenditure of any appropriation under this Act for contracts for any consulting service shall be limited to contracts which are (1) a matter of public record and available for public inspection, and (2) thereafter included in a publicly available list of all contracts entered into within twenty-four months prior to the date on which the list is made available to the public and of all contracts on which performance has not been completed by such date. The list required by the preceding sentence shall be updated quarterly and shall include a narrative description of the work to be performed under each such contract.

SEC. 512. Except as otherwise provided by law, no part of any appropriation contained in this Act shall be obligated or expended by any executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) for a contract for services unless such executive agency (1) has awarded and entered into such contract in full compliance with such Act and the regulations promulgated thereunder, and (2) requires any report prepared pursuant to such contract, including plans, evaluations, studies, analyses and manuals, and any report prepared by the agency which is substantially derived from or substantially includes any report prepared pursuant to such contract, to contain information concerning (A) the contract pursuant to which the report was prepared, and (B) the contractor who prepared the report pursuant to such contract.

SEC. 513. Except as otherwise provided in section 406, none of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency.

SEC. 514. None of the funds provided in this Act to any department or agency shall be obligated or expended to procure passenger automobiles as defined in 15 U.S.C. 2001 with an EPA estimated miles per gallon average of less than 22 miles per gallon.

SEC. 515. Such sums as may be necessary for fiscal year 1990 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

Mr. TRAXLER. Mr. Chairman, I ask unanimous consent that the remainder of the bill through line 18 on page 60 be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN. Are there any points of order against that portion of the bill?

Are there any amendments?

□ 1600

The CHAIRMAN. The Clerk will read.

The Clerk reads as follows:

SEC. 516. None of the funds provided in this Act to any department or agency shall be obligated or expended for personnel compensation and benefits payments for any individual serving as a deputy assistant secretary, deputy assistant administrator, deputy assistant director, or deputy general counsel

who is appointed: (1) under schedule C as defined under 5 CFR 6.2; (2) as a noncareer, limited term, or limited emergency appointee as defined under 5 U.S.C. 3132; or (3) without regard to civil service rules or regulations.

AMENDMENT OFFERED BY MR. COUGHLIN

Mr. COUGHLIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COUGHLIN: On page 60, strike line 19 through line 2 on page 61, and insert the following:

SEC. 516. None of the funds provided in Titles I or III of this Act shall be obligated or expended for personnel compensation and benefits payments for any individual serving as a deputy assistant secretary, deputy assistant administrator, deputy assistant director, or deputy general counsel who is appointed: (1) under schedule C as defined under 5 CFR 6.2; (2) as a noncareer, limited term, or limited emergency appointee as defined under 5 U.S.C. 3132; or (3) without regard to civil service rules or regulations. After January 1, 1990, and for the duration of fiscal year 1990, within the Department of Housing and Urban Development, the number of noncareer, limited term, or limited emergency appointees to the Senior Executive Service shall not exceed 10 per centum of the total number of Senior Executive Service positions in such department, unless the Office of Personnel Management certifies in a Report to the Congress that a determination was made to grant a waiver to such limitation in accordance with 5 U.S.C. 3134. The Office of Personnel Management, in consultation with the Office of Management and Budget, shall undertake an expedited review of Senior Executive Service positions in the Department of Housing and Urban Development and report its findings, recommendations, and justification for any waiver determination to the Congress by October 1, 1989.

Mr. COUGHLIN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. COUGHLIN. Mr. Chairman, this is an amendment that I believe has been agreed to by the chairman and the ranking minority member of the committee and has been worked out with the Department of Housing and Urban Development.

Mr. TRAXLER. Mr. Chairman, will the gentleman yield?

Mr. COUGHLIN. I am happy to yield to the gentleman from Michigan.

Mr. TRAXLER. Mr. Chairman, the gentleman is correct. The amendment is acceptable on the side.

Mr. GREEN. Mr. Chairman, will the gentleman yield?

Mr. COUGHLIN. I am happy to yield to the gentleman from New York.

Mr. GREEN. Mr. Chairman, the gentleman is correct, and we are happy to accept it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. COUGHLIN].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALKER: In title V on page 61, after line 2, insert the following new section:

Sec. 517. None of the funds appropriated under title II of this Act under the heading entitled Community Planning and Development, Community Development Grants, to any department, agency, or instrumentality of the United States may be obligated or expended to any municipality where it is made known to the appropriate official in the department, agency or instrumentality concerned that three or more employees, acting on orders of superiors of such municipality, have been convicted hereafter of the use of unnecessary force against nonviolent civil rights demonstrators.

Mr. WALKER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WALKER. Mr. Chairman, I have worked this out with the chairman, and I think he is prepared to accept this amendment. I just want to make the point that the intent behind this amendment is to try to assure that the communities across the Nation are not using violent means against nonviolent demonstrators. I will put in some legislative history.

Mr. TRAXLER. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from Michigan.

Mr. TRAXLER. Mr. Chairman, it is an excellent amendment, and I join with the gentleman. I accept the amendment on this side.

Mr. GREEN. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from New York.

Mr. GREEN. Mr. Chairman, I am not going to ask for a vote on the amendment.

I must say that I do not personally approve of it. I think we are setting a dangerous precedent in saying that if a municipality's police force acts improperly that the city can lose its community development funds, all of its community development block grant funds, and the amendment has had to be drafted in a way to meet the Parliamentarian's requirements and withstand a point of order. It makes it almost impossible to know how to do it.

We are asked, for example, that the appropriate official at HUD, if it is made known to the appropriate offi-

cial in the Department, that certain things have occurred, that then the funds must be withheld. I do not know if someone comes up to the Secretary of HUD as he is entering the HUD Building and says, "Psst, buddy, three police officers in Altoona have been convicted under the circumstances of the Walker amendment," at that point the Secretary must withhold funds from Altoona, and I think it is a dangerous amendment, a dangerous precedent.

Mr. Chairman, no, I am not going to win the vote, so I am not going to ask for a vote.

Mr. WALKER. Mr. Chairman, I thank the gentleman, I think.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WALKER].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

This Act may be cited as the "Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1990".

Mr. TRAXLER. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore, Mr. GEPHARDT, having assumed the chair, Mr. BEILSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2916) making appropriations for the Departments of Veterans Affairs, and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1990, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended do pass.

The SPEAKER pro tempore (Mr. GEPHARDT). Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HUD SHOULD CLEAN UP ITS ACT

(Mr. GLICKMAN asked and was given permission to address the House for 1 minute.)

Mr. GLICKMAN. Mr. Speaker, I was not on the floor when the gentleman from North Dakota [Mr. DORGAN] came to the floor to ask about a possible change in the amount of money appropriated for the Inspector General to deal with the issue of fraud in the Department of Housing and Urban Development. At that time the gentleman from North Dakota [Mr. DORGAN] was trying to express his view that Congress take specific action to deal with the issue of fraud as it affects housing units all over this country, as has been indicated in hearings chaired by our colleague, the gentleman from California [Mr. LANTOS].

The gentleman from North Dakota [Mr. DORGAN] did not offer the amendment because he indicated that perhaps the more appropriate place would be to come back to this floor in September and get an appropriation for the General Accounting Office to do an investigation of HUD's inspector general's agency as well as the Secretary's office to see what can be done to stop this abuse that is occurring around the United States, taking advantage of taxpayers' funds.

My question to the gentleman from Michigan [Mr. TRAXLER] is twofold. No. 1, would he support an increase in funds to allow the General Accounting Office to do an investigation of HUD's Inspector General Office as well as the Secretary's office to see if they are properly monitoring this scandal and, in addition, what needs to be done to augment the investigative powers of this Government to actually ensure that the scandal be fully investigated and the ripoffs stopped?

Mr. TRAXLER. Mr. Speaker, will the gentleman yield?

Mr. GLICKMAN. I am happy to yield to the gentleman from Michigan.

Mr. TRAXLER. Mr. Speaker, let me say that a small study probably would not require any additional funds. The GAO money is in the legislative bill. If it were a large study, probably some kinds of funds would need to be added there or some language in the legislative bill to that end.

Mr. GLICKMAN. Would the gentleman support a GAO study of the Inspector General's Office at HUD?

Mr. TRAXLER. Mr. Speaker, will the gentleman yield?

Mr. GLICKMAN. I am happy to yield to the gentleman from Michigan.

Mr. TRAXLER. I think that the gentleman's request is not unreasonable.

Mr. GLICKMAN. In addition, would the gentleman support an increase in funding, let us say, of the Inspector General's Office itself if it were proven to have acted properly but it

needed additional resources to investigate the fraud that has occurred all around this country of ours which has hurt people who need so desperately the housing units that are offered by HUD?

Mr. TRAXLER. Absolutely. Absolutely.

Mr. GLICKMAN. Mr. Speaker, I thank the gentleman for his colloquy. It is an atrocity what has happened around this country with respect to HUD. It is our job in Congress to make sure that HUD cleans up its act.

PROVIDING FOR CONSIDERATION OF H.R. 2939 FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1990

Mr. HALL of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 207 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 207

Resolved, That any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2939) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1990, and for other purposes, and the first reading of the bill shall be dispensed with. All points of order against consideration of the bill for failure to comply with the provisions of clause 2(1)(6) of rule XI and clause 7 of rule XXI are hereby waived. After general debate, which shall be confined to the bill and which shall not exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations, the bill shall be considered for amendment under the five-minute rule. During the consideration of the bill, all points of order against the bill for failure to comply with the provisions of clauses 2 and 6 of rule XXI are hereby waived except against the following provisions: the sixth proviso under the paragraph entitled "Economic Support Assistance"; the second proviso under the paragraph entitled "Multilateral Assistance Initiative for the Philippines"; that portion of the sentence beginning with "unless that" through the period at the end of the paragraph entitled "International Military Education and Training"; that portion of the sentence beginning with "and (3)" through the period at the end of the paragraph entitled "El Salvador—Investigation of Murders"; sections 527, 548, 563, (a)(3), (4), (5), (7), (b), (c), (d), (e) and (f), 579, 581, and 583. In any case where this resolution waives points of order against only a portion of a paragraph, a point of order against any other provision in such paragraph may be made only against such provision and not against the entire paragraph. It shall be in order to consider the amendment by, and if offered by, Representative Obey of Wisconsin, or his designee, said amendment shall be debatable for not to exceed one hour, equally divided and controlled by the proponent and a Member opposed thereto, shall

not be subject to amendment, and all points of order against said amendment for failure to comply with the provisions of clause 7 of rule XVI and clause 2 of rule XXI are hereby waived.

□ 1610

The SPEAKER pro tempore (Mr. GEPHARDT). The gentleman from Ohio [Mr. HALL] is recognized for 1 hour.

Mr. HALL of Ohio. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from New York [Mr. SOLOMON], pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 207 is a rule providing for the consideration of H.R. 2939, the foreign operations, export financing, and related appropriations bill for fiscal year 1990. The bill will be open to germane amendments under the 5-minute rule.

In order to accommodate the fullest possible discussion of the numerous foreign policy issues raised by this legislation, the rule provides 2 hours of general debate. The time is to be equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations.

To facilitate the timely consideration of this appropriations measure, the rule further waives all points of order against consideration of the bill for failure to comply with the provisions of clause 2(1)(6) of rule XI and clause 7 of rule XXI.

The rule also waives clause 2 and clause 6 of rule XXI against the bill, except for specific provisions listed in the rule. Where the rule waives points of order against only a portion of a paragraph, a point of order may be made against only the portion of the paragraph not protected, rather than against the entire paragraph. With respect to the lack of authorization for certain appropriations in the bill, it should be noted that section 552 of the bill prohibits the expenditures of any funds appropriated in this bill until the enactment of the necessary authorizing legislation.

The rule makes in order an amendment offered by Representative OBEY of Wisconsin, or his designee, regarding the reopening of West Bank schools by the Israeli Government. The amendment is debatable for 1 hour, equally divided by the proponent and a Member opposed to it. Points of order are waived against the amendment for failure to comply with clause 7 of rule XVI and clause 2 of rule XXI. The rule provides for this amendment in order to implement a floor agreement reached on June 29, 1989.

Mr. Speaker, this bill provides over \$14 billion in appropriations for a number of foreign aid programs. The overall funding level is below the administration request and is consistent

with the budget resolution for fiscal 1990.

As the chairman of the International Task Force of the Select Committee on Hunger, I wish to congratulate and thank the gentleman from Wisconsin [Mr. OBEY] for the effort he had made to support funding for child survival and international health. The committee has earmarked at least \$245 million from development assistance for child survival activities and international health, plus at least 20 percent of the assistance included in the fund for sub-Saharan Africa for improving health conditions, with special emphasis on meeting the health needs of mothers and children. This 10-percent requirement would add another \$51.5 million for these purposes.

I also wish to commend the committee for the earmark of not less than \$42 million for international AIDS prevention and control, the earmark of \$8 million for the vitamin A deficiency program, and the allocation of at least \$5 million to help eliminate river blindness. The committee further deserves commendation for the funding of \$40 million for the International Fund for Agricultural Development, the \$65.4 million for UNICEF, the \$75 million for microenterprise programs, the \$995 million for the World Bank's International Development Association, and the funding commitment and report language relating to women in development. Pursuant to the House-passed authorization bill, the committee has adjusted a transferral of \$920 million from the Economic Support Fund account to development assistance.

There are many other excellent provisions in this bill that time precludes me from citing. Nevertheless, those of my colleagues who are concerned about addressing basic human needs in the developing world will find much to support in this bill. I would encourage them to carefully review the good job that the committee had done in allocating the limited funding at its disposal.

Mr. Speaker, this is a bipartisan rule designed to facilitate House consideration of important foreign aid-related issues. I urge my colleagues to adopt the rule.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, the gentleman from Ohio [Mr. HALL] has done an able job of explaining the provisions that are contained in this somewhat complicated rule. During my remarks, I would like to shed what light I can on two aspects of this rule so that Members will have a more complete understanding of how this rule was arrived at.

First, I would like to comment on the issue of waivers. This bill contains a boat load of legislative language. That's the bad news. The good news is

that most of these legislative provisions are technical in nature. In fact, the Subcommittee on Foreign Operations, its chairman, Mr. OBEY, and its ranking Republican, Mr. EDWARDS have done an admirable job in keeping foreign policy micromanagement to a minimum in this bill. The whole subcommittee is to be commended.

Nevertheless, there is extensive legislative language in the bill, most of which is protected under the rule by waivers of those standing rules of the House that prohibit legislative language and reappropriations in general appropriations bills. The issuance of such waivers in a rule is always troubling to me, and it certainly is true in this case.

It seems to me that there are two major reasons why this bill contains so much legislative language.

One reason has to do with the procedural management in the full House. It's just a fact of life that the congressional budget process has come to consume an ever increasing amount of our time. And the authorizing committees have been the big losers in this whole process.

The other reason has to do with the other body. The handicaps of the budget process notwithstanding, the House always manages to pass a foreign aid authorization bill. You can't have a more dynamic or effective committee chairman than DANTE FASCELL. But Mr. FASCELL can't run the Senate. And the fact of the matter is that the Senate has managed to pass only one foreign aid authorization bill in the last 7 years.

So foreign aid has, almost invariably, ended up in the appropriations process. Hence, the appropriations bills on foreign aid end up getting loaded with legislative provisions which really should more properly come from the authorizing committee.

The second comment I would like to make concerning this proposed rule has to do with the amendment to be offered by Mr. OBEY or his designee.

It is my understanding that a compromise has been reached on this amendment. At the appropriate time, Mr. OBEY will yield the floor to the gentleman from Utah [Mr. NIELSON], who will then offer the amendment. Mr. NIELSON had planned to offer this amendment several weeks ago when the foreign aid authorization bill was being debated. But he graciously agreed to withhold his amendment at that time when the managers of that bill promised him the opportunity to offer it on this bill.

Again, I have to say that it troubles me to have this kind of an amendment in an appropriations bill. However, a pledge had been made to Mr. NIELSON, and I believe a compromise has been reached by all interested members concerning the precise wording of Mr. NIELSON's amendment.

And so I would conclude, Mr. Speaker, by noting that this foreign operations bill is one of the better ones we've seen in a long time. Those members who are well disposed toward our foreign aid program will find much to support. The administration has signed off on it, although the specific provisions on El Salvador and the Philippines will probably need some further work—and, indeed, those two areas will be subject to amendment under this rule.

□ 1620

Mr. Speaker, I would again commend not only the gentleman from Ohio [Mr. HALL] and the Committee on Rules for the rule, but also the gentleman from Wisconsin [Mr. OBEY], and the ranking member of the subcommittee for delivering this kind of bill to the floor.

Mr. Speaker, I yield 2 minutes to the gentleman from Utah [Mr. NIELSON] who has an amendment on the bill.

Mr. NIELSON of Utah. I thank the gentleman for yielding.

Mr. Speaker, I would like to commend the Committee on Rules for its very fair treatment of me in this particular regard and also the chairman of the Subcommittee on Foreign Operations of the Committee on Appropriations, the gentleman from Wisconsin [Mr. OBEY] and other Members involved, to say that I appreciate the rule.

I think the rule completes the pledge that was made to me. I did withhold the amendment having to do with opening the schools on the West Bank from the authorization bill 2 weeks ago in order to avoid a possible conflict and consternation about the July 5 meeting of the Likud Party.

I appreciate this opportunity. Since that time some positive steps have been taken. The resolution we have drafted now is apparently acceptable to all parties and we are now going to offer that amendment during the amendment process tomorrow morning.

Mr. Speaker, I appreciate the consideration of the entire Committee on Rules and the gentleman from Wisconsin [Mr. OBEY].

Mr. SOLOMON. Mr. Speaker, we did have other speakers, but I do not see them on the floor, and at this time, if the gentleman from Ohio has no further speakers, I yield back the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

THE SPEAKER pro tempore (Mr. GEPHARDT). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appear to have it.

Mr. PORTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device and there were—yeas 417, nays 1, not voting 13, as follows:

[Roll No. 148]

YEAS—417

Ackerman	DeFazio	Hayes (LA)
Akaka	DeLay	Hefley
Alexander	Dellums	Hefner
Anderson	Derrick	Henry
Andrews	DeWine	Henger
Annuzio	Dickinson	Hertel
Anthony	Dicks	Hiler
Applegate	Dingell	Hoagland
Archer	Donnelly	Hochbrueckner
Armedy	Dorgan (ND)	Holloway
Aspin	Dornan (CA)	Hopkins
Atkins	Douglas	Horton
AuCoin	Downey	Houghton
Baker	Dreier	Hoyer
Ballenger	Duncan	Hubbard
Barnard	Durbin	Huckaby
Bartlett	Dwyer	Hughes
Barton	Dymally	Hunter
Bateman	Dyson	Hutto
Bates	Early	Inhofe
Bellenson	Eckart	Ireland
Bennett	Edwards (CA)	Jacobs
Bentley	Edwards (OK)	James
Bereuter	Emerson	Jenkins
Berman	Engel	Johnson (CT)
Bevill	English	Johnson (SD)
Billbray	Erdreich	Johnston
Bliley	Espy	Jones (GA)
Boehlert	Evans	Jones (NC)
Boggs	Fascell	Jontz
Bonior	Fawell	Kanjorski
Borski	Fazio	Kaptur
Bosco	Feighan	Kasich
Boucher	Felds	Kastenmeier
Boxer	Fish	Kennedy
Brennan	Flake	Kennelly
Brooks	Flippo	Kildee
Broomfield	Florio	Kleczka
Browder	Foglietta	Kolbe
Brown (CA)	Ford (MI)	Kolter
Brown (CO)	Ford (TN)	Kostmayer
Bruce	Frank	Kyl
Bryant	Frenzel	LaFalce
Buechner	Frost	Lagomarsino
Bunning	Gallo	Lancaster
Burton	Garcia	Lantos
Bustamante	Gaydos	Laughlin
Byron	Gejdenson	Leach (IA)
Callahan	Gekas	Lehman (CA)
Campbell (CA)	Gephardt	Lehman (FL)
Campbell (CO)	Gibbons	Leland
Cardin	Gillmor	Lent
Carper	Gilman	Levin (MI)
Carr	Gingrich	Levine (CA)
Chandler	Glickman	Lewis (CA)
Chapman	Gonzalez	Lewis (FL)
Clarke	Goodling	Lewis (GA)
Clay	Gordon	Lightfoot
Clement	Goss	Lipinski
Clinger	Gradison	Livingston
Coble	Grandy	Lloyd
Coleman (MO)	Grant	Long
Coleman (TX)	Gray	Lowery (CA)
Combest	Green	Lowe (NY)
Conte	Guarini	Lukens, Donald
Cooper	Gunderson	Machtley
Costello	Hall (OH)	Madigan
Coughlin	Hall (TX)	Manton
Courter	Hamilton	Markey
Cox	Hammerschmidt	Marlenee
Coyne	Hancock	Martin (IL)
Craig	Hansen	Martin (NY)
Crockett	Harris	Martinez
Dannemeyer	Hastert	Matsui
Darden	Hatcher	Mazzoli
Davis	Hawkins	McCandless
de la Garza	Hayes (IL)	McCloskey

McCollum	Poshard	Smith, Robert
McCrery	Price	(OR)
McCurdy	Pursell	Snowe
McDade	Quillen	Solarz
McDermott	Rahall	Solomon
McEwen	Rangel	Spence
McGrath	Ray	Spratt
McHugh	Regula	Staggers
McMillan (NC)	Rhodes	Stallings
McMillen (MD)	Richardson	Stangeland
McNulty	Ridge	Stark
Meyers	Rinaldo	Stearns
Mfume	Ritter	Stenholm
Michel	Roberts	Stokes
Miller (CA)	Robinson	Studds
Miller (OH)	Roe	Stump
Miller (WA)	Rogers	Sundquist
Mineta	Rohrabacher	Swift
Moakley	Rose	Synar
Mollinari	Rostenkowski	Tallon
Mollohan	Roth	Tanner
Montgomery	Roukema	Tauke
Moody	Rowland (CT)	Tauzin
Moorhead	Rowland (GA)	Thomas (CA)
Morella	Roybal	Thomas (GA)
Morrison (CT)	Russo	Thomas (WY)
Morrison (WA)	Sabo	Torres
Mrazek	Saiki	Torricelli
Murphy	Sangmeister	Towns
Murtha	Sarpalius	Trafigant
Myers	Savage	Traxler
Nagle	Sawyer	Udall
Natcher	Saxton	Unsoeld
Neal (MA)	Scheuer	Upton
Neal (NC)	Schiff	Valentine
Nelson	Schneider	Vander Jagt
Nielson	Schroeder	Vento
Nowak	Schuetz	Visclosky
Oakar	Schulze	Volkmer
Oberstar	Sensenbrenner	Vucanovich
Obey	Sharp	Walgren
Olin	Shaw	Walker
Ortiz	Shays	Walsh
Owens (NY)	Shumway	Watkins
Owens (UT)	Shuster	Waxman
Oxley	Sikorski	Weber
Packard	Siskis	Weiss
Pallone	Skaggs	Weldon
Panetta	Skeen	Wheat
Parker	Skelton	Whittaker
Parris	Slattery	Whitten
Pashayan	Slaughter (NY)	Williams
Patterson	Slaughter (VA)	Wilson
Paxon	Smith (FL)	Wise
Payne (VA)	Smith (IA)	Wolf
Pease	Smith (MS)	Wolpe
Pelosi	Smith (NE)	Wyden
Penny	Smith (NJ)	Wyllie
Perkins	Smith (TX)	Yates
Petri	Smith (VT)	Yatron
Pickett	Smith, Denny	Young (AK)
Pickle	(OR)	Young (FL)
Porter	Smith, Robert	
	(NH)	

NAYS—1

Crane

NOT VOTING—13

Billakis	Hyde	Ravenel
Collins	Leath (TX)	Schaefer
Conyers	Lukens, Thomas	Schumer
Dixon	Mavroules	
Gallegly	Payne (NJ)	

□ 1647

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING ADDITION OF NAMES OF MEMBERS TO LIST OF COSPONSORS OF H.R. 2273.

Mr. HOYER. Mr. Speaker, I ask unanimous consent that I may be authorized to sign and submit requests to add the names of Members to the list of cosponsors on H.R. 2273.

The SPEAKER pro tempore (Mr. GEPHARDT). Is there objection of the request of the gentleman from Maryland?

There was no objection.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1990

The SPEAKER pro tempore. Pursuant to House Resolution 207 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2939.

□ 1649

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2939) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1990, and for other purposes, with Mr. ECKART in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under this rule, the gentleman from Wisconsin [Mr. OBEY] will be recognized for 1 hour, and the gentleman from California [Mr. Lewis] will be recognized for 1 hour.

The Chair recognizes the gentleman from Wisconsin [Mr. OBEY].

□ 1650

Mr. OBEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as I indicated to the Committee on Appropriations yesterday, this is, tongue in cheek, the most popular of the 13 appropriation bills which we bring to the floor each year. Everyone always hungers for an opportunity to vote for foreign aid. I wish, frankly, that we had a greater understanding of the role of foreign assistance. I have always been baffled by people who are willing to spend billions of dollars to provide guns to solve a problem internationally which might have been avoided had we expanded a much smaller amount to provide an opportunity for economic stability and political stability which very often prevents military problems.

Mr. Chairman, before I begin, I would like to thank many staff people who helped put together this bill including Terry Peel, Bill Schuerch, Mark Murray, Bob Lester, Laurie Mayez, Georgia SanBernelli and a number of others. I would certainly also like to express my thanks to the gentleman from Texas [Mr. GONZALES], chairman of the Committee on Banking, Finance and Urban Affairs, and the gentleman from Florida [Mr.

FASCELL] of the Committee on Foreign Affairs for their most understanding work with us so that we might complement each other's work in bringing this bill to the House.

Very simply this bill is about \$14.3 billion. It is \$316 million below the administration's official request, but the administration, after it submitted its official request, in effect added \$400 million to the request for the Export-Import Bank, which means that we are actually \$716 million below the administration's real request for this bill for the coming fiscal year.

Title I through III, which are the non-export-related items of the bill, are \$836 million below the administrations' request. We are right on the button in terms of our 302 allocation under the Budget Act.

As I said in the Committee on Appropriations, there are a number of anomalies in this bill because the outlay authority, which we were given by the budget summit, does not correspond to the budget authority number which we were given in the budget summit, and, as a consequence, we have had to make some decisions which in my view are irrational in terms of where we put dollars.

So, because we have the formalistic approach of Gramm-Rudman, we are required in my judgment to put dollars in some instances in places where they do less good than they would do if we were not wearing our green eye shades, and if we were thinking more about policy consequences and getting the biggest bang for the buck for the taxpayers' money. I regret that, but under the processes forced on us by the Gramm-Rudman procedure I can do nothing about it.

Mr. Chairman, the bill is a bipartisan bill. It is supported by the members of the subcommittee on both sides of the aisle, and it is supported by the administration. The administration does reserve the right in conference to offer or to try to seek changes to amend the judgments that we have reached in the committee bill, but for purposes of House passage the administration is for the bill as we bring it to the Members.

Mr. Chairman, economic support funds, military assistance funds, and development funds are all, give or take, 1 percent roughly, the same amount as were provided last year. We have provided \$184 million less for the international financial institutions than the administration requested. For the Export-Import Bank the administration asked for \$110 million originally. They amended that request to \$500 million. This bill provides \$615 million for the Export-Import Bank. That is the portion of this bill which attempts to stimulate American exports. It, along with the trade and development program, represents the

two major efforts in this bill to make us competitive on world markets, and I think those sections of this bill are worthy of my colleagues' support.

In the Middle East we have fully funded, the administration's request, and in addition we have provided 7.5 million earmarked for Lebanon. We have provided \$28 million for Poland and Hungary, much of which is in response to the President's new announcement during his visit to Eastern Europe. We have funded refugees at 40 million above the administration request. We have funded many other programs, including Peace Corps, anti-terrorism, narcotics, and the like at the requested level.

For the Philippines the administration has requested a new item which would ask us in effect to provide \$200 million above and beyond our original aid program for that country. We have in this bill provided \$160 million rather than that \$200 million. I personally think that is too much, but we compromised in an effort to reach some accommodation with the administration. I should point out that that will come on top of the economic supported assistance and military and development assistance under which the Philippines could receive as much as \$634 million. I do not think that money can be spent effectively. I think it is a mistake to provide that much, but in the process of compromise with the administration we have, for this year at least, given them partial benefit of the doubt, but have refused to fully fund their request.

Mr. Chairman, we have provided no money whatsoever for the hard loan window at the World Bank. Those who know me know that I fully recognize the value to U.S. interests of our contributions to that Bank, but the fact is that while Secretary Brady and Secretary Mulford have tried very hard to get American money center commercial banks to recognize their obligation to help deal with the problem of Third World debt by accurately recognizing the deflated value of their debt holdings in the Third World, the fact is the Secretary has met with very little success in dealing with American money center banks. Until he does, and until we have a comprehensive approach to deal with the situation in many other countries besides Mexico, for instance, I did not feel that we could in good conscience put any money in that window because we have the great likelihood that that money will go to the Third World and simply be reflowed into the pockets of American money center banks. I do not think the American taxpayer ought to have to pick up that tab.

Mr. Chairman, I would ask for the support of my colleagues on this bill. I appreciate the cooperative approach that Mr. EDWARDS and all members of the subcommittee have taken. I want

to express my appreciation to the gentleman from Utah [Mr. NIELSON] for his persistence and his cooperation in working out a compromise approach to the West Bank schools issue.

Mr. Chairman, I reserve the balance of my time.

□ 1700

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have the podium at this moment because my ranking member has to be at an urgent meeting for a short time. Taking advantage of this opportunity, let me express the deepest respect and admiration for the chairman, the gentleman from Wisconsin [Mr. OBEY], and my ranking Republican member, the gentleman from Oklahoma [Mr. EDWARDS], for the diligent work that they have been about successfully regarding this measure.

Foreign assistance is the toughest legislative work in the House. Appropriate moneys in a tough budget year when everybody is looking for dollars for some special project at home or has some very special bias regarding responsibilities overseas, the work of this subcommittee becomes most difficult.

I must say in my experience on the subcommittee there is no question that we have progressively made significantly important movement in recognizing that foreign assistance matters do not involve partisan politics, and indeed partisanship should depart when we leave our shoreline.

In a shrinking world America has very, very significant responsibilities in the developing world insofar as the future of democracy is concerned.

The work of this subcommittee, which includes foreign assistance and foreign military sales, is the kind of legislative activity that our constituents would love most to beat us over the head about. It is controversial when you suggest to spend taxpayer dollars in any way overseas, but I believe there is a fantastic misconception as to just how much money we spend for this assistance.

This bill involves something less than \$15 billion. That is a small piece of our annual budget which is over \$1 trillion. Foreign assistance is just over 1 percent of our total expenditures—a very small fraction of our national budget when you are talking about America's responsibility to lead in the world. Of that 1 percent much of these funds never leave our shores and are spent on American goods; support U.S. jobs.

There is not any question in my mind that the bipartisan approach that has been developed in our subcommittee is helping the House to be more effective in assisting the admin-

istration to carry out that important responsibility of leadership.

Within this package I wanted to mention a few things that are of particular importance to me to southern California. First and foremost, much of the work that takes place in Latin America, our portion of the world, is handled through multilateral programs. The significant work of the World Bank, the significant work of the Inter-American Development Bank, impacts developing countries, especially the poorest of the poor, those countries that need help in meeting the challenge to expand democracy, move forward through these programs.

I must say that in the 8 years I have been on the committee, there has been progressive attention paid to the reality that we must attempt as we deliver funds to those developing countries and ensure that those funds will help move those countries in the direction of exercising economic policies that make sense. Progress in that connection has made a real difference in country after country.

In this bill, my colleague, the gentleman from Wisconsin [Mr. OBEY] indicated that the World Bank, the IBRD, had been zeroed out. Now, frankly, before we get through the entire process, go to conference with the other body, it is my sincere hope that we will fund this program. But the point that the subcommittee is making with this item and the point that my chairman especially wants to make is that these high debt in developing countries is a very significant, problem and the solution is almost out of hand.

Much of the difficulty related to that debt involves American banks and the poor judgment used regarding these loans. The banks have a responsibility to help us solve those problems.

The message is, friends, we are not going to send more money through that multilateral just to bail out American banks or others who have a private interest in that regard. It is very important that we all recognize that the public and the private sector is in the soup on this one and we had better come together and find some real world solution.

Within the World Bank there is an organization known as IDA, the International Development Association, which gives soft loans to developing countries. They are loans that largely operate on a 35-year loan basis at zero interest with a significant grace period. They have in the past been used very extensively to help countries like India, and others among the poorest of the poor.

From time to time some of us have suggested that those loans could be used in a better fashion to ensure sup-

port for economic policies that lead to growth.

We have indeed made some progress down that channel.

One element of our bill dealing with IDA involves a program for lending to China. We, in the last several years, have been very encouraged by the potential for progress in China. Of late however, we have had reason to rethink on assistance there.

The zero interest loans through IDA have been suspended for China, and within our bill we were successful in including language that calls upon the administration to report to the Congress in very direct terms regarding changes of policy or attitudes which might promote individual freedoms and human rights.

Mr. Chairman, this is a very important bill in terms of the responsibility of Congress in providing leadership for freedom in the world.

I must say that the progress that we have made, in this committee and in the House, is a most positive indication that we will find the Congress operating in a fashion that indeed does endorse the fact that foreign affairs has nothing to do with partisan politics, and in turn, foreign affairs is going to be a reflection of American policy abroad that our friends and allies can count upon.

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I am happy to yield to my colleague, the gentleman from California.

Mr. LAGOMARSINO. Mr. Chairman, I thank the gentleman for yielding to me.

I want to commend the gentleman for his statement. There is no question about it, foreign aid is a very tough issue, no question about that at all.

The question that should be asked, though, is whether the expenditure that we are contemplating is good for the United States?

Having said that, though, it is good for the United States to have stable democracies around the world that can protect themselves and advance economically.

I think this is a good bill. It is not perfect. People on both sides of the issue can find things to complain about, not enough money for this project, too much for that one; but it does, like the authorization bill, I think, represent a good bipartisan effort with Republicans and Democrats in the Congress coming together and working with the administration. When we do that, it is absolutely amazing to me to see what the result is worldwide. When we all agree, we usually succeed.

So Mr. Chairman, I want to commend the gentleman and also the chairman and the other members of the subcommittee for working very

hard and coming up with a bill that is worthy of the support of all of us.

Mr. LEWIS of California. Mr. Chairman, I appreciate the remarks of my colleagues.

I would say as I close my time that I appreciate the work of my colleague on the Authorization Committee of the Foreign Affairs Committee in connection with the fundamental policy that is involved here.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield 12 minutes to the distinguished gentleman from New York [Mr. McHUGH].

Mr. Chairman, if the gentleman will yield briefly, I would simply like to express my thanks to him for helping work out a number of very crucial items on this bill. As usual, the gentleman's help has been invaluable.

Mr. McHUGH. Mr. Chairman, I thank the gentleman for yielding me this time, and thank the chairman of our subcommittee more particularly for his exceptional leadership on this bill.

As the gentleman stated earlier, this bill enjoys bipartisan support.

□ 1710

It is the product of close cooperation between the Republicans and Democrats on our subcommittee, as well as between our subcommittee and the administration. It is a reflection of the leadership of the chairman, the gentleman from Wisconsin [Mr. OBEY], the ranking member, the gentleman from Oklahoma [Mr. EDWARDS], and other members of our subcommittee who have worked hard to put together this bipartisan bill.

Mr. Chairman, bipartisanship always involves compromise, and this bill is a series of compromises. For that reason, there are provisions in the bill which Members will like and dislike. It is not a perfect bill by anyone's measure, but I think on balance it is a constructive and balanced bill, a responsible bill in light of our budget constraints and in light of our responsibilities abroad.

I therefore want to begin by urging my colleagues to support the bill on final passage. I think the chairman and the gentleman from California [Mr. LEWIS] have laid out many of the details in the bill, and, thus, I would like to spend most of my time focusing on one or two items which are of major interest and concern to me.

The first is the Middle East. I think most Members realize that a significant share of the assistance in this bill goes to the Middle East and, specifically, to two countries, Israel and Egypt. The total amount of assistance in this bill is a little more than \$14 billion. About \$5 billion of that total is allocated to those two countries. This is a reflection of the fact that the United States continues to have vital interests

in the Middle East, and a fundamental goal of U.S. policy is stability in that region.

I strongly believe that the funds in this bill, while significant, are very important in promoting stability and America's interest in that region. However, it is also important as we approve these appropriations to be clear about what stability means in the Middle East in the context of American interests. Stability certainly means the avoidance of war, and the military assistance that we provide to both Israel and Egypt helps to deter war. There are nations such as Syria and Libya, that might be tempted to initiate war with Israel or Egypt if they were not strong and secure. Our aid helps them to maintain their security and their strength, and in the process serves our interests as well as theirs.

Stability also means that friendly governments must respond to the legitimate economic needs of their own people, and the substantial economic assistance we provide helps Israel and Egypt respond to those needs, preserving not only their economic security but political stability as well.

What is perhaps most important to our goal of promoting stability is something beyond our military or economic assistance. It is coming to grips with the underlying issues that create political instability in the first place. For example, real stability will require Arab acceptance of Israel within secure borders. At the same time, Israel must respond in a meaningful way to the aspirations of the Palestinian people. Unless these issues are resolved, there will not be any real stability in the Middle East.

These difficult issues cannot be resolved militarily. They cannot be resolved by the United States, by the United Nations, or by some other outside agency imposing a political settlement. These issues can be resolved only if the parties in the region themselves sit down and negotiate directly to resolve these underlying problems.

For that reason, it has always been a key element of American policy to try to find a mechanism by which the parties in the Middle East, the Arabs and Palestinians on the one hand and the Israelis on the other, can meet and negotiate directly.

I raise the Middle East as an issue this afternoon, Mr. Chairman, because it seems to me that we are at a critical juncture in our search for peace and stability in the Middle East.

Earlier this year, Yasser Arafat, the chairman of the PLO, stated publicly for the first time that he accepted the existence of Israel, that he accepted the key U.N. resolutions, 242 and 338, and that he renounced terrorism as a means of achieving his political ends. Given the history of the PLO, there is ample reason for skepticism, but these

statements did represent a departure from the past and Mr. Arafat took some risk politically and perhaps even personally in making those statements.

In response, the United States for the first time opened up a political dialogue with the PLO, albeit at a low level. Some have criticized this action by our Government, but I think it was a sensible response; it not only was a positive response to Arafat's new position, but a way by which we could encourage the PLO to act more constructively and peaceably in dealing with the State of Israel.

Finally, the Prime Minister of Israel took what I think is a very important step. Prime Minister Shamir proposed an election on the West Bank and Gaza by which Palestinians could elect their own representatives, after which there would be direct negotiations between those representatives and Israel. This is a constructive proposal, and I applaud our administration for encouraging and supporting it. However, if this proposal is to work, if it is to lead to direct negotiations which are so important to stability in the region, it must have the full support of all the parties in the region, not simply our support.

Mr. Chairman, I am concerned about the circumstances surrounding Mr. Shamir's proposal at this time. I am concerned because the Palestinian community is holding back, refusing to support the proposal or participate in the elections. I am concerned because there are some elements in Israel that are attempting to impose preconditions on the elections and on negotiations.

Mr. Chairman, I believe it is time for those of us who truly care about our vital interests in the Middle East, for those of us who believe that promoting stability there serves our vital interests, for those of us who believe that stability is dependent upon direct negotiations leading to an ultimate political settlement to speak out clearly in support of Mr. Shamir's proposal for elections and negotiations, to speak out clearly against those who advocate violence, and beyond that, to speak out clearly against those who would try to scuttle elections and negotiations by imposing the kind of preconditions that could discourage the other side from participating in elections and negotiations.

Mr. Chairman, I think this bill is important not only as a vehicle for providing the essential military and economic aid to our friends in the Middle East that is essential to their interests and ours, but it is a vehicle for stating clearly that we support elections and direct negotiations between the Israelis and Palestinians, and that we oppose those in the region, Arab or Israeli, who would try to scuttle the peace process.

Finally, in my judgment the administration has been acting responsibly to foster and encourage the peace process, and thus we should support that effort and resist the temptation to place obstacles in the administration's way.

Mr. Chairman, I would like to mention one other item in this bill that I have some concern about; it relates to the restructuring of how we provide development assistance abroad. In the authorization bill that was recently before the House, there was a restructuring of the way in which development assistance is provided. I think the general goal was to give the administration more flexibility in how we deliver development assistance, and a reasonable agreement can be made for that general approval.

Our appropriation bill necessarily tends to follow the work of the authorization committee in this respect. However, I have to note that while we have created in both the authorization appropriation bills a large, rather undefined development assistance account which, in theory, gives the administration considerable leeway, we have at the same time imposed a series of earmarkings which do not seem to have much coherence. They tend to reflect particular and sometimes very narrow interests that various Members may have.

□ 1720

As a result, we have certain earmarkings for particular countries, earmarkings for one or another region, and earmarkings for certain agencies. I think this diminishes the initial thrust of the reform, and we have something of a hodge-podge in terms of the administration of development assistance. We cannot solve that problem now, but I think it is important for those of us who serve on both the authorizing and the appropriating committees to look very carefully at how development assistance is really going to be administered and then determine whether this new approach really works. If it turns out that there is confusion and a lack of coherence in the new approach, I hope we will go back and correct the problem.

One again, I thank the chairman for yielding and urge my colleagues to support this bill.

Mr. PORTER. Mr. Chairman, I yield 3 minutes to the distinguished and able gentleman from New Jersey [Mr. GALLO].

Mr. GALLO. Mr. Chairman, I thank the gentleman from Illinois for yielding time to me.

Mr. Chairman, I rise in support of this bill and want to congratulate Chairman OBEY and ranking member MICKEY EDWARDS for achieving this compromise bill that is supported by both sides of the aisle and by the administration.

It is not a perfect compromise, but it is the best we could achieve under tight budget constraints.

As a new member of the Appropriations Committee and of this subcommittee, I now have a greater appreciation of the difficulty in moving a foreign aid bill through Congress.

In this bill, we balance funding among security and humanitarian assistance, economic and development assistance, and on top of all this, the need to provide export financing assistance to level the playing field in the international market. We must address our long-term security interests as well as continuing this Nation's policy of the good neighbor and the helping hand to people in desperate need.

While our foreign aid programs only account for approximately 1 percent of U.S. expenditures, it serves the direct interest of the United States in many important ways.

It enhances our national security. Without U.S. support, I believe a number of democratic regimes in strategic areas throughout the world would have been overthrown by radical insurgencies.

Our foreign aid budget also allows the United States to join with other countries in responding to needs of developing countries throughout the world and to respond to world catastrophes, such as the earthquake in Armenia and the famine in Ethiopia.

The bill provides important funding for Israel and Egypt, other allies and base rights countries. And, in many other strategically important areas of the world, we maintain our presence through economic, military and development assistance. We have expressed our support for the new multilateral initiative to strengthen democracy in the Philippines and we have maintained the 7- to 10-ratio for aid to Greece and Turkey.

We also provide development assistance for needy Third World countries. Through the Agency for International Development, these countries will receive assistance in areas such as agriculture, child survival, education, environment and technology, and private sector initiatives.

These same efforts are bolstered by our contributions to such agencies as the United Nations Children's Fund [UNICEF], the United Nations Development Program [UNDP], United Nations Environment Program [UNEP], the International Fund for Agriculture Development [IFAD], and the U.N. Voluntary Fund for Women [UNIFEM].

Further, this bill provides funding to address two critical areas that affect all our lives—the international spread of the AIDS virus and the continued cultivation of illegal drugs.

One area that also requires our immediate attention is the shortfall in funding for migration and refugee assistance. Over the years, I have worked with the administration and other Members of Congress to gain the release of Soviet, Ukrainian, and Armenian refuseniks.

As a result of this persistent pressure by the United States, the Soviet Government is now allowing a large number of citizens to emigrate. We must follow through on our commitment to these individuals by providing the necessary funds to help them settle in new areas.

Finally, we have provided \$595 million for the Export-Import Bank's Direct Loan Program. In addition, we have provided \$20 million for a new I-Match Program that will need to be authorized by Congress. In total, this is an \$80 million reduction from last year's level for Exim but it is a \$115 million increase over the administration's request.

In a world of aggressive international financing by our foreign competitors, the Exim is the only game in town for American business.

Just last week, I read in the New York Times that Japan is funding its Export-Import Bank at a level of \$13.5 billion.

So even at level funding, our Export-Import Bank barely scratches the surface of the need for financing to compete in world markets.

With our trade deficit widening and our budget getting leaner, it will be even harder to meet the growing need for Exim direct loans.

I appreciate our chairman's commitment to do as much as we can given these limited resources and I look forward to continuing to work with my colleagues to address this issue.

I urge my colleagues to support this bill.

Mr. OBEY. Mr. Chairman, I yield 7 minutes to the gentleman from Florida [Mr. SMITH].

Mr. SMITH of Florida. Mr. Chairman, I want to commend the gentleman from Wisconsin [Mr. OBEY], chairman of the subcommittee, for another excellent job this year in his leadership on this bill. This is an important issue, and it is an issue which, yes, some people in this country find rather distasteful. They do not like foreign aid, but I think those people, frankly, do not really understand what role foreign aid plays in trying to bring about peace around the world, and even more in trying to educate and provide an increased standard of living to those in very seriously poor and disadvantaged conditions.

The bill is a good balance of and mixture of economic support funds, economic development funds, AID

money, and some security assistance. There are a number of countries which, unfortunately, still to this day, especially on the African Continent, we have yet to find enough money to really be able to go beyond the point that we have been for the last few years. Once again, the appropriations bill, this bill is within the constraints of the budget and the agreement and, therefore, most all of the appropriations in this bill to individual countries are basically the same as they were 2 years ago when we last passed a Foreign Operations Appropriation bill.

The foreign aid bill which passed this House by an almost 3-to-1 margin was the basis on which the Appropriations Committee did their deliberations, and I think they have done an excellent job of staying within the parameters of where the authorizing committee, the Committee on Foreign Affairs on which I sit, has in fact set their priorities. I can assure my colleagues that as the chairman of the International Narcotics Task Force on the Foreign Affairs Committee, the money that we have put into the authorizing bill and the language which we have consistently striven to have become law, to help countries around the world on narcotics so that we ourselves get some help, is in the appropriations bill. And there is strong language relating to moneys to be spent for narcotics-related educational money, and money diverted to stamping out certain of the narcotics problems in various countries as well so that all agencies of Government hopefully will, like in the State Department, be brought into the process.

The bill, as the speaker who preceded me in the well indicated, is also a testimony to the balance that we have attempted to strike on issues like peace in the Middle East. Yes, a significant share of this particular bill goes to the Middle East, and that is frankly because it is such an area of grave concern to us, and we have tried for so many years to do what we consider to be the right thing.

We have a strong, consistent ally in Israel. We have other countries in the region who receive significant foreign aid from us, like Jordan, Egypt, Oman, and others. We have tried to strike a significant balance between the competing interests of Israel and the Arab world, and we have tried by policy in the last few months, and the United States has been a leader in this, to bring all of the necessary parties to the bargaining table, trying to bring those competing interests, those historically diverse and adverse interests from one country to the other in that region, to bring them together, to bring some of the parties who are not within government, parties like the PLO to a point where, as we saw last December, they were capable of mouthing the words renouncing, as

the gentleman from New York [Mr. McHUGH], has said, renouncing terrorism, saying the words that they accepted 242 and 338. Unfortunately, although we have been "in discussions," and I say that in quotes because nobody really knows exactly what we are doing there, but although the State Department has been in discussions with the PLO for the last 6 months or so, we have yet to see any tangible, measurable improvement at all in the approach by the PLO to any peace process. We have yet to see any movement at all by that organization in any way in acceptance of the Israeli peace formula, the election plan that we support.

□ 1730

The process has moved even more slowly than a snail's pace. What is unfortunate is that we pushed on Israel, that is the United States pushed on Israel, to come up with a plan such as we announced here in the United States by Prime Minister Shamir. But the result has been that no one has taken up the offer, not one single Arab state, not the PLO, not anyone has put their first foot forward on the issue. That is very disturbing to us. We have seen the State Department talk in context of these discussion with known terrorists, with the No. 2 man at the PLO who is wanted in Italy on an extraditable offense of terrorism.

So we are beginning to wonder where we are going on this issue.

Let me read to you something that I think all of us are interested in, a letter sent by the chairman of the PLO, Yasser Arafat, to the communist general secretary, Jiang Zemin. This letter reads, in part:

... On behalf of the Arab Palestinian people and their leadership, and myself, I express the warmest, most sincere congratulations to you—dear comrade—on your appointment to General Secretary of the CPC, and take this opportunity to express our extreme gratification that the friendly People's China has restored normal order after the recent incidents.

This was Arafat in the People's Daily, Hong Kong, June 27, 1989.

So we see positions taken by the PLO directly opposed to the positions enunciated not only on the floor of this House but from the President of the U.S. And we have to do more to bring this group back to where they ought to be.

Israel is open to schools, Israel would like to do a lot more. We need, because we are in discussions with the PLO, to be pushing them as much as we are pushing everyone else in this process. Ultimately this bill strikes a good balance.

Mr. Chairman, I commend the subcommittee, Mr. McHUGH, the chairman and others who have wanted to strike this balance to continue this evenhanded approach of the United

States Government to the peace process.

Mr. PORTER. Mr. Chairman, I yield myself 7 minutes.

Mr. Chairman, I want to commend the chairman, the gentleman from Wisconsin [Mr. OBEY], and the ranking minority member, the gentleman from Oklahoma [Mr. EDWARDS], for their dedicated work on what is often a very controversial bill.

Mr. Chairman, the bill we have produced is a good bipartisan effort to promote our country's security and long-term sustainable development interests around the world.

This bill is within the summit agreement and, with our \$59 million ESF recission, meets our Budget Committee target.

The administration is especially pleased that there is maximum flexibility in our aid programs with only four countries, including Israel, earmarked for military and economic aid. Development aid is also flexible with only funding for voluntary family planning receiving its own line item.

Mr. OBEY and Mr. EDWARDS, have worked closely to provide additional FMS funding in the bill. Their agreement means that the United States will be able to provide security assistance to over a dozen friends and allies that otherwise would have been cut.

Our commitment to democracy in Central America has been maintained. Aid to Guatemala, Honduras, and El Salvador is under the administration's control, at their discretion to respond to events as they unfold. We were especially pleased that aid to El Salvador was not provided in installments.

While we did not provide the full funding requested for the Philippine Multilateral Assistance Initiative [MAI], we came a long way in a difficult budgetary situation with 80 percent of the request at \$160 million.

The committee also provided the full administration request for programs that enjoy broad support such as the Peace Corps, Anti-terrorism Assistance, Migration and Refugee Assistance, and International Narcotics Control. We also rightly rejected the dramatic cut proposed for UNICEF.

Even in the area of the Multilateral Lending Agencies, including the World Bank Group, we strongly moved in the direction of the private sector by providing funding to the International Finance Corporation while zeroing out the hard loan window of the World Bank. Let me talk specifically about IFC.

I was especially pleased to have the committee provide \$88 million for the International Finance Corporation [IFC] of the World Bank. While other World Bank loans to foreign governments have been called into question, the IFC enjoys broad bipartisan support because it directly supports the fledgling private sector of many Third

World countries. While many government-sponsored projects fall victim to poor planning and bureaucracy, majority shares in IFC projects are always privately held and managed. In short, they work, they are not mismanaged and they sustain and grow through the profit motive. To date, the IFC continues to turn a profit even in the poorest countries.

POPULATION

I was pleased to see the committee provided the full request for population. These funds were appropriated as the authorizers required in its own separate line item. Nothing is more important to stopping environmental degradation and providing for the economic future of each individual than voluntary family planning.

AIDS

The committee continued its response to the devastating spread of the AIDS virus worldwide. To date, up to 50 million people are at risk in Africa alone. Some areas report infection rates of 20 to 30 percent. The committee funded the AIDS account at the full request level with a commitment to move toward an equal balance between AID and WHO in the future.

GLOBAL WARMING

One of the most pressing new issues facing us is global warming. In this bill we have recommended a doubling of AID's Office of Energy and directed them to move their office's mission to a global warming initiative fostering development through greater efficiency, the use of renewable energy sources and a focus on technologies that do not contribute to global warming.

PHILIPPINE MAI

While we did not provide the full funding that the administration requested for the Philippine Multilateral Assistance Initiative [MAI], I believe that the committee did its best with an initial appropriation of \$160 million. This is only the first installment in a multi-year plan. As this program continues, we will obviously respond with greater funding if the program really takes off and improves the Philippine economy.

HONG KONG

I was also pleased to note the inclusion of "sense of the Congress" language that urged the President to forcefully express our interest to the British Government in the development of strong and full democratic institutions in Hong Kong, which is slated for Chinese Communist control in 1992. While the Chinese have promised "one country, two systems," strong democratic institutions in Hong Kong will help to ensure that that promise is kept.

CYPRUS

We also maintained commitment to a united Cyprus by providing \$15 mil-

lion in aid, with \$5 million for face-to-face bicomunal projects. Last night, the Congressional Human Rights Caucus sponsored the first ever Greek and Turkish Cypriot bicomunal art exhibit that united the work of children from both sides. At this moment several hundred Greek Cypriot women are occupying a church inside the Green Line that divides Greek Cypriot and Turkish forces. Both armies are on alert and the situation is tense. Times like this show that the situation on Cyprus remains tense and needs our attention. These projects are urgently needed to reduce that tension.

Finally, Mr. Chairman, this bill would be impossible to produce without the help of dedicated and professional staff. I want to commend Terry Peel, Bill Schuerch, Mark Murray, and Lori Maes for their long hours and patient work on the subcommittee. I also want to thank Jim Fairchild, Letitia Hoadley, Steve Goose, Adele Liskov, and Gary Bombardier. Special notice must be given to several newcomers to the subcommittee including Donna Mullins with Mr. GALLO, Georgia Sambunaris on loan from AID, and especially, Mr. Chairman, Chris Walker with MICKEY EDWARDS who has done an outstanding job on his first bill.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. WILSON], a member of the Subcommittee on Foreign Operations of the Committee on Appropriations and a resident expert on Afghanistan.

Mr. WILSON. I thank the gentleman for yielding.

Mr. Chairman and Members, first of all I think it is altogether fitting that we are having these discussions tonight and I think it is altogether fitting that we are discussing the Middle East.

The United States has invested billions of dollars in the last 10 years in the Middle East, dollars in Jordan, dollars in Egypt, dollars in Israel.

Thirty billion dollars of it has gone to Israel alone.

As a matter of fact, we provide Israel with \$3 billion a year and Egypt with \$2.3 billion a year making up almost a third of the disposable funds of this bill.

□ 1740

As is well-known, the United States also provides, particularly Israel, with military support, as with the airlift in 1973 and 1974, and with political support in the United Nations and in other world forums.

Our Government shoulders this burden gladly and asks very little in return. We remember very well the horrors that caused the State of Israel to be created, and we also admire the ingenuity and courage of the gifted Is-

raeli people, the courage that has enabled them to defend themselves in four wars, and in not much peace since the existence of that state.

We also now realize that there is another presence west of the Jordan River that warrants our interest, that is the Palestinian people who have carried out a bloody uprising for over 1 year at a cost of hundreds of deaths to themselves and many Israeli deaths, as well. It is in our interest and, indeed, in the interest of the world, that a just peace come to that troubled land.

In this light, most Members applauded the peace plan as mentioned by the gentleman from Florida, that was brought to this country in the late spring by Prime Minister Shamir. We liked the idea of elections among the Palestinians, and we hope that the details of these elections would be such as to cause the elections to take place in successful negotiations to follow.

I call upon both sides to go forward with these election plans. I call upon the PLO to publicly embrace them. I particularly urge that neither side place preconditions on the elections which obviously will prevent them from taking place.

Mr. OBEY. Mr. Chairman, I yield 9 minutes to the gentleman from California [Mr. LEVINE].

Mr. LEVINE of California. Mr. Chairman, I am pleased to take the well to strongly support the foreign aid appropriations legislation and to commend the chairman of the subcommittee, the members of the subcommittee on both sides of the aisle for the thoughtful work that they have done in drafting a very balanced and important piece of legislation. I believe that this is a good bill, and it is one that accomplishes, on a bipartisan basis, as a number of Members have mentioned, a number of important foreign policy objectives of the United States.

Several weeks ago, as my colleagues well know, the House overwhelmingly passed the Foreign aid authorization bill. It was enacted by the largest margin ever, and it was a bipartisan vote which I believe clearly shows the depth of support for at least the essence, if not a number of the details, of our foreign assistance program.

I very much hope and I urge my colleagues to demonstrate the same type of support for the appropriation measure that will appropriate the funds pursuant to the authorization measure.

I would like to spend a few moments discussing some of the points pertaining to the Middle East, talking about some of the points that have been raised, thoughtfully and eloquently, by my colleagues before me. My colleague just before me, my very good friend from Texas, Mr. WILSON, for whom I have the utmost respect and

affection, focused on the resources that go to the Middle East, and focused appropriately on the resources that go to the Middle East, and I think that we all understand that the Middle East receives the greatest proportion of our foreign aid dollars. I for one would very much like to see additional resources in other parts of the world. I know that is a view that is shared by members of the subcommittee. I believe that it would be one of the finer accomplishments between the legislative and executive branches working together if resources could be found that would increase the ability of this Congress to fund more fully other extremely worthwhile programs on other continents that are very much in the interest of the United States.

At the same time, the reasons are quite clear, they have been spelled out by speakers before me, including my friend from Texas and by others, in terms of why the resources that do go to the Middle East are intended in that fashion. It is a region of vital importance to the United States. Israel and Egypt are close diplomatic and strategic allies of this country and other countries in the region, Jordan, Oman, and others, who have been recipient of resources from other countries, are deserving of these resources, and support for the Middle East peace process is an essential goal of American diplomacy. Support for the safety and for the security of Israel is of vital concern to the United States, and even in the face of a vexing diplomatic dilemma, how best to promote Middle East peace, and in the face of recent events, it is important that we not forget or overlook this fundamental fact.

Much has been said and written in the 20 months about the Palestinian uprising and the Israeli response, and I would like to spend a few minutes offering at least some of my own perspective on the subject. Israel has been faced since December 1987 with an extraordinarily difficult dilemma, one faced by any democracy in a similar situation which is, in essence, how to control, without using excessive force, protesters in which the participants are not carrying placards, but instead are throwing rocks, Molotov cocktails, knives, chains, acid, and other items which are clearly meant to maim and to kill. These are not placards, these are not peaceful demonstrators.

Surely, the imperative in the solution, as a number of Members have emphasized, most recently again my colleague from Texas, is peace, which can only be obtained by diplomacy. Israel's Prime Minister Shamir recently proposed a plan for elections in the West Bank and Gaza which represents a very important, very significant, and very solid starting point for moving

the process forward. As Secretary of State Baker indicated as recently as last night, the Shamir plan offers great promise for progress on Mideast peace, and for bringing Israelis and Palestinians together in a negotiating process. Even in the aftermath of the Likud convention, as Secretary Baker emphasized appropriately yesterday, the Shamir plan is alive and well. The conditions are not helpful, but neither are they binding upon the Government any more than the Democratic or Republican Party platforms being binding on Members of their respective parties in this well.

Indeed, the view of the Bush administration, and I believe it is an appropriate and accurate view, is that there is no change in the Shamir plan, and that it continues to represent, as Secretary Baker stated, "The best thing we've got going for peace in the Middle East." It is important for both sides to engage in this plan, and to engage in it with a minimum, hopefully, no preconditions.

However, I think we should also remember that, unfortunately, at this point in time, while there are no preconditions that have yet been established by the Israeli Government, and I hope there will not be such, there have, thus far, been preconditions established by the PLO, and I hope that these will be dropped. The PLO says at this point that the starting point for negotiations is that Israel accept a Palestinian state, and that Israel accept Jerusalem as their capital. As the Bush administration has emphasized, these preconditions are a non-starter, and they should be scrapped.

Nevertheless, despite the PLO's setting forth these preconditions, Israel remains in the peace process, willing to engage in discussions with responsible Palestinians. Yet those Palestinians who have shown any indication that they are willing to live in peace with Israel have been assassinated by extremists in the territories, and I believe that we should focus our attention on the campaign of assassination and intimidation which has, tragically, muted the voice for peace to a great extent on the West Bank and Gaza. Sadly, as well, PLO conduct since Geneva, through both statements and actions have, so far, badly undermined the stated commitment to peace and against terror.

Ultimately, the PLO must convince Israel that the PLO is serious about peace, because Israel is the key to any territorial solution. Sadly, the PLO has consistently given Israel every reason to doubt their ultimate intentions. Just because Israel will not accept the PLO's prescription for peace does not mean Israel rejects peace. To the contrary, as I think my colleagues well understand, history has been replete with examples of

Israel offering an outreached hand to the Arabs, such as the Shamir plan, which the Arabs have consistently rejected.

It is my hope that all of my colleagues must understand that the onus must be on the Arab side to show they are serious about peace, as Israel has shown in offering the Shamir plan.

□ 1750

One regret that I have is that thus far the administration appears to have spent more time pressuring Israel than the PLO, despite the fact that as Assistant Secretary of State Kelly testified last week, the dialog between the United States and the PLO has thus far produced nothing from the PLO for the United States.

Such a strategy boosts the PLO and has so far given us nothing in return. In fact, a negotiating strategy which pressures Israel more than it pressures the PLO eliminates any incentive the PLO might have to support the Shamir plan. It causes the PLO to believe that inaction on its part will simply cause more pressure to the Israelis.

This is a mistaken negotiating strategy. Thus far the public statements that this administration has consistently made with regard to its support for the Shamir plan are welcome. They should be the thrust, they should be the focal point, they should be the consistent approach in the region. This is a plan that offers hope, and this is a plan that offers promise. I hope that we will be focusing our efforts and the administration will focus its efforts on bringing the Arab states to the peace table and on bringing West Bank and Gaza Palestinians into the process without fear for their lives.

Mr. Chairman, I want to compliment my friends on both sides of the aisle for this debate. I think it has been useful and constructive, and I urge support for this bill in the strongest possible terms.

Mr. PORTER. Mr. Chairman, I yield such time as he may consume to the gentleman from Oklahoma [Mr. EDWARDS].

Mr. EDWARDS of Oklahoma. Mr. Chairman, this is a unique occasion. There is not a great deal of controversy on a bill which is very important, a bill which is critical to our relationships with our allies around the world, a bill which has the potential of greatly helping our alliances throughout the world. We have been able to work together to arrive at a consensus opinion, with the support of not only the Democrats and the Republicans on the committee but also all parts of the administration.

As the vice chairman of that subcommittee, I would like to compliment the subcommittee chairman, the gen-

tleman from Wisconsin [Mr. OBEY], and the other Members on both sides of the aisle who worked so hard to make that happen. We had a couple of markups. It was not easy getting to the point at which we are now, but I would just briefly say that in terms of putting together a package that provides for the security assistance necessary to help our allies, the military assistance programs that are trying to help the Philippines in restructuring their economy and doing those kinds of things which are in the best national interest of the United States.

Mr. Chairman, we have come a long way, and I would hope there would be a great deal of support for this bill on both sides of the aisle, and that it will pass overwhelmingly.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the chairman of the Committee on the Budget, the gentleman from California [Mr. PANETTA].

Mr. PANETTA. Mr. Chairman, with regard to the budget issues involved with this appropriations bill, we have provided that information on all the appropriations bills, and I want to continue to do that. We have provided a "Dear Colleague" to all Members.

There are no Budget Act waivers required for this bill because it has budget authority and outlays equal to the discretionary targets established under the section 302 subdivision assigned to the subcommittee of the Committee on Appropriations.

In total, the bill provides \$13.5 billion in discretionary budget authority and \$11.5 billion in discretionary outlays. Both are equal to the budget authority and outlays in the subdivision.

This is incidentally the second largest cut of any appropriation from the administration's request, and obviously it was an important subject in the budget summit and budget agreement where we established caps with regard to foreign aid functions. The bill is consistent with both the budget resolution and the bipartisan budget agreement worked out with the administration, and for these reasons there are really no budget problems with H.R. 2939.

This subcommittee, which is the fifth subcommittee bringing its appropriation bills to the floor, has done an excellent job in meeting the targets established under the budget resolution. I want to congratulate both the gentleman from Wisconsin [Mr. OBEY] and all the Members for what is often the thankless job of trying to develop a consensus on foreign aid.

This bill is supported on both sides of the aisle, by the President, the Department of State, and the Department of the Treasury. It is the type of consensus that is very difficult to arrive at, and I think it is testimony to the work of the chairman, the mem-

bers of the subcommittee, and the staffs. I want to congratulate all of them.

Mr. Chairman, I am pleased to urge support for this legislation.

Mr. Chairman, with regard to the budget issues involved with this appropriation bill, we have provided a "Dear Colleague" to all Members. There are no budget act waivers required for this bill because it provides budget authority and outlays equal to the discretionary targets established under this section 302 subdivision assigned to this subcommittee of the Committee on Appropriations.

In total, this bill provides \$13,550 million in discretionary budget authority and \$11,550 million in discretionary outlays. Both are equal to the discretionary budget authority and outlays in the subdivision.

The bill, therefore, is consistent with both the budget resolution and the bipartisan budget agreement worked out with the administration. For these reasons, there are no budget problems with H.R. 2939.

This subcommittee, the fifth subcommittee bringing its appropriations bill to the floor, has done a good job in meeting the targets established under the budget resolution. We congratulate Chairman OBEY and the other members of the subcommittee for the often thankless job of consensus building on foreign aid. This bill is supported by both sides of the aisle, the President, the Department of State, and the Department of Treasury. This type of consensus is difficult to arrive at and is a testimony to the hard work by this subcommittee and staff. We congratulate them and we are pleased to bring this information to the attention of the Members.

HOUSE OF REPRESENTATIVES,

COMMITTEE ON THE BUDGET,

Washington, DC, July 20, 1989.

DEAR COLLEAGUE: Attached is a fact sheet on H.R. 2939, Foreign Operations, Export Financing, and Related Programs Appropriations bill for Fiscal Year 1990. This bill is scheduled for floor consideration on Friday, July 21, subject to a rule being adopted.

This is the fifth appropriations bill for fiscal year 1990 and is equal to the Appropriations Committee 302(b) subdivision in both budget authority and outlays for this subcommittee. Therefore, it is consistent with the 1990 Budget Resolution and the Bipartisan Budget Agreement.

I hope this information will be helpful to you.

Sincerely,

LEON E. PANETTA,
Chairman.

[Factsheet]

H.R. 2939, FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED PROGRAMS APPROPRIATIONS BILL, FISCAL YEAR 1990 (H. REPT. 101-165)

The House Appropriations Committee reported the Foreign Operations, Export Financing and Related Programs Appropriations bill for fiscal year 1990 on Wednesday, July 19, 1989. This bill is scheduled for floor action on Friday, July 21, subject to a rule being adopted.

COMPARISON TO THE 302(b) SUBDIVISION

The bill provides \$13,550 million of discretionary budget authority and \$11,550 million of discretionary outlays, both equal to

the subdivision for this subcommittee. A detailed comparison of the bill to the spending and credit allocations follows:

COMPARISON TO SPENDING ALLOCATION

(In millions of dollars)

	Foreign operations appropriations bill		Appropriations Committee 302(b) subdivision		Bill over (+) / under (-) 302(b) subdivision	
	BA	O	BA	O	BA	O
Discretionary.....	13,550	11,550	13,550	11,550		
Mandatory ¹	805	805	805	805		
Total.....	14,355	12,355	14,355	12,355		

¹ Conforms to budget resolution estimates of existing law.

Note: BA—New budget authority; O—Estimated outlays.

The direct loan levels in the bill are equal to the discretionary subdivision for this subcommittee. The primary guarantees are \$4 million under the subdivision. A detailed comparison follows:

COMPARISON TO CREDIT ALLOCATION

	Foreign operations appropriations bill		Appropriations Committee 302(b) subdivision		Bill over (+) / under (-) 302(b) subdivision	
	DL	LG	DL	LG	DL	LG
Discretionary.....	1,071	6,410	1,071	6,414		-4
Mandatory.....						
Total.....	1,071	6,410	1,071	6,414		-4

Note: DL—New direct loan obligations; LG—New loan guarantee commitments.

Pursuant to Section 302(b) of the 1974 Budget Act as amended by P.L. 99-177 (Gramm-Rudman-Hollings), the Committees of the House are required to subdivide the spending authority and credit authority allocated to them in the Budget Resolution for Fiscal Year 1989 (shown in H. Rept. 100-662). The Appropriations Committee reported its 302(b) subdivisions on June 10, 1988. These subdivisions are the official scorekeeping targets for appropriations subcommittees.

The following are the major program highlights for the Foreign Operations, Export Financing and Related Programs Appropriations Bill for FY 1990, as reported:

PROGRAM HIGHLIGHTS

(In millions of dollars)

	Budget authority	New outlays
Multilateral Economic Assistance.....	1,873	217
International Financial Institutions.....	(1,603)	(44)
International Organizations and Programs.....	(270)	(173)
Bilateral Economic Assistance.....	6,320	2,758
Economic Support Assistance.....	(2,104)	(1,612)
Military Assistance.....	5,504	2,662
Foreign Military Sales.....	(4,664)	(1,861)
Direct Loan.....		(450)
Export Assistance.....	645	118
Export Import Bank.....	(615)	(90)
Direct Loan.....		(595)
Primary Guarantees.....		¹ (10,384)

¹ The limit recommended by the House Appropriations Committee exceeds the CBO estimate of market demand for these guarantees which is estimated at \$6,050 million.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the distinguished chairman of the Subcommittee on International Development, Finance, Trade and

Monetary Policy of the Committee on Banking, Finance and Urban Affairs, the gentleman from the District of Columbia [Mr. FAUNTROY].

Mr. FAUNTROY. Mr. Chairman, I rise in strong support of the foreign aid appropriations bill before the House today. The subcommittee chairman, Mr. OBEY, has done a tremendous job reconciling the many competing interests under most difficult circumstances. It is a thankless task to make do with less, knowing that many important and worthy foreign policy interests of the United States cannot be funded as they deserve to be.

As long as the administration continues to believe that we can meet deficit reduction goals solely through spending reductions, we will be faced with the inevitable inability to meet our obligations around the world.

As chairman of the authorizing subcommittee with jurisdiction over U.S. participation in the multilateral financial institutions, I would like to focus on one particular aspect of the bill.

Last year, the Congress passed legislation authorizing participation in a general capital increase for the World Bank. The Banking and Appropriations Committees worked closely together in crafting that important piece of legislation. At that time each committee registered strong dissatisfaction with the Third World debt strategy then in place. However, our view that a strongly capitalized World Bank would be central to a solution to the debt and development problem superseded doubts about the wisdom of passing the GCI at that time.

There is now a new debt strategy emphasizing debt reduction known as the Brady initiative. I am supportive of the Brady debt initiative. The new debt initiative places the emphasis where it should have been a long time ago—on debt and debt service reduction. The Baker plan instead had emphasized new commercial bank lending and, as many of us predicted, such new lending was simply not forthcoming.

As a strong supporter of the World Bank it may not seem consistent then that I support no new funding of the World Bank at this time. The reason has nothing to do with lack of support for the Brady initiative or the World Bank. It has everything to do with seeking to ensure that the Brady initiative is successful.

Large amounts of World Bank and IMG resources have been pledged in support of debt reduction. This is a key ingredient to ensuring that meaningful debt reduction is achieved. However, success and the relative risk to the American taxpayer will be determined by the amount of discount the commercial banks agree to accept on their outstanding LDC loans. If we are to back debt and debt service reduction with public resources through the

international institutions, that reduction must be on a scale sufficient to generate growth in the debtor countries.

Until we see a deal on the table for Mexico and other countries which shows us that the commercial banks are willing to accept sufficiently large discounts from par we should not underwrite a debt rescheduling agreement in advance of the fact. The Treasury, as instructors to the U.S. representatives at the IMF and World Bank, must not allow an agreement to be consummated which does not adequately protect the financial integrity of the international institutions and ultimately the American taxpayer.

In concluding, Mr. Chairman, it would be my strong hope and desire that by the time this bill before us goes to conference, the Brady initiative will have a proven track record. I hope that we will have seen a rescheduling for Mexico and one or two other countries which provides meaningful debt and debt service reduction. It must be an agreement where the commercial banks have shouldered their large share of the burden primarily through debt reduction rather than more of the same in the form of new lending. Should such a scenario develop between now and conference, I believe that reconsideration of the decision on funding for the World Bank would be appropriate.

□ 1800

Mr. OBEY. Mr. Chairman, I yield myself 11 minutes.

Mr. Chairman, I would simply like to follow up on the discussion on the Middle East that we have had with the gentleman from New York [Mr. McHUGH], the gentleman from Texas [Mr. WILSON], the gentleman from California [Mr. LEVINE], and the gentleman from Florida [Mr. SMITH] and others, and I think this is a good opportunity for me to respond to a question that I am often asked.

Mr. Chairman, I am often asked by people here and at home why we provide \$3 billion a year to Israel and such a huge amount to Egypt. The answer is simply that this country made a commitment at Camp David at the time we helped create the conditions for that agreement, and out of that Camp David settlement came this annual request for funding on the part of whomever is President.

Now, whenever that is said, some people will say, "Well, yes, but, after all, we've had trouble on the West Bank. We now have the uprising on the West Bank." They will point out that there appears to have been an effort on the part of some recently to severely limit the ability of the Shamir election plan to get off the

ground, and the question comes: "Why not, therefore, cut aid to Israel?"

Mr. Chairman, I think there are many answers for that. My own answer is very simple. I think that when the United States supported the creation of Israel as a state some 40 years ago we took on not only international political obligations, but took on some moral obligations as well, and one of those obligations was to see to it that a state which we were helping to create was in fact not driven into oblivion by various forces at work throughout the world.

Mr. Chairman, I also think that another reason is simply no one can demonstrate that any reduction in the support for Israel would in fact add any clarity to the political discussion within that country on the problems which confront them with respect to peace with their neighbors and with the Palestinians.

I think that the discussion that we have had, although it has been brief, has been useful.

I think that any fair assessment of what has happened over the last 20 years would simply have to indicate that we have had 20 years of missed opportunities. And, if we are to avoid continued missed opportunities, we are going to have to have a greater sense of realism and flexibility on the part of the Arabs and the Palestinians. In addition, we are going to have to have a greater sense of vision on the part of the Israelis.

Mr. Chairman, I remember at the time of Camp David when we were on the White House lawn celebrating that event, and I ran into Herman Eilts who was Ambassador to Egypt. I said, "Tell me, Herman, do you think this is a separate peace for Israel and Egypt, or do you think it is going to lead to something more than that for the entire region?"

He said, "You know, I think that really depends upon the Arabs. I think it depends on how they play it."

The week afterward I had a number of officials from the Syrian Embassy in my office discussing the Dasmascan water project which was being funded by the United States at that time, and I suggested to them that it was in their interest to support the Camp David process and to try to flesh it out and make it real in terms of a long-term settlement. They responded that they did not feel they could do that because they felt that a 5-year time period, a 5-year transition period before they moved to final resolution of the problems, was too long a period to wait.

So, Mr. Chairman, that opportunity was missed. And so now it has been 10 years, and there has still been no progress, and no peace and no gain. And I would submit that all of the parties are worse off today than they were a few years ago. We now have

had 10 years more tension, 10 years more terrorism, 10 years which has worn down the tolerance of both sides. Certainly it has in Israel. And that 10 additional years has increased the audience for extremism.

Mr. Chairman, I would simply say the question is not what should be done about past injustices in that region. The question is: What will be done about today's opportunities in order to shape tomorrow?

Mr. Chairman, it seems to me that we are not going to see much progress on that subject unless facts of history are accepted by both sides. And so, as one Member of Congress, I would simply appeal to American citizens to recognize that the United States has a special relationship with Israel which should and will continue. But I would also appeal to people to recognize that it is definitely in the United States' interest to have strong relations with Arab States in that region as well.

I would suggest to the Palestinians that they can do no good by refusing to recognize that their greatest enemy is fear. And if the words, and if the conduct, and if the interpretation of history put forward by the Palestinians and by the Arab world results in their being painted as unreliable partners in peace, then no real progress is going to be made.

In Israel I would simply say that, if the goal is to crush or defeat the intifada rather than quelling it, and calming it and turning it into something constructive, then that, too, will result in a loss for Israel over the long term.

I think it is not legitimate; in fact it is outrageous, for the PLO to threaten the lives of Palestinians who suggest cooperation with Israel. And I think it is not legitimate for PLO officials to refuse to commit to the permanence of Israel. And I think it is not smart for them to encourage violence. The intifada has made its point. I think that if at this point its hand is overplayed, they will lose the game, and I think any Arab leader or Palestinian leader who does not recognize that is foolish.

I would say that there are considerable illegitimacies on the Israeli side as well. It is not legitimate; in fact it is outrageous, for one Israeli politician to call for the elimination or the assassination of Palestinian leaders. It is certainly not legitimate in my view to bulldoze houses without due process, or to imprison Palestinians without due process. And it is not smart, and it is not thinking about the long-term results to try to set conditions on the Shamir plan which would guarantee the failure of that plan.

Mr. Chairman, everybody has their own experiences with constituencies. My experience has been that there has been no ethnic group, no religious group in this country that has had or that has demonstrated a greater degree of tolerance and greater sup-

port for justice through our history than have members of the American Jewish community. I think that Israeli policy that departs from that tradition would be gravely misguided, and I think that Palestinian policy that would drive Israel into departing from that tradition is historically tragic and is a monumental mistake.

So, Mr. Chairman, I would simply join those today who have asked both sides to look for opportunities to try to reach accommodation rather than to continue to look for excuses not to. I would urge that we, to the greatest extent possible, support the efforts of our own administration to move both sides toward negotiations with each other. I think that it is essential.

Mr. Chairman, I gave a speech to the Arab American Conference several weeks ago, and I urged them to support the Shamir plan as the only ball game in town if they really want to pursue peace. And I would say the same thing to the members of the American Jewish community, or, for that matter, any citizen of Israel. I would say that the most constructive thing that can be done, if we want to keep our eye on the long-term interests of Israel and the long-term ability of the entire region to achieve peace, is to support and to flesh out the Shamir plan rather than putting impediments in its way or putting conditions in its way which would guarantee that it could not succeed.

□ 1810

Mr. Chairman, I would simply suggest that we cannot afford more missed opportunities. We cannot afford anyone on either side who thinks with their spleen. We have to have calm thought and a rational focus on how the status quo will endanger everyone if it is not changed by moving toward, rather than away from peaceful solutions.

Mr. LEVINE of California. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from California.

Mr. LEVINE of California. Mr. Speaker, I would like to compliment the gentleman on his very thoughtful statement. This is a statement that reflects years of being intimately involved in this process from a unique position. It was a wise, balanced and thoughtful statement, that I personally welcome and I commend to the attention of my colleagues and people who are interested in this subject, and I want to compliment the gentleman on his remarks today.

Mr. OBEY. Mr. Chairman, I thank the gentleman.

Ms. OAKAR. Mr. Chairman, I rise in support of the foreign operations appropriation bill. First, I would like to thank Chairman WHITTEN and Chairman OBEY for their dedicated work

on this important bill. I would also like to thank the staff for its wonderful work.

In particular, I would like to thank the distinguished subcommittee Chairman OBEY for including an earmark of \$7.5 million in economic support and development assistance for humanitarian aid for the people in Lebanon. This aid is critical to the Lebanese people and to Lebanon's survival as a democratic nation. I hope that the foreign operations bill in the other body will also include this vitally needed aid.

Now, more than ever before, America must remain committed to the restoration of Lebanon's unity, sovereignty, integrity, and independence. Since the hostilities escalated in March, over 392 people have been killed and over 1,293 people have been wounded. Such basic commodities as water and food are very scarce. There is only one to two hours of electricity a day because there is little to no fuel and because so many powerplants have been hit by the heavy shelling.

In one night in April, on April 4, over 5,000 shells hit the Christian areas alone, and the New York Times reported that on that night Muslim districts were hit by over 3,000 shells.

I know of few other nations who have suffered as much as Lebanon. In 1985, annual per capita income was \$700, a decline of more than 50 percent since 1974. According to the Lebanese Economic Report, a book which was published in 1986, Lebanon is now classified as one of the poorer Third World countries, whereas in the pre-war years its economic performance had propelled it up to the ranks of developed countries. In the same report, it stated that civil strife had led to a 30-percent unemployment rate.

Given the desperate situation in Lebanon, I have been deeply distressed that our Nation's support in economic support assistance for that strife-torn nation has been so low.

The Agency for International Development estimates that in fiscal year 1989 we will spend only \$300,000 in economic support funds for Lebanon.

I am deeply gratified to see that, with the earmark for humanitarian aid for Lebanon, the United States will resume its leadership role in Lebanon.

I thank the subcommittee chairman and the other committee members for their diligent work. I urge final passage of the bill.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. OBEY. Mr. Chairman, I yield back the balance of my time, and I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SMITH of Florida) having assumed the chair, Mr. ECKART, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2939) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1990, and for other pur-

poses, had come to no resolution thereon.

GENERAL LEAVE

Mr. OBEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on the bill, H.R. 2939, and that I may be permitted to include charts, tables, and other material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

VACATING SPECIAL ORDER AND REQUEST FOR SPECIAL ORDER

Mr. TALLON. Mr. Speaker, I ask unanimous consent that I may vacate a 30-minute special order reserved for me for today and in lieu thereof substitute a 5-minute special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

PALAUAN DRUG ARRESTS VINDICATE INTERIOR COMMITTEE POSITIONS

(Mr. DE LUGO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DE LUGO. Mr. Speaker, last week, some three dozen people were arrested by Federal agents in connection with trafficking heroin and cocaine in the Trust Territory of the Pacific Islands of Palau. Among the dozen or so arrested in Palau were two former members of Palau's Congress who had been close to former Palau President Lazarus Salii.

These arrests vindicate positions that I and other members of the Interior and Insular Affairs Committee have taken regarding drug abuse in Palau.

They support the findings of our investigation that Palau's drug abuse problem is serious and that some Palauan officials were allegedly involved.

The arrests also respond to our repeated calls for the Federal Government to live up to its responsibility to combat drug abuse in Palau.

Perhaps most important, they justify our insistence that Palau be given help to tackle this serious problem through the legislation to give final U.S. approval to the Compact of Free Association with Palau.

The new Secretary of the Interior, our former colleague Manuel Lujan, deserves credit for helping to end the policy of inaction on Federal law enforcement responsibilities in Palau.

Palau's new President, Ngiratkel Etpison, and police should also be rec-

ognized for their cooperation with the crackdown.

It was carried out by Drug Enforcement Administration, Customs Service, and Immigration and Naturalization Services agents; Coast Guard personnel; and Guam police and customs officers, all of whom deserve recognition as well.

Let me provide some background to help Members understand the significance of the operation and how it relates to concerns we have expressed and legislation we have acted upon.

Last year, Chairman UDALL and I said that one of our concerns about the legislation proposed by President Reagan to authorize the compact to be put into effect related to high rates of drug abuse in Palau and allegations that some high officials were involved with the trafficking.

We said that this problem should be investigated and acted upon by the administration. In part, this was because the United States is responsible for preventing narcotics trafficking in Palau under the trusteeship agreement with the United Nations Security Council. The executive branch is fully responsible for Palau under law, a responsibility that has been delegated to the Interior Department. In part, we called for action because the trafficking was smuggling dangerous drugs into U.S. territory.

We also said that the final approval of the compact should assure that this problem would be tackled. Our position in this regard was supported by a majority of Palau's Congress.

Our concern was based on information developed through an investigation by the Insular and International Affairs Subcommittee, which I am privileged to chair. The drug abuse component of this investigation was prompted by allegations made by leaders of Palau's Congress.

In response to an inquiry we made in 1987, we were told by the then Administrator of the Drug Enforcement Administration that the number of the 15,000 people of Palau that had used heroin may run into the hundreds; that marijuana is grown freely in Palau; and that local authorities could not prevent this abuse.

This report was corroborated by a World Health Organization report that heroin, which had first entered Palau only 5 years before, had been used by over a hundred Palauans; by published reports quoting Palauan officials as saying that drug abuse was the islands' greatest social problem and that marijuana trafficking was substantial; as well as by statements by diverse Palauan sources. Many of these statements also identified the two then Palauan legislators close to then President Salii as being among those involved.

The concern that Chairman UDALL and I, and members of Palau's Congress, expressed was strongly criticized by officials of the Reagan administration and persons close to Salii. They resisted our efforts for Federal action and our proposals for addressing this problem through the compact legislation. They asserted that the problem was not so serious and not a Federal responsibility. They objected to us raising this matter in connection with the compact legislation and rejected the notion that senior Palauan officials were involved.

After President Salii committed suicide last August Salii's successor united with the majority of Palau's Congress in expressing concerns similar to those we had expressed. Later, after failing to force us to approve the compact legislation without addressing drug abuse and other problems, the Reagan administration finally agreed to our proposals for the help that Palau needed to tackle these problems.

This assistance, included in the compact legislation which repassed the House on June 27, would provide Palau with \$400,000 per year for 5 years and technical assistance for substance abuse prevention and treatment and other law enforcement. House Joint Resolution 175 would also ensure that Federal law enforcement agents can do their job in Palau in cooperation with Palauan authorities.

As I said at the outset, last week's arrests justify our fight, and that of courageous leaders in Palau's Congress like Senate President Joshua Koshiba and former House Speaker Santos Oli-kong, for a war against drug abuse in Palau.

A State Department cable makes it clear that in spite of what we were told by officials of the last administration, DEA agents were investigating Palauan drug rings since at least the time that we raised the issue.

TRAGEDY OF UNITED FLIGHT 232 AT SIOUX CITY, IA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa [Mr. GRANDY] is recognized for 5 minutes.

Mr. GRANDY. Mr. Speaker, tragedy struck yesterday in Sioux City, IA, when United flight 232, enroute from Denver to Chicago, made an ill-fated emergency landing. It was an afternoon of horror, but hope came with the disaster relief effort.

Literally hundreds of rescuers raced to the airport once they were notified via an emergency network that the pilot was having difficulties. Anticipating the worst, a medevac helicopter hovered in the air and a ground relief force assembled near the airport as the plane attempted its landing.

The rescue effort was phenomenal once the tragedy occurred. The 185th Tactical Squadron of the Iowa National Guard, standing by with other evacuation helicopters, went

immediately into action. Ambulances from Sioux City and communities within a radius of 50 miles rushed onto the scene. Hospitals, from as far as 100 miles away in Iowa, Nebraska, and South Dakota, sent emergency equipment. Governor Branstad of Iowa, Governor Orr of Nebraska, and Governor Mickelson of South Dakota immediately mustered all resources at their disposal to assist in the rescue.

Within 1 hour, those that needed medical attention were taken to either St. Luke's Regional Medical Center, which has a fully equipped burn center, or the Marian Health Center of Sioux City. In a spontaneous burst of compassion for persons injured in the crash, more than 400 persons turned out to give blood at the Siouxland Community Blood Bank by 8 o'clock that evening.

Largely responsible for the rescue effort, which helped turn a horrific event into a miracle in which, at latest count, approximately 187 of the 298 passengers and crew survived, was the Woodbury County Disaster Committee. Using predesigned disaster plans, the committee was able to coordinate the response of police, airport rescue teams, fire departments, ambulance squads, hospitals, and many others in the aftermath of the crash.

A local college even threw open its doors to the survivors. An estimated 75 to 100 flight 232 passengers were allowed to settle themselves, make phone calls to their families, and spend the night at Briar Cliff College in Sioux City.

The crash of United flight 232 was a tragic event and our prayers and condolences go out to those who lost their loved ones. At the same time, our thanks and utmost admiration go to the hundreds of professionals and volunteers in Siouxland who banded together to help turn horror into hope.

GANDER, NEWFOUNDLAND, CRASH REMAINS A MYSTERY TO CANADIAN AND AMERICAN PUBLIC

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina [Mr. TALLON] is recognized for 5 minutes.

Mr. TALLON. Mr. Speaker, I am coming before my colleagues today to bring to their attention a serious matter that has been ignored by our government for the past four years.

I am talking about the tragic plane crash that killed 248 American Soldiers and 8 others at Gander, Newfoundland, in December 1985. We all remember that crash because it was the worst military crash in American peacetime history. Canadians remember the crash because it was the worst air disaster in their history.

The official version of the crash states wing icing, mechanical failures, and human error as the causes of the crash. The Canadian and United States Governments continue to uphold this theory despite contradictory evidence indicating that it could have been the result of a terrorist act.

Even though it was a tragedy of terrific magnitude for both countries, the United States Government deferred all responsibility for the official investigation and report on the crash to the Canadian Government. And yet, the National Transportation Safety Board, the U.S. Army, and the FBI did investigate the scene.

Keep in mind that we are talking about an U.S. civilian plane that was chartered to carry American servicemen and women to an American destination.

At the very least, the official report should have been a joint effort between the Canadians and the Americans. I want to know why it was not.

Why was there such a cynical disregard for the loss of American military lives by the appropriate Federal agencies? And why has there been a callous reluctance to respond to the families of these victims when they have asked U.S. agencies for answers to their many questions?

Recently, too many credible sources have spoken out in support of the theory that the plane may have been the target of a terrorist attack. Allow me to give some examples.

In December 1988, the Canadian Air Safety Board finally released the official report which ruled that the crash was caused by ice contamination. This conclusion was by no means unanimous.

Four of the nine members of the board released a dissenting opinion from which I will quote:

... We cannot agree—indeed, we categorically disagree—with the majority findings... The evidence shows that the Arrow Air DC-8 suffered an on-board fire and a massive loss of power before it crashed... The fire may have been associated with an in-flight detonation from an explosive or incendiary device.

The Airline Pilots Association which re-examined the flight recorder information said that the Canadian report was based on "manufactured data." I quote from the association's report:

This study, contracted by the Canadian Air Safety Board, represents technical dishonesty at its highest.

Many, many other allegations into the faulty investigation and possible coverup by Canadian and American officials have been addressed in the press. I will list just a few which have followed this story: U.S.A. Today, the Army Times, Counter-Terrorism and Security Intelligence, the Ottawa Citizen, the St. Petersburg Times, and Jack Anderson.

It's not only the press that is involved in getting to the bottom of this mess. The Labor Party in Canada has charged that the Canadian Board is involved in a coverup and has demanded a judicial review to include all available evidence and testimony.

The Pennsylvania Senate unanimously passed a resolution on June 28

of this year calling for the United States and Canadian Governments to reopen the investigation.

The bottom line—the Gander crash remains a mystery to the Canadian and American public. Families of these soldiers have suffered too long and have heard too much evidence to indicate that their government is either hiding something from them or is just plain lying to them.

I am submitting for the record a list of over 30 questions written by Mrs. Zona Phillips, of St. Petersburg, FL, the leader of the group Families for the Truth About Gander. I believe that the appropriate U.S. Federal agencies should address these questions with candor and clarity.

I have also written to Secretary of Defense Richard Cheney and Attorney General Richard Thornburgh requesting their full cooperation in answering questions. I am submitting for the record a copy of these letters.

No words can express my gratitude to Constance Farmer and Dana Edmonds, of Hartsville, SC, for bringing this matter to my attention with a very detailed and moving letter which I will also submit for the record. They lost their son and brother Capt. Kyle Edmonds and it is for them and for the other families that I am bringing this matter to my colleagues in Congress.

Mr. Speaker, I include the following material:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 12, 1989.

HON. RICHARD CHENEY,
Secretary of Defense, The Pentagon, Washington, DC.

DEAR DICK: Last week I had a disturbing visit from two constituents who four years ago lost a family member in the tragic crash of the charter plane over Gander, Newfoundland.

The mother and sister of Captain Kyle Edmonds have joined with other families of the 248 peace-keeping soldiers of the 101st Airborne Division who were also killed in an effort to garner more information on the circumstances of the crash. Yet, to this date they have received little response from the government.

Their demand for a full accounting of the investigation comes after several independent investigations have yielded piece-meal, yet substantial evidence which indicates that the plane was the target of a terrorist mission.

Some of the most compelling arguments for this theory come from four members of the Canadian Aviation Safety Board (CASB) who had dissented from the Authority's official report stating that the crash was caused by ice contamination and possibly flight weight and a balance problem. These board members cite physical evidence of an explosion and additional intelligence evidence of the involvement of the alleged terrorist group Islamic Jihad. A recent Washington Post column even opens the theory that the chartered plane may have had some role in the events surrounding the Iran-Contra scandal.

Dick, I am sure that you agree that the relatives of these soldiers deserve to have answers to such questions. It is the responsibility of the government to provide a thorough explanation of the crash that killed their loved ones.

I am requesting from you that the channel of communication be opened between the D.O.D. and these people. It is the very least we can do for the soldiers who died in that tragic crash.

Looking forward to working with you on this very sensitive matter, I am

Sincerely,

ROBIN TALLON,
Member of Congress.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 13, 1989.

HON. RICHARD THORNBURGH,
Secretary, Department of Justice, Washington, DC.

DEAR MR. THORNBURGH: I am writing to you regarding the tragic December 1985 crash of the chartered plane carrying 248 American soldiers in Gander, Newfoundland.

Last week the mother and sister of Captain Kyle Edmonds, of Hartsville, South Carolina, who died in the crash, visited my office. My constituents along with the other families of victims have had little success in obtaining information about the crash from the United States government.

Their determination to learn more about the crash has intensified recently with allegations that point to the possibility that the crash may have been caused by a terrorist act. The United States official conclusion concurs with the report by the Canadian Air Safety Board (CASB) that the crash was caused by wing ice contamination and a flight weight and balance problem. However, four of the nine members of the CASB have dissented from their own report.

In addition, a recent Washington Post column further suggests an association of the Gander crash with the Iran-Contra Scandal. In light of these new allegations, the families of these soldiers deserve accessibility to all relevant information about the death of their loved ones.

It is my understanding that the F.B.I. has a report that is largely censored on the Gander crash. I am requesting the pertinent contents of this report be made available to the families. At the very least, I expect that the Justice Department will open the lines of communication with these families and to work with them to see that their many questions are answered once and for all.

Looking forward to working with you on this very critical matter, I am

Sincerely,

ROBIN TALLON,
Member of Congress.

FAMILIES FOR TRUTH ABOUT GANDER

QUESTIONS CONCERNING THE GANDER CRASH

1. Why were air charters used rather than military craft? (Who makes that decision and why is it done?)
2. Why was there such lax security on the plane in Cairo and Cologne? (Why leave it to the charter for security?)
3. If charter flights are to be used why not fly them into military bases rather than into regular airports?
4. Why was the baggage security so lax?
5. What was on the cargo manifest (what did the Army load on the plane)? Why wasn't the cargo manifest released (members of the C.A.S.B. did not have it made

available to them.) What is the U.S. Army trying to hide? (What was in the boxes?)

6. How many passengers were onboard the Arrow flight? (One stewardess and pilot who flew the Cairo to Cologne leg, stated that the plane was full. The papers reported for some time after the crash 250 soldiers killed. The autopsy reports listed 258 numbers assigned to bodies and there were two bodies missing from their numbers. This was never adequately explained. Given the time of year, before the holidays, it would seem logical the plane would be full. The soldiers were waiting to get home and some would have been on stand-by, in the event anyone, for any reason, did not take that flight. Where is the passenger manifest?) Who were the other two people on the plane? (256 or 258?)

7. Why did the plane stop in Gander to refuel? Isn't that an unnecessary diversion? Was it to "tanker" fuel and save Arrow air money at the cost of the U.S. Army? Why didn't they fill up in Cologne? Was it because the fuel there is more expensive?

8. Why wasn't the plane maintained more properly?

9. Why all the delays in take-off time?

10. Why weren't the ground crews and maintenance crews questioned in Cairo and Cologne? Who worked on the plane? Who had access to the plane? Were they regular employees or terrorists? Was someone on the plane that should not have been?

11. Why did certain men write or call home and seem upset about something, before the crash? What was wrong? What did they know?

12. Why weren't more Arrow Air pilots questioned? Is it true that Arrow Air was flying into Tehran and Honduras? What for? Were they shipping arms to Iran and the Contras? Where did these arms come from? Were they stockpiled in the Sinai? What was going on at the base in the Sinai?

13. What was the C.I.D. officer bringing home with him? Why did the Pentagon change their story on this man and say that he was only "touring" not assigned in the Sinai, when he was in fact assigned there. Why were members of the 160th task force in the Sinai?

14. Why did Major Crosby order the bulldozing of the crash site the day after the crash, before all the fires were out and all the bodies had been recovered? Was this ordered by the Pentagon? Did the C.A.S.B. or investigators question this request?

15. Why was Arrow Air representatives denied access to the crash site for 9 hours after the crash? Why hasn't the C.A.S.B. commented on this? What was wrong at the crash site they did not want them to see or know?

16. What were the explosions at the crash site after the crash? If there was no arms or explosives aboard, what was it?

17. Why did this particular DC-8 have two additional fire bottles installed in the wheel wells? Was it because the plane was hauling explosives?

17a. Why were the F.B.I. forensic experts denied access to the crash site the entire time they were in Gander? Why did the F.B.I. then say all they did was fingerprint identification and yet they did conduct an investigation (on what was a routine crash) and ask questions pertaining to terrorism. A report was issued some 277 pages long with most blacked out. What is all this about?

18. Why did the C.I.D., D.I.A., C.I.A. and U.S. Army investigate? What did they find? Where is their report? Why wasn't it given

to the Canadian investigators and the C.A.S.B.?

18a. If the N.T.S.B. followed along behind the Canadian investigators why didn't they issue a report. They deny one was done. Why didn't they share their findings with the C.A.S.B.?

19. The F.A.A., the D.O.T., the D.O.D. and others did investigations and reports. Where are they? Why didn't the C.A.S.B. see these? Why all the secrecy if it was a routine flight and ice or mechanical failure caused the crash?

20. Why the cause of ice as the cause of the crash? There are twenty witnesses to prove no ice. Weather readings were taken from data 200 miles away from Gander. Planes that took off and landed before and after the Arrow crashed did not de-ice. They did not crash.

21. Why didn't investigators question people at the crash site? Why did they wait days to do it? Why weren't all witnesses called to testify? Why did they treat witnesses in such a casual manner and dismiss their testimony as statistically unfounded? (imagination?)

22. Why weren't ground crew personnel questioned at the public inquiry? Why weren't their testimonies important? Was it because it had already been decided "ice" would be used as the cause?

23. Why were the claims of responsibility (by terrorists) for the crash, dismissed by the U.S. and Canadian Governments before they investigated, two hours later while the fires were burning? How could they know? Wasn't the claim made by one caller even more astonishing, due to the fact he knew the plane was delayed in Cologne? Why such an obviously flat denial? What were they hiding? Who else besides the F.B.I. investigated this? Why did the State Department alert Egypt Air after the crash telling them to watch out for terrorists? (Egypt Air flies them from the camp to Cairo.)

24. Who investigated the possibility of terrorism in Canada? What expertise do they have in terrorism and bombs?

Where is their report? Why didn't the C.A.S.B. have access to it?

25. Why was the critical evidence withheld from the C.A.S.B. board? (F.B.I. report, autopsy report, cargo and passenger report, aerial photographs of the crash site, and many others.) How can a thorough investigation be done like this? How can it be done without the reports by the American agencies involved? Especially a military plane.

26. The autopsy reports that were done in Canada were based on questionable data. Many leading forensic pathologists disagree on their findings. The toxicological reports did not prove one way or another that there was or was not . . . a precrash fire or explosion aboard the aircraft. Dr. Sheppard in London, a leading forensic pathologist disagreed with A.F.I.P. findings and those in Canada. His report was never considered. Much mystery and many questions lie unanswered concerning the autopsy reports and the toxicology reports.

27. What happened to the cockpit microphone recording? Was it really turned off or did they not want to reveal what was on it?

28. Why did they fabricate the information given to Dayton, Ohio for computer simulated studies? Were they still trying to prove the ice theory? (This has been proven by the U.S. Airline Pilots Association, it was fabricated.)

29. One fire bottle extinguisher was found to have been discharged before impact and the master fire warning lights were found to

be on at time of impact. Why was this key piece of evidence excluded from the investigation? Didn't the fact that the pilot had activated the fire extinguisher and turned on the fire warning light tell them anything?

30. If #4 engine did go in to reverse thrust after take off why did C.A.S.B. investigators dismiss it? Why did they dismiss all the data on this theory that fit the actual pattern of impact perfectly. Was it because they were afraid that the manufacturers would then be involved in the investigation and discover that an explosion caused the engine to go into reverse thrust?

31. Why was Mr. Irving Pinkle's report dismissed outright? (He is a world renowned explosives expert and N.A.S.A. specialist with startling credentials. Why weren't the metal tests done that he ordered? Did R.C.M.P. really expect to find residue on the metal after the plane burned for 20 hours? The plane parts were left in a hanger in piles. Mr. Pinkle still found a section of aircraft that showed definite signs of an explosion. How could they not consider this if this investigation was thorough? Why didn't they put the plane back together? Why did they bury the wreckage before the investigation was completed? Why did they haul plane parts to Scott Air Force Base in Illinois? Why didn't they tell anyone about this? What did they do with these parts there? Where are the reports on this? Why wasn't C.A.S.B. told? Why Scott Air Force Base? Is it because it is M.A.C. headquarters? What reports did M.A.C. issue? Where did they go? Where are the plane parts now?

32. Why was the project to reconstitute the captain's air speed card, that was found on the yolk in a burned condition cancelled in 1987 by the director of investigation? Was he worried that the results would not fit his icing . . . ?

33. If the plane landed as they said it did, rather than blow up, where were the ground scars from the tail section and landing gear? They never found them. Why was the tail section lying in a clump of trees with all the trees around it standing perfectly straight? (If it landed as they said it did.) There was a tree pierced through the tail section that was still standing straight. Part of the fuselage was laying behind the tail section—doesn't that seem odd?

34. In January of 1986, the Army came back and found another body. This after stating that they had found everyone. They collected every scrap they could find, put it all into bags and left. They never came back or were heard from again. Why didn't the investigators examine all of this? In the Pan Am 103 they examined every shred of evidence. They painstakingly checked every fragment. They reconstructed everything they could. Why not in this case? What was different about this crash, that it should have been handled in this way?

35. Firefighters who worked at the crash site and became ill were studied and found to have "post-traumatic stress disorder". They suffer from headaches, nausea, blood and liver problems, and yet they never tested their blood, urine or did x-rays of these people. Why not? This study did nothing for these people nor did it determine what might have been on the plane or caused the crash. Was this another cover-up? You bet. If not this is one more doctored report.

36. Why do the members of the Conservative Party and the Minister of Transportation continually refuse to order a full "judi-

cial inquiry" into the cause of the crash? This was the worst crash in Canadian history. They have called for judicial inquiries in past accidents they had with less loss of life. With the tremendous amount of public pressure and political pressure on them to do so, you have to wonder, why? The truth should fear no trial. The answers are obvious—cover-up.

37. Why the lack of interest in our own Government? No one seems to care and no one wants to be bothered. No one wants to know? They already know. Now we want to know.

There are many more questions. The mystery continues and more doubts surface daily. As an American you have to ask yourself, why 256 Americans died in a foreign land, possibly murdered, wouldn't the President want to know sooner than 3 years later? Would he leave it to the Canadians to muck around for all that time to get the result? Or had it already been decided what the cause would be, so the answers really did not matter . . . we believe so. One small statement sums it up perfectly, "It was an orchestrated litany of lies and fabrication". (Quote: Mr. Ross Stevenson) This was a Canadian and American tragedy, that became a Canadian and American disgrace. Why?

(Dr. and Mrs. J.D. Phillips, founders of Families For Truth About Gander.)

July 20, 1989.

DEAR CONGRESSMAN TALLON: We are the mother and sister of Captain Kyle Lee Edmonds who was killed in the Gander, Newfoundland plane crash that happened on December 12, 1985. The Arrow Air Charter crashed on take off, killing all 248 soldiers and 8 crew members on board. Kyle and his comrades were on their way home for Christmas. They had just completed Peace Keeping duties in the Sinai. They were members of the 101st Airborne division out of Ft. Campbell Ky.

We don't know how to tell you the great enormity of the loss our family, has suffered. Kyle was born in Aiken, S.C. and grew up in Hartsville, where he was a graduate of Hartsville High in 1975. Then he went on to graduate from the Citadel with top honors in 1979. He chose the army as his career. He then went to Ft. Benning for Airborne, then on to Ft. Stewart and then Ft. Campbell. He had only been in the army for 3 years before he became Captain. And was up for a promotion upon his arrival home. He dedicated his life to serving his country.

Kyle always said, "Be truthful and stand up for what you believe in." And he believed in his country, so much that he gave his life for it. He loved his family, friends and life as well as he was loved by others. And now this person that we admired and loved has been taken from us. We really can't express how much Kyle meant to us.

But great as his love and dedication was for his job as a military officer, it is now our job as a family to find out the "truth why" we don't have our loved one with us anymore. And we are dedicated to finding the truth no matter how long it takes. We are members of a group called Families for Truth about Gander. At present, there are 75 families and our numbers are growing. This group of families came together in January 1989.

We are currently fighting Two Governments, for a single and rare commodity in today's world: The "Truth" about this tragedy. All of us are average and patriotic Americans. We are not Politicians, Literary experts, Public speakers, Speech writers,

Aviation experts, Investigators, nor are we experienced in Public relations. All of us love America. We gave our loved ones for this country, but we are saddened and concerned about our government and its actions. It is very difficult to understand, how Two Christian, Civilized nations could revere politics more than loss of life and prevention of human suffering. It would appear, that some would serve Politics as their God, rather than the God of our fathers, on whose teachings our countries were founded. Those teachings include: Truth, Justice and Integrity. It is apparent that both countries no longer hold these as sacred.

Whenever you mix politics and Justice, you never get "True" Justice! We think that both Canada and the United States are well aware of the "True" cause of the Gander crash, but for reasons which are beyond our comprehension, they have continued to perpetrate a deception. When those we have elected to protect, Serve and defend us, Forsake us for their own selfish motives, In the name of Politics, We are indeed Nations in Peril.

We have waited three long years for the conclusion, which when received was totally Ludicrous. To further discover; the limited extent of the investigation, the great internal strife that existed within the Canadian Aviation Safety Board, the vast amount of information withheld by the investigators and the United States Government agencies, and the fighting between Political parties over this situation, caused extreme concern, that this was indeed a cover-up and that the Gander issue was now a Political "Football." We are speaking of "The worst Aviation disaster in Canadian history" and "The greatest loss of Military men in Peace time"—"The second longest day."

The Canadian Aviation Safety Board was split 5 to 4 over the cause of the crash. The 5 majority board members stated, "The most probable cause of the crash was ice contamination on the leading edge and upper surface of the wings." There are at least 20 witnesses, that worked on or near the plane, that are willing to testify that there was no ice on the wings of the aircraft.

Further, there is no evidence to prove that there was ice on the wings. But there is proof that there was no ice on the wings. The U.S. Airline Pilots Association report that came out June 23, 1989, proved the Canadians relied on fabricated and erroneous information. And that there was no ice on the wings. And the flight recorder had been tampered with.

The 4 minority members of the Canadian Aviation Safety Board, plus another member, who resigned over the dissension stated, "An in-flight fire, that may have resulted from Detonations of undetermined origin brought about catastrophic system failures." The possibility of Sabotage was never investigated by the R.C.M.P. or the investigators! Many claims of responsibility by Terrorist groups were never investigated. Two hours after these claims were made Both Governments dismissed them. How could they know without a complete investigation? Mr. Irving Pinkel, a well known Explosion Expert, stated that the crash was indeed caused by an explosion! Dr. R.T. Sheperd, of London, England, an expert in Forensic Pathology, Disagreed with the autopsy reports done by the Armed Forces Institute of Pathology at Dover. He questioned their results, which claimed, that some of the victims could have survived as

long as 5 minutes, even though they had multiple and extremely severe amputations. This conclusion reached by Dover, then supported the majority conclusion of "Probable Invisible Ice." Dr. R.T. Sheperd's reports have never been made part of the evidence and Investigation! People who worked at the crash site have reported illnesses of Questionable nature. The Cargo Manifest has never been released! What was on the plane? Why all the Secrecy and Hiding of Evidence?

It is interesting to note, that the 4 minority members of the Canadian Aviation Safety Board, and the resigned member possess more impressive credentials than the majority. They are as follows;

1. Mr. Mussalem: Aeronautical Engineer and Pilot
2. Mr. La Croix: Brigadier General of the Canadian Air Force. With 7,000 flight hours. He is a resigned member.
3. Mr. Stevenson: Airline Pilot and Military pilot in WWII.
4. Dr. Filotas: Aeronautical Engineer-Ph.D.
5. Mr. L. Bobitt: Aeronautical Engineer-Masters Degree.

Valuable and critical information was withheld from these board members who were named above. It was as if it was decided early in the investigation what the cause would be, anything that did not fit that scenario was eliminated or withheld. Witnesses who spoke to investigators and whose testimony did not fit their preconceived cause of the crash were discredited or treated as though it did not matter and was of no importance. There was every opportunity in the world for Sabotage! The plane was at Cairo and Cologne for an extended period of time, was virtually Unguarded and was loaded and attended by Non-Military Personnel.

This is a matter of Record! The baggage was loaded by Egyptian Contracted Personnel. It was not thoroughly checked. Wooden boxes were loaded and to this day, No one will state what was in them. In Germany Contracted German Personnel serviced the plane. In both places the cargo doors were opened! None of these people who worked on the plane at either location, were ever questioned! Why not? The explosion occurred in the forward baggage compartment!

The transport Minister, Benoit Bouchard, has repeatedly denied a request for a "Judicial Inquiry". At one time he stated that it would be "Irresponsible". He has instead called for a review by a "Retired" Supreme Court Judge, Mr. Justice Estey. The scope of this review is extremely and dangerously limited! No new evidence can be submitted, no testimony can be heard by anyone, and a review like this has never been held before! Minister Bouchard called for this review due to pressure that was being placed on him by the Liberal Party and the press. His other motives for this were to stall for time until the Parliament and House of Commons were in Recess. To Prematurely disband the Canadian Aviation Safety Board and establish a new Multimoda board. This would then rid him of the Minority members of the board, who opposed the majority decision for the Gander crash. All this before Mr. Justice Estey makes his recommendations, concerning the Gander incident and it is known which faction is correct. It is interesting to note that Minister Bouchard's own department found that the investigation was mismanaged and he knew nothing about it! At that time his resigna-

tion was called for. The United States Government has steadfastly refused to help us in this matter. The State Department has stated that they have no further information and that this is an Internal matter, in Canada. Therefore, they can not be involved. There is a multitude of agencies in this country that have conducted investigations into this tragedy. Included are the N.T.S.B., The C.I.D., The State Department, The Pentagon, The Department of Transportation, The Justice Department, The Military Airlift Command, and the Department of the Army.

They will not release any of their findings to the Canadian Aviation Safety Board! How then can there be a thorough Investigation? The N.T.S.B. states that the Canadian Investigation was thorough. They agree with the majority findings of "Probable, Invisible Ice." They question nothing! The week of May 8, 1989, Mr. and Mrs. Douglas Phillips whose son was on the plane, and organized the group of Families for Truth about Gander went to Ottawa, Canada, and met with the Liberal Caucus, the minority members of the Canadian Aviation Safety board, press, and media. They made known our plea for a Judicial Inquiry into the Gander Crash. The public there support us, as do all of those above. We are certainly not alone in our fears of a Cover-Up! We are afraid that this is a Cover-Up of Gigantic Proportions! Is it possible this could be tied into the Iran-Contra situation? The Plans of Oliver North and his associates began to fall apart days before the crash. We think there is more than a possibility that this situation put our loved ones in "Harms' Way!"

We now have information that Arrow Air was flying arms to the Contras. If 256 lives were lost because of Covert, Illegal, and Illicit activity perpetrated by members of our Government—We have to know! These men and women were not Expendable items! They trusted their government to protect them as much as they protected this country, not to put them into a position where they could be targets in Peace time! If this is the case this is indeed Criminal Action! There is so much more that we could discuss. This is a most complicated situation. We have accumulated boxes and boxes of documents and data. If you wish additional information we will be happy to send it. If you wish others to contact in this matter we will be pleased to give you their names and how they can be contacted. Time is running out for Us. With Media attention, Limited as it has been in this country, we need a Miracle!

We are in desperate need of your help. We know how busy you must be, but hope that you can assist Us. A tragic Injustice has been done and you are our last hope. We hope that you will give this matter your immediate attention. We look forward to your reply.

Sincerely,

DANA L. EDMONDS (sister)
CONSTANCE FARMER
(mother)

□ 1820

INTRODUCTION OF LEGISLATION TO ESTABLISH A JOINT COMMISSION ON POLICIES AND PROGRAMS AFFECTING ALASKA NATIVES

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from Alaska [Mr. YOUNG] is recognized for 5 minutes.

Mr. YOUNG of Alaska. Mr. Speaker, I am introducing legislation today along with my Senate colleagues, Senators STEVENS and MURKOWSKI to establish a joint Federal-State Commission on Policies and Programs Affecting Alaska Natives.

The purpose of this Commission is to investigate and review policies founded in law and existing Federal and State programs significantly affecting the health and well-being of Alaska Natives. The Commission is to be made up of 14 individuals appointed equally by the President of the United States and the Governor of Alaska and is to conduct a comprehensive study of the social and economic status of Alaska Natives. The Commission is also to recommend specific actions to the Congress and to the State of Alaska to see that Alaska Natives have life opportunities comparable to other Americans, while respecting their unique traditions, cultures, and status as Alaska Natives. The recommendations could become the basis of remedial legislation.

It is my hope that this Commission, once established, will seek creative ideas to relieve some of the most difficult situations facing Alaska Natives, especially young people in rural areas. Maintaining programs as usual is not the answer. We need to consider a transfer among existing programs and/or new programs to reflect the priorities and challenges of the 1990's.

Young people in rural Alaska are facing severe problems of high levels of suicide, alcoholism and educational problems. Self-esteem, the most precious part of childhood, has suffered. The keys to rebuilding the opportunities for youth revolve around family, jobs and health. Federal and State programs can assist here and need to be retooled to do so.

Mr. Speaker, I believe this concept of a Joint Commission is timely and necessary. In the coming months, I will work with the chairman of the Committee on Interior and Insular Affairs, Mr. UDALL, and other members to achieve passage of this important legislation.

THE RURAL DEVELOPMENT, AGRICULTURE AND RELATED AGENCIES APPROPRIATIONS BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland [Mr. DYSON] is recognized for 5 minutes.

Mr. DYSON. Mr. Speaker, on Tuesday this week when the House considered H.R. 2883, the rural development, agriculture and related agencies appropriations bill, I was unable to participate in the general debate over this measure because of a previously scheduled hearing in the Panama Canal/Outer Continental Shelf Subcommittee, a subcommittee which I chair.

I would like to rise today to reiterate my strong support for H.R. 2883, which funds our Federal farm and rural development programs. I want to take this opportunity to thank the Chairman, Mr. WHITTEN, and the members of the Appropriations Committee for their hard

work in putting together this important legislation.

As the Representative of Maryland's rural First District, I realize the need for a strong agricultural sector. The 7,000 farmers in my 13 county district represent over half the farmers in the State of Maryland. They produce 90 percent of the State's soybean and tobacco crops, and account for the entire broiler industry, which is the sixth largest in the country. A decline in the farm economy means farm foreclosures, fewer local jobs, a smaller tax base, along with an increase in government subsidy.

Since 1933, the Federal Government, farmers, and rural families have worked closely together to strengthen the farm economy and improve rural services. Over the years, this cooperative effort has led Congress to approve legislation to provide electricity, telephone service, clean water, and housing, as well as many other services to rural families. This has meant an improved quality of life for many Eastern Shore, southern Maryland and northeast Maryland families and communities. H.R. 2883 allows us to build upon this successful partnership.

H.R. 2883 strengthens the Farmers Home Administration Water and Sewer Facility and Community Facility Loan Programs. Over the past 5 years, the FmHA has provided \$25 million in loan and grants to Maryland's First District to construct waste/water treatment plants, purchase fire equipment, renovate hospitals, construct libraries, as well as many other important projects. Without this assistance, it's very likely these projects would not have taken place.

H.R. 2883 continues to place emphasis on critically needed agricultural research. To remain competitive in the world market, Maryland farmers must be able to increase production at reduced costs. The way to reach this goal is with additional crop and animal research. This legislation will provide the University of Maryland Eastern Shore, one of the Nation's leading agricultural research universities, \$834,000 to fund new research projects.

This legislation also provides special recognition to the need for additional poultry research. Delmarva broiler farmers will be pleased to learn that funding for mycoplasma, a poultry respiratory disease, has been nearly doubled to \$233,000. In addition, \$2.5 million has been approved to expand the Southeast Poultry Research Laboratory in Athens, GA, to study avian influenza and exotic Newcastle disease. This research is critical to Maryland's \$1 billion broiler industry.

Maryland farmers and watermen will be pleased by the fact that the Chesapeake Bay has been singled out for two projects. First, H.R. 2883 will provide \$2.1 million to the Soil Conservation Service to assist Maryland farmers in the cleanup of the Bay. Secondly, the bill contains a \$375,000 grant for Chesapeake Bay aquaculture research. As the largest estuary in the United States, and home to 200 fish varieties and 2,700 plant and animal species, the Bay is an ideal location for this project.

Mr. Speaker, once again, I would like to commend Chairman WHITTEN and the distinguished members of his subcommittee for their thoughtful work.

USING TAXPAYERS' MONEY FOR DEFENSE ADS IS AGAINST LAW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. STARK] is recognized for 5 minutes.

Mr. STARK. Mr. Speaker, I am appalled. Every morning I open the newspaper and see full-page ad after full-page ad, trumpeting the B-2 bomber, the V-22 Osprey, or some other incredibly expensive, and highly questionable, weapon programs. Glossy pictures, bar graphs, pie charts, simple-minded briefing books and other propaganda extolling these weapons rain down upon congressional offices, insulting our intelligence and wasting time and money. One defense contractor, Northrop Corp., even plans to have 30 television commercials on "Good Morning, America" in hopes of saving its besieged B-2 Bomber Program.

Care to guess who's paying for this outrageously misdirected and expensive ad campaign? I'll wager it's the American taxpayer—and that's against the law.

The fiscal year 1986 defense authorization bill banned defense contractors' advertising costs and the costs of other forms of lobbying from reimbursement by the Government.

Now, it appears that the contractors want to test the law. With their most expensive, and most profitable, weapon programs on the chopping block, the contractors are getting desperate.

I demand that the Department of Defense conduct a thorough cost accounting for this advertising blitz. I want Rockwell, Boeing, Northrup, and McDonnell Douglas, among others, to prove that this Public Relations campaign is not being funded by the public.

It is unacceptable and illegal for the taxpayers to foot the bill for this misguided campaign to line the pockets of defense contractors.

THE 15TH ANNIVERSARY OF THE TURKISH INVASION OF CYPRUS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, I rise to join my colleagues in the House of Representatives in calling for a just resolution of the conflict in Cyprus on the occasion of the 15th anniversary of the invasion of this country by the Turkish Army.

On July 20, 1974, the Armed Forces of Turkey swept into the Republic of Cyprus, and occupied nearly 40 percent of the northern part of this small island. Extensive evidence exists, detailing the barbaric atrocities committed by the Turks during and after the invasion, including the destruction of ancient Orthodox churches.

Today, 15 years later, there are still 1,614 missing Greek Cypriots and over 180,000 people who are prevented from returning to their homes now occupied by the Turks. This year, in March, the Women Walk Home organization crossed the illegal "Green line," which separates northern and southern Cyprus, in order to help focus world attention

on this situation, and to hold Turkey accountable for its illegal actions.

Mr. Speaker, on the occasion of the 15th anniversary of this tragic event, I join with all freedom-loving people throughout the world in putting pressure on Turkey to reach a peaceful resolution of this ongoing conflict. It is our hope that the Republic of Cyprus will one day be reunified and returned to its former status, as a free and independent country, without foreign domination or occupation. To achieve this just objective, we demand the immediate withdrawal of Turkish forces from Cyprus, as well as retributions for the numerous crimes committed against Greek Cypriots.

GENERAL LEAVE

Mrs. MORELLA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

DOMESTIC VIOLENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. MORELLA] is recognized for 60 minutes.

Mrs. MORELLA. Mr. Speaker, I rise today, to discuss a critical problem and along with my esteemed colleague, Mr. MILLER, to introduce a package of bills designed to address the complex problem: domestic violence. The statistics concerning this issue are startling. Every 15 seconds, a woman is beaten in her home. An estimated 3 to 4 million American women are battered each year by their husbands or partners, and every day at least four women are killed by their batterers. Continued domestic violence, particularly against women and children, can no longer be excused or ignored. This package of bills will begin to address the concerns of child custody and the judicial system's response to domestic violence, and the critical need for housing.

Contrary to what many people believe, domestic violence knows no cultural or social boundaries. The victims are rich and poor, young and old, and live in urban and rural settings. Low-income battered women are more likely to seek assistance from public agencies, such as shelters and hospital emergency rooms, because they have fewer private resources than middle and upper income women. More affluent women are reluctant to talk of their battering due to the social stigma of keeping family matters private. I believe the elimination of domestic violence must be viewed as a national priority.

Domestic violence, or battering, is a mechanism for establishing control over another person through fear and

intimidation. A sense of hopelessness and helplessness becomes the victim's reality. Not all battering is physical. It includes emotional, economic, and sexual abuse, threats against children, intimidation and isolation.

Battering escalates over time, and significantly increases when the woman is pregnant. Domestic violence is rarely a single isolated event. Data from the national crime survey demonstrates that once a woman is victimized by domestic violence, she faces a high risk of being victimized again. A police foundation study in Detroit and Kansas City found that in 85 percent to 90 percent of partner homicides, police had been called to the home at least once during the 2 years preceding the incident; in more than half of these cases, they had been called five times or more.

In my own State of Maryland, 19 women were killed by their partners in 1988. Within Montgomery County, MD, alone, the abused persons hotline receives at least 25,000 calls per year, and this number is steadily rising.

The abuse begins with name calling, but may escalate to a life-threatening situation. Domestic violence is the No. 1 cause of injury to women, and has been cited by the Surgeon General as a major health problem. More than 1 million abused women seek medical help for injuries caused by battering each year.

Why does battering occur? There are many theories explaining this behavior: economic disparity, socialization, rights given by marriage, the media and its focus on violence, sexism, lack of negative enforcement for battering, family conflict and differing gender norms. The truth is that batterers choose to abuse their partners because the choice is there to make, and there has been no consequence for these actions.

Domestic violence and child custody litigation are interrelated problems which must be recognized by the State courts. There must be a cooperative effort by law enforcement agencies, legislatures, and the courts in order to adequately address this problem and provide a deterrent. I am introducing a concurrent resolution which addresses the issue of domestic violence and child custody. This resolution encourages the State courts, when making child custody determinations, to consider evidence of spousal abuse as detrimental to the child to be placed in the custody of the abusive parent.

A current trend in the State courts is encouraging joint custody and mediation when determining child custody cases. Unfortunately, mediation assumes that two equal parties can negotiate in good faith with each other and solve problems. However, in the case of domestic violence, battering is a tool used to maintain control over another person, thus creating an unequal

power base. This unequal relationship creates an atmosphere for concessions in order to prevent further contact with the abuser. Therefore, in some cases, joint custody and mediation may not be the most appropriate method for determining child custody. Due to the continued contact required by mediation and joint custody, the victim and the child are at increased risk for abuse.

Children are victims too. Not only is child abuse more likely in homes where the wife is battered, but children are also often witnesses to the battering. The effect of spouse abuse on children includes emotional and physical harm. The witnessing of this abuse can result in immediate reactions of shock, fear, and guilt, with potential long-lasting effects, including lowered self-esteem, developmental problems and impaired socialization.

Studies show violent tendencies may be passed on from one generation to the next. Children in violent families learn to use physical violence as an outlet for anger and a means for resolving conflict. Battering is socially learned behavior. Witnessing domestic violence, as a child, has been identified as the most common risk factor for becoming a batterer in adulthood. This is a cycle which can and must be broken. But, this cycle can only be broken when there is a recognized consequence for these actions.

In order to begin to address this very critical issue, the judicial system needs to recognize the specific concerns and problems associated with domestic violence, particularly as they relate to child custody. Judicial training on the dynamics of domestic violence is essential to guide the courts in their determinations.

The State Justice Institute, created in 1984, awards grants and contracts to State and local courts, and nonprofit organizations for the purpose of improving the administration of justice in State courts. This bill calls for the State Justice Institute to award up to five grants to investigate State judicial decisions relating to child custody litigation involving domestic violence and to develop a training program for State judges to enhance their understanding of domestic violence and child custody. I applaud the current trend toward arrest and prosecution of offenders; through education, our courts can better respond to the needs of the people whom they serve.

Battered women are often not viewed as having a housing problem but this is, in fact, one of the most basic issues a battered woman faces when attempting to escape an abusive relationship. In 1986, domestic violence shelters provided emergency housing to 311,000 battered women and their children nationwide, and twice that number were turned away

because of the critical shortage of shelter space. Battered women are still faced with homelessness even when they are in shelters because of time limits requiring that they leave in 2 weeks, 1 month, or at most, 3 months.

The Family Housing Options Program Act of 1989 begins to meet the critical housing needs of residents in domestic violence shelters, and emergency and transitional housing programs. This bill would reserve 5 percent of the annual allotment of section 8 certificates and vouchers for homeless families and displaced families affected by domestic violence. This assistance would be administered through the local public housing agency, based on referrals from domestic violence shelters, and emergency and transitional housing programs.

Another provision of the bill would allow families to pool their assistance in shared housing arrangements in order to effectively and efficiently meet their housing needs. Shared housing is a creative solution to a critical housing problem. This arrangement provides flexibility, is cost effective and provides a network of support.

Mr. Speaker, domestic violence affects all of us. American businesses lose \$3 to \$5 billion each year because of abuse-related absenteeism and another \$100 million in medical bills. Our local communities spend millions of dollars on domestic violence intervention each year, including law enforcement, court proceedings, health care, and social services. It is time to stop this abuse within our homes.

I have worked extensively with the National Coalition Against Domestic Violence in drafting this legislation. This coalition represents a network of over 1,200 shelters, safe homes, and counseling programs for battered women and their families. I applaud their dedication toward providing an environment free of violence, and their efforts toward educating us on this issue.

I appreciate the efforts and leadership of Mr. MILLER, chairman of the Select Committee on Children, Youth and Family. His expertise and commitment is important to the passage of these bills. I look forward to working with him in the coming months.

CONCURRENT RESOLUTION

The resolution states that:

State courts have failed to recognize the detrimental effects of domestic violence (DV) by their failure to hear evidence of DV when determining child custody cases.

Joint custody and mandatory mediation are inappropriate in child custody cases where there is evidence of DV.

Joint custody guarantees continued access and control over the victim by the batterer.

DV against the victim often increases during and after a divorce; therefore, the victim and child are increasingly at risk in shared custody arrangements and unsupervised visitation.

Spouse abuse is relevant to child abuse.

The effects of spouse abuse on children include actual and potential emotional and physical harm. An abusive spouse provides an inappropriate role model, and potential for future harm to the children.

Children are emotionally traumatized by witnessing abuse of a parent.

Children are often victims of physical abuse when they attempt to intervene on behalf of a parent.

Children are affected by the climate of violence in their home.

DV research shows that violent tendencies may be passed on from one generation to the next.

Witnessing an aggressive parent as a role model communicates to children that violence is an acceptable tool for resolving marital conflict.

Few states have enacted legislation that allows or requires courts to consider evidence of spouse abuse in child custody cases. (There are five states who have passed such legislation.)

Resolution: For purposes of child custody, evidence of spousal abuse should create a statutory presumption that it is determined to the child to be placed in the custody of the abusive parent.

STATE JUSTICE INSTITUTE

The State Justice Institute (SJI) was created by the State Justice Institute Act of 1984. The Institute is authorized to award grants, cooperative agreements and contracts to state and local courts, and nonprofit organizations for the purpose of improving the administration of justice in the state courts. The SJI has been authorized for Fiscal Year 1989 at \$10.98 million. The SJI is totally separate from the Department of Justice.

The purpose of this bill is to carry out research, and develop a judicial training curricula relating to child custody and domestic violence (DV).

Included within this bill is our definition of DV:

Any action which attempts to cause or intentionally knowingly, or recklessly cause bodily injury or physical illness.

Rape, sexual assault, or any action causing involuntary deviate sexual intercourse.

Physical menace resulting in the fear of imminent serious bodily injury.

False imprisonment by a spouse, former spouse, sexual partner, or those who share biological parenthood of, have adopted, legal custodians of, or are stepparents of a minor child.

Physical or sexual abuse of such minor by either spouse, former spouse, or partner.

The SJI will conduct up to 5 projects to: Investigate state judicial decisions relating to child custody litigation involving domestic violence. Develop a training curricula for state judges to develop an understanding of child custody litigation and DV. Disseminate the results of the investigation and curricula to state courts.

The bill authorizes \$600,000 for purposes of carrying out this legislation.

Also, included within this bill, are some technical amendments requested by the SJI. The purpose of this language is to clear up previous authorization languages.

FAMILY HOUSING OPTIONS PROGRAM ACT OF 1989

This bill amends Section 8 of the United States Housing Act of 1937.

For each Fiscal Year at least 5% of all Section 8 vouchers and certificates would be

provided to those in domestic violence shelters, and emergency and transitional housing programs.

This assistance would be administered through the local public housing agencies.

Public housing agencies would consult with state, local, and private agencies and organizations for referrals of families to receive assistance.

Families would be allowed to use the assistance provided in shared housing arrangements in order to effectively and efficiently meet their housing needs and reduce their costs of housing.

The contributions made by one family on behalf of a shared housing arrangement could not be considered when determining income, for the other families within the shared housing arrangement, for eligibility for other federal assistance.

State allocations of this assistance will be determined by the number of domestic violence shelters, and emergency and transitional housing programs in each State and the number of families served by the shelters and programs.

For each Fiscal year, a report by each state will be submitted to the Secretary of HUD, to include: A list of DV shelters, and emergency and transitional housing programs in the state which received assistance. A description of the method for selection of families assisted. Analysis of pros and cons regarding the assistance.

The Secretary of HUD will include a summary of these reports in the annual report already required under Section 8.

This amendment will go into effect the first Fiscal Year after enactment.

□ 1830

PRESIDENT BUSH IN POLAND AND HUNGARY: A SIGN OF AMERICA'S NEW ROLE IN WORLD AFFAIRS

The SPEAKER pro tempore (Mr. CARPENTER). Under a previous order of the House, the gentleman from Illinois [Mr. LIPINSKI], is recognized for 60 minutes.

Mr. LIPINSKI. Mr. Speaker, President Bush has just concluded his visit to Poland, Hungary, and the economic summit in Paris, proclaiming the trip an overwhelming success. I agree that the trip was certainly of great importance, and in the context of the times, it was a success.

Along with millions of Polish Americans, I experienced great pride seeing the leader of the free world in the homeland of the long-struggling Polish people, who are now on the threshold of democracy and freedom. But, as demonstrated at the concluding Paris summit, the mission highlighted a bigger picture—the new role of the United States in world affairs.

THE BIG PICTURE

Virtually everyone agrees that the liberalization underway in Poland and Hungary is monumental, signaling unprecedented potential for democracy and capitalism in Eastern Europe. Likewise, almost everyone agrees that Poland provides the perfect platform for American leadership, the promo-

tion of the American vision of a free, democratic Eastern Europe. For 40 years Poland has been at the top of the United States' foreign policy agenda. Poland was the crucible of the cold war and center stage for the long-running policy of containment. As Poland approached the threshold of democracy and restructuring with the conclusion of the Roundtable negotiations in April, I began calling for an active, constructive role for the President in supporting the positive reforms. In the months since, the President has provided the minimum support each step of the way, concluding with his symbolic and undramatic trip to Poland and Hungary. It seems there is a revolution underway in Eastern Europe, and the United States has not responded in kind.

Americans seem to agree on one thing regarding America's limited reaction to events in Poland. Everyone seems to concede that the inadequate U.S. response is necessary:

"It is no longer 1948, it's simply impossible for the United States to bail out countries in the name of democracy."

"The days of the Marshall Plan are over."

Budget pressures and the national debt have made the typical American approach of granting a lucrative foreign aid package outdated and politically unfeasible. Thus, the United States leadership role has become one of symbolism, rhetoric, and incomplete aid packages, and no one seems to dispute this reality.

But one thing people have failed to discuss are the roots of this new limited American role in world affairs. The United States no longer has the economic resources necessary to lead the promotion of democracy and free enterprise in Eastern Europe. This shortcoming directly results from the economic and trade policy of the past 10 years. Had Poland's renewal come 10 years ago, I am convinced the American reaction would have been far different and much less feeble. In 1979, American oratory could have combined with sufficient economic assistance to ease restructuring and hasten the arrival of democracy. In 1989, such assistance is impossible. In Bush's undramatic response to dramatic opportunities in Eastern Europe, I see the manifestation of 10 years of faulty economic and trade policy, which comes in a surprising arena—foreign affairs.

This reality is ironic, for I believe the military policy of the Reagan era reestablished American influence in world affairs. But because of Gorbachev's turn toward peace, foreign affairs has quickly changed from a military battlefield to one where economic competitiveness is vital. Consequently, the Reagan economic policy has actu-

ally undermined America's rejuvenated position as a leader in world affairs.

For Democrats, this reality is important. In America's limited leadership capabilities, we see a clear negative result of Republican economic and trade policy, something Democrats have long sought. For while economists and writers have long predicted the eventual catastrophe which will be the result of Reaganomics, the lack of concrete signs has prevented Democrats from convincing the voters. I believe we are seeing a concrete sign in the undermining of American foreign policy. Democrats should make this "big picture" a focus of our reaction to Bush's handling of the miracle underway in Poland and Eastern Europe.

A NEW APPROACH WITH THE FOCUS ON LEADERSHIP

Accepting our limited economic resources and the consequent restrictions on American foreign policy, the United States is forced to find ways to maintain our leadership. American leadership of the free world against the Soviet Union, in containing and rolling back communism, has allowed the miracle underway in Poland. Poland is preparing to reap the rewards of America's policy of the last 40 years, and the United States should not sacrifice its leadership role. Leadership of creativity and conviction can fill the gap left by the United States' limited bankroll. Herein lies the President's greatest shortcoming. With financial restrictions dictating American aid potential, the President has failed to make up the difference with spirited leadership of vision.

I believe there is one clear direction to take toward Poland and Hungary—a new multilateral approach, an organized consortium for aid and lending comprised of the wealthiest democracies. Since April, the administration has made it clear that the United States would need cooperation from the West in aiding Poland. However, this indication has been in the form of introducing an inadequate plan and then announcing as an afterthought, "But we need your help" to Western Europe and Japan. This approach will not be successful. What is needed to support Poland is not a declaration of concern by a loose-knit group of sympathetic Western nations, but a binding agreement to multilaterally invest in Eastern Europe. At the Paris summit I fully expected the President to propose a formal consortium of the wealthiest nations, to promote democracy and free markets in Eastern Europe.

Instead, I am troubled by the outcome of the Paris summit on the subject of Eastern Europe. In the summit communique, the seven nations vaguely agreed that "in Poland and Hungary, pluralism and capitalism need the concerted economic support of the Western nations." We can hope that

the followup talks run by the Executive Commission of the European Community will result in an effective consortium, but without strong leadership, I doubt that Japan and West Germany will follow a multilateral directive. Herein lies the second problem—the President has willingly sacrificed Western leadership in Eastern Europe to the European Community. The United States should not feel comfortable simply handing over the leadership of free democracies after 50 years.

In order for a multilateral approach to promoting democracy and free markets in Eastern Europe to be successful, strong leadership is necessary. I believe the United States is the only qualified leader.

The United States has accumulated a great deal of leverage in leading the free world since World War II. In light of our depleted financial reserves, this leverage can play a large role in maintaining strong American leadership. For 40 years, the United States has guaranteed democracy and free markets for the Western nations against the very real (until recently) threat of Soviet expansion. Costly military protection of Western Europe and Japan has allowed those nations to concentrate on economic competitiveness rather than defense.

A perfect example of the advantages afforded our allies by U.S. military protection can be seen in expenditures for research and development. While Japan has the luxury of investing in the development of new products to dominate the American and world markets, American Research and Development is dominated by defense objectives. While 69 percent (\$69 billion) of United States R&D funds went to defense in 1987, the Japanese spent 4.5 percent (\$1.7 billion) and West Germany spent 12.5 percent (\$2.4 billion) on defense. Japan, West Germany, France, Great Britain, and all industrialized nations gear R&D expenditures towards economic competitiveness more than the United States. 15.3 percent (\$2.9 billion) of West German funds go to industrial development, as does 4.8 percent (\$1.9 billion) of Japanese expenditures. The United States Government spends only \$200 million yearly.

I believe it is our right to say to our allies: "we would like to continue to guarantee democracy and free enterprise like we did yours, but the United States does not have the resources to do it alone". United States protection afforded West Germany and Japan economic prosperity. We must demand their cooperation in promoting Eastern European democracy. Furthermore, the EC and Japan will gain at least as much as the United States from new market-economy trading partners in Eastern Europe.

Because other Western nations will gain similarly from a free Eastern Europe, and because our military protection has both afforded their prosperity and undermined our foreign policy, and because the United States should do all it can to bring democracy and freedom to Poland and Hungary, President Bush should feel comfortable creating a formal consortium of wealthy nations to invest in democracy. Instead, the Paris summit agreed on "concerted," but not coordinated support of Poland. I doubt such an approach will provide the investment and aid Poland requires to restructure and ease the "frustration index" for the Polish people.

An organized consortium should focus on investment in native private industry, or even public industry, with the condition that comanagement or management training, as well as technology modernization, be part of the deal. This prevents foreign investment from becoming subsidies to maintain outdated industries in the interest of short-term jobs. Joint ventures, or infusing technology and management skills along with investment, is favorable to direct ventures. Joint ventures allow Poland to accumulate more hard currency, which is one key to stabilizing inflation and relieving Poland's debt.

Remarkably, there will be no roadblocks to capitalist investment on behalf of the Soviet bloc nations: Every country but the GDR now permits joint ventures with Western companies. New features in several countries' laws are designed to ease registration requirements, offer tax incentives, and increase Western share of ownership beyond 50 percent. Without a unified approach, Western support of Poland and all Eastern Europe's revitalization will not reach its potential.

The consortium should not be a one-time project for Poland and Hungary. Rather, the United States should promote an organization of the wealthy democratic nations committed to investing in nations where democracy is clearly developing. A unified framework for Poland and Hungary should be used as each new Eastern European country begins its liberalization (many estimate that reform in Czechoslovakia is only a year or two away).

Perhaps the NATO military alliance is becoming less important as the Warsaw pact loosens. But as the field of competition changes to economics, why not form a similar economic alliance committed to creating free market democracies worldwide? Clearly, the time for such monumental restructuring of world affairs is upon us, but only Gorbachev seems to have the ideas. Thus, we see an opportunity lost for United States leadership.

Admittedly, organizing a true economic alliance with the goal of democracy and freedom is an ambitious un-

dertaking. It is also an appropriate and necessary response to the revolution underway in Eastern Europe from the leader of the free world. It is an approach dictated by limited economic reserves. It requires strong conviction and dynamic leadership from the United States, using our leverage, in order to be successful.

For that reason, it is unlikely that President Bush will take any such creative approach. I can see Franklin Roosevelt, John Kennedy, or Ronald Reagan proposing a dramatic new order, calling for a new economic alliance for democracy, but George Bush will continue to avoid such boldness, with two unfortunate results: America's leadership of the democracies will continue to fade, and Poland and other nations will not receive the greatest potential support of their fight for democracy and freedom.

Mr. BORSKI. Mr. Speaker, President Bush's recent trip to Poland highlighted the role which America must play in a world which is increasingly turning toward democracy. Our President was hailed as the living symbol of the world's greatest free nation, and great things were expected of him. While I applaud the steps which the President took, in supplying some small financial aid and encouraging business development, I have to join my colleagues and the people of Poland in delivering a simple message. "It's not enough. We can, and must, do better than that."

Under perestroika, the Soviet Union is beginning to permit some small strains of democracy in the Eastern bloc. We have seen movement toward freer elections, a diminution of the broad policymaking dictates of the KGB. Even more striking, Eastern bloc countries have opened their societies for the first time to western ideas and democratic influences. These steps have made Poland eager to take the first few steps toward democracy and individual freedom. We must teach these Eastern European nations struggling towards fairer elections how freedom makes nations flourish. We must become their partners in democracy with major investments of political and financial capital.

If we do not, an historic opportunity will be lost. Communism has failed these nations, and while we might not call their present systems democratic, if the people of Poland do not see these startling new changes begin to produce jobs and a better standard of living, we will lose our opportunity.

Poland has turned to a more democratic system because government has lost the confidence of its people. During the parliamentary elections, some government representatives who were running unopposed, were not elected because they did not receive half of the votes cast in their district. The old, Soviet-tied government has been discredited, giving the West an opportunity to make democracy work in three specific ways: food aid, debt forgiveness, and industry incentives to locate in Poland.

Poland desperately needs our help. If government subsidies for food were lifted today, 80 percent of the Polish population would be living below the poverty line. President Bush

did not focus on food aid during his trip, but if the Western nations put some of their yearly food surplus at Poland's disposal, three important processes would begin. First, Poland could reduce food price support payments without allowing prices to skyrocket beyond the means of its citizens. Just as important, the capital which had been dedicated to keeping down prices could be invested in the infrastructure and economy of Poland, helping to spur the nation's financial growth. All of this could come from taking food out of storage and onto airplanes headed for Poland.

Two further vital initiatives also would aid Poland's ailing economy. The Western nations, and particularly the United States, must examine their debt policy, and carefully consider forgiving some part of that debt. If Poland sinks back into failed socialism, what good will those imaginary dollars do us, compared to the benefits of a democratic Poland?

Finally, when Lech Walesa was asked to define Poland's most pressing need, he simply said "employers." The all powerful, all-employing state can't be dismantled until there are private employers to replace it. We can help by offering tax incentives to businesses to locate part of their business in Poland, but there are two important rules we must insist upon. Under Gorbachev's perestroika, foreign investors are only allowed to become minority partners owning up to 49 percent of a business. Even more restrictive is the prohibition against taking any proceeds out of the country. Those conditions are unacceptable, and our State Department should make changing them a priority.

U.S. businesses will be more likely to invest in ventures where they retain control for two reasons. First they will have more confidence that they can make a profit. And more importantly, their experience in a competitive market will make the ventures more successful, and more useful as models to the Poles whose businesses will be entering a brave new market.

President Bush understandably wants to limit our financial obligations to Poland in a time of budgetary and fiscal problems in this country. But food aid, debt forgiveness, and business tax incentives are three ways to show Poland that 30 years of promising that we would help them if we could are going to be honored now that we finally are in a position to do so.

Our actions can have the effect of creating more momentum among our allies for progress. As Secretary Baker said, our Western allies have followed the U.S. lead in Eastern Europe. Taking further steps like those I have outlined puts us more boldly in the lead, and challenge our allies to do more as well. Our three-part aid program should also encourage nations like Japan and West Germany to help Poland with the hard currency relief we are unable to supply.

Poland and Hungary have turned to democracy for relief from the hunger and dim future of their present system. The great democracies must embrace them, or risk losing this historic chance to transform Eastern Europe and the world.

□ 1850

TELEVISION AND AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 30 minutes.

Mr. DORNAN of California. Mr. Speaker, I appreciate the courtesy without prior notification of a special order. I thought that my staff had asked for 60 minutes this evening. Come to think of it, it is my fault, because I did not ask the staff to ask for the 60 minutes. I forgot.

Mr. Speaker, the reason I asked for this time is to elucidate a controversy that is going on in the media at this moment, that takes place tonight, on what is called one of the superstations of America. This is not necessarily meaning the quality of the programming, but the fact that one of our VHF channels has the right to sell on cable television, free enterprise right, and therefore is available on cable all the way across the country. We have one station in New York like this, WWOR, one in Chicago, WGN, and one in Atlanta, WTBS. Those call letters were changed when an American entrepreneur named Ted Turner bought the station, and changed the letters to Turner Broadcasting System, with the east coast "W" in front of it, so WTBS is the superstation out of Atlanta. I got it on cable for the last 4 years here. I have moved in Virginia to an area that does not have cable, in Fairfax Station, but in my home in Garden Grove, CA, I occasionally watch the channel, and it is pretty good programming. It is owned by Mr. Ted Turner, and its available, potential audience is 49,500 people. Mr. Turner changed the landscape, Mr. Ted Turner, of the United States of America, and how its citizens get its information. When he challenged the lock of the three networks on American broadcasting and established Cable Network News, 24 hours around the clock service, it was so successful that he established Headline News, CNN-2, and those two stations together have an audience of 50.5 million. Keep in mind, Mr. Speaker, that our C-SPAN services that are available to the whole country, which has really blown out the walls of this gallery, as I have said umpteen times, and enabled Americans to follow the course of our proceedings in this body and the other deliberative body, the U.S. Senate, that that C-SPAN service is a magnificent service to include millions of Americans in the process of their government. However, from the best estimates, and there have been no careful scientific surveys, the audience available to this Chamber is about half a million people.

Now, because of a little disagreement between the minority in this House, the Republicans, and two

Speakers ago, the decision was made to take our House of Representatives' cameras and show the auditorium here occasionally, our Chamber, that it is empty. In this case, there is only one Member on the floor, the distinguished gentleman from New York [Mr. McHUGH], doing work on something else, and myself, and the distinguished staff here. However, keep in mind, Mr. Speaker, that 500,000 people, that is five Rose Bowls, five coliseums, five superdomes, filled with people are watching the proceedings of this Chamber, but a half a million people is a far cry from Ted Turner's 50 million plus watching CNN and CNN-2. I bet it was a bigger audience than that when we saw the live coverage of the tragic airline crash in Sioux City, IA, yesterday. Then, with TBS, the superstation out of Atlanta, has almost 50 million, in its own right, and then, as if Mr. Turner does not have the Midas touch, he starts another television cable channel called TNT, Turner Network Television, which is a clever acronym, TNT, and on that, he is showing all of the library of over 3,000 films from MGM. He created an artistic controversy in this country, and I think he is more right than wrong on this, called colorization.

□ 1900

The other night, before we moved and lost our cable television, we turned on TNT and watched "Jekyll and Hyde," an excellent Metro-Goldwyn-Mayer film, about 1941 vintage, that won an academy award for Spencer Tracy, and I am looking at a very young Lana Turner, a very young Ingrid Bergman, and one of the greatest actors of our time, Spencer Tracy, in color in this classic film, and I think it was excellent. I agree with my friend and great actor, Jimmy Stewart, that we cannot colorize classics like "Citizen Kane," but certainly taking "Mutiny on the Bounty," made in 1935, with a very young and very excellent Clark Gable nominated for an Academy Award for that, and colorizing it, which MGM would have done if they had the budget, that is an argument that Ted Turner is going to win.

What is happening with TNT? It is another goldmine. The man has the Midas touch. He is cleaning up with this library of MGM films and about 1,600 hours of old television films, the kind of television that you could turn on and not be offended by blasphemy, scatological remarks, or promiscuous sexual scenes. People can watch all the shows from the golden 1950's and the early 1960's before a lot of television executives started to put their own corrupt lifestyles in their life's work in their writing and production on the screen.

So Ted Turner has this bonanza. He has CNN, with its "Crossfire" show that I am honored to host or guest on

occasionally, with its morning show, "Sonya Live," and with "Larry King Show," which, by the way, I am doing tonight live across the Nation, one of the No. 1 rated shows in cable television. So is CNN's "Crossfire" and CNN's "Headline News." In 20 minutes you learn everything that is happening around the world. Ted Turner's foreign overseas reporters are giving the networks a run for their money. As a matter of fact, I think some of the network reporters are better than the rest.

Now, let us look at this fourth network, CNN, in the news department. I have in a jocular way, but with some serious intent, referred to Dan Rather as "Gunga Dan." I have referred to "Peter Perfect" on ABC, and I mean the Canadian. He makes millions of dollars a year. I wish Peter Jennings would become an American citizen. Maybe he would feel in his gut different on a little issue like burning the flag. Also there is "Tom Terrific." And he is terrific. That is Tom Brokaw.

But then along comes Bernie Shaw. "Bernie, the Sledgehammer," was his nickname after the debate at UCLA between Vice President Bush, now our great President, and the Governor of Massachusetts, Michael Dukakis. Bernie Shaw is as objective and as good a reporter as I have ever seen.

I know the other three are all liberals, safely left of center, Hollywood cocktail party liberals. I told Bernie over at CNN. "Bernie, I don't know whether you are a liberal or a conservative."

He said, "Thank you. What a great compliment, Bob. You are never going to find out."

That is the kind of objectivity we should see in our press corps.

This success of Ted Turner is, I repeat, the Midas touch. Has this gone to my friend, Ted Turner's, head? Well, I am afraid the indications during the last month are that it has gone to his head.

When the cameras prowl this Chamber, Mr. Speaker, Americans who have not had the joy during the hot summer months like July or during the months around here that are incomparable in their beauty, in May and October, the edge of spring and fall, those who have not had the chance to come to this Federal capital, one of the most beautiful cities in the world, and sat in this Chamber, they have not noticed these 23 beautiful medallions in bas relief—or as Americans are wont to say, "bass relief"—that are around the walls of our Chamber depicting 23 of the world's greatest lawgivers.

We have the plaques of all the States hanging horizontally on the ceiling, all our 50 States and our territories, the Virgin Islands and Puerto Rico. We have only two pictures in

this room, the father of our county, George Washington, and the man from France who helped in our revolution, the great Marquis de Lafayette. But these 23 medallions are of the greatest lawgivers in history.

I hope that every freshman does what I did. Twelve or thirteen years ago I got a brochure from the House and I studied each one of these lawgivers. Up here is the great George Mason of Virginia. He would have been a President, but he was in his later years when Virginia signed both the Declaration of Independence and then later the Constitution.

Over here we have our beloved Thomas Jefferson, the author of the Declaration of Independence.

This is Napoleon over here. Napoleonic law still reigns in most European states, and still in our great State of Louisiana.

You come around in this corner and find the great Rabbi Maimonides, who rewrote Jewish law and interpreted it in his scholarly post in Spain almost a century ago. We have all of these other great figures—Solon, the great Greek who lent his name as a synonym for lawgiver. We have Hammurabi again here, and this is Justinian, one of the great Roman Emperors.

On this wall by a great coincidence, there is a run of Christian saints. Here is St. Edward, the confessor, of England. This is St. Alphonse X of Spain, this is St. Gregory, one of the great Popes and lawgivers, and here is St. Louis, the great early French saint of the Capuchin house of French kings.

This is quite an array, but all of them are in profile. They are all in profile from Hammurabi to Jefferson except one, Moses. Mr. Speaker, Moses, as we will note again, is dead across from the Speaker's chair, right above the clock, just as "In God We Trust" is above you and the flag behind you. Moses is in full face and full beard and in all his majesty is looking down on us.

Why is he here? Is he here as a great Jewish prophet or a great leader? No, the reason his name rings throughout history, Mr. Speaker, is because of Mosaic law and those Ten Commandments to Moses upon which Western civilization is based, with a little foundation from the Babylonian, Hammurabi. But it is Mosaic law, refined for many of us by the New Testament and Christ's application of Mosaic law. And remember, the Son of God, Jesus Christ, said, "I do not come to overthrow the law. I come to perfect it."

Mosaic law is treasured by most literary and educated men. Even the people of Islam consider him a great prophet. The Buddhists, Confucius, everybody respects Moses.

But here is the purpose of bringing up these medallions, Mr. Speaker. Does Ted Turner respect Mosaic law? No. Ted Turner says—I am not making

this up, folks—at a meeting in Los Angeles of radio and television executives and cable industry financiers, speaking in his inimitable style, "Brace yourselves, folks. I'm going to blow everybody away. I am replacing the obsolete original Ten Commandments with my own set of 10 voluntary initiatives"—I am quoting his words here, folks—"and I am telling you executives to stand up, get off your knees, and go to work instead of spending all your time praying." He then used a lot of rotten speech and blasphemy and profanity, the papers said, weaving in and out language not fit for a family newspaper. They tried to quote him as best they could.

He then began with his commandments. "O.K.," Ted Turner said, "The first one is a love and respect for the planet Earth and living things thereon, especially my fellow species"—and they put in here the little grammatical "sic" meaning it is his meaning, not theirs—"mankind."

Well, that kind of sounds nice. I like that one. Is that not kind of some byplay on Jesus' great words, his great commandment when he said the greatest of all: "Love one another as you love yourselves."

But how does this first commandment stand up against "I am the Lord, thy God. Thou shalt have no other false Gods before me"?

I think I will go with Moses over Ted. I hope he is not offended.

"Two, I promise to treat all persons everywhere with dignity, respect, and friendliness." And then he has little asides between his commandments. I guess these will not be part of them when he has them chiseled in Georgia marble. And there is good marble down there. Some of it is in this building.

Then he said in his aside:

That worked with the Soviets for me. That's really all you have to think about; if you treat somebody with respect, dignity, and friendliness, you won't have an enemy in the world.

I guess he is recommending that to the political prisoners still held in Prim 35, one of the Soviet Gulag camps. The American Psychiatric Association just came back from Russia, and much to the chagrin of the Gorbachev team, they said, "You are still holding political prisoners in insane asylums, in mental institutions."

But Ted, of course, got the limousine tour over there for the Goodwill Games. That is when he turned before our eyes from a conservative caterpillar into a flaming liberal butterfly, and on everything he has metamorphosed before our eyes.

□ 1910

Ted Turner No. 3; by the way, Mosaic Law, which was given to him by God, most of us believe, I think it was, "Thou shalt not take the name of

the Lord, thy God, in vain," and in making his points in his commandments I am afraid dear Ted, my buddy, broke the second commandment.

No. 3: This is controversial for a man that has five children, he says. That is an aside, opening aside, but I had them 20 years ago before I realized that they were the population program. This last month I would not like to have been Ted Turner's third, fourth, or fifth son and daughters because he is saying to them, "I'm sorry I had you. I don't want you. I polluted the world. If only I had been as mature then 20 years ago as I am now."

He said, "Here's the commandment. I promise to have no more than two children or no more than my nation suggests." That is to cover China where they use infanticide and enforced, coerced abortion, so Ted is signing off on China. I wonder if he watched any of his own great channel coverage with Bernie Shaw over in Beijing looking out on the slaughter of Tiananmen Square, which is just a part of the dehumanization process that comes with the cheapening of human life with abortion.

I think I will take the Mosaic Commandment from God as, "Thou shalt honor the sabbath," but then did he not in his prologue say to, "get off your knees and stop praying"?

Ted was really impressed with his tour in Moscow. Let me tell my colleagues who are in Moscow now. I do not want to break Ted Turner's heart.

Remember when he won the America's Cup, kept it for our country, the news media called him Captain Courageous because he did not wear a polo shirt and a beautiful yachting cap, even a Greek one? He wore an engineer bill cap. Well, they called him Captain Courageous. Then he was Captain Cable. Then, when it looked like he was going to lose all his money, and the cable people rushed to be his angels and bail him out, he became Captain Comeback. Now he is starting a comic book called Captain Planet about the Earth. That is OK. We have already got Range Rover, and Ranger Raccoon, and Smokey the Bear, but, if he wants to be Captain Planet, that is his business. But the new one he wants to be is Captain Condom.

I do not think that is a good one, Ted, so I will take, "Honor the sabbath," No. 3.

Here comes No. 4, Mosaic Law from God. I should have Charleton Heston do this. I am going to write to Charleton about all this. Chuck, I hope you are listening. This is good stuff; is it not? I mean there you were with your white beard looking like Moses on this plaque on the House, coming down the first time you see all the people running naked, worshipping the golden calf, and, boom, you throw the tablets

down, God calls you back up to the mountain as you are playing Moses, and he has to give you the commandments all over again, and the fiery finger engraves the commandments in stone for the second time.

What was No. 4? I love it. My parents are gone, but I am getting a lot of it from my kids and my grandkids. It simply says, "Honor thy mother and father."

But what does Ted Turner give us? Every prophet of the 20th century, in the last years of the 20th century, four: "I promise to use my best efforts to save what is left of our natural world in its untouched state and to restore damaged and destroyed area where practical." It is good. It should be on the gate to Yosemite, and to King's Canyon National Park and to Yellowstone, every national park in the world. We should put it by the rain forests in Brazil, and they are being destroyed for selfish, short economic gain. It is a good one, Ted, but it is not as good as, "Honor thy mother and thy father."

No. 5: "Thou shalt not kill."

Everybody knows one can defend himself, but, if somebody dies, that is not murder. Everybody thinks that that one really should read, "Thou shalt not murder," and that is probably the way God gave it to Moses.

So, what does Ted want to replace this obsolete commandment, "Thou shalt not murder," which is why I am a prolifer? He replaces it with, "I pledge to use as little nonrenewable resources as possible."

This is why he has got a fix against styrofoam cups; I do not like them either; they are not degradable, but one is not allowed to have styrofoam cups over at CNN. That is a Ted Turner ruling. And a lot of people chuckle and smuggle in styrofoam cups.

I respect him on this. I use his hot water and the little soapy thing to get my coffee cups at CNN.

So, Ted, that is a good one, but it cannot replace, "Thou shalt not murder."

Six: Oh, I wonder if Turner has got a thing against this one. At the other meeting the other day he said, "I'm proabortion because nobody is going to tell me what my daughter should have, or my wife or my girl friend." People still cannot understand mixing the girl friend with the wife, and since he has come out so hard on proabortion, he is taking his WTBS station to put on a biased, outrageous propaganda film made by the proabortionists called Abortion for survival.

Then I did the hour discussion show afterward. He dragged out a retired old liberal host, Martin Agronsky, who tried to do a good job, but Martin has never hid his liberalism, and I had Nelly Gray with me, the founder of the great march for life, and across

from me was Faye Wattleton. I did find out down there that the very articulate Faye's mother is also articulate. She is a Baptist minister in Atlanta, and she is prolife. So much, checkmate, on Wattleton. And the other one was Ellie Smeal, who backed up Ted Turner, who said "Sex is fun."

All these proliferers don't want to have sex. Gee. Don't tell my wife, Sally, that. I have had her fooled all these years that I thought sex was all right after the childbearing years were over or even during it.

But he says, "People want to have fun with sex," and Ellie, who is, I understand, happily married to one man, she said, "Men and women like to have sex."

Well, we are not talking about you and your husband now, Ellie. We are talking about kind of a jerk that was on Geraldo last night, Gene Simmons of Kiss, who is sitting on the Geraldo Rivera saying he has had sex with 3,000 women of all ages.

I wonder if any minors snuck in there, and he broke the law, and he is taking nude pictures of all of them at the same time, and his partner has done the same, and another guy is talking about smoking marijuana on the roof of the White House when Jimmy Carter invited him in. One of the country singers and Geraldo is giggling about all of this, and he says he has not written a book on his womanizing years either. Boy, the quality of television has really gone down. Ted, I thought you founded all your stations to correct this idiocy of secularism run rampant, what we saw at the three networks.

Back to the commandments.

Six: "Thou shalt not commit adultery." Thank you, Moses, for bringing us God's word.

What is Ted's No. 6? Six: "I pledge to use as little toxic chemicals, pesticides and other poisons as possible, and to work for the reduction by others." This is a great statement for the Environmental Protection Agency, and that is the rules they try to follow, but hardly the equivalent of a Mosaic Law.

Seven: "Thou shalt not steal." Pretty simple. Now, we break that down into petty thievery, grand theft, auto, robbery, armed robbery, burglary, pickpocketing, bunko, white collar crime. There are lots of ways to rob banks and human beings, but that little commandment, "Thou shalt not steal," is the beginning of all the codification of laws under Judeo-Christian ethics, English common law and Napoleonic law, and Napoleon up here had his approaches to that commandment, "Thou shalt not steal."

What does Ted—we are calling them the Ted Commandments—what is his seven under the Ted Commandments? Seven: "I promise to contribute to those less fortunate than myself, to

help them become self-sufficient, and enjoy the benefits of a decent life, including clean air and water, adequate food and health care, housing, education and individual rights." It is kind of a mixed bag there; very positive, Theodore, good, excellent, fine rules to live by, kind of all comes out in Jesus with his golden commandment, "Love others as you would love yourself," but not really the equivalent of the Mosaic Law that is running down to us from three and a half millennia, "Thou shalt not steal."

Eight, and by the way from my Protestant brothers I know that, when we get up around here, we Protestants and Catholics, all of us Christian brothers and sisters, we kind of get off on our numbering a little bit, but this is what the nuns taught me, so bear with me. I do not have it written down. I am going from memory, so forgive me; I think I have it right. No. 8: a good one for courts and the world, "Thou shalt not bear false witness against thy neighbor." Not bad, Ted. Pretty good, Moses. Thank you for bringing it to us from God.

Here is Ted's: "I reject the use of force, in particular military force, and back United Nations arbitration of international disputes." The United Nations is on a roll now. It is doing a pretty good job in the southern part of Africa. They did zip in the horrible between Iraq and Iran, the brotherly states next to one another, millions killed by poison gas, suicide. The United Nations did not know what to do there. I guess the citizens of Grenada would still have to be under communism when Hudson Austin murdered the other Communists of a less virulent variety, the New Jewel movement, when he killed him off. I guess they would have to be under hard-core communism, like Nicaragua and Castro. I guess we could not have invaded Nazi Germany, all those guys that hit the beach. Cannot he run "The Longest Day" occasionally? He ran Cornelius Ryan's other book into a movie, "A Bridge Too Far." I wish somebody had the money to make "The Last Battle," the story of the Siege of Berlin by Russians. I mean his Russian friends over there, they told you all about the great patriotic war, which is what they call World War II.

Ted, every cop in this city has to take up a gun to save the lives of those two 15-year old girls who were gunned down the night before last. Sometimes a police officer, or an international police officer, which is what we were doing on the beaches of Normandy; you tell those surviving Army Rangers that climbed up Point du Hoc, or the 101st and 82d Airborne guys that go over to Europe every few years for a reunion over there. You tell the 10,000 graves, the parents of the men who

were on the Normandy bluffs that I just flew over with a delegation of Democrats; you tell them that they did not have the right to take up arms militarily.

Back the United Nations. I back the United Nations. I am a conservative who does not want us out of the United States and us out of the United Nations, but it is a very weak organization sometimes, and I hope they will get stronger, but it does not replace, "Thou shalt not bear false witness against your neighbors."

□ 1720

Nine and ten. I wonder if Ted has trouble with these.

Nine. "Thou shalt not covet thy neighbor's wife." I do not think Ted has ever coveted anybody else's wife. He has just gone through a recent divorce after 25 years that I think broke his kids' heart.

He has been my hero. He has five kids. I have five kids.

He loves sports, loves sailing, loves baseball, loves hockey, loves football; five kids.

He sat in the Cannon Caucus and told us how liberal and how the networks have gone wild with violence and sex and he was going to change it.

I brought him down to a luncheon down in H-139. He dazzled the Members. Liberals walked out in anger. We conservatives thought we had found a media hero. Now he comes out with his own commandments.

So what has he got to replace "thou shalt not covet thy neighbor's wife?"

Nine—and he actually says the No. 9. "Nine, I support the total elimination of all nuclear, chemical, and biological weapons of mass destruction."

Great, Ted. That is what the START talks are all about in Geneva. That is what the INS Treaty is about. That is what the Conventional Arms Talks are about.

Forty nations around this world have chemical weapons, biological weapons.

Guess how many admit to having them? Two, the Russians and the Americans. Everybody else denies it and nine of the countries who have them sit on the Chemical Disarmament Conference in Geneva and lie through their teeth.

It is a tough, difficult world, Ted.

Ten. "Thou shalt not covet thy neighbor's goods." Ted does not covet anybody's goods. He is a typical free enterprise entrepreneur in his glory years.

I just told you about all the successes he has. He has the Midas touch. Anything he touches turns into gold. He went through his dark years when the cable people rushed to bail him out of near bankruptcy. He has not coveted anybody. He has not had time for greed. He has led too active a life.

I do not know what he has against Moses' Ten Commandments, God's Ten Commandments, but here is his tenth one.

"I support the United Nations and its efforts to collectively improve the conditions of the planet."

So do I, Ted, but I will put my money on the U.S. of A., the United States of America will be around if the U.N. fails. I hope they both succeed, but we got 213 years under our belt, Ted. They have got since 1945 in San Francisco. The issue is in doubt on them and the only thing that is going to make the issue in doubt in our civilization is people standing up saying that the Ten Commandments of Mosaic law given to that great Jewish prophet by God are obsolete, are going to blow people away and come up with your interesting, but hardly historical Ten Commandments.

Mr. Speaker, my bottom line here is when people watch this debate on WTBS tonight that I participate, and keep in mind that is not really a fair debate when you open up with a half-hour hard propaganda film that does not show one baby, one aborted baby, will not show a live baby, does not show the process of birth, does not tell you that a child's heart starts to beat at 10 weeks, just shows you a little petry dish of some bloody ground up embryonic matter, very little of it at that, and says, "That is all an abortion is, just this little bit of red stuff that looks like some jelly."

And as Susan Smith, one of the great 26-year-old spokespeople for the National Right to Life said, it is like looking at applesauce and saying, "That is not an apple."

Well, anybody ground up through the meat grinders that some of the butchers use in their abortions, you are not going to look much like a human being, an embryo or a fetus, or a baby when they get through with you, particularly the suction abortions in the fourth and fifth months of pregnancy, the saline injection babies where you burn them alive inside the womb and then the woman goes into early labor, and some of those saline babies come out. As a matter of fact, there is a 14-year-old that I saw talking the other day that was a saline injection attempted abortion. He survived and he is now 14 years old.

So Ted puts on his biased show. I participated because I said, "I won't go down unless you give me a thousand bucks, and I am going to give it to Mother Teresa." It was sponsored by the Better World Society. That is another brainstorming operation of Ted Turner. Good people work there, but unfortunately, instead of just trying to do things about global warming and the depletion of the ozone layer and the destruction of the rain forests around the world, things that we all believe in and share with anybody who

is part of the human race on this planet.

They are also into heavy population control, and that is what this show has been about half the time, is world population control.

I did not get the word Robespierre. I got it out, but you have to listen hard to hear it because Faye Wattleton and Ellie Smeal started screaming.

But I said, you know, there have been other people in history that have been big on population control. Pol Pot wanted to thin out the population in Cambodia. He killed 2 out of 8 million people.

Adolf Hitler—and then Ellie Smeal says he was against abortion. Only for Germans, pure Aryans of the super race, but he not only agreed with abortions for Gypsies and Jews and Slavs and Russians, he proceeded to try to kill all of them at every age.

Then I love it when these people say that Hitler was a Catholic. He may have been born and baptized a Catholic in Austria when he was a little baby, but the whole Hitler gang were avowed practicing atheists. Some of them were debauched, like Goering and the whole Hitler mob was demonic at the end and they were engaging in unrestrained population control.

I mentioned Stalin. He used population control on the Gulag farmers who would not be collectivized in the Ukraine, killed between 7 and 10 million of them, starved them to death.

Then I mentioned Hitler, Stalin, Pol Pot.

Then there is Idi Amin, killed three or four hundred thousand just in the time I have been in Congress.

Then I mentioned Robespierre. By then they were screaming. Robespierre, on the floor of the National Assembly which grew out of the Estates General that Louis the XIV brought back after centuries of nonuse, that grew into the People's National Assembly that still exists after several transmogrifications there in France. It is sitting there right now on the floor of the National Assembly, the father of modern day terrorism, Robespierre, said, "We can't share the wealth in this country with 25 million Frenchmen." They are only now at about 51 million.

He said, "We have to thin the population."

One of the founders of the reign of terror, Danton said, "How about half of that, 12½?"

Another one said, "How about 5 million?"

Not to be undone, Robespierre says, "Four million is about the right population for France," vintage 1793-94.

What were they going to do with the other 21 million people? It was Robespierre who gave us the very clever expression used for 200 years, "You can't make an omelet unless you break

eggs." That is vintage Robespierre, folks. Kill 21 million people and then you will have 4 million Frenchmen rummaging around in that country from Provence to the wine country of Champagne areas, all the way over the English Channel, the beautiful Normandy area down to Beritz and Bordeaux wine country. What a country for only 4 million people. That is thinning out the herd. That is population control.

Now I am running out of time here. I said I would only take 30 minutes, and the great staff here wants to go home. Just let me touch on a few other things.

Ethiopia, they show starving people in Ethiopia in Ethiopia. Faye and I were arguing, a little ego thing, who had traveled more. I have been in 130 countries and I said, "I have been to Ethiopia." I knew she had.

The problem in Ethiopia is a sleazy Communist government out of Addis Ababa who is thinning out the population through a program of starvation. It is not a shortage of American dollars to kill those black babies in their mother's wombs. Well, at least the mother is prolife. She will come around eventually.

And then, oh, 12 percent condom failure rate, on their show. I did not even get around on the so-called debate with all the yelling to get to that point.

Does Dr. Koop, who is my friend, just retired, put in a mixed bag, most of it good as Surgeon General, how can he tell the whole country that the answer to solving AIDS, although he does not see it quite this definitively, is condoms? Folks, a 12-percent failure rate means, and I told this to Ellie Smeal and Faye Wattleton after the show, that means that every 100 people who are AIDS carriers who use condoms, they are going to kill 12 out of every 100 people that they have sex with, a 12-percent failure rate. When I brought it up after the show, you know, they said, "Well, we don't believe in that statistic. That was one of the wrong statistics in our film."

And here is the way the debate, which you can see tonight, they are going to rerun it Friday, they are going to rerun it Sunday in the evening. If you think I should not have gone down to participate to lend credibility to this, fine, but remember, my only defense is Mother Teresa gets \$1,000, and I did tell Agronsky and Ted Turner to watch it, how we could have had a fair show.

Run one of our prolife films, first or last. Flip a coin if you want to be fair.

The SPEAKER pro tempore. The time of the gentleman from California has expired.

Mr. DORNAN of California. Mr. Speaker, I ask unanimous consent for 2 more minutes.

The SPEAKER pro tempore. Without objection, the gentleman is recognized for 2 additional minutes.

There was no objection.

Mr. DORNAN of California. Our films are "The Slaughter of Innocence," "The Eclipse of Reason," or the excellent one that turned the abortion debate in this country around, "The Silent Scream." Run any one of those three. Then run "Abortion for Survival." Flip a coin. Vice versa. Then have the same panel, Ellie, Faye, Nellie Gray and myself, have Martin Agronsky, but put Bill Buckley next to him. Put Pat Buchanan.

Ted Turner loves his show, "Crossfire." It may have been his idea.

There are two hosts there, Braden and Buchanan. I sit in sometimes, and it is balanced. That is the way you balance that program and that is the way I look forward to Ted Turner, because we cannot take his sportsman title away from him.

□ 1930

He knows if he loves boxing what Marquis of Queensberry rules are. He knows the sports terms that we use here in our economic debates, that we all want a level playing field. He knows, as a man who owns the Braves, owns the Hawks, and one of these days he will probably buy the Atlanta Falcons because of that Midas touch; he knows what a fair playing field is in sports.

That is why I went down there, Ted, to make my opening plea to you through the television camera to give me a fair playing field. If you have got your pro-abortion viewpoints, fine. You have respected my viewpoints in our friendship in the past. For Lord's sake, you carried one of my little "Dornan for Congress" combs around in your pocket for 2 years. Give me a break, Ted. I like your commandments, except call them something else. Do not demean Moses and the commandments of God, and give us a fair playing field.

A final thought on the so-called debate tonight: They in their half-hour show, "Abortion for Survival," this propaganda, ridiculous piece, they ended with a letter from a woman who died of an illegal abortion in 1934, and it is read by her brother this year. She closes it out by saying, and I read this to Ellie and Faye at the end of the debate, and the woman says with her dying words, a letter that she wrote just before she died, "I think truly that only those should be allowed to live who have a fair shot at life."

When I hit the word "life" Ellie Smeal screamed, "Oh, Congressman, how could you? You are reading the words of a dead woman." Wait a minute, I learned about this dead woman in their documentary. It is their closing line, one of their doctors

that prattles on through it all the way through the film, and I think his name starts with an "E." He is the guy that was in a trial up in Boston for suffocating a baby. They use all male doctors who made money off of abortion all of their lives. I am sure some of them sincerely hold their beliefs and think that this is the way to make it a better America to survive, and that is the title, "Abortion for Survival."

No, the bottom line, Mr. Speaker, and I will close on this, Ted, we are still friends, I hope. You are an amazing American. You are on the cover of Business Week. You are called Captain Comback. I prefer that to Captain Condom.

Ted, call me. The number is (202)225-2965. I will sponsor you for a lunch again down at H-139 and, Ted, my sportsman friend who in glory held the America's Cup that was lost the next time around when you were not at the helm of the defending yacht, Ted, call me and let us discuss the Marquis of Queensberry rules on the abortion debate. It is the most passionate debate going on in America now. It is important. We agree on that. Let us be fair.

The banner line word in all journalism, print or electronic: fairness.

The SPEAKER pro tempore (Mr. CARPER). The Chair cautions the gentleman from California from specifically addressing individual viewers during debate. The gentleman may only address the Chair.

Mr. DORNAN of California. Mr. Speaker, I apologize. I was wrong, and I will strike those last remarks from the written RECORD. I should not have done that. I got carried away.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. PAYNE of New Jersey (at the request of Mr. GEPHARDT) for today and the balance of the week on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. MORELLA) to revise and extend their remarks and include extraneous material:)

Mrs. BENTLEY, for 60 minutes, on July 25, July 26, and July 27.

Mr. DELAY, for 60 minutes, today and on July 24.

Mr. GRANDY, for 5 minutes, today.

Mr. DORNAN of California, for 60 minutes, on August 1, August 2, August 3, and August 4.

Mr. YOUNG of Alaska, for 5 minutes, today.

(The following Members (at the request of Mr. DYSON) to revise and extend their remarks and include extraneous material:)

Mr. DYSON, for 5 minutes, today.

Mr. STARK, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. SWIFT, for 60 minutes, on July 24.

Mr. BRUCE, for 60 minutes, on July 24.

Mr. GAYDOS, for 60 minutes, on July 25.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. DORNAN of California, for 30 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mrs. MORELLA) and to include extraneous matter:)

Mr. SHUSTER.

Mr. DOUGLAS in two instances.

Mr. HEFLEY.

Mr. BUECHNER.

Mr. MCDADE.

Mr. YOUNG of Alaska.

Mr. BROOMFIELD.

Mr. LOWERY of California.

Mr. HANSEN.

Mr. SUNDQUIST.

Mr. GILMAN.

Mr. GOODLING.

Mr. KYL.

Mr. DORNAN of California.

Mr. BARTON of Texas.

Mr. ROHRBACHER.

Mr. IRELAND.

Mr. WELDON.

Mr. GRANDY.

Mr. TAUKE.

(The following Members (at the request of Mr. DYSON) and to include extraneous matter:)

Mr. SAWYER.

Mr. MILLER of California.

Mrs. BYRON.

Mr. DYMALLY.

Mr. HERTEL.

Mr. VENTO.

Mr. STALLINGS.

Mr. WAXMAN.

Mr. TRAFICANT in two instances.

Mr. LaFALCE.

Mr. APPELEGATE.

Mr. RICHARDSON in two instances.

Mr. KASTENMEIER.

Mr. DYMALLY.

Mr. CLAY.

Mr. ALEXANDER.

Mr. BATES.

Mr. MANTON.

Mr. MFUME.

Mr. ENGEL.

Mr. FLORIO.

Mr. DOWNEY.

Mr. SMITH of Florida.

Mr. WALGREN.

Mr. FORD of Michigan.

Mr. DARDEN.

Mr. MORRISON of Connecticut.

ADJOURNMENT

Mr. DORNAN of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 33 minutes p.m.), the House adjourned until tomorrow, Friday, July 21, 1989, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1479. A letter from the Comptroller, Department of Defense, transmitting the supplemental contract award report for the period July 1, 1989, to August 31, 1989, pursuant to 10 U.S.C. 2431(b); to the Committee on Armed Services.

1480. A letter from the Acting President and Chairman, Export-Import Bank, transmitting notification that the final report recommendations of tied aid practices of other countries is nearing completion, pursuant to Public Law 100-418, section 3302(c); to the Committee on Banking, Finance and Urban Affairs.

1481. A letter from the Acting President and Chairman, Export-Import Bank, transmitting the annual report of the Bank's operations for fiscal year 1988, pursuant to 12 U.S.C. 685g(a); to the Committee on Banking, Finance and Urban Affairs.

1482. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a statement with respect to a proposed transaction involving United States exports to the Republic of Colombia in excess of \$100 million, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

1483. A letter from the Chief, Insurance and Employee Benefits, Department of the Air Force, transmitting the 1987 annual pension report for the USAF nonappropriated fund retirement plan for civil employees, pursuant to 31 U.S.C. 9503(a)(1)(8); to the Committee on Government Operations.

1484. A letter from the Assistant Secretary of the Army, Department of Defense, transmitting the status reports of frazil ice control on the Salmon River, Salmon, ID; the Kankakee River in the vicinity of Wilmington, IL, pursuant to Public Law 99-662, section 1101(e)(1) (100 Stat. 4224); to the Committee on Public Works and Transportation.

1485. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a copy of the project report of the Corps of Engineers for the Kanawha River, Charleston, WV, with his views thereon, pursuant to Public Law 99-662; to the Committee on Public Works and Transportation.

1486. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a copy of the project report of the Corps of Engineers for Poplar Brook, Bor-

ough of Deal, NJ, with his views thereon, pursuant to Public Law 99-662; to the Committee on Public Works and Transportation.

1487. A letter from the Acting Secretary of State, transmitting on behalf of the President, the report on the situation in El Salvador which documents progress achieved by the Government of El Salvador in five areas, pursuant to Public Law 100-461, section 556(b); jointly, to the Committees on Appropriations and Foreign Affairs.

1488. A letter from the Assistant Secretary, Legislative Affairs, Department of Labor, transmitting notification that the Acting Secretary of State has determined that it would be in the national interest of the United States for the Export-Import Bank to provide financial guarantees and insurance for a purchase of defense articles and services by the Government of Colombia, for antinarcotics purposes; with copies of the Determination and Memorandum of Justification, pursuant to 12 U.S.C. 635(b)(6)(B); jointly, to the Committees on Banking, Finance and Urban Affairs and Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ANDERSON: Committee on Public Works and Transportation. H.R. 2904. A bill to authorize construction and equipment of a fireproof building for the House Publications Facility, and for other purposes; with an amendment (Rept. 101-167). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mrs. BENTLEY:

H.R. 2940. A bill to authorize the Secretary of Transportation to convey vessels in the National Defense Reserve Fleet to groups of nonprofit organizations for use in funding merchant mariner memorials; to the Committee on Merchant Marine and Fisheries.

By Mr. COURTER:

H.R. 2941. A bill to amend the Revised Statutes of the United States to clarify the extent of rights against nongovernmental discrimination under certain civil rights laws; to the Committee on the Judiciary.

By Mr. DUNCAN:

H.R. 2942. A bill to amend the Internal Revenue Code of 1986 to increase the personal exemption to \$3,000 for dependents who have not attained age 6; to the Committee on Ways and Means.

By Mr. FORD of Michigan:

H.R. 2943. A bill to improve the administration and management of the Department of Defense school system for dependents in overseas areas; jointly, to the Committees on Education and Labor and Merchant Marine and Fisheries.

By Mr. HEFLEY:

H.R. 2944. A bill to authorize the Secretary of the Interior to establish the America

in Space National Historical Park in the State of Florida, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. IRELAND (for himself, Mr. FASCELL, Mr. YOUNG of Florida, Mr. LEHMAN of Florida, Mr. BENNETT, Mr. LEWIS of Florida, Mr. NELSON of Florida, Mr. GRANT, Mr. GOSS, Mr. STEARNS, and Mr. JOHNSTON of Florida):

H.R. 2945. A bill to prohibit the Secretary of the Interior from issuing oil and gas leases on certain portions of the Outer Continental Shelf off the State of Florida; to the Committee on Interior and Insular Affairs.

By Mr. KASTENMEIER (for himself, Mr. ROE, and Mr. MOORHEAD):

H.R. 2946. A bill to amend title 35, United States Code, with respect to the use of inventions in outer space; jointly, to the Committees on the Judiciary and Science, Space, and Technology.

By Mr. LaFALCE (for himself and Mrs. BOGGS):

H.R. 2947. A bill to amend the Small Business Act to assist the development of small business concerns owned and controlled by women, and for other purposes; to the Committee on Small Business.

By Mr. LEVINE of California:

H.R. 2948. A bill to amend the Marine Mammal Protection Act of 1972 to require disclosure of information regarding the use of tuna fishing methods which directly result in the death of marine mammals; jointly, to the Committees on Energy and Commerce and Merchant Marine and Fisheries.

By Mr. McNULTY (for himself and Mr. VENTO):

H.R. 2949. A bill to authorize a study of nationally significant places in American Labor History; to the Committee on Interior and Insular Affairs.

By Mr. DINGELL (for himself, Mr. HANCOCK, Mr. TRAXLER, Ms. KAPTUR, Mr. FORD of Michigan, Mr. BLILEY, Mr. DENNY SMITH, Mr. OXLEY, Mr. LEVIN of Michigan, Mr. DANNEMEYER, Mr. VANDER JAGT, Mr. CARR, Mr. NIELSON of Utah, and Mr. BRUCE):

H.R. 2950. A bill to amend the Clean Air Act; to the Committee on Energy and Commerce.

By Mrs. MORELLA (for herself and Mr. MILLER of California):

H.R. 2951. A bill to amend section 8 of the United States Housing Act of 1937 to reserve housing certificates and vouchers for homeless families and displaced families affected by domestic violence; to the Committee on Banking, Finance and Urban Affairs.

H.R. 2952. A bill to amend the State Justice Institute Act of 1984 to carry out research, and develop judicial training curricula, relating to child custody litigation; to the Committee on the Judiciary.

By Mr. PALLONE (for himself, Mr. FLORIO, Mr. HUGHES, and Mr. SAXTON):

H.R. 2953. A bill to establish a comprehensive marine pollution restoration program, to amend the Federal Water Pollution Control Act and the Marine Protection, Research, and Sanctuaries Act, and for other purposes; jointly, to the Committees on Merchant Marine and Fisheries and Public Works and Transportation.

By Ms. PELOSI (for herself, Mr. ACKERMAN, Mr. BATES, Mr. BEILSON, Mrs. BOXER, Mr. BROWN of California, Mrs. COLLINS, Mr. CROCKETT,

Mr. DeFAZIO, Mr. De LUGO, Mr. DIXON, Mr. DYMALLY, Mr. EDWARDS of California, Mr. FAUNTROY, Mr. FAZIO, Mr. FOGLIETTA, Mr. FRANK, Mr. FUSTER, Mr. GARCIA, Mr. HAWKINS, Mr. KILDEE, Mr. LEHMAN of California, Mr. LEWIS of Georgia, Mr. MILLER of California, Mr. MORRISON of Connecticut, Mr. MRAZEK, Mr. OWENS of New York, Mr. ROBINSON, Mr. ROYBAL, Mr. SAVAGE, Mr. SHAYS, Mr. STARK, Mr. STUDDS, Mr. TORRES, Mrs. UNSOELD, Mr. WHEAT, Mr. WEISS, Mr. WOLFE, and Mr. YATES):

H.R. 2954. A bill to provide for a grant program to assist eligible consortia in providing services to individuals with acquired immunodeficiency syndrome or symptomatic infection with the human immunodeficiency virus; to the Committee on Energy and Commerce.

By Mr. RHODES (for himself and Mr. McDADE):

H.R. 2955. A bill entitled "Business Review Act of 1989"; jointly, to the Committees on Banking, Finance and Urban Affairs and Science, Space, and Technology.

By Mrs. SCHROEDER (for herself and Ms. SNOWE):

H.R. 2956. A bill to amend the Public Health Service Act to provide for the development and operation of centers to conduct research with respect to birth control and centers to conduct research with respect to infertility, and for other purposes; to the Committee on Energy and Commerce.

By Mr. TRAFICANT:

H.R. 2957. A bill to provide for the establishment of a National Academy of Space, Science, and Technology; to the Committee on Science, Space, and Technology.

By Mrs. UNSOELD:

H.R. 2958. A bill to require that the Secretary of State seek to secure an international agreement to ban the use of driftnet fishing on the high seas; to the Committee on Merchant Marine and Fisheries.

By Mr. WISE:

H.R. 2959. A bill to establish a deficit reduction trust fund and a build America trust fund in the Treasury of the United States; jointly, to the Committees on Ways and Means; Public Works and Transportation; Science, Space, and Technology; and Education and Labor.

By Mr. YOUNG of Alaska:

H.R. 2960. A bill to establish a joint Federal-State Commission on Policies and Programs Affecting Alaska Natives; to the Committee on Interior and Insular Affairs.

By Mr. MFUME:

H.J. Res. 371. Joint resolution designating September 24 through 30, 1989, as "National African-American Historical and Cultural Museums Week"; to the Committee on Post Office and Civil Service.

By Mrs. MORELLA (for herself and Mr. MILLER of California):

H. Con. Res. 172. Concurrent resolution expressing the sense of the Congress that, for purposes of determining child custody, evidence of spousal abuse should create a statutory presumption that it is detrimental to the child to be placed in the custody of an abusive parent; to the Committee on the Judiciary.

By Mrs. SCHROEDER (for herself and Ms. SNOWE):

H. Con. Res. 173. Concurrent resolution expressing the sense of the Congress with respect to birth control and infertility; to the Committee on Energy and Commerce.

By Mr. DIXON:

H. Res. 208. Resolution providing amounts from the contingent fund of the House for further expenses of investigations and studies of the Committee on Standards of Official Conduct in the first session of the One Hundred First Congress; to the Committee on House Administration.

By Mr. MOAKLEY:

H. Res. 209. Resolution amending the Rules of the House of Representatives to transfer the Office of the Historian of the House of Representatives to the Clerk, and for other purposes; to the Committee on Rules.

By Mr. PICKETT (for himself and Mr. JONES of North Carolina):

H. Res. 210. Resolution expressing the sense of the House of Representatives that the Secretary of the Interior conduct a study to determine whether or not there should be an administrative appeal process to review decisions regarding the denying or revoking of access permits to units of the National Wildlife Refuge System; to the Committee on Merchant Marine and Fisheries.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROWN of Colorado:

H.R. 2961. A bill for the relief of Sonanong Poonpipat (Latch); to the Committee on the Judiciary.

By Mr. LaFALCE:

H.R. 2962. A bill for the relief of Noco Energy Corp.; to the Committee on Ways and Means.

By Mr. MADIGAN:

H.R. 2963. A bill for the relief of Steven T. Anderson; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 19: Mr. SIKORSKI.

H.R. 30: Mr. JOHNSON of South Dakota.

H.R. 40: Mr. SIKORSKI.

H.R. 44: Mr. RICHARDSON.

H.R. 110: Mr. ECKART.

H.R. 215: Mr. FOGLIETTA, Mr. MILLER of Washington, Mr. GORDON, and Mr. PALLONE.

H.R. 239: Mr. MAVROULES.

H.R. 425: Mr. BILBRAY and Mr. CONTE.

H.R. 461: Mr. HANCOCK.

H.R. 486: Mr. DYMALLY.

H.R. 488: Mr. BILBRAY, Ms. KAPTUR, Mr. BLILEY, Mrs. COLLINS, Mr. EVANS, and Mr. ACKERMAN.

H.R. 514: Mr. TOWNS and Mr. PALLONE.

H.R. 614: Mr. MINETA and Mr. SANGMEISTER.

H.R. 746: Mr. SCHIFF, Mr. JONES of North Carolina, Mr. SYNAR, Mr. KASICH, Mr. SUNDQUIST, Mr. RANGEL, Mr. BATEMAN, Mr. WALKER, Mr. SPENCE, and Mr. RIDGE.

H.R. 939: Mr. NEAL of North Carolina.

H.R. 979: Mr. GALLO.

H.R. 982: Mr. CONYERS.

H.R. 1074: Mr. BURTON of Indiana and Mr. SOLOMON.

H.R. 1109: Mr. CRAIG and Mr. THOMAS of Wyoming.

H.R. 1136: Mr. HASTERT, Mr. VENTO, Mr. WOLFE, Mr. DYMALLY, Mr. GUNDERSON, Mr.

BATEMAN, Mr. SMITH of New Hampshire, Mr. SCHUETTE, Mr. BROWN of Colorado, Mr. JONES of Georgia, Mr. ROYBAL, and Mr. STENHOLM.

H.R. 1180: Mr. CLAY.

H.R. 1243: Mr. PEASE.

H.R. 1246: Mr. SLATTERY.

H.R. 1432: Mr. FROST, Mr. DE LUGO, Mr. DYMALLY, Mr. WAXMAN, Mr. HOYER, Mr. RANGEL, Mr. VENTO, and Mr. RIDGE.

H.R. 1453: Mr. STUDDS, Mrs. BOXER, Mr. SKAGGS, and Mr. HARRIS.

H.R. 1470: Mrs. BOGGS.

H.R. 1574: Mr. BELENSON.

H.R. 1586: Mr. SMITH of New Hampshire.

H.R. 1602: Mr. BONIOR.

H.R. 1674: Mr. NOWAK, Mr. FROST, Mr. WISE, Mr. MRAZEK, Mr. UPTON, Mr. BOEHLERT, and Mr. BARTLETT.

H.R. 2097: Mr. HANCOCK, Mr. LAGOMARSINO, and Mr. ECKART.

H.R. 2131: Mr. FROST.

H.R. 2222: Mr. JONTZ.

H.R. 2237: Mr. KOLTZ and Mr. TOWNS.

H.R. 2273: Mr. HUBBARD, Mr. COLEMAN of Texas, Mr. CHAPMAN, Mr. ECKART, Mr. REGULA, Ms. LONG, Mr. EARLY, Mr. ROSE, and Mr. TALLON.

H.R. 2360: Mr. WELDON and Mr. TOWNS.

H.R. 2381: Mr. SLATTERY.

H.R. 2403: Mr. HERTEL, Mrs. LOWEY of New York, Mr. BOUCHER, and Mr. KANJORSKI.

H.R. 2406: Mr. ACKERMAN.

H.R. 2414: Mr. ROBINSON, Mr. McEWEN, Mr. PENNY, Mr. FALEOMAVEGA, Mr. TALLON, Mr. SHARP, and Mr. MYERS of Indiana.

H.R. 2415: Mr. SCHAEFER.

H.R. 2504: Mr. FOGLIETTA.

H.R. 2528: Mr. FRANK.

H.R. 2530: Mr. HEFNER and Mr. BOUCHER.

H.R. 2585: Mr. YATES, Mr. HAYES of Illinois, and Ms. PELOSI.

H.R. 2609: Mr. MADIGAN, Mrs. COLLINS, Mr. WALSH, Mr. ATKINS, Mr. ECKART, Mr. KOLBE, Mr. JONES of Georgia, Mr. SIKORSKI, and Mr. CONTE.

H.R. 2641: Mr. GRANDY, Mr. DURBIN, and Mr. TORRICELLI.

H.R. 2648: Mr. TALLON.

H.R. 2671: Mr. LEWIS of California, Mr. FAUNTROY, Mr. COURTER, Mr. DYMALLY, Mrs. COLLINS, Mr. DE LUGO, and Mr. ACKERMAN.

H.R. 2676: Mr. McMILLAN of North Carolina, Mr. BOEHLERT, and Mr. ROE.

H.R. 2681: Mr. ACKERMAN.

H.R. 2712: Mr. McEWEN, Mr. ENGLISH, Mr. LAGOMARSINO, Mr. TRAFICANT, Mr. HAWKINS, Mr. LEHMAN of California, Ms. SNOWE, Mr. PALLONE, Mr. DEWINE, Mr. FLORIO, Mr. ROHRBACHER, Mr. PAYNE of New Jersey, Mr. McCURDY, Mr. BUSTAMANTE, Mr. IRELAND, Mr. WALGREN, Mr. GILLMOR, Mr. LEWIS of Florida, Mr. CLARKE, Mr. SOLARZ, Mr. GRADISON, Mr. CONYERS, Mr. DARDEN, Mr. BILIRAKIS, Mr. OBERSTAR, Mr. SKEEN, Ms. OAKAR, Mr. THOMAS of California, Mr. MOORHEAD, Mr. SWIFT, Mrs. SAIKI, Mr. GALLO, Mr. BLILEY, Mr. LEATH of Texas, Mr. KOSTMAYER, Mr. HOPKINS, Mr. BUNNING, Mr. SABO, Mr. ROWLAND of Georgia, Mr. ANDERSON, Mr. DANNEMEYER, Ms. KAPTUR, Mr. BOUCHER, Mr. BERMAN, Mr. SAWYER, Mr. NIELSON of Utah, Mr. LIGHTFOOT, Mr. DENNY SMITH, Mr. GOSS, Mr. TRAXLER, Mr. McMILLEN of Maryland, Mr. CLAY, Mr. ROBINSON, Mr. MURTHA, Mr. JOHNSON of South Dakota, Mr. RAHALL, Mr. COUGHLIN, Mr. CARPER, Mr. FASCELL, Mr. HAMMERSCHMIDT, Mr. HANSEN, Mr. DERRICK, and Mr. ROYBAL.

H.R. 2726: Mr. McNULTY, Mr. MARTINEZ, Mr. PENNY, Mr. CAMPBELL of California, Mrs. BOXER, Mrs. COLLINS, and Mr. WEISS.

H.R. 2756: Mr. DE LA GARZA, Mr. FROST, Mr. YATES, and Mr. PALLONE.

H.R. 2770: Mr. MACHTLEY, Mr. BUNNING, Mr. WALKER, Mr. DENNY SMITH, Mr. HORTON, and Mr. WELDON.

H.R. 2801: Mr. PENNY.

H.R. 2804: Mr. LEACH of Iowa, Mr. ROBERTS, Mr. SARPALIUS, Mrs. MARTIN of Illinois, and Mr. TAUKE.

H.R. 2812: Mr. RAVENEL, Mr. FLORIO, Mr. BOEHLERT, and Mr. GEJDENSON.

H.J. Res. 127: Mr. BARNARD.

H.J. Res. 130: Mr. COURTER, Mr. RITTER, Mr. SAWYER, and Mr. MAVROULES.

H.J. Res. 138: Mr. DWYER of New Jersey, Mr. GALLO, Mr. FROST, and Mr. PARRIS.

H.J. Res. 164: Mr. BATES, Mr. LELAND, Mr. LEACH of Iowa, Mr. LEWIS of California, Mr. ANDERSON, Mr. HUBBARD, Mr. LENT, Mr. McHUGH, Mr. MILLER of Washington, Mr. TAUZIN, Mr. SCHUMER, Mr. DUNCAN, Mr. BRENNAN, Mr. PACKARD, Mr. GILLMOR, and Mr. KASTENMEIER.

H.J. Res. 188: Mr. HEFLEY.

H.J. Res. 199: Mr. BLILEY.

H.J. Res. 204: Mr. DEWINE, Mr. HASTERT, Mr. BALLENGER, Mr. HUTTO, Mr. JONTZ, Mr. GILMAN, and Mr. BLILEY.

H.J. Res. 220: Mr. HAWKINS, Mr. McGRATH, Mr. BUSTAMANTE, Mr. DONNELLY, Mr. SAWYER, and Mr. SAVAGE.

H.J. Res. 230: Mr. CARDIN, Mr. COSTELLO, Mr. KASTENMEIER, Mr. GALLEGLY, Mr. JONES of Georgia, Mr. ENGEL, Mr. LEWIS of California, Mr. LANTOS, Mr. MATSUI, Mr. PURSELL, Mr. ROGERS, and Mr. PASHAYAN.

H.J. Res. 241: Mr. COX, Mr. WALSH, Mr. GONZALEZ, Ms. KAPTUR, Mr. TORRES, Mr. HANSEN, Mr. TALLON, Mrs. MORELLA, Mr. FOGLIETTA, Mr. SLATTERY, Mr. BOEHLERT, Mr. HUBBARD, Mr. PRICE, and Mr. ORTIZ.

H.J. Res. 248: Mr. WYDEN, Mr. HAMILTON, Mr. DELLUMS, Ms. SLAUGHTER of New York, Mr. FRANK, Mr. GARCIA, Mr. RANGEL, Mr. TOWNS, Mr. CLARKE, Mr. VALENTINE, Mr. CROCKETT, and Mr. LELAND.

H.J. Res. 255: Mr. HAYES of Louisiana, Mr. FLIPPO, and Mr. CALLAHAN.

H.J. Res. 265: Mr. DENNY SMITH of Oregon, Mr. SPENCE, Mr. BROWN of Colorado, Mr. SCHIFF, Mr. RHODES, Mr. SCHUETTE, Mrs. JOHNSON of Connecticut, Mr. YOUNG of Florida, Mr. STEARNS, Mr. GINGRICH, Mr. MARLENEE, Mr. MOAKLEY, Mr. JONTZ, Mr. PARKER, Mr. DICKS, Mr. KANJORSKI, Mr. GEKAS, Mr. CRANE, Mr. HANSEN, Mr. GALLO, Mr. SHUSTER, Mr. BOEHLERT, Mr. ROUKEMA, Mr. EMERSON, Mr. McGRATH, Mr. SHAW, Mr. JONES of Georgia, Mr. WALSH, Mr. MOORHEAD, Mr. HANCOCK, and Mr. SYNAR.

H.J. Res. 271: Mr. SAXTON, Mr. MILLER of California, Mr. TOWNS, and Mr. JONES of Georgia.

H.J. Res. 278: Mr. PASHAYAN and Mr. PARKER.

H.J. Res. 286: Mr. EMERSON, Mr. LIPINSKI, Mr. CHAPMAN, Mr. WALSH, Mr. RANGEL, Mr. KOLTER, Mr. VOLKMER, Mr. HUGHES, Mr. FAZIO, Mr. SKEEN, and Mr. BILBRAY.

H.J. Res. 291: Mr. TRAXLER and Mr. McNULTY.

H.J. Res. 318: Mr. GINGRICH and Mr. ARMEY.

H.J. Res. 328: Mr. HOLLOWAY, Mr. EMERSON, Mr. WYLIE, and Mr. PARKER.

H.J. Res. 355: Mr. RANGEL, Ms. KAPTUR, Mr. KOLTER, Mrs. COLLINS, Mr. LAGOMARSINO, Mr. HORTON, Mr. WYDEN, Mr. BEVILL, Mr. BUSTAMANTE, Mr. MANTON, Mr. BLILEY, and Mr. DE LUGO.

H.J. Res. 364: Mr. RHODES.

H. Con. Res. 62: Mr. FUSTER, Mr. RUSSO, Mrs. KENNELLY, Mrs. ROUKEMA, Mr. DORNAN of California, Mr. ATKINS, Mr. SANGMEISTER, Mr. HUGHES, Mr. TORRICELLI, Mr. TORRES, Mr. DEFazio, Mr. SCHUMER, Mr.

FLAKE, Mr. NEAL of Massachusetts, Mr. MACHTLEY, Mr. VENTO, Mr. KENNEDY, Mr. HORTON, and Mr. WOLPE.

H. Con. Res. 75: Mr. BUECHNER, Mr. COURTER, Mr. EDWARDS of Oklahoma, Mr. FASCELL, Mr. HENRY, Mr. LANTOS, Mr. LIPINSKI, Mr. McEWEN, Mr. MILLER of Ohio, Mr. NELSON of Florida, Mr. NIELSON of Utah, Mr. RITTER, Mr. ROSE, Mr. ROTH, Mr. SHAW, Mr. SMITH of New Jersey, and Mrs. VUCANOVICH.

H. Con. Res. 92: Mr. SHAYS, Mrs. KENNELLY, Mr. KOLBE, Mr. YOUNG of Alaska, and Mr. SOLOMON.

H. Con. Res. 101: Mr. SMITH of New Hampshire.

H. Con. Res. 110: Mr. FAUNTROY, Mrs. COLLINS, Mr. EVANS, Mr. WISE, Mrs. MORELLA, and Mr. FROST.

H. Con. Res. 156: Mr. ACKERMAN, Mr. FLORIO, Mr. SOLOMON, Mr. JAMES, Mr. HOUGHTON, Ms. SNOWE, and Mr. PAXON.

H. Con. Res. 166: Mr. PENNY and Mr. WEISS.

H. Res. 116: Mr. VENTO, Mr. BUSTAMANTE, and Mr. SAVAGE.

H. Res. 130: Mr. SAXTON, Mr. SCHEUER, and Mr. PRICE.

H. Res. 134: Mr. GINGRICH and Mr. PARKER.

H. Res. 191: Mr. MACHTLEY, Mr. BUNNING, Mr. WALKER, Mr. DENNY SMITH, and Mr. WELDON.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2461

By Mr. TRAFICANT:

—At the end of title IX (page 212, after line 21), add the following new section:

SEC. 903. BUY-AMERICAN REQUIREMENT.

(a) DETERMINATION BY SECRETARY OF STATE.—(1) If the Secretary of State, with the concurrence of the United States Trade Representative and the Secretary of Commerce, determines that the public interest so requires, the Secretary of Defense may award to a domestic firm a contract that, under the use of competitive procedures, would be awarded to a foreign firm, if—

(A) the final product of the domestic firm will be completely assembled in the United States;

(B) when completely assembled, not less than 50 percent of the final product of the domestic firm will be domestically produced; and

(C) the difference between the bids submitted by the foreign and domestic firms is not more than 6 percent.

(2) In determining under this subsection whether the public interest so requires, the Secretary of State shall take into account United States international obligations and trade relations.

(b) LIMITED APPLICATION.—This section shall not apply to the extent to which—

(1) such applicability would not be in the public interest;

(2) compelling national security considerations require otherwise; or

(3) the United States Trade Representative determines that such an award would be in violation of the General Agreement on Tariffs and Trade or an international agreement to which the United States is a party.

(c) LIMITATION.—This section shall apply only to contracts for which—

(1) amounts are authorized by this Act to be made available; and

(2) solicitations for bids are issued after the date of the enactment of this Act.

(d) **REPORT TO CONGRESS.**—The Secretary of Defense shall submit to Congress a report on contracts covered under this section and entered into with foreign entities in fiscal years 1990 and 1991, including—

(1) the number of contracts that meet the requirements of subsection (a) but that are determined by the United States Trade Representative to be in violation of the General Agreement on Tariffs and Trade or an inter-

national agreement to which the United States is a party; and

(2) the number of contracts for which amounts are authorized by this Act and which are awarded pursuant to this section.

(e) **DEFINITIONS.**—For purposes of this section—

(1) the term "domestic firm" means a business entity that is incorporated in the United States and that conducts business operations in the United States; and

(2) the term "foreign firm" means a business entity not described in paragraph (1).

—At the end of title XII (page 253, after line 15) insert the following new section:

SEC. 1243. REDUCTION IN OVERALL AUTHORIZATION LEVEL.

Notwithstanding the specific authorizations of appropriations in this Act, the aggregate amount that is authorized to be appropriated for fiscal year 1990 pursuant to those authorizations is the amount equal to the sum of the authorizations of appropriations provided in this Act for fiscal year 1990 reduced by 3 percent.

Mr. Speaker, I am pleased to announce that the House has passed the National Defense Authorization Act for Fiscal Year 1990. This bill, H.R. 1015, is a landmark piece of legislation that will provide the necessary funding for our Nation's defense needs. It includes provisions for the procurement of new weapons systems, the modernization of our military forces, and the support of our troops and their families. The bill also addresses the issue of the environment and the protection of our natural resources. I believe that this bill represents a significant step forward in our Nation's defense program and I am confident that it will be passed by the Senate as well.

AMENDMENTS
Under clause 2 of Rule XXII, the following amendments were submitted as follows:

BY MR. TROTT (R-CA).
At the end of title XII, page 253, after line 15, insert the following new section:

SEC. 1243. REDUCTION IN OVERALL AUTHORIZATION LEVEL.

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SENATE—Thursday, July 20, 1989

(Legislative day of Tuesday, January 3, 1989)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

My prayer this morning was given to me by a friend at my request. His name is Col. Walter A. Guntharp. I am grateful to be able to do this.

Father, in the majesty of Your benevolence, we ask that You look down on this legislative body with charity and compassion.

Help those assembled here to be ever aware of the trust bestowed on them by the people of our great Nation and give to each one of them the grace to be humbled by the power they exercise in shaping the course and the condition of our country.

We realize, Father, that there are no small decisions where the laws of our land are evolved. We pray that You will give us the vision to see that which will best serve the people of today and the generations of tomorrow. Make us aware of Your presence as we consider the issues that confront us and guide us in the formulation of our decisions for we realize that we are not sufficient unto ourselves.

And, Father, we thank You for this great democracy. We pray that our husbandry will continue to hold it as a beacon of hope and an example for all people in the world who strive for the freedom and the human dignity with which we are so bountifully blessed. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. Under the order, the majority leader is recognized.

THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President, immediately following the time for the two leaders there will be a period for

morning business during which Senators will be permitted to speak for up to 5 minutes each.

At 9:25 a.m. the Senate will turn to consideration of S. 83, the uranium enrichment bill, under the provisions of a 5-minute time limitation, the time to be controlled and divided by Senators JOHNSTON and McCLURE or their designees.

A rollcall vote on final passage of S. 83 will occur at 9:30 this morning.

Once the Senate has disposed of S. 83, we will then return to the State Department authorization.

Last evening, with the cooperation of colleagues on both sides of the aisle, we were able to enter into a unanimous-consent agreement on the State Department authorization bill which establishes that only the identified amendments and relevant second-degree amendments are in order to the bill. Approximately 50 amendments are on this list. The complete list of amendments and other provisions of this consent agreement are printed in the Senate legislative calendar.

I expect that rollcall votes will occur throughout the day and well into the evening. Therefore, Senators now should be on notice that there will be numerous rollcall votes today, many of them at close intervals throughout the day.

It is my hope that we can make significant progress on this bill now that we have identified the final list of amendments.

RESERVATION OF LEADERS' TIME

Mr. MITCHELL. Mr. President, I reserve the remainder of my leader time and I reserve the leader time of the distinguished Republican leader.

The PRESIDENT pro tempore. Without objection, the time of the leaders is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the order, there will now be a period for the transaction of morning business not to extend beyond the hour of 9:25 a.m. with Senators permitted to speak therein for not to exceed 5 minutes each.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

TMC METHANOL BUSES

Mr. BINGAMAN. Mr. President, I rise today to praise a New Mexico company for its national leadership in the manufacture of alternative-fueled buses.

Last week, Transportation Manufacturing Corp. of Roswell, NM, shipped two methanol-burning RTS Model transit buses to the Phoenix Transit Authority. TMC, a subsidiary of the Greyhound Corp., employs about 2,000 people at its modern Roswell plant, which I visited in February. The company also is delivering clean-burning buses to the Southern California Rapid Transit District and the Denver Regional Transportation District. Thirty vehicles have been ordered by the Southern California District and 5 have been delivered to Denver.

These public transit authorities want TMC's buses in order to meet the Environmental Protection Agency's 1991 emission standards for transit vehicles. TMC is the Nation's only manufacturer of methanol buses for transit authorities.

As my colleagues know, air quality is a chief concern of mine and that of my constituents. We have air pollution problems in my State, where many citizens, public officials, and businesspeople are making important efforts to protect the quality of life so valued by New Mexicans. So, it is especially rewarding to commend TMC for its leading contribution to the manufacture of clean-burning vehicles and the improvement of our environment.

TMC's commitment is clear. John Nasl, president and chief executive officer for TMC, told the Roswell Daily Record:

We are a clean air proponent, and we have chosen to take an active role by developing buses that run cleaner, with reduced emissions. At this point in time, methanol-fueled engines may be the only viable technology to meet the tough 1991 transit bus emission standards.

It is encouraging to see industry apply technologies that will play a key role in improving air quality. TMC's success supports my view that alternative-fueled vehicles are an important component of our clean air efforts. I

have introduced legislation, S. 1058, the Clean Air Fuel Conversion Act, which would convert some of the Federal fleet to alternative fuels to help meet our clean air goals.

In my efforts to help lead the way on clean air, I also chaired a Senate Energy Committee hearing in Albuquerque on alternative fuels and helped organize the Clean Air Summit, which we plan to hold annually.

The sale of TMC's methanol buses shows that there is an important Federal role in improving air quality: The bus purchases are made possible by a \$1.8 million Federal demonstration program for methanol buses, which also will monitor the maintenance and performance of the vehicles.

FEDERAL SPENDING ON THE WAR ON DRUGS

Mr. PRYOR. Mr. President, as you know, I recently released a General Accounting Office report that makes perfectly clear the fact that, in the war on drugs, the State and local agencies are not receiving an adequate share of the resources. This is intolerable when you realize the enormity of the task forced by State and local law enforcement officials.

That is why, Mr. President, I rise today to commend William Bennett, our Nation's "drug czar", on his announced intention to more than double the portion of the Federal funds provided to the State and local governments to fight the war on drugs. This represents a significant and positive departure from the past. I, for one, am delighted he will be addressing the needs of our State and local officials who are on the front-line in the drug war. I would like to have printed in the RECORD a New York Times article on the Bennett proposal.

How are we currently equipping our front-line, Mr. President? Of the more than \$20 billion that has been spent on the drug problem since 1981, State and local law enforcement has received only \$457 million. Why do we give our front-line such a paltry share of the resources? I do not believe that there is a simple answer to that question. However, I am very pleased to learn that Mr. Bennett agrees with the need to change the balance between Federal, State, and local spending. I look forward to working with him on this vitally important issue.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, July 20, 1989]

BENNETT SAID TO PLAN SHIFT TO LOCAL EFFORT ON DRUGS

(By Richard L. Berke)

MONTEREY, CA, July 19.—The national narcotics strategy that William J. Bennett will send to the White House next month

proposes a sharp increase in Federal money for state and local Governments to fight the drug problem, senior Administration officials said today.

If the plan by the director of Federal drug control policy is adopted, it would mark a substantial shift in policy, giving local governments far more authority and resources in the war on drugs. Such a shift would limit the customary role of Federal agencies like the Drug Enforcement Administration, which is expected to resist the shift.

About \$175 million is budgeted for state and local efforts in this fiscal year. The draft strategy outlined by the officials calls for the sum to be more than doubled in the next fiscal year, the officials said, and at least quadrupled the year after that.

OFFICERS AND EQUIPMENT

The officials said the money would be directed largely at major cities most ravaged by drugs, and would be used for more police officers, prosecutors and equipment. Federal agencies would still be involved in local anti-drug efforts, they said, but the added money would let local authorities to play a large role.

A spokesman for Attorney General Dick Thornburgh, David Runkel, said the Justice Department had regularly discussed drug policy with Mr. Bennett's office but had not seen details of the proposal, which Mr. Runkel described as a "blueprint" on which the department expects to offer suggestions and comments later.

Mr. Thornburgh believes that the Federal Government should continue to take the lead in major domestic drug cases and all international cases, Mr. Runkel said.

Mr. Bennett, director of the Office of National Drug Control Policy was here today to address the American Legislative Exchange Council, a bipartisan organization of state legislators. He declined in an interview to discuss the proposal for the additional spending, but he suggested that the Federal Government had for too long sought to take it upon itself to solve drug-related problems that states and localities were better prepared to address.

CALL FOR STATES TO ACT

"Because of the size of the problem and our civic habits over the last 20 years," Mr. Bennett said, "people say this problem is enormous, bigger than state and local Governments can handle."

Mr. Bennett said, however, that if local and state governments take more responsibility for their own drug problems "we'll take care of the rest." The principal concern of the Federal Government, he said, should be international drug interdiction, tracking domestic drug gangs and securing the borders against drug smugglers.

In his speech here to the legislative council, Mr. Bennett called on states to take the lead from the Federal Government and pass stricter anti-drug measures. He urged more local spending on law enforcement, tougher and more creative sentencing programs, seizing assets of drug dealers and efforts to assure drug-free work places.

"Any plan to solve the crack problem," he told the group, "must involve the active participation of the states. So today I am calling for the states to act."

Mr. Bennett, on a four-day, five-city tour from Portland, Me., to Portland, Ore., to rally support for his proposals, said portions of his narcotics strategy would be circulated for comments at several Federal agencies and the White House Domestic Policy Council late this week. By early August, Mr.

Bush will be asked to review the proposal, which by law must be delivered to Congress by Sept. 5. The Administration officials described the spending increase for state and local drug enforcement as among the most dramatic. But Mr. Bennett said his narcotics strategy would call for more Federal spending in several areas.

RECURRENT THEME

"I think the Federal Government has got to cough up more money," he asserted. "We will not win this on the cheap." The narcotics director would not say where the additional money would come from.

While Mr. Bennett would not discuss specifics of the plan to increase local funding, reclaiming the streets of American cities from drug dealers has been a recurrent theme in speeches and interviews in his trip this week. Such efforts, he said, should take a higher priority than targeting drug traffickers in countries where cocaine originates.

"It's a good thing to capture kingpins," Mr. Bennett said after addressing the National District Attorneys Association in Portland, Me., on Tuesday. "It's a good thing to recover assets. It's a good thing to break criminal organizations."

"But," he said, "when you do all these things, if people are still living in anarchy, in chaos, in the inner city, if drug use is still as high as it used to be, if innocent people still feel the threat, what's the point of doing all these things?"

USE OF MILITARY "A GREAT BUGABOO"

Mr. Bennett also said in the interview today that he expected resistance to elements of the strategy drafted by the National Security Council calling for much greater use of the American military for noncombat purposes in South America.

"The mention of the military will cause great controversy," he said. "I understand that this is a great bugaboo to many people. But we're talking about serious and sensible things. I will rule out unilateral use of American military forces as one of the options."

In other interviews and in a series of speeches this week, Mr. Bennett made other detailed comments on his drug plan.

As important as preventing and treating drug abuse are, he said, they are often not successful unless linked with "tough minded" law enforcement.

"PALPABLE FEAR OF PUNISHMENT"

For people to stop using or selling drugs, he said, there must be "more of a palpable fear of punishment."

Again and again, Mr. Bennett sounded the theme that Federal officials cannot fight drugs alone and that local governments, churches and civic groups must take a larger role. He said he was particularly impressed Tuesday when he visited Winzer Park, in northwest Houston, where community leaders and the police worked together to "reclaim" the park from cocaine dealers.

But as often in the case in the war on drugs, the effort was not altogether successful.

"You could go a few blocks from there," said Sgt. J. C. Mosier of the Houston police, "and still find drugs."

THE 1,587TH DAY OF TERRY ANDERSON'S CAPTIVITY

Mr. MOYNIHAN. Mr. President, it is now 1,587 days that Terry Anderson has been held captive in Beirut.

His captors must know, must realize that they have only hurt their own causes by this continuing barbarism.

At this point, Mr. President, I ask unanimous consent that a related Los Angeles Times article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times, Aug. 19, 1988]

ISLAMIC JIHAD KEEPS TOUGH HOSTAGE LINE (By Charles P. Wallace)

NICOSIA, CYPRUS.—A group claiming to hold American hostages in Lebanon said Thursday that its captives will not be freed until a list of demands are met.

The assertion came in a written statement from a shadowy group calling itself Islamic Jihad (Islamic Holy War). The group delivered the statement to a news agency in Beirut accompanied by a photograph of hostage American journalist Terry A. Anderson, to prove the statement's authenticity.

The group's declaration appeared aimed at scotching widespread speculation that the ceasefire between Iran and Iraq, due to start Saturday, might result in the freeing of all or some of the Western hostages in Lebanon.

"After the increasing talk about the early release of the foreign hostages, we announce today the following: What everyone expects soon is a mirage assumed to be water by a thirsty man."

NO EXTERNAL INFLUENCE

The statement went on to argue that "regional and international developments will not be of use at all in releasing the captives in Lebanon."

Rumors circulating in the West suggested that because the faction of so-called moderates appeared to have won the upper hand in Iran, leading to acceptance of a U.N. cease-fire with Iraq, the hostages stood a chance of being released soon as the moderates tried to improve relations with the West.

The nine Americans, three Britons and one West German missing in Lebanon are believed to be held by Iranian-funded and supported groups of Shia Muslims, principally the Hezbollah, or Party of God. These groups are believed to operate under several names such as Islamic Jihad.

FATE IN THEIR HANDS

"We are the only side that decides the fate of the captives, be it at the level of releasing them, executing them or maintaining their detention," the statement released Thursday said.

Among the conditions demanded by Islamic Jihad:

—Release of Lebanese as well as Palestinian prisoners from Israeli jails.

—Israeli withdrawal from its so-called security zone in southern Lebanon.

—The reconstruction of Beirut and southern Lebanon, which the group said "have been devastated by the American-Israeli plot."

The release earlier this year of the remaining French hostages in Lebanon proved conclusively that the hostages were under

the direct control of Iran or its agents, since the release followed a substantial loan repayment by Paris to Tehran.

Diplomats have speculated that the end of the war may, paradoxically, harden Hezbollah's negotiating stand because of the likelihood that future aid from Iran will be curtailed.

HOPES RAISED IN BRITAIN

Last week, hopes were raised for British hostages after an Iranian envoy held talks in London with the Archbishop of Canterbury, Robert A.K. Runcie, about the fate of Runcie's missing envoy, Terry Waite.

Iranian press accounts have asserted that Waite's release may be affected by how Britain behaves toward the Iranians when it assumes the presidency of the U.N. Security Council next month.

An anonymous caller in Beirut told a news agency Wednesday that Waite's release was imminent, but there was no way to authenticate the call or assess the content of the message.

The photo released Thursday showed a bearded and apparently haggard Anderson. The chief Middle East correspondent of the Associated Press, he was kidnapped in Beirut 3½ years ago and has been held longer than any other Western hostage.

FORMER GOV. JOHN DEMPSEY

Mr. DODD. Mr. President, several days ago I made some comments here on the floor on the death of one of my dearest friends, and a giant in Connecticut politics, former Gov. John Dempsey. I recalled him as a man of compassion and vision, one whose work enabled Connecticut to lead the Nation in providing for the poor and the handicapped.

In the days since John Dempsey's passing, the love of the people of Connecticut for our great friend has been shown in the moving editorials remembering him that have run in nearly every newspaper in the State. I would like to share their words with my colleagues, and I ask unanimous consent that several of these editorials be inserted in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Hartford Courant, July 18, 1989]

JOHN DEMPSEY, ONE OF A KIND

John N. Dempsey, who died Sunday, was one of the most beloved public figures in Connecticut's modern era.

Who but the ebullient Irishman from Putnam remained as fresh and welcome a presence throughout his political retirement as he was when he was in office? Who was more connected to the people than he? Who loved public service as much?

Mr. Dempsey was a councilman, mayor, legislator, lieutenant governor and governor from 1961 to 1971. He probably could have served as governor longer than 10 years, had he chosen to do so. But he left office voluntarily, and at the "early" age of 57. That in itself was unusual and a tribute to his sense of proportion.

Mr. Dempsey was a prototypical politician: possessed of a romantic's disposition and an elephantine memory for faces and names, open, loquacious, a passionate believer in the efficacy of government, and, above

all, humane. The dark corners of society were illuminated and the least of us were exalted when John Dempsey was governor. This immigrant meant to deliver on the promise of America.

It was his good fortune, and Connecticut's that the times and the man were suited to one another. In the national spirit and model, state government expanded under Mr. Dempsey. For most of his tenure, he was not faced with fiscal crises as daunting as today's.

The state reached out with programs to help those in need, and erected brick-and-mortar monuments to noble aspirations. In harder times there might be a retreat from the magnitude of financial commitment to state services, but not from the goals etched on the public's conscience by Mr. Dempsey and his contemporaries.

Those who fondly remember the governor will also credit him with elevating the public dialogue rather than debasing it, which is so common today. They'll recall the presence of love and the absence of rancor that were the hallmarks of his time among us.

They'll remember someone who made politics fun and government constructive; someone who set the tone for what his craft should be.

[From the Day, July 19, 1989]

JOHN N. DEMPSEY—HIS WORK GAVE POLITICS THE FINEST OF NAMES

John N. Dempsey, a modest and good man, was without peer in modern Connecticut state politics. No other governor was able to touch the citizens of this state so effectively, choose department heads so wisely and inevitably bring out the best in people wherever he went.

Gov. Dempsey's successes flowed naturally from his charming personality. But common sense and character were the bulwark that framed his charm.

He cared about helping people more than helping himself.

He dealt directly and sincerely with the most common person he met. He took as much genuine interest in a retarded child in a state institution as he did in President John F. Kennedy or any other celebrated politician he knew.

The result of this simple, direct affection for people was the good will and love the people of Connecticut returned to Mr. Dempsey.

This Ireland-born politician made people feel good about themselves and excited about the potential for human kindness and excellence that government offered.

To a world generally cynical about government and distrustful of politicians, John Noel Dempsey served as a shining model of what a politician should be: an honest public servant whose values were rooted in compassion and understanding; whose vision sought improvements in society and whose charismatic leadership provided spirit to the causes for which he sought public support.

Who could say no to John Dempsey?

He was a natural charmer as much as a natural orator. Gov. Dempsey stirred emotions when he spoke.

"Do you remember the times when things weren't so good and we came together to try to make life a little happier for those who so desperately need our help—the sick, the handicapped and the elderly?" he might say.

And the halls filled with the cheers of audiences everywhere he spoke. But, as

always, his calls summoning the emotions of listeners were prompted by his desire to improve their lives.

Gov. Dempsey used emotion carefully and effectively to solicit the backing of Connecticut citizens for improvements in education, the environment and, most especially, for the care of the less fortunate. John Dempsey was truly a selfless man.

His creative stewardship of mental retardation programs made this state a model for the rest of the nation.

Many a time, the governor walked the halls of Seaside or Southbury or Mansfield, and stopped to greet one retarded client after another. He felt moved by their misfortune, but he did not translate that feeling into despair. Rather, the love he shared with them as human beings obligated him to make their lives better.

This was the virtuous character of John N. Dempsey.

Under the leadership of John Dempsey and University President Homer Babbidge, the University of Connecticut grew into an educational institution of national reputation.

The governor's vigorous support for UConn and other state colleges created a period of harmony between the legislature and the state education system not matched since that time.

So popular was Gov. Dempsey that he probably could have won several more terms beyond the two full terms he served after succeeding Abraham A. Ribicoff. Mr. Ribicoff left the governor's office to become secretary of health, education and welfare for President Kennedy.

But an uprising by maverick leaders in the General Assembly brought into play feelings of acrimony and personal bitterness that repelled John Dempsey's sense of decency. He expressed his outrage at the uncivil treatment from the legislature by refusing to run again despite his enormous popularity with the people.

Many times his talents were sought in politics after he left elective office, but he declined to serve as state Democratic Party chairman. And various industries and special interests tried unsuccessfully to hire him to lobby in the legislature.

Always, John Dempsey declined. He simply felt it was beneath him, having served as governor, to roam the halls trying to buttonhole legislators to vote one particular way or the other.

His natural affinity for politics remained deeply rooted nonetheless.

Gov. Dempsey expressed this by involving himself in various charitable causes. The one that received the most attention was his leadership of the successful campaign to return the Submarine Nautilus to Groton.

Ultimately, his family remained most precious and important to him.

Time and again, he received calls to return to the political fray. Though he rejoiced in the opportunities to give a rousing political speech, he stayed true to the wishes of his wife Mary to stay out of active political life.

He died of cancer early Sunday morning, just two days after he came home to Dayville to be with his family once again.

The state mourns the loss of this outstanding citizen. Connecticut will remember John N. Dempsey for his decency, his love of its people and his optimistic vision of what excellence, tempered by kindness, can bring to politics.

[From the News-Times, July 18, 1989]

JOHN N. DEMPSEY

His death was so sudden, only a month after he first complained of a cough, that it is still hard to accept that John Noel Dempsey is gone.

Long after he left Hartford, he was a fixture on the Connecticut scene. Politics, Charities, Saving the USS Nautilus. Whenever he was needed, he was there.

He was gregarious and gracious, a man who remembered names and faces, a man who never tired of telling where he came from and marveling at all that had happened to him.

He was, he loved to say, "in short pants" when as a 10-year-old he came to America from County Tipperary, Ireland. The Dempsey family settled in Putnam, and it was Putnam that gave young John Dempsey his start in politics, electing him a councilman when he was just 21.

He became governor in 1961, when Abraham Ribicoff resigned to join the cabinet of President Kennedy. He soon made the office his own, serving a decade before deciding not to seek re-election.

Under Dempsey, state government came of age. He thought Connecticut could do better and insisted it try. He achieved major gains in civil rights, clean water, clean air, mental health, youth services, education, highway safety, law enforcement and health care. Dempsey was a friend of the Danbury area, supporting the expansion of Western Connecticut State University.

His campaign literature called him "A People's governor"—and he was, even in non-election years. He and his wife, Mary, for example, made summer and Christmas visits to all of the state's training schools and hospitals. He did it because he wanted to, not because the cameras were watching.

With John Dempsey's death, Connecticut has lost a treasured son.

[From the New Haven Register, July 18, 1989]

JOHN N. DEMPSEY—HIS CHARMING PERSONALITY WAS HIS POLITICAL CALLING CARD

One measure of a man of politics is how people on both sides of the political aisle react when they learn of his death. By that measure it can be said of former Gov. John N. Dempsey, who died Sunday, that nearly a generation after he retired from the fray of seeking elective office, he is remembered as a smiling, gregarious and personable man who had an unfailing facility for remembering people's faces and names.

That quality is an asset in nearly any endeavor in life. It is a particularly valuable one in politics where constituents warm to a governor who knows them not as mere votes at the polls but as real people with families and histories, needs and desires.

Dempsey shepherded Connecticut during the 1960s and helped foster the state's reputation as a trend setter in social and environmental laws. He oversaw the passage of a job-training law that became the model for the Federal Manpower Training Act. During Dempsey's terms as governor, Connecticut also was among the first states in the nation to pass air and water pollution control laws, far ahead of similar federal laws.

Dempsey, who settled in Putnam at the age of 10 when his family immigrated from Ireland, got involved in politics early in life. He was the first foreign-born person to serve as Connecticut's governor in almost 300 years and his tenure was the longest of any governor since the early 1800s.

Even after he declined to run for a third term as governor, Dempsey was never fully retired from politics. He was a much sought after campaigner and speaker. Only death can truly take away the asset that a man with such a winsome personality brings to politics.

[From the Bridgeport Post, July 18, 1989]

JOHN N. DEMPSEY

With the death of former Gov. John N. Dempsey, the residents of Connecticut lost a political leader and elder statesman who had become a legend in his own time.

Dempsey, governor from 1961 to 1971, was the consummate politician. He exuded a warmth and sincerity that became trademarks. His tenure as the state's chief executive was the longest in modern history.

The native of Cahir, County Tipperary, Ireland, left a tremendous gubernatorial legacy that included a strong commitment to the state's higher education system. The Democrat spearheaded the creation of Connecticut's major teaching hospital in Farmington that bears his name and was an avid supporter of the state's community college system.

From his introduction to elected politics in Putnam in 1936 to his election as governor, John Dempsey showed the seldom-equalled ability to relate to people of all walks of life. When he announced he would not seek a third term in 1970, his decision sent shockwaves throughout state political circles.

Following his retirement from elective politics, Dempsey remained active in a number of varied pursuits. As a representative of the state, he was instrumental in bringing the retired Navy nuclear submarine Nautilus back to Connecticut and headed efforts to create a permanent display for the ship.

When he was once asked to describe "the Dempsey years," he said that he believed the period was "devoted to the real meaning of government: people. People just want a chance." Today, there are many people, both in and out of government, who will remember the former governor for the opportunities he created for them.

[From the New Britain (CT) Herald, July 18, 1989]

JOHN DEMPSEY

John Dempsey was a man who gave politics a good name.

A man of considerable charm and appeal, Mr. Dempsey had opponents, as any politician will, but few enemies. His death from lung cancer Sunday ended an inspirational life, which saw him come to this country as an Irish immigrant and rise to the governor's mansion.

As governor from 1961 to 1971, he helped establish Connecticut's reputation as a state with a socially-conscious government. Under his stewardship, Connecticut instituted a model job-training law, became a national leader in environmental standards laws and oversaw the federal court-ordered revision of the state Constitution and redrawing of General Assembly Districts.

He was a liberal Democrat when the term was a label party members wore proudly. He symbolized all that is good about American politics. As a young man, he found that his gregarious nature and affability translated into popularity at the voting machine. From the day in 1936 when 21-year-old John Dempsey was elected to the Putnam Town

Council his career and influence would rise steadily as his sphere of recognition grew.

The death of politicians and former politicians always brings plaudits from loyalists and opponents alike. You may rest assured that the praise for John Dempsey emerging this week is deeply sincere.

[From the Stanford (CT) Advocate, July 19, 1989]

JOHN DEMPSEY

John Dempsey, who served as governor from 1961 to 1971, was a politician of the old style in the best sense. In this age of competing interest groups and television politics, the old-time political leaders who knew what they wanted to accomplish and who appealed to people on a personal level have looked better and better in hindsight.

He brought compassion to state government. He was regarded as a champion of the mentally and physically handicapped and helped solve their problems. People responded favorably to him, even as the state bureaucracy grew during his tenure, and became a source of criticism.

Mr. Dempsey was beloved on both sides of the aisle as an example of caring, decent government at its best. U.S. Second Circuit Appeals Judge Thomas J. Meskill, who succeeded Mr. Dempsey as governor, was quoted as saying, "John Dempsey continued to be the most popular political figure in Connecticut right to the end." Quite a tribute to Mr. Dempsey from a member of the opposition party. We need more political leaders today like him.

CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Under the order, morning business is closed.

COMPREHENSIVE URANIUM ACT

The PRESIDENT pro tempore. Under the order, the Senate will proceed to the consideration of S. 83, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 83) to establish the amount of costs of the Department of Energy's uranium enrichment program that have not previously been recovered from enrichment customers in the charges of the Department of Energy to its customers.

The Senate proceeded to consider the bill, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

That this Act may be referred to as the "Comprehensive Uranium Act of 1989".

TITLE I

SEC. 110. SHORT TITLE.—This title may be cited as the "Uranium Enrichment Act of 1989".

SEC. 111. DELETION OF SECTION 161 v.—Subsection 161 v. of the Atomic Energy Act of 1954, as amended, is deleted and the remaining subsections are relettered accordingly.

SEC. 112. REDIRECTION OF THE URANIUM ENRICHMENT ENTERPRISE OF THE UNITED STATES.—The Atomic Energy Act of 1954, as amended (42 U.S.C. 2011-2296) is further amended by—

a. inserting at the commencement thereof after the words "ATOMIC ENERGY ACT OF 1954":

"TITLE I—ATOMIC ENERGY";

and

b. adding at the end thereof the following:

"TITLE II—UNITED STATES ENRICHMENT CORPORATION

"CHAPTER 21. FINDINGS

"SEC. 1101. FINDINGS.—The Congress of the United States finds that:

"a. The enrichment of uranium is essential to the national security and energy security of the United States.

"b. A competitive, well-managed and efficient enrichment enterprise provides important economic benefits to the United States and contributes to a highly favorable foreign trade balance.

"c. A strong United States enrichment enterprise promotes United States nonproliferation policies by requiring accountability for United States enriched uranium.

"d. The operation of uranium enrichment facilities must meet high standards for environmental health and safety.

"e. The operation and management of a uranium enrichment enterprise requires a commercial business orientation in order to engender customer support and confidence, and customers, rather than the taxpayers at large, should bear the costs of commercial uranium enrichment services.

"f. The optimal level of expenditures for the uranium enrichment enterprise fluctuates and cannot be accurately predicted or efficiently financed if subject to annual authorization and appropriation.

"g. Flexibility is essential to adapt business operations to a competitive marketplace.

"h. The events of the recent past, including the emergence of foreign competition, have brought new and unforeseen forces to bear upon the management and operation of the Government's uranium enrichment enterprise.

"i. The present operation of the uranium enrichment enterprise must be changed so as to further the national interest in the enterprise and respond to the competitive demand placed upon it by market forces, while continuing to meet the paramount objective of ensuring the Nation's common defense and security.

"CHAPTER 22. DEFINITIONS, ESTABLISHMENT OF CORPORATION AND PURPOSES

"SEC. 1201. DEFINITIONS.—For the purpose of this title:

"a. The term 'Secretary' means the Secretary of Energy.

"b. The term 'Department' means the Department of Energy of the United States.

"c. The term 'Administrator' means the chief executive officer of the United States Enrichment Corporation.

"d. The term 'Corporation' means the United States Enrichment Corporation.

"e. The term 'Corporate Board' means the appointed members of the official advisory panel appointed by the President pursuant to section 1503 of this title.

"f. The term 'uranium enrichment' means the separation of uranium of a given isotopic content into two components, one having a higher percentage of a fissile isotope and one having a lower percentage.

"g. The term 'remedial action' has the same meaning as defined in section 120(24) of the Comprehensive Environmental Response, Compensation and Liability Act.

"h. The term 'decontamination and decommissioning' means those activities undertaken to decontaminate and decommission inactive facilities that have residual radioactive or mixed radioactive and hazardous chemical contamination.

"SEC. 1202. ESTABLISHMENT OF THE CORPORATION:

"a. There is hereby created a body corporate to be known as the 'United States Enrichment Corporation'.

"b. The Corporation shall—

"(1) be established as a wholly owned Government corporation subject to the Government Corporation Control Act, as amended (31 U.S.C. 9101-9109), except as otherwise provided herein; and

"(2) be an agency and instrumentality of the United States.

"SEC. 1203. PURPOSES.—The Corporation is created for the following purposes—

"(1) to acquire feed material for uranium enrichment, enriched uranium, the Department's uranium previously set aside for commercial purposes, and the Department's uranium enrichment and related facilities;

"(2) to operate, and as required by business conditions, to expand or construct facilities for uranium enrichment or both;

"(3) to market and sell enriched uranium and uranium enrichment and related services to—

"(A) the Department for governmental purposes; and

"(B) qualified domestic and foreign persons;

"(4) to conduct research and development as required to meet corporate objectives for the purpose of identifying, evaluating, improving and testing processes for uranium enrichment;

"(5) to operate, as a commercial enterprise, on a profitable and efficient basis; in order to maximize the long term economic value of the Corporation to the United States Government including the payment of dividends to the Treasury as a return on the United States Government investment;

"(6) to conduct the business as a self-financing corporation and eliminate the need for appropriations or other sources of Government financing after enactment of this title;

"(7) to maintain a reliable and economical domestic source of enrichment services;

"(8) to conduct its activities in a manner consistent with the health and safety of the public;

"(9) to continue to meet the paramount objectives of ensuring the Nation's common defense and security (including consideration of United States policies concerning nonproliferation of atomic weapons and other nonpeaceful uses of atomic energy); and

"(10) to take all other lawful action in furtherance of the foregoing purposes.

"CHAPTER 23. CORPORATE OFFICES

"SEC. 1301. CORPORATE OFFICES.—The Corporation shall maintain an office for the service of process and papers in the District of Columbia, and shall be deemed, for purposes of venue in civil actions, to be a resident thereof. The Corporation may establish offices in such other place or places as it may deem necessary or appropriate in the conduct of its business.

"CHAPTER 24. POWER AND DUTIES OF THE CORPORATION

"SEC. 1401. SPECIFIC CORPORATE POWERS AND DUTIES.—The Corporation—

"a. shall perform uranium enrichment or provide for uranium to be enriched by

others at facilities of the Corporation; contracts in existence as of the date of enactment of this title between the Department and persons under contract to perform uranium enrichment and related services at facilities of the Department shall continue in effect as if the Corporation, rather than the Department, had executed these contracts;

"b. shall conduct, or provide for the conduct of, research and development activities related to the isotopic separation of uranium as the Corporation deems necessary or advisable for purposes of maintaining the Corporation as a continuing, commercial enterprise operating on a profitable and efficient basis;

"c. may acquire or distribute enriched uranium, feed material for uranium enrichment or depleted uranium in transactions with—

"(1) persons licensed under sections 53, 63, 103, or 104 of title I in accordance with the licenses held by such persons;

"(2) persons in accordance with, and within the period of, an agreement for cooperation arranged pursuant to section 123 of title I; or

"(3) as otherwise authorized by law;

"d. may—

"(1) enter into contracts with persons licensed under section 53, 63, 103, or 104 of title I for such periods of time as the Corporation may deem necessary or desirable, to provide uranium or uranium enrichment and related services; and

"(2) enter into contracts to provide uranium or uranium enrichment and related services in accordance with, and within the period of, an agreement for cooperation arranged pursuant to section 123 of title I or as otherwise authorized by law;

"e. shall sell to the Department as provided in this title, and without regard to section 57 e. of title I or the provisions of section 1535 of title 31, United States Code, such amounts of uranium or uranium enrichment and related services as the Department may determine from time to time are required: (1) for the Department to carry out Presidential direction and authorizations pursuant to section 91 of title I; and (2) for the conduct of other Department programs;

"f. may grant licenses, both exclusive and nonexclusive, for the use of patent and patent applications owned by the Corporation, and establish and collect charges, in the form of royalties or otherwise, for utilization of Corporation-owned facilities, equipment, patents, and technical information of a proprietary nature pertaining to the Corporation's activities.

"SEC. 1402. GENERAL POWERS OF THE CORPORATION.—In order to accomplish the purposes of this title, the Corporation—

"a. shall have perpetual succession unless dissolved by Act of Congress;

"b. may adopt, alter, and use a corporate seal, which shall be judicially noticed;

"c. may sue and be sued in its corporate name and be represented by its own attorneys in all judicial and administrative proceedings;

"d. may indemnify the Administrator, officers, attorneys, agents and employees of the Corporation for liabilities and expenses incurred in connection with their corporate activities;

"e. may adopt, amend, and repeal bylaws, rules, and regulations governing the manner in which its business may be conducted and the power granted to it by law may be exercised and enjoyed;

"f. (1) may acquire, purchase, lease, and hold real and personal property including

patents and proprietary data, as it deems necessary in the transaction of its business, and sell, lease, grant, and dispose of such real and personal property, as it deems necessary to effectuate the purposes of this title and without regard to the Federal Property and the Administrative Services Act of 1949, as amended;

"(2) Purchases, contracts for the construction, maintenance, or management and operation of facilities and contracts for supplies or services, except personal services, made by the Corporation shall be made after advertising, in such manner and at such times sufficiently in advance of opening bids, as the Corporation shall determine to be adequate to insure notice and an opportunity for competition: Provided, That advertising shall not be required when the Corporation determines that the making of any such purchase or contract without advertising is necessary in the interest of furthering the purposes of this title, or that advertising is not reasonably practicable;

"g. with the consent of the agency or government concerned, may utilize or employ the services or personnel of any Federal Government agency, or any State or local government, or voluntary or uncompensated personnel to perform such functions on its behalf as may appear desirable;

"h. may enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of its business and on such terms as it may deem appropriate, with any agency or instrumentality of the United States, or with any State, territory or possession, or with any political subdivision thereof, or with any person, firm, association, or corporation;

"i. may determine the character of and the necessity for its obligations and expenditures and the manner in which they shall be incurred, allowed, and paid, subject to the provisions of this title and other provisions of law specifically applicable to wholly owned Government corporations;

"j. notwithstanding any other provision of law, and without need for further appropriation, may use monies, unexpended appropriations, revenues and receipts from operations, amounts received from obligations issued and other assets of the Corporation in accordance with section 1505, without fiscal year limitation, for the payment of expenses and other obligations incurred by the Corporation in carrying out its functions under, and within the requirements of, this title; and shall not be subject to apportionment under the provisions of subchapter II of chapter 15 of title 31, United States Code;

"k. may settle and adjust claims held by the Corporation against other persons or parties and claims by other persons or parties against the Corporation;

"l. may exercise, in the name of the United States, the power of eminent domain for the furtherance of the official purposes of the Corporation;

"m. shall have the priority of the United States with respect to the payment of debts out of bankrupt, insolvent, and decedents' estates;

"n. may define appropriate information as 'Government Commercial Information' and exempt such information from mandatory release pursuant to section 552(b)(3) of title 5, United States Code, when it is determined by the Administrator that such information if publicly released would harm the Corporation's legitimate commercial interests or those of a third party;

"o. may request, and the Administrator of General Services, when requested, shall fur-

nish the Corporation such services as he is authorized to provide agencies of the United States;

"p. may accept gifts or donations of services, or of property, real, personal, mixed, tangible or intangible, in aid of any purposes herein authorized; and

"q. may execute, in accordance with its bylaws, rules and regulations, all instruments necessary and appropriate in the exercise of any of its powers.

"r. shall pay any settlement or judgment entered against it from the Corporation's own funds and not from the judgment fund (31 U.S.C. 1304). The provisions of the Federal Tort Claims Act (28 U.S.C. 1346(b) and 2671 et seq.) shall not apply to any claims arising from the activities of the Corporation after the effective date of this statute: Provided, That this subsection shall not apply to liability or claims arising from a nuclear incident, if such incident occurs prior to the licensing of the Corporation's existing Gaseous Diffusion Facilities under section 1601 of this title.

"SEC. 1403. CONTINUATION OF CONTRACTS, ORDERS, PROCEEDINGS, AND REGULATIONS:

"a. Except as provided elsewhere in this title, all contracts, agreements, and leases with the Department, and licenses, and privileges that have been afforded to the Department prior to the date of the enactment of this title and that relate to uranium enrichment, including all enrichment services contracts, power purchase contracts, and the December 18, 1987, settlement agreement with the Tennessee Valley Authority regarding payment of capacity charges under the Department's two power contracts with the Tennessee Valley Authority, shall continue in effect as if the Corporation had executed such contracts, agreements, or leases or had been afforded such licenses and privileges.

"b. As related to the functions vested in the Corporation by this title, all orders, determinations, rules, regulations and privileges of the Department shall continue in effect and remain applicable to the Corporation until modified, terminated, superseded, set aside or revoked by the Corporation, by any court of competent jurisdiction, or by operation of law unless otherwise specifically provided in this title.

"c. Except as provided elsewhere in this title, the transfer of functions related to and vested in the Corporation by this title shall not affect proceedings judicial or otherwise, relating to such functions which are pending at the time this title takes effect, and such proceedings shall be continued with the Corporation, as appropriate.

"SEC. 1404. LIABILITIES.—Except as provided elsewhere in this title, all liabilities attributable to operation of the uranium enrichment enterprise prior to the date of the enactment of this title shall remain direct liabilities of the Government of the United States; with regard to any claim seeking to impose such liability, section 1403 shall not be applicable and the United States shall be represented by the Department of Justice.

"CHAPTER 25. ORGANIZATION, FINANCE AND MANAGEMENT

"SEC. 1501. ADMINISTRATOR:

"a. The management of the Corporation shall be vested in an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate, without regard to political affiliation. The Administrator shall be a person who, by reason of professional background and experience is specially qualified to manage the Corporation: Provided, however, That upon

enactment of this title, the President shall appoint in existing officer or employee of the United States to act as Administrator until the office is filled.

"b. The Administrator—

"(1) shall be the chief executive officer of the Corporation and shall be responsible for the management and direction of the Corporation. The Administrator shall establish the offices, appoint the officers and employees of the Corporation (including attorneys), and define their responsibilities and duties. The Administrator shall appoint other officers and employees as may be required to conduct the Corporation's business;

"(2) shall serve a term of six years but may be reappointed;

"(3) shall, before taking office, take an oath to faithfully discharge the duties thereof;

"(4) shall have compensation determined by the President based upon the recommendation of the Secretary and the Corporate Board as provided in section 1503(c), except that in the absence of such determination compensation shall be set at Executive Level I, as prescribed in section 5312 of title 5, United States Code;

"(5) shall be a citizen of the United States;

"(6) shall designate an officer of the Corporation who shall be vested with the authority to act in the capacity of the Administrator in the event of absence or incapacity; and

"(7) may be removed from office only by the President and only for neglect of duty or malfeasance in office. The President shall communicate the reasons for any such removal to both Houses of Congress at least thirty days prior to the effective date of such removal.

"c. (1) The Secretary shall exercise general supervision over the Administrator only with respect to the activities of the Corporation involving—

"(A) the Nation's common defense and security; and

"(B) health, safety and the environment.

"(2) The Administrator shall be solely responsible for the exercise of all powers and responsibilities that are committed to the Administrator under this title and that are not reserved to the Secretary under paragraph (1), and, notwithstanding the provisions of section 9104(a)(4) of title 31, United States Code, including the setting of the appropriate amount of, and paying, any dividend under section 1506(c) and all other fiscal matters.

"SEC. 1502. DELEGATION.—The Administrator may delegate to other officers or employees powers and duties assigned to the Corporation in order to achieve the purposes of this title.

"SEC. 1503. CORPORATE BOARD.—There is hereby established a Corporate Board appointed by the President which shall consist of five members, one of whom shall be designated as chairman. Members of the Corporate Board shall be individuals possessing high integrity, demonstrated accomplishment and broad experience in management and shall have strong backgrounds in science, engineering, business or finance. At least one member of the Corporate Board shall be, or previously have been, employed on a full-time basis in managing an electric utility.

"a. (1) The specific responsibilities of the Corporate Board shall be to—

"(A) review the Corporation's policies and performance and advise the Administrator and the Secretary on these matters; and

"(B) advise the Administrator and the Secretary on any other such matters concerning

the Corporation as may be referred to the Corporate Board.

"(2) The Board shall have the right to recommend removal of the Administrator. In the event such recommendation is made, it shall be transmitted to the President by the Secretary, together with the Secretary's own recommendation on removal of the Administrator.

"b. Members of the Board shall be provided access to all significant reports, memoranda, or other written communications generated or received by the Corporation. At the request of the Board, the Corporation shall make available to the Board all financial records, reports, files, papers, and memoranda of, or in use by, the Corporation.

"c. When appropriate, the Corporate Board may make recommendations to the Secretary concerning the compensation to be received by the Administrator and up to ten officers of the Corporation who may receive compensation in excess of Executive Level II as provided in section 1504(a). The Secretary shall transmit such recommendations to the President together with the Secretary's own recommendations concerning compensation. In the event that less than three members of the Corporate Board are in office, recommendations concerning compensation may be made by the Secretary alone. The President shall have the power to enter into binding agreements concerning compensation to be received by the Administrator during his term of office and by the ten officers described in section 1504(a) during their term of employment, regardless of any recommendations received or not received under this title.

"d. Except for initial appointments, members of the Corporate Board shall serve five-year terms. Each member of the Corporate Board shall be a citizen of the United States. No more than three members of the Board shall be members of any one political party. Of those first appointed, the chairman shall serve for the full five-year term; one member shall serve for a term of four years; one shall serve for a term of three years; one shall serve for a term of two years; and one shall serve for a term of one year.

"e. Upon expiration of the initial term, each Corporate Board member appointed thereafter shall serve a term of five years. Upon the occurrence of a vacancy on the Board, the President shall appoint an individual to fill such vacancy for the remainder of the applicable term. Upon expiration of a term, a Board member may continue to serve up to a maximum of one year or until a successor shall have been appointed and assumed office, whichever occurs first.

"f. The members of the Corporate Board in executing their duties shall be governed by the laws and regulations regarding conflicts of interest, but exempted from other provisions and authority prescribed by the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2).

"g. The Corporate Board shall meet at any time pursuant to the call of the Chairman and as provided by the bylaws of the Corporation, but not less than quarterly. The Administrator or his representative shall attend all meetings of the Corporate Board.

"h. The Corporation shall compensate members of the Corporate Board at a per diem rate equivalent to Executive Level III, as defined in section 5314 of title 5, United States Code, in addition to reimbursement of reasonable expenses incurred when engaged in the performance of duties vested in the Corporate Board. Any Corporate Board member who is otherwise a Federal employee

shall not be eligible for compensation above reimbursement for reasonable expenses incurred while attending official meetings of the Corporation.

"i. (1) The Corporate Board shall report at least annually to the Administrator on the performance of the Corporation and the issues that, in the opinion of the Board, require the attention of the Administrator. Any such report shall include such recommendations as the Board finds appropriate. A copy of any report under this subsection shall be transmitted promptly to the President, the Secretary, the Committee on Energy and Natural Resources of the Senate and to the Speaker of the House of Representatives.

"(2) Within ninety days after the receipt of any report under this subsection the Administrator shall respond in writing to such report and provide an analysis of such recommendations of the Board contained in the report. Such response shall include plans for implementation of each recommendation or a justification for not implementing such recommendation. A copy of any response under this subsection shall be transmitted promptly to the President, the Secretary, the Committee on Energy and Natural Resources and to the Speaker of the House of Representatives.

"SEC. 1504. EMPLOYEES OF THE CORPORATION.—Officers and employees of the Corporation shall be officers and employees of the United States:

"a. The Administrator shall appoint all officers, employees and agents of the Corporation as are deemed necessary to effect the provisions of this title without regard to any administratively imposed limits on personnel, and any such officer, employee or agent shall only be subject to the supervision of the Administrator. The Administrator shall fix all compensation in accordance with the comparable pay provisions of section 5301 of title 5, United States Code, with compensation levels not to exceed Executive Level II, as defined in section 5313 of title 5, United States Code: Provided, That the Administrator may, upon recommendation by the Secretary and the Corporate Board as provided in section 1503(c) and approval by the President, appoint up to ten officers whose compensation shall not exceed an amount which is 20 per centum less than the compensation received by the Administrator, but not less than Executive Level II. The Administrator shall define the duties of all officers and employees and provide a system of organization inclusive of a personnel management system to fix responsibilities and promote efficiency. The Corporation shall assure that the personnel function and organization is consistent with the principles of section 2301(b) of title 5, United States Code, relating to merit system principles. Officers and employees of the Corporation shall be appointed, promoted and assigned on the basis of merit and fitness, and other personnel actions shall be consistent with the principles of fairness and due process but without regard to those provisions of title 5 of the United States Code governing appointments and other personnel actions in the competitive service.

"b. Any Federal employee hired before January 1, 1984, who transfers to the Corporation and who on the day before the date of transfer is subject to the Federal Civil Service Retirement System (subchapter III of chapter 83 of title 5, United States Code) shall remain within the coverage of such system unless he or she elects to be subject to the Federal Employees' Retirement System.

For those employees remaining in the Federal Civil Service Retirement System, the Corporation shall withhold pay and shall pay into the Civil Service Retirement and Disability Fund the amounts specified in chapter 83 of title 5, United States Code. Employment by the Corporation without a break in continuity of service shall be considered to be employment by the United States Government for purposes of subchapter III of chapter 83 of title 5, United States Code. Any employee of the Corporation who is not within the coverage of the Federal Civil Service Retirement System shall be subject to the Federal Employees' Retirement System (chapter 84 of title 5, United States Code). The Corporation shall withhold pay and make such payments as are required under that retirement system. Further:

"(1) Any employee who transfers to the Corporation under this section shall not be entitled to lump sum payments for unused annual leave under section 5551 title 5, United States Code, but shall be credited by the Corporation with the unused annual leave at the time of transfer.

"(2) An employee who does not transfer to the Corporation and who does not otherwise remain a Federal employee shall be entitled to all the rights and benefits available under Federal law for separated employees, except that severance pay shall not be payable to an employee who does not accept an offer of employment from the Corporation of work substantially similar to that performed by the employee for the Department.

"c. This section does not affect a right or remedy of an officer, employee, or applicant for employment under a law prohibiting discrimination in employment in the Government on the basis of race, color, religion, age, sex, national origin, political affiliation, marital status, or handicap conditions.

"d. Officers and employees of the Corporation shall be covered by chapter 73 of title 5, United States Code, relating to suitability, security and conduct.

"e. Compensation, benefits, and other terms and conditions of employment in effect immediately prior to the effective date of this section, whether provided by statute or by rules and regulations of the Department or the executive branch of the Government of the United States shall continue to apply to officers and employees who transfer to the Corporation from other Federal employment until changed by the Corporation in accordance with the provisions of this title.

"f. The provisions of sections 3323(a) and 8344 of title 5, United States Code, or any other law prohibiting or limiting the reemployment of retired officers or employees or the simultaneous receipt of compensation and retired pay or annuities, shall not apply to officers and employees of the Corporation who have retired from or ceased previous government service prior to April 28, 1987.

"SEC. 1505. TRANSFER OF PROPERTY TO THE CORPORATION.—In order to enable the Corporation to exercise the powers and duties vested in it by this title:

"a. The Secretary, as requested by the Administrator, is authorized and directed to transfer without charge to the Corporation all of the Department's right, title, or interest in and to, real or personal properties owned by the Department, or by the United States but under control or custody of the Department, which are related to and materially useful in the performance of the functions transferred by this title, including but not limited to the following—

"(1) production facilities for uranium enrichment inclusive of real estate, buildings and other improvements at production sites and their related and supporting equipment: Provided, That facilities, real estate, improvements and equipment related to the Oak Ridge Gaseous Diffusion Plant in Oak Ridge, Tennessee, and to the gas centrifuge enrichment program shall not transfer under this paragraph except for diffusion cascades and related equipment needed by the Corporation for replacement parts: Provided further, That any enrichment facilities retained by the Department shall not be used to enrich uranium in competition with the Corporation. This paragraph shall not prejudice consideration of any site as a candidate site for future expansion or replacement of uranium enrichment capacity;

"(2) at such time subsequent to the year 2000 as the Secretary determines that the Oak Ridge Gaseous Diffusion Plant should be decommissioned or decontaminated, or both, the Secretary shall convey without charge equipment and facilities relating to the Oak Ridge Gaseous Diffusion Plant not transferred in paragraph (1) to the Corporation;

"(3) facilities, equipment, and materials for research and development activities related to the isotopic separation of uranium by the gaseous diffusion technology;

"(4) the Department's stocks of preproduced enriched uranium, but excluding stocks of highly enriched uranium: Provided, That approximately two metric tons of the Department's highly enriched uranium shall be loaned to the Corporation as required for working inventory;

"(5) the Department's stocks of feed materials for uranium enrichment except for the quantities allocated to the national defense activities of the Department as of the date of enactment;

"(A) the Department's stockpile of enrichment tails existing as of the date of enactment, shall remain with the Department; and

"(B) stocks of feed materials which remain the property of the Department under paragraph (5) shall remain in place at the enrichment plant sites. The Corporation shall have access to and use of these feed materials provided such quantities as are used are replaced, or credit given, if use by the Department is subsequently needed.

"(6) all other facilities, equipment, materials, processes, patents, technical information of any kind, contracts, agreements, and leases to the extent these items concern the Corporation's functions and activities, except those items required for programs and activities of the Department and those items specifically excluded by this subsection.

The transfer authorized by this section is not subject to the requirements of section 120(h) of the Comprehensive Environmental Response, Compensation and Liability Act.

"b. The Secretary is authorized and directed to grant to the Corporation without charge the Department's rights and access to the Atomic Vapor Laser Isotope Separation, hereinafter referred to as 'AVLIS', technology and to provide on a reimbursable basis and at the request of the Corporation, the necessary cooperation and support of the Department to assure the commercial development and deployment of AVLIS or other technologies in a manner consistent with the intent of this title.

"c. The Secretary is authorized and directed to grant the Corporation without charge, to the extent necessary or appropriate for

the conduct of the Corporation's activities, licenses to practice or have practiced any inventions or discoveries (whether patented or unpatented) together with the right to use or have used any processes and technical information owned or controlled by the Department.

"d. The Secretary is directed, without need of further appropriation, to transfer to the Corporation the unexpended balance of appropriations and other monies available to the Department (inclusive of funds set aside for accounts payable, and accounts receivable which are related to functions and activities acquired by the Corporation from the Department pursuant to this title, including all advance payments.

"e. The President is authorized to provide for the transfer to the Corporation of the use, possession, and control of such other real and personal property of the United States which is reasonably related to the functions performed by the Corporation. Such transfers may be made by the President without charge as he may from time to time deem necessary and proper for achieving the purposes of this title.

"f. Title to depleted uranium resulting from the enrichment services provided to the Department by the Corporation shall remain with the Department.

"SEC. 1506. CAPITAL STRUCTURE OF THE CORPORATION:

"a. Upon commencement of operations of the Corporation, all liabilities then chargeable to unexpended balances of appropriations transferred under section 1505 shall become liabilities of the Corporation.

"b. (1) The Corporation shall issue capital stock representing an equity investment equal to the book value of assets transferred to the Corporation, as reported in the Uranium Enrichment Annual Report for fiscal year 1987, modified to reflect continued depreciation and other usual changes that occur up to date of transfer. The Secretary of the Treasury shall hold such stock for the United States: Provided, That all rights and duties pertaining to management of the Corporation shall remain vested in the Administrator as specified in section 1501.

"(2) The capital stock of the Corporation shall not be sold, transferred, or conveyed by the United States unless such disposition is specifically authorized by Federal law enacted after enactment of this title.

"c. The Corporation shall pay into miscellaneous receipts of the Treasury of the United States or such other fund as provided by law, dividends on the capital stock, out of earnings of the Corporation, as a return on the investment represented by such stock. The Corporation shall pay such dividends out of earnings, unless there is an overriding need to retain these funds in furtherance of other corporate functions including but not limited to research and development, capital investments and establishment of cash reserves.

"d. The Corporation shall repay within a twenty-year period the amount of \$364,000,000 into miscellaneous receipts of the Treasury of the United States, or such other fund as provided by law with interest on the unpaid balance from the date of enactment of this title at a rate equal to the average yield on twenty-year Government obligations as determined by the Secretary of the Treasury on the date of enactment of this title. The money required to be repaid under this subsection is hereinafter referred to as the 'Initial Debt'.

"e. Receipt by the United States of the stock issued by the Corporation (including

all rights appurtenant thereto) together with repayment of the Initial Debt shall constitute the sole recovery by the United States of previously unrecovered costs that have been incurred by the United States of uranium enrichment activities prior to enactment of this title.

"SEC. 1507. BORROWING:

"a. (1) The Corporation is authorized to issue and sell bonds, notes, and other evidences of indebtedness (hereinafter collectively referred to as 'bonds') in an amount not exceeding \$2,500,000,000 outstanding at any one time to assist in financing its activities and to refund such bonds. The principal of and interest on said bonds shall be payable from revenues of the Corporation.

"(2) Notwithstanding any other provision of law, the Corporation may pledge and use its revenues for payment of the principal of and interest on said bonds, for purchase or redemption thereof, and for other purposes incidental thereto, including creation of reserve funds and other funds which may be similarly pledged and used, to such extent and in such manner as it may deem necessary or desirable.

"(3) Notwithstanding any other provision of law, the Corporation is authorized to enter into binding covenants with the holders of said bonds—and with the trustee, if any—under any indenture, resolution, or other agreement entered into in connection with the issuance thereof with respect to the establishment of reserve funds and other funds, stipulations concerning the subsequent issuance of bonds, and such other matters, not inconsistent with this title, as the Corporation may deem necessary or desirable to enhance the marketability of said bonds.

"(4) Bonds issued by the Corporation hereunder shall not be obligations of, nor shall payments of the principal thereof or interest thereon be guaranteed by, the United States.

"b. Bonds issued by the Corporation under this section shall be negotiable instruments unless otherwise specified therein, shall be in such forms and denominations, shall be sold at such times and in such amounts, shall mature at such time or times not more than thirty years from their respective dates, shall be sold at such prices, shall bear such rates of interest, may be redeemable before maturity at the option of the Corporation in such manner and at such times and redemption premiums, may be entitled to such priorities of claim on the Corporation's revenues with respect to principal and interest payments, and shall be subject to such other terms and conditions, as the Corporation may determine; Provided, That at least fifteen days before selling each issue of bonds hereunder (exclusive of any commitment shorter than one year) the Corporation shall advise the Secretary of the Treasury as to the amount, proposed date of sale, maturities, terms and conditions and expected rates of interest of the proposed issue in the fullest detail possible. The Corporation shall not be subject to the provisions of section 9108 of title 31, United States Code. The Corporation shall be deemed part of an executive department or an independent establishment of the United States for purposes of the provisions of section 78(c) of title 15, United States Code.

"c. Bonds issued by the Corporation hereunder shall be lawful investments and may be accepted as security for all fiduciary, trust, and public funds, the investment or deposit of which shall be under the authority or control of any officer or agency of the United States. The Secretary of the Treasury

or any other officer or agency having authority over or control of any such fiduciary, trust, or public funds, may at any time sell any of the bonds of the Corporation acquired by them under this section; Provided, That the Corporation shall not issue or sell any bonds to the Federal Financing Bank.

"SEC. 1508. PRICING:

"a. For purposes of maximizing the long-term economic value of the Corporation to the United States Government, the Corporation shall establish prices for its products, materials and services provided to customers other than the Department on a basis that will, over the long term, allow it to recover its costs for providing the products, materials and services; repay the Initial Debt; recover costs of decontamination, decommissioning and remedial action; and attain the normal business objectives of a profitmaking Corporation.

"b. The Corporation shall establish prices for low assay enrichment services and other products, materials, and services provided the Department on a basis that will allow it to recover its costs on a yearly basis for providing such low assay enrichment services, products, materials, and services, including depreciation and the cost of decontamination, decommissioning and remedial action, but excluding repayment of the Initial Debt and profit. In establishing such prices, the base charge paid by the Department in any given year shall not exceed the average base charge paid by customers other than the Department; Provided, however, That if the imposition of such average base charges as a limitation on the base charge paid by the Department in a given year does not permit the Corporation to fully recover its costs for providing such products, materials and services to the Department then, in subsequent years, the Corporation shall include such unrecovered costs in its prices charged the Department. Base charge shall mean the amount paid by a customer per separative work unit for low assay enrichment services during a given year (exclusive of any credits received under a voluntary overfeeding program), less the portion of such amount which represents the cost of decontamination and decommissioning and remedial action. The average base charge paid by customers other than the Department shall be determined by dividing the estimated total dollar amount of low assay enrichment services sales to customers other than the Department during a given year by the estimated amount of separative work units sold to customers other than the Department during that year. Adjustments between estimated and actual amounts shall be made upon receipt of actual sales data.

"c. The Corporation shall establish prices to the Department for high assay enrichment services on a basis that will allow it to recover its costs, on a yearly basis, for providing the products, materials or services, including depreciation and the costs of decontamination, decommissioning, and remedial action concerning enrichment property, but excluding repayment of the Initial Debt and profit. If the Department does not request any enrichment services in a given year, the Department shall reimburse the Corporation for costs required to maintain the minimum level of operation of the high assay production facility.

"d. (1) In accordance with the cost responsibilities defined in paragraphs (3) and (4), the Corporation shall recover from its customers in the prices and charges established in accordance with subsection (a), amounts that will be sufficient to pay for the costs of

decommissioning, decontamination and remedial action for the various property of the Corporation, including property transferred under section 1505(a) at any time. Such costs shall be based on the point in time that such decommissioning, decontamination and remedial action are to be undertaken and accomplished; Provided, That by the year 2000 the Corporation shall have recovered and deposited in the Uranium Enrichment Decontamination and Decommissioning Fund 50 per centum of the estimated total costs of decontamination and decommissioning of all property transferred or to be transferred to the Corporation under section 1505, including the Oak Ridge Gaseous Diffusion Plant.

"(2) In order to meet the objective defined in paragraph (1), the Corporation shall periodically estimate the anticipated or actual costs of decommissioning and decontamination. Such estimates shall reflect any changes in assumptions or expectations relevant to meeting such objective, including, but not limited to, any changes in applicable environmental requirements. Such estimates shall be reviewed at least every two years.

"(3) For purposes of enabling the Corporation to meet the objective defined in paragraph (1) with respect to the Oak Ridge Gaseous Diffusion Plant, the Secretary shall periodically estimate the anticipated costs of decontamination and decommissioning and the time at which such decontamination and decommissioning is to be accomplished. Such estimates shall reflect any changes in assumptions or expectations relevant to meeting such objective, including but not limited to, any changes in applicable environmental requirements. The Secretary shall review such estimates every two years and convey this information to the Corporation.

"(4) With respect to property that has been used in the production of low-assay separative work,

"(A) The costs of decommissioning, decontamination and remedial action that shall be recoverable from customers other than the Department in prices and charges shall be in the same ratio to the total costs of decommissioning, decontamination and remedial action for the property in question as the production of separative work over the life of such property for commercial customers bears to the total production of separative work over the life of such property.

"(B) All other costs of decommissioning, decontamination and remedial action for such property shall be recovered in prices and charges to the Department.

"(5) With respect to property that has been used solely in the production of high-assay separative work, all costs of decommissioning, decontamination and remedial action shall be recovered in prices and charges to the Department.

"SEC. 1509. AUDITS.—In fiscal years during which an audit is not performed by the Comptroller General in accordance with the provisions of section 9105 of title 31, United States Code, the financial transactions of the Corporation shall be audited by an independent firm or firms of nationally recognized certified public accountants who shall prepare such audits using standards appropriate for commercial corporate transactions. The fiscal year of the Corporation shall conform to the fiscal year of the United States. The General Accounting Office shall review such audits annually, and to the extent necessary, cause there to be a further examination of the Corporation using standards for commercial corporate trans-

actions. Such audits shall be conducted at the place or places where the accounts of the Corporation are established and maintained. All books, financial records, reports, files, papers, memoranda, and other property of, or in use by, the Corporation shall be made available to the person or persons authorized to conduct audits in accordance with the provisions of this section.

"SEC. 1510. REPORTS:

"a. The Corporation shall prepare an annual report of its activities. This report shall contain—

"(1) a general description of the Corporation's operations;

"(2) a summary of the Corporation's operating and financial performance, including an explanation of the decision to pay or not pay dividends; and

"(3) copies of audit reports prepared in conformance with section 1509 of this title and the provisions of the Government Corporation Control Act, as amended.

"b. A copy of the annual report shall be provided to the President, the Secretary, the Committee on Energy and Natural Resources of the Senate, and the appropriate committees of the House of Representatives. Such reports shall be completed not later than ninety days following the close of each fiscal year and shall accurately reflect the financial position of the Corporation at fiscal year end, inclusive of any impairment of capital or ability of the Corporation to comply with the provisions of this title.

"SEC. 1511. CONTROL OF INFORMATION:

"a. The term 'Commission' shall be deemed to include the Corporation wherever such term appears in section 141 and subsections a. and b. of section 142 of title I.

"b. No contracts or arrangements shall be made, nor any contract continued in effect, under section 1401, 1402, 1403, or 1404, unless the person with whom such contract or arrangement is made, or the contractor or prospective contractor, agrees in writing not to permit any individual to have access to Restricted Data, as defined in section 11 y. of title I, until the Office of Personnel Management shall have made an investigation and report to the Corporation on the character, associations, and loyalty of such individual, and the Corporation shall have determined that permitting such person to have access to restricted data will not endanger the common defense and security.

"c. The restrictions detailed in subsections b., c., d., e., f., g., and h., of section 145 of title I shall be deemed to apply to the Corporation where they refer to the Commission or a majority of the members of the Commission, and to the Administrator where they refer to the General Manager.

"d. The Administrator shall keep the appropriate congressional committees fully and currently informed with respect to all of the Corporation's activities. To the extent consistent with the other provisions of this section, the Corporation shall make available to any of such committees all books, financial records, reports, files, papers, memoranda, or other information possessed by the Corporation upon receiving a request for such information from the chairman of such committee.

"e. Whenever the Corporation submits to the President, or the Office of Management and Budget, any budget, legislative recommendation, testimony, or comments on legislation, prepared for submission to the Congress, the Corporation shall concurrently transmit a copy thereof to the appropriate committees of Congress.

"f. The Corporation shall have no power to control or restrict the dissemination of in-

formation other than as granted by this or any other law.

"SEC. 1512. PATENTS AND INVENTIONS:

"a. The term 'Commission' shall be deemed to include the Corporation wherever such term appears in section 152, 153b. (1), and 158 of title I. The Corporation shall pay such royalty fees for patents licensed to it under section 153 b. (1) of title I as are paid by the Department under that provision. Nothing in title I or this title shall affect the right of the Corporation to require that patents granted on inventions, that have been conceived or first reduced to practice during the course of research or operations of, or financed by the Corporation, be assigned to the Corporation.

"b. The Department shall notify the Corporation of all reports heretofore or hereafter filed with it under subsection 151 c. of title I and all applications for patents heretofore or hereafter filed with the Commissioner of Patents of which the Department has notice under subsection 151 d. of title I or otherwise, whenever such reports or applications involve matters pertaining to the functions or responsibilities of the Corporation in accordance with this title. The Department shall make all such reports available to the Corporation, and the Commissioner of Patents shall provide the Corporation access to all such applications. All reports and applications to which access is so provided shall be kept in confidence by the Corporation, and no information concerning the same given without authority of the inventor or owner unless necessary to carry out the provisions of any Act of Congress.

"c. The Corporation, without regard for any of the conditions specified in paragraph 153 c. (1), (2), (3), or (4) of title I, may at any time make application to the Department for a patent license for the use of an invention or discovery useful in the production or utilization of special nuclear material or atomic energy covered by a patent when such patent has not been declared to be affected with the public interest under subsection 153 b. (1) of title I and when use of such patent is within the Corporation's authority. Any such application shall constitute an application under subsection 153 c. of title I subject, except as specified above, to all the provisions of subsections 153 c., d., e., f., g., and h., of title I.

"d. With respect to the Corporation's functions under this title, section 158 of title I shall be deemed to include the Corporation within the phrase, 'any other licensee' in the first sentence thereof and within the phrase 'such licensee' in the second sentence thereof.

"e. The Corporation shall not be liable directly or indirectly for any damages or financial responsibility with respect to secrecy orders imposed under section 181 of title 35, United States Code, through 187.

"f. The Corporation shall not be liable or responsible for any payments made or awards under subsection 157 b.(3) of title I, or any settlements or judgments involving claims for alleged patent infringement except to the extent that any such awards, settlements or judgments are attributable to activities of the Corporation after the effective date of this title.

"g. The Corporation shall keep currently informed as to matters affecting its rights and responsibilities under chapter 13 of title I as modified by this section and shall take all appropriate action to avail itself of such rights and satisfy such responsibilities. The Department in discharging its responsibilities under chapter 13 of title I shall exercise

diligence in informing the Corporation of matters affecting the responsibilities and jurisdiction of the Corporation and seeking and following as appropriate the advice and recommendation of the Corporation in such matters.

"CHAPTER 26. LICENSING, TAXATION, AND MISCELLANEOUS PROVISIONS

"SEC. 1601. LICENSING:

"a. Notwithstanding any other provision of law, with respect solely to facilities, equipment and materials for activities related to the isotopic separation of uranium by the gaseous diffusion technology at facilities in existence as of the date of enactment of this title, the Corporation and its contractors are hereby exempted from the licensing requirements and prohibitions of sections 57, 62, 81 and other provisions of title I, to the same extent as the Department and its contractors are exempt in regard to the Department's own functions and activities. Such exemption shall remain in effect unless and until the Corporation and its contractors receive all necessary licenses for such facilities, equipment and materials as are required under title I.

"b. Within two years of the enactment of this title, the Commission shall promulgate regulations or issue other regulatory guidance under title I for the licensing of facilities described in subsection (a) that employ the gaseous diffusion technology.

"c. Within one year after the promulgation of regulations or the issuance of other regulatory guidance under subsection (b), the Corporation and its contractors shall make necessary applications for and otherwise seek to obtain such licenses as will remove the exemption provided under subsection (a). As part of its application, the Corporation shall submit an Environmental Impact Statement in accordance with the requirements of the National Environmental Policy Act. The Commission shall adopt this statement to the extent practicable under the National Environmental Policy Act. In preparing such statement, the Corporation, and in making any licensing decision, the Commission, shall not consider the need for such facilities, alternatives to such facilities, or the costs compared to the benefits of such facilities. The Commission shall act on licensing requests by the Corporation in a timely manner.

"d. The Corporation shall not transfer or deliver any source, special nuclear or by-product materials or production or utilization facilities, as defined in title I, to any person who is not properly qualified or licensed under the provisions of title I.

"e. The Corporation shall be subject to the regulatory jurisdiction of the Commission and the Department of Transportation with respect to the packaging and transportation of source, special nuclear and byproduct materials.

"SEC. 1602. EXEMPTION FROM TAXATION AND PAYMENTS IN LIEU OF TAXES:

"a. In order to render financial assistance to those States and localities in which the facilities of the Corporation are located, the Corporation is authorized and directed to make payments to State and local governments as provided in this section. Such payments shall be in lieu of any and all State and local taxes on the real and personal property, activities, and income of the Corporation. All property of the Corporation its activities and income are expressly exempted from taxation in any manner or form by any State, county, or other local government entity. The activities of the Corporation for

this purpose shall include the activities of organizations pursuant to cost-type contracts with the Corporation to manage, operate, and maintain its facilities. The income of the Corporation shall include income received by such organizations for the account of the Corporation. The income of the Corporation shall not include income received by such organizations for their own accounts and such income shall not be exempt from taxation.

"b. The Corporation shall make annual payments, in amounts determined by the Corporation to be fair and reasonable, to the State and local governmental agencies having tax jurisdiction in any area where facilities of the Corporation are located. In making such determinations, the Corporation shall be guided by the following criteria:

"(1) Amounts paid shall not exceed the tax payments that would be made by a private industrial corporation owning similar facilities and engaged in similar activities at the same location: Provided, however, That there shall be excluded any amount that would be payable as a tax on net income.

"(2) The Corporation shall take into account the customs and practices prevailing in the area with respect to appraisal, assessment, and classification of industrial property and any special considerations extended to large-scale industrial operations.

"(3) No amount shall be included to the extent that any tax unfairly discriminates against the class of taxpayers of which the Corporation would be a member if it were a private industrial corporation, compared with other taxpayers or classes of taxpayers.

"(4) In no event shall the payment made to any taxing authority for any period be less than the payments which would have been made to such taxing authority for the same period by the Department and its cost-type contractors on behalf of the Department with respect to property that has been transferred to the Corporation under section 1505 and which would have been attributable to the ownership, management operation, and maintenance of the Department's uranium enrichment facilities, applying the laws and policies prevailing immediately to the enactment of this title.

"c. Payments shall be made by the Corporation at the time when payments of taxes by taxpayers to each taxing authority are due and payable: Provided, That no payment shall be made to the extent that the tax would apply to a period prior to the enactment of this title.

"d. The determination by the Corporation of the amounts due hereunder shall be final and conclusive.

"SEC. 1603. MISCELLANEOUS APPLICABILITY OF TITLE I:

"a. Any references to the term 'Commission' or to the Department in sections 105 b., 110 a., 161 c., 161 k., 161 q., 165 a., 221 a., 229, 230, and 232 of title I shall be deemed to include the Corporation.

"b. Section 188 of title I shall apply to licensed facilities of the Corporation. For purposes of applying such section to facilities of the Corporation:

"(1) The term 'Commission' shall be deemed to refer to the Secretary;

"(2) There shall be no requirement for payment of just compensation to the Corporation, and receipts from operation of the facility in question shall continue to accrue to the benefit of the Corporation; and

"(3) The Secretary shall have the discretion to determine how and by whom the facility in question will be operated.

"SEC. 1604. COOPERATION WITH OTHER AGENCIES.—The Corporation is empowered to use with their consent the available services, equipment, personnel, and facilities of other civilian or military agencies and instrumentalities of the Federal Government, on a reimbursable basis and on a similar basis to cooperate with such other agencies and instrumentalities in the establishment and use of services, equipment, and facilities of the Corporation. Further, the Corporation may confer with and avail itself of the cooperation, services, records, and facilities of State, territorial, municipal or other local agencies.

"SEC. 1605. APPLICABILITY OF ANTITRUST LAWS:

"a. The Corporation shall conduct its activities in a manner consistent with the policies expressed in the antitrust laws, except as required by the public interest.

"b. As used in this subsection, the term 'antitrust laws' means:

"(1) The Act entitled: 'An Act to protect trade and commerce against unlawful restraints and monopolies,' approved July 2, 1890 (15 U.S.C. 1-7), as amended;

"(2) The Act entitled, 'An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes,' approved October 15, 1914 (15 U.S.C. 12-27), as amended;

"(3) Sections 73 and 74 of the Act entitled, 'An Act to reduce taxation, to provide revenue for the Government, and for other purposes,' approved August 27, 1894 (15 U.S.C. 8 and 9), as amended; and

"(4) The Act of June 19, 1936, chapter 592 (15 U.S.C. 13, 13a, 13b, and 21a).

"SEC. 1606. NUCLEAR HAZARD INDEMNIFICATION.—The Administrator shall have the same authority to indemnify the contractors of the Corporation as the Secretary has to indemnify contractors under section 170 d. of title I. Except that with respect to any licenses issued to the Corporation by the Commission, the Commission shall treat the Corporation and its contractors as its licensees for the purposes of section 170 of this Act.

"SEC. 1607. INTENT.—It is hereby declared to be the intent of this title to aid the Corporation in discharging its responsibilities under this title by providing it with adequate authority and administrative flexibility to obtain necessary funds with which to assure the maximum achievement of the purposes hereof as provided herein, and this title shall be construed liberally to effectuate such intent.

"SEC. 1608. REPORT:

"a. Three years after enactment of this title or January, 1993, whichever is later, the Administrator shall submit to the President and to Congress an interim report setting forth the views and recommendations of the Administrator regarding transfer of the functions, powers, duties, and assets of the Corporation to private ownership. Five years after enactment of this title, the Administrator shall submit to the President and the Congress a final report setting forth the views and recommendations of the Administrator regarding transfer of the functions, powers, duties, and assets of the Corporation to private ownership. If the Administrator, in the final report, recommends such transfers, the report shall include a plan for implementation of the transfers.

"b. Within one hundred and eighty days after receipt of the final report under subsection (a), the President shall transmit to Congress his recommendations regarding the report, including a plan for implementation of any transfers recommended by the Presi-

dent and any recommendations for legislation necessary to effectuate such transfers.

"CHAPTER 27. DECONTAMINATION AND DECOMMISSIONING

"SEC. 1701. ESTABLISHMENT:

"a. ESTABLISHMENT OF FUND.—(1) There is hereby established in the Treasury of the United States an account of the Corporation to be known as the Uranium Enrichment Decontamination and Decommissioning Fund (hereinafter referred to in this chapter as the 'Fund'). In accordance with section 1402 (j), such account and any funds deposited therein, shall be available to the Corporation for the exclusive purpose of carrying out the purposes of this chapter.

"(2) The Fund shall consist of:

"(A) Amounts paid into it by the Corporation in accordance with section 1702; and

"(B) Any interest earned under subsection (b)(2).

"b. ADMINISTRATION OF FUND.—(1) The Secretary of the Treasury shall hold the Fund and, after consultation with the Corporation, annually report to the Congress or the financial condition and operations of the Fund during the preceding fiscal year.

"(2) At the direction of the Corporation, the Secretary of the Treasury shall invest amounts contained within such Fund in obligations of the United States:

"(A) Having maturities determined by the Secretary of the Treasury to be appropriate to the needs of the Fund, as determined by the Corporation; and

"(B) Bearing interest at rates determined to be appropriate by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to such obligations.

"(3) At the request of the Corporation, the Secretary of the Treasury shall sell such obligations and credit the proceeds to the Fund.

"SEC. 1702. DEPOSITS.—Within sixty days of the end of each fiscal year, the Corporation shall make a payment into the Fund in an amount equal to the costs of decontamination and decommissioning that have been recovered during such fiscal year by the Corporation in its prices and charges established in accordance with section 1508 for products, materials, and services.

"SEC. 1703. PERFORMANCE AND DISBURSEMENTS:

"a. When the Corporation determines that particular property should be decommissioned or decontaminated, or both, or with respect to the Oak Ridge Gaseous Diffusion Plant at such time as the plant is conveyed to the Corporation, the Corporation shall enter into a contract for the performance of such decommissioning and decontamination.

"b. The Corporation shall pay for the costs of such decommissioning and decontamination out of amounts contained within the Fund."

SEC. 113. TREATMENT OF THE CORPORATION AS BEING PRIVATELY-OWNED FOR PURPOSES OF THE APPLICABILITY OF ENVIRONMENTAL AND OCCUPATIONAL SAFETY LAWS.—The United States Enrichment Corporation shall be subject to Federal, State and local environmental laws and the Occupational Safety and Health Act (29 U.S.C. 651-678) to the same extent as is the Department of Energy as of the date of enactment. After four years from the date of enactment of this title, the United States Enrichment Corporation shall become subject to such laws to the same extent as a privately-owned corporation, unless the President

determines that additional time is necessary to achieve the purposes of title II of the Atomic Energy Act of 1954, as amended.

SEC. 114. MISCELLANEOUS PROVISIONS.—(a) Section 9101(3) of title 31, United States Code (relating to the definition of "wholly-owned Government corporation") is amended by adding at the end of the following: "(N) United States Enrichment Corporation."

(b) In subsection 41 a. of the Atomic Energy Act of 1954, as amended, the word "or" appearing before the numeral "(2)" is deleted, a semicolon is substituted for a period at the end of the subsection and the following new paragraph is added: "or (3) are owned by the United States Enrichment Corporation."

(c) In subsection 53 c. (1) of the Atomic Energy Act of 1954, as amended, the word "or" is inserted before the word "grant" and the phrase "or through the provision of production or enrichment services" is deleted in both places where it appears in such subsection.

(d) The Atomic Energy Act of 1954, as amended, is further amended:

(1) By adding before the period at the end of the definition of the term "production facility" in section 11 v. a colon and the following: "Provided, however, That as the term is used in chapters 10 and 16 of this Act, other than with respect to export of a uranium enrichment production facility, it shall not include any equipment or device, or important component part especially designed therefor, capable of separating the isotopes of uranium or enriching uranium in the isotope 235";

(2) By striking the period at the end of section 161 b. and adding the following: "; in addition, the Commission shall prescribe such regulations or orders as may be necessary or desirable to promote the Nation's common defense and security with regard to control, ownership or possession of any equipment or device, or important component part especially designed therefor, capable of separating the isotopes of uranium or enriching uranium in the isotope 235";

(3) By striking the phrase "section 103 or 104" in section 41 a. (2) and inserting in lieu thereof "this title"; and

(4) In section 236 by striking the word "or" following paragraph (2) and adding after paragraph (3) "or (4) any uranium enrichment facility licensed by the Commission,".

(5) In section 318(1) by striking the period after "activities" and by adding the following:

"(D) any facility owned by the United States Enrichment Corporation."

(e) Subsection 905(g)(1) of title II, United States Code, is amended to include "United States Enrichment Corporation" at the end thereof.

(f) Section 306 of title III of the Energy and Water Development Appropriations Act, 1988, Public Law 100-202, is repealed.

SEC. 115. LIMITATION ON EXPENDITURES.—For fiscal year 1990, total expenditures of the United States Enrichment Corporation shall not exceed total receipts.

SEC. 116. SEVERABILITY.—In any provision of this title, or the application of any provisions to any entity, person or circumstance, shall for any reason be adjudged by a court of component jurisdiction to be invalid, the remainder of this act, or the application of the same shall not be thereby affected.

SEC. 117. EFFECTIVE DATE.—Except as otherwise provided, all provisions of this title shall take effect on the day following the end

of the first full fiscal year quarter following the enactment of this act; Provided, however, That the Administrator or Acting Administrator of the United States Enrichment Corporation may immediately exercise the management responsibilities and powers of subsection 1501 (a) of the Atomic Energy Act of 1954, as amended by this Act and previous Acts.

TITLE II—URANIUM

Subtitle A—Short Title, Findings and Purpose, Definitions

This title may be cited as the "Uranium Security and Tailings Reclamation Act of 1989".

SEC. 202. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds for purposes of this title that—

(1) the United States uranium industry has long been recognized as vital to United States energy independence and as essential to United States national security, but has suffered a drastic economic setback, including a 90 per centum reduction in employment, closure of almost all mines and mills, more than a 75 percent drop in production, and a permanent loss of uranium reserves;

(2) during the remainder of this century approximately 20 per centum of United States electricity is expected to be produced from uranium fueled powerplants owned by domestic electric utilities;

(3) the United States has been the leading uranium producing nation and holds extensive proven reserves of natural uranium that offer the potential for secure sources of future supply;

(4) a variety of economic factors, policies of foreign governments, foreign export practices, the discovery and development of low cost foreign reserves, new Federal regulatory requirements, and cancellation of nuclear powerplants have caused most United States producers to close or suspend operations over the past six years and have resulted in the domestic uranium industry being found "not viable" by the Secretary under provisions of the Atomic Energy Act of 1954, as amended;

(5) providing assistance to the domestic uranium industry is essential to—

(A) preclude an undue threat from foreign supply disruptions that could hinder the Nation's common defense and security,

(B) assure an adequate long-term supply of domestic uranium for the Nation's nuclear power program to preclude an undue threat from foreign supply disruptions or price controls, and

(C) aid in the Nation's balance-of-trade payments through foreign sales;

(6) the Uranium Mill Tailings Radiation Control Act of 1978 (42 U.S.C. 7901-7942);

(A) was enacted to provide for the reclamation and regulation of uranium and thorium mill tailings; and

(B) did not provide for a Federal contribution for the reclamation of tailings at uranium and thorium processing sites which were generated pursuant to Federal defense contracts;

(7) the owners of licensees of active uranium and thorium sites and the Federal Government have each benefited from uranium and thorium produced at the active sites, and it is equitable that they share in the costs of reclamation, decommissioning and other remedial actions at the commingled sites; and

(B) the creation of an assured system of financing will greatly facilitate and expedite reclamation and remedial actions at active uranium and thorium processing sites.

(b) PURPOSE.—It is the purpose of subtitles B and C of this title to—

(1) ensure an adequate long-term supply of domestic uranium for the Nation's common defense and security and for the Nation's nuclear power program;

(2) provide assistance to the domestic uranium industry; and

(3) establish, facilitate, and expedite a comprehensive system for financing reclamation and other remedial action at active uranium and thorium processing sites.

SEC. 203. DEFINITIONS.

For purposes of this title—

(1) the term "active site" means—

(A) any uranium or thorium processing site, including the mill, containing by-product material for which a license (issued by the Nuclear Regulatory Commission or its predecessor agency under the Atomic Energy Act of 1954, as amended, or by a State as permitted under section 274 of such Act (42 U.S.C. 2021)) for the production at such site of any uranium or thorium derived from ore—

(i) was in effect on January 1, 1978;

(ii) was issued or renewed after January 1, 1978; or

(iii) for which an application for renewal or issuance was pending on, or after January 1, 1978; and

(B) any other real property or improvement on such real property that is determined by the Commission to be—

(i) in the vicinity of such site; and

(ii) contaminated with residual by-product material;

(2) the term "byproduct material" has the meaning given such term in section 11 e. (2) of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2014(e)(2));

(3) the term "civilian nuclear power reactor" means any civilian nuclear powerplant required to be licensed under section 103 or section 104 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2133);

(4) the term "Corporation" means the United States Enrichment Corporation established under section 1202 of title II of the Atomic Energy Act of 1954, as amended;

(5) the term "Department" means the Department of Energy;

(6) the term "domestic uranium" means any uranium that has been mined in the United States including uranium recovered from uranium deposits in the United States by underground mining, open-pit mining, strip mining, in situ recovery, leaching, and ion recovery, or recovered from phosphoric acid manufactured in the United States;

(7) the term "domestic uranium producer" means a person or entity who produces domestic uranium and who has, to the extent required by State and Federal agencies having jurisdiction, licenses and permits for the operation, decontamination, decommissioning, and reclamation of sites, structures and equipment;

(8) the term "enrichment tails" means uranium in which the quantity of the U-235 isotope has been depleted in the enrichment process;

(9) the term "reclamation, decommissioning, and other remedial action" includes work, including but not limited to disposal work, accomplished in order to comply with all applicable requirements, including but not limited to those established pursuant to the Uranium Mill Tailings Radiation Control Act of 1978, as amended, or where appropriate, with requirements established by a State that is a party to a discontinuance agreement under section 274 of the Atomic

Energy Act of 1954, as amended (42 U.S.C. 2021). The term shall also include work at an active site prior to the date of enactment of this act accomplished in order to comply with the foregoing requirements;

(10) the term "Secretary" means the Secretary of Energy;

(11) the terms "source material" and "special nuclear material" have the meaning given such terms in section 11 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2014); and

(12) the term "tailings" means the wastes produced by the extraction or concentration of uranium or thorium from any ore processed primarily for its source material content.

Subtitle B—Uranium Revitalization

SEC. 210. VOLUNTARY OVERFEED PROGRAM.

(a) The Corporation shall establish, for a period of not less than five years commencing at the beginning of fiscal year 1991, a voluntary overfeeding program which shall be made available to the Corporation's enrichment services customers. The term "overfeeding" means the use of uranium in the enrichment process in excess of the amount required at the transactional tails assay.

(b) The Corporation shall encourage its enrichment services customers to participate in the voluntary overfeeding program as provided in this section. Uranium supplied by the enrichment customer shall be used by the Corporation for voluntary overfeeding in the enrichment process to reduce the amount of power required to produce the enriched uranium ordered by the enrichment services customer. The dollar savings resulting from the reduced power requirements shall be credited to the enrichment services customer.

(c) In the event an enrichment services customer does not elect to provide uranium for voluntary overfeeding to be used to process its enrichment order, the Corporation shall establish a method for such uranium to be voluntarily supplied by other enrichment services customer(s) which have expressed to the Corporation an interest in participating in such a program and the Corporation shall credit the resulting dollar savings realized from the reduced power requirements to the enrichment services customer(s) providing the uranium.

(d) An enrichment services customer providing uranium for voluntary overfeeding shall certify to the Corporation that such uranium is domestic uranium which has been actually produced by a domestic uranium producer after the enactment of this Act or domestic uranium actually produced by a domestic uranium producer before the enactment of this Act and held by it without sale, transfer or redesignation of the origin of such uranium on a DOE/NRC form 741.

(e) Within ninety days of the date of enactment of this Act, the Corporation shall establish procedures to implement this program. Such procedures shall include, but not be limited to, delivery reporting and certification requirements, and provisions for failure to comply with the requirements of the voluntary overfeeding program. The determination of the voluntary overfeeding credit and sufficient data to support such determination shall be available to the Corporation's enrichment services customers and to qualified domestic producers.

SEC. 211. NATIONAL STRATEGIC URANIUM RESERVE.

There is hereby established the National Strategic Uranium Reserve under the direction and control of the Secretary. The Reserve shall consist of 50,000,000 pounds of

natural uranium contained in stockpiles or inventories currently held by the United States for defense purposes. Effective on the date of enactment of this Act, use of the Reserve shall be restricted to military purposes and Government research. Use of the Department's stockpile of enrichment tails existing on the date of enactment of this Act shall be restricted to military purposes.

SEC. 212. RESPONSIBILITY FOR THE INDUSTRY.

(a) The Secretary shall have a continuing responsibility for the domestic uranium industry, and shall take any action, which he determines to be appropriate under existing law, to encourage the use of domestic uranium; Provided, however, That the Secretary, in fulfilling this responsibility, shall not use any supervisory authority over the Corporation. The Secretary shall report annually to the appropriate committees of Congress on action taken with respect to the domestic uranium industry, including action to promote the export of domestic uranium pursuant to paragraph (b) of this section.

(b) ENCOURAGE EXPORT.—The Department, with the cooperation of the Department of Commerce, the United States Trade Representative and other governmental organizations, shall encourage the export of domestic uranium. Within one hundred and eighty days of the date of enactment of this Act the Secretary shall develop recommendations and implement government programs to promote the export of domestic uranium.

SEC. 213. GOVERNMENT URANIUM PURCHASES.

(a) After the date of enactment of this Act, the United States of America, its agencies and instrumentalities, shall only have the authority to enter into contracts or orders for the purchase of uranium which is (1) of domestic origin and (2) is purchased from domestic uranium producers: Provided, That this section shall not affect purchases under a contract for delivery of a fixed amount of uranium entered into before the date of enactment of this Act.

(b) Subsection (a) shall not apply to the Tennessee Valley Authority.

SEC. 214. SECRETARY'S AUTHORITY TO MAKE REGULATIONS.

The Secretary shall issue appropriate regulations to implement the purposes of this title.

Subtitle C—Remedial Action for Active Processing Sites

SEC. 220. REMEDIAL ACTION PROGRAM.

(a) IN GENERAL.—Except as provided in subsection (b), the costs of decontamination, decommissioning, reclamation, and other remedial action at an active uranium or thorium processing site shall be borne by persons licensed under section 62 or 81 of the Atomic Energy Act of 1954 (42 U.S.C. 2091, 2111) for any activity at such site which results or has resulted in the production of byproduct material.

(b) REIMBURSEMENT.—

(1) IN GENERAL.—The Secretary shall, subject to paragraph (2), reimburse at least annually a licensee described in subsection (a) for such portion of the reclamation, decommissioning and other remedial action costs described in such subsection as are—

(A) determined by the Secretary to be attributable to tailings generated as an incident of sales to the United States; and

(B) incurred by such licensee not later than December 31, 2002.

(2) AMOUNT.—

(A) TO INDIVIDUAL ACTIVE SITE URANIUM LICENSEES.—The amount of reimbursement paid to any licensee under paragraph (1) shall be determined by the Secretary in ac-

cordance with regulations issued pursuant to section 221 and shall not exceed an amount equal to \$4.50 multiplied by the dry short tons of tailings located at the site as of the effective date of this title and generated as an incident of sales to the United States.

(B) TO ALL ACTIVE SITE URANIUM LICENSEES.—Payments made under paragraph (1) to active site uranium licensees shall not in the aggregate exceed \$270,000,000.

(C) TO THORIUM LICENSEES.—Payments made under paragraph (1) to the licensee of the active thorium site shall not exceed \$30,000,000.

(D) INFLATION ESCALATION INDEX.—The amounts in subsections (A), (B), and (C) of this section shall be increased annually based upon an inflation index. The Secretary shall determine the appropriate index to apply.

(E) ADDITIONAL REIMBURSEMENT.—Provided however, (i) the Secretary shall determine as of July 31, 2005, whether the amount authorized to be appropriated in section 222, when considered with the \$4.50 per dry short ton limit on reimbursement, exceeds the total cost reimbursable to the licensees of active sites for reclamation, decommissioning and other remedial action; and (ii) if the Secretary determines there is an excess, the Secretary may allow reimbursement in excess of \$4.50 per dry short ton on a prorated basis at such sites that reclamation, decommissioning and other remedial action costs for tailings generated as an incident of sales to the United States exceed the \$4.50 per dry short ton limitation.

SEC. 221. REGULATIONS.

The Secretary shall issue regulations governing reimbursement under section 220. An active uranium or thorium processing site owner shall apply for reimbursement hereunder by submitting a statement for the amount of reimbursement, together with reasonable documentation in support thereof, to the Secretary. Any such statement for reimbursement, supported by reasonable documentation, shall be approved by the Secretary and reimbursement therefor shall be made in a timely manner subject only to the limitations of section 220.

SEC. 222. AUTHORIZATION.

There is authorized to be appropriated for purposes of this subtitle not more than \$300,000,000 increased annually as provided in section 220 based upon an inflation index as determined by the Secretary.

The PRESIDENT pro tempore. Under the order, the time is limited to 5 minutes to be equally controlled by the Senator from Louisiana [Mr. JOHNSTON] and the Senator from Idaho [Mr. McCLURE] or their designees. No motions to recommit are in order. No amendments other than the committee amendment is in order.

The Senator from Kentucky is recognized.

Mr. FORD. Mr. President, this is the third time the Senate has considered this particular piece of legislation. This legislation has a controversial piece removed which was the portion about trade. That has already been taken care of. It is now behind us. The provision is no longer in this bill and I doubt seriously that there will be much controversy about approving a final package.

This legislation is necessary to ensure an adequate and long-term supply of domestic uranium and uranium enrichment capacity for the Nation's defense and for its nuclear power program.

While this bill may be "yesterday's news" to some, its passage is more important today than it ever has been the past. While I support the entire wholeheartedly, my remark focus on title I of S. 83.

Mr. President, there is no doubt in this Senator's mind that the Department of Energy's uranium enrichment enterprise requires immediate attention by this Congress. The enterprise is on the brink of disaster. The U.S. enrichment program continue to operate like the monopolist it once was. The problem is that DOE is now operating in a highly competitive international business environment and is struggling to hold onto its current market share. Since the mid-1970's, the competition has been able to undercut DOE's prices and steal 50 percent of its business.

Unfortunately, the situation is not looking any better for the future. DOE continues, by law, to price its enrichment services 30 to 40 percent above the world market price. This paves the way for our European competitors and the Soviet Union to steal more of our business.

Some have questioned whether the competition has enough excess capacity for us to worry about. The answer is clear. In 1990, the European competitors have excess capacity equal to 30 percent of our current commercial sales. In addition, the Soviets have capacity in 1990 equal to 30 percent of our projected sales. Mr. President, I request unanimous consent that the table provided by DOE and entitled "Projected Excess World Enrichment Capacity" be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered. (See exhibit 1.)

Mr. FORD. DOE's customers have someplace else to go. As the committee report notes, DOE has already lost almost \$1 billion customer commitments for 1996 through 1999. That is 1 billion of U.S. dollars that will likely go elsewhere.

Unless the Congress acts, and acts soon, more customers are likely to choose other suppliers, including the Soviet Union, over DOE. We cannot continue to let this happen. Restructuring the DOE program as a business in order to maximize the long term economic value to the U.S. taxpayers is essential.

S. 83 does just that. Title I establishes the U.S. Enrichment Corporation to manage the DOE uranium enrichment enterprise. This Corporation is directed to operate as a commercial enterprise on a profitable and efficient basis in order to maximize the long-

term value to the United States. For the first time, the Corporation is directed to establish a fund to pay for liabilities related to environmental cleanup and the eventual decontamination and decommissioning of these facilities. In addition, this bill requires the Corporation to pay the U.S. Treasury \$364 million as the sole recovery from customers of any previously unrecovered costs of the enrichment program.

Mr. President, a consensus exists on the importance of restructuring this program as Government corporation and on the importance of this legislation.

The General Accounting Office supports a Government corporation for the enrichment program because many of the legislative, budgetary, and financial policies imposed on the enrichment program management are inconsistent with modern business practices.

The Congressional Budget Office agrees that flexibility will make the business more successful. In the CBO letter printed in the committee report, CBO states: "Under S. 83, the Corporation would have the flexibility and the resources to meet minimum operating costs in all years. Hence, the bill would provide a somewhat greater likelihood of obtaining all potential commercial receipts."

The Secretary of Energy also thinks that restructuring the enrichment enterprise as a Government corporation is a good idea. In April of this year, the administration sent its own legislative proposal to the Congress to restructure the enterprise a Government corporation. Many of the provisions included in that legislation were incorporated into the bill that was reported from the Energy Committee. In the transmittal letter, Secretary of Energy Watkins notes that restructuring "can preserve an industry that is vital to our economic and national security, (and) increase its value. An enrichment corporation with the ability to compete fully in the world market can create a positive cash flow for the Government."

Mr. President, there is a consensus that the Congress must take positive action on the enrichment enterprise. We must provide the enrichment enterprise with the tools necessary to compete in the world market: a mission to act like a competitive business, and the structure and flexibility to accomplish this mission. Unless we act, and act soon, more customers are likely to choose other suppliers, including the Soviet Union, over DOE.

Some, however, have tried to block action on this bill by alleging that the \$364 million payment to the Treasury is a bailout. As I have stated repeatedly in the past, this is hardly the case. The \$364 million is not an arbitrary declaration of program debt; it repre-

sents the total cash cost of outlays from the U.S. Treasury to the enrichment program since the establishment of the program in 1969 through fiscal year 1986.

The idea that this so-called debt exists is nonsense. As stated in the committee report, "... neither the accounts of the Federal budget, nor those of the U.S. Treasury show any debt for the uranium enrichment program." The report goes on to state that "The enrichment program has never taken a loan that needs to be repaid."

The confusion apparently stems from the notion of "unrecovered costs" in the current pricing guidelines of the enrichment program. The "unrecovered costs" merely constitute the present for the pricing of enrichment services. They do not constitute an actual debt to be recovered from enrichment customers under present law. This is further amplified by Deputy Secretary of Energy Moore in his rebuttal to a recent report. Moore states that: "the unrecovered investment (is characterized) as a debt rather than an investment. The difference is significant." Mr. President, I ask unanimous consent that the full text of Deputy Secretary Moore's remarks be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 2.)

Mr. FORD. In addition, Mr. President, it is important to note that the amount of unrecovered Government investment in the enrichment program, represented by the book value of existing productive assets, is not being lost. Rather this value for unrecovered investment will be carried forward on the books of the new Corporation. As the book value is depreciated, there will be a return of the investment. Also, to the extent that the Corporation is able to return dividends to the Treasury, as directed in the legislation, the Treasury will receive a return on these assets.

Clearly, a Corporation that provides profit to the taxpayers of this country is far from a bailout.

As I noted when I introduced restructuring legislation earlier this year, Congress has consistently recognized energy and national security as strong reasons to maintain an efficient and competitive enrichment capability in the United States. These reasons are more valid today than ever.

Congressional action is required to insure that the United States will remain a competitive and an efficient supplier of enrichment services. We must prevent the loss of a valuable national asset. We must maximize taxpayer investment in the productive enrichment assets.

I thank my colleagues for their support as we tackle this very important issue.

EXHIBIT 1

PROJECTED EXCESS WORLD ENRICHMENT CAPACITY FORECAST PRESENTED TO COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

(Millions of SWUs)

	1990	1995	2000
DOE	7.4	8.2	18.2
Eurodif	2.3	4.9	3.2
Urenco	7	3	3
Techshab	3	3	3

Note: The excess amounts shown are above firm sales commitments.

EXHIBIT 2

DEPUTY SECRETARY MOORE REBUTS PUBLIC CITIZEN STATEMENTS ON THE URANIUM ENRICHMENT PROGRAM FROM "FOREVER IN ITS DEBT? THE \$9 BILLION DEBACLE OF THE U.S. URANIUM ENRICHMENT PROGRAM," JUNE 20, 1989

Deputy Secretary of Energy W. Henson Moore said, "I am familiar with the arguments made by Public Citizen, these are old arguments being raised again and they simply are not correct."

"The plain facts are these. In the late 1940s and early 1950s the taxpayers invested in enrichment plants for defense purposes. These plants were built to meet our national security needs, and it was not envisioned at that time that they would ever be used for commercial enrichment services. Taxpayer funding was therefore fully appropriate, and even today this enterprise continues to provide some essential enrichment services for our national defense," Moore continued. "Up to 1969, all expenditures were paid by defense funds. Then in 1969, after Congress changed the law, these plants were used for commercial enriching services, which the utilities paid for through Department of Energy's (DOE's) prices. In many years revenues significantly exceeded expenses, and those profits were appropriated by Congress for other public purposes. For the entire period from 1969 to today every penny in expenses has in fact been recovered from utilities for enrichment services," Moore stated. "All that is left to 'recover,' if that is the right word at all, is some of the original defense investment," Moore concluded.

"The Public Citizen position would have electric utility customers pay higher electric bills to pay for again what they paid for as taxpayers in the 1940s and 1950s for then-needed defense capabilities," Moore continued. "This sort of double-dipping might seem attractive in the short term," stated Moore, "but neither equity nor sound public policy supports such a position. Any attempt to charge higher prices to utility customers will simply cause them to join with the growing number of customers that are buying from foreign sources," Moore stated. As recently as the mid-1970s, DOE supplied 100 percent of the world's market for enrichment services. Since then, suppliers in Western Europe and the Soviet Union have taken away approximately 50 percent of our world enrichment business, including about 10 percent of our domestic business contributing to terminations of DOE contracts with a sales value of \$5 billion. Annual sales to DOE are declining significantly after 1995, \$700 million each year to about \$1.7 billion by the year 2000. These sales are

very much at risk at being lost to foreign enrichment suppliers who either now have or will have more than sufficient capacity to meet these sales. In fact, the Soviet Union now has a greater share of the Western European market for commercial enrichment than does DOE. Also, very attractive sales offers are now being made to customers in the United States as a result of an increased excess capacity in the Soviet Union.

"If prices are just increased, through surcharges or otherwise, as advocated by Public Citizen, the enterprise will lose customers and will be worse off financially," Mr. Moore stated. "In fact, the best way for the United States government ultimately to recover even more money from this enterprise is to enact legislation like that being criticized by Public Citizen. An enterprise with a positive cash flow, which the DOE enrichment program now is, can generate dividends to be paid to the Treasury of \$200 to \$400 million each year, and ultimately can be sold for billions of dollars through the private sector to recover even more of these old defense-related investments," Moore concluded.

The uranium enrichment facilities that the department now operates were built in the late 1940s and early 1950s for defense purposes and were paid for by defense funds. Commercial enrichment operations did not begin until 1969. At that time, \$1.5 billion was assigned as an investment to be recovered from commercial revenues.

The Uranium Enrichment Enterprise has earned revenues since 1969 and reinvested revenues in excess of operating costs to pay for improvements and expansion of Gaseous Diffusion Plants (\$1.5 billion), a gas centrifuge plant (\$2.8 billion) and inventories. The expectations at the time were that nuclear energy was going to expand a great deal more than turned out to be the case. Mr. Moore said, "It is important to recognize that the funds for these projects came from revenues, not from the taxpayers."

By 1986 these projects, with imputed interest, had increased the government's total investment to about \$7.5 billion. It had become clear by this time that the projected demand for enrichment services would not materialize. Consequently, DOE wrote-off about \$4 billion in nonproductive assets for the gas centrifuge project and 40 percent of now-unnecessary gaseous diffusion capacity, reducing the unrecovered investment to \$3.5 billion. These write-offs were consistent with generally-accepted accounting principles.

Since 1986, DOE paid an additional half-billion dollars into the Treasury, reducing the unrecovered government investment to \$3 billion.

Other estimates of unrecovered government investment exist. Mr. Moore said, "The least accurate is the \$9 billion seized on by Public Citizen. Not only does this not distinguish expenditures made through the appropriations process from reinvestment of excess revenues, but it characterizes the unrecovered investment as a debt rather than an investment. The difference is significant. Under the administration's legislation, the government and the taxpayer would recover the true value of its investment in the Uranium Enrichment Enterprise. We believe that this legislation is the best way to maximize the return on investment to the taxpayer. The administration's legislation would establish a government corporation which would have more flexibility to make sound business decisions and would pay dividends to the Treasury. In the future, an

even higher return could be achieved for the government and the taxpayer at the time the enterprise is sold."

The administration's legislation was introduced in the House of Representatives by Representative Marilyn Lloyd (D-TN) and Representative Bob McEwen (R-OH) and was introduced in the Senate by request by Senator J. Bennett Johnston (D-LA) and Senator James McClure (R-ID).

In a related matter, URENCO, a European uranium enrichment supplier, announced on June 6, 1989, its intention to enter into an arrangement with Duke Power, Fluor Daniels and others to pursue NRC licensing to construct and operate a gas centrifuge uranium enrichment plant in the United States.

In reaction to this announcement, Mr. Moore said, "The world enrichment industry can and should benefit from free and fair market competition, and we will be observing the early-on developments in URENCO's efforts with interest. DOE remains confident that it will continue to meet the challenge of increased world competition in enrichment services. To ensure that DOE's enrichment enterprise is best equipped with the necessary commercial flexibilities, the administration has submitted legislation to Congress to create a government corporation for uranium enrichment. This action represents an important step in our efforts to sustain a financially healthy, competitive enrichment enterprise in the United States."

Mr. FORD. Mr. President, I have no further comments. I see the distinguished Senator from Utah is here and he advised me his job was to be sure that the vote was expedited. He is to be honored today as one of the astronauts at the Air and Space Museum. We are all very proud of what he did and his interest in the space program and I am pleased that he would be here and take his time away from that particular event.

So we hope he will not be late.

Mr. MCCLURE. Mr. President, the availability of competitive, domestic uranium supplies for nuclear electric power generation is critical to the provision of reliable electric supplies to all American consumers. Today the Senate once again considers legislation to revitalize the Federal Government's uranium enrichment enterprise and domestic uranium production, generally. During the 100th Congress, the Senate passed similar legislation to S. 83.

I am pleased to join my colleagues in support of S. 83, which restructures the Department of Energy's uranium enrichment enterprise in order for it to be able to function in a more businesslike and competitive manner. In addition the legislation will revitalize a severely depressed domestic uranium mining industry, and assign appropriate funding responsibilities for clean-up of active uranium mill tailing sites.

During the last Congress, the Committee on Energy and Natural Resources, as well as the Senate as a whole, spent a great deal of time on this matter. Had it not been for the

lateness of the "hour," I am sure we would have been able to work out a final package with the House.

Instead, we are here once again to consider revised legislation which reflects discussions with the Bush administration. In essence, S. 83 is the final version of last year's attempt to restructure the Federal Government's uranium enrichment enterprise. However, changes have been incorporated to reflect S. 847, as proposed by the Bush administration.

No one questions that our uranium enrichment enterprise is severely constrained in its ability to respond to today's market challenges. S. 83 will ensure adequate long-term domestic supplies of uranium to meet the requirements of the more than 100 commercial nuclear powerplants in the United States. These reactors will burn more than 2 billion pounds of uranium over their operational lives. In addition, S. 83 will ensure reliable sources of uranium for vital U.S. defense programs—notably, 150 nuclear submarines. By any standard, uranium is a critical strategic material.

U.S. ENRICHMENT CORPORATION

The U.S. enrichment "business"—such as it is—is strangled by the congressional budget and appropriations processes. It cannot easily make any short-term adjustments or long-term commitments. And, it basically is unable to effectively compete with its more progressive, business-oriented counterparts around the world. We are rapidly losing customers to competition from abroad.

Mr. President, title I of S. 83 creates the U.S. Enrichment Corporation to manage the Federal enrichment program. The Corporation is charged to operate as a continuing, commercial enterprise, on a profitable and efficient basis.

For more than 20 years the United States had a worldwide monopoly on uranium enrichment services. The Federal Government has provided these enrichment services on a timely, reliable and competitive basis.

But the Department of Energy is rapidly losing customers to competition from abroad. Some of this competition may, in fact, be subsidized. I am also concerned that once Russia frees up its enrichment capacity previously dedicated to weapons production enrichment that it will, in its thirst for hard currency, subsidize foreign uranium sales.

In recent times, the Department has not had the necessary flexibility to adjust to changing international market conditions. S. 83 will change that situation; it enables the U.S. enrichment enterprise to once again be competitive. I am confident that when the present uranium enterprise has been restructured under S. 83 that it will be able to reestablish the United

States as the world's principal supplier of uranium enrichment services.

When the United States was the sole supplier of such services it was able to effectively promote its nonproliferation policies by preventing other countries from developing the capability to produce weapons' grade nuclear materials. If we are going to continue to be effective in that regard, the United States must be able to provide foreign customers with assurances that it will continue to be a reliable, competitive supplier of uranium enrichment services. S. 83 thus establishes an independent Federal corporation.

The power of the Corporation is vested solely in an Administrator, to be appointed by the President and confirmed by the Senate. Because the committee and the administration are concerned the Corporation be operated as much like a private corporation as feasible, the legislation establishes a corporate advisory board. The Corporate Board is to review the Corporation's policies and advise the Administrator and the Secretary.

While the Corporation and its Administrator are under the general supervision of the Secretary of Energy, the Secretary's authority over the Corporation is limited to matters involving the Nation's common defense and security, and matters involving health, safety and the environment. In all other respects the Corporation would operate as an independent Federal Corporation, including with respect to all fiscal matters, such as the declaration of dividends. In this regard, it is intended that the Corporation be free from the restraints of Federal budgetary and appropriations processes.

But more importantly, it is not intended that any officer or employee of the executive branch—including the Director of the Office of Management and Budget and the Secretary—either directly or indirectly exercise any authority over the Administrator. Rather, it is intended that the Administrator and the Corporation be free to manage its activities. For example, in determining the fiscal needs of the Corporation, the Administrator is required to retain such funds as are needed for the furtherance of the Corporation's functions, such as research and development, capital investments, and the establishment of cash reserves.

The Corporation is structured so as to provide the Administrator maximum flexibility to operate the Corporation in a businesslike manner; however, until the enterprise is privatized S. 83 preserves some degree of accountability to the executive branch and the Congress.

In this regard, the bill provides for a report by the Administrator setting forth his recommendations for the eventual transfer of the functions and

assets of the Corporation to private ownership.

It was the judgment of the committee that privatization should be a two-step procedure, the first step being the creation of an independent entity that would hold title to the assets of the Federal enrichment enterprise and would operate those facilities on a "commercial" basis. Once the "economic viability" of the Federal uranium enrichment enterprise is established it will be feasible to fully privatize the Corporation, for example, through the sale of stock.

However, if the Corporation is to be privatized, any associated enrichment facilities are going to have to be licensed by the Nuclear Regulatory Commission, as provided for in S. 83. The bill anticipates that the NRC's regulations providing for such licensure will reflect, and, to the extent feasible, be consistent with applicable regulations of the other Federal regulatory agencies regarding matters within their jurisdiction and not within the jurisdiction of the NRC.

The bill also anticipates that this licensure process will be initiated by the Corporation while it still is under Federal ownership and control. The possibility exists that significant costs may be incurred in licensing the existing facilities only to find that when privatization occurs it is accompanied by the construction and licensure of new facilities. This possibility, which could affect the "economic viability" of the Federal enrichment enterprise and, in turn, our success in its eventual privatization, should be considered during the licensure process.

Over the years the Federal Government has invested considerable funds in facilities to provide these services, which have been priced at cost, as required by law. Under S. 83, the Corporation is to set commercial enrichment prices on the basis of the competitive world market for uranium services. Over the long-term, the goals of the Corporation are to be recovery of costs and profitability and to be competitive with foreign suppliers of enrichment services. Whether or not the Corporation's operations are being conducted in a businesslike manner, consistent with these goals, is to be judged over the long term. It is anticipated that such prices, over the long term, will include the base costs of providing such commercial enrichment services reflect costs of decontamination and decommissioning as well as the needs of the contingency reserves, research and development, and so forth.

By comparison, enrichment services provided to the Department of Energy are to be priced so as to recover on an annual basis the actual base costs of providing such services. In any given year such prices cannot exceed the average commercial prices. However,

should this limitation not permit full recovery of the actual base costs of providing enrichment services to the Department, the Corporation is to price future services so as to recover any such unrecovered base costs.

Mr. President, at this point in my remarks, I would like to address the matter of the value of the Federal assets that will be transferred to the Corporation and any outstanding debt owed by the Corporation to the Treasury.

When an attempt was made by the Atomic Energy Commission in the 1970's to price these services at higher than cost, the Congress specifically rejected the attempt. In both 1970 and 1971, the GAO confirmed that the pricing methods employed by the Atomic Energy Commission were appropriate and in compliance with the Atomic Energy Act.

Thus we find ourselves in the situation that between 1969 and 1986 total appropriations for the Federal uranium enrichment program were \$18.4 billion. The program, in turn, collected \$16.6 billion in revenues for services provided to defense and commercial customers. Therefore, there remains a net appropriation of \$1.8 billion over this period. However, this figure includes an estimated \$1.638 billion in costs incurred in providing enrichment services to defense programs, that were not recovered and, arguably, are owed the Department of Energy as the provider of enrichment services to itself, in the capacity of a customer. If an adjustment is made for these unrecovered defense expenditures—or unrecovered costs—this figure becomes \$364 million.

S. 83 characterizes this amount as debt, although it is actually unrecovered defense expenditures or costs. The value of the assets themselves are reflected in the Corporation's stock which is retained by the Secretary of the Treasury.

VOLUNTARY OVERFEEDING PROGRAM

The second issue that is dealt with by the legislation addresses the viability of our domestic uranium mining industry. In order to ensure an adequate long-term supply of domestic uranium, S. 83 encourages the use of supplies of domestic uranium by requiring the Enrichment Corporation to establish a 5-year voluntary overfeeding program. The program would permit a commercial enrichment customer to supply greater amounts of uranium for use in the enrichment process than necessary to meet their order. Because of the availability of these additional quantities of uranium, the costs associated with meeting such customer's order is thus reduced because of reduced electricity requirements in providing such enrichment services. Under the program the commercial customer would receive a credit for

the dollar savings resulting from the reduced power requirements.

Among the benefits of the program are reduced enrichment costs for commercial enrichment customers and an accelerated utilization of current inventories. Thus a market will be stimulated for new supplies of uranium. In this regard, the legislation also requires that all future Federal Government purchases of uranium shall be domestic uranium from domestic producers.

In addition, the legislation vests the Secretary of Energy with a continuing responsibility of the domestic uranium industry. This includes a responsibility to encourage the export of domestic uranium.

URANIUM MILL TAILINGS RECLAMATION

Now, let me turn a moment to the third issue treated in S. 83, that is, funding for uranium mill tailings reclamation. While I view this title of the bill as being the least controversial, I did want to impress upon my colleagues its importance in terms of getting the reclamation job accomplished, and the fairness with which we have allocated the costs of this reclamation effort.

When Congress passed the Uranium Mill Tailings Reclamation Act of 1978, we had no idea of the extent of regulatory requirements that would be attached to the task of cleaning up mill tailings sites. In fact, we did not know anything about these regulations until just a few years ago, when the Environmental Protection Agency finally issued the regulations. The regulations turned out to be far more stringent than anyone could have imagined, and will cost nearly \$1 billion to accomplish, according to DOE estimates. So we find ourselves in a situation where the industry has generated almost 200 million tons of mill tailings well before the regulations were known, at a customer price that did not and could not have reflected such exorbitant cleanup costs.

That same industry, now nearly extinct, should not and could not be held totally liable for these unanticipated costs, when it is in fact the customers who, under normal circumstances, would have paid this cost in the original price of the ore.

S. 83, within title II, allocates the costs of this reclamation between the mining industry and the Federal Government. The legislation creates a program to reimburse licensees of uranium and thorium mill sites for the cost of reclamation of thorium and uranium mill tailings generated as an incident of sales to the Federal Government for defense purposes. At the time these sales occurred, possible hazards from the tailings were not recognized and no reclamation was required by the Government procurement contracts.

The legislation authorizes \$300 million as the Federal contribution for reclamation, decommissioning and other remedial action costs. Reimbursement to licensees is not to exceed \$4.50 a ton for the tailings generated under Federal contracts unless excess funds remain at the end of the program. If there are excess funds, the Secretary of Energy may reimburse in excess of \$4.50 a ton in those cases where costs exceed this limit. However, acceptance of the Federal funds is to be the exclusive remedy.

More importantly, I should note that the provisions of this title are vital to the accomplishment of this cleanup effort, which we would all agree is an environmentally sound objective.

CONCLUSION

Mr. President, this legislation must be enacted in order to ensure the availability of competitive, domestic uranium supplies for nuclear electric power generation. This will in turn provide a reliable electric supply to American consumers and meet the needs of the Department of Defense. This measure will revitalize a severely depressed domestic uranium mining industry and would restructure the uranium enrichment activities of the Department of Energy into a Federal corporation that can function in a businesslike and competitive manner.

Mr. President, I urge your support for its early enactment.

Mr. DOMENICI. Mr. President, at the very outset I want to thank my friend from Kentucky, Senator Ford. He and I have worked on this issue for literally years. This was an especially difficult year to pull together a comprehensive bill. Without Senator Ford's help and that of his staff, those provisions in this bill dealing with the uranium mining and milling industry probably would not be in the bill we are considering today. That would be a terrible situation for the miners who have been abandoned by the Federal Government and for people throughout the West who believe that the Federal Government has a responsibility to cleanup the uranium mill tailings piles which were generated by Government purchases.

The Comprehensive Uranium Act of 1989 approved by the Energy Committee is a continuation of efforts over the past 5 years to address problems affecting the front end of the nuclear fuel cycle. In particular, the committee has focused on the need to reorganize the Government enrichment program and find ways to preserve a viable domestic uranium industry.

These issues are closely related. Certainly, a vigorous and competitive enrichment program is critical to the future of the domestic uranium industry. To the extent that utilities go abroad for enrichment services, they

are more likely to buy foreign uranium as well. And if we have no domestic uranium industry, utilities will be encouraged to buy uranium that is both mined and enriched overseas.

The Senate last year approved legislation establishing an enrichment corporation, authorizing a \$750 million purchase program for domestic uranium and providing a system for funding the reclamation of uranium mill tailings at active mill sites. Despite widespread support in the Senate for this approach, the House did not act on the legislation before adjournment.

In the meantime, conditions in the uranium industry have continued to deteriorate. The Secretary of Energy has found the industry to be nonviable for 4 consecutive years. U.S. production will probably decline below 10 million pounds a year in the next 2 or 3 years if present trends continue—only 25 percent of U.S. demand. Only 4 of the Nation's 26 mills are now operating and all but five underground mines have been closed. At one time, there were about 350 uranium mines operating in this country.

The legislation before the Senate today reflects changed circumstances, including the advent of a new administration, since last year. It does not include a uranium purchase program and the program of assistance for mill tailings reclamation has been scaled back. Nonetheless, S. 83 does include provisions that will help maintain a domestic uranium industry.

One of these provisions is a voluntary overfeed program to be established by the new U.S. Enrichment Corporation. Under this program, utility customers of the Corporation could supply additional domestic uranium for use in the enrichment process. This additional uranium would be overfed to reduce power costs and the utilities would receive a credit for the dollar savings from reduced power requirements.

Clearly, the voluntary overfeed program will not have as much impact on demand that last year's purchase program would have had. It will, however, encourage the reduction of utility inventories by as much as 2 to 3 million pounds a year. It is these inventories that are now helping depress the uranium market to its lowest level in years.

The legislation also gives the Secretary of Energy a continuing responsibility to encourage the use of domestic uranium. The Secretary is specifically charged with encouraging sales of domestic uranium overseas. Last year Members of the Senate worked with the Department in a successful effort to open Japanese markets for domestic uranium producers. The U.S. producers were competitive in bidding for these sales and should have access to markets in other countries.

Finally, the legislation provides assistance for reclamation of those mill tailings which were generated as a result of sales to the Federal Government for defense purposes. At the time these sales occurred many years ago, possible hazards from the tailings were not recognized and no reclamation was required by the Government contracts.

It has been 10 years since the General Accounting Office [GAO] recommended that Congress provide assistance for the reclamation of tailings at active sites generated under Federal contracts. This recommendation was based on several factors, including the Federal Government's role as buyer of the uranium, the fact that possible hazards from tailings were not recognized at the time they were produced, and the fact the Government procurement contracts did not require reclamation of tailings. The GAO concluded that the mill owners had acted in good faith and should not bear subsequent costs of reclamation by themselves.

The legislation before the Senate today authorizes a Federal contribution of \$300 million for reclamation, decommissioning and other remedial action costs related to the tailings generated under Government contracts. Reimbursement to the millsite owner is not to exceed \$4.50 a ton for this work unless excess funds remain at the end of the program. The owners will be liable for costs in excess of \$4.50 a ton for these tailings and for all the reclamation costs of tailings generated under commercial contracts. In short, despite the Federal contribution they will continue to bear substantial costs for tailings reclamation.

It should be emphasized that S. 83 in no way changes the environmental standards or regulations governing the remedial action program. All the work will be performed by the site owners or licensees pursuant to the regulations adopted by the EPA and NRC.

A Federal contribution for the costs of reclaiming tailings resulting from Federal procurement for defense programs is entirely fair and reasonable and will help assure early reclamation of these tailings.

Mr. FORD. Mr. President, I suggest the absence of a quorum. Do I have enough time to be charged against me?

Mr. President, I ask unanimous consent the quorum call be equally divided.

The PRESIDENT pro tempore. The Chair will advise the Senator that only 2 minutes remain. That is not time enough for a quorum. If the clock would be allowed to run, the time would be charged equally.

Mr. FORD. The Senator from Kentucky has always understood the parliamentary knowledge of the chair, and I so accept his suggestions.

Mr. HUMPHREY. Mr. President, this bill is a significant piece of legislation. It warrants more than cursory examination by the Senate. That is why I have asked for a rollcall vote. Senators should be on record on this matter.

Senators will recall that similar legislation was approved by the body on two occasions last year. In some respects, the Energy Committee presents the Senate with an improved product this year. However, in the view of many, it still falls short.

I note for the RECORD that passage of this bill, in its present form, is opposed by the following groups: The National Taxpayers Union, the Citizen Labor Energy Coalition, Environmental Action, Friends of the Earth, the Nuclear Information and Resource Service, Public Citizen, the Sierra Club, the Board of Church and Society of the United Methodist Church, the U.S. Public Interest Research Group and the National Resources Defense Council.

I will ask unanimous consent that relevant correspondence from these groups, which have been circulated to all Senators, be reprinted in the RECORD.

In short, the vote on this bill is important to groups which seek to protect the environment as well as consumer and taxpayer interests.

Mr. President, it is unlikely that many Senators are familiar with the Uranium Enrichment Program. The subject sounds a bit intimidating. In fact, the issues which are in dispute with this bill are really quite simple.

Since 1969, the Federal Government has provided enrichment services for commercial nuclear reactors. That is, uranium is prepared for use as fuel for nuclear utilities. Statute required that the Federal Government recover costs associated with the program over a reasonable period of time.

The central dispute with regard to the enrichment program is whether, in fact, the Government has recovered all costs. In 1987, the General Accounting Office told Congress that unrecovered costs amount to a \$8.8 billion.

By contrast, the committee has asserted that the unrecovered costs are really \$364 million, a figure which is endorsed by nuclear industry groups. The matter is relevant to this bill for two reasons:

First, this bill establishes a wholly owned Government corporation to take over the enrichment enterprise. The initial debt of the corporation is established at \$364 million. This legislation directs the new corporation to repay this amount within 20 years, with interest on the unpaid balance. If the debt were established at a larger figure, the Treasury would benefit.

Second, this bill repeals that provision of the Atomic Energy Act which requires full recovery of costs. In its place, the committee has created a scheme under which the Treasury will acquire stock in the new corporation. If the corporation makes money, the Government will receive dividends. It is conceivable, of course, that the corporation will never make money, considerably reducing the attractiveness of the proposed arrangement, from the taxpayers' point of view.

For the record, it is worth establishing the methodology which GAO used to arrive at the figure of \$8.8 billion.

The 1987 GAO report states:

In providing enrichment services to its customers, DOE is required by subsection 161(v) of the Atomic Energy Act of 1954, as amended, to price its services so that the Government's enrichment costs will be recovered over a reasonable period of time. This pricing policy is generally referred to as the Enrichment Program's full-cost recovery requirement. To recover the Government's full enrichment costs, DOE's enrichment prices must recover operating and capital expenditures plus imputed interest. As of the end of fiscal year 1986, we calculated that the amount of unrecovered costs totaled about \$8.8 billion.

In determining the total Government cost, our calculation recognizes the \$1.5 billion in costs incurred by the Government to establish the Enrichment Program. When the program started in 1969, the Government transferred an initial investment to the program of about \$1.5 billion (\$1 billion in assets and \$500 million in enriched uranium inventory) that was to be recovered in future enrichment prices. Between fiscal years 1971 and 1986, the program received about \$18.4 billion in appropriations for operating expenses and capital investment and has incurred about \$5.5 billion in imputed interest expense. Thus, the total Government cost subject to the program's cost recovery requirement, including the Government's initial investment, has been about \$25.4 billion. According to the enrichment program's financial statements, the Government has recovered about \$16.6 billion of these costs in revenues, leaving an unrecovered balance of about \$8.8 billion as of the end of the fiscal year 1986.

Critics of the GAO report are quick to point to the fact that well over half of the \$8.8 billion is imputed interest. Is this legitimate?

The committee says no. To quote the committee report, "accrual of this interest is a matter of administrative practices, not statutory law." Even if true, it ignores several important facts:

First, GAO states that it "has long supported the inclusion of imputed interest as a cost of Government funded programs engaged in the performance of services or sales of property outside the Government: 'Imputed interest is an interest cost assigned to a particular in-house Government investment alternative representing the cost of U.S. Treasury borrowings.' GAO accurately points out that, even though actual interest expenditures may not be incurred, there is still a cost to the

Government: "Since the money used in the activity is not available to the Treasury for alternative programs, the Treasury reports to borrowed funds and, in the process, incurs an interest expense."

Second, DOE has long recognized the legitimacy of imputed interest. Every financial statement submitted to the Congress since the beginning of the Enrichment Program has carried imputed interest. Indeed, as GAO has pointed out, the inclusion of imputed interest was recognized as part of the costs DOE was to recover, from the beginning of the program.

The committee also disputes whether it is appropriate to include in the debt calculation a valuation of the original investment, which GAO states was \$1.5 billion. However, the inclusion of the value of these assets in the original calculation has also been repeatedly affirmed.

There are numerous other concerns with this legislation, the details of which are outlined in the letters I have submitted for the RECORD.

I urge all Senators to consider these issues before casting their votes.

I ask unanimous consent that the correspondence earlier referred to be printed in the RECORD.

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

NATIONAL TAXPAYERS UNION,

Washington, DC, July 12, 1989.

DEAR SENATOR: The 200,000 member National Taxpayers Union urges you to oppose S. 83, the Comprehensive Uranium Act of 1989.

Since 1969, the U.S. Government has provided toll uranium enrichment services for fuel used in commercial nuclear reactors. Despite the current legal requirement that all costs of this program must be fully recovered, the program has accumulated over \$9 billion of unrecovered costs. This has been acknowledged by the General Accounting Office, the Office of Management and Budget and the Department of Energy.

Although, the Energy and Natural Resources Committee is to be recognized for its efforts to fashion legislation to restructure the uranium enrichment program, the National Taxpayers Union continues to have serious concerns about S. 83, for the following reasons.

1. *The write-off:* S. 83 "forgives" the over \$9 billion of unrecovered costs.

2. *Repeals cost recovery requirement:* S. 83 repeals section 161 v. of the Atomic Energy Act that requires that the Department of Energy's (DOE) uranium enrichment program should recover its costs.

3. *Pricing inconsistency:* The bill provides for the new enrichment entity to price so as to maximize its economic value, yet at the same time the legislation approves apparently illegal long-term contracts that contain a guaranteed maximum ceiling price insufficient to recover costs. The General Accounting Office (GAO) reports that these ceiling prices are inconsistent with full cost recovery, and are contrary to current law requiring full cost recovery.

4. *Decontamination and decommissioning costs:* Although S. 83 acknowledges the need for DOE's civilian uranium enrichment cus-

tomers to bear their fair share of decontamination and decommissioning (D & D) costs, it is far from clear that the enrichment corporation can recover these costs. It is entirely possible that if the new enrichment corporation is bound by the low ceiling price in its current contracts, or if crippled by market conditions or is under obligation to build new enrichment facilities, it would be unable to recover the necessary amount for environmental remedial action and decommissioning. This would unnecessarily jeopardize the health and safety of local communities and raise the prospect of new demands for clean-up subsidies.

5. *Uranium stockpile:* S. 83 transfers tens of millions of pounds of government stockpile uranium to the new federal enrichment corporation essentially for free. Since the replacement value would be at least \$1 billion, this again amounts to a subsidy for utility customers at the expense of the taxpayer.

6. *Borrowing authority:* S. 83 authorizes the new corporation to borrow \$2.5 billion, presumably to finance new investments. If the investments sour (as federal uranium enrichment investments have in the past), this can readily translate into a demand for yet another huge taxpayer-financed bailout.

7. *Voluntary overfeeding program:* S. 83 establishes a "voluntary overfeeding" program but the program is involuntary on the part of the new corporation. Under this program, the corporation must pass through to its customers any "savings" recognized through substituting domestically-supplied uranium for enrichment services supplied by the corporation. This is simply a subsidy for DOE's customers. Any overfeeding programs should be discretionary on the part of the corporation and the corporation should engage in such a program only to the extent that it maximizes value for the taxpayers.

8. *Corporate board:* S. 83 provides for an advisory board, termed a "corporate board", to provide oversight. A seat on the board is specifically allocated to an executive from the utility industry. Since the corporate board appears to be a major oversight mechanism for the new enrichment entity, there is a conflict of interest to require that the utility industry, which is the entity's customer, to have a designated seat on the board.

It is also of concern that there is no mechanism to provide that the public interest be protected through a specific grant of taxpayer standing to sue. As S. 83 is comprised only utilities (and perhaps uranium companies) would appear to have standing to enforce the statute. It is unlikely that they would encourage the new entity to value maximize, since that objective is in the taxpayers' economic interest not in the parochial interest of the industry.

Although, S. 83 is an improvement over last year's bill, it still fails to sufficiently protect taxpayer interests, and instead codifies enormous multi-billion dollar past and future bailouts and subsidies for foreign and domestic nuclear utilities. The National Taxpayers Union believes that it is both necessary and prudent to protect the Treasury from further subsidization of the federal uranium enrichment program. Therefore, we again urge you to vote "NO" on S. 83.

Sincerely,

JILL LANCELOT,

Director, Congressional Affairs.

ENVIRONMENTAL AND CONSUMER GROUPS URGE SENATORS TO REJECT URANIUM ENRICHMENT BILL (S. 83)

DEAR SENATOR: We, the undersigned, are writing to urge that you reject legislation expected to come before the full Senate as soon as today that would write-off a \$9 billion debt owed the U.S. Treasury by the nuclear industry for uranium enrichment services it has been receiving from the U.S. Department of Energy (DOE) since 1971.

The legislation (S. 83) is particularly inappropriate because it provides another large subsidy for the nuclear industry at a time of large budget deficits. Ironically, this proposed bailout comes at the same time as a Bush Administration proposal that funding for other cheaper energy options—notably energy conservation and renewable energy technologies—be cut by 25 percent or more to meet the Gramm-Rudman balanced budget guidelines.

The uranium enrichment debt is the product of both the nuclear industry urging the DOE to overbuild the nation's uranium enrichment capacity and poor management of the enterprise by the DOE.

Throughout the 1970's, the nuclear industry repeatedly stated that it was willing to absorb the higher costs that would be posed by any excess capacity because that would be preferable to a shortage in the supply of enriched uranium needed to fuel the nation's nuclear power plants. Moreover, the industry consistently over-estimated the number of nuclear reactors it would build and the capacity factors (i.e. performance levels and fuel needs) of those reactors.

As a result of this pressure from the industry, DOE developed unneeded enrichment capacity which, in turn, has contributed substantially to the program's indebtedness.

Notwithstanding these measures, U.S. uranium enrichment capacity is now more than double domestic demand. Yet, in spite of this excess, Louisiana Energy Services (a consortium of five U.S. and international business groups, including three nuclear utilities) is now proposing to build a privately-owned uranium enrichment plant in Louisiana to compete with the federal program thereby increasing the excess capacity.

Additionally, the DOE has undercharged its customers for enrichment services, despite Congress' mandate that customers pay for all costs. For example:

Between 1984 and 1987, DOE reduced its prices for enrichment services by more than 25 percent despite a recorded loss in each of those years. In 1987 alone, DOE recorded a net loss of \$385 million for its uranium enrichment program—more than one-third of its gross income for the year. DOE has argued that it must keep prices low to remain competitive with foreign markets even though foreign suppliers lack sufficient excess capacity to handle new orders from U.S. utilities.

The DOE is committed to paying the Tennessee Valley Authority \$1.79 billion in so-called "demand payments" over the next five years for electricity DOE is not using and has no use for. The DOE entered into these contracts based on projected demands which the nuclear industry over-estimated.

The DOE has not yet begun to charge its customers for the cost of the eventual decontamination and decommissioning of its uranium enrichment facilities—a task estimated to ultimately cost over \$3.3 billion.

As a result, the overall debt of over \$9 billion is rising at the rate of over \$800 million each year in imputed interest alone.

Since the nuclear industry is responsible for these facilities being built and has been the primary beneficiary of the services they provide, the industry—and not the taxpayers—should therefore foot the bill.

In this era of budget deficits, Congress should not be seeking out another subsidy for nuclear power. We urge you to reject S. 83.

Thank you for your consideration of this issue.

Sincerely,

Ed Rothschild, Assistant Director, Citizen Labor Energy Coalition; Leon Lowery, Legislative Representative, Environmental Action; Keiki Kehoe, Environmental Policy Institute/Friends of the Earth; Michael Marlotte, Nuclear Information Resource Service; Daniel Becker, Director, Global Warming and Energy Program, Sierra Club; Daniel Borson, Nuclear Economics Analyst, Public Citizen; Jaydee R. Hanson, Director, Department of Environmental Justice and Survival, United Methodist Board of Church and Society; Bill Magavern, Staff Attorney, U.S. Public Interest Research Group.

NATURAL RESOURCES DEFENSE COUNCIL,
Washington, DC, July 12, 1989.

DEAR SENATOR: On behalf of the Natural Resources Defense Council I urge you to vote against S. 83, the "Uranium Enrichment Act of 1989". This bill promises to clean up the massive contamination at the Department of Energy's uranium enrichment plants, but could actually make matters worse.

The uranium enrichment plants have some of the most severe environmental problems in the country. At the Paducah Plant in Kentucky, for example, more than 97 hazardous waste sites, and dozens of radioactively-contaminated buildings are awaiting cleanup. At the Oak Ridge Gaseous Diffusion Plant in Tennessee, a single half-mile long building is seriously contaminated with uranium, and would cost more than \$1 billion to clean up.

We have the following major concerns with S. 83:

(1) Because of the inadequate scheme for reimbursing the government, the bill would fail to provide adequate funding for cleanup, resulting in a continued migration of contamination and an increase in the ultimate cleanup cost.

(2) S. 83 would base the reimbursement for decontamination on estimated costs, not actual costs. Given the Energy Department's chronic underestimates of cleanup costs, S. 83 would result in the inevitable shortfall being paid by the taxpayer.

(3) Under the scheme envisioned in S. 83, the costs for remedial actions would not have to be revaluated on a regular basis. Average costs for hazardous waste site cleanups have more than doubled in only four years. Hence, the basis for reimbursement would not keep pace with the actual costs of cleanup.

For these and other reasons I urge you to vote against S. 83. Please contact me if you have any questions.

Sincerely,

JAMES D. WERNER,
Project Engineer.

June 22, 1989.

DEAR SENATOR: We are writing to urge that you reject legislation expected shortly to come before the full Senate that would

write-off a \$9 billion debt owed the U.S. Treasury by the nuclear industry for uranium enrichment services it has been receiving from the U.S. Department of Energy (DOE) since 1971.

The legislation (S. 83) is particularly inappropriate because it provides another large subsidy for the nuclear industry at a time of large budget deficits. Ironically, this proposed bailout comes at the same time as a Bush Administration proposal that funding for other cheaper energy options—notably energy conservation and renewable energy technologies—be cut by 25 percent or more to meet the Graham-Rudman balanced budget guidelines.

The uranium enrichment debt is the product of both the nuclear industry urging the DOE to over-build the nation's uranium enrichment capacity and poor management of the enterprise by the DOE.

Throughout the 1970's, the nuclear industry repeatedly stated that it was willing to absorb the higher costs that would be posed by any excess capacity because that would be preferable to a shortage in the supply of enriched uranium needed to fuel the nation's nuclear power plants. Moreover, the industry consistently over-estimated the number of nuclear reactors it would build and the capacity factors (i.e. performance levels and fuel needs) of those reactors.

As a result of this pressure, DOE developed unneeded enrichment capacity which, in turn, has contributed substantially to the program's indebtedness. For example, after an expenditure of \$3.4 billion, DOE cancelled a gas centrifuge enrichment plant in 1986 before completion because it felt the investment had become imprudent. In addition, DOE permanently shut down its enrichment plant in Oak Ridge, Tennessee in 1987 because it was not needed even though it was still operable.

Notwithstanding these measures, U.S. uranium enrichment capacity is now more than double domestic demand. Yet, in spite of this excess, a consortium of five U.S. and international business groups called Louisiana Energy Services is now proposing to build a privately-owned uranium enrichment plant in Louisiana to compete with the federal program thereby increasing the excess capacity and subsequent debt.

The size of the debt has unquestionably also been exacerbated by the DOE which has consistently undercharged its customers for the uranium enrichment services it provides and has operated the program in a fiscally irresponsible manner. For example:

Between 1984 and 1987, DOE reduced its prices for enrichment services by more than 25 percent despite a recorded loss in each of those years. In 1987 alone, DOE recorded a net loss of \$385 million for its uranium enrichment program—more than one-third of its entire income for the year. DOE has argued that it must keep prices low to remain competitive with foreign markets. However, foreign suppliers lack sufficient excess capacity to handle new orders from U.S. utilities.

The DOE is committed to paying the Tennessee Valley Authority \$1.79 billion in so-called "demand payments" over the next five years for electricity DOE is not using and will have no use for.

The DOE is planning to sell stockpiles of milled uranium from its enrichment plants at prices at least 25 percent below market value.

The DOE has not yet begun to set aside funds to pay for the eventual decontamination and decommissioning of its uranium en-

richment facilities—a task estimated to ultimately cost over \$3.3 billion.

As a result, the overall debt of over \$9 billion is rising at the rate of over \$800 million each year in imputed interest alone.

Since the nuclear industry is responsible for these facilities being built and has been the primary beneficiary of the services they provide, the industry—and not the taxpayers—should therefore foot the bill. Incorporating the full \$9 billion debt into future charges for uranium enrichment services would have little impact on utility rates—rates for customers of utilities operating nuclear plants would increase only 2/100's of a cent per kilowatt-hour.

Proposals to partially privatize the uranium enrichment industry should also be rejected. The proposals now before the Senate would likely spin off the more profitable segments of the program into the private sector while continuing taxpayer subsidization of the unprofitable aspects of the program. Aside from the inherently unfair burden this would impose on taxpayers, privatizing the industry increases the risk of nuclear proliferation—a concern that first prompted Congress to keep the program in federal hands.

Public Citizen urges that the uranium enrichment program be retained as a federal enterprise but more carefully regulated and competently managed. Efforts to create additional, privately-owned enrichment capacity should be blocked. The past debt should be fully recovered through future fees charged to DOE's customers. Moreover, future uranium enrichment services should be priced to fully recover all costs or, alternatively, an annual surcharge should be levied against all U.S. nuclear utilities to cover losses during any year. Enrichment fees should include an amount to be set aside for the future decommissioning of the existing enrichment plants.

We appreciate your consideration of these issues. We would welcome the opportunity to discuss this matter with you further.

Sincerely,

KEN BOSSONG,
Director, Critical Mass Energy
Project of Public Citizen.

Mr. MCCLURE. Mr. President, the Department of Energy's enrichment facilities, which have operated safely for well over 40 years, are currently not required to be licensed by the Nuclear Regulatory Commission [NRC]. However, section 1601 of title I would require the Corporation to make the necessary applications and otherwise seek to obtain an NRC license for the existing enrichment facilities. While I want to ensure that such facilities continue to operate safely, I am concerned about the costs of licensing the existing facilities. I would like to ask if the committee has been provided any information regarding the costs of licensing these enrichment facilities.

Mr. JOHNSTON. The Senator is correct in that the legislation does require the Corporation to submit and otherwise seek licenses from the NRC. Moreover, the legislation provides a schedule for the licensing process that requires the NRC to promulgate regulations for licensing the facilities within 2 years of enactment and within 1 year thereafter the Corporation must apply for a license. Now, al-

though the NRC licensing requirements have not been promulgated, the Department has advised the committee that the costs of licensing the existing enrichment facilities will not be excessively expensive. Preliminary estimates by DOE project that the total cost to license both the Paducah and Portsmouth gaseous diffusion plants would be in the range of \$10-\$15 million. This estimate includes the costs incurred in preparing the necessary license applications which include the development of a safety analysis report [SAR] and an environmental impact statement for each plant. Therefore, based on these preliminary estimates, the licensing costs appear to be reasonable and not excessively expensive.

Mr. MCCLURE. I thank the Senator and would state that I hope that these preliminary estimates by the Department prove to be reasonably accurate. We have no experience with licensure. For this reason, I wish to ask the distinguished Senator whether it is the intention of the committee that the interim report required under section 1608 also provide an evaluation of the cost of licensing the enrichment facilities.

Mr. JOHNSTON. I wish to respond to the distinguished Senator by stating that the committee intends that the administrator in the interim report under section 1608 include a detailed evaluation of the cost of licensing the existing gaseous diffusion facilities.

Mr. FORD. Mr. President, I ask for the yeas and nays.

The PRESIDENT pro tempore. The yeas and nays have already been ordered.

The time of 9:30 a.m. having arrived, under the order the question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDENT pro tempore. The question is on passage of the bill. The yeas and nays have been ordered. The clerk will call the roll. The clerk will please report the responses.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. MATSUNAGA] is absent because of illness.

The PRESIDENT pro tempore. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 73, nays 26, as follows:

[Rollcall Vote No. 128 Leg.]

YEAS—73

Adams	Bond	Burns
Armstrong	Boren	Byrd
Baucus	Breaux	Chafee
Bentsen	Bumpers	Cochran
Bingaman	Burdick	Conrad

Cranston	Heflin	Pressler
D'Amato	Heinz	Pryor
Danforth	Helms	Riegle
Daschle	Hollings	Robb
DeConcini	Inouye	Rudman
Dixon	Johnston	Sanford
Dole	Kassebaum	Sasser
Domenici	Levin	Shelby
Exon	Lott	Simon
Ford	Mack	Simpson
Fowler	McCain	Specter
Garn	McClure	Stevens
Glenn	McConnell	Symms
Gore	Metzenbaum	Thurmond
Gorton	Moynihan	Wallop
Graham	Murkowski	Warner
Gramm	Nickles	Wilson
Grassley	Nunn	Wirth
Harkin	Packwood	
Hatch	Pell	

NAYS—26

Biden	Humphrey	Lieberman
Boschwitz	Jeffords	Lugar
Bradley	Kasten	Mikulski
Bryan	Kennedy	Mitchell
Coats	Kerrey	Reid
Cohen	Kerry	Rockefeller
Dodd	Kohl	Roth
Durenberger	Lautenberg	Sarbanes
Hatfield	Leahy	

NOT VOTING—1

Matsunaga

So the bill (S. 83), as amended, was passed, as follows:

S. 83

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
That this Act may be referred to as the "Comprehensive Uranium Act of 1989".

TITLE I

SEC. 110. SHORT TITLE.—This title may be cited as the "Uranium Enrichment Act of 1989".

SEC. 111. DELETION OF SECTION 161 v.—Subsection 161 v. of the Atomic Energy Act of 1954, as amended, is deleted and the remaining subsections are relettered accordingly.

SEC. 112. REDIRECTION OF THE URANIUM ENRICHMENT ENTERPRISE OF THE UNITED STATES.—The Atomic Energy Act of 1954, as amended (42 U.S.C. 2011-2296) is further amended by—

a. inserting at the commencement thereof after the words "ATOMIC ENERGY ACT OF 1954":

"TITLE I—ATOMIC ENERGY";

and

b. adding at the end thereof the following:

"TITLE II—UNITED STATES
ENRICHMENT CORPORATION

"CHAPTER 21. FINDINGS

"SEC. 1101. FINDINGS.—The Congress of the United States finds that:

"a. The enrichment of uranium is essential to the national security and energy security of the United States.

"b. A competitive, well-managed and efficient enrichment enterprise provides important economic benefits to the United States and contributes to a highly favorable foreign trade balance.

"c. A strong United States enrichment enterprise promotes United States nonproliferation policies by requiring accountability for United States enriched uranium.

"d. The operation of uranium enrichment facilities must meet high standards for environmental health and safety.

"e. The operation and management of a uranium enrichment enterprise requires a commercial business orientation in order to engender customer support and confidence,

and customers, rather than the taxpayers at large, should bear the costs of commercial uranium enrichment services.

"f. The optimal level of expenditures for the uranium enrichment enterprise fluctuates and cannot be accurately predicted or efficiently financed if subject to annual authorization and appropriation.

"g. Flexibility is essential to adapt business operations to a competitive marketplace.

"h. The events of the recent past, including the emergence of foreign competition, have brought new and unforeseen forces to bear upon the management and operation of the Government's uranium enrichment enterprise.

"i. The present operation of the uranium enrichment enterprise must be changed so as to further the national interest in the enterprise and respond to the competitive demand placed upon it by market forces, while continuing to meet the paramount objective of ensuring the Nation's common defense and security.

"CHAPTER 22. DEFINITIONS, ESTABLISHMENT OF CORPORATION AND PURPOSES

"SEC. 1201. DEFINITIONS.—For the purpose of this title:

"a. The term 'Secretary' means the Secretary of Energy.

"b. The term 'Department' means the Department of Energy of the United States.

"c. The term 'Administrator' means the chief executive officer of the United States Enrichment Corporation.

"d. The term 'Corporation' means the United States Enrichment Corporation.

"e. The term 'Corporate Board' means the appointed members of the official advisory panel appointed by the President pursuant to section 1503 of this title.

"f. The term 'uranium enrichment' means the separation of uranium of a given isotopic content into two components, one having a higher percentage of a fissile isotope and one having a lower percentage.

"g. The term 'remedial action' has the same meaning as defined in section 120(24) of the Comprehensive Environmental Response, Compensation and Liability Act.

"h. The term 'decontamination and decommissioning' means those activities undertaken to decontaminate and decommission inactive facilities that have residual radioactive or mixed radioactive and hazardous chemical contamination.

"SEC. 1202. ESTABLISHMENT OF THE CORPORATION.

"a. There is hereby created a body corporate to be known as the 'United States Enrichment Corporation'.

"b. The Corporation shall—

"(1) be established as a wholly owned Government corporation subject to the Government Corporation Control Act, as amended (31 U.S.C. 9101-9109), except as otherwise provided herein; and

"(2) be an agency and instrumentality of the United States.

"SEC. 1203. PURPOSES.—The Corporation is created for the following purposes—

"(1) to acquire feed material for uranium enrichment, enriched uranium, the Department's uranium previously set aside for commercial purposes, and the Department's uranium enrichment and related facilities;

"(2) to operate, and as required by business conditions, to expand or construct facilities for uranium enrichment or both;

"(3) to market and sell enriched uranium and uranium enrichment and related services to—

"(A) the Department for governmental purposes; and

"(B) qualified domestic and foreign persons;

"(4) to conduct research and development as required to meet corporate objectives for the purpose of identifying, evaluating, improving and testing processes for uranium enrichment;

"(5) to operate, as a commercial enterprise, on a profitable and efficient basis; in order to maximize the long term economic value of the Corporation to the United States Government including the payment of dividends to the Treasury as a return on the United States Government investment;

"(6) to conduct the business as a self-financing corporation and eliminate the need for appropriations or other sources of Government financing after enactment of this title;

"(7) to maintain a reliable and economical domestic source of enrichment services;

"(8) to conduct its activities in a manner consistent with the health and safety of the public;

"(9) to continue to meet the paramount objectives of ensuring the Nation's common defense and security (including consideration of United States policies concerning nonproliferation of atomic weapons and other nonpeaceful uses of atomic energy); and

"(10) to take all other lawful action in furtherance of the foregoing purposes.

"CHAPTER 23. CORPORATE OFFICES

"SEC. 1301. CORPORATE OFFICES.—The Corporation shall maintain an office for the service of process and papers in the District of Columbia, and shall be deemed, for purposes of venue in civil actions, to be a resident thereof. The Corporation may establish offices in such other place or places as it may deem necessary or appropriate in the conduct of its business.

"CHAPTER 24. POWER AND DUTIES OF THE CORPORATION

"SEC. 1401. SPECIFIC CORPORATE POWERS AND DUTIES.—The Corporation—

"a. shall perform uranium enrichment or provide for uranium to be enriched by others at facilities of the Corporation; contracts in existence as of the date of enactment of this title between the Department and persons under contract to perform uranium enrichment and related services at facilities of the Department shall continue in effect as if the Corporation, rather than the Department, had executed these contracts;

"b. shall conduct, or provide for the conduct of, research and development activities related to the isotopic separation of uranium as the Corporation deems necessary or advisable for purposes of maintaining the Corporation as a continuing, commercial enterprise operating on a profitable and efficient basis;

"c. may acquire or distribute enriched uranium, feed material for uranium enrichment or depleted uranium in transactions with—

"(1) persons licensed under sections 53, 63, 103, or 104 of title I in accordance with the licenses held by such persons;

"(2) persons in accordance with, and within the period of, an agreement for cooperation arranged pursuant to section 123 of title I; or

"(3) as otherwise authorized by law;

"d. may—

"(1) enter into contracts with persons licensed under section 53, 63, 103, or 104 of title I for such periods of time as the Corpo-

ration may deem necessary or desirable, to provide uranium or uranium enrichment and related services; and

"(2) enter into contracts to provide uranium or uranium enrichment and related services in accordance with, and within the period of, an agreement for cooperation arranged pursuant to section 123 of title I or as otherwise authorized by law;

"e. shall sell to the Department as provided in this title, and without regard to section 57 e. of title I or the provisions of section 1535 of title 31, United States Code, such amounts of uranium or uranium enrichment and related services as the Department may determine from time to time are required: (1) for the Department to carry out Presidential direction and authorizations pursuant to section 91 of title I; and (2) for the conduct of other Department programs;

"f. may grant licenses, both exclusive and nonexclusive, for the use of patent and patent applications owned by the Corporation, and establish and collect charges, in the form of royalties or otherwise, for utilization of Corporation-owned facilities, equipment, patents, and technical information of a proprietary nature pertaining to the Corporation's activities.

"SEC. 1402. GENERAL POWERS OF THE CORPORATION.—In order to accomplish the purposes of this title, the Corporation—

"a. shall have perpetual succession unless dissolved by Act of Congress;

"b. may adopt, alter, and use a corporate seal, which shall be judicially noticed;

"c. may sue and be sued in its corporate name and be represented by its own attorneys in all judicial and administrative proceedings;

"d. may indemnify the Administrator, officers, attorneys, agents and employees of the Corporation for liabilities and expenses incurred in connection with their corporate activities;

"e. may adopt, amend, and repeal bylaws, rules, and regulations governing the manner in which its business may be conducted and the power granted to it by law may be exercised and enjoyed;

"f. (1) may acquire, purchase, lease, and hold real and personal property including patents and proprietary data, as it deems necessary in the transaction of its business, and sell, lease, grant, and dispose of such real and personal property, as it deems necessary to effectuate the purposes of this title and without regard to the Federal Property and the Administrative Services Act of 1949, as amended;

"(2) Purchases, contracts for the construction, maintenance, or management and operation of facilities and contracts for supplies or services, except personal services, made by the Corporation shall be made after advertising, in such manner and at such times sufficiently in advance of opening bids, as the Corporation shall determine to be adequate to insure notice and an opportunity for competition: Provided, That advertising shall not be required when the Corporation determines that the making of any such purchase or contract without advertising is necessary in the interest of furthering the purposes of this title, or that advertising is not reasonably practicable;

"g. with the consent of the agency or government concerned, may utilize or employ the services or personnel of any Federal Government agency, or any State or local government, or voluntary or uncompensated personnel to perform such functions on its behalf as may appear desirable;

"h. may enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of its business and on such terms as it may deem appropriate, with any agency or instrumentality of the United States, or with any State, territory or possession, or with any political subdivision thereof, or with any person, firm, association, or corporation;

"i. may determine the character of and the necessity for its obligations and expenditures and the manner in which they shall be incurred, allowed, and paid, subject to the provisions of this title and other provisions of law specifically applicable to wholly owned Government corporations;

"j. notwithstanding any other provision of law, and without need for further appropriation, may use monies, unexpended appropriations, revenues and receipts from operations, amounts received from obligations issued and other assets of the Corporation in accordance with section 1505, without fiscal year limitation, for the payment of expenses and other obligations incurred by the Corporation in carrying out its functions under, and within the requirements of, this title; and shall not be subject to apportionment under the provisions of subchapter II of chapter 15 of title 31, United States Code;

"k. may settle and adjust claims held by the Corporation against other persons or parties and claims by other persons or parties against the Corporation;

"l. may exercise, in the name of the United States, the power of eminent domain for the furtherance of the official purposes of the Corporation;

"m. shall have the priority of the United States with respect to the payment of debts out of bankrupt, insolvent, and decedents' estates;

"n. may define appropriate information as 'Government Commercial Information' and exempt such information from mandatory release pursuant to section 552(b)(3) of title 5, United States Code, when it is determined by the Administrator that such information if publicly released would harm the Corporation's legitimate commercial interests or those of a third party;

"o. may request, and the Administrator of General Services, when requested, shall furnish the Corporation such services as he is authorized to provide agencies of the United States;

"p. may accept gifts or donations of services, or of property, real, personal, mixed, tangible or intangible, in aid of any purposes herein authorized; and

"q. may execute, in accordance with its bylaws, rules and regulations, all instruments necessary and appropriate in the exercise of any of its powers.

"r. shall pay any settlement or judgment entered against it from the Corporation's own funds and not from the judgment fund (31 U.S.C. 1304). The provisions of the Federal Tort Claims Act (28 U.S.C. 1346(b) and 2671 et seq.) shall not apply to any claims arising from the activities of the Corporation after the effective date of this statute: Provided, That this subsection shall not apply to liability or claims arising from a nuclear incident, if such incident occurs prior to the licensing of the Corporation's existing Gaseous Diffusion Facilities under section 1601 of this title.

"SEC. 1403. CONTINUATION OF CONTRACTS, ORDERS, PROCEEDINGS, AND REGULATIONS:

"a. Except as provided elsewhere in this title, all contracts, agreements, and leases with the Department, and licenses, and

privileges that have been afforded to the Department prior to the date of the enactment of this title and that relate to uranium enrichment, including all enrichment services contracts, power purchase contracts, and the December 18, 1987, settlement agreement with the Tennessee Valley Authority regarding payment of capacity charges under the Department's two power contracts with the Tennessee Valley Authority, shall continue in effect as if the Corporation had executed such contracts, agreements, or leases or had been afforded such licenses and privileges.

"b. As related to the functions vested in the Corporation by this title, all orders, determinations, rules, regulations and privileges of the Department shall continue in effect and remain applicable to the Corporation until modified, terminated, superseded, set aside or revoked by the Corporation, by any court of competent jurisdiction, or by operation of law unless otherwise specifically provided in this title.

"c. Except as provided elsewhere in this title, the transfer of functions related to and vested in the Corporation by this title shall not affect proceedings judicial or otherwise, relating to such functions which are pending at the time this title takes effect, and such proceedings shall be continued with the Corporation, as appropriate.

"SEC. 1404. LIABILITIES.—Except as provided elsewhere in this title, all liabilities attributable to operation of the uranium enrichment enterprise prior to the date of the enactment of this title shall remain direct liabilities of the Government of the United States; with regard to any claim seeking to impose such liability, section 1403 shall not be applicable and the United States shall be represented by the Department of Justice.

"CHAPTER 25. ORGANIZATION, FINANCE AND MANAGEMENT

"SEC. 1501. ADMINISTRATOR:

"a. The management of the Corporation shall be vested in an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate, without regard to political affiliation. The Administrator shall be a person who, by reason of professional background and experience is specially qualified to manage the Corporation: Provided, however, That upon enactment of this title, the President shall appoint an existing officer or employee of the United States to act as Administrator until the office is filled.

"b. The Administrator—

"(1) shall be the chief executive officer of the Corporation and shall be responsible for the management and direction of the Corporation. The Administrator shall establish the offices, appoint the officers and employees of the Corporation (including attorneys), and define their responsibilities and duties. The Administrator shall appoint other officers and employees as may be required to conduct the Corporation's business;

"(2) shall serve a term of six years but may be reappointed;

"(3) shall, before taking office, take an oath to faithfully discharge the duties thereof;

"(4) shall have compensation determined by the President based upon the recommendation of the Secretary and the Corporate Board as provided in section 1503(c), except that in the absence of such determination compensation shall be set at Executive Level I, as prescribed in section 5312 of title 5, United States Code;

"(5) shall be a citizen of the United States;

"(6) shall designate an officer of the Corporation who shall be vested with the au-

thority to act in the capacity of the Administrator in the event of absence or incapacity; and

"(7) may be removed from office only by the President and only for neglect of duty or malfeasance in office. The President shall communicate the reasons for any such removal to both Houses of Congress at least thirty days prior to the effective date of such removal.

"c. (1) The Secretary shall exercise general supervision over the Administrator only with respect to the activities of the Corporation involving—

"(A) the Nation's common defense and security; and

"(B) health, safety and the environment.

"(2) The Administrator shall be solely responsible for the exercise of all powers and responsibilities that are committed to the Administrator under this title and that are not reserved to the Secretary under paragraph (1), and, notwithstanding the provisions of section 9104(a)(4) of title 31, United States Code, including the setting of the appropriate amount of, and paying, any dividend under section 1506(c) and all other fiscal matters.

"SEC. 1502. DELEGATION.—The Administrator may delegate to other officers or employees powers and duties assigned to the Corporation in order to achieve the purposes of this title.

"SEC. 1503. CORPORATE BOARD.—There is hereby established a Corporate Board appointed by the President which shall consist of five members, one of whom shall be designated as chairman. Members of the Corporate Board shall be individuals possessing high integrity, demonstrated accomplishment and broad experience in management and shall have strong backgrounds in science, engineering, business or finance. At least one member of the Corporate Board shall be, or previously have been, employed on a full-time basis in managing an electric utility:

"a. (1) The specific responsibilities of the Corporate Board shall be to—

"(A) review the Corporation's policies and performance and advise the Administrator and the Secretary on these matters; and

"(B) advise the Administrator and the Secretary on any other such matters concerning the Corporation as may be referred to the Corporate Board.

"(2) The Board shall have the right to recommend removal of the Administrator. In the event such recommendation is made, it shall be transmitted to the President by the Secretary, together with the Secretary's own recommendation on removal of the Administrator.

"b. Members of the Board shall be provided access to all significant reports, memoranda, or other written communications generated or received by the Corporation. At the request of the Board, the Corporation shall make available to the Board all financial records, reports, files, papers, and memoranda of, or in use by, the Corporation.

"c. When appropriate, the Corporate Board may make recommendations to the Secretary concerning the compensation to be received by the Administrator and up to ten officers of the Corporation who may receive compensation in excess of Executive Level II as provided in section 1504(a). The Secretary shall transmit such recommendations to the President together with the Secretary's own recommendations concerning compensation. In the event that less than three members of the Corporate Board are in office, recommendations concerning com-

pensation may be made by the Secretary alone. The President shall have the power to enter into binding agreements concerning compensation to be received by the Administrator during his term of office and by the ten officers described in section 1504(a) during their term of employment, regardless of any recommendations received or not received under this title.

"d. Except for initial appointments, members of the Corporate Board shall serve five-year terms. Each member of the Corporate Board shall be a citizen of the United States. No more than three members of the Board shall be members of any one political party. Of those first appointed, the chairman shall serve for the full five-year term; one member shall serve for a term of four years; one shall serve for a term of three years; one shall serve for a term of two years; and one shall serve for a term of one year.

"e. Upon expiration of the initial term, each Corporate Board member appointed thereafter shall serve a term of five years. Upon the occurrence of a vacancy on the Board, the President shall appoint an individual to fill such vacancy for the remainder of the applicable term. Upon expiration of a term, a Board member may continue to serve up to a maximum of one year or until a successor shall have been appointed and assumed office, whichever occurs first.

"f. The members of the Corporate Board in executing their duties shall be governed by the laws and regulations regarding conflicts of interest, but exempted from other provisions and authority prescribed by the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2).

"g. The Corporate Board shall meet at any time pursuant to the call of the Chairman and as provided by the bylaws of the Corporation, but not less than quarterly. The Administrator or his representative shall attend all meetings of the Corporate Board.

"h. The Corporation shall compensate members of the Corporate Board at a per diem rate equivalent to Executive Level III, as defined in section 5314 of title 5, United States Code, in addition to reimbursement of reasonable expenses incurred when engaged in the performance of duties vested in the Corporate Board. Any Corporate Board member who is otherwise a Federal employee shall not be eligible for compensation above reimbursement for reasonable expenses incurred while attending official meetings of the Corporation.

"i. (1) The Corporate Board shall report at least annually to the Administrator on the performance of the Corporation and the issues that, in the opinion of the Board, require the attention of the Administrator. Any such report shall include such recommendations as the Board finds appropriate. A copy of any report under this subsection shall be transmitted promptly to the President, the Secretary, the Committee on Energy and Natural Resources of the Senate and to the Speaker of the House of Representatives.

"(2) Within ninety days after the receipt of any report under this subsection the Administrator shall respond in writing to such report and provide an analysis of such recommendations of the Board contained in the report. Such response shall include plans for implementation of each recommendation or a justification for not implementing such recommendation. A copy of any response under this subsection shall be transmitted promptly to the President, the Secretary, the Committee on Energy and Natural Resources and to the Speaker of the House of Representatives.

"SEC. 1504. EMPLOYEES OF THE CORPORATION.—Officers and employees of the Corporation shall be officers and employees of the United States:

"a. The Administrator shall appoint all officers, employees and agents of the Corporation as are deemed necessary to effect the provisions of this title without regard to any administratively imposed limits on personnel, and any such officer, employee or agent shall only be subject to the supervision of the Administrator. The Administrator shall fix all compensation in accordance with the comparable pay provisions of section 5301 of title 5, United States Code, with compensation levels not to exceed Executive Level II, as defined in section 5313 of title 5, United States Code: Provided, That the Administrator may, upon recommendation by the Secretary and the Corporate Board as provided in section 1503(c) and approval by the President, appoint up to ten officers whose compensation shall not exceed an amount which is 20 per centum less than the compensation received by the Administrator, but not less than Executive Level II. The Administrator shall define the duties of all officers and employees and provide a system of organization inclusive of a personnel management system to fix responsibilities and promote efficiency. The Corporation shall assure that the personnel function and organization is consistent with the principles of section 2301(b) of title 5, United States Code, relating to merit system principles. Officers and employees of the Corporation shall be appointed, promoted and assigned on the basis of merit and fitness, and other personnel actions shall be consistent with the principles of fairness and due process but without regard to those provisions of title 5 of the United States Code governing appointments and other personnel actions in the competitive service.

"b. Any Federal employee hired before January 1, 1984, who transfers to the Corporation and who on the day before the date of transfer is subject to the Federal Civil Service Retirement System (subchapter III of chapter 83 of title 5, United States Code) shall remain within the coverage of such system unless he or she elects to be subject to the Federal Employees' Retirement System. For those employees remaining in the Federal Civil Service Retirement System, the Corporation shall withhold pay and shall pay into the Civil Service Retirement and Disability Fund the amounts specified in chapter 83 of title 5, United States Code. Employment by the Corporation without a break in continuity of service shall be considered to be employment by the United States Government for purposes of subchapter III of chapter 83 of title 5, United States Code. Any employee of the Corporation who is not within the coverage of the Federal Civil Service Retirement System shall be subject to the Federal Employees' Retirement System (chapter 84 of title 5, United States Code). The Corporation shall withhold pay and make such payments as are required under that retirement system. Further:

"(1) Any employee who transfers to the Corporation under this section shall not be entitled to lump sum payments for unused annual leave under section 5551 title 5, United States Code, but shall be credited by the Corporation with the unused annual leave at the time of transfer.

"(2) An employee who does not transfer to the Corporation and who does not otherwise remain a Federal employee shall be entitled to all the rights and benefits available under Federal law for separated employees, except

that severance pay shall not be payable to an employee who does not accept an offer of employment from the Corporation of work substantially similar to that performed by the employee for the Department.

"c. This section does not affect a right or remedy of an officer, employee, or applicant for employment under a law prohibiting discrimination in employment in the Government on the basis of race, color, religion, age, sex, national origin, political affiliation, marital status, or handicap conditions.

"d. Officers and employees of the Corporation shall be covered by chapter 73 of title 5, United States Code, relating to suitability, security and conduct.

"e. Compensation, benefits, and other terms and conditions of employment in effect immediately prior to the effective date of this section, whether provided by statute or by rules and regulations of the Department or the executive branch of the Government of the United States shall continue to apply to officers and employees who transfer to the Corporation from other Federal employment until changed by the Corporation in accordance with the provisions of this title.

"f. The provisions of sections 3323(a) and 8344 of title 5, United States Code, or any other law prohibiting or limiting the reemployment of retired officers or employees or the simultaneous receipt of compensation and retired pay or annuities, shall not apply to officers and employees of the Corporation who have retired from or ceased previous government service prior to April 28, 1987.

"SEC. 1505. TRANSFER OF PROPERTY TO THE CORPORATION.—In order to enable the Corporation to exercise the powers and duties vested in it by this title:

"a. The Secretary, as requested by the Administrator, is authorized and directed to transfer without charge to the Corporation all of the Department's right, title, or interest in and to, real or personal properties owned by the Department, or by the United States but under control or custody of the Department, which are related to and materially useful in the performance of the functions transferred by this title, including but not limited to the following—

"(1) production facilities for uranium enrichment inclusive of real estate, buildings and other improvements at production sites and their related and supporting equipment: Provided, That facilities, real estate, improvements and equipment related to the Oak Ridge Gaseous Diffusion Plant in Oak Ridge, Tennessee, and to the gas centrifuge enrichment program shall not transfer under this paragraph except for diffusion cascades and related equipment needed by the Corporation for replacement parts: Provided further, That any enrichment facilities retained by the Department shall not be used to enrich uranium in competition with the Corporation. This paragraph shall not prejudice consideration of any site as a candidate site for future expansion or replacement of uranium enrichment capacity;

"(2) at such time subsequent to the year 2000 as the Secretary determines that the Oak Ridge Gaseous Diffusion Plant should be decommissioned or decontaminated, or both, the Secretary shall convey without charge equipment and facilities relating to the Oak Ridge Gaseous Diffusion Plant not transferred in paragraph (1) to the Corporation;

"(3) facilities, equipment, and materials for research and development activities re-

lated to the isotopic separation of uranium by the gaseous diffusion technology;

"(4) the Department's stocks of preproduced enriched uranium, but excluding stocks of highly enriched uranium: Provided, That approximately two metric tons of the Department's highly enriched uranium shall be loaned to the Corporation as required for working inventory;

"(5) the Department's stocks of feed materials for uranium enrichment except for the quantities allocated to the national defense activities of the Department as of the date of enactment;

"(A) the Department's stockpile of enrichment tails existing as of the date of enactment, shall remain with the Department; and

"(B) stocks of feed materials which remain the property of the Department under paragraph (5) shall remain in place at the enrichment plant sites. The Corporation shall have access to and use of these feed materials provided such quantities as are used are replaced, or credit given, if used by the Department is subsequently needed.

"(6) all other facilities, equipment, materials, processes, patents, technical information of any kind, contracts, agreements, and leases to the extent these items concern the Corporation's functions and activities, except those items required for programs and activities of the Department and those items specifically excluded by this subsection.

The transfer authorized by this section is not subject to the requirements of section 120(h) of the Comprehensive Environmental Response, Compensation and Liability Act.

"b. The Secretary is authorized and directed to grant to the Corporation without charge the Department's rights and access to the Atomic Vapor Laser Isotope Separation, hereinafter referred to as 'AVLIS', technology and to provide on a reimbursable basis and at the request of the Corporation, the necessary cooperation and support of the Department to assure the commercial development and deployment of AVLIS or other technologies in a manner consistent with the intent of this title.

"c. The Secretary is authorized and directed to grant the Corporation without charge, to the extent necessary or appropriate for the conduct of the Corporation's activities, licenses to practice or have practiced any inventions or discoveries (whether patented or unpatented) together with the right to use or have used any processes and technical information owned or controlled by the Department.

"d. The Secretary is directed, without need of further appropriation, to transfer to the Corporation the unexpended balance of appropriations and other monies available to the Department (inclusive of funds set aside for accounts payable), and accounts receivable which are related to functions and activities acquired by the Corporation from the Department pursuant to this title, including all advance payments.

"e. The President is authorized to provide for the transfer to the Corporation of the use, possession, and control of such other real and personal property of the United States which is reasonably related to the functions performed by the Corporation. Such transfers may be made by the President without charge as he may from time to time deem necessary and proper for achieving the purposes of this title.

"f. Title to depleted uranium resulting from the enrichment services provided to the Department by the Corporation shall remain with the Department.

"SEC. 1506. CAPITAL STRUCTURE OF THE CORPORATION:

"a. Upon commencement of operations of the Corporation, all liabilities then chargeable to unexpended balances of appropriations transferred under section 1505 shall become liabilities of the Corporation.

"b. (1) The Corporation shall issue capital stock representing an equity investment equal to the book value of assets transferred to the Corporation, as reported in the Uranium Enrichment Annual Report for fiscal year 1987, modified to reflect continued depreciation and other usual changes that occur up to date of transfer. The Secretary of the Treasury shall hold such stock for the United States: Provided, That all rights and duties pertaining to management of the Corporation shall remain vested in the Administrator as specified in section 1501.

"(2) The capital stock of the Corporation shall not be sold, transferred, or conveyed by the United States unless such disposition is specifically authorized by Federal law enacted after enactment of this title.

"c. The Corporation shall pay into miscellaneous receipts of the Treasury of the United States or such other fund as provided by law, dividends on the capital stock, out of earnings of the Corporation, as a return on the investment represented by such stock. The Corporation shall pay such dividends out of earnings, unless there is an overriding need to retain these funds in furtherance of other corporate functions including but not limited to research and development, capital investments and establishment of cash reserves.

"d. The Corporation shall repay within a twenty-year period the amount of \$364,000,000 into miscellaneous receipts of the Treasury of the United States, or such other fund as provided by law with interest on the unpaid balance from the date of enactment of this title at a rate equal to the average yield on twenty-year Government obligations as determined by the Secretary of the Treasury on the date of enactment of this title. The money required to be repaid under this subsection is hereinafter referred to as the 'Initial Debt'.

"e. Receipt by the United States of the stock issued by the Corporation (including all rights appurtenant thereto) together with repayment of the Initial Debt shall constitute the sole recovery by the United States of previously unrecovered costs that have been incurred by the United States of uranium enrichment activities prior to enactment of this title.

"SEC. 1507. BORROWING:

"a. (1) The Corporation is authorized to issue and sell bonds, notes, and other evidences of indebtedness (hereinafter collectively referred to as 'bonds') in an amount not exceeding \$2,500,000,000 outstanding at any one time to assist in financing its activities and to refund such bonds. The principal of and interest on said bonds shall be payable from revenues of the Corporation.

"(2) Notwithstanding any other provision of law, the Corporation may pledge and use its revenues for payment of the principal of and interest on said bonds, for purchase or redemption thereof, and for other purposes incidental thereto, including creation of reserve funds and other funds which may be similarly pledged and used, to such extent and in such manner as it may deem necessary or desirable.

"(3) Notwithstanding any other provision of law, the Corporation is authorized to enter into binding covenants with the holders of said bonds—and with the trustee, if

any—under any indenture, resolution, or other agreement entered into in connection with the issuance thereof with respect to the establishment of reserve funds and other funds, stipulations concerning the subsequent issuance of bonds, and such other matters, not inconsistent with this title, as the Corporation may deem necessary or desirable to enhance the marketability of said bonds.

"(4) Bonds issued by the Corporation hereunder shall not be obligations of, nor shall payments of the principal thereof or interest thereon be guaranteed by, the United States.

"b. Bonds issued by the Corporation under this section shall be negotiable instruments unless otherwise specified therein, shall be in such forms and denominations, shall be sold at such times and in such amounts, shall mature at such time or times not more than thirty years from their respective dates, shall be sold at such prices, shall bear such rates of interest, may be redeemable before maturity at the option of the Corporation in such manner and at such times and redemption premiums, may be entitled to such priorities of claim on the Corporation's revenues with respect to principal and interest payments, and shall be subject to such other terms and conditions, as the Corporation may determine: Provided, That at least fifteen days before selling each issue of bonds hereunder (exclusive of any commitment shorter than one year) the Corporation shall advise the Secretary of the Treasury as to the amount, proposed date of sale, maturities, terms and conditions and expected rates of interest of the proposed issue in the fullest detail possible. The Corporation shall not be subject to the provisions of section 9108 of title 31, United States Code. The Corporation shall be deemed part of an executive department or an independent establishment of the United States for purposes of the provisions of section 78c(c) of title 15, United States Code.

"c. Bonds issued by the Corporation hereunder shall be lawful investments and may be accepted as security for all fiduciary, trust, and public funds, the investment or deposit of which shall be under the authority or control of any officer or agency of the United States. The Secretary of the Treasury or any other officer or agency having authority over or control of any such fiduciary, trust, or public funds, may at any time sell any of the bonds of the Corporation acquired by them under this section: Provided, That the Corporation shall not issue or sell any bonds to the Federal Financing Bank.

"SEC. 1508. PRICING:

"a. For purposes of maximizing the long-term economic value of the Corporation to the United States Government, the Corporation shall establish prices for its products, materials and services provided to customers other than the Department on a basis that will, over the long term, allow it to recover its costs for providing the products, materials and services; repay the Initial Debt; recover costs of decontamination, decommissioning and remedial action; and attain the normal business objectives of a profitmaking Corporation.

"b. The Corporation shall establish prices for low assay enrichment services and other products, materials, and services provided the Department on a basis that will allow it to recover its costs on a yearly basis for providing such low assay enrichment services, products, materials, and services, including depreciation and the cost of decontamination, decommissioning and remedial action, but excluding repayment of the Initial Debt

and profit. In establishing such prices, the base charge paid by the Department in any given year shall not exceed the average base charge paid by customers other than the Department. Provided, however, That if the imposition of such average base charges as a limitation on the base charge paid by the Department in a given year does not permit the Corporation to fully recover its costs for providing such products, materials and services to the Department then, in subsequent years, the Corporation shall include such unrecovered costs in its prices charged the Department. Base charge shall mean the amount paid by a customer per separative work unit for low assay enrichment services during a given year (exclusive of any credits received under a voluntary overfeeding program), less the portion of such amount which represents the cost of decontamination and decommissioning and remedial action. The average base charge paid by customers other than the Department shall be determined by dividing the estimated total dollar amount of low assay enrichment services sales to customers other than the Department during a given year by the estimated amount of separative work units sold to customers other than the Department during that year. Adjustments between estimated and actual amounts shall be made upon receipt of actual sales data.

"c. The Corporation shall establish prices to the Department for high assay enrichment services on a basis that will allow it to recover its costs, on a yearly basis, for providing the products, materials or services, including depreciation and the costs of decontamination, decommissioning, and remedial action concerning enrichment property, but excluding repayment of the Initial Debt and profit. If the Department does not request any enrichment services in a given year, the Department shall reimburse the Corporation for costs required to maintain the minimum level of operation of the high assay production facility.

"d. (1) In accordance with the cost responsibilities defined in paragraphs (3) and (4), the Corporation shall recover from its customers in the prices and charges established in accordance with subsection (a), amounts that will be sufficient to pay for the costs of decommissioning, decontamination and remedial action for the various property of the Corporation, including property transferred under section 1505(a) at any time. Such costs shall be based on the point in time that such decommissioning, decontamination and remedial action are to be undertaken and accomplished: Provided, That by the year 2000 the Corporation shall have recovered and deposited in the Uranium Enrichment Decontamination and Decommissioning Fund 50 per centum of the estimated total costs of decontamination and decommissioning of all property transferred or to be transferred to the Corporation under section 1505, including the Oak Ridge Gaseous Diffusion Plant.

"(2) In order to meet the objective defined in paragraph (1), the Corporation shall periodically estimate the anticipated or actual costs of decommissioning and decontamination. Such estimates shall reflect any changes in assumptions or expectations relevant to meeting such objective, including, but not limited to, any changes in applicable environmental requirements. Such estimates shall be reviewed at least every two years.

"(3) For purposes of enabling the Corporation to meet the objective defined in paragraph (1) with respect to the Oak Ridge Gas-

eous Diffusion Plant, the Secretary shall periodically estimate the anticipated costs of decontamination and decommissioning and the time at which such decontamination and decommissioning is to be accomplished. Such estimates shall reflect any changes in assumptions or expectations relevant to meeting such objective, including but not limited to, any changes in applicable environmental requirements. The Secretary shall review such estimates every two years and convey this information to the Corporation.

"(4) With respect to property that has been used in the production of low-assay separative work,

"(A) The costs of decommissioning, decontamination and remedial action that shall be recoverable from customers other than the Department in prices and charges shall be in the same ratio to the total costs of decommissioning, decontamination and remedial action for the property in question as the production of separative work over the life of such property for commercial customers bears to the total production of separative work over the life of such property.

"(B) All other costs of decommissioning, decontamination and remedial action for such property shall be recovered in prices and charges to the Department.

"(5) With respect to property that has been used solely in the production of high-assay separative work, all costs of decommissioning, decontamination and remedial action shall be recovered in prices and charges to the Department.

"SEC. 1509. AUDITS.—In fiscal years during which an audit is not performed by the Comptroller General in accordance with the provisions of section 9105 of title 31, United States Code, the financial transactions of the Corporation shall be audited by an independent firm or firms of nationally recognized certified public accountants who shall prepare such audits using standards appropriate for commercial corporate transactions. The fiscal year of the Corporation shall conform to the fiscal year of the United States. The General Accounting Office shall review such audits annually, and to the extent necessary, cause there to be a further examination of the Corporation using standards for commercial corporate transactions. Such audits shall be conducted at the place or places where the accounts of the Corporation are established and maintained. All books, financial records, reports, files, papers, memoranda, and other property of, or in use by, the Corporation shall be made available to the person or persons authorized to conduct audits in accordance with the provisions of this section.

"SEC. 1510. REPORTS:

"a. The Corporation shall prepare an annual report of its activities. This report shall contain—

"(1) a general description of the Corporation's operations;

"(2) a summary of the Corporation's operating and financial performance, including an explanation of the decision to pay or not pay dividends; and

"(3) copies of audit reports prepared in conformance with section 1509 of this title and the provisions of the Government Corporation Control Act, as amended.

"b. A copy of the annual report shall be provided to the President, the Secretary, the Committee on Energy and Natural Resources of the Senate, and the appropriate committees of the House of Representatives. Such reports shall be completed not later than ninety days following the close of each fiscal year and shall accurately reflect the fi-

nancial position of the Corporation at fiscal year end, inclusive of any impairment of capital or ability of the Corporation to comply with the provisions of this title.

"SEC. 1511. CONTROL OF INFORMATION:

"a. The term 'Commission' shall be deemed to include the Corporation wherever such term appears in section 141 and subsections a. and b. of section 142 of title I.

"b. No contracts or arrangements shall be made, nor any contract continued in effect, under section 1401, 1402, 1403, or 1404, unless the person with whom such contract or arrangement is made, or the contractor or prospective contractor, agrees in writing not to permit any individual to have access to Restricted Data, as defined in section 11 y. of title I, until the Office of Personnel Management shall have made an investigation and report to the Corporation on the character, associations, and loyalty of such individual, and the Corporation shall have determined that permitting such person to have access to restricted data will not endanger the common defense and security.

"c. The restrictions detailed in subsections b., c., d., e., f., g., and h., of section 145 of title I shall be deemed to apply to the Corporation where they refer to the Commission or a majority of the members of the Commission, and to the Administrator where they refer to the General Manager.

"d. The Administrator shall keep the appropriate congressional committees fully and currently informed with respect to all of the Corporation's activities. To the extent consistent with the other provisions of this section, the Corporation shall make available to any of such committees all books, financial records, reports, files, papers, memoranda, or other information possessed by the Corporation upon receiving a request for such information from the chairman of such committee.

"e. Whenever the Corporation submits to the President, or the Office of Management and Budget, any budget, legislative recommendation, testimony, or comments on legislation, prepared for submission to the Congress, the Corporation shall concurrently transmit a copy thereof to the appropriate committees of Congress.

"f. The Corporation shall have no power to control or restrict the dissemination of information other than as granted by this or any other law.

"SEC. 1512. PATENTS AND INVENTIONS:

"a. The term 'Commission' shall be deemed to include the Corporation wherever such term appears in section 152, 153b. (1), and 158 of title I. The Corporation shall pay such royalty fees for patents licensed to it under section 153 b. (1) of title I as are paid by the Department under that provision. Nothing in title I or this title shall affect the right of the Corporation to require that patents granted on inventions, that have been conceived or first reduced to practice during the course of research or operations of, or financed by the Corporation, be assigned to the Corporation.

"b. The Department shall notify the Corporation of all reports heretofore or hereafter filed with it under subsection 151 c. of title I and all applications for patents heretofore or hereafter filed with the Commissioner of Patents of which the Department has notice under subsection 151 d. of title I or otherwise, whenever such reports or applications involve matters pertaining to the functions or responsibilities of the Corporation in accordance with this title. The Department shall make all such reports available to the Corporation, and the Commissioner of Pat-

ents shall provide the Corporation access to all such applications. All reports and applications to which access is so provided shall be kept in confidence by the Corporation, and no information concerning the same given without authority of the inventor or owner unless necessary to carry out the provisions of any Act of Congress.

"c. The Corporation, without regard for any of the conditions specified in paragraph 153 c. (1), (2), (3), or (4) of title I, may at any time make application to the Department for a patent license for the use of an invention or discovery useful in the production or utilization of special nuclear material or atomic energy covered by a patent when such patent has not been declared to be affected with the public interest under subsection 153 b. (1) of title I and when use of such patent is within the Corporation's authority. Any such application shall constitute an application under subsection 153 c. of title I subject, except as specified above, to all the provisions of subsections 153 c., d., e., f., g., and h., of title I.

"d. With respect to the Corporation's functions under this title, section 158 of title I shall be deemed to include the Corporation within the phrase, 'any other licensee' in the first sentence thereof and within the phrase 'such licensee' in the second sentence thereof.

"e. The Corporation shall not be liable directly or indirectly for any damages or financial responsibility with respect to secrecy orders imposed under section 181 of title 35, United States Code, through 187.

"f. The Corporation shall not be liable or responsible for any payments made or awards under subsection 157 b. (3) of title I, or any settlements or judgments involving claims for alleged patent infringement except to the extent that any such awards, settlements or judgments are attributable to activities of the Corporation after the effective date of this title.

"g. The Corporation shall keep currently informed as to matters affecting its rights and responsibilities under chapter 13 of title I as modified by this section and shall take all appropriate action to avail itself of such rights and satisfy such responsibilities. The Department in discharging its responsibilities under chapter 13 of title I shall exercise diligence in informing the Corporation of matters affecting the responsibilities and jurisdiction of the Corporation and seeking and following as appropriate the advice and recommendation of the Corporation in such matters.

"CHAPTER 26. LICENSING, TAXATION, AND MISCELLANEOUS PROVISIONS

"SEC. 1601. LICENSING:

"a. Notwithstanding any other provision of law, with respect solely to facilities, equipment and materials for activities related to the isotopic separation of uranium by the gaseous diffusion technology at facilities in existence as of the date of enactment of this title, the Corporation and its contractors are hereby exempted from the licensing requirements and prohibitions of sections 57, 62, 81 and other provisions of title I, to the same extent as the Department and its contractors are exempt in regard to the Department's own functions and activities. Such exemption shall remain in effect unless and until the Corporation and its contractors receive all necessary licenses for such facilities, equipment and materials as are required under title I.

"b. Within two years of the enactment of this title, the Commission shall promulgate regulations or issue other regulatory guid-

ance under title I for the licensing of facilities described in subsection (a) that employ the gaseous diffusion technology.

"c. Within one year after the promulgation of regulations or the issuance of other regulatory guidance under subsection (b), the Corporation and its contractors shall make necessary applications for and otherwise seek to obtain such licenses as will remove the exemption provided under subsection (a). As part of its application, the Corporation shall submit an Environmental Impact Statement in accordance with the requirements of the National Environmental Policy Act. The Commission shall adopt this statement to the extent practicable under the National Environmental Policy Act. In preparing such statement, the Corporation, and in making any licensing decision, the Commission, shall not consider the need for such facilities, alternatives to such facilities, or the costs compared to the benefits of such facilities. The Commission shall act on licensing requests by the Corporation in a timely manner.

"d. The Corporation shall not transfer or deliver any source, special nuclear or byproduct materials or production or utilization facilities, as defined in title I, to any person who is not properly qualified or licensed under the provisions of title I.

"e. The Corporation shall be subject to the regulatory jurisdiction of the Commission and the Department of Transportation with respect to the packaging and transportation of source, special nuclear and byproduct materials.

"SEC. 1602. EXEMPTION FROM TAXATION AND PAYMENTS IN LIEU OF TAXES:

"a. In order to render financial assistance to those States and localities in which the facilities of the Corporation are located, the Corporation is authorized and directed to make payments to State and local governments as provided in this section. Such payments shall be in lieu of any and all State and local taxes on the real and personal property, activities, and income of the Corporation. All property of the Corporation its activities and income are expressly exempted from taxation in any manner or form by any State, county, or other local government entity. The activities of the Corporation for this purpose shall include the activities of organizations pursuant to cost-type contracts with the Corporation to manage, operate, and maintain its facilities. The income of the Corporation shall include income received by such organizations for the account of the Corporation. The income of the Corporation shall not include income received by such organizations for their own accounts and such income shall not be exempt from taxation.

"b. The Corporation shall make annual payments, in amounts determined by the Corporation to be fair and reasonable, to the State and local governmental agencies having tax jurisdiction in any area where facilities of the Corporation are located. In making such determinations, the Corporation shall be guided by the following criteria:

"(1) Amounts paid shall not exceed the tax payments that would be made by a private industrial corporation owning similar facilities and engaged in similar activities at the same location: Provided, however, That there shall be excluded any amount that would be payable as a tax on net income.

"(2) The Corporation shall take into account the customs and practices prevailing in the area with respect to appraisal, assessment, and classification of industrial prop-

erty and any special considerations extended to large-scale industrial operations.

"(3) No amount shall be included to the extent that any tax unfairly discriminates against the class of taxpayers of which the Corporation would be a member if it were a private industrial corporation, compared with other taxpayers or classes of taxpayers.

"(4) In no event shall the payment made to any taxing authority for any period be less than the payments which would have been made to such taxing authority for the same period by the Department and its cost-type contractors on behalf of the Department with respect to property that has been transferred to the Corporation under section 1505 and which would have been attributable to the ownership, management operation, and maintenance of the Department's uranium enrichment facilities, applying the laws and policies prevailing immediately to the enactment of this title.

"c. Payments shall be made by the Corporation at the time when payments of taxes by taxpayers to each taxing authority are due and payable: Provided, That no payment shall be made to the extent that the tax would apply to a period prior to the enactment of this title.

"d. The determination by the Corporation of the amounts due hereunder shall be final and conclusive.

"SEC. 1603. MISCELLANEOUS APPLICABILITY OF TITLE I:

"a. Any references to the term 'Commission' or to the Department in sections 105 b., 110 a., 161 c., 161 k., 161 q., 165 a., 221 a., 229, 230, and 232 of title I shall be deemed to include the Corporation.

"b. Section 188 of title I shall apply to licensed facilities of the Corporation. For purposes of applying such section to facilities of the Corporation:

"(1) The term 'Commission' shall be deemed to refer to the Secretary;

"(2) There shall be no requirement for payment of just compensation to the Corporation, and receipts from operation of the facility in question shall continue to accrue to the benefit of the Corporation; and

"(3) The Secretary shall have the discretion to determine how and by whom the facility in question will be operated.

"SEC. 1604. COOPERATION WITH OTHER AGENCIES.—The Corporation is empowered to use with their consent the available services, equipment, personnel, and facilities of other civilian or military agencies and instrumentalities of the Federal Government, on a reimbursable basis and on a similar basis to cooperate with such other agencies and instrumentalities in the establishment and use of services, equipment, and facilities of the Corporation. Further, the Corporation may confer with and avail itself of the cooperation, services, records, and facilities of State, territorial, municipal or other local agencies.

"SEC. 1605. APPLICABILITY OF ANTITRUST LAWS:

"a. The Corporation shall conduct its activities in a manner consistent with the policies expressed in the antitrust laws, except as required by the public interest.

"b. As used in this subsection, the term 'antitrust laws' means:

"(1) The Act entitled: 'An Act to protect trade and commerce against unlawful restraints and monopolies,' approved July 2, 1890 (15 U.S.C. 1-7), as amended;

"(2) The Act entitled: 'An Act to supplement existing laws against unlawful restraints and monopolies, and for other pur-

poses,' approved October 15, 1914 (15 U.S.C. 12-27), as amended;

"(3) Sections 73 and 74 of the Act entitled, 'An Act to reduce taxation, to provide revenue for the Government, and for other purposes,' approved August 27, 1894 (15 U.S.C. 8 and 9), as amended; and

"(4) The Act of June 19, 1936, chapter 592 (15 U.S.C. 13, 13a, 13b, and 21a).

"SEC. 1606. NUCLEAR HAZARD INDEMNIFICATION.—The Administrator shall have the same authority to indemnify the contractors of the Corporation as the Secretary has to indemnify contractors under section 170 d. of title I. Except that with respect to any licenses issued to the Corporation by the Commission, the Commission shall treat the Corporation and its contractors as its licensees for the purposes of section 170 of this Act.

"SEC. 1607. INTENT.—It is hereby declared to be the intent of this title to aid the Corporation in discharging its responsibilities under this title by providing it with adequate authority and administrative flexibility to obtain necessary funds with which to assure the maximum achievement of the purposes hereof as provided herein, and this title shall be construed liberally to effectuate such intent.

"SEC. 1608. REPORT:

"a. Three years after enactment of this title or January, 1993, whichever is later, the Administrator shall submit to the President and to Congress an interim report setting forth the views and recommendations of the Administrator regarding transfer of the functions, powers, duties, and assets of the Corporation to private ownership. Five years after enactment of this title, the Administrator shall submit to the President and the Congress a final report setting forth the views and recommendations of the Administrator regarding transfer of the functions, powers, duties, and assets of the Corporation to private ownership. If the Administrator, in the final report, recommends such transfers, the report shall include a plan for implementation of the transfers.

"b. Within one hundred and eighty days after receipt of the final report under subsection (a), the President shall transmit to Congress his recommendations regarding the report, including a plan for implementation of any transfers recommended by the President and any recommendations for legislation necessary to effectuate such transfers.

"CHAPTER 27. DECONTAMINATION AND DECOMMISSIONING

"SEC. 1701. ESTABLISHMENT:

"a. ESTABLISHMENT OF FUND.—(1) There is hereby established in the Treasury of the United States an account of the Corporation to be known as the Uranium Enrichment Decontamination and Decommissioning Fund (hereinafter referred to in this chapter as the 'Fund'). In accordance with section 1402 (j), such account and any funds deposited therein, shall be available to the Corporation for the exclusive purpose of carrying out the purposes of this chapter.

"(2) The Fund shall consist of:

"(A) Amounts paid into it by the Corporation in accordance with section 1702; and

"(B) Any interest earned under subsection (b)(2).

"b. ADMINISTRATION OF FUND.—(1) The Secretary of the Treasury shall hold the Fund and, after consultation with the Corporation, annually report to the Congress or the financial condition and operations of the Fund during the preceding fiscal year.

"(2) At the direction of the Corporation, the Secretary of the Treasury shall invest amounts contained within such Fund in obligations of the United States:

"(A) Having maturities determined by the Secretary of the Treasury to be appropriate to the needs of the Fund, as determined by the Corporation; and

"(B) Bearing interest at rates determined to be appropriate by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to such obligations.

"(3) At the request of the Corporation, the Secretary of the Treasury shall sell such obligations and credit the proceeds to the Fund.

"SEC. 1702. DEPOSITS.—Within sixty days of the end of each fiscal year, the Corporation shall make a payment into the Fund in an amount equal to the costs of decontamination and decommissioning that have been recovered during such fiscal year by the Corporation in its prices and charges established in accordance with section 1508 for products, materials, and services.

"SEC. 1703. PERFORMANCE AND DISBURSEMENTS:

"a. When the Corporation determines that particular property should be decommissioned or decontaminated, or both, or with respect to the Oak Ridge Gaseous Diffusion Plant at such time as the plant is conveyed to the Corporation, the Corporation shall enter into a contract for the performance of such decommissioning and decontamination.

"b. The Corporation shall pay for the costs of such decommissioning and decontamination out of amounts contained within the Fund."

SEC. 113. TREATMENT OF THE CORPORATION AS BEING PRIVATELY-OWNED FOR PURPOSES OF THE APPLICABILITY OF ENVIRONMENTAL AND OCCUPATIONAL SAFETY LAWS.—The United States Enrichment Corporation shall be subject to Federal, State and local environmental laws and the Occupational Safety and Health Act (29 U.S.C. 651-678) to the same extent as is the Department of Energy as of the date of enactment. After four years from the date of enactment of this title, the United States Enrichment Corporation shall become subject to such laws to the same extent as a privately-owned corporation, unless the President determines that additional time is necessary to achieve the purposes of title II of the Atomic Energy Act of 1954, as amended.

SEC. 114. MISCELLANEOUS PROVISIONS.—(a) Section 9101(3) of title 31, United States Code (relating to the definition of "wholly-owned Government corporation") is amended by adding at the end of the following: "(N) United States Enrichment Corporation."

(b) In subsection 41 a. of the Atomic Energy Act of 1954, as amended, the word "or" appearing before the numeral "(2)" is deleted, a semicolon is substituted for a period at the end of the subsection and the following new paragraph is added: "or (3) are owned by the United States Enrichment Corporation."

(c) In subsection 53 c. (1) of the Atomic Energy Act of 1954, as amended, the word "or" is inserted before the word "grant" and the phrase "or through the provision of production or enrichment services" is deleted in both places where it appears in such subsection.

(d) The Atomic Energy Act of 1954, as amended, is further amended:

(1) By adding before the period at the end of the definition of the term "production facility" in section 11 v. a colon and the following: "Provided, however, That as the term is used in chapters 10 and 16 of this

Act, other than with respect to export of a uranium enrichment production facility, it shall not include any equipment or device, or important component part especially designed therefor, capable of separating the isotopes of uranium or enriching uranium in the isotope 235";

(2) By striking the period at the end of section 161 b. and adding the following: "in addition, the Commission shall prescribe such regulations or orders as may be necessary or desirable to promote the Nation's common defense and security with regard to control, ownership or possession of any equipment or device, or important component part especially designed therefor, capable of separating the isotopes of uranium or enriching uranium in the isotope 235";

(3) By striking the phrase "section 103 or 104" in section 41 a. (2) and inserting in lieu thereof "this title"; and

(4) In section 236 by striking the word "or" following paragraph (2) and adding after paragraph (3) "or (4) any uranium enrichment facility licensed by the Commission."

(5) In section 318(1) by striking the period after "activities" and by adding the following:

"(D) any facility owned by the United States Enrichment Corporation."

(e) Subsection 905(g)(1) of title II, United States Code, is amended to include "United States Enrichment Corporation" at the end thereof.

(f) Section 306 of title III of the Energy and Water Development Appropriations Act, 1988, Public Law 100-202, is repealed.

SEC. 115. LIMITATION ON EXPENDITURES.—For fiscal year 1990, total expenditures of the United States Enrichment Corporation shall not exceed total receipts.

SEC. 116. SEVERABILITY.—In any provision of this title, or the application of any provisions to any entity, person or circumstance, shall for any reason be adjudged by a court of component jurisdiction to be invalid, the remainder of this act, or the application of the same shall not be thereby affected.

SEC. 117. EFFECTIVE DATE.—Except as otherwise provided, all provisions of this title shall take effect on the day following the end of the first full fiscal year quarter following the enactment of this act; Provided, however, That the Administrator or Acting Administrator of the United States Enrichment Corporation may immediately exercise the management responsibilities and powers of subsection 1501 (a) of the Atomic Energy Act of 1954, as amended by this Act and previous Acts.

TITLE II—URANIUM

Subtitle A—Short Title, Findings and Purpose, Definitions

This title may be cited as the "Uranium Security and Tailings Reclamation Act of 1989".

SEC. 202. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds for purposes of this title that—

(1) the United States uranium industry has long been recognized as vital to United States energy independence and as essential to United States national security, but has suffered a drastic economic setback, including a 90 per centum reduction in employment, closure of almost all mines and mills, more than a 75 percent drop in production, and a permanent loss of uranium reserves;

(2) during the remainder of this century approximately 20 per centum of United States electricity is expected to be produced

from uranium fueled powerplants owned by domestic electric utilities;

(3) the United States has been the leading uranium producing nation and holds extensive proven reserves of natural uranium that offer the potential for secure sources of future supply;

(4) a variety of economic factors, policies of foreign governments, foreign export practices, the discovery and development of low cost foreign reserves, new Federal regulatory requirements, and cancellation of nuclear powerplants have caused most United States producers to close or suspend operations over the past six years and have resulted in the domestic uranium industry being found "not viable" by the Secretary under provisions of the Atomic Energy Act of 1954, as amended;

(5) providing assistance to the domestic uranium industry is essential to—

(A) preclude an undue threat from foreign supply disruptions that could hinder the Nation's common defense and security,

(B) assure an adequate long-term supply of domestic uranium for the Nation's nuclear power program to preclude an undue threat from foreign supply disruptions or price controls, and

(C) aid in the Nation's balance-of-trade payments through foreign sales;

(6) the Uranium Mill Tailings Radiation Control Act of 1978 (42 U.S.C. 7901-7942);

(A) was enacted to provide for the reclamation and regulation of uranium and thorium mill tailings; and

(B) did not provide for a Federal contribution for the reclamation of tailings at uranium and thorium processing sites which were generated pursuant to Federal defense contracts;

(7) the owners of licensees of active uranium and thorium sites and the Federal Government have each benefited from uranium and thorium produced at the active sites, and it is equitable that they share in the costs of reclamation, decommissioning and other remedial actions at the commingled sites; and

(B) the creation of an assured system of financing will greatly facilitate and expedite reclamation and remedial actions at active uranium and thorium processing sites.

(b) **PURPOSE.**—It is the purpose of subtitles B and C of this title to—

(1) ensure an adequate long-term supply of domestic uranium for the Nation's common defense and security and for the Nation's nuclear power program;

(2) provide assistance to the domestic uranium industry; and

(3) establish, facilitate, and expedite a comprehensive system for financing reclamation and other remedial action at active uranium and thorium processing sites.

SEC. 203. DEFINITIONS.

For purposes of this title—

(1) the term "active site" means—

(A) any uranium or thorium processing site, including the mill, containing by-product material for which a license (issued by the Nuclear Regulatory Commission or its predecessor agency under the Atomic Energy Act of 1954, as amended, or by a State as permitted under section 274 of such Act (42 U.S.C. 2021)) for the production at such site of any uranium or thorium derived from ore—

(i) was in effect on January 1, 1978;

(ii) was issued or renewed after January 1, 1978; or

(iii) for which an application for renewal or issuance was pending on, or after January 1, 1978; and

(B) any other real property or improvement on such real property that is determined by the Commission to be—

(i) in the vicinity of such site; and

(ii) contaminated with residual by-product material;

(2) the term "byproduct material" has the meaning given such term in section 11 e. (2) of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2014(e)(2));

(3) the term "civilian nuclear power reactor" means any civilian nuclear powerplant required to be licensed under section 103 or section 104 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2133);

(4) the term "Corporation" means the United States Enrichment Corporation established under section 1202 of title II of the Atomic Energy Act of 1954, as amended;

(5) the term "Department" means the Department of Energy;

(6) the term "domestic uranium" means any uranium that has been mined in the United States including uranium recovered from uranium deposits in the United States by underground mining, open-pit mining, strip mining, in situ recovery, leaching, and ion recovery, or recovered from phosphoric acid manufactured in the United States;

(7) the term "domestic uranium producer" means a person or entity who produces domestic uranium and who has, to the extent required by State and Federal agencies having jurisdiction, licenses and permits for the operation, decontamination, decommissioning, and reclamation of sites, structures and equipment;

(8) the term "enrichment tails" means uranium in which the quantity of the U-235 isotope has been depleted in the enrichment process;

(9) the term "reclamation, decommissioning, and other remedial action" includes work, including but not limited to disposal work, accomplished in order to comply with all applicable requirements, including but not limited to those established pursuant to the Uranium Mill Tailings Radiation Control Act of 1978, as amended, or where appropriate, with requirements established by a State that is a party to a discontinuance agreement under section 274 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2021). The term shall also include work at an active site prior to the date of enactment of this act accomplished in order to comply with the foregoing requirements;

(10) the term "Secretary" means the Secretary of Energy;

(11) the terms "source material" and "special nuclear material" have the meaning given such terms in section 11 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2014); and

(12) the term "tailings" means the wastes produced by the extraction or concentration of uranium or thorium from any ore processed primarily for its source material content.

Subtitle B—Uranium Revitalization

SEC. 210. VOLUNTARY OVERFEED PROGRAM.

(a) The Corporation shall establish, for a period of not less than five years commencing at the beginning of fiscal year 1991, a voluntary overfeeding program which shall be made available to the Corporation's enrichment services customers. The term "overfeeding" means the use of uranium in the enrichment process in excess of the amount required at the transactional tails assay.

(b) The Corporation shall encourage its enrichment services customers to participate in the voluntary overfeeding program

as provided in this section. Uranium supplied by the enrichment customer shall be used by the Corporation for voluntary overfeeding in the enrichment process to reduce the amount of power required to produce the enriched uranium ordered by the enrichment services customer. The dollar savings resulting from the reduced power requirements shall be credited to the enrichment services customer.

(c) In the event an enrichment services customer does not elect to provide uranium for voluntary overfeeding to be used to process its enrichment order, the Corporation shall establish a method for such uranium to be voluntarily supplied by other enrichment services customer(s) which have expressed to the Corporation an interest in participating in such a program and the Corporation shall credit the resulting dollar savings realized from the reduced power requirements to the enrichment services customer(s) providing the uranium.

(d) An enrichment services customer providing uranium for voluntary overfeeding shall certify to the Corporation that such uranium is domestic uranium which has been actually produced by a domestic uranium producer after the enactment of this Act or domestic uranium actually produced by a domestic uranium producer before the enactment of this Act and held by it without sale, transfer or redesignation of the origin of such uranium on a DOE/NRC form 741.

(e) Within ninety days of the date of enactment of this Act, the Corporation shall establish procedures to implement this program. Such procedures shall include, but not be limited to, delivery reporting and certification requirements, and provisions for failure to comply with the requirements of the voluntary overfeeding program. The determination of the voluntary overfeeding credit and sufficient data to support such determination shall be available to the Corporation's enrichment services customers and to qualified domestic producers.

SEC. 211. NATIONAL STRATEGIC URANIUM RESERVE.

There is hereby established the National Strategic Uranium Reserve under the direction and control of the Secretary. The Reserve shall consist of 50,000,000 pounds of natural uranium contained in stockpiles or inventories currently held by the United States for defense purposes. Effective on the date of enactment of this Act, use of the Reserve shall be restricted to military purposes and Government research. Use of the Department's stockpile of enrichment tails existing on the date of enactment of this Act shall be restricted to military purposes.

SEC. 212. RESPONSIBILITY FOR THE INDUSTRY.

(a) The Secretary shall have a continuing responsibility for the domestic uranium industry, and shall take any action, which he determines to be appropriate under existing law, to encourage the use of domestic uranium; Provided, however, That the Secretary, in fulfilling this responsibility, shall not use any supervisory authority over the Corporation. The Secretary shall report annually to the appropriate committees of Congress on action taken with respect to the domestic uranium industry, including action to promote the export of domestic uranium pursuant to paragraph (b) of this section.

(b) **ENCOURAGE EXPORT.**—The Department, with the cooperation of the Department of Commerce, the United States Trade Representative and other governmental organizations, shall encourage the export of domestic uranium. Within one hundred and eighty days of the date of enactment of this Act the

Secretary shall develop recommendations and implement government programs to promote the export of domestic uranium.

SEC. 213. GOVERNMENT URANIUM PURCHASES.

(a) After the date of enactment of this Act, the United States of America, its agencies and instrumentalities, shall only have the authority to enter into contracts or orders for the purchase of uranium which is (1) of domestic origin and (2) is purchased from domestic uranium producers: Provided, That this section shall not affect purchases under a contract for delivery of a fixed amount of uranium entered into before the date of enactment of this Act.

(b) Subsection (a) shall not apply to the Tennessee Valley Authority.

SEC. 214. SECRETARY'S AUTHORITY TO MAKE REGULATIONS.

The Secretary shall issue appropriate regulations to implement the purposes of this title.

Subtitle C—Remedial Action for Active Processing Sites

SEC. 220. REMEDIAL ACTION PROGRAM.

(a) IN GENERAL.—Except as provided in subsection (b), the costs of decontamination, decommissioning, reclamation, and other remedial action at an active uranium or thorium processing site shall be borne by persons licensed under section 62 or 81 of the Atomic Energy Act of 1954 (42 U.S.C. 2091, 2111) for any activity at such site which results or has resulted in the production of byproduct material.

(b) REIMBURSEMENT.—

(1) IN GENERAL.—The Secretary shall, subject to paragraph (2), reimburse at least annually a licensee described in subsection (a) for such portion of the reclamation, decommissioning and other remedial action costs described in such subsection as are—

(A) determined by the Secretary to be attributable to tailings generated as an incident of sales to the United States; and

(B) incurred by such licensee not later than December 31, 2002.

(2) AMOUNT.—

(A) TO INDIVIDUAL ACTIVE SITE URANIUM LICENSEES.—The amount of reimbursement paid to any licensee under paragraph (1) shall be determined by the Secretary in accordance with regulations issued pursuant to section 221 and shall not exceed an amount equal to \$4.50 multiplied by the dry short tons of tailings located at the site as of the effective date of this title and generated as an incident of sales to the United States.

(B) TO ALL ACTIVE SITE URANIUM LICENSEES.—Payments made under paragraph (1) to active site uranium licensees shall not in the aggregate exceed \$270,000,000.

(C) TO THORIUM LICENSEES.—Payments made under paragraph (1) to the licensee of the active thorium site shall not exceed \$30,000,000.

(D) INFLATION ESCALATION INDEX.—The amounts in subsections (A), (B), and (C) of this section shall be increased annually based upon an inflation index. The Secretary shall determine the appropriate index to apply.

(E) ADDITIONAL REIMBURSEMENT.—Provided however, (i) the Secretary shall determine as of July 31, 2005, whether the amount authorized to be appropriated in section 222, when considered with the \$4.50 per dry short ton limit on reimbursement, exceeds the total cost reimbursable to the licensees of active sites for reclamation, decommissioning and other remedial action; and (ii) if the Secretary determines there is an excess, the Secretary may allow reimbursement in excess of

\$4.50 per dry short ton on a prorated basis at such sites that reclamation, decommissioning and other remedial action costs for tailings generated as an incident of sales to the United States exceed the \$4.50 per dry short ton limitation.

SEC. 221. REGULATIONS.

The Secretary shall issue regulations governing reimbursement under section 220. An active uranium or thorium processing site owner shall apply for reimbursement hereunder by submitting a statement for the amount of reimbursement, together with reasonable documentation in support thereof, to the Secretary. Any such statement for reimbursement, supported by reasonable documentation, shall be approved by the Secretary and reimbursement therefor shall be made in a timely manner subject only to the limitations of section 220.

SEC. 222. AUTHORIZATION.

There is authorized to be appropriated for purposes of this subtitle not more than \$300,000,000 increased annually as provided in section 220 based upon an inflation index as determined by the Secretary.

Mr. FORD. I move to reconsider the vote by which the bill, as amended, was passed.

Mr. CRANSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The title was amended so as to read: "A bill to establish the United States Enrichment Corporation to operate the Federal uranium enrichment program on a profitable and efficient basis in order to maximize the long term economic value to the United States, to provide assistance to the domestic uranium industry and to provide a Federal contribution for the reclamation of mill tailings generated pursuant to Federal defense contracts at active uranium and thorium processing sites."

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEAR 1990

Mr. PELL addressed the Chair.

The PRESIDENT pro tempore. Under the order, the Senate will now resume consideration of S. 1106. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1160) to authorize appropriations for fiscal year 1990 for the Department of State, the United States Information Agency, the Board for International Broadcasting, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

(1) Helms amendment No. 269, to prohibit negotiations with terrorists responsible for the murder, injury or kidnaping of an American citizen.

(2) Grassley amendment No. 270 (to Amendment No. 269), of a perfecting nature.

(3) Heinz amendment No. 272, to provide international support for programs of sustainable development, environmental protection, and debt reduction.

(4) Armstrong amendment No. 324, relating to Chinese fleeing coercive population control policies.

The PRESIDENT pro tempore. The pending question is on amendment No. 324 by Mr. ARMSTRONG on which there is a 30-minute time limitation in accordance with the usual form.

Who yields time?

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. On whose time?

Mr. HELMS. Equally divided.

The PRESIDENT pro tempore. Without objection, the time under the quorum call will be equally divided. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HELMS. Now, Mr. President, the distinguished Senator from Colorado has indicated to me that because of commitments of Senator SIMPSON, who wants to be on the floor during consideration of the Armstrong amendment—Senator SIMPSON had a meeting that he must go to—I ask unanimous consent that we lay aside that amendment temporarily.

The PRESIDENT pro tempore. Without objection, the amendment is laid aside temporarily.

AMENDMENT NO. 270

Mr. HELMS. What is the pending business at this point?

The PRESIDENT pro tempore. The pending question is on the amendment No. 270 by Mr. GRASSLEY.

Mr. HELMS. Mr. President, will you repeat that.

The PRESIDING OFFICER. The pending question is on amendment No. 270 by Mr. GRASSLEY, in the second degree.

Mr. HELMS. May I inquire whether the yeas and nays have been obtained on that amendment?

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. HELMS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is the request sustained? There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. I thank the Chair.

Mr. HEINZ addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania [Mr. HEINZ].

Mr. HEINZ. Mr. President, I wish to ask unanimous consent to take up amendment 272, which is also pending and has been laid aside. I have not propounded that yet in the form of a unanimous-consent request. I want to make sure that my friend from North Carolina would like to proceed in that way.

Mr. HELMS. This is fine.

Mr. HEINZ. Mr. President, I ask unanimous consent that we go to amendment 272 and lay aside the pending amendment.

The PRESIDING OFFICER. Is there objection?

The Chair hears no objection. It is so ordered.

Mr. HEINZ addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania, Mr. HEINZ.

AMENDMENT NO. 272, AS MODIFIED

Mr. HEINZ. This is an amendment that I offered some days ago; indeed, we laid it down on Friday, and for the past 4 days I have been negotiating with other members of the committee and other interested Senators to make sure that the elements of the amendment were acceptable to all parties, and I, as a result, have made some modifications to my amendment, and I send my modifications to the desk and modify my amendment accordingly.

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified, is as follows:

On page 103, after line 23, add the following:

SEC. 633. MULTILATERAL DEVELOPMENT BANKS AND DEBT-FOR-NATURE EXCHANGES.

(a) DIRECTIONS TO THE UNITED STATES EXECUTIVE DIRECTORS.—The Secretary of the Treasury shall direct the United States Executive Directors of the multilateral development banks to—

(1) negotiate for the creation in each respective multilateral development bank, except where the Secretary of the Treasury determines that the provisions of this subsection have previously been met, of a department that will:

(A) be responsible for environmental protection and resource conservation, including support for restoration, protection, and sustainable use policies;

(B) develop and monitor strict environmental guidelines and policies to govern lending activities; and

(C) actively promote, coordinate and facilitate debt-for-nature exchanges and the restoration, protection, and sustainable use of tropical forests, renewable natural resources, endangered ecosystems and species in debtor countries by assisting those countries in reducing and restructuring their debt burden.

(2) seek to provide funds for debt reduction, including but not limited to the purchase of debt on the secondary market; and

(3) report annually to the Secretary of the Treasury on the progress made in implementing this subsection;

(4) support, with other Executive Directors of the multilateral development banks, the reduction of the burden of debtor countries' debt service for those debtor developing countries which demonstrate commitment to sustainable use policies;

(5) support and encourage approval of World Bank loans which include provisions that foster and facilitate the implementation of a sound and effective environmental policy in the borrowing country;

(6) encourage the bank to approve loans which facilitate debt-for-nature exchanges;

(7) ensure that staff of each institution facilitate debtor countries' collaboration with

local and international non-governmental or private organizations in implementing debt-for-nature exchanges.

(8) ensure that each bank adopts policy guidelines which to the maximum extent possible provide for:

(A) the inclusion of sustainable use policies in loan agreements negotiated with borrower members;

(B) the adoption of economic programs to foster sound environmental policies; and

(C) the provision of debt of countries' policy changes or significant increases in financial resources for use in at least one of the following:

(i) restoration, protection, or sustainable use of the world's oceans and atmosphere;

(ii) restoration, protection, or sustainable use of diverse animal and plant species;

(iii) establishment, restoration, protection, and maintenance of parks and reserves;

(iv) development and implementation of sound systems of natural resource management;

(v) development and support of local conservation programs;

(vi) training programs to strengthen conservation institutions and increase scientific, technical, and managerial capabilities of individuals and organizations involved in conservation efforts;

(vii) efforts to generate knowledge, increase understanding, and enhance public commitment to conservation;

(viii) design and implementation of sound programs of land and ecosystem management; and

(ix) promotion of regenerative approaches in farming, forestry and watershed management.

(b) The United States Executive Directors of the multilateral development banks shall negotiate with the other executive directors to provide guidelines for restoration, protection, or sustainable use policies. Pending the outcome of such negotiations, the United States Executive Directors shall consider restoration, protection, or sustainable use policies to be those which:

(1) support development that maintains and restores the renewable natural resource base so that present and future needs of debtor countries' populations can be met, while not impairing critical ecosystems and not exacerbating global environmental problems;

(2) be environmentally sustainable in that resources are conserved and managed and used primarily by the local population in an effort to remove pressure on the natural resource base and to make judicious use of the land so as to sustain growth and the availability of all natural resources;

(3) support development that does not exceed the limits imposed by local hydrological cycles, soil, climate, vegetation, and human cultural practices;

(4) promote the maintenance and restoration of soils, vegetation, hydrological cycles, wildlife, critical ecosystems (tropical forests, wetlands, and coastal marine resources) biological diversity and other natural resources essential to economic growth and human well-being and shall, when using natural resources, be implemented to minimize the depletion of such natural resources; and

(5) take steps, wherever feasible, to prevent pollution that threatens human health and important biotic systems and to achieve patterns of energy consumption that meet human needs and relies on renewable resources.

(c) The United States Executive Directors shall endeavor to include the provisions of

paragraphs (1)–(5) of subsection (b) in the guidelines developed through the negotiations specified in that subsection.

(d) The provisions of paragraphs (1)–(5) of subsection (b) shall apply also to restoration, protection, or sustainable use as used in section 631 of this Act.

(e) DEFINITION.—For the purposes of this section, the term "multilateral development banks" refers to the International Bank for Reconstruction and Development (also known as the "World Bank"), the Inter-American Development Bank, the International Development Association, the African Development Bank, and the Asian Development Bank.

The PRESIDENT pro tempore. The Senator from Pennsylvania [Mr. HEINZ].

Mr. HEINZ. The modifications I have sent, Mr. President, reflect a good deal of work on the part of our colleagues, and I want to thank particularly Senators SARBANES, LUGAR, and BIDEN. In a moment, Senator KASTEN will be offering a second-degree amendment, a friendly amendment, which I will be very pleased to accept. We have worked very closely with him in making sure that our bill and his amendment work well together, and I believe they will.

Let me just say, pending Senator KASTEN's arrival, that I very much appreciate the willingness of my colleagues here in the Senate to lay aside the pending business—they have been patient with us over several days—so that we might go forward with this amendment, in an orderly and prompt fashion. I only note that every second that we are here on the Senate floor, every second we are here, an acre of rain forest is being destroyed. Every year an area of size of my home State of Pennsylvania, or for people more oriented to Europe, the size of West Germany, an entire country, is destroyed.

So the decisions that we make now will determine whether or not our planet has the natural resources to keep its ecological systems in balance and our life secure.

Mr. President, I hope and trust that the managers of the bill, who I know understand these problems well, will help in conference retain this amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WIRTH). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Mr. President, one of our colleagues is coming over to speak on this amendment. In the meantime, I hope we can lay it to one side, and I think the Senator from Pennsylvania has another amendment.

Mr. HEINZ. Mr. President, I ask unanimous consent that we temporarily lay aside the Heinz amendment so that we might take up another Heinz amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The first Heinz amendment is temporarily laid aside.

The Senator from Pennsylvania is recognized.

AMENDMENT NO. 328

(Purpose: To set forth principles for United States nationals involved in industrial cooperation projects in the Soviet Union and the Baltic States, and for other purposes.)

Mr. HEINZ. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Pennsylvania [Mr. HEINZ] for himself and Mr. DeCONCINI proposes an amendment numbered 328.

Mr. HEINZ. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, insert the following new title:

TITLE —SLEPAK PRINCIPLES ACT

SEC. . SHORT TITLE.

This title may be cited as the "Slepek Principles Act".

SEC. . FINDINGS.

The Congress finds that—

(1) the Soviet Union freely undertook commitments to respect human rights and fundamental freedoms as set forth in the Helsinki Final Act, the Madrid and Vienna Concluding Documents, the Universal Declaration on Human Rights and other international human rights instruments;

(2) although there has been improved observance of human rights and fundamental freedoms in the Soviet Union and the Baltic States, serious violations of these rights and freedoms still occur there, and most improvements which have occurred have yet to be institutionalized;

(3) the utilization of forced labor in the manufacture of products and the subsequent buying and selling of these products is an abuse of human rights and is still practiced in the Soviet Union and the Baltic States;

(4) religious communities in the Soviet Union and the Baltic States have only limited control of the religious property they use and the Soviet Government can take such property away from these communities for its own use;

(5) Soviet labor practices have included denying individuals employment, discriminating against them in their employment and dismissing them from their employment for acting upon their rights and freedoms;

(6) employers have an obligation to provide safe working conditions for their employees;

(7) serious environmental problems exist in the Soviet Union and the Baltic States, and local officials and communities have very limited ability to address or resolve these problems or to protect the environment;

(8) the recent enactment of laws in the Soviet Union allowing Soviet citizens to engage in limited forms of private enterprise in the form of cooperatives is a positive step towards the establishment of a freer economy and society;

(9) the activities of United States corporations involved in joint ventures in the Soviet Union and the Baltic States have the inherent potential to promote awareness of human rights and fundamental freedoms, occupational safety, and environmental protection through contract with Soviet society and Soviet citizens employed in these joint ventures;

(10) Vladimir Slepak, a former Soviet citizen and a founding member of the Moscow Helsinki Monitoring Group organized to monitor Soviet compliance with the Helsinki Final Act of the Conference on Security and Cooperation in Europe, has proposed principles relating to the conduct of industrial cooperation projects in the Soviet Union and the Baltic States that will promote individual human rights there; and

(11) it is in the interest of the United States that all United States nationals participating in industrial cooperation projects, including joint ventures, in the Soviet Union and Baltic States conduct their activities in a way that is consistent with internationally recognized norms regarding respect for human rights and fundamental freedoms, occupational safety standards, and protection of the environment.

SEC. . SLEPAK PRINCIPLES.

It is the sense of the Congress that United States nationals involved in industrial cooperation projects, joint ventures, or extension of loans or credits in the Soviet Union and the Baltic States, or seeking to do so, should undertake—

(1) to ensure that they do not use goods, facilities, or services when there is reason to believe that these goods, facilities, or services were produced, wholly or in part, with the utilization of forced labor;

(2) to ensure, with respect to the Soviet and Baltic States workers employed in the industrial cooperation project, that a worker's political or religious views, sex, ethnic, or social background, or engagement in activities promoting human rights or other activities protected under the Helsinki Final Act and the Madrid and Vienna Concluding Documents, will not affect, or be allowed to affect, the status or terms of his or her employment;

(3) to decline participation in an industrial cooperation project involving the use of a structure currently or previously serving as a religious institution or a place of worship;

(4) to ensure that methods of production used in the industrial cooperation project meet international standards for occupational safety;

(5) to refrain from using methods of production that pose unnecessary environmental risks to the surrounding environment, including nearby populations and their property, and to seek to consult with concerned populations regarding protection of the local environment;

(6) to refrain from participation in the extension of general purpose, balance of payments, or nonmonitorable loans to the Government of the Soviet Union or any of its economic enterprises; and

(7) to seek out private cooperatives as potential partners or participants in commercial activities, when that is commercially feasible and allowed by relevant local law.

SEC. . ANNUAL REPORT.

(a) Not later than 2 years after the date of enactment of this Act, and every 12 months thereafter, the Secretary of State shall submit to the Congress a report describing the extent to which industrial cooperation projects, including joint ventures, located in the Soviet Union and the Baltic States in which United States nationals participate adhere to the principles contained in section .

(b) The Secretary of State shall provide the report described in subsection (a) of the Organization for Economic Cooperation and Development, including its secretariat and its member States, and encourage these States to promote principles similar to those contained in this title.

(c) The Secretary of Commerce and other United States Government agencies in contact with United States nationals participating in or interested in participating in industrial cooperation projects, including joint ventures, in the Soviet Union and the Baltic States shall inform these United States nationals of the contents of this title and provide them with copies of the reports submitted to the Congress under this section.

SEC. . DEFINITIONS.

As used in this title—

(1) the term "industrial cooperation" means the following commercial activities: joint ventures in production and sale; coproduction; specialization in production and sale; construction, adaptation and modernization of plants; cooperation in the setting up of complete industrial installations; mixed companies;

(2) the term "United States national" means—

(A) a citizen of the United States or other individual who owes permanent allegiance to the United States; and

(B) a corporation, partnership, or other business association organized under the laws of the United States, any State or territory thereof, the District of Columbia, the Commonwealth of Puerto Rico, or the Commonwealth of the Northern Mariana Islands; and

(3) the phrase "adhere to the principles contained in section ." means—

(A) agreeing to abide by the principles contained in section . in any industrial cooperation projects undertaken in the Soviet Union or the Baltic States;

(B) providing the Department of State, on an annual basis, with non-proprietary information about industrial cooperation projects in the Soviet Union and the Baltic States that is relevant to the principles contained in section .; and

(C) making a good faith effort to abide by the principles contained in section . in any industrial cooperation projects undertaken in the Soviet Union or the Baltic States.

Mr. HEINZ. Mr. President, the amendment that I have offered on behalf of myself and Senator DeCONCINI of Arizona is based on legislation S. 1018, to be precise, the so-called Slepak Principles Act, which we introduced some 2 months ago.

Our amendment establishes a voluntary code of conduct for United States businesses that choose to set up joint ventures in the Soviet Union. It is in our judgment a modest but necessary attempt to insure that the progress in Soviet Union human rights is rein-

forced by the actions of American businesses which as private entities are themselves symbols of freedom.

For four decades, we have been rivals of the Soviet Union in many spheres. We may be on the brink of a far better era of United States-Soviet relations.

Our economic contacts will surely grow as our political relationship improves, and we must be sure, as we deepen this economic relationship with this longstanding adversary, that we export not just our goods or our know-how, but our values as well.

Our code of conduct, Mr. President, is simple. I will only take a moment to describe it.

What our amendment says is that we urge United States firms operating in the Soviet Union and the Baltic States to:

Not use the services or products of forced labor;

Not allow politics, religion, or ethnic identity to affect the employment status of Soviet employees;

Not use structures that were churches or synagogues as places of business; Maintain safe work environments for workers;

Use environmentally sound methods and consult with affected communities about environmental considerations;

Refrain from extending untied loans to the Soviet Government or Soviet state enterprises; and

Seek out as partners Soviet cooperatives where commercially feasible and allowed by local law.

Our amendment directs the State Department to prepare an annual report on adherence to these principles by those firms of ours operating in the Soviet Union and to make those reports available to American businesses interested in Soviet joint ventures.

In sum, this amendment is an effort to make American signals on human rights to the Kremlin both consistent and plausible. Our vigorous and increasingly successful bilateral official promotion of human rights in the Soviet Union should be backed up by American private behavior that upholds our public principles. To date, and to my knowledge, the limited American business activity in the Soviet Union has done just that. We want no less in the future.

Mr. President, I might just add that this legislation has received a good deal of support from many important national organizations.

The AFL-CIO has written in strong support. So has the Union of Councils for Soviet Jews. The Reverend Leon Sullivan of Philadelphia, the author of the Sullivan Principles for American Business in South Africa, has written in support. And, I might add, we owe his example much in the derivation of these principles.

So has the National Audubon Society, the Friends of the Earth, the

Ukrainian National Association, the Armenian Assembly of America, and the Baltic American Freedom League.

Mr. President, I ask unanimous consent that letters from these and other organizations endorsing our efforts with the Slepak Principles Act be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

ORGANIZATIONS SUPPORTING SLEPAK PRINCIPLES LEGISLATION

AFL-CIO

Union of Councils for Soviet Jews.
Ukrainian National Association.
Armenian Assembly of America.
Baltic American Freedom League.
National Audubon Society.
Friends of the Earth.
Reverend Leon Sullivan.
Latvian Environmental Protection Club.
World Federation of Free Latvians.
American Latvian Association.
United Latvian Associations of Chicago.
Institute on Religion and Public Life.
Ukrainian American Community Network.

AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS

Washington, DC, July 13, 1989.

Hon. JOHN HEINZ,

U.S. Senate, Washington, DC.

DEAR SENATOR HEINZ: The AFL-CIO supports S. 1018, the Slepak Principles Act, which sets forth principles of conduct for United States nationals involved in industrial cooperation projects in the Soviet Union and the Baltic States. We encourage the enactment of these principles into law in an expeditious manner.

As you are probably aware, the AFL-CIO favors even more stringent standards such as the right for independent unions to function freely in the workplace, the offering of meeting places and printing facilities to such independent unions and worker groups, the elimination of KGB-controlled work book records and the elimination of so-called "comrades' courts" that function in workplaces.

The Slepak principles represent a valuable first step in the right direction. Accordingly, we endorse your efforts to advance this legislation.

Sincerely,

LANE KIRKLAND,
President.

UNION OF COUNCIL
FOR SOVIET JEWRY,
July 10, 1989.

Senator JOHN HEINZ,
Russell Senate Office Building, Washington, DC.

DEAR SENATOR HEINZ: We understand that your bill, S. 1018, which enacts the Slepak Principles may come to the Senate floor this week.

The Union of Councils for Soviet Jews is pleased to support the Slepak Principles, and accordingly, wish you every success in passing this legislation.

With deepest appreciation for your extraordinary efforts in support of Soviet Jewry, we are

Sincerely yours,

PAMELA BRAUN COHEN,
National President.
MICAH H. NAFTALIN,
National Director.

ARMENIAN ASSEMBLY OF AMERICA

Washington, DC, June 29, 1989.

Re S. 1018/The Slepak Principles Act.

Hon. JOHN HEINZ,
U.S. Senate,
Washington, DC

DEAR SENATOR HEINZ: The Armenian Assembly of America wholeheartedly supports the Slepak Principles Act. As you know, the earthquake in Armenia wreaked indescribable devastation on the Armenian economy. To help rebuild from this devastation, we are encouraging development through free trade and more United States-Armenian joint ventures. At the same time, we recognize the dangers against which the Slepak Principles are designed to protect.

Accordingly, we are pleased to see your action on the Slepak Principles and are happy to provide whatever support we can.

Sincerely,

VAN Z. KRICKORIAN,
Director, Government and Legal Affairs.

BALTIC AMERICAN
FREEDOM LEAGUE, INC.,
Los Angeles, CA, June 27, 1989.

Senator JOHN HEINZ,
Russell Building, Washington, DC.

DEAR SENATOR HEINZ: I want to congratulate you for introducing S. 1018 in order to set forth principle for industrial cooperative projects in the Soviet Union and the Baltic States. You can count on support from the Baltic American Freedom League in passing this bill.

I also commend you for structuring the language of the bill so as to set the Baltic States apart from the Soviet Union. Your sensitivity toward the United States government's position of not recognizing the annexation of the Baltic States by the Soviet Union is appreciated by all Baltic Americans.

I would also like you to consider additional principles which are particularly important to the Baltic States

1. No joint venture in the Baltic States will require an inflow of non-Baltic workers in order to satisfy the labor requirement and thus endangering the ethnic integrity of Estonia, Latvia and Lithuania.

2. All joint ventures will require the use of the Estonian, Latvian, and Lithuanian languages in the conduct of day to day business and operations in their respective republics.

3. Ethnic Estonians, Latvians, and Lithuanians will be represented in all supervisory and management positions in proportion to the demographics of the total labor force of the particular republics.

NATIONAL AUDUBON SOCIETY,
Washington, DC, June 28, 1989.

Senator JOHN H. HEINZ,
Russell Senate Office Building, Washington, DC.

DEAR SENATOR HEINZ: On behalf of the over half million members of Audubon, I commend you on your introduction of S. 1018, the Slepak Principles Act.

At a time when the U.S. and Soviet Union and Baltic States are exploring new political and economic relationships, it is very important to see that any resulting activities take positive steps to promote individual human rights. Your bill serves to alert businesses to take this step, and we are pleased that it goes several steps further to urge industrial cooperation that protects the environment.

The National Audubon Society will be working with governments and nongovernmental groups in Eastern and Western

Europe and the Soviet Union over the next year to address the issues of the environment and participation, energy, industry and economics. I will bring your bill to the attention of the steering committee for this meeting.

Sincerely,

FRANCES SPIVY-WEBER,
Director, International Program.

ENVIRONMENTAL POLICY INSTITUTE,
FRIENDS OF THE EARTH AND OCE-
ANIC SOCIETY,

Washington, DC, July 13, 1989.

Re S. 1018, "The Slepak Principles Act."

Hon. JOHN HEINZ,

U.S. Senate, Russell Senate Office Building,
Washington, DC.

DEAR SENATOR HEINZ: On behalf of the 15,000 members and supporters of the Environmental Policy Institute and Friends of the Earth, as well as the 30,000 members of the Oceanic Society, we wish to express our support for S. 1018, "The Slepak Principles Act."

We believe that for environmental, economic, and political reasons it is crucial that U.S. firms doing business in the USSR adhere to these principles and "refrain from using methods of production that pose unnecessary environmental risks . . ."

As you know, the USSR suffers from some of the worst pollution in the world. The shrinking Aral Sea, the staggering levels of SO₂ and NO_x emissions, and the horrifying legacy of nuclear disaster all attest to environmental carelessness and the traditional absence of an environmental opposition.

The Soviet economy pays a heavy price for its ongoing environmental assault. Experts estimate that pollution costs consume roughly 10 percent of the gross national product. Indeed, some have argued that the country is approaching the point where economic growth may become impossible as additional economic output is offset by pollution-induced losses. Consequently, as the USSR attempts to restructure its economic and political systems, it is vital that new business ventures ease, rather than aggravate, pressure on country's ecosystem.

We cannot help but be nervous about growing U.S. business interest in the USSR. Firms may exploit the relative laxity of environmental regulation to engage in practices which are illegal here in the U.S.

As you know, a citizens' environmental movement is springing up across the USSR. Some of these groups have already expressed concerns to us about proposed U.S. ventures. If U.S. firms ignore these activists, popular resentment and distrust of the U.S. may develop. Environmental sensitivity and consultation with the affected people are therefore vital components of ethical investment guidelines. Indeed, we would encourage firms to adhere to existing U.S. environmental regulations in their ventures abroad.

ZION BAPTIST CHURCH
OF PHILADELPHIA,
Philadelphia, PA, June 5, 1989.

Hon. JOHN HEINZ,

U.S. Senate, Washington, DC.

DEAR JOHN: I would be pleased to endorse the effort of the "Slepak Principles Act" for Russia. It is encouraging to see that the endeavor begun with the Sullivan Principles has inspired these kinds of world developments and initiatives for American enterprise. I think with the push on today for the opening of democracy for free enterprise in many heretofore reluctant countries of the world, it is well for the future of American

business if the kinds of human rights principles encompassed in the Sullivan, and other principles for companies, are extended and utilized.

Enclosed is a copy of a report on the Feeder Shelters we discussed in your office a few weeks ago. I will keep you informed as this program develops, because I have not forgotten your thought on having the support of the Senate and the Congress behind this kind of initiative.

Thank you again for coming to the Convocation. We were pleased to acknowledge the marvelous contribution made by you through supporting housing for the elderly and handicapped. I will be in touch with you soon to discuss these, and other matters.

As ever,

LEON H. SULLIVAN,
Pastor-Emeritus.

LATVIAN ENVIRONMENTAL
PROTECTION CLUB,
June 16, 1989.

Senator JOHN HEINZ,
Senator DENNIS DECONCINI,
U.S. Senate, Washington, DC.

DEAR SENATORS HEINZ AND DECONCINI: On behalf of the North American Chapter of the Latvian Environmental Protection Club (VAK), I would like to express my support for the Senate Bill 1018, and especially for principle 5 of section 3 regarding environmental risks to the surrounding environment.

The Latvian Environmental Protection Club (VAK in Latvian) is a widely supported grass-roots movement in Latvia, with a membership of over 4,000 in Latvia, not including its overseas chapters. I am in close contact with the people in Latvia, and can assure you that the members of the N. American Chapter as well as those in Latvia, would be grateful to have this sort of safeguard. While the Latvians support and encourage economic improvements in their country, they are at the same time concerned about the effects this may have on the already abused environment.

Principle 5 also mentions the consultation of the concerned population. In this regard I would like to add, that any help we can offer you will be gladly given.

Thank you very much for your support, which at this moment is greatly needed and appreciated!

TIJA KARKLIS,
President, North American Chapter.

WORLD FEDERATION OF FREE LATVIANS,
Rockville, MD, June 16, 1989.

Hon. JOHN HEINZ,
Hon. DENNIS DECONCINI,
U.S. Senate, Washington, DC.

DEAR SENATORS HEINZ AND DECONCINI: On behalf of the World Federation of Free Latvians, a global organization representing Latvians living in the United States as well as Europe, Canada, Australia, and South America, I would like to express our support for Senate Bill 1018.

We strongly support the principles you have proposed concerning U.S. industrial cooperation with the Soviet Union and the occupied Baltic States. It is our hope that this bill will receive full Senate support, and that the leadership you have displayed in this issue will result in support and compliance by the U.S. business community.

As you know, the Baltic States are engaged in a struggle to regain their national independence. Foremost in this struggle is a campaign to establish economic autonomy,

so that the Baltic people can begin the process of rebuilding their societies and reestablish contacts with the West.

Western industrial involvement in the occupied Baltic States is a two-edged sword. If undertaken without regard for the interest of the Latvian, Lithuanian and Estonian people, it could worsen the economic, political, environmental, and social problems that the Soviet occupation has brought to the Baltic people. If however, such involvement is handled properly, it could be beneficial to the Baltic people.

A great deal needs to be done to right the wrongs that have been done to the Baltic people. We believe that Bill 1018 is a positive step in the right direction, which will provide the Baltic people with some measure of protection.

We thank you for recognizing the importance of this issue, and offer our assistance and support in realizing the goals of this bill.

Sincerely,

LINARDS LUKSS,
President.

AMERICAN LATVIAN ASSOCIATION
IN THE UNITED STATES, INC.
Rockville, MD, June 16, 1989.

Senator JOHN HEINZ,
Senator DENNIS DECONCINI,
U.S. Senate, Washington, DC.

DEAR SENATOR HEINZ AND SENATOR DECONCINI: I write to express the American Latvian Association's enthusiastic endorsement for Senate Bill 1018, "the Slepak Principles Act."

As one of many American-based organizations that has worked with the Slepak Foundation in the development of these principles, we are extremely gratified that you have taken such a leadership role in bringing this vital issue to the attention of the U.S. Senate and the Administration.

We are particularly pleased that you have shown a special sensitivity to the status of the occupied Baltic States in this Bill, by distinguishing them from the Soviet Union.

While the issues raised in your bill effect the Soviet Union as a whole, they are of critical importance in the occupied Baltic States, where Soviet human rights violations have combined with industrial and political exploitation to devastate these three formerly independent nations. U.S. businesses need to be made aware of these problems, so that their actions do not contribute to this exploitation.

The ultimate goal of the Baltic people, (which has always been supported by the U.S. Government) is to achieve total political and economic independence. Latvia's largest popular organization, the Popular Front of Latvia, which represents over a quarter of a million people, has recently announced that such political and economic independence is also their goal. It is their hope that Western economic involvement in Latvia will further this goal, rather than impede it.

The principles proposed by Senate Bill 1018, if heeded by U.S. business interests, will greatly benefit the democratic forces in the Baltic States. This is especially true concerning Principles 5 and 6 of Section 3, regarding environmental protection and involvement of private cooperatives.

Thank you for recognizing and addressing an issue of such importance to the Latvian and Baltic people.

VALDIS PAVLOVSKIS,
President.

AMERICAN LATVIAN ASSOCIATION
IN THE UNITED STATES, INC.,
Rockville, MD, June 16, 1989.

Hon. JOHN HEINZ,
U.S. Senate, Washington, DC.

DEAR SENATOR HEINZ: As President of the American Latvian Association's National Task Force, and as a businessman, I write to express my support for the Slepak Principles Act, as expressed in Senate Bill 1018.

The ALA National Task Force, which is comprised of Latvian-America corporate leaders and professionals, has a direct interest in trade with Latvia, and thus is especially attuned to the issues raised in Bill 1018. We applaud the authors of this Bill for not only addressing key human rights issues, but also for recognizing the occupied status of the Baltic States of Latvia, Lithuania and Estonia.

These occupied Baltic States present a unique set of problems to Western investors and industrialists. The Baltic States are an economic and environmental disaster area due to the colonial policies of the Soviet government. Western investors must recognize this fact, and take measures that address these problems. Your bill does do.

Members of our Task Force have visited occupied Latvia on several fact-finding tours, and I will soon be heading another delegation to Latvia this August. Our members would be happy to provide you and your staff with any counsel or information concerning the problems and opportunities presented by proposed trade agreements with agencies in Soviet-occupied Latvia.

Respectfully,

ARISTIDS LAMBERGS,
President, National Task Force of the
American Latvian Association.

UNITED LATVIAN ASSOCIATIONS
OF CHICAGO,
Chicago, IL, June 29, 1989.

Hon. JOHN HEINZ,
U.S. Senate, Washington, DC.

DEAR SENATOR HEINZ: On behalf of the United Latvian Associations of Chicago, the largest Latvian-American organization in Illinois, I would like to express our support for Senate Bill 1018, "The Slepak Principles."

We strongly support these principles and will ask Senators Dixon and Simon of Illinois to join you in making this bill a reality.

The Baltic States are engaged in a struggle to regain their national independence. Economic autonomy is a part of that struggle. Compliance by U.S. businesses with these principles would be warmly welcomed by the Baltic people.

Much needs to be done to right the wrongs that have been done to the Baltic people, and Bill 1018 is a positive step in the right direction.

The Latvian-American community of Illinois thanks you for your leadership on this issue.

Sincerely,

ILMARS BERGMANIS,
President.

THE INSTITUTE ON RELIGION
AND PUBLIC LIFE,
New York, NY, June 30, 1989.

Hon. JOHN HEINZ,
U.S. Senate, Washington, DC.

DEAR SENATOR HEINZ: We understand that you will be addressing the Slepak Principles Act (S. 1018) on the floor of the Senate in a few days.

Pressures from some business groups have also been brought to our attention. Such

pressures are, in our view, exceedingly wrongheaded. It surely plays into the hands of the most virulent critics of corporate America when business leaders suggest that respect for religious and civil rights is bad for business.

Please be assured of our support for your efforts on behalf of S. 1018.

Cordially,

RICHARD JOHN NEUHAUS,
President.

Mr. HEINZ. Mr. President, at this point I would be happy to reserve the remainder of my time.

The PRESIDING OFFICER. There is no time limitation on this amendment.

Is there further debate on the amendment?

Mr. SIMON. Mr. President, the concept I buy, and I think we have to stand up for what we believe. My hope is, because it is complicated, my hope is that the Senator from Pennsylvania would agree that we could hold hearings on this and see what can evolve.

Obviously, it could have great impact in a great variety of ways I do not know and I do not think any of us knows precisely.

But the concept, it seems to me, is sound. I think we ought to take a good, hard look at it and see where we go. I hope the Senator from Pennsylvania would agree to something like that.

Mr. HEINZ. Will the Senator yield?

Mr. SIMON. I am pleased to yield.

Mr. HEINZ. Mr. President, in response to my friend from Illinois, Senator SIMON, there is much that he says that is attractive, but it would be very helpful to this Senator, since we all know every day brings us new events—there are new investors going to the Soviet Union; there are many decisions that we are being called upon to make in that regard—if he could give me an indication of the timeframe for such hearings might be held. This would be very helpful, obviously.

Mr. SIMON. I, obviously, would have to confer with the chairman of the committee, but I think within the next 6-8 weeks we can hold hearings, I hope, to get something done in this area.

Mr. HEINZ. You see, the next 6 to 8 weeks, I do have a problem because that—let me put it this way: If we could have the hearings completed before we come back in after the Labor Day recess, that would be acceptable to this Senator. I do worry that if we do not get them done by the time we reconvene on the Wednesday after Labor Day that things will drag out and it will not take place on a timely basis.

But if the Senator is willing to make a commitment to have hearings prior to that Wednesday after Labor Day, that would be most acceptable to this Senator.

Mr. SIMON. Subject to the approval of the chairman of the full committee,

I think that can be done. I am not trying to delay this in any way. I want to expedite it, but I do not know what the schedule is like.

Mr. PELL. Mr. President, in discussions with the Senator from Pennsylvania, we discussed this thought and the understanding was that there would be hearings. Obviously, we only have now I think about 2 weeks before the August recess, and we have quite a lot going on then.

I can give the Senator my assurance there will be hearings. I cannot guarantee it will be in the next 2 weeks, but I will do my best.

Mr. HEINZ. Mr. President, will the Senator yield?

Mr. PELL. Certainly.

Mr. HEINZ. Could the Senator stipulate, though, that he could hold a hearing, or Senator SIMON could hold a hearing, between now and the first Wednesday after Labor Day?

Mr. PELL. We only have 2 weeks, not counting the recess, and most Senators are reluctant to have hearings. But I am suggesting that I will make my best efforts to see that there should be a hearing before we go out on recess; otherwise, as quickly as possible when we come back.

Mr. HEINZ. Could the Senator give me a date certain by which there would be a hearing?

Mr. SIMON. If my chairman will yield, what if we were to say absolutely no later than September 15.

Mr. HEINZ. If that is something the chairman of the committee can commit to, that is a little later than I like, but I will not quibble over that extra week.

Mr. SIMON. We will try to get it done sooner than that if that is OK with the chairman.

Mr. PELL. Provided no devastation, war, or God knows what, but under the present circumstances, I can give the Senator that assurance.

Mr. HEINZ. Mr. President, I thank the Senator from Illinois and the Senator from Rhode Island for their kind offer to ensure a hearing between now and September 15, barring an act of God, which we all hope, for a variety of reasons, having little to do with the hearing, does not intervene.

Mr. President, at this time, I am prepared to withdraw the amendment on that basis.

Mr. PELL. I thank my colleague.

Mr. DECONCINI. Mr. President, I am pleased to cosponsor an amendment—the Slepak Principles Act—which my distinguished colleague from Pennsylvania, Senator HEINZ, has offered today to S. 1160, the State Department Authorization Act.

My remarks will be brief because the issue is clear. The Slepak principles represent an effort to build a consensus between our business and human rights communities regarding the pro-

motion of values which they very often share but traditionally have not always addressed with a common voice. Many of our finest corporations operate their foreign joint ventures according to guidelines which reflect concern for issues such as workers rights and environmental safeguards.

The Slepak principles seek to highlight these same types of concerns. They offer American firms the opportunity to ensure that they do not lower their normal operating standards as they enter into cooperative ventures with the Soviets.

The Slepak principles, Mr. President, are voluntary. The amendment we are offering does not require corporations to comply with the principles. We hope that American firms will find it in their own economic interest to comply with these guidelines which flag fundamental human rights issues on which the Soviet Union is particularly vulnerable such as:

The use of forced labor.

Discrimination in the workplace according to nationality, and religious and political beliefs.

Industrial safety.

Environmental impact.

The use of money obtained through United Foreign Loans for military purposes.

These are issues, Mr. President, which can be addressed in an effective and positive manner through the interaction of people and ideas during commercial activity. The Soviet Union is a place of remarkable change right now. American business can play a crucial role on many levels in effecting the direction of these changes.

The Slepak principles offer corporate America a blueprint for the development of a trade relationship with the Soviets which would be based not just on short-term profits but on long-term commercial interests. The recent horror in China is a grim reminder of what can happen when economic reform does not develop in tandem with political and social reform. The Slepak principles seek to forge a union of shared values between business and people that can serve to reduce political risk factors which can erupt without warning as Tiananmen Square so tragically demonstrated. A trade climate which is based on the promotion of these values provides greater assurance to individuals that their unique talents and ideas will be encouraged and rewarded. Isn't this, after all, what business is all about?

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

Mr. PELL. Mr. President, what is the pending business.

The PRESIDING OFFICER. The previous Heinz amendment has been withdrawn.

The amendment (No. 328) was withdrawn.

AMENDMENT NO. 329

(Purpose: To require an assessment and report by the Secretary of the Treasury regarding debt-for-nature exchanges)

Mr. KASTEN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. KASTEN] proposes an amendment numbered 329 to amendment numbered 272.

Mr. KASTEN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 3, after line 32, insert the following:

(9) The Secretary of the Treasury is directed to—

(1) conduct an assessment of which institution can best serve as an international clearing house to promote debt-for-nature exchanges, and criteria to be used in conducting this assessment shall include but is not limited to the ability of an institution to act as an information agent for debt-for-nature exchanges involving nongovernmental organizations, financial institutions such as the multilateral development banks, the International Monetary Fund, private banks, and potential donors;

(2) report the findings of this assessment and a timetable for establishing such a clearing house to the appropriate authorizing and appropriations committees within 6 months of the date of enactment of this Act; and

(3) instruct the United States Executive Director to each multilateral development bank to seek the implementation of the findings of the Secretary.

Mr. KASTEN. Mr. President, this is an amendment to establish an international clearinghouse to promote debt for nature exchanges.

The debt crisis facing the developing world offers a unique opportunity to implement better environmental management in these nations.

When you take a map of the nations with major international debt problems and overlay it with a map where critical environmental resources are threatened you discover that the two problems overlap.

Efforts to reschedule this debt offer a unique opportunity to initiate extensive environmental reforms in developing nations. The restructuring of debt is a very powerful tool in leveraging the commitment of financial resources to environmental management.

This amendment establishes an international clearinghouse to promote environmental management as a component of public and private debt negotiations affecting developing nations. The clearinghouse will serve the following functions:

First. Tracking of debt rescheduling negotiations. This will include debt

held by private institutions such as commercial banks, public banks such as the African Development Bank and debt owed to national governments.

Second. Identification of opportunities for debt for nature or similar conservation initiatives in developing countries.

Third. Provide environmental and financial expertise to establish conservation exchanges.

Fourth. Build into MDB and other debt rescheduling negotiations a commitment to seeking debt for nature exchanges.

The Senator's underlying amendment would enact into authorizing legislation many of the environmental reforms we have already enacted through the appropriations process. I believe that enacting such authorizing language is essential if we want to demonstrate the seriousness of our commitment to a healthy global environment.

The work we are doing today—both Senator HEINZ with his fine amendment and myself with my perfecting amendment—is yet another step on the long road upon which the Senate embarked near the beginning of this decade.

For the history of this decade has been a heartening chronicle of the rise and deepening of global environmental awareness. The world is slowly but surely coming to realize that a healthy environment—and a secure resource base—is the source of all sustainable national wealth.

Over the last 5 years, I have been making a sustained effort to bring the development lending policies of the multilateral development banks [MDB's] into line with this heightened awareness.

Very recently, I and others succeeded in enacting as part of our urgent supplemental appropriations bill an amendment that would radically transform the accounting practices of these and other international organizations.

The amendment required that national resource degradation be taken into account in all calculations of a nation's wealth.

We must never again allow short-term exploitation of a natural resource to be considered as in some way adding to national wealth. It erodes sustainable wealth—and our statistics ought to reflect this.

The statistical system I am proposing—a sort of "Gross Sustainable Productivity" or GSP, as opposed to gross national product or GNP—would reflect this important change of attitude.

Much of my attention over the past 5 years has been focused on the problems of the Amazon rainforest. The forces of destruction and positive change that have been at work

throughout this decade have been especially visible in the struggle for these rainforests.

Five years ago—on March 20, 1984—I first became involved in the halting, painful, yet steadily continuing struggle to save the rain forests—specifically, by trying to reform MDB lending policies.

Let us be clear: Nothing less than the environmental fate of the whole planet depends on the success of this reform effort. And more immediately, our effort will make a crucial difference in the future of the Third World—in the preservation of its natural resource base, the health of its people, and its social and economic development.

Since the end of the Second World War, the United States has been the largest financial backer of the MDB's. The MDB's provide financial aid to Third World countries seeking to industrialize and otherwise develop their economies.

Problems have arisen because the MDB's tend to measure their success in terms of the quantity of dollars lent, as opposed to the quality of the loan portfolios. Changing this institutional bias has been a 5-year battle.

It should come as no surprise to my colleagues here in the Senate that there is such a thing as "bad development"—unsustainable economic development that erodes a country's resource base while simultaneously wreaking havoc on traditional national lifestyles.

But, surprisingly as this may sound, the prevailing attitude at the MDB's has been to pay lip service to concerns about the environment. The MDB's have, as a rule, paid very little attention to doubts which have been raised about the long-term sustainability of the practices they have introduced to the Third World.

As chairman of the Senate Subcommittee on Foreign Operations, and later as ranking Republican member of that subcommittee, I have waged a protracted—and continuing—struggle to reform the development lending policies of the international banks.

The Foreign Operations Subcommittee controls the level of American contributions to the MDB's. Using this authority, we have been able to exercise some influence over the banks' environmental policies.

My attention was first drawn to this issue in the spring of 1984, when I held a public hearing on the environmental effect of development lending. The environmentally destructive practices that came to light in that hearing—abuses largely paid for through the generosity of U.S. taxpayers—convinced me that the banks had been given a free ride too long. It was essential that we start using America's influence to stop the worst outrages against the environment.

In that year's bill funding America's foreign operations, I included a provision calling on the U.S. Treasury Department to undertake an investigation of the environmental abuses supported by the banks.

That investigation was underway in January 1985, when a group of concerned environmental scientists contacted me about one of the most devastating projects ever financed by the MDB's.

The program they were worried about—known as the Polonoroeste project—was at that time causing environmental destruction on a monumental scale in Brazil. Some remote-sensing material provided by NASA indicated that an area in the Amazon Basin approximately the size of the whole of Wisconsin had been deforested. This single World Bank-financed project—Polonoroeste—was responsible for the destruction of all that tropical forest.

The environmentalists had written the World Bank about their concerns. They received in return what in politeness we would call a brush-off—what I could more accurately term an insult.

I intervened at that point to ask the World Bank to call off the project. A few weeks later, the project was suspended.

It was too late to try to turn back the social and environmental destruction wrought by Polonoroeste. But the rain forests that had been eradicated, and the indigenous tribesmen who had been displaced by that World Bank fiasco, gave me a new resolve in dealing with the MDB's.

Polonoroeste should never have been approved by the World Bank, much less subsidized by American taxpayers. And it was far from an isolated instance. Examples of MDB-funded environmental damage range from Brazil to Togo, from Botswana to Indonesia. Our investigation uncovered an international pattern of MDB callousness and outright indifference to environmental concerns.

What the MDB's needed was thoroughgoing reform—a process I began to call for at the time of the Polonoroeste project, and which continues today.

In the fiscal year 1986 appropriations bill, our subcommittee included several measures reforming the banks. We enacted 10 new requirements for the development lending process.

We asked the banks to add professionally trained environmentalists to their staffs—men and women who could institutionalize environmental concern in the banks' decisionmaking process. We required that they increase lending to projects that have environmental management as their chief objective.

We directed the State Department and the Treasury Department to follow through on the requirements

we had imposed—to keep closer tabs on the banks, and apply that knowledge through the banks' boards of directors.

We also, in fiscal year 1987, asked other developed nations who sponsor the banks to join us in the reform effort.

On April 30, 1986, the American Executive Director of the World Bank used the Bank's annual budget meeting as a platform to call on the Bank to undertake the environmental reforms we had recommended. In a historic departure, no fewer than nine other executive directors joined the American delegate in calling for the reforms.

It was a big step forward. Even so, the process had barely begun. Two months after that meeting, the United States Executive Director voted against a major \$500 million loan to Brazil's electric power sector—the first time in history that the United States has opposed a loan for environmental reasons.

Despite the strong U.S. opposition, the Bank went ahead with the loan. After the American Executive Director's speech, several board members expressed private support for the U.S. position—but confessed that their hands were tied by instructions from their governments.

It was in response to this setback that the Appropriations Committee insisted on the development of an "early warning system" for potentially environmentally destructive projects. Our development experts can predict with some degree of accuracy which kinds of projects are the most likely to cause lasting damage to fragile ecosystems—projects like large-scale damming of rivers, and road-building in relatively undeveloped areas. Our early-warning requirement helps us make use of this expertise to stop some of the problem loans before they actually happen.

The U.S. Agency for International Development currently conducts a bi-annual survey of projects being considered for DMB loans, with the object of forewarning us of potential environmental problems. This early warning system has three important functions. It helps the United States decide how to vote on loans; it helps the banks reform the loans; and it helps inform other nations of the issues involved in the individual loans.

In every year since we first proposed the reforms, we have added further language to the foreign operations appropriations bill to strengthen the reform effort. We've met with setbacks, but we've also made some visible progress.

In 1987, Senator DANIEL INOUE and I had to intervene personally with the president of the Inter-American Development Bank—or IDB—to halt a \$58.5 billion road-building project. This was

an extension of the Polonoroeste Road, and it was about to repeat the very same environmental mistakes that had made Polonoroeste such a disaster.

The project's ground rules included stringent environmental-safety requirements—that was the good news. Those safeguards were ignored by the Bank—that was the bad news, and that's why we had to get involved.

The project was halted, but not before millions of dollars had been used to displace indigenous tribes and disturb the ecosystem—all for a minimal, marginal, and unsustainable economic benefit.

Not long after our successful confrontation with the IDB came what has so far been the most significant milestone of the reform effort. In May 1987, World Bank President Barber Conable unveiled a series of reforms that corresponded very closely to the legislation I had developed.

Barber and I had been friends for a long time—we served in the House of Representatives together back in the 1970's. And I had hoped that he would be receptive to the environmental concerns raised by some of his old friends.

His reform package included the creation of an entirely new environmental department at the Bank; assignment of new environmental responsibilities to each of the Bank's four regional offices; revision of the internal review process to push environmental concerns into the forefront—right up there next to the economic concerns that had long been treated as paramount; and increased lending for environmental protection and energy conservative projects.

The Conable reforms were an important victory for the proenvironment forces. They marked a fundamental change in the approach of the banks to development lending. The World Bank, the biggest of the MDB's, had signed on to the idea of sustainable, environment-conscious development. The Bank would now have its own environmental staff to raise the red flag on environmental abuses.

The elevation of environmental concerns at the World Bank inaugurated a new stage in the reform process. From now on, much of our efforts would be brought to bear not only on changing these institutions from the outside, but also on making sure they follow their own environmental rules on the inside.

Of course, there are other MDB's which have not instituted World Bank-style reforms. Even the reforms instituted at the World Bank have not been entirely satisfactory. We have to keep the heat on these banks to implement the necessary changes. But our tone must gradually shift from "us versus the banks" to a new cooperation in the pursuit of what the banks themselves must agree is their highest duty.

The purpose of the MDB's is to help lift the nations of the Third World toward industrial prosperity. Through the Bank, the Third World can benefit from the centuries of environmental experience we have gained here in America and in the other industrialized countries. In my home State of Wisconsin, we learned some pretty hard lessons about the abuse of forests. It would be a moral outrage if we were to subsidize the repetition of our own mistakes in some of the world's poorest countries.

To be effective in lifting the Third World out of poverty, we have to encourage economic development that is sustainable—economic growth that will build a country, not tear down its natural resources and reap a whirlwind of irreversible devastation and untold human suffering.

The MDB's should therefore be in the forefront of the environmental movement—not fighting us. We're going to have to continue our very close supervision of the banks to see that they give us performance—not just promises.

As I mentioned, we have had setbacks. The World Bank has failed to implement some of its own reforms. Third World economic opposition to the reforms has resulted in numerous evasions of the law, and even outright murder—as in the case of the assassination of my good friend, the prominent Brazilian environmentalist Chico Mendes.

We have our work cut out for us. There is a whole world out there that has to be preserved from human short-sightedness. But I am confident that as long as the scientific community stands on its rights—and insists on making the truth heard about the consequences of environmental folly—we can succeed.

We have to make the MDB's the leading force promoting environmental protection. We must encourage them to institute internal environmental-impact processes, and to help borrower countries develop realistic environmental-review criteria.

Unless we bring the banks over to our side on the environmental-protection issue, we will not succeed in our task of defending the environment. We Americans finance these institutions, and we have a right to insist that they treat the environment with the respect and reverence it deserves.

The American people will insist on this. And all of us in Congress must insist on it as well.

Many national leaders have taken up this challenge. As chairman of the Foreign Operations Subcommittee, Senator INOUE, and now Senator LEAHY, have been persistent in requiring that the banks use our tax dollars only for responsible and environmentally sustainable development.

President Bush has called for reform of the MDB's. Secretary of State Baker led the fight at the Treasury Department, and now at the State Department.

Senators GORE, WIRTH, and HEINZ are calling for these reforms as an essential step toward preventing harmful changes in the world's climate.

All of us have an important role to play in the coming months. But it's not just America's struggle. We need the support of all the other lending nations, as well as the support of the countries most directly affected by the banks' policies—the nations of the developing world.

It's the nations of the Third World that have the most to lose if we continue to allow the world's environment to be devastated. The people of these countries have both the ability and the desire to be responsible stewards of the environment. That's what I've learned over the last 5 years—and what I'd like to see become even stronger over the next 5 years.

We must—all of us—rededicate ourselves to this struggle for the next 5 years. We must continue to speak out, to condemn environmental disasters and hail environmental successes.

The people of the developing world must be able to count on our help. We have a lot of important knowledge, and it is our duty to share this knowledge with all nations that can benefit from it. If we know enough not to approve a certain kind of project in our own country, we also know enough not to impose that kind of project on a foreign country.

The attention this issue is receiving makes me hopeful that when we look back 5 years from now, we'll be able to hail 1989 as the turning point in the battle for the global environment.

America is waking up from its prolonged environmental slumber. We wouldn't be doing our neighbors any favors if we were to encourage them to sleep on—and risk an eventual environmental nightmare.

I believe that this amendment has been reviewed by both sides, and I am hopeful that the amendment will be agreed to.

Mr. HEINZ addressed the Chair.

The PRESIDING OFFICER. Who yield time? The Senator from Wisconsin has 3 minutes remaining and the Senator from Rhode Island 5 minutes on this amendment.

Mr. HEINZ. Mr. President, I ask that the Senator from Rhode Island might yield me 2 minutes of his time.

Mr. PELL. I yield 2 minutes to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 2 minutes.

Mr. HEINZ. Mr. President, I want to thank the Senator from Wisconsin for his amendment and to commend him

for the very helpful and positive contribution he has made to this debate. In the amendment that I originally sent to the desk last Friday we did, in fact, direct the World Bank to be the clearing house for the establishment of a debt for nature exchange and to facilitate such exchanges.

The Senator from Wisconsin pointed out, and I think quite correctly, that if all we did was to say that the Secretary of the Treasury shall use his best influence with the executive director and our other influence to get the World Bank to do that, while that might be desirable, it would not necessarily happen.

What his amendment says is that the Secretary has some leverage. He does not have to do it with the World Bank. If, for some reason, the World Bank is uncooperative, he, the Secretary of the Treasury, has the authority to do it with some other agency, perhaps the U.N. environmental program, perhaps with some other agency.

I think his thoughtful contribution gives the Secretary of the Treasury not only that freedom, that latitude, but the kind of leverage that will be helpful to his and my achieving exactly the same goal.

So, on that basis I am not only pleased to accept the amendment, I strongly support it.

The PRESIDING OFFICER. Who yields time?

The Senator from Rhode Island.

Mr. PELL. Mr. President, I think this amendment as amended is excellent. We are prepared to accept it on this side.

Mr. HELMS. We accept it also.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment of the Senator from Wisconsin.

The amendment (No. 329) was agreed to.

Mr. KASTEN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HEINZ. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment of the Senator from Pennsylvania as amended by the Senator from Wisconsin.

The amendment (No. 272), as amended, was agreed to.

Mr. HEINZ. Mr. President, I move to reconsider the vote by which the amendment, as amended, was agreed to.

Mr. KASTEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I suggest the absence of a quorum.

Mr. McCURE. Would the Senator withhold?

The PRESIDING OFFICER. The Senator from Idaho.

Mr. McCURE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Chair would remind the Senator from Idaho the pending amendment is the Grassley amendment to the Helms amendment which must be set aside.

Mr. McCURE. I ask unanimous consent the pending amendment be temporarily set aside.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. I must object for the moment.

The PRESIDING OFFICER. Objection is heard.

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SIMON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMON. Mr. President, I understand the pending business is the McClure amendment and it is acceptable to the Senator from Idaho that it be temporarily put aside.

I have been advised by the Senator from Idaho the pending amendment is a Helms-Grassley amendment.

The PRESIDING OFFICER. I believe the Senator from Idaho had asked unanimous consent that the pending amendment be set aside.

The Chair had granted the unanimous consent at which point the Senator from Rhode Island had asked that there be a quorum call. That is the Chair's memory of the situation of where we are at this point.

So I believe the pending business, the Grassley-Helms amendment, has been set aside.

Mr. McCURE. Mr. President, my understanding from what the Chair had indicated was that the Helms-Grassley amendment had been temporarily set aside; the McClure amendment then is the pending amendment. I have no objection to the McClure amendment being temporarily set aside.

The PRESIDING OFFICER. It is the Chair's understanding that Senator McCURE was asking unanimous consent that his amendment be considered as read, and at that point the clerk has not reported the amendment. Then the business has been set aside and the Senator from Idaho

would be recognized to offer his amendment.

Mr. McCURE. Mr. President, I ask unanimous consent that it may be in order for the Senator from Illinois to offer his amendment upon the condition that the Senator from Idaho be recognized for his amendment at the conclusion of that.

The PRESIDING OFFICER. Is there objection?

Mr. HELMS. Reserving the right to object.

The PRESIDING OFFICER. Reservation is heard. The Senator from North Carolina is recognized on his reservation.

Mr. HELMS. I do not want to roll this ball too far. I call for the regular order.

The PRESIDING OFFICER. Regular order is called for and under the regular order the pending business is the Grassley amendment to the Helms amendment.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I am amenable to proceeding with the McClure amendment on the condition that under no circumstances will any business subsequent to that be anything but the pending Grassley amendment which is the—

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. I am sorry, I did not hear, so temporarily I must object.

Mr. HELMS. I am simply stating that it is entirely satisfactory to me to proceed with the amendment of the distinguished Senator from Idaho [Mr. McCURE] with the understanding that we return thereafter to the Grassley amendment, which is in line.

Mr. McCURE. Mr. President, will the Senator yield for a suggestion? I will not object to the statement the Senator has made. I wonder if it would be helpful, in order that we avoid any ambiguity, that in the event we get to the McClure amendment, in order to make certain we do not get muddled up further, no amendment be in order to the McClure amendment except one that is germane to the subject matter of that amendment.

Mr. PELL. Mr. President, I am constrained to object.

The PRESIDING OFFICER. There is no unanimous-consent request propounded.

Mr. HELMS. That is right. I have not made a request. I am just simply advising the Senate of my position on the Grassley amendment, which is the second degree amendment to the Helms amendment. At no time today am I going to be eager to lay aside the Grassley amendment let alone the Helms amendment. I just want to put the Senate on notice. So Senators can propound whatever unanimous consent request they desire.

Mr. McCLURE addressed the Chair. The PRESIDING OFFICER. The Senator from Idaho.

Mr. McCLURE. I ask unanimous consent that the pending business be set aside; that it be in order for the Senator from Idaho to offer his amendment.

Mr. PELL. Mr. President, I would add with the understanding that we would not act on it; it is merely to make the presentation.

Mr. McCLURE. Certainly. At any time before we get to the position to act on it the Senator can ask for a quorum call.

Mr. PELL. I have to ask for regular order. In other words, we are just talking about the statement.

Mr. McCLURE. I understand. Mr. President, parliamentary inquiry. Do I understand correctly that there is in the unanimous-consent agreement already in place a provision with respect to second-degree amendments?

Mr. PELL. That is correct.

The PRESIDING OFFICER. The Senator is correct.

Mr. McCLURE. I thank the chair.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? The chair hears none, and it is so ordered.

AMENDMENT NO. 330

(Purpose: To enforce the Helsinki Final Act)

Mr. McCLURE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Idaho [Mr. McCLURE] proposes an amendment numbered 330.

Mr. REID. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following new section:

SEC. . MOST-FAVORED-NATION TRADE TREATMENT.

(a) IN GENERAL.—In considering the provision of most-favored-nation trade treatment to the products of any foreign country that is a signatory to the Final Act on Security and Cooperation in Europe (hereinafter in this section referred to as the "Helsinki

Final Act") and that did not enjoy such trade treatment on June 1, 1989, the President shall take into account—

(1) the extent to which the country is in compliance with the Helsinki Final Act, particularly the human rights and humanitarian provisions; and

(2) in determining such compliance—

(A) the extent to which a pattern of compliance exists in which violations are clearly the exception and contrary to established policy and generally observed practices in the country;

(B) the existence, in theory and in practice, of legal procedures and presumptions, statutes, administrative regulations, limitations on law enforcement authorities, and judicial means of redress in the country that facilitate and encourage, rather than frustrate, the exercise by the citizens and inhabitants of the country of fundamental freedoms specified in the Helsinki Final Act; and

(C) the ability of citizens of the country and citizens of other foreign countries that are signatories to the Helsinki Final Act, in theory and in practice, freely to monitor the performance of the governmental authorities of the country with regard to the requirements of the Helsinki Final Act throughout the territory of the country, and to publicize their findings, both within and outside of the country.

(b) REPORT.—At the time the President provides most-favored-nation trade treatment to any foreign country described in subsection (a), the President shall submit a report to the chairman of the Committee on Foreign Relations of the Senate and the chairman of the Committee on Foreign Affairs of the House of Representatives describing the extent to which such country is in compliance with the Helsinki Final Act, with particular emphasis on the criteria described in subsection (a)(2).

(c) CONSTRUCTION.—Nothing in this section may be construed as vitiating, limiting, or otherwise having any effect on any other limitations on, or requirements or waiver procedures necessary for, the provision of most-favored-nation trade treatment to the products of any foreign country that are imposed under any other provision of law.

Mr. McCLURE. Mr. President, I thank the Chair and I thank all Members for permitting me to move forward.

Mr. President, let first clarify for my colleagues, that this is the same amendment I offered to the trade bill last year, without success. It is not anything radical. It does not require the Soviet Union to comply with the Helsinki accords in order to receive MFN status, although I wish it did. It simply directs the President, in considering MFN for any Helsinki signatory not currently receiving MFN, to take into account the extent of that country's compliance with its commitments under the Helsinki accords, and report to Congress on the extent of Helsinki compliance.

A number of things have changed since I last offered this amendment. There has been progress on the human and political rights front in the Soviet Union, impressive progress, progress none of us would have predicted a few years ago. Most notably, we have seen the Soviet people partici-

pating in the closest thing to a free election their country has seen since 1917.

There have been other positive developments. According to a recent report from the U.S. Helsinki Watch Committee, 600 political prisoners have been released. We see the Congress of People's Deputies debating the role of the KGB, the crimes of the Stalin era, the Hitler-Stalin Pact. We see unprecedented, albeit limited, access for foreign human rights groups, for example the visit of American psychiatrists to Soviet mental hospitals. We see the beginnings of debate of labor camp and penal reform.

We have also seen the Soviets expand their public commitments to human rights. In the Vienna Concluding Document, the Soviets and the other East bloc signatories signed their names to broader and more explicit human rights commitments than we have ever seen from them.

But the news has not all been good. As Helsinki Watch writes:

It is important not to diminish the significance of persistent, ongoing, human rights abuses which received so much attention in the past and are now largely ignored. For this reason, despite the euphoria over the current possibilities, we [Helsinki Watch] continue to monitor and report detentions, demonstration bans, visa denials, censorship, and flawed legal reform which represent the current realities.

Let me give you some examples. In April, Interior Ministry troops butchered more than 20 people in Tbilisi, Georgia, with poison gas and shovels. Despite the release of many political prisoners, Helsinki Watch finds, there have been "dozens of new investigations, detentions, and arrests of people who have peacefully exercised internationally recognized rights of expression and assembly."

Articles 190-1 and 70, the infamous sections of the Soviet legal code governing "slander against the Soviet system" and "anti-Soviet agitation and propaganda," have been reformed. But the reforms, according to a report from the Congressional Helsinki Commission, are "even worse than the original legislation." And in a recurrence of one of the most repulsive forms of human rights abuse, the Helsinki Watch group reports that Ukrainian activist Alexander Ilchenko was forcibly committed to psychiatric detention, for the crime of collecting signatures for a petition against nuclear reactors in the Ukraine and his involvement in a satirical letter to Ukrainian Party chief Vladimir Scherbatsky.

And regrettably, as the Union of Councils for Soviet Jews has documented, the Soviets have already violated many of their commitments under the Vienna Document, for example the commitment to "facilitate the freer and wider dissemination of

information of all kinds." And the promise to ensure "in their laws and regulations and in their application, the full and effective implementation of the freedom of thought, conscience, religion, or belief."

So as you see, the balance sheet on human and civil rights, despite progress in many areas, remains mixed. In the meantime, there have been important developments in this country on the issue of Soviet MFN. As we all know, President Bush has announced conditions under which he would consider granting a Jackson-Vanik waiver. There are two conditions, codification of Soviet emigration laws in accord with accepted international standards, and implementation of those reforms. As far as they go, these are good conditions. The President insists that the Soviets codify their reforms, which gives them the force of law and provides some protection against changing political winds, and insists on concrete results before taking action on MFN.

But as I have pointed out to my colleagues before, emigration is only one of many human and civil rights, that the peoples of the Soviet Union have long been denied, and which they now deserve. We want the Soviets to reform their emigration policies, but we also want more. We want them to get rid of the whole battery of laws, regulations, and practices that deny Soviet citizens all of the rights and freedoms which we take for granted.

So we must ask ourselves, how can we best encourage—or at least not discourage—the broad process of political, legal, and economic reforms that Secretary Gorbachev has initiated? And the answer is, not by premature concessions such as most-favored-nation trade status.

What is Gorbachev doing? Why is Gorbachev doing what he is doing? I think just about all of us agree that he is not doing what he is doing simply out of the goodness of his heart. He has launched his reform program because he realizes that the Soviet Union cannot remain a superpower, not even a military only superpower, if it does not revive its economy. To jump start its economy, the Soviet Union desperately needs Western assistance, in the form of technology, trade credits, and markets. And in order to obtain this Western assistance, he needs to create a less threatening Soviet Union, less threatening militarily, less threatening ideologically, and less oppressive of its citizens. And do not get me wrong, I am all in favor of those things, I just do not want us to delude ourselves about what he is up to.

The danger in granting premature MFN status, and all the credits and other economic goodies that will flow once the floodgate is opened, is that we will give Gorbachev what he wants

before he gives us what we want. And that could be the end of reform.

A member of my staff asked Sergei Grigoyants, the editor of Glasnost, what effect MFN status, and large-scale Western financial aid, would have on the reform process at this time. His answer:

It would have very serious consequences * * * it helps the regime to remain undemocratic, nor does it help the economy. * * * In the end, the aid brings much more disastrous results because instead of curing the illness, it aggravates it.

I do not think anyone in this Chamber would claim to have a better insight into the situation inside the Soviet Union than Andrei Sakharov. Listen to what he says on this same issue.

It would be wrong to think that financial aid would advance the process of liberalization in the Soviet Union. Western aid could be counterproductive, driving the illness under the skin, and making it impossible to achieve any change.

These are men who have lived and suffered under the Soviet system, men who have been imprisoned for their beliefs. It took courage for them to say these things about one of their government's most cherished goals.

Now I have just given what we might call the utilitarian argument. Premature MFN would undermine the reform process. But there is another, perhaps more basic argument, to vote for this amendment. It is the right thing to do because we do not want to send the signal that we don't care whether the Soviets comply with the promises they make. Remember, the Soviets made their commitments at Helsinki as part of a quid pro quo. They got Western recognition of post-war boundaries in Eastern Europe, we got promises, promises which still have not been fulfilled.

Mr. President, 14 years ago at Helsinki, the Soviet Union pledged "to respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion, or belief * * *." (Principle VII of Helsinki Final Act). Those promises have been a beacon of hope to millions in the Soviet Union. Natan Shcharansky, a founding member of the Helsinki Watch Group, said the biggest disappointment for Soviet political prisoners came when the 1983 Helsinki Review Conference in Madrid renewed the accords despite the Soviets' utter disregard of their human rights commitments.

While we must protect the progress that has been made in Soviet emigration policies, we must not lose sight of the reasons why people want to emigrate in the first place. Nor must we forget our obligation to those millions of Soviet citizens, Jewish and non-Jewish, who may not emigrate but who deserve the freedoms they were promised at Helsinki. There are some

2 million Jews in the Soviet Union. Of these, an estimated one quarter want to emigrate. What about the rest? What about Sakharov and Grigoyants and the other dissidents?

In May 1986, just a few months after his release, Natan Shcharansky addressed the annual March for Soviet Jewry in New York. He urged the United States to use its economic and political leverage to move the Soviets toward compliance with the whole range of their commitments under the Helsinki Final Act, not just the emigration clauses. He remembered the dissidents, who work for change within the Soviet Union. "As a Zionist and a Jew, I support universal justice, the call from Sinai. We must never forget Sakharov and Orlov, who raised their voices for Soviet Jewry."

We, the Senate, must not forget Sakharov and Orlov and Grigoyants. We must not forget the other 280 million people in the Soviet Union: Russians, Lithuanians, Ukrainians, and Georgians; Latvians, Armenians, Crimean Tatars, and others. Don't they deserve our support?

Mr. President, Natan Shcharansky urged the U.S. Government to use its leverage to pressure the Soviets to comply with the whole range of human rights embodied in the Helsinki accords. This amendment does not even do that much! But does the Senate want to send the message that we should not even think about freedom of religion or freedom of speech or psychiatric abuse or the rule of law?

If we do, Mr. President, that will be a slap in the face of the Shcharanskys and Nudels and Sakharovs and all the others who have labored and suffered for the cause of freedom.

Mr. President, I urge the adoption of the amendment.

The PRESIDING OFFICER. Is there further discussion on the amendment?

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I concur with the Senator from Idaho. It has been our constant goal to improve human rights in Eastern Europe and the Soviet Union. However, some of us opposed the McClure amendment because we do not believe it will advance this goal.

For 15 years, since the passage of the Trade Act of 1974, the Jackson-Vanik amendment has provided a clear framework linking the extension of MFN trade benefits to Jewish and other emigration from Eastern Europe and the Soviet Union.

Among the Warsaw Pact members, Czechoslovakia, Bulgaria, the German Democratic Republic, and Romania do not now receive MFN. We have no plans to extend MFN to any of these

countries, because they have not implemented the kinds of human rights practices required for MFN status.

The Soviet Union also does not now receive MFN. On May 12 the President said that he is ready to work with Congress on a Jackson-Vanik waiver for the Soviet Union, if the Soviets codify their emigration laws in accordance with international standards and implement them faithfully. On May 31 he reiterated his readiness to consider granting the Soviets a Jackson-Vanik waiver if they liberalize emigration.

In the last 3 years Soviet human rights practices have improved more than anyone would have thought possible. This is particularly so with regard to emigration. While there are still problems and the need for further movement, it would send the wrong message to the USSR if we react to these improvements by broadening the criteria for a Jackson-Vanik waiver.

If enacted, the McClure amendment would severely undercut our leverage on Jewish emigration, which has worked to our advantage since 1974.

The McClure amendment puts more weight on MFN than it can bear. It adds new criteria which the countries in the region are far from achieving. McClure would result in the loss of our leverage on emigration.

Since its passage, Jackson-Vanik has provided four Administrations with the flexibility to encourage a wide range of human rights improvements. The addition of rigid and much broader conditionality would reduce our ability to press for the maximum feasible human rights improvements, which we have done with some success by tailoring our approaches to each country.

Another effect of McClure would be to undercut our position at the several CSCE meetings scheduled to take place in advance of the next full follow-up conference in Helsinki in 1992. At the recently concluded Paris human rights meeting, the U.S. made its CSCE goals, which include implementation of the objectives of the McClure amendment, very clear. We will continue to do so in strong terms at upcoming CSCE events. The amendment, however, would be interpreted as a substantial change in the U.S. posture and make it more difficult for us to coordinate joint approaches with our western allies on pressing the east for full implementation of their CSCE commitments.

McClure would thus be counterproductive and would undermine our goal of using CSCE to bring about improvements in Soviet and Eastern European human rights performance.

This amendment was defeated last year, and I believe should be defeated again.

Mr. McCLURE addressed the Chair. The PRESIDING OFFICER. The Senator from Idaho.

Mr. McCLURE. Mr. President, I am somewhat surprised at the opposition of the amendment. When I first offered the amendment, it would have required observance of the commitments under the Helsinki accords before MFN status could be granted. That was objected to for the precise reasons the Senator from Rhode Island has expressed—that it somehow would interfere. I changed the amendment to make no requirements.

It does not bar MFN status, if the Soviet Union flaunts their commitments. It simply says that the President, before granting MFN status, ought to think about that, and he ought to provide a report to the Congress of the United States as to the degree of compliance of the Soviet Union or any other nation seeking MFN status that does not now have it, with respect to their observance of the human rights commitments they made in the Helsinki Final Act.

There is one other thing that has happened since I offered the amendment before, and that is these same countries, in Vienna, signed a sweeping and significant document that said again that we are going to comply. And they made more commitments, even more sweeping and even more defying, more specific commitments with respect to the observance of human rights.

This amendment says simply that the President should consider that before granting MFN status. The President ought to report to the Congress on the degree of compliance with the Helsinki Final Act. Are we so uncaring about human rights observances that we do not even want to know about it, we do not want to even talk about it or think about it? How hypocritical can this body be as to say, yes, we are for human rights, but let us not even consider that when we grant MFN status.

Now, I can understand people saying it might be an interference with the process, if we said you have to comply no matter what; you have to comply. I can argue for that and I think it is not a bad position to take, but I have not even done that. I just say, please consider it. If you are going to do that, then give us a report as to the degree of compliance. For people now to say somehow this interferes is beyond my comprehension.

It interferes with what? It interferes with our commitment to human rights. That is what it interferes with. It says, "Let's don't consider." We have had all these pious statements that we are for human rights, that we ought to require other people to do something about human rights across this country, across this globe. But we cannot even consider it before we grant MFN status.

Mr. President, I am stunned. I am absolutely amazed. I have heard the

argument "But doesn't the amendment expand the requirements of Jackson-Vanik, thereby taking MFN off the table just when the Soviets were moving in the right direction?"

The answer to that is no. The modified amendment does not impose any requirements at all on the Soviets, no requirements that they have not already signed up to.

All it asks is that we consider what they have agreed to.

Under the original version of the amendment, the Soviets would have had to comply with the Helsinki accords to obtain MFN status. In response to the concerns of the National Conference on Soviet Jewry and other groups, who were worried that my original amendment might have the effect of undercutting Jackson-Vanik, I modified the amendment to eliminate any possibility of such a result.

I have heard it said: "Progress in emigration leads to progress on other human rights, so it would be counterproductive to do anything that might reduce emigration." Once again, this amendment would not hurt emigration. Furthermore, as the case of Romania illustrates, there is no particular correlation between emigration and other human rights. Congress recognized that when it voted to suspend Romania's MFN status. The Romanian Government cynically used its relatively liberal emigration policies to obscure its wretched record in other areas of human rights. Let me remind my colleagues that Nazi Germany maintained freedom of Jewish emigration at the same time that it adopted the infamous Nuremberg laws relegating Jews to second-class citizens and laying the groundwork for the Holocaust.

I have heard it suggested in a question: "But this is the wrong signal to send at this time, when emigration is on the rise and overall human rights practices are improving." The answer to that is simply this is essentially the same argument the Nixon administration and others made against Jackson-Vanik. The argument then was that "quiet diplomacy," not linkage, was the best way to secure increased emigration. The Soviets would lose face, we were told, if they seemed to be bowing to United States legislation requiring them to change their domestic practices. The Congress did not accept this kind of argument then and should not accept them now. In any case, since the modified amendment would not require the Soviets to do anything in the first place, it would not put them in a position of losing face.

I would urge the Senator from Rhode Island to reconsider and to accept the amendment rather than opposing it. It does nothing in terms of requiring actions by the Soviet Union that they have not already agreed to

do. It sets up no obstacle to the granting of MFN except an act of conscience by the President of the United States in reviewing human rights observance on violation and their failure to observe such violation if MFN status was to be granted.

Mr. President, again, all it does is require that the President consider and report on the degree of compliance or violation before granting MFN status to any signatory of the Helsinki accords who does not enjoy MFN status.

Again, I would urge the adoption of the amendment.

Mr. HELMS. Mr. President, will the Senator yield?

Mr. PELL. I am happy to yield to the Senator from North Carolina.

Mr. HELMS. I say to the Senator his amendment is a good one.

The PRESIDING OFFICER (Mr. Ford). Since there is no time agreement, the Senator can secure the floor in his own right.

The Senator from North Carolina.

Mr. HELMS. All right.

I accept it in my own right.

I just want to commend the Senator on his amendment. It makes sense. It ought to be part of this bill and naturally it will not be. It is going to be rejected by the majority. But this is the way we operate around this place, obviously, I say to the Senator.

We hear all sorts of pious pretenses and statements against terrorism. We will never, never do anything to support terrorism, and then watch the first thing that happens. We start buckling and say we can make a deal.

Neville Chamberlain said the same thing a few decades ago.

But I commend the Senator and I will say to him that this side is prepared to accept his amendment.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. PACKWOOD. Mr. President, I might say to my good friend from North Carolina when he mentioned Neville Chamberlain, I could not help but be struck by how the difference in words change over the years.

We voted yesterday on a plebiscite for Cuba, and at least in my era in Austria a plebiscite was a fraud and the word had an absolutely horrific meaning for decades after that. It is funny how over the years words do change.

I am going to oppose this amendment offered by my good friend and neighbor from Idaho for this reason: First, it is clearly in the Finance Committee jurisdiction and one we dealt with over the years on Jackson-Vanik. Second, I think we need to remember why Jackson-Vanik was passed and what we were saying at the time when it was passed in the mid-1970's. In the mid-1980's, and probably in the mid-1990's you will have any number of countries that will not have our standard of freedom of speech, freedom of

press, search and seizure, trial by jury. We will have many countries that will not, if that were applied to them, meet the Helsinki standards.

But what we said in Jackson-Vanik was there was one very important right and that is the right to emigrate, to leave your country. They abuse you. They take away our religious liberties. They deny you a job because of your political views. You can have the right to leave, go to another country that will respect your religious views or your political views.

So Jackson-Vanik clearly set out that one specific right and said it is very important as far as we are concerned in trade relations and that is the right to leave the country.

Now, my good friend from Idaho is talking about adding to it the entire panoply of the Helsinki rights. I support those Helsinki rights. This bill is a little different from last year. Last year we were considering a Treasury appropriation bill. There was an amendment offered that simply said if the President cannot certify or does not certify that the Soviets are in compliance there is no automatic MFN, no most-favored-nation's status. This amendment is slightly different. If the President cannot certify that the Soviet Union is in compliance with the Helsinki accords he can still grant most-favored-nation status. Under this amendment he would have to explain why he is doing it, even though they have not complied with the Helsinki accords.

But the Jackson-Vanik amendment is working. Emigration in the Soviet Union is increasing to cascading proportions, more than we ever dreamed a number of years ago. It is working and if we are going to amend Jackson-Vanik to say now not only emigration but everything else in the Helsinki accords is a topic for fair debate, a topic for a fair hearing and we ought to consider whether at this stage we want to do this or whether you want to pick out some of the Helsinki liberties.

The Jackson-Vanik amendment is working. Emigration is increasing, increasing so rapidly, as a matter of fact, that we are contemplating waiving Jackson-Vanik, for a year in some countries because everything seems to be going in our direction.

Mr. President, there is no question that over the years time is on the side of democracy. If you look back 10, 20, 30 years ago, you had infinitely fewer democracies in this world than you have now. You can look back to Latin America alone over the last generation. Probably 20 years ago you could number on one hand the democracies in Latin America. Today you are hard pressed to number on one hand the number of dictatorships.

You are seeing ferment in the Soviet Union, and in the Iron Curtain countries, like we have not seen in 40 years.

All of this has happened without any effort by the United States to say to these countries, "We are going to extend or not extend 'most-favored-nation' status depending upon whether you do or do not comply with the Helsinki accords."

So, Mr. President, this is one of those where for a variety of reasons I would say do not break up the Yankees. Things are going well. We are winning. The Soviets are changing. Emigration is continuing. Democratic stirrings are occurring in Poland, Hungary, the Baltic countries.

If we are going to make a major change now in Jackson-Vanik, let us do it under cool consideration, with ample thought as to whether or not we want to make the change and, if so, whether we want to bring under the umbrella of "most favored nations" all of the Helsinki liberties or whether we want to single out some.

For that reason, Mr. President, I hope that the amendment of my good friend from Idaho will be defeated.

Mr. BENTSEN. Mr. President, I rise in opposition to the amendment by my distinguished friend from the State of Idaho. I certainly agree with him that I would like to see Russia continue to improve its record on human rights.

But, as the distinguished Senator from Oregon has stated, things are moving our way. What you are seeing is the decline of the Russian empire, the decolonization of the Russian empire. We are looking at Hungary moving toward an entrepreneurial system, a capitalistic system. We are looking to a sharing of power today that is taking place in Poland, even hearing some whispers about the reunification of Germany, which obviously would give some concern to Western Europe and again to the Russians.

What we have seen is a steady increase in the release of people from Russia, allowing them to move to other countries. We have seen that particularly true for the Jewish groups that have access to Israel and are coming to the United States and to Western Europe as well.

When we brought about the adoption of the Jackson-Vanik amendment to the Trade Act of 1974, that was truly the criteria for receiving most-favored nation treatment, whether a country would allow free emigration of their people.

The situation has been improving over the last few years. What we have seen with glasnost and perestroika is a dramatic change taking place in the Russian empire.

Now, we have a severe limitation on trade with Russia. Imports from Russia are subject from Smoot-Hawley tariffs. We imported about \$500 million of products to Russia last year. But, on the other side of it, we have

seen the Western Europeans with about \$9 billion in imports from Russia.

We are seeing ourselves with a trade deficit that last year reduced by some 20 percent, but now seems to be plateauing. We seem to be hung with that figure, something in excess of \$100 billion.

We have to do what we can to exploit and take advantage of a situation where we see a deterioration of Russian power and movement toward more democratic approaches to politics and to an entrepreneurial system of economics. That is to be encouraged.

Now, to say that we are to inject the whole Helsinki accords, with which we are sympathetic and certainly support, can be a real impediment to the progress that we are seeing take place.

The administration strongly opposes this amendment and I think justifiably so. I urge that the Senate turn it down.

The other point that you have is, of course, the jurisdictional question. This truly falls within the jurisdiction of the Finance Committee. We could well be in a situation, when we are talking about moving to MFN, most favored nation tariff treatment, and moving away from the Smoot-Hawley tariffs. You are talking about a question of revenues and that under the Constitution—and the House feels very strong about it—that would result in the blue-slipping of this particular piece of legislation and having to do this work over again. And after what we have been through the last few days, I do not think any of us would look to that with any pleasure.

So I urge that this kind of an approach be given the careful consideration it deserves within the jurisdiction of the appropriate committee, the Finance Committee. We have had an amendment akin to this, the tenor of this, with some change, of course, twice before by the distinguished Senator from Idaho and in each instance it has been turned down.

I urge that we defeat this amendment and not add this impediment to an improvement of relations with Russia.

Mr. McCURE. Mr. President, I will respond very briefly. I do not mean to delay the Senate unduly on this subject.

My good friend, the Senator from Oregon, said, "Let's don't amend Jackson-Vanik." I will tell you again vociferously and emphatically: This is no amendment to Jackson-Vanik. That is an absolute red herring. It has nothing to do with the facts or the truth. I am sorry that he raised it in the context that he did because it was an inaccurate statement with the result of misleading rather than informing Members of the Senate.

With respect to my friend from Texas and the arguments that he has made about the jurisdictional question, are we going to now sacrifice the aspirations of people to the observance of human rights to a jurisdictional debate in the Senate of the United States? Oh, we are concerned about human rights, but only in one committee. Mr. President, that is an incredible argument.

It is suggested that somehow this sets up an impediment to new trade with the Soviet Union. Are we so eager for additional trade with the Soviet Union that we would sacrifice their human rights and our conscience to the altar of a little more trade? I hope not. Yet that is what I think I am hearing.

This is not an impediment to MFN. It simply says to the President of the United States: Think of what the Soviet Union agreed to do. Think of what the signatories to the Helsinki accords agreed to do. Think about that, consider it, and report it to the Congress of the United States, unlike Jackson-Vanik. Jackson-Vanik says it is a bar to MFN status unless Jackson-Vanik is specifically waived. I did not go that far. I said think about. Give us a report.

What I am hearing in this body from a number of people is, "No, we don't want to think about it. It might disturb us. We don't want the President of the United States to report it. It might bother him."

We are so anxious to take steps down the road that we do not want to even consider our own country's commitments to human rights, let alone the commitments made by the Soviet Union and others who signed the accords, once at Helsinki, again in Vienna last year, and then cynically failed to comply with the commitments that they made. And we said, "Oh, but that doesn't matter. We would like to do business with you anyhow."

Mr. President, I do not think that is the conscience of this Senate or this country. I urge that the amendment be adopted.

The PRESIDING OFFICER. Is there further debate?

Mr. BENTSEN. Mr. President, if there is no further debate, I move to table the amendment.

Mr. PELL addressed the Chair.

Mr. BENTSEN. I withdraw my motion.

Mr. PELL. Mr. President, I believe, under the unanimous-consent agreement that we would agree not to vote on this until it was worked out. It is not worked out.

The PRESIDING OFFICER. The Chair will advise the Senator from Rhode Island that there is no such agreement as it relates to motions before the Senate Chamber.

Mr. BENTSEN. Mr. President, I move to table the amendment of the Senator from Idaho [Mr. McCURE].

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas [Mr. BENTSEN] to table the amendment of the Senator from Idaho [Mr. McCURE].

The motion was agreed to.

Mr. HELMS. Mr. President, I know that all staffs and Senators are alert and on the ball and I may be a little bit presumptuous in even mentioning this, but just for the benefit of Senators who may be listening or whose staffs may be listening and not aware that a cloture motion on this bill was filed last night, then they better take note of it, because amendments have to be filed by 1 o'clock this afternoon, even though they have been cleared.

I ask the Parliamentarian or I ask the distinguished Presiding Officer, am I correct about that?

The PRESIDING OFFICER. The Senator is correct.

Mr. HELMS. So if you do not file the amendment, even though they are on the list, by 1 o'clock, then the ball game is over for your amendment. So I would emphasize that to Senators.

The PRESIDING OFFICER. The Chair is not sure about the ball game, but the amendments in the first degree are.

Mr. HELMS. Well, I had the Orioles on my mind. They lost 7 to nothing last night.

ORDER OF PROCEDURE

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, I have been discussing with the managers of the bill the schedule for further disposition of matters pending. As all Senators know, there is a very important amendment pending, an amendment by the distinguished Senator from North Carolina [Mr. HELMS] in the first degree and one by the distinguished Senator from Iowa [Mr. GRASSLEY] regarding the PLO and the Mideast peace process.

I have discussed this with the distinguished Senator from North Carolina. We have agreed that we will take that matter up at about 1 o'clock this afternoon.

In the interim, the Senate will consider other matters. All Senators, and I believe all Senators are interested in that matter, should be aware, then, that the debate—and there will be votes—on the PLO-Mideast peace talk issue will commence at approximately 1 o'clock and there will be votes thereon.

I thank the distinguished Senator from North Carolina and the distinguished Senator from Iowa in this regard.

The PRESIDING OFFICER. The Chair would advise Senators that amendment 270 by Senator GRASSLEY

to amendment 269 by Senator HELMS is the pending business. Following that would be amendment 324 by the Senator from Colorado [Mr. ARMSTRONG].

Mr. MITCHELL. Mr. President, I am aware of that. My understanding is the Senator from North Carolina will agree to lay those amendments aside to take up other matters, until about 1 o'clock when he will be ready and all Senators involved in the debate will be ready to proceed to the PLO matter.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I thank the distinguished majority leader for his cooperation.

There is a lot of pressure from every direction with respect to the amendment. Sometimes under pressure things are said, or at least thought, that really are not relevant. But I want the distinguished majority leader to know that I admire and respect him and I enjoy working with him and he is my friend and we will get along with this amendment.

Mr. MITCHELL. If I may respond?

The PRESIDING OFFICER. The majority leader may.

Mr. MITCHELL. I say to my colleague, the feeling is mutual. While we may from time to time disagree on issues, we look forward to working together on these important issues.

I thank the distinguished Senator for his kind comments.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, until a Senator appears who has an amendment, let me discuss the subject that the majority leader has just addressed, the so-called PLO amendment.

As the Chair well knows, this past Friday I laid down what is now the underlying amendment. At that time it was cosponsored by Senator KERRY, Senator BOND, Senator D'AMATO, Senator PRESSLER, Senator COATS, Senator GRASSLEY, Senator LAUTENBERG, Senator KASTEN, Senator GRAMM, Senator THURMOND, Senator NICKLES, and Senator WILSON. That was the list of cosponsors as of that time.

I now ask unanimous consent that the following Senators be added as additional cosponsors: Senator HATCH, Senator HEINZ, Senator SYMMS, Senator MACK, Senator COCHRAN, Senator LOTT, Senator DeCONCINI, Senator BURNS, Senator MURKOWSKI, Senator HUMPHREY, Senator LIEBERMAN, and Senator INOUE.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I am doing that to save a little time this afternoon at 1 o'clock, approximately, when we begin to consider the Grassley amendment which in fact is a second-degree amendment to my underlying amendment and identical to my amendment.

Whatever people may say in the media or elsewhere, this amendment would effectively prohibit talks with those members of the PLO who have been involved in terrorism against American citizens. I am thinking about the kids at the Olympics. I am thinking about a lot of episodes where Americans have been kidnaped or murdered. It is reprehensible to this Senator that this Government, which has so often proclaimed that it will never make a deal, never do anything with terrorists, should now say "except."

In any case, the Helms amendment and the Grassley amendment give a very clear choice that Senators are going to have to make. Are we or are we not going to reward terrorists and terrorism? Are we or are we not going to bestow respectability upon them?

Senators will make their own judgments but this Senator says that anybody who has deliberately conducted terrorism against American citizens—particularly those kids at the Olympics, they could not have been more innocent.

You remember how they were slaughtered. And I resent it. And this Senator will never do business in any shape, fashion, or form with anybody who had anything to do with that. But we are hearing all sorts of blandishments now: Oh, well, you will disrupt the whole peace process if this amendment is included in the State Department authorization bill.

With all due respect to the administration, which I support and which I do my best to represent every time I can in good conscience, that comes out to be a big roll of baloney.

Terrorism, Mr. President, is nurtured on the belief that violence against innocent men and women and children can, over time, produce tangible political results. And look what has happened. We are making that happen by dealing with them or proposing to deal with them.

I do not say that we cannot sit down and talk with some members of the PLO, just so they have not been involved in the murders of innocent American citizens or kidnaping of them. That is all the amendment says.

Senators can cast their votes as they please. But obviously, Mr. President, the Chair can tell that I feel very strongly about this thing. For America to reward—and that is the word that fits—to reward terrorists by treating them as though they were legitimate diplomats only increases the likelihood of more terrorism against more Americans. I will not be a party to that.

I think this is something that the American people instinctively understand but something which some of our friends at the State Department seem to have forgotten.

The floor this past Friday was almost empty because it had been announced that there would be no further rollcall votes that day. There was a mad dash, as there always is on Friday when that announcement is made, Senators just racing to the airport. So there was nobody here much. They did not hear it. But I said that I was shocked that anybody in our Government had been conducting secret negotiations with Abu Iyad.

Mr. Abu Iyad is the terrorist behind the Munich massacre, the Olympics, and the 1973 assassination of the United States Ambassador to Sudan.

Despite Abu Iyad's history of crimes against Americans, some in the State Department and elsewhere have now endowed upon him the respectability inherent in serving as a negotiating partner with the United States. Shame. Shame. By so doing, this has sent a signal to other terrorists or other would-be terrorists, that violence against Americans, even ambassadors, can pay.

I repeat, I will have no part of that. This is a message, this is a signal that the United States cannot, must not send; not if we are serious about fighting terrorism. And that is why I proposed this amendment last Friday, an amendment to protect the United States from finding itself in direct negotiations with terrorists who have on their hands the blood of the sons and daughters of America.

Since this amendment was offered this past Friday, I have heard some voices from the State Department proclaim, "Oh, this is a threat to the peace process."

They are wrong, just as wrong as they were when the judgment was made that it was all right to sit down with people like Abu Iyad in the first place.

To the contrary, this amendment, if it becomes the law of the land, and I hope it will, is vital to keeping the peace process going. It was only when these State Department voices decided to treat as diplomats thugs like Abu Iyad that the progress on the Shamir election proposal promptly ground to a halt, so the peace process having been stalled is a direct result of the loss of confidence which occurs when the United States abandons principles which deserve to survive. If we want to get the peace process going again, let me tell you how I think we ought to do it. If we want the process to be a success, the Senate must act to restore confidence in the United States or America. To a great extent, the peace process is based on faith in the United States and unless the parties trust the commitment and trust the word of the United States, any parties to a peace process will never make the difficult concessions essential to reaching lasting accommodation. And this is espe-

cially true of the Israelis whose very survival is in the balance every day.

It is popular to jump all over the Government of Israel, to second guess them, and Monday morning quarterback them, misrepresent them. Now, I never had the political support of the organization known as APAC. It has always supported my opponents. There is nothing political about this. If I went on the basis of politics, I would not be doing what I am doing, I would not be standing here today. But we have to look and ask ourselves which is the most reliable ally the United States has in the Middle East.

(Mr. LEVIN assumed the chair.)

Mr. HELMS. We have to ask ourselves what kind of signal does it send to the Israelis that our State Department is willing to sit down and treat as a diplomat the very terrorist responsible for the assassination of a United States Ambassador to Sudan.

I recall the elections of 1988, the Presidential elections. Both candidates went out of their way, day after day, to promise voters time and time again that they would not make concessions to terrorists. Each candidate upped the bidding on the other day after day.

The distinguished President of the United States, George Bush, said last year during the campaign, "The U.S. Government will make no concessions to terrorists. It will not pay ransoms. It will not release prisoners, change its policies or agree to other acts that might encourage additional terrorism."

Pretty plain words, very understandable, which raises the question. My friend and your friend is now the President of the United States. How could other countries trust commitments made by the State Department or anybody else who is willing to flout promises made by George Bush to the American people last year?

The Shamir election proposal was a live prospect until it was revealed on July 29 that the State Department sat down with Abu Iyad on the day after U.S. Independence Day, July 5.

If you will remember, Mr. President, it was just a few days after that that the Shamir political party toughened up its stand on the election proposal. That was a bid deal, sitting down with this terrorist and conferring upon him the undeserved respectability of a diplomat.

Reports coming out of Jerusalem since then have focused largely on the possibility that the coalition government is going to fall. I do not know whether it will or not. But I say again that the peace process will go forward only when the parties can trust the word and the commitment of the United States, and this will occur only when it is clear that the representatives of this Government, including perhaps especially those at the State

Department, adhere to the principles espoused by this country and its people, and so back to the amendment.

To the extent that the United States talks to terrorists responsible for the deaths of totally innocent Americans, trust is undermined and the cause of peace is set back. And beyond this, it sends a signal to terrorists and would be terrorists that violence can pay, that it does pay; they will say, "Look how we snookered the good old United States of America."

It will increase the likelihood that our future will be as plagued by terrorism as it has been in the past.

I wonder if I might ask the clerk to send me temporarily the text of my amendment so I could read it into the RECORD so it will be clear what the amendment proposes and what it does not. I will return this to the desk in just a moment.

It is entitled "Prohibition on Negotiations With Terrorists Responsible for American Deaths." Section 1302(b) of the International Security and Development Cooperation Act of 1985 (22 U.S.C. 2151) is amended by adding before the period at the end thereof the following.

Here is the language that I am asking the Senate to vote on, up or down, yea or nay, with us or against us. I will be content with whatever decision the Senate makes in the knowledge that I did the best I could. But here is the language that has excited those bureaucrats down at the State Department to the point that they are climbing the wall. And they are issuing all sorts of ridiculous absurd statements. Listen to the language: "except that no funds authorized in this or any other act may be obligated or made available for the conduct of negotiations with any representative of the Palestine Liberation Organization, such as Abu Iyad, unless and until the President"—meaning at this time George Bush—"certifies to Congress that he has determined the representative did not directly participate in, or conspire in, or was an accessory to the planning or execution of a terrorist activity which resulted in death, injury, or kidnapping of an American citizen".

That is it. That is all it says. It says that the President can sit down with any PLO guy he wants to or his designee can if he can assure this Congress that the guy who he is sitting down with, the PLO representative, has not participated in the murder or the injury or the kidnapping of an American citizen.

I do not know how the distinguished occupant of the chair regards this amendment. But I think it is reasonable. I think it is fair. I think it is entirely fair to the American people. And those are the people whom we are elected to preserve and to protect.

I will return to the distinguished clerk a copy of my amendment so it can be carefully nurtured until whatever time this afternoon we get around to voting on it.

I thank the Chair. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 333

(Purpose: To prohibit certain transactions between United States owned or controlled firms and Cuba)

Mr. MACK. Mr. President, I have an amendment to send to the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The Chair will advise the Senator from Florida that the pending amendments would have to be laid aside in order for the Senator's amendment to be in order.

Mr. MACK. I ask unanimous consent that the pending amendments be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Florida [Mr. MACK] proposes an amendment numbered 333.

On page 145, after line 22, add the following new section:

SEC. 915. PROHIBITION ON CERTAIN TRANSACTIONS BETWEEN CERTAIN UNITED STATES FIRMS AND CUBA.

Notwithstanding any other provisions of law, no license may be issued for any transaction described in section 515.559 of title 31, Code of Federal Regulations, as in effect on July 1, 1989.

On page 5, in the table of contents, after the item relating to section 914, add the following new item:

"Sec. 915. Prohibition on certain transactions between certain United States firms and Cuba."

Mr. MACK. Mr. President, the amendment I offer is very direct and straightforward both in its wording and also what will be the end result if it is implemented. It basically closes a loophole in our law with respect to the embargo on trade between the United States and Cuba. It returns us to pre-1975 law. Between 1963 and 1975, no foreign subsidiary of a United States company could trade with Cuba. In 1975 that was changed. What I am suggesting with this amendment is we ought to go back to pre-1975 law.

There are several reasons why I think we should be doing that at this time. The first is that as I mentioned in the discussion yesterday, Castro refuses to reform. He has turned his back even on the suggestions of perestroika and glasnost offered by Gorbachev. I have suggested to others who

suggest that we ought to become involved in discussions about normalizations of relations with Castro that maybe it would be appropriate to request that Castro normalize his relations with our Government before we consider any kind of activity.

In addition to that, Castro continues to subvert freely elected governments in the Western Hemisphere. Recently, Senator ROBB, Senator McCAIN, and Senator GRAHAM and I visited San Salvador, and while there we were shown various weaponry that had been captured from the FMLN by the Salvadoran Army. We have seen reports of munitions that have been captured in San Salvador.

I have brought back with me a bullet or a casing, if you will, that was given to me while I was in San Salvador, a casing, a bullet that was manufactured in Cuba, factory No. 13, in 1988. Let us make no mistake, Castro and Cuba continue to subvert freely elected governments in Central America.

Just in the last few weeks we have seen Castro and the Cuban Government admit what we have been claiming now for at least 7 years, and maybe more, that Cuba has in fact been involved in drug trafficking. He has admitted this, and I think that we should respond in some way. I think this is a reasonable approach to, again, restrict and to tighten the embargo that we have imposed since 1963 on Castro.

There are those that say that now that he has admitted this and come forward, and that he has requested that the United States and Cuba begin discussions about how they could work together. It kind of makes me think of what it would be like if Al Capone called Eliot Ness in shock one day and said that he had just discovered that there was some truth to the bootlegging of whiskey and that he and Eliot Ness should sit down and talk about how they could solve the problem.

The fourth reason I think we should act now is just the facts that are related to the trade that is taking place. Now, I will remind you that most people in this country believe that there is no trade taking place with Cuba, but since 1975 that changed. In the last 6 years, we have seen over \$1.5 billion in trade between foreign subsidiaries of United States companies and Cuba. It is averaging over a quarter of a million dollars per year, and the most amazing thing is that this trade actually is a net loss to the United States. In other words, we have a negative balance of payments with Cuba. Let me say that again. We have a negative balance of trade of \$184 million over the last 6 years with Cuba, a country which we have said we are not trading with.

So I will conclude by asking my colleagues to support this amendment, that we need to keep pressure on

Castro, on Cuba, until a point is arrived at where Castro either has to reform or fail. I think this is what the American people want to have done. It was our policy from 1963 to 1975, and I think that for the conditions that I have outlined, that we should return to that policy.

Thank you, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I oppose this amendment which has far-reaching foreign policy implications.

It turns back the clock to the 1960's and early 1970's in terms of an iron-clad embargo on Cuba.

As I understand it, the amendment would prevent foreign subsidiaries of United States firms from trading with Cuba.

The embargo was modified in the mid-1970's to permit subsidiary trade because these firms were caught in a cross-fire between United States policy, which said no trade with Cuba, and host country policy, which permitted such trade.

This amendment will once again place the subsidiaries in the untenable position of having either to break U.S. law or the law of the host country.

This amendment in reality is unenforceable, not practical, and will most certainly cause a strain in relations with our principal allies who have trade relations with Cuba.

I remember the strain in relations between the United States and Canada over the issue of the right of Canadian subsidiaries of United States firms to trade with Cuba in the early 1970's.

As way of illustration, I would like to list some examples of foreign subsidiaries of United States companies that are trading with Cuba: Beatrice Foods in Spain, Dow Chemical and Dupont in the Netherlands, General Motors in Switzerland, Morton Thiokol in England, and Union Carbide in Canada.

The State Department has informed me that it opposes this amendment on the grounds that I have cited.

The PRESIDING OFFICER. Who yields time?

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. I suggest the absence of a quorum, to be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ARMSTRONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ARMSTRONG. Mr. President, I have consulted the manager—

The PRESIDING OFFICER. Who yields time?

Mr. ARMSTRONG. It is not clear to me who has time. Whoever it is, if they would yield 30 seconds to me, I would suggest a way to advance the cause.

Mr. PELL. As I understand it, you want to request that the present amendment be laid to the side.

Mr. ARMSTRONG. Yes. If the manager would yield me a moment.

Mr. PELL. I yield 30 seconds.

Mr. ARMSTRONG. I will explain where we are. I have discussed it with the Senator from Florida [Mr. MACK] and he is agreeable. I discussed it with the manager, and he is agreeable. Senators will remember that Senator SIMPSON and I were consulting about an amendment which I had pending on last night. I think we have now worked out our differences and can proceed very quickly.

So just to expedite the floor work, I ask unanimous consent that the pending amendment be set aside, and that we proceed again to the consideration of the Armstrong-DeConcini amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 324

Mr. ARMSTRONG. Mr. President, as one item of leftover business from last night, I wish to insert one additional letter from the Christian Action Council in the RECORD and ask unanimous consent that it be printed.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CHRISTIAN ACTION COUNCIL,
Falls Church, VA., July 19, 1989.

Senator DENNIS DECONCINI,
Senator WILLIAM ARMSTRONG,
U.S. Senate, Washington, DC.

DEAR SENATORS DECONCINI AND ARMSTRONG: This letter concerns your efforts to codify previous Justice Department action allowing political asylum for those Chinese nationals who seek such asylum due to the forced abortion and sterilization policies of China. The Christian Action Council, the nation's largest Protestant pro-life organization, strongly supports your efforts and we urge your colleagues in the United States Senate to do so as well.

As you are aware, we have been actively involved in one such case, that of Mr. Quan B. Li and his family. The Li family has been granted political asylum and now resides in the State of Arizona.

The Li family expressed fear and great concern over threats made by Chinese officials. Mr. and Mrs. Li received many letters from Chinese officials and their relatives (who had been "urged" to write to the Li family) threatening them if an abortion was not procured. The Li family resisted. They were forced to choose between their citizenship and the life of their unborn child. They chose life.

The failure of the Immigration and Naturalization Service (INS) to grant political asylum in such cases is appalling and required the intervention of the Justice De-

partment to right this wrong. Even those who support the right to choose abortion would surely find the Chinese policy abhorrent. Those who claim such a policy does not exist in China are simply misinformed.

No person should be forced into abortion or sterilization. The Chinese policy violates basic human dignity and human rights. The United States must stand up for these principles, as we did for the Li family.

We applaud your efforts and pray that the United States Senate will step in to protect these basic human rights. God bless you.

Sincerely,

DOUGLAS R. SCOTT,
Director of Public Policy.

Mr. ARMSTRONG. I also ask unanimous consent that the Senator from Florida [Mr. MACK], be added as a cosponsor. With that, I yield the floor. I think the Senator from Wyoming [Mr. SIMPSON] is now prepared to discuss this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wyoming is recognized.

Mr. SIMPSON. Mr. President, I thank Senator ARMSTRONG. He has been very accommodating. He spoke last night on this amendment, and there was no one speaking on the other side of the amendment, and he was very gracious in allowing us to go forward this morning with it. Our staffs have worked closely, and Senator ARMSTRONG and I have something acceptable. The yeas and nays have or will be asked for on this amendment.

Let me share with you in very brief form, since no one had heard any side of this position. We have resolved it, but when it was originally circulated, the amendment would have stated that if a Chinese national establishes that he or she is escaping a forced abortion or sterilization, then the INS must grant that person refugee or asylum status. Of course, the amendment was drafted in response to recent denials of asylum applications from Chinese nationals who are apparently subject to forced abortion or sterilization, if they were to return to China. The Senator presented that illustration with some very graphic evidence, anecdotal evidence.

During the Reagan administration Attorney General Meese issued a directive requiring the INS to give "serious consideration" was the phrase, to asylum requests from these Chinese nationals who were refusing to succumb to these coercive birth control policies. The Meese memo said:

It may be appropriate to view such a refusal as an act of political defiance sufficient to establish refugee status.

However, the amendment as originally circulated by my good friend from Colorado went significantly beyond the boundaries of the Meese directive. Instead of just strongly suggesting or recommending applications for Chinese nationals in this situation be granted asylum or refugee status,

the amendment mandated that such status be granted, and that, of course, is a contradiction of the Refugee Act of 1980 which establishes the general standard for persecution which we all know so well, or well-founded fear of persecution based on race, religion, nationality, membership in a particular social group, or political opinion, but leaves the determination of whether such fear of persecution actually exists to the examiner in the individual case.

So, I do not know whether the objection to coercive birth control policies constitutes a well-founded fear of persecution based on political opinion in every single case, and the Attorney General did not know that either; thus the directive left that determination up to the individual asylum examiner. But this amendment had presumed political persecution in every case. I thought it was too broad. I have no difficulties with strongly encouraging the INS to review these cases sympathetically. I think they are very real. Nor do I have a problem with putting the Meese directive back in effect.

But to take it beyond that did not seem appropriate.

I wanted to say that Senator ARMSTRONG accommodated that. I am very pleased that he did that, and my concerns have been recognized. There will be a numerical limitation here. We will watch that closely.

The Attorney General has some authority to deny purely frivolous claims under this amendment.

I thank the Senator from Colorado. He is always very gracious, always very steady and patient, and each time I deal with him I regret that he will not be here next session. That is the sad part of it. I do not know where he is going, but I wish he would not go. But he is going to go anyway.

Thank you very much, Mr. President, and thanks particularly to the lovely friend from the State of Colorado [Mr. ARMSTRONG].

Mr. ARMSTRONG. Mr. President, if the Senator will yield to me, I would like to express my appreciation to him for his helpfulness on this matter. The fact of the matter is that whenever you encounter a situation like this, you can count on the Senator from Wyoming for a constructive role, and it is never more clearly illustrated than in the way he has approached this.

The amendment which has not actually been sent to the desk, but which I will send in a moment and ask that my amendment be modified, is along the lines which he has suggested.

His participation and that of his staff has been very, very helpful.

I do want to make one point to make sure there is not any misunderstanding.

I think the Senator is correct in suggesting that my amendment, as I pre-

sented it last night, went well beyond the Meese guidelines, the Department of Justice guidelines as they previously existed, and I think he is correct in saying that the modification which we will jointly propose scales that back somewhat. But I do want to be sure that we are on a common wavelength here.

As I understand what we have, it would create a definition of asylum status, but the person requesting that status would have to prove the fact. In other words, once the facts were proven, that would entitle them to a legal definition, but it would be up to them to prove, that in fact, they were in fear of a forced abortion if they were required to return to China.

So with the word of explanation and my sincere appreciation, I do send a modification to the desk and ask that it be incorporated into my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

At the end of the bill add the following new section:

"SEC. . CHINESE FLEEING COERCIVE POPULATION CONTROL POLICIES.

"(a) Pursuant to paragraph (42)(A) of section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(42)(A)), all adjudicators of asylum or refugee status shall give fullest possible consideration to applications from

"nationals of the People's Republic of China who express a fear of persecution upon return to that country because they refuse to abort a pregnancy or resist surgical sterilization in violation of Chinese Communist Party directives on population. If such refusal is undertaken with full awareness of the urgent priority assigned to such directives by all levels of the Chinese government, and full awareness of the severe consequences which may be imposed for violation of such directives."

"(b) In view of the urgent priority assigned to the 'one couple, one child' policy by high level Chinese Communist Party officials and local party cadres at all levels, as well as the severe consequences commonly imposed for violations of that policy, which are regarded as 'political dissent,' refusal to abort or to be sterilized, as described in subsection (a) of this section, shall be viewed as an act of political defiance justifying a 'well-founded fear of persecution' sufficient to establish refugee status under paragraph (42)(A) of section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(42)(A)).

"(c) All other factors which may contribute to a determination of asylum or refugee status in such cases are to be given additional weight by asylum and refugee adjudicators, such factors including, but not limited to, overt political activities while in the United States or third countries, membership in an ethnic or religious minority, family background and history, or suspicion of 'counterrevolutionary' activities by Chinese Communist Party officials.

"(d) Nothing in this section shall be construed to necessitate a grant of asylum or refugee status to any individual who is ineligible for admission to the United States

under section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)).

"(e) The Secretary of State and the Attorney General shall, within 30 days of enactment of this section, promulgate regulations and guidelines to carry out the provisions of this section."

"(f) Nothing in this section shall be construed as—

"(1) Shifting the burden of proving, in each individual case, facts sufficient to establish a claim of asylum or refugee status as described in subsection (a) of this section, from any person making such claim of asylum or refugee status to the Attorney General; or

"(2) Requiring the Attorney General to disprove such claim in the absence of proof of facts sufficient to establish a claim of refugee or asylum status as described in subsection (a) of this section by any person making such claim."

"(g) The number of persons receiving political asylum status solely because of the provisions of this section shall not exceed 1,000 in any fiscal year."

"(h) The Attorney General shall not be obligated to grant political asylum to any person claiming to qualify under subsection (a) if the Attorney General proves by clear and convincing evidence that such person has claimed such status solely for the purposes of evading the immigration laws of the United States."

"(i) The provisions of this section shall take effect on the date of enactment of this Act, and notwithstanding the provisions of subsection (e) of this section or any other provision of law, all adjudicators of asylum or refugee status shall apply the provisions of this section to every case, administrative or judicial proceeding, or appeal that is pending on the date of enactment of this Act, and to any claim that arises on or after such date of enactment."

Mr. SIMPSON. Mr. President, I would say that what the Senator from Colorado just said is absolutely correct in the interpretation of the amendment just presented at the desk.

Mr. ARMSTRONG. I thank my friend.

Unless there is something else, I thank all of those who helped smooth this up. It is an important amendment. It does not involve in the greater scheme of things a huge number of people, but for those whose lives are directly affected and whose lives may be saved, it is an important issue.

With that, Mr. President, I am ready to yield back time and either go to a vote or defer it as the managers think best.

I do yield back my time.

Mr. DeCONCINI. Mr. President, I am pleased to rise today in support of legislation which would give the fullest possible consideration to asylum applications from Chinese nationals who express a fear of persecution because of that country's one couple, one child family planning policy.

Under China's coercive birth control policy, a Chinese family is restricted to having only one child. If a woman becomes pregnant with a second child, she is forced to undergo an abortion—even in the final months of pregnancy. Harsh penalties await those who act

with their conscience and refuse to abort a child's life. Workers are fired and funds for the family are cut off by the Government. The entire family, including the first born child, is penalized. And in a few horrible cases, newborn infanticide has occurred.

Now, Chinese birth control officials wish to enforce the one-child policy beyond their own borders and threaten Chinese citizens living under the protection of American laws. The Washington Post writes of a Chinese couple living and studying in my home State of Arizona. Daily these two were deluged with letters from the Chinese Government demanding that they abort their second child.

These threats came in many contexts. Not only was pressure exerted in the form of harassing letters, but friends and family at home in China were physically threatened as well. Happily in this case, a healthy baby girl was born.

Unfortunately, now her proud parents face deportation proceedings. We can easily predict what sort of treatment this family will face if they are forced to return to China. It is almost certain that they will not be able to find meaningful work. The children, if indeed the second child is allowed to live, will be penalized. They will not receive the same educational opportunities as other Chinese children. They will not receive the same employment opportunities. The second child will no doubt be stigmatized through her whole life.

Mr. President, our country has fought long for basic human rights the world over. I strongly believe that the United States now has the obligation and responsibility to bring whatever pressure on China that we can to change this policy. We should make this issue one of the centerpieces of all of our relations and negotiations with the Chinese government. If, as I believe, we have an obligation to try to bring about change in this horrendous policy, we certainly have the duty not to return a family threatened with persecution because of this policy.

I urge my colleagues to swiftly pass this legislation.

Thank you.

The PRESIDING OFFICER. Is all time yielded back?

Mr. SIMPSON. Mr. President, I have no time to yield back, but I just say that I do appreciate it and it has enabled us to keep a tab on this. If we find it an egregious and continuing thing, we will deal with it on a regular basis, hopefully through the Subcommittee on Immigration and Refugee Policy, chaired by my friend from Massachusetts, rather than here.

Thank you very much.

The PRESIDING OFFICER. Does the Senator from Rhode Island yield back his time? The Senator from Rhode Island.

Mr. PELL. Mr. President, I suggest that we not vote on Senator Mack's resolution until we have considered the amendment of the Senator from West Virginia [Mr. ROCKEFELLER] and then do the vote after that.

The PRESIDING OFFICER. The pending question is the Armstrong amendment, as modified.

I understand that the Senator from Colorado has yielded back his time.

Does the Senator from Rhode Island yield back time on the Armstrong amendment?

Mr. PELL. I yield back my time.

The PRESIDING OFFICER. On the Armstrong amendment.

All time having been yielded back on the Armstrong amendment, as modified, the yeas and nays have been ordered.

The manager.

Mr. PELL. Mr. President, I would ask that the yeas and nays, the actual vote, occur after the disposal of the Mack amendment.

The PRESIDING OFFICER. Is there objection to the vote on the Armstrong amendment occurring after the vote on the Mack amendment? Hearing none, it is so ordered.

The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I thank the Chair and I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 335

(Purpose: Sense of the Senate that the Office of the United States Trade Representative shall have a representative in the American Embassy in Tokyo)

Mr. ROCKEFELLER. Mr. President, I send to the desk an amendment on behalf of myself and Senators DANFORTH, HELMS, MURKOWSKI, BYRD, PRYOR, BINGAMAN, WARNER, RIEGLE, DASCHLE, EXON, BAUCUS, MOYNIHAN, GLENN, HEINZ, and ROTH, and ask for its immediate consideration.

The PRESIDING OFFICER. The Clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. ROCKEFELLER], for himself, Mr. DANFORTH, Mr. HELMS, Mr. MURKOWSKI, Mr. BYRD, Mr. PRYOR, Mr. BINGAMAN, Mr. WARNER, Mr. RIEGLE, Mr. DASCHLE, Mr. EXON, Mr. BAUCUS, Mr. MOYNIHAN, Mr. GLENN, Mr. HEINZ, and Mr. ROTH, proposes an amendment numbered 335.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, add the following new section:

SEC. . SENSE OF THE SENATE THAT THE OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE SHALL HAVE A REPRESENTATIVE IN THE AMERICAN EMBASSY IN TOKYO.

Whereas the United States global merchandise trade deficit for May was \$10.2 billion, \$2.0 billion more than in April, and, annualizing the deficit figure for the January-May period indicates a 1989 deficit of \$111 billion;

Whereas the U.S. merchandise trade deficit with Japan for May was \$4.3 billion, \$400 million more than in April, and, annualizing the deficit figure for the January-May period indicates a 1989 deficit of \$49 billion;

Whereas Japan accounts for over 40 percent of the United States global merchandise trade deficit so far this year;

Whereas Japan has been designated as a priority country under the so-called Super 301 provisions of the Omnibus Trade and Competitiveness Act of 1988, and three priority practices in Japan have been designated under that Act;

Whereas an initiative has been instituted with Japan to examine a broad array of structural impediments to trade, and the United States side will be cochaired by the Department of State, the Department of the Treasury, and the United States Trade Representative;

Whereas there are representatives assigned to the American Embassy in Japan from the Departments of State, Treasury, Commerce, and Agriculture, but not from the Office of the United States Trade Representative;

Whereas the United States Trade Representative is integral to trade policy formulation, trade policy implementation, and trade negotiations with Japan, but does not have a representative assigned to the American Embassy in Japan; and

It is the Sense of the Senate that the Office of the United States Trade Representative shall have a representative in the American Embassy in Tokyo.

Mr. ROCKEFELLER. Mr. President, in short, this amendment which has been agreed to by both sides, is a sense-of-the-Senate resolution that the U.S. Trade Representative should have a representative assigned in fact to our American Embassy in Tokyo.

I am concerned that of all the major agencies in our Government responsible for trade issues with Japan, only the United States Trade Representative does not have a representative in the American Embassy in Tokyo. We have people from the Departments of State, Commerce, Treasury, and Agriculture in Tokyo, but no one from USTR.

Japan, as the Presiding Officer well knows, represents 40 percent of our global trade deficit thus far in 1989. We are likely to have a global trade deficit this year of over \$110 billion, and \$50 billion of that will probably be with Japan. We have a broad web of ongoing trade negotiations with Japan, dealing with semiconductors, patent protection, construction, and many other issues. Japan has just been designated as a priority country under the Super 301 provisions of the 1984 Trade Act, and negotiations are beginning on supercomputers, satellites, and wood products. We have just

initiated a 1-year dialog on structural impediments in doing trade with Japan. The group carrying out these structural discussions is led jointly by the Departments of State and Treasury and the U.S. Trade Representative.

The point I am making is that we have great intensity at this point in our negotiations with Japan with respect to trade and in fact we always have great intensity in those negotiations with Japan. But USTR, Mr. President, is one of the central agencies, perhaps the central agency other than the Presidency responsible for bilateral trade policy issues and it is the only one with any representative in Tokyo. I think that USTR does a good job, but I think they could do a much better job.

High-technology communications are better than ever, but there is still no substitute, especially in Japan, for the development of one-on-one personal relationships. That is called preface.

We cannot afford to have USTR's capabilities limited by their inability to assign their people to the Embassy in Tokyo. My amendment simply expresses the sense of the Senate that this error should be corrected.

Mr. President, in April I wrote Secretary Baker and asked his view about putting a USTR representative in Japan. The response from the State Department was that if USTR asked to assign someone to the Embassy in Tokyo, Ambassador Armacost, our first-rate ambassador over there as chief of mission, would make the decision. In his confirmation hearing before the Senate Foreign Relations Committee, Ambassador Armacost was asked precisely that question, and he indicated that he would give it serious consideration.

I ask unanimous consent that my letter to Secretary Baker and the State Department response be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, April 13, 1989.

Hon. JAMES BAKER,
Secretary of State,
Washington, DC.

DEAR MR. SECRETARY: I am seriously concerned about the resources U.S. government agencies are putting into the trade and economic problems we have with Japan. I, frankly, feel these efforts are woefully inadequate.

I understand that in recent years there has been little growth in the number of people in the American Embassy in Tokyo involved with trade, commercial and economic policy matters. During this period, the economic and commercial sections in our embassies located in the capitals of other major trading partners seem to have grown at a significantly faster rate than in Tokyo.

I know it may be hard to put this information together, Jim, but I would appreciate a

report on the number of Americans and Foreign Service Nationals working in the Economic Section, Commercial Section, Financial Attache's Office, Agricultural Section, and Trade Center in Tokyo, London, Paris, Mexico City, Ottawa, and Rome at the end of 1980 and 1988. I would like this report to include both the number of authorized positions and the number of positions actually filled.

As you know, there is no USTR representative in Japan. If they should request approval to put someone in the embassy in Tokyo, I wonder how the State Department would respond?

Sincerely,

JOHN D. ROCKEFELLER IV.

U.S. DEPARTMENT OF STATE,
Washington, DC.

Hon. JOHN D. ROCKEFELLER IV.,
U.S. Senate.

DEAR SENATOR ROCKEFELLER: The Secretary has asked that I respond to your letter of April 13 regarding U.S. government resources devoted to trade and economic issues with Japan. It will take time to assemble the data you have requested on changes in staffing between 1980 and 1988 at our Embassy in Tokyo and the other countries listed. We will forward the report to you as expeditiously as possible.

You also inquired how we would handle a USTR request for a position in the embassy in Tokyo. In accordance with standard procedures, such a request would be referred to Ambassador Armacost for decision as Chief of Mission. The President has assigned to Chiefs of Mission, not to the Department of State, the responsibility for deciding the size, composition, and mandate of all elements under their authority. The Ambassador would make a decision after a review of all relevant factors.

Should you require additional information, please let me know.

Sincerely,

JANET G. MULLINS,
Assistant Secretary,
Legislative Affairs.

Mr. ROCKEFELLER. I urge my colleague to support this amendment. Mr. President, I have no further remarks to make. I suggest that this has been cleared on both sides and I hope that it will be accepted.

The PRESIDING OFFICER. Who yields time?

Mr. PELL. Mr. President, it is my understanding that this amendment has been cleared on both the Democratic and Republican sides. I am prepared to recommend to my colleagues to support it.

The PRESIDING OFFICER. Who yields time?

Mr. MACK. Mr. President, I have a parliamentary inquiry as to the status of whether I have requested a recorded vote on my amendment. What is the pending business?

The PRESIDING OFFICER. The pending business is the amendment of the Senator from West Virginia. We have not yet adopted that amendment.

Mr. MACK. Mr. President, the purpose for my rising is to ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time?

Do all Senators yield back their time on the Rockefeller amendment?

Mr. PELL. I yield back my time.

Mr. ROCKEFELLER. I yield back my time.

The PRESIDING OFFICER. All time having been yielded back, the question occurs on agreeing to the amendment of the Senator from West Virginia [Mr. ROCKEFELLER].

The amendment (No. 335) was agreed to.

Mr. ROCKEFELLER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROCKEFELLER. Mr. President, I also wish to thank the junior Senator from Florida [Mr. MACK] because it was really his time that I took. I apologize to him and I appreciate his accommodation.

I thank the Chair.

Mr. PELL. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time for the quorum call be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FOWLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FOWLER. Mr. President, I yield to my colleague from Florida.

AMENDMENT NO. 333

Mr. MACK. Mr. President, the purpose of my rising is just to clarify the status of my amendment. What is the pending business?

The PRESIDING OFFICER. The pending business is the amendment of the Senator from Florida. There is time remaining on that amendment. The Senator from Florida has 4 minutes and the Senator from Rhode Island has 7 minutes.

Mr. FOWLER. Mr. President, I ask unanimous consent to speak for 5 minutes as if in morning business for the purposes of introducing legislation.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

(The remarks of Mr. FOWLER pertaining to the introduction of S. 1361 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. PELL. Mr. President, I suggest the absence of a quorum, with the time to be equally divided.

The PRESIDING OFFICER (Mr. KOHL). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask unanimous consent to speak as in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. I thank the Chair.

(The remarks of Mr. HARKIN pertaining to the introduction of S. 1362 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. PELL. Mr. President, I am prepared to yield the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from Florida.

Mr. PELL. Mr. President, I move to table the amendment offered by the Senator from Florida.

Mr. MACK. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. There being no further debate, the question is on agreeing to the motion of the Senator from Rhode Island to table the amendment of the Senator from Florida. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from North Carolina [Mr. SANFORD] is necessarily absent.

I also announce that the Senator from Hawaii [Mr. MATSUNAGA] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Utah [Mr. GARN], the Senator from Texas [Mr. GRAMM], and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

The result was announced—yeas 13, nays 82, as follows:

[Rollcall Vote No. 129 Leg.]

YEAS—13

Boschwitz	Kennedy	Pell
Chafee	Kerrey	Rudman
Hatfield	Lugar	Simon
Jeffords	Metzenbaum	
Kassebaum	Moynihan	

NAYS—82

Adams	Bumpers	Daschle
Armstrong	Burdick	DeConcini
Baucus	Burns	Dixon
Bentsen	Byrd	Dodd
Biden	Coats	Dole
Bingaman	Cochran	Domenici
Bond	Cohen	Durenberger
Boren	Conrad	Exon
Bradley	Cranston	Ford
Breaux	D'Amato	Fowler
Bryan	Danforth	Glenn

Gore
Gorton
Graham
Grassley
Harkin
Hatch
Heflin
Heinz
Helms
Hollings
Humphrey
Inouye
Johnston
Kasten
Kerry
Kohl
Lautenberg

Leahy
Levin
Lieberman
Lott
Mack
McCain
McClure
McConnell
Mikulski
Mitchell
Murkowski
Nickles
Nunn
Packwood
Pressler
Pryor
Reid

Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simpson
Specter
Stevens
Symms
Thurmond
Warner
Wilson
Wirth

NOT VOTING—5

Garn	Matsunaga	Wallop
Gramm	Sanford	

So the motion to lay on the table amendment No. 333 was rejected.

Mr. HELMS. I move to reconsider the vote by which the motion was rejected.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 333

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Florida.

On this question, the yeas and nays have been ordered.

Mr. MACK. Mr. President, I ask unanimous consent that the yeas and nays be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from Florida.

The amendment (No. 333) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 324, AS MODIFIED

The PRESIDING OFFICER. The question is on agreeing to the amendment as modified, of the Senator from Colorado. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. CRANSTON. I announce that the Senator from New Jersey [Mr. LAUTENBERG] and the Senator from North Carolina [Mr. SANFORD] are necessarily absent.

I also announce that the Senator from Hawaii [Mr. MATSUNAGA] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Utah [Mr. GARN] and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

I further announce that, if present and voting, the Senator from Wyoming [Mr. WALLOP] would vote "yea."

The PRESIDING OFFICER (Mr. CONRAD). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 130 Leg.]

YEAS—95

Adams	Ford	McClure
Armstrong	Fowler	McConnell
Baucus	Glenn	Metzenbaum
Bentsen	Gore	Mikulski
Biden	Gorton	Mitchell
Bingaman	Graham	Moynihan
Bond	Gramm	Murkowski
Boren	Grassley	Nickles
Boschwitz	Harkin	Nunn
Bradley	Hatch	Packwood
Breaux	Hatfield	Pell
Bryan	Hefflin	Pressler
Bumpers	Heinz	Pryor
Burdick	Helms	Reid
Burns	Hollings	Riegle
Byrd	Humphrey	Robb
Chafee	Inouye	Rockefeller
Coats	Jeffords	Roth
Cochran	Johnston	Rudman
Cohen	Kassebaum	Sarbanes
Conrad	Kasten	Sasser
Cranston	Kennedy	Shelby
D'Amato	Kerrey	Simon
Danforth	Kerry	Simpson
Daschle	Kohl	Specter
DeConcini	Leahy	Stevens
Dixon	Levin	Symms
Dodd	Lieberman	Thurmond
Dole	Lott	Warner
Domenici	Lugar	Wilson
Durenberger	Mack	Wirth
Exon	McCain	

NAYS—0

NOT VOTING—5

Garn	Matsunaga	Wallop
Lautenberg	Sanford	

So the amendment (No. 324), as modified, was agreed to.

AMENDMENT NO. 270 TO AMENDMENT NO. 269

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, what is the pending business, please, for the record?

The PRESIDING OFFICER. The pending business is the Grassley second-degree amendment to the Helms amendment. Those are amendments No. 270 and 269.

Mr. HELMS. I thank the Chair.

Mr. President, the distinguished Senator from Pennsylvania [Mr. SPECTER] has duties elsewhere shortly. I want to yield to him if I may so he can make his remarks about the amendment and proceed to his meeting.

I yield to the Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank the distinguished Senator from North Carolina for yielding.

Mr. President, I believe that it is important for this body, for the Congress, to express itself forcefully on the subject of negotiations between the United States through our State Department and the PLO. This is a matter of some complexity and I know that there have been extensive discussions between the executive branch and Members of this body on this issue.

It may be that there should be some modification to the amendment which

is currently being proposed by the distinguished Senator from North Carolina, and I reserve my own judgment on that until I see precisely what others have to say on this subject on the precise language to be employed.

I have grave reservations about the negotiations between the United States and the PLO and the consequences of those negotiations. I believe that the distinguished Senator from North Carolina and the cosponsors are performing a useful service in bringing this issue to the Senate floor to focus our attention on it and to see if others have any modifications which could conceivably be acceptable.

Mr. President, the current status of events where we are negotiating with known terrorists is highly questionable, if not totally undesirable. When the PLO allegedly accepted the long-standing conditions articulated by the State Department some 13 months ago and committed to renounce terrorism, that has in fact not been done.

There is a long list of terrorist activity which the PLO has committed. This list will be introduced by the distinguished Senator from North Carolina.

I might ask the distinguished Senator from North Carolina if he intends to introduce the list. It is a list which he made available at a meeting with the President and a group of Senators and members of the executive branch.

Does the Senator intend to make this available, or perhaps I might include it in the RECORD at this time?

Mr. HELMS. I had intended to, but I would be glad for the Senator to do so.

Mr. SPECTER. If it is acceptable to Senator HELMS, I ask unanimous consent that this list of PLO terrorist incidents since the Geneva announcement by Arafat be printed in the RECORD at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PLO TERRORIST INCIDENTS SINCE GENEVA ANNOUNCEMENT BY ARAFAT

In Geneva, on December 14, 1988, Yasser Arafat announced to the United Nations General Assembly "that we totally and absolutely renounce all forms of terrorism . . ."

Following is a list of fourteen attempted terrorist attacks against Israeli targets by Arafat-aligned factions which took place after December 14, 1988:

Group	Date	Source	Event
Popular Struggle Front.	Dec. 28, 1988	UPI	Small boat attempted to attack Israeli by sea.
Palestine Liberation Front.	.....do	UPI	Three armed men attempted to infiltrate into Israel from the northern border.
PFLP	Jan. 24, 1989	AFP	PFLP claimed that it killed members of an Israeli patrol in Southern Lebanon.
PFLP, PLF	Feb. 7, 1989	WP	Nine armed terrorists attempted to infiltrate into Israel.

Group	Date	Source	Event
DFLP	Feb. 23, 1989	UPI	Three armed men attempted to attack targets in Israel. All were killed.
PFLP	Feb. 27, 1989	Reuters	PFLP claimed that it ambushed Southern Lebanese truck, killing all within.
DFLP	Mar. 3, 1989	WP	Four men attempted to attack Jewish settlement.
PLF-Yacub	Mar. 14, 1989	WP	Three men attempted to attack kibbutz.
PLF-Yacub	Mar. 20, 1989	JP	Terrorists killed Israeli soldier after crossing in from Jordan.
PFLP	Mar. 31, 1989	JDS	PFLP failed to attack soldiers in Southern Lebanon.
PSF	Apr. 9, 1989	BVL-Radio	Four men attempt to infiltrate by sea.
Palestine Communist Party	Apr. 9, 1989	Al-Quds	Claimed attack on Israelis and soldiers from SLA.
PFLP, PFL-Yacub	May 29, 1989	JP	Rocket attack injured baby. Armed men attempt to attack Israeli town.
DFLP	June 5, 1989	WP	Armed men attempt to attack kibbutz. They killed Arab scout of Israeli Army.

Mr. SPECTER. Mr. President, I might amplify these comments to note that this was made available directly to the President and to the Secretary of State and the national security counselor and to a group of Senators who met with the President, I believe, on the last Friday before recess. I believe it was June 23.

Mr. President, the concern that this Senator has was brought forcefully home when I met with Mayor Freij of Bethlehem on Saturday, January 15, when we were discussing the problems in the West Bank and in Gaza the administered territories. Mayor Freij had made a suggestion for the cessation of terrorist activities and the uprising and a withdrawal of the Israeli military, and no sooner had Mayor Freij made that suggestion than Yasser Arafat on the radio made a threat to put 10 bullets into the body presumably of Mayor Freij.

Yasser Arafat later denied that he had made the statement. But the United States Ambassador in Jordan had a transcript of that statement which he advised me about personally so that even in the face of Arafat's statement about putting bullets into the body presumably of Mayor Freij because the time sequence made it plain that that is what Yasser Arafat was talking about, Arafat still denied it.

I discussed that with Mayor Freij and he then withdrew his proposal after the Arafat threat and he was very circumspect in what he had to say about the matter, but there was no doubt in my mind that Mayor Freij had been shaken by what Arafat had had to say and that in fact had led Mayor Freij to withdraw his peace proposal.

Mr. President, there are many in the Palestinian groups who would be appropriate negotiators to deal with

Israel, the United States, and any other Arab nations who sought to be a party to the discussions if it were not for PLO threats which were immediately evidenced when someone like Mayor Freij steps forward to make a constructive proposal. What is happening is that the PLO has shot its way into the bargaining table because other potential Palestinian representatives are unwilling to step forward in the face of such threats.

When Secretary of State Baker appeared before the Senate Foreign Operations Subcommittee several months ago, I questioned him about his statement on negotiating with the PLO if other Palestinian representatives did not emerge and suggested to him that it was an open invitation to the PLO to terrorize other potential Palestinian representatives and really to drive out any other such representation. So in effect the PLO is shooting its way into the bargaining table by discouraging and dissuading any other potential Palestinian representatives from coming forward.

That is why I question the current policies of dealing with the PLO.

Mr. President, the terrorist activity that goes back to March 2, 1973, involving the murder of the U.S. Ambassador and our charge was, is, and will always be an extraordinary shocking event. On March 2, 1973, according to the information provided to me, members of the Black September Organization terrorist group under the direction of Abu Iyad who was currently Yasser Arafat's chief lieutenant in Tunis for the dialog with U.S. Ambassador Pelletreau, executed in cold blood Ambassador Cleo Noel and his deputy George Moore.

Again, according to this information, Ambassador Noel's last request to speak to his wife was rejected. The Ambassador, DCM Moore and the Belgium Charge were marched into the basement of the Saudi Embassy and machinegunned to death. The terrorists were initially arrested but eventually released and to this day those terrorists are free.

Now, the information on those murders, those assassinations, I believe to be reliable. If anybody has any contradictory information which disputes those statements of fact—I think they are more than allegations—this Senator would be very interested to see if anybody can deny those facts. But on the record as I know it, it seems to me highly questionable, if not totally improper, to deal with people who have been a party to such transactions, to such heinous criminal conduct.

This Senator fully understands the difficulty of the negotiations in the Mideast but in the arrangement to deal with the PLO and to allow the PLO to discourage other Palestinian representatives from coming forth, we, simply stated, enable the PLO to

shoot their way into the bargaining table, which is highly, highly undesirable. So it is my sense that a limitation on negotiations with the PLO is to be seriously considered. As I said at the onset, I would be interested to see what other modifications someone may have to what the distinguished Senator from North Carolina has presented, but, for the reasons I have set forth, I believe that the thrust of the Senator's amendment is a very good one.

I thank the Chair and I thank my colleague, Senator HELMS, for yielding to me.

Mr. HELMS. I thank the distinguished Senator from Pennsylvania for his comments. His understanding of the implications of all of this is very unique. He has stated them eloquently, and I want him to know that I appreciate his comments. I wish him well as he proceeds to his next assignment.

Mr. President, let me review the situation that existed beginning this past Friday and take it up to this moment. This past Friday, the Senate was in session and conducted one rollcall vote. As I recall the announcement was then made that there would be no further rollcall votes on Friday nor would there be any on Monday. Senators then departed as we always do under such circumstances.

It was Friday morning that I offered the underlying amendment, which is now pending, to which the distinguished Senator from Iowa [Mr. GRASSLEY] attached a second-degree amendment of essentially the same language. I will be honest about it. I wanted the amendment to be second degree so that further amendments would be cut off. At that time, we did not request the yeas and nays on the Grassley amendment because I wanted to give the administration ample indeed, every opportunity to work out something in terms of the language. Because at that time, as the distinguished Presiding Officer knows, the President of the United States was out of the country, and I did not think it was fair to proceed with a matter of this importance while he was gone, and so I did not.

It was not until this morning that I asked for the yeas and nays on the second-degree amendment which was offered this past Friday by Senator GRASSLEY.

Since Friday, I have had so many telephone calls: I was called from Air Force One as the President flew back to the United States. The President then called from the White House upon his arrival. Governor Sununu and I have talked four or five times on the telephone, and he was cordial enough to come up here and meet with me in the Vice President's ceremonial office. We attempted to work out language that was acceptable to both sides. All I asked for was some

language that will do the job. And the Governor came back with language approved by somebody down at the White House that had so many loopholes in it that two Mack trucks could have gone through it abreast. Mr. President, John Sununu is my friend. We worked in good faith because I admire John Sununu. He was a great Governor and is a great Chief of Staff for the President of the United States, who is a friend to all of us. So there is nothing personal about this thing. I just happen to have an enormous objection to dealing with people—terrorists—who have killed, injured, or kidnapped American citizens.

Now, the distinguished Senator from Pennsylvania [Mr. SPECTER] has just put in the RECORD, at my suggestion, a table that lists 100 Americans victimized by PLO terrorist attacks. This happens to be exactly the table that I handed to President Bush 2 or 3 weeks ago when several Senators, myself included, went to the White House to discuss a wide range of issues. I said, "Mr. President, I want you to look at this." And he looked at it and said, "Well, I want to see it. Thank you very much." And he put it into his pocket.

I go into this detail not because I think Senators would be interested in it, but because I want it a matter of record that we have done everything that we know how to work out a compromise. But the administration and the State Department really do not want a compromise—except on their terms. They want a provision that is meaningless, that will have no effect except to advertise to the world that we are not serious about fighting terrorism.

That is what failure to approve the Helms-Grassley amendment will say. It will say to the world: "We make big speeches and we beat our breast about terrorism, but when push comes to shove, we are not going to do anything."

The message that we need to send to the PLO is that we will deal with any of you who have not participated in the murder or the injury or the kidnapping of American citizens, but we will not deal with anybody who has.

Unfortunately, Mr. President, the State Department is already dealing with Abu Iyad, who is the No. 2 man behind Arafat and who is up to his armpits in all kinds of slaughter and terrorism. I do not know about other Senators, but my conscience will not let me approve of my Government associating with, let alone negotiating, with people like Abu Iyad.

Shortly after the State Department decided to negotiate with the PLO, my staff and I began to research and compile a list of all the American citizens who have reportedly been killed, injured, and otherwise victimized by PLO terrorism. We came up with a list

of 40 Americans killed and about 60 others victimized by PLO terrorism, and there are probably more. This is just our research Mr. President, we do not want our computers loaded down with information about it, and to be frank about it, it was difficult information to obtain.

But these people we are dealing with right now have killed 40 Americans and we presume to say: "Oh, well, we are against terrorism—except." I do not buy that. Forty American families, at a minimum, are grieving this day because of terrorism by the PLO.

I do not say that the State Department is callous enough to forget these 40 Americans. They just have their own agenda. They have always had their own agenda. They can give you 40 excuses for everything they want to do, and 115 excuses for everything they do not want to do.

When you start dealing with the State Department bureaucracy, it is like having a little glob of mercury on a saucer. You try to pick it up. It is same way in dealing with those bureaucrats down in Foggy Bottom. They have their own agenda. And nobody else matters. Unfortunately, this persists through administration after administration. It does not matter who is the President or who is the Secretary of State. We have this built-in bureaucracy, and regardless of who the President is, it makes the judgments. I fear that this bureaucracy has a callous disregard for the lives of Americans. That is why this amendment is pending today.

But let us talk about these heinous crimes to which I have alluded and to which the distinguished Senator from Pennsylvania, Senator SPECTER, described in some detail.

I wish Senators could read Edward F. Micklus' book, "Transnational Terrorism." It tells in detail about the assassination of a U.S. Ambassador by the very folks within the PLO with whom we are currently dealing.

Let us go back to March 1, 1973. Black September terrorists seized the Saudi Arabian Embassy in Khartoum, Sudan. Black September is an organization that was created by none other than Mr. Abu Iyad, the very gentleman that the State Department wants to negotiate with and confer with to decide what to do about the Middle East and Israel.

On March 1, 1973, the Saudi Embassy was holding a farewell party for George Moore, the Deputy Chief of Mission of the United States Embassy. Mr. Moore was from Ohio. And, had he not been assassinated by Abu Iyad's thugs, he would have been a constituent of my good friends from Ohio, Mr. METZENBAUM and JOHN GLENN. I am not sure whether the widow and two young daughters that Mr. Moore left behind are still constituents of the Senators from Ohio. Perhaps they are.

Perhaps they are not. Maybe one or both of the Senators from Ohio knows.

In any case, Mr. Moore was a dedicated career Foreign Service officer, specializing in Arab affairs. He had served in World War II, and had spent most of his career working toward bettering relations between the United States and Arab countries. He also had been the recipient of one of the highest honors that can be given to Foreign Service officers.

At 7 p.m. on the night of Mr. Moore's "farewell party," a truck crashed through the front gates of the Embassy, and six or seven terrorist burst into the building spraying machinegun fire. "[S]ome guests escaped by jumping over the Embassy wall. Others hid and fled. * * * Gleo Noel, and George Moore, the Ambassador of the United States of America, and his deputy, were bound with ropes, punched and kicked. * * * They were tortured.

The terrorists made their demands. They wanted the release of other terrorists in jails. They also demanded the release of Sirhan Sirhan, the murderer of Senator Robert F. Kennedy.

They are nice people we are dealing with, Mr. President. That is all they wanted.

Their demands of course were not being met. At that time, the Government of the United States had a firm policy of not acceding to the demands of terrorists.

We know what happened that fateful night—and we know that Abu Iyad was one of those managing this operation—because members of Israeli intelligence managed to monitor the ultrahigh-frequency shortwave that the terrorists were using to keep in touch with their leaders at headquarters. That intelligence was furnished to our Government, so we cannot pretend we do not know that.

The terrorists received their orders from PLO headquarters. The code word for carrying out the assassination was "Cold River." The chief of intelligence for the PLO revealed to Newsweek in 1986 that it was Abu Iyad who issued the order: Kill those people.

At around 9:30 p.m. on March 2, the terrorists took to the basement of the Embassy, Cleo Noel, and George Moore, along with the Belgian Ambassador.

The terrorists told these gentleman to make out their wills. Then they forced Mr. Moore to draft a note to the Saudi Ambassador—who had thrown the party—saying, "I'm very sorry it has turned out this way, but I want you to know it is not your fault."

Then the terrorists, these people with whom we are going to negotiate, and who have been identified as the key to Mideast peace, those terrorists then lined up Ambassador Noel, Mr.

Moore and the Belgian Ambassador, and started shooting at their legs first; slowly working their way up. In all, over 40 shots were emptied into the victims. Nice folks; sit down with them and negotiate. They are key to peace in the Middle East—that is what we get from the State Department.

Mr. President, what happened to the terrorists responsible for this barbaric deed?

The Sudanese Government later sentenced six of the eight terrorists to life imprisonment. The sentence was soon cut down to 7 years. The day after sentencing, the terrorists were flown to Cairo, from where they were released, in 1974, to the custody of the PLO.

The man who helped plan this attack, the man who ordered the execution of our American diplomats, is now sitting across the table from State Department officials, being treated as a respectable diplomat.

This Senator says: Shame! Shame!

I am about finished, Mr. President. I think the Chair can detect that I feel very strongly about this amendment. But the issue here is terrorism, clear and simple, and whether the United States will in fact negotiate with terrorists who have killed American citizens.

A little later on, as I understand it, there is going to be a motion to table either my underlying amendment or the second-degree amendment of the Senator from Iowa [Mr. GRASSLEY].

The Senate will be able to say how they feel about this important issue. By their vote Senators will be making a judgment as to whether the foreign policy of the United States of America should be based on principles which we all respect and which deserve to survive, in my judgment, or whether it will be based on expediency.

Mr. President, as I conclude, I ask unanimous consent that the Newsweek article referring to Abu Iyad, and the attack on our Ambassador be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Newsweek, May 12, 1986]

NEW CHARGES IN AN OLD CASE

(By Lucy Howard)

Now that the Justice Department has decided against trying to persecute Yasir Arafat for the murder of two U.S. diplomats in Sudan 13 years ago, a former top aide to the Palestine Liberation Organization leader has tied his onetime boss more closely than ever to the killings. Abu Zaim, until recently PLO director of intelligence and deputy chief of staff, told Newsweek's Ray Wilkinson that Arafat's senior aide, Abu Iyad, "personally ordered the execution of the American diplomats" and that Arafat himself was "probably personally involved." Zaim has publicly denounced Arafat and called for a clean sweep of the PLO leadership, but he is considered a credible source.

Mr. HELMS. I thank the Chair and I yield the floor.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, no Member of the U.S. Senate condones terrorism. No Senator supports terrorists. Each of the 100 Senators condemns terrorism and terrorists. That is not the issue before the Senate. There are, rather, two issues which the Senate will shortly be called upon to decide.

The first is whether there will be a continuing effort to achieve peace in the Middle East and, second, whether the President of the United States is to be permitted to conduct the foreign policy of the United States. Adoption of this amendment will, frankly, set back the search for peace in the Middle East. Adoption of this amendment will end the United States dialog with the PLO. That dialog is essential to the United States efforts to encourage discussions between Israelis and Palestinians in the West Bank and Gaza, discussions intended to lead to a comprehensive and peaceful regional settlement.

The United States-PLO dialog is one means toward an end that I believe every Senator supports: A comprehensive peace in the Middle East.

This amendment will hinder efforts to achieve that peace. That goal is important to all of us, to all Americans, and especially to the people of Israel. A total breakdown of the peace process, an end to the Israeli election plan, will be disastrous for Israel. If we want to truly help Israel, we will not tie the President's hands in his search for a viable way to achieve peace in the Middle East.

This amendment raises extremely troubling questions about the Congress' ability to restrict the President's ability to conduct negotiations. It is improper and unwise for the Congress to attempt to restrict the President's prerogative to determine the course of U.S. negotiations.

Earlier this week, Mr. President, we heard debated an amendment in which that subject was raised often by the distinguished Senator from North Carolina. He urged rejection of an amendment on the grounds that it would hinder and intrude upon the President's prerogatives. Mr. President, and I say to my colleagues that the President of the United States, the Secretary of State, the President's National Security Adviser, and the President's Chief of Staff all strongly oppose the amendment. They consider the Helms amendment to be unconstitutional and an unwarranted intrusion upon the President's authority to conduct the foreign policy of the United States.

The President believes that adoption of this amendment would effectively terminate the current dialog and constitute a substantial setback for the Mideast peace process. Mr. President, I have before me and will read and then have printed in the RECORD a letter from the President addressed to me today on this subject demonstrating the depth of the President's concern over this amendment. The President wrote today:

DEAR SENATOR MITCHELL: I am writing to you now to register my strong opposition to an amendment being offered by Senator Helms to the State Department Authorization bill. As you know, this amendment would under certain circumstances prohibit the use of public funds for negotiations between the United States and representatives of the PLO.

My Administration is actively committed to advancing the Middle East Peace process. In May, the Israeli government adopted a serious proposal for elections and negotiations. The Administration wholeheartedly endorsed that proposal and has sought to bring about a positive Palestinian and Arab response. Indeed, the Government of Israel asked for our assistance in eliciting a positive Arab response.

What warrants my writing to you now is my strong view—one shared by the Secretary of State and the National Security Adviser—that this amendment would interfere significantly with, if not destroy, the ability of the United States to promote a viable peace process in the Middle East. After six months of careful preparation, we have arrived at a sensitive but promising diplomatic juncture. This is no time to take away from the executive a key tool of our diplomacy. Should this amendment become law, U.S. influence would be diminished and the prospects for peace significantly and possibly decisively undermined. The big losers would be Israel and ourselves. I am sure that you and your colleagues would not want to assume such a responsibility.

In addition, this amendment, if it were to become law, would constitute a substantial constraint on my ability to conduct the foreign relations of the United States. It is as a result wholly inconsistent with the Constitution, and would be an unwarranted and unacceptable intrusion by the legislative branch on the powers and responsibilities of the presidency.

I ask you to use your influence to see that this amendment is defeated. Its defeat is in the interests of all those who genuinely wish to contribute to Middle East peace.

Signed, George Bush, President of the United States, the White House, Washington.

Mr. President, I ask unanimous consent that a copy of this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, July 20, 1989.

HON. GEORGE J. MITCHELL,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR SENATOR MITCHELL: I am writing to you now to register my strong opposition to an amendment being offered by Senator Helms to the State Department Authorization bill. As you know, this amendment

would under certain circumstances prohibit the use of public funds for negotiations between the United States and representatives of the PLO.

My Administration is actively committed to advancing the Middle East Peace process. In May, the Israeli government adopted a serious proposal for elections and negotiations. The Administration wholeheartedly endorsed that proposal and has sought to bring about a positive Palestinian and Arab response. Indeed, the Government of Israel asked for our assistance in eliciting a positive Arab response.

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I ask you to use your influence to see that this amendment is defeated. Its defeat is in the interests of all those who genuinely wish to contribute to Middle East peace.

Sincerely,

GEORGE BUSH.

Mr. MITCHELL. Mr. President, the pending amendment is troubling not just because it would restrict the President's prerogatives, but because it would severely undermine long-term goals supported by the American people and backed by U.S. foreign policy. The dialog was contingent upon the PLO's acceptance of three longstanding American conditions, including the renunciation of terrorism in all its form.

As the administration notes, the dialog is used to help ensure that the PLO abides by its commitment. This amendment, which would undermine the dialog for the ostensible purpose of punishing terrorists, would actually deny the United States an important means of working to prevent terrorist acts.

This amendment is not acceptable because it would undermine, if not end, a possibly important means to advance the peace process. As the President has emphasized, the U.S. dialog with the PLO is not an end in itself. It is but one element of a larger American effort to fashion a workable peace process, but it is an important one. It is a means that we who care for the Middle East who want to see a peace-

ful settlement there cannot afford to discard.

Since May, the administration has been urging the PLO to accept a process allowing for elections and negotiations as proposed by the Israeli Government. Without the dialog, the United States loses an opportunity to press for progress. It would be a grave mistake to end that dialog.

Together with my distinguished colleagues, Senators DOLE, METZENBAUM, BOSCHWITZ, KERRY, PACKWOOD, and INOUE, I will move to table the Grassley amendment once full debate on it has been completed. We will then offer a compromise amendment to the Helms amendment which has been worked out in coordination and extensive consultation with the Secretary of State and other administration officials. Our amendment would prohibit funds for conduct of the current dialog with any PLO representative if the President knows and advises Congress that the representative directly participated in the planning or execution of a particular terrorist act resulting in the death or kidnapping of an American. The language says "If the President knows." It is my intention and expectation that that would include appropriate officials within the administration such as the Secretary of State and others designated by the President to be involved in this process.

Mr. President, if I may comment just briefly on one remark made by the Senator from North Carolina, he said, and I quote, "The State Department decided to negotiate with the PLO."

It was President Reagan who decided to negotiate to open the dialog with the PLO. He did so as a way to advance the peace process. If we are to criticize that decision, we are free to do so but we should face squarely the fact that this was a decision made by President Reagan and supported by President Bush.

We have had a lot of discussion here and will have much more about Presidential authority and efforts by the Congress to improperly and unconstitutionally restrict Presidential authority in foreign policy. Mr. President, of all the amendments I have seen, none represents a greater intrusion upon the President's authority than does this amendment. It tells the President who he can talk to. I believe that to be wholly unwarranted and inappropriate. I strongly urge my colleagues to join with me and Senator DOLE and the other Senators I have indicated to table the Grassley amendment at the appropriate time and to accept the substitute which Senator DOLE and I and others will offer.

Mr. President, I yield the floor.

Mr. DOLE. Mr. President, I join the distinguished majority leader in urging a vote to table this amendment.

We have worked long and hard to work out some language on this issue on which we all could agree. Regrettably that did not happen.

Ironically, I do not think there is much difference among us on the basic foreign policy issue of dealing with the PLO, or on whether or not we should be talking to out-and-out terrorists.

Everyone, or nearly everyone, agrees that it would not be in the interest of the United States to unilaterally and abruptly terminate the contacts we have undertaken with the PLO at this point. Everyone, or nearly everyone, agrees that it is not right for our representatives to be negotiating with out-and-out terrorists, with the blood of Americans on their hands.

I am confident the President agrees with those propositions. I certainly do. And I think every Senator I have dealt with on this issue over the past several days feels that way, too. So these are not the questions which led us to an impasse that we are trying to end with this tabling motion.

The problem is the strongly held view of the President and others in the administration that the pending amendment—whatever its intent—in practice would relegate the current dialog with the PLO to the trashcan. And the view, equally strongly held in the administration, that the language in this amendment would set totally unacceptable limits on the President's flexibility in handling this extraordinarily complex issue.

Indeed, we have a letter from the President—which the majority leader has put in the RECORD—which makes these points. And I can assure the Senate that Secretary Baker, and John Sununu, and Brent Scowcroft have made these same points in less diplomatic language personally to me and other Senators over the past several days.

I happen to share the President's view on these points. I was one who had some reservations about the decision to renew contacts with the PLO last year. But it is absolutely clear that, having done that, and in the wake of other developments in the Middle East—including Shamir's original election proposal—it would be very destructive of our interests to pull the plug on our contacts.

It is also clear to me that we should not hamstring the President, as he tries to deal with all of the political landmines in the Middle East—by forcing him to trot up here and justify each and every contact he has with every representative of the PLO. In my view, the language in the pending amendment would have those effects. In my view, the language that the majority leader and I and others will offer later will not.

That's the difference. It's not really a difference on goals in the Middle

East. But it is a big, big difference—going to the heart of the President's powers, and going to a fundamentally different judgment on what will happen to the PLO dialog should we pass this amendment.

I have already indicated how personally engaged the President, Secretary Baker, John Sununu, and General Scowcroft have been on this issue.

I want to thank, too, the distinguished majority leader for his leadership, patience, and perseverance. And I want to thank Senators BOSCHWITZ and METZENBAUM, who were more interested in seeing that America speaks with one strong voice on these important issues, than in trying to preserve their equity in every adjective, adverb, and comma in the various drafts we have worked on.

Mr. President, the questions as I have outlined them are rather clearly drawn. I think the President is right, and that we ought to table this amendment.

I hope all Senators will vote to table, and then will join the majority leader and I in supporting the alternate language that we offer.

Mr. President, I join the distinguished majority leader in urging a vote to table this amendment. I do so with some regret. My good friend from Iowa, Senator GRASSLEY, is the primary sponsor of the amendment. As I have said to him, maybe he should just declare victory because without the amendment we would not have spent all day yesterday with the State Department, National Security Council, the President, and others trying to come to grips with this amendment, trying to come to grips with the very important problem the amendment covers.

Though I expect the Grassley amendment would be tabled, as the distinguished majority leader has said, in its place we will offer a compromise that has been worked out very painfully. I share the view just expressed by the majority leader. If the President knows, as the amendment says, I assume that means others working with the President, the CIA Director, National Security Adviser, and Secretary of State.

I must say I have been in meetings with the Secretary of State but I have never seen the Secretary of State, Mr. Baker, so animated. I have never listened to him when he felt so strongly about any amendment we have had pending around here since he has been either Treasury Secretary or White House Chief of Staff or now Secretary of State.

The Senator from North Carolina points out correctly that Americans have been killed by terrorists. It is a terrible thing. But it seems to me we have, on the one hand, whether we are going to have peace in the Mideast,

whether we are going to stop the killing—how many more Americans do we want killed, how many more Israelis, how many more Arabs. And I guess you could extend this to intifada, too, and how many young Arabs and children and others have been killed by those on the other side.

But the net result and the bottom line is that we have worked long and hard, and I must say there was a point yesterday where I think the President himself changed the language. I know there was a point yesterday when the President himself changed the language. He was engaged in the process. And there was a point in time when it was conveyed to me, at least so far as the President was concerned, if this is what Congress wants to do, let them do it. Let them stop the peace talks. Let them stop the dialog.

So I just restate that and make the record so that everybody understands this has not been taken lightly. This amendment offered by Senator HELMS, with a second degree by Senator GRASSLEY, brought some very powerful forces together. They focused upon the issue. Everybody agrees, most everybody agrees that we should not unilaterally terminate the dialog. That is what it says, current dialog, in the substitute.

The PLO has made certain statements. They have denounced terrorism. I think I share the view of the Senator from Ohio. Maybe they have not done enough. At least we are not aware of it. In fact, the Senator from Ohio said to the Secretary, "Give me some examples." World Health Organization, maybe that is one. Certainly that is the reason for the amendment of the distinguished Senator from Iowa, Senator GRASSLEY, because he cannot tolerate terrorism on the part of those who still reflect the views of some in the PLO and that is terrorism first.

Everyone, or nearly everyone, agrees that it is not right for our representatives to be negotiating with out-and-out terrorists with the blood of Americans upon their hands. And our amendment is going to take care of that.

We asked the Secretary of State what he would do. He said the first thing he would do was try to make out a list. Some of those people are going to be off limits. I think the letter from the President expresses better than I can state it that he certainly shares that concern, it is a strongly held view by the President, and by others in the administration, that whatever the intent of the amendment it is their view that it would in practice relegate the current dialog with the PLO to the trash can and I think, as has been stated, would set totally unacceptable limits on the President's flexibility in handling this very complex issue.

I think under one interpretation every time someone, a representative of the PLO talked to anybody, if they reported it back, they had to get clearance. That was changed, modified as being a bit cumbersome. You cannot have negotiation or dialog.

So I guess the point I would make to my colleagues on this side, who have respect for the Senator from North Carolina and respect for the Senator from Iowa, it is one of those issues where the leadership is supporting the President. And I want to thank the distinguished majority leader and the Senator from Minnesota, Mr. BOSCHWITZ and the Senator from Ohio, Mr. METZENBAUM. It is not an easy task, particularly I might add for Senators BOSCHWITZ and METZENBAUM.

I have always had reservations about renewing contacts with the PLO even after they finally made statements about 242 and renouncing terrorism and recognizing the right of Israel to exist. But I would not want to be a party to anything that might stop the peace process in its tracks. Will it work or will it not work? We do not know. I include in that Prime Minister Shamir's original election proposal.

It just seems to me it would not be in our interest to sort of pull the plug, tell the President you cannot talk, and you cannot have a dialog unless certain conditions are met.

I do not think there is a difference of goals. There is no question in my mind that all Senators have the same goal, and that is peace in the Middle East. But it is a question of going right to the heart of the President's powers. And I think there is too much of that in any event around here regardless of whether the President is a Democrat or Republican.

I read a piece in the paper this morning about everybody gets to be a Secretary of State while this bill is on the floor. Everybody who has any idea good or bad, it is a place to offer it, and we debate it, and many times the proponents are successful. But it seems to me that in the final analysis we cannot be going back and forth every day, there might be a dialog between some member of the PLO and some American representative, and having the President to have to check off, look down his list as they probably do in advance.

So I just thank the majority leader, as I have indicated. I also congratulate Senator GRASSLEY from Iowa, and Senator HELMS. It seems to me what could happen here is maybe just withdraw the pending amendments, declare victory, let us offer the amendment we have worked out, and that would in my view resolve it to the satisfaction of those who have responsibility for dealing with foreign policy, the Secretary of State, the President of the United States, and for those on this floor on both sides of the aisle who

feel just as strongly as the Senators from Iowa and North Carolina about the Mideast and ultimately hopefully peace in the Mideast. But in any event, I want to join again the majority leader, and at the appropriate time in offering the motion to table if that becomes necessary.

I thank the Chair.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, we all condemn terrorism. We all know what it is. I guess I particularly am conscious of this particular instance we were talking about, Ambassador Noel. Mr. Noel was a colleague and a friend of mine in the Foreign Service. He was killed brutally, very brutally indeed, as the Senator from North Carolina pointed out.

I think we are all very conscious, too, of the importance of negotiating with one's adversary. There is no point in negotiating with one's friends because you agree on everything. The whole point of negotiating is to be negotiating with an adversary and trying to bring the two sides together. These talks that are going on now in Tunis are potentially very important. They could help open the way to a comprehensive settlement. I hope we would not undermine that possibility.

I yield the floor.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, the subject we address today is not an easy subject. It is a fact that every Member of this Congress—and I think the overwhelming number of people in this country, maybe in the world—all want peace in the Middle East. The sooner that peace is brought about, the better all of us will feel.

I am certain that every Member of this body shares with me that kind of concern, that kind of hurt, that kind of feeling when an Arab child loses its life, when an Israeli child loses its life, when a Lebanese child loses its life, or an adult. We would like to see an end put to the killing in the Middle East.

I think it is fair to say that we all abhor terrorist attacks on innocent Americans and Israelis. Who can defend a terrorist attack upon Americans, or Israelis, on a bus traveling down the road between Tel Aviv and Jerusalem?

Mr. President, last fall the PLO made worldwide headlines when it "renounced terrorism." The PLO said it wanted recognition; a seat at the table. But since that attention getting announcement a number of terrorist incidents have occurred, incidents reliably linked to Arab faction Fatah.

High hopes have fallen considerably since that original announcement was

made by Mr. Arafat. And frankly the PLO is not living up to its pledge. Arafat has not been transformed into the statesman he wants us to think he is. What has that to do with this issue? It has a lot to do with it because we are dealing with the question of who hates terrorists more? Who is going to put tougher language into the law restricting the administration's efforts to be helpful in bringing about peace in the Middle East?

I support the leadership amendment. I am a party to it, and I cosponsor it because it reaffirms a principle. It reaffirms a principle that we cannot, we do not, and we will not do business with terrorists—and this is from the amendment to be offered by the leadership—"who directly participated in the planning or execution of a particular terrorist activity which resulted in the death or kidnapping of American citizens."

At the same time, it is fair to point out that this amendment avoids the larger question. Should we be talking to the PLO at all? Frankly, I would have no difficulty in making a strong case on either side of that issue. But the fact is that decision is not the decision of the Congress of the United States. That decision belongs to the President of the United States and the Secretary of State. That is a policy decision for them to make. They have made it. We will not address that question at this time. It probably does not belong on our agenda. And it is not addressed in the leadership amendment on this bill that is to be offered subsequently. But it is a question that cries for an answer, and perhaps at some point the administration will conclude that its efforts with respect to the PLO are for naught.

Let me take a moment to acknowledge the role of the administration in the Middle East process. I am frank to say that role has largely been a positive one. I think this administration is trying and wants to be helpful in bringing about a reasonable solution, peace in the Middle East. I believe the administration is to be commended for the fact that the so-called international conference that some European nations were pressing for is no longer on the agenda. I think it is to be recognized that the United States has publicly commended the Prime Minister of Israel for his efforts to being about an election on the West Bank.

We have to look at the picture with respect to the administration as having some balance because on the other hand the administration position has been confusing in some respects and, yes, I can say disappointing at times. But overall, I believe its thrust, its concerns, its desires, its hopes, its aspirations are good for peace in the Middle East, and I think are important to the future security of the State of Israel. I do not think any-

body questions the fact that this administration, this Government, continues to be Israel's best friend in the world.

We have to recognize that the administration feels that the Helms amendment with or without the Grassley amendment would tie their hands, and would make it impossible for them to move forward in their Middle East efforts.

I accept their representations. I do not believe that they are dishonest people. They say that with the Helms amendment or the Grassley amendment they would not be able to continue their efforts to bring about a resolution of the dispute that exists in the Middle East. Now, the leadership amendment, which will be offered immediately after the Grassley amendment, as I see it, adequately deals with this issue, and I support it. I support it because I think it finds that reasonable compromise with respect to which the administration can live, and yet, sends a loud and clear message to the administration that we do not want them dealing with those terrorists who have involved in assassinations and murders of Americans.

At the same time, let me make it clear that open-ended talks with the PLO, who directly participated in the planning or execution of a particular terrorist activity, resulting in the death or kidnapping of an American, will be barred. I am aware of the fact that the President has expressed constitutional reservations as to our right to bar the administration in that respect. The President has a perfect right to express his constitutional reservations. I would hope that with or without those reservations, that the administration would see fit to abide by the thrust of the leadership amendment.

Frankly, the PLO has not earned a wide-open dialog with the United States. Press releases and posturing by the PLO are not enough. Accomplished terrorists like Abu Iyad, are clearly not worthy individuals to be sitting down with officials of our Government. So what we have here today is an effort to make it possible for the administration to continue its negotiations, while at the same time, sending a loud and clear signal to the PLO that their continued terrorist activities are met with strong opposition from Members of this Congress; and hopefully the administration, as well. The proposed amendment strengthens the Middle East process by setting forth proper parameters in any United States-PLO talks, and I support it, and I support the tabling motion which will be offered at an appropriate time by the leadership.

Mr. BOSCHWITZ addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Minnesota [Mr. BOSCHWITZ].

Mr. BOSCHWITZ. Mr. President, I rise, together with the majority leader, the minority leader, Senator METZENBAUM and Senator PELL, in opposing the amendment of the Senator from Iowa and the underlying amendment of the Senator from North Carolina. On the other hand, I want to associate myself with the remarks made, not only by my friend from Ohio, just now concluded, but by the Senator from North Carolina, as well as by the majority and minority leaders.

I agree with them that we all have an abhorrence to conducting negotiations with those who have caused the spilling of American blood. But we believe that a vote for the amendment of the Senator from North Carolina, as perfected by the Senator from Iowa, is not the only way to achieve that objective. Indeed, the amendment that is being offered by the majority and the minority leader, by Senator METZENBAUM and myself, by Senators PACKWOOD, KERRY and INOUE, will achieve that very objective. It will prevent this country from dealing with terrorists who have been involved in the spilling of American blood. Our amendment will prevent it just as would the amendment of Senator HELMS and Senator GRASSLEY.

I also strongly believe that the peace process in the Middle East should be allowed to go forward. I believe that our amendment allows the United States to remain actively engaged and will allow the peace process to go forward. We must realize that in the Middle East, peace processes move haltingly, move forward a little bit, and sometimes back, and sometimes makes a long leap forward, as it did in 1979. In any event, it will be able to move forward under our amendment. However, it will not be able to move forward under the amendment that is offered by the Senator from North Carolina and then perfected by the Senator from Iowa. The amendment of the Senator from North Carolina says that the negotiations cannot go forward unless and until the President certifies to the Congress that he has determined that the representative of the PLO "did not directly participate in" acts of terrorism that caused American blood to flow. That means that the President would be called upon to prove a negative, which is absolutely impossible to do. Because of the wording of this amendment, which seeks to achieve the same goals that we wish to achieve, the President could never meet its terms—certifying that the PLO representative did not directly participate in or did not conspire in—and conspire, of course, is a very, very broad term—or was not an

accessory to the planning or execution of a terrorist activity.

How can the President of the United States prove this kind of a negative? He cannot. Our amendment on the other hand, asks him to prove a positive. That is something he can do. We may never be able to prove that a PLO representative was not engaged in a particular activity, but we certainly can often prove when he was so engaged.

I believe that proponents of both amendments want the peace process to move forward. In the Middle East, one must say about the peace process that hope springs eternal. Otherwise, there are so many reasons to believe that peace cannot be negotiated, many people would—or, indeed, do—withdraw from the arena. We do not want to see the United States withdraw from the arena.

I say to my friend from Iowa and friend from North Carolina that they should declare victory on their amendment, as the Republican leader suggested. They have indeed gotten the attention of the President of the United States and the Secretary of State, the National Security Adviser, and the President's Chief of Staff, all of whom have been in consultation with us here off the floor of the Senate.

We want to be tough in dealing with international affairs. We do not want to deal—none of us—with terrorists who have spilled American blood. But we do want the peace process to move forward, however haltingly; that it should move forward and not be brought to a halt by actions of this body.

In December 1988, as my friend from Ohio has mentioned, we began to have a dialog with the PLO, after 13 years in which our policy was to tell that organization that it must adhere to U.N. resolutions 242 and 338, that it must recognize Israel's right to exist, and that it must renounce terrorism. Yasser Arafat, the PLO chief, finally came around and said that. I believe he did so because of the steadfastness of our policy, and that the dialog that we began with the PLO was the correct thing to do. Sometimes, you simply have to allow someone to say yes, to change one's mind and I sincerely hope that it was a change of mind, a change of heart. We will see whether that is true as the negotiations proceed.

When the new administration came into office, the Secretary of State decided to make a study of the various hot spots around the world, and he did so quite successfully, I might say.

As part of that study, he urged Israel to develop new ideas and proposals to energize the peace process. "Come up with something new and aggressive that can lead toward peace," he told them.

The Prime Minister of Israel, who came here in April, did indeed come up with a plan that was new and imaginative, that could lead to new Palestinian leadership, that could lead to open and free elections, and, eventually, peace. The Secretary of State and the President endorsed that plan. Indeed, they did much to convince other nations, particularly the European and moderate Arab states, that they should be supportive of this new approach that the Israelis proposed, elections on the West Bank and Gaza.

Now, the nations of the world have looked away from the idea of an international conference on the Middle East and are instead looking to the election process proposed by Israel. Hopefully, new Palestinian leadership will arise. And during this time we would do well to keep in mind that it is only the United States that can serve as the interlocutor, that can serve as the balance between the Palestinians and the neighbors of Israel and Israel itself.

So I think that we should move forward. We should allow the process to move forward. We should not deal with those people who have spilled American blood. Our amendment does not allow that.

Unfortunately, the amendment of the Senator from North Carolina simply does not allow the process to go forward.

That is really the crux of the difference between ourselves and the Senator from North Carolina and our friend from the State of Iowa.

I believe that the amendment we have fashioned allows the peace process to go forward while ensuring that we do not become engaged in a dialog with those who have cruelly and deliberately caused the death or kidnapping of innocent Americans. That has been the goal of all those who have worked on this amendment, and I believe we have constructed the proper balance between demonstrating our concern over dealing with terrorists and allowing those who are interested in peace to continue in its pursuit.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Utah, Senator HATCH.

Mr. HATCH. Mr. President, this is an issue that has bothered me for quite a while. I have been very concerned about creating dialog and getting the peace process moving while at the same time fighting against terrorism in this world.

Mr. President, while on a recent factfinding mission to the Middle East, I had the opportunity to assess the impact of Israel's current peace initiative and the effect of the ongoing dialog between the United States and the PLO on United States-Israel relations. While I question the merits of this diplomatic decision and the direc-

tion of the administration's Middle East policy, I can understand the President's decision. Nonetheless, I rise in support of this amendment because the United States must understand the symbolism of choosing to hold a dialog with one of the world's foremost terrorists.

The administration has chosen to hold secret low-level discussions with Yasser Arafat's No. 2 man, Salah Khalaf, or better known as Abu Iyad. Throughout his association with the PLO, Abu Iyad has been the chief coordinator and leader of the PLO's reign of international terrorism. As the head of Black September in the 1970's, Abu Iyad was responsible for the deaths and injuries of numerous Americans as well as many, many other people.

I am not just concerned about Americans, although that is what this amendment does, but about terrorism throughout the world against all peoples.

Beginning in 1972, Black September staged the Munich massacre which resulted in the deaths of 11 Israeli athletes. One of the victims was a former American, David Berg. Later that same year, Black September mailed letter bombs to former President Nixon, former Secretary of State William Rogers, and former Defense Secretary Melvin Laird. On March 1, 1973, Black September terrorists murdered then United States Ambassador to the Sudan Cleo Noel and then Deputy Counselor George Moore. The direct orders to perform the executions came from Abu Iyad. In August 1973, Black September murdered a 16-year-old American girl at a TWA terminal in Athens, Greece. This bloody pattern shows a repeated commitment to death, destruction, and terror which has continued despite Mr. Arafat's words of reconciliation last December.

Abu Iyad is a terrorist by all definitions of the word. Abu Iyad is a terrorist who earlier this month was indicted in Italy for supplying arms to the Red Brigade, the murders of former Prime Minister Aldo Moro and numerous other Italians. Abu Iyad is a terrorist with blood on his hands. Abu Iyad is the terrorist with whom the United States has chosen to begin a dialog. What message does this send to countries fighting terrorism and to terrorists themselves?

Let me answer that question with a series of others:

Must we negotiate with a notorious, international fugitive?

Can we expect binding commitments from someone who has made a mockery of international antihijacking conventions, as well as other, longstanding international agreements protecting diplomatic discourse?

And, why must we insult the memory of the many Americans whose

brutal murders were orchestrated by Abu Iyad?

If the policy of the U.S. administration is to begin a dialog with the PLO, surely they can find someone other than Abu Iyad to begin that dialog with.

In my trip to Israel, I met with many of the great leaders of Israel, some of the great leaders of the Arab world. I met with Palestinians and I met with others. And I met with intelligence people.

I am satisfied from looking at some of the intelligence information that was given to me that in spite of some of the comments by Yasser Arafat last December and since that there continues to be a reign of terror in Israel, not only in the West Bank but in other areas as well, not only in Sumaria but also Judea.

So I am very concerned about this and I have to admit if I were writing this amendment, I would write it a little bit differently, but I also would write the amendment that the administration supports and my dear friends and respected colleagues, the distinguished majority and minority leaders, support.

I think this is an important issue, and it is very important and I understand the arguments on both sides, but I have to choose to be on the side of the distinguished Senator from North Carolina on this issue today, and I believe it is the right thing to do. I think it is the right message to send. If we have a little better language, I may agree perhaps we could amend it and amend it later, but the fact of the matter is I hope my colleagues will vote to sustain this amendment.

I realize it will be difficult for him to do so, and there are very sincere attitudes on the other side of this issue.

I think most everybody does want reasonable negotiations to go forward because how do you conclude peace if you cannot get the enemies together, if you cannot get those who literally are at odds with each other, and how in the world can you ever have peace talks? That is what peace is all about, and I have a great deal of empathy with that.

But having said what I said, I cannot tolerate not sending this message that Abu Iyad is not the person with whom we should be negotiating nor anyone similarly situated to Abu Iyad, and that is basically what the distinguished Senator from North Carolina is calling for here, and I think he is right.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

Mr. MITCHELL. Mr. President, will the Senator from Utah yield for a question?

Mr. HATCH. I yield.

Mr. MITCHELL. Mr. President, over the course of the past few years, I have had the opportunity to be associ-

ated with the distinguished Senator from Utah on a number of matters in which the issue of the constitutional division of authority between the executive and legislative branches has arisen. He has been an articulate exponent of his point of view in that regard which has primarily focused on the authority of the President. He is, of course, as all Senators know, a student of the Constitution.

The President of the United States has stated that he believes this amendment to be unconstitutional and to be an unwarranted intrusion on his authority. May I take the support of the Senator from Utah for the amendment to be the result of his conclusion that this amendment is constitutional and does not represent an intrusion on the President's executive power under the Constitution?

Mr. HATCH. The distinguished Senator raises a very interesting point and it is one that troubles me about the amendment, as well. I have an equal respect for the constitutional abilities and the studies of the distinguished Senator from Maine. We have been on the opposite side of certain issues and certainly on this particular issue we have been on the opposite side.

This does seem somewhat inconsistent with my positions of the past that I believe that the President basically should be the conductor of foreign policy. That does not mean that the Congress of the United States has no role. And I have always made that very clear, as well.

I am concerned about the constitutionality of this provision, and I do have some concerns about it.

On the other hand, I think the distinguished Senator from North Carolina is sending a message here that transcends those concerns. I believe that it can be held constitutional because all he is doing is withholding funds for a specific purpose and, in this particular case, one of the highest purposes I think you can come up with; and that is to send a message that we do not want our Nation engaging in discourse with people like Abu Iyad, who are known terrorists who have participated in the killing of American citizens. I would go a little broader than that if it were I because I am as concerned about Italian citizens and Israeli citizens and others as I am about American citizens. I do not think anybody should have to put up with what people like Abu Iyad are doing to this world.

But that message being sent, I do not agree that this hamstring the President. I believe the President has great leeway. If this amendment is put into effect, I believe that the President would still have great leeway as long as basically he concludes in good faith that the person or persons with whom they are negotiating did not correctly participate in or conspire in

or were an accessory to the planning or execution of the terrorist activity which resulted in the death, injury, or kidnapping of an American citizen.

I do not think anybody is going to question the President's good faith under those circumstances. If it is proven later that he is dealing with somebody who is similarly of a reputation of Abu Iyad, I have no doubt the President would break off those negotiations anyway. I think any President, all he would have to do is be informed that is the case, and I think he or she would break off those negotiations. So I do not think it is unconstitutional, but I share some of the concerns along with the Senator from Maine, and I concede that particular sharing of concerns.

Mr. MITCHELL. I thank the Senator. As always, I believe the Senate will benefit from his constitutional analysis of this amendment.

Mr. GRASSLEY. Mr. President, I have had a chance in the last hour and a half to listen to several outstanding Members of this body give very good speeches on why they object to what Senator HELMS and I are trying to accomplish here. I am not speaking for Senator HELMS now, but I am speaking for myself, Mr. President.

As I reviewed and listened to these speeches, it seems to me as though the speakers see the purpose of this amendment as very narrowly drawn, directed at just the Middle East peace process. I am concerned with more than that. Although I do not want it said that I don't support that peace process; I do support it and I want that peace process to work.

But there are far greater and bigger issues involved here than just the Middle East peace process. So I do not want anybody to take such a narrow view, and state that we are infringing upon that peace process or trying to affect it to any great extent; that would put borders on the scope of this amendment. And this amendment should not derail the peace process. It's not the purpose of the amendment.

This amendment is intended to say, in worldwide application, that we support our President and we want him to stick to his policy in the war against terrorism.

The greater issues at stake here are the integrity and the credibility of the American voice in the multilateral war on terrorism and the protection of Americans as they travel around the world.

We undertook a war against terrorism because Americans were being killed and because the U.S. Government's No. 1 responsibility is the protection of the citizens and the inhabitants of the United States of America, not only within the United States of America but also, albeit difficult, when

they are outside of the political boundaries of the United States.

While the antiterrorism policy began with us, we now have the cooperation of several other nations. Nations want to protect their citizens and many countries are working with us to fight terrorism. So our credibility in this cooperative effort—and maybe, to some extent even our voice as a leader in the free world generally—it's at stake. The issue simply stated is: Are the daily actions of our Government supportive of that policy or distracting from that policy.

Senator DOLE was concerned that maybe too many Senators, when the State Department authorization bill comes up, act like Secretaries of State. I would not pretend to be one. I have spoken against that approach. When my constituents ask, "Why doesn't the Congress do more about a relationship with a particular country?" I say it is because the United States cannot speak with more than one voice in foreign affairs, and that voice principally comes from our President and Secretary of State.

But we do have a system of checks and balances in our Government. And it seems to me that Congress, in its oversight capacity, can point out, and correct, with proper constitutional authority, the shortcomings in the daily activity of executing the antiterrorism policy enunciated by the President of the United States.

So, while I did not write our policy on antiterrorism, I know it is a good antiterrorism policy. All I want this administration to do is stick to that policy and remember the purpose of that policy. And I question whether or not what is going on in Tunis now detracts from that policy. I'm asking, as we have dialog and bring credibility and, to some extent, forgiveness to acts of terrorism, aren't we compromising that principle?

So, my colleagues should not think in terms of just the PLO, or just the Middle East process, as they consider this issue. I do think, though, that some good has been accomplished in this debate. It makes me feel good, when we in the Congress are dealing on a foreign policy issue, and the Secretary of State is concerned about it, he is involved to represent that department personally. Because, as we debate so many foreign policy issues on this floor and some Members of this body says: Well, the State Department is opposed to this, it seems too often we are dealing with some low-level bureaucrat within that Department. So it's satisfying to have the Secretary of State's attention and expertise.

And it is pretty pleasing to this Republican, to this Senator, to know that the head of our party, the President of the United States, is sufficiently interested in this issue to read the compro-

mise and to make some comment on it. Because it is good to know a President is in charge.

But I want to point out to the leaders of the executive branch of Government that I fear the consequences of their wanting to exercise complete freedom in whom they talk to and do not talk to. Let me say that, I do not care to whom they talk, as long as they do not talk to people who take credit for murdering Americans. And, there are plenty of these PLO leaders who have been identified, taking credit for that.

But I think I'm concerned that we are on a slippery slope, Mr. President. And, right down at the bottom of that slippery slope is Arafat. And somebody, someplace, thinks that maybe a conversation with him is going to solve all the problems in the Middle East.

He is a cagey individual and I do not care how bright or how smart our leaders are, I am fearful that they will be caught and lend prestige and credibility to a murderer.

I know that the distinguished leaders say that the language that they have in their amendment precludes that. They say that their amendment is written so that will not happen. But I can say, Mr. President, that the bottom line is—they do not want any doors closed to them whatsoever, regardless of who might be on the other side of those doors waiting to talk. And that there is not one thing in this amendment, no matter how carefully crafted the leaders say it is, that is going to keep the President of the United States from talking to Arafat if he wants to.

I do not say our President wants to. I do not think he has any intention of it. And I think that this debate of the last week is causing our administration to realize they have been going too far in talking to some people who have blood on their hands. So I don't think our President is headed in that direction. But I will tell my colleagues, when the attitude is expressed that they do not know who they might have to talk to sometime if they want to make the peace process go, that path and that slippery slope eventually brings them to the head reindeer, to the top dog.

I think we ought to know that, as well intentioned as our people are downtown, we have a very good antiterrorism policy, enunciated correctly. Until last December, as far as I know, it was carried out without any compromise whatsoever. Am I opposed to innovation in foreign policy? Am I opposed to innovation in approaches to discussion and dialog, things that lead to the peace process? No, I am not. But I question what this dialog is getting us and where it is leading us.

Understand there are 175 independent nations in the world and that the PLO are not the only terrorists in the

world. Is what are we doing going to cause people to draw back and question how serious we are in this war on terrorism?

I ask my colleagues to think of this not as a battle between the Congress and the White House. We have to look at the long-term effect of the decisions that are made on a daily basis by some people in the State Department. And we have to look at how this might be read by Arafat.

The opponents of this amendment say that if it carries, that the PLO dialog might stop. Well, there is another side to that coin, Mr. President, and the other side of that coin is that if this amendment is defeated, it just might say to Arafat: Well, really, the U.S. Senate says that dialog with the PLO is OK. And the signal to Arafat may be that he can hold out until we sit down and talk to him directly, the PLO's No. 1 gun.

Senators ought to think about that as we vote on this. I am not saying that our minority leader and majority leader did not think thoroughly about this. They are to be commended for their attention to this issue. But, sometimes there is reluctance to question the wisdom from downtown. We have a responsibility, because each one of us in this body, all 100 of us represent, in various proportions, 240 million Americans who want to travel, and they want to travel safely. And this antiterrorism policy did not happen just because we wanted to promote a Middle East peace process. We wanted to protect the lives and the safety of Americans around the world. That is our responsibility and I think, if Senators vote against this, they are compromising to some extent that responsibility.

This PLO dialog is a new arena, and as we proceed, we must be ever-mindful of their terrorist record. Many lives have been lost because of their actions. The memories of the American people are not so short. We can't expect a new diplomatic initiative to wipe the slate clean. My colleagues should consider this and carry out their duty to be firm with terrorists. Elevating them to diplomats doesn't square with our antiterrorism policy.

The PRESIDING OFFICER. Is there further debate?

The Chair recognizes the majority leader, Mr. MITCHELL.

Mr. MITCHELL. Mr. President, I know of only one Senator who wishes to address the subject. We have a call in now to see if he is on the way. That will conclude debate on this, following which I will make the motion to table, which I indicated earlier. Then if the motion to table prevails, I will offer another second-degree perfecting amendment to the Helms amendment.

Would the Senator like to address the subject? Then I will yield to the

Senator from North Carolina, and as soon as we hear on the other Senator, I will notify the Senator from North Carolina and we can proceed to have the tabling motion. Senators listening directly or their staffs should be on notice that a motion to table and a vote thereon will occur in just a few minutes.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Carolina [Mr. HELMS].

Mr. HELMS. I thank the Chair, and I thank the distinguished majority leader.

Mr. President, I am not entirely certain of what is in the proposed alternative, which I understand Senator MITCHELL will propose in the event the pending amendment is tabled. But as I understand it, and he can correct me, and I say this with all due respect to my good friend, it is nothing but a fig leaf to let the State Department continue talking with Abu Iyad, and terrorists like him.

I am not going down the litany of things I said earlier today, but the proposed alternative, if the version I have been handed is in fact correct, the proposed alternative is a proposal that will not prevent State Department officials from conferring respectability on the crud of society, the terrorists who have killed Americans.

I am going to read the proposed alternative, as I understand it to be written. I do not criticize the leadership for it. They did the best they could, in light of the constraints imposed upon them.

But the proposed alternative reads, as I understand it " * * * except that no funds authorized in this or any other act may be obligated or made available for the conduct of the current dialog in the Middle East peace process with any representative of the PLO if the President knows of and advises the Congress that the representative directly participated in the planning or execution of a particular terrorist activity which resulted in the death or kidnaping of an American citizen * * * " If that version is not correct, I will stand corrected.

In terms of logic, this proposed alternative is the ultimate in inconsistency. The funding of talks with the PLO terrorists responsible for the death of Americans would be prohibited only if the President knows about it, and then only if the President advises the Congress.

Mr. President, have we ever before in the history of this Senate proposed a cutoff of funds when the President knows something and that is it? How is it possible to cut off funds on the basis of knowledge, even if he later gets around to advising Congress that some flunky in the State Department is sitting down with Abu Iyad or some other notorious character?

Furthermore, there is no requirement whatsoever that the President ever advise Congress. He can do so if he wants to or he need not do so if he does not want to. What kind of legislating is that? It is a fig leaf. When would the President ever advise Congress if his advice is entirely discretionary when the result would be a cutoff of his own funds?

It is totally illogical to propose that the President cut off his own funds by advising Congress. The proposed alternative does not even require him to advise Congress. It just says if he gets around to doing it. Forgive me, I say to my colleagues, but that does not even make good nonsense. If the President wants to refrain from talking to terrorists, he will do so on his own, but under this proposed alternative, as I understand it to be, the State Department can simply continue to talk to Abu Iyad regardless of this bum's role in the assassination of a U.S. Ambassador, just so long as the President chooses not to advise Congress.

With all due respect, it is reductio ad absurdum, to believe that the President is ever going to want to advise Congress and therefore cut off his own funds. He simply is not going to do it.

I say again, as I have said repeatedly, that for the State Department to confer respectability upon terrorists who have on their hands the blood of Americans is an abuse of the good will of the American people. I say again for the purpose of emphasis, the proposed alternative requires no action on the part of the President. It is nothing but a fig leaf to permit the State Department to continue to do what it has been doing: to treat as legitimate diplomats terrorists responsible for the death, injury, or kidnaping of Americans.

The Senator from Iowa is exactly right, and I commend the Senator for the point he made in his eloquent remarks. A big part of what is going on in these negotiations is that the PLO is testing the United States. They are seeing just how far they can push us. They are testing us to see how much terrorism the State Department will accept and how many insults our country will take.

How many commitments have the members of the PLO ever abided by? Zilch. Shortly after talks with the PLO commenced, the leaders of the PLO, including Yasser Arafat—he is the head reindeer, as Senator GRASSLEY put it, or the top dog—Yasser Arafat made statements entirely contradictory to his previously stated "promise" to renounce terrorism and accept Israel. There was no protest whatsoever from the State Department. None. Silence in seven languages. Then what happens? The PLO member groups conduct terrorism against Israel. But talks continued between the United States and the PLO,

with not even a peep out of the U.S. State Department.

Then the DFLP, which is a prominent PLO terrorist cell dispatched a terrorist unit to attack Israeli civilian and military targets. And 2 days later, the PLO sent a strange emissary to talk with our State Department, the No. 2 person in the DFLP.

Of course now, the PLO has sent the same kind of representative to talk with the State Department; that sweet old guy named Abu Iyad whom we have already discussed in some detail, the person directly responsible for assassinating a U.S. Ambassador in the cruelest way. Yet the State Department goes along and says we must not interfere with the "process." As the little girl in the comic strip used to say, "I may 'frow up.'"

Mr. President, you cannot get around the fact that the PLO is a terrorist operation responsible for the deaths of totally innocent American citizens and we should not bestow respectability upon this crowd. We certainly should not allow them to push us around. What we should do is to tell them that they have gone too far already in testing us.

Mr. President, it has been argued that the Helms and Grassley amendments are an infringement on the President's power to conduct foreign policy.

But the fact is that the Helms and Grassley amendments influence policy in one of the most common ways in which Congress affects foreign policy: through the power of the purse.

In addition, our proposals are no more of an infringement on the President's constitutional powers than is the provision of current law which it amends.

Specifically, the provision of current law which our proposals amend is the provision setting down restrictions and conditions on negotiations with the PLO: Section 1302 of the International Security and Development Cooperation Act of 1985.

This section of current law reads:

"No agent or other individual acting on behalf of the United States Government shall negotiate with the Palestine Liberation Organization * * * unless and until the PLO recognizes Israel's right to exist, accepts United Nations Security Council Resolutions 242 and 338 and renounces the use of terrorism."

So there is a precedent for our amendments. It has also been suggested that the Helms and Grassley amendments will cut off the dialog with the PLO.

This, too, is an incorrect conclusion. The official position of the State Department is that the PLO is not a terrorist group, but rather an umbrella group which contains terrorist and non-terrorist elements.

Under these amendments then, talks with the PLO could continue—as long

as the participants are those elements who have not been involved in violent crimes against Americans.

Mr. President, the issue here is not whether or not we should be talking with the PLO. The issue is—if we are going to negotiate with the PLO, should we treat as legitimate diplomats those persons responsible for the murder of innocent American citizens?

Mr. President, I very much regret that the administration has taken such a strong position against the Helms and Grassley amendments on the PLO.

Certainly, this Senator has been trying to work with the new President and the Secretary of State on a host of important issues. I have commented many times, and I reiterate, that I am impressed with the extent to which President Bush and Secretary Baker has instituted greater consultation with the Congress on foreign policy issues.

I commend them for that, and I am sure I will find myself in agreement with them far more often than the situation I find myself in today: of opposing them.

The fundamental question is this: Should the United States be in a position of negotiating with terrorists who are known to have been involved in the murder of innocent American citizens? The Senator from North Carolina feels that the answer should be a resounding "no". The administration, to my dismay and regret, apparently feels that the answer should be "yes". Each Senator will be called on to make his or her own determination.

The Senator from North Carolina has carefully protected the administration's position on a variety of issues which have arisen during the consideration of this authorization bill. However, I cannot in good conscience concede on this important point.

If the PLO does not have among its ranks individuals who have not participated in heinous crimes against American citizens, then the United States Government has no business in having anything at all to do with them.

Some issues are so important, Mr. President, that a Senator must oppose the President of the United States.

Earlier this week, the Senate decided it felt that way on an important issue involving the Moynihan amendment. That was the prerogative of the Senate, and the Senate worked its will.

Similarly, Senators are being called on now to make a decision. Which is more important—to stand for what we believe to be right, or simply vote for carte blanche authority to deal with terrorists?

Mr. President, I want to pay my respects to the leadership of the Senate, the distinguished Republican leader and the distinguished majority leader. I understand the pressure that they have been under. I have been under a

bit of pressure myself. The fact remains, however, that we are dealing with a fundamental principle here: What are we going to do about following through on our often-stated commitment against terrorism?

Earlier I quoted the President of the United States on his commitment against terrorism, and his was an eloquent statement. If it were not so serious, if it were not so tragic, this situation would be almost laughable—because the world can look at what we are doing on the one hand, and saying on the other. People everywhere will say we are talking out of both sides of our mouth.

I hope, of course, that the Grassley amendment will not be tabled. If it is, I shall accept it in good faith and in the knowledge that I did the best I could to stand up for a principle which I believe is important to the American people.

I thank the Chair and I yield the floor.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER (Mr. HARKIN). The Senator from Iowa.

Mr. GRASSLEY. On this bill, we adopted an amendment taking a strong stand as the United States Government against the recent massacres in China. I would like to read a statement that Yasser Arafat made congratulating the new General Secretary of the Communist Party of the People's Republic of China from the Peoples Daily Hong Kong of June 27, 1989. This is what Yasser Arafat had to say:

On behalf of the Arab Palestinian people and their leadership and myself, I express the warmest, most sincere congratulations to you, dear comrade, on your appointment to General Secretary of the CPEC and take this opportunity—

And this is what I want to stress for my colleagues.

and take this opportunity to express our extreme gratification that the friendly peoples of China has restored normal order after the recent incidents.

So I think it's important to compare how the leadership of the PLO sees things in China to how this body has strongly disapproved of the incidents that took place in Beijing in early June.

Mr. NICKLES. Mr. President, I rise as a cosponsor of the Helms amendment to urge my colleagues to support a principle which I believe all would agree with. The principle is that the U.S. Government does not negotiate with terrorists.

The recent discussions between the United States Ambassador to Tunisia, Robert Pelletreau, and the PLO's second ranking official Salah Khalaf make mockery of our longstanding policy against negotiating with terrorists. The point of this policy is that terrorism is strengthened and reward-

ed by any act which suggests that the United States condones or accepts terrorism. When a United States Ambassador meets with senior officials of the PLO who are directly implicated in numerous terrorist incidents which have resulted in the deaths of American citizens, it gives legitimacy to terrorists.

While I was very skeptical of the decision to enter a dialog with the PLO, because I believe that any dialog with terrorists for any purpose legitimizes and rewards terrorism, I have been willing to be openminded about the dialog. But as I have watched events in the Middle East unfold I have been increasingly troubled.

Despite Yasser Arafat's pledge to recognize the right of the State of Israel to exist, and his pledge to renounce terrorism, we have seen a continuing series of terrorist attacks by Palestinian groups on Israel. Since Arafat's no terrorism pledge more than a dozen terrorist attacks have been carried out, some by groups which are members of the Palestinian National Council and are factions of the PLO. In fact, PLO spokesmen have even contradicted Arafat's statement renouncing terrorism. In response to these attacks, unnamed PLO spokesmen denied they were terrorist attacks, but were rather, military missions aimed at Israeli soldiers.

Now I am not sure what others may think a pledge renouncing terrorism means but to this Senator, renouncing terrorism does not allow a distinction between military and civilian targets. Continuing terrorist attacks within Israel can only undermine Israel's belief that the PLO is legitimately interested in peace. Our continued dialog with terrorists can only encourage additional attacks.

Perhaps Arafat does not actually control those Palestinian factions which have carried out those attacks, but what message is the United States sending to those factions when we discover that the United States is willing to recognize and negotiate with terrorists who have carried out numerous attacks on Americans.

The senior member of the PLO with whom the United States is negotiating, Salah Khalaf, also known as Abu Iyad, was the founder of the notorious Black September terrorist group which carried out the infamous Munich Olympics massacre. In addition, former PLO officials have publicly identified Abu Iyad as the individual who personally ordered the execution of two American diplomats in Sudan, United States Ambassador Cleo Noel and Chargé d'Affaires George Moore in 1973.

Today, Abu Iyad is given formal recognition as another U.S. Ambassador sits down with him to negotiate. As President Bush himself has said, "Re-

warding terrorism only encourages more terrorism." I can hardly imagine a better way to reward terrorism than the U.S. Government is now doing. This reward can only encourage radical Palestinians to engage in even further terrorist attacks against the State of Israel.

Whatever we may think about the U.S.-PLO dialog, surely we can agree that it is extremely inappropriate to negotiate with Abu Iyad. I urge my colleagues to support this amendment.

Mr. DURENBERGER. Mr. President, I want to commend the Senators from Iowa and North Carolina for their work on this amendment. Judging by the discussions and engagement of the most senior officials in our Government on this issue, their efforts have been a success. They have moved bureaucratic mountains, and had a significant impact not only on our own policy, but the perceptions and expectations of those who observe our policies from abroad.

Politics in the Middle East are far too often defined by violence rather than negotiation. The cost of this violence has been too high for all parties. It is no exaggeration to say that events in this small region have more impact on the stability of the world than any other area. That is why we must continue to support the fragile process of negotiation toward resolution of historic differences. As always, however, the bedrock of our policy should be to stand beside our only dependable ally in the region, Israel, and we must also reject terrorism as a tool of international relations.

The resumption of the dialog between the United States and the Palestinian Liberation Organization took place after Yasser Arafat agreed to longstanding United States preconditions: the recognition of the right of Israel to exist, the acceptance of United Nations Security Council Resolutions 242 and 338, and renouncing the use of terrorism. My primary concern is that his pledge may be ignored, or even flaunted by others in the PLO. Moreover, it does not bode well when Mr. Arafat threatens Alias Sraje, the moderate Palestinian mayor of Bethlehem, who was trying to negotiate with Israel to end the uprising, by stating, "Anyone trying to stop the intifadah—the uprising—will be answered with bullets."

The PLO cannot have it both ways: as long as they pursue terrorist attacks on innocent civilians, they cannot be treated as a legitimate and responsible political actor. As the chairman of the PLO, Yasser Arafat is responsible for its actions. At the recent Palestine National Council meeting in Algiers, Mr. Arafat allowed Abu Abbas to attend as a member of the executive committee of the PLO, even though Abu Abbas has been convicted by the Italian judicial system of

the murder of Leon Klinghoffer. This is far from a positive signal from the PLO leadership.

Although Prime Minister Shamir has made a serious proposal to end the Intifada, the Palestinian Liberation Organization has not shown any desire to peacefully settle the tensions. I look forward to their policy proposals and to a peaceful resolution to the problems in the region. But unless the PLO ceases their refusal to negotiate in good faith and reaffirms their commitment to accepting the right of Israel to live in peace, I doubt that any dialog or diplomatic initiatives the administration undertakes could succeed.

Mr. President, returning to the point I made at the outset, the Senators have accomplished the objective they set out when they began. They have drawn a line in the sand, so to speak. Those who observe these proceedings will take from this debate that there is a very level of doubt in the minds of Senators as to the wisdom of continuing contacts between the United States and the PLO.

In deference to the President, whose major responsibility it is to conduct foreign policy, and the extraordinary efforts by our colleagues, including Mr. BOSCHWITZ and Mr. METZENBAUM and our two leaders, I will be voting for the motion to table the Grassley amendment today. But I do so in the hope that by passing the Mitchell-Dole amendment, we will be able to get these restrictions enacted into law, and that we will revisit this issue on the floor in short order should developments warrant.

Mr. MITCHELL. Mr. President, Senator INOUE had intended to address the Senate on this subject but he is at this moment chairing a committee hearing. Accordingly, he asked me to advise the managers that he would not come in to speak but that he supports the leadership position to table and in opposition to the amendment. He will be here of course to cast his own vote. Since we have now had a complete debate, I believe everyone has had the opportunity to address the Senate, accordingly, Mr. President, on behalf of myself, Senators DOLE, METZENBAUM, BOSCHWITZ, KERRY, PACKWOOD, and INOUE, I move to table the Grassley amendment. And I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second to the tabling motion? There is a sufficient second.

The yeas and nays were ordered.

Mr. MITCHELL. Mr. President, I have been asked to withhold because two other Senators wish to speak, so I withdraw my motion to table at this time.

The PRESIDING OFFICER. Without objection, that motion is withdrawn.

Mr. MITCHELL. Will the Senators agree on time because several Senators

have been anticipating votes. How long would the Senator from Pennsylvania like?

Mr. SPECTER. I anticipate speaking 5 minutes or less.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senator from Pennsylvania be recognized to address the Senate for no more than 5 minutes on the subject, following which the Senator from Michigan be recognized to address the subject for no more than 2 minutes on the subject, following which I will make my motion to table.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Pennsylvania is recognized for 5 minutes.

Mr. SPECTER. Mr. President, I thank the Chair. I was just discussing with my distinguished colleague from Minnesota the merits of this matter. I know it is a matter of some controversy. I had spoken earlier on the subject and had gone to the Hastings impeachment matter and read the alternative proposed by the distinguished majority leader, Senator MITCHELL, and had read President Bush's letter. I wanted to come back and make a few additional comments.

Mr. President, my net assessment is that the amendment offered by the distinguished Senator from North Carolina is preferable to the provisions suggested by the distinguished majority leader because Senator HELMS' amendment is somewhat more forceful. It may be that there is very little practical difference between the two. I have not heard the interviewing debate on the proof of the negative, but it probably requires little more to satisfy the requirements of what Senator HELMS has asked for as contrasted with what Senator MITCHELL has asked.

I also believe, Mr. President, that in the long run the action by the Senate today is more symbolic than specifically meaningful. The stronger the message the Senate would send to President Bush and Secretary of State Baker the better, to let them know about our deep concerns about dealing with the PLO for reasons which I articulated before: their record of terrorism, the murder of the United States Ambassador in Sudan, the Charge, in 1973, the repeated acts of terrorism, notwithstanding their promises to abandon terrorism in December 1988.

I do have a concern about either of the amendments from the point of view of the President's constitutional authority in foreign affairs, although the Congress has substantial authority in the same field. It has become commonplace for the Congress to limit legislative action by the formula, saying no funds may be spent if the executive branch does thus and so. I think there are limits. For example, I do not think

Congress can say that the President may spend no money in foreign affairs unless he relinquished control of foreign affairs to the Congress or the President could not spend any money under the Department of Defense appropriation bill unless he let the Congress act as commander in chief. So that there is a problem in this formula for limiting expenditures. But I think what is really happening is that this is part of the complex political process and the more forcefully we let the President and the Secretary of State know our views about our dislike of the PLO and the limitations which we see that ought to be applied, then I think the better it is.

Mr. President, when I returned from a trip last January to a number of countries in the Mideast, I had prepared a statement on my views on the issues related to the PLO and the incident involving Mayor Freij and related subjects. I ask, for purposes of brevity, that the full text of this statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

On my January 1989 visits to Baghdad, Damascus, Riyadh, Cairo and Amman, I found Arab leaders euphoric about Secretary of State Shultz's decision to open talks with the P.L.O. This comes, of course, as a consequence of Arafat's recent statement renouncing terrorism and accepting UN Resolutions 242 and 338. Arab leaders feel strongly that the new U.S. Administration must urge Israel to negotiate with the P.L.O. and accept a settlement that would trade land for peace.

When pressed, President Mubarak, King Hussein and others will concede that Arafat's record indicates that he is—to put the best face on it—unreliable. They argue, however, that like it or not, Arafat represents a majority of Palestinians, and there is no real alternative to dealing with him. Indeed, around the world, government leaders honor Arafat by inviting him to meet with them publicly.

Arafat has virtually shot his way into prominence. He and the P.L.O. represent Palestinians not through channels that traditionally confer legitimacy, but by intimidation of other potential Palestinian representatives. I am thinking, for example, of the death threat Bethlehem Mayor Freij recently received, and of the PLO order to West Bank Arab leaders not to attend a meeting which was scheduled with Shultz last month in Jerusalem.

Perhaps the Byzantine character of Mideast realpolitik requires dealing with Arafat if there are to be Arab-Israeli peace talks in the near future. I am not convinced that this is so. But certainly, as a minimum requirement for his inclusion, the U.S. must demand that the P.L.O. prove it has changed its position; this would require deeds in addition to rhetoric. The world needs to look realistically at the Arafat-P.L.O. record before it applies intense persuasion or pressure on Israel to regard them as the Palestinians' sole representative. How much credibility and sincerity can Arafat be credited with when our State Department and Swedish intermediaries had to write the script and manipulate Arafat like puppet-

eers. After several false starts and much prompting, he finally mouthed the magic words to pass muster. This is the same man condemned by then-Secretary Shultz only 18 days earlier for terrorist acts against U.S. citizens.

Arafat and the P.L.O. were directly involved in the murder of the U.S. Ambassador in the Sudan in 1973; in the Achille Lauro hijacking that left Leon Klinghoffer dead in 1985; in the murder of the Israeli athletes in Munich in 1972; and in numerous other acts of international terrorism. Many foreign officials have expressed surprise to me when told of the details of these incidents. Notwithstanding this record, and Arafat's repeated maneuverings in his extensive dealings with King Hussein over the years, Arab leaders urge giving Arafat a chance because he had never before explicitly recognized UN resolutions 242 and 338 and renounced terrorism.

While Arafat's apologists are quick to challenge critical interpretations of his record, certainly the incident involving Mayor Freij and his false denials have been conclusively documented. Less than two weeks after he solemnly renounced terrorism, Arafat said in Riyadh that Freij would be shot if he pursued his proposal for a truce between the Intifada and Israeli military officials. The authenticity of his recorded statement has been verified by the State Department. However, a Jordanian official told me Arafat denied making any such threat, and Arafat's denial has been widely reported in the press.

Immediately after Arafat renounced terrorism, a ranking P.L.O. official declared that the renunciation did not apply to P.L.O. activity in Israel. But U.S. State Department officials have insisted that it was not so limited; and a Jordanian official confirmed to me that the pledge did preclude terrorism in Israel at least as it applies to civilians.

I have heard Prime Minister Shamir speak on many occasions, both in public and private, and on many subjects. But I have never heard him speak with such force and conviction as on the subject of negotiating with Arafat and the P.L.O. He is unequivocally against it. Many other Israelis, on the other hand, including a ranking government official, would consider discussions with the P.L.O., providing that deeds conclusively show that terrorism and the objective to destroy Israel have been truly abandoned.

The imperative to move ahead with the peace process and the very serious problem with the intifada make it very attractive to consider compromises on many matters, including the composition of the Palestinian delegation. All the alternatives have to be weighed and considered, but the final judgments will come from the parties themselves who must live or die with the results. I have grave concerns about U.S. talks with the P.L.O. under any circumstances, but I would have grave reservations about even considering such talks unless and until the P.L.O. backed by long-term deeds their rhetoric on abandoning violence.

Mr. SPECTER. Mr. President, I further in my earlier statement had referred to an exchange which I had with Secretary of State Baker before the Foreign Operations Subcommittee of Appropriations earlier this year. I ask unanimous consent that an extract from that statement be printed in the RECORD.

There being no objection, the extract was ordered to be printed in the RECORD, as follows:

EXTRACT FROM HEARING, COMMITTEE ON FOREIGN RELATIONS, SUBCOMMITTEE ON FOREIGN OPERATIONS

Senator SPECTER. Now, Mr. Secretary, let me talk to you now about the subject of the PLO and terrorism and the very difficult questions which are raised in the Mideast peace process. And I am sorry if I have missed some of the discussion. I know you were talking about it, but I had to be in other committees, and I was on the floor briefly.

I note a quotation attributed to you in this morning's Post to this effect. "It is an element of our policy to promote direct negotiations which can be meaningful between Israelis and Palestinians. Now, if you can't have direct negotiations that are meaningful, that do not involve negotiations with the PLO, then I suppose my original answer would cover the question. We would then have to see negotiations between Israelis and representatives of the PLO."

Is that about accurate?

Secretary BAKER. I think so, roughly, yes.

Senator SPECTER. The concern that I have is this. My concern is that the PLO has a record of terrorism. Arafat personally having been involved in the murder of our ambassador in the Sudan back in 1974, many acts involving others, the Israeli athletes in Munich, involvement in the hijacking of the *Achille Lauro*. And one of the things that I think the United States has not done an adequate job on is in telling the world what the facts are about Arafat so that he is regarded highly in most places in the world, thought of as a diplomat and is accorded great, great respect.

Now, we have the situation where Arafat has really shot his way into the bargaining room. He has shot his way into the bargaining room because people are afraid of him.

We have the case of Mayor Freij in Bethlehem, and I had occasion to talk to Mayor Freij shortly after he had made the proposal that the Intifada ease off and that the Israelis ease off, that there be a cooling off period in the administered territories. And then Arafat made the statement that he would put 10 bullets into the body of anyone who tried to interfere with the Intifada.

Now, Arafat later denied saying that.

Secretary BAKER. That's right.

Senator SPECTER. And the problem that he found on that case was that there was a tape recording of his statement. And to be precise, he did not identify Freij by name in the statement, but in the context that it was made, it was clear that the conversation related to Freij.

I had occasion to visit with Mayor Freij on January 12, just a few days after the incident occurred. And he was very circumspect in his language and he wasn't blaming anybody because he wanted to live the next day. But it was plain that he was scared to death by what had happened.

Now, I agree with the first part of your statement. I know that this is an extraordinarily difficult subject and there aren't any easy answers at all, and the question is whether there are any answers. I realize that.

And the goal of having representatives of the Palestinians—and I think there are many in Israel who are capable of being representatives of the Palestinians to come forward and talk to the Israelis other than the

PLO. But if you say that you want to give the Palestinians a chance to have representations other than the PLO, out if that doesn't work out, then you may have to go to the PLO, isn't that really an open invitation for the PLO to make sure that the Palestinians never have meaningful negotiations because the PLO will terrorize them?

Secretary BAKER. I don't think so. I don't think so at all, Senator. It seems to me that what I have expressed there is the view that it would be—first of all, you're not going to have peace without direct negotiations between Israelis and Palestinians. If that can be accomplished through a dialogue between Israelis and Palestinians in the occupied territories, that would be, of course, a preferred approach, but that we ought to rule out categorically, absolutely and unequivocally consideration of going beyond that if it is necessary to move toward peace in the Middle East. That is all I said, and that is what I mean. And that seem to me to be an eminently reasonable position to take.

Senator SPECTER. But, Mr. Secretary, if Arafat and the PLO know that they can move from the wings to center stage if the other Palestinians do not have fruitful negotiations with the Israelis, isn't that an open invitation for Arafat and the PLO to terrorize the other Palestinians?

Secretary BAKER. I don't think so, Senator. And I didn't say that they would move. But I do think that it is important that we simply not categorically, absolutely, totally and completely rule out under any and all circumstances any dialogue that might lead to peace. I just don't think we ought to do that.

Senator SPECTER. Well, I would agree with the generalization except that I would disagree with the context that you were quoted yesterday—and as you say, that is about what you said—where known that the PLO engages in acts of terrorism, and if they have an incentive to stop the other negotiations between the Palestinians—let me ask you this.

Secretary BAKER. Look at what has happened. Those negotiations have let to the situation that we now are experiencing in the occupied territories, Senator, which is, I'm sure you would agree, a totally unsatisfactory result for all parties.

Senator SPECTER. Well, I agree, but if a man like Mayor Freij sticks his head up and he doesn't get shot down because the bullet misses and then he won't put his head up again, what incentives are there for Palestinians to come to talk to the Israelis if the PLO will take over if they fail?

Secretary BAKER. Let me simply repeat your words when you posed the question. You are quite right. This is an extraordinarily difficult area, a very intractable situation, and my view is that we ought to explore all reasonable means that might move us in the direction of peace, and that we could be faulted if we did not.

Senator SPECTER. Well, you and I agree on that statement. We just may disagree on what is reasonable.

Let me ask you one final question, and that is if the PLO engages in terrorism to discourage other Palestinian representation, would that then rule out the PLO as an acceptable negotiator in your opinion?

Secretary BAKER. I will decline to do for you what I declined to do for Senator KASTEN, and that is try and define in each and every circumstance under hypothetical cases when we might or might not break off our dialogue. We can't do that because there are definitional problems. And if the

PLO resorted to terrorism, failed to keep their commitment to renounce terrorism, it would be an occasion for the United States to break off its dialogue.

Senator SPECTER. Well, I can understand the difficulties in defining it as you articulate it. I think it is a little different when you come to the question of what the United States would say about PLO representation if they, in fact, caused the vacancy by shooting their way into the bargaining room.

Secretary BAKER. I guess what I am saying is I would decline to speculate on hypotheticals. We would have to address those questions as and when they occurred.

Senator SPECTER. Well, I appreciate what you have said before about—the State Department about the range of PLO terrorism. I think you are on the right track. I know you inherited the policy of talking to the PLO. And I believe these discussions are very good because they have an exchange of ideas as to what we think and what policies we would ask you to consider.

Secretary BAKER. You know, Senator, if I may just say one other thing, I have seen a lot of foreign leaders during the course of the past seven or eight weeks, all of whom would really like to see the United States move a bit more aggressively in this area toward the support of some high level, high visibility, international conference or other initiative in the Middle East. And it has been my constant reply to them that we really believe that we ought to do whatever we can to improve the atmosphere on the ground first, see if we can improve the atmosphere so that we might ultimately get to a position where negotiations could take place.

Some people fault that as too low key an approach and so forth, but that, nevertheless, is the approach that the President has opted to pursue. And frankly, we were pleased this morning to see that approach endorsed, at least for the time being by one of the lead editorials in one of our Nation's major newspapers.

So, this is what we are trying to do and we really ought to at least be willing to explore every reasonable avenue that could move the process forward.

Senator SPECTER. Thank you.

Mr. SPECTER. Mr. President, the comments which I have just included in the RECORD will amplify in some greater detail the reasons why I am supporting the Helms amendment, but I do hope that whatever the outcome is—and I believe it is a part of the political process when considering the fact that the President can himself veto this bill and probably have it sustained if he sufficiently dislikes our effort to limit his executive authority—whatever the precise outcome is, I am hopeful that under the political process there will be a very strong statement made to President Bush and Secretary of State Baker that we are concerned about dealings with the PLO and that we do not like dealings with members of the PLO who have been engaged in terrorism and murder, and that we would urge that the PLO back up by deeds any of their rhetoric that they are abandoning terrorism.

I thank the Chair.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

Under the unanimous-consent agreement the Senator from Michigan is recognized for 2 minutes.

Mr. LEVIN. Mr. President, the issue before us is not whether we believe the United States will be conducting a dialog with the representative of the PLO. I happen to doubt the wisdom of doing so because so many members of the PLO have engaged in terrorist acts against innocent civilians, including Americans, and the PLO continues to have a charter aimed at the destruction of Israel.

The President has decided to undertake the dialog with PLO representatives and under the Constitution it is possible at least that we cannot restrict that Presidential prerogative.

The language of the Helms and Grassley amendment is broader than the language of the leadership amendment, but their goal is the same, to place some restrictions on the ability of the President to engage in those discussions with the PLO. The Helms-Grassley language is broader, and the leadership language is narrower, but the leadership language has one advantage over the broader language. It will not be vetoed by the President.

It is important that the Congress send a strong message against terrorism and to say that there are some people with whom we will not talk. The Helms-Grassley effort has moved us in that direction, and I believe it is a useful effort because it expresses our views so strongly on this subject.

But, Mr. President, it is also important that we succeed in this effort. The leadership amendment has a better chance of becoming law because it will not be vetoed by the President, and I support the leadership amendment principally for that reason.

I thank the Chair.

I yield the floor.

Mr. DODD. Will my colleague from Michigan yield?

Mr. LEVIN. I do not have any time left.

Mr. DODD. I want to associate myself with the remarks of the distinguished Senator from Michigan.

Mr. MITCHELL. Mr. President, in behalf of myself, Senators DOLE, METZENBAUM, BOSCHWITZ, KERRY, PACKWOOD, and INOUE, I move to table the Grassley amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Maine to lay on the table the amendment of the Senator from Iowa. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from North Carolina [Mr. SANFORD] is necessarily absent.

I also announce that the Senator from Hawaii [Mr. MATSUNAGA] is absent because of illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 75, nays 23, as follows:

[Rollcall Vote No. 131 Leg.]

YEAS—75

Adams	Domenici	McClure
Armstrong	Durenberger	McConnell
Baucus	Exon	Metzenbaum
Bentsen	Ford	Mikulski
Biden	Fowler	Mitchell
Bingaman	Garn	Moynihan
Bond	Glenn	Nunn
Boren	Gore	Packwood
Boschwitz	Gorton	Pell
Breaux	Graham	Pryor
Bryan	Hatfield	Reid
Bumpers	Hollings	Riegle
Burdick	Humphrey	Robb
Byrd	Inouye	Rockefeller
Chafee	Jeffords	Roth
Cochran	Johnston	Rudman
Cohen	Kassebaum	Sarbanes
Conrad	Kennedy	Sasser
Cranston	Kerrey	Shelby
Danforth	Kerry	Simon
Daschle	Kohl	Simpson
DeConcini	Leahy	Stevens
Dixon	Levin	Wallop
Dodd	Lugar	Warner
Dole	McCain	Wirth

NAYS—23

Bradley	Heflin	Murkowski
Burns	Heinz	Nickles
Coats	Helms	Pressler
D'Amato	Kasten	Specter
Gramm	Lautenberg	Symms
Grassley	Lieberman	Thurmond
Harkin	Lott	Wilson
Hatch	Mack	

NOT VOTING—2

Matsunaga	Sanford
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So the motion to lay on the table was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

Mr. METZENBAUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KOHL. Mr. President, I voted to table the Helms-Grassley amendment in order to have an opportunity to vote for the Mitchell-Dole amendment. And I want to take this opportunity to explain both why I favored the particular language of the Mitchell-Dole amendment and my general thinking on this subject.

The PLO has been a terrorist organization. There is no debate about that. After all, it was just last year that Chairman Arafat even consented to denounce and renounce terrorism as a toll of PLO policy—and since that announcement there have been enough events to cast doubt on the validity of his rhetorical commitment. The point is that there are a number of people in the PLO leadership who have been in-

volved in terrorist activities. And the United States ought not be negotiating with them.

That, I think, is the point of both the Helms and the Mitchell amendments. But Senator HELMS, it seems to me, imposes such conditions and criteria for "clearing" a PLO representative that the effect of his language would be to prevent discussions between the United States and representatives of the PLO even if those representatives had not been directly involved in terrorism. The Mitchell-Dole amendment, on the other hand, makes it possible for those necessary discussions to continue while at the same time making it clear that they will not take place with people who have been directly involved in terrorism.

No matter how I feel about it, the PLO is going to play a role in the Middle East. There is no question about that. The question is whether it will be a constructive or destructive force. The Mitchell-Dole amendment is an effort to encourage the PLO to take a constructive approach. When the United States makes it clear that we will only talk directly to those who have not participated in terrorism against American citizens, we are not trying to stop the dialog with the PLO. We are trying to increase the influence and power of "moderate" forces within the PLO structure. That makes sense. But it makes no sense to adopt a policy which would create so many barriers that we couldn't talk to anyone. The net effort of that approach would be to allow the PLO hardliners—and there are plenty of them—to tell the moderates that their efforts to compromise hadn't produced anything. And that would give the hardliners ample justification for an overt return to terrorism. It we want to face facts and deal with the reality of the PLO, then it makes sense to do so in a way which protects our moral character and advances the cause of peace. The Mitchell-Dole amendment does that; the Helms language doesn't.

It also makes sense to encourage an increase in the influence and power of "moderate" forces within the Israeli Government. Recent news reports which suggest that Ariel Sharon has called for "eliminating" Arafat are not helpful. Nor are they justifiable. News reports which suggest that Foreign Minister Moshe Arens is saying that continued United States-PLO discussions mean that free elections cannot be held are unfortunate and untrue.

In my view, the PLO at some level and in some form will play a role in resolving this conflict. It cannot be resolved without them. Given the history of the conflict, I agree that there are some people who cannot be at the table—but if we are going to get a solution to the conflict, all interests have to be at the table. It makes no sense

for Israel to talk peace only with people who are not at war with her; it makes no sense for Arab States to talk about peace while refusing to recognize the right and reality of Israel's existence.

Peace is possible but it is not going to be easy and it isn't going to come on the terms that any given interest wants. There has to be give and take on both sides. It is in that spirit and with these concerns in mind that I vote for this amendment.

AMENDMENT NO. 364 TO AMENDMENT 269

Mr. MITCHELL. Mr. President, in behalf of myself, Senators DOLE, METZENBAUM, BOSCHWITZ, KERRY of Massachusetts, PACKWOOD, and INOUE, I send to the desk an amendment to the Helms amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Maine [Mr. MITCHELL], for himself and Mr. DOLE, Mr. METZENBAUM, Mr. BOSCHWITZ, Mr. KERRY, Mr. PACKWOOD, and Mr. INOUE, proposes an amendment numbered 364 to the Helms amendment numbered 269.

Mr. MITCHELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In the pending amendment, strike all after the word "Sec. ." On line 1, and insert in lieu thereof the following:

PROHIBITION ON NEGOTIATIONS WITH CERTAIN PALESTINE LIBERATION ORGANIZATION REPRESENTATIVES.

Section 1302(b) of the International Security and Development Cooperation Act of 1985 (22 U.S.C. 2151), is amended by adding before the period at the end thereof, the following: "except that no funds authorized to be appropriated in this or any other act may be obligated or made available for the conduct of the current dialogue on the Middle East peace process with any representative of the Palestine Liberation Organization if the President knows and advises the Congress that that representative directly participated in the planning or execution of a particular terrorist activity which resulted in the death or kidnaping of an American citizen."

Mr. MITCHELL. Mr. President, for the information of Senators, I have discussed this matter with the distinguished Senator from North Carolina. Since this matter has been thoroughly discussed prior to the previous vote, the Senator from North Carolina has indicated that he does not expect to take more than 5 minutes on this. Senator LEVIN has asked to speak for a few minutes. Senator METZENBAUM will speak briefly and I will speak for a few minutes.

Senators should be aware there should be a vote on this amendment within 10 minutes or less. I ask Senators to be aware of that as they make

their plans for the next several minutes.

I yield now to the distinguished Senator from North Carolina.

Mr. HELMS. Mr. President, I do not think I am going to take any time at all on this amendment.

I thank Senators for their consideration. The way you operate around this place you do the best you can.

Mr. President, in the interest of time I yield the floor.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. PELL. Mr. President, I am pleased to be able to support the Dole-Mitchell compromise amendment regarding the Middle East peace process and negotiations with the Palestine Liberation Organization. The compromise preserves an important aspect of the original amendment, but in a much more workable formulation.

It must be absolutely clear that we abhor terrorism and those who direct and participate in it. Certainly, we have no business conducting talks with those who have committed terrorist activities against Americans. Moreover, we do not want anyone to have the slightest question that we Americans abhor terrorism and will do our utmost to prevent anyone from achieving goals through terrorism.

At the same time, however, it is very important that the administration have the leeway to continue the current discussions with the PLO in Tunis. I would not want the Senate to try to direct these talks through remote control.

We must not lose sight to the overriding importance of achieving a comprehensive peace in the Middle East. For this to occur we are going to have to talk with the PLO. I believe that this amendment applies logical controls without undercutting legitimate discussions.

It is too early to see just how seriously the Palestine Liberation Organization will take the discussions in Tunis and what results it is reasonable to expect. I would hope that the PLO leadership will take a sober and responsible approach to these discussions and will demonstrate a willingness to be a positive force toward a new, comprehensive peace in the Middle East. It is critical that they demonstrate to the United States, to Israel, and to the rest of the world that they are willing to support a solution achieved through negotiation and that they are truly willing to forgo any form of terrorism.

Mr. METZENBAUM. Mr. President, very briefly this is the amendment that has been worked on and negotiated.

If you asked me if I think this is a perfect amendment, I do not think it is a perfect amendment. If you ask me whether I think it resolves the issue so

it can be enacted so that the President can sign it, I would say yes. If you ask me whether I think that it helps move the peace process forward in the Middle East, I would say yes. If you ask me whether or not it keeps the administration into the peace process, I would say yes.

I believe that the amendment should be supported. I am a cosponsor of it. I think that it is in the interest of all of the parties in the Middle East.

I hope that all of my colleagues will see fit to support it.

Mr. DECONCINI. Mr. President, will the Senator yield for a question?

Mr. METZENBAUM. I yield.

Mr. DECONCINI. Will the President support this amendment?

Mr. METZENBAUM. It is my understanding that the President believes the amendment to be unconstitutional. It is my understanding that the President does not support it. But it is also my understanding that the President has indicated he will not veto it.

Does the majority leader agree with that?

Mr. MITCHELL. Yes. The President is opposed to any amendment on this subject. The Secretary of State authorized me to state that the President would prefer no amendment, he regards this as far less offensive than the previous amendment, will not veto it over this, but does not favor the amendment.

Mr. DECONCINI. Mr. President, will the Senator yield?

Mr. MITCHELL. I yield.

Mr. DECONCINI. From what the Senator from Ohio says, the President says he thinks it is unconstitutional, but he is prepared to sign this into law?

Mr. MITCHELL. If it is part of a broader bill which obviously has many aspects of it which the President supports.

Mr. DECONCINI. He will sign it into law even though he thinks it is unconstitutional.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. If the majority leader will yield for a minute just for a question, I support this amendment because I think it has the best chance of becoming law and that we should put some restrictions on meeting with terrorists. It is that simple. This amendment does that. It is not as broad as the amendment that it is a perfection of, but at least it will become law. That is a singular advantage.

My question relates to the language of this amendment. It states that if the President knows that the representative directly participated in the planning or execution of the particular terrorist activity which resulted in the death or kidnapping of an American citizen, no funds would be available for such dialog. But it also says that if the President knows and advises the

Congress that the representative directly participated in the planning, that then that end would follow.

My question is: Is it the intention of the author of this language, my good friend, the majority leader, that if the President knows of such direct participation in the particular terrorist activity, that in that event he would notify the Congress?

Mr. MITCHELL. Yes, it is.

I might say to the Senator that this amendment was drafted by several persons, including myself and some of the other cosponsors, in cooperation with the administration representatives, including the Secretary of State and many others. As one of those participants, it is my understanding and my intention that if the President knows of such facts, he will advise the Congress and not continue the dialog with that particular person. That is the intention of this provision.

I would note also that the supporters of the previous amendment placed great stress upon the faith and confidence which they have in the President. The author of the previous amendment which was just tabled spoke here at some length about the faith and confidence he has in the President. It is my expectation that the President would comply with the law as written, and if he knew—and as I previously discussed with the Senator from Michigan in an earlier colloquy, the President knowing, in my judgment, means also the President's designated administration officials in such areas, such as the Secretary of State, the Director of the CIA, and other such officials.

Mr. LEVIN. I thank the leader.

Mr. MOYNIHAN. Will the majority leader yield for a question?

Mr. MITCHELL. Yes.

Mr. MOYNIHAN. As I understand the event that brings this debate about was the meeting of an American Ambassador with Saleh Khalef, who is generally thought to have been responsible for the assassination—murder, not assassination; it was a very cold-blooded execution of Cleo Noel, our Ambassador in Khartoum in 1973.

It appeared at the time that I was next on the list. I was then an Ambassador in New Delhi. After Noel, it was understood that the next murder was to take place in New Delhi.

Could I suggest a proviso then. Knowledge in these matters is so often uncertain, tenuous; sometimes fixed, but more often tenuous.

There could be circumstances in which a President would be satisfied as to the murderer, but for other reasons of state altogether want to continue contacts with the intention of retribution.

Mr. MITCHELL. I am sorry. I was distracted momentarily.

Mr. MOYNIHAN. That is all right. I understand.

There are occasions in that world which you can readily envisage in which a President would have reason to think, or even to know, that a man was a terrorist, but for purposes of apprehending, for purposes of retribution, want to continue a relationship for a period.

I would hope the President's residual power to carry out that contacts in such circumstances would be understood.

Mr. MITCHELL. I believe the Senator from New York has made an excellent point which was not considered when the amendment was being drafted but represents another argument in favor of the provision.

Mr. MOYNIHAN. I certainly hope so.

Mr. MITCHELL. I thank him very much for that.

Mr. President, I will be very brief. We have debated this at some length.

Twenty-three Senators have just voted against tabling the previous amendment. That vote can be interpreted only as a desire to impose certain restrictions on the dialog that is under way and those who can participate. The only way in which those 23 Senators can now accomplish any part of their objective is to vote for this amendment, because this amendment does impose some restrictions, albeit not as severe as those which would have been included in the amendment just tabled.

The Senators who voted for tabling, on the other hand, I believe, the overwhelming majority of them, also wish to impose some restrictions, although in the form in this amendment as opposed to those in the prior amendment.

As the Senator from Michigan [Mr. LEVIN] eloquently stated, the only way to get any restriction or to convey any message is to vote for this amendment. Therefore, I encourage all Senators to support this amendment.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there further debate?

Mr. KERRY. Mr. President, as a cosponsor of this leadership amendment I believe this represents an appropriate compromise to the problem we are attempting to address.

I have long been deeply concerned that the United States, if we are to have a consistent antiterrorism policy, not deal with individuals engaged in such activities, particularly if the actions are directed at the killing and kidnaping of U.S. citizens. All Members of this body share this deep concern.

And I have long supported efforts to bring about a Middle East peace which will end the terrible, seemingly unending, cycle of violence in that tragic region of the world. All Members of this body share this goal as well.

I am not opposed to officials of our Government engaging in a dialog with the PLO in the pursuit of peace in the Middle East. However, I think that goal—permanent peace in the Middle East—is jeopardized when officials of our Government meet with an individual whose record of being involved in violence directed against American citizens is irrefutable. I will not repeat what others have already detailed regarding the role of Abu Iyad in the killings of U.S. citizens, including the deaths of our Ambassador to Sudan, Cleo Noel and his Deputy Chief of Mission, George C. Moore.

If the PLO is serious about the peace process in the Middle East, the leadership amendment, which has been worked out with the administration, will not be an obstacle to progress in those talks. However, if it is the purpose of the PLO to test the limits of U.S. antiterrorism policy, then their motivations must be called into question.

When we articulate the principles upon which our foreign policy is based, then a consistent application of those principles is necessary if we are to operate with credibility in international affairs. We paid an enormous price when officials of our Government engaged in secret arms sales to Iran—a country which President Reagan himself had singled out as engaging in state-sponsored terrorism. The regime of Ayatollah Khomeini was responsible for the deaths and kidnaping of numerous American citizens.

We have paid a similar price in the war on drugs as a result of the close relationship our Government maintained for far too long with Panamanian dictator, Gen. Manuel Antonio Noriega.

We have paid a price, and the citizens of our country have paid a price with their lives when we have not applied our principles consistently. It is difficult to explain to the families of American victims of terrorism why we are dealing with individuals who were responsible for killing their loved ones in cold blood.

The families of the victims of the Pan Am 103 bombing were outraged that our Government had not done enough to protect our citizens from the actions of terrorists. Should we expect them to swallow this outrage if the day ever came that a decision was made to deal with the perpetrator of this horrendous act?

Therefore, while it is the hope and desire of every American, and every Member of this body, that permanent peace can be brought to the Middle

East, it is difficult for the American people to understand why the path to peace may be jeopardized unless we deal with individuals directly responsible for killing our citizens. That is what this debate is all about. That is what is troubling to all of us.

Mr. President, I believe the fundamental principle that our Government will not talk to, or negotiate with, terrorists, particularly those directly responsible for the planning and implementation of killing and kidnaping of Americans, is established firmly in the leadership amendment.

If not, the question is on agreeing to the amendment of the Senator from Maine [Mr. MITCHELL].

The yeas and nays have been ordered and the clerk will call the roll.

The bill clerk called the roll.

Mr. CRANSTON. I announce that the Senator from North Carolina [Mr. SANFORD] is necessarily absent.

I also announce that the Senator from Hawaii [Mr. MATSUNAGA] is absent because of illness.

The PRESIDING OFFICER (Mr. DIXON). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 97, nays 1, as follows:

[Rollcall vote No. 132 Leg.]

YEAS—97

Adams	Fowler	McConnell
Armstrong	Garn	Metzenbaum
Baucus	Glenn	Mikulski
Bentsen	Gore	Mitchell
Biden	Gorton	Moynihan
Bingaman	Graham	Murkowski
Bond	Gramm	Nickles
Boren	Grassley	Nunn
Boschwitz	Harkin	Packwood
Bradley	Hatch	Pell
Breaux	Hatfield	Pressler
Bryan	Hefflin	Pryor
Bumpers	Heinz	Reid
Burdick	Hollings	Riegle
Burns	Humphrey	Robb
Byrd	Inouye	Rockefeller
Chafee	Jeffords	Roth
Coats	Johnston	Rudman
Cochran	Kassebaum	Sarbanes
Cohen	Kasten	Sasser
Conrad	Kennedy	Shelby
Cranston	Kerry	Simon
D'Amato	Kerry	Simpson
Danforth	Kohl	Specter
Daschle	Lautenberg	Stevens
DeConcini	Leahy	Symms
Dixon	Levin	Thurmond
Dodd	Lieberman	Wallop
Dole	Lott	Warner
Domenici	Lugar	Wilson
Durenberger	Mack	Wirth
Exon	McCain	
Ford	McClure	

NAYS—1

Helms

NOT VOTING—2

Matsunaga Sanford

So the amendment (No. 364) was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WIRTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the underlying amendment, as amended.

AMENDMENT NO. 269, AS AMENDED

The amendment (No. 269) as amended, was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the amendment, as amended, was agreed to.

Mr. WIRTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SPECTER addressed the Chair. The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I call up for consideration amendment No. 325, send it to the desk, and ask for its immediate consideration.

Mr. BREAU. Will the Senator yield?

The PRESIDING OFFICER. Will the Senator from Pennsylvania yield to the Senator from Louisiana?

Mr. SPECTER. On the condition I do not relinquish my right to the floor. By unanimous consent, I will yield.

Mr. BREAU. I say to the Senator, we discussed with the leadership on both sides to offer an amendment which will not take long. It is accepted on both sides of the aisle. We have a number of Members who cannot be here, or who have to leave and cannot take it in this order. It will take less than 10 minutes.

The PRESIDING OFFICER. Will the Senator yield for the adoption of an uncontested amendment?

Mr. SPECTER. I did not hear the Senator saying how long his amendment will take.

Mr. BREAU. Less than 10 minutes. There are a number of Senators waiting to make a brief comment in support of what we are trying to do.

Mr. BENTSEN. If I may also comment, we have an executive session of the Finance Committee now, and I really need to get back to it. I think we can resolve our differences in less than 10 minutes.

Mr. SPECTER. That is acceptable to this Senator on the condition, with unanimous consent, I do not lose my right to the floor on this amendment which is expected to last 10 minutes or less.

The PRESIDING OFFICER. Is there objection?

Mr. PELL. Reserving the right to object.

Mr. LAUTENBERG. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, my understanding had been the Senator from Louisiana would be recognized, but we have a series of pretty-well-agreed-upon amendments: Breau, Graham, Lautenberg, Helms, Murkowski,

Simon. We wanted to go through that series.

Mr. SPECTER. That poses a problem for this Senator because I have an amendment that I sought to introduce yesterday. There was a technical objection, on refusal by the distinguished Senator from Rhode Island to set aside two pending amendments. There had been a cloture motion filed.

My amendment is a very important amendment seeking to enact statutory imposition of the death penalty for terrorists.

This Senator, engaged in proceedings of the impeachment of Judge Hastings, has very limited time to come to the floor. There was a point in the proceeding where I could come here without losing a quorum so that proceeding could go forward. I am prepared to yield to the distinguished Senator from Louisiana and the distinguished Senator from Texas on the circumstances which they have set forth to accommodate them for their time, but I do not wish to take a procedural disadvantage and run the risk of this amendment not being able to be offered. I would yield, as I say, if unanimous consent is granted that I will have the right to the floor upon the conclusion of this amendment, which is anticipated to last 10 minutes or less.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from Pennsylvania? Without objection, it is so ordered.

The Senator from Louisiana is recognized.

Mr. BREAU. Let me thank the Senator from Pennsylvania for his courtesies. I think we can dispense with this without too much difficulty.

AMENDMENT NO. 365

(Purpose: To facilitate the international conservation of sea turtles, and for other purposes)

Mr. BREAU. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. BREAU], for himself, Mr. JOHNSTON, Mr. LOTT, Mr. SHELBY, Mr. HEFLIN, Mr. COCHRAN, Mr. DIXON, and Mr. MACK, proposes an amendment numbered 365.

Mr. BREAU. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill insert the following:

Sec. . . The Secretary of State, in consultation with the Secretary of Commerce, shall, with respect to those species of sea turtles the conservation of which is the subject of regulations promulgated by the Secretary of Commerce on June 29, 1987—

(1) initiate negotiations as soon as possible for the development of bilateral or multilateral agreements with other nations for the protection and conservation of such species of sea turtles;

(2) initiate negotiations as soon as possible with all foreign governments which are engaged in, or which have persons or companies engaged in, commercial fishing operations which, as determined by the Secretary of Commerce, may affect adversely such species of sea turtles, for the purpose of entering into bilateral and multilateral treaties with such countries to protect such species of sea turtles;

(3) encourage such other agreements to promote the purposes of this section with other nations for the protection of specific ocean and land regions which are of special significance to the health and stability of such species of sea turtles;

(4) initiate the amendment of any existing international treaty for the protection and conservation of such species of sea turtles to which the United States is a party in order to make such treaty consistent with the purposes and policies of this section; and

(5) provide to the Congress by not later than one year after the date of enactment of this section—

(A) a list of each nation which conducts commercial shrimp fishing operations within the geographic range of distribution of such sea turtles;

(B) a list of each nation which conducts commercial fishing operations which may affect adversely such species of sea turtles; and

(C) a full report on—

(i) the results of his efforts under this section; and

(ii) the status of measures taken by each nation listed pursuant to paragraph (A) or (B) to protect and conserve such sea turtles.

Mr. BREAU. Mr. President, the amendment I am offering today is intended to promote the international conservation of sea turtles, and to provide the groundwork for ensuring that foreign fishing interests bear as great a conservation burden as our own industry. I am pleased that Senators JOHNSTON, LOTT, SHELBY, HEFLIN, COCHRAN, BENTSEN, DIXON, LEVIN, and GRAHAM have joined me in this effort as cosponsors of the amendment.

As many of my colleagues know, domestic commercial shrimp fishermen in the Gulf of Mexico and the South Atlantic are being compelled by Federal law to use turtle excluder devices, or TED's, in a variety of fishing situations. A TED is a device that, if it functioned properly, would retain shrimp in commercial shrimp fishing trawls while, in the unusual event of an encounter with a sea turtle, allowing the turtle to escape the net unharmed. The required use of TED's by the domestic industry remains very controversial. Off the coast of Louisiana, for example, unusual concentrations of sea grass this summer have led to complaints from shrimpers that fouling of the TED is resulting in a dramatic loss of shrimp. In addition, TED's can be both expensive and cumbersome to handle, reducing the efficiency of fishing operations and

straining the already limited profitability of commercial fishing for many shrimpers.

The purpose of this amendment, however, is not to address the use of TED's by the domestic fishing fleet. While I believe that the Department of Commerce has an obligation to look carefully at its existing regulations and to further refine those regulations to protect both endangered sea turtles and the livelihood of commercial shrimpers, this amendment focuses on the role that other nations must play if we are to fulfill our goal of effective sea turtle conservation.

The amendment before the Senate would facilitate international conservation efforts by directing the Secretary of State to initiate bilateral and multilateral discussions with foreign nations for the further protection and conservation of those species of sea turtles which are the focus of U.S. domestic conservation efforts. Of course, I would encourage the Secretary to discuss the conservation of all sea turtle species in need of greater protection, but the amendment would only require a focus on those species that are the subject of the aggressive U.S. domestic conservation program. The purpose of these international discussions would be to devise and enter into bilateral and multilateral treaties with countries concerned by the need for greater conservation of sea turtles, and with countries whose commercial fishing operations may adversely affect sea turtles. In addition, the amendment would encourage discussions to provide greater protection to land and sea areas that are of special significance to sea turtle conservation, such as spawning beaches or other critical habitats. The Secretary would be required to provide Congress with a detailed report regarding which countries conduct fishing operations that may affect sea turtles, the results of his discussions with those countries, and the status of measures taken by other nations to protect and conserve sea turtles which may be affected by fishing operations. This international approach was embodied in the recommendations of the Department of Commerce in its 1987 EIS on the protection of sea turtles.

An important focus of these international efforts is the development of agreements with nations whose commercial fishing operations "may affect adversely" sea turtles. The amendment would rely on the expertise of the Department of Commerce in identifying for the Secretary of State precisely what sort of commercial fishing operations may meet this test. I will be closely following their progress in this regard. In addition, it is clearly the intent of this Senator that any foreign commercial fishing operation in the Gulf of Mexico that would have been subject to the provisions

of the Secretary of Commerce's June 29, 1987, regulations had it occurred in U.S. waters covered by such regulations must be designated by the Secretary of Commerce for the purposes of this provision. Should the Secretary of Commerce modify those regulations at some future date, the same sort of test would of course be applicable with respect to the revised regulations.

Mr. President, the U.S. market for shrimp is quite large, over two-thirds of a billion pounds per year. Shrimp imports, from both harvest and aquaculture, approach 75 percent of the market. Not all of these fisheries have the potential to affect the sea turtle species with which we are concerned here today. Other fisheries, such as that conducted by Mexico, are technologically similar to that of the United States and take place within the range of these turtle species. Mexico is the leading exporter of shrimp to the United States, accounting for over 74 million pounds in 1986. It is my view that many questions remain with regard to appropriate measures to conserve these sea turtle species. As a matter of equity, however, I believe it is entirely appropriate to ask the fishermen of other countries, such as Mexico, to bear the same conservation burden being placed on our domestic fishermen if they are to share the benefits of access to our valuable United States shrimp market. Should the United States re-evaluate existing conservation measures imposed on domestic fishermen, as I believe it should, other countries should be held to a comparable standard—no more, but also no less.

Mr. President, I believe this amendment is sound policy. It is a policy that emphasizes international negotiation. It is my hope that these discussions will lead other nations to take a serious view of their shared responsibility for the conservation of sea turtles. Should these discussions fail to produce significant results, this Senator will certainly rush for sanctions or other measures to encourage a more responsible stance.

Mr. BENTSEN. Mr. President, I commend the distinguished Senator from Louisiana for what he has set out to do. In the original proposal we had some problems because it would put the United States in violation of GATT. We have gone to great lengths to encourage Mexico to be a member of GATT and they have done so and we have profited in this country by it. We have seen them move very substantially away from restrictive import licensing and work toward tariffs. They are now reducing those tariffs down to an average of some 20 percent. That has encouraged trade between our countries.

What the Senator has stated about putting this country at a substantial

disadvantage in the shrimping industry is absolutely true, because the excluder device on those nets gives U.S. shrimpers an encumbrance that makes it more difficult to harvest shrimp. It puts them at a competitive disadvantage with Mexico and other countries that do not use that particular device to save that particular endangered species, the sea turtle.

I suggest to the distinguished Senator that Ambassador Hills will be in Mexico in August and then President Salinas will be here probably in October to visit our own President. In each of those instances we should urge the President, and Ambassador Hills to see what they can do to get the Mexican Government to follow along with the same kind of protections for that endangered species. That would put us in a competitive mode. I think that would be a substantial move forward for both countries and I would be happy to work with the Senator in urging that.

Mr. LOTT. Mr. President, I rise in support of the modified amendment by the distinguished Senator from Louisiana. Senator BREAU has done outstanding work on this problem for many years and he continues to address a very serious problem for the commercial fisheries industry in America with this particular amendment.

There is no need to go into a lot of history. I wish we could be doing more today. I wish we could take direct action as was originally intended to put some restrictions on imported shrimp if they in fact do not have the same conservation measures that we have to have now under the law with the turtle excluder device.

There were problems with that from the Finance Committee and I understand that. But I think we should at least ask the Secretary of Commerce to look into this problem and make sure that those countries which are exporting shrimp from their country into America are taking actions to deal with these endangered turtles just as U.S. shrimpers are doing. It seems like the minimum we should do.

Our shrimpers are hard-pressed in the Gulf of Mexico. They have seaweed problems, making it difficult to be able to catch the shrimp at this particular time. They are being told they are going to have to carry these turtle excluder devices. So they are going to lose a lot of the catch. And they are going to lose a lot of income. We run the risk of losing a lot of our shrimpers.

All this amendment would do is to make sure that other countries are taking the same measures we are.

We cannot have a situation where we impose requirements on our shrimpers that other countries do not have and then allow them to use that opportunity to export a flood of

shrimp into our country to fill a void that may be left.

I think this is the minimum we should do at this time. And it should be done on a gulfwide basis. This would get the Secretary to focus on that effort.

So I rise in support of the amendment and I commend the Senator from Louisiana.

The PRESIDING OFFICER. The senior Senator from Alabama.

Mr. HEFLIN. Mr. President, I rise to support the amendment of Senator BREAU. I succeeded in getting an amendment to the endangered species reauthorization bill that called for an independent study to be made of a number of factors involving the turtle excluder devices known as TED's and to determine whether or not a turtle known as the Kemp's Ridley sea turtle is really endangered and whether or not measures that would protect the turtle, but not economically devastate the shrimping industry, could be implemented.

First, is the question of whether or not the turtle is in danger. The facts show that there are about 80,000 Kemp's Ridley eggs hatched each year. But the turtle is not indigenous to America. It is a migratory turtle. It comes out of Mexico. It comes up and swims into the gulf. The estimates are that about 767 of these turtles are killed by shrimpers each year. That would mean about two a day over about 3,000 miles of coastline around Florida and the gulf coast. These 700 turtles which are supposedly killed each year by shrimpers constitute about 1 percent of the turtles hatched each year, and trying to protect 1 percent of the turtles has caused the imposition of this TED, this turtle excluder device. If you are going to try to save the turtles, you have to go to Mexico and you have to go to other foreign countries to get help. Because of that 1 percent we cannot put to economic devastation an entire industry. Therefore, I think Senator BREAU is on the right track.

In the meantime, there is an independent study going on as to whether TED's are the proper way to go, whether, the turtle is endangered, whether there should be geographical prohibitions in certain parts of the gulf and on the Atlantic—a lot of different factors.

In the language of the bill it says that the Secretary of Commerce has the authority to delay or suspend the TED regulations for cause until the study has been completed, which is not anticipated to be done until February 1990. Until that time, the Secretary of Commerce should exercise his authority and modify the regulations or postpone the regulations. He clearly has the authority to do it. And in the meantime the Finance Committee, the GATT, and other people can work on

this and try to save an industry that will go bankrupt unless something is done. We are trying to protect 1 percent of the Kemp's Ridelys but, you do not know whether they were killed by sharks or whether they were killed by boats or whether they were killed by other things. They could have been killed by other turtles. So there are all sorts of problems. But 1 percent should not be the criteria to put a \$100 million business and industry into bankruptcy, and that is what is happening. So I support the amendment of the Senator from Louisiana and I urge the Secretary of Commerce to use common sense and a little wisdom, to postpone the TED regulations until the study has been completed.

The PRESIDING OFFICER. Is there further discussion on the amendment of the Senator from Louisiana.

Mr. BREAU. Mr. President, I ask unanimous consent that Senator LEVIN as well as Senator BENTSEN be added as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BREAU. When we spoke with officials of the State Department about the question of imposing on other countries the same requirements that we impose on our industry, they said, "We can't do that. Those things don't work and they are too costly, they cause those shrimpers a lot of problems."

They were expressing the concern for the foreign shrimpers while our own Government at the same time has been requiring our industry to follow those rules and regulations. Folks over at the State Department were saying we cannot do it to other countries because it would not be the right thing to do.

Mr. President, I think it is very important that we send this message and show we intend to follow up on this in a very strong fashion.

I also ask that Senator GRAHAM be added as a cosponsor.

Mr. CHAFEE. Mr. President, I rise today to support the Breau amendment as it serves to strengthen our Nation's commitment to protect endangered sea turtles from drowning in commercial shrimp nets. This amendment in no way suggests that existing regulations requiring shrimp fishermen to use turtle exclusionary devices [TED's] should be revised. On the contrary, this amendment suggests that other nations involved in commercial shrimping should also use TED's or develop a comparably effective method of conserving sea turtles.

According to the National Marine and Fisheries Service, an estimated 11,000 threatened and endangered turtles are caught and drowned in shrimp nets in the Gulf of Mexico and south

Atlantic region. The Department of Commerce has determined that use of TED's will substantially reduce the loss of sea turtles.

During consideration of the Endangered Species Act amendments of 1988, considerable time and effort went into development of a provision on conservation of sea turtles. Consistent with these provisions, on May 1, 1990, Secretary Mosbacher announced Federal regulations which require shrimp fishermen to use TED's in off-shore waters.

The 1988 amendments also directed the Secretary to contract for a comprehensive study of sea turtle conservation needs with the National Academy of Sciences. That study is not expected to be completed until next year, a fact that the National Academy brought clearly to the attention of Congress prior to enactment of the amendments. The 1988 amendments in no way link the academy study to the TED regulations which are, as mandated by law, currently in place.

Mr. President, States such as Florida and South Carolina have enacted their own emergency regulations to protect sea turtles. Under the terms of the Endangered Species Act, and for the protection and conservation of sea turtles, it is imperative that the Federal Government uphold and enforce its TED regulations.

I hope that Senator Breau's amendment which encourages use of TED's and sea turtle conservation measures in other nations will further strengthen the U.S. commitment to use of TED's to protect these threatened and endangered turtles.

Mr. SHELBY. Mr. President, I rise in support of the Breau amendment to strengthen U.S. efforts to conserve threatened or endangered sea turtles.

On May 1, 1989, domestic commercial shrimp vessels were required to be equipped with turtle excluder devices or TED's as they are commonly called. By now, I'm sure that most of you have heard of TED's, the cage-like devices attached to shrimp nets to prevent the incidental catch of sea turtles.

I am very supportive of protecting endangered species; however, to quote the senior Senator from my State, "We don't want to make the gulf coast shrimp an endangered species." The use of TED's may indeed do just that.

I have written several letters to Secretary Mosbacher of Commerce regarding the TED regulations. I have pointed out in this correspondence that the implementation of the TED regulations before the National Academy of Sciences [NAS] study as completed is inappropriate.

The Endangered Species Reauthorization Act of 1988 contains a provision requiring a study on sea turtles to determine the impact of various fac-

tors on sea turtle mortality. Congress intended that the study be completed by April 1, 1989, since the offshore TED regulations were to become effective a month later.

The committee chosen by the National Academy of Sciences to perform the sea turtle study did not meet until after the May 1, 1989, deadline for TED regulation implementation. In addition, the completion date for the study is estimated now to be sometime in early February of 1990.

Shrimpers are having numerous problems in using the TED's. It is my understanding that the Gulf of Mexico has been overwhelmed with seagrass in recent months causing the clogging of the openings of the TED's. Consequently, shrimpers are losing considerable amounts of their catch which translates into reductions in income.

There has been little evidence to date to indicate that the use of TED's will significantly affect the survival rate of sea turtles. Shrimpers contend that they rarely encounter a turtle. And, when shrimpers do accidentally catch turtles, the majority of the turtles are returned to the water alive. It appears that the National Marine Fisheries Service has taken what can be viewed as a somewhat overzealous approach in its effort to protect the endangered turtles. There simply is no conclusive evidence, presently, that shrimpers are to blame for the dwindling sea turtle population. Conversely, there is ample evidence that TED's pose a hazard in rough weather, unnecessarily weigh and drag shrimpers' nets, and decrease shrimpers' catch. I believe that the only viable solution at this point is to hold the TED's regulations in abeyance until the NAS study is completed, so that more definitive data on the factors contributing to the high mortality rate among sea turtles can be evaluated.

The U.S. shrimp industry is being treated unfairly in being asked to risk economic ruin while others are not required to do similarly. The burden of saving the sea turtles should be shared equally. No quantitative studies have been completed to estimate the relative contributions to total turtle mortality from different impacts. We already know that the high mortality rates are due to a variety of factors such as the robbing of turtle nests for eggs, the illegal captures of turtles for human consumption, the changing climatic conditions, and the pollution of marine waters.

In addition, other countries have extensive commercial shrimp operations that are not subjected to turtle conservation. This places our shrimp industry in a noncompetitive situation because these countries still share the lucrative U.S. market with our domestic shrimpers. Our domestic shrimpers must have a level playing field.

Therefore, I support Senator BREAUX's amendment to direct the Secretary of State to initiate negotiations with other nations to improve conservation efforts for sea turtles and to protect vital habitat. There must be an international commitment to sea turtle conservation to prevent U.S. shrimpers from being treated inequitably. If other countries are to share in the benefits of access to the \$20 million U.S. market, I believe that these countries should be required to implement conservation programs comparable to that of the United States. I urge you to support the amendment offered by the Senator from Louisiana.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Louisiana.

The amendment (No. 365) was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island, the manager of the bill.

Mr. PELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, might I direct an inquiry to the distinguished manager of the bill?

The PRESIDING OFFICER. Under the previous order the Senator from Pennsylvania is recognized. As I understand it, he wants to direct an inquiry to the manager of the bill.

Mr. SPECTER. Yes.

Mr. President, the distinguished manager of the bill has requested that this Senator delay the offering of my amendment on the death penalty until a series of other amendments are offered which should be relatively brief with the understanding being that at the conclusion of two, perhaps three, rollcall votes, at that time this Senator will have the floor to proceed with the death penalty amendment.

Then I ask the distinguished manager if that might be a good occasion for this Senator to offer two amendments which have been cleared, assuming that they have been cleared, and I believe they have, but at the conclusion of that business which will be at about 6 o'clock, this Senator would then be recognized to proceed with the amendment on the death penalty.

I ask unanimous consent that that procedure be agreed to.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. PELL. I would like to phrase the unanimous-consent request which I have to see if this is acceptable.

Mr. SPECTER. That procedure is acceptable to this Senator.

Mr. PELL. Mr. President, I ask unanimous consent that the following amendments be taken up in the following order: Graham on Soviet aid to Nicaragua; Lautenberg on immigration; Helms on Soviet Georgia; Murkowski on antiterrorism; and that no votes occur prior to 5:30 p.m.; that immediately upon disposition of these amendments, the Senate resume consideration of Senator SPECTER's amendment.

Mr. SPECTER. I would ask for a slight modification which I discussed with the Senator, and that is that the two amendments which I have submitted which have been cleared, assuming they are cleared, and I believe they are, that I be permitted to take those up to take just a few minutes at the conclusion of those rollcall votes. They should be handled by voice vote and then at the conclusion of those two amendments, assuming both are cleared, this Senator then be recognized to proceed with amendment 325, the death penalty provision.

Mr. PELL. If they are cleared. My understanding is the one on the strike force is not yet cleared. If they are cleared, that would be part of the consent agreement.

I apologize to the Senator from North Carolina. There is also a provision for the Soviet Ukraine amendment. That should be included.

The PRESIDING OFFICER. The Senator from Rhode Island has enunciated a unanimous-consent request. Is there objection to the unanimous-consent request placed before the Senate by the distinguished manager of the bill?

Mr. SPECTER. Mr. President, I want to be sure at the conclusion of the matters enumerated that this Senator has by unanimous consent the right to the floor to proceed with the death penalty amendment.

Mr. PELL. That is correct.

Mr. SPECTER. I thank the Chair. That is acceptable.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the manager of the bill, the senior Senator from Rhode Island? Without objection, that unanimous-consent request is agreed to. And under that unanimous-consent request, the Chair recognizes the distinguished senior Senator from Florida.

Mr. GRAHAM. Thank you very much, Mr. President.

Mr. President, I send an amendment to the desk.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. For what purpose does the Senator from South Carolina rise?

Mr. THURMOND. Mr. President, I intend to offer a substitute amendment to the amendment offered by the distinguished Senator from Pennsylvania.

The PRESIDING OFFICER. I may say to the Senator from South Carolina we are presently operating under a unanimous-consent request that was just agreed to, and we are proceeding to dispose of a number of agreed-to amendments. We are returning to the amendment of the Senator from Pennsylvania I think at a time certain later in the afternoon upon the disposition of at least a Graham-Lautenberg-Murkowski amendment.

Mr. THURMOND. I send to the desk a substitute to the amendment of the distinguished Senator from Pennsylvania when his amendment is offered.

The PRESIDING OFFICER. The amendment will be received and laid upon the desk.

The Senator from Florida.

AMENDMENT NO. 366

(Purpose: Relating to Soviet-bloc military assistance for Central America)

Mr. GRAHAM. Mr. President, I will state my intent to proceed. At the conclusion of the debate on the amendment which I have sent to the desk, and I ask it be read, it will be my intention to ask for the yeas and nays assuming there is a sufficient second. I understand that will occur at 5:30 p.m.; is that correct?

Mr. PELL. Excuse me. Will the Senator repeat the request?

Mr. GRAHAM. The question is, it is my intention to ask for the yeas and nays on my amendment. Am I correct that the vote will occur at the conclusion of the four specified amendments which is intended to be at approximately 5:30?

Mr. PELL. Actually, I think there are five, because there are two Helms amendments, one on Soviet Georgia, and one on the Soviet Ukraine. When those are completed, there will be a rollcall vote and the majority leader indicated they could be stacked.

The PRESIDING OFFICER. That is correct. The Senator from Florida is advised that after the disposition of the reputedly agreed amendments, which are apparently five in number, we will return to the amendment of the Senator from Florida for a rollcall if it is supported by the necessary second.

Has the Senator sent the amendment to the desk?

Mr. GRAHAM. I send the amendment to the desk, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Florida [Mr. GRAHAM] proposes an amendment numbered 366.

Mr. GRAHAM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 145, after line 22, add the following new section:

SEC. 915. POLICY REGARDING SOVIET-BLOC MILITARY ASSISTANCE FOR CENTRAL AMERICA.

(a) FINDINGS.—The Congress finds that—

(1) the Soviet Union and its allies have provided a cumulative total of over \$3,045,000,000 in direct military assistance, development, to the Republic of Nicaragua since 1979;

(2) military assistance to the Republic of Nicaragua from the Soviet Union and its allies exceeds \$590,000,000 since the signing of the Esquipulas II Accords on August 7, 1987, which are designed to foster regional peace and national reconciliation in Nicaragua;

(3) the Republic of Nicaragua now has the largest and most sophisticated armed force in Central American history, with an active duty military force more than twice that of the next largest military force, which is that of El Salvador;

(4) the Soviet Union and its allies have provided to the Republic of Nicaragua equipment and material to service an active duty military force in excess of 80,000 troops;

(5) the military equipment provided by the Soviet Union and other East Bloc nations enables the Republic of Nicaragua to maintain an overwhelming military advantage over its neighbors;

(6) the authority for the United States Government to provide or deliver military assistance to the Nicaraguan Resistance expired on February 29, 1988;

(7) the Soviet Bloc allies, including Cuba and the Republic of Nicaragua, continue to provide military and other assistance to the Farabundo Marti Liberation Front of El Salvador;

(8) the most recent discovery of a cache of insurgent weapons in San Salvador is the largest ever captured by government forces;

(9) Nobel Peace Prize winner Costa Rican President Oscar Arias has, on numerous occasions, called on the Soviet Union and its allies to end military assistance to both the Republic of Nicaragua and the Farabundo Marti Liberation Front of El Salvador.

(10) the military assistance provided to the Republic of Nicaragua and the FMLN is inconsistent with the goals of the Esquipulas II accords and the February 14, 1989 Joint Declaration by the Central American presidents;

(11) the March 24, 1989 Bipartisan Agreement between the President and the Congress stated that continued Soviet and Cuban "aid and support of violence and subversion in Central America is in direct violation" of the Esquipulas II agreement; and

(12) continued aid by the Soviets and their allies in support of violence and subversion in Central America would have a deleterious effect on Soviet-American relations.

(b) STATEMENTS OF POLICY.—In the interest of regional peace and security, the Congress—

(1) calls on the Soviet Union and its allies to withhold further military assistance to the Republic of Nicaragua and the FMLN;

(2) calls on the Soviet Union and its allies to withdraw from Nicaragua their military and security advisors and support personnel; and

(3) calls on the Republic of Nicaragua to work toward a stabilization of the regional military balance, and to begin a diminution of the size of its military forces, as envisioned in the Esquipulas II Accords.

On page 5, in the table of contents, after the item relating to section 914, add the following new item:

"Sec. 915. Policy regarding Soviet-bloc military assistance for Central America."

Mr. GRAHAM. Mr. President, the amendment which I have sent to the desk is a statement of policy relative to the United States concern, relative to the activities of the Soviet Union and its allies in Central America.

As you know, Mr. President, this body in concurrence with the House of Representatives and the administration, entered into a bipartisan agreement relative to what the U.S. policy would be in that region. Part of that agreement was the cessation of the provision of lethal aid to the Contras in Nicaragua. At the same time that we have terminated military assistance to the Contras, there has been a shocking continuation and increase of Soviet assistance to the Sandinista Government in Nicaragua. The Soviet Union and its allies have provided a cumulative total, and it is significant that this be discussed at this time which is the 10th anniversary of the Sandinistas' assumption of power in Nicaragua.

Over this past 10 years, over \$3 billion in direct military sales have been made by the Soviet Union and its allies to Nicaragua. This has allowed the Sandinistas to build the most sophisticated armed force in the history of Central America, an active duty military force of more than 80,000 troops. That, Mr. President, is more than twice the number of active duty troops in the next largest military force in the region, El Salvador.

More importantly, and most of concern, is that this military support continues to pour in at an unprecedented rate. So far this year, in 1989, the year is barely half over, the Soviet bloc has already provided \$300 million in military assistance. At this rate, 1989 promises to be the record-setting year for Soviet military assistance to the Sandinista Government.

This is a time when it is clear that such assistance is inconsistent with the goals of the Esquipulas II accords and the February 14, 1989, joint declaration by the presidents of the Central American countries at a time when the authority for the United States Government to provide or deliver military assistance to the Nicaraguan resistance expired on February of 1988, and at a time when Nobel prize winner Costa Rican President Oscar Arias continues to call on the Soviet Union and its allies to end military assistance in the region.

As disturbing as continued Soviet aid to Nicaragua is, however, the Sandinistas' continuing assistance, with Cuban and Soviet bloc help, to the FMLN in El Salvador and General Noriega in Panama, is even more disturbing.

These offers of direct military assistance to other nations in the region and to guerrilla forces attempting to disrupt governments in the region is in direct contravention of Esquipulas II accords to which Nicaragua is signatory. The Sandinistas committed "to neither give nor permit logistical military aid to persons, organizations, or groups which try to destabilize the governments of Central American nations."

If anyone has any doubts as to what the Sandinistas and their Soviet bloc and Cuban supporters are up to in El Salvador, one only has to look at the evidence, which is credible, compelling, and irrefutable.

On May 30 of this year, Mr. President, the largest insurgent cache of weapons ever was captured by government forces in El Salvador. Included was a wide variety of modern Soviet-designed small arms and over a quarter of a million rounds of ammunition manufactured in Cuba as recently as 1988.

The more than 300 AK-47 rifles were manufactured in North Korea and East Germany. The captured rocket-propelled grenade launchers—RPG-18's and RPG-7's—were also of Soviet bloc manufacture. A number of them appeared to be in their original packages. The machineguns found were of Yugoslavian origin.

It is quite apparent that the FMLN in El Salvador is becoming even more dependent on external resources of supply in order to wage its war in El Salvador.

Mr. President, in addition to the compelling evidence of the transshipment of Soviet and its allies' weapons from Nicaragua to El Salvador, on June 9 the Washington Post carried a story under this headline: "Nicaragua Sends Arms to Panama." And in the article which I quote in part, it is stated that:

Nicaragua's army sent several plane loads of Soviet bloc weapons to Panama in recent months to help strongman General Manuel Antonio Noriega prepare his forces for a U.S. military attack, according to Sandinista military and non-U.S. diplomatic sources in Managua.

The shipments included many dozens of AK-47 rifles, ammunition and heavier Soviet bloc arms for guerrilla warfare such as grenade launchers and light artillery, the sources said.

The Sandinistas were told that some, if not all, of the weapons they provided were being used to equip the Dignity Battalions, a militia of about 1,500 civilians that Noriega formed last year as part of the preparations against a U.S. attack.

"The United States will be very surprised to find out how costly an adventure in

Panama will be," a military source in Managua said about the arms shipment.

Mr. President, I ask that the full text of the Washington Post article of June 9, 1989, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 9, 1989]

NICARAGUA SENDS ARMS TO PANAMA

(By Julia Preston)

MIAMI, June 8.—Nicaragua's army sent several plane loads of Soviet-bloc weapons to Panama in recent months to help strongman Gen. Manuel Antonio Noriega prepare his forces for a U.S. military attack, according to Sandinista military and non-U.S. diplomatic sources in Managua.

The shipments included many dozens of AK-47 rifles, ammunition and heavier Soviet-bloc arms for guerrilla warfare such as grenade launchers and light artillery, the sources said.

The Sandinistas were told that some if not all of the weapons they provided were being used to equip the Dignity Battalions, a militia of about 1,500 civilians that Noriega formed last year as part of preparations against a U.S. attack.

"The United States will be very surprised to find out how costly an adventure in Panama will be," a military source in Managua said about the arms shipments.

[State Department spokesman Adam Shub said Thursday that "we can confirm that Nicaragua sent weapons to Panama," but declined to elaborate.]

Nicaragua has emerged as Noriega's only Latin ally since his government annulled May 7 elections said by observers to have been won overwhelmingly by the opposition. The Sandinista government was the only one to side with Panama in several key votes at the Organization of American States, which is trying to forge a peaceful solution to the Panama crisis.

In fact, Nicaraguan officials are of two minds about Noriega.

In private, one civilian official in Managua, echoing a widely held view, called Noriega a "cancer" in the Panama Defense Forces. The Sandinistas are wary of Noriega because he allowed U.S.-backed contra rebels to train in Panama.

However, Sandinista military leaders are more concerned about what they view as the strong possibility of U.S. military intervention in Panama to oust Noriega. Managua's strategists believe that any U.S. military action in Panama would increase the chances for a similar assault in Nicaragua.

The Sandinistas' ties to Noriega date back to a decade ago when he was the top intelligence officer under Panamanian leader Omar Torrijos, who provided arms to help Sandinista guerrillas topple dictator Anastasio Somoza.

On the eve of Panama's elections, Nicaraguan Defense Minister Gen. Humberto Ortega put his 70,000 troops on full alert. Ortega said he had received no request from Panama for troops, but did not rule out a Nicaraguan deployment there.

In photographs of the training of the Dignity Battalions published a few days before the May 7 elections in the Panamanian daily newspaper Critica, a Noriega mouthpiece, some militiamen were shown carrying Soviet-bloc AK-47 rifles and rocket-propelled grenade launchers. Before the two-year-old crisis, Soviet weaponry had been rare in Panama.

On May 10, a band of Noriega supporters wearing Dignity Battalion T-shirts were seen firing AK-47 rifles into the air to break up an opposition street march in Panama City.

The same group delivered a bloody beating to the presidential and vice presidential candidates and killed one of their bodyguards.

Some movement of weapons and of small numbers of Nicaraguan military personnel to Panama is continuing, a diplomat in Managua with access to Latin intelligence services said.

In past days, Nicaragua has been sending flights to Panama to inspect the wreckage of an aircraft discovered in western jungles there last month.

Nicaraguan officials hope to determine if the crashed plane is a state-owned DC-6 civilian cargo craft that disappeared during a May 1988 flight.

The diplomatic source said the Nicaraguan military is also using those flights to move some weapons and a few advisers to Panama.

In response to questions Wednesday from an Associated Press reporter in Washington, Nicaraguan Deputy Foreign Minister Victor Hugo Tinoco denied any arms had been shipped to Panama.

Mr. GRAHAM. Mr. President, the United States, through the 1989 bipartisan agreement between the President and Congress, made a commitment to democracy through elections in Nicaragua. We did what some in this country and in this Senate have been calling for for a long time, and that was to end direct military aid to the Nicaraguan resistance, and to instead seek peaceful change through the internal democratic opposition within Nicaragua.

Mr. President, we have done what we said we would do. Now, it is up to the Sandinistas to show that they are finally prepared to keep their promises and to hold free and fair elections in February 1990. It is time for the Sandinistas to terminate their support for the FMLN in El Salvador and for General Noriega in Panama. And most important, it is time for the Soviet Union and its allies to make a contribution to peace in this region by their termination of continued military support of the Sandinistas regime in Nicaragua and the withdrawal of their military personnel from this region.

Mr. President, I have submitted an amendment which calls for the Soviet Union to withhold further military assistance, has called upon the Soviet Union to withdraw from Nicaragua, and calls on the Republic of Nicaragua to work toward a stabilization of the regional military balance in Central America and to begin the reduction in the size of its military forces, as was contemplated in the Central American peace accords.

Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Florida is advised that he has 6 minutes and 2 seconds remaining on behalf of the proponents. It is the understanding of the Chair that under the time agreement the distinguished manager of the bill or in his absence, the ranking member, is in control of the other 15 minutes. What is the pleasure of the Senator from Rhode Island?

Mr. PELL. I yield back my time.

Mr. GRAHAM. I yield back the remainder of my time.

The PRESIDING OFFICER. Both sides have yielded back the remainder of their time under the previous order. The Senator from New Jersey is recognized.

AMENDMENT NO. 367

(Purpose: To establish certain categories of Soviet and Vietnamese nationals for whom evidence needed to prove refugee status is lessened, and to provide for adjustment to permanent resident status of certain Soviet and Vietnamese parolees)

Mr. LAUTENBERG. Mr. President, I send an amendment to the desk on behalf of myself, Senators SIMON, MOYNIHAN, KASTEN, METZENBAUM, GRASSLEY, HEFLIN, KENNEDY, DOLE, and GRAHAM, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG], for himself, Mr. SIMON, Mr. MOYNIHAN, Mr. KASTEN, Mr. METZENBAUM, Mr. GRASSLEY, Mr. HEFLIN, Mr. KENNEDY, Mr. DOLE, and Mr. GRAHAM, proposes an amendment numbered 367.

Mr. LAUTENBERG. Mr. President, I ask that reading of the amendment be dispensed with.

Without objection, it is so ordered.

The amendment is as follows:

SECTION 1. (a)(1) The Attorney General is directed to establish, in consultation with the Secretary of State, standard profiles of refugee applicants which would identify applicants with a strong likelihood of qualifying for admission as refugees due to well established histories of persecution, pursuant to section 207 of the Immigration and Nationality Act.

(2) These categories shall include Soviet nationals who are Jews or Evangelical Christians or Ukrainian Catholics or Ukrainian Orthodox, and holders of Letters of Introduction in the Orderly Departure Program in Vietnam, who do not immediately qualify for immigrant visas, and may include other groups of refugee applicants for which such standard profiles would be appropriate.

(b) If a refugee applicant is within any of the standard profiles, he or she may qualify for refugee status by demonstrating one of the following:

(1) acts of mistreatment, or prejudicial actions against him or her personally such as, but not limited to:

(A) inability to study or practice religious beliefs or ethnic heritage, or

(B) denial of access to educational, vocational or technical institutions for which he

or she is otherwise qualified, based on membership in one of the above standard profiles; or

(C) adverse treatment in the workplace stemming from prejudicial attitudes toward members of his or her standard profile, or

(2) acts of persecution committed against other persons in his or her standard profile, in his or her geographical locale, or acts, regardless of locale, which give rise to a well-founded fear of persecution, or

(3) instances of mistreatment or prejudicial actions based on his or her personal request to depart the Soviet Union or Vietnam, including, but not limited to, loss of home, job, or educational opportunity.

(c) Decisions made to deny applications for refugee status shall be made in writing and shall state, to the maximum extent feasible, the reasons why the application was denied.

(d) Aliens who fall within categories established by this Act, or by the Attorney General pursuant to this Act, and who have been denied refugee status between August 15, 1988 and the date of enactment of this Act, shall be eligible to reapply for refugee status under the terms of this Act.

(e) This section shall take effect on the date of the enactment of this Act and shall terminate on September 30, 1990.

Sec. 2. (a) The Attorney General shall, subject to the requirements in subsection (b) and (c) of this section, adjust to lawful permanent resident status those nationals of the Soviet Union or Vietnam who entered the United States on or after September 1, 1988 and before September 1, 1990, through the exercise of his public interest parole power after being denied refugee status.

(b) Soviet or Vietnamese nationals described in this section shall not be eligible for adjustment under subsection (a) unless—

(1) they have been physically present in the United States for at least one year,

(2) they apply for adjustment within one year after the date upon which they become eligible for such adjustment, and

(3) they pay a fee to provide for the processing of their application, as determined by regulation by the Attorney General.

(c) Persons described in subsection (a) shall not be subject to the numerical limitations in section 201(a) or section 202(a) of the Immigration and Nationality Act, but shall be subject to the exclusions in section 212(a) of such Act (except for paragraphs (14) and (28)).

The PRESIDING OFFICER. The Senator from New Jersey controls 20 minutes on his side.

Mr. LAUTENBERG. Mr. President, this amendment is a modified version of S. 893, a bill I introduced to grant presumptive refugee status for Soviet Jews, Soviet Evangelical Christians, and others. I ask unanimous consent that the RECORD be left open so that the cosponsors of my original bill and the amendment I originally planned to offer can add themselves as cosponsors of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, this amendment is a compromise worked out with the help of Senator KENNEDY and Senator SIMPSON, the chairman and ranking minority member of the Senate Judiciary Sub-

committee on Immigration. I want to thank them for their help in this matter.

Under this amendment, the Attorney General will establish standard profiles of refugee applicants who have a strong likelihood of qualifying for admission to this country as refugees, based on well-established histories of persecution. These standard profiles must include Soviet Jews, Soviet Evangelical Christians, Soviet Ukrainian Catholics and Orthodox, Vietnamese who hold letters of introduction in the Orderly Departure Program [ODP] who do not immediately qualify for immigrant visas—ODP Vietnamese—and other groups of refugee applicants for whom such standard profiles would be appropriate.

Once a refugee applicant proves he or she falls within one of these standard profiles, the evidence he or she must present to prove the persecution or well-founded fear of persecution qualifying him or her for admission to the United States as a refugee is lessened. The applicant may qualify for refugee status by demonstrating:

First, acts of mistreatment, or prejudicial actions against him or her personally such as, but not limited to: Inability to study or practice religious beliefs or ethnic heritage; denial of access to educational, vocational, or technical institutions for which he or she is otherwise qualified, based on membership in one of the standard profiles; adverse treatment in the workplace stemming from prejudicial attitudes toward members of his or her standard profile.

Second, acts of persecution committed against other persons in his or her standard profile, in his or her geographical locale, or acts, regardless of locale, which give rise to a well-founded fear of persecution.

Third, instances of mistreatment or prejudicial acts based on his or her personal request to depart the Soviet Union, including, but not limited to, loss of home, job, or educational opportunity.

The amendment provides for the adjustment of status to permanent resident status of Soviet nationals and ODP Vietnamese who entered the United States on or after September 1, 1988, and before September 1, 1990, as parolees, provided they have been physically present in the United States for at least 1 year. It also provides that decisions made to deny applications for refugee status must be in writing and state, to the maximum extent feasible, the reasons why the application was denied.

Finally, the amendment provides that those who fall within the standard profiles established by this act who were denied refugee status between August 15, 1988 and the date of enactment of this act are eligible to re-

apply for refugee status under the terms of this act.

Why is this bill necessary? With the enactment of the Jackson-Vanik amendment in 1974 and the signing of the Helsinki accords in 1975, the United States made it clear that one major goal of United States foreign policy was the relaxation of Soviet emigration policy. So, until late in 1988, all Soviet Jews, and most other Soviet refugee applicants were assumed to have a well-founded fear of persecution, automatically qualifying them for refugee status.

The United States made similar assumptions about Vietnamese in the Orderly Departure Program, who have had close ties to the United States, and faced harsh persecution in Vietnam because of such ties.

However, in August 1988, just when the Soviets decided to loosen the barriers to Soviet emigration, former Attorney General Meese changed the standard by which Soviet and other prospective refugees were evaluated.

Instead of the longstanding presumption that Soviets were refugees, he ordered the INS to require that each applicant establish individually that they had been persecuted or had a well-founded fear of persecution.

This change in standard made it much, much harder for Soviets and Vietnamese to qualify as refugees. Soviet Jews went from a denial rate of 7 percent in 1988 to about 38 percent for March, and 21 percent in June.

In the Vietnamese Orderly Departure Program [ODP], which had a historic rejection rate of under 10 percent of those applying, the rejection rate reached 80 percent in March. These unprecedented rejection rates occurred despite the fact that these applicants faced and continue to face harsh persecution in their native lands.

Many of these refugees are now stranded, either in their home countries or in transit, with no place to go. 4,000 of them are waiting on refugee row in Ladispoli, Italy, having been denied refugee status by the United States. Many have taken great risks to simply apply to come to the United States. Today, they wait without hope, after living in fear and suffering persecution simply for being Soviet Jews, Evangelical Christians, or other persecuted religious minorities.

Have conditions facing Soviet Jews, Pentecostals, Baptists, Ukrainian Catholics or Orthodox, or Vietnamese changed so dramatically as to warrant these new and historically unprecedented denial rates? Emphatically not.

Although we have heard much about President Gorbachev's glasnost, these changes have yet to take root in the lives of most Soviet Jews.

None of the reforms publicized to the world's media have been legalized or institutionalized. If President Gor-

bachev fails, these reforms can fail with him.

Nor has glasnost eradicated anti-Semitism and political persecution of Jews in the Soviet Union. In fact, it has opened the door for traditional Soviet anti-Semitism to burst forth in such anti-Semitic organizations as Pamyat.

Anti-Semitism is flourishing under glasnost, and the need of Soviet Jews refugees to emigrate has become even more pronounced.

The suggestion that glasnost has brought fundamental improvements to the situation of Pentecostals and other Christian minorities in the Soviet Union is also erroneous.

Pentecostal and other Evangelical Christians like Baptists have faced harsh persecution in the Soviet Union for generations because of their religious beliefs, and that persecution continues today. Pentecostals, part of the conservative evangelical wing of Protestantism, have sought to emigrate since 1963 because of unrelenting persecution and discrimination by Soviet authorities and a strong desire to live their lives in obedience to Biblical principles.

The administration's own reports indicate conditions are still severe for Soviet Jews and Evangelical Christians. On June 19, 1989, President Bush increased the Soviet fiscal year 1989 refugee allotment to 43,500. In explaining the need for the increased Soviet numbers, the administration wrote, in its report to Congress concerning the President's proposal to raise the fiscal year 1989 refugee admissions ceiling.

For Christians and Jews alike . . . many difficulties remain. There are shortages of priests, rabbis, reaching facilities, kosher butchers, ritual baths, vernacular religious literature, and many other elements needed for full spiritual or cultural expression . . . Old hatreds still remain.

Anti-Semitism is deeply rooted in Russian history, and one of the side-effects of glasnost has been the emergence of groups such as Pamyat, which express traditional Great Russian nationalism and anti-Semitism. Membership in these groups is small, but their rhetoric undoubtedly strikes a responsive chord in the hearts of some Russians, and increases Jewish feelings of insecurity.

While the positions these groups take are frequently at odds with Government policies and officially the Government does not endorse or encourage their virulent anti-Semitism, their activities have been tolerated as an unavoidable consequence of glasnost.

Most importantly, none of the reforms has been codified in law. Jews still face many forms of discrimination including exclusion from schools, jobs and housing.

Believers also face discrimination in the workplace and elsewhere. There is no independent judiciary to hear and resolve these issues for individuals seeking redress through the system.

The improvements noted above, limited as they are, do not apply to Pentecostals and other evangelical Christians. Their churches are still banned; they face possible jail sentences for exercising their beliefs, most notably that of conscientious objection, but also evangelical witnessing and holding religious meetings.

The same holds true for members of the Ukrainian Catholic and Ukrainian Orthodox Churches, which are both outlawed in the Soviet Union. According to the State Department's "Country Reports on Human Rights Practices for 1988"—

In Ukraine, the Ukrainian Catholics are still subject to severe repression, even though Soviet officials in Moscow claim that their legal status is under review.

Several Easter services in western Ukraine were broken up by force. Dissident sources report that after the publication of the USSR Supreme Soviet decree on demonstrations and meetings late in July, the authorities began to use the decree to break up Ukrainian Catholic worship services as unauthorized meetings and demonstrations.

During the 100th Congress, just a little over a year ago, we passed a resolution that stated that "Despite decades of severe persecution, Ukrainian Orthodox and Ukrainian Catholic believers to this day continue to practice their faiths clandestinely for fear of persecution by Soviet authorities."

Similarly, there are strong reasons why ODP Vietnamese who, by definition have close ties to the United States, are entitled to satisfy a lower standard of proof to qualify as refugees.

First, before the change in standards, Vietnamese in the ODP Program had been granted refugee status at a rate of about 90 percent because of the historic persecution of those with close ties to the United States. Second, the circumstances under which the Vietnamese must meet the new refugee standards are not conducive to candor—all Vietnamese refugee applicants must be interviewed in Vietnamese-controlled facilities using Government-provided interpreters.

It is not difficult to see why Vietnamese would be reluctant or afraid to openly discuss Government persecution in such circumstances, making it difficult for him or her to meet the new, more rigorous standards.

Third, because of the historically high refugee acceptance rate of ODP Vietnamese, and because all holders of letters of introduction in the ODP Program were initially invited to apply for such status by the United States, these ODP Vietnamese have a legitimate expectation that the United States would give them the favorable consideration they had given to such applicants in the past.

Further, in order to be called for a refugee interview by the United States Government, ODP Vietnamese must obtain an exit visa from the Vietnamese Government, often requiring them

to pay extensive bribes, or resulting in the loss of jobs and housing. Thus, since registering with the ODP Program, they have thrown their lot in with the United States by asking to come here, and have taken great risks and given up much just to be considered for possible refugee status in the United States.

Finally, if rejected as refugees and forced to stay in Vietnam, or leave by the laborious and delayed process of humanitarian parole, they are likely to suffer adverse consequences for their attempt to leave for the United States. Many will likely take to unseaworthy boats departing clandestinely, risking the open sea, the threats of pirates, and the likelihood of being pushed back to sea, should they find land.

What accounts for the sudden increase in rejections in groups that historically have been accepted without question as refugees? It depends on who you ask.

The INS contends that the increase in denials is merely the result of making Soviet and Vietnamese refugee applicants meet the refugee standards other refugee applicants have always had to meet. However, GAO tells a different story.

Last February, GAO visited Rome, Vienna, and Moscow to review the process by which INS officers were interviewing potential Soviet refugees. GAO found that who was found to be a refugee depended not on the merits of the applicant's case, but on the INS officers' level of knowledge of conditions in the Soviet Union, how long the interview was, and whether the INS officer asked open-ended or specific questions.

GAO's conclusions were reinforced by the fact that 50 percent of those whose applications were initially denied were granted refugee status after an appeal. I ask unanimous consent that a copy of GAO's testimony before the House Subcommittee on Immigration, Refugees, and International Law, and its briefing notes be included in the RECORD.

Similarly, World Relief of the National Association of Evangelicals in January sent a seven-member legal task force to Rome after 170 Soviet Pentecostals—the first ever—were denied refugee status. The task force found that virtually all the denials were the result of the INS's misapplication of the refugee standard as well as major inconsistencies in the adjudication process.

I ask unanimous consent that a copy of their report be included in the RECORD following my remarks.

Given the GAO's conclusions that these denials result not from the merits of the prospective refugee's case but the experience of the INS officer, I believe it is only fair to lessen the standard of proof applicant from

these groups must meet to qualify for admission to this country as refugees.

Mr. President, I'd like to offer some clarification as to our intent in using some of the language in this amendment. We have used the term "prejudicial acts" in the amendment, and have given some examples of what we intend that language to mean. However, the examples given are not meant to be an exhaustive or exclusive list.

There are many other examples that could have been listed and should be considered equally compelling by the INS. In trying to give effect to the intent behind this term, it is important that INS officials interviewing applicants also understand and take into consideration acts of prejudice that may not be directed against a particular person, but nevertheless create an atmosphere that fills a person's daily life with fear and obstacles.

To give an example of what we are talking about, I recently saw a first grade Soviet primer which depicts under the letter "Z" a caricature of a Jewish man and the Russian equivalent of the slang term "kike." Beneath the picture is the saying: "When Jews practice their religion, they hurt Christians."

Small Jewish children in the Soviet Union, forced by local boards of education to use such a book, not only face their own confusion, but the taunts and ostracism of their young peers. The use of such a text may not constitute personal mistreatment, but surely establishes an environment that creates the kind of prejudice and fear that gives rise to a well-founded fear of persecution.

Moreover, prejudicial actions, especially those that are sponsored by a national, regional, or local government, influence the attitudes of the populace and poison the environment in which people in the categories of which we speak in this amendment must live. The cumulative effect of many different types of propaganda may have as strong an impact and generate as much fear as acts of personal mistreatment.

I would ask that the INS keep the intent I have expressed here today clearly in mind when interviewing refugee applicants from the categories described in this amendment.

Mr. President, although this amendment lowers the standard of proof for certain groups within their native countries as well as those stranded on refugee row in Italy and Vienna, we must remember that the impetus for this amendment was our concern over the large numbers of people already out of their homelands, displaced and uprooted.

It is these groups that deserve priority attention and processing because they gave up home, family, and friends to rely on the U.S. Government's longstanding promise of resettle-

ment. Even applying to leave their countries was for many, an act of extreme courage.

So, first and foremost, we must assist those who have been waiting for long periods of time, some in camps, some in temporary settlements. All of these refugees must be processed quickly and humanely. Then we must assist those who remain within their home countries, but whose lives are crippled by persecution and fear and offer them refuge as well.

Let me go on record here as saying that I and others will be watching the INS, the State Department, and the Justice Department as they administer the law that I believe this amendment will become. We will expect close consultation with Congress, and we will watch to see that our intentions in this matter are carried out faithfully.

Mr. President, since conditions for the historically persecuted groups in this bill have not improved, nor has the INS shown an ability to fairly interview refugee applicants from these groups, this amendment is desperately needed as an interim measure.

Until the INS shows an ability to implement its new standards of case-by-case determinations in a fair and equitable manner, Congress must step in to remedy the inequities that are being caused by this new policy.

Mr. President, I ask unanimous consent for Senators DIXON, SHELBY, and BOSCHWITZ to be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, I ask further unanimous consent that Senator PELL, the distinguished chairman of the Foreign Relations Committee, be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent to print in the RECORD three exhibits, a GAO report, some explanatory notes, and a report of the Soviet Refugee Legal Task Force to World Relief of the National Association of Evangelicals.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXHIBIT 1

PROCESSING SOVIET REFUGEES

(Statement of Nancy R. Kingsbury, Director, Foreign Economic Assistance Issues, National Security and International Affairs Division, GAO)

INTRODUCTION

Mr. Chairman, Members of the Subcommittee: It is a pleasure to be here today to summarize the preliminary results of GAO's review of the processing of Soviet refugee applicants.

The objectives of this review were to identify U.S. policies toward Soviets applying for refugee status in the United States, and to examine the procedures for processing their applications. The scope of our work includ-

ed reviews of pertinent legislation, regulations, and files pertaining to refugees, as well as indepth interviews with State Department, Justice Department and Immigration and Naturalization Service officials, and representatives of voluntary agencies working with Soviet refugee applicants.

To obtain first-hand perspectives on processing procedures and conditions in Europe we visited Rome, Vienna and Moscow during February to observe refugee processing. We worked approximately 8 to 10 days in each location and met with officials and representatives of all U.S. and voluntary agencies involved in Soviet refugee processing. We observed the process from arrival through departure to the United States, including monitoring INS interviews with refugee applicants in both Rome and Moscow.

Soviet Refugee Applications Have Grown Dramatically

The last major Soviet emigration to the United States occurred almost 10 years ago when, in fiscal year 1980, approximately 28,400 Soviets entered the United States as refugees. For the following seven years, fiscal years 1981 through 1987, relatively few Soviets were permitted to emigrate. However, according to State Department officials the success of U.S. and world community efforts to encourage more open Soviet emigration and changing circumstances in the Soviet Union, an increasing number of Soviets have been granted permission to emigrate since late 1987. In fiscal year 1988, over 20,400 Soviet refugees were admitted to the United States, an almost six-fold increase over 1987 admissions, and the Department of State estimates that 90,000 to 100,000 Soviets may apply for refugee status during fiscal year 1989.

Currently, 25,000 refugee admissions have been allocated for fiscal year 1989. These allocations will not be sufficient for the anticipated number of refugees and, as a result, the Administration is preparing a supplemental budget request for \$85 million and a request for 18,500 additional admissions.

The dramatic increase in the number of Soviets applying to emigrate and changes in U.S. practices for processing the applications have raised concerns and resulted in the introduction of legislation, such as the Soviet Refugee Emergency Act of 1989 and the Emergency Refugee Act of 1989.

U.S. Policy Toward Soviet Emigrants

It has been a long-standing United States policy to accept all Soviets wishing to emigrate to the United States. Historically this policy objective has been carried out through various practices, such as providing sufficient allocations to the Soviets to accommodate the expected emigration levels, supporting Soviet Jews' freedom of choice in selecting their resettlement country, and according nearly automatic refugee status to Soviet applicants. In addition, the United States has been providing funds for the care and maintenance of the Soviet refugee applicants while they are being processed for admittance to the United States.

These practices, some of which are also extended to other nationalities, have essentially accorded preferential treatment for Soviet refugee applicants vis-a-vis non-Soviet applicants for admittance into the United States. The result has been that almost all Soviets not otherwise ineligible or inadmissible have been admitted as refugees.

During the past year, several changes have been made in the processing of Soviet

refugee applicants, including discontinuing the practice of granting presumptive refugee status to Soviets and limiting the period of time the United States will reimburse voluntary agencies for the care and maintenance of Soviets awaiting admission into the United States.

Practice of Presumptive Refugee Status Ended

The most significant and controversial change has been the decision to discontinue the practice of according presumptive refugee status to all Soviets. In August 1988, based on policy guidance from the Attorney General, INS began to move toward case-by-case adjudications for Soviets in accordance with worldwide adjudication standards. As a result, Soviets are being denied refugee status. A total of 4,919 Soviets have been denied refugee status from October 1989 through March 31, 1989. Initially, guidance provided that adjudications continue to be "as generous as possible" for Soviets but subsequent guidance emphasized the importance of uniformly applying worldwide standards. Although every Soviet denied refugee status is offered humanitarian parole into the United States, most are unable or unwilling to accept the offer. Thus, not all Soviets desiring to resettle in the United States will be able to do so. Refugee status requires that the applicant demonstrate that he or she has suffered persecution, or has a well-founded fear of persecution, while parole status is granted as a humanitarian offer and does not require a demonstration of persecution.

Impetus for Change in Adjudication Practice

Mr. Chairman, Committee staff have asked us to determine the impetus for the change in INS refugee processing procedures. State Department and INS officials informed us that when attention became focused on the increasing flow of Soviet emigres, the issue of the applicants' qualifications for refugee status surfaced and it was determined that changes had to be made to bring the Soviet refugee admissions program into conformance with the requirements established in the Refugee Act of 1980. According to INS officials, INS officers historically had expressed concerns about not adjudicating Soviet refugee applicants in the same manner as non-Soviet applicants, and that these concerns were heightened as it became easier for Soviets to emigrate toward the end of 1987.

These concerns were particularly relevant to the Soviet Armenians who, according to INS and consular officials, were being granted refugee status although many were making no claims of persecution. INS and consular officials reported that many Armenians seeking to emigrate were economic rather than political refugees.

According to INS and State Department officials, the Refugee Act requires INS to make refugee determinations based on an applicant's ability to establish that he or she, as an individual, is a victim of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion, or has "a well-founded fear of (such) persecution" if he or she remains in, or returns to, the country of origin.

As your staff requested, we have reviewed the Refugee Act of 1980 and a 1981 Justice Department Office of Legal Counsel interpretation of the law. As we read the Act, it requires that a finding be made in each individual case that the applicant is either a

victim of persecution on the basis of race, religion, nationality, social group or political opinion, or has a well founded fear of such persecution. We find nothing in the Act, however, that would prohibit INS, in making such determinations on individual applicants, from recognizing that there may be special circumstances when certain groups as a whole are the targets of persecution. And, in fact, the 1981 interpretation of the Act states that, while applications for refugee status should normally be considered on an individual basis, it suggests that the law allows considerable discretion in the means by which these determinations are made and does not foreclose application of commonly known circumstances to people falling within particular groups. As an example, the Opinion stated that when it has been shown that a particular country persecutes all individuals with particular political views, it would not seem necessary to require that fact to be proved individually in each and every case.

Denial Rates

Table 1 shows the number of Soviet applicants processed during the first 6 months of fiscal year 1989 and the overall denial rates by location. The first refugee denials in Rome, where most Soviet Jews and Pentecostals are adjudicated, occurred in late October 1988. The denial rate has fluctuated monthly as seen in the two charts attached to our testimony. In Rome, the denial rate was over 11 percent in January, 19 percent in February, and almost 36 percent in March 1989. There have been fluctuations in Moscow as well, where the majority of the cases processed to date have been Armenians. In January the Moscow refugee denial rate was 45 percent, up to 71 percent in February and was 85 percent by the end of March.

TABLE 1.—SOVIET REFUGEE PROCESSING DURING FISCAL YEAR 1989 THROUGH MARCH 1989

Location	Interviews	Approvals	Denied	Denial rate (percent)
Vienna/Rome	13,856	11,783	2,073	15
Moscow	4,631	1,785	2,846	61
Total	18,487	13,568	4,919	

Inconsistent Refugee Adjudications

During our work in Rome and Moscow, we found various inconsistencies in the manner in which individual refugee cases were adjudicated. As discussed above, the changes in the adjudication procedures since August 1988 have resulted in more stringent adjudications. As a result, denial rates have increased steadily since the beginning of fiscal year 1989. Also during fiscal year 1989, there have been a significant number of cases in Rome where INS officials' initial determinations were reversed upon reconsideration, suggesting that many cases were either not thoroughly or correctly processed. (A total of 208 of 415 cases have been reversed as of March 31, 1989) We also found inconsistencies in the depth of interviews and types of questions asked by the INS interviewers. Finally, we were told that INS in Rome is reexamining its denial decisions on all Pentecostals' applications to determine if the decisions were appropriate, because an unexpectedly high denial rate as of January for this group could not be adequately explained in view of the widely held

belief that many Pentecostals are persecuted in the Soviet Union.

Several factors appear to contribute to the inconsistent adjudication. First, guidance provided INS officers has changed as INS has phased in case-by-case adjudications. INS initially recommended that INS officials be "as generous as possible" in their applications of the refugee definition. Subsequent guidance has encouraged that Soviet refugee determinations be adjudicated under uniformly applied worldwide standards. This has resulted in stricter interpretation of refugee eligibility for Soviets.

Second, we found a lack of knowledge among some INS officers about Soviet country conditions generally, and the treatment of specific ethnic and religious groups in the Soviet Union. We also noted differing interview approaches which affected the quality and type of available information upon which to base the adjudication. We believe that additional INS officer training and increased sharing of information on country conditions between State and INS would help alleviate this problem.

The tremendous volume of refugee applicants, which is taxing voluntary agencies' and INS' ability to properly prepare and adjudicate cases expeditiously is also a contributing factor. This is a resource problem caused by a shortage of staff and limited physical capacity to process refugee applicants.

INS and consular officials, both in Europe and Washington, agreed that cases were not being adjudicated in a consistent manner. In fact, during our visit in Rome, INS held a training program aimed partly at achieving greater consistency. Subsequent to our visit, INS held a seminar on Soviet Pentecostals and, we were told, they have scheduled a similar session on Soviet Jews to increase INS officers' knowledge of Soviet country conditions. We were also told that meetings have been held recently in Washington among INS, Justice, and State Department officials to see what further can be done to bring about greater consistency in the adjudication process.

Most Denied Soviets Do Not Accept Parole

All Soviets denied refugee status are offered humanitarian parole into the United States. However, because parole status does not include resettlement assistance, an affidavit of support from a relative or sponsoring organization in the United States must be filed with the INS to show that the parolee will not become a public charge. Also, parole status is not as attractive as refugee status. Although parolees can remain in the United States indefinitely, they are not permitted to apply for citizenship or any financial assistance from the Federal government for migration or resettlement programs.

We found that most Soviet applicants in Rome and Moscow who were offered parole were either unwilling or unable to accept. For fiscal year 1989 through March 31, 1989, only 22 (1 percent) of 2,073 applicants denied refugee status in Rome had accepted parole. In Moscow, as of March 31, 1989, only 460 of the 2,846 (16 percent) denied refugee status had accepted the parole offer. While we were in Rome, some voluntary organizations were advising denied applicants against accepting parole in the hope that their status would be reversed. In Moscow and Rome, many could not obtain affidavits of support because they had no relatives in the United States, of those relatives they had were not financially willing or able to support them. A U.S. official in Moscow es-

timates that only 50 percent of the Soviets denied refugee status in Moscow will be able to accept the parole offer.

GAO Comments on Proposed Legislation

Two bills have been introduced in this Committee, the "Soviet Refugee Emergency Act of 1989" and the "Emergency Refugee Act of 1989." Although both bills would provide for additional Soviet refugee admissions, there are differences between them with respect to their funding and to whom the admissions apply.

The "Soviet Refugee Emergency Act of 1989" reinstates the policy of presumptive refugee status for Soviet Jews and Pentecostals and establishes admission ceilings for fiscal years 1989 and 1990. The Emergency Act of 1989 will leave current law unchanged concerning the adjudication of refugee status, but would provide additional refugee admissions for Soviets.

Granting presumptive refugee status significantly raises the expectations of U.S. resettlement for a large number of Soviets. Estimates indicate that as many as 2 million Jews and 600,000 Pentecostals live in the Soviet Union. We believe it is important that the full federal, state, and local cost implications of these bills be considered so that the levels of admissions anticipated in the legislation will not be curtailed by budgetary limitations.

Thank you again for the opportunity to share our observations with you. This concludes my prepared remarks, and I will be happy to answer any questions you may have.

BRIEFING NOTES

Objective: Review of U.S. policies and procedures for processing Soviet refugee applicants.

Overall observations:

1. The success of U.S. efforts to encourage open Soviet emigration resulted in an unprecedented number of Soviet applicants to U.S. refugee status.

100,000 Soviet refugee applications are expected in FY 89, almost equal to the total number of Soviet refugees accepted for the prior 14 years.

From FY 75 through FY 88, 129,000 Soviet refugees resettled in the U.S.

[In fiscal years]

1975	6,200
1978	10,600
1980	28,400
1982	2,700
1985	640
1987	3,690
1988	20,400

2. The U.S. policy to accept all Soviets desiring to resettle in the U.S. has not changed. However, their entry status into the U.S. has changed.

All Soviets were automatically granted refugee status until October, 1988. After that date, INS began to adjudicate Soviet refugee applicants on a case-by-case basis.

Soviets are now offered either refugee status or parole status, depending on the strength of their refugee claims. Refugees receive financial assistance and the opportunity to become U.S. citizens. Parolees do not have the above benefits and also must have an affidavit of support.

3. The expected volume of Soviet refugees will exceed the FY 89 allocations of refugee numbers by April:

Initial fiscal year 1989 Soviet allocation	18,000
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Reallocation of numbers from ODP.. 7,000

Refugee numbers currently avail¹ 25,000

¹ Approximately \$18m.

Processing Statistics for fiscal year 1989, (October 1 to January 31)

[Rome (primarily Soviet Jews and some Pentecostals)]

Interviewed..... 8,752

Approved (89 percent) 7,823

Denied (11 percent)..... 929

Notes: No INS backlog as of 01/31/89. Denial rate is increasing.

[Moscow (primarily Armenians)]

Interviewed..... 1,811

Approved (62 percent) 1,125

Denied (38 percent)..... 686

Notes: 16,616 case backlog as of Jan. 31, 1989. Denial rate is increasing (Jan. 45 percent, Feb. 71 percent).

Observations of refugee processing:

1. Inconsistent adjudications evidenced by: Change in adjudication policy (rubber-stamping vs case-by-case adjudications).

Changing denial rates.

50 percent reversal rates.

Inconsistencies among INS officers.

Factors contributing to inconsistent adjudications:

Varying levels of knowledge/training on country conditions.

Different interview questions and depth of interviews.

Tremendous volume of workload.

Lack of physical evidence to support refugees' claims.

Policy environment.

INS recognizes training deficiencies and is attempting to improve circumstances.

2. Few Soviets are able or want to accept parole offer:

VOLAGS discourage acceptance of parole. Many in USSR cannot qualify due to affidavit of support requirement.

Some misunderstood U.S. offer.

3. U.S. attempting to shift processing to Moscow, but the decision is not unilateral: U.S. diplomatic personnel ceiling.

Lack of sufficient U.S. facilities.

USSR processing procedures for existing citizens (Permission to emigrate freely, statelessness until actual exist).

Shortage of Russian-speaking INS officers.

4. We are currently analyzing the costs of processing Soviet applicants in Rome.

REPORT OF THE SOVIET REFUGEE LEGAL TASK FORCE TO WORLD RELIEF OF THE NATIONAL ASSOCIATION OF EVANGELICALS, FEBRUARY 17, 1989

I. INTRODUCTION

A. Focus

The task force's preparatory work in the U.S. was guided by two major concerns of World Relief and other voluntary organizations engaged in the resettlement of Soviet Pentecostal refugees:

1. a concern for the situation of those who had been denied refugee status and what legal remedies might exist, such as humanitarian parole, and

2. a concern for the larger context of Soviet emigres who are coming out of the USSR in increasing numbers, and the policy and practice of the Immigration and Naturalization Service in determining refugee status.

B. INS denials

The INS practice of refusing some emigres refugee status reflects a significant departure from prior practice in which such refugees were given near automatic and presumptive refugee status. (See Attorney General Meese's letter to National Security Council Director Colin Powell.) The shift reflects a variety of concerns which may be a part of INS thinking. Some suggest financial constraints of a budget tightening process combined with an expanding wave of Soviet emigration. Others suggest the admission of substantial numbers of Armenians who might not have really qualified for refugee status triggered a more careful review. Still others suggest a new Soviet detente is responsible. Whatever the reasons, for the first time Soviet Jews and Pentecostals are being denied refugee status by the U.S. Government. Percentages of denials vary from week to week, but seem to be averaging around 10 percent.

Extensive discussions were held with Serge Duss, World Relief Soviet Refugee Project Coordinator, and Kent Hill, an expert on persecuted Christians in the Soviet Union, and others regarding both the legal and political approaches, and especially in regard to a viable approach to the legal components.

II. TASK FORCE CONCEPT AND PLAN

A. The general concept was to develop a team of lawyers and law students who would be prepared to invest an intensive week in Rome reviewing the status of the denied Soviet Pentecostals, as well as assessing the basic situation of INS practice in granting refugee status to Soviet emigres. The team would focus on three tasks:

1. Filing motions for reconsideration where the facts warranted such;
 2. Review other legal options should motions for reconsideration be denied, or the denial process continue in an unjustifiable manner; and
 3. Develop recommendations for short- and long-term legal responses to INS policy.
- In addition, the plan called for one or more persons who would be available for longer term presence in Rome to implement plans established by the initial group, and to assist future emigres and denials.

B. Task Force Preparation

The task force participated in briefing sessions at Campbell University School of Law, reviewed legal materials supplied by various refugee organizations, and consulted directly with WCC Rome Office Director Pam Hutchings. The task force was also briefed in New York by Bill Sage, of Church World Service, and Michael Gendel of the Hebrew Immigrant Aid Society (HIAS), and Serge Duss.

The scope of the briefings was to provide the task force with an overview of current INS policy and practice, the specific situation of Pentecostals refugees in Rome, the special problem of the denials, and similar efforts on behalf of Soviet refugees by HIAS. The task force was also briefed in Rome by Pam Hutchings, World Council of Churches Country Director. She provided full support in terms of briefing, files, logistics and office support.

*III. IMPLEMENTING THE TASK FORCE PLAN**A. Assessing the Context of Denials*

The first priority of the task force was to interview a sufficient cross-section of both accepted and denied refugee applicants so that any patterns or bases for acceptance or rejection could be discerned. To that end,

the task force interviewed an initial pool of refugees focusing primarily on their interviews and INS applications (I-590).

B. Interviewing Denied

After reviewing the general patterns of interviews and applications, a form was created for use in interviewing all Pentecostals denied refugee status. Each case was then assigned to an interviewing team, and specific responsibility for the case and appeal assigned to a student.

The team then interviewed approximately 25 applicant family units representing nearly 100 persons. The interviews were conducted by two or three team members per interview, and lasted about two hours. Most interviews involved only the designated family representative. However, in many instances spouses or other family members were present as well.

The purpose of these interviews was to develop the specific experiences and incidents of persecution and discrimination of the applicant which would justify refugee status. Considerable attention was also given to the information which came out in the INS interview, so that the motion for reconsideration could properly focus on clarifying misperceptions and providing additional data. Team interviewers took extensive notes during the interviews. These notes have been maintained with the task force files.

C. Discussions with the INS Officer-in-Charge and Observing His Interviews

The task force met with INS Officer-in-Charge Robert C. Eddy. The task force reviewed with him its intent to file motions for reconsideration in each of the Pentecostal denied cases. Prof. Buzzard also reviewed with Mr. Eddy the concerns of the task force regarding both INS procedures and the legal issues related to refugee denials. Specific patterns of concern and the observations regarding the conduct and approach of two interviewers in particular were also shared with the director.

Mr. Eddy also indicated that he would be happy to review any suggestions we wished to make regarding improvements to page 3 of the application. This page is not part of the formal I-590, but was developed for local use. HIAS has apparently suggested some adaptations appropriate to their applicants.

The meeting was cordial, but the only commitment from Mr. Eddy was to personally review the motions and to provide a decision within one week.

Permission was also given to task force members to observe INS interviews with refugee applicants. Each team member observed at least two such interviews of HIAS applicants. Having the opportunity to observe the actual interview process provided significant insight into the entire problem with refugee denials. (See list below.)

D. International Catholic Migration Commission (ICMC) Contacts

ICMC has been processing Soviet Pentecostals since Dec. 1, 1988. WCC suspended registration of new Soviet Pentecostal arrivals in Vienna as of Nov. 31, but continued to process those that were registered before that date. WCC maintains responsibility for those cases until they are resolved.

The task force's responsibility and charge has been exclusively with WCC denials. All WCC cases have now been processed by INS so there will be no further denials of WCC cases. Because the problem of Pentecostal denials will surely continue, it appeared essential to consult with ICMC regarding our legal efforts.

ICMC Rome Director Umberto Cardin met with the task force and expressed his concern with processing denials as well as properly preparing applicants for INS interviews. He indicated an interest in pursuing possible cooperation with the task force, especially in response to denials. He noted that ICMC had just received a response to its first interview, and it was a denial. He specifically requested copies of our forms used in the interview process.

E. HIAS Contacts

Through the auspices of Pam Hutchings, a meeting was held with HIAS Country Director Dr. Merrill Rosenberg. He provided the task force with an overview of INS rejections of Jewish emigres, and how HIAS was responding both legally and politically. HIAS currently has about 500 cases denied. The denial rate is about 10 percent. HIAS expects to see 300 to 400 denials per month. HIAS has now received 13 responses to its motions for reconsideration, with about a 50 percent split on approvals. The time for action on such motions has been about two months. Dr. Rosenberg perceives the problem essentially as financial, and suspects that the private sector will be forced to provide substantial funding to address the problem.

IV. LEGAL ACTIONS TAKEN

After completing the interviews and reviewing the files, motions for reconsideration were prepared for each of the Pentecostal denied, with the exception of two special cases which required further information. One or both of these may be appropriate for humanitarian parole.

In each family case, a personal statement was prepared for the applicant to sign. The statement highlighted the individual's personal and family experiences with persecution and systematic discrimination. This statement was prepared in English based on the interview, and signed by the applicant. An additional summary of the case was prepared by the task force interviewer, and attached to the personal statement. A cover letter from the task force was appended to each personal statement and indicated that the applicant wished a reconsideration of his application.

All applications from members of the church in Nadhodka (in the Soviet Far East) were placed together with further supporting material on the church and its history of persecution, and a statement by the pastor of the church, who had just been granted refugee status. The entire packet of applications was then put together along with two cover documents: one, a legal memorandum on the legal framework for finding of refugee status, and a general cover letter from Prof. Buzzard noting the packet of motions and generally discussing the rationale for review of the decisions. A copy of this cover letter is attached.

The entire packet of motions and supporting documents was delivered to the immigration office at the American consulate on Friday, January 20, 1989.

*V. FINDINGS**A. Nature of the Cases*

It was the task force's unanimous sense that virtually all the denied applicants had personal and family experiences which clearly warranted a grant of refugee status. Without regard to the debates about presumptive refugee status, or the degree of liberality in finding a "well-founded fear of persecution," these cases were "easy". These denied individuals almost universally had

experienced life-long discrimination because of their religious faith. This persecution typically extended over three generations—their parents, themselves and their children. It included harassment of their churches, fines for participating in unregistered meetings, job discrimination, restrictions on higher education, pressures on their children to join communist youth organizations, and officially sanctioned private harassment at school, on the job and in the community.

It was also apparent, however, that for a variety of reasons noted below, these "stories" were not brought adequately to the attention of INS interviewers. Neither did the INS I-590 form generally provide any sufficiently particular information which would inform the INS interviewer.

Only after extensive interviewing of the refugee applicant was the task force able to elicit the scope of the personal history of persecution. It seems apparent that refugees do not easily understand the nature of their own long-term persecution, nor spontaneously reveal it, especially to strangers who are in an official capacity.

B. The Applicants

Several highly relevant factors about the applicants themselves become clear in our interviews and assisted significantly in understanding and evaluating the INS process.

1. Lack of Awareness of the Purpose of INS Interview

First, it is clear these applicants had no understanding at all of the purposes of the INS interview, or the I-590 application. Even after the denials began, no particular effort was made by INS or WCC to advise them on the nature of the interview, the data which might be relevant, and the sort of personal information they might share. This, we believe, was a serious mistake. These applicants believed, reasonably in the light of prior practices, that interviews were a formality. They had even been told in some instances by WCC personnel in Vienna not to expand on the brief statement in I-590 forms because it was not necessary.

2. Reluctance to Reveal Their "Story"

The problems created by the uncertainty of the purposes of the process are compounded by the refugee's natural reluctance to speak forcefully and openly about their persecution. They have survived by exercising caution in revealing such personal data, and crossing an international border does not change a life-long survival pattern. Nothing in the interview substance or process would encourage a shift to be more open style.

3. Failure to Appreciate the Scope of Their Own Persecution

It seems also clear that the experiences of these persons were such that they were not able in some instances to even recognize what experiences of persecution might be relevant. Their persecution and discrimination so pervasive that they perceive as nearly natural what might be highly offensive and a clear sign of persecution to another.

Only after long questioning did experiences in housing, job and education become apparent. In many cases, the persecution is so endemic that it is not personalized at all, but institutionalized. Pentecostals, for example, were so clearly barred from higher education in most fields that applications were not even considered. They were usually not denied a specific application, precisely because they knew that they need not apply.

C. The INS Refugee Interviews: Process and Substance

1. Immigration Interview Process

Put in its most succinct form, it is transparent that the chief process problem is that the INS is in fact not conducting interviews which have any possibility of eliciting information on which a proper decision could ever be made.

The interviewing process is inconsistent with the specific requirements set forth in the INS' own Worldwide Guidelines for Overseas Refugee Processing (revised 1985), and does not remotely approach the minimal process necessary to enable a principled decision. The result, unsurprisingly, is abuse of discretion, arbitrariness, gross inconsistency and persistent evasion of the legal standards for refugees.

This is clear both from our interviews with applicants and from observing the interview process. In terms of length of the interview, style of the interview, and the substance of the interview, the interviewing process is irrelevant to any issues of whether a given applicant has a well-founded fear of persecution. Several of the most disturbing elements of the process bear noting.

a. Brevity of the interviews

The interviews are extremely brief, averaging no more than 10 minutes, including translation time. In such a brief conversation there is no way in which INS officers, no matter what training or experience they have, can have a sense of the experiences of persecution of the applicant. This is in clear violation of INS Guidelines which require a full exploration of relevant information, suggesting that interviews may run an hour or longer.

b. Impersonal and "cold" style of interviews

Our observations of the interviews and discussions with the applicants are consistent in suggesting that the interviewing style is abrupt, cold, formal, and mechanical. This destroys any potential for a sense of trust essential to effective communication of the highly personal information about the applicant's religious life and persecution. This is in clear contrast to the INS Guidelines which specifically encourage a warm, personal style with direct communication with the applicant. In one interview the task force observed, the interviewer virtually never looked at the applicant. Instead, the interviewer spent his time shuffling papers, and virtually the entire conversation was carried on with the translator, which is in clear violation of specific provisions regarding the role of translators in the INS Guidelines.

c. Applicant confusion about the nature of the process

Despite the crucial character of this interview in determining refugee status, it is clear, as we have noted, that the applicants have little notion of what the process is about. INS Guidelines recognize the importance of the applicant's understanding of the purposes of these interviews and require the officer to make sure the applicant understands this. Yet, in observing the interviews and speaking with applicants, no such discussion, even rudimentary or formalistic, took place. The INS interviewer did not reveal to the applicant the specific focus of the interview, nor did he explain the importance of the decision that would be made based on information provided during the interview.

d. Personal bias

It is also clear that personal bias, either against the refugees generally or the Soviet Pentecostals in particular, played a significant role in many of the denials in the task force's caseload. One interviewer on frequent occasions belittled the experiences related by the applicant. Another interviewer's probing of the applicant's religious knowledge was particularly demeaning. He asked the applicants to quote Bible verses they had read that day, to name Bible books, to give the day on which Jesus prayed with his disciples, and similar questions. Such questions may be relevant in a context where the bonafides of religious belief are at issue, but hardly here. This was especially disturbing because there were no other types of questions which might have remotely related to the issue of persecution or well-founded fear of persecution.

e. "Close ended" nature of interviews

The interviewing process, as observed and reported, on no occasion invited the applicant to make any statement in support of his or her case for refugee status. All the questions were specific and direct. In some instances, attempts by applicants to present their "story" were specifically cut off. This is in clear violation of INS Guidelines which indicate that applicants are to be permitted to give their own accounts and make statements. The fact that the I-590 provides almost no opportunity to spell out any details makes this even more troublesome. A near universal sense among applicants, whether accepted or rejected, was that they never really had an opportunity to speak.

We do not minimize the serious problems which have been created for INS by the increased numbers of individuals seeking refugee status. One INS officer indicated to the task force that they simply did not have time to give more than a few minutes to an applicant. To the extent these problems are created by inadequate resources, the INS ought not charge its staff to perform a task for which it has not adequately provided adequate resources. This only confirms the inadequacy of the entire interviewing process. We consider it a tragedy and travesty—one which is embarrassing to us as Americans. Indeed, one of the refugees was surprised to be told that the interviewer was an American. Another noted he would not have been surprised to have been treated the way he was by a Soviet official, but had not expected similar treatment from an American official.

In sum, quite apart from questions about legal standards for wellfounded fears and substantive questions of refugee law, or even the result in any particular case, the entire refugee process is irrelevant and counterproductive. It is irrelevant both because it fails to elicit relevant information, and because denials seem unrelated to the information which is provided.

In reviewing the INS' own Guidelines for conducting interviews, it is clear that they are violated in almost every respect. The Guidelines speak of a serious inquiry into the persecution claims of the applicant, assuring the applicant an opportunity to state their "case", explaining to the applicant the purposes of the interview, creating a friendly atmosphere with direct communication. In fact, none of these happened in the interviews we observed and which were related to us by applicants are at all typical.

2. INS' Application of the Substantive Standards

Based on the task force's interviews, personal observations and reports of others, it also appears clear that the individual decisions of INS are frequently arbitrary and based on inadequate factual basis and/or improper legal standards. Several aspects bear noting.

a. Arbitrariness in application of standards

Arbitrariness is evident in the extent to which rejection rates vary widely among different interviewers, as well as in reviewing the decisions and comments in individual decisions. Members of the same church and family whose experiences are essentially identical received different decisions, even where there was no apparent difference in objective data presented to INS in the I-590 and interview. In one particularly striking example, nine members of a church were denied status on one day by one INS officer, while other officers granted refugee status to virtually all other members of a church which had a long history of persecution.

b. INS confusion about the legal standard for refugee status

The wranglings and responses of INS officers also reveal an inadequate appreciation for the legal standard for "refugee." This is true in several key respects.

Failure to Recognize "Well-founded Fear" Is a Basic Independent of Actual Persecution

Interviewers often expressly discounted events more than two years old. One interviewer frequently told an applicant such experiences were not relevant. Most interviewers seemed to fail to recognize that an applicant may establish either persecution or well-founded fear of persecution, the latter not necessarily requiring personal experiences. INS' own Guidelines specifically acknowledge such, but interviewers do not apparently apply such a standard. Some seemed clearly to focus on recent acts of rather dramatic persecution such as imprisonment, confinement to a mental hospital or beatings.

Failure to Give Proper Weight to Context

INS officers seemed also to have little appreciation for some basic factual contexts which must be understood to properly apply the legal standard. Two in particular stand out.

First, they fail to recognize, or at least factor in appropriately, the reality that the persecution in a modern totalitarian state is rarely of the type that includes overt beatings and imprisonment, specific examples which INS officers appear to be looking for. The discrimination is more subtle, though more pervasive. It infects the entire culture. Its manifestations must be weighed cumulatively. Again, INS Guidelines and courts clearly recognize that persecution may be found in such cumulative practices even when no single experience might rise to the level of persecution, but this standard is not applied.

Secondly, the factual context of Soviet Pentecostals seems largely ignored. The interviewers have apparently little appreciation for the well-founded fear that virtually any Pentecostal has experienced over the last generation or more. While there is no necessary presumption of well-founded fear, INS Guidelines recognize that the context of a country, and the experience of specific groups who have suffered persecution must be considered, and that in such contexts, individual showings of personal persecution may not be necessary.

Failure to Recognize that Pervasive Patterns of Discrimination May Cumulatively Amount to Persecution

The questioning patterns, and responses of interviewers to applicant comments, reveal a tendency to discount the significance of life-long patterns of broadly-based discrimination which have effectively denied the applicant basic civil and political rights. That such pervasive denials may rise to the level of "persecution" for purposes of qualifying for refugee status is well established in law and set forth clearly in INS Guidelines. That policy is, however, not implemented by INS interviewers in their decisions. In specific instances they rejected any testimony on such life-long patterns, insisting they only wanted to hear personal experiences of rather overt and direct persecution.

VI. RECOMMENDATIONS FOR FOLLOWUP

We note here in summary form some of our preliminary recommendations for action based on our experiences and findings. These, by their nature, are exploratory and we would urge that any consideration of them involve a broad coalition of interested parties and expertise. We do not initially some immediate followup that is already planned and within the task force's initial charge.

A. Followup on Motions for Reconsideration Filed Jan. 20, 1989

The task force will monitor the response of the INS to each of the motions filed. In the case of any denial, a decision will have to be made whether to file a further similar motion, recommend the applicant pursue parole, or seek refuge in another country.

Should substantial numbers of motions be denied, the task force will consult with World Relief and other interested parties on the possibility of further legal action. Such action would presumably focus on the failure of INS to apply its own Guidelines regarding refugee interviews.

B. Completing Review of Two Remaining Cases

Counsel remaining in Rome will complete interviewing the two incomplete files and take appropriate action—either filing a motion for reconsideration or recommending alternatives, such as humanitarian parole.

C. ICMC Relationships

It will be crucial for the task force to work with World Relief (and its three partner Protestant agencies) to develop appropriate relationships with ICMC. The task force is prepared to assist ICMC, especially in the area of filing motions for reconsideration and in developing long-term legal strategies. Since ICMC will now receive all denied cases of Pentecostals formerly received by WCC, the task force's efforts would be severely minimized if a cooperative relationship is not established.

If a cooperative arrangement were made with ICMC, it would facilitate a strategy of prompt appeal of all Pentecostal refugee denials. In time, it would become apparent to INS that any denial would have to be based on genuine questions regarding refugee status. Such awareness might produce a more effective process prior to any denial.

Any ongoing presence of legal staff in Rome will also depend on the scope of relationships with ICMC. Such as ongoing presence might be appropriate in processing denied appeals and in advising applicants, but would seem quite unnecessary if WCC is the only related party.

D. Political Process

The task force findings clearly provide substantial grist for the political mill. The arbitrariness of INS decisions, and the total failure to provide anything remotely like an interview ought to be embarrassing to INS. The task force would be prepared to provide testimony before appropriate government agencies and officials regarding our findings. There is an abundance of "war stories" which could provide emotional dynamite in any public or political process.

It is apparent to us, however, that quite independent of the larger political questions about funding of refugees and presumptions of refugee status, there are serious deficiencies in the practice of INS on the local level. That is, substantial progress can be made by insisting on consistency and minimal process in refugee decision making.

The political process might well include attempts not simply to add funding or raise refugee ceilings, but focus on INS interviews. Some well-focused congressional hearings might be very strategic. Legislation might also be helpful, but would need to be carefully drafted.

E. Review of Refugee Processing by Volunteer Agency

Though WCC will no longer be processing Soviet Pentecostals, we still strongly recommend that they and similar agencies review the counsel they give refugees in regard to completing the I-590 refugee application and the INS interview. Even though the interviews seem minimal and the decisions arbitrary, it would still be appropriate to assure that applicants understand the purposes of the process and be prepared to articulate the nature of their persecution and fears thereof.

We believe that it is also essential that the private agencies processing refugees accompany the applicant to the INS interview. This will provide some independent check on the INS process, and assist in the larger problem in identifying patterns of arbitrariness and abuse of discretion.

F. Recommended Revisions in the I-590 Form

It would be our recommendation that the task force, in consultation with other appropriate parties, review the adequacy of the I-590 form and make recommendations for such modifications as would more effectively elicit the information necessary for INS to discover whether the applicant qualifies for refugee status. This would include the basic 590 form and any use of supplementary pages, such as page three as currently used in Rome.

G. INS Compliance with Interview Guidelines

The INS Guidelines establish effective procedures for the conduct of interviews. Efforts should be made to insist that the INS overseas offices apply these Guidelines. To the extent that top officials at the Justice Department and INS are unaware of the discrepancy between INS Guidelines and INS practice, this ought to be brought immediately to their attention.

Any concerted effort to focus on INS process deficiencies, arbitrariness and bias might well include a longer overview of INS practice for the past decade involving sociological studies, surveys and scholarly literature.

H. Awareness of the Proper Legal Standard for Refugee

Since our interviews and observation revealed disturbing misperceptions of the

legal standard for refugee status, it is apparent that advocacy groups must monitor carefully both individual decisions and patterns of refugee admissions. In particular, efforts should be undertaken to assure that INS officers have adequate training in not only the language of the standard, but its practical application.

In particular, INS officials need intense education in the following areas: nature of persecution in a modern totalitarian state; historical experience of particular refugee groups whose members are currently seeking asylum; definition of persecution; definition and separate category of "well-founded fear" of persecution; and Supreme Court decisions involving refugee issues.

I. Long-Term Strategies

If observers are correct in anticipating a continued rising tide of refugees from the Soviet Union, and that such refugee pressures will easily outstrip present levels of financial support from the government, it may be well to develop long-term strategies for both affecting the public and private sector. Such strategies could well include legal strategies, and the task force personnel would be willing to explore participating in such a long-range planning process.

Prof. LYNN BUZZARD.

ROME, ITALY.

Mr. ROBERT EDDY,
District Director, Immigration and Naturalization Service, Rome, Italy.

DEAR MR. EDDY: We appreciated very much the opportunity to speak with you concerning our desire to assist a significant number of Soviet Pentecostals who have been denied refugee status in recent interviews with INS officers in Rome. We were especially encouraged by your willingness to give personal attention to these appeals and process them within a week. This is most encouraging not only to our legal staff, but to the applicants.

After reviewing these cases including the Form I-590 application, the applicants' reports on their interview, other documents and witnesses and conducting extensive interviews with the applicants, we are persuaded that with only one or two exceptions these are "easy" cases. Without applying any presumptions of persecution, and without regard to whether one applies the "well-founded fear of persecution" in a liberal or more restrictive manner, these applicants clearly meet the test.

The pattern is clear: life long incidents of persecution to their family including usually three generations (their parents, themselves and their children), harassment of their unregistered pentecostal churches including fines and interference with meetings, intrusive pressures on children to give up their faith and join communist youth groups, officially sanctioned taunting of the children for their faith, systematic job discrimination and persistent penalties for refusal to be a part of the party and societal apparatus. These life long experiences are reinforced down to the present time. The styles of harassment may vary, and the intensity fluctuate, but the oppression and denial of rights persist. Certainly their experiences fall within the "broad denials" of rights which "restrict their ability to function in a society" and constitute the requisite "pervasive denials raising discrimination" to the "level of a threat to freedom." INS, Worldwide Guidelines for Overseas Refugee Processing, revised 1985, pp. 8, 10 - hereafter Guidelines.

Several observations and patterns became clear in our interviews with applicants that may be helpful to you in reviewing these cases. Most of these we shared with you in our discussions so I will only summarize them here. We note them not to be critical of INS. We are fully aware of the difficult problems of line drawing in refugee cases, and the exacerbation of these problems by the enormous expansion of the number of refugees coming out of the Soviet Union. We are confident INS is making every effort to respond appropriately, and our hope is that our observations will assist in that commitment.

1. *** cases where a denial would have seemed arguably valid were approved with apparent little inquiry. Others with long patterns of persecution were denied. Persons in the same church community and even in the same family group were treated disparately with no apparent reason, except that the case by case approaches inevitably lead to differentiation, here the distinctions seem unrelated to any articulable standard. This has greatly confused the applicant community.

2. The interviews did not seem to elicit the relevant information on which an informed decision could be made.—That the interviews seem largely ineffective may be due to a variety of factors including their severe brevity, the life-long reluctance of dissidents to speak freely and openly to government officials, the language problems, the lack of awareness on the part of applicants of the purposes of the interview, the fact that many of these applicants were told they did not need to say much because the process was a formality, and the lack of appreciation on the part of the applicant of what information might even be relevant evidence of persecution. At least in the case of WCC applicants there was no briefing or counsel at any stage in regard to the interview process or purposes.

We recognize the enormous pressures which have been placed on the INS staff in processing the numbers now presenting themselves, but we are very concerned that the case load has created a situation in which the officers simply cannot provide the type of interview set forth in the Guidelines at pages 30-33. It frankly appears that INS has not been provided with the resources necessary to carry out the process the Guidelines mandate. The result we fear is a lack of sufficient data on which professional decisions can be made, as well as the sense of frustration of many applicants who feel they had no opportunity to really tell their story. Our interviews have revealed how slowly much of the information comes out, and we are not surprised that in these ten minute interviews, the data is sparse.

3. Substantially disproportionate denials and interviewing irregularities by two case interviewers seemed to have created most of the denials and bad feelings among the current group of Pentecostal applicants.—More than 80% of the denials in the motions for reconsideration attached seem to have come from one case officer, described by most applicants as approximately fifty years old. (It may be Griffith.) This interviewer frequently refused to allow applicants to talk about events more than two years old, telling them it was not relevant. This is inconsistent with the excellent guidelines set forth by the INS for interviews which specifically notes the applicant is to have "opportunity to answer fully and freely" all inquiries (Guidelines p. 31) and that no interview is to be terminated "until all the facts" related

to the objectives of the interview are "carefully explored." (Guidelines p. 33). The Guidelines further specifically note that "the applicant is to be given an opportunity to add any further statement they wish to (p. 33)."

Her reported remarks were also often inappropriate as when she suggested that the pentecostals children might also be persecuted for their beliefs in the U.S., or that an applicant was lucky they had a house in Russia and that they might become street people without a home in America, and when one applicant was told that his story about the official complicity in his mother's death was "irrelevant."

The other case officer (apparently a TDY) on a number of occasions asked no questions relative to well founded fear but instead asked religious questions which were insulting to these religious believers. He asked them to quote what they read in the Bible that day, to name certain bible books, and to give the day on which Jesus prayed with his disciples, or to sing religious songs. These questions, under the circumstances, were irrelevant and demeaning.

4. Too often it appears the interviewers were applying too restrictive a view of well founded fear.—As noted, we believe virtually all these applicants will qualify regardless of the interpretation given to "well founded fear." We are concerned, however, that questions tended to reveal that interviewers were requiring applicants to produce very recent incidents of physical persecution or arrests. While such incidents are, of course, very persuasive evidence, it is clear that a well founded fear doesn't require either very recent incidents or particularly striking personal incidents. Where there is objective evidence of the treatment of the family, group or church and a life long pattern the cumulative effect of which is to substantially prejudice their opportunities in work, housing and religious practice, that is sufficient. The recognition of the experiences of these churches as groups seems especially significant in establishing a well founded fear. Certainly Pentecostals as a group are "widely accepted as having suffered persecution" and thus individualized incidents are less crucial. See Guidelines p. 28. These people almost invariably have such stories but the brevity of the interview and at times the too narrow focus of the questions denied them the opportunity to set out these patterns.

While of course mere membership is insufficient in and of itself, the Guidelines and cases concur that under "special circumstances" of persecution of a group, such membership may create "sufficient ground" for a well-founded fear of persecution (Guidelines p. 13).

5. Church patterns seem central in at least one batch of applicants.—In the case of many pentecostal applicants in the last month, they came from one church at Nadhokha. This church had a long pattern of government harassment because it refused to register, and in fact a split had occurred in the congregation over the issue. Several pastors and leaders of that church have already emigrated, and the most recent pastor, Rev. Enne, was granted refugee status and left for the U.S. this week. He left a personal statement regarding each of the members of his church who are currently applicants. We also note recent news out of that city which indicates that the city council had adopted a plan to seek to compel registration of churches through concerted action against the children of unregis-

tered believers. The plan is titled, "Measures to Prevent Religious Activities by 1990." Keston College, Kent, England, has obtained copies of this government document.

Again, we appreciate your readiness to review these applications based on the new information provided with the motions for reconsideration. In addition to the formal motion and attached personal statement for each family-head applicant, we have appended to this cover letter a summary in each case. This summary includes some additional information regarding other church and family members who have been approved for immigration, other specific information in support of their application and a summary of their personal statement.

We are confident these facts provide the basis for a grant of refugee status under any permissible standard, but especially in the context of the long standing of practices towards Soviet refugees and the commitment of the justice department toward a "generous" application of the definition of refugee. (See letter of U.S. Attorney General Edwin Meese to Presidential Assistant Colin Powell noting that in the process of establishing uniform procedures for assessing Soviet emigres, that "all immigration officials . . . will be as generous as possible in their application of the refugee definition.")

Sincerely,
Prof. LYNN BUZZARD,
Chairman,
Soviet Refugee Legal Task Force.

WORLD RELIEF,
USA MINISTRIES,
Nyack, NY, July 17, 1989.

FAX TRANSMITTAL DOCUMENT

Send to: Diana Rubin.
Company: Sen. Frank Lautenberg.
FAX number: 202/ 224-9707.
Date: July 17, 1989.
No. of pages, including this one: 19.
Sent from: Serge Duss.
FAX number: 914-268-2271.

Comments: Per your request: 1. Report of the Soviet Refugee Legal Task Force. Report has received wide distribution in Administration, as well as Senate and House Judiciary committees. Amb. Richard Schifter of DOS Human Rights office has referred to this report widely. 2. Cover letter from Lynn Buzzard (who wrote report) to head of INS in Rome. Letter accompanied appeals of first 52 denied Evangelical Christian cases in Rome.

Mr. BOSCHWITZ. Mr. President, I rise strongly to support the Lautenberg amendment, which would help to restore our traditional presumption of refugee status for several groups of persecuted emigres.

This amendment is needed to correct an alarming trend, which began in the fall of 1988, of denying refugee status to two groups the United States has a special interest in: Those fleeing the Soviet Union or Vietnam.

The United States grants refugee status to those who have a "well founded fear of persecution" in their homeland. But the determination of this well founded fear is up to the Immigration and Naturalization Service. The INS is now denying refugee status at record levels. Thousands who probably would have received refugee

status a year ago, are being turned away by the INS.

Mr. President, the amendment would ease the refugee determination process for those leaving the Soviet Union and Vietnam. Not only are these countries oppressive, but the United States has an historic commitment to take in persecuted groups from these countries as refugees. Members of these groups have sacrificed a great deal because of our promise to accept them. In fact, we have made a similar commitment to Laotians and Cambodians as well, and I would like to see the Senate extend this legislation to these groups, as the House has done.

Let's look at the situation for Soviet refugees. For decades, the United States has denounced the official persecution of religious minorities in the Soviet Union. And for decades we have pressed the Soviets to let these persecuted groups leave the U.S.S.R. and resettle abroad. The few who were allowed to leave have always been welcomed as refugees by the United States.

Although glasnost and perestroika have not eliminated religious and political persecution, they have changed Soviet emigration policy. The Soviets are finally letting Jews, Pentecostal Christians, Ukrainian Catholics, and others leave in record numbers. But instead of welcoming Soviet emigres with open arms, we seem to be saying to the Soviets: "You were right, these people weren't really persecuted after all."

Beginning in the fall of 1988, the INS began denying refugee status to more and more Soviet emigres. For example, the denial rate for Soviet Jews reached over 30 percent in March of this year.

The same thing is happening in Vietnam. Since the fall of Saigon we have pushed the Vietnamese to allow the emigration of those who are being persecuted because of their ties to the United States or to the former government of South Vietnam. In 1980, we helped to set up the Orderly Departure Program. The ODP is a program that allows our State Department to identify those people who truly deserve resettlement in the United States—and we have long considered such emigres to be refugees.

And now that thousands of Vietnamese are leaving through ODP, the United States is not celebrating this hard-won victory over persecution. Instead, we are suddenly declaring that these Vietnamese—handpicked by us—were never really refugees.

Like Soviet emigres, Vietnamese in the ODP used to receive a 90-percent or better approval rate for refugee applications. But this began to change for the Vietnamese after the fall of 1988. By March of this year, the approval rate plunged to 20 percent—80

percent were denied refugee status. Once again, these are Vietnamese who were affiliated with the United States or with the United States-backed Government of South Vietnam. Many of them paid for their affiliation with detention in the infamous reeducation camps of Vietnam. Thousands of these refugees are waiting to join their loved ones in the United States.

There is no legitimate basis for this sudden reversal of longstanding U.S. policy. The Immigration and Naturalization Service claims that it is now applying refugee laws more uniformly around the world. But a GAO study of Soviet refugees in Rome and Moscow found that the decisions of INS officers were completely inconsistent. According to the GAO, whether someone received refugee status depended on such factors as the INS officer's knowledge of the Soviet Union, how long he interviewed the Soviet applicant, and what kind of questions he asked.

In the case of the Vietnamese, refugee applicants are forced to make their case to the INS in Vietnamese Government buildings and in the presence of Vietnamese Government officials. In other words, the applicants are forced to discuss their persecution in front of their persecutors. Naturally, they hedge their bets, not wanting to suffer worse persecution in the event that they have to stay in Vietnam. But now if these applicants cannot convince the INS of a well-founded fear of persecution under these conditions, they are not considered refugees.

The Lautenberg amendment would simply return the INS to its practice before the fall of 1988. Under the amendment, Soviet Jews and Pentecostals, Ukrainian Catholics and Orthodox Christians, and Vietnamese registered with the Orderly Departure Program would have a lower burden of proof to establish their refugee status with the INS. The INS officer on the scene would still be able to deny refugee status to any member of these groups, if the refugee had insufficient evidence of a well-founded fear of persecution.

Mr. President, this is a reasonable policy to follow. While the relaxation in Soviet and Vietnamese emigration policies is welcome, there is every indication that the people in these specific groups continue to face fierce persecution in their homeland. The amendment simply recognizes this unfortunate fact.

Mr. President, after years of continuous pressure, the Soviets and the Vietnamese are finally giving in to our demands. They are letting their persecuted groups go. This is one of the great foreign policy victories of the 1980's—a decade of many such victories. We should not let the apparently

arbitrary actions of the INS undermine our success. The Lautenberg amendment will restore our traditional policy toward refugees.

I urge adoption of the amendment.

Mr. KASTEN. Mr. President, I rise today in support of the amendment of the distinguished Senator from New Jersey [Senator LAUTENBERG].

For many years now, I and my colleagues have been working to hold out a torch of hope to the Jews of the Soviet Union. And under the Gorbachev regime, we have indeed seen significant progress.

But it is equally true that celebration is premature—and even that we ourselves are adding to the burdens of Soviet Jewry.

The U.S. Government is today saying to large numbers of Soviet emigrants that they are not refugees, that they no longer have a well-founded fear of persecution—in short, that we in this country no longer appreciate their plight.

This behavior is inconsistent with the principles of our country. And the Lautenberg amendment, I believe, puts us on the road to remedy.

I believe it is essential that we reevaluate our refugee policy vis-à-vis the Soviet Union, but I do not believe that this should be done without the consultation of the Congress and of all the several voluntary agencies that work with the refugees.

We need the time provided by the Lautenberg amendment to sit down with the State Department, with the Attorney General and the INS, and with the voluntary agencies, to determine what our policy should be if the number of Soviet emigres continues to rise.

In the meantime, the U.S. Government must not renege on the promises we have made to so many men and women who have already suffered so greatly. We must assist those who seek to begin a new life in freedom. And we must let the Soviets know that we appreciate the changes initiated in the Soviet Union, as well as the long distance they have yet to traverse.

Mr. President, I intend to vote for this amendment because I think it is important that America be a country as good as its word. I urge my colleagues to join in supporting this amendment, so that we might be able to celebrate a genuine victory in the struggle for human rights.

Mr. METZENBAUM. Mr. President, I am happy to rise in strong support—and as a cosponsor—of the amendment offered by the distinguished Senator from New Jersey [Mr. LAUTENBERG].

This amendment was originally introduced as a freestanding bill, of which I was an original cosponsor. This legislation is in response to a human tragedy whose toll has been growing ever larger during the past year. The real tragedy, however, is the

fact that our own Government, through the Immigration and Naturalization Service, is at the heart of the problem.

For over a decade, we have pressed the Soviet Government to improve the standards of human rights within its borders. We have paid particular attention to the plight of Soviet Jews, who have suffered terribly under a variety of imperial Russian, and Communist Soviet Government. Now, when the doors are finally beginning to swing open for those who seek a better life elsewhere, the INS has determined that centuries of persecution do not qualify the Soviet Jewish community for refugee status in the United States.

Mr. President, if Soviet Jews do not have the "well-founded fear of persecution" required for admission to the United States as refugees, then I don't know who does.

Indeed, the record of oppression of Jews had gotten worse—not better—under President Gorbachev's policy of glasnost. The problem is that the new freedom of expression that Soviets enjoy has given vent to the deep seated anti-Semitism which permeates Russian society. The recent growth of Pamyat, a thinly veiled anti-Semitic organization, attests to this dangerous trend.

Mr. President, the persecution of Evangelical Christians, ethnic Armenians, and Ukrainian Orthodox Catholics in the Soviet Union is another problem which the INS has recently overlooked—along with the terrible refugee situation in Southeast Asia.

This amendment will help us keep America's promise of freedom for those fleeing from persecution. I regret that the INS has chosen a course which seemingly puts Justice Department budget constraints ahead of this Nation's commitment to human rights. By extending the presumption of a well-founded fear of persecution to these groups for the next 3 years, we will keep our doors open to those in need while postponing final decisions on refugee policy.

Mr. President, this amendment corrects a bad course being taken by the INS. It will let us be true to our word, without locking us into a particular policy. I am proud to be a part of this worthy effort, and I urge my colleagues to add their support.

Mr. LAUTENBERG. Mr. President, I ask for the yeas and nays on my amendment but I do understand that there has been a request agreed to to stack these votes and that I would, in fact, come after the amendment of the Senator from Florida.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from New Jersey is advised that his rollcall on the yeas and nays would take place under the unanimous-consent agreement after 5:30 p.m. and subsequent to the rollcall on the amendment by the Senator from Florida.

Has the Senator concluded?

Mr. LAUTENBERG. I have, Mr. President. I thank the manager of the bill.

The PRESIDING OFFICER. The Senator from New Jersey is advised he used all but 4 minutes and 52 seconds.

The Senator from Rhode Island, the distinguished manager, has joined as a cosponsor under the unanimous-consent agreement and thus does not control the time on the other side.

I see one person on the minority side, the distinguished assistant minority leader. There are 20 minutes allotted under the unanimous-consent agreement for the other side. What is the pleasure of either the manager of the distinguished assistant minority leader in view of this situation?

Mr. PELL. Why do I not use up my 4 minutes?

Mr. SIMPSON. Mr. President, I will not use the full 20 minutes. I do not know whether the time should be ascribed to me, but I will not require the 20 minutes. I think Senator KENNEDY was asking for time from that side of the issue—I am not certain—or this side.

The PRESIDING OFFICER. Well, if I may refresh everybody's recollection. The Senator from New Jersey is under control of his time, and he has 4 minutes and 50 seconds remaining. The opponents have 20 minutes. I am at some loss as to who controls that in view of the fact that the manager is supportive of the Senator from New Jersey.

Mr. SIMPSON. Mr. President, I ask unanimous consent that I be in control of the time on that side of the issue.

The PRESIDING OFFICER. Is there any objection?

Mr. LAUTENBERG. Mr. President, seeking clarification here, is the Senator from Wyoming looking for the remaining time that this Senator has? I have an obligation to yield some time to Senator KENNEDY.

The PRESIDING OFFICER. May I say, the Senator from New Jersey is in control of his time, which is 4 minutes and 50 seconds. I presume that the Senator from Wyoming is in control now of the 20 minutes in opposition, if that is his desire. Is that the desire of the Senator?

Mr. SIMPSON. Mr. President, I think we are just kind of waving around here. We have agreed on the amendment, so there is no controversial opposing time. Since there is a time limit, I will use such time as nec-

essary and Senator KENNEDY can have it from my time or Senator LAUTENBERG can have it from my time.

The PRESIDING OFFICER. Who desires recognition?

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The manager of the bill, the distinguished Senator from Rhode Island.

Mr. PELL. Mr. President, this amendment deals with an immediate humanitarian crisis resulting from a substantial increase in the number of Soviet Jewish and other persecuted minority refugees awaiting United States admissions in Rome, or just outside of Rome.

Additional numbers of refugees are expected to leave the Soviet Union this year and in the coming year.

We should regard this as a substantial victory for American policy and a victory for the cause of human rights and free emigration.

This is no time to let bureaucratic processing restrictions interfere with the achievement of this major human rights objective. American policy for years has urged a free emigration policy from the Soviet Union. Then for us to turn around and say, "Sure, emigrate from the Soviet Union, but don't come into the United States" puts us in a rather hypocritical position.

This amendment offers an immediate remedy. While we have the highest regard for the responsibilities and jurisdiction of the Judiciary Committee and of the Senators responsible on that committee for U.S. refugee admission policy, we see no alternative to accepting this amendment to solve this urgent problem.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SIMPSON. Mr. President, let me thank the Chair for his courtesy on the time agreement. I was just as dilatory as can be in getting that expressed correctly.

The PRESIDING OFFICER. The Chair would advise there are probably about 20 minutes left on both sides. It would appear clear that the time was being used under a kind of Murphy's rule agreement.

Mr. LAUTENBERG. Mr. President, I yield back the remainder of my time. I understand the Senator from Wyoming has offered his time as needed and that when it is no longer desired he will yield back the remainder of his time.

Mr. SIMPSON. Mr. President, I yield 3 minutes to my friend from Massachusetts, Senator KENNEDY, and if Senator LAUTENBERG would wish some of that time I would yield some of that to him after my remarks.

Mr. KENNEDY. I thank the Senator very much.

Mr. President, I commend the Senator from New Jersey for his willing-

ness to work with Senator SIMPSON, Senator SIMON, and myself on this particular proposal. I urge favorable action on this compromise amendment.

We have run into a rather unusual and difficult situation as it relates to those who have left the Soviet Union. They have been given the understanding, or at least the appearance of an understanding has been created, that they will be able to gain entrance into the United States. We knew that the whole flow of emigration from the Soviet Union reached about 50,000 in 1980, diminished to about 1,100 or 1,200 a year in the early part of the 1980's, and then was expanded recently in the last year.

During the period of the earlier 1980's, it was generally recognized that any individual who left the Soviet Union was effectively granted the status of refugee to be able to gain entry into the United States. This was never an issue since the flow was down to a trickle in number, and so many of the individuals able to leave had suffered persecution, had suffered intimidation, and had suffered long separations from their families.

We have seen in the last several months a virtual explosion of individuals desiring to be reunified with their families in the United States and able to leave the Soviet Union, and a change was made by the INS in the way they were going to treat those individuals. During the period of time, since this change was made there have been extraordinary delays, continuing the separation of the families. A bureaucratic nightmare has emerged which has been enormously costly not only in human terms due to the continued separation of families, but enormously costly for the American taxpayers as well. Many of these individuals have been required to stay in hotels and other kinds of expensive accommodations which has resulted in excessive cost.

The concern about this matter was brought to the attention of the Attorney General some months ago. We have seen some progress, but it has been limited as backlogs remain and rejections continue.

The solution of the Senator from New Jersey, I believe, really comes to grips with the inherent problem and does it in a responsible way and in a temporary way so that we may devise other appropriate solutions over the longer term.

This legislation, I believe, should be supported. I believe it will relieve a good deal of the anxiety for the families that are separated and it will also provide savings to the taxpayers because we will have an expedited procedure.

I thank the Senator from New Jersey for helping to work with us. I, quite frankly, think that this is a more

desirable solution than the one earlier proposed.

I think it is more consistent with the past historic refugee policy. I believe it is important that my colleagues understand some of that history in the Soviet case.

Mr. President, almost a year ago, then-Attorney General Meese substantially altered the process for determining who from the Soviet Union should be admitted to the United States under official refugee status. Up until that time, the United States had a tacit policy of approving all Soviet Jews.

But as Mr. Meese pointed out, quite correctly, such an approach is "out of sync" with the procedures of the Refugee Act of 1980, which call for case-by-case judgments as to who is really a refugee.

The problem came with the implementation of this new policy. The Immigration Service was not up to the challenge.

It lacked the officers and the training to perform the delicate task of deciding refugee cases. And the General Accounting Office and voluntary agencies reported to Congress earlier this year about major inconsistencies in the manner in which INS officers handled Soviet cases.

And, in February of this year, the same case-by-case approach was adopted for Vietnamese in the Orderly Departure Program.

Mr. President, these changes came just as America was witnessing its greatest success in securing the right of emigration from the Soviet Union.

After years of persecution and separation from relatives abroad, Soviet authorities were beginning at long last to allow Soviet citizens to depart. But just as barriers were coming down in the Soviet Union, we began erecting bureaucratic obstacles of our own in the manner in which we processed refugee applications.

The chairman of the Judiciary Committee, Senator BIDEN, and I wrote to the President on May 26 warning of the rising concern in Congress over the handling of Soviet refugee claims. We stated:

If the administration cannot adequately implement a case-by-case program, or deal with the backlog of applicants in Rome, efforts will surely be made in Congress to temporarily resolve these problems through legislation.

Mr. President, it should be noted that Attorney General Thornburgh is implementing improvements in processing. Previously denied cases are being reviewed and overturned. Rejection rates—which had climbed to over 35 percent—are coming down, though still sit at about 20 percent.

And INS officers are gaining greater familiarity with the conditions in the

Soviet Union which refugee applicants have faced.

But these initiatives have not been sufficient to relieve the arbitrariness of the past several months or to provide specific assurances of fairness for the future.

The time for legislative action has arrived.

The Senator from New Jersey has developed a responsible approach to this problem which is consistent with the principles of the Refugee Act of 1980. The Refugee Act moved us away from the blanket favoritism of one group over another in the refugee program, and brought our law into the international mainstream. And this amendment is careful to provide the procedures which Soviets and Vietnamese need, while respecting the need for equal treatment for all refugees.

So I am pleased to join in cosponsoring the amendment.

This amendment also buys time for the Attorney General. It establishes a fair and efficient procedure for determining refugee status for the next year. During that time, the Attorney General will continue to improve the procedures for handling refugee applications from Soviet and Vietnamese nationals.

The amendment accomplishes this by providing that profiles shall be developed for groups in which most members face persecution.

These profiles would ease the standard of proof for individual applicants as well as provide a factual background for adjudicating applications.

The use of profiles is not a new idea. This approach was supported by the Select Commission on Immigration and Refugee Policy in 1981 as an efficient and fair procedure for handling large numbers of refugee applications. And in 1984, a staff report prepared for the Subcommittee on Immigration and Refugee Policy noted that such profiles, if developed, would assist in improving the consideration of refugee and asylum claims from Central Americans.

I am hopeful that this amendment can become a concrete test of the group profile approach. The one year lifespan of this amendment should provide us with the experience necessary to judge whether it should be extended to other settings.

Finally, Mr. President, an issue has arisen about the amendment by the Senator from New Jersey regarding the circumstances in which discrimination or prejudice may amount to the persecution that is required as part of the refugee definition.

I would simply refer my colleagues to the U.N. High Commissioner for Refugees' handbook for determining refugee status. The handbook, which is used by refugee officials around the world, notes that certain instances of

discrimination do amount to persecution, and I believe this should be noted in handling Soviet cases.

I ask unanimous consent that the relevant portions of the handbook be printed in the RECORD.

Mr. President, this compromise amendment is a thoughtful response to a difficult problem, and I again urge my colleagues to support it.

There being no objection, the motion was order to be printed in the RECORD, as follows:

HANDBOOK ON PROCEDURES AND CRITERIA FOR DETERMINING REFUGEE STATUS UNDER THE 1951 CONVENTION AND THE 1967 PROTOCOL RELATING TO THE STATUS OF REFUGEES

53. In addition, an applicant may have been subjected to various measures not in themselves amounting to persecution (e.g. discrimination in different forms), in some cases combined with other adverse factors (e.g. general atmosphere of insecurity in the country of origin). In such situations, the various elements involved may, if taken together, produce an effect on the mind of the applicant that can reasonably justify a claim to well-founded fear of persecution on "cumulative grounds". Needless to say, it is not possible to lay down a general rule as to what cumulative reasons can give rise to a valid claim to refugee status. This will necessarily depend on all the circumstances, including the particular geographical, historical and ethnological context.

(C) DISCRIMINATION

54. Differences in the treatment of various groups do indeed exist to a greater or lesser extent in many societies. Persons who receive less favorable treatment as a result of such differences are not necessarily victims of persecution. It is only in certain circumstances that discrimination will amount to persecution. This would be so if measures of discrimination lead to consequences of a substantially prejudicial nature for the person concerned, e.g. serious restrictions on his right to earn his livelihood, his right to practice his religion, or his access to normally available educational facilities.

55. Where measures of discrimination are, in themselves, not of a serious character, they may nevertheless give rise to a reasonable fear of persecution if they produce, in the mind of the person concerned, a feeling of apprehension and insecurity as regards his future existence. Whether or not such measures of discrimination in themselves amount to persecution must be determined in the light of all the circumstances. A claim to fear of persecution will of course be stronger where a person has been the victim of a number of discriminatory measures of this type and where there is thus a cumulative element involved.

Mr. LAUTENBERG. Let me just take 1 minute to say that the Senator from Massachusetts and the Senator from Wyoming, both of whom joined me in considerable review of this amendment and whose support I truly appreciate—their endorsement of this expedited process will make enormous difference. It will then give INS a chance to reexamine its policy and, if we conclude that there ought to be changes, we can do that in a more leisurely fashion. Meanwhile we are taking care of those people who are

waiting anxiously, not knowing where they are going.

I thank the Senator from Massachusetts once again and the Senator from Wyoming for their cooperation.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. SIMPSON. Mr. President, I am very pleased to report, and obviously our colleagues know we have worked out a compromise to the original Lautenberg amendment. I will not object. The compromise was crafted thanks to the cooperation of my friend from New Jersey and the good efforts of the chairman of the Immigration Subcommittee, Senator KENNEDY. I appreciated the willingness of Senator LAUTENBERG to respond to some of the serious concerns that I had had over the original amendment. Yet it certainly was not really in my province as a single Senator to send a "Dear Colleague" letter which I thought at one time might be expressed through the auspices of the subcommittee. I could have done that a little differently.

The Senator did not have to accommodate my expressions of concern. I also believe there might have been a misunderstanding created by myself. I may have made a commitment which I did not follow through on with Senator LAUTENBERG, and I feel badly about that. I would now apologize to him for that.

As we were into this maelstrom of activity, he reminded me of a comment I had made to him several days ago and he and I and Senator KENNEDY visited, and then came the "Dear Colleague," and I certainly apologize to the good Senator from New Jersey for anything that would have caused him to question my actions.

Mr. LAUTENBERG. If the Senator will yield, I would like to say for those who see the RECORD that though the Senator from Wyoming, the Republican whip, and I have had disagreements on the substance of an issue, and sometimes on the substance of a process, we have never had a moment when either one of us has doubts about where the other guy stands.

As a matter of fact, too often it is glaringly obvious where the other guy stands. Sometimes the Senator from Wyoming fails to see the wisdom of a proposal from the Senator from New Jersey, but that is rare.

In any event, the fact is that the Senator from Wyoming is someone I regard as a friend. He is a truly distinguished U.S. Senator who gets the attention of all in this body when he speaks, even though there could be disagreement, as I said, with the issue under discussion. I thank him for his very gracious comments about an error in process that took place. It is certainly not necessary to apologize, but I do thank the Senator for his,

once again, gracious acknowledgement that something went awry.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. I do thank the Senator FRANK LAUTENBERG for those comments.

Mr. President, I believe this has been cleared. Let me interject, I see Senator PELL on the floor. I did not see him return.

UNANIMOUS-CONSENT REQUEST

Mr. SIMPSON. Mr. President, I ask unanimous consent that the vote on the Graham amendment, No. 366 occur at 5:15 p.m., and that no amendments be in order to either the Graham amendment or any of the other amendments ordered to be disposed of prior to resuming consideration of the Specter amendment No. 325.

Now, I see Senator HELMS is on the floor. In this requested duty I have intruded upon the managers—apparently there will be two votes necessary. We advise the Members that will be coming.

The PRESIDING OFFICER. May the Chair inquire for purposes of clarification only, the unanimous consent request of the distinguished Senator from Wyoming addresses the Graham amendment.

We now have a sufficient second on the Lautenberg amendment.

What is the desire of the manager and others with reference to disposition of that? Is there any objection to the vote on the Lautenberg amendment being disposed of immediately after the Graham amendment?

Mr. PELL. No. That would be correct.

The PRESIDING OFFICER. Then the unanimous-consent request is that at 5:15 p.m. we go to the Graham amendment and when that is disposed of we go to the Lautenberg amendment; is that correct?

Mr. PELL. I do not believe that is correct, because we were supposed to do the two amendments of the Senator from North Carolina and the amendment of the Senator from Alaska, Mr. MURKOWSKI, prior to the vote.

The PRESIDING OFFICER. That is what I wanted to clarify.

The Senator from Wyoming, is he aware of that, that there are two Helms amendments and a Murkowski amendment on my list here?

Mr. PELL. This was the original understanding. I am informed that we ought to go ahead with the arrangement.

The PRESIDING OFFICER. Would the Senator resubmit his unanimous-consent request? The Chair is having a little difficulty with this.

Mr. SIMPSON. Mr. President, this missive was handed to me in the midst

of my flight of remarks. I spread it upon the Record.

I do not know from whence it arose, but it asked unanimous consent that the vote on the Graham amendment, No. 366, occur at 5:15.

I will now withdraw the unanimous consent request and let the two managers of the bill determine how best to deal with two amendments, apparently already discussed, plus the Lautenberg amendment on which the yeas and nays have been asked.

If we could work that also into the package, I think it will be well worthwhile.

The PRESIDING OFFICER. First of all, has everybody yielded back time on the Lautenberg amendment?

Mr. SIMPSON. No. Mr. President, I have not yet spoken on the amendment and I will not use the remaining minutes.

The PRESIDING OFFICER. There are 10 minutes, approximately, remaining on the Lautenberg amendment.

The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I am now going to proceed. It will not take long.

The compromise amendment would have, in my mind, created a legal presumption that certain Soviet and Vietnamese nationals immediately qualified for refugee status. However, now the compromise amendment will lower the burden of proof for demonstrating refugee status for the following groups: Soviet Jews, Evangelical Christians, Ukrainian Catholics and Ukrainian Orthodox and Vietnamese nationals who are applying for the Orderly Departure Program, ODP, with letters of introduction, but who do not immediately qualify for immigrant visas.

For those nationals it is sufficient that they demonstrate a particular mistreatment prejudicial action taken against them or that they demonstrate acts of persecution against other members of their group or that they demonstrate mistreatment or prejudicial actions taken against them because of their personnel request to leave the Soviet Union.

The compromise would allow this lowered burden of proof to be in effect for 1 year. In addition, the compromise would provide for the adjustment of status to permanent residents of those persons who accepted an offer of parole into the United States after failing to qualify for refugee status.

That final provision was not controversial. In fact, I had intended to introduce legislation to provide that type of an amendment even if Senator LAUTENBERG's amendment had not gone through.

I have strong reservations about two aspects of the entire issue and it has to do only with the fact that I have tried desperately to preserve the Refugee Act of 1980, which was spread on

the books by my colleague from Massachusetts in my first couple of years here and that is this singling out of certain groups for special treatment. I think that is a mistake.

The Refugee Act was placed on the books to avoid specific activity where we recognized a certain special group.

Then there is the endorsement of a standard of mistreatment that might be, really, less than "persecution." Those were the things that concerned me. I think those aspects of the issue are not consistent with the Refugee Act.

The Senator from New Jersey has done his work well and arranged substantial support for his position. I did not wish to step in front of a freight train by attempting to resolve all of the concerns of mine on the compromise, and he was very gracious to let me resolve some of them.

I just say to my colleagues, we must be alert to what we do with refugees because there are people all over the world who want to come here and there may be about 16 million who are true refugees. If we are ready for that, we should be prepared to debate that. That is the only reason I speak. I am not a restrictionist.

Refugees should be always be handled on a case-by-case basis and now in the Soviet Union, we read in their press, they are now changing their laws on emigration and are ready to drop many previous restrictions. They say they may be ready to deliver to us 100,000 or 200,000 persons, or even 300,000 persons. That is something we must prepare for intelligently as a country.

We were going to have amendments on admitting Hmongs, that was considered at one time; considering Lithuanians. I do know the list could have gone on, but if we are going to do that, we should also consider those people in the Horn of Africa. They should be considered, too. There are so many countries in turmoil in the world, and if we are going to receive any or all of them in a blanket status then I do not think we are prepared as a nation to deal with that properly. If we can do it on a case-by-case basis, I think we will always do best.

I again thank the subcommittee chairman and the sponsor of the amendment for their good faith and cooperation. I appreciate the ability that we work to have a compromise amendment.

I think Senator SIMON, my colleague from Illinois, would like 2 minutes of time. I will certainly yield that to him.

Mr. SIMON. I thank my colleague from Wyoming. I simply want to join in urging support for the amendment, and I want to applaud Senator LAUTENBERG from New Jersey for his leadership in this area. We have people who are in limbo. They are now living

in Italy temporarily. They are in an uncertain status. We have to resolve this.

The Senator from Wyoming is correct, we cannot just all of a sudden say we are going to open our borders to everyone, no matter where you are and no matter what the amounts are. We are going to have to look at this on a case-by-case basis. But it is very clear that we have sent strong signals to people that if you want to—and escape is not too strong a word to use—if you want to escape the Soviet Union and the anti-Semitism and the problems that have been there, our doors are open.

On a case-by-case basis we also have to recognize these are people who have real talents; they are people who can contribute to this Nation. We just last week or the week before last passed an immigration bill where we gave special status to people who have special skills. By and large, we will find these are people who have such skills, who are hard-working people who will contribute a great deal.

I am pleased to be a cosponsor of this amendment. I think it is a step in the right direction. Again, I want to commend the chief sponsor of the amendment, and I thank my colleague from Wyoming for yielding me 2 minutes.

Mr. SPECTER. Mr. President, today I join Senator LAUTENBERG, Senator GRASSLEY, and Senator SIMON in offering an amendment to S. 1160, the fiscal year 1990 Foreign Relations Authorization Act, regarding refugee status.

This amendment addresses the pressing issue of refugee status for designated groups of immigrants who are collectively known to be the subjects of political persecution. This amendment will eliminate the subjectivity of our current adjudication procedures. It acknowledges the longheld consensus of the U.S. Government that certain groups of individuals have a well-founded fear of persecution by their native governments and therefore qualify for refugee status in the United States.

Section 1(a) of this amendment directs the Attorney General with the Secretary of State to establish categories of refugee applicants which would identify applicants with a strong likelihood of qualifying for admission as refugees due to well established histories of persecution, pursuant to section 207 of the Immigration and Nationality Act. According to section 1(b) of the amendment, "If a refugee applicant is within any of the categories, he or she may qualify for refugee status by demonstrating acts of mistreatment, or prejudicial actions against him or her personally. * * *

Those aliens included in the categories as defined by the amendment are "Soviet nationals who are Jews or

Evangelical Christians or Ukrainian Catholics or Ukrainian Orthodox, and holders of letters of introduction in the Orderly Departure Program in Vietnam, who do not immediately qualify for immigrant visas, and may include other groups of refugee applicants for which such categories would be appropriate."

In addition, the amendment's provision of refugees during the period between enactment and September 30, 1990. Finally, section 1(d) of the enactment stipulates that "Aliens who fall within the categories established by the act, or by the Attorney General pursuant to this act, and have been denied refugee status between August 15, 1988, and the date of enactment of this act, shall be eligible to reapply for refugee status under the terms of this act."

As the son of Russian immigrant parents, I am personally committed to the plight of those seeking to escape political and religious oppression for the personal freedoms afforded American citizens. The U.S. Government, and the Congress particularly, have worked to assist the emigration of the victims of political persecution and for this reason, we should be prepared to respond generously and judiciously to their needs once they become expatriots. Recent changes in Immigration and Naturalization Service [INC] policy regarding processing of refugee status applications, however, have proven inconsistent and subjective, resulting in a disproportionate number of denials.

According to the Refugee Act of 1980, applicants for refugee status in the United States must prove that they are the victims of political or religious persecution. Until August 1988, the INS granted refugee status to Soviet and East European Jews on a relatively presumptive basis. All members of this group were assumed to qualify for refugee status. In August 1988, however, a tacit change in procedure was adopted by the INS which resulted in a case-by-case assessment of these applications.

By using the case-by-case approach, the INS has been unable to ensure judicious and consistent standards for the processing of applications. According to testimony provided by the General Accounting Office [GAO] before the House Judiciary Subcommittee on Immigration, Refugees and International Law on April 6, 1989, approximately 61 percent of applicants at the U.S. Consulate in Moscow and 15 percent of applicants in Rome are being denied refugee status. According to this testimony, the fact that a significant number of these cases have been reversed on reconsideration suggests that "many cases were either not thoroughly or correctly processed" the first time.

Soviet Pentecostals, Baptists, Ukrainian Catholics, and Orthodox and Vietnamese emigres suffer similarly from the lack of objective and clear standards for the granting of refugee status. Consequently, thousands are left stranded between the oppression of their own governments and the freedoms offered by the United States. This amendment seeks to eliminate the subjectivity of our current adjudication procedures. It codifies the longheld consensus of the U.S. Government that certain groups of individuals have a well-founded fear of persecution by their native governments and therefore qualify for refugee status in the United States.

This legislation will rectify the dilemma of Soviet the East European emigres who already have left their native countries in expectation of receiving refugee status but who have found themselves homeless and helpless. The amendment we offer today clearly states U.S. policy in reference to these groups and establishes a consistent and fair procedure for the processing of refugee status applications.

Accordingly, I urge my colleagues to join us in supporting this important amendment.

Mr. SIMPSON. Mr. President, if no one else desires to speak, I will yield back the remainder of my time.

The PRESIDING OFFICER (Mr. LAUTENBERG). All time is yielded back. Under the previous order, the Senator from North Carolina is recognized.

AMENDMENTS NOS. 368 AND 369, EN BLOC

Mr. HELMS. Mr. President, I send to the desk two amendments which have been agreed to on both sides, and I ask unanimous consent they be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows: The Senator from North Carolina [Mr. HELMS] proposes amendments numbered 368 and 369, en bloc.

Mr. HELMS. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT No. 368

At the appropriate place in the bill add the following new section:

SEC. . AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Commission on the Ukraine Famine \$100,000, which is authorized to remain available until expended.

AMENDMENT No. 369

At the end of the bill, add the following new section:

SEC. . PROMOTING FREEDOM IN SOVIET GEORGIA.

The roots of Georgian national identity reach back to before the birth of Christ;

Georgia was an independent region up until tsarist Russia incorporated it into the Russian empire in the 19th century.

Georgian independence was reestablished on May 26, 1918, with the proclamation of the Republic of Georgia, with a parliamentary democratic government;

The independence of the Republic of Georgia was recognized by 22 countries, among them the Soviet Union on May 7, 1920.

The Soviet Union invaded the Republic of Georgia ten months later, on February 16, 1921, occupied the capital city of Tbilisi, and established Soviet power in Georgia on March 18, 1921;

The Patriarch of the Georgian Orthodox Church, Katholikos Ambroyi appealed at the Genoa Conference in 1922 for support from the international community to force the occupying Soviet forces out of the Republic of Georgia, but no help was forthcoming;

In 1924, there was an uprising which started in the manganese mines of Tschiatourri and swept over the whole country, and although assistance came from France and Poland, Soviet troops brutally crushed the rebellion, and the three leaders of this uprising were Colonel Khaikhroso Cholokhashvili, Colonel Prince Elizbar Watschnadse, and Alexander Sulkhanashvili;

The people of Georgia have renewed their call for self-determination, as evidenced by the creation of the National Democratic Party of Georgia;

The expression of these aspirations demands, over the past two years, by the people of Georgia has caused the expulsion of popular leaders such as Tengiz Gudava from the Soviet Union; and

Georgian human rights leaders both in Georgia itself and in the West have renewed their call for help from the United States by asking that the United States call upon the Soviet Government to grant to the people of Georgia the right to free multi-party pluralistic institutions and self-determination;

Now, therefore, be it the sense of the Senate that the Senate hereby:

(a)(1) supports the aspirations of the Georgian nation for freedom and for justice;

(2) supports the aspirations of the Georgian nation for democracy in compliance with the provisions of the Final Act of the Helsinki Conference on Security and Cooperation in Europe, to which the Soviet Union is a party; and

(3) supports the aspirations of the Georgian nation for cultural and human rights, as embodied in the Universal Declaration of Human Rights, which the Soviet Union supported.

(b) For the purposes of this amendment, the word "nation" refers to the Georgian people in an ethnic and cultural sense and not in the sense of a "nation-state."

AMENDMENT NO. 368

Mr. HELMS. Mr. President, I believe that amendment No. 368 has been cleared on both sides. It would authorize a final appropriation of \$100,000 for the Ukrainian Famine Commission to complete its work documenting the starvation of millions of Ukrainian farmers by official Soviet policy in 1931 and 1932.

Mr. President, I understand that this amendment is supported by both of the Senate members of the Famine Commission, Mr. DeCONCINI and Mr. KASTEN. The Commission has completed

assembling its work, and has published its report to Congress. However, it has conducted oral history interviews with 217 survivors. These interviews are now complete and prepared for publication.

Mr. President, this authorization will allow the Commission to complete its work and shut down in an orderly manner. It should also be noted, Mr. President, that the work of the Commission has already been assisted by private donations of \$210,000—demonstrating the broad and warm support its work has received from Ukrainian-Americans.

AMENDMENT NO. 369

Mr. President, my amendment No. 369 in support of freedom in Soviet-occupied Georgia is straightforward and brief. The amendment simply states that the Senate supports the aspirations of the Georgian nation for freedom and for justice, that the Senate supports the aspirations of the Georgian nation for democracy in compliance with provisions of the Final Act of the Helsinki Conference on Security and Cooperation in Europe, to which the Soviet Union is a party; and that the Senate supports the aspirations of the Georgian nation for human rights, as embodied in the Universal Declaration of Human Rights, which the Soviet Union has supported.

For the purposes of this amendment, the word nation refers to the Georgian people in an ethnic sense and in a cultural sense. It does not refer to Georgia in the sense of a nation-state because, as we know, Georgia is currently incorporated in the Union of Soviet Socialist Republics.

Mr. President, we have the opportunity to express our support for the people of Georgia in their efforts to gain their freedom, in their efforts to gain their human rights, and in their efforts to gain national self-determination. This resolution underscores the concern of the Senate for the fate of the ancient and valiant Georgian nation.

Mr. President, the roots of the Georgian nation go back over 2,000 years predating the birth of Christ. The territory of Georgia was independent until Imperial Russia incorporated it into the empire in the 19th century. In 1918, however, the Georgian nation was able to reestablish its independence. A government was established which was democratic and which was elected by the Georgian people.

The independent Republic of Georgia was recognized by a total of 22 countries, including the Soviet Union. The Soviets then invaded the country in 1921 and absorbed it into the Bolshevik empire. Georgia's appeals for help from the free world fell on empty ears.

In 1924, a nationwide uprising took place in Georgia. It started in the manganese mines of Tschiatourri and

swept over the whole country. I would note for the historical record that concessions to the manganese mines were granted by the Soviet Government to the Harriman family.

Assistance for the striking miners and the people of Georgia came from France and from Poland but Soviet troops were able to brutally crush the rebellion. The three key leaders of the uprising were Col. Khaikhroso Cholokhashvili, Col. Prince Elizbar Watschnadse, and Alexander Sulkhanashvili. Their names are indelibly imprinted on the roster of heroes of the Georgian nation.

Mr. President, in recent months the situation in Georgia has been frequently reported in the Western press. It is a sad state of affairs as even today's morning papers reveal. This amendment is intended to provide a ray of hope to the long suffering Georgian nation.

Mr. PELL. These two amendments have been examined and approved on this side of the aisle. I recommend them to my colleagues.

Mr. HELMS. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc.

The amendments (Nos. 368 and 369) were agreed to en bloc.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendments were agreed to.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I suggest we vote.

The PRESIDING OFFICER. The Chair will advise that under the previous agreement, the first vote is scheduled to occur at 5:30.

Mr. HELMS. Mr. President, I hold in my hot hand here the UC that says 5:15, which is why I suggested it.

The PRESIDING OFFICER. That unanimous-consent agreement was withdrawn in view of the fact that an earlier unanimous-consent agreement had been negotiated.

Mr. HELMS. I should have said at the time to change it to 5:20.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE ON AMENDMENT NO. 366

The question is on agreeing to the Graham amendment. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. MATSUNAGA] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Colorado [Mr. ARMSTRONG] is necessarily absent.

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 133 Leg.]

YEAS—98

Adams	Garn	McConnell
Baucus	Glenn	Metzenbaum
Bentsen	Gore	Mikulski
Biden	Gorton	Mitchell
Bingaman	Graham	Moynihan
Bond	Gramm	Murkowski
Boren	Grassley	Nickles
Boschwitz	Harkin	Nunn
Bradley	Hatch	Packwood
Breaux	Hatfield	Pell
Bryan	Heflin	Pressler
Bumpers	Heinz	Pryor
Burdick	Helms	Reid
Burns	Hollings	Riegle
Byrd	Humphrey	Robb
Chafee	Inouye	Rockefeller
Coats	Jeffords	Roth
Cochran	Johnston	Rudman
Cohen	Kassebaum	Sanford
Conrad	Kasten	Sarbanes
Cranston	Kennedy	Sasser
D'Amato	Kerry	Shelby
Danforth	Kerry	Simon
Daschle	Kohl	Simpson
DeConcini	Lautenberg	Specter
Dixon	Leahy	Stevens
Dodd	Levin	Symms
Dole	Lieberman	Thurmond
Domenici	Lott	Wallop
Durenberger	Lugar	Warner
Exon	Mack	Wilson
Ford	McCain	Wirth
Fowler	McClure	

NAYS—0

NOT VOTING—2

Armstrong Matsunaga

So the amendment (No. 366) was agreed to.

Mr. PELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 367

The PRESIDING OFFICER. Under the previous order, the question occurs on amendment No. 367, offered by the Senator from New Jersey.

The question is on agreeing to the amendment of the Senator from New Jersey. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Massachusetts [Mr. KENNEDY] is necessarily absent.

I also announce that the Senator from Hawaii [Mr. MATSUNAGA] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Colorado [Mr. ARMSTRONG] is necessarily absent.

The PRESIDING OFFICER (Mr. GORE). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 97, nays 0 as follows:

[Rollcall Vote No. 134 Leg.]

YEAS—97

Adams	Garn	Metzenbaum
Baucus	Glenn	Mikulski
Bentsen	Gore	Mitchell
Biden	Gorton	Moynihan
Bingaman	Graham	Murkowski
Bond	Gramm	Nickles
Boren	Grassley	Nunn
Boschwitz	Harkin	Packwood
Bradley	Hatch	Pell
Breaux	Hatfield	Pressler
Bryan	Heflin	Pryor
Bumpers	Heinz	Reid
Burdick	Helms	Riegle
Burns	Hollings	Robb
Byrd	Humphrey	Rockefeller
Chafee	Inouye	Roth
Coats	Jeffords	Rudman
Cochran	Johnston	Sanford
Cohen	Kassebaum	Sarbanes
Conrad	Kasten	Sasser
Cranston	Kennedy	Shelby
D'Amato	Kerry	Simon
Danforth	Kerry	Simpson
Daschle	Kohl	Specter
DeConcini	Lautenberg	Stevens
Dixon	Leahy	Symms
Dodd	Levin	Thurmond
Dole	Lieberman	Wallop
Domenici	Lott	Warner
Durenberger	Lugar	Wilson
Exon	Mack	Wirth
Ford	McCain	
Fowler	McClure	
	McConnell	

NAYS—0

NOT VOTING—3

Armstrong Kennedy Matsunaga

So the amendment (No. 367) was agreed to.

The PRESIDING OFFICER. Under the previous order, the Chair now recognizes the junior Senator from Alaska [Mr. MURKOWSKI].

Mr. MURKOWSKI. I thank the Chair.

AMENDMENT NO. 370

(Purpose: To facilitate the detection of plastic explosives used by international terrorists.)

Mr. MURKOWSKI. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI] proposes an amendment numbered 370.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill add the following new section:

SEC. . FACILITATING THE DETECTION OF PLASTIC EXPLOSIVES USED BY INTERNATIONAL TERRORISTS.

FINDINGS.—The Senate finds that plastic explosives have become a weapon of choice for international terrorists and have been used to inflict great loss of innocent life, including the destruction of Pan Am flight No. 103.

SENSE OF THE SENATE.—It is the Senate that (1) The President should seek to negotiate an international protocol requiring all nations that produce, or enter into the production of, plastic explosives to implant taggants in these explosives designed to facilitate their detection for anti-terrorist purposes.

tate their detection for anti-terrorist purposes.

(2) The President should seek to reach a final agreement on an international protocol at the earliest possible date.

Mr. MURKOWSKI. Mr. President, some of our colleagues are familiar with the term Symtex. Symtex is a plastic explosive manufactured, to our knowledge, in Czechoslovakia. This was the explosive that was used in the destruction of the Pan American flight 103. Mr. President, my amendment would focus congressional and Presidential attention on negotiations that are underway to give these negotiations increased priority and urgency.

The amendment would establish a target date for final agreement on our international discussions concerning the necessity of having regulatory capability on those explosives so that the agent implant called taggants could be introduced into the explosive so that it would be able to be detected on conventional type devices used in airports where persons and their baggage, their hand baggage, are subject to an x-ray type examination.

The President, in this amendment, would seek to negotiate the international protocol which would require all nations that produce or enter into the production of this type of plastic explosives to implant taggants into the explosive which would be designed to facilitate the detection for any antiterrorist purpose. It is the sense of the resolution that the President should seek to reach a final agreement at the earliest possible date.

I think that the tragic disaster associated with Pan American flight 103 is evidence of what this explosive can do. If we remove plastic explosives from the terrorists' arsenal, thousands of lives may be saved.

I therefore, without any further explanation, ask for the adoption of my amendment.

It is my understanding it has been cleared by both sides of the aisle.

I defer to the chairman of the Foreign Relations Committee.

Mr. PELL. Mr. President, the Senator from Alaska is correct.

This amendment has been cleared on this side of the aisle. It seems to be a good amendment and I would commend it to my colleagues.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment of the Senator from Alaska [Mr. MURKOWSKI].

The amendment (No. 370) was agreed to.

Mr. MURKOWSKI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Chair would recognize the Senator from Pennsylvania [Mr. SPECTER].

What is the will of the Senate?

Mr. GRAHAM addressed the Chair. The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. GRAHAM. I ask unanimous consent, and I indicate that I have discussed this with the Senator from Pennsylvania as well as the Senator from Rhode Island, at this time to be able to offer three amendments which have been cleared on both sides of the aisle and for which I will not request the yeas and nays.

The PRESIDING OFFICER. Without objection, the Senator from Florida [Mr. GRAHAM] will be recognized in advance of the Senator from Pennsylvania [Mr. SPECTER].

The Senator from Florida.

AMENDMENT No. 371

(Purpose: To require the Attorney General to investigate a Cuban alien smuggling operation and report to Congress his findings)

AMENDMENT No. 372

(Purpose: Relating to Cuban drug trafficking)

AMENDMENT No. 373

(Purpose: Relating to human rights in Cuba)

Mr. GRAHAM. Mr. President, I send to the desk three amendments and ask for their immediate consideration.

The PRESIDING OFFICER. Is the Senator asking that the amendments be considered en bloc?

Mr. GRAHAM. I request the amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendments will be stated.

The bill clerk read as follows:

The Senator from Florida [Mr. GRAHAM] proposes amendments numbered 371, 372, and 373.

Mr. GRAHAM. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT No. 371

At the appropriate place in the bill, insert the following:

SEC. . (a) The Attorney General shall initiate an investigation into allegations of an alien smuggling ring operated by the Government of Cuba by which Cuban Nationals are smuggled into the United States via Panama and Mexico. The investigation shall include allegations that the Cuban Interest Section in Washington, D.C. is coordinating this operation and that the fees for delivery of such persons to the United States are diverted to the Government of Cuba.

(b) The Attorney General shall report to Congress his findings within sixty days of enactment.

AMENDMENT No. 372

At the appropriate place in the bill, insert the following:

Within 60 days of the enactment of this act, the Director of National Drug Abuse Policy shall report to Congress past involvement by the Government of Cuba in narcotics trafficking. The Comptroller shall call on the Drug Enforcement Agency, the Federal Bureau of Investigation and any other appropriate agencies.

No later than 180 days after the enactment of this act, the Comptroller General shall report to Congress a complete report on the current involvement of the Government of Cuba in drug trafficking.

AMENDMENT No. 373

On page 145, after line 22, add the following new section:

SEC. 915. POLICY REGARDING HUMAN RIGHTS ABUSES IN CUBA.

(a) FINDINGS.—The Congress finds that—

(1) the United Nations in 1989 issued its first report on human rights in Cuba this year, the result of a year-long investigation that concluded on the 30th year of Fidel Castro's rise to power;

(2) the report extensively documented across-the-board human rights abuses that include cases of torture, missing people, religious persecution, violations of civil and political rights, and violations of economic and social rights;

(3) the United Nations received 137 complaints of "torture, cruel, inhuman or degrading treatment or punishment";

(4) among the abuses reported to the United Nations were sensory deprivation, immersion in a pit latrine, mock executions, overcrowding in special cells, deafening loudspeakers, keeping prisoners naked in front of relatives, and forcing a prisoner about to be executed to carry his own coffin or dig his own grave;

(5) the United Nations commissioners also charged the Cuban regime with carrying out reprisals against Cuban citizens who offered testimony to the United Nations group, a clear violation of the Castro's government's promise not to harass those who complained about human rights;

(6) at least 22 Cuban human rights activists who were arrested are currently serving prison sentences or being held without trial; and

(7) the Human Rights Commission approved a resolution on March 9, 1989, calling on the Cuban government to cooperate with the Secretary General of the United Nations in settling unresolved issues raised by the human rights study group.

(b) STATEMENT OF POLICY.—In the interest of promoting respect for human rights in Cuba, the Congress—

(1) calls on the Secretary General of the United Nations to act upon the resolution approved by the Commission on Human Rights March 9, 1989, calling on the Secretary General to take appropriate action to follow up on the Commission's report; and

(2) calls on the Secretary General to specifically urge the Government of Cuba to release the 22 persons still being held in detention because of their human rights activities.

On page 5, in the table of contents, after the item relating to section 914, add the following new item:

"Sec. 915. Policy regarding human rights abuses in Cuba."

Mr. GRAHAM. Mr. President, the three amendments which I have offered all relate to relations between the United States and Cuba and issues

that are of great importance to the United States.

The first amendment relates to the instances which have come with increasing attention to the appropriate officials of the United States of the illegal smuggling of Cuban nationals into the United States.

This amendment would require the Attorney General to investigate allegations that the Cuban Government, through operatives in Miami and the Cuban Interest Section in Washington, is operating an alien smuggling ring in the United States.

The U.S. Government has long been aware of the involvement of Fidel Castro's regime in the trafficking of drugs. It has now come to our attention that Castro is also involved in the seamy business of trafficking in human beings.

Mr. President, a Toronto-based film company, Stornoway Productions, has provided us with convincing evidence that the Cuban Government is not only coordinating this illegal ring, but also reaping outrageous profits by extorting money from freedom-loving Cubans in the United States.

The PBS network recently aired a Stornoway Productions documentary, entitled "The Shattered Dream," that details an intricate network of people smugglers who prey on the desire of Cuban-Americans to reunify their families.

Through the use of hidden surveillance cameras and microphones, the program traced a complicated process in which Cuban-Americans pay exorbitant amounts of money to brokers in Miami in exchange for the promise of the delivery of relatives to the United States. This network, apparently operating out of the Cuban Interest Section in Washington, uses phony visas to send the relatives on a circuitous route through Panama and Mexico before being smuggled into the United States.

Mr. President trafficking in people through extortion is a serious violation of U.S. laws. This amendment would require the Attorney General to immediately begin an investigation into these allegations and to report to Congress his findings. I look forward to a full and complete disclosure of this smuggling ring and the extent to which the Castro regime is involved. I strongly urge my colleagues to support this amendment.

The second amendment, (No. 372) which is cosponsored by Mr. MACK and Mr. KERRY, relates to the also increasing evidence of the increasing use of Cuba as a transshipment site and an oversight location for drugs into the United States.

This calls upon the Director of the National Drug Control Policy to, within 60 days, submit a report to Congress relative to this issue.

Mr. President, at this point I ask unanimous consent to have printed in the *RECORD* one editorial from the *Washington Post*, dated July 17, 1989, and a column from the *Washington Post* relative to this matter.

There being no objection, the material was ordered to be printed in the *RECORD*, as follows:

[From the *Washington Post*, July 17, 1989]

EXACTLY WHAT DID CASTRO KNOW?

(By Jeanne Kirkpatrick)

The drama played out in Havana last week seemed like an eerie replay of Joseph Stalin's purge trials: the high rank and importance of the accused officials, the swift proceedings, abject confessions and Draconian sentences.

"I betrayed our country, and one pays for treason with one's life," Maj. Gen. Arnaldo Ochoa told the Cuban court. "If the death sentence comes . . . I promise you my last thoughts will be of Fidel and this great revolution."

Ochoa is no Bukharin, but he was a much-decorated, enormously popular commander of Cuban forces in Ethiopia, Nicaragua and Angola, a "hero of the revolution" who had been with Fidel Castro from the beginning.

That Cuban Defense Minister Raul Castro (Fidel's brother and heir-apparent) had personally announced Ochoa's arrest, that 47 of Ochoa's fellow general officers had formally endorsed the drug-trafficking charges against him and that Castro himself had participated in the final (and unsuccessful) appeal of Ochoa's death sentence underscored the importance of the case, but did not enhance the credibility of the proceedings. "The titillating proceeding raised more questions than it answered," *Time* magazine commented.

France's *Le Monde* noted the trial was surrounded by disturbing elements: First, the presence among Ochoa's accusers of Adm. Aldo Santamaria, one of the top Cubans indicted in 1982 by a U.S. grand jury for smuggling Colombian drugs into the United States; second, the insistence of some of those charged that they had undertaken illegal activities in order to carry out official tasks; third, the references to the roles of Ochoa and fellow defendant Col. Antonio de La Guardia in smuggling through Panama high-tech products embargoed by the United States; and fourth, the curious emphasis by Ochoa's accusers on his wit and "popular" character.

What was the cry that brought down death sentences on Ochoa, de La Guardia and their two principal aides—all accused of a crime that does not carry the death penalty in Cuban law?

Ochoa accused himself of treason. But how did he betray his country? Almost no one thinks a coup was in the making. Was Ochoa planning to defect? Was this why he wanted money? Was he dealing with the U.S. government? Did his charm threaten Raul Castro's plans to succeed his brother? Were the charges against Ochoa and de La Guardia linked to the opening of Panamanian Gen. Manuel Noriega's bank account in London?

Both Ochoa and de La Guardia were charged with working with Colombia's Medellín cartel to smuggle cocaine into the United States and with stashing approximately \$1 million in drug money near their homes (a small amount in the drug business). The regime's friends accept the report that Castro was shocked and ap-

palled to discover his generals were smuggling drugs. But rumors linking Cuban officials to Colombian drug lords and linking drugs to guerrillas have circulated for years.

The rumors have become documented charges. In November 1982, a U.S. grand jury indicted four high-ranking Castro aides—including Santamaria—on charges of smuggling narcotics into the United States. The following year, Drug Enforcement Administration and FBI officials testified before a U.S. Senate caucus on the Cuban-Colombian connection, asserting that Cubans traded assistance in smuggling drugs for assistance in smuggling weapons to Latin American guerrillas.

In May 1983, accumulating evidence of this involvement led Ronald Reagan to say, "We have strong evidence that high-level Cuban government officials have been involved in smuggling drugs into the United States."

The 1988 grand jury that indicted Noriega heard testimony on Castro's direct personal involvement in the drug business, and in 1989 a Cuban intelligence officer who defected to the United States provided detailed information on the arrival and transshipment of Colombian drugs in Cuba with the help of the Cuban coast guard.

Further evidence of such Cuban government involvement was offered in the July 1988 trial of a Miami-based drug ring, in the course of which the U.S. government attorney charged, "the evidence in the trial demonstrated that Cuban territory was used with the knowledge, approval and cooperation of the Cuban government. These were not simply a few low-level Cuban officials. They demonstrated knowledge at high levels of the Cuban defense establishment."

What did Fidel know and when did he know it?

Either Castro knew about the activities of his top officers and his coast guard, in which case he is responsible for involving his country in an odious criminal network, or he did not, in which case he has been incredibly remote from the governance of his country.

And the latter seems most unlikely.

THE CUBAN DRUG CASE

The speculation about the recent case in which Fidel Castro executed four of his top military officers for drug trafficking is tinged with suspicion, and with reason. For years, the Cuban president has been winking at or averting his gaze from what struck almost everyone else as a pattern of gross Cuban indulgence in drug dealing. It seemed wildly improbable that he couldn't have known what was going on. That is why so many observers thought that the crackdown on some of his most highly placed military aides had to have an ulterior purpose. To undo a potential political challenger, the popular general Arnaldo Ochoa, one of the four executed? To throw Americans and others off the trail of other Cuban drug offenses and offenders? To draw the United States into a broader political dialogue?

But whatever this incident says about high politics and low crime inside Cuba, it does seem to have opened up a couple of new possibilities for Soviet and American cooperation in fighting drugs. One of these is for Cuba simply to stop doing what it has apparently been doing: no more dealings with the Medellín cartel, no more drug transshipments and money launderings, no more use of the channels that Cuba has established to break the American economic embargo for purposes of drug dealing, no

more episodes such as the one reported as recently as July 9 in which, said Reuter, "Two Cuban MiG jet fighters kept a U.S. customs aircraft at bay while a small plane dropped a load of cocaine [it was later seized] to a waiting speedboat just inside Cuban territorial waters."

A second possibility entails drug cooperation between the Cuban and American governments. Mr. Castro now says he favors more of it. The lateness of his apparent change of heart on taking drugs seriously compels a certain skepticism, but that's all the more reason to put him to a prompt test by proposing specific forms of cooperation along the lines of the functional approach the two governments have already taken on common concerns of immigration, air traffic and the like. Normalization of relations with Havana necessarily awaits Cuba's review of its international role, among other things, but cooperation in policing the drug trade should go full steam ahead now.

Mr. GRAHAM. Finally, Mr. President, the third amendment (No. 373) relates to the question of the human rights within Cuba.

Last year the United Nations conducted an investigation of human rights abuses in Cuba. This calls upon the United States and the international community to continue its concern for human rights abuses in Cuba and specifically for the Secretary General of the United Nations to act upon the resolution which was approved by the Commission on Human Rights on March 9, 1989, calling for the Secretary General to take appropriate action to follow up upon the findings relative to human rights abuses in Cuba.

If there is no other debate on these three amendments, I urge their adoption.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, these amendments have been looked over on our side of the aisle. There is no objection to them on this side. I commend them to my colleagues.

CUBA EMBARGO BACKGROUND

Mr. MACK. Mr. President, I ask unanimous consent that the following fact sheet and tables regarding Cuban trade with foreign subsidiaries of United States companies be printed in the *RECORD*.

There being no objection, the material was ordered to be printed in the *RECORD*, as follows:

CUBA EMBARGO BACKGROUND, JULY 19, 1989

WHAT IT DOES

Applies the U.S. embargo on Cuba to "American owned or controlled foreign firms," by prohibiting the issuing of licenses under section 515.559 of the U.S. Code, which provides for such transactions.

BACKGROUND

Restores the Cuba embargo to its status between 1963 and 1975, when it did apply to U.S. subsidiaries who would trade with Cuba.

U.S. foreign subsidiaries now do over \$300 million/year in trade with Cuba.

Total value of licensed imports and exports:

	Millions
1982.....	\$253
1983.....	142
1984.....	275
1985.....	288
1986.....	354
1987.....	243

Total 1982 to 1987 (billion)..... 1.555
Countries which are top traders with Cuba, under the subsidiaries exception:

(In millions of dollars)

	5-year, total, fiscal years 1982-86	Fiscal year 1987
United Kingdom.....	480	109
Switzerland.....	239	57
Canada.....	211	26
Argentina.....	103	75

Under this exception to the Embargo the U.S. has received 1,279 license requests (1982-87), of which 1,242 were approved.

U.S. FOREIGN SUBSIDIARY TRADE WITH CUBA
FISCAL YEARS 1982-87

TABLE I.—SUMMARY OF LICENSED U.S. FOREIGN SUBSIDIARY TRADE WITH CUBA

	Fiscal year.—					
	1982	1983	1984	1985	1986	1987
A. Applications:						
1. Applications approved.....	163	146	243	245	247	198
2. Applications denied.....	0	7	2	1	0	2
3. Applications not acted upon.....	7	6	5	10	2	1
Total applications.....	170	153	250	256	249	201
B. Exports to Cuba in millions of U.S. dollars¹ and as a percentage of total trade:						
1. Grain, wheat, and other consumables.....	\$48	\$55	\$82	\$109	\$58	\$54
Percent.....	19	39	30	38	16	22
2. Industrial and other nonconsumables.....	\$44	\$32	\$34	\$53	\$49	\$75
Percent.....	17	23	12	18	14	31
Subtotal exports.....	\$92	\$87	\$116	\$162	\$99	\$129
Percent.....	36	62	42	56	30	53
C. Imports from Cuba in millions of U.S. dollars¹ and as a percentage of total trade:						
1. Naphtha.....	\$54	\$28	\$120	\$35	\$65	\$33
Percent.....	21	20	44	12	18	14
2. Sugar.....	\$105	\$26	\$39	\$91	\$181	\$81
Percent.....	42	18	14	32	52	33
3. Tobacco.....	\$0.7	\$0.4	\$0.2	\$0.2	\$0.3	\$0.2
Percent.....	0.2	0.3	0.7	0	0	0
4. Molasses.....	\$1	\$0	\$0	\$0	\$0	\$0
Percent.....	0.4	0	0	0	0	0
5. Others.....	\$0	\$0.7	\$0	\$0	\$0	\$0
Percent.....	0	0.5	0	0	0	0
Subtotal imports.....	\$161	\$55	\$159	\$126	\$254	\$114
Percent.....	64	38	58	44	70	49
D. Total exports and imports:						
Percent increase (decrease).....	\$253	\$142	\$275	\$288	\$354	\$243
	21	(44)	94	5	23	(31)
E. Export/import ratio.....						
	36/64	62/38	42/58	56/44	30/70	53/47

¹ Numbers are rounded. Items may not add to totals due to rounding.

Source: U.S. Treasury Department, Office of Foreign Assets Control, May 1988.

TABLE III.—ITEMIZED U.S. DOLLAR VALUE ¹ FOR LICENSED IMPORT/EXPORT TRANSACTIONS WITH CUBA BY UNITED STATES SUBSIDIARIES

(In millions of dollars and fiscal years)

Country	1982			1983			1984			1985			1986			1987		
	Cuban imports	Cuban exports CON.	N-CON.	Cuban imports	Cuban exports CON.	N-CON.	Cuban imports	Cuban exports CON.	N-CON.	Cuban imports	Cuban exports CON.	N-CON.	Cuban imports	Cuban exports CON.	N-CON.	Imports	Exports CON.	N-CON.
Argentina.....	0	4.00	10.00	0	0	10.00	0	9.00	3.00	0	21.70	9.99	0	8.92	13.42	62.5	10.5	1.4
Australia.....	0	0	0.40	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Austria.....	0	0	0.10	0	0	0	0	0	0	0	2.39	0	0	0	0	0	0	0
Belgium.....	0	0	0.10	0	0	0.10	0	0	0.11	0	0.12	0.24	0	0.44	0.20	0	1.2	0.98
Bermuda.....	53.00	0	0	27.00	20.00	0	65.00	0	0	0	0	0	0	0	0	0	0	0
Brazil.....	0	0	0	0	0	0	0	0	0.02	0	0	0	0	0	0	0	0	0
Canada.....	1.00	29.00	15.00	0.40	16.0	13.00	0.20	21.00	19.00	0.16	15.69	17.49	16.23	37.00	10.15	0.2	14.5	11.3
Costa Rica.....	0	0	0	0	0	0	0	0	0.02	0	1.35	0	0	0	0	0	0	0
Denmark.....	0	0	0	0.50	0	0	0	0	0	0	0	0	0	0	0	0	0	0
France.....	0	17.00	1.00	0	0	0.03	0	0	0.20	0	1.29	0	0	5.06	0	0.29	9.7	0
Italy.....	0	0	0	0	0	0	0	0	0	0	0	0	0	0.67	0	0	0	0
Japan.....	0	0	0.10	0	0	0.10	0	0	0.09	0	0.08	0	0	0.11	0	0	0.15	0
Mexico.....	0	0	0	0	0	0.70	0	0	0.73	0	9.50	0	0	4.98	0	0	3.5	0
Netherlands.....	0	0	0.10	0.20	0	0	0	0.10	0.83	0	0.29	0.30	0	0.87	0	0	0	0
Panama.....	1.00	0	0	0	0.5	0	25.00	0	0	0	0	0	0	0	0	0	0	0
Spain.....	0	0	6.00	0	0	4.00	0	5.00	0	2.46	5.12	0	0.02	10.91	0	0.26	8.5	0
Sweden.....	0	0	0.20	0	0	0.10	0	0.26	0	2.46	3.27	0	0	0.09	0	0	0.02	0
Switzerland.....	0	0	0	0	17.0	0	55.00	27.00	0.03	35.00	25.83	2.46	65.0	11.34	0	25.0	21.9	0
United Kingdom.....	105.00	0	2.00	26.00	2.0	3.00	39.00	0.08	4.00	91.36	37.86	1.23	165.36	0.60	2.57	78.0	5.5	25.3
Venezuela.....	0	0	0	0	0	0.10	0	0	0	0	0	0	0	0	0	0	0	14.5
West Germany.....	0	0	0.50	0	0	0.60	0	0	1.00	0	0	1.02	0	0	0.17	0	0	0.9

¹ = Numbers rounded. Items may not add to totals due to rounding. CON. = Consumable goods. N-CON. = Non-Consumable goods. n = Negligible.

Source: Treasury Department, Office of Foreign Assets Control, May 1988.

Mr. MACK. Mr. President, I am pleased to join with my colleague from Florida, Senator BOB GRAHAM, in offering this amendment, which provides for a report to Congress on the involvement of the Cuban Government in drug trafficking.

This amendment could not be more timely. Fidel Castro, his economy collapsing, his Stalinist system increasingly isolated, is engaged in an Orwellian attempt to erase his drug-running record by executing his most popular potential rival, Maj. Gen. Arnaldo Ochoa.

Mr. President, we have major debates in the Senate on whether or not to approve certifications of in Latin America, such as Mexico or The Bahamas, are fully cooperating with American drug interdiction efforts. Fidel Castro is fully cooperating—not with us, but with the drug runners.

Just a couple of weeks ago it was reported that two Cuban Mig's were in the area of a drug drop off Cuba's shores. The Mig's not only did not shoot down the drug traffickers as Castro boasted he would do, but Cuban air controllers warned our customs planes to stay away. The drug traffickers essentially completed the transfer of drugs, dropped from the drug runner's plane to a waiting boat, without any interference from Cuban security forces.

The 1986 President's Commission on Organized Crime found that Cuba plays a central role in the global narcotics flow. It went on, Mr. President, to conclude that Cuba's involvement in drug running, along with other Communist countries, was a clear and dedicated part of Cuba's policy of attempting to undermine Western societies, and to use the funds generated by such activity to finance and arm various Marxist insurgent groups around the world.

Fidel Castro's narcotics linkage to terrorist organizations, like the notorious M-19 group in Colombia, has been corroborated numerous times by evidence and testimony by drug informants. In February 1988, former Consul General Jose Blandon to the Panamanian drug czar Gen. Manuel Noriega, testified before our own Senate Foreign Relations Committee on Fidel Castro's personal involvement with the Medellin drug cartel and the M-19 terrorist organization.

This testimony was further corroborated in 1989, when a Cuban intelligence officer defected to the United States and reported detailed information on how Colombian drugs are transshipped through Cuba, with the assistance of the Cuban coast guard.

Mr. President, the point I am making is that it is well documented by our intelligence and investigative agencies that Cuba's involvement with the drug cartel plays an important role in Cuba's foreign policy. It is,

therefore, inconceivable that as leader of a nation where all foreign policy decisions originate from Mr. Castro, that he would not have known about an activity that was, and is, so intertwined with his country's foreign policy.

Mr. President, either Mr. Castro was completely ignorant about his own country's participation as a transshipment point for drugs—which means a hand-full of corrupt officers were able to subvert Cuba's entire air and coastal defense forces, to permit an almost continual penetration of Cuban territory by drug runners without his knowledge—or Mr. Castro was fully aware of what was happening.

Mr. President, Fidel Castro has not survived as dictator of Cuba for three decades by being ignorant of what his officers were doing.

The purpose of the report we are requesting, Mr. President, is to determine exactly what Mr. Castro knew and when did he know it. We are also seeking to determine the full extent of Cuban support and assistance to the drug trade, and what role the funds generated from the drug trade play in supporting international terrorism and Cuban-sponsored insurgent groups.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing en bloc to the amendments of the Senator from Florida.

The amendments (Nos. 371, 372, and 373) were agreed to.

Mr. PELL. Mr. President, I move to reconsider the vote by which the amendments were agreed to.

Mr. GRAHAM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DANFORTH. Mr. President, I ask unanimous consent that it be in order that I might offer an amendment at this time.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Missouri is recognized.

AMENDMENT NO. 374

Mr. DANFORTH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mr. DANFORTH], for himself and Mr. BOREN, proposes an amendment numbered 374.

At the end of the bill, add the following new section:

SEC. . ROLE OF THE CONGRESS IN THE FORMULATION OF UNITED STATES FOREIGN POLICY.

The Senate Committee on Foreign Relations, upon consultation with the Secretary of State, shall issue a report to the Senate by December 31, 1989, on the appropriate relationship between the Legislative and the executive branches with respect to the formulation of United States foreign policy.

Mr. DANFORTH. Mr. President, this is the amendment that Senator BOREN and I are offering. We have a 20-minute time agreement on this amendment.

I ask I be notified at the expiration of 5 minutes.

The PRESIDING OFFICER. Without objection.

Mr. DANFORTH. Mr. President, the last time we had a State Department authorization bill on the floor of the Senate, 86 floor amendments were adopted to that bill. At that time, Senator BOREN and I made the point that that was no way to conduct the foreign policy of the United States. The major policy matters were being debated and voted on on the basis of floor amendments being written out almost literally on the backs of envelopes; that there was no sense of unity in the development of foreign policy, no sense of working out arrangements between the executive branch and the Congress. That, instead, Senators were answering vote bells and running over to vote on whatever sense-of-the-Senate resolution or whatever provision was being offered on the spur of the moment on the floor of the Senate.

We have made that point repeatedly over the last 2 years. We have written several op-ed pieces in the press, and immediately before the last election, Senator BOREN and I and other Senators wrote letters to the two Presidential candidates, asking their commitment, should they be elected, to try their hand at establishing a more coordinated approach to foreign policy and a bipartisan approach to foreign policy.

Both candidates answered affirmatively in response to that request and immediately after the election, even before he took office, the then President-elect Bush stated his views that he wanted to get together with Congress and try to form a bipartisan foreign policy.

In his inaugural address the President said that foreign policy is a matter where differences should stop at the water's edge.

We believe that we had an agreement between the leadership of Congress and the leadership of the two Foreign Relations Committees on the one hand and the administration on the other hand, that with the new President would come greater consultation by the White House in exchange for more forbearance on the part of the Congress.

We believe the administration has done a pretty good job of consulting with Congress during the Bush administration. But this bill, Mr. President, indicates that clearly something has come a cropper in our efforts to formulate a bipartisan and a unified foreign policy. At least 60 amendments at

my count have been considered by the Senate and 42 amendments were considered on Wednesday alone; 42 foreign policy amendments considered on this bill.

Mr. President, that is no way for the Senate of the United States to conduct foreign policy. That is no way for the Government of the United States to speak to the rest of the world. If the Senate votes 42 times on a single day on foreign policy matters, clearly, we are not doing it on a considered basis.

What we have said in the amendment that we have just offered is, let us go back to the drawing board with this administration. Let us have the Senate Committee on Foreign Relations, in consultation with the Secretary of State, report back to the Senate on what the appropriate role of the Congress should be in the creation of foreign policy.

Mr. President, my hope would be that somehow we could reestablish a consensus in foreign affairs in this country and somehow we could regain a sense that the role of the U.S. Senate is something other than the back of the envelope approach that we have taken with this State Department authorization bill and that we took back in 1987.

I reserve the remainder of my time. The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. I yield myself such time as I need.

I think this is an excellent amendment. I have looked at it. I am very glad indeed to support it.

The PRESIDING OFFICER. Is there further debate?

Mr. DANFORTH. Mr. President, Senator BOREN, who is the coauthor of this amendment, is presently on his way to the floor of the Senate. I regret that I had to offer this when he was not on the floor, but because of the Specter amendment situation, I was forced to do it.

I ask the Chair how much more time is left on this amendment?

The PRESIDING OFFICER. The Chair will advise that there are 5 minutes and 5 seconds on the side of the Senator from Missouri and approximately 10 minutes remaining for the Senator from Rhode Island.

Mr. DANFORTH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DANFORTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DANFORTH. Mr. President, how much more time do I have?

The PRESIDING OFFICER. The Senator has 30 seconds.

Mr. DANFORTH. I wonder if the committee chairman would be willing to yield his time to the Senator from Oklahoma.

Mr. PELL. I will be glad to. I would like to save 2 minutes for myself.

Mr. DANFORTH. I yield my remaining seconds to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for up to 7½ minutes.

Mr. BOREN. I thank the Chair. I do not think I will consume all 7½ minutes. I will endeavor to state my thoughts more rapidly. We have been going through now the last several hours a process that we seem to repeat each year when it comes time to consider this particular bill, and that is the process of attempting to micromanage the foreign policy of the United States, to display the obvious facts to our constituency that there are 100 Members of the United States Senate that on any given day feel an obligation to demonstrate that at least for 10 minutes on the Senate floor they should act as Secretary of State of the United States or perhaps try to act on behalf of the President of the United States in making foreign policy for this country and speaking for this country.

Nothing diminishes the influence of this country more than our failure to speak to the rest of the world with a single voice. Nothing is more damaging when we are dealing with sensitive international issues than to have amateur hour on the floor of the United States Senate in which each and every one of us decide to weigh it in on sensitive issues that have been delicately balanced and negotiated between our country and other nations and leaders in those nations, issues which have very serious domestic political impact within those countries in a manner which sometimes exposes those very people in the government of other countries who have been trying to help us to serious jeopardy.

As a general rule, we honor the committee system in this institution. We recognize the expertise of those Members who have been serving on those particular committees. We attempt to not undo the work and careful consideration given to legislation by committees on the Senate floor.

Mr. President, I think it is high time that we return to that policy when it comes to making decisions about matters like those we have been debating on this floor over the past several hours and days. It is time for us to stop inflicting damage on the national interest of the United States by dragging out onto the floor of the Senate for public discussion matters that are more sensitively and appropriately debated within the proper framework of consultation between the executive branch and the Congress.

This President has gone a long way toward trying to implement a policy under which the Congress would give up its attempts to micromanage foreign policy in return for real consultation with the executive branch in advance of policy decisions. The President has put together an informal working group which now meets regularly with him in the Cabinet Room composed of the Speaker, the minority leader of the House, the majority and minority leaders of the Senate, the chairmen and ranking members in both Houses of the Committees on Foreign Relations, Armed Services, and Intelligence, and from time to time other Members, assistant leaders, other members of the leadership team in both the Democratic and Republican Parties in both Houses.

The President has gone a long way in making these discussions, which take place on a regular basis, meaningful, discussing the real policy decisions which have to be made by the administration and listening intently to and getting input from Members of Congress on these decisions before they are made.

This Secretary of State, to my knowledge, had come to the Senate more often than any other Secretary of State that I can remember to consult with individual Members of Congress with expertise and interest in certain fields.

Mr. President, it appears to me that the administration is seeking to do its part, and I am disappointed that we as an institution have failed to live up to our responsibility to work in a responsible way, a nonsensational way, a way which does not make headlines, a way which does not get us on television, to deal with the kinds of sensitive issues where they should be dealt with, in consultation between the two branches of Government so that what we can do is in the interest of the United States of America.

We need to get back to the day we had in this country when President Eisenhower used to sit down with Senator Johnson, Lyndon Johnson, the majority leader, Speaker Rayburn, Senator Dirksen, and the leadership of the Congress and thrash out what the policies of this country should be. It was done in private so that the sensitivities of other nations would not be offended so that we would not make it impossible for the leaders of other nations to cooperate with us and then to present a bipartisan consensus in a unified front and face to the rest of the world.

Mr. President, I sincerely believe the exercise we have engaged in on this floor is not only institutionally irresponsible from the point of view of the duty and responsibility of the Senate, our responsibility to the executive branch, I think it has been grossly

unfair to the dedication and hard work of the Committee on Foreign Relations itself.

It is time that we stood back and looked at ourselves as the people in this country are seeing us, acting irresponsibly, acting in a manner which does not bring credit to this institution, and it is time for us to decide among ourselves to change the way we do business when it comes to airing the dirty linen of foreign policy on the floor of the Senate and showing ourselves more and more fragmented to the rest of the world. It is not the way to do business.

Therefore, I am proud to join Senator DANFORTH in offering this proposal that the executive branch, the Committee on Foreign Relations, those charged with appropriate institutional responsibility in the Senate sit down together, and then they report back to the Senate the appropriate way for us to handle these kinds of issues rather than having a laundry list of amendments which seems to grow each year in number to be aired out here on the floor of the Senate to further divide our people, to further confuse and demoralize our allies around the world, and to undermine our own national interests.

So I commend the Senator from Missouri for offering this amendment. I am proud to join with him in cosponsoring this amendment. I hope that it will be overwhelmingly accepted by our colleagues. I hope it will be taken seriously by our colleagues. Let us go back to a process which has worked in the past, that of genuine consultation between the two branches of Government, consultation that can be carried on in a manner appropriate to the sensitivity of the wishes which are being discussed. Let us go back to honoring committee responsibility within the Senate and allowing the committee system to work in a way that will be effective and efficient to protect our institutional interests and the interests of our country.

Mr. President, I urge adoption of this amendment. Let us take a step toward restoring the reputation of the Senate as a responsible partner in the making of foreign policy for this country.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I commend my colleagues from Missouri and Oklahoma for their remarks. As one who has sat now through 6 days of deliberations, I fully concur that there are many, many amendments, but this bill is different from the 1987 bill. Almost all the amendments that have been accepted have simply been sense-of-the-Congress amendments. We have rejected almost every attempt to tie the President's hands firmly in foreign policy, most notably today in our vote on the PLO. I hope we will continue to

support our President and reject all micromanagement amendments, notably to tell the President how to build an Embassy in Moscow, what to do about the Soviet Embassy on Mount Alto, and how to run the State Department personnel system.

Finally, I would note that of the 25 remaining amendments, all but 2 of them are from the President's own party.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 374) was agreed to.

Mr. DANFORTH. I move to reconsider the vote by which the amendment was agreed to.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from Pennsylvania, Senator SPECTER, is to be recognized.

What is the will of the Senate?

Mr. PELL. At this point, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. Under the previous order, the next order of business is recognition of the junior Senator from Pennsylvania [Mr. SPECTER] for the offering of an amendment.

Mr. CHAFEE. Are there objections to setting aside that amendment and proceeding to call up an amendment? I so ask.

The PRESIDING OFFICER. The Senator could simply ask consent that he be so allowed.

Mr. CHAFEE. I so ask, Mr. President.

The PRESIDING OFFICER. Is there objection?

Mr. PELL. Reserving the right, what was the request again.

Mr. CHAFEE. To set aside the Specter amendment and go to my amendment.

Mr. PELL. I have no objection.

The PRESIDING OFFICER. Is there objection? If not, the Senator from Rhode Island is recognized.

AMENDMENT NO. 361

Mr. CHAFEE. Mr. President, my amendment is at the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE], for himself, Mr. HATFIELD, Mrs. KASSEBAUM, Mr. JEFFORDS, Mr. LUGAR, and Mr. INOUE, proposes an amendment numbered 361.

Mr. CHAFEE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mrs. KASSEBAUM. Mr. President, I have a second-degree amendment to the amendment of the Senator from Rhode Island. I send it to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to calling off reading of the first-degree amendment offered by the Senator from Rhode Island?

Without objection, it is so ordered.

The amendment is as follows:

The United States recognizes that Israel has experienced difficulties with violence generated in some schools in some areas of the West Bank;

On February 3, 1988, July 21, 1988, and January 20, 1989, Israeli military authorities announced the closure of schools "until further notice," and schools have been open for only a few weeks during that time;

The school closures have affected all 1,194 kindergartens, primary and secondary schools in the West Bank;

Universities and community colleges in the West Bank have been closed for over one year;

The closure orders have affected all West Bank schools including public, private, and United Nations Relief and Works Agency (UNRWA) schools, as well as vocational training centers and universities;

The school closures have affected 320,000 school-aged children and 18,000 university and community college students, or roughly 40 percent of the population of the West Bank;

The continuation of education in any form, including informal makeup classes outside of school premises or the distribution of homework has been prohibited;

The school closures have the most profound impact on primary-aged schoolchildren inasmuch as educators believe that the denial of instruction to students at certain stages in their education leaves serious gaps in their cognitive development which are very difficult to correct at a later stage;

Article 50 of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Convention IV) states that "The Occupying Power shall, with the cooperation of the national and local authorities, facilitate the proper working of all institutions devoted to the care and education of children;

Article 33 of that Convention specifies that "No protected person may be punished for an offense he or she has not personally committed;"

Reopening all the schools on the West Bank would make an important contribution to improving relations between Palestinians and the Government of Israel;

Reestablishing a more normal educational environment on the West Bank would be an important step toward creating a climate in the West Bank and Gaza which is more conducive to progress toward peace and in which mutually acceptable local elections

could take place, according to the proposal put forward by the Israeli Government;

The United States supports efforts that contribute to a peaceful resolution of the conflict in the region;

Israeli Defense Minister Yitzhak Rabin and Army Chief of staff Dan Shomron on July 12, 1989, issued instructions in anticipation of reopening many schools in the West Bank gradually in the near future;

As of this date no schools in the West Bank have been reopened: Now, therefore, be it

The sense of the Senate that Israel's announced intention to reopen schools in the West Bank is to be commended;

That Israel should undertake to reopen all schools in the West Bank without delay; and

That interference with kindergarten, elementary and secondary education in the West Bank should not be implemented in the future as a means of exerting political pressure.

AMENDMENT NO. 275 TO AMENDMENT NO. 361

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mrs. KASSEBAUM], for herself, Mr. CHAFEE, Mr. HATFIELD, Mr. JEFFORDS, Mr. LUGAR, and Mr. INOUE, proposes an amendment numbered 375 to amendment No. 361.

Mrs. KASSEBAUM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In lieu of the language proposed to be inserted the following:

SEC. . REOPENING SCHOOLS IN THE WEST BANK.

(a) FINDINGS.—The Senate finds that—

(1) the United States recognizes that Israel has experienced difficulties with violence generated in some schools in some areas of the West Bank;

(2) on February 3, 1988, the Israeli military authorities first announced the closure of West Bank schools, schools have been open for only a few weeks since then, and were closed on January 20, 1989, "until further notice," resulting in schools being open only for several weeks during the past eighteen months;

(3) the school closures have affected all 1,194 kindergartens, primary and secondary schools in the West Bank;

(4) universities and community colleges in the West Bank have been closed for over one year;

(5) the closure orders have affected all West Bank schools including public, private, and United Nations Relief and Works Agency (UNRWA) schools, as well as vocational training schools and universities;

(6) the school closures have affected 320,000 school-aged children and 18,000 university and community college students, or roughly 40 percent of the population of the West Bank;

(7) the continuation of education in any form, including informal makeup classes outside of school premises or the distribution of homework has been prohibited;

(8) the school closures have the most profound impact on primary-aged schoolchildren inasmuch as educators believe that the denial of instruction to students at certain stages in their education leaves serious gaps

in their cognitive development which are very difficult to correct at a later stage;

(9) Article 50 of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Convention IV) states that "The Occupying Power shall, with the cooperation of the national and local authorities, facilitate the proper working of all institutions devoted to the care and education of children;"

(10) Article 33 of that Convention specifies that "No protected person may be punished for an offense he or she has not personally committed;"

(11) reopening all the schools on the West Bank would make an important contribution to improving relations between Palestinians and the Government of Israel;

(12) reestablishing a more normal educational environment on the West Bank would be an important step toward creating a climate in the West Bank and Gaza which is more conducive to progress toward peace and in which mutually acceptable local elections could take place, according to the proposal put forward by the Israeli Government;

(13) the United States supports efforts that contribute to a peaceful resolution of the conflict in the region;

(14) Israeli Defense Minister Yitzhak Rabin and Army Chief of Staff Dan Shomron on July 12, 1989, issued instructions in anticipation of reopening many schools in the West Bank gradually in the near future; and

(15) as of this date no schools in the West Bank, other than some kindergartens, have been reopened.

(b) SENSE OF THE SENATE.—It is the sense of the Senate—

(1) that Israel's announced intention to reopen schools in the West Bank is to be commended;

(2) that Israel should undertake to reopen schools in the West Bank without delay;

(3) that interference with kindergarten, elementary and secondary education in the West Bank should not be implemented in the future as a means of exerting political pressure; and

(4) that this amendment shall take effect one day after enactment.

Mrs. KASSEBAUM. Mr. President, this amendment in the second degree is in support of actually the first-degree amendment of the Senator from Rhode Island, which is calling on, in a sense-of-the-Senate resolution, the State of Israel to reopen schools in the West Bank.

As a ranking member on the Education Subcommittee in the Senate, I care deeply about education in its schools, and I think that it saddens all of us to recognize that since February of 1988 schools in the West Bank have been closed except for a few weeks.

It is the intent of this sense-of-the-Senate resolution to express our hope that schools in the West Bank can be reopened.

I yield the floor. I would like to reserve time for later on if I may, to add some additional comments.

Mr. CHAFEE. Mr. President, on the underlying amendment, there was 1 hour equally divided. It is my understanding that the same time agreement applies to an amendment in the second degree.

The PRESIDING OFFICER. The Chair will advise that under the previous agreement the second-degree amendment offered by the Senator from Kansas is in fact not in order at this time because, under the agreement, the 60 minutes allotted for consideration of the first-degree amendment offered by the Senator from Rhode Island must first expire prior to consideration of a second-degree amendment from any Senator.

So in response to the Senator's question, the 60-minute time limit is now in effect and only upon the expiration of that time will the second-degree amendment be in order.

Mr. CHAFEE. The second-degree amendment has already been taken up. Am I not correct? That is what the Chair said.

The PRESIDING OFFICER. The second-degree amendment was taken in error and will have to be reoffered at the expiration of the 60-minute time limit.

Mr. CHAFEE. Suppose we yield back our time. Then how much time would there be on the second-degree amendment?

The PRESIDING OFFICER (Mr. LEVIN). If the Senator who controls the time yields back all the time, then a second-degree amendment would be in order and there would be a 60-minute time limit on that second-degree amendment.

Mr. CHAFEE. I am prepared to do that. The Senator from Kansas is prepared to submit her amendment. I am prepared to yield back my time.

The PRESIDING OFFICER. Both Senators from Rhode Island control time.

Mr. PELL. Mr. President, I am glad to yield back my time.

Mr. GORE. Mr. President, will the Senator from Rhode Island yield for 1 minute to the Senator from Tennessee?

Mr. PELL. Yes.

Mr. GORE. I have not seen the text of either the first-degree amendment or the second-degree amendment. I have some interest in the subject matter. The idea of having a procedure which immediately forecloses anything other than a friendly second-degree amendment that fills up the tree, in effect denies the opportunity for any other Senator to seek a modification of the first-degree amendment of a kind that changes its essential meaning and interest, then to have all time yielded back so that there is no opportunity to modify the amendment, and no debate on either the first-degree or the second-degree amendment is a procedure that I really do not think we should follow.

I urge the manager of the bill to preserve his 30 minutes on the first-degree amendment so that Senators might examine the first-degree amend-

ment, and the proposed second-degree amendment. There may be another second-degree amendment offered.

So I urge the manager of the bill perhaps to—

Mr. CHAFEE. Can I respond to that, Mr. President.

The PRESIDING OFFICER. The Senator from Rhode Island has the floor.

Mr. PELL. Which Senator?

The PRESIDING OFFICER. The junior Senator.

Mr. CHAFEE. It is Rhode Island Day here.

Mr. President, parliamentary inquiry. First of all, I think the Senator from Tennessee was incorrect in saying all time has been yielded back on both amendments. That is not correct. There would be an hour equally divided on the Kassebaum amendment.

Mr. GORE. The Senator is correct. If the Senator will yield for a brief response, the Senator misspoke. The procedure suggested was to yield all time back on the first-degree amendment but this would have the effect of foreclosing the opportunity of other Senators who might, upon examination of the first-degree amendment, seek an additional second-degree amendment or a substitute for the second-degree amendment that was discussed earlier by the Senator.

Mr. CHAFEE. Parliamentary inquiry: Let us restrict it to this particular case. Am I correct in saying if the Kassebaum amendment is disposed of one way or another, that is the second-degree amendment, then further second-degree amendments could come in? Am I not correct?

The PRESIDING OFFICER. The Senator would be correct assuming that the Kassebaum amendment is not a substitute.

Mr. CHAFEE. It is not. The Kassebaum amendment is in the second degree. All we are trying to do is move along here. Instead of spending an hour on the underlying amendment, go to the Kassebaum amendment where when it is disposed of further second-degree amendments could be taken up. That is correct, is it not?

The PRESIDING OFFICER. As long as the amendment of the Senator from Kansas is a perfecting amendment, the Senator from Rhode Island is correct.

Mr. CHAFEE. Therefore, why do we not proceed?

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The junior Senator from Rhode Island has the floor. Does the Senator yield the floor?

Mr. CHAFEE. Mr. President, I would like to get on with this. We have a gap. Nothing was happening. So I came forward with an amendment. The managers of the bill are always saying "Bring on your amendments, bring on your

amendments." So we brought on the amendment. Now why do we proceed? It has a time limitation.

Mr. PELL. The Senator has a great deal of merit but I would still like to have a small discussion with the Senator from Tennessee for a moment while I figure out what my responsibility is, whether to yield back my time or not. I will be with the Senator in 2 minutes.

Mr. CHAFEE. Does the Senator mean I will get the floor back in 2 minutes.

Mr. PELL. Yes.

Mr. CHAFEE. What does the Senator suggest in the meantime?

Mr. PELL. That we have a quorum call.

Mr. CHAFEE. Will we be able to call off the quorum call at the end of 2 minutes?

Mr. PELL. Sure.

Mr. CHAFEE. It is all right with me.

Mr. PELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. CHAFEE. Well, now, is the Kassebaum amendment up?

The PRESIDING OFFICER. There was a parliamentary inquiry. The pending amendment is the amendment of the Senator from Rhode Island.

Mr. CHAFEE. I am prepared to yield back the remainder of my time on that, and I believe the senior Senator from Rhode Island is prepared to do the same thing, and then we can move to the Kassebaum amendment.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I had yielded to the Senator from Missouri, Mr. DANFORTH, and the Senator from Oklahoma, Mr. BOREN, and the Senator from Florida, Mr. GRAHAM, under an arrangement which was to last until approximately 6:45. I had the pending amendment to proceed with at that time, having yielded earlier to the manager of the bill.

I ask, Mr. President, that the regular order be asserted on my amendments which are pending at this time.

The PRESIDING OFFICER. This is the regular order. The Senator's amendment was never offered, and it was set aside by the Senate. And the last two amendments were offered by unanimous consent prior to the amendment of the Senator from Pennsylvania. Under the order that the Senator from Pennsylvania is referring to, the Senator from Pennsylvania

was to be recognized upon the disposition of the prior amendments.

Mr. SPECTER. Well, the Senator from Pennsylvania then yielded to the Senator from Missouri and the Senator from Florida and had a discussion with the majority leader and the Presiding Officer, that we would return at 6:45 to discuss the amendment, the death penalty amendment.

The PRESIDING OFFICER. There was a unanimous-consent request about 5 minutes ago, I believe, that the amendment of the Senator from Rhode Island be in order.

Mr. CHAFEE. Mr. President, in order to expedite this, I make the following suggestion: If the Senator from Kansas can get her amendment up—in other words, that requires the senior Senator from Rhode Island to yield his time back, and I will yield my time back, the Senator from Kansas can get her amendment up, and then I am confident—she can speak for herself, but the proposal would be that—since the Senator from Pennsylvania is involved with matters, and he came back—we are not out to cut anybody off, and if the Senator from Kansas would be agreeable to this, once her amendment was up, to set it aside and proceed with whatever business the Senator from Pennsylvania feels he wants to get on with. I would like to get this particular matter squared away.

Mrs. KASSEBAUM. Will the Senator yield for clarification?

Mr. CHAFEE. Yes.

Mrs. KASSEBAUM. Mr. President, is not my second-degree amendment the pending business?

The PRESIDING OFFICER. The pending question is the Chafee amendment.

Mr. CHAFEE. The Chair has reversed himself. But to err is human, to forgive is divine.

The PRESIDING OFFICER. As the prior Presiding Officer indicated, the amendment of the Senator from Kansas was inadvertently reported, and the Chair ruled it out of order, which now means that—and the Chair repeats—it is the amendment of the Senator from Rhode Island which is pending.

Mr. CHAFEE. Well, the people agreeable to the proposal I make are, namely—if the senior Senator from Rhode Island will yield his time back, and I will, let the amendment of the Senator from Kansas come in.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, I just entered the Chamber a moment ago, but, as I understand the situation, the Senator from Pennsylvania had the floor earlier this afternoon, had yielded the floor to permit a number

of other Senators to present their amendments, with the understanding that he would be recognized upon the disposition of the other amendments.

Subsequent to that, the Senator from Pennsylvania had a discussion with myself and with the Presiding Officer, in which we discussed possibly working out a proposal for the handling of the issue which the Senator from Pennsylvania was to offer as an amendment, for which he had the right to the floor. As I understand it, he was not present at the time the other matter was disposed of and, accordingly, the Senator from Rhode Island, Senator CHAFEE, was recognized to offer his amendment.

Now, I would like to ask the Senator from Rhode Island if he would permit the Senator from Pennsylvania to have the floor solely for the purpose of permitting the Senator from Pennsylvania and me to discuss a process by which we can handle the disposition of his amendment, which would facilitate the handling of the entire bill, following which, if the Senator from Pennsylvania and I are able to reach an understanding, the Senator from Rhode Island—we would be back in the same situation we are in now with respect to the amendment of the Senator from Rhode Island.

Mr. SPECTER. If the distinguished majority leader will yield, the arrangement had been worked out, a unanimous-consent agreement, that prior to offering the death penalty amendment, which is the subject of our discussion, that this Senator would have the opportunity to present, very briefly, two amendments which have been worked out.

I would ask that the arrangement be established that I be permitted to do that.

Mr. MITCHELL. If I may add to my request, whatever the technical circumstances of the Chair's ruling, the spirit of the situation is that the Senator from Pennsylvania graciously yielded to several other Senators to permit them to proceed. It was with the full expectation that he would be here, and when the other matters were disposed of, he would have the floor.

Mr. SPECTER. If the Senator will yield for a moment. It was expected they would run until 6:45, at which point I returned to the floor.

Mr. MITCHELL. That is correct. We estimated that it would take until about 6:40 p.m. for those matters to be resolved. Evidently, they were resolved slightly before that. As a consequence, the Senator from Pennsylvania has been disadvantaged.

I would ask the Senator from Rhode Island if he would object to permitting us to engage in this colloquy, which I believe will expedite handling of the entire matter, following which the Senator from Rhode Island would be

in exactly the same position he is in now following the handling of the amendment of the Senator from Pennsylvania.

Mr. CHAFEE. There is one thing I would ask in connection with that.

The Senator from Kansas presented a second-degree amendment and we were informed that we had to use up all our time before the second-degree amendment came up.

To me to go through an hour of that to get an amendment to a second-degree amendment just does not seem to make much sense.

The majority leader has been pressing us to get on.

What I ask is that if they want to go through that we work it this way, that the time be yielded back, and I am so prepared, and have the amendment of the Senator from Kansas be the pending business.

Mr. MITCHELL. I personally have no objection to that, but I believe I would have to first ask the managers because the effect of that, of course, would be to fill up the amendment process and not permit someone else who would have a prior right of recognition if he or she were to choose to do so and had a second-degree amendment such as the Senator from Rhode Island and the Senator from North Carolina. So I personally have no objection.

(Mr. FOWLER assumed the chair.)

Mr. CHAFEE. It has been explained here when the majority leader was out that once the Kassebaum second-degree amendment was disposed of then you can have another second-degree amendment. So I do not think anyone is being foreclosed.

Mr. GORE. Mr. President, will the Senator yield on that point?

Mr. CHAFEE. I yield.

Mr. GORE. I was informed the Kassebaum second-degree amendment was being drafted as a substitute.

Mr. CHAFEE. No.

Mr. GORE. If it were then it would foreclose the opportunity to offer another second-degree amendment. There would be an opportunity to come in at the expiration of the time on the substitute amendment, but then even if a second-degree amendment were offered the adoption of the substitute would wipe out the prior action by the Senate.

What the majority leader said a moment ago is still correct. Regardless of how the amendment offered by the Senator from Kansas is drafted, a Senator with a prior right of recognition or a Senator on his or her own right seeking recognition prior to the Senator from Kansas at the time when the 60 minutes expired on the amendment of the Senator from Rhode Island that right would be wiped out under such procedure.

Mr. MITCHELL. Mr. President, may I suggest to Senators concerned that I

am going to suggest the absence of a quorum. I think if we all get together, we ought to be able to resolve this in good faith in a way that would expedite both the handling of this and the disposition of the bill.

Accordingly, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I am advised that it will take several minutes for the Kassebaum amendment to be put in the form of a perfecting amendment.

Accordingly, so as to permit us to proceed on this legislation while that is being done, I ask unanimous consent that Senator SPECTER be recognized for the purpose of offering two amendments which I understand have been cleared on both sides, following which Senator SPECTER and I will engage in a colloquy regarding the death penalty amendment, which is not yet pending but for which he had obtained the right to the floor as a predicate to offering his amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Pennsylvania, Mr. SPECTER, is recognized.

Mr. SPECTER. Mr. President, I thank the distinguished majority leader, and I thank my colleague for working out this procedural impasse.

AMENDMENT NO. 337

(Purpose: To call for the establishment of an international strike force to pursue and apprehend major international drug traffickers and terrorists)

Mr. SPECTER. Mr. President, I call up amendment 337.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for himself, Mr. KERRY, and Mr. LEVIN, proposes an amendment numbered 337.

Mr. SPECTER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill insert the following:

SEC. . ESTABLISHMENT OF AN INTERNATIONAL STRIKE FORCE.

It is the sense of the Congress that the President and the Secretary of State should call for international negotiations for the purpose of agreeing on the establishment of an international strike force to pursue and apprehend major international drug traffickers and terrorists.

SEC. . CREATION OF A MULTILATERAL ANTI-NARCOTICS STRIKE FORCE.

(a) FINDINGS.—The Congress finds that—

(1) the United States Congress has in the past sought approval for a multilateral strike force dedicated to the war on drugs;

(2) the proposal to create a multilateral, international anti-narcotics force as proposed by Prime Minister Michael Manley of Jamaica, is a plan worthy of praise and strong U.S. support;

(3) the Manley plan is the first operative proposal to use multilateral force against the drug cartels in Latin America made by a government leader in the Western Hemisphere;

(4) moreover, the proposal has been matched by Jamaica's parallel commitment to the drug war and by taking the lead in developing an independent, international strategy for the Western Hemisphere nations.

(b) SENSE OF THE CONGRESS.—It is therefore the sense of the Congress that—

(1) Prime Minister Manley of Jamaica is to be commended for his proposal and for his commitment to the war on drugs; and

(2) the United States should work through the United Nations and other multilateral organizations to determine the feasibility of such force and assist in the establishment of this force, if it is found to be feasible.

(c) AUTHORIZATION OF FUNDING.—Funds authorized to be appropriated under this bill for any United Nations program, may be reallocated for a program to establish an international strike force for international narcotics control under the United Nations or other multilateral auspices. Such reallocation may occur only if the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives, and the Committee on Foreign Relations and the Committee on Appropriations of the Senate, are notified at least 15 days in advance of the obligation of funds in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961.

Mr. SPECTER. Mr. President, in working out the acceptability of this amendment, there has been a request to strike "the United Nations" and to insert a provision "consistent with the U.S. Constitution," in order to make this amendment acceptable.

At this time I ask unanimous consent that that substitute amendment be accepted.

Mr. PELL. Mr. President, reserving the right to object, I would like to see a copy before moving ahead.

Mr. SPECTER. I would be glad to make this available to the distinguished Senator from Rhode Island.

Mr. President, while that is being considered, I think we might utilize the time for me to explain the amendment very briefly that has been submitted by the distinguished Senator from Massachusetts, Senator KERRY, and myself.

This is an amendment which would establish an international strike force to identify, locate, and apprehend international drug traffickers and terrorists. There has been a considerable problem with the apprehension of international drug traffickers and international terrorists. A number of

proposals have been suggested, among others, by Prime Minister Manley on his proposal for a multinational anti-drug strike force.

This amendment which we have worked out, would accommodate the interests of a number of people in the Latin America area and would provide additional police power to work through the process of apprehending international drug traffickers.

Mr. President, I am joined by Senator KERRY in offering an amendment to the fiscal year 1990 Foreign Relations Authorization Act, S. 1160, regarding the establishment of an international strike force to identify, locate, and apprehend international drug traffickers and terrorists.

In 1988, the Senate included language at my urging in the Anti-Drug Abuse Act, which Congress passed and the President signed into law—Public Law 100-690—expressing the sense of the Congress that "The President should call for international negotiations for the purpose of agreeing on the establishment of an international drug force to pursue and apprehend major international drug traffickers."

The amendment we offer today expands the mission of the force and "expresses the sense of the Congress that the President and Secretary of State should call for international negotiations for the purpose of agreeing on the establishment of an International Strike Force to pursue and apprehend major international drug traffickers and terrorists."

Recently, Prime Minister Michael Manley of Jamaica has actively pushed for the creation of a multilateral, international antinarcotics force. Thus, the amendment we offer today also includes a provision in which Congress finds that this proposal "is a plan worthy of praise and strong U.S. support." The amendment further expresses the sense of the Congress that "Prime Minister Manley of Jamaica is to be commended for his proposal and for his commitment to the war on drugs; and the United States should work if possible through multilateral organizations to determine the feasibility of such a force and assist in the establishment of this force, if it is found to be feasible and consistent with the U.S. Constitution." Finally, the amendment provides that "funds authorized to be appropriated under this bill for any United Nations program may be reallocated for a program to establish an international strike force for international narcotics control under multilateral auspices" after the appropriate congressional committees are notified.

Mr. President, the urgent need for establishment of such an International Strike Force is clearly apparent. The most recent statistics compiled by the State Department in its March 1989 report, "Patterns of Global Ter-

rorism," reflect that transnational terrorists have set a record in 1988 for the number of attacks and have demonstrated the potential to continue their violent activities with impunity. The report states: "The 856 international terrorist incidents recorded in 1988 resulted in 658 persons killed and 1,131 wounded, including casualties to terrorists themselves."

According to the State Department report, last year alone terrorists were responsible for such tragedies as the hijacking of a Kuwaiti airliner in April, the attack on a day-excursion ship off the coast of Greece in July, and most likely the bombing of Pan Am Flight 103 over Scotland in December. Moreover, the United States suffered a substantial increase in terrorist attacks against, and casualties of, Americans abroad last year.

But terrorism is not only an American problem, it is an international problem. The State Department reports that citizens and property of 79 nations were attacked by international terrorists in a total of 68 countries and the majority of victims were the least protected—innocent tourists and businesses. With terrorists traveling under many aliases and with the protection or encouragement of certain states, the problem is too large and too widespread to be handled by the forces of one nation. It is time to look toward a global response.

The international narcotics trade also poses a serious threat to world safety as drug kingpins make their fortunes trafficking drugs in the global market. Reports indicate that as many as 50 countries are involved in the production, processing, and transporting of narcotics, forming an international network aimed especially at American consumers.

The United States is fighting this scourge on numerous fronts. In December 1988, a "New York Review of Books" article reported that the United States almost has doubled the budget of the Drug Enforcement Administration [DEA] during the last 5 years. Other efforts cited were the establishment of a drug interdiction center in El Paso and installation of detection devices along our borders. The Reagan administration deployed sophisticated AWACS planes over the Caribbean. In Latin America, special agents have been assigned to gather intelligence on cocaine producers. Additionally, the State Department is deploying Huey helicopters, and the green berets are instructing local police in the art of paramilitary operations.

Yet, despite these efforts, the international narcotics industry has flourished. The problem is too large and too widespread to be handled by one nation. It is time to look toward a global response.

The case for establishment of an International Strike Force to combat the scourge of international drug trafficking and terrorism is rapidly developing. Many governments throughout the world currently are under siege by powerful international drug kingpins and violent terrorists. The justice systems of many countries have been immobilized due to the tremendous power these criminals wield. A shocking example is Colombia, where drug lords have assassinated a minister of justice, an attorney general, the head of the antinarcotics police, two dozen journalists, more than 50 judges, and hundreds of police. Many countries also fear retaliation for their law enforcement efforts by terrorists or violent international criminals. Nations' internal security forces simply are ill-equipped to combat this growing and dangerous criminal element.

A foreign government may be concerned that local residents will rebel against its decision to extradite a powerful national, albeit an international criminal, by storming the embassy or foreign interests of the government receiving the extradited felon. Extraditing drug kingpins to the United States, for example, has sparked nationalistic uprisings against American interests. An illustration of this violent reaction was seen in Honduras in April 1988, when American and Honduran authorities jointly seized a major international drug trafficker, Juan Ramon Matta Ballesteros, and brought him to the United States for trial. A riot ensued and the United States Embassy in Honduras was attacked by an angry mob. This deep nationalistic sentiment also is reflected in opinion polls which show that approximately two-thirds of all Colombians are opposed to extradition, regarding it as a violation of national sovereignty and a provocation for more drug violence.

As the extent and level of violence continue to escalate in certain regions of the world, more and more governments are seeking outside help. Most recently, the Prime Minister of Jamaica, Michael Manley, expressed his strong interest in the formation of a regional drug force in the Western Hemisphere. According to a June 10, 1989, Washington Post report, Prime Minister Manley predicts that the drug cartels will expand their operations into international markets that were previously ignored. As a result, the Prime Minister stated that "the only effective solution is international action—a multilateral force, similar to the U.N. peacekeeping force that could be mobilized quickly at the invitation of foreign leaders." Moreover, Prime Minister Manley recognized "that by operating under the umbrella of the United Nations or some other international body, such a force would be less likely to arouse nationalist sentiments

that have confronted some U.S. anti-drug actions in foreign countries."

Prime Minister Manley discussed his proposal for a multinational antidrug strike force at a recent dinner sponsored by TransAfrica, an organization which focuses on United States policy in Africa and the Caribbean. As reported in the Christian Science Monitor on June 19, 1989, the Prime Minister suggested that the members of the strike force "would be selected from countries that would be politically acceptable to the host nation and would be mobilized only at the invitation of the nation's government." His proposal for the multinational antidrug strike force garnered so much support from the guests that he received two standing ovations.

Thus, the amendment we offer today specifically recognizes Prime Minister Manley's efforts and represents a significant step forward toward accomplishing this important goal.

Similarly, in a July 1988 letter to the editor of the New York Times, former U.S. Ambassador to Barbados, Paul A. Russo, strongly endorsed a multinational force to combat drugs. Mr. Russo is troubled by the problems the smaller Caribbean nations face in combating illegal drug operations due to their lack of resources. He stated: "A multinational force destroying the source of the supply in South America would lessen the pressure on this part of the world and give these small island nations time to keep ahead of a growing narcotics problem."

Endorsements for international action is not limited to smaller countries. Many governments recognize that the problems of drugs and terrorism are global and must be addressed more effectively through international cooperation and collective efforts.

In this regard, there recently has been a promising development between the superpowers. The Washington Post reported that on June 26 and 27, 1989, United States and Soviet counterterrorist experts met for the first time to explore possible joint action in battling international terrorism. These meetings were prompted by the Soviet Union's more favorable disposition during the last year toward counterterrorism discussions. It may not be advantageous for the United States to test the new thinking of the Soviet Union and develop the concept of an International Strike Force during these official counterterrorism discussions.

Strong precedent supports the amendment we offer today. As cited above, the Anti-Drug Abuse Act of 1988, which the Senate passed overwhelmingly, expresses the sense of the Congress that the President should call for international negotiations for the purpose of agreeing on the establishment of an international drug force to pursue and apprehend major

international drug traffickers. The Anti-Drug Abuse Act also included a specific provision for the formation of a multinational force in the Western Hemisphere to conduct operations against international illegal drug smuggling organizations. Congress is aware of the imminent threat that international drug smugglers pose to small nations and this provision demonstrates our commitment to provide equipment, training, and financial resources to support the establishment and operation of a regional antinarcotics force.

Mr. President, the Congress also has recognized the pressing need for assisting foreign governments on the international level in the prosecution of international criminals. In 1986, the Senate adopted my amendment to the Omnibus Diplomatic Security Act, Public Law 99-399, which calls on the President to consider international negotiations to establish an International Court to try terrorists. The scope of this initiative was expanded by my amendment to the Anti-Drug Abuse Act of 1988 to include international drug traffickers and other international criminals within the court's jurisdiction.

The efforts of the world community have been overly cautious and relatively ineffective vis-à-vis the violent attacks of drug kingpins and terrorists. There are official channels through which national security forces can exchange intelligence in an effort to prevent terrorist acts. But the world is too large and the terrorists' opportunities too plentiful for law enforcement agents to stop any but a small fraction of attacks.

I believe that terrorists continue to get away with murder by playing one nation against another, avoiding extradition, escaping prosecution and even securing their freedom by blackmailing powerful countries. The fight against terrorism could be tremendously aided by an international strike force to pursue these international criminals.

As with the International Criminal Court amendments, the amendment we offer today is the second step in a lengthy process of study and negotiations to establish an international strike force. As my colleagues are aware, many issues will need to be addressed, such as the composition of the force, the participating member nation, the specific role of the force, and the primacy of nations' sovereignty. This amendment, however, represents an important step forward in the development of this urgently needed international force.

The establishment of an International Criminal Court will provide a necessary mechanism for the prosecution and detention of terrorists and international drug traffickers. The

formation of an international strike force will complement the role of the International Criminal Court by providing a mechanism to identify, pursue, and apprehend these dangerous international criminals.

Accordingly, I urge my colleagues to join in support of this amendment to strike another blow against terrorists and international drug traffickers.

Mr. KERRY. Mr. President, I join with my distinguished colleague, Senator SPECTER, in offering this amendment. This amendment calls upon the President and the Secretary of State to press for negotiations to establish an international strike force to pursue and apprehend major international drug traffickers and terrorists.

Also, I want to express my appreciation to my colleague for his willingness to incorporate into this amendment my section relating to Jamaican Prime Minister Michael Manley's proposal for an international, antinarcotics strike force.

Mr. President, I think it is very important for the U.S. Congress to recognize the farsighted nature of the Prime Minister's proposal. He has proposed establishing an international antinarcotics force for the purposes of drug interdiction, crop eradication, and actions directed at apprehending and bringing to justice the major drug kingpins.

As chairman of the Foreign Relations Subcommittee on Narcotics and Terrorism, I am particularly impressed with the Prime Minister's understanding of the security threat posed by the operations of the drug cartels. Mr. Manley has reached the same conclusion that our subcommittee reached after we finished 2 years of extensive investigation into this crisis. The Prime Minister, in a recent speech, pointed out that the drug cartels are a global threat without precedent, a view with which I agree completely.

The Prime Minister is absolutely correct in this assertion. The cartels terrorize governments which try to control them and direct terrorism and violence against anyone, or any institution, standing in their way. If they can't buy judges or law enforcement officials, they kill them. They are poisoning the world with their product.

Mr. Manley envisions a force operating under international auspices. I believe this is a very important proposal on his part, because I believe such a force would assist us in overcoming nationalist concerns which continue to be an impediment in the waging of an effective war on drugs.

As a newly elected head of state, Prime Minister Manley has made a proposal which is bold, courageous, and farsighted. We in the Congress should do all we can to reinforce and encourage such initiatives. We have discovered that unless we have the cooperation of other countries, it is very

difficult for the United States to unilaterally deal effectively with the drug threat.

And finally, this amendment does not have any budgetary impact. However, it is important that we recognize and express our support for the effort that Prime Minister Manley has undertaken. As the administration continues its preparations for the unveiling of this Government's comprehensive drug strategy in September, I believe it is critical that Prime Minister Manley's proposal be integrated as an essential element of this strategy.

Mr. SPECTER. Mr. President, I will now ask the Senator from Rhode Island if he has an opportunity to examine the amendment.

Mr. PELL. I have had an opportunity to look at the amendment and I believe that this amendment is in good shape and we can support it.

Mr. HELMS. It is cleared on this side.

Mr. SPECTER. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question occurs on the amendment offered by the Senator from Pennsylvania [Mr. SPECTER].

The amendment (No. 337) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 339

(Purpose: To commemorate the victims of terrorism)

Mr. SPECTER. Mr. President, I now call up my amendment, No. 339.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER] proposes an amendment numbered 339.

Mr. SPECTER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. COMMEMORATION OF VICTIMS OF TERRORISM.

(a) FINDINGS.—The Congress finds that—

(1) Terrorism continues to shock the conscience of the civilized world. On numerous occasions, international outlaws have sought to influence the foreign policy of nations by outrageous acts of violence against innocent citizens.

(2) Since 1973, well over 500 Americans have perished in the course of approximately 140 lethal terrorist attacks. It is impractical to list each victim by name, but the three cases described below illustrate that terrorism wreaks not only political havoc, but personal tragedy as well.

(3) In June, 1985, terrorists hijacked TWA flight 847 en route from Athens to Rome. After the aircraft was diverted to Beirut, the terrorists shot Navy diver Robert Stethem and dumped his body onto the tarmac of the Beirut Airport.

(4) In October, 1985, four Palestinian gunmen hijacked the Italian cruise ship *Achille Lauro* in the Mediterranean Sea. During this incident, the terrorists murdered Leon Klinghoffer, an elderly American confined to a wheelchair.

(5) On December 21, 1988, Pan Am flight 103 en route from London to New York blew up over Lockerbie, Scotland, killing 270 people, including 189 Americans. The evidence strongly suggests that flight 103 was destroyed in a terrorist attack, but the families and friends of the Pan Am 103 victims have been traumatized by the inability of law enforcement officials to identify the perpetrator(s) of this barbaric act;

(6) At present, nine Americans are being held hostage in the Middle East. These individuals are victims of terrorism as well. The Congress deplors their continued detention and expresses its fervent desire that they be released unharmed forthwith.

(7) The people of the United States feel overwhelming grief and sorrow for the innocent victims of terrorism, yet lack a satisfactory means of conveying their condolences to the families and friends of the victims. The designation of a day of commemoration for the victims of terrorism would be an appropriate means of expressing the sorrow of the Nation.

(8) December 21, 1989, is a suitable day of commemoration because it is the one year anniversary of the apparent bombing of Pan Am flight 103.

(b) COMMEMORATION.—The President is authorized and requested to issue a proclamation designating December 21, 1989, as "Terrorist Victims Commemoration Day" and to urge the Governors of the several States, the chief officials of local governments, and the people of the United States to mark this day with appropriately solemn ceremonies and activities."

Mr. SPECTER. Mr. President, this amendment calls for a commemoration for all those who are victims of terrorism. During the course of the past 16 years, more than 500 Americans have perished in the course of approximately 140 lethal terrorist attacks. The problems of terrorism are well known worldwide and have encompassed starkly tragic events which have had an enormous impact on this country as well as citizens of the entire world.

In the course of this amendment, we have delineated events which are characteristic of many, many terrorist attacks.

The hijacking of TWA flight 847, which resulted in the tragic murder, assassination, of Navy diver Robert Stethem; the hijacking of the *Achille Lauro* resulting in the terrorist murder of Mr. Leon Klinghoffer; the incident involving Harold Rosenthal in August 1976, who was an aide to Senator Javits, when Mr. Rosenthal traveled to Israel on Senate business and was killed in a terrorist attack in the Istanbul airport; the situation involving the hostages which have been cap-

tured and remain in captivity, some murdered during the course of that time; and the incident involving the destruction of Pan Am flight 103 on December 21, 1988.

The problems of terrorism were well documented in the Iran-Contra investigation where it was disclosed how heavily these matters preyed on the mind of the then President Reagan leading to some of the efforts to try to liberate the hostages. The destruction of Pan Am flight 103 has had an overwhelming impact on so many Americans. Many from Pennsylvania have sought a special investigation which they want to have Congress undertake to further focus public attention on these issues.

It seemed to me that there ought to be a special day which would commemorate all of the terrorist victims. This amendment designates December 21, 1989, as Terrorist Victims Commemoration Day. December 21, 1989, is the 1-year anniversary of the destruction of Pan Am flight 103. This amendment will commemorate both the Pan Am flight and all victims of terrorist attacks.

Mr. PELL. Mr. President, this is a good amendment. It brings attention to the sufferings of many people who have been victims of terrorists. It is a positive amendment and I am glad to support it.

Mr. HELMS. Mr. President, likewise on this side, not only do we accept the amendment, we commend the Senator for offering it.

Mr. SPECTER. I thank my distinguished colleagues.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment of the Senator from Pennsylvania [Mr. SPECTER].

The amendment (No. 339) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SPECTER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 361

The PRESIDING OFFICER. Under the previous order, the majority leader is now to be recognized for a colloquy with the Senator from Pennsylvania.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, the distinguished Senator from Pennsylvania had previously expressed an intention to offer an amendment to the death penalty. That is included among the list of amendments that were incorporated in the consent agreement last night. Objection to any time limit was expressed by several Senators, including the distinguished Senator from Oregon, Mr. HATFIELD, and the distinguished Senator from Michigan, Mr. LEVIN.

A cloture motion was filed last evening which would ripen for a vote tomorrow. I have suggested to all of the three principals who I have just mentioned that an appropriate way to handle this matter and to permit the Senate to go forward on the pending bill would be for me to make a commitment that if the Senator from Pennsylvania would not offer his amendment and would consent to proceeding to a cloture vote this evening—following which, if cloture were obtained, I believe we could complete action on this bill this evening and then not be in session tomorrow—I would then commit myself to the Senator from Pennsylvania to bring up his legislation, which he would subsequently introduce in freestanding form after the recess, that is after Labor Day and prior to the time of sine die adjournment—so, therefore, we are talking about roughly the period between Labor Day and we hope Veterans Day—that under those circumstances the Senators from Oregon and Michigan would agree to a time limitation, whatever is acceptable to both sides, so long as they had the right to offer a second-degree amendment to the legislation—actually, it would be at that point a first-degree amendment because it would be free standing legislation—and that we could work it out in that manner.

This would require the staffs of all parties to sit down and work out all of the details as I suggested.

I hope that the Senators from Pennsylvania, Oregon, and Michigan will find that acceptable. It will accomplish several things. One, it will permit us, hopefully, if cloture is invoked, to complete action on the bill this evening at a relatively early hour and obviate the need for any session tomorrow.

Second, it would assure the Senator from Pennsylvania of a vote on his legislation, albeit not as early as on this bill and also free standing as opposed to an amendment to this bill.

So I ask the distinguished Senators involved if my proposal meets with their approval or whether they have some objection or other comments on it.

Mr. SPECTER. I thank the distinguished majority leader for his suggestion. As I have advised him privately, I have decided to accept the suggestion for a number of reasons. First, I appreciate the distinguished majority leader's responsibility in moving this bill through and that, with the pendency of this amendment there would be a cloture vote tomorrow, cloture having been filed for the express purpose of eliminating this amendment from the bill. So that, as the majority leader has outlined the procedure, it would expedite the conclusion of the pending legislation, that it would be finished this evening and that would accommo-

date the business of the Senate, which obviously is a concern of every Senator, including myself.

In accepting this proposal I am also aware of the distinct possibility that cloture might be imposed. It probably would be imposed, although not certain, because there are quite a number of Senators who are interested in this death penalty provision. There is a possibility that cloture would be defeated tomorrow. But, in any event, although there is some delay in bringing this matter to a head, this Senator has been assured that the matter will be scheduled and will be voted upon.

I am also well aware of the word from the President that this bill stands a high likelihood of a veto because of the provisions of the Moynihan amendment. So I am aware of the considerable risks facing this amendment in the course of the legislative path, if I were to insist on pursuing it at this time.

So, for all of those reasons, I accept the suggestion made by the distinguished majority leader.

I would like to say in passing that I have added this provision for the death penalty on terrorism on this bill, the Department of State authorization bill, because I believe that in establishing policy for the State Department, and resources, that terrorism is a major problem facing this country and that this is a matter that ought to be considered at this time.

But I would say further that we have not taken care of very important considerations of the death penalty on many, many other matters. There is only one bill, one applicable death penalty in effect at the present time, aside possibly from the Uniform Code of Military Justice. And that involves the legislation last year on the drug bill; and that there is legislation pending, my own bill, Senate bill 36, which would revive the death penalty on many lines.

I am not going to go through them all now except to note we have no death penalty on the books for treason and espionage, or murder of a President or murder of a Senator, Congressman, all of which had been covered, and many, many others, in prior legislation. For some reason Congress has not addressed these issues since Furman versus Georgia in 1972.

So I do say I will put my colleagues on notice that while the terrorism issue is one which is relevant for this bill and to be covered by this provision, that this Senator intends and I think there are other Senators who intended to pursue the matter and have the will of the Congress decided, the will of the American people decided, however that may be determined.

I had thought, if I might make this comment in response to the specific provisions discussed by the distin-

guished majority leader, that the bill would come up in September as opposed to as late as Veterans Day. I raise that issue from the consideration that there might be time for the House to act before the end of the year. If the matter is not considered until, say November, there would be no time for the matter to go through the full legislative process and perhaps be signed by the President into law.

Mr. MITCHELL. My only reluctance to agree to September is that we are going to try very hard to complete action on all of the appropriations bills by the end of the fiscal year. That means that September in the Senate will be devoted largely to dealings with appropriations bills. We may complete action on a few prior to recess, but we will have somewhere between 8 and 11 to do afterward.

I would prefer to have some leeway in that regard.

Could we say September-October, understanding, of course, this is just the first session. If we act on it, the House could act on it any time in the second session.

Mr. SPECTER. That would be acceptable to this Senator. I do not wish to pin the majority leader down, but to the extent the legislation could be scheduled as early as possible in October as consistent with the other needs of the Senate as defined by the majority leader, that would be acceptable.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, in response to the request of the majority leader, first I would like to thank the majority leader and then my answer is, yes, it is acceptable.

Mr. MITCHELL. I thank the Senator from Oregon.

Mr. LEVIN. Will the majority leader yield?

Mr. MITCHELL. Yes.

Mr. LEVIN. I also find that proposal acceptable.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The majority leader has the floor.

Mr. MITCHELL. I yield to the distinguished Senator from South Carolina.

Mr. THURMOND. Mr. President, I have no objection to the bill being carried over to September. The only thing I want is the right to offer a perfecting amendment to this bill.

Mr. MITCHELL. Well, Mr. President, it is obvious that there are many details to be worked out so that, while we, I think, have a general agreement, I do not want any misunderstanding amongst anyone.

May I suggest this, that the staffs of the four concerned Senators immediately meet with the floor staff to work out an agreement so that everybody understands precisely what it is that is being agreed to before the Senator

from Pennsylvania surrenders his right to proceed. And, in the interim, if we could go back to the amendment of the Senator from Rhode Island and the perfecting amendment of the Senator from Kansas, by the time that amendment is completed, perhaps the Senators will have worked it out in a way that everyone finds agreeable.

If that is the case, and if that is worked out in a good way, and I expect it would be, Senators should be on notice that we will try to complete action on some more amendments this evening and be in a position to vote on cloture within the next hour and a half or 2 hours. Following which we could then, if cloture is invoked, complete action on the bill sometime thereafter.

I cannot be more precise on the time because there are several other matters that the managers are dealing with.

If this works, then Senators can be aware we will finish this bill tonight and not be in session tomorrow.

I want to say I want to thank especially the Senator from Pennsylvania for his cooperation as well as the Senators from Oregon, Michigan, and South Carolina.

Is my suggestion agreeable to the Senators concerned that they immediately, with their staffs and the floor staff, attempt to reduce to writing what is the general understanding that has been reached?

Mr. President, then I yield the floor. I believe the distinguished Senators from Rhode Island and from Kansas are now prepared to proceed with their amendment.

The PRESIDING OFFICER. The question does recur on the Chafee amendment.

The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I hope the majority leader will stay here because he was helpful in arranging this. It is my understanding now that all time has been yielded back and that the Senator from Kansas can proceed with her second-degree amendment.

The PRESIDING OFFICER. The Senate will be in order. May the Chair respond to the Senator from Rhode Island? The Senator has 18 minutes remaining on his amendment. The Senator from Rhode Island, the chair of the committee, has 16 minutes remaining on the Chafee amendment.

Mr. CHAFEE. Well, we were working it out. I thought we had arranged a system here whereby I was yielding back my time; the Senator, the manager of the bill, was yielding back his time, and we would proceed with the Senator from Kansas.

The PRESIDING OFFICER. Is there objection to that?

Mr. BOSCHWITZ. I object.

The PRESIDING OFFICER. Objection was heard. The Senator from

Rhode Island has the floor and controls the time.

Mr. CHAFEE. Let me just say to the Senator from—where are we? I thought we had an arrangement?

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, if I may state to the Senator from Minnesota, originally the amendment offered by the Senator from Kansas was a substitute amendment, which would have precluded further action on the underlying amendment if adopted.

Mr. BOSCHWITZ. That is correct.

Mr. MITCHELL. The Senator from Kansas and the Senator from Rhode Island agreed to convert the amendment of the Senator from Kansas into a perfecting amendment, which would—and I am going to ask the Parliamentarian—the Chair here, momentarily, to confirm the correctness of what I am saying because I do not want any misinformation or misstatement—that they would leave the underlying amendment open to further amendment by the Senator from Minnesota or anyone else who chooses to do so?

I was under the impression that was acceptable, and the Senator from Rhode Island yielded to permit us to go forward with the Senator from Pennsylvania. The Senator from Minnesota, I do not believe, was present at the time. I did not intend to confine him to anything.

Mr. BOSCHWITZ. The Senator from Minnesota was present, I will say to the majority leader, and it was my understanding that the Kassebaum perfecting or second-degree amendment had been offered but was incorrectly recognized by the Chair and that the Chair subsequently withdrew that recognition, if that is the proper word, of that amendment and said that the time on the underlying amendment would have to expire prior to the second-degree or perfecting amendment being offered. At the time the perfecting amendment was offered, then, prior to a second-degree amendment being offered to it, action would have to be taken on the second-degree amendment of the Senator from Kansas.

Mr. MITCHELL. I believe that is correct, and I will ask the Chair. I believe the Senator from Minnesota is correct in that respect.

Mr. BOSCHWITZ. So that a second-degree amendment cannot be offered to the second-degree amendment offered to Senator CHAFEE's first-degree amendment.

Mr. MITCHELL. Until disposition was had of the amendment of the Senator from Kansas.

Mr. BOSCHWITZ. The second-degree amendment has not yet been offered.

Mr. MITCHELL. That is correct.

Mr. BOSCHWITZ. Therefore, it has to be offered. I did not hear that unanimous consent had been requested, that a determination of the first-degree amendment would be automatically accepted. That is why I am objecting.

Mr. MITCHELL. I apologize, I say to the Senator.

Mr. BOSCHWITZ. I will seek recognition when the underlying amendment is disposed of. I will seek recognition as well to offer a second-degree amendment.

Mr. MITCHELL. I gather the Senator from Minnesota is saying he would object to any unanimous-consent request that permitted the Senator from Kansas to offer her second-degree perfecting amendment.

Mr. BOSCHWITZ. That is correct, without seeking recognition in the regular order.

Mrs. KASSEBAUM. I would like to say I very much appreciate the majority leader trying to work this out. I certainly believe the Senator from Minnesota is exactly correct in his right to do that, and I think we ought to proceed and see what happens.

The PRESIDING OFFICER. The current occupant of the chair was not the Presiding Officer during the prior discussion, but it is his understanding, based on listening to the discussion, that all parties are presently in agreement.

The Chair will so rule that the regular order presently is the Chafee amendment, the time being controlled by the Senator from Rhode Island.

Mr. CHAFEE. Let me just say this, Mr. President. There was a problem and, in order to be accommodating, I stepped aside with what I thought was some assurance from the majority leader that the time would be yielded back and the Senator from Kansas could go on. I do not quite understand the position of the Senator from Minnesota. He can always have his amendment when we dispose of the Kassebaum amendment. If he was here, he certainly was not vocal. I guess it a question of nice guys finish last around here. I thought, and I am certainly not blaming the majority leader, but I thought this was all going to be taken care of.

Mr. GORE. Will the Senator yield?

Mr. CHAFEE. I will ask the Senator from Minnesota if he could let us proceed the way certainly I understood was going to be the procedure.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. BOSCHWITZ. I did not understand that to be the agreement. Sometimes nice guys finish first; sometimes they finish last. I consider myself a nice guy and am going by the rules of the Senate. There was no effort made to gain priority by unanimous consent. There was no effort made so that I will deal with the Senator from

Kansas by perhaps she offering this second-degree amendment in due course.

Mr. GORE. Will the Senator from Minnesota yield?

Mr. BOSCHWITZ. I yield.

Mr. GORE. In defense of the statements made earlier by the majority leader, this Senator stood ready to object to any unanimous-consent request which might have been at that time forthcoming to give automatic preference to a second-degree amendment offered by any Senator and stood ready to object at any unanimous request that would have provided for anything other than the regular order.

I listened very carefully and no such unanimous-consent request was put to the Presiding Officer. So I think the majority leader stated the present situation with absolute clarity.

The PRESIDING OFFICER. The Senator from Rhode Island controls the floor and the time.

Mr. BOSCHWITZ. Mr. President, I believe I yielded to the Senator from Tennessee and that I still have the floor.

The PRESIDING OFFICER. The Chair interprets that as a parliamentary inquiry. The Senator does not have the floor. The Senator from Rhode Island has the floor and controls the time and the time is running.

Mr. CHAFEE. Mr. President, how much time do I have left after all this?

The PRESIDING OFFICER. The Senator has 12 minutes and 50 seconds.

Mr. CHAFEE. We had originally 60 minutes equally divided. Now that has been dissipated in what I do not think was our floor. I ask that we could increase that time that went for parliamentary discussion. We had 30 minutes. How much do we have left?

The PRESIDING OFFICER. Twelve and a half minutes.

Mr. CHAFEE. I ask unanimous consent we might have 40 minutes evenly divided; each side gets 20 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. PELL. Reserving the right to object, I thought we wanted to move ahead as fast as we can on these measures, but I will be guided by the majority leader.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. The Senator from Rhode Island is correct that he was gracious to stand aside. I said to him that I thought he would be in the same position after we acted on the Specter matter as he was before, and I think that is what has occurred. He is quite correct, his time has been used by this parliamentary discussion. I would hope that Senators would permit the Senator from Rhode Island to have the time he seeks to give him

the opportunity to have a meaningful debate on his amendment.

Mr. LAUTENBERG. I would like to understand the request.

The PRESIDING OFFICER. The Senator from New Jersey reserves the right to object. The request of the Senator from Rhode Island is 40 minutes equally divided. Is there an objection?

Mr. LAUTENBERG. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered. The junior Senator from Rhode Island begins his 20 minutes.

Mr. CHAFEE. Mr. President, I have an amendment for myself, Senators HATFIELD, KASSEBAUM, JEFFORDS, LUGAR, INOUE, and BYRD. The amendment deals with kindergarten, elementary, and secondary schools on the West Bank. I want to make clear it does not deal with colleges and universities.

Since February 1988, 18 months ago, all schools, 1,194 kindergarten, primary, secondary, schools in the West Bank have been closed except for a few weeks. Most of these schools have been closed continuously since February 1989. In other words, February of this year. All in all, there are 320,000 school-age children affected and 18,000 university and college students. Mr. President, I am not going to deal with the university and college side of it.

No education of any type has been permitted in the West Bank. There have been no makeup classes, no homework. These actions by the military government of the West Bank, in my judgment, are draconian. Clearly, it has been shown that when youngsters are kept out of school for any length of time, and I am talking particularly younger children, it greatly slows their cognitive development.

Mr. President, is this amendment of mine in conjunction with U.S. policy? The answer is "Yes." On May 22 of this year Secretary of State Baker asked that the schools be reopened. Last week, July 12, the Israeli military authorities issued instructions in anticipation of reopening schools. What this amendment does is to praise the military authorities for their decision to undertake to reopen the schools, and that is splendid.

What the amendment does is to take two other steps. It asks that this reopening take place without delay and it expresses the sense of the Senate that kindergarten, elementary, and secondary education should not be interfered with, in the West Bank, as a means of exerting political pressure.

Why do we put that future part? Why not just stay with praising them for the intention of reopening the schools and urging them to do it as rapidly as possible? I suspect nobody

would object to that. We go a step further because the problem has been that these schools have been reopened, they have been shut and they have been reopened. The reason given is the schools are fomenting violence. Yet the Gaza Strip schools are not closed. They remain open. It seems to me this is a mass punitive measure directed against, in this instance, young children because we are talking, as I say, about kindergarten, elementary, and secondary schools, not colleges and universities. I might say, Mr. President, that no other nation of which I know—and we have done considerable research on this—has ever resorted in an occupied territory or a territory in civil conflict to close all the schools. This has not happened in Northern Ireland. It has not happened in South Africa. It has not happened in Nicaragua.

Mr. President, I would like to point out that article 50 of the Geneva Convention relative to the protection of civilian persons in time of war, Convention IV states, "The occupying power shall, with cooperation of national and local authorities, facilitate the proper working of all institutions devoted to the care and education of children."

Article 33 specifies, "No protected person may be punished for an offense he or she has not personally committed."

Now, objectors to this amendment might say this is too sensitive a time to raise this amendment. The problem is, Mr. President, that rationale can be used to justify the status quo under any circumstances because there is no time that is not sensitive, particularly in, as I am referring, of course, the Middle East and obviously the West Bank.

Now, others will say that this is none of our business; let the Israelis do what they want.

I cannot believe many here will accept that rationale. Clearly we are deeply involved with Israel as an ally. It is a nation with which we are deeply involved. We are concerned. So its actions reflect upon this Nation because of this close association.

But far beyond that, Mr. President, we have certain ideals and principles in which we believe. As a nation we act upon those principles.

I would just like to quote what our distinguished majority leader said on June 25 of this year when he was being interviewed on "Meet The Press." This is what the majority leader said:

We regularly act in a manner that is consistent with our ideals even though there is another price to pay. We have imposed sanctions in South Africa. That has had an adverse effect on some American businesses. If we accept the argument which you and Mr. Novak have made extended to its logical conclusion, we would say that whenever the United States has an economic or political interest at stake we ought to be silent and

not say anything about what our standards and ideals are. I don't think so.

So, Mr. President, I hope this amendment would be accepted. I wish I could get the attention of the distinguished managers of the bill. But I would like to see it accepted. I do not know who can really argue with it. One, it commends the Israeli Government for their intention to reopen the schools. Two, it urges that that be done without delay. Third, it says that interference with kindergarten, elementary, and secondary education in the West Bank—mind you, it does not discuss universities and colleges—should not be implemented in the future as a means of exerting political pressure.

Mr. President, I know the distinguished Senator from Vermont wants 3 minutes, so I yield him 3 minutes at this time.

Mr. JEFFORDS. I appreciate the Senator from Rhode Island yielding to me. I rise in favor of the amendment, of which I am a cosponsor.

Perhaps we may have stated the case a little too strongly in the wherases, but I remind everyone of the action that is suggested by the Senate. As pointed out by the Senator from Rhode Island, what we are doing is, first, to commend Israel for the action it has taken to begin reopening the schools. Second, we ask only that it is done without delay, and then finally—and I do not think there is any disagreement with most Israelis on this—schools should not be used as a weapon.

There are many positive statements we could make about what Israel has done with respect to education over the years since the 1967 war. Certainly, we ought not to ignore the strong positive steps Israel has taken in education in both the West Bank and especially in the Gaza Strip. On the other hand, I think it is important that we let it be known how important education is in the process of reconciling the differences between the Israelis and the Palestinians. We make this effort to ensure that children are not made a weapon by either side and that education is separated from the conflict.

I am happy to yield back the remainder of my time.

Mr. HATFIELD. Mr. President, will the Senator yield 4 minutes.

The PRESIDING OFFICER. Who yields time?

Mr. CHAFEE. I yield 4 minutes to the Senator from Oregon.

Mr. HATFIELD. Mr. President, in a much publicized speech to the American Israeli Public Affairs Committee several months ago, Secretary of State James Baker talked of the need "to build political constituencies for peace" in Israel and the territories it has occupied for more than 20 years.

This amendment speaks directly to that very desperate need.

Mr. President, constituencies for a lasting peace cannot be built through force or pain or suffering. And they cannot be built through the deprivation of fundamental human rights. Constituencies for peace can only be built with help and support of healthy, secure, and educated people.

Mr. President, a lasting peace in Israel and the occupied territories cannot be imposed. It must be created, from the bottom up. Imposition takes a lot of money and a lot of hard work. Creation takes trust and cooperation.

By denying the children of the West Bank an education in recent months, Israel has been squandering the very basis of trust and cooperation by turning its back on the hopes and dreams of tens of thousands of children. An entire generation of potential peacemakers is slowly but surely being turned into a generation of war makers—a potential constituency for peace is being turned into a constituency for war.

Mr. President, I am not talking about the Palestinian Liberation Organization or even about the stone-throwers of the uprising. I am talking about the first grades, the ones who started school in 1987, the ones who should have started in 1988, and the ones who should start this fall. I am talking about thousands of illiterate 8-year-olds whose parents would be breaking the law if they opened a book.

If these children cannot learn in school, surely they will learn on the streets. But the lessons they learn there will not be reading and writing and arithmetic. They will be lessons of hatred and of violence. Israel has said in the past that schools in the West Bank are breeding grounds of violence. What, Mr. President, are the streets?

Are the leaders of Israel serious about pursuing a lasting peace? If they are, reopening all the schools in the West Bank certainly would offer proof.

If my colleagues are as committed as I think they are to Israel's security—and as I am—surely they support the one thing that has always been throughout human history the key to peace, education.

I am very pleased by the recent announcement that primary and secondary schools in the West Bank will be allowed to open in the near future. That is a start. But I worry that some people in the Israeli Government continue to believe, contrary to international law, that schools can be opened and closed at will. At political will.

Again, Mr. President, I congratulate Senator CHAFEE, Senator KASSEBAUM, others for this initiative. And I commend Secretary of State Jim Baker for making the reopening of all schools in

the West Bank a priority. I urge my colleagues to think carefully about this initiative and to add their support to it. I thank the Senator.

The PRESIDING OFFICER. Who yields time?

Mr. CHAFEE. Mr. President, I reserve the remainder of my time. How much time do I have left?

The PRESIDING OFFICER. The Senator from Rhode Island has 7 minutes.

Mr. CHAFEE. I reserve the time.

The PRESIDING OFFICER. Who yields time?

Mr. BOSCHWITZ. Mr. President, who controls time?

The PRESIDING OFFICER. Time is controlled by the junior Senator from Rhode Island and the senior Senator from Rhode Island.

Mr. BOSCHWITZ. Will the senior Senator from Rhode Island yield 8 minutes to me?

Mr. PELL. I yield 8 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. BOSCHWITZ. Mr. President, I rise to discuss this issue, and to try to put it in some perspective. I discuss this issue by pointing out that there are two parts to the West Bank. There is also the Gaza Strip. It is interesting to note that the Gaza Strip schools remained open with 180,000 students throughout the past year, that the schooling was uninterrupted, that the schooling proceeded, that the 8-year-olds that my friend, the Senator from Oregon spoke about, are not illiterate in the Gaza Strip. Why did that occur? Because parents in certain instances even came out and guarded schools to prevent the people from entering the schools, from leading students onto the streets in demonstrations, and inflicting harm on both the students and the teachers. The situation is different on the West Bank.

The Senator from Rhode Island, the junior Senator, talked about the ideals and principles of this country; the ideals and principles of education. Those ideals and principles certainly are shared by the Israelis. They have virtually doubled the number of primary and secondary schools on the West Bank. They have created six universities on the West Bank where none existed before. There are 14,000 students and 600 lectures in those six universities. The ideals and the principles of education that my friend from Rhode Island speaks about have been upheld by the Israelis in the 22 years that they have occupied or that they have been in the possession of, whatever the proper words should be, of the West Bank.

Since 1967, the amount of schooling has indeed doubled and universities have been created. The ideals and principles that we cherish have indeed been put into practice by the Israelis.

On the other hand, the schools have been used by the Palestinians to engage as headquarters, as places where they congregate stone throwers, stone throwers, who, by and large, the majority of whom are between the ages of 6 and 15. The uprising leadership exhorted every child to carry the stones. "Every child to carry the stone and throw it at the occupier. The Molotov cocktail heroes of all ages must burn * * * in the face of the enemy and fight them face to face." The Journal of Palestine Studies said: "in schools demonstrations and stone throwing are part of the tradition."

Some of the ideals and principles that we cherish in this country of education that my friend the Senator from Rhode Island spoke about are not shared by the people who are leading the uprising in the West Bank.

It is interesting to note 180,000 students in the Gaza Strip continued in schools uninterrupted. It was only in the West Bank that that schooling was interrupted, and that was really not because of the Israelis. Indeed they tried to open the schools on several occasions only to find that the students would congregate once again, then they would be led into protests, and they would be led into stone throwing. Certainly, the Israelis did not want to close the schools. It does not stand to reason, Mr. President. If the children could have gone to school, had studies, and spent their time there, certainly the Israelis would have wanted them there. That is where they would have been and not on the streets in revolt in the business of throwing stones and upsetting the regular course of the West Bank.

So when the Israelis closed the schools, indeed they did so in order to bring about more peaceful situations. As a matter of fact, Defense Minister Rabin said:

In January of this year we reached a point where schools became the spearhead of all of the confrontations with our forces. As a result, the number of casualties, including fatal casualties, among children increased. I made the decision to close the schools because I faced a choice either to keep the schools open and have large numbers of casualties among children or to close them. When we closed them, there was a sharp reduction in the number of kids that were wounded or became fatal casualties.

So, Mr. President, the Israelis did indeed want to keep the schools open. The Israelis perhaps more than anyone wanted to keep the young people in the schools and off the streets. It is unfortunate that they could not bring that about. It is unfortunate that the people of the West Bank cooperated in such a manner with those who were causing the disruptions, that the Israelis could no longer keep the schools open.

The Israelis certainly have evidence in the West Bank with the opening of the six universities. None had been

there before. Through the doubling of the number of primary and secondary schools, they had this commitment, the ideals and principles that the Senator from Rhode Island spoke about.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. LAUTENBERG. Mr. President, I have been requested—

The PRESIDING OFFICER. The junior Senator from Rhode Island controls the time.

Mr. LAUTENBERG. Mr. President, the senior Senator from Rhode Island requested that I manage the time on this side.

The PRESIDING OFFICER. I thank the Senator from New Jersey.

The Senator from New Jersey on behalf—

Mr. LAUTENBERG. I yield myself 4 minutes.

The PRESIDING OFFICER. The Senator yields himself 4 minutes. May I advise the senior Senator from Rhode Island that the Senator from New Jersey has 12 minutes remaining, and the junior Senator from Rhode Island has 7 minutes remaining.

Mr. LAUTENBERG. I thank the Chair.

I want to associate myself with some of the remarks made by the Senator from Minnesota.

I understand very well what the Senator from Rhode Island and the Senator from Oregon, from whom we heard some moments ago, want to have happen. They want to have happen exactly what all of us want to see happen; and that is a return to the continuing educational development of the children, in this case, in the disputed territory. We want them to be able to continue their education in a peaceful and forthright manner. We do not want to see them duped into participating in a riot that challenges the very sovereignty and existence of the State of Israel.

The Government of Israel has announced that they intend to open the schools, elementary schools, 12th grade classes on the West Bank, on July 22, 2 days from now, and it seems to me to be a matter of terrible timing and an inferential suggestion here that this section is not going to take place.

I think, Mr. President, it is fair to say that the Israelis treasure education. It is the cornerstone of the existence of those people. They have made sure that through all the years that they have occupied the disputed territory that educational institutions have been open, have been developed, that there is now six fully accredited universities where none existed, none, before 1967, when these territories were in other hands, particularly Jordan. So we have universities and

schools in the West Bank, and primary and secondary schools in the West Bank have been increased by 50 percent, and the number of pupils and teachers has more than doubled.

So it is the intention of the Israelis to educate all the people for whom they are responsible. But they do not intend to stand by while these children are recruited to fight in the internal warfare that is presently taking place.

We heard the quotations by the Senator from Minnesota from the Defense Minister of Israel, Minister Rabin, in which he talks about the number of fatalities that were existing when the schools were open, and the reduction thereafter, as soon as they were reduced.

Mr. President, I suggest that this is the wrong time and the wrong inference to present on the floor of the United States Senate, just on the eve of a new phase, we hope, of the return to the educational process that has existed there with quality and with support from the Israeli Government.

The Senator from Rhode Island quoted article 50 of the Geneva Convention. It states "The occupying power shall facilities the proper working of all institutions devoted to the care and education of children."

This is precisely Israel's goal, to keep open those schools which are providing an education for their students, not harboring soldiers, not encouraging violence.

Mr. President, this is the wrong time, as I said before, to be introducing this kind of legislation. I think it is fair to say that all of us want to see normalcy returned. We all want to see peace in Israel in the disputed territories. I do not think this amendment is going to help that cause. Rather, I think it is going to exacerbate a situation.

I return the remainder of my time to the manager, the senior Senator from Rhode Island.

Mr. CHAFEE addressed the Chair.

THE PRESIDING OFFICER (Mr. SIMON). The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, it appears that we have an agreement here, and so I am not going to hold things up. I do want to make this point, and I hope others would listen to it, that on the West Bank, it went beyond the closure of the schools, unfortunately. I mean, that is bad enough. As I say, that has never occurred in any other area of civil strife or in any occupied territory. But it went further than that, that the authorities would not even allow the distribution of homework. In other words, the youngsters could not take work home to do during this period when the schools were closed.

I believe the whole thing was very unfortunate, but we have an agree-

ment with the Senator from Minnesota, and I therefore would propose to yield back the remainder of my time, with the understanding that I believe the Senator from Kansas will offer this amendment in the second degree, which the Senator from Minnesota has agreed to. And then we would seek or ask that the committee accept it. It is my understanding that they will.

So I am prepared to yield back the remainder of my time. I ask one thing, Mr. President, I have a letter here from the Churches for Middle East Peace concerning the closure of the schools, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CHURCHES FOR
MIDDLE EAST PEACE,
Washington, DC, July 19, 1989.

DEAR SENATOR: We strongly urge your support of the amendment offered by Senators Chafee, Hatfield, Kassebaum, Jeffords and Lugar to S. 1160, the Fiscal Year 1990 Foreign Relations Authorization Act.

This amendment commends Israel's announced intention to reopen the schools in the West Bank, asks that the schools be reopened without delay and that interference with education in the West Bank should not be implemented in the future as a means of exerting political pressure.

A number of our religious organizations are associated with private schools in the West Bank and we are familiar with the hardship that their closure has had upon the institutions and the children they serve to educate.

The school closures have had a profound effect on the younger children whose cognitive development could be permanently impaired. The prohibition of education, even the distribution of homework assignments, violates recognized standards of international law and is a source of bitter resentment toward the Israeli authorities.

The reopening of the schools and their continued operation free from threat of closure is essential to the possibility of peace between Israel and the Palestinians, who will be forever neighbors.

We appreciate your attention to this situation and your support for the amendment.

Sincerely,

Jim Wetekam, United Church of Christ; James H. Matlack, American Friends Service Committee; Delton Franz, Mennonite Central Committee; Kay Dowhower, Evangelical Lutheran Church in America; Betty Coats, Episcopal Church; Robert Z. Alpern, Unitarian Universalist Association of Congregations; Nancy Alexander, Friends Committee on National Legislation.

Mr. CHAFEE. I also have a letter from the Jewish Peace Lobby which consists of 50 rabbis supporting this position, namely having the schools reopened as soon as possible. I ask unanimous consent to have it printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JEWISH PEACE LOBBY,
College Park, MD, July 19, 1989.

DEAR SENATOR: The Jewish Peace Lobby is pleased to transmit to you a request from over fifty rabbis from across the United States.

The enclosed letter from the rabbis urges you to support a Sense of the Congress Resolution calling upon the Israeli government to re-open the schools on the West Bank.

It is our understanding that such a resolution will be voted on within a matter of days. We urge you to support the legislation.

Recently the Israeli government announced that they would soon start re-opening elementary and secondary schools; we applaud this decision and we look forward to its implementation.

However, it is important that Congress speak out on this issue, for several reasons:

1. The use of school closure as a means of collective punishment raises an issue of principle on which it is important that the Congress speak out.

2. A statement by the Congress will strengthen those Israelis, both within the government and within the larger society, who have been fighting to have the schools re-opened.

3. The Government of Israel statement leaves open the possibility that the schools will be closed again in the future.

The Jewish Peace Lobby is a strong supporter of Israel's right to live in peace and security. We believe that this right can only be fully secure when a political settlement is achieved which accepts that the Palestinian people have a right to self-determination. Re-opening the schools will help establish a favorable environment within which progress towards a political settlement may hopefully be achieved.

Sincerely,

JEROME M. SEGAL,
President.

DEAR SENATOR: Recently, Secretary of State Baker called upon the Israeli government to permit the re-opening of schools in the West Bank.

We are writing to you to urge that you join with Secretary Baker in making this request. We understand that a Sense of the Congress Resolution to this effect is under consideration, and we urge you to support such resolution.

The Israeli-Palestinian conflict is a conflict between two nationalisms, each with legitimate claims. It cannot be resolved unless each side recognizes and respects the rights of the other. The conflict cannot be resolved through military means. A political solution is required.

We believe that re-opening the West Bank schools will be a small but significant first step towards creating an environment within which progress towards a political settlement is possible.

The schools have now been closed for well over a year. To deprive an entire population of their schools is to enact a form of collective punishment targeted at the young. It strikes deeply at the aspirations of the Palestinian people to provide a better life for their children.

Such steps only serve to embitter the Palestinians; yet a lasting peace will require that the two peoples treat each other with mutual respect. This is not the way to move forward.

As American Jews committed to a secure and humane Israel we urge you to call on the Israeli government to re-open the

schools. We make this request as friends of Israel, and we urge you to demonstrate your concern for both Israel and the Palestinians by speaking out on this issue.

SIGNATORIES

Rabbi Rebecca Alpert, Philadelphia, PA.
 Rabbi Robert Aronowitz, Howard Beach, NY.
 Rabbi Philip J. Bentley, Jericho, NY.
 Rabbi Solomon S. Bernards, New York City, NY.
 Rabbi Reeve Brenner, Bethesda, MD.
 Rabbi Hillel Cohn, San Bernardino, CA.
 Rabbi James S. Diamond, St. Louis, MO.
 Rabbi Denise Eger, Los Angeles, CA.
 Rabbi Charles Feinberg, Poughkeepsie, NY.
 Rabbi Edward Feld, Princeton, NJ.
 Rabbi Arnold G. Fink, Alexandria, VA.
 Rabbi Sue Frank, Philadelphia, PA.
 Rabbi Allen I. Freehling, Los Angeles, CA.
 Rabbi John S. Friedman, Durham, NC.
 Rabbi Yonassan Gershom, Sandstone, MN.
 Rabbi Rosalind A. Gold, Reston, VA.
 Rabbi Robert E. Goldberg, New York City, NY.
 Rabbi Lynn Gottlieb, Albuquerque, NM.
 Rabbi Julie Greenberg, Philadelphia, PA.
 Rabbi Marc A. Gruber, Westbury, NY.
 Rabbi Richard Harkavy, Greensboro, NC.
 Rabbi Norman D. Hirsh, Seattle, WA.
 Rabbi Burt Jacobson, Berkeley, CA.
 Rabbi Neil Kominsky, Brookline, MA.
 Rabbi Nancy Kreimer, Bala, PA.
 Rabbi Daniel I. Leifer, Chicago, IL.
 Rabbi Robert Levine, Danbury, CT.
 Rabbi Sue E. Levy, Houston, TX.
 Rabbi Charles Lippman, New York City, NY.
 Rabbi Jane Litman, Manhattan Beach, CA.
 Rabbi Jerome R. Malino, Danbury, CT.
 Rabbi Jonathan W. Malino, Greensboro, NC.
 Rabbi Morris B. Margolies, Kansas City, MO.
 Rabbi Robert J. Marx, Glencoe, IL.
 Rabbi Marshall T. Meyer, New York City, NY.
 Rabbi Jacob Milgrom, Berkeley, CA.
 Rabbi Sanford Ragins, Los Angeles, CA.
 Rabbi Michael M. Remson, Naperville, IL.
 Rabbi Jeffrey Roth, Philadelphia, PA.
 Rabbi Steven Saltzman, Greensboro, NC.
 Rabbi Steven Schatz, Santa Ana, CA.
 Rabbi Joshua Stampfer, Portland, OR.
 Rabbi Shira Stern, Morganville, NJ.
 Rabbi Max Vorspan, Los Angeles, CA.
 Rabbi Brian Walt, Media, PA.
 Rabbi Donald Weber, Malboro, NJ.
 Rabbi Sheila P. Weinberg, Philadelphia, PA.
 Rabbi Lew Weiss, Indianapolis, IN.
 Rabbi Joseph S. Weizenbaum, Tucson, AZ.
 Rabbi A.J. Wolf, Chicago, IL.
 Rabbi Marjorie Yudkin, Easton, PA.

Mr. CHAFEE. Mr. President, I am prepared to yield back the remainder of my time.

Mrs. KASSEBAUM. Mr. President, I wonder if before the Senator from Rhode Island yields back his time, if he would yield me a second for a comment.

Mr. CHAFEE. I will yield the remainder of my time to the Senator from Kansas.

AMENDMENT NO. 379 TO AMENDMENT NO. 361

Mrs. KASSEBAUM. Mr. President, I would like to make one brief statement on this whole issue, because we

have in the past argued that food should never be used as a weapon. I feel strongly that education should not be used as a weapon, either. That is why I am really pleased that we have an opportunity to offer a sense-of-the-Senate resolution tonight expressing our concern about the schools and desiring to see them opened and remain open, and we recognize, I believe all of us, the importance of this.

I am really pleased that we have been able to work out some language that I think is acceptable to all parties concerned, and if all time has been yielded back, I would yield back any of the rest of the time and send forward to the desk a substitute amendment.

The PRESIDING OFFICER. The senior Senator from Rhode Island would also have to yield his time.

Mr. PELL. Mr. President, I am glad to yield back the remainder of my time at this point.

Mr. METZENBAUM. Parliamentary inquiry, if I may, Mr. President.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. I am trying to understand whether or not the substitute amendment of the Senator from Kansas includes just this language that has been circulated, or whether in addition to that, there is included all of the whereases.

Mrs. KASSEBAUM. Mr. President, yes, it is the totality of the amendment. It is a perfecting amendment, but it is the totality of the amendment.

Mr. METZENBAUM. All of the whereases will no longer be extended.

Mrs. KASSEBAUM. That is correct, Mr. President.

The PRESIDING OFFICER. Does the Senator from Kansas wish to offer her amendment at this point?

Mrs. KASSEBAUM. Yes Mr. President, I do wish to offer it.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

Strike all after "The" and add the following:

"United States Congress commends Israel's decision to open the schools on the West Bank beginning on July 22, 1989. The Congress expresses the hope that all schools will be opened at an early date and will remain open, will not be closed or caused to be closed for political purposes, and will be respected and regarded as centers of education."

Mrs. KASSEBAUM. Mr. President, I thank the clerk for reading the totality of this perfecting amendment. We had debate. There are no further comments.

I would just ask that the amendment be considered as read and approved.

The PRESIDING OFFICER. The Senators would have to yield back their time, the Senator from Rhode Island, the chairman of the Foreign

Relations Committee, and the Senator from Kansas.

Mr. PELL. I yield back the remainder of my time.

Mrs. KASSEBAUM. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas.

The amendment (No. 379) was agreed to.

AMENDMENT NO. 361

The PRESIDING OFFICER. The question is on agreeing to the Chafee amendment, as amended by the Kassebaum amendment.

The amendment (No. 361), as amended, was agreed to.

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 380

(Purpose: To establish policy concerning the provision of assistance to a free and independent Cambodia)

Mr. MURKOWSKI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI] proposes an amendment numbered 380.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill insert the following:

SEC. . ASSISTANCE TO A FREE AND INDEPENDENT CAMBODIA.

(a) POLICY.—It shall be the policy of the United States to:

(1) assist the Cambodian people in achieving a peaceful, durable settlement that restores the independence of Cambodia so that the people of Cambodia may determine their own future;

(2) support the Cambodian noncommunist resistance in its diplomatic efforts to establish an independent, democratic government in Cambodia responsive to the freely expressed will of the Cambodian people;

(3) support the establishment of a Cambodian coalition government that includes Prince Sihanouk and the noncommunist resistance and is determined to prevent the return to power of the brutal and genocidal Khmer Rouge;

(4) support the process of international negotiations already under way in the belief that those negotiations can bring about the complete withdrawal of all foreign military forces from Cambodia, achieve a durable

settlement to the Cambodian conflict, and produce a democratically elected government in Cambodia; and

(5) consider providing substantial and broad assistance to a new Cambodian government that may emerge out of these negotiations with the understanding that such assistance will not be provided unless that government:

(A) is committed to policies that reflect the will of the majority of the Cambodian people with emphasis on broad human rights of the populace;

(B) is determined to prevent the return to power of the Khmer Rouge; and

(C) provides to the noncommunist resistance a genuine and broadly equitable share of authority in governing Cambodia including a share of authority over the instruments of state power, viz, the armed forces, the internal security services, and the courts.

Mr. MURKOWSKI. Mr. President, I would like to ask a parliamentary inquiry as to the time allotted on this particular amendment to the floor manager.

Mr. PELL addressed the Chair.

Mr. MURKOWSKI. Mr. President, the question was the time allotted on this amendment.

The PRESIDING OFFICER. There are 60 minutes allotted evenly divided.

Mr. MURKOWSKI. I thank the Chair.

Mr. PELL. Could we shorten that 60 minutes?

Mr. MURKOWSKI. I feel quite certain it could be shortened substantially.

Mr. PELL. Might the Senator accept 30 minutes?

Mr. MURKOWSKI. There may be a possibility of a second-degree amendment occurring. I would assume the Chair would not count that on the 1 hour currently equally divided.

The PRESIDING OFFICER. The second-degree amendment may not be offered until the time on the first-degree amendment is used up.

Mr. MURKOWSKI. But if I may ask the Chair, may I yield back at the time if it is not used to expedite the time process?

The PRESIDING OFFICER. The time may be yielded back by both sides.

Mr. MURKOWSKI. By both sides. And I control the time?

The PRESIDING OFFICER. The Senator controls 30 minutes of the time.

Mr. MURKOWSKI. I thank the Chair and I would advise the floor leader that I will certainly make every effort to expedite the process.

Mr. President, the situation in Cambodia, I think we would all agree, is a tragic one. Cambodia was caught up by the Vietnam war, ruled by the Khmer Rouge, the most bloodthirsty regime perhaps in human history, occupied by the Vietnamese army, and certainly now threatened by civil war.

The administration has sought to strengthen the hand of Prince Sihan-

ouk and the non-Communist resistance in the negotiations over Cambodia's future. The administration has proposed a program of aid to the non-Communist resistance as a signal of strong U.S.-backed support.

My proposed amendment does not prejudice the issue of lethal aid. It is not meant as a substitute for lethal aid. It is fully compatible with a decision either for or against lethal aid or no decision at all.

Mr. President, my amendment like the administration's proposal, is designed to strengthen the negotiating hand of Prince Sihanouk and the non-Communist resistance. It does so by declaring the United States objectives in Cambodia are, one, the establishment of a free and democratic Cambodian Government responsive to the will of the Cambodian people and, two, to prevent the return to power of the Khmer Rouge.

It endorses the process of international negotiations already underway and calls for those negotiations to initiate a new coalition government in Phnom Penh that will, one, oppose a return to power of the Khmer Rouge and, second, provide the non-Communist resistance a major role in governing Cambodia, including shared control over the army, the police, and the courts.

The amendment, Mr. President, sends a message to the Vietnamese Government led by Hun Sen.

The message is: If you want to receive the kind of assistance you will desperately need to rebuild your country, you must accept Prince Sihanouk and the non-Communist resistance as full partners in the Government of Cambodia. In short, the non-Communists can enter into negotiations with Hun Sen with the full backing of the United States.

Mr. President, just as a matter of reference to my colleagues, this particular matter and the manner in which it found its way to the Foreign Relations Committee is rather unusual. Ordinarily, a question such as lethal aid to a country would perhaps best be addressed in the Intelligence Committee. I have the honor of serving on that committee as well as on the Foreign Relations Committee.

In the Intelligence Committee, a great deal of detail can be garnered from those responsible as to what is meant by lethal aid. The President's opinion and my own may be different. It may be small arms, it may be major arms, it may be significant military capabilities as opposed to rather minor ones. To get a concrete definition is difficult to do in an open forum such as the Foreign Relations Committee. Yet this matter was referred to the Foreign Relations Committee. Yet the specifics, the type of lethal aid, cannot be discussed openly for fear of divulging sources that must be protected.

So the Foreign Relations Committee found itself in a rather peculiar position addressing the merits of lethal aid to Cambodia without being able to get into the specific oversight responsibility that would ordinarily be associated with the Intelligence Committee.

Nevertheless, that is the case that we are faced with today. I think it is appropriate that we provide appropriate aid to the resistance, and that is the purpose of the amendment.

I would be pleased to hear a response from any of my colleagues with regard to the status of the amendment, or the floor manager, the chairman of the Foreign Relations Committee.

I have no further statement. I do have an extensive floor statement but, in order to comply with the request of my colleagues, I have attempted to refer to talking points only.

Mr. ROBB addressed the Chair.

The PRESIDING OFFICER. Who yields time?

The time is controlled on this side by the chairman of the Foreign Relations Committee.

Mr. MURKOWSKI. Mr. President, I have no objection to yielding time to the Senator. I would request of the floor manager if he is willing to yield time to the Senator from Virginia.

The PRESIDING OFFICER. Does the Senator from Rhode Island yield?

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Mr. President, I find myself in support of this constructive initiative on the part of my colleague from the Foreign Relations Committee. He has fashioned a consensus amendment which states that American policy toward Cambodia must emphasize diplomatic initiatives currently underway.

I have been quite concerned about the situation in Cambodia and American policy toward that country. Previous suggestions that the United States provide military assistance to the non-Communist resistance deeply disturbed me because of the potential for the United States to once again become involved in an Indochina insurgency before giving clear thought to the consequences of such a policy and our objectives in so doing.

This amendment is a clear statement of what our policy in Cambodia should have been and should be: Assist the Cambodian people to achieve a peaceful and independent Cambodia; support diplomatic efforts to reach a du-

rable settlement; support an eventual coalition government which does not include the genocidal Khmer Rouge; and offer the prospect of substantial assistance to a new Cambodia Government.

This statement is opportune. Next week Prince Sihanouk and Hun Sen will be meeting once again in Paris. At the end of the month, a French-Indonesian sponsored international conference will be meeting to discuss the substance of a Cambodian peace settlement. This measure extends American support to the non-Communist resistance in their efforts to achieve a welcome settlement in Paris.

Mr. MURKOWSKI. Mr. President, I yield 10 minutes to my colleague from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized for 10 minutes.

Mr. ROBB. Mr. President, I thank you and I thank my colleague from Alaska.

I would like at this time, if I may, to send to the desk an amendment in the nature of a substitute, if that is in order at this time.

The PRESIDING OFFICER. All time on the first-degree amendment would have to be used or yielded back before the substitute can be submitted.

Mr. ROBB. Thank you, Mr. President. Based on an earlier ruling, I anticipated that ruling. I ask my colleague from Alaska if he would be prepared to either yield back or how he would like to treat it at this point. He has been kind enough to yield to me knowing that I was going to offer a second-degree amendment.

Mr. MURKOWSKI. I wonder if I could get a ruling from the Chair on the yielding back of time.

The PRESIDING OFFICER. The Chair would point out that both sides have to yield back their time before such an amendment is in order.

Mr. MURKOWSKI. Mr. President, I ask my friend from Virginia if it is his intention to offer his amendment as a substitute or a second-degree amendment to the Murkowski amendment that is before the body.

Mr. ROBB. Mr. President, responding to the Senator from Alaska, it is the intention of the Senator from Virginia to offer his amendment as a substitute.

Mr. MURKOWSKI. I had been under the impression—perhaps it is a miscommunication—that the Senator from Virginia was contemplating a second-degree amendment to my amendment. I think it is probably in order to suggest to the floor manager that a quorum call be placed before the Chair.

Mr. PELL. Mr. President, what is the time situation now? Is the Senator from Alaska prepared to yield back his time?

Mr. MURKOWSKI. No, the Senator from Alaska is not prepared to yield back his time at this point.

I might ask my friend, the floor manager, if the floor manager would consider yielding back his time if the Senator from Alaska would yield back his time.

Mr. PELL. That is correct, but I would like to do it afterward.

Mr. MURKOWSKI. I wonder if the floor manager would agree to initiate a quorum call at this time so we can perhaps work out the parliamentary details and avoid tying things up for a while which I would rather not do.

Mr. PELL. Is the Senator suggesting a quorum call on his time?

Mr. MURKOWSKI. No.

Mr. CRANSTON. On whose time?

Mr. MURKOWSKI. In order to try and resolve this matter, I think a quorum call would be helpful. I would be willing to divide the time equally with the floor manager.

The PRESIDING OFFICER. The Senator from Alaska has offered to divide the quorum time equally.

Is that put in the form of a formal request?

Mr. MURKOWSKI. The Senator from Alaska proposes that to the floor manager.

Mr. PELL. Mr. President, I suggest the absence of a quorum with the time to be charged to neither side.

Mr. MURKOWSKI. Neither side? I agree to that.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. Mr. President, I appreciate the accommodation of the floor manager and my friend from Virginia. It is my understanding the floor manager and myself have agreed to yield back our remaining time so that the Senator from Virginia may proceed.

It would be my understanding in yielding back my time that the Senator from Virginia would perhaps, under time that would be allotted to him, would grant me, say, up to 10 minutes on his time because it is my understanding there will be 60 minutes on his second-degree amendment. I might ask my friend from Virginia if he would grant me that time on his second-degree amendment which will be pending upon my yielding back my remaining time.

Mr. ROBB. The Senator from Virginia thanks the Senator from Alaska and would be pleased if a request is made to yield back as much as 10 minutes.

Mr. MURKOWSKI. On the understanding that the floor manager yields back his time, I yield back my time.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, with the understanding when he gets the floor, the Senator from Virginia gets 10 minutes, whatever it is, I yield back my time—as I understand it, the Senator has yielded back his time; is that correct?

Mr. MURKOWSKI. I yielded back my time with the understanding the floor manager was yielding back his time.

Mr. PELL. I yield back my time.

The PRESIDING OFFICER. Both sides have yielded back their time.

AMENDMENT NO. 381 TO AMENDMENT NO. 380

(Purpose: To establish policy concerning the provision of assistance to a free and independent Cambodia)

Mr. PELL. I send to the desk an amendment to the underlying amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. PELL] proposes an amendment numbered 381 to amendment numbered 380.

Mr. PELL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the word "SEC." and insert the following:

ASSISTANCE TO A FREE AND INDEPENDENT CAMBODIA.

(a) FINDINGS.—(1) It shall be the policy of the United States to oppose the practice of the Khmer Rouge, also known as the Democratic Kampuchea faction of the Coalition Government of Democratic Kampuchea, acting as the representative of the Cambodian people at the United Nations.

(2) It shall be the policy of the United States to work with other nations and to vote to prevent the Khmer Rouge from controlling the Cambodian seat at the United Nations.

(b) The President is strongly urged to work with other nations and to vote to prevent the Khmer Rouge from controlling the Cambodian seat at the United Nations for the 44th session of the United Nations General Assembly.

(c) POLICY.—It shall be the policy of the United States to:

(1) assist the Cambodian people in achieving a peaceful, durable settlement that restores the independence of Cambodia so that the people of Cambodia may determine their own future;

(2) support the Cambodian noncommunist resistance in its diplomatic efforts to establish an independent, democratic government in Cambodia responsive to the freely expressed will of the Cambodian people;

(3) support the establishment of any Cambodian coalition government that includes Prince Sihanouk and the noncommunist resistance and is determined to prevent the

return to power of the brutal and genocidal Khmer Rouge;

(4) support the process of international negotiations already underway in the belief that the negotiations can bring about the complete withdrawal of all foreign military forces from Cambodia, achieve a durable settlement to the Cambodian conflict, and produce a democratically elected government in Cambodia; and

(5) consider providing substantial assistance to a new Cambodian government that may emerge out of these negotiations with the understanding that such assistance will not be provided unless that government:

(A) is committed to policies that reflect the will of the majority of the Cambodian people;

(B) is determined to prevent the return to power of the Khmer Rouge; and

(C) provides to the noncommunist resistance a genuine and broadly equitable share of authority in governing Cambodia including a share of authority over the instruments of power.

Mr. CRANSTON. Will the Senator yield to me?

Mr. PELL. I yield as much time as desired by the Senator from California.

Mr. CRANSTON. I rise in support of the amendment offered, the perfecting amendment, the substitute offered by the Senator from Rhode Island. It expresses American support for the diplomatic process now underway. The Hun Sen-Sihanouk meeting in Paris very soon is good reason to give the peace process time to work. The Indonesian/French-sponsored 18-nation peace conference beginning the end of July in Paris in which the United States will participate is another reason to let the peace process work and not go the military route. The U.N. Committee of Five has been meeting since winter on the format for U.N. participation in the peace process in Cambodia.

This amendment by the Senator from Rhode Island, the chairman of the Foreign Relations Committee, calls on the United States to cease supporting the Khmer Rouge in the United Nations where they effectively control coalition voting in the United Nations. I think it is an absolute disgrace that the United States recognizes in the United Nations representatives of the murderous genocidal Khmer Rouge. If anybody has ever been worse than Hitler in our time, it is the Khmer Rouge. That shows what disdain I have for them to suggest that anybody could be worse than Adolf Hitler. Maybe they are on an equal par would be more accurate.

An effort has been underway to fashion a policy which affords diplomatic efforts to achieve peace in Cambodia. I and the Senator from Rhode Island and others have opposed open-ended lethal aid proposals which would lead the United States into the slippery slope of another conflict in Indonesia. Richard Holbrook, who served as Assistant Secretary for Asia awhile back, testified before our com-

mittee in hearings that I held, he warned of the slippery slope of getting involved militarily, by military aid first, then what comes next in Southeast Asia. He said, "A limited amount of military aid to an incompetent military force leaves us with a later dilemma; do we increase that amount of aid or do we cut it off?" The exact dilemma we faced in Vietnam. What we did after we found that aid to the South Vietnamese was inadequate, we wound up sending in American troops to the loss of many American lives, and we still did not win in Vietnam. When does U.S. military involvement end once we start? That is the question this body should consider.

The administration does now appear to support a Cambodian coalition between Hun Sen and Sihanouk. The New York Times reported July 7: "Bush Said To Shift Cambodian Policy." That was a headline over an article that spelled out this development. Secretary Baker has said the Sihanouk-Hun Sen talks to be held in Paris July 24 are "crucial." That is in a July 7, 1989, dispatch under the headline "Baker Endorses Sihanouk Talks With Phnom Penh."

Military aid to the so-called non-Communist resistance at this time would very likely derail the fast-moving peace process. Thailand at the present time apparently has grave questions about sending in lethal aid and there is his opening talks themselves with Hun Sen.

I am not sure how we get aid in there without the cooperation of Thailand military aid. A Thai lieutenant general stated in a June 23 report: "I do not agree with the United States proposal to provide lethal aid to Prince Sihanouk's faction." The Thai Foreign Minister said at the end of June: "Giving aid at this time is not in harmony with the changing circumstances."

Military aid has been diverted to one unsavory place or another in Cambodia. There are reports that military aid to the non-Communist resistance has been diverted in many directions. The NCR refugee camps can buy knapsacks for \$15, grenades for 40 cents, M-16's for \$20 to \$40 and blankets for those lying out in the field. Soldiers are said to go to the front, get supplies, return, sneak off and sell them on the market. Is that an appropriate use for American military aid?

The NCR have had 10 years to develop effective fighting forces. Only 31,000 troops presently are under their command, but the United States predicts an increase to 40,000 to 50,000 in the next 6 months. The U.S. administration has predicted that. Is that credible? What if it cannot lead to that? Where does it lead? It leads to deeper and deeper American involvement.

What about trusting Sihanouk? He is best described, I think, as mercurial. Let me quote some remarks that I think all Senators should be aware of before they vote on this matter, remarks made August 12, 1973; yes, a bit ago. I will come up with a much more recent quote before I am done, but back in August 12, 1973, he said—New York Times—"I am now 100 percent with the Khmer Rouge, and I will fight side by side with them until they defeat the Americans and rule over a Communist Cambodia."

We want to send military aid to this man on the grounds that it will not help with Khmer Rouge with whom he is allied presently when he makes this kind of statement?

Let me read more. The New York Times asked him, "Tell me, your highness, did you always hate the Americans so much?"

He then goes on to describe, Sihanouk does, a situation that developed in 1953 when he flew to Washington, requested a meeting with John Foster Dulles, and asked him to help. Let me read the exact quote. "I flew to Washington and requested a meeting with Foster Dulles." Then Secretary of State. "I asked him for help in the name of freedom, democracy and so forth. And he replied arrogantly, 'go home, Your Majesty, and thank God you have the French. Without them Ho Chi Minh would swallow you in 2 weeks. Good-bye.'"

I continue to quote Sihanouk on this incident: "And from that day on I have detested them," meaning the Americans, "them and their fake democracy, their fake freedom, their imperialism, put through in the name of Christian civilization, their coup d'etats, like the coup d'etat they made against me." He says later, "I knew by then the Americans had prepared everything to assassinate me."

That would be reason for him to not be very approving of the United States and I would think he would never have forgotten that if that is the case as he thought that it was, whether it was or not.

One more quote from him in the New York Times. He said, "For me the main enemy is American imperialism." He also said—a final quote from the New York Times I will read. There is a lot more like it—"Cambodia will become Communist and it is only right that it become Communist."

I am appalled at this proposal that we give a man capable of statements like that military assistance on the supposition that will keep the Khmer Rouge out.

For a more recent quote, on April 15 in a speech—3 months ago—he again described the United States as "imperialist."

That is still his view, long after this statement in the New York Times.

I submit that it would be folly to give aid to a coalition involving this man and the Khmer Rouge at this time, and for that reason I urge all Senators to support the amendment offered by the Senator from Rhode Island as a way of preventing a successful vote on military aid. I think military aid would be very unsuccessful for the United States at a time when the peace process is at work and when we have an opportunity to render support for our actions for the peace process, the diplomatic process and not at this stage for military assistance.

The PRESIDING OFFICER. Who yields time?

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. For what purpose does the Senator arise?

Mr. McCAIN. Mr. President, I seek time to address the amendment.

The PRESIDING OFFICER. The Senator from Alaska controls time.

Mr. McCAIN. Mr. President, will the Chair say how much time remains on both sides.

The PRESIDING OFFICER. The Senator from Alaska has 30 minutes, the Senator from Rhode Island has 19 minutes and 20 seconds.

Mr. MURKOWSKI. How much time does the Senator require?

Mr. McCAIN. Seven minutes.

Mr. MURKOWSKI. I yield 10.

The PRESIDING OFFICER. The Senator from Arizona is recognized for 7 minutes.

Mr. McCAIN. Mr. President, I am not exactly sure what is going to happen parliamentarily speaking. I am hopeful that at some point during this debate the amendment of the distinguished Senator from Virginia will be considered, whether it be as part of this tree or whether it be brought up separately. I hope that amendment would be considered by this body.

Mr. President, I was interested in the remarks of the distinguished Senator from California, particularly some of the quotes that he attributed, I am sure accurately, to Prince Sihanouk, who is clearly one of the lynchpins of any possible agreement that we may achieve in order to obtain a lasting peace in that very war-torn and tragic area.

I am sorry I do not have the time that I could go back and dig up some of the quotes that the Senator from California used during the Vietnam war and his predictions as to what would happen in Vietnam if the United States left the area and how grand and glorious it would be to have a peace where—I believe I accurately quote the Senator from California—the Vietnamese people would have the ability to determine their own future themselves.

I am doing some research on some of his past speeches. And also that if we stopped the bombing of Cambodia;

therefore, peace would prevail in that way and the United States intervention would come to an end. As I say, I do not accurately quote my friend from California, but I believe I have the gist of many of the speeches I heard him make from time to time during the course of the Vietnam war.

For all of us, times change, attitudes change, ideas change. We all learn. I do not suggest that Prince Sihanouk is a tower of strength nor intellect. I do say that Prince Sihanouk perhaps represents an opportunity to end what has been an incredible blood bath which has gone on for years and years and years, first preceded by one of the enormous genocides that has happened in modern history, then followed by the Vietnamese occupation of that tragic land. It has been a clear and consistent aim of the United States, the ASEAN countries, and others to remove Vietnam's forces from Cambodia, but of course the only worse option, the removal of Vietnam's troops, is the return of Pol Pot, and anyone who is familiar with the area is aware that the Khmer Rouge are receiving substantial amounts of arms from the Chinese. The puppet Vietnamese Government—and it is a puppet Vietnamese Government—in Phnom Penh is being supplied with Soviet arms.

There is only one organization, Mr. President, that we are arguing about today, obviously because we cannot control what happens to the other groups, and that is the non-Communist resistance. In my view, Mr. President, if we are going to have a lasting peace we must have a strong and viable non-Communist resistance force. While the other two major players have received over the years and are continuing to receive major amounts of equipment and materiel with which to wage war, the non-Communist resistance has obviously been shorted rather significantly.

Mr. President, this administration is on record opposing Khmer participation, and I do not believe that any administration should or could support Khmer Rouge participation with or without Pol Pot. It was not Pol Pot alone that slaughtered a million people. It was his minions and his butchers and his lieutenants that perpetrated this incredible obscenity against the Cambodian people.

I suggest, Mr. President, if you cut off any assistance to the non-Communist resistance, that leaves Prince Sihanouk with very little option, if he wants to form a ruling coalition, strengthens the Khmer Rouge and indeed forces him to some degree to allow the Khmer Rouge to play a more major role than it otherwise would.

Mr. President, I am not convinced that the negotiations will succeed. We have been disappointed time after

time in Cambodia. I have no deep confidence that our aid to the non-Communist resistance will have a significant short-term effect on what is happening, but I would say to you, Mr. President, that the United States commitment to helping the non-Communist resistance will send a signal to all the parties in Cambodia that the United States intends to support those who are not Communist, not because they are non-Communist but because they are not Khmer Rouge and they are not occupiers from a foreign country, a neighbor, Vietnam. I would also suggest that if this Congress sends a message that we will refuse to help the non-Communist resistance, they will no longer be a factor in the very complicated and complex equation in this Cambodian issue, which is little understood by most Americans.

Mr. President, I urge that we reject the present amendment before this body, take up and adopt the amendment by the Senator from Virginia, and send a strong message that we intend to support the struggle of the Cambodian people for freedom and independence.

I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. PELL. Mr. President, what is the time situation?

The PRESIDING OFFICER. The Senator from Rhode Island has 19 minutes remaining. The Senator from Alaska has 23 minutes and 25 seconds remaining.

Mr. PELL. Who controls the time for those who support the amendment?

The PRESIDING OFFICER. The Senator from Rhode Island controls the time in support of his amendment.

Mr. PELL. Who controls the time for those who oppose it?

The PRESIDING OFFICER. The Senator from Alaska.

Mr. PELL. He is for it.

Mr. MURKOWSKI. Is the Senator from Alaska being addressed by the Chair? I am sorry. I thought the Chair called on the Senator from Alaska.

The PRESIDING OFFICER. The question was raised, who controls the time?

Mr. PELL. At any rate, I yield 5 minutes.

The PRESIDING OFFICER. The minority leader or his designee, I am advised by the Parliamentarian.

Mr. PELL. I yield 5 minutes to the Senator from Wyoming.

Mr. SIMPSON. Mr. President, what is the status of the situation? Would you review that?

The PRESIDING OFFICER. Yes. The Senator from Alaska is offering an amendment. The Senator from Rhode Island has offered an amend-

ment to that. We are on discussing the Pell amendment at this point.

Mr. SIMPSON. Mr. President, I thank you.

Mr. President, I am not an expert on Southeast Asian affairs, I am obviously not a member of the Foreign Relations Committee. But I have been deeply involved in U.S. refugee policy for several years. It has become increasingly clear to me that we must start taking refugee flows into consideration as we make foreign policy decisions. I know that is not a popular stance. I get hammered flat occasionally, and keep coming back. And I will because someone has to recognize that when you make these kinds of decisions there will be refugees. We have found that our military assistance and military involvement in the affairs of another country can result in some very serious obligations on the part of the United States to receive and resettle refugees from that particular country if our policy goes awry. It went awry in Vietnam, and we resettled almost 800,000 people from that country.

Not only do domestic groups at home proclaim our responsibility, our duty, our obligation regarding the refugee flow, but there are some very strong groups in the United States who also do that. Sometimes they speak out of the national interest and sometimes they speak out of their own selfish interests. That is some of the voluntary agencies. They do beautiful work, but they cannot exist without a refugee flow. That is why we continually put together a lid on refugees. Then we continue to skew it, and it is skewed for the purposes of assuring that flow stays high.

I just know the American public does not have any idea that on resettlement our Government pays \$535 per person to resettle a refugee. So oftentimes it does not even get to those people. It goes to administration. It goes around. It sometimes gets banked. They will take a person to a relative in the United States and leave them there and say, "We will be back to check on you in a year." That is why the dependency rate on refugee resettlement in one State of the Union is about 73 percent. If you want to keep doing that, that is fine. But we ought to know what it is we are doing.

Other nations have come to assume that the United States—and really alone—should and would accept the major responsibility for providing humanitarian assistance and resettlement opportunities to refugees from those countries in which we were militarily involved. I do not disagree with that. We certainly assume certain obligations toward groups whom we support and encourage, and particularly toward those whom we provide arms. We should indeed always resettle our fair share, and usually more, and we

do that. But those persons who supported our policies are forced to flee their country as a result.

That is not my point, Mr. President. My point is we must when we make these decisions take into consideration the prospect and the effect of refugees which can result from those decisions.

Creating a refugee flow is a serious humanitarian problem in itself and creating one with a claim upon resettlement in the United States warrants even a greater consideration by the policymakers. This amendment, if enacted, constitutes a serious foreign policy decision, one that has been considered by the administration, and quite properly, I believe, rejected.

As we consider this amendment, I will just say remember the refugee consequences to the United States which could result just as we incurred heavy humanitarian obligations to individuals in the South Vietnamese Government and military as well as those who threw in with us in Laos and Cambodia.

We will incur special obligations toward those members of the Cambodian resistance whom we arm and send back into Cambodia. Similarly, we have incurred special obligations toward the Contras whom we have armed and supported in Nicaragua. Wait for that flow.

Again, I want to make clear I strongly support diplomatic, economic, and humanitarian aid in support of these groups supporting Communist groups which are not democratically elected, and I strongly support military assistance where appropriate. But I believe when we begin supplying such assistance, we have an obligation to see the effort through. That is what concerns me. Are we prepared? Are the American people prepared to see it through including the resettlement of the non-Communist resistance fighters if they once again have to flee their country?

I visited with the non-Communist groups at the Thai border, spoke directly to commanders who wanted guns to lead their troops back, and frankly I had little confidence that these troops would be effective against either the Khmer Rouge or the Phnom Penh forces. And another thing you cannot forget is that we have resettled in the United States through our refugee policies so many of the cream of the crop of Cambodia, and none of them are going to leave California and other States in the Union to return to run their government. Keep that in mind. If you believe that when they get there someone of the soldiers is going to be the Ministry of Agriculture or some other government officials, that is going to be tough. I wish them well. But a lot of their remarkable leaders are in California or somewhere else in the United States, and they are not about to go back. They came as refugees. They

have adjusted status. Some have not. Some are permanent resident aliens, and some are citizens.

In closing, if we believe lethal aid to Sihanouk and Hun Sen forces is required, is it not the more appropriate that it be supplied through the ASEAN nations, their neighbors in the region, and the ones with the most to gain or lose in the conflict?

I urge my colleagues to give these matters serious consideration before reaching a decision on supplying arms to the Cambodian resistance. Let us use diplomacy, economic and humanitarian assistance as our contribution to the Cambodian settlement. If lethal aid is required, our ASEAN allies in the region can provide that assistance. I hope we will be very cautious here. I thank the Chair.

The PRESIDING OFFICER (Mr. SHELBY). The Senator from Rhode Island.

Mr. PELL. Mr. President, I yield 3 minutes to the Senator from Illinois [Mr. SIMON].

Mr. SIMON. Mr. President, I would like to underscore, first, what my colleague from Wyoming has said. Anytime we send arms into an area, let us prepare for a refugee flow. That is part of reality, and we better face that part of reality.

Second, I could not agree more with the Senator from Alaska when he says our No. 1 aim ought to be to make sure that the Khmer Rouge does not come back into power there. However we can work it, that ought to be it.

But I think, keeping in mind one other factor, and that is, we do not have a source of great stability in Cambodia. I once had a marvelous evening right here in Washington at a dinner with Prince Sihanouk. He is a fascinating person, and I like him, but he is not a particularly stable force. You do not know where he is going to light today and tomorrow.

For us to be putting a lot of military equipment in that kind of a situation, I think would be a great mistake.

My own impression is, as one who has followed the scene there with some interest, having visited that area, my own impression is that this administration is handling this situation pretty well. The Secretary of State, Jim Baker, just had a meeting with the ASEAN countries. He is aware of the situation. He is handling it with some delicacy.

I think we should be very careful before pushing military equipment into Cambodia. On balance, we are best off trying diplomatic means. For this reason, I prefer the approach of the Pell amendment.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. HATFIELD. Mr. President, will the Senator from Alaska yield 3 minutes?

Mr. MURKOWSKI. I am happy to yield 3 minutes to my friend from Oregon. If I might, prior to doing that, I would like to clarify the meanings of the provision before this body, namely, the pending Pell amendment to the Murkowski amendment. The Murkowski amendment enunciates a policy that the United States will consider providing substantial assistance to a new Cambodian Government, if it provides to the non-Communist resistance an equitable share of authority.

I think the Pell amendment, as proposed, is basically the same language as mine, with the exception that the President is to oppose Khmer Rouge control of the Cambodian seat at the United Nations. I offer that to my colleague from Oregon so he would have a clear understanding of the difference between our two positions.

I yield 5 minutes to my friend from Oregon.

How much time is remaining to the Senator from Alaska?

The PRESIDING OFFICER. Twenty-two minutes.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 5 minutes.

Mr. HATFIELD. Mr. President, regardless of the parliamentary procedure, it seems to me the parliamentary situation we are in, I would like to make these remarks to the general subject. Politics is all too often about the here and now, and not the there and then. There is little to be gained, in an immediate political sense, that is, from studying history, from remembering what came before. But this amendment is about history, and all of those amendments together deal with that history, about the nightmares of the Cambodian killing fields. And for the Cambodian people, there is a lot to be lost if we do not remember—if we gloss over the 4 years, only a decade ago, during which at least 1 million people were slaughtered, tortured, starved, overworked to death at the hands of Khmer Rouge, and if we gloss over the reports we have been hearing for years now about Khmer Rouge treatment of civilians under their control. In short, Mr. President, there is everything to be lost if we accept the administration's resignation to the Khmer Rouge as a fact of life. They were, are, and always will be not a fact of life, but a fact of death.

It is incumbent on the United States to do everything we possibly can to encourage a settlement in Cambodia which excludes the Khmer Rouge entirely. I find myself deeply sad that anybody would oppose these amendments that deal with that point.

What if the administration were suggesting that the inclusion of the Nazi Party in the future German Government was a fact of life, would anybody sit silently by? We are talking about Holocaust and about the kind of genocide that was practiced in Germany.

How can some people get exercised over Manuel Noriega or Mu'ammar-Qadhafi or Yasser Arafat, and not over Pol Pot?

Of course, I understand the need for flexibility and negotiations, and I certainly understand that sometimes we are forced to deal with people in organizations with a whole lot of blood on their hands.

Moreover, Mr. President, I remind my colleagues of the civilians killed in our own bombing raid in Libya. We are not exactly pure, either.

But lines must be drawn, and the Khmer Rouge must be on the other side. If our country stands for anything, and surely, it stands for that.

I join my friends here tonight in trying to untangle this particular parliamentary situation, but I just want to say I share in the frustration that I think underlies all of these amendments over the administration's lack of coherent policy toward Cambodia.

I share in the frustration over the administration's resigned approach toward the Khmer Rouge. By acting on these amendments, hopefully, we can clarify some of the confusion that exists in the administration's policy.

The PRESIDING OFFICER. Who yields time?

The Senator from Rhode Island.

Mr. MURKOWSKI. I ask the floor manager, I will yield time if he is willing to yield back, so we can move on.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. I yield as much time as the Senator from California may consume.

Mr. CRANSTON. I wish to speak very briefly, first, in response to remarks made by the Senator from Arizona. He did not quote me directly, but he referred to some remarks I made during the Vietnam war.

Let me simply say that I am very proud of the fact that I ran for the Senate in 1968 on a platform that I was going to try to get us out of that tragic war. I sought to do so when I arrived in the Senate. One of the first measures that was passed in the Senate cutting off aid, military activities in Vietnam by the United States, was a Brooke-Cranston amendment.

Eventually, we prevailed, after the loss of many, many lives. I never said anything sympathetic to North Korea. I simply said that I felt that we should not be intervening in the affairs of that nation, as ALAN SIMPSON just now said, that he felt we should not be intervening in the affairs of other nations.

I want to say a bit more about Mr. Sihanouk and his mercurial history and behavior and his general attitude. I have here a picture of Sihanouk at a press conference, March 14 of this year, with Hun Sen, who is the head of the Khmer Rouge. There they are together, a fine pair, for us to be giving military assistance to.

Prince Sihanouk told Vice President Quayle in Jakarta on the Vice President's recent trip over there that he could not break with the Khmer Rouge if the Chinese insisted on it. Here we have a man captive to China. We have seen what China is like, rather recently. It is proposed we give military aid to him and that he is under the thumb of the People's Republic of China. Sihanouk, in effect, has pulled the rug from under the wobbly argument for military aid.

In March, he was said to favor arms aid to him and to the coalition in which he sits with the Khmer Rouge.

Then he met in Jakarta with Mr. Hun Sen for talks on establishing an interim regime that would be different from his alliance with the Khmer Rouge and then he said on May 13, "I confess we don't need U.S. lethal aid, but we need U.S. humanitarian aid."

Here we are suggesting, some people suggesting, some Senators proposing that we give military aid to the man who says he does not need it.

He explained that by saying his lack of need for our military assistance, "We have just received a huge amount of arms, enough to wage 2 more years of war, from China."

That is the People's Republic of China giving the military aid.

Why should we give military aid to a coalition backed by the People's Republic of China and one which Mr. Sihanouk admits is something that he cannot detach from unless he gets permission from the People's Republic of China?

I submit that these are compelling arguments for not giving military aid to Prince Sihanouk and for supporting the Pell substitute which puts us on the peace path that is consistent with all the peace efforts that we are now engaged in and that others are now engaged in, trying to achieve a peaceful, diplomatic, negotiated rather than a military solution.

The PRESIDING OFFICER. Who yields time?

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I think it is important to point out here to my colleagues who are watching this that the proposed amendment of the Senator from Rhode Island and the proposed amendment that is before as the initial amendment pending, the existence of the amendment

of the Senator from Rhode Island, the Senator from Alaska would like to point out that my amendment does not prejudge the issue of lethal aid. The amendment is not a substitute for lethal aid. It is fully compatible with the decision either for or against lethal aid or no decision at all.

As I stated at the outset, my amendment has the same purpose as the administration's proposal and that is to strengthen the negotiating hand of the non-Communists led by Prince Sihanouk, but it does so by taking a little different approach.

The amendment declares that United States objectives in Cambodia are the establishment of a free and democratic government in Cambodia responsive to the will of the Cambodian people and, two, preventing the return of power of the Khmer Rouge.

The pending amendment that is before us in the Pell amendment is exactly the same as the preceding Murkowski amendment with the exception of the findings that the policy of the United States is to oppose the practice of the Khmer Rouge also known as the Kampuchea faction of the coalition government of the democratic Kampuchea acting as the representatives of the Cambodian people at the United Nations.

I would tell my colleagues that obviously that is certainly the attitude and expression of the majority of this body.

Further, their amendment differs by adding "it shall be the policy of the United States to work with other nations and to vote to prevent the Khmer Rouge from controlling the Cambodian seat at the United Nations."

And the third difference is the President is urged to strongly work with other nations to vote to prevent the Khmer Rouge from controlling the Cambodian seat in the United Nations for the 44th session.

So you see, Mr. President, there is nothing in the initial amendment of the Senator from Alaska that would conflict with Senator PELL's amendment with the exception of the interpretation of something that really belongs in the Intelligence Committee, and that is the issue of lethal aid.

My friend from Virginia had proposed a second-degree amendment which would specifically address the issue of lethal aid, and I was prepared to accept that language as he was prepared to offer the second-degree amendment.

However, my friend from Rhode Island has pursued his amendment which puts us in a parliamentary position where I assume the floor leader is going to request a vote on his amendment. My amendment will be standing and then I would assume my friend from Virginia would again come back

with his amendment which would address the issue of lethal aid.

So, it is my understanding that the Parliamentarian has given us a ruling that the Pell amendment is not a complete substitute and as a consequence there would be room for the parliamentary procedure of the Senator from Virginia to proceed with his second-degree amendment.

So, let there be no mistake about the status of the amendment of the Senator from Alaska as opposed to the Pell amendment which is before this group as opposed to the proposed second-degree or perhaps substitute of the Senator from Virginia.

I do not think there is much point in prolonging this. As I have suggested earlier, I am ready for a vote if the floor manager, the Senator from Rhode Island, is ready as well.

Mr. PELL. Mr. President, as I understand it, the Senator from Alaska is prepared to yield back his time.

Mr. MURKOWSKI. The Senator from Alaska is prepared to yield back his time.

Mr. PELL. I yield back my time and ask for the yeas and nays.

The PRESIDING OFFICER. Does the Senator from Alaska yield back his time?

Mr. MURKOWSKI. The Senator from Alaska yielded back his time.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, I would like to take just a moment to alter Senators on both sides that a rollcall vote is imminent because several Senators have left the Hill, and I would like at this time to seek unanimous consent to proceed to the Robb substitute amendment following this under a 30-minute time limitation equally divided.

I understand that there is agreement among the principals for that.

Mr. President, I ask unanimous consent that upon the completion of the rollcall vote on the pending amendment that Senator ROBB be recognized to offer his substitute amendment which will be considered for 30 minutes equally divided, the time to be controlled by Senator PELL and Senator ROBB, or their designees, and that upon the completion or yielding back of the time, that there be an up-or-down vote on the Robb amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The majority leader.

Mr. MITCHELL. I yield to the Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I might add just in clarification for the benefit of my colleagues what the position of the Senator from Alaska really is. It is my intention to vote for

the Pell second-degree amendment and the Robb second-degree amendment which will be introduced after the Senate votes on the Pell amendment. After these two amendments are disposed of, the Senator from Alaska would not require a rollcall vote on his underlying amendment.

I trust that I have communicated the correct parliamentary procedure, the structure of these amendments.

The PRESIDING OFFICER. The majority leader has the floor.

Mr. MITCHELL. I thank the distinguished Senator from Alaska.

The Republican leader.

Mr. DOLE. If the Senator will yield for a question, as I understand there is some hope we might complete action on this bill this evening.

Mr. MITCHELL. That is correct.

Mr. DOLE. I assume at the appropriate time the majority leader would ask unanimous consent that we may have a cloture vote yet this evening and then there would be whatever amendments do qualify and then a rollcall vote on the space resolution?

Mr. MITCHELL. That is correct.

Mr. DOLE. And we would not be in tomorrow if we completed all that.

Mr. MITCHELL. Yes, the Republican leader is correct.

As I stated earlier, that is contingent upon an agreement being reached with respect to disposition of the Specter amendment. I understand that either agreement has been reached or we are very close to it, and I hope to know that after this vote, and certainly after the next vote at which time I hope we will be able to move to a cloture vote and completion of action as the distinguished Republican leader suggested.

So it is still my intention to complete action on this bill tonight and if we do that, the Senate will not be in session tomorrow.

The PRESIDING OFFICER. The question now is on agreeing to the amendment of the Senator from Rhode Island.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. MATSUNAGA] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Colorado [Mr. ARMSTRONG] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 97, nays 1, as follows:

[Rollcall Vote No. 135 Leg.]

YEAS—97

Adams	Bond	Bryan
Baucus	Boren	Bumpers
Bentsen	Boschwitz	Burdick
Biden	Bradley	Burns
Bingaman	Breaux	Byrd

Chafee	Heflin	Murkowski
Coats	Heinz	Nickles
Cochran	Helms	Nunn
Cohen	Hollings	Packwood
Conrad	Humphrey	Pell
Cranston	Inouye	Pressler
D'Amato	Jeffords	Pryor
Danforth	Johnston	Reid
Daschle	Kassebaum	Riegle
DeConcini	Kasten	Robb
Dixon	Kennedy	Rockefeller
Dodd	Kerry	Roth
Dole	Kohl	Rudman
Domenici	Lautenberg	Sanford
Durenberger	Leahy	Sarbanes
Exon	Levin	Sasser
Ford	Lieberman	Shelby
Fowler	Lott	Simon
Garn	Lugar	Simpson
Glenn	Mack	Specter
Gore	McCain	Symms
Gorton	McClure	Thurmond
Graham	McConnell	Wallop
Gramm	Metzenbaum	Warner
Grassley	Mikulski	Wilson
Harkin	Mitchell	Wirth
Hatch	Moynihan	
Hatfield		

NAYS—1

Stevens

NOT VOTING—2

Armstrong Matsunaga

So the amendment (No. 381) was agreed to.

Mr. PELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from Virginia will be recognized.

The Senator from Virginia.

AMENDMENT NO. 382 TO AMENDMENT NO. 380

Mr. ROBB. Mr. President, I send an amendment in the nature of a substitute to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Virginia [Mr. ROBB] proposes an amendment numbered 382 to amendment No. 380.

Mr. ROBB. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

Mr. BYRD. Mr. President, I object. Let us have a reading of the amendment.

The PRESIDING OFFICER. Objection is heard. The amendment will be stated.

The legislative clerk read as follows:

In lieu of the matter proposed to be inserted insert the following:

ASSISTANCE FOR THE CAMBODIAN PEOPLE.

(a) POLICY.—It shall be the policy of the United States to:

(1) support the Cambodian non-Communist resistance in its efforts to establish an independent, democratic government in Cambodia responsive to the freely expressed will of the Cambodian people.

(2) support the establishment of a coalition government in which the non-Communists have a leading role that will not support, accept, recognize, or tolerate any political arrangement in Cambodia that would

enable the Khmer Rouge to reestablish their control over Cambodia.

(b) ASSISTANCE FOR THE NON-COMMUNIST RESISTANCE.—Notwithstanding any other provision of law, the President may make available to the non-Communist resistance forces and non-Communist civilians in Cambodia funds made available for foreign military financing and economic support assistance for fiscal year 1990 under the Foreign Assistance Act of 1961.

(c) PROHIBITION ON ASSISTANCE TO THE KHMER ROUGE.—Notwithstanding any other provision of law, none of the funds made available to carry out this section may be obligated or expended for the purpose or with the effect of promoting, sustaining, or augmenting, directly or indirectly, the capacity of the Khmer Rouge or any of its members to conduct military or paramilitary operations in Cambodia or elsewhere in Indochina.

(d) CLARIFICATION OF AUTHORITIES GRANTED.—

(1) EARMARKING OF FUNDS NOT AFFECTED.—Nothing in this section supersedes any provision of this Act or the Annual Foreign Operations, Export Financing, and Related Programs Appropriations Act that earmarks funds for a specific country, region, organization, or purpose.

(2) APPROPRIATIONS ACT LIMITATIONS NOT AFFECTED.—Nothing in this section supersedes any provision of the annual Foreign Operations, Export Financing, and Related Programs Appropriations Act that specifically refers to the assistance authorized by this section and establishes limitations with respect to such assistance.

(3) REPROGRAMMING REQUIREMENTS NOT AFFECTED.—Nothing in this section supersedes the requirements of section 634A of the Foreign Assistance Act of 1961 or any provision of the annual Foreign Operations, Export Financing, and Related Programs Appropriations Act that requires prior notification to congressional committees of proposed reprogramming of funds.

Mr. ROBB addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. Mr. President, today Cambodia sits at a crossroads, in effect, between freedom and self-determination on the one hand and a choice between two brutal Communist factions on the other. The Vietnamese, who have occupied Cambodia since 1978, have unexpectedly announced that on September 30 they will withdraw their troops from Cambodia. Withdrawal of the Vietnamese has long been a policy goal of the United States, but it represents only the first step. Our overarching goal is a stable government freely elected by the Cambodian people.

Of equal importance to the future of that nation is the prevention of the return of the Khmer Rouge whose murderous regime wiped out well over a million Cambodians during the 1970's.

On Monday, negotiations will begin in Paris which we hope will result in an interim coalition government hopefully led by Prince Sihanouk which will ultimately lead to free elections.

Mr. President, in order to get from here to there, we have to prevent the

Khmer Rouge from seizing power and returning Cambodia to the horrifying days of the killing fields. The situation on the ground in Cambodia is this: The Hun Sen government is being supplied by Hanoi and backed by Moscow. The Chinese are arming the Khmer Rouge. The leader of the non-Communist resistance, Prince Sihanouk, is the spiritual father of Cambodia, a man who has remained steadfast in his holding to principles of independence and neutrality for Cambodia.

Since 1985, we have been giving humanitarian and nonlethal aid in the \$3 million to \$5 million range to the non-Communists. Now the non-Communists tell us the best and perhaps the only hope of preventing the Khmer Rouge from seizing power and achieving true power-sharing with Hun Sen is to put the non-Communist resistance on a par militarily with the two Communist-backed factions.

This amendment gives the administration the flexibility to seek authorization for—it does not authorize or appropriate—covert lethal aid to the NCR. It allows the administration to seek authority from the Intelligence Committee to provide that kind of aid if it deems it necessary to advance the prospects for a stable negotiated political structure in Cambodia.

The administration, in my judgment, needs that flexibility, and the Secretary of State will in all likelihood represent the United States next week in Paris.

No one can contend that the cause of a negotiated settlement will be advanced by leaving the non-Communist resistance weak and vulnerable in the face of two ruthless and heavily armed Communist adversaries. By aiding the non-Communist resistance, we advance the prospects for a successful outcome. But if we do nothing, we only increase the likelihood of further civil war and heighten the possibility of the return of the murderous Khmer Rouge regime.

The question has been asked: Why now? Next Monday, Prince Sihanouk sits down in Paris with Hun Sen. Our support, represented by this amendment, strengthens his hand in those negotiations. If we pass this amendment, Hun Sen and the Khmer Rouge will have no misconception of America's strong wish for true, meaningful power. Mr. President, those negotiations are by no means a sure thing. There is no guarantee that settlement will result and, if it does, that it will last. So enhanced aid may become necessary should renewed civil war ensue.

Mr. President, given our history in the region, I believe the United States has a moral responsibility to use whatever appropriate resources are at our disposal to seek peace in Southeast Asia. The Khmer Rouge are a known quantity in Cambodia. Their ruthless

disregard for human life is well known. Blocking their return to power will not be an easy task, but not to try, I believe, would be morally irresponsible.

This amendment does nothing more than give the non-Communists a fighting chance to achieve a stable, self-determined and peaceful future for Cambodia. I believe we owe them that chance, and I hope very much that my colleagues will join me in giving it to them.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. CRANSTON. Will the Senator yield time to me?

Mr. PELL. I yield as much time as he may need to the Senator from California.

The PRESIDING OFFICER. The Senator from California.

Mr. CRANSTON. Mr. President, I rise to speak against the Robb amendment. Military aid is a slippery slope. We have been down it before. Former Assistant Secretary for Asia, Richard Holbrook, appeared before the Subcommittee on Asia which I chair in the Foreign Relations Committee and he said: "A limited amount of military aid to an incompetent military force leaves us with a later dilemma. Do we increase our amount of aid or do we cut it off?"

The analogy to Vietnam I think is pretty close. When does U.S. military involvement end? How much military aid are we talking about? There is no figure in the Robb amendment. What happens after the first year and the NRC, the non-Communist resistance, are still weak? We tried military aid for Cambodia once before, but they were defeated by the Khmer Rouge back in the 1970's, and I ask why would Sihanouk's forces, which are led, incidentally, by a son who sits in southern France, be any better?

Military aid to the so-called non-Communist resistance would derail a fast-moving peace process that bears real hope and is supported by the administration. We have adopted the Pell amendment that speaks for a peaceful approach. Why derail that by turning to a military solution? And how would we get the aid into Cambodia? The Thai Foreign Minister has to go through Thailand presumably. He said at the end of June, "Giving lethal aid at this time is not in harmony with the change in circumstances. A key Thai lieutenant general stated June 23, 'I do not agree with the U.S. proposal to provide lethal aid to prince Sihanouk's factions.'"

It is evident that aid that is being given presently to the resistance that the Robb amendment would give more aid to is showing up in the black market. Soldiers are armed, then they leave, go back and sell, and you can

buy grenades for 40 cents, M-16's for \$20 to \$40 in the NCR refugee camps.

The Sihanouk forces have had 10 years to develop an effective fighting force. They have only 22,000 troops now, according to Sihanouk. U.S. officials have been predicting until recently when they eased off on this that they would be up to 40,000 or 60,000 in 6 months.

Is that credible? If it is not, where will aid from us lead? I want to ask a key question. I urge Senators to listen to this particular point. Is Sihanouk credible? I think he is best described as mercurial. In the New York Times on August 12, 1973, he said—and I have later quotes that I will cite—"I am now 100 percent with the Khmer Rouge." That is Sihanouk for whom this aid would be destined. "I will fight side by side with them until they defeat the Americans and rule over a Communist Cambodia."

He refers to a time in this interview when he came to John Foster Dulles seeking help for his forces in Cambodia back in 1953, and he quotes Foster Dulles as saying arrogantly, "Go home, your majesty, and thank God you have the French. Without them Ho Chi would swallow you in 2 weeks. Good-bye."

And then Sihanouk's comment is, "From that day on I have detested them, them and their fake democracy, their fake freedom, their imperialism put through in the scheme of Christian civilization."

At another point he accuses the United States of seeking to assassinate him, having plots to do so. You can understand his hostilities toward us. Does that mean we turn around and give him military assistance? He said, "For me the main enemy is American imperialism." He also said, "Cambodia will become Communist and it is only right that Cambodia become Communist."

More recently, here is a picture of him with the head of the Khmer Rouge in a joint press conference talking about their alliance.

After asking for military aid, more recently he said, "I confess we don't need U.S. lethal aid. We need humanitarian aid." And then he explained why he does not need it. He says, "We have just received a huge amount of arms, enough to wage 2 more years of war, from China, shipped through Thailand."

Aid is proposed to a man who is getting all the aid he needs from China.

Prince Sihanouk told Vice President QUAYLE in Jakarta that he could not break with the Khmer Rouge, the Chinese insisted on his staying with the Khmer Rouge.

Finally, more recent quote from this man about the United States. In April of this year he once again called us, repeating language he used in 1973, imperialists. I ask why do we propose

military aid to that sort of a nonfriend of the United States, allied with the Khmer Rouge?

The PRESIDING OFFICER. Who yields time?

The Senator from Virginia has 10 minutes and 29 seconds.

Mr. ROBB. Mr. President, I yield 3 minutes to the Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair.

Mr. President, I rise to support the amendment offered by my distinguished colleague, the Senator from Virginia.

Mr. President, I am reminded as I listened to the debate this evening of a story Mark Twain once told about the cat who jumped up on the hot stove and was burned and as a result never jumped up on the stove again whether it was hot or not.

Mr. President, we are wiser than that cat. We are all very much aware, and you can feel it in the air in this Chamber tonight, of the tragedy that was our involvement in Southeast Asia once before. But this is a different time and a different circumstance. We as a great Nation are called upon, and it is in fact, I believe, our moral obligation, to not stand idly by when the Khmer Rouge may come back to power in Cambodia.

The record is clear. They were responsible for the murder of almost 30 percent of the Cambodian population. It was an Asian holocaust. And now with the Vietnamese leaving Cambodia, the Cambodian people face a very unstable presence and a very uncertain future. It is a time for moral leadership by our great Nation. What that means is measured involvement, the willingness to provide nonlethal and lethal support to the non-Communist resistance in Cambodia, which is our best hope of keeping the Khmer Rouge from power.

Mr. President, we have it within our capacity to avoid the slippery slope. I have more confidence in this President, more confidence in this Congress to know that entering in this way, to prevent another holocaust in this Asian nation, does not mean that we are drawn irresistibly to repeat the mistakes of our past. This is an opportunity, an obligation. Senator Robb in his amendment recognizes that obligation. Lest we be accused of forgetting the lessons of the first Asian holocaust, let us do what we can in supporting this amendment to prevent a second one.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island and the Senator from Virginia control the time.

Mr. ROBB. Mr. President, I yield 3 minutes to the Senator from Alaska, if the other side is not prepared to yield time at this time.

The PRESIDING OFFICER. The Senator from Alaska is recognized for 3 minutes.

Mr. MURKOWSKI. I thank the Chair.

Mr. President, the question of lethal aid arises before this body because, one, the administration believes that it sends an important signal to the non-Communists in Cambodia. The lethal aid question was discussed in the Intelligence Committee, as I indicated. The chairman and others concluded the issue should be debated openly in the Senate. Since the administration has sought a Senate debate and a vote on lethal aid, that is just what we are having today.

My amendment, with Senator PELL's second degree, provides support to the non-Communists in a different way. It was agreed to overwhelmingly. That amendment calls for broad aid to a democratic government in Cambodia. I intend to vote for the Robb amendment. I note that the Murkowski-Pell amendment in itself because of its overwhelming approval is a strong message of support to the non-Communists but the question to be addressed before this body by the Robb amendment is if this body will join the House of Representatives, which has already voted on lethal aid to Cambodia. The House has indicated its confidence in the administration to properly administer this lethal aid, and the question before this body is does the Senate have that same confidence in the administration.

I thank my friend from Virginia.

The PRESIDING OFFICER. The Senator from Rhode Island has 8 minutes 24 seconds remaining. The Senator from Virginia has 5 minutes 48 seconds. Who yields time?

Mr. PELL. I yield 3 minutes to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 3 minutes.

Mr. SIMPSON. Mr. President, I congratulate the Senator, our colleague from Virginia, a fine new Member of the Senate, a very able thinker, a man to be listened to, who fought with honor in Vietnam. It is for me a little difficult to speak against the amendment, and I do not know how many of my party will vote for it. I am here for a change for myself, not as a member of the leadership, and that sometimes is difficult. You go over the cliff a lot of times in this place when you are involved in leadership activities. But I can tell you what we really ought to label this. And I have heard the argu-

ments on the floor side and tried to listen to this very carefully. My only plea to you is to listen to the issue of what you should add to this bill. This amendment is a refugee impact statement, because every time someone throws themselves in with us and they fail, it is our duty and obligation to resettle them. That is what has happened to us. We have done it. Other countries help us, but we carry the main load. That is all I am saying.

I ask my colleague from Virginia if he has considered that we have found always that our military assistance and our military involvement in the affairs of another country can result in some very serious obligations on the part of the United States to receive and resettle refugees from that particular country if that policy goes awry. And the pressures to do it are horrendous. Nearly 1 million Vietnamese have been resettled here in the United States—great contributors to our country. I do not have a quibble about that. But domestic groups clamor and clamor about our responsibility and our obligations regarding the refugee flow—strong, powerful groups they are. Who does not oppose the Khmer Rouge? They are barbarians.

That is not my point, Mr. President. The point is that when we make these foreign policy decisions, take into consideration the prospect and effect of refugee flows which could result from these policy decisions. That is a serious humanitarian problem, and we are not funding the ones we bring in now. And the American public is becoming a little pinched on that as things trouble them in their own economy.

I ask you only to pay attention to that. Creating a claim of resettlement in the United States warrants ever greater consideration by the policymakers. That is what I am saying.

I strongly support all these diplomatic, economic, and humanitarian aid issues in support of these groups. I support military assistance where appropriate.

The PRESIDING OFFICER. The time yielded to the Senator from Wyoming has expired.

Mr. SIMPSON. Mr. President, may I ask for an additional 30 seconds?

Mr. PELL. Yes.

Mr. SIMPSON. Fifteen?

Mr. PELL. Fifteen.

Mr. SIMPSON. If we believe that lethal aid to Sihanouk and Hun Sen forces is required, is it not more appropriate to be supplied through the ASEAN nations, their neighbors in the region and the ones with the most to gain and the most to lose? We have spent days now messing with the President's ability to administer foreign policy, and now we are going to mess with every other country internationally to do foreign policy.

Thank you.

The PRESIDING OFFICER. Who yields time?

Mr. PELL. Mr. President, what is the time situation?

The PRESIDING OFFICER. The Senator from Rhode Island has 4 minutes and 42 seconds. The Senator from Virginia has 5 minutes and 48 seconds remaining.

Who yields time?

Mr. WALLOP. Mr. President, will the Senator from Virginia yield the Senator from Wyoming 1 minute?

Mr. ROBB. Mr. President, I yield 1 minute to the Senator from Wyoming.

Mr. WALLOP. Mr. President, to me it is cynical in the extreme to talk of a peace process that not only includes the Khmer Rouge, but in reality excludes all other parties.

The Senator from California would apparently prefer Pol Pot to Sihanouk, but if Sihanouk is not credible, does the Senator from California deem Pol Pot to be credible. He is one of history's great genocidists. And would he, the Senator from California, accept life condemned under Pol Pot? The rejection of the Robb amendment condemns Cambodia to a peace process with no choice but the embrace of a murderer.

I say to my friend and colleague from Wyoming, refugees will come and come in by the thousands if they are condemned to a life under a man whom they have already witnessed life under to their great dismay.

Mr. KERRY addressed the Chair.

Mr. PELL. Mr. President, I yield 2 minutes to the Senator from Nebraska [Mr. KERREY].

Mr. KERREY. Mr. President, I will not reiterate what has already been said here about the repugnance for the Khmer Rouge and the appalling prospect that they could regain power. But I would simply observe here, Mr. President, that we still seem to depend and have a sense that we control events in Southeast Asia. We do not. We cannot deliver Sihanouk. There is no guarantee that aid to Sihanouk will keep Sihanouk in our camp. He may go with Pol Pot tomorrow. There is no way the Chinese can deliver Pol Pot. There is no way the Vietnamese can deliver Hun Sen.

I would not stand here tonight and vote for a resolution that absolutely forbade lethal aid. But I cannot on the floor of the Senate tonight as if I know and control events in some simple way vote for lethal aid to go into a region of the world where I feel, as the Senator from Virginia feels as well, we have a significant moral responsibility.

We are tampering with something here which I believe we do not understand. There is near anarchy in Cambodia. We do not know what is going on at the village level. We do not know what is going on in Vietnam. We do

not know what is going on in Cambodia.

It seems to me, Mr. President, that in the end what is going to be important there is not only the ability to govern but the ability to fight.

I think this evening, Mr. President, we are going to be making, at least in my judgment, a mistake by assuming that we somehow control things beyond what I think we have demonstrated our capacity to do.

The PRESIDING OFFICER. Who yields time?

Mr. DANFORTH. Mr. President, will the Senator yield 1 minute?

Mr. ROBB. Mr. President, I yield 1 minute to the Senator from Missouri.

Mr. DANFORTH. Mr. President, I ask that I be added as a cosponsor to the Senator's amendment.

Mr. President, 10 years ago this next October, I was in Cambodia. Senator BAUCUS, Senator SASSER, and I were the first three American Government people to go to Cambodia after the fall of the Lon Nol government.

Mr. President, the situation that was left by the Khmer Rouge was a total disaster. They were the worst political regime since Adolf Hitler in Nazi Germany. The Government of the United States of America cannot stand by and do absolutely nothing in the face of a possible resurgence of the Khmer Rouge.

The Senator from Nebraska says there are no guarantees. We do not know all the answers. That is true, there are no guarantees and we do not know all the answers in Southeast Asia. But that is no justification for standing by and doing absolutely nothing. There is only one democratic force in Cambodia. We are not going to provide aid to the Vietnamese or the Hun Sen government. Therefore, the only alternative we have is to provide aid to the Sihanouk and Son Sann forces and, if we do not do that, the only choice we have is to do absolutely nothing.

The PRESIDING OFFICER (Mr. LIEBERMAN). Who yields time?

Mr. PELL. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Rhode Island controls 2 minutes and 46 seconds. The Senator from Virginia has 3 minutes and 3 seconds remaining.

Who yields time? If no Senator yields time, the time will be deducted evenly.

Mr. PELL. I yield to the President pro tempore.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, let us take a look at this amendment, just one section, (b).

(b) ASSISTANCE FOR THE NON-COMMUNIST RESISTANCE.—Notwithstanding any other provision of law, the President may make available to the non-Communist resistance

forces and non-Communist civilians in Cambodia funds made available for foreign military funding and economic support assistance for fiscal year 1990 under the Foreign Assistance Act of 1961.

Mr. President, the President of the United States, so far as I know, has not asked for \$1 in military aid to Cambodia, not \$1. Why then should we stand here at almost 10:30 o'clock at night and vote for an amendment that says that the President, notwithstanding any other provision of law, may make available to the non-Communist resistance forces funds made available for foreign military financing?

Now, I may vote for military aid to Cambodia, I may vote for economic support assistance if and when the President makes a request for it, when he comes before the American people and lays it right out on the table and says, "This is what we need, this is why we need it." But let us wait until the President asks for this assistance.

I say this with all due respect to my friend, the former Governor of the State of Virginia, our distinguished colleague [Mr. ROBB]. What role does he envision for the Japanese? What about our NATO allies? Has anyone sought to find out how they feel about this? How much support will they give? What about the British, and what about the French? What evidence does the Senator have that this military aid will not fall into the hands of the Khmer Rouge?

How much money does he envision that this will cost? What about the American people? Have they been asked? The President has the bully pulpit. He is the leader of the country. When he asks for this aid, then I will consider it, and I may well vote for it, depending on the kind of case he makes for it—but not for this amendment.

I say, Senators, we have time to consider this, plenty of time. We do not have to vote for it at this hour of the night, brought up as an amendment here. Remember this: When it comes to financing the civil war in Cambodia, remember the appropriations bills that will have to come before this Senate time after time after time, and the triple digit deficit that the country is now facing, and a \$3 trillion debt.

Mr. President, I stood on this floor when we slid slowly into the war in Vietnam. I did not go to Vietnam. Many Senators here went to Vietnam. The Senator from Virginia [Mr. ROBB] went to Vietnam. He is a highly respected Member of this body, a veteran of that war, but I think we should let history give us some guidance before we take sudden action here and write a blank check for the President, when the President has never even asked for one penny in military assistance for Cambodia, that I can recall.

There is plenty of time. Let us debate this matter and let us let the American people hear about it, and let us see what they say about it. Let the President ask for this money, if he wants it and we can debate the matter fully.

I may support it, but I will not vote for this amendment, and I hope the Senate will reject it. As Byron said, "History, with all her volumes vast, hath but one page." Let us read that page before we embark in haste upon a course that we may come to regret.

The PRESIDING OFFICER. The time of the opposition has expired. The Senator from Virginia now controls 3 minutes and 50 seconds. Who yields time?

Mr. ROBB. Will the President repeat the number of minutes.

The PRESIDING OFFICER. Three minutes, fifty seconds.

Mr. ROBB. The Senator from Virginia yields 2 minutes to the Senator from Arizona.

Mr. McCAIN. Thank you, Mr. President. I hope to receive the same amount of time just provided to the previous speaker.

Mr. President, let me remind the body that the reason why we are discussing this issue is because the administration came to the Intelligence Committee and sought lethal aid for the Cambodian resistance. The distinguished chairman of the Intelligence Committee stated:

If the United States should decide to inject itself in any way in Cambodia," he said in a statement, "I believe that the decision is essentially a political foreign policy issue that should be decided by all 100 members of the Senate."

And he goes on to state that he feels that the Senate should decide if we are going to support the administration. The administration has requested this action, I tell my distinguished colleague from West Virginia, and the administration if fully supportive of this amendment.

Mr. BYRD. Will the Senator yield?

Mr. McCAIN. Mr. President, I do not have the time to yield.

Mr. BYRD. Will the Senator yield?

Mr. McCAIN. I would ask permission to continue, Mr. President, I have been yielded 2 minutes.

The PRESIDING OFFICER. The Senator from Arizona has the floor.

Mr. McCAIN. I thank you, Mr. President. The situation in Cambodia today, Mr. President, is one where there is an occupying army called the Vietnamese Army. There is no anarchy in Cambodia. They completely control the place. They are going to leave in September, because of a variety of reasons, a major one being a crying need for economic assistance.

If there is no other power to insert itself in the area, you will see the return of Pol Pot and another blood-

bath; and I say to my friend from Wyoming, hundreds of thousands of additional poor people will want to avoid the slaughter they experienced a few years ago in one of the greatest acts of genocide in recent history. I say to my colleagues that unless we make the non-Communist resistance a viable force, we will not get an agreement on a new government in Cambodia. My colleagues have made references to Sihanouk. I am not a fan of Sihanouk.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. McCAIN. I request an additional 30 seconds.

Mr. ROBB. The Senator from Virginia yields 30 more seconds.

Mr. McCAIN. It has been the tradition of this Nation to support those who struggle for freedom.

We supported freedom fighters in Angola, in Afghanistan and throughout, for over two centuries of this Nation's history. These people deserve a chance for freedom and democracy. They deserve our assistance.

Mr. ROBB addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia has 1 minute and 4 seconds remaining.

Mr. ROBB. Thank you, Mr. President. I understand that all time from the other side has expired; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. ROBB. Thank you. Let me conclude by thanking my colleagues for their attention at this late hour for what I know is a difficult matter for everyone involved. It is an important policy consideration. It does have the very active support of the administration.

As I mentioned earlier, the Secretary of State plans to represent the United States in Paris next week, if the present plans hold. It has the support of all the ASEAN countries. It has support of the principal Cambodian spokesman, as well as the principal economic plans for the non-Communist resistance that have been referred to.

It is an important statement to provide both Sihanouk and Hun Sen, as well as the United States leverage. If any specific requests, as the distinguished Senator from West Virginia has pointed out, are required, they will have to be applied for through the appropriations process and through the normal authorization process. I hope very much it will be the pleasure of my fellow colleagues to support the President on this particular matter.

The PRESIDING OFFICER. The time controlled by the Senator from Virginia has expired.

Mr. SPECTER. Mr. President, while it is a difficult decision, I am voting in favor of the Robb amendment for aid to the non-Communist forces in Cambodia. This policy statement by the

Senate will aid Secretary of State Baker in the forthcoming negotiations to obtain support from the ASEAN countries and other nations to stop the Khmer Rouge from gaining power in Cambodia.

It would be disastrous for the Khmer Rouge to gain control of Cambodia in light of their brutal and repressive actions in the past. Last November, I joined a congressional delegation, led by Senator DOLE, which visited Thailand, Indonesia, the Philippines, and Singapore. We noted considerable support in the ASEAN countries to stop the Khmer Rouge from gaining control of Cambodia. It is likely that the ASEAN countries and other nations will take positive action to stop the Khmer Rouge if there is encouragement from the United States.

My vote today does not constitute any undertaking for the future. Any such future support will depend upon what occurs in terms of support from other countries, including the ASEAN countries and later events.

I am apprehensive about our becoming involved in Cambodia as we did in periodic support for the Contras, a policy I consistently opposed.

I view this statement of United States policy on Cambodia as more analogous to our successful support of the resistance in Afghanistan.

I believe it is preferable for the Senate to publicly discuss this issue and to make this expression of foreign policy in open debate rather than through covert action.

I am offering this statement to make it clear that this vote is based upon the circumstances of today without any commitment for the future unless circumstances then warrant further action.

Mr. ROBB. Mr. President, I request the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment of the Senator from Virginia.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. MATSUNAGA], is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Colorado [Mr. ARMSTRONG] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 59, nays 39, as follows:

[Rollcall Vote No. 136 Leg.]

YEAS—59

Baucus
Bentsen

Bond
Boren

Boschwitz
Breau

Bryan
Burns
Chafee
Coats
Cochran
Cohen
D'Amato
Danforth
Dixon
Dodd
Dole
Domenici
Durenberger
Exon
Fowler
Garn
Glenn
Gorton

Graham
Gramm
Grassley
Hatch
Heflin
Helms
Helm
Hollings
Humphrey
Jeffords
Kassebaum
Kasten
Levin
Lieberman
Lott
Lugar
Mack
McCain

McClure
McConnell
Murkowski
Nickles
Nunn
Packwood
Robb
Roth
Rudman
Shelby
Specter
Stevens
Symms
Thurmond
Wallop
Warner
Wilson

NAYS—39

Adams
Biden
Bingaman
Bradley
Bumpers
Burdick
Byrd
Conrad
Cranston
Daschle
DeConcini
Ford
Gore

Harkin
Hatfield
Inouye
Johnston
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Metzenbaum
Mikulski
Mitchell

Moynihan
Pell
Pressler
Pryor
Reid
Riegle
Rockefeller
Sanford
Sarbanes
Sasser
Simon
Simpson
Wirth

NOT VOTING—2

Armstrong

Matsunaga

So the amendment (No. 382) was agreed to.

Mr. ROBB. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HELMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 380, AS AMENDED

The PRESIDING OFFICER. The question now occurs, under the previous order, on the amendment of the Senator from Alaska, [Mr. MURKOWSKI].

Mr. MURKOWSKI. Mr. President, in view of the fact that my colleagues have expressed themselves quite clearly on this matter, I would advise the leadership that I do not request a rollcall vote.

Mr. BENTSEN. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Alaska, Mr. MURKOWSKI, has withdrawn his amendment.

Mr. MURKOWSKI. No, Mr. President, I have not withdrawn my amendment. What I am advising my colleagues is, in view of the fact that the issue has been discussed thoroughly, and we have had two votes, the Senator from Alaska would not request a rollcall vote but would simply ask for a voice vote.

Mr. PELL. I did not hear the Senator, but did he ask for the vote to be vitiated?

Mr. MURKOWSKI. Mr. President, I asked for a voice vote.

The PRESIDING OFFICER. The question now is on agreeing to the amendment of the Senator from

Alaska [Mr. MURKOWSKI] as amended by the amendment of the Senator from Virginia [Mr. ROBB].

The amendment (No. 380), as amended, was agreed to.

Mr. MURKOWSKI. Mr. President, I move to reconsider the vote by which the amendment, as amended, was agreed to.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 362

(Purpose: To amend the Immigration and Nationality Act to provide for special immigrant status for certain aliens who are nationals of Hong Kong)

Mr. SYMMS. Mr. President, I send amendment No. 362 to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Idaho [Mr. SYMMS], for himself, Mr. SIMON, Mr. CRANSTON, Mr. GORTON, Mr. KOHL, Mr. DIXON, and Mr. KASTEN, proposes an amendment numbered 362.

Mr. SYMMS. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill add the following new section:

SEC. . GRANTING OF SPECIAL IMMIGRANT STATUS FOR CERTAIN PREFERENCE IMMIGRANTS FROM HONG KONG.

(a) IN GENERAL.—Section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 110(a)(27)) is amended—

(1) by striking "or" at the end of subparagraph (II),

(2) by striking the period at the end of subparagraph (I) and inserting "; or", and

(3) by adding at the end the following new subparagraph:

"(J) subject to section 107, (i) an immigrant who is born in Hong Kong (or is chargeable under section 202 to Hong Kong) and who is classified as a preference immigrant described in any of paragraphs (1) through (6) of section 203(a), and (ii) the spouse or the child of any such immigrant, if accompanying or following to join him."

(b) PRIORITY AND NUMERICAL LIMITATION.—Title I of such Act is amended by adding at the end the following new section:

"PRIORITY AND NUMERICAL LIMITATION FOR CERTAIN SPECIAL IMMIGRANTS

"SEC. 107. (a) NUMERICAL LIMITATION.—The number of aliens who may be admitted to the United States as (or who may otherwise acquire the status of) special immigrants under section 101(a)(27)(J) in any fiscal year may not exceed 50,000 less the number of immigrants who were born in Hong Kong (or otherwise chargeable under section 202 to Hong Kong) who are provided immigrant visa numbers under section 203(a) (or, if applicable, section 202(e)) with respect to the fiscal year.

"(b) PRIORITY.—In providing for the issuance of immigrant visa numbers to special immigrants under section 101(a)(27)(J) for any fiscal year, to the extent that the Secretary of State determines that the total of

such numbers would otherwise exceed the numerical limitation established under subsection (a), the Secretary of State shall provide for making visa numbers available and allocated in a manner similar to the manner in which visa numbers are made available under section 202(e) in the case of certain foreign states and dependent areas."

(c) CLERICAL AMENDMENT.—The table of contents of such Act is amended by inserting after the item relating to section 106 the following new item:

"Sec. 107. Priority and numerical limitation for certain special immigrants."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to fiscal years beginning with fiscal year 1990.

Mr. SYMMS. Mr. President, due to the parliamentary situation we are in, and out of courtesy to my colleagues, I am going to ask unanimous consent that I may modify the amendment I sent to the desk, which would be on behalf of myself, Mr. SIMON, Mr. CRANSTON, Mr. GORTON, Mr. KOHL, Mr. DIXON, and Mr. KASTEN. This is the amendment that we voted on the other day. It is the language of the Simon amendment with respect to the refugees from Hong Kong to add to the number 10,000.

I ask unanimous consent to modify the current amendment at the desk and I send the modification to the desk.

The PRESIDING OFFICER. Is there objection?

Mr. SIMON. Reserving the right to object, and I shall not object, this is, as it is now modified, precisely or almost like the amendment that we adopted on the immigration bill, only it permits immigration from Hong Kong to rise 1 year earlier. It has been accepted by everyone I know of that is concerned about this. I appreciate the cooperation of my colleague from Idaho.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment (No. 362), as modified, reads as follows:

At the end of the bill, insert:

SEC. . TREATMENT OF HONG KONG AS A SEPARATE FOREIGN STATE FOR NUMERICAL LIMITATIONS.

The approval referred to in the first sentence of section 202(b) of the Immigration and Nationality Act shall be considered to have been granted, effective beginning with fiscal year 1990, with respect to Hong Kong as a separate foreign state, and not as a colony or other component or dependent area of another state, and section 202(c) of such Act shall not apply to Hong Kong, except that for Fiscal Year 1990 the total number of immigrant visas made available to natives of Hong Kong in any fiscal year under section 202(a) may not exceed 10,000.

Mr. SYMMS. Mr. President, last Friday the Senate overwhelmingly approved an amendment condemning the Chinese Government for recent arrests and executions against students participating in the recent pro-democracy demonstrations in Tianan-

men Square. The adoption of that amendment sent a clear message to the Chinese Government of America's horror and revulsion at the brutal oppression imposed on those freedom-loving Chinese students.

Mr. President, I believe the United States has an obligation to people who yearn for liberty in China, and other countries suffering under the tyranny of communism. Because of this, I am pleased to offer an amendment which would increase the annual United States quota of Hong Kong immigrants to 10,000. I believe raising the level of this quota is necessary because of the growing unrest in China which threatens the rights and freedom for the people of Hong Kong.

The recent violence in China by the Government against unarmed citizens was an ugly response to cries and protests for democracy. When the Communist leaders crushed the democratic aspirations of the Chinese people for free expression and human rights in Tiananmen Square, they did more than murder their own people. They sent a message to the world how it is to live under totalitarian communism.

Mr. President, those actions are a horrible reminder to the people of the world on the workings of communism. This was a message heard most strongly not in the United States or Western Europe or elsewhere around the world. Rather, it was a message heard loudly in Hong Kong. The recent actions by the Chinese Government against their own people raises many serious questions. Hong Kong representatives negotiating the shape of the post-1997 government have recently returned from Beijing with no new Chinese guarantees of civil rights despite the outrage here over the massacre of democracy movement demonstrators in Beijing last month. Deng Xiaoping has promised to preserve Hong Kong's existing liberties and their capitalist economic system for 50 years, but that was before the massacre and arrest of activists in China put such promises in a new harsher light. How willing is the Chinese Government going to be to fulfill the promises of freedom and autonomy for Hong Kong citizens as contained in the Sino-British Joint Declaration?

In just 8 years, Hong Kong's 5 million citizens will come under the control of the People's Republic of China. This year alone, the prospect of Chinese interference is expected to result in the departure of over 45,000 Hong Kong residents.

A total of 3.4 million of Hong Kong's nationals were born in Hong Kong, and yet they cannot go to Great Britain. The British Government, which now administers the territory, refuses to offer immigrant status to more than a few thousand people. The passage of this amendment, Mr. Presi-

dent, would insure that the people of Hong Kong will have not only the right but the ability to leave. More than 46,000 Hong Kong residents are now on the waiting list for United States visas. At the current rate they are being processed some of these citizens would not receive visas until after the Chinese Communist takeover in 1997. Mr. President, this amendment would establish another option for those energetic, capitalist-oriented Hong Kong Chinese who may decide they do not want to live under a Marxist government. Hopefully, of course the citizens of Hong Kong will be able to stay. But if they must leave the United States should welcome them.

Hong Kong is an economic miracle, and an example of the work of capitalism like none other on Earth. The per capita earning rate is 29 times greater than that of the People's Republic of China. The people of Hong Kong are people of talent and great entrepreneurial skill. Over 90 percent of Hong Kong's population settled there after fleeing Communist China. Their respect for democracy and apprehensions of what might happen once Hong Kong reverts to Chinese rule are apparent. They understand as perhaps no other nation can, the difference between totalitarianism and freedom. They are, in sum, the very kind of people we need in the United States. We ought to increase our quota for people from Hong Kong to provide insurance for them against the murderous tyranny of communism. We should welcome these people with open arms, since they will add immeasurably to American society and to our own beliefs in the rule of law, human freedom, and democracy.

Mr. President, I yield back my remaining time and I ask for the acceptance of the amendment.

The PRESIDING OFFICER. The Senator from Rhode Island has 5 minutes under his control.

Mr. PELL. Mr. President, I understand this amendment has been cleared on our side and I have no objection to it.

I yield back my remaining time.

Mr. HELMS. Mr. President, the amendment has been cleared on this side.

Mr. SYMMS. I thank my colleagues.

The PRESIDING OFFICER. All time having been yielded back, the question now occurs on agreeing to the amendment, as modified, of the Senator from Idaho [Mr. SYMMS].

The amendment (No. 362), as modified, was agreed to.

Mr. SYMMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Chair recognizes the Senator from Illinois [Mr. SIMON].

Mr. SIMON. Mr. President, I send an amendment to the desk on behalf of myself, Senator BOSCHWITZ, Senator PELL, Senator MITCHELL, Senator SARBANES, Senator DODD, Senator BIDEN, Senator GLENN, Senator CRANSTON, Senator KENNEDY and Senator GRAHAM, and ask for its immediate consideration.

Mr. MITCHELL. Will the Senator from Illinois yield?

The PRESIDING OFFICER. The Chair recognizes the majority leader.

The Senate will be in order.

Mr. MITCHELL. Mr. President, may I inquire as to whether there is a time limitation on the Simon amendment?

Mr. SIMON. There is and I think we can do it in much less than the time limitation of 30 minutes.

The PRESIDING OFFICER. The time limitation is 30 minutes, equally divided.

Mr. MITCHELL. Mr. President, I wonder if the Senator will yield. Senators HEFLIN and GARN have a Senate resolution with respect to the Apollo 11 lunar mission which they have been waiting patiently to bring up which is not controversial. They want a rollcall vote. They agreed to do it with 5 minutes debate equally divided and in their behalf, I ask whether the Senator from Illinois will yield to permit us to go forward on this with the understanding that he would then be recognized to offer his amendment.

Mr. SIMON. Of course.

TWENTIETH ANNIVERSARY OF THE APOLLO LUNAR LANDING

Mr. MITCHELL. Mr. President, I ask unanimous consent that we now proceed to the consideration of a Senate resolution with respect to the Apollo 11 lunar mission with 5 minutes on the resolution equally divided and controlled between Senators HEFLIN and GARN and that no amendments to the resolution be in order, that no motions to commit be in order, that it be in order to ask for the yeas and nays at this point on the adoption of the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MITCHELL. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 156) to express the sense of the Senate with respect to the Apollo 11 lunar mission, the International

Space Station Freedom program, and the "Mission to Planet Earth."

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MITCHELL. Mr. President, I yield to the distinguished Senator from Alabama.

Mr. HEFLIN. Mr. President, I ask unanimous consent that those who desire to cosponsor this resolution be allowed to do so as long as they inform the clerk of the Senate before 12 o'clock tonight.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HEFLIN. Mr. President, it gives me a great deal of pleasure to rise today, this day of lasting historical significance, in support of the resolution currently before the Senate. This resolution expresses the sense of the Senate with respect to the 20th anniversary of the Apollo 11 landing on the Moon, the mission to planet Earth, and the international space station Freedom.

I believe this resolution makes a very strong statement that space is vital to our future and the space station is the key. This resolution says that the President, the Vice President in his capacity as the Chairman of the National Space Council, the Director of OMB, the Administrator of NASA, and the various committees of Congress should together explore all possibilities to fully fund the space station and keep it on track as planned by NASA. Mr. President, this Senate resolution is tantamount to calling for a summit on the space station, similar to the recent economic summits. We could not have a more appropriate day to make such a statement.

Today marks the 20th anniversary of what will forever stand as one of mankind's most incredible accomplishments—the landing on the lunar surface of the Apollo 11 mission. This great feat of human courage will forever be remembered as one of the greatest technological accomplishments in human history.

Almost everyone who is old enough remembers where they were and what they were doing on July 20, 1969, when all of America rejoiced at the words, "the Eagle has landed," and "One small step for man; one giant leap for mankind." This day, the day man first walked on the Moon, will forever stand as a symbol of national pride. America got there first.

When the history of the 20th century is written some day in the distant future, one thing that will certainly be remembered is that this was the period when man left his planet and began to explore the universe. Space is the greatest adventure of our time, and any nation that sees itself as a

world leader cannot, and must not, ignore it.

In 1958, Dr. Wernher Von Braun, a leading figure in the dawning days of the U.S. space program and the first Director of NASA's Marshall Space Flight Center, said,

After thousands of years of clinging to our planet, man is finally about to burst the bonds of terrestrial gravity and embark on the greatest voyage of his entire existence . . . the exploration of the space around him.

Since that time, the United States has been the leading space-faring nation; and I believe we should remain so in the decades ahead.

Deeply embedded in our national history and a true part of the American spirit is the need to be pioneers, adventurers, and entrepreneurs. It is also in our makeup to want to lead and be preeminent. We did not invent the industrial revolution, but we exploited and improved upon it until we became a world power. Likewise, we may not have been the first in space, but once Sputnik raised our national consciousness, we became the world's leading space pioneer.

Space has been important to us in the past, and will become increasingly important in the future. We use space research, technology, and exploration to ensure our national security, improve our standard of living, broaden our scientific knowledge, and, of course, stimulate the human spirit.

While our accomplishments in space have continued, space still offers us a vast and unexplored frontier. America has been, and should remain a world leader in space research, technology, and exploration.

Manned space flight has existed almost since the beginning of our use of space. Our first satellite, Explorer 1, was launched in 1958, and Alan Shepard's brief suborbital flight occurred in 1961. Since then, we have used unmanned space systems extensively to explore the solar system, but our manned space flight program has proceeded at a slower pace—our total time in space is, so far, a little more than 4 man-years.

Through the U.S. space program, we have learned a great deal about the value of man in space, but there is much more yet to learn. The space shuttle has and will continue to help us gain this knowledge. For example, the flights of the Spacelab, aboard the space shuttle, have achieved many major successes and have again demonstrated the critical role that man plays in space. However, the shuttle's ultimate value is limited, both in terms of time in orbit and altitude above the Earth's surface, as well as available experimental space. During the 1990's, we will need a permanently manned space station and associated technologies to increase our utilization of space. Perhaps the greatest advan-

tage of the space station will be that far more nonastronauts will have the opportunity to work in space. These people can be the preeminent scientists of the day in such important areas as medicines, the life sciences, and materials processing. Eventually, through research in the environment of space, we will unlock its secrets and make these riches available for all mankind. It is toward this goal that I am committed.

On this day, the 20th anniversary of one of the greatest accomplishments of human history, I believe that it is most appropriate to celebrate the first lunar landing by renewing our support for our Nation's space program, and in particular, the international space station Freedom program, our next and most immediate civilian space objective. We may do this by adopting the resolution before the Senate today.

Mr. President, the space station is an idea whose time has come. When NASA opened its doors in 1958, it had been assigned the responsibility for man's space flight and developed Project Mercury as its initial manned activity. As the NASA leadership developed its space programs, a space station was a leading candidate for a post-Mercury goal. Since that time, a space station has been studied and analyzed continuously. And now the development of America's space station, an international space station, which has been named Freedom, is becoming a reality.

However, I would be most remiss if I did not express to my colleagues my concern with regard to the future of the space station program. All of my colleagues are familiar with the current funding problems we face. In today's budget climate, it is more difficult than ever before to find adequate funding for major scientific initiatives. In my judgment, this is a time for action. It is a time for action by the President—personal action by the President, and the Vice President in his capacity as Chairman of the National Space Council, together with Congress. We should commit ourselves to do all that is necessary to ensure that the space station—not just any space station, but the space station Freedom as planned by NASA—is developed as currently planned in terms of scope, scheduling, and mission. This means that we should work together to ensure full funding of the space station program.

I believe that most of us will agree that we live in a dynamic and changing era. Everywhere we look, there is change, but nowhere else is it greater than in the technological progress that is reshaping the American economy, and the world economy in general. In my judgment, this technological change and, indeed, the U.S. leadership in science and engineering tech-

nology is vital to our national security and well-being.

I believe that the space station is a program of vital national importance. Our Nation's space program has accrued many benefits for all mankind and I am convinced that potential benefits to be gained from future space activities and a space station will far outweigh all previous gains. The space station will provide a permanently manned laboratory for new opportunities in the areas of astronomy, astrophysics, and life sciences, as well as industrial and medical research, both for the purpose of manufacturing and research that will provide new scientific breakthroughs that could likely revolutionize many areas of research on Earth, leading to technological advantages for our entire society.

As I mentioned, our space program began with Alan Shepard's famous orbital flight. Since then, our manned space successes have spanned the eras of Mercury, Gemini, Apollo, Skylab, and have progressed to the era of the space shuttle. Now, Mr. President, we must move into the era of the space station, the next step, the next logical step.

While we must celebrate our successes, we must never forget our failures. In remembrance of the three astronauts who lost their lives in the Apollo program and the seven brave pioneers who paid the ultimate price in the disaster of the space shuttle Challenger, we must go on. We must improve and continue the vision that they possessed. To allow these failures to set us back or dull our mission—their mission—would be to desecrate and belittle their memories.

We must move forward with the space station. Once the space station is in orbit and permanently manned, we can then use this facility to conduct research in microgravity, and as a stepping stone to new and exciting missions, such as a lunar outpost and a manned mission to Mars.

On this day, as we look back and celebrate the 20th anniversary of the Apollo 11 lunar landing, the many successes of the space activities which we have accomplished since that day, and the many successes which we will have in the future, I would simply ask my colleagues to remember the words of President John F. Kennedy when, in 1962, he said:

If this capsule history of progress teaches us anything, it is that man, in his quest for knowledge and progress, is determined and cannot be deterred. The exploration will go ahead whether we join in it or not. And it is one of the greatest adventures of our time and no nation which expects to be a leader of other nations can expect to stay behind in this race for space.

Those who came before us made certain that this country rode the first waves of the industrial revolution, first waves of modern invention and the first waves of nuclear power. And this generation does not intend

to flounder in the backwash of the coming age of space. We mean to be a part of it. We mean to lead it, for the eyes of the world now look into space * * *.

President Kennedy's dream of landing a man on the Moon and returning him safely to Earth was realized not once but numerous times. Looking at this great accomplishment, I would call on each of my colleagues in the Senate, each of our colleagues in the House of Representatives, all Americans, and people the world over to go outside tonight and look up at the Moon. How often have we all wondered what it would be like to set foot on that mysterious celestial body? Ponder the incredible gathering of talent, energy, and resources which combined to take us to the Moon two decades ago—less than a decade after President Kennedy issued his challenge to this Nation to land a man on the Moon and return him safely to Earth.

On this day, 20 years ago, three men went there—three Americans. Two stepped from the lunar module into history, becoming the first men to set foot on the Moon.

As you stare at the Moon tonight and into the darkness beyond that is space, ask yourself, "Can we settle for landing on the Moon or must we strive to reach beyond, reach into the unknown? Can we stop here?" I believe that mankind has always been, and will continue to be, driven by an insatiable curiosity—our desire to know what is out there.

We must push forward with our space program or risk losing the incredible advances which lay ahead. The risks are high if we do, but the losses are far too great if we do not. Building upon the lunar landing of Apollo 11 and those that followed, and with the completion of the space station, our Nation's space program, much like the firebird, must and will go ever onward to reach new plateaus and new horizons in our eternal quest for the understanding of the cosmos and mankind's place in it.

Mr. President, I urge the Senate to adopt this resolution.

I yield to the distinguished Senator from Utah, Senator GARN.

Mr. GARN. Mr. President, the hour is late. We have been hoping to get this up all day long. With all of the activities that have gone on and because of the bill we have not been able to.

It has been an exciting day. Not only have the three Apollo astronauts been here in several ceremonies, but there were more than 60 U.S. astronauts at the White House today, more astronauts than have ever been together in one spot, from Apollo to the space shuttle. I think it is a very important day, a historic day in terms, probably, of the most technologically complex achievement that man has ever made, to send men to the Moon and back.

The Senator from Alabama says this expresses our support and congratulations to those who made it possible and strongly suggests, as he said, that we get together and decide how we can fund the very first step in getting back to the Moon permanently and eventually to Mars, by fully funding the space station Freedom.

Mr. DANFORTH. Mr. President, I enthusiastically endorse the President's bold mandate for a manned mission to the Moon, and then to Mars. His announcement today signals a continuation of the courage and spirit of man's first walk on the Moon 20 years ago. The Apollo mission was a supreme test of our Nation's scientific talent, resolve, and imagination, one that we passed with flying colors. Thanks to men like Neil Armstrong, Buzz Aldrin, and Michael Collins, the United States achieved the impossible dream. People sometimes question the need for our space program. The simple answer is space is our future. The Apollo Program was proof of that.

Sending a man to the Moon forced us to marshal our country's vast talent and technological resources and to drive our creative energies to the breaking point. Apollo proved that necessity is the mother of invention. The Apollo mission required us to make quantum leaps in propulsion systems, airframe materials, electronics, and other scientific areas in a finite—some said impossible—amount of time.

The public enjoys the benefits of that effort daily. Municipalities use filtration techniques developed for the Apollo Program to provide clean tap water. In fact, microminiature computers, pacemakers, even Velcro, were all byproducts of the Apollo mission and its successors. There were also the intangibles. The magic of Apollo influenced a whole generation of young people to pursue scientific and technical careers.

We have to support a strong space program to share in the enormous technological and scientific benefits that space activities generate. If we don't, other nations will. In 1969, only the United States and the U.S.S.R. competed for opportunities in space.

Today the environment is more competitive. Many other countries can travel into space. Some have overtaken us in fields such as commercial launch activities. Some of these new entrants are driven by the enormous commercial opportunities in developing satellite technology and commercial launch services. We cannot afford to be left behind the rest of the world.

To maintain our supremacy in space, we will have to recapture not just the Apollo spirit but the Apollo commitment. At the peak of the Apollo Program we spent over 4 percent of the Nation's budget on the space effort. In recent years that has dropped below 1 percent. Fiscal realities notwithstand-

ing, we must devote sufficient funding to the space program.

By committing the country to revisiting the Moon and exploring Mars, the President has given the space program the singularity of purpose it needs. He has given each component of the space program a clear purpose and meaning. This is particularly true in the case of the space station. The space station will now provide us with a stopover for our missions to the Moon and Mars.

The President recognizes that exploration is America's spirit; his announcement today has recaptured that spirit. His decision to again expand man's presence in the universe should be applauded. I also salute DAN QUAYLE, our Vice President, whose vital leadership as head of the National Space Council laid the groundwork for the President's decision. Finally, I can think of no better salute to our past astronauts, who braved the unknown for their country, than to continue their valiant quest, to dream the impossible dream.

Mr. SHELBY. Mr. President, I rise today to join the distinguished senior Senator from Alabama, Senator HEFLIN, and the distinguished Senator from Utah and my cochair of the Senate Air and Space caucus, in co-sponsoring this resolution recognizing the significance of the event that took place just 20 years ago today. I am, of course, referring to the first Apollo lunar mission which captivated the world's imagination. There is not a person over 30 who does not recall that moment when Neil Armstrong first stepped on the surface of the Moon. His words signaled the arrival of a new era.

Today when President Bush challenged this Nation to establish a base on the Moon in the 21st century to be followed by a manned mission to Mars, he was tapping that part of the American spirit that has prompted the growth and prospering of this Nation. That same spirit was evident 20 years ago as three brave men made history as the crew of the Apollo 11. President Bush referred to space as "a distant frontier." But indeed, we are a lot closer to furthering our future in space than we were just 20 years ago.

As the allure of space with all its possibilities continues to invite us, we must remember a grave budget fight for space funding is once again just around the corner. President Bush's goal is "nothing less than to establish the United States as the preeminent space faring nation"—but in order to do that, in order to overcome the boundaries that keep space a remote frontier, we must provide the resources that will match our verbal commitment. I am dedicated to the Space Station Freedom Program and

to regaining American dominance in space.

I would like to recapture the spirit that made it possible for brave individuals to settle this vast wilderness in the 1800's and channel it into our space program. The result, I have no doubt, would be the unification of an America committed to the final frontier.

I am proud today to be a cosponsor of this resolution and urge my colleagues to lend their support.

I yield back the balance of my time. Mr. GRAHAM. Mr. President, 20 years ago today, three heroes showed the world what America can accomplish when it devotes the sum of its resourcefulness, spirit and bravery toward a shared goal. On this historic anniversary, it is appropriate to pause and reflect on the meaning of this event.

The success of the Apollo 11 mission was a testament to the engineering genius of the entire American scientific community. The rude awakening provided by the Sputnik launching in 1957 and President Kennedy's pledge to place an American on the Moon because the end of the decade challenged the men and women of the U.S. Space Program.

This challenge sharpened the ingenuity of NASA engineers. Their brilliance and skill produced technology which made possible the Moon landing and continues to enrich our lives. Hundreds of different materials and technologies are a result of the space program: plastics, high quality ceramics, miniature computers and communications gear, and food packaging technology.

Viewing the films of Apollo 11's descent into the Sea of Tranquility serves as an awesome reminder of the technological sophistication involved.

Mr. President, less tangible, but undoubtedly one of the most important aspects of Apollo 11 and its legacy, is the spirit which drove all who took place in the program. Given a mission, the men and women of NASA worked as a team to achieve triumph.

All sectors of the country—government, academia, industry, the military, and the scientific community—joined together to show that man is capable of extending frontiers as far as determination will allow.

After 20 years of successful American space programs, it is difficult to comprehend the enormity of the Apollo 11 mission.

In 1969, sentiments Apollo 11 ranged from sheer awe to profound skepticism which regarded landing on the Moon as a pipedream, an impossibility, twenty years later, our perspective is somewhat different.

We have witnessed so many impressive aeronautic feats that we have almost come to consider space exploration as commonplace. Nevertheless, we

cannot forget what walking on the Moon meant in 1969. It meant venturing into the unknown, as great an unknown as man had experienced since the beginnings of flight. It meant putting one's faith in technology that could only be realistically tested during Apollo 11's maiden voyage.

While it is easy to revel in the glory of the achievements of the space program, we cannot forget the price we have paid. It is our proper duty to honor those who gave their lives during the course of America's exploration of space.

These 18 heroes serve as an unforgettable reminder that exploring space is not easy. It is not risk free.

They have engraved on the collective American memory the magnitude of the risks taken by Americans who exemplify the word hero. Let us remember the names of the men and women who lost their lives in the active furthering of America's space program: Vergil Grissom, Edward H. White II, and Roger B. Chaffee of the Apollo 4 in 1967;

Francis R. Scobee, Michael J. Smith, Judith A. Resnick, Ellison S. Onizuka, Christa McAuliffe, Greg Jarvis and Ronald McNair of the Space Shuttle *Challenger* in 1984;

Charles A. Bassett, Theodore C. Freeman, Edward G. Givens Jr., Elliot M. See, Steven D. Thorne, and Clifton C. Williams who died during training flights, testing the equipment which would later carry their comrades into space.

They are heroes, and their memory deserves the honor we accord to our Nation's greatest heroes.

Mr. KERRY. Mr. President, today marks a very important anniversary. Twenty years ago today, Neil Armstrong and Buzz Aldrin walked on the Moon while Michael Collins circled in a lunar orbit. People all over the world, 600 million of them, watched their mission and shared their view from the Moon of our own planet Earth in space.

Apollo 11 was launched on July 16, 1969. It was the first of six successful flights to the Moon. The lunar module, the *Eagle*, brought Neil Armstrong and Buzz Aldrin to the surface of the Moon on July 20. At 3:17 p.m., Neil Armstrong broadcast, "Houston, Tranquility Base here. The *Eagle* has landed." And thus, the dream articulated so eloquently by President Kennedy, a dream we all lived, was brought with great national pride to fruition.

Eight and a half hours later, Armstrong became the first person to set foot on the Moon, making the statement, "That's one small step for man, one giant leap for mankind."

It was an important moment in history; we all know where we were at the time.

The Apollo missions opened up new worlds to us. New technologies were developed, new products came to the marketplace. Students were motivated to study science and engineering in the hope that, one day, they, too, could contribute to space missions, could help to open up the mysteries of this new frontier.

The Apollo missions gave the Nation the pride of significant accomplishment; of accomplishing the impossible.

President Kennedy provided the leadership to get us to the Moon. He made the commitment to reach the moon within 10 years, and we did it.

After challenging the Nation, in 1962, President Kennedy said:

We choose to go to the Moon in this decade . . . because . . . that goal will serve to organize and measure the best of our energies and skills. . . . The growth of our science and education will be enriched by new knowledge of our universe and environment, by new techniques of learning and mapping and observation, by new tools and computers for industry, medicine. . . . The space effort, while still in its infancy, has already created a great number of new companies and tens of thousands of new jobs.

Today, our decisions about space policy must balance budget constraints and tremendous ambitions. We must adequately fund NASA if we are going to have a balanced and strong civil space program that promotes space science, exploration, and commercialization.

This 20th anniversary marks major gains in the interplanetary program. The NASA bill reported by the Commerce Committee authorizes two interplanetary missions: CRAFT-Cassini. Just last month, planetary scientists using data from Voyager 2, sent into space in 1977, discovered a new moon circling Neptune. The space shuttle sent Magellan, NASA's first interplanetary probe in 11 years, to Venus in early May.

Exploring the planets captures the imagination of all Americans, but especially the imagination of the young. We learn about our universe, and we learn about our Earth.

On July 20, 1969, as the world watched and listened to the Apollo 11 astronauts, we saw the Earth in a totally new light. It is not, I believe, a coincidence that in April 1970, America celebrated Earth Day and saw an unprecedented awakening of American concern for our fragile planet. And in April 1990, we will mark the 20th anniversary of Earth Day—less than 1 year after the 20th anniversary of the Apollo landing. Our success in completing a manned mission to the Moon let us see just how fragile our planet is. We realized in a way that we had not before, just how precious our environment is and how we must protect it. This new awareness, and the awareness that environmental problems know no boundaries, was an important

impetus for the organization of Earth Day in the spring of 1970.

Two decades ago over 20 million individuals from communities across our country participated in Earth Day 1970 and demonstrated their concern for the environment. Nature walks, lectures, parades and cleanup efforts were carried out nationwide. The U.S. Congress stood in recess so that Members could devote the day discussing environmental issues with their constituents at home. The wave of environmental support from the first Earth Day is credited with raising people's consciousness about the environment. That celebration resulted in the creation of the Environmental Protection Agency and brought us new laws such as the Clean Air Act and the Clean Water Act.

I helped organize the first Earth Day 20 years ago in Massachusetts. Today, as a member of the National Earth Day Board and as the cochairman of New England Earth Day, I know that the current concern to protect our environment is greater than ever. It is clear that today we face an international environmental crisis that demands the attention of not only Americans, but of citizens of every nation of the world. Alone no country can stem the tide of ocean pollution, put an end to acid rain or protect the Earth's ozone layer. For that reason, Earth Day 1990 transcends national boundaries and seeks to build alliances across the globe.

Through massive educational efforts on April 22, 1990, and leading up to it, Earth Day will both teach citizen's what they can do to save our planet as well as put pressure on governments around the world to enact responsible and necessary policies. The celebration will highlight the greenhouse effect and the need to lessen our dependence on fossil fuels and encourage strategies that promote energy efficiency. It will put pressure on governments to ban chlorofluorocarbons which deplete our ozone, eliminate acid rain, enact policies that slow down deforestation and promote sustainable agricultural development. Through recycling drives at home, school and in the work place as well as through beach and park clean-up efforts citizen's will demonstrate the need for innovative waste management strategies.

Earth Day participations will be encouraged to plant a billion trees. Parades and public gathering will happen in cities and communities around the world. Primary and secondary schools, as well as, universities and colleges will hold teach-ins. Religious leaders and celebrities will give sermons and speeches which highlight the environment. There will be international satellite conferences and an organized outreach to millions of concerned citizens in every nation.

Our space program is an increasingly important tool in our ability to learn about the Earth and our environment, just as it is to learn about the Moon, the other planets in the solar system, and the universe. The space program and the quality of our life on Earth are closely linked.

Concern for the environment manifests itself in the proposal for the "Mission to Planet Earth." NASA will begin this program, modeled on other planetary missions, to obtain a comprehensive scientific understanding of the Earth's entire system. The data collected will be the principal component of an international, interdisciplinary global change research program.

Before I close, I would like to discuss the military use of space. This issue concerns me deeply. The United States relies on the peaceful use of space and its satellites. ASAT and SDI threaten to turn space into a battleground with no sanctuary. We must constrain the development of weapons capable of destroying satellites, space stations, and the space shuttle. It is ironic that the Soviets are making all the right moves while we refuse to negotiate and insist on moving ahead with SDI and various ASAT programs. We need much more thoughtful approach.

An additional problem of the military use of space is that of the space debris created by any destruction of objects in orbit. U.S. missions have already been hit by such debris. In the future it could destroy U.S. satellites, space stations or other missions, threatening a loss of life. There is no way to avoid this problem if we go ahead with ASAT's and SDI. It is yet another reason why we cannot ignore military space activities when looking at the civilian space program. What an irony it would be if our activities in space led to cleaning up the Earth and polluting our last pristine frontier.

For the rest of the century, we face tremendous challenges in the space program. As we mark the 20th anniversary of the Apollo 11 landing on the Moon, we must remember the commitment to the space program that we had in the 1960's and what we learned from the missions. The most important tribute to the Apollo landing that we can make today is the commitment to the development of an aggressive balanced space program that recognizes new realities: The fiscal constraints, new goals of learning more about our own planet as we learn about other planets, and the threat of increased use of space for military purposes to the very survival of our planet.

ONE GIANT LEAP FOR MANKIND

Mr. CRANSTON. Mr. President, today marks an important milestone in our Nation's history, indeed, the history of mankind. Twenty years ago today, the world watched with breath-

less excitement as Neil Armstrong took man's first step on the Moon.

The first lunar landing brought a deep sense of accomplishment for the American people. A decade of perseverance culminated in a historic journey to another celestial body. And, with that first step, the American people were committed.

From the heights of the Apollo Program to the depths of the *Challenger* explosion, the successes or failures of the space program have had a profound effect on our national spirit. The 20th anniversary of our success has provided us with an opportunity to reflect on the future of America in space and to rededicate ourselves to a vigorous space program.

Mr. President, I have been, and I will continue to be a strong supporter of the U.S. space program. In the last 20 years, we have made great strides in our understanding of the universe in which we are small inhabitants. And we continue to reap the benefits of our venture into space.

Through the study of space we are acquiring a better understanding of our own planet. We are now able to observe the entire Earth as we would another planet, and we are beginning to use this knowledge to address problems of the environment such as the depletion of the ozone layer and global warming.

The space program offers us unique opportunities for cooperation with other nations. For example, last year the European Space Agency agreed to join the Cassini Program—a project to send a spacecraft to survey Saturn, its rings, and several moons. Such joint ventures allow us to expand and share our knowledge and work with all nations.

The space program has fostered unique cooperation between government, industry, and the academic world. I am proud of the role that Californians have played in that partnership, making California a vibrant center for space science and technology.

The space program has contributed not just to our national pride; it has also advanced our economy. Our technological edge is our strongest competitive advantage with our trading partners. Our space policy plays an important role in maintaining this technological edge.

NASA has drafted an ambitious blueprint for our future in space. Space transportation and the space program are at the center of NASA's plans. Planetary exploration missions outlined for the future will carry on where the *Voyager 1* and *2* missions have left off and the Mission to Planet Earth initiative will have us using our capabilities in space to better understand our own environment.

The shuttle system has become the linchpin of NASA's programs with many space science and technology programs depending on the shuttle system to launch satellites in orbit around the Earth, or probes to other planets. Complementing the shuttle system—which is finally back on track—are expendable launch vehicles which have taken on new importance as we work to expand our unmanned launch capabilities.

The space station will offer scientists opportunities for research and exploration. Through the space station, we hope to learn more about the fields of microgravity, combustion, as well as the life and earth sciences. And the space station will play an important role in future interplanetary exploration, in particular as our bridge to Mars.

Today, in a ceremony marking the anniversary of the Apollo 11 landing at the Smithsonian's Air and Space Museum, the President reiterated his support for the space program. I applaud his commitment to move forward with the space station, to return to the Moon, and then on to Mars. However, in this era of budgetary restraint, rhetorical flourishes are not enough. The space program requires vision and leadership, but above all a commitment to fund these programs well into the future.

Mr. President, there are tough choices ahead for those of us who support the space program and who want to see it achieve its full potential. As we reflect on the achievements of the past, it is the spirit of Apollo which will guide us in making those choices for the future.

THE 20TH ANNIVERSARY OF APOLLO

Mr. DOLE. Mr. President, I am pleased to join with the majority leader and several of my colleagues in sponsoring this legislation to commemorate the 20th anniversary of man's first landing on the Moon.

On July 16, 1969, Apollo 11 blasted off from Cape Canaveral for a 4-day flight to the Moon, carrying three astronauts—Neil Armstrong, Buzz Aldrin, and Mike Collins.

Then, at 4:18 p.m., eastern daylight time, the *Eagle* lunar landing module touched down on a plain near the southwestern edge of the Sea of Tranquility, after being manually guided by Armstrong.

Just hours later, at 10:56 p.m. eastern daylight time, Neil Armstrong climbed down a small ladder on the *Eagle*. And, with the words "That's one small step for man, one giant leap for mankind," he became the first human being to walk on the surface of the Moon.

Armstrong and Aldrin spent a total of 21 hours and 37 minutes on the Moon's surface, deploying scientific instruments, and collecting rock and soil samples.

After returning to the Apollo 11 and reuniting with Collins, the astronauts fired rockets in the spacecraft sending it toward a splashdown in the Pacific at 12:51 p.m. eastern daylight time, on July 24 and 18 days of quarantine.

Mr. President, the Apollo mission involved tens of thousands of Americans involved with every facet of the space flight, from research to recovery of the spacecraft and astronauts.

It was first announced in May 1961, 7 years before the flight of Apollo 11. Dozens of new ideas were explored before NASA settled on a 50-ton spacecraft placed atop a Saturn V rocket.

In the 10 preceding Apollos, 3 included lunar orbits, and 1 failed flight resulted in the tragic death of 3 astronauts on the launch pad.

Six additional Apollo flights followed Apollo 11, all but one reaching the Moon's surface. Fortunately, no further loss of life occurred, our sights were raised and our horizons expanded.

Mr. President, July 20 is indeed an historic day, not just for the United States, but, as Neil Armstrong said, "For mankind."

Mr. HEFLIN. Mr. President, I am about to yield back the remainder of my time.

Mr. GORE. Will the Senator yield?

Mr. HEFLIN. Yes, Certainly.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. GORE. I wish to commend the Senator from Alabama on his leadership on this matter and call the attention of my colleagues to the fact that in several points in this resolution, the Senate goes on record providing special emphasis to "Mission to Planet Earth," a new priority for NASA that will use the resources available in space to better understand the global changes now underway. This provides yet another focus on this important anniversary.

I thank my colleagues for yielding.

Mr. GLENN. Will the Senator yield?

Mr. GARNER. I will be happy to yield to the Senator.

Mr. GLENN. Mr. President, I think this is particularly appropriate. I point out, if I remember correctly and I am not sure I do, but I think the actual touchdown on the lunar surface was at 10:56 p.m. It is coming out, accidentally, on that. Within about 40 seconds it will be 20 years exactly since they touched down as I recall.

Mr. GARNER. Mr. President, may I add the Senator from Tennessee is absolutely correct. The President today made special emphasis on the "Mission to Planet Earth."

I yield the remainder of my time.

Mr. HEFLIN. We yield the remainder of our time and call for a vote.

The PRESIDING OFFICER. Is there further debate?

There being no further debate, the question is on agreeing to the resolution.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from New Jersey [Mr. LAUTENBERG] is necessarily absent.

I also announce that the Senator from Hawaii [Mr. MATSUNAGA] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Colorado [Mr. ARMSTRONG] is necessarily absent.

The PRESIDING OFFICER (Mr. BRYAN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 137 Leg.]

YEAS—97

Adams	Garn	Metzenbaum
Baucus	Glenn	Mikulski
Bentsen	Gore	Mitchell
Biden	Gorton	Moynihan
Bingaman	Graham	Murkowski
Bond	Gramm	Nickles
Boren	Grassley	Nunn
Boschwitz	Harkin	Packwood
Bradley	Hatch	Pell
Breaux	Hatfield	Pressler
Bryan	Heflin	Pryor
Bumpers	Heinz	Reid
Burdick	Helms	Riegle
Burns	Hollings	Robb
Byrd	Humphrey	Rockefeller
Chafee	Inouye	Roth
Coats	Jeffords	Rudman
Cochran	Johnston	Sanford
Cohen	Kassebaum	Sarbanes
Conrad	Kasten	Sasser
Cranston	Kennedy	Shelby
D'Amato	Kerrey	Simon
Danforth	Kerry	Simpson
Daschle	Kohl	Specter
DeConcini	Leahy	Stevens
Dixon	Levin	Symms
Dodd	Lieberman	Thurmond
Dole	Lott	Wallop
Domenici	Lugar	Warner
Durenberger	Mack	Wilson
Exon	McCaain	Wirth
Ford	McClure	
Fowler	McConnell	

NOT VOTING—3

Armstrong Lautenberg Matsunaga

So the resolution (No. 156) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 156

Whereas July 20, 1989, marks the 20th anniversary of Apollo 11's landing on the moon, one of the greatest technological accomplishments in human history, and therefore as a day of lasting historical significance;

Whereas Americans remember the landing on the lunar surface not only with a sense of historical significance, but also with one of honor and pride in the accomplishment of the crew of Apollo 11 and the men and women who made it possible;

Whereas the United States is a world leader in space research and exploration and the National Aeronautics and Space Administration (NASA) is recognized and praised worldwide for its accomplishments in aeronautics and space exploration over the past three decades;

Whereas the United States space program is a tangible and highly visible demonstration of America's continued pursuit of new

frontiers and new challenges in order to improve our standard of living, broaden our scientific knowledge, inspire our children, and stimulate the human spirit;

Whereas our commitment to an international civil space program holds the promise of securing greater progress toward World peace and cooperative global efforts in confronting and addressing environmental concerns affecting all mankind;

Whereas the International Space Station Freedom program, to build a permanently manned space station in earth orbit, is the next logical step in the continuing exploration of our solar system;

Whereas the President is to be commended for the strong support he announced today on the occasion of the twentieth anniversary of the historic Apollo 11 lunar landing, for the International Space Station Freedom and the Mission to Planet Earth programs and his commitment to maintaining United States leadership in space by exploring concepts for a lunar base and manned Mars mission; and

Whereas the International Space Station Freedom program, together with additional orbiting satellites dedicated to monitoring global climatic processes and changes, comprises a comprehensive and unprecedented scientific study known as the "Mission to Planet Earth": Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the National Aeronautics and Space Administration (NASA), the crew of Apollo 11, and all those associated with the first lunar landing should be congratulated on the 20th anniversary of the success of the Apollo 11 mission;

(2) the most appropriate celebration of the first lunar landing is the continued and renewed support of the Senate and the American people for our space program, and in particular the International Space Station Freedom program, one of our next and necessary civilian space objectives; and

(3) the additional elements of Earth sensing satellites needed to achieve the goals of the "Mission to Planet Earth" should be vigorously pursued in a cooperative global effort involving all Nations of the World.

SEC. 2. It is further the sense of the Senate that the President of the United States, the Vice President of the United States in his capacity as the Chairman of the National Space Council, the Director of the Office of Management and Budget, the Administrator of the National Aeronautics and Space Administration, and the appropriate committees of the Senate and House of Representatives should together explore all actions as may be necessary to provide the National Aeronautics and Space Administration's fiscal year 1990 budget request for the International Space Station Freedom program to insure the continued development of this program and the expeditious development of the global environmental program envisioned as the "Mission to Planet Earth".

Mr. HELMS. I move to reconsider the vote by which the resolution was agreed to.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEAR 1990

The Senate continued with the consideration of the bill.

AMENDMENT NO. 383

(Purpose: To express the sense of Congress on multilateral sanctions against South Africa)

Mr. SIMON. Mr. President, I will try submitting my amendment once again.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Illinois [Mr. SIMON], for himself, Mr. BOSCHWITZ, Mr. PELL, Mr. MITCHELL, Mr. SARBANES, Mr. DODD, Mr. BIDEN, Mr. GLENN, Mr. CRANSTON, Mr. KENNEDY, and Mr. GRAHAM, proposes an amendment numbered 383.

Mr. SIMON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, add the following new section:

SEC. . MULTILATERAL SANCTIONS AGAINST SOUTH AFRICA.

(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) the Comprehensive Anti-Apartheid Act of 1986 states that "international cooperation is a prerequisite to an effective anti-apartheid policy";

(2) the Comprehensive Anti-Apartheid Act of 1986 states that it is the policy of the United States "to seek international agreements with the other industrialized democracies to bring about the complete dismantling of apartheid";

(3) the Comprehensive Anti-Apartheid Act of 1986 states that "Sanctions imposed under such agreements should be both direct and official executive or legislative acts of governments";

(4) the Comprehensive Anti-Apartheid Act of 1986 expresses the sense of Congress that the President "should instruct" the Permanent Representative of the United States to the United Nations to propose that the United Nations Security Council impose measures against South Africa "of the same type as are imposed by this Act";

(5) the Permanent Representative of the United States to the United Nations contravened the intentions of the Congress, as expressed in the Comprehensive Anti-Apartheid Act of 1986, by vetoing two proposed Security Council Resolutions, on February 20, 1987, and March 7, 1988, that would have imposed selective but mandatory international economic sanctions against South Africa, similar to those imposed by the United States through the enactment of the Comprehensive Anti-Apartheid Act of 1986;

(6) the Secretary of State's Advisory Committee on South Africa, established pursuant to Executive Order 12532 of September 9, 1985, concluded in its January 1987 report that the "most effective external pressure" on the Government of South Africa will come from a "concerted international effort";

(7) the Advisory Committee recommended that the President begin "urgent consultations" with United States allies to "enlist their support for a multilateral program of sanctions" drawn from those measures in

the Comprehensive Anti-Apartheid Act of 1986;

(8) the European Community, the British Commonwealth, and Japan have adopted selected economic sanctions against the Government of South Africa which parallel some of the measures taken by the United States, such as a ban on new investment and on the importation of gold coins, iron, and steel;

(9) Japan, Italy, France, the United States, the United Kingdom, and the Federal Republic of Germany are South Africa's major trading partners, accounting for 81 percent of South Africa's imports and 78 percent of South Africa's exports in 1987;

(10) Japan and the Federal Republic of Germany became South Africa's top trading partners in 1987;

(11) the United States General Accounting Office concluded in its September 1988 summary report on South Africa that sanctions imposed by the United States on South Africa under the Comprehensive Anti-Apartheid Act of 1986 reduced South African exports by \$417 million and caused a total trade reduction of \$469 million because of South Africa's inability to redirect trade to other markets;

(12) the United States, United Kingdom, the Federal Republic of Germany, and Switzerland account for almost half of South Africa's international debt of \$23 billion; and

(13) the President is authorized in the Comprehensive Anti-Apartheid Act of 1986 to limit the importation into the United States of products or services of a foreign country "to the extent to which such foreign country benefits from, or otherwise takes commercial advantage of, any sanction or prohibition" imposed under the Comprehensive Anti-Apartheid Act of 1986.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that the President should—

(1) take immediate steps to achieve a consensus among South Africa's major trading partners on effective economic, political and diplomatic measures to bring about an end to apartheid;

(2) implement to the fullest extent all the provisions of the Comprehensive Anti-Apartheid Act of 1986;

(3) take active steps to bring about concerted multilateral pressure by Japan, Canada, the member states of the European Community, and other United States allies on the Government of South Africa to dismantle its immoral and inhumane system of apartheid through a process of negotiation with legitimate representatives of all the people of South Africa;

(4) instruct the Permanent Representative of the United States to the United Nations to propose that the United Nations Security Council impose measures against South Africa of the same type as are imposed under the Comprehensive Anti-Apartheid Act of 1986;

(5) instruct the Permanent Representative of the United States to the United Nations to vote for any resolution offered in the Security Council that would impose measures against South Africa of the same type as are imposed under the Comprehensive Anti-Apartheid Act of 1986;

(6) strengthen the impact of the Comprehensive Anti-Apartheid Act of 1986 through the use of diplomatic and political pressure in private as well as public fora;

(7) direct the Department of State, the Department of Commerce and other appropriate executive agencies to continue to monitor carefully trade relationships be-

tween South Africa and United States allies; and

(8) take effective action against those foreign countries benefiting from or taking advantage of United States sanctions against South Africa.

Mr. SIMON. Mr. President, now that we have disposed of this controversial amendment, I have another one that I believe is at this point noncontroversial and I hope will do some good. It is an amendment that is cosponsored by some people of both parties. I worked it out with Senator HELMS and his staff. It is an amendment that combines the carrot and the stick. This is a little more of the stick. He has an amendment that is a little more of the carrot. Senator HELMS has an amendment that commends South Africa in the peace process in Namibia and some constructive things that are happening.

My amendment calls on the United States to work with the other major trading partners of South Africa to see what we can do by using our economic muscle to bring about peaceful change and do away with the injustice of apartheid.

In 1986, when we took the historical step of imposing sanctions against South Africa, we urged the administration to provide leadership in the international community in advocating those sanctions.

Specifically, we urged that negotiations begin promptly to reach international cooperative arrangements with the other industrialized democracies and other trading partners of South Africa to bring an end to apartheid.

We also urged the administration to promote the 1986 sanctions in the U.N. Security Council.

Contrary to the 1986 act, the past administration chose to undermine our sanctions by vetoing Security Council resolutions at the United Nations.

One of those Security Council resolutions was virtually identical to our own law. The United States vetoed that resolution on the grounds that the steps taken by individual nations should not be a matter of concern for the United Nations.

My amendment revisits our earlier call for the United States leadership in gaining a multilateral consensus on South Africa.

It expresses the sense of the Senate that the United States:

First, sponsor negotiations among South Africa's major trading partners to create a consensus approach, including the use of economic measures, to promote an end to apartheid by bringing multilateral pressure to bear on the South African Government;

Second, promote U.S. sanctions at the United Nations by instructing the U.S. Representative to the United Nations to offer a sanctions resolution in

the Security Council similar to the 1986 Anti-Apartheid Act;

Third, support resolutions offered in the Security Council that would impose sanctions against South Africa similar to those imposed by the United States; and

Fourth, implement, to the fullest extent, the provisions of the Anti-Apartheid Act of 1986.

Let me outline the purpose of my amendment.

First, this amendment is not a substitute for my legislation, S. 507, to impose comprehensive sanctions.

It expresses one of our expectations of the Bush administration. I believe that the administration wants to have a credible South Africa policy. The administration has already acknowledged the importance and effectiveness of our current sanctions. We should be providing leadership in the international community to promote that law.

Second, this is something that, together, we have agreed upon in the past. We have already recognized the importance of strengthening our own policy by gaining the support of our friends in the international community.

Third, this is a way of sending an important signal to the current and prospective government in South Africa that the United States is serious about promoting our policy among the industrialized democracies.

The United States will have an important opportunity to provide leadership at the United Nations when a special session on apartheid is convened in December.

On the trade situation, the General Accounting Office's September 1988 report on trade with South Africa says that the South Africans have lost \$469 million in trade as a result of the imposition of our sanctions. South Africa was not able to redirect those markets elsewhere. Our 1969 sanctions have had an economic impact.

That study also indicated that South Africa's six major trading partners—Japan, Italy, France, the United States, and West Germany—accounted for 81 percent of South Africa's imports and 78 percent of South Africa's exports in 1987.

The United States, the United Kingdom, West Germany, and Switzerland account for almost half of South Africa's \$23 billion in foreign debt.

The 12 European Community countries in 1986 received 27 percent of South Africa's total world exports and provided 40 percent of South Africa's imports in 1984. The nations also account for approximately half of the foreign investments in South Africa.

These statistics prove that there is leverage in the economic relationship which can be used to put pressure on the South African Government to end apartheid.

Finally, let me quote from Assistant Secretary of State Herman Cohen who said at his nomination hearing in May:

I also feel that we should be doing more to coordinate our activities with our friends in Europe, Japan and the frontline states who share our concerns about the future of southern Africa and whose interests there are at least as great, if not greater, than our own.

That is what this amendment calls for. I know of no objection and I would be happy to have a voice vote.

Mr. BOSCHWITZ. Mr. President, I am very pleased today to join with my colleague Senator SIMON in offering this amendment. I am an original cosponsor of this resolution, which calls on the administration to seek from our allies—the major industrial democracies—implementation of the same economic sanctions against South Africa which we have already imposed.

I believe that the call for multilateral sanctions is a step whose time has come and one which becomes more appropriate with every passing day.

The Comprehensive Sanctions Act of 1986 imposed economic sanctions on South Africa as a way to bring pressure to bear against the white minority government to hasten the end of the system of apartheid, surely one of the most repellant forms of societal organization currently being practiced anywhere on the face of the Earth.

In looking at the experience of the 3 years since the sanctions bill has been in effect, I see mixed results. Clearly, it has had some impact on the South African economy, but, in truth, only a limited one. And the political impact has been even more meager. Apartheid is still in place, political prisoners continue to languish in jail, political activity is limited, and the state of emergency continues unabated.

In addition, our allies have taken advantage of the reduction in United States economic involvement in South Africa to expand their own economic activities there. Further, when American firms have sold to local investors, the new South African companies have often failed to continue to follow the Sullivan principles which we all agree worked on behalf of South African blacks.

Senator SIMON's amendment would focus attention on redressing this resulting situation—which was clearly an unintended consequence of our action in 1986—since it would call on our industrialized allies to institute sanctions policies similar to our own. Concerted, simultaneous international pressure of this kind would, I believe, contribute to achieving the kinds of internal changes in South Africa which the black South Africans so sorely need.

Mr. President, by discriminating against the overwhelming black majority of South Africans solely on the basis of their skin color, the Govern-

ment there unjustly denies them such basic human rights as that of freedom of speech, freedom of association, and the freedom to live where they choose. These rights and many others are ones which we as Americans take for granted, rights which are woven into the very fabric of American society and which we have fought to defend numerous times.

Our goal, the goal of every one of us, is and continues to be the end of apartheid. It is my hope that this resolution could hasten the day when the evil of apartheid becomes a mere historical relic. I strongly urge my colleagues to vote for it.

Mr. KENNEDY. Mr. President, I strongly support the amendment offered by my colleague from Illinois, Senator SIMON.

The terms of the amendment set forth the logical next step in our effort to bring the South African Government to the negotiating table to end apartheid.

The comprehensive Anti-Apartheid Act of 1986 was the correct first step by the United States, now, it is time for us to begin to work more closely with our allies to ensure that the sanctions are effective.

There are those who would have us believe that sanctions against South Africa haven't worked, or have had no effect whatsoever. But I would urge them to ask the South African Government if there has been an effect. The honest answer will be yes.

These sanctions we enacted in 1986 over President Reagan's veto have produced a total reduction in South Africa's trade or nearly \$500 million, because of that country's inability to redirect its trade to other markets.

We took the right first step when we imposed sanctions in 1986. The South African Government has had ample opportunity to show us a significant sign of good faith, but they have not done so.

I urge the Senate to take the next step, by accepting this amendment calling on the President to work in the United Nations and with other nations to apply multilateral economic sanctions and other appropriate pressures against apartheid. President Reagan was unwilling to take that step. President Bush should do so.

Now is the time to bring our friends and allies into the struggle to end apartheid.

Mr. HELMS. Mr. President, the amendment is acceptable on this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 383) was agreed to.

Mr. HELMS. I move to reconsider the vote by which the amendment was agreed to.

Mr. SIMON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 384

(Purpose: Expressing the Sense of the Senate regarding the situation in the Republic of South Africa)

Mr. HELMS. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 384.

Mr. HELMS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place insert the following:

SEC. . Sense of the Congress Regarding the Situation in the Republic of South Africa.

(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) the Government of the Republic of South Africa has participated in good faith negotiations regarding the future of Namibia and Angola, culminating in the Tripartite Agreement signed in New York on December 22, 1988;

(2) the Government of the Republic of South Africa has initiated a number of diplomatic and other contacts with other African states, including visits by the State President, Mr. P.W. Botha, of South Africa to Zaire and Mozambique;

(3) the Government of the Republic of South Africa has undertaken, in cooperation with other African states, a number of vital development and commercial projects to improve the lives of the citizens of those countries;

(4) the national elections to be held in South Africa on September 6, 1989, will result in the selection of a new Head of State;

(5) because of the apartheid system, the majority of South Africa's population do not have the right to participate in the upcoming elections; and

(6) the Government of the Republic of South Africa has not taken steps to:

(A) repeal the State of Emergency;

(B) release all detainees and persons imprisoned for their political beliefs;

(C) unban all groups, parties, individuals, and organizations opposed to apartheid;

(D) repeal the Group Areas Act, Population Registration Act, and other measures with the same purposes; and

(E) agree to enter into good faith negotiations without preconditions with a broad range of individuals genuinely representing the majority of the South African people.

(b) SENSE OF THE CONGRESS.—It is the sense of Congress that—

(1) the Tripartite Agreement has raised expectations for peace and stability in southern Africa; and

(2) the period following the September elections in South Africa provides an opportunity to enter into serious good faith negotiations to end apartheid with a broad range of individuals genuinely representing the majority of the South African people.

Mr. HELMS. Mr. President, my amendment focuses on developments in the Republic of South Africa as it

approaches national elections on September 6, 1989. Thanks to the cooperation and hard work of the Senator from Illinois [Mr. SIMON], it has been possible to work out two very different approaches to South Africa. I am very grateful to the Senator for his dedication on this important matter.

The result is two amendments which—while they cannot be merged—represent what this Senator believes to be the wide range of Senate opinion on South Africa. My amendment, Mr. President, looks ahead to a bright future for the people of South Africa. It takes note of the considerable real progress that the Republic of South Africa has made in Africa as a whole, and in the region of Southern Africa in recent years.

South Africans have been reliable negotiators, faithful to the Tripartite Agreement signed in New York on December 22, 1989. They have defended the agreement—even at the cost of the lives of their own young citizens. By these steps, the Republic of South Africa has gained much international respect.

While not perfect, South Africans have a higher standard of living than many others in Africa and a greater range of practical freedoms. Mr. President, that does not tell the entire story. South Africa is trying to broaden those freedoms. South Africa is facing a lot of hard work to discover a political formula that can bring a broad range of individuals genuinely representing the majority of people in that country into negotiations about their political future.

The United States, the cradle of modern political freedom, stepped back from assisting South Africa toward fundamental positive change when it imposed sanctions in 1986.

My amendment notes that the elections to be held in South Africa on September 6, 1989, represent an excellent opportunity to begin the latest phase of political reform. It notes that the future is full of opportunities, and that the United States knows the importance of the elections.

The United States must encourage reform, free from terrorism and violence. This country must also encourage regional solutions that are acceptable to all, and internal negotiations between South Africans that will result in full political freedom and opportunity for everyone in that country.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. If I can just take 1 minute to say the senior Senator from North Carolina and I have not often agreed on the South African resolutions but in this case we do. I am very pleased to join in support of the resolution.

Mr. HELMS. I thank the Senator.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from North Carolina.

The amendment (No. 384) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SIMON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 385

Mr. HELMS. Mr. President, I send another amendment to the desk, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 385.

Mr. HELMS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill the following new section:

"SEC. . CONTRIBUTIONS FOR PEACEKEEPING ACTIVITIES IN SOUTHERN AFRICA.

(a) ASSURANCES THAT ALL CUBAN TROOPS WILL BE WITHDRAWN.—The United States may not, after the date of enactment of this section, expend any funds authorized to be appropriated in this Act for a contribution or any other assistance with respect to implementation of the Tripartite Agreement until the President certifies to the Congress that—

(1) the United States has received explicit and reliable assurances from each of the parties to the Bilateral Agreement that all Cuban troops will be withdrawn from Angola by July 1, 1991, and that no Cuban troops will remain in Angola after the date; and

(2) the Secretary General of the United Nations has assured the United States that it is his understanding that all Cuban troops will be withdrawn from Angola by July 1, 1991, and that no Cuban troops will remain in Angola after that date.

(b) CONTRIBUTIONS CONDITIONAL IN COMPLIANCE.—The United States may not expend any funds authorized to be appropriated in this Act for a contribution or any other assistance with respect to implementation of the Tripartite Agreement—

(1) if the Government of Cuba fails at any time to comply with any of its obligations under Article 1 of the Bilateral Agreement (relating to the calendar for redeployment and withdrawal of Cuban troops), or

(2) if any Cuban troops remain in Angola after July 1, 1991.

(c) REPORTS TO CONGRESS.—

(1) Compliance With Obligations.—Not more than 15 days after each scheduled phase of the redeployment northward and withdrawal of Cuban troops pursuant to the Bilateral Agreement, the President shall submit to the appropriate Congressional committees a report on whether each of the signatories of the Tripartite Agreement is

complying with its obligations under the agreement. And the President shall report to the appropriate Congressional committees whenever he has determined that a material branch of the Tripartite Agreement may have been committed by any of the signatories to that Agreement.

(d) DISBURSEMENTS.—Of the amount authorized to be appropriated to be made available for contribution with respect to implementation of the Agreement Among the People's Republic of Angola, the Republic of Cuba, and the Republic of South Africa, signed at the United Nations on December 22, 1988 (hereafter known as the Tripartite Agreement), 50 percent of the annual amount shall be available on October 1, 1989 and the remaining 50 percent on April 1, 1990, only if the President determines and certifies to the appropriate Congressional committees as of each date that (1) each of the signatories to the Tripartite Agreement is in compliance with its obligations under the Agreement, (2) the Government of Cuba has complied with its obligations under Article 1 of the bilateral Agreement (relating to the calendar for redeployment and withdrawal of Cuban troops), (3) the Cubans have not engaged in any offensive military actions against UNITA, including the use of chemical warfare, (4) the United Nations and its affiliated agencies have terminated all funding and other support, in conformity with the United Nations impartiality package, to the South West Africa People's Organization [SWAPO], and (5) the United Nations Angola Verification Mission is demonstrating diligence, impartiality, and professionalism in verifying the departure of Cuban troops and the recording of any troop rotations.

(e) Funding of these activities by the United States may not be construed as constituting recognition of any government in Angola.

(f) The term "Bilateral Agreement" means the Agreement Between the Governments of the People's Republic of Angola and the Republic of Cuba for the Termination of the International Mission of Cuban Military Contingent, signed at the United Nations on December 22, 1988, and the term "Tripartite Agreement" means the Agreement Among the People's Republic of Angola, the Republic of Cuba, and the Republic of South Africa, signed at the United Nations on December 22, 1988.

(g) The term "appropriate Congressional committees" means the Committees on Appropriation, Foreign Affairs and Permanent Select Committee on Intelligence of the House of Representatives, and the Committees on Appropriations, Foreign Relations and the Select Committee on Intelligence of the Senate.

Mr. HELMS. Mr. President, I thank the Chair.

Mr. President, in essence this amendment, which has been cleared on both sides, continues the provisions of current law with respect to U.S. contributions to the U.N. peacekeeping activities in southern Africa during fiscal year 1990. This amendment is necessary to continue the safeguards which Congress deemed appropriate by including the DeConcini-Helms amendment to the Supplemental Appropriations Act enacted earlier this year.

Mr. SIMON. Mr. President, we have no objection on this side to this amendment. It has been worked out.

Mr. HELMS. I thank the Senator.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from North Carolina.

The amendment (No. 385) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. D'AMATO. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 386

(Purpose: To express the sense of the Senate that the United States Government should recognize Guillermo Endara as the legitimately-elected President of the Republic of Panama)

Mr. D'AMATO. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mr. D'AMATO] for himself and Mr. KERRY, Mr. HELMS, Mr. DOLE, Mr. PRESSLER, Mr. KASTEN, Mr. DeCONCINI, Mr. MURKOWSKI, Mr. GRAHAM, Mr. SPECTER, Mr. MACK, Mr. MCCAIN, Mr. REID, and Mr. HARKIN proposes an amendment numbered 386.

Mr. D'AMATO. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

(a) FINDINGS.—The Senate finds that—

(1) the Panamanian election of May 7, 1989 produced a clear victor for the offices of the President and Vice President with 75 percent of the vote cast for the opposition candidates;

(2) Guillermo Endara was the Panamanian people's choice for President, and Ricardo Arias Calderon and Guillermo Ford were their choice for First and Second Vice President;

(3) the Noriega regime engaged in a wholesale effort to steal the election, including voting irregularities, intimidation of opposition candidates, and repressive measures against the press and public assemblies, as verified by a team of international election observers headed by former Presidents Ford and Carter;

(4) the current dictator of Panama, Manuel Antonio Noriega, having failed to manipulate the vote tally in favor of his candidate, Carlos Duque, illegally nullified the election on May 10, 1989;

(5) Noriega, known to have ties to both international terrorists and international drug traffickers, is continuing to intimidate the people of Panama and consolidate his power domestically;

(6) it is imperative that Noriega be ousted and that Guillermo Endara be installed as the duly-elected President of Panama to guarantee the rights and freedoms of the

Panamanian people and to guarantee the safety and security of the Panama Canal.

(7) the Panamanian Defense Force, under Noriega, continues to harass U.S. military and civilian personnel living in Panama;

(b) Policy—It is the sense of the Senate that—

(1) the United States Government should recognize Guillermo Endara as the legitimate President of Panama on September 1, 1989;

(2) the United States Government should, both through the OAS and unilaterally, work for the immediate expulsion of Manuel Antonio Noriega from Panama;

(3) the United States should work with other allies in the hemisphere to ensure that Guillermo Endara takes power in Panama on September 1, 1989, in accordance with the constitution of that country and the desire of the Panamanian people.

Mr. D'AMATO. Mr. President, this is an amendment which seeks to express the sense of the Senate that the United States Government should recognize Endara as the legitimately elected President of Panama.

Mr. President, we ask for that recognition to be added September 1. It seems to me that we have an opportunity to at least loan our voice for democracy. We should not sit by idly while a drug-dealing dictator by the name of Noriega mocks his people, mocks the free world, mocks the United States, and says "I am going to suspend an election." That is literally what he did. Certainly this country should go on record as saying come September 1 we will give the voice of the people of Panama reality by recognizing what they did in going to the polls and overwhelmingly electing Endara. That is what this sense of the Senate expresses. I send it on behalf of Senator HELMS, Senator KERRY, myself, and others.

Mr. SIMON. Will my colleague yield?

Mr. D'AMATO. Yes.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, I have no objection, though I tend to think we would be much better off generally low-keying it in Panama to be more effective. But I would be interested. I note on the floor the chairman of the subcommittee dealing with Latin American affairs, Senator DODD. I do not know; has he indicated support?

Mr. D'AMATO. Mr. President, it has been cleared on both sides. We certainly call for the recognition of Endara as the duly elected President.

Mr. HELMS. Mr. President, not only do we find it acceptable on this side, but we commend the Senator for it.

Mr. McCAIN. Mr. President, may I have time yielded?

Mr. HELMS. Certainly.

Mr. McCAIN. Mr. President, I happen to be one of those who traveled to Panama for the recent elections. I watched one of the most fraudulent elections ever orchestrated in history. The Panamanian strongman,

Mr. Noriega, had originally planned to employ some practices which would not have been easily detectable. Mr. Noriega discovered, much to his dismay, that despite things like busing members of the army around from one polling place to another, despite invalid voting lists and despite a variety of other corrupt practices, he was still going to lose the election. So, therefore, that evening of the election the voting list disappeared. And the Panamanian people were deprived of a basic right of any nation.

I say that the amendment of the Senator from New York that requires we recognize what was clearly a freely overwhelmingly elected government in Panama is entirely appropriate. I suggest that sends a message to Mr. Noriega that his behavior is unacceptable, and in the view not just of the United States, but every international observer in the world, the Endara-Ford ticket won overwhelmingly in Panama.

Mr. President, I support the amendment. The people of Panama deserve to have their freely elected officials recognized not only by the United States but by every other nation in the world.

I yield.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment of the Senator from New York.

The amendment (No. 386) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. D'AMATO. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 387

Mr. HELMS. Mr. President, I send an amendment to the desk and ask for its immediate consideration. It has been cleared on both sides.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 387.

Mr. HELMS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

It is the sense of the Senate that—

The Department of State shall submit to the Senate in treaty form for advice and consent all agreements with the Soviet Union which relate to boundaries of the United States.

Mr. HELMS. Mr. President, the purpose of this amendment is to protect the American interests in the Arctic Ocean, Bering Sea, and the North Pacific Ocean.

As I understand the Department of State is moving forward on boundary negotiations with the Soviet Union. The Department is considering whether to present the result to the Senate in treaty form or to attempt to bypass the Senate and the Constitution by means of an Executive agreement.

The pending amendment simply states that it is the sense of the Senate that the Department of State shall submit to the Senate in treaty form for advice and consent all boundary agreements with the Soviet Union.

This amendment takes no point of view on any negotiations or agreements with the Soviet Union. This amendment simply emphasizes the constitutional role of the Senate, including its advice and consent.

Over the past 8 years, the Department of State has conducted a series of secret negotiations with the Soviet Union with respect to determining our boundary with the Soviet Union. These negotiations have occurred in Washington and in Moscow. There have been nine such sessions. They will result in profound implications for the status of Wrangell, Herald, Bennett, Henrietta, and Jeannette Islands which are located in the Arctic Ocean.

The consequences of such negotiations will touch upon our strategic as well as upon our economic interests. Strategic interests involve such matters as the movement of nuclear submarines and other naval deployments. Economic interests involve such matters as undersea oil and gas reserves, undersea minerals, fisheries, and related Outer Continental Shelf concerns.

These negotiations, I am informed, have centered on the transformation of the Convention Line of 1867 into a maritime boundary line. As Senators will recall, the Convention Line of 1867 was used as a line of demarcation to indicate what the United States had purchased from the Russian Government in the Alaska Purchase—namely, territory lying east of the line.

Mr. President, the Convention Line of 1867 is not a State boundary line nor was it intended to be one. In the "International Boundary Study, No. 14, October 1, 1965, United States-Russia Convention Line of 1867" the Geographer of the Department of State specifically states and I quote:

Furthermore, in keeping with the policy that the line does not constitute a boundary, the standard symbol for the representation of an international boundary should never be used.

Mr. President, I ask unanimous consent that "International Boundary Study, No. 14, October 1, 1965, United States-Russia Convention Line of 1867" be printed in the Record at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HELMS. Mr. President, subsequent to the Alaska Purchase, the United States took formal possession of five islands in the Arctic Sea which were to the west of the convention line. This occurred between 1867 and 1881. The voyages during which formal possession of the islands was taken were financed by the U.S. Government and supported through acts of Congress. The islands were then listed in official U.S. publications as being part of Alaska.

American economic interests are at stake here and the Senate has a constitutional role to play in the boundary determination. Should a boundary determination be made, for example, the extent of U.S. undersea oil and gas reserves—particularly in the Bering Sea—will be affected. This involves hundreds of millions if not billions of dollars' worth of resources.

In addition, if the boundary determination is not properly negotiated, American interests in the five islands to which I have referred could be jeopardized. We must bear in mind that these islands have associated Outer Continental Shelf areas which are potentially resource rich. In addition, the location of these islands has a bearing on the activities of Soviet nuclear submarines which target the United States and operate in Arctic waters.

THE HISTORICAL BACKGROUND

Mr. President, the historical background of the U.S. discovery of and the taking of formal possession of five Arctic islands—Wrangell, Herald, Bennett, Jeannette, and Henrietta—has been recorded in congressional documents as well as in official U.S. Government publications.

The fact is that the United States clearly took possession of these islands in the past. The fact is that numerous official U.S. Government documents record the historical record.

Wrangell Island became part of the United States by right of confirmed discovery during the voyage of Capt. Thomas Long, a citizen of the United States, of the baroque Nile in 1867 and by right of first possession which was formalized during the voyage of Capt. Calvin L. Hopper of the U.S. Revenue Marine steamer *Corwin* in 1881.

The Senate has printed a "Report of the U.S. Revenue steamer *Thomas Corwin*, in the Arctic Ocean," as Executive Document No. 204 in the first session of the 48th Congress. On page 70 of this report, Capt. C.L. Hooper, U.S.R.M., the commanding officer states, and I quote, "the island (Wrangell) had become, by our act of landing upon it and taking possession of it, a part of the territory of the United States."

Mr. President, I ask unanimous consent that an excerpt from U.S. Senate Executive Document No. 204, 48th Congress, 1st session, entitled "Report

of the Cruise of the U.S. Revenue Steamer *Thomas Corwin* in the Arctic Ocean, 1881," by Capt. C.L. Hooper, U.S.R.M. commanding be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.
(See exhibit 2.)

Mr. HELMS. Mr. President, both the Senate and the House passed legislation in support of the "north polar expedition" which was organized by the well-known newspaper publisher, James Gordon Bennett, a citizen of the United States and owner of the New York Herald. On March 18, 1878, an act was approved by Congress which authorized the Secretary of the Treasury to issue an American register to the vessel *Jeannette* which had been purchased in Great Britain. On February 27, 1879, an act was approved by Congress which authorized the Secretary of the Navy to accept and to take charge of the ship *Jeannette* for the use of a north polar expedition. U.S. Navy Comdr. George Washington DeLong was in charge of the expedition and was captain of the *Jeannette*.

Mr. President, I ask unanimous consent that a copy of the act approved on March 18, 1878 in aid of a polar expedition designed by James Gordon Bennett, and the act approved February 27, 1879 authorizing the Navy to accept for purposes of a voyage of exploration by way of Behring's Straits, the ship *Jeannette* be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.
(See exhibit 3.)

Mr. HELMS. Mr. President, Jeannette Island was discovered on May 24, 1881, and formally taken possession of on June 3, 1881.

Henrietta Island was discovered on May 24, 1881, and formally taken possession of on June 3, 1881.

Mr. President, I ask unanimous consent that the order of George W. DeLong, lieutenant, U.S. Navy, commanding respecting the discovery of and the taking possession of Jeannette and Henrietta Islands which was printed in House of Representatives Executive Document No. 108, 47th Congress, 2d session at page 318 and the "Report of Trip to Henrietta Island—Chief Engineer George W. Melville, U.S.N." of June 6, 1881, which was printed in the above House Executive Document at pages 360-363 be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.
(See exhibit 4.)

Mr. HELMS. Mr. President, Bennett Island was discovered on July 11, 1881, and formally taken possession of on July 29, 1881.

Mr. President, I ask unanimous consent that excerpts from the log of

George W. DeLong, lieutenant, U.S.N., commanding U.S. arctic expedition, which relate to the discovery of, and the taking possession of Bennett, Jeannette, and Henrietta Islands and which are included in House of Representatives, Miscellaneous Document No. 66, 48th Congress, 1st session, at pages 914-917 and 920-921 be printed in the RECORD at conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.
(See exhibit 5.)

Mr. HELMS. Mr. President, in 1881, the U.S. Navy surveyed Wrangell, Bennett, Henrietta, Herald, and Jeannette Islands for the U.S. Coast and Geodetic Survey.

The U.S. Coast and Geodetic Survey, in turn, placed Wrangell, Herald, Jeannette, Henrietta, and Bennett Islands as part of the district of Alaska.

Beginning in 1900, the U.S. Geological Survey included Wrangell, Herald, Jeannette, Henrietta, and Bennett Islands as part of the district, later the territory, and then State of Alaska.

Mr. President, there is nothing unusual about countries possessing islands far away from the mainland. France has the Amsterdam, St. Paul Islands, and Crozet Islands in the middle of the Indian Ocean. The United Kingdom has a number of islands in the South Atlantic such as the Tristan Da Cunha Group and the South Sandwich Islands. Brazil has the St. Peter and St. Paul Rocks out in the Atlantic. The list goes on and on. The point that I am making is that a number of countries have possessions far from their mainland and that our five arctic islands are nothing out of the ordinary.

ALASKA LEGISLATURE ACTIVITY

Mr. President, the situation with respect to the determination of the boundary between Alaska and the Soviet Union has not gone unnoticed in the Alaska Legislature. Many Alaskans have written to me as ranking member of the Committee on Foreign Relations expressing their deep concern over the issue of the boundary and the fate of the five U.S. islands in the arctic—namely, Wrangell, Herald, Bennett, Jeannette, and Henrietta Islands.

During 1988, the House and Senate in Alaska passed Senate Joint Resolution 12 relating to the determination of the State's boundaries with the Soviet Union and Canada. The legislation was signed into law by Alaska Gov. Steve Cowper. This legislation notes the current negotiation between the United States and the Soviet Union and petitions for the inclusion of representatives from Alaska to be included in such negotiations.

Mr. President, so that Senators might conveniently refer to the Alaska Legislature's action, I ask unanimous

consent that the Senate Joint Resolution 12 in the legislature of the State of Alaska, 15th legislature, first session, be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered. (See exhibit 6.)

Mr. HELMS. Mr. President, also during 1988, the Alaska Senate passed Senate Joint Resolution 61 requesting the Government of the United States to reassert jurisdiction over Wrangell Island, Herald Island, Henrietta Island, Jeannette Island, and Bennett Island together with the surrounding Outer Continental Shelf within the American waters of the Chukchi Sea and the East Siberian Sea and to pay the State of Alaska compensation for damages for their loss.

Mr. President, I ask unanimous consent that the Senate Joint Resolution 61 in the legislature of the State of Alaska, 15th legislature 2d session, be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered. (See exhibit 7.)

Mr. HELMS. Mr. President, this amendment is, as I have said, is straightforward. It is designed to protect the Senate's role in our foreign relations as well as our strategic and economic interests in the Arctic Ocean, Bering Sea, and North Pacific Ocean. I urge Senators to support my amendment.

EXHIBIT 1

INTERNATIONAL BOUNDARY STUDY No. 14 (REVISED) OCTOBER 1, 1965

UNITED STATES-RUSSIA CONVENTION LINE OF 1867

This International Boundary Study is one of a series of specific boundary papers prepared in the Office of the Geographer, Department of State, in accordance with provisions of Bureau of the Budget Circular No. A-16, Exhibit D.

Government agencies may obtain additional information and copies of the study by calling the Office of the Geographer, Room 8744, State Department Building, Department of State, Washington 25, D.C. (telephone: Code 182, Extension 4507).

I. United States-Russia Convention Line of 1867

Rather than a boundary *per se*, this report concerns a convention line which ordinarily appears on official maps in the same manner as a boundary. According to Boggs¹ "Most lines in water areas which are defined in treaties are not boundaries between waters under the jurisdiction of the contracting parties, but a cartographic device to simplify description of the land areas involved . . .". He further describes such a line being a "line of allocation of land. For example, all land areas to the east of the Convention line in question belong to the United States; to the west to the U.S.S.R. without regard to the water areas involved.

¹ Boggs, S.W., "Delimitation of Seaward Areas under National Jurisdiction," American Journal of International Law, Vol. 45, No. 2 April 1951, footnote 2, page 240.

Early in 1955, a group of U.S. cartographic experts in the ACC/MAP² after a rather long period of consultation and deliberation, issued the "Coordinate Positions for the Plot of United States-Russia Convention of 1876." This document, which is reproduced in part below, has been adopted as the standard description for the cartographic representation of the Convention line. Its re-issue in this series results from the large number of questions on the line which have been raised in recent months from offices unfamiliar with the original document.

II. Treaty

The only treaty establishing a so-called "boundary" between the United States and the modern Union of Soviet Socialist Republics is the Convention Ceding Alaska concluded March 30, 1867 with ratification advised by the Senate on April 9, 1867 and proclaimed by the President on June 30, 1867. The Convention line, as given below, marks the limit, to the east of which, the Emperor of Russia ceded all territory or claims to territory in North America. The 1867 Convention's territorial article on the western limits of the Alaskan cession reads as follows: "The western limit within which the territories and dominion conveyed, are contained, passes through a point in Behring's straits on the parallel of sixty-five degrees thirty minutes north latitude, at its intersection by the meridian which passes midway between the islands of Krusenstern, or Ignalook, and the island of Ratmanoff, or Noonarbook, and proceeds due north, without limitation, into the same Frozen Ocean. The same western limit, beginning at the same initial point, proceeds thence in a course nearly southwest, through Behring's straits and Behring's sea, so as to pass midway between the northwest point of the island of St. Lawrence and the southeast point of Cape Choukotski, to the meridian of one hundred and seventy-two west longitude; thence, from the intersection of that meridian, in a southwesterly direction, so as to pass midway between the island of Attou and the Copper island of the Kormandorski couplet or group, in the North Pacific ocean, to the meridian of one hundred and ninety-three degrees west longitude, so as to include in the territory conveyed the whole of the Aleutian islands east of that meridian."

In the Convention, 193° West Longitude coincides, of course, with 167° East Longitude. The modern names for selected places mentioned in the Convention are as follows:

Convention Name	Modern Name
Krusenstern or Ignalook	Little Diomed Island
Ratmanoff or Noonarbook	Big Diomed Island or Ostrov Ratmanova
Frozen Ocean	Arctic Sea
Cape Choukotski	Mys Chukotskiy
Attou Island	Attu Island
Copper	Ostrov Mednyy
Kormandorski couplet	Kormandorskiye Ostrova

III. Summary

The wording of the Convention is rather precise. The principal question left unsolved is whether the lines between the fixed points should cartographically be expressed as "rhumb lines" or as "great circle lines". It was decided that great circle lines should be understood by the Convention wording of "straight lines" on the earth and the ACC/MAP group resolved: "The lines between

points herein described are great circles except those lines which connect adjoining points on the same parallel shall follow the parallel."

The Coordinate Positions for the Plot were listed as follows:

COORDINATE POSITIONS FOR PLOT OF UNITED STATES-RUSSIA CONVENTION LINE OF 1867

Point	Position	
	Latitude	Longitude
Mys (Cape) Chukotski, southeast extremity	64° 14' 2" N	173° 05' 5" W
St Lawrence Island, northwest extremity	63° 47' 3" N	171° 45' 8" W
Medny (Cooper Island) eastern extremity	54° 32' 2" N	168° 00' 0" E
Attu Island, western extremity	52° 55' 3" N	172° 26' 8" E
Initial Turning Point	65° 30' 0" N	168° 58' 22" 587 W ¹
Turning Point No. 2	64° 12' 3" N	172° 00' 0" W
Mid Point between Medny and Attu Island	53° 45' 0" N	170° 16' 0" E
End Point, southwestern extremity of Convention line	50° 36' 4" N	167° 00' 0" E
5° increments of longitude along great circle arcs	65° 04' 2" N	170° 00' 0" W
	62° 59' 4" N	175° 00' 0" W
	60° 33' 5" N	180° 00' 0" W
	57° 28' 0" N	175° 00' 0" E
	53° 31' 0" N	170° 00' 0" E
Starting point of Convention Line	72° 00' 0" N	168° 58' 22" 587 W

¹ This value was given erroneously in the distributed ACC/MAP minutes as 168° 50' 22" 587 W and copied in the original edition of this study instead of the correct value, 168° 58' 22" 587 W.

It should be noted that the original Convention language stated that the line "proceeds thence due north, without limitation, into the same Frozen Ocean". Since the United States does not support so-called "sector claims" in the polar regions, the northernmost point for the representation of the Convention line was agreed to be 72° 00' N. Further more in keeping with the policy that the line does not constitute a boundary, the standard symbol for the representation of an international boundary should never be used. Furthermore, labeling of the line as "U.S.-Russia Convention of 1867" is recommended.

The plotted points, it should be remembered, are subject to minor modification resulting from improved surveys, changes in datum, alteration in the spheroid, etc.

EXHIBIT 2

REPORT OF THE CRUISE OF THE U.S. REVENUE STEAMER "THOMAS CORWIN," IN ARCTIC OCEAN, 1881.

(By Capt. C.L. Hooper U.S.R.M.)

*** We had 15 fathoms of water, with sticky bottom, and judged ourselves to be about 8 miles from the land. I believed that no great difficulty would be encountered in crossing on the ice to the land. Lieutenant Reynolds, Assistant Engineer Owens, Professor Muir, Mr. Nelson, and Coxswain Gessler, having volunteered, were very anxious to make the attempt, but, owing to the mist and fog, which was rapidly shutting out the land from our view, and the uncertainty of holding our position in the lead, I was compelled to withhold my consent at that time, but determined to try to hold on in the lead until the fog should clear away. We observed the set of the current to be northeast, about one knot per hour. Running back to the eastward a short distance, to where the lead was about 3 miles in

² The actual wording applied to ADIZ boundaries in the vicinity of the Convention line. The significant point is made first and applied to the Convention line.

² The Map Sub-Committee of the Air Coordination Committee.

width, we came to with the kedge, in 19 fathoms of water.

The constant changes taking place in the position of the lead, owing to the set of the current, necessitated changing our position several times during the night to avoid the ice. We got underway at 4 a.m. (August 12). The mist began to clear away, giving us occasional glimpses of the snow patches that lined the cliffs. We had made all necessary preparations for crossing on the ice; the skin boat had been placed on runners, and arms, ammunition, provisions, &c., served out. At 4:30 we reached the end of the lead, which we judged to be 8 miles from the land, and which we found by bearing of points on shore that we could recognize as those we had observed the night before to have changed their position to the northward 8 miles during the night. The ice appearing to be much less closely packed than on the previous evening, I determined to shorten up the journey over the ice by pushing in with the vessel as far as possible before embarking the party. Accordingly we entered the ice at 5:30 and worked in the direction of the place where the land appeared low, with high, dark-looking cliffs on each side. The ice, which was quite heavy, continued to open as we advanced, until, at 6:30, we could see the shore line distinctly, and, in the direction in which we were steering, what appeared to be a small space of open water adjoining the land. As the ice still remained sufficiently open to admit of forcing a way through it at the expenses of a good deal of hard bumping, squeezing, and pushing, hopes were entertained of reaching the open space of water with the vessel. The last 2 or 3 miles were made with a good deal of difficulty. Inside of the 10 fathom curve we found much of the ice aground, while the floating portion was drifting past and occasionally shooting up over the top of the grounded pieces. Navigation under such circumstances was anything but safe or agreeable. However, we felt that the land was certainly within our reach, and thought of nothing but pushing ahead. At 7:30 we reached the open space and dropped anchor within a cable's length of the land in 5 fathoms of water. We immediately landed and, raising the American flag, took possession in the name of the United States of America. We landed at the mouth of a river, which at this time was about 75 yards in width, although the entire distance between its banks was about 200 yards. The cliffs in the vicinity of our landing place were of a dark slate formation, and from 100 to 300 feet high. On the beach small pieces of sandstone, quartz, and mica schist were found. The surface of the land where the slate has weathered away is composed of sticky clay, and is but sparsely covered with vegetation. As observed from the ship, while cruising in the vicinity and also from the shore, it presents the general appearance of smoothly-rounded hills, which, towards the interior and near the south side, are from 1,000 to 3,000 feet in height. The upper portion of the higher hills appeared more rugged in outline, as if composed of more enduring material, probably granite. These summits resemble those seen on the Siberian coast in the vicinity of Plover Bay, being entirely destitute of vegetation, with occasional red patches probably indicating the presence of iron. Those near the coast are remarkable for the smoothness and beauty of their outlines, and present here and there patches of green or gray, according to the nature of the vegetation. On the beach near the mouth of the river we found a kyack paddle,

a cask-stave, a piece of small spar, probably part of a boat's mast, and a piece of board about a foot in length bearing ax-marks. All these things were below the marks of extreme high water, and were undoubtedly brought there by the current. Although the beach showed undoubtedly signs of a rise and fall of tide, no tidal change could be detected, probably owing to the fresh southerly wind which was blowing. The presence of this drift matter on the beach would seem to indicate that the east coast of Wrangel Island was at times entirely free from ice, though it does not necessarily follow, as it could easily have been carried through the pack to the shore by the constant twisting and turning to which it is at all times subject. I believe that it is a very unusual thing for the ice to leave any portion of Wrangel Island entirely. Our stay on shore was necessarily short on account of the strong northerly current, which was sweeping the icepack along with irresistible force. Much of the ice inside of 10 fathoms, as stated, was aground, but not sufficiently firm to form any protection from the drifting mass, the largest pieces of which were constantly being pushed and turned in every direction when struck by the drift, and the utmost vigilance was required to avoid getting caught between the drifting and grounded masses. At 9:30 a. m., being unable to maintain our position any longer, a gun was fired to recall the parties sent out to explore the cliffs in search of cairns or other signs of human life, and we began to work out towards the lead, which we reached at 11 a. m. We left the American flag flying and also a record of our visit. We had good observations during the day, and found our landing-place to be in latitude 71° 40' north and longitude 177° 40' west. This is undoubtedly the part of the land seen by Captain Kellett, R. N., in 1849, when he discovered and landed on Herald Island, and which since appeared on the British Admiralty charts as Plover Island, although erroneously laid down somewhat further to the eastward. We now know that Plover Island has no separate existence, and that what Kellett saw was the main island. As there is no record of any one else having seen the land previous to that date, or in fact until several years after, when, in 1876, it was seen by nearly the entire whaling fleet, all must accord to Captain Kellett the honor of its discovery.

While steaming through the ice, in our several attempts to reach the land, a number of species of sea-fowl were seen from time to time, and carefully noted by Mr. Nelson. Among these the most numerous were the murre and guillemots (*Uria* and *Uria*), with numerous kittiwake gulls (*Larus tridactylus* Kotzebue) and the common ice-gull (*Larus glaucus*). More rarely single individuals of the Sabine's gull (*Xema sabinei*) came circling about the ship. Numerous small flocks of black-headed turnstones (*Streptopelia melanoccephala*) were seen near shore, and two parties of common eider ducks (*Somateria nigra*). In both instances the latter were females with their young. The second brood of eiders was seen swimming close along the shore and away from the mouth of the river as we made our landing. On shore we found numerous snow-buntings (*Plectrophenax nivalis*) and a snowy owl (*Nyctea nivea*), which, with a shrike picked up dead on the beach and a solitary golden plover (*Charadrius fulvus*), complete the short list of land birds seen. At a number of places on the hillsides we found the droppings of wild geese so numerous that it was evident this

place must have been a common resort for flocks of these birds earlier in the season. Their absence at the time of our landing is easily accounted for by the fact this was the time when the geese shed their large wing feathers and lose the power of flight. As this season comes on they congregate in large flocks in low marshy land and remain until their new growth of feathers enables them to spread over the country again a month or six weeks later.

Saddle-backs and hair-seals were rather common among the ice, and in addition there was a small species of hair-seal unknown upon the American coast and perhaps new to science. Walrus were not rare on the outer edge of the pack, and their foe, the polar bear, was seen almost every time we entered the ice; on several occasions it was seen swimming in the water several miles from the pack. Upon the hilltop on shore were found numerous burrows of some animal, probably white fox (*Canis lagopus*), as some tracks of that animal were found mingled with those of the polar bear in the mud along the banks of the river. Stranded on the sand-bar at the mouth of the river lay the skeleton of a whale (*Balaena mysticetus*), which closes the list of mammals observed.

Numerous small fish, from two to four inches long, and having large heads, were brought to the surface by rolling masses of ice as it was turned over by contact with the vessel in her passage through it. These are called by the whalers ice-fish. No specimens were obtained, unfortunately.

The following plants we collected: Grasses, three varieties; dwarf willow, phlox, saxifrage, sabbaldea, draba, potentilla, anemone, papaver, veronica, artemisia, carex, stellaria, three; mosses, three; lichens, five; and four compositae. In many places where the snow remained in the ravines and in banks against the steep cliffs, it presents the peculiar reddish color caused by the presence of *Protococcus nivalis*, commonly called red snow. This is a minute plant with which the surface of the snow is often covered in high latitudes. It was seen and its appearance described by Sir John Ross in 1818, and by Sir Edward Parry in 1827, but its true character was not understood until many years later, when it became known as a vegetable growth.

Upon taking possession of this land in the name of the United States, the name New Columbia was provisionally given to it. The provision being the approval and concurrence of that portion of the Government having the authority to issue charts, &c., the decision of that body was adverse to my suggestion, and by its action I cheerfully abide not only on account of its undoubted right to decide according to its own judgment in this and all other matters over which it has jurisdiction, but because the size of the island, as now known, does not justify the bestowal of a name of this character, the name of one of the early Arctic navigators being much more appropriate. At the time I suggested the change of name I believed the land to be an island and had so reported it to the Department, but I supposed it to be considerably larger than it has proved. In the report of my first cruise in the *Corwin*, submitted November 1, 1881, page 50, I say, in reference to this land:

"The part of Wrangel Land which we saw covered an arc of the horizon of about fifty degrees from northwest quarter north to west quarter south (true), and was distant from 25 miles on the former bearing to 35 or 40 on the latter. On the south were three

mountains, probably 3,000 feet high, entirely covered with snow, the central one presenting a conical appearance and the others showing slightly rounded tops. Northward of these mountains was a chain of rounded hills, those near the sea being lower and nearly free from snow, while the back hills, which probably reach an elevation of 2,000 feet, were quite white; to the north of the northern bearing given the land ends entirely or becomes very low. The atmosphere was very clear, and we could easily have seen any land above the horizon within a distance of 60 or 70 miles, but none except that described could be seen from the mast-head."

Again, on page 52, I say:

"I am of the opinion that Wrangel Land is a large island, probably one of a chain that passes entirely through the polar regions to Greenland; that there is other land to the north there can be no doubt * * * large numbers of geese and other aquatic birds pass Point Barrow going north in the spring, and returning in August and September with their young. As it is well known that these birds breed only on land, this fact must be regarded as proof of the existence of land in the north. Another reason for supposing that there is either a continent or a chain of islands passing through the polar regions is the fact that, notwithstanding the vast amount of heat diffused by the warm current passing through Bering Straits, the icy barrier is from six to eight degrees farther south on this side than on the Greenland side of the Arctic Ocean, where the temperature is much lower."

The belief that Wrangel Land is an island and that other islands exist to the north, has since been confirmed by the remarkable drift of the *Jeannette*, and the more recent work of the *Corwin* and *Rodgers* on Wrangel Land gives us a comparatively definite idea of its extent, although from the official report of Lieutenant Berry we learn that the *Rodgers* did not sail around that island, and that the boats sent out for the purpose of circumnavigating it did not succeed. Still, they went far enough to enable them to form a definite idea of its size and the general trend of its coast line, topography, &c. Although the discovery of three new islands by the *Jeannette* does not in any manner prove the existence of others extending entirely through the polar regions, the natural inference is that others are there. In fact it would appear almost miraculous that a vessel drifting helplessly in the polar regions for twenty months should be carried in sight of the only three islands which exist there. It would also be remarkable, to say the least, if, after the islands had been seen throughout the polar regions, at the highest degree of latitude attained by man, they should suddenly come to an end, and the thousands of miles of unexplored space be entirely free from them. While they are perhaps not sufficiently near to each other to be designated as a continuous chain of islands, they may, taken in consideration with other facts, be regarded as reasonable proof of the existence of islands throughout the polar regions at no great distance from each other. I quote the following from my private journal, written July 30, just after landing on Herald Island:

"While working in through the ice toward Herald Island, we saw Wrangel Land, and from the tops of the island a very good view was had of it, the extremes bearing southwest and west by south (magnetic). It consisted of rounded hills of medium height

and presented abrupt terminations at each of the above bearings, although it was thought by some that low land could be seen extending farther to the north, but owing to the hazy condition of the atmosphere we could not make out positively, and probably it was a mistake."

Having thus shown that the theory advanced by me that Wrangel Land is an island has been proven, and that in regard to other islands existing throughout the polar region has received strong confirmation, I will now briefly state the consideration which induced me to suggest the change of name. In order to do this a short review of its history is necessary.

The first account of the existence of land north of the continent of Asia was received through a Cossack trader named Staduchin, in the year 1644. By the natives, also Russian traders, who had preceded him, Staduchin was informed that in the Polar Sea off the mouth of the Jana and Indegirka there were large islands which in clear weather could be seen from land, and which the Tchuktchis reached in winter in reindeer sledges in one day from Cheekotska, a river emptying into the Polar Sea east of the Kolyma. An examination of the chart shows that the land referred to off the Jana and Indegirka can be no other than the Siberian Islands, and that to which the natives are said to drive with reindeer in one day from the mouth of the Cheekotska is the Medvii or Bear Islands; that they could have had no reference to Wrangel Island, which is over 300 nautical miles east of the Cheekotska, is evident. About the year 1668 Nikifor Malgin made a trading voyage by sea from the mouth of the Lena to the Kolyma, and during the voyage discovered an island far out at sea, west of the mouth of the Kolyma, and at Kolyma he met another trader, who reported that in cruising along the same coast with nine vessels, or more properly boats, three of them were driven ashore on this island. Traces of unknown animals were found, but no inhabitants. The location of this island between the mouth of the Lena and Kolyma is vague and indefinite, but with our present knowledge of that coast we may safely assume that the island referred to was Blischni, the most southern of the New Siberian Islands, which is the only island between the rivers named that could be seen while sailing along the coast. The first report which definitely locates these islands is the account of a trip from the Lena to the Kolyma by Jacob Permakov, a Cossack, in the beginning of the eighteenth century, who states that off the Sratoinos he had seen an island (Blischni), and that likewise off the mouth of the Kolyma there was an island that could be seen from land (Bear Islands). Then, as now, reports of explorers required confirmation before receiving full credence.

The following year another Cossack by the name of Wagin was sent out accompanied by Permakov to verify this report. They rode over the ice with dog sledges and not only reached and explored the island seen by Permakov, which they found barren and uninhabited, but discovered another, which they could not reach for want of provisions. Another point of similarity between those days of early exploration and the present time is the fact that the perpetuation of the memory of explorers depended more upon the tragic nature of their accounts than upon the amount of their addition to knowledge; and had it not been for the fact that their men mutinied and murdered Permakov and Wagin, these accounts would not

have been preserved. They are said by Müller, to whom we are indebted for much of the early history of this country, to have been founded on the confused information obtained during the examination of the murderers at their trial. In 1763, a Cossack, named Andrejew, was dispatched by the governor of Siberia to make a trip northward over the ice with a view to ascertain the truth of these reported discoveries of land in that direction. He succeeded in reaching some islands, which he landed upon and found inhabited. His account is that "after driving to the north about 50 versts (33 miles) from the mouth of the Krestonoi River, I discovered a group of inhabited islands containing traces of a much more numerous population at some former period. The Bear Islands are 50 versts north of the Krestonoi, and are undoubtedly the ones referred to." Andrejew appears, also, to have claimed other discoveries, as in the instructions given to Billings, an English officer in charge of a large Russian expedition fitted out some years later for the purpose of exploring the Polar Sea north of the continent of Asia, the following words occur:

"One Sergeant Andrejew saw from the last of the Bear Islands a large island to which they (Andrejew and his companions) traveled in dog sledges; but they turned when they had gone 20 versts from the coast, because they saw fresh traces of a large number of men who had traveled in sledges drawn by reindeer."

In 1769, a party consisting of three surveyors, Loutiev, Lussn, and Puschkarer, were sent out over the ice to the northeast, but they neither succeeded in reaching nor seeing land, although they traveled in the direction indicated 130 miles. The part of the sea in which Andrejew claimed to have made his discovery has since been thoroughly explored by Anjou, Wrangel, and others, but no signs of any land were seen. That he could not have landed nor even have seen Wrangel Land we now know, as it is over 300 miles distant, due east, from the Bear Islands, from which place the discovery is claimed to have been made. The natives who accompanied Andrejew on his journey to the Bear Islands were met with by Loutiev and his party, but had no knowledge of any discovery of new lands. These reports of the existence of land to the north of the continent led the Emperor Alexander, in 1820, to equip two expeditions, which were to proceed to the northern part of Siberia to explore and survey the coast. One of the expeditions was placed under the command of Lieutenant Anjou, with instructions to commence operations at the mouth of the Jana, and the other under the command of Lieutenant Wrangel, who was to commence at the Kolyma, and proceed east as far as Cape Shelagehoi, and thence in a northerly direction in order to ascertain whether an inhabited country existed in that quarter, as asserted by the Tchuktchis. After four years spent in unavailing effort, Wrangel returned home without even seeing this land or gaining the slightest particle of knowledge in relation to it. It is true he had received an account from the natives of Cape Jakan that, on a very clear day, from a hill in the vicinity, high land could be seen to the north; but this was not new. Native reports of land seen to the north had been current for over one hundred and seventy years, and on the strength of these reports the land had actually been shown on Strahlenbeyg's map at least one hundred years before the time of Wrangel's voyage. In submitting his report on his return Wrangel

refers to it as "the problematical land of the North," and evidently has no confidence in its existence. His four years of exploration along the Siberian coast were conducted with great heroism, and were prolific of good results, and to him, more than any one else, are we indebted for the knowledge we now have of its geographical and climatic conditions; not so, however, in regard to the land which now bears his name, of which he not only gave us no knowledge, but threw doubt upon its very existence. In 1849, Captain Kellett, in H.B.M. ship *Herald*, saw this land and was undoubtedly the first European who had ocular proof of its existence. On his return to England, 1853, his discovery was reported. A chart of the region north of Bering Straits was compiled from the information gained by the *Herald*, *Blossom*, *Plover*, and others, upon which this land appeared under the name of "Kellett Land," by which name it has since been known upon the British Admiralty charts. In 1867 this land was seen by the American whaling fleet. That season was a remarkably open one, probably as much so as that of 1881, and Captain Long, in the bark *Nile*, sailed past its southern limit, and a sketch, purporting to have been made by him, is now shown upon the American Hydrographic chart. Captain Long gave to this land the name of Wrangel Land. The strait through which he sailed, between the island and the mainland, has been given the name of Long's Strait in honor of that navigator. The land, as already shown, had been discovered and named for its discoverer fourteen years previously. It is presumed that Captain Long was not aware of this fact, or that this sound, upon which was betowed his own name, had been navigated at intervals by the Russians since 1648, when Deschueo sailed from the Kolyma River through this and Bering Straits to the Anadyr, or he would have conferred that honor upon one of his many predecessors. A mountain included Captain Long's sketch, the height of which he seems to have approximated very closely, was very appropriately named for him, but singular as it may appear this name, to which Captain Long was justly entitled, has, notwithstanding, our pretended custom of adhering to original names, been set on a recent issue of American charts. Subsequent to the discoveries of Kellett and the American whalers, Commodore John Rodgers visited the Arctic Ocean in the *Vincennes* as late as 1855. He spent twenty days in the Arctic, and went some miles north of Herald Island, but did not see the land under discussion. The following note, which appears upon the American Hydrographic chart, compiled from the surveys of that expedition, and from Russian and English authorities, implies a doubt of its existence:

"Captain Kellett, of H.B.M. ship *Herald*, discovered and landed on Herald Island in 1849. Another island, and high land which he thought he saw, were not under more favorable circumstances of weather and position seen by the United States ship *Vincennes*."

Thus it will be seen that Kellett was the actual discoverer, and that Wrangel's name only became associated with it through the report of Captain Long, who was apparently unaware of the fact that it already bore the name of Kellett by right of actual discovery. But notwithstanding the slight ground upon which Wrangel's name has been associated with this land, had his been the only name connected with it, the thought of changing it would not have been entertained for a

moment; and in provisionally applying a new name I disclaim any thought or wish to throw discredit upon the praiseworthy labors of Wrangel or Kellett. But as bearing two names was calculated to create great confusion, it was believed that as the island had become, by our act of landing upon it and taking possession of it, a part of the territory of the United States, by selecting a name of a national character, no disrespect would be shown to memory or offense given to the friends of the gallant officers whose names it bore, and that the name given would be adopted by all nations. The name New Columbia was suggested by the name which had been given to the islands farther west, New Siberia. It is probable that the name Wrangel Land will continue in use upon American charts, but its justice, in view of all the facts, is not so apparent. In my opinion the adoption by us of the name given by the English would be appropriate, and avoid the confusion which is sure to follow in consequences of its having two names. Headlands and other geographical features of the island were named by us, but as the names which were applied to features actually discovered by the *Corwin* and heretofore unnamed have been ignored, it is possible that a desire to do honor to the memory of Wrangel is not the only consideration. To avoid the complications which would result from duplicating geographical names I have dropped all bestowed by the *Corwin* and adopted the more recent ones applied by the Hydrographic Office. I have also adopted the plan of the island, as shown on the small chart accompanying Hydrographic Notice No. 84, although the trend of the coast and the geographical position of the mouth of the river where we first planted the flag do not agree with the result of the observations and triangulations made by the *Corwin*. From the foregoing facts, which are derived from the voyages of early navigators, as compiled by Wrangel and Nordenskjöld, and other sources, the following summary may be deduced: The first reports of land existing to the north of the coast of Siberia were made by the early Russian travelers; unfortunately the names and exact date of their explorations are now known. The earliest record appears to be about 1644. Wrangel among others was sent in 1821 to ascertain the truth or falsity of this report. This he failed to do, but favored the belief that the reports were false. The land was first actually discovered by Captain Kellett, in H.B.M. ship *Herald*, in 1849. The discovery of the fact that it is an island of limited extent was first made by Commander De Long, U.S.N., in his drift in the *Jeannette* during the winter of 1879-'80, when he actually passed directly across the meridians embraced within its extremes, in plain sight of the land. Having shown that the report that Andrejew had landed upon Wrangel Land and found it inhabited could not be true, not only from its distance from the Bear Islands, 300 miles, which places it beyond the possible range of his vision, but by the more recent discovery by the *Corwin* and the *Rodgers* that the land contained no signs of human life, either past or present, we may, I believe, justly claim for ourselves the credit of being the first to land upon its shores. A Captain Dallman claimed to have landed here in 1866, but as Captain Dallman, who was almost constantly in communication with scientific men, and well knew the value of such an achievement, did not mention it until thirteen years later, and as his account corresponds with charts known to be erro-

neous, and, cannot by any possibility be reconciled with the corrected charts now in use, and although these discrepancies have been pointed out to Captain Dallman, he has failed to produce further proof in support of his statement, it is not believed that his claim to priority can be established. Many traditions of a large and inhabited land to the north have existed among the natives of the north coast of Asia for centuries, and some of the early Russian explorers of the Polar Sea believed this land to be a continuation of Nova Zembla and a part of the American Continent.

CHAR. 38.—AN ACT IN AID OF A POLAR EXPEDITION DESIGNED BY JAMES GORDON BENNETT

Whereas James Gordon Bennett, a citizen of the United States, has purchased in Great Britain a vessel supposed to be specially adapted to Arctic expeditions, and proposes, at his own cost, to fit out and man said vessel, and to devote her to efforts to solve the Polar problem; and

Whereas it is deemed desirable that said vessel, while so engaged, shall carry the American flag and be officered by American naval officers: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be authorized to issue an American register to said vessel by the name of *Jeannette*, and that the President of the United States be authorized to detail, with their own consent, commissioned, warrant, and petty officers of the Navy, not to exceed ten in number, to act as officers of said vessel during her first voyage to the Arctic seas: *Provided, however*, That such detail shall be made of such officers only as the President is satisfied can be absent from their regular duties without detriment to the public service.

Approved, March 18, 1878.

CHAP. 109.—AN ACT AUTHORIZING THE SECRETARY OF THE NAVY TO ACCEPT FOR THE PURPOSES OF A VOYAGE OF EXPLORATION BY WAY OF BEHRING'S STRAITS, THE SHIP *JEANNETTE*, TENDERED BY JAMES GORDON BENNETT FOR THAT PURPOSE

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy be, and he is hereby, authorized to accept and take charge of, for the use of a North Polar Expedition by way of Behring's straits, the ship *Jeannette*, owned by James Gordon Bennett, and by him devoted to this purpose; that he may use, in fitting here for her voyage of exploration, any material he may have on hand proper for the purposes of an Arctic voyage; and that he is further authorized to enlist the necessary crew for the said vessel for "special service", their pay to be temporarily met from the pay of the Navy, and to be paid or refunded by James Gordon Bennett to the Navy Department Under the order of the Secretary of the Navy and as he may require; the vessel to proceed on her voyage of exploration under the orders and instructions of the Navy Department; that the men so "specially enlisted" as above shall be subject in all respects to the Articles of War and Navy Regulations and discipline; and that all parts of the act approved March eighteenth, eighteen hundred and seventy-eight, inconsistent with the above, be, and they are hereby, repealed: *Provided*, That the government of the United States shall not be held liable for any expenditure in-

curring or to be incurred on account of said exploration.

Approved, February 27, 1879.

EXHIBIT 4

LOSS OF THE STEAMER "JEANNETTE"

Letter from the Secretary of the Navy, relative to the loss of the steamer *Jeannette*:

NAVY DEPARTMENT,

Washington, March 2, 1883.

Hon. J. WARREN KEIFER,

Speaker of the House of Representatives.

Note: Referring to my letter of the 17th ultimo, transmitting to the House that part of the record of proceedings which contained the finding of the court of inquiry convened in pursuance of the joint resolution of Congress, approved August 8, 1882, for the purpose of investigating the circumstances of the loss in the Arctic seas of the exploring steamer *Jeannette* and the death of Lieutenant-Commander DeLong and others of her officers and men, I now have the honor to transmit to the House a copy of the entire record of the proceedings of the court, consisting of seven parts and an appendix.

Very respectfully,

WM. E. CHANDLER,

Secretary of the Navy.

EXHIBIT P Q

ORDER

ARCTIC STEAMER "JEANNETTE,"

Beset and drifting in the pack ice, Lat. N. 77° 13', long. E. 158° 12'.

JUNE 15th, 1881.

This island, discovered by us on May 16, and which is in lat. N. 76° 47', long. E. 158° 56', has been named *Jeannette* Island.

This island, discovered by us on the 24th of May, and which is lat. N. 77° 8', long. E. 257° 43', has been named *Henrietta* Island.

Upon *Henrietta* Island P. A. Engineer G. W. Melville and his party have landed and hoisted there our colors, and taken possession of these new lands in the name of the United States of America.

GEORGE W. DE LONG,

Lieutenant, U.S. Navy, Commanding.

[The date of this order seems to be wrong, as the ship went down June 13th, 1881.]

A true copy.

SAM C. LEMLY,

Master U.S. Navy & Judge Advocate.

REPORT OF TRIP TO HENRIETTA ISLAND—CHIEF ENGINEER GEORGE W. MELVILLE, U.S.N.

To Lieutenant George W. DeLong, U.S. Navy, Commanding Arctic Steamer *Jeannette*.

U.S. ARCTIC SHIP *Jeannette*,

Arctic Ocean, June 6th, 1881.

SIR: In accordance with your written instructions and orders of May 31, 1881, I have the honor to report as follows:

A party, consisting of myself, Mr. Wm. Dunbar, ice pilot; W.C.F. Nindemann, sea.; H.H. Erichsen, sea.; J.H. Bartlett, 1st class fireman, and Walter Sharvell, coal heaver, with sixteen (16) dogs, and seven days' provisions; ten gallons of water, two (2) gallons of alcohol for cooking; small boat, sled, tent, and camp equipage, instruments, &c., &c., with properly prepared medicine case and written instructions for use.

I proceeded with all possible speed direct for the island, deviating only on account of bad going and open lanes of water. During our first day's journey I dismounted the boat four times and ferried over the water

dogs and gear. We also had to unlash and carry our gear four times through bad places that were impassable otherwise, besides cutting a road nearly all the way, never having one hundred (100) yards of straight going at any time this day. Finally camped at seven (7) p.m., about four (4) miles distant from the ship, weather O.C.S., temp., 20°.

Wednesday, June 1st.—On this day we were out at six (6) a.m., and underway by seven (7) a.m. Got a bearing of the ship; also of the island. We passed through a terribly rough country, cutting roads and building up bridges. We saw no floe pieces at all; the ice was all brash hummock and jammed up masses, and all alive (i.e., all in motion). After cutting through fifteen yards of road we advanced but five (5) yards on our course. We skirted along lanes of water (this day), running from NE. to SW., but not large enough to work a ship in. We worked twelve (12) hours and fifty (50) minutes (this day), and advanced about four (4) miles. About midday we cut through a large mass of glacier ice, fresh and sweet to the taste, and entirely different in appearance and cohesive structure from the surrounding masses of salt ice. Owing to its location, N. 43°, W. mag. of *Jeannette* Island, I concluded it has been discharged from a glacier on that island, and took the usual drift of the pack NW.

We lost sight of the ship about four (4) p.m. By seven (7) p.m. the dogs were so tired that we could not keep them up, some of them taking refuge under the sled. I forced this distance and extra labor to find a floe piece to camp on. We were so tired that neither men nor dogs ate all their supper. We camped at eight (8) hours and fifty minutes, and got a sounding in thirty-five (35) fathoms of water; slight drift S.W.

Thursday, June 2nd.—This morning we were out by five (5) and underway by six (6). Had some bad cutting and bridging to do at first, but afterward struck a good floe piece, and by seven (7) considered we had made good one and one-half (1½) miles. The land stood out bold and clear, and we all felt that we were almost there; but we struck immediately after into a bad hummocky floe, full of snow-drift, and deep, hard going, the sled sinking through to the cross-bars and sticking fast on every side. We struggled on until half past ten a.m. (10:30), when I saw in others, and felt in my own bones that our labor was being lost. I unloaded my sled and advanced light until eleven (11) a.m.; then dismounted my boat and sent back and brought up the gear, and by twelve-thirty (12:30) p.m., had loaded up boat and gear again and had hot soup. Advanced with sled and boat until one-thirty (1:30) p.m., when I found that the pack between us and the island was so broken up it was impossible to advance with the boat and gear, and if I was going to make the land at all I must have my boat, provisions, and most of my gear in as safe a place as possible in the moving pack. I therefore dismounted my boat in the center of a large floe piece and set up a signal staff on the highest hummock in the vicinity. I took the sled, dogs, camp equipage, instrument boxes, arms, one day's provision for men and dogs. We estimated the island as two (2) miles distant. Started at two (2) p.m., and passed through from four to six miles of broken and quickly moving pack ice, through which we could never have hauled our boat uninjured. We landed at five-thirty (5:30) p.m. In accordance with instructions, I was the first person to land. I then called my party on shore, in their pres-

ence unfurled our colors, and in the name of the Great Jehovah and the President of the United States I declared it a part of the territory of the United States, and in accordance with your instructions named it "*Henrietta* Island." We were very tired, and got into our beds very early.

Friday, June 3rd.—In the morning we were out by four (4), supposing we had had a good night's sleep, but sore in bones and muscle. I commenced a hurried survey of the N. western end of the island (S.E. end being almost inaccessible), the distance and uncertainty of the position of my boat and provisions accelerating my movements and increasing my anxiety.

I found the island to be a barren rock, fissured and riven by time and the action of heat and cold. The bold, black cape facing N.E. is without doubt volcanic. The upheaval is from E. to W., lines and layers of separation dipping to the W. at an angle of 30°. The face of the bold headland is black with age, stained in great patches of iron and spongy masses of black and red rock, resembling the refuse of a blast furnace. The island is traversed by two ridges, running in a N.E. and S.W. direction. The highest ridge, or the backbone, as it might be called, begins at a black headland 1,200 feet in height and is lost to view under the ice cap surmounting the whole island. The lower ridge commences at a knoll on the N.W. face, and after a slight depression rises to a considerable height in the S.W., where it fades away at a distance of eight miles.

There are five bold headlands on the N.E. face of the island. First, the bold black headland, 1,200 feet high, near which we landed. Next *Cairn Point*, 600 feet high, where the cairn, record, and pike staff are placed. Next the extreme N. point of the land, which shuts in a valley lying between the shore beyond and the center ridge of the island; and, finally, the large double headland beyond the valley to the S.W. There is also a slight depression or valley between *Cairn Point* and the backbone of the island, making back from the double headland. All this portion of the island is light-colored trap rock, slate, and shale.

The whole island is covered with a permanent ice cap, 250 to 300 feet high, above the back bone, and the large opening which we thought on board ship was a bay on the N.E. side of the island is a constantly discharging glacier; in fact, the whole N.E. face is continually discharging ice. Some of the slabs or pieces that had fallen on the ice floe from the edge of the main ice cap gave, when measured, 48 feet thickness of ice and 4 feet of thickness of snow, where it lay in the sea. How much more it measured before it fell I could not tell. There are five small glaciers discharging between headlands on this coast or face, beside the continual discharge all along the upper edge of the island, crawling down from the main ridge. There is a high ridge of broken glacier ice between the base of the island and the floe where the floe ice and glacier droppings are continually at war. I think there is no permanent ice foot attached to this side of the island, as the main pack continually grinding along carries off all discharges from the island. I found the glacier in 2.5 miles N. E. of the island. There was a slight growth of moss or black mould in the crevices of the rock. All that we gathered was picked out of the small crevices with a pencil point and knife blade. No fossil or animal remains of any kind were found. There were no branches on which drift-wood could rest, and consequently we found none. No signs

of bears, foxes, hares, or lemmings were seen, and no birds except doves, which were numerous in the rocky cliffs.

From the top of the island the ice fields could be seen for many miles away to the N. W., inshore of which was a large space of open water, extending toward and disappearing under the brow of the cliffs. The pack was much broken and fissured with lanes of water toward the N. W.; as far as the eye could see. The whole pack in all directions, from this outlook, was one jumbled up mass, and all in motion, lanes and leads continually changing. No seals or walrus or game of any kind was seen during our absence from the ship, eight doves being the extent of our game bag.

In the morning I prepared the record, set up the cairn and pike staff on Cairn Point; took bearings of all prominent headlands and points; made sketches for the accompanying chart of the island and profile of the land. The ship was plainly visible from the top of Cairn Point. My anxiety for boat, provisions, and equipment left on the ice, nothing of which was visible from the mountain tops, accelerated my movements, and by eight a. m. was underway, heading for the ship and keeping a lookout for our pikestaff signal. We could not follow our outward track, because it had broken so badly and had shifted so much. We sighted our signal about (10.30) ten-thirty a. m., and found our boat by one-thirty (1.30) p. m. and camped down for a rest, much relieved at our good fortune in finding our boat and gear intact.

Saturday, June 4th.—We were all out at 12.30, mounted our boat, stowed our gear, and were under way by 2.30 a. m., followed our old track back toward the ship for a couple of miles, the traveling being heavy on account of the deep snow and crust. Finally our track was lost in a general smash-up of the floe, and we had laborious, hard traveling, with a cruel wind and snow storm from the N. W. We had a bad upset, which stove the port side of the boat, but not badly. My zeal to get my boat in toward the island on the day before got the better of my judgment, and it was in getting her back out of the scrape that she was damaged. Heading for the ship on a good large floe piece, but terribly heavy hauling on account of the snow and crust breaking through, making long detours to avoid ferrying over the water, after going S. W. to get N. E., by noon of this day saw the ship bearing N. E. The large block signal was a grand good mark for us when not shut in by snow squalls. By 1.30 p. m. we were so tired we could go no farther, and camped down. The pack is much more broken than it was on our inward journey, i. e., we had longer distances to make to avoid open water. This was a hard day's journey for men and dogs, as it took all the strength of both while moving, and when we set fast or came to hummocks it took a breaking strain to haul through. All of this extra work comes on the men, for dogs will not haul in concert until the load is started. We hauled our sled all day long, down on the cross-bars, making three tracks in the snow, one for each runner and a center one for the boat's keel. We were all in our bags by four p. m.

Sunday, June 5th.—In the morning we were out by one thirty (1.30) a. m., and had the ship in plain sight three and a half (3½) miles distant. We were under way by two-thirty (2.30), knowing we would dine on board ship. We found large lanes of open water running N. E. and S. W., and skirted along one for two and a half (2½) miles

hoping for a crossing without the labor of ferrying. This lane of water set from the ship toward the island about five (5) miles, varying in width from one hundred yards to a half mile (½). By 6 a. m., found a jam in the lead, with the whole mass in motion, and in our haste to cross the moving mass, when within one mile of the ship, we had a bad upset and broke the runner of the sled. I unshipped the boat, divided the load, repaired the sled, put the boat and portion of the gear in a safe position, and started the sled and dogs with four men and half the weight in to the ship for another sled. By nine (9) a. m. new sled and gang of men arrived from the ship, and before ten (10) a. m. all arrived on board, none the worse for wear than usually falls to the lot of laboring mortals.

In regard to the men and equipment I desire nothing superior, to travel any distance.

Beyond the final breaking of the sleigh, a slight injury to the side of the boat, and the breaking of one snow-knife we had no accidents. All of our gear and equipments returned in good order. In ammunition we expended one (1) Remington cartridge and twelve (12) gun cartridges.

Mr. Dunbar suffered badly from snow blindness after noon on the third (3) day, and had to be cared for from the morning of the fourth day until our arrival on board. Erichsen and Nindemann had bad cramps in the stomach after coming to the evenings of fourth and fifth (4 & 5) days; gave each 2 oz. brandy, 15 drops tinct. opii, 5 drops extract capsicum. None of us slept well; no one could eat the food allowance; it would have lasted for twelve days, or more; the alcohol was barely sufficient, and had we been compelled to melt snow or ice for water on our way toward the island it would not have been enough.

Our tent being white the glare within hurt our eyes. I think had it been dyed black or blue (not painted) we would have slept better. Two boat chisels should be added to the equipment of the boats, made like two-inch socket chisels, fitted on the end of short pike staffs (4 or 5 feet); the ends of the tent poles should be socket chisels. We found boarding pikes good ice picks in cutting roads, but not strong enough. Two light ice pick axes should be added to the sled equipment. Two small black or blue dungaree flags should go in the boats as signals in finding gear left behind or guides ahead. Two additional flat runners should be fitted underneath the bearers of the sleds, extending from the forward cross-bearer to the after bearer, and turning upward at both ends, tipped with iron and fastened to each of the cross-bearers. These staves or runners should be about six inches wide, to give a good bearing on top of the snow should the sled at any time sink so deep. Oak hoghead or pipe staves will give a correct idea of the dimensions. These should be set six inches apart, and the boat's keel should set between the upturned ends fore and aft. This would give room for padding at the upturned ends of the staves and prevent side riding of the boat without racking the keel. The bilge chock should run fore and aft the sled, secured by lashings to top rail and cross-bars, for a small boat extending across three of the bearers with a slight camber inward. In clinker-built boats it should be fitted to the projecting stakes. The fore and aft ends of these chocks should be sharpened to pass through snow easily. It is astonishing to see what a hold the uprights of a McClintock sled take

to snow or crust on top of snow. Athwartship chocks have the same objection. In fore and aft chocks, if they come well out and up on the boat's bilge, the boat is more firmly seated, it supports and protects the boat's bilge, and in rousing down the lashings the strain is more in a vertical direction without the outward rocking motion tending to burst the boat open. The boat's keel should also rest on the cross-bars.

Most of the sleeping-bags are too large. The bottoms should be made of reindeer skin, for the side next the ice is always cold; the tops of lighter material. They should be shaped nearly as the frustrums of two cones meeting at their bases. At the shoulders an elliptical piece should be set in at head and foot. Ellipse at foot 12" × 16"; at head 10" × 12". This reduces the weight, makes the bag warmer, gives room enough for a man of 200 lbs. weight. It should have a shoulder circumference of 50" to 60", and made the next length of the man, as he will involuntarily draw his feet up a little.

All of which is respectfully submitted.

Very respectfully,

GEO. W. MELVILLE,
P.A. Eng'g., U.S.N.

At true copy.

SAM C. LEMLY,
Master U.S. Navy & Judge Advocate.

EXHIBIT 5

"JEANNETTE" INQUIRY BEFORE THE COMMITTEE ON NAVAL AFFAIRS OF THE U.S. HOUSE OF REPRESENTATIVES, FORTY-EIGHTH CONGRESS

Members of the subcommittee: Hon. Hugh Buchanan; Hon. William McAdoo, and Hon. Charles A. Boutelle.

JULY 28TH, THURSDAY.—Called all hands at seven. Breakfasted at eight. Windy (ESE.), foggy, and disagreeable. Land in sight at times. We have gone a short distance to westward. Temperature 29°. Under way at 8.50 a. m. Sent Mr. Dunbar ahead, and after a while we succeeded in crossing the broken ice which had stopped us last night. Here we had a small floe, across which we speeded. The fog now shut in impenetrably, and I feared we were in for a troublesome time. Mr. Dunbar returned, however, and informed me, that after crossing this floe we should find large ice blocks, with only two-foot openings, and that these extended to the ice foot, or fast ice, and that, moreover, he had climbed up on the ice-foot, and advanced one hundred yards over it toward the land. This was too good a chance to lose, and away we went. But thought we made all haste, and got over our last ferry, and across the small floe in splendid time, when we reached the further edge we found everything fallen to pieces, and more water and rapidly moving ice than we could undertake. Much of the moving ice looked like small bergs broken off from a glacier foot, and from the rounded lumps of ice on top, and their almost straight edges, I am inclined to think they were icebergs. By 12.30 p. m. we had everything up on the floe edge, and halted for dinner.

The sun now tried to break through the fog, and I hoped for a clearing; but at 1.30 p. m., when we turned to, the fog was as thick as ever. The situation had improved somewhat, for another floe piece had now come along, and a few loose pieces offered a convenient bridge. Away we went, but the floe piece was a small one, and we soon reached its edge. Here was another confusion, but we could make out a larger floe ahead. Everything was embarked on an ice-

cake for a ferry-boat, and a hauling line run to the floe. By great effort we got our piece clear by four p.m. and commenced to haul over. Suddenly everybody gave a shout, "Look!" Away up over our heads 2,500(?) feet towered the land, and we were sweeping past it like a mill-stream. Hurriedly sounded in eighteen and one-half fathoms. Soon our floe was reached. Away we jumped our sleds and boats, and, seeing two or three large cakes nearly together, ran everything rapidly over until we at last stood at the base of the ice-cap. It was a narrow squeeze, for the men with the tents and remaining loose provisions on their shoulders had hard work to run fast enough to get on the last cake before the other cakes were swept away. Now that we were on the last cake our situation became critical. We could not get up on the ice-foot, for ten feet of water and small lumps intervened, and we were sweeping along by it at the rate of three miles an hour. Our cake was none of the strongest, and in the swirling and running masses and small bergs I feared we should be broken up and separated. It was an anxious moment. The southwest cape of the island was not half a mile away, and this was our last chance. Over two weeks of dragging and working to reach this island seemed about to be thrown away. I soon noticed our cake begin to turn around, and saw that it might be whirled into a kind of corner against the fast ice, where, if it remained long enough, a landing might be effected. "Stand by," was the order now, and with sled ropes in hand we waited the trying moment. Soon our cake caught and held. "Now is the time, Chipp!" I shouted, and away we went.

One sled got over on the rough ice-foot all right; a second nearly fell overboard; the third did fall overboard, dragging in Cole; and a piece of ice had to be dragged in by sheer force to bridge for the fourth. When I started the St. Michael's sleds they seemed to stick somewhere. Watching our cake closely, I saw signs of it giving way. "Away with the boats!"—but how? Nindemann sang out that he thought we could float the boats below, and haul them over. No sooner said than done, and down they went into the water. The men were hurried from the sleds to the boats, and I saw the first cutter just beginning to haul out, when away swept our ice-cake, carrying Melville, Iversen, Aneguin, and myself, with six dogs. Wilson had carried one load of dogs over in the dingy, but he could not get back for the remainder. Chipp was on the ice-foot with the boats, and I knew he could look out for them, and I felt pretty certain we had saved everything. For ourselves, on the drifting ice-cake, I had some little anxiety, but one corner of our cake, fortunately, soon after drifted near a fast berg, and by making a flying leap through the air, we escaped to safety. At last! But though standing still we were not ashore. The ice foot extended out from the land, and was a confused mass of piled up ice-blocks and ridges—honeycombed, cracked, and broken—and presenting a simply impassable road for travel with sleds. Glad enough was I to get a solid foothold anywhere, and I gave the order to camp at 6.30 p. m. (our first sled having got on the ice-foot about five), everything being hauled in as near to the land as possible, say fifty feet from it. Rocks were occasionally slipping down and falling into a little stream of water at the foot of the cliff, the stream being where the thawing of surface ice has left a channel about four feet deep.

The face of the cliff was literally alive with dovekies. Supper at 7.30 p.m. At 8.30

p.m. all hands were called to muster and, led by me, everybody waded or jumped or ferried over to the land, where we held on as well as we could to the steep slopes of debris, while our colors were displayed. When all had gathered around me I said, "I have to announce to you that this island, towards which we have been struggling for more than two weeks, is newly discovered land. I therefore take possession of it in the name of the President of the United States, and name it Bennett Island. I now call upon you to give three cheers." And never were three more lusty cheers given. With great kindness three were then given for me.

I now change the date to the correct one, and record that at 8.30 p.m. JULY 20TH, FRIDAY, I added Bennett Island to American soil. Our landing cape I named Cape Emma. Piped down at nine p.m., fresh E. wind, thick fog; ice off shore rapidly moving west. The birds kept up a fearful chattering all night, but we slept well in spite of it.

JULY 30TH, SATURDAY (correct dates hereafter).—Called hands at seven. Breakfasted at eight, and at nine a.m. turned to. Our plan of operations for our stay was put into execution as follows:

Chipp, Nindemann, Ericksen, Lee, Bartlett—Tidal observers.

Collins—Sketches, and general collection of facts.

Newcomb—Natural history, flora, and fauna.

Dr. Ambler—Geological work, and collection of facts.

Dunbar—Looking for game, etc.

De Long—Astronomical observations, barometer, compass variations.

Crew generally—Getting murre's eggs, drift-wood, flowers, and other specimens.

Before noon I had received moss, scurvy-grass, tufa, lava, cryolite (grass), yellow flowers (curious differences in these flowers), *amethysts*; and in the afternoon I received from Mr. Dunbar two eggs of murre's, large as hens' eggs, and spotted. And at three p.m. Johnson brought in a piece of reindeer horn with moss on it. Dunbar made a small collection of drift wood, but saw no way of getting a lodgment on the island, and no signs of game. Latitude at noon 76°38'17" N. Barometer 29.80. Temperature 31°.

During the forenoon the tide was ebbing, and though the wind was W., the ice was driving along to the westward at a great rate. Large floes brought up against our ice-foot for a moment with a jar that caused it to tremble, but it stood firm, and the floes split and broke and swept along. The pressure was enormous.

The collections are coming in so rapidly that I can but just notice them by a word. Melville found a *vein of bituminous coal* and brought a large lump. Doctor found down from some fox or rabbit, also rock tripe, mosses and more flowers; nine dozen murre's and dovekies brought in up to four p.m. Drift-wood accumulating. One piece chipped with an axe at the lower end like a fence-post; another burned on end. We have collected enough fire-wood for two meals, and with a coal mine "handy by" and birds in thousands, we need never want for a warm meal.

The geological formation of Bennett Island is thus described by Dr. Ambler; "It is certainly of volcanic origin. It is composed of traprock; a species of feldspathic rock, igneous rock with silica caught up in it in masses; trap-rock with globules of silica; trap-rock containing globules, which rock being broken shows the globules of the darker color sticking in the matrix, while

the portion of the mass knocked off will show a complete mould or bed. The globules are about the size of a pea, receive a bright polish from the finger, and are soft enough to be cut with a knife; silica, very light stone, tufa, I think, of a light brown color, spongy in appearance, as if blown up by gases; lava of different colors, varying from a yellowish brown to a dark green; clays almost the color of bricks; *débris* from the sides of the cliff being disintegrated portions of this red seemingly baked clay.

"The face of the cliff (Cape Emma) is in six terraces of igneous rock, separated by other strata imposed, of the red clay stuff which contains most of the silica. The amethyst was found in a matrix of quartz imbedded in the trap-rock. The stalagmite and stalactite were found upon breaking open a mass of trap-rock, found lying on the beach, and could be easily removed by the finger. The stratification is horizontal; fossils seen. There is a white stone with very much the appearance of gypsum. There are two varieties, one occurring in tabular masses, with glistening sides when held in the light, and the other of a dull, opaque white, and in rounded masses which show the action of water. Both varieties can be cut with a knife, and form an opaque white powder, which effervesces upon applying nitric and acetic acids."

The bituminous coal is abundant, and burns readily. Melville thinks it has from fifty to sixty per cent carbon but tomorrow he will experiment further, and I will note his remarks.

Unfortunately, the forenoon and afternoon were both cloudy and foggy, and I could get neither time-sight nor azimuth. A landslide occurred at 6.30 p.m., large masses of rock and red clay being hurled down from the summit of Cape Emma.

From our observations of tides to-day, it would seem that the flood comes from the westward. Birds for supper at seven p.m.

Measured the water at various distances from the foot of the cliff—50 feet, 7 feet deep; 100 feet, 12 feet deep; 150 feet, 16 feet deep; 200 feet, 28 feet. Our ice-foot is kept in by grounded floe pieces, or bergs broken off from the foot of the glacier on the south face. Wind very light; northeast airs; barometer at nine p.m. 29.84 at 37°; temperature 30°. The tide measurements were made by a pike-end stick (a paddle with a chisel end) stuck in the bottom ice, and held in rigidly against the face of a rocky cliff (Rudder Point). The graduations are to inches—half inches, and quarter inches, being estimated by the observers. The first reading was taken at 10.26 a.m. by my watch, and subsequent readings hourly.

JULY 31ST, SUNDAY.—Called all hands at seven. Weather cold and foggy. Mr. Dunbar having expressed a wish to go along the south side of the island, and it agreeing with my desire to know more of that section, I this morning gave him permission to take Alexey, Aneguin, five dogs, and a dog sled, and remain away forty-eight hours for that purpose. He will start after dinner, carrying provisions, lime-juice, sleeping bags, knapsacks, arms, and ammunition, and a compass, glass, and measuringline. I have instructed him to take all possible bearings and sketches, and if he is able to get up a hill-side to look carefully southwest for land. At two p.m. he started, to be back by or before noon on Tuesday, August 2d.

AUGUST 4TH, THURSDAY.—This is the day which I appointed for leaving, but it is ordered otherwise. During the night the wind increased to a gale again, and upon calling

all hands at six a.m. we found ourselves shut in by fog, while a pitiless storm of rain, snow, and hail beat down upon us. Seaward nothing can be seen, but whatever there may be the weather is unfit to expose a dog, even. The wind where we are is about WNW.

Filled out one of our blank records, to be left behind, in the following words:

BENNETT ISLAND, CAPE EMMA,
LAT. N. 76° 38', LONG. E.,
August 4, 1881.

This island was discovered on the 11th of July and landed upon, taken possession of and named on the 29th of July by the officers and men of the U.S. Arctic steamer Jeannette, which vessel was sunk by the ice on the 13th of June, 1881, in latitude N. 77° 15' and longitude E. 155° 0'.

It is my intention to proceed from here at the first opportunity toward the New Siberian Islands, and thence toward the settlements on the Lena River. We have three boats, thirty days' provisions, twenty-three dogs, and sufficient clothing, and are, moreover, in excellent health. We drifted in the pack ice from the 5th September, 1879, to the date at which our vessel was crushed and sunk by the ice, and during that time discovered two islands, Jeannette Island and Henrietta Island, upon the latter of which a party landed. Jeannette Island, discovered May 21, 1881, is in latitude N. 76° 47', longitude E. 158° 56'; Henrietta Island, discovered May 25, 1881, is in latitude N. 77° 8', and longitude E. 157° 45'. Excepting these islands we saw no land since losing sight of Herald Island in March, 1880. Having rested here a few days, we are now detained by a westerly gale, fog, sleet, and snow, and though at times we see much open water to the southwest we cannot yet say whether or not we can take to our boats to resume our journey, or shall be forced to resort again to dragging everything over the ice. The ice travel has been very hard, and two miles a day made good has been our usual distance, though many trips back and forth have been necessary on account of our weights. The ice in this sea is similar to the ancient ice encountered by the British expedition of 1875, north of Cape Joseph Henry. We have lost none of our original number, eight officers and twenty-five men, and have not had scurvy.

GEORGE W. DE LONG,
Lieutenant, U.S.N., Commanding U.S.
Arctic Expedition.

I do not remember ever to have passed a more disagreeable and uncomfortable day. Outside the tents the wind blew in such fierce gusts that it was hard to keep one's footing on the small pieces of ice left to us, while the driving snow and hail made it impossible to remain exposed. Inside the tents was wet and cold and dreary. Packed close as we were, all moving around inside was out of the question, and our feet were seemingly freezing all the time. Beating them on our ice floor only made them ache, and using sticks as a bastinado, though making our feet tingle, hardly added to our comfort. We could do nothing but sit and take it, brightening up a little when hot coffee at dinner and hot tea at supper thawed us somewhat.

At seven p.m. the barometer had fallen to 29.55, at 34°, and was apparently on the stand, so I hope we may have a change by to-morrow morning. A prolonged delay here, unless followed by open water, would be a serious thing for us. It would seem that I am not to get a time sight while here, for not once have I had an opportunity.

The gale has loosened much of the rotten rock on the cliff abreast our camp, and during the day frequent showers of dirt and stones have fallen. Last night a terrific amount shot down and threatened to bury us. No. 2 tent turned out to a man, but the rest of took it quietly. In fact, after our experiences, we are prepared for everything and surprised at nothing.

AUGUST 5TH, FRIDAY.—Called all hands at six a.m. Breakfasted at seven a.m. Wind moderating somewhat, apparently W. Barometer 29.57 at 34°. Temperature 28°. The clouds seemed inclined to break away, and the sun threatened to show through, but though I watched carefully during the forenoon there was no chance to get a time sight, such a mist, or rain or snow fell all the time, that my sextant and artificial horizon were useless, from the streams of moisture on their glasses. Sent Mr. Dunbar to deposit our record in a cairn one mile east from Cape Emma.

I, this afternoon, was forced to have shot ten of our poorest dogs, including Tom and Jim. We have now twelve left: Prince, Smike, Snoozer, Armstrong, Dick, Pilgarlic, Geyotack, Magalan, Kasmata, etc. The amount of food these ten dogs eat is not compensated for by the work done, and I must think of human life first. The dogs were all worn out or subject to fits.

The sun showed about 4.45, and I got fair sights, giving longitude E. 148° 20', the best I can do under the circumstances.

There is a berg outside of us aground in five fathoms, probably thirty feet out of water; sixty feet would be height of glacier foot. Barometer rising at eight p.m. 29.63, at 34°. Temperature 28°. We start tomorrow.

EXHIBIT 6

SENATE JOINT RESOLUTION NO. 12 IN THE LEGISLATURE OF THE STATE OF ALASKA

Whereas the boundaries of the state are a vital concern of the government of the state; and

Whereas the sovereignty of a state within the federal system of the United States requires that a state government have complete and unambiguous jurisdiction over an area determined by well-defined geographical boundary lines; and

Whereas whenever the boundaries of a state are to be altered, the state has an essential and overriding interest in the determination of the boundary; and

Whereas Alaska is unique among the 50 states because it is the only state with the potential for having boundaries with more than one foreign country; and

Whereas boundaries between a foreign country and a state are, and should be, co-terminous with the national boundaries of the United States and the foreign country; and

Whereas negotiations are underway between the U.S. Department of State and the government of the Soviet Union over setting the boundaries between the United States and the Soviet Union; and

Whereas at least seven rounds of boundary negotiations between the United States and the Soviet Union have occurred since 1981; and

Whereas although the U.S. negotiation delegations have included representatives of various federal agencies, the Department of State has never allowed or offered to invite a representative of the state to join the U.S. delegation to the boundary negotiations or formally solicited the input or advice of the

state about the content or strategy of the negotiations; and

Whereas the negotiations involve important economic issues dealing with the petroleum, fishery, and other resources of the state and affecting the welfare and prosperity of the people of the state; be it

Resolved, That the Alaska State Legislature petitions the U.S. Department of State to include a representative of the state, appointed by the governor with the consent of the legislature, on all delegations that negotiate the boundaries between the state and the Soviet Union or Canada, including delegations that conduct preparatory deliberations and studies; and be it further,

Resolved, That the Alaska State Legislature respectfully requests that the Alaska delegation in Congress intercede on behalf of the state to secure a representative of the state on all boundary delegations that negotiate the boundaries of the state.

Copies of this resolution shall be sent to the Honorable Ronald Reagan, President of the United States; to the Honorable George Bush, Vice-President of the United States and President of the U.S. Senate; to the Honorable Jim Wright, Speaker of the U.S. House of Representatives; to the Honorable George Shultz, Secretary of the U.S. Department of State; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, member of the Alaska delegation in Congress.

EXHIBIT 7

SENATE JOINT RESOLUTION NO. 61 IN THE LEGISLATURE OF THE STATE OF ALASKA

Whereas Alaskans and other Americans remain justifiably grateful for the fortitude shown by Captain Thomas Long and the crew of the whaling bark *Nile* from New London, Connecticut who, on August 14, 1867, were the first to confirm the existence of a 1,740 square mile island in the Chukchi Sea; and

Whereas Wrangel Island, named by Captain Long after the former governor of Russian Alaska Baron Ferdinand Petrovich von Wrangel, is located some 270 miles northwest of Cape Lisburne, Alaska and is larger than the State of Rhode Island; and

Whereas Captain Long was the first to sight and to describe Wrangel Island, and the first recorded landing on the island occurred August 12, 1881, when Captain Calvin L. Hooper, commander of the Bering Sea Patrol, a division of the U.S. Treasury Department and as such, the de facto governor of Alaska, landed at Clark River on the eastern coast of Wrangel Island * * *

* * * "Blackjack" Johnson, who died just a few years ago in Alaska; and

Whereas a new party led by Charles Wells of Uniontown, Pennsylvania continued settlement on Wrangel Island; and

Whereas on May 13, 1924, Secretary of State Charles Evans Hughes stated that the American Lomen Brothers were the proprietary owners of Wrangel Island; and

Whereas on August 20, 1924, an armed party from the Soviet gunboat *Red October* landed on Wrangel Island, took Wells and the other Americans by force, and told them that they were being returned to Alaska; and

Whereas notwithstanding their promises, they took the Americans to Vladivostok and confiscated the pelts that the American trappers had accumulated during the 12 bitter months on the island; and

Whereas the Americans who survived their ordeal in Vladivostok were released following the intervention of the American consul at Harbin, Manchuria but Charles Wells and two residents of Alaska died while detained by the Soviet government; and

Whereas the residents of Alaska who survived their ordeal in Soviet Siberia were all from Golovin Bay, Alaska and they survived notwithstanding the severe physical and emotional trauma resulting from the assault, kidnapping, false imprisonment, theft of property together with other violations of American and Alaska law by the agents of the Soviet regime; and

Whereas after seizing Wrangel Island, the Soviet government proceeded to seize more American soil by occupying the nearby and defenseless Herald Island; and

Whereas the Soviet government subsequently asserted a spurious claim to the American De Long Islands of Henrietta, Jeannette, and Bennett; and

Whereas these illegal acts by the Soviet government interrupted 57 years of peaceful use of these islands by American seamen, herders, and hunters; and

*** ratified by the United States Senate; be it

Resolved, by the Alaska State Legislature, That the Government of the United States assert and reassert American sovereignty over Wrangel Island, Herald Island, and the De Long Islands of Henrietta, Jeannette, and Bennett, their resources, and their territorial shelf in behalf of the American people; and be it further

Resolved, That the Government of the United States make satisfactory compensation and restitution to the State of Alaska and its people for the loss of this territory resulting from the neglect of the United States Government to protect American lives and property when the lands were seized in 1924; and be it further

Resolved, That the State of Alaska asserts and reasserts its claim to Wrangel Island, Herald Island, and the De Long Islands of Henrietta, Jeannette, and Bennett and their surrounding continental shelf as an integral part of the State of Alaska; and be it further

Resolved, The Governor of the State of Alaska is requested to initiate appropriate legal claims for relief before the U.S. Foreign Claims Settlement Commission, the U.S. Court of Claims or other legal forums of the United States as may be appropriate.

Copies of this resolution shall be sent to the Honorable Ronald Reagan, President of the United States; to the Honorable George P. Shultz, Secretary of State; to the Honorable George Bush, Vice-President of the United States and President of the U.S. Senate; the Honorable Jim Wright, Speaker of the U.S. House of Representatives; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaskan delegation in Congress.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment of the Senator from North Carolina.

The amendment (No. 387) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SYMMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 337, AS MODIFIED

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I ask unanimous consent that the Specter amendment regarding the international strike force previously agreed to by the Senate be modified with the text that has been cleared on both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 337), as modified, is as follows:

At the appropriate place in the bill insert the following:

SEC. . ESTABLISHMENT OF AN INTERNATIONAL STRIKE FORCE.

It is the sense of the Congress that the President and the Secretary of State should call for international negotiations for the purpose of agreeing on the establishment of an international strike force to pursue and apprehend major international drug traffickers and terrorists.

SEC. . CREATION OF A MULTILATERAL ANTI-NARCOTICS STRIKE FORCE.

(a) FINDINGS.—The Congress finds that—

(1) the United States Congress has in the past sought approval for a multilateral strike force dedicated to the war on drugs;

(2) the proposal to create a multilateral, international anti-narcotics force as proposed by Prime Minister Michael Manley of Jamaica, is a plan worthy of praise and strong U.S. support;

(3) the Manley plan is the first operative proposal to use multilateral force against the drug cartels in Latin America made by a government leader in the Western Hemisphere;

(4) moreover, the proposal has been matched by Jamaica's parallel commitment to the drug war and by taking the lead in developing an independent, international strategy for the Western Hemisphere nations.

(b) SENSE OF THE CONGRESS.—It is therefore the sense of the Congress that—

(1) Prime Minister Manley of Jamaica is to be commended for his proposal and for his commitment to the war on drugs; and

(2) the United States should work if possible through multilateral organizations to determine the feasibility of such force and assist in the establishment of this force, if it is found to be feasible and consistent with the United States Constitution.

(c) AUTHORIZATION OF FUNDING.—Funds authorized to be appropriated under this bill for any United Nations program, may be reallocated for a program to establish an international strike force for international narcotics control under multilateral auspices. Such reallocation may occur only if the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives, and the Committee on Foreign Relations and the Committee on Appropriations of the Senate, are notified at least 15 days in advance of the obligation of funds in accordance with the procedures applicable to reprogramming notifications

under section 634A of the Foreign Assistance Act of 1961.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 355

(Purpose: To strike the provision of the bill concerning Moscow Embassy, thereby maintaining current law)

Mr. HELMS. Mr. President, I call up amendment No. 355, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposed amendment No. 355.

On page 31, strike line 10 through line 24 on page 32.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I thank the Chair.

This amendment strikes section 133 of S. 1160. It is still a pressing need for the United States to have a secure, safe Embassy in the capital of the Soviet Union. The United States does not have a safe and secure Embassy. The fact remains that most of the experts believe that the new Moscow Chancery is riddled with Soviet bugging technology and ought to be bulldozed.

Unfortunately, an opposition opinion is held by the State Department. Mr. President, as I understand it, the State Department is not contending that the new U.S. Embassy complex in Moscow is safe and secure.

What the State Department is contending is that it does not matter whether it is or not. The pending amendment returns us to current law, which was approved by the Senate in an amendment offered by Senator SYMMS during consideration of the State Department authorization bill back in 1987. The overwhelming will of Congress at that time was not to open or occupy the new but insecure embassy. I believe that was also the will of the overwhelming majority of the American people.

Mr. President, there is no convincing evidence that the situation has improved in the past 2 years. In fact, according to the New York Times on July 16, 1989, a report of the Senate Intelligence Committee strongly supports the concept of current law. Namely, the Intelligence Committee report says there is no hope to fix or otherwise make the new embassy complex in Moscow safe and secure.

The amendment strikes section 133 of the bill before us today. It calls for

the United States not to move into the heavily bugged Moscow Embassy compound. It also provides that the Soviets cannot use the extraordinarily desirable facilities granted them by the State Department on Mount Alto in Washington, DC, until the United States has a new and secure facility to use in Moscow.

The situation has not improved to allow us to rethink the 1987 position. Earlier this year the State Department merely recommended another study of the Embassy—bugs and all.

In the committee bill, section 133 provides new language on the Moscow Embassy that some Senators might think is an improvement over just another study. Unfortunately, the provisions of S. 1160 do nothing that makes this Senator believe it will solve the Moscow Embassy-Mount Alto mess.

Section 133, as reported, claims to keep the Soviets from occupying Mount Alto until the President certifies that there is a safe, secure Embassy in Moscow. The certification also requires that all feasible steps be taken, now and in the future, to eliminate damage to national security due to electronic spying from Mount Alto.

Mr. President, the fact is that the Soviets are already occupying Mount Alto, and microwaves are bombarding all of us at this very moment.

A second part of section 133 before us today conditions the embassy agreement between America and the Soviets on whether Mount Alto poses a significantly greater threat to United States national security than the potential or actual threat from the Soviets at their old Embassy on 16th Street. It seems to me that you would need a smart lawyer or an astrologer to make such a determination.

One final and puzzling element that troubles this Senator is the provision of section 133 that the President can waive any of his findings about an insecure embassy or the Mount Alto KGB headquarters if he determines it is in the vital national security interest of the United States to do so.

Let's consider that a moment, Mr. President. Suppose President Bush makes such a determination—agreeing with the report sent to him by the Senate's own Intelligence Committee—that the Moscow Embassy is hopelessly insecure.

He can still make a finding to permit the United States to move into a bugged embassy in Moscow and if he determines that Mount Alto is an excellent Soviet listening post, he can still permit the Soviets to move into Mount Alto.

Now I ask all Senators to consider that provision of the law—which is also in current law. The Congress must give the President the ability to be prudently responsible. Conditions may change—although in this matter it is hard to imagine how they would

change that would make a bugged embassy or a new Soviet spy headquarters acceptable.

Perhaps some Americans who are swept up in the euphoria of Mr. Gorbachev's international propaganda campaign believe that assuring a secure Embassy in Moscow or limiting Soviet spying in this country might offend the Soviet President and his associates.

Decisions in the Senate—and throughout representative government—often involve hard choices. Mr. President, I ask Senators whether—in the short and the long run, the United States is better off holding its anger and doing nothing? I think not.

I think Senators will see the wisdom of the amendment to strike section 133 and return to current law.

The language in section 133, as reported, is practically as permeable as the walls and ceilings of the new Embassy compound in Moscow. It is maybe slightly better than another study, but it has the same result: America might be stuck with an unsafe, insecure embassy while Soviet moving vans are permitted to roll into Mount Alto.

Let's live in the real world. The Senate was right to approve the current law language in 1987, and the Senate must act again to make sure that an international security scandal is stopped.

Mr. President, for reasons that are not especially clear to this Senator, the State Department is prepared to move into the new Embassy site in Moscow in spite of the bugs that are crammed into every corner of the building.

An article in the New York Times of July 16, 1989, page 11, entitled, "Bush Is Warned on Bugged Moscow Embassy" should be enough to make all Senators share my worry about the State Department's position.

Mr. President, I ask unanimous consent that the article from the New York Times of July 16, 1989, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From The New York Times, July 16, 1989]

BUSH IS WARNED ON BUGGED MOSCOW EMBASSY

(By Stephen Engelberg)

WASHINGTON, July 15.—In unusually blunt language, the Senate Intelligence Committee has warned the Bush Administration that any decision against tearing down the new American Embassy building in Moscow invites a "security disaster" for which President Bush would be responsible.

President Reagan ordered the demolition of the building last year after concluding that American intelligence could not be certain of neutralizing the eavesdropping system implanted during its construction.

Secretary of States James A. Baker 3d has told Congress that the Bush Administration is reassessing the issue. State Department

officials have said that options under study include rebuilding the top stories of the building or limiting the nearly completed structure to unclassified activities.

IMPACT ON BUSH DELIBERATIONS

The Intelligence Committee's views, in a report accompanying the 1990 intelligence budget authorization, add a significant element to the Administration's deliberations.

Under a law enacted last year, no money can be spent on Moscow embassy construction without permission from House and Senate appropriations committees. While the Senate intelligence panel is adamant that the building be torn down, Representative Neal Smith, the Iowa Democrat who is chairman of the House appropriations subcommittee, opposes demolition.

State Department officials said they could not comment on the report because they had not read it.

The committee's report said a reversal of President Reagan's decision would "confirm signs that the executive branch is incapable of effective action in this field."

"The President and the National Security Council, as well as the Secretary of State, would share responsibility."

On a separate issue, the committee's report includes legislation requiring that the Federal Bureau of Investigation handle espionage investigations involving American officials assigned to embassies abroad. The provision appears in part to be a reaction to the widely assailed inquiry by the Naval Investigative Service into espionage by Marine guards in Moscow.

CONCERN ON EMBASSY SECURITY

The committee's report is also sharply critical of the State Department's efforts to improve embassy security, disclosing that the department has failed to implement any of the measures proposed by the Reagan Administration in 1987.

A panel headed by former Defense Secretary James R. Schlesinger issued a report on the new Moscow embassy that said the listening devices could be combatted if the top floors were destroyed and a six-story annex was constructed at a cost of \$35 million.

The Senate Intelligence Committee's report says these reviews produced a consensus within the Reagan Administration in 1987 for reforms, none of which have yet been implemented.

The report was most critical of the State Department's response to the newly created Security Evaluation Organization, which reports directly to the Director of Central Intelligence on embassy matters.

The organization was to be a place where a select group of State Department officials with the highest security clearances would be given full access to American techniques for eavesdropping and other black arts.

The report says the State Department has refused to assign the necessary personnel to the office or to coordinate its own security work with it.

DISTRIBUTING THE BLAME

According to the report, the failure of the office to achieve its objectives can also be attributed to intelligence officials, who have refused to meet "legitimate State Department concerns on certain matters." A Government official said this included the State Department officials' refusal to undergo the C.I.A.'s polygraph, or lie detector, exam on so-called life style questions.

State Department officials have said they are not fully cooperating with the new office because they think it encroaches on

the Secretary of State's authority to handle embassy security.

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. I wish to praise the distinguished ranking Republican on the committee, Senator HELMS, for this amendment, I concur with what he is trying to accomplish in the amendment.

I might just say to my colleagues that the Intelligence Committee, according to the New York Times on July 16, has urged that the bugged Embassy in Moscow not be occupied, and I do believe that all Senators here are aware of what the security risks at the Moscow Embassy are to this country.

It seems that the prudent careful course of action to take tonight would be to accept the amendment of the Senator from North Carolina and see where we are next year.

The article refers to "unusually blunt language" in a report of the Senate Intelligence Committee to President Bush that "any decision against tearing down the new American Embassy building in Moscow invites 'security disaster' for which President Bush would be responsible."

As all Senators know, S. 1160, the State Department authorization bill, contains language so vague and confused that it would make it very difficult for President Bush to continue in the tradition set by President Reagan, who ordered the embassy building to be torn down.

It is for this reason that the best course of action is to return to current law, enacted in 1987 but suspended by the Appropriations Committee at the request of the State Department before it could come into effect.

Returning briefly to the Intelligence Committee report, as cited in the New York Times, it is quoted as saying that to permit the United States to move into the new embassy complex would "confirm signs that the executive branch is incapable of effective action in this field."

Not surprisingly, Mr. President, the Intelligence Committee report lashes out at the State Department for its failure to cooperate with the newly created Security Evaluation Organization to examine eavesdropping techniques and correct them. The Times article quotes an unnamed State Department official as saying they are not cooperating because it would cut into their turf.

In other words, Mr. President, the State Department is still playing games on diplomatic security questions—most especially regarding the Embassy complex in Moscow.

The Senate can choose one or two courses of action: Either we go along with the vague and contradictory language in S. 1160—which is described

clearly and well in the additional views filed with this bill—or we return to current law enacted in 1987.

WHAT CURRENT LAW PROVIDES

Section 151 of the State Department authorization bill, enacted 2 years ago, has eight findings which I think the Senate must consider today. Have conditions improved? Here are the findings, in a brief form, and I ask Senators to consider this question for themselves.

First, that the Soviet regime "has intentionally and substantially violated international agreements * * * concerning the establishment and operation of a new United States Embassy." Mr. President, that situation remains the same.

Second, Mr. President, "the Soviet Government's actions constitute a material violation of international law and a substantial default in performance under contract for construction" for the new Embassy, and that the United States is entitled to claim appropriate compensation." This is the same too.

Third, that because of Soviet actions, United States personnel "cannot pursue their official duties in confidence." And this is certainly the meaning of the Intelligence Committee's report to President Bush.

Fourth, that the Soviet regime has "taken steps to impair the full and proper use of the present United States Embassy in Moscow." This continues to be the case, so far as this Senator can determine.

Fifth, that because of Soviet violations, "the United States is entitled to terminate, in whole or in part," the United States-Soviet Embassy Agreement. I believe this is still the case.

Sixth, that termination of these agreements may affect "rights and privileges [regarding] * * * a new Soviet Embassy" in Washington.

Seventh, that the new Soviet Embassy complex on Mount Alto in Washington, DC "creates serious concerns with respect to electronic surveillance and potential damage to the national security of the United States." Mr. President, I am sure that few Senators would deny this.

And lastly, the current law found that it was essential to protect vital national security interests by terminating "embassy agreements in view of substantial and intentional Soviet breaches thereof, unless the threat to the national security posed by adherence to those agreements can be overcome."

Mr. President, let me put it clearly, the American people, based on its track record on this topic, cannot trust the State Department on this score—and that is the message of the Intelligence Committee report.

And so, Mr. President, current law directs the President to withdraw from the Soviet-American Embassy Agree-

ment unless he can certify to the following conditions.

Once again, let me tick off the conditions that the President must certify in order to waive current law.

No. 1 is that the President must determine that "it is vital to the national security of the United States not to withdraw from the agreement."

Next, that "steps have been or will be taken that will ensure that the new chancery building * * * in Moscow can be safely and securely used * * *".

Finally, that steps "have been or will be taken to eliminate" within 2 years after enactment—in other words, now—"damage to the national security of the United States due to electronic surveillance from Soviet facilities on Mount Alto."

Mr. President, the issue could not be clearer. In the light of our experience regarding the Moscow Embassy question, and in light of the Intelligence Committee report, I ask all Senators to look carefully at section 133 of S. 1160, found on pages 31 and 32 of the legislation before us.

I would be tempted to say this wording is silly, except that the topic of the Moscow Embassy and Mount Alto is deadly serious.

As we did with current law, Mr. President, let us examine what S. 1160 would have us do unless it is stricken.

First, it says the Soviets cannot move into Mount Alto unless and until the President certifies to two things: That there is a safe and secure chancery in Moscow and that all feasible steps have been or will be taken to eliminate the damage to the national security of the United States due to spying from Mount Alto.

This is pretty neutral language, Mr. President, not nearly as tough as current law. But then part (b) of section 133 adds that the President may permit the Soviets to use Mount Alto that, "Soviet use of the facility on Mount Alto does not pose a significantly greater threat to the national security of the United States than the actual or potential threat from Soviet use for espionage of existing Soviet facilities in Washington, DC."

I have tried and tried to figure out what this qualification means, Mr. President. For the life of me, it looks as if this provision of S. 1160 is saying that unless there is a huge difference in the spying the Soviets can conduct from Mount Alto, the President may permit them to move in.

How do you measure this capacity and how would the President determine this? It is confusing and vague—and current law is much more solid.

Then we get to the most bizarre provision of section 133, at the bottom of page 32, Mr. President.

It states, as this Senator reads it, that even if the President finds the Moscow Embassy complex is insecure

and even if Mount Alto's spying is extremely dangerous, he can determine that it is in the "vital national security interests of the United States" to move in anyway, or to let the Soviets use Mount Alto.

Mr. President, there is no sensible alternative to current law. Section 133 of S. 1160 must be stricken from this legislation so that we can turn back to it. We may not be able to control what the Appropriations Committee wants to do on the Moscow Embassy question, but the Senate must be clear and firm—Moscow is not secure, Mount Alto is a threat and the time for action was 2 years ago, not now.

Think what benefits there would have been if current law had been carried out. But thanks to the State Department's evasion and a weak position by some members of the Appropriations Committee, there is no alternative.

Mr. President, the Senate must strike section 133.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. HELMS. Will the Senator yield a moment? There is a time limitation on this amendment. Would the Chair state it?

The PRESIDING OFFICER. Sixty minutes equally divided.

Mr. HELMS. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, bear in mind that this administration very strongly opposes the Helms amendment. I think the administration, while opposing the Helms amendment vigorously, considers the committee position too tough but preferable still to the Helms position.

The committee bill imposes tough conditions that must be met before the Soviets may use their facility on Mount Alto. First, the United States must have a secure chancery in Moscow. Second, the President must take all feasible steps to eliminate the Soviet espionage threat from Mount Alto. Third, the committee bill requires the President to remove the Soviets from Mount Alto unless the President certifies their presence does not pose a significantly greater espionage threat than that which exists from their current facilities.

The Helms amendment would repeal these tough conditions.

The Helms amendment would force the Soviets off Mount Alto. Because of the principles of reciprocity the United States would have to give up its new facility in Moscow. While our chancery is not usable, the new facility houses several hundred U.S. families.

Given the housing situation in Moscow, these diplomatic families would either be forced into substandard, KGB-accessible Soviet housing or, more likely, forced to come home. The result would be a major reduction in our ability to do business in Moscow.

With all that is going on in the Soviet Union, there is a desperate need for more, not fewer, American personnel. To cite one example, most Senators believe we should take advantage of loosened Soviet emigration requirements to facilitate the exit of Soviet Jews, dissidents, and evangelical Christians.

Adoption of this amendment would make it impossible for the United States to process visas and thus bring the emigration to a halt just at the time we have succeeded in changing Soviet policy on emigration. It would be a grotesque tragedy for those who have suffered so much for the opportunity to move to a free country.

The administration shares those thoughts and strongly opposes this Helms amendment.

The Moscow Embassy mess was created by sloppily-crafted agreements by the Nixon administration and the lax attitude toward security by the State Department. President Bush is now working to resolve this mess. He deserves our support.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, if no other Senator wishes to speak I am willing to yield back the remainder of my time, if the distinguished chairman is willing to yield back his.

Mr. PELL. Looking around I am trying to see if there is anyone. The Senator from Indiana I would like to recognize.

Mr. LUGAR. Mr. President, how much time does the Senator from Rhode Island have?

The PRESIDING OFFICER. Twenty-seven minutes and sixteen seconds.

Mr. LUGAR. Will the Senator yield 10 minutes.

Mr. PELL. I am glad to yield 10 minutes to the Senator from Indiana and also 3 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. LUGAR. Mr. President, as Senators know, the problems with regard to our Embassy in Moscow and problems with the Soviet Embassy at Mount Alto present a huge number of difficulties for all of us. That point is very clear.

No one here would praise the way in which our Government went about the construction of the chancery

building in Moscow. It was obviously bugged. That problem has been with us now for several years. The State Department and the administration tried to deal with it.

Let me just say as opposed to rehashing those mistakes, we really ought not to make another one and, in my judgment, the striking of section 133 of the act this year would be a very bad mistake.

The administration has been very clear on this point. The President of the United States, the Secretary of State, and the Under Secretary of State have all indicated that in the event the Senate tonight strikes section 133 and we go back to the existing law of 1987, that there will be no flexibility left to the administration with regard to this.

The House bill does not mention this subject. Therefore, it is not conferenceable and in the event that section 133 is struck, we are back to a certification that no President of the United States will find it easy to make, and in my judgment this President might find it impossible to make; namely, no building is of necessary vital security to the United States of America and no building can be secured with regard to bugging or interference completely with absolute assurance.

The President of the United States does not want to be in the position of having to make a statement which is either manifestly false or very likely to be interpreted that way.

But, Mr. President, if the President of the United States did not make such a dubious statement, it is very probable that the agreement with the Soviets would be abrogated, which means we would not be able to build our Embassy in Moscow, to be relegated to the ancient Embassy that we have with all of its faults and difficulties for Americans who have to serve in that situation. Other buildings that are now being utilized in Moscow by our people could no longer be utilized.

Mr. President, I have no doubt, and I think Senators make judgments for themselves, that our relationships with the Soviet Union would be rather severely damaged by this situation.

Senators may not realize the implications of the simple striking of section 133, but I hope my colleagues even at this late hour will understand the very grave problem of American foreign policy that is at stake at this point.

The President of the United States, the Secretary of State, and others are not ambiguous about the fact that they need latitude to deal with this problem. The current bill that came out of the Foreign Relations Committee gives that kind of latitude. It is a very tough section in my judgment.

The Senator from North Carolina has sought to strike that, to move to

what I believe is inflexible language that the President really cannot deal with satisfactorily.

So, Mr. President, I am hopeful this amendment will not be adopted. It is a serious item. There is really no more that can be said, it seems to me, that will lead to any other conclusion than that the adoption of this amendment will be a very severe setback for the foreign policy of our country.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

The Senator from Rhode Island is recognized.

Mr. PELL. I yield 3 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois, Mr. SIMON, is recognized.

Mr. SIMON. Mr. President, I say to my colleagues here in the Senate, back when I was in the State legislature in Illinois I observed the closer we got to midnight, the more foolish we became in what passed that legislative body, and what was true of the State legislature in Illinois, I have observed is also too frequently true in the United States Senate.

Here we are talking about something that could have all kinds of consequences, and I do not know that we are ready to move in this direction.

I would simply underscore what Senator PELL and Senator LUGAR have said. The administration strongly opposes this amendment.

In all of human history there are only two nations who have the ability to destroy the world, and that is the Soviet Union and the United States.

When we deal with relations between these two countries, let us deal with a scalpel, not with a meat ax. With all due respect to my friend from North Carolina, this is a meat ax approach. This is not wise.

Now, if you take a look at the bill itself, and it is on page 31, you will see that the Foreign Relations Committee came out with a bill that really is tough.

The Soviets are doing things that we applaud, having elections, though they are not like ours, but they are having elections, people are getting up in their Congress and denouncing the KGB. They are printing things in the Soviet Union that we used to have to sneak in. They are permitting more emigration of Jews, of Germans, Pentecostals. They are doing the things that we have said you ought to do.

For us now to pass this kind of an amendment, I say to my friends, just does not make sense.

Let us not do something imprudently at 11:50 at night here on the floor that can cause major problems for this administration, major problems between our two countries.

I hope we will use common sense and not hold our finger to the wind and

say what might be most popular back home immediately. Let us reject this amendment. Let us support the President of the United States in this particular amendment and defeat the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. HELMS. Let me tell you, Mr. President, what is really at stake here. The Soviet Embassy is still bugged. Everybody agrees that nothing has improved and only this pending amendment can protect the national security of the United States.

The Senate has spoken time and time again on this issue. It has approved an amendment even tougher than current law by an overwhelming vote of 71 to 26. That was in July of 1987, a couple years ago.

The committee language which I propose to strike does nothing to solve the problem because it may force the United States to occupy an unsafe, insecure Embassy in the Soviet Union.

If that is playing to the folks back home, so be it.

I do not mind disagreement when you start talking about stupidity and cynicism at some time.

Mr. SIMON. Mr. President, can we have order?

The PRESIDING OFFICER. The Senate will come to order.

The Senator may proceed.

Mr. HELMS. Let us be sure we know what the facts are. This Senate has passed judgment several times on this. The Foreign Relations Committee was wrong in its provision and it ought to be struck, and that is what the amendment does.

The PRESIDING OFFICER. Who yields time?

Mr. SYMMS. Mr. President, will the Senator yield me 1 minute?

Mr. HELMS. Any time the Senator wants.

The PRESIDING OFFICER. The Senator from Idaho is recognized for 1 minute.

Mr. SYMMS. Mr. President, I appreciate the Senator yielding. I would like to just share with my colleagues an article and then I will ask unanimous consent that it be printed in the RECORD.

The article was published by one of our distinguished colleagues who carries the rank of Ambassador. He was Ambassador to the United Nations and Ambassador to India. He has worked in several administrations. He is the distinguished senior Senator from New York.

The article was about how the Soviets are bugging America, and I just give you the punchline of what our distinguished colleague said. He said:

My solution: Throw the bastards out if they are listening to our microwave signals. Nothing technical about it. On three occasions I have introduced legislation requiring the President to do just that, unless in

doing so, he might compromise an intelligence source.

Nothing has changed, as the Senator has said.

I ask unanimous consent that the article printed in the April 1987 Popular Mechanics, by Senator DANIEL PATRICK MOYNIHAN which I just quoted from be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HOW THE SOVIETS ARE BUGGING AMERICA

(By Senator Daniel Patrick Moynihan)

Soviet agents may be listening to your personal telephone conversations. If you're involved in the government, in the defense industry or in sensitive scientific activity, there is a good chance they are.

In fact, a recent unclassified Senate Intelligence Committee report on counterintelligence indicates more than half of all telephone calls in the United States made over any distance are vulnerable to interception. Every American has a right to know this.

You should also know that the Reagan administration has recognized this threat for a long time now, but so far, the bureaucratic response has been piecemeal, and at times reluctant.

Consider this as background: In 1975, when I was named permanent U.S. representative to the United Nations, Vice President Nelson Rockefeller summoned me to his office in the Old Executive Office Building. There was something urgent he had to tell me. The first thing I must know about the United Nations, he said, is that the Soviets would be listening to every telephone call I made from our mission and from the ambassador's suite in the Waldorf Towers. I thought this a very deep secret, and treated it as such. Only later did I learn that Rockefeller had publicly reported this intelligence breach to the President in June 1975. The Rockefeller "Report to the President on CIA Activities Within the United States" notes:

We believe these countries (communist bloc) can monitor and record thousands of private telephone conversations. Americans have a right to be uneasy if not seriously disturbed at the real possibility that their personal and business activities, which they discuss freely over the telephone, could be recorded and analyzed by agents of foreign powers."

The Soviets conduct this eavesdropping from their "diplomatic" facilities in New York City; Glen Cove, Long Island; San Francisco; and Washington. By some estimates, they have been doing so since 1958. President Reagan knows this well. He sat on the Rockefeller Commission and signed its final report concluding that such covert activities existed.

If we had any doubts about this eavesdropping effort, Arkady Schevchenko dispelled them when he came over in 1975 and subsequently defected in 1978. As you will recall, Schevchenko was, at the time, the second-ranking Soviet at the United Nations and an up-and-comer in the Soviet hierarchy. He describes the listening operation in New York City in his book "Breaking With Moscow": "The rooftops at Glen Cove, the apartment building in Riverdale, and the Mission all bristled with antennas for listening to American conversations."

But we have to worry about more than just parabolic dish antennas tucked behind

the curtains in the Soviet "apartment" building in Riverdale, New York.

There are also those Russian trawlers that travel up and down our coast. They are fishing, but fishing for what? Communications. And now the Soviets have taken their eavesdropping a step further and have built two new classes of AGI, or Auxiliary Gathering Intelligence vessels. From the hull up, these new vessels are floating antennas, I suppose.

Most dangerous of all, perhaps, is the Soviet listening complex in Lourdes, Cuba, just outside Havana. This facility is the largest such Soviet listening facility outside its national territory. According to the president, it "has grown by more than 60 percent in size and capability during the past decade."

Lourdes allows instant communication with Moscow, and is manned by 2100 Soviet technicians, 2100!

By comparison, our Department of State numbers some 4400 Foreign Service Officers—total.

Again, to cite the recent Senate Intelligence Committee report: "The massive Soviet surveillance efforts from Cuba and elsewhere demonstrate . . . that the Soviet intelligence payoff from interception of unsecured communications is immense." Intelligence specialists are not prone to exaggeration, they do not last long that way. You can be assured that "massive" and "immense" are not subtle words as used in this context.

There are, however, two things you should know.

First, our most secret government messages are now protected from interception or are scrambled, and all classified message and data communications are secure. In addition, protected communications zones are being established in Washington, San Francisco and New York by rerouting most government circuits and by encrypting microwave links which continue to be vulnerable to intercept. But there are still communications links which carry unclassified, but sensitive, information that we need to protect.

Second, it is a truism in the intelligence field that while bits of information may be unclassified, in aggregate they can present a classified whole. The Senate Intelligence Committee informs us, "Due to inherent human weakness, government and contractor officials, at all levels, inevitably fail to follow strict security rules. . . . Security briefings and penalties were simply not adequate to prevent discussion of classified information on open lines." If the Soviets can piece it together, you must assume that they will, given the resources they invest toward this effort.

But the intelligence community needs no reminder that we are up against a determined and crafty opponent. In 1983, for example, a delegation of Soviet scientists were invited to tour a Grumman plant on Long Island. No cameras. No notes. All secure, right? Wrong. The delegation had attached adhesive tape to the soles of their shoes to gather metal fragments from the plant floor for further study at home. The Soviets are pretty good at metallurgy—probably the best in the world—and we don't need to help them any further.

But concern is not always translated into budgetary action, at least not in the realm of communications security. Let us take a look at the technical problem confronting us.

As you know, there are two basic ways voice can be transmitted over telephone media: digital and analog. Analog refers to

voice waves which are modulated (amplified) up to a very high frequency (HF). That is, they are increased in speed from hundreds of cycles per second to thousands of cycles per second. This facilitates their passage over distance.

Nevertheless, because analog radio waves diminish rapidly over distance; it's necessary to periodically amplify, or boost, the signal either at a microwave relay tower repeater or satellite transponder. (Actually, the signals are diminished in frequency to voice quality and then brought back up to high frequency.)

Digital transmissions are voice or data vibration signals which are converted into a series of on-and-off pulses, zeros and ones, as in a computer. Like analog telephone calls, digital calls go through a process of modulation and demodulation.

For the purposes of this discussion, we need only remember two things about analog and digital telephony.

First, analog telephony is fast being replaced by digital telephony because it better translates computer language. But, more importantly, after a high initial overhaul cost, it's possible to send thousands of digital calls (bundles) over a single conduit. Therefore, as we expand our digital capacity, we must ensure that both our analog and digital communications are protected from Soviet eavesdropping.

Second, sending bundles over a single conduit is the base block at which we introduce the encryption I am talking about.

When you place a long-distance telephone call from point A to point B, there are three communications paths, or circuits, over which your call might travel: microwave, satellite or cable.

Cable is the most secure. However, it is the least practical and economical method for bulk transmission over long distances. As a result, 90 percent of our long-distance telephone traffic is sent by microwave or satellite, and that which is in the air can be readily intercepted.

As your signal travels along the cable from your home to the local switching station and then on to a long-haul switching station, it is combined (stacked and bundled might better describe the process) with as many as 1200 other signals trying to get to the same region of the country.

This system of stacking and bundling signals is called multiplexing and it's how the telecommunications industry gets around the problem of 7 million New Yorkers all trying to call their senator at the same time on the same copper wire or radio frequency.

If you use a common carrier, that is, if you have not rented a dedicated channel from a telecommunications company, a computer at the long-haul switching station will select the first available route to establish a circuit over which your call signals may travel.

Therefore, calls that the caller believes to be on less vulnerable circuits may be automatically switched to more vulnerable ones. All this takes place in 1 to 3 seconds.

So let's follow your call as it goes by either microwave or satellite.

If your call goes via microwave, it will be relayed across the country as a radio wave in about 25-mile intervals from tower to tower (watch for the towers the next time you drive on an interstate route) until it eventually reaches a distant switching station where it is unlinked from the other signals, passed over cable to your friend's telephone, and converted back into voice.

The problem with this system: Along these microwave paths there is what we call

"spill." This measures about 12.5 meters in width and the full 25 miles between towers. This is where the microwave signal is most at risk. Using a well-aimed parabolic dish antenna (located, let's say, on the top of Mount Alto, one of the highest hills in the District of Columbia, and site of the new Soviet embassy) you can intercept this signal and pull it in. And that is just what the Soviets are doing.

My solution: Throw the bastards out if they are listening to our microwave signals. Nothing technical about it. On three occasions I have introduced legislation requiring the president to do just that, unless in doing so, he might compromise an intelligence source. On June 7, 1985, this measure was adopted by the Senate as Title VII to the Foreign Relations Authorization Bill, but it was dropped in conference with the House of Representatives at the urging of the administration.

Nevertheless, I think the administration accepted the simple logic behind the proposal when at the end of October, 55 Soviet diplomats were ordered to leave the country, including, *The New York Times* tells us, "operatives for intercepting communications." Now, let's not let the Soviets just replace one agent with another.

The process is much the same for a satellite telephone call. Today, approximately eight telecommunications carriers offer satellite service using something like 25 satellites. Let's suppose your signal has traveled to a long-haul switching station and all microwave paths are filled. The carrier's computer searches for an alternative path to send the signal and picks out a satellite connection. At the ground station, your call is sent by a transponder up to a satellite and then down again to a distant ground station.

Using an array of satellite dishes at Lourdes, the Soviets can seize these signals from the sky just as a backyard satellite dish can pull in television (and telephone) signals. High-speed computers then sort through the calls and identify topics and numbers of particular interest. And if the information provided is real time intelligence, the Soviets have the ability to transmit it instantaneously to Moscow. And yes, the Soviets have the range at Lourdes to grasp our satellite transmissions as they travel from New York to Los Angeles or Washington to Omaha.

Here, too, there is a solution: Develop and procure cryptographic hardware for use at the common-carrier long-haul switching stations. This hardware will encrypt the multiplexed telephonic signals (that is, approximately 1200 calls at a time) before they are transmitted as radio waves from ground station to ground station, a technique analogous to the cable networks scrambling their signals. This can be done for under \$1 billion. If we start by encrypting just those unclassified signals we categorize as sensitive, those having greatest impact on the national defense or foreign relations of the U.S. government, it would cost us about half as much. It would cost us so much more not to do so.

Communications security has no constituency. There is no tangible product and the public can never really be sure that we have done anything. But National Security Decision Directive 145 says it is a national policy and national responsibility to offer assistance to the private sector in protecting communications. It's time to make communications security (ComSec is the lingo) a true national security priority supported with resources as well as rhetoric. This was certain-

ly the conclusion of the comprehensive Intelligence Committee report.

I agree, and have suggested a way to get on with it. If someone has a better idea—if you have another idea—I would be happy to know it. The important thing is that we stop this massive leak of sensitive information and protect your privacy.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, I would like to yield as much time as the distinguished Senator from Oklahoma [Mr. BOREN] may desire. Mr. BOREN, as all Senators know, is chairman of the Senate Intelligence Subcommittee.

Mr. BOREN. Mr. President, I thank the Senator from North Carolina for yielding to me. I am in support of the amendment of the Senator from North Carolina, as I understand it, because I think that the language adopted by the Foreign Relations Committee would allow Presidential certification which would make it possible for the Soviets to occupy the Mount Alto site prior to us having a satisfactory conclusion of a new site or a new location, new facilities provided for us in Moscow.

We all know this is a matter that has been thoroughly gone into by many Members of the Senate, certainly by the members of the Intelligence Committee, that the site that we now have, the Moscow Embassy facility, the new facility which has been built, creates a grave security risk. The Intelligence Committee has publicly stated that we should never occupy that facility.

For us to allow the possibility of the Soviets to occupying the Mount Alto site prior to a satisfactory conclusion or decision about a new site for us in Moscow would, in my opinion, be a grave security risk for the United States.

I will not go into all the details, but let me say administrations of both parties over the last 20 or 30 years bear joint responsibility for a series of serious mistakes that have been made which allowed the Soviets to, in essence, build, under their own terms, facilities here in which they inspected everything as small as a grain of sand which was brought on location here when they constructed the Mount Alto site, while, at the same time, we foolishly allowed them to bring large prefabricated sections of the building for us in Moscow on to location, constructed where we had no opportunity to observe what kind of construction techniques or let me say what kind of eavesdropping techniques would have been applied during the time that the Embassy was being constructed.

So I think it would be wrong for us to open the door to the possibility, as this language would do, that would allow the President to certify that he was now satisfied with the Moscow Embassy location, without a decision

for a new location and a new facility there and which would allow them, the Soviets, the advantage of moving into the Mount Alto site. I simply do not think we should open the door to the possibility and I am afraid that the language that is now in the committee bill would open the door to that possibility.

Mr. SIMON. Will my colleague yield?

Mr. BOREN. I am happy to yield.

Mr. SIMON. Let me just say I have great respect for my colleague from Oklahoma who is doing a superb job as the chairman of the Intelligence Committee. But the language in the bill right now says: "The Soviet Union shall not be permitted to occupy the new chancery building on Mount Alto in Washington, District of Columbia, unless and until the President certifies in writing to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate that, No. 1"—and I will just go over the first step here—"that there is completed a new chancery building for use by the United States Embassy in Moscow which can be safely and securely used for its intended purpose."

I think that does precisely what the Senator from Oklahoma wants.

Mr. BOREN. Well, I would answer my good friend, I understand how he is interpreting that. I am simply fearful—and I do not aim this comment at this President as an individual. There have been those who avoided a decision about tearing down the current facility in Moscow, which I clearly believe should be torn down. We must start all over again to try to come up with some kind of plan to say that that facility could somehow be made secure.

I am fearful this language would open the door to a President in the future to say that he is now satisfied that we could occupy that facility, which we have built there under less than rigorous conditions as far as protecting our own security, and then allow the Soviets the right to go ahead and move into Mount Alto.

Mr. SIMON. If my colleague will yield again, the language in the bill is that "there is completed a new chancery building," not the present one.

I think the bill itself is very, very clear. I think it does what the Senator from Oklahoma intends without causing harm to the ability for the President of the United States to do what he should do for our country.

Mr. BOREN. I think, unfortunately, Presidents have avoided a decision on this matter, Presidents of both parties, because they have not wanted to admit the serious security mistakes that have been made by their administrations. I am simply fearful that they would decide to add a few stories on to the existing building and attempt to

seal it off and say it could be made secure when many of us are convinced it could not be made secure and declare that sufficiently a new chancery building that would allow the Soviets to move into Mount Alto.

I think I understand what the Senator is saying. If I felt the language had the import of saying exactly what he is interpreting it to mean, I would not be alarmed. Perhaps we are being alarmed at a possibility that would never arise. I find it difficult to believe that this President would ever make such a certification, but I do not think we ought to open the door to that possibility.

The PRESIDING OFFICER. Who yields time?

Mr. PELL. I yield the Senator from Massachusetts 5 minutes.

Mr. HELMS. Mr. President, how much time remains?

The PRESIDING OFFICER. The time for Senator HELMS is 21 minutes and 31 seconds and for Senator PELL, 19 minutes and 16 seconds.

The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, I am struck by the inconsistency of the position of the distinguished Senator from Oklahoma who this afternoon attached an amendment to this bill, along with Senator DANFORTH, in which he criticized the micromanagement of the Foreign Relations Committee and indeed the Senate in its efforts to dictate to a President what he ought to and ought not to do with respect to foreign policy. In fact, he spoke eloquently about the need for the Senate to step back from that micromanagement, requiring that the Senate Committee on Foreign Relations, upon consultation with the Secretary of State on the appropriate relationship between the legislative and executive branches with respect to foreign policy.

Now, here is a situation where the President of the United States and the Secretary of State have clearly said that, in the interest of this new relationship with the Soviet Union, they feel this would be adverse to the foreign policy of our country.

What is more, the administration does not like the language of the Foreign Relations Committee. They think it is too tough, but they find it far preferable to the disruption which will occur as a consequence of the language which the Senator from North Carolina is proposing.

There is nothing discretionary in the language that the Foreign Relations Committee has inserted here. The distinguished chairman of the Intelligence Committee is wrong on the facts with respect to what the President can and cannot do.

The Soviet Union cannot, cannot, be permitted to occupy the new chancery

building unless the President has certified to the Speaker and the chairman of the Committee on Foreign Relations of the Senate that there is completed, that is, finished and available to move into, a new chancery building in Moscow which can safely and securely be used for its intended purpose. In other words, a condition precedent to their proceeding to the Mount Alto position is the completion of a new chancery. And there is no waiver as to that, Mr. President, none whatsoever.

In addition, all feasible steps have to be taken to eliminate damage to the United States national security due to electronic surveillance facilities on Mount Alto.

If that does not require the Soviet Union to adhere to a tough standard and give the President the ability to make the determination which he is entrusted with, I really do not know what does. There is no discretion there. There is no waiver. There is no ability to vary.

And the chairman of the Intelligence Committee has adequate capacity and he has often spoken of his faith in the President to be able to make these kinds of determinations.

So I would suggest that at this late hour a Senate that has more often than not supported the President of the United States on those requests, ought to do so once again.

Mr. BOREN. Will the Senator yield?

Mr. KERRY. The Senator will gladly yield.

Mr. BOREN. Is my colleague aware of the fact that the amendment of the Senator from North Carolina does not add any language, it does not place any restrictive language in the bill? It is striking language adopted by the Committee on Foreign Relations?

Mr. KERRY. I am aware of that, but what it does is have the effect thereby to take us back to the old section 151.

Mr. BOREN. Which has been adopted by the Senate. Is my colleague further aware that in spite of the fact that the Senate has over and over again expressed itself about Mount Alto and the demolition of the existing Embassy, that the State Department which has been delaying a decision on this matter for years under both administrations, is once again delaying a decision about what to do?

Mr. KERRY. The Senator is well aware of the problem and in fact I have voted along with both Senators, I believe, to voice our concern about what has happened in Mount Alto. This is not the issue here.

The question is: Does what the Foreign Relations Committee put in the legislation, and does the President's desire and the Secretary of State's desire to have that language in their interests in the carrying out of our foreign policy, supersede whatever

impact the changes that the Senator from North Carolina seeks?

That is really the decision we have to make. Is the Senate of the United States, in the interests that we have expressed with respect to security, adequately protected by the language of the Foreign Relations Committee? And I would respectfully suggest that the President having found yes, the Secretary of State having found yes, and I think the Foreign Relations Committee in its judgment having found yes, that there is no compelling showing as to why we should vary from that.

The final comment I would make is that, No. 1, the Secretary of State and the President find that if we revert to the original language of section 515, that will impose constraints on their ability to further the relationship with the Soviet Union at this point in time; No. 2, it will require dislocation of families that are currently housed in the facilities in Moscow; and, No. 3, it will greatly interrupt the processing of visas and of the normal course of business where they have already lost personnel.

I think we ought to lead the President on this as the distinguished chairman so eloquently suggested we ought to do this afternoon by amending this legislation.

THE PRESIDING OFFICER. The Senator from North Carolina [Mr. HELMS] is recognized.

Mr. HELMS. Mr. President, we are going to shut this off in just a minute if Senators are willing.

Let me say that DAVE BOREN, in my judgment, knows more about the Moscow Embassy than, I think, probably any other Senator; certainly more than I do. I thank him for his comment.

Of course, he cannot tell us on this floor tonight all he knows because it is classified. But I think Senators in their heart of hearts know exactly what is going on. I thank the Senator again for his comments and contribution, and I yield 1 minute to the Senator from Wyoming.

THE PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. WALLOP. I thank the Senator from North Carolina and thank the Senator from Oklahoma, and I will not belabor this issue much farther except to say that from the very beginning, State Departments and Presidents have opposed the responsibility that this body has undertaken to bring them to. Were it not for the actions of previous Senates, we would not have ever found the nature of the security risks that exist in the building that has been constructed in Moscow today.

I would respectfully say to those who think that the language on pages 31 and 32 is complete, that it rests only on the opinion that can be stated, that it can be safely and securely used

for its intended purpose; they would have certified that a long time ago. And, in fact did, and tried, continually, to make us yield to that proposition.

Second, I suggest to my colleagues that the end of it contains a waiver proposition that, were it to be factual that this was binding upon the President of the United States, he could still waive it. And would. Because the State Department views it as our responsibility to buy Soviet elections with the lack of our security.

I do not think that is a wise position for the Senate of the United States to take, and I compliment the Senator from North Carolina on his amendment which returns us to current law, which this Senate has voted for in the past with real good reason.

Mr. HELMS. I thank the Senator. I am perfectly willing to yield back the remainder of my time if the chairman will yield his.

THE PRESIDING OFFICER. The offer has been tendered by the Senator from North Carolina to yield his time back if the Senator will.

Senator PELL.

Mr. PELL. Mr. President, I yield back the remainder of my time.

Mr. HELMS. I yield the remainder of my time.

THE PRESIDING OFFICER. The majority leader is recognized.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, I am about to propound a unanimous-consent request regarding the disposition of Senator SPECTER's death penalty amendment.

After I complete the reading of the request, and before I present it to the Chair, I am going to ask Senator BIDEN to address the Senate and specifically Senator THURMOND on the subject of Senator THURMOND's death penalty legislation.

If this unanimous consent request is agreed to, and if no Senator requests a rollcall vote on final passage—and I know of none who so request—then there will remain only one amendment which will require a rollcall vote. That is an amendment by Senator WILSON, who desires a rollcall vote on his amendment.

I will then suggest, after this consent request is agreed to, if it is agreed to, that the Senate immediately turn to the Wilson amendment and defer the vote on the pending matter until completion of that debate. And then the two votes occur back to back.

Those, then, would be the final two votes, rollcall votes on this legislation. The managers have, I believe, one other amendment by Senator HELMS which the chairman is prepared to accept and other matters that would have to be disposed of. But unless some Senator now indicates a desire for a rollcall vote on final passage, that will be the manner of proceeding.

So we should be able to complete action within the next 40 or 45 minutes. And if Senator WILSON does not use all of the time, then of course it will be less than that.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Accordingly, Mr. President, I ask unanimous consent that the majority leader after consultation with the minority leader may proceed at any time after September 6 but before October 30 to a bill on the subject of the death penalty for terrorists; that the language of the bill be the language of Senator SPECTER's amendment, number 325; I further ask unanimous consent that the bill be considered under the following time limitation:

Two hours on the bill equally divided between Senators SPECTER and LEVIN or their designees, that the only amendment in order be a Levin-Hatfield-Simon amendment providing for mandatory life imprisonment without the possibility for release on which there shall be 2 hours for debate, equally divided as on the Specter amendment; that no motions to recommit be in order; that upon the disposition of the only amendment in order and the completion or yielding back of time on the bill, the Senate vote without any intervening action on final passage of the bill and that the agreement be in the usual form.

Now, Mr. President, before I present this to the Senate through the Chair, I ask Senator BIDEN to address the Senate, and specifically Senator THURMOND, on the subject of Senator THURMOND's death penalty legislation.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

UNANIMOUS-CONSENT AGREEMENT

Mr. BIDEN. Mr. President, I ask unanimous consent that there be a star print of S. 32 reflecting the changes that I send to the desk, and further state that the vehicle that the Judiciary Committee will use will be S. 32 star print.

That is a roundabout way of saying that Senator THURMOND and I and the leadership have agreed that Senator THURMOND's expansive death penalty bill will have a hearing in the Judiciary Committee in September; that further, there will be a vote on the Thurmond bill up or down in the committee; and that we will report out of committee by October 17 and have a committee report by October 20 on the Thurmond death penalty bill which will be S. 32 star print.

The PRESIDING OFFICER. Is there objection to the proposed unanimous consent request?

Mr. BIDEN. Excuse me, Mr. President. In addition, it is agreed there will be no other action on death penalty amendments of any kind other than Senator SPECTER's death penalty bill prior to the time the Judiciary Committee reports the Thurmond bill back to the floor; and, further, that there will be no further death penalty amendments in the Judiciary Committee for the remainder of the year.

The PRESIDING OFFICER. Is there objection?

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, we have worked very hard on this matter to arrive at an agreement, to save time and expedite the business here. I think Senator BIDEN has stated it correctly.

Mr. BIDEN. I thank the Senator.

The PRESIDING OFFICER. If there is no objection, it is so ordered.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the pending matter be set aside, that Senator WILSON be recognized to offer his amendment with a 20-minute time limit equally divided; that upon the completion of that time or the yielding back of time, that the Senate proceed without any intervening debate or action to a vote on the pending Helms amendment; and that immediately following the vote on the pending Helms amendment that the Senate proceed without any intervening debate or action to the Wilson amendment.

The PRESIDING OFFICER. Is there objection?

Mr. HELMS. Reserving the right to object, and I shall not object. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Chair recognizes the Senator from Delaware.

Mr. BIDEN. I apologize for taking the time of the Senate again. I am told by the Chair they interpreted my unanimous-consent agreement only to relate to the first part of what I said. The unanimous-consent agreement was meant to apply to everything I said.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I thank the distinguished majority leader, especially the distinguished Senator from Delaware, for accommodating the interests on this future action on the death penalty. I think

this is a very significant agreement which has been reached, and much credit is due to Senator THURMOND for his leadership on the death penalty, but in addition to the arrangements for both on the death penalty for terrorists which we have worked out, this will be the first time that this body will be taking a very constructive action on the death penalty since 1972 when Furman versus Georgia declared the death penalty unconstitutional. We will now have an opportunity beyond the death penalty, beyond the terrorists, for espionage, assassinations, and many other things, to bring the Federal statutes into the 20th century reflecting the Supreme Court decisions to express the will of this body on death penalties. I think this is a very significant agreement. I thank the Chair.

The PRESIDING OFFICER. So that the record may be clear, the unanimous-consent agreement with respect to the procedure this evening, as well as respect to death penalty, if there is no objection, it will be so ordered.

The Senator from California, Mr. WILSON, is recognized.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEAR 1990

The Senate continued with the consideration of the bill.

Mr. MITCHELL. Mr. President, before proceeding to the Wilson amendment, I want to thank all my colleagues for their patience in this matter and cooperation, particularly the Senator from Pennsylvania, Senator SPECTER, the Senator from South Carolina, Senator THURMOND, Senator BIDEN, Senator LEVIN, Senator HATFIELD, of course the distinguished Republican leader and the managers of the bill who have had to bear the brunt of the lengthy deliberations today and all my colleagues for the patience they have demonstrated.

We now can complete action on this bill and when we do complete action on this bill, the Senate will not be in session tomorrow. We will make an announcement with respect to Monday and decide that later this evening and it will be announced.

AMENDMENT NO. 388

(Purpose: Regarding direct negotiations between the Arab states and Israel)

Mr. WILSON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California, [Mr. WILSON] for himself, Mr. MOYNIHAN and Mr. BOSCHWITZ, proposes an amendment numbered 388.

Mr. WILSON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 145, after line 22, add the following new section:

SEC. 915. UNITED NATIONS SPONSORSHIP OF A MIDDLE EAST PEACE CONFERENCE.

(a) FINDINGS.—The Congress finds that—

(1) the General Assembly of the United Nations adopted Resolution No. 3379 on November 10, 1975, maintaining that Zionism constituted a form of racism;

(2) most of the proposals for an international peace conference regarding the Middle East have identified the United Nations as the sponsoring organization for such a conference;

(3) all international diplomatic participants in any potential Middle East peace conference must acknowledge the sovereignty of the State of Israel and the right of its citizens to live within secure and permanent boundaries; and

(4) United Nations General Assembly Resolution No. 3379 of November 10, 1975, damages the credibility of the United Nations as a forum for the convening of an international Middle East peace conference because it condemns the theory that informs the political, religious, and social foundations of the State of Israel.

(b) POLICY.—(1) The Congress declares that United Nations General Assembly Resolution No. 3379 of November 10, 1975, makes the United Nations or any of its constituent bodies an inappropriate forum for the sponsorship of any international conference on the Arab-Israeli conflict.

Mr. WILSON. Mr. President, everyone on this floor hopes there can be lasting peace in the Middle East. Almost routinely, when someone does propose some new formula, it has involved a role for the United Nations as a forum or as a sponsor which is strange, because, Mr. President, over the past two decades the United Nations General Assembly has repeatedly demonstrated an almost chronic inability even to temper its passions against the political-cultural heritage against the State of Israel.

Specifically, the United Nations General Assembly has an unhappy history of having adopted resolutions which assert with morally-twisted reasoning that the establishment of Israel was an act of American colonialism or imperialism. There have been other United Nations General Assembly declarations describing terrorism as self-determination or efforts to achieve national liberation.

But the most invidious of all these declarations occurred on November 10, 1975, Mr. President, when there was offered a resolution that sought to equate Zionism with racism. It was so invidious as to undermine the moral authority of the United Nations and to not simply disappoint but enormously disillusion those of us who had hoped at the creation of the United Nations that it would have the moral authority

to achieve great things in the family of nations.

I can recall being so outraged at the time of this act of the United Nations that I resigned as the honorary chairman of my country's U.N. society. My outrage was nothing compared to that of my cosponsor, the distinguished senior Senator from New York, who was at the time the American Ambassador to the United Nations and who declared in his justifiable outrage and with characteristic eloquence that the resolution passed by the General Assembly was one giving, as he termed it, the abomination of antisemitism the appearance of international sanction.

He went further, Mr. President, and stated that that resolution adopted on November 10, 1975, declaring Zionism a form of racism and racial discrimination had, in his words, drained the word racism of all meaning. It had, I suggest, drained the United Nations as well of any pretense that it could be the kind of fair and dispassionate body in which Israel would receive a reasonable hearing. And, unfortunately, that resolution was not the sole piece of evidence that has made that painful proposition so painfully clear.

So this, Mr. President, which I offer on behalf of myself and Senator MOYNIHAN, our then-Ambassador to the United Nations, as well as Senator BOSCHWITZ, simply declares that the adoption of that resolution and similar declarations over two decades have plainly rendered the United Nations an inappropriate forum for the conduct of any negotiations from which we hope to resolve the Arab-Israeli conflict. It is very simple. That is what it does.

Mr. President, let me inquire of my friend from Minnesota how much time he desires and how much time remains?

The PRESIDING OFFICER. Six minutes and five seconds remain.

Mr. WILSON. Mr. President, I yield to my colleague from Minnesota and cosponsor of this legislation 3 minutes.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. BOSCHWITZ. Mr. President, I know of few more odious international documents than the "Zionism is Racism" resolution of the United Nations General Assembly of 1975. Despite the fact that 14 years have elapsed, it is still on the books and it still rankles.

Zionism is, of course, the modern manifestation of a very ancient aspiration. More than 2,500 years ago, Jews exiled in Babylon wrote: "If I forget Thee, O Jerusalem, let my right hand lose its cunning, let my tongue cleave to the roof of my mouth."

The necessity for Zionism, Mr. President, was never more desperately proven than in our own century.

The Congress of the United States has gone on record decrying the U.N.

resolution on a number of occasions and demanding its repeal. Yet, it is still on the books after 14 years. Senator WILSON's amendment, which I am happy to cosponsor, simply states that the Congress views the United Nations as an inappropriate forum for an international peace conference on the Middle East with this kind of resolution on the books. It is, for that matter, U.S. policy to oppose any international Middle East peace conference. Peace can only be achieved through the direct negotiation of the parties. But certainly the United Nations is an especially inappropriate forum given its record on the Middle East. The United Nations continues to pass lopsided and one-sided anti-Israel resolutions and continues to make itself totally irrelevant in any positive role in the peace process.

Therefore, I support the resolution of the Senator from California.

Mr. WILSON. Mr. President, I thank my friend and reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time? The Senator from Rhode Island controls 10 minutes.

Mr. PELL. Mr. President, I am prepared to yield back the remainder of my time.

Mr. WILSON. In that case I am prepared to yield back the remainder of my time.

Mr. BOSCHWITZ. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The question is on agreeing to the Wilson amendment. The clerk will call the roll.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Will the Chair withhold just one moment.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. The distinguished chairman and I have three noncontroversial amendments, one of them a technical amendment. It will take us no time to do them.

AMENDMENT NO. 389

Mr. PELL. Mr. President, I send to the desk a technical amendment at the request of the Senator from West Virginia [Mr. BYRD], correcting the amendment of his that was adopted yesterday and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. PELL], for Mr. BYRD, proposes an amendment numbered 389.

Mr. PELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 9, strike all after line 12 over to "(f)" on page 10, line 6, and insert "(e)".

Mr. BYRD. Mr. President, reserving the right to object, I have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 389) was agreed to.

AMENDMENT NO. 348

The PRESIDING OFFICER. The question before the Chamber is on agreeing to the Helms amendment.

Mr. HELMS. No, there are two more amendments.

Mr. President, I call up amendment No. 348, which is cosponsored by Senators GLENN, KASTEN, BOREN, and PRESSLER, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS], for himself, Mr. GLENN, Mr. BOREN, and Mr. PRESSLER, proposes an amendment numbered 348.

Mr. HELMS. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 55, line 15, strike "\$36,000,000" and insert in lieu thereof "\$71,000,000".

Mr. HELMS. Mr. President, yesterday I outlined the reasons why I so strongly support increasing the VOA radio modernization authorization to \$71 million. This is not a partisan matter as is evident by the cosponsorship of this amendment. It is merely a question of setting priorities. This bill, without the Helms-GleNN amendment, severely restricts VOA's ability to modernize their transmitting facilities. If we don't complete the relay station in Thailand, Mr. President, we cannot effectively counter jamming of VOA programs into China.

Mr. President, the distinguished Senator from Ohio, and chief cosponsor of this amendment, also described very accurately the woeful condition of our VOA radio transmitters. I commend him for his fine statement.

There is no debate as to whether we must modernize our VOA facilities. They are outdated. Every year that we fail to authorize the adequate resources, Mr. President, they will grow even more outdated and more obsolete. And, of course, it will end up costing the U.S. taxpayer more money in the long run if we ignore our responsibilities, and restrict the authority of

USIA to continue with the modernization program.

Mr. President, recently I asked USIA to provide me with a memo outlining exactly how inadequate their current facilities actually are. Briefly, here are just a few of the engineering "horror stories" that they reported to me:

First, nearly two-thirds of VOA's 103 transmitters are more than 25 years old. More than a third—38 transmitters—are between 36 and 47 years old.

Second, some of VOA's aged transmitters require up to 30 minutes to tune. A modern transmitter, in contrast, takes about 30 seconds.

Third, spare parts for many of the transmitters must be fabricated by hand since the manufacturers have ceased making them, and technicians skilled in maintaining this equipment are difficult to find.

Mr. President, I will ask unanimous consent that the full text of this memo prepared by USIA be printed in the RECORD at the end of my remarks.

Mr. President, as I emphasized yesterday, major portions of China, the Soviet Union, Eastern Europe, South Asia, and Africa receive either unreliable or weak VOA signals. With the progress we will make with this modernization effort, VOA will be able to deliver a strong signal to a significantly greater part of the world—the Soviet Union, China's population centers, Eastern Europe, Africa, the Middle East, and South Asia. For the first time, VOA will be able to deliver a reliable signal to Tibet. All these regions, Mr. President, will be within range of the new relay stations.

So Mr. President, this is what our money will buy. I believe the investment is well worthwhile when compared with the rest of this bill.

I ask unanimous consent that the memo to which I earlier referred be printed in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

VOA ENGINEERING "HORROR STORIES"

Nearly two-thirds of VOA's 103 transmitters are more than 25 years old. More than a third—38 transmitters—are between 36 and 47 years old. The average age of the entire network, including the relatively new transmitters installed in various places, is 27 years.

One of four transmitters captured from the Nazis in World War II is still operating in Munich. The other three are used as back-ups should they be needed.

The Philippines is now the only station capable of reaching China, East Asia, and the east coast of Africa. It has seven different kinds of transmitters, many of them nearly four decades old. These transmitters require seven sets of spare parts, seven training programs, and a corps of technicians with specific expertise.

VOA's small station in Sri Lanka has three, 36-year old transmitters and antennas in poor condition. They can barely reach northern India from that prized location. By contrast, Deutsche Welle (the West

German broadcast service) can deliver an excellent signal to China using their modern 50 kilowatt station in Sri Lanka.

Some of VOA's aged transmitters require up to 30 minutes to tune. A modern, solid state transmitter takes about 30 seconds to do the same thing. Maintaining the aging transmitters has a ripple effect throughout the network:

Many of the transmitters contain PCB-contaminated oil;

Spare parts must be fabricated by hand since manufacturers have long since ceased making them;

Power costs escalate since the old vacuum tube transmitters are not energy efficient;

Technicians skilled in maintaining this obsolete equipment are difficult to find; and

The transmitters are more prone to breakdown to interference with other stations and frequencies, and a general lack of reliability.

Mr. HELMS. Mr. President, this amendment was discussed yesterday fully on the floor. It is noncontroversial. It involves funds for Voice of America radio construction. It has been agreed to on both sides.

Mr. KASTEN. Mr. President, this amendment increases the authorization for the modernization of our Voice of America transmitting facilities to \$71,000,000.

As the Senators from North Carolina and Ohio pointed out yesterday, our VOA facilities are seriously outdated. Failure to continue with our modernization program will result in the steady deterioration of our public diplomacy capabilities. This authorization will permit VOA to develop relay stations in both Thailand and Morocco. The Thailand facility in particular, will significantly increase our ability to counter the jamming of VOA broadcasts by the Chinese Government. The net effect of the overall modernization effort will enhance significantly the VOA signal around the world.

Following the recent events in China, there should be no doubt about the importance of VOA broadcasts. When one considers the costs of other programs that further U.S. interests around the world, this is an extremely small investment.

Yesterday, the Senator from North Carolina inserted into the RECORD a list of all the languages that will be broadcast by both the Morocco and the Thailand facilities. Mr. President, these languages will target audiences in numerous countries where it is important for the United States to get its message across.

I believe the arguments have already been made about this important program. The current authorization contained in this bill will drastically restrict the VOA modernization program, and will curtail important programs to upgrade our broad costs.

Finally, Mr. President, if there is any doubt about the impact that our VOA programs had during the recent demonstrations in China, I ask unani-

mous consent to have printed in the RECORD several articles describing the impact of these programs.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, May 9, 1989]

VOICE OF AMERICA HAS WON THE EAR OF CHINA

(By Sheryl WuDunn)

BEIJING, May 8.—The real news does not travel fast in this Communist country, at least through official channels. So when the streets here swell with protesters, people all over China tune in the Voice of America.

During the turmoil of recent weeks, people in offices, factories and schools throughout China have clustered by the radio to listen to the latest episodes in the saga of student protest. At Beijing University, students huddle around posters that report the latest Voice bulletins, and the other day, hundreds of students crowded around a dormitory window listening to a dispatch.

The United States Government radio network hardly competes with China's Central People's Broadcasting station, which probably has the largest number of listeners in the world. But during times of unrest, China's news organizations tend to be silent about what many Chinese people are most interested in, sending waves of would-be listeners to the American competition. "I always listen to V.O.A.," said Xi Rimo, a 28-year-old chemistry student at Beijing University. "Some news takes a long time to get to us, and some news we never hear at all. V.O.A. helps us understand what's going on in our own country."

In times of turmoil, Chinese people have always scrambled for access to foreign news reports.

The Voice of America has enjoyed a much wider audience than the BBC partly because it offers nine hours of news in Chinese every day, compared with two and half hours at the BBC. While more Chinese tune in these days to the English-language news programs, the great majority still listen to Chinese programs.

Because it has some 60 million listeners in China, the Voice at times seems to have a greater effect on local politics than do China's own news organizations.

Perhaps the peak of the Voice's influence here came during nationwide student demonstrations in December 1986, when many people said the Voice was partly responsible for the spread of the protests from city to city, as people learned from the broadcasts what was happening elsewhere and decided to join in.

"Our listenership goes through the roof during protests," said David W. Hess, chief of the China branch at the Voice of America in Washington.

Because of the station's political influence here, its broadcasts have sometimes become an irritant in Chinese-American diplomatic relations. China protested the broadcasts during the 1986 student demonstrations, and five months ago during racial unrest in the city of Nanjing, the official People's Daily called a Voice report "nonsense." Last August the Foreign Ministry turned down a request for press accreditation from a Voice correspondent, giving no explanation.

So far the Government has not made any comment about the Voice's coverage of the protests, and last week it accredited a second journalist for the station's Beijing bureau. In addition, China's television and

radio and newspapers now are reporting limited information about the protests, and so the Voice is not playing so pivotal a role.

Newsmakers sometimes give the Voice special attention. Indeed, in the middle of a demonstration, or a march on the Communist Party headquarters, when other foreign correspondents are stalking students to interview, the students are stalking the Voice reporter.

"Have you seen the V.O.A. reporter here?" a student demonstrator asked a foreign reporter recently.

Yet some students now seem disappointed with the Voice's coverage, complaining that it has not been as aggressive as before.

"We have very little information about what goes on in Beijing," said Zhang Z., a 24-year-old electrical engineering student who had come here from Fudan University in Shanghai. "Of course we listen to V.O.A., but V.O.A. has been rather moderate in its news reports of the student protests, not like in 1986."

The Voice of America insists that its coverage of this round of protests essentially has not changed, although it relied more heavily during the first week of unrest on news-agency reports.

[From USA Today, June 6, 1989]

GROWING NUMBERS HEAR NEWS VIA UNDERGROUND GRAPEVINE

(By Marilyn Greene)

The top news stories on China TV this morning were on male nurses and corruption in the construction industry.

But an electronic news underground has blossomed to blunt government efforts to keep citizens in the dark about the news in their country.

The official Chinese media blame "a handful of ruffians" for the massive uprising, and depict the bloody military response as necessary to "safeguard social order."

A grapevine of computers, phones and facsimile machines is buzzing alongside the U.S. government's Voice of America to feed a newswar population.

Short-wave sets are reported sold out in three major cities, a sign that China's government is failing in attempts to jam VOA and reports from the British Broadcasting Corp.

Like forbidden fruit, VOA's short-wave broadcasts pique listeners' interest, says VOA director Richard Carlson.

"We're the greengrocers for people who are intellectually hungry." He says the estimated 100 million Chinese audience has possibly doubled since student protests began.

The media battleground:

New York-based China Spring magazine—banned in China—is receiving four calls per hour with news from people in China or just recently returned. Director Samson Ling says the news goes out by facsimile machine—and back into the underground in China.

China Spring's sister organization, the Chinese Alliance for Democracy, has raised more than \$50,000 from donors in Hong Kong and the USA. Members smuggle the money into China to purchase machines and copiers.

VOA circumvents jamming with sophisticated transmitters and a million-watt morning broadcast. Programs include news reports and statements of support from Chinese abroad. "We're getting calls from all over China saying they hear us," says David Hess, of VOA's Chinese service.

Columbia University electrical engineering student Yuan Jiang masterminded a

computer network—"it's like a mailbox"—linking Chinese students in North America, Australia, Japan, Great Britain, West Germany and Norway.

In coming weeks, says China Spring editor Mike Young, donations to China's students will include something money can't buy: blood for transfusions.

[From the Baltimore Sun, June 13, 1989]

CHINA LAMBASTES "LIES" AIRED BY VOICE OF AMERICA

(By Ann Lolordo)

BEIJING.—China attacked the Voice of America yesterday for "rumor-mongering" and "deliberately" provoking violence in its daily broadcasts on the pro-democracy movement, escalating the government's criticism of the United States.

The accusation, in a front-page commentary in the People's Daily, the official party newspaper, the Beijing Daily and two other newspapers, cited 10 VOA radio broadcasts aired since the pro-democracy marches began in Beijing, detailed their "lies and rumors," "irresponsible news" and "purely fictional" reports and then provided readers with the government's version of events.

"Whenever this trouble was settling down," said the article, "Voice of America would deliberately provoke. And not only did they run instigating, attacking, provoking news, but they would also air lies."

The barrage of anti-VOA attacks, also carried on television and radio, followed within hours the issuing of an arrest warrant for Chinese dissident Fang Lizhi and his wife, who have taken refuge in the U.S. Embassy compound.

The Voice of America is part of the U.S. Information Agency. For the past decade its overseas correspondents have had no connection with the agency's international diplomats but report directly to Washington.

Alan W. Pessin, the VOA's chief China correspondent, said the Chinese criticisms reflected the government's determination to control the information its citizens receive.

He estimated VOA's Chinese audience—including students, workers, diplomats, even Foreign Ministry officials—to be "tens of millions" and "in times of crisis probably more than that."

In response to the government's charges, Mr. Pessin said, "We have spent an inordinate amount of time in the last eight weeks tracking down rumors and ending up not using them. And a lot of the stuff we held while we checked it out and did not use was used by other news organizations."

When the government imposed martial law in Beijing on May 20, it forbade foreign correspondents from using "press coverage to make instigating and inciting propaganda." In its attack, the government accused the VOA of almost that: "VOA already has concocted too many rumors. And their efforts to incite counterrevolutionary rebellion has really born fruit."

Violating martial law could result in expulsion from the country.

"We're trying not to let this affect us. It's not going to change what we do on a daily basis, that's for sure," said Mr. Pessin.

Chinese officials weren't the only ones upset with VOA coverage; at times, so were the demonstrators.

During the mass demonstrations in Tiananmen Square, foreign correspondents covering the incident would often be asked by students if they worked for VOA. To the students, getting their message out to the people of China was of paramount impor-

tance. On one occasion, VOA reporters arrived in the square to find a poster that proclaimed, "Thank You, BBC," referring to the VOA's chief competitor, the British Broadcasting Corp. When the students were asked about the sign, Mr. Pessin said, they "complained that we weren't doing enough."

"Maybe when you get it from both sides, it means you're doing a credible job, and maybe I should take solace in that," said Mr. Pessin, 33.

VOA broadcasts carried reports yesterday on the U.S.-China standoff over the fate of Mr. Fang, one of China's most outspoken advocates of democracy, the continued arrests of Chinese citizens who participated in the student-led demonstrations and the government's massive propaganda campaign to create a less violent account of the events in Tiananmen Square.

The VOA has reported the government's criticism of its broadcasts, said Mr. Pessin, who has logged 14- and 16-hour days covering the democracy movement.

"Frankly, we're not leading with it. That's what they [the readers] know," he said, referring to the headlines in the Chinese newspapers. "Let's tell them what they don't know. And what the government doesn't want them to hear."

Since May 21, when thousands of pro-democracy demonstrators faced off against Chinese troops in Tiananmen Square, the government has jammed—although not successfully—the VOA broadcasts.

The reports reach millions of Chinese and may be the only non-government news they receive. For the past two days, Chinese television has aired reports critical of VOA's coverage of the democracy movement and the People's Liberation Army's attack on the students June 4.

The government accounts also chastised the radio for broadcasting "irresponsible news."

[From the Christian Science Monitor, May 26, 1989]

WHY COMMUNISM IS LOSING

There are a number of reasons that communism is on the retreat around the world.

One is that it simply is not working as an economic force. It does not work in communist lands. It has not worked in those third-world countries that have experimented with its precepts. The contrast in living standards between the socialist countries and those like Japan, Western Europe, and the United States that hew to free enterprise is clearly evident.

Another reason is that communism is incompatible with the sense of freedom that impels and inspires mankind, no matter how long it has been repressed by authoritarian regimes.

As Milovan Djilas, a Yugoslav writer and politician, said in an interview a few months ago: "Communism can exist only as a totalitarian system. Communism with a human face is not possible. Human rights as we in the free world visualize them are not possible under communism: They are contradictory to the system. *Glasnost* and *perestroika* may open up a little more tolerance here and there, but in essence communism will remain a monopolistic power."

But one of the most significant new problems confronting communist states is the explosion of the information era. Truth is increasingly difficult to stifle. News flashes freely across international borders. Information flows like water, seeping under the guarded boundaries, into the student dormi-

tories, into the newsrooms of restricted newspapers.

In the Soviet Union, for instance, a reporter needed written permission to unlock the office copying machine to use it. But as *glasnost* has opened the door a crack, the Soviets have been coping with the facsimile machine, the personal computer with its capacity for networking, the instant international telephone system, and the now-unjammed transmissions of the voice of America and the BBC.

Nothing illustrates better communism's fear of information than the actions taken by the Beijing regime in the face of student demonstrations for reform.

Voice of America broadcasts, listened to by millions of people in China, have been jammed to limit the flow of information.

American television reporters, in Beijing for Mikhail Gorbachev's visit, had their permission to make live broadcasts revoked in contravention of their written contracts with the Beijing regime. The ban was lifted on Tuesday.

Gorbachev's visit was overtaken by demonstrations, and the authorities were irked when the protests became the focus of reports to the outside world. What drama as we saw depicted live from Beijing the attempts of Chinese officials to cut the broadcasts off, even as network anchors hung on broadcasting the last up-to-date developments.

For Beijing's embattled regime, and probably for most communist governments, this struggle with the information era is a losing one. Live television broadcasts may be banned, but resourceful reporters find ways to get their material out. People outside China still have a fair idea of breaking developments and the whole story will ultimately emerge.

Inside China, the authorities may jam incoming foreign broadcasts and attempt to shackle their own press, but the people's hunger for news will not be stifled. Telephone calls from the U.S. to China have tripled, from a routine 10,000 a day to more than 30,000 a day during the protests. A lot of news is flowing back and forth amid the family chatter.

Many thousands of Chinese students who have studied in the US and other free countries have returned home with their eyes opened. They are drawing on networks of friends and colleagues around the world.

China has long been a country of wall posters, and the posters are getting the news out despite government censorship of newspapers, radio, and television. Generals who have told the government they will not attack demonstrating students leak their letters of protest; wall posters in Shanghai tell what is happening in Beijing; both domestic developments and foreign reaction are chronicle one way or another.

Truth is communism's worst enemy—and it is winning.

[From the Washington Times, June 13, 1989]

U.S. EXPANDS CHINA BROADCASTS AND INCREASES NEWS COVERAGE

(By Max Boot)

WASHINGTON.—The Voice of America, the U.S. government-run broadcasting service criticized yesterday by Chinese authorities, has expanded its Chinese language broadcasts and beefed up news coverage to become, its officials claim, the leading source of information for the Chinese people about the crisis in their country.

VOA officials say their broadcasts are listened to by as many as 300 million Chinese, many of whom have no other outside source of information about events unfolding in Beijing. The official Chinese news media have denied that the June 4 assault on Tiananmen Square occurred.

Since the Beijing government declared martial law May 20, the VOA's Chinese language service has increased its daily broadcasts in Mandarin from 8½ hours to 11 hours. It also has a daily half-hour broadcast in Cantonese. The VOA's chief competitor, the British Broadcasting Corporation, broadcasts only 2½ hours a day.

In addition, VOA's Chinese language service has dropped its features programming to concentrate on news from China. The VOA now devotes 10 minutes of every half-hour to news summaries and 20 minutes to correspondents' reports and news features, such as interviews with Chinese students in the United States.

VOA officials vehemently deny Chinese government accusations that the Chinese language service is guilty of broadcasting "lies and rumors" and "deliberately provoking violence."

The 10-minute "hard news" segments of the Chinese language broadcasts are impartial news accounts based on the reports of VOA correspondents and wire services, according to David Hess, chief of the Chinese language service.

Besides its news reports, the VOA also broadcasts clearly labeled U.S. government editorials. It also broadcasts, during its 20-minute "news feature" segment, editorial opinion from U.S. newspapers on the situation in China.

Although Mr. Hess said the opinions broadcast range from the "extreme left to the extreme right," he acknowledged that 98 percent of the editorials were "pro-student."

The Chinese language programming is produced by 41 staff members, most of whom are Chinese-Americans and speak fluent Chinese. Many staff members have been working 10- and 12-hour days to keep up with developments in China.

The VOA also has had to cope with jamming by the Chinese government since May 21.

The broadcast service has responded by adding two extra short-wave channels and by using a new, million-watt AM transmitter in the Philippines.

[From the Washington Times, June 13, 1989]

VOA STILL REACHES 100 MILLION CHINESE

The director of Voice of America said yesterday that the station's broadcasts were still being heard in China despite Beijing's efforts to jam its transmissions.

Richard Carlson denied Beijing charges that VOA was broadcasting misinformation and insisted the station only transmitted news it was able to verify. He told Cable News Network that VOA was receiving up to 200 telephone calls each day from Chinese citizens providing information on the situation in their country.

He said VOA's transmissions in Chinese were normally heard by some 60 million people in China and English transmissions were heard by another 40 million.

[From the Los Angeles Times, May 26, 1989]

BOSTON HOT LINE: HOPE FROM CHINA BY FAX, COMPUTER, WORD OF MOUTH

(By Douglas Jehl)

CAMBRIDGE, MASS.—In his modest apartment near Harvard University, Huang Jing could barely contain his relief. There was a telephone pressed to his ear, and students from Tian An Men Square in Beijing were on the other end of the line.

For nearly an hour, his repeated calls to the student demonstrators' headquarters in the square had inexplicably been cut off. His frustration had mounted steadily.

But at last the connection was made, and an excited Chinese voice crackled by speaker phone into the room. Yes, there was news from the capital! As the voice read out the latest proclamation, Huang recorded every word.

His Beijing-Boston hot line was back in business.

COMPUTER RELAYS

What Huang learned would be relayed—by computer network, fax machine and word of mouth—from his apartment near Harvard across the country in an effort to spread the news from behind the barricades.

"My friends want their plans and their ideas to be known throughout the world," said Huang, a 32-year-old political science student. "We hope it will feed back to China so that people who cannot get information from the government can get it from the Voice of America."

The extraordinary link between protest leaders and their man in Boston, forged after the declaration of martial law last Saturday and consummated in more than a dozen calls each day, represents a notable attempt to circumvent a threatened crackdown.

And with extensive information flowing over unauthorized channels, it illustrates the degree to which technology has made news of a rebellion in a faraway land accessible to a waiting world.

For a time, live network television coverage provided an ever-present eye, allowing China watchers with access to Cable News Network to follow developments in Tian An Men Square. Western newspapers and magazines, whose news-gathering has been largely unfettered, have provided voluminous coverage.

But when satellite links from Beijing were severed by the Chinese authorities last weekend, the students decided to seek an alternate outlet in the hotline to Boston, Huang said.

"What comes out from here is from the heart of the people," Huang said. "When people talk on the phone, that's the human spirit talking. And I can relay that to everyone else."

On this Wednesday afternoon in Boston, it was early Thursday morning in Beijing, and the news from the students was gloomy. Premier Li Peng was about to appear in public for the first time since declaring martial law, they told Huang. Troops were massing outside the city. Restrictions on live broadcasts, lifted for a few days, were back in place.

In response, the students had prepared a new statement, threatening a nationwide hunger strike unless Li Peng stepped down and the troops withdrew. But when Huang hung up the phone, he was shaking his head.

"The troops are going to come in," he said. "I'm sure of it now."

OTHER CITIES, OTHER CONTACTS

Huang is not the only Chinese student in the United States trying to maintain contact with China. Elsewhere in Boston, students are using telephone lines donated by the Walker Center for Ecumenical Exchange to call their colleagues to discuss where the democracy movement might be heading.

And at UC Berkeley and Stanford, students have undertaken an emergency "news lift," using fax machines to send summaries to their Chinese colleagues who might be cut off from the news.

But none seem to have Huang's access to the student leadership, a tie he attributes to longtime friendships and to recent good fortune at finding a telephone operator willing to put calls through to what may be the students' only working phone.

None of the others has launched an effort like Huang's sophisticated bid to relay dispatches, in what he calls a "giant U-turn," from the Beijing students back to the Chinese people.

RELAY FOR VOA

After talking with Beijing, Huang's first call was to the Voice of America to relay an audio tape of the new statement from the University Students Autonomous Assn. accusing Li of carrying out a "bloody suppression" of the student movement.

Despite efforts by the Chinese government to jam VOA broadcasts, the U.S. government outlet has transmitted 8½ hours of Chinese-language coverage over four frequencies each day. Huang hopes that the agency will broadcast his tape to provide hope to the Chinese people.

Later he phoned a Harvard colleague and dictated new developments that should be added to the computer bulletin board, which is updated every four hours in a vast computer room in a university building. Those who have access to the national network need type only "bbh" to read what is being said on the Beijing-Boston hotline.

Finally there were calls to other news outlets, principally Chinese-language newspaper offices in New York, in the hope that the accounts they publish in Hong Kong will show up in China.

After four days of countless such calls and little sleep, Huang was exhausted. A slight, bespectacled man, he appeared to be near collapse. But he refused to move from his place next to the phone, even with a thesis deadline approaching and telephone bills mounting beyond his limited resources.

"Those friends of mine are fighting there," he said. "They're risking their lives. The least I can do is to risk my pocketbook."

[From the Los Angeles Times, May 26, 1989]

VOICE OF AMERICA ADDS FREQUENCIES

WASHINGTON.—The Voice of America has added two Chinese language frequencies to compensate partially for three frequencies that Chinese authorities began jamming Monday, the State Department said Thursday.

The new frequencies have not yet been jammed, nor have English-language broadcasts to China, spokeswoman Margaret Tutwiler said.

The jamming was an apparent attempt by China to deprive pro-democracy demonstrators of one their main sources of information about the upheaval in that country.

[From the Winston-Salem Journal, June 13, 1989]

THE CHINESE EXAMPLE—TRYING TO FIGHT THE INEVITABLE

Now that we're approaching the end of it, it is apparent how much of the worst of the 20th century has been the result of doomed efforts to avoid the facts of life in the 20th century. Mass production, global markets, instant communications and a host of other developments have all pointed toward falling boundaries—economic and cultural—the free flow of ideas and capital, the creation of political arrangements that facilitate such interactions.

But many regimes have been threatened by such trends and have tried to stop the clock and fight the inevitable. Brutality has invariably been required, often on a massive scale. Halting progress is hard work. The list includes colonial powers unwilling to turn loose, religious fundamentalist regimes and totalitarianism of all stripes—from those proclaiming something as stavistic as a master race to those clinging to a 19th century economic theory long since proven false and anachronistic.

The latest sad example of an attempt to halt evolutionary events by force is the crackdown in China. Deng's need for a working economy forced him to go part way toward coming to terms with reality, but his people's desire for personal freedom to match the freeing up of the economy was too much.

The reaction has been familiar. Troops given leave to shoot indiscriminately. The rounding up of dissidents for beatings, "re-settlement" and "reeducation." The eviction of foreigners, the cutting off of information, the closing of doors, the imposition of terror. And the use of the big lie: This time, it turns out that Chinese we thought were patriots were thugs. People who looked a lot like thugs are being praised as patriots. Despite the evidence of television pictures to the contrary, no demonstrators were killed in the square. Rather, they massacred innocent troops.

A good deal of Western euphoria has been expended in the last month on the proposition that modern communications have made police state tactics a thing of the past. The whole world's watching. Seeing is believing.

Well, much of the outside world got to watch the bloodshed in horror, but their watching didn't prevent it. And they aren't watching anymore. The Chinese have pulled the plug. Worse, a majority of the Chinese people never saw anything their government didn't want them to. Communications are only a tool—to be used to tell the truth or lies depending on who's in the control booth.

Nevertheless, the web of wires and microwave links, of TV, radio, phone and fax is pervasive—even in China. The old men trying to inhabit the past (and willing to kill some of their countrymen and deceive the rest to do it) are well aware that information is their enemy. We can't do much for the Chinese people beyond wishing them well, but we can try to keep the information flowing. The Chinese government has returned to jamming the Voice of America and denouncing it.

A more heartwarming accolade is difficult to imagine. VOA must be doing something right. While the U.S. government may be forced to tread lightly in its public and diplomatic utterances, it should redouble its ef-

forts to keep the Chinese people informed via VOA and a variety of other channels.

The Chinese need the encouragement we can give. They need to be told what's going on in their own country and that someone is listening from abroad. They need to be reminded that their government may be against them, but time is on their side.

[From the Los Angeles Times, June 15, 1989]

SUPPRESSING THE MESSENGER

China waited until now to enforce the martial law controls on foreign reporters in Beijing that it first announced on May 20, but having decided that the time had come to act it has done so with severity. Two American reporters, Alan Pessin of the Voice of America and John Pomfret of the Associated Press, have been ordered to leave China for alleged "illegal" news-gathering. Pessin is charged with "spreading rumors" and "instigating turmoil and counter-revolutionary rebellion," Pomfret with obtaining "state secrets." The aim of these serious allegations is clear. The newsmen are being punished for filing stories the regime didn't like, and at the same time every other foreign correspondent in China is being put on notice that fair and honest reporting could well invite official retaliation.

All this is of a piece with the regime's current propaganda blitz to persuade the Chinese people that its story of what happened on June 4, when tanks bloodily crushed demonstrators who were appealing for more freedom, is the only true version of events. People in Beijing who saw what happened of course know otherwise. But for most Chinese, who must depend almost entirely on the government for information, official claims about what the rest of the world knows as the Beijing Massacre may in fact be credible. Exceptions might be found among those relatively few Chinese who are able to hear foreign shortwave news broadcasts. That's a major reason why the VOA, which broadcasts to China in both Mandarin and English, is being attacked with particular harshness for supposedly spreading lies and rumors.

Meanwhile, the crackdown on dissenters goes on, and not only in China. Chinese students in the United States report that their rallies in support of the pro-freedom demonstrators have been videotaped by Chinese embassy and consular officials. A record has thus been made that can be used to identify—and so one day to punish—students who exercised those rights of assembly and free speech that their presence in the United States entitled them to.

The person danger that now faces these young people if they return soon to China is very real. The U.S. government has already indicated that it is ready to extend the stay of any students who would be at risk because of their political activities. Events in China could well require that thousands of Chinese students now in this country be allowed to remain, to study and to take jobs, perhaps for an indefinite time. That is not a decision requiring a lot of debate. Given the probable behavior of a vengeful regime should the students return home, it is the only humane course to be taken.

[From the New York Times, June 14, 1989]

TURMOIL IN CHINA: DOING BATTLE WITH THE FACTS—BEIJING OUSTS TWO AMERICAN CORRESPONDENTS

(By Nicholas D. Kristof)

BEIJING, June 14.—China today ordered the expulsion within 72 hours of two Beij-

ing-based American journalists, including one from the Voice of America.

The Government accused the two reporters, Alan W. Pessin of the Voice of America and John E. Pomfret of The Associated Press, of violating martial-law regulations in Beijing.

China also issued its official version of the "shocking counterrevolutionary rebellion," as the democracy movement is now labeled, and announced new arrests throughout the nation of students and workers who had been leaders of the movement.

IN REACTION TO U.S. CRITICISM

The expulsion order against the two reporters was widely interpreted as an extension of the Government's campaign of criticism against the United States in the last few days. The campaign began after the Bush Administration condemned the violent suppression of the democracy movement and then offered refuge to the dissident Fang Lizhi in the American Embassy in Beijing.

Because the Voice of America is an arm of the United States Government, the expulsion of Mr. Pessin is particularly likely to affect relations between Beijing and Washington. It is not clear if the United States will respond by expelling Chinese reporters or by taking other measures.

The regulations that the two reporters are accused of violating in effect ban all news coverage about the democracy movement or about the enforcement of martial law, as well as almost all interviews. The restrictions are far more sweeping than the censorship that has been imposed on foreign correspondents in other countries, like Israel and South Africa.

The authorities had not, however, enforced the regulations very strictly. At least three foreign correspondents were shot or stabbed by soldiers during the crackdown, and others have been detained and then released, but there have been hundreds of foreign journalists covering the events of the last few weeks, and until today only one—a British television journalist in Shanghai who had entered China on a tourist visa—had been expelled.

DETAILS OF CHARGES

The Government accused Mr. Pessin, who is 33 years old, of violating the censorship restrictions by "conducting illegal press coverage after martial law was declared" and by "writing news stories to distort facts, spread rumor and incite and stir up turmoil and counterrevolutionary rebellion."

"I didn't do anything that other foreign journalists didn't do," Mr. Pessin said tonight in his office, while surrounded by other journalists and wellwishers. "As with other foreign journalists, we made every effort to check facts and give balanced reporting."

The official New China News Agency accused Mr. Pomfret of "having frequent contacts with illegal-organization leaders, passing on information to and providing shelter for them," while "obtaining state secrets through illegal means."

"I did my job," Mr. Pomfret, 30, said. "Everything I learned I put on the Associated Press wire."

Louis D. Boccardi, president and general manager of The Associated Press, said in a statement, "We deplore and have protested in the strongest terms to the Chinese Government this unwarranted assault on fair and factual reporting."

BUREAUS WILL REMAIN OPEN

The Beijing bureaus of both the Voice of America and The Associated Press will continue to function, as the Voice of America has one other accredited correspondent and The Associated Press has two others. While the Chinese have given no assurances, both organizations expect the Government to accredit new correspondents to fill the positions of those expelled.

About 40 American journalists are accredited to work in Beijing, and the number has been slowly increasing in recent years. The Americans are the largest group of foreign journalists here, followed by the Japanese.

Mr. Pomfret was informed of his expulsion at a meeting with Chinese officials that lasted for more than an hour. A brief United States Embassy statement said Mr. Pomfret had been told he had an "uncooperative attitude" because he would not provide information about his Chinese contacts.

In the last two days, Chinese news organizations have somewhat slackened their denunciations of the Voice of America and of the United States Embassy.

OFFICIAL DENUNCIATION

But today, the authoritative Communist Party newspaper People's Daily carried a front-page editorial condemning Mr. Fang as a behind-the-scenes instigator of the "counterrevolutionary rebellion" and warning that some people in the United States are hostile to China and risk harming relations between the two countries.

"The events in China are entirely China's internal affair," the editorial said. "Any attempt to put pressure on the Chinese Government is foolish and shortsighted, and is doomed to fail. China has always sought to develop its relations with the United States. We hope the United States will consider the overall importance of our long-term mutual interests, and stop interfering in China's internal affairs, so as to avoid harming our bilateral relations."

The television news announced tonight that 2 of the 21 student leaders who had been placed on a wanted list on Tuesday had been captured. It said that Zhou Peng-suo, a 22-year-old physics student in Beijing, had been turned in by his sister and her husband. The television program showed the couple being interviewed by the police.

The other student leader who was reportedly arrested was Xiong Yan, a 24-year-old graduate law student in Beijing. The circumstances of Mr. Xiong's arrest were not reported.

THE PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 348) was agreed to.

AMENDMENT NO. 390

(Purpose: To express the finding of the Congress with respect to ownership of certain professional staff positions in the United Nations Secretariat)

MR. HELMS. The third and final one I send to the desk and ask it be stated.

THE PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from North Carolina [Mr. HELMS], for Mr. HEINZ (for himself, Mr. HELMS, Mr. KASTEN, Mr. BOREN, and Mr. PRESSLER), proposes an amendment numbered 390.

Mr. HELMS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 77, line 25, after the word "end" add the following:

"(3) The Congress is specifically concerned with the practice of reserving certain professional staff slots in the United Nations Secretariat for nationals of certain member states, and urges the President to vigorously pursue a program of regular rotation in these staff positions among all member states of the United Nations."

Mr. HELMS. Mr. President, I am offering this amendment on behalf of the Senator from Pennsylvania [Mr. HEINZ] and others including myself.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 390) was agreed to.

Mr. HELMS. I thank the Chair.

VOTE ON AMENDMENT NO. 355

The PRESIDING OFFICER. Are there any further technical amendments to be presented? If not, the question is now on agreeing to the Helms amendment. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. MATSUNAGA] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Colorado [Mr. ARMSTRONG] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 56, nays 42, as follows:

[Rollcall Vote No. 138 Leg.]

YEAS—56

Baucus	Garn	McConnell
Bentsen	Glenn	Moynihan
Bond	Gore	Murkowski
Boren	Graham	Nickles
Bradley	Grassley	Nunn
Breaux	Harkin	Pressler
Bryan	Hatch	Pryor
Burdick	Heflin	Reid
Burns	Helms	Rockefeller
Byrd	Hollings	Roth
Coats	Humphrey	Rudman
Cochran	Johnston	Shelby
Cohen	Kasten	Simpson
Conrad	Lautenberg	Specter
D'Amato	Leahy	Symms
DeConcini	Levin	Thurmond
Dixon	Lott	Wallop
Exon	Mack	Wilson
Ford	McClure	

NAYS—42

Adams	Domenici	Kerrey
Biden	Durenberger	Kerry
Bingaman	Fowler	Kohl
Boschwitz	Gorton	Lieberman
Bumpers	Gramm	Lugar
Chafee	Hatfield	McCain
Cranston	Heinz	Metzenbaum
Danforth	Inouye	Mikulski
Daschle	Jeffords	Mitchell
Dodd	Kassebaum	Packwood
Dole	Kennedy	Pell

Riegle	Sarbanes	Stevens
Robb	Sasser	Warner
Sanford	Simon	Wirth

NOT VOTING—2

Armstrong Matsunaga

So the amendment (No. 355) was agreed to.

Mr. HELMS. I move to reconsider the vote by which the amendment was agreed to.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 388

The PRESIDING OFFICER. The question is agreeing to the amendment of the Senator from California [Mr. WILSON].

The clerk will call the roll.

The assistant clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. MATSUNAGA] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Colorado [Mr. ARMSTRONG] is necessarily absent.

The PRESIDING OFFICER (Mr. BRYAN). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 90, nays 8, as follows:

[Rollcall Vote No. 139 Leg.]

YEAS—90

Adams	Garn	McConnell
Baucus	Glenn	Metzenbaum
Bentsen	Gore	Mikulski
Biden	Gorton	Mitchell
Bingaman	Graham	Moynihan
Bond	Gramm	Murkowski
Boren	Grassley	Nickles
Boschwitz	Harkin	Nunn
Bradley	Hatch	Packwood
Breaux	Heflin	Pressler
Bryan	Heinz	Pryor
Burdick	Helms	Reid
Burns	Hollings	Riegle
Chafee	Humphrey	Robb
Coats	Inouye	Rockefeller
Cochran	Jeffords	Roth
Cohen	Johnston	Rudman
Conrad	Kassebaum	Sanford
Cranston	Kasten	Sarbanes
D'Amato	Kerrey	Sasser
Danforth	Kerry	Shelby
Daschle	Kohl	Simpson
DeConcini	Lautenberg	Specter
Dixon	Levin	Stevens
Dole	Lieberman	Symms
Domenici	Lott	Thurmond
Durenberger	Lugar	Wallop
Exon	Mack	Warner
Ford	McCain	Wilson
Fowler	McClure	Wirth

NAYS—8

Bumpers	Hatfield	Pell
Byrd	Kennedy	Simon
Dodd	Leahy	

NOT VOTING—2

Armstrong Matsunaga

So the amendment (No. 388) was agreed to.

INTERNATIONAL ENVIRONMENT PROVISIONS

Mr. BIDEN. Mr. President, since the summer of 1988, we have witnessed a remarkable escalation of public interest and concern over the environment. It seems that every day another environmental problem makes headlines. These are not minor problems receiv-

ing undue attention; they are serious problems that have appeared with disturbing regularity.

Of those problems, global warming is one of the most serious. It also promises to be one of the most difficult to address. There will be no escape from the effects of global warming. Affluence will not buy relief. None will be able to run and hide from the totality of global warming's effects. It is man-made change on a massive scale.

The world is locked into a certain amount of warming already. Even with aggressive countermeasures, scientists believe the world is committed to a three- to eight-degree Fahrenheit temperature increase. The job before us is to make sure that damage does not become worse. If we do nothing and current trends continue, temperature rises of 5 to 15 degrees can be expected. Each delay in reducing emissions of carbon dioxide, chlorofluorocarbons or methane will take an increasing toll on the children of the world.

The complexity of global warming is not beyond man's ability to address. The difficulties will not be technical. Much of what we must do to avert the worst aspects of a global disaster is in our hands or within our reach. The difficulty will arise in organizing a global effort in which each country will have to reorient its established practices for a result that will not show until far into the future. It will require each country to have the confidence that no other is receiving a free ride. It will require a leadership effort unlike any seen before.

In this effort, the United States has a special role. We are the largest single emitter of greenhouse gasses. Roughly one fifth of the world's greenhouse gasses emanate from within our borders. If we do not accept our responsibility or act aggressively to reduce our contribution, we cannot expect other countries to make up the shortfall or to even show much interest in beginning that effort. We cannot come out ahead by trying to shirk our responsibility.

Domestically, we need to increase the overall energy efficiency or our Nation, make greater use of renewable energy sources that do not result in carbon dioxide emissions, and redouble our energy conservation efforts.

Internationally, we must convince the major industrialized countries to take similar steps and convince developing countries that protection of the environment and economic development are compatible.

Toward this latter goal I was joined by Chairman PELL and Senator LUGAR in authoring the Global Environmental Protection Assistance Act, title VI of the bill before us, the State Department authorization.

One purpose of title VI is to clarify the authority of the agency for International Development [AID] to participate effectively in so-called debt-for-nature exchanges. The title also urges the United States to press for greater consideration of environmental factors in the bilateral foreign assistance programs of other countries. Finally, title VI urges the Secretary of the Treasury to include support for environmental projects or programs as an option in debt restructuring efforts. I would like to discuss these provisions in further detail, so it is clear what we intend.

Part A of title VI authorizes a specific program in AID in support of debt-for-nature exchanges. Six such exchanges have been completed by conservation groups based in this country. The details vary from one exchange to the next, but the general form is for a private conservation group to trade some of a debtor country's outstanding commercial debt with the government in exchange for an agreed upon amount of support for an environmental project or policy changes.

In previous exchanges, conservation groups have been hampered by two AID restrictions. The first is the prohibition on grantees retaining interest earned on an AID grant. The second, related problem is the prohibition on AID funds being used to establish endowments.

Part A clarifies that conservation groups are allowed to retain interest on the proceeds of debt-for-nature exchanges, and that endowments may be established with the funds generated through such exchanges. This is a crucial requirement for debt-for-nature exchanges to be effective over the long-term. Without the provision in part A, conservation groups will find it more difficult to construct debt-for-nature exchanges that the debtor country will find attractive and can afford, and it will be more likely the exchange will have a harmful economic impact on the debtor country.

The criteria that the proposals would have to meet to be eligible for grants from AID are also spelled out in the bill. The list is rather broad, but an emphasis is placed on programs that include sustainable use of the natural resources. We recognized that efforts to rope off vast areas of a developing country would fail and would do nothing to help the pressing economic conditions of that country. In many developing countries, the best long-term protection of the environment is the wise use of their lands by local people, not their removal from human impact.

Emphasis is also placed on assuring a strong local component to projects financed through debt-for-nature exchanges. While conservation groups based in this country may help facilitate the purchase of commercial debt,

a strong presence is needed on the ground in the debtor country for the project to have a chance of long-term success. It is only with the support and involvement of the local people that these programs can survive.

I would also like to point out that the debt-for-nature exchanges contemplated in this section are only a financing mechanism. They are not an environmental project in and of themselves. Exchanges done to date recognize that the project supported by the exchange must come from local groups.

But by bringing in a reduction in debt, no matter how small compared to the overall indebtedness of a country, the financial experts of a government may view environmental efforts in a new light. Not only do short-term benefits exist, but over time the economic benefits can become clear.

A separate program is established for sub-Saharan Africa. The major difference is that the program for sub-Saharan Africa encourages the Administrator of AID to be more aggressive in reaching out for environmental programs in those countries. The Administrator is to invite the governments of sub-Saharan Africa countries to submit a list of their most degraded areas. Grants could then be made to nongovernmental organizations for debt-for-nature swaps targeted on those areas.

Finally, I would like to emphasize a few specific provisions of part A. First, the debt-for-nature provisions are only to clarify existing authority AID has to support debt exchanges. AID has been involved with some to date. The provisions in this bill clarify its authority to provide more meaningful and useful support for debt-for-nature swaps. That clarification on interest and endowments will also allow AID to multiply the value of its aid many times over.

Second, the section specifically bans AID from taking title to any land in a foreign country as a condition of the debt exchange. As evidenced by the section's other provisions, the emphasis is on sustainable use of the lands, allowing the local economy to benefit while preventing destruction of the environment. No one in their right mind would seriously propose that the United States try to claim ownership of any land through a debt-for-nature exchange. But there are always some who will raise ridiculous scenarios to oppose environmental initiatives, so this provision was included to avoid any question on this issue.

Part B encourages greater coordination among foreign bilateral assistance programs on their environmental aspects. This section calls upon the United States' representative to the Development Assistance Council [DAC] of the Organization for Economic Cooperation and Development

to start negotiations for a coordinated approach to global warming and other environmental problems. The DAC is a forum tailor-made for this type of negotiation and in fact has held a number of discussions on environmental aspects of bilateral programs in the past.

But progress has been slow. This section seeks to serve notice of the Congress' interest in the efforts of the DAC and a speedier adoption of a uniform approach to the evaluation of the environmental aspects of development projects, support for debt-for-nature swaps, exchange of technical information on energy efficiency and alternative energy sources, and increased use of environmental experts in the field. This section does not specifically call for an international agreement or treaty on this issue, nor may such a document be the best way to proceed. Rather, it urges the United States' representative to use his leadership and influence to bring this issue to the top of the DAC agenda.

Billions of dollars are sent to developing countries each year through the two dozen foreign assistance programs represented in the DAC. The best efforts of the United States can be easily overwhelmed by improperly designed or assessed projects funded by other countries. The United States no longer lays claim to being the largest donor country in the world. Japan has moved past us on that count. While 25 years ago we accounted for 60 percent of foreign aid provided by OECD countries, we now account for 22 percent.

But the United States can rightly claim to be the most experienced donor when it comes to assessing the environmental impact of development projects. Our environmental component runs solidly from top to bottom, from policy development to field staff implementation. AID has approximately 46 staff devoted to environmental and natural resource management issues. Germany's program has three staff, Britain's has five, and the Japanese, Australian, Swedish, Dutch, and Norwegian programs have one full-time person each. And those numbers represent improvements over those of just a few years ago. This section seeks to ensure that the policy pronouncements of other countries are backed up with resource commitments.

The United States has an established leadership role in promoting the environmental component of foreign assistance. This section seeks to build on that base, given efforts underway in the DAC an additional push, and is consistent with the emphasis given sustainable development and natural resource protection in our foreign assistance program.

Finally, part C calls on the Secretary of the Treasury to include support for

the environment as part of debt reduction and restructuring programs. Over the past few years, Congress has passed a number of provisions encouraging the development of environmental departments and assessment criteria in multilateral development banks. There has been varied progress on the part of banks to assess the environmental impact of new loan proposals.

But the debt forgiveness and restructuring programs envisioned under the so-called Brady Plan fall outside the purview of those efforts. New loans for specific projects are not expected to be provided in the debt restructuring plan. There is no single project to be assessed. It is a restructuring of debt from older projects, some of which are environmentally damaging.

The first major negotiations are under way on Mexico's debt. No one knows what the final agreement will look like. But as conditions stand, the environment is not a factor as billions of dollars in loans are forgiven, guaranteed, or restructured. That should not be the case.

In most cases, I would expect that if even a small portion of the restructured debt were directed toward the environment, it could have a major impact on the environment of that country. For example, the Mexican debt under discussion totals roughly \$100 billion. If one-tenth of one percent of that debt were converted into financing for environmental projects, Mexico would have \$100 million to invest in the future environmental health of its nation.

Even if that percentage were tripled, it would not be a panacea for Mexico's environmental problems—but it would be a boost. In this hypothetical example, as the commercial debts were made payable in Mexican pesos to local conservation groups, Mexico would also see its demand for foreign exchange reduced. If those funds were converted into bonds, the payout rate decreases and the inflationary impact would be insignificant. In addition, stretching out the payments will avoid overwhelming local conservation groups and give greater assurance they will have long-term financial resources to pursue projects.

Mr. President, earlier I mentioned that each country will have to pull its own weight for a worldwide battle against global warming to be successful. The programs and initiatives in title VI combine the financial resources of the developed countries with the people and proposals of developing countries to address threats to natural resources which affect both. Industrialized countries, including the United States, will still have to put their own policies in order, significantly reducing their greenhouse gas emissions. But the timing is right for the developed world to take steps to

address its mistakes of the past and to prevent similar mistakes in the future.

I ask unanimous consent that letters of support for the provisions I have described above signed by nine of our Nation's leading environmental and conservation groups be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL WILDLIFE FEDERATION,
Washington, DC, June 29, 1989.

HON. JOSEPH R. BIDEN, JR.,
U.S. Senate, Russell Senate Office Building,
Washington, DC.

DEAR JOE BIDEN: On behalf of the National Wildlife Federation and the organizations listed below, I am writing to commend you for your role in co-authoring the Global Environmental Protection Assistance Act of 1989, recently approved as part of the annual State Department authorization bill. This legislation represents an important step in providing innovative and practical solutions to the inextricably linked problems of developing countries' crushing external debt and the invaluable loss of natural resources.

The external debt burden leads many developing countries to overexploit their natural resource base to generate dollars to pay interest. This often results in deforestation, the loss of wetlands, and the destruction of other valuable ecosystems. As your measure recognizes, these are the very resources vital to long-term sustainable growth in these developing countries. These systems also play a critical role in global climate stabilization and the preservation of biological diversity. Thus, it is in our own best interest to encourage natural resource conservation in developing countries as well as here in the United States.

Your bill, which authorizes the Agency for International Development to furnish grant assistance to Non-Governmental Organizations (NGOs) to facilitate debt-for-nature exchanges to protect and ensure the sustainable use of natural resources in developing countries, and encourages the Secretary of the Treasury to include support for sustainable development and conservation projects when negotiating of facilitating exchanges or reductions of commercial debt in these countries, will go far in relieving the debt burden of the developing countries while assuring the preservation of valuable natural resources for future generations.

Please accept our support for this vital legislation and our congratulations on your continuing and valuable efforts to champion creative and practical solutions in resolving the global issues of debt relief and natural resource conservation. We look forward to the early passage of this legislation.

Sincerely,

JAY D. HAIR.

THE NATURE CONSERVANCY,
Arlington, VA, July 12, 1989.

Senator JOE BIDEN,
Russell Building Washington, DC.

DEAR SENATOR BIDEN: On behalf of The Nature Conservancy I want to thank you for your efforts to support biological diversity protection and sustainable resource management in the developing countries. The Global Environmental Protection Assistance Act of 1989, of which you and Senator Lugar are coauthors is a well integrated approach to help relieve some of the pressure

that is felt by developing countries faced with rising external debt and natural resource degradation.

The Nature Conservancy has been involved in several debt-for-nature swaps, whereby a country's foreign debt payments are rescheduled into local currency investments in biological diversity protection and sustainable development. Our experience with debt swaps has convinced us of the enormous benefits of debt restructuring for resource protection.

Your efforts to bolster U.S. government support for debt-nature swaps and encourage resource protection as an element of debt negotiations are important to helping our global neighbors and ourselves, and, as you know, the benefits biodiversity can bring to us, in pharmaceutical and agricultural discoveries, pest control, and climate regulation are extremely important to present and future generations.

Again, Congratulations, and thanks.

Sincerely,

BILL WEEKS,
Chief Operating Officer.

WORLD WILDLIFE FUND,
Washington, DC June 16, 1989.

HON. JOSEPH BIDEN,
U.S. Senate, Russell Senate Office Building,
Washington, DC.

DEAR SENATOR BIDEN: I write to express the support of World Wildlife Fund for the Global Environmental Assistance Protection Act of 1989. We believe that your initiative to promote U.S. government support for debt-for-nature swaps will provide a significant boost to programs promoting environmentally sustainable development in severely indebted developing nations.

As you may be aware, World Wildlife Fund has concluded four debt-for-nature swaps to date, converting in cooperation with local partners more than \$12 million face amount of debt into critical funds for conservation in Ecuador, Costa Rica, and the Philippines. Several new agreements are being discussed, and I can attest to the enormous interest World Wildlife Fund has encountered in Latin America, Africa and Asia in exploring how this innovative financial mechanism can be used to protect wildlife, forests, and other natural resources. The Global Environmental Assistance Protection Act, by authorizing federal grants for debt-for-nature programs, could make significant progress in following through on these proposals.

WWF's experience in negotiating debt-for-nature swaps has really heightened our appreciation of the myriad details that must be addressed for a swap to meet its programmatic and financial goals. In this regard, we welcomed your plan to introduce language on the floor to clarify that the mechanism used in these transactions involves redemption rather than cancellation of debt. We at World Wildlife Fund are pleased to continue working with you and your staff on this important piece of legislation and in seeking opportunities to put it into effect.

Sincerely,

KATHRYN S. FULLER,
President.

GLOBAL ENVIRONMENTAL ASSISTANCE ACT

Mr. LUGAR. Mr. President, the Global Environmental Protection Assistance Act authorizes the use of U.S. funds to convert commercial debt into local conservation dollars. It includes provisions authorizing interest reten-

tion and endowments in connection with these exchanges and calls upon the Secretary of the Treasury to support efforts to incorporate natural resources protection in debt restructuring plans. This proposal, which I coauthored with Senators BIDEN and PELL, has been included as title VI, parts A-C of S. 1160.

Debt-for-nature swaps are a promising new method of international cooperation on the environment. In a debt-for-nature exchange, existing loans are converted into local currencies or bonds for the protection, restoration, or sustainable use of natural resources.

Since debt can often be purchased on the secondary market at a fraction of its face value, the conversion of debt into local currency can be an important method of multiplying the use of scarce conservation dollars. For each dollar of funds used to purchase debt, several dollars are invested in local currency or local bonds for needed conservation projects. The use of endowments and other similar devices tends to ensure that there will be money available in future years to continue to support the project.

Debt-for-nature exchanges totaling United States \$87 million have so far been concluded in Bolivia, Ecuador, Costa Rica, and the Philippines. Of this amount, \$23.6 million has come from privately donated funds; \$64 million has come from the Swedish and Dutch Governments.

The first debt-for-nature swap occurred in Bolivia, when Conservation International purchased United States \$650,000 of commercial bank debt in secondary financial markets for United States \$100,000. This was done to protect 3.7 million acres of tropical forest in and around the Beni Biosphere Reserve, which supports 13 endangered species and 500 species of birds. The Bolivian Government agreed to give maximum legal protection to the reserve and to establish a \$250,000 fund in local currency for long-term management and protection.

In Ecuador, the government agreed to exchange United States \$10 million debt for local currency bonds through Fundacion Natura, a private conservation group in Ecuador. The World Wildlife Fund worked with the Nature Conservancy to purchase this debt.

The use of local bonds will help ensure the long-term protection and management of natural areas and buffer zones including the Amazon rain forests, mangrove forests, and the exotic Galapagos Islands. It will also help fund the training of Ecuadorian conservationists, the strengthening of local conservation institutions, and the promotion of environmental education. The principal of the bonds will become an endowment for the Fundacion Natura.

In Costa Rica, many different organizations cooperated in supporting debt-for-nature exchanges. Three different exchanges amounting to a total of U.S. \$75 million of commercial bank debt resulted in the issuance of currency bonds equaling percentages of the principal amount varying from 75 to 30 percent. These bonds funded the expansion and management of Costa Rican parks, training of park personnel, reforestation projects, and environmental education. A particularly interesting project is the Guanacaste National Park project, which will actually restore a dry tropical forest, an ecosystem which is rapidly disappearing.

In the Philippines, the Philippine Department of Natural Resources and the Haribon Foundation of the Philippines is working in cooperation with the World Wildlife Fund in exchanging United States \$2 million of commercial bank debt.

Debt-for-nature exchanges help protect the environment at the same time that they provide debt relief to heavily overburdened Third World countries. Most importantly, they are a new mechanism for international cooperation. I believe that this proposal will allow the U.S. Government to join in these promising efforts.

FEE PROVISIONS OF THE FOIA

Mr. KERRY. I wish to express to my distinguished colleague from Vermont my concerns, as a member of the Foreign Relations Committee, that the 1986 amendments to the fee provisions of the FOIA are being incorrectly applied to the fine research institutions and libraries that exist in my home State and across this Nation.

When the 1986 FOIA amendments were before us, I was concerned that they might be interpreted to prevent research institutions and libraries, who disseminate information to the public, from qualifying for a waiver or reduction of fees for their FOIA requests. Restrictive application of the fee waiver provisions is a significant deterrent to any requester.

To clarify the scope of the fee provision amendments, I asked the amendments' chief sponsor, the distinguished Senator from Vermont, to explain whether nonprofit libraries and similar organizations would receive preferential treatment as educational institutions engaged in the dissemination of information to the public. In response to my query, the Senator from Vermont reassured me that the intent of the amendments was to make the FOIA's fee waiver provisions more, not less, generous for noncommercial requesters who gather and disseminate information for the purpose of educating the public about the workings of our democratic government. Commercial requesters are requesters who seek information solely for a private, profit-making purpose.

I am greatly distressed to learn that, in practice, certain Government agencies, that have been delegated the responsibility to implement this Nation's laws, are applying the 1986 amendments to the FOIA fee provisions in a restrictive manner that precludes nonprofit libraries and research institutions from obtaining the fee reductions to which they are entitled as educational institution category requesters.

I ask the Senator from Vermont, was it not the intent in enacting the fee amendments to the FOIA in 1986 that libraries, research institutions, and depositories of public records, all of which provide essential and invaluable services in educating the public, be considered educational institutions under the FOIA?

Mr. LEAHY. My colleague from Massachusetts interprets the 1986 amendments to the FOIA correctly. Libraries are highly valued, active acquirers and disseminators of information in our society. In undertaking these activities, they are one of the most significant means for educating the general public on the workings of Government. Thus, libraries or similar organizations that are engaged in or aid scholarly research, notwithstanding other activities in which they also might be engaged, fall indisputably into the educational institution category. Educational or noncommercial scientific institutions and representatives of the news media are not charged for document search or review when the records are not sought for commercial purposes.

Not only is it plain that libraries are entitled to be categorized as educational institutions under the FOIA, but it is also clear that libraries, like all noncommercial category requesters, are eligible on a case-by-case basis for a statutory fee waiver under the FOIA's exception for information disclosed in the public interest. The State Department, as well as all other Government agencies, should recognize the vital contributions that libraries and depositories of public records made to the public's understanding of the operations of government. All Federal agencies should implement the intended favorable treatment of these organizations under the FOIA.

Mr. KERRY. Is it true that certain Government agencies, particularly the State Department, refuse to apply the 1986 amendments to the FOIA fee provisions in a manner consistent with the law?

Mr. LEAHY. Yes. I appreciate the Senator's raising this issue at this time in the context of the State Department authorization.

The State Department's persistent disregard for the congressional intent of the 1986 amendments to the FOIA's

fee provisions is particularly troubling to me.

The State Department is among those agencies most criticized for its restrictive application of the FOIA's fee waiver provisions. A recent GAO report roundly criticized the State Department for failing to institute procedures that responsibly and properly implement the FOIA.

Secretary Baker and I discussed the Department's intransigence during a Foreign Operations Subcommittee hearing, at which time Secretary Baker pledged to improve the Department's performance. I intend to continue this oversight process and to continue to work with Secretary Baker. I expect to see marked improvement from the State Department.

The Department apparently misunderstands the intention of the FOIA to treat libraries, research institutions, and depositories of public records like the Brookings Institution, the American Enterprise Institute, the National Security Archive, and the Heritage Foundation as educational institutions. Moreover, the State Department has repeatedly denied statutory fee waivers to these kinds of organizations as well as to scholars, journalists, authors, and academics. As I said at the last FOIA oversight hearing of my Subcommittee on Technology and Law, these organizations conduct research, write op-ed pieces, promote public debate, and produce policy papers that serve as background information for Members of Congress.

For example, just a few weeks ago, I learned that a request to the State Department for documents in support of academic research made by a professor at American University was not treated as a request by an educational institution for purposes of the FOIA. This request was not included in the educational institution category even though similar FOIA requests the professor had made previously had been placed in that category. After receiving a five-page form letter inquiring into his credentials and the purposes for which the information was requested, the professor was forced to lodge a written protest pointing out that he had previously received fee reductions from the State Department and that he had, as was his usual practice, submitted his request on university letterhead. This professor eventually prevailed in his appeal and received the fee categorization to which he was entitled. It is more likely that other requesters would simply abandon their FOIA requests in the face of the State Department's inappropriate and burdensome fee practices. The Department has an obligation to stop chilling requests through such action.

The damage from the State Department's ill-advised and incorrect application of the FOIA's fee provisions is

not only that its practices deter requesters from asserting their statutory rights under the FOIA. The State Department's fee practices also impose a heightened administrative burden on the agency that diverts resources from the actual processing of requested agency records. The impose an additional paperwork burden on the public, and an unnecessary and significant increase in the costs borne by the taxpayers. The Department's practices prevent the agency from fulfilling its mandate under the FOIA to provide the public with information about the working of the Government.

Therefore, I emphasize to my distinguished colleague from Massachusetts that this concerns that the FOIA fee provisions be properly applied so as to assure that libraries and similar requesters receive favorable treatment are well-founded and will be addressed. I assure the Senator that I will be closely monitoring the State Department's responses to the concerns he raises and I welcome his help. The Department's implementation of the FOIA fee provisions regarding individuals and institutions, like libraries whose educational role is aiding the dissemination of information in our democratic society must be encouraged.

Mr. HELMS. Mr. President, the distinguished chairman of the Senate Committee on Foreign Relations, the Senator from Rhode Island [Mr. PELL], and I have introduced legislation to prevent the proliferation and the use of chemical and biological weapons. I had considered offering my legislation, S. 238, as an amendment to the State Department bill. I think now, since this issue is so complex, that it would be better if the chairman and I were to attempt in committee to craft a combined bill. Would the chairman agree?

Mr. PELL. I share this Senator's concern as to the critical importance of this issue and have introduced legislation, S. 195, to penalize countries that use chemical and biological weapons. I would hope that we could fashion a combined bill and I intend to schedule a markup at an early date—before the August recess, if at all possible.

The PRESIDING OFFICER. If there are no further amendments to be proposed, the question is on the engrossment and the third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of H.R. 1487, the House companion bill, and that the Senate proceed to its immediate consideration, that all after the enacting clause be stricken and

the text of S. 1160, as amended, be substituted in lieu thereof and the bill be advanced to third reading.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I would like for the RECORD to show me as voting "no" on the passage of this bill. I vote "no," mainly because of the haste in which this Senate acted on the amendment that was offered by the distinguished Senator from Virginia, Mr. ROBB.

It was a mistake. I think that lethal aid to Cambodia is a subject for national debate and I believe that the American people ought to know more about what we are doing when we vote for lethal aid to Cambodia.

As I indicated, I might vote for lethal aid if the President makes the case for it. I understand that the administration asked for covert aid and the Intelligence Committee turned it down. Then let the administration ask for overt aid. Let us have a national debate on it. Let the American people react to the request.

I saw us go down this slippery slope in the case of Vietnam. I supported that war in Vietnam. I came to regret it.

I think we acted in haste in approving the Robb amendment. There are many unanswered questions concerning that amendment. I am not saying that there are no answers to the questions, but we do not now have the answers.

I was at first tempted to insist on a vote on final passage but then I felt that I had had my vote on the amendment, Senators had voted on it, the Senate had made a decision, and I should not keep Senators here voting on final passage of the bill.

I apologize to the distinguished leader and the managers of the bill and others for my taking these few minutes, but I want the record to show why I am voting against this bill. If this bill gets through conference and becomes law, this matter will come up time and time again in the Appropriations Committee bills, and there will be a national focus on this issue.

I thank all Senators for their patience and I apologize for intruding upon it, but I want the RECORD to show that if I could vote twice against this bill, I would do so.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (H.R. 1487), as amended, was passed.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the bill, as amended, was passed.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate insist on its amendment and request a conference with the House on the disagreeing votes of the two Houses and that the Chair be authorized to appoint conferees on the part of the Senate.

There being no objection, the Presiding Officer appointed Mr. PELL, Mr. BIDEN, Mr. SARBANES, Mr. CRANSTON (except for consideration of section 111); Mr. MOYNIHAN for the consideration of section 111 only; and Mr. HELMS, Mr. LUGAR, and Mrs. KASSEBAUM conferees on the part of the Senate.

Mr. MITCHELL. Mr. President, I ask unanimous consent that S. 1160 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, as we began the day, the Senate had considered roughly 55 amendments, 27 offered by the Democrats and 28 by Republicans. I do not know the final tally for today, but I believe it is something like 10 or 12 amendments on each side.

While I am on my feet, let me say how proud I am of the staff of the Foreign Relations Committee, both the majority and the minority, and in particular let me mention the names of several to whom I am especially grateful: Jim Lucier, Tom Boney, Darryl Nirenberg, Deborah DeMoss, Cliff Kiracofe, Bill Triplett, Bruce Rickerson, Tom Kleine, Dan Perrin, David Sullivan, and the staffs of both the majority leader and the Republican leader to whom I am most grateful.

I appreciate all of the work done by Senators—and their staffs—in connection with this bill.

I especially thank my distinguished colleague from Rhode Island, the chairman of the committee. I said at the outset of consideration that I hoped the Senate would improve the overall bill, and I believe that has been the case.

I look forward to working with the distinguished chairman in the upcoming conference with the House. We obviously have the problem to which we referred earlier this week—that of at least one item which may subject the bill to a veto from the President.

Yet there are so many worthwhile provisions of the bill, I am hopeful that when we return with a conference report to present to the Senate, it will be one the Senate will adopt and one that the President will sign.

I thank the Chair and I yield the floor.

Mr. PELL. Mr. President, it is with a sense of relief that we find ourselves where we are today. I thank and congratulate the majority leader on his guidance in this and his help and support to me in managing the bill. I particularly thank my staff, Gery Christianson, Peter Galbraith, Chris Van Hollen, and their colleagues, without whom we would not have gotten here in as good shape as we did.

I would also pay my respects to the ranking minority member, a friendly adversary and very often an ally. I wish him well.

Mr. MITCHELL. Mr. President, I thank the distinguished chairman for his kind words and commend the chairman and ranking member for their patience and perseverance in this matter, and for their courtesy. I am grateful to them. It has been trying. I apologize to them for the very lengthy session today. I thank them very much.

Mr. PELL. We were prepared to go until 3 this morning.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there be a period for morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

IN MEMORY OF I.F. STONE: JOURNALIST, SCHOLAR, PATRIOT

Mr. DODD. Mr. President, at the memorial service in Washington the other day for I.F. Stone, one old friend talked about Stone's "outrage at the scoundrels he encountered." Others spoke of his independence from conventional wisdom, his healthy skepticism toward the politicians and officials he wrote about, his disdain for the coziness and laziness and dullness that too often pass for journalism or commentary in this town.

But the common strain in all the eulogies spoken and all the columns written in the last few weeks on this great man was I.F. Stone's commitment to fundamental principles. He was more than an iconoclast, although that he surely was, and he was far more than a critic, although no one's critical faculties were keener.

I.F. Stone was a man of grace and wit and compassion, a rigorous analyst

of politics and government, and a dazzling scholar. But that for which he will be missed the most, I think, was his patriotism; it was on display weekly, and then biweekly, for almost two decades in the newsletter that bore his name, and it informed all his speeches and articles on national affairs in the 17 years since the Weekly ceased publication.

Stone's patriotism wasn't everyone's cup of tea. His surgical prose could cut as deep as his passions, and he could be a little rough on people he disagreed with—particularly people in this and the other body.

Stone's was a pure patriotism, with no use for loyalty oaths and no baloney. He believed in the Declaration of Independence and the Bill of Rights, and he insisted his Government honor them, in times when it was politically expedient and times when it was not.

His opinions were often unpopular; truth is not always a majority view. Some of his opinions, especially his brief embrace of Stalin, were clearly wrong; as he continued to explore the facts and test his assumptions, he was never too proud to admit such mistakes. Few in his time had better reason to trust in the rightness of their beliefs, yet few were as modest, as certain of their own ignorance in an ultimately unknowable world.

I.F. Stone loved this country: its spirit, its freedom, its great beauty, and its people. His voice gave hope—and honest information—to a generation that battled the oppression and paranoia of McCarthyism, and to later generations that challenged the war in Vietnam and the advancing ethics of "I've got mine" selfishness and simplistic jingoism.

I regret that I never met I.F. Stone. I would guess that not many of my colleagues did. In his later years, after he stopped publishing his newsletter in 1972, he was hardly a frequent visitor to Capitol Hill. But I was a fan—maybe one of many secret fans who, I think he would be happy to know, try to work the big problems from the inside instead of the outside, who try to have at least some say in what this Government does in the name of its people.

I will miss I.F. Stone. And the country that he loved and helped through some of its more difficult passages in the last 40 years or so will miss him, too.

I extend my sympathy to his wife, Esther, and to his family and his many friends.

I ask that several commentaries on Stone's life—from the Washington Post, the Hartford Courant, and the New Yorker—be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 20, 1989]

THE QUINTESSENTIAL OUTSIDER

(By Mary McGrory)

In recent years, I.F. Stone became almost a cult figure. At last, the radical journalist, who was hardly ever called anything but a "gadfly," made himself entirely respectable. He did it by accomplishing a geriatric feat. At the age of 70, he set about learning ancient Greek and succeeded so well that he could read the record of Socrates' trial in the original—and write a book about it.

It was a showy accomplishment, and Izzie was extremely pleased with the effect it created. He enjoyed going to parties and turning the conversation to the Trojan War and the intrigues of the gods and dazzling people with his quotations from classical Greek poetry.

But he should not be remembered for "The Trial of Socrates," remarkable as it is. He should be remembered for a four-page flyer he wrote for 19 years. He was reporter, editor and publisher of I.F. Stone's Weekly. His wife of nearly 60 years, the incomparable Esther, who saw it as her duty to manage Izzie and enforce his dreams, was manager of circulation and production.

Happily, the best of these issues have been collected in two books, "The Haunted Fifties" and "In a Time of Torment." This is the Izzie Stone who informed a generation in trenchant prose and meticulous detail about events in Washington, who stalked hypocrisy down the corridors of power and followed to the letter Thomas a Kempis's dictum, "Fawn not upon the great."

He was your quintessential outsider.

His only access was through the printed word. He was an investigative reporter whose weapons were scissors and paste. He quoted what public officials said in public, not what they whispered on deep background, off the record or "not for attribution."

Nobody understood better than Isadore Feinstein Stone what Washington was all about. He saw it as the greatest guff factory in the world. He flatly refused to deal in this commodity. He neither bought nor sold it in all his years. Because he was self-employed, he did not have the trouble of other reporters, who envied or resented him. He knew what it was like for them:

"There are many ways to punish a reporter who gets out of line. If a big story breaks at 3 a.m., the press officer may neglect to notify him while his rivals get the story. There are as many ways to flatter and take a reporter into camp—private ways, off the record dinners with high officials" * * *

Izzie was short, curly-haired, dimpled. His manner was so ingratiating that people were taken aback by the toughness of his mind. Although skepticism was the informing principle of his approach to the Establishment, he shared one quality with his more conventional and more famous contemporary, Theodore H. White.

Neither Stone, who questioned everything, nor White, who was inclined to give a president the benefit of the doubt, was capable of a second's cynicism. They had the zest and eagerness of cub reporters, and they were hopeless romantics about their trade. Stone said, "For me . . . being a newspaperman has always seemed a perpetual crusade."

"In the darkest days of McCarthy, when I was often made to feel a pariah, I was heartened by the thought that I was preserving and carrying forward the best in America's tradition, that in my humble way I stood in a line that reached back to Jefferson."

Interestingly enough, "In a Time of Torment" includes a book review of White's "Making of the President, 1964." It reveals Stone's charm as a writer, and the rigor of his standards. He calls White "the poet laureate of American presidential campaigns . . . who showed himself almost incapable of saying a harsh word about anyone." He cites White's fulsome praise of Sen. Stuart Symington (D-Mo.), whom Stone regarded as "a leading lightweight." Writes White: "Over each subject, the same executive mind cut with the same bold stroke of action."

"A writer who can be so universally admired need never lunch alone," Stone observes dryly.

He calls White "the master of the courtly circumlocution," who said of Nixon that he "presents too often a split image."

Adds Stone: "In plain language, it would be said that Nixon was two-faced."

But he is sympathetic to White's problems. He is like the beat reporter who has to be an insider, who has "to be circumspect about the deeper insights of which he is capable." He must not offend his sources, lest they shut him out.

Stone spent his life with his face pressed against the window. He was not wistful about it, and certainly not self-pitying. The wonder of his life and his work was that he showed so many people that outside was the place to be if you really want to know what is happening on the inside.

[The Hartford Courant, July 7, 1989]

I.F. STONE'S UNHEEDED PROPHECY ON ISRAEL

(By Arthur R. Henick)

I met I.F. Stone in Washington in 1976 when he spoke at a small political rally. Stone spent a lifetime speaking at small political rallies, because so few people agreed with what he said at the time he was saying it. Stone was lighting candles for Chinese student protesters two years ago. Name the flashpoint issues of the past 45 years—McCarthyism, civil rights, the Vietnam War—and you'll find Stone igniting a minority opinion before it became a fashionable one.

But of all the causes he championed, one is still unfulfilled: the creation of a Palestinian state. Stone was an early advocate for separate Israeli and Arab states, linked economically, with Jerusalem in an international zone. He was also a vigilant spokesman against the denial of Arabs' rights in Israel and in Israeli-occupied territories.

Born a Jew as Isidor Feinstein, Stone always referred to Israelis as "my people." But he chastised them when they let him down, which was often. The political fight for a separate Arab state was one of the few in Stone's lifetime that has not yet been resolved the way he called it.

After he died last month, obituary writers showered him with a praise often denied him when he was alive. Few mentioned his coverage of Israel.

Stone was a passionate Zionist who covered for U.S. publications the birth of Israel in 1945-48. He was in Palestine in 1948 when Israeli statehood was declared, and covered the subsequent war.

When we met 13 years ago, I was a journalism graduate student interested in alternative publications. Stone was embarking on his last book, "The Trial of Socrates." He had folded his "I.F. Stone's Weekly" five years before.

The political rally—called in support of striking Washington Post press workers—took place in a fraternal hall in what was

then considered a bad part of Washington. I went up to Stone after his speech and offered him a ride home. He accepted.

Stone and his wife Esther lived in a smart-but-not-trendy part of northwest Washington, a few blocks from Connecticut Avenue, where they were familiar Sunday strollers, buying bagels and the newspapers. On our ride I let him know that I was a fan.

We met a few more times, once at his office in American University where he worked on the Socrates Book. He called his wife before lunch and proclaimed it an excellent morning—he had written part of one page. By the time we met, Stone had studied ancient Greek so that, as always, he could consult the original documents.

On the Middle East question, Stone went to an original document—the 1947 U.N. resolution that called for the partition of Palestine into Jewish and Arab entities. The U.N. General Assembly had approved partition by more than the needed two-thirds majority. Backed initially by both the United States and the Soviet Union, the plan made sense then. It makes sense now, despite the subsequent disavowal by most or all of the major parties.

Jewish and Arab states could share workers, industrial and farm products and, yes, even oil. A Jerusalem accessible to devotees of all major religions could only be administered by international rule. It was a good idea when Jordan ran the Old City and its Jewish, Christian, Arab and Armenian quarters for 19 years until 1967. And it is still a good idea after 22 years of Israeli rule.

Stone believed that both the United States and Great Britain had abandoned the 1947 partition plan for their own economic and military reasons: to protect their oil imports at home and their army bases abroad. Britain, he wrote, supplied arms to the Arabs and encouraged their misguided thoughts of winning a war against the Jews. In the meantime, the United States halted all arms shipments to the region, in effect shutting off the Jews while Britain shipped arms to the Arabs.

The 1948 Israeli war for independence was stopped, Stone wrote, only when the State Department and the British Foreign Office realized the Arabs were losing.

Stone knew that at some point the Arab refugee question would have to be resolved fairly. In 1956 he wrote: "The Arab refugees weigh heavily upon my conscience."

Today, 40 years after the first Arab-Israeli armistice was reached in 1949, there are grounds for new agreements. But emotions—strong emotions based on real and perceived slights—tend to cloud the issue. The Palestinian uprising and Israel's killing of Palestinian civilians puts consensus nearly out of reach. Some sense of decency—I.F. Stone style—should now become the guiding force.

That he could write about Israel so passionately yet wisely strikes me, another Jew, as one of his greatest legacies. I keep a collection of Stone's articles on my nightstand—beside E.B. White, Saul Bellow and Jonathan Schell. They are my psyche's original documents.

Let me quote from one of Stone's original documents that still resonates today. Speaking in 1970 of Israeli Prime Minister Golda Meir's coldness toward Arab refugees, he wrote:

"Leadership, like hers, in 40 years of siege and war, will purge the Jews of the compassion acquired in Exile. While the Palestinian Arabs are beginning in their homelessness to talk like Jews in a new Diaspora, the

Israeli leadership is beginning to sound more and more like unfeeling goyim. This reversal of roles is the cruelest prank God ever played on His Chosen People."

These words still sting 19 years later. Time is running out before one of Stone's darkest prophecies comes true.

[From the New Yorker, July 24, 1989]

THE TALK OF THE TOWN—NOTES AND COMMENT

A young friend writes: When I.F. Stone died, last month, I happened to be in Paris, and I read his obituaries in the French papers. I found it touching that the editors of *Le Monde* and *Liberation* thought it important to explain to their readers who this American journalist, obscure even in his own country for much of his life, was and what he had done. They described his career at *PM* and the *Post* in the brief renaissance of the leftist newspaper in New York in the forties, and his defenestration by McCarthyism onto the sidewalk of American journalism, where for the next twenty years he put on a one-man show, publishing his *Weekly* for a tiny, loyal audience; they described his ascension to secular sainthood on the left during the Vietnam era, and then his retirement into classical Athens—all the episodes in what had become by the time of his death an almost legendary American life. I felt sad, of course, to hear that Stone was gone, but also pleased that his reputation had extended even to Paris—a city that he regarded as the most beautiful and unconquerable in the world.

When I came home, though, I discovered that even in death Izzy could annoy people. After the first wave of respectful epitaphs, it turned out, his passing had inspired a sheaf of what I suppose have to be called revisionist obituaries. The *National Review* had a particularly churlish little notice about him: Izzy goes to Heaven and is snubbed by Socrates. The *New Republic* chimed in with a gentler but pointed piece, suggesting that the unquestioning reverence with which Izzy came to be regarded in his last decade had somewhat obscured his record for holding opinions that were not merely nobly "nonconformist" but, in the light of subsequent history, just plain wrong: in the forties and fifties, he thought that the Russian occupation of Eastern Europe was popular with the Eastern Europeans and beneficial to them; for a while, he believed that Stalin was one of the great makers of modern Russia; and so on. I took down from my bookshelves volumes of his journalism from the forties and fifties, and found that a lot of this criticism held water. And yet rereading Izzy Stone was hardly disillusioning; in a way that is hard to explain, even his mistakes seemed inspiring and I began to think that my own recollections of him might be, in their small way, exemplary.

Shortly after my wife and I arrived in New York, in the early eighties, my wife got a job as an all-purpose assistant to a documentary filmmaker who was making a movie about the lectures on the trial of Socrates which Izzy was then delivering at the 92nd Street Y, and which eventually became his last book. The filmmaker was worried about what he called "continuity": he wanted to be sure that Izzy was wearing the same clothes for all the lectures, so that pieces of the lectures could be intercut into a single monologue. Also, the filmmaker wanted the film to have what he called "a look"; that is, my wife explained to me, it shouldn't look like what it was—an aging

journalist giving lectures at the 92nd Street Y. The filmmaker gave my wife his Bergdorf's charge plate, and the job of buying some shirts for Izzy Stone—shirts so wonderful that they would supply continuity and a look at a single stroke. She asked if I could go along when she visited Izzy in his hotel room.

At the time, I had a job rewriting fashion copy at a men's magazine, and the filmmaker apparently called up Izzy and announced that he had arranged not only for him to get new shirts but for them to be picked out by a shirt journalist—a shirt expert. When we walked into the hotel room where Izzy and his wife, Esther, were staying, his small face, familiar from a hundred caricatures—milk-bottle glasses, gentle mouth, oddly gleeful wattles—was alight with the possibility of enlightenment on haberdashery, as though he had been waiting all his life for the chance to interview somebody who could really speak to the shirt question. I was at an especially touchy and self-important moment of my life—I didn't want to write about shirts; I wanted to thunder and expose, as I imagined Izzy had done at a comparable time in his life—and I spent the first ten minutes of our acquaintance trying to shake his notion that mine had been a career devoted to the ins and outs of French cuffs and mother-of-pearl buttons. I grilled him with a set of high-minded questions: How did he understand the relationship between Socrates and Anaximander? What did he think of Popper's account of Plato in "The Open Society"? He answered, sharply, even brilliantly, but what he clearly wanted to talk about was shirts. How did the whole advertising thing work? Was there a set deal—so many shirts featured in the magazine for so many advertising pages bought—or was it just one of those understandings? Was there a blacklist—shirtmakers who had to be kept out in order to satisfy the guys who were already in? What about the sweatshop angle? Did anybody care about who was doing the sewing, or was that something you were never supposed to mention? Then we moved on to the semiotics of the shirt: Wasn't there a revolt against synthetics, and was that really meaningful, or did it just reveal that a lot of his "natural" business was kind of frivolous? And what about bow ties? Was this fad for wearing bow ties a kind of fuddy-duddy revivalism? If that was so, it was pretty funny, because Henry Wallace's guys had all worn bow ties, and had I ever stopped to think about the power of snobbery in politics? You could write a whole book about snobbery in relation to revolution, he said—as powerful a force as economics or oratory. He made me feel that writing about shirts afforded an opportunity to grasp a small corner of the world in all its complexity.

My wife and I left for Bergdorf's in a daze of history and aesthetics. I don't suppose either of us will ever have a harder task than finding shirts that could fulfill Izzy's demands for beauty, decency in manufacture, and meaningfulness. Finally, my wife picked out three classic blue broadcloth shirts, and we took them back to the hotel. Izzy couldn't wait to try them on. The fit wasn't great—the sleeves needed pinning—but they looked all right. "What beautiful shirts, Izzy," Esther said. "Those are the most beautiful shirts you've ever worn." He seemed pleased, and thanked us, but we could both tell that he was a little disappointed by the conservatism of our choice.

A few years later, we got a call from Izzy. He asked how we were, and said he often

thought about that wonderful afternoon we had spent together. Reflexively, we invited him and Esther to come for dinner the next night, and, to our delight, they accepted. We all had a great time. Izzy was intensely appreciative of everything he saw and ate, and after dinner he settled down and recited Greek poetry, piping it out in his high-pitched yet gravelly voice and then translating it for us. He apologized for each translation. "I can't begin to touch the beauty of this hexameter," he said. "Every time I recite it, I feel troubled by the loveliness of so many things that I'll never understand."

Izzy may have been wrong about lots of things, but how right and distinct his voice always was—both in person and on the page. Like Hazlitt or Orwell, he offered Jacobin opinions in a Burkean voice. Rereading Izzy's journalism the other night, I recognized the voice I had heard in the hotel room and over the dinner table: warm, funny, rich in a sense of history, skeptical and inquiring without a trace of cynicism, indignant about bad systems but charitable to the people caught up in them. He was always ready to be surprised by people and events. There is no more moving series of articles in American journalism than Izzy's on John Kennedy: suspicious at first; then opening up; then genuinely enchanted by the new President's intelligence and wit and magnanimity; and then, at his death, grieving powerfully but still prepared to tell uncomfortable, and even prescient, truths about Kennedy's time, such as that the President's intelligence forces were conspiring to kill people our government disliked. Stone came of age in a time of right-wing hysteria and prospered in a time of left-wing hysteria, but his was, above all, a voice of reason. (If he had a flaw in his political vision, it was that he underestimated the power of the irrational in modern life.)

When we judge greatness in a political writer, I think our standard should be different from the one we use to judge greatness in a TV-quiz-show contestant: the idea is not just to leave the stage with the most right answers but to have shown the audience how to interrogate the world in a new way. The Izzy for whom even the shirt business was a window onto human life, for whom the greatest gift to new friends was to introduce them to the mysteries of the Sapphics—this is the Izzy who illuminates even his most polemical or dryly investigative passages. It seems an odd thing to say about so politically "committed" a man, but what I will remember best about I. F. Stone is his sense of style and his reverence for beauty.

THE 20TH ANNIVERSARY OF THE APOLLO 11 LUNAR MISSION

Mr. HEFLIN. Mr. President, today marks the 20th anniversary of what will forever stand as one of mankind's most incredible accomplishments—the landing on the lunar surface of the Apollo 11 mission. This great feat of human courage and technological accomplishment will forever be remembered as one of the greatest technological accomplishments in human history.

Almost everyone who is old enough remembers where they were and what they were doing on July 20, 1969, when all of America rejoiced at the

words, "The Eagle has landed," and "This is one small step for man; one giant leap for mankind." This day, the day man first walked on the Moon, will forever stand as a symbol of national pride. America got there first.

Mr. President, when the history of the 20th century is written some day in the distant future, one thing that will certainly be remembered is that this was the period when man left his planet and began to explore the universe. Space is the greatest adventure of our time and any nation that sees itself as a world leader cannot, and must not, ignore it.

In 1958, Dr. Wernher Von Braun, a leading figure in the dawning days of the U.S. space program and the first Director of NASA's Marshall Space Flight Center, said, "After thousands of years of clinging to our planet, man is finally about to burst the bonds of terrestrial gravity and embark on the greatest voyage of his entire existence—the exploration of the space around him." Since that time, the United States has been the leading space-faring nation; and I believe we should remain so in the decades ahead.

Mr. President, deeply embedded in our national history and a true part of the American spirit is the need to be pioneers, adventurers, and entrepreneurs. It is also in our makeup to want to lead and be preeminent. We did not invent the industrial revolution, but we exploited and improved upon it until we became a world power. Likewise, we may not have been the first in space; but once Sputnik raised our national consciousness, we became the world's leading space pioneer.

Space has been important to us in the past, and will become increasingly important in the future. We use space research, technology, and exploration to ensure our national security, improve our standard of living, broaden our scientific knowledge, and, of course, stimulate the human spirit.

While our accomplishments in space have continued, space still offers us a vast and unexplored frontier. Mr. President, America has been, and should remain, a world leader in space research, technology, and exploration.

Manned space flight has existed almost since the beginning of our use of space. Our first satellite, Explorer 1, was launched in 1958, and Alan Shepard's brief suborbital flight occurred in 1961. Since then, we have used unmanned space systems extensively to explore the solar system, but our manned space flight program has proceeded at a slower pace—our total time in space is, so far, a little more than 4 man-years.

Through the U.S. space program, we have learned a great deal about the value of man in space, but there is much more yet to learn. The space shuttle has and will continue to help

us gain this knowledge. For example, the flight of the Spacelab, aboard the space shuttle, have achieved many major successes and have again demonstrated the critical role that man plays in space. However, the shuttle's ultimate value is limited, both in terms of time in orbit and altitude above the Earth's surface. During the 1990s, we will need a permanently manned space station and associated technologies to increase our utilization of space. Eventually, through research in the environment of space, we will unlock its secrets and make these riches available for all mankind. It is toward this goal that I am committed.

Mr. President, on this day, the 20th anniversary of one of the greatest accomplishments of human history, I believe that it is most appropriate to celebrate the first lunar landing by renewing our support for our Nation's space program, and in particular, the international Space Station Freedom program, our next and most immediate civilian space objective.

Mr. President, the space station is an idea whose time has come. When NASA opened its doors in 1958, it had been assigned the responsibility for man's space flight and developed Project Mercury as its initial manned activity. As the NASA leadership developed its space programs, a space station was a leading candidate for a post-Mercury goal. Since that time, a space station has been studied and analyzed continuously. And now, Mr. President, the development of America's space station, an international space station, which has been named Freedom, is becoming a reality.

However, Mr. President, I would be most remiss if I did not express to my colleagues my concern with regard to the future of the space station program. All of my colleagues are familiar with the current funding problems we face. In today's budget climate, it is more difficult than ever before to find adequate funding for major scientific initiatives. In my judgment, Mr. President, this is a time for action. It is a time for action by the President—personal action by the President, and the Vice President in his capacity as chairman of the National Space Council, together with Congress. We should commit ourselves to do all that is necessary to ensure that the space station—not just any space station, but the Space Station Freedom as planned by NASA—is developed as currently planned in terms of scope, scheduling, and mission. This means that we should work together to ensure full funding of the space station program.

Mr. President, the space station is of vital national importance. I believe that most of us will agree that we live in a dynamic and changing era. Everywhere we look, there is change, but nowhere else is it greater than in the technological progress that is reshaping

the American economy, and the world economy in general. In my judgment, this technological change and, indeed, the United States' leadership in science and engineering technology is vital to our national security and well-being.

I believe that the space station is one of the most important programs facing our Nation. Our Nation's space program has accrued many benefits for all mankind and I am convinced that potential benefits to be gained from future space activities and a space station will far outweigh all previous gains. The space station will provide a permanently manned laboratory for new opportunities in the areas of astronomy, astrophysics, and life sciences, as well as industrial and medical research, both for the purpose of manufacturing and research that will provide new scientific breakthroughs that could likely revolutionize many areas of research on Earth, leading to technological advantages for our entire society.

As I mentioned, our space program began with Alan Shepard's famous suborbital flight. Since then, our manned space successes have spanned the eras of Mercury, Gemini, Apollo, Skylab, and have progressed to the era of the space shuttle. Now, Mr. President, we must move into the era of the space station, the next step, the next logical step.

While we must celebrate our successes, Mr. President, we must never forget our failures. In remembrance of the three astronauts who lost their lives in the Apollo program and the seven brave pioneers who paid the ultimate price in the disaster of the space shuttle *Challenger*, we must go on. We must improve and continue the vision that they possessed. To allow these failures to set us back or dull our mission—their mission—would be to desecrate and belittle their memories.

We must move forward with the space station. Once the space station is in orbit and permanently manned, we can then use this facility to conduct research in microgravity, and as a stepping stone to new and exciting missions, such as a lunar outpost and a manned mission to Mars.

Mr. President, on this day, as we look back and celebrate the 20th anniversary of the Apollo 11 lunar landing, the many successes of the space activities which we have accomplished since that day, and the many successes which we will have in the future, I would simply ask my colleagues to remember the words of President John F. Kennedy when, in 1962, he said:

If this capsule history of progress teaches us anything, it is that man, in his quest for knowledge and progress, is determined and cannot be deterred. The exploration will go ahead whether we join in it or not. And it is one of the greatest adventures of our time

and no nation which expects to be a leader of other nations can expect to stay behind in this race for space.

Those who came before us made certain that this country rode the first waves of the industrial revolution, first waves of modern invention and the first waves of nuclear power. And this generation does not intend to flounder in the backwash of the coming age of space. We mean to be a part of it. We mean to lead it, for the eyes of the world now look into space.

President Kennedy's dream of landing a man on the Moon and returning him safely to Earth was realized not once but numerous times. Looking at this great accomplishment, I would call on each of my colleagues in the Senate, each of our colleagues in the House of Representatives, all Americans, and people the world over to go outside tonight and look up at the Moon. How often have we all wondered what it would be like to set foot on that mysterious celestial body? Ponder the incredible gathering of talent, energy, and resources which combined to take us to the Moon two decades ago—less than a decade after President Kennedy issued his challenge to this nation to land a man on the Moon and return him safely to Earth.

On this day, 20 years ago, three men went there—three Americans. Two stepped from the lunar module into history, becoming the first men to set foot on the Moon.

As you stare at the Moon tonight and into the darkness beyond that is space, ask yourself, "Can we settle for landing on the Moon or must we strive to reach beyond, reach into the unknown? Can we stop here?" I believe that mankind has always been, and will continue to be, driven by an insatiable curiosity—our desire to know what is out there.

We must push forward with our space program or risk losing the incredible advances which lay ahead. The risks are high if we do, but the losses are far too great if we do not. Building upon the lunar landing of Apollo 11 and those that followed, and with the completion of the space station, our Nation's space program, much like the firebird, must and will go ever onward to reach new plateaus and new horizons in our eternal quest for the understanding of the cosmos and mankind's place in it.

THE WONDERFUL LEGACY OF DENNIS M. LYNCH, JR.

Mr. PELL. Mr. President, I rise to share with my colleagues the sad news of the untimely death of a remarkable young Rhode Islander—Dennis M. Lynch, Jr.

Dennis died at home, at the age of 33, after a brave battle with cancer. He left behind a wonderful legacy that many skilled writers have tried to capture.

Their phrases and their eloquence, as touching as they may be, do not capture more than a snapshot of this young man. He was too spirited and moved too fast for a portrait.

One fact, captured by every writer, is evident to all who knew Dennis. His legacy was his example. He was, in the true sense of the word, a gentleman.

His love, his care and his concern for others, clearly, has touched all those who knew him and has enriched their lives. His example is one that we should emulate.

Mr. President, I know that I speak for all Rhode Islanders when I extend our profound sympathy to his family and our thanks for his legacy.

I ask unanimous consent that articles from the Providence Journal and the Evening Times be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Evening Times, June 24, 1989]

YOUNG PEOPLE LOST FINE LEADER IN DENNIS LYNCH

(By Jim Salisbury)

PAWTUCKET.—There is no more admirable gift a man can give back to God's Domain than to serve the youth of this world.

Young men and women need positive role models in this day and age when the wrong way of life seems to offer a smoother path than a good way of life.

It's sad and ironic that through death, we often realize just what a person meant to us. Dennis Lynch, Jr. fell victim to the toughest battle of his life Friday, but he went out the same way he went into every game he ever coached—a proud and strong battler, the flesh and blood example of a winner.

He carved out a coaching niche in this city that lasted 16 years, stretching back to his teenage days. His nine years at the Saints' head basketball coach produced many great teams and over 100 victories.

More important than wins and losses, hundreds of St. Raphael Academy boys heard his winning lore. They didn't just hear how to win a ballgame, either. There was a lot more to Dennis Lynch than that. To his friends, he gave his heart. To his opponents, he gave his respect. To every child, he gave his good example and we thank him for that.

After battling cancer for over a year, we can almost hear Dennis' courageous creed once again. And if you can't just take a look at every boy he ever schooled in the sport of basketball and the bittersweet game of life. For at the core of this man lived the heart of a great coach.

His players will carry a piece of Dennis Lynch with them forever, for good coaches, as Dennis Lynch was, coach for an eternity. They never know where their lessons will stop.

The love that Dennis Lynch transmitted into his 33 years on this soil will live forever in the words and actions of hundreds of St. Raphael Academy men who sat in on one of his coaching huddles.

For 16 years, Dennis Lynch was the bestower of a positive thumbprint on the world by shaping tomorrow's adults and helping to build solid foundations under the castles of future skys.

He did this well.

If there is only one way to prepare for immortality, then Dennis Lynch did it the right way, by loving life and living it as bravely and faithfully and cheerfully as can possibly be done.

When Dennis Lynch coached his basketball teams at The Academy, he coached with style, class and exuberance. His character was impeccable. He truly was the man you wanted your son to play for.

If indeed the size of one's heaven is measured by the dimensions of one's soul, worry not about Dennis Lynch—he's still coaching, only on a bigger stage.

Our little world is a lot better today because Dennis Lynch touched it.

Thanks for coming through our neighborhood, Dennis.

[From the Providence (RI) Journal-Bulletin, June 24, 1989]

DENNIS M. LYNCH JR., 33; HEAD COACH OF BASKETBALL AT ST. RAPHAEL ACADEMY

PAWTUCKET.—Dennis M. Lynch Jr., 33, of 60 Summit St., head basketball coach at St. Raphael Academy, died yesterday at home. He was the husband of Laura (Agostini) Lynch.

Born in Providence, he was a son of former Pawtucket Mayor Dennis M. Lynch, now state purchasing agent, and Irene M. (MacIsaac) Lynch of Pawtucket. He had lived in Pawtucket most of his life.

Mr. Lynch was owner and operator of the Manhattan Housing Specialists Inc. and was founder and president of Summit Maintenance Company, with offices on Newport Avenue in Pawtucket for the last eight years. He was also associated with William J. Lynch & Sons, the family's real estate firm.

Mr. Lynch had also coached at St. Patrick's High School, a girls' school in North Providence.

Mr. Lynch was involved in his father's successful 1977 re-election campaign and in 1979 was campaign manager in another of his father's mayoral victories.

In 1980, Mr. Lynch worked for former Gov. J. Joseph Garrahy's re-election, maintaining a high profile in Pawtucket during the campaign.

He was a member of the Pawtucket City Democratic Committee, Third Ward and chaired his father's campaigns for mayor. In 1981, he was appointed by his father to the Service Area Citizens Advisory Committee, a panel formed by the State Public Utilities Commission to regulate cable television in the area.

Mr. Lynch was a graduate of St. Raphael Academy and Providence College, class of 1978.

He was a member of the National, Rhode Island and Blackstone Valley Realtor's Associations and the Board of Directors of Blackstone Valley Association for Retarded Citizens.

Mr. Lynch was also a member of the Providence College Alumni Association and Delaney Council, Knights of Columbus No. 57.

Besides his wife and parents he leaves an eight-month-old son, Dylan Patrick, at home; three brothers, City Councilman William J. Lynch, a lawyer, and John C. and Patrick C. Lynch, all of Pawtucket; and three sisters, Ann Lynch Dugan of North Providence and Linda I. Duquenois and Margaret M. Lynch, also an attorney, both of Pawtucket.

The funeral will be held Monday at 9 a.m. from the Manning-Heffern Funeral Home,

68 Broadway, with a Mass of Christian Burial at 10 in St. Maria Goretti Church, Power Road. Burial will be in Mount St. Mary's Cemetery.

[From the Providence (RI) Journal, July 4, 1989]

A FRIENDSHIP THAT DEATH WILL NOT END (By Bill Reynolds)

I first met Robert Williams last December.

It was a book signing in the Players' Corner Pub in downtown Providence, people waiting in line. One of them was a black kid whom I recognized from the North Providence summer league. He had played the last couple of summers for HKB Market, a team dominated by the Lynch brothers of Pawtucket, Billy, Patrick, John, and Dennis. "What are you doing here?" I asked.

"I'm buying a Christmas present for my ex-coach."

"Whose that?"

"You know him," he said. "Dennis Lynch."

Last week Dennis Lynch died. He was 33 years old, and had been the basketball coach at St. Raphael Academy in Pawtucket for nine years. He also was one of those special people who touch more lives than they ever realize. His wake was a testimony to that, a cross-section of people whose lives, at some point, intersected with Dennis Lynch's.

But I couldn't stop thinking of Robert Williams, who had taken the time last December to come into downtown Providence and stand in line to buy a Christmas present for a man who used to be his high school coach.

So Sunday night I went up to the North Providence summer league to see Williams. He is still playing on the same team with the Lynch brothers, HKB Market. Not that it's surprising that the Lynch brothers are again playing this summer. Dennis wouldn't have wanted it any other way. Last summer, after the cancer had been diagnosed, Dennis Lynch played in the league. This past season, as the cancer continued to weaken him, he still played basketball after almost every St. Ray's practice.

"LIKE A BROTHER TO ME"

It was a hot night. HKB had lost, and Williams, his shirt stained with sweat, was getting ready to leave.

"How close were you with Dennis Lynch?"

He looked up, surprised.

"I loved Dennis," he said. "Dennis was like a brother to me. For the past two years I lived with him every day."

Williams met Lynch when he was about 12. His CYO team won the New England championship, and Dennis' father, then the mayor of Pawtucket, had arranged for a small ceremony.

"Dennis was there and we just hit it off," he said.

So began what on the surface seemed an unlikely friendship. The white son of the mayor, and a young black kid without a father from Prospect Heights, a dismal housing project where the future too often stopped at next week.

"After that he always sort of checked up on me," said Williams. "He'd jog up to Prospect Heights and find out what I was doing. Those couple of years I probably saw him once a week. I guess I was a little rough around the edges, being from the projects and all. Dennis sort of took care of me. He took me to play basketball with his brothers. He always stuck up for me."

In the eighth grade Williams passed a test to go to St. Ray's, and the next year he began going to school there. The friendship deepened. Williams also played football, and many nights after practice he would go over to Lynch's house, have dinner, do his homework, take Lynch's car back to Prospect Heights, then pick up Lynch for school in the morning. Lynch took him to basketball games, basketball camp, everywhere. Williams worked on Billy Lynch's campaign to win election to the city council. Dennis Lynch would go places, and bring Robert Williams with him.

"ENTIRE FAMILY ACCEPTED ME"

Lynch often talked to him about the importance of doing well in school, and working hard, and having discipline, and planning for the future, all those concepts that never seemed important back in Prospect Heights. Most of all, Lynch brought Williams into his life.

"I became like part of his family," Williams said. "Thanksgiving I would go over to his mother's house for dinner and there would be a nameplate that said 'Robert' on it. His entire family accepted me."

His relationship with Lynch also gave him credibility. No longer was he just another kid from the projects. He was Dennis Lynch's friend.

"Dennis was the most giving person in the world," Williams said. "He is someone I could cry to."

When Williams graduated from St. Ray's, Lynch arranged for him to go to prep school, to St. Thomas More in nearby Connecticut. But Williams didn't like it. So two weeks later Lynch helped him get into the Community College of Rhode Island. About that same time he moved in with Lynch. During the days he went to CCRI. At nights he went back to live in Lynch's house.

"I SAID HE WAS DOING FINE"

Sometime last year Lynch discovered he had cancer. In a sense Williams went into denial. After all, wasn't Lynch still beating him one-on-one? Wasn't he still jogging and working out? Wasn't he still going about his life every day like his cancer was just another opponent you could beat if you had the right game plan?

"People would ask me how he was and I always said he was doing fine," he said. "I was never straight with anyone."

Throughout the school year, Williams starred on a great CCRI basketball team that went to the national tournament, a quick 5-foot-8 point guard. He also continued to live with Dennis, his wife, Laurie, and their infant son, Dyhland. One of the family. And Dennis Lynch continued to teach him things. Only this time it was about courage.

"He taught me about being a person," Williams said softly. "About living every day like it's your last."

The past month or so, when the family knew Dennis was dying, the three brothers often would go afternoons to St. Ray's to play pickup basketball. In a sense the games became a sanctuary, a place away from the questions about Dennis. Williams went with them, one of the inner circle.

He was there when Dennis Lynch came home from the hospital, came home for the last time. He also was in the room when Dennis Lynch died. At the funeral he was a pallbearer.

"I WISH HE HAD BEEN THERE"

Williams graduated from CCRI last Thursday.

"I just didn't go there," he said, the pride unmistakable in his voice. "I graduated."

He stopped, and his voice took on a far-away quality, like he was thinking of something else.

"I wish he had been there to see it."

In September, Williams will either go to Bryant or Southeastern Mass. off to college, far away from Prospect Heights. And in a sense Dennis Lynch goes too. For as Robert Williams says, "Wherever I go for the rest of my life, Dennis Lynch goes with me."

[From the Evening Times (Pawtucket R.I.), June 26, 1989]

LYNCH POSSESSED ALL THE RIGHT QUALITIES (By Mike Scandura)

PAWTUCKET.—Pride. Loyalty. Tenacity.

These are but a few of the qualities possessed by Dennis Lynch who was buried this morning after having died long before his time on Friday. A few of the many, I might add.

Pride. Oh, did he relish the on-court and off-court accomplishments of his brothers and sisters, which is to say the entire offspring of Dennis and Irene Lynch. This was a pride built on a foundation of love which, in turn, was derived from sound family values—a commodity that's becoming increasingly hard to find these days.

When Patrick, perhaps the best basketball player on this hoop-oriented clan, kept knocking down honor after honor at St. Raphael Academy and Brown University, Dennis lit up like the sun. For theirs was a special relationship, one which can best be appreciated by those who have coached (nurtured?) a younger brother through good times and bad and seen him blossom.

This is not to say Dennis was any less proud of John, or Bill, or Peggy. Was there anybody in the family who felt better than coach Dennis when Peggy led the SRA girls to a R.I. state basketball championship several years ago? Not quite.

Loyalty, to his family, to St. Raphael, his players, his Irish heritage.

In the strife-torn country, that is Ireland, Dennis was deeply involved in good-will basketball tours. Instead of just reading about how the youth of Ireland were generally facing a bleak future, Dennis did what he could to bring them hope—with basketball being the vehicle that carried his message.

Considering that the United States needs all the good will it can muster on the international scene, it's sad when a Dennis Lynch, a "doer," leaves us.

SRA, too, benefitted from this type of action on his part. Never, repeat never, has the school had such a staunch supporter as Dennis Lynch. If Tommy Lasorda bleeds Dodger blue, then Lynch exuded enough purple and gold to fill a reservoir.

And he didn't care what people thought either. He flaunted his loyalty to SRA because it was his way of showing how much he appreciated what the school had done for the entire family.

He was, in short, the consummate alumnus.

Tenacity. Did Dennis Lynch coach the greatest schoolboy basketball teams ever to dribble through the R.I. Interscholastic League? No.

In recent years, the pickings were slim. But no matter how steep the odds and how talented the opposition, the Saints came to play. Always.

When you played SRA, you had better have been prepared, because Lynch was and so were his players, to the best of their ability. Once they sunk their teeth into you,

they didn't let go until the final buzzer sounded, no matter how tight or one-sided the game played.

Perhaps the players on his last team realized moreso than the others how hard he could fight. Dennis knew the odds were stacked against him as early as February of 1988 when he first learned of the illness that was to take his life. Yet he never even contemplated giving in and the last thing he wanted was sympathy, even though he was hit with the cruelest of ironies.

"The day I found out what I had was the day my wife found out she was pregnant with our first child," Dennis related at the time. "Can you believe that?"

He was still determined to do all he could to "beat this thing" and lead as normal a life as possible. For him, that included playing ball with the Saints during the off-season and after practice. In fact, he issued a challenge to his players in the spring of '88.

"I don't care how you write this," he said, "but tell the kids I'll be back soon playing against them—and beating them."

The challenge lasted for another year as Dennis was in remission. During that time, he taught everybody a lot about how to live with class and dignity in the face of a devastating situation.

Don't look for answers here regarding why a young man like him is struck down so early in life, because there are no answers. At least none that make any sense.

Those who knew and loved Dennis Lynch would do well to emulate him. That, perhaps, would be the best tribute one could give.

THE RE-EMERGING THREAT OF HEROIN USE IN THE UNITED STATES

Mr. BIDEN, Mr. President, almost a century ago, George Santayana, the famous philosopher and poet, admonished us that "those who cannot remember the past are condemned to repeat it." Nowhere has this country so clearly failed to heed Santayana's warning than in the area of drug abuse.

The cocaine crisis that is currently shaking the foundations of communities across the country is only the most recent—and tragic—example of our failure to learn from history.

Cocaine epidemics have swept through the United States at least twice during this century—in the 1900's, and 1930's—according to Dr. David Musto, the leading expert on the medical and social history of drug abuse in the United States. And during each episode, drug-related violence and overdoses soared, as thousands of addicts overwhelmed an ill-prepared public health system.

Despite the clear pattern and solid medical evidence of the devastating effects of cocaine, some medical experts and Government officials as recently as the mid-1970's were actually calling for the decriminalization of cocaine. And as the senior Senator from New York, Senator MOYNIHAN, recently noted, the 1987 edition of the Merck Pharmaceutical Manual still implies that cocaine is not addictive.

Unfortunately, we are on the verge of repeating our past mistakes by ignoring the re-emerging heroin threat in the United States.

Mr. President, in the past two decades, two major waves of heroin use—from 1968 to 1973 and from 1979 to 1982—have swept through this country, fueling dramatic increases in crime and drug overdoses. Until recently, many officials downplayed the current heroin threat, arguing that there were few new users and that the existing user population would diminish as older users stopped using heroin or simply died. The temptation to ignore the heroin problem was made all the easier as cocaine and later "crack" became the drugs of choice, consuming the attention of our drug control efforts.

But make no mistake about it: Heroin is coming back. For the past 6 months, I have been examining the heroin problem in the United States. The preliminary results of dozens of interviews with Federal, State, and local law enforcement and treatment officials across the country are extremely troubling.

A surge in imports of Southeast Asian heroin—so-called China White—has begun to flood the United States market with cheap, highly pure heroin. This dramatic increase in the supply and purity of heroin in the United States may fuel the most devastating drug epidemic in this Nation's history.

I don't make this prediction lightly. There are a number of ominous signs:

First, worldwide production of heroin, particularly Southeast Asian heroin, has skyrocketed in recent years. According to the State Department, opium production rose nearly 100 percent from 1982 to 1988, from 1,560 to 2,870 metric tons. Production in Southeast Asia increased even faster, jumping from 707 tons to 1,565 tons. Given the political turmoil in Southeast Asia, United States officials predict that production will continue to rise in the near future.

Second, tightly organized syndicates of ethnic Chinese have developed extensive smuggling networks both in the United States and abroad. Like the Colombian cocaine cartels, the Chinese groups have begun to integrate vertically, taking control of the entire system—from the fields of Burma and Laos, to the transshipment through mainland China and Hong Kong, to the distribution to mid-level dealers on the streets of New York, Los Angeles, and other major United States cities.

The role of these syndicates was dramatically revealed recently when the FBI cracked a Chinese heroin trafficking organization and seized 820 pounds of pure Southeast Asian heroin—the largest single heroin seizure in United States history, with an estimated street value of \$1 billion.

Third, these groups have flooded the U.S. market with relatively cheap and highly pure heroin. At a recent hearing that I chaired in New York City on the major international drug cartels, Bob Stutman, head of the Drug Enforcement Administration's New York field division, described the jump in heroin supply as mind boggling, with the purity of street heroin increasing from 3 to 12 percent in the early 1980's to almost 50 to 80 percent today—with prices remaining steady or dropping. These purity levels are unprecedented.

The intense purity of heroin may account for the 20-percent increase in the number of heroin-related hospital emergency room visits since 1985. That means that last year, one person was rushed to an emergency room every 33 minutes because of a heroin overdose.

Fourth, several new forms of heroin abuse are gaining in popularity—exposing new, younger users to the heroin market. The most popular new form involves smoking a mixture of heroin and crack cocaine, commonly called a "speedball." Addicts are mixing crack with heroin to lengthen the crack high and reduce the intensity and depression that follows it. One drug abuse expert recently commented in the New York Times:

This [the combination of crack and heroin] could easily be the worst news to the drug abuse control community since the emergence of crack in the early 1980's.

And a recent survey in a New York treatment center found that 37 percent of drug abusers said they had tried the crack/heroin combination.

Moreover, an ever-increasing number of traditional intravenous heroin addicts are switching to smokable heroin because of the fear of AIDS. On the streets, smoking heroin—usually done by heating it under aluminum foil and inhaling the smoke—is referred to as "chasing the dragon," so called because users chase the elaborate, dragon-like fumes of smoke with a straw.

According to unpublished statistics from the National Institute of Drug Abuse, hospital emergency rooms have reported a 400-percent increase in the number of smokable heroin incidents—to a total of 167 cases last year.

The actual number, however, is probably far higher. During my investigation, I found that hospitals are required to report only the drug that caused the overdose—not the method of taking the drug. As a result, new trends are not discovered in their early stages because our reporting system ignores new combinations of drugs and new ways of taking drugs. That's what happened with crack—it took almost 2 years before the national drug abuse reporting system began tracking crack separately from powdered cocaine—

and that's what is happening today with smokable heroin.

At the hearing that I chaired in New York, Bob Stutman warned that smokable heroin could be the "crack" problem of the 1990's.

Fifth, there are preliminary indications that the Colombian cocaine cartels are interested in entering the heroin market. With the drop in wholesale cocaine prices from \$50,000 per kilo in 1982 to \$12,000 per kilo today, the cartels are increasingly looking at the profitable heroin market in the United States, where a kilo of heroin still brings \$150,000. United States law enforcement officials have acknowledged an increase in opium production in Guatemala, and there is evidence that the Guatemalan producers are linked to the Colombian cartels.

The cocaine cartel-heroin connection was clearly documented in a recent FBI case involving drug traffickers with connections in Brazil, Spain, and Italy. According to the FBI, cocaine from South America was shipped to a laboratory in Spain, where it was processed and transported to Italy in exchange for heroin, which was to be shipped to the United States.

Mr. President, as a result of my inquiry into the heroin threat during the past 6 months, I cannot escape the conclusion that we are on the verge of another heroin epidemic in the United States. Unfortunately, there are numerous signs—particularly, the ever-increasing supply of pure Southeast Asian heroin and the growing popularity of smokable heroin, which is drawing a new, younger generation into the heroin market—that the upcoming heroin cycle may be the worst in United States history.

Calling attention to this problem, however, is only the first step. I am currently preparing a detailed set of recommendations to respond to the heroin threat, including diplomatic, law enforcement, and demand reduction initiatives and will present these to the Senate in the near future.

However, the first step in responding to any problem must be the recognition that a problem exists. Mr. President, the heroin threat does exist—and it would be pure folly to ignore the hard-learned lessons of the past by allowing another heroin epidemic to sweep across the country before we respond.

Mr. President, I ask unanimous consent that several articles and analyses relating to heroin be printed in the CONGRESSIONAL RECORD, as follows:

First, a Heroin Situation Report that was compiled at my request by the FBI's European-Asian drug trafficking unit last November;

Second, an unpublished technical analysis of the chemical and physiological processes of smoking heroin,

cocaine, and PCP by the National Institute on Drug Abuse;

Third, excerpts from a December 1988 report on drug use trends in New York City, which highlights the growing popularity of smokable heroin; and

Fourth, several recent newspaper articles that document the recent influx of Southeast Asian heroin into the United States; the role of ethnic Chinese syndicates in the heroin trade; the connection between heroin smuggling and the Colombian drug cartels; and the increasing popularity of smokable heroin.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FACTSHEET ON HEROIN THREAT IN UNITED STATES

HOW BIG IS THE OVER-ALL HEROIN PROBLEM?

Their are approximately 750,000 intravenous heroin users in the United States. The number of heroin-related hospital emergency room visits has increased 20 percent in the past four years:

Heroin-related emergency room visits

Year:	
1985.....	12,522
1986.....	13,644
1987.....	14,550
1988.....	15,733

Source: National Narcotics Intelligence Consumers Committee (NNICC), April 1989.

HOW BIG IS THE "SMOKABLE" HEROIN PROBLEM?

The number of documented smokable heroin-related hospital emergency room visits has increased 400 percent in the past four years. The number is probably higher, because hospitals are only required to report what drug was involved, not the method of administration.

Year	Smokable heroin incidents	Smokable incidents as percentage of total heroin incidents
1985.....	32	0.25
1986.....	49	.36
1987.....	106	.73
1988.....	167	1.06

Source: Unpublished statistics, National Institute on Drug Abuse, July 1989.

A recent survey of addicts at the Phoenix House drug treatment center in New York City found that 37 percent had tried "speedballing," smoking a mixture of crack cocaine and heroin (*New York Times*, July 13, 1989).

Mark Kleiman, a drug control expert at Harvard's Kennedy School of Government, recently stated that smoking heroin "could easily be the worse news to the drug abuse control community since the emergence of crack in the early 1980s." (*New York Times*, July 13, 1989).

WHAT IS STATUS OF WORLDWIDE OPIUM PRODUCTION?

Worldwide production has jumped almost 85 percent in the past six years:

Worldwide opium production

Year:	Metric Tons
1982.....	1,560
1988.....	2,870

Source: U.S. Department of State, International Narcotics Control Strategy Reports, 1984-89.

HOW HAS THE U.S. HEROIN SITUATION CHANGED?

1. The major change has been the huge influx of Southeast Asian heroin:

Bob Stutman, head of DEA's New York office, estimates that 70 to 75 percent of the heroin in New York now comes from Southeast Asia, compared with 3 percent in 1983 (Senate International Drug Caucus hearing, New York City, June 19, 1989).

A top DEA official estimated that 50 to 80 percent of all heroin in the United States comes from Southeast Asia (Los Angeles Times, February 25, 1988).

2. The influx of Southeast Asian heroin has produced a dramatic increase in the purity of heroin on the streets:

The average purity of street heroin has jumped from 3 to 12 percent in the early 1980s to 50 percent today, with some areas reporting 80 percent pure street-level heroin (Bob Stutman, Senate International Narcotics Caucus, New York City, June 19, 1989).

WHAT IS SMOKING HEROIN CALLED?

"Speedballing." Smoking a mixture of crack cocaine and heroin, addicts are increasingly turning to this combination to extend the intense crack high and to reduce the depression that follows. *By turing crack users to heroin, this new mixture is bringing new, younger people into the heroin market.*

"Chasing the dragon." Smoking heroin by itself, using a glass pipe or by heating heroin under aluminum foil and inhaling the smoke through a straw. The fumes form elaborate dragon-like patterns, thus called "chasing the dragon."

HEROIN SITUATION REPORT NOVEMBER 1988 EUROPEAN/ASIAN DRUG TRAFFICKERS UNIT, DRUG SECTION, CRIMINAL INVESTIGATIVE DIVISION, FEDERAL BUREAU OF INVESTIGATION

I. OPIUM PRODUCTION

Mexico, SEA and SWA since 1983/84 to 1986/87 almost doubled.

II. TRAFFICKING INDICATORS (HEROIN/MORPHINE)

	[In percent]	
	1983	1986
Mexico.....	33	41
SWA.....	48	40
SEA.....	19	19

* Estimated as high as 30 percent in 1987.

III. HEROIN/MORPHINE USE INDICATORS

	1983	1987
Hospital Emergencies.....	9,178	11,390
Deaths (less NYC).....	1,088	918

Note: 42 percent decrease in San Francisco and 36 percent decrease in Los Angeles.

IV. WHOLESALE PRICES (SWA, SEA, MEXICO (IN UNITED STATES))

1982—306,666 per kilo.
1987—150,000.

V. HEROIN PRICES IN SOURCE COUNTRIES

See chart.

VI. LABORATORIES

MEXICO	IRAN
BURMA	PAKISTAN
THAILAND	INDIA
LAOS	TURKEY
AFGHANISTAN	TAIWAN

VII. FBI CASE CHART GROUP/PRODUCT (CASELOAD AND STATE)

See chart.

VIII. OVERVIEW/DEFINITIONS

OPIUM PRODUCTION

[In metric tons]

Country	1983-84	1984-85	1985-86	1986-87
SEA:				
Burma	740	490	700-1,000	925-1,230
Thailand	45	35	20-25	20-45
Laos	30	100	100-290	150-300
SEA/subtotal	815	625	820-1415	1095-1575
SWA:				
Afghanistan	140-180	400-500	500-800	400-800
Iran	400-600	200-400	200-400	200-400
Pakistan	40-50	40-70	140-160	135-160
SWA/subtotal	580-830	640-970	840-1360	735-1360
Total	1416-1666	1293-1623	1680-2715	1875-2990

OPIUM PRODUCTION

A. DEA's Heroin Signature Program (HSP):

HEROIN AND MORPHINE TRAFFICKING INDICATORS, 1983-86

	1983	1984	1985	1986 ²	1987
Origin (percent) ¹					
Southwest Asia	48	51	47	40	
Mexico	33	32	39	41	
Southeast Asia	19	17	14	19	
Retail heroin purity ¹	4.5	4.7	5.3	6.1	5.9

Heroin prices ¹ (per milligram pure)	\$2.15	\$2.37	\$2.30	\$2.12	\$2.00
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¹ Percentage of random samples of exhibits analyzed from the DEA Heroin Signature Program.
² January to June.

B. DEA's Domestic Monitor Program (DMP):

(Intelligence Program of retail purchases to gather information on purity, price and origin.)

New York City, 1987—28-67% purity available in street level packages at a cost of \$.40-.97 per milligram.

HEROIN USE

A. DEA's Drug Abuse Warning Network (DAWN):

HEROIN AND MORPHINE USE INDICATORS, 1983-87

	1983	1984	1985	1986	1987 ¹
Hospital emergencies reported through the DAWN system	9,178	9,021	10,637	11,416	11,390
Heroin/morphine related deaths (less NYC)	771	1,088	1,360	1,420	918

¹ January to September.

The DAWN System indicated an increase in heroin use/addiction each year from 1980 through 1987.

Emergencies increased 30% from 1984 to 1987, and the projected emergencies for 1987 were up 7% from 1986.

B. West Coast Indicators; 1986-87:

HOSPITAL EMERGENCIES BY CITY

	1986	1987 (projected)
San Francisco	1,013	585
Los Angeles	1,684	1,080

Note.—The DAWN System indicates a decrease of 42 percent for San Francisco and a decrease of 36 percent for Los Angeles.

C. Data compiled from DAWN and from epidemiologists and treatment officials show that the average age of the heroin user admitted for treatment to be rising.

[In percent]

	1978	1980	1986	1987 ¹
Users admitted 30 years and older	34	42	64	67

¹ January to September.

The information contained below was derived from DEA Field Management Reports, case files and "street studies" supported by DEA and the National Institute on Drug Abuse. The prices are wholesale for FY 1982-1987 (thru June 1988) and are a national average.

WHOLESALE DRUG PRICES DOLLARS

Quantity	1982	1983	1984	1985	1986	1987
HEROIN ¹						
Kilogram	306,666	215,000	155,000	156,666	145,000	150,000
COCAINE ²						
Kilogram	60,000	50,000	45,000	40,000	33,500	30,000

¹ Sources of heroin are Southwest Asia, Southeast Asia and Mexico.
² Sources for cocaine prices are from the cities of Chicago, Los Angeles, Miami and New York.

[Domestic commercial and Jamaican]

Quantity	1982 ¹	1983 ¹	1984 ¹	1985 ²	1986 ²	1987 ²
MARIJUANA						
500 to 1,000 lbs ¹	\$208	\$217	\$250	\$450	\$525	\$825

¹ 500 to 1,000 lbs.² Per pound.

Heroin prices in Origin countries:

1. Southeast Asian heroin (SEA):

A. BURMA

Most Burmese suppliers deal in Heroin No. 4 which averages approximately 70% in purity.

Prices for 1988 (up 2nd quarter):

1. Raw Opium*: 4,000-5,100 Baht/Choi (\$160-204 U.S./1.6 kilos)
2. Heroin No. 4: 43,000-54,000 Baht/Unit (\$1,700-2,160 U.S. 1 1/2 lbs)

B. THAILAND

Prices for 1988, (up to the 3rd quarter):

1. Raw Opium¹: 4,000-5,300 Baht/Choi (\$160-212 U.S./1.6 kilos)
2. Heroin No. 4: 43,000-54,000 Baht/Unit (\$1,720-3,000 U.S./1 1/2 lbs)

C. LAOS

Prices for 1988 (up to 2nd quarter):

- Heroin No. 4 (wholesale): 65,000-70,000 Baht/Unit (\$2,600-2,800 U.S./1 1/2 lbs.)
11. Southwest Asian Heroin (SWA):

A. AFGHANISTAN

Most of Afghanistan's Opium is sold to Pakistan; however, some is sold directly to Chinese buyers.

B. IRAN

Prices for 1985:

1. Heroin Base: 400,000-500,000 Reals/KG (\$600-760 U.S./Kilos)
2. Smoking Heroin: \$4,000-6,000 U.S./Kilos)

¹ Ratio of Raw Opium to Heroin No. 4 is estimated at 10:1 eg. 2,800 kilograms of Raw Opium would produce 280 kilograms on 400 units of No. 4.

C. PAKISTAN

Prices for 1988 (up to the 2nd quarter):

1. Brown Heroin: 16,000-30,000 Rupees/KG (\$914-1,714 U.S./KG) (for foreign consumption).
2. White Heroin: 80,000-110,000 Rupees/KG (\$4,571-6,285 U.S./KG).

III. Other source countries:

A. TURKEY

Prices for 1985—\$11,000-12,000 U.S. per kilogram.

B. INDIA

Price of Burmese white heroin:

1. 1983: 120-150 Rupees/gram (\$9.00-11.50 U.S./gram).
2. 1988: 300-350 Rupees/gram (\$23.00-27.00 U.S./gram)—approximately 300,000 Rupees/kg (\$23,000 U.S./kg).

SOURCE COUNTRY INFORMATION

1. Afghanistan—Most of Afghanistan's Opium is sold to Pakistan, some is sold directly to Chinese buyers.

2. Bulgaria—Major transshipment point for heroin coming out of the Middle East and SWA heroin.

3. Thailand—

PRICES FOR HEROIN NO. 4 1988

[Baht/Unit = B/U]

First quarter	Second quarter	Third quarter
47,000-75,000 B/U	43,000-60,000 B/U	45,000-68,000 B/U
\$1,880-\$3,000 U.S. per 1 1/2 lbs.	\$1,720-2,400	1,800-2,720

PRICES FOR RAW OPIUM 1988

[Baht/Choi = B/C]

Second quarter	Third quarter
4,000-5,000 B/C	5,000-5,300 B/C
\$160,200 U.S. per 1.6 kgs	\$200,212 U.S./1.6 kgs.

A. Heroin No. 4 Averaged:

80,000-90,000 Baht per Unit
 \$3,200-\$3,600 U.S. per 1 1/2 lbs.

B. Raw Opium Averaged:

5,000-7,000 Baht per Choi.
 \$200-\$280 U.S. per 1/2 kilos.

4. Burma—Most Burmese suppliers deal in Heroin No. 4 which averages about 70% purity.

Prices for the second quarter of 1988 Raw Opium: 4,000-5,100 Baht per Choi (\$160-204 U.S. per 1 1/2 lbs).

Aerial herbicide spray eradication efforts in the Northern Shan State of Burma by the Burmese Government in 1987-88 is supposed to have a major impact on the total Opium production for the area.

Burma is the only source of heroin consumed and transhipped for Northeast India.

1985: Burmese Government implemented an Aerial Herbicide Spray Eradication.

5. Taiwan—A staging area for the transshipment of Heroin No. 4, believed to be destined for the U.S., Canada, or South America.

6. India—

PRICE OF BURMESE WHITE HEROIN

1983	1988
120,150 Rupees a gram	300-350 Rupees a gram.
(\$9-11.50 U.S. a gram)	(\$23-27 U.S. a gram.)

Note.—Burmese White costs 300,000 Rupees/kg (\$23,000 U.S./kg).

7. Italy—
Heroin Prices:
SEA #4.—\$115 U.S. per gram.
SWA.—\$115 U.S. per gram.
Italy/Sicily considered too "hot" to re-establish heroin labs. Sicilians are using the Middle East and Chinese for "source of supply" (SOS).

8. Laos—
Spring of 1988 Heroin Prices (Wholesale)
65,000-70,000 Baht/Unit.
\$2,600-2,800 U.S./½ lbs.
Ratio of Raw Opium into Heroin No. 4 is estimated at about 10 to one. Eg. 2,800 kgs of Raw Opium would produce @ 280 kgs of No. 4 or 400 Units.

9. Pakistan—
Second Quarter 1988
1. Brown Heroin 16,000-30,000 Rupees/kg. (for foreign consumption) \$914-1,714 U.S./kg.
2. White Heroin 80,000-11,000 Rupees/kg. \$4,571-6,285.

IV. SOURCE COUNTRIES WITH KNOWN OR SUSPECTED HEROIN LABORATORIES/REFINERIES

Mexico	Pakistan
Burma	India
Thailand	Turkey
Laos	Taiwan
Afghanistan	Hong Kong
Iran	

HEROIN SITUATION IN THE UNITED STATES

(By FBI Caseload)

Division	Trafficking organization	Source country	Price	Purity (percent)
Philadelphia	Sicilian Mafia	India	\$130,000 to \$170,000 per kg.	60-80
	.....do	Pakistan	\$25,000 per ¼ kg.	
New York	Sicilian Mafia	Turkey/Alghanistan	\$210,000 per kg. (Morphine base)	65
	Sicilian Mafia	SEA	\$60,000 for 250 grams (No. 4).	92.6
	Chinese	SEA	\$35,000 per lb.	88-92
San Francisco	Sicilian Mafia	Turkey	\$185,000 to \$210,000 per kg. (White).	2-28
Washington Metropolitan Field Office	Iranians	Turkey	\$150,000 per ½ kg.	
	.....SEA		\$120,000 per ½ kg.	
	Chinese (Fukinese)	SEA	\$115,000 to \$125,000 per 1 ½ lbs.	88-92

ASIAN TRAFFICKERS

Pending Case:

(A) 5 separate heroin importation groups identified shipments ranging from 75-450 pounds.

(B) Over 10 lbs of heroin purchased/seized.

(C) Over 24 kilograms of cocaine purchased/seized.

Bamboo Dragon

(A) Involved: New York, Newark, WMFO, and San Francisco Field Offices.

(B) Targeted: Chinese Heroin Importation Network Obtaining Heroin from Hong Kong and supplying U.S., Japan, Taiwan, Korea, Australia and Europe.

(C) Purchases: Over 25 lbs of heroin in Hong Kong at \$222,293 (U.S.—1 kilo 200,000—12 kilos 2,400,000).

(D) Take Down: Hong Kong 11 arrests—88 lbs heroin recovered.

U.S.—5 arrests—22 lbs heroin ATF—in New York arrested 6 and recovered 50 machine guns.

Mexican Brown Heroin

(A) Distribution: Mainly from Durango Mexico through Southwest and up to Chicago by Herrera Family (5,000 members estimated).

(B) Chicago: Principal user city.

(C) Price: Stabilized.

(D) Have had successful prosecutions over the past 3 years and prosecutions still pending.

Crack Heroin

(A) New York drug intelligence unit—no reference.

(B) Believe may be referring to \$3 smoking heroin.

(C) Seizure in New York's Chinatown of heroin in pellets that, "resembled" crack. It was 20% heroin in pellets with codeine and caffeine.

Black Tar Heroin

(A) First Appeared: Mid 1970's in Chicago and Los Angeles.

(B) Manufactured: By independent farmers in Sonora, Durango, Sinaloa, and Guerrero (in competition with traditional trafficking federations).

(C) Distributed by: Mexicans/Mexican Americans dominate retail distribution—black retailers increasing. Usually distributing in quantities less than an ounce (25 grams in Mexican ounce).

(D) Appearance: Dark brown to black (roofing tar) being further processed to simulate traditional Mexican "brown" heroin.

(E) Purity: As high as 93% with 60% to 70% common.

(F) Price: milligram \$.25 vs. \$.232 (Nat'l heroin average) gram \$200 to \$600.

(G) Profit: Extraordinary \$300 oz in Mexico \$4,000 to \$6,000 in United States.

CURRENT DRUG USE TRENDS IN NEW YORK CITY—DECEMBER 1988

(By Blanche Frank, Ph.D. and William Hopkins, M.A.)

(EXCERPTS ON HEROIN TRENDS)

2. Heroin

Heroin activity had generally stabilized in the last few years; however, indicator data suggest an increase as presented in exhibit 2. The findings are the following:

Deaths due to chronic or acute intravenous narcotic continue to increase—from 512 in 1985, 601 in 1986, and 781 in 1987. Preliminary findings through the middle of October show more than 750 such deaths thus far in 1988; the number of deaths for all of 1988 is expected to reach 900 or more.

Emergency room admissions including heroin show a slight increase in the past year for the sample of DAWN hospitals in the New York metropolitan area. The number of heroin-involved episodes for 1987 (3,531 episodes) reveal an 8 percent increase since 1986 (3,820 episodes).

The 1987 patient profile shows that heroin-involved patients were likely to be male (71 percent), 30 years to 39 years (50 percent), and black (48 percent).

Overall treatment admissions to State-funded programs in New York City with heroin as the primary drug of abuse had been declining. In 1987, there were 10,773 admissions to treatment programs with heroin as the primary drug of abuse compared to 11,223 in 1986 (a decline of 4 percent). In the first six months of 1988, how-

ever, the trend has turned around and now shows a notable increase of 30 percent compared to the same period in 1987—from 4,805 heroin admissions to 6,231. Heroin admissions represent 41 percent of treatment admissions to New York City programs.

The New York City treatment system has been operating at or above capacity for many years. As of August 1988, state-funded programs have been operating at 102-percent utilization, and the funded methadone programs, with a current census of 25,499 clients, are operating at 105 percent utilization.

By far the most widespread secondary drug of abuse among those admitted to treatment for heroin as the primary drug is cocaine—62 percent of 1988 admissions. Although intravenous (IV) use is surely the most common route of administration (71 percent), intranasal use has been reported in a growing proportion—25 percent in 1988 compared to 21 percent in 1987 and 15 percent in 1986. Interestingly, 28 percent of heroin admissions have had no previous substance abuse treatment.

Demographically, 69 percent of these 1988 admittees are male and 31 percent are female; the median age is 32 years; and Hispanics continue to increase as the modal group, with 48 percent, compared to blacks (30 percent) and whites (22 percent).

Street studies show once again that heroin activity is having a major impact on the drug scene in New York City. The Street Research Unit reports that an increasing number of drug users are smoking a combination of heroin and crack. A speed-ball effect is produced by the smoking of this combination and is known on the street as "Chasing the Dragon". The use of heroin in conjunction with crack serves to prolong the high and reduces the negative effects (i.e., depression, paranoia, anxiety, etc.) which occur once the cocaine begins to wear off.

Also, the Street Research Unit reports that according to street sources the purity of heroin has increased. Users attribute the increase in purity to an attempt by heroin dealers to win back customers who might have been attracted to crack and who might be concerned about contracting AIDS. The recent reappearance and the increase in the number of reported cases involving "nodding off" by heroin addicts suggests that the purity of heroin has risen.

The DEA confirms the higher purity of street-level heroin in the City. The DEA continued its Domestic Monitor Program in New York City during the months of April through June in 1988. During the period, 23 street level purchases were made. Laboratory findings show an average heroin purity of 36.7 percent for the samples, with a purity range between 2.6 percent and 76.0 percent. The cost per milligram pure heroin ranges between \$0.40 and \$2.70.

In addition to "Chasing the Dragon" smoking crack and heroin on aluminum, heroin is also smoked in the crack pipe by sprinkling it on the crack rock.

In the past year, the New York City Police Department has made an increasing number of heroin arrests. In 1986, 17,289 heroin-related arrests were made, 22,168 in 1987—an increase of 28 percent in 1 year. By June 1988, the police had made a total of 12,351 heroin-involved arrests, which is a slight increase over last year. The Narcotics Division reports a more substantial increase in heroin arrests thus far in 1988; by September 1988, the division made 3,130 heroin ar-

rests compared to 2,591 at the same time last year—an increase of 21 percent.

Studies among recent male arrestees also indicate the use of opiates in this population, although not at the level of cocaine use. Since 1984, DUF studies in New York City show that 20 percent or more test positive for opiates. In the first quarter of 1988, 22 percent of the sample tested positive; by the second quarter, 27 percent of the sample were positive for opiates.

The New York City Department of Correction shows an increase in the number of admissions to the Rikers Island Detoxification Unit. The number had been relatively stable in 1985 and 1986 at a peak of more than 15,000 admissions. In 1987, the number increased to a new peak of 18,662 admissions, representing an increase of 18 percent since 1986 (15,828 admissions). In the first nine months of 1988, this trend has stabilized with almost the same number of admissions as in the comparable period in 1987. Hispanics are the modal group with 48 percent of admissions compared to blacks (37 percent) and whites (15 percent). In the last few years, adult males have been an increasing proportion of these admissions while adult females have been declining somewhat and adolescent males have been declining dramatically. In 1988, adult males represented 80 percent of admissions, adult females 19 percent and adolescent males 1 percent.

Births to heroin-using women show a recent increase, but the overall trend indicates that heroin users are a declining proportion of pregnant women who abuse drugs. In 1985, there were 286 births to heroin users compared to 361 in 1986—a 26 percent increase. The infant mortality rates for heroin babies are even higher than those for cocaine babies.

Technical Review Brief from the Research Technology Branch, Division of Preclinical Research, National Institute on Drug Abuse

PYROLYSIS STUDIES—COCAINE, PHENCYCLIDINE, HEROIN AND METHAMPHETAMINE

(By Nora Chiang and Richard Hawks)

INTRODUCTION

Smoking provides a unique way for the administration of drugs into the body. In considering the complex variables associated with the addiction process, smoking of drugs can be equated with intravenous administration of drugs. In both cases the drug gets to the brain in a matter of a few seconds and manifests its effects very rapidly. This provides the most intense "high" and therefore the most reinforcing memory. This route also leads to the most rapid decrease in the effect since the drug effects are not maintained by a slower absorption phase after the original administration. The rapid onset of the high greatly increases the desire for the next dose as the effects diminish and thus promotes the addiction process. This has contributed to the popular use of the smoke route for tobacco and marijuana for centuries. This also contributes to the increasing abuse of PCP in the past decade, and the current trend for the increased use of cocaine, methamphetamine and heroin by smoking.

Smoking is a very complex process. During smoking, drugs are subject to vaporization, steam distillation, oxidative degradation and chemical reactions with ingredients and/or impurities in the street doses. The pyrolytic compounds which result may have

pharmacological activities different from those of the parent drug and could contribute to the toxicity associated particularly with the smoking of drugs. Both the drug and its pyrolysis products, that are present in the mainstream smoke, must be considered in explaining the pharmacological and toxicological effects of the smoked drug.

The amounts of the drug and/or the pyrolytic products generated from a smoked dose are quite variable dependent on the physicochemical properties of the drug, the device used, and the manner by which the subjects smoke. In order to investigate the factors determining the amount of the parent compound which survives under different pyrolytic conditions, *in vitro* studies have been carried out under NIDA contracts. As drugs may be exposed to various temperatures during smoking, the pyrolysis studies of pure chemicals were carried out at temperatures ranging from 200° to 800°C, the latter being the temperature at the glowing end of a tobacco cigarette. Simulated smoking was also carried out with mechanical devices which mimic human smoking of abused drugs (at least in terms of puff frequency and puff volume). Since pyrolytic products are of importance in understanding the toxicological effects of the smoked drug, pyrolytic compounds generated from the pyrolysis studies were also characterized.

METHODS

Pyrolysis of pure chemicals was conducted at 200°, 300°, 400°, 600°, and 800°C. The experiments were carried out in a quartz boat which was placed in a quartz furnace tube and connected to traps. Air was passed through the system at 30 ml/min for all pure chemicals except for cocaine for which the air flow was at 80 ml/min. Pure cocaine was also pyrolyzed in a glass pipe. The exterior of the pipe bowl was heated by a small bunsen butane torch or alcohol flame and air was passed through the pipe.

To mimic street smoking, the drug under investigation was mixed with tobacco or parsley cigarettes and smoked in a smoking apparatus. The apparatus contained a cigarette holder connected to a flask. A stopcock and a needle valve which were placed between the flask and the cigarette holder were used to regulate air flow. The cigarette was smoked at a rate of approximate 1 cm per minute.

RESULTS AND DISCUSSIONS

Results of the pyrolysis studies for cocaine, heroin, methamphetamine, PCP and their respective HCl salt are presented in the following table:

PERCENTS OF DRUGS WHICH SURVIVED PYROLYTIC CONDITIONS

Conditions	Cocaine		PCP		Heroin		Methamphetamine	
	Base	Salt	Base	Salt	Base	Salt	Base	Salt
200 °C	82				70	90	93	76
300 °C			57	5	65	5	93	56
400 °C	27				30	4	93	64
600 °C	38			1	5	3	93	37
800 °C	16	1		1			93	25
Glass pipe	44							
tobacco cigarettes	6						18	18
Parsley cigarettes			30	42				

¹ Sekine, H. and Nakahara, Y., Abuse of Smoking Methamphetamine Mixed With Tobacco: I. Inhalation Efficiency and Pyrolysis Products of Methamphetamine, *J. of Forensic Science*, 32 1271-1280, 1987.

The data indicate that at low temperature (about 200°C) most compounds survived the pyrolysis and can be recovered intact. At higher temperatures, the HCl salts were in

general degraded to a greater extent than its respective free base form.

Cocaine free base at the temperature of 800°C was 16% intact, while its HCl salt was almost completely destroyed. When cocaine free base was smoked in a glass pipe, about 44% cocaine was recovered intact. However, when smoked in a cigarette, only about 6% of the dose of cocaine free base in the cigarettes passed through the smoke intact. These data explain the fact that predominate smoked form of cocaine is the free base and is smoked in a glass pipe. Methylegonidine was found to be a major pyrolytic compound for cocaine.

For phencyclidine, there is little difference in the amount of PCP which passes through the main stream smoke under simulated smoking conditions for PCP free based or PCP HCl mixed with parsley cigarettes. We have assumed that both PCP and its salt were most likely being vaporized before the burning tip of the cigarette reached it. Again, this data explains why the predominate form of this drug in street use is PCP HCl mixed with parsley, tobacco and marijuana. 1-phenylcyclohexene (PC) is the major degradation product of phencyclidine. Almost 1.5 times as much PCP as PC is found in the smoke for both the hydrochloride salt and the free base when these are smoked in a parsley cigarette. A major contaminant in illicit PCP is 1-(1-piperidino)cyclohexanecarbonitrile (PCP) which represents a potential health risk given the fact that it is considerably more toxic than PCP. In addition, cyanide is also a pyrolysis product of PCC under pyrolytic conditions.

Studies on heroin indicate that decomposition is much more extensive with the hydrochloride salt. Extensive degradation occurs at temperatures which might involve inhalation of heroin by smoking. Studies by Mo and Way¹ and Huizer² indicated that the recovery of heroin was also strongly dependent on the presence of diluents or contaminants. The recovery of intact heroin was increased when heroin HCl salt was mixed with either barbitol or caffeine, but decreased when mixed with procaine HCl salt. However, the recovery of intact heroin was not increased when heroin free base was mixed with these diluents. Pyrolysis products of heroin were identified. One pyrolytic product, 6-O-acetylmorphine, is also a metabolite of heroin and has narcotic activity and would be expected to contribute to the pharmacological effect. Another pyrolytic product, N-acetylnormorphine could possibly be metabolically converted to normorphine, and pharmacologically active opiate. Smoking of heroin could have significant toxicological consequences.

Methamphetamine free base which is in liquid form at room temperature vaporized easily and about 90% was recovered unchanged under 200-800 °C. Methamphetamine HCl salt could also largely survive the pyrolytic conditions. There was little difference in the amount of methamphetamine recovered from *in vitro* smoking stud-

¹ Mo, B.P. and Way, E.L., "An Assessment of Inhalation as a Mode of Administration of Heroin by Addicts," *Journal of Pharmacology and Experimental Therapeutics*, Vol. 154, No. 1, Jan. 1966 pp 142-151.

² Huizer, H. Analytical studies on illicit heroin. V. Efficacy of volatilization during heroin smoking. *Pharmaceutisch Weekblad Scientific Edition* 9:203-211, 1987.

ies done with either methamphetamine base and methamphetamine HCl.³

CONCLUSION

The amount of a drug which passes through the mainstream smoke and survives pyrolysis conditions is variable dependent upon the experimental conditions and the forms of the drug used. Compounds easily volatilized are more effectively delivered in the smoked form than those with lower vapor pressure. For example, cocaine HCl salt is less volatile than its free base form and is thus more extensively decomposed than its free base form under the same experimental conditions.

Although the use of methamphetamine by the smoked route has not yet evolved as a major route of administration in this country,⁴ it appears to be gaining popularity in Japan. Based on the data from *in vitro* smoking studies, methamphetamine free base can be recovered intact at all temperatures studied. While the salt form is more extensively degraded than the free base form, the degree of degradation is much less than that which occurs in other salt forms of the abused drugs studied. The data indicates that the recovery of methamphetamine in the main stream smoke of tobacco cigarettes is the same for both the HCl salt and the free base form. Since the free base form is liquid and more difficult to manipulate on the street, it might be expected that the salt form will predominate for the smoked route.

[From the Los Angeles Times, Feb. 25, 1988]

VIOLENCE FEARED AS ASIAN HEROIN INFLUX SOARS

(By William Overend)

A flood of highly potent Asian heroin suddenly pouring into the West Coast in record amounts has law enforcement officials worried about a possible surge of gang violence involving newly emerging Thai, Cambodian and Laotian drug rings bent on expanding their markets.

One top federal official warned that the situation has the potential for violence in California similar to the "cocaine cowboy" wars that plagued Florida in the 1970s when rival drug dealers engaged in shoot-outs in the streets.

The top U.S. Customs drug enforcement official on the West Coast, John E. Hensley, said the recent murder of two Drug Enforcement Administration agents during an investigation into an Asian heroin ring could be "the tip of the iceberg" of violence by Asian gangs in Los Angeles and other major California cities.

"We've had a lot of violence in the Asian gangs in the past, but now they are dealing with such vast amounts of heroin that they are coming out of the Asian community and attempting to link up with the Mexican, black and organized white groups that control the street distribution systems," Hensley said.

"We've had strategy meetings over the last three months to see how we might get a handle on this," he added. "If the Asians start mixing it up with the Mexican and black gangs, we may see the gun battles and

murders that marked the old Colombian cocaine cowboy wars in Miami a decade ago. With the kind of money involved, either side could do the shooting."

Officials of the Los Angeles Police Department and the DEA agreed with Hensley's assessment that there has been a marked increase in so-called "China White" Asian heroin in the Los Angeles region in the last two years.

TRAFFIC SOARING

"We are definitely getting more China White than in the past," said Deputy Chief Glenn Levant of the LAPD. "It's running neck and neck with Mexican heroin. The very week that the two DEA agents were murdered DEA seized over 200 pounds of China White in two separate seizures."

The chief DEA spokesman in Los Angeles, Roger Guevara, said federal estimates until recently were that 15% of the heroin smuggled into California was of the Asian variety.

"There is a major increase," Guevara said. "We now estimate that Southeast Asian heroin represents 50% to 80% of all the heroin coming into the country. It's a huge influx for Los Angeles, and it has turned Los Angeles into a major transshipment center for New York."

"The Asians, including the Taiwanese, have a ready supply and the potential growth of Asian gangs in heroin distribution can lead to more violence," Guevara said. "On the other hand, the blacks, Mexicans and the whites have always controlled the street heroin market."

"The potential is also there for an alliance," Guevara said. "In addition to the new Asian groups who are just getting started, we have the old Chinese triads such as the Wah Ching, who have had their hand in heroin for years."

Hensley and other federal drug officials agreed with the LAPD estimate that Asian heroin being shipped primarily into Los Angeles, San Francisco and San Diego now rivals the amount of Mexican brown heroin being smuggled across the border.

Roughly half the Asian heroin is consumed in California and the rest is shipped throughout the country as far east as New York, which has the nation's largest population of heroin addicts, Hensley said.

He estimated that California is now the entry point for half the heroin coming into the United States.

"A few years ago we were finding grams of heroin and opium being sent by mail to Cambodians, Thais, Laotians and Vietnamese," Hensley said. "In late 1985, that started to become ounces. Now we're getting kilogram quantities coming in through the mails in addition to the amounts we take off ships and couriers."

"In just one case this year we had 64 pounds of China White heroin sent in three different packages to one house in Oakland," Hensley added.

"In the first four months of this fiscal year alone we have seized 77 pounds in the mails. That's more than we seized in the mails in the last three years and we expect it to continue to increase dramatically."

Until the last two years, Hensley said, most of the Asian heroin and opium being shipped to West Coast cities was consumed by Asian users in California. The economics of the heroin trade, however, made it inevitable that the Asian heroin distributors would seek broader markets among other ethnic groups in the nation.

"Asian heroin will often come into this country at 95% purity, compared to maybe

80% purity for Mexican heroin, which is generally viewed as an inferior product," Hensley said.

"One kilo [2.2 pounds] of Asian heroin [which sells in Thailand for \$7,000 to \$11,000] will sell here for between \$90,000 and \$200,000. That compares to \$12,000 or so for a kilo of cocaine. And the heroin can be cut much more than cocaine. The heroin addict usually gets a product that's 3% to 10% in purity. On the street, a kilo ends up being worth a couple of million dollars."

Hensley said West Coast Customs agents seized 165 pounds of Asian heroin in 1987, roughly 65% of the national total seized. Since Oct. 1, the start of the 1988 fiscal year, Customs agents have already seized 111 pounds of China White heroin, half of all the Asian heroin seized in the United States.

"The scary part about all this is that we don't have as much of a handle on the Asian groups as we do on the Mexican and black heroin rings," Hensley said. "We simply don't have the Cambodian and Laotian agents to put in there. Plus this stuff, particularly the Cambodian heroin, is coming from Communist Bloc countries that don't give us any help at the point of origin."

HEROIN CRACKS COCAINE MARKET—STATISTICS INDICATE SURGE IN USE

(By Mike McQueen)

NEW YORK.—Elliot Major has been hooked on heroin since 1975, but says he is stunned by what he sees on the streets nowadays.

"I've seen little kids buying heroin. I never saw that before," says Major, 44, now in a heroin recovery program.

After a lull in the early 1980s—when cocaine replaced heroin as the USA's drug of choice—signs are that heroin is attracting new users, says a recent Justice Department report.

Two government reports on narcotics, due within a month, are expected to give further insight on heroin use.

The most recent government estimates put the number of U.S. heroin addicts at 500,000. Ten years ago, the government estimated there were 420,000 heroin addicts. Some 1.5 million are estimated to be occasional users.

But the problem could be more serious, key heroin use indicators show:

Deaths. Heroin-related deaths increased 18 percent between 1981 and 1988, when 1,100 people in the USA died from the drug according to coroners' reports.

Hospital emergencies. Nationally there was an 8 percent increase from 1987 to 1988. In Buffalo, emergency room cases rose 237 percent from 1986-88, with 101 cases reported last year.

Availability. Between 1986 and 1988 the amount of Mexican heroin entering the USA doubled. Supplies from Southeast Asia rose 50 percent, according to the National Narcotics Intelligence Consumers Committee.

Drug seizures. Nationally, heroin seizures by the Drug Enforcement Administration increased 288 percent from 1981 to last year, when 1,747 pounds of the drug were interdicted.

No one's predicting that heroin will supplant cocaine as the USA's top drug. Instead, new converts to heroin appear to be primarily cocaine users, officials say.

"Drug users are always looking for a new, a better high. So, subsequently, what we're now starting to see is the so-called smoke speedball," says Dr. James Cocores, who

³ Sekine, H. and Nakahara, Y., Abuse of Smoking Methamphetamine Mixed With Tobacco; 1. Inhalation Efficiency and Pyrolysis Products of Methamphetamine, J. of Forensic Science, 32, 1271-1280, 1987.

⁴ Data from the Drug Abuse Warning Network, Annual Data—1987, National Institute on Drug Abuse, Statistical Series, Series 1, Number 7, DHHS Publication No. (ADM)88-1584, 1988.

runs the drug treatment program at Fair Oaks Hospital in Summit, N.J.

A smoke speedball occurs when the drug user snorts cocaine, a stimulant, and then quickly snorts heroin. "The heroin gives the addict a mellower high," Cocores says.

Ronnie Lonoff, a supervisor at a national cocaine hot line, also in Summit, says workers have noticed a slight rise in calls from cocaine addicts who are using heroin.

"There's been such a hype about cocaine and crack that people have forgotten about heroin," she says.

The danger, Cocores says, is that the speedball has the potential for catching on with white-collar drug addicts.

"Someone working in a Manhattan office doing crack is irritable—and noticeable. With the heroin to control the cocaine, the addict feels he can escape detection."

Fear of AIDS is another reason more are snorting—instead of injecting—heroin.

Of New York's 9,700 reported cases of the deadly disease, officials say, 37 percent are heroin addicts. New York City is also home to half of the nation's heroin addicts.

Ray, 35, a recovering heroin addict being treated at Beth-Israel's Harlem methadone clinic, has sold heroin since he was 13. "There's more stuff on the streets and people just want more and more of it," says Ray, who wouldn't give his last name.

Like other patients at Beth-Israel, which pioneered methadone treatment, Ray says he's confident he'll be able to kick his heroin addiction. Unlike cocaine addicts, heroin addicts can take methadone to control cravings.

"For most, methadone is really a lifesaver," says Arthur Zanko, chief of the methadone program at Beth-Israel, which is treating 5,700 heroin abusers. Like the drug, demand for treatment is intense: 40 percent more methadone patients were accepted this year and 661 are on the waiting list.

Major also is confident his drug days are over.

While some heroin habits run \$1,000 a week, Major says he spent only \$75 each week—and was able to hold a steady job. Major says he started heroin "because it was there. It was available and I never thought I'd get hooked."

His suggestion on how to stop heroin converts? "Keep it out of here. Stop it before it reaches this country."

[From the Washington Post]

OPIUM PRODUCTION RISES IN GUATEMALA MOUNTAINS—DRUG-RELATED CORRUPTION CONCERNS OFFICIALS

(By Wilson Ring)

CUILCO, GUATEMALA.—U.S. and Guatemalan officials are worried by a meteoric rise in opium production in the mountains of western Guatemala and by the power that drug traffickers wield there.

Within the last two years, thousands of acres of agricultural land near this town along the Mexican border have been converted from conventional farming to poppy production, according to local officials and foreign diplomats.

Poppy cultivation has spread so quickly that the yearly harvests now can produce enough opium for processing into heroin to supply triple the yearly needs of the estimated 500,000 U.S. addicts, according to a diplomat familiar with the drug problem in Guatemala.

The producers, allegedly protected by Guatemala's leftist guerrillas and armed by Mexican drug traffickers, are said to have so much firepower that Guatemalan authori-

ties are afraid to venture into the mountains to try to destroy the crops.

Guatemalan officials and foreign diplomats have said they fear that the opium money and influence, along with cocaine transshipment from South America to the United States and Europe, and marijuana production in eastern Guatemala, could derail Guatemala's nascent democracy.

"The poppy is the scourge of the Guatemalan people," said Alejandro Roblero Reyes, the mayor of Cuilco. "Even though Guatemalans don't use it, it is bad." He said the poppy has brought to Cuilco the previously unheard of crimes of robbery, murder and rape.

The United States has tried to limit poppy production here with aerial spraying of herbicides, but the planes have been grounded since late last year because they were constantly being shot at, making it impossible to protect the American pilots, according to U.S. officials in Guatemala City.

While many people of Cuilco support destruction of the poppy crops, U.S. eradication efforts are causing resentment among farmers, who charge that the chemicals used to poison the poppies are killing their legal crops and honeybees.

Guatemala took on increased importance as a drug producer and a transshipment point several years ago as U.S. interdiction efforts in the Caribbean and Mexico became more successful, said another diplomat familiar with the drug problem.

Roblero said poppies were first brought to Cuilco by Mexican growers about five years ago, but the crop has taken hold just in the last 18 months. "When they started to grow poppies, the Mexican chiefs brought the teachers and we were the students. Now the Guatemalans are the teachers," he said.

Most of the poppies are grown by poor, Indian peasants who have been able to triple their incomes by growing the illegal crop and selling it in Mexico, Roblero said.

The rugged mountains of Huehuetenango and San Marcos often are more accessible from Mexico than from central Guatemala. The Mexicans supply the Guatemalans with everything needed to grow the poppies, including irrigation equipment and plastic sheeting to cover the fields when spray planes fly over, the second diplomat said. After harvest, the opium gum is sent to Mexico for processing into heroin, the sources said.

Poppy eradication is supposed to be carried out by the Guatemalan Treasury police, but they are poorly trained and ill equipped to fight the traffickers. Treasury Police agents carry World War II-vintage M-1 carbines and pistols, the diplomats said.

In 1987, drug traffickers killed six Treasury policemen near San Marcos, south of Cuilco. Last month, one agent was killed and another wounded by drug runners during an eradication raid, the diplomats said.

The traffickers arm themselves with the most modern weapons they can get. The Mexicans supply most of the arsenal, some of which is purchased in gun stores in the United States, the second diplomat said, adding that leftist insurgents give the poppy growers protection in exchange for money to fund their revolutionary movement.

Sergio Aquino, a Treasury policeman in Cuilco, said the last time his 16-man detachment went into the mountains looking for poppy fields, it was met on the trail by a group of 60 heavily armed growers who ordered them to turn back. Aquino said his

men have not left Cuilco on a drug eradication mission since.

Jilario Garcia, who commands the Treasury Police detachment in Cuilco, said the Guatemalan army has never offered protection to the antidrug agents. The second diplomat said the army high command was afraid to send patrols to hunt drugs because they did not want to expose young officers to the huge bribes offered by traffickers.

The United States, which has budgeted almost \$1 million to fight drugs in Guatemala this year—more than double the 1988 figure—has made a number of changes in the spraying operation and is due to resume the flights in early July, U.S. Embassy officials said.

The embassy has denied that the herbicide glyphosphate, used to kill the poppies, harms bees, and it has asserted that legitimate crops are not affected because oil is added to the chemical to prevent it from being carried by the wind away from the poppy fields.

Poppy production is not the only illegal drug problem facing Guatemala.

In eastern Guatemala near the border with Belize, large sections of virgin jungle are being cleared to plant marijuana. As in the west, leftist guerrillas are reported to be providing protection and the government is unable to stem the flow.

Like the other countries in Central America, Guatemala has dozens of unwatched airfields where planes coming from Colombia can refuel and fly to the United States or drop their loads for reshipment, the diplomats said.

Lax export controls make it easy for smugglers to hide cocaine shipments on commercial airliners or freighters, the same diplomats said. Guatemalan officials estimate that more than 1,000 pounds of cocaine move through Guatemala every week.

On June 24, Drug Enforcement Administration agents and Guatemalan police seized more than 2,000 pounds of cocaine in Antigua, a tourist attraction outside Guatemala City.

Diplomats said the drug phenomenon is so new here that the Guatemalan military has not been corrupted, but they said they worry that the military may be by the huge amounts of money involved, if the current trend continues.

Rumors abound here that drug corruption already has crept into the highest levels of civilian government.

Alfonso Cabrera, the former foreign minister and leading candidate to succeed President Vinicio Cerezo, has been linked to cocaine trafficking. He has denied having connections to the drug world.

The U.S. Embassy will not say if it has evidence linking Cabrera to drugs, but officials also refuse to give him a clean bill of health.

[From the New York Times]

HEROIN SEIZURE AT 3 QUEENS SITES IS CALLED BIGGEST U.S. DRUG RAID

(By Michel Marriott)

Federal agents and the New York City police seized more than 800 pounds of heroin in Queens late Monday and early yesterday, confiscated \$3 million and arrested 19 people linked to a major Southeast Asian heroin network in what city and Federal authorities said was the largest drug seizure ever in the United States.

Working under the code name of "Operation White Mare," more than 100 F.B.I. agents and city police officers raided three

locations, finding the drugs in rented trucks parked in the driveways of two houses and the cash in a third house, authorities said. The locations were identified in an 18-month international investigation that has involved police agencies from New York to Hong Kong.

Drug experts have long said that a single drug seizure, no matter how large, will not deeply affect nor long disrupt the global drug market. At best, Federal officials said, the raids may temporarily drive up the price of heroin in New York.

A BACKLOG OF HEROIN

"Because there is so much of a backlog of the drug we won't start to see the impact for at least a few months," Andrew J. Maloney, the United States Attorney for the Eastern District of New York, said.

But Mr. Maloney was more certain that the raids have greatly hurt a Chinese heroin ring operation in the New York City metropolitan area. Not only has the ring lost \$1 billion worth of heroin and \$3 million in cash, but 45 figures linked to the ring have been arrested worldwide because of Operation White Mare, he said.

Among those arrested was Fok Leung Woo, a 71-year-old Chinatown businessman and prominent force in Chinatown's Democratic politics. The owner of Taipan Liquors at 53 Mott Street, Mr. Woo, also known as Peter Woo, is a former chairman of the Chinatown Democratic Club, which is still housed beneath his liquor store, authorities said.

ASIAN SUPPLIERS, NEW YORK BROKER

Mr. Maloney said the investigation, which included court-authorized telephone wiretaps, identified Mr. Woo as a broker, whose role was linking heroin suppliers in Hong Kong and Singapore with couriers who bring the drug into the United States and Canada, and with distributors.

Investigators said it was not unusual for Mr. Woo, using his company called 14 K Triad, to make deals involving as much heroin as the 820 pounds of the drug confiscated Monday.

Inspector Richard Mayronne, a New York City Police spokesman, said that much of the narcotic could supply approximately half of New York City's estimated 250,000 heroin addicts for a year. Federal drug officials described the heroin, which came from Thailand, as of particularly high quality and 90 percent pure.

For years much of the heroin on city streets was about 15 percent pure, drug experts say. With the recent predominance in the United States heroin trade of Southeast Asians, who have replaced more traditional organized crime groups, the drug has been offered for sale in increasingly purer, and more potent, form while prices have remained stable.

CHINESE LINKED TO BULK OF SUPPLY

"Today's case, along with some other cases, is clear proof that the Chinese are responsible for 70 to 80 percent of the heroin that is smuggled into New York," said Mr. Maloney. Using an undercover operation formed by the Organized Crime Drug Enforcement Task Force, the Federal Bureau of Investigation and New York City police closed in on three locations in Flushing, Queens: 97-06 46th Street, 142-23 Booth Memorial Avenue and 22-30 128th Street.

At two of the locations, the police discovered the heroin packed into hollowed-out rubber wheels, which were packed in over 250 crates and loaded in rental trucks that

had been driven from Los Angeles, the police said.

Also arrested was Mr. Woo's New York business partner, Kwong Chock Chiu, also known as David Kwong.

Of the 31 charged with conspiracy to import and distribute narcotics in United States District Court in Brooklyn, 14 were discovered to be already in jail in Detroit, Buffalo, Toronto and Hong Kong, police said. Another 14 had been arrested in New York, Los Angeles, San Francisco, Hong Kong, Vancouver and Singapore.

[From the New York Times, July 13, 1987]

LATEST DRUG OF CHOICE FOR ABUSERS BRINGS NEW GENERATION TO HEROIN

(By Michel Marriott)

A highly addictive mixture of crack and smokable heroin is emerging as the new drug of choice among some of New York City's chronic drug abusers, city and state drug-treatment officials say. The combination threatens to addict a new generation to heroin, which was believed to be waning in popularity.

The mixture is considered particularly dangerous, experts said, because it combines the physical addiction of heroin with the intense high of crack.

A LONGER HIGH

"This could easily be the worst news to the drug-abuse-control community since the emergence of crack in the early 1980's," said Mark A.R. Kleiman, a lecturer in public policy at Harvard University's John F. Kennedy School of Government.

A recent survey by a New York City treatment program found that 37 percent of nearly 100 drug abusers said they had tried the mixture. It is called a variety of names, including "crank" and "speedball," though it bears little resemblance to street drugs that have similar names but are used differently.

Speedball usually refers to the intravenous injection of cocaine and heroin. The new mixture of crack and heroin is smoked in a pipe.

The smokable heroin lengthens the crack high and reduces the intensity of the depression that follows it, said Joyce Hartwell, executive director of the Recovery Hot Line and Addiction Anonymous Education Project in New York City.

"It is not at all surprising that heroin is making a comeback," said Dr. Mitchell S. Rosenthal, president of Phoenix House, which operates 10 drug-treatment centers in New York and California. "We've been expecting something like this for the past three years."

"Crack users need some way to come down from that racing high," he said, "and it was inevitable for a large number to eventually turn to heroin. But we didn't expect to see so much so quickly."

The drug combination is sometimes sold premixed, users said, and generally costs about \$10 a dose, roughly twice as much as a dose of crack. While it has not been found outside New York City, drug-enforcement officials say, it is likely to appear in other large cities where crack and heroin are already widely available.

Ms. Hartwell and other experts said they fear that smoking heroin in any combination will appeal to young drug abusers who have historically been reluctant to use hypodermic needles and other paraphernalia associated with heroin. That aversion has been heightened in recent years, said Mr. Hartwell, as the link between intrave-

nous drug use and AIDS has become better known among drug abusers.

Some treatment specialists said crack users who think heroin enables them to control their high might be less willing to seek treatment.

LESS THAN A YEAR

In a survey completed Tuesday, Phoenix House officials asked the last 97 drug abusers entering a long-term treatment program whether they had used the crack-heroin mixture.

Thirty-seven percent said they had, said Chris Policano, a Phoenix House spokesman. In all cases, the drug abusers had been mixing the drugs for less than a year, Mr. Policano said.

"They are telling us things like, 'Heroin saved my life. It slowed me down from crack,'" he said. "But the truth is that they are dysfunctional, a whole population chronically intoxicated."

And unlike intravenous heroin, which is mostly used by men, smokable heroin, like crack, is being used by as many women as men, the Phoenix House survey suggests.

Since the early 1970's, the number of heroin addicts in New York State has remained at about 250,000, state figures show; most of them are in New York City. The average addict is male and in his 30's. In contrast, crack users are usually in their teens and early 20's, treatment experts said.

QUEST FOR BEST HIGHS

A primary fear is that crack users who smoke the crack-heroin combination will become addicted. Eventually, the addict would probably turn from smoking heroin to injecting it, said Dr. Stanley Yancovitz, chief of the chemical dependency division of the Beth Israel Medical Center.

Williams Hopkins, who studies drug trends for the New York State Division of Substance Abuse Services, said mixing heroin and crack is a natural consequence of addicts' near-constant experimentation to get the best highs.

"Now they are taking the worst of both," Mr. Hopkins said.

Drug experts said a reason for the mixture's popularity is the nature of the high from crack, which is a stimulant. The high is brief, from 8 to 10 minutes, and extremely intense. Some crack users refer to the high as all the pleasurable feelings they have ever had crammed into a few minutes. But once the high abates, users say, they become jittery and depressed.

ESCAPE THE 'CRASH'

Heroin, a sedative, produces a high that may last as long as four hours.

To escape the depression or "crash," crack addicts are turning to a range of sedatives including marijuana, alcohol and heroin, said Mr. Hopkins.

Smoking heroin, which is how it is ingested in much of the world outside of the United States and Europe, has only recently become economically practical in New York as heroin has become more abundant and pure, he said.

Bob Strang, a spokesman of the New York City office of the Federal Drug Enforcement Administration, said the quality of heroin in the city went from 12 percent pure to 45 percent in the last three years.

"And the price has remained stable as the supply has remained up," he said.

Lisa, a 28-year-old former crack addict enrolled in a Harlem drug-treatment center, said it was not usual to see people "chasing

the dragon," an old term newly applied to smoking heroin with crack.

"Crack hypes you up," she said. "The heroin gives you a calm, drowsy high."

"A lot of people," Lisa said, "are chasing the dragon now."

SAVINGS AND LOAN BAILOUT LEGISLATION

Mr. GRASSLEY. Mr. President, the conference committee on the savings and loan bailout legislation has been meeting throughout last week and this week. Soon it will make its report to the other body and to this body.

Adoption of the conference committee report will dramatically change the environment in which financial institutions do business. The regulatory environment, the competitive environment, the consumer environment, and the deposit insurance environment, will all be considerably different.

The conference report will entail comprehensive policies. At this time, however, I wish to address just one of its provisions—the 18-month Treasury study on the topic of deposit insurance for financial institutions.

I believe that this study is critical. It will provide the basis of prospective legislation to reform the way in which financial institutions contribute to and are covered by deposit insurance.

Deposit insurance, Mr. President, is the principal feature of financial institutions which generates consumer confidence. The perceived failure of the deposit insurance system poses the biggest threat to that same consumer confidence.

With this in mind, it is critical that the make-up and agenda of the study are conducive for a thorough review process. I was concerned then, when it was brought to my attention that the official at the Department of the Treasury who will essentially lead the study may have a biased perspective.

Mr. Robert R. Glauber, as Under Secretary for Domestic Finance, is Treasury's top banking policymaker. In that position, he will lead the Department's initiatives in the examination of deposit insurance.

Mr. Glauber formerly served as a professor of finance at the Harvard Business School. While serving in that capacity, he also served as a consultant for sizable financial interests.

According to the financial disclosure Mr. Glauber provided the Senate Banking and Finance Committees for his confirmation, he was paid \$874,445 in 1988 for salaries, consulting fees, directorships, and royalties. His 1988 income included a \$300,000 consulting contract with Morgan Guaranty Trust Co.

I am sure that Mr. Glauber is an honorable man. High salaries do not necessarily compromise one's integrity. His background, however, is dominated with the business of big regional and international financial interests.

I know that successful businessmen in the world of high finance are always well paid. Public and private interests have sought Mr. Glauber's expertise.

Secretary Brady, for example, sought his expertise for the Brady Commission study of the 1987 Wall Street crash.

I am sure the Department of Treasury is fortunate to have the benefit of Mr. Glauber's experience, especially for the comparatively modest salary of \$82,500.

I just hope that the members of the Banking Committee will ensure that the deposit insurance study will not suffer from direct or indirect bias from the persons administering the study. Bias in favor of big banks would be devastating to community banks, which have more at stake.

Big money center banks, with their vast resources, already have an advantage in influencing legislation. They sure exercised that influence during Senate debate of the thrift bailout bill to defeat the Nickles-Grassley amendment to assess foreign deposits.

Let me explain. Federal regulators have a philosophy of "too big to fail." Depositors of money center banks essentially incur no risk, because Federal regulators will not allow big banks to fail.

FDIC Chairman William Seidman has repeatedly stated that the "too big to fail" philosophy is here to stay. In a statement last November before the Garn Institute Insurance Forum, he laid out his position. And I quote:

Allowing a major bank to default could destabilize the total financial system. If the United States became the only industrialized nation to allow depositors and creditors of a major bank to suffer, that would undermine the international financial system, to say nothing of the competitive position of U.S. banks. The bottom line in this discussion is that nobody really knows what might happen if a major bank is allowed to default. Combining cost factors with unacceptable risks likely are going to be handled in a manner that protects all depositors and other general creditors.

Well, I do know what happens when a community bank fails. I regret to report to this body, Mr. President, that 40 times over the last decade I have been reminded of what happens to Iowa communities when their banks fail.

It is not the purpose of this statement to argue about the "too big to fail" philosophy. I simply urge my Senate colleagues to be sensitive to its impact when examining deposit insurance.

Because the "too big to fail" philosophy dominates the mindset of Federal regulators, deposit insurance is nearly a mute point for big banks. Federal regulators will not allow them to fail, so they do not have to cash in on their deposit insurance.

That same protection is not available to small banks, many of which have been closed across the rural countryside. I trust the study will analyze the deposit insurance issue from the vantage point of how it will affect all banks, not just the 25 largest banks.

I hope that Mr. Glauber's association with Citibank and Morgan do not overly influence his judgment. I hope that the potential to capitalize on his Treasury experience, when he returns to Harvard, will not shade his vision of the entire banking community.

Mr. President, I also hope the Senate Banking Committee will insist that these concerns be appropriately addressed. I urge the conferees to include language in their conference report which directs the study to include an analysis of the recommendations' impact on all banks.

I have written to the Senate Banking Committee members of the conference committee to make this request.

I ask unanimous consent that a copy of my letter to Senator RIEGLE, the committee's chairman, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, July 20, 1989.

HON. DONALD RIEGLE, JR.,
Chairman, Senate Committee on Banking,
Housing, and Urban Affairs, Washing-
ton, DC.

DEAR DON: I recognize and appreciate the supreme effort of the Senate members of the Conference Committee on S. 774 and H.R. 1278, the Financial Institutions Reform, Recovery, and Enforcement Act. I don't envy your responsibilities for their level of complexity, severity, and controversy. The impact of this legislation, no doubt, will change the environment in which financial institutions do business for decades to come.

I request that you turn your attention to a seemingly small issue, in context of the legislation in its entirety. That issue is the eighteen-month study by the Department of the Treasury on federal deposit insurance. While some might consider it "just a study," I believe that its findings and analyses will provide the base for prospective legislation to reform federal deposit insurance. Such insurance is possibly the most significant attribute for consumer confidence in financial institutions.

Deposit insurance policy, however, does not affect all banks equally. Smaller community banks, represented by virtually every bank in Iowa, have much more at stake. Americans witnessed hundreds of community banks close in the last decade. Depositors who held deposits in excess of \$100,000 were forced to take a personal loss. Yet, because the Federal Deposit Insurance Corporation exercises a policy of "too big to fail," depositors of large banks have been protected from loss, regardless of the size of their accounts.

It is not my intent to debate the merits of a "too big to fail" policy. It is my desire, instead, to raise the issue that deposit insurance policies have a different impact on

community banks than they do on large regional banks. I request that the conference committee specify in its report that the Treasury study must include analysis on the impact on banks for each of its recommendations, categorized according to size of institution and nature of asset and liability base. I expect the Banking Committee would greatly benefit from this information when it begins to develop legislation to reform deposit insurance.

Thank you for your consideration in this matter.

Sincerely,

CHARLES E. GRASSLEY.

1989 MIDYEAR REPORT

The mailing and filing date of the 1989 midyear report required by the Federal Election Campaign Act, as amended, is Monday, July 31, 1989. All principal campaign committees supporting Senate candidates must file their reports with the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510-7116. You may wish to advise your campaign committee personnel of this requirement.

The Public Records office will be open from 8 a.m. until 9 p.m. on the filing date for the purpose of receiving these filings. In general, reports will be available 24 hours after receipt. For further information, please do not hesitate to contact the Office of Public Records on (202) 224-0322.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Kalbaugh, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and withdrawals, which were referred to the appropriate committees.

(The nominations and withdrawals received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 4:30 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the amendments of the Senate to the following bills:

H.R. 999. An act to reauthorize the Advisory Council on Historic Preservation; and

H.R. 1485. An act to direct sale of certain lands in Clark County, NV, to meet national defense and other needs; to authorize sale of certain other lands in Clark County, NV; to further the ability of the United States to recover for damages to certain marine and other resources of the National Park System; and for other purposes.

The message also announced that the House has passed the following bills in which it requests the concurrence of the Senate:

H.R. 1056. An act to amend the Solid Waste Disposal Act to clarify provisions concerning the application of certain requirements and sanctions to Federal facilities; and

H.R. 2844. An act to improve the ability of the Secretary of the Interior to properly manage certain resources of the National Park System.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 1056. An act to amend the Solid Waste Disposal Act to clarify provisions concerning the application of certain requirements and sanctions to Federal facilities; to the Committee on Environment and Public Works.

H.R. 2844. An act to improve the ability of the Secretary of the Interior to properly manage certain resources of the National Park System; to the Committee on Energy and Natural Resources.

MEASURES PLACED ON THE CALENDAR

The following bill, previously received from the House of Representatives for concurrence, was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2799. An act to amend the Agricultural Act of 1949 for the 1990 crops to allow the planting of alternate crops on permitted acreage and to amend the provisions regarding the designation of farm acreage base as acreage base established for oats.

ENROLLED JOINT RESOLUTIONS PRESENTED

The Secretary of the Senate reported that on today, July 20, 1989, he presented to the President of the United States the following enrolled joint resolutions:

S.J. Res. 93. Joint resolution to designate October 1989 as "Polish American Heritage Month";

S.J. Res. 110. Joint resolution designating October 5, 1989, as "Raoul Wallenberg Day"; and

S.J. Res. 129. Joint resolution to provide for the designation of September 15, 1989, as "National POW/MIA Recognition Day."

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-214. A resolution adopted by the Legislature of the Commonwealth of Massachusetts; to the Committee on Agriculture, Nutrition and Forestry:

"RESOLUTION

"Whereas consumers in this country have historically purchased and consumed dairy products as a naturally produced and pure product; and

"Whereas bovine growth hormone is being tested for introduction, and when introduced may be administered to milk-producing cattle in order to increase milk production; and

"Whereas the use of this hormone may be of serious concern to consumers, may adversely affect the long-term health of cattle and may pose a threat to small farms; and

"Whereas the commercial use of this hormone may have significant impact on the dairy industry and the 1990 Farm Bill; and

"Whereas it is our desire that commercial food stores in the commonwealth refuse to sell milk and milk products that have been treated with the bovine growth hormone prior to said study; Therefore be it

"Resolved, That the Massachusetts General Court urges the Congress of the United States to require a study of the economic effect of bovine growth hormone on farms, consumer preference and the dairy industry prior to permitting its commercial introduction and distribution; and be it further

"Resolved, That a copy of these resolutions be forwarded by the Clerk of the House of Representatives to the presiding officer of each branch of Congress and to the members thereof from this commonwealth."

POM-215. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Armed Services:

"ASSEMBLY JOINT RESOLUTION 40

"Whereas Fort Irwin, California, is presently almost entirely committed to the support of active component units and there now exists a real need for a training center and site for Reserve and National Guard units to achieve training of the quality necessary to ensure survivability on the modern battlefield; and

"Whereas the proposed training area at Hawthorne, Nevada, possesses a wide variety of topography, and the climate itself makes the location ideal for armor and infantry training, thereby offering one of the best locations in the United States for desert operations; and

"Whereas the establishment of a National Guard Training Center at Hawthorne, Nevada, dedicated to Reserve and National Guard components, would provide a variety of training scenarios on adjacent land to the Hawthorne Army Ammunition Plant in concert with other existing land uses; and

"Whereas it is estimated that the establishment of a National Guard Training Center would bring a needed economic benefit to Hawthorne, Nevada, and the surrounding area, as the Hawthorne area has been for several years, and presently is in a state of economic decline; and

"Whereas the site selection of Hawthorne, Nevada, for the establishment of a National Guard Training center affords the ideal strategic location for Reserve and National Guard training in terms of the wide variety and availability of land, desert, climate and terrain, central accessibility of the area as a hub to Reserve and National Guard units throughout the western United States, and already possesses the unique asset of the existence of the Hawthorne Army Ammunition Plant and base, which is accessible by air, rail and motor convoy and can be utilized in joint use and operations by Reserve and National Guard forces with the regular military forces of the United States Armed Forces; Now, therefore, be it

"Resolved by the Assembly and Senate of the State of Nevada, jointly, That the Legis-

lature of the State of Nevada hereby urges the Congress of the United States and the National Guard Bureau to establish a training center, along with a multipurpose range complex, at Hawthorne, Nevada, for the training of Reserve and National Guard units; and be it further

"Resolved, That copies of this resolution be transmitted by the Chief Clerk of the Assembly to the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives, the National Guard Bureau and each member of the Nevada Congressional Delegation; and be it further

"Resolved, That this resolution becomes effective upon passage and approval."

POM-216. A resolution adopted by the Senate of the State of Hawaii; to the Committee on Commerce, Science, and Transportation:

"SENATE RESOLUTION No. 237

"Whereas the National Commission on Space has declared that there is a need for improved education about the earth, the solar system and the universe, especially for the young as they plan careers; and

"Whereas the University of Hawaii Institute for Astronomy has fostered the development of two of the State's highest peaks into world class scientific observatory sites; and

"Whereas the Bishop Museum Planetarium, the University of Hawaii Onizuka Center for International Astronomy at mid-elevation on Mauna Kea, the Hilo Campus Center for Astronomy and Space Education, the University of Hawaii Institute of Geophysics Pacific Regional Planetary Data Center, the Department of Education, and the Department of Business and Economic Development Office of Space Industry have growing space education programs; and

"Whereas NASA has an ongoing program in research and educational activities which are relatively inaccessible to Hawaii's people, due to the distance of Hawaii from the National Air and Space Museum in Washington, D.C. and NASA's regional facilities; Now, therefore, be it

"Resolved by the Senate of the Fifteenth Legislature of the State of Hawaii, Regular Session of 1989, That NASA is urged to assist the Department of Education of the State of Hawaii with the teacher resource centers, teacher training services, science center planning, and programming for a summer space camp; and be it further

Resolved, That NASA is requested to bring its spacemobile vehicle to Hawaii in the near future for visits to public and private schools and the Bishop Museum Planetarium; and be it further

"Resolved, That certified copies of this Resolution be transmitted to the Administrator of NASA, Hawaii's Congressional Delegation, the Speaker of the U.S. House of Representatives and the President of the U.S. Senate, the Governor of Hawaii, the President of the University of Hawaii, the Superintendent of Education, the Director of the Department of Business and Economic Development, the President of the Hawaii Science Teachers' Association, and the Director of the Bishop Museum."

POM-217. A concurrent resolution adopted by the Legislature of the State of Texas; to the Committee on Commerce, Science, and Transportation:

"HOUSE CONCURRENT RESOLUTION No. 270

"Whereas the 101st Congress of the United States is considering legislation to

allow the 50 states to increase the maximum legal speed limit to 65 miles per hour on divided four-lane state highways; and

"Whereas the State of Texas has thousands of miles of divided four-lane highways that can safely support a 65 mile-per-hour speed limit, and these highways are the major thoroughfares for millions of rural and urban Texas drivers; and

"Whereas drivers on rural segments of interstate highways are allowed to legally travel at 65 miles per hour while drivers on noninterstate highways of identical structure and quality must travel 10 miles per hour slower through the same area; and

"Whereas the majority of the state's four-lane divided highways are wide and uncongested, have no trees, hills, or mountains to obstruct vision, pass through few populated areas, and have few intersections to create traffic hazards; and

"Whereas the 55 mile-per-hour speed limit is an undue restriction on urban drivers and especially rural drivers, who often must travel long distances for work, medical care, recreation, shopping, and other basic necessities of life; and

"Whereas the State of Texas should establish maximum speed limits that are appropriate for its geography, the quality of its highways, and the needs of its motoring public: Now, therefore, be it

"Resolved, That the 71st Texas Legislature urge the United States Congress to adopt H.R. 733 by U.S. Representative Larry Combest of Texas and allow a maximum legal speed limit of 65 miles per hour on divided four-lane highways; and, be it further

"Resolved, That the 71st Texas Legislature and the State Department of Highways and Public Transportation are directed to take all necessary action to immediately implement a 65 mile-per-hour speed limit on four-lane divided highways that are capable of safely accommodating traffic at that speed, on the passage of H.R. 773 or other legislation authorizing such action by the 101st or 102nd Congress; and, be it further

"Resolved, That the Texas secretary of state forward official copies of this resolution to the speaker of the house and the president of the senate of the United States Congress and to all members of the Texas congressional delegation, with the request that this resolution be officially entered in the Congressional Record as a memorial to the United States Congress."

POM-218. A joint resolution adopted by the Legislature of the State of California; to the Committee on Commerce, Science, and Transportation:

ASSEMBLY JOINT RESOLUTION 27

"Whereas the California wine industry is an important element of the agriculture and economy of California, and over half of the almost 700,000 acres of California grapes are planted in wine grapes; and

"Whereas California's \$5.5 billion wine industry ranks among the state's top agricultural-related businesses, and the wine industry employs over 75,000 Californians; and

"Whereas the California wine industry contributes over \$190,000,000 to the State of California through the payment of various taxes; and

"Whereas California winemakers experience substantial difficulties when attempting to ship or sell their wine in other states, due to the great variation in regulations of other states pertaining to shipping requirements, licensing, labeling, collection, and other areas; and

"Whereas trade barriers imposed on California wines by sister states have a negative impact on the California economy, and those trade barriers are in direct contrast to the position of commodities of other states coming into California; and

"Whereas wineries in other states also experience difficulties when marketing their product out-of-state; now, therefore, be it

"Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to enact a national wine act to promote uniformity in marketing requirements in the various states; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-219. A joint resolution adopted by the Legislature of the State of Maine; to the Committee on Commerce, Science, and Transportation:

"JOINT RESOLUTION

"Whereas a legal minimum carapace size limit for lobsters, *Homarus americanus*, is an effective way to manage and protect the lobster resource; and

"Whereas lobsters migrate from the coastal waters of one state to the coastal waters of other states; and

"Whereas lack of a uniform minimum carapace size limit between states that have a lobster industry is detrimental to the effective management of the lobster resource; and

"Whereas a national minimum carapace size limit for lobster would provide uniform resource management and protection, enhance enforcement of the lobster laws concerning sale of undersize lobster, and ease interstate tensions and rivalries in the lobster industry; now, therefore, be it

"Resolved, That We, your Memorialists, respectfully urge and request that the United States Congress enact legislation to establish a national minimum legal carapace size limit for lobster; and be it further

"Resolved, That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable George H. W. Bush, President of the United States, the President of the Senate and the Speaker of the House of the Congress of the United States, and to each member of the Maine Congressional Delegation."

POM-220. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Energy and Natural Resources:

"ASSEMBLY JOINT RESOLUTION 30

"Whereas the Pony Express faithfully met every obligation of speeding communication between Nevada and the rest of the nation during the 18 months of its existence; and

"Whereas the National Pony Express Association has worked diligently to locate, re-establish and preserve the famous Pony Express Trail which extends approximately 1,900 miles from St. Joseph, Missouri, to Sacramento, California; and

"Whereas the California National Historic Trail is a route of approximately 5,700 miles extending from Independence and St.

Joseph, Missouri, and Council Bluffs, Iowa, to various points in California and Oregon; and

"Whereas on January 30, 1989, the Secretary of the Interior transmitted the California and Pony Express National Historic Trail Study and Environmental Assessment to the U.S. Senate and House of Representatives with a recommendation that the study routes be authorized as national historic trails; now, therefore, be it

"Resolved by the Assembly and Senate of the State of Nevada, jointly, That the Nevada Legislature considers the California and Pony Express Trails to be an important part of this country's history and urges Congress to amend the National Trails System Act to designate the California National Historic Trail and the Pony Express National Historic Trail as components of the National Trails System; and be it further

"Resolved, That the Nevada Legislature urges Congress not to restrict the existing multiple uses of areas near the California National Historic Trail or the Pony Express National Historic Trail for such purposes as recreation, grazing or mining if those areas are included in the National Trails System; and be it further

"Resolved, That if private lands are to be included in the National Trails System the Nevada Legislature urges Congress to acquire those lands at fair market value with the consent of the owners; and be it further

"Resolved, That copies of this resolution be transmitted forthwith by the Chief Clerk of the Assembly to the President of the United States, the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives, the Secretary of the Interior and each member of the Nevada Congressional Delegation; and be it further

"Resolved, That this resolution becomes effective upon passage and approval."

POM-221. A joint resolution adopted by the Legislature of the State of California; to the Committee on Energy and Natural Resources:

"SENATE JOINT RESOLUTION 6

"Whereas the United States Department of the Interior proposes to lease 1.7 million acres of tracts in coastal waters off the six central California Counties of Sonoma, Marin, San Francisco, San Mateo, Santa Cruz, and Monterey; and

"Whereas the department has asked for public comments in the Call for Information and Nominations published on November 16, 1988, in the Federal Register relative to its proposed Outer Continental Shelf Lease Sale 119 in the Central California Planning Area; and

"Whereas the central California coast is one of the most pristine and magnificent coastlines in the world, providing a habitat for abundant and diverse species of marine mammals, fish, and birds, including several endangered species; and

"Whereas the central coast contains three designated national marine sanctuaries, many areas of special biological significance, and numerous marine research facilities; and

"Whereas the central coast environment supports a crucial economic resource important to all Californians, including a renewable commercial and sport fishing industry, and an annual multimillion dollar tourist and recreation industry; and

"Whereas proposed oil and gas exploration and development activities threaten

fishing activities due to seismic survey exploration, displacement of fishing grounds, competition for limited harbor facilities, and disposal of toxic wastes into prime fishing grounds; and

"Whereas oil platforms, offshore storage and treatment facilities, marine terminals, and onshore processing facilities would profoundly diminish the rural, scenic quality of the coastline and could lead to a serious decline in tourism and recreation activities; and

"Whereas prevailing winds would blow offshore drilling emissions onshore, thereby interfering with the ability of coastal communities to achieve and maintain state and federal air quality attainment standards; and

"Whereas many key sites of interest for oil and gas development are adjacent to critical marine wildlife habitats, including the Gulf of the Farallones, Cordell Bank, and the Ano Nuevo State Reserve; and

"Whereas the Department of the Interior estimates a high probability that a large oil spill will occur and acknowledges that only 5 to 15 percent of any oil spill can be cleaned up; and

"Whereas the total amount of oil available within Lease Sale 119 is estimated to contain only five to seven weeks of our nation's oil consumption needs, while current federal energy policies fail to adequately address alternative energy and energy efficiency programs such as improved automobile fuel efficiency standards; and

"Whereas oil and gas exploration and drilling off the central California coast is a high-risk, short-term solution which ignores long-term environmental issues such as global warming and jeopardizes unique and valuable coastal resources; and

"Whereas significant unresolved problems resulting from the proposed sale and conflicts with California coastal zone management policies and approved local coastal management plans are anticipated; and

"Whereas leasing, exploration, development, and transportation activities resulting from Lease Sale 119 conflict with the mandate of the Outer Continental Shelf Lands Act as amended, the Clean Air Act, and the Endangered Species Act of 1973; now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, That all tracts proposed for inclusion within Lease Sale 119 be defined as environmentally sensitive tracts and deleted from further consideration for leasing; and be it further

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the Regional Supervisor, Office of Leasing and Environment, Minerals Management Service, Pacific OCS Region, 1340 West Sixth Street, Los Angeles, CA 90017; the Chief, Offshore Leasing Management Division, Minerals Management Service, United States Department of the Interior, 18th and C Streets, NW., Washington, DC 20240, and to each Senator and Representative from California in the Congress of the United States."

POM-222. A concurrent resolution adopted by the Legislature of the State of Hawaii; to the Committee on Environment and Public Works:

"SENATE CONCURRENT RESOLUTION No. 198

"Whereas there is a growing statewide concern over the use of cesspools and its potential for contaminating our important groundwater resources; and

"Whereas the Department of Health has announced its long range goal of eliminating the use of cesspools by the year 2000 by expanding county sewage systems to serve areas where cesspools are currently being used; and

"Whereas the County of Kauai, in need of sewage systems for the areas of Wailua and Kapaa received a grant for \$2,400,000 from the Environmental Protection Agency (EPA); for the Wailua Sewage Treatment Plant Expansion Project in 1980; and

"Whereas the original plan to implement two separate sewage systems was reevaluated due to funding constraints and based on every priority list and study accepted by the EPA, acknowledging the higher environmental need to implement a Kapaa collector system before a Wailua collector system; and

"Whereas the Department of Health, acting as agent for the EPA, recommended that the proposed Wailua and Kapaa systems be combined and along with County of Kauai employees, developed a joint plan to install sewer lines in the Kapaa area thereby expanding the capacity of the Wailua sewage treatment plant; and

"Whereas since the County of Kauai was financially capable of construction only one sewer line in the 1980's, resources were committed toward construction of the Kapaa line; and

"Whereas this decision was largely based on representations by EPA agents that the County's treatment plant expansion funds would not be jeopardized; and

"Whereas during its recent grant audit period EPA auditors reevaluated the grant and determined that since the funds had not been expended in accordance with its original terms, the intent of the grant had not been fulfilled and conditions of the grant had been breached; and

"Whereas due to the failure to expend the funds for the purposes for which it was originally appropriated, the auditors requested the \$2,400,000 grant monies be returned to the EPA; and

"Whereas neither the implementation of the Wailua sewer line at the County's own expense nor the return of the \$2,400,000 to the EPA is within the County of Kauai's financial capability; and

"Whereas this subsequent action to recapture grant funds by the EPA totally disregards the participation of its agents to encourage, plan, and approve the County's decision to pursue a Kapa sewer line instead of the Wailua sewer line during the grant audit period; now, therefore,

"Whereas there appears to be a question as to whether or not the terms of the new proposal was formally approved by the EPA; now, therefore, be it

"Resolved by the Senate of the Fifteenth Legislature of the State of Hawaii, Regular Session of 1989, the House of Representatives concurring, That the Department of Health, acting as agent for the EPA, is requested to verify its actions and participation in the decision to divert the grant funds for reasons of cost-efficiency and higher environmental need; and be it further

"Resolved, That the Department of Health, after communicating with the EPA, report its findings and recommendations to the Legislature no later than twenty days before the convening of the Regular Session of 1990; and be it further

"Resolved, That the members of Hawaii's congressional delegation are respectfully urged to assist the County of Kauai in resolving this problem so that the Kapa

Sewer Project may proceed and provide the necessary services that the people of Kauai so desperately need; and be it further

Resolved, That certified copies of this Concurrent Resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, Hawaii's congressional delegation, the Director of the Environmental Protection Agency, the Director of Health and the Mayor of the County of Kauai."

POM-223. A joint resolution adopted by the Legislature of the State of California; to the Committee on Environment and Public Works:

"SENATE JOINT RESOLUTION 16

"Whereas, In order to maintain the chemical, physical, and biological integrity of the nation's waters, the Clean Water Act amendments of 1977 mandated all municipal wastewater treatment plants in existence to establish capabilities to fully treat 100 percent of the sewage processed in those plants within five years; and

"Whereas, Full secondary treatment is the best available method for protecting marine life and the ocean environment, removing from the waste stream the most deadly viruses from human waste and chemical toxins from industrial waste; and

"Whereas, Full secondary treatment significantly decreases the incidence of toxic and bacterial wastes entering the human food chain through the consumption of seafood, by reducing the quantity of harmful substances disposed in the marine environment; and

"Whereas, The Sanitation District of Los Angeles County (SDLAC) facilitates the disposal of 350 million gallons per day of waste generated by approximately 3.5 million inhabitants and 70,000 commercial and industrial facilities; and

"Whereas, The district is seeking a waiver from the Clean Water Act full secondary treatment requirement for approximately 50 percent, or an estimated 167 million gallons, of its daily volume; and

"Whereas, A waiver from the full secondary treatment standard would cause elevated levels of toxic heavy metals, pesticides, polynuclear aromatic hydrocarbons, phenols, oil, and grease to be discharged in the ecologically sensitive Santa Monica Bay region; and

"Whereas, A waiver from the Clean Water Act requirement for full secondary treatment is inconsistent with the goals of the National Estuaries Program, through which Santa Monica Bay was recognized in 1988 by the Environmental Protection Agency as a waterway of national significance and selected for a comprehensive cleanup program; and

"Whereas, A waiver from the full secondary treatment standard would undermine the efforts of the National Estuaries Program management conference which is comprised of federal, state, and local regulators, industrial dischargers, and environmentalists who have undertaken a landmark effort to develop and implement a plan to restore the water quality of Santa Monica Bay and to protect it from future degradation; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California memorializes the Environmental Protection Agency to deny the application of the Sanitation District of Los Angeles County for a waiver from the requirements of subdivision (h) of Section 301 of the Clean Water Act,

and urges the Environmental Protection Agency to expedite compliance with the full secondary treatment standard without delay; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Administrator of the Environmental Protection Agency, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-224. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Environment and Public Works:

"SENATE JOINT RESOLUTION 17

"Whereas, The southwest states are the fastest growing states in the nation, but the future growth and prosperity of these states depends upon the availability of adequate quantities of water of suitable quality; and

"Whereas, In some areas of the arid southwest states the present demand on the limited supply of water is endangering wildlife habitation and threatening the existence of established agricultural areas; and

"Whereas, There is considerable flood water, currently returning to the sea in the Pacific northwest, that could be beneficially used in the southwest; and

"Whereas, There are reservoirs in the Warner Valley, at Pyramid Lake, Walker Lake and the lakes on the Colorado River that could be used to store water which could serve Oregon, Nevada, Arizona and California; and

"Whereas, In 1964, F.Z. Pirkey proposed the Western Water Project and E. Frank Miller proposed the Sierra-Cascade Project, but the Federal Government has made no study of interregional transfer of water in recent years; and

"Whereas, The United Western Investigation Report indicates there are large amounts of surplus water flow that could be harnessed to meet the needs of the people and wildlife of the southwest; now, therefore, be it

Resolved by the Senate and Assembly of the State of Nevada, jointly, That the Nevada Legislature urges the Congress of the United States to authorize an immediate study of interregional transfer of water to meet the municipal, industrial and wildlife requirements of the arid southwest; and be it further

Resolved, That copies of this resolution be transmitted by the Secretary of the Senate to the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives, the Chairman of the Senate Committee on Energy and Natural Resources, the Chairman of the House Committee on Interior and Insular Affairs, the Secretary of the Interior, the Secretary of Agriculture and each member of the Nevada Congressional Delegation; and be it further

Resolved, That this resolution becomes effective upon passage and approval."

POM-225. A concurrent resolution adopted by the Legislature of the State of Texas; to the Committee on Finance:

"HOUSE CONCURRENT RESOLUTION 265

"Whereas, The Catastrophic Coverage Act, as passed by the United States Congress, was intended to provide improved Medicare benefits that would protect the elderly from a choice "between bankruptcy

and death" in cases of catastrophic illness; and

"Whereas, The method of financing these benefits includes a surtax that will be imposed on over 40 percent of our nation's senior citizens; and

"Whereas, Many original supporters of the legislation are now reevaluating their position in recognition of the fact that the funding formula is highly prejudicial to our citizens over 64 years of age; and

"Whereas, There is additional concern that the surtax provision places an undue burden on our senior citizens, for they will have the highest effective tax rates of any group of taxpayers; even modest incomes of \$12,700 for a single person and \$21,100 for a married couple will be burdened with the new tax; and

"Whereas, The revenue generated by the surtax on senior citizens will go to finance benefits that few senior citizens will actually use; and

"Whereas, The Legislature of the State of Texas is persuaded that undue hardship will be caused to many elderly citizens of this state if the surtax provision of the Catastrophic Coverage Act is implemented as currently proposed; now, therefore, be it

Resolved, That the 71st Legislature of the State of Texas hereby memorialize the Congress of the United States to reconsider the surtax provision of the Catastrophic Coverage Act and make every effort to ensure that the interests of senior citizens are truly served by this legislation; and, be it further

Resolved, That the Texas secretary of state forward official copies of the resolution to the president of the United States, to the speaker of the House of Representatives, to the President of the Senate of the United States Congress, and to all members of the Texas delegation to the Congress, with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America."

POM-226. A joint resolution adopted by the Legislature of the State of California; to the Committee on Finance:

"ASSEMBLY JOINT RESOLUTION 14

"Whereas, Increasing numbers of newly legalized amnesty recipients returning from visits in Mexico have exacerbated already heavy vehicular flow at the California-Mexico border crossing; and

"Whereas, The delays during the Christmas and New Year holiday weekends resulted in waits from three to four hours at the Calexico Port of Entry; and

"Whereas, These extremely long waits contributed to the tragic deaths, on January 2, 1989, of four members of one family, and the near deaths of two other children from carbon monoxide poisoning while they were sleeping in the camper of a pickup truck; and

"Whereas, Efforts must be made to alleviate the length of waits in the future to prevent other similar tragedies; and the prolonged exposure to automobile fumes poses a significant health hazard to travelers at the border crossing; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California, realizing the necessity for improved traffic flow particularly when a heavier volume is anticipated, supports the proposal that additional entry lanes be opened at the Calexico border crossing; and be it further *Resolved*,

That the members point out the need for an increase in the number of customs inspectors to staff the port of entry to resolve these problems; and be it further

"Resolved, That the members memorialize the President and Congress of the United States to provide for an independent and comprehensive investigation of the January 2, 1989, tragedy, for the purpose of developing recommendations for improvements at the Calexico Port of Entry; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the Secretary of the Treasury, and to the Attorney General of the United States.

POW-227. A joint resolution adopted by the Legislature of the State of California; to the Committee on Foreign Relations:

"SENATE JOINT RESOLUTION 2

"Whereas, The recent massacres of Armenians in Soviet Azerbaijan have alarmed the Armenian communities of California; and

"Whereas, The brutal killings and planned massacres by Azerbaijanis in the Cities of Sumgait, Kirovabad, and Baku, and the regions of Nagorno Karabagh and Nakhichevan require the immediate intervention of world public opinion; and

"Whereas, The mild response of Soviet authorities to the riots earlier in 1988 in Sumgait has emboldened Azerbaijani leaders to sanction the recent attacks against Armenians; and

"Whereas, The violence against the defenseless Armenian minority of Azerbaijan should be condemned and the organizers of these programs should be brought to justice; and

"Whereas, Soviet and foreign journalists should be allowed access to Soviet Armenia and Azerbaijan to ensure objective and complete coverage of the situation in those areas; and

"Whereas, These tragic and brutal attacks demonstrate the necessity for the reunification of historic Armenian territories, arbitrarily placed under Azerbaijani administration, to Soviet Armenia; and

"Whereas, The safety and security of Armenians in Nagorno Karabagh can only be assured once the region is reintegrated to Soviet Armenia; now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature respectfully memorializes the President and Congress of the United States to use every diplomatic and political tool to halt the anti-Armenian riots in Soviet Azerbaijan which have killed or injured hundreds of Armenians; and be it further

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POW-228. A joint resolution adopted by the Legislature of the State of California; to the Committee on Foreign Relations:

"SENATE JOINT RESOLUTION 35

"Whereas, Californians, with all Americans, share the goal of a peaceful world where freedom flourishes and where mutual respect prevails; and

"Whereas, Peace includes much more than merely the absence of war, but also the existence of individual liberty and democratic rights; and

"Whereas, California is home to hundreds of thousands of people of Chinese descent, many of whom have relatives still living in China, and who retain strong emotional ties to their ethnic homeland; and

"Whereas, China has experienced an extraordinary growth of economic and social openness since the Cultural Revolution that has allowed the creation of an atmosphere of cooperation and trust between our two countries; and

"Whereas, The Chinese student movement for greater freedom of expression and freedom of speech, which form the foundation of an open, democratic society has touched the hearts of Californians who cherish those rights as Americans; and

"Whereas, The demonstrations by students and workers in support of democracy in the People's Republic of China reflected their nobility of spirit, dignity, and discipline in promoting peace and freedom; and

"Whereas, Californians have watched with horror and indignation the use of brutal force against peaceful demonstrators; now, therefore be it

"Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California proclaims its abhorrence of the violence at the hands of the military which has brought tragedy to a sincere effort to secure peaceful reform, and urges the government of the People's Republic of China to work toward a peaceful and positive solution to the current crisis; and be it further

"Resolved, That the President of the United States of America demonstrate our indignation over the deaths and casualties which have occurred and our support for a peaceful resolution of the crisis; and be it further

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, and each Senator and Representative from California in the Congress of the United States, and to the Ambassador of the People's Republic of China to the United States."

POW-229. A joint resolution adopted by the Legislature of the State of California; to the Committee on the Judiciary:

"SENATE JOINT RESOLUTION 12

"Whereas, The internment of Japanese-Americans during the Second World War was an abandonment of the American ideal, arising from bigotry, deception, ignorance, and hysteria; and

"Whereas, Japanese-American internees, were denied the most basic of constitutional rights and endured great economic and emotional hardship; and

"Whereas, The United States Government, with the passage of H.R. 442, sponsored by Congressman Robert Matsui, has finally recognized the gross injustice of the internment and provided for an official apology and the payment of long overdue reparations to internment camp survivors; and

"Whereas, The Congress of the United States may authorize and has recommended the amount of \$500,000,000 in the upcoming fiscal year for the payment of reparations to internment camp survivors; and

"Whereas, Former President Reagan's final budget proposed only \$20,000,000 in

the upcoming fiscal year for the payment of reparations; and

"Whereas, The United States is legally required to complete the payment of reparations within 10 years; and

"Whereas, At the rate of \$20,000,000 per year the United States Government would complete the payment of reparations in 60 years; and

"Whereas, Many internment camp survivors are very elderly and may pass on prior to receiving reparations unless payment is promptly made; and

"Whereas, The atonement of the United States Government for its thoroughly unjust imprisonment of its own people during the Second World War will not be complete until recompense has been made to internment camp survivors; now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature respectfully memorializes the President and Congress of the United States to authorize for the upcoming fiscal year, and every fiscal year following as long as is necessary, the sum of \$500,000,000 for the prompt payment of reparations to survivors of the Japanese-American internment; and be it further

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-230. A joint resolution in the Legislature of the State of California; to the Committee on the Judiciary:

"ASSEMBLY JOINT RESOLUTION 25

"Whereas the intent of various states including California in the enactment of laws like the Dangerous Weapons' Control Law (Chapter 1 (commencing with Section 12000) of Title 2 of Part 4 of the Penal Code), is, in part, to limit as far as possible the use of instruments, particularly firearms, commonly associated with criminal activity and to minimize the danger to the public safety arising from the free access to firearms that can be used for crimes of violence; and

"Whereas it is recognized that certain persons, including persons who have previously been convicted of felonies and violent offenses, persons who have a history of serious mental health problems, and persons addicted to narcotics, pose a great threat to society if free access to firearms is readily made available to them; and

"Whereas in recognition of these concerns, the Legislature of the State of California has enacted appropriate legislation requiring all persons who sell pistols, revolvers, or other firearms capable of being concealed upon the person to allow 15 days to elapse before delivery of the firearm in order that a background check on the purchaser can be undertaken; and

"Whereas the Legislature of California is currently considering expanding the 15-day waiting period to other firearms, including assault weapons and rifles and shotguns; and

"Whereas the enactment by the Congress of Section 6213 of the federal Comprehensive Alcohol Abuse, Drug Abuse, and Mental Health Amendments Act of 1988 (Public Law 100-690) suggest a national concern for the adoption of uniform or standard data

collection of background information on a national basis; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to adopt legislation to require all states to make available to other states through existing data bases all criminal and serious mental health information on any persons who attempt to purchase a firearm in any state of the United States; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-231. A petition from a citizen of the State of Arizona, relating to violations of the separation of powers and State sovereignty mandated by the U.S. Constitution; to the Committee on the Judiciary.

POM-232. A petition from the Portage Township Republican Club, Portage, IN, relating to the overturning the holding in *Texas v. Johnson* and a constitutional amendment regarding desecration of the U.S. flag; to the Committee on the Judiciary.

POM-233. A joint resolution adopted by the Legislature of the State of Colorado; to the Committee on the Judiciary.

"SENATE JOINT RESOLUTION 2"

"Whereas the United States Supreme Court, in the case of *Texas v. Johnson*, decided June 21, 1989, held that the burning of an American flag as a means of political protest was expressive conduct protected by the first amendment freedoms; and

"Whereas although the Supreme Court limited its opinion to the circumstances surrounding said case, the net practical effect of the message communicated to the people of the United States is that desecration of the American flag is acceptable conduct; and

"Whereas the American flag is a visible symbol embodying two hundred years of nationhood and national unity, and respecting, cherishing, and honoring the flag is instilled in our children to promote patriotism; and

"Whereas because our nation has honored the flag as a symbol of American values, there should be a right to prohibit desecration of the flag; and

"Whereas prohibiting the desecration of the flag does not prevent expressions of ideas or opinions; and

"Whereas the American flag holds a place of honor and esteem in the hearts of our countrymen who have carried it proudly and courageously into battle; and

"Whereas the reverence regarded for the American flag by Americans as a whole should transcend individual social, political, and philosophical beliefs; and

"Whereas Colorado, as well as forty-seven other states and the Congress of the United States, has enacted legislation prohibiting the burning of the American flag; and

"Whereas in response to the Supreme Court's decision in *Texas v. Johnson*, at least ten resolutions have been introduced in Congress proposing amendments to the United States Constitution to protect the American flag from desecration; and

"Whereas the American flag, the symbol to which we pledge allegiance to the ideals on which America was founded, is a unique

symbol deserving of unique national protection.

"Be It Resolved by the Senate of the Fifty-seventh General Assembly of the State of Colorado, the House of Representatives concurring herein:

*"(1) That the Supreme Court is urged to reconsider the issue of freedom of speech manifested by the desecration of the American flag and to overturn its holding in *Texas v. Johnson*.*

"(2) That the Congress of the United States is memorialized to enact legislation proposing an amendment to the Constitution of the United States which would distinguish the American flag as a unique symbol deserving the highest protection, including protection from conduct which would otherwise be shielded by the first amendment.

"Be It Further Resolved, That a copy of this Resolution be sent to the following:

"(1) The Chief Justice of the United States Supreme Court; and

"(2) The President of the Senate of the Congress of the United States, the Speaker of the House of Representatives of the Congress of the United States, and the members of the Congress from the State of Colorado."

POM-234. A petition from the Fraternal Order of Police, Florida State Lodge, relating to protection of the American flag from desecration; to the Committee on the Judiciary.

POM-235. A joint resolution from the Legislature of the State of Nevada; to the Committee on the Judiciary.

"ASSEMBLY JOINT RESOLUTION 22"

"Whereas an amendment to the Constitution of the United States was proposed by resolution of the First Congress of the United States in New York City, New York, on September 25, 1789, which reads in pertinent part as follows:

*"Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, two-thirds of both Houses concurring, That the following be proposed to the Legislatures of the several states, * * * which, when ratified by three-fourths of the said Legislatures, to be valid to all intents and purposes, as part of the said Constitution:*

"ARTICLE II.

"No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened. And

"Whereas the Legislature of the State of Nevada acknowledges that this article of amendment to the United States Constitution has already been ratified, respectively, by the Legislatures of Maryland on December 19, 1789; North Carolina on December 22, 1789; South Carolina on January 19, 1790; Delaware on January 28, 1790; Vermont on November 3, 1791; Virginia on December 15, 1791; Ohio on May 6, 1873; Wyoming on March 3, 1878; Maine on April 27, 1883; Colorado on April 18, 1884; South Dakota on February 21, 1885; New Hampshire on March 7, 1885; Arizona on April 3, 1885; Tennessee on May 23, 1885; Oklahoma on July 10, 1885; New Mexico on February 13, 1886; Indiana on February 19, 1886; Utah on February 25, 1886; Arkansas on March 13, 1887; Montana on March 17, 1887; Connecticut on May 13, 1887; Wisconsin on July 15, 1887; West Virginia on March 10, 1888; Georgia on March 28, 1888; Louisiana on July 7, 1888; and Iowa on February 7, 1889; and

"Whereas the Legislature of the State of Nevada acknowledges that this article of amendment may still be ratified by state legislatures as a result of the ruling by the United States Supreme Court in the case of *Coleman v. Miller*, 307 U.S. 433 (1939), which held that unless Congress specifies a limit on the time allowed for consideration by the states, then Congress is the final arbiter of the question whether too much time has elapsed between Congress' submission of an amendment and the most recent state legislature's ratification of the amendment; now, therefore, be it

"Resolved by the Assembly and Senate of the State of Nevada, jointly, That the proposed amendment to the Constitution of the United States of America is hereby ratified by the Legislature of the State of Nevada; and be it further

"Resolved, That a true copy of this resolution be delivered by the Chief Clerk of the Assembly to the Secretary of State for his certification and transmittal to the Administrator of General Services pursuant to 1 U.S.C. § 1066; and be it further

"Resolved, That the Chief Clerk of the Assembly shall also send a copy of this resolution to each member of the Nevada Congressional Delegation; and be it further

"Resolved, That this resolution becomes effective upon passage and approval."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. NUNN, from the Committee on Armed Services, without amendment:

S. 1366. An original bill to authorize funds for the reserve components of the Armed Forces for fiscal years 1990 and 1991.

S. 1367. An original bill to authorize appropriations for fiscal years 1990 and 1991 for procurement of missiles for the Armed Forces.

S. 1368. An original bill to authorize appropriations for fiscal year 1990 for the Army and Marine Corps for research, development, test, and evaluation to develop improved weapons and equipment for small infantry units.

S. 1369. An original bill to authorize appropriations for the Department of Energy for fiscal year 1990 for environmental restoration and the management of defense waste and transportation, to establish and carry out a defense waste cleanup technology program, to provide for the establishment of a blue ribbon task group on environmental restoration and defense waste management, to modify the Department of Energy nuclear defense mission, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. BURDICK, from the Committee on Environment and Public Works:

Thomas D. Larson, of Pennsylvania, to be Administrator of the Federal Highway Administration.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. RIEGLE, from the Committee on Banking, Housing, and Urban Affairs: Michael Philip Skarzynski, of Illinois, to be an Assistant Secretary of Commerce; and John D. Macomber, of New York, to be President of the Export-Import Bank of the United States for a term of four years expiring January 20, 1993.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. KENNEDY, from the Committee on Labor and Human Resources:

Edward C. Stringer, of Minnesota, to be General Counsel, Department of Education; and

Roy M. Goodman, of New York, to be a Member of the National Council on the Arts for a term expiring September 3, 1994.

(The above nominations were reported with the recommendation that the nomination be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BUMPERS:

S. 1360. A bill to provide for the protection of certain National Park System resources, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. FOWLER:

S. 1361. A bill to amend title 38, United States Code, to require that burials be permitted in national cemeteries on weekends and holidays under certain conditions and for other purposes; to the Committee on Veterans Affairs.

By Mr. HARKIN:

S. 1362. A bill to amend title XVIII of the Social Security Act to provide for the more efficient administration of benefits provided under such title, and for other purposes; to the Committee on Finance.

By Mr. D'AMATO:

S. 1363. A bill to temporarily suspend the duty on wicker products; to the Committee on Finance.

By Mr. MURKOWSKI (for himself, Mr. STEVENS, Mr. INOUE, and Mr. MCCAIN):

S. 1364. A bill to establish a Joint Federal Commission on Policies and Programs Affecting Alaska Natives; to the Select Committee on Indian Affairs.

By Mr. COATS:

S. 1365. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to authorize grants to States for projects to demonstrate innovative alternatives to the incarceration of persons for nonviolent offenses and drug-related offenses; to the Committee on the Judiciary.

By Mr. NUNN, from the Committee on Armed Services:

S. 1366. An original bill to authorize funds for the reserve components of the Armed Forces for fiscal years 1990 and 1991; placed on the calendar.

S. 1367. An original bill to authorize appropriations for fiscal years 1990 and 1991 for procurement of missiles for the Armed Forces; placed on the calendar.

S. 1368. An original bill to authorize appropriations for fiscal year 1990 for the Army and Marine Corps for research, development, test, and evaluation to develop improved weapons and equipment for small infantry units; placed on the calendar.

S. 1369. An original bill to authorize appropriations for the Department of Energy for fiscal year 1990 for environmental restoration and the management of defense waste and transportation, to establish and carry out a defense waste cleanup technology program, to provide for the establishment of a blue ribbon task group on environmental restoration and defense waste management, to modify the Department of Energy nuclear defense mission, and for other purposes; placed on the calendar.

By Mr. GORTON (for himself, Mr. SIMON, Mr. KOHL, Mr. GRAMM, Mr. WILSON, Mr. LIEBERMAN, Mr. CRANSTON, Mr. BOSCHWITZ, Mr. MCCAIN, Mr. MCCLURE, Mr. KASTEN, Mr. DOMENICI, Mr. COHEN, Mr. SHELBY, Mr. DODD, and Mr. BENTSEN):

S. 1370. A bill to provide for adjustments of status of certain nationals of the People's Republic of China; which was ordered held at the desk until the close of business, August 4, 1989, by unanimous consent.

By Mr. SANFORD (for himself, Mr. CRANSTON, Mr. MITCHELL, Mr. BURDICK, Mr. ROCKEFELLER, Mr. SHELBY, Mr. REID, Mr. FOWLER, Mr. DASCHLE, and Mr. HEFLIN):

S. 1371. A bill to authorize appropriations for rural housing programs, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LAUTENBERG:

S. 1372. A bill to require Federal review and approval of oil discharge contingency plans, and for other purposes; to the Committee on Environment and Public Works.

By Mr. JOHNSTON (for himself and Mr. BREAUX):

S. 1373. A bill to provide for the cooperative development of common-hydrocarbon-bearing areas; to the Committee on Energy and Natural Resources.

By Mr. MACK (for himself and Mr. GRAHAM):

S. 1374. A bill for the relief of Florida; to the Committee on Finance.

By Mr. ROTH:

S. 1375. A bill to amend the Internal Revenue Code of 1986 to provide for the exemption from section 7872 of the Internal Revenue Code of 1986 of loans made to the country of Poland; to the Committee on Finance.

S. 1376. A bill to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act, and related statutory provisions, to authorize development and security assistance programs for fiscal year 1990, and for other purposes; to the Committee on Foreign Relations.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 1377. A bill to provide a method under which the state of New Mexico can continue certain federal highway road work; to the Committee on Energy and Natural Resources.

By Mr. GORTON:

S. 1378. A bill to amend the Clean Water Act relating to the discharge of oil and hazardous substances; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MITCHELL (for himself, Mr. DOLE, Mr. HEFLIN, Mr. GARN, Mr. HOLLINGS, Mr. GORE, Mr. GLENN, Mr. LOTT, Mr. COCHRAN, Mr. SHELBY, Mr. ADAMS, Mr. ROBB, Mrs. KASSEBAUM, Ms. MIKULSKI, Mr. BOREN, Mr. HATCH, and Mr. GRAHAM):

S. Res. 156. Resolution to express the sense of the Senate with respect to the Apollo 11 lunar mission, the International Space Station Freedom Program, and the "Mission to Planet Earth"; considered and agreed to.

By Mr. DOLE:

S. Con. Res. 55. Concurrent resolution to commemorate the volunteers of the United States and the Hugh O'Brian Youth Foundation; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BUMPERS:

S. 1360. A bill to provide for the protection of certain National Park System resources, and for other purposes; to the Committee on Energy and Natural Resources.

PROTECTING CERTAIN NATIONAL PARK SYSTEM RESOURCES

Mr. BUMPERS. Mr. President, today I am introducing legislation to provide for the protection of certain natural resources located within units of the National Park System. Specifically, this legislation deals with resources located in marine or Great Lakes areas within the Park System including resources within the water column and submerged lands up to the high tide or high waterline.

This legislation would permit the Secretary of the Interior, acting as a trustee of the resources covered by this act, to initiate litigation and to recover damages for the destruction of these important marine resources. Under this act, amounts recovered would become available for expenditure by the Secretary, without further appropriation; 20 percent of such funds would be earmarked for future response and damage reassessment costs while the balance would be used to restore or replace the resources that were damaged, for related monitoring and research, or for management and improvement of the Park System unit involved. Under current law, the Federal Government can only recover damages for injury to such natural resources through lawsuits based on damage to Government property. Amounts awarded as a result of such lawsuits are not retained by the agency involved but are deposited into the General Treasury.

This measure responds to instances where, for example, vessels have gone aground on coral reefs inside national parks. It would also be applicable

where vessels or individuals have otherwise destroyed or damaged marine resources such as the recent wreck of the *Exxon Valdez* and the resulting release of massive quantities of crude oil into the waters and coastal waters of certain National Park System units in the State of Alaska.

Mr. President, the text of this legislation was included as a separate title in a bill recently passed by the House of Representatives concerning the conveyance of certain Federal lands in Nevada (H.R. 1485). At the time the Subcommittee on Public Lands, National Parks and Forests conducted a hearing on the Senate companion measure concerning this land conveyance (S. 684), the House measure was not before us. As a result, the subcommittee has not conducted a hearing on these provisions relating to the protection of park marine resources.

Since hearings have not been held, during the committee's consideration of H.R. 1485, these nongermane provisions were deleted. I am introducing this bill today in order to have a vehicle upon which to conduct hearings and to consider this important issue. In the meantime, it is my hope that the Congress can proceed to enact the Nevada land conveyance legislation as expeditiously as possible.

Finally, Mr. President, I want to commend my friend and colleague in the House, Congressman BRUCE VENTO, chairman of the National Parks and Public Lands Subcommittee, for his leadership in this area. I have written to Congressman VENTO regarding my plans for this legislation and ask unanimous consent that an exchange of correspondence between Congressman VENTO and myself appear in the RECORD at this point. I also ask unanimous consent that the legislation I am introducing today be printed at the conclusion of my remarks.

There being no objection, the material ordered to be printed in the RECORD, as follows:

S. 1360

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That

SECTION 1. PARK SYSTEM RESOURCES.

(a) DEFINITIONS.—As used in this Act—

(1) DAMAGES.—The term "damages" includes the following:

(A) Compensation for—

(i) the cost of replacing, restoring, or acquiring the equivalent of a park system resource; and

(ii) the value of any significant loss of use of a park system resource pending its restoration or replacement or the acquisition of an equivalent resource; or

(iii) the value of the park system resource in the event the resource cannot be replaced or restored.

(B) The cost of assessments under subsection (d).

(2) RESPONSE COSTS.—The term "response costs" means the costs of actions taken by the Secretary of the Interior to prevent or

minimize destruction or loss of or injury to park system resources; or to abate or minimize the imminent risk of such destruction, loss, or injury; or to monitor ongoing effects of incidents causing such destruction, loss, or injury.

(3) PARK SYSTEM RESOURCE.—The term "park system resource" means any living or nonliving resource that is located within or is a living part of a marine regimen or a Great Lakes aquatic regimen (including an aquatic regimen within Voyageurs National Park) within the boundaries of a unit of the National Park System.

(4) REGIMEN.—The term "regimen" means a water column and submerged lands, up to the high-tide or high-water line.

(b) LIABILITY.—

(1) IN GENERAL.—Subject to paragraph (3), any person who destroys, causes the loss of, or injures any park system resource to a greater than de minimis extent is liable to the United States for response costs and damages resulting from such destruction, loss, or injury.

(2) LIABILITY IN REM.—Any instrumentality, including but not limited to a vessel, vehicle, aircraft, or other equipment that destroys, causes the loss of, or injures any park system resource shall be liable in rem to the United States for response costs and damages resulting from such destruction, loss, or injury to the same extent as is a reason described in paragraph (1).

(3) DEFENSES.—A person is not liable under this subsection if—

(A) that person can establish that the destruction or loss of, or injury to, the park system resource was caused solely by an act of God, an act of war, or an act or omission of a third party other than an employee or agent of the allegedly liable person or a party (other than a common carrier) whose act or omission occurred in a contractual relationship with the allegedly liable person, and that the person acted with due care.

(B) the destruction, loss, or injury was caused by an activity authorized by Federal or State law; or

(C) the destruction, loss, or injury was of a de minimis nature.

(c) CIVIL ACTIONS FOR RESPONSE COSTS AND DAMAGES.—The Attorney General of the United States, upon request of the Secretary of the Interior after a finding by the Secretary of greater than de minimis damages to a park system resource, may commence a civil action in the United States district court for the appropriate district against any person who may be liable under subsection (b) for response costs and damages. The Secretary, acting as trustee for park system resources on behalf of the United States, shall submit a request for such an action to the Attorney General whenever a person may be liable for such costs or damages.

(d) RESPONSE ACTIONS AND ASSESSMENT OF DAMAGES.—

(1) RESPONSE ACTIONS.—The Secretary of the Interior may undertake all necessary actions to prevent or minimize the destruction of loss of, or injury to, park system resources, or to minimize the imminent risk of such destruction, loss, or injury.

(2) ASSESSMENT OF DAMAGES.—The Secretary shall assess and monitor damages to park system resource.

(e) USE OF RECOVERED AMOUNTS.—Response costs and damages recovered by the Secretary under this section shall be retained by the Secretary and without further congressional action may be used as follows:

(1) RESPONSE COSTS AND DAMAGE ASSESSMENTS.—Twenty percent of amounts recov-

ered under this section shall be used to finance response costs and damage assessments by the Secretary.

(2) RESTORATION, REPLACEMENT, MANAGEMENT, AND IMPROVEMENT.—Amounts remaining after the operation of paragraph (1) shall be used, in order of priority—

(A) to restore, replace, or acquire the equivalent of park system resources which were the subject of the action and to monitor and study such park system resources; and

(B) to manage and improve the National Park System unit of which such park system resources are a part.

SEC. 2. INJUNCTIVE RELIEF.

If the Secretary of the Interior determines that there is an imminent risk of destruction or loss of or injury to a park system resource, or that there has been actual destruction or loss of or injury to such resource which may give rise to liability under section 2, the Attorney General of the United States, upon request of the Secretary, shall seek to obtain such relief as may be necessary to abate such risk or actual destruction, loss, or injury, or to restore or replace the resource, or both. The district courts of the United States shall have jurisdiction in such a case to order such relief as the public interest and the equities of the case may require.

SEC. 3. DONATIONS.

The Secretary of the Interior may accept donations of money or services for expenditure or employment to meet expected, immediate, or ongoing response costs. Such donations may be expended or employed at any time after their acceptance, without further action by the Congress.

COMMITTEE ON ENERGY AND NATURAL RESOURCES,

Washington, DC, June 22, 1989.

HON. BRUCE VENTO,
Chairman, Subcommittee on National Parks
and Public Lands, U.S. House of Repre-
sentatives, Washington, DC.

DEAR BRUCE: I appreciated hearing from you regarding Title II of H.R. 1485, the so-called "Apex" land conveyance legislation. As you know, the Committee ordered the House bill reported on June 21 with no changes in the Apex language but excluding Title II.

I share your interest in the issues addressed by Title II of your bill. The National Parks Subcommittee in the House, and you in particular, are to be commended for your efforts in this regard. The language in Title II addresses a long-standing problem that has been dramatically highlighted in recent months with the Exxon-Valdez oil spill in Alaska and the resulting damage to Kenai Fjords National Parks, Katmai National Monument and other significant natural areas in Alaska.

Prior to the Committee's consideration of the Apex legislation, several Senators indicated a reluctance to deal with the issues raised in Title II of H.R. 1485 without first conducting a hearing on the subject. Because of the need to enact the Apex legislation as expeditiously as possible, we conducted a hearing on the Senate bill before the House measure (including Title II) was before us. As a result, we have not received any testimony regarding the question of liability for the destruction of, or injury to, such resources.

In an attempt to build on your efforts in this area, I plan to introduce the provisions of Title II of H.R. 1485 as a separate bill in

the Senate and hold hearings on it as soon as our schedule will permit. The Committee will then be in a position to consider this measure as a free-standing bill that we can hopefully send to you for House approval. In the meantime, I hope that we can proceed to enact the Apex legislation so that work can begin as quickly as possible on the Kerr-McGee facility.

Thanks again for contacting me concerning this matter. I look forward to working with you on this issue in the near future.

Sincerely,

DALE BUMPERS,
Chairman, Subcommittee on Public
Lands, National Parks and Forests.

COMMITTEE ON INTERIOR
AND INSULAR AFFAIRS,
Washington, DC, June 26, 1989.

HON. DALE BUMPERS,
Chairman, Subcommittee on Public Lands,
National Parks and Forests, Committee
on Energy and Natural Resources,
Washington, DC.

DEAR DALE: Thank you for your letter of June 22, concerning your plans to take up as separate legislation the provisions in Title II of H.R. 1485 as passed by the House, relating to recoveries for damage and response costs arising from negligent actions detrimental to the resources of coastal portions of the National Park System.

My disappointment at further delay in action on those provisions (which are essentially identical to ones which passed the House on July 26, 1988, as part of H.R. 4208 of the 100th Congress) is tempered by your letter's indication that they will receive priority consideration after being introduced as a free-standing bill.

As you know, the House legislation originated as a response to an accident (grounding of a freighter on a coral reef in Biscayne Bay) unrelated to oil spills, even though its importance certainly was underlined by the wreck of the *Exxon Valdez* and consequent response costs and damage to Kenai Fjords National Park, Katmai National Park and Preserve, and other Alaskan areas. I believe it will be important to avoid having these provisions, which relate to a wide variety of possible situations, become entangled in the debate likely to surround proposals for legislation dealing specifically with oil spills.

Those oil-spill proposals, unlike Title II of H.R. 1485, were not considered in the last Congress and probably will be subject to protracted deliberations (involving, in the House, more than one committee) in this Congress. The need for enactment of provisions such as those in the House-passed version on H.R. 1485 is a present one, and action on such proposals should not await a resolution of all the questions that will arise during consideration of the oil-spill legislation. This was one of the reasons I thought inclusion of Title II with the priority Apex legislation was desirable.

That being said, I agree with you that Title I of H.R. 1485 is also a priority matter that should be enacted without unnecessary delay, and I look forward to an early completion of Congressional action toward that end.

Warm regards,

Sincerely,

BRUCE F. VENTO,
Chairman, Subcommittee on
National Parks and Public Lands.

By Mr. FOWLER:

S. 1361. A bill to amend title 38, United States Code, to require that

burials be permitted in national cemeteries on weekends and holidays under certain conditions, and for other purposes; to the Committee on Veterans' Affairs.

RELATING TO VETERANS' BURIALS

Mr. FOWLER. Mr. President, I rise today to introduce legislation which will require the Department of Veterans Affairs to provide for the burial of deceased veterans in national cemeteries on weekends and holidays, according to the wishes of the family. In addition, this legislation I present would require the Secretary to implement a system for family members to contact the national cemetery to discuss burial arrangements and procedures on weekends and holidays, for weekday burials.

It came as a surprise to me, due to some very personal matters, that currently, burials in national cemeteries are permitted on weekdays only. Should a veteran die on a weekend the family is forced to wait until the following Monday to make burial arrangements. Obviously, this poses an inconvenience to veterans' families during their time of bereavement. We all know from our own experience with deaths in the family that these matters simply do not conform to a 9-to-5 workaday schedule. I hate to think of the families who must remain in limbo for 2 days or more, waiting for a government office to open, before they can begin to make the necessary arrangements and very difficult decisions concerning the burial of a loved one. Even more, I hate to think of our veterans suffering such a small indignity at the hands of the Nation they served.

As the Nation's veterans population grows older, we must remain cognizant of their needs and that of their families. Approximately 66,000 burials in national cemeteries are projected by the year 2000. Of the 113 national cemeteries, 65 are open to new interments and 48 of them will remain open beyond the year 2000.

By allowing families this option, veterans and their families would receive the same service many of them opt for at private cemeteries. As brave heroes of our country, veterans deserve burial services that meet their wishes.

The very establishment of national cemeteries by President Abraham Lincoln in 1862 is a testament to the country's indebtedness to those who have dedicated their lives to the defense of our country. Burial ceremonies mark the last service provided to veterans by their country. Thus, it is imperative, it seems to me, that these services reflect the gratitude we have for our deceased veterans.

Mr. President, I encourage my colleagues to support this measure on behalf of those Americans who served our country in our times of greatest need. I believe this would be easy to

implement. It is long overdue and it is the least that we can do for their families.

By Mr. HARKIN:

S. 1362. A bill to amend title XVIII of the Social Security Act to provide for the more efficient administration of benefits provided under such title, and for other purposes; to the Committee on Finance.

PROVIDING FOR MORE EFFICIENT ADMINISTRATION OF SOCIAL SECURITY BENEFITS

Mr. HARKIN. Mr. President, I rise to introduce legislation to provide for more efficient administration and payment of benefits provided under the Medicare Program. This legislation, when fully implemented, would save the Medicare Program over \$1.5 billion annually.

Why is this legislation needed?

Let me show you why.

This is a TENS electronic pain reliever. Not much to it really. I checked down at Radio Shack and the total cost of all the parts comes to \$20. The price, after the manufacturer, has put it together comes to \$89; \$89—that's how much this TENS should cost.

But Medicare is paying per month \$85 for the TENS—that's \$1,020 per year.

Or if you want to buy it outright through Medicare, the cost is \$380.

Well, that's crazy.

We need to bring a dose of the free market into Medicare, so we can keep premiums down, keep taxpayer costs down, and maintain benefits older Americans need.

As chair of the Appropriations Subcommittee that oversees Medicare, I'm committed to reducing the deficit.

But we don't have to cut services and benefits to reduce the deficit. What we've got to do is cut waste, fraud, abuse, and inefficiency.

And the bill I'm introducing today is a step in the right direction.

The Medicare Program, which is now the fourth largest Federal program, is growing annually at a rate of 12 percent.

Within the next 10 years, Medicare will grow 150 percent over current levels, to \$270 billion. Within 25 years, at this rate of growth, Medicare will be the single largest Federal expenditure.

This uncontrolled growth not only threatens to reverse our efforts to achieve a balanced budget, but it also puts upward pressure on Medicare premiums paid by the elderly.

By far the largest growth in the Medicare Program has been for part B services, which include doctors, but also covers durable medical equipment and laboratory services.

Mr. President, the legislation I am introducing today focuses on reducing part B Medicare costs. The legislation would do this by addressing four areas:

First, laboratory service pricing;

Second, purchase or lease costs of durable medical equipment;

Third, shared computer systems; and

Fourth, deselection of inefficient Medicare contractors.

This legislation would permit competitive bidding, or price surveys, as a basis for establishing new payment schedules for laboratory services. This item alone would save approximately \$1 billion.

I was surprised to learn in hearings this year that current law not only prohibits using competitive bidding for pricing laboratory services, but also prohibits even conducting demonstrations to explore how best to implement competitive bidding for these services. Between 1984 and 1989 the Health Care Financing Administration designed a demonstration project that utilized competitive bidding as a method of purchasing clinical laboratory services. However, the Health Care Financing Administration has been blocked legislatively from implementing even this demonstration project.

Extensive consultation has taken place between the Health Care Financing Administration and the clinical laboratory industry. My bill is supported by the American Association of Retired Persons, the National Council of Senior Citizens, and the National Taxpayers Union.

I ask unanimous consent that letters of support from these groups be included in the RECORD at the end of my remarks. This legislation would assure that high quality services continue and that access of elderly persons to laboratory services in all parts of the country would be preserved. It would not disqualify any laboratory from providing Medicare reimbursed services at the rates established through competitive processes.

Quality of laboratory services would be maintained because only Medicare certified laboratories, all of which are now recertified each year to meet Medicare standards, would be eligible to bid. Bidding would also be limited to the approximately 60 routine laboratory tests which are performed primarily by automated equipment with built in quality controls. In order to continue to have access to laboratory services in all parts of the country, all laboratories would be eligible to provide services to Medicare beneficiaries. Small labs that don't perform the 60 basic tests would not have to submit bids, but could still participate in Medicare at the full survey determined prices. The Health Care Financing Administration shall consider special payment levels for rural areas, taking into consideration higher costs associated with lower volume and greater distances encountered in providing services. An advisory committee would also be established to assure that

proper considerations are given to such factors as special prices for rural areas, and exceptions from participation.

The second feature of this bill would be to repeal current law and permit the Health Care Financing Administration to conduct demonstrations for establishing appropriate payment levels for the purchasing or rental of durable medical equipment. These demonstrations are authorized to last up to 2 years with implementation of new payment methods to be put in place within 90 days of completion of the demonstrations.

Mr. President, I was surprised to learn in my hearings this year that Medicare pays an average \$300 monthly rental for an oxygen concentrator. The Veterans' Administration, for the same oxygen, often from the same supplier in the same town, pays only \$82 a month. This is simply because the Veterans' Administration establishes their prices through a competitive procurement scheme.

Implementing a new pricing schedule for all durable medical equipment funded by Medicare would save \$400 million a year in the first year of full implementation.

The third feature of my bill would require Medicare contractors to share computer software and hardware. At present, 36 of the Medicare contractors have voluntarily agreed to share software and hardware. This has demonstrated that significant savings are available.

However, 50 contractors still operate with individually maintained software in independent data processing centers. This legislation would let the Secretary of Health and Human Services determine processing volume levels and other factors that indicate more efficient and less costly contractor operations could be achieved by sharing computer software and hardware.

The Health Care Financing Administration, based on its experiences to date with shared systems, believes that some \$100 million could be saved in administrative costs in the first 3 years after implementation.

Mr. President, finally, this legislation would extend expiring authority to permit the Health Care Financing Administration to deselect the two least effective part A contractors and the two least effective part B contractors. This authority has proven to be very useful in encouraging contractors across the country to improve their performance.

Mr. President, Medicare is a lifesaver for millions of our older citizens. To preserve and strengthen the program, we will need to curtail skyrocketing Medicare costs, which are driving up the expense of premiums and co-payments and forcing higher taxes on us all. Through the administrative efficiencies resulting from this bill, I be-

lieve we can help reduce the deficit, and at the same time have a stronger Medicare program.

I ask unanimous consent for two related letters to be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

AARP,

Washington, D.C., July 14, 1989.

Hon. TOM HARKIN,
Hart Senate Office Building,
U.S. Senate, Washington, DC.

DEAR SENATOR HARKIN: The American Association of Retired Persons is supportive of your draft legislation to reduce Part B Medicare costs through more efficient administration of benefits.

We have reviewed the draft provided to us by your staff and have the following comments regarding specific provisions:

SECTION 1. COMPETITIVE BIDDING FOR LABORATORY SERVICES

We believe this is a method which the Secretary should have authority to explore. Our primary concern is that, in evaluating bids and establishing prices for Medicare reimbursement of laboratory services, the Secretary consider not only price, but quality and accessibility as well. We believe this is what the bill envisions, but it may require some amplifying report language of clarity that mechanisms must be in place to assure that the price is sufficient to induce laboratories in all geographic areas to provide quality services to Medicare patients.

SECTION 2. ALTERNATIVE PAYMENT METHOD DEMONSTRATION PROJECTS

As with Section 1, we believe this is a constructive provision, so long as maintenance of quality and access to care are threshold requirements.

SECTION 3 AND 4. FISCAL INTERMEDIARY AND CARRIER AGREEMENTS SHARE PROCESSING HARDWARE AND SOFTWARE SYSTEMS

We concur that there is no reasonable justification for these government contractors to use incompatible hardware and software, or to each maintain separate systems. While the exclusivity of a separate system my financially benefit the contractor, it disadvantages the government, which is already providing substantial revenues to the contractor and is entitled to economies that may result from shared systems.

SECTION 5. CONTRACTS FOR MEDICARE CLAIMS PROCESSING

This provision continues an existing authority which would otherwise expire. It permits the Secretary to relace the two poorest performing claims processors. We believe it is a useful provision which encourages contractor efficiency and should continue.

Sincerely,

JOHN ROTHER,
Director, Legislation, Research,
and Public Policy.

NATIONAL TAXPAYERS UNION,
Washington, DC, July 18, 1989.

Hon. TOM HARKIN,
U.S. Senate, Washington, DC.

DEAR SENATOR HARKIN: The National Taxpayers Union, a non-profit, non partisan organization representing 200,000 members nationwide, has consistently encouraged Congress to identify and then eliminate

wasteful uses of the taxpayers monies by the federal government.

A recent report issued by the U.S. Department of Health and Human Services, *The Cost Savers Handbook*, provides numerous suggestions of ways that this department can cut billions of dollars in expenditures annually.

Specifically, the report points out that HHS's Health Care Financing Administration is prevented by law from using competitive bidding for the procurement of laboratory services in the Medicare and Medicaid programs. HCFA's inability to seek out lowest-cost contractors results in higher program cost and larger taxpayer bills.

NTU backs the introduction and passage of legislation that will end this wasteful situation and instead require HFCA to use a competitive bidding systems for the procurement of laboratory services for its operation.

Sincerely,

SHEILA MACDONALD,
Director, Government Relations.

By Mr. D'AMATO:

S. 1363. A bill to temporarily suspend the duty on wicker products; to the Committee on Finance.

SUSPENDING THE DUTY ON WICKER PRODUCTS

● Mr. D'AMATO. Mr. President, I rise to introduce a bill to temporarily suspend the duty on certain wicker products. This measure would suspend the duty on certain products made of bamboo, fern, rattan, or other vegetable materials.

Industry analysts identified no significant domestic manufacturing capability which could be harmed by this measure. Products of the existing domestic wicker industry do not compete with products covered by this bill.

The financial burden imposed by duties on importers and consumers is significant, while the loss of revenue that would result from this measure is negligible. Moreover, as with most duty suspension measures, the ultimate beneficiary will be the American consumer.

I urge my colleagues to support this measure. I ask unanimous consent that the bill be printed in the *RECORD* following my remarks.

There being no objection, the bill was ordered to be printed in the *RECORD*, as follows:

S. 1363

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. WICKER PRODUCTS.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007) is amended by inserting in numerical sequence the following new subheading:

"9902.46.02 Wicker products (provided for in subheading 4602.10.11, 4602.10.13, 4602.10.19, 4602.10.40, or 4602.10.50).	Free ... No change ... No change ... On or before 12/31/93".
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SEC. 2. EFFECTIVE DATE.

The amendment made by this Act applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.●

By Mr. MURKOWSKI (for himself, Mr. STEVENS, Mr. INOUE, and Mr. McCAIN):

S. 1364. A bill to establish a Joint Federal-State Commission on Policies and Programs affecting Alaska Natives; to the Select Committee on Indian Affairs.

JOINT FEDERAL-STATE COMMISSION ON POLICIES AND PROGRAMS AFFECTING ALASKA NATIVES

● Mr. MURKOWSKI. Mr. President, I rise today to introduce a bill to establish a joint commission to review programs and policies affecting Alaska Natives.

The objective of this legislation is a Federal-State effort addressing the critical social ills and uncertain futures facing Alaska Natives today.

These conditions were the subject of two hearings by the Select Committee on Indian Affairs earlier this year. The establishment of a joint commission was a priority recommendation of the Alaska Federation of Natives, whose report was the specific subject of the first hearing.

The report, entitled, "The AFN Report on the Status of Alaska Natives: A Call for Action," had been prepared at the request of the select committee. It starkly documented the growing crisis:

Virtually every Native family has been affected by alcohol abuse and senseless death;

Native males between 20 and 24 years of age are killing themselves at a rate 14 times the national average;

The murder rate among Alaska Natives is four times the national average;

The Native mortality rate is more than three times the national average, and a significant percentage is alcohol-related;

Although Natives make up about 16 percent of the State's population, 59 percent of persons incarcerated for violent crimes and 38 percent of those convicted of sex-related offenses are Natives; and

Both the Native infant mortality rate and the fetal alcohol syndrome rate are more than twice the national average.

The report documented joblessness reaching nearly 60 percent among Native adults in western Alaska, sharply lower per capita incomes in these remote, high-cost regions of the State, heavy reliance on public sector spending for jobs, and, to a lesser extent, dependence upon transfer payments as a source of income. The report also described persisting patterns of low educational achievement at all grade levels across the State in predominantly Native school districts.

Further, the report pointed out that the Native population continues to grow, and the Natives most at risk—children and young adults—are the fastest growing segment of the population.

These data were supported and elaborated upon by persons testifying at the two hearings of the select committee.

Witnesses also told the committee that many of the problems that were the subject of the hearings were not new problems. In 1968, a Federal Government study focusing on the land rights of Alaska Natives described the nearly 200 villages remote from the road system of the State as places of few jobs, low incomes and high prices; where houses were dilapidated and lacked water and waste disposal systems, where educational opportunity was limited and achievement was low; and where the health status was substantially inferior to that of other Alaskans.

In the years since that time, some progress has been made as Federal and State governments have sought to assist Alaska Natives in improving the circumstances of their lives. And with new opportunities provided by a framework of self-determination, Alaska Natives have undertaken to give leadership to those efforts. Let me offer a few illustrations.

The Congress enacted the Alaska Native Claims Settlement Act 1971 [ANCSA]. The act was celebrated as a major accomplishment by Alaska Native organizations from throughout the State, for they had helped shape a land claims settlement unlike any other in our history. With its emphasis upon self-determination by Natives as shareholders in corporations, not subject to the oversight of the Bureau of Indian Affairs, the act was seen as giving promise of a much brighter future for the Natives of Alaska.

In the same decade, the Congress enacted the Indian Self-Determination and Education Assistance Act. It has resulted in programs of the Bureau of Indian Affairs and the Indian Health Services being contracted to Native entities for their performance. Finally, the State of Alaska abolished its centrally controlled system of village schools and replaced it with 23 rural educational attendance areas having regionally elected school boards.

Despite the establishment of new public policies and programs intended to benefit Natives, and clear evidence of real and substantial progress that many have made, the social and economic circumstances of most Natives, especially those in remote villages, are all too much like those of 20 years ago, and, in terribly important aspects, are worsening.

Mr. President, it is for all of the foregoing reasons that I have introduced this bill.

The goal of the Joint Commission proposed in this bill is to develop recommendations to the Congress and the State of Alaska that would help assure that Alaska Natives have life opportunities comparable to other Americans, at the same time respecting their cultures, traditions, and special status. In doing so, it would address the needs of Natives for economic self-sufficiency, improved levels of educational achievement, improved health status, reduced incidence of social problems, and self-determination.

The Commission would be a Federal-State Commission because both levels of Government have obligations and responsibilities affecting the welfare of Alaska Natives. Alaska's 85,000 Natives, like other native Americans are eligible for services from the Bureau of Indian Affairs, the Indian Health Service, and the Administration for Native Americans, and for other Federal programs intended to benefit American Indians. On the other hand, like other citizens of Alaska, Natives attend public schools and colleges, participate in health and welfare programs of the State, and look to the State for law enforcement and the administration of justice. Except for lands they own which are undeveloped, they are subject to the same taxes as other Alaskans.

Accordingly, under terms of my bill, voting members of the proposed Commission would be appointed by the President of the United States and the Governor of Alaska. Each would appoint seven members, naming one in each case as cochairman. At least three of the Presidential appointees would be Alaska Natives and not more than two of them could be public officials or employees. In addition, there would be an ex-officio membership consisting of the chairmen and ranking minority members of congressional committees having jurisdiction over Alaska Native issues, members of the Alaska delegation to Congress, and the Presiding Officers of both Houses of the Alaska Legislature.

The Commission would have 18 months to conduct hearings, carry out its analysis, and prepare its recommendations for the Congress and the State of Alaska. It would be authorized to employ staff and consultants necessary to accomplish its work.

Mr. President, the range and severity of problems documented and described by Alaska Natives compels the attention of government at both State and Federal levels. Enactment of my bill can be a constructive first step toward collaboratively addressing these issues.

I ask unanimous consent that a copy of my bill and a section-by-section

analysis be printed in the RECORD immediately following my statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1364

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

FINDINGS AND PURPOSE

SECTION 1. (a) The Congress has conducted a preliminary review of the social and economic circumstances of Alaska Natives and of governmental policies and programs affecting Alaska Natives and finds that—

(1) in this period of rapid cultural change, there is, among Alaska Natives, a growing social and economic crisis characterized by, among other things, alcohol abuse and violence, grave health problems, low levels of educational achievement, joblessness, a lack of employment opportunities, and a growing dependency upon transfer payments;

(2) these conditions exist even though public policies and programs adopted in recent decades have been intended to assist Alaska Natives in protecting their traditional cultures and subsistence economies and in encouraging economic self-sufficiency and individual, group, and village self-determination; and

(3) Alaska Natives and the State of Alaska have expressed a need for a review of public policies and programs and a desire to make such policies and programs more effective in accomplishing their intentions.

(b) The Congress hereby declares that it is timely and essential to conduct, in cooperation with the State of Alaska and with the participation of Alaska Natives, a comprehensive review of Federal and State policies and programs affecting Alaska Natives in order to identify specific actions that may be taken by the Congress and the State of Alaska to help assure that public policy goals are more fully realized among Alaska Natives.

DEFINITIONS

SEC. 2. For purposes of this Act—

(1) The term "Alaska Native" has the same meaning given to the term "Native" under section 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b)).

(2) The term "Commission" means the Joint Federal-State Commission on Policies and Programs Affecting Alaska Natives.

ESTABLISHMENT OF THE COMMISSION

SEC. 3. (a) There is hereby established a commission to be known as the "Joint Federal-State Commission on Policies and Programs Affecting Alaska Natives".

(b)(1) The Commission shall consist of the following members:

(A) seven individuals appointed by the President, at least three of whom shall be Alaska Natives and not more than two of whom may be officers or employees of the Federal Government,

(B) seven individuals appointed by the Governor of the State of Alaska,

(C) the President of the Senate of the State of Alaska or a designated representative of such President,

(D) the Speaker of the House of Representatives of the State of Alaska or a designated representative of such Speaker,

(E) the chairman of the Select Committee on Indian Affairs of the Senate or a designated representative of such chairman,

(F) the ranking minority member of the Select Committee on Indian Affairs of the

Senate or a designated representative of such member,

(G) the chairman of the Committee on Energy and Natural Resources of the Senate or a designated representative of such chairman,

(H) the ranking minority member of the Committee on Energy and Natural Resources of the Senate or a designated representative of such member,

(I) the chairman of the Committee on Interior and Insular Affairs of the House of Representatives or a designated representative of such chairman,

(J) the ranking minority member of the Committee on Interior and Insular Affairs of the House of Representatives or a designated representative of such member, and

(K) each Member of Congress who represents the people of the State of Alaska or a designated representative of such Member.

(2) The Commission shall hold its first meeting by no later than the date that is 30 days after the date on which all members of the Commission who are to be appointed have been appointed.

(3) Each member of the Commission who is appointed to the Commission under subparagraph (A) or (B) of paragraph (1) shall be entitled to one vote which shall be equal to the vote of every other member of the Commission who is appointed to the Commission under subparagraph (A) or (B) of paragraph (1). The members of the Commission described in a subparagraph of paragraph (1) other than subparagraph (A) or (B) shall be ex officio, nonvoting members of the Commission.

(4) An individual who is a voting member of the Commission may be removed from the Commission by the person who appointed such individual only for neglect of duty or malfeasance in office.

(5) Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(6) At the time appointments are made under paragraph (1), the President shall designate an individual appointed under paragraph (1)(A) to be co-chairman of the Commission and the Governor of the State of Alaska shall designate an individual appointed under paragraph (1)(B) to be the other co-chairman of the Commission.

(7) Seven voting members of the Commission shall constitute a quorum for the transaction of business.

(8) The Commission may adopt such rules (consistent with the other provisions of this Act) as may be necessary to establish its procedures and to govern the manner of its operations, organization (including task forces), and personnel.

(c)(1) Each member of the Commission not otherwise employed by the United States Government or the State of Alaska shall receive compensation at a rate equal to the daily rate for GS-18 of the General Schedule under section 5332 of title 5, United States Code, for each day, including traveltime, such member is engaged in the actual performance of duties as a member of the Commission.

(2) Except as provided in paragraph (3), a member of the Commission who is otherwise an officer or employee of the United States Government or the State of Alaska shall serve on the Commission without additional compensation.

(3) All members of the Commission shall be reimbursed for travel and per diem in lieu of subsistence expenses during the performance of duties of the Commission while

away from home or their regular place of business, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(d) Notwithstanding the other provisions of this Act, no individual appointed to the Commission by the Governor of the State of Alaska under subsection (b)(1)(B) shall participate in the proceedings of the Commission, vote on business of the Commission, or receive any compensation or expense reimbursement under this Act until the State of Alaska and the Federal Government have concluded an equitable agreement to share the expenses incurred by the Commission. In the event that such an agreement is not reached within a reasonable period of time, the members of the Commission described in any subparagraph of subsection (b)(1) other than subparagraph (B) shall proceed with the work of the Commission without the participation of the individuals appointed under subsection (b)(1)(B) and the quorum required for the transaction of the business of the Commission shall be 4 members of the Commission appointed under subsection (b)(1)(A).

DUTIES

Sec. 4. The Commission shall—

(1) conduct a comprehensive study of—

(A) the social and economic status of Alaska Natives, and

(B) the effectiveness of those policies and programs of the Federal Government, and of the State of Alaska, that affect Alaska Natives,

(2) conduct public hearings on the subjects of such study,

(3) recommend specific actions to the Congress and to the State of Alaska that—

(A) help to assure that Alaska Natives have life opportunities comparable to other Americans, while respecting their unique traditions, cultures, and special status as Alaska Natives,

(B) address, among other things, the needs of Alaska Natives for self-determination, economic self-sufficiency, improved levels of educational achievement, improved health status, and reduced incidence of social problems,

(4) make every effort in developing those recommendations to respect the important cultural differences which characterize Alaska Native groups, and

(5) submit, by no later than the date that is 18 months after the date of the first meeting of the Commission, a report on the study, together with the recommendations developed under paragraph (3), to the President, the Congress, the Governor of the State of Alaska, and the legislature of the State of Alaska.

POWERS

Sec. 5. (a)(1) Subject to such rules and regulations as may be adopted by the Commission, the co-chairmen of the Commission shall have the power to—

(A) appoint, terminate, and fix the compensation (without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, or of any other provision of law, relating to the number, classification, and General Schedule rates) of an Executive Director of the Commission and of such other personnel as the co-chairmen deem advisable to assist in the performance of the duties of the Commission, at rates not to exceed a rate equal to the maximum rate for GS-18 of the General Schedule under section 5332 of such title; and

(B) procure, as authorized by section 3109 of title 5, United States Code, temporary and intermittent services to the same extent as is authorized by law for agencies in the executive branch, but at rates not to exceed the daily equivalent of the maximum annual rate of basic pay in effect for grade GS-18 of such General Schedule.

(2) Service of an individual as a member of the Commission, or employment of an individual by the Commission as an attorney or expert in any business or professional field, on a part-time or full-time basis, with or without compensation, shall not be considered as service or employment bringing such individual within the provisions of any Federal law relating to conflicts of interest or otherwise imposing restrictions, requirements, or penalties in relation to the employment of persons, the performance of services, or the payment or receipt of compensation in connection with claims, proceedings, or matters involving the United States. Service as a member of the Commission, or as an employee of the Commission, shall not be considered service in an appointive or elective position in the Government for purposes of section 8344 of title 5, United States Code, or comparable provisions of Federal law.

(b) The Commission is authorized to—

(1) hold such hearings and sit and act at such times,

(2) take such testimony,

(3) have such printing and binding done,

(4) enter into such contracts and other arrangements,

(5) make such expenditures, and

(6) take such other actions,

as the Commission may deem advisable. Any member of the Commission may administer oaths or affirmations to witnesses appearing before the Commission.

(c) The Commission is authorized to accept gifts of property, services, or funds and to expend funds derived from sources other than the Federal Government, including the State of Alaska, private nonprofit organizations, corporations, or foundations which are determined appropriate and necessary to carry out the provisions of this Act.

(d) The provisions of the Federal Advisory Committee Act shall not apply to the Commission established under this section.

(e)(1) The Commission is authorized to secure directly from any officer, department, agency, establishment, or instrumentality of the Federal Government such information as the Commission may require for the purpose of this section, and each such officer, department, agency, establishment, or instrumentality is authorized and directed to furnish, to the extent permitted by law, such information, suggestions, estimates, and statistics directly to the Commission, upon request made by a co-chairman of the Commission.

(2) Upon request of a co-chairman of the Commission, the head of any Federal department, agency, or instrumentality shall make any of the facilities and services of such department, agency, or instrumentality available to the Commission and detail any of the personnel of such department, agency, or instrumentality to the Commission, on a nonreimbursable basis, to assist the Commission in carrying out its duties under this section.

(3) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

TERMINATION

Sec. 6. The Commission shall cease to exist on the date that is 180 days after the date on which the Commission submits the report required under section 4(5). All records, documents, and materials of the Commission shall be transferred to the National Archives and Records Administration on the date on which the Commission ceases to exist.

AUTHORIZATION OF APPROPRIATIONS

Sec. 7. (a) There are authorized to be appropriated to the Commission such sums as are necessary to carry out the provisions of this Act. Such sum shall remain available, without fiscal year limitation, until expended.

(b) Until funds are appropriated under the authority of subsection (a), salaries and other expenses incurred by the Commission shall be paid from the contingent fund of the Senate upon vouchers approved by the co-chairmen of the Commission. The total amount of funds paid from such contingent fund shall be reimbursed to such contingent fund from funds appropriated under the authority of subsection (a).

SECTION-BY-SECTION ANALYSIS

Section 1 sets forth the findings and purpose of the bill.

Section 2 defines "Alaska Native" and "Commission."

Section 3 establishes the "Joint Federal-State Commission on Policies and Programs Affecting Alaska Natives," authorizes the appointment of seven persons each by the President and by the Governor of Alaska to be its voting members, and designates its ex-officio members. At least three of the presidential appointees would be Alaska Natives and no more than two could be public officials or employees. Each appointing authority would name a co-chairman.

Also requires agreement between with the State of Alaska for equitable sharing of expenses, sets out rates of pay for members who are not public officials, authorizes payment for travel costs, provides for the Commission to adopt rules, fixes a quorum for meetings, and requires that the first meeting be held within 30 days of the appointment of members.

Section 4 prescribes the duties of the Commission to be: carrying out a comprehensive review of the economic and social status of Natives and the effectiveness of public policies and programs, conducting public hearings, and developing recommendations for the Congress and the State of Alaska that would help assure Alaska Natives life opportunities comparable to other Americans, while respecting their traditions, cultures and special status.

Also requires that the report of the Commission be completed within 18 months of the date of its first meeting and identifies to whom it is to be sent.

Section 5 prescribes the powers of the Commission, including appointment of staff, and authorizes, among other things, the conduct of hearings, employment of consultants, and receipt of funds from the State or private sources. Also authorizes the Commission to obtain materials, personnel or other support from Federal agencies.

Also exempts the Commission from provisions of the Federal Advisory Committee Act.

Section 6 directs that the Commission cease to exist six months after reports are submitted as required by Section 5.

Section 7 authorizes the appropriation of such sums as are necessary to carry out the provisions of the Act and the use of the contingent fund of the Senate until funds are appropriated.●

● Mr. STEVENS. Mr. President, over the past 20 years, the Federal Government and the State of Alaska have spent hundreds of millions of dollars on programs designed to address the health, education, and welfare needs of Alaska Natives. Progress has been made on many fronts, but serious problems remain.

The bill introduced today by my distinguished colleague, Senator MURKOWSKI, would establish a joint Federal-State Commission to review the successes and failures of the past 20 years and evaluate what steps should be taken by the Federal Government and Alaska to meet the challenges now faced by the Native peoples of Alaska. This bill, which I have cosponsored, would guarantee substantial Native participation in this important process.

Mr. President, I have worked with my Native constituents on their health, education, and welfare concerns for quite a while. I look forward to working with this new joint Commission to find new ways to solve these continuing problems.●

By Mr. COATS:

S. 1365. To amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to authorize grants to States for projects to demonstrate innovative alternatives to the incarceration of persons for nonviolent offenses and nonviolent drug-related offenses; to the Committee on the Judiciary.

BOOT CAMPS LEGISLATION

● Mr. COATS. Mr. President, when we speak of a drug crisis, we are really talking about a crisis of individual choice and action—a crisis of personal behavior and belief—particularly among the young. Our challenge is not just to eradicate crops in foreign nations and interdict illegal substances at our borders, though these things are important. Our greatest challenge is to prod a reluctant society into conquering its own demand—convincing our youth of the dangers of drug abuse and raising a zero tolerance standard which we expect and demand that they meet.

Our final goal must be to create a society purged of its last hints of lingering tolerance when it comes to drug use—a goal that is certainly difficult, but just as certainly attainable.

I am convinced that this will require a two-track approach. First, our policy must promote education—a reintroduction of our children to the values and virtues of self-restraint and moral discernment. And second, it must enforce credible stigmas and disincen-

tives—reinforcing habits of self-restraint through the power of law.

To put it simply, a successful war against drugs will need to employ both instruction and punishment.

But when it comes to punishment, we are faced with a problem. We seem to be left with only two choices, each of them disturbingly flawed. First, we can let nonviolent drug offenders off with a slap on the wrist. But this is no punishment at all.

Or second, we can throw nonviolent drug criminals in prison. This, of course, is absolutely essential when it comes to violent or habitual offenders. But for young, nonviolent criminals, this is not nearly as good an idea as it first appears.

Our Nation's prison population has doubled over the last decade. The number of inmates is increasing at 10 times the rate of the general population. America now imprisons more people per capita than any other nation in the world except the Soviet Union and South Africa.

But our prison system simply can't handle the influx. Thirty-seven States, including Indiana, are under full or partial court order to reduce prison overcrowding. Federal prisons are as much as 73 percent over capacity. State prisons operate at 120 percent of capacity.

What this means, in practice, is that for every prisoner we put in the system, we need to let one out. When room is made for a nonviolent offender, it is often at the price of allowing some other inmate to go free. And, all too commonly, that inmate is violent and predatory. Prison space is scarce. It must be reserved for the violent and dangerous.

In addition, putting young, nonviolent offenders in prison can actually make them more likely to repeat crimes in the future. Our Nation's prisons have been aptly called graduate schools of crime. And putting nonviolent offenders in with hardened criminals does not result in rehabilitation, it guarantees the creation of a new generation of hardened and violent offenders.

Finally, it costs taxpayers a great deal of money to keep nonviolent prisoners in jail. Because of overcrowding, State and Federal Governments are rapidly building more and more prisons—at a rate of \$5 billion per year. And when that money is spent, prisons will still be over capacity. It has been estimated that prison costs have risen 1,720 percent, adjusted for inflation, since 1970. It ends up costing about \$18,000 a year to keep a nonviolent prisoner in jail—about the price of sending them to Harvard University.

Should prisons hold nonviolent drug offenders when cells are desperately needed for rapists, murderers, armed robbers, and violent drug dealers? Should taxpayers be forced to pay ex-

horbitant amounts to keep nonviolent criminals sitting in prison cells that embitter them and make them more likely to repeat their offenses?

The answer to both questions is no. But fortunately there are some alternatives.

One idea that holds particular promise is the concept of placing first-time drug offenders in military boot camps. I applauded William Bennett, the White House Director of National Drug Policy, when he advocated this program. Like him, I view these boot camps as an innovative alternative to incarceration. They provide punishment without increasing recidivism. They are places for character building, not character destruction. And, in the process, they help to relieve overcrowding in our prisons—a problem reaching crisis proportions.

According to the GAO, boot camp prison programs—sometimes called shock incarceration—have been set up in seven States and are being planned in an additional five States as an alternative to traditional prisons. Generally they are designed to provide a short period of imprisonment, followed by community supervision, for young offenders who have been convicted of nonviolent crimes. Boot camps offer a highly regimented program of incarceration involving strict discipline, physical training, hard labor, and extensive drill and ceremonial exercises which are characteristics of military basic training.

While these programs may offset prison overcrowding and cut prison costs, boot camps are designed primarily to reduce recidivism among those young, first-time offenders who would otherwise have been sent to prison for their criminal acts. We are talking about impressionable, young drug users and small time pot peddlers who are not yet hardened criminals. And I am convinced that their future can be changed by a strong, healthy dose of discipline.

Boot camp programs offer a chance for these young drug criminals to straighten themselves out before they return to their communities and neighborhoods. They offer a sense of self-discipline and self-worth, as well as greater respect for the importance of hard work. And in my bill, they would be offered drug treatment, literacy education, and job training—giving them the skills they need to return to society at the end of their sentences, support their families and contribute to their communities.

The legislation I am introducing today says that, though they must be punished, we have not given up on these young offenders. We are expressing confidence that they can change themselves. Boot camps provide innovative help in solving the crisis of declining prison space and

rising incarceration costs. And its recognizes the fact that prison time is not the right remedy for young, nonviolent drug offenders.

This bill, the Innovative Alternatives to Incarceration Act of 1989, would amend title I of the Omnibus Control and Safe Streets Act of 1968 to authorize the Director of the Bureau of Justice assistance to make grants to the States to carry out demonstration projects using boot camps for those convicted of nonviolent drug offenses. Ninety percent of the funds will be used strictly for this purpose. And these State projects will provide compulsory drug treatment for drug offenders, where needed, and will also include literacy education, vocational education, and job training programs. Ten percent of the funding will be directed to these programs, all of which will be made available to those boot camps, but not as alternatives to, or substitutes for, punishment. Private organizations will be encouraged to participate in these State-run programs.

The bill also sets forth criteria for State applications to receive a grant. For instance, grant funds cannot be used for more than 70 percent of the cost of the boot camp project, and at least 15 percent of the cost must come from funds provided by private entities. The legislation authorizes \$200,000,000 for fiscal year 1990 to establish these demonstration grant programs.

The idea of using boot camps as alternatives to incarceration is gaining support and national attention. It has been endorsed by our National Drug Policy Director William Bennett and by Congressman CHARLES RANGEL, chairman of the House Select Committee on Narcotics Abuse and Control. It is being tried in a dozen States. In my home State of Indiana, the legislature enacted legislation setting up a panel of legislators and representatives of the Governor's office to study the feasibility of a State-run Boot Camp Program. This bill has received the enthusiastic support of a number of State legislators, including Senator Edward Pease, chairman of the senate judiciary committee, who is active in the Prison Fellowship Program; Representative John Donaldson, chairman of the house judiciary committee; co-sponsor of the House Paul Mannweiler; and Representative Ralph Ayres, who sponsored the boot camp study. The Governor's office is known to support the study as well.

Let me be clear that I do not consider military-style boot camps—coupled with drug treatment, literacy education, vocational ed, or job training—a panacea for the problems of drug abuse or nonviolent crime. Rehabilitation, in the final analysis, is a matter of individual will, not the result of some Government program. And

prison is absolutely essential for hardened and violent criminals. But I believe the idea of boot camps is worth our effort. It relieves prison overcrowding, leaving prison space for the violent. It cuts costs for taxpayers, when compared to new prison construction. It provides literacy and job training to offenders. It raises a standard of discipline and hard work. And it allows these young men and women the chance to reform themselves.●

By Mr. SANFORD (for himself, Mr. CRANSTON, Mr. MITCHELL, Mr. BURDICK, Mr. ROCKEFELLER, Mr. SHELBY, Mr. REID, Mr. FOWLER, Mr. DASCHLE, and Mr. HEFLIN):

S. 1371. A bill to authorize appropriations for rural housing programs, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

RURAL HOUSING REVITALIZATION ACT

Mr. SANFORD. Mr. President, I am proud to join Senators CRANSTON, MITCHELL, BURDICK, FOWLER, REID, ROCKEFELLER, and SHELBY in introducing the Rural Housing Revitalization Act of 1989. The legislation builds upon title VII of the National Affordable Housing Act and expands both the funding and the scope of rural housing programs. It addresses the serious need for housing assistance in rural areas throughout the country.

I am particularly pleased that Senator CRANSTON, the sponsor of the National Affordable Housing Act, has joined as an original cosponsor of my legislation. His support for this bill exemplifies his deep interest in the housing problems facing our Nation's rural population. I believe that my bill complements the National Affordable Housing Act and provides a comprehensive approach to Federal housing assistance.

Rural America faces a housing crisis that is every bit as serious as the crisis in our Nation's inner cities. The countryside is filled with shacks that lack plumbing and heat, and people with no shelter at all. The American dream of homeownership has faded into a nightmarish reality.

The National Housing Task Force found that some 4.3 million rural households have a serious housing problem and approximately 2 million households live in substandard dwellings. Substandard housing is twice as common in rural areas as it is in urban areas and the problems are compounded by chronically high unemployment and poverty rates.

North Carolina has been particularly hard hit by the housing crisis in this country. An estimated 250,000 North Carolina residents live in substandard units. Moreover, 12 counties in the State have poverty rates over 20 percent and substandard housing rates over 10 percent.

To combat these serious problems, the Federal Government has relied upon the cost-effective rural housing programs administered by the Farmers Home Administration [FMHA]. These programs have suffered from the Reagan administration's repeated attempts to eliminate funding for rural housing assistance. Since 1981, funding for FMHA housing programs has been slashed in half and unit production has fallen sharply. These cutbacks have created huge backlogs in demand for assistance and limited the Federal Government's impact on rural housing needs.

To respond to the serious need for affordable housing, the Rural Housing Revitalization Act provides substantial funding increases for rural housing programs. The legislation I will introduce next week increases funding for FMHA housing programs by almost \$500 million over a 2-year period.

The legislation sets aside rural housing funds for counties with high rates of poverty and substandard housing that have been traditionally underserved by FMHA. It requires FMHA to administer an outreach program in underserved areas to alert these communities that funds are available for housing assistance.

In addition, the legislation creates two programs to catalyze nonprofit housing activity. First, the bill authorizes a capacity building grant program to develop nonprofit and community housing organizations in underserved areas. The grants may be used for technical and administrative costs related to housing development including the preparation of applications for housing assistance, planning and site preparation, and staff training. The program will help housing organizations get on their feet in underserved areas in order to provide a source of continuing housing assistance in the area.

Second, the bill will help eligible nonprofit organizations develop low-income rental housing through a Public-Private Partnerships Demonstration Program. FMHA will provide grants to nonprofit organizations for up to 60 percent of the development cost of a rental housing project. The commitment of FMHA to the project can then be used to attract private investors in return for tax credits or low-cost loans from local lenders of State housing finance agencies. This program will involve nonprofits in rental housing development and stretch Federal dollars through the use of private investment.

The legislation also expands the important role that the private sector plays in rural housing assistance. It allows for-profit developers to convert section 502 inventory properties to section 515 rural rental housing and saves

FMHA millions of dollars in the process.

In addition, the bill opens up homeownership opportunities for very low-income households. It authorizes the use of deferred loans in the section 502 program to help States utilize the 40-percent set-aside of 502 funds for very low-income families. Through the Deferred Loan Program, FMHA will be authorized to defer up to 20 percent of the principal on section 502 loans to families that cannot afford a section 502 loan at the deepest subsidy now available. The Housing Assistance Council has estimated that this program will lower the income level needed to obtain homeownership through the section 502 program by 9 percent.

The legislation also considers the financing needs of low- and moderate-income families. Many rural citizens have serious difficulty obtaining financing for housing purchases and rehabilitation. Rural areas have fewer lenders than urban areas, and lenders are less likely to use Federal secondary market loans because of the low volume of housing loans and the paperwork involved. To address this mortgage credit gap, the bill creates a guaranteed loan program for households whose income lies below 100 percent of area median. The guaranteed loan program authorizes FMHA to insure up to 90 percent of loans for the construction or purchase of single family residences, and for the rehabilitation of housing. The guaranteed loans are targeted toward rural counties that lack available mortgage credit.

The Rural Housing Revitalization Act provides a comprehensive Federal approach to rural housing assistance which complements the housing assistance authorized by the National Affordable Housing Act. I hope this legislation will draw attention to the serious plight of rural citizens who lack adequate shelter, and I look forward to working with my colleagues to secure the basic need of affordable housing.

Mr. President, I ask unanimous consent that the text of the Rural Housing Revitalization Act of 1989 be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1371

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rural Housing Revitalization Act of 1989".

SEC. 2. AUTHORIZATIONS.

(a) INSURANCE AND GUARANTEE AUTHORITY.—Section 513(a)(1) of the Housing Act of 1949 is amended to read as follows:

"(a)(1) The Secretary may, to the extent approved in appropriation Acts, insure and guarantee loans under this title in aggregate

amounts not to exceed \$1,976,151,000 during fiscal year 1990 and \$2,175,207,000 during fiscal year 1991, as follows:

"(A) For insured or guaranteed loans under section 502 on behalf of borrowers receiving assistance under section 521(a)(1) or receiving guaranteed loans pursuant to section 304 of the Housing and Community Development Act of 1987, \$1,328,650,000 for fiscal year 1990 and \$1,433,650,000 for fiscal year 1991.

"(B) For loans under section 504, \$11,790,000 for fiscal year 1990 and \$12,300,000 for fiscal year 1991.

"(C) For insured loans under section 514, \$11,950,000 for fiscal year 1990 and \$12,470,000 for fiscal year 1991.

"(D) For insured loans under section 515, \$622,650,000 for fiscal year 1990 and \$715,624,000 for fiscal year 1991.

"(E) For loans under section 523(b)(1)(B), \$521,000 for fiscal year 1990 and \$543,000 for fiscal year 1991.

"(F) For site loans under section 524, \$590,000 for fiscal year 1990 and \$620,000 for fiscal year 1991."

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 513(b) of the Housing Act of 1949 is amended to read as follows:

"(b) There are authorized to be appropriated, to remain available until expended, the following amounts:

"(1) For grants under section 504, \$13,013,000 for fiscal year 1990 and \$13,575,000 for fiscal year 1991.

"(2) For purposes of section 509(c), \$521,000 for fiscal year 1990 and \$543,000 for fiscal year 1991.

"(3) Such sums as may be necessary to meet payments on notes or other obligations issued by the Secretary under section 511 equal to—

"(A) the aggregate of the contributions made by the Secretary in the form of credits on principal due on loans made pursuant to section 503; and

"(B) the interest due on a similar sum represented by notes or other obligations issued by the Secretary.

"(4) For financial assistance under section 516, \$14,903,000 for fiscal year 1990 and \$24,903,000 for fiscal year 1991.

"(5) For grants under section 523(f), \$8,328,000 for fiscal year 1990 and \$8,688,000 for fiscal year 1991.

"(6) For grants under section 533, \$29,925,000 for fiscal year 1990 and \$44,925,000 for fiscal year 1991."

(c) RENTAL ASSISTANCE PAYMENT CONTRACTS.—Section 513(c)(1) of the Housing Act of 1949 is amended to read as follows:

"(c)(1) The Secretary, to the extent approved in appropriation Acts, may enter into rental assistance payment contracts under section 521(a)(2)(A) aggregating \$306,600,000 for fiscal year 1990 and \$351,600,000 for fiscal year 1991."

(d) RENTAL HOUSING LOAN AUTHORITY.—Section 515(b)(4) of the Housing Act of 1949 is amended by striking "September 30, 1989" and inserting "September 30, 1991".

(e) MUTUAL AND SELF-HELP HOUSING GRANT AND LOAN AUTHORITY.—Section 523(f) of the Housing Act of 1949 is amended by striking "September 30, 1989" and inserting "September 30, 1991".

SEC. 3. SECTION 502 DEFERRED REPAYMENT.

Section 502 of the Housing Act of 1949 is amended by adding at the end thereof the following:

"(f) AUTHORITY FOR DEFERRED REPAYMENT.—

"(1) IN GENERAL.—The Secretary may allow a borrower to defer repayment of not more

than 20 percent of the principal on a loan made or insured under this section if the Secretary determines that—

"(A) the borrower resides in a State in which an average of 10 percent or more of the set-asides established in section 502(d) have not been obligated since November 30, 1983;

"(B) the deferral is necessary to enable the borrower to afford payment on the loan; and

"(C) the borrower can reasonably be expected fully to amortize the deferred principal over the remaining life of the loan.

"(2) SUBSEQUENT ADJUSTMENTS.—When the Secretary finds that a borrower deferring repayments under this subsection is able to make an increased mortgage payment in accordance with the schedules and repayment plans prescribed by the Secretary under section 502(b)(2), the Secretary shall first apply any increase in the monthly mortgage payment to repayment of deferred principal and interest on that principal and then, when the deferral is eliminated, to an increase in the interest rate payable on the loan.

"(3) INTEREST ON DEFERRED PRINCIPAL.—Interest on the deferred principal shall remain at 1 percent until the deferral has been repaid in full."

SEC. 4. HOUSING IN UNDERSERVED AREAS.

Section 509 of the Housing Act of 1949 is amended by adding at the end thereof the following:

"(e) HOUSING IN UNDERSERVED AREAS.—

"(1) DESIGNATION OF UNDERSERVED AREA.—

The Secretary shall designate as targeted underserved areas 60 counties and communities in fiscal year 1990, and 100 counties and communities in fiscal year 1991 that have severe, unmet housing needs as determined by the Secretary. A county or community shall be eligible for designation if, during the 10-year period preceding the year in which the designation is made, it has received an average annual amount of assistance under this title that is substantially lower than the average annual amount of such assistance received during that 10-year period by other counties and communities in the State that are eligible for such assistance calculated on a per capita basis, and has—

"(A) 20 percent or more of its population at or below the poverty level; and

"(B) 10 percent or more of its population in substandard housing.

As used in this paragraph, the term 'poverty level' has the same meaning as in section 102(a)(9) of the Housing and Community Development Act of 1974.

"(2) OUTREACH PROGRAM.—The Secretary shall publicize the availability to targeted underserved areas of grants and loans under this title and promote, to the maximum extent feasible, efforts to apply for those grants and loans for housing in targeted underserved areas.

"(3) SET-ASIDE FOR TARGETED UNDERSERVED AREAS.—The Secretary shall set aside and reserve for assistance in targeted underserved areas an amount equal to 2 percent in 1990 and 4 percent in fiscal 1991 of the aggregate amount of lending authority under sections 502, 504, 514, 515, and 524. During each such fiscal year, the Secretary shall set aside an amount of section 521 rental assistance that is appropriate to provide assistance with respect to the lending authority under sections 514 and 515 that is set aside for such fiscal year. Any assistance set aside for targeted underserved areas that has not been

expended by September 1 of a fiscal year shall be reallocated to other counties and communities that meet the requirements of targeted underserved areas set forth in paragraph (1).

"(4) LIST OF UNDERSERVED AREAS.—The Secretary shall publish the current list of targeted underserved areas in the Federal Register.

"(5) CAPACITY BUILDING GRANTS.—

"(A) IN GENERAL.—The Secretary is authorized to provide grants for counties and communities located in underserved areas for the development of housing assistance capacity. A grant may be made under this paragraph to a community organization, a nonprofit organization or corporation, a unit of general local government, a State or local agency, or a State government.

"(B) PURPOSES.—A grant under this section may be used for technical and administrative costs related to housing development including the preparation of applications for housing assistance, planning and site preparation, staff training, recruitment and counseling of eligible tenants, administrative activities, and other necessary or appropriate activities as determined by the Secretary. Any grant under this paragraph may be used only for housing assistance capacity efforts within the targeted underserved area.

"(C) AUTHORIZATION.—There are authorized to be appropriated to carry out this paragraph not to exceed \$10,000,000 for fiscal year 1990 and \$10,000,000 for fiscal year 1991. Any funds so appropriated shall remain available until expended."

SEC. 5. GUARANTEED LOANS FOR HOUSING ACQUISITION AND REHABILITATION.

(a) IN GENERAL.—Section 502 of the Housing Act of 1949 (42 U.S.C. 1483) is amended by adding at the end the following new subsections:

"(h) GUARANTEED LOANS.—

"(1) AUTHORITY.—The Secretary shall, to the extent provided in appropriation Acts, provide guaranteed loans in accordance with this section, section 517(d), and the last sentence of section 521(a)(1)(A), except as modified by the provisions of this subsection. Loans shall be guaranteed under this subsection in an amount equal to 90 percent of the loan.

"(2) ELIGIBLE BORROWERS.—Loans guaranteed pursuant to this subsection shall be made only to borrowers with moderate incomes that do not exceed the median income of the area, as determined by the Secretary, and who have paid, in connection with the purchase, not more than the maximum downpayment that would be required if the loan were insured under section 203(b)(2) of the National Housing Act.

"(3) ELIGIBLE HOUSING.—Loans may be guaranteed pursuant to this subsection only if the loan is used to acquire or construct a single-family residence that is—

"(A) to be used as the principal residence of the borrower;

"(B) eligible for assistance under this section, section 203(b) of the National Housing Act, or chapter 37 of title 38, United States Code; and

"(C) located in a rural area, or any area or small town that has a serious lack of mortgage credit for low- and moderate-income families (as determined by the Secretary) that is more than 25 miles from an urban area or densely populated area.

"(4) PRIORITY AND COUNSELING FOR FIRST-TIME HOMEBUYERS.—

"(A) In providing guaranteed loans under this subsection, the Secretary shall give pri-

ority to first-time homebuyers (as defined in paragraph (12)(A)).

"(B) The Secretary may require that, as a condition of receiving a guaranteed loan pursuant to this subsection, a borrower who is a first-time homebuyer successfully complete a program of homeownership counseling under section 106(a)(1)(iii) of the Housing and Urban Development Act of 1968 and obtain certification from the provider of the program that the borrower is adequately prepared for the obligations of homeownership.

"(5) ELIGIBLE LENDERS.—Guaranteed loans pursuant to this subsection may be made only by lenders approved by and meeting qualifications established by the Secretary.

"(6) LOAN TERMS.—Loans guaranteed pursuant to this subsection shall—

"(A) be made for a term not to exceed 30 years;

"(B) involve a rate of interest that is fixed over the term of the loan and does not exceed the rate for loans guaranteed under chapter 37 of title 38, United States Code, or comparable loans in the area that are not guaranteed; and

"(C) involve a principal obligation (including initial service charges, appraisal, inspection, and other fees as the Secretary may approve)—

"(i) for a first-time homebuyer, in any amount not in excess of 90 percent of the appraised value of the property as of the date the loan is accepted or the acquisition cost of the property, whichever is less, subject to the maximum dollar limitation of section 203(b)(2) of the National Housing Act; and

"(ii) for any borrower other than a first-time homebuyer, in an amount not in excess of the percentage of the property or the acquisition cost of the property that the Secretary shall determine, subject to the maximum dollar limitation of section 203(b)(2) of the National Housing Act, such percentage or cost in any event not to exceed 90 percent of the appraised value of the property as of the date the loan is accepted or the acquisition cost of the property, whichever is less.

"(7) GUARANTEE FEE.—With respect to a guaranteed loan under this subsection, the Secretary may collect from the lender at the time of issuance of the guarantee a fee equal to not more than 1 percent of the principal obligation of the loan.

"(8) REFINANCING.—Any guaranteed loan under this subsection may be refinanced and extended in accordance with terms and conditions that the Secretary shall prescribe, but in no event for an additional amount or term which exceeds the limitations under this subsection.

"(9) NONASSUMPTION.—Notwithstanding the transfer of property for which a guaranteed loan under this subsection was made, the borrower of a guaranteed loan under this subsection may not be relieved of liability with respect to the loan.

"(10) GEOGRAPHICAL TARGETING.—In providing guaranteed loans under this subsection, the Secretary shall establish standards to target and give priority to areas that have a demonstrated need for additional sources of mortgage financing for low- and moderate-income families.

"(11) ALLOCATION.—The Secretary shall provide that, in each fiscal year, guaranteed loans under this subsection shall be allocated among the States on the basis of the need of eligible borrowers in each State for such loans in comparison with the need of eligible borrowers for such loans among all States.

"(12) DEFINITIONS.—For purposes of this subsection—

"(A) the term 'first-time homebuyer' means any individual who (and whose spouse) has had no present ownership in a principal residence during the three-year period ending on the date of purchase of the property acquired with a guaranteed loan under this subsection; and

"(B) the term 'State' means the States of the United States, the Commonwealth of Puerto Rico, the District of Columbia, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, American Samoa, the Trust Territories of the Pacific, and any other possession of the United States.

"(i) GUARANTEED LOANS FOR HOUSING REHABILITATION.—

"(1) IN GENERAL.—The Secretary shall provide guaranteed loans for housing rehabilitation according to the provisions of subsection (h), except as modified by the provisions of this subsection.

"(2) DEFINITION OF HOUSING REHABILITATION.—For purposes of this subsection, the term 'housing rehabilitation' means the improvement (including improvements designed to meet the cost-effective energy conservation standards prescribed by the Secretary), repair, rehabilitation, or preservation of existing one- to four-unit structures that will be used primarily for residential purposes, or facilities in connection with such structures.

"(3) COST LIMITATIONS.—Loans guaranteed pursuant to this subsection shall involve a principal obligation that does not exceed the applicable maximum dollar limitation of section 203(b)(2) of the National Housing Act for the type of residence involved. The costs of housing rehabilitation financed by a guaranteed loan pursuant to this subsection may not exceed the costs of providing newly constructed housing comparable to the housing rehabilitated.

"(4) GEOGRAPHICAL TARGETING.—In providing guaranteed loans under this subsection, the Secretary shall establish standards to target and give priority to areas that have a demonstrated need for rehabilitation of existing housing for residential purposes."

(b) CONFORMING AMENDMENTS.—The first sentence of section 106(a)(2) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(a)(2)) is amended—

(1) by inserting "(A)" after "Secretary"; and

(2) by striking "Act and" and inserting the following: "Act; (B) shall, in consultation with the Secretary of Agriculture, provide such services for borrowers who are first-time homebuyers with guaranteed loans under section 502(h) of the Housing Act of 1949; and (C)".

(c) TECHNICAL ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Secretary of Agriculture shall carry out a program to provide technical assistance, information, education, training, and outreach, to assist prospective borrowers, realtors, and mortgage lenders, as applicable, to participate effectively in the guaranteed loan program carried out pursuant to the amendments made by this section.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

(d) REGULATIONS AND IMPLEMENTATION.—

(1) PROPOSED REGULATIONS AND COMMENT PERIOD.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Agriculture shall publish in the

Federal Register proposed regulations to implement the amendments made by this section. The Secretary shall receive comments regarding the regulations during the 30-day period beginning on the date of the publication of the proposed regulations.

(2) **IMPLEMENTATION.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Agriculture shall issue final regulations to implement the amendments made by this section. The Secretary shall provide for the regulations to take effect not later than 30 days after the date on which the regulations are issued.

(3) **APPLICABILITY.**—The amendments made by this section shall not apply to guaranteed loans under title V of the Housing Act of 1949 made before the date on which the final regulations issued by the Secretary under paragraph (2) take effect.

(4) **CONSULTATION.**—In developing and promulgating the regulations under paragraphs (1) and (2), the Secretary of Agriculture shall solicit the views of borrowers, lenders, realtors, nonprofit organizations, and homebuilders experienced and knowledgeable regarding housing in rural areas to provide that the regulations promulgated ensure that guaranteed loans pursuant to the amendments made by this section—

(A) are made in a manner that is cost-effective; and

(B) are made in a manner that reduces, to the extent practicable, the burden of administration and paperwork for borrowers and lenders.

SEC. 6. PUBLIC-PRIVATE PARTNERSHIPS.

Title V of the Housing Act of 1949 is amended by adding at the end thereof the following:

"SEC. 536. PUBLIC-PRIVATE PARTNERSHIPS.

"(a) **IN GENERAL.**—The Secretary is authorized to make grants to nonprofit organizations to demonstrate the effectiveness of public-private partnerships for the development of housing for low-income rural residents.

"(b) **ACTIVITIES AUTHORIZED.**—Grants to nonprofit organizations shall be used to encourage the formation of partnerships with private sector entities including private investors, local financial institutions, as well as State and local governments, to develop low-income housing. Grants authorized under this section shall be available to finance up to 60 percent of the cost of planning and financing the acquisition, construction, or rehabilitation of rental housing and related facilities. The commitment of the Secretary may be used to attract the participation of private sector entities in conjunction with tax credit financing or loans or other assistance from State housing finance agencies or other private sector entities.

"(c) **ELIGIBILITY REQUIREMENTS.**—To be eligible for assistance under this section, a nonprofit organization must be determined by the Secretary to be—

"(1) experienced in the development and management of low-income rural housing and qualified to carry out a demonstration program; and

"(2) engaged in working relationships with those entities necessary to invest in a public-private demonstration project, or capable of developing relationships with such entities.

"(d) **GRANT APPLICATION REQUIREMENTS.**—Each application must include the following information:

"(1) A physical description of the proposed project including design, location, and number of units.

"(2) A statement of the anticipated use of grant funds.

"(3) A list of sources and amounts of anticipated funding for the proposed project.

"(4) A budget for financing the proposed project.

"(e) **GRANT APPLICATION CRITERIA.**—The Secretary shall not approve grant applications under this section unless it is established that—

"(1) the area to be served has sufficient need for low-income housing; and

"(2) the project proposed by the qualified non-profit organization will be modest in design and construction, and affordable for the life of the project to low-income households.

"(f) **TERM OF GRANT COMMITMENT.**—A grant commitment made by the Secretary shall remain in effect for not more than 18 months after its issuance and may be extended by the Secretary.

"(g) **AUTHORIZATION.**—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 1990 and \$20,000,000 for fiscal year 1991."

SEC. 7. HOUSING PRESERVATION GRANTS.

(a) **USE OF DEOBLIGATED FUNDS.**—Section 533(c)(1) of the Housing Act of 1949 is amended by adding at the end the following: "Funds obligated, but subsequently unspent and deobligated, may remain available for use as housing preservation grants in ensuing fiscal years."

(b) **REALLOCATION.**—Section 533(g) of the Housing Act of 1949 is amended by striking the last sentence and inserting the following: "Any amounts which become available as a result of actions under this subsection shall be reallocated as housing preservation grants to such grantee or grantees as the Secretary may determine."

SEC. 8. INDIAN HOUSING.

Section 509 of title V of the Housing Act of 1949 is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

"(d) The Secretary shall, in the event of default involving a security interest in tribal allotted or trust land, only pursue liquidation after offering to transfer the account to an eligible tribal member, the tribe, or an Indian housing authority. If the Secretary subsequently proceeds to liquidate the account, the Secretary shall not sell, transfer, or otherwise dispose or alienate the property except to the aforementioned entities."

SEC. 9. TRANSFER OF SECTION 502 INVENTORY FOR USE UNDER SECTION 515.

Section 510(e)(3) of the Housing Act of 1949 is amended—

(1) by striking "or" between "private nonprofit organizations" and "public bodies" and inserting a comma; and

(2) by inserting ", or for profit entities, which have good records of providing low-income housing under section 515" after "public bodies".

MR. ROCKEFELLER. Mr. President, I want to commend Senator SANFORD for his efforts to increase funding for rural housing assistance, and I am proud to join him as an original cosponsor of his initiative, the Rural Housing Revitalization Act.

Home ownership is part of the American dream. Everyone wants the opportunity to settle down in a home

of their own, raise a family, and become part of their community.

Unfortunately for many Americans especially those living in rural areas, home ownership has become just a dream. It has become a goal beyond their reach. Housing has simply become too expensive or unavailable. I hear from more and more West Virginians who have enormous concerns about the lack of affordable housing and what it means to their future. They write, searching for assistance in finding suitable apartments or houses. Their questions are not easy to answer.

The Rural Housing Revitalization Act offers hope for families in rural areas who want and deserve a decent home. This measure seeks to ease the housing shortage by increasing funding for successful Farmers Home Administration housing programs.

This timely legislative initiative includes set-aside loans to target the additional funding to the most needy communities which have been underserved in the past. The bill authorizes a grant program to develop housing assistance capacity in rural areas. It launches an initiative to encourage nonprofit organizations to develop public-private partnerships for low income rental housing.

West Virginia is one State that desperately needs this and other help in revitalizing its rural housing. Much of our housing was damaged or swept away in severe flooding in 1985. Many rural areas are still struggling to recover from that tragic disaster. We are all aware of the problems in the Department of Housing and Urban Development. It is a matter of public record that West Virginia did not fare well under the favoritism practiced by previous HUD officials despite the efforts of the West Virginia delegation to bring our State's housing needs to the forefront.

This legislative initiative focuses housing assistance where it belongs—in needy, underserved areas. Each of the proposals in the revitalization bill are urgently needed to address the pressing housing concerns of rural America.

MR. FOWLER. Mr. President, I am pleased to join my good friend and colleague from North Carolina, Senator SANFORD, as an original cosponsor of the Rural Housing Revitalization Act.

When we talk about giving our young people a choice to stand by their roots and continue living in our small towns and countryside, we often talk of the need for a strong agricultural sector, of the need to create new jobs and boost local economies and educational opportunities. The availability of decent housing is also an important issue that faces all rural Americans.

We don't need a government study to know that much rural housing is substandard. In a recent Budget Committee hearing in Georgia, I received testimony that 300,000 rural elderly households in America lack plumbing and 1.7 million have no central heating.

The legislation we are introducing today addresses many of the needs and opportunities that have been crying out for our attention. At the same time that we have faced serious shortages of decent housing, in rural Georgia—and I am sure in many other places—we have had Farmers' Home Administration properties sitting empty. These are perfectly good—sometimes almost brand new—brick homes that remain vacant after foreclosure. This legislation would end this waste and put these houses to use by allowing their conversion to assisted rental housing. I think this offers a good example of how it would make the most of the limited resources we have in rural areas.

The bill would take important steps to extend and strengthen FmHA programs. It is important to reverse the trend of the 1980's—when FmHA assistance fell from 146,619 units in 1979 to 52,483 in 1989. The same scarcity of banking resources that hinders rural business enterprise also presents obstacles to rural housing production. These FmHA programs are essential to fill the void until more private lenders can be lured to rural areas. Farmers Home Administration offices around the country now have in hand, waiting to be funded, approved applications for rental and home ownership loans, totaling over \$10 billion.

When we compare this to actual FmHA funding, it is clear that we are talking about a huge need that is going unmet. And this unmet need is increasing. According to a study by the Congressional Research Service, rural housing production is falling short of demand by 75,000 units a year. What we are finding in this situation is that large areas of the countryside are being bypassed entirely by any form of assistance. This legislation takes an appropriate and necessary approach by targeting underserved areas, so that we can do a better job of getting assistance to the places it is most needed.

I am also encouraged by the fact that this legislation takes steps to develop local housing support so small communities are better able to help themselves in generating all the resources necessary to attract financing, rehabilitate housing stock and produce enough new housing to meet demand. The nonprofit organizations that sometimes proliferate in urban areas are much scarcer and have a more difficult time amassing enough support to make a difference in our small towns and countryside. Coordi-

nation of public and private efforts is absolutely essential if we are going to seriously consider including rural citizens in our goal of providing safe, decent, and affordable housing for all Americans.

I want to commend the Senator from North Carolina for his commitment to rural housing, and for his work in developing this legislation. He has held hearings of the Senate Banking Committee to explore these difficult issues. I have held hearings of the Senate Agriculture and Senate Budget Committees where we can across—in the Georgia countryside and across the Nation—many of these same housing problems he has here addressed.

I join my colleague as a cosponsor of this legislation—based on that direct knowledge and experience, on the firsthand testimony of the citizens and advocates of rural America—in the belief that this bill will directly and effectively address the issues we have uncovered so consistently in every investigation of our rural housing situation.

The Rural Housing Revitalization Act addresses a tremendous unmet need with a very modest and very wise investment of our resources. But it shows a strong sign of our commitment to rural America, and to rural Americans. It will complement our efforts, through the proposed Rural Partnerships Act, to bolster rural education, entrepreneurship, environmental protection, and health care. I would urge all my Senate colleagues to support this measure to strengthen our efforts in rural housing, as well.

By Mr. JOHNSTON (for himself and Mr. BREAUX):

S. 1373. A bill to provide for the cooperative development of common-hydrocarbon-bearing areas; to the Committee on Energy and Natural Resources.

COMMON HYDROCARBON-BEARING AREA
COOPERATIVE DEVELOPMENT ACT

● Mr. JOHNSTON. Mr. President, today Senator BREAUX and I are introducing legislation that will assure that modern conservation practices are applied to the development of those Federal and State oil and gas reserves that underlie the Federal and State boundary on the Outer Continental Shelf. This legislation amends section 5 of the Outer Continental Shelf Lands Act [OCSLA] to provide a right for injunctive relief where drainage from commonly held hydrocarbon-bearing areas is occurring or is about to occur. This injunction would remain in place until a method of cooperative development is agreed to by the Secretary of the Interior and the Governor of the affected State, or until the matter is finally resolved by the court.

Mr. President, in the early days of oil and gas development in this coun-

try, the law of capture was the rule of the day. Under this legal regime, oil producers raced to draw as much oil as possible to the surface before the oil reserve was drained by a competitor. The result was unnecessary drilling, adverse environmental effects, and reservoir damage that left unproducible portions of our Nation's oil reserves.

Over time, our States and the Federal Government moved away from the wasteful and discredited law of capture to a system of modern conservation laws and a policy of cooperative development. One of the cornerstones of these modern conservation laws is the concept of unitizing jointly held oil and gas reserves. Unitization provides for the development of the resources in an orderly and coordinated manner and also allocates the costs and benefits of such development among the various parties holding the rights to develop the natural resource. The objectives of unitization are to prevent both the economic and physical waste of the natural resource, to conserve our natural resources and to protect the rights of the various parties.

The Congress long ago directed the Secretary of the Interior, through section 5 of the Outer Continental Shelf Lands Act, to develop the Federal portion of the Outer Continental Shelf pursuant to modern conservation practices. In addition, section 5 directs the Secretary to cooperate with the coastal States in the enforcement of conservation laws and regulations.

However, during the last administration, this policy of cooperative development was abruptly changed. It was replaced with the rule of capture. This leads to drainage across the Federal-State boundary, the waste of oil and gas resources, a race to produce from the common area, unnecessary drilling in order to prevent additional drainage, and needless attendant environmental risks. The Federal Government, the States, and their lessees, suffer as a result.

Mr. President in one instance in the West Delta Field off the coast of Louisiana, this policy has led to unnecessary drilling and drainage from the State and its lessees of substantial oil and gas resources. According to the report of a third-party factfinder selected by the Federal Government and the State of Louisiana, in the West Delta Field alone, the State and its lessees have lost resources valued at \$23.5 million. See the Third Party Factfinder Louisiana Boundary Study, dated March 21, 1989. Not only have unnecessary environmental risks been incurred, but the Federal Government refuses to compensate the State and its lessees for this drainage.

This misguided policy has important implications for all coastal States and

for all persons concerned about the orderly and environmentally sound development of oil and gas on the OCS. Although I do not believe this policy is consistent with current law, this legislation addresses the problem by providing for the cooperative development of common hydrocarbon-bearing areas by the Federal Government and the coastal States. This legislation is reciprocal in protecting both the Federal Government and the coastal States from unnecessary drilling and drainage of oil and gas resources. The legislation amends the OCSLA to:

First. Make findings regarding the problems inherent in the unrestrained competitive production of hydrocarbons from a State-Federal common hydrocarbon-bearing area;

Second. Require the Secretary to prevent harmful effects of such unrestrained competitive production by protecting against drainage through cooperative development; and

Third. Provide a right for injunctive or other relief where drainage is occurring or is about to occur to halt drainage until such time as a method of cooperative development can be agreed to by the Secretary and the Governor of the involved State or until a final judgment on the merits is entered by the court.

These provisions are identical to those contained in title VI of Senate amendment No. 229, which Senator BREAU and I introduced on June 23, 1989. In addition, the bill we are introducing authorizes appropriations to provide compensation to the State and its lessees for drainage that has occurred along the Federal-State border, as determined by the third party factfinder and contained in the Third Party Factfinder Louisiana Boundary Study.

Mr. President, I am a longstanding supporter of the development of our Nation's oil and gas resources on the Outer Continental Shelf. I believe that this development must be undertaken in an orderly and environmentally sound manner that is fair to the Federal Government, the coastal States, and their lessees. This bill would help to achieve that end.

Mr. President, I ask unanimous consent that a copy of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1373

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That this Act may be referred to as the "Common Hydrocarbon-Bearing Area Cooperative Development Act".

SEC. 2. Section 5 of the Outer Continental Shelf Lands Act, as amended (42 U.S.C. Sec. 1334), is amended by adding a new subsection (j) as follows:

"(j) COOPERATIVE DEVELOPMENT OF COMMON HYDROCARBON-BEARING AREAS.—

"(1) FINDINGS.—

"(A) The Congress of the United States finds that the unrestrained competitive production of hydrocarbons from a common hydrocarbon-bearing geological area underlying the Federal and State boundary may result in a number of harmful national effects, including:

"(I) the drilling of unnecessary wells, the installation of unnecessary facilities and other imprudent operating practices that result in economic waste, environmental damage and damage to life and property;

"(II) the physical waste of hydrocarbons and an unnecessary reduction in the amounts of hydrocarbons that can be produced from certain hydrocarbon-bearing areas; and

"(III) the loss of correlative rights which can result in the reduced value of national hydrocarbon resources and disorders in the leasing of Federal and State resources.

"(2) The Secretary shall prevent the harmful effects of unrestrained competitive production of hydrocarbons from a common hydrocarbon-bearing area underlying the Federal and State boundary by protecting against drainage through the cooperative development of such area.

"(3) Whenever it shall appear that Federal oil and gas resources on the Outer Continental Shelf are being drained, or are about to be drained, by a State or any lessee, permittee or agent of a State, the Attorney General may institute a civil action in the district court of the United States for the judicial district in which the lease or land involved is located, for a temporary restraining order, injunction, or other appropriate remedy, in order to prevent the drainage of federal oil and gas resources. Such relief shall be granted if it appears that Federal oil and gas resources on the Outer Continental Shelf are being drained or are about to be drained and the Secretary and the Governor do not agree as to the method of cooperative development of the common hydrocarbon-bearing area, including the fair and equitable apportionment of the oil and gas resources involved. Such temporary restraining order, injunction, or other appropriate remedy shall remain in full force and effect until such time as the Secretary and the Governor of the State reach agreement on such method of cooperative development and apportionment or until the court enters a final judgment on the merits of the matter.

"(4) Whenever it shall appear that State oil and gas resources on the Outer Continental Shelf are being drained, or are about to be drained, by the United States or any lessee, permittee or agent of the United States, the State may institute a civil action in the district court of the United States for the judicial district in which the lease or land involved is located, for a temporary restraining order, injunction, or other appropriate remedy, in order to prevent the drainage of State oil and gas resources. Such relief shall be granted if it appears that State oil and gas resources on the Outer Continental Shelf are being drained or are about to be drained and the Secretary and the Governor do not agree as to the method of cooperative development of the common hydrocarbon-bearing area, including the fair and equitable apportionment of the oil and gas resources involved. Such temporary restraining order, injunction, or other appropriate remedy shall remain in full force and effect until such time as the Secretary and the Governor of the State reach agreement on such method of cooperative development

and apportionment or until the court enters a final judgment on the merits of the matter.

Sec. 3. AUTHORIZATION OF APPROPRIATIONS.—There are hereby authorized to be appropriated such sums as may be necessary to provide compensation, including interest, to the State of Louisiana and its lessees, for net drainage of oil and gas resources as determined in the Third Party Factfinder Louisiana Boundary Study dated March 21, 1989. For purposes of this section, such lessees shall be those persons with an ownership interest in State of Louisiana leases SL10087, SL10088 or SL10187, or ownership interests in the production or proceeds therefrom, as established by assignment, contract or otherwise. Interest shall be computed for the period March 21, 1989 until the date of payment.●

By Mr. MACK (for himself and Mr. GRAHAM):

S. 1374. A bill for the relief of the State of Florida; to the Committee on Finance.

FLORIDA RELIEF LEGISLATION

Mr. MACK. Mr. President, I am introducing legislation today to reimburse my home State of Florida for duties unnecessarily paid. The Florida Department of Transportation purchased 18 bilevel rail passenger cars from Canada for the Commuter Rail System in the tricounty area of south Florida. These specially designed cars were not available in the United States, yet they were subject to an antiquated 18 percent duty. This legislation, cosponsored by the senior Senator from Florida [Mr. GRAHAM] will return these duties to the State of Florida. I hope my colleagues will support our legislation.

By Mr. ROTH:

S. 1375. A bill to amend the Internal Revenue Code of 1986 to provide for the exemption from section 7872 of the Internal Revenue Code of 1986 of loans made to the country of Poland; to the Committee on Finance.

S. 1376. A bill to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act, and related statutory provisions, to authorize development and security assistance programs for fiscal year 1990, and for other purposes; to the Committee on Foreign Relations.

ASSISTANCE TO POLAND

● Mr. ROTH. Mr. President, last week I stood here and introduced a plan to build on the successes of President Bush's diplomatic mission into the Eastern bloc. It was a plan to use all—or a part—of the \$100 million in aid to Poland offered by President Bush to promote private enterprise—to take that money and use it to capitalize an equity fund through the sale of bonds for investment in private enterprises in Poland.

Since my original statement, and the proposal I introduced as a sense-of-the-Senate resolution, several encour-

aging developments have taken place—developments that bring me back today with this bill.

And the purpose of my bill is to provide for the establishment of a Polish-American Development Fund—to allow our citizens, especially members of our Polish-American community, to join with freedom-loving citizens in other parts of the world to provide ongoing investment in Polish private enterprise. Interestingly enough, there already is an ongoing people-to-people exchange of resources between communities in the United States and communities in Poland. Often those reaching out to help their friends and relatives on the other side of the Iron Curtain have worked through churches and other similar organizations.

But what we're proposing today is a concerted, well-organized, well-monitored, and systematic effort to help the Polish people toward a peaceful transition to a free market economy.

As I explained last week, Mr. President, administered correctly, the sum of money sought by President Bush could be leveraged to an amount several times the \$100 million by using it to collateralize and guarantee a bond issuance. These bonds would be open for sale to all people in the United States, and even to people of other nations. But specifically they would allow the strong Polish-American community the opportunity to give directly toward the liberation of its homeland.

And this is where the news has been very encouraging. This past week, I have spoken with several leaders of the American-Polish community, and I have found tremendous support for this initiative. As well, I have spoken with members of the administration and found interest there.

And quite frankly, there is good reason for this support, because this bill does exactly what the President, and exactly what we want, it to do—it insures that the money appropriated for the people of Poland goes where it's intended, and that's to the people of Poland.

Most of the arguments we've heard concerning financial assistance to Poland, especially as it was originally reported, center around the fear that it will not make it into the hands of private entrepreneurs—that instead it will be swallowed up by the bureaucracy and possibly even come back to haunt us as a means to fund Communist expansion. Frankly, these are sound arguments, and consequently they speak in favor of my bill that will ensure this money is placed carefully—that it goes not to the Government but to private businessmen, that in the long run it goes toward the support of a gradual transition to free market and democratic principles.

Through several important measures, my amendment offers these guarantees.

First, it urges the Secretary of State to negotiate with the Polish Government to establish an international board—a board that would be composed of United States and Polish representatives. This board would have the authority to:

First, receive up to a \$100 million appropriation from the U.S. Government;

Second, use this appropriation to purchase zero coupon bonds at market rates from the U.S. Government, thus leveraging the amount appropriated; and

Third, raise capital through a bond offering which would be used to assist the Polish people into a market economy.

The zero coupon bonds would provide backing for the fund to issue bonds that could raise more than \$500 million from investors interested in Poland's economic development.

Once Poland has established a legal framework sufficient for such investments—the board could raise up to, and invest, \$150 million each year. And such bond issuances and investments will continue on a yearly basis as long as the Polish Government allows an environment where private enterprise can take start and grow.

Mr. President, as I explained last week the concept behind this legislation is simple. Rather than looking for government to finance government—rather than watch another foreign loan disappear into the bowels of an inefficient, and even antagonistic government—we are allowing private enterprise to finance private enterprise. Using our taxpayer's \$100 million as collateral for a low-interest, tax-advantaged bond issuance, we are putting our faith in the market system that has provided democracies throughout the world with the most dynamic economies in history—the same market system the Polish people are presently seeking—and the very same system that will provide for the peaceful transition to democracy for the country of Poland.●

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 1377. A bill to provide a method under which the State of New Mexico can continue certain Federal highway road work; to the Committee on Energy and Natural Resources.

CONTINUATION OF CERTAIN HIGHWAY
CONSTRUCTION, NEW MEXICO

● Mr. DOMENICI. Mr. President, today I am reintroducing legislation that passed this body in the last Congress to provide the State of New Mexico with the ability to expand State funds on roads leading to the waste isolation pilot project [WIPP] and to be reimbursed in future appropriations bills. I am pleased Senator Bingaman is joining me as a cosponsor of this legislation.

The legislation does not provide New Mexico with one penny of funding now. Instead, what it does is allows the State to proceed with necessary highway work using State funds, to later be reimbursed with whatever funds are provided in future appropriation bills. All of the highway work has been identified in agreements between the State of New Mexico and the Department of Energy [DOE], and those agreements have included a commitment by DOE to obtain the necessary funding to improve these roads.

Despite past agreements, this legislation guarantees the State nothing. However, the people of New Mexico are facing a difficult situation. While it is now unclear exactly when WIPP will open, there is one thing that is very clear to New Mexicans—our existing road system is not adequate to accommodate the truck traffic that will be destined for WIPP.

Given the importance of a safe highway system, it is absolutely essential that the necessary highway repairs and upgrades occur prior to the opening of WIPP, not after.

Mr. President, future Congresses will be deciding the amount of funding the Federal Government will commit to upgrading New Mexico's highways in order to accommodate WIPP transportation. For now, it is critical that we provide the State with a positive sign that in years to come, the Federal Government will honor its past commitments.

Almost exact language was passed by the Senate in the last Congress, and I urge my colleagues to move quickly on this measure. At this point, I respectfully request that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1377

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. The Secretary of Energy is authorized and directed to enter into an agreement with the State of New Mexico for the purpose of reimbursing the State of New Mexico under current DOT advance construction procedures, as set forth in title 23, CFR part 630, subpart G, in such manner and in such amounts as shall hereafter be provided in appropriation Acts, for any and all costs incurred by the State of New Mexico for the design, row acquisition, construction and/or upgrading of certain highways or relief routes in the State of New Mexico used for the transportation of radioactive waste generated during defense-related activities, and destined for the Waste Isolation Pilot Project [WIPP], including those roads identified in an August 4, 1987, WIPP Agreement between the State of New Mexico and the United States Department of Energy.●

By Mr. GORTON:

S. 1378. A bill to amend the Clean Water Act relating to the discharge of

oil and hazardous substances; to the Committee on Environment and Public Works.

CORPORATE ENVIRONMENTAL RESPONSIBILITY ACT

● Mr. GORTON. Mr. President, almost every American has been shocked at the incompetence and arrogance of the Exxon oil company that resulted in the *Exxon Valdez* disaster. On May 3, I took this floor to criticize such gross absence of responsible behavior, and to propose a new scheme of environmental law designed to instill in corporations a more responsible attitude.

During Commerce Committee hearings on the Alaskan disaster, the Exxon Corp. exhibited, in my view, an arrogant and calloused attitude toward what I believe to be the paramount duty of any corporation given license to develop public resources; that is, to protect the surrounding environment. As I said here on May 3, "with the privilege of profit comes the responsibility to protect." And if oil companies do not wish to accept this responsibility voluntarily, out of a sense of obligation and honor, then we shall have to create a reason they do understand: risk to the bottom line.

It is simply unacceptable public policy to grant private enterprise the right to make profits that are limited only by their skill and the marketplace, but to ask taxpayers to bear the fullest measure of the potential harm to the environment from these activities. In Alaska today, we are reaping the effects of that policy, which privatizes profit and socializes risk.

I discussed this legislation, in draft form, with my distinguished colleagues on the Commerce Committee, during the markup of the committee oilspill bill. I advised the committee then that I would seek to amend the committee bill on the floor to include these concepts.

Since that time, I have sought the advice of others, and have further refined these ideas. And today, Mr. President, I introduce the Corporate Environmental Responsibility Act of 1989.

As is appropriate to its jurisdiction, the Commerce Committee bill properly addresses such issues as prevention of, and responses to a spill. It raises the limits of the TAPS fund and corporate liability for spills of Alaskan oil.

But oil traverses U.S. waters from sources other than Prudhoe Bay. And while the bill's combination of increased liability limits and fund size may reasonably cover the potential damage of another spill of that Alaskan oil, it does nothing for oil damage from any other source. In my judgment, we need a much stricter regime of oilspill liability law, which causes the oil companies to choose to behave

in a vastly more responsible manner. And I must say, Mr. President, as a fundamental premise, I do not believe the public is well served by limits on oilspill liability.

My bill would revise the "rules" of oilspill liability, so as to make corporations pay the full costs of spill damage and cleanup, and to penalize corporations when they are negligent. These principles are fundamentally fair, and make common sense. We apply the same principles in many other aspects of law: you make a mess, you clean it up. You injure someone, you pay the damages. You behave in a grossly irresponsible way, you risk a loss of privilege. Irresponsible drivers can lose their license; irresponsible companies should also be penalized.

The Corporate Environmental Responsibility Act of 1989 will, first, make all persons responsible for oil spills, including foreign owners, strictly liable for the full costs of cleanup, restoration, and damages. It is time that corporations understand that they must fulfill all obligations in this regard, no if's, and's, or but's.

Second, in cases where a spill is caused by negligence, my bill will assess a civil penalty equal to the full costs of cleanup and restoration.

Third, in cases where a spill is both catastrophic in nature and is caused by willful negligence or willful misconduct, my bill will assess a civil penalty equal to 25 percent of their profits from the previous year, or the average of the previous 5 years, whichever is greater.

Finally, this bill creates a Resources Restoration and Environmental Fund, into which will be deposited the civil penalties of the second and third cases I have just described. This fund will be used for additional restoration and replacement of natural resources harmed by a spill, and such other environmental purposes as Commerce, Interior, EPA, and Transportation decide.

It is important to remember, Mr. President, that I do not advocate retribution; I advocate prevention. I believe that private enterprise can behave responsibly. And I believe that if we enact this legislation, it will. Private enterprise understands risk, and through this understanding, will behave in an environmentally responsible manner. It is past time that corporations shoulder their full responsibilities to the environment, and take them off the back of the taxpayer.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD, following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1378

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. (a) This Act may be cited as the "Corporate Environmental Responsibility Act of 1989".

(b) Paragraph (6) of subsection (b) of section 311 of the Clean Water Act (33 U.S.C. 1321(b)(6)) is amended to read as follows:

"(6)(A)(i) Any owner, operator, or person in charge of any vessel, onshore facility, or offshore facility from which oil or a hazardous substance is discharged in violation of paragraph (3) of this subsection shall, if such discharge did not result from the negligence of such owner, operator, or person, be assessed a civil penalty by the Secretary of the department in which the Coast Guard is operating in an amount determined by the Secretary to be equal to, in the aggregate, the costs, as determined by the Secretary, of the removal of oil or a hazardous substance for which such owner, operator, or person is liable under subsection (f) of this section, and the costs and expenses which would be required in the restoration or replacement of natural resources damaged or destroyed as a result of a discharge of oil or a hazardous substance in violation of subsection (b) of this section. Any amount assessed as a civil penalty under this subparagraph (i) shall be deposited in the fund established pursuant to subsection (k). No penalty shall be assessed unless the owner, operator, or person charged shall have been given notice and opportunity for a hearing on such charge. Each violation is a separate offense. Any such civil penalty may be compromised by the Secretary. In determining the amount of the penalty, the Secretary shall consider the appropriateness of such penalty to the size of the business of the owner or operator charged, the effect on the owner or operator's ability to continue in business, and the gravity of the violation. In addition, the Secretary shall consider any and all amounts expended by such owner, operator, or person in the removal and cleanup of such discharge. The Secretary of the Treasury shall withhold at the request of the Secretary of the department in which the Coast Guard is operating the clearance required by section 4197 of the Revised Statutes of the United States (46 U.S.C. 91), of any vessel the owner, operator, or person in charge of which is subject to the foregoing penalty. Clearance may be granted in such cases upon the filing of a bond or other surety satisfactory to such Secretary.

"(ii) In the administration of subparagraph (i) of this paragraph, the Secretary of the department in which the Coast Guard is operating, shall, in the case of any such discharge referred to in such subparagraph caused by the negligence of such owner, operator, or person, as determined by the Secretary, assess a civil penalty against such owner, operator, or person in an amount equal to, in the aggregate, twice the amount that would have been assessed under subparagraph (i), if there had been no negligence. Notwithstanding the provisions of subsection (k), one-half of all amounts assessed as civil penalties under this subparagraph (ii) shall be deposited in the fund established pursuant to subparagraph (D) of this paragraph.

"(iii) In addition to other penalties imposed by this section, the Secretary of the department in which the Coast Guard is operating shall, in the case of any such discharge referred to in subparagraph (i) of

this paragraph which is determined by the Secretary to be both a catastrophic discharge and caused by the willful negligence or willful misconduct of the owner, operator, or person in charge, assess a civil penalty against such owner, operator, or person in charge in an amount equal to 25 percent of the profits made by such owner, operator, or person in connection with the extraction, purchasing, selling, shipping, or otherwise transporting of oil or hazardous substances during the fiscal year immediately preceding the fiscal year in which such discharge occurred, or in an amount equal to 25 percent of the average of such profits so made during the 5 fiscal years immediately preceding the fiscal year in which such discharge occurred, whichever is greater. Notwithstanding the provisions of subsection (k), the proceeds resulting from any such civil penalty so imposed shall be deposited in the fund established by subparagraph (D) of this paragraph (6).

"(B)(i) in addition to any civil penalty authorized by this paragraph (6), the Administrator may act to mitigate the damage to the public health or welfare caused by such discharge. The cost of such mitigation shall be deemed a cost under subsection (c) of this section for the removal of such substance by the United States Government.

"(ii) For purposes of this paragraph (6), the term 'catastrophic discharge' means a discharge of oil or hazardous substance which results in irreparable and substantial damage to the environment.

"(C) Any costs of removal incurred in connection with a discharge excluded by subsection (a)(2)(C) of this section shall be recoverable from the owner or operator of the source of the discharge in an action brought under section 309(b) of this Act.

"(D) There is established in the Treasury a Resources Restoration and Environmental Fund. Moneys in the fund shall be available in such amounts as are hereafter provided for in appropriation Acts for the restoration and replacement of natural resources damaged or destroyed as a result of a discharge of oil or a hazardous substance in violation of subsection (b) of this section, and for such other environmental purposes as the Secretary of Commerce, Secretary of Interior, Secretary of the department in which the Coast Guard is operating, and the Administrator of the Environmental Protection Agency shall determine.

"(E) Any person who is damaged as a result of the discharge of oil or a hazardous substance by an owner, operator, or person in charge as referred to in this paragraph (6) may, in a civil action in any appropriate United States district court, recover, jointly or severally, and on the basis of strict liability, from the owner, operator, or person, or from an importer under subsection (s), an amount equal to the actual damages directly sustained by that person. Such suit must be commenced not later than 2 years after the date upon which the claimant first has a reasonable opportunity to discover the violation."

SEC. 2. Paragraphs (1), (2), and (3) of subsection (f) of section 311 of the Clean Water Act (33 U.S.C. 1321(f)) are amended to read as follows:

"(1) Any owner, operator, or person in charge of a vessel or an onshore or offshore facility from which oil or a hazardous substance is discharged in violation of subsection (b)(3) of this section shall, notwithstanding any other provision of law, be jointly and severally and strictly liable to the United States Government for the

actual costs incurred under subsection (c) of this section for the removal of such oil or substance by the United States Government. Such costs shall constitute a maritime lien on such vessel which may be recovered in an action in rem in the district court of the United States for any district within which any vessel may be found. The United States may also bring an action against the owner or operator of such vessel in any court of competent jurisdiction to recover such costs."

SEC. 3. IMPORTERS OF OIL AND HAZARDOUS SUBSTANCES.

(a) Section 311 of the Clean Water Act (33 U.S.C. 1321) is amended by adding at the end thereof the following:

"(s) Notwithstanding any other provision of this section, or any other law, any person who, pursuant to a contract or other agreement, imports oil or a hazardous substance into the United States shall, if such oil or substance is discharged in violation of paragraph (3) of subsection (b) of this section, be jointly and severally liable to the United States for all costs, damages, and penalties for which any owner, operator, or person in charge of any vessel, onshore facility, or offshore facility is liable to the United States under this section for such discharge."

(b) Subsections (g) and (i) of section 311 of the Clean Water Act (33 U.S.C. 1321 (g) and (i)) are repealed.●

By Mr. GORTON (for himself, Mr. SIMON, Mr. KOHL, Mr. GRAMM, Mr. WILSON, Mr. LIEBERMAN, Mr. CRANSTON, Mr. BOSCHWITZ, Mr. MCCAIN, Mr. MCCLURE, Mr. KASTEN, Mr. DOMENICI, Mr. COHEN, Mr. SHELBY, Mr. DODD, and Mr. BENTSEN):

S. 1370. A bill to provide for adjustments of status of certain nationals of the People's Republic of China; which was ordered held at the desk until the close of business, August 4, 1989, by unanimous consent.

RELATING TO CHINESE FOREIGN STUDENTS AND EXCHANGE VISITORS

Mr. GORTON. Mr. President, I am delighted and proud to introduce at this time on behalf of myself and Mr. SIMON, Mr. KOHL, Mr. GRAMM, Mr. WILSON, Mr. LIEBERMAN, Mr. CRANSTON, Mr. BOSCHWITZ, Mr. MCCAIN, Mr. MCCLURE, Mr. KASTEN, Mr. DOMENICI, Mr. COHEN, Mr. SHELBY, Mr. DODD, and Mr. BENTSEN a bill which integrates and harmonizes the provisions of the Mitchell-Dole amendment and the Gorton amendment to the legal immigration bill that passed the Senate last week. I understand the companion bill soon will be introduced into the House of Representatives by Congressmen JOE BARTON, of Texas, STEVE GUNDERSON, of Wisconsin, BILL GREEN, of New York, and BEN JONES, of Georgia.

The bill I am introducing today is intended to be completely consistent with the sum and substance of those two amendments. This bill, like the Mitchell-Dole and the Gorton amendments taken together, meets three important goals.

First, it provides Chinese students and exchange visitors the security they want and need to continue to live and work while in our country.

Second, it provides what I consider to be the most effective possible sanction against the repressive regime of the People's Republic of China—the possible loss of the brightest and best of its young people who are represented by those students here in the United States.

Third, the bill provides a possible means by which these bright and talented students may ultimately become U.S. citizens and contribute their skills and labors to our economy. Many of these students would be unable to gain immigrant status under the current preference system for lack of the requisite family or work relationship.

The combined amendments extend to our visiting Chinese students the valuable ability to adjust to temporary resident status—the first step in a process which may ultimately lead to citizenship—only if the President is unable or unwilling to certify within almost 4 years from today that it is perfectly safe for them to return home.

Virtually every day, we are reminded of China's continued efforts to eradicate any remaining traces of the democracy movement and to prevent its recurrence. On July 19, the Washington Post reported the detention of Mr. Yang Wei, a former University of Arizona graduate student who in 1987 was the first student known to have been arrested for his prodemocracy activities. Many of you may remember that this event moved Congress to pass a joint resolution calling for his release. Also on July 19, the Seattle Post-Intelligencer reported the arrest of China's most famous female journalist, Ms. Dai Qing, because of her outspoken prodemocracy position.

I anticipate that before long the current Chinese leaders will launch a propaganda campaign to encourage the return of the Chinese nationals who may be studying or visiting abroad. Promises will be made not to punish those who participated in the democracy movement.

I and my staff have spoken with many Chinese students, both in the State of Washington and around the Nation. These students are unanimous in their distrust in promises made by a regime which is totally lacking in credibility; a regime which has the audacity to deny the occurrence of the Tiananmen Square massacre and to blatantly rewrite history in the face of world outcry. Promises without concrete actions mean nothing.

These students may consider it safe to return to China only after the Chinese Government has recharacterized the prodemocracy demonstrations as patriotic rather than counterrevolu-

tionary, and the Government has taken steps to release those arrested or detained for their prodemocracy activities. A number of students also would demand issuance or renewal of passports in order that they may continue their studies or other activities overseas.

The present situation involving Chinese students is unique in the fact that the home country, China, eventually will want its nationals to return home, albeit politically neutralized or reindoctrinated. Proposals of Congress should be crafted with this difference in mind.

Further, we must reach a solution which addresses the long-term needs of Chinese students in our country. A letter which I received very recently from a group of Chinese students expressed this extremely well, and I quote from it:

[U]nlike the Canadian government which has granted permanent residence status to all Chinese students in that country, the government of the United States has not responded to our quandaries definitively. As a result, we are haunted by a dangling fear for the worsening present and a frightening future. * * * It would be a great irony that in this stronghold of freedom and liberty we should live in endless fear for our role in supporting freedom and democracy.

In adopting the Mitchell-Dole and Gorton amendments by unanimous consent, the Senate has sent a strong message to the current leaders of the People's Republic of China. This message can be reinforced by Senate passage of this bill and by the taking of appropriate action in the House of Representatives.

In a true bipartisan and bicameral effort, I and my staff have worked closely with Senators SIMPSON, KENNEDY, SIMON, AND KOHL, and Congressman STEVE GUNDERSON, of Wisconsin, and JOE BARTON, of Texas, and their respective staffs, to arrive at a humane, compassionate, and forward-looking response to the continuing atrocities ordered by the current Chinese leaders.

Mr. President, I ask unanimous consent that both the entire text of the bill I am introducing today, and a detailed summary of that bill, be printed in the RECORD at the conclusion of my remarks.

Mr. President, I further ask unanimous consent that the entire text of the article captioned "Chinese Student Arrested in 1987, Detained Again," which appeared in the July 19, 1989 edition of the Washington Post, be printed in the RECORD at the conclusion of my remarks.

Mr. President, I further ask unanimous consent that the entire text of a letter dated July 16, 1989, sent to my office from a number of Chinese students, the names of whom I have marked out, be printed in the RECORD at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1370

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.—That this Act may be cited as the "Emergency Chinese Immigration Relief Act of 1989".

SEC. 2. ADJUSTMENT OF STATUS OF CERTAIN NATIONALS OF THE PEOPLE'S REPUBLIC OF CHINA.—The Immigration and Nationality Act is amended by inserting after section 245A the following new sections:

"SEC. 245B. ADJUSTMENT OF STATUS OF CERTAIN NATIONALS OF THE PEOPLE'S REPUBLIC OF CHINA."

"(a) WAIVER OF FOREIGN RESIDENCE REQUIREMENT FOR 'J' NONIMMIGRANTS.—Notwithstanding the provisions of section 212(e) of the Immigration and Nationality Act (8 U.S.C. 1182(e)), a national of the People's Republic of China may apply for adjustment of status to that of an alien lawfully admitted for permanent residence or for a change to another nonimmigrant status if such alien—

"(1) was lawfully admitted to the United States on or before June 5, 1989, as a nonimmigrant described in subparagraph (J) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)), or lawfully changed status on or before June 5, 1989 to that of a nonimmigrant described in such subparagraph, and

"(2) was in lawful nonimmigrant status on June 5, 1989, and has been continuously resident in the United States since June 5, 1989, other than for brief, casual and innocent absences.

"(b) PRESUMPTION OF CONTINUOUS RESIDENCE FOR CERTAIN NATIONALS OF THE PEOPLE'S REPUBLIC OF CHINA.—For purposes of adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1225) and change of status under section 248 of such Act (8 U.S.C. 1228), in the case of any national of the People's Republic of China who—

"(1) lawfully entered the United States on or before June 5, 1989, as a nonimmigrant described in subparagraph (F), (J) or (M) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)), or lawfully changed status on or before June 5, 1989 to that of a nonimmigrant described in any such subparagraph, and

"(2) was in lawful nonimmigrant status on June 5, 1989, and has been continuously resident in the United States since June 5, 1989, other than for brief, casual and innocent absences,

such alien shall be considered as having continued to maintain lawful status as such a nonimmigrant (and to have maintained continuously a lawful status) for the period described in subsection (e).

"(c) AUTHORIZATION OF TRAVEL ABROAD.—The Attorney General shall, in accordance with existing regulations, permit an alien described in subsection (b) to return to the United States after such brief and casual trips abroad as reflect an intention on the part of the alien to continue residence in the United States.

"(d) EMPLOYMENT AUTHORIZATION.—The Attorney General shall permit a national of the People's Republic of China who is described in subsection (b) to engage in employment in the United States, and shall provide such national with an employment authorization document or other appropri-

ate work permit for the duration described in subsection (e).

"(e) DURATION OF STATUS.—

"(1) subject to paragraph (e)(2), nationals of the People's Republic of China described in subsection (b) shall have their departure from the United States deferred until June 5, 1993, without regard to whether the alien has obtained an adjustment or change of status under subsection (a) or (b).

"(2) on or after June 5, 1990, the Attorney General may terminate the duration of status accorded under this subsection (e) no sooner than 60 days following the date that the President certifies to Congress that conditions in the People's Republic of China permit such aliens to return to that country in safety.

"SEC. 245C. ADJUSTMENT TO LAWFUL RESIDENT STATUS OF CERTAIN NATIONALS OF THE PEOPLE'S REPUBLIC OF CHINA.

"(a) ADJUSTMENT TO TEMPORARY RESIDENT STATUS.—The status of a national of the People's Republic of China shall be adjusted by the Attorney General to that of an alien lawfully admitted for temporary residence if—

"(1) the alien applies for such adjustment during the 90-day period prior to June 5, 1993;

"(2) the alien—

"(A) was lawfully admitted to the United States on or before June 5, 1989, as a nonimmigrant described in subparagraph (F), (J) or (M) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)), or lawfully changed status on or before June 5, 1989 to that of a nonimmigrant described in any such subparagraph, and

"(B) was in lawful nonimmigrant status on June 5, 1989, and has been continuously resident in the United States since June 5, 1989, other than for brief, casual and innocent absences;

"(3) the alien meets the requirements of section 245A(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1255a(a)(4)), except that membership in the Communist Party of the People's Republic of China or any subdivision thereof shall not constitute an independent basis for denial of adjustment of status if such membership was 'involuntary' or 'nonmeaningful' and if the alien on or before the date of adjustment of status terminates such membership and renounces communism; and

"(4) the Attorney General shall not have terminated prior to June 5, 1993, the duration of status described in subsection 245B(e).

The Attorney General shall provide for the acceptance and processing of applications in accordance with the provisions of this section.

"(b) STATUS AND ADJUSTMENT TO PERMANENT RESIDENCE STATUS.—The provisions of subsections (b), (c)(6), (c)(7), (d), (f), (g) and (h) of section 245A of the Immigration and Nationality Act (8 U.S.C. 1255a) shall apply to a national of the People's Republic of China who is an alien provided temporary residence under subsection (a) in the same manner as such provisions apply to aliens provided lawful temporary residence status under section 245A(a) of such Act, except that membership in the Communist Party of the People's Republic of China or any subdivision thereof shall not constitute an independent basis for denial of adjustment of status if such membership was 'involuntary' or 'nonmeaningful' and if the alien on or before the date of adjustment of status

terminates such membership and renounces communism.

"(c) AUTHORIZATION OF TRAVEL ABROAD.—The Attorney General shall, in accordance with existing regulations, permit a national of the People's Republic of China who is an alien provided temporary residence under subsection (a) to return to the United States after such brief and casual trips abroad as reflect an intention on the part of the alien to continue residence in the United States.

"(d) EMPLOYMENT AUTHORIZATION.—The Attorney General shall permit a national of the People's Republic of China who is an alien provided temporary residence under subsection (a) to engage in employment in the United States, and shall provide such national with an employment authorization document or other appropriate work permit for the appropriate duration."

EMERGENCY CHINESE IMMIGRATION RELIEF ACT OF 1989

PURPOSE

An Act to provide students and exchange visitors from the People's Republic of China, and their resident spouses and children, with the deferral of departure until June 5, 1993, and the conditional right to apply for and be granted adjustment to temporary resident status, then permanent resident status.

SCOPE AND ELIGIBILITY

A national of the People's Republic of China who as of June 5, 1989 was in lawful nonimmigrant status pursuant to an "F", "J" or "M" visa, and either (i) was physically present in the United States on June 5, 1989, or (ii) was temporarily absent from the United States on that date because of a brief, casual and innocent absence, may be eligible for adjustment of status.

WAIVER OF TWO YEAR FOREIGN RESIDENCE REQUIREMENT FOR HOLDERS OF "J" VISAS

An eligible Chinese national who is subject to the 2-year foreign residence requirement and who successfully either changes to another nonimmigrant status or adjusts to immigrant status shall be subject only to the conditions of such new status without regard to the 2-year foreign residence requirement.

MAINTENANCE OF STATUS

For purposes of change of nonimmigrant status or adjustment to immigrant status, an eligible Chinese national shall be considered as having continued lawful status as a nonimmigrant (and to have maintained continuously a lawful status) until the earlier of June 5, 1993 or the date the Attorney General terminates the duration of status pursuant to section 245B(e) of the Act (the Attorney General may terminate such duration of status no sooner than 60 days after the President has certified to Congress that it is safe for Chinese nationals to return to China).

ADJUSTMENT TO TEMPORARY RESIDENT STATUS

An eligible Chinese national shall be adjusted to the status of a temporary resident if (i) an application is made during the 90-day period immediately preceding June 5, 1993, (ii) the student meets the requirements of section 245A(a)(4) of the Immigration and Nationality Act (with a limited exception for mere membership in the Chinese Communist Party), and (iii) the Attorney General has not taken action to terminate prior to June 5, 1993 the duration of the "safe haven" status authorized pursuant to section 245B(e) of the Act (the Attorney General may terminate such duration of

status no sooner than 60 days after the President has certified to Congress that it is safe for Chinese nationals to return to China).

A significant number of Chinese students and exchange visitors have joined the Chinese Communist Party not because of ideological beliefs or conviction, but rather because of the potential career and other benefits which party membership may offer, including improved chances of receiving authorization to study abroad. Absent significant or active involvement or participation, mere prior or current membership in the Chinese Communist Party should not constitute an independent basis for denial of benefits offered by the Act. This is intended to be consistent with the current interpretation of the Immigration and Naturalization Service as to what constitutes "nonmeaningful" membership in a communist organization. On or before the date of adjustment of status, however, the Chinese national must terminate such membership and must renounce communism.

AUTHORIZATION OF TRAVEL ABROAD

An eligible Chinese national shall be permitted to return to the United States after travel abroad. The Act intends that the ability to travel abroad and return will be preserved even if after June 5, 1989, a student's passport may expire.

EMPLOYMENT AUTHORIZATION

An eligible Chinese national shall be granted employment authorization and shall be provided with an employment authorization document or other appropriate work permit.

MISCELLANEOUS

Eligible Chinese nationals who have joined the deferred departure program offered by the Immigration and Naturalization Service also are included within the scope of the Act. Chinese nationals who may have been compelled by circumstances to opt for the temporary and limited benefits of the deferred departure program should not be penalized for such actions.

[From the Washington Post, July 19, 1989]

CHINESE STUDENT ARRESTED IN 1987, DETAINED AGAIN (By Jay Mathews)

BEIJING, July 18.—Yang Wei, a former University of Arizona graduate student whose 1987 arrest for pro-democracy activities received unusual attention in the United States, was detained in Shanghai today for conducting alleged "demagogical propaganda for counterrevolutionary ends," the New China News Agency reported.

Yang, 34, was released in January after serving a two-year sentence for participation in student demonstrations around New Year's 1987 that foreshadowed this spring's major student uprisings.

Although he holds a master's degree in biochemistry and microbiology, he was assigned work after his release as a translator in a factory and deprived of all political rights for at least another year. In an interview at the time of his release, he said he would continue to speak to foreign reporters even if told not to.

Today's Chinese news agency report from Shanghai emphasized Yang's alleged membership in the U.S.-based Chinese Alliance for Democracy, which the agency called "a reactionary organization." The report also drew attention to Yang's activities during this year's student unrest.

"Yang didn't show any penitence and continued to provide information for the reac-

tionary organization," the agency said. "During the social turmoil in Shanghai, Yang went to university campuses and mixed in the student parades or hunger strikes, collecting information for the organization and instigating students to oppose the Chinese government."

The article said Yang gave "his boss"—apparently an alliance official—the membership list of "the illegal student organization, the Shanghai Autonomous University Student Union."

Yang's 1987 arrest was the first time a student returning from study in the United States was known to have been arrested for political activity. The U.S. Congress passed a joint resolution calling for his release and then-Secretary of State George P. Shultz raised the issue with Chinese officials here.

JULY 16, 1989.

HON. SENATOR GORTON: We are a group of Chinese students majoring in liberal arts and humanities. We are writing to you to express our gratitude for your kindness and generosity. Your bill which proposed granting permanent residence to Chinese students shows your humane concern for our civil rights and your profound understanding of our plight. We all feel terribly sorry that you withdrew it last week.

As Chinese we have been outraged by the brutality of the Chinese government last month. We have publicly denounced the Deng-Li fascist regime and declared no service for it. As students with better English proficiency, we were most vocal in condemning the Chinese government and most exposed in the news media of all Chinese students. As a result we are probably on top of the Chinese government's wanted list. At any rate, we would risk our lives upon returning to our homeland as long as the reactionary hardliners are dominant in the Chinese government.

Our experience tells us that the Communist government never forgives. If there is any political turmoil in the future we would most likely become the targets of persecution—as some of our parents did—if we were in China. Unless there is a fundamental change in the political system itself, it would be unsafe for us to go home. On the other hand, we dare not seek political asylum immediately, for it will not only bring persecution and harassment to our family members at home, but also create further diplomatic difficulties for the United States.

Recently the U.S. government has granted the deferred departure (DD) to Chinese nationals and the Congress is considering extending the DD. That status, however, puts us only in a very disadvantageous position. That is why so far very few Chinese have applied for it. Even a waiver of the two-year home country residence requirement for J-1 students as proposed in Representative Nancy Pelosi's HR. 2712 will not be of ultimate help, especially for us liberal arts and humanities majors.

We liberal arts students are a minority but nonetheless a significant one among the Chinese students in the U.S. Since we are engaged in learning American political, social and cultural values, we are the people that are least welcomed by the present Chinese government. Our views that have been developed through our education here will no doubt incur the wrath of a totalitarian government.

We are also the most vulnerable of all Chinese students in America. Unlike our fellow students in other fields, many of us

will have little chance of finding jobs, under the current U.S. immigration restrictions. We will be forced to either change our majors, give up our academic careers, or to work on unskilled jobs in order to survive. Moreover, even a change in our fields of study may not be feasible for many of us because getting financial support in areas we are unfamiliar with won't be easy.

In short, we have too many problems to be listed in this letter, problems that other Chinese students may not have. We hope that the U.S. government will take into consideration the grave concerns of us liberal arts and humanity students who probably amount to as many as 4,000.

We are rather disappointed that, unlike the Canadian government which has granted permanent residence status to all Chinese students in that country, the government of the United States has not responded to our quandaries definitively. As a result, we are haunted by a dangling fear for the worsening present and a frightening future. The feeling of being international homeless pariahs keeps us in great anxiety and uncertainty. It would be a great irony that in this stronghold of freedom and liberty we should live in endless fear for our active role in supporting freedom and democracy. It would be a still greater tragedy should the United States government sacrifice in the eyes of the world the very fundamental principles of freedom, upon which this nation is erected, and force us into the claws of the present Chinese regime.

For us, between the Chinese jail and the massive political asylum here, the most desirable solution is still your bill which has been unfortunately withdrawn lately. It is definitely better than the extension of the Deferred Departure. The DD is primarily based on the assumption that within four years or so there will be a possible complete reversal in Chinese political situation, which, in our opinion, is highly unlikely. Second, the DD produces such uncertainty that we cannot decide on whether to continue or to change our career in order to survive. It is during this period of uncertainty that we are bound to suffer from unemployment, anxiety, and despair. Third, as the DD does not provide us with a safe status, many of us will not be able to even pay a brief visit to our aging parents and other beloved ones or to do business. Furthermore, the DD status will consequently lessen our direct influence on the people in China since we would not dare to communicate freely with our families and friends at home. Lastly, the passage of the DD may be helpful to other science/engineering students, who can find jobs and consequently change their status into that of permanent residents.

QUOTATIONS FROM THE EDITORIAL IN JULY 11 ISSUE OF THE PEOPLE'S DAILY

We need to seriously guard against some foreign forces and their use of bourgeois ideology, that is, the idea of American freedom, democracy and human rights as spiritual weapons to invade and penetrate our socialist society. We also need to guard against their effort at disintegrating our socialist system by stirring and supporting those who insist on bourgeois freedom within our country.

The struggle between the foreign as well as the Chinese internal forces which attempt at "peaceful transformation" (of Chinese political system) and the Chinese people who oppose this "transformation" is a reflection of class struggles in a global

context. It is also an expression of the internal class struggles nationwide. In the Chinese society, including the intellectual circle, and even within our Communist Party, there exist a handful of people who admire the capitalist system. The so-called "democratic individualists" some time ago were a group of "middle-of-the roaders" who held an illusion of the United States while having a misunderstanding of the Communist Party. However, those Chinese who insist on bourgeois democratization today are counter-revolutionaries who kneel down to "Western civilization" and vehemently oppose our socialist system. The dregs such as Fang Li-Zhi, Wang Dan and Liu Xiao-Bo are not only fervent enemies of communism and socialism, but also scums among the entire Chinese people. They are servile and blind worshippers of foreign ideology. They are of one mind with anti-communists overseas and are actively cooperating with them in order to create turmoil and violence in the attempt of overthrowing the Communist leadership and destroying our socialist system and the People's Republic. They aim at building a capitalist society dependent upon the West.

As for the fighting against bourgeois freedom, I have spoken the most on that issue, and I take the firmest stand against such "freedom." In my opinion, it is necessary to insist on the fighting not only for now, but also for ten or twenty years.—From Deng Xiao-Ping's speech; see People's Daily (Overseas edition), June 2, 1989.

Mr. KOHL. Mr. President, I am pleased to be a cosponsor of Senator GORTON's bill. I have worked closely with him in developing legislation to assist our Chinese guests, and I appreciate the valuable role he has played in this effort.

This bill incorporates the language of two amendments that passed the Senate unanimously last week: the Mitchell-Dole and Gorton amendments to the legal immigration bill. In approving them, the Senate expressed its belief that Chinese students in the United States need a safe harbor until they can return home without fear. By introducing a bill that mirrors the amendments, we are attempting to ensure that relief is forthcoming even if the legal immigration bill moves slowly toward enactment.

The bill works like this: First, the 2-year foreign residency requirement would be waived. In other words, holders of "J" visas would not have to go back to China for 2 years before becoming eligible to apply for new United States visas or permanent residency. Second, all Chinese students here would be afforded legal status automatically, which means they could immediately apply for work visas or permanent residency. They would not enter the legal limbo that awaits those who seek assistance under the present deferred departure program. And they would not have to affirmatively request protection or declare their unwillingness to return home—something the students are afraid to do, but which they must do to qualify for the existing Deferred Departure Program.

Under our measure, students would be permitted to remain in the United States until June 1993, unless the President certifies to Congress before then that it is safe for them to return to China. If the President does not so certify, students could become permanent residents after an 18-month temporary residency period that would begin in June 1993.

Mr. President, I have previously explained the need for legislation like this. I spoke about the issue when I introduced S. 1218 with Senator CRANSTON, and also when the Senate was considering the Mitchell-Dole and Gorton amendments. Rather than repeat all of the reasons why we should help our Chinese visitors, I would like to take a moment to let them speak—to quote from some of the dozens of letters and petitions that I have received. One student writes:

I called my parents in China three weeks ago. My mother told me that some Chinese government official had talked to her about the activities of Chinese students in the U.S. and had asked her to tell me not to take part in the students' "counterrevolutionary" activities. Otherwise, the official said, it might destroy my future in China. I fully understand what that meant.

The Chinese Independent Union at the University of Wisconsin-Madison writes:

Our lives, as well as our families' lives, would be in danger if we returned home under the current circumstances.

Another group, the Coalition of Students in Unity with the Students of China, writes:

It is certain that the barbarous and vindictive Chinese government will not treat Chinese student returnees any differently from those currently in China: by means of punitive and retaliatory actions.

And finally, a letter for a United States citizen who married a Chinese scholar subject to the 2-year foreign residency requirement. She writes that she and her husband are "within an ongoing saga with INS, USIA, lawyers, anxiety, nightmares to assure my husband's safety and preserve our union." Legislation, she adds, "would take our fate out of the hands of USIA and INS."

Anxiety, nightmares, fate—that is what is at stake. Our Chinese guests need to know that we will not be kicking them out or jeopardizing their safety. They need peace of mind; they need the safe harbor. And should the waters remain turbulent through 1993, we should welcome them as permanent and valuable residents. If they end up going to the head of the immigration line in 4 years, it will only be because the President has determined that conditions in China demand such a compassionate response. But ideally, they will be able to return home sooner rather than later.

Mr. President, I hope the Senate will move quickly on this bill. The leader-

ship on both sides of the aisle is committed to getting the students the relief they need. On behalf of the more than 600 Chinese students and scholars in Wisconsin, I want to thank the leadership and Senator GORTON.

ADDITIONAL COSPONSORS

S. 58

At the request of Mr. BOSCHWITZ, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 58, a bill to amend the Housing and Community Development Act of 1987 to improve the Enterprise Zone Development Program, to amend the Internal Revenue Code of 1986 to provide tax incentives for investments to enterprise zones, and for other purposes.

S. 100

At the request of Mr. ROCKEFELLER, the name of the Senator from Idaho [Mr. SYMMS] was added as a cosponsor of S. 100, a bill to amend title XVIII of the Social Security Act with respect to coverage of, and payment for, services of psychologists under part B of Medicare.

S. 172

At the request of Mr. PRESSLER, the name of the Senator from Texas [Mr. BENTSEN] was added as a cosponsor of S. 172, a bill to amend the Soil Conservation and Domestic Allotment Act to extend the date for entering into contracts under the Great Plains Conservation Program.

S. 401

At the request of Mr. HOLLINGS, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 401, a bill to exclude the Social Security trust funds from the deficit calculation and to extend the target date for Gramm-Rudman-Hollings until fiscal year 1995.

S. 461

At the request of Mr. GRASSLEY, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 461, a bill to amend title XVIII of the Social Security Act to permit payment for services of physician assistants outside institutional settings.

S. 524

At the request of Mr. BRADLEY, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 524, a bill to amend title XVIII of the Social Security Act to provide for coverage of adult day health care under the Medicare Program, and for other purposes.

S. 659

At the request of Mr. SYMMS the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 659, a bill to repeal the estate tax inclusion related to valuation freezes.

S. 720

At the request of Mr. NICKLES, his name was added as a cosponsor of S. 720, a bill to amend the Internal Revenue Code of 1986 to extend and modify the targeted jobs credit, and for other purposes.

At the request of Mr. BOREN, the name of the Senator from Montana [Mr. BAUCUS] was added as a cosponsor of S. 720, supra.

S. 734

At the request of Mr. REID, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 734, a bill to authorize and direct the General Accounting Office to audit the Federal Reserve Board, the Federal Advisory Council, the Federal Open Market Committee, and Federal Banks and their branches.

S. 917

At the request of Mr. MCCAIN, the name of the Senator from New Mexico [Mr. DOMENICI] was added as a cosponsor of S. 917, a bill to expand the powers of the Indian Arts and Crafts Board, and for other purposes.

S. 963

At the request of Mr. DOMENICI, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 963, a bill to authorize a study on methods to commemorate the nationally significant highway known as Route 66, and for other purposes.

S. 977

At the request of Mr. DOMENICI, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 977, a bill entitled the "White House Conference on Small Business Authorization Act."

S. 1041

At the request of Mr. CONRAD, the name of the Senator from Wisconsin [Mr. KASTEN] was added as a cosponsor of S. 1041, a bill to amend the Internal Revenue Code of 1986 to provide tax relief for farmers who realize capital gain on the transfer of farm property to satisfy an indebtedness, and for other purposes.

S. 1091

At the request of Mr. GRAHAM, the names of the Senator from Virginia [Mr. ROBB], the Senator from Louisiana [Mr. BREAUX], the Senator from Alabama [Mr. HEFLIN], and the Senator from Nebraska [Mr. EXON] were added as cosponsors of S. 1091, a bill to provide for the striking of medals in commemoration of the bicentennial of the U.S. Coast Guard.

S. 1115

At the request of Mr. EXON, the name of the Senator from Washington [Mr. ADAMS] was added as a cosponsor of S. 1115, a bill to amend the Rural Electrification Act of 1936 to permit the prepayment and refinancing of Federal Financing Bank loans made to

rural electrification and telephone systems, and for other purposes.

S. 1150

At the request of Mr. CONRAD, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of S. 1150, a bill to provide for the payment by the Secretary of the Interior of undedicated receipts into the refuge revenue sharing fund.

S. 1163

At the request of Mr. HATCH, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 1163, a bill to amend the District of Columbia Code to limit the length of time for which an individual may be incarcerated for civil contempt in a child custody case in the Superior Court of the District of Columbia and to provide for expedited appeal procedures to the District of Columbia Court of Appeals for individuals found in civil contempt in such case.

S. 1226

At the request of Mr. MCCONNELL, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 1226, a bill to provide a cause of action for victims of sexual abuse, rape, and murder, against producers and distributors of pornographic material.

S. 1330

At the request of Mr. HELMS, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 1330, a bill to provide protections to farm animal facilities engaging in food production or agricultural research from illegal acts, and for other purposes.

SENATE JOINT RESOLUTION 12

At the request of Mr. THURMOND, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of Senate Joint Resolution 12, a joint resolution proposing an amendment to the Constitution relating to a Federal balanced budget.

SENATE JOINT RESOLUTION 48

At the request of Mr. HOLLINGS, the names of the Senator from Washington [Mr. ADAMS], the Senator from North Dakota [Mr. BURDICK], the Senator from South Dakota [Mr. DASCHLE], and the Senator from Kentucky [Mr. FORD] were added as cosponsors of Senate Joint Resolution 48, a joint resolution proposing an amendment to the Constitution of the United States relative to contributions and expenditures intended to affect congressional and Presidential elections.

SENATE JOINT RESOLUTION 53

At the request of Mr. D'AMATO, the names of the Senator from Utah [Mr. HATCH], the Senator from Vermont [Mr. JEFFORDS], the Senator from Washington [Mr. GORTON], the Senator from South Carolina [Mr. THURMOND], the Senator from Wyoming

[Mr. WALLOP], the Senator from Tennessee [Mr. GORE], the Senator from North Dakota [Mr. BURDICK], the Senator from Massachusetts [Mr. KERRY], the Senator from Arkansas [Mr. PRYOR], the Senator from Nevada [Mr. BRYAN], the Senator from Hawaii [Mr. INOUE], the Senator from Alabama [Mr. HEFLIN], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from California [Mr. CRANSTON], the Senator from Nebraska [Mr. EXON], the Senator from Ohio [Mr. GLENN], the Senator from Missouri [Mr. DANFORTH], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Texas [Mr. GRAMM], the Senator from Missouri [Mr. BOND], the Senator from Iowa [Mr. GRASSLEY], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Wisconsin [Mr. KASTEN], and the Senator from Indiana [Mr. LUGAR] were added as cosponsors of Senate Joint Resolution 53, a joint resolution to designate May 25, 1989, as "National Tap Dance Day."

SENATE JOINT RESOLUTION 111

At the request of Mr. CRANSTON, the names of the Senator from New Mexico [Mr. DOMENICI], the Senator from Rhode Island [Mr. PELL], the Senator from Michigan [Mr. RIEGLE], the Senator from New Jersey [Mr. BRADLEY], the Senator from Massachusetts [Mr. KERRY], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Hawaii [Mr. INOUE], the Senator from Arkansas [Mr. BUMPERS], and the Senator from Indiana [Mr. COATS] were added as cosponsors of Senate Joint Resolution 111, a joint resolution to designate the week of October 8 through 14, 1989, as "National Week of Commitment to Helping the Homeless."

SENATE JOINT RESOLUTION 156

At the request of Mr. CRANSTON, the names of the Senator from Oklahoma [Mr. BOREN], the Senator from Arkansas [Mr. BUMPERS], the Senator from North Dakota [Mr. CONRAD], the Senator from South Dakota [Mr. DASCHLE], the Senator from Connecticut [Mr. DODD], the Senator from Kentucky [Mr. FORD], the Senator from Tennessee [Mr. GORE], the Senator from Alabama [Mr. HEFLIN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Hawaii [Mr. INOUE], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Michigan [Mr. LEVIN], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Virginia [Mr. ROBB], the Senator from Alabama [Mr. SHELBY], and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of Senate Joint Resolution 156, a joint resolution to commemorate the 50th anniversary of the National Aeronautics and Space Administration Ames Research Center.

SENATE JOINT RESOLUTION 166

At the request of Mr. KERRY, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of Senate Joint Resolution 166, a joint resolution to designate the period of September 16 through October 9, 1989, as "Coastweeks '89."

SENATE JOINT RESOLUTION 173

At the request of Mr. RIEGLE, the names of the Senator from Missouri [Mr. BOND], the Senator from Oklahoma [Mr. BOREN], and the Senator from Arizona [Mr. DECONCINI] were added as cosponsors of Senate Joint Resolution 173, a joint resolution to designate the decade beginning January 1, 1990, as the "Decade of the Brain."

SENATE CONCURRENT RESOLUTION 47

At the request of Mr. SIMON, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of Senate Concurrent Resolution 47, a concurrent resolution expressing the sense of the Congress on multilateral sanctions against South Africa.

SENATE CONCURRENT RESOLUTION 52

At the request of Mr. HATFIELD, the names of the Senator from Texas [Mr. GRAMM], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Alabama [Mr. HEFLIN], the Senator from Maryland [Ms. MIKULSKI], and the Senator from West Virginia [Mr. ROCKEFELLER] were added as cosponsors of Senate Concurrent Resolution 52, a concurrent resolution to express the sense of the Congress that science, mathematics, and technology education should be a national priority.

SENATE CONCURRENT RESOLUTION 53

At the request of Mr. DODD, the name of the Senator from Tennessee [Mr. SASSER] was added as a cosponsor of Senate Concurrent Resolution 53, a concurrent resolution concerning Iranian persecution of the Bahais.

SENATE RESOLUTION 99

At the request of Mr. BOSCHWITZ, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of Senate Resolution 99, a resolution requiring the Architect of the Capitol to establish and implement a voluntary program for recycling paper disposed of in the operation of the Senate.

AMENDMENT NO. 269

At the request of Mr. HELMS, the names of the Senator from Utah [Mr. HATCH], the Senator from Pennsylvania [Mr. HEINZ], the Senator from Idaho [Mr. SYMMS], the Senator from Florida [Mr. MACK], the Senator from Mississippi [Mr. COCHRAN], the Senator from Mississippi [Mr. LOTT], the Senator from Arizona [Mr. DECONCINI], the Senator from Montana [Mr. BURNS], the Senator from Alaska [Mr. MURKOWSKI], the Senator from New Hampshire [Mr. HUMPHREY], the Senator from Connecticut [Mr. LIEBERMAN], and the Senator from Hawaii

[Mr. INOUE] were added as cosponsors of amendment No. 269 proposed to S. 1160, an original bill to authorize appropriations for fiscal year 1990 for the Department of State, the United States Information Agency, the board for International Broadcasting, and for other purposes.

SENATE CONCURRENT RESOLUTION 55—COMMEMORATING VOLUNTEERS AND THE HUGH O'BRIAN YOUTH FOUNDATION

Mr. DOLE submitted the following concurrent resolution, which was referred to the Committee on the Judiciary:

S. CON. RES. 55

Whereas 30 years ago, Hugh O'Brian, a popular American television actor, in an effort to give back part of his own success by motivating aspiring future leaders to strive for excellence, founded the Hugh O'Brian Youth Foundation;

Whereas what originally began as a few promising students participating in an informal exchange of ideas with some of the business associates of Hugh O'Brian has become a network of 83 leadership seminars held annually throughout the United States, the Bahamas, Canada, and Mexico, and culminating with a week-long international seminar;

Whereas since its inception in 1958, the Hugh O'Brian Youth Foundation has provided over 90,000 high school sophomores with the opportunity to meet with the leading professionals of our Nation in business, industry, education, government, and the arts;

Whereas exposure to these professionals encourages the youth of our Nation to develop and use their talents and abilities to the fullest extent possible and to become the leaders of tomorrow;

Whereas it should be recognized that these leadership seminars exemplify the great volunteer spirit of our Nation because they are made possible through the generous sponsorship of the business community, private individuals, and members of the General Federation of Women's Clubs, Jaycees, Kiwanis, and Optimists;

Whereas the volunteerism demonstrated by the Hugh O'Brian Youth Foundation should be commended for bringing leading professionals in contact with young people who wish to excel in their chosen field of endeavor and for the example set by the volunteers who plan, organize, pay for, and run the leadership seminars;

Whereas the volunteers of the United States, as exemplified by the Hugh O'Brian Youth Foundation, are responsible for providing much of the work necessary for improving the quality of life of the American people; and

Whereas the stated philosophy of the Hugh O'Brian Youth Foundation is that every person is created as the steward of his or her own destiny with great power for a specific purpose: to share with others, through service, a reverence for life in a spirit of love: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress commends all volunteers of the United States and the Hugh O'Brian Youth Foundation for their contributions to the betterment of our Nation.

Mr. DOLE. Mr. President, it is my pleasure to take a moment to recognize the Hugh O'Brian Foundation [HOBY] a very special organization that has, for the last 31 years, worked with tremendous success to motivate youth in America—the Hugh O'Brian Youth Foundation [HOBY].

AN AMERICAN SUCCESS STORY

Hugh O'Brian, in 1958, was one of America's most popular television stars. We all remember his "Wyatt Earp" days and we probably also remember wondering what it must be like to live that Hollywood lifestyle. But, we were not likely to know at the time that Hugh O'Brian had a few other things on his mind than his next film.

No one knew better than Hugh that he had a good thing going, and he was thinking about how and why he was there. America had been good to him. A free enterprise system under a democratic form of government had allowed a boy from Pennsylvania to achieve fame and fortune under his own steam. He could reach out to whatever heights his ambition dared. "Having it all," he wanted to give something back. He wanted to show young people that they could do it too, with the recognition that such aspirations are only possible within a system of government that not only allows, but encourages high ambitions.

OPPORTUNITY-MADE IN AMERICA

We are all told, at one time or another in our lives to "make something of ourselves." Hopefully, we are not being told that past a certain age. But when we are young, we are supposed to make something of ourselves. It is such an everyday phrase in America, that, we forget just how astounding a concept that is—that we Americans can truly make ourselves what we choose to be and serve as a positive force in society. Hugh had done it along with many others in this country. It is a freedom we are all blessed with and, for Hugh, it has been a message to carry to young people across the country and around the world for many years.

ESTABLISHING HOBY

The Hugh O'Brian Youth Foundation was founded upon Hugh's return from an inspiring visit with Albert Schweitzer to Africa in 1958. He was determined to give back a bit of his own success and motivate aspiring future leaders to do the same. What was originally a few promising young men participating in an informal exchange of ideas with Hugh's business acquaintances is now an annual week-long international seminar focusing on America's incentive system.

Every State and several foreign countries send one boy and one girl to the seminar to represent their many outstanding high school sophomores. More than 10,000 high schools partici-

pated this year at the State level, in 3-day State leadership seminars. In my own State of Kansas, the numbers have grown so large that they will be holding two seminars next year instead of one.

The Nation's leading professionals in business, industry, government, education, and the arts contribute their time and expertise as they meet with these young ambassadors to share their ideas and concerns. The alumni network is some 40,000 strong with leadership seminars held annually at the State level, guided by thousands of volunteers and supporters across the United States.

MOTIVATING TOMORROW'S LEADERS

Dr. Schweitzer, during that memorable visit in Africa, had told Hugh that "the most important thing in education is to teach young people to think for themselves." HOBY operates on that theory, along with the idea that, if given the opportunity, every person can work toward their highest goals with a good chance of succeeding. Sophomore students are selected to attend the annual State seminars based on top academic performance and leadership potential. With the HOBY theme of "Motivating Tomorrow's Leaders Today," they are encouraged to further develop their natural gifts, explore the world around them and the future that awaits, and reach out to contemporaries to share their insights and enthusiasm.

HOBY opens doors for young people at an age when they are making fundamental decisions about their lifestyles, interests, and goals. Those doors open onto a world they have not, perhaps, had an opportunity to see or recognize as their own forum for future achievement. As they see today's leaders taking an interest in their development, listening to their ideas, sharing with them a wealth of experience and wisdom, they come to recognize the responsibilities that go hand in hand with positions of leadership.

THE BUSINESS COMMUNITY LENDS A HAND

The Senator from Kansas would like to point out that all of this is accomplished without government funding, a point not lost on this body. Private sector contributors have enthusiastically embraced HOBY's goals and achievements and they have made it happen with their generous support. Corporate America, the Main Street business community, service organizations, and individual supporters have made it all possible, year after year and, for that, they certainly deserve our respect and praise.

MANY TOMORROW'S TO COME

Mr. President, the success and vitality of this foundation is evidenced by the fact that, while more than 100 youth organizations in this country have come and gone since HOBY was

established, HOBY is in its 31st year and growing even stronger. Its continuing relevance in our society and its enduring legacy for the youth of tomorrow should convince us that we will not have heard the last of the Hugh O'Brian Youth Foundation—or the leaders it has inspired—for many years to come.

SENATE RESOLUTION 156—RELATIVE TO THE APOLLO 11 LUNAR MISSION, THE INTERNATIONAL SPACE STATION FREEDOM PROGRAM AND THE "MISSION TO PLANET EARTH"

Mr. MITCHELL (for himself, Mr. DOLE, Mr. HEFLIN, Mr. GARN, Mr. HOLLINGS, Mr. GORE, Mr. BOREN, Mr. ADAMS, Mr. COCHRAN, Mr. SHELBY, Mr. LOTT, Mr. HATFIELD, Mr. HATCH, and Mr. GRAHAM) submitted the following resolution; which was considered and agreed to:

S. Res. 156

Whereas July 20, 1989, marks the 20th anniversary of Apollo 11's landing on the moon, one of the greatest technological accomplishments in human history, and therefore as a day of lasting historical significance.

Whereas Americans remember the landing on the lunar surface not only with a sense of historical significance, but also with one of honor and pride in the accomplishment of the crew of Apollo 11 and the men and women who made it possible;

Whereas the United States is a world leader in space research and exploration and the National Aeronautics and Space Administration (NASA) is recognized and praised worldwide for its accomplishments in aeronautics and space exploration over the past three decades;

Whereas the United States space program is a tangible and highly visible demonstration of America's continued pursuit of new frontiers and new challenges in order to improve our standard of living, broaden our scientific knowledge, inspire our children, and stimulate the human spirit;

Whereas our commitment to an international civil space program holds the promise of securing greater progress toward World peace and cooperative global efforts in confronting and addressing environmental concerns affecting all mankind;

Whereas the International Space Station Freedom program, to build a permanently manned space station in earth orbit, is the next logical step in the continuing exploration of our solar system;

Whereas the President is to be commended for the strong support he announced today on the occasion of the twentieth anniversary of the historic Apollo 11 lunar landing, for the International Space Station Freedom and the Mission to Planet Earth programs and his commitment to maintaining United States leadership in space by exploring concepts for a lunar base and manned Mars mission; and

Whereas the International Space Station Freedom program, together with additional orbiting satellites dedicated to monitoring global climatic processes and changes, comprises a comprehensive and unprecedented scientific study known as the "Mission to Planet Earth": Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the National Aeronautics and Space Administration (NASA), the crew of Apollo 11, and all those associated with the first lunar landing should be congratulated on the 20th anniversary of the success of the Apollo 11 mission;

(2) the most appropriate celebration of the first lunar landing is the continued and renewed support of the Senate and the American people for our space program, and in particular the International Space Station Freedom program, one of our next and necessary civilian space objectives; and

(3) the additional elements of Earth sensing satellites needed to achieve the goals of the "Mission to Planet Earth" should be vigorously pursued in a cooperative global effort involving all Nations of the World.

SEC. 2. It is further the sense of the Senate that the President of the United States, the Vice President of the United States in his capacity as the Chairman of the National Space Council, the Director of the Office of Management and Budget, the Administrator of the National Aeronautics and Space Administration, and the appropriate committees of the Senate and House of Representatives should together explore all actions as may be necessary to provide the National Aeronautics and Space Administration's fiscal year 1990 budget request for the International Space Station Freedom program to insure the continued development of this program and the expeditious development of the global environmental program envisioned as the "Mission to Planet Earth".

AMENDMENTS SUBMITTED

FOREIGN ASSISTANCE AUTHORIZATION ACT

HEINZ AMENDMENT NO. 328

Mr. HEINZ proposed an amendment to the bill (S. 1160) to authorize appropriations for fiscal year 1990 for the Department of State, the U.S. Information Agency, the Board for International Broadcasting, and for other purposes; as follows:

At the end of the bill, insert the following new title:

SLEPAK PRINCIPLES ACT

SEC. . SHORT TITLE.

This title may be cited as the "Slepak Principles Act".

SEC. . FINDINGS.

The Congress finds that—

(1) the Soviet Union freely undertook commitments to respect human rights and fundamental freedoms as set forth in the Helsinki Final Act, the Madrid and Vienna Concluding Documents, the Universal Declaration on Human Rights and other international human rights instruments;

(2) although there has been improved observance of human rights and fundamental freedoms in the Soviet Union and the Baltic States, serious violations of these rights and freedoms still occur there, and most improvements which have occurred have yet to be institutionalized;

(3) the utilization of forced labor in the manufacture of products and the subsequent buying and selling of these products is an abuse of human rights and is still prac-

ticed in the Soviet Union and the Baltic States;

(4) religious communities in the Soviet Union and the Baltic States have only limited control of the religious property they use and the Soviet Government can take such property away from these communities for its own use;

(5) Soviet labor practices have included denying individuals employment, discriminating against them in their employment, and dismissing them from their employment for acting upon their rights and freedoms;

(6) employers have an obligation to provide safe working conditions for their employees;

(7) serious environmental problems exist in the Soviet Union and the Baltic States, and local officials and communities have very limited ability to address or resolve these problems or to protect the environment;

(8) the recent enactment of laws in the Soviet Union allowing Soviet citizens to engage in limited forms of private enterprise in the form of cooperatives is a positive step towards the establishment of a freer economy and society;

(9) the activities of United States corporations involved in joint ventures in the Soviet Union and the Baltic States have the inherent potential to promote awareness of human rights and fundamental freedoms, occupational safety, and environmental protection through contact with Soviet society and Soviet citizens employed in these joint ventures;

(10) Vladimir Slepak, a former Soviet citizen and a founding member of the Moscow Helsinki Monitoring Group organized to monitor Soviet compliance with the Helsinki Final Act of the Conference on Security and Cooperation in Europe, has proposed principles relating to the conduct of industrial cooperation projects in the Soviet Union and the Baltic States that will promote individual human rights there; and

(11) it is in the interest of the United States that all United States nationals participating in industrial cooperation projects, including joint ventures, in the Soviet Union and Baltic States conduct their activities in a way that is consistent with internationally recognized norms regarding respect for human rights and fundamental freedoms, occupational safety standards, and protection of the environment.

SEC. . SLEPAK PRINCIPLES.

It is the sense of the Congress that United States nationals involved in industrial cooperation projects, joint ventures, or extension of loans or credits in the Soviet Union and the Baltic States, or seeking to do so, should undertake—

(1) to ensure that they do not use goods, facilities, or services when there is reason to believe that these goods, facilities, or services were produced, wholly or in part, with the utilization of forced labor;

(2) to ensure, with respect to the Soviet and Baltic States workers employed in the industrial cooperation project, that a worker's political or religious views, sex, ethnic, or social background, or engagement in activities promoting human rights or other activities protected under the Helsinki Final Act and the Madrid and Vienna Concluding Documents, will not affect, or be allowed to affect, the status or terms of his or her employment;

(3) to decline participation in an industrial cooperation project involving the use of a structure currently or previously serving as a religious institution or a place of worship;

(4) to ensure that methods of production used in the industrial cooperation project meet international standards for occupational safety;

(5) to refrain from using methods of production that pose unnecessary environmental risks to the surrounding environment, including nearby populations and their property, and to seek to consult with concerned populations regarding protection of the local environment;

(6) to refrain from participation in the extension of general purpose, balance of payments, or nonmonitorable loans to the Government of the Soviet Union or any of its economic enterprises; and

(7) to seek out private cooperatives as potential partners or participants in commercial activities, when that is commercially feasible and allowed by relevant local law.

SEC. . ANNUAL REPORT.

(a) Not later than 2 years after the date of enactment of this Act, and every 12 months thereafter, the Secretary of State shall submit to the Congress a report describing the extent to which industrial cooperation projects, including joint ventures, located in the Soviet Union and the Baltic States in which United States nationals participate adhere to the principles contained in section .

(b) The Secretary of State shall provide the report described in subsection (a) to the Organization for Economic Cooperation and Development, including its secretariat and its member States, and encourage these States to promote principles similar to those contained in this title.

(c) The Secretary of Commerce and other United States Government agencies in contact with United States nationals participating in or interested in participating in industrial cooperation projects, including joint ventures, in the Soviet Union and the Baltic States shall inform these United States nationals of the contents of this title and provide them with copies of the reports submitted to the Congress under this section.

SEC. . DEFINITIONS.

As used in this title—

(1) the term "industrial cooperation" means the following commercial activities: joint ventures in production and sale; co-production; specialization in production and sale; construction, adaptation and modernization of plants; cooperation in the setting up of complete industrial installations; mixed companies;

(2) the term "United States national" means—

(A) a citizen of the United States or other individual who owes permanent allegiance to the United States; and

(B) a corporation, partnership, or other business association organized under the laws of the United States, any State or territory thereof, the District of Columbia, the Commonwealth of Puerto Rico, or the Commonwealth of the Northern Mariana Islands; and

(3) the phrase "adhere to the principles contained in section ." means—

(A) agreeing to abide by the principles contained in section in any industrial cooperation projects undertaken in the Soviet Union or the Baltic States;

(B) providing the Department of State, on an annual basis, with nonproprietary information about industrial cooperation projects in the Soviet Union and the Baltic States that is relevant to the principles contained in section ; and

(C) making a good faith effort to abide by the principles contained in section in any industrial cooperation projects undertaken in the Soviet Union or the Baltic States.

KASTEN AMENDMENT NO. 329

Mr. KASTEN proposed an amendment to amendment No. 328 proposed by Mr. HEINZ to the bill S. 1160, supra, as follows:

(g) The Secretary of the Treasury is directed to—

(1) conduct an assessment of which institution can best serve as an international clearing house to promote debt-for-nature exchanges, and criteria to be used in conducting this assessment shall include but is not limited to the ability of an institution to act as an information agent for debt-for-nature exchanges involving nongovernmental organizations, financial institutions such as the multilateral development banks, the International Monetary Fund, private banks, and potential donors;

(2) report the findings of this assessment and a timetable for establishing such a clearing house to the appropriate authorizing and appropriations committees within 6 months of the date of enactment of this Act; and

(3) instruct the United States Executive Director to each multilateral development bank to seek the implementation of the findings of the Secretary.

McCLURE AMENDMENT NO. 330

Mr. McCLURE proposed an amendment to the bill S. 1160, supra, as follows:

At the end of the bill, add the following new section:

SEC. . MOST-FAVORED-NATION TRADE TREATMENT.

(a) IN GENERAL.—In considering the provision of most-favored-nation trade treatment to the products of any foreign country that is a signatory to the Final Act on Security and Cooperation in Europe (hereafter in this section referred to as the "Helsinki Final Act") and that did not enjoy such trade treatment on June 1, 1989, the President shall take into account—

(1) the extent to which the country is in compliance with the Helsinki Final Act, particularly the human rights and humanitarian provisions, and

(2) in determining such compliance—

(A) the extent to which a pattern of compliance exists in which violations are clearly the exception and contrary to established policy and generally observed practices in the country;

(B) the existence, in theory and in practice, of legal procedures and presumptions, statutes, administrative regulations, limitations on law enforcement authorities, and judicial means of redress in the country that facilitate and encourage, rather than frustrate, the exercise by the citizens and inhabitants of the country of fundamental freedoms specified in the Helsinki Final Act; and

(C) the ability of citizens of the country and citizens of other foreign countries that are signatories to the Helsinki Final Act, in theory and in practice, freely to monitor the performance of the governmental authorities of the country with regard to the requirements of the Helsinki Final Act throughout the territory of the country,

and to publicize their findings, both within and outside of the country.

(b) REPORT.—At the time the President provides most-favored-nation trade treatment to any foreign country described in subsection (a), the President shall submit a report to the chairman of the Committee on Foreign Relations of the Senate and the chairman of the Committee on Foreign Affairs of the House of Representatives describing the extent to which such country is in compliance with the Helsinki Final Act, with particular emphasis on the criteria described in subsection (a)(2).

(c) CONSTRUCTION.—Nothing in this section may be construed as vitiating, limiting, or otherwise having any effect on any other limitations on, or requirements or waiver procedures necessary for, the provision of most-favored-nation trade treatment to the products of any foreign country that are imposed under any other provision of law.

GORTON AMENDMENT NO. 331

(Ordered to lie on the table.)

Mr. GORTON submitted an amendment intended to be proposed by him to the bill S. 1160, supra, as follows:

On page 145, after line 11, add the following new title:

TITLE X—ADJUSTMENT OF STATUS OF CERTAIN NATIONALS OF THE PEOPLE'S REPUBLIC OF CHINA

SEC. 1001. SHORT TITLE.—This title may be cited as the "Emergency Chinese Immigration Relief Act of 1989".

SEC. 1002. ADJUSTMENT OF STATUS OF CERTAIN NATIONALS OF THE PEOPLE'S REPUBLIC OF CHINA.—The Immigration and Nationality Act is amended by inserting after section 245A the following new sections:

"SEC. 245B. ADJUSTMENT OF STATUS OF CERTAIN NATIONALS OF THE PEOPLE'S REPUBLIC OF CHINA."

"(a) WAIVER OF FOREIGN RESIDENCE REQUIREMENT FOR 'J' NONIMMIGRANTS.—Notwithstanding the provisions of section 212(e) of the Immigration and Nationality Act (8 U.S.C. 1182(e)), a national of the People's Republic of China may apply for adjustment of status to that of an alien lawfully admitted for permanent residence or for a change to another nonimmigrant status if such alien—

"(1) was lawfully admitted to the United States on or before June 5, 1989, as a nonimmigrant described in subparagraph (J) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)), or lawfully changed status on or before June 5, 1989 to that of a nonimmigrant described in such paragraph, and

"(2) was in lawful nonimmigrant status on June 5, 1989, and has been continuously resident in the United States since June 5, 1989, other than for brief, casual and innocent absences.

"(b) PRESUMPTION OF CONTINUOUS RESIDENCE FOR CERTAIN NATIONALS OF THE PEOPLE'S REPUBLIC OF CHINA.—For purposes of adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1225) and change of status under section 248 of such Act (8 U.S.C. 1228), in the case of any national of the People's Republic of China who—

"(1) lawfully entered the United States on or before June 5, 1989, as a nonimmigrant described in subparagraph (F), (J) or (M) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)), or lawfully changed status on or before June 5,

1989 to that of a nonimmigrant described in any such subparagraph, and

"(2) was in lawful nonimmigrant status on June 5, 1989, and has been continuously resident in the United States since June 5, 1989, other than for brief, casual and innocent absences,

such alien shall be considered as having continued to maintain lawful status as such a nonimmigrant (and to have maintained continuously a lawful status) for the period described in subsection (e).

"(c) AUTHORIZATION OF TRAVEL ABROAD.—The Attorney General shall, in accordance with existing regulations, permit an alien described in subsection (b)(1) or (b)(2) to return to the United States after such brief and casual trips abroad as reflect an intention on the part of the alien to continue residence in the United States.

"(d) EMPLOYMENT AUTHORIZATION.—The Attorney General shall permit a national of the People's Republic of China who is described in subsection (b)(1) or (b)(2) to engage in employment in the United States, and shall provide such national with an employment authorization document or other appropriate work permit for the duration described in subsection (e).

"(e) DURATION OF STATUS.—

"(1) Subject to paragraph (e)(2), nationals of the People's Republic of China described in subsection (b)(1) and (b)(2) shall have their departure from the United States deferred until June 5, 1993, without regard to whether the alien has obtained an adjustment or change of status under subsection (a) or (b).

"(2) On or after June 5, 1990, the Attorney General may terminate the duration of status accorded under this subsection (e) no sooner than 60 days following the date that the President certifies to Congress that conditions in the People's Republic of China permit such aliens to return to that country in safety.

"SEC. 245C. ADJUSTMENT TO LAWFUL RESIDENT STATUS OF CERTAIN NATIONALS OF THE PEOPLE'S REPUBLIC OF CHINA."

"(a) ADJUSTMENT TO TEMPORARY RESIDENT STATUS.—The status of a national of the People's Republic of China shall be adjusted by the Attorney General to that of an alien lawfully admitted for temporary residence if—

"(1) the alien applies for such adjustment during the 90-day period prior to June 5, 1993;

"(2) the alien—

"(A) was lawfully admitted to the United States on or before June 5, 1989, as a nonimmigrant described in subparagraph (F), (J) or (M) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)), or lawfully changed status on or before June 5, 1989 to that of a nonimmigrant described in any such subparagraph, and

"(B) was in lawful nonimmigrant status on June 5, 1989, and has been continuously resident in the United States since June 5, 1989, other than for brief, casual and innocent absences;

"(3) the alien meets the requirements of section 245A(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1255a(a)(4)), except that membership in the Communist Party of the People's Republic of China or any subdivision thereof shall not constitute an independent basis for denial of adjustment of status if such membership was 'involuntary' or 'nonmeaningful' and if the alien on or before the date of adjustment of

status terminates such membership and renounces communism; and

"(4) the Attorney General shall not have terminated prior to June 5, 1983, the duration of status described in subsection 245B(e).

The Attorney General shall provide for the acceptance and processing of applications in accordance with the provisions of this section.

"(b) STATUS AND ADJUSTMENT OF PERMANENT RESIDENCE STATUS.—The provisions of subsections (b), (c)(6), (c)(7), (d), (f), (g) and (h) of section 245A of the Immigration and Nationality Act (8 U.S.C. 1255a) shall apply to a national of the People's Republic of China who is an alien provided temporary residence under subsection (a) in the same manner as such provisions apply to aliens provided lawful temporary residence status under section 245A(a) of such Act, except that membership in the Communist Party of the People's Republic of China or any subdivision thereof shall not constitute an independent basis for denial of adjustment of status if such membership was 'involuntary' or 'nonmeaningful' and if the alien on or before the date of adjustment of status terminates such membership and renounces communism.

"(c) AUTHORIZATION OF TRAVEL ABROAD.—The Attorney General shall, in accordance with existing regulations, permit a national of the People's Republic of China who is an alien provided temporary residence under subsection (a) to return to the United States after such brief and casual trips abroad as reflect an intention on the part of the alien to continue residence in the United States.

"(d) EMPLOYMENT AUTHORIZATION.—The Attorney General shall permit a national of the People's Republic of China who is an alien provided temporary residence under subsection (a) to engage in employment in the United States, and shall provide such national with an employment authorization document or other appropriate work permit for the appropriate duration."

ROCKEFELLER AMENDMENT NO. 332

(Ordered to lie on the table.)

Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill S. 1160, supra, as follows:

At the appropriate place in the bill, add the following new section:

SEC. . SENSE OF THE SENATE THAT THE OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE SHALL HAVE A REPRESENTATIVE IN THE AMERICAN EMBASSY IN TOKYO.

Whereas the United States global merchandise trade deficit for May was \$10.2 billion, \$2.0 billion more than in April, and, annualizing the deficit figure for the January-May period indicates a 1989 deficit of \$111 billion;

Whereas the United States merchandise trade deficit with Japan for May was \$4.3 billion, \$400 million more than in April, and, annualizing the deficit figure for the January-May period indicates a 1989 deficit of \$49 billion;

Whereas Japan accounts for over 40 percent of the United States global merchandise trade deficit so far this year;

Whereas Japan has been designated as a priority country under the so-called "Super 301" provisions of the Omnibus Trade and Competitiveness Act of 1988, and three pri-

ority practices in Japan have been designated under that Act;

Whereas an initiative has been instituted with Japan to examine a broad array of structural impediments to trade, and the United States side will be cochaired by the Department of State, the Department of the Treasury, and the United States Trade Representative;

Whereas there are representatives assigned to the American Embassy in Japan from the Departments of State, Treasury, Commerce, and Agriculture, but not from the Office of the United States Trade Representative;

Whereas the United States Trade Representative is integral to trade policy formulation, trade policy implementation, and trade negotiations with Japan, but does not have a representative assigned to the American Embassy in Japan; and

It is the Sense of the Senate that the Office of the United States Trade Representative shall have a representative in the American Embassy in Tokyo.

MACK (AND GRAHAM) AMENDMENT NO. 333

Mr. MACK (for himself and Mr. GRAHAM) proposed an amendment to the bill S. 1160, supra, as follows:

On page 145, after line 22, add the following new section:

SEC. 915. PROHIBITION ON CERTAIN TRANSACTIONS BETWEEN CERTAIN UNITED STATES FIRMS AND CUBA.

Notwithstanding any other provisions of law, no license may be issued for any transaction described in section 515.559 of title 31, Code of Federal Regulations, as in effect on July 1, 1989.

On page 5, in the table of contents, after the item relating to section 914, add the following new item:

"Sec. 915. Prohibition on certain transactions between certain United States firms and Cuba."

SIMON (AND OTHERS) AMENDMENT NO. 334

(Ordered to lie on the table.)

Mr. SIMON (for himself, Mr. BOSCHWITZ, Mr. DODD, Mr. KENNEDY, Mr. CRANSTON, Mr. MITCHELL, Mr. SARBANES, Mr. GLENN, Mr. PELL, and Mr. BIDEN) submitted an amendment intended to be proposed by them to the bill S. 1160, supra, as follows:

At the appropriate place in the bill, add the following new section:

SEC. . MULTILATERAL SANCTIONS AGAINST SOUTH AFRICA.

(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) the Comprehensive Anti-Apartheid Act of 1986 states that "international cooperation is a prerequisite to an effective anti-apartheid policy";

(2) the Comprehensive Anti-Apartheid Act of 1986 states that it is the policy of the United States "to seek international agreements with the other industrialized democracies to bring about the complete dismantling of apartheid";

(3) the Comprehensive Anti-Apartheid Act of 1986 states that "Sanctions imposed under such agreements should be both direct and official executive or legislative acts of governments";

(4) the Comprehensive Anti-Apartheid Act of 1986 expresses the sense of Congress that the President "should instruct" the Permanent Representative of the United States to the United Nations to propose that the United Nations Security Council impose measures against South Africa "of the same type as are imposed by this Act";

(5) the Permanent Representative of the United States to the United Nations contravened the intentions of the Congress, as expressed in the Comprehensive Anti-Apartheid Act of 1986, by vetoing two proposed Security Council Resolutions, on February 20, 1987, and March 7, 1988, that would have imposed selective but mandatory international economic sanctions against South Africa, similar to those imposed by the United States through the enactment of the Comprehensive Anti-Apartheid Act of 1986;

(6) those vetoes by the United States in the United Nations Security Council run counter to the recommendations of the Secretary of State's Advisory Committee on South Africa, established pursuant to Executive Order 12532 of September 9, 1985;

(7) the Advisory Committee concluded in its January 1987 report that the "most effective external pressure" on the Government of South Africa will come from a "concerted international effort";

(8) the Advisory Committee recommended that the President begin "urgent consultations" with United States allies to "enlist their support for a multilateral program of sanctions" drawn from those measures in the Comprehensive Anti-Apartheid Act of 1986;

(9) the European Community, the British Commonwealth, and Japan have adopted selected economic sanctions against the Government of South Africa which parallel some of the measures taken by the United States, such as a ban on new investment and on the importation of gold coins, iron, and steel;

(10) Japan, Italy, France, the United States, the United Kingdom, and the Federal Republic of Germany are South Africa's major trading partners, accounting for 81 percent of South Africa's imports and 78 percent of South Africa's exports in 1987;

(11) Japan and the Federal Republic of Germany became South Africa's top trading partners in 1987;

(12) the United States General Accounting Office concluded in its September 1988 summary report on South Africa that sanctions imposed by the United States on South Africa under the Comprehensive Anti-Apartheid Act of 1986 reduced South African exports by \$417 million and caused a total trade reduction of \$469 million because of South Africa's inability to redirect trade to other markets;

(13) the United States, United Kingdom, the Federal Republic of Germany, and Switzerland account for almost half of South Africa's international debt of \$23 billion; and

(14) the President is authorized in the Comprehensive Anti-Apartheid Act of 1986 to limit the importation into the United States of products or services of a foreign country "to the extent to which such foreign country benefits from, or otherwise takes commercial advantage of, any sanction or prohibition" imposed under the Comprehensive Anti-Apartheid Act of 1986.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that the President should—

(1) take immediate steps to achieve a consensus among South Africa's major trading partners on effective economic, political and

diplomatic measures to bring about an end to apartheid;

(2) implement to the fullest extent all the provisions of the Comprehensive Anti-Apartheid Act of 1986;

(3) implement to the fullest extent the recommendations of the Advisory Committee;

(4) take active steps designed to bring about concerted multilateral pressure by Japan, Canada, the member states of the European Community, and other United States allies on the Government of South Africa to dismantle its immoral and inhumane system of apartheid through a process of negotiation with legitimate representatives freely chosen by all the citizens of South Africa;

(5) instruct the Permanent Representative of the United States to the United Nations to offer a resolution in the Security Council that would impose selective mandatory sanctions similar to those embodied in the Comprehensive Anti-Apartheid Act of 1986 against South Africa for a period of 12 months;

(6) instruct the Permanent Representative of the United States to the United Nations to vote for any resolution offered in the Security Council that would impose selective mandatory sanctions against South Africa as a means of promoting an end to apartheid;

(7) strengthen the impact of the Comprehensive Anti-Apartheid Act of 1986 through the use of diplomatic and political pressure in private as well as public fora;

(8) direct the Department of State, the Department of Commerce and other appropriate executive agencies to monitor carefully trade relationships between South Africa and United States allies; and

(9) take effective action against those foreign countries benefiting from or taking advantage of United States sanctions against South Africa.

ROCKEFELLER (AND OTHERS) AMENDMENT NO. 335

Mr. ROCKEFELLER (for himself, Mr. DANFORTH, Mr. HELMS, Mr. MURKOWSKI, Mr. BYRD, Mr. PRYOR, Mr. BINGAMAN, Mr. WARNER, Mr. RIEGLE, Mr. DASCHLE, Mr. EXON, Mr. BAUCUS, Mr. MOYNIHAN, Mr. GLENN, Mr. HEINZ, and Mr. ROTH), proposed an amendment to the bill S. 1160, supra, as follows:

At the appropriate place in the bill, add the following new section:

SEC. . SENSE OF THE SENATE THAT THE OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE SHALL HAVE A REPRESENTATIVE IN THE AMERICAN EMBASSY IN TOKYO.

Whereas the United States global merchandise trade deficit for May was \$10.2 billion, \$2.0 billion more than in April, and, annualizing the deficit figure for the January-May period indicates a 1989 deficit of \$111 billion;

Whereas the United States merchandise trade deficit with Japan for May was \$4.3 billion, \$400 million more than in April, and, annualizing the deficit figure for the January-May period indicates a 1989 deficit of \$49 billion;

Whereas Japan accounts for over 40 percent of the United States global merchandise trade deficit so far this year;

Whereas Japan has been designated as a priority country under the so-called "Super

301" provisions of the Omnibus Trade and Competitiveness Act of 1988, and three priority practices in Japan have been designated under that Act;

Whereas an initiative has been instituted with Japan to examine a broad array of structural impediments to trade, and the United States side will be cochaired by the Department of State, the Department of the Treasury, and the United States Trade Representative;

Whereas there are representatives assigned to the American Embassy in Japan from the Departments of State, Treasury, Commerce, and Agriculture, but not from the Office of the United States Trade Representative;

Whereas the United States Trade Representative is integral to trade policy formulation, trade policy implementation, and trade negotiations with Japan, but does not have a representative assigned to the American Embassy in Japan; and

It is the Sense of the Senate that the Office of the United States Trade Representative shall have a representative in the American Embassy in Tokyo.

DANFORTH (AND BOREN) AMENDMENT NO. 336

(Ordered to lie on the table.)

Mr. DANFORTH (for himself and Mr. BOREN) submitted an amendment to the bill S. 1160, supra, as follows:

The Senate Foreign Relations Committee, upon consultation with the Secretary of State, shall issue a report to the Senate by December 31, 1989, on the appropriate relationship between Congress and the executive branch with respect to the formulation of United States foreign policy.

SPECTER (AND OTHERS) AMENDMENT NO. 337

(Ordered to lie on the table.)

Mr. SPECTER (for himself, Mr. KERRY, and Mr. LEVIN) submitted an amendment intended to be proposed by them to the bill S. 1160, supra, as follows:

At the appropriate place in the bill insert the following:

SEC. . ESTABLISHMENT OF AN INTERNATIONAL STRIKE FORCE.

It is the sense of the Congress that the President and the Secretary of State should call for international negotiations for the purpose of agreeing on the establishment of an international strike force to pursue and apprehend major international drug traffickers and terrorists.

SEC. . CREATION OF A MULTILATERAL ANTI-NARCOTICS STRIKE FORCE.

(a) FINDINGS.—The Congress finds that—

(1) the United States Congress has in the past sought approval for a multilateral strike force dedicated to the war on drugs;

(2) the proposal to create a multilateral, international anti-narcotics force as proposed by Prime Minister Michael Manley of Jamaica, is a plan worthy of praise and strong U.S. support;

(3) the Manley plan is the first operative proposal to use multilateral force against the drug cartels in Latin America made by a government leader in the Western Hemisphere;

(4) moreover, the proposal has been matched by Jamaica's parallel commitment to the drug war and by taking the lead in

developing an independent, international strategy for the Western Hemisphere nations.

(b) SENSE OF THE CONGRESS.—It is therefore the sense of the Congress that—

(1) Prime Minister Manley of Jamaica is to be commended for his proposal and for his commitment to the war on drugs; and

(2) the United States should work through the United Nations and other multilateral organizations to determine the feasibility of such force and assist in the establishment of this force, if it is found to be feasible.

(c) AUTHORIZATION OF FUNDING.—Funds authorized to be appropriated under this bill for any United Nations program, may be reallocated for a program to establish an international strike force for international narcotics control under the United Nations or other multilateral auspices. Such reallocation may occur only if the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives, and the Committee on Foreign Relations and the Committee on Appropriations of the Senate, are notified at least 15 days in advance of the obligation of funds in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961.

SPECTER AMENDMENT NO. 338

(Ordered to lie on the table.)

Mr. SPECTER submitted an amendment intended to be proposed by him to the bill S. 1160, supra, as follows:

At the appropriate place insert the following:

SEC. . DEATH PENALTY FOR TERRORIST ACTS ABROAD AGAINST UNITED STATES NATIONALS.

Section 2331(a)(1) of title 18, United States Code, is amended by inserting before the semicolon the following: "or the court may impose a sentence of death in accordance with the procedures set forth in section 7001 of the Anti-Drug Abuse Act of 1988 (21 U.S.C. 848)".

SPECTER AMENDMENT NO. 339

(Ordered to lie on the table.)

Mr. SPECTER submitted an amendment intended to be proposed by him to the bill S. 1160, supra, as follows:

At the appropriate place in the bill, insert the following:

SEC. . COMMEMORATION OF VICTIMS OF TERRORISM.

(a) FINDINGS.—The Congress finds that—

(1) terrorism continues to shock the conscience of the civilized world. On numerous occasions, international outlaws have sought to influence the foreign policy of nations by outrageous acts of violence against innocent citizens.

(2) since 1973, well over 500 Americans have perished in the course of approximately 140 lethal terrorist attacks. It is impractical to list each victim by name, but the three cases described below illustrate that terrorism wreaks not only political havoc, but personal tragedy as well.

(3) in June 1985, terrorists hijacked TWA flight 847 en route from Athens to Rome. After the aircraft was diverted to Beirut, the terrorists shot Navy diver Robert Stetham and dumped his body onto the tarmac of the Beirut Airport.

(4) in October 1985, four Palestinian gunmen hijacked the Italian cruise ship *Achille Lauro* in the Mediterranean Sea. During this incident, the terrorists murdered Leon Klinghoffer, an elderly American confined to a wheelchair.

(5) on December 21, 1988, Pan Am flight 103 en route from London to New York blew up over Lockerbie, Scotland, killing 270 people, including 189 Americans. The evidence strongly suggests that flight 103 was destroyed in a terrorist attack, but the families and friends of the Pan Am 103 victims have been traumatized by the inability of law enforcement officials to identify the perpetrator(s) of this barbaric act;

(6) at present, nine Americans are being held hostage in the Middle East. These individuals are victims of terrorism as well. The Congress deplores their continued detention and expresses its fervent desire that they be released unharmed forthwith.

(7) the people of the United States feel overwhelming grief and sorrow for the innocent victims of terrorism, yet lack a satisfactory means of conveying their condolences to the families and friends of the victims. The designation of a day of commemoration for the victims of terrorism would be an appropriate means of expressing the sorrow of the nation.

(8) December 21, 1989, is a suitable day of commemoration because it is the one year anniversary of the apparent bombing of Pan Am flight 103.

(b) **COMMEMORATION.**—The President is authorized and requested to issue a proclamation designating December 21, 1989, as "Terrorist Victims Commemoration Day" and to urge the Governors of the several States, the chief officials of local governments, and the people of the United States to mark this day with appropriately solemn ceremonies and activities.

CHAFEE (AND OTHERS) AMENDMENT NO. 340

(Ordered to lie on the table.)

Mr. CHAFEE (for himself, Mr. HATFIELD, Mrs. KASSEBAUM, Mr. JEFFORDS, Mr. LUGAR, and Mr. INOUE) submitted an amendment intended to be prepared by them to the bill S. 1160, *supra*, as follows:

Whereas the United States recognizes that Israel has experienced difficulties with violence generated in some schools in some areas of the West Bank;

Whereas on February 3, 1988, the Israeli military authorities first announced the closure of West Bank schools, schools have been open for only a few weeks since then, and were closed on January 20, 1989, "until further notice," resulting in schools being open only for several weeks during the past eighteen months;

Whereas the school closures have affected all 1,194 kindergartens, primary and secondary schools in the West Bank;

Whereas universities and community colleges in the West Bank have been closed for over one year;

Whereas the closure orders have affected all West Bank schools including public, private, United Nations Relief and Works Agency (UNRWA) schools, as well as vocational training centers and universities;

Whereas the school closures have affected 320,000 school-aged children and 18,000 university and community college students, or roughly 40 percent of the population of the West Bank;

Whereas the continuation of education in any form, including informal makeup classes outside of school premises or the distribution of homework has been prohibited;

Whereas the school closures have the most profound impact on primary-aged schoolchildren inasmuch as educators believe that the denial of instruction to students at certain stages in their education leaves serious gaps in their cognitive development which are very difficult to correct at a later stage;

Whereas article 450 of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Convention IV) states that "The Occupying Power shall, with the cooperation of the national and local authorities, facilitate the proper working of all institutions devoted to the care and education of children;"

Whereas article 33 of that Convention specifies that "No protected person may be punished for an offense he or she has not personally committed;"

Whereas reopening all the schools on the West Bank would make an important contribution to improving relations between Palestinians and the Government of Israel;

Whereas reestablishing a more normal educational environment on the West Bank would be an important step toward creating a climate in the West Bank and Gaza which is more conducive to progress toward peace and in which mutually acceptable local elections could take place, according to the proposal put forward by the Israeli Government.

Whereas the United States supports efforts that contribute to a peaceful resolution of the conflict in the region;

Whereas Israeli Defense Minister Yitzhak Rabin and Army Chief of Staff Dan Shomron on July 12, 1989, issued instructions in anticipation of reopening many schools in the West Bank gradually in the near future;

Whereas as of this date no schools in the West Bank have been reopened: Now, therefore, be it

Resolved, by the Senate, That it is the sense of the Senate that Israel's announced intention to reopen schools in the West Bank is to be commended;

That Israel should undertake to reopen schools in the West Bank without delay;

That interference with kindergarten, elementary and secondary education in the West Bank should not be implemented in the future as a means of exerting political pressure.

HELMS AMENDMENT NO. 341

(Ordered to lie on the table.)

Mr. HELMS submitted an amendment intended to be proposed by him to the bill S. 1160, *supra*, as follows:

At the end of the bill add the following new section:

Sec. . CONTRIBUTIONS FOR PEACEKEEPING ACTIVITIES IN SOUTHERN AFRICA.

(a) **ASSURANCES THAT ALL CUBAN TROOPS WILL BE WITHDRAWN.**—The United States may not, after the date of enactment of this section, expend any funds authorized to be appropriated in this Act for a contribution or any other assistance with respect to implementation of the Tripartite Agreement until the President certifies to the Congress that—

(1) the United States has received explicit and reliable assurances from each of the parties to the Bilateral Agreement that all Cuban troops will be withdrawn from Angola by July 1, 1991, and that no Cuban

troops will remain in Angola after that date; and

(2) the Secretary General of the United Nations has assured the United States that it is his understanding that all Cuban troops will be withdrawn from Angola by July 1, 1991, and that no Cuban troops will remain in Angola after that date.

(b) **CONTRIBUTIONS CONDITIONAL IN COMPLIANCE.**—The United States may not expend any funds authorized to be appropriated in this Act for a contribution of any other assistance with respect to implementation of the Tripartite Agreement—

(1) if the Government of Cuba fails at any time to comply with any of its obligations under Article 1 of the Bilateral Agreement (relating to the calendar for redeployment and withdrawal of Cuban troops), or

(2) if any Cuban troops remain in Angola after July 1, 1991.

(c) **REPORTS TO CONGRESS.**—

(1) **COMPLIANCE WITH OBLIGATIONS.**—Not more than 15 days after each scheduled phase of the redeployment northward and withdrawal of Cuban troops pursuant to the Bilateral Agreement, the President shall submit to the appropriate Congressional committees a report on whether each of the signatories of the Tripartite Agreement is complying with its obligations under the agreement. And the President shall report to the appropriate Congressional committees whenever he has determined that a material breach of the Tripartite Agreement may have been committed by any of the signatories to that Agreement.

(d) **DISBURSEMENTS.**—Of the amount authorized to be appropriated to be made available for contribution with respect to implementation of the Agreement Among the People's Republic of Angola, the Republic of Cuba, and the Republic of South Africa, signed at the United Nations on December 22, 1988, (hereafter known as the Tripartite Agreement) 25 percent of the annual amount shall be available each calendar quarter beginning October 1, 1989 only if the President determines and certifies at that time to the appropriate Congressional committees that (1) each of the signatories to the Tripartite Agreement is in compliance with its obligations under the Agreement, (2) the Government of Cuba has complied with its obligations under Article 1 of the Bilateral Agreement (relating to the calendar for redeployment and withdrawal of Cuban troops), (3) the Cubans have not engaged in any offensive military actions against UNITA, including the use of chemical warfare, (4) the United Nations and its affiliated agencies have terminated all funding and other support, in conformity with the United Nations impartiality package, to the South West Africa People's Organization (SWAPO), and (5) the United Nations Angola Verification Mission is demonstrating diligence, impartiality, and professionalism in verifying the departure of Cuban troops and the recording of any troop rotations.

(e) Funding of these activities by the United States may not be construed as constituting recognition of any government in Angola.

(f) the term "Bilateral Agreement" means the Agreement Between the Governments of the People's Republic of Angola and the Republic of Cuba for the Termination of the International Mission of the Cuban Military Contingent, signed at the United Nations on December 22, 1988, and the term "Tripartite Agreement" means the Agreement Among the People's Republic of

Angola, the Republic of Cuba, and the Republic of South Africa, signed at the United Nations on December 22, 1988.

(g) the term "appropriate congressional committees" means the Committees on Appropriations, Foreign Affairs and Permanent Select Committee on Intelligence of the House of Representatives, and the Committees on Appropriations, Foreign Relations and the Select Committee on Intelligence of the Senate.

HELMS AMENDMENT NO. 342

(Ordered to lie on the table.)

Mr. HELMS submitted an amendment intended to be proposed by him to the bill S. 1160, *supra*, as follows:

On page 49, between lines 18 and 19, insert the following new section:

SEC. 153. FOREIGN SERVICE GRIEVANCE BOARD PROCEDURES.

(a) PROCEDURES.—Section 1106 of the Foreign Service Act of 1980 (22 U.S.C. 4136) is amended—

(1) by striking out in paragraph (1) "at the request" and inserting in lieu thereof "not later than 90 days after the request";

(2) by striking out paragraph (8); and

(3) by redesignating paragraph (9) as paragraph (8).

(b) DECISIONS.—Section 1107(a) of such Act (22 U.S.C. 4137(a)) is amended—

(1) by striking out "Upon" and inserting in lieu thereof "Within 90 days after"; and

(2) by striking out "expeditiously".

On page 3 in the table of contents, after the item relating to section 152 insert the following new item:

"Sec. 153. Foreign Service Grievance Board Procedures."

HELMS AMENDMENT NO. 343

(Ordered to lie on the table.)

Mr. HELMS submitted an amendment intended to be proposed by him to the bill S. 1160, *supra*, as follows:

Strike the amendment and insert in lieu thereof:

SEC. . SENSE OF THE SENATE REGARDING THE SITUATION IN THE REPUBLIC OF SOUTH AFRICA.

Congress finds that:

(a) The Government of the Republic of South Africa has participated in good faith in negotiations regarding the future of Namibia and Angola;

(b) The Government of the Republic of South Africa has initiated a number of diplomatic and other contacts with other African states, including visits by the State President, Mr. P.W. Botha, of South Africa to Zaire and Mozambique;

(c) The leader of the National Party of South Africa, Mr. F.W. deKlerk, visited Mozambique on July 19, 1989, and has discussed the future of that country with top elected political leaders in Great Britain, the Federal Republic of Germany, Portugal, and Italy, as well as with the Vatican;

(d) The Government of the Republic of South Africa has undertaken, in cooperation with other African states, a number of vital development and commercial projects to improve the lives of the citizens of those countries;

(e) The Government of the Republic of South Africa, acting to defend the Tripartite Accords signed in New York on December 22, 1988, under United Nations auspices, successfully repelled a military invasion by elements of the South West African Peo-

ples' Organization into Namibia on April 1, 1989;

(f) The Government of the Republic of South Africa has cooperated fully with the Government of Cuba and the Popular Movement for the Liberation of Angola (MPLA) scrupulously to carry out provisions of the Tripartite Accords signed in New York on December 22, 1988;

(g) The Government of the Republic of South Africa is fully cooperating with the United Nations Transition Assistance Group (UNTAG) and other international organizations and representatives to provide for internationally acceptable independence for Namibia (also known as South West Africa);

(h) The Government of the Republic of South Africa is fully committed to a negotiated end of the civil war in Angola and, to that end, has withdrawn all of its forces from Angolan territory; and

(i) The Government of the Republic of South Africa has, in accordance with the Tripartite Agreement signed in New York on December 22, 1988, terminated its support for the Popular Union for the Total Independence of Angola (UNITA).

Congress also finds that:

(1) A national election, resulting in new political leadership for South Africa, will be held on September 6, 1989;

(2) The leader of the National Party of South Africa, Mr. F.W. deKlerk, has made innovative, bold statements regarding a new political dispensation to include fully all South African citizens in political representation and decisionmaking in that country;

(3) Responsible, credible leaders of Black and other opposition groups have set forth a declaration of principles considered vital to internal negotiations about a new political dispensation within South Africa;

(4) Credible opposition leadership have adopted or are continuing to uphold the necessity for negotiations and political change in South Africa free from terrorism and violence;

(5) Existing and new political parties and movements continue to be created, which may earn a role in negotiations for a new political dispensation in South Africa;

(6) Both the leader of the National Party of South Africa, Mr. F.W. deKlerk and credible opposition leaders, have espoused strong support for a nondiscriminatory political system, providing equality of opportunity for all South Africans and economic opportunity through a competitive, market-oriented economic system; and

(7) The Government of the Republic of South Africa is fully committed to peaceful reform leading to the abolition of discriminatory practices and negotiations with representatives of all South Africans on a new political dispensation.

Therefore, it is the Sense of the Senate that:

(a) The United States commends South Africa for its positive participation in and scrupulous conduct after signing of the Tripartite Agreement on December 22, 1988;

(b) The United States welcomes the movement towards positive change, reflected in South Africa's willingness to negotiate and work more closely with other African states;

(c) The United States welcomes South Africa's willingness to work with European elected political leadership on matters of mutual interest, including the ending of a discriminatory social and political practices;

(d) The United States welcomes sincere efforts by the South African Government and its opponents to create a climate for negotiations about a new political dispensation,

free from discriminatory practices, terrorism, and violence;

(3) The United States believes the period following the September 6, 1989 elections in South Africa open especially encouraging opportunities to begin negotiations on a nondiscriminatory social and political system for that country;

(f) The United States offers all appropriate assistance, consistent with principles of the United States Constitution, to encourage and, as requested, to assist in regional peace efforts within Africa as well as in negotiations for a new political and social system within South Africa which is free from discrimination.

HELMS AMENDMENT NO. 344

(Ordered to lie on the table.)

Mr. HELMS submitted an amendment intended to be proposed by him to the bill S. 1160, *supra*, as follows:

At the appropriate place, insert the following new section:

SEC. . RESTRICTIONS ON POST-EMPLOYMENT ACTIVITIES OF STATE DEPARTMENT EMPLOYEES.

(a) Chapter 8 of title I of the Foreign Service Act of 1980 is amended by adding at the end thereof the following new section:

"SEC. 863. RESTRICTIONS ON POST-EMPLOYMENT ACTIVITIES.

(a) It shall be unlawful for any ambassador, Foreign Service officer, or other employee of the Department of State—

(1) within 18 months after termination of his service or employment with the Department of State, to begin employment with or service for a foreign entity or international organization, or

(2) during his service with the Department of State to discuss employment with or service for a foreign entity or international organization,

if such ambassador, officer, or employee during his employment or service with the Department of State—

"(A) had access to classified or intelligence information which related to that entity or organization; or

"(B) had been involved in programs or policies affecting that entity or organization.

"(b) For purposes of this section—

"(1) the term 'foreign entity' means—

"(A) the government of a foreign country, as defined in section 1(e) of the Foreign Agents Registration Act of 1938;

"(B) a foreign political party, as defined in section 1(f) of that Act; and

"(C) a foreign organization substantially controlled by a foreign country or foreign political party; and

"(2) the term 'international organization' has the same meaning as given to that term by section 1 of the International Organizations Immunities Act.

"(c) Any person who violates subsection (a) shall be punishable with imprisonment for not more than 1 year or fined in accordance with title 18, United States Code, or both.

"(d) Subsection (a) shall not apply with respect to the future conduct of an individual in seeking or securing employment with an international organization if the Secretary of State determines that it is in the national interest of the United States and so notifies the Congress."

(b) The table of contents of the Foreign Service Act of 1980 is amended by inserting

after the item relating to section 862 the following new item:

"Sec. 863. Restrictions on post-employment activities of State Department employees."

HELMS AMENDMENT NO. 345

(Ordered to lie on the table.)

Mr. HELMS submitted an amendment intended to be proposed by him to the bill S. 1160, supra, as follows:

At the end of the bill add the following new section:

SEC. . REPORT ON U.S. MEMBERSHIP IN THE ORGANIZATION OF AMERICAN STATES.

(a) FINDINGS.—The Congress of the United States finds that:

1. The United States is assessed two-thirds of the budget of the Organization of American States;

2. The United States makes significant voluntary contributions to the Inter-American Economic and Social Council and the Inter-American Council for Education Science and Culture of the OAS; and

3. A significant majority of the resolutions passed by the General Assembly and Permanent Council of the OAS are either administrative or commemorative in nature.

(b) REPORT.—The President shall transmit a report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives detailing the feasibility of continued United States participation as a Permanent Member State in the Organization of American States, and continued situs of the OAS in Washington, DC. The report shall include an assessment of the following:

(1) The total amount of funds authorized, appropriated, and disbursed by the United States to the OAS for each of the past ten years, including amounts spent on dues, voluntary contributions, staff and travel;

(2) A detailed listing and explanation of all benefits and detriments which have accrued to the United States during the past ten years from participation in the OAS;

(3) Whether the interests of the United States could be served better by reducing the level of United States participation in the Organization of American States from "Member State" status to "Permanent Observer" status;

(4) Whether the benefits of United States Membership in the Organization of American States justifies the United States accepting a formula of mandatory assessments that results in a United States quota comprising two-thirds of the total OAS budget;

(5) A cost-benefit analysis of what benefits would accrue to the United States by transferring the Headquarters of the Organization of American States to another Member nation as opposed to retaining the Headquarters in the United States.

HELMS AMENDMENT NO. 346

(Ordered to lie on the table.)

Mr. HELMS submitted an amendment intended to be proposed by him to the bill S. 1160, supra, as follows:

The Department of State shall submit to the Senate in treaty form for advice and consent all agreements with the Soviet Union which relate to the status of Wrangell, Herald, Bennett, Henrietta, and Jeanette Islands which are located in the Arctic Ocean and to boundaries of the United States.

HELMS AMENDMENT NO. 347

(Ordered to lie on the table.)

Mr. HELMS submitted an amendment intended to be proposed by him to the bill S. 1160, supra, as follows:

At the end of the bill, add the following new section:

SEC. . LOANS TO COUNTRIES SUBJECT TO NATIONAL SECURITY CONTROLS.

(a) IN GENERAL.—It is unlawful for a covered organization or any subsidiary thereof to make, or participate in, an extension of credit to any country or entity described in subsection (c) unless—

(1) the extension of credit and its terms and conditions are fully disclosed to the public at the time of extension;

(2) the terms and conditions are fully reported in all the organization's Securities and Exchange Commission filings, annual reports to stockholders, and in each report of condition required by the Federal Deposit Insurance Act; and

(3) such report includes a detailed statement of rates and terms of any debt exposures that are renegotiated, restructured, or in any way extended beyond the original terms of the agreement and the commercial purposes of such extension.

(b) DEFINITIONS.—As used in subsection (a)—

(1) COVERED ORGANIZATION.—The term "covered organization" means—

(A) any bank, savings and loan association, credit union, or other entity the deposits or accounts of which are insured by the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation, or the National Credit Union Share Insurance Fund;

(B) any organization the accounts of which are insured by the Securities Investor Protection Corporation; or

(C) any organization subject to the provisions of the Bank Holding Company Act of 1956.

(2) EXTENSION OF CREDIT.—The term "extension of credit" means any transfer of currency or other thing of value pursuant to an agreement that provides for the repayment, in whole or in part, of the amount transferred. The term also includes a grant, subsidy, or concession made with respect to a transfer described in the preceding sentence, and any refinancing of an outstanding extension of credit.

(c) COUNTRIES SUBJECT TO THIS SECTION.—For purposes of subsection (a)—

(1) a country is described in this subsection if it is a country on the list of controlled countries established under section 620(f) of the Foreign Assistance Act of 1961;

(2) an entity is described in this subsection if it is owned or controlled, in whole or in part, by a country described in paragraph (1); and

(3) an agency or other instrumentality of a country described in paragraph (1) shall be treated as a country described in paragraph (1).

HELMS (AND OTHERS) AMENDMENT NO. 348

(Ordered to lie on the table.)

Mr. HELMS (for himself, Mr. GLENN, Mr. BOREN, and Mr. PRESSLER) submitted an amendment, intended to be proposed by them to the bill S. 1160, supra, as follows:

On page 55, line 15, strike "\$36,000,000" and insert in lieu thereof "\$71,000,000".

HELMS AMENDMENT NO. 349

(Ordered to lie on the table.)

Mr. HELMS submitted an amendment intended to be proposed by him to the bill S. 1160, supra, as follows:

At the appropriate place in the bill add the following new section:

SECTION 1. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the commission on the Ukraine Famine \$200,000, which is authorized to remain available until expended.

MITCHELL AMENDMENT NO. 350

(Ordered to lie on the table.)

Mr. MITCHELL submitted an amendment intended to be proposed by him to the bill S. 1160, supra, as follows:

Strike all after the first word in the amendment and insert the following: "no funds authorized in this act may be obligated or made available for the conduct of the current dialogue on the Middle East peace process with any representative of the Palestine Liberation Organization if the President knows and advises the Congress under existing authority that that representative directly participated in the planning or execution of a particular terrorist activity which resulted in the death or kidnapping of an American citizen."

MITCHELL AMENDMENT NO. 351

(Ordered to lie on the table.)

Mr. MITCHELL submitted an amendment intended to be proposed by him to the bill S. 1160, supra, as follows:

Strike all after the first word in the amendment and insert the following: "no funds authorized in this act may be obligated or made available for the conduct of the current dialogue on the Middle East peace process with any representative of the Palestine Liberation Organization if the President knows and advises the Congress under existing authority that that representative directly participated in the planning or execution of a particular terrorist activity which resulted in the death or kidnapping of an American citizen."

MITCHELL AMENDMENT NO. 352

(Ordered to lie on the table.)

Mr. MITCHELL submitted an amendment intended to be proposed by him to the bill S. 1160, supra, as follows:

At the end of the amendment add the following: "no funds authorized in this act may be obligated or made available for the conduct of the current dialogue on the Middle East peace process with any representative of the Palestine Liberation Organization if the President knows and advises the Congress under existing authority that that representative directly participated in the planning or execution of a particular terrorist activity which resulted in the death or kidnapping of an American citizen."

MITCHELL AMENDMENT NO. 353

(Ordered to lie on the table.)

Mr. MITCHELL submitted an amendment intended to be proposed

by him to the bill S. 1160, *supra*, as follows:

In lieu of the matter proposed to be inserted insert the following: "no funds authorized in this act may be obligated or made available for the conduct of the current dialogue on the Middle East peace process with any representative of the Palestine Liberation Organization if the President knows and advises the Congress under existing authority that that representative directly participated in the planning or execution of a particular terrorist activity which resulted in the death or kidnapping of an American citizen."

MITCHELL AMENDMENT NO. 354

(Ordered to lie on the table.)

Mr. MITCHELL submitted an amendment intended to be proposed by him to the bill S. 1160, *supra*, as follows:

At the appropriate place add the following: "no funds authorized in this act may be obligated or made available for the conduct of the current dialogue on the Middle East peace process with any representative of the Palestine Liberation Organization if the President knows and advises the Congress under existing authority that that representative directly participated in the planning or execution of a particular terrorist activity which resulted in the death or kidnapping of an American citizen."

HELMS AMENDMENT NO. 355

(Ordered to lie on the table.)

Mr. HELMS submitted an amendment intended to be proposed by him to the bill S. 1160, *supra*, as follows:

On page 31, strike line 10 through line 24 on page 32.

MURKOWSKI AMENDMENT NO. 356

(Ordered to lie on the table.)

Mr. MURKOWSKI submitted an amendment intended to be proposed by him to the bill S. 1160, *supra*, as follows:

At the appropriate place in the bill insert the following:

SEC. . ASSISTANCE TO A FREE AND INDEPENDENT CAMBODIA.

POLICY.—It shall be the policy of the United States to:

(1) assist the Cambodian people in achieving a peaceful, durable settlement that restores the independence of Cambodia so that the people of Cambodia may determine their own future;

(2) support the Cambodian noncommunist resistance in its diplomatic efforts to establish an independent, democratic government in Cambodia responsive to the freely expressed will of the Cambodian people;

(3) support the establishment of a Cambodian coalition government that includes Prince Sihanouk and the noncommunist resistance and is determined to prevent the return to power of the brutal and genocidal Khmer Rouge;

(4) support the process of international negotiations already underway in the belief that those negotiations can bring about the complete withdrawal of all foreign military forces from Cambodia, achieve a durable settlement to the Cambodian conflict, and

produce a democratically elected government in Cambodia; and

(5) consider providing substantial and broad assistance to a new Cambodian government that may emerge out of these negotiations with the understanding that such assistance will not be provided unless that government:

(A) is committed to policies that reflect the will of the majority of the Cambodian people with emphasis on broad human rights of the populace;

(B) is determined to prevent the return to power of the Khmer Rouge; and

(C) provides to the non-Communist resistance a genuine and broadly equitable share of authority in governing Cambodia including a share of authority over the instruments of state power, *viz.*, the armed forces, the internal security services, and the courts.

MURKOWSKI AMENDMENT NO. 357

(Ordered to lie on the table.)

Mr. MURKOWSKI submitted an amendment intended to be proposed by him to the bill S. 1160, *supra*, as follows:

At the appropriate place in the bill add the following new section:

SEC. . FACILITATING THE DETECTION OF PLASTIC EXPLOSIVES USED BY INTERNATIONAL TERRORISTS.

FINDINGS.—The Senate finds that plastic explosives have become a weapon of choice for international terrorists and have been used to inflict great loss of innocent life, including the destruction of Pan Am flight No. 103.

SENSE OF THE SENATE.—It is the Sense of the Senate that—

(1) the President shall seek to negotiate an international protocol requiring all nations that produce, or enter into the production of, plastic explosives to implant taggants in those explosives designed to facilitate their detection for antiterrorist purposes; and

(2) the President should seek to reach a final agreement on an international protocol at the earliest possible date.

GRAHAM (AND MACK) AMENDMENT NO. 358

(Ordered to lie on the table.)

Mr. GRAHAM (for himself and Mr. MACK) submitted an amendment intended to be proposed by him to the bill S. 1160, *supra*, as follows:

At the appropriate place in the bill, insert the following:

Within 60 days of the enactment of this Act, the Comptroller General (General Accounting Office) shall report to Congress past involvement by the Government of Cuba in narcotics trafficking. The Comptroller shall call on the Drug Enforcement Agency, the Federal Bureau of Investigation, and any other appropriate agencies.

No later than 180 days after the enactment of this Act, the Comptroller General shall report to Congress a complete report on the current involvement of the Government of Cuba in drug trafficking.

SYMMS AMENDMENT NO. 359

(Ordered to lie on the table.)

Mr. SYMMS submitted an amendment intended to be proposed by him to the bill S. 1160, *supra*, as follows:

Strike section 133.

WILSON (AND MOYNIHAN) AMENDMENT NO. 360

(Ordered to lie on the table.)

Mr. WILSON (for himself and Mr. MOYNIHAN) submitted an amendment intended to be proposed by them to the bill S. 1160, *supra*, as follows:

On page 145, after line 22, add the following new section:

SEC. 915. UNITED NATIONS SPONSORSHIP OR A MIDDLE EAST PEACE CONFERENCE.

(a) FINDINGS.—The Congress finds that—

(1) the General Assembly of the United Nations adopted Resolution No. 3379 on November 10, 1975, maintaining that Zionism constituted a form of racism;

(2) most of the proposals for an international peace conference regarding the Middle East have identified the United Nations as the sponsoring organization for such a conference;

(3) all international diplomatic participants in any potential Middle East peace conference must acknowledge the sovereignty of the State of Israel and the right of its citizens to live within secure and permanent boundaries; and

(4) United Nations General Assembly Resolution No. 3379 of November 10, 1985, damages the credibility of the United Nations as a forum for the convening of an international Middle East peace conference because it condemns the theory that informs the political, religious, and social foundations of the State of Israel.

(b) POLICY.—(1) The Congress declares that United Nations General Assembly Resolution No. 3379 of November 10, 1975, makes the United Nations or any of its constituent bodies an inappropriate forum for the sponsorship of any international conference on the Arab-Israeli conflict.

CHAFEE (AND OTHERS) AMENDMENT NO. 361

(Ordered to lie on the table.)

Mr. CHAFEE (for himself, Mr. HATFIELD, Mrs. KASSEBAUM, Mr. JEFFORDS, Mr. LUGAR, Mr. INOUE, and Mr. BYRD) submitted an amendment to the bill S. 1160, *supra*, as follows:

The United States recognizes that Israel has experienced difficulties with violence generated in some schools in some areas of the West Bank;

On February 3, 1988, July 21, 1988, and January 20, 1989, Israeli military authorities announced the closure of schools "until further notice," and schools have been open for only a few weeks during that time;

The school closures have affected all 1,194 kindergartens, primary and secondary schools in the West Bank;

Universities and community colleges in the West Bank have been closed for over one year;

The closure orders have affected all West Bank schools including public, private, and United Nations Relief and Works Agency (UNRWA) schools, as well as vocational training centers and universities;

The school closures have affected 320,000 school-aged children and 18,000 university and community college students, or roughly

40 percent of the population of the West Bank;

The continuation of education in any form, including informal makeup classes outside of school premises or the distribution of homework has been prohibited;

The school closures have the most profound impact on primary-aged schoolchildren inasmuch as educators believe that the denial of instruction to students at certain stages in their education leaves serious gaps in their cognitive development which are very difficult to correct at a later stage;

Article 50 of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Convention IV) states that "The Occupying Power shall, with the cooperation of the national and local authorities, facilitate the proper working of all institutions devoted to the care and education of children;"

Article 33 of that Convention specifies that "No protected person may be punished for an offense he or she has not personally committed;"

Reopening all the schools on the West Bank would make an important contribution to improving relations between Palestinians and the Government of Israel;

Reestablishing a more normal educational environment on the West Bank would be an important step toward creating a climate in the West Bank and Gaza which is more conducive to progress toward peace and in which mutually acceptable local elections could take place, according to the proposal put forward by the Israeli Government;

The United States supports efforts that contribute to a peaceful resolution of the conflict in the region;

Israeli Defense Minister Yitzhak Rabin and Army Chief of Staff Dan Shomron on July 12, 1989, issued instructions in anticipation of reopening many schools in the West Bank gradually in the near future;

As of this date no schools in the West Bank have been reopened: Now, therefore, be it

The sense of the Senate that Israel's announced intention to reopen schools in the West Bank is to be commended;

That Israel should undertake to reopen all schools in the West Bank without delay;

That interference with kindergarten, elementary and secondary education in the West Bank should not be implemented in the future as a means of exerting political pressure.

SYMMS (AND OTHERS) AMENDMENT NO. 362

Mr. SYMMS (for himself, Mr. SIMON, Mr. CRANSTON, Mr. GORTON, Mr. KOHL, Mr. DIXON, and Mr. KASTEN) proposed an amendment, which was subsequently modified, to the bill S. 1160, supra, as follows:

As the end of the bill, insert:

SEC. . TREATMENT OF HONG KONG AS A SEPARATE FOREIGN STATE FOR NUMERICAL LIMITATIONS.

The approval referred to in the first sentence of section 202(b) of the Immigration and Nationality Act shall be considered to have been granted, effective beginning with fiscal year 1990, with respect to Hong Kong as a separate foreign state, and not as a colony or other component or dependent area of another state, and section 202(c) of such Act shall not apply to Hong Kong, except that for fiscal year 1990 the total number of immigrant visas made available

to natives of Hong Kong in any fiscal year under section 202(a) may not exceed 10,000.

LEVIN AMENDMENT NO. 363

(Ordered to lie on the table.)

Mr. LEVIN submitted an amendment intended to be proposed by him to amendment No. 325 proposed by Mr. SPECTER to the bill S. 1160, supra, as follows:

Strike all after "SEC." and insert the following:

LIFE IMPRISONMENT WITHOUT THE POSSIBILITY OF RELEASE FOR TERRORIST ACTS ABROAD AGAINST UNITED STATES NATIONALS.

Section 2331(a)(1) of title 18, the United States Code, is amended by striking all after "under this title" and inserting in lieu thereof the following: "and imprisoned for life without the possibility of release;"

MITCHELL (AND OTHERS) AMENDMENT NO. 364

Mr. MITCHELL (for himself, Mr. DOLE, Mr. METZENBAUM, Mr. BOSCHWITZ, Mr. KERRY, Mr. PACKWOOD, and Mr. INOUE) proposed an amendment to amendment No. 269 proposed by Mr. HELMS to the bill S. 1160, supra, as follows:

In the pending amendment strike all after the word "SEC. 17." on line 1, and insert in lieu thereof the following:

PROHIBITION ON NEGOTIATIONS WITH CERTAIN PALESTINE LIBERATION ORGANIZATION REPRESENTATIVES.

Section 1302(b) of the International Security and Development Cooperation Act of 1985 (22 U.S.C. 2151), is amended by adding before the period at the end thereof, the following: "except that no funds authorized to be appropriated in this or any other act may be obligated or made available for the conduct of the current dialogue on the Middle East peace process with any representative of the Palestine Liberation Organization if the President knows and advises the Congress that that representative directly participated in the planning or execution of a particular terrorist activity which resulted in the death or kidnapping of an American citizen."

BREAUX (AND OTHERS) AMENDMENT NO. 365

Mr. BREAUX (for himself, Mr. JOHNSON, Mr. LOTT, Mr. SHELBY, Mr. HEFLIN, Mr. COCHRAN, Mr. DIXON, Mr. MURKOWSKI, Mr. GRAHAM, Mr. MACK, Mr. LEVIN, and Mr. BENTSEN) proposed an amendment to the bill S. 1160, supra, as follows:

At the appropriate place in the bill insert the following:

SEC. . The Secretary of State, in consultation with the Secretary of Commerce, shall, with respect to those species of sea turtles the conservation of which is the subject of regulations promulgated by the Secretary of Commerce on June 29, 1987—

(1) initiate negotiations as soon as possible for the development of bilateral or multilateral agreements with other nations for the protection and conservation of such species of sea turtles;

(2) initiate negotiations as soon as possible with all foreign governments which are en-

gaged in, or which have persons or companies engaged in, commercial fishing operations which, as determined by the Secretary of Commerce, may affect adversely such species of sea turtles, for the purpose of entering into bilateral and multilateral treaties with such countries to protect such species of sea turtles;

(3) encourage such other agreements to promote the purposes of this section with other nations for the protection of specific ocean and land regions which are of special significance to the health and stability of such species of sea turtles;

(4) initiate the amendment of any existing international treaty for the protection and conservation of such species of sea turtles to which the United States is a party in order to make such treaty consistent with the purposes and policies of this section; and

(5) provide to the Congress by not later than one year after the date of enactment of this section—

(A) a list of each nation which conducts commercial shrimp fishing operations within the geographic range of distribution of such sea turtles;

(B) a list of each nation which conducts commercial fishing operations which may affect adversely such species of sea turtles; and

(C) a full report on—

(i) the results of his efforts under this section; and

(ii) the status of measures taken by each nation listed pursuant to paragraph (A) or (B) to protect and conserve such sea turtles.

GRAHAM AMENDMENT NO. 366

Mr. GRAHAM proposed an amendment to the bill S. 1160, supra, as follows:

On page 145, after line 22, add the following new section:

SEC. 915. POLICY REGARDING SOVIET-BLOC MILITARY ASSISTANCE FOR CENTRAL AMERICA.

(a) FINDINGS.—The Congress finds that—

(1) the Soviet Union and its allies have provided a cumulative total of over \$3,045,000,000 in direct military assistance, to the Republic of Nicaragua since 1979;

(2) military assistance to the Republic of Nicaragua from the Soviet Union and its allies exceeds \$690,000,000 since the signing of the Esquipulas II Accords on August 7, 1987, which are designed to foster regional peace and national reconciliation in Nicaragua;

(3) the Republic of Nicaragua now has the largest and most sophisticated armed force in Central American history, with an active duty military force more than twice that of the next largest military force, which is that of El Salvador;

(4) the Soviet Union and its allies have provided to the Republic of Nicaragua equipment and material to service an active duty military force in excess of 80,000 troops;

(5) the military equipment provided by the Soviet Union and other East Bloc nations enables the Republic of Nicaragua to maintain an overwhelming military advantage over its neighbors;

(6) the authority for the United States Government to provide or deliver military assistance to the Nicaraguan Resistance expired on February 29, 1988;

(7) the Soviet Bloc, including Cuba and the Republic of Nicaragua, continue to provide military and other assistance to the

Farabundo Marti Liberation Front of El Salvador;

(8) the most recent discovery of a cache of insurgent weapons in San Salvador is the largest ever captured by government forces;

(9) Nobel Peace Prize winner Costa Rican President Oscar Arias has, on numerous occasions, called on the Soviet Union and its allies to end military assistance to both the Republic of Nicaragua and the Farabundo Marti Liberation Front of El Salvador;

(10) the military assistance provided to the Republic of Nicaragua and the FMLN is inconsistent with the goals of the Esquipulas II accords and the February 14, 1989 Joint Declaration by the Central American presidents;

(11) the March 24, 1989 Bipartisan Agreement between the President and the Congress stated that continued Soviet and Cuban "aid and support of violence and subversion in Central America is in direct violation" of the Esquipulas agreement; and

(12) continued aid by the Soviets and their allies in support of violence and subversion in Central America would have a deleterious effect on Soviet-American relations.

(b) **STATEMENTS OF POLICY.**—In the interest of regional peace and security, the Congress—

(1) calls on the Soviet Union and its allies to withhold further military assistance to the Republic of Nicaragua and the FMLN;

(2) calls on the Soviet Union and its allies to withdraw from Nicaragua their military and security advisors and support personnel; and

(3) calls on the Republic of Nicaragua to work toward a stabilization of the regional military balance, and to begin a diminution of the size of its military forces, as envisioned in the Esquipulas II Accords.

On page 5, in the table of contents, after the item relating to section 914, add the following new item:

"Sec. 915. Policy regarding Soviet-bloc military assistance for Central America."

LAUTENBERG (AND OTHERS) AMENDMENT NO. 367

Mr. LAUTENBERG (for himself, Mr. SIMON, Mr. KASTEN, Mr. KENNEDY, Mr. HEFLIN, Mr. GRASSLEY, Mr. MOYNIHAN, Mr. METZENBAUM, Mr. PRESSLER, Mr. DOLE, Mr. DIXON, Mr. SHELBY, Mr. BOSCHWITZ, Mr. PELL, and Mr. GRAHAM) proposed an amendment to the bill S. 1160, *supra*, as follows:

SECTION 1. (a)(1) the Attorney General is directed to establish, in consultation with the Secretary of State, standard profiles of refugee applicants which would identify applicants with a strong likelihood of qualifying for admission as refugees due to well established histories of persecution, pursuant to section 207 of the Immigration and Nationality Act; and

(2) these categories shall include Soviet nationals who are Jews or Evangelical Christians or Ukrainian Catholics or Ukrainian Orthodox, and holders of Letters of Introduction in the Orderly Departure Program in Vietnam, who do not immediately qualify for immigrant visas, and may include other groups of refugee applicants for which such standard profiles would be appropriate.

(b) If a refugee applicant is within any of the standard profiles, he or she may qualify for refugee status by demonstrating one of the following:

(1) acts of mistreatment, or prejudicial actions against him or her personally such as, but not limited to:

(A) inability to study or practice religious beliefs or ethnic heritage, or

(B) denial of access to educational, vocational or technical institutions for which he or she is otherwise qualified, based on membership in one of the above standard profiles; or

(C) adverse treatment in the workplace stemming from prejudicial attitudes toward members of his or her standard profile, or

(2) acts of persecution committed against other persons in his or her standard profile, in his or her geographical locale, or acts, regardless of locale, which give rise to a well-founded fear of persecution, or

(3) instances of mistreatment or prejudicial actions based on his or her personal request to depart the Soviet Union or Vietnam, including, but not limited to, loss of home, job, or educational opportunity.

(c) Decisions made to deny applications for refugee status shall be made in writing and shall state, to the maximum extent feasible, the reasons why the application was denied.

(d) Aliens who fall within categories established by this Act, or by the Attorney General pursuant to this Act, and who have been denied refugee status between August 15, 1988 and the date of enactment of this Act, shall be eligible to reapply for refugee status under the terms of this Act.

(e) This section shall take effect on the date of the enactment of this Act and shall terminate on September 30, 1990.

SEC. 2. (a) The Attorney General shall, subject to the requirements in subsection (b) and (c) of this section, adjust to lawful permanent resident status those nationals of the Soviet Union or Vietnam who entered the United States on or after September 1, 1988 and before September 1, 1990, through the exercise of his public interest parole power after being denied refugee status.

(b) Soviet or Vietnamese nationals described in this section shall not be eligible for adjustment under subsection (a) unless—

(1) They have been physically present in the United States for at least one year.

(2) they apply for adjustment within one year after the date upon which they become eligible for such adjustment, and

(3) they pay a fee to provide for the processing of their application, as determined by regulation by the Attorney General.

(c) Persons described in subsection (a) shall not be subject to the numerical limitations in section 201(a) or section 202(a) of the Immigration and Nationality Act, but shall be subject to the exclusions in section 212(a) of such Act (except for paragraphs (14) and (28)).

HELMS (AND BRADLEY) AMENDMENT NO. 368

Mr. HELMS (for himself and Mr. BRADLEY) proposed an amendment to the bill S. 1160, *supra*, as follows:

At the appropriate place in the bill add the following new section:

SEC. . AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Commission on the Ukraine Famine \$100,000, which is authorized to remain available until expended.

HELMS AMENDMENT NO. 369

Mr. HELMS proposed an amendment to the bill S. 1160, *supra*, as follows:

At the end of the bill, add the following new section:

SEC. . PROMOTING FREEDOM IN SOVIET GEORGIA.

The roots of Georgian national identity reach back to before the birth of Christ;

Georgia was an independent region up until tsarist Russia incorporated it into the Russian empire in the 19th century;

Georgian independence was reestablished on May 26, 1918, with the proclamation of the Republic of Georgia, with a parliamentary democratic government;

The independence of the Republic of Georgia was recognized by 22 countries, among them the Soviet Union on May 7, 1920;

The Soviet Union invaded the Republic of Georgia ten months later, on February 16, 1921, occupied the capital city of Tbilisi, and established Soviet power in Georgia on March 18, 1921;

The Patriarch of the Georgian Orthodox Church, Katholikos Ambrogi appealed at the Genoa Conference in 1922 for support from the international community to force the occupying Soviet forces out of the Republic of Georgia, but no help was forthcoming;

In 1924, there was an uprising which started in the manganese mines of Tschiatouri and swept over the whole country, and although assistance came from France and Poland, Soviet troops brutally crushed the rebellion, and the three leaders of this uprising were Colonel Khaikhrso Cholokhashvili, Colonel Price Elizbar Watschnadse, and Alexander Sulchanashvili;

The people of Georgia have renewed their call for self-determination, as evidenced by the creation of the National Democratic Party of Georgia;

The expression of these aspirations, over the past two years, by the people of Georgia has caused the expulsion of popular leaders such as Tengiz Gudava from the Soviet Union; and

Georgian human rights leaders both in Georgia itself and in the West have renewed their call for help from the United States by asking that the United States call upon the Soviet Government to grant to the people of Georgia the right to free multi-party pluralistic institutions and self-determination: Now, therefore, be it the sense of the Senate that the Senate hereby—

(a)(1) supports the aspirations of the Georgian nation for freedom and for justice;

(2) supports the aspirations of the Georgian nation for democracy in compliance with the provisions of the Final Act of the Helsinki Conference on Security and Cooperation in Europe, to which the Soviet Union is a party; and

(3) supports the aspirations of the Georgian nation for cultural and human rights, as embodied in the Universal Declaration of Human Rights, which the Soviet Union supported.

(b) for the purposes of this amendment, the word "nation" refers to the Georgian people in an ethnic and cultural sense and not in the sense of a "nation-state."

MURKOWSKI AMENDMENT NO. 370

Mr. MURKOWSKI proposed an amendment to the bill S. 1160, supra, as follows:

At the appropriate place in the bill add the following new section:

SEC. . FACILITATING THE DETECTION OF PLASTIC EXPLOSIVES USED BY INTERNATIONAL TERRORISTS.

FINDINGS.—The Senate finds that plastic explosives have become a weapon of choice for international terrorists and have been used to inflict great loss of innocent life, including the destruction of Pan Am flight No. 103.

SENSE OF THE SENATE.—It is the Sense of the Senate that

(1) The President should seek to negotiate an international protocol requiring all nations that produce, or enter into the production of, plastic explosives to implant taggants in those explosives designed to facilitate their detection for anti-terrorist purposes.

(2) The President should seek to reach a final agreement on an international protocol at the earliest possible date.

GRAHAM (AND DOLE) AMENDMENT NO. 371

Mr. GRAHAM (for himself and Mr. DOLE) proposed an amendment to the bill S. 1160, supra, as follows:

At the appropriate place in the bill, insert the following:

Sec. . (a) The Attorney General shall initiate an investigation into allegations of an alien smuggling ring operated by the Government of Cuba by which Cuban Nationals are smuggled into the United States via Panama and Mexico. The investigation shall include allegations that the Cuban Interests Section in Washington, D.C. is coordinating this operation and that the fees for delivery of such persons to the United States are diverted to the Government of Cuba.

(b) The Attorney General shall report to Congress his findings within sixty days of enactment.

GRAHAM (AND OTHERS) AMENDMENT NO. 372

Mr. GRAHAM (for himself, Mr. MACK, and Mr. KERRY) proposed an amendment to the bill S. 1160, supra, as follows:

At the appropriate place in the bill, insert the following:

Within 60 days of the enactment of this act, the Director of National Drug Abuse Policy shall report to Congress past involvement by the Government of Cuba in narcotics trafficking. The Comptroller shall call on the Drug Enforcement Agency, the Federal Bureau of Investigation and any other appropriate agencies.

No later than 180 days after the enactment of this act, the Comptroller General shall report to Congress a complete report on the current involvement of the Government of Cuba in drug trafficking.

GRAHAM (AND DOLE) AMENDMENT NO. 373

Mr. GRAHAM (for himself and Mr. DOLE) proposed an amendment to the bill S. 1160, supra, as follows:

On page 145, after line 22, add the following new section:

SEC. 915. POLICY REGARDING HUMAN RIGHTS ABUSES IN CUBA.

(a) **FINDINGS.**—The Congress finds that—

(1) the United Nations in 1989 issued its first report on human rights in Cuba this year, the result of a year-long investigation that concluded on the 30th year of Fidel Castro's rise to power;

(2) the report extensively documented across-the-board human rights abuses that include cases of torture, missing people, religious persecution, violations of civil and political rights, and violations of economic and social rights;

(3) the United Nations received 137 complaints of "torture, cruel, inhuman or degrading treatment or punishment";

(4) among the abuses reported to the United Nations were sensory deprivation, immersion in a pit latrine, mock executions, overcrowding in special cells, deafening loudspeakers, keeping prisoners naked in front of relatives, and forcing a prisoner about to be executed to carry his own coffin or dig his own grave;

(5) the United Nations commissioners also charged the Cuban regime with carrying out reprisals against Cuban citizens who offered testimony to the United Nations group, a clear violation of the Castro's government's promise not to harass those who complained about human rights;

(6) at least 22 Cuban human rights activists who were arrested are currently serving prison sentences or being held without trial; and

(7) the Human Rights Commission approved a resolution on March 9, 1989, calling on the Cuban government to cooperate with the Secretary General of the United Nations in settling unresolved issues raised by the human rights study group.

(b) **STATEMENT OF POLICY.**—In the interest of promoting respect for human rights in Cuba, the Congress—

(1) calls on the Secretary General of the United Nations to act upon the resolution approved by the Commission on Human Rights March 9, 1989, calling on the Secretary General to take appropriate action to follow up on the Commission's report; and

(2) calls on the Secretary General to specifically urge the Government of Cuba to release the 22 persons still being held in detention because of their human rights activities.

On page 5, in the table of contents, after the item relating to section 914, add the following new item:

"Sec. 915. Policy regarding human rights abuses in Cuba."

DANFORTH (AND BOREN) AMENDMENT NO. 374

Mr. DANFORTH (for himself and Mr. BOREN) proposed an amendment to the bill S. 1160, supra, as follows:

At the end of the bill, add the following new section:

ROLE OF THE CONGRESS IN THE FORMULATION OF U.S. FOREIGN POLICY.

The Senate Committee on Foreign Relations, upon consultation with the Secretary of State, shall issue a report to the Senate by December 31, 1989, on the appropriate relationship between the legislative and the executive branches with respect to the formulation of United States foreign policy.

KASSEBAUM (AND OTHERS) AMENDMENT NO. 375

(Ordered to lie on the table.)

Mrs. KASSEBAUM (for herself, Mr. CHAFEE, Mr. HATFIELD, Mr. JEFFORDS, Mr. LUGAR, and Mr. INOUE) submitted an amendment intended to be proposed by them to the bill S. 1160, supra, as follows:

In lieu of the language proposed to be inserted insert the following:

SEC. . REOPENING SCHOOLS IN THE WEST BANK.

(a) **FINDINGS.**—The Senate finds that—

(1) the United States recognizes that Israel has experienced difficulties with violence generated in some schools in some areas of the West Bank;

(2) on February 3, 1988, the Israeli military authorities first announced the closure of West Bank schools, schools have been open for only a few weeks since then, and were closed on January 20, 1989, "until further notice," resulting in schools being open only for several weeks during the past eighteen months;

(3) the school closures have affected all 1,194 kindergartens, primary and secondary schools in the West Bank;

(4) universities and community colleges in the West Bank have been closed for over one year;

(5) the closure orders have affected all West Bank schools including public, private, and United Nations Relief and Works Agency (UNRWA) schools, as well as vocational training schools and universities;

(6) the school closures have affected 320,000 school-aged children and 18,000 university and community college students, or roughly 40 percent of the population of the West Bank;

(7) the continuation of education in any form, including informal makeup classes outside of school premises or the distribution of homework has been prohibited;

(8) the school closures have the most profound impact on primary-aged schoolchildren inasmuch as educators believe that the denial of instruction to students at certain stages in their education leaves serious gaps in their cognitive development which are very difficult to correct at a later stage;

(9) Article 50 of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Convention IV) states that "The Occupying Power shall, with the cooperation of the national and local authorities, facilitate the proper working of all institutions devoted to the care and education of children;"

(10) Article 33 of that Convention specifies that "No protected person may be punished for an offense he or she has not personally committed;"

(11) reopening all the schools on the West Bank would make an important contribution to improving relations between Palestinians and the Government of Israel;

(12) reestablishing a more normal educational environment on the West Bank would be an important step toward creating a climate in the West Bank and Gaza which is more conducive to progress toward peace and in which mutually acceptable local elections could take place, according to the proposal put forward by the Israeli Government;

(13) the United States supports efforts that contribute to a peaceful resolution of the conflict in the region;

(14) Israeli Defense Minister Yitzhak Rabin and Army Chief of Staff Dan Shomron on July 12, 1989, issued instructions in

anticipation of reopening many schools in the West Bank gradually in the near future; and

(15) as of this date no schools in the West Bank, other than some kindergartens, have been reopened.

(b) SENSE OF THE SENATE.—It is the sense of the Senate—

(1) that Israel's announced intention to reopen schools in the West Bank is to be commended;

(2) that Israel should undertake to reopen schools in the West Bank without delay;

(3) that interference with kindergarten, elementary and secondary education in the West Bank should not be implemented in the future as a means of exerting political pressure; and

(4) that this amendment shall take effect one day after enactment.

SIMON (AND OTHERS) AMENDMENT NO. 376

(Ordered to lie on the table.)

Mr. SIMON (for himself, Mr. CRANSTON, Mr. GORTON, Mr. KOHL, and Mr. DIXON) proposed an amendment to the bill S. 1160, supra, as follows:

Strike everything after line 1 on amendment No. 362 and insert in lieu thereof the following:

SEC. . TREATMENT OF HONG KONG AS A SEPARATE FOREIGN STATE FOR NUMERICAL LIMITATIONS.

The approval referred to in the first sentence of section 202(b) of the Immigration and Nationality Act shall be considered to have been granted, effective beginning with fiscal year 1990, with respect to Hong Kong as a separate foreign state, and not as a colony or other component or dependent area of another state, and section 202(c) of such Act shall not apply to Hong Kong, except that for fiscal year 1990 the total number of immigrant visas made available to natives of Hong Kong in any fiscal year under section 202(a) may not exceed 10,000.

SYMMS AMENDMENT NO. 377

(Ordered to lie on the table.)

Mr. SYMMS submitted an amendment intended to be proposed by him to amendment No. 362 to the bill S. 1160, supra, as follows:

In lieu of the language proposed to be inserted by amendment No. . insert the following:

SEC. . GRANTING OF SPECIAL IMMIGRANT STATUS FOR CERTAIN PREFERENCE IMMIGRANTS FROM HONG KONG.

(a) IN GENERAL.—Section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)) is amended—

(1) by striking "or" at the end of subparagraph (II),

(2) by striking the period at the end of subparagraph (I) and inserting "; or", and

(3) by adding at the end the following new subparagraph:

"(J) subject to section 107, (i) an immigrant who is born in Hong Kong (or is chargeable under section 202 to Hong Kong) and who is classified as a preference immigrant described in any of paragraphs (1) through (6) of section 203(a), and (ii) the spouse or the child of any such immigrant, if accompanying or following to join him."

(b) PRIORITY AND NUMERICAL LIMITATION.—Title I of such Act is amended by adding at the end the following new section:

"PRIORITY AND NUMERICAL LIMITATION FOR CERTAIN SPECIAL IMMIGRANTS

"SEC. 107. (a) NUMERICAL LIMITATION.—The number of aliens who may be admitted to the United States as (or who may otherwise acquire the status of) special immigrants under section 101(a)(27)(J) in any fiscal year may not exceed 50,000 less the number of immigrants who were born in Hong Kong (or otherwise chargeable under section 202 to Hong Kong) who are provided immigrant visa numbers under section 203(a) (or, if applicable, section 202(c)) with respect to the fiscal year.

"(b) PRIORITY.—In providing for the issuance of immigrant visa numbers to special immigrants under section 101(a)(27)(J) for any fiscal year, to the extent that the Secretary of State determines that the total of such numbers would otherwise exceed the numerical limitation established under subsection (a), the Secretary of State shall provide for making visa numbers available and allocated in a manner similar to the manner in which visa numbers are made available under section 202(c) in the case of certain foreign states and dependent areas."

(c) CLERICAL AMENDMENT.—The table of contents of such Act is amended by inserting after the item relating to section 106 the following new item:

"Sec. 107. Priority and numerical limitation for certain special immigrants."

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect October 1, 1989.

EMERGENCY MEDICAL SERVICES AND TRAUMA CARE IMPROVEMENT ACT

CRANSTON (AND OTHERS) AMENDMENT NO. 378

(Ordered referred to the Committee on Labor and Human Resources.)

Mr. CRANSTON (for himself, Mr. KENNEDY, Mr. GORE, Mr. WILSON, Mr. ADAMS, Mr. BENTSEN, Mr. INOUE, Mr. PRESSLER, Mr. RIEGLE, and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by them to the bill (S. 15) to amend the Public Health Service Act to improve emergency medical services and trauma care, and for other purposes, as follows:

On page 13, lines 1 and 2, strike out "(including patients injured in rural areas)".

On page 13, between lines 9 and 10, insert the following new paragraph:

"(7) provide that the standards and requirements described in paragraphs (3) and (4) address the special needs and problems of rural communities;"

On page 13, line 10, strike out "(7)" and insert in lieu thereof "(8)".

On page 14, line 5, strike out "(8)" and insert in lieu thereof "(9)".

On page 14, line 9, strike out "(9)" and insert in lieu thereof "(10)".

On page 14, line 10, strike out "(8)" and insert in lieu thereof "(9)".

On page 31, after line 25, add the following new part:

"PART C—RURAL EMERGENCY MEDICAL SERVICES AND TRAUMA CARE

"SEC. 1231. IMPROVING RURAL EMERGENCY MEDICAL SERVICES AND TRAUMA CARE.

"(a) GRANT PROGRAM.—

"(1) IN GENERAL.—The Secretary shall make grants, on a competitive basis, to States to carry out activities to improve rural emergency medical services.

"(2) APPLICATION.—A State wishing to receive a grant under this section shall prepare and submit to the Secretary an application at such time, in such form, and containing such information, including the proposed activities and projects to be assisted with such grants.

"(3) REDISTRIBUTION.—Grants made to States under this section shall be redistributed to the individuals, organizations, or governmental entities on whose behalf the State submitted an application under this section.

"(b) PRIORITY.—In making grants under this section, the Secretary shall give priority to—

"(1) projects aimed at filling gaps in basic and advanced life support emergency medical services in rural communities;

"(2) projects that are necessary in order for the State to carry out the activities described under section 1212; and

"(3) States and communities that serve large numbers of individuals who reside in rural communities;

"(c) ACTIVITIES AND PROJECTS.—Financial assistance may be provided with a grant received under subsection (a) by a State for—

"(1) the support of rural emergency medical services systems;

"(2) the recruitment, training, and retention of personnel to provide emergency medical services and system support, including first responders, emergency medical technicians, paramedics, and emergency medical services systems managers;

"(3) the purchase, upgrading, and maintenance of medical and communications equipment relating to emergency medical services, including equipment for the implementation 911 telephone systems;

"(4) the improvement and maintenance of transportation services for medical emergencies; and

"(5) the conduct of public education activities concerning preventing injuries of special concern to rural communities, including injuries to children resulting from farm equipment, and obtaining access to emergency medical services and trauma care."

On page 32, line 1, strike out "Part C" and insert in lieu thereof "Part D".

On page 32, line 2, strike out "1231" and insert in lieu thereof "1241".

On page 33, line 9, strike out "1232" and insert in lieu thereof "1242".

On page 33, line 21, strike out "95 percent" and insert in lieu thereof "80 percent".

On page 33, line 22, strike out the end quotes and the second period.

On page 33, after line 22, add the following new paragraph:

"(3) PART C.—For the purpose of making grants under section 1231(a), the Secretary shall make available 15 percent of the amounts appropriated for a fiscal year pursuant to subsection (a)."

Mr. CRANSTON. Mr. President, today I am submitting for printing an amendment to S. 15, legislation I introduced earlier this year to improve emergency medical services and trauma care. I am very pleased that joining me as cosponsors of this amendment are Senators KENNEDY, GORE, WILSON, ADAMS, BENTSEN,

INOUE, PRESSLER, RIEGLE, and ROCKEFELLER. This amendment would provide special assistance to rural communities in order to help fill in gaps in their emergency medical services systems. It would also help ensure that they would be able to participate fully in regional trauma care systems that would be established under S. 15.

Mr. President, since I first introduced the Emergency Medical Services and Trauma Care Improvement Act in the 100th Congress, I have heard from individuals throughout the country about the dire straits of their EMS trauma care systems. Trauma centers continue to close and systems are collapsing leaving trauma victims with inadequate access to care. S. 15 would provide Federal assistance to set up integrated systems of care and would enable trauma care centers to receive direct financial relief for uncompensated care costs associated with providing trauma care.

During the last 2 years, I have also heard from a number of individuals about the special concerns and unique problems of rural communities. Many traumatic injuries occur on isolated roads or on farms, which are far from specialized trauma centers. I believe S. 15 would be particularly helpful in those situations. It would ensure that rural hospitals are linked to trauma centers through communications and transportation systems so that serious trauma victims, once stabilized, would be transferred to hospitals that are specially equipped to handle such cases.

This amendment would help ensure that rural communities have the capacity to participate in the networks. It would provide that 15 percent of the total funding of the bill—\$11.25 million if fully funded—would be set aside for grants aimed at filling in gaps in basic and advanced life support emergency medical services in rural communities. Priority would be given to projects that are necessary in order to implement trauma care systems.

Funding could be used to support the recruitment, training, and retention of EMS personnel, to purchase and upgrade communications equipment, including 911 telephone systems, to improve transportation services, and to conduct public education activities concerning preventing injuries that are of special concern to rural communities. States would apply on behalf of individual communities but the funding would be targeted to the areas most in need. Since States would apply for the money, it would be my expectation that they would have the discretion to define what constitutes a rural community for these purposes. That definition would not necessarily have to be consistent with the definition used by the Medicare Program.

Mr. President, I believe this amendment, which I hope will be adopted when the Labor and Human Resources Committee considers S. 15, will help save lives in rural America. As a recent workshop in San Diego on rural EMS found, systems are lacking adequate numbers of trained personnel, universal coverage by a communications network, and overall systems development. For example, a June 1989 Journal of Emergency Medical Services article on the conference reported that rural EMS systems are still "plagued by 'dead spots' in emergency radio coverage and public access to EMS" and that recruitment and retention of EMS personnel was one of the most serious problems.

Mr. President, I would like to take this opportunity to address some concerns that have been raised with regard to the effect on rural communities of the trauma care standards required by S. 15. The bill requires States to implement systems that are at least as stringent as the standards published by the American College of Surgeons and the American College of Emergency Physicians.

The standards themselves recognize the unique problems and limited resources confronting rural communities. The forthcoming revised ACS standards include a new section on "Optimal Care in the Rural Setting" which describes the difficulties in providing trauma care in rural communities. It stresses that for individuals with life-threatening injuries, the primary goal is to transfer these patients, as soon as possible, to a higher level of care. The standards state that a level III or rural trauma hospital "reflects a maximum commitment to trauma care commensurate with its local resources. Designation * * * may require innovative use of the region's resources * * * and will require transfer agreements and protocols."

The standards are explicit in describing the need for flexibility for level III hospitals and further state that "in remote areas, where level I, II, and III trauma facilities are not readily accessible, hospitals receiving injured patients must have physicians trained in advanced trauma life support [ATLS], effective communication, transfer protocols with trauma facilities, and participate in the regional trauma quality assurance program."

Likewise, the Guidelines for Trauma Care Systems published by the American College of Emergency Physicians list various components for trauma care systems. Requirements would vary, however, for rural communities because the guidelines recognize the limited resources often available to rural hospitals and health systems.

Mr. President, these standards are not inflexible. They will not require rural hospitals to hire personnel and buy equipment that would be imprac-

tical for their needs. Rather, by requiring that rural communities participate in regional trauma systems, trauma victims would be assured of receiving the best available care in as short a period of time as possible. I would urge rural EMS personnel to review the standards carefully. I believe that these standards are good for rural communities and, more importantly, good for the victims of serious injury.

Mr. President, I urge all my colleagues to support this amendment and S. 15.

FOREIGN ASSISTANCE AUTHORIZATION ACT

KASSEBAUM AMENDMENT NO. 379

Mrs. KASSEBAUM proposed an amendment to amendment No. 361 proposed by Mr. CHAFEE to the bill S. 1160, supra, as follows:

Strike all after "The" and add the following: "United States Congress commends Israel's decision to open the schools on the West Bank beginning on July 22, 1989. The Congress expresses the hope that all schools will be opened at an early date and will remain open, will not be closed or caused to be closed for political purposes, and will be respected and regarded as centers of education."

MURKOWSKI AMENDMENT NO. 380

Mr. MURKOWSKI proposed an amendment to the bill S. 1160, supra, as follows:

At the appropriate place in the bill insert the following:

SEC. . ASSISTANCE TO A FREE AND INDEPENDENT CAMBODIA.

POLICY.—It shall be the policy of the United States to:

(1) assist the Cambodian people in achieving a peaceful durable settlement that restores the independence of Cambodia so that the people of Cambodia may determine their own future;

(2) support the Cambodian non-Communist resistance in its diplomatic efforts to establish an independent, democratic government in Cambodia responsive to the freely expressed will of the Cambodian people;

(3) support the establishment of a Cambodian coalition government that includes Prince Sihanouk and the non-Communist resistance and is determined to prevent the return to power of the brutal and genocidal Khmer Rouge;

(4) support the process of international negotiations already underway in the belief that those negotiations can bring about the complete withdrawal of all foreign military forces from Cambodia, achieve a durable settlement to the Cambodian conflict, and produce a democratically elected government in Cambodia; and

(5) consider providing substantial and broad assistance to a new Cambodian government that may emerge out of these negotiations with the understanding that such

assistance will not be provided unless that government:

(A) is committed to policies that reflect the will of the majority of the Cambodian people with emphasis on broad human rights of the populace;

(B) is determined to prevent the return to power of the Khmer Rouge; and

(C) provides to the non-Communist resistance a genuine and broadly equitable share of authority in governing Cambodia including a share of authority over the instruments of state power, viz. the armed forces, the internal security services, and the courts.

PELL (AND CRANSTON) AMENDMENT NO. 381

Mr. PELL (for himself and Mr. CRANSTON) proposed an amendment to amendment No. 380 proposed by Mr. MURKOWSKI to the bill S. 1160, supra, as follows:

Strike all after the word "SEC." and insert the following:

ASSISTANCE TO A FREE AND INDEPENDENT CAMBODIA.

(a) FINDINGS.—(1) It shall be the policy of the United States to oppose the practice of the Khmer Rouge, also known as the Democratic Kampuchea faction of the Coalition Government of Democratic Kampuchea, acting as the representative of the Cambodian people at the United Nations.

(2) It shall be the policy of the United States to work with other nations and to vote to prevent the Khmer Rouge from controlling the Cambodian seat at the United Nations.

(b) The President is strongly urged to work with other nations and to vote to prevent the Khmer Rouge from controlling the Cambodian seat at the United Nations for the 44th session of the United Nations General Assembly.

(c) POLICY.—It shall be the policy of the United States to:

(1) assist the Cambodian people in achieving a peaceful, durable settlement that restores the independence of Cambodia so that the people of Cambodia may determine their own future;

(2) support the Cambodian noncommunist resistance in its diplomatic efforts to establish an independent, democratic government in Cambodia responsive to the freely expressed will of the Cambodian people;

(3) support the establishment of any Cambodian coalition government that includes Prince Sihanouk and the noncommunist resistance and is determined to prevent the return to power of the brutal and genocidal Khmer Rouge;

(4) support the process of international negotiations already underway in the belief that those negotiations can bring about the complete withdrawal of all foreign military forces from Cambodia, achieve a durable settlement to the Cambodian conflict, and produce a democratically elected government in Cambodia; and

(5) consider providing substantial assistance to a new Cambodian government that may emerge out of these negotiations with the understanding that such assistance will not be provided unless that government:

(A) is committed to policies that reflect the will of the majority of the Cambodian people;

(B) is determined to prevent the return to power of the Khmer Rouge; and

(C) provides to the noncommunist resistance a genuine and broadly equitable share

of authority in governing Cambodia including a share of authority over the instruments of power.

ROBB (AND OTHERS) AMENDMENT NO. 382

Mr. ROBB (for himself, Mr. BENTSEN, Mr. LIEBERMAN, Mr. FOWLER, Mr. JOHNSTON, Mr. MCCAIN, Mr. MURKOWSKI, Mr. LUGAR, and Mr. DANFORTH) proposed an amendment to amendment No. 380 proposed by Mr. MURKOWSKI to the bill S. 1160, supra, as follows:

In lieu of the matter proposed to be inserted insert the following:

ASSISTANCE FOR THE CAMBODIAN PEOPLE.

(a) POLICY.—It shall be the policy of the United States to:

(1) support the Cambodian non-Communist resistance in its efforts to establish an independent, democratic government in Cambodia responsive to the freely expressed will of the Cambodian people.

(2) support the establishment of a coalition government in which the non-Communists have a leading role that will not support, accept, recognize, or tolerate any political arrangement in Cambodia that would enable the Khmer Rouge to reestablish their control over Cambodia.

(b) ASSISTANCE FOR THE NON-COMMUNIST RESISTANCE.—Notwithstanding any other provision of law, the President may make available to the non-Communist resistance forces and non-communist civilians in Cambodia funds made available for foreign military financing and economic support assistance for fiscal year 1990 under the Foreign Assistance Act of 1961.

(c) PROHIBITION ON ASSISTANCE TO THE KHMER ROUGE.—Notwithstanding any other provision of law, none of the funds made available to carry out this section may be obligated or expended for the purpose or with the effect of promoting, sustaining, or augmenting, directly or indirectly, the capacity of the Khmer Rouge or any of its members to conduct military or paramilitary operations in Cambodia or elsewhere in Indochina.

(d) CLARIFICATION OF AUTHORITIES GRANTED.—

(1) EARMARKINGS OF FUNDS NOT AFFECTED.—Nothing in this section supersedes any provision of this Act or the Annual Foreign Operations, Export Financing, and Related Programs Appropriations Act that earmarks funds for a specific country, region, organization, or purpose.

(2) APPROPRIATIONS ACT LIMITATIONS NOT AFFECTED.—Nothing in this section supersedes any provision of the annual Foreign Operations, Export Financing, and Related Programs Appropriations Act that specifically refers to the assistance authorized by this section and establishes limitations with respect to such assistance.

(3) REPROGRAMMING REQUIREMENTS NOT AFFECTED.—Nothing in this section supersedes the requirements of section 634A of the Foreign Assistance Act of 1961 or any provision of the annual Foreign Operations, Export Financing, and Related Programs Appropriations Act that requires prior notification to congressional committees of proposed reprogramming of funds.

SIMON (AND OTHERS) AMENDMENT NO. 383

Mr. SIMON (for himself, Mr. BOSCHWITZ, Mr. PELL, Mr. MITCHELL, Mr. SARBANES, Mr. DODD, Mr. BIDEN, Mr. GLENN, Mr. CRANSTON, Mr. KENNEDY, Mr. GRAHAM) proposed an amendment to the bill S. 1160, supra, as follows:

At the appropriate place in the bill, add the following new section:

SEC. . MULTILATERAL SANCTIONS AGAINST SOUTH AFRICA.

(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) the Comprehensive Anti-Apartheid Act of 1986 states that "international cooperation is a prerequisite to an effective anti-apartheid policy";

(2) the Comprehensive Anti-Apartheid Act of 1986 states that it is the policy of the United States "to seek international agreements with the other industrialized democracies to bring about the complete dismantling of apartheid";

(3) the Comprehensive Anti-Apartheid Act of 1986 states that "Sanctions imposed under such agreements should be both direct and official executive or legislative acts of governments";

(4) the Comprehensive Anti-Apartheid Act of 1986 expresses the sense of Congress that the President "should instruct" the Permanent Representative of the United States to the United Nations to propose that the United Nations Security Council impose measures against South Africa "of the same type as are imposed by this Act";

(5) the Permanent Representative of the United States to the United Nations contravened the intentions of the Congress, as expressed in the Comprehensive Anti-Apartheid Act of 1986, by vetoing two proposed Security Council Resolutions, on February 20, 1987, and March 7, 1988, that would have imposed selective but mandatory international economic sanctions against South Africa, similar to those imposed by the United States through the enactment of the Comprehensive Anti-Apartheid Act of 1986;

(6) the Secretary of State's Advisory Committee on South Africa, established pursuant to Executive Order 12532 of September 9, 1985, concluded in its January 1987 report that the "most effective external pressure" on the Government of South Africa will come from a "concerted international effort";

(7) the Advisory Committee recommended that the President begin "urgent consultations" with United States allies to "enlist their support for a multilateral program of sanctions" drawn from those measures in the Comprehensive Anti-Apartheid Act of 1986;

(8) the European Community, the British Commonwealth, and Japan have adopted selected economic sanctions against the Government of South Africa which parallel some of the measures taken by the United States, such as a ban on new investment and on the importation of gold coins, iron, steel;

(9) Japan, Italy, France, the United States, the United Kingdom, and the Federal Republic of Germany are South Africa's major trading partners, accounting for 81 percent of South Africa's imports and 78 percent of South Africa's exports in 1987;

(10) Japan and the Federal Republic of Germany became South Africa's top trading partners in 1987;

(11) the United States General Accounting Office concluded in its September 1988

summary report on South Africa that sanctions imposed by the United States on South Africa under the Comprehensive Anti-Apartheid Act of 1986 reduced South African exports by \$417 million and caused a total trade reduction of \$469 million because of South Africa's inability to redirect trade to other markets;

(12) the United States, United Kingdom, the Federal Republic of Germany, and Switzerland account for almost half of South Africa's international debt of \$23 billion; and

(13) the President is authorized in the Comprehensive Anti-Apartheid Act of 1986 to limit the importation into the United States of products or services of a foreign country "to the extent to which such foreign country benefits from, or otherwise takes commercial advantage of, any sanction or prohibition" imposed under the Comprehensive Anti-Apartheid Act of 1986.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that the President should—

(1) take immediate steps to achieve a consensus among South Africa's major trading partners on effective economic, political and diplomatic measures to bring about an end to apartheid;

(2) implement to the fullest extent all the provisions of the Comprehensive Anti-Apartheid Act of 1986;

(3) take active steps to bring about concerted multilateral pressure by Japan, Canada, the member states of the European Community, and other United States allies on the Government of South Africa to dismantle its immoral and inhumane system of apartheid through a process of negotiation with legitimate representatives of all the people of South Africa;

(4) instruct the Permanent Representative of the United States to the United Nations to propose that the United Nations Security Council impose measures against South Africa of the same type as are imposed under the Comprehensive Anti-Apartheid Act of 1986;

(5) instruct the Permanent Representative of the United States to the United Nations to vote for any resolution offered in the Security Council that would impose measures against South Africa of the same type as are imposed under the Comprehensive Anti-Apartheid Act of 1986;

(6) strengthen the impact of the Comprehensive Anti-Apartheid Act of 1986 through the use of diplomatic and political pressure in private as well as public fora;

(7) direct the Department of State, the Department of Commerce and other appropriate executive agencies to continue to monitor carefully trade relationships between South Africa and United States allies; and

(8) take effective action against those foreign countries benefiting from or taking advantage of United States sanctions against South Africa.

HELMS AMENDMENTS NOS. 384 AND 385

Mr. HELMS proposed two amendments to the bill S. 1160, *supra*, as follows:

AMENDMENT No. 384

At the appropriate place insert the following:

SEC. . SENSE OF THE CONGRESS REGARDING THE SITUATION IN THE REPUBLIC OF SOUTH AFRICA.

(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) the Government of the Republic of South Africa has participated in good faith negotiations regarding the future of Namibia and Angola, culminating in the Tripartite Agreement signed in New York on December 22, 1988;

(2) the Government of the Republic of South Africa has initiated a number of diplomatic and other contacts with other African states, including visits by the State President, Mr. P.W. Botha, of South Africa to Zaire and Mozambique;

(3) the Government of the Republic of South Africa has undertaken, in cooperation with other African states, a number of vital development and commercial projects to improve the lives of the citizens of those countries;

(4) the national elections to be held in South Africa on September 6, 1989, will result in the selection of a new Head of State;

(5) because of the apartheid system, the majority of South Africa's population do not have the right to participate in the upcoming elections; and

(6) the Government of the Republic of South Africa has not taken steps to:

(A) repeal the State of Emergency;

(B) release all detainees and persons imprisoned for their political beliefs;

(C) unban all groups, parties, individuals, and organizations opposed to apartheid;

(D) repeal the Group Areas Act, Population Registration Act, and other measures with the same purposes; and

(E) agree to enter into good faith negotiations without preconditions with a broad range of individuals genuinely representing the majority of the South African people.

(b) SENSE OF THE CONGRESS.—It is the sense of Congress that—

(1) the Tripartite Agreement has raised expectations for peace and stability in southern Africa; and

(2) the period following the September elections in South Africa provides an opportunity to enter into serious good faith negotiations to end apartheid with a broad range of individuals genuinely representing the majority of the South African people.

AMENDMENT No. 385

At the end of the bill add the following new section:

SEC. . CONTRIBUTIONS FOR PEACEKEEPING ACTIVITIES IN SOUTHERN AFRICA.

(a) ASSURANCES THAT ALL CUBAN TROOPS WILL BE WITHDRAWN.—The United States may not, after the date of enactment of this section, expend any funds authorized to be appropriated in this Act for a contribution or any other assistance with respect to implementation of the Tripartite Agreement until the President certifies to the Congress that—

(1) the United States has received explicit and reliable assurances from each of the parties to the Bilateral Agreement that all Cuban troops will be withdrawn from Angola by July 1, 1991, and that no Cuban troops will remain in Angola after that date; and

(2) the Secretary General of the United Nations has assured the United States that it is his understanding that all Cuban troops will be withdrawn from Angola by July 1, 1991, and that no Cuban troops will remain in Angola after that date.

(b) CONTRIBUTIONS CONDITIONAL IN COMPLIANCE.—The United States may not expend any funds authorized to be appropriated in this Act for a contribution or any

other assistance with respect to implementation of the Tripartite Agreement—

(1) if the Government of Cuba fails at any time to comply with any of its obligations under Article 1 of the Bilateral Agreement (relating to the calendar for redeployment and withdrawal of Cuban troops), or

(2) if any Cuban troops remain in Angola after July 1, 1991.

(c) REPORTS TO CONGRESS.—

(1) COMPLIANCE WITH OBLIGATIONS.—Not more than 15 days after each scheduled phase of the redeployment northward and withdrawal of Cuban troops pursuant to the Bilateral Agreement, the President shall submit to the appropriate Congressional committees a report on whether each of the signatories of the Tripartite Agreement is complying with its obligations under the agreement. And the President shall report to the appropriate Congressional committees whenever he has determined that a material breach of the Tripartite Agreement may have been committed by any of the signatories to that Agreement.

(d) DISBURSEMENTS.—Of the amount authorized to be appropriated to be made available for contribution with respect to implementation of the Agreement Among the People's Republic of Angola, the Republic of Cuba, and the Republic of South Africa, signed at the United Nations on December 22, 1988, (hereinafter known as the Tripartite Agreement) 50 percent of the annual amount shall be available on October 1, 1989. The remaining 50 percent on April 1, 1990, only if the President determines and certifies to the appropriate Congressional committee as of each date that (1) each of the signatories to the Tripartite Agreement is in compliance with its obligations under the Agreement, (2) the Government of Cuba has complied with its obligations under Article 1 of the Bilateral Agreement (relating to the calendar for redeployment and withdrawal of Cuban troops), (3) the Cubans have not engaged in any offensive military actions against UNITA, including the use of chemical warfare, (4) the United Nations and its affiliated agencies have terminated all funding and other support, in conformity with the United Nations impartiality package, to the South West Africa People's Organization (SWAPO), and (5) the United Nations Angola Verification Mission is demonstrating diligence, impartiality, and professionalism in verifying the departure of Cuban troops and the recording of any troop rotations.

(e) Funding of these activities by the United States may not be construed as constituting recognition of any government in Angola.

(f) The term "Bilateral Agreement" means the Agreement between the Governments of the People's Republic of Angola and the Republic of Cuba for the Termination of the International Mission of the Cuban Military Contingent, signed at the United Nations on December 22, 1988, and the term "Tripartite Agreement" means the Agreement Among the People's Republic of Angola, the Republic of Cuba, and the Republic of South Africa, signed at the United Nations on December 22, 1988.

(g) The term "appropriate Congressional committees" means the Committees on Appropriations, Foreign Affairs and Permanent Select Committee on Intelligence of the House of Representatives, and the Committees on Appropriations, Foreign Relations and the Select Committee on Intelligence of the Senate.

D'AMATO (AND OTHERS) AMENDMENT NO. 386

Mr. D'AMATO (for himself, Mr. KERRY, Mr. HELMS, Mr. DOLE, Mr. MURKOWSKI, Mr. SPECTER, Mr. MACK, Mr. MCCAIN, Mr. REID, Mr. HARKIN, Mr. PRESSLER, Mr. KASTEN, Mr. DECONCINI, and Mr. GRAHAM) proposed an amendment to the bill S. 1160, *supra*, as follows:

- (a) FINDINGS.—The Senate finds that—
- (1) the Panamanian election of May 7, 1989, produced a clear victor for the offices of the President and Vice President with 75 percent of the vote cast for the opposition candidates;
 - (2) Guillermo Endara was the Panamanian people's choice for President, and Ricardo Arias Calderon and Guillermo Ford were their choice for First and Second Vice President;
 - (3) the Noriega regime engaged in a wholesale effort to steal the election, including voting irregularities, intimidation of opposition candidates, and repressive measures against the press and public assemblies, as verified by a team of international election observers headed by former Presidents Ford and Carter;
 - (4) the current dictator of Panama, Manuel Antonio Noriega, having failed to manipulate the vote tally in favor of his candidate, Carlos Duque, illegally nullified the election on May 10, 1989;
 - (5) Noriega, known to have ties to both international terrorists and international drug traffickers, is continuing to intimidate the people of Panama and consolidate his power domestically;
 - (6) it is imperative that Noriega be ousted and that Guillermo Endara be installed as the duly-elected President of Panama to guarantee the rights and freedoms of the Panamanian people and to guarantee the safety and security of the Panama Canal.

(7) the Panamanian Defense Force, under Noriega, continues to harass United States military and civilian personnel living in Panama;

(b) POLICY.—It is the sense of the Senate that—

- (1) the United States Government should recognize Guillermo Endara as the legitimate President of Panama on September 1, 1989;
- (2) the United States Government should both through the OAS and unilaterally, work for the immediate expulsion of Manuel Antonio Noriega from Panama;
- (3) the United States should work with other allies in the hemisphere to ensure that Guillermo Endara takes power in Panama on September 1, 1989, in accordance with the constitution of that country and the desire of the Panamanian people.

HELMS AMENDMENT NO. 387

Mr. HELMS proposed an amendment to the bill S. 1160, *supra*, as follows:

It is the sense of the Senate that the Department of State shall submit to the Senate in treaty form for advice and consent all agreements with the Soviet Union which relate to boundaries of the United States.

WILSON (AND OTHERS) AMENDMENT NO. 388

Mr. WILSON (for himself, Mr. MOYNIHAN, and Mr. BOSCHWITZ) proposed an amendment to the bill S. 1160, *supra*, as follows:

On page 145, after line 22, add the following new section:

SEC. 915. UNITED NATIONS SPONSORSHIP OF A MIDDLE EAST PEACE CONFERENCE.

- (a) FINDINGS.—The Congress finds that—
- (1) the General Assembly of the United Nations adopted Resolution No. 3379 on November 10, 1975, maintaining that Zionism constituted a form of racism;
 - (2) most of the proposals for an international peace conference regarding the Middle East have identified the United Nations as the sponsoring organization for such a conference;
 - (3) all international diplomatic participants in any potential Middle East peace conference must acknowledge the sovereignty of the State of Israel and the right of its citizens to live within secure and permanent boundaries; and
 - (4) United Nations General Assembly Resolution No. 3379 of November 10, 1975, damages the credibility of the United Nations as a forum for the convening of an international Middle East peace conference because it condemns the theory that informs the political, religious, and social foundations of the State of Israel.
- (b) POLICY.—(1) The Congress declares that United Nations General Assembly Resolution No. 3379 of November 10, 1975, makes the United Nations or any of its constituent bodies an inappropriate forum for the sponsorship of any international conference on the Arab-Israeli conflict.

BYRD AMENDMENT NO. 389

Mr. PELL (for Mr. BYRD) proposed an amendment to amendment No. 326 to the bill S. 1160, *supra*, as follows:

On page 9, strike all after line 12 over to "(f)" on page 10, line 6, and insert "(e)";

HEINZ (AND OTHERS) AMENDMENT NO. 390

Mr. HELMS (for Mr. HEINZ, for himself, Mr. HELMS, Mr. GLENN, Mr. KASTEN, Mr. BOREN, and Mr. PRESSLER) proposed an amendment to the bill S. 1160, *supra*, as follows:

On page 77, line 25, after the word "end" add the following:

"(3) The Congress is specifically concerned with the practice of reserving certain professional staff slots in the United Nations Secretariat for nationals of certain member states, and urges the President to vigorously pursue a program of regular rotation in these staff positions among all member states of the United Nations.

NOTICES OF HEARINGS

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. INOUE. Mr. President, I would like to announce that the Select Committee on Indian Affairs will be holding an oversight hearing on Thursday, August 3, 1989, beginning at 9:30 a.m., in 485 Russell Senate Office Building, on legislation to establish an Alaska Native Study Commission.

Those wishing additional information should contact the Select Committee on Indian Affairs at 224-2251.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. WIRTH. Mr. President, I would like to announce for the public that a hearing has been rescheduled before the full Committee on Energy and Natural Resources to receive testimony on the formulation of a national energy plan and related policies which affect global climate change. Secretary of Energy, Adm. James D. Watkins, is scheduled to testify.

The national energy policy hearing will take place Wednesday, July 26, 1989, at 3:30 p.m. in room SD-366 of the Senate Dirksen Office Building in Washington, DC.

The hearing was previously scheduled to be held at 2:30 p.m.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, anyone wishing to submit written testimony to be included in the hearing record is welcome to do so. Those wishing to submit written testimony should send two copies to the full committee, SD-306, Washington, DC 20510.

For further information, please contact Leslie Black of the committee staff at (202) 224-4971 or David Harwood, legislative assistant with Senator WIRTH, at (202) 224-5852.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. INOUE. Mr. President, I would like to announce that the Select Committee on Indian Affairs will be holding a markup on Thursday, July 27, 1989, beginning at 9:30 a.m., in 485 Russell Senate Office Building on S. 321, the Buy Indian Act Amendments of 1989, to be followed by a hearing on S. 143, the Indian Development Finance Corporation Act; S. 1203, the Indian Economic Development Act of 1989; and Oversight on implementation of the 1988 Indian Financing Act Amendments.

Those wishing additional information should contact the Select Committee on Indian Affairs at 224-2251.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. INOUE. Mr. President, I would like to announce that the Select Committee on Indian Affairs will be holding a hearing on Friday, September 8, 1989, beginning at 9:30 a.m., in 485 Russell Senate Office Building on S. 1096, distribution of funds awarded to Seminole Indians.

Those wishing additional information should contact the Select Committee on Indian Affairs at 224-2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Com-

mittee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Thursday, July 20, 1989, at 5 p.m. to mark up disaster assistance legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the full committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, July 20, until 12 noon, to conduct a business meeting to mark up legislation to comply with budget reconciliation instructions for fiscal year 1990; S. 804, the North American Wetlands Conservation Act; Thomas D. Larson nomination; and other pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on July 20, 1989, at 9:30 a.m. to consider pending committee business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a business meeting during the session of the Senate on July 20, 1989.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL TRADE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on International Trade of the Committee on Finance be authorized to meet during the session of the Senate on July 20, 1989, at 2 p.m. to hold a hearing on United States-Japan structural impediments initiative.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate July 20, 1989, 1:30 p.m. for a hearing to receive testimony on S. 371, a bill to designate certain National Forest System lands in the State of Idaho for inclusion in the National Wilderness Preservation System, to prescribe certain management formulae for certain National Forests System lands, and to release other forest lands for multiple-use management, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION AND THE NATIONAL OCEAN POLICY STUDY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation and the national ocean policy study, be authorized to meet during the session of the Senate on July 20, 1989, to hold a hearing on the status of the cleanup of the Exxon Valdez oilspill immediately following the executive session scheduled to begin at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation and the national ocean policy study, be authorized to meet during the session of the Senate on July 20, 1989, at 2 p.m. to hold a hearing on the management of tuna fisheries.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HOUSING AND URBAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Urban Affairs of the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate, Thursday, July 20, 1989, at 1 p.m. to conduct hearings on S. 566, the National Affordable Housing Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate, Thursday, July 20, 1989, at 10:30 a.m. to hold a hearing on the nomination of John D. Macomber, of New York, to be president of the Export-Import Bank of the United States; and, at 11:15, to vote on pending nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Thursday, July 20, 1989, at 5 p.m. in closed session to discuss and adopt a committee position on burdensharing issues and to discuss the upcoming floor debate on S. 1352, the national defense authorization bill for fiscal years 1990 and 1991.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AGRICULTURAL RESEARCH AND GENERAL LEGISLATION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Agricultural Research and General Legislation of the Committee on Agriculture, Nutrition, and Forestry, be authorized to meet during the session of the Senate on Thursday, July 20, 1989, at 9:30 a.m. to hold a hearing on the scientific base for food inspection.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE 200TH ANNIVERSARY OF MARYLAND'S ALLEGANY COUNTY

● Mr. SARBANES. Mr. President, this year Maryland's Allegany County proudly celebrates its 200th anniversary. Allegany County is home to more than 80,000 Marylanders who are justifiably proud of their county's rugged beauty and rich history. The celebration features a number of special bicentennial events and commemoratives, including a bicentennial parade on July 29, 1989. This is a unique opportunity to get acquainted with Allegany County's stunning landscape and warm, friendly people.

The citizens of Allegany County trace their proud heritage back to the bold, pioneering spirit of those settlers first drawn to the Maryland wilderness more than two centuries ago. By the close of the French and Indian war the area's growing population, tired of making the long journey to Hagerstown to transact Government business, requested that a new county be formed with the town of Cumberland as its seat. In 1789, Allegany County was formed from two thirds of its eastern neighbor, Washington County.

Allegany County prospered with the authorization of the National Road in 1816, the first road fully constructed by the U.S. Government. Although superseded by the soon-to-be-completed National Freeway as the region's main commercial artery, the National Road, now alternate Route 40, still provides an opportunity for a scenic, leisurely drive into the beauty and history of the area. Cumberland is the western terminus of the Chesapeake and Ohio Canal and is closely associated with the canal's colorful history as well as the expansion of the railroad to the Nation's West.

Visitors can also capture the spirit of the Allegany County at the turn of the 20th century in the streets of downtown Cumberland, Frostburg, and its many small towns. Historic buildings in a variety of architectural styles have been carefully restored to their original grandeur.

Today, Allegany County draws on its rich heritage in readying itself for the future. County residents have a reputation as hard-working and dedicated, and modern industrial parks along the National Freeway provide the basis of optimism and renewed hope for increased investment in the region. Frostburg State University and Allegany County Community College continue to provide high-quality education for the next generation.

Mr. President, I join Allegany County's citizens in marking this momentous event in their history. The enthusiasm of the county's residents is clear in the multitude of bicentennial activities planned for later this month. With 200 years behind them and a bright future before them, the people of Allegany County certainly have cause for celebration. ●

PAUL CRAIG ROBERTS IN RUSSIA

● Mr. KASTEN. Mr. President, last month, it was my distinct privilege to address a group of Soviet intellectuals in Moscow on the subject of American democracy. In my remarks, I pointed out some of the principles that have made our democracy a strong force for good in the world.

It was also my distinct pleasure to hear the distinguished American economist Paul Craig Roberts address these students on the strength of our economic system.

Dr. Roberts detailed explicitly—and excellently—why economic freedom works. He told the Soviet intellectuals exactly what they needed to hear—and I think many of us in this country need to be constantly reminded of the truths he set forth.

With this in mind, Mr. President, I ask that the text of Dr. Roberts' speech be included in the RECORD.

The remarks follow:

[From the Wall Street Journal/Europe, June 27, 1989]

AN AMERICAN SUPPLY-SIDER IN MOSCOW

The following is from a speech delivered June 20 in Moscow by Paul Craig Roberts, who holds the William E. Simon chair in political economy at the Center for Strategic and International Studies in Washington. As President Reagan's first assistant treasury secretary for economic policy, Professor Roberts helped shape the economic reforms in America in the 1980s. He is author of "The Supply-Side Revolution." His Moscow speech was part of a program called "Values of Western Civilization," hosted by the U.S.S.R. Academy of Sciences. The session at which Professor Roberts spoke was chaired by Abel Aganbegyan, chief economic adviser to General Secretary Gorbachev and author of "The Economic Challenge of Perestroika."

Comrades: I very much appreciate this opportunity to address you. Even in my country, a relatively free one, it is difficult to prevent government policies from serving narrow, special interests to the neglect of the general welfare. Even in my country with its babble of voices, frequent elections,

and unending debate, it is not always possible to prevent special interests from gaining a right to a share of the government's budget. Despite our vast, private economy, we occasionally have to do some housecleaning, as we did under President Reagan when taxes were cut and peoples' rights to the fruits of their labor and capital reaffirmed, and when regulations were reduced in order that enterprises could be more efficiently managed by their owners and managers.

As a veteran of the Reagan wars to cut back the inefficient encroachments of the state on our economy, I look at the problems confronting you, comrades, and I marvel at your courage—though it is a courage born of necessity, even desperation. For your economy simply doesn't work.

It never did. But this fact was hidden for decades by your vast quantities of easily accessible resources, and by a vast landscape, large seas, lakes, and fabled rivers to serve as reservoirs for industrial pollution. It is now common to see estimates that your economy requires 2½ times the inputs per unit of output as the U.S. economy. And that leaves aside the question of the value of your economy's output, which often it seems is less than the value of the input.

Your economy does not work because it is not free. The managers of your firms are harassed by a large variety of plan indices, but ultimately the managers' success depends upon meeting the gross output quota as measured by some quantitative measure of number, weight, or surface area, such as tons or square meters. This system is irrational, because it guarantees the success of managers regardless of the usefulness of their outputs. The examples are numerous, and many have become world famous from your cartoons—the manager of the nail factory who met his gross output indicator measured in tons by producing one gigantic nail, the manager of the shoe factory whose assortment was heavily weighted toward the smallest sizes, the chandeliers so heavy that they pull down the ceilings, and so on.

A MARKET NEEDED

On many occasions you have tried to reform this system by attaching value indices to the gross output measures. This approach has always failed in the past and will fail in the future. The reason is simple. You cannot know value without a market and if you have a market you don't need gross output targets.

Why do you have a gross output system? You have it because of Karl Marx. According to Marx, a market economy separates production from use. Marx criticized capitalism because, although each firm plans its own production, from the standpoint of society as a whole, production is unplanned. The capitalist cannot predict who the consumer will be, the price at which he will buy, or even whether he will buy at all. Consequently, he may over-produce or under-produce, resulting in unemployment or inflation. Everything remains to be determined in the market after production has taken place. Under capitalism man creates the forces of the market, but being unplanned, these forces rule him as a blind power. According to Marx, people who are ruled by forces of their own making live a chaotic and alienated existence.

Marx rejected such an unscientific way of life. He believed that production should be planned for direct use and distributed in kind, thus eliminating "commodity production" or market exchange altogether. Production would be centrally planned for direct use by society. When Lenin and, sub-

sequently, Stalin attempted to implement such a system, it meant the destruction of private property and bureaucratic determination of allocation decisions. Gross output measures served as a check on managerial performance.

It goes without saying that when Marx criticized the market system, he had never heard of the gross output system. However unsatisfactory the market system is, we now know conclusively that a gross output system is far worse. Moreover, the gross output system has not led to the creation of a Marxist planned economy. I have argued in my writings that the Soviet economy is organized like a market, with managers organizing production by interpreting gross output indicators in place of price and profit movements. The main difference is that the Soviet managers can be successful regardless of the usefulness of their outputs.

The continuation of the gross output system serves no rational purpose. It is an inherited institution whose original ideological origins are forgotten even in the Soviet Union. Its only purpose is to serve vested interests that could be better served by a more rational economy.

There is no possibility of reforming your economy until the gross output system is abandoned and a profit system installed. This sounds simple, but it is revolutionary—with far-reaching implications. A profit system will not work unless prices are free to be set in markets. If prices are free, resources must be free to follow the prices. Investments have to move in the direction of profits and away from losses. This cannot happen unless property rights are assigned. Economists can speak abstractly about simulating profit models, but bureaucrats cannot perform the functions of owners.

Therefore, when we talk about reform of the Soviet economy, we mean the re-establishment of private property in the means of production.

Some economists in Eastern Europe, such as Hungary's Tibor Liska, argue that Socialism can approximate the results of private property by leasing the means of production to managers or entrepreneurs who make the highest bid, allowing managers to pocket any difference between revenues and costs, including the lease payment to the state. However, this solution cannot work, because the manager of the leased factory has no incentive to invest his profits in expansion of the factory, as it is not his factory, but the state's. Without ownership rights, the allocation of investment toward profitable activities and away from losses is not assured. Indeed, in a lease system, the manager can find that it is not in his interest for the state to invest in the expansion of production, because it could drive down his profit margin. As long as he does not have to worry about a rival organizing a new factory and bringing him competition—that is, as long as there is no private property—he may find that he has the incentive of a monopolist to restrict output.

Historically in the West, the assignment of property rights took place in a long process over the course of centuries. You do not have centuries. How can you restore property rights? You could begin by recognizing the underground economy as legal. Allow the de facto owners, even the gangsters, to register their businesses and give them legal protection. Problems will no doubt arise where blackmarket enterprises obtain their materials by theft from state supplies, but perhaps these past crimes could be forgiven and a contract agreement made to supply

the enterprises. If this system were left free outside state controls, it would create pressure to privatize the state sector as well.

Another step would be to privatize housing by converting lease payments into mortgage payments. This would create a second front for private property.

Historically in these transformations ruling classes have had to be accommodated or overthrown. I would recommend that the Communist Party be accommodated. The ownership of the state factories should be divided between the ruling class and the factory workers, and stock certificates issued. The land should be given to the peasants and agricultural workers, and their obligations to the state converted into mortgage payments.

Alternatively, the ownership of the means of production could be determined by the results of a national lottery. From the standpoint of your future, it makes little difference who the initial owners are. The economy will become so much more efficient that everyone will gain. Once private property is established, the resources will eventually find their way into the most efficient and productive hands.

It is a great myth that capitalism perpetuates great income inequities, making some families rich for all generations, while condemning those without property to permanent squalor. In the United States it is much easier to make money than to keep it. In my country there are a vast number of firms who make their living by trying to preserve and enlarge the capital or others, whether the fortunes of rich people or the pensions of factory workers or state employees. Even in the hands of professionals, this proves to be a daunting task. Even for capitalists there are no rules that ensure the correct allocation of capital. However, the capitalist rules do ensure that incorrect and wasteful misallocations cannot be permanently entrenched with subsidies until they bleed a nation dry.

The reason economic freedom works is that it does not tolerate and perpetuate mistakes. In the Soviet Union mistakes have been made on a vast scale. You can no longer afford such mistakes.

The Soviet economy cannot be modernized with Western technology and industrial robots. What good does it do to produce even more gross output? You cannot reform your economy without reforming your social and economic institutions. When you have done that, joint ventures will knock on your door. Indeed, you may not be as dependent on them as you think. It seems to me that managers who can meet their gross output targets regardless of the barriers placed on their way, are innovative and enterprising managers. Give them a rational incentive system, and they should be able to compete on a world level.

BEWARE OF TAXES

I become discouraged about your future when I read that because of high profits, newly formed cooperatives are to be highly taxed. This is a self-defeating response. Profits are a signal to allocate more resources to the areas experiencing profits. If the profits are taxed away, the signal does not work. The proper way to reduce profits is to expand the number of cooperatives, the production, the investments until demand is met at a lower price. The way to deal with losses is not to subsidize them, but to shrink the size of the loss-making firms.

Envy is the great enemy of the market. There will always be times when fortune or events benefit some property owners to the

disadvantage of others. But it is not possible to overturn or to redress every distribution of the market without killing the market and the incentives of private property. Human beings are inventive and resourceful when they are placed in a climate that allows them to be. We see that easily in the U.S. where every year we benefit from several millions of new immigrants, most of whom are illegal. These masses of people from third world countries do not build a reserved army of unemployed; they build productive and prosperous lives, because our social and economic institutions permit it. ●

KASTEN PLAN FOR CENTRAL AMERICA

● Mr. LUGAR. Mr. President, during the Fourth of July recess, I read an excellent article written for Policy Review by our colleague Senator BOB KASTEN entitled, "Capitalism from the Ashes: A New U.S. Contract with Central America."

Central America currently suffers from the consequences of tragic and extended internal wars. Throughout this crisis, American foreign policy-makers have focused on the fighting in Nicaragua and El Salvador. We have frequently debated the level and character of American assistance to the Contras and to the Government of El Salvador, but we have not always given sufficient attention to the economic consequences of the Central American crisis. For more than a decade, economic development in Central America has been held hostage to the fighting in Nicaragua and El Salvador. Even if the peace plans that have been proposed for Central America were to be successfully carried out, the resolution of those military conflicts would still leave us with a massive set of development problems.

Senator KASTEN's contribution to the policy debate over Central America reminds us of the importance of economic problems in Central America and offers a thoughtful agenda of steps that need to be taken in order to restore economic progress to the region.

I commend Senator KASTEN's article to my colleagues and ask that it be printed at this point in the RECORD.

The article follows:

[From Policy Review, Spring 1989]

CAPITALISM FROM THE ASHES—A NEW U.S. CONTRACT WITH CENTRAL AMERICA

(By Senator Robert W. Kasten, Jr.)

Political turmoil in Central America has been aggravated by the worst economic crisis in the region since the global depression of the 1930s. From 1980 to 1983, the region's per capita income dropped 12 percent; in El Salvador, it dropped 20 percent—following an already sharp decline over the preceding two years. Central America's external debt rose \$10 billion, and \$1.5 billion of foreign capital fled the area.

These indicators do not even begin to tell the story of the devastating human cost of the crisis. According to the Economic Commission for Latin America, almost 70 percent of the 20 million people in the region

are unable to provide for their most basic human needs—food, shelter, and medical care. The percentage of malnourished children under age five is unacceptably high—17.9 percent in El Salvador, 28.5 percent in Guatemala and 43.6 percent in Honduras. The infant mortality rate for the region is 56.9 per thousand births, compared with 10.4 per thousand in the United States.

The United States can help relieve this distress—and improve the prospects for political stability—by forging a new political and economic contract with the four democracies of Central America (Costa Rica, El Salvador, Guatemala, and Honduras). Under this contract, the U.S. would offer aid, trade, and security assurances in return for Central American economic reforms and liberalization.

This economic prosperity program cannot immediately include a Communist Nicaragua, because any American aid would be promptly diverted to serve the ends of the Communist regime. But in promoting economic growth in the democracies of Costa Rica, El Salvador, Guatemala, and Honduras, we would be holding out a torch of hope—and an example—to Nicaragua. Someday even the *comandantes* may get the word about the benefits of Central American *perestroika*, and allow their own citizens to join in the prosperity.

RICH IN RESOURCES

The present depression in Central America did not result from regional backwardness. Central America is endowed with a rich variety of natural resources, ranging from fertile soil and petroleum to abundant water available for irrigation and power. Central America is ideally located for international trade, and its people are ingenious and hard-working. Indeed, during the 1960s and 1970s these factors combined to produce growth rates of about 5 percent per year.

The economies of Central America traditionally depended on the export of basic commodities such as cotton, sugar, beef, coffee, and bananas. The Central American Common Market (CACM), formed in the early 1960s, initially led to high growth in manufacturing as well, as member countries raided tariffs while eliminating trade barriers among themselves to create a larger market. Foreign capital came in at satisfactory rates and capital flight was small. Inflation was almost nonexistent.

REASONS FOR COLLAPSE

What went wrong? The external economic shocks (worldwide inflation, oil price shocks, and recession) of the 1970s and early 1980s contributed to the economic collapse in Central America. So did the region's devastating wars over the last decade. The Nicaraguan economy has been paralyzed by the Sandinista suppression of almost all private economic activity by *campesinos* and urban market women. Communist guerrillas have systematically blown up electric pylons, bridges, and buses in El Salvador.

Throughout the region, growing government interference in the private economy in the 1970s and the 1980s aggravated a cultural resistance to entrepreneurship, risk-taking, and the amassing of wealth. An inflationary surge in the 1970s caused the region's governments to begin an unhealthy expansion of their public sector. Their response to double-digit inflation was to increase public spending for salaries and subsidies to private firms. Higher income and payroll taxes only added to the problem of unemployment. Rising joblessness led to the

expansion of public sector jobs programs and local social welfare programs.

As a consequence, public spending in the region rose significantly—from 14 percent of GDP in the early 1970s to 24 percent in the early 1980s. The result was huge budget deficits. To service the rising tide of public debt, the governments printed more money—which led to even more inflation and exchange rate instability.

The multilateral development banks exacerbated the growing economic crisis by forcing governments to impose high-tax austerity of their peoples as a condition for further extensions of credit. Too often, agencies like the International Monetary Fund have focused on the fiscal balance sheet at the expense of essential economic growth.

FORTRESS CENTRAL AMERICA

Another factor contributing to the economic decline was CACM protectionism. The region's "fortress Central America" approach to trade seriously weakened export industries. The protected industries found it difficult to compete successfully in third markets, and this limited their sources of much-needed foreign exchange. Moreover, protectionism slowed the development of nontraditional agricultural exports and industrial exports. Lacking alternative exports with which they might generate foreign exchange, the region's economies were especially vulnerable to the plunge in basic commodity prices that took place during the early 1980s.

The eventual collapse of the CACM in 1979 led to the adoption of unilateral trade policies between each pair of countries, and the consequent elimination of intra-regional free trade.

RED-TAPE PARALYSIS

Central America also has suffered from a ponderous and all-pervading superstructure of bureaucratic practices, economic regulations, and mandated business procedures that have proved a costly and counterproductive brake on wealth creation.

Guatemala provides a typical example. Guatemala's cartelized banking system strangles credit to small and medium size businesses by demanding up to 200 percent collateral for expansion loans. Guatemala's economy is also hampered by the government's bureaucratic inertia—a dogged resistance to even the most necessary changes, such as the computerization of basic functions (for example, customs immigration, and licensing.)

In Honduras, small businessman seeking approval of a new venture faces a maze of official procedures as well as a mountain of paperwork. In the cultivated shrimp industry, an investor must take 120 separate steps to obtain a business license; some of these steps can be done simultaneously but others must be done in sequence. This process takes an average of one and a half years.

Investment controls, wage and price controls, sweetheart deals for government-owned enterprises, forces sales to government at below-market prices, and barriers protecting cartel profits—all of these have been as common as they have been devastating to the Central American economies.

SEVEN REFORMS FOR CENTRAL AMERICA

The new contract between Central America and the United States would be designed to restore economic growth to the region: the United States would free its markets for goods from the region, provide security guarantees, and continue effective development assistance, in return for these seven

economic reforms by the Central American democracies:

(1) Lower marginal tax rates. With the possible exception of Costa Rica, all of the region's governments impose high and progressive tax rates on individual effort and enterprise. In El Salvador, a marginal tax rate of 43 percent above \$25,000, and a rate of 60 percent above \$50,000. The Honduran tax code features a rising scale of eight tax brackets, with a top tax rate of 40 percent. Guatemala has an even steeper scale of rates, including a 48 percent top bracket.

Lower and less progressive tax rates would increase economic activity in these countries and reinvigorate their anemic revenue bases.

(2) Monetary stabilization. A four-country region with four small currencies is not an ideal recipe for investment, price stability, and economic competitiveness, especially when exchange rates among the currencies are controlled not by the market but by central bank fiat. Bureaucratic setting of exchange rates among countries too small to be sizable markets in themselves is an unaffordable luxury.

Ultimately, the Central American countries will have to either adopt the U.S. Dollar as the unit of account and exchange, or revitalize the peso centroamericano, a unit of exchange similar to the European Economic Community's ECU money-basket currency. The peso centroamericano has not been used effectively in the past because of the disarray of the CACM, but it remains clear that whichever currency is finally settled on must be backed by more than the promises of four or five central banks.

(3) Privatization of government-owned enterprises. Costa Rica has joined the worldwide movement toward privatization by reducing the cost of state-run enterprises from \$65 million in 1983 to less than \$5 million today. President Oscar Arias is justly proud of his success in converting a large government-owned sugar corporation into a 200,000-member cooperative.

Private contracting for traditionally government-run services is starting to appear in Central America. Contracting-out and privatization both offer great opportunities for turning workers into owners, thus broadening the hitherto narrow ownership base of private enterprise.

(4) Encouragement of foreign private investment. Central America desperately needs the technological expertise as well as the physical capital of foreign investors. To attract investment, though, there must be a stable business climate in which investors face no risks beyond those of the competitive marketplace and acts of God.

Investors need binding assurances against arbitrary expropriation. Investment disputes should be subject to impartial third-party arbitration, and investors should have strong guarantees by the government of their right to repatriate earnings and otherwise move their capital across borders.

(5) Rule of Law. Economic reform requires the creation of independent judicial systems, administering established rules of law in economic transactions. The judicial system of a country must enforce contract law and resolve tort claims impartially before that country can expect increased foreign investment.

(6) Debt-equity swaps. Central America has burdensome foreign debt. There is no panacea for this problem, but debt-equity swaps are a useful beginning. In these swaps, a country's foreign debt is purchased in the U.S. at a large discount, converted by

the debtor country's central bank into local currency, and then invested in local enterprises.

Reducing foreign debt through debt-equity swaps has the added advantage of forcing countries to make investment in their countries attractive to prospective swappers. Chile has gone the furthest in establishing regular procedures for these swaps; nearly \$3 billion has now been repatriated in this fashion.

ECONOMIC EMPOWERMENT

Property rights and the security of ownership—hallmarks of any true capitalist system—are the keys to prosperity. Carlos Manuel Castillo, the leading candidate to succeed Oscar Arias as president of Costa Rica, agrees. When I met with him recently, he pointed out that his number one campaign slogan is "Let's build a country of owners."

The goal of Central American economic reform ought to be the conversion of workers into owners, of propertyless peasants into genuine citizens with a full share in their national destiny. Swaps of debt for employee stock ownership would help to promote a worker stake in the economy. In Costa Rica and Guatemala, the expanded ownership is being promoted by Solidarity Associations—private employer-employee alliances that seek to surmount the old divisions between labor and management.

FALLBACK REFORM: INCUBATOR ZONES

If economy-wide reforms should prove politically unrealistic, the governments should establish enterprise zones to incubate capitalism in certain areas of each country. These zones would feature the reduction or elimination of taxes, regulations, and other government-imposed restrictions on private enterprise. As wealth creation, living standards, and general prosperity begin to flourish in these zones, the task of convincing the rest of the people about the benefits of capitalism will become much easier.

The Central Americans have themselves pointed the way by creating "free zones" to promote exports. Free zones feature reduced tax and tariff burdens for export industries. All five of the Central American countries have authorized the creation of free zones at one time or another, and several are in operation today, notably in Costa Rica. The bustling activity at the free zone in Iquique, Chile, should serve as an example.

ECONOMIC INTEGRATION

The Central American democracies are seeking greater market access by applying for membership in the General Agreement on Tariffs and Trade (GATT), which will give them a powerful boost into the world marketplace. Reviving the Central American Common Market would help integrate these countries into the global economy.

The U.S. can aid this process by revitalizing the moribund Secretariat for Economic Integration in Central America (SIECA) and by underwriting the formation of a new "Central American Democratic Community" (CADC) to supersede the Organization of Central American States created by the 1962 Charter of San Salvador. Such an effort might include greater status for the appointive and advisory Central American Parliament, an idea enthusiastically promoted by President Cerezo of Guatemala.

The United States ought to appoint a prominent ambassador to the new Community, exercising direct supervision over the existing Regional Office for Central Amer-

ica and Panama (ROCAP) of the U.S. Agency for International Development (AID). One radical proposal goes even further, calling for the consolidation under the CADC ambassador of the AID mission to all of Central America. While this proposal may be too extreme, the idea behind it—that is, treating the four democratic nations as an economic and increasingly as a political unit—deserves to be kept in mind as the nations evolve in that direction.

OPENING THE U.S. MARKET

As part of the contract, if the Central American governments embark on the reforms proposed here, the U.S. can help strengthen the region by negotiating a Free Trade Agreement—modeled on those we have concluded with Israel and Canada—with the newly revived CACM. Because the U.S. is Central America's biggest customer, and transportation costs to the U.S. are much lower than to any other market, we are in a unique position to strengthen Central America through expanding trade.

Exports—particularly agricultural products—are the lifeblood of the Central American economy. But all too often, nontariff barriers imposed by the U.S. have posed extremely costly obstacles to Central America's traditional exports (for example, sugar and textiles). U.S. quotas on sugar products alone have cost the region almost as much in foreign exchange as the U.S. has contributed in economic aid.

Another part of our contract would be continuation of the kinds of development aid that have proven effective in the past. These include aid programs for education and vocational training, health and nutrition, and infrastructure (this last category includes housing, water, sewage systems, roads, bridges, irrigation, and energy).

The health, housing, and education needs of the Central American poor can best be met by a strong market economy with a tax base capable of providing a safety net for the weakest citizens. U.S. development assistance should focus on meeting those human needs until the reinvigorated Central American economies can take up the slack. This commitment to a social safety net will help improve the political climate for capitalist reforms in Central America.

However, government-to-government assistance must not be considered the centerpiece of our pro-growth reform package. Aid programs do nothing to solve the underlying problems of economic stagnation and slow private-sector job creation. They don't encourage the supply-side economy, which is the only reliable source of prosperity.

SECURITY ASSURANCES

The best-laid plans for economic reform and progress will amount to little without a guarantee of security against invasion and destabilization by the Sandinistas. No formal agreement currently requires the United States to come to the aid of any of the Central American democracies in case of a security threat. U.S. policy is based instead on the Rio Treaty, which requires any threats to be brought before the Organization of American States (OAS) for "consultation" and joint action.

The chance of any joint OAS action against an expansionist Communist state has shrunk to the point that it could be triggered only by an outright Soviet invasion. It is not surprising that the Central American democracies are not confident about the dependability of the American shield.

The U.S. will have to offer a credible long-term guarantee to the Central American

democratic community that it will support—with all necessary measures—their efforts to live in peace and security. The exact dimensions of such a guarantee I will leave to the Bush administration, but it is clear that as long as Nicaragua remains an outpost of Marxist-Leninist subversion, it would be foolhardy to ignore this question.

A WINDOW FOR CONSENSUS

Many in Central America are coming to accept the wisdom of a policy along the lines proposed here. The intra-regional entrepreneurial group FEDEPRICAP, based in Costa Rica and with affiliates in other countries, supports these initiatives. A new generation of Central American leaders, many of them U.S.-trained, are now rising to ministerial posts. They bring with them a commitment to broad-based prosperity—instead of continued protection of vested interests.

In particular, several Central American economists and political leaders associated with the International Commission for Central American Recovery and Development are committed to the idea of a free, competitive marketplace, and understand the valuable benefits that result from secure property rights. However, the "neo-Marshall Plan" economic approach of some others on that commission would end up moving Central American further from the market-oriented policies it needs if it wants to foster economic growth.

A strong free-market economy is the only secure base upon which a prosperous and just society can be built. Now more than ever before, we have an opportunity to help Central America move in this direction.

IMMIGRATION REFORM

● Mr. DASCHLE. Mr. President, last week, the Senate passed S. 358, legislation that institutes major reforms in our system of legalized immigration. Writing legislation that apportions visas among the residents of disparate countries who wish to emigrate to the United States was not an easy exercise. I commend Senators KENNEDY, SIMPSON and SIMON—the immigration bill's prime architects—for their diligence and skill in negotiating it through the Judiciary Committee and the Senate.

While I do not serve on the Senate Judiciary Committee, I followed the development of this legislation closely because of my interest in reconciling our Nation's historic compassion for refugees and other immigrants with a growing grassroots preoccupation with the effect of illegal immigration on our Nation's job market. The Senate immigration bill, in my view, addresses both of these priorities.

One objective of S. 358 is to permit the immigration of more people who, because of the current system's criteria strongly favoring relatives of newly arrived ethnic groups, have been all but shut out of our country for years. Western Europeans are a prime case in point. As the grandson of German immigrants, I understand the desire to correct this imbalance.

At the same time, however, I was concerned about the Judiciary Com-

mittee bill's retreat from the immigration system's emphasis on family reunification. In fact, earlier this year I joined my colleagues, Senators SIMON and CRANSTON, in sponsoring a bill that sought to buttress the family reunification standards, rather than to weaken them.

This issue was fully debated on the Senate floor, and the immigration bill that the Senate ultimately passed last week was a compromise between those who wished to strengthen the family-oriented system we currently have and those who desired a legal immigration policy favoring other bases for entry into our country. The heart of that compromise is the Hatch-DeConcini amendment, which I strongly support, that sets a floor of 216,000 on the number of people who can be admitted under the "family preference" categories. This amendment provides a guarantee that offsetting the unlimited "immediate family" entrants against the family preference categories would not threaten the latter, which include the fifth preference category for brothers and sisters.

As with any successful compromise, I do not find the final immigration bill ideal. For example, I still have a lingering concern about the way the cap is structured in the bill. I feel it may threaten family reunification principles in the long term. Should this provision remain in any final legislation that is enacted that is enacted into law, its impact must be monitored closely.

Immigration has been a dynamic element in American history and will be an important factor in our future growth. As such, policymakers will be called on periodically to evaluate and regulate the flow of immigrants into our country.

Three years ago, Congress addressed the problem of illegal immigration by enacting the Immigration Reform and Control Act. Now we are focusing on inequities and backlogs in our legal immigration system, which was last overhauled over 24 years ago.

Mr. President, I understand the need to review and amend the current visa allocation system. I only hope that, in passing such legislation, more inequities are not created, and I urge my colleagues to keep this concern in mind when a conference is appointed to reconcile the differences between the Senate and House-passed legal immigration reform bills.●

PRESIDENT SAVIMBI'S SPEECH ON JUNE 28, 1989

● Mr. DECONCINI. Mr. President, as my colleagues are aware, I have closely followed the situation in Angola. President Savimbi spoke of the recent ceasefire over Angolan radio. I com-

mend this speech to my colleagues' attention.

The ceasefire that was agreed to at the summit meeting on June 22, 1989, in the Republic of Zaire, and which became effective on June 24, is a positive first step in ending the hostilities in the region. I am pleased that the MPLA has begun to recognize the need to resolve the long battle that has taken the lives of so many Angolans. And I am especially pleased that the bipartisan support in Congress for Dr. Savimbi and his UNITA forces is bearing such positive fruit.

Finally, I would like to state my desire for continued movement toward real national reconciliation in Angola, and free and fair elections. I urge the State Department, Secretary Baker, and Assistant Secretary Cohen to continue to facilitate this process. I ask unanimous consent that the text of President Savimbi's statement be printed following my remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

UNITA LEADER SAYS GBADOLITE SUMMIT IS THE OUTCOME OF MOBUTU'S MEDIATION RATHER THAN ANGOLAN PEACE PLAN

Angolan men and women, tested militants of our glorious UNITA movement, members of the supreme command of the patriotic and revolutionary Armed Forces for the Liberation of Angola (FALA), Jura [Revolutionary Youth of Angola], (?League of Angolan Women), men and women in uniform, officers, NCOs, soldiers and comrades: You have probably listened to international radio stations which have widely reported on the summit meeting of heads of state held in Gbadolite on 22nd June 1989, in the Republic of Zaire, the birthplace of President Mobutu Sese Seko.

It is true that there has been a great deal of speculation and distortion of the facts. I am addressing you as a combatant for true freedom in Angola, who has been in this crusade for over 30 years, and to inform you of the sole truth about the aforementioned summit and its outcome as outlined in the so-called Gbadolite declaration.

At the Luanda meeting of 16th May 1989, the MPLA introduced what it described as its seven-point peace plan. On the same occasion, the eight African heads of state asked for the mediation of Zairean President Mobutu Sese Seko because he was the only one who had friendly relations with UNITA, and also because his government had recognized the Luanda regime. So, the Gbadolite summit is the happy outcome of mediation efforts made by President Mobutu Sese Seko with UNITA and the MPLA, rather than the implementation of the MPLA's peace plan, which UNITA could never have accepted. There was nothing that could force us to embark on such a venture.

When our fellow countrymen, who were present at Gbadolite, avoid telling the people about the true meaning of the summit, we begin to wonder if we all really want to move toward peace and national reconciliation. The Gbadolite declaration, which will from now on be broadcast daily by Vorgan [Voice of the Resistance of the Black Cockerel], includes the following points which are the cornerstones of the accord:

(1) The desire of all Angolan daughters and sons to end the war and to proclaim national reconciliation before the world;

(2) The end of all hostilities and the proclamation of a ceasefire to come into effect at midnight on 24th June 1989; and

(3) The establishment of a commission responsible for preparing the implementation of this national reconciliation plan under the mediation of the President of the Republic of Zaire.

These are the three principles which were agreed upon at the Gbadolite summit of heads of state. There is no mention in any part of this declaration of Savimbi's exile or the integration of UNITA elements into the MPLA, along the lines of FNLA [National Front for the Liberation of Angola] elements who were integrated into UNITA.

If all Angolans and UNITA elements are pleased with the prospects of peace for our country and our martyred people, and if the whole world is focusing its attention on the UNITA and MPLA leaders so that we may bring about peace to our country, why don't we all assume our responsibility by telling the truth to our people? Those who have tried to promote this idea of a so-called exile for Savimbi should have taken two points into consideration. Firstly, who would have succeeded in sending Savimbi into exile if for 14 years we have been waging a struggle against an MPLA backed by 60,000 Cubans, but who were unable to defeat UNITA? Moreover, the MPLA has never been able to take any position in UNITA-held territory, even after the South Africans left Angola in September 1988, almost a year ago now. In Savate it was a total failure because the Cubans were not there to help the MPLA.

Secondly, who could have asked an Angolan citizen, after he had waged a victorious military campaign for 14 years, to go into (voluntary) exile, in line with the old Stalinist methods? It's all lies.

Now, we doubt whether the MPLA really wants peace, national reconciliation as agreed at Gbadolite, or wants to destroy UNITA through negotiations. We in UNITA have always sought peace and national reconciliation in order to form a government of national unity in Angola. We wish to co-operate specifically with President Mobutu Sese Seko of Zaire and with the MPLA in order to achieve peace, which all Angolans want and deserve.

UNITA militants, although we really want peace and national reconciliation, we suffered mutilations, hardships and suffering in the bush for 14 years. Let us be vigilant until the MPLA gives a correct account of the historic dimension of the Gbadolite declaration to its people.

UNITA militants and FALA's men and women in uniform cannot allow the Gbadolite declaration to be a repetition of the Alvor accords. For the sake of peace and the Angolan people, UNITA and FALA cannot even allow a distortion of the spirit of the Gbadolite declaration, or that someone may use it to continue the war. UNITA and FALA can prevent this because you have 14 years of experience of war. Your strength is scattered throughout the country from Cabinda to Cunene and from Luau to Lobito. You have safe allies and the support of the people. Moreover, you are winning the war and time is on your side.

I urge all UNITA militants and its armed forces not to take any attitude or accept any position which does not correspond to a direct order from your own leadership. We are very pleased with the prospects for peace, but we also desire a genuine peace for

Angola. A genuine peace depends on genuine and truthful information.

We wish to pay tribute to the courage shown by MPLA Chairman Jose Eduardo dos Santos for having met the UNITA President in Gbadolite on 22nd June 1989. All Angolans expect that our shaking hands will mean an end to hatred, slander, the most sordid lies, machinations, fear and division so that peace may soon come to our country. By shaking hands we assumed before the African heads of state present at Gbadolite on 22nd June 1989, the world and the Angolan people the sole responsibility to work together until peace returns to our country. There have been no losers. We have all won, particularly the Angolan people. Therefore, all the Angolan people have the right to expect from us, Angolan leaders, safe steps which may lead to peace. We in UNITA will not do anything that may endanger the contents of the Gbadolite declaration. As UNITA and MPLA delegations, led by FALA's Chief of General Staff, and General Antonio dos Santos Franca Ndalu, respectively are in Kinshasa to study ways of implementing the Gbadolite declaration, everything should be done to establish an atmosphere of trust and mutual respect in the country. Nobody should die at the eleventh hour. We are all Angolans.

If there are laws and organizations which are recognized by some and disregarded by others, there is a natural law whereby we are all Angolans, belong to Angolan history and have shown bravery and courage in the fight against foreign invasions. UNITA is for peace in Angola. However, UNITA is for total peace. UNITA does not wish to deceive the people with a temporary peace. UNITA is going to work resolutely towards the establishment of total and lasting peace in Angola on the basis of the Gbadolite declaration.

Angolans are not weak people. Angolans, you should demand that your leaders bring about peace now, and tell the truth. You should not only get information from the BBC, the Voice of America, the French radio, the voice of Germany or the Portuguese radio. You should demand that your leaders tell you precisely what happened in Gbadolite. The most distinguished African leaders were gathered at Gbadolite, before whom the UNITA and MPLA leaders gave their word of honor that they would bring peace to your fatherland. Angolan people, you should think, speak and write about peace. Angolan people, you should not let anyone define peace for you because you are the arbiters of peace. You should contribute towards peace by demanding the leaders to tell you everything about peace.

The Angolan people cannot spend hours, days, weeks and months regretting their fate. The Gbadolite declaration is not peace in itself, but rather a sound basis which will enable us to bring about peace as long as people from both sides of the conflict agree to give their contribution. In a militant manner you should speak and think of peace, and demanding peace whenever you meet your organizations because peace is possible. Those of us who were in Gbadolite believe so. Those who withdraw from the Gbadolite accords will be condemned not only by you, the people of Angola, but by African and international public opinion. At this time of hope, nobody should have the right to seek to aim the weapons of peace, unless they have the people behind them. Only with the support of the people is it possible to aim the weapons of peace. Those who wish to make war should make it alone,

so that no more families have to agree to let their children go to war, to give up their food or to show the way. There should be no more enemy bases in the bush. Therefore, I urge you, Angolan men and women, tested militants of our glorious UNITA movement, to contribute decisively to the laying of the foundations of peace which we need and the world wishes to help us to bring about.

As for myself, I will be available to the people to contribute with my experience so that the Gbadolite declaration does not follow the way of the Alvor accords. Long live Angola! Long live peace! Long live national reconciliation! Long live UNITA! Long live FALA! May God promise us peace and let us bring about peace.●

KNOWLEDGE THROUGH SPACE EXPLORATION

● Mr. SHELBY. Mr. President, as the United States prepares to move into the 1990's and on into the 21st century, we do so with the knowledge gained largely through space exploration. No one could have fully realized or predicted the breakthroughs in technology and research since that historic day, 20 years ago today, when Neil Armstrong became the first human being to set foot on the Moon.

Almost as historic as the event are the first words Armstrong said, "That's one small step for man, one giant leap for mankind." These words unknowingly signaled to people all over the world that life as they knew it would be forever changed.

Since the Apollo Program, the United States has undertaken an extensive program of exploration and research. Following the Skylab project in the early 1970's, the United States and the Soviet Union teamed up for an unprecedented docking of two spacecraft, the U.S. Apollo and the Soviet Soyuz. This followed with 2 days of joint experiments. Never before, and not since, have the two nations teamed up in such a manner as this or shared as much information.

However, the United States is currently involved in another joint venture with other countries with the development and deployment of the space station. The space station is a cooperative effort between the United States, several European countries which comprise the European Space Agency, Japan and Canada.

The space station *Freedom* will provide the country with a permanently manned laboratory in space, as well as a platform for future space exploration. The benefits the Nation and the world will reap from the space station are endless.

Not only have we explored our immediate surroundings but U.S. spacecraft have now visited Mercury, Venus, Mars, Jupiter, Saturn, and Uranus. The *Voyager 2* is scheduled to reach Neptune sometime in August of this year.

Mr. President, we are fortunate in this country to have the support and participation of our Nation's scientific community. Not only have these brilliant minds allowed us to venture into space, but they have also cultivated new technology and developed many applications from information gained through experiments conducted in space. Over 30,000 secondary applications—spinoffs—have come from the space industry to benefit the Nation economically and to just make our lives a little easier.

For example, the diabetic's life may be changed forever by a spinoff called a Programmable Implantable Medication System or PIMS for short. This device, when implanted in the body, will give the patient an exact dose of insulin at a prescribed time. This will eliminate the necessity of the diabetic having to inject himself daily with insulin. The patient will also have the ability to change the amount of insulin delivered by the use of a remote device which is also a spinoff from space technology.

The medical field is not the only area that has been affected in a positive way. Advances have been made in the transportation industry with new fuel efficient engines and body designs. The environment has benefited greatly from new waste water treatment designs and environmental monitors. And the list goes on. There is not one person who has not benefited directly or indirectly from some type of space technology.

Mr. President, the 20th anniversary of man's first landing on the Moon presents a tremendous opportunity to celebrate how far our Nation has come since July 20, 1969. It is also an opportunity to reaffirm our commitment to move forward.●

MINNESOTAN'S EPIC BATTLE ENDS WITH AN EMPTY NET

● Mr. DURENBERGER. Mr. President, my favorite recreational pursuit, one I share with many of my colleagues, is fishing. In the land of 10,000, actually 15,000, lakes, fishing is part of growing up, and believe me, I am still growing up with fishing. Thus, I know that there is no fish story like a true fish story.

It is for this reason that I rise today to tell you the tale of a Minnesota angler, Bob Ploeger, and the king salmon. While this is a long tale, I assure you that it is not a tall tale, as incredible as it may seem. This struggle took place on the Kenai River in Alaska.

While Alaska is considered a long way up north, even for a Minnesotan, this is not the long of the tale. The fish was very large, weighing in at close to 100 pounds and stretching several feet in length, but that is not really the long of this tale.

The long part of this tale was the battle itself: Bob, standing in his element, the king in his, each trying desperately to pull the other in. It lasted some 37 hours, breaking all existing records for a confrontation of this type. In the end, the king got away, but Bob was not discouraged. Bob emerged victorious in demonstrating that unique blend of determination, patience, and indomitable will that makes me proud to stand before you representing my fellow Minnesotans.

Mr. President, I respectfully request that this article from the Minneapolis Star Tribune be entered in the RECORD to preserve the details of this epic.

The article follows:

MINNESOTAN'S EPIC BATTLE ENDS WITH AN EMPTY NET

(By Craig Medred)

ALONG THE KENAI RIVER, ALASKA.—At the very end, the monster salmon was too strong, and the net was too small.

And so for Minnesota angler Bob Ploeger, the biggest fish story of many an Alaska summer came to a futile finish at 1:30 a.m. Friday in the harsh glare of television lights.

The salmon that many expected to vault Ploeger, 63, of Sandstone, Minn., into the record books became just another big fish that got away.

Several dozen spectators watched the final confrontation between man and fish in 4 feet of water no more than a foot or two from a grassy riverbank. It was there—after more than 37 hours of battle—that Ploeger and the fish finally fought to a draw.

It was there that Ploeger and the powerful fish neared exhaustion, guide Dan Bishop decided to bring the king to the net.

And it was there, Bishop would say later, that the big mistake was made.

This 37½-hour drama of man vs. fish began shortly after noon Wednesday.

Ploeger, a retired guard from the federal prison in Sandstone, was on his first Alaska fishing trip. Bishop was out for only his third time as a guide.

Their float down the river with two other anglers in a drift boat was almost over. No one had hooked a salmon all morning.

Then a strike. Ploeger said he knew right away he's hooked a whale of a salmon. After two hours of rowing the drift boat in an effort to stay with the fish, a tired Bishop knew his client was into something unusual.

The tired men flagged down a passing powerboat and climbed aboard. The fight continued. The boat ran out of gas. The men transferred to another powerboat and continued struggling with the fish into the darkness of Wednesday night.

By morning Thursday, the river grapevine was alive with reports of an epic battle straight out of "The Old Man and the Sea." By that afternoon, most of the 10,000 residents of the river towns of Kenai and Soldotna had heard about the war between man and fish.

Radio station KCSY was on the air providing live reports every half hour. Speculation grew that Ploeger had hooked into the legendary Kenai king, the 100-pound fish that anglers have dreamed about for decades.

Spectators arrived to watch the action. The McDonald's restaurant in downtown Soldotna sent out free food for the angler and what was now a group of guides on

board. The local Coca-Cola dealer sent refreshments. A hotel offered Ploeger and his wife Darlean, a free night's lodging. Another business pledged them a hot tub. A taxidermist offered to mount the fish for free, no matter how big it turned out to be.

Everyone eagerly waited to see the fish, and waited, and waited, and waited. The fish lolled on the bottom of the river for hours, seldom moving. Bystanders worried that it had wrapped Ploeger around a rock, leaving the angler fighting only the river current and the boat.

It looked, for a long time, as if that might be the case. The fish barely moved for four hours.

Weary and unshaven, Ploeger sat quietly in the bow of the riverboat with a gentle bend in his rod. The boat chugged slowly into the 5 knot current to hold its place.

By evening Thursday, bystanders were yelling at the tired Ploeger to put some muscle to the fish. He didn't seem to hear.

At 8:30 p.m., radio reporter Buzz Barr announced Ploeger had just made the Guinness Book of World Records for the longest time spent playing a fish. Barr led the crowd in a cheer. Ploeger showed no sign of acknowledgment.

As 11 p.m. came and went with little action, the crowd started to thin. Then, shortly before midnight, the salmon made its break. It moved out from behind a rock where it had been holding steady for five hours and crossed 200 yards to the opposite side of the Kenai. The boat, with Ploeger still in the bow, followed.

The fish parked itself in a deep run along a grassy bank. Anglers who had been fishing red salmon along the shore reeled in their lines to stand back and watch. Campers came down out of their tents, drawn by the lights of a television camera.

A few dozen strong, this expectant crowd clustered on a bank three feet above the fish, oohing and aaahing, as first a diving planer, and then a leader, and then the orange Spin-N-Glo lure at the end of Ploeger's line came into view.

And finally there was the fish, plainly visible only inches beneath the gray-green waters of the Kenai.

How big was it? Nobody will ever know. "I think he was a three-digit fish," said Bishop, on only his third outing as a guide.

That would have qualified the king as a world record, topping the 97-pound, 4-ounce fish Les Anderson of Soldotna caught in May 1985.

Others who saw the fish, including other guides and experienced anglers, pegged the weight of the fish in the low 90s, maybe the high 80s.

"He was a pretty good-size fish, but I don't know if he'd break the record," said angler Dan Hackett of Chugiak. Hackett got a look at the fish from a distance of five or 10 feet the first time Ploeger brought it to the surface.

The salmon hung suspended for seconds just a few inches deep in the water. Hackett could see the lure lodged in its hooked, upper jaw.

Bishop reached for the net for the first time. It was 1 a.m.

The fish went back to the bottom. The struggle resumed. Bystanders began shouting advice.

"You can get him now," someone said.

"How deep is it right there?" Bishop asked.

Someone told him 3 feet, maybe 4. He discussed strategy with fellow guide Joe Bob Brewster. Bishop told Ploeger to remain patient.

Bishop grabbed the 4-foot-wide net. Brewster grabbed a smaller one. They positioned themselves for a capture—one behind the fish, the other in front. Cooper edged the boat close to the bank.

"You're saying net him from the tail?" Bishop yelled back to Brewster. Brewster nodded.

Bishop made a swipe at the fish with the net. The boat was too close to shore and the net hit the bank. The fish dodged. Cooper eased the boat farther out into the river.

Bishop swung the net again, coming at the fish from the front. Brewster swept his net up from the rear. Their efforts moved the fish over the mouth of Bishop's net. It hung there, suspended.

Ploeger's line went slack as the net took the weight of the huge king. The hook that had been wiggling for hours in the salmon's jaw fell out. The boat began to drift back on the current.

"Gas it, Pat. Gas it," Bishop screamed at Cooper. The boat slipped back farther. The fish wiggled above the net. Bishop hung farther over the side of the boat, reaching far out toward the bank, trying to get the net around the thrashing, unhooked king. The fish rolled.

And it was over.

Bishop cursed and slammed the net against the side of the boat. The boat turned and drifted toward a boat launch 200 feet downriver. Ploeger put his hand on Bishop's shoulder.

"It's OK," he said. "We did the best we could."

Minutes later, both men were mobbed by curious onlookers and reporters as they pulled into the boat landing. There was a barrage of questions. The disgruntled men answered patiently.

"We're happy," Ploeger said. "We'll have a lot to talk about. I'm not discouraged. A little disappointed, actually. Not discouraged."

He said he was tired, but not exhausted. He wanted to get some sleep and go fishing again. He thanked Bishop for the experience.

"He feels worse than I do, I think," Ploeger said of the 27-year-old guide. "He did a real good job for us. We appreciate it."

"It's sickening," Bishop said. "After 37½ hours, we were ready to net the fish. I was real carried away. I tried. I never was good at endings." ●

SOCIAL SECURITY WORK INCENTIVES ACT

● Mr. McCONNELL. Mr. President, I rise today to announce my strong support and cosponsorship of the Social Security Work Incentives Act. This legislation provides incentives for Social Security Disability Insurance [SSDI] recipients to return to the work force. Individuals who, despite their impairments, want to work should be encouraged to do so. Current law discourages these individuals from remaining in the work force by removing income assistance and Medicare health insurance from SSDI beneficiaries who return to work.

This bill removes the impediments for two categories of SSDI beneficiaries: disabled adult children and individuals who developed an earnings record while on supplemental security income [SSI], achieved insured status,

and then become disabled and eligible for SSDI benefits. SSDI cash benefits for these individuals end under current law after a 9-month trial work period. Instead of ending the benefits this legislation reduces them by \$1 for each \$2 of earnings after exclusion of the first \$85 of income plus impairment related expenses.

Perhaps the biggest disincentive to work for SSDI recipients is the elimination of their Medicare benefits after the current law trial work period ends. Under this bill, individuals on SSDI who return to work are given the option to continue receiving Medicare. Individuals with incomes between 100 percent of the poverty level and a State-specific threshold would be able to have Medicaid pay a portion of the premium cost for Medicare.

The Social Security Work Incentives Act fills a gap in current law that desperately needs to be filled. Current law assumes that people fit neatly into two categories: those who cannot work at all and those who can fully support themselves. This assumption is no longer valid if it ever was. Changes in technology and training available to disabled persons have dramatically increased the ability of many to work, despite their disability. Let us remove the impediments of the current law and encourage disabled individuals to return to the work force by enacting this important legislation. ●

IGNACIO RESENDEZ, MICHAEL HARGREAVES, AND RONALD A. MEES

● Mr. McCLURE. Mr. President, I would like to acknowledge three of Idaho's outstanding citizens who not only have served the Department of Energy with distinction but have also had a positive effect on their communities and the State of Idaho. Mr. Ignacio Resendez, Mr. Michael Hargreaves, and Mr. Ronald A. Mees are examples to the Nation of a new spirit of volunteerism that is rapidly spreading throughout the United States.

Ignacio Resendez has served his country as a public servant in a variety of areas. After serving in the U.S. Army, he began as a Federal civilian employee with the Postal Service. He later went on to serve the Air Force, the former Atomic Energy Commission, and the Solar Energy Research Institute before joining the Department of Energy as chief counsel in its Idaho Operations Office.

Mr. Resendez has an extensive history of volunteer service. He often asks, "What can I do to help?" His compassion for the underprivileged has led him to work with his fellow Hispanics to obtain better working conditions, health care, and education. He is also very active in church activities, not only translating church services for

the Spanish-speaking, but also lending his organizational skills to the church in fund raising activities and spiritual development programs.

In addition to church and Hispanic support activities, Mr. Resendez is dedicated to community youth programs. He has coached community youth soccer and basketball and tries to help the children he coaches develop respect for themselves and others. This last year, Ignacio was the chairman of the 1988-89 Idaho Falls and Surrounding Area Combined Federal Campaign which is key in the support of the United Way. In many ways, Mr. Ignacio Resendez exemplifies a spirit of service that has benefited all those around him.

Also from DOE's Idaho Operations Office, Mr. Michael Hargreaves has proven to be an outstanding citizen, volunteer, and role model for the State of Idaho. He began his tenure of public service in the U.S. Navy and served in the U.S. Forest Service and Animal Plant Health Inspection Service prior to his selection as Chief of Federal Personnel in the Idaho Operations Office.

Mr. Hargreaves has worked extensively with the Development Workshop which trains handicapped men and women for clerical and records management careers. His goal for the handicapped he helps is for them to be able to enter the work force and achieve a place of effectiveness in today's society. He has further worked with the business community to stimulate interest in hiring graduates of the training program. Through on-the-job internships, the business community is allowed to review the work of the graduates for 2 to 3 months while the Development Workshop pays their wages and benefits. This program is proving to be a tremendous success and has earned Mike the William S. and Ida T. Holden Award for Service. However, the benefits for Mike Hargreaves go far deeper than that. His biggest honor was seeing the impact his commitment has on his own family. His volunteer spirit has affected not only the lives of those handicapped he helps, but also the lives of his family, his community, and his country.

Ronald A. Meeks is the third Idahoan that has earned a place of respect and honor for his volunteerism. Mr. Meeks is a criminal investigator in the Idaho Operations Office of the Department of Energy.

Ron Meeks has been and continues to be actively involved with the Boy Scouts of America. He is currently the assistant district commissioner of the Eagle Rock District in the Teton Peaks Council of the Boy Scouts of America. He voluntarily coordinates Boy Scout activities with the activities of his church on a year-round basis. Mr. Meeks has also become actively in-

involved with community youth sports programs. He spends a good deal of time each week teaching football fundamentals to elementary school students in the Grid Kids football program. Further, Ron Meeks provides time each month to assist and/or provide welfare services to needy families in coordination with his church. His attitude of getting in and volunteering is an outstanding example for citizens across the Nation.

I ask my colleagues to join me in commending Mr. Resendez, Mr. Hargreaves, and Mr. Meeks for their dedication and hard work. They are helping to make America a better Nation in which to live. The spirit of volunteerism has been clearly exemplified in the lives of these three individuals. ●

PROTECTION OF INDIAN ARTS AND CRAFTS

● Mr. DOMENICI. Mr. President, it is my pleasure today to join Senators McCAIN and INOUE and others in co-sponsoring S. 917, a bill to expand the powers of the Indian Arts and Crafts Board for the protection of native American artwork.

Unfortunately, too many consumers are being led to believe that articles made in foreign countries are actually made by Indians in America.

It is estimated that counterfeit imports and cheap imitations are costing an estimated 10 to 20 percent loss in business for genuine Native American products.

To help remedy this situation, S. 917 would empower the Indian Arts and Crafts Board to create "trademarks of genuineness and quality for Indian products." The board would also "establish standards and regulations for the use of Government-owned trademarks by corporations, associations, or individuals, and to charge for such use. * * *"

In addition, the Indian Arts and Crafts Board would register these trademarks and act on violations by initiating criminal or civil actions against violators.

This legislation is a domestic complement to my efforts to require the permanent marking of imported native American style jewelry, arts and crafts.

As we recognized in my amendment to the Omnibus Trade and Competitiveness Act of 1988, a system of permanent markings is needed to protect native Americans from the unfair competition of counterfeit Indian jewelry, and arts and crafts made in other countries.

The proposed Customs regulation for the marking of jewelry was issued in the Federal Register on Friday, February 10, 1989. I expect the final regulation to be published later this summer.

When in effect, this regulation will go a long way to curb abuses from those foreign countries that represent their jewelry as authentic American Indian jewelry.

The system of trademarks proposed in Senator McCAIN's bill has the potential for identifying virtually all authentic Indian jewelry made by American Indians in the United States.

With permanent markings on both foreign made and domestic native American style artwork, the consumer will be very well protected from those whose intention it is to represent their artwork as made by American Indians when, in fact, it is not. The protection and recognition of the value of authentic native American will also go a long way to encourage more native Americans to maintain their interest in marketing their own native arts and crafts.

In New Mexico, for example, July and August are important months to Indians and visitors who want to participate in the highly successful Annual Eighth Northern Indian Pueblo Artist and Craftsmen Show at San Ildefonso Pueblo and the Indian Market in Santa Fe.

These are very New Mexican, very colorful, very Indian events. All sorts of Indian creativity is on display and for sale. Pottery, jewelry, crafts, and original art of many varieties and price ranges are available. In addition, Indian food and dances add a special feeling and charm to these northern New Mexico summer events.

The Eight Northern Pueblos' show has grown tremendously in the past decade and now grosses over \$2 million in one weekend.

Entry is tightly controlled to prevent non-Indians from selling Indian style products. The success of this quality control system is, I believe, an indicator of the potential success of the McCain bill now before the Congress.

Between the McCain bill and the 1988 Trade Act provisions, Mr. President, the Congress will be sending clear signals to buyers and sellers of Indian goods that authenticity is important and will be protected by law.

I urge my colleagues to join us in approving this important legislation. In so doing, we will be adding a vital piece to the puzzle of improving Indian business opportunities in America. ●

SIoux CITY, IA, PLANE DISASTER

Mr. HARKIN. Mr. President, what happened in Sioux City at 3:57 yesterday afternoon is a nightmarish catastrophe that will never be forgotten.

When something like this happens it strikes a deep chord in all of us—life

stops as we contemplate our own mortality.

Within minutes the lives of more than 100 people were brutally and arbitrarily cut short in a violent fireball.

We all pray that something like this will not happen to us, our family or friends and we grieve and mourn the loss of those who fell victim to such a capricious death.

United flight 232 en route from Denver to Chicago suffered the apparent failure of the engine and the hydraulic system forcing an emergency landing attempt in Sioux City. With 299 lives in the balance the pilot had to land a crippled plane.

The plane almost touched down and appeared destined for safety. Tragically, the right wing caught the ground and caused the plane to burst into what eyewitnesses termed a "fireball."

Amidst a dark panorama of carnage, at the Sioux City Airport and surrounding cornfields, there was hope and there were miracles. Most of those that did survive were able to walk away from the wreckage.

The fact that about 190 passengers survived the crash is a tribute to both the skills of the plane's pilot and to the immediate mobilization of Iowa rescue units.

The pilot of the plane performed an act of great skill and courage in maneuvering the plane with virtually no capacity to steer or adjust wing flaps within 200 feet of the runway.

Many onlookers felt that he would be able to land the plane safely—and were astonished when the plane was enveloped in a shroud of smoke and fire.

Several survivors credited the pilot with saving their lives.

One man told reporters that the "pilot did one helluva job *** he saved my life *** he did a super job of controlling the plane as best he could."

By the time flight 232 crashed, there were almost 75 fire trucks, National Guard trucks and local rescue vehicles on the scene.

The call went out to all of Iowa—all of Iowa responded.

The St. Luke's Regional Medical Center put its "Mass Casualty Plan" into effect moments after the crash. The Marion Health Center flew in helicopters. As the hospital's blood supplies depleted, donors immediately showed up and the supply was replenished.

The American Red Cross, which has run drills for airline disasters at the Sioux City Airport, was out in full force. The Iowa National Guard and Gov. Terry Branstad should be commended for their expeditious reaction to the crisis.

In the moments after the plane slammed into the ground just outside the boundaries of the Sioux City Airport, swift rescue actions came.

The nightmare contained glimmers of hope fanned by the efforts of Iowans who conducted an organized and efficient relief operation under the worst possible conditions.

The editor of the Carroll, IA, newspaper attributed the extraordinary response by Iowa rescue units to the disaster training that takes place in even the smallest Iowa communities.

She said that if the emergency crews had not responded with such remarkable speed the death toll would have been several dozen higher.

More than 74 rescue units from Iowa, South Dakota, and Nebraska responded.

Rescuers came not only from Sioux City, Des Moines and Omaha—but from small communities as far as 100 miles away. A concerted three-State effort is responsible for many of the saved lives.

The mood in Sioux City, IA, and the Nation is one of horror. I know my colleagues will join with me in extending the Nation's concern and sympathy to all affected.

Throughout the tragedy the overwhelming assistance that Iowans provided served as a beacon of hope.

The tragedy will not be forgotten—but hundreds of Iowans, Nebraskans, and South Dakotans eased the pain for many families. This, too, is something that will not be forgotten.●

THE DEPARTURE OF AMBASSADOR ANDREAS JACOVIDES

● Mr. HATFIELD. Mr. President, more than two decades have passed since my family and I first came to Washington. During those years, we have watched a great many people come—and go. This city is like a giant revolving door, Mr. President.

Ten years ago, I had the privilege of meeting Cypriot Ambassador Andreas Jacovides. In the years since, my wife, Antoinette and I have had the opportunity to become friends with Ambassador Jacovides and his delightful wife, Pamela. Now, Mr. President, we bid them farewell as he returns to Cyprus to become Director General of the Ministry of Foreign Affairs.

In addition to my high personal regard for Ambassador Jacovides, I have a tremendously high professional regard for him. Indeed, I think of him in three "i's"—insight, intelligence, and integrity. His influence, Mr. President, far exceeded the tiny size of his beautiful country.

As the dean of the Diplomatic Corps leaves, I think all my colleagues join me in wishing him and his wife well. As much as we will miss them, we have all been very privileged to know them.

I ask that two articles on Ambassador Jacovides be inserted in the Record.

The articles follow:

[From the New York Times, July 3, 1989]

DIPLOMATIC CORPS DEAN? SPIN THE REVOLVING DOOR

(By Barbara Gamarekian)

WASHINGTON, July 2.—The practice of diplomacy moves with a measured pace. Protocol, ritual, tradition. But in recent weeks the diplomatic community here has seen a whirl of comings and goings. The deanship of the corps, the community's most prestigious job, has changed hands twice in two months, and not even the State Department seems to know when the door will stop revolving.

The post goes to the envoy with the longest continuous tenure in Washington. The dean represents diplomats when questions of privilege or immunity arise. At ceremonial occasions, it is the dean who is first in line, who is invited to official White House arrival ceremonies for heads of state.

The post was filled for three years by Count Wilhelm Wachtmeister, the Swedish Ambassador, until his retirement in May. All things being equal, his successor would have been Ambassador Maiava Lulai Toma of Western Samoa, who presented his credentials Feb. 15, 1978.

Ambassador Toma, it turns out, is one of Washington's nonresident ambassadors, who travel like circuit judges among the multiple countries to which they are accredited. As luck would have it, following Mr. Toma in seniority was another nonresident ambassador, Ionatana Ionatana of Tuvalu, a Pacific island nation.

So the post fell to Andrew J. Jacovides of Cyprus, a Mediterranean island nation. He and his American-born wife, Pamela, have in their 10 years here become one of the most popular diplomatic couples.

Even before assuming his new post, however, Mr. Jacovides told friends he was being called home this month to become Director General of the Ministry of Foreign Affairs.

With Mr. Jacovides's advancement to dean, diplomats predicted that Cyprus would change its mind. Hadn't the Swedes postponed Mr. Wachtmeister's retirement once he became dean? Wouldn't it be a political bonanza for a little country like Cyprus to have a high Washington profile? What is more, next in line were the Turks, who have occupied a third of Cyprus since 1974.

But, it turns out, Ambassador Sukru Elek-dag of Turkey is leaving town before Ambassador Jacovides. He has turned 65 years old. "I've reached mandatory retirement age," he explained. "In Turkey it is mandatory, and there is no possibility to extend my service." June 26 was his last day on the job here.

On that Monday evening, the Jacovideses were entertaining about 1,000 guests at a farewell party for old friends and colleagues. "Willy handed over the deanship on the 24th of May," Mr. Jacovides said of Mr. Wachtmeister, "and I was put to work almost immediately."

In his month as dean, Mr. Jacovides said, he has officially received new ambassadors, has presented farewell gifts—using the dean's fund—for departing ambassadors and was honored by Joseph Reed, chief of protocol, with a luncheon at Blair House.

"The deanship is important in itself in that you have access to the Administration and the Congress," Mr. Jacovides said, "and of course it means a high profile. For a small country like ours, with political problems and facing a partial occupation from Turkey, access is a great advantage in a cap-

ital as important as Washington. But a Government has to take into account all the circumstances, and in this case it was decided that going back home was the proper thing to do."

So as Ambassador Jacovides makes his farewells, the State Department resumes its search for a successor as dean. Next in line, it is said, is the Ambassador of Nauru, a Pacific island nation 2,500 miles southwest of Honolulu. But its accredited envoy, T.W. Star, has never taken up residence.

"We've never seen any thing quite like this," said a State Department official. "We've sent a communication to the Government of Nauru that Jacovides is leaving, but they still haven't responded. We understand that Bob Andrews, an A.P. reporter, tracked the Ambassador down. He found the fellow in Guam and asked him if he were still the Ambassador and he said no."

It will all make for an interesting addition to State Department archives. They date to 1918. Until now, they show an orderly procession of deans of the diplomatic corps, most of them keeping the post five to seven years.

While awaiting official word from the Government of Nauru, Ambassador José Luis Fernandes Lopes of Cape Verde, who is next in line, has been told to stand by. "He's in Cape Verde on vacation," said Mr. Gookin. "I guess we had better meet with him to be sure he's going to be around."

[From Dossier magazine, August 1988]

PROFILE: ANDREW JACOVIDES

CYPRUS, ISLAND ENVOY

[By Mark Baechtcl]

Cypriot Ambassador Andrew Jacovides thinks he has the key to the problems of his troubled nation. Strangely, it is also the key to Salt Lake City, Utah.

He received the key—which hangs among others on the wall of his modest R Street row house office—on a recent goodwill trip where he delivered one of the forty to fifty speeches he writes and delivers each year. "In D.C., there is a saturation of ambassadors," says Jacovides, a smallish, stocky man with lightly graying swept-back hair. He wears the inevitable pinstripe-and-polka-dot ensemble, and his eyes swim behind heavy-lensed glasses. "If you give a talk here," he says, "No one listens. But in the smaller cities, far away from Washington, the newspapers come to talk to you, the television reporters come. The mayor gives you the key. It is a very much different thing."

That is not to say, however, that the ambassador is always in the hinterlands. While he travels often, he also orbits as much as possible in the Washington diplomatic community's firmament. His tenure since 1979 as Cyprus' ambassador makes him the second-most senior diplomat of any nation with a legation in Washington and most likely to succeed Sweden's Count Wilhelm Wachtmeister as dean of the diplomatic corps. The dean of diplomats is wreath-layer and fête-goer par excellence, a maker of national-day toasts and a thrower of parties. The post has the disadvantage of much de rigueur entertaining at the embassy (a large consideration, Jacovides says, for a small nation) and requisite attendance at most if not all of the more glittery Washington social gatherings. But for Jacovides and for Cyprus, it has one very distinct advantage: the ears of the influential. "The very fact of being exposed [to so much attention] is a plus for any nation," he says. "You get to know most of the ambassadors of the differ-

ent nations personally and get to express the views of Cyprus."

Jacovides is quick to point out, however, that he does not covet the dean's office, nor does he look on it with a merely mercenary eye. "We have an excellent dean," he says smoothly. "I work with him closely and have a great deal of respect for him." And the social burden of the office? "One has to be selective, obviously," he says. "You don't go to simply everything. Receptions for the sake of receptions is not the way to go. I go to cultivate relationships with people as well as to influence them to act as friends to Cyprus in the future. The best use of the office is to get your staff to take care of the dean's official duties and attend the official functions as dean—the various national days, the receptions where the dean speaks for the diplomatic corps."

Jacovides must think constantly about "best use." Cyprus' legation has only ten members, including the ambassador. While the embassy has the few elegant touches a small nation's budget can provide—Cypriot antiquities on tables, oriental carpets on worn oak floors, the expected oil paintings on the walls of peasants gathering grain and folk dancing—it is clearly a place geared more to grist than grace. Desks are piled with papers, rapid fountain-splashes of Greek float from busy offices; there is a war room feeling about the place, which is supported by the inevitable tack of Jacovides' conversation toward what he calls "The Cyprus Problem," the now fourteen-year-old occupation of a third of the island by Turkey.

In 1974, neighboring Turkey responded to some proposed changes to the Cypriot constitution with an invasion. Over the protests of a large part of the international community, Jacovides says, Turkey has maintained and expanded its military and civilian presence on the island (35,000 troops and 60,000 settlers at last count), even declaring its occupied third of the 3,572-square-mile island a separate nation. The influx of soldiers and settlers is a bid, Jacovides says, to raise permanently the percentage of the island's Turkish population above the pre-invasion 18 percent mark. Jacovides' Greek-Cypriot government wants the Turkish troops out and the Turks unsettled and shipped home. Toward that end, he shuttles busily in and out of his cigar-smoke-redolent office, attending the necessary receptions, delivering addresses in Keokuk, and jumping on planes for his other diplomatic postings in Brazil, Ecuador, Canada, the Bahamas, Jamaica, and the United Nations, where he retains his post as Cyprus' representative on the U.N.'s legal committee. Jacovides is also a frequent visitor to Capitol Hill, where he chats up congressmen and senators.

He is apparently quite skillful at the last activity: Last year the administration authorized three million dollars in aid to Cyprus, and Congress promptly upped the ante to fifteen million dollars. "We have many friends on Capitol Hill," Jacovides says quietly.

Jacovides has long run in fast political company. His father was mayor of Paphos, one of Cyprus' larger cities and a rich center for Hellenic archaeology (the nation's civilized history dates back to 5000 B.C.). He also has an intimate connection to Cyprus' recently elected president, economist and businessman George Vassiliou. "I understand my mother was a great friend of his mother," he says.

Jacovides is an honors graduate in international law of St. John's College at Cam-

bridge University and the recipient of a Henry Fellowship to Harvard law school. While at Harvard, he shared class space with future Massachusetts governor and presidential candidate Michael Dukakis and Paul Sarbanes, today a senator from Maryland. Things did not slow down much after Jacovides left school. In 1960, the year he finished his legal training, Cyprus finished its tenure as a possession of the British Empire. And so, at the advanced age of twenty-three, Jacovides became a diplomat, joining his nation's first United Nations delegation.

Jacovides rose through the consular ranks, serving Cyprus during the key debates in 1964 that established a continuous U.N. peacekeeping force on the island. He represented Cyprus during negotiations for the Law of Treaties in Vienna during 1968 and 1969 and participated in the Law of the Sea Conference, where he did some of his best legal work, ensuring that island nations have no less an entitlement to control of the continental shelf than to mainland nations. He speaks of this experience warmly, and above his desk hangs a photo of a younger, darker-haired Jacovides flanked by important-looking fellows concentrating on the pen he's pressing to the treaty the conference produced.

Jacovides met his American wife, Pamela, during his tenure with the U.N.—she worked in then-Secretary General U Thant's office. She has, he says, been "an enormous asset" to him in his work. "With my contacts and her contacts, we do quite well together," he says. Pamela Jacovides is also on the board of Mt. Vernon College, the Foxhall Road women's college that recently awarded the ambassador an honorary degree. "I now say I am a graduate of a women's school," he laughs. His stepdaughter, Amanda, is graduating from private school this year and will be going to Skidmore in the fall.

Because Jacovides is, by necessity and predilection, a hands-on manager, he laughs lightly when asked what he does with his free time. "Not very much, I'm afraid. I play a little tennis, read the newspaper, listen to a little classical music." The home that is haven for most people from the demands of the work day is, for Jacovides, more an extension of the office. Lunch there today means entertaining the retired head of the U.N. peace-keeping force in Cyprus, British General Michael Harbottle, and his wife, who are in D.C. visiting family. In the living room, as drinks are served, the ambassador weaves among the dark, polished tables, guiding his visitors to points of interest among the scatterings of framed reception photos, official-looking bric-a-brac, sixth-century B.C. sculpture, and display cases of coins. The pictures are an interesting balance: the Jacovideses with the Reagans, Jacovides and Bush, Jacovides and Dukakis. The balance is no accident, and Jacovides jokes about it as he moves his finger among them. "We're very bipartisan in our pictures, you see." He is visibly proud of the sixteenth- and seventeenth-century maps of Cyprus that take up the wall space and of the ancient Cypriot coins—carefully labeled—that stare up at the visitor with the eyes of long-dead crusader kings and pharaohs.

Luncheon conversation is an odd mix of geopolitics and anecdote, with the Harbottles dropping the names of Cypriot officials of their acquaintance that, after the British fashion, have been reduced by familiarity to diminutive. The present minister of the In-

terior is "Benjie," the foreign minister "Tubby." Over poached cold salmon, the conversation meanders from point to point. Is the problem with sewage on both sides of the island's demilitarized green line a point for possible negotiation? Would a meeting of women from both sides help to establish a dialog? Will the Turks withdraw their troops if the Cypriot militia is abolished? And do you recall Tubby climbing on a room-sized pile of donated British clothing, trying to sort it for the refugees coming in after the invasion?

For the Ambassador of a small country whose message can too often become lost in the glittery diplomatic shuffle, work must be life, and life must be work. But there is enormous satisfaction, Jacovides says, in "being an effective representative and spokesman for my country. It is very important that I focus attention on the question of whether one country can invade another and get away with it, and the question of whether international law is applied for everyone or selectively."

Toward that end, he keeps up the quick march onto planes and into receptions, working against the jaded attention of the diplomatic community and the city that is its host. "It is frustrating for one to know that one has a reasonable and just cause and then not to have it seen as it should be. That, and dealing with any bureaucracy, can be quite frustrating. You try to improve things, and what you can't improve, you learn to live with. There is a saying of some medieval theologian I think of often: 'God grant me the serenity to accept the things I cannot change, the courage to change the things I can, and the wisdom to know the difference.'"

(Washington writer Mark Baechtzel is a frequent contributor to Dossier.)

CYPRUS: AMBASSADOR ANDREW J. JACOVIDES

Age: 51.

Credentials Presented: July 1979.

Education: M.A., LL.B., Cambridge University; Henry Fellowship, Harvard University Law School.

Languages: Greek, English.

Religion: Greek Orthodox.

Spouse: Pamela White Jacovides.

Professional Background: In addition to his duties in Washington, the ambassador is accredited to Brazil and Ecuador and is high commissioner to Canada, the Bahamas, and Jamaica.

Personal Information: Jacovides is a widely published author on international law. He is currently vice dean of the Washington diplomatic corps. (See profile page 24.)

Government: Republic.

Leader: George Vassiliou.

Principal Religions: Greek Orthodox, Muslim.

Population: 700,000.

Exports: Vegetables, fruit, clothing.

Imports: Machinery, petroleum.

Economy: The free-enterprise economy is based primarily on trade, and the Greek Cypriot areas generally have a strong economy while the Turkish areas suffer. Last year for the first time, the Greek Cypriot government signed a Customs Union agreement with the European Economic Community.

History: Cyprus became independent from Great Britain in 1960 but has suffered internal strife between Turkish ethnics, who occupy the northern third of the island, and Greeks.

Current Events: The near state of war that has existed for the last fourteen years between Greek and Turkish Cypriots continues, although there have been some positive recent developments. President Vassiliou, an independent who took office in February, has vowed to wage a "peace offensive" to try to end the strife. Leaders of the Greek and Turkish communities met in Geneva this year in a new U.N.-sponsored peace initiative.

National Day: October 1.

Chancery: 2211 R Street NW 20008. ●

FIFTEENTH ANNIVERSARY OF TURKISH INVASION OF CYPRUS

● Mr. BIDEN. Mr. President, today marks a joyous occasion in American and world history. It is the 20th anniversary of man's landing on the Moon. But as we celebrate Neil Armstrong's "Giant Leap for Mankind," I cannot help but be reminded that July 20 is an anniversary filled with pain and anguish for the people of Cyprus.

It was 15 years ago today that Turkish forces invaded the beautiful island-nation of Cyprus, killing thousands, driving thousands more from their homes and dividing the country in two. For the last 15 years Greek Cypriots have lived in utter frustration as they have watched their way of life slip away at the hands of Turkish invaders.

Yesterday's confrontation between Greek Cypriot demonstrators and Turkish forces at the infamous "green line" was just one example of the tension and frustration pervading the Republic of Cyprus. Protesting the 15-year occupation and demanding the reunification of their nation, a group of Greek Cypriot women and clergymen clashed with Turkish forces at the edge of the buffer zone that divides the Greek Cypriot sector from the Turkish-occupied portions of Cyprus. Clearly the people of Cyprus are running out of patience. They are tired of promises, they want solutions and they want them now.

The future of Cyprus is not entirely bleak—there are some bright spots. Last year Cypriots inaugurated a new and visionary president—George Vassiliou. He resumed U.N.-sponsored intercommunal talks with the representative of the Turkish people on Cyprus. And for the first time in many years, Greek and Turkish leaders have begun to communicate with each other about issues of mutual concern, including Cyprus.

Meanwhile, elsewhere in the world, the withdrawal of Soviet forces from Afghanistan, the settlement of the Angola conflict and the conclusion of the Iran-Iraq war demonstrate that seemingly intractable differences can be resolved. But somehow in our enthusiasm for the changing world climate, it seems that we have forgotten about the continuing plight of the Greek Cypriot people. Yesterday's

events on Cyprus should serve as a painful reminder.

As chairman of the Subcommittee on European Affairs, I have fought hard to pressure the Turkish Government to end its illegal occupation. I do not intend to stop now. For only through significant and sustained pressure will the Turkish leadership get the message that the United States will settle for nothing less than a withdrawal of belligerent forces and the reunification of the nation.

But I think it is time—15 years after the invasion—that the executive branch make a concerted effort to resolve this issue. And I call on President Bush to elevate Cyprus on the United States foreign policy agenda. Furthermore, I urge the administration to take a more active role in promoting the U.N.-sponsored negotiations and in impressing upon all the parties the importance of cooperating in the U.N. effort. The United States can and must play a role as a catalyst in bringing the Cyprus impasse to a resolution before it escalates into a crisis.

This is in the best interest of Americans as well as that of the Cypriot people. For the values and principles of the United States and the mutual security of the NATO nations is inextricably tied to the resolution of the Cyprus situation.

This has been my goal for the last 15 years and it should become a primary objective of the United States Government until every last soldier has left the island and the Republic of Cyprus is once again united and at peace.

NEW RICHMOND MARCHING TIGERS

● Mr. KASTEN. Mr. President, it is with great pride that I rise today to welcome a group of very special visitors to the United States.

The 15-member Soviet folk group Lada is visiting New Richmond, WI, and has extended an invitation to New Richmond's own Marching Tigers marching band to visit the Soviet Union.

This is perestroika in action. According to the Tiger Band Boosters, this is the very first time an American high school marching band has been invited to perform in the Soviet Union.

I hope this exchange will help foster an appreciation of American culture in the U.S.S.R., and enhance our own understanding of the people of the Soviet Union. To our visitors, I bid a fond welcome; and to the New Richmond Marching Tigers, my warmest congratulations. ●

MODIFICATION OF UNANIMOUS- CONSENT AGREEMENT—S. 32

Mr. MITCHELL. Mr. President, on behalf of Senator BIDEN I ask unanimous consent that the unanimous-consent agreement previously entered into be modified in accordance with the changes I now send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. First, I ask that the star print of S. 32 reflect the following changes:

On page 3, line 19, change "18" to "16";

On page 12, line 18, strike the word "or";

On page 7, line 16, change "408(g)" to "408(c)."

Second, I want to state the agreement of the Judiciary Committee regarding consideration of S. 32 (star print).

The committee will hold hearings on the bill; the committee will consider the bill and amendments thereto relating to the death penalty and procedures for implementation of the death penalty and vote to report the bill as it may be amended by October 17, 1989; the committee will file its report on the bill as it may be amended by October 20, 1989; and the committee will not consider any other death penalty bill or amendment this calendar year.

To clarify the prior order, earlier there was consent that there would be no further action on death penalty amendments of any kind before the Judiciary Committee reports S. 32.

This makes it clear that the prohibition was against any consideration of such an amendment, not any action.

CONSIDERATION OF H.R. 2788, H.R. 2696, H.R. 2883 AND THE TREASURY, POSTAL SERVICE APPROPRIATIONS BILL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the majority leader, after consultation with the Republican leader, may proceed to the consideration of H.R. 2788, Interior appropriations; H.R. 2696, Energy and Water appropriations; H.R. 2883, Agriculture appropriations; and the Treasury, Postal Service appropriations bill and that no call for the regular order serve to displace each of these bills once it is pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

BILL HELD AT DESK—S. 1370

Mr. MITCHELL. Mr. President, I ask unanimous consent that S. 1370, a bill to provide for adjustments of status of certain Chinese nationals, be held at the desk until the close of business, August 4, 1989.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations:

Calendar No. 228, Martin L. Allday to be Solicitor of the Department of the Interior;

Calendar No. 229, Stella G. Guerra to be an Assistant Secretary of Interior, and

Michael P. Skarzynski to be an Assistant Secretary of Commerce reported today from the Committee on Banking, Housing, and Urban Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. I further ask unanimous consent that the nominees be confirmed en bloc, that any statements appear in the RECORD as if read, that the motion to reconsider be laid on the table en bloc, that the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF THE INTERIOR

Martin Lewis Allday, of Texas, to be Solicitor of the Department of the Interior.

Stella Garcia Guerra, of Texas, to be an Assistant Secretary of the Interior.

DEPARTMENT OF COMMERCE

Michael Philip Skarzynski, of Illinois, to be an Assistant Secretary of Commerce.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now resume legislative session.

ORDER FOR STAR PRINT—S. 1273

Mr. MITCHELL. Mr. President, I ask unanimous consent that S. 1273 regarding asset sales by cooperatives be star printed to reflect the changes I now send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

CORRECTION OF THE ENGROSSMENT OF S. 358

Mr. MITCHELL. Mr. President, I ask unanimous consent that the engrossment of S. 358, the legal immigration bill, be corrected to reflect the changes I now send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The text of S. 358 is as follows:

S. 358

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—IMMIGRATION ACT OF 1989

SEC. 101. SHORT TITLE; REFERENCES IN TITLE.

(a) SHORT TITLE.—This title may be cited as the "Immigration Act of 1989".

(b) REFERENCES IN ACT.—Except as specifically provided in this title, whenever in this title an amendment or repeal is expressed as an amendment to, or repeal of a provision, the reference shall be deemed to be made to the Immigration and Nationality Act.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

TITLE I—IMMIGRATION ACT OF 1989

Sec. 101. Short title; references in title.

Sec. 102. National level of immigration.

Sec. 103. Preference system for admission of immigrants.

Sec. 104. Deterring immigration-related entrepreneurship fraud.

Sec. 105. Miscellaneous conforming and technical changes.

Sec. 106. User fees.

Sec. 107. Commission on Legal Immigration Reform.

Sec. 108. Action with respect to spouses and children of legalized aliens.

Sec. 109. Continuing provision permitting immigration of certain adopted children.

Sec. 110. Prohibit Federal benefits for illegal aliens.

Sec. 111. Treatment of Hong Kong as a separate foreign state for numerical limitations.

Sec. 112. Document fraud provisions of INA.

Sec. 113. Incentives for trained medical personnel to work in rural areas.

Sec. 114. Entry of certain aircraft crewmembers.

Sec. 115. Effective dates and transition.

TITLE II—NATURALIZATION

AMENDMENTS OF 1989

Sec. 201. Short title; references in title.

Sec. 202. Administrative naturalization.

Sec. 203. Substituting 3 months residence in INS district or State for 6 months residence in a State.

Sec. 204. Public education regarding naturalization benefits.

Sec. 205. Naturalization of natives of the Philippines through active-duty service in the Armed Forces during World War II.

Sec. 206. Conforming amendments.

Sec. 207. Effective dates and savings provisions.

TITLE III—STATUS OF STUDENTS FROM THE PEOPLE'S REPUBLIC OF CHINA

Sec. 301. Short title.

Sec. 302. Adjustment of status of certain nationals of the People's Republic of China.

Sec. 303. Task Force on students from the People's Republic of China in the United States.

TITLE IV—BURMESE STUDENTS

Sec. 401. Report to Congress on United States Immigration Policy toward Burmese students.

TITLE V—LABOR SHORTAGE REDUCTION

Sec. 501. Definitions.

Sec. 502. Identification, publication, and reduction of labor shortages.

Sec. 503. Authorization of appropriation.

TITLE VI—CENSUS

Sec. 601. Prevention of congressional reapportionment distortions.

Sec. 602. Severability.

SEC. 102. NATIONAL LEVEL OF IMMIGRATION.

(a) **WORLDWIDE LEVEL OF IMMIGRATION.**—(1) Section 201 (8 U.S.C. 1151) is amended to read as follows:

"WORLDWIDE LEVEL OF IMMIGRATION

"SEC. 201. (a) IN GENERAL.—Exclusive of aliens described in subsection (b), aliens born in a foreign state or dependent area who may be issued immigrant visas or who may otherwise acquire the status of an alien lawfully admitted to the United States for permanent residence are limited to—

"(1) family connection immigrants described in section 203(a) (or who are admitted under section 211(a) on the basis of a prior issuance of a visa to their accompanying parent under section 203(a)) in a number not to exceed in any fiscal year the number specified in subsection (c) for that year, and not to exceed in any of the first 3 quarters of any fiscal year 27 percent of the worldwide level under such subsection for all of such fiscal year; and

"(2) independent immigrants described in section 203(b) (or who are admitted under section 211(a) on the basis of a prior issuance of a visa to their accompanying parent under section 203(b)), in a number not to exceed in any fiscal year the number specified in subsection (d) for that year, and not to exceed in any of the first 3 quarters of any fiscal year 27 percent of the worldwide level under such subsection for all of such fiscal year.

"(b) ALIENS NOT SUBJECT TO DIRECT NUMERICAL LIMITATIONS.—The following aliens are not subject to the worldwide levels or numerical limitations of subsection (a):

"(1)(A) Special immigrants described in subparagraph (A) or (B) of section 101(a)(27).

"(B) Aliens who are admitted under section 207(c) pursuant to a numerical limitation established under section 207(b).

"(C) Aliens whose status is adjusted to permanent residence under section 210, 210A, or 245A.

"(D) Aliens provided permanent resident status under section 249.

"(2)(A)(i) **ALIENS WHO ARE IMMEDIATE RELATIVES.**—For purposes of this clause, the term 'immediate relatives' means the children, spouses, and parents of a citizen of the United States, except that, in the case of parents, such citizens shall be at least 21 years of age.

"(ii) Aliens admitted under section 211(a) on the basis of a prior issuance of a visa to their accompanying parent who is such an immediate relative.

"(B) Aliens born to an alien lawfully admitted for permanent residence during a temporary visit abroad.

"(C) Aliens who are admitted under section 207(c) pursuant to a numerical limitation established under section 207(a) and aliens who are granted asylum under section 208.

"(c) WORLDWIDE LEVEL OF FAMILY CONNECTION IMMIGRANTS.—(1) The worldwide level of family connection immigrants under this subsection for a fiscal year is equal to—

"(A)(i) 480,000, minus

"(ii) the number computed under paragraph (2), plus

"(iii) the number (if any) computed under paragraph (3); or

"(B) 216,000,

whichever is greater.

"(2) The number computed under this paragraph for a fiscal year is the sum of the number of aliens described in subparagraph

(A) and (B) of subsection (b)(2) who were issued immigrant visas or otherwise acquired the status of aliens lawfully admitted to the United States for permanent residence in the previous fiscal year.

"(3) The number computed under this paragraph for a fiscal year is the difference (if any) between the maximum number of visas which may be issued under subsection (a)(2) (relating to independent immigrants) during the previous fiscal year and the number of visas issued under that subsection during that year.

"(d) WORLDWIDE LEVEL OF INDEPENDENT IMMIGRANTS.—(1) The worldwide level of independent immigrants under this subsection for a fiscal year is equal to—

"(A) 150,000, plus

"(B) the number computed under paragraph (2).

"(2) The number computed under this paragraph for a fiscal year is the difference (if any) between the maximum number of visas which may be issued under subsection (a)(1) (relating to family connection immigrants) during the previous fiscal year and the number of visas issued under that subsection during that year.

"(e) REPORT ON, AND REVISION OF, WORLDWIDE LEVEL OF IMMIGRATION.—(1) In January before the beginning of fiscal year 1994 (and in January before each succeeding fiscal year thereafter), the Attorney General, in consultation with the Secretary of Labor, the Secretary of State, the Secretary of Health and Human Services, the Administrator of the Environmental Protection Agency, and the Secretary of Housing and Urban Development, shall prepare and transmit to the President and to the Judiciary Committees of the Senate and of the House of Representatives a report discussing the effect of immigration on the United States. The report shall consider—

"(A) the requirements of citizens of the United States and of aliens lawfully admitted for permanent residence to be joined in the United States by immediate family members;

"(B) the impact of immigration on labor needs, employment, and other economic and domestic conditions in the United States;

"(C) the impact of immigration with respect to demographic and fertility rates and resources and environmental factors; and

"(D) the impact of immigration on the foreign policy and national security interests of the United States.

The report for fiscal year 1994 (and each third fiscal year thereafter) shall include a discussion, based upon such considerations, of the need (if any) to revise the numbers specified in subsection (c)(1)(A)(i), subsection (c)(1)(B), or subsection (d)(1)(A) for any fiscal year of the 3-fiscal-year period beginning with the first fiscal year following transmittal of the report. The Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives shall hold hearings on the findings of the latest such report.

"(2) In March before the beginning of fiscal year 1994 (and of each third fiscal year thereafter), the President shall, after considering the corresponding report transmitted under paragraph (1) and after soliciting the views of members of the Committees on the Judiciary of the House of Representatives and of the Senate, determine whether or not the numbers specified in subsection (c)(1)(A)(i), subsection (c)(1)(B), or subsection (d)(1)(A) should be changed for any fiscal year of the 3-fiscal-year period beginning with the next following fiscal year,

and, if so, which number or numbers should apply instead of the number specified in the respective subsection for the fiscal years of that period. The President shall transmit such determination to the Congress by not later than March 31 before the fiscal year involved and shall deliver such determination to both Houses of Congress on the same day and while each House is in session.

"(3)(A) Notwithstanding the provisions of subsections (c)(1)(A)(i), (c)(1)(B), and (d)(1)(A), if the number transmitted in a determination of the President with respect to subsection (c)(1)(A)(i), subsection (c)(1)(B), or subsection (d)(1)(A) for a fiscal year or years of a 3-fiscal-year period—

"(i) is not less than 95 percent, nor more than 105 percent, of the number specified in that respective subsection, unless the Congress, by not later than August 31 following the date of the transmittal, enacts a joint resolution the substance of which disapproves the change with respect to the number for that respective subsection for that fiscal year or years, the number so transmitted shall take effect and apply, instead of the number specified in that respective subsection, during that period; or

"(ii) is less than 95 percent, or more than 105 percent, of the number specified in that respective subsection, if the Congress, by not later than August 31 following the date of the transmittal, enacts a joint resolution the substance of which approves the change with respect to the number specified in that respective subsection for that fiscal year or years, the number so transmitted shall take effect and apply, instead of the number specified in that respective subsection, during that period; or

"(iii) if the President transmits a determination described in (ii), the provisions of (i) shall apply to that portion of the change that amounts to a 5-percent increase or decrease, and the provisions of (ii) shall apply to the remaining portion of the increase or decrease proposed by the President.

"(B) For purposes of this paragraph, a number transmitted by the President under paragraph (2) which takes effect and applies under this paragraph with respect to subsections (c)(1)(A)(i), (c)(1)(B), or (d)(1)(A) with respect to a fiscal year or fiscal years shall be deemed to be the number specified in that same subsection for that period, and that number shall be deemed to be the number specified in that same subsection thereafter unless changed pursuant to this subsection.

"(4) Paragraphs (5), (6), and (7) are enacted—

"(A) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each respective House, but applicable only with respect to the procedure to be followed in the case of joint resolutions described in paragraph (5), and supersede the other rules only to the extent that such paragraphs are inconsistent therewith; and

"(B) with full recognition of the constitutional right of either House to change such rules at any time, in the same manner and to the same extent as in the case of any other rule of that House.

"(5) For purposes of this subsection, the term 'joint resolution', with respect to a change in number transmitted by the President under paragraph (2) for the fiscal years of a three-fiscal-year period, in the case described—

"(A) in paragraph (3)(A)(i), means only a joint resolution of the Congress, the matter

after the resolving clause of which is as follows: "That Congress, pursuant to subsection (e)(3)(A)(i) of section 201 of the Immigration and Nationality Act, disapproves the change proposed by the President in the number specified under subsection of that section for the fiscal year [or years] transmitted to the Congress by the President on _____, the blank spaces therein to be filled appropriately; or

"(B) in paragraph (3)(A)(ii), means only a joint resolution of the Congress, the matter after the resolving clause of which is as follows: "That Congress, pursuant to subsection (e)(3)(A)(ii) of section 201 of the Immigration and Nationality Act, approves the change proposed by the President in the number specified under subsection of that section for the fiscal year [or years] transmitted to the Congress by the President on _____, the blank spaces therein to be filled appropriately.

"(6)(A) No later than the first day of session following the day on which a determination is transmitted to the House of Representatives and to the Senate under paragraph (2), which determination provides for a change in a number specified in subsections (c)(1)(A)(i), (c)(1)(B), or (d)(1)(A) for a fiscal year, a joint resolution (as defined in paragraph (5)) with respect to each such change shall be introduced in each House by the chairman of the Committee on the Judiciary of that House, or by a Member or Members of the House designated by such chairman.

"(B)(i) Each joint resolution introduced in a House shall be referred to the Committee on the Judiciary of the respective House. The committees shall make their recommendations to the respective House not later than June 15 following the date of introduction.

"(ii) If the Committee has not reported such a joint resolution with respect to a change by such date, it is in order to move to discharge the Committee from further consideration of the joint resolution, except that no motion to discharge shall be in order after the Committee has reported a joint resolution with respect to the same change.

"(iii) A motion to discharge under clause (ii) may be made only by a Member favoring the joint resolution, is privileged, and debate thereon shall be limited to not more than 1 hour, to be divided equally between those favoring and those opposing the joint resolution, the time to be divided equally between, and controlled by, in the Senate by the majority leader and the minority leader or their designees and in the House of Representatives by the chairman of the Committee on the Judiciary and the ranking minority member of such committee or their designees. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(C)(i) When the Committee has reported, or been discharged from consideration of, a joint resolution, a motion to proceed to the consideration of the joint resolution shall be highly privileged and is not debatable. The motion shall not be subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the resolution shall remain the unfinished business of the respective House until disposed of.

"(ii) Debate on a joint resolution, and all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, to be equally divided in the Senate between, and controlled by, the majority leader and the minority leader or their designees and to be equally divided in the House of Representatives between individuals favoring and individuals opposing the joint resolution. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the resolution is not in order. A motion to reconsider the vote by which a joint resolution is passed or rejected shall not be in order.

"(iii) Immediately following the conclusion of the debate on a joint resolution, and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the joint resolution shall occur.

"(iv) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a joint resolution shall be decided without debate.

"(D) If, prior to the passage by one House of a joint resolution of that House, that House receives a joint resolution with respect to the same change transmitted by the President in a number specified under a subsection for a fiscal year, then—

"(i) the procedure in that House shall be the same as if no resolution had been received from the other House; but

"(ii) the vote on final passage shall be on the resolution of the other House."

(2) The item in the table of contents relating to section 201 is amended to read as follows:

"Sec. 201. Worldwide level of immigration."

(b) PER COUNTRY IMMIGRATION LEVELS.—Section 202 (8 U.S.C. 1152) is amended—

(1) in subsection (a)—

(A) by striking "(a) No person" and inserting "(a)(1) Except as specifically provided in paragraph (2) and in sections 101(a)(27), 201(b)(2)(A)(i), and 203, no person",

(B) by striking "except as specifically" and all that follows through "following fiscal year", and

(C) by adding at the end the following new paragraph:

"(2)(A) Subject to subparagraphs (B) and (C), the total number of immigrant visas made available to natives of any single foreign state or dependent area under subsection (c) of section 201 (relating to family connection immigrants) in any fiscal year may not exceed 7 percent (in the case of a single foreign state) or 2 percent (in the case of a dependent area) of the total number of such visas made available under such subsection in that fiscal year.

"(B) If for fiscal year 1991 or a succeeding fiscal year the number of aliens described in subparagraph (A) or (B) of section 201(b)(2) (relating to immediate relatives and similar individuals) who are natives of a particular foreign state or dependent area and who are issued immigrant visas or otherwise acquired the status of aliens lawfully admitted to the United States for permanent residence in the fiscal year exceeds the greater of—

"(i) the numerical level computed under subparagraph (A) for that state for that fiscal year, or

"(ii) the level of such immigration of natives of that foreign state in fiscal year 1989 or fiscal year 1990 (whichever is greater), then the numerical level applicable to that foreign state or dependent area in the following fiscal year under subparagraph (A) shall be reduced by the amount of such excess, except that such reduction shall not exceed one-half of the numerical level otherwise provided without regard to this subparagraph.

"(C) If, because of the application of subparagraph (A) with respect to one or more foreign states, the number of visas available under section 201(c) for a calendar quarter exceeds the number of qualified immigrants who otherwise may be issued such a visa, subparagraph (A) shall not apply to visas made available to such states or areas during the remainder of such calendar quarter.

"(3)(A) Subject to subparagraph (B), the total number of immigrant visas made available to natives of any single foreign state or dependent area under subsection (d) of section 201 (relating to independent immigrants) in any fiscal year may not exceed 7 percent (in the case of a single foreign state) or 2 percent (in the case of a dependent area) of the total number of such visas made available under such subsection in the fiscal year.

"(B) If, because of the application of subparagraph (A) with respect to one or more foreign states or dependent areas, the number of visas available under section 201(d) for a calendar quarter exceeds the number of qualified immigrants who otherwise may be issued such a visa, subparagraph (A) shall not apply to visas made available to such states or areas during the remainder of such calendar quarter."

(2) in subsection (b), by striking "the numerical limitation set forth in the proviso to subsection (a) of this section" each place it appears and inserting "a numerical level established under subsection (a)";

(3) in subsection (c)—

(A) by striking "other than" and all that follows through "section 201(b)" and inserting "other than a special immigrant, as defined in section 101(a)(27), or an alien described in section 201(b)(2)(A)(i)", and

(B) by striking "section 202(a)" and all that follows through the end and inserting "subsection (a)(1), to the foreign state"; and

(4) Section 202(e) is amended to read as follows:

"(e) Whenever the maximum number of visas have been made available under subsection (a)(2) to natives of any single foreign state or to any dependent area, then in the next following fiscal year a number of visas, not to exceed the number specified in subsection (a)(2) for a foreign state or a dependent area, as the case may be, shall be made available and allocated for such state or such area for the same classes of aliens described in, and the same percentages specified in, paragraphs (1) through (4) of section 203(a)."

SEC. 103. PREFERENCE SYSTEM FOR ADMISSION OF IMMIGRANTS.

(a) IN GENERAL.—(1) Section 203 (8 U.S.C. 1153) is amended to read as follows:

"ALLOCATION OF IMMIGRANT VISAS

"SEC. 203. (a) PREFERENCE ALLOCATION FOR FAMILY CONNECTION IMMIGRANTS.—Aliens subject to the worldwide level specified in section 201(c) for family connection immigrants shall be allotted visas as follows:

"(1) UNMARRIED SONS AND DAUGHTERS OF CITIZENS.—Qualified immigrants who are

the unmarried sons or daughters of citizens of the United States shall be allocated visas in a number not to exceed 9 percent of such worldwide level, plus any visas not required for the class specified in paragraph (4).

"(2) SPOUSES AND UNMARRIED SONS AND UNMARRIED DAUGHTERS OF PERMANENT RESIDENT ALIENS.—Qualified immigrants who are—

"(A) the spouses of aliens lawfully admitted for permanent residence, or

"(B) the unmarried sons or unmarried daughters of an alien lawfully admitted for permanent residence, if the sons or daughters—

"(i) are under 26 years of age as of the date of the petition for such preference, or

"(ii) (I) as of the date of the enactment of the Immigration Act of 1989, had a petition filed on their behalf for preference status under section 203(a)(2) (as in effect on such date) by reason of such relationship and such petition was subsequently approved, and

"(II) continue to qualify under the terms of section 203(a)(2) of this Act as in effect on the day before such date,

shall be allocated visas in a number not to exceed 57 percent of such worldwide level, plus any visas not required for the class specified in paragraph (1).

"(3) MARRIED SONS AND DAUGHTERS OF CITIZENS.—Qualified immigrants who are the married sons or married daughters of citizens of the United States shall be allocated visas in a number not to exceed 9 percent of such worldwide level, plus any visas not required for the classes specified in paragraphs (1) and (2).

"(4) BROTHERS AND SISTERS OF CITIZENS.—Qualified immigrants who are the brothers or sisters of citizens of the United States, if such citizens are at least 21 years of age, shall be allocated visas in a number not to exceed 25 percent of such worldwide level, plus any visas not required for the classes specified in paragraphs (2) or (3).

"(b) PREFERENCE ALLOCATION FOR INDEPENDENT IMMIGRANTS.—Aliens subject to the worldwide level specified in section 201(d) for independent immigrants in a fiscal year shall be allocated visas as follows:

"(1) SPECIAL IMMIGRANTS.—Visas shall be made available, in a number not to exceed 2.7 percent of such worldwide level, to qualified special immigrants described in section 101(a)(27) (other than those described in subparagraph (A) or (B) thereof).

"(2) MEDICAL PERSONNEL FOR RURAL AREAS.—Qualified immigrants who are trained medical personnel described in section 109(f), in a number not to exceed 3.3 percent of such worldwide level, of which 80 percent shall be nurses and 20 percent shall be physicians, to be admitted on the conditional basis described in section 109.

"(3) ALIENS WHO ARE MEMBERS OF THE PROFESSIONS HOLDING ADVANCED DEGREES OR ALIENS OF EXCEPTIONAL ABILITY.—(A) Visas shall be made available next, in a number not to exceed 26.8 percent of such worldwide level, plus any visas not required for the class specified in paragraphs (1) and (2), to qualified immigrants who are members of the professions holding advanced degrees or who because of their exceptional ability in the sciences, arts, or business, will substantially benefit prospectively the national economy, cultural or educational interests, or welfare of the United States, and whose services in the sciences, arts, professions, or business are sought by an employer in the United States.

"(B) The Attorney General may, when he deems it to be in the national interest, waive

the requirement of subparagraph (A) that an alien's services in the sciences, arts, professions, or business be sought by an employer in the United States.

"(C) In determining under subparagraph (A) whether an immigrant has exceptional ability, the possession of a degree, diploma, certificate, or similar award from a college, university, school, or other institution of learning or a license to practice or certification for a particular profession or occupation shall not by itself be considered sufficient evidence of such exceptional ability.

"(4) SKILLED WORKERS.—(A) Visas shall be made available next, in a number not to exceed 26.8 percent of such worldwide level, plus any visas not required for the classes specified in paragraphs (1), (2), and (3) to the following two classes of aliens:

"(i) Qualified immigrants who are capable, at the time of petitioning, of performing skilled labor (requiring at least 2 years training or experience), not of a temporary or seasonal nature, for which qualified workers are not available in the United States.

"(ii) Qualified immigrants who hold baccalaureate degrees and who are members of the professions.

"(B) An immigrant visa may not be issued to an immigrant under subparagraph (A) until the consular officer is in receipt of a determination made by the Secretary of Labor pursuant to the provisions of section 212(a)(14).

"(5) EMPLOYMENT CREATION.—Visas shall be made available next, in a number not to exceed 4.5 percent" and delete "1.67 percent of the worldwide level" and insert in lieu thereof "29.5 percent of such worldwide level, to any qualified immigrant who is seeking to enter the United States for the purpose of engaging in a new commercial enterprise which the alien has established and in which such alien has invested or, is actively in the process of investing—

"(A) capital, in an amount not less than \$1,000,000, and which will benefit the United States economy and create full-time employment for not fewer than 10 United States citizens or aliens lawfully admitted for permanent residence (other than the spouse, sons, or daughters of such immigrant); or

"(B) capital, in an amount not less than \$500,000, in rural areas or in areas which have experienced persistently high unemployment, at the time of investment, of at least one and one-half times the national average rate, and which will benefit the United States economy and create full-time employment for not fewer than 10 United States citizens or aliens lawfully admitted for permanent residence (other than the spouse, sons, or daughters of such immigrant).

Of the visas allocated under this paragraph, 1.67 percent of the worldwide level shall be available for aliens investing as described in clause (B). Special attention shall be given to such aliens in clause (B) who have invested or, are actively in the process of investing, in rural areas, with an unemployment rate, at the time of the investment, of at least one and one-half times the national average. For purposes of clause (B), the term "rural area" means all territory of a State that is not within a metropolitan statistical area or the outer boundary of any city or town having a population of 20,000 or more based on the latest decennial census of the United States. The Attorney General, in consultation with the Secretary of Labor and the Secretary of State, may prescribe regula-

tions increasing the dollar amount of the investment necessary in clause (A) for the issuance of a visa under this paragraph.

"(6) SELECTED IMMIGRANTS.—(A) Visas authorized in any fiscal year under section 201(d), less those required for issuance to the classes specified in paragraphs (1), (2), (3), (4), and (5) shall be made available to qualified immigrants who attain a score of not less than 60 points, based on the point assessment system described in subparagraph (B). 10,000 of such visas shall be reserved for qualified immigrants who are natives of foreign states the immigration of whose natives to the United States was adversely affected by the enactment of Public Law 89-236.

"(B) The point assessment system referred to in subparagraph (A) shall accord points based on criteria as follows:

"(i) AGE (10 POINTS).—For an alien who (as of the date of filing a petition) is—

"(I) at least 21 years of age but has not attained 36 years of age, 10 points; or

"(II) at least 36 years of age, but has not attained 45 years of age, 5 points.

"(ii) EDUCATION (25 POINTS).—For an alien who (as of the date of filing a petition)—

"(I) has completed successfully grade school through high school or its educational equivalent (as determined by the Secretary of Education), 10 points;

"(II) has been awarded a bachelors' degree or its equivalent (as determined by the Secretary of Education), 10 additional points; and

"(III) has been awarded a graduate degree, an additional number of points (up to 5 additional points) to be determined by the Secretary of Education based on the level of the degree.

"(iii) OCCUPATIONAL DEMAND (20 POINTS).—For an alien who is in an occupation for which the Secretary of Labor determines (before the fiscal year involved)—

"(I) there will be increased demand in the United States for individuals in the occupation in the fiscal year, 10 points, and

"(II) there is a present or there will be a future shortage of individuals in the United States to meet the need in the occupation in the United States in the fiscal year, 5 or 10 points.

"(iv) OCCUPATIONAL TRAINING AND WORK EXPERIENCE (20 POINTS).—To the extent the alien has additional training, work experience, or both, as determined by the Secretary of Labor, in the occupation described in clause (iii), 10 or 20 points, such points multiplied by the number of points awarded under clause (iii) divided by 20.

"(v) PREARRANGED EMPLOYMENT IN THE UNITED STATES (15 POINTS).—For an alien who (as of the date of filing a petition) has an arrangement (meeting conditions specified by the Secretary of Labor) for the employment of the alien, 15 points.

"(C) The point assessment system described in subparagraph (B) shall be established by regulation by the Secretary of State in consultation with the Attorney General, the Secretary of Labor, and the Secretary of Education.

"(c) TREATMENT OF FAMILY MEMBERS.—A spouse or child as defined in subparagraph (A), (B), (C), (D), or (E) of section 101(b)(1) shall, if not otherwise entitled to an immigrant status and the immediate issuance of a visa under subsection (a) or (b) (except for subsection (b)(5)) be entitled to the same status, and the same order of consideration provided in the respective subsection, if accompanying or following to join, his spouse or parent.

"(d) ORDER OF CONSIDERATION.—(1) Immigrant visas made available under subsection (a) or (b) (other than paragraph (5)) or under section 201(a)(3) shall be issued to eligible immigrants in the order in which a petition in behalf of each such immigrant is filed with the Attorney General (or in the case of special immigrants under section 101(a)(27)(D), with the Secretary of State) as provided in section 204(a).

"(2) Of the immigrant visa numbers made available under subsection (b)(5) (relating to selected immigrants) in a fiscal year—

"(A) 20 percent of such numbers shall be issued to eligible qualified immigrants who attain the highest scores (in descending order) on the assessment system described in subsection (b)(5)(B) with respect to petitions filed for the fiscal year involved, with the lowest scores qualifying under this clause to be chosen, if necessary, in the random order described in clause (B); and

"(B) 80 percent of such numbers shall be issued to eligible qualified immigrants with a qualifying score on such system strictly in a random order established by the Secretary of State for the fiscal year involved.

"(3) Waiting lists of applicants for visas under this section shall be maintained in accordance with regulations prescribed by the Secretary of State.

"(e) PRESUMPTION.—Every immigrant shall be presumed not to be described in subsection (a) or (b) of this section, section 101(a)(27), or section 201(b)(2), until the immigrant establishes to the satisfaction of the consular officer and the immigration officer that the immigrant is so described. In the case of any alien claiming in his application for an immigrant visa to be described in section 201(b)(1) or in subsection (a) or (b) of this section, the consular officer shall not grant such status until he has been authorized to do so as provided by section 204.

"(f) LISTS.—For purposes of carrying out his responsibilities in the orderly administration of this section, the Secretary of State may make reasonable estimates of the anticipated numbers of visas to be issued during any quarter of any fiscal year within each of the categories under subsections (a) and (b), and to rely upon such estimates in authorizing the issuance of visas. The Secretary of State shall terminate the registration of any alien who fails to apply for an immigrant visa within one year following notification to him of the availability of such visa, but the Secretary shall reinstate the registration of any such alien who establishes within 2 years following the date of notification of the availability of such visa that such failure to apply was due to circumstances beyond his control."

"(2) Nothing in this subsection may be construed as continuing the availability of visas under section 203(a)(7), as in effect before the date of enactment of this Act.

"(b) CHANGES IN PETITIONING PROCEDURE.—Section 204(a) (8 U.S.C. 1154(a)) is amended—

(1) by redesignating paragraph (2) as paragraph (3), and

(2) by striking "(a)(1)" and all that follows through the end of paragraph (1) and inserting the following:

"(a)(1)(A) Any citizen of the United States claiming that an alien is entitled to classification by reason of a relationship described in paragraph (1), (3), or (4) of section 203(a) or to an immediate relative status under section 201(b)(2)(A)(i) may file a petition with the Attorney General for such classification.

"(B) Any alien lawfully admitted for permanent residence claiming that an alien is

entitled to a classification by reason of the relationship described in section 203(a)(2) may file a petition with the Attorney General for such classification. An alien may be classified as an alien described in paragraphs (2), (3), or (4) of section 203(a) with respect to a specific fiscal year on the basis of a petition filed in a previous fiscal year only if the alien has filed with the Attorney General a notice of continuing intent to be admitted to the United States as an immigrant under such section within the 2 fiscal years immediately previous to the specific fiscal year involved.

"(C)(i) Any alien (other than a special immigrant under section 101(a)(27)(D)) desiring to be classified under section 203(b)(1) (or any person on behalf of such an alien) (relating to special immigrants) may file a petition with the Attorney General for such classification.

"(ii) Aliens claiming status as a special immigrant under section 101(a)(27)(D) may file a petition only with the Secretary of State and only after notification by the Secretary that such status has been recommended and approved pursuant to such section.

"(D) Any alien desiring to be classified under section 203(b)(2) (or any person on behalf of such an alien) (relating to professionals) may file a petition with the Attorney General for such classification.

"(E) Any person desiring and intending to employ within the United States an alien entitled to classification under paragraph (2) or (3) of section 203(b) (relating to professionals and skilled workers) may file a petition with the Attorney General for such classification.

"(F) Any alien desiring to be classified under section 203(b)(4) (relating to employment creation) may file a petition with the Secretary of State for such classification.

"(G)(i) Any alien desiring to be provided an immigrant visa under section 203(b)(5) (relating to selected immigrants) may file a petition at the place and time determined by the Secretary of State by regulation. While the place of filing may be designated inside the United States, the petitioner shall be physically outside the United States when submitting the petition. Only one such petition may be filed by an alien with respect to any petitioning period established. If more than one petition is submitted all such petitions submitted for such period by the alien shall be voided.

"(ii)(I) The Secretary of State may designate a period for the filing of petitions with respect to visas which may be issued under section 203(b)(5) during either of the next two fiscal years beginning after the close of such period.

"(II) Aliens who qualify, through random selection, for a visa under section 203(b)(5) shall remain eligible to receive such visa only through the end of the specific fiscal year for which they were selected.

"(III) The Secretary of State shall prescribe such regulations as may be necessary to carry out this clause.

"(iii) A petition or registration under this subparagraph shall be in such form as the Secretary of State may by regulation prescribe and shall contain such information and be supported by such documentary evidence as the Secretary of State may require.

"(iv) The petition under this subparagraph shall include a certification in writing at the time of filing a petition that all information contained within the petition is true and correct to the best of the petitioner's knowledge, and any willful misrepresenta-

tion of the facts or statements included in the petition shall be deemed a violation of section 212(a)(19).

"(2) On or after October 1, 1990, an alien who—

"(A) previous to being admitted as, or otherwise provided the status of, an alien lawfully admitted for permanent residence was married to an individual, and

"(B) is so admitted, or provided such status, as a child or as the unmarried son or unmarried daughter of a citizen of the United States or of an alien lawfully admitted for permanent residence, may not file a petition under this section on behalf of any alien to whom the alien was married previous to being so admitted or provided such status."

"(c) REVISION OF LABOR CERTIFICATION.—(1) Paragraph (14) of section 212(a) (8 U.S.C. 1182(a)) is amended to read as follows:

"(14) Aliens seeking to enter the United States to perform skilled labor unless the Secretary of Labor has determined and certified to the Secretary of State and the Attorney General that (A) there are not sufficient qualified workers (or equally qualified workers in the case of aliens who are members of the teaching profession or who have exceptional ability in the sciences or arts) available in the United States in the positions in which the aliens will be employed; and (B) the employment of aliens in such positions will not adversely affect the wages and working conditions of workers in the United States. The Secretary of Labor may, in his discretion, substitute for the determination and certification described in clause (A) of the preceding sentence a determination and certification that there are not sufficient workers who are able, willing, qualified (or equally qualified in the case of aliens who are members of the teaching profession or who have exceptional ability in the sciences or the arts), and available at the time of application for a visa and admission to the United States and at the place where the alien is to perform such skilled labor. In making either determination under this paragraph, the Secretary of Labor may use labor market information without regard to the specific job opportunity for which certification is requested, but if such determination is adverse, the Secretary of Labor shall make a certification with regard to the specific job opportunity if the employer submits evidence that such specific certification would result in a different determination. An alien on behalf of whom a certification is sought must have an offer of employment from an employer in the United States. The exclusion of aliens under this paragraph shall apply to immigrants seeking admission under paragraph (2) or (3) of section 203(b), except that this paragraph shall not apply to any alien for whom a waiver has been granted under section 203(b)(2)(B);".

(2) The Secretary of Labor shall conduct a comprehensive study to determine whether the process of obtaining an immigrant labor certification under section 212(a)(14) of the Immigration and Nationality Act, as amended by this title, has been simplified or otherwise expedited. In conducting this study, the Secretary shall hold public hearings. Not later than March 31, 1993, the Secretary of Labor shall prepare and transmit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report containing the findings of such study and including any recommendations of other

relevant agencies of the Federal Government with respect to such findings.

SEC. 104. DETERRING IMMIGRATION-RELATED ENTREPRENEURSHIP FRAUD.

(a) **CONDITIONAL BASIS FOR PERMANENT RESIDENT STATUS BASED ON ESTABLISHMENT OF COMMERCIAL ENTERPRISES.**—Chapter 2 of title II of the Immigration and Nationality Act is amended by adding at the end the following new section:

"CONDITIONAL PERMANENT RESIDENT STATUS FOR CERTAIN ALIEN ENTREPRENEURS, SPOUSES, AND CHILDREN

"SEC. 218. (a) IN GENERAL.

"(1) **CONDITIONAL BASIS FOR STATUS.**—Notwithstanding any other provision of this Act, an alien entrepreneur (as defined in subsection (f)(1)), spouse, and child (as defined in subsection (f)(2)) shall be considered, at the time of obtaining the status of an alien lawfully admitted for permanent residence, to have obtained such status on a conditional basis subject to the provisions of this section.

"(2) NOTICE OF REQUIREMENTS.

"(A) **AT TIME OF OBTAINING PERMANENT RESIDENCE.**—At the time an alien entrepreneur, spouse, or child obtains permanent resident status on a conditional basis under paragraph (1), the Attorney General shall provide for notice to such an entrepreneur, spouse, or child respecting the provisions of this section and the requirements of subsection (c)(1) to have the conditional basis of such status removed.

"(B) **AT TIME OF REQUIRED PETITION.**—In addition, the Attorney General shall attempt to provide notice to such an entrepreneur, spouse, or child, at or about the beginning of the 90-day period described in subsection (d)(2)(A), of the requirements of subsection (c)(1).

"(C) **EFFECT OF FAILURE TO PROVIDE NOTICE.**—The failure of the Attorney General to provide a notice under this paragraph shall not affect the enforcement of the provisions of this section with respect to such an entrepreneur, spouse, or child.

"(b) TERMINATION OF STATUS IF FINDING THAT QUALIFYING ENTREPRENEURSHIP IMPROPER.

"(1) **IN GENERAL.**—In the case of an alien with permanent resident status on a conditional basis under subsection (a), if the Attorney General determines, before the second anniversary of the alien's obtaining the status of lawful admission for permanent residence, that—

"(A) the establishment of the commercial enterprise was intended solely as a means of evading the immigration laws of the United States,

"(B)(i) a commercial enterprise was not established by the alien;

"(ii) the alien did not invest or was not actively in the process of investing the requisite capital; or

"(iii) the alien was not sustaining the actions described in clause (A) or (B) throughout the period of the alien's residence in the United States, or

"(C) the alien was otherwise not conforming to the requirements of section 203(b)(4), then the Attorney General shall so notify the alien involved and, subject to paragraph (2), shall terminate the permanent resident status of the alien involved as of the date of the determination.

"(2) **HEARING IN DEPORTATION PROCEEDING.**—Any alien whose permanent resident status is terminated under paragraph (1) may request a review of such determination in a proceeding to deport the alien. In such proceeding, the burden of proof shall be on

the Attorney General to establish, by a preponderance of the evidence, that a condition described in paragraph (1) is met.

"(c) REQUIREMENTS OF TIMELY PETITION AND INTERVIEW FOR REMOVAL OF CONDITION.

"(1) **IN GENERAL.**—In order for the conditional basis established under subsection (a) for an alien entrepreneur, spouse, or child to be removed—

"(A) the alien entrepreneur must submit to the Attorney General, during the period described in subsection (d)(2), a petition which requests the removal of such conditional basis and which states, under penalty of perjury, the facts and information described in subsection (d)(1), and

"(B) in accordance with subsection (d)(3), the alien entrepreneur must appear for a personal interview before an officer or employee of the Service respecting the facts and information described in subsection (d)(1).

"(2) TERMINATION OF PERMANENT RESIDENT STATUS FOR FAILURE TO FILE PETITION OR HAVE PERSONAL INTERVIEW.

"(A) **IN GENERAL.**—In the case of an alien with permanent resident status on a conditional basis under subsection (a), if—

"(i) no petition is filed with respect to the alien in accordance with the provisions of paragraph (1)(A), or

"(ii) unless there is good cause shown, the alien entrepreneur fails to appear at the interview described in paragraph (1)(B), the Attorney General shall terminate the permanent resident status of the alien as of the second anniversary of the alien's lawful admission for permanent residence.

"(B) **HEARING IN DEPORTATION PROCEEDING.**—In any deportation proceeding with respect to an alien whose permanent resident status is terminated under subparagraph (A), the burden of proof shall be on the alien to establish compliance with the conditions of paragraphs (1)(A) and (1)(B).

"(3) DETERMINATION AFTER PETITION AND INTERVIEW.

"(A) **IN GENERAL.**—If—

"(i) a petition is filed in accordance with the provisions of paragraph (1)(A), and

"(ii) the alien entrepreneur appears at the interview described in paragraph (1)(B), the Attorney General shall make a determination, within 90 days of the date of the interview, as to whether the facts and information described in subsection (d)(1) and alleged in the petition are true with respect to the qualifying commercial enterprise.

"(B) **REMOVAL OF CONDITIONAL BASIS IF FAVORABLE DETERMINATION.**—If the Attorney General determines that such facts and information are true, the Attorney General shall so notify the alien involved and shall remove the conditional basis of the alien's status effective as of the second anniversary of the alien's obtaining the status of lawful admission for permanent residence.

"(C) **TERMINATION IF ADVERSE DETERMINATION.**—If the Attorney General determines that such facts and information are not true, the Attorney General shall so notify the alien involved and, subject to subparagraph (D), shall terminate the permanent resident status of an alien entrepreneur, spouse, or child as of the date of the determination.

"(D) **HEARING IN DEPORTATION PROCEEDING.**—Any alien whose permanent resident status is terminated under subparagraph (C) may request a review of such determination in a proceeding to deport the alien. In such proceeding, the burden of proof shall be on the Attorney General to establish, by

a preponderance of the evidence, that the facts and information described in subsection (d)(1) and alleged in the petition are not true with respect to the qualifying commercial enterprise.

"(d) DETAILS OF PETITION AND INTERVIEW.

"(1) **CONTENTS OF PETITION.**—Each petition under subsection (c)(1)(A) shall contain facts and information demonstrating that—

"(A) a commercial enterprise was established by the alien;

"(B) the alien invested or was actively in the process of investing the requisite capital; and

"(C) the alien sustained the actions described in clauses (A) and (B) throughout the period of the alien's residence in the United States.

"(2) PERIOD FOR FILING PETITION.

"(A) **90-DAY PERIOD BEFORE SECOND ANNIVERSARY.**—Except as provided in subparagraph (B), the petition under subsection (c)(1)(A) must be filed during the 90-day period before the second anniversary of the alien's obtaining the status of lawful admission for permanent residence.

"(B) **DATE PETITIONS FOR GOOD CAUSE.**—Such a petition may be considered if filed after such date, but only if the alien establishes to the satisfaction of the Attorney General good cause and extenuating circumstances for failure to file the petition during the period described in subparagraph (A).

"(C) **FILING OF PETITIONS DURING DEPORTATION.**—In the case of an alien who is the subject of deportation hearings as a result of failure to file a petition on a timely basis in accordance with subparagraph (A), the Attorney General may stay such deportation proceedings against an alien pending the filing of the petition under subparagraph (B).

"(3) **PERSONAL INTERVIEW.**—The interview under subsection (c)(1)(B) shall be conducted within 90 days after the date of submitting a petition under subsection (c)(1)(A) and at a local office of the Service, designated by the Attorney General, which is convenient to the parties involved. The Attorney General, in the Attorney General's discretion, may waive the deadline for such an interview or the requirement for such an interview in such cases as may be appropriate.

"(e) **TREATMENT OF PERIOD FOR PURPOSES OF NATURALIZATION.**—For purposes of title III, in the case of an alien who is in the United States as a lawful permanent resident on a conditional basis under this section, the alien shall be considered to have been admitted as an alien lawfully admitted for permanent residence and to be in the United States as an alien lawfully admitted to the United States for permanent residence.

"(f) DEFINITIONS.—In this section:

"(1) The term 'alien entrepreneur' means an alien who obtains the status of an alien lawfully admitted for permanent residence (whether on a conditional basis or otherwise) under section 203(b)(4).

"(2) The term 'spouse' and the term 'child' mean an alien who obtains the status of an alien lawfully admitted for permanent residence (whether on a conditional basis or otherwise) by virtue of being the spouse or child, respectively, of an alien entrepreneur."

(b) **ADDITIONAL GROUND FOR DEPORTATION.**—Section 241(a)(9) (8 U.S.C. 1251(a)(9)) is amended by inserting before the semicolon at the end thereof the following: ", or (C) is an alien with permanent resident status on a conditional basis under

section 218 and has such status terminated under such section".

(c) **CRIMINAL PENALTY FOR IMMIGRATION-RELATED ENTREPRENEURSHIP FRAUD.**—Section 275 of such Act (8 U.S.C. 1325) is amended by adding at the end thereof the following new subsection:

"(c) Any individual who knowingly establishes a commercial enterprise for the purpose of evading any provision of the immigration laws shall be imprisoned for not more than 5 years, or fined not more than \$250,000, or both."

(d) **LIMITATION ON ADJUSTMENT OF STATUS.**—Section 245 of such Act (8 U.S.C. 1255) is amended by adding at the end the following new subsection:

"(f) The Attorney General may not adjust, under subsection (a), the status of an alien lawfully admitted to the United States for permanent residence on a conditional basis under section 218."

(e) **CONFORMING AMENDMENT.**—The table of contents of such Act is amended by inserting after the item relating to section 217 the following new item:

"Sec. 218. Conditional permanent resident status for certain alien entrepreneurs, spouses, and children."

SEC. 105. MISCELLANEOUS CONFORMING AND TECHNICAL CHANGES.

(a) Sections 101(b)(1)(F), 202(a), 202(c), 204(b), 204(e), 216(g)(1)(A), 222(a), 244(d), 245(c)(2), and 245(c)(5) (8 U.S.C. 1101(b)(1)(F), 1152(a), 1152(c), 1154(a)(1), 1154(b), 1154(e), 1186a(g)(1)(A), 1202(a), 1254(d), 1255(c)(2), 1255(c)(5)) are each amended by striking "201(b)" each place it appears and inserting "201(b)(2)(A)(i)".

(b) Section 204 (8 U.S.C. 1154) is amended—

(1) in subsection (b)—
(A) by striking "section 203(a) (3) or (6)" and inserting "section 203(b)(3)";

(B) by striking "section 201(b)" and inserting "section 201(b)(2)(A)(i)";

(C) by striking "a preference status under section 203(a)" and inserting "preference under subsection (a) or (b) of section 203";

(D) by inserting "(and, in the case described in section 203(b)(5), specify the point score on the assessment system)" after "approve the petition"; and

(E) by striking "The Secretary of State" and inserting "Subject to section 203(b)(5), the Secretary of State";

(2) in subsection (e)—

(A) by striking "preference immigrant under section 203(a)" and inserting "immigrant under subsection (a), (b), or (c) of section 203"; and

(B) by striking "section 201(b)" and inserting "section 201(f)";

(3) by striking subsection (f);

(4) by redesignating subsections (g) and (h) as (f) and (g), respectively;

(5) in subsection (f)(1), as redesignated by paragraph (4), by inserting "(as in effect before the date of the enactment of the Immigration Act of 1989)" after "203(a)(4)"; and

(6) in subsection (g), as redesignated by paragraph (4), by striking "preference status" and inserting "status under section 203(a)(2)".

(c) Section 212(a)(32) (8 U.S.C. 1182(a)(32)) is amended by striking "203(a) (3) and (6) and to nonpreference immigrant aliens described in section 203(a)(7)" and inserting "203(b) (2), (3), and (5)".

(d) Section 244(d) (8 U.S.C. 1254(d)) is amended by striking "201(a) or 202(a)" and inserting "201(c) or 202(a)(2)(A)".

(e) Section 245 (8 U.S.C. 1255) is amended—

(1) in subsection (b), by striking "203(a)" and inserting "203"; and

(2) in subsection (c), by redesignating clause (5) as clause (4) and by inserting before the period at the end the following: "or (5) an alien who is applying for adjustment of status to preference status under section 203(b)(5)".

(f)(1) Section 3304(a)(14)(A) of the Internal Revenue Code of 1986 is amended by striking "section 203(a)(7) or".

(2) Section 1614(a)(1)(B) of the Social Security Act is amended by striking "section 203(a)(7) or".

(g) Section 2(c)(4) of the Virgin Islands Nonimmigrant Alien Adjustment Act of 1982 (Public Law 97-271) is amended by inserting before the period at the end the following: "(as in effect before October 1, 1990) or by reason of the relationship described in section 203(a)(2)(B), 203(a)(3), or 201(b)(2)(A)(i), respectively, of such Act (as in effect on or after such date)".

SEC. 106. USER FEES.

Section 286 (8 U.S.C. 1356) is amended by adding at the end thereof the following new subsections:

"(q) **VISA FEES FOR IMMIGRANTS.**—The Secretary of State shall provide for a schedule of fees to be charged for the filing of a petition for any and all immigrant categories under sections 201(a)(3), 201(b)(2)(A)(i), and 203 (a) and (b). The fees established under this subsection shall be sufficient to cover administrative and other expenses incurred in connection with the processing of petitions for any and all immigrant categories filed under sections 201(a)(3), 201(b)(2)(A)(i), and 203 (a) and (b)."

"(r) **CREDITABLE FEES.**—(1) Notwithstanding sections 1 and 2 of the Act of June 4, 1920, as amended (42 Stat. 750; 22 U.S.C. 214) or any other provision of law, the Secretary of State shall pay the expenses incurred during the two years immediately following the date of enactment of the Immigration Act of 1989 to prepare for and initiate the immigrant visa program provided for under sections 201(a)(3), 201(b)(2)(A)(i), and 203 (a) and (b). Such expenses include salary and expenses, space and support costs, research and development, software, equipment acquisition, equipment replacement, hardware and software maintenance, and antifraud costs of visa and passport functions connected with that program.

"(2) Beginning fiscal year 1990, and each fiscal year thereafter, fees collected by consular officers shall be credited to a Department of State account which shall be available only for the payment of the expenses of automation activities, equipment and software maintenance, hardware replacement, research and development and support costs, except that not more than \$30,000,000 of such fees may be available for each year for fiscal years 1990 and 1991 and not more than \$20,000,000 for each fiscal year thereafter for the purposes as described in paragraphs (1) and (2).

"(3) Nothing in this subsection shall be construed as making funds under this subsection available for the machine readable document program.

"(4) There are authorized to be appropriated to the Department of State to carry out paragraph (1) such sums as may be necessary for each of fiscal years 1990 and 1991."

SEC. 107. COMMISSION ON LEGAL IMMIGRATION REFORM.

(a) **ESTABLISHMENT AND COMPOSITION OF COMMISSION.**—(1) Effective February 1, 1991, there is established a Commission on Legal Immigration Reform (hereafter in this section referred to as the "Commission") which shall be composed of 9 members to be appointed as follows:

(A) One member who shall serve as Chairman, to be appointed by the President.

(B) Two members to be appointed by the Speaker of the House of Representatives who shall select such members from a list of nominees provided by the Chairman of the Judiciary Subcommittee on Immigration, Refugees, and International Law of the House of Representatives.

(C) Two members to be appointed by the Minority Leader of the House of Representatives who shall select such members from a list of nominees provided by the ranking minority member of the Judiciary Subcommittee on Immigration, Refugees, and International Law of the House of Representatives.

(D) Two members to be appointed by the Majority Leader of the Senate who shall select such members from a list of nominees provided by the Chairman of the Judiciary Subcommittee on Immigration and Refugee Affairs of the Senate.

(E) Two members to be appointed by the Minority Leader of the Senate who shall select such members from a list of nominees provided by the Chairman of the Judiciary Subcommittee on Immigration and Refugee Affairs of the Senate.

(2) Appointments to the Commission shall be made during the 45-day period beginning on February 1, 1991. A vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(3) Members shall be appointed to serve for the life of the Commission.

(b) **FUNCTIONS OF COMMISSION.**—The Commission shall—

(1) review and evaluate the impact of the amendments made by this Act, in accordance with subsection (c); and

(2) transmit to the President and the Congress—

(A) not later than February 1, 1992, a first interim report describing the progress made in carrying out paragraph (1);

(B) not later than February 1, 1993, a second interim report describing the progress made in carrying out paragraph (1) since transmittal of the report described in clause (A); and

(C) not later than February 1, 1994, a final report setting forth the Commission's findings and recommendations, including such recommendations for additional changes that should be made with respect to legal immigration into the United States as the Commission deems appropriate.

(c) **PARTICULAR CONSIDERATIONS.**—In particular, the Commission shall consider—

(1) the requirements of citizens of the United States and of aliens lawfully admitted for permanent residence to be joined in the United States by immediate family members and the impact which the establishment of a worldwide ceiling under section 201(c) has upon the availability and priority of family preference visas;

(2) the impact of immigration and the implementation of the independent immigrant category established in section 201(d) on labor needs, employment, and other economic and domestic conditions in the United States;

(3) the impact of immigration with respect to demographic factors and natural resources;

(4) the impact of immigration on the foreign policy and national security interests of the United States; and

(5) the impact of per country immigration levels on family connected immigration.

(d) **COMPENSATION OF MEMBERS.**—(1) Each member of the Commission who is not an officer or employee of the Federal Government is entitled to receive, subject to such amounts as are provided in advance in appropriations Acts, pay at the minimum annual rate of basic pay in effect for grade GS-18 of the General Schedule. Each member of the Commission who is such an officer or employee shall serve without additional pay.

(2) While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence.

(e) **MEETINGS, STAFF, AND AUTHORITY OF COMMISSION.**—The provisions of subsections (e) through (g) of section 304 of the Immigration Reform and Control Act of 1986 shall apply to the Commission in the same manner as they apply to the Commission established under such section, except that paragraph (2) of subsection (e) shall not apply.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—(1) There are authorized to be appropriated such sums as may be necessary to carry out this section.

(2) Notwithstanding any other provision of this section, the authority to make payments, or to enter into contracts, under this section shall be effective only to such extent, or in such amounts, as are provided in advance in appropriations Acts.

(g) **TERMINATION DATE.**—The Commission shall terminate on the date on which a final report is required to be transmitted under subsection (b)(2), except that the Commission may continue to function until October 1, 1994, for the purpose of concluding its activities, including providing testimony to standing committees of Congress concerning its final report under this section and disseminating that report.

SEC. 108. ACTION WITH RESPECT TO SPOUSES AND CHILDREN OF LEGALIZED ALIENS.

(a) **TEMPORARY STAY OF DEPORTATION AND WORK AUTHORIZATION FOR CERTAIN ELIGIBLE IMMIGRANTS.**—

(1) **IN GENERAL.**—The Attorney General shall provide that in the case of an alien who is an eligible immigrant (as defined in subsection (b)(1)) as of November 6, 1986, who has entered the United States before such date, who resides in the United States on such date, and who is not lawfully admitted for permanent residence, until the cutoff date specified in paragraph (2), the alien—

(A) may not be deported or otherwise required to depart from the United States on a ground specified in paragraph (1), (2), (5), (9), or (12) of section 241(a) of the Immigration and Nationality Act (other than so much of section 241(a)(1) of such Act as relates to a ground of exclusion described in paragraph (9), (10), (23), (27), (28), (29), or (33) of section 212(a) of such Act); and

(B) shall be granted authorization to engage in employment in the United States and be provided an "employment authorized" endorsement or other appropriate work permit.

(2) **CUTOFF DATE.**—For purposes of paragraph (1), the "cutoff date" specified in this paragraph, in the case of an eligible immigrant who is the spouse or child of a legalized alien described in—

(A) subsection (b)(2)(A), is (i) the date the legalized alien's status is terminated under section 210(a)(3) of the Immigration and Nationality Act, or (ii) subject to paragraph (4), 90 days after the date of the notice to the legalized alien under paragraph (3) of the applicable cutoff date, whichever date is earlier;

(B) subsection (b)(2)(B), is (i) the date the legalized alien's status is terminated under section 245A(b)(2) of the Immigration and Nationality Act, or (ii) subject to paragraph (4), 90 days after the date of the notice to the legalized alien under paragraph (3) of the applicable cutoff date, whichever date is earlier; or

(C) subsection (b)(2)(C), is 90 days after the date of the notice to the legalized alien under paragraph (3) of the applicable cutoff date.

(3) **NOTICE.**—In the case of each legalized alien whose status has been adjusted under section 210(a)(2) or 245A(b)(1) of the Immigration and Nationality Act or under section 202 of the Immigration Reform and Control Act of 1986 and who has a spouse or unmarried child receiving benefits under paragraph (1), the Attorney General shall notify the alien of the applicable cutoff date described in paragraph (2)(B) and the need to file a petition for classification of such spouse or child as an immediate relative to continue the benefits of paragraph (1). Such notice shall be provided as follows:

(A) If the legalized alien adjusted status to that of an alien lawfully admitted for permanent residence before the date that the definition contained in section 201(b)(2)(A)(i) of the Immigration and Nationality Act (as amended by this Act) first applies, the notice under this paragraph shall be provided as of the date that that definition first applies.

(B) If the legalized alien adjusted status to that of an alien lawfully admitted for permanent residence after the date that such definition first applies, the notice under this paragraph shall be provided at the time of granting such adjustment of status.

(4) **DELAY IN CUTOFF WHILE IMMEDIATE RELATIVE PETITION PENDING.**—The cutoff date under paragraph (2)(B) with respect to an eligible immigrant shall not apply during any period in which there is pending with respect to the eligible immigrant a classification petition for immediate relative status under section 204(a) of the Immigration and Nationality Act.

(b) **ELIGIBLE IMMIGRANT AND LEGALIZED ALIEN DEFINED.**—In this section:

(1) The term "eligible immigrant" means a qualified immigrant who is the spouse or unmarried child of a legalized alien.

(2) The term "legalized alien" means an alien lawfully admitted for temporary or permanent residence who was provided—

(A) temporary or permanent residence status under section 210 of the Immigration and Nationality Act,

(B) temporary or permanent residence status under section 245A of the Immigration and Nationality Act, or

(C) permanent residence status under section 202 of the Immigration Reform and Control Act of 1986.

(c) **APPLICATION OF DEFINITIONS.**—Except as otherwise specifically provided in this section, the definitions contained in the Im-

migration and Nationality Act shall apply in the administration of this section. Nothing contained in this section shall be held to repeal, amend, alter, modify, effect, or restrict the powers, duties, functions, or authority of the Attorney General in the administration and enforcement of such Act or any other law relating to immigration, nationality, or naturalization. The fact that an alien may be eligible to be issued an immigrant visa under this section shall not preclude the alien from seeking such a visa under any other provision of law for which the alien may be eligible.

SEC. 109. CONTINUING PROVISION PERMITTING IMMIGRATION OF CERTAIN ADOPTED CHILDREN.

(a) **IN GENERAL.**—Section 101(b)(2) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(2)) is amended by inserting before the period at the end the following: "except that, for purposes of paragraph (1)(F) (other than the second proviso therein) in the case of an illegitimate child described in paragraph (1)(D) (and not described in paragraph (1)(C)), the term 'parent' does not include the natural father of the child if the father has disappeared or abandoned or deserted the child or if the father has in writing irrevocably released the child for emigration and adoption".

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on October 1, 1989, upon the expiration of the amendment made by section 210(a) of the Department of Justice Appropriations Act, 1989 (title II of Public Law 100-459, 102 Stat. 2203).

SEC. 110. PROHIBIT FEDERAL BENEFITS FOR ILLEGAL ALIENS.

(a) **DIRECT FEDERAL FINANCIAL BENEFITS.**—That on or after the date of enactment of this Act, notwithstanding any other provision of law, no direct Federal financial benefit or social insurance benefit may be paid or otherwise given to any person not lawfully present within the United States except pursuant to a provision of the Immigration and Nationality Act as amended; or as may be required by the Constitution of the United States.

(b) **REIMBURSEMENT TO THE STATES.**—No Federal funds shall be used to reimburse States for benefit paid or otherwise given to any person not lawfully within the United States except pursuant to a provision of the Immigration and Nationality Act; or as may be required by the Constitution of the United States.

(c) **DEFINITION.**—For the purposes of this section, the term "person not lawfully within the United States" shall be any person who at the time he or she applies for, receives, or attempts to receive such Federal financial benefit is not a United States citizen, a United States national, a permanent resident alien, an asylee, a refugee, a parolee, or a nonimmigrant in status, a temporary resident alien as conferred by Congress, those applicants for asylum determined by the Attorney General to be eligible for such benefits or other aliens determined by the Attorney General to be eligible for such benefits.

(d) **IMPACTED BY UNDOCUMENTED ALIENS.**—In no case should the benefits described in subsection (a), or the provisions of subsection (b), include such programs which provide general assistance to States and communities impacted by the arrival of undocumented aliens or other assistance which is not a direct cash benefit or Federal social insurance benefit to individual aliens.

SEC. 111. TREATMENT OF HONG KONG AS A SEPARATE FOREIGN STATE FOR NUMERICAL LIMITATIONS.

The approval referred to in the first sentence of section 202(b) of the Immigration and Nationality Act shall be considered to have been granted, effective beginning with fiscal year 1990, with respect to Hong Kong as a separate foreign state, and not as a colony or other component or dependent area of another foreign state, section 202(c) of such Act shall not apply to Hong Kong, except that the total number of immigrant visas made available to natives of Hong Kong in any fiscal year may not exceed 3.5 percent of the total number of visas made available under section 202(a) in that fiscal year.

SEC. 112. DOCUMENT FRAUD PROVISIONS OF INA.

Section 1546(b) of title 18, United States Code, is amended by inserting "or section 203(b)(5)" after "section 274A(b)".

SEC. 113. INCENTIVES FOR TRAINED MEDICAL PERSONNEL TO WORK IN RURAL AREAS.

(a) **CONDITIONAL BASIS FOR PERMANENT RESIDENT STATUS FOR TRAINED MEDICAL PERSONNEL.**—Chapter 2 of title II of the Immigration and Nationality Act is amended by adding at the end the following new section:

"CONDITIONAL PERMANENT RESIDENT STATUS FOR TRAINED MEDICAL PERSONNEL, SPOUSES, AND CHILDREN

"SEC. 218. (a) IN GENERAL.—

"(1) **CONDITIONAL BASIS FOR STATUS.**—Notwithstanding any other provision of this Act, an alien who is a trained medical person (as defined in subsection (f)(1)), spouse, and child (as defined in subsection (f)(2)) shall be considered, at the time of obtaining the status of an alien lawfully admitted for permanent residence, to have obtained such status on a conditional basis subject to the provisions of this section if such person, with the prior approval of the governor of that state, has made a commitment to perform medical services in a Health Manpower Shortage Area in an individual State as defined under the Public Health Service Act, where there is a shortage in United States trained physicians, and such person has obtained privileges from a hospital located within that Health Manpower Shortage Area for 10 years.

"(2) NOTICE OF REQUIREMENTS.—

"(A) **AT TIME OF OBTAINING PERMANENT RESIDENCE.**—At the time an alien medical person, spouse, or child obtains permanent resident status on a conditional basis under paragraph (1), the Attorney General shall provide for notice to such medical person, spouse, or child respecting the provisions of this section and the requirements of subsection (c)(1) to have the conditional basis of such status removed.

"(B) **AT TIME OF REQUIRED PETITION.**—In addition, the Attorney General shall attempt to provide notice to such medical person, spouse, or child, at or about the beginning of the 90-day period described in subsection (d)(2)(A), of the requirements of subsection (c)(1).

"(C) **EFFECT OF FAILURE TO PROVIDE NOTICE.**—The failure of the Attorney General to provide a notice under this paragraph shall not affect the enforcement of the provisions of this section with respect to such medical person, spouse, or child.

"(b) TERMINATION OF STATUS IF FINDING THAT QUALIFYING ENTREPRENEURSHIP IMPROPER.—

"(1) **IN GENERAL.**—In the case of an alien with permanent resident status on a conditional basis under subsection (a), if the Attorney General determines, before the

tenth anniversary of the alien's obtaining the status of lawful admission for permanent residence, that the alien is not performing medical services in a Health Manpower Shortage Area or has not obtained privileges from a hospital located within that Health Manpower Shortage Area, then the Attorney General shall so notify the alien involved and, subject to paragraph (2), shall terminate the permanent resident status of the alien involved as of the date of the determination.

"(2) **HEARING IN DEPORTATION PROCEEDING.**—Any alien whose permanent resident status is terminated under paragraph (1) may request a review of such determination in a proceeding to deport the alien. In such proceeding, the burden of proof shall be on the Attorney General to establish, by a preponderance of the evidence, that a condition described in paragraph (1) is met.

"(c) REQUIREMENTS OF TIMELY PETITION AND INTERVIEW FOR REMOVAL OF CONDITIONAL BASIS.—

"(1) **IN GENERAL.**—In order for the conditional basis established under subsection (a) for an alien medical person, spouse, or child to be removed—

"(A) the alien medical person must submit to the Attorney General, during the period described in subsection (d)(2), a petition which requests the removal of such conditional basis and which states, under penalty of perjury, the facts and information described in subsection (d)(1), and

"(B) in accordance with subsection (d)(3), the alien medical person must appear for a personal interview before an officer or employee of the Service respecting the facts and information described in subsection (d)(1).

"(2) TERMINATION OF PERMANENT RESIDENT STATUS FOR FAILURE TO FILE PETITION OR HAVE PERSONAL INTERVIEW.—

"(A) **IN GENERAL.**—In the case of an alien with permanent resident status on a conditional basis under subsection (a), if—

"(i) no petition is filed with respect to the alien in accordance with the provisions of paragraph (1)(A), or

"(ii) unless there is good cause shown, the alien medical person fails to appear at the interview described in paragraph (1)(B), the Attorney General shall terminate the permanent resident status of the alien as of the tenth anniversary of the alien's lawful admission for permanent residence.

"(B) **HEARING IN DEPORTATION PROCEEDING.**—In any deportation proceeding with respect to an alien whose permanent resident status is terminated under subparagraph (A), the burden of proof shall be on the alien to establish compliance with the conditions of paragraphs (1)(A) and (1)(B).

"(3) DETERMINATION AFTER PETITION AND INTERVIEW.—

"(A) **IN GENERAL.**—If—

"(i) a petition is filed in accordance with the provisions of paragraph (1)(A), and

"(ii) the alien medical person appears at the interview described in paragraph (1)(B), the Attorney General shall make a determination, within 90 days of the date of the interview, as to whether the facts and information described in subsection (d)(1) and alleged in the petition are true with respect to the performance of medical services by the alien.

"(B) **REMOVAL OF CONDITIONAL BASIS IF FAVORABLE DETERMINATION.**—If the Attorney General determines that such facts and information are true, the Attorney General shall so notify the alien involved and shall remove the conditional basis of the alien's

status effective as of the tenth anniversary of the alien's obtaining the status of lawful admission for permanent residence.

"(C) **TERMINATION IF ADVERSE DETERMINATION.**—If the Attorney General determines that such facts and information are not true, the Attorney General shall so notify the alien involved and, subject to subparagraph (D), shall terminate the permanent resident status of an alien medical person, spouse, or child as of the date of the determination.

"(D) **HEARING IN DEPORTATION PROCEEDING.**—Any alien whose permanent resident status is terminated under subparagraph (C) may request a review of such determination in a proceeding to deport the alien. In such proceeding, the burden of proof shall be on the Attorney General to establish, by a preponderance of the evidence, that the facts and information described in subsection (d)(1) and alleged in the petition are not true with respect to the performance of medical services by the alien.

"(d) DETAILS OF PETITION AND INTERVIEW.—

"(1) **CONTENTS OF PETITION.**—Each petition under subsection (c)(1)(A) shall contain facts and information demonstrating that the alien performed medical services in a Health Manpower Shortage Area or obtained privileges from a hospital located within that Health Manpower Shortage Area throughout the alien's residence in the United States.

"(2) PERIOD FOR FILING PETITION.—

"(A) **90-DAY PERIOD BEFORE SECOND ANNIVERSARY.**—Except as provided in subparagraph (B), the petition under subsection (c)(1)(A) must be filed during the 90-day period before the tenth anniversary of the alien's obtaining the status of lawful admission for permanent residence.

"(B) **DATE PETITIONS FOR GOOD CAUSE.**—Such a petition may be considered if filed after such date, but only if the alien establishes to the satisfaction of the Attorney General good cause and extenuating circumstances for failure to file the petition during the period described in subparagraph (A).

"(C) **FILING OF PETITIONS DURING DEPORTATION.**—In the case of an alien who is the subject of deportation hearings as a result of failure to file a petition on a timely basis in accordance with subparagraph (A), the Attorney General may stay such deportation proceedings against an alien pending the filing of the petition under subparagraph (B).

"(3) **PERSONAL INTERVIEW.**—The interview under subsection (c)(1)(B) shall be conducted within 90 days after the date of submitting a petition under subsection (c)(1)(A) and at a local office of the Service, designated by the Attorney General, which is convenient to the parties involved. The Attorney General, in the Attorney General's discretion, may waive the deadline for such an interview or the requirement for such an interview in such cases as may be appropriate.

"(e) **TREATMENT OF PERIOD FOR PURPOSES OF NATURALIZATION.**—For purposes of title III, in the case of an alien who is in the United States as a lawful permanent resident on a conditional basis under this section, the alien shall be considered to have been admitted as an alien lawfully admitted for permanent residence and to be in the United States as an alien lawfully admitted to the United States for permanent residence beginning 5 years after the conditional admission of the alien.

"(f) DEFINITIONS.—In this section:

"(1) The term 'alien medical person' means an alien who obtains the status of an alien lawfully admitted for permanent residence under section 201(a)(3) and who is a physician or nurse, licensed to practice within that State and who is competent in oral and written English.

"(2) The term 'spouse' and the term 'child' mean an alien who obtains the status of an alien lawfully admitted for permanent residence (whether on a conditional basis or otherwise) by virtue of being the spouse or child, respectively, of an alien entrepreneur."

(b) **ADDITIONAL GROUND FOR DEPORTATION.**—Section 241(a)(9) (8 U.S.C. 1251(a)(9)) is amended by inserting before the semicolon at the end thereof the following: "or (C) is an alien with permanent resident status on a conditional basis under section 218 and has such status terminated under such section".

(c) **CRIMINAL PENALTY FOR IMMIGRATION-RELATED ENTREPRENEURSHIP FRAUD.**—Section 275 of such Act (8 U.S.C. 1325) is amended by adding at the end thereof the following new subsection:

"(c) Any individual who knowingly performs medical services under section 109 for the purpose of evading any provision of the immigration laws shall be imprisoned for not more than 5 years, or fined not more than \$250,000, or both."

(d) **LIMITATION ON ADJUSTMENT OF STATUS.**—Section 245 of such Act (8 U.S.C. 1255) is amended by adding at the end the following new subsection:

"(f) The Attorney General may not adjust, under subsection (a), the status of an alien lawfully admitted to the United States for permanent residence on a conditional basis under section 218."

(e) **CONFORMING AMENDMENT.**—The table of contents of such Act is amended by inserting after the item relating to section 217 the following new item:

"Sec. 218. Conditional permanent resident status for trained medical personnel, spouses, and children."

SEC. 114. ENTRY OF CERTAIN AIRCRAFT CREWMEMBERS.

Section 217 of the Immigration and Nationality Act (8 U.S.C. 1187) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting the following new subsection:

"(e) The Attorney General and the Secretary of State are further authorized to issue regulations providing for the waiver of visa requirements for aircraft crewmembers serving on aircraft who are nationals of pilot program countries designated pursuant to subsection (c). Such regulations may provide for aircraft crew visa waivers on a reciprocal basis with each individual pilot program country during the pilot program period."

SEC. 115. EFFECTIVE DATES AND TRANSITION.

(a) **IN GENERAL.**—The amendments made by this title shall take effect on October 1, 1990, and shall apply to immigrant visa numbers issued for fiscal years beginning with fiscal year 1991; except that the amendments made by section 103(b) (relating to immigrant visa petitioning process) shall take effect on the date of the enactment of this Act and apply to immigrant visa numbers issued for fiscal years beginning with fiscal year 1991.

(b) **GENERAL TRANSITION.**—In the case of a petition filed under section 204(a) of the Immigration and Nationality Act before October 1, 1990, for preference status under sec-

tion 203(a)(3) or section 203(a)(6) of such Act (as in effect before such date), such petition shall be deemed as of October 1, 1990, to be a petition for the status described in section 203(b)(2) or 203(b)(3) of such Act (as amended by this title), as elected by the petitioner, and the priority date for such petition shall remain in effect, except that petitions filed before such date for preference status on the basis of unskilled labor under section 203(a)(6) of such Act (as in effect before such date) shall be deemed as of such date to be petitions for the status described in section 203(b)(3) of such Act (as amended by this title).

(c) **ADMISSIBILITY STANDARDS.**—When an immigrant, in possession of an unexpired immigrant visa issued before October 1, 1990, makes application for admission, the immigrant's admissibility under paragraphs (20) and (21) of section 212(a) of the Immigration and Nationality Act shall be determined under the provisions of law in effect on the date of the issuance of such visa.

(d) **CONSTRUCTION.**—Nothing in this title shall be construed as affecting the provisions of section 19 of Public Law 97-116, section 2(c)(1) of Public Law 97-271, or section 202(e) of Public Law 99-603.

TITLE II—NATURALIZATION AMENDMENTS OF 1989

SEC. 201. SHORT TITLE; REFERENCES IN TITLE.

(a) **SHORT TITLE.**—This title may be cited as the "Naturalization Amendments of 1989".

(b) **AMENDMENTS TO IMMIGRATION AND NATIONALITY ACT.**—Except as otherwise specifically provided in this title, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Immigration and Nationality Act.

SEC. 202. ADMINISTRATIVE NATURALIZATION.

Section 310 (8 U.S.C. 1421) is amended to read as follows:

"NATURALIZATION AUTHORITY

"SEC. 310. (a) **AUTHORITY IN ATTORNEY GENERAL.**—The original authority to naturalize persons as citizens of the United States is conferred solely upon the Attorney General.

"(b) **ADMINISTRATION OF OATHS.**—An applicant for naturalization may choose to have the oath of allegiance under section 337(a) administered by the Attorney General or by any district court of the United States for any State or by any court of record in any State having a seal, a clerk, and jurisdiction in actions in law or equity, or law and equity, in which the amount in controversy is unlimited. The jurisdiction of all courts specified in this subsection to administer the oath of allegiance shall extend only to persons resident within the respective jurisdiction of such courts.

"(c) **APPEAL TO BIA; JUDICIAL REVIEW.**—(1) A person whose application for naturalization under this title is denied, after a hearing before an immigration officer under section 336(a), may seek review of such denial before the Board of Immigration Appeals (established by the Attorney General under part 3 of title 8, Code of Federal Regulations). The decision of such Board is reviewable by the United States district court for the district in which such person resides. Such review of the district court shall be de novo, and the district court shall make its own findings of fact and conclusions of law and shall, at the request of the petitioner,

conduct a hearing de novo on the application.

"(2) The district court shall issue an order authorizing the naturalization of a person in accordance with this title only after determining, upon review of the denial of that person's application for naturalization, that such denial was wrongfully made as a matter of fact or of law.

"(d) **SOLE PROCEDURE.**—A person may only be naturalized as a citizen of the United States in the manner and under the conditions prescribed in this title and not otherwise."

SEC. 203. SUBSTITUTING 3 MONTHS RESIDENCE IN INS DISTRICT OR STATE FOR 6 MONTHS RESIDENCE IN A STATE.

Section 316(a)(1) (8 U.S.C. 1427(a)(1)) is amended by striking "and who has resided within the State in which the petitioner filed the petition for at least six months" and inserting "and who has resided within the State or within the district of the Service in the United States in which the applicant filed the application for at least three months".

SEC. 204. PUBLIC EDUCATION REGARDING NATURALIZATION BENEFITS.

(a) **IN GENERAL.**—Section 332 (8 U.S.C. 1443) is amended by adding at the end thereof the following new subsection:

"(h) The Attorney General shall broadly disseminate information respecting the benefits which persons may receive under this title and the requirements to obtain such benefits. In carrying out this subsection, the Attorney General shall seek the assistance of appropriate community groups, private voluntary agencies, and other relevant organizations, and the Attorney General is authorized to make grants to, and enter into contracts with, such organizations for such purposes."

(b) **ALLOCATION OF FUNDS.**—(1) Section 404 (8 U.S.C. 1101, note) is amended by adding at the end thereof the following new subsection:

"(c) Of the amounts authorized to be appropriated by section 404 to carry out this Act for a fiscal year, \$1,000,000 shall be available only to carry out section 332(h) for such fiscal year."

(2) The amendment made by paragraph (1) shall take effect on October 1, 1989.

SEC. 205. NATURALIZATION OF NATIVES OF THE PHILIPPINES THROUGH ACTIVE-DUTY SERVICE IN THE ARMED FORCES DURING WORLD WAR II.

Section 329 (8 U.S.C. 1440) is amended—

(1) in subsection (a), by striking "Any" and inserting "Except as provided in subsection (d), any"; and

(2) by adding at the end thereof the following new subsection:

"(d) Paragraphs (1) and (2) of subsection (a) shall not apply to the naturalization of any person—

"(1) who was born in the Philippines or who was otherwise a noncitizen national of the United States residing in the Philippines before the service described in paragraph (2);

"(2) who served honorably in an active-duty status in the military, air, or naval forces of the United States at any time during the period beginning September 1, 1939, and ending December 31, 1946;

"(3) who is otherwise eligible for naturalization under this section; and

"(4) who applies for naturalization not later than one year after the date of enactment of the Naturalization Amendments of 1989."

SEC. 206. CONFORMING AMENDMENTS.

(A) CONFORMING AMENDMENTS TO SECTION 310 REVISION.—(1) The item in the table of contents relating to section 310 is amended to read as follows:

"Sec. 310. Naturalization authority."

(2) Section 101(a)(36) (8 U.S.C. 1101(a)(36)) is amended by striking "(except as used in section 310(a) of title III)".

(B) CONFORMING AMENDMENTS TO CHANGE IN RESIDENCE REQUIREMENT.—(1) Section 319 (8 U.S.C. 1430) is amended—

(A) in subsection (a), by striking "has resided within the State in which he filed his petition for at least six months" and inserting "has resided within the State or the district of the Service in the United States in which the applicant filed his application for at least three months";

(B) in subsections (b) and (d), by striking "within the jurisdiction of the naturalization court" and inserting "within a State or a district of the Service in the United States"; and

(C) subsection (c) is amended by striking "within the jurisdiction of the court" and inserting "district of the Service in the United States".

(2) Section 322(c) (8 U.S.C. 1433(c)) is amended by striking "within the jurisdiction of the naturalization court" and inserting "within a State or a district of the Service in the United States".

(3) Section 324(a)(1) (8 U.S.C. 1435(a)(1)) is amended by inserting "or district of the Service in the United States" after "State".

(4) Section 328 (8 U.S.C. 1439) is amended—

(A) in subsection (a)—

(i) by inserting "or district of the Service in the United States" after "State", and

(ii) by striking "for at least six months" and inserting "for at least three months";

(B) in subsection (b)(1), by striking "within the jurisdiction of the court" and inserting "within a State or district of the Service in the United States"; and

(C) in subsection (c), by inserting "or district of the Service in the United States" after "State".

(5) Section 329(b) (8 U.S.C. 1440(b)) is amended—

(A) in paragraph (2)—

(i) by inserting "or district of the Service in the United States" after "State", and

(ii) by inserting "and" at the end of paragraph (2);

(B) by striking paragraph (3), and

(C) by redesignating paragraph (4) as paragraph (3).

(C) SUBSTITUTION OF APPLICATION FOR NATURALIZATION FOR PETITION FOR NATURALIZATION.—The text of the following provisions is amended by striking "a petition", "petition", "petitions", "a petitioner", "petitioner", "petitioners", "petitioning", and "petitioned" each place it appears and inserting "an application", "application", "applications" or "applies" (as the case may be), "an applicant", "applicant", "applicant's", "applying", and "applied", respectively:

(1) Section 313(c) (8 U.S.C. 1424(c)).

(2) Section 316 (8 U.S.C. 1427).

(3) Section 317 (8 U.S.C. 1428).

(4) Section 318 (8 U.S.C. 1429).

(5) Section 319 (a) and (c) (8 U.S.C. 1430 (a), (c)).

(6) Section 322(a) (8 U.S.C. 1433).

(7) Section 324 (8 U.S.C. 1434(a)).

(8) Section 325 (8 U.S.C. 1436).

(9) Section 326 (8 U.S.C. 1437).

(10) Section 328 (8 U.S.C. 1439).

(11) Section 329 (8 U.S.C. 1440).

(12) Section 330 (8 U.S.C. 1441).

(13) Section 331 (8 U.S.C. 1442), other than subsection (d).

(14) Section 333(a) (8 U.S.C. 1444(a)).

(15) Section 334 (8 U.S.C. 1445).

(16) Section 335 (8 U.S.C. 1446).

(17) Section 336 (8 U.S.C. 1447).

(18) Section 337 (8 U.S.C. 1448).

(19) Section 338 (8 U.S.C. 1449).

(20) Section 344 (8 U.S.C. 1455).

(21) Section 1429 of title 18, United States Code.

(D) SUBSTITUTING APPROPRIATE ADMINISTRATIVE AUTHORITY FOR NATURALIZATION COURT.—(1) Section 316 (8 U.S.C. 1427) is amended—

(A) in subsection (b), by striking "court" each place it appears and inserting "Attorney General";

(B) in subsection (b), by striking "date of final hearing" and inserting "date of any hearing under section 336(a)";

(C) in subsection (e), by striking "the court" and inserting "the Attorney General";

(D) in subsection (g)(1), by striking "within the jurisdiction of the court" and inserting "within a particular State or district of the Service in the United States"; and

(E) in subsection (g)(2), by amending the first sentence to read as follows: "An applicant for naturalization under this subsection may be administered the oath of allegiance under section 337(a) by any district court of the United States, without regard to the residence of the applicant."

(2) The second sentence of section 317 (8 U.S.C. 1428) is amended by striking "and the naturalization court".

(3) The third sentence of section 318 (8 U.S.C. 1429) is amended—

(A) by striking "finally heard by a naturalization court" and inserting "considered by the Attorney General"; and

(B) by striking "upon the naturalization court" and inserting "upon the Attorney General".

(4) Section 319 (8 U.S.C. 1430) is amended—

(A) in subsection (b)(3), by striking "naturalization court" and inserting "Attorney General"; and

(B) in subsection (c)(5), by striking "naturalization court" and inserting "Attorney General".

(5) Section 322(c)(2)(C) (8 U.S.C. 1433(c)(2)(C)) is amended by striking "naturalization court" the first place it appears and inserting "the Attorney General".

(6) Section 324 (8 U.S.C. 1435) is amended—

(A) in subsection (a)—

(i) by inserting "and" at the end of paragraph (1),

(ii) by striking the semicolon at the end of paragraph (2) and inserting a period, and

(iii) by striking paragraphs (3) and (4);

(B) in subsection (b), by striking "naturalization court" and inserting "Attorney General"; and

(C) in subsection (c)—

(i) in paragraph (2), by striking "the judge or clerk of a naturalization court" and inserting "the Attorney General or the judge or clerk of a court described in section 310(b)"; and

(ii) in paragraph (3), by striking "or naturalization court" each place it appears and inserting "court, or the Attorney General".

(7) Section 327(a) (8 U.S.C. 1438(a)) is amended—

(A) by striking "any naturalization court specified in section 310(a) of this title" and inserting "the Attorney General or before a court described in section 310(b)"; and

(B) by inserting "and by the Attorney General to the Secretary of State" after "Department of Justice".

(8) Section 328(c) (8 U.S.C. 1439(c)) is amended by striking "the final hearing" and inserting "any hearing".

(9) Section 331(b) (8 U.S.C. 1442(b)) is amended by striking "called for a hearing" and all that follows through "to be continued" and inserting "considered or heard except after 90 days' notice to the Attorney General regarding the application, and the Attorney General's objection to such consideration shall cause the application to be continued".

(10) Section 332(a) (8 U.S.C. 1443(a)) is amended—

(A) by striking "for the purpose" and all that follows through "naturalization courts" in the first sentence, and

(B) by striking the second sentence.

(11) Section 333(a) (8 U.S.C. 1444(a)) is amended by striking "clerk of the court" and inserting "Attorney General".

(12) Section 334 (8 U.S.C. 1445) is amended—

(A) by amending the heading to read as follows:

"APPLICATION FOR NATURALIZATION;
DECLARATION OF INTENTION";

(B) in subsection (a)—

(i) by striking "in the office of the clerk of a naturalization court" and inserting "with the Attorney General";

(ii) by striking "upon the hearing of such petition" and inserting "under this title";

(C) in subsection (b)—

(i) by striking "(1)",

(ii) by striking "and (2)" and all that follows through "Attorney General"; and

(iii) by striking "petition for";

(D) by amending subsections (c) through (e) to read as follows:

"(c) Hearings under section 336(a) on applications for naturalization shall be held at regular intervals, to be fixed by the Attorney General.

"(d) Except as provided in subsection (e), an application for naturalization shall be filed in person in an office of the Attorney General.

"(e) A person may file an application for naturalization other than in an office of the Attorney General, and an oath of allegiance may be administered other than in a public ceremony before the Attorney General or a court, if the Attorney General determines that the person has an illness or other disability which—

"(1) is of a permanent nature and is sufficiently serious to prevent the person's personal appearance, or

"(2) is of a nature which so incapacitates the person as to prevent him from personally appearing."; and

(E) by striking the first sentence of subsection (f) and inserting the following: "An alien who has attained the age of 18 years of age and who is residing in the United States pursuant to a lawful admission for permanent residence may file with the Attorney General a declaration of intention to become a citizen of the United States. Such a declaration shall be filed in duplicate and in a form prescribed by the Attorney General and shall be accompanied by an application prescribed and approved by the Attorney General."

(13) Section 335 (8 U.S.C. 1446) is amended—

(A) by amending the heading to read as follows:

"INVESTIGATION OF APPLICANTS; EXAMINATION OF APPLICATIONS";

(B) in subsection (a), by striking "At any time" and all that follows through "336(a)" and inserting "Before a person may be naturalized";

(C) in subsection (b)—

(i) by striking "preliminary" each place it appears,

(ii) in the first sentence, by striking "to any naturalization court" and all that follows through "to such court",

(iii) by striking "any court exercising naturalization jurisdiction as specified in section 310 of this title" in the second sentence and inserting "any district court of the United States"; and

(iv) by striking "final hearing conducted by a naturalization court designated in section 310 of this title" in the third sentence and inserting "hearing conducted by an immigration officer under section 336(a)";

(D) in subsection (c)—

(i) by striking "preliminary" each place it appears, and

(ii) by striking "recommendation" and inserting "determination"; and

(E) by amending subsections (d) through (f) to read as follows:

"(d) The employee designated to conduct any such examination shall submit to the Attorney General a determination as to whether the application be granted, denied, or continued, with reasons therefor.

"(e) After an application for naturalization has been filed with the Attorney General, the applicant shall not be permitted to withdraw his application, except with the consent of the Attorney General. In cases where the Attorney General does not consent to the withdrawal of the application, the application shall be determined on its merits and a final determination made accordingly. In cases where the applicant fails to prosecute his application, the application shall be decided on the merits unless the Attorney General dismisses it for lack of prosecution.

"(f) An applicant for naturalization who moves from the district of the Service in the United States in which the application is pending may, at any time thereafter, request the Service to transfer the application to any district of the Service in the United States which may act on the application. The transfer shall not be made without the consent of the Attorney General. In the case of such a transfer, the proceedings on the application shall continue as though the application had originally been filed in the district of the Service to which the application is transferred."

(14) Section 336 (8 U.S.C. 1447) is amended—

(A) by amending the heading to read as follows:

"HEARINGS ON DENIALS OF APPLICATIONS FOR NATURALIZATION";

(B) by amending subsections (a) and (b) to read as follows:

"(a) If, after an examination under section 335, an application for naturalization is denied or continued, the applicant may request a hearing before an immigration officer.

"(b) Where there has been a failure to make a determination under section 335 on an application or a failure to have a hearing under subsection (a) on a denial or continuance of an application, the Board of Immigration Appeals (established by the Attorney General under part 3 of title 8, Code of Federal Regulations) may, in its discretion, and shall, at the request of the applicant in

extraordinary circumstances, require such a determination or hearing."

(C) in subsection (c), by striking "court" and inserting "immigration officer";

(D) in subsection (d)—

(i) by striking "clerk of the court" and all that follows through "naturalization" and inserting "immigration officer shall, if the applicant requests it at the time of filing the request for the hearing",

(ii) by striking "final" each place it appears, and

(iii) by adding at the end the following: "Such subpoenas may be enforced in the same manner as subpoenas under section 335(b) may be enforced."; and

(E) in subsection (e)—

(i) by striking "naturalization of any person," and inserting "administration by a court of the oath of allegiance under section 337(a)", and

(ii) by striking "included in the petition for naturalization of such persons" and inserting "included in an appropriate petition to the court".

(15) Section 337 (8 U.S.C. 1448) is amended—

(A) in subsection (a)—

(i) in the first sentence, by striking "in open court" and inserting "in a public ceremony before the Attorney General or a court with jurisdiction under section 310(b)",

(ii) in the second and fourth sentences, by striking "naturalization court" each place it appears and inserting "Attorney General", and

(iii) in the fourth sentence, by striking "the court" and inserting "the Attorney General";

(B) in subsection (b)—

(i) by striking "in open court in the court in which the petition for naturalization is made" and inserting "in the same public ceremony in which the oath of allegiance is administered", and

(ii) by striking "in the court" after "recorded";

(C) in subsection (c)—

(i) by striking "being in open court" and inserting "attending a public ceremony", and

(ii) by striking "a judge of the court at such place as may be designated by the court" and inserting "at such place as the Attorney General may designate under section 334(e)"; and

(D) by adding at the end the following new subsection:

"(d) The Attorney General shall prescribe rules and procedures to ensure that the public ceremonies conducted by the Attorney General for the administration of oaths of allegiance under this section are in keeping with the dignity of the occasion."

(16) Section 338 (8 U.S.C. 1449) is amended—

(A) by striking "by a naturalization court",

(B) by striking "the clerk of such court" and inserting "the Attorney General",

(C) by striking "title, venue, and location of the naturalization court" and inserting "location of the district office of the Service in which the application was filed and the title, authority, and location of the official or court administering the oath of allegiance",

(D) by striking "the court" and inserting "the Attorney General", and

(E) by striking "of the clerk of the naturalization court; and seal of the court" and inserting "of an immigration officer; and the seal of the Department of Justice".

(17) Section 339 (8 U.S.C. 1450) is amended to read as follows:

"FUNCTIONS AND DUTIES OF CLERKS AND RECORDS OF DECLARATIONS OF INTENTION AND APPLICATIONS FOR NATURALIZATION

"Sec. 339. (a) The clerk of each court that administers oaths of allegiance under section 337 shall—

"(1) issue to each person to whom such an oath is administered a document evidencing that such an oath was administered,

"(2) forward to the Attorney General information concerning each person to whom such an oath is administered by the court, within 30 days after the close of the month in which the oath was administered,

"(3) make and keep on file evidence for each such document issued, and

"(4) forward to the Attorney General certified copies of such other proceedings and orders instituted in or issued out of the court affecting or relating to the naturalization of persons as may be required from time to time by the Attorney General.

"(b) Each district office of the Service in the United States shall maintain, in chronological order, indexed, and consecutively numbered, as part of its permanent records, all declarations of intention and applications for naturalization filed with the office."

(18) Section 340 (8 U.S.C. 1451) is amended in the first sentence of subsection (a), by striking "in any court specified in subsection (a) of section 310 of this title" and inserting "in any district court of the United States",

(19) Section 344 (8 U.S.C. 1455) is amended—

(A) in subsection (a)—

(i) by striking "The clerk of the court" and inserting "The Attorney General",

(ii) in paragraph (1), by striking "final", and

(iii) in paragraph (1), by striking "the naturalization court" and inserting "the Attorney General";

(B) by striking subsections (c), (d), (e), and (f);

(C) in subsection (g)—

(i) by striking "and all fees paid over to the Attorney General by clerks of courts under the provisions of this title.", and

(ii) by striking "or by the clerks of the courts";

(D) in subsection (h)—

(i) by striking "no clerk of a United States court shall" and inserting "the Attorney General may not",

(ii) by striking "and no clerk of any State court" and all that follows through "charged or collected", and

(iii) by striking the second sentence;

(E) in subsection (i), by striking "clerk of court", "from the clerk.", "such clerk", and "by the clerk" and inserting "Attorney General", "from the Attorney General", "the Attorney General", and "by the Attorney General", respectively; and

(F) by redesignating subsections (g), (h), and (i) as subsections (c), (d), and (e), respectively.

(20) Section 348 (8 U.S.C. 1459) is amended—

(A) by striking subsection (b); and

(B) by striking "(a)." in subsection (a).

(c) STRIKING MISCELLANEOUS MATERIAL.—

Section 316 (8 U.S.C. 1427) is amended—

(A) by striking subsection (f); and

(B) by redesignating subsection (g) as subsection (f).

(3) Section 331 (8 U.S.C. 1442) is amended by striking the second sentence of subsection (d).

(f) CORRECTIONS OF TABLE OF CONTENTS.—(1) The items in the table of contents relating to sections 334 through 336 are amended to read as follows:

"Sec. 334. Application for naturalization; declaration of intention.

"Sec. 335. Investigation of applicants; examination of applications.

"Sec. 336. Hearings on denials of applications for naturalization."

(2) The item in the table of contents relating to section 339 is amended to read as follows:

"Sec. 339. Functions and duties of clerks and records of declarations of intention and applications for naturalization."

SEC. 207. EFFECTIVE DATES AND SAVINGS PROVISIONS.

(a) EFFECTIVE DATE.—

(1) NO NEW COURT PETITIONS AFTER EFFECTIVE DATE.—No court shall have jurisdiction, under section 310(a) of the Immigration and Nationality Act, to naturalize a person unless a petition for naturalization with respect to that person has been filed with the court before the effective date (as defined in paragraph (3)).

(2) TREATMENT OF CURRENT COURT PETITIONS.—

(A) CONTINUATION OF CURRENT RULES.—Except as provided in subparagraph (B), any petition for naturalization which may be pending in a court on the effective date shall be heard and determined in accordance with the requirements of law in effect when the petition was filed.

(B) PERMITTING WITHDRAWAL AND CONSIDERATION OF APPLICATION UNDER NEW RULES.—In the case of any petition for naturalization which may be pending in any court on the date of the enactment of this Act, the petitioner may withdraw such petition and have the petitioner's application for naturalization considered under the amendments made by this title.

(3) EFFECTIVE DATE DEFINED.—As used in this section, the term "effective date" means the first day of the fourth month beginning after the date of the enactment of this Act.

(4) GENERAL EFFECTIVE DATE.—Except as otherwise provided in this section, the amendments made by this title are effective as of the date of the enactment of this Act.

(b) INTERIM, FINAL REGULATIONS.—The Attorney General shall prescribe regulations (on an interim, final basis or otherwise) to implement, on a timely basis, the amendments made by this title.

(c) CONTINUING DUTIES.—The amendments to section 339 of the Immigration and Nationality Act (relating to functions and duties of clerks) shall not apply to functions and duties respecting petitions filed before the effective date.

(d) GENERAL SAVINGS PROVISIONS.—(1) Nothing contained in this title, unless otherwise specifically provided, shall be construed to affect the validity of any declaration of intention, petition for naturalization, certificate of naturalization, certification of citizenship, or other document or proceeding which is valid as of the effective date; or to affect any prosecution, suit, action, or proceedings, civil or criminal, brought, or any status, condition, right in process of acquisition, act, thing, liability, obligation, or matter, civil or criminal, done or existing, as of the effective date.

(2) As to all such prosecutions, suits, actions, proceedings, statutes, conditions, rights, acts, things, liabilities, obligations, or matters, the provisions of law repealed by this title are, unless otherwise specifically provided, hereby continued in force and effect.

TITLE III—STATUS OF STUDENTS FROM THE PEOPLE'S REPUBLIC OF CHINA

SEC. 301. SHORT TITLE.

This title may be cited as the "Emergency Chinese Immigration Relief Act of 1989".

SEC. 302. ADJUSTMENT OF STATUS OF CERTAIN NATIONALS OF THE PEOPLE'S REPUBLIC OF CHINA.

The Immigration and Nationality Act is amended by inserting after section 245A the following new section:

"ADJUSTMENT OF STATUS OF CERTAIN NATIONALS OF THE PEOPLE'S REPUBLIC OF CHINA

"SEC. 245B. (a) WAIVER OF FOREIGN RESIDENCE REQUIREMENT FOR 'J' NONIMMIGRANTS.—Notwithstanding the provisions of section 212(e) of the Immigration and Nationality Act, persons who are nationals of the People's Republic of China may apply for adjustment of status to that of an alien lawfully admitted for permanent residence or for a change to another nonimmigrant status if such national—

"(1) was admitted to the United States as a nonimmigrant under section 101(a)(15)(J), or changed status to that of a nonimmigrant under 101(a)(15)(J), of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(J)), and

"(2) has been continuously resident in the United States since June 5, 1989.

"(b) PRESUMPTION OF CONTINUOUS RESIDENCE FOR CERTAIN PRC NATIONALS.—For purposes of adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1225) and change of status under section 248 of such Act (8 U.S.C. 1228), in the case of any alien who is a national of the People's Republic of China—

"(1) who, as of June 5, 1989, was present in the United States in the lawful status of a nonimmigrant described in section 101(a)(15) (F), (J), or (M), or

"(2) who was present in the United States as a nonimmigrant described in section 101(a)(15) (F), (J), or (M) before June 5, 1989, but who, as of that date was not present in the United States because of a brief, casual, and innocent trip abroad,

such an alien shall be considered as having continued to maintain lawful status as such a nonimmigrant (and to have maintained continuously a lawful status) for the period described in subsection (e).

"(c) AUTHORIZATION OF TRAVEL ABROAD.—The Attorney General shall, in accordance with existing regulations, permit an alien described in paragraph (1) or (2) of subsection (b) to return to the United States after such brief and casual trips abroad as reflect an intention on the part of the alien to continue residence in the United States.

"(d) EMPLOYMENT AUTHORIZATION.—Any national of the People's Republic of China who is described in paragraph (1) or (2) of subsection (b) shall be granted authorization to engage in employment in the United States and shall be provided with an employment authorization document or other appropriate work permit for the period described in subsection (e).

"(e) DURATION OF STATUS.—(1) Subject to paragraph (2), nationals of the People's Republic of China described in paragraph (1) or (2) of subsection (b) shall have their departure from the United States deferred

until June 5, 1993, regardless of whether there has been an adjustment or change of status under subsection (a) or (b).

"(2) On or after June 5, 1990, the Attorney General may terminate the status accorded under this subsection 60 days following the date that the President determines and so certifies to the Congress that conditions in the People's Republic of China permit such aliens to return to that country in safety.

"(f) ADJUSTMENT TO LAWFUL RESIDENT STATUS OF CERTAIN NATIONALS OF THE PEOPLE'S REPUBLIC OF CHINA.—

"(1) ADJUSTMENT OF STATUS.—The status of a national of the People's Republic of China shall be adjusted by the Attorney General to that of an alien lawfully admitted for temporary residence if the alien—

"(A) applies for such adjustment during the 90-day period prior to June 5, 1993;

"(B) establishes that the alien (i) lawfully entered the United States on or before June 5, 1989, as a nonimmigrant described in subparagraph (F) (relating to students), subparagraph (J) (relating to exchange visitors) or subparagraph (M) (relating to vocational students) of section 101(a)(15) of the Immigration and Nationality Act, or lawfully changed status to that of a nonimmigrant described in any such subparagraph on or before June 5, 1989, (ii) held a valid visa under any such subparagraph as of June 5, 1989, and (iii) has resided continuously in the United States since June 5, 1989 (other than brief, casual and innocent absences); and

"(C) meets the requirements of section 245A(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1255a(a)(4)): *Provided, however,* That membership in the Communist party of the People's Republic of China or subdivision thereof shall not constitute an independent basis for denial of adjustment of status if such membership was 'involuntary' or 'nonmeaningful';

and the Attorney General shall not have terminated prior to June 5, 1993 the status accorded under subsection (e) of this section. The Attorney General shall provide for the acceptance and processing of applications under this subsection by not later than ninety days after the date of enactment of this Act.

"(2) STATUS AND ADJUSTMENT OF STATUS.—The provisions of subsections (b), (c) (6) and (7), (d), (f), (g), and (h) of section 245A of the Immigration and Nationality Act (8 U.S.C. 1255a) shall apply to aliens provided temporary residence under paragraph (1) in the same manner as they apply to aliens provided lawful temporary residence status under section 245A(a) of such Act: *Provided, however,* That membership in the Communist party of the People's Republic of China or subdivision thereof shall not constitute an independent basis for denial of adjustment of status if such membership was 'involuntary' or 'nonmeaningful'."

SEC. 303. TASK FORCE ON STUDENTS FROM THE PEOPLE'S REPUBLIC OF CHINA IN THE UNITED STATES.

(1) ESTABLISHMENT.—It is the sense of the Senate that the President shall establish a task force to be known as the Task Force on Certain Nationals of the People's Republic of China in the United States (hereafter in this section referred to as the "Task Force"), composed of the Secretary of State (or his designee), who shall be the chair of the Task Force and representatives of other relevant agencies, as determined by the Secretary of State.

(2) **DUTIES AND RESPONSIBILITIES.**—The Task Force shall carry out the following duties and responsibilities:

(A) Taking into consideration the situation in the People's Republic of China, the Task Force shall assess the specific needs and status of citizens of the People's Republic of China who were admitted under non-immigrant visas to the United States.

(B) The Task Force shall formulate and recommend to the Congress and the President policies and programs to address the needs determined under subparagraph (A).

(C) The Task Force shall establish directly or indirectly a clearinghouse to provide those Chinese citizens described in subparagraph (A) and United States institutions of higher education with appropriate information including—

(i) public and private sources of financial assistance available to such citizens;

(ii) information and assistance regarding visas and immigration status; and

(iii) such other information as the Task Force considers feasible and appropriate.

(3) **REPORTS.**—(A) Not later than 60 days after the date of enactment of this Act, the President shall submit to the Congress a report on the status and work of the Task Force.

(B) Not later than May 1, 1990, and every 90 days after the establishment of such Task Force, the President shall submit to the appropriate committees of the Congress a report prepared by the Task Force, which shall include—

(i) recommendations under paragraph (2)(B); and

(ii) a comprehensive summary of the programs and activities of the Task Force.

(4) **TERMINATION.**—The Task Force shall cease to exist 2 years after the date of enactment of this Act.

TITLE IV—BURMESE STUDENTS

SEC. 401. REPORT TO CONGRESS ON UNITED STATES IMMIGRATION POLICY TOWARD BURMESE STUDENTS.

(a) The Attorney General, in consultation with the Secretary of State, shall report to the Committees on Foreign Relations and the Judiciary within 30 days of enactment of this Act on the immigration policy of the United States regarding Burmese pro-democracy protesters who have fled from the military government of Burma and are now located in border camps or inside Thailand. Specifically, the report shall include:

(1) a description of the number and location of such persons in border camps in Burma, inside Thailand, and in third countries;

(2) the number of visas and parole applications and approvals for such persons by United States authorities and precedents for increasing such visa and parole applications in such circumstances;

(3) the immigration policy of Thailand and other countries from which such persons have sought immigration assistance;

(4) the involvement of international organizations, such as the United Nations High Commission for Refugees, in meeting the residency needs of such persons; and

(5) the involvement of the United States, other countries, and international organizations in meeting the humanitarian needs of such persons.

The Attorney General shall recommend in the report any legislative changes he deems appropriate to meet the asylum, refugee, parole, or visa status needs of such persons.

(b) As used in this section, the term "pro-democracy protesters" means those persons who have fled from the current military

regime of Burma since the outbreak of pro-democracy demonstrations in Burma in 1988.

TITLE V—LABOR SHORTAGE REDUCTION

SEC. 501. DEFINITIONS.

As used in this title:

(1) **LABOR SHORTAGE.**—The term "labor shortage" means a situation in which, in a particular occupation, the quantity of labor supplied is less than the quantity of labor demanded by employers.

(2) **SECRETARY.**—The term "Secretary" means the Secretary of Labor.

SEC. 502. IDENTIFICATION, PUBLICATION, AND REDUCTION OF LABOR SHORTAGES.

(a) IDENTIFICATION OF LABOR SHORTAGES.—

(1) **METHODOLOGY.**—Utilizing available data bases to the extent possible, the Secretary shall develop a methodology to estimate, on an annual basis, national labor shortages.

(2) **LABOR SHORTAGE DESCRIPTION.**—As part of the identification of national labor shortages under paragraph (1), the Secretary shall, to the extent feasible, develop information on—

(A) the intensity of each labor shortage;

(B) the supply and demand of workers in occupations affected by the shortage;

(C) industrial and geographic concentration of the shortage;

(D) wages for occupations affected by the shortage;

(E) entry requirements for occupations affected by the shortage; and

(F) job content for occupations affected by the shortage.

(b) **PUBLICATION OF NATIONAL LABOR SHORTAGES.**—

(1) **IN GENERAL.**—Not later than 18 months after the date of enactment of this Act, and each year thereafter, the Secretary shall publish the list of national labor shortages as determined under subsection (a).

(2) **DISTRIBUTION OF PUBLICATION.**—The Secretary shall provide the list referred to in paragraph (1) and related information to parties and agencies such as—

(A) students and job applicants;

(B) vocational educators;

(C) employers;

(D) labor unions;

(E) guidance counselors;

(F) administrators of programs established under the Job Training and Partnership Act (29 U.S.C. 1501 et seq.);

(G) job placement agencies; and

(H) appropriate Federal and State agencies.

(3) **MEANS OF DISTRIBUTION.**—In making the distribution referred to in paragraph (2), the Secretary shall use various means of distribution methods, including appropriate electronic means such as the Interstate Job Bank.

(c) **DEVELOPMENT OF DATA BASES.**—The Secretary shall—

(1) conduct research and, as appropriate, develop data bases to improve the accuracy of the methodology referred to in subsection (a); and

(2) make recommendations to identify labor shortages by region, State, and local areas.

(d) **REPORT TO CONGRESS.**—At the same time that the Secretary issues the annual publication under subsection (b), the Secretary shall prepare and submit to the appropriate committees of Congress a report that—

(1) describes the progress of the research and development conducted under subsection (c);

(2) describes actions taken by the Secretary during the previous 12 months to reduce labor shortages, and specifies a plan of action to be taken by the Secretary to ensure that federally funded employment, education, and training agencies reduce national labor shortages that have been identified under subsection (a); and

(3) includes recommendations by the Secretary for parties such as Congress, Federal agencies, States, employers, labor unions, job applicants, students, and career counselors to reduce such labor shortages by—

(A) promoting recruitment efforts of job placement agencies for occupations experiencing a labor shortage;

(B) encouraging career counseling and testing to guide potential employees into occupations experiencing a labor shortage;

(C) accelerating and enhancing education and training in occupations experiencing a labor shortage; and

(D) other appropriate actions.

SEC. 503. AUTHORIZATION OF APPROPRIATION.

There are authorized to be appropriated to carry out this title \$2,500,000 for the first fiscal year beginning after the date of enactment of this title, and such sums as may be necessary to carry out this title in each subsequent fiscal year.

TITLE VI—CENSUS

SEC. 601. PREVENTION OF CONGRESSIONAL REAPPORTIONMENT DISTORTIONS.

(a) **FINDINGS.**—The Congress finds that—

(1) in recent years millions of aliens have entered the United States in violation of immigration laws and are now residing in the United States in an illegal status and are subject to deportation;

(2) the established policy of the Bureau of the Census is to make a concerted effort to count such aliens during the 1990 census without making a separate computation for such illegal aliens; and

(3) by including the millions of illegal aliens in the reapportionment base for the House of Representatives, many States will lose congressional representation which such States would not have otherwise lost, thereby violating the constitutional principle of "one man, one vote".

(b) **SECRETARIAL ADJUSTMENTS TO PREVENT DISTORTIONS.**—Section 141 of title 13, United States Code, is amended by redesignating subsection (g) as subsection (h), and by inserting after subsection (f) the following new subsection:

"(g) The Secretary shall make such adjustments in total population figures as may be necessary, using such methods and procedures as the Secretary determines feasible and appropriate, in order that aliens in the United States in violation of the immigration laws shall not be counted in tabulating population for purposes of subsection (b) of this section: *Provided, however,* That nothing in this subsection shall be construed to supersede section 195 of title 13, United States Code."

(c) **CONFORMING AMENDMENT.**—Section 22(a) of the Act entitled "An Act to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress", approved June 18, 1929 (2 U.S.C. 2a(a)), is amended by striking out "as ascertained under the seventeenth and each subsequent decennial census of the population" and inserting in lieu thereof "as ascertained and reported under section 141 of title 13, United States Code, for each decennial census of population".

SEC. 602. SEVERABILITY.

In the event that any one or more provisions of this title is held to be unconstitutional, the same shall not affect the validity of other provisions of this Act.

Passed the Senate July 13 (legislative day, January 3), 1989.

BILL PLACED ON CALENDAR— H.R. 2799

Mr. MITCHELL. Mr. President, I ask unanimous consent that H.R. 2799, a bill dealing with the planting of alternative crops on permitted acreage be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY

RECESS UNTIL 12:30 P.M.

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 12:30 p.m. on Monday, July 24, 1989.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that following the time for the two leaders there be a period for morning business not to extend beyond 1 p.m. with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROCEED TO THE CONSIDERATION OF S. 1352

Mr. MITCHELL. Mr. President, I further ask unanimous consent that at 1 p.m. on Monday, July 24, the Senate proceed to consideration of Calendar item No. 152, S. 1352, the Department of Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL MONDAY, JULY 24, 1989 AT 12:30 P.M.

Mr. MITCHELL. Mr. President, if the distinguished Republican leader has no further business and if no other Senator is seeking recognition, I now ask unanimous consent that the Senate stand in recess under the previous order until 12:30 p.m. on Monday, July 24, 1989.

There being no objection, the Senate, at 1:15 a.m., July 21, 1989, recessed until Monday, July 24, 1989, at 12:30 p.m.

NOMINATIONS

Executive nominations received by the Senate July 20, 1989:

DEPARTMENT OF STATE

SHELDON J. KRYSS, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE ASSISTANT SECRETARY OF STATE FOR DIPLOMATIC SECURITY, VICE ROBERT E. LAMB, RESIGNED.

SALLY J. NOVETZKE, OF IOWA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MALTA.

LORET MILLER RUPPE, OF MARYLAND, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO NORWAY.

NICOLAS MIKLOS SALGO, OF FLORIDA, FOR THE RANK OF AMBASSADOR IN HIS CAPACITY AS THE SPECIAL NEGOTIATOR FOR PROPERTY ISSUES.

DEPARTMENT OF COMMERCE

JOHN A. KNAUSS, OF RHODE ISLAND, TO BE UNDER SECRETARY OF COMMERCE FOR OCEANS AND ATMOSPHERE, VICE WILLIAM EVANS, RESIGNED.

EXECUTIVE OFFICE OF THE PRESIDENT

RICHARD SCHMALENSEE, OF MASSACHUSETTS, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS, VICE THOMAS GALE MOORE, RESIGNED.

NATIONAL LABOR RELATIONS BOARD

CLIFFORD R. OVIATT, JR., OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE REMAINDER OF THE TERM EXPIRING AUGUST 27, 1993, VICE WILFORD W. JOHANSEN, RESIGNED.

DONALD F. RODGERS, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE REMAINDER OF THE TERM EXPIRING DECEMBER 16, 1992, VICE JOHN E. HIGGINS, JR., RESIGNED.

IN THE FOREIGN SERVICE

THE FOLLOWING-NAMED PERSON OF THE DEPARTMENT OF STATE FOR APPOINTMENT AS A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE CLASS STATED, AND ALSO FOR THE OTHER APPOINTMENT INDICATED HERewith:

FOR APPOINTMENT AS A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, AND A CONSULAR OFFICER OF THE UNITED STATES OF AMERICA:

ALLEN LEE SESSOMS, OF VIRGINIA

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED, AND ALSO FOR THE OTHER APPOINTMENTS INDICATED HERewith:

FOR APPOINTMENT AS A FOREIGN SERVICE OFFICER OF CLASS ONE, A CONSULAR OFFICER, AND A SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

JOHN SPEGEL STEELE, OF VIRGINIA

FOR REAPPOINTMENT IN THE FOREIGN SERVICE AS A FOREIGN SERVICE OFFICER OF CLASS TWO, A CONSULAR OFFICER, AND A SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

MELVIN RAYMOND TURNER, OF CALIFORNIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS TWO, CONSULAR OFFICERS, AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

JOHN T. SHEELY, OF VIRGINIA

DEPARTMENT OF COMMERCE

DONALD BUSINGER, OF VIRGINIA

JOHN S. WOOD, OF ILLINOIS

AGENCY FOR INTERNATIONAL DEVELOPMENT

ADRIAN L. DE GRAFFENREID, OF TEXAS

PHILLIP C. HOLT, JR., OF VIRGINIA

LEONARD KATA, OF CONNECTICUT

J. STEPHEN MABREY, OF TEXAS

THOMAS G. PUTSCHER, OF FLORIDA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS THREE, CONSULAR OFFICERS, AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

WILLIAM BREKKE, OF SOUTH DAKOTA

KAREN L. ZENS, OF MICHIGAN

AGENCY FOR INTERNATIONAL DEVELOPMENT

MAUREEN STEWART DUGAN, OF NEW YORK

BRENDAN JAMES GANNON, OF TEXAS

JOHN P. MCAVOY, OF MISSOURI

GERALD CHARLES RENDER, OF WEST VIRGINIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS FOUR, CONSULAR OFFICERS, AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

PAUL MULLEN ALMEIDA, OF PENNSYLVANIA

ROBERT O. BLAKE, JR., OF THE DISTRICT OF COLUMBIA

MICHAEL GAWEN BROWNRIGG, OF CALIFORNIA

JUDY MARIE BUELOW, OF THE DISTRICT OF COLUMBIA

DENISE N. BURGESS, OF MASSACHUSETTS

MICHAEL B. CHANG, OF CALIFORNIA

NICHOLAS JULIAN DEAN, OF VIRGINIA
STEPHEN DOUGLAS DUNN, OF ARKANSAS
MICHAEL ALAN FELDMAN, OF CALIFORNIA
OLIVER WILLIAM GRIFFITH, OF NEW YORK
SCOTT R. HECKMAN, OF KENTUCKY
BRUCE FRED KNOTTS, OF CALIFORNIA
ALISON KRUPNICK, OF THE DISTRICT OF COLUMBIA
PATRICK LEONARD LAHEY, OF FLORIDA
JEFFREY DAVID LEVINE, OF CALIFORNIA
PAUL JOSEPH MAILHOT, OF THE DISTRICT OF COLUMBIA

ANDREW COOPER MANN, OF WASHINGTON
JOSEPH MANO, OF NEW YORK
ALEXANDER H. MARGULIES, OF VIRGINIA
MARY GRACE MCGEEHAN, OF VIRGINIA
JULIETS VALLS NOYES, OF CONNECTICUT
NICHOLAS NOYES, JR., OF CONNECTICUT
CLAIRE A. PIERANGELO, OF CALIFORNIA
ANTHONY DESALES PINSON, OF VIRGINIA
DWIGHT RAY RHOADES, OF ILLINOIS
BRUCE DAVID ROGERS, OF THE DISTRICT OF COLUMBIA

PETER G. SCHMEELK, OF NEW JERSEY
SIMON JOSEPH SCHUCHAT, OF FLORIDA
SANDRA J. SHIPSHOCK, OF VIRGINIA
MICHAEL KEVIN ST. CLAIR, OF UTAH
CHRISTOPHER ERWIN WITTMANN, OF VIRGINIA

DEPARTMENT OF COMMERCE

BARBARA L. SLAWECKI, OF NEW JERSEY

UNITED STATES INFORMATION AGENCY

CARLTON LOUIS AMES, OF FLORIDA
ROBERT LAWRENCE DANCE, OF OHIO
KATHRYN M. DELANEY, OF KANSAS
DAVID R. GILMOUR, OF TEXAS
JEAN ANNE WINKLER HUDDER, OF MISSOURI
ANTHONY ALONZO HUTCHINSON, OF WASHINGTON
THOMAS M. LEARY, OF FLORIDA
JOHN LOUTON, OF WASHINGTON
M. LEE MCCLERNY, OF WASHINGTON
JOHN GREGORY MORAN, OF THE DISTRICT OF COLUMBIA

LINDA LOUISE POWERS, OF CONNECTICUT
SUSAN A. ROBERSON, OF MARYLAND
MARK CHRISTIAN ROCHESTER, OF NEW YORK
PETER EDWARD SAMSON, OF NEW YORK
MARIANNE C. SCOTT, OF CALIFORNIA
VIRGINIA ANN CANIL TADIE, OF CONNECTICUT
ROY S. WEATHERSTON, OF CALIFORNIA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENTS OF STATE AND COMMERCE AND THE UNITED STATES INFORMATION AGENCY, TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

KENNETH M. ABSHER, OF TEXAS
MARK ARMANDO AQUAR, OF CONNECTICUT
MATTHEW J. BANNICK, OF WASHINGTON
GARY R. BELT, OF VIRGINIA
DALE B. BENDLER, OF VIRGINIA
MARK W. BENT, OF TEXAS
GENE E. BIGLER, OF CALIFORNIA
KEVIN L. BRISCOE, OF ILLINOIS
IAN GIBSON BROWNLEE, OF NEW YORK
JOHN DAVID BURLEY, OF OHIO
MARY L. CALDWELL, OF CALIFORNIA
STEPHEN JOHN CARRIG, II, OF CALIFORNIA
SUSAN M. CARTER, OF WASHINGTON
JEFFREY R. CELLARS, OF CALIFORNIA
GAYE LYNNE CHUN, OF HAWAII
JUNE ELLEN COCHRAN, OF VIRGINIA
MATTHEW STEPHEN COOK, OF NEW JERSEY
ADAMANTIOS D. COULOURIS, OF FLORIDA
SUSAN P. CROININ, OF VIRGINIA
AMY JO CRUTCHFIELD, OF CALIFORNIA
CHERYL L. DAVIS, OF NEW JERSEY
SUSAN DOMOWITZ, OF INDIANA
BOB J. DOUGHERTY, OF VIRGINIA
JEAN-PAUL S. EBE, OF VIRGINIA
HOWARD J. ELLIS, OF FLORIDA
SARAH J. ESKANDAR, OF TENNESSEE
KATHLEEN M. FAIRFAX, OF KENTUCKY
KAREN D. FAYE, OF VIRGINIA
PETER C. FELSTED, OF VIRGINIA
ELIZABETH A. FOLEY, OF WEST VIRGINIA
JAMES PONTANILLA, OF CALIFORNIA
KENNETH A. FORDER, OF NEW JERSEY
KAREN E. GALLEGOS, OF NEW MEXICO
CARLOS GARCIA, OF FLORIDA
PHILIP S. GOLDBERG, OF MASSACHUSETTS
STEPHEN I. GRECO, OF NEW HAMPSHIRE
DANIEL HALL, OF TEXAS
CHRISTINE HARRINGTON, OF NORTH CAROLINA
PETER J. HERZ, OF MARYLAND
THOMAS J. HIGGINS, OF CONNECTICUT
LESLIE C. HIGH, OF PENNSYLVANIA
PERRY HOLLOWAY, OF SOUTH CAROLINA
LINDSAY LEANN HOOVER, OF CALIFORNIA
CHARLES W. JONES, OF CONNECTICUT
DAVID HUNTER KENNEDY, OF VERMONT
CRISTINA VICKERS KLEMA, OF VIRGINIA
JAMES MARX LEVY, OF CONNECTICUT
MARY BETH LONG, OF VIRGINIA
MARK STEPHEN LUEBKER, OF MINNESOTA
ROBERT J. MADDEN, OF MISSOURI
JERROLD L. MALLORY, OF CALIFORNIA

HELEN LELA MARGIOU, OF VIRGINIA
DAVID A. MARSDEN, OF IDAHO
MARGOT DEM. MARTINEZ, OF LOUISIANA
JAMES EARLE MCCrackEN, OF RHODE ISLAND
JAMES L. MCCULLOUGH, OF VIRGINIA
BEATRICE LOFTUS MCKENZIE, OF ILLINOIS
MATTHEW JOHN MCQUILLEN, OF VIRGINIA
THOMAS G. MEDINA, OF VIRGINIA
TIMOTHY L. MERIMEE, OF FLORIDA
WILLIAM JEFFREY MERRILL, OF MARYLAND
JAMES ANDREW MILLER, OF SOUTH CAROLINA
MARGARET CATHERINE MOSES, OF GEORGIA
JACQUELINE MOYER, OF FLORIDA
CYNTHIA L. NELSON, OF ILLINOIS
HUGH M. NELSON, OF VIRGINIA
DAVID ERIC OLESEN, OF OKLAHOMA
THEODORE GEORGE OSIUS, III, OF THE DISTRICT OF COLUMBIA

MARY J. PARR, OF VIRGINIA
STEPHEN P. PAZAN, OF NEW YORK
MARK A. PEKALA, OF THE DISTRICT OF COLUMBIA
THOMAS DAVID PERKINS, OF PENNSYLVANIA
JOHN TEMPLEMAN PRICE, OF ALABAMA
RICHARD KENT PRUETT, OF CALIFORNIA
DEAN R. RADFORD, OF OREGON
HENRY MASSIE RECTOR, OF ARKANSAS
JULIE A. RETHMEIER, OF VIRGINIA
JESUS R. RODRIGUEZ, OF CALIFORNIA
ISAAC D. RUSSELL, OF CONNECTICUT
LARRY ARTHUR SABIN, OF WASHINGTON
MARRIE YAMADA SCHAEFER, OF CALIFORNIA
DAVID P. SCHENSTED, OF WASHINGTON
TIMOTHY MARTIN SCHERER, OF ILLINOIS
ELIZABETH ANN SCHOPPE, OF VIRGINIA
BETHANY L. SCHWARTZ, OF VIRGINIA
JOSEPH E. SEMAN, OF VIRGINIA
JEFFREY R. SEXTON, OF INDIANA
HORACE SPEED, III, OF MARYLAND
SHIRLEY OLIVIA STANTON, OF COLORADO
BENJAMIN TAIT, OF CONNECTICUT
MARA TEKACH-BALL, OF NEW JERSEY
ANNE LOUISE TERMAN, OF ILLINOIS
MARY A. THOMPSON-JONES, OF CALIFORNIA
DEBRA J. TOWRY, OF LOUISIANA
PATRICIA A. TOYRYLA, OF VIRGINIA
RAYMOND F. TRIPP, JR., OF NEVADA
EDWARD SPENCER VERONA, OF NEW JERSEY
VICTORIA VIGER, OF VIRGINIA
PHILLIP JAMES WALKER, OF NEW HAMPSHIRE
NICHOLAS EVANS WARE, OF THE DISTRICT OF COLUMBIA
GARY M. WILLIAMS, OF VIRGINIA
DAVID T. WORTH, OF NORTH CAROLINA

CONSULAR OFFICERS OF THE UNITED STATES OF AMERICA:

RAJENDRA KUMAR DHEER, OF MARYLAND
GARY GALLAGHER, OF OKLAHOMA
CHARLES E. NICHOLS, OF ALABAMA

SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

NED W. ARCEMENT, OF LOUISIANA
KENNETH D. COHEN, OF VIRGINIA
MARIA BONITA GALINDO, OF MARYLAND
ROBERT L. GRANINGER, OF ARIZONA
CHARLES H. GROVER, OF NEW HAMPSHIRE
GENE WILLIAM HECK, OF MICHIGAN
GERALDINE O'BRIEN, OF VIRGINIA
CHRISTOPHER H. SWENSON, OF VIRGINIA
KAREN LEIGH WARE, OF THE DISTRICT OF COLUMBIA

THE FOLLOWING-NAMED CAREER MEMBER OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED, EFFECTIVE NOVEMBER 6, 1988.

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

TIMOTHY C. BROWN, OF NEVADA

IN THE ARMY

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be general

GEN. FREDERICK F. WOERNER, JR. **xxx-xx-xxxx** UNITED STATES ARMY.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601(A), IN CONJUNCTION WITH ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be general

GEN. MAXWELL R. THURMAN, **xxx-xx-xxxx** UNITED STATES ARMY

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR PERMANENT PROMOTION IN THE UNITED STATES AIR FORCE, UNDER THE PROVISIONS OF SECTION 628, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

NURSE CORPS

To be lieutenant colonel

PATRICIA C. STRADLEIGH, **xxx-xx-xxxx**
SHARON K. ZIMMER, **xxx-xx-xxxx**

CHAPLAIN

To be major

WILLIAM L. GRAVES, **xxx-xx-xxxx**

JUDGE ADVOCATE

RANDALL L. LEVEL, **xxx-xx-xxxx**

NURSE CORPS

TERI A. RUSSELL, **xxx-xx-xxxx**
MARYEILEEN HARRISON, **xxx-xx-xxxx**
MARY A. LEIGH, **xxx-xx-xxxx**
KATHERINE R. MOSELY, **xxx-xx-xxxx**
MARY C. REPKO, **xxx-xx-xxxx**
CATHERINE R. WILKALIS, **xxx-xx-xxxx**

THE FOLLOWING OFFICER FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF SECTION 531, TITLE 10, UNITED STATES CODE, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM THE DUTIES INDICATED, PROVIDED THAT IN NO CASE SHALL THE OFFICER BE APPOINTED IN A GRADE HIGHER THAN LIEUTENANT COLONEL.

NURSE CORPS

PATRICIA C. STRADLEIGH, **xxx-xx-xxxx**

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF SECTION 531, TITLE 10, UNITED STATES CODE, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM THE DUTIES INDICATED, PROVIDED THAT IN NO CASE SHALL THE OFFICERS BE APPOINTED IN A GRADE HIGHER THAN MAJOR.

CHAPLAIN

WILLIAM L. GRAVES, **xxx-xx-xxxx**

NURSE CORPS

MARYEILEEN HARRISON, **xxx-xx-xxxx**
MARY A. LEIGH, **xxx-xx-xxxx**
CATHERINE R. WILKALIS, **xxx-xx-xxxx**

IN THE NAVY

THE FOLLOWING-NAMED LIEUTENANTS IN THE STAFF CORPS OF THE UNITED STATES NAVY FOR PROMOTION TO THE PERMANENT GRADE OF LIEUTENANT COMMANDER, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

MEDICAL CORPS OFFICERS

To be lieutenant commander

JOHN D. ADAMS
DANIEL C. ALDER
BETTY ANNE ALLEN
SANDRA ANN ALMEIDA
JAMES W. ALTZER
CHRISTOPHER LEE
AMLING
MELISSA APPLETON
NICOLAS B. APPLETON
CHARLES STEP
ARMSTRONG
CHRISTOPHER
ARMSTRONG
DEIRDRE J. ATLAS
WILLIAM FRANKLIN
BAILEY
BYRON B. BAKER
JOHN CHARLES BALEIX
STEPHEN M. BANE
MARK ROY BATEMAN
CHRISTINE BEADLE
DAVID RICKEY BECKER
DANIEL S. BEGGS
BRIAN HARRIS BENNETT
BRAD BERNSTEN
DAVID BERSINGER
SCOTT AARON BILDSTEN
DAVID MICHAEL BIONDI
JAMES R. BLOOM
MARY LEBLANC
BLUMBERG
RICHARD BOEHME
MICHAEL S.
BONGIOVANNI
BRUCE B. BOSWELL
HAROLD D. BOYD
BARBARA LYNN BOYER
GREGG D. BRANHAM
MICHAEL WAYNE
BRATTON
SYLVIA YOUNG BRAZEE
RANDALL J. BREADY
LANCE L. BRIGGS
HANS ANTHONY BRINGS
JAMES F. BRINKMAN
DWANE THEODOR
BRITTAIN
KEVIN E. BROOKS
BRIAN M. BROTZ
JOHN S. BRUCH
PAULETTE CHARES
BRYANT
DANIEL JOSEPH
BUCHHOLZ
JAMES R. BURKE
CHARLES ANTO
BUZZANELL
THOMAS G. BYRNE
JAMES S. CAIN
SALVATORE RONALD
CAMPO
BARCLAY GORDON CARAS
STEPHEN MICH
CARDAMONE
JOHN M. CASTELLANO
VICTOR J. CATULLO
MARK J. CERBONE
JAMES M. CHIMIAK
COLIN GREGORY CHINN
SUSAN LYNN CHITNUM
BRUCE R. CHRISTEN
RICHARD N. CHRISTIE
CHARLES A. CICCONE
LAURA MEAD CLAPPER
KEVIN J. COAKLEY
EDWARD NICHOLAS
COHILL
GREGG J. COLLE
EARNEST CRAIG CROSBY
DENNIS M. CRUFF
JERRY F. CUSHMAN
BRIAN CHARLES CUSICK
MARK A. DAELEY
WILLIAM LAURENCE
DAHUT
WHEELER J. DALE
KAREN A. DALY
RAY HENRY DAMOURS, JR
DOUGLAS L. DAMRON
ROBERT G. DARLING
EVAN J. DAVIES
ROBERT A. DEEDMAN
GREGORY GERARD
DEGNAN

FRANCIS XAV
DELVECCIO
ELLEN CATHERI
DENIGRIS
JAMES DEREN
ROBERT A. DEWESEE
NEIL JAMES DUVAL
TERRENCE X. DWYER
JOHN EDEEN, III
DONALD W. EDGERLY
ANDREW GERALD
EICHLER
CURTIS JAY ELAM
WALTER ELIAS, III
WILLIAM WING
ELSAESSER
WILLIAM SCOTT ELWOOD
WESLEY W. EMMONS
WILLIAM ERNOEHAZY
DAVID HANNI EVANS
GERRY DEAN EZELL
JEROME PAUL FAIRCHILD
EDWARD FASOLINO
JUDITH A. FAULKNER
CINDY L. FEIDT
GEORGE ANTHONY
FERRARA
JERRY ALPHO
FERRITINO
CLIFFORD FIELDS
ROBERT LOUIS FISCHER
DEBORAH MAR
FITZGERALD
STEPHEN H. FLAX
DONALD J. FLEMING
JOHN C. FORSYTH
AUGUSTE HECTOR
FORTIN
BRIAN L. FOWLER
MICHAEL J. FRANCIS
HAROLD ALLISTO
FRAZIER
THOMAS FREENOCH
DANIEL R. GACCIONE
ELTON K. GADDY
JAMES S. GAFFNEY
FREDERICK C. GASS
WILFORD K. GIBSON
ROBERT B. GILLIS
KEVIN J. GINGRICH
THOMAS GOODELL
HOWARD N. GREENE
CHRISTOPHER J. GRIFFIN
LORRAINE J. GRIFFIN
RICHARD L. GRIFFIN
RICHARD A. GUNOVICH
JOHN I. HALPERN
GLENN I. HANANOUCHE
DAVID ALLEN HANSEN
DUANE J. HARRIS
TERRY A. HARRISON
THOMAS E. HATLEY
GERALD BLAISE HAYES
RICHARD A. HEPNER
JOHN R. HELMICK
BARRY E. HERMAN
RICHARD G.
HETHERINGTON
JAMES STACY HICKS
JAMES C. HIGGINS
THOMAS F. HIGGINS, JR
JOHN FLOYD HILL
JOHN WARREN HILL
TIMOTHY PAUL HODGES
GREG WILLIAM
HOKSEMA
DONALD L. HOFFMAN
STEPHEN HOLMAN
ERIC STEPHEN HOLMBOE
HELEN C. HUANG
DENNIS LEE HUFFORD
YOUNG HUH
ROBERT MICHA
HULLANDER
KENNETH S. HUNTER
MARC HUNTOON
WILLIAM HURST
NICHOLAS H. HYDE
DENNIS ALAN ICE
JOSEPH JOHN
JANKIEWICZ
JOHN E. JAYNE
JEFFREY T. JENSEN
JAMES M. JOCHUM
MARK HAROLD
JOHNSTON
KURT DOMINIC JONES
SHAUN B. JONES
JOHN FREDERICK KAISER
KYLE MATTHEW
KAMPFMAN
EDWARD JOSEPH KANE, JR
TIMOTHY E. KEANE
BRIAN T. KEEFE
KELLY SHANNON KEEFE
ANDREW SCOTT KEEES
GEOFFREY A. KELAFANT
JEFFREY LEE KELLOGG
DOUGLAS P. KEMP
MAURA J. KENNEDY
WILLIAM WARREN
KERFOOT

DALE E. KESTER
LAURA BROOKS KEZAR
MARK W. KIMPEL
T. E. KINGSTON
KENNETH DAVID KLIONS
WILLIAM T. KLOPE
JOHN JOSEPH KNIGHTLY
DOUGLAS ROLF KNITTEL
KERRY KNOZIN
TIMOTHY KOBERNIK
GEORGE KRASOWSKI
JEFFERY JOHN KUHN
DENNIS SHUSO KUMATA
PETER K. KUMMANT
DANIEL H. LACHANCE
CHARLES L. LAMB
JOHN LAMPERT
PAUL M. LEGAN
GREGORY FRANCI
LEGHART
MARK FRANKLIN LEMONS
PHILIP M. LENKO
WING LEONG
BRUCE THOMA
LETOURNEAU
ANDREW W. LEWIS
REENA LEWIS
MARK A. LIBERMAN
ALAN LIM
JAMES ANDREW LIPTON
LYNN MICHIO LOSBY
GEORGE D. LYLE
MARIAN LEE MCDONALD
CATHERINE A. MACYKO
MICHAEL RAY MADDOX
DONALD E. MAIER
LINDA
MANSFIELDSMYSER
RANDALL C. MAPES
DONALD LEE MAPLES, JR
ROBERT CARTER
MARSHALL
GREGORY JOHN MARTIN
JORGE ANTONIO
MARTINEZ
JOHN ROBERT MASCOLA
MARCOS VINCENT
MASSON
MARTIN LEE MATHIESEN
ANTHONY R. MATTIA
STEPHEN
MATTIESHAYDEN
MARK S. MAY
GREGG WAYNE
MCANICH
DERVILLA M. MCCANN
MICHAEL CHARL
MCCARTHY
SCOTT K. MCCLATCHEY
ERIC CLYDE MCDONALD
BRIAN ANTHONY
MCHUGH
ROBERT WILLIAM
MCMAHON
ROBERT BRUCE J.
MCMANUS
JAMES RICHARD MILLER
DAVID W. MINER
FRANK A. MINO
KATHLEEN HOLT
MOELLER
MICHAEL SCOTT
MOELLER
DAVID HUTCHINSON
MOORE
SARAH FLETCHER MOORE
ROSS MOQUIN
JAMES PATRICK MURPHY
LYLE C. MYERS
RICHARD O. NELSON
CHIEH NGUYEN
STEPHEN F. NICHOLS
STEPHEN WILLIA
NOLTER
JOHN HOWARD NORDEEN
JOHN A. NOVOTNY
MICHAEL JAMES NOWICKI
MATTHEW J. NUTAITIS
DAVID NUTTER
GARY RANDALL OAKES
THOMAS JEFFERSO
OBRIEN
DAVID GEORGE ODAY
PAUL V. OFFERMANN
CHRISTOPHER LOVEJ
OLCH
GUILLERMO OLIVOS
TIMOTHY PATRIC
OMALLEY
STEPHAN E. OOSTERMAN
DAVID K. PADGETT
MAURICE JOSEPH PARE, JR.
RICHARD LEE PARKER
ROBERT LYDON PARRY
DENNIS J. PATIN
MICHAEL J. PATTI
TODD ALLAN PERLA
MICHAEL J. PESQUEIRA
DREW ALAN PETERSON
ERIC W. PETERSON
KHOI D. PHAM
CARMEN V. PINTO

FRANK J. PINTO, JR.
JOSEPH A. PION
KAREN T. PITMAN
THURMAN NEAL
POLCHOW
PAUL POTTER
DENNIS PRATT
KEVIN PRESSLEY
BORIS PRUSA
KEITH S. PUMROY
NED RADICH
GREGORY C. RANDLE
GERARD STEV
REBAGLIATI
JAMES THOMAS RECTOR
BILLY REDMOND
THOMAS KURT REINERS
JOHN J. RIBAUDO
THOMAS J. RICH
PERRY K. RICHARDSON
WADE C. RIDLEY
MICHAEL RIESBERG
WOUTER JAN RIETSEMA
WESLEY BRADFO
ROBINSON
GENE M. ROFFERS
WILLIAM O. ROGERS
EDWARD GEORGE
ROHALY
KATHLEEN ANN
ROHLEDER
RICHARD L. ROLEN
RICHARD ROTHFLEISCH
CHARLES ANTHONY RUST
KATHRYN A. RYAN
STEPHEN RYNNICK
JOSEPH HUGH SALES
ANDREW KENNET
SALTZMAN
JEFFREY MARK SANDLER
BRIAN ERNEST SARGENT
JOHN G. SAUTER
WAYNE SCALI
STEVEN SCHALLHORN
JAMES JOSEPH
SCHNEIDER
SCOTT RICHARD SCHOEM
THOMAS JOSEPH
SCHREINER
PAUL N. SCHULTZ
ROBERT M. SCHWARTZ
JOHN D. SCOTT
JOSEPH J. SECOSKY
NEIL R. SEELEY
RUDY A. SEGNA
JOHN T. SENKO
MARTY G. SHARP
JAMES WIN SHIELDS
DONALD E. SHOWS
RICHARD C. SHUMWAY
JOHN AUGUST SIEPERT
GERALD NICHOLLS J.
SIMS
JOSEPH PAUL SLIMACK
DAVID MATT SMALL
JAMES FRANCIS SMITH,
JR.
PAGE A. SMITH
TAMMY SMITH
WYATT SCOTT SMITH
ROBERT BRUCE
SORENSEN
JAY CHARLES SOURBEER
STEPHEN K. SOUTHER
MARY ELIZABETH
SPIEGEL
WILLIAM F. SPILLANE
SCOTT LATHAM
STAFFORD
JAMES RANDAL STAPLES

SUPPLY CORPS OFFICERS

To be lieutenant commander

RICARDO TEODORO
ALBERTO
JOHN ROBERT ASHLOCK
DOUGLAS RALPH BALLOU
ROBERT DAVID BECHILL
MAX ALAN BLACK
JEFFREY DONALD
BRADLEY
THOMAS ANDREW
BRATTON
JOHN DANIEL BREWSTER,
JR.
WILLIAM ANDREW
BROWN
WOLFOANG JOSEPH BUCK
STEVEN GRADY CARVER
JAMES ANTHONY
CATALANO, JR.
JUANITA FAYE CLAPHAM
CHRISTOPHER ALLEN
CLAYTON
BRIAN J. COWAN
DARRELL LYNN CRAVY
PETER J. DEWALD
CHARLES FERDINAND
DOWNEY
RICHARD BRADFORD
DREHOFF

ROBERT FRANCIS
DUDOLEVITCH
DAVID CALVIN ENGLAND
WILLIAM WESLEY PIFER
FRANCIS JOSEPH
FLUTTER, JR.
KAREN ELIZABETH FORD
GERALD LEE FRANCOM
VON WEBBER FREEMAN,
II
JOHN LOUP GEBHART
CHRISTOPHER MARTIN
GRABARZ
RUTH GRAHAM
DANNY ROGER GRENIER
JACQUELINE S. GRIFFITH
JAMES ANTHONY HAJEK
STEVEN JOHN HARRIS
STEVEN EDWARD
HELDRETH
PATRICK JOSEPH
HENNELLY, III
JAMES CLAUD HOGE
DANIEL CUSHING HORST
KARL WARREN JENSEN
BRIAN DAVID KEEFER
ARTHUR WILLIAM KING,
III

ANDREW JOHN
KOVALCHIK
FELICISIMO PASCUA
LANDINGIN
CHARLES MICHAEL LILLI
FRANK MICHAEL LONG
GEORGE ANTHONY
MARENTIC
GREGORY MARTIN
MICHAEL PAUL MARTIN
MICHELLE MCKEEVER
MCATEE
BRIAN PATRICK
MCPADDEN
JON EDWARD MCIVER
MICHAEL PATRICK
MCPECK
WILLIAM VANN MILHEIM
OSCAR RONALD MINTER
MICHAEL JOHN MOORE
JOHN IRVIN MORRIS
ANTHONY STEPHEN
MOSLEY
RONALD STEVENS
MOSLEY
EDWIN ERICKSON MYHRE
JAMES PRYCE NABER
EDWARD PAUL NARANJO
CRAIG WILLIAM
OCONNOR

CHAPLIN CORPS OFFICERS

To be lieutenant commander

BENJAMIN BENSEN
BISHOP
HAROLD W. BURRELL
RALPH SHERMAN
DOUGLAS
ULYSSES DOWNING, JR.
KELVIN CASPER JAMES
CHARLES FREDERICK
LANG

DAVID MACDONALD PAIR
ALVIN LOUIS PESCHKE
KENNETH ALLAN PIERI
LEONARD MENDOZA PINA
NICHOLAS DANIEL PISANO
STANLEY ZANE PRICE
LANE LASKO PRITCHARD
DONALD EUGENE RATTZ
ROBERT RAYMOND
ROBIDA
KATHLEEN MARY SARLES
DON FRANKLIN SCHADE
ROBERT LEE SCHILLER
NEIL EDWARD SEIDEN
SUZANNE KAY SPANGLER
DALE WILLIAM SPROW
PATRICK GLENN STARTT
JOHN MICHAEL
SZYDLOSKI
EDWIN ARNOLD
VICTORIANO
STEPHEN ROGERS
VONHITRITZ
DENNIS DAVID VOYLES
GARY DALE VULLET
DENNIS EDWIN WILSON
GEORGE R. WRIGHT
MICHAEL WALTER
ZABAROUSKAS

WILLIAM P. LESAK
JAMES JOSEPH MACNEW
PAUL JAMES MCNABB
TOMMY BERNARD
NICHOLS
FLEX CARLOS
VILLANUEVA
RICHARD CHARLES
YAGESH

CIVIL ENGINEER CORPS OFFICERS

To be lieutenant commander

RICHARD LEE AASLAND
ALBERT JEHLAL BANKS,
JR.
DOUGLAS MELVIN
BARNARD
THOMAS POSTER BERSON
PAUL NMN BOSCO
KENNETH PATRICK
BURTYM
FRANK A. CANTWELL
HENRI GORDON CHAST
ELIZABETH ANN
CLARKSON
PAUL S. COOK
JAMES WILLIAM COWELL,
JR.
HULEN MACK DAVIS, JR.
MICHAEL P. DOYLE
ROBERT W. EADIE
STEPHEN T. ECKEL
ROBERT MAREK
FRANKEL
FREDRICK KARL
GERHEISER
WILLIAM KENDALL GRAY
BRAIN KENNETH HARRIS
CHARLES R. HERON
MARK RICHARD HIPPE
RANDALL LEE HOFFMAN
JON W. INGALLS
STEVEN RICHARD ISELIN

DANIEL P. KING
PAUL MARK KUZIO
LARRY D. LINN
ROLAND EARL LONG, JR.
FRANCIS ERNEST
LUTTAZI
CONNIE MYERS MADDEN
RICHARD L. MARRS
DAVID WILLIAM MATHIAS
MARK ERNEST MAYNARD
MICHAEL J. MURTHA
SCOTT D. POELKER
JAMES E. POWER
ROBERT BRIAN RAHNS
CHRISTOPHER JOHN
ROTH
MARK VANCE SARLES
R. D. SCHLESINGER
WAYNE GREGORY SHEAR
BRUCE G. SHOPE
JOHN ROBERT
STEVENSON, IV
ALAN MICHAEL
TOMLINSON
JOSEPH ANTHONY
WALBERT
DAVID LEE WATTS
FRANCIS PAUL WIEGAND,
JR.
JOHN WALTER ZINK

JUDGE ADVOCATE GENERAL'S CORPS OFFICERS

To be lieutenant commander

ALBERT ANTHONY ABUAN
KEITH JOHNS ALLRED
ERICK LARSON
ARMSTRONG
PATRICIA JEANNE BATTIN
JOHN ALAN BEALL
LYLE H. BOWEN, JR.
JOHN RICHARD CHEMA
SUSAN LYNN RUSS
CHEMA
CARLETON ROBERT
CRAMER
DANIEL GRAY DONOVAN
CHRISTOPHER J. PEKETE
JANET LYNN FISHER
PAUL RICHARD FOSTER
LUIS JACINTO GONZALES
HOWARD BARRY
GOODMAN

JAME W. HOUCK
JAY J. KESSLER
JOYCE ELAINE KING
BRUCE WILLIA
MACKENZIE
MICHAEL MASON
ELLEN MARGARET
MCGRATH
DAVID M. MORRIS
EMERY FIELDS NAUDEN
CAROL GRA
RICCIARDELLO
WILLIAM FREDRICK ROOS
ROGER DALE SCOTT
DONALD JEFFREY
SHERMAN
PETER JOHN STRAUB
DAVID ALLEN WAGNER
BEVERLY DART WILSON

DENTAL CORPS OFFICERS

To be lieutenant commander

ANDREW SCOTT ALAMAR
DONNA JEAN ALLISON
JOHN RICHARD ARAGON
RANDALL JOHN AVERS
ROCCO MICHAEL BABINEC
MICHAEL RODERIC
BRENYO

JANNAS ETHELDRA
BROWN
JOHN CYRIL CALHOUN
RUTILLO ONGJOCO
CHAVES
BRIAN ROBERT
CRAWFORD

JAMES DICKINSON
GEORGE DIKTABAN
TERESA LYNN DOYLE
RICHARD QUIN
DUFURRENA
DOROTHY CHARLOTTE
DURY
DANIEL GLEN EHRRICH
BYRON CARLTON ESCOE
ROBERT DOUGLAS POSS
STEPHEN ENRICO FUCINI
PATRICIA MARIE
GARRITY
JAMES HENRY
GHERARDINI
LYNDA DENISE
GROSSMAN
JEFFERY LYNN HAINLEY
ROGER EDWARD HANKS
ARTHUR JOEL
HERNANDEZ
LISA GAY HOYT
SCOTT ALBERT JENSEN
JAMES ERNEST KELLEY
ALEX MARSHALL KORDIS
STEPHEN ROGER LEE
JOHN PAUL LUNDGREN
PAUL MICHAEL MADDEN
LESLIE KATHERINE MARR
JAMES CAREY MARTIN, III
BRUCE CARLTON MCLEOD
KEVIN JOHN MEARS
HEIDI LEE MOOS
BLAINE EARL MOWREY
DAVID ALLAN OBRIEN
WANG SIK OHM

MEDICAL SERVICE CORPS OFFICERS

To be lieutenant commander

EDWIN BONDAD ABEYA
WILLIAM JOSEPH J.
ADAMS
VONDELL ALLRED
DAVID MARK ANDERSEN
ANDREW E. ANDERSON, JR.
EDWARD WILLIA
ANDERSON
BARRY ALAN ANNIS
RICHARD ALAN BECKER
STEVEN ALLEN BERG
MICHAEL WAYNE BIGGS
DALLAS ANDRE
BISIGNANO
JAMES FRANK BRADO
PAMELA SHAYNE
BRANNMAN
CHARLENE D.
BRASSINGTON
RICKY BROWN
EDGAR CLEMENT
CABURIAN
JOHN D. CAMPBELL
UWE WILSON KAR
CANTING
ERIN HOPE CARLSON
FRED VAUGHAN
CHURCHILL
JEFFREY LYNN CLARK
JOHN SILVIO CLASS
LEE ALLEN CLONINGER
CRAIG RALPH COFFIELD
JEANNIE LEE CONNORS
ANTONIO ALVAREZ
COOPER
MICHELE MAR
DALE SANDRO
DAVID LAWRENCE
DECKER
RONALD JAMES DEVINE
JERRY MICHAEL DEWALD
CHERYL L.
DIGIOVACCHINO
MICHAEL EDWARD
DOBSON
DANIEL LEE DOLGIN
NEWTON ALLEN DORT
GENE EPHRIEM EARLEY
RYAN BRUCE EICHNER
CHARLES K. ENGLISH
JAMES CAMERON EPPS
JON MARSHALL
ETHEREDGE
ROBERT FRANCIS FORD
RICHARD CHARLES
FOSTER
ROBERT BRIAN GAY
CONNIE ANN GLADDING
NANCY NICOL GODFREY
GLENN M. GOLDBERG
JANET MAXINE PA
GORDON
RICHARD OBRIE
GRIFFITH
ALEX JAMES GROSSO, JR.
CHARLES ELWOOD GUNN
RICHARD LO
HABERBERGER
RICHARD JOSEPH
HACKMAN
DENNIS PATRICK HALLEY
THOMAS WILLI
HALLIWELL

THOMAS BARRY
PADGETT
FRANCIS ROBER
PARREIRA
MILAN NICHOL
PASTUOVIC
JOSE QUESADA
PAUL DAVIDSON REAGAN
CATHY LYNN REARDEN
NANCY L. REEVES
MICHAEL LAWREN
RUDOLPH
DIVID ALAN RUSSELL
DUANE ROBERT SCHAFER
TERRY LEE SCHRUBB
TIMOTHY JOSEPH SHEA
PAUL RUSSELL SMITH
THOMAS RAY SPRADLIN
SCOTT RICHARD STANKE
BRUCE JAMES THOMAS
MARK ALLEN THOMAS
THOMAS MARK
THOMPSON
THOMAS FREDERIC
TILSON
ALLEN D. TODD
CAROL LEE WALKER
DALE VICKERS J.
WATKINS
CAROLINE MARIE
WEBBER
KEVIN LEE WEBER
FENN HOLDEN WELCH
ROSCOE COLEMAN
WILLIAMS

JERROLD CHRIS
HEIDRICH
TRENA JANIECE HENSON
SHERMAN ELMER
HILFIKER
PAUL M. HOFFMAN
ROBERT CARL HOFFNER
JON L. HOPKINS
HENRY MORGAN I
JACOBS
WILLIAM BRENNAN
JENKINS
ROYCE JOSEPH KAHANAK
EDWARD JOSEPH KANE,
JR.
ROBERT MICHAEL
KELLOGG
CHARLES DEXTER
KIMSEY
SHARI H. KIRSHNER
ROY DEAN KOLAR
EDWARD MILTON LANE
STEVEN LEE LARUE
MIGUEL CESAR LEORZA
ROBERT BOYD LEWIS, IV
RODNEY DWANE LINVILLE
WILLIAM BYRON LOWE,
JR.
PAUL WHITE LUND
JAMES TRAVIS LUZ
KATHERINE ELIZA
MACHOL
RICHARD PATRICK
MASON
KELLY JOSEPH
MCCONVILLE
MARCELLA MAU
MCCORMACK
STEVEN RANDOLP
MCINNIS
THOMAS DAVID
MCMAHAN
GLENN ELMER MCNEES
MARK EDWARD
MEWSHAW
RAHN YUKIO MINAGAWA
PATRICK MICHAEL
MOSHIER
KEVIN ROYAL
MOTTINGER
KIMBERLY ANN MYNHEIR
KATHLEEN LEE NAWN
MICHAEL EUGENE NEELY
ROBERT RANDALL
NELSON
ROBERT LAURENCE
NETZER
PAUL EDWARD NEWSOM
JAMES ALFRED NORTON
DIANA MARY NOVAK
MARILYN RAE PAST
DANIEL WILLIAM PEAKE
WILLIAM VAN REESE
RICHARD ALEXAND
RHODES
JOEL RAY ROBBINS, JR.
RICHARD GEORGE
ROBERTS
WILLIAM HADYN
ROBERTS
STEVEN ERNEST
ROBINSON
LEON H. ROULLIER

CHRISTOPHER W SACASH
RICHARD STEVEN SAVOY
GEORGE WILLIAM
SCHULTZ
ELENOR MACARAE
SHIGLEY
RANDALL ALVAH SLATER
AL LAWRENCE SORESEN
KENNETH ALAN STEIN
WILLIAM REISH STOVER
VICTOR ARTHUR
SWINDALL
KENNETH TAKAHASHI
TERRY LEE TATMAN

DEAN ALAN TAYLOR
JAMES ARTHUR TAYLOR
SHARON RAYE THOMAS
RICHARD JOSEPH
THOUNE
DONALD RAY TURNER
RONALD DAVID WHIPPLE
MICHAEL OWEN
WILKINSON
STEPHAN REED WILSON
MARTIN WILLIAM
WIZOREK
HARRIS THOMAS WYATT

NURSE CORPS OFFICERS

To be lieutenant commander

MARY ANN ANDERSON
MARY PAUL BACKMAN
TERESA ANN BOHUSZ
CHRISTINE BOLTZ
MARY MARTHA
BOVINGTON
DARLENE MARY BURKE
MARCY SUE BUTCHER
JOHN WILLIAM CHERRY
MARGARET MARY CLASS
JEAN SPANGLER COHN
KATHLEEN ANN COLLINS
TERRY MICHAEL COOK
JANICE FAYE CREAMER
DEIRDRE GAGE CRONIN
PATRICIA M CULVER
RICHARD LEE DAVIS
JULIE ANN DONAHUE
CAROL MCMURRY
DRISCOLL
ANNE LUCILL
EISENHARDT
ROBERT MAYES
ENGESSER

TERESA ALAMO ENGLUND
JULIO SOLIS J ESPINOSA
STEVEN BRUCE FORCIER
DIANA LEONIE FRICKER
DAWNE CHRIS
GABRIELSON
KAREN NIELSEN GRUBER
JANE MARIE HAAS
MARK STEPHEN HABEL
SALLY JANE HACKLEY
BEVERLY ANN HALL
WALTER R HAND, JR
MARY A HARBAUGH
LAURIE JEAN R HOOVER
THOMAS LINN HOWE
CHERI KAY HUTCHINS
MARY KATHERINE
JACKSON
LARRY SHERMAN JACOBS
DENNIS LEE JEPSON
JEFFREY RAYMOND
JONES
PAULINE T KELLY
ALLEN FRANKLIN KRESS

DEBRA IRENE LORICK
LYDIA JEAN MACK
CYNTHIA LYNN MASSIE
DAVID RAYMOND
MCCARTHY
MARtha H MCCARTHY
JUDITH ANN MCCLOSKEY
SHERRI R MCCORMACK
VIRGINIA MARI
MCENCROE
KAREN TERESA
MCKINSEY
DAVID WILLIA
MCMANAWAY
PAULA LYNN MILLER
RICKI JON MONSON
CAROL JEANNE MORONES
SANDRA ELAINE MORRIS
MICKEAL LOUIS
MOULDEN
JERRYANN S NELLESTEIN
KIM MARIE OODONELL
ELLEN LANCASTER ORR
MARY ELIZABETH OWENS
ROBERT ALFRED
PETERSON

KATHLEEN MARIE PIERCE
BILLY JOE RICE
VALERIE ANN SAAD
DIANE MARIE SAMELAK
MARIE SUE SENZIG
MELISA KAY BENNE
SHARP
ELLEN MARIE SHEBUSKI
ERIN ELIZAB SODERQUIST
ERICA ANN SPENCE
KEVIN P SUMNER
PAULINE LENHARD
SUSZAN
KIMBERLY EWELL
SWANEY
NANCY ANN SWANSON
MICHAEL TIMOT
THOMPSON
RICHARD LOUIS TITUS, JR
ANNE ELIZABE
VANROSSEM
JULIE GREENUP
WOODRUFF

DEPARTMENT OF COMMERCE

MICHAEL PHILIP SKARZYNSKI, OF ILLINOIS, TO BE AN ASSISTANT SECRETARY OF COMMERCE.

DEPARTMENT OF THE INTERIOR

MARTIN LEWIS ALLDAY, OF TEXAS, TO BE SOLICITOR OF THE DEPARTMENT OF THE INTERIOR.
STELLA GARCIA GUERRA, OF TEXAS, TO BE AN ASSISTANT SECRETARY OF THE INTERIOR.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

WITHDRAWALS

Executive nominations withdrawn by the President from further Senate consideration, July 20, 1989:

NATIONAL LABOR RELATIONS BOARD

JOHN E. HIGGINS, JR., OF MARYLAND, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING DECEMBER 16, 1992, VICE DONALD L. DOTSON, TERM EXPIRED, WHICH WAS SENT TO THE SENATE ON JANUARY 3, 1989.

WILFORD W. JOHANSEN, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING AUGUST 27, 1993, REAPPOINTMENT, WHICH WAS SENT TO THE SENATE ON JANUARY 3, 1989.

LIMITED DUTY OFFICERS (STAFF)

To be lieutenant commander

MATTHEW D BROOKS
JAMES M HOFFMAN
GRANT M LANE

JOHN ROBERT LINGARD
TERRANCE L NICHOLLS
LAWRENCE A PEMBERTON

CONFIRMATIONS

Executive nominations confirmed by the Senate July 20, 1989:

EXTENSIONS OF REMARKS

THE "EXXON VALDEZ" SPILL

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1989

Mr. MILLER of California. Mr. Speaker, the Subcommittee on Water, Power and Offshore Energy Resources has embarked on an extensive investigation of the circumstances surrounding the Exxon Valdez oil spill in Alaska. I have toured the Prince William Sound spill area twice, talked with dozens of residents and government officials, and chaired 3 days of hearings in Cordova and Valdez. Although the subcommittee's work is ongoing, it is already abundantly clear to me that much more than simple human error is behind the worst oil spill and most inept cleanup response in our Nation's history.

Over the course of two decades, the world's major oil companies have taken home a profit estimated at \$45 billion from development of Alaska's North Slope. Yet at the same time, the Alyeska Pipeline Service Co.—owned and operated by seven major oil companies—has systematically cutback oil spill response capabilities and resisted virtually every attempt by government regulators to get them to operate the pipeline and terminal in the state-of-the-art fashion that they promised the Congress and the people of Alaska prior to construction.

For example, in a hearing I chaired yesterday on oil spill cleanup technology, not a single witness defended Alyeska's response to the Exxon Valdez spill. Alyeska lacked trained, dedicated cleanup crews, had inadequate and outdated equipment, and failed to respond quickly and contain the spill as required by their own contingency plan.

Later in this Congress, we will be facing a fundamental choice on oil spill legislation: Do we continue to rely on oil company promises or do we make safe and environmentally sound operation a matter of law? Before deciding how to answer that question, and prior to passing judgment on legislation, I urge my colleagues to carefully consider the article by Charles McCoy, "Broken Promises: Alyeska Record Shows How Big Oil Neglected the Alaska Environment" which appeared in the Wall Street Journal on July 6, 1989.

[From the Wall Street Journal, July 6, 1989]

BROKEN PROMISES—ALYESKA RECORD SHOWS HOW BIG OIL NEGLECTED ALASKAN ENVIRONMENT

PIPELINE FIRM CUT CORNERS AND SCRAPPED SAFEGUARDS, RAISING RISK OF DISASTER

ALLEGATION OF FABRICATED DATA

(By Charles McCoy)

VALDEZ, ALASKA.—The Alaska oil pipeline was going to show Big Oil at its environmental best.

The oil companies made many pledges in the anxious days nearly 20 years ago when Congress was weighing their audacious plan to run an 800-mile pipe, filled with hot petroleum, across the fragile frozen wilderness. The industry would offer the world's finest high-tech pollution controls. There would be crack emergency spill-response teams, incinerators to burn off sludge and toxic vapors, gauges to measure any water dumped in the Valdez harbor. In charge of it all would be Alyeska Pipeline Service Co., the consortium set up by the oil companies that were about to strike it rich.

One of those members companies, Exxon Corp., has come in for a firestorm of blame since the March wreck of the Exxon Valdez caused an 11-million-gallon oil spill here. But there is another story about the oil companies' performance in Alaska over the past 19 years, during which they have taken home what the state of Alaska estimates is \$45 billion in profits. It is Alyeska's story.

The pipeline operator's track record, as shown in internal documents, state records, talks with regulators, public testimony and interviews with current and former employees, paints a picture of a consortium that has long pursued a policy of cutting corners on the environment.

WARS OF ATTRITION

Over the years, Alyeska has gradually and quietly scrapped many safeguards and never ever built others that it told Congress it planned. Several past and present employees say they occasionally fabricated environmental records. Alyeska has fought proposed new regulatory controls in long, expensive legal wars of attrition that have enabled it to dump pollutants into the environment in excess of what regulators now consider safe. It allowed its defenses against a major accident to fall into disrepair. And many Alyeska statements—both before and after the spill—appear now to have been misleading at best.

Alyeska's attitude, critics charge, made an environmental disaster more likely to occur than it need have been, and made the Exxon Valdez spill worse than it need have been.

"Based on my experience with Alyeska," says James Woodie, who has been both Coast Guard commander for the port of Valdez and an Alyeska marine superintendent, "the only surprise is that disaster didn't strike sooner."

Adds Dennis Kelso, head of Alaska's Department of Environmental Conservation: "Alyeska stands as a monument to a powerful and rich industry's fundamental failure to keep its commitments. They have operated as if they were a sovereign state, with terrible consequences. As a nation, we have to ask ourselves: 'Can we trust them anymore?'"

INTERPRETING THE RECORD

Yes, Alyeska can be trusted, it insists. It defends its performance after the March spill, saying that until the crackup its environmental record in Alaska was exemplary: more than 8,000 tankers in and out without a catastrophe—providing 25% of the nation's domestic oil supply. "We have not

broken our promises to the people of the state," declares Theo Polasek, Alyeska's vice president of operations.

Alyeska is owned and funded by seven oil companies. A British Petroleum unit has just over 50% of Alyeska (part of it acquired in the takeover of Standard Oil of Ohio), and units of Arco and Exxon have a bit more than 20% each. Smaller stakes are held by Mobil, Amerada Hess, Unocal and Phillips Petroleum. A committee drawn from the seven, chaired by BP Oil Co. vice president Fred Garibaldi, oversees Alyeska like a board of directors.

Alyeska built the pipeline, snaking over and under some of the most treacherous terrain in the world, for \$10 billion. That was about \$5.5 billion above budget, partly because of problems such as thousands of suspect welds that had to be dug up and redone because X-Rays of some welds were faked. When the spigot was cranked open in June 1977, the focus of Alyeska's operations shifted to its marine terminal at Valdez—and to a dogged pursuit of savings.

MISSING INCINERATOR

Set against a mountain backdrop across the bay from town, the marine terminal is gray and imposing: 18 mammoth storage tanks hunched in the snow. Missing, though, are many of the things the oil companies said the terminal would include to reduce risks of catastrophe. Alyeska never built 14 of the storage tanks called for in construction plans approved by Congress in 1974. Nor did it build an incinerator to destroy toxic sludge produced by the terminal's operations. Pipe on other incinerators that Alyeska said would be stainless steel instead of less-expensive—and more easily corroded—carbon steel.

Alyeska's owners also told Congress there would be a fleet of double-hulled tankers resistant to puncture. But the Exxon Valdez and almost all other ships that call here don't have double hulls.

When oil prices began falling in 1981, the owners of Alyeska ordered it to save even more on costs. In late 1982, Alyeska managers prepared what they thought was a lean budget and presented it to a meeting of the owners' committee in San Francisco. According to former Alyeska officials who were briefed on the meeting at the time, committee members cited a figure, roughly \$220 million, and asked if the budget was under that; told it wasn't, they rejected it out of hand.

"There was an overall attitude of petty cheapness that severely affected our ability to operate safely," recalls Mr. Woodie, who came over from the Coast Guard to run the terminal's marine operations just in time to see their budget slashed by about a third. "I was shocked at the shabbiness of the operation."

As cost-cutting deepened, many water-pollution controls went down the drain. The terminal has a facility to clean the oily ballast water carried by inbound tankers before it is discharged into the harbor. According to former employees and EPA investigative reports, Alyeska never installed a planned system for continuously monitoring the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

quality of water flowing into the harbor, and dismantled heaters designed to help separate oil from the water. Alyeska says it couldn't find a reliable continuous monitoring system, and the heaters were a maintenance nightmare.

Mr. Woodle says Alyeska management told him when he arrived that the treatment facility probably couldn't meet EPA standards. One way Alyeska got around this, he and some other current and former employees say, was to send samples of treated ballast water 1,200 miles to Seattle for testing; by the time it got there, some of the pollutants had decayed, so test results were usually within limits.

"Had we tested them in Valdez, they would have been off the scale," Mr. Woodle says. In any case, he adds, Alyeska dumped the water into the harbor long before the test results came back from Seattle. (Alyeska says it sent the samples out only because before 1985 it didn't have the ability to test properly in Valdez.)

THE MIRACLE BARREL

Alyeska also tests the oil extracted from ballast water before putting the oil into the terminal's storage tanks, to make sure it doesn't contain too much water. Erlene Blake, a technician in Alyeska's testing laboratory from 1977 to 1983, asserts that it was "standard operating procedure" to doctor test results if they weren't within the limits. She and some other past and present employees say that if repeated tests of oil samples didn't produce acceptable readings, their supervisors would draw a new sample from what became known as the "the miracle barrel"—a container of oil that always tested within legal limits.

Steve Eward, a technician from 1977 to 1980, says he was frequently ordered to disconnect the meter that measures how much treated ballast water was being flushed into the harbor. The rates and amounts Alyeska is permitted to dump are set by federal law, but Mr. Eward and others say the laws were often ignored. "The way around it was to shut off the mechanism for gauging how much we dumped," he says. "There was no other way for the regulators to check it."

Alyeska always has heatedly denied falsifying test results or deliberately disconnecting equipment to skirt environmental regulations. Ms. Blake, another former technician and a current employee all testified before the state public utility commission that they had fabricated test results. However, the commission ruled in 1987 that Alyeska hadn't knowingly done so, finding only testing "irregularities."

UNENDING DISPUTES

Nonetheless, the water Alyeska pours in the harbor has been the focus of unending disputes, and despite the occasional negative publicity these disputes engendered, Alyeska has dug in its heels. The company once has a permit to dump water containing concentrations of highly toxic aromatic hydrocarbon, mainly benzene, toluene and xylene, as high as nine parts per million. When that permit expired in 1983, state and federal regulators demanded that in a new permit the limit be cut as much as 85 percent. Alyeska tied them up in the EPA's administrative process, while continuing to dump at far higher levels than the regulators considered acceptable.

By 1985, regulators suspected Alyeska was recycling sludge through the ballast-water system and discharging it in the harbor, in violation of the federal Clean Water Act. George Nelson, the Alyeska president,

denied this repeatedly, saying the terminal had produced only 480 cubic yards of sludge in its nine years of operation between 1977 and 1985. But Alyeska's records show that as early as 1980, it was looking for ways to dispose promptly of 4,200 cubic yards of sludge. Alyeska says most of that turned out not to be sludge after all.

EPA PROBE

Alyeska initially refused to comply with a subpoena the EPA issued in an investigation of water quality. The agency sued and eventually got a look, but Alyeska succeeded in stalling the probe for months. EPA lawyers say Mr. Nelson ducked their inquiries for weeks at a time, and when they finally got him to schedule an interview in the fall of 1985, he didn't show up. Mr. Nelson says he doesn't recall ever missing any interviews with the EPA. Eventually, he was questioned.

Last year, the EPA issued an investigatory finding that, contrary to Mr. Nelson's assertions, Alyeska in fact had routinely recycled sludge through its ballast-water system. Although the EPA said it was unable to substantiate allegations of doctored tests, it found that much of Alyeska's data was inaccurate and some of its equipment was broken down or disconnected. During and since the three-year probe, Alyeska has made several improvements ordered by the EPA. But after six years it is still fighting regulators' demands to cut the amounts of toxic hydrocarbons it can discharge into Valdez harbor, and it continues to dump water that is sometimes far above the levels regulators seek.

"With all the money Alyeska and the U.S. taxpayer have spent squabbling over this thing, you could have built a real fine treatment system," says Harold Geren, an EPA water-quality expert.

WRANGLING OVER AIR POLLUTION

Alyeska has shown similar resistance to improving its air-pollution controls. In the early 1980s, the Valdez city council tried to get Alyeska and its oil-company owners to make tankers burn low-sulfur fuel while in port to reduce pollution. Alyeska and its owners argued, among other things, that they couldn't do that because tankers would have to be refitted at high cost. However, many of the tankers are already equipped for low-sulfur fuel because it is required at certain West Coast terminals. The oil-industry argument was "a lie, and we knew it was a lie," says Jerry Nebel, a former Alyeska supervisor whose last position at the terminal, in 1983, was oil-spill coordinator.

More recently, the terminal has drawn fire for its system for burning off poisonous vapors that build up in the oil storage tanks. A long pipe funnels the gases into a series of incinerators, where they're burned. If the system can't draw the gases off fast enough, emergency vents in the tanks open and the toxic vapors shoot untreated into the sky. About a year and a half ago, the pipe sprang a leak in a hard-to-reach spot near the terminal's power plant. Periodically, Alyeska workers familiar with the system say, liquid hydrocarbons dribbled out, collecting in puddles. From time to time, vapors wafting from the leak triggered warning alarms of potentially dangerous gas buildup.

UNPLUGGED LEAK

Alyeska at times placed patches over the leak, but didn't get around to a permanent repair job for nearly 18 months. Alyeska didn't report the problem to state regulators until the day it began repairs last month—an apparent violation of law, regulators say.

Ivan Henman, Alyeska's vice president for environmental operations, contends that the only thing coming out of the hole was nitrogen, a few other harmless gases and a little water. He says the alarms must have been triggered by oxygen leaching in. But state regulatory experts and Alyeska employees familiar with the system say that gases where the leak occurred usually contain very little nitrogen or the other components Mr. Henman cites; that oxygen can't easily force its way into the pipe; and that in any case the alarms are designed to measure hydrocarbons and only in rare circumstances could be triggered by anything else. "We think their explanation is sheerest fiction," says Bill MacClarence, a DEC air-quality expert. The state has begun an investigation to the leak.

TROUBLED SYSTEM

Alyeska's vapor disposal system has been trouble almost since the start. To save money, Alyeska built only three of the four incinerators called for in designs approved by Congress. Internal Alyeska documents show the incinerators have been operated at lower temperatures than they're designed for—again, to save money, workers familiar with the system say. Special fixtures meant to assure that as much of the vapor as possible is burned up were disconnected—to save money.

These and other procedures have left the incinerators cracked and decrepit long before their time. What's more, partly because Alyeska built the system's loop of pipe out of carbon steel instead of stainless, the loop has sprung dozens of leaks over the years, say regulators and Alyeska employees.

As early as 1981, the whole system had to be shut down for nine months, during which time literally tons of hydrocarbons streamed into the atmosphere. Internal Alyeska records show that between 1980 and 1985, the system was shut down an average of one day in five. State regulations and the EPA say pollution from system failures skyrocketed when the pipeline started carrying high levels of natural-gas liquids in January 1987. The liquids vaporize more readily than oil.

ALYESKA RESPONDS

Alyeska's response to problems in its vapor system has followed the same pattern as the reaction to water-pollution charges. First, it denied them. For example, in the summer of 1987, Mr. Henman was maintaining to regulators and in public comments that Alyeska didn't know until late 1986 that natural-gas liquids would present any undue problems. Yet an internal Alyeska study has warned in March 1985 that the expected increase in natural-gas liquids would burden the system and recommended that all the incinerators "be brought up to maximum operational/mechanical efficiency" beforehand. They weren't. Mr. Henman now says that he never misled anyone on the issue, but that the liquids posed unanticipated problems, for the system's incinerators.

After resisting pressure to improve the system for years, Alyeska finally embarked on a \$15 million upgrade just before the spill in March. At a meeting in Bellevue, Wash., state and EPA officials say, Alyeska also agreed to test emission levels from the incinerators before overhauling them, so regulators could judge whether the upgrade really improves air quality.

POLLUTANTS FROM TANKERS

But in May, Alyeska changed its mind, arguing in a letter to a state attorney general that the incinerators are "in a state of unrepaired malfunction," so tests wouldn't be representative. This argument astounded regulators, who have spent years hearing Alyeska insist its incinerators were fine. (Pressured by the state and the EPA, Alyeska says it will go ahead with tests.)

Alyeska also is battling regulators' efforts to limit the tons of gaseous pollutants that stream into the air during tanker loading. The state estimates that as much as 1,000 tons of hydrocarbons a week shoot into the air through vents on tankers decks. Alyeska argues that emissions from tanker loading come from the tankers, and thus aren't its responsibility. Negotiations over the issue drag on while toxic hydrocarbons waft upward.

Alyeska's attitude toward environmental matters spilled over into its disaster preparedness. In March 1988, it concluded a routine inventory of cleanup equipment. According to internal Alyeska memos, handlers could find only half of the emergency lights required by its oil-spill contingency plan; the rest, it was later learned, were off being readied for us in Valdez's winter carnival.

Half of the required length of six-inch hose was missing. So was some 3,700 feet of boom—nearly 15% of the required amount. Eight of the 10 blinking barricades listed in the plan weren't there. Regulators, who were never alerted to the shortfalls, say that they would have eroded Alyeska's ability to respond had a big spill occurred at the time. Yet Judith Brendel, the Alyeska executive who oversaw the inventory, congratulated the officials in charge of the equipment: "Your people have done a good job." (Eventually the shortfalls were corrected.)

RUNNING AGROUND

Drills for honing responses to oil spills, fires and other trouble sometimes were near-disasters themselves. "Drills were a farce, comic opera," says Mr. Nebel, the former oil-spill coordinator. In an early 1980s drill, a boat carrying the top Alyeska manager in Valdez and other oil-industry executives ran aground. In 1984, state inspector Tom McCarty witnessed a chaotic drill that had to be canceled when the containment boom sank; in a memo to superiors, he said Alyeska's spill-response capability had "regressed to a dangerous level."

A year later, an Alyeska official told another state inspector at a sloppily run drill that Alyeska wouldn't practice deploying a hose because "it would be too much trouble to roll it up again," state documents show. Such performances were all the more striking given that Alyeska often participated in drawing up the drill scenarios. "We knew exactly what was coming, where we were supposed to be, and we still messed it up," says Mr. Nebel.

Fire drills also caused problems. An Alyeska memo describes one in March 1987: One fire engine was parked "in a hazardous position" only a few yards from the simulated flames; another arrived with a driver but no crew; and "communication was poor throughout the process." In a drill last summer, Alyeska employees say, dummies were placed at the center of a ring of fire. One fire engine's hose malfunctioned. A fire hydrant failed because someone had forgotten to turn on a pump. "Had those dummies been people, they would've been french fried," says an Alyeska worker familiar with the drill.

Asked about it, Thomas F. Brennan, an Alyeska spokesman, says the drill was designed to feature equipment failures "so the crew could be trained and adaptable to that kind of situation." An employee familiar with the drill says that isn't so. "In a fire drill you're supposed to put out the fire," he says. "That didn't happen. The equipment didn't work."

THE EXXON SPILL

On the night of the Exxon Valdez's grounding, Alyeska performed the way it practiced. New details of the initial response indicate it was even more troubled than has already been chronicled. Fenders needed so a second tanker could come alongside the Exxon Valdez and siphon off its remaining oil couldn't be located for hours because they were buried under 14 feet of snow. Deep-water skimmers, rarely deployed in pipeline history even during drills, had to be dug out from under stacks of containment boom and other equipment. For a while, only one man was on hand who knew how to run both a forklift and the cranes used to load equipment. He ran from forklift to crane, forklift to crane.

Despite the efforts of certain regulators, Alyeska has had relatively few scrapes with regulatory or legislative bodies over the years. The state has imposed only a handful of fines, the largest being \$10,000 for a 1986 air-pollution conviction. Bills to bolster the budget of the department of environmental conservation have died in the legislature of Alaska, a state that gets over 80% of its revenue from the oil industry (and whose legislators get millions in oil contributions).

BARRED INSPECTOR

When individual regulators do lean on Alyeska, its response can be fierce. Dan Lawn, the state's top Alyeska inspector, was thrown off Alyeska's premises one day in 1986 while videotaping some operations. Alyeska complained to state officials that Mr. Lawn was "harassing" it, tried to get him fired and attempted to limit his access to the terminal, state officials say. Says Mr. Lawn: "I would characterize their attitude toward regulators as utter contempt." Alyeska says it has sometimes complained about Mr. Lawn, but denies it ever tried to get him fired.

In defending its response to the Exxon Valdez spill, Alyeska has sometimes marshaled arguments that seem to contradict its own past statements. For instance, Alyeska had told state regulators on June 22, 1982, that the "estimated time of completion of spill clean up of 100,000 barrel spill would be less than 48 hours"; that assurance was one reason regulators approved its spill contingency plan, without which the pipeline couldn't operate.

But after the big spill, Alyeska's Mr. Polasek testified to a House Interior subcommittee that "Alyeska had never promised to pick up 100,000 barrels of oil in 48 hours." In 1982, he says, Alyeska was merely talking about the manufacturer's rating for the equipment, and didn't really mean it as an estimate.

OUT OF ACTION

Alyeska also has been criticized because at the time of the spill, the barge that carries cleanup equipment was damaged, unloaded and basically out of action. Reloading the barge and getting it out to the tanker took 14 hours, nearly triple the time Alyeska had estimated for responding to a spill in the area. But before the House panel, Mr. Polasek offered the argument that the plan

doesn't specifically "call for the barge being loaded."

Indeed, Alyeska now contends it wasn't actually required to be able to do the things it said it was able to do in its contingency plan. Larry Shier, manager of the marine terminal, told investigators from the National Transportation Safety Board at hearings last month that Alyeska considered that key parts of the plan mere "guidelines . . . that cannot really be extrapolated to the real world."

Replies Mr. Kelso, director of the Alaska DEC: "That's like saying the fire code is just a set of guidelines. It's just an incredible and appalling fabrication."

Alyeska also defends the 1982 disbanding of its emergency 12-person spill-response team. After that, spill response was assigned to workers who also had other duties. Mr. Polasek argued to Congress that this arrangement was actually superior to the old one, because it meant "we now have 120 people trained in oil spill response. . . ."

Some of the cited 120 scoff at this. One senior employee says he has had "zero oil-spill training, none." He recalls being summoned to two spills over the years. "I didn't know what the hell I was supposed to do, and when I found the guy I was supposed to report to, he didn't know what the hell we were supposed to do either. We just stood there watching."

For many, the true measure of Alyeska Pipeline Service Co. was captured by a single gesture on the morning of the disaster. Chuck O'Donnell is Alyeska's top executive in Valdez, the one who presumably would run the show in the event of any catastrophe. He was awakened at about 12:30 a.m. by a call from the terminal informing him that a supertanker was possibly aground on Bligh Reef—news that had already provoked horror among Coast Guard and state officials.

Mr. O'Donnell gathered it in and reflected on it for a moment. He ordered a subordinate to head to the terminal. Then, Alyeska acknowledges, he rolled over and went back to sleep.

He won't comment now. But an Alyeska spokesman says Mr. O'Donnell's actions were in accordance with accepted consortium procedures for dealing with possible disasters. "This was not a sleep of neglect," the spokesman says.

MS. DIONNE WARWICK AND THE WARWICK FOUNDATION

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1989

Mr. DYMALLY. Mr. Speaker, I wish to bring to the attention of Members of the House the work of Ms. Dionne Warwick, Ambassador of Health, in the fight against AIDS.

Ms. Dionne Warwick was appointed America's Ambassador of Health in September 1987. Her first mission was to forge public/private sector initiatives in the Nation's battle against AIDS. She was also given the task of helping the Federal Government reach at-risk groups through AIDS educational programs.

In February 1988, Ms. Warwick founded the Warwick Foundation, a health foundation based in Washington, DC. The initial thrust is AIDS education and innovative health care de-

lively for people with AIDS and their families. The foundation also acts as an advocate to promote the integrity of the family and to encourage values and activities which increase the quality of life for all people. In an effort to remain apprised of the needs of various segments of her constituency, Ambassador Warwick has formed the Ambassador of Health's Advisory Council, with task forces providing input relative to black Americans, Hispanics, and people with AIDS, and is in the process of forming an additional task force on native Americans and Asian-Pacific Islanders.

In 1988, Ambassador Warwick and the Warwick Foundation were involved in the following health related activities: Sponsorship of a national birthday party for people with AIDS, with the U.S. Public Health Service and Showtime Networks, Inc.; the launching of a national antidiscrimination campaign aimed at changing the way America views people with AIDS; distribution of a free AIDS video directed at junior and senior high school students, in conjunction with the Centers for Disease Control and Showtime Networks, Inc.; the establishment of the M. Carl Holman scholarship essay contest, in conjunction with Showtime Networks, Inc., awarding a \$3,000 scholarship to the winning essayist on the topic "How to Help a Person With AIDS;" testimony before the Senate Governmental Affairs Committee chaired by Senator JOHN GLENN; remarks for the CONGRESSIONAL RECORD, for the AIDS hearings held by Congressman JOHN CONYERS; and addresses before the National Medical Association Convention, as well as the U.S. Health Summit on HIV Infection, at the invitation of former Assistant Secretary for Health Dr. Robert Windom.

In 1989, the foundation plans to continue its development of educational programs through such initiatives as: a comic book designed to teach elementary school aged children about AIDS; a video, written by and featuring college students, to educate the college population about AIDS; and a documentary, in collaboration with the Child Welfare League of America, to educate the general public about the pediatric AIDS epidemic.

Thus far during her tenure as Ambassador of Health, Ms. Warwick has served as honorary chairperson for the Department of Health and Human Services Region 1 Pediatric AIDS Conference in Nashua, NH, as well as for Santa Ana, CA, AIDS Walk Orange County, and has sent her greetings and best wishes for numerous other programs around the country when her schedule would not permit her to attend in person. On World AIDS Day, December 1, 1988, Ambassador Warwick's presence was felt by way of written word in New York City, and via pretaped telecast in Europe; and her health related initiatives were the topic of a recent Message magazine article, part of an issue devoted almost entirely to AIDS education.

In addition to donations from countless private citizens across the Nation, heightened largely as the result of widespread exposure through two Showtime specials, "That's What Friends Are For" and "Dionne Warwick & Friends," the foundation has received financial support from among others, such diverse sources as "Art LA88;" the "Family Feud" tel-

evision game show, on which Ms. Warwick appeared with friends and fellow entertainers; and the Washington, DC, Chapter of Links, Inc. The foundation has also become affiliated with Funders Concerned About AIDS, and is hopeful of increased involvement with the funding community, particularly in support of residential care facilities for infants and children with AIDS, and empowerment of community-based and grassroots AIDS education and health care service organizations and programs.

Each year, Ms. Warwick hosts a gala benefit weekend to procure funding for the foundation and its programs. The June 1988 AIDS Benefit Gala Weekend, held in Washington, DC, was highlighted by an incredible "That's What Friends Are For" concert, which featured such superstars as Bob Hope, Lena Horne, Burt Bacharach, Stevie Wonder, Elton John, Gladys Knight, Nancy Wilson, Leslie Uggams, Mary Wilson, Luther Vandross, Howard Hewett, Blair Underwood, Holly Robinson, Dustin Nguyen, Kimberly Russell, Kelly McGillis, Catherine Oxenberg, Sugar Ray Leonard, Kent Masters-King, Robert Townsend, Byron Allen, Yakov Smirnoff, George Kirby, Expose, and Barry Manilow.

This year, 1989, the second annual AIDS Benefit Gala Weekend was held in New York, June 8-11. Some of the performers included: Frank Sinatra, Sammy Davis, Jr., Whitney Houston, Patti LaBelle, Gladys Knight, Cyndi Lauper, Mary Wilson, Rita Coolidge, Luther Vandross, and Kiara.

Next year Ms. Warwick and the foundation plan to expand their work to a country in Africa and will hold the third annual seminar in Los Angeles in June.

The Warwick Foundation is a community service organization dedicated to assuring the delivery of health promotion/disease prevention and health care service programs to populations for whom current programs are insufficient or ineffectual. The specific health focus on the Warwick Foundation at any given time will be dictated by the changing health needs of these targeted populations.

The Warwick Foundation is committed to:

Improving the quality and delivery of existing health care services.

Creating new health care program models designed to reach currently underserved populations.

Promoting health education.

Functioning in an advocacy capacity, by holding those institutions and organizations with resources and expertise accountable for meeting the health needs of a broadly defined, all-inclusive constituency.

Promoting the integrity of the family, and the encouragement of values and activities which increase the quality of life for all people.

Ms. Warwick is to be commended for her commitment and dedication in the struggle to prevent the spread of AIDS.

OPPOSE THE INTERNATIONAL PLUTONIUM CONTROL ACT

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1989

Mr. BROOMFIELD. Mr. Speaker, there are a number of my colleagues who would like to force the President to halt U.S. production of weapons grade plutonium and highly enriched uranium. Congressman RON WYDEN and Congressman DANTE FASCELL have introduced legislation in the House of Representatives which would do exactly this. H.R. 2403, the International Plutonium Control Act, is opposed by the administration and, as the following editorial demonstrates, the Washington Post does as well. I share these reservations. As a result, I intend to oppose this measure when Mr. WYDEN offers it as an amendment to the DOD authorization bill which is scheduled to be considered by the House of Representatives next week. I am also inserting for the information of my colleagues a detailed question and answer fact sheet on this issue prepared by the Arms Control and Disarmament Agency. I hope this will also prove useful to my colleagues.

[From the Washington Post, July 7, 1989]

A PLUTONIUM CUTOFF?

It has struck some people that whereas (1) the United States has, for safety and environmental reasons, stopped making strategic nuclear materials for weapons and (2) the international horizon looks unusually sunny, the United States should therefore not go back into the business of restoring its weapons-making capability but rather should negotiate with the Kremlin a verified cutoff and divert the huge savings to cleaning up the nuclear pollution of the past 40 years. This is the thinking behind the "International Plutonium Control Act." Though a new administration engaged in its own ambitious arms control agenda may not have to fear immediate challenge, the proposal has a swords-in-to-plowshares luster and has begun to pick up support.

Whether this legislation can reliably carry the country—the two countries—to a safer world, however, needs to be proven. It's not simply that the Bush administration is no more eager than its predecessors to have its negotiating hand tied by Congress. It's that the totally lopsided situation now existing is hardly conducive to a successful negotiation: the United States is in an involuntary total moratorium on producing new weapons materials while the Soviet Union's plant is working and permits it to go full speed ahead. If he chose, of course, Mikhail Gorbachev could make matching deep cuts; please do. But he has not so chosen. His arms control proposals in this field are no more attractive to the other side than were the proposals the United States made in its period of ascendancy in stockpiled materials and production capability in the Eisenhower, Kennedy and Johnson years. An American law whose teeth bite only into American capabilities seems unlikely to induce him to alter his approach.

In and after the Nixon years, improvements in verification, among other things, changed the focus of arms control from checks on weapons-making infrastructure to controls on the weapons themselves. That

remains the emphasis of current negotiations. This is not to say there is no place eventually for controls on infrastructure, though given the way the Soviets combine military and civilian nuclear facilities (Americans separate them), negotiations would be difficult. But it makes more sense for the United States to make its own close fit of manufacturing capabilities to military needs and arms control possibilities. The far-reaching nature of the administration's safety and environment pledges ensures there will be no early return to weapons manufacture. In rebuilding its plant, the United States has time and reason to keep in mind the security equation as well.

UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

Questions and answers pertinent to H.R. 2403/S. 1047 International Plutonium Control Act

Q1. Do we have the technology to detect clandestine Soviet production of fissile materials for nuclear weapons?

A. No. Laser isotope separation—which can be used either to enrich uranium, or to separate plutonium for weapons purposes—is particularly hard to detect. Other types of facilities for enriching uranium, chemical exchange and gas centrifuge, could also be used for clandestine production with little risk of detection.

Q2. Then why did the US propose a fissile material cutoff twenty years ago?

A. There are two basic reasons that the US once advocated such a cutoff. First, verification would have been simpler and more sure in the 1960's. Laser isotope separation (LIS), for example, was not yet developed. Even then, however, it was acknowledged that if LIS were to become feasible, it would make verification of a cutoff difficult if not impossible.

The second reason is that during that 1960's and early 70's the US had a significant lead over the USSR in production of weapons-grade materials. Even though we were unable to convince the Soviets to negotiate a cutoff, the US unilaterally ceased production of enriched uranium for weapons in 1964.

Q3. Isn't this just a partisan issue, with the Republicans trying to kill a Democratic initiative?

A. In fact, a fissile material cutoff was first proposed by President Eisenhower. The proposal was not pursued by the US after 1973. When an attempt was made to resuscitate the proposal in 1978, President Carter ordered a thorough review of the cutoff. He concluded that his administration would not propose a cutoff, nor would it support a cutoff attempt proposed by others.

Q4. Does the USSR support the idea of a fissile materials production cutoff?

A. The USSR has indicated support for negotiations toward a cutoff. Some suspect that the USSR would prolong negotiations in hopes that the Congress would decline to fund the rebuilding of US production facilities. Meanwhile, the Soviets would continue their own production unabated. Others say that the USSR could easily afford to cutoff fissile materials production for weapons because it would continue to have such capability in its civil nuclear sector. This would be to Soviet advantage because the US would need to develop the technology and receive congressional approval for producing plutonium for military use in civilian nuclear power facilities.

Q5. Does the USSR advocate ending the recycle of fissile materials from decommissioned weapons?

A. Yes, Soviet representatives have proposed this. If the USSR could successfully end recycling of materials from weapons and keep US production facilities from being rebuilt, it would freeze an advantage in Soviet fissile materials stockpile, production capabilities, and weapons modernization.

Q6. Both the US and the USSR have large quantities of fissile materials for weapons. Why do we need more?

A. In the short term, the US needs more fissile materials for its modernization program. As with any weapon system upgrade program, the existing weapons must remain for national security interests until the new ones are available for use. If the US were going to build a new fleet of tanks, it would not cannibalize old tanks for parts until they were no longer needed for security. The same principle applies to our nuclear weapons.

In the long term, the US may or may not need more fissile materials. But, the US should have the capability to make fissile material should it be needed. The US should never get into a position whereby the USSR has the capability to produce plutonium and enriched uranium for weapons and the US does not.

Q7. If there were a cutoff of fissile materials production today, wouldn't it benefit the US?

A. Absolutely not. A cutoff today would freeze a Soviet advantage, not only in the materials in stockpile, but in production capability. Let's take plutonium production for weapons as an example. US facilities are old and have been shut down to correct environmental problems. Even after recently announced planned shutdowns, the Soviet Union will have at least ten operating nuclear materials production reactors capable of producing either plutonium or tritium. And, even if they were to close these, they would still have plutonium production facilities on-line as part of their breeder reactor program. Although these latter facilities are part of their civil nuclear program, they could be used for weapons purposes if the Soviets chose to do so. The US has no breeder reactor program.

Q8. Then the Soviet civil nuclear power industry could be used to produce nuclear weapons materials.

A. Absolutely. Unlike the US, the USSR has a breeder reactor program. The breeder reactor is designed to produce more plutonium than it uses. Furthermore, the program has an operational reprocessing facility to separate the plutonium. These facilities and materials could be redirected on short notice to weapons purposes. An equivalent capability would take years to develop in the US.

In addition to their breeder program, the USSR has at least sixteen RBMK-type power reactors. They differ from US reactors in that they can be refueled on-line. This means that they can readily be used to produce weapon-usable plutonium. To use US reactors in such a manner would require not only a substantial time, technical effort, and money, but also a major policy change. Unlike the USSR, the US separates its civil and weapons programs by law and policy.

Q9. Why do we not worry about Japanese or German breeder reactor programs then?

A. Japan and the Federal Republic of Germany are neither adversaries of the US nor nuclear weapons states; the USSR is both.

Additionally, Japan and the FRG have signed the Nuclear Nonproliferation Treaty and have given credible assurances including coverage with fullscope safeguards that their nuclear programs are for civil purposes only. Obviously, we do not need to worry as much about them as we do the threat from a nation that has thousands of warheads targeted against the US.

Q10. Isn't the Soviet breeder program too small to worry about?

A. The USSR has one of the largest breeder reactor programs in the world. Right now it has two operating reactors and more planned. Together, the three can produce plutonium equivalent to the capacity of one dedicated plutonium production reactor. And, as part, of the breeder program, the Soviets have a reprocessing facility which could be directed to weapons purposes.

Q11. Wouldn't on-site verification assure that the Soviets would not use their breeder program for weapons purposes?

A. Because of the number of Soviet facilities included, inspection and verification of all plutonium production facilities would be a difficult and expensive project. That said, a real concern is not just how they use the output of their reactors day to day, but also in a "breakout" scenario the USSR has plutonium production facilities in its civilian sector; the US does not. The Soviets have a plutonium stockpile for their civil reactors; the US does not. What if the USSR decides to break any agreement we might reach on a cutoff, sends inspectors home, and dedicates the facilities and stockpile to weapons purposes? It would take years for the US to match either the Soviet production capability or stockpile.

Q12. Are there really savings to be gained under the proposed legislation?

A. If we fail to maintain the capability to respond to a Soviet threat and allow our production capability to wither away, there could be some savings. If, however, we maintain the necessary capability to produce for national security requirements—including new and/or refurbished facilities, there would be no significant savings. In any event, the verification provisions to inspect existing Soviet and US facilities are estimated to be at least \$100 million per year.

Q13. Does this mean that the US must match the Soviet capability, i.e., 10-12 production reactors?

A. No. Due to the US technology lead, we do not need vast quantities of new material. We must, however, have the capability to respond to the identified national security needs and to preserve flexibility to respond to changing world conditions in the future. While our need is much smaller, there still exists a requirement for some production capability.

EXTENDING VISAS FOR CHINESE STUDENTS

HON. CHUCK DOUGLAS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1989

Mr. DOUGLAS. Mr. Speaker, I would like to submit for the RECORD today a copy of a petition that is being circulated by concerned students at Dartmouth College in my district expressing support for Representative PELOSI's bill, H.R. 2712, extending current visas for Chinese nationals in this country.

As you know, the world was stunned by the brutal suppression of the student prodemocracy movement in Tiananmen Square. Thousands of brave Chinese risked their lives calling for the kinds of individual rights and freedoms that we take for granted. In addition, thousands more Chinese in this country and around the world lent their voices to the growing cry for democracy.

Now that the student movement has been crushed by the Government, many Chinese in America would face certain reprisals if they were forced to return to their country.

For this reason there is a pressing need for swift passage of legislation like H.R. 2712 to allow Chinese nationals to remain in the United States as they work to keep the democracy movement alive and growing.

Both as a cosponsor of this bill, and as the representative in Congress for the people of my district, I strongly urge that the subcommittee act quickly to move this important measure through the legislative process.

DARTMOUTH COLLEGE,
Hanover, NH, July 13, 1989.

We, the undersigned members of the Dartmouth College community, in sympathy with the movement for democracy in the People's Republic of China and with the Chinese nationals in the United States who have encouraged the movement for democracy, hereby petition the House Subcommittee on Immigration, the House Committee on the Judiciary, and the House of Representatives to pass immediately H.R. 2712, the "Emergency Chinese Visitor Immigration Act of 1989," which extends "J-1" visas for Chinese nationals currently in the United States. We strongly believe that in passing the bill, the House of Representatives will not only protect from possible punishment, imprisonment, or execution those Chinese nationals in the United States who have supported the movement for democracy, but also provide said persons with the ability to pursue their democratic visions for the P.R.C. at a later date.

Jeffrey E. Howie, Student Assembly Representative, Petition Organizer, Darien, CT.

Jordan C. Green, President of the Dartmouth Student Assembly, South Stratford, VT.

David R. Lack, Student Assembly Representative, Victoria, TX.

Ned Ertel, Student Assembly Representative, Montoursville, PA.

H.R. 2181—JUDICIAL SALARY REFORM

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1989

Mr. KASTENMEIER. Mr. Speaker, on May 2, 1989, I joined with my distinguished colleague, Mr. MOORHEAD, the ranking minority member of my subcommittee—the Subcommittee on Courts, Intellectual Property and the Administration of Justice—in introducing H.R. 2181, a bill to restore lost compensation and establish a procedure for adjusting the future compensation of Federal judges. We have since been joined by the following cosponsors: Mr. SMITH of Mississippi, Mr. LEWIS of Florida, Mr. AU COIN, Mr. GORDON, Mr. BAR-

NARD, Mr. QUILLEN, Mrs. LLOYD, Mr. FORD of Tennessee, Mr. MRAZEK, and Mr. DARDEN.

In my opinion, the Federal judiciary is suffering from a "quiet crisis," a crisis that—unlike the Alaska oil spill or the demonstrations for democracy in the People's Republic of China—has not been featured on the front page of daily newspapers. If not confronted, the crisis could affect the long-term health and well-being of a critical institution of American government, the Federal judiciary, well into the 21st century. As aptly observed in the report of the National Commission on the Public Service, entitled "Rebuilding the Public Service" and issued in 1989: "The erosion in the attractiveness of public service at all levels undermines the ability of government to respond effectively to the needs and aspirations of the American people, and ultimately damages the democratic process itself."

The questions before us revolve around the oft-competing demands of accountability and ethics, salaries and independence. Tension is clearly in the air. As is often the case in American politics, out of this tension can come constructive reforms. Judicial compensation reform can emerge. So, can reforms relating to judicial discipline and senior judge workload that I previously have introduced.

Solutions to judicial branch problems seem to be more effective when the three branches of government work together to devise and implement the solutions. Communication and coordination with the practicing bar and citizens' groups are also necessary ingredients.

I introduced H.R. 2181 at the request of the Judicial Conference of the United States, which has placed its highest priority upon effecting immediate and marked improvement in judicial compensation. At its most recent meeting in March 1989, the Conference resolved that obtaining adequate pay for judicial officers is "the single greatest problem facing the judiciary today." The Conference noted that judges have suffered major erosion in their purchasing power—nearly a one-third cut in the real value of U.S. district judge salaries in the past 20 years—and that it is thus increasingly difficult to attract and retain highly qualified judges on the Federal bench. In response, the Judicial Conference unanimously recommended that Congress immediately increase judicial salaries by 30 percent and couple these increases with periodic cost-of-living adjustments to prevent judicial compensation from again falling behind the rate of inflation as it has in recent years.

Chief Justice William H. Rehnquist, in his capacity as presiding officer of the Judicial Conference, has reiterated the urgency of improving judicial pay in public remarks and congressional testimony subsequent to this Conference action. The Chief Justice stated that the failure adequately to address the judicial pay problem "poses the most serious threat to the future of the judiciary, and its continued operations, that I have observed in my 17 years of judicial service." The Chief Justice's remarks came in the wake of congressional disapproval last February of Presidential recommendations under the Federal Salary Act of 1967 for increases in range of 50 percent in the salaries of judges, congressmen, and senior officials of the executive branch. These recommendations by President Ronald

Reagan had echoed similar conclusions by the Commission on Executive, Legislative, and Judicial Salaries following its quadrennial study of this subject in 1988.

After Congress disapproved these salary increases as recommended by President Reagan and the Salary Commission, President George Bush stated that some level of pay increase is nevertheless, in order and expressed special concern about the level of compensation for the Federal judiciary. He subsequently submitted to Congress legislation to increase the pay of Justices and judges of the United States and has now followed this action with a similar communication respecting executive branch officers appointed by the President, as well as members of the Senior Executive Service.

I agree with President Bush and Chief Justice Rehnquist that the defeat of the Salary Commission pay proposals simply cannot end our consideration of the difficult issue of adequately compensating judges and senior Federal executives. This issue has special force as to the judiciary, whose judges appointed under article III of the Constitution make a traditionally lifetime commitment to judicial service at the time they accept appointment to the bench. This tradition of lifetime service during good behavior has well served the constitutional concerns to preserve the separation of powers and protect judicial independence. The growing number of judicial resignations, as well as evidence of increasing difficulty in recruiting to judicial office eminent lawyers representing a cross-section of the legal profession and of American society, persuade me that Congress must promptly revisit the issue of fair compensation for Federal office holders, despite its clear political volatility.

Therefore, I introduced H.R. 2181 as an accommodation to the Judicial Conference in placing squarely before Congress the issue of salary adjustment for justices and judges of the United States. I do not view this bill as by any means the exclusive vehicle for legislative consideration but offer it only as one alternative that may be considered along with other measures to provide needed compensation relief.

H.R. 2181 would affect the conference recommendation for a 30-percent increase in judicial pay at all levels of the Federal judiciary. It would also implement an improved method of future judicial salary adjustment to reflect increases in living costs by linking such pay raises to the current mechanism for adjustment of civil service retirement annuities.

Attached to this statement is a sectional analysis of H.R. 2181 prepared by the Administrative Office of the U.S. Courts, describing in detail the purposes of the bill. In summary, it would upon enactment increase by 30 percent the salaries of Supreme Court Justices and of Federal judges appointed under article III. Independent provisions of existing law would make this needed adjustment applicable as well to the salaries of judges of the U.S. Claims Court, U.S. bankruptcy judges and magistrates, and several categories of judges outside the judicial branch such as those on the U.S. Court of Military Appeals and the U.S. Tax Court.

I hope that both Houses of Congress will see fit to act promptly and judiciously upon the pay issue and will seriously consider the proposed solutions to this thorny problem embodied in H.R. 2181.

RICHARD T. CASTRO—HISPANIC LEADER

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1989

Mr. RICHARDSON. Mr. Speaker, across this Nation, the Hispanic community is seeing the emergence of a new generation of bright, articulate, and committed leaders. Among these impressive new leaders is Richard T. Castro, the executive director of the Agency for Human Rights and Community Relations for the city of Denver, CO. Mr. Castro has advanced the cause of Hispanics and all of Denver's citizens in his tenure at the Human Rights Agency. Denver and Hispanics in Colorado are lucky to have such fine representation.

Mr. Speaker, I would like to submit two articles written by Mr. Castro for the RECORD. I urge my colleagues to review them and to remember the name of Richard Castro—we are certain to hear more from this rising star.

[From the Colorado Statesman, June 30, 1989]

REAGAN COURT HAS ARRIVED—PRESSURE NOW ON BUSH AND CONGRESS
(By Richard Castro)

In 1987 the U.S. Senate debated the appointment of Robert Bork to the Supreme Court of the United States. After emotional testimony, the Senate, in its wisdom, rejected Bork. A majority of the members felt that he was an ideological crusader who lacked the balance the Court needed. The civil rights community heralded the Bork defeat as a major victory and a setback for then-President Ronald Reagan, who was charting a course to roll back the gains made in the last 40 years regarding racial equality.

The opponents of Bork are now wondering whether they may have let their guard down too soon. A quiet California judge named Anthony Kennedy was subsequently nominated by Reagan and confirmed by the Senate after much less opposition. Although Kennedy has an easy-going manner and talks more moderately than Bork, his voting on five major civil rights cases recently demonstrate his conservative bent.

The courts' conservatives dominated three rulings issued in rapid-fire two weeks ago and Kennedy was the swing vote in each of those 5-4 cases. One gave whites more leeway to fight affirmative-action plans to reverse discrimination, another gave employees limited time to file bias claims, and the third barred use of a Civil War-era law to win damages for racial harassment. Earlier, the Court made it harder for bias complaints to rely on minority-hiring statistics and restricted government set-asides for minority contractors. In the five cases, conservative Justices William Rehnquist, Byron White, Sandra Day O'Connor and Antonin Scalia were joined by Kennedy, who is proving to be a reliable ally in civil rights cases. Kennedy's predecessor, Lewis Powell, was

decidedly more moderate and took the middle ground.

Twenty-five years ago this week, President Lyndon Johnson signed the Civil Rights Act of 1964. On July 2nd of that year, the law went into effect. The Act forbids discrimination in employment on the basis of race, sex and some other categories. It was the Supreme Court that gave life and force to the statute's words. In a 1971 case called *Griggs vs. Duke Power*, the court ruled unanimously that Title VII of the Civil Rights Act prohibited not just purposeful discrimination, but also job requirements and practices that had the effect of discrimination. In those cases, the *Griggs* opinion said employers had the burden of justifying the necessity of such practices.

The actions of the Supreme Court this term directly threaten the foundation of equal employment opportunities for women and racial minorities. When it comes to civil rights, it is now clear that Reagan's Court has arrived. In the wake of these decisions, employers, particularly in the private sector, may now decide to abandon affirmative action altogether. The Court rulings grant room for employers to maneuver away from implementing all but the most token of affirmative action policies, for fear of violating the rights of those not covered by such plans. Moreover, even though the decision does not directly affect voluntarily adopted affirmative action plans, many such plans were modeled on consent decrees. If court-approved plans are now subject to litigation, the attack on voluntary programs cannot be far behind.

Ralph Neas, Executive Director of the Leadership Conference on Civil Rights stated recently, "This court is a radical court that is going out of its way to undermine well-established civil rights statutes." It is important to understand, according to Neas, that we have had a conservative court for two decades, but in recent weeks the court has run amok and totally ignored judicial restraint.

Neas says that during the 1980s, the Reagan administration, led then by Attorney General Edwin Meese III and his subordinate William Bradford Reynolds, "forced the civil rights community and Congress to re-fight the civil rights battles that were won in the 1960s and '70s."

Prior civil rights victories on voting rights, affirmative action, housing, and in other areas, "all were threatened by the Reagan Department of Justice," Neas says, "but there was a reaffirmation of civil rights by Congress and the Supreme Court and a bipartisan repudiation of the extremism of the Reagan-Meese agenda."

"What the court has done recently," Neas says, "is force the civil rights community to fight those same battles for a third time, but without the court as an ally."

The pressure now shifts to President George Bush and the Congress. If we, as a country, are going to do away with affirmative action, then we had better redouble the national effort to both fight and recognize racism. Ronald Reagan did neither. President Bush has promised "a kinder, gentler nation." If he is going to be true to his rhetoric, then he must ensure that reverse discrimination is not replaced by the old discrimination.

Columnist Richard Cohen from the Washington Post summed up the challenge to President Bush when he recently wrote, "America is a changed nation, but not so changed that racism does not remain its most durable weed. A Supreme Court major-

ity, mostly raised in comfort and viewing the world from country club pools, sees only green fairways. It is now up to the President to notice the caddy."

THE 1990 CENSUS IS IMPORTANT TO HISPANICS

The U.S. census does not appear to be an exciting issue, but in preparing for the 1990 census count, Hispanic Americans would be wise to get involved today in the planning for this effort.

What is at issue with the U.S. census, which takes place every 10 years, is political power and financial resource allocation. Depending on whether there is a more accurate count of all persons residing in the United States, a power shift is likely to occur in the U.S. Congress. Sunbelt states such as Texas, California, Arizona and Florida could gain a total of 11 new congresspersons, based on the growing number of Hispanics moving into these states and from migration of U.S. residents from the frost-belt of the Northeast to this region. Should this shift occur, Hispanic Americans could be expected to have a larger role in electing individuals to Congress who would be more sensitive to the rich diversity, both historical and cultural, of the Southwest.

In our own state of Colorado, it is important for Hispanics to recognize that a complete count is also essential for the following reasons: the Legislature draws up the congressional districts based on population figures in different communities, counties, neighborhoods and blocks and the boundaries of state legislative districts, water districts, school districts and the like are similarly drawn.

I was one of 11 members appointed to the 1981 Colorado Reapportionment Commission. This commission was charged with drawing 100 state Senate and House of Representatives legislative districts. This commission will be established again in 1991. Hispanics need to be involved in this process as well to insure that the districts are drawn with a "community of interest" in mind. Prior plans over the years gerrymandered Hispanics, blacks and others out of political power by carving legislative districts that split or diluted minority communities. The U.S. Voter Rights Act, which the English Only movement would like to weaken, helped prevent this dilution of power in 1981. We need to protect that act in 1991.

A complete count is important to communities like Denver. According to an article from the January 25, 1988, edition of the *Washington Post*, some \$33 billion to \$50 billion a year in federal grants to states and localities is allocated according to population. New York City, in a 1980 suit which it lost recently, claimed a loss of up to \$52 million a year in grants because blacks and Hispanics were undercounted. Denver, with a population of approximately 500,000, stands to gain or lose millions of dollars depending on whether the new count is more or less than that figure, for purposes of federal grant allocation. It is important that all residents be counted so that we can receive our fair share of federal funds.

Not everybody agrees that all residents should be counted. Roger Conner, who is head of the Federation for American Immigration Reform (FAIR) and pushed the Simpson-Rodino Immigration bill through Congress with former Governor Richard Lamm, has another idea. Although the U.S. Constitution states that all residents should be counted, Conner wants to exclude non-citizens. Conner says the Census Bureau should include a census question asking

people whether they are citizens. This, Conner argues, would show how many non-citizens had been counted in each jurisdiction.

Jim Gorman, spokesman for the U.S. Census Bureau, contends that excluding illegal aliens from the count is unconstitutional. Gorman says, "We count everyone except temporary residents. That's the way we read the Constitution."

NATIONAL ACADEMY OF SCIENCE, SPACE, AND TECHNOLOGY

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1989

Mr. TRAFICANT. Mr. Speaker, I rise today, on the anniversary of man's first steps on the Moon, not to look back on the great accomplishments of this country, but to look forward to a rededication of our country to the goals and ideals that led us to the Moon 20 years ago.

Today I am introducing legislation to provide for a National Academy of Science, Space, and Technology. This Academy would be a sibling of West Point, the Naval Academy, and the Air Force Academy. It would attract the finest young minds in the country, who would achieve admission to the Academy by means of congressional appointment and competitive examination. The United States would offer this education opportunity to qualified students in exchange for a 4-year commitment to Government service. It is my hope that one day the Academy will stand as a shining beacon to the rest of the world, of the technological leadership of the United States.

For years the United States has shown a progressive decline in the aptitude of the Nation's students in the areas of science and technology. A recent international study showed that 13-year-olds in the United States were at or near the bottom of the achievement ratings in math and science. The study, conducted by the U.S. Department of Education and the National Science Foundation showed the sad state of our young people's knowledge of science and technology.

There is surely a need for reform at the elementary and secondary levels of our education system. It is my hope that the Bush administration will follow up on its promises to increase the quality of education for our young people. My bill does not directly address this aspect of the problem. It is, however, my hope that a National Academy of Science, Space, and Technology will provide an incentive and a goal for those students with a strong interest in the sciences.

For years we have lost ground to the Japanese in the areas of science and technological innovations. We used to be the leaders in the fields of electronics, communications, manufacturing, and computer technology. Now, the only leadership position we can claim is a position as the leading consumer of Japanese technology. For too many years, we have stood passively by, while our technologi-

cal superiority was taken from us. It is time we started fighting back.

The National Academy of Science, Space, and Technology Act would help us regain our superiority in the high technology world of the nineties. It would provide a Government-sponsored education and research center to attract the finest minds in the country. The Academy would serve as a focus for our country's renewed efforts in the fields of science and technology. The country would benefit greatly by the Government service requirements of Academy admission, and by the gradual influx of Academy students into the private sector.

Mr. Speaker, this legislation opens a window of opportunity for students of all incomes and backgrounds. It is a small step for Congress, and a giant leap for the future of our country. I hope to see it passed.

The full text of my bill is as follows:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Academy of Science, Space, and Technology Act".

SEC. 2. ESTABLISHMENT OF NATIONAL ACADEMY.

There is established in the Department of Education a National Academy of Science, Space, and Technology (hereinafter referred to as the "Academy"), for the instruction and preparation for Federal service of selected persons.

SEC. 3. ESTABLISHMENT OF ADVISORY COMMISSION.

There is established a commission (hereinafter referred to as the "Commission") consisting of five members appointed by the Secretary of Education. The Commission shall advise the Secretary in connection with the selection of a permanent location for the Academy and the establishment of a course of study, organizational structure, and rules and regulations of the Academy. The Commission shall make its report to the Secretary as soon as practicable.

SEC. 4. LOCATION OF THE NATIONAL ACADEMY.

(a) IN GENERAL.—The Secretary of Education shall determine the location of the Academy in the United States in the following manner:

(1) The Secretary shall accept the unanimous decision for a permanent location in the United States by the Commission.

(2) In the event that a recommendation of the Commission is not unanimous, the Commission by a majority vote shall submit to the Secretary 3 sites, located in the United States, from which the Secretary shall select one as the permanent location.

(b) Following the selection of a location for the Academy, the Secretary of Education is authorized—

(1) to acquire land from other Federal departments and agencies without reimbursement, with the consent of such departments and agencies;

(2) to acquire lands and rights pertaining thereto, or any other interests therein, including the temporary use thereof, by donation, purchase, exchange of Federally owned lands, or otherwise;

(3) to prepare plans, specifications, and designs, to make surveys and to do all other preparatory work by contract or otherwise, as he deems necessary or advisable in connection with the construction, equipping and organization of the Academy at such location; and

(4) to construct and equip temporary or permanent public works, including buildings, facilities, appurtenances, and utilities, at such location.

SEC. 5. TEMPORARY FACILITIES.

For the purpose of providing temporary facilities and enabling early operation of the Academy, the Secretary of Education is authorized to provide for the erection of the minimum additional number of temporary buildings and the modification of existing structures and facilities on existing government property and to provide for the proper functioning, equipping, maintaining, and repairing thereof. The Secretary may contract with institutions for such operation or instruction as he deems necessary.

SEC. 6. COURSE OF STUDY AND ORGANIZATIONS; APPOINTMENT OF OFFICIALS.

The Secretary of Education, with the advice of the Commission, shall determine the course of study and the organizational structure of the Academy, and shall establish such rules and appoint such officials as are necessary to provide for the operation of the Academy.

SEC. 7. ADMISSIONS.

The Secretary of Education, with the advice of the Commission, shall determine the size of the student body at the Academy and shall oversee all admissions procedures. Admissions to the academy shall be determined in the following manner:

(1) Each Senator and Representative shall nominate not more than 20 persons, who shall be eligible to take a competitive examination which shall be held annually. The number of vacancies allocated to each State shall be proportional to the representation in the Congress from that State. Appointments from each State shall be made from among qualified candidates nominated from that State in the order of merit established by the examinations.

(2) Vacancies allocated to other sources shall be filled from among qualified candidates in each category in order of merit established by similar competitive examinations and shall not exceed 15 percent of the total number of appointments authorized.

SEC. 8. SERVICE TO UNITED STATES.

Each student at the Academy shall, in return for their education and room and board, owe to the Federal Government 4 years of Government service. This 4 year commitment may be served in the National Aeronautics and Space Administration, the National Science Foundation, the Department of Health and Human Services, or any other organization of the Federal Government devoted to endeavors relating to science, space, or technology, subject to the approval of the Secretary of Education. The 4 year commitment may also be served in the United States Army, the United States Navy, the United States Air Force, or the United States Marine Corps, subject to the rules and regulations of the particular branch of the Armed Forces.

AGRICULTURE LEADERS ON WORLD TRADE

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1989

Mr. SUNDQUIST. Mr. Speaker, I was privileged to take part recently in a Roundtable

on International Agricultural Policy, held in my hometown of Memphis, TN. I would like to share with my colleagues the recommendations of the agriculture leaders who attended that session, as well as some background about the conference itself.

AGRICULTURE LEADERS ON WORLD TRADE

Thirty-five senior agricultural leaders from the Mid-South, met in Memphis on June 15-16 to critically review America's international agricultural policy. Discussion focused on economic relations between the United States and the developing countries of Latin America, Asia, and Africa. The Citizens Network for Foreign Affairs, a Washington-based organization dedicated to maintaining U.S. leadership in the global economy, sponsored this Roundtable on International Agricultural Policy. The participants in the Roundtable discussed a wide range of issues pertaining to U.S.-Third World agricultural relations. These issues included the negative impact of Latin America's foreign debt upon U.S. agricultural exports to that region and the need to stimulate economic growth in the developing countries if these countries are to buy more agricultural products from the United States. Based upon these wide-ranging, frank, and open discussions, the participants drafted the following consensus statement, including one major policy recommendation and three corollary recommendations:

CONSENSUS POLICY STATEMENT OF THE MEMPHIS ROUNDTABLE ON INTERNATIONAL AGRICULTURAL POLICY

The whole range of U.S. foreign policy and foreign policy institutions must be fundamentally readjusted to be more responsive to America's international economic interests.

As corollaries to this statement:

U.S. agricultural interests should support an early resolution of the Third World debt crisis.

U.S. policies on world trade and aid should be redirected to actively promote the interests of U.S. agriculture, with the objective of enhancing our ability to compete in export markets.

The U.S. Government and private sector should have as a goal the opening up of new areas for U.S. investment and repatriation of profits from Third World countries.

The Roundtable on International Agricultural Policy was held at Agricenter International, a unique public-private venture in Memphis housing conference facilities, the largest permanent display of agricultural products in the country, and extensive plots for demonstrating new crop varieties, fertilizers, and pesticides. Participants in the Roundtable included producers, leaders of producers organizations, bankers dealing with commodity export financing, representatives of agribusiness, and officials of state and federal governments.

The co-sponsors of the Roundtable were the Arkansas Soybean Association, Federal Compress and Warehouse Company (Memphis), The Mallory Group (Memphis), the National Cotton Council of America, Pen Holdings, Inc. (Nashville), the Tennessee Farm Bureau, and the Tennessee Soybean Association. Other organizations represented at the Roundtable were the National Cottonseed Products Association, the Mississippi Farm Bureau, the Arkansas Farm Bureau, Union Planters Bank (Memphis), the Colleges of Agriculture at the Universities of Arkansas and Tennessee, Sovran

Bank (Nashville), and the Arkansas Port Producers.

In addition to my own remarks, the roundtable members heard from: William H. Walker III, President of Agricenter International, former Commissioner of Agriculture for the State of Tennessee, and former Assistant Secretary of Agriculture; Earl L. Butz, former Secretary of Agriculture; Duane Acker, President Emeritus of Kansas State University and Assistant for Food and Agriculture to the Administrator of the Agency for International Development; Carroll G. Brunthaver, President of Sparks Commodities, Inc., in Memphis, and former Assistant Secretary of Agriculture for International Affairs and Commodity Programs; and Mark Drabenstott, Assistant Vice President and senior agricultural economist at the Federal Reserve Bank of Kansas City.

ACKNOWLEDGEMENT OF CONGRESSMAN TOM LANTOS' SUPPORT FOR H.R. 1860

HON. TOM SAWYER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1989

Mr. SAWYER. Mr. Speaker, due to an administrative error, Congressman TOM LANTOS' name was not included as a cosponsor of H.R. 1860 before the bill passed the House on July 17, 1989. I would like to note that Mr. LANTOS supports this important legislation, and I regret that his name did not appear on the bill.

CAPTIVE NATIONS WEEK

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1989

Mr. HERTEL. Mr. Speaker, in 1959, when the Congress of the United States established Captive Nations Week through the passage of Public Law 86-90, it could not foresee how important and relevant the idea would remain into the 1980's. Although the rhetoric has changed from cold war slogans to human rights issues, the underlying truths remain: Freedom and self-determination are not just philosophical notions left over from the 18th and 19th centuries, but are flesh and blood issues that have so captured the imagination of men and women throughout the world that people continue to struggle and suffer for the fulfillment of those ideals.

Symbolically and tangibly, Captive Nations Week is important. It brings our attention back to the not-too-distant past and opens up the pages of history to remind us, and show a new generation that great injustice continues against the people now known as the captive nations. Whether that injustice was done as long as 60 years ago as in the case of the Ukraine and Baltic States, or only a decade ago in Afghanistan, we must always work toward the emancipation of these nations.

I urge the administration to use the occasion of Captive Nations Week to focus its attention on the formulation of a solid and consistent foreign policy toward these occupied

nations; a policy which is grounded in an understanding of the social and political movements which are rising in this part of the world. I urge my colleagues to also remember the history of the captive nations. Their aspirations for freedom are much like our own. Do not do them the injustice of abandoning them to a bygone historical era.

We in the West must do more than merely decry attacks on human freedom. The nature of this struggle is ultimately one that will be decided not by military might, but by resolve and confidence in the future of freedom. My dear colleagues, I ask you today to continue work toward a solution to the unacceptable situation which exists in the world today, as is demonstrated by the continued need for a Captive Nations Week.

HARD TIMES IN TIMBER COUNTRY

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1989

Mr. YOUNG of Alaska. Mr. Speaker, because of lawsuits and legislation, vast areas of the Nation's public lands are being made off limits to the people who live around them. In Alaska the preservation lobby is attacking the jobs of the people of the Tongass National Forest by arguing that the forest is below cost. In the Pacific Northwest, the preservationist lobby is attacking the jobs of the people of the small towns surrounded by national forests by using the spotted owl—they can't argue economics because those forests make money. In the Southern States, a new row is beginning as preservationist groups stop logging by invoking the red cockaded woodpecker.

These areas of the country are our leading producers of softwoods on a renewable basis, and as our domestic production of these woods go down, our imports go up.

Recently, the Los Angeles Times featured an article about the impact on local communities in the Pacific Northwest because of the spotted owl. The readers could substitute any town in southeast Alaska or the South for the towns in question in the Pacific Northwest.

[From the Los Angeles Times, July 14, 1989]

LOGGERS SEE SPOTTED OWL AS A HARBINGER OF DOOM

(By Mark A. Stein)

SWEET HOME, ORE.—Steve Rood was on a last tour through the old Sweet Home Sawmill, hopping down creaking catwalks to look at a cannibalized edging saw.

"It is no fun seeing it this way," he said, and sighed.

Rood will not have to look for long at the idled mill in the heart of town. Workmen already were busy dismantling the massive old building plank by plank, setting aside the pieces to meet an inglorious end as free firewood.

As the mill shrinks in size, it grows as a symbol of the timber controversy in the Pacific Northwest. The Willamette Industries plant is the third mill to close in the last year in this mill town of 6,890 people, and

one of at least a score of sawmills idled throughout Oregon in that time.

Willamette Industries and others cite several reasons for closing their mills, but the one that most often boils people's blood is the log supply shortage attributed to lawsuits over the future of the northern spotted owl.

With the failure last month of a summit between preservationists and timber companies, and the start next month of hearings on whether to formally protect the owl, many people fear environmental concerns will close other mills soon.

Maybe one of Sweet Home's five remaining mills will be among those closed.

Maybe all of them.

"There's a pervading uncertainty and questioning," said Erik V. Kvarsten, the Sweet Home city manager. "People here are uncertain about their very livelihood. This area is good for one thing, logging, and people here see that being taken away from them."

Even for people used to the boom-and-bust logging industry, the prospect of massively expanding wildlife preserves—one-fourth of this year's U.S. Forest Service timber sales and a third of the U.S. Bureau of Land Management's sales have been blocked by court order—is frightening.

"The 1982 recession was caused by cyclical issues like interest rates, and people realized they would eventually right themselves," Kvarsten said. "But with these environmental issues, people are not sure it will ever change. They don't see it ever ending or getting better."

In Oregon, with its uniquely generous revenue-sharing plan with the federal government, losing timberland means losing much more than a few thousand jobs. It also means losing timber receipts set aside for schools and roads—perhaps \$72 million lost to the state.

"Those of us who live here, we are caught between the preservationists and the industry," said John Kunzman, who owns two Sweet Home timber-supply shops and organizes grass-roots support for loggers throughout the Northwest. "We're the ones being squeezed in the middle; we're the ones being crushed."

Sweet Home will not sour without a fight. As in a growing number of logging communities, from Happy Camp, Calif., to Forks, Wash., yellow ribbons fly from homes, cars and businesses to show support for loggers. And lately tiny yellow dots have appeared on the cash that loggers spend, illustrating the importance of their paychecks to the region's economy.

Last week, some folks in Sweet Home went so far as to issue open invitations to city dwellers from Portland, Los Angeles and even New York City to come for a brief visit—stay with a local family if necessary—and see for themselves what logging is all about.

"We want people to come here and see what we are doing," said Dan Conrad, a Willamette Industries employee. "We want them to see that we aren't tearing up the land, and we aren't about to cut down the last tree in Oregon."

Conrad and Kunzman—leaders of the Sweet Home Chapter of Communities for a Great Oregon, a grass-roots lobbying group—say they have heard from relatives and friends who mistakenly believe that Oregon is about to lose its last tree.

Reality is far more complex.

LEADING TIMBER STATE

In fact, Oregon is still by far the country's most productive timber state, followed by California and Washington.

Like those states, Oregon is covered by many millions of trees that contain many billions of board-feet of wood. The temperate, well-watered, mineral-rich Coast Range and Cascade Range mountains remain the best places on the planet to grow softwood trees, especially straight and strong Douglas fir.

But there are problems. Not all those trees are readily available. Many are preserved in parks and wilderness areas. Many more, on intensively cut private lands, are too young to harvest until well into the next century.

What is left, to a great extent, are the federal forests managed by the Forest Service and Bureau of Land Management. But these public lands have many uses—only one of which is to supply timber. Providing recreation is another, as is protecting watershed that supplies most of the region's surface water.

Accommodating wildlife is another land use, with the northern spotted owl causing the most concern at the moment. To help maintain a degree of biological diversity that scientists say is needed to preserve the environment, a federal law forbids the government to drive any species into extinction.

Environmentalists have charged that cutting down virgin, or "old growth," timber threatens the northern spotted owl with extinction. Scientists agree that this owl subspecies requires several unusual characteristics of old-growth forests, such as standing dead trees to give it a hunting perch, living trees of various sizes to let it hide from predators and dead logs to house its prey.

Such characteristics normally are not found in managed tree plantations that usually replace old growth once it is cut. Plantations tend to have even-sized trees, few if any dead trees or downed logs, and clean forest floors.

However, research is being conducted to determine if the most critical old-growth characteristics can be successfully mimicked on tree plantations, as well as to see if the owl is naturally adapting to "second growth" on tree farms.

Indeed, research is under way to determine exactly how many northern spotted owls are out there. The U.S. Fish and Wildlife Service recently estimated that there are perhaps 3,000 to 4,500—many more than the decade-old estimate of a few hundred birds, but possibly far fewer than what may be seen by large bands of scientists now combing the Pacific Northwest.

The uncertainty over this shy, mottled-brown, 16-inch-high raptor fuels the bitter debate over how far people should go to protect it.

Loggers, from paneled Portland board rooms to noisy Sweet Home mill floors, insist that current court injunctions obtained by preservationists go much too far, considering the large gaps in research about the bird.

Preservationists, including the national Sierra Club Legal Defense Fund and local Oregon Natural Resources Defense Council, counter that the owl acts as a proverbial "canary in a coal mine" and its difficulties indicate fundamental problems with the regions' entire forest ecosystem.

But if the condition and fate of the northern spotted owl is uncertain, so too is the condition and fate of logging towns such as Sweet Home. Such towns were not part of

the "Oregon Comeback" that pulled Portland up from the 1982 recession by diversifying its economy into Pacific Rim trade and electronics.

Sweet Home, like other rural Pacific Northwest mill towns, lives on lumber. The Chamber of Commerce said the nine largest private firms here employ 1,202; 1,000 of those jobs—83%—are in forest products, from lumber and plywood to veneer and shingles.

So far this year, more than 150 of those timber jobs have been lost. Some, such as the 80 at the Pleasant Valley Plywood Inc. plant, will return when raw material prices drop so the mills can again turn a profit. Others, including the 65 at the Sweet Home Sawmill, are gone forever.

However, the impact of this is not easy to gauge.

Scott Woodward of Pleasant Valley Plywood said most of his laid off workers have found other jobs, though many commute to Eugene, 50 miles away. Meanwhile, former Sweet Home Sawmill hands have been hired at a new Willamette Industries facility that custom-finishes timber for shipment to Japan.

There are at least 20 empty storefronts along the two main streets in town, but pro-logging activist Gayle Davis said many closed for reasons unrelated to the spotted owl debate. Some closed during a nine-week millworkers' strike last year, she said, and others have been hurt because industrywide wage cuts force families to shop at discount chain stores in nearby Lebanon or Albany.

Nevertheless, there is a sense of anxiety in Sweet Home. It grows daily, as independent loggers such as Robert L. Rice and Jean Reynolds cut closer to the end of existing contracts. Many have no prospects beyond that.

Reynolds, for example, felled trees for a Simpson Timber Co. mill in Albany that has been permanently closed. The timber Reynolds is cutting was purchased before the Simpson mill closed; the logs are sold on the open market. When she completes her current assignment next month, Reynolds said she also will close down. Her 12 loggers and five truck drivers will be looking for work.

"I've looked around, and everything is real tight," she said. "Some will work at a loss, just to keep up payments on their equipment. I've decided that if I cannot make money [on a job], I won't log it. I should be able to hang on until spring. Maybe there will be something then. Maybe."

Industry supporters say the problem is that so much of what could be logged has been placed off limits by court orders. Rood said federal judges have tied up 40% of all of Linn County's timber sales.

As more loggers are idled, saw log supplies fall and threaten to force mills to close. Sometimes this is because banks are reluctant to loan money unless a mill can show that it will be open long enough to pay it back. At other times, mill operators do not know if they will have anything to cut at all.

"Our lead time in logs is now lower than I have ever seen it," Rood said. He said some Willamette Industries sawmills in Sweet Home have a 10- to 12-day supply waiting on their log decks, or storage areas. Others have 30- to 40-day supplies. A comfortable margin is at least 60 days, he said.

With supplies short, prices have soared. At one salvage sale in Eugene last week, \$14.1 million was bid for timber appraised by the Forest Service at \$7.6 million. The Northwest Forest Resource Council said

such bids are unprofitable and were probably made by companies desperate for cash to service their debts.

"With no Forest Service timber, it is putting pressure on private land and people are cutting timber before it is mature because it is profitable," said Rice, and independent logger.

The council and others believe that the signs indicate that the real crunch will arrive before autumn, and they worry that this winter will be worse than the timber depression of 1982.

That may be hyperbole, but even experienced loggers such as Rice talk about lightening their debt load for a long dry spell.

"What I'm thinking about is what I should be doing right now to prepare," he said, looking up at a \$500,000 yarding tower he recently bought to speed up the loading of log trucks in the forest. "Like, maybe I should unload that to someone who can use it."

"But we employ 40 people today—that is 40 families," interjected Rice's son, Chris, who earned a pharmacist's license to give himself an income in the lean times. "If we did that [sell that equipment], we would put 40 people out of work. And this is no time to be out of work."

The uncertainty already is tangible to Sweet Home merchants. They said they have noted a dip in sales of recreational vehicles and other luxury items with monthly payments. Bankers report a decline in consumer loans.

"Whether we get a paycheck from a logging company or not, we all know that we depend for part of our income on the industry," said Cheryl Keenan, branch manager for Key Bank in Sweet Home. "If the timber industry goes, there's not much left for Sweet Home. We are not a very diverse economy."

Sometimes anxiety spills into anger. Many cars in town have anti-owl bumper stickers: "Save a Logger/Eat an Owl" or "I Like Spotted Owls . . . Fried." At the Sportsman's Holiday parade last Saturday, one float used an owl doll to depict its slogan: "I'll Drown Anyone Who Takes My Job."

Pro-logging grass-roots activists wince at such talk.

"We don't really appreciate owl-bashing," Rood said. "People who wear T-shirts about fried owls and things—well, it's funny but it's not really what we are about."

"The owls are not our enemy," Kunzman said. The opposition, he and others make clear, are preservationists who have crippled their industry in court.

"They have their hands around my throat," Kunzman said.

"And my throat," said Conrad, his second-in-command.

"And the throats of everyone in Sweet Home," Kunzman added.

A CONGRESSIONAL SALUTE TO ARCHIE SNOW

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1989

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to an outstanding individual who has devoted years of his life to the Redondo Beach community. Archie Snow was honored on July 10, 1989, for his 8 years of service as council member representing district 4 in Redondo Beach. This occasion gives me the opportunity to express my sincere appreciation for his many years of hard work and unending commitment.

Archie Snow has served the people of Redondo Beach in many more ways than his 8 years as council member. His involvement in professional committees and service organizations is indeed long and impressive. Included among these are: commissioner for Los Angeles County Emergency Preparedness, commission chair for 1988; Los Angeles Federal Executive Board, disaster preparedness committee; local government advisory committee on coastal issues to State of California Secretary of Environmental Affairs; member of local government committee and helped to write Los Angeles County hazardous waste management plan; Governmental Refuse Collection and Disposal Association; executive committee in Beach Cities Coalition for Alcohol and Drug Free Youth; member of local government caucus; member of Los Angeles County-West Mosquito Abatement District; steering committee, Santa Monica Bay project; member of North Redondo Rotary Club as well as a member of Elks Lodge No. 1378.

Throughout his many years of service to the Redondo Beach community, Archie Snow has prided himself on helping people. He has been able to solve numerous problems such as housing needs, short-term loans, Social Security and welfare, health services, and transportation needs. No one will disagree that the people of Redondo Beach have benefited immeasurably from his unselfish dedication.

My wife, Lee, joins me in extending our congratulations to this caring and giving individual. Archie Snow is truly a remarkable individual who has devoted his talents and energies to enriching the lives of so many other people. We wish Archie, his wife, Eva, their children, Paul and Sheila, all the best in the years to come.

DESECRATION OF THE U.S. FLAG

HON. DOUGLAS APPLEGATE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1989

Mr. APPLEGATE. Mr. Speaker, the Subcommittee on Civil and Constitutional Rights is currently holding hearings on the matter of desecration of the U.S. flag in an effort to learn what type of legislation is necessary in order to curtail this activity in the future.

I have been outspoken on this issue since the Supreme Court issued their very controversial decision and have submitted testimony to the committee arguing in favor of corrective legislation, whether it is in the form of a constitutional amendment or statutory law. I would like to take this opportunity to share my comments with my colleagues and ask that my testimony be printed in the RECORD.

TESTIMONY OF CONGRESSMAN DOUGLAS APPLEGATE BEFORE THE SUBCOMMITTEE ON CIVIL AND CONSTITUTIONAL RIGHTS OF THE COMMITTEE ON THE JUDICIARY

Mr. Chairman, I want to thank you and this subcommittee for the opportunity to

present to you my testimony on the matter of flag desecration, with particular emphasis on the burning of the flag as was recently upheld as a freedom of expression in accordance with the first amendment of the U.S. Constitution in a decision by the U.S. Supreme Court.

Let me preface my remarks by saying that while I have introduced legislation proposing an amendment to the U.S. Constitution that would prohibit desecration of the flag, I understand there may be efforts to accomplish this through statutory law. Regardless of the method used, I will strongly support either effort as I believe some corrective action must be taken so long as it achieves the actual intent of the legislation.

Some have expressed opposition to the use of a constitutional amendment to accomplish this prohibition arguing that the bill of rights has not been amended in over 200 years. That rationale simply does not hold water. Thomas Jefferson said the planet is for the living and professed that the Constitution was created to be changed from time to time in order to reflect the society it governed. Of the three ways in which the Constitution can be changed, through a Constitutional Convention, which I oppose, constitutional amendment or judicial interpretation, the latter accounts for the overwhelming majority of the times the document has been changed. The Constitution is what a majority of a sitting Supreme Court says it is. When you read the Constitution, what you see is not always what you get.

I do not believe that freedom of expression as recently defined by the Court is what our forefathers had in mind in advocating freedom of speech, and as such is not necessarily protected by the first amendment as is freedom of speech. I will acknowledge that the word "expression" by definition does mean "utterance" or "a word or phrase"; but, generally, it is thought to mean an act or action. In the case of burning the flag, this was a violent act to draw attention to a statement of opposition to U.S. foreign policy. The act of burning the flag was not a statement in and of itself.

I heard Chairman Edwards ask Congressman Michel how he would feel about someone burning the Constitution. I did not hear the minority leader's answer, but the answer should have been that if the document being burned is a replica or copy of the original, then the burning should be legal. On the other hand, burning the original should be illegal beyond the point of simply destroying public property. The point of this is that there is no replica of the flag for there is no original. One flag, regardless of size, is as valid and as genuine as any other flag.

Yes, the flag is, in my estimation, an icon defined by the dictionary as an object of critical devotion. As such, it should not be destroyed for any reason by iconoclasts. I have heard it said that it is only a piece of cloth or material that only represents what the Constitution says. It is true that it represents what the Constitution says, but that it "only" represents that does not do it justice. We have all pledged, hundreds of times, our allegiance to the flag and to the Republic for which it stands. It does not say, however, I do not pledge allegiance to the flag, but only to the Republic for which it stands. Rather, it is placed on an equal level with our Republic. As a comparison, if one attempted to overthrow or destroy the Republic, he would be tried for treason and if found guilty, would be executed. While I do not suggest this punishment for those

convicted of burning or desecrating the flag, I do expect some restitution or punishment that fits the crime that I believe it is.

There is even a larger aspect of this whole issue, too. I maintain that respect for our flag and our democratic principles and institution is critical to our remaining a free and sovereign nation.

Again, Mr. Chairman, thank you for the opportunity to present my views on this most important matter.

AIDING VICTIMS OF DOMESTIC VIOLENCE

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1989

Mr. MILLER of California. Mr. Speaker, today, I join my colleague, CONNIE MORELLA, in introducing bipartisan legislation to increase housing assistance for battered women and children, and to improve the judicial treatment of family violence in divorce and child custody cases.

The national tragedy of domestic violence has been ignored and misunderstood for far too long—by government at the Federal level, State legislatures, and local law enforcement. In hearings and investigations by the Select Committee on Children, Youth, and Families, which I chair, we have found that domestic violence is not just a women's problem, but a children's issue and a family issue. In a home where domestic violence occurs, it is more likely than not that the abusive parent also batters his children. In addition, children exposed to spouse abuse are three times more likely to abuse their own spouses when they marry than are children with nonviolent parents.

When I first expressed my concern about domestic violence a decade ago, one of my colleagues accused me of trying to take the fun out of marriage. I'm pleased to say since then, Congress has enacted the Family Violence Prevention and Services Act and other programs to assist victims of battering. And while we in Congress have maintained funding for the Family Violence Prevention and Services Act at fiscal year 1988 levels, we have only appropriated one-third of what Congress initially requested.

The Family Housing Options Program Act of 1989 would reserve 5 percent of the annual allotment of section 8 Housing and Urban Development certificates for homeless families and displaced families affected by family violence. Only 1,200 shelters are available across the Nation for the more than 2 million women who are battered each year. The National Coalition Against Domestic Violence reports that in 1986, only one out of three women who requested emergency services for themselves and their children received them. And many shelters have time limits on the number of days abused women and their children can receive assistance. The bill we are introducing today is an important step in addressing the critical housing needs of women and children who seek to reestablish stability in their lives once they have been helped by domestic violence shelters and emergency transitional programs.

In addition to housing programs, violence committed behind closed doors still gets an inconsistent response from our justice system, when it gets any response at all. Our investigations have shown that a great many trial court judges do not consider allegations of spouse and child abuse when making child custody decisions. It is not uncommon for judges to grant unsupervised or inadequately supervised visitation to a child's abuser or for a woman to be battered by her ex-husband during visitation. Only 10 States, including my home State of California, and the District of Columbia, require that evidence of spouse abuse be considered in custody determinations. In addition, the widespread presumption of joint custody continues to place women and children in double jeopardy with respect to their abusers. In response to inadequate legal protection, an underground movement has developed: Battered women and abused children have defied the courts and gone into hiding to protect themselves.

In response to these problems, H.R. 2952 would authorize \$600,000 to the State Justice Institute to investigate State judicial decisions relating to child custody litigation involving domestic violence, and to develop training programs for State judges in order to better educate them about domestic violence.

Finally, House Concurrent Resolution 172, would establish a sense of Congress that recognizes the adverse affects of spouse abuse on children exposed to such violence and concludes that evidence of spouse abuse should create a statutory presumption that it is detrimental to the child to be placed in the custody of an abusive parent.

Mr. Speaker, in the United States, a woman is beaten every 18 seconds, and every day at least four women are killed by their batterers. The bills we are introducing today will move this Nation closer toward providing a safer haven in our courts and in our land for the victims of family violence.

NELSON MANDELA

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1989

Mr. DYMALLY. Mr. Speaker, this is the week which marks the birthdate of Nelson Mandela who is now 71 years old. Mr. Mandela, while enduring this 27th year of imprisonment, in serving a life sentence for sabotage, is still regarded internationally as the leader of the outlawed African National Congress although he now holds no official position in that organization.

It is indeed fortuitous that on July 5, 1989, a few days before his birthday, State President of South Africa, Mr. P.W. Botha, had a historic and epochal meeting with Mr. Mandela which lasted 45 minutes. This meeting portends well for the future of peace in that racially troubled nation. At that meeting, both men confirmed their support for peaceful development in South Africa.

There is at least, an implicit assumption, that this meeting was held because of the growing feeling in and out of South Africa, that

Mr. Mandela and the ANC hold the key to successful negotiations between blacks and whites in South Africa.

It is of significance that in a statement released about a week ago, in commenting indirectly about the meeting, Mr. Mandela reiterated his conviction that a South African government dialogue with the mass democratic movement and in particular with the African National Congress is the only way of ending violence and bringing peace.

In arranging and holding the meeting, therefore, Mr. Botha has implicitly acknowledged that both Mr. Mandela and the ANC had significant roles to play in the search for a political settlement.

As a result of what has happened, it is clear that Mr. Mandela's leadership role has now assumed dimensions broader than the ANC, and that he is now in the position to unify the whole black movement in South Africa. This leadership role has been widely recognized by most groups. Mrs. Helen Suzman, a highly respected and well known Member of Parliament in South Africa has made positive and favorable statements about Mr. Mandela's obvious leadership qualities, his moderation and his appreciation of the fear of the white Minority. She stated further that "I am convinced that his unconditional release and his presence at the negotiating table is an absolute prerequisite to a peaceful resolution of the South African dilemma."

Buttressing his stature as a national leader, is the high regard in which he is held by both the United Democratic Front and the Congress of South African Trade Unions.

It is timely and fitting, therefore to pay a genuine and well deserved tribute to a person who has been a beacon of light to the peace process in South Africa.

It is fervently hoped that by his 72d birthday, Mr. Mandela would have attained not only his freedom but would also be a catalyst in the attainment of the meaningful and functional integration of all groups in the socio-political economic system of South Africa.

CYPRUS MARKS SAD ANNIVERSARY

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1989

Mr. BROOMFIELD. Mr. Speaker, every July 20, the people of Cyprus mark a tragic anniversary in the long history of that lovely island. On this day 15 years ago, Turkish forces invaded the island of Cyprus. The painful legacy of that military intervention still cruelly divides the island and its people. On this anniversary, we must recommit ourselves, as representatives of the American people, to find a peaceful solution to the longstanding problems on the island. The administration should put the Cyprus issue on the front burner and solve that bothersome problem once and for all.

The 1974 military operation killed thousands and displaced over 150,000 Cypriots who became refugees in their own country. Many are still missing as the result of that invasion, including a number of Americans who have

not been seen since that fateful day. There were 60,000 Turkish settlers brought to Cyprus, and nearly 30,000 Turkish soldiers still occupy the northern part of the island.

Although the United States-Turkish military relationship was suspended after the invasion, the United States Government again began to provide Turkey with arms with the understanding that Turkish occupation units would be withdrawn from Cyprus. That promise was clearly not kept. The northern part of Cyprus remains an armed camp.

The Green Line now divides the Cypriot people into two separate communities. In past years, tensions have flared along that line resulting in the deaths of both Greek-Cypriot and Turkish-Cypriot soldiers. In recent months, however, progress has been made in reducing incidents along the Green Line.

The U.N. successfully negotiated a disengagement between the Greek-Cypriots and the Turkish-Cypriots who man positions along that line, and a number of observation posts were closed. I believe that this small step forward clearly shows that the two parties in conflict can work together to solve the Cyprus dispute.

The ongoing intercommunal talks are also encouraging. Mr. Denktash and President Vassiliou recently met at the United Nations and are now drafting a finalized outline for future negotiations. While the talks are moving forward slowly, there is hope that both men will be able to resolve the problems which divide them.

The security concerns of the Turkish-Cypriot community can be resolved by accepting President Vassiliou's demilitarization proposal which calls for the removal of all military units from the island. Turkey now has the unenviable position of being the only Western nation occupying another Western country. It is clearly time to take all military units off that island and move the peace process forward.

With peace breaking out all over, the administration should seize the moment and prioritize a settlement of the Cyprus dispute. Cyprus should no longer be a back shelf issue. The Department of State's Special Coordinator for Cyprus should be given direct access to the Secretary of State and our diplomats should take advantage of the favorable conditions that exist today for a just resolution of the Cyprus issue.

Let us hope that in the near future our Government can actively promote a solution to the problems of Cyprus. We can then celebrate not the sad anniversary of the occupation of Cyprus, but the joyous anniversary of the settlement of that longstanding dispute.

IT'S TIME TO RALLY AROUND THE FLAG

HON. CHUCK DOUGLAS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1989

Mr. DOUGLAS. Mr. Speaker, in these last few days of testimony we have heard a great deal concerning how we should react to the recent Supreme Court case of Texas versus Johnson. There the Court held that when

someone burns the flag for expressive purposes, the conduct is protected by our Constitution's first amendment.

The decision held that the Government's reason for protecting the flag, to preserve it as a symbol of national unity, is inherently and necessarily related to expression. Further, the Court held that the Government's interest in protecting the flag as a symbol of our national unity can never be sufficient to overcome an individual's first amendment interest in burning the flag for communicative purposes.

The Court held that a statute could not pass constitutional muster if it assumed that flag burning would in all cases cause a breach of the peace. In light of this reasoning, it would be difficult to imagine a reason which the Court would consider sufficient to justify the abrogation of first amendment rights, short of a very narrowly drawn countervailing constitutional amendment.

The argument that a "content-neutral" statute would be sufficient has already been answered in the Supreme Court case of Spence versus Washington.

In Spence the neutral statute before it:

[Did] not depend upon whether the flag is used for communicative or non-communicative purposes; upon whether a particular message is deemed commercial or political; upon whether the use of the flag is respectful or contemptuous; upon whether any particular segment of the State's citizenry might applaud or oppose the intended message. [Spence, 418 U.S. at 422-23 (Rehnquist, J. dissenting).]

Nevertheless it was unconstitutional as applied to a person engaged in communicative conduct. The court explained:

[Even] [If the Government's interest in preserving the value of the flag as a symbol of our Nation] is valid, we note that it is directly related to expression in the context of activity like that undertaken by appellant. [Id. at 414 n. 8.]

Justice Brennan, the author of the Court's opinion in Texas versus Johnson, in fact has previously written that:

The only basis for a governmental interest (if any) in protecting the flag is precisely the fact that the flag has substantive meaning as a political symbol. Thus, assuming that there is a legitimate interest at stake, it can hardly be said to be one divorced from political expression. [Kime v. United States, 459 U.S. 949, 953 (1982) (Brennan, J., dissenting).]

The Supreme Court in Texas versus Johnson has now held that the Government's interest in protecting the flag as a national symbol is, by definition, related to the suppression of free expression. Therefore, it simply could never be successfully maintained that such a statute was content-neutral. The statute cannot be made content-neutral merely because it prohibits private as well as public burning of the flag. The Government's purpose in prohibiting a desecration is the same whether or not the statute extends to private conduct.

If I thought in good conscience that a statutory alternative would work, I would readily support it.

Unfortunately, even if we were to pass a statute similar to that proposed by Senator BIDEN we would need to repeal the first sentence of 36 United States Code section 176

which says "No disrespect should be shown to the flag of the United States * * *"

Otherwise we are in a position where respect or disrespect is part of the law we are supposedly changing to be neutral. I also don't know what the statutory solution would do about 36 United States Code section 176(k) that says that the flag may be burned in a dignified way when it is no longer "a fitting emblem for display."

These are just some of the problems that a statutory alternative would entail.

First amendment rights are not absolute and without limitation. The courts have upheld many exceptions to the great sweep of the first amendment. Thus, one may not express oneself in the following way: (1) inciting a riot, (2) criminal solicitation, (3) libel, (4) slander, (5) child pornography, and (6) perjury.

To name just a few off the top of my head.

To add by amendment, what has been made necessary, only because of one vote on the Supreme Court, will not gut the first amendment. If I thought otherwise, I would vigorously oppose it.

LEGISLATION TO PROTECT AMERICAN INVENTIONS IN OUTER SPACE

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1989

Mr. KASTENMEIER. Mr. Speaker, today I am introducing legislation to protect American inventions in outer space. Twenty years ago today American astronauts walked on the Moon. It was a great moment in the history of the world and it showed the potential for scientific and commercial exploration of space.

Americans have made important gains and discoveries in space at great risk and cost to the American people, including the loss of American lives. Now we must act to assure that scientific advances in space are protected.

It is for this reason that I am introducing the Patents in Space Act. This bill is simple and noncontroversial. It has the support of the administration, through NASA and the Commerce and State Departments as well, and is supported by interested parties in the private sector.

The bill that I introduce today states that inventive or other activities which occur in outer space on board U.S. space vehicles—including both the shuttle and any space stations—shall be treated for patent purposes as though these activities occurred within the United States. Specifically, the bill amends the patent law by adding a new section 105 to title 35 of the United States Code, which provides that an invention made, used, or sold on space vehicles under the jurisdiction or control of the United States shall be deemed to have been made or used within the United States.

My bill provides a clear, definite, and understandable set of rules for determining when and how U.S. patent law applies in outer space. This clarification serves to enhance the commercialization of space and to encourage investors in the space shuttle and future

space stations or platforms to commercially utilize space.

This bill serves four objectives. First, it provides that actions which occur in outer space can infringe a U.S. patent.

Second, this bill assures that space inventions are patented according to the "first to invent" system consistent with U.S. law and not pursuant to a "first to file" system.

Third, this bill aims to regulate prior art and thus would provide needed conformity in law.

Finally, this bill assures those concerned with national or international security that inventions in outer space are controlled by the Invention Secrecy Act.

This bill would not apply to cases pending in court on the date of enactment. Furthermore, it would not apply to vehicles that are launched before the effective date of the bill. If, however, an existing patent covers a product launched after the effective date, use of the product aboard a U.S. vehicle without consent could constitute an act of infringement.

A slightly different version of this legislation has been introduced before and was passed by the House during the 99th and 100th Congresses. Changes in the bill I have introduced today have been suggested by the administration, taking into consideration treaty obligations, and the views of the European Space Agency. Now, the Senate is considering legislation under the leadership of Senator DECONCINI. I am confident that, with your support, this important legislation will be enacted into law this year.

I look forward to working together with respected colleagues on the House Committee on Science Space and Technology, particularly Chairman ROE, Congressman NELSON, and Congressman WALKER.

I urge support of this bill and invite my colleagues to join me in cosponsoring this bill.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Patents in Space Act".

SEC. 2. SPACE INVENTIONS.

(a) AMENDMENTS TO TITLE 35, UNITED STATES CODE.—Chapter 10 of title 35, United States Code, is amended by adding at the end the following:

"§ 105. Inventions in outer space

"(a) Any invention made, used, or sold in outer space on a space object or component thereof under the jurisdiction or control of the United States shall be considered to be made, used, or sold within the United States for the purposes of this title, except with respect to any space object or component thereof that is specifically identified and otherwise provided for by an international agreement to which the United States is a party, or with respect to any space object or component thereof that is carried on the registry of a foreign state in accordance with the Convention on Registration of Objects Launched into Outer Space.

"(b) Any invention made, used, or sold in outer space on a space object or component thereof that is carried on the registry of a foreign state in accordance with the Convention on Registration of Objects Launched into Outer Space, shall be considered to be made, used, or sold within the United States for the purposes of this title

if specifically so agreed in an international agreement between the United States and the state of registry."

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 10 of title 35, United States Code, is amended by adding at the end the following:

"105. Inventions in outer space."

SEC. 3. EFFECTIVE DATE.

(a) IN GENERAL.—Subject to subsections (b), (c), and (d) of this section, the amendments made by section 2 shall apply to all United States patents granted before, on, or after the date of the enactment of this Act, and to all applications for United States patents pending on or filled on or after such date of enactment.

(b) AMENDMENTS NOT TO AFFECT PRIOR DECISIONS.—The amendments made by section 2 shall not affect any final decision made by a court or the Patent and Trademark Office before the date of the enactment of this Act with respect to a patent or an application for a patent, if no appeal from such decision is pending and the time for filing an appeal has expired.

(c) AMENDMENTS NOT TO AFFECT CERTAIN PENDING CASES.—The amendments made by section 2 shall not affect the right of any party in any case pending in a court on the date of the enactment of this Act to have the party's rights determined on the basis of the substantive law in effect before such date of enactment.

(d) AMENDMENTS TO BE PROSPECTIVE IN APPLICATION.—The amendments made by section 2 shall not apply to any process, machine, article of manufacture, or composition of matter, an embodiment of which was launched before the date of the enactment of this act.

INSTITUTE OF AMERICAN INDIAN ARTS NAMES NEW PRESIDENT

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1989

Mr. RICHARDSON. Mr. Speaker, last week the House approved the Department of the Interior and related agencies appropriations bill for fiscal year 1990. This legislation included an appropriation of \$4,650,000 for the Institute of American Indian and Alaska Native Culture and Arts Development [IAIA] in Santa Fe, NM. I would like to commend and thank the Subcommittee on Interior Appropriations and Chairman SYDNEY YATES for recognizing the very significant role the Institute plays. These funds will allow the Institute to expand its many worthy programs and fulfill its important mission.

Mr. Speaker, I would also like to note the appointment of Kathryn Harris Tijerina to the presidency of the Institute. Ms. Tijerina will be the Institute's first full-time president since the IAIA became independent from the Bureau of Indian Affairs. Ms. Tijerina is intelligent and eminently qualified—I cannot think of a better choice for this position. Long active in Indian advocacy, Ms. Tijerina will bring her impressive skills and background to the IAIA at this crucial period.

I would like to take this opportunity to wish the Institute, its board and new president, a

most successful tenure. I would also like to insert further information regarding the IAIA and Ms. Tijerina into the RECORD for my colleagues' consideration:

INSTITUTE OF AMERICAN INDIAN ARTS NAMES NEW PRESIDENT

SANTA FE, NM, June 16, 1989.—The Board of Trustees of the Institute of American Indian Arts in Santa Fe, New Mexico today named Kathryn Harris Tijerina the school's first full-time president since IAIA's independence from the Bureau of Indian Affairs. Her appointment is effective August 1.

In announcing Tijerina's selection, Alfred Qoyawayma, Chairman of IAIA's Search Committee and Vice Chairman of the Board, said the Board was particularly impressed with Ms. Tijerina's educational credentials, her management of programs promoting Indian educational opportunities and her involvement with Indian issues at both the state and national level.

"But perhaps most important of all," he said, "is that Ms. Tijerina shares the vision that first made IAIA an innovative, exciting place to be—a vision that will transform it into a major and nationally recognized center serving the educational needs of all American Indians and Native Alaskans."

Qoyawayma pointed out that IAIA is the only major educational institution in the nation devoted solely to the study and practice of the artistic and cultural traditions of all Native American peoples.

Ms. Tijerina comes to IAIA from New Mexico State University in Las Cruces where she was Director of Indian Resource Development, a statewide program. She also has served as Deputy Secretary of the Natural Resources Department of the State of New Mexico and was Indian Affairs Specialist for the U.S. Department of Energy.

Ms. Tijerina, an enrolled member of the Comanche nation, has a law degree from Stanford University School of Law and graduated Magna Cum Laude from Harvard. She was born and raised in Comanche country in Oklahoma and her parents, Fred R. Harris and La Donna Harris, have both been active in efforts to promote Native American development.

"I'm delighted to be joining the Institute of American Indian Arts," said Tijerina. "During this time of transition we have a unique challenge and exciting responsibility."

"Working together with the faculty and staff we at IAIA have the opportunity not only to preserve and promote Indian arts but to create a setting where brilliant new works of Indian art can be fostered."

Tijerina noted that the U.S. is now recognized worldwide for the quality of American Indian arts and that American Indians have made substantial contributions to American culture. "It's more important than ever that IAIA is dedicated to insuring that American Indians are also recognized as a dynamic part of world culture in the future."

The Institute of American Indian Arts is a federally chartered non-profit educational institution. It was founded as a Bureau of Indian Affairs program in 1962 and in June, 1988 it became a private institution governed by an independent Board of Trustees.

IAIA is fully accredited to offer the Associate Degree by the North Central Association of Colleges and Schools and by the National Association of Schools of Art and Design.

Plans are under way for expanding the curriculum to a four-year program, for orga-

nizing a center for cultural exchange and research and for moving into new facilities.

TRIBUTE TO KIM LAZOR

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1989

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to Kim Lazor, an outstanding high school athlete from my 17th Congressional District of Ohio, on her tremendous achievements in the sport of basketball.

Kim was recently 1 of 10 girls in the State of Ohio selected to be a member of the Ohio team in the third annual Ohio-Michigan Girls All-Star Basketball Classic. Kim lead the Ohio team to victories in both games of the classic and was the leading scorer with 20 points during the game in Toledo, OH. Kim is also a member of the Ohio Junior Olympic basketball team presently competing in the National Junior Olympic basketball competition being held in West Virginia this month.

Kim played for the Howland High School basketball team this past year leading the Tigers to a 23 and 2 season and advancing them all the way to the regional finals. This past 1988-89 season Kim was named the MVP of the North versus South Ohio Girls All-Star game. For the past 3 years, Kim has been named All-Ohio in the sport of basketball and was named player and athlete of the year in Trumbull County, OH. Kim is planning to attend Pennsylvania State University on a full basketball scholarship this fall.

Mr. Speaker, Kim Lazor is a talented young athlete whose achievements will continue in the many years to come. It is truly an honor to represent such a fine individual. I would like to congratulate Kim on her many past achievements and wish her the best in the future.

HENDERSON COUNTY, TN, FIRE DEPARTMENT CITED

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1989

Mr. SUNDQUIST. Mr. Speaker, I rise to ask my colleagues to extend the congratulations of the House to the Henderson County, TN, Fire Department, on its receipt of a class 7 rating from the Insurance Services Office.

That places Henderson County in very select company. It is one of only two country-wide fire departments in the Nation to qualify for the class 7 ranking, and is Tennessee's first countywide department to earn it.

Those who have been involved in supporting the work of our fire departments know that the ISO rates fire departments nationwide on a system based on equipment, manpower, training, communications, water supply, and geographic location of firefighting facilities relative to the community's population.

Henderson County's Fire Department received its upgraded class 7 status after an aggressive program of improvement. As a result, no citizen of Henderson County has been

EXTENSIONS OF REMARKS

denied insurance protection on the basis of inadequate fire protection, and countywide, the citizens of Henderson County have saved more than \$750,000 per year in insurance premiums.

The accomplishment of the Henderson County Fire Department is a credit to the entire community, and an example for firefighting units nationwide. I am proud to represent them, and proud to ask my colleagues to join me in recognizing their great achievement and service.

PRESERVING AMERICA'S SPACE HERITAGE: THE AMERICA IN SPACE NATIONAL HISTORICAL PARK

HON. JOEL HEFLEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1989

Mr. HEFLEY. Mr. Speaker, I rise today to introduce legislation aimed at establishing an America in Space National Historical Park at Cape Canaveral, FL; and at preserving other landmarks connected with the U.S. man-in-space effort.

My interest in this subject dates back to my first term in Congress when I was privileged to serve as a member of the Space Science and Applications Subcommittee.

At one point in my first term, we subcommittee members traveled to Florida to take a look at the national space center. We saw the shuttle pads and the vertical assembly building and the great Titan IV pads in the middle of the Banana River.

We also passed the remains of what had once been the eastern test range, gantry row, the test site for America's early ICBM's and our first manned orbital space flights. At one point, our guide pointed out that we were passing pad 14, when now-Senator JOHN GLENN was launched into space in 1962.

There was a plaque there noting Senator GLENN's launch but the launch tower was gone, a victim to sea salt and rust. Mostly, there was beach grass.

Down the coast a bit is a place called the Air Force Space Museum. Visitors can see it on the Red Tour and it's manned by retired Air Force noncoms but there's little to indicate that this site is one of the most significant in American history.

From one end of the space museum tract, a Jupiter-C rocket launched America's first satellite, Explorer I, into orbit. From a pad at the other end, Alan Shepard became America's first man in space in 1961. From spots between these two pads, America tried some of its first moon probes in the late 1950's and early 1960's.

Despite this historic significance, the Air Force Space Museum is in sad shape today. The gantry Al Shepard saw on May 5, 1961, is long gone while that that shielded Explorer I is fenced off, a rusted-out safety hazard.

Last year, we applauded the private sector efforts that restored Union Station. We called it a triumph for historic preservation. Yet little of real historic significance occurred at that railroad station. In Florida, where this country

took its first faltering steps into space, a site of true importance is being allowed to decay.

I understand that time moves on, and that the Nation's space agency must have the flexibility to carry out its mission of extending man's presence in the universe. Florida is now reportedly considering use of the old Atlas pads, including GLENN's pad 14, for commercial use; and the pads used by Apollo to reach the moon now launch space shuttles.

But those resources that will never be used again, the Air Force Space Museum, the old Mercury Control Center, the Apollo-Saturn Umbilical Launch Tower, these things should be preserved for future generations to learn of the space program's early days. Where they can't be saved, they should be documented and recorded so that we have a lasting history of our national space program.

I'm from Colorado, and most of the man-in-space resources we have are in the private sector. Yet, as a person with an interest in history, I'm concerned that we're losing our record of these achievements. As a person with an interest in the Space Program, I worry that we're losing a golden opportunity to get the public excited about the civilian space effort.

The Soviets understand this. There, the home of Yuri Gagarin, the first man in space, is preserved as a shrine. The pad that launched Gagarin and Sputnik I is preserved and used only for special events. At Cape Canaveral, Hangar S, where the first astronauts dressed for their flights, has been turned back into a hangar. And, as I said, John Glenn's pad 14 is gone, as is the Gemini Programs' pad 19, as is pad 34, where the three Apollo I astronauts died, and as is pad 12, from which we launched some of our first successful lunar and planetary probes.

My feelings echo those of NASA's advisory council. Meeting last November, the advisory council urged the space agency to consider adding two professionally trained historians to its staff, as well as funding the history sections from research and development money.

"Organizations are understandably concerned with the conduct of their primary missions and the making of history, rather than in understanding the past," the council wrote. "However, in the absence of a history research program, the mistakes of the past are less likely to be understood and more likely repeated."

Mr. Speaker, NASA has given this Nation some of its proudest moments. It will, no doubt, supply more of those moments in the future. I believe the aims of my bill will preserve the resources by which future generations—some perhaps living in space—can understand where we began our explorations. And I hope to work with the space agency and the other affected parties to draft a compromise through which we can not only preserve a record of our past accomplishments, but which will allow us to achieve new ones in the future.

On this, the 20th anniversary of man's first landing on the lunar surface, I would urge my colleagues to support and cosponsor my bill.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ESTABLISHMENT.

(a) **IN GENERAL.**—In order to commemorate the internationally historic event of the first manned landing on the moon and the events leading to that accomplishment, and to recognize the overall historic attributes of America's space program for the benefit, education, and inspiration of present and future generations of Americans, the Secretary of the Interior (hereinafter in this Act referred to as the "Secretary") is authorized to establish the America is Space National Historical Park (hereinafter in this Act referred to as the "historical park"), the core components of which shall be located in the State of Florida.

(b) **AREA INCLUDED.**—The historical park shall consist of the land and improvements comprising launch complexes 26, 5 and 6, (also known as the Air Force Space Museum), the Mercury Mission Control Center, and the Apollo-Saturn launch umbilical tower, located at the Cape Canaveral Air Force Station and the John F. Kennedy Space Center, as generally depicted on the map titled "Boundary Map, America in Space National Historical Park," numbered —, and dated —. The map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The national historic landmarks and registered historic districts listed under section 4(a) and 5(a) shall, when they are declared excess to the needs of the administering agency, be transferred to the administrative jurisdiction of the Secretary of the Interior and be included as part of the historical park.

SEC. 2. ADMINISTRATION.

(a) **TRANSFERS.**—Effective upon the date of enactment of this Act, the lands and improvements depicted on the map referred to in section 1(b), shall be transferred without reimbursement to the administrative jurisdiction of the Secretary for the purposes of the Act. The Secretary shall administer the historical park in accordance with the Act of August 25, 1916 (16 U.S.C. 1, et seq.), and the Act of August 21 1935 (16 U.S.C. 461-467).

(b) **APOLLO LAUNCH UMBILICAL TOWER.**—The Secretary is directed to work with the Administrator of the National Aeronautics and Space Administration to complete a plan providing for the erection of the Apollo-Saturn launch umbilical tower, preferably at a location within the boundaries of the Kennedy Space Center. The plan shall present options for funding and full restoration of the launch umbilical tower with the preservation and restoration of as much historic fabric as possible. This plan shall be delivered to Congress 1 year after the enactment of Act.

(c) **MAINTENANCE OF UMBILICAL TOWER.**—The Administrator of the National Aeronautics and Space Administration shall see that the Apollo-Saturn launch umbilical tower is adequately preserved and protected pending completion of the above mentioned study.

SEC. 3. ACQUISITION OF PROPERTIES.

(a) **TRANSFERS.**—Any Federal property located within the boundaries of the historical park and under the administrative jurisdiction of the Secretary of Defense shall, with the concurrence of the Secretary of Defense, be transferred (without consideration) to the administrative jurisdiction of the Secretary for purposes of the historical park, upon enactment of this Act.

(b) **DONATIONS.**—Notwithstanding any other provision of law, the Secretary may accept and retain donations of funds, property, or services from individuals, foundations, corporations, or public entities for the purpose of providing services and facilities which he deems consistent with the purposes of this Act.

SEC. 4. DETACHED SITES.

(a) **ESTABLISHMENT OF DETACHED SITES.**—In order to further the protection of additional sites and objects as detached units of the park that are of seminal importance in the development of the United States Man in Space program, the Secretary is authorized to enter into cooperative agreements with the heads of the Federal agencies having jurisdiction over the sites and objects comprising the following national historic landmarks located at the installations indicated:

(1) Marshall Space Flight Center, Huntsville, Alabama: Redstone test stand.

(2) Alabama Space and Rocket Center, Huntsville, Alabama: Saturn V space vehicle.

(3) White Sands Missile Range, Alamogordo, New Mexico: Launch complex 33.

(4) Vandenberg Air Force Base, California: Space launch complex 10.

(5) Cape Canaveral Air Force Station, Florida: Launch complex 14.

(6) Edward Air Force Base, California: Rogers dry lake.

(b) **TRANSFER OF DETACHED SITES.**—The above mentioned national historical landmarks and national register districts may be transferred to the administrative jurisdiction of the Secretary when declared excess to the needs of their administering agencies. The National Aeronautics and Space Administration, Smithsonian Institution and Department of Defense are directed to make every effort to protect and preserve the historic integrity of these affiliated sites and to inform the Secretary and the Advisory Council on Historic Preservation, in a timely manner, of all proposed changes impacting upon the historic integrity of these resources.

(c) **INTERPRETATION AND TECHNICAL SUPPORT.**—Pursuant to cooperative agreements, the Secretary shall provide technical assistance and advice to other Federal agencies with respect to the preservation and interpretation of the sites and objects comprising the national historic landmarks listed in subsection 4(a). In addition, the Secretary shall, in cooperation with the agencies having jurisdiction thereover (1) coordinate the interpretation of such sites and objects among all agencies, consistent with the operational needs of such agencies; (2) provide for the documentation of such sites and objects by detailed drawings, measurements, and photographs through the Historic American Buildings Survey and the Historic American Engineering Record, such study to be completed no later than 3 years after the date of enactment of this Act; and (3) develop and recommend to such agencies a clear set of procedures for the documentation and preservation of such sites and objects if operational requirements dictate they be returned to active use.

SEC. 5. OTHER LANDMARKS

(a) **EXISTING LANDMARKS.**—Recognizing the operational needs of the supervising agencies, the Secretary is authorized to enter into cooperative agreements with the heads of the Federal agencies having jurisdiction over the sites and objects comprising the following national historic landmarks located at the installations indicated, to compile a lasting documentary record of the

landmarks listed below. Documentation of these sites and objects shall comprise detailed drawings, measurements, and photographs through the Historic American Buildings Survey and the Historic American Engineering Record. This documentation shall be conducted in cooperation with the chief administrative officer of the controlling agency and shall be completed one year after enactment of this Act. At the conclusion of this survey, the chief administrative officer of the controlling agency shall retain control over the maintenance, preservation, interpretation, modification, or disposition of these sites:

- (1) Langley Research Center, Virginia:
 - (A) Variable density tunnel.
 - (B) Full-scale tunnel.
 - (C) Eight-foot high-speed tunnel.
 - (D) Unitary plan wind tunnel.
 - (E) Lunar landing research facility.
 - (F) Rendezvous docking simulator.
- (2) Lewis Research Center, Cleveland, Ohio:
 - (A) Rocket engine test facility.
 - (B) Zero gravity research facility.
 - (C) Spacecraft propulsion research facility.

(3) Marshall Space Flight Center, Huntsville, Alabama:

- (A) Propulsion and structural test facility.
- (B) Saturn V dynamic test facility.
- (C) Neutral buoyancy space simulator.
- (4) The John C. Stennis National Space Technology Laboratories, Mississippi: Rocket propulsion test complex.

(5) Cape Canaveral Air Force Station, Florida:

- (A) Launch complex 13.
- (B) Launch complex 19.
- (C) Launch complex 34.
- (6) John F. Kennedy Space Center, Florida: Launch complex 39.
- (7) Lyndon B. Johnson Space Center, Houston, Texas:

(A) Space environment simulator laboratory.

- (B) Apollo mission control center.
- (8) Goddard Space Flight Center, Greenbelt, Maryland: Spacecraft magnetic test facility.
- (9) Jet Propulsion Laboratory, Pasadena, California:

- (A) Twenty-five-foot space simulator.
- (B) Space flight operations facility.
- (9) Goldstone Deep Space Communications Complex, California: Pioneer deep space station.

(b) **TRANSFER TO SMITHSONIAN.**—It is the intention of the Congress that the sites and objects referred to in subsections 4(a) and 5(a) be preserved in their historic locations. If the Secretary determines that such preservation is rendered impossible by operational needs, he shall recommend to the operating agency that such resources be transferred for appropriate curation to the Smithsonian Institution, or other such institutions as may be deemed appropriate.

(c) **FUTURE DESIGNATIONS.**—Presently active sites, which may be declared excess to the needs of their administering agencies in the future, and deemed nationally significant to the Man in Space theme, should, with the concurrence and in cooperation with the controlling agencies, be documented and studied for preservation and interpretation by the Secretary, according to the guidelines established in previous sections of this Act.

SEC. 6. NATIONAL PARK SERVICE SURVEY.

(a) **SITE NOMINATION.**—The Secretary shall encourage the States to nominate to

the National Register of Historic Places sites and objects associated with the United States Man in Space Program which may be in private or other non-Federal ownership. Authorities of the Secretary under the National Historic Preservation Act shall be available to provide assistance in preserving and interpreting such resources.

(b) **STUDY OF ALTERNATIVES.**—The Secretary shall expand the National Park Service 1984 survey of resources connected with the Man in Space effort to include resources which may be held by nongovernmental entities. As much as possible, the expanded survey shall take into account existing guidelines for privately held historic landmarks and sites, as established by the National Trust for Historic Preservation.

SEC. 2. FUNDING.

There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

TRIBUTE TO AMBASSADOR THEODORE GILDRED

HON. BILL LOWERY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1989

Mr. LOWERY of California. Mr. Speaker, I ask that the following editorial from the Buenos Aires Herald be entered in the CONGRESSIONAL RECORD. The article from the major Argentine newspaper pays tribute to the former U.S. Ambassador to Argentina, Theodore Gildred.

It is with great pleasure that I call my colleagues' attention to the exemplary and outstanding performance of our retiring Ambassador to Argentina, Theodore Gildred. Ambassador Gildred is returning to his home in San Diego to tend to his business and for a well-deserved rest after 3 years of active and effective service in Buenos Aires.

United States relations with Argentina, previously unstable at best, hit a record low in the period following the Malvinas—Falkland Islands—war. It was Ambassador Gildred who ably promoted United States interests in the uncertain period following the return of democracy to Argentina. It is beyond doubt that the rapid establishment of a strong bilateral rapport and the mitigation of our differences with Argentina were greatly facilitated by the diplomatic skill of Ambassador Gildred. United States relations with Argentina have rarely been so good.

Despite the many difficult problems confronting the United States and Argentina, Ambassador Gildred departs as an immensely popular man in that country. His contribution to the improvement of bilateral relations is greatly appreciated and his presence there will be sorely missed.

President Bush recognizes Ambassador Gildred's abilities and has asked him to consider another diplomatic assignment in the future. In response, Ted Gildred stated his willingness to serve his country again.

In the meantime, I and all of his friends in San Diego are proud of his accomplishments and happy to have him home. We thank him for his work as Ambassador to Argentina and hope he will consider returning to diplomatic service.

[From the Buenos Aires Herald, May 28, 1989]

BUILDING BRIDGES

In the next couple of days the current U.S. ambassador to Argentina will be returning home after completing his tour of duty in this country, an event about which much has been said in the press. What is not so easily understood about the time Theodore Gildred spent as chief of the U.S. mission in this country is just how complex a posting it was when he first took it on and, perhaps more importantly, how much has been achieved since that happened. Much of the credit must be given to Ambassador Gildred himself, who, with a diplomatic skill belying his inexperience in the field, both ably and actively participated in all manner of events around the country, making him arguably the best-known U.S. ambassador ever to serve in Buenos Aires who, unlike some of whose predecessors, departs as an immensely popular man in this country.

In the aftermath of the tragic Malvinas War and following the repeated clashes between the last military government and the U.S. administration, bilateral relations hit an all-time low, an unfortunate situation which was further compounded by a whole range of matters such as the extremist anti-Americanism found within some local political circles, the foreign debt crisis and a sometimes less than clear support for the democratic regimes of the world coming out of Washington. With the return of democracy to Argentina a whole new range of opportunities opened up, a situation which created an enormous amount of uncertainty in both countries about the future. Common ground was rapidly established and both countries were able to iron out most existing differences and, in hindsight, it must be said that the current relationship with the United States has rarely been so good.

It is always hard to define just how much of a good understanding between governments is a result of correct policies being carried out and how much flows from the rapport established between those representing each side. Nevertheless, there can be little doubt that both Argentina and Washington have taken substantial steps towards dovetailing their policies towards one another, a course of action which, it is hoped, will continue, despite the respective recent changes of government. Enormous difficulties still exist, mainly the unresolved problem of the foreign debt, and in days to come representatives of both countries will have to thrash out mutually acceptable, meaningful solutions to these outstanding problems. It is to be hoped that when doing so, they will find that the good work carried out by Gildred will serve as a solid basis for the building of a new era in U.S.-Argentine relations. It would be the best tribute possible to one man's contribution to the better understanding between the peoples of both countries.

RECOGNITION OF THOMAS S. THIELKE

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1989

Mr. KASTENMEIER. Mr. Speaker, I rise to recognize Thomas S. Thielke, of Madison, WI, on his recent installation as president of the

American Society of Hospital Pharmacists at the ASHP's 46th annual meeting in Nashville in June of this year.

Tom comes to the ASHP presidency well qualified to lead his colleagues in hospital pharmacology. He received undergraduate and graduate degrees from the University of Wisconsin where he is now clinical professor in the school of pharmacy. He also serves on the pharmacy staff at the university hospital and clinics, and has experience including management of inpatient, outpatient, managed care, nursing home, and home intravenous therapies.

Tom's commitment to pharmaceutical education and excellence is highlighted by the more than 100 pharmacy students he has trained in residency programs over the past two decades. He coordinates extensive undergraduate and graduate teaching and research programs. He is also a past president of the Wisconsin Society of Hospital Pharmacists and a recipient of the Hospital Pharmacist of the Year Award.

On behalf of my colleagues, I want to congratulate Tom on his new responsibility.

INTRODUCTION OF THE OFFSHORE FLORIDA KEYS ENVIRONMENTAL PROTECTION ACT OF 1989

HON. ANDY IRELAND

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1989

Mr. IRELAND. Mr. Speaker, today along with my colleagues from Florida, I am introducing legislation to provide a permanent ban against offshore oil leasing and drilling off Florida's southernmost coasts. Specifically, the offshore area included is the Outer Continental Shelf south of 26 degrees north latitude. This encompasses the southwest Florida shelf—south of Naples—in the eastern Gulf of Mexico, the straits of Florida—up to about the Dade County line on the Atlantic side—the Florida Keys and Dry Tortugas. The legislation also directs the Secretary of the Interior to issue guidelines in relation to buying back any existing leases in these areas.

I want my colleagues in the House to note that this ban identifies a very defined area off of Florida's coast to be excluded from the OCS Oil and Gas Program. It does not exclude the entire, potentially available, area around the State of Florida. In fact, there are many more tracts left open than closed. Currently, gas exploration is underway in Florida's panhandle without controversy.

I make this point to demonstrate that Florida is willing to do its share and make a contribution to the Nation's energy supply. At the same time, Florida's fishing and tourism industries are the lifeblood of many of our residents—not only in an economic sense, but in terms of our unique culture and heritage. There is no reason to threaten these existing industries for the sake of another.

To date, we have no evidence that oil washing up in the coral reefs of the Keys or into the mangroves could be cleaned up. We have no evidence that those ecosystems de-

stroyed under such a scenario would ever recover. Consequently, no one can give assurances to those who depend on our natural resources for economic and recreational benefit, that a disaster would not occur thus destroying not only totally unique environmental resources, but individual livelihoods as well. We do not intend to wait for Florida's luck to run out the way it did in Alaska. Florida's extensive seafood industry, as well as its economically important recreational fishing and tourism businesses need not be sacrificed to an inept oil industry.

If anything, given the events of this spring and early summer in Alaska, Delaware, Texas, and Rhode Island, we know that there is no way to effectively and efficiently clean up an oil spill. Supporters of offshore drilling argue that it is safer than the tanker traffic which already traverses Florida's waters.

Offshore oil would merely increase the tanker traffic around our State. Florida has no pipelines or refineries. Oil discovered off shore would have to be loaded on tankers on site and shipped either to Florida ports where it would have to be reshipped or sent directly to refineries in other States along the Gulf of Mexico—all via tanker.

Other arguments that the United States is too dependent, and becoming more so, on foreign oil, are true. But indiscriminately drilling holes in environmentally sensitive areas in hopes of finding 1 to 5 days supply of oil will not solve that problem. I am willing to work with my colleagues in the House to develop a national energy policy to include research into alternative fuels and to promote conservation. I am not willing to sacrifice the natural wonders of Florida's environment to an energy hungry Nation.

In 1984, the House Interior Appropriations Subcommittee recognized the sensitivity of the area south of 26 degrees north latitude and ordered that 3 years of environmental data be collected by the Department of the Interior before leased tracts could be drilled. That information was collected and reviewed by the State of Florida. No final analysis has ever been done. It appears to be the consensus of the scientific community in Florida that more study needs to be done to answer basic questions such as "What happens if there is a spill—whether it be from a tanker or a well blow out?"

Given the inconclusive nature of the data in 1988, the Appropriations Subcommittee included a 1-year moratorium on further leasing or drilling in the area in its fiscal year 1989 Interior appropriations bill—a measure which was adopted by the House and Senate and signed by the President. To date, the House extended this moratorium for another year, a proposal which still must clear the Senate and be approved by the President.

In addition, in his first budget message, President Bush recognized the environmental sensitivity of the southwest Florida shelf and halted further leasing until a task force which he established could review the situation and make its report, scheduled for January 1990. The Florida delegation met with the task force and expressed its unanimous objections to the offshore oil and gas program in the Gulf of Mexico south of Naples. It has also held public hearings in several locations throughout

the State where the Governor and the people of the State of Florida demonstrated their total opposition to the oil and gas exploration and drilling proposals affecting the southwest Florida shelf and the Keys.

These actions, to protect Florida's most sensitive environmental areas, have occurred over the last 6 years. While successful, they are piecemeal.

It is apparent to me: that the scientific evidence that these areas could be safely drilled will never exist; that oil company assurances that they are capable of cleaning up gooey globs of oil are hollow; there is not enough oil in the area to risk the damage; and that the people of Florida don't want it.

We need a permanent solution to this problem. That is what we are proposing today.

THE BRADY PLAN: AN OLD RECIPE RE-BAKED

HON. BRUCE A MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1989

Mr. MORRISON of Connecticut. Mr. Speaker, I would like to share with my colleagues an article that appeared in the May-June 1989 issue of the Washington Office on Latin America's [WOLA] Update entitled "The Brady Plan: An Old Recipe Re-Baked." This article was written by W. Frick Curry, senior associate at WOLA. Mr. Speaker, I believe that my colleagues will find this article of interest in light of the continuing debate on the Brady plan. I also want to express my appreciation to Dr. Curry for the invaluable assistance he lent me and my staff on Third World debt and international development issues. Dr. Curry left WOLA this month to return to teaching, and I wish him the best.

THE BRADY PLAN: AN OLD RECIPE RE-BAKED

Announced with great fanfare in March, the Bush administration's purportedly new proposal to manage the Third World debt crisis may have generated more expectations than solutions. Named after U.S. Treasury Secretary Nicholas Brady, the proposal seemed innovative at first in promising some debt relief. However, as details have emerged, it appears to bear a striking resemblance to the now discredited Baker plan, announced in 1985 by then-Secretary of the Treasury James Baker III. It has also encountered increasing skepticism on the part of debtor nations, and potentially fatal resistance from the leading commercial bankers who hold much of the debt.

The Brady Plan has changed the terms of the debate by debunking the official myth that existing debt can be fully repaid, but other provisions almost mirror the Baker Plan. As well as continuing to impose "adjustment" programs—now in exchange for some debt relief—the Brady Plan still advocates country-by-country negotiations. Although both plans depend on the cooperation of commercial banks, their participation is strictly voluntary.

Interestingly, the major features of the Brady Plan—voluntary participation, repayment guarantees and conditionally—were first proposed in January by a research institute representing the large commercial banks holding Third World debt. The Washington-based Institute of International Fi-

nance issued a report suggesting that if such features were included in a new debt-management strategy, new loans might again flow to the Third World. However, the commercial banks have continued to resist participation; they appear to be holding out until the debt crisis becomes so serious that Western governments, the World Bank and the IMF are willing to offer them more guarantees and incentives than are currently available.

As it stands, the Brady Plan would reduce the \$350 billion debt owed to commercial banks by 20 percent, and lower debt-service costs by a like percentage over three years. This would be achieved under the guidance of the IMF and World Bank, which have committed \$25 billion, while Japan has pledged an additional \$4.5 billion. These monies are to finance and guarantee arrangements between commercial banks and those debtor nations that cancel a portion of the debt and/or reduce interest rates.

The Brady Plan proposes two methods to reduce debt. The first includes such market-based techniques as debt-for-equity swaps—much debated in Latin America—which do not reduce debt so much as exchange one form of debt for another, with potentially greater long-term costs. Secondly, the plan advocates a controversial proposal to have commercial banks discount their loans and exchange them for new long-term bonds from debtor nations, with repayment guaranteed by the World Bank. Despite opposition from European finance ministers to these guarantees and World Bank-subsidized interest-rate cuts, a joint IMF-World Bank leadership committee pledged to support the Brady Plan. On April 11 the IMF announced a \$4 billion loan agreement with Mexico, including the first-ever contribution to lowering a country's debt. (Commercial banks, which hold 78 percent of Mexico's debt, have thus far refused to sign on.)

Critics in Latin America and elsewhere charge that it does not go nearly far enough to be effective. For example, every dollar in actual debt reduction yields only a 10-cent saving in annual interest payments. Looked at another way, the \$70 billion reduction in commercial bank debt that the Brady Plan envisions would be \$10 billion short of the reduction needed just to compensate for last year's sharp increase in interest costs. It is also alleged that the resources set aside for debt reduction may not be equally distributed. A handful of nations favored for political rather than economic reasons, such as Mexico and Venezuela, could well be the major beneficiaries.

Latin America is responsible for some \$410 billion of the total \$1.3 trillion in Third World debt and is home to the Third World's four leading debtor nations. The Brady Plan was announced only days after debt-related riots claimed at least three hundred lives in Venezuela, and some saw the Plan as a belated response to the growing economic misery and political instability attributed to current efforts at debt management. The Venezuelan riots followed an 89-percent increase in gasoline prices (to 25 cents a gallon) that was part of an International Monetary Fund (IMF) instigated austerity program.

"Adjustment" or austerity programs such as that in Venezuela were a prominent feature of the older Baker Plan. New loans were offered to debtor nations that promised to end government subsidies and other populist policies that restrain free markets, trade and economic efficiency. Under the Baker Plan, the IMF and the World Bank

served as arbiters to determine if debtor countries met the conditions necessary to receive new loans. Although these multilateral institutions have provided new monies through devices such as "structural adjustment loans," new commercial bank lending, especially to Latin America, has largely dried up. This, combined with massive capital flight, low commodity prices and continued high world interest rates (for which the world's biggest debtor, the United States, bears considerable responsibility), has meant declining investment in much of Latin America at the same time as austerity programs have contributed to plummeting living standards.

It is unclear why the conditionalities imposed on debtor nations under the Brady Plan will be more successful than those of its discredited predecessor. The conditionalities imposed by the Baker Plan hampered the ability of Latin American nations to address the social and political inequalities that underly their declining economies. The Brady Plan offers no new help for resolving them. Unless these fundamental problems are addressed, the modicum of debt relief promised by the Brady Plan—if it gets off the ground—will do little to end the continued resource transfers from debtor nations and the suffering of their most vulnerable citizens.

WINNER OF HERITAGE ESSAY CONTEST

HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1989

Mr. FAWELL. Mr. Speaker, today I would like to recognize an outstanding student from my congressional district. Adam Hrejsa is this year's winner of my Heritage Essay Contest. Nearly 500 eighth graders from my district entered this competition.

Adam just completed the eighth grade at Lakeview Junior High School. Adam is a resident of Downers Grove, IL.

Adam's essay focuses on the powers of the Presidency over the history of our Nation. The text of his essay, "The Power of the Presidency: How It Affects Our Lives," follows:

THE POWER OF THE PRESIDENCY: HOW IT AFFECTS OUR LIVES

The President of the United States is known as our chief executive and commander in chief of the armed forces. It is through the powers of the Constitution that he is the leader of our nation. The power of the presidency is more than that which is spelled out in the Constitution. It extends to the sense of leadership and direction he provides the nation as he makes decisions. Many of the things we have today and perhaps take for granted, are the result of these decisions.

In the first one hundred years of the presidential powers, there were some notable examples of presidents that showed special leadership. George Washington, our first President, put the powers to the test. He made tough decisions when he decided to give France aid in their war with England and used Federal troops to put a stop to the rioting during the Whiskey Rebellion. This proved the President was not afraid to use his powers to lead. Thomas Jefferson, one of the drafters of the Declaration of Inde-

pendence, supported the need for a public education system. The right to a public education is necessary if a democracy is to survive. Andrew Jackson worked to broaden economic opportunities for the common man and to increase their participation in government. Abraham Lincoln had some very tough decisions to make. Our nation faced its greatest crisis: the question of slavery. Lincoln's decision to fight for a united country not only saved our nation but was the beginning victory for equal rights. His decision not to punish the South was also important in bringing our nation together after the war.

Presidents since the Civil War have made many important decisions that affect our lives today. Theodore Roosevelt was a leader in the breaking up of monopolies in business. Many of the national parks we visit today exist due to his foresight in recognizing the need to protect our national treasures. Franklin Roosevelt helped pull the United States out of the Great Depression and worked for the passage of significant labor laws. President Roosevelt also provided leadership for the United States through World War II. Dwight Eisenhower began the interstate highway system, which is the basis of travel in this country today. John Kennedy called for increased Federal aid for education and improved civil rights. President Kennedy also challenged Americans to work together for a better America. Ronald Reagan worked to put pride back into being an American.

How important is the power of the presidency? The decisions made by Presidents affect people living then, now, and in the future. A President's leadership can determine whether we have economic prosperity or recession. Social progress in the areas of equality and human rights is dependant on the President's commitment and interpretation of the Constitution. Peace in today's nuclear age rests on his decisions.

EYEWITNESS TO VIOLENCE IN BEIJING

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1989

Mr. WELDON. Mr. Speaker, we have all heard a great deal about the violence in Beijing several weeks ago. None of us, however, had the opportunity to see those events firsthand. One of my constituents, Lauren B. Meiswinkle, an associate professor of speech at West Chester University, was in Beijing during those fateful days, as the director of the Hugh Scott Lectures in China. Professor Meiswinkle has a unique understanding of the prodemocracy movement.

Mr. Speaker, as the most ardent supports of democracy in the world I feel that it is incumbent on us to learn from Professor Meiswinkle's comments and descriptions. I therefore submit Professor Meiswinkle's remarks to the RECORD, and commend them to my colleagues as both scholarly and timely.

FIVE DAYS THAT CHANGED CHINESE HISTORY

It all began when my wife and I arrived at the Beijing rail station at 7:00 a.m. on the 2nd of June. The assistant Director for Foreign Affairs at Beijing #2 College of Physical Education was there to meet us. We never travel in China without a host to

meet us or an interpreter to travel with us. We've had to learn the hard way during our last three visits to China. No where in the world does the language barrier affect efficient travel as on the mainland of China.

During our May 9th visit to Henan University in Kaifeng, (sister school to my university at West Chester) we had met with Professor Shirley Wood—an American who had been living in China for 43 years. Professor Wood said if we go to Beijing we should register with the Vice Consul of the American Embassy. Shirley was somehow very aware of the grave political turmoil between the moderates and the hardliners. Little did we realize that the political strife she described would flare up in the massacre at Tiananmen during our five day visit to Beijing.

Meanwhile, we instructed our interpreter to take us to the Diplomatic Compound so we could register with the Vice Consul. Usually the Embassy registers only long term visitors; but we mentioned Professor Wood's concern as we filled out the appropriate registration papers.

I also thought we should visit the Cultural Affairs Section of the American Embassy near the Ambassador's residence. I was planning to bring a distinguished American to China in 1990 as part of the Hugh Scott Lecturers in China. Actually, Richard Stites, acting Cultural Affairs officer, was aware of our visit to China through Mrs. Bette Bao Lord, wife of then American Ambassador Winston Lord. We had corresponded in 1989 and on a prior occasion (1987) met Mrs. Lord in the Embassy residence when I presented an autographed copy of Senator Scott's book: "The Lively Tang Dynasty" to the Lords.

I had asked Mr. Stites if I could meet with the new ambassador, James Lilley, on Monday in a protocol contact on behalf of Senator Scott.

Having taken care of our two important Embassy contacts we proceeded toward the campus of the Beijing College of Physical Education. We were no strangers to this campus since we had visited in 1987 and 1988 during our inquiry about the forthcoming Asia games to be held in Beijing in September 1990. This college would host the basketball games. We had watched the construction in the two previous years. Now the building was complete. Who knows what will happen to the Beijing games amid all the tragic turmoil? In fact, we read in a Hong Kong newspaper on June 9th that a \$40 million loan was on hold via a Japanese and Hong Kong bank that would enable completion of the major track and field complex on another campus.

In the meantime, we were shown our room in the new guest hotel built to house the visiting athletes. We were pleasantly surprised to see a complete Western breakfast on a stainless steel tray. This was a first in more than 25 university visits. Breakfast in our room. By now it was 10:00 a.m. I expected any minute the College President or Vice President would be by to greet us. After all, last year we inadvertently went to the Peking University campus to spend one night before Vice President Yu Gang came with a car to bring us to his campus. Strangely enough this year I had an official invitation from Peking University to give five lectures on various chapters in my book "Public Relation Skills in China: Communication Theory and Practice". I had earlier left copies of the ten chapters at Shenzhen University for translation into Chinese and subsequent publication.

We waited about an hour until I thought I'd better call one of the English teachers Chen Meibin, whom we met the previous year. Mrs. Chen lived with her husband at Beijing Normal University where he taught physical education. We contacted her at home through our Foreign Affairs interpreter. You either know the language or you just don't try to contact anyone through the Chinese switchboard. Most calls are intercepted through a switchboard unless you call the person's residence. She immediately bicycled over and we talked about the protest for an hour.

I expressed my concern to our host that I was unable to get a phone call to Peking University when I tried to call from Zhengzhou—the capital city in Henan Province. I knew Peking University was one of the centers of the student protest movement. It was next to impossible to phone in. In fact, I'd received a telegram at Yellow River University that my lectures at Peking had to be cancelled. The students were boycotting all classes. Nevertheless, I would go to Beijing to continue to make the Hugh Scott Lecture contacts as well as make several other contacts most notably with Professor King Wu—one of China's leading coal geologists. Professor Wu had received the 1988 distinguished alumni award from Penn State University. I was to greet him on behalf of Robert Goerder, International Director at Penn State.

We had also met with Counselor Wang Junmei of the People's Republic of China Embassy in Washington May 12th just prior to our lecture tour. Counselor Wang would be in Beijing by the first week in June on a two month vacation. We were to visit with his wife, daughter and him in their home. All of this was to have taken place Monday, June 5.

In the meantime, we had barely finished a full breakfast when our lunch arrived in our room—again on the stainless steel tray. It was now 12:15. We hadn't been out of our room. Where was the President? The Vice President? Both greeted us on our two previous visits immediately after we came on campus. Little did I realize that all university and college Presidents were in vitally important meetings. Possibly they were trying to get the students off Tiananmen Square and back into the classroom. In fact, hindsight leads me to believe an ultimatum may have been given. But the students remained firm.

I was finally able to reach the Foreign Affairs office at Peking University. I was informed that Deputy Chairman Li Xiaozhong of the English Department would come over and take us to the Peking campus. Wait a moment, he said, I'll be right over.

The car from Peking came about 3:00 p.m. By now we were on campus about five hours and no visit from the officials of the College of Physical Education. Once again I was told they were in a very important meeting.

After a conference between the Foreign Affairs Director and the Deputy Chairman from Peking, we packed our bags in the car and left for the Harvard of China—the Peking University campus.

By now it was late afternoon and almost time for dinner. We walked around the campus, which was relatively quiet except for students who were intently reading the posters and looking at the photographs displayed on the many bulletin boards. Loud speakers were continually blaring out, in Chinese, what we presumed was a summary of the day's events on Tiananmen Square.

We passed the library where a banner above the door was interpreted "No classes, no exams until victory." Our host, Mr. Li, took us to the main dining hall whereupon he proceeded to order five dishes. We had already eaten a large breakfast and lunch but he insisted we try a variety from the menu while our room was being prepared.

Finally, we were shown our room—which in a mixup had been assigned to another person. We were glad to just sit down. We began to contemplate what we would do with no students attending classes, when Mr. Li told us a special group of students desiring to learn English language skills had paid tuition to attend a special five month seminar. I was invited to give a lecture Saturday morning to this group of twenty five students. If all went well I would lecture each morning until I would leave on Wednesday or Thursday June 7 or 8. I was told I would probably be the only person lecturing because most professors supported the boycott. They too had grievances.

After the lecture we had the traditional, Welcome to Peking University, banquet.

Later that evening Carol and I walked to the main gate to observe the crowd of citizens who by now had joined the protest movement—at least many of them in spirit. They listened to the loudspeaker report of what was happening in the square. About 8:30 p.m. a contingent of students came out the main gate with a banner. They pulled a loud speaker and amplifier on a bicycle. The people applauded them in fervent support. We saw many people and students follow them. We will never know how many of them returned.

By now we were very tired. We hadn't slept well on the train during our previous ten hour train ride from Zhengzhou. It had really been a very long day! In fact, so long that we must have slept right through the night's activity on campus. Students had been running all over the campus. President Ding had called a meeting at 4:00 a.m. to notify the faculty and staff of what had happened in the square.

We found out what happened shortly after 7:00 a.m. when we went to breakfast. You could now feel the anxiety of not only the Chinese students but the international community in residence at the Peking University's Shao Yuan's five main guest houses.

Later that morning we walked out the West Gate to the apartment of a professor who had befriended us the year before. His wife and daughter were stunned. We talked for an hour. The daughter spoke very good English.

How could this happen? How many were killed? How could we get information? On Saturday evening we had watched the last news telecast in Chinese. We were told by our interpreter that an official warning had been issued via TV for the students to vacate the square. Premier Li Peng appeared on the screen but we were told his address was on a topic concerning the environment and irrelevant to the protest in the square.

All afternoon we listened to the short wave radio. The news was not good. The death toll was rising and we heard that citizens as well as students had been killed. I decided to call the U.S. Embassy. We were told to stay indoors! Do not leave campus! Rumors began to abound. The troops were on their way to the campus. There had been a mass slaughter of students and citizens. Would we be next? One scary rumor said 10,000—the figure started as low as 23 and

soon became escalated to thousands. You could sense the anxiety level of many students and foreign experts who had spent a year or two on campus—many had been very sympathetic to the students and their movement!

Sunday evening was a long night. Were the troops on their way? Would be be part of this terrible nightmare in history?

Monday morning we were out in front of the building at dawn. We had made it through the night without any tragic events. Two other visiting scholars, Professor Paul Tedesco, a Fulbright scholar from Boston, Robert Jacobson, International Editor of the Chronicle of Higher Education in Washington, D.C., and I coordinated the "evacuation" of American Citizens through our U. S. Embassy contact Mark Larson.

Dr. Tedesco and Mr. Jacobson left on Monday afternoon by van. I remained on campus to make certain the Embassy would send vans or cars. The Embassy had promised to send a convoy about 4:00. Other embassies were arriving and evacuating their students. We waited until 6:00 and called the Embassy only to be told that they couldn't come to get us and we should contact them at 10:00 the next morning. We would spend another sleepless night of uncertainty waiting for the unknown. Would the troops come during the night when they usually made their moves?

About mid morning Tuesday, June 6, two officials from the Embassy arrived to get names of those who wanted to leave the Peking University campus. By noon no vans had arrived.

Meanwhile, I had secured a university car and driver! An American student Sybil Higgins, my wife and I left by car for the airport with our host Deputy Chairman Li. Sybil had been on the campus three years. She spoke excellent Mandarin. Ms. Higgins was very scared for her life because as a student she had befriended many of the protesting students. On our way to the airport we saw the caravan of American vans coming to pick up those Americans waiting to leave. Although the airport was a madhouse of people waiting to leave, we were very lucky to get a plane at 6:00 p.m. to Hong Kong. It would be Thursday, June 8, after we were safely in Hong Kong that the State Department would order the evacuation of all nonessential Americans.

IN RECOGNITION OF THE OUTSTANDING ACHIEVEMENTS OF THE STUDENTS OF LA JOLLA HIGH SCHOOL AT THE NATIONAL SCIENCE OLYMPIAD

HON. BILL LOWERY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1989

Mr. LOWERY of California. Mr. Speaker, it is with a great sense of pride that I direct my colleagues' attention to the outstanding achievements of several young people in the 41st Congressional District of California.

On May 20, 1989, at the University of Colorado at Boulder, more than 2,000 junior and senior high school students competed in the National Science Olympiad. Among these remarkable achievers were 17 La Jolla High School students.

The National Science Olympiad consists of several events, testing the competitors' knowledge of various scientific topics including anatomy, biology, engineering, chemistry, genetics, and physics. The students demonstrate their knowledge of these subjects by competing in events such as the Pentathlon where four-member teams run through an obstacle course modeled after an athletic pentathlon. After each obstacle, however, students answer a question from one of five science areas.

The La Jolla High School team had several of its remarkable members place among the top five in their respective events.

Bruce Bustby, an 11th grader, placed 1st in the mousetrap vehicle event, where students build and race a vehicle with a 1 spring mousetrap as its sole means of propulsion.

Michael Jablecki, a 12th grader, also placed 1st in the mousetrap vehicle event.

James Cook, a 10th grader, received 4th place in the computer programming event.

Marc Dionne, an 11th grader, placed 3d in the measurement estimation event.

Lance Held, an 11th grader, placed 3d in the bridge building event, where students built a bridge out of wood, striving for the lightest weight and best structural efficiency.

Larry Lee, a 10th grader, placed 3d in the rocks and fossils event.

Jim Lim, a 12th grader, placed 1st in the measurement assessment event and also placed 4th in the sounds of music event, where competitors design a musical instrument and play "America the Beautiful."

Tim Yu, an 11th grader, also placed 4th in the sounds of music event.

Nancy Lindholm, a 12th grader, placed 5th in the water, water event, where students answer questions concerning freshwater and saltwater ecology.

Daniel Starr, a 10th grader, placed 3d in designer genes, an event where students answer questions on Mendelian genetics.

Mr. Speaker, please join me in applauding these remarkable young students and their outstanding achievements in the scientific disciplines and in praising the spirit of competition and excellence fostered by the National Science Olympiad.

IN RECOGNITION OF SIMEON BOOKER—A LIFETIME OF EXEMPLARY JOURNALISM

HON. KWEISI MFUME

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1989

Mr. MFUME. Mr. Speaker, I rise today to honor a journalist whose work in our Nation's Capital for the past 37 years has been nothing less than exemplary. Simeon Booker began his career here in Washington in 1952 at the Washington Post. He later opened the Washington bureau for Johnson Publishing Co., publishers of *Ebony* and *Jet*, where he has labored continuously since 1955. The names of these periodicals are but signposts of a long career that represents the highest ideals of personal and journalistic honesty and integrity.

Doubts about the wisdom of a career in journalism worried Simeon's father, a Baptist

minister, who hardly considered journalism a worthy career for Simeon. But when his first byline appeared over a well-written article, Simeon's father demanded that his son use a Jr. following his name, and the elder Rev. Simeon Booker added a Sr. to the end of his name as a further safeguard against any confusion.

Simeon graduated from Virginia Union University, where he worked his way through as publicist for the football and basketball teams.

After graduation he worked for the Baltimore Afro-American, one of America's great black newspapers. There he covered the crime beat at the police station and in criminal court that included his presence as journalist-witness at many executions by hanging at the Maryland State Penitentiary. He later joined the Cleveland Call-Post where he was awarded two national awards for his series on housing and education.

Upon leaving the Cleveland Call-Post, Mr. Booker was faced with two desirable choices in his career advancement: The first was to be a correspondent for a black newspaper covering the Korean war. The other was to attend Harvard on the prestigious Nieman Fellowship. He accepted the fellowship. Completing his year at Harvard he made himself a promise to work on a daily newspaper. He sent his writings to 50 editors and was finally promised a desk upon the next vacancy by Philip Graham of the Washington Post, which came only 6 months later in 1952. By accepting the position he also accepted the distinction of being the "Jackie Robinson of journalism" as the first full-time black journalist at the Post. Simeon struggled hard at the Post to achieve a high quality of journalism in the face of rampant racism. He struggled so hard friends often thought he was dying because he was chronically exhausted.

After almost 2 years of being faced with the horrific prejudice of the Capital he gave up his position when he met John H. Johnson, the publisher of *Ebony* and *Jet* magazines. The meeting was a match made in heaven. Simeon decided to join ranks with Johnson and together they would fight segregation head on. Through his writings Simeon chronicled the horrors of bigotry and the heroism of the struggle for civil rights. He volunteered for any and every assignment. He hid out in funeral homes, bars, and barns, disguised in overalls or as a minister, traveling day and night, from one end of this country to another. Simeon chronicled the watershed events of the civil rights movement that would one day comprise the history of United States in the 20th century. Simeon Booker also covered the little events of the movement when the ordinary individual of strength and integrity faced the ravages of racism with dignity and courage.

Johnson's decision to open a Washington bureau was the opportunity Simeon had awaited to show Washington's journalism community that he could not be beaten. Simeon Booker has been at the Washington bureau of Johnson Publishing Company since 1955. The quality of his writing and the integrity of the person were so widely recognized and appreciated that Mr. Booker received the prestigious Fourth Estate Award for his lifetime achievement in journalism. He is also a former

commentator for the Westinghouse Broadcasting Co., a position he held from 1969-78. Simeon is the author of "Black Man's America," a reporter's view of the civil rights movement, and "Susie King Taylor: Civil War Nurse," a biography for children.

We are all very grateful to Simeon for his courage and dedication in covering the civil rights movement. Many of us were raised on his writings as the words of a witness who could tell us how our brothers and sisters struggled against the forces of hatred and ignorance. We were both horrified and hopeful. Horrified at the extent that some would go to prevent the civil rights movement from changing the face of America and hopeful when we saw the victories being to pile up and barriers to equality start coming down. There is, of course, much work that continues to be done. But we can take heart that we, who enjoy the rights and privileges of American society, stand on the shoulders of such men as Simeon Booker. Mr. Speaker, I am proud and honored to recognize the contributions of Simeon Booker, journalist and giant.

THE 75TH ANNIVERSARY OF HERITAGE SOUTHWEST JEWISH PRESS

HON. HENRY A. WAXMAN

OF CALIFORNIA

HON. HOWARD L. BERMAN

OF CALIFORNIA

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1989

Mr. WAXMAN. Mr. Speaker, we congratulate Heritage Southwest Jewish Press on its forthcoming 75th anniversary.

We should especially like to call to the attention of the Speaker and our colleagues the signal contributions made by Heritage publisher Herb Brin and, more recently, Heritage editor in chief Dan Brin.

Under the courageous leadership of the Brins, Heritage has stood forthrightly for the defense of all minorities, for the preservation of our Constitution of rights, for unwavering American support for the State of Israel, and for maximum effort on behalf of Soviet Jewry.

When national publications, metropolitan dailies, and the electronic media have run scared, Heritage has broken major stories on dangerous elements on the far right. Heritage has won numerous awards for its exposes of neo-Nazis, the Aryan Brotherhood, the Liberty Lobby, and, most recently, "skinheads."

Heritage has been the major vehicle for communication between the Jewish community and our numerous synagogues, agencies, and social welfare programs. Nevertheless, under Herb Brin's leadership none of these groups have received kid-glove treatment. Herb Brin has repeatedly risked circulation and popularity to make constructively critical remarks about aspects of the Jewish community which he believed warranted closer attention.

Heritage and Herb and Dan Brin stand for the kind of honest, crusading public-spirited journalism that has contributed so much to our Nation. In an era of nondescript, bland, anonymous copy, the Brins have given us hard facts and passionate interpretation.

We ask that the Speaker and all of our colleagues join us in saluting Heritage Southwest Jewish Press, its publisher Herb Brin, and editor in chief Dan Brin. We wish them more of the kind of journalistic achievements which have in the past won them numerous Smolar and Rokower Awards and the prestigious Louis D. Brandeis Award, and the Communications Award of the Anti-Defamation League of B'nai B'rith. Chazak V'Ematz.

THEY'RE WORSE OFF

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1989

Mr. CLAY. Mr. Speaker, we all know the legend of Robin Hood, who took from the rich and gave to the poor. Former President Ronald Reagan may be thought of as a latter-day Robin Hood; with the difference, of course, that he took from the poor and gave to the rich. As Mr. Reagan travels around the world, receiving honors and making speeches as the man who revitalized America's economy, the lower fifth of our population, whose income fell dramatically during the Reagan years, continues to suffer as a result of the former President's misguided economic initiatives.

I was pleased to read the responsible editorial, "They're Worse Off," which appeared in the St. Louis Post Dispatch, July 18, 1989. I commend this excellent piece to my colleagues.

[From the St. Louis Post Dispatch, July 18, 1989]

THEY'RE WORSE OFF

To the question that former President Ronald Reagan often asked voters—Are you better off now than before?—Americans finally have some definitive answers. The upper fifth of the population can rightly say it was better off during the Reagan years. But the lower fifth cannot. The standard of living for the former rose by 19 percent from 1979 to 1987, while income for the latter fell by 9 percent.

This assessment of how Reagan policies and capitalism affected the distribution of wealth is contained in a report by the House Ways and Means Committee. To be sure, government policies weren't the only factor that hurt the poor. Other forces, quoted by experts in the New York Times, included a 46 percent rise in single-parent families, lack of child support from absent fathers and a downturn in economic conditions.

Even here, it can be argued that harsh government policies helped to create the conditions for social problems such as the sharp rise in single-parent families. The administration's job-training policies are an example. Funds for job training went mainly to those who'd been out of work for less than a year. That meant fewer dollars for the millions of hardcore unemployed inner-city residents, males in particular. This no doubt affected the extent to which these males could support families and

might well have caused part of the sharp rise in female-headed households.

It can be said, then, that government policies worsened matters for millions of poor Americans by failing to intervene and check the growing inequality in income distribution as some past administrations had done. Instead of giving the poor a cushion, the Reagan administration chose not to intervene. It's no wonder that more than 40 million Americans, the poorest fifth, are a lot worse off today.

TIME FOR NEW IDEAS ON DAY CARE

HON. THOMAS J. TAUKE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1989

Mr. TAUKE. Mr. Speaker, the following column on child care appeared in last Sunday's edition of the Washington Post. The article, by Jack Anderson and Dale Van Atta, identifies one of the key weaknesses in the child-care legislation which recently passed the Senate and is about to be considered by the House. As the authors correctly point out, these child care bills ignore "the Nation's full-time child care providers—the parents, most of them women, who stay home."

TIME FOR NEW IDEAS ON DAY CARE

(By Jack Anderson and Dale Van Atta)

As any mail carrier or delivery person can tell you, no one is home in America anymore—no one except perhaps one lone mother per block who takes all the packages for the others who "work." She wipes noses for the latch-key children who gravitate to her house after school. She lets the plumber into the house next door. She calls 911 when a stranger lingers too long in the neighborhood.

The Senate fell all over itself last month to pass a child care bill to accommodate "working" mothers. But it forgot the nation's full-time child care providers—the parents, most of them women, who stay home.

The Senate child care bill passed last month (with a similar House bill still in the works) would solve a few problems for parents who have to work or want to work. There would be grants for child care centers to help them do a better job. There would be tax credits to help poor families get health insurance for their children. There would be vouchers to help parents pay the child care bills.

That's all well and good as long as Americans don't mind treating their children like laundry—dropped off in the morning, picked up at night. But they do mind.

If working parents weren't too busy scratching out a living, they might have time to lobby Congress and explain that throwing money at the status quo isn't the answer, because no one likes the status quo. Every parent knows the agony of a child with the sniffles at 7 a.m., an unexpected cancellation of school, a boss who hands out overtime work at 5 p.m., nagging doubts about the skills of a baby sitter, guilt about "quality time."

If stay-at-home parents weren't too busy making ends meet, they could tell Congress how tough it is to get by on one income and how the careers they put down can never be picked up again.

Congress hasn't been creative enough to solve any of those problems. All it has done is figure out ways to help Americans pay for a day-care system that nobody wants.

If working parents get tax credits and vouchers for child care, then don't stay-at-home parents deserve the same? After all, they are the ones without the paycheck.

If wealthy women have the luxury of raising their own children, then shouldn't poor women have the same choice? Congress has been so busy figuring out ways to pay for day care to get "welfare mothers" into the workplace, it has forgotten to ask those women if they want someone else to raise their children.

If American industry is so advanced, then how come we haven't figured out a way for more parents to work at home? In the past, the computer was heralded as the home tool of the future. Now it's the future, and the majority of people who spend a day at a computer terminal still leave their homes to do it. When women talk about jobs at home, they still mean ironing, sewing, envelope-stuffing and telephone sales.

If American business values its female employees, then why are there so few on-site day care programs in the American workplace? Employees are happier and children fare better when the day care center is just a few steps from the office. Only short-term thinkers would consider that to be a useless expense, and Congress needs to offer more tax incentives to get those short-term thinkers off the dime.

If American society respects the family, then why are women hassled at every step when they ask for maternity leave or job-sharing arrangements?

If our children are falling behind the rest of the world in achievement tests, then why must parents fight teachers tooth and nail for a longer school day to correspond with the workday?

If day care by a trusted grandmother is available, why doesn't the government respect that as the best option, loving baby sitters are forced out of business because they aren't licensed.

Many Americans are old enough to remember a time when day care was regarded as a communist plot. Only a nation with brainwashing on its agenda would allow its children to be turned over to strangers to raise. In hindsight that sounds silly. In reality, what we have is worse—parents who pay to have their children raised by strangers, a Congress that can't think of any other way to do it, employers who figure it isn't their problem and children who may yet pay the price of neglect.

A VERY IMPORTANT SATELLITE

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1989

Mrs. MORELLA. Mr. Speaker, the advanced communications technology satellite, better known by its acronym, ACTS, is in the 8th year of its 11-year funding cycle. U.S. taxpayers have already invested \$368 million in ACTS, and it is 75 percent completed. Funding for the 1991 fiscal year will only cost the Government half that amount—\$34 million—and then an additional \$10 million in 1992. It

would be a terrible mistake to abort the funding schedule now, before it is completed.

ACTS is an ongoing joint project between NASA and the private sector. It is sometimes called a high speed switchboard in the sky, and it is the critical program for maintaining the traditional American technological lead over the rest of the world in communications satellites. Its completion is viewed as an important, if not essential, component of many future technologies, as well as playing a major role in the development of high-definition television [HDTV].

However, funding for ACTS has been eliminated from both the House and Senate appropriations bills. The wording in the House committee report is that this has been done "without prejudice," and that the committee hopes funding will ultimately be included in the bill. I certainly hope that this is so, and I will vigorously work to honor the longtime commitment.

EUROPE-1992: A BOOST FOR INTERNATIONAL LABOR STANDARDS

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1989

Mr. PEASE. Mr. Speaker, a recent column in the Washington Post underscores that the looming economic integration the European Community in 1992 is spawning domestic political pressures over job security among its member nations and renewed trade worries that are fueling growing interest in international labor rights and standards. Apparently, more and more Europeans are coming to the realization that enforceable international trade rules for the treatment of workers are urgently needed. As Frank Swoboda writes in the following column of May 28, 1989, the recently-enacted worker rights provisions in U.S. trade law underscore the growing need for U.S. companies to think globally and to develop their human resource policies accordingly.

[From the Washington Post, May 28, 1989]

U.S. WILL SOON FACE GLOBAL LABOR STANDARDS

(By Frank Swoboda)

With the unification of the European Community closer to reality, U.S. corporations are being warned to make sure their human resources operations are up to the challenge of global labor relations.

Frank Doyle, General Electric's senior vice president of corporate relations, predicts that the unification of the community as a market will make the 1990s a much different world than most corporations are used to operating in, even those with international operations. And nowhere is the pressure apt to be greater than in the area of human resource management, he says.

To compete in this new world, says Doyle, corporate human resources operations are going to have to begin thinking globally, not just internationally.

"When we look to the 1990s, it's a different world. It's not international; it's global," Doyle told a recent international conference of the American Society of Personnel Administrators. And in this world, he said, there will be enormous pressures within the individual European countries to protect

jobs—pressure that could lead corporations to take preemptive actions without first thinking through the labor problems that might result.

The European Community is scheduled in 1992 to permit the free movement of goods and services, as well as human, and financial capital, within the 12-nation group that will make up the single economic market.

Doyle, in an interview last week, said that while most of the 1992 program appears to be moving along as planned, "the social dimension has the possibility of really getting it off the rails." One of the biggest concerns among the various European nations is job security, he said, and "the national and regional differences in this area are very sharp. It is the kind of issue that can be very emotional, deeply ingrained and very difficult to reconcile."

He said the emergence of the common market and the quest for job security by the often politically potent European labor unions is apt to lead to development of international labor standards that all corporations will be forced to meet even if they only operate in the United States.

Doyle said the biggest problem will come for U.S. corporations with operations in Europe that produce goods sold in markets outside the European Community. But he predicts that with the expected emergence of international labor standards, the problems of doing business in a global marketplace will not be limited to European operations.

"If you're competitive only with the United States, that may not serve you at all," said Doyle.

As a result of the domestic political pressures over job security and the increased pressures of international trade, Doyle sees an increasing interest in international labor standards such as those put forth by the International Labor Organization and the Organization for Economic Cooperation and Development.

These standards take on increased importance under the new U.S. trade law, which for the first time allows the government to use "workers' rights" as a test for determining unfair trade practices. The ILO fair labor standards are apt to serve as the basis for setting standards in this area.

Organized labor in the United States worked hard to get the labor test included in the tough new trade bill approved by Congress last year. And the trade union movement has threatened to try to vigorously enforce this provision against any nation it believes is jeopardizing union jobs in the United States through unfair trading practices.

The importance of the new trade law in global competition was underscored last week when the Bush administration used it to single out Japan, Brazil and India for erecting unfair trade barriers against the United States. In citing the three nations, the White House used the so-called Super 301 C provision of the law, the tough new section that allows the government to cite unfair labor practices as a charge.

Now, as companies become increasingly concerned with cost competitiveness, says Doyle, they will have to begin factoring in global labor standards. And he predicts that workers rights will be just the first step toward developing international labor standards.

As a result of all this, Doyle says "I see the human resource world turned upside down. The human resource manager is going to be on the firing line."

TRIBUTE TO GEORGE M. PARKER, PRESIDENT EMERITUS, AMERICAN FLINT GLASS WORKERS UNIONS, AFL-CIO

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1989

Mrs. KAPTUR. Mr. Speaker, the city of Toledo which I represent has long been distinguished as the "Glass Capital of the World." Today I rise in honor of a true ambassador on behalf of the men and women in Ohio's Ninth District distinguished by their commitment to producing quality workmanship in our Nation's glass industry. For the past 37 years, 28 of which as national president, George Parker has paved a more promising road for the men and women in our community and throughout our country organized as American Flint Glass Workers.

A life-long resident of Toledo, George was introduced to the glass industry in 1938 at the Libbey Glass Division of Owens-Illinois. Thrusting himself into local union affairs, he quickly defined himself as one determined to enhance the working conditions and opportunities of his fellow workers. Throughout the years, whether as first vice president of the Automatic Machine Operators Executive Board, editor of the AFGWU publication—the American Flint, secretary of the Workers' Institute for Safety and Health, a member of the executive board of the International Federation of Chemical, Energy, and General Workers, or as national president of the American Flint Glass Workers Union, George Parker has worked tirelessly to cultivate the best interests of the glass industry and of the conscientious men and women who have made it a vital facet of our Nation's manufacturing base.

In an age when the high-flying schemes executed by Wall Street moneychangers continue to dominate the evening news and our Nation's headlines, George Parker has persisted in telling the true story of the countless hard working men and women responsible for sustaining this Nation's economy and building a brighter future. George will indeed be remembered as a true champion on behalf of organized labor and glass workers everywhere. As a trusted friend, I have never hesitated to look to George for his valuable counsel and advise as to how the needs of glass workers can better be met on both the local and national levels. Although George will now have the opportunity to more fully enjoy the fruits of his labor with family and friends, I know that he will continue to speak out on matters which affect the men and women he has so ably served these many years.

Mr. Speaker, I know my colleagues in the House join me in congratulating George Parker for his years of contribution and achievement. May his lasting reward be the knowledge that the lives of American Flint Glass workers everywhere have been made better by his foresight and tireless dedication.

THE BUSINESS INCUBATOR REVIEW ACT OF 1989

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1989

Mr. McDADE. Mr. Speaker, as vice chairman of the Small Business Committee, I rise today in support of the Business Incubator Review Act of 1989. I want to commend my good friend and distinguished colleague, Mr. RHODES of Arizona, who serves with me on the committee, for introducing this important measure. This legislation is certain to heighten awareness of and stimulate interest in the potential of business incubators as an innovative tool for assisting enterprise formation and growth and promoting economic and community development.

Incubators assist the start-up of small firms and increase their short-term and long-range prospects for survival, growth, and success by providing an entrepreneurial atmosphere. Small businesses find in incubators the advantages of inexpensive office, warehouse and manufacturing space, an array of shared services, such as secretarial support, copying and facsimile equipment and computers, as well as the management assistance they need to survive.

The U.S. Small Business Administration estimates that 80 percent of all new small firms started in 1988 will fail in the next 5 years. Incubators offer insurance against business failure; they are a prescription for successful business operation. Studies demonstrate that bona fide incubators increase their tenant companies' chances of success by as much as 90 percent—compared with 20 percent in the general economy—a considerable inducement for a startup endeavor. Fledgling small enterprises, nurtured in the supportive environment of an incubator, are generally more likely to survive the most critical stages of business development as they move from infancy to maturity. Incubators grow small firms—from microbusinesses, those with one or only a few employees, to smaller businesses, those with 20 or fewer employees. Of the nearly 20 million small businesses nationwide, over 4 million have fewer than 20 workers and account for 17 percent of all small businesses. Today, one out of every four Americans works in a firm with fewer than 20 employees. Between 1976 and 1986, businesses of this size created roughly 3 million new jobs, an increase of 22 percent. Incubators are contributing to this growth as they encourage and nurture truly small firms.

Today, there are over 330 business incubators in 40 States. Incubators have not only grown small businesses; they have grown themselves. In the last 5 years, 290, or 88 percent, of all incubators were started. My home State of Pennsylvania leads the Nation with the largest number of business incubators, boasting 42 of these entrepreneurial centers. This is no coincidence. Pennsylvanians have long been known for their energetic and intense support of entrepreneurial activity. I'm particularly proud of the great work and accomplishments of the Small Business Incubator Center sponsored by the University of

Scranton in my own district. This center is continuing a time-honored Pennsylvanian tradition. It is home to seven small businesses that offer a wide range of services and products from computerized billing to typesetting. With the assistance that is available from the incubator, the small firms will have the opportunity to grow and prosper and make even greater contributions to the economic vitality of their community.

Despite the demonstration of incubators as useful tools of business and economic development, the Federal Government lacks a policy for supporting and promoting the creation of business incubators. Clearly, this issue must be addressed. The purpose of this legislation is to undertake a comprehensive review of existing Federal programs and policies to determine changes and to make recommendations necessary for formulating a viable Federal policy concerning business incubators. I applaud this effort and the legislation that embodies it.

Anyone who surveys the business landscape of America will find one characteristic common to nearly all corporate giants—each one began as a small business. From small beginnings come great things. David Birch, who has extensively researched the phenomenon of small business and entrepreneurship, once said, "Real-life entrepreneurship is a long, hard pull." Incubators give emerging small businesses a fighting chance in the struggle for survival and growth. They create opportunities for small enterprises. I agree with the ancient Greek statesman Demosthenes who said, "Small opportunities are often the beginning of great enterprises." This is the reason we should support business incubators, and this is why I support legislation. I would urge my colleagues to do the same.

INTRODUCTION OF THE MARINE RESOURCES PROTECTION AND DRIFTNET USE CESSATION ACT OF 1989

HON. JOLENE UNSOELD

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1989

Mrs. UNSOELD. Mr. Speaker, I come before this body again to deplore the use of high seas driftnets. Today I rise to introduce legislation to phase out and eventually ban this destructive, wasteful, and inappropriate method of fishing.

U.S. fishing industry officials have long been aware of the destructive nature of high seas driftnets. The boats use lightweight monofilament nylon nets, which can be 30 to 40 miles long and 30 to 50 feet deep, to sweep salmon from huge sections of the North Pacific.

Despite laws and regulations designed to limit the incidental take of salmon by the huge seas driftnet fleet, violations are frequent, and the U.S. Coast Guard regularly documents the presence of foreign driftnet vessels well outside the allowable areas of operation. Just this past Tuesday, the National Marine Fisheries Service uncovered the multimillion-dollar salmon smuggling operation of a Taiwanese fish broker. Even as I speak, the Coast Guard

cutter *Morganthau* is in pursuit of Taiwanese vessels carrying about 500 metric tons of Pacific salmon.

This episode, and several less celebrated incidents, occurred while the United States is in the middle of negotiations with the Taiwanese Government to control their high seas driftnet fleet, as required under the Driftnet Impact Monitoring, Assessment and Control Act of 1987. Clearly, this action shows a blatant insensitivity by the Taiwanese to United States concerns, and it also demonstrates a need for strong United States action.

But the issue goes beyond the stealing of our salmon. Unlike our smaller domestic gillnet fishery, which is a much more controlled and directed method of fishing, high seas driftnets indiscriminately kill thousands of seals, dolphins, porpoises, and tens of thousands of marine birds every year.

As further evidence of the destructive nature of high seas driftnets, I would like to bring to my colleagues' attention a report circulated by an environmental group which summarizes data collected by an observer aboard a Japanese driftnet vessel. This vessel, operating in a 30-day experimental fishery in the South Pacific, incidentally caught 11 whales, 97 dolphins, and 10 turtles. In addition, a large section of gillnet was also lost when it had to be cut away after snagging on the boat's propeller, becoming what is termed a "ghost-net"—continuing to fish and kill ad infinitum.

This issue has festered too long. It has been subject to innumerable scientific discussions, high-level meetings and outcries from industry, all resulting in little, if any, forward movement toward bringing these fisheries under control. They are creating untold risks for our fisheries and the world's marine life.

We must begin to seek international measures for a complete ban on this wasteful and destructive technology. The Soviet Union, Canada, Australia, New Zealand, and virtually every other nation of the South Pacific have all also expressed grave concerns about the effects of these large driftnet fisheries.

And just last week, Australia, New Zealand, Fiji, and 12 other South Pacific nations signed a declaration branding high seas driftnet fishing "indiscriminate, irresponsible and destructive," and called for international action to end driftnet fishing on the high seas. Officials of our administration supported this declaration.

Mr. Speaker, the United States has an opportunity to provide international leadership on this issue, and the legislation that I am introducing today is designed for that purpose. It is called the Marine Resources Protection and Driftnet Use Cessation Act of 1989. If enacted, it would direct the Secretary of State to immediately secure enactment of an international ban on the use of high seas driftnets.

There are several international approaches for banning driftnets, including establishing a new international convention broadly proscribing ecologically destructive fishing techniques on the high seas; adding a protocol on driftnetting to an existing convention, such as the Convention of Fishing and Conservation of the Living Resources of the High Seas; and action through existing U.N. agencies, such as the Food and Agriculture Organization [FAO].

Under my proposal, the Secretary of State would review all of its options and determine how to act to ban the use of high seas drift-nets.

Mr. Speaker, we must work with other nations to outlaw the use of high seas drift-nets. As long as these modern-day pirates remain in business, it will be impossible to ensure enough salmon for all of the user groups and also allow for truly effective management of the living marine resource on the high seas.

I urge my colleagues to support the Marine Resources Protection and Driftnet Use Cessation Act of 1989.

REVIVING THE DREAM OF APOLLO

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1989

Mr. DORNAN of California. Mr. Speaker, I want to call your attention to a recent commentary in the Washington Post written in honor of the 20th anniversary of the Apollo 11 Moon landing. It is fitting that we look back on one of man's finest moments in space exploration and celebrate the pioneering spirit of America. But the Nation should do more than just recognize the space program, it should recognize the need to support it. And in order to continue the journey we must reevaluate America's commitment to the space program.

President Bush and Vice President QUAYLE have expressed their intention to get the space program moving again. They realize that investing in the space program is essential to accruing the technology and information needed for this and future generations. However an urgent priority must be to invest in reducing the cost of getting into space. We must also formulate a new space agenda. A well planned commitment is essential to the continuing success of the space program. And we must educate Americans to the fact that space exploration is a long-term commitment that may not show tangible results for years.

I urge my colleagues to read this article and be reminded of both the historic Apollo mission and our responsibility to future space exploration.

[From the Washington Post, July 16, 1989]

REVIVING THE DREAM OF APOLLO

(By Kathy Sawyer)

Like Neil Armstrong's tractor-tread footprint, which remains etched in the moon-dust like a fossil in a rock, the grandeur of mankind's first touchdown on another world stands unperturbed as it approaches its 20th anniversary next Thursday. But as a foundation for a robust program that could, as President Kennedy put it, "sail the new sea" of space, the Apollo program has turned out to be a failure.

In many ways, in fact, the luster of Apollo has provided false cover for bad habits that have weakened the space program—and that must be thrown off if it is to realize its promise.

Apollo was a thrilling fluke born of a unique combination of circumstances, including Cold War competition and a surplus in the U.S. treasury. When that combination evaporated, so did the thrust into

space. And in part because of those special circumstances, program enthusiasts did not have to develop a rationale for exploring space on its own merits. That omission haunts the space program today.

THE RIPENESS OF TIME

In 1961, with America smarting from Soviet achievement in space, Kennedy had asked his vice president to select an initiative in which "we could win." Lyndon Johnson proposed a lunar landing to "symbolize the technological power and organizing capacity of a nation . . . part of the battle along the fluid front of the Cold War." When Kennedy made his stunning declaration of a mission to land a man on the moon before the decade was out, the entire American experience in manned space flight totaled 15 minutes.

But Apollo wasn't about building a space program; it was about doing the impossible. "Apollo is viewed as a success model for how to do a space program. And it really wasn't," says John Logsdon of George Washington University, a leading space analyst, "It was the anomaly."

At the time, the landing was hailed as a catalyst of national renewal, a rekindler of dreams. "The hope that rode on Apollo was the hope for human adequacy in the face of awful challenges," wrote Walter MacDougal in his Pulitzer prize-winning history, "The Heavens and the Earth . . ." It was thought that the "Apollo method"—a state-managed all-out assault—could be applied to earthly problems such as poverty, pollution, decaying cities and racism.

Ten times the titanic rockets hurled astronauts to the moon. Then, on Dec. 7, 1972, the last Apollo launch rumbled into a Florida night. Julian Sheer, NASA's top public affairs official during the lunar effort, compared the program to a weekend with friends, saying the nation had reached "the Sunday of the Space Age. . . . How did we get to the farewell so soon when it seemed as if we arrived only yesterday?" His answer, in part, was the feeling of guilt that diluted the pride: It was "almost a solitary symbol of something that was working. But the question of its rightful place in the scheme of things always hung over it."

The Saturn V rockets were dismantled and turned into museum pieces, canceling the U.S. ability to send people far into space. NASA's funding plummeted. At the peak, in 1966, the United States spent 4.41 percent of its budget on the space program. Within a few years it was half that, then a quarter; and through most of the 1970s and 1980s, the nation has spent less than one percent of its budget on space. In constant 1988 dollars adjusted for inflation, the budget peaked at \$22.88 billion in 1966 and declined to \$7.83 billion in 1978. The current funding level is \$10.9 billion.

In the 1970s, the manned space program went six years without a launch. And when flights resumed in 1981 with the shuttle, they merely went around in circles, confined to Earth orbit. (The intended destination, the space station, is still undergoing the latest in a series of design scalebacks.) The planetary science program waxed and waned with the manned program, suffering a decade-long hiatus that ended only this spring.

The "Apollo method", meanwhile, turned out to be nontransferable in the ensuing deluge of assassinations, riots, war and Watergate, plus growing disillusionment with large government programs and tightening federal purse strings. The war in Vietnam was draining the country's resources. De-

pleting the space program did not feed the hungry.

After the Apollo program ended and President Nixon rejected its ambitious follow-up agenda, NASA entered an identity crisis from which it has not completely emerged. "NASA has spent the last 20 years hoping for another Apollo-like goal around which to mobilize, rather than adjusting to the reality of lower priority in the overall scheme of national affairs" said Logsdon. "In the process it became a stagnant bureaucracy with a fortress mentality."

THE CREDIBILITY GAP

In the early 1970s, the U.S. space effort, shorn of dollars and support, turned from making magic to doing sleight-of-hand. A pattern developed in which presidents, NASA and other administration officials and Congress approved, with great fanfare, new projects they could not or would not fund. NASA officials, for their part, over-promised in order to hold onto what money they could get. Left with no clear purpose, NASA began spending too much of its time not on developing technologies and broad capabilities, but on the consuming fight for funding and survival.

Technological innovation, the symbolic heart of Apollo, has faltered for two decades. A pittance has been spent on research in advanced chemical propulsion, remote health-care and life-support systems, space biology, in-space vehicle assembly and processing, surface transportation and power supply for alien worlds, automation and robotics, advance data systems and computers for communications and in other fields essential to a robust and expansive space program.

Instead, NASA has become part of a national charade: Grand engineering designs get more or less approved, then a parade of scale-backs is ordered up by Congress. Not surprisingly, the mutant remnant of the original concept is attacked by critics as inadequate or ill-conceived. And no project is ever safe from the next year's budget ax, it seems, until it has escaped from the planet. It is a process that adds to the cost of a project while simultaneously diminishing it.

Each deficiency has an impact on other elements of the space effort, because they are increasingly interdependent. The shuttle has no destination because the space station isn't built. The space station requires a healthy launch system for its construction. To the extent that experiments to fly on the space station don't get funded, the space station loses its purpose. And so on.

But for years the hollowness at the core of the space program was not apparent, or was rendered endurable, because NASA was able to coast on the lingering myth of Apollo, like an aging athlete dining out on how he once won the big game.

The explosion of the shuttle Challenger in January 1986, which killed the crew of seven and halted manned space flight for another 2½ years, shocked many people into awareness of the program's true state.

MANIFEST DESTINY

Whatever else America does as it prepares for the 21st century, it must commit itself to become a serious space-faring nation again.

The benefits that flowed from the Apollo program, and could flow again, are significant: a reawakening of the declining interest in science and engineering among young people; enhancement of the nation's international competitiveness; preservation of certain high-technology industrial skills—es-

pecially attractive to aerospace contractors with the decline of the arms race and defense spending. And there were technological spin-offs that included not just Tang and Velcro but major advances in computers, micro-miniaturization, which spawned a medical electronics industry, and a host of other items.

But these benefits alone don't justify the commitment to space.

NASA's attempts to sustain its manned space-flight program on purely practical grounds have fallen flat. Sending people into space is undeniably a romantic and dangerous enterprise. Many scientists quite reasonably favor exploring the planets and deciphering the mysteries of the void with robots only—an approach that has proven itself to be efficient, exciting and scientifically rewarding. Many of our unmanned efforts have become indispensable. Satellites provide mass communications, monitor the Soviets, predict the weather, study Earth's vulnerabilities and carry out scientific research.

But polls show that ordinary, taxpaying Americans get bored with space if there is no life in it. And so far as we know, we are it.

The Bush administration has now begun chewing on that bullet. There are only two destinations for humans in space at the moment: the moon and the Mars system. If the country supports a program of manned exploration at all, it is sure to go both places. The hard questions are when, in what order, why and where will the money come from?

What is called for is not a sprint to plant the flag, but a grand design for a marathon, a movement outward into the unknown, to gain knowledge, to colonize, perhaps to prosper, to follow an ancient impulse that is at the heart of the American experience.

The initial assault on the rude citadel of space will span generations and presidencies and probably involve many nations in unprecedented cooperation. If the United States chooses to participate, the undertaking will tax the short American attention span and penchant for immediate gratification.

It can't be done with the old post-Apollo approach.

President Bush and Vice President Quayle have expressed their intention to get the space program moving again. They and their space policy aides have acknowledged the need for a new approach; for example, to supply not only a set of inspiring goals—a "vision"—but the means to implement them in a credible way.

And the new team at NASA, so far, seems determined to break free of many of the old habits and to speak frankly about the true costs and risks of the effort, even though the system works against such change. Richard Truly, a man who has flown in space and is the newly appointed head of NASA, last week emphasized that the agency will focus on a measured, evolutionary approach. He rejected the notion of any "Apollo-like" goal—a one-shot spectacular that cannot be sustained—musing that "there was something about [Apollo] that allowed [the nation] to walk away from it."

One way to ensure that the effort is sustained is to make sure the basics are in place: to focus for a time on technology development, to reduce the operational costs of space-faring and to establish the facilities and systems—the infrastructure—that a serious program requires.

One urgent priority should be to invest in reducing the cost of getting into orbit.

The world still rides into space on derivatives of the German V-2 rocket. The designers of the shuttle propulsion systems made major improvements on that technology, but it still costs as much—at least \$3,000—to put a pound into orbit today as it did in the 1960s. The United States, like several other countries, has two embryonic programs—the Advanced Launch System and the National Aerospace Plane—that might achieve dramatically cheaper space transport years from now—if they can get going. But developing any new system—even one that operates more cheaply—will cost billions that, again, aren't there.

Whatever vision Bush ultimately embraces, it is unlikely to get very far if it is hostage to the Byzantine congressional budget cycle. There should be, as some members of Congress have proposed, provision for long-range funding.

Pinning the decision on money, or the lack of it, however, begs the question. This is to say the country has no free will. It is puzzling and a little shameful, when one of history's richest nations, with a \$5-trillion economy, whose citizens spend well over \$200 billion per year on legal gambling, proclaims to the world that it cannot afford to care for its needy and also to plant the seeds for a future of innovation and discovery.

But maybe the people don't want an expansive space program. If they can't be persuaded by strong and honest argument, then policy-makers should not try to kid them, as they've done in the past, that they can buy a bargain facsimile. If members of Congress decline to fund any project adequately—not lavishly, but adequately and for the long-haul—they should acknowledge this fact and kill it outright rather than starving it slowly.

Armstrong's solitary climb down a ladder into the Sea of Tranquility was many things: a milestone for the human race, a stunning political triumph, a supreme symbol of American will and technological capability, a geological expedition that advanced scientific understanding of the solar system, an arena for individual bravery. And because there were people up there, the event lifted the hearts of citizens throughout the global village in fleeting communion. Because there were people up there, there was a new sense of things that a machine could never provide.

"I have seen the sun's true light, unfiltered by any planet's atmosphere. I have seen the ultimate black of infinity in a stillness undisturbed by any living thing," wrote Michael Collins, the astronaut who waited in a terrible solitude in orbit while Armstrong and Buzz Aldrin strode the moon. "I have been pierced by cosmic rays on their endless journey from God's place to the limits of the universe, perhaps there to circle back on themselves and my descendants."

The truth is that we are not ready to explore space. We have neglected to acquire the means. It is a gift we can give our children, but only if we start now. Even though we reached our destination 20 years ago, the real journey has barely begun.

JOHN PEGRAM'S DEATH WILL BE MOURNED BY ALL

HON. TIM VALENTINE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1989

Mr. VALENTINE. Mr. Speaker, it is with profound sorrow that I rise to commemorate John T. Pegram, Jr., of Henderson, NC, who drowned last Sunday while trying to save the lives of two young students.

Although he was not yet 40, John Pegram was among the best loved and most-respected members of his community. As a teacher and athletic coach at Kerr-Vance Academy and as a Sunday school teacher, choir director, and pianist at the Brookston Presbyterian Church, John set an outstanding example of generosity and community service. He was especially dedicated to the young people of Vance County.

The tragedy last Sunday occurred on the island of Barbados, where John and Rohan Naraine, soccer coaches at Kerr-Vance Academy, had taken team members for training and a short vacation. When two of the teenagers were caught in a strong current while swimming at a Barbados beach, both coaches tried to rescue them. The students and Coach Naraine reached safety, but John Pegram was caught in the surf.

John Pegram's death will be mourned by all those lives he touched. I grieve especially for his mother, Peggy Pegram, his father, Vance County Commissioner Tim Pegram, and his sister Darlynn Oxendine. In this difficult time, I hope they will take some comfort and great pride in the memory of John's courage and selflessness. It was typical of John that he gave his life trying to save two young people to whom he had already given so much.

It is a great honor to represent people such as John Pegram in the House of Representatives. The State of North Carolina and indeed the world, were better places for his life. He will be missed, but his legacy and example will continue to enrich the lives and his students and his wide circle of friends.

CAPTIVE NATIONS: THE STRUGGLE CONTINUES

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1989

Mr. WALGREN. Mr. Speaker, during this time of dramatic moves toward more democratic freedoms by Soviet Union and other Eastern bloc nations, we must not forget all the people and countries that have suffered oppression in the aftermath of World War II. This week marks the 30-year anniversary of "Captive Nations Week" which commits the United States to uphold the right of liberty and self-determination for the millions of peoples behind the Iron Curtain.

We as a nation have a responsibility to lend our support to the struggle that continues in such nations like Ukraine, Latvia, and Estonia.

Recently Hungary and Poland have shown us that the ideals of freedom and prosperity never die even under the most oppressive of circumstances.

The seeds of democracy that have been planted in these captive nations will continue to live as well. I am grateful for the opportunity to honor the people living in captive nations.

ADMINISTRATION MISMANAGEMENT OF THE VETERANS' ADMINISTRATION

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1989

Mr. SMITH of Florida. Mr. Speaker, 8 years of contempt on the part of the administration for the people programs so essential to our society has fostered two streams of mismanagement: mismanagement through corruption and mismanagement through neglect. The unfolding scandal at the Department of Housing and Urban Development [HUD] is a classic example of mismanagement through corruption. Each day we learn of a new case of influence peddling and financial abuse at the Nation's housing agency. Let me speak instead about the second form of mismanagement: mismanagement through neglect.

Nowhere is this neglect by the administration more apparent than in funding for veterans' programs. American veterans are in dire need of a friend in Washington because recent administrations have clearly been hostile to their needs. Reagan officials consistently neglected to provide adequate funding for veterans' programs and have left the Veterans' Administration [VA] clinics and hospitals, the Nation's largest hospital chain, in critical condition. Each month thousands of veterans with nowhere else to turn are denied desperately needed medical attention because the VA hospitals cannot afford to treat them. Medical personnel—frustrated by long hours, low pay, and obsolete equipment—are leaving in droves.

The emergency supplemental recently passed by the House managed to temporarily repair some of the damage inflicted on the VA's health budget. It is, however, only the first step toward reviving a system that fails to provide the medical treatment and services veterans need and rightfully deserve.

Now it is again time for Congress to take the lead in protecting veterans' health care by appropriating the funds that this administration regards as unnecessary. The Bush administration, following the lead of its predecessor, submitted an inadequate package for veterans in 1990. The Congressional Budget Office [CBO] estimates that next year a minimum of \$11.3 billion is needed simply to maintain the existing level of medical benefits and services. The President's budget recommends only \$10.7 billion—\$500 million less than is necessary just to keep the system operating at current levels. Is this the way we treat the men and women who fought to preserve America's freedom and security?

Congressional intervention is required to save the VA health system from total col-

lapse. The Appropriations Committee bill requests \$11.6 billion for medical care. This amount represents nearly \$1 billion more than the President's package and, most importantly, provides funding above the CBO's bare minimum level. As in the past, we in Congress must counteract the administration's neglect by legislating adequate funds.

I echo the words of my colleague SONNY MONTGOMERY, the distinguished chairman of the Veterans' Affairs Committee, who said " * * * had it not been for Congress, I don't think it's at all outlandish to say that the VA health care system would no longer exist."

For 8 years, Reagan officials claimed that "less government is better government." In their case, less government has meant inadequate funding of veterans' programs and a lack of control over HUD.

Congress can help restore respect to the Veterans' Administration and HUD by appropriating the necessary funds and instituting tighter controls to allow these agencies to properly operate their programs. It is, however, ultimately the responsibility of President Bush to ensure that these programs are well implemented. Those who defended our Nation deserve access to proper medical care, and all Americans deserve to live in dignity. Unfortunately, the first Bush administration budget equals those under Reagan in its failure to provide for important social programs. With these priorities, another legacy of corruption and neglect cannot be far behind.

PERSONAL EXPLANATION

HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1989

Mr. DARDEN. Mr. Speaker, due to my acceptance of an invitation to personally discuss vital national security matters with President Bush and other administration officials at the White House, I was unable to be present earlier today for the vote on the Schumer amendment to H.R. 2916, the VA, HUD and independent agencies appropriations bill for fiscal year 1990.

However, had I been present, I would have voted "no" on the Schumer amendment.

INTRODUCTION OF THE AIDS HEALTH CARE SERVICES ACT OF 1989

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1989

Ms. PELOSI. Mr. Speaker, today I am pleased to introduce the AIDS Health Care Services Act of 1989. This is a companion to S. 14 introduced by Senator ALAN CRANSTON of California. The bill addresses one of the most important questions regarding the AIDS epidemic that we face as public policy makers: How can we provide and finance appropriate services for the rapidly increasing number of AIDS patients in the United States?

The AIDS epidemic has forced us to look at many deficiencies in our present health-care system. Lack of health insurance, undercompensation by Medicaid, lack of availability of non-hospital health services, and growing discrepancies between the uncompensated care loads of private and public hospitals are all serious problems challenging our national health care system. The AIDS epidemic has focused attention on each of these problems. A financial crisis in our health-care system is upon us.

Mr. Speaker, San Francisco, assisted with Federal money through Health Resources and Services Administration (HRSA) service demonstration project grants, has developed an integrated, community-based system of care for people with HIV infection. This case-managed system has resulted in a decrease in the number of AIDS patients hospitalized per day from 10 percent in 1985 to an estimated 5 percent in 1988. The lifetime cost of treating an AIDS patient has dropped to \$22,000 less than anywhere else in the State of California. Survival following an AIDS diagnosis has increased from an average of 11 months in 1985 to an average of 16 months in 1988. These trends are continuing.

If the cost savings of the San Francisco model were extrapolated to the entire country, a potential savings of \$636 million could be projected for all AIDS-related health care costs in this current year. The quality of care is improved as well.

Mr. Speaker, this legislation would assist communities in developing a network of services to care for AIDS patients in a manner similar to the San Francisco model. The needs of people with AIDS are many—from basic shelter to counseling to home health services. Unfortunately, the majority of communities throughout the country do not have adequate community-based services for AIDS patients. Consequently, many AIDS patients are needlessly hospitalized or have longer hospital stays than may be required. Other AIDS patients, who require a level of care less intensive than hospital care, may simply be going without it.

This legislation would provide for the formation of consortia to develop a comprehensive service delivery system for people with AIDS in regions with a significant number of AIDS cases. The consortia would include city or county health departments, community-based organizations, health care facilities and providers, including drug abuse and mental health clinics, public and private hospitals, and home health agencies.

These consortia would be required to give priority to establishing primary health and support services, such as acute care, outpatient care, mental health, and home health services, shelter, food service and case-management. Secondary services would include hospice care, homemaker services, respite care for caregivers of people with AIDS, adult day care, childcare for children infected with HIV, transportation assistance, foster care for children infected with HIV and protection and advocacy services relating to HIV, infection.

Mr. Speaker, this legislation would authorize \$250 million for the development of comprehensive service delivery systems for people

with AIDS. Up to 15 percent of the funds would be permitted to be used to supplement Medicaid or otherwise to provide relief for uncompensated costs for inpatient hospital or nursing home care for individuals with AIDS or symptomatic HIV infection.

At least 20 percent of the funds would be required to be used for services targeted to ethnic and racial minorities. In addition, each consortium would be required to provide in its application assurances that ethnic and racial minorities will be represented in the policy-making and managerial components and that it will conduct outreach to minority communities.

Finally, this legislation would require the Secretary of Health and Human Services to conduct research focused on the delivery of services to individuals with HIV infection, including studies on the ability of the Nation's health care systems to provide services to minorities with AIDS and the extent to which the public and private sectors of society are providing care to people with AIDS, and an analysis of the most cost-effective ways to provide medical and mental health services to different populations of individuals with a spectrum of symptoms resulting from infection with the AIDS virus.

Mr. Speaker, I believe that this legislation would help correct the current gaps in our health care system and would not only help people with AIDS, but would also help test models of service delivery with significant implication for the elderly and those with chronic illnesses.

A SALUTE TO CHESTER D. SHRIVER

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1989

Mr. GOODLING. Mr. Speaker, I rise today to pay tribute to a man who has dedicated the last 35 years of this life to keeping history alive in the minds of many. After years of serving as the coordinator for Civil War anniversary celebrations in Gettysburg, Chester D. Shriver of Spring Grove, PA has retired from his position. For over three decades, Chester, by means of his exceptional qualities of leadership and perseverance, has organized many exciting parades and ceremonies on the historic battlefields of the Civil War. The annual tributes to President Abraham Lincoln and to those killed in the battles have brought history to life in the minds of those fortunate enough to witness them.

In addition to serving as the organizer of the Civil War activities, Chester has been the chairman of the Grand Army of the Republic "Remembrance Day" since he founded the event 12 years ago. In recognition of his dedication, the Gettysburg Veterans Memorial Days Commission Inc. honored Chester during the festivities last Memorial Day.

I join the residents of the 19th Congressional District and all other past observers of the Gettysburg Civil War celebrations in saluting Mr. Chester D. Shriver on the occasion of his retirement.

IN HONOR OF A LANDMARK IN TEXAS MEDICINE: "OLD RED"

HON. J.J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1989

Mr. PICKLE. Mr. Speaker, I rise today to pay tribute to a landmark in my State of Texas cherished as the birthplace of modern medicine in Texas, and to urge Postmaster General Anthony Frank to issue a commemorative postal stamp in honor of the Ashbel Smith Building, the original medical school building of The University of Texas Medical Branch at Galveston and a beautiful example of historic preservation.

The University of Texas Medical Branch at Galveston was authorized by the State legislature in 1881, and in 1891, the Ashbel Smith Building, fondly known as Old Red, opened its doors to accept the first class of medical students. Today, as nearly a century ago, Old Red stands as a symbol of academic medicine. It is the oldest medical school building west of the Mississippi and the only building of its kind listed on the National register of Historic Places. Old Red was designed in Romanesque Revival style by renowned 19th century architect and master builder Nicholas C. Clayton. The building's nickname comes from the construction materials Clayton chose—red pressed brick from Cedar bayou, red Texas granite and sandstone. When completed in 1890, Old Red was hailed as a masterpiece of masonry and design.

Nearly a century of service and many devastating natural disasters, in the form of hurricanes, took their toll on the structure. Extensive restoration and renovation, completed in 1986, revived the magnificent structure which once again serves as a teaching and student center for future physicians.

Old Red has long become a symbol of academic medicine in the Southwest and of The University of Texas Medical Branch at Galveston. It seems most appropriate, therefore, that a commemorative stamp of the building, in recognition of both the value of historic preservation and in acknowledgement of the innumerable contributions to society of academic medical centers, would be most fitting. I hope that the Postmaster and Citizens' Stamp Advisory Committee will give this application their favorable consideration, and I welcome the support of my colleagues in this effort.

FIFTEEN YEARS OF BRUTAL OCCUPATION

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1989

Mr. FLORIO. Mr. Speaker, I would like to direct the attention of my colleagues to a sad anniversary being observed today by the people of Cyprus.

Mr. Speaker, it is with a sense of sadness that I note that the people of Cyprus commemorated yet another anniversary several weeks ago—the 15th anniversary of the illegal

invasion of Cyprus by Turkish troops. The people of Cyprus have not forgotten in those 15 long years the division and strife that were produced and continue to be propounded through the presence of Turkish troops on Cyprus.

One of the more moving aspects of a visit I made to Cyprus was the meeting I had with the Greek Cypriot Mayor of Nicosia who brought me to the wall that has divided the island into two separate entities barring passage to the north. The devastation of the 1974 invasion still exists around this area, despite the efforts of the Greek Cypriot Government to build up their economy in the south.

In my meetings with Greek Cypriot officials and people, great courage and perseverance was tempered with a bitter acceptance of the status quo and a pessimism about hopes for change in the situation. Although I have always held that Turkish troops should be removed from Cyprus as a part of any settlement, the importance of this development was brought home to me on my visit to Cyprus as I witnessed the tangible fear of invasion and further encroachment that exists.

It is very important that we underscore to the Turkish Government the importance of removing Turkish occupying troops from Cyprus before any settlement can be effected. The continued presence of foreign troops and colonists denies the Cypriot people their fundamental right to self-determination. Cyprus will never again enjoy peace and stability as long as foreign troops continue to form an unwanted presence on Cyprus.

The situation that currently exists on Cyprus is simply not acceptable. We have the ultimate responsibility for sending a clear signal to the Turkish authorities that we are convinced that the illegal partition of Cyprus is not only contrary to the interests of the Cypriot people but also to those of the United States. Our country's reputation has been built on our traditional support for justice and political and religious freedoms throughout the world. In keeping with this traditional support for liberty and freedom, it is our responsibility to actively speak out against this continued injustice and facilitate a solution to this conflict. I join today with my colleagues in calling for a peaceful negotiated end to the Cyprus conflict and in hoping that the 16th anniversary will find Cyprus free and whole again.

REQUEST ACTION TO CORRECT OVERPAYMENT OF CUSTOMS DUTY

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1989

Mr. LaFALCE. Mr. Speaker, it has come to my attention that my constituent, Noco Energy Co., of Tonawanda, NY, overpaid a customs duty by \$18,687.61 in December 1985. At that time, Noco Energy Co. imported 1.6 million gallons of fuel oil from Gulf Canada Ltd. However, a mathematical error occurred when the customs duty was calculated. Instead of multiplying the quantity of oil in gallons times \$.00125, which was the appropriate customs

duty, the quantity was multiplied by \$.0125. The misplacement of this crucial decimal point resulted in Noco Energy Co. being overcharged by over \$18,000 in customs duty.

The problem is that this error was not discovered until recently, so the statute of limitations within which relief could be sought from the Customs Service had already expired. Therefore, the only recourse available to Noco Energy Co. to be reimbursed for this overpayment is through passage of legislation to reliquidate the particular customs duty and refund the duty, if appropriate. I am introducing such legislation today and ask for the support of the Members to correct this error, which is very costly for Noco Energy Co. This action is only fair since the U.S. Treasury Department received this overpayment as a result of an error and to which it is not entitled by law.

IN HONOR OF RITA LEVINE

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1989

Mr. FOGLIETTA. Mr. Speaker, I rise today to call my colleagues' attention to the tragic death of Philadelphia lawyer, Rita Levine, who was the first American to die as a victim of the July 6 attack on an Israeli bus.

In January, Ms. Levine took a 6-month leave from her job to study Hebrew in Israel and obtain credentials that would enable her to practice law both in Israel and in the United States. She was injured when a 25-year-old Palestinian grabbed the wheel of a bus traveling from Jerusalem to Tel Aviv and steered it off a cliff. On Tuesday, July 18, 1989, she died of complications from those injuries.

As my colleagues are aware, acts of brutal terrorism against civilians are all too frequent, and I feel very strongly for all the victims and their families. But this is an incident which hits much closer to home. The victim was the daughter of my neighbors, Sidney and Gertrude Levine.

An assistant Philadelphia public defender for 15 years, Ms. Levine worked in the mental health unit, representing poor people facing involuntary commitment to mental institutions. She was known for her compassion and for her commitment to the rights of the mentally ill.

Ms. Levine was a remarkable woman who will be remembered with great affection by her family, friends, and community. It is with great sadness that I call your attention to her death, and ask you to observe a moment of silence in her honor.

It is my hope that Ms. Levine's death will dramatize the tragedy of the ongoing acts of terrorism against civilians, and will in some small way contribute to the achievement of peace in the Middle East.

TRIBUTE TO CATHOLIC HIGH SCHOOL, BATON ROUGE, LA

HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1989

Mr. BAKER. Mr. Speaker, I would like to honor Catholic High School in Baton Rouge, LA. Catholic High School is located in the Sixth Congressional District of Louisiana, which I have the honor of representing. In September 1989, Catholic High School will be honored at the White House by the U.S. Secretary of Education, Lauro F. Cavazos.

Catholic High School is a private Catholic college preparatory school for boys in grades 8 through 12 with over 600 students. This year, Catholic High School was one of the schools chosen to represent Louisiana in the U.S. Department of Education Secondary Recognition Program. This award recognizes their excellent teaching and learning environment, leadership, curriculum requirements, parental and community support, institutional vitality, and standardized test scores. In this time of increased awareness of the importance of education, schools such as Catholic High School should be applauded.

As we enter the decade of the nineties, these are the students who will shape our future. As we move toward a global economy, and increasing dependence on technology and a more sophisticated work force, it is essential that our students are equipped to meet new challenges. It will be schools such as Catholic High School that will properly prepare our young women and men to take advantage of the opportunities that lie ahead. I commend the efforts of the teachers, administrators, and students at Catholic High School.

THE 15TH YEAR ANNIVERSARY OF THE TURKISH INVASION OF CYPRUS

HON. JACK BUECHNER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1989

Mr. BUECHNER. Mr. Speaker, I rise today to ask my colleagues to reflect on an event that, although it occurred 15 years ago, continues to exercise a profound influence in the lives of more than 65 million Greeks, Turks, and Cypriots. I am referring to this day 15 years ago, when Turkish troops were dispatched to northern Cyprus to counter a Greek Cypriot national guard coup and establish Turkish control in sections of Cyprus.

It was a time of great turmoil in that area of the world as forces of the Turkish Government occupied the northern sections of Cyprus establishing a Turkish federated state and bringing the nations of Turkey and Greece to the brink of war. Now 15 years later, although the tension in the Mediterranean has eased, the island of Cyprus remains a battleground for Greek and Turkish nationalists.

To the people of Greek heritage throughout the world Turkish occupation of northern colo-

nies is an infringement and an outrage to the Greek Cypriots living there. To the leaders of Turkey it is a continuing source of friction both with Greece and in its relations with the United States. Leaders of both Greece and Turkey, with the support of the United States continue to negotiate for a resolution—striving to come to an agreement on the future of Cyprus respecting the legitimate rights of all its inhabitants. However, although some small steps have been taken toward a peace settlement, not enough has been done. Many Cypriots of Greek descent are still being denied certain freedoms and rights. Cyprus remains divided by ethnic tensions, two people separated by different ancestors, yet united by the common birthright of all Cypriots.

Today, as we pause to reflect on this anniversary, I ask each of my colleagues to join me in expressing the hope that this will be the last anniversary of the occupation of Cyprus—in calling the leaders of Turkey and Greece to soften their hearts toward each other and to harden their resolve to end this conflict—and join in expressing our support for the leaders of Greece and Turkey asking them to pledge themselves to a renewed commitment in negotiating an end to this occupation. And let us here in the United States Congress also renew our commitment to a Cyprus for Cypriots, a Cyprus that makes its own decisions, a Cyprus that is truly free.

I am interested in a liberated Cyprus and pray that the inalienable rights of all of its people will soon be restored.

ONE SMALL STEP FOR MAN, ONE GIANT LEAP FOR MANKIND

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1989

Mr. DOWNEY. Mr. Speaker, 20 years ago today, humankind made history. On July 20, 1969, this Nation planted its flag at the Sea of Tranquility. America had landed on the Moon.

And when Neil Armstrong and Buzz Aldrin set our flag into the lunar surface, this Nation swelled with pride, not just because it was a time to boast, but because it was a time for all of us to look forward to the miraculous wonders space held out to us. America, long the discoverer, had edged closer than ever before to understanding space—the last frontier.

The time has come to renew America's commitment to discovery in space. Since 1969, our space program has faltered and our undisputed leadership in the peaceful exploration of outer space has dimmed. America has the strength to turn this trend around. Doing so, however, means that we must make some hard choices.

My colleagues realize that there are difficult decisions ahead, and those decisions involve money. The homeless must be housed. The hungry must be fed. Our children must get the best education we can give them. On all of these accounts we are making progress, but the road before us is long. The same is true for our space program. When we invest in the education of our children, we invest in the future of America. So it is with space. A strong

and coherent space program benefits all of us. The technological gains will help American industry compete in world markets. Scientific gains could change the course of modern medicine and space could well hold the answer to diseases like AIDS. In short, space affords us the opportunity to discover, and rediscover, all that is great in us.

I believe that the spirit of what happened 20 years ago still stirs deep within each of us here and in our children. This is a spirit of excellence. It is the spirit of discovery and rediscovery. In this spirit, and with this vision, we must move ahead.

THE BURNING OF CHAMBERSBURG

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1989

Mr. SHUSTER. Mr. Speaker, it is with great pride that I call to the attention of the U.S. Congress an occasion of great historic magnitude in my district.

Mr. Speaker, on the final Sunday of this month I, along with many others, will be commemorating the 125th anniversary of the burning of the city of Chambersburg, PA. From the 20th to the 30th of July, the city of Chambersburg will celebrate the rebirth and rebuilding of their city during "Chamberfest '89, the 125th Anniversary of the Burning of Chambersburg." Sunday, July 30, will feature a reenactment of the Confederate march into Memorial Square, a wreath-laying ceremony and a balloon launch. It is at this time the people of Chambersburg celebrate the rich history of their city.

And a rich history it is. Chambersburg has the distinction of being the site where Gens. Robert E. Lee and A.P. Hill made the decision to march on Gettysburg and where John Brown planned his raid on Harpers Ferry. Chambersburg has also been home to many great advances in manufacturing and industry.

I take this opportunity to relate some of the events that transpired on July 30, 1864, when Chambersburg was occupied by Confederate forces. During the night of July 28, 1864, Union pickets on the northern side of the Potomac were captured by Confederate troops, enabling a daylight crossing of the river at McCoy's Ferry by General McCausland and his Confederate forces on July 30. McCausland's troops combined forces with General Johnson's troops upon crossing the river and proceeded toward Mercersburg that evening enroute to Chambersburg. The combined force of these troops was estimated at 2,800. Only a single company of cavalry under Lt. H.T. McLean of the 6th U.S. Regulars and a few men under Captain McGowen, with a single piece of artillery, lay between this force and Chambersburg.

The Confederate forces arrived on the outskirts of Chambersburg at approximately 3 a.m. where they were delayed by a small band of brave townspeople and servicemen who successfully held off the troops until sunrise. About 6 a.m. the Confederate forces fired a handful of shells over the town warning the citizens of the imminent occupation.

After filling the town with 800 soldiers and setting up a perimeter, consisting of 2,000 troops and 6 pieces of artillery, the Confederate forces stood the line of battle upon the hill west of the city. The troops then moved quickly to secure their occupation and assembled the town leaders to present their demands. The few citizens who came forward were met by Captain Fitzhugh, one of McCausland's staff, who produced and read a written order, signed by Gen. Jubal Early, directing the command to "proceed to Chambersburg, to demand tribute of \$100,000 in gold, or \$500,000 in northern currency, and, on the failure to secure this sum, to proceed to burn the town in retaliation of the burning of six or eight houses specified as having been burned in certain counties in Virginia, by General Hunter." The citizens stated that it was utterly impossible to produce such a sum, and refused to pay such a tribute because they felt that such a demand could not be made in good faith.

The citizens pleaded against the burning of their town, which was home to some 6,000 inhabitants, in retribution for the burning of the few houses named in General Early's order. The captain said that the orders would be "carried out explicitly" and sent his men to quickly secure the supplies necessary to execute the orders. It is reported that the burning of the town was begun by 8 a.m. due to the reported approach of General Averel's troops from Harrisburg.

In the aftermath, about three-fourths of the town lay in ashes. Over 500 buildings were destroyed, real estate, and personal property losses totaled more than \$1.5 million, and 2,500 people were left homeless.

It is on this anniversary that the citizens of Chambersburg celebrate the rebirth and rejuvenation of their city, coming together to share in their rich heritage, steeped in history and strong in the crush of adversity. I share in their pride and in their gratitude to those who worked so tirelessly and so generously to restore Chambersburg to the great community it is today.

REMEMBERING THE 15TH ANNI- VERSARY OF THE TURKISH IN- VASION OF CYPRUS

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1989

Mr. MANTON. Mr. Speaker, today marks the anniversary of a tragedy. Fifteen years ago today Turkish forces invaded the island nation of Cyprus, beginning an illegal occupation which continues to this day. Four thousand Greek Cypriots lost their lives and 200,000 more were made refugees as a result of this invasion.

Today, Turkish troops occupy more than a third of Cyprus. The Turkish presence on Cyprus is particularly disturbing to me because Turkey is a member of NATO and an ally of the United States. However, Turkey has illegally used weapons supplied by the United States to maintain its occupation of Cyprus.

Mr. Speaker, I do not believe we should continue to provide assistance to a govern-

ment which has ignored international condemnation of their actions in violation of human rights. As the leader of the free world, the United States is obliged to speak out against all subjugation and imperialism. Thus, the unlawful Turkish occupation of Cyprus must not be tolerated. The United States must show Turkey we have not forgotten their presence on Cyprus. We have not forgotten the devastation the Turkish forces wrought on this day in 1974, and we will not allow this illegal, abhorrent occupation to continue.

IN HONOR AND RECOGNITION OF THE DISTINGUISHED SERV- ICE OF COL. MICHAEL W. GAFFNEY

HON. BEVERLY B. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1989

Mrs. BYRON. Mr. Speaker, as chairman of the Subcommittee on Military Personnel and Compensation, I rise to commend and pay tribute to one of our Nation's most dedicated and professional military officers, Col. Michael W. Gaffney. Colonel Gaffney is retiring from the Air Force after 23 years of dedicated and distinguished service to his country.

Colonel Gaffney entered the Air Force in 1962 as a cadet in the Air Force Academy and received his commission as a second lieutenant on June 8, 1966. He immediately was assigned to the Air Force Institute of Technology where he earned a masters degree in business administration/management from UCLA. After earning this advanced degree, the colonel was assigned as a headquarters Air Force operational research specialist in the Manpower Research Analysis Branch, and stationed at Fort Myer, VA. Between December 1970 and March 1973, Colonel Gaffney attended the University of Colorado where he earned his doctorate in operations research.

After obtaining his Ph.D., Colonel Gaffney was stationed at the Air Force Academy where, from May 1973 to April 1976, he was an instructor and course director for economics management, assistant professor of economics and management, and director of research. In 1976, Colonel Gaffney was assigned to the Air Staff at the Pentagon as an economic analyst in the Directorate of Personnel Plans, Office of the Deputy Chief of Staff, Personnel. In 1979, Mike became the assistant chief of the Officer Analysis Branch and chief of the Enlisted Analysis Branch in 1980.

From August 1982 to June 1983, Colonel Gaffney attended Air War College in Montgomery, AL. Upon graduation, he was once again returned to the Pentagon as chief of the Legislation and Incentive Pays Branch in the Personnel Plans Directorate. On March 31, 1985, he assumed his present duty as chief of the Entitlements Division, Directorate of Personnel Plans.

Colonel Gaffney was born in Oklahoma City, OK, and is married to the former Kathy Flynn. They have three children. He holds a bachelor's degree from the Air Force Academy, a master's degree from UCLA, and a doctorate

in operations research from the University of Colorado and is a graduate of Squadron Officer School, Air Command and Staff College, National Security Management College, and Air War College. His decorations include the Air Force Meritorious Service Medal with one oak leaf cluster and the Air Force Commendation Medal.

Colonel Gaffney has been responsible for many improvements to military entitlements, compensation, and benefits that contribute directly to the attraction and retention of the quality personnel necessary for successful accomplishment of the Air Force mission in time of peace and war. Those who know him, and especially those fortunate enough to have worked with him, recognize the colonel as an unselfish, tireless leader who made great strides in improving and enhancing the quality of life for all Air Force people, as well as those in all the armed services. His leadership and dedication will be missed, but not forgotten, and he can look with pride upon his years of distinguished service.

Mr. Speaker, I ask to enter into the RECORD our commendation, sincerest appreciation, and best wishes to Colonel Gaffney for outstanding service to the U.S. Air Force and his Nation.

OUR GOVERNMENT SHOULD STAND FIRM AGAINST IRAN

HON. JIM BATES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1989

Mr. BATES. Mr. Speaker, there has not been a more appropriate time for the Congress to express its concern regarding the current policies of the Government of Iran, and to request the President and Secretary of State to work for international cooperation in promoting positive change in that country.

On May 24, 1989, the European Parliament adopted a declaration urging member States to cut off all ties with the Iranian regime, expel Iran from the United Nations, and ensure that the Iranian people are represented by the Iranian National Council of Resistance. This measure was taken in response to the recent unprecedented rise in Iran's State-sponsorship of terrorism and murder. In the latest such call for terrorism, Parliament Speaker Hashemi Rafsanjani suggested killing five American, British, or French nationals in retaliation for every Palestinian killed during the intifada. This followed Ayatollah Khomeini's decree and offer of bounty for the murder of British author Salman Rushdie. In addition, Iran has recently embarked on a wave of prison killings, in an attempt to deal with a mounting popular resistance.

The desire of our European allies to stand firm against the Iranian regime should be supported by our Government. The passage of the European Parliament declaration provides us with an important opportunity to work with our allies in applying pressure to the Iranian Government, and to encourage the establishment of a new regime which will respect international law and human rights. It is time for the President and Secretary of State to invig-

orate our Government's efforts to join our allies in this united initiative.

DOD DEPENDENTS' SCHOOLS

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1989

Mr. FORD of Michigan. Mr. Speaker, I am pleased to introduce a bill to improve the administration and management of the Department of Defense school system for dependents in overseas areas. This bill provides the necessary legislative authority for implementing needed changes in the overseas schools. The bill should have no budgetary impact, and I expect it will be noncontroversial.

The bill is divided into three parts. The first part establishes a budgeting and appropriation process that would treat the Department of Defense Dependents' Schools [DODDS] like any other Federal education activity.

Decisions regarding the staffing of individual schools and the distribution of resources must be made well in advance of each school year and must remain constant during that school year to allow the schools to perform at their optimum. Under the present system that is often not possible.

DODDS is presently funded on a fiscal year basis which runs from October through September, whereas the DODDS school year runs from August through July. The annual appropriation therefore splits each school year to coincide with fiscal years. Essential operational decisions which are necessarily made in advance of the school year and which are made on the basis of the appropriation for 1 fiscal year may not be sustained in the following year's appropriations. This kind of problem is exacerbated by the fact that annual appropriations may not even be completed until December, a full 4 months after the start of the school year. Making the fiscal year appropriation available for obligation during the previous year and allowing a carryover of funds into the subsequent fiscal year encourages better long-range planning and is consistent with the practice applied to all major domestic education programs.

The second part of the bill would permit the Government to authorize a full living quarters allowance to eligible teachers and other civilians working in Panama. Civil service employees who were assigned to work in Panama are restricted by law from receiving a full living quarters allowance. These same employees would be granted a full allowance if assigned to other foreign countries. Therefore, for example, a teacher who has been reassigned from Germany to work in Panama does so at the cost of losing a housing entitlement. I understand that this disparity in benefits has contributed to the difficulties in recruiting and retaining personnel in Panama. Last year, for example, only 21 teaching positions were filled with stateside recruits, when requests were made for 35 such recruits.

The morale of Americans living and working in Panama is understandably low at present. The political environment has given rise to numerous uncertainties and difficult, albeit nec-

essary, adjustments. This provision would remove the statutory restrictions on the living quarters allowance and enable the Departments of State and Defense to provide the full living quarters entitlement should they choose to do so. The provision would help remove one unnecessary source of discontent in Panama by creating equity with other overseas teachers.

The final part of the bill simply extends to American students attending the Panama Canal College, which is owned and operated by the U.S. Department of Defense, the possibility of receiving Federal financial aid. Some 500 students, most of whom are Americans, are enrolled at the Panama Canal College. Through an apparent oversight, Americans attending this Government-owned, Government-operated, and fully accredited degree-granting institution, may not qualify for Federal financial aid because the college is not located in a "State," and is therefore not an "eligible institution" as defined by the Higher Education Act. Under this bill, the college would be considered an eligible institution so long as it continues to be owned and operated by the United States.

This bill reflects minor changes recommended to me by teachers and administrators employed by the Department of Defense Dependents' Schools. I believe the bill will help create equity in the system and will help provide for improved management. I urge my colleagues to support this effort and to move swiftly on the legislation.

IN HONOR OF PIONEER DAY IN UTAH

HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1989

Mr. HANSEN. Mr. Speaker, I rise today to recognize the celebration of Pioneer Day, a day in which Utahns recognize the heritage and spirit that has made Utah the great State it is today. Pioneer Day is a celebration of our past, a past which is reflected in the present, and provides our hope for the future.

The men, women, and children who braved the rugged journey across the plains and the mountains embody the spirit and soul of our State. The first settlers faced inclement weather, hostile Indians, floods, famine, and disease in seemingly endless struggle for survival. Despite these hardships, these brave pioneers didn't quit when things got rough. They overcame the obstacles of the times to carve out a future and a State from an unyielding environment. That spirit is a part of Utah today, and it is that pioneer spirit we honor today.

When the first settlers drove their wagons into Salt Lake Valley in 1847, it marked the beginning of Utah. Originally known as "Deseret," Utah began its long history of growth and settlement which continues even today. Growing as one with the land, giving as well as taking, Utah exemplifies growth in harmony with her surroundings.

The marks of these early stewards of our lands remain today. From beautiful temples, to

functioning irrigation systems a hundred or more years old; from the foundations of old buildings to carefully restored homes and businesses, the past in Utah is preserved. The people of Utah take pride in their past, for they realize that by preserving the memories of the past today, they can keep alive the spirit and hope for tomorrow.

AN AMERICAN SPACE PIONEER

HON. DANA ROHRBACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1989

Mr. ROHRBACHER. Mr. Speaker, today we celebrate the 20th anniversary of mankind's first manned lunar landing. We honor the three crew members of Apollo 11, Mike Collins, Buzz Aldrin, and Neil Armstrong, and the hundreds of thousands of Americans who made it possible for *Eagle* to land successfully at Tranquility Base 20 years ago.

Today, in addition to the thousands of talented Americans who made the Apollo Program possible, I want to honor and pay tribute to another great American—Mr. George Koopman. Mr. Koopman, one of the cofounders of the American Rocket Co. [Amroc], and the president and chief executive officer of Amroc since its creation, died yesterday, Tuesday, July 19, 1989, of injuries sustained in an automobile accident. He was 44.

Mr. Koopman was an example of one of those people who have literally built America—the entrepreneur. It was Mr. Koopman's dream, and the dream of his fellow American Rocket Co. cofounders and financial backers, to found a company that would create affordable access to space. Chartering American Rocket [Amroc] in March, 1985, George and his colleagues researched and developed the first working hybrid rockets ever to be tested in the United States. That they managed to do this for only about \$10 million over the past 4 years is a sterling example of how efficient free enterprise can be when allowed to work unfettered. It is also a tribute to George Koopman's driving spirit and to his desire to work for the attainment of his dreams.

George Koopman wanted Amroc to be the Federal Express of space. They are well on their way to this achieving this goal. Indeed, George died, ironically, while driving to Edwards Air Force Base where Amroc was going to be conducting another rocket engine test later that day. This test, one of hundreds Amroc has conducted, was entirely successful. They conducted it without George. George would have insisted on it.

Amroc will march on without George. Again, George would have insisted on it; he'd have been incredibly angry at anyone who would dare to suggest otherwise. George and Amroc had wanted their first test launch of their Industrial Launch Vehicle to have occurred today, the 20th anniversary of man's first

steps on Luna. Instead, the launch has been pushed off to the last half of August. But launch they will. The creation of a viable commercial rocket company, one that sells launch services and makes money doing it, will be George's memorial. The creation of affordable access to space will be George Koopman's memorial. His death demands nothing less.

George Koopman's death is an enormous loss, both to his friends, his family, and to his colleagues at Amroc. But his death is also a great loss to all Americans. George believed in free enterprise and in the creation of wealth by private means. He thought he could benefit all Americans by the creation of a commercial launch industry providing cheap, affordable access to space. He expected to make some bucks in the process, too. He didn't want Government handouts to build his company; all he wanted was for Government to get out of his way so that he would have a chance to achieve his dreams. And like American pioneers through the years, he would not let his dreams be denied. He was, by his actions, a true space pioneer.

THE RAKKASANS

HON. JON L. KYL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1989

Mr. KYL. Mr. Speaker, I want to take this occasion to note that the famed 187th Regiment, "The Rakkasans," will be holding their annual reunion from August 28 through September 4, 1989. Rakkasans will gather from throughout the United States at the Scottsdale Princess Resort Hotel in Scottsdale, AZ, and several other nations.

The Rakkasans are the only airborne regiment of the United States Army to have fought as airborne soldiers in all of our wars since the formation of airborne units in our Army in 1940. In the Pacific during WW II, the Rakkasans served as an elite glider regiment in the 11th Airborne Division and recorded the only combat action between American and Japanese paratroopers during WW II. In Korea, the Rakkasans were the only airborne unit in the United Nations forces and conducted two of the most successful and classical airborne assaults of history. During the fighting in Vietnam, the Rakkasans served with the 101st Airborne Division and brought to focus the air assault techniques they pioneered as a unit in the 11th Air Mobile Division during the developmental and testing phases of helicopter assault.

With 2 decorations for valor and 3 battle streamers (including a combat amphibious landing) in WW II, 4 decorations and 6 battle streamers in Korea (including two of the most successful parachute assaults ever conducted by a regimental-sized force and the quelling of the prisoners' uprising at Kojima Do); and 9 decorations and 12 battle streamers in Viet-

nam, the Rakkasans have earned the place of honor, the "right of the line" among airborne regiments.

From Purple Heart Ridge to the Wonju Big Shoot to Hamburger Hill, the Rakkasans have set the standard for others to emulate. Taking the name conferred upon them by the enemy, the Rakkasans (Falling Down Umbrella Man), have placed their colors in war throughout the world and in peace in Lebanon and Sinai and Panama, as Keepers of Peace. Today, the battalions of the regiment stand ready to again give credence to the regimental motto "Ne Desit Virtus" (Let Valor Not Fail).

The great State of Arizona and the Fourth Congressional District are proud to host this famous American military unit.

TRIBUTE TO JOE ALBERTSON

HON. RICHARD H. STALLINGS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1989

Mr. STALLINGS. Mr. Speaker, I would like to take this opportunity to note the 50th anniversary of the founding of America's sixth largest grocery chain and to pay tribute to the man who exemplifies all that is good in our Nation's free enterprise system.

On July 21, 1939, Joe Albertson opened his first store on the corner of 16th and State Street in Boise, ID, and created a near revolution in grocery retailing. His 10,000 square feet of shopping space was reportedly the largest grocery store in Idaho at that time. The popular store featured free parking, self-service, lots of products, and low prices. Customers could purchase everything from homemade ice cream cones and fresh popped popcorn to magazines and bakery items—along with all of the customary food and household products.

With \$5,000 of his own money and \$7,500 borrowed from an aunt, Joe Albertson built his grocery chain into an annual \$6.8 billion business with 500 stores, employing 53,000 people and operating in 17 Western and Southern States. It is the most profitable grocery business in the United States today.

The 83-year-old Joe Albertson still comes to the office every day to "mind the store," though day-to-day management has been turned over to a top team of corporate managers.

Joe's community, his State and his country have benefited from the five decades of his exemplary entrepreneurship. The individual lives he has touched and influenced as an employer, an administrator and a philanthropist are testimony to the respect and admiration he has earned.

Mr. Speaker, I appreciate this opportunity to present a small portion of the history of this distinguished Idaho citizen and to pay tribute to his considerable accomplishments.

HOUSE OF REPRESENTATIVES—Friday, July 21, 1989

The House met at 10 a.m.

The Senate Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Eternal Father, perfect in truth and justice, in love, mercy, and grace, You have declared in Your Word that "God setteth the solitary in families * * *." (Psalm 68:6) You began human history with a wedding bringing the first man to the first woman and creating the basic unit of all society.

History records the failure of all social order when the family unit disintegrates. Grant to Your servants in this place the wisdom to take their responsibility as spouse and parent as fundamental to the preservation of our culture. Help them to take seriously home and family in the knowledge that no achievement in life is of greater importance. By Your grace, enable each family represented here the will to give their relationship priority over all others and infuse them with the desire to be models of God's intention when He created the family. Help us, righteous Father, to keep our families strong.

In the name of Him who is love incarnate. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mrs. BENTLEY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mrs. BENTLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently, a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 291, nays 98, not voting 42, as follows:

[Roll No. 149]

YEAS—291

Ackerman	Annunzio	Aspin
Alexander	Anthony	Atkins
Anderson	Applegate	Barnard
Andrews	Archer	Bartlett

Bateman	Gordon	Nelson	Torres	Vento	Whitten
Bates	Gradison	Nielson	Torricelli	Visclosky	Williams
Bellenson	Grant	Nowak	Towns	Volkmer	Wise
Bennett	Gray	Oakar	Trafficant	Walgren	Wolpe
Bereuter	Green	Oberstar	Traxler	Walsh	Wyden
Berman	Guarini	Obey	Udall	Watkins	Wyllie
Bevill	Gunderson	Olin	Unsoeld	Waxman	Yates
Bilbray	Hall (OH)	Ortiz	Weiss		Yatron
Boggs	Hall (TX)	Owens (NY)			
Bonior	Hamilton	Owens (UT)			
Borski	Hammerschmidt	Oxley	Armey	Hawkins	Roberts
Bosco	Harris	Packard	Baker	Herger	Rogers
Boucher	Hayes (IL)	Pallone	Ballenger	Hill	Roukema
Boxer	Hayes (LA)	Panetta	Bentley	Holloway	Schroeder
Brennan	Hefner	Parker	Billirakis	Hopkins	Schuetz
Brooks	Henry	Patterson	Bliley	Inhofe	Sensenbrenner
Browder	Hertel	Paxon	Boehlert	Ireland	Shays
Brown (CA)	Hoagland	Payne (VA)	Brown (CO)	Jacobs	Sikorski
Bruce	Horton	Pease	Buechner	James	Slaughter (VA)
Bryant	Houghton	Pelosi	Burton	Kolbe	Smith (MS)
Bustamante	Hoyer	Perkins	Callahan	Kyl	Smith, Denny
Byron	Hubbard	Petri	Chandler	Lagomarsino	(OR)
Campbell (CA)	Huckaby	Pickett	Clay	Lewis (CA)	Smith, Robert
Campbell (CO)	Hughes	Pickle	Coble	Lewis (FL)	(NH)
Cardin	Hutto	Porter	Coughlin	Lightfoot	Smith, Robert
Carper	Jenkins	Poshard	Cox	Lukens, Donald	(OR)
Carr	Johnson (CT)	Price	Craig	Machtley	Solomon
Chapman	Johnson (SD)	Pursell	Crane	Marlenee	Spence
Clarke	Johnston	Quillen	Dannemeyer	Martin (IL)	Stangeland
Clement	Jones (GA)	Rahall	DeLay	Martin (NY)	Stump
Clinger	Jones (NC)	Ray	DeWine	McCandless	Sundquist
Coleman (MO)	Jontz	Regula	Dickinson	McCrery	Tauke
Coleman (TX)	Kanjorski	Richardson	Duncan	McGrath	Thomas (CA)
Combest	Kaptur	Rinaldo	Edwards (OK)	McMillan (NC)	Thomas (WY)
Conte	Kasich	Robinson	Fields	Michel	Upton
Cooper	Kastenmeier	Roe	Frenzel	Miller (OH)	Vucanovich
Costello	Kennedy	Rohrabacher	Gallegly	Molinar	Walker
Coyne	Kennelly	Rose	Gekas	Moorhead	Weber
Crockett	Kildee	Rostenkowski	Goodling	Murphy	Wheat
Darden	Kleczka	Roth	Goss	Parris	Whittaker
Davis	Kolter	Rowland (CT)	Grandy	Pashayan	Wolf
de la Garza	Kostmayer	Rowland (GA)	Hancock	Penny	Young (AK)
DeFazio	LaFalce	Roybal	Hansen	Rhodes	Young (FL)
Dellums	Lancaster	Russo	Hastert	Ridge	
Derrick	Lehman (CA)	Sabo			
Dicks	Lehman (FL)	Saiki			
Dingell	Leland	Sangmeister	Akaka	Hatcher	McCurdy
Donnelly	Lent	Sarpalius	AuColin	Hefley	Mineta
Dorgan (ND)	Levin (MI)	Savage	Barton	Hochbrueckner	Mrazek
Dornan (CA)	Levine (CA)	Sawyer	Broomfield	Hunter	Payne (NJ)
Downey	Lewis (GA)	Saxton	Bunning	Hyde	Rangel
Dreier	Lipinski	Scheuer	Collins	Lantos	Ravenel
Durbin	Livingston	Schiff	Conyers	Laughlin	Ritter
Dwyer	Lloyd	Schneider	Courter	Leach (IA)	Schaefer
Dymally	Long	Schulze	Dixon	Leath (TX)	Smith (IA)
Dyson	Lowey (NY)	Schumer	Douglas	Lowery (CA)	Smith (TX)
Earl	Lukens, Thomas	Sharp	Florio	Madigan	Tanner
Eckart	Manton	Shaw	Ford (MI)	Martinez	Vander Jagt
Edwards (CA)	Markley	Shumway	Ford (TN)	Mazzoli	Weldon
Emerson	Matsui	Shuster	Gillmor	McCollum	Wilson
Engel	Mavroules	Sisisky			
English	McCloskey	Skaggs			
Erdreich	McDade	Skeen			
Espy	McDermott	Skelton			
Evans	McEwen	Slatery			
Fascell	McHugh	Slaughter (NY)			
Fawell	McMillan (MD)	Smith (FL)			
Fazio	McNulty	Smith (NE)			
Feighan	Meyers	Smith (NJ)			
Fish	Mfume	Smith (VT)			
Flake	Miller (CA)	Snowe			
Flippo	Miller (WA)	Solarz			
Foglietta	Moakley	Spratt			
Frank	Mollohan	Staggers			
Frost	Montgomery	Stallings			
Gallo	Moody	Stark			
Garcia	Morella	Stearns			
Gaydos	Morrison (CT)	Stenholm			
Gejdenson	Morrison (WA)	Stokes			
Gephardt	Murtha	Studds			
Gibbons	Myers	Swift			
Gilman	Nagle	Synar			
Gingrich	Natcher	Tallon			
Glickman	Neal (MA)	Tauzin			
Gonzalez	Neal (NC)	Thomas (GA)			

NAYS—98

NOT VOTING—42

□ 1024

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER. The Chair will ask the gentleman from Mississippi [Mr. SMITH] if he would kindly come forward and lead the membership in the Pledge of Allegiance.

Mr. SMITH of Mississippi led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

LEGISLATIVE PROGRAM

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, I ask for this time for the purpose of ascertaining the schedule for the balance of the week and for next week.

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am happy to yield to the distinguished majority leader for the purpose of telling us what the schedule might be.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, as Members know, we will attempt, and it will be our intent today, to finish the appropriation bill on foreign operations. We believe it can be done in a timely manner by noon or early afternoon. We will then adjourn until Monday.

We will meet at noon on that day to begin considering the Department of Defense authorization for fiscal year 1990-91. We will have a rule. However, we would hope that perhaps we would avoid a vote on a rule on Monday. However, if one is called for, we will hold the vote on the rule until 4:30 in the afternoon, which means that if a vote is asked for, we will rise until 4:30 to have that vote at that time. After that, we would have general debate only on Monday.

Tuesday the House will meet at 9 o'clock in the morning. Members should be aware that if they are not able to get back by, I would say, 10 o'clock in the morning on Tuesday, we will have votes, and they would need to come back on Monday evening, but votes will probably start at or about 10 a.m. on Tuesday morning. We will be meeting into the evening on Tuesday, Wednesday, and Thursday if needed to finish the Department of Defense authorization bill.

Then, on Friday we will again start meeting at 9 o'clock to take up the Treasury, Post Office, and general Government appropriation for fiscal year 1990.

Mr. WALKER. Mr. Speaker, I thank the gentleman. It is my understanding that it is the hope of both leaderships that we will avoid a vote on Monday on the rule if at all possible so that the debate on the defense bill can begin early on in the afternoon then?

Mr. GEPHARDT. That is absolutely correct.

Mr. WALKER. Does the gentleman have any idea what we can expect on Friday in terms of getting out? Is it a potential that we will be out by 3 o'clock that Friday?

Mr. GEPHARDT. We will make every effort to do that. That is the reason we are starting at 9 o'clock on Friday, so that we can get done by the early afternoon, but we cannot guarantee that. If we do not get done, we hope to finish that bill that day.

ADJOURNMENT TO MONDAY,
JULY 24, 1989

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

DISPENSING WITH CALENDAR
WEDNESDAY BUSINESS ON
WEDNESDAY, JULY 26, 1989

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

HOUR OF MEETING ON JULY 25,
26, 27, AND 28, 1989

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, July 24; Tuesday, July 25; Wednesday, July 26; and Thursday, July 27, 1989, it adjourn to meet at 9 a.m. on Tuesday, July 25; Wednesday, July 26; Thursday, July 27; and Friday, July 28, 1989.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

□ 1030

PROTECTING THE UNBORN

(Mr. APPELEGATE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. APPELEGATE. Mr. Speaker, Bishop Albert Ottenweller and Father Mike Scanlan, president of the University of Steubenville, are two heroes in America committed to the right to life for the unborn child.

Bishop Ottenweller and Father Scanlan were arrested along with 47 others in Youngstown, OH, this week, demonstrating at the Mahoning Women's Center protesting abortion.

These men are men of God, and to God's commitment thou shalt not kill, and to the soul of this very Nation, written by Thomas Jefferson in the Declaration of Independence which says "that all men are created equal, they are endowed by their Creator with certain inalienable rights, and among these are life, liberty and the pursuit of happiness." It says created, it does not say born, created, not born. Killing the unborn violates this trust.

They are still incarcerated in Youngstown at the Naval Reserve Armory, and I would ask my col-

leagues to pray for these men, the 47, and for the unborn that they seek to protect.

THROUGH THE DRUG WAR
MAZE IN 28 DAYS—DAY 4:
HOUSE COMMITTEE ON THE
DISTRICT OF COLUMBIA

(Mr. SMITH of Mississippi asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Mississippi. Mr. Speaker, I wish to call attention to the House Committee on the District of Columbia, as it relates to the war on drugs. Again, here is a committee that does not need jurisdiction over the Nation's drug control efforts, and the work of the President's drug czar. Yet this committee—which has say-so on drug issues in the drug crime capital of the world—is part of the maze of more than 80 committees, subcommittees, and select committees that the drug czar must pass through to arrive at a drug control strategy.

Mr. Speaker, if Bill Bennett has to face this nightmare of congressional oversight for approval of his program, due out September 5, then he'd do just as well to spend his days circling the Capital Beltway. It would take him well into 1990 to testify before all the panels he must answer to. This is no way to plan and implement a drug control strategy. This is no war on drugs.

The war on drugs will never be more than a public relations campaign, as long as Congress wages its war by choir and not by troop.

I urge my colleagues to support bills in the House and Senate to create a single oversight committee that could spearhead a true war on drugs.

UNITED STATES CAN LEARN
LESSON FROM MALAYSIA IN
FIGHTING DRUGS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, a British citizen, Gregory, was executed yesterday in Malaysia. He was executed for drug trafficking, executed for smuggling heroin.

Gregory, a cosmetic salesman, had all kinds of British officials call Malaysian officials trying to commute the sentence to life imprisonment. They had attorneys who said that he was psychologically disturbed and he did not know what he was doing.

The Malaysian people said he knew right from wrong, he knew the law, and they are going to put drug smugglers to death, and those people who mess with heroin are going to be executed, and they were not bought off.

I say this: Maybe America may learn something. We do not like to see people executed, but maybe it is about time we do something about protecting victims of drug smugglers. Malaysia might teach America something.

HOME OF THE HAMBURGER

(Mr. ROTH asked and was given permission to address the House for 1 minute.)

Mr. ROTH. Mr. Speaker, Seymour, WI, is a prosperous little community in northeast Wisconsin, and it is celebrating a really unique event of Americana. When we think of American culture, we think of baseball, apple pie, hot dogs, and yes, the hamburger. Go anywhere in the world and mention hamburger, and people automatically know you are American.

In 1885, at the first county fair in Seymour, a 15-year-old named Charlie Nagreen began serving fried ground beef between two pieces of bread so that the fairgoers could carry their lunch as they strolled the grounds. The rest is history. The sandwiches soon became known as hamburgers, and "Hamburger Charlie" Nagreen continued to sell them at the Seymour fair for the next 65 years.

It is with justifiable pride that the people of Seymour launch their first annual Home of the Hamburger Celebration. As part of the festival, the planning committee will prepare the world's largest hamburger—designed to surpass the current record in the Guinness Book of Records. The event is a fantastic way to commemorate such an occasion. And I ask the entire Congress to join me in saluting Seymour, WI.

INCREASING THE POPULATIONS OF THREATENED AND ENDANGERED SPECIES

(Mr. TAUZIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TAUZIN. Mr. Speaker, today I am introducing legislation to give the Secretary of the Interior the authority and the means to undertake propagation projects to increase the populations of threatened and endangered species.

We need an alternative to the heavy-handed regulatory approach we have seen used in recent years to protect threatened and endangered species.

The classic case in point is the ill-founded regulatory requirement that U.S. shrimpers use turtle excluder devices [or TED's] in their nets. Not only do the TED's not work as the National Marine Fisheries Service claimed, but there is rapidly mounting evidence that continuation of their use will make the domestic shrimping in-

dustrial an endangered or extinct species in our economic landscape.

All the while, the United States is importing shrimp from nations that turn a blind eye to the destruction of turtle nesting areas and which do not require their shrimpers to use turtle excluder devices in waters where large concentrations of sea turtles are found.

We do not need more regulations. We need programs which increase the populations of species that are threatened or endangered.

ONE HUNDRED TIMES THE EFFORT

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, there is an alarming figure in the competitive race in the high definition television industry.

According to the president and chief executive officer of Sematech, Mr. Robert Noyce, Japanese interests have already funneled \$3 billion into the development of HDTV and are proceeding with development on a pace equal to this amount. Our Government, on the other hand only recently committed its first money—to the tune of \$30 million—toward this industry, or about 1/100 as much.

Why is this so? The answer in a word is debt. We grapple with our massive deficits while foreign interests press on with the production of new technologies and ideas, using our country as the test market for their products.

We must restore responsibility to our spending and provide a means by which America's entrepreneurs can rise to this challenge and reverse the devastating export of industry which continues to weaken our country.

Lets work together to ensure a strong economic future for America and support Americans seeking to develop this industry.

LOW ACCURACY TV

(Mr. FRANK asked and was given permission to address the House for 1 minute.)

Mr. FRANK. Mr. Speaker, I have to follow this reference to high definition TV with a description of low accuracy TV, which I happened to be a victim of last Saturday.

The CBS national news decided to do a story about some of our ethics legislation. They came to interview me. I thought the particular piece they were talking about was one where we had erred excessively, and we were restricting scientific and technical civil service more than we should. I told CBS that.

When they pressed me in the interview. I explained, at their request, the general basis on which we did ethics legislation.

Then I watched the show, and my quote explaining the general basis was taken wholly out of context. That was the only thing I was quoted as saying, making it look as if I was a defender of the legislation that in fact I thought ought to be amended.

What happened, obviously, was that they forgot to interview somebody on the other side. When they realized that, when it came time to put the show together, they decided to take my views, totally distort them, and portray me as a proponent of a bill to which I am opposed.

I am going to discuss this a little further in a 5-minute special order later today, but I did want to alert people today that watching "CBS News," because of their incompetence, compounded by intellectual dishonesty and arrogance, may be hazardous to their understanding of the facts.

THE FARM SPOUSE FAIRNESS AND EQUITY ACT OF 1989

(Mr. MARLENEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARLENEE. Mr. Speaker, I am introducing today legislation to create equal rights for farm wives and spouses.

Farm spouses work and manage on an equal basis with their partners who in this case they happen to be married to. The Department of Agriculture fails to recognize their equal and separate contribution to the partnership.

The dark days of relegating farm spouses to a position of servitude is long past. This legislation would force USDA to correct their attitude and apply the same regulations, requirements, and privileges to wives and spouses as they do to other partnerships. No more; no less. I urge my colleagues to join me as cosponsors.

This bill will allow a spouse who is actively engaged in providing management or labor to a farming operation to be eligible for a full farm program payment limitation as a separate person similar to existing law which permits such designations for other family relatives who participate in the operation. The amendment retains present law provisions which allow spouses to qualify for two limitations—one each—when both spouses had been engaged in farming prior to marriage and brought their existing farm operations into the marriage.

The bill will also treat in a like manner any after-acquired farm operations which are inherited by one of the spouses so long as the spouse provides active personal management or

labor in relation to the acquired operation.

In the case of a husband and wife who have only the one farm operation, but both contribute to active personal management and/or labor, both spouses would qualify for the full \$50,000 limitation provided both spouses make a significant contribution of active personal management or labor to the joint farming operation.

This treatment is only fair and equitable for the hard-working women in American agriculture who happen to be married. The present state of the law results in a patently discriminatory treatment for those wives who work side-by-side with their husbands in the daily operations of the farm. It denies them the same status in relation to farm program payments for which other relatives can currently qualify. At present, two brothers who jointly operate a farm can each qualify for separate payments because they both contribute active personal management or labor to ensure the success of the operation. Likewise, a father and his son or a father and his daughter—or even a man and his son-in-law—can each qualify for separate payment limitations. However, under current law the wife of the farmer cannot qualify even though she contributes significantly to the management and labor required to continue the operation. This situation is a disgrace which should be immediately corrected.

The second part of this bill is a technical change which is needed to correct an existing situation where, for example, a father and son who jointly operate a farm and are each entitled to a \$50,000 payment limitation. Let's assume they have also placed a part of their land into the multiyear Conservation Reserve Program [CRP] as part of their long-term financial planning. Currently, upon the death of the father, the son cannot continue to collect any CRP rental payments which would be in excess of his own personal payment limitation, and thus may be faced with losing the farm due to the reduced income stream. This technical amendment to the 1985 farm bill will result in no increased expenditures by USDA on existing multiyear program contracts, CRP for instance.

The change simply tells the Secretary of Agriculture that upon the death of the father, USDA is to continue making full payments on the CRP contract as though the father was still alive and eligible to receive the payments. USDA will not be making any greater level of payments than they were prior to the father's death, and will simply continue to honor the multiyear contract for the farm.

□ 1040

WE MUST BALANCE OUR FEDERAL BUDGET

(Mr. PAYNE of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAYNE of Virginia. Mr. Speaker, news this week of our worst trade deficit in 5 months arrived simultaneously with the July 17 edition of *Business Week* magazine with its annual "Global 1000" report on the 1,000 most valuable corporations in the world. Both sources reinforce the worsening situation insofar as our role in international commerce is concerned.

Look at the numbers: 47 percent of the value of the world's top 1,000 corporations have their headquarters in Japan, almost 1 and one-half times as much as the value of the United States companies on the same list. We are on our way to becoming an also-ran in the world's economic arena.

What must we do? We in Congress must do the one thing no other institution can do for us. We must balance our Federal budget. By doing that we will make greater amounts of capital available for research and development, for investment in people and plant and equipment, investment in our country's future. That's how we will remain competitive and maintain the standard of living of this country for our children and grandchildren.

Mr. SPEAKER, this year, we have celebrated the 200th anniversary of the Constitution, and this week, the 20th anniversary of the first manned space landing. We have, however, ignored another anniversary.

This is the 20th anniversary of our last balanced Federal budget. I believe it is in order that all of us take or renew as our personal goal the re-establishment of sound fiscal policy, a truly balanced Federal budget, as our foremost national goal.

CATASTROPHIC HEALTH CARE LAW SHOULD BE REPEALED

(Mr. DONALD E. "BUZ" LUKENS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DONALD E. "BUZ" LUKENS. Mr. Speaker, the catastrophic health care law passed last year without my vote has become, as I predicted then, a catastrophe.

There are three major arguments in favor of reform or repeal of this law. First, this coverage is mandatory, not voluntary. In this country we have an expression, freedom of choice. However, the catastrophic health care law does not allow beneficiaries to make their own choices about insurance coverage. We should work to ensure that freedom is available.

Second, three-quarters of Medicare beneficiaries already have private or public health insurance coverage in addition to Medicare. Most do not need, nor do they want, expanded medical coverage.

Third, why should 40 percent of this Nation's elderly, who have saved for years, have to deplete their savings to pay for the care of the other 60 percent? This 40 percent of our Nation's elderly are paying too much.

While I have advocated a repeal or reform of the law, or at least, a delay in implementation, I feel that any change to decrease the burden on our Nation's elderly will be a positive change. Recent reports from the chairman of the ways and means committee are positive. Chairman Rostenkowski has been quoted as saying that changes in the way that this unfair tax is collected may be imminent.

My constituents have let me know that 9 out of 10 of them are against this well intentioned, but misguided law. Given this opposition and the opposition from senior citizens all over the United States, I strongly urge my colleagues to review the catastrophic health care law.

Mr. Speaker, we need to address these issues immediately and I urge my colleagues to do so.

MEET THE B-2 PILOTS

(Mr. DICKS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DICKS. Mr. Speaker, this afternoon at 1 p.m., Members will have an opportunity to get a first hand assessment of the B-2 from the pilots who flew its historic first mission on Monday.

Bruce J. Hinds, chief test pilot for Northrop's B-2 division, and Air Force Col. Richard S. Couch, will be available to discuss their experiences with Members in room B-339, Rayburn. Also on hand will be Secretary of the Air Force Donald Rice and Gen. Larry Welch, Chief of Staff of the Air Force. They will be able to address questions which I know many Members have on this important program.

I urge all Members to take advantage of this unique opportunity and hope to see you at 1 p.m. in B-339, Rayburn.

THE STEALTH BOMBER IS A KEY PART OF OUR AIR-BASED DETERRENT

(Mr. DREIER of California asked and was given permission to address the House and to revise and extend his remarks.)

Mr. DREIER of California. Mr. Speaker, I would like to congratulate my friend, the gentleman from Wash-

ington [Mr. Dicks] for recognizing this very important meeting. The majority leader just a few moments ago talked about the schedule for next week and it is quite obvious that one of the key items that we will be discussing is the important B-2.

For decades this country has based its deterrent on the triad: sea, land, and air-based. Well, it is very apparent that for the past several years we have been working on the Stealth bomber as the key part of the air-based deterrent.

I hope very much that as many Members as possible will go to that 1 p.m. meeting and then we will come out with strong support for President Bush's package to move ahead with the B-2 bomber.

SECTION 89 OF THE TAX CODE SHOULD BE REPEALED

(Mr. BARTLETT asked and was given permission to address the House and to revise and extend his remarks.)

Mr. BARTLETT. Mr. Speaker, alarm bells went off among private sector employees all over this country early this year with the adoption of the section 89 rules of the Tax Code.

While the Committee on Ways and Means earlier this week seems to be making some modification in section 89, the fact is those modifications and those adjustments are too little too late and have done nothing to solve the basic problems of section 89 and in many ways would create new problems.

Earlier this week I received new indications of the opposition of employees from all over this country to section 89, or a son-of-section 89 or a modification of section 89. The American Society for Personnel Administration presented me with some 2,000 petitions signed by employees from all over this country, human resource managers who oppose section 89 and believe section 89 is still a solution in search of a problem and it needs to be repealed this year.

THE DRUG WAR BOND ACT OF 1989

(Mr. LEWIS of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of California. Mr. Speaker, we have a war on our hands. This is a war unlike any other war that the American people have ever waged. It is on our soil, not overseas. The enemy is ravaging communities across the country, striking families and schools. That enemy, my friends, is drugs.

The Drug War Bond Act of 1989, which I introduce today, will create a means for all Americans, young and old, to join in the fight against drugs. Just as during the world wars, we can

beat drugs if we join forces at the most fundamental levels of our society. Citizens who buy Drug War Bonds will be investing both in this war and in their own financial futures.

One unique aspect of the WWII bond effort was in encouraging children to save their quarters to buy war stamps. These stamps could be pasted in books and traded in for war bonds. By extending this campaign to the elementary schools, we take the most effective step possible to head off the enemy which drugs have become to the very fabric of our society. Teachers will tell you that drugs are robbing the lives of young children, even before they have the chance to make educated decisions.

What better way to wage war on drugs than to activate the American people for an extended, but winnable, battle. I invite my colleagues to join me in bringing hope to the families of our great land by sponsoring The Drug War Bond Act of 1989.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1990

THE SPEAKER pro tempore. (Mr. GEJDESON). Pursuant to House Resolution 207 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2939.

□ 1048

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2939) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1990, and for other purposes, with Mr. ECKART in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Thursday, July 20, 1989, all time for general debate had expired.

Pursuant to the rule, it shall be in order to consider the amendment by, and if offered by, the gentleman from Wisconsin [Mr. OBEY], or his designee. Said amendment shall not be subject to amendment and is debatable for 60 minutes, equally divided and controlled by the proponent and a member opposed thereto.

The Clerk will read.

The Clerk read as follows:

H.R. 2939

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for foreign operations, export financing, and related programs for the fiscal

year ending September 30, 1990, and for other purposes, namely:

TITLE I—MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT INTERNATIONAL FINANCIAL INSTITUTIONS CONTRIBUTIONS FOR ARREARAGES CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, \$6,666,667, for the United States contribution to the replenishments, to remain available until expended: *Provided*, That no such payment may be made while the United States Executive Director to the International Bank for Reconstruction and Development is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while the alternate United States Executive Director to the Bank is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

CONTRIBUTION TO THE INTERNATIONAL FINANCE CORPORATION

For payment to the International Finance Corporation by the Secretary of the Treasury, \$79,904,472, for the United States share of the increase in subscriptions to capital stock, to remain available until expended: *Provided*, That of this amount and of the amount provided by this Act for the annual contribution to the International Finance Corporation not more than \$30,800,000 may be expended for the purchase of such stock in fiscal year 1990.

CONTRIBUTION TO THE INTER-AMERICAN DEVELOPMENT BANK

For payment to the Inter-American Development Bank by the Secretary of the Treasury for the United States share of the increases in the resources of the Fund for Special Operations, \$63,724,629, to remain available until expended: *Provided*, That no such payment may be made while the United States Executive Director to the Bank is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while the alternate United States Executive Director to the Bank is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increases in resources of the Asian Development Fund, as authorized by the Asian Development Bank Act, as amended (Public Law 89-369), \$184,641,964, to remain available until expended: *Provided*, That no such payment may be made while the United States Executive Director to the Bank is compensated by the Bank at a rate which, together with whatever compensation such Director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States Director to the Bank is com-

pensated by the Bank in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

For payment to the African Development Bank by the Secretary of the Treasury, for the paid-in share portion of the United States share of the increase in capital stock, \$1,654,000, to remain available until expended: *Provided*, That no such payment may be made while the United States Executive Director to the Bank is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while the alternate United States Executive Director to the Bank is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

ANNUAL CONTRIBUTIONS TO INTERNATIONAL FINANCIAL INSTITUTIONS

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, \$958,333,333, for the United States contribution to the replenishment, to remain available until expended: *Provided*, That \$115,000,000 of the funds made available under this heading shall be withheld from obligation until January 1, 1990: *Provided further*, That such funds withheld from obligation may be obligated after January 1, 1990, only if the President certifies: (1) that the International Development Association has not provided any new loans to China since June 27, 1989, or (2) that, if such loans have been provided, the United States Government believes that such loans will support the process of increasing individual freedoms and improving human rights in China: *Provided further*, That fifteen days prior to any obligation of funds for the International Development Association, the President shall report his certification to the Committees on Appropriations of the House and Senate, and the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate: *Provided further*, That no such payment may be made while the United States Executive Director to the International Bank for Reconstruction and Development is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while the alternate United States Executive Director to the Bank is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

CONTRIBUTION TO THE INTERNATIONAL FINANCE CORPORATION

For payment to the International Finance Corporation by the Secretary of the Treasury, \$8,095,528, for the United States share of the increase in subscriptions to capital stock, to remain available until expended.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increases

in resources of the Asian Development Fund, as authorized by the Asian Development Bank Act, as amended (Public Law 89-369), \$37,254,036, to remain available until expended: *Provided*, That no such contribution may be made while the United States Executive Director to the Asian Development Bank is compensated by the Bank at a rate which, together with whatever compensation such Director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States Director to the Bank is compensated by the Bank in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For payment to the African Development Fund by the Secretary of the Treasury, \$105,000,000, for the United States contribution to the fifth replenishment of the African Development Fund, to remain available until expended.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

For payment to the African Development Bank by the Secretary of the Treasury, for the paid-in share portion of the United States share of the increase in capital stock, \$7,987,308 to remain available until expended: *Provided*, That no such payment may be made while the United States Executive Director to the Bank is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while the alternate United States Executive Director to the Bank is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the African Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed \$134,809,613.

CONTRIBUTION TO THE ENHANCED STRUCTURAL ADJUSTMENT FACILITY OF THE INTERNATIONAL MONETARY FUND

For payment to the Interest Subsidy Account of the Enhanced Structural Adjustment Facility of the International Monetary Fund, \$150,000,000, to remain available until expended: *Provided*, That such funds are available subject to authorization.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of sections 301 and 103(g) of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1983, \$270,115,000: *Provided*, That no funds shall be available for the United Nations Fund for Science and Technology: *Provided further*, That of the funds appropriated under this heading \$108,990,000 shall be made available only for the United Nations Development Program: \$65,400,000 shall be made available only for the United Nations Children's Fund, which amount (less amounts withheld consistent with section 307 of the Foreign Assistance Act of 1961 and section

526 of this Act) shall be obligated and expended no later than thirty days after the date of enactment of this Act; \$750,000 shall be made available only for the Convention on International Trade in Endangered Species; \$12,000,000 shall be made available only for the United Nations Environment Program; and not less than \$40,000,000 shall be made available for the International Fund for Agricultural Development: *Provided further*, That none of the funds appropriated under this heading shall be made available for the International Fund for Agricultural Development until agreement has been reached on the third replenishment of the Fund: *Provided further*, That funds appropriated under this heading may be made available for the International Atomic Energy Agency only if the Secretary of State determines (and so reports to the Congress) that Israel is not being denied its right to participate in the activities of that Agency.

Mr. OBEY (during the reading). Mr. Chairman, I ask unanimous consent that title I be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The CHAIRMAN. Are there any amendments to title I?

If not, the Clerk will read.

The Clerk read as follows:

TITLE II—BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

For expenses necessary to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, to remain available until September 30, 1990, unless otherwise specified herein, as follows:

AGENCY FOR INTERNATIONAL DEVELOPMENT

GENERAL DEVELOPMENT ASSISTANCE

For necessary expenses to carry out the provisions of sections 103, 104(c), 105, and 106, \$1,888,400,000: *Provided*, That up to \$5,000,000 shall be made available for new development projects of private entities and cooperatives utilizing surplus dairy products: *Provided further*, That not less than \$8,000,000 shall be made available for the Vitamin A Deficiency Program: *Provided further*, That notwithstanding any other provision of law, up to \$10,000,000 of the funds appropriated under this heading shall be made available, and remain available until expended, for agricultural activities in Poland which are managed by the Polish Catholic Church or other nongovernmental organizations: *Provided further*, That not less than \$42,000,000 shall be made available only for activities relating to research on, and the treatment and control of, acquired immune deficiency syndrome (AIDS) in developing countries, of which \$25,000,000 shall be provided directly to the World Health Organization for its use in financing the Global Program on AIDS, including activities implemented by the Pan American Health Organization: *Provided further*, That not less than \$245,000,000 shall be made available for health and child survival activities: *Provided further*, That \$1,500,000 shall be made available for the Caribbean Law Institute: *Provided further*, That not less than \$7,500,000 shall be made available

only for projects among the United States, Israel, and developing countries of which not less than \$5,000,000 shall be made available for the Cooperative Development Program, and of which not less than \$2,500,000 shall be made available for cooperative development research projects: *Provided further*, That not less than \$5,000,000 shall be made available only for the Central American Rural Electrification Support project: *Provided further*, That not less than \$20,000,000 shall be made available for projects and activities administered by the Office of Energy of the Agency for International Development: *Provided further*, That not less than \$10,000,000 shall be made available for biological diversity activities, notwithstanding section 660 of the Foreign Assistance Act of 1961, of which \$2,000,000 shall be made available for the Parks in Perl project.

POPULATION, DEVELOPMENT ASSISTANCE

For necessary expenses to carry out the provisions of section 104(b), \$201,600,000: *Provided*, That none of the funds made available in this Act nor any unobligated balances from prior appropriations may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: *Provided further*, That none of the funds made available under this heading may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions; and that in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services: *Provided further*, That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: *Provided further*, That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act.

EGYPT, JORDAN, PAKISTAN, DEVELOPMENT ASSISTANCE

Of the funds appropriated under the headings "General Development Assistance" and "Population, Development Assistance", \$500,000,000 only shall be made available for Egypt, \$17,000,000 only shall be made available for Jordan, and not less than \$215,000,000 shall be made available for Pakistan.

POLAND AND HUNGARY

Notwithstanding any other provision of law, of the funds appropriated under the headings "General Development Assistance" and "Economic Support Assistance", not less than \$10,000,000 shall be made available for Poland and not less than \$5,000,000 shall be made available for Hungary, which funds shall be used in support of the private sector and other economic development programs: *Provided*, That funds made available under this heading shall remain available until September 30, 1991.

SUB-SAHARAN AFRICA, DEVELOPMENT ASSISTANCE

For necessary expenses to carry out the provisions of sections 103 through 106 and

section 121 of the Foreign Assistance Act of 1961, \$515,000,000, for assistance only for Sub-Saharan Africa, which shall be in addition to any amounts otherwise available for such purposes: *Provided*, That the authorities contained under this heading in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 (Public Law 100-461), shall be applicable to amounts appropriated under this heading until an Act authorizing assistance for such purposes for the fiscal year 1990 is enacted into law.

SOUTHERN AFRICA, DEVELOPMENT ASSISTANCE

For necessary expenses to carry out the provisions of sections 103 through 106 of the Foreign Assistance Act of 1961, \$50,000,000, which shall be made available, without regard to section 518 of this Act and section 620(q) of the Foreign Assistance Act of 1961, only to assist sector projects supported by the Southern Africa Development Coordination Conference (SADCC) to enhance the economic development of the nine member states forming that regional institution: *Provided*, That this amount shall be made available for one or more of the following sectors: transportation; manpower development; agriculture and natural resources; energy (including the improved utilization of electrical power sources which already exist in the member states and offer the potential to swiftly reduce the dependence of those states on South Africa for electricity); and industrial development and trade (including private sector initiatives): *Provided further*, That amounts made available under this heading shall be in addition to any amounts otherwise made available for such purposes and shall be in addition to amounts made available for Africa under the heading "Sub-Saharan Africa, Development Assistance": *Provided further*, That none of the funds appropriated under this heading may be made available for activities in Angola: *Provided further*, That none of the funds appropriated under this heading may be made available for activities in Mozambique unless the President certifies that it is in the national interest of the United States to do so.

ZAIRE

Funds made available for Zaire under the headings "General Development Assistance", "Population, Development Assistance", and "Sub-Saharan Africa, Development Assistance" shall be made available through private and voluntary organizations to the maximum extent practicable.

ASSISTANCE FOR DISPLACED CHILDREN

Of the aggregate of the funds appropriated by this Act to carry out part I of the Foreign Assistance Act of 1961, not less than \$3,000,000 shall be made available for programs and activities for children who have become orphans as a result of the effects of drought, civil strife, and other natural and man-made disasters: *Provided*, That assistance under this heading shall be made available in accordance with the policies and general authorities contained in section 491 of the Foreign Assistance Act of 1961.

WOMEN IN DEVELOPMENT

In recognition that the full participation of women in, and the full contribution of women to, the development process are essential to achieving economic growth, a higher quality of life, and sustainable development in developing countries, not less than \$5,000,000 of the funds appropriated by this Act to carry out part I of the Foreign Assistance Act of 1961, in addition to

funds otherwise available for such purposes, shall be used to encourage and promote the participation and integration of women as equal partners in the development process in developing countries, of which not less than \$3,000,000 shall be made available as matching funds to support the activities of the Agency for International Development's field missions to integrate women into their programs: *Provided*, That the Agency for International Development shall seek to ensure that country strategies, projects, and programs are designed so that the percentage of women participants will be demonstrably increased.

SEPARATE ACCOUNTS

If funds appropriated under the headings "General Development Assistance", "Population, Development Assistance", "Sub-Saharan Africa, Development Assistance", and "Southern Africa, Development Assistance" are made available to a foreign country as non-project sector assistance, such country shall be required to maintain these funds in a separate account and not commingle them with any other funds: *Provided*, That such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the non-project nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (H. Rept. No. 98-1159): *Provided further*, That all local currencies that may be generated with such funds shall be deposited in a special account to be used in accordance with section 609 of the Foreign Assistance Act of 1961: *Provided further*, That at least fifteen days prior to obligating any such assistance, the President shall submit a notification through the procedures contained in section 634A of the Foreign Assistance Act of 1961 to the Committees on Appropriations, the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by the assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

PRIVATE AND VOLUNTARY ORGANIZATIONS

None of the funds appropriated or otherwise made available by this Act for development assistance may be made available to any United States private and voluntary organization, except any cooperative development organization, which obtains less than 20 per centum of its total annual funding for international activities from sources other than the United States Government: *Provided*, That the requirements of the provisions of section 123(g) of the Foreign Assistance Act of 1961 and the provisions on private and voluntary organizations in title II of the "Foreign Assistance and Related Programs Appropriations Act, 1985" (as enacted in Public Law 98-473) shall be superseded by the provisions of this section.

PRIVATE SECTOR REVOLVING FUND (INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the provisions of section 108 of the Foreign Assistance Act of 1961, not to exceed \$4,611,502 to be derived by transfer from funds appropriated to carry out the provisions of chapter 1 of part I of such Act, to remain available until expended. During fiscal year 1990, obligations for assistance

from amounts in the revolving fund account under section 108 shall not exceed \$3,228,051.

During fiscal year 1990, total commitments to guarantee loans shall not exceed \$46,115,020 of contingent liability for loan principal.

AMERICAN SCHOOLS AND HOSPITALS ABROAD

For necessary expenses to carry out the provisions of section 214, \$30,000,000.

INTERNATIONAL DISASTER ASSISTANCE

For necessary expenses to carry out the provisions of section 491, \$25,000,000, to remain available until expended: *Provided*, That not less than \$500,000 of the funds appropriated under this heading may be made available for assistance for children who have become orphans as a result of natural disasters.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the "Foreign Service Retirement and Disability Fund", as authorized by the Foreign Service Act of 1980, \$40,147,000.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

For necessary expenses to carry out the provisions of section 667, \$437,000,000: *Provided*, That not more than \$21,000,000 of this amount shall be for Foreign Affairs Administrative Support.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667, \$30,000,000, which sum shall be available only for the operating expenses of the Office of the Inspector General notwithstanding section 451 or 614 of the Foreign Assistance Act of 1961 or any other provision of law: *Provided*, That up to 3 per centum of the amount made available under the heading "Operating Expenses of the Agency for International Development" may be transferred to and merged and consolidated with amounts made available under this heading: *Provided further*, That except as may be required by an emergency evacuation affecting the United States diplomatic missions of which they are a component element, none of the funds in this Act, or any other Act, may be used to relocate the overseas Regional Offices of the Inspector General to a location within the United States without the express approval of the Inspector General: *Provided further*, That the total number of positions authorized for the Office of Inspector General in Washington and overseas shall be not less than two hundred and forty at September 30, 1990.

HOUSING AND OTHER CREDIT GUARANTY PROGRAMS

During the fiscal year 1990, total commitments to guarantee loans shall not exceed \$125,000,000 of contingent liability for loan principal: *Provided*, That the President shall enter into commitments to guarantee such loans in the full amount provided under this heading, subject only to the availability of qualified applicants for such guarantees: *Provided further*, That guarantees issued under this heading shall guarantee 100 per centum of the principal and interest payable on such loans: *Provided further*, That no loans guaranteed under this heading shall be issued or held by the Federal Financing Bank: *Provided further*, That pursuant to section 223(e)(2) of the Foreign Assistance Act of 1961 borrowing authority provided therein may be exercised in such

amounts as may be necessary to retain an adequate level of contingency reserves for the fiscal year 1990.

ECONOMIC SUPPORT ASSISTANCE

For necessary expenses to carry out the provisions of chapter 4 of part II, \$2,145,000,000: *Provided*, That of the funds appropriated under this heading, not less than \$1,200,000,000 shall be available only for Israel, which sum shall be available on a grant basis as a cash transfer and shall be disbursed within thirty days of enactment of this Act or by October 31, 1989, whichever is later: *Provided further*, That not less than \$315,000,000 shall be available only for Egypt, which sum shall be provided on a grant basis, of which not more than \$115,000,000 may be provided as a cash transfer with the understanding that Egypt will undertake significant economic reforms which are additional to those which were undertaken in previous fiscal years, and not less than \$200,000,000 shall be provided as Commodity Import Program assistance: *Provided further*, That in exercising the authority to provide cash transfer assistance for Israel and Egypt, the President shall ensure that the level of such assistance does not cause an adverse impact on the total level of nonmilitary exports from the United States to each such country: *Provided further*, That it is the sense of the Congress that the recommended levels of assistance for Egypt and Israel are based in great measure upon their continued participation in the Camp David Accords and upon the Egyptian-Israeli peace treaty: *Provided further*, That of the funds appropriated under this heading and allocated for El Salvador, up to \$1,500,000 (or the equivalent in local currencies generated with funds provided to El Salvador under this heading) may be made available, notwithstanding section 660 of the Foreign Assistance Act of 1961, to assist the Government of El Salvador's Special Investigative Unit: *Provided further*, That section 534(e) of the Foreign Assistance Act of 1961 is amended by (1) striking "each of fiscal years 1988 and 1989" and inserting in lieu thereof "fiscal year 1990"; and (2) striking "September 30, 1989" and inserting in lieu thereof "September 30, 1990": *Provided further*, That not less than \$12,000,000 of the funds appropriated under this heading shall be made available for the West Bank and Gaza Program through the Asia and Near East regional program: *Provided further*, That not less than \$18,000,000 of the funds appropriated under this heading shall be made available for Jordan: *Provided further*, That not less than \$15,000,000 of the funds appropriated under this heading shall be made available for Cyprus: *Provided further*, That none of the funds appropriated under this heading shall be made available for Zaïre: *Provided further*, That prior to the initial obligation of assistance for El Salvador from funds appropriated under this heading, the President shall report to the Congress on the extent to which the Government of El Salvador has made demonstrable progress in settling outstanding expropriation claims of American citizens in compliance with the judgment of the Supreme Court of El Salvador: *Provided further*, That the total amount of assistance provided for any country in Central America under this heading and to carry out the provisions of sections 103 through 106 of the Foreign Assistance Act of 1961 shall not be reduced, from amounts allocated to such country for such purposes for fiscal year 1989, by a percentage greater than the percentage reduction from amounts allocated

for any other country in Central America for such purposes for such fiscal year: *Provided further*, That if funds made available under this heading are provided to a foreign country as cash transfer or non-project sector assistance, that country shall be required to maintain these funds in a separate account and not commingle them with any other funds: *Provided further*, That such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (H. Rept. No. 98-1159): *Provided further*, That all local currencies that may be generated with such funds shall be deposited in a special account to be used in accordance with section 609 of the Foreign Assistance Act of 1961: *Provided further*, That at least fifteen days prior to obligating any such assistance to a foreign country under this heading, the President shall submit a notification through the procedures contained in section 634A of the Foreign Assistance Act of 1961 to the Committees on Appropriations, the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by the assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance): *Provided further*, That not more than \$5,000,000 of the funds appropriated under this heading may be made available to finance tied aid credits, unless the President determines it is in the national interest to provide in excess of \$5,000,000 and so notifies the Committees on Appropriations through the regular notification procedures contained in section 634A of the Foreign Assistance Act of 1961: *Provided further*, That notwithstanding any other provision of law, none of the funds appropriated under this heading may be used for tied aid credits without the prior approval of the Administrator of the Agency for International Development: *Provided further*, That, except as provided by this Act, none of the funds appropriated under this heading by this Act or prior Foreign Operations, Export Financing, and Related Programs Appropriations Acts, shall be made available for tied aid credits in accordance with any provision of law enacted after May 19, 1988: *Provided further*, That \$2,000,000 of the funds appropriated under this heading shall be made available, notwithstanding any other provision of law, only to support Solidarity through the AFL-CIO's Free Trade Union Institute to promote democratic activities in Poland: *Provided further*, That funds made available under this heading shall remain available until September 30, 1991.

INTERNATIONAL FUND FOR IRELAND

For necessary expenses to carry out the provisions of chapter 4 of part II, \$20,000,000, which shall be available for the United States contribution to the Interna-

tional Fund for Ireland and shall be made available in accordance with the provisions of the Anglo-Irish Agreement Support Act of 1986 (Public Law 99-415): *Provided*, That such amount shall be expended at the minimum rate necessary to make timely payment for projects and activities: *Provided further*, That funds made available under this heading shall remain available until expended.

MULTILATERAL ASSISTANCE INITIATIVE FOR THE PHILIPPINES

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961, \$160,000,000, which shall be available for the Multilateral Assistance Initiative for the Philippines: *Provided*, That not less than 75 per centum of the funds appropriated under this heading shall be made available for project and sector activities consistent with the purposes of sections 103 through 106 of such Act: *Provided further*, That the President shall seek to channel through United States and indigenous private and voluntary organizations not less than 25 per centum of the total of the funds appropriated under this heading and of the funds appropriated and allocated for the Philippines to carry out sections 103 through 106 of such Act: *Provided further*, That funds made available under this heading shall remain available until September 30, 1991: *Provided further*, That none of the funds appropriated under this heading shall be made available except as provided through the regular notification procedures contained in section 634A of the Foreign Assistance Act of 1961.

INDEPENDENT AGENCIES

AFRICAN DEVELOPMENT FOUNDATION

For necessary expenses to carry out the provisions of title V of the International Security and Development Cooperation Act of 1980, Public Law 96-533, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 9104, title 31, United States Code, \$9,000,000: *Provided*, That, when, with the permission of the Foundation, funds made available to a grantee under this heading are invested pending disbursement, the resulting interest is not required to be deposited in the United States Treasury if the grantee uses the resulting interest for the purpose for which the grant was made. This provision applies with respect to both interest earned before and interest earned after the enactment of this provision: *Provided further*, That section 507(a)(1) of the African Development Foundation Act is amended by adding at the end thereof the following: "Members of the Board shall be appointed so that no more than four members of the Board are members of any one political party." *Provided further*, That the amendment to section 507(a)(1) of such Act shall not affect an appointment made to the Board prior to the date of enactment of this Act: *Provided further*, That section 511 of the African Development Foundation Act is repealed.

INTER-AMERICAN FOUNDATION

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to carry out the functions of the Inter-American Foundation in accordance with the provisions of section 401 of the Foreign Assistance Act of 1969, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 9104, title 31, United States Code, \$16,932,000.

OVERSEAS PRIVATE INVESTMENT CORPORATION

The Overseas Private Investment Corporation is authorized to make such expenditures within the limits of funds available to it and in accordance with law (including not to exceed \$35,000 for official reception and representation expenses), and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year.

During the fiscal year 1990 and within the resources and authority available, gross obligations for the amount of direct loans shall not exceed \$23,000,000.

During the fiscal year 1990, total commitments to guarantee loans shall not exceed \$189,000,000 of contingent liability for loan principal.

Except as provided in this Act, no provision of any other Act not enacted into law by May 19, 1988, shall be construed to require the exercise of authority to provide direct loans or to make commitments to guarantee loans contrary to the limitations contained under this heading.

PEACE CORPS

For expenses necessary to carry out the provisions of the Peace Corps Act (75 Stat. 612), \$163,614,000, including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States: *Provided*, That none of the funds appropriated under this heading shall be used to pay for abortions.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL

For necessary expenses to carry out the provisions of section 481 of the Foreign Assistance Act of 1961, \$115,000,000: *Provided*, That in carrying out the provisions of section 481, increased emphasis should be placed on (1) further intensifying United States efforts in the eradication and interdiction of illicit narcotics, and (2) seeking international cooperation on narcotics enforcement matters such as in the areas of extradition treaties, mutual legal assistance to combat money laundering, sharing of evidence, and other initiatives for cooperative narcotics enforcement efforts.

MIGRATION AND REFUGEE ASSISTANCE

For expenses, not otherwise provided for, necessary to enable the Secretary of State to provide, as authorized by law, a contribution to the International Committee of the Red Cross and assistance to refugees, including contributions to the Intergovernmental Committee for Migration and the United Nations High Commissioner for Refugees; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; allowances as authorized by sections 5921 through 5925 of title 5, United States Code; hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code; \$370,000,000: *Provided*, That not less than \$25,000,000 shall be available for Soviet, Eastern European and other refugees resettling in Israel: *Provided further*, That funds appropriated under this heading shall be administered in a manner that ensures equity in the treatment of all refugees receiving Federal assistance: *Provided further*, That no funds herein appropriated shall be used to assist directly in the migration to any nation in the Western Hemisphere of any person not having a security clearance based on reasonable standards to

ensure against Communist infiltration in the Western Hemisphere: *Provided further*, That of the funds appropriated under this heading not less than \$21,900,000 shall be available for Refugee Entrant Assistance: *Provided further*, That section 584(a)(1)(B) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988 (as contained in section 101(e) of Public Law 100-202), is amended by striking "during the 2-year period beginning 90 days after the date of the enactment of this Act" and inserting "during the period beginning on March 22, 1988, and ending on September 30, 1990": *Provided further*, That the sixth proviso under Migration and Refugee Assistance, Department of State, in title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 is amended by striking "before the end of the 2-year period" and inserting "before the end of the period": *Provided further*, That not more than \$8,500,000 of the funds appropriated under this heading shall be available for the administrative expenses of the Office of Refugee Programs of the Department of State.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 260(c)), \$50,000,000, to remain available until expended: *Provided*, That the funds made available under this heading are appropriated notwithstanding the provisions contained in section 2(c)(2) of the Migration and Refugee Assistance Act of 1962 which would limit the amount of funds which could be appropriated for this purpose.

ANTI-TERRORISM ASSISTANCE

For necessary expenses to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961, \$10,017,000.

Mr. OBEY (during the reading). Mr. Chairman, I ask unanimous consent that title II be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The CHAIRMAN. Are there any points of order against title II?

□ 1050

POINT OF ORDER

Mr. YATRON. Mr. Chairman, I make a point of order pursuant to clause 2(c) of rule 21 of the House against the proviso beginning on page 21, line 21 and ending on page 22, line 1.

Specifically, Mr. Chairman, I make the point of order that the language contained in such proviso changes existing law by authorizing the extension of a specific U.S. foreign assistance program enacted pursuant to section 534(e) of the Foreign Assistance Act of 1961 beyond the sunset date stipulated in existing law.

Mr. Chairman, section 1221 of H.R. 2655, the International Cooperation Act, authorizing foreign assistance programs and activities for fiscal years

1990 and 1991, extends the Administration of Justice Program contained in current law and revises the terms and conditions of the program.

Thus, Mr. Chairman, the proviso in question not only changes existing law in violation of clause 2(c) of rule 21, but is also inconsistent with the authorization legislation recently approved by the full House.

Mr. OBEY. Mr. Chairman, I concede the point of order.

The CHAIRMAN (Mr. ECKART). The point of order is conceded. Therefore, it is sustained and the proviso is stricken from the bill.

Are there any other points of order against title II?

Are there any amendments to title II?

If not, the Clerk will read.

The Clerk read as follows:

TITLE III—MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT FOREIGN MILITARY FINANCING PROGRAM OPERATING EXPENSES

For necessary expenses for the general costs of administering the military assistance program, including administrative expenses and purchase of passenger motor vehicles for replacement only for use outside of the United States, \$39,000,000.

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541, \$47,400,000: *Provided*, That none of the funds appropriated under this heading shall be made available for grant financed military education and training for any country whose annual per capita GNP exceeds \$2,349 unless that country agrees to fund from its own resources the transportation cost and living allowances of its students.

FOREIGN MILITARY FINANCING PROGRAM

For expenses necessary for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, \$4,214,404,194: *Provided*, That of the funds appropriated by this paragraph not less than \$1,800,000,000 shall be available for grants only for Israel, not less than \$1,300,000,000 shall be available for grants only for Egypt, not less than \$230,000,000 shall be available for grants only for Pakistan, and not less than \$48,000,000 shall be available for grants only for Jordan: *Provided further*, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel by this paragraph shall, as agreed by Israel and the United States, be available for advanced fighter aircraft programs or for other advanced weapons systems, as follows: (1) up to \$150,000,000 shall be available for research and development in the United States; and (2) not less than \$400,000,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development.

For expenses necessary for loans to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, \$450,000,000: *Provided*, That any funds made available by this paragraph, except as otherwise specified, may be made available at concessional rates of interest: *Provided further*, That the concessional rate of interest on Foreign Military Financing Program

loans shall be not less than 5 per centum per year: *Provided further*, That all country and funding level changes in requested concessional financing allocations shall be submitted through the regular notification procedures contained in section 634A of the Foreign Assistance Act of 1961: *Provided further*, That during fiscal year 1990, gross obligations for the principal amount of direct loans under this heading, exclusive of loan guarantee defaults, shall not exceed \$450,000,000.

Funds appropriated under this heading which are allocated to Greece and Turkey shall be provided according to a 7 to 10 ratio: *Provided*, That funds previously obligated for the Philippines under the heading "Foreign Military Credit Sales" but uncommitted on the date of enactment of this Act shall be used at any time hereafter only to finance sales made under the Arms Export Control Act: *Provided further*, That of the funds appropriated under this heading not more than \$85,000,000 shall be available for El Salvador: *Provided further*, That of the funds appropriated under this heading not more than \$9,000,000 shall be available for non-lethal assistance for Guatemala: *Provided further*, That of the funds appropriated under this heading not more than \$3,000,000 shall be available for Zaire: *Provided further*, That not more than \$687,404,194 of the funds made available under this heading shall be available for use in financing the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act to countries other than Israel and Egypt: *Provided further*, That any material assistance provided with funds appropriated under this heading for Haiti shall be limited to non-lethal items such as transportation and communications equipment and uniforms: *Provided further*, That funds made available under this heading for Haiti shall be made available only through the regular notification procedures contained in section 634A of the Foreign Assistance Act of 1961: *Provided further*, That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: *Provided further*, That the Department of Defense shall conduct during the current fiscal year nonreimbursable audits of private firms whose contracts are made directly with foreign governments and are financed with funds made available under this heading (as well as subcontractors thereunder) as requested by the Defense Security Assistance Agency: *Provided further*, That any reference in title V of this Act to "Foreign Military Credit Sales" shall be deemed to be a reference to grants and loans pursuant to the Foreign Military Financing Program under this heading.

FOREIGN MILITARY SALES DEBT REFORM

Funds made available by the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988, for obligation and expenditure after October 1, 1988, subject to a Presidential budget request, under the heading "Foreign Military Sales Debt Reform", subsection (b) "Interest Rate Reduction" shall be available, subject to the same conditions and provisos, only after October 1, 1990.

GUARANTY RESERVE FUND

If during fiscal year 1990 the funds available in the Guaranty Reserve Fund (Fund) are insufficient to enable the Secretary of Defense (Secretary) to discharge his respon-

sibilities, as guarantor of loans guaranteed pursuant to section 24 of the Arms Export Control Act (AECA) or pursuant to the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988, under the heading "Foreign Military Sales Debt Reform", the Secretary shall issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions, as may be prescribed by the Secretary of the Treasury. Such notes or obligations may be redeemed by the Secretary from appropriations and other funds available, including repayments by the borrowers of amounts paid pursuant to guarantees issued under section 24 of the AECA. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of the notes or other obligations. The Secretary of the Treasury shall purchase any notes or other obligations issued hereunder and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, and the purposes for which securities may be issued under the Second Liberty Bond Act are extended to include any purchase of such notes or obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this heading. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States.

SPECIAL DEFENSE ACQUISITION FUND

(LIMITATION ON OBLIGATIONS)

Not to exceed \$280,000,000 may be obligated pursuant to section 51(c)(2) of the Arms Export Control Act for the purposes of the Special Defense Acquisition Fund during fiscal year 1990, to remain available for obligation until September 30, 1992: *Provided*, That section 632(d) of the Foreign Assistance Act of 1961 shall be applicable to the transfer to countries pursuant to chapter 2 of part II of that Act of defense articles and defense services acquired under chapter 5 of the Arms Export Control Act.

PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551, \$33,377,000.

Mr. OBEY (during the reading). Mr. Chairman, I ask unanimous consent that title III be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The CHAIRMAN. Are there any points of order against title III?

Are there any amendments to title III?

If not, the Clerk will read.

The Clerk read as follows:

TITLE IV—EXPORT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrow-

ing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program for the current fiscal year for such corporation: *Provided*, That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country other than a nuclear-weapon State as defined in article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act that has detonated a nuclear explosive after the date of enactment of this Act.

LIMITATION ON PROGRAM ACTIVITY

During the fiscal year 1990 and within the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed \$595,000,000: *Provided*, That there are hereby appropriated \$110,000,000 to be made available for tied aid grants in accordance with section 15 of the Export-Import Bank Act of 1945, as amended, or, at the discretion of the Chairman of the Export-Import Bank, in accordance with the Trade and Development Enhancement Act of 1983, as amended: *Provided further*, That there are hereby appropriated \$20,000,000 to be made available for interest subsidy payments in accordance with the Export-Import Bank Act of 1945, as amended: *Provided further*, That none of the funds appropriated under this heading for interest subsidy payments may be used in conjunction with any loan guaranteed from authority provided under this heading: *Provided further*, That the funds made available under this heading for both grant and subsidy purposes shall be subject to the regular notification procedures of the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That \$110,000,000 of the funds made available for tied aid grant purposes shall be subject to the limitation on the gross obligations for the principal amount of direct loans specified under this heading: *Provided further*, That funds made available for grants or interest subsidy payments shall be made available only as authorized by law: *Provided further*, That during the fiscal year 1990, total commitments to guarantee loans shall not exceed \$10,384,000,000 of contingent liability for loan principal: *Provided further*, That the direct loan, tied aid grant and interest subsidy authority provided under this heading shall remain available until September 30, 1991.

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed \$22,000,000 (to be computed on an accrual basis) shall be available during fiscal year 1990 for administrative expenses, including hire of passenger motor vehicles and services as authorized by section 3109 of title 5, United States Code, and not to exceed \$16,000 for official reception and representation expenses for members of the Board of Directors: *Provided*, That (1) fees or dues to international organizations of credit institutions engaged in financing foreign trade, (2) necessary expenses (including special services performed on a contract or a fee basis, but not including other personal services) in connection with the acquisition, operation, maintenance, improvement, or disposition of any real or personal property belonging to the Export-Import Bank or in which it has an interest, includ-

ing expenses of collections of pledged collateral, or the investigation or appraisal of any property in respect to which an application for a loan has been made, and (3) expenses (other than internal expenses of the Export-Import Bank) incurred in connection with the issuance and servicing of guarantees, insurance, and reinsurance, shall be considered as nonadministrative expenses for the purposes of this heading.

FUNDS APPROPRIATED TO THE PRESIDENT

TRADE AND DEVELOPMENT PROGRAM

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, \$30,000,000: *Provided*, That except as provided in this or any other Act appropriating funds for foreign operations, export financing, and related programs, no provision of law enacted after May 19, 1988, may transfer funds to, or otherwise make available funds for, the Trade and Development Program.

AGENCY FOR INTERNATIONAL DEVELOPMENT

TRADE CREDIT INSURANCE PROGRAM

During fiscal year 1990, total commitments to guarantee or insure loans for the "Trade Credit Insurance Program" shall not exceed \$200,000,000 of contingent liability for loan principal.

Mr. OBEY (during the reading). Mr. Chairman, I ask unanimous consent that title IV be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The CHAIRMAN. Are there any points of order against title IV?

PARLIAMENTARY INQUIRY

Mr. TRAFICANT. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TRAFICANT. May I inquire, Mr. Chairman, if across-the-board cuts would be germane to title IV, they would come after the end of the bill?

The CHAIRMAN. The gentleman from Ohio is advised that his amendment would be appropriate at the end of the bill.

Are there any amendments to title IV?

If not, the Clerk will read.

The Clerk read as follows:

TITLE V—GENERAL PROVISIONS

COST BENEFIT STUDIES

Sec. 501. None of the funds appropriated in this Act (other than funds appropriated for "International Organizations and Programs") shall be used to finance the construction of any new flood control, reclamation, or other water or related land resource project or program which has not met the standards and criteria used in determining the feasibility of flood control, reclamation, and other water and related land resource programs and projects proposed for construction within the United States of America under the principles, standards and procedures established pursuant to the Water Resources Planning Act (42 U.S.C. 1962, et seq.) or Acts amendatory or supplementary thereto.

OBLIGATIONS DURING LAST MONTH OF AVAILABILITY

Sec. 502. Except for the appropriations entitled "International Disaster Assistance", and "United States Emergency Refugee and Migration Assistance Fund", not more than 15 per centum of any appropriation item made available by this Act shall be obligated during the last month of availability.

PROHIBITION AGAINST PAY TO FOREIGN ARMED SERVICE MEMBER

Sec. 503. None of the funds appropriated in this Act nor any of the counterpart funds generated as a result of assistance hereunder or any prior Act shall be used to pay pensions, annuities, retirement pay, or adjusted service compensation for any person heretofore or hereafter serving in the armed forces of any recipient country.

TERMINATION FOR CONVENIENCE

Sec. 504. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, may be used for making payments on any contract for procurement to which the United States is a party entered into after the date of enactment of this Act which does not contain a provision authorizing the termination of such contract for the convenience of the United States.

PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS

Sec. 505. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations.

PROHIBITION OF BILATERAL FUNDING FOR INTERNATIONAL FINANCIAL INSTITUTIONS

Sec. 506. None of the funds contained in title II of this Act may be used to carry out the provisions of section 209(d) of the Foreign Assistance Act of 1961.

AID RESIDENCE EXPENSES

Sec. 507. Of the funds appropriated or made available pursuant to this Act, not to exceed \$126,500 shall be for official residence expenses of the Agency for International Development during the current fiscal year: *Provided*, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

AID ENTERTAINMENT EXPENSES

Sec. 508. Of the funds appropriated or made available pursuant to this Act, not to exceed \$11,500 shall be for entertainment expenses of the Agency for International Development during the current fiscal year.

REPRESENTATIONAL ALLOWANCES

Sec. 509. Of the funds appropriated or made available pursuant to this Act, not to exceed \$115,000 shall be available for representation allowances for the Agency for International Development during the current fiscal year: *Provided*, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars: *Provided further*, That of the total funds made available by this Act under the headings "Foreign Military Financing Program Operating Expenses", and "Foreign Military Financing Program", not to exceed \$2,875 shall be available for entertainment expenses and not to exceed \$75,000 shall be available for representation allowances: *Provided further*, That of the

funds made available by this Act under the heading "International Military Education and Training", not to exceed \$125,000 shall be available for entertainment allowances: *Provided further*, That of the funds made available by this Act for the Inter-American Foundation, not to exceed \$2,875 shall be available for entertainment and representation allowances: *Provided further*, That of the funds made available by this Act for the Peace Corps, not to exceed a total of \$4,600 shall be available for entertainment expenses: *Provided further*, That of the funds made available by this Act under the heading "Trade and Development Program", not to exceed \$2,300 shall be available for representation and entertainment allowances.

PROHIBITION ON FINANCING NUCLEAR GOODS

SEC. 510. None of the funds appropriated or made available (other than funds for "International Organizations and Programs") pursuant to this Act, for carrying out the Foreign Assistance Act of 1961, may be used to finance the export of nuclear equipment, fuel, or technology.

HUMAN RIGHTS

SEC. 511. Funds appropriated by this Act may not be obligated or expended to provide assistance to any country for the purpose of aiding the efforts of the government of such country to repress the legitimate rights of the population of such country contrary to the Universal Declaration of Human Rights.

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 512. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance or reparations to Angola, Cambodia, Cuba, Iraq, Libya, the Socialist Republic of Vietnam, South Yemen, Iran, or Syria.

MILITARY COUPS

SEC. 513. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance to any country whose duly elected Head of Government is deposed by military coup or decree: *Provided*, That assistance may be resumed to such country if the President determines and reports to the Committees on Appropriations that subsequent to the termination of assistance a democratically elected government has taken office.

TRANSFERS BETWEEN ACCOUNTS

SEC. 514. None of the funds made available by this Act may be obligated under an appropriation account to which they were not appropriated.

DEOBLIGATION/REOBLIGATION AUTHORITY

SEC. 515. Amounts certified pursuant to section 1311 of the Supplemental Appropriations Act, 1955, as having been obligated against appropriations heretofore made under the authority of the Foreign Assistance Act of 1961 for the same general purpose as any of the headings under the "Agency for International Development" are, if deobligated, hereby continued available for the same period as the respective appropriations under such headings or until September 30, 1990, whichever is later, and for the same general purpose, and for countries within the same region as originally obligated: *Provided*, That the Appropriations Committees of both Houses of the Congress are notified fifteen days in advance of the deobligation and reobligation of such funds in accordance with section 634A of the Foreign Assistance Act of 1961.

PROHIBITION ON PUBLICITY OR PROPAGANDA

SEC. 516. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of enactment of this Act by the Congress.

AVAILABILITY OF FUNDS

SEC. 517. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act: *Provided*, That funds appropriated for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, shall remain available until expended if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: *Provided further*, That, notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance-of-payments or economic policy reform objectives, shall remain available until expended: *Provided further*, That, at any time after September 30, 1990, funds allocated for such purposes (including funds earmarked by this or any other Act) may be reprogrammed within the respective account in accordance with the provisions of section 523 of this Act, or, if deobligated, may be reobligated in accordance with section 515 of this Act at any time for assistance for countries in the same region as the original obligation: *Provided further*, That the report required by section 653(a) of the Foreign Assistance Act of 1961 shall designate for each country, to the extent known at the time of submission of such report, those funds allocated for cash disbursement for balance of payment and economic policy reform purposes.

LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

SEC. 518. No part of any appropriation contained in this Act shall be used to furnish assistance to any country which is in default during a period in excess of one calendar year in payment to the United States of principal or interest on any loan made to such country by the United States pursuant to a program for which funds are appropriated under this Act.

FINANCIAL INSTITUTIONS—NAMES OF BORROWERS

SEC. 519. None of the funds appropriated or made available pursuant to this Act shall be available to any international financial institution whose United States governor or representative cannot upon request obtain the amounts and the names of borrowers for all loans of the international financial institution, including loans to employees of the institution, or the compensation and related benefits of employees of the institution.

FINANCIAL INSTITUTIONS—DOCUMENTATION

SEC. 520. None of the funds appropriated or made available pursuant to this Act shall be available to any international financial institution whose United States governor or representative cannot upon request obtain any document developed by or in the possession of the management of the international financial institution, unless the United States governor or representative of the institution certifies to the Committees on Appropriations that the confidentiality of the

information is essential to the operation of the institution.

COMMERCE AND TRADE

SEC. 521. None of the funds appropriated or made available pursuant to this Act for direct assistance and none of the funds otherwise made available pursuant to this Act to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: *Provided*, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity.

SURPLUS COMMODITIES

SEC. 522. The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to oppose any assistance by these institutions, using funds appropriated or made available pursuant to this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

NOTIFICATION REQUIREMENTS

SEC. 523. For the purposes of providing the executive branch with the necessary administrative flexibility, none of the funds made available under this Act for "General Development Assistance", "Population, Development Assistance", "Sub-Saharan Africa, Development Assistance", "Southern Africa, Development Assistance", "International organizations and programs", "American schools and hospitals abroad", "Trade and development program", "International narcotics control", "Economic Support Assistance", "Peacekeeping operations", "Operating expenses of the Agency for International Development", "Operating expenses of the Agency for International Development Office of Inspector General", "Antiterrorism assistance", "Foreign Military Financing Operating Expenses", "Foreign Military Financing Program", "International military education and training", "Inter-American Foundation", "African Development Foundation", "Peace Corps", or "Migration and refugee assistance", shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operation not justified or in excess of the amount justified to the Appropriations Committees for obligation under any of these specific headings for the current fiscal year unless the Appropriations Committees of both Houses of Con-

gress are previously notified fifteen days in advance: *Provided*, That the President shall not enter into any commitment of funds appropriated for the purposes of chapter 2 of part II of the Foreign Assistance Act of 1961 or of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense items (defined as major defense equipment and comparable equipment and sensitive items), equipment, other than conventional ammunition, not previously justified to Congress or 20 per centum in excess of the quantities justified to Congress unless the Committees on Appropriations are notified fifteen days in advance of such commitment: *Provided further*, That with respect to assistance provided under chapter 1 of part I (including assistance provided from funds appropriated under the heading "Sub-Saharan Africa, Development Assistance" and "Southern Africa, Development Assistance") of the Foreign Assistance Act of 1961, the requirements of this section for notification prior to reprogramming funds shall apply only for a project, program, or activity (1) which was not justified in Congressional presentation documents for the current fiscal year and for which assistance was not furnished for the preceding fiscal year, (2) the purpose for which is significantly different from the purpose previously justified, or (3) the assistance under such chapter to be provided to a country would be in excess of the total amount allocated for such chapter in the report required by section 653(a) of the Foreign Assistance Act of 1961 or the amount justified in the Congressional presentation document, whichever is lower.

CONSULTING SERVICES

SEC. 524. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order pursuant to existing law.

PROHIBITION ON ABORTION LOBBYING

SEC. 525. None of the funds appropriated under this Act may be used to lobby for abortion.

LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 526. Notwithstanding any other provision of law or of this Act, none of the funds provided for "International Organizations and Programs" shall be available for the United States proportionate share for any programs for the Palestine Liberation Organization (or for projects whose purpose is to provide benefits to the Palestine Liberation Organization or entities associated with it), the Southwest African Peoples Organization, Libya, Iran, or, at the discretion of the President, Communist countries listed in section 620(f) of the Foreign Assistance Act of 1961, as amended: *Provided*, That, subject to the regular notification procedures contained in section 634A of the Foreign Assistance Act of 1961, funds appropriated under this Act or any previously enacted Act making appropriations for foreign operations, export financing, and related programs, which are returned or not made available for organizations and programs because of the implementation of this section or any similar provision of law, shall remain available for obligation through September 30, 1991.

UNITED NATIONS VOTING RECORD

SEC. 527. (a) IN GENERAL.—Not later than March 31 of each year, the Secretary of State shall transmit to the Speaker of the House of Representatives and the President of the Senate a full and complete annual report which assesses for the prior calendar year, with respect to each foreign country member of the United Nations, the voting practices of the governments of such countries at the United Nations, and evaluates General Assembly and Security Council actions and the responsiveness of those governments to United States policy on issues of special importance to the United States.

(b) INFORMATION ON VOTING PRACTICES IN THE UNITED NATIONS.—Such report shall include, with respect to voting practices and plenary actions in the United Nations during the preceding year, information to be compiled and supplied by the Permanent Representative of the United States to the United Nations, consisting of—

(1) an analysis and discussion, prepared in consultation with the Secretary of State, of the extent to which member countries supported United States policy objectives at the United Nations;

(2) an analysis and discussion, prepared in consultation with the Secretary of State, of actions taken by the United Nations by consensus;

(3) with respect to plenary votes of the United Nations General Assembly—

(A) a listing of all such votes on issues which directly affected important United States interests and on which the United States lobbied extensively and a brief description of the issues involved in each such vote;

(B) a listing of the votes described in subparagraph (A) which provides a comparison of the vote cast by each member country with the vote cast by the United States;

(C) a country-by-country listing of votes described in subparagraph (A); and

(D) a listing of votes described in subparagraph (A) displayed in terms of United Nations regional caucus groups;

(4) a listing of all plenary votes cast by member countries of the United Nations in the General Assembly which provides a comparison of the vote cast by each member country with the vote cast by the United States;

(5) an analysis and discussion, prepared in consultation with the Secretary of State, of the extent to which other members supported United States policy objectives in the Security Council and a separate listing of all Security Council votes of each member country in comparison with the United States; and

(6) a side-by-side comparison of agreement on important and overall votes for each member country and the United States.

(c) FORMAT.—Information required pursuant to subsection (b)(3) shall also be submitted, together with an explanation of the statistical methodology, in a format identical to that contained in chapter II of the March 14, 1988, Report to Congress on Voting Practices in the United Nations.

(d) STATEMENT BY THE SECRETARY OF STATE.—Each report under subsection (a) shall contain a statement by the Secretary of State discussing the measures which have been taken to inform United States diplomatic missions of United Nations General Assembly and Security Council activities.

(e) TECHNICAL AND CONFORMING AMENDMENTS.—The following provisions of law are repealed:

(1) The second undesignated paragraph of section 101(b)(1) of the Foreign Assistance and Related Programs Appropriations Act, 1984 (Public Law 98-151; 97 Stat. 967).

(2) Section 529 of the Foreign Assistance and Related Programs Appropriations Act, 1986, as enacted by Public Law 99-190 (99 Stat. 1307).

(3) Section 528 of the Foreign Assistance and Related Programs Appropriations Act, 1937, as enacted by Public Law 99-500 (100 Stat. 1783) and Public Law 99-591 (100 Stat. 3341).

(4) Section 528 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988, as enacted by Public Law 100-202 (101 Stat. 1329).

(5) Section 527 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988, as enacted by Public Law 100-461.

LOANS TO ISRAEL UNDER ARMS EXPORT CONTROL ACT

SEC. 528. Notwithstanding any other provision of law, Israel may utilize any loan which is or was made available under the Arms Export Control Act and for which repayment is or was forgiven before utilizing any other loan made available under the Arms Export Control Act.

PROHIBITION AGAINST UNITED STATES EMPLOYEES RECOGNIZING OR NEGOTIATING WITH PLO

SEC. 529. In reaffirmation of the 1975 memorandum of agreement between the United States and Israel, and in accordance with section 1302 of the International Security and Development Cooperation Act of 1985 (Public Law 99-83), no employee of or individual acting on behalf of the United States Government shall recognize or negotiate with the Palestine Liberation Organization or representatives thereof, so long as the Palestine Liberation Organization does not recognize Israel's right to exist, does not accept Security Council Resolutions 242 and 338, and does not renounce the use of terrorism.

ECONOMIC SUPPORT ASSISTANCE FOR ISRAEL

SEC. 530. The Congress finds that progress on the peace process in the Middle East is vitally important to United States security interests in the region. The Congress recognizes that, in fulfilling its obligations under the Treaty of Peace Between the Arab Republic of Egypt and the State of Israel, done at Washington on March 26, 1979, Israel incurred severe economic burdens. Furthermore, the Congress recognizes that an economically and militarily secure Israel serves the security interests of the United States, for a secure Israel is an Israel which has the incentive and confidence to continue pursuing the peace process. Therefore, the Congress declares that it is the policy and the intention of the United States that the funds provided in annual appropriations for Economic Support Assistance which are allocated to Israel shall not be less than the annual debt repayment (interest and principal) from Israel to the United States Government in recognition that such a principle serves United States interests in the region.

CEILINGS AND EARMARKS

SEC. 531. Ceilings and earmarks contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs.

NOTIFICATION CONCERNING AIRCRAFT IN
CENTRAL AMERICA

SEC. 532. (a) During the current fiscal year, the authorities of part II of the Foreign Assistance Act of 1961 and the Arms Export Control Act may not be used to make available any helicopters or other aircraft for military use, and licenses may not be issued under section 38 of the Arms Export Control Act for the export of any such aircraft, to any country in Central America unless the Committees on Appropriations, the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate are notified in writing at least fifteen days in advance.

(b) During the current fiscal year, the Secretary of State shall promptly notify the committees designated in subsection (a) whenever any helicopters or other aircraft for military use are provided to any country in Central America by any foreign country.

ENVIRONMENTAL CONCERNS

SEC. 533. (a) It is the policy of the United States that sustainable economic growth must be predicated on the sustainable management of natural resources. The Secretary of the Treasury shall instruct the United States Executive Directors of each multilateral development bank (MDB) to promote vigorously within each MDB the expansion of programs in areas which address the problems of global climate change through requirements to—

(1) augment and expand the professional staff of each MDB with expertise in end-use energy efficiency and conservation and renewable energy;

(2) develop methodologies which allow borrowing countries to include investments in end-use energy efficiency and renewable energy as explicit alternatives in the "least cost" energy sector investments plans they prepare with MDB assistance. Such plans shall give priority to projects and programs which support energy conservation, end-use efficiency and renewable energy sources in major economic sectors, and shall compare the economic and environmental costs of those actions with the economic and environmental costs of investments in conventional energy supplies;

(3) provide analysis for each proposed loan to support additional power generating capacity, comparing the economic and environmental costs of investments in demand reduction, including energy conservation and end-use energy efficiency, with the economic and environmental costs of the proposal;

(4) assure that systematic, detailed environmental impact assessments (EIA) of proposed energy projects are conducted early in the project cycle. Assessments should include but not be limited to—

(A) consideration of a wide range of alternatives to the proposed project, including where feasible, alternative investments in end-use energy efficiency and non-conventional renewable energy; and

(B) encouragement and adoption of policies which allow for public participation in the EIA process;

(5) include environmental costs in the economic assessment of the proposed power projects, and if possible for all projects which involve expansion of generating capacity of more than 10 MW, develop a standard increase in project cost as a surrogate for the environmental costs;

(6) encourage and promote end-use energy efficiency and renewable energy in negotiations of policy-based energy sector lending,

and MDB's should consider not proceeding with policy-based sector loans which do not contain commitments from the borrowing country to devote a significant portion of its sector investments toward energy efficiency and renewable energy;

(7) provide technical assistance as a component of all energy sector lending to help borrowing countries identify and pursue end-use energy efficiency investments. This technical assistance shall include support for detailed audits of energy use and the development of institutional capacity to promote end-use energy efficiency and conservation; and

(8) work with borrowing countries, with input from the public in both borrowing and donor countries, to develop loans for end-use energy efficiency and renewable energy, where possible "bundling" small projects into larger, more easily financed projects.

(b) The Secretary of the Treasury as a part of the annual report to the Congress shall describe in detail, progress made by each of the MDBs in adopting and implementing programs meeting the standards set out in subsection (a), including in particular—

(1) efforts by the Department of Treasury to assure implementation by each of the MDBs of programs substantially equivalent to those set out in this section, and results of such efforts;

(2) progress made by each MDB in drafting and implementing least cost energy plans for each recipient country which meets requirements outlined in subsection (a)(2);

(3) the absolute dollar amounts, and proportion of total lending in the energy sector, of loans and portions of loans, approved by each MDB in the previous year for projects or programs of end-use energy efficiency and conservation and renewable energy.

(c) Not later than April 1, 1990, the Secretary of the Treasury shall request each MDB to prepare an analysis of the impact its current forestry sector loans will have on borrowing country emissions of CO₂ and the status of proposals for specific forestry sector activities to reduce CO₂ emissions.

(d)(1) The Administrator of the Agency for International Development shall issue guidance to all Agency missions and bureaus detailing the elements of a "Global Warming Initiative" which will emphasize the need to reduce emissions of greenhouse gases, especially CO₂, through strategies consistent with their continued economic development. This initiative shall emphasize the need to accelerate sustainable development strategies in areas such as reforestation, biodiversity, end-use energy efficiency, least-cost energy planning, and renewable energy, and shall encourage mission directors to incorporate the elements of this initiative in developing their country programs.

(2) The Agency for International Development shall—

(A) increase the number and expertise of personnel devoted to end-use energy efficiency, renewable energy, and environmental activities in all bureaus and missions;

(B) devote increased resources to technical training of mission directors, in energy planning, energy conservation, end-use energy efficiency, renewable energy, reforestation, and biodiversity;

(C) accelerate the activities of the Multi-Agency Working Group on Power Sector Innovation to enable completion of case studies of at least ten countries in fiscal year 1990; and

(D) devote at least 10 percent of the resources allocated for forestry activities to the preservation and restoration (as opposed to management for extraction) of natural forests.

(3) Funds appropriated by this Act to carry out the provisions of sections 103 to 106 of the Foreign Assistance Act of 1961 may be used to reimburse the full cost of technical personnel detailed or assigned to, or contracted by, the Agency for International Development to provide expertise in the environmental sector.

PROHIBITION CONCERNING ABORTIONS AND
INVOLUNTARY STERILIZATION

SEC. 534. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations. The Congress reaffirms its commitments to Population, Development Assistance and to the need for informed voluntary family planning.

AFGHANISTAN—HUMANITARIAN ASSISTANCE

SEC. 535. Of the aggregate amount of funds appropriated by this Act, to be derived in equal parts from the funds appropriated to carry out the provisions of chapter 1 of part I of the Foreign Assistance Act of 1961, and chapter 4 of part II of that Act, \$70,000,000 may be made available for the provision of food, medicine, or other humanitarian assistance to the Afghan people, notwithstanding any other provision of law: *Provided*, That of the funds made available under this heading, \$13,500,000 only shall be made available for the United Nations Afghanistan Emergency Trust Fund, which amount shall be derived in equal parts from funds appropriated to carry out the provisions of such chapters and transferred to "International Organizations and Programs".

PRIVATE VOLUNTARY ORGANIZATIONS—
DOCUMENTATION

SEC. 536. None of the funds appropriated or made available pursuant to this Act shall be available to a private voluntary organization which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the Agency for International Development, nor shall any of the funds appropriated by this Act be made available to any private voluntary organization which is not registered with the Agency for International Development.

EL SALVADOR—INVESTIGATION OF MURDERS

Sec. 537. Of the amounts made available by this Act for military assistance and financing for El Salvador under chapters 2 and 5 of part II of the Foreign Assistance Act of 1961 and under the Arms Export Control Act, \$5,000,000 may not be expended until the President reports, following the conclusion of the Appeals process in the case of Captain Avila, to the Committees on Appropriations that the Government of El Salvador has (1) substantially concluded all investigative action with respect to those responsible for the January 1981 deaths of the two United States land reform consultants Michael Hammer and Mark Pearlman and the Salvadoran Land Reform Institute Director Jose Rodolfo Viera, (2) pursued all legal avenues to bring to trial and obtain a verdict of those who ordered and carried out the January 1981 murders, and (3) pursued all legal avenues to bring to trial those who ordered and carried out the September 1988 massacre of ten peasants near the town of San Francisco, El Salvador, and to obtain a verdict.

REFUGEE RESETTLEMENT

Sec. 538. It is the sense of the Congress that all countries receiving United States foreign assistance under the "Economic Support Assistance", "Foreign Military Financing Program", "International Military Education and Training", the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480), development assistance programs, or trade promotion programs should fully cooperate with the international refugee assistance organizations, the United States, and other governments in facilitating lasting solutions to refugee situations. Further, where resettlement to other countries is the appropriate solution, such resettlement should be expedited in cooperation with the country of asylum without respect to race, sex, religion, or national origin.

IMMUNIZATIONS FOR CHILDREN

Sec. 539. The Congress calls upon the President to direct the Agency for International Development, working through the Centers for Disease Control and other appropriate Federal agencies, to work in a global effort to provide enhanced support toward achieving the goal of universal access to childhood immunization by 1990.

ETHIOPIA—FORCED RESETTLEMENT, VILLAGIZATION

Sec. 540. None of the funds appropriated in this Act shall be made available for any costs associated with the Government of Ethiopia's forced resettlement or villagization programs.

SUDAN, SOMALIA, LEBANON, LIBERIA, AND ZAIRE NOTIFICATION REQUIREMENTS

Sec. 541. None of the funds appropriated in this Act shall be obligated or expended for Sudan, Liberia, Lebanon, Zaire, or Somalia except as provided through the regular notification procedures contained in section 634A of the Foreign Assistance Act of 1961.

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

Sec. 542. For the purpose of this Act, "program, project, and activity" shall be defined at the Appropriations Act account level and shall include all Appropriations and Authorizations Acts earmarks, ceilings, and limitations with the exception that for the following accounts: Economic Support Assistance; Military Assistance; and Foreign Military Financing Program, "program, project, and activity" shall also be consid-

ered to include country, regional, and central program level funding within each such account; for the development assistance accounts of the Agency for International Development "program, project, and activity" shall also be considered to include central program level funding, either as (1) justified to the Congress, or (2) allocated by the executive branch in accordance with a report, to be provided to the Committees on Appropriations within thirty days of enactment of this Act, as required by section 653(a) of the Foreign Assistance Act of 1961, as amended.

CHILD SURVIVAL AND AIDS ACTIVITIES

Sec. 543. Of the funds made available by this Act for assistance for health, child survival, and AIDS, up to \$6,000,000 may be used to reimburse United States Government agencies, agencies of State governments, and institutions of higher learning for the full cost of employees detailed or assigned, as the case may be, to the Agency for International Development for the purpose of carrying out child survival activities and activities relating to research on, and the treatment and control of, acquired immune deficiency syndrome in developing countries: *Provided*, That personnel who are detailed or assigned for the purposes of this section shall not be included within any personnel ceiling applicable to any United States Government agency during the period of detail or assignment.

CHILE—LOANS FROM MULTILATERAL DEVELOPMENT INSTITUTIONS

Sec. 544. (a) It is the sense of Congress that pursuant to section 701 of the International Financial Institutions Act of 1977, the United States Government should oppose all loans to Chile from international financial institutions, except for those for basic human needs, until—

(1) the Government of Chile has ended its practice and pattern of gross abuse of internationally recognized human rights;

(2) significant steps have been taken by the Government of Chile to restore democracy, including—

(A) the implementation of political reforms which are essential to the development of democracy, such as the legalization of political parties, the enactment of election laws, the establishment of freedom of speech and the press, and the fair and prompt administration of justice; and

(B) a precise and reasonable timetable has been established for the transition to democracy.

(b) Except for programs under section 534(b) (4) or (6) of the Foreign Assistance Act of 1961 to support the efforts of private groups and individuals seeking to develop a national consensus on the importance of an independent judiciary and the administration of justice generally in a democratic society, assistance for which programs may be made available notwithstanding section 726 of the International Security and Development Cooperation Act of 1981, none of the funds made available by this Act for "Economic Support Assistance" or for title III shall be obligated or expended for Chile.

COMMODITY COMPETITION

Sec. 545. None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar

commodity grown or produced in the United States: *Provided*, That this section shall not prohibit:

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact in the export of agricultural commodities of the United States; or

(2) research activities intended primarily to benefit American producers.

PROHIBITION OF FUNDING RELATED TO COMPETITION WITH UNITED STATES EXPORTS

Sec. 546. None of the funds provided in this Act to the Agency for International Development, other than funds made available to carry out Caribbean Basin Initiative programs under the Tariff Schedules of the United States, section 1202 of title 19, United States Code, schedule 8, part I, subpart B, item 807.00, shall be obligated or expended—

(1) to procure directly feasibility studies or prefeasibility studies for, or project profiles of potential investment in, the manufacture, for export to the United States or to third country markets in direct competition with United States exports, of import-sensitive articles as defined by section 503(c)(1) (A) and (E) of the Tariff Act of 1930 (19 U.S.C. 2463(c)(1) (A) and (E)); or

(2) to assist directly in the establishment of facilities specifically designed for the manufacture, for export to the United States or to third country markets in direct competition with United States exports, of import-sensitive articles as defined in section 503(c)(1) (A) and (E) of the Tariff Act of 1930 (19 U.S.C. 2463(c)(1) (A) and (E)).

PROHIBITION AGAINST INDIRECT FUNDING TO CERTAIN COUNTRIES

Sec. 547. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated to finance indirectly any assistance or reparations to Angola, Cambodia, Cuba, Iraq, Libya, the Socialist Republic of Vietnam, South Yemen, Iran, or Syria unless the President of the United States certifies that the withholding of these funds is contrary to the national interest of the United States.

ASSISTANCE FOR LIBERIA

Sec. 548. (a) During fiscal year 1990, in determining whether to furnish economic support assistance and foreign military financing under the Foreign Assistance Act of 1961 to Liberia, the President shall take into account whether the Government of Liberia—

(1) has demonstrated its commitment to economic reform, including taking steps to fundamentally change the current financial practice of making extra-budgetary expenditures, including steps to channel the revenues from such major sources as the Liberia Petroleum Refinery Corporation and the Forestry Development Authority through the normal budgetary process; and

(2) has taken significant steps to increase respect for internationally recognized human rights including—

(A) the removal of all restrictions on the right of political parties to operate freely;

(B) the lifting of restrictions on freedom of the press; and

(C) the restoration of an independent judiciary.

RECIPROCAL LEASING

Sec. 549. Section 61(a) of the Arms Export Control Act is amended by striking out "1989" and inserting in lieu thereof "1990".

LIMITATION ON DEFENSE EQUIPMENT DRAWDOWN

SEC. 550. Defense articles, services and training drawn down under the authority of section 506(a) of the Foreign Assistance Act of 1961, shall not be furnished to a recipient unless such articles are delivered to, and such services and training initiated for, the recipient country or international organization not more than one hundred and twenty days from the date on which Congress received notification of the intention to exercise the authority of that section: *Provided*, That if defense articles have not been delivered or services and training initiated by the period specified in this section, a new notification pursuant to section 506(b) of such Act shall be provided, which shall include an explanation for the delay in furnishing such articles, services, and training, before such articles, services, or training may be furnished.

NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

SEC. 551. Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as are other committees pursuant to subsection (c) of that section: *Provided*, That such Committees shall also be informed of the original acquisition cost of such defense articles.

AUTHORIZATION REQUIREMENT

SEC. 552. Funds appropriated by this Act may not be obligated unless an Act authorizing the appropriation of such funds has been enacted.

NOTIFICATION CONCERNING EL SALVADOR

SEC. 553. (a) The Congress expects that—
(1) the Government of El Salvador and the armed opposition forces and their political representatives will be willing to pursue a dialog for the purposes of achieving an equitable political settlement of the conflict, including free and fair elections;

(2) the elected civilian government will be in control of the Salvadoran military and security forces, and those forces will comply with applicable rules of international law and with Presidential directives pertaining to the protection of civilians during combat operations, including Presidential directive C-111-03-984 (relating to aerial fire support);

(3) the Government of El Salvador will make demonstrated progress, during the period covered by each report pursuant to subsection (b), in ending the activities of the death squads;

(4) the Government of El Salvador will make demonstrated progress, during the period covered by each report pursuant to subsection (b), in establishing an effective judicial system; and

(5) the Government of El Salvador will make demonstrated progress, during the period covered by each report pursuant to subsection (b), in implementing the land reform program.

(b) *REPORTS*.—On April 1, 1990, and September 30, 1990, the President shall report to the Speaker of the House of Representatives, the Committees on Appropriations and the chairman of the Committee on Foreign Relations of the Senate on the extent to which the objectives described in subsection (a) are being met. With respect to the objective described in paragraph (4) of that subsection, each report shall specify the status of all cases presented to the Salvadoran courts involving human rights violations

against civilians by members of the Salvadoran security forces, including military officers and other military personnel and civil patrolmen.

NOTIFICATION TO CONGRESS ON DEBT RELIEF AGREEMENTS

SEC. 554. The Secretary of State shall transmit to the Appropriations Committees of the Congress and to such other Committees as appropriate, a copy of the text of any agreement with any foreign government which would result in any debt relief no less than thirty days prior to its entry into force, other than one entered into pursuant to this Act, together with a detailed justification of the interest of the United States in the proposed debt relief: *Provided*, That the term "debt relief" shall include any and all debt prepayment, debt rescheduling, and debt restructuring proposals and agreements.

MIDDLE EAST REGIONAL COOPERATION AND ISRAELI-ARAB SCHOLARSHIPS

SEC. 555. (a) Middle East regional cooperative programs which have been carried out in accordance with section 202(c) of the International Security and Development Cooperation Act of 1985 shall continue to be funded at a level of not less than \$7,000,000 from funds appropriated under the heading "Economic Support Assistance".

(b) Of the funds made available under the heading "Economic Support Assistance", \$5,000,000 shall be available only for a grant to assist in capitalizing an endowment whose income will be used for scholarships to enable Israeli Arabs to attend institutions of higher education in the United States: *Provided*, That such endowment and scholarship program shall be administered by an organization located in the United States: *Provided further*, That a grant may be made to capitalize such endowment only if private sector contributions of at least \$5,000,000 have been made by September 30, 1990, to assist in capitalizing the endowment: *Provided further*, That if the requirement for private sector contributions is not met, funds earmarked for the purpose of the endowment shall be reprogrammed within the Economic Support Assistance account.

MEMBERSHIP DESIGNATION IN ASIAN DEVELOPMENT BANK

SEC. 556. It is the sense of the Congress that the United States Government should use its influence in the Asian Development Bank to secure reconsideration of that institution's decision to designate Taiwan (the Republic of China) as "Taipei, China". It is further the sense of the Congress, that the Asian Development Bank should resolve this dispute in a fashion that is acceptable to Taiwan (the Republic of China).

DEPLETED URANIUM

SEC. 557. None of the funds provided in this or any other Act may be made available to facilitate in any way the sale of M-833 antitank shells or any comparable antitank shells containing a depleted uranium penetrating component to any country other than (1) countries which are members of NATO, (2) countries which have been designated as a major non-NATO ally for purposes of section 1105 of the National Defense Authorization Act for Fiscal Year 1987 or, (3) Pakistan.

EARMARKS

SEC. 558. Funds appropriated by this Act which are earmarked may be reprogrammed for other programs within the same account notwithstanding the earmark if compliance with the earmark is made impossible by op-

eration of any provision of this or any other Act or, with respect to a country with which the United States has an agreement providing the United States with base rights or base access in that country, if the President determines that the recipient for which funds are earmarked has significantly reduced its military or economic cooperation with the United States since enactment of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989; however, before exercising the authority of this section with regard to a base rights or base access country which has significantly reduced its military or economic cooperation with the United States, the President shall consult with, and shall provide a written policy justification to the Committees on Appropriations: *Provided*, That any such reprogramming shall be subject to the regular notification procedures contained in section 634A of the Foreign Assistance Act of 1961: *Provided further*, That assistance that is reprogrammed pursuant to this section shall be made available under the same terms and conditions as originally provided.

HAITI

SEC. 559. (a) *SUSPENSION OF ASSISTANCE*.—During fiscal year 1990, none of the funds made available by this Act or by any other Act or joint resolution may be obligated or expended to provide United States assistance (including any such assistance appropriated and previously obligated) for Haiti (other than the assistance described in subsection (b) of this section) unless the Government of Haiti has embarked upon a credible transition to democracy—

(1) by restoring the 1987 Constitution;
(2) by appointing a genuinely independent electoral commission to conduct free, fair, and open elections as soon as possible at all levels, and by giving that commission adequate support; and
(3) by taking adequate steps to provide electoral security.

(b) *EXCEPTIONS*.—The term "United States assistance" does not include—

(1) assistance, provided through private and voluntary organizations or other non-governmental agencies, to meet humanitarian and developmental needs or to promote respect for human rights and the transition to democracy;

(2) disaster relief assistance (including any assistance under chapter 9 of part I of the Foreign Assistance Act of 1961);

(3) assistance for refugees;

(4) assistance under the Inter-American Foundation Act; the Peace Corps Act; and under title IV, chapter 2 of part I, of the Foreign Assistance Act of 1961 (relating to the Overseas Private Investment Corporation);

(5) assistance necessary for the continued financing of education for Haitians in the United States;

(6) assistance provided in order to enable the continuation of migrant and narcotics interdiction operations;

(7) assistance to a genuinely independent electoral commission that is responsible for the holding of elections consistent with the 1987 Constitution; or

(8) assistance for the prevention of HIV infection and the control of Haiti's AIDS epidemic and for family planning assistance.

(c) *NOTIFICATIONS*.—None of the funds appropriated in this Act shall be obligated or expended for Haiti except as provided through the regular notification procedures

contained in section 634A of the Foreign Assistance Act of 1961.

(d) **DETERMINATION.**—Funds may be obligated and expended notwithstanding subsection (a) if the President determines that it is in the national interest of the United States to do so.

ASSISTANCE FOR PANAMA

SEC. 560. (a) Unless the President certifies to Congress that—

(1) the Government of Panama has demonstrated substantial progress in assuring civilian control of the armed forces and that the Panama Defense Forces and its leaders have been removed from nonmilitary activities and institutions;

(2) an impartial investigation into allegations of illegal actions by members of the Panama Defense Force is being conducted;

(3) a satisfactory agreement has been reached between the governing authorities and representatives of the opposition forces on conditions for free and fair elections; and

(4) freedom of the press and other constitutional guarantees, including due process of law, are being restored to the Panamanian people;

then no United States assistance (including any such assistance appropriated and previously obligated) shall be obligated or expended for programs, projects, or activities which assist or lend support for the Noriega regime, or ministries of government under the control of the Noriega regime, or any successor regime that does not meet the criteria specified in subsection (a) of this section in this fiscal year and any fiscal year thereafter, and none of the funds appropriated or otherwise made available in this Act, or any other Act, shall be used to finance any participation of the United States in joint military exercises conducted in Panama during the fiscal year 1990.

(b) It is the sense of the Congress that if the conditions described in paragraphs (1) through (4) of subsection (a) have been certified as having been met, then not only will United States assistance be restored, but increased levels of such assistance should be considered for Panama.

(c) For purposes of this section, the term "United States assistance" means assistance of any kind which is provided by grant, sale, loan, lease, credit, guaranty, or insurance, or by any other means, by any agency or instrumentality of the United States Government, including—

(1) assistance under the Foreign Assistance Act of 1961 (including programs under title IV of chapter 2 of part I of such Act);

(2) sales, credits, and guarantees under the Arms Export Control Act;

(3) sales under title I or III and donations under title II of the Agricultural Trade Development and Assistance Act of 1954 of nonfood commodities;

(4) other financing programs of the Commodity Credit Corporation for export sales of nonfood commodities;

(5) financing under the Export-Import Bank Act of 1945; and

(6) assistance provided by the Central Intelligence Agency or assistance provided by any other entity or component of the United States Government if such assistance is carried out in connection with, or for purposes of conducting, intelligence or intelligence-related activities except that this shall not include activities undertaken solely to collect necessary intelligence;

except that the term "United States assistance" does not include (A) assistance under chapter 1 of part I of the Foreign Assistance

Act of 1961 insofar as such assistance is provided through private and voluntary organizations or other nongovernmental agencies, (B) assistance which involves the donations of food or medicine, (C) disaster relief assistance (including any assistance under chapter 9 of part I of the Foreign Assistance Act of 1961), (D) assistance for refugees, (E) assistance under the Inter-American Foundation Act, (F) assistance necessary for the purpose of continuing participant training programs (including scholarships) already being supported as of the date of any prohibition of assistance otherwise applicable to Panama, or (G) assistance made available for termination costs arising from the requirements of this section.

(d) The Secretary of the Treasury shall instruct the United States Executive Directors to the International Financial Institutions (the International Bank for Reconstruction and Development, the International Finance Corporation, and the Inter-American Development Bank) to vote against any loan to Panama, unless the President has certified in advance that the conditions set forth in subsection (a) of this section have been met.

ELIMINATION OF THE SUGAR QUOTA ALLOCATION OF PANAMA

SEC. 561. (a) **IN GENERAL.**—Notwithstanding any other provision of law, no sugars, sirups, or molasses that are products of Panama may be imported into the United States after the date of enactment of this Act during any period for which a limitation is imposed by authorities provided under any other law on the total quantity of sugars, sirups, and molasses that may be imported into the United States: *Provided*, That such products may be imported after the beginning of the last week of any quota year if the President certifies that for the entire duration of the quota year, freedom of the press and other constitutional guarantees, including due process of law, have been restored to the Panamanian people.

(b) **REALLOCATION OF QUOTA AMOUNTS.**—For any quota year for which the President does not certify for the entire duration of the quota year, freedom of the press and all other constitutional guarantees, including due process of law, have been restored to the Panamanian people, no later than the last week of such quota year, the United States Trade Representative shall reallocate among other foreign countries (but, primarily, among the English-speaking countries of the Caribbean and countries in Latin America that recently have had free and fair elections) the quantity of sugar, sirup, and molasses products of Panama that could have been imported into the United States before the date of enactment of this Act under any limitation imposed by other law on the total quantity of sugars, sirups, and molasses that may be imported into the United States during any period: *Provided*, That no one country may receive more than 20 per centum of such reallocation.

(c) **CERTIFICATION.**—The provisions of subsections (a) and (b), and the amendments made by subsection (c) of section 571 of the Foreign Operations, Export Financing, and Related Programs, Appropriations Act, 1988, shall cease to apply if the President certifies to Congress pursuant to section 564(a) of this Act.

OPPOSITION TO ASSISTANCE TO TERRORIST COUNTRIES BY INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 562. (a) **INSTRUCTIONS FOR UNITED STATES EXECUTIVE DIRECTORS.**—The Secre-

tary of the Treasury shall instruct the United States Executive Director of each international financial institution to vote against any loan or other use of the funds of the respective institution to or for a country for which the Secretary of State has made a determination under section 6(j) of the Export Administration Act of 1979.

(b) **DEFINITION.**—For purposes of this section, the term "international financial institution" includes—

(1) the International Bank for Reconstruction and Development, the International Development Association, and the International Monetary Fund; and

(2) wherever applicable, the Inter-American Development Bank, the Asian Development Bank, the African Development Bank, and the African Development Fund.

PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST COUNTRIES

SEC. 563. (a) Notwithstanding any other provision of law, funds appropriated for bilateral assistance under any heading of this Act and funds appropriated under any such heading in a provision of law enacted prior to fiscal year 1990, shall not be made available to any country which the President determines—

(1) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism; or

(2) otherwise supports international terrorism.

(b) The President may waive the application of subsection (a) to a country if the President determines that national security or humanitarian reasons justify such waiver. The President shall publish each waiver in the Federal Register and, at least fifteen days before the waiver takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures contained in section 634A of the Foreign Assistance Act of 1961.

DETENTION OF CHILDREN

SEC. 564. It is the sense of the Congress that the practice of detaining children without charge or trial is unjust, inhumane, and is an affront to civilized principles. The Congress further believes that it should be the policy of the United States to make the ending of the practice of detaining children without charge or trial a matter of the highest priority. Therefore, the Congress believes the Secretary of State should convey to all international organizations that ending the practice of detaining children without charge or trial should be a policy of the highest priority for those organizations.

MILITARY ASSISTANCE TO MOZAMBIQUE

SEC. 565. Notwithstanding any other provision of law, none of the funds appropriated or otherwise made available pursuant to this Act may be used to provide military assistance to Mozambique.

HONDURAS—RAMIREZ CASE

SEC. 566. It is the sense of the Congress that, pursuant to the procedures contained in section (j) under the heading "Assistance for Central America" enacted in Public Law 100-71, the Honduran Government appears to have made a reasonable and good faith settlement offer based on a factual analysis by third parties, and the owner of the property in question is strongly encouraged to accept the proposed settlement. Therefore, notwithstanding the provisions of such section, \$5,000,000 of the Economic Support Assistance funds made available by Public

Law 100-71 for Honduras but withheld from expenditure shall be available for expenditure upon enactment of this Act: *Provided*, That if a settlement is reached on the property in question, then the additional \$10,000,000 withheld from expenditure pursuant to such section shall then be available for expenditure.

SOUTH AFRICA—SCHOLARSHIPS

SEC. 567. Of the funds made available by this Act under the heading "Economic Support Assistance", not less than \$10,000,000 shall be made available for scholarships for disadvantaged South Africans.

NARCOTICS CONTROL PROGRAM

SEC. 568. (a)(1) Of the funds appropriated by this Act under the heading "Economic Support Assistance" \$69,000,000 may be made available for Bolivia, Ecuador, Jamaica, and Peru.

(2) Of the funds appropriated by this Act under the heading "Foreign Military Financing Program", \$35,000,000 may be made available for Bolivia, Ecuador, Jamaica, and Colombia.

(3) Of the funds appropriated by this Act under the heading "Foreign Military Financing Program", \$3,500,000 shall be made available in accordance with the general authorities contained in section 481(a) of the Foreign Assistance Act of 1961, only for the procurement of weapons or ammunition for foreign law enforcement agencies, and paramilitary units organized for the specific purposes of narcotics enforcement, for use in narcotics control, eradication, and interdiction efforts, notwithstanding section 482(b) of such Act: *Provided*, That funds made available under this paragraph shall be made available only for Bolivia, Peru, Colombia, Ecuador, and shall be in addition to amounts earmarked for the countries contained in paragraph (2) of this subsection.

(4) Of the funds appropriated by this Act to carry out the provisions of section 481 of the Foreign Assistance Act of 1961, not less than \$500,000 shall be made available to finance the testing and use of safe and effective herbicides for use in the aerial eradication of coca.

(5) Of the funds appropriated by this Act under the heading "Foreign Military Financing Program", \$1,000,000 shall be made available to arm, for defensive purposes, aircraft used in narcotics control, eradication or interdiction efforts: *Provided*, That such funds may only be used to arm aircraft already in the inventory of the recipient country, and may not be used for the purchase of new aircraft.

(6)(A) Of the funds appropriated by this Act to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, up to \$2,000,000 may be made available for Bolivia, Peru, Colombia, and Ecuador, notwithstanding section 660 of such Act, for—

(i) education and training in the operation and maintenance of equipment used in narcotics control interdiction and eradication efforts; and

(ii) the expenses of deploying, upon the request of the government of such foreign country, Department of Defense mobile training teams in that foreign country to conduct training in military-related individual and collective skills that will enhance that country's ability to conduct tactical operations in narcotics interdiction.

(B) Education and training under this paragraph may be provided only for foreign law enforcement agencies, or other units, that are organized for the specific purpose of narcotics enforcement.

(7) Funds made available under this subsection shall be available for obligation consistent with the provisions of section 481(h) of the Foreign Assistance Act of 1961 (relating to International Narcotics Control) except as provided in paragraph (3) of this subsection.

(b) None of the funds appropriated or otherwise made available under this Act may be available for any country during any three-month period beginning on or after October 1, 1989, immediately following a certification by the President to the Congress that the government of such country is failing to take adequate measures (including satisfying the goals agreed to in applicable bilateral narcotics agreements as defined in section 481(h)(2)(A)(ii) of the Foreign Assistance Act of 1961) to prevent narcotic drugs or other controlled substances (as listed in the schedules in section 202 of the Comprehensive Drug Abuse and Prevention Control Act of 1971 (21 U.S.C. 812)) which are cultivated, produced, or processed illicitly, in whole or in part, in such country, or transported through such country from being sold illegally within the jurisdiction of such country to United States Government personnel or their dependents or from entering the United States unlawfully.

(c) In making determinations with respect to Bolivia, Colombia, Ecuador, and Peru pursuant to section 481(h)(2)(A)(i)(I) of the Foreign Assistance Act of 1961, the President shall take into account the extent to which the Government of each country is sufficiently responsive to United States Government concerns on coca control and whether the provision of assistance for that country is in the national interest of the United States.

(d)(1) If any funds made available for any fiscal year for security assistance are not used for assistance for the country for which those funds were allocated because of any provision of law requiring the withholding of assistance for countries that have not taken adequate steps to halt illicit drug production or trafficking, the President shall use those funds for additional assistance for those countries which have met their illicit drug eradication targets or have otherwise taken significant steps to halt illicit drug production or trafficking, as follows:

(A) Those funds may be transferred to and consolidated with the funds made available to carry out section 481 of the Foreign Assistance Act of 1961 in order to provide additional narcotics control assistance for those countries. Funds transferred under this paragraph may only be used to provide increased funds for activities previously justified to the Congress. Transfers may be made under this paragraph without regard to the 20-percent increase limitation contained in section 610 of the Foreign Assistance Act.

(B) Any such funds not used under subparagraph (1) shall be reprogrammed within the account for which they were appropriated (subject to the regular reprogramming procedures of the Committees on Appropriations) in order to provide additional security assistance for those countries.

(2) As used in this section, the term "security assistance" means economic support assistance, foreign military financing, and international military education and training.

(e) Of the funds appropriated under title II of this Act for the Agency for International Development, up to \$10,000,000 should be made available for narcotics edu-

cation and awareness programs (including public diplomacy programs), of the Agency for International Development, and \$40,000,000 of the funds appropriated under title II of this Act should be made available for narcotics related economic assistance activities.

(f) In order to maximize the participation of other countries in the effort to promote international narcotics control, the Secretary of State is directed to urge the United Nations Fund for Drug Abuse Control to develop a more comprehensive program for enlisting greater multilateral support for coca control programs and related development activities in South America.

TURKISH AND GREEK MILITARY FORCES ON CYPRUS

SEC. 569. Any agreement for the sale or provision of any article on the United States Munitions List (established pursuant to section 38 of the Arms Export Control Act) entered into by the United States after the enactment of this section shall expressly state that the article is being provided by the United States only with the understanding that it will not be transferred to Cyprus or otherwise used to further the severance or division of Cyprus. The President shall report to Congress any substantial evidence that equipment provided under any such agreement has been used in a manner inconsistent with the purposes of this section.

COMMERCIAL LEASING OF DEFENSE ARTICLES

SEC. 570. Notwithstanding any other provision of law, and subject to the regular notification requirements of the Committees on Appropriations, the authority of section 23(a) of the Arms Export Control Act may be used to provide financing to Israel and Egypt and NATO and major non-NATO allies for the procurement by leasing (including leasing with an option to purchase) of defense articles from United States commercial suppliers, not including Major Defense Equipment (other than helicopters and other types of aircraft having possible civilian application), if the President determines that there are compelling foreign policy or national security reasons for those defense articles being provided by commercial lease rather than by government-to-government sale under such Act.

CAMBODIAN NONCOMMUNIST RESISTANCE FORCES

SEC. 571. If the President makes available funds appropriated by this Act for the Cambodian non-Communist resistance forces, not to exceed \$7,000,000 may be made available for such purpose, and such funds shall be derived from funds appropriated under the headings "Foreign Military Financing Program" and "Economic Support Assistance", and shall be made available notwithstanding any other provision of law: *Provided*, That funds made available for this purpose shall be obligated in accordance with the provisions of section 906 of the International Security and Development Cooperation Act of 1985 (Public Law 99-83): *Provided further*, That, to the maximum extent possible, all funds made available under the authority of this section shall be administered directly by the United States Government.

COMPETITIVE INSURANCE

SEC. 572. All Agency for International Development contracts and solicitations, and subcontracts entered into under such contracts, shall include a clause requiring that United States marine insurance companies have a fair opportunity to bid for marine in-

insurance when such insurance is necessary or appropriate.

PAY RAISES

SEC. 573. Such sums as may be necessary for fiscal year 1990 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

IRELAND

SEC. 574. It is the sense of the Congress that of the funds appropriated or otherwise made available for the International Fund for Ireland, the Board of the International Fund for Ireland should give great weight in the allocation of such funds to projects which will create permanent, full-time jobs in the areas that have suffered most severely from the consequences of the instability of recent years. Areas that have suffered most severely from the consequences of the instability of recent years shall be defined as areas that have high rates of unemployment.

ASSISTANCE TO AFGHANISTAN

SEC. 575. Funds appropriated by this Act may not be made available, directly or for the United States proportionate share of programs funded under the heading "International Organizations and Programs", for assistance to be provided inside Afghanistan if that assistance would be provided through the Soviet-controlled government of Afghanistan. This section shall not be construed as limiting the United States contributions to international organizations for humanitarian assistance.

DISADVANTAGED ENTERPRISES

SEC. 576. (a) Except to the extent that the Administrator of the Agency for International Development of the Foreign Assistance Act of 1961 determines otherwise, not less than 10 percent of the aggregate amount made available for the fiscal year 1990 for development assistance and assistance for famine recovery and development in Africa shall be made available only for activities of United States organizations and individuals that are—

- (1) business concerns owned and controlled by socially and economically disadvantaged individuals,
 - (2) historically black colleges and universities,
 - (3) colleges and universities having a student body in which more than 40 percent of the students are Hispanic American, and
 - (4) private voluntary organizations which are controlled by individuals who are socially and economically disadvantaged.
- (b)(1) In addition to other actions taken to carry out this section, the actions described in paragraphs (2) through (5) shall be taken with respect to development assistance and assistance for famine recovery and development in Africa for fiscal year 1990.

(2) Notwithstanding any other provision of law, in order to achieve the goals of this section, the Administrator—

(A) to the maximum extent practicable, shall utilize the authority of section 8(a) of the Small Business Act (15 U.S.C. 637(a));

(B) to the maximum extent practicable, shall enter into contracts with small business concerns owned and controlled by socially and economically disadvantaged individuals—

(i) using less than full and open competitive procedures under such terms and conditions as the Administrator deems appropriate, and

(ii) using an administrative system for justifications and approvals that, in the Administrator's discretion, may best achieve the purpose of this section; and

(C) shall issue regulations to require that any contract in excess of \$500,000 contain a provision requiring that no less than 10 percent of the dollar value of the contract be subcontracted to entities described in subsection (a), except—

(i) to the extent the Administrator determines otherwise on a case-by-case or category-of-contract basis; and

(ii) this subparagraph does not apply to any prime contractor that is an entity described in subsection (a).

(3) Each person with contracting authority who is attached to the agency's headquarters in Washington, as well as all agency missions and regional offices, shall notify the agency's Office of Small and Disadvantaged Business Utilization at least 7 business days before advertising a contract in excess of \$100,000, except to the extent that the Administrator determines otherwise on a case-by-case or category-of-contract basis.

(4) The Administrator shall include, as part of the performance evaluation of any mission director of the agency, the mission director's efforts to carry out this section.

(5) The Administrator shall submit to the Congress annual reports on the implementation of this section. Each such report shall specify the number and dollar value or amount (as the case may be) of prime contracts, subcontracts, grants, and cooperative agreements awarded to entities described in subsection (a) during the preceding fiscal year.

(6) The Administrator shall issue interim regulations to carry out this section within ninety days after the date of the enactment of this Act and final regulations within one hundred and eighty days after that date.

(c) As used in this section, the term "socially and economically disadvantaged individuals" has the same meaning that term is given for purposes of section 133(c)(5) of the International Development and Food Assistance Act of 1977, except that the term includes women.

PROHIBITION ON LEVERAGING AND DIVERSION OF UNITED STATES ASSISTANCE

SEC. 577. (a) None of the funds appropriated by this Act may be obligated or expended for the purpose of furthering any military or foreign policy activity which is contrary to United States law.

(b) None of the funds appropriated by this Act may be used to solicit the provision of funds by any foreign government (including any instrumentality or agency thereof), foreign person, or United States person, for the purpose of furthering any military or foreign policy objective contrary to United States law.

(c) Nothing in this section shall be interpreted as in any way interfering with assistance being provided for the voluntary reintegration or relocation of members of the Nicaraguan Resistance consistent with the Bipartisan Accord on Central America of March 24, 1989, or pursuant to a regional peace agreement.

APPROPRIATIONS OF EXCESS CURRENCIES

SEC. 578. The provisions of section 1306 of title 31, United States Code, shall not be waived to carry out the provisions of the Foreign Assistance Act of 1961 by any provision of law enacted after the date of enactment of this Act unless such provision makes specific reference to this section.

INTEREST ON LOCAL CURRENCIES

SEC. 579. A nongovernmental organization may invest local currencies which accrue to that organization as a result of economic as-

sistance provided under the heading "Agency for International Development" and any interest earned on such investment may be used for the purpose for which the assistance was provided to that organization.

LEBANON

SEC. 580. Of the funds appropriated by this Act under the headings "General Development Assistance", "Population, Development Assistance", and "Economic Support Assistance", not less than \$7,500,000 shall be made available for Lebanon.

JOB-RELATED CRIMES

SEC. 581. Section 1106(8) of the Foreign Service Act of 1980 is amended by inserting at the end thereof the following sentence: "Notwithstanding the first sentence of this paragraph, the Board's authority to suspend such action shall not extend to instances where the Secretary, or his designee, has reasonable cause to believe that a grievant has committed a job-related crime for which a sentence of imprisonment may be imposed and has taken action to suspend the grievant without paying pending a final resolution of the underlying matter."

LOCATION OF STOCKPILES

SEC. 582. Except for stockpiles located in the Republic of Korea, Thailand, a country which is a member of the North Atlantic Treaty Organization, or a country which is a major non-NATO ally, no stockpile may be located outside the boundaries of a United States military base or a military base used primarily by the United States.

HONG KONG

SEC. 583. It is the sense of the Congress that the President and Secretary of State should convey to the People's Republic of China and the United Kingdom strong concerns over the absence of full direct elections in the colony and lack of independent human rights guarantees in the draft Basic Law, pending the colony's scheduled reversion to China in 1997.

RESCISSION

SEC. 584. Of the funds appropriated by the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989, under the heading "Economic Support Fund", \$59,000,000 of such funds are hereby rescinded: *Provided*, That such rescission may be derived only from unearmarked funds and funds earmarked under such heading for Sub-Saharan Africa and allocated for Sudan, Somalia, and Liberia.

Mr. OBEY (during the reading). Mr. Chairman, I ask unanimous consent that title V be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

POINT OF ORDER

The CHAIRMAN. Are there any points of order against title V?

Mr. SMITH of Florida. Mr. Chairman, I raise a point of order against language contained in section 568(a)(3) of H.R. 2939.

Mr. OBEY. Mr. Chairman, I can save time by conceding the point of order.

The CHAIRMAN. For purposes of the RECORD, the gentleman from Florida must state his point of order.

Mr. SMITH of Florida. Mr. Chairman, subparagraph (3) earmarks \$3.5 million of military aid funds for the procurement of weapons and ammunition for foreign law enforcement agencies and paramilitary units for use in narcotics control in Bolivia, Peru, Colombia, and Ecuador. While the earmarking technically constitutes legislation in appropriations, I agree with the thrust of the provision and therefore will not raise a point of order against the entire section. However, this subparagraph waives a longstanding prohibition in law, section 482(b), which prohibits the State Department's Bureau of International Narcotics Matters from providing weapons and ammunition to foreign countries. There is a very sound reason why this prohibition is in the law. The Foreign Affairs Committee has long believed that we do not want to turn INM into an arms merchant to the world, nor do we want to open another military aid spigot through INM. Time and time again, the Foreign Affairs Committee has refused to waive this prohibition.

I do commend the gentleman from Wisconsin, Mr. OBEY, for trying to address a very serious problem, and that is the need to provide weapons to drug enforcement units in South America. It was precisely because we shared the belief that some assistance of this sort was needed that we included such aid in the 1988 omnibus antidrug bill. However, in that bill we did not lift the prohibition on INM providing weapons, but insisted that it be provided through regular DOD channels. We also included a number of other significant conditions on the aid which were designed to ensure that it was not misused by recipient countries.

Mr. Chairman, section 482(b), prohibiting INM from providing weapons to foreign countries, is a longstanding legislative prohibition. Lines of section 568(a)(3) waives that prohibition in current law, and therefore violates clause 2(c) of rule XXI of the House rules. I therefore raise a point of order against the words "notwithstanding section 482(b) of such Act," contained on lines 6 and 7 on page 89, and insist on my point of order.

Mr. OBEY. Mr. Chairman, I would dispute the intention of the effect of the language. In fact, we think it is quite different. I cannot dispute the fact that the gentleman's point of order is correct.

The CHAIRMAN (Mr. ECKART). The point of order is conceded. The point of order is sustained, and the words "notwithstanding section 482(b) of such Act" are ordered stricken from the bill.

Are there additional points of order on title V?

Are there any amendments to title V?

AMENDMENT OFFERED BY MR. NIELSON OF UTAH

Mr. NIELSON of Utah. Mr. Chairman, pursuant to the rule, I offer an amendment.

The CHAIRMAN. Is it the Chair's understanding that the gentleman from Utah [Mr. NIELSON] is the designee of the gentleman from Wisconsin [Mr. OBEY] in this matter?

Mr. NIELSON of Utah. Yes, Mr. Chairman, the gentleman from Wisconsin [Mr. OBEY] is designating me as the one to offer this amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. NIELSON of Utah: On page 102, following line 11, insert the following new general provision:

"WEST BANK SCHOOLS

"SEC. 585. The United States Congress commends Israel's decision to open schools on the West Bank beginning July 22, 1989.

"The Congress expresses the hope that all schools will be opened at an early date and will remain open, will not be used for political purposes, and will be respected and regarded as places of learning, not as places from which to further violent activity."

The CHAIRMAN. Pursuant to the rule, the gentleman from Utah [Mr. NIELSON] will be recognized for 30 minutes and a Member opposed will be recognized for 30 minutes.

The Chair recognizes the gentleman from Utah [Mr. NIELSON].

Mr. NIELSON of Utah. Mr. Chairman, several weeks ago I proposed an amendment urging Israel to reopen the Palestinian schools on the West Bank. That amendment was originally to be offered to the foreign affairs authorization bill; however, there was an important meeting on July 5 being held of the Likud Party, at which there was pressure on Mr. Shamir from the right, and from Mr. Sharon and others.

At the request of many of my colleagues whom I respect very much, I withheld the amendment at that time, so as not to interfere with the outcome of that meeting, and obtained instead a promise that the leadership of the House, particularly the gentleman from Missouri [Mr. GEPHARDT], and the gentleman from Wisconsin [Mr. OBEY] and others would help assure me the opportunity to offer the amendment during consideration of the foreign operations appropriations bill.

They have kept their promise, and the amendment is now before us.

Several things have happened since that time. For one thing, the Likud meeting came forward, but did not affect the closure of schools. As a matter of fact, the Israeli Government has shifted further to the right. The Israeli Government has since made an announcement to begin opening some schools tomorrow the 22d. We applaud

that. In order to reflect the changes brought about by that announcement and to reach a compromise on this amendment, we have dropped all the "whereases," in an effort to stop finger pointing on any side.

The amendment we have now has been worked out jointly by the gentleman from Wisconsin [Mr. OBEY] and the gentlewoman from Ohio [Ms. OAKAR], the gentleman from California [Mr. BERMAN], and myself. The West Bank school amendment reads as follows: First starts off with commendation of Israel for the steps they have taken and for the announcement that schools will be opened. First section says the U.S. Congress commends Israel's decision to open schools on the West Bank, beginning July 22, 1989. The second one indicates Congress expresses the hope that all schools will be open at an early date and remain open, and not be used for political purposes, and be respected and regarded as places of learning, not as places from which to further violent activity.

We think it is balanced. It indicates that schools should not be places to foment violence or closed for political purposes.

□ 1100

Mr. Chairman, this expresses the hope that schools will be opened at an early date, and they will be centers of learning.

Let me indicate that we have a lot of support for this. We have a letter from the Jewish Peace Lobby commending us for this action and commending the substitute taken.

The letter reads as follows:

JEWISH PEACE LOBBY,

College Park, MD, July 19, 1989.

DEAR MEMBER OF CONGRESS: The Jewish Peace Lobby is pleased to transmit to you a request from over fifty rabbis from across the United States.

The enclosed letter from the rabbis urges you to support a Sense of the Congress Resolution calling upon the Israeli government to re-open the schools on the West Bank.

It is our understanding that such a resolution will be offered as an amendment to the foreign aid appropriations bill and will be on the floor within a matter of days. We urge you to support the legislation.

Recently the Israeli government announced that they would soon start re-opening elementary and secondary schools; we applaud this decision and we look forward to its implementation.

However, it is important that Congress speak out on this issue, for several reasons:

1. The use of school closure as a means of collective punishment raises an issue of principle on which it is important that the Congress speak out.

2. A statement by the Congress will strengthen those Israelis, both within the government and within the larger society, who have been fighting to have the schools re-opened.

3. The Government of Israel statement does not extend to the universities.

4. The Government of Israel statement leaves open the possibility that the schools will be closed again in the future.

The Jewish Peace Lobby is a strong supporter of Israel's right to live in peace and security. We believe that this right can only be fully secure when a political settlement is achieved which accepts that the Palestinian people have a right to self-determination. Re-opening the schools will help establish a favorable environment within which progress towards a political settlement may hopefully be achieved.

Sincerely,

JEROME M. SEGAL,
President.

DEAR MEMBER OF CONGRESS: Recently, Secretary of State Baker called upon the Israeli government to permit the re-opening of schools in the West Bank.

We are writing to you to urge that you join with Secretary Baker in making this request. We understand that a Sense of the Congress Resolution to this effect is under consideration, and we urge you to support such resolution.

The Israeli-Palestinian conflict is a conflict between two nationalisms, each with legitimate claims. It cannot be resolved unless each side recognizes and respects the rights of the other. The conflict cannot be resolved through military means. A political solution is required.

We believe that re-opening the West Bank schools will be a small but significant first step towards creating an environment within which progress towards a political settlement is possible.

The schools have now been closed for well over a year. To deprive an entire population of their schools is to enact a form of collective punishment targeted at the young. It strikes deeply at the aspirations of the Palestinian people to provide a better life for their children.

Such steps only serve to embitter the Palestinians; yet a lasting peace will require that the two peoples treat each other with mutual respect. This is not the way to move forward.

As American Jews committed to a secure and humane Israel we urge you to call on the Israeli government to re-open the schools. We make this request as friends of Israel, and we urge you to demonstrate your concern for both Israel and the Palestinians by speaking out on this issue.

SIGNATORIES

Rabbi Rebecca Alpert, Philadelphia, PA.
Rabbi Robert Aronowitz, Howard Beach, NY.
Rabbi Philip J. Bentley, Jericho, NY.
Rabbi Solomon S. Bernards, New York City, NY.
Rabbi Reeve Brenner, Bethesda, MD.
Rabbi Hillel Cohn, San Bernardino, CA.
Rabbi James S. Diamond, St. Louis, MO.
Rabbi Denise Eger, Los Angeles, CA.
Rabbi Charles Feinberg, Poughkeepsie, NY.
Rabbi Edward Feld, Princeton, NJ.
Rabbi Arnold G. Fink, Alexandria, VA.
Rabbi Sue Frank, Philadelphia, PA.
Rabbi Allen I. Freehling, Los Angeles, CA.
Rabbi John S. Friedman, Durham, NC.
Rabbi Yonassan Gershom, Sandstone, MN.
Rabbi Rosalind A. Gold, Reston, VA.
Rabbi Robert E. Goldberg, New York City, NY.
Rabbi Lynn Gottlieb, Albuquerque, NM.
Rabbi Julie Greenberg, Philadelphia, PA.
Rabbi Marc A. Gruber, Westbury, NY.

Rabbi Richard Harkavy, Greensboro, NC.
Rabbi Norman D. Hirsh, Seattle, WA.
Rabbi Burt Jacobson, Berkeley, CA.
Rabbi Neil Kominsky, Brookline, MA.
Rabbi Nancy Kreimer, Bala, PA.
Rabbi Daniel I. Leifer, Chicago, IL.
Rabbi Robert Levine, Danbury, CT.
Rabbi Sue E. Levy, Houston, TX.
Rabbi Charles Lippman, New York City, NY.
Rabbi Jane Litman, Manhattan Beach, CA.
Rabbi Jerome R. Malino, Danbury, CT.
Rabbi Jonathan W. Malino, Greensboro, NC.
Rabbi Morris B. Margolies, Kansas City, MO.
Rabbi Robert J. Marx, Glencoe, IL.
Rabbi Marshall T. Meyer, New York City, NY.
Rabbi Jacob Milgrom, Berkeley, CA.
Rabbi Sanford Ragins, Los Angeles, CA.
Rabbi Michael M. Remson, Naperville, IL.
Rabbi Jeffrey Roth, Philadelphia, PA.
Rabbi Steven Saltzman, Greensboro, NC.
Rabbi Steven Schatz, Santa Ana, CA.
Rabbi Joshua Stampfer, Portland, OR.
Rabbi Shira Stern, Morganville, NJ.
Rabbi Max Vorspan, Los Angeles, CA.
Rabbi Brian Walt, Media, PA.
Rabbi Donald Weber, Mahboro, NJ.
Rabbi Sheila P. Weinberg, Philadelphia, PA.
Rabbi Lew Weiss, Indianapolis, IN.
Rabbi Joseph S. Weizenbaum, Tucson, AZ.
Rabbi A.J. Wolf, Chicago, IL.
Rabbi Marjorie Yudkin, Easton, PA.

Mr. Chairman, two teachers unions in Israel have come out with a resolution of support for opening the schools. Also Secretary Jim Baker, 3 days after we introduced our resolution, came out in a speech to AIPAC indicating the schools should be opened as well. Furthermore, yesterday in the Senate there was an amendment very similar to this without the last phrase, which was passed by a voice vote last night, so the Senate has gone on record in this same area.

Mr. Chairman, there is a long list of reasons why I am offering this. Let me say, first of all, that I have a long-standing interest in the Middle East having worked there on two occasions with Stanford Research in 1956 and with the Ford Foundation in 1970. So, I have an interest in the region. I also have an interest in education having been an educator most of my life.

Mr. Chairman, I think the reopening of the schools will be a great step toward peace. I think it will help resume the negotiations toward that end. I believe it will be in everybody's interest, including Israel's, and also the Palestinian's, to have the schools opened. We want to commend them for the suggestion that the first through sixth grades, plus the high school seniors, will be opened; and we hope that the 7th through the 11th grade will soon be open also.

Mr. Chairman, this is an important first step, but our resolution suggests that we want to not only open them, but to keep them open. Schools on the West Bank have been opened and closed in the past prior to the intifada.

Educators are trying to catch up with lost time. We don't want students to be illiterate. Some have missed a whole year of school, some have missed 2 years of school. Even the distribution of homework has been prohibited.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. NIELSON of Utah. I yield to the gentleman from Wisconsin [Mr. OBEY], the chairman of the committee.

Mr. OBEY. Mr. Chairman, let me simply express my admiration for the gentleman from Utah [Mr. NIELSON] and my appreciation for the manner in which he has approached this matter. I know from having talked to him a number of times that this is a matter of great concern to him. I know that he feels it is a matter of conscience, and I think he brings credit to the House because of his concern on this issue.

Mr. Chairman, I think everyone wants to see those schools opened. I certainly want to see them open. I do not want to see schools closed as a punishment for an entire group because of the conduct of a select few within that group. But I wanted to make certain that the language associated with the amendment was fair to all parties.

I should explain, I think, to the House why this language is here on this amendment. I was asked during consideration of the Committee on Foreign Affairs authorization bill whether I would agree if this issue was not addressed on that bill, if I would agree to allow a debate on the gentleman's original amendment on this bill. I indicated that I would not commit myself to allowing a legislative amendment on an appropriation bill unless I was confident that the language was such that it was sufficiently sensitive to the situation at hand. I very much appreciate the fact that the gentleman from Utah [Mr. NIELSON], as well as the gentleman from California [Mr. BERMAN], worked very cooperatively to work out language which was acceptable to all parties. I also appreciate the action of the gentlewoman from Ohio [Ms. OAKAR].

Mr. Chairman, I think this language fairly states what we believe ought to happen in the situation. I think it fairly states the obligations that every party has, and I congratulate the gentleman from Utah [Mr. NIELSON].

Mr. NIELSON of Utah. Mr. Chairman, I thank the gentleman from Wisconsin [Mr. OBEY], the chairman, for his great help in this whole process. It would not have happened without his cooperation.

Mr. LEVINE of California. Mr. Chairman, will the gentleman yield?

Mr. NIELSON of Utah. I yield to the gentleman from California.

Mr. LEVINE of California. Mr. Chairman, I thank the gentleman from Utah [Mr. NIELSON] for yielding, and I, too, would like to commend him for his concern about this issue and for the language that he has presented to the House today.

Mr. Chairman, the language which was worked out with the author and a number of other interested parties I think is fair and is balanced language. I do believe that the RECORD should reflect several of the relevant factual circumstances surrounding this issue in light of the fact that we are considering this amendment and that the language has been generally agreed to. I think that the factual underpinnings need to be spelled out, at least in summary form.

Mr. Chairman, I think it is important to remember that nobody wants to see these schools closed in the first place. It is in everybody's interest for these schools to remain open, and I think that Members on both sides of the aisle understand that few countries in the world respect and value education more than the country of Israel.

In fact, not a single Arab university had been allowed in the West Bank until it came under Israel's control in 1967, and now since it has been under Israel's control there are six fully accredited universities where there were none with more than 14,000 students and 600 lecturers.

In addition to that, since 1967 the number of primary and secondary schools in the West Bank and Gaza has increased by 50 percent from the numbers that existed prior to 1967. The number of pupils and teachers in the West Bank and Gaza during the time that this territory has been administered by Israel has more than doubled.

Also an important point that I think needs to be put on the record is that the schools in Gaza were never closed. The schools in the West Bank were closed, and this was a wrenching and difficult decision by the government in Israel, and it was made only because of the fact that the leadership of the PLO decided to use the schools in the West Bank as a staging ground for violence and a staging ground for terrorism. A different decision was made in Gaza where the schools were allowed to continue for educational purposes, and those schools have stayed opened.

Mr. Chairman, the decision to close the schools originally was a difficult one. It prompted and continues to prompt considerable debate within Israel. The Israelis themselves are the first to say that it is in their interest to keep children in the classroom. Unfortunately too often it has been a part of PLO doctrine and PLO views to use the schools for violence, and

just to spell out briefly, as Daoud Kuttub outlined in the Journal of Palestine Studies, "In schools demonstrations and stone throwing are part of a tradition," and he spells out that children participate in hostile activities by "playing hooky en masse and by throwing stones at passing Israeli vehicles, to hitting Israeli cars to become a hero. Schools are a natural place for a demonstration to begin because of the large number of children gathered in one place." The PLO unfortunately and tragically has traditionally used schools for fomenting violence. The PLO itself has described the West Bank Bir Zeit University as a "genuine fortress encountering the Zionist enemy."

In light of that unfortunate factual set of circumstances I believe that the decision of the Israelis to open the schools is important. I compliment the gentleman from Utah [Mr. NIELSON] for putting this language together in this thoughtful and balanced fashion which begins by commending the Israelis' decision to open the schools, and I earnestly hope, and I think people on both sides of the aisle and throughout our country earnestly hope, that the PLO will abandon using schools as instruments of violence and terror so that in fact they can again be used for educational purposes, which is what they should be used for, and they will then provide the opportunity for them to remain open.

Mr. NIELSON of Utah. Mr. Chairman, I thank the gentleman from California [Mr. LEVINE] for his comments, and I do commend Israel for the steps they have taken, the steps in education, since 1967, and I am glad they are reopening the schools.

My colleagues will note that we do start with accommodation. We also end with it should not be used for violent activity. I think it is fair and balanced for all parties concerned. The important thing is to put the peace process forward there.

Mr. GILMAN. Mr. Chairman, will the gentleman yield?

Mr. NIELSON of Utah. I yield 2 minutes to the gentleman from New York.

Mr. GILMAN. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Utah [Mr. NIELSON] and revised with the cooperation of the distinguished chairman of the Appropriations Subcommittee, Mr. OBEY and the gentleman from California [Mr. BERMAN].

Since the inception of the intifadah, the world media has focused on the youngsters who have had a visible role in the violence in Judea-Samaria and the Gaza Strip. It is less commonly known, however, that schools have become centers for organizing and fomenting acts of violence.

There are documented occasions where masked PLO extremists have

actually entered classrooms and driven pupils into the streets to join the rioting. That was the underlying reason for the Israeli decision to close schools.

To certain elements of the Palestine Liberation Organization, the schools were not centers of learning, and the education of children was not limited to reading, writing, and arithmetic.

My colleagues, at first glance, the objective of this bill sounds as American as apple pie—"open the schools, allow Palestinian children to be educated." But the problem here is that these children were being educated in the arts and artifices of guerrilla warfare rather than in truly educational curricula.

The PLO made it clear that in its view, children were not to be spared in its conflict with the Government of Israel. Let us heed carefully their own words:

"Every child must carry the stone and throw it at the occupier. The molotov cocktail heroes of all ages must burn a fire in the face of the enemy and fight him face-to-face." That quotation comes from a PLO flier distributed in February 1989.

Seven-year-old children are used to set fire in the middle of the road to block traffic.

Eleven-year-olds have been placing stones in the middle of the road and shooting people with slingshots.

Fifteen-year-olds have been throwing rocks and bypassing the curfew.

This is not a black and white issue. This is not a question of the Israeli Government simply denying young Palestinians the right to an education. Throughout history the Jewish people have placed the highest premium on education. So, too, has the Government of Israel.

Mr. Speaker, the Israeli Government has recently announced its intention to open the schools. Accordingly, this amendment is appropriate and timely, and I support it and it is sincerely hoped, that the PLO will bear in mind the admonition set forth in the amendment, that "the schools will not be used for political purposes, and will be respected and regarded as places of learning, not as places from which to further violent activity."

Mr. NIELSON of Utah. Mr. Chairman, I think it is important at this point to make clear to Members what the Israeli announcement does and why we feel that a statement expressing the sense of the Congress regarding school closures is necessary and appropriate at this time.

The Israelis have announced that some schools will be opened on July 22, beginning with grades 1-6 and the senior high school students. They have said that they will gradually open the other grades in the near future.

This is an important first step. However, we would like to see all the schools open, and everything possible done to keep them open.

While the Israeli announcement does not extend to universities, we would hope that they too would be opened in the near future in order to reestablish a normal educational environment.

I would like to think that perhaps the Israeli announcement has been expedited as a result of the actions that have been taking place here in Congress. But what concerns me is the possibility that the announcement may be an insincere attempt designed to take United States pressure off Israel.

I recognize the fact that Israel has opened schools in the West Bank since the occupation in 1967. I also recognize that in the early stages of the intifadah there may have been some instances of violence in some of the schools. However, the important question is, "what is happening now?"

The blanket closure of all schools in the West Bank as punishment for a few incidents of violence in a few isolated schools is unprecedented in world history. Children have now been deprived of nearly 2 years of education. In the past Congress has spoken out against the use of food as a weapon and it is time we speak out against the withholding of education as a weapon as well. We are quick to criticize human rights abuses in other parts of the world, and we should not condone the closure of schools through our silence.

The irony of it all is that violence has actually increased as a result of the school closures. The number of children who have been killed or who have been injured has risen dramatically. The level of frustration on the part of parents has only served to increase their anger and support of the intifadah. And children are more likely to participate in the intifadah with the schools closed. For many, it becomes their mission. News stories have profiled numerous children who have developed a fighter's mentality and an attitude hardened by violence. Most are only in their early teens. As Hava Lazarus-Yafe, a professor at Hebrew University in Jerusalem, said, "We had better let the future leadership of the Palestinians grow in universities, rather than grow frustrated and angry in jails."

Inasmuch as there has been more violence and unrest in Gaza than in the West Bank, it is ironic that my opponents keep stressing that schools in Gaza have been allowed to remain open. The application of the policy itself has been inconsistent and leads one to believe that the true motive may be a form of collective punishment as many inside Israel have suggested.

The Israelis have said that these schools have become "centers for violence." As I have said earlier, that may have happened in a couple of instances in some areas. But the Israelis have gone much further than closing the schools. Even the distribution of homework or informal makeup classes have been outlawed. Provision of education, even in private homes, has been made a crime for which teachers can be sentenced to 10 years in prison. For instance, on September 6, 1988 the Society of Friends of Al-Najah University in Nablus—a community organization providing support to the university—was closed down indefinitely after soldiers raided the society during a small makeup class for high

school students. Two students and two teachers were arrested.

The 100-year-old Friends Boys School in Ramallah, had begun giving parents worksheets for their sons to complete at home. Students had been specifically told not to come to the school, so that there would be no ambiguity with regard to demonstrations or their activities on the school premises. In mid-October the head of the school was ordered to cease the distribution of the worksheets.

The Israelis have barred the U.N. from distributing educational kits to first-, second-, and third-grade students as well. All 98 of the schools operated by the U.N. Relief and Works Agency [UNRWA] have been closed.

The long-term effects of this situation will be difficult, if not impossible to correct. The impact is greatest for primary-aged school children in the cognitive development stage of their education. There are critical ages at which students have to learn critical skills, especially language skills. If children don't acquire them at an early age, they never perfect them to the same level. Two years of lost education means that younger students will have forgotten what they have studied and will have gone back to illiteracy.

Before the intifada, illiteracy was virtually unknown among school-age children under 12 in the West Bank. Now a whole generation of 8-year-old illiterates has been created. This in spite of the fact that schools have been closed for long periods of time prior to the intifada.

The Palestinian population prides itself in being the most educated in the Arab world. Education has been their last hope to better their lives. Now this, too, has been taken from them.

There has been great debate within Israel itself regarding the wisdom of the school closure policy. Israel's own Education Minister Yitzhak Navon demanded that schools in the occupied territories be opened. Four hundred Israeli university professors petitioned their Defense Ministry to reopen the schools, saying the real reason for continued closure was collective punishment, not security concerns. The General Union of Secondary and Elementary Teachers has signed petitions requesting the immediate reopening of all West Bank schools as well.

It has been the consistent policy of the United States that these schools should be reopened. Secretary of State Baker has made this policy clear in his public statements, and the U.S. Senate has made it clear in passing a similar sense of the Senate last night.

It is my sincere hope that these schools will be "respected and regarded as places of learning" by both sides in this conflict, as the amendment makes clear. It is these small steps that are necessary in order to achieve peace in the region, and it is in the best interest of Israel and in the best interest of the Palestinian people that I offer this balanced and modest amendment.

□ 1102

Mr. NIELSON of Utah. Mr. Chairman, I yield 2 minutes to my colleague, the gentleman from Utah [Mr. OWENS].

Mr. OWENS of Utah. Mr. Chairman, I rise in support of this important amendment offered by my colleague, the gentleman from Utah, and commend the gentleman for his interest and for his leadership on this vital question, which has both humanitarian and strategic importance.

I have followed this issue carefully over the last 2 years as a member of the Subcommittee on Europe and the Middle East of the Committee on Foreign Affairs, and as a relatively frequent visitor to Israel and to the West Bank, and the gentleman from Utah [Mr. NIELSON] is right on the substance of this issue.

I also applaud the decision by the Israeli Government to reopen the schools, and express my hope that the other secondary grades will be reopened as well, and that conditions will permit the universities and other schools to recommence the process of education. The victims have been the children, and in the end the cause of peace in that troubled area has suffered by the schools being closed.

The decision of my colleague to withdraw his amendment several weeks ago showed his good judgment. That was made obvious by what has just happened in the reopening of these schools.

These are very difficult times, obviously, for Israel and for Palestinians in their struggle to resolve their differences, and I think this amendment is helpful in that struggle.

I commend my colleague and the Israeli Government for what has happened.

Mr. NIELSON of Utah. Mr. Chairman, I thank the gentleman for his compliments.

Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. LELAND].

Mr. LELAND. Mr. Chairman, I would like to just acknowledge the sincerity and devotion that the gentleman from Utah has placed in this matter. I appreciate the time and effort that the gentleman has invested in this matter and also the spirit of compromise that has been reached here.

I certainly support the gentleman in this measure as it stands now, and would like to say that the gentleman has done an excellent job in bringing this issue to bear.

Mr. NIELSON of Utah. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Ms. OAKAR].

Ms. OAKAR. Mr. Chairman, I thank the gentleman for yielding this time. I do not know if I need all the 5 minutes, but I appreciate all that time.

First of all, I want to compliment the gentleman from Utah [Mr. NIELSON]. In this whole issue, the gentleman has been extraordinarily gracious.

I think my colleagues ought to know that during the process of the authorization legislation, the gentleman from Utah [Mr. NIELSON] was permitted to offer a more stringent amendment relative to this question. He graciously withdrew the amendment because there was a meeting on July 5 shortly after the passage of the authorization bill and he in no way wanted to obstruct the potential for some peace process movement.

So I want to compliment the gentleman first and foremost for this amendment.

I also want to compliment all the people who have played a role in structuring this amendment so that we could get unanimous agreement about the language. An amendment is not always what everybody wants it to be, even though you know it is going to be a good one; but the fact is that the gentleman from California [Mr. BERMAN] was extremely helpful and gracious. Certainly the chairman of the subcommittee by allowing a waiver and by supporting that and by playing a very important role, as he always does, the gentleman from Wisconsin [Mr. OBEY] was very, very helpful, and the Rules Committee as well, the gentleman from Michigan [Mr. BONTOR] and others.

So I think it is a sign that if we can do it and put something together, maybe one of these days there will be peace over there.

The fact is what the heart of the amendment of the gentleman from Utah [Mr. NIELSON] says is that when people try to do the right thing, you compliment them; so he begins by complimenting the Government of Israel for opening some of the schools. We hope that all the schools in the very near future, which is part of the amendment, will be opened.

I am a former educator. I do not think there is anything more fundamental than education.

Recently I had the experience of visiting the West Bank and Israel. I have to tell you, it was a sad experience for me because there were so many young kids roaming around during the day. I said to the mayor of Bethlehem, because it did not strike me why and I do not know why I did not realize this, but I forgot that the schools were closed.

I said, "What are all these kids doing on the streets? It is about 11 o'clock in the morning."

And he said, "Well, the schools are closed."

Then you have young Israeli soldiers, young people there. You know, there is something about that scene that will stick in my mind. I really believe very strongly that if you leave it up to some of the young people, maybe we would see more of a connection, because their lives really are in close proximity. It is no wonder there

have been some rumbles on the West Bank and, frankly, some violence on the West Bank, because you just cannot have that type of tense situation.

I think it is very, very fundamental that these schools are open.

We also say in this amendment that violence in no way should ever be taught in schools, and if that has been going on, then it ought to be stopped immediately.

Frankly, these young people who deserve a right to education should get one.

I am always of the fundamental belief that when you serve the humanitarian needs of the people, whether it is the Palestinians, the Israelis, the Europeans or the Africans and so forth, when you address their basic inherent rights, then you achieve a dignity that surpasses violence. That is what I think we are saying. We want peace over there, which is the overriding issue.

One step in the right direction is the cooperation of the Israeli Government and the Palestinians in opening these schools.

I was pleased, Mr. Speaker, to see that not only were the Palestinians interested in seeing the schools opened, but there were groups within Israel, the Elementary Teachers Union, the Secondary Teachers Union, the Education Section of the Israeli Minister of Education who supported that.

I think it is important to say that all sides seemed to agree that this was the right thing to do.

So again I compliment the gentleman and thank my colleague. Let us vote on this unanimously.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Utah [Mr. NIELSON].

The amendment was agreed to.

Mr. LELAND. Mr. Chairman, I move to strike the last word.

I would like to engage the chairman of the Subcommittee on Foreign Operations of the Committee on Appropriations in a colloquy.

At the beginning of the foreign assistance appropriations process, I, along with other members of the Congressional Black Caucus, expressed concern regarding the nature and level of funding for long-term African development assistance. Since that time, this House passed a foreign aid authorization bill which provides funds to address the critical needs faced by the people of sub-Saharan Africa, particularly in the areas of family planning, environmental preservation, and health care. By authorizing African development assistance at \$580 million, with an additional \$50 million for the Southern African Development Coordination Conference [SADCC], this House sought to help the reversal of a long neglected and catastrophic decline in the quality of life in sub-Sa-

haran Africa, placing at risk the lives of millions.

During the appropriations process, the gentleman from Wisconsin [Mr. OBEY] has demonstrated a genuine appreciation of the development needs in Africa and a desire to see that these needs were met. However, severe budgeting constraints have resulted in an appropriations of \$515 million for African development, with an additional \$50 million for the SADCC.

Given the severity of the development crisis in sub-Saharan Africa, I strongly encourage AID to cover this shortfall, especially in the population, health and environmental sectors, out of the \$1.884 billion appropriated for worldwide development assistance.

Mr. Chairman, I yield to the gentleman from Wisconsin [Mr. OBEY].

□ 1120

Mr. OBEY. Mr. Chairman, I agree with the gentleman from Texas [Mr. LELAND], and his comments, but before I do, I want to say that it is certainly correct that this bill is certainly somewhat lower for Africa than was the authorization. The problem, however, is that our committee had about \$1 billion less to allocate than the Committee on Foreign Affairs did. I would also point out that the appropriations bill has about \$150 million for ESAF/IMF facility primarily for low-interest loans to sub-Saharan Africa. It has about \$485 million in IDA money, 50 percent of which is for Africa; \$40 million for IFAD which does most of its work in Africa; \$105 million for the African Development Fund; and \$9.6 million paid-in African Development Bank, and \$135 million callable capital. There is \$9 million for the African Development Foundation, plus \$515 million for sub-Saharan development assistance, and \$50 million for SADCC, and plus last year the committee wrote a debt provision, section 572, and under it President Bush at the economic summit in Paris just announced they will go forward with up to \$1 billion in debt relief for the poorest countries in sub-Saharan Africa because of that provision which the gentleman from New York [Mr. McHugh] worked so hard to get last year.

I think that Africa is generously supported in this bill and will continue to get our support.

Nonetheless, I agree with the gentleman in the well that notwithstanding the budgetary constraints upon us, there is an immense problem in sub-Saharan Africa which requires all appropriate available resources for long-term development in the region, and I, therefore, join him in urging AID to use the moneys appropriated for general development assistance to achieve higher funding levels for African development assistance.

Again, AID's efforts in this regard are particularly appropriate for the activities in the area of natural-resource protection, improvements in health conditions, and voluntary family planning.

Mr. LELAND. Mr. Chairman, I thank the gentleman, the chairman of the Foreign Operations Subcommittee. Let me acknowledge his generosity in considering these matters not only this year but in the years past, and certainly the gentleman from New York [Mr. McHugh] for his efforts in the debt-reduction effort in Africa.

Mr. WOLPE. Mr. Chairman, will the gentleman yield?

Mr. LELAND. I am happy to yield to the gentleman from Michigan.

Mr. WOLPE. Mr. Chairman, I wanted to express my appreciation, first of all, to the gentleman from Texas for taking this time to emphasize the urgency of Africa's economic requirements and the gap between the resources that are required on the continent and the resources that are being provided.

Like the gentleman in the well, I have great appreciation for the work of the gentleman from Wisconsin and understand clearly the constraints under which the Committee on Appropriations and his subcommittee, in particular, have been operating this year.

The reality, however, is that Africa remains the poorest of all continents. It has the highest debt burden in relation to exports of any region in the world. Its per capita food production throughout the 1980's has been on the decline. Its per capita income has been on the decline. Yet, the contribution to Africa from our foreign aid budget has also been on the decline.

It was back in as recently as 1984 that Africa claimed about 14 percent of America's foreign assistance program. Today, in this bill, the appropriations bill that we are now considering, the proportion of that bill that is focused upon the African continent is only 11 percent. The continent most in decline is receiving a disproportionate reduction in resources, and that is something I hope we can correct in the weeks and months ahead.

Mr. LELAND. Mr. Chairman, I thank the gentleman, and I would also like to compliment him for his leadership. He has been most outstanding.

The CHAIRMAN. Are there other amendments to title V?

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT: At the end of the bill, add the following:

TITLE VI—FUNDING LEVELS

REDUCTION OF APPROPRIATIONS AND OTHER NEW BUDGET AUTHORITY

SEC. 601. Each amount of new budget authority provided by the preceding provisions

of this Act is hereby reduced by 3 percent, except that this section does not apply with respect to the new budget authority provided for "INTERNATIONAL NARCOTICS CONTROL".

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, this bill left the authorizing stage of floor activity at \$11.1 billion. In less than 10 days it is back at \$14.3 billion, and I am not going to question that. I do not have enough strength to question that.

I had a series of three amendments, and I offered but one. It is the 3-percent cut which would cut \$450 million, and I offer that one because, to be quite frank, I probably cannot even pass that here on the House floor.

Some people said, "Why do you have across-the-board cuts?" Let me tell the Members something, districts like mine, when there were cuts in the domestic budget, received no exemption. They were not spared from the action.

A 3-percent cut of \$450 million is minimal. I would exempt the money for narcotics control, but I look at the bill and some people say, "You keep taking off on this committee." I am not. I do not think this committee could be better led than its chairman, the gentleman from Wisconsin [Mr. OBEY]. I think he has done a real good job. I have come in conflict with it.

Mr. Chairman, I represent a district that has been destroyed literally, and I have had to take a shot.

Yesterday, the gentleman from New York [Mr. SCHUMER] brought an amendment to take about \$750 million from NASA and put that money into housing and domestic needs, and it was overwhelmingly defeated. I did not like to pit NASA against those domestic needs, but I voted with my district.

Here is where we should be taking the money, folks, a little bit of money, at least, in trying to buoy up some of the sagging economies of industrialized communities that have lost their base.

I look at the bill and there is money in here for the West Bank. What about our east coast? There is money in here for South America. What about south Philadelphia? There is money in here for the Middle East. What about Middle America? There is money in here for Central America. What about central Los Angeles? What about the Bronx? What about Brooklyn? What about water lines? What about bridges? What about roads?

I am going to tell the Members that I want some money for America and its infrastructure and programs, and specifically I want some money for my district, which lost 55,000 jobs, and I do not want any more excuses, because I plan to be a cancer around here. I am going to push against the appropriations bills that are not going to be helping our people.

Our taxpayers are being eaten up with school taxes, property taxes, excise taxes, we are taxing their goat, their moat, their boat, and the next thing we will be doing is taxing the American votes, and I think this is one area where we could take \$450 million.

Some people said, "Why did you not exempt Israel and Egypt?" Because I think Israel and Egypt could afford a 3-percent cut.

Mr. Chairman, with that, I move the question, if there is no opposition, and I welcome no opposition, and I would appreciate the amendment being placed in order.

AMENDMENT OFFERED BY MR. OBEY TO THE
AMENDMENT OFFERED BY MR. TRAFICANT

Mr. OBEY. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. OBEY to the amendment offered by Mr. TRAFICANT: Strike all after the words "section 601" and insert: "Except for amounts appropriated for Sub-Saharan Africa, Development Assistance, Southern Africa, Development Assistance, the Peace Corps, International Narcotics Control, Anti-Terrorism Assistance, Migration and Refugee Assistance, and Emergency Refugee and Migration and Refugee Assistance, appropriations contained in this Act for each account shall be reduced by 1 percent of the aggregate of the appropriated and unearmarked funds."

Mr. OBEY. Mr. Chairman, I fully recognize the sentiments demonstrated by the gentleman who just spoke, but let me put this question in perspective. The bill which we have before us today is \$6.5 billion below the 1985 level for foreign aid. That means that since 1985, we have cut foreign aid by 31 percent. It is \$1.2 billion below the 1981 level, a cut of 8 percent.

Mr. Chairman, in each of the last 3 years the foreign aid bill has cut a larger percentage from the President's request than has any other appropriation subcommittee in this Congress, and this bill today, the product of this subcommittee, produces the second-largest cut from the President's request of any appropriation bill that will be handled this year.

I do not take a back seat to anyone in terms of demonstrated concerns for taxpayers' money.

□ 1130

In fact, virtually all of the criticism which this subcommittee has received in this town has come from those who

have been squawking about past reductions in this bill.

I would simply make the point that foreign assistance has already been cut deeply. I would make the point also that the gentleman indicates he is concerned about Middle America and domestic programs. So am I. My record demonstrates that. So is every member of this subcommittee. That is why we will be passing 11 separate appropriation bills dealing with the domestic priorities of this country.

This is the only bill that deals with our diplomatic, international concerns, and I would suggest that having cut the funding level for foreign aid by over 30 percent since 1985, we have done our duty in protecting the taxpayers' interests. I am proud of that, and I would ask for support for my amendment which cuts a modest amount.

Mr. Chairman, I insert for the RECORD a letter from the Honorable James A. Baker III., Secretary of State.

THE SECRETARY OF STATE,
Washington, July 20, 1989.

HON. DAVID OBEY,
Chairman, Committee on Appropriations,
Subcommittee on Foreign Operations,
Export Financing, and Related Programs,
House of Representatives.

DEAR DAVE: I am writing regarding the FY-1990 Foreign Aid Appropriations bill as reported by the House Appropriations Committee on July 19.

I sincerely appreciate the spirit of cooperation in which you and Congressman Edwards have worked with the Administration to craft a compromise bill. You may be assured that this bill will have my support through House passage, although we will certainly work to improve it both in the Senate and in Conference.

For a number of our programs, the bill provides funds at the President's request level. In addition, earmarking has been limited in this year's bill. We applaud both actions. Obviously, there are some changes we would like to see, and we will work with the Senate and in Conference to make these necessary changes.

On balance, we believe the bill as brought to the floor represents a strong bipartisan effort to accommodate both Administration and Congressional concerns, while recognizing our commitment to our friends and allies abroad. We support House passage of this legislation without further amendment.

Sincerely yours,

JAMES A. BAKER III.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I move to strike the requisite number of words and I rise in support of the Obey amendment.

Mr. Chairman, there has never been a bill brought forth on this floor that could not take some cutting, and the Obey amendment, which I support, will cut \$65 million approximately out of the foreign aid bill. It is done in a way that I think we could easily survive without doing great damage to the programs.

But the problem with the amendment offered by the gentleman from

Ohio [Mr. TRAFICANT] is that it does not even exempt money for such things as the antiterrorist activities in Africa which we all agree are very important and need to be funded.

We have, in fact, over the years done a pretty good job in this subcommittee of trying to hold down the expenditures on foreign assistance, because we all have the same concerns as the gentleman from Ohio about the needs in this country. But since 1985 we now have a bill that is 31 percent less than it was at that time, 8 percent under the 1981 level. We have cut the President's request by over \$700 million. It is the second-largest cut of all of the appropriation bills that we have brought to the floor. We have already cut the Foreign Aid Program, large parts of the program in terms of the international institutions which are zeroed out.

So I would say to the gentleman from Ohio, the problem is not that he is wrong in suggesting that foreign assistance can be cut, but that he is late because we have already done this work. In the subcommittee we have worked on it for months in making these adjustments, and that is why we have an agreement on both sides of the aisle and with the administration, because we have already done the work that the gentleman from Ohio suggests.

We can make the cut that the gentleman from Wisconsin [Mr. OBEY] proposes without doing damage to the bill. We cannot do that if we pass the Traficant amendment.

So I strongly urge my colleagues to support the Obey amendment and oppose the Traficant amendment.

Mr. TRAFICANT. Mr. Chairman, I rise in opposition to the Obey amendment.

A couple of things were said by the chairman. He said since 1985 they cut over \$6 billion.

Since 1985 we have cut revenue-sharing money for American cities. We cut out UDAG programs for American cities. My community lost all its jobs. It was paying its firemen and policemen out of that revenue sharing, but that was pork.

The gentleman stood up, and I respect him, and said the gentleman from Ohio is late, we have already done the cuts. Let us tell it like it is around here and let's get off this stuff. This bill was authorized at \$11.1 billion after the committee did its cut, and we are appropriating, providing money for \$14.3 billion.

Come on now, you can save that talk for the Rotary. Maybe that will sell good back home.

There is not enough support here to do the job for America, and America is becoming a second-rate nation. West German and Japanese workers make more money on average than Americans do.

Before I close, I can see people looking around. Do you know what the news is today? There is an English company that wants to buy the Manpower Corporation in America. Manpower is the firm that tries to place unemployed people into jobs, and do you know how really tragic it is? Manpower is not even owned by an American firm. One English firm is trying to buy out another English firm.

We have given money to everybody, and we talk about America and say it is pork. I will say this, I am ready to start giving some pork to Uncle Sam, because weiners and beans are a pretty rough diet to digest, and it produces an awful lot of gas.

I oppose the Obey amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. OBEY] to the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT], as amended.

The amendment, as amended, was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

This Act may be cited as the "Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990".

The CHAIRMAN. Are there further amendments to the bill?

Mr. ENGEL. Mr. Chairman, I rise in support of H.R. 2939, the foreign aid appropriations bill for fiscal year 1990. This bill contains several provisions important to United States bilateral relations with our overseas allies. Moreover, it reflects the responsibility the United States takes for assuring stable and secure relations between the nations of this world, thereby promoting world peace.

Of particular importance to this bill is the appropriation of \$3 billion for the State of Israel. Israel has been one of our closest allies during its 51 years of existence. In a central area of conflict, where states are not governed by the rules of democracy but sheer power, Israel is the only pro-Western democracy which stands as a loyal ally of the United States.

American financial aid to Israel is particularly important this year. Israel finds herself in a very difficult situation in terms of external threat and the continued uprising in the West Bank and Gaza. The Arab countries have built up an alarming amount of both conventional and chemical weaponry. Recent reports indicate that the Arab countries, which are still in a state of war with Israel, are continuing to fill their arsenals with increasingly sophisticated weaponry. This adds to the external threat which the Israeli military must address if they are to face the emerging peace process from a position of strength and security. In addition, despite the pledge of the PLO to renounce violence there have been repeated acts of doc-

umented terrorist activities across Israel's borders since December when Arafat made his pledge. These attacks are a very real security threat which must be confronted with a strong military response. I firmly believe that we must stand by our ally in this difficult time and help to assure secure borders for Israel.

Israel faces another challenge which further burdens her economy. There is a continued flow of refugees, including many Soviet Jews, who are settling in Israel. These people have to be integrated into Israel's society. For many years we have urged the Soviet Union to take a more liberal approach toward emigration. Now that it is happening we cannot leave these refugees alone. I think to earmark \$25 million for the resettlement of Soviet, East European, and other refugees in Israel is the least we can do to help.

Mr. Chairman, let me add some additional reasons which are important for support of the foreign aid appropriations bill. This bill includes a series of specific provisions advocated by the International Task Force of the Select Committee on Hunger. For example, the bill appropriates at least \$245 million from development assistance for child survival activities and health plus at least 10 percent of the Development Fund for Africa. The bill also contains \$8 million for AID's vitamin A deficiency program. These are important humanitarian programs which are worthy of American support in bringing about greater health in the developing countries.

I am convinced that this bill supports United States interests as a country aware of her responsibility toward the people and nations of this world. I am pleased to vote in favor of this legislation which is important in facilitating a foreign policy which promotes a more secure and stable world order.

Mr. FAZIO. Mr. Chairman, I rise in strong support of H.R. 2939, the fiscal year 1990 appropriations bill for foreign operations, export financing and related agencies.

I commend the chairman of the subcommittee, DAVID OBEY for the excellent job that he and the ranking member, MICKEY EDWARDS did in drafting this legislation. It is never easy putting together this appropriations bill, yet they managed to write a good and fair bill which clearly falls with the 302(b) allocation both in terms of outlays and budget authority as set by the budget summit agreement. The subcommittee staff also deserves recognition for their efforts in this legislation. I know that many hours of hard work were put into the development of this measure.

As a member of the House Select Committee on Hunger, I am pleased to see that the bill contains provisions which have been advocated by the Hunger Committee. For example, the bill earmarks at least \$245 million from development assistance for child survival activities and health and allocates at least 10 percent, or \$51.5 million, of the Development Fund for Africa, for improving health conditions, with special emphasis on meeting the needs of mothers and children.

The legislation also includes \$8 million for AID's vitamin A deficiency program, and report language urging AID to allocate at least \$5 million for the World Health Organization's program to eliminate onchocerciasis, also known as river blindness.

H.R. 2939 also earmarks not less than \$5 million to encourage and promote the participation and integration of women in the development process in developing countries. It is essential that women be integrated as equal partners in developing countries for the sake of both equity and economics.

Furthermore, the bill provides UNICEF with \$65.4 million, nearly double the administration request. The bill also contains \$40 million for the International Fund for Agricultural Development.

Finally, I commend the subcommittee for its support of the African Development Foundation and providing an increase over the fiscal year 1989 funding level. ADF provides the kind of grassroots support that is so vital to the poor living in developing countries. Over the past 5 years, ADF has made a difference in the lives of many disadvantaged Africans.

H.R. 2939 is a good bill which I strongly urge my colleagues to support.

Mrs. MEYERS of Kansas. Mr. Chairman, I rise today in support of H.R. 2939, the foreign operations appropriations for fiscal year 1990.

Three weeks ago this House passed H.R. 2655, the foreign aid authorization for fiscal year 1990-91. Given the number of amendments that were offered to that piece of legislation, it was obvious that not everyone was satisfied with its contents. During debate on H.R. 2655, I voiced my support for it even though I, to, was not wholly satisfied with all its provisions. But the fact remains that we did pass our foreign aid bill by an overwhelming margin, leading me to think that this body does indeed believe in committing United States support to our allies and those nations that are in dire need of assistance.

Although this bill before us today contains some provisions that were not in the foreign aid bill simply because they did not fall under the jurisdiction of the Foreign Affairs Committee, I am pleased that the overall content of this appropriations measure is in the same spirit as the bill we passed 3 weeks ago. I am especially pleased that development programs are a large benefactor of H.R. 2939. This bill, in accordance with the House-passed foreign assistance authorization bill, shifts \$920 million from economic support assistance to development assistance, providing development assistance programs \$1.1 billion more than the fiscal year 1989 level and \$903 million more than the administration requested.

As a staunch supporter of international population programs, I am pleased that this bill provides \$202 million in funding for population programs. This amount is \$4 million above last year's level and meets the administration requests in this area. I would submit to my colleagues that while the United States is actively engaged in population programs in underdeveloped countries, this provision does not allow these funds to be used for coercive abortion or forced sterilization. In addition, the bill states that these funds will only be made available to voluntary family planning projects that offer access to a broad range of family planning methods. Unfortunately, much of our foreign aid goes toward rectifying the problems associated with overpopulation. But only through population programs such as those funded here can we begin to make a difference.

I would again like to reiterate my strong support for H.R. 2939, and I urge my colleagues to vote for its passage.

Mr. COLEMAN of Texas. Mr. Chairman, as a member of the Subcommittee on Foreign Operations I want to express my support for this bill. The foreign operations bill, as the gentleman from Wisconsin has mentioned, is sometimes maligned. Members on occasion feel the understandable urge to go after this bill because it lacks a constituency. These are 13 billion of the most unpopular dollars we appropriate. Yet as a member who has only recently joined this subcommittee, I must tell you that this bill is the product of a lot of hard work and that the programs and accounts it funds are a good deal more complicated than you would gather from a quick campaign speech against foreign aid.

The chairman and others have already noted that this bill provides no money for the hard loan windows of the World Bank and the Inter-American Development Bank. While these two multilateral development institutions do a lot to further our foreign policy interests, they are also the unwitting instruments of those private banks in this country which have outstanding a series of unrepayable loans to the lesser developed countries.

The banks have been told by Secretary of the Treasury Nicholas Brady, and at the Paris economic summit by President George Bush, that they should recognize their responsibility not to leave an important friend and ally like Mexico with its economy and its citizens strapped. They have also been urged by this House, through the passage of a resolution last week, that we will not tolerate the idea that the U.S. taxpayers, through our contributions to the multilateral banks, pay the costs of overvalued loans before the banks themselves.

This bill provides funding to meet our obligations abroad in such areas as base rights agreements, for such organizations as UNICEF, the United Nations Development Program, the International Fund for Agriculture and for the IMF's enhanced structural adjustment facility. It also provides development assistance and security assistance to strengthen the prospects for peace in such conflicted areas of the world as the Middle East and Central America. It provides a modest but significant amount of assistance toward two Eastern European nations struggling to make the transition from one party, centrally planned states to pluralistic, market-oriented ones. It also provides substantial funding for the programs of the Export-Import Bank, so important to our capacity to gain even a foothold in overseas procurements, despite the administration's budgetary crosstalk.

I am grateful to my colleagues on the subcommittee for their acceptance of provisions urging the Agency for International Development to implement a peace scholarship program in Mexico. We need to undertake more cooperation and understanding toward Mexico and less condescension and criticism. I hope that this provision goes a short way toward accomplishing that goal.

Again, I want to commend my chairman and my colleagues for their work on this bill. I urge its passage.

Mr. GEPHARDT. Mr. Chairman. I would like to commend Chairman OBEY and the members of the Appropriations Committee for their tireless work in bringing to the floor this Foreign Operations Appropriations Act. Working with Chairman FASCELL and the members of the Foreign Affairs Committee, they have produced an outstanding bill.

We often speak of America's commitment to freedom, economic development, and self-determination throughout the world. Foreign assistance is one place where this commitment is put to the test. It responds to a basic humanitarian spirit in the American people. It says that where there is poverty, disease, and hunger, America will be there to help ease the suffering, because it is in our national interest to do so.

Among other vital measures in this bill, we fulfill our new commitment to the multilateral assistance initiative in the Philippines, renew support for grassroots development in Africa, and expand funding for Peace Corps with the goal of reaching the level of 10,000 volunteers by early next decade.

This bill puts America squarely on the side of economic and political freedom around the world. It provides new assistance for private sector development in Poland and Hungary. It makes our assistance subject to conditions which are consistent throughout the world. It applies a single standard of freedom and respect for human rights to all aid recipients, from China to Nicaragua, El Salvador to Zaire, from Eastern Europe to Southern Africa.

In this time of budget stringency and pressing economic problems here at home, some may ask if we can still afford to fund foreign aid. We can't afford not to fund it. This bill promotes goals vital to our political, economic, security, and environmental interests.

By promoting development in Third World countries, we help create a secure and stable world, to the benefit of all nations.

By supporting the forces of free enterprise, we expand our opportunities for exports that create good jobs here at home.

By fostering sound environmental practices, we protect the world's fragile ecological balance.

But not where do our foreign and domestic interests merge more strongly than in the measures relating to drugs. The scourge of drugs begins abroad, and works its insidious way into America's schools, inner cities, and suburbs.

To complement efforts at interdiction and enforcement in the United States this bill and the authorization bill passed several weeks ago go to the source of drugs in foreign countries. We give the President every penny he asked for—\$115 million—to fight drugs abroad.

Then we go several major steps further to stock our arsenal in the war against drugs.

For example, we renew overseas programs in last year's drug bill that the administration would have allowed to expire. We start innovative new programs, including those which offer to finance new development projects in countries that begin programs to eliminate production of illegal drugs, especially cocaine. We tell foreign officials who allow their countries to be used for money laundering, bribery, or trafficking: "You won't get a penny of

American assistance until you clean up your act."

The administration asked us to delay these new measures until next September, when they are scheduled to unveil their program. But drugs don't take the summer off. And neither should we. We must attack this epidemic now.

On drugs—on human rights—on famine relief—and on promoting basic human needs—this bill takes important steps forward in promoting American interest.

It is an outstanding bill that deserves our strongest support.

Mr. CONTE. Mr. Chairman, I rise in support of this compromise foreign operations appropriations bill, and commend the subcommittee for working out their differences in the usual calm and dispassionate manner displayed over the years.

In particular, I commend the chairman, DAVE OBEY, the ranking member, MICKEY EDWARDS, and the next ranking member, JERRY LEWIS, for sticking with it until some serious differences of opinion were resolved in this bipartisan agreement. The administration also has been reasonable in coming to the understanding that all their goals are not attainable at this stage on this bill, but that the bill does contain a number of administration priorities.

SECRETARY OF STATE,
Washington, DC, July 20, 1989.

HON. SILVIO CONTE,
House of Representatives.

DEAR MR. CONTE: I am writing regarding the FY-1990 Foreign Aid Appropriations bill as reported by the House Appropriations Committee on July 19.

I sincerely appreciate the spirit of cooperation in which Congressmen Obey and Edwards have worked with the Administration to craft a compromise bill. You may be assured that this bill will have my support through House passage, although we will certainly work to improve it both in the Senate and in Conference.

For a number of our programs the bill provides funds at the President's request level. In addition, earmarking has been limited in this year's bill. We applaud both actions. Obviously, there are some changes we would like to see, and we will work with the Senate and in Conference to make these necessary changes.

On balance, we believe the bill as brought to the floor represents a strong bipartisan effort to accommodate both Administration and Congressional concerns, while recognizing our commitment to our friends and allies abroad. We support House passage of this legislation without further amendments.

Sincerely yours,

JAMES A. BAKER III.

H.R. 2939—FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED PROGRAMS APPROPRIATIONS ACT, FISCAL YEAR 1990

The Administration supports passage of H.R. 2939 in the House, without restrictive amendments.

While differing from the Administration's proposals in a number of instances, H.R. 2939 represents an effort by the subcommittee and full committee leadership to take some Administration concerns into account. For a number of programs, funds were provided at the level, requested by the President. Moreover, the extent of earmarking has been reduced from last year, and devel-

opments along these lines are particularly welcome. Further, the bill is generally consistent with the Bipartisan Budget Agreement.

However, the Administration would like to note its deep reservations with regard to some funding and other provisions in the bill including funding reductions for the World Bank, other multilateral development banks, and security assistance. The Administration will work with the Senate and in conference to address these concerns.

Nevertheless, the Administration believes that the bill represents a reasonable compromise for House action. Thus, we urge that H.R. 2939 be passed by the House without amendments further limiting the President's flexibility to implement his foreign policy.

Mr. Chairman, the bill is some \$316 million below the President's requests, a fact which reflects the limitations of the subcommittee's 302(b) allocation. It is \$48 million below the fiscal year 1989 level, and it is in compliance with the budget summit agreement.

The bill provides \$3 billion for Israel and \$2.1 billion for Egypt, amounts which have remained relatively constant since the Camp David Agreement a decade ago.

While these amounts admittedly place a strain on funds available for other priorities in the bill, the fact remains that peace has been maintained between those two former combatant nations during this period. Peace is expensive, but the alternative is unthinkable.

The bill also provides funds for new programs in the Philippines, with \$160 million for the multilateral assistance initiative, and in Poland and Hungary, with modest amounts in response to significant developments there. Poland would also receive \$10 million in agriculture aid, \$2 million in medical aid, and \$1 million for Solidarity.

The poverty-plagued nations of Africa receive \$565 million, an increase of \$15 million over last year, plus assistance through the IMF Enhanced Structural Adjustment Facility, IDA and the African Development Bank and Fund.

Ireland gets \$20 million, the Afghan people get \$70 million, and international narcotics control programs are funded at a total of \$270 million. Military assistance to Greece and Turkey will be maintained at the current 7 to 10 ratio.

There are a number of programs which have generated a considerable amount of mail here in Congress, and I will briefly run through those items. The International Fund for Agricultural Development gets \$40 million, child survival and health \$245 million, the earmark for vitamin A deficiency is \$8 million, the war against AIDS \$42 million, UNICEF \$65.4 million, the U.N. Environment Program \$12 million, the U.N. Development Program \$109 million, and Microenterprise Programs \$75 million with more emphasis on very poor recipients.

In my opinion it is regrettable that we were unable to fund the requests for the World Bank and the Inter-American Development Bank. However, I am pleased that the International Development Association [IDA] is funded at \$965 million, about half of which will go to Africa.

And finally, Mr. Chairman, the bill provides \$645 million for important export assistance

programs, including \$595 million for the direct lending program of the Export-Import Bank.

I realize that a reading of these bill highlights does not an exciting speech make, but I feel that someone should give the Members some idea of what they will be voting on. It is a supportable package.

Foreign aid doesn't get much in the way of good press, but I am convinced that these programs are important tools for promoting our foreign policy goals and our national interests. They are important tools for implementing our Nation's traditional humanitarian concerns.

I urge you to vote for the bill.

Mr. KASTENMEIER. Mr. Chairman, I want to compliment my colleague from Wisconsin and good friend, DAVE OBEY, chairman of the Appropriations Subcommittee on Foreign Operations, and members of the subcommittee for working very hard on this appropriations bill and for doing the best that they could under the circumstances.

Although military assistance programs have been reduced by \$371 million from the President's budget request, the bill still provides far too much money for foreign military assistance programs which support misguided foreign policy goals.

On the other hand, I commend Congressman OBEY and his subcommittee for emphasizing and increasing U.S. financial support for such programs as UNICEF, IFAD, child survival activities and health, women in development, international environment programs, international AIDS prevention and other worthy programs. Funding for development assistance, however, still lags behind military aid.

Mr. Chairman, last month, I voted against the H.R. 2655, the International Cooperation Act because of my objections to our foreign aid priorities, and I will vote against this appropriations bill. In doing so, I would like to remind my colleagues that we voted several years ago to end a \$5 billion revenue-sharing program which assisted our local governments. Yet, we continue to spend more abroad to feed the military in many foreign lands. I urge my colleagues to take this fact into consideration in casting their votes on this appropriations bill.

Mr. DORGAN of North Dakota. Mr. Chairman, I rise to strike the last word to commend the committee for making some sound choices within the very tight budget limits of this year's foreign aid appropriations bill, which is 35 percent below the level of the 1985 bill.

As a frequent proponent of efforts to restrain the grant military aid program, I applaud the committee's decision to reduce such funds by \$36 million. The committee wisely supports the proposition that it makes more sense to invest a few dollars wisely to prevent strife than to spend millions later hurriedly to impose military solutions.

I also concur in the judgment that the administration needs to exert more pressure on money center banks to cooperate in crafting a solution to the mounting problem of Third World debt. I particularly agree with the committee analysis which shows that major banks could absorb a major share of debt relief and still turn a profit. Unless we come to grips with

the debt problems of our Latin American neighbors, we may face not only an economic, but a political crisis, in our hemisphere. I note with sadness what a terrible toll the debt burden has taken on the children of developing nations.

The committee report further makes some useful and accurate comments on burden-sharing among the United States and its allies. I support the committee's position that we must stop apologizing to our allies for mutual defense and start asking the prospering ones like Japan and South Korea to bear a fairer and larger share of mutual defense costs.

HUNGER IN HAITI AND SUDAN

I credit the committee for efforts to help relieve the suffering of hunger and disease in Haiti and Sudan, whose people have been ravaged by civil unrest, poverty, and indifference. I recognize that the committee had to take measured steps in relief of human misery because of continuing human rights abuses in those nations.

May I also say that the committee has taken the right step in increasing resources for Child Survival, UNICEF, and the International Fund for Agricultural Development. These programs, as much as any, have helped to relieve the plight of the poorest of the poor and given hope to millions that they might live in health, dignity, and self-sufficiency.

These widely respected efforts to help developing nations and their people meet the most basic human needs: nutrition, vaccinations, emergency health care, literacy, child and maternal health, refugee relief, and self-sufficiency in food production.

As the chairman of the Hunger Committee's Working Group on Central America, I recently introduced legislation with several colleagues to focus our attention on the fundamental human needs of our neighboring countries in Central America. We did so to underscore the importance of these countries in our foreign policy and to recognize that they have staggering problems which warrant our cooperative attention and help.

The problems have been documented extensively in such studies as the Report of the International Commission for Central American Recovery and Development—Sanford Commission—and the Inter-American Dialogue Report, *The Americas in 1989: Consensus for Action*. Some one million Central Americans live in extreme poverty. Another million live as refugees or displaced persons, uprooted from their own homes and communities by civil strife. Deplorable infant mortality rates afflict El Salvador, Guatemala, and Honduras. Basic literacy and elementary sanitation are not found among millions more in Central America.

Our legislation calls on the President and the Agency for International Development to implement specific strategies to address these needs and to set goals for curbing infant mortality, illiteracy, malnutrition, and homelessness in Central America. This would be achieved in partnership with our neighbors under the umbrella of the Bridge for Peace concept devised by the Pan American Health Organization and included as a fundamental plank of the Central American peace plan.

As the administration begins to plan for the use of additional resources provided by the Congress for child survival and basic human development, I urge the President to allocate sufficient funds to address the needs of our Central American neighbors, to cooperate with their leaders in fully supporting a regional peace initiative, and to set ambitious goals for relieving the human misery and poverty of our friends in Central America.

I might mention as well that last year the Congress approved a \$17 million Child Survival Assistance Program to provide emergency health care for children in Central America. I am pleased to report to my colleagues that hundreds of children have been fitted with artificial limbs, treated for serious burns, and otherwise aided with basic medical care, food, and shelter.

However, I regret that the Government of Nicaragua has still declined to participate in the special child survival program, even though nearly half of the funds were earmarked to help children in that country. I would urge the Sandinista leadership and our own administration to reconsider how this aid might be provided to meet critical human needs in that impoverished and war-torn country.

In conclusion, let me observe that the Committee has addressed many vital issues and appropriated the resources needed to advance our foreign policy goals around the world. While the committee has followed the new practice of eliminating extensive earmarks for country or regional programs, I would still urge my colleagues and the administration to make Central America a top priority, and to target the problems identified in the resolution of the Hunger Committee's Central American Working Group.

I would also ask my colleagues to oppose across-the-board cutting amendments that do not exclude Israel and international organizations.

Mr. LAGOMARSINO. Mr. Chairman, I rise in support of H.R. 2939, the Foreign Operations appropriations bill. As a senior member of the authorizing Foreign Affairs Committee, I believe this appropriations measure adequately meets our foreign aid priorities. While there are funding discrepancies between what we recently authorized in passing H.R. 2655 and what we are appropriating in this bill, these changes do not radically change our focus or priorities.

Foreign aid is not a very popular program. Many do not understand that foreign aid can be an effective, relatively inexpensive way to protect American national security interests. Supporting our friends abroad lessens the need for a larger American military or the need to use that military. Foreign aid is an important weapon in the war on drugs. Foreign aid has proven to bolster American trade and economic growth. Foreign aid is important in helping ending the misery and suffering caused by hunger, disease, and absolute poverty. This year's foreign aid appropriations come within the budget summit agreement and I do not support any amendments to cut foreign assistance.

I am disappointed that the full request for \$200 million for the multilateral aid initiative

[MAI] for the Philippines is not appropriated. I believe that the full \$200 million is important to get this very innovative and promising program for Filipino economic reform and recovery started. It is in America's national security interests for democracy to be strengthened in the Philippines. The Philippines, home to Subic Bay and Clark Air Force Base, is a central part of our Indian Ocean-Pacific defense posture. Economic growth and reform is key to strengthening democracy. The MAI is critical to economic growth and reform. While the \$200 million figure is the high cap and may not have been fully used during fiscal year 1990, a strong start by the MAI may utilize this amount. I hope that despite this cut of \$40 million the MAI will get off to a strong start and will not be hampered by a lower cap.

I am very encouraged that this foreign operations appropriations includes full funding for Israel and Egypt. Israel remains an important strategic ally of the United States. With the ever-changing situation in the Middle East and as we move toward greater progress for Arab-Israeli peace and a resolution of the Palestinian question, it is important for us to continue our strong support for Israel. A cut in aid to Israel could result in the perception that the United States is abandoning Israel or that the threat to Israel has decreased. Such an erroneous perception could jeopardize future negotiations and security in the region. Our aid to Egypt continues our support for the Camp David accords and better Israeli-Egyptian relations.

With regard to aid to El Salvador, I believe that during the authorization process we crafted a very careful set of measures that could be accepted in a bipartisan way and that would help support peace and democracy in El Salvador. While I disagree with some of the specific El Salvador aid provisions in this appropriations bill, I believe that in general the bipartisan nature of our El Salvador Aid Program is preserved.

I urge my colleagues to join me in supporting this important measure.

Mr. OBEY. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. PANETTA] having assumed the chair, Mr. ECKART, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the bill, H.R. 2939, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1990, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant-at-Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 329, nays 69, not voting 33, as follows:

[Roll No. 150]

YEAS—329

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Aspin
Atkins
AuCoin
Baker
Ballenger
Bartlett
Bateman
Bates
Bellenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilbrakis
Bliley
Boehlert
Boggs
Bonior
Borski
Bosco
Boucher
Boxer
Brennan
Browder
Brown (CA)
Brown (CO)
Bruce
Bryant
Buechner
Burton
Bustamante
Byron
Callahan
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clarke
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Conte
Cooper

Costello
Coughlin
Cox
Coyne
Crockett
Darden
Davis
de la Garza
DeFazio
DeLay
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
Donnelly
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Durbin
Dwyer
Dymally
Dyson
Eckart
Edwards (CA)
Edwards (OK)
Emerson
Engel
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fish
Flake
Filippo
Foglietta
Ford (MI)
Ford (TN)
Frank
Frenzel
Frost
Gallegly
Gallo
Garcia
Gejdenson
Gekas
Gephardt
Gillmor
Gilman
Gingrich
Glickman

Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Grant
Gray
Green
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Henry
Hertel
Hiler
Hoagland
Hochbrueckner
Holloway
Horton
Houghton
Hoyer
Hughes
Hutto
Inhofe
Ireland
James
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Klecza
Kolbe
Koiter
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Leach (IA)
Lehman (CA)
Lehman (FL)
Leland

Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Long
Lowery (CA)
Lowey (NY)
Luken, Thomas
Lukens, Donald
Machtley
Manton
Markey
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
McCloskey
McCrery
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (WA)
Moakley
Molinari
Moody
Morella
Morrison (CT)
Morrison (WA)
Murtha
Nagle
Natcher
Neal (MA)
Nelson
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz

Owens (NY)
Owens (UT)
Oxley
Pallone
Panetta
Parker
Parris
Pashayan
Patterson
Paxon
Payne (VA)
Pease
Pelosi
Penny
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rangel
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Robinson
Roe
Rohrabacher
Rose
Rostenkowski
Roukema
Rowland (CT)
Rowland (GA)
Sabo
Salki
Sangmeister
Savage
Sawyer
Saxton
Scheuer
Schiff
Schneider
Schuette
Schulze
Schumer
Sharp
Shaw
Shays
Sikorski
Sisisky
Skaggs

Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (MS)
Smith (NJ)
Smith (VT)
Smith, Denny
(OR)
Snowe
Solarez
Spratt
Stallings
Stearns
Stenholm
Stokes
Sundquist
Swift
Synar
Tallon
Tauke
Thomas (CA)
Thomas (GA)
Thomas (WY)
Torres
Torricelli
Towns
Traxler
Udall
Unsoeld
Upton
Valentine
Vento
Visclosky
Volkmann
Vucanovich
Walgren
Walsh
Waxman
Weber
Weiss
Weldon
Wheat
Whitten
Wise
Wolf
Wolpe
Wyden
Wyllie
Yates
Yatron
Young (AK)

NAYS—69

Applegate
Archer
Army
Barnard
Bennett
Brooks
Combest
Craig
Crane
Dannemeyer
Duncan
Early
English
Fields
Gaydos
Gibbons
Hammerschmidt
Hancock
Hansen
Hefner
Herger
Hopkins
Hubbard
Huckaby

Jacobs
Jenkins
Kastenmeier
Lewis (FL)
Lloyd
Marlenee
McCandless
Miller (OH)
Mollohan
Montgomery
Moorhead
Murphy
Neal (NC)
Packard
Perkins
Petri
Rahall
Ray
Roberts
Rogers
Roth
Roybal
Russo
Sarpallius

Schroeder
Sensenbrenner
Shumway
Shuster
Smith (NE)
Smith, Robert
(NH)
Smith, Robert
(OR)
Solomon
Spence
Staggers
Stangeland
Stark
Studds
Stump
Tanner
Tauson
Traficant
Walker
Whittaker
Williams
Young (FL)

NOT VOTING—33

Anthony
Barton
Broomfield
Bunning
Collins
Conyers
Courtner
Dixon
Douglas
Florio
Guarini

Hayes (LA)
Hefley
Hunter
Hyde
Lantos
Laughlin
Leath (TX)
Madigan
Mazzoli
McCollum
McCurdy

Mineta
Mrazek
Myers
Payne (NJ)
Ravenel
Schaefer
Smith (IA)
Smith (TX)
Vander Jagt
Watkins
Wilson

□ 1158

Mr. DREIER of California changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. NIELSON of Utah. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on the Nielson amendment to H.R. 2939.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. DOUGLAS. Mr. Speaker, due to an important human rights event in New York, I was unable to be present to record my vote on July 21, 1989, on H.R. 2461, foreign operations appropriations for fiscal 1990 and 1991. The measure was approved by a vote of 329 to 69 (rollcall No. 150). I previously voted in favor of the foreign operations authorization bill and, had I been present, I would have voted "aye" on H.R. 2461 as well.

The event in New York, Mr. Speaker, was a luncheon meeting of the Congressional Human Rights Foundation to award the first Raoul Wallenberg award to the Dalai Lama, the spiritual leader of Tibet and a tireless worker for peace. The Foundation is a bipartisan group, and I attended the event in New York with Congressman TOM LANTOS to provide representation for both parties.

It was too late in the day to return to Washington for the vote, but I did want to set the record straight.

PERSONAL EXPLANATION

Mr. ANTHONY. Mr. Speaker, I missed rollcall 150. Had I been present, I would have voted "yea."

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORT ON H.R. 2461, NATIONAL DEFENSE AUTHORIZATION ACT, 1990

Mr. BEILINSON. Mr. Speaker, I ask unanimous consent that the Committee on Rules be permitted to have until midnight tonight to file a privileged report to provide for the consideration of H.R. 2461, the National Defense Authorization Act, fiscal year 1990.

The SPEAKER pro tempore (Mr. PANETTA). Is there objection to the request of the gentleman from California?

There was no objection.

□ 1200

NATIONAL WEEK OF RECOGNITION AND REMEMBRANCE FOR THOSE WHO SERVED IN THE KOREAN WAR

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 85) to designate the week of July 24 to July 30, 1989 as the "National Week of Recognition and Remembrance for Those Who Served in the Korean War," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore (Mr. PANETTA). Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Mr. Speaker, reserving the right to object, I yield to our colleague, the gentleman from Missouri [Mr. BUECHNER], who is the chief sponsor of House Joint Resolution 120.

Mr. BUECHNER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I would like to start off by thanking the gentleman from Ohio [Mr. SAWYER], the staff of the Subcommittee on Census and Population, and the gentleman from Arkansas [Mr. HAMMERSCHMIDT] for his assistance in bringing this joint resolution to the floor.

Let us not forget our Korean war veterans. Let us honor them.

Mr. Speaker, I rise today to recognize the efforts and sacrifices of our Korean war veterans. On June 25, 1950, armed forces from North Korea attacked the Republic of Korea. President Truman subsequently ordered American forces to support the Republic of Korea. Thus beginning American involvement in a 3-year conflict during which over 1 million U.S. soldiers served.

Korean war veterans represent America's forgotten veterans. These men and women served bravely, and their deeds and heroics have largely gone unnoticed. Our servicemen fought in a wide variety of terrains and conditions which ranged from tropical heat to arctic cold. Although our troops were outnumbered by the North Koreans and Chinese, they consistently outfought both. American pilots shot down 13 Communist aircraft for every 1 casualty they suffered. The Navy sealed off the North Korean Peninsula from the outside world, and made the resupply of U.N. troops possible.

When the armistice between the United Nations and North Korean forces was signed on July 27, 1953, over 54,000 servicemen had given their lives in defense of freedom in the Republic of Korea. In addition, of the 10,000 Americans that were captured by the North Koreans, only 3,000 sur-

vived their brutal treatment. From the initial fighting on the Pusan perimeter, to the brilliant landing at the Inchon Peninsula, American soldiers demonstrated tremendous skill and courage.

The achievements of our Korean vets have gone unrecognized for far too long. By setting aside the week of July 24 to July 30 as the "National Week of Recognition and Remembrance for Those Who Served in the Korean War," we can honor those who served so bravely in Korea.

Mr. RIDGE. Mr. Speaker, continuing my reservation of obligation, let me say that I would remind my colleagues that it is certainly fitting to have a national Korean War Recognition Day. Many of us will be more satisfied when we have a permanent memorial in Washington, DC, to recognize the heroism and sacrifices of the men and women who served during the Korean War.

Mr. Speaker, continuing my reservation of objection, I yield to my colleague, the gentleman from Arkansas [Mr. HAMMERSCHMIDT].

Mr. HAMMERSCHMIDT. Mr. Speaker, I thank my friend, the gentleman from Pennsylvania, for yielding to me, and let me say that I want to commend and congratulate him for the great work he has done on the joint resolution for the Korean War Veterans Recognition Day.

Mr. Speaker, today we have the opportunity to honor the men and women who served this country in the Korean conflict. The resolution we have agreed to today will designate the week of July 24 to July 30, 1989 as the "National Week of Recognition and Remembrance for Those who Served in the Korean War."

Over 5 million servicemen and women served in this conflict. Today we remember those individuals who stood and fought to prevent the spread of communism.

Each year the Korean War Veterans Association meets during the last week in July to remember their fellow soldiers. It is most fitting that today Congress also joins them in this tribute. I join with my colleagues in saluting their sacrifice and wish them the best as they assemble together next week.

Mr. RIDGE. Mr. Speaker, continuing my reservation of objection, I yield to the gentleman from Missouri [Mr. HANCOCK].

Mr. HANCOCK. Mr. Speaker, I thank my colleague, the gentleman from Pennsylvania, for yielding.

Mr. Speaker, I appreciate the opportunity to speak out on this occasion in support of the commemorative resolution to recognize Korean war veterans, House Joint Resolution 130. I am proud to say that I served in the U.S. Air Force during the Korean war era.

I enlisted in the Air Force right out of college where I served both as an enlisted man and as an officer. When I was relieved from active duty, I continued to serve in the U.S. Air Force Reserves for 16 years. During that time, I was privileged to be the recipient of the American Spirit of Honor Medal. But mainly, I am just proud I was able to do my part.

Something I have noticed about veterans of the Korean war era is that we don't hear too much from them or about them. I guess you could say, they went, they did a job, some of them never came back, but those who did come home when it was over went on with their lives—no complaints or noisy protests. Frankly, the result was I don't think they got the positive recognition that they truly deserved.

Nevertheless, those fighting Americans served honorably and valiantly against overwhelming odds. They held back the Communist tide of expansion and tyranny. This was America's policy of containment at its best.

But more than the simple foreign policy of it, the heroics and bravery of Korean veterans was outstanding. For those who study the history of that conflict, there are examples after examples of extraordinary American dedication and bravery—all sources of tremendous inspiration.

Their sacrifice and contribution to our Nation's security and the cause of freedom in the world is inspiring and momentous.

It is kind of sad that, along with other veterans, our Korean veterans are today insulted by the impunity with which their fellow citizens are now allowed to desecrate the flag under which they fought and served.

Perhaps, beyond this resolution, the greatest way we can honor these great men and women is by restoring the flag of the United States to its former state of protection and reverence, namely with a constitutional amendment.

Surely, if our Nation can compel young men to fight in defense of our flag, as did the brave veterans of the Korean war, we can defend it from defilement and desecration by our own citizens. This is only right.

In any event, I salute my fellow Korean war era veterans. Thanks to them and their loyal and steadfast defense of human liberty, the cause of freedom was advanced and the crusade of communism rolled back on at least one front. On behalf of us all, I thank them. God bless you. We will never forget you.

Mr. RIDGE. Mr. Speaker, I thank the gentleman from Missouri [Mr. HANCOCK] for his contribution, and continuing my reservation of objection, I yield to my colleague, the gentleman from Pennsylvania [Mr. RITTER].

Mr. RITTER. Mr. Speaker, I thank my colleague for yielding, and I want to thank the gentleman from Missouri [Mr. BUECHNER] and the committee for bringing to the floor the resolution designating July 24 to July 30, 1989 as the "National Week of Recognition and Remembrance for Those Who Served in the Korean War."

Many of us know that the Korean war is known as "the forgotten war." Many Korean war veterans have told me that they talk to their children and their children do not even know anything about the Korean war. I think this week of remembrance is very important, along with a memorial that will be established in our Nation's Capital, to commemorate the Korean war.

Mr. Speaker, the ability to deal with our present problems is so often dependent on our understanding of history, and to not understand our history, to not understand the Korean war, to not have a firm knowledge and understanding of this important period in American history is to risk running into similar problems in the future. Those who do not recognize the lessons of history are doomed to relive it, in the words of the philosopher, Santayana.

□ 1210

So, once again I commend my colleague for bringing the resolution to the floor, and I want to mention that in our own district in the Lehigh Valley of Pennsylvania we are constructing a memorial to the veterans of the Vietnam and the Korean wars. This living memorial will serve as an educational facility where history can be learned by school children, high school kids, and social organizations in the community at large. We intend to have books, films, videos relating to the Vietnam and the Korean wars, and we also intend to have mementos from veterans of those eras from our region of the country.

Mr. Speaker, as a member of the Executive Committee on the Lehigh Valley Korea/Vietnam Memorial in my home district, I sincerely appreciate Mr. BUECHNER's efforts to establish a national week of recognition for Korea war veterans. The Lehigh Valley Korea/Vietnam Memorial project is an important project for myself and many of the citizens in my community. I would like to add, Mr. Speaker, that Gen. William C. Westmoreland—commander of American forces during the Vietnam war, who served with honor in both Vietnam and Korea—serves as the honorary chairman of the committee.

Mr. Speaker, Jack Yohe, director A-B-E Airport in my district, has predicted that the Lehigh Valley Korea/Vietnam Memorial will be recognized around the country. Mr. Speaker, I think Mr. Yohe is correct.

Mr. Speaker, I would like to recall a very memorable event in my home district—which I participated in this past May. It was my honor—this past Memorial Day weekend—to be a part of the ceremony consecrating the land to be used for the Korea/Vietnam Memorial in the Lehigh Valley. The Lehigh Valley Korea/Vietnam Memorial will honor—in a unique and creative way—the men and women who served their country in Korea—the forgotten war—and Vietnam—the misunderstood war.

I was pleased to present a Congressional commendation and citation to the members of the Korea/Vietnam Memorial, Inc., and to present a letter by America's first Secretary of Veterans Affairs Edward Derwinski of the new Department of Veterans Affairs. I had shared the unique dream of establishing a living Korea and Vietnam memorial with Ed Derwinski several years ago, before his appointment by the President. And, I was happy to bring Secretary Derwinski's congratulatory remarks to the Lehigh Valley for this important event.

The consecrating ceremony of the 4.5 acres of land for the Korea/Vietnam Memorial brought back vivid memories of the people who have played such an important part in supporting the dream of a Korea/Vietnam Memorial in the Lehigh Valley. In my mind's eye I can still see General Westmoreland as he came forth from his small plane at the Lehigh Valley Airport. That cold, snowy night was a tribute to the self-sacrifice, dedication, and perseverance of the veterans and all those who shared the dream. On that blustery cold, ice and snow-filled night of November 11, 1987, over 350 people braved the adverse weather to attend the fund raising dinner at which General Westmoreland spoke. Their presence and support spoke of their loyalty to the cause: then Auditor General Don Bailey, Philadelphia District Attorney Ron Castille, Northampton County Executive Eugene Hartzell, Lehigh County Administrator John Kachmar, Lehigh County Executive David Bausch, Director of Northampton County Veterans' Affairs Don Williams, and director of Lehigh County Veterans' Affairs Gene Salay.

Mr. Speaker, the consecrating ceremony of the 4.5 acres of land for the Korea/Vietnam Memorial this past Memorial Day reminded me of the spirit of self-sacrifice and the commitment of the citizens of the Lehigh Valley who acted in concert and community on this important project. The names of those killed in Korea and Vietnam were read by Gold Star mothers, veterans, and other family members. Proclamations from Gov. Robert Casey and State Rep. Paul Mchale, State Rep. William Rybak, Allentown Mayor Joseph Daddona, Lehigh

County Executive David K. Bausch, Lehigh County Administrator John Kachmar and Bethlehem City Councilman Otto Ehrsam (representing Mayor Ken Smith), Lt. Col. Leonard Shupp, Rev. Donald Stone, Rabbi Eugene Wernick, and Rev. Richard Ford all gave important statements at the consecrating ceremony. The Freedom High School Band and Fife Drum Corps, the Lehigh Valley Harmonizers, and vocalists John and Fran Bauer provided music for the event. Richard Uttard and Karen Harrington of Freedom High School, Bethlehem, read, respectively, Lincoln's Gettysburg Address and the memorial poem "Flanders Field."

Mr. Speaker, there are numerous memorials Korea and Vietnam veterans throughout the United States. But, the Korea and Vietnam memorial in the Lehigh Valley will be unique. It will be a living memorial—a creative and powerful way to remember the legacy of those who fought for freedom in Korea and Vietnam. There are no living memorials to Korea and Vietnam veterans that include a theater—for film, and video—a museum, a library, and a computer index of Vietnam and Korea veterans. In this age of high-tech and visual media, the Lehigh Valley Korea/Vietnam Memorial will—in a unique and powerful way—keep the memories alive.

Mr. Speaker, in light of the efforts in my district to establish a Korea/Vietnam Memorial, I salute my colleague Mr. Buechner for his efforts to make July 24 to July 30, 1989 the "National Week of Recognition and Remembrance for Those Who Served in the Korean War."

Mr. RIDGE. Mr. Speaker, I thank the gentleman from Pennsylvania [Mr. RITTER].

Mr. Speaker, I would also remind my colleagues that during this National Korean War Veterans Day it is fitting that we also remind everyone that there are still about 8,000 Americans who served in that conflict who are unaccounted for. We have over the past several years been preoccupied, as we should, with regard to the POW-MIA issue in Vietnam, but let us not forget the 8,000 that are still unaccounted for from that conflict.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. PALLONE). Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 85

Whereas on June 25, 1950, the Communist army of North Korea invaded and attacked South Korea, initiating the Korean war;

Whereas the week of July 24 to July 30, 1989, includes July 27, the thirty-sixth anniversary of the cease-fire agreement that ended the active combat of the Korean war;

Whereas the Korean war was brought to an end primarily through the efforts of the United States Armed Forces;

Whereas for the first and only time in history a United Nations command was created, with the United States as the executive agent, to repel this invasion and preserve liberty for the people of the Republic of Korea;

Whereas, in addition to the United States and the Republic of Korea, twenty other member nations provided military contingents to serve under the United Nations banner;

Whereas, after three years of active hostilities, the territorial integrity of the Republic of Korea was restored, and the freedom and independence of its people are assured even to this date;

Whereas over five million seven hundred thousand American servicemen and women were involved directly or indirectly in the war;

Whereas American casualties during that period were fifty-four thousand two hundred and forty-six dead, of which thirty-three thousand six hundred and twenty-nine were battle deaths, one hundred and three thousand two hundred and eighty-four were wounded, eight thousand one hundred seventy-seven listed as missing or prisoners of war, and three hundred and twenty-eight prisoners of war are still unaccounted for;

Whereas, although the Korean war has been known as America's "Forgotten War", those who served have never forgotten, and this Nation should never forget the sacrifice made by those who fought and died in Korea for the noble and just cause of freedom;

Whereas the Congress and the President of the United States have enacted a law authorizing the establishment of a Korean War Veterans Memorial in the Nation's Capital to recognize and honor the service and sacrifice of those who participated in the Korean war;

Whereas increasing numbers of Korean war veterans are setting aside July 27, the anniversary date of the armistice, as a special day to remember those with whom they served and to honor those who made the supreme sacrifice in a war to preserve the ideals of freedom and independence; and

Whereas on this significant anniversary of the cease-fire which started the longest military armistice in modern history, it is right and appropriate to recognize, honor, and remember the service and sacrifice of those who endured the rigors of combat and the extremes of a hostile climate under the most trying conditions and still prevailed to preserve the independence of a free nation: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of July 24 to July 30, 1989, is designated as the "National Week of Recognition and Remembrance for Those Who Served in the Korean War". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities, and to urge the departments and agencies of the United States and interested organizations, groups, and individuals to fly the American flag at half staff on July 27, 1989, in honor of those Americans who died as a result of their service in Korea.

The Senate joint resolution was ordered to be read a third time, was read

the third time, and passed, and a motion to reconsider was laid on the table.

LYME DISEASE AWARENESS WEEK

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S. J. Res. 142) designating the week beginning July 23, 1989, as "Lyme Disease Awareness Week" and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Mr. Speaker, reserving the right to object, I yield to the gentleman from New York [Mr. HOCHBRUECKNER], who is the major sponsor of this resolution.

Mr. HOCHBRUECKNER. Mr. Speaker, I appreciate this opportunity to say some words about Lyme disease.

Obviously, if we have a designated week as Lyme Disease Awareness Week, we should begin the education and make certain that people are aware of what Lyme disease is.

Mr. Speaker, this is a disease that was discovered about a dozen years ago in Old Lyme, CT. It is the second-fastest growing new infectious disease in this Nation, second only to AIDS. It is a disease that will not kill, but it is a disease that can clearly debilitate someone and in essence destroy their future. Two of our colleagues are no longer in the House because they contracted this disease. Berkley Bedell of Iowa and Ken Gray of Illinois have Lyme disease, and it in fact has taken them out of this House and out of government service.

Mr. Speaker, this is a disease that is very quickly spreading. It is presently in 43 States.

This is a disease which is spread by the deer tick which has been found on 53 species of birds and animals. A key carrier is the common field mouse. It is not the normal tick that one often finds on dogs and sometimes on our children. This is a much smaller tick that is especially active in the months of July and August, and, as I said, it is in 43 States today, and there is no doubt that in a very short time it will be in all 50 States.

The disease transmitting tick is often picked-up when one walks around in tall grass or at the edge of grassy areas. This very tiny tick is about the size of a comma in a sentence on a piece of newsprint. This very tiny tick will bite, injecting the disease microbe. In about 50 percent of the cases the person will get a bull's-eye kind of rash around the bite.

It is a disease that, if caught during the first stage, can be treated with antibiotics which will stop the disease.

However, Mr. Speaker, clearly we need more work here in Washington, and that is why many of us are promoting legislation that will provide additional dollars so that we can develop a better test for Lyme disease and also, of course, ultimately to produce a vaccine because we will not stop the ticks. We must stop the disease.

So, Mr. Speaker, I say to the people of the Nation, "If in the months ahead as we go through summer, you do find yourself or your child having a bull's-eye kind of rash, please, if you experience symptoms of lethargy, if you are dragging around, if you have pain in the joints like arthritis, because this disease does mimic many other diseases, go to your doctor, suggest a test for Lyme disease. It can well be Lyme."

Mr. Speaker, many doctors across this Nation are not aware of Lyme disease, so suggest it to them, and have the test done.

I say to my colleagues, "If you do have Lyme disease, you can stop it very quickly with antibiotics. If it gets to its second or third stage, you can find yourself in big trouble with a very deteriorated life, although it will not kill you."

So, since we are moving into Lyme Disease Awareness Week, I encourage everyone to be aware of Lyme. Learn about it. Be prepared. If the symptoms occur, take action. It is the second-fastest growing new infectious disease in the United States. It will be in all 50 States shortly.

Be aware; be educated; and let us defeat Lyme disease.

Lyme Disease Awareness Week, here we come. Let us learn, let us get educated.

Mr. RIDGE. Mr. Speaker, I thank the gentleman from New York [Mr. HOCHBRUECKNER] for his educational efforts. I also thank him for his effort in seeking additional funding for research in this fast-growing infectious disease.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 142

Whereas Lyme disease is spread by the tick species *Ixodes Dammini* by means of the bacterium *Burkholderia burgdorferi*;

Whereas these ticks are no larger than the head of a pin;

Whereas these ticks can be carried by domestic animals such as cats, dogs, and horses;

Whereas these ticks can be transferred from domestic animals to humans;

Whereas Lyme disease was first diagnosed in southeastern Connecticut and has spread to forty-three States;

Whereas the Centers for Disease Control has reported fourteen thousand cases of Lyme disease since 1982;

Whereas Lyme disease is easily treated in its early stages by an oral vaccine administered by a physician (penicillin and erythromycin for young children and tetracycline for persons allergic to penicillin);

Whereas the early symptoms of Lyme disease are a rash, mild headaches, a slight fever, and swollen glands;

Whereas Lyme disease often mimics rheumatoid arthritis and heart disease;

Whereas if left untreated, Lyme disease can cause severe depression, brain disorders, and even death;

Whereas the best cure for Lyme disease is prevention.

Whereas prevention of Lyme disease depends upon public awareness; and

Whereas education is essential to making the general public and health care professionals more knowledgeable of Lyme disease and its debilitating side effects: Now, therefore, be it;

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning July 23, 1989, is designated as "Lyme Disease Awareness Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate programs, ceremonies, and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FRANK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate joint resolutions just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

THE 31ST OBSERVANCE OF CAPTIVE NATIONS WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, on July 17, 1959, President Eisenhower signed into public law, legislation to designate the third week in July as Captive Nations Week. This week we commemorated the 31st observance to again focus world attention on the many nations who still suffer under the burdensome tyranny of the Communists, and to renew our commitment to achieve freedom for the millions of men, women, and children who live their lives under the shadow of this oppression.

Millions of Americans can trace their origins to these captive nations, and free people, if they are to remain free, must continue to defend the liberty of others. Each year, the people of the United States join with the

people of these captive nations in reaffirming our commitment to the cause of self-determination and human dignity.

Although under the policies of Mikhail Gorbachev, some steps toward freedom have been taken by the government in Poland, Armenia, the Baltic States, and other republics incorporated against their will into the Soviet Union, these nations are not free. The people are not free to travel, not free to assemble, and not free to determine the course of their own destinies in an independent homeland.

Mr. Speaker, on the occasion of the 31st observance of Captive Nations Week, I am proud to join with my constituents in the 11th Congressional District of Illinois which I am honored to represent, and all freedom-loving people throughout the world, who are remembering the plight of the people of the captive nations.

We must continue to speak the truth, and let the world know of the numerous human rights violations by the Communists, with the hope that the courageous people who suffer under the tyranny of their oppressors will one day live in freedom.

INTRODUCTION OF THE EMERGING TELECOMMUNICATIONS ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. DINGELL] is recognized for 5 minutes.

Mr. DINGELL. Mr. Speaker, members of the Committee on Energy and Commerce are well aware of the shortage of frequencies for commercial assignment. Existing congestion creates short-term problems for users, but there is a significant long-term problem as well. Given the current congested state of the spectrum, the ability of the FCC to accommodate new technologies that are spectrum-dependent is severely limited.

Until spectrum is identified, and a reallocation proceeding commenced by the Commission, manufacturers lack an important incentive to invest the necessary time and funds to develop new technologies.

Other governments recognize the link between spectrum availability and international competitiveness in new technologies. Britain's Minister of Trade and Industry, Lord Young, recently said that:

The Government is prepared to make available a considerable block of radio spectrum to meet the developing needs of the market for mobile communications. In this way, we will ensure that the U.K. keeps its position at the leading edge into the 90's and beyond.

Japan's Ministry of Posts and Telecommunications has a similar approach to support Japanese leadership in new technologies.

Meanwhile, the FCC must deal with competing claims by existing users. It is unable to plan for the future by retaining unused frequencies for new technologies.

This lack of spectrum is affecting the debate about high definition television [HDTV] standards. Many of the proposed HDTV technologies would require more spectrum than the 6 megahertz currently used by terrestrial broadcasters. If more spectrum is needed for

this new technology, the FCC must displace existing commercial users. Government must be helping our industries to compete, not impeding their growth by inefficient use of resources.

Together with my colleague, ED MARKEY, I have drafted a bill that establishes a mechanism for the Federal Government to identify 200 megahertz of its spectrum that can be vacated and turned over to the FCC for commercial assignment. Since the Government controls approximately 40 percent of the usable spectrum, yet is not subject to the same discipline as commercial users, this mechanism will pressure the Government to become more efficient in its use of the spectrum. It will create a reserve of spectrum for new technologies, helping our industries to compete in the global marketplace.

SUMMARY OF THE EMERGING TELECOMMUNICATIONS TECHNOLOGIES ACT

Within 24 months of the date of enactment, the Secretary of Commerce must recommend a total of 200 MHz of spectrum in the Government's reserve that can be made available for commercial assignment. The criteria for deciding which channels to give back are: whether the use of the frequency is for a service that could be obtained from a private vendor; whether the use of the frequency could be curtailed by using wireline alternatives; whether the frequencies are not required for the present or future needs of the Government; and whether the use of the frequency could be shared geographically, so that congestion could be alleviated in some areas while retaining the frequency for Government use in other areas.

The bill requires the Secretary of Commerce to convene an advisory group from affected industries and the FCC. This will provide him with an independent data base to evaluate recommendations made by the bureaucracy. This group will also make recommendations to the Congress on how the current system of allocating frequencies should be reformed.

Within 6 months of receiving the recommendations of the Secretary of Commerce, the President shall withdraw or modify the Government assignments and notify the FCC of his actions. The President can substitute alternative frequencies if there is a compelling national security case.

Within a year of the President's notification, the FCC must prepare a plan that: embargoes the release of some of the spectrum for 10 years; and ensures the availability of frequencies for new technologies.

This bill prohibits the auctioning of the spectrum.

Mr. Speaker, I would also like to take this opportunity to dispel an unfounded rumor that is circulating—apparently with some effect—that the Emerging Telecommunications Technologies Act will affect a specific industry sector. It will not. It is my strong belief that all spectrum-dependent businesses—including cellular—are potential beneficiaries if Government spectrum is made available. Indeed, the alleviation of congestion will benefit every user of spectrum.

It is my hope and intention that every Member of the House will have the opportunity to support this bill when it comes before the full House.

THE ARROGANCE OF CBS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. FRANK] is recognized for 60 minutes.

Mr. FRANK. Mr. Speaker, I will not take anything like 60 minutes, but I wanted to elaborate on my discussion in my 1-minute earlier today about my unhappy experience with distortion on the "CBS Evening News".

Mr. Speaker, I was called last week by a person who worked for CBS News and asked my opinion of the provision of the law we passed last year on procurement which puts restrictions on the post-Federal-employment activities of a variety of people.

Mr. Speaker, I believe we should be very tough when dealing with elected officials and Presidential appointees, and I believe there are things we should be doing with regard to others, but I have been persuaded by a number of people, former Under Secretary of the Navy Jim Woolsey and others, that the bill that I supported last year went a little bit too far in its restrictions as it applied to people particularly with technical specialties when we said that there would be a lifetime prohibition on their aiding or advising certain companies.

□ 1220

The specific details I think are less important than the general principle, which is that when we are dealing with people with technical specialties who have worked for the Federal Government, it is an error too much to restrict them.

We already face a problem, Mr. Speaker, of paying people inadequately at these levels. We have difficulty retaining and attracting the kind of specialists we ought to have, and this affects the National Aeronautics and Space Administration in the important work they do. It will affect increasingly the National Institutes of Health.

Technical people are not here for the political thrill of it. They may be less willing than those of us trained as lawyers or others to give the law the benefit of the doubt, and we have run into problems.

At any rate, CBS said, "What do you think about it?"

I said, "Well, I think we overlegislated here and we ought to relax some of those rules."

So on Friday a camera person and a person to do interviews showed up in my office. The interviewer asked me at some length what I thought about this particular piece of the law, and I said that I thought we had gone too far. I thought we should give more flexibility to people who were scientifically and technically trained, that we should prohibit them from lobbying, but the relaxation in the law that they were looking for with regard to their

ability to aid and advise other companies made sense.

I was then asked by the interviewer, "Well, but why do you have these laws in general?"

It seemed to me that it was a pretty fatuous question, but the first amendment guarantees the right of the press to ask fatuous questions, so I answered it, and I said, "Because in general you don't want people making government decisions on anything other than public policy grounds. You don't want people to make public policy decisions influenced by the prospect of later employment, nor do you want people who are making these public policy decisions going later to a private company with undue influence in terms of their ability to change a decision."

I stressed that I answered that question as to the general justification for this sort of law because the interviewer pressed me, but I made clear throughout the interview that I thought in this particular case the law had been excessive.

Then I watched the CBS News on Saturday night with Bob Schieffer as the anchorperson, since Mr. Rather was somewhere else with President Bush.

I was appalled at the absolute dishonesty with which CBS presented my position. They quoted a number of people saying that the law was too harsh and they then cut to me. They quoted only that minuscule segment of the interview in which I at their request explained why these laws existed in general.

They absolutely omitted from the program anything that I had said, and this consisted of well over 95 percent of my remarks, which indicated that I thought the law was too harsh.

In context, I was clearly presented as a defender of the law.

Now, it seems to me what happened is clearly this. They called me because I had been the chairman of a subcommittee that writes ethics laws and they must have thought that I was defender of the law as written, as I once was, but that was some time ago and I changed my mind several months ago and have been working to amend the law. I explained that to them. I explained that I was not a defender of the law.

Apparently they misunderstood me and they sent the camera crew.

I explained that I was against the law. They then asked me a question which seemed strange at the time, but I now realize was designed to get me saying at least something that could be misconstrued as supportive.

Then on Saturday when they came to put the piece together, I guess they were a little nervous because they had only opponents of the law and no defenders.

Now, I am an opponent of the law. I think they should have had a defender.

Given their embarrassment at what they had done quite incompetently, that is, CBS News failed to do a reasonable job of finding opponents of the law, to cover up their error they took one piece of what I said, totally out of context and used it in a way that gave the directly opposite impression of my views. Anyone watching that show would assume that this was a law which I favored, and they understand that.

I then called CBS News and I spoke to the head of the bureau here in Washington. She reviewed it and she called me back and she said, "Oh, no, we don't think we should do anything about this. After all, you did say that."

Yes, I said. I uttered those words. I uttered them in a context which made it clear that I was opposed to the law and they used them out of context to make it look as if I supported the law.

I asked her if she would do something to clarify this, and I say this because I am chairman of the subcommittee that has jurisdiction over parts of this law. I had publicly told people and have acted in fact to amend the bill to reflect my position.

A number of people who work in this field were somewhat surprised to see me taking an opposite position.

I understand their concern. I take the floor today in part to reassure them, Mr. Speaker, that my position has not changed and I still think we should show more flexibility, but I also want to comment on the dishonesty and the arrogance and the laziness of CBS. Rather than find someone who genuinely supported the law, they took the easy way and misreported what I said.

I can understand that happening as an error, although it distresses me.

I have no sympathy at all with their arrogant refusal to acknowledge the error. They take the position that they are infallible. It is not the first time that I have seen CBS News blatantly misrepresent, I think more out of incompetence and hastiness. No one is perfect, but the absolute refusal to acknowledge a clear error bothered me greatly and I told them, Mr. Speaker, that I would avail myself of this forum to set the record straight, in a literal sense, to make it clear to people that I had not changed my position, but also to warn my colleagues, Mr. Speaker, and others who have access to this Record that the people who run CBS News apparently have no compunction against quoting out of context. They

told me that was their policy. They thought if I said the words they could tear them out of context. They could use those words in a way by film editing that looked as if I meant the exact opposite and they thought that was legitimate.

So I want to explain to people that my views have not changed, and I want to warn people who may be relying on "CBS Evening News" for their information that they are dealing, according to my most recent experience, with people who have no commitment to intellectual honesty as a general rule; that is, I think they would rather be intellectually honest than not, but when intellectual honesty becomes inconvenient, it is sacrificed.

I am very sorry that CBS News chooses to abuse its position this way. Of course, you realize, Mr. Speaker, they are watching a news broadcast. People are watching this in various parts of the country. It is not like a newspaper where you can write a letter to the editor. There are no easy means of correcting the absolutely incorrect impression they fostered.

Those of us who serve in this Chamber are a little more fortunate than others who may be victims of this incompetence and arrogance, because we can avail ourselves of this forum and I felt a responsibility to do it, both to set the record straight for myself and to warn people that when they watch these particular newscasts, they ought to understand they are watching people who acknowledged to me in their conversation that they feel perfectly free to take what you say out of context, as long as you have said it, even if by their manner of presenting it they totally distort the meaning, they feel that is okay.

Mr. Speaker, I do not think it is okay and I think people ought to know that.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BROOMFIELD (at the request of Mr. MICHEL), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. FRANK) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.
Mr. DINGELL, for 5 minutes, today.
Mr. FRANK, for 60 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. COLEMAN of Texas, immediately prior to passage of the bill, H.R. 2939, in the Committee of the Whole today.

(The following Members (at the request of Mr. WELDON) and to include extraneous matter:)

Mr. GINGRICH.
Mr. FISH.
Mr. BEREUTER in two instances.
Mr. GILMAN.
Mr. RHODES.
Mr. McCANDLESS.
Mr. BARTON of Texas.

(The following Members (at the request of Mr. FRANK) and to include extraneous matter:)

Mr. DORGAN of North Dakota.
Mr. ALEXANDER.
Mr. FASCELL in two instances.
Mr. VENTO.
Mr. SKELTON.
Mr. CROCKETT.
Mr. BONIOR in two instances.
Mr. KLECZKA.
Mr. WYDEN.
Mrs. SCHROEDER.
Mr. DINGELL.
Mr. LAFALCE.

ENROLLED BILL SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 999. An act to reauthorize the Advisory Council on Historic Preservation.

ADJOURNMENT

Mr. FRANK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 29 minutes p.m.), under its previous order, the House adjourned until Monday, July 24, 1989, at 12 noon.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports of various House committees concerning the foreign currency and U.S. dollars utilized by them during the second quarter of calendar year 1989.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1989

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Robert Browne	5/2	5/9	Beijing, China	3,928.00	1,055.63		2,432.00				3,487.63
	5/26	5/30	Abuja, Nigeria		520.00						520.00
	5/30	5/31	Lagos, Nigeria		154.00		2,955.00				3,109.00
Steve Horblitt	5/8	5/14	Port-au-Prince, Haiti		931.00						931.00
		5/14			391.00		543.00				152.00
Committee total					2,269.63		5,930.00				8,199.63

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.³ No per diem receipt issued.⁴ Returned to Embassy Port-au-Prince, Haiti.

HENRY B. GONZALEZ, Chairman, June 30, 1989.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON POST OFFICE AND CIVIL SERVICE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1989

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
James Pierce Myers	4/21	4/27	Switzerland	1,754.36	1,074.00	93.00	56.85			1,847.36	1,130.85
Commercial transportation							4,089.00				4,089.00
Joseph A. Fisher	4/21	4/27	Switzerland	1,754.36	1,074.00	93.00	56.85			1,847.36	1,130.85
Commercial transportation							4,089.00				4,089.00
Paul Berkowitz	4/23	4/27	England	529.15	904.00					529.15	904.00
Commercial transportation (Bonn to London to Frankfurt)							446.00				446.00
4 Committee total					3,052.00		8,737.70				11,789.70

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

WILLIAM D. FORD, Chairman, July 7, 1989.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1489. A letter from the Director, Office of Management and Budget, transmitting the supplementary summary of the fiscal year 1990 budget, pursuant to 31 U.S.C. 1106(a)(1) (H. Doc. 101-86); to the Committee on Appropriations and ordered to be printed.

1490. A letter from the Secretary of Education, transmitting a copy of Final Regulations—Assistance for Local Educational Agencies in Areas affected by Federal Activities and Arrangements for Education of Children Where Local Educational Agencies Cannot Provide Suitable Free Public Education (Impact Aid), pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1491. A letter from the Secretary of Education, transmitting a copy of Final Priority under the Talent Search Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1492. A letter from the Secretary of Transportation, transmitting the 13th annual report on the Automotive Fuel Economy Program, pursuant to 15 U.S.C. 2002(a)(2); to the Committee on Energy and Commerce.

1493. A letter from the Acting Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant

to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

1494. A letter from the Acting Administrator, General Services Administration, transmitting the annual report of personal property furnished to non-Federal recipients during fiscal year 1988, pursuant to 40 U.S.C. 483(e); to the Committee on Government Operations.

1495. A letter from the Deputy Assistant Secretary of the Land and Minerals Management, Department of the Interior, transmitting notice on leasing systems for the Western Gulf of Mexico, Sale 122, scheduled to be held in August 1989, pursuant to 43 U.S.C. 1337(a)(8); to the Committee on Interior and Insular Affairs.

1496. A letter from the Chairman, Federal Reserve System, transmitting the Board's Monetary Policy Report for 1989, pursuant to 2 U.S.C. 225a; jointly, to the Committees on Banking, Finance and Urban Affairs and Education and Labor.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DE LA GARZA: Committee on Agriculture. H.R. 1472. A bill to establish the Grand Island National Recreation Area in the State of Michigan, and for other purposes; with an amendment (Rept. 101-78, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. BONIOR: Committee on Rules. House Resolution 211. Resolution providing for the consideration of H.R. 2461, a bill to authorize appropriations for fiscal years 1990 and 1991 for military functions of the Department of Defense and to prescribe military personnel levels for such Department for fiscal years 1990 and 1991, and for other purposes (Rept. 101-168). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ALEXANDER:

H.R. 2964. A bill to extend time limitations on certain projects; to the Committee on Energy and Commerce.

By Mr. DINGELL (for himself, Mr. MARKEY, Mr. MADIGAN, Mr. SWIFT, Mr. MOORHEAD, Mr. LELAND, Mrs. COLLINS, Mr. SYNAR, Mr. TAUZIN, Mr. HALL of Texas, Mr. RICHARDSON, Mr. SLATTERY, Mr. BRYANT, Mr. COOPER, Mr. MANTON, and Mr. WYDEN):

H.R. 2965. A bill to require the Secretary of Commerce to make additional frequencies available for commercial assignment in order to promote the development and use of new telecommunications technologies, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BARTON of Texas (for himself, Mr. GUNDERSON, Mr. GREEN, Mr.

JONES of Georgia, Mr. DELAY, Mr. ARMEY, and Mr. LELAND):

H.R. 2966. A bill to amend the Immigration and Nationality Act to provide for adjustments of status of certain nationals of the People's Republic of China; to the Committee on the Judiciary.

By Mr. BONIOR:

H.R. 2967. A bill to amend the Solid Waste Disposal Act to grant State and local governments the authority to enact laws to accept or reject solid waste from other States; to the Committee on Energy and Commerce.

By Mr. FLORIO (for himself, Mr. MATSUI, Mr. ROE, Mr. RANGEL, Mr. OWENS of New York, Mrs. PATTERSON, Mr. ROYBAL, Mrs. UNSOELD, Mr. PALLONE, Mr. PAYNE of New Jersey, Mr. DWYER of New Jersey, Mr. BATES, and Mr. RICHARDSON):

H.R. 2968. A bill to require that certain Federal entities and certain non-Federal entities receiving Federal financial assistance provide television sets capable of displaying closed-captioning, to prohibit Federal funding of conferences held at certain places of public accommodation which do not provide guests with guest rooms furnished with televisions capable of displaying closed-captioning, and for other purposes; jointly, to the Committees on Ways and Means; Energy and Commerce; Veterans' Affairs; Education and Labor; and Government Operations.

By Mr. FOGLIETTA (for himself, Mr. ANNUNZIO, Mr. HAYES of Illinois, Mr. FRANK, Mr. DELLUMS, Mr. OWENS of New York, Mr. FLORIO, Mr. ACKERMAN, and Mr. EVANS):

H.R. 2969. A bill to amend the National Labor Relations Act to make it an unfair labor practice for an employer to hire, or threaten to hire, permanent replacement workers; to the Committee on Education and Labor.

By Mr. JOHNSON of South Dakota:

H.R. 2970. A bill to enhance drug interdiction in rural areas; to the Committee on the Judiciary.

By Mr. LAFALCE:

H.R. 2971. A bill to amend the Small Business Investment Act of 1958 to encourage investments in minority small businesses, and for other purposes; to the Committee on Small Business.

By Mr. LEWIS of California (for himself, Mr. CAMPBELL of California, Mr. MADIGAN, Mr. EMERSON, Mr. GINGRICH, Mr. WELDON, Mr. LAGOMARSINO, Mr. GILMAN, Mr. SHAW, Mr. MICHEL, Mr. HASTERT, Mr. DOUGLAS, Mr. MCCANDLESS, Mr. BAKER, Mr. DREIER of California, Mr. HERGER, Mr. COUGHLIN, Mr. LOWERY of California, Mr. McEWEN, Mr. VANDER JAGT, Mr. MCCOLLUM, Mr. EDWARDS of Oklahoma, and Mr. WEBER):

H.R. 2972. A bill to amend title 31, United States Code, to increase both citizen participation in and funding for the war on drugs by directing the Secretary of the Treasury to issue Drug War Bonds, and for other purposes; jointly, to the Committees on Ways and Means; the Judiciary; Education and Labor; Government Operations; and Rules.

By Mr. MARLENEE (for himself, Mr. MORRISON of Washington, Mr. ROBERTS, Mr. SCHUETTE, Mr. ROBERT F. SMITH, Mrs. SMITH of Nebraska, Mr. ESPY, Mr. HARRIS, Mr. EMERSON, Mr. THOMAS of Georgia, Mr. ROTH, Mr. JONTZ, and Mr. DONALD E. LUKENS):

H.R. 2973. A bill amending the Food Security Act of 1985 to provide farm program

payment fairness and equity to married couples when both the husband and the wife contribute active personal management or labor to the operation of a farm enterprise, and for other purposes; to the Committee on Agriculture.

By Mr. RANGEL:

H.R. 2974. A bill to amend section 1822 of the Anti-Drug Abuse Act of 1986 with respect to drug paraphernalia, and for other purposes; to the Committee on the Judiciary.

By Mr. TAUZIN (for himself, Mr. ORTIZ, and Mr. LAUGHLIN):

H.R. 2975. A bill to amend the Endangered Species Act of 1973 to authorize the Secretary of the Interior to make grants for projects for the propagation of species that are listed under that act as endangered or threatened species; to the Committee on Merchant Marine and Fisheries.

By Mr. WYDEN:

H.R. 2976. A bill to amend title 18, United States Code, with respect to Federal juvenile delinquency proceedings; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

By Mr. MOLINARI: Introduced a bill (H.R. 2977) for the relief of Eun Hye Kim and Doh Yeon Kim; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 160: Mr. GREEN and Mr. HOCHBRUECKNER.

H.R. 237: Mr. PEASE.

H.R. 239: Mr. SPENCE.

H.R. 332: Mr. THOMAS of Wyoming.

H.R. 545: Mr. AKAKA.

H.R. 560: Mr. RAHALL, Mr. BILBRAY, Mr. HOCHBRUECKNER, and Mr. NOWAK.

H.R. 584: Mr. PANETTA.

H.R. 720: Mr. KENNEDY, Mr. WILLIAMS, and Mr. PEASE.

H.R. 799: Mr. STALLINGS.

H.R. 1169: Mr. GLICKMAN and Mr. GALLO.

H.R. 1636: Mr. McMILLAN of North Carolina and Mr. LAGOMARSINO.

H.R. 1660: Mr. FOGLIETTA.

H.R. 1708: Mr. LAGOMARSINO, Mrs. MEYERS of Kansas, Mrs. JOHNSON of Connecticut, Mr. FISH, Mr. TOWNS, and Mr. WALSH.

H.R. 1737: Mrs. JOHNSON of Connecticut.

H.R. 2134: Mr. DE LUGO, Mr. DORGAN of North Dakota, Mr. GILMAN, Mr. HALL of Ohio, Mr. FOGLIETTA, Mr. RAUGEL, Mr. MATSUI, Mr. SMITH of Mississippi, Mr. STARK, Mr. STENHOLM, and Mr. LANCASTER.

H.R. 2193: Mr. BOEHLERT, Mr. HERGER, Mr. BURTON of Indiana, Mrs. JOHNSON of Connecticut, Mr. DENNY SMITH, Mr. ROE, Mr. PACKARD, Mr. EDWARDS of Oklahoma, and Mr. GALLO.

H.R. 2269: Mr. GLICKMAN.

H.R. 2584: Mr. McNULTY.

H.R. 2654: Mr. CRANE.

H.R. 2700: Mr. PORTER, Mr. PENNY, Mr. HILER, and Mr. KOLBE.

H.R. 2838: Mr. FASCELL, Mr. GOSS, Mr. JOHNSTON of Florida, Mr. LEHMAN of Florida, Mr. NELSON of Florida, Mr. SHAW, and Mr. JAMES.

H.R. 2871: Mr. BLILEY and Mr. DANNEMEYER.

H.R. 2873: Mr. UDALL.

H.J. Res. 54: Mr. TOWNS and Mr. GARCIA.

H.J. Res. 82: Mr. HOCHBRUECKNER, Mr. BRENNAN, and Mr. BATES.

H.J. Res. 126: Mr. MILLER of Ohio, Mr. SHARP, Mr. TRAXLER, Mr. DWYER of New Jersey, Mr. GARCIA, Mr. MICHEL, Mr. LENT, Mr. ROYBAL, Mr. MATSUI, Mr. MAVROULES, Mr. FISH, Mr. WATKINS, Mrs. BOXER, Mr. GRANDY, Mr. JONTZ, Mr. MCCLOSKEY, Mr. MCCOLLUM, Mr. MURPHY, Mr. NATCHER, Mr. ROBERTS, Mr. ROWLAND of Connecticut, Mr. WOLPE, Mr. WYLIE, Mr. ANDERSON, Mr. CLARKE, Mr. LEACH of Iowa, Mr. CRAIG, Mr. BONIOR, Mr. COOPER, Mr. FLORIO, Mr. SCHAEFER, Mr. VENTO, Mr. SHAW, Mr. FROST, Mrs. VUCANOVICH, Mr. WYDEN, and Mr. PARRIS.

H.J. Res. 164: Mr. BROOMFIELD, Mr. SCHEUER, Mr. LIPINSKI, and Mr. HAYES of Illinois.

H.J. Res. 231: Mr. BATES, Mr. WOLPE, Mr. LEVINE of California, Mr. FLIPPO, Mr. RICHARDSON, Mr. AU COIN, Mr. SAWYER, Mrs. BENTLEY, Mr. BORSKI, Mr. HUTTO, Mr. SCHAEFER, Mr. McNULTY, Mr. NAGLE, Mr. GILMAN, and Mr. FLAKE.

H. Con. Res. 14: Mr. ENGEL.

H. Con. Res. 85: Mr. MAVROULES, Mr. JACOBS, Mr. RAHALL, Mr. STALLINGS, Mr. MOODY, Mrs. BOXER, Mr. FLIPPO, Mr. HUBBARD, and Mr. DORGAN of North Dakota.

H. Res. 193: Mr. PORTER, Mr. WALGREN, Mrs. BOXER, Mr. DOWNEY, Mr. BOEHLERT, Mr. COURTER, Mr. PALLONE, Mr. DYMALLY, Mr. LANTOS, Mr. FUSTER, Mr. OWENS of Utah, Mr. LEWIS of Georgia, Mr. MILLER of Washington, Mr. ROYBAL, Mr. AU COIN, Mr. ROE, Mr. WALSH, Mrs. COLLINS, Mr. RANGEL, Mr. ACKERMAN, Mr. FISH, Mr. KOSTMAYER, Mr. BERUTER, Mr. CLARKE, Mr. PAYNE of New Jersey, Mr. STUDDS, Mr. VENTO, Mr. BONIOR, Mr. UDALL, Mr. YATRON, and Mr. GOSS.

PETITIONS, ETC.

Under clause 1 of rule XXII,

67. The SPEAKER presented a petition of City of Foster, 610 Foster City Boulevard, Foster City, CA, relative to the Cable Rate Disclosure Act of 1989; which was referred to the Committee on Energy and Commerce.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2939

By Mr. TRAFICANT:

—At the end of the bill, add the following:

TITLE VI—FUNDING LEVELS

REDUCTION OF APPROPRIATIONS AND OTHER NEW BUDGET AUTHORITY

Sec. 601. Each amount of new budget authority provided by the preceding provisions of this Act is hereby reduced by 10 percent, except that this section does not apply with respect to the new budget authority provided for "INTERNATIONAL NARCOTICS CONTROL".

—At the end of the bill, add the following:

TITLE VI—FUNDING LEVELS

REDUCTION OF APPROPRIATIONS AND OTHER NEW BUDGET AUTHORITY

Sec. 601. Each amount of new budget authority provided by the preceding provisions

EXTENSIONS OF REMARKS

TRUCKING INDUSTRY STATES
ITS SUPPORT FOR CLEAN AIR

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 21, 1989

Mr. ANDERSON. Mr. Speaker, earlier this month the president of the American Trucking Associations gave a farsighted speech. The trucking industry not only is taking the initiative in addressing air pollution and traffic gridlock, but truckers are prepared to do more than their fair share to correct these problems.

Speaking in Los Angeles, Thomas J. Donohue, the trucking association's chief executive, called for cleaning up diesel fuel, participating in a rigorous engine emissions inspection program, working with local governments to plan effective traffic flow programs, and studying the use of alternative fuels in everyday commercial conditions.

As Congress and the public consider the President's clean air proposals, legislators and citizens would do well during the months ahead to study the practical views of the leader of one of America's most essential industries.

Mr. Speaker, I insert the text of Mr. Donohue's July 7 speech:

THE CONGESTION-POLLUTION CONNECTION

(Speech by Thomas J. Donohue, President and CEO, American Trucking Associations)

INTRODUCTION

Thank you, Rotary president John Westwater and program chairman William Lochmoeller. I am pleased to be with Rotarians in Los Angeles. Just Wednesday I spoke to the Rotary Club in New Orleans.

I am glad to be in Los Angeles again. Last fall ATA took over the Westin Bonaventure for a week for our Annual Management Conference and Exhibition. We kept most of our members away from the World Series and had a very productive meeting.

A few years ago one was defined Los Angeles as "a kind of post-urban process rather than a city," "Post-urban process"—that's a pretty good definition. Los Angeles is a post-urban process characterized and shaped by congestion and pollution.

I. CONGESTION

Every rush hour 850,000 people in 750,000 cars venture onto Los Angeles roadways. The Los Angeles freeway system could be considered the 8th wonder of the world. The Country's freeway system extends more than 500 miles and carries more than 6 million car and truck trips every day. Stretched end to end, those cars and trucks would fill 6 lanes of traffic more than 5,600 miles long. That's 6 lanes from Los Angeles to New York City and back! Some of you must feel like you are stuck out there twice a day with 6 million vehicles at once. Trucks are actually only a small part of Los Angeles Freeway traffic. Cal Trans reports that trucks weigh-

ing over 26,000 pounds constitute 3.8% of the morning rush, 5.5% of midday offpeak traffic, and 2.6% of the evening rush.

If some of you know where there is still a fast lane left in Los Angeles, look out: it will soon vanish. By 2010, 9 million more people, with 8 million more cars, will move to California. Without new roads, the average commuting time will hit two hours by 2010, up from 45 minutes now. In 20 years average travel speeds will slow from today's 35 m.p.h. to 19 m.p.h. More than half of daily travel time will be spent at a dead stop.

No doubt about congestion: It's here, and we are all part of it. In this aspect of "the post-urban process," California is leading the nation. And the nation is rapidly following.

II. POLLUTION

Now let's look a minute at air quality. In about 10 days the White House will release President Bush's detailed legislation for Clean Air Act amendments. The President and Congress are addressing three big air quality issues: acid rain, toxic air, and smog.

1. Acid rain encompasses a spectrum of persistent effects of low-level air pollutants on the environment. Sulfur oxides emitted by older, coal-burning electric power plants and industrial boilers are the primary source.

2. Thousands of toxic air pollutants are produced daily by large factories and refineries and by small "area sources" like neighborhood dry cleaners and gas stations. The Clean Air Act and the Toxic Substances Control Act regulate some sources of seven toxic chemicals like asbestos and radon.

3. More than 100 million Americans live in 81 urban areas where air quality does not meet the legal levels. These smog areas are called "non-attainment areas" because they have not achieved National Ambient Air Quality Standards for ozone and carbon monoxide.

Ozone and carbon monoxide, in turn, come from emissions of factories, utilities, refineries; cars, trucks, buses; and many smaller sources such as bakeries, hair sprays, lawn mowers, barbecue grills, paints and solvents.

Motor vehicle emissions contribute only to smog problems. Vehicle emissions contain a wide variety of substances, too many to control individually. The current practice is to control:

Hydrocarbons (HC) are a mix of unburned and partially burned fuel components.

Oxides of nitrogen (NOx) are a mixture of substances formed when the nitrogen and oxygen in the air going through an engine react with each other in the hot engine cylinders.

Carbon monoxide (CO) is another product of incomplete fuel combustion.

Particulates are soot particles resulting from incomplete fuel combustion.

The Environmental Protection Agency says that the transportation sector, all cars, trucks, and buses, contributes nationally:

27% of all hydrocarbons. But heavy-duty diesel engine trucks contribute only 1%.

34% of all nitrogen oxides. But heavy-duty diesel engine trucks contribute 10%.

These two kinds of emissions react in the atmosphere to form ozone.

58% of all carbon monoxide emissions. But heavy-duty diesel engine trucks contribute 1%.

Of course, in any area the proportion contributed by transportation depends on that area's geography, historical development patterns, and mix of stationary and area sources. In most non-attainment areas like Los Angeles, Denver, and New York City, the mobile source (motor vehicle) contributions are higher; in other areas the proportions are lower. Of course, along California's South Coast transportation contribute more than the national averages. According to the South Coast Air Quality Management District, all trucks over 8,500 pounds in the four South Coast counties contribute 16.8% of on-road mobile emissions.

The primary factor in the congestion-pollution connection is the extent to which motor vehicle exhaust contributes to air pollution is vehicle miles traveled (VMT). VMT is calculated by multiplying the number of vehicles driven times the number of miles each is operated.

Both the number of vehicles and miles each travels increase with population and economic prosperity, so VMT can be expected to continue to grow. VMT is the congestion-pollution connection. Looked at this way, congestion and pollution are Siamese twins.

III. WHAT TO DO ABOUT IT

Almost every day I hear someone confirm the wisdom of the "sage of Baltimore," H.L. Mencken. Mencken said that "to every complex and difficult problem, there is an answer that is simple, easy, . . . and wrong."

An answer to the congestion-pollution problem? Ban trucks! Simple and easy? Yes. But wrong! Trucks are essential to the economy. Trucks haul 80% of the dollar value of all freight carried in our nation. A local example is the port of Los Angeles: Trucks usually the first and last party to handle container shipments. Trucks are only minor contributor to rush-hour congestion. Motor carriers don't want trucks, drivers, and cargo tied up in rush-hour.

What can we do together to unlock gridlock? Spread out all the volume; spread out the vehicle miles traveled, those VMTs. If drivers really believe the problem is real, and it is, then you need to get a lot of those driver-only cars out of rush hour. In Washington, car-pool-only lanes on the expressways give a visible incentive to those driver-only cars stuck in traffic. Called "HOV-3" lanes, these make a big difference.

Coordinated incident and accident management of the freeways is vital. Multiple agency efforts, heavy tow trucks and rescue equipment, enhanced communications, and videotaping accident scenes can all speed clearance of accident sites.

We support the pilot roadside smoke test program for diesel trucks that is similar to the smog check program currently required on passenger cars in California. Right now the California Highway Patrol is just calibrating the test equipment and diagnosing

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

smoke and emissions problems. Next spring mandatory testing begins at all weigh stations, and penalties will be assessed for smoke violations.

Let's consider an 18-hour day economy for Los Angeles. Look to expand the business day, not as a penalty but as an economic opportunity that recognizes we live in a global economy. What if Los Angeles were on a schedule running from when the sun rises on the business and financial world in New York and until the sun sets on business and finance in Tokyo? That would put Los Angeles in sync with Pacific Rim nations.

An 18-hour business day could spread out the volume of commuting and shipping over a much longer time period. It could provide genuine relief to the congestion-pollution connection and would stimulate L.A.'s productivity and economy as well. The concept needs to be studied and its economic impact assessed.

IV. WHERE THE TRUCKING INDUSTRY STANDS

We know trucks are a small part of the congestion-pollution connection, but we intend to be a big part of the pollution solution.

First, a little background on where we've been over the last 5 years on the safety front. The trucking industry has won federal safety laws and regulations for:

Roadside truck inspections, now funded at \$50 million annually, are up 3,000% from 5 years ago;

Uniform commercial driver's licenses, issued by states, each with a unique biometric identifier for each truck driver;

Repeal of the commercial zone safety exemption;

Initiating tough new standards on drug and alcohol use, and we are calling for mandatory random drug testing for all truck drivers;

We're also for the 55 m.p.h. speed limit;

And we want to ban radar detectors from trucks, too.

That's the context from which we speak about clean air.

1. We support tough clean air standards.—Motor carriers, their employees, and their families live here, work here, and breathe the same air, too. We support EPA's stringent 1994 heavy duty diesel standards. These are incredibly tough standards to reach that are forcing the development of new engine technology and clean diesel fuel. The standards will be reality by 1994, and we will meet them with clean diesel fuel, smarter diesel engines, collectors and traps on tailpipes, and strict diesel engines inspection and maintenance programs.

Clean diesel fuel will cost us 3 to 4 cents a gallon more. Tractor-trailers drive 86 billion miles a year and consume 16.5 billion gallons of fuel annually. That works out to \$500 to \$660 million more a year for clean diesel fuel. Add to that the large straight trucks, and it will cost in excess of \$1 billion a year.

2. We oppose emissions standards mandated by statute.—Congress should legislate the goals, and EPA should promulgate regulations to set the numerical standards following public rulemaking procedures. Engineers, not only legislators, should be involved.

3. We believe diesel technology is a viable clean air strategy.—Clean, smokeless diesel is a fuel compliance strategy for 1994 that is effective and environmentally responsible. We support limiting sulfur content of highway diesel fuel to 0.05 percent by weight. It is now 0.2–0.3%, more than four times the 1984 standard.

4. We oppose tampering with engines and misfueling trucks with dirty diesel.—We support federal guidelines for diesel engines emissions inspection and maintenance programs implemented by states in non-attainment areas. America has more than 200,000 trucking companies; 90% of them own five or fewer trucks; of these the majority own only one truck. Just as some people tampered with lead-free gasoline, you can be sure some people will want to tamper with low-sulfur diesel.

You heard that right: the trucking industry is supporting mandatory truck emissions inspections. Standards should be federally established, and inspections should be implemented by states. Emissions inspection and maintenance programs must be based on objective measurements which can be corroborated by accurate and repeatable tests.

5. We support studies on the use of alternative fuels and the Department of Energy demonstration program to evaluate alternative fuels in heavy trucks operated in everyday commercial conditions. The only way to assess alternative fuels is to give them controlled trials in real operating conditions. California's AB 234 Advisory Board on Air Quality and Alternative Fuels now agrees with the need for demonstration programs.

The Advisory Board spent a year deliberating whether to mandate new fuels for heavy-duty engines. On June 15 the Board agreed that now is not the time to make recommendations on heavy-duty trucking's use of methanol engines. The Board suggested that the California Air Resources Board revisit the issue in 1991 when data from heavy-duty truck methanol demonstration programs will become available.

6. We are deeply concerned about the health and safety effects associated with alternative fuels.—Methanol, ethanol, compressed natural gas (CNG), and liquefied petroleum gas (LPG) pose serious safety and health risks and formidable technical, operational, and logistical problems as currently considered for use in heavy trucks. Unproven fuels are fairy tales. Have you stopped to think about them?

Let's talk about methanol, the fuel of the Indianapolis 500. Methanol is the alternative fuel used in nearly all heavy-duty engine development projects to date. Methanol can seriously harm people and the environment.

Toxicity.—Methanol is not an alcohol you can drink. It is very toxic. One ounce can cause blindness; two ounces can cause death. Its toxicity poses a big hazard for engine mechanics, service station attendants, or anybody in routine contact with fuel.

Flammability.—Pure methanol burns with a smokeless flame that is nearly invisible in daylight. Severe burns result from coming in contact with an invisible fire, so additives must be used to color the flame.

Water and Soil Pollution.—Methanol is water soluble, so it does not float on water but mixes directly with it. That presents new problems in cleaning up spills on the ground and leaks into streams, rivers, and underground water systems.

Air Emissions.—Methanol combustion produces gaseous formaldehyde, a suspected cancer-causing substance. EPA has not yet established permissible exposure levels for formaldehyde. To prevent the breakthrough of formaldehyde exhaust emissions, methanol engines must be equipped with expensive, highly efficient, durable, and reliable catalytic converters.

Corrosive.—Methanol is highly corrosive to conventional materials. It will require stainless steel fuel lines on vehicles and special aircraft-type dry break fueling nozzles and hoses. Underground storage will require burying all new, stronger tanks at every truck stop and trucking company terminal.

Low Energy Content.—On a volume for volume basis, methanol has about half the energy content of diesel fuel. So it takes 2 gallons of methanol to do the work of 1 gallon of diesel. Heavy-duty trucks multiply methanol's problems. Unlike cars, a diesel truck runs over 500,000 to 1 million miles a year. Where will the methanol supply come from? Today most methanol is made from natural gas, but domestic natural gas is almost as expensive as oil. So if methanol catches on, the natural gas would probably come from where prices are much lower—from the Middle East.

7. In spite of all this, if governments at any level—state, federal, or local—decide to require methanol, we will demand that they indemnify the trucking industry from lawsuits resulting from health and accident liability claims involving people and the environment. If they won't indemnify trucking, we want to know why not. We won't end up like the companies that produced asbestos.

I guess you can tell: We oppose mandating the use of alternative fuels that are literally untried and absolutely unproven in everyday, real-world use. We support an alternative that works: clean, low-sulfur, smokeless diesel.

V. CONCLUSION

The air overhead engulfs us all. Clean air is a natural resource that is priceless for ourselves, our children, and the future of our society. It sustains everything any of us do.

The trucking industry supports transportation safety, a strong economy, and clean air. There is nothing incompatible about them, and they can thrive together.

It is very easy to sit comfortably, point at big trucks, and say they are the problem. But I have told you the facts, and the evidence does not support that conclusion. Big trucks are only a small part of urban traffic. Trucks are essential and a very important part of the economy. Trucks contribute only a small amount to dirty, polluted air.

Let's be sure we don't solve the congestion-pollution problem by mandating a method that poses new dangers, could retard the economy, and would affect environmental quality only marginally.

The challenge for the 1990s—your challenge and trucking's challenge—is to assure that a healthy environment, healthy industry, and healthy people endure. With a strong dose of realism, I believe all these will flourish.

AMERICAN UNITY UNDER THE FLAG

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 21, 1989

Mr. GINGRICH. Mr. Speaker, the following is an article by Michael Novak, which appeared in the Washington Times on July 18, 1989. As the debate over the recent Supreme Court ruling regarding the flag continues, I

think my colleagues will find this article beneficial for their understanding.

[From the Washington Times, July 18, 1989]

UNDERMINING OUR SENSE OF UNITY?

Two days before President Bush stood at the Iwo Jima Monument to support an amendment to protect the American flag from physical desecration, I watched two citizens take the oath of office required of new members of the U.S. government.

In front of the flag, one hand raised and the other on the Bible, each of the two repeated the solemn oath "to protect and to defend the Constitution of the United States, against all enemies, foreign and domestic."

Many of us in that room were of different religions, ethnic backgrounds, races and experiences. As a pluralistic people, we have no creed to bind us together. Even when we hold certain truths to be self-evident, those truths are few in number. Yet the republic somehow holds us together, indivisible, under that Constitution. And the flag stands for the republic.

The United States is unusual among countries, in that our people are of so many stocks. We don't pledge allegiance to a folk, as the Germans do; or to a language, like the French; or to a "sceptered isle," as the British do. We pledge allegiance to a form of government: Take away the republic, and the deal is off.

In recent years, however, many sensitive scholars have begun to fear that our nation is losing its sense of community. They discern the rapid growth of moral and political atomism. They worry that the balance between centrifugal and centripetal forces in this republic has been lost.

While I do not think that this judgment is warranted for our people as a whole, it does seem true of a certain vein of reasoning in the Supreme Court, evident most recently in its flag-burning decision.

Justice William Brennan for the majority makes two claims that seem highly debatable, except from a certain ideological point of view. First, he claims that the state of Texas prosecuted Gregory Johnson "for his expression of dissatisfaction with the policies of this country."

Second, he claims that the individual's right to symbolic expression extends even to a symbol that is not that individual's alone. In the court's view, physically desecrating that symbol in public is an individual's right, no matter what that act does to the community.

The first claim of Justice Brennan is not factual. That day in Houston Mr. Johnson shouted out many political words, under full protection for his right to free speech. The state of Texas did not bring charges against him for his speech. Mr. Johnson was prosecuted because he broke a specific provision of Texas law (and the law of 47 other states) by igniting an American flag in public. Such "expression" goes far beyond speech. When Mr. Johnson set a match to a unique public symbol belonging to all the people of the United States, he set flame in public to what did not belong solely to him. He reduced to ash, before their eyes, a flag to which the public has sworn allegiance.

Justice Brennan, in my respectful opinion, failed to give due weight both to the public dimension of the American flag and to the public allegiance to it that American citizens have sworn. He had eyes solely for the symbolic feelings (as distinct from public speech) of Mr. Johnson. He protected that

individual, but not the community of which he is a part. Nor did Justice Brennan take into account the duly legislated will of the citizens of at least 48 states that such conduct is to be held to be reprehensible in law. Nor did he weight the full public, social, objective meaning of the flag as an expressive symbol.

This is to carry atomism too far. This is to mock that minimal common bond, which all of us express in our pledges of allegiance to this republic. It is to disregard the "last full measure of devotion" with which some have hallowed that flag beyond our poor powers to add or to subtract.

For some years now, the Supreme Court has tended to read the ideology of extreme individualism into the Constitution, especially regarding the First Amendment. So doing, it has excluded those of us whose basic philosophy of life includes, along with respect for individual rights, respect for public rights and public goods. Tipping the balance between person and community too far, the court is creating a privileged philosophy of individualism, whose social consequences are worrisome.

That the flag is, in a unique way, a public good has been recognized by many opinions of the Supreme Court. Chief Justice Earl Warren wrote in *Street vs. New York* (1969): "I believe that the State and Federal Government do have the power to protect the flag from acts of desecration and disgrace." To which Justice Hugo Black added: "It passes my belief that anything in the Federal Constitution bars a State from making the deliberate burning of the American flag an offense." And Justice Abe Fortas, too: "The states and the Federal Government have the power to protect the flag from acts of desecration committed in public."

In *Spence vs. Washington* (1974), although siding with a defendant who taped a peace sign over his flag in his own apartment window, the court took care to note that the "defendant was not charged with the desecration statute, nor did he permanently disfigure the flag or destroy it."

In *Smith vs. Goguen* (1974), the court again affirmed that "nothing prevents a legislature from defining with substantial specificity what constitutes forbidden treatment of United States flags." And Justice Byron White concurred forcefully: "I would not question those states which proscribe mutilation, defacement, or burning of the flag or which otherwise protect its physical integrity."

The mutilation of a public monument, the Lincoln Memorial for example, Justice White added, would be within the power of Congress to forbid, and "the flag is itself a monument, subject to similar protection."

At stake in *Texas vs. Johnson*, then, was a community right, a right to the integrity of its own chief public symbol in the public forum. Flagrant acts of physical abuse of the flag in the public forum strike at the public's own express allegiance to the republic and to its Constitution. When the flag is flagrantly burned, the symbol of the common good is burned. The common pledge of allegiance is made to seem hypocritical.

It is not psychologically possible simultaneously to pledge allegiance to the republic, and to stand idly by when the object of that allegiance—the republic itself—is burned in effigy.

Ancient philosophers warned that democracy naturally tends toward anarchy. No better path toward that fateful self-destruction lies before us than an excess of though-

less individualism. Our Framers, more wisely, always linked "private rights" and "public good."

Thus, the court would do well to correct its excessive individualism, and to restore to the community the one protected symbol of the republic to which that community has the right, and the duty, to pledge allegiance. For this is the public's mutual pact that they will, together, uphold and defend the Constitution. If the community cannot command decent respect for that one symbol of its best self, it will be exceedingly difficult for it to command respect for anything. And over time it center will not hold.

BABIES OF CRACK USERS CROWD HOSPITALS, BREAK EVERYBODY'S HEART

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 21, 1989

Mr. GARCIA. Mr. Speaker, I rise to call your attention to an aspect of one of the major problems affecting most of our major metropolitan areas today. I would like to enter into the record the following article, "Born to Lose," taken from the Wall Street Journal, Wednesday, July 18, 1989.

The use of crack, the high potency derivative of cocaine, has left whole communities victimized. The costs of its abuse is borne by inner city hospitals and social work networks as well as by the individual users themselves.

There have been calls for punishing the users of crack and other drugs, for exposing their unborn children, but how can punishing the addicted mother help the child if the mother cannot help herself? With chemical dependence, the user is as helpless as a new-born child. Rather let this be an incentive for increased rehabilitation and drug treatment centers.

[From the Wall Street Journal, July 18, 1989]

BABIES OF CRACK USERS CROWD HOSPITALS, BREAK EVERYBODY'S HEART

(By Cathy Trost)

WASHINGTON.—When Brittany was born late last year, she already was gripped in a grim embrace: a drug dependency arcing back two generations to her grandmother.

Until her fourth month of pregnancy, the baby's mother used crack, cocaine, heroin and PCP. "I was selling my body, tricking—It didn't make no difference as long as I got drugs," says the 30-year-old woman, named Cheryl. Then, arrested for selling drugs, she was detoxified in the District of Columbia jail and delivered her seventh child at D.C. General, the capital's big public hospital.

The baby was "jittery and shaky," Cheryl recalls, and had to stay in intensive care for three weeks to withdraw from the drugs. Then came three more weeks in the hospital to stabilize drug-related digestive problems. When Brittany finally came home, "all she did was cry, cry, cry," says Cheryl, who asked that her last name not be used.

Yet in the age of crack, Brittany and her mother were reasonably fortunate. One 38-year-old woman recently arrived at D.C. General having seizures and nearly comatose but still clinging to a piece of crack; her child was born alive, but the mother died in

the delivery room. Earlier this year, a 28-year-old woman arrived by ambulance with a dead newborn: she had "free based" cocaine three days before giving birth. Other drug babies are abandoned, some sentenced to live months or even years as "boarder babies" in hospital wards. In the first conviction of its kind, a Florida judge last week found a woman guilty of a felony for delivering cocaine to her newborn babies through the umbilical cord.

TOUGH NUMBERS

From coast to coast, hospitals are reporting immense increases in the number of pregnant women who use drugs, especially the fiercely addictive crack cocaine, sometimes right up to the time of delivery. At D.C. General, about 3% of babies delivered in 1983 were born to drug-addicted mothers; by last year, the number had soared to 18%. At nearby Howard University Hospital, located in a drug-infested corridor, up to 30% of mothers giving birth admit to drug use while pregnant—and officials believe the real rate could be as high as 50%.

Across the country, 15 of the 18 hospitals surveyed by a congressional committee said births of drug-exposed babies had multiplied three to four times since 1985. About 11% of U.S. newborns, or about 375,000 babies a year, now are exposed to drugs during pregnancy, according to a 36-hospital survey last year by the National Association for Perinatal Addiction Research and Education. And drug abuse in pregnancy is often missed, as many hospital don't routinely test.

But numbers don't begin to tell the story. Just as a pregnant woman breathes and eats for two, if she uses crack she smokes for two. Worse, after the drug crosses the placenta it remains for a time in the amniotic fluid. "For every time the mother gets high, for the 20-minute high she gets, the baby gets it for 72 hours," says Margaret Gallen, director of D.C. General's nurse midwifery service.

STROKES AND SEIZURES

During the mother's brief crack high, her blood pressure soars. This and the drug's irritation of the uterine wall can literally tear the placenta from it, sometimes leading to death or seizure. Some crack babies suffer strokes in the womb. "Never in my medical career have I seen so much suffering as cocaine has brought," says Mehnur Abedin, a neonatologist and director of the nursery at D.C. General.

Then comes withdrawal. Not every baby born to a cocaine-using mother goes through it, but those who do face a special torment. They often are irritable, have trouble sleeping, or are so sensitive to touch they have a hard time bonding with caretakers. Some feed poorly because they can't suck properly. A few have seizures and convulsions.

Many crack babies kick and move their arms ceaselessly. "There may actually be some bruising of the knees as they continue to crawl endlessly and move their limbs," says Antoine Fomufod, Howard Hospital's director of neonatology. They are calmed with sedatives or swaddled tightly, but their high-pitched cries cut through the nursery like a drill to a tooth. "I cannot sit in that room," says D.C. General's Dr. Abedin. "They want to be cuddled and we can't give them what they need, which is someone to hold them tight. Our resources are limited. I feel very sad."

ABANDONED IN THE HOSPITAL

Some mothers come to visit the baby while high. "They're real loud, or nothing that you've done for the baby is right," says Betty Carter, an assistant head nurse on Howard's pediatric ward. "You still let them see the baby, but you try to control the situation. If they're using, they don't stay long. We're probably making their high go away, so they get up and leave." A security guard now is posted in D.C. General's maternity waiting room.

Increasingly, though, drug-using parents—the fathers often are on drugs too—simply abandon the babies. In a recent week, Howard University Hospital had 21 boarder babies, more than two-thirds born to drug-abusing mothers and five of them infected by the AIDS virus. Periodic written reports of babies at the hospital tell the poignant tale: "Mother incarcerated, maternal drug abuse, abandoned by mother, length of stay 139 days." And "Abandoned by mother, low birth weight, maternal drug abuse, no prenatal care, premature. Length of stay 116 days."

In the Howard nursery, four boarder babies play and sleep in their room, getting few visitors. In the pediatric ward, older ones are more active. A one-year-old lies happily in his bed with stuffed animals and a busy box. "He's so bad," his favorite nurse says appreciatively. She says the baby's father used to come to the hospital, but she's never seen his mother. Howard had no boarder babies until May of 1988.

Crack is the difference. Haynes Rice, the hospital's director, tells of a mother who deserted a baby in the hospital and then was found in a police raid on a local crack house (where \$14,000 was confiscated). Another mother forsook her infant, only to return for medical treatment later, ignoring the baby and fleeing again. Ira Chasnoff, president of the perinatal addiction research group, estimates that some form of cocaine is involved in at least 75% of drug-exposed births.

D.C. General has one boarder baby who has been there more than eight months and now is living in the pediatric ward. Sometimes because of respiratory problems related to a premature birth, a baby "is left on a respirator to suffer by itself," Dr. Abedin says. "I cannot understand the mother not asking any questions about the baby, never coming again."

LOSS OF CONCERN

But such neglect is a common part of the picture. "The most remarkable and hideous aspect of crack cocaine use seems to be the undermining of the maternal instinct," says Sue Trupin, a staff nurse at San Francisco General Hospital.

Frequently, drug-using mothers check out of the hospital because "they need a fix and need to get back to the street," says D.C. General's Ms. Gallen. "You might see them for two or three days and then never see them again." Sometimes the mothers don't care enough to name the child. Nurses do it for them. D.C. General has had to send telegrams to uninterested parents to get them to sign for the postmortem when a baby dies.

At D.C. General, some women even take crack to induce speedier labor. The hospital has established a prenatal clinic for substance abusers. Sometimes pregnant women beg to be admitted to protect themselves and their babies from their addictions, but the hospital can usually offer only its outpatient clinic.

These mothers aren't all low income. Linda, an impeccably dressed 34-year-old, now looks more like the accountant she once was than a recovering addict who once had a \$2,000-a-week crack habit. Because such a habit can block menstruation, she didn't know she was pregnant until she started getting sick from smoking crack. She was 5½ months along.

After that, "I actually smoked more because I figured I'd go ahead and kill the baby," she says. "People wouldn't sell it [crack] to me because they knew I was pregnant," so she persuaded others to buy it for her. Her son was born healthy, but others frequently aren't so fortunate.

BIRTH WEIGHT: 1½ POUNDS

Babies of drug-using mothers are often born too soon and too small. Nationally, about 7% of all infants have low birth weight, a rate that hospitals consider alarming at a time of already high infant disease and death rates. But the rate hit 43% one month last year at Howard for babies born to drug-abusing mothers.

One infant at D.C. General was 15 weeks premature and weighed barely more than 1½ pounds. Seven months later he was still in intensive care, afflicted by brain hemorrhages and respiratory problems, his belly bloated by liver failure to the size of a grapefruit atop his little legs and arms. A stuffed toucan swung gaily over the child, but his mother didn't visit because "she says she suffers when she sees him," said Dr. Abedin. "He is one of our failures. We can't bring him around." A short time later, the child died.

When first born, crack babies must be stabilized and often nursed through withdrawal. The average stay for a normal infant at Howard is three days; for those born to drug-abusing mothers during a six-month period last year it was 42 days.

So besides the immense suffering, there is a huge financial burden. Intensive care runs as high as \$1,768 a day for severely affected drug-exposed newborns, a Los Angeles hospital surveyed by a congressional committee estimated. The daily cost for each boarder baby at D.C. General is about \$367. In a recent week the hospital had 10 boarders, whose care at that point had cost more than \$500,000. The costs of caring for these babies are typically passed on to private-pay patients who are covered by insurance and to the taxpayers who subsidize public hospitals.

At Howard, one abandoned infant alone ran up a tab topping \$250,000 for a 245-day stay. The hospital gets a maximum Medicaid payment of \$6,100 for such a patient, says Mr. Rice. Some boarder babies eventually go home to their natural mothers or other relatives, but many are placed in foster homes or adopted. Frequently, family members aren't an alternative for care. Mr. Rice says he sees "grandmothers who are themselves substance abusers and who cannot readily step in."

All this can push hospitals to their limits. D.C. General houses an average 60 to 70 babies in a space for 56 bassinets. The beds are less than a foot apart, instead of the recommended five feet. The crowding is such that at one point last year doctors here couldn't find an empty neonatal intensive-care bed in any hospital between Philadelphia and Richmond.

Data on long-term prospects for these babies are sketchy, but at least some of them are likely to have health and developmental problems. Since many return to

homes where drugs are used, they face social and economic pitfalls that could trap them in another cycle of poverty and dependence. Their mothers have few of the family and social supports of the methadone mothers of another era, and their lives are sometimes complicated by homelessness or AIDS.

As the problem grows, courts are reacting by prosecuting drug-abusing mothers. But critics decry the trend. "They don't need jail, they need treatment," says Gale Saler, director of program planning and development for Second Genesis, a private drug-treatment facility in the Washington area.

Drug treatment programs, however, are often strained with long waiting lists. Second Genesis has facilities for 300 residents yet can take just 10 pregnant women.

One of the current residents is Brittany's mother, Cheryl. She says her mother also used drugs. "I was trying not to be like her, but I turned out the same way." She remembers feeling angry about what she was doing to herself and her baby, but because crack had such a strong hold, she "didn't know how to change."

She says she is trying to make it up to her seven children: "After what I done to them, they know I feel real bad."

A CAUTION IN THE MIDST OF CONTROVERSY

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 21, 1989

Mr. BEREUTER. Mr. Speaker, I commend to the attention of my colleagues this most excellent and timely editorial from the July 18, 1989, Omaha World Herald. The editorial clearly states that regardless of the disposition of Congress in the matter of the Medicare Catastrophic Coverage Act of 1988, this plan or any that may supplant it must be paid for by those who benefit from it.

This is an important point that I have stressed for months. In an editorial comment I wrote for the Lincoln Star on April 27, 1989, I emphasized that any proposal to shift the cost of the additional benefits approved by the 1988 act to the taxpayers' or workers' Social Security costs is not a politically acceptable nor responsible solution because of the budget deficit and the overly large Social Security costs already borne by employers and employees. If potential beneficiaries are not willing to pay for the coverage they want, then Congress should repeal it.

Recently during a reexamination of the 1988 act, a proposal was floated to increase the FICA contributions. Wisely, the proposal was rejected. As reevaluations continue, as they apparently will, Congress must firmly resist the impulse to shift the catastrophic program's costs to the Nation's workers. As the Omaha World Herald article says, "American workers have already swallowed an increase in Social Security taxes that was designed to keep the system solvent."

WORKERS SHOULDN'T PAY NEW COSTS OF HEALTH PLAN

The issue of catastrophic health insurance for the elderly, supplied by the federal government through Medicare, is not simple,

but some basic principles can be kept in mind:

Those who benefit from the program should pay for it, in proportion to their income. In addition, the cost of this type of insurance shouldn't be loaded onto the working taxpayer.

The present problem centers on a surtax levied on elderly taxpayers who are financially well-off enough to pay taxes on their retirement incomes. The tax is graduated so that as the elderly person's income goes up, so does the tax. Some of these taxpayers have objected to paying the tax, which funds not only their own catastrophic insurance cost but also pays for insurance for senior citizens who are too poor to pay.

The program was designed to pay for itself. Early estimates of the amount it would raise indicated a \$10 billion surplus would occur in 1993, leading many elderly taxpayers and some members of Congress to hope the surtax could be lowered. New estimates of drug costs now have put that hope in jeopardy.

Prescription benefits under the health plan were to be phased in by 1991. In essence, the government would begin to pay for half the cost of prescriptions after the Medicare recipient had paid the first \$600. Some people questioned this benefit in particular because it could help people such as organ transplant recipients and AIDS patients. For the vast majority of senior citizens, some critics have charged, the cost of prescriptions wouldn't go higher than \$600, or at least not substantially high enough to make the expensive prescription program worth while.

If the benefit is not worth the cost, then lawmakers should drop it from the program. But the nation's workers should not be stuck with paying for this new catastrophic insurance program—or any part of it. American workers have already swallowed an increase in Social Security taxes that was designed to keep the system solvent.

Elderly Americans hailed the new catastrophic program as legislation designed to relieve them of worries about impoverishing themselves because of illness. The economics of the insurance program were always questionable—only a relatively small percentage of the elderly would ever use catastrophic insurance, while it would be paid by all seniors. But if the elderly were willing to pay for peace of mind, so be it.

Now, however, when the bill is coming due, those who have to pay the most have decided that maybe it isn't worth the price. That should be the central issue: Whether the program is worth the cost that the elderly must pay. The issue should not be how to shift an unfair burden onto the general taxpayer.

CASTRO SEEKS DIALOG WITH UNITED STATES ON DRUG TRADE

HON. GEO. W. CROCKETT, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, July 21, 1989

Mr. CROCKETT. Mr. Speaker, the July 13 Washington Post reported that President Castro of Cuba is seeking talks with the United States to help control growing drug trafficking.

This is another of the repeated overtures that President Castro has made over the past

several years in an attempt to get a dialog going with the United States on issues of concern to both countries and on ways to improve—and hopefully normalize—our relations.

In this case, President Castro has proven his bona fides by taking what can only be called extremely serious actions against Cuban officials who have been found to be involved in narcotics trafficking.

Our Government professes to be concerned about Cuba's role in drug trafficking. It professes to want Cuban cooperation. What are we waiting for? Why are we unwilling to talk? Why the pallid response reported in the Post, where instead of welcoming this overture, the State Department spokesman just said that we are monitoring Cuba's actions?

I have a suggestion for President Bush. In this case, the best way to fight drugs is, just say yes.

Mr. Speaker, I include the Washington Post article at this point:

[From the Washington Post, July 13, 1989]

CASTRO SEEKS DIALOGUE WITH U.S. ON DRUG TRADE—WASHINGTON ACCUSED OF HOLDING BACK DATA

HAVANA, July 12—Fidel Castro, saying flights by drug cartels in Cuban air space are "intolerable," is seeking talks with the United States to find ways to help control growing drug trafficking.

In a speech broadcast Tuesday on Cuban television, the Cuban leader said, "The United States knows that they [the drug smugglers] simply laugh when ordered to land. We really have to discuss how to manage such things. We have to arrange a form of communication between the United States and Cuba in this common battle."

Castro delivered the speech to the ruling Council of State on Sunday, two days after a Cuban Military Tribunal sentenced to death four cashiered officers convicted of helping the drug ring based in Medellin, Colombia, move cocaine into the United States. They will be executed by firing squad unless Castro intervenes.

[Castro also accused the United States of withholding information that he says could have helped Cuba uncover sooner the drug ring operating in the top ranks of its military and government, the Associated Press reported.]

[The official news agency Prensa Latina, monitored by the AP in Mexico City, quoted Castro as telling Cuba's Council of State, "The North Americans had at least two names." There was no elaboration.]

[Castro said Cuba had once warned U.S. officials about a plot to assassinate former president Ronald Reagan and said the courtesy should have been repaid with information about the narcotics ring. Prensa Latina said Cuban intelligence told Washington the assassination plot involved "reactionary elements" in the southern United States who had planned to kill Reagan the next time he visited their state. It provided no further details.]

Castro said the illegal overflight of Cuban territory "is intolerable and we cannot allow them [drug dealer] to make a mockery of our airspace."

While not responding directly to Castro's proposal, State Department spokesman Richard Boucher said today that Washington was "monitoring Cuba's narcotics interdiction efforts carefully, but it's too early to

assess the impact of developments in Cuba on our narcotics policy."

Rep. Charles B. Rangel (D-N.Y.), chairman of the Select Committee on Narcotics, said the policy was "ridiculous. They are playing anticommunist politics" and overlooking chances for cooperation in the fight against drug traffickers.

Washington has said that aircraft and boats have eluded U.S. agents by entering the territorial waters or airspace of Cuba. It also has said Cuban officials have been involved in drug trafficking and that Cuba has not elaborated on offers to cooperate with Washington in the fight against drug traffickers.

POLISH COLONISTS STAGED FIRST STRIKE IN AMERICA FOR CIVIL LIBERTIES AND EQUALITY 370 YEARS AGO TODAY

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, July 21, 1989

Mr. KLECZKA. Mr. Speaker, I take this opportunity to inform my colleagues that 370 years ago today, colonists of Polish descent staged the first strike ever in America in quest of civil liberties and equality.

On July 21, 1619, Polish colonists in Virginia went on strike to demand equal voting rights with English settlers. Their working skills were so needed that their demands for just treatment were met.

I am placing in the RECORD an article on this event by my constituent, Prof. Alfred J. Sokolnicki of Marquette University, a respected scholar on Poland and America's Polonia. I urge my colleagues to read the following account of this most historic event.

THE 370TH ANNIVERSARY OF THE FIRST STRIKE FOR CIVIL LIBERTIES AND EQUALITY IN AMERICA WAGED BY POLISH COLONISTS

On July 21st, 1619, Polish colonists in Virginia, refused to work until accorded the same voting privileges as those enjoyed by the English settlers. This was the first strike for civil liberties and equal rights in this country.

As "foreign born" (non-English) Virginians they would be deprived the vote at the assembly to organize the first representative legislative assembly in America and the beginning of the present legislative government in this country. They suspended operations in the glass factory, tar distillery and soap establishments.

The records of the Virginia Company of London recorded this incident as follows:

"Upon some dispute of the Polonians resident in Virginia, it was now agreed (notwithstanding any former order to the contrary), that they shall be enfranchised and made as free as any inhabitant there whatsoever. And because their skill in making pitch and tar and soap ashes shall not die with them, it was agreed that some young men shall be put unto them to learn their skills and knowledge therein for the benefit of the country hereafter"

This first strike in America was conducted not for higher wages or better working conditions, as is often the objective today, but for democratic rights.

These Polish craftsmen helped to set up the first industrial experiment in the colo-

nies, and also found themselves unwittingly the founders of the first American vocational school.

THOSE COSTLY "GOOD OLD BOYS"

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 21, 1989

Mrs. SCHROEDER. Mr. Speaker, earlier this year a management consultant set off, based on two studies she refused to release, a debate over whether women in management cost more than men. The consultant emphasized those costs attributable to childbirth.

Audrey Freedman, a management counselor at the conference board in New York, wrote an essay, "Those Costly 'Good Old Boys,'" in the July 12 New York Times, discussing another side to the story, the costs attributable to largely male behavior.

I commend Ms. Freedman's essay to my colleagues' attention.

[From the New York Times, July 12, 1989]

THOSE COSTLY "GOOD OLD BOYS"

(By Audrey Freedman)

A short time ago, an article in the Harvard Business Review enraged some and satisfied others by suggesting that women who want families should opt for a modified business career—that is, for second-class status and salaries. It began with the assertion that it is more expensive for a corporation to employ women than men, because women may divide their attention between family and career. This second-class status has become known as "The Mommy Track."

The case for the Mommy Track has indeed been made, but only through a cost analysis that is itself gender-biased.

It is undeniable, of course, that women, not men, take pregnancy leaves. It is also undeniable that women are the primary nurturers in a family. They are the most likely to be responsible for the care and support of children, as well as their elderly parents. If we stop there, the Mommy Trackers have unquestionably shown that women in business are more costly than men.

But the built-in bias of that analysis is the failure to account for far more costly drains on corporate productivity from behavior that is more characteristic of men than of women.

For example, men are more likely to be heavy users of alcohol. In 1985, 11.9 million men were classified as alcohol abusers as compared with 5.7 million women. Forty-three percent of men were classified as moderate-to-heavy drinkers; 18 percent of women were.

This gender-related habit causes businesses to suffer excessive medical costs, serious performance losses and productivity drains. Yet the male-dominated corporate hierarchy most often chooses to ignore these "good old boy" habits.

In fact, the higher up the drinker is, the more likely that there will be a polite cover-up. Subordinates take care to handle the problem caused by the boss's deteriorating performance. Unless a catastrophe occurs, toleration prevails in the executive setting no less than at the country club.

Drug abuse among the fast-movers of Wall Street seems to be understood as a normal response to the pressures of taking

risks with other people's money. The consequences in loss of judgment are tolerated. They are not calculated as a male-related cost of business.

Apart from performance problems at high levels, alcohol and drug abuse causes costly accidents. We never think of them, however, as a risk primarily associated with male employees. Yet, how many maternity leaves could Exxon have funded with the billions of dollars that were lost because the captain of the Valdez was drunk?

In our culture, lawlessness and violence are found far more often among men than women. The statistics on criminals and prison population are obvious; yet we seem to be unable to recognize this as primarily male behavior.

More pointedly, we do not seem to be able to figure out that some of this lawlessness occurs in the corporate setting. Corporate fraud is widely condemned. But we never notice that there is one characteristic that criminals, violent individuals and corporate felons share: their maleness.

Another heavy but ignored cost of employing men is their greater inclination to engage in destructive struggles for control. Corporate takeover battles waste billions of dollars in capital and productive energy. Or think of the macho battle between union officers and Frank Lorenzo. At this point in the struggle for "victory," Eastern Airlines is ruined: Jobs are lost, capital is wasted, equipment unused and a service is being destroyed. Yet the eight-year-old boys continue to fight over who is king of the mountain.

Male children are more likely to be socialized to "prevail" over other males. That may be useful in hand-to-hand combat or in wartime. But it is an enormously costly and destructive way to organize our economy and carry out production. Corporate takeovers seem often to represent an abstract battlefield. No one names these corporate struggles correctly: street fights.

A top executive of a major airline once commented to me that his company's greatest problem is machismo in the cockpit—pilots and copilots fighting over the controls. There is an obvious solution: Hire pilots from that half of the population that is less susceptible to the attacks of rage that afflict macho males.

My modest suggestion is that corporations reconsider their easy acceptance of the proposition that it is more costly to employ women than men. And in this reconsideration, companies might give deeper thought to the actual costs associated with behavior that society has accepted or even induced among men.

It then might occur to management that it could have saved a great deal if tanker captains and chief executives were women. The possibilities for a constructive effect on our economic life are boundless.

PRICE OF GLORY

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 21, 1989

Mr. GINGRICH. Mr. Speaker, the following is a song written by Randy Williams of Winder, GA, about the Supreme Court's decision on the burning of the flag. I urge my colleagues

to read this, and to feel the patriotism we should all share for the flag and for America.

LYRICS TO "PRICE OF GLORY"

I woke up this morning and turned on the radio

Heard some news that really got me down
The Supreme Court of country ruled that
They could burn Old Glory, spit on her
And throw her to the ground.

I wondered how many men lost a brother
or how many have given a son
How many wives have lost a good husband
To buy the right to fly Old Glory high

America's a place where a man can speak
his mind

This freedom was won hard through many
years

We're not going to give them the right to
disgrace Old Glory

The price we paid in blood was too high

Blood, sweat and tears through two hun-
dred years

Has bought the right to fly Old Glory high.

NEWSPAPER CRITICS GIVE THE FLAG DECISION A "THUMBS DOWN"

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 21, 1989

Mr. BEREUTER. Mr. Speaker, the recent decision by the Supreme Court on the burning of the flag has raised an uproar across the country. This is reflected by a large number of Nebraska newspaper editorials that have been written since the decision. Believing that it is always instructive to see what these editorialists have to say on controversial issues, this Member has prepared a sampling of such editorial views as they appeared in some of the smaller newspapers in my congressional district.

There were a variety of methods used to express the feelings of concern over the Supreme Court's decision. Some were patriotic outcries about the symbolism of the flag, such as this segment taken from Tom Huddleson's editor's corner in the Nebraska Signal of Geneva: The flag "is a symbol of freedom. It is a symbol of the red blood which was spilled to protect that freedom of the pure white motives of the patriots who fell in its defense and of their true blue loyalty even unto death. The flag as a physical object is not of and in itself sacred, but what it stands for is and always shall be." Another similar quote was found in the Crete News on July 5. "In that one simple ruling, the Supreme Court is apparently saying that all the sacrifices made in honor of the Stars and Stripes can be questioned by someone wanting to express himself."

Other editorials were emotional responses that accused the Supreme Court of irrational thinking, such as this quote from the June 28 Milford Times column. "Next the justices will probably rule that hijacking of airplanes, blowing up of buildings and other acts of terror must be accepted since nonacceptance violates the terrorist's rights of free speech." Later on the editorial criticized Justice Brennan. "Under Justice Brennan's opinion * * * the antics of the Ku Klux Klan in burning crosses and in other activities in the 1930's

would be simply exercising the right of free speech." In another editorial from the June 30 edition of the Fairbury Journal Times there is a similar quote. "It may seem ironic that a newspaper—one that thrives on the first amendment of free speech—disagrees with the particular interpretation by Justices Brennan and Stevens * * *. We find it ironic Brennan calls the flag a cherished emblem. It would seem if it is a cherished emblem in the eyes of the judge, and in the eyes of the American public, then society ought to be free to create laws making flag burning a crime."

Finally some of the papers discussed the question of the flags of other nations. The Tecumseh Chieftan of June 28, argues about the importance of all flags. "In my opinion, citizens of every nation should show respect and dedication to protection of their national colors * * *. Scores of men and women have laid down their lives, over the years, to protect the flags of their nations and their sacrifices, regardless of nation, should not be in vain." The Milford Times column, quoted from above, humorously commented on the observance of the flag in Finland. "Finland * * * permits its flags to be thrown around like a frisbee. Kids hold flag throwing contests to see who can get the most distance * * *. Let Finland and other nations handle their emblems of sovereignty at they see fit. Let us handle ours with the respect due it and the hundreds of thousands of people who died (and lived) for it. We might also note that in Finland, mixed nude bathing is customary and guys don't kiss their girls good night. Instead they rub their noses. To each his own."

As these editorials portray, emotions are running high across America because of this decision. This Member believes that the Supreme Court does not have the final word on this issue. The framers of our Constitution created Congress as a separate, but equal, institution to serve as a check on the court. Now it is time for the people's representatives to consider and act upon a constitutional amendment to see if the apparently vehement protest against the Supreme Court's decision will result in the approval of an amendment to protect the flag by the necessary 38 State legislatures.

CONGRATULATIONS TOBI PIASECKI

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 21, 1989

Mr. FRANK. Mr. Speaker, I want to congratulate Tobi Piasecki of Attleboro, MA, for being 1 of 12 winners out of 46,000 entries from across the country in a physical fitness essay contest. This contest was sponsored by the California Raisin Advisory Board, and we know from the effectiveness of their advertising campaign that they are people who are extremely well qualified to judge communications efforts.

So when they single out 12 young people from across the country for awards, we can be sure that the young people in question genuinely deserve the recognition.

Tobi Piasecki and her family should be very proud of the essay she wrote and of its high quality. I am sure that Tobi will continue to do this sort of impressive work in the future.

PRIVATIZATION OF FUNDING FOR MINORITY SMALL BUSI- NESSES

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 21, 1989

Mr. LaFALCE. Mr. Speaker, today I have introduced legislation which I believe is somewhat unique: It reduces Federal spending but at the same time it will provide more financial assistance for minority small businesses.

One of the Small Business Administration's major programs is one which encourages private firms to provide venture capital to small business. These firms, small business investment companies, or SBIC's, are privately owned and operated and generally have at least \$500,000 in private capital. Upon receiving a license from the Small Business Administration and Federal financial assistance on a matching basis, they in turn provide venture capital in the form of equity or long term loans to small businesses.

If these firms specialize in providing assistance solely to minority-owned small businesses, they are called MESBIC's or minority enterprise small business investment companies.

Until 1986, both SBIC's and MESBIC's received their Federal matching dollars on a direct basis. That is, the Federal Government actually provided the physical dollars to them. In 1985, however, in order to reduce Federal spending, legislation was enacted shifting the funding for regular SBIC's to the private sector. Instead of the money coming from the Federal Financing Bank, an arm of the Department of Treasury, the SBIC's were authorized to issue their debentures, or long term notes, which would be guaranteed by the Small Business Administration and then sold to private investors. This change has been very successful and as a result, Federal outlays have been reduced substantially.

The method of MESBIC funding was not changed, however. MESBIC debentures today are still sold to the Small Business Administration and thus require outlays by the Federal Government on a dollar-for-dollar basis.

Due to budget limits, MESBIC funding has decreased from \$45 million in 1985 to only \$36 million today. The result is that MESBIC's have to wait for Federal money and many never receive it. Of course, this eventually translates into a shortage of available venture capital for minority small business.

Mr. Speaker, the legislation I have introduced today privatizes the MESBIC debentures in the same manner in which we privatized the regular SBIC debentures several years ago. Under my bill, MESBIC's will sell their debentures to the private sector, with an SBA guarantee, just as the regular SBIC's do now. The result will be that the Government will not have to provide the capital, and Federal spending will be reduced.

On the other hand, this change will permit us to increase the annual amount of assistance we are able to provide to MESBIC's, and this will result in more venture capital being made available to minority small businesses.

Mr. Speaker, the amount of money involved is small. Generally amounts of this magnitude are lost in rounding the numbers in the Federal budget. Nonetheless, this change is very beneficial and will help both the Government and minority small business.

I anticipate that the Small Business Committee will promptly hold hearings on this measure, and I hope that my colleagues will examine it and give it their wholehearted support.

TRIBUTE TO FOY WALLACE

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 21, 1989

Mr. HALL of Texas. Mr. Speaker, today, Friday, July 21, 1989, is Foy Wallace Day in Texas—the day we are honoring a great man who is retiring from public service. Foy Wallace has been the pillar of this community and an exemplary citizen and public servant for many years.

Foy carries with him a reputation for strict adherence to honesty in his business and an unquestionable code of honor. The city of Gunter is fortunate to have had his leadership and it is appropriate that he should be honored today for his many accomplishments and long years of service to his community.

Foy Wallace had served as mayor since 1975 and, before that, served for many years on the city council. He has been a member of the board of directors of the Texoma Council of Governments since 1976 and served two terms as president of that board. He is a former member of the board of directors of the National Association of Development Organizations, coowner of two construction companies, and operates a real estate development company.

In addition, he has been active in farming and ginning for over 40 years; volunteer service with Boy Scouts of America and Goodwill Industries; honored as a Paul Harris fellow of Rotary International; selected as Texoma COG's "Outstanding Citizen From Grayson County" in 1988; a member of the Grayson County Airport Board of Directors; the Texoma Medical Center Foundation Board; and founding member of Goodwill Industries of North Texas.

He is married to Jeannie C. Wallace and has two children, a son, Bud, and daughter, Barbara, and three grandchildren.

As we adjourn today—let us do so in Foy Wallace's honor.

VOLUNTARY RESTRAINT AGREEMENTS ON STEEL IMPORTS MUST BE EXTENDED

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 21, 1989

Mr. WALGREN. Mr. Speaker, I want to express my concern about the Bush administration's delay in extending the steel voluntary restraint agreements. The voluntary restraint agreements, which have limited steel imports since 1984, will expire on September 30, 1989. President Bush has been considering the extension of these agreements, but he has not yet taken action. After years of instability, the steel industry is finally on the road to recovery. If VRA's are not extended, the industry risks returning to the pre-1984 emergency situation. And, what is worse, uncertainty on our part, coupled with an uncovered period after expiration virtually invites the dumping of underpriced steel in our country.

At the urging of the industry, labor, and many Members of Congress, President Reagan instituted the voluntary restraint agreements in 1984 in response to heavy losses in the steel industry which had, in significant part, been caused by the unfair trading practices of other countries. At that time, steel imports made up 26.4 percent of the market, an unprecedented increase from 1980. Most steel-producing countries were receiving direct government subsidies and other incentives which gave them a tremendous advantage in the U.S. markets. The purpose of the VRA's was to temporarily limit steel imports to provide a period of stability in which the U.S. steel industry could modernize to become internationally competitive.

Since 1984, the agreements have allowed for a return to profitability for domestic companies along with improvement in the quality of steel and the introduction of new technology. The steel industry is now performing at 90 percent of capacity; it was at 70 percent in 1984. The industry has reinvested \$9 billion in modernization. American manufacturers can now depend upon domestic steel. And, the industry has been able to do more in worker retraining. Although the steel industry has strengthened, we would be shortsighted not to build a solid base for long-term competition.

While the state of the industry has improved, the need for the VRA's remains. Steel is still being traded unfairly on the world market. While modernization has begun, it is far from complete. The next few years will be an important time for the steel industry and it is imperative that President Bush join Congress in the effort to help the industry meet the challenges of the 1990s.

Early this year, along with 238 of my colleagues, I cosponsored Congressman MURTHA's bill, the "Steel Import Stabilization Extension Act," calling for a 5 year extension of the steel program. I have also joined my colleagues in sending several letters to President Bush, urging him to extend the VRA's promptly and asking him to address problems in the steel industry including the circumvention of the VRA program by nonparticipating countries and weaknesses in the short supply pro-

gram. In addition, in April we urged Chairman YATES of the Subcommittee on Interior Appropriations to provide continued support for steel technology research and development.

In closing, the VRA's have been a big boost in putting the U.S. steel industry back on track, but the task is far from completed. I hope my colleagues will join me in urging President Bush to extend these agreements promptly to ensure a smooth transition. It is only by the cooperation between the Government and the steel industry that we can bring hope to the many steel communities across the country.

A POLL ON THE FLAG

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 21, 1989

Mr. GINGRICH. Mr. Speaker, the following is a letter I received from Carol Herndon, the 6 o'clock news producer at WXIA-TV in Atlanta. I feel this poll shows that there is overwhelming support among the American people for an amendment to the Constitution to prohibit the desecration of the American flag.

WXIA-TV ATLANTA,
Atlanta, GA, June 28, 1989.

U.S. Congress,
The Capitol Building, Washington, DC.

DEAR SIRS: We recently conducted a viewer opinion poll on our newscast concerning the American Flag issue, and told our viewers we would send the results to both Congress and the White House.

We asked: "Do you favor a constitutional amendment prohibiting the destruction of the Flag?"

Our viewers voted yes, 23,510 to 6,357 no. Sincerely,

CAROL HERNDON,
6 O'clock News Producer.

SUPPORT FOR CHINESE STUDENTS

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 21, 1989

Mrs. BOXER. Mr. Speaker, the following letter is from an American citizen who was living in China during the valiant students' struggle and the brutal government response. His heartfelt account and insights are a moving tribute to the Chinese people. He closes with a plea for support of the Chinese students in our country. I cannot recommend strongly enough that my colleagues read this letter and give it broad dissemination.

I had the good fortune to be present at the student demonstrations. Never before had I seen a human statement of such power, hope and concern. There is no way to describe the sight, nor my feelings of kinship with these hundreds of thousands of people. I promised myself I would not participate, and in fact, did not in any active way, but the force and yet the gentleness of the students and workers sent shivers through me, and I repeatedly had to fight back tears, so moved was I by this sea of

hope. There was extraordinary care taken by everyone to maintain order, peaceful protests, and an overriding concern that the demonstrations not be interpreted as seditious efforts or conspiracy, and even when caught in a sea of hundreds of thousands I was not pushed, squeezed or felt the least bit of a threat of danger.

What took place in Beijing on June 3 was not the "quelling of rebellious counter-revolutionaries". It was at the least, an utterly insensitive show of force, irresponsible in that soldiers were heavily armed (substantiated) told they were in danger of harm and loss of life by violent and fanatical students and workers, made uneasy and frightened by their commanders, (hearsay) and at worst, the murder of an unknown number of young, bright, caring people for the sake of gaining the upper hand in the secretive circus which poses as the Chinese government. I have always been willing to give the Chinese gov't the benefit of the doubt because everyone is now eating in China. Unquestionably good things have been done since 1949. Nevertheless, there exists a cultural phenomenon, and it seems to have existed throughout Chinese history, perhaps human history, that when there are political gains to be made, the maintenance of accession to power, human life becomes cheap, of no consequence. It appears that because of what has been observed, and what has been pieced together since June 3 in Beijing, that a power play was responsible for the decision to "quell" (Chinese media expression wherein nothing reported is to be believed), and that the consequences were of no importance, in fact to have the Army "clean house", (my expression) was a show of support for the hierarchy seeking to assert itself. I once thought there was some integrity within these people. Those responsible for the decision to march on the Square acted solely in self interest; greed, lust for power, indifference to loss of life, cruelty, etc., the worst traits in the nature of mankind were manifested. Chinese TV showed only the government's point of view, night after night of propaganda which my Chinese friends turned away from. Politicians, congratulating soldiers on their victory, fat, overfed, characterless, sometimes cruel faces, they smiled, joked with the military leaders, men of no distinction except their willingness to use any means to hold on to their cushy way of life. Socialism for them means taking the best of everything, living conditions, banquets, vacations, business opportunities for relatives, and the rest falling to the "people".

I read George Bush's statement at the Consulate. It was a strong, well said effort, yet left out what the Chinese need to hear: and that is as human beings, we treasure and respect individual life and that the means utilized to suppress the demonstrators was barbaric, uncivilized, murderous; a representation of the lowest form of behavior the species is capable of, and we deplore the behavior and the impulses that led to the decision to use such unjustified fire power to attain whatever aims. I don't need to use numbers because a general idea of how many died in Beijing is known, and in a way, exact figures will only increase the pain, but how many mothers and fathers and wives and children are waiting for loved ones who will never return home, and there is not even a sign of remains in cases because it is said that bodies were removed and incinerated to hide the number of deaths. America is somewhat removed, and there's also an emotional distance as well as

a physical one. Those of us, visitors here, who were personal observers of this movement for greater freedom: to speak and write one's mind, to vote for representation, to choose one's livelihood, etc., know how benign and gentle was this effort on the part of young China. Fully or partially intentioned, the violence they met with has no explanation, but the basest motives which drove the people who made the decisions to move against the demonstrators.

Chinese people stop me in the street now and beg me not to let America, Americans forget. We were, and are, their role model. They gained their courage from their knowledge of American history. I tell you this, in your district with such Chinese representation, try to find a way to let the people of China know we have not forgotten them, and that we will remember their hopes and dreams, their efforts, and most of all, their sacrifice, because they knew out front the latent lunacy harbored in the minds of some of their leaders, the politicians who hide behind Socialist dogma but maneuver constantly for their own and their cronies welfare before anything else. Repression and fascism has many costumes in which to cloak its true nature. The world has just seen a "glowing" example in Beijing.

My writing you at this time is a response to the anguish I feel, and the hope that in some way the U.S. can show the youth of China that we will not forget their sacrifice and their struggle for a better China, a better world. The Chinese gov't is doing a heavy snow job on blaming outsiders (U.S., H.K.) for stirring up trouble, false reporting, etc. They are remorseless, another sub-human trait. It seems imperative that we demonstrate awareness and continued support in some way, to lift the sense of depression here, to provide opportunities and services where needed and within the range of what is possible, efficacious and wise.

I hope you, with your good heart and clarity of purpose in your work, can give some attention to some of the efforts being considered in Washington, namely:

1. That all Chinese students presently in the U.S. be offered permanent resident status (green cards), that they are able to choose not to return to a country governed by force and violence. It would be in keeping with past policy to offer these people political asylum upon request, for many must fear returning from the U.S. given our harsh criticism of China and China's predisposition to fascism. It has been mentioned in the press that the State Dept. is considering such a measure. Please do all you can to foster its passage. Having gotten out of China, they deserve a chance at a better life than what is available to them here.

Please give this matter your care. Were it a child of yours or mine, we would never recover from the grief. We need to do something.

I know you will act on your conscience and do what you can.

H.R. 1387 THE MANDATORY FISH INSPECTION ACT OF 1989

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 21, 1989

Mr. DORGAN of North Dakota. Mr. Speaker, I have sponsored an act to require inspection

of all fish and seafood, and to combine seafood inspection with the USDA's meat and poultry inspection program. In discussing the legislation with other Members of this Chamber, I have had many requests for background information on the current, fragmented seafood inspection programs. The staff of the Subcommittee on Fisheries and Wildlife Conservation and the Environment provided an excellent review for a hearing in June, and I wish to offer the background section of the report to my colleagues for their information. The staff report follows:

SUMMARY OF PROPOSED LEGISLATION

BACKGROUND

Seafood consumption in the U.S. has grown significantly during the last decade. Within the last eight years, annual consumption of commercial seafood has increased by 20 percent to a record high in 1987 of 15.4 pounds per capita. During this period, the variety of both fresh and frozen seafood products has expanded rapidly, as have fish imports, which now account for 65 percent of the seafood consumed in the United States.

Although the general health benefits of eating fish have been well documented, increased concern has arisen in recent years about the hazards of consuming spoiled or contaminated fish. Seafood, like other foods, is perishable. If handled improperly or taken from polluted waters, it can cause illness and in some cases even death. The leading sources of these health problems include contamination by bacteria and viruses, parasites, natural toxins, chemical contaminants, decomposition, and drug residues. To guard against these problems, Federal and state agencies operate a patchwork of regulatory programs which monitor and inspect some seafood products.

Growing public awareness and concerns about seafood contamination have raised questions about the adequacy of current programs and prompted calls for a mandatory fish inspection program comparable to those for meat and poultry. Even the seafood processing industry, which has historically been skeptical about the need for inspection, has concluded that such a system is needed to boost consumer confidence.

Since 1907, the Department of Agriculture (USDA) has inspected all meat products, and since 1956 all poultry products sold in the U.S. through interstate and foreign commerce. The USDA's Food Safety and Inspection Service monitors every animal from the time of slaughter through each stage of production and handling. This type of inspection is known as "continuous" and has been criticized as being relatively inefficient and labor intensive. While several proposals have recently been made to require industry user fees to help finance the program, the Federal government continues to employ over 10,000 inspectors and pay more than \$400 million annually to ensure the safety and wholesomeness of meat and poultry products.

Over 50 bills to require Federal inspection of seafood have been introduced in both the House and Senate since the 89th Congress. The majority of these bills would have required the continuous, Federally-financed inspection of all fisheries products sold in the United States in interstate commerce. In other words, they would have simply extended to seafood the same inspection procedures now used for meat and poultry. Although this approach to seafood inspection

remains an option, it does not take into account either the special character of the seafood industry, or the questions that have been raised in recent years about the efficiency and effectiveness of the existing meat and poultry inspection system.

For the past three years, NMFS has been working on a Model Seafood Surveillance Project (MSSP), which is intended to provide the basis for a seafood inspection program suited to the needs and character of the fishing industry. The MSSP project consists of two major components, the first of which involves assessing the public health impacts of seafood consumption. The Fisheries Service has contracted with the Food and Nutrition Board of the National Academy of Sciences to examine the potential health hazards of chemical and microbial contaminants of seafood. That study is expected to be completed by the end of next year.

The second component of the MSSP involves the design of a certification and surveillance program for the inspection of fish and seafood products. Congress has directed that the design of the inspection program be based on the Hazard Analysis Critical Control Point (HACCP) system which involves the application of HACCP concepts to each seafood product. The National Fisheries Institute has assisted NMFS by participating in numerous industry workshops to determine proper handling and processing procedures for all seafood products. The final MSSP report is due in 1991, although an interim report is expected in the fall of 1990.

PUBLIC HEALTH RISK: HOW MUCH DO WE KNOW?

The extent to which the consumption of seafood poses a serious threat to public health is unclear, at best. While a variety of state and Federal agencies gather data on food related illnesses, these data are incomplete, inconsistent and generally unreliable. For example, only a few states have good reporting systems and when the available national data is reviewed it appears as if these states have the highest number of incidents. Because there is no way to estimate seafood illnesses in those states with little or no reporting and there is no way to calibrate the national data to take this fact into account, the national statistics are suspect.

The Center for Disease Control (CDC) and the Food and Drug Administration (FDA) collect data on the number of seafood related outbreaks (involving two or more cases of illness) from reports submitted by local and state health departments. Although these data are incomplete, they do reflect the general consensus among scientists that seafood safety problems occur most frequently as a result of eating raw shellfish and finfish.

The most recent CDC and FDA data for 1978-1986 are included as attachment #2.

GAO REPORT: SERIOUSNESS OF PROBLEMS AND EFFORTS TO PROTECT CONSUMERS

In 1988, the GAO released a report, requested by the House Committee on Government Operations, which investigated the nature, extent, and seriousness of seafood safety problems. In that report, GAO obtained expert views on the need for changes in current seafood safety programs, including the need for a mandatory inspection program.

The GAO concluded that "there does not seem to be a compelling case at this time for

implementing a comprehensive, mandatory Federal seafood inspection program similar to that used for meat and poultry". Specifically, GAO found that (1) available seafood-borne illness data do not indicate widespread problems with the nation's seafood (only 5% of all food-borne illness cases from 1978 to 1984 were seafood-related); (2) current Federal and state assessment activities, although limited, provide checks on seafood safety; and 3 problem areas identified, such as the need to encourage proper cooking of seafood, are not generally the type that would be solved by a mandatory inspection program.

CURRENT SAFETY PROGRAMS

NATIONAL MARINE FISHERIES SERVICE (NMFS)

Voluntary Inspection Program: NMFS operates a voluntary, fee-based inspection and grading program for seafood processing plants throughout the country. The current inspection program offers three services: (1) plant sanitation, product inspection, grading, and certification services; (2) lot inspection services on an as-needed basis; and (3) laboratory analytical services, label and specification reviews. In the last three years, an average of 130 plants paid a total of \$5 million annually to participate in the program. The Fisheries Service estimates that under this program it inspects about 11% of all the seafood consumed in the United States.

U.S. FOOD AND DRUG ADMINISTRATION (FDA)

In accordance with the Food, Drug and Cosmetic Act, the FDA is responsible for ensuring the safety of all foods, including seafood, destined for interstate commerce, and for protecting consumers against adulterated, decomposed, unsanitary and misbranded food products. To address its responsibilities for seafood, FDA has established several programs including:

Plant Inspection: EDA is authorized to inspect all plants processing seafood for interstate commerce. An average of 1200 seafood establishments out of a total of 4000 are inspected annually at a cost to the Federal government of approximately \$5,000,000.

FDA Seafood Sample Toxin Analysis: FDA has the authority to sample domestic and imported seafood for biologic and chemical contamination, food additives and economic violations (fraud). In addition, FDA can seize or detain misbranded or adulterated seafood and prosecute domestic and import violators. Approximately 1800 domestic and 4400 imported seafood samples are tested annually, with an average of 35% testing adversely. These figures do not reflect the hundreds of samples required by FDA to be tested by private laboratories. To increase effectiveness, FDA uses a targeted approach in its sampling efforts to address particular FDA compliance concerns, such as mercury in swordfish or imported shrimp from particular countries. For certain products, FDA requires automatic detention and testing prior to entering interstate commerce.

FDA National Shellfish Sanitation Program (NSSP): FDA, state governments and private industry work together through this program to guard against illnesses associated with eating oysters, clams and mussels. FDA evaluates state activities to determine compliance with program guidelines. Among the principal elements of the state shellfish sanitation programs are

(1) the survey and classification of growing waters; (2) enforcement of restrictions on growing waters; and (3) processing plant

inspections. Shellfish harvested from waters not approved by the FDA are not permitted to enter interstate commerce.

STATE INSPECTION PROGRAMS

Coastal states hire state inspectors to monitor and inspect seafood establishments in addition to sampling fish products for contaminants. Bills have also been introduced into several state legislatures (MA, MD, NY, ME, VA) for new seafood testing and research programs.

SELECTED STATE INSPECTION PROGRAMS

	Number of inspectors	Million lbs. fish harvested
Florida.....	68	116
Louisiana.....	225	1,000
Massachusetts.....	2	300
Maine.....	8	132
New York.....	100	40.9

PERSONAL EXPLANATION

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 21, 1989

Mr. FISH. Mr. Speaker, I was unavoidably absent on July 19 for rollcall No. 144, the Ray amendment to H.R. 1056. Had I been present I would have voted "no."

MANS INHUMANITY TO MAN

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, July 21, 1989

Mr. DINGELL. Mr. Speaker, I would like to call attention to the fact that yesterday marked the 15th anniversary of the Turkish invasion of the Republic of Cyprus. On July 20, 1974, Turkish military forces illegally displaced 180,000 Greek Cypriots from their homes in Northern Cyprus. Over 38 percent of the population of Cyprus was left homeless, unable to occupy or even travel upon their own land. During this invasion, 1,614 Cypriots and 8 Americans were abducted without explanation or justification. According to the International Red Cross, most of the mission are non-combatants: women, children, and men over 60 years old. Not one has ever been released or admitted dead by Turkish officials. Despite numerous appeals by the United States and the United Nations, these officials have yet to adequately address the issue. The families of those missing have told U.N. members of Turkey's adamant refusal to cooperate with them in the investigations to locate their loved ones. Greek Cypriot families cannot wait outside government offices or search forests or ravines. The entire region where, for 2 months, these abductions occurred, has been placed off-limits to them.

Ironically, Turkey has committed these crimes with blatant disregard for their position as a signatory to the Geneva Convention. The Turks, as a member of the NATO alliance, have behaved with contempt for democratic procedures and for basic human rights. Fur-

thermore, they have done so repeatedly. They have imprisoned an estimated 10 million Kurds for declaring their Kurdishness, speaking Kurdish, wearing Kurdish costumes, and passing their names on to their offspring. They have discriminated against women, suppressed trade unions, and enforced brutal prison conditions that include the use of torture. They have also threatened to close their borders to Jews fleeing Iran and Iraq. In fact, the injustices suffered by Cypriots—the occupation of 40 percent of their land, the systematic efforts to destroy their culture and monuments, the unjust repression of their sovereignty—are yet another to the long list of human rights violations which Turkey insists on lengthening.

Unfortunately, the U.S. foreign policy is contributing to this injustice. We are currently supplying \$503.3 million in military aid to Turkey, and debating an increase of \$110 million for fiscal year 1990. I urge my colleagues to consider that Turkey has repeatedly violated the conditions of its obligations. They have violated the U.S. Foreign Assistance Act, the U.S. Military Sales Act, the Lausanne Treaty, articles of the European Convention on Human Rights, and both the NATO and U.N. charters.

The time has come to recognize this occupation for what is, a deprivation of individual liberties, of dignity, and of the civilization and heritage of Cyprus. I sincerely hope you will all join with me in denouncing the inhumanities that Turkey has committed against the proud Cypriots and in seriously reconsidering our position on relations with Turkey.

RALPH HILL OF RIVERSIDE HONORED

HON. ALFRED A. (AL) McCANDLESS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 21, 1989

Mr. McCANDLESS. Mr. Speaker, on August 3, 1989, Ralph H. Hill of Riverside, CA, will be honored by the California Inland Empire Council of the Boy Scouts of America as a Distinguished Citizen of the Year.

Ralph deserves this honor, and were the House not going to be in session that day, I would be there with his family and his many friends who will gather to salute him.

Ralph's arrival in southern California in the 1930's was Missouri's loss, and the Golden State's gain. From the start, Ralph dedicated himself to every job, from warehouseman to frozen food manager and eventually to chairman of the board/president/CEO and director of Alfred M. Lewis, Inc.

A man of great energy and sincerity, Ralph also found time to serve as president and director of Alfred M. Lewis Properties, Inc., vice president and director of Orange Empire Finance, Inc. and chairman of the board and director of Lewis Retail Foods, Inc.

In his spare time, he has made the community of Riverside better by his contributions. Eleven years on the Board of the Riverside Community Hospital; past president of the Riverside Rotary; California Baptist College Citizens Committee Board of Directors; Trustee on the Hospital Council of Southern California;

EXTENSIONS OF REMARKS

past president of the Greater Riverside Chambers of Commerce, and many other charitable and civic affiliations.

He and his lovely wife Velma had three children; James Ralph, Janice Louise Coan, and Richard Lee. Sadly, James and Richard are no longer with us, but James' three children, and Janice's three children add greatly to the joy in their grandparent's life.

When he is not contributing his time and talents to a worthy cause, Ralph can often be found with a fishing pole in hand, or working out in the garden, or spending time with his beloved family.

His has been a life devoted to working hard, helping others, and to his family and friends. We in Riverside were very fortunate that Ralph chose to put his roots down in our community, and I am pleased to join in this fitting salute to distinguished citizen, Ralph H. Hill.

ANNIVERSARY OF CYPRUS INVASION BY THE TURKS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 21, 1989

Mr. GILMAN. Mr. Speaker, yesterday marked a tragic day in the long, illustrious history of the Cypriot people. Fifteen years ago, on July 20, 1974, Turkish forces invaded that island, and the painful legacy of that military intervention still divides Cyprus and its people. On this, the 15th anniversary of that invasion, let us recommit ourselves to finding a peaceful solution to the Cyprus problem.

The 1974 Turkish invasion killed thousands of individuals, displacing over 150,000 Cypriots who became homeless in their own country. Many Cypriots are still missing, including a number of American citizens who have not been seen since that day. The Turkish military presence on Cyprus still numbers some 30,000 troops, who occupy the northern part of the island.

The division between the Greek and Turkish communities on Cyprus has resulted in violent confrontations along the border, or "green line," as it is known, for the last 15 years.

The United Nations recently negotiated a disengagement between the Greek and Turkish Cypriots who man the border stations along the "green line," and several posts have been closed.

Since Greek-Cypriot President Vassiliou's election last year, intercommunal talks have been occurring on a regular basis. While progress is being made slowly, we are receiving favorable signals from that part of the world for the first time in over a decade.

We urge President Bush to place a high priority on imploring Turkey to remove its military presence from Cyprus. Let us all hope and pray that the next Cyprus anniversary we recognize will be that of the settlement of this long lasting dispute.

July 21, 1989

H.R. 2022

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 21, 1989

Mr. BALLENGER. Mr. Speaker, on July 13, 1989, I voted "nay" on rollcall vote 139 (H.R. 2022) that creates a presumption of refugee status for Soviet Jews, Pentecostals, and Indochinese.

The United States has in place a law that is fair, carefully balanced, and uniform in its application. I am referring to the Refugee Act of 1980—Public Law 96-212. Passage of H.R. 2022 sets a dangerous precedent of favoring certain emigres over other persecuted, equally deserving emigres.

By passing this legislation, Members of Congress are selectively making a determination that certain groups of people are more persecuted than others, thus deserving of preferential treatment for admittance to the United States.

Not only is H.R. 2022 unfair, but it is unnecessary. Pursuant to the 1980 Refugee Act, the President determined, in consultation with the Congress, that 24,500 refugees from Eastern Europe and the Soviet Union could be admitted into the U.S. in fiscal year 1989. In response to more liberal emigration policies of the Soviet Union and the surge of Soviet refugees seeking safe haven in the U.S., the President increased the number of Soviet and East European refugee admittances to 50,000. Of those 50,000, 43,500 are reserved for Soviet refugees. Clearly, the administration has taken appropriate action within the guidelines of the law.

My objection to H.R. 2022 is not the result, but the process. Obviously, the problem of politically persecuted individuals has become so pronounced that we need to take steps beyond those available under current law. H.R. 2646 would give the administration the flexibility to consider the persecuted from the world over, Soviet Jews, Pentecostals, Vietnamese, Cambodians, and Laotians included, rather than blatantly favor a few groups over the many.

The plight of refugees worldwide is critical. It's too bad Members of Congress would apply an ill-conceived, short-sighted approach to a potentially long-term problem.

THE YOUTH CRIME GANG CONTROL ACT: A BALANCED SOLUTION TO JUVENILE VIOLENCE

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, July 21, 1989

Mr. WYDEN. Mr. Speaker, today I am introducing legislation to enhance the ability of Federal prosecutors to address a problem which is reaching crisis proportions in many cities throughout our country—organized youth crime gangs.

Prosecutors in my State of Oregon have reported a great deal of success in targeting

adult gang members for Federal prosecution. These prosecutors have expressed a need for a similar Federal effort targeted on the serious, violent and repeat juvenile offenders who are also members of these gangs.

Teenagers building illegal empires to sell crack cocaine, young racists forming hate groups to brutalize minorities, "wilding," and killing over colors are all the subjects of headlines in communities from coast to coast.

For many of these gangs, the sales of illegal drugs is a river of money that never seems to run dry. Trunkloads of this money go to finance the establishment of their drug markets in communities throughout the Nation. This is exactly what happened in Portland, OR when the notorious "Crips" and "Bloods" of the Los Angeles area began selling crack in the neighborhoods of my district.

Now there are over 1,000 active Crips or Bloods gang members in Portland. In the last 6 months, the Portland Police Bureau reports 265 gang-related shootings and 242 assaults from these two gangs alone. The Portland Gang Enforcement Task Force, citing a jump in the number of shootings per night in recent weeks, expects the situation to get worse as the summer progresses. Recent reports of a third, Chicago-based gang, the "Folks," recruiting members as young as 11 years of age further compounds the crisis.

Meanwhile, families who live in these neighborhoods are forced to keep their children indoors during the day and sleep on the floor at night to protect themselves from the terror of crackhouses and knives and gunfire.

Our cities are also plagued by another gang that almost exclusively specializes in violent hatred of minorities. Commonly called Skinheads because of their cropped hairstyles, these youths don paramilitary gear and look for innocent people to verbally harass or physically assault. Some 200 hate-gang members operate in Portland, and they have contributed to a record of racially motivated violent crimes ranging from simple assault to murder.

State and local law enforcement and juvenile justice officials are struggling with few resources to cope with a problem for which there are no easy solutions. Many of these gang members travel across State lines in order to engage in drug trafficking. States, which usually assume jurisdiction of juvenile justice matters, are hard put to even keep track of the juvenile offenders from other States who are highly mobile, flush with drugs and cash, and heavily armed.

To make matters worse, the Federal juvenile justice laws are designed to throw responsibility of adjudicating these juveniles back to the States. In addition, the convoluted condition of the Federal juvenile statute makes it extremely difficult for Federal prosecutors to handle juvenile cases even when the Federal jurisdiction is clear.

The potential for cases to fall through this legal void is a concept that is not lost on gang members. They are more than willing to gamble that they'll never get caught, or won't be prosecuted once arrested, or will only spend a short time in a juvenile detention fa-

cility, or won't be incarcerated at all. The money from selling illegal drugs is simply too great to worry about risks that are so small.

The legislation I am introducing today will update the Federal juvenile justice statute and eliminate this statutory catch-22.

First, it will streamline procedures for transferring serious Federal juvenile offenders to Federal adult court.

Second, it will allow Federal prosecutors to release records of Federal juvenile cases if the State in which the case is adjudicated also allows the release of juvenile records.

Third, my bill will add Federal firearms offenses to the list of crimes under Federal jurisdiction for juvenile offenders. Right now, these Federal jurisdiction of juvenile offenders is limited to Federal crimes of violence and Federal drug trafficking. Current statute makes no mention of Federal jurisdiction in cases of juvenile offenders of Federal firearms laws.

Finally, this legislation will allow for the transfer to adult Federal court cases in which the offender commits a crime as a juvenile, but the investigation does not result in indictment until after the offender has reached adulthood.

This section is particularly important because the Federal juvenile statute prohibits the incarceration of offenders past the age of 21. So, if the offense is committed at age 17, and the offender is not indicted until age 18, the crime must be adjudicated in juvenile court. If there is a finding of guilt, the offender could only be incarcerated until age 21—regardless of the seriousness of the crime.

It makes a lot more sense to transfer cases like this to Federal adult court, prosecute the now adult offender as an adult, and upon a finding of guilt, send the felon to adult prison to serve the appropriate sentence.

This legislation is designed to address only a small part of the youth crime gang crisis, but it will be a good first step in making some sense out of our Federal juvenile statutes. There is a lot more that needs to be done to combat what is quickly becoming the most severe problem ever faced by our system of juvenile justice.

I intend to introduce a second bill in the near future which will help improve State and local response to the youth gang crisis by boosting efforts to reduce gang recruitment, provide for innovative treatment of incarcerated first-time offenders, targeted enforcement, prosecution, and probation of juvenile gang members, and encouraging communitywide efforts to address local gang problems.

Law enforcement and juvenile justice experts agree that the only practical way to approach the complexities of the youth gang crisis is through a balanced effort combining social youth development and strong law enforcement action.

The Youth Crime Gang Control Act is the first Federal legislation designed to implement that balanced response and I encourage my colleagues to support it.

EMERGING TELECOMMUNICATIONS TECHNOLOGIES ACT OF 1989

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 21, 1989

Mr. MARKEY. Mr. Speaker, today I join with the chairman of the Energy and Commerce Committee, John Dingell, in introducing the "Emerging Telecommunications Technologies Act of 1989." The spectrum is a precious, limited resource which is vitally important to our economic success and social well-being. Today as an avalanche of new technologies, demanding more spectrum, descends upon the marketplace, a severe shortage of commercially available spectrum exists.

As a nation we should not be fretting over choosing between new important technologies like HDTV and important economic and community needs like mobile communications and public safety radio. Rather, we should be striving for new and creative ways to accommodate both these concerns.

This legislation offers hope for achieving these goals. It proposes a realistic and pragmatic means of more effectively allocating spectrum to help ensure robust economic growth into the 21st century.

I urge my colleagues to consider this legislation carefully and to support its passage.

POWER LICENSE EXTENSION AT BATESVILLE, AR

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 21, 1989

Mr. ALEXANDER. Mr. Speaker, today I have introduced legislation to allow the Federal Energy Regulatory Commission to extend by up to 6 years the time required for commencement of construction on three FERC-licensed hydroelectric projects in Independence County, AR.

In the mid-1980's, the city of Batesville and Independence County acquired licenses from FERC that would permit them to convert three mothballed Corps of Engineers lock and dam facilities on the White River for electric power production.

So far, Batesville and Independence County have been unable to complete negotiations with potential power purchasers. There is now an electric power glut in Arkansas. However, projections by the Arkansas Power & Light Co. indicate that demand for new power will exist in the State by 1995.

Hydroelectric power is both the cleanest and cheapest way to generate electricity. Eventually, when new power is needed, generation and transmission of power from the three Independence County dams could eliminate the need to construct new coal-fired, gas-fired, or nuclear powerplants and save Arkansas' electric ratepayers millions of dollars.

Additionally, Batesville, and Independence County will benefit from a new source of reve-

nue, the sale of electric power, that will partially offset the loss of general revenue sharing and other Federal assistance.

However, there is one problem: The licenses granted to Batesville and Independence County by FERC require commencement of construction by November of this year at one of the dams, and by February 1990 at the other two.

The city of Batesville and Independence County are negotiating with several potential power purchasers, and they are confident they will have a commitment from one or more potential purchasers very soon. However, final negotiations could take a year to complete. There is simply no way that construction can begin in accordance with the schedule anticipated in the current licenses.

Accordingly, my legislation will grant FERC authority to extend the construction deadlines.

The Senate has already passed similar legislation, S. 750, introduced by my colleague Senator DALE BUMPERS, which is now pending before the Committee on Energy and Commerce. In its consideration of the measure, the Senate included, in addition to the Arkansas extensions, a project in Washington State that faces similar circumstances. Because time is of the essence, I take this opportunity to state that although my legislation does not address the Washington project, I have no objection to tying the two projects together in order to avoid a conference with the Senate.

I hope the Energy and Commerce Committee and the full House will act on this matter in the most expeditious manner possible.

CAPTIVE NATIONS WEEK

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 21, 1989

Mr. HORTON. Mr. Speaker, I rise today to call attention to the millions of people oppressed by communism throughout the world. As the world observes Captive Nations Week this week, I find it appropriate to reflect on the plight of these people and some recent developments.

The recent changes which have begun to sweep through the Communist world have provided a ray of hope to many of the oppressed. However, rays of hope are not enough. The people of the captive nations need firm commitments to democratic principles such as free speech and a free press. While I am encouraged by recent trends in the Soviet Union and Eastern Europe, I will not be satisfied until completely open and free elections are held and the corresponding results are respected.

I want to make special mention of a recent event in Hungary. Last month, the Hungarian Government acceded to years of constant pressure when it exhumed the body and permitted a proper burial of resistance leader and former Prime Minister Imre Nagy who had been executed for his role in resisting the Soviet invasion of 1956. While this event was mostly symbolic, it did mark a radical departure from a government which had steadfastly

refused to acknowledge the deeds of the heroic leader for over three decades.

I am proud to have played a role in bringing this historic event to pass during the last 11 years. I know first hand how important this victory is to the Hungarian community around the world.

Nevertheless, we must not be lulled into thinking that the end of Communist oppression is at hand. One only needs to recall the horrible events in China last month to see that the potential for bloody oppression is very real. It is my sincere desire that the United States will not permit the ruthless methods of the People's Republic of China to spread to its bloodthirsty allies in the Cambodian resistance, the Khmer Rouge. The world has already witnessed the lethal methods of Pol Pot. It would be unconscionable to permit his thugs to return to power.

On this 30th observation of Captive Nations Week, we are confronted by divergent trends in the Communist world. While we should be heartened by the advances of certain governments, we must fight off the temptation to ease the pressure. We must also remain fervent in our opposition to the actions of other governments and organizations which continually fail to recognize the sanctity of human life and the value of human rights.

INTRODUCING THE DRUG PARAPHERNALIA CONTROL ACT OF 1989

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 21, 1989

Mr. RANGEL. Mr. Speaker, one news item that stirred a lot of souls around the country this week comes out of Chicago, where we have learned about a couple of Roman Catholic priests of the archdiocese there who have drawn the applause of citizens and the ire of drug traffickers in their highly publicized, noble effort to ban the sale of drug paraphernalia in their parish communities.

Father George Clements and Father Michael Pfleger, working against death threats and harassment, have vowed to march on in their journey to get drug paraphernalia pulled off the shelves in Chicago. The Governor of Illinois, James Thompson, is expected to sign a bill this week banning the sale of drug paraphernalia in that State. And now Father Clements and Father Pfleger say they will make their crusade a national one.

Today, I am introducing the Drug Paraphernalia Control Act of 1989. This act has one overall goal, Mr. Speaker, and that is to ban the sale of all drug paraphernalia items everywhere in this country, as Father Clements and Father Pfleger have suggested and vowed to work toward.

As it stands now, the import and export, use of the mails, and the interstate transport and sale of drug paraphernalia items is banned under the 1986 Anti-Drug Abuse Act. My bill extends the reach of existing law and targets all drug paraphernalia sales. My objective is to have all drug paraphernalia disappear from the shelves totally. Whether it involves inter-

state or intrastate activity really will not matter at all. It will be a national ban. Pure and simple.

To assist the ability of our Federal enforcement agencies to enforce this law, the bill authorizes the appropriation of \$5 million to the Attorney General for the establishment of task forces with State and local agencies to enforce this act.

I am truly moved and encouraged by the efforts of these men of God, Mr. Speaker. I only hope that these noble gentlemen, through their heroic actions, will be an inspiration to the rest of the church community in this country to come join us in the war on drugs.

In places like Chicago, New York, and here in the Nation's Capital, our young people are giving their lives over wholesale to the illusory success and pleasure of drugs and the drug trade. The future and national security of America is threatened. The ready availability of drug paraphernalia contributes to the overall perpetuation of the illicit drug problem.

We said in 1986 when we passed the first drug bill that it was not the be-all and the end-all of the legislative address to this national crisis. We said in 1988, when we passed the second antidrug bill into law, that the work still remained undone. This bill is just another piece in the puzzle that we are still working to solve, Mr. Speaker, and I hope that all of my colleagues will join me in sponsoring this bill.

AMENDMENT TO LAND REMOTE-SENSING COMMERCIALIZATION ACT OF 1984

HON. CLAUDINE SCHNEIDER

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, July 21, 1989

Ms. SCHNEIDER. Mr. Speaker, last week I introduced H.R. 2873, a bill to amend the Land Remote-Sensing Commercialization Act of 1984, Public Law 98-365. The amendment transfers responsibility for achieving land remote-sensing data from the Department of Commerce to the Department of Interior. The bill is valuable because it would streamline agency operations, increase efficiency, and help to ensure reliable access to Landsat data in the future.

Unfortunately, due to a clerical error, Representative MORRIS K. UDALL, chairman of the Committee on Interior and Insular Affairs, was omitted from the list of original cosponsors. I am pleased to say that Chairman UDALL does support this legislation and has been added to the list of cosponsors consisting of Representatives JAMES SCHEUER, ROBERT WALKER, DON YOUNG, and NICK JOE RAHALL II.

Chairman UDALL has been an outstanding leader on issues related to the Department of Interior and on the U.S. Geological Survey in particular. I am certain that with his support, along with the other members of the Committee on Interior and Insular Affairs and the Committee on Science, Space, and Technology, that this legislation can be enacted in a timely manner.

INTRODUCTION OF THE BUSINESS INCUBATOR REVIEW ACT OF 1989

HON. JOHN J. RHODES III

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 21, 1989

Mr. RHODES. Mr. Speaker, I am pleased to introduce, along with Mr. MCDADE, the Business Incubator Review Act of 1989. As a member of the Small Business Committee, I always welcome new ideas that will assist the budding, as well as existing, small businesses in our country. Please understand, that of the 18 million non-farm businesses in the United States, 99 percent are small businesses classified by Small Business Administration [SBA] standards. Existing business incubators in our country have provided economic development and promoted startup and growth of new firms, by offering an entrepreneurial environment, affordable and efficient workspace, business consulting services and equipment to be shared by other new business leaders.

The Business Incubator Review Act of 1989 will set up a business review group, comprised of the Secretaries of Housing and Urban Development [HUD], Energy, Defense, Commerce, Agriculture, and Labor and the Administrator of the SBA. This review group will examine issues facing the business incubator within their departments, and will relay to Congress their findings and suggestions for changes in existing law. Provisions included in this bill will promote and insure that business incubators will be eligible for grants and loans for community development, business promotion, and research. Furthermore, this legislation will set up a clearinghouse for State and local initiatives on productivity, technology and innovation under the Department of Commerce.

I applaud the excellent track record of existing incubators. They report that 80 to 93 percent of businesses graduating from incubators survive. In a time when research indicates that four out of five startup companies fail within 18 months, this is truly a stellar record.

FATHER VIRGIL CORDANO CELEBRATES GOLDEN JUBILEE

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 21, 1989

Mr. LAGOMARSINO. Mr. Speaker, I would like to take this opportunity to recognize Father Virgil Cordano, who recently celebrated his golden jubilee as a Franciscan at Mission Santa Barbara.

Father Virgil first came to Santa Barbara from his hometown of Sacramento in 1934 to attend St. Anthony's Seminary as a high school freshman. He received the Franciscan habit on July 16, 1939. Following his ordination on June 3, 1945, Father Virgil attended the Catholic University of America in Washington, DC, where he obtained a doctorate in sacred theology, majoring in sacred scripture.

Father Virgil formerly taught at the mission theological seminary until 1968. Today he

continues teaching at St. John's Seminary located in Camarillo, CA.

During his 50 years as a Franciscan, Father Virgil has spent 43 of those at the Santa Barbara Mission. In addition to his duties as pastor to the some 600 families of St. Barbara's parish, Father Virgil has been long an active and tremendously respected member of the community of Santa Barbara. He has been an active board member of the Red Cross, St. Francis Hospital, and Hospice of Santa Barbara. He has also served as the traditional emcee for the Fiesta Pequena, the kickoff event for old Spanish days which are held annually in Santa Barbara, and he continues today to offer the blessing at the Rancho Visadores, officially kicking off their annual horseback journey through the Santa Ynez Valley.

In his role as Santa Barbara's leading religious figure, he has hosted countless dignitaries at the mission, including the Queen of England, Prince Charles, and then First Lady Nancy Reagan during the Queen's visit to California in 1983.

Father Virgil's pleasant and humble nature has helped him to effectively serve his parishioner and his community. It was my pleasure to join nearly 800 people from the city and the county of Santa Barbara last weekend as we celebrated with Father Virgil on the occasion of his golden jubilee. I considered it a tremendous honor to join other local dignitaries in offering brief comments on this great man's life and contribution to our society. I am extremely honored to consider him a true friend, and it is with great pride that I submit these comments to you today.

I was honored to arrange for Father Virgil Cordano to offer the opening prayer in the House of Representatives in May 1984. His words were personally moving and I will always remember that prayer as one of the highlights of my career in Congress.

I urge my colleagues to join me in recognizing this outstanding individual today.

IN RECOGNITION OF THE DEDICATION AND ACHIEVEMENTS OF PAUL E. THOMPSON

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 21, 1989

Mr. VENTO. Mr. Speaker, tomorrow, at Kent State University in Ohio, Paul E. Thompson from the Twin Cities, will receive the 1989 Sargent Shriver Award for Humanitarian Service. Because I have had the opportunity to work with Paul for the past 6 years, I can join enthusiastically with the National Council of Returned Peace Corps Volunteers in recognizing the tremendous commitment and achievements of Paul Thompson, both in the United States and abroad.

The Sargent Shriver Award for Humanitarian Service is an annual award created in 1986 that is given in honor of the first director of the Peace Corps. The awardees are selected on the basis of their sustained and distinguished contributions to humanitarian causes in developing nations or in the United States.

The selection criteria were written with citizens like Paul Thompson in mind. Charged by Congress with a mandate to help the American public gain a deeper understanding about other peoples of the world, Paul took his obligation to heart. After serving in Malaysia from 1971-73, Paul returned to engage the citizens of the Twin Cities in projects to end hunger. He helped start the Hunger Project; he worked to establish Twin City chapters of RESULTS and Save the Children; and he founded Skiers Ending Hunger in 1979 (formerly known as Ski To End Hunger). I once had the pleasure in joining Paul and his organization in cross-country skiing to end hunger. By capitalizing on Minnesotans' love for skiing and their desire to eradicate hunger, Ski To End Hunger has successfully raised over \$350,000 over the past 10 years.

More recently, I have seen first hand Paul's commitment through working with RESULTS, an organization with which most of my colleagues are familiar. In the past year, RESULTS has become active in efforts to gain support for full funding the McKinney Homeless Assistance Act. Because of the work of Paul Thompson, and the thousands of others like him, hope for ending the tragedy of homelessness is kept alive.

Mr. Speaker, I salute Paul Thompson, a humanitarian and model for us all and a fine product of the Peace Corps, an idea and program that keeps on effectively serving the American people and mankind.

FOREIGN AID AND DEMOCRACY

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 21, 1989

Mr. FASCELL. Mr. Speaker, I would like to bring to our colleagues' attention an article entitled "Foreign Aid for the 1990's: Democracy" which appeared in the July 13, 1989, edition of the Christian Science Monitor and which highlights a significant new initiative contained in H.R. 2655, the House-passed foreign assistance bill.

H.R. 2655 contains a consolidation of the numerous objectives for U.S. bilateral economic assistance which had been included in the Foreign Assistance Act over several decades. Four overall objectives for U.S. foreign aid were identified in the House-passed bill: Economic growth, natural resource management, poverty alleviation, and pluralism.

This last objective—social and political pluralism—is based on the premise that democratic development is integrally linked to healthy economic development. Developments throughout the world—from Poland and Hungary to Chile and Korea—vividly demonstrate this vital linkage. Nowhere is this more evident than in China, where the recent tragedy was precipitated by the fact that economic reforms were not accompanied by democratic political reforms.

The following article by Charles H. Connolly, who worked for the Agency for International Development [AID] in Central America and Paraguay, explains the type of technical and other support for democratic development and

institution building which AID now offers to countries in Latin America and which H.R. 2655 expands significantly to include the rest of the world.

The article follows:

[From the Christian Science Monitor, July 13, 1989]

FOREIGN AID FOR THE 1990'S: DEMOCRACY
(By Charles R. Connolly)

As someone said recently, "The genie is out of the bottle." With the turn-arounds in Chile and Paraguay, and despite the setback in Panama, virtually every country in this hemisphere now uses or is moving toward some form of democracy. But the institutions of democracy in these countries don't work very well.

Under the "Democratic Initiatives" program, the United States Agency for International Development (AID) is starting to provide technical assistance and training to the people who man these institutions. The theory is simple: Democracy is a technology, like agriculture, with principles and practices which can be recorded, improved, replicated, and taught. Democracies work through democratic institutions—the executive, the legislative, the judiciary, and the electoral system. These institutions can be transplanted to evolve in forms fitting each individual environment.

Some 20 years ago AID began the creation of democracy-oriented study and training centers in several universities in the U.S. and since then has assisted in the founding and growth of numerous faculties, think tanks, and private voluntary organizations working across the democracy spectrum. These organizations are prepared to offer training in how a congress works: national budget decisions, the analysis and drafting of legislation, administration oversight, and the other functions assigned to each congress by each country's constitution.

Latin American legislatures have a lot of problems. There is a crippling lack of information and the operational skills that legislation requires. Labor law is prepared without consultation with labor groups. Environmental legislation is drawn up in a scientific vacuum.

In a South American country an "expediente"—the official archive containing the background data, debate, and final passage of a law—is lost. Another country's legislature reviews, debates, and enacts a law already passed in an earlier session.

Similar anecdotes came out of every capital. What also comes out is a universal desire for these democracies, and their legislatures, to work. Citizens of all stripe and congressman of all parties acknowledge the problem and want improvement. AID is offering low-key, low-cost assistance to this end.

Legislatures can be helped in many ways: AID will draw on US and Latin American scholars and consultants to offer seminars and short-term instruction in-country; US universities will offer longer-term study for career staffers, ranging up to graduate degrees in legislative administration; organizations such as the Center for Democracy, a private think tank, will set up face-to-face contacts between Latin American and US legislators, staffs, and political party managers. And AID will finance any other activity that leads toward the overall goal of improving operational efficiency and effectiveness.

An example of how it might work: In mid-1988, a two-day "Seminar on Contemporary Models of Parliamentary Support" was con-

ducted in Chile by the State University of New York (SUNY) and the Catholic University of Valparaiso, with private support from the Andes Foundation, the Fulbright Commission, and IBM.

Seminar participants from across the Chilean political scene met with practicing politicians, academic advisors, and SUNY alumni from Brazil, Costa Rica, and the U.S. Chile's plebiscite four months later, in October 1988, set the stage for congressional elections scheduled in December 1989. The Catholic University of Valparaiso and SUNY are following through by setting up a "Legislative Research and Assistance Center" in Valparaiso to provide non-partisan research, training, and advisory services to the incipient Chilean congress. This model might be copied elsewhere.

In Guatemala, perhaps 1,000 candidates may present themselves for election in 1990 to 100 seats. A brief orientation for all 1,000 in the basic concepts of what a congress should do would leave 100 winners aware of the complexities of the job ahead, and 900 losers with some understanding and sympathy for the new office-holders.

And in Paraguay, which for years has had one political party, a new president is talking about democracy and competing parties. If our diplomats can swing it, non-partisan technical assistance offered to all takers might lead to real multi-party competition in the elections several years from now.

This certainly smacks of meddling in the internal affairs of friendly nations, but political meddling by certified meddlers is an honored trade. If AID—an economic assistance agency—makes a false step on this turf, it will face the combined wrath of two governments—its own and that of the host country. With this in mind, the Democratic Initiatives program will focus exclusively on the mechanisms and workings of democratic institutions, keeping a distance from issues and decisions.

Democratic Initiatives is an unusual foreign aid proposition, and there are obstacles. Economic problems bring the threat of violent disruption; every country has its protectors of the nondemocratic status quo; our embassies are properly concerned about maintaining the best possible relations; US congressional overseers are put off by the long wait for results, and the AID bureaucracy can be counted on to complicate matters. Yet the timing is right. Democracy is ascendant in this hemisphere, and an initiative that in the past Latins would have viewed as intellectually repugnant and politically unacceptable is welcome today.

CAPTIVE NATIONS WEEK

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, July 21, 1989

Mr. BONIOR. Mr. Speaker, I am proud to announce the commemoration of Captive Nations Week at the Ukrainian Cultural Center in Warren, MI, this Sunday, July 23. This week marks the 31st anniversary of Public Law 86-90, which instructed "the President to issue a proclamation each year until such time as freedom and independence shall have been achieved for all captive nations." In light of recent reforms which are changing the entire face of the Communist world, it is especially timely that we remember the plight of millions

who struggle for freedom and self-determination in all the captive nations.

The recent elections in Poland and the overwhelming victory of the Solidarity Party provide hope for peaceful change in Soviet-bloc countries. We must not, however, be blinded by these events and Gorbachev's promises of glasnost. Instead, we must continue to press the Soviets on human rights issues until all citizens of the captive nations have their freedom.

The litany of continuing oppression goes on and on. The Ukrainian Catholic and Orthodox churches are still outlawed. Soviet Jews face many hurdles trying to emigrate and reunite with their families. Countless minorities are persecuted for either their religious beliefs or their national and cultural aspirations.

There is, however, no greater force than the human spirit and its yearning for freedom. No regime can forever deny the basic rights of its citizens. Despite the risks involved, massive public demonstrations continue within the Soviet Union. They are protesting for freedom of speech, freedom of religion, and democratic government. Their voices are being heard and they are making a difference. Sooner or later, change must come.

Progress has been made in some of the captive nations, but there is still a long way to go. We must use this historic opening in Soviet society to foster liberalization from within. At the same time, we must condemn crackdowns from hardliners in the government. The celebration of Captive Nations Day reminds us of how fortunate we are in this country to live in a free society and how important it is that we never rest until all people around the world enjoy these same freedoms. I commend the Captive Nations Week Committee of Metropolitan Detroit for organizing this important event. The plight of those living in the captive nations must never be forgotten.

TOO MUCH MONEY FOR CALENDARS

HON. RICHARD RAY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 21, 1989

Mr. RAY. Mr. Speaker, in these times of severe fiscal constraints, I take exception to the recent action of the House Administration Committee approval of the purchase of 1 million calendars at a cost to the taxpayer of \$700,000. This comes out to over \$1,600 per Member for approximately 2,500 calendars that each receives.

In 1986, I discontinued sending out these calendars, and the reaction from the citizens in my district was very favorable. I have also stopped mailing franked newsletters to my district which is, in my opinion, another waste of taxpayer's money.

At a period in our history when we are having difficulty funding vital programs, such as the VA and others, it is not rational to continue this program.

The American people are demanding that their Congress be as fiscally responsible as

they are. I urge my colleagues to join me in becoming more fiscally responsible.

SUPREME COURT FLAG BURNING DECISION

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, July 21, 1989

Mr. SKELTON. Mr. Speaker, I recently received a letter from John A. Thurmon of Wellington, MO, that eloquently expresses the need for a constitutional amendment to ban desecration of the American flag. I was distressed by the Supreme Court decision that allows the destruction of this precious symbol. I submit Mr. Thurmon's letter for consideration by my colleagues:

WELLINGTON, MO,
June 28, 1989.

HON. IKE SKELTON,
U.S. House of Representatives, Washington,
DC.

DEAR IKE, after allowing myself time to cool off I am writing to express my opinion on the Supreme Court's flag burning decision.

The first twenty or so years of my life I guess I was rather blasé about our flag and took it for granted. I saluted it when proper and would never have done anything to desecrate it, but the sight of it never raised any great emotion in me. That all changed on April 29, 1945.

On that day I was one of many thousands of POWs liberated from Stalag VIIA in Moosburg, Germany by General Patton's Third Army. The fighting outside the camp ceased about noon. A few minutes later the most stirring sight I have ever witnessed took place. The Nazi banner came down and Old Glory was raised over the village of Moosburg. Cheers rang out from all directions and I don't suppose there was a dry eye in the camp. Since then whenever I see the American flag flying my memory goes back to that day in Germany and my pride in America and the flag that symbolizes her is renewed. Normally I am a very peaceable and passive person but I am not sure how much self control I could exercise if I saw anyone deliberately burn or otherwise destroy our flag.

I understand that the Supreme Court ruled that burning the flag was an expression of free speech as guaranteed by the first amendment. I once read that former Chief Justice Oliver Wendell Holmes said, "Your right to swing your fist stops at my nose." I say that anyone who burns the American flag bloodies my nose.

Very truly yours,

JOHN A. THURMON.

NEXT STEP ON ASSAULT RIFLES

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, July 21, 1989

Mr. CARDIN. Mr. Speaker, I would like to share with my colleagues an editorial that recently appeared in the Monday, July 17, edition of the Baltimore Sun.

I believe many Marylanders would agree with the position of the editorial—namely, that

more must be done to prevent the domestic proliferation of assault rifles. I am finding that a majority of my constituents would agree with the editorial and support legislation such as that introduced by Representative PETE STARK.

[From the Baltimore Sun, July 17, 1989]

NEXT STEP ON ASSAULT RIFLES

The Bush administration deserves credit for its decision to ban almost all foreign-made semi-automatic assault rifles. These guns are a clear and present danger to the public safety, increasingly the weapon of choice of drug and gang criminals. The administration temporarily suspended imports last spring to study the problem. This ban is the logical next step. It will keep 750,000 such weapons for which import permits were pending out of the menacing private arsenals that have so concerned law enforcement officers.

The logical next step is to do something about those existing weapons and, especially, about domestic manufacturers. We assume there is a market for those 750,000 imports, and we know how supply-and-demand works: American firms which manufacture or assemble semi-automatic assault weapons identical in every essential characteristic of the imports will quickly fill the gap. That happened when the importation of Saturday Night Specials was banned 20 years ago.

Fortunately, there is legislation that will deal with these problems. Sen. Howard Metzenbaum, D-Ohio, and Rep. Fortney Stark, D-Cal., have bills pending in committees that would strictly limit the commerce in and growth of semi-automatic assault rifles. The Stark bill appears to be the stronger of the two. But the National Rifle Association types who attack it as un-American and far-reaching greatly exaggerate its impact. Basically all it does is regulate semi-automatic assault rifles the same way automatic machine guns have been regulated for over 50 years. Purchases could be transacted only after an FBI background check and approval by law enforcement officials, and the weapons would have to be registered. There is every reason to treat this class of weapons the way machine guns are treated. They are crime guns pure and simple. (Legitimate sporting semi-automatic weapons would not be covered.)

The administration does not seem ready to go this far. Not yet. But it might. George Bush campaigned last year in opposition to the import ban. He has come around little by little in the past six months. We assume that is because while as candidate he felt the need to listen to the NRA, as president he feels the need to listen to the law enforcement officials (and emergency room physicians) who know the horrible dimensions of the problem of assault weapons in the streets.

INTRODUCTION OF THE PUBLIC ACCESS TO CAPTIONED TELE- VISION ACT OF 1989

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, July 21, 1989

Mr. FLORIO. Mr. Speaker, it is with great pleasure that I introduce the Public Access to Captioned Television Act of 1989, which will help make closed-captioned television more

widely available to the hearing impaired. This legislation will require public facilities to provide access to captioned television to over 21 million people in the United States who are deaf or hearing-impaired.

The most hopeful prospect for persons who are deaf lies with technology, and the most rapid progress can be made with captioning—the appearance on screen of what is being said—according to the 1988 report of the Commission on Education of the Deaf. Very simply, this technology allows those who cannot hear to see what is being said and allows hearing disabled persons to benefit from a wide range of information that those of us who hear take for granted.

As we all know, television has become much more than a source of entertainment—it is a critical source of communication, providing world news, emergency broadcasts and serving an important educational role. Until the development of captioned TV, less than 20 years ago, deaf persons had no access to the information that is routinely available to those who hear. However, even today hearing-impaired Americans generally have access to the benefits of television only when they are at home using an electronic decoder they have purchased for their personal set.

The legislation I am proposing will require that federally funded nursing homes, hospitals, universities, as well as secondary and elementary schools, make decoder technology available for the hearing-impaired who use television sets in these facilities. Hotels that do business with the Federal Government would be required to provide guests with rooms furnished with televisions capable of displaying closed-captioning. Also included in my bill is a requirement that all federally funded or produced public service announcements be closed-captioned. The device necessary to "decode" television broadcasts weighs less than 4 pounds, is smaller than a cable TV box and costs less than \$200. Commercial systems that feed up to 1,000 sets can be purchased for \$1,800 to \$2,500.

The Public Access to Captioned Television Act of 1989 will greatly improve access to information provided through television for a significant portion of our population. In addition to improving access to television for younger Americans with hearing limitations, captioned television provides benefits to large segments of the nondeaf population as well. For example, nearly 38 percent of our Nation's elderly suffer from some loss of hearing and could potentially benefit from this remarkable technology. Try to imagine the value of captioned television to a bed-confined, hearing-impaired nursing home resident. In addition, many believe that captioning speeds the attainment of literacy. Captioning helps both hearing and hearing-impaired children with reading and other learning skills. The capacity to watch TV and see dialog in English is a big help for ethnic minorities learning English as a second language.

With this in mind, there are three major provisions in the Public Access to Captioned Television Act of 1989 that I would like to briefly discuss. First, my bill requires that captioning services be available in federally funded nursing homes and hospitals as well as in federal-

ly funded programs that use video programming for instructional purposes. All residents and patients would be notified upon entering the facility that captioning is available. In addition, captioning would be made available at universities, and secondary and elementary schools that receive Federal financial assistance.

Second, a provision of my bill addresses the accessibility of captioned television in places of public accommodation. Under this bill, the Federal Government will not finance any conferences that are held in a facility that does not make captioning services available to their guests upon request. It is my hope that this measure will encourage hotels to make this a standard service to their guests. The Hyatt Corp., to their credit, makes closed-captioning services available in a number of their hotels.

Third, my bill requires that federally funded or produced public service announcements be captioned. For example, a message from the Internal Revenue Service or the Department of Agriculture would be captioned. The Federal Government has supported the National Captioning Institute in order to promote greater availability of captioned programming. It would seem to be quite inconsistent for our Federal Government to not caption its own public service announcements and thereby deny millions of hearing-impaired individuals the opportunity to obtain often crucial information from these announcements.

As we continue to learn more about the value of captioning, the technology and interest in it continues to develop. Several TV manufacturers have indicated their interest in installing decoder modules into newly manufactured TV's. Decoder modules would allow all new televisions to be capable of displaying captions, adding only about \$10 to the cost of a new set. In addition, the amount of television programming that is captioned has grown considerably in the past few years. In particular, the American Broadcasting Corp. [ABC] now captions 100 percent of its prime time schedule.

Yet, Mr. Speaker, regardless of the amount of captioned programming available, if viewers do not have access to the decoder technology, they are denied this fundamental source of information and can easily become isolated from the events taking place around them. My legislation increases opportunities for access to crucial information for a very large segment of our population. The technology available for captioning has by far exceeded public awareness, but enactment of this bill will open the eyes of both hearing and nonhearing people to the value of captioning. I believe that the cost of decoders will actually decrease when this legislation is enacted and more Americans learn of the many benefits which they provide.

This legislation is endorsed by key organizations representing the deaf and the hearing-impaired, and the disabled, including: the National Association for the Deaf, the Alexander Graham Bell Association for the Deaf, the American Society for Deaf Children, the Convention of American Instructors of the Deaf, the American Deafness and Rehabilitation Association, the American Academy of Otolaryngology, Head and Neck Surgery, the Deafness Research Foundation, the Conference of Edu-

cational Administrators Serving the Deaf, Telecommunications for the Deaf, Inc., the National Captioning Institute, the National Head Injury Foundation, the National Center for Law and the Deaf, and the American Speech-Language-Hearing Association.

Mr. Speaker, my bill is designed to provide greater availability of captioned television for those who would benefit most from this wonderful technology. I urge my colleagues to join me in supporting this legislation which will help to bring deaf and hearing impaired persons more completely into the mainstream of American life and improve literacy for both children and adults.

EMERGENCY CHINESE IMMIGRATION RELIEF ACT

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 21, 1989

Mr. BARTON of Texas. Mr. Speaker, today I, along with several of my colleagues, am introducing legislation which will provide a solution for the dilemma facing Chinese students living in the United States. Our bill, the Emergency Chinese Immigration Relief Act of 1989, will give Chinese students who are living and attending school in this country the opportunity to apply for permanent residence status after July 5, 1993 if the President cannot certify that the political climate in China makes it safe for these students to return. The provisions of this legislation are essentially the same as a bill which Senator SLADE GORTON and a number of other Senators have just introduced in the other body. I am inserting a copy of this bill in the CONGRESSIONAL RECORD.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Emergency Chinese Immigration Relief Act of 1989".

SEC. 2. ADJUSTMENT OF STATUS OF CERTAIN NATIONALS OF THE PEOPLE'S REPUBLIC OF CHINA.

The Immigration and Nationality Act is amended by inserting after section 245A the following new sections (and by inserting corresponding items in the table of contents of such Act):

"SEC. 245B. ADJUSTMENT OF STATUS OF CERTAIN NATIONALS OF THE PEOPLE'S REPUBLIC OF CHINA.

"(a) WAIVER OF FOREIGN RESIDENCE REQUIREMENT FOR 'J' NONIMMIGRANTS.—Notwithstanding the provisions of section 212(e), a national of the People's Republic of China may apply for adjustment of status to that of an alien lawfully admitted for permanent residence or for a change to another nonimmigrant status if such alien—

"(1) was lawfully admitted to the United States on or before June 5, 1989, as a nonimmigrant described in subparagraph (J) of section 101(a)(15), or lawfully changed status on or before June 5, 1989, to that of a nonimmigrant described in such subparagraph, and

"(2) was in lawful nonimmigrant status on June 5, 1989, and has continuously in the

United States since June 5, 1989, other than for brief, casual, and innocent absences.

"(b) PRESUMPTION OF CONTINUOUS RESIDENCE FOR CERTAIN NATIONALS OF THE PEOPLE'S REPUBLIC OF CHINA.—For purposes of adjustment of status under section 245 and change of status under section 248, in the case of any national of the People's Republic of China who—

"(1) lawfully entered the United States on or before June 5, 1989, as a nonimmigrant described in subparagraph (F), (J), or (M) of section 101(a)(15), or lawfully changed status on or before June 5, 1989, to that of a nonimmigrant described in any such subparagraph, and

"(2) was in lawful nonimmigrant status on June 5, 1989, and has resided continuously in the United States since June 5, 1989, other than for brief, casual, and innocent absences,

such alien shall be considered as having continued to maintain lawful status as such a nonimmigrant (and to have maintained continuously a lawful status) for the period described in subsection (e).

"(c) AUTHORIZATION OF TRAVEL ABROAD FOR CERTAIN CHINESE NATIONALS.—The Attorney General shall, in accordance with existing regulations, permit an alien described in subsection (b) to return to the United States after such brief and casual trips abroad as reflect an intention on the part of the alien to continue residence in the United States.

"(d) EMPLOYMENT AUTHORIZATION FOR CERTAIN CHINESE NATIONALS.—The Attorney General shall permit an alien described in subsection (b) to engage in employment in the United States, and shall provide such national with an employment authorization document or other appropriate work permit for the period described in subsection (e).

"(e) PERIOD OF DEFERRED DEPARTURE FOR CERTAIN CHINESE NATIONALS.—

"(1) Subject to paragraph (2) of this subsection, an alien described in subsection (b) shall have the alien's departure from the United States deferred during the period ending on June 5, 1993, without regard to whether the alien has obtained an adjustment or change of status referred to in subsection (a) or (b).

"(2) On or after June 5, 1990, the Attorney General may terminate the period of deferred departure described in paragraph (1) no earlier than 60 days following the date that the President certifies to Congress that conditions in the People's Republic of China permit aliens described in subsection (b) to return to that country in safety.

"SEC. 245C. ADJUSTMENT TO LAWFUL RESIDENT STATUS OF CERTAIN NATIONALS OF THE PEOPLE'S REPUBLIC OF CHINA.

"(a) ADJUSTMENT TO TEMPORARY RESIDENT STATUS.—The status of a national of the People's Republic of China shall be adjusted by the Attorney General to that of an alien lawfully admitted for temporary residence if—

"(1) the alien applies for such adjustment during the 90-day period ending on June 5, 1993;

"(2) the alien—

"(A) was lawfully admitted to the United States on or before June 5, 1989, as a nonimmigrant described in subparagraph (F), (J), or (M) of section 101(a)(15), or lawfully changed status on or before June 5, 1989, to that of a nonimmigrant described in any such subparagraph, and

"(B) was in lawful nonimmigrant status on June 5, 1989, and has resided continuously in the United States since June 5, 1989,

other than for brief, casual, and innocent absences;

"(3) the alien meets the requirements of section 245A(a)(4), except that membership in the Communist Party of the People's Republic of China or any subdivision thereof shall not constitute an independent basis for denial of adjustment of status if such membership was 'involuntary' or 'nonmeaningful' and if the alien on or before the date of adjustment of status under this subsection terminates such membership and renounces communism; and

"(4) the Attorney General shall not have terminated prior to June 5, 1993, the period of deferred departure described in section 245B(e).

The Attorney General shall provide for the acceptance and processing of applications in accordance with the provisions of this section.

"(b) STATUS AND ADJUSTMENT TO PERMANENT RESIDENCE STATUS OF CERTAIN CHINESE NATIONALS.—The provisions of subsections (b), (c)(6), (c)(7), (d), (f), (g), and (h) of section 245A (which include provisions relating to authorized travel abroad and employment during temporary residence) shall apply to an alien provided temporary residence under subsection (a) in the same manner as such provisions apply to an alien provided lawful temporary residence status under section 245A(a), except that membership in the Communist Party of the People's Republic of China or any subdivision thereof shall not constitute an independent basis for denial of adjustment of status if such membership was 'involuntary' or 'nonmeaningful' and if the alien on or before the date of adjustment of status under subsection (a) terminates such membership and renounces communism."

INNERCITY YOUTHS SHOOT TO WIN

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 21, 1989

Mr. GARCIA. Mr. Speaker, I rise today to commend the efforts of those few in my district of the South Bronx helping many through their own personal methods. I would like to enter into the RECORD the following article taken from the Christian Science Monitor's July 14, 1989 issue entitled "Inner City Youths Shoot to Win."

This article describes the efforts of Mr. Page and Mr. d'Almeida to bring order into the lives of innercity young people through the Gauchos basketball club. They, and many nameless others, serving the community in quiet ways often go unrecognized. May this piece stand as a tribute to them all.

[From the Christian Science Monitor, July 14, 1989]

INNER-CITY YOUTHS SHOOT TO WIN (by Jonathan Rowe)

Inner-city basketball attracts all types. Hustlers who pocket cash for steering prospects to college coaches. Genuine Samaritans. Combinations of each.

Then there's the man who calls himself simply Mr. Page. "He's a genius," says Frederick Irving, a former player for a New York City basketball club named the Gauchos, who went on to play at Boston University and now works at New England Life.

Page dislikes his first name "intensely" and never uses it. He claims the Gauchos had to drag him bodily to their gym. "They got me out of my garden," he says. "They volunteered my time."

It couldn't have been too hard. This is a man who used to walk all the way from this South Bronx neighborhood—where he's lived for 30 years—to Stone Gymnasium at Columbia University to coach a neighborhood team. He's a man who taught school by day, worked as a city policeman at night, and still found time to start a playground team called "The New Breed." He paid the expenses himself, except for the year James Brown, the "Godfather of Soul," picked up the bill. (Page met him while policing outside the Apollo Theater in Harlem.)

"I don't say it was easy," Page says, coming about as close as he does to high-sounding utterance. "But I thought it was important."

Sitting with Page at the Gauchos' gym in an old warehouse in the South Bronx, one suspects that he still does.

The Gauchos are a premier basketball club, known widely for players they send to college and the pros—players such as Ed Pinckney of the Boston Celtics and Mark Jackson of the New York Knicks. During a tournament last year, 85 coaches from Division I schools squeezed into the Gauchos' crowded grandstands.

But the Gauchos aren't just about basketball. "They are a tremendous organization," says Peter Gillen, basketball coach at Xavier University in Cincinnati. Their players are "a cut above a lot of other kids," he adds.

The Gauchos' founder is Louis d'Almeida, a New York businessman from Argentina who is a basketball version of Eugene Lang—the millionaire who promised a whole class in Harlem he would pay their way through college if they graduated from high school.

Mr. d'Almeida built the Gauchos' dazzling new gym (see accompanying story), raises money, and pays the bills. He helps needy players pay tuition at parochial or private schools, and generally uses basketball as a lure to get fragile lives on track. The Gauchos' coaches watch their players' grades, provide tutoring, offer a sanctuary from the streets. "All the kids bring problems," says Dave Jones, a coach who manages the gym. "This is their outlet."

In his book "Heaven is a Playground," Rick Telander recalls how kids at a Brooklyn park dragged him into coaching. "You don't have to do much," pleaded one. "Just run us through some drills, put dudes in and out and, you know, keep some order."

Male authority and order may be lacking in the world of many Gauchos. But there's no shortage in the Gauchos' gym. Mr. Jones, a stocky young man, rules with an iron hand. No food. No horsing around. "This is their building and they gotta treat it like it's their building," Jones says.

Coaching the 12-to-14 age group, Jones is a relentless taskmaster, stopping the action every few minutes to make his displeasure known. There is a price for error: wind sprints and push-ups for missed foul shots and layups. Losers in scrimmage games run around the court lugging heavy punching bags.

"You can't save everyone," Jones says. "If you save one, it's still worth it."

Page sits, offering comments from time to time. He wears a baseball cap, running shoes, and shorts, an Afro comb perched in the back pocket. Along with his aversion to

his first name, he also hates to have his picture taken. "Everybody has his idiosyncrasies," he says. "That's mine."

Sometimes Page works with older players. Rod Strickland, the Knicks guard who grew up just around the corner, still comes in for workouts. But Page prefers the little fellows—the "Biddies"—age five and up. "They are more amenable to coaching," he explains. "You seldom see a little kid tell you, 'I can't' or 'I don't know how.'"

Page is gentle with the Biddies, but a taskmaster still. The kids begin with "Gorilla Walks," bounding sideways around the court, touching their hands to the ground. Then they dribble two balls at once, back and forth, hurling imaginary passes against the wall. Then "power moves," picking a ball off the floor, spinning toward the basket, and leaping as they put it against the backboard.

Page watches every move. "Richie, there something wrong with your left hand: he shouts to a boy using his right hand from the left side of the basket.

The kids revel in the structure and attention. One gets the impression they would dribble to Trenton, NJ, and back if Page asked them. One boy from Queens takes three subway trains and a bus, six days a week, to play for Page. "Every day I always find something they do well," Page says. "After a while, they'll do anything I ask."

An older boy is on the bench near Page, doing one-legged knee bends with weighted jackets, like a boxer. Then he skips with a thick, weighted rope. Though only 14, the boy's chest and shoulders are starting to ripple like taut cables. "That's my son," Page says. "I just work him to death, that's all."

Page has 13 sons in all. He's son his third batch of offspring, and the oldest is 50-something. ("I lose track," he says.) That revelation prompts a double take. Page moves with an athlete's easy gait, and almost looks as though he could go one-on-one with anyone in the gym. But then, he says he never played basketball in his life.

"Son, that's not heavy," he interjects to the boy huffing with the heavy rope. "It's all in your mind."

Page talks the rhythms of the street, but with a learned civility. He chides Laura Roth, the Gauchos' fund-raiser, for a run-on sentence in a letter she has shown him. He has a hip, ironic quality; yet he's a stickler for fundamentals, in all respects.

Why don't these kids, obviously intelligent, do better on Scholastic Aptitude Tests? "They are not well read," he says. "That's the key [As a teacher] I required every kid to read a book a week, and give me a book report." He also insisted that they read the New York Times every day. He has one of his Biddies reading Jonathan Livingston Seagull.

But doesn't basketball take a lot of their time? "I bet each kid out there watches 10 hours of TV a week," he says. "If you can watch TV, darn it, you can read a book."

Page knows all about these kids, their siblings, how few have fathers. He spends almost \$100 a week on subway fare and pizzas for them. They call him up, tell him things they don't tell their parents—things he wouldn't want to see in the newspapers.

But there are hints. At one point, he summons a shy eight-year-old to his "office" on the bench. The boy stands before him, eyes to the ground, sneakers about two sizes too big.

"Look me in the eye, son," Page says. His voice is firm but gentle, meaning business

but not harm. "Why are you telling me you are 10 years old? I know you are eight."

"How you know that?" the boy replies, avoiding Page's eyes.

"Your birth certificate told me," Page says. "Your momma told me."

"Look me in the eye, son. You want to be here real bad. And you don't want me not to want you. You know why I want you? Because you are eight. If you were 10, I'd kick you outta here." Redeemed, the boy prances back out to the court.

"His mother is a crackhead," Page says.

GERARD AVENUE'S JUMPING GYMNASIUM

It isn't the worst neighborhood in the South Bronx. But it's also not a place you'd

probably go at night—unless you were a college basketball coach prowling for talent.

In that case, you'd probably make your way past the check-cashing parlors and stripped-down cars to an old warehouse on Gerard Avenue. Inside is a dazzling new gymnasium, with glass backboards, wood paneling, and white stucco walls.

No weight room or frills, just pure basketball. "Very Japanese," is how Mr. Page, a Gaucho coach, describes it.

Dave Jones, who manages the gym, was the first to see it. At 1 a.m., the night before the Gaucho's awards dinner, he got a call from Lou d'Almeida, the Gaucho's founder.

They drove over to this old warehouse in the dead of night. "He's smiling and grin-

ning and I'm thinking, 'What does he want me to do, beat up somebody?'" Jones recalls.

"He told me to close my eyes, and he turned on the light. I went crazy. He gave me the keys and said, 'This is your gym.'"

The next night, they brought the kids and their parents over. "The kids were just running up and down and jumping," Mr. Jones says. "The parents were crying."

Mr. d'Almeida is extremely generous in covering expenses, Mr. Page says. But he can't resist a good-natured dig at the boss.

After three years, the padding under the baskets still isn't complete. "Lou says things take time," Page deadpans. "Everything takes time."

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HOUSE OF REPRESENTATIVES—Monday, July 24, 1989

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

As the morning brings new light and opportunity, we earnestly pray, O God, that each day will bring renewal of our hearts in thought, word, and deed. As Your spirit breathes into us the life of hope, so may we continue confident of Your love to us. May no discouragement or fear or any anxiety about the tomorrows of life keep us from experiencing this day the blessings of Your bountiful world. This we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. The gentleman from Michigan [Mr. BONIOR] will lead us in the Pledge of Allegiance.

Mr. BONIOR led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 681. An act to require the Secretary of the Treasury to mint and issue coins in commemoration of the 100th anniversary of the statehood of Idaho, Montana, North Dakota, South Dakota, Washington, and Wyoming, and for other purposes.

OUR EXPENSIVE MILITARY PLANES BEING SHOT DOWN BY BIRDS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, we spend \$300 billion a year on defense. The B-1 bomber alone costs \$281 million. The B-2 now costs anywhere from \$530 million on up to \$1 billion, and after all this money the General

Accounting Office reported that our planes are being shot down at a record pace, literally a record pace by birds, no less.

The GAO study said that in the last 5 years there were 16,000 collisions involving military aircraft and birds. It resulted in totally destroying nine planes, 320 million dollars' worth of damage and six crewmen died.

Now, let us think about it. This was all prompted by a 1987 crash when a pelican shot down a B-1 bomber, and listen to what the Pentagon said: "My God, that pelican weighed 16 pounds."

Mr. Speaker, what does an enemy rocket weigh? We have a \$310 billion budget out of control.

Now, I agree we cannot protect America with the Neighborhood Crime Watch, but we do not need a nuclear weapon for every barroom brawl. Let us straighten this country out and cut this defense turkey.

THROUGH THE DRUG WAR MAZE IN 28 DAYS—DAY 5: HOUSE EDUCATION AND LABOR COMMITTEE

(Mr. SMITH of Mississippi asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Mississippi. Mr. Speaker, I wish to call attention to the House Education and Labor Committee, as it relates to the war on drugs. Again, here is a committee that does not need jurisdiction over the Nation's drug control efforts, and the work of the President's drug czar. Yet this committee is part of the maze of more than 80 committees, subcommittees, and select committees that the drug czar must pass through to arrive at a drug control strategy.

Mr. Speaker, if Bill Bennett has to face this nightmare of congressional oversight for approval of his program, due out September 5, then he'd do just well to spend his days circling the Capital Beltway. It would take him well into 1990 to testify before all the panels he must answer to. This is no way to plan and implement a drug control strategy. This is no war on drugs.

The war on drugs will never be more than a public relations campaign, as long as Congress wages its war by choir and not by troop.

I urge my colleagues to support bills in the House and Senate to create a single oversight committee that could spearhead a true war on drugs.

CONGRATULATIONS TO GREG LEMOND, WINNER OF TOUR DE FRANCE BICYCLE MARATHON

(Mrs. VUCANOVICH asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. VUCANOVICH. Mr. Speaker, I would like to call our attention today to the outstanding performance of Greg LeMond, who yesterday won the Tour de France bicycle marathon. Greg LeMond is a constituent from my district, who lives and trains in the Reno area.

There are a number of extraordinary qualities about Greg which make him a winner with uncommon courage and strength.

He is the only American ever to have won the Tour de France. More than that, he has won the Tour de France twice, and he triumphed over a number of serious injuries in order to win this year's grueling race.

Since his first victory in 1986, Greg has overcome almost insurmountable odds. In the past few years he has recovered from a broken collarbone, a broken wrist, appendicitis, leg problems, and an almost fatal shotgun wound that forced the removal of 40 shotgun pellets from his abdomen. During the ordeal of winning this race, Greg still carries shotgun pellets in the lining of his heart.

Greg LeMond is an example to all American athletes of the true grit which he showed in beating the odds to win the Tour de France. As his representative I am immensely proud of this young man, and I believe all Americans join me today in congratulating him in his moment of victory.

B-2 BOMBER A GOOD INVESTMENT FOR SECURITY OF UNITED STATES

(Mr. SKELTON asked and was given permission to address the House for 1 minute.)

Mr. SKELTON. This week, Mr. Speaker, we are debating and voting on the Department of Defense authorization bill. Part of the debate will center on the new technology known as the Stealth or B-2 bomber.

I support the B-2 bomber. I think it is absolutely necessary that our Nation have as part of our defense the highest and best technology that we can have.

What leads me to conclude that the B-2 would be a very good investment for the security of the United States is

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

as follows: A very good case can be made for reasons of technology, arms control, and force structure. The technological argument is the most profound one. Much the way the advent of the submarine in the early part of this century fundamentally transformed naval warfare, the advent of the Stealth bomber will transform air warfare.

Ships visible on the water's surface become invisible under the water as submarines. Just as a handful of submarines in the early years of the Second World War almost won the fight against Britain. It was not until 1943 that the Battle of the Atlantic was finally won.

That is what this Stealth airplane does, the B-2 airplane does. It is invisible to radar screens, which, of course, is the battle of today and tomorrow.

Mr. Speaker, I support the B-2 bomber. I urge others to do the same.

**REQUEST TO MAKE IN ORDER
DIVISION OF THE QUESTION
ON AMENDMENT NO. 25 AS
PRINTED IN PART 2 OF HOUSE
REPORT 101-168**

Mr. MICHEL. Mr. Speaker, within a few moments we will be taking up the rule on the Armed Services authorization bill. It is a controversial rule. It will probably provide the lengthiest debate we will have considered this year, obviously with more than 200 amendments that were initially offered and requested for consideration.

It is my understanding that our friend, the distinguished ranking member of the Armed Services Committee, is rather distressed at several of the provisions of this rule that do not accord the gentleman the privilege as the ranking member to propound or to offer the kind of amendments that he thinks ought to be offered.

In keeping with that, Mr. Speaker, I ask unanimous consent that notwithstanding adoption of House Resolution 211, it shall be in order in the Committee of the Whole to demand a division of the question on amendment No. 25 as printed in part 2 of House Report 101-168, so as to permit separate votes on section 126 and 127 of the amendment.

By way of quick observation this unanimous-consent request, of course, would provide for a separate vote on the F-14B and the V-22 Osprey. Currently the way the rule is constructed, those would be taken and voted together as a package. What my unanimous-consent request would do is to break that up to permit an individual vote on each weapon system.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. BONIOR. Reserving the right to object, Mr. Speaker, under my reservation if I might make just a few com-

ments to the distinguished minority leader.

□ 1210

We worked long and hard to try to be fair with this rule. We considered 217 different amendments. The gentleman from Alabama [Mr. DICKINSON] was given, I believe, ample opportunity to have his views represented. In fact, we in a number of instances bent over backward to take care of his concerns and his needs.

Mr. Speaker, on the issue at hand, the gentleman from Alabama will have three different occasions to strike the F-14 and V-22. The gentleman from Illinois is correct. He will not be able to do that individually, but in his original Dickinson amendment, he will be able to do it. He will be able to do it in a special amendment. We allowed him to do it in section 2 of the report, and he will also be able to do it in the motion to recommit in which we have expanded to 1 hour, a highly unusual procedure from the Committee on Rules in itself, in favor of the minority's right to recommit.

This alternative that we are providing, the Republican alternative we are providing, I think, is eminently fair. We do it in each of the major clusters. We give them an alternative on SDI, burden sharing, the B-2 bomber, chemical weapons, the budget issue. I think we have been very, very fair with this rule, Mr. Speaker.

As I mentioned, we allow an hour of debate on the motion to recommit. Thirty-eight Republicans asked for amendments to the Committee on Rules. We gave 22 Republicans, two-thirds roughly of those who requested, a chance to offer amendments, and so I would just say that I think we have bent over backwards to be fair.

Of course, we have needs on our side, too, that we have to take care of. I am really reluctant to do this, but I think in view of the fact that we have worked very well with the minority on this bill, and we have worked with the gentleman from New York (Mr. SOLOMON) and all the other Republican members on the committee, that I am going to be constrained to have to make an objection on this request.

Mr. SOLOMON. Mr. Speaker, will the gentleman withhold his objection?

Mr. BONIOR. I will withhold it, Mr. Speaker.

Mr. SOLOMON. Mr. Speaker, reserving the right to object, let me say to the ranking member of the Armed Services Committee and also to the gentleman from Michigan who is carrying the rule here today that, first of all, the Committee on Rules, the majority members, were very decent to the minority. They allowed us to meet with them in caucus, in private and in public, and they certainly allowed us to get across the points of view of the minority. However, that is about

where it all ended. They listened very patiently, then they went about their own business, and there now is no consensus on this rule whatsoever.

Concerning the request of the gentleman, the ranking minority member, the majority did allow the gentleman from Alabama [Mr. DICKINSON], to offer the Cheney budget early in the bill; they provided that if that Cheney budget passed, then they would allow an amendment to be offered clustering the V-22 and the F-14 so that it would attract more votes to be successful. However, should the Cheney budget fail, the gentleman from Alabama [Mr. DICKINSON] was then deprived of his right to offer the kind of separate amendments that would attract the most votes, as was given to the proponents of the V-22 and the F-14. That was not fair and, of course, the point was argued.

The gentleman from Michigan has said that the gentleman from Alabama [Mr. DICKINSON] will have ample opportunity to do what the ranking Republican is asking. That is not quite true. I do not say that the gentleman is not telling the truth, but there evidently is a misunderstanding, because at no point in this bill will the gentleman from Alabama [Mr. DICKINSON] be able to offer individual strike motions on these two subjects—the F-14 and the V-22.

Mr. Speaker, there is a lot that is unfair about this rule which we are going to discuss unless we come to some other amicable arrangements between now and the end of the rule debate. But if the gentleman wants to be fair, he certainly would honor the ranking Republican's view.

I do not necessarily share the same views as the ranking Republican on this issue, but he is entitled to fairness, and the gentleman should not object to it.

Mr. GINGRICH. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I am happy to yield to the gentleman from Georgia.

Mr. GINGRICH. Mr. Speaker, I just want to emphasize the point here that we have a very particular place where the Secretary of Defense, trying to meet the bipartisan budget agreement, has made some very difficult decisions. They are very big decisions, and it seems to me only fair to give the House an opportunity to vote on a straight, clean manner, yes or no on two different weapons systems, and I think the country will not understand why, in an almost pork-barrel way, we would roll both of those together so that the House never had a chance to have a clean, straightforward, up-or-down vote, and I would really hope that the gentleman from Michigan would reconsider his objection from the standpoint that we would like to be able to support this rule. We would

certainly like to avoid engaging in procedural maneuvers and some concern on the part of some Members about having a whole series of votes on all of the various amendments and trying to express displeasure.

Mr. Speaker, all that the gentleman from Alabama [Mr. DICKINSON] and the gentleman from Illinois [Mr. MICHEL] are asking for is the opportunity to allow Secretary Cheney's two major procurement decisions to be voted on in a clean and straightforward manner. I think that we are not asking the House to pass them, although we would obviously like the House to support the President of the United States and the Secretary of Defense, but we are asking the House to be given a chance to record it in a straightforward way.

I would hope the gentleman from Michigan would reconsider in a spirit of bipartisanship and would allow for this one minor amendment, this one unanimous-consent request, to go through.

Mr. SOLOMON. Further reserving the right to object, if the gentleman from Michigan would bear with me just a few minutes, this rule on this defense authorization bill is the most closed rule that this body has considered in the 11 years I have been in Congress on an issue that is the most important issue to come before the Congress in any year, but especially in this year of fiscal restraint.

Let me just say to the gentleman from Michigan that I want to support this rule. I do appreciate the fact that the gentleman did listen, that he and the chairman, the gentleman from Massachusetts [Mr. MOAKLEY], listened to us. But let me tell the Members that when it comes to SDI and the cutting amendments, we, the Republican side, were allowed one amendment on the king-of-the-hill method, and the Republican amendment was placed first, which puts us in a bad position. If that is the way it has to be, at least we were given an amendment.

Then when it comes to the add-back amendments, the Republicans were denied all amendments, and yet there are three Democratic amendments, three Democrat amendments allowed. That is under SDI.

When it comes to ICBM, in spite of what the chairman, the gentleman from Wisconsin [Mr. ASPIN], asked for in the way of just three amendments, the Committee on Rules made in order five amendments. All five are Democrat amendments, not one Republican, dealing with the most, or one of the most, important issues of the bill, ICBM's.

Under nuclear testing, the gentleman from Massachusetts [Mr. MARKEY] was allowed an amendment, and no Republican substitute, no Republican amendment, was allowed.

When it comes to Davis-Bacon, two Democrat amendments were allowed, but no Republicans.

When it comes to Small Business Administration set-asides, one Democratic amendment was allowed, and none of the Republican amendments were allowed.

When we come to plutonium development which should not be in the bill at all, we were not allowed a substitute. The gentleman from Michigan [Mr. BROOMFIELD], the ranking Republican on the Committee on Foreign Affairs, is sitting over here, but he was denied his substitute on that major, major subject.

We do not even want to make an issue out of this providing they could at least oblige the ranking Republican leader's request, which at least deals with one of the important issues. Otherwise, those of us who even share the gentleman's view over there on the V-22's and the F-14's are going to be constrained to fight this rule.

Mr. Speaker, I would just implore the gentleman, and beg the gentleman even, out of fairness, to see to the minority leaders's wishes.

Mr. BONIOR. Mr. Speaker, further reserving the right to object, again, we received no amendment from the Republicans on the ICBM. We received no amendment from my colleague and good friend, the gentleman from Michigan [Mr. BROOMFIELD], on the plutonium issue. We granted the gentleman from Michigan [Mr. BROOMFIELD] his amendment which he was concerned, very concerned, about with regard to arms negotiations. We gave 65 percent of the requests that were asked of us by the Republicans. We gave them some amendments to be offered. We were, I thought, very, very gracious in this bill.

Mr. Speaker, obviously we have concerns and needs of our own that we have to be concerned about on our side of the aisle.

□ 1220

I think, quite frankly, that this is a fair bill, a fair rule, and I am going to have to protect the concerns and the interests of our Members also on this, and I am going to object at this time.

The SPEAKER pro tempore (Mr. FRANK). Objection is heard.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC.

July 21, 1989.

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the House of Representatives, I

have the honor to transmit a sealed envelope received from the White House at 4:35 p.m. on Friday, July 21, 1989, and said to contain a message from the President whereby he transmits draft legislation entitled "The Clean Air Act Amendments of 1989," a section-by-section analysis of the proposed legislation, and an errata sheet to the draft legislation.

With great respect, I am,
Sincerely yours,

DONALD K. ANDERSON,
Clerk, House of Representatives.

CLEAN AIR ACT AMENDMENTS OF 1989—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 101-87)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Energy and Commerce and ordered to be printed:

(For message, see proceedings of the Senate of today, Monday, July 24, 1989.)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled Senate joint resolutions on Friday, July 21, 1989:

S.J. Res. 85. Joint resolution to designate the week of July 24 to July 30, 1989, as the "National Week of Recognition and Remembrance for Those Who Served in the Korean War"; and

S.J. Res. 142. Joint resolution designating the week beginning July 23, 1989, as "Lyme Disease Awareness Week."

PROVIDING FOR CONSIDERATION OF H.R. 2461, NATIONAL DEFENSE AUTHORIZATION ACT, FISCAL YEAR 1990

Mr. BONIOR. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 211 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 211

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2461) to authorize appropriations for fiscal years 1990 and 1991 for military functions of the Department of Defense and to prescribe military personnel levels for such Department for fiscal years 1990 and 1991, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and which shall not exceed two hours, to be equally divided and controlled by the chair-

man and ranking minority member of the Committee on Armed Services, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Armed Services now printed in the reported bill as an original bill for the purpose of amendment under the five-minute rule, said substitute shall be considered as having been read and all points of order against said substitute for failure to comply with the provisions of section 302(f) of the Congressional Budget Act of 1974, as amended (Public Law 93-344, as amended by Public Law 99-177), clause 7 of rule XVI and clause 5(a) of rule XXI are hereby waived. No amendment to said substitute shall be in order except the amendments designated in the report of the Committee on Rules accompanying this resolution. Said amendments shall be considered only in the order and in the manner specified, and shall be considered as having been read when offered. Each amendment, except those in part two of the report of the Committee on Rules, may only be offered by the Member designated for such amendment in the report of the Committee on Rules, or this resolution, or his designee. Debate on each of said amendments shall not exceed the time designated in said report, to be equally divided and controlled between the proponent and an opponent unless specified otherwise by this resolution or in the report of the Committee on Rules. All points of order are waived against the amendments contained in the report of the Committee on Rules. No amendment shall be subject to amendment except as specified in this resolution or in the report of the Committee on Rules, or be subject to a demand for a division of the question in the House or in the Committee of the Whole. Any period of general debate specified by this resolution shall be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services.

SEC. 2. It shall be in order to consider the amendments contained in the report of the Committee on Rules accompanying this resolution as follows:

(1) When the Committee of the Whole begins consideration of amendments to H.R. 2461 on Tuesday, July 25, 1989, it shall then be in order to debate the subject matter of the Strategic Defense Initiative (SDI) for not to exceed sixty minutes. It shall then be in order to consider the amendments relating to SDI printed in part one of the report of the Committee on Rules in the following order: (A) by Representative Kyl of Arizona; (B) by Representatives Dellums or Boxer of California; and (C) by Representative Bennett of Florida. If more than one of said amendments is adopted, only the last such amendment which is adopted shall be considered as finally adopted and reported back to the House. Following disposition of said amendments, it shall then be in order to consider the amendments relating to SDI add-backs printed in part one of the report of the Committee on Rules in the following order: (A) by Representative Bennett of Florida; (B) by Representative Spratt of South Carolina; and (C) by Representative Mavroules of Massachusetts. Following disposition of said amendments, it shall be in order to consider the amendments relating to burdensharing printed in part one of the report of the Committee on Rules in the following order: (A) by Representative Schroeder of Colorado; and (B) by Representative Ireland of Florida. Following disposition of

said amendments, it shall be in order to begin consideration of amendments printed in part two of the report of the Committee on Rules, in the order and in the manner provided for in said section and subject to the provisions of paragraphs (4) and (5) of this section. The chairman of the Committee of the Whole, at his discretion, may continue to recognize proponents of amendments printed in part two of the report of the Committee on Rules. After disposition of such amendments printed in part two, it shall be in order to consider the amendment relating to procurement alternatives printed in part one of the report of the Committee on Rules if offered by Representative Dickinson of Alabama. Only if the amendment offered by Representative Dickinson of Alabama is agreed to, shall it be in order to consider the amendment printed in part one of the report of the Committee on Rules by Representative Weldon of Pennsylvania.

(2) After the Committee of the Whole rises on the legislative day of Tuesday, July 25, 1989, and resumes its sitting on H.R. 2461 on Wednesday, July 26, 1989, it shall be in order to consider the amendments relating to the B-2 Bomber printed in part one of the report of the Committee on Rules: by Representative Aspin of Wisconsin or Representative Synar of Oklahoma, which shall be subject to an amendment offered by Representative Skelton of Missouri and to a substitute offered by Representative Kasich of Ohio, Representative Dellums of California, or Representative Rowland of Connecticut. Each of said amendments relating to the B-2 Bomber shall be debatable for not to exceed forty minutes, to be controlled by the proponent. All three amendments relating to the B-2 Bomber shall be pending prior to the beginning of debate on any of them. Following disposition of said amendments, it shall be in order to consider the amendments relating to intercontinental ballistic missiles (ICBMs) printed in part one of the report of the Committee on Rules in the following order: (A) by Representative Dellums of California; (B) by Representative Hertel of Michigan; (C) by Representative Frank of Massachusetts; (D) by Representative Spratt of South Carolina; and (E) by Representative Mavroules of Massachusetts. It shall then be in order to resume consideration of the amendments printed in part two of the report of the Committee on Rules, subject to the provisions of paragraphs (4) and (5) of this section.

(3) After the Committee of the Whole rises on the legislative day of Wednesday, July 26, 1989, and resumes its sitting on H.R. 2461 on Thursday, July 27, 1989, further consideration of the amendments printed in part two of the report of the Committee on Rules accompanying this resolution shall be suspended. It shall then be in order to consider the amendment relating to plutonium production printed in part one of the report of the Committee on Rules by Representative Wyden of Oregon. Following disposition of said amendment, it shall be in order to consider the amendment relating to anti-satellite weapons printed in part one of the report of the Committee on Rules by Representative Brown of California. Following disposition of said amendment, it shall be in order to consider the amendment relating to nuclear test-ban printed in part one of the report of the Committee on Rules by Representative Markey of Massachusetts. Following disposition of said amendment, it shall then be in order to consider the amendments relating to chemical

weapons printed in part one of the report of the Committee on Rules in the following order: (A) by Representative Owens of Utah, Representative Aspin of Wisconsin, or Representative Fascell of Florida; and (B) by Representatives Porter of Illinois or Roukema of New Jersey. Following disposition of said amendments, it shall be in order to consider the amendments relating to small disadvantaged businesses printed in part one of the report of the Committee on Rules by Representative Mavroules of Massachusetts. Following disposition of said amendment, it shall then be in order to consider the amendment relating to the Davis-Bacon Act printed in part one of the report of the Committee on Rules if offered by Representative Stenholm of Texas, which may be subject to a substitute if offered by Representative Murphy of Pennsylvania. Debate on said amendment and substitute shall be equally divided and controlled by Representatives Stenholm and Murphy, and shall begin after both amendments relating to the Davis-Bacon Act are pending. Following disposition of said amendments, it shall be in order to debate the subject matter of outlay ceilings for not to exceed forty minutes. It shall then be in order to consider the amendments relating to outlay ceilings printed in part four of the report of the Committee on Rules in the following order: (A) the two amendments by Representative Aspin of Wisconsin; and (B) by Representative Frenzel of Minnesota. Notwithstanding any rule of the House, Representative Aspin of Wisconsin, after giving one hour notice and after consultation with the ranking minority member of the Committee on Armed Services, may offer a germane amendment to any of the amendments printed in part four of the report of the Committee on Rules, to be debatable for not to exceed fifteen minutes, equally divided and controlled by the proponent and a Member opposed thereto. Following disposition of said amendments, it shall then be in order to resume consideration of amendments printed in part two of the report of the Committee on Rules, subject to the provisions of paragraphs (4) and (5) of this section.

(4) Notwithstanding any provision of this resolution, it shall be in order for the chairman of the Committee on Armed Services, or his designee, at any time to offer en bloc amendments, including modifications in the text of any amendment which are germane thereto, printed in parts two or three of the report of the Committee on Rules. Such amendments en bloc shall be considered as having been read and shall not be subject to amendment or to a demand for a division of the question in the House or in the Committee of the Whole. Such amendments en bloc shall be debatable for not to exceed sixty minutes, equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services. The original proponents of the amendments offered en bloc shall have permission to insert statements in the Congressional Record immediately before disposition of the amendments en bloc.

(5) The chairman of the Committee of the Whole, at his discretion, may postpone recorded votes, if ordered, on any first degree amendment until a designated point later that legislative day or until the next legislative day. The Chair may reduce to a minimum of five minutes the period of time within which a recorded vote, if ordered, may be taken on all said amendments following the first vote in a series.

(6) If the Committee of the Whole does not complete consideration of any amendment printed in part one or two of the report of the Committee on Rules, it shall be in order on any subsequent legislative day for the chairman of the Committee on Armed Services, after giving at least one hour notice, and after consultation with the ranking minority member of that committee, to request the Chair to recognize the proponent of such amendments and the Chair may recognize the proponents of such amendments in accordance with that notice notwithstanding the order of amendments otherwise specified in such report. If the chairman of the Committee on Armed Services does not give such notice or make such request, the amendments may be offered by their proponents following the disposition of all other amendments contained in part two of the report of the Committee on Rules accompanying this resolution. The proponent of any amendment printed in part three of the report of the Committee on Rules not considered in the order specified by this resolution may offer that amendment at the conclusion of consideration of all other amendments printed in part two of the report of the Committee on Rules.

SEC. 3. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. It shall be in order to debate any motion to recommit with instructions for one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services.

□ 1230

The SPEAKER pro tempore (Mr. FRANK). The gentleman from Michigan [Mr. BONIOR] is recognized for 1 hour.

Mr. BONIOR. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentlewoman from Illinois [Mrs. MARTIN] pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 211 is a modified closed rule providing for the consideration of H.R. 2461, a bill to authorize appropriations for fiscal years 1990 and 1991 for the Department of Defense. H.R. 2461 directs our Nation's security policy, and includes compensation for our Armed Forces.

The rule provides for 2 hours of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, and makes in order the amendment in the nature of a substitute recommended by the Committee on Armed Services as original text for the purpose of amendment under the 5-minute rule.

The rule waives section 302(f) of the Congressional Budget Act for the pay

raise, clause 7 of rule 16 prohibiting nongermane amendments, and clause 5(A) of rule 21 against consideration of the amendment in the nature of a substitute covering appropriations on a legislative bill.

No amendments to the substitute are to be in order except for amendments printed in the report of the Committee on Rules on the resolution. The amendments are to be considered only in the order and in the manner specified in the report and are to be considered as read when offered.

The rule waives all points of order against amendments printed in the report and provides that none of the amendments are subject to amendment except as otherwise specified. The amendments are not to be subject to a demand for a division of the question. It is in order for the chairman of the Armed Services Committee, or his designee, to offer en bloc amendments, including germane modifications, printed in parts 2 or 3 of the report accompanying this resolution. Each set of en bloc amendments is debatable for 1 hour, equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services. The en bloc amendments are not subject to amendment or to a demand for a division of the question in the House or in Committee of the Whole.

The rule also provides that it is in order to postpone recorded votes, if ordered, on any first degree amendment until the conclusion of debate on all said amendments considered on a particular legislative day, or on a particular subject matter, or until the next legislative day. The votes may be reduced to 5 minutes, after the first 15-minute vote.

The rule also provides that if consideration of any amendment printed in parts 1, 2, or 3 of the report is not completed, the proponent of the amendment may be recognized by the Chair, after 1 hour's notification by the chairman of the Armed Services Committee, to offer the amendment at a subsequent time.

The amendments are in order notwithstanding the order of amendments otherwise specified in the report. If the chairman of the Committee on Armed Services does not give notice to the Chair or make a request for recognition, the proponent of any such amendment may offer the amendment following the disposition of all other amendments contained in part 2 of the report.

Finally, the rule provides for one motion to recommit with instructions that is debatable for up to 1 hour with the time equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services.

Mr. Speaker, this may well be the most complex rule of any legislation

considered on the floor in this session. The rule has been structured to allow the maximum number of amendments to be considered in the most orderly manner possible; 218 amendments were filed with the Rules Committee; 90 have been made in order under this rule.

It was the leadership's desire that to the greatest degree possible the rule be structured in such a way that Members know in advance when amendments will be considered, and when votes can be expected. While the House will be in session from 9 a.m. to at least 9 p.m. Tuesday through Thursday, we have tried to reserve the dinner hour for debate only to provide some relief from the heavy workload.

Votes will be rolled together in suspension-like fashion in the evening when Members return.

Amendments to H.R. 2461 have been divided in importance. Consideration of major policy questions such as SDI, B-2, and arms control will be stretched out over each of the days set aside for the bill. The debate time and order of amendments is listed in the report of the Rules Committee. The amendments listed in section 2 will be debated every evening over the dinner hour, 5 minutes on each side. Remaining noncontroversial issues will be considered en bloc. Members are urged to place as many amendments as possible in the en bloc category. It is our firm goal to complete consideration of this bill Thursday evening according to schedule.

Mr. Speaker, we face a historic moment in considering our Nation's defense budget. The budget constraints we are under force us to make tough choices. This bill, like last year's, authorizes the same total dollars as the administration request, and will be consistent with the budget summit agreement. Tough choices have been made in committee; tougher choices will have to be made on the floor. We need a strong defense. But at this time we must redefine what national security means, and match this demand with competing domestic priorities.

Moreover, changes in the Soviet Union and its perceived threat are forcing us to reexamine our most basic strategic assumptions of the last 40 years.

Just last week the former chief of the Soviet Armed Forces made an unprecedented appearance at the House Armed Services Committee and will meet with the President this week. No one knows where these changes will lead, but they bear close examination.

Both the Reagan and Bush administrations have proposed spending billions for star wars, but have left unfunded the war against drugs. But Americans today are increasingly aware that the threat from drugs,

crime, and foreign competition can be as dangerous as any threat from the Soviet Union.

During debate on H.R. 2461, three amendments will be offered to add back funds cut from the star wars budget to fight the war against drugs, to clean up DOD nuclear facilities, and to beef up our conventional forces.

These amendments reflect America's priorities. Every day, 5 to 10 illegal drug smuggling flights invade our air space, and 30 to 50 illegal ships land on our shores.

Last year, Congress took the lead in establishing a new role for the military and the National Guard in the drug interdiction fight. Yet the President's budget contained no funds for this purpose. The Mavroules amendment will add \$450 million to the military's fight against drugs.

This legislation takes into account the fact that economic competitiveness is a critical ingredient in national security. Basic research breeds both civilian and military invention, and makes our Nation more competitive. Yet today we spend only half the dollars we invested in 1965 in basic military technology. H.R. 2461 adds \$400 million to our military technology base to put America ahead of our competitors.

Mr. Speaker, we must stop drug smugglers from invading our homes and our communities. We must clean up our environment, protect our families, and take care of our elderly. And we must ensure that the scarce dollars we spend for our Nation's defense give us the best equipment money can buy. H.R. 2461 helps us balance these competing priorities.

Mr. Speaker, House Resolution 211 is an eminently fair rule providing for open and full discussion of a bill essential to our Nation's security. To my knowledge, it has the support of the minority. I urge the adoption of House Resolution 211 so we may proceed to consideration of this legislation.

□ 1240

Mr. Speaker, I yield to my friend, the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Speaker, I thank my colleague for yielding, and I would like to simply say to him, I do not believe I have ever risen and taken the well of the House at any time in the last 18½ years to oppose a rule, but I would like to make a few observations here at this point.

I do not mind the gentleman being emotional about it. This is a very serious issue, and I feel equally as emotional. I do not suggest they are not good amendments that are being offered on the floor of this Congress. I am offering some of them, amendments to end the B-1, to stop star wars, but notwithstanding that, I make this observation: The Member

cannot say to me straight-faced that this rule is not designed on the basis of efficiency and not substantive, and that is clear. I think it is an insult to the American people that we are talking about a \$300 billion budget, where on a number of amendments, there are only 5 minutes to discuss it, 2 hours general debate. When we meet on Monday, the Members will probably be talking to themselves at a time when the world is changing, when we ought to be talking about the issues of peace and nuclear disarmament in a very substantive and profound way. We find ourselves with an efficient rule that will allow Members to take care of this matter very quickly, but not very substantively. Finally, if the gentleman will yield further, I have to compliment the Committee on Rules on this, Members have come to grips with the harsh reality, and that is why in my point I say to the gentleman from Michigan [Mr. BONIOR], is not a criticism of the Committee on Rules, the Members have come to grips with the reality that the defense authorization bill is not written in the committee, it is not written on the floor of Congress, it is written in conference.

□ 1250

So what this rule simply recognizes is, let us bring it to the floor, let us get the debate ended as quickly as possible, because this bill is really going to be written when the House and Senate sit down in the secret room upstairs, and for the most part the majority of the Members of Congress will have nothing to do with shaping the defense policy of this country, because we, for 2 weeks after we efficiently move this bill through the floor, will be sitting down and wheeling and dealing over who buys what number of planes or what bombers and what weapons.

Mr. BONIOR. Mr. Speaker, I reclaim my time at this point.

Mr. DELLUMS. The gentleman does not have to do that. I would yield to him.

Mr. BONIOR. The gentleman does not have the time to yield. It is my time.

The SPEAKER pro tempore (Mr. FRANK). The gentleman from Michigan [Mr. BONIOR] has the time.

Mr. BONIOR. Mr. Speaker, we are now faced with this reality on the floor of the House: We have worked on the rule for a week. The rule came out of the Committee on Rules last Friday with the support of the minority. No one told this member or any other member of the Committee on Rules that the minority was going to oppose this rule or that certain members of the minority were going to oppose this rule.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I will not yield at this time. I will not yield.

I had no knowledge of that until I got to the floor.

The second reality is that we have taken care of the gentleman from California. We have provided the gentleman from California more opportunities in this rule than any other member of the majority or the minority, and now, without the courtesy of letting this Member from Michigan know he is opposed to the rule, he comes to the floor and objects. I would have appreciated knowing this before we got to the floor this afternoon.

Mr. DELLUMS. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. Not at this point.

So we are in a dilemma.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I will not yield at this point.

Mr. SOLOMON. Will the gentleman yield at any point?

The SPEAKER pro tempore. The gentleman from Michigan [Mr. BONIOR] has the time, and the gentleman does not yield.

Mr. BONIOR. Mr. Speaker, we are in the dilemma now of having factions on the right and the left oppose this rule. We have asked Members to come back to discuss this rule to proceed on this very important bill.

I would just say to my colleagues that I do not know what kind of a rule we are going to get out of the Rules Committee if this rule goes down. I do not know if the gentleman from California [Mr. DELLUMS] will be positioned as well as he is in the debate on the important amendment which he will offer and which I will support. I do not know if the gentleman from Alabama [Mr. DICKINSON] will be able to offer his AHEP amendment and others he has suggested, but I would suggest to the Chair and I would suggest to my colleagues that it is important for them to be fair with us. When is people's word good around here? That is what I want to know. When we get to the floor, 5 minutes before we vote?

Mr. SOLOMON. Mr. Speaker, will the gentleman respectfully yield?

Mr. BONIOR. We have tried to be fair with the members on the minority side, and we have tried to be fair with the Members on our side of the aisle. We have put together a rule, and all of a sudden Members decide that if their little thing is not taken care of, they are going to blow the whole thing up.

We had 218 amendments, Mr. Speaker. We have taken care of 65 percent of the Republicans, and we have taken care of my friend, the gentleman from California, by giving him probably more amendments than any other Member of this House.

Mr. SOLOMON. Mr. Speaker, will my friend respectfully yield?

Mr. DELLUMS. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. The gentleman from Michigan [Mr. BONIOR] has 12 minutes remaining.

Mr. BONIOR. I yield to my friend, the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Speaker, I thank the gentleman for yielding, and I appreciate my colleagues' impassioned speech. I simply say that these are not personal matters. This is not about RON DELLUMS or DAVE BONIOR. This is about the national security of this country. It is about our ability to provide this country's national security.

Mr. BONIOR. If it is about the national security of this country, why did the gentleman not call me this weekend and say he was disappointed with the rule?

Mr. DELLUMS. You did not bring the rule out until today.

Mr. BONIOR. If you were so interested in the rule and this debate, why were you not tracking the rule? You knew darned well what was in the rule this weekend. I did not get a call or a courtesy call from you on this. So do not tell me about the national security interests of this country or the gentleman's concern about this.

Mr. SOLOMON. Mr. Speaker, will the gentleman please yield?

Mr. BONIOR. I yield to my friend, the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, let me just say that we are going to try to calm down here. The gentleman from Michigan is one of the most respected and most able members of the Committee on Rules and of this body, and I do not want to take up his time, but let me just say that if he reads the transcript, he knows—and I would ask him to go back and recall the meeting of the Rules Committee—that when negotiations broke down at the very last minute on one of the most crucial issues, the B-2 bomber, those members present on the Republican side said to the gentleman, "We will not hold up the workings of this House; we will vote to put this rule on the floor so we can argue the rule there, but we will not be committed to supporting or arguing in favor of the rule."

That is in the transcript. Maybe the gentleman was not on the floor of the Rules Committee at the time, but that is what is contained in this transcript. I would not argue it further except to say that we are going to try to defeat the rule, as we said we might do in the Rules Committee, and I hope we have every Republican vote and a lot of Democratic votes so that this Congress can work its will on the bill. Otherwise I do respect the gentleman's right to make the statements he is making.

Mr. BONIOR. Mr. Speaker, I reserve the balance of my time.

Mrs. MARTIN of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all, if I might say this to the gentleman from Michigan just for a moment, the gentleman brought up the matter of courtesy, and I hope this Member would always be courteous to another Member. The gentleman will find that I flew in this morning, and when I got here, the gentleman will find there was a phone call made to his office and to Chairman MOAKLEY's office, trying to notify them of what this Member would be doing in leading the rule on the floor. I just wanted the gentleman to know this because he said no one talked to him before he reached the floor. I did try to reach the gentleman and Chairman MOAKLEY in case there would be any questions, and I just wanted him to know that as a courtesy, I would always do that.

Mr. BONIOR. Mr. Speaker, if the gentleman will yield, I appreciate that, and I stand corrected, since the gentleman did initiate a call.

Mrs. MARTIN of Illinois. Mr. Speaker, I am sorry we have not been able to work this out, too. There is no question about the hard work involved.

Mr. Speaker, House Resolution 211 is a modified closed rule providing for the consideration of H.R. 2461, the Department of Defense authorization bill for fiscal years 1990 and 1991.

The rule provides for 2 hours of general debate to be controlled equally by the Armed Services Committee chairman and ranking Republican member. That debate is scheduled to take place today following the adoption of some rule. The House will then proceed on Tuesday through Thursday of this week to consider amendments to the bill. The committee amendment in the nature of a substitute is made in order as original text for the purpose of amendment.

The rule waives three points of order against the committee amendment in the nature of a substitute: First, section 302(f) of the Budget Act which prohibits amendments which exceed a committee's allocation under the Budget resolution; and second, clause 5(a) of rule XXI of the House which prohibits appropriations in an authorization bill.

These two waivers are necessary because of provisions in the bill.

Next, the rule waives the germaneness rule against the committee substitute. This is necessary because the substitute goes beyond the scope of the introduced bill by adding the military construction and Department of Energy national security titles to the bill.

Mr. Speaker, as I mentioned, this is a modified closed rule: Only amendments specifically made in order by

the Rules Committee, and published in the report on this rule shall be in order for consideration, in the order and manner specified in the report. The rule waives all points of order against the amendments, and they are not subject to further amendment unless specifically provided for in the rule. All told, Mr. Speaker, by my count some 87 amendments have been made in order by this rule out of some 218 that were submitted to the committee.

Mr. Speaker, by my count Republicans submitted 77 of those 218 amendments, or 35 percent of the total; and 24 of those Republican amendments were made in order under this rule—some 27 percent of the total amendments made in order. I make this point simply for the sake of pointing out that there was not a strong or heavily skewed partisan bias in determining the do's and don'ts, although there obviously were some and some political considerations at play in some of the selections.

It would be stretching things too far to say this is a perfectly balanced and fair rule because it is not. But it might be more realistic to observe that this is a finite Congress with only so much time in which to accomplish a great deal of work. And that more than anything is the reason it was found necessary to in some way limit the amendment process.

The chairman of the Armed Services Committee requested 10 amendments and is allowed to offer 9 under this rule. So don't let anybody tell you chairmen have lost their clout around here.

Our ranking Republican member, on the other hand [Mr. DICKINSON], had asked for eight amendments to be made in order and only got three. In fact, a fourth amendment was pulled out from under him during the final Rules Committee markup on this rule because there was a misunderstanding on the majority side as to what that amendment contained. I think that was most regrettable and unfair to our ranking member, and I understand and share his disappointment.

Nevertheless, Mr. Speaker, despite that disappointment and the unfairness that exists anytime we restrict our rules, I think the chairman and the ranking member of the Committee on Armed Services are to be commended for doing a fairly good job in working with the Rules Committee in fashioning a rule under difficult and occasionally heated circumstances. I would especially commend the chairman of the Rules Committee, the gentleman from Massachusetts [Mr. MOAKLEY], on being fair to most concerned, and I commend my Rules Committee colleagues on working together on a bipartisan fashion on much of the rule.

□ 1300

I also want to commend the Rules Committee staff. They performed coolly and professionally under fire.

As a former member of the Armed Services Committee myself, I can attest to the complexity, controversy and confusion involved in trying to grapple with such a variety of major and minor issues. If you review the amendments, you can see they range from the MX, SDI, B-2, Davis-Bacon, military pay, uniforms, and military land transfers. And believe me, everything is a major issue if it involves you, your districts or your constituents.

Mr. Speaker, I do not want to take the time of the Members of describing this rule in detail, since it has already been read in full and explained once by the distinguished gentleman from Michigan [Mr. BONIOR]; however, I do want to point out the rules establishes four classes of amendments. The first class, contained in part 1 reports and consists of the major issue areas and issue options on such matters as SDI, B-2 and MX.

The second class, found in part 2, consists of 33 amendments. These will be taken up each day after the part 1 amendments are disposed of.

The third class of amendments are less controversial and are 25 in number. They may be offered en bloc by the Armed Services Committee chairman as may any part 2 amendments.

Finally, there are 3 budget-related amendments in part 4 of the report.

A unique aspect of this rule is the discretion given to the chairman of the Committee of the Whole to delay and cluster votes on the first degree amendments.

One of the things the rule does not do is allow separate votes on the B-22 and F-14. It is the House at its usual worst.

We will all give speeches on why we must cut defense, but we will make sure we protect weapons systems in congressional districts by bundling them. Then enough people are protected to give these systems the Federal equivalent of eternal fire.

And how do we change it? Well, this time it is easy. Vote no on the previous question and then a new rule. It is complicated. It is probably not good campaign drama, but we should do it. Then we can create a rule that will, I believe, encompass what is best in the old rule and what is good for the new.

Mr. Speaker, in conclusion, this rule is not a work of art. This is not even quite politics as the are of compromise. You will not want to hang this on your wall at home, and it does not deserve to be hanging around the wall of the House in its present condition. Let us send it back to the artist for a little re-touching that will give us a better balanced picture.

Vote no on the previous question. Then we can create a true image for the Department of Defense.

Mr. BONIOR. Mr. Speaker, I yield 5 minutes to the gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Mr. Speaker, I appreciate the gentleman from Michigan yielding time at this moment.

I wish to discuss the rule and one part of its ramifications, if I may, and so that the gentleman from Michigan will not feel all alone today, I tell him at this juncture that I intend to support the rule. I wish to discuss in a moment a detail of a portion thereof.

Mr. Speaker, I refer to the portion that is scheduled for Wednesday, the first item of business, and that is the item dealing with the Stealth, that is the B-2 bomber. I understand and recall, the President by way of his Secretary of Defense made a request of this Congress for the B-2 bomber to be authorized at a level of \$4.7 billion, \$2 billion for research and development and \$2.7 for production.

The Armed Services Committee after a rather lengthy discussion and votes reduced that \$4.7 billion figure down to \$3.9 billion, an \$18 million cut, \$300 million coming from research and development and \$500 million coming from the procurement funds and, of course, the bill comes to the floor in this fashion, together with some restrictive language which I know during the debate will be discussed and mentioned at length.

There are 3 amendments to this section of the bill, the Aspin-Synar amendment which restructures the B-2 program and cuts it back significantly; the Skelton amendment, that is my amendment, which adopts the figures of \$3.9 billion of the committee, some of its restrictive language, plus additional restrictive language and certification.

I have attempted that the Skelton amendment be a compromise to this situation.

The third amendment is the Kasich-Dellums-Rowland substitute for Aspin. It in essence terminates the program.

Mr. Speaker, I would like at this point to inquire of the gentleman from Michigan as to the manner in which these amendments are to be handled and voted upon.

Mr. BONIOR. Mr. Speaker, if the gentleman will yield, I thank my colleague for inquiring on this important decision that will be made on Wednesday.

Each of the amendments, I would tell my friend, the gentleman from Missouri, will be debated for 40 minutes.

The Aspin-Synar amendment is to be the base amendment and the amendment of the gentleman from Missouri would be debated for 40 minutes, after which if he prevailed would be the base. If he did not prevail, then

we would go in any event to the Kasich-Dellums-Rowland amendment, which would be debated for 40 minutes. If that prevailed, that would become the base amendment.

The upshot of my comments is that everyone will get a clean and a fair shake at restructuring or terminating or whatever the B-2 program.

Mr. SKELTON. Mr. Speaker, as I understand it, the first vote would be on the Skelton amendment, that is, my amendment.

Mr. BONIOR. If the gentleman will yield, that is correct.

Mr. SKELTON. Which would be an amendment to the Aspin-Synar amendment.

Mr. BONIOR. That is correct.

Mr. SKELTON. If that prevails, then there would be a substitute by the Kasich-Dellums-Rowland amendment, is that correct?

Mr. BONIOR. That is correct.

Mr. SKELTON. If that fails, then the Skelton amendment, which as I mentioned in my hypothetical question, prevailed, would in essence be the B-2 structure.

Mr. BONIOR. It would prevail, but at that point there would also be another motion to vote on.

Mr. SKELTON. So we would have to vote on it again.

Mr. BONIOR. It is possible.

Mr. SKELTON. Because it would then be the base.

Mr. BONIOR. That is correct.

Mr. SKELTON. Mr. Speaker, I thank the gentleman from Michigan.

I might say, this is a very difficult rule. Historically, we spent untold days, I think at one point some 2 weeks, the entire 2 weeks on this.

The SPEAKER pro tempore. The time of the gentleman from Missouri has expired.

Mr. BONIOR. Mr. Speaker, I yield as much time as he may consume to the gentleman from Missouri.

Mr. SKELTON. There are some 218 amendments, some 70 being granted, and I know it is a very difficult task.

I speak in favor and I will speak in favor of the Skelton amendment which supports the B-2 program basically in the committee structure, with additional restrictions.

In its primary role, the B-2 renders obsolete approximately \$350 billion of Soviet investment in air defenses. The combination of the manned penetrating bombers that we have, including the B-2, will prevent the Soviet Union from concentrating all its defense efforts in a single threat. Stealth technology incorporated in the B-2 will force the Soviet defense establishment to devote more time of its military resources to air defense. It is better to have the Soviets spending their money on defense, rather than offense.

Mr. DREIER of California. Mr. Speaker, will the gentleman yield?

Mr. SKELTON. I yield to the gentleman from California.

Mr. DREIER of California. Mr. Speaker, I thank my friend for yielding to me.

I simply would like to compliment the gentleman on the very balanced approach which he is taking in dealing with this issue.

I know from discussions that I have had with the gentleman that the B-2 program is not built in any way in the gentleman's district. It is in mine as a Californian, but it is very clear that over and above that concern, the triad has been without a doubt the major thrust of our deterrence. There is controversy surrounding the B-2, but it seems to me that the amendment which the gentleman from Missouri is planning to offer is a very balanced approach to dealing with this controversial issue, and I compliment him for that and I urge my colleagues to support that when it comes down; but I have to say that I will join my other Republican colleagues in opposing the rule.

□ 1310

Mr. SKELTON. Mr. Speaker, there is one other item that I would like to mention very briefly, and there will be a great deal of discussion on this, and it is that the importance of the B-2 is in the arms control arena. Arms control provides a strong argument. The current arms control regime between the United States and the Soviet Union favors bombers. Under the START counting rules, the Reykjavik counting rules, the non-cruise-missile bomber counts as only one weapon regardless of the bomb load.

Mrs. MARTIN of Illinois. Mr. Speaker, I yield 5 minutes to a member of the Committee on Rules, the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Speaker, I rise in opposition to this rule. I do so with a certain sense of disappointment because the proceedings that led to the preparation of this rule started out in a very promising manner. The point needs to be made right here at the outset that Chairman MOAKLEY of the Rules Committee made every effort to include Republicans in the consultations that were involved in writing this rule. I very much appreciate his efforts, and I want to commend him for them.

Unfortunately, however, in this instance, consultations did not translate into consensus. We are dealing today with a rule that is more closed than any other such rule on a Defense Department in my 11 years in Congress. On the one bill that deals most directly with the security and vital national interests of the Nation, the decision has evidently been made to play politics.

We can only speculate on why the mood in the Rules Committee shifted

so abruptly from consultation to confrontation. Not being privy to the inner workings of the Democrat high command, I can only try to imagine what the marching orders must have contained. But, in any event, we are stuck with an atrocious rule.

Mr. Speaker, the list goes on and on. Let me cite just a few of the more blatant examples of unfairness in this rule:

On funding for the SDI, the lone Republican amendment being permitted is the first of the king-of-the-hill procedure. No doubt about the outcome hoped for there.

Maybe we Republicans should at least be grateful for the minimum consideration being given on SDI funding, because we were not given anything under SDI add-backs. Three Democrat amendments, and no opportunity for Mr. DICKINSON, the ranking Republican on the Armed Services Committee, to offer a substitute.

The B-2 bomber: Three Democrat amendments and no Dickinson substitute.

ICBM's: Five Democrat amendments and no Dickinson substitute. The Democrats on the Armed Services Committee requested only 3 amendments, but, as long as the rule is going to be so generous, another two cannot hurt.

Mr. BONIOR. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I am happy to yield to the gentleman from Michigan.

Mr. BONIOR. Mr. Speaker, the reason I asked the gentleman to yield is because on the number of this ICBM, they are bipartisan amendments. The gentleman now in the chair, the Speaker pro tempore, has an amendment, but it is being worked together with two other Republicans in a very prominent and forthright fashion. We have done the same thing, and the same thing applies, to a number of other things, the Dellums-Kasich amendment, which is bipartisan, so I wish my colleague would be careful in terms of how he is labeling these amendments. They are, in many instances, very bipartisan in their nature.

Mr. SOLOMON. Mr. Speaker, reclaiming my time, I appreciate the gentleman's opinion. He is entitled to it.

Small business set-asides: One Democrat amendment and no opportunity for Mr. IRELAND and Mr. DREIER to offer their Republican substitute.

Davis-Bacon: Two Democrat amendments and no opportunity for Mr. DELAY to offer his alternative which would have incorporated the recommendations of the Grace Commission.

We could be here all day, Mr. Speaker, there is no need to belabor the point.

But the thing that really bothers me is when the majority turns down Re-

publican amendments on the grounds that the amendment deals with a subject outside the jurisdiction of the committee managing the bill. But does this argument hold water when the Rules Committee turns around and makes in order an amendment on plutonium production? That is a foreign affairs issue, an arms control issue, not an Armed Services Committee issue.

This rule is so stacked that even the one good thing about it is mitigated later on, namely the Cheney budget. Mr. DICKINSON will be permitted to offer an amendment on establishing the Cheney budget, but if that amendment fails, his playing field for striking the F-14, V-22, and National Guard provisions in the bill will be reduced essentially to the sidelines. The rule keeps those three issues, unrelated though they may be, combined into one indivisible package, all the better to play politics with. A separate vote on the merits of each one individually is denied to every Member of this House in spite of pleas by Secretary Cheney and even President Bush.

I just cannot help thinking back to the day our new Speaker assumed his office. After being sworn in, he assured our Republican leader, Bob MICHEL, "I look forward to working with you in a spirit of cooperation and increased consultation as we address the problems facing this House and the Nation."

I hope this rule is not an example of what he meant.

And so, Mr. Speaker, I am constrained to oppose this rule. I regret that the process which had started out in such a positive manner eventually led to this result. That certainly is not the fault of Chairman MOAKLEY, and again I commend his willingness to work with Republicans in the interest of getting a fair rule.

But something has gone wrong somewhere, and it does not bode well for future cooperation in this House.

I urge defeat of this closed rule.

Mrs. MARTIN of Illinois. Mr. Speaker, I yield 6 minutes to the gentleman from Michigan [Mr. BROOMFIELD], the Republican leader on the Committee on Foreign Affairs.

Mr. BROOMFIELD. Mr. Speaker, I first would like to commend the chairman, the gentleman from Wisconsin [Mr. ASPIN], as well as the vice chairman, the gentleman from Alabama [Mr. DICKINSON], for putting into the DOD bill section 1218, my amendment, which concerns the stripping of naval vessels to be used for experimental purposes, which I believe will eliminate some of the incredibly needless Government waste.

Taxpayers want some evidence that Government is careful in spending the defense dollars they are already sending us before they open up their wallets and purses to send more.

Last week, I visited the National Defense Reserve Fleet on the James River in Virginia. Many of the ships in this fleet are used by the Navy for target practice or are sunk as part of the artificial reef program.

What I discovered astounded me. Perfectly good radar and communications equipment, drill presses, lathes, milling machines, kitchen equipment and a lot of other material is being sent to the ocean floor.

America's do-it-yourselfer who spends his Saturday mornings at the hardware store would not believe what is being thrown away. I found a milling machine that could easily be resold to a machine shop. It has an estimated replacement value of \$20,000 to \$25,000.

I found several steam kettles that are used for cooking soups and stews and boiling hot water. They have a replacement value of roughly \$3,000 apiece. I've got to believe that any soup kitchen manager in America would give his eye-teeth for such equipment.

An official report by the Inspector General's office of the Defense Department estimates that more than \$17 million worth of property that could have been salvaged is now at the bottom of the sea.

The report also estimates that another \$40 million will be lost if efforts are not made to salvage this expensive equipment.

Both the Navy and the Maritime Administration tell me that this equipment is obsolete. If they are thinking of using it on some of our modern naval vessels, they may be right.

But the fact is, the machinery and equipment and much of the steel and copper and brass material on board these ships have value to someone, somewhere.

I saw for myself. A marine contractor came along on the trip. Every time an official from the Navy or from the Maritime Administration assured me that a piece of equipment had no value, the marine contractor would shake his head in disbelief.

Both he and the special investigator from the Department of Defense agree that these ships are floating warehouses of valuable assets. These assets not only could, but should be sold before they are destroyed or sunk.

The whole fleet down there reminds me of an overstuffed attic. What this legislation says is that it's time to start having some-garage sales.

My language provides that before designating any vessel for such uses as target practice, the Navy shall make a good faith effort to strip the vessel of all equipment that will not harm the structural integrity of the ship. It also allows the Navy to employ outside contractors to do the work.

It became apparent to me on this trip that using an outside contractor is

the only sensible thing to do. The Navy's mission is to fight wars; a salvager's mission is to find value in second-hand material. No Navy officer, no matter how talented, is going to have the same practiced eye for turning used equipment into dollars.

The money realized by scrapping these ships will be paid into the general fund of the Treasury.

One important outcome of my trip to the James River Fleet was the finding that the biggest culprit here is not the Navy, but the Maritime Administration.

The Navy has agreed to study the feasibility of a pilot program to strip some ships. That's a good start.

But the Maritime Administration seems to be stonewalling. To me, their attitude was typified by the remarks of one of their officials to one of my aides. The official suggested that the reason this valuable equipment is sent to the bottom in the reef program is that some of the artificial reefs are actually underwater museums. The more equipment that goes down with the ships, the more realistic the museums are. I do not know whether his remark was intended seriously or as a bit of cynical humor. But we need specific legislation to overcome the attitudes that have given rise to this situation.

This piece of legislation addresses only those ships that are intended for use in Navy target practice. I plan to introduce legislation that would cover those ships held by the Maritime Administration for use in the artificial reef program.

In light of the numbers being discussed in this bill, tens of millions of dollars may not seem like such a large sum. But whatever the figure, the principle is the same: the Federal Government should be making the most efficient use of the money that the taxpayers are sending us.

America may be the most wealthy nation in the world, but we are not so wealthy that we can afford to dump millions of dollars' worth of sophisticated equipment to the bottom of the ocean.

□ 1320

Mrs. MARTIN of Illinois. Mr. Speaker, I yield 6 minutes to the gentleman from Alabama [Mr. DICKINSON], the ranking member of the Committee on Armed Services.

Mr. DICKINSON. Mr. Speaker, I thank the gentlewoman from Illinois for yielding me this time.

Mr. Speaker, I reluctantly am rising to oppose the rule. I have heard the statement of the very distinguished gentleman from Michigan [Mr. BONIOR] as to what went on in making up the rule, and I have to confess I disagree with the impact and the significance of some of the things that have been done as he described them.

Let me go back a few years, I think it is four budget cycles ago when there were 144 amendments filed with the Rules Committee to be made in order against the defense bill, 144. Of those 144, 143 were made in order. One amendment, my own, as ranking member, was disallowed, because someone on high passed the word down that they did not want that particular amendment to come to the floor. It had to do with Davis-Bacon, and it would offend the interests of organized labor, as the word got to me. So one person in the administration, not on the basis of merit, not on the basis that it was not germane, said that they did not want it to come to the floor. Because the Rules Committee has a 2 to 1 plus 1 majority, they can do whatever they darn well please, and they did.

Until I was able to bring the whole bill to a halt and keep it from coming to the floor for 2 weeks, (we had an impasse, because we were toward the end of the legislative year) only the press of time compelled the majority to reconsider and to let my amendment be offered along with everybody else's.

I had hoped that we had ended that type of thing. This was 4 years ago. We now have a new Speaker, and the Speaker comes on, he takes office, and I am excited and pleased because he says we are going to have a different way of doing business. We are going to have a fairness here in the House, an openness; we are going to deal fairly with one another. I assumed that this would permeate the whole structure, including the Rules Committee. I was optimistic, and this is the first time at bat since this has come up.

So it is unfortunate that the Rules Committee is as inextricably intertwined with our defense bill as it is. It is not with other committee bills, but it has grown out of necessity because we have had so many amendments filed against the defense authorization bill; things that should be in here. Things that are really extraneous, foreign affairs matters that normally would come under another committee's jurisdiction. But because of the germaneness rule, it has been considered a part of defense, and this has been used as a sounding board for Members to espouse their political philosophies and ideologies on arms control and all of these other things that really have no place in our bill.

As a result, so many amendments have been filed that we have had to come up with some sort of mechanism to deal with them. As has been pointed out, 217 amendments were filed this year, even in light of the fact that the Rules Committee has required those who want to file amendments, (this is not true in other committees). If they want them to be considered they have

to be filed with the Rules Committee, so then they can sort through and sift through, and make amendments in order, or perhaps lump them according to subject matter, and do away with the proliferation of amendments that would have been offered.

It is for this reason that the Rules Committee has moved into the position of really fashioning the entire defense bill as it comes out of the Armed Services Committee; so they sit in a position of looking over what has been filed and what is being asked for, and then they are the arbiters of what may be offered by way of amendment. Then it gets into who may offer these amendments; this is a very bad situation. It has nothing to do with the merits of the amendments offered; it gets into the politics of it.

I had an amendment, for instance, that would restore \$300 million to research and development of the B-2 bomber. I got a message back, informally, that somebody on the committee did not like where the funding was coming from, and if I could come up with an alternative source, my amendment might be allowed in order. This is \$300 million for the B-2 bomber, but because someone did not like where the money was coming from, the committee did not make it in order.

This is micromanagement to the *n*th degree. I think the rule is bad.

When the gentleman said I am allowed to offer my amendment on Cheney, I am allowed 10 minutes under the rule for amendment No. 25, if we reach it. But someone who is opposing it is given 40 minutes right after the initial Cheney amendment.

If this is fair, then you have a different scale to measure fairness on from what I do. I think it is arbitrary, unevenhanded, certainly an injustice, and I am going to oppose the rule and I certainly hope it goes down.

Mrs. MARTIN of Illinois. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Speaker, I rise in opposition to the rule. Year after year, the Rules Committee has failed to recognize many valuable and noteworthy amendments that are presented before them. I fully understand the dilemma the committee faces—so many amendments, so little time—but frankly, it seems to this Member that many smaller, yet extremely important, amendments are never getting their time in the spotlight thus tarnishing this unique legislative process.

As an example, for the second year in a row, the Rules Committee has passed over my amendment, an amendment that would greatly enhance the quality of life for our Nation's armed forces. The committee passed over my amendment that would enable the Department of Defense to build more decent housing for our military personnel and their fami-

lies—easing the current housing crisis. My amendment would enable DOD to build more chapels, child care centers, and recreational centers. My amendment would boost the morale and welfare of our fighting forces.

Yet, the committee passed it over. For the second year in a row, amendments that I, and many other Members, wanted to offer are simply forgotten with a strike of a pencil. Most have spent countless hours—if not years—developing and researching their idea. Yet, the committee just passes them over.

I urge all Members to vote against this rule so we can send it back and have included many of these small, yet extremely important, worthy amendments.

Mrs. MARTIN of Illinois. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. IRELAND].

Mr. IRELAND. Mr. Speaker, I thank the gentlewoman for yielding time to me. I rise in opposition to the rule.

Mr. Speaker, on Friday, the Rules Committee met to make a determination on a number of amendments under consideration to the Defense authorization bill. One amendment offered by Mr. MAVROULES would extend the DOD section 1207—5 percent minority set-aside program for 3 years. My colleague, DAVID DREIER, and I offered, between us, eight amendments to the Mavroules amendment that if approved would modify the 1207 program to protect all small business, both minority and nonminority owned. Our amendments, all eight of them, were disallowed. The Mavroules amendment was made in order.

Mr. Speaker, the 1207 program was enacted without benefit of hearings or oversight study in either the House Small Business Committee or the House Armed Services Committee. The Mavroules amendment is now allowed on the floor under the same circumstances without benefit of hearings or studies. The Mavroules amendment should not be in order and I intend to speak out against it during floor consideration. The 1207 program has hurt legitimate small business.

Mr. Speaker, our subcommittees and committees of jurisdiction are the appropriate forums to develop and expand upon legislation such as this. The floor of the House is not the place to consider such an amendment with such wide reaching adverse economic consequences. Mr. Speaker, a vote against the Mavroules amendment is a vote for American small business.

□ 1330

The Mavroules amendment is in order. None of our eight amendments is in order.

Section 1207 does great harm, as we will show in the debate, to all of small business.

A vote against the Mavroules amendment will be a vote on behalf of small business across this great country of ours.

Better yet, we should defeat the rule and not consider the Mavroules amendment. It should be considered in the normal process before our Committee on Armed Services and before our Committee on Small Business.

Mrs. MARTIN of Illinois. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. I thank the gentlewoman for yielding.

Mr. Speaker, we have heard a lot about fairness on this rule. Let me just go through some of the numbers for you. If you look on the back page of the materials distributed by the Committee on Rules, you find on one page four of eight amendments are offered by Democrats. That sounds reasonably fair, that is half.

On the next page 12 of 20 are offered by Democrats. That seems reasonably fair.

Go to the next page, however, you find that 10 of the 14 amendments on that page are offered by Democrats.

We go to the next page, you find 16 of the 19 amendments are offered by Democrats.

Then you go to the major amendments that are offered here and you find out that 22 of the 29 amendments are offered by Democrats.

I would suggest to the gentleman from Michigan who said earlier that the problem is that some of these are cosponsored, all I have done is add up the names of the people who are considered the chief sponsors. It comes out to an overwhelming margin being offered by the Democrats.

All we asked was one thing, to correct some of that imbalance. We asked that Mr. DICKINSON be able to split the vote on the B-22 and the F-14.

The minority leader of the House came to the floor with that request, and the gentleman from Michigan objected.

It seems to me that if we are going to work in fairness around here, we ought to work out some way that the minority at least gets some semblance of fairness when it comes to either the numbers or the procedure.

What we had here earlier today was the minority leader of the House being turned down in his request to do the one thing that we thought would help deal with the imbalance a little bit.

I would have preferred to see the situation worked out a little bit differently.

Mr. BONIOR. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from Michigan.

Mr. BONIOR. I thank the gentleman for yielding.

I am glad the gentleman pointed out, and correctly, that, you know, you can go over the names on the list that you have but I think it is only fair to point out to the gentleman and to our other colleagues on the floor and those listening that many of these amendments are sponsored jointly by Republicans and Democrats.

Mr. WALKER. If I may reclaim my time, all I said to the gentleman was that I counted those who are listed as the chief sponsors.

The SPEAKER pro tempore (Mr. FRANK). The time of the gentleman from Pennsylvania [Mr. WALKER] has expired.

Mr. BONIOR. Mr. Speaker, may I respond? Do I have time left?

The SPEAKER pro tempore. The gentleman from Michigan [Mr. BONIOR] has 1½ minutes remaining.

Mr. BONIOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the other point is we reached an accommodation, just so my friend from Pennsylvania [Mr. WALKER] understands, in the committee with the Republicans. We are led to believe that they—well, they actually voted for the bill in committee—after negotiations, extensive negotiations and caucus—that they were satisfied with the number of amendments made in order on their side of the aisle.

Now with regard to the minority leader—may I have the attention of the gentleman for 1 second—Mr. MICHEL made a request of the Speaker during these negotiations with regard to making in order the Frenzel amendment and having it placed in a certain position.

The Speaker passed his concern down to us at that time and we took care of it.

We thought we had accommodated them at virtually every step of the way one or two exceptions because, quite frankly, we have concerns and we have to accommodate people on our side of the aisle.

We came to the floor—I will not have the time to yield, but the gentleman will have and I would be glad to listen to his response—we came to the floor with a clear understanding that we were going to have the support of the minority and clearly the majority. Obviously I was wrong, I miscalculated, and for that I apologize to the rest of my leadership.

But, you know, one of the things that we pledged and the Speaker pledged when he took the oath of office was fairness. But he also asked that we not be surprised, that we not be surprised. And we in fact are surprised today and somewhat disappointed.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I am glad to yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

I just want to make the point that I understand from our member of the Committee on Rules, who is standing here, that there was a deal for awhile but it broke down over an amendment. You cannot expect the Republicans to then come to the floor supporting something where the negotiations broke down.

Mrs. MARTIN of Illinois. Mr. Speaker, I yield 30 seconds to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. I would just say, Mr. Speaker, with all due respect to my good friend from Michigan, that there may have been a surprise from someone on his side of the aisle, but there was no surprise from this side of the aisle.

The gentleman knows that Mr. DICKINSON's amendment, which had been agreed to by all of us in the committee, both in caucus and out on the floor, was then withdrawn because of a problem we had with one member of the Committee on Rules; the whole deal fell through.

That is why I said I would not hold up the workings of the committee, we would let the rule go to the floor, but that we would not be guaranteeing that we would support it.

Mrs. MARTIN of Illinois. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, in conclusion, we are urging defeat of the previous question so that we may offer a further amendment to this rule that will restore a sense of balance and fairness to the process. It will retain what is good in this rule which the gentleman from Michigan is showing such support for and understandable support. It will add to it in ways that I think the entire House will benefit, not in a partisan way but in a call for fairness. We would ask to go through a relatively complicated procedure of defeating the previous question so that that rule may be offered.

That is not a surprise, it is not meant to be a surprise for Members. It is meant so this House could function and so we could move on with listening to the very extraordinary debate that will occur this week on the Department of Defense bill.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time has expired.

Mr. WALKER. Mr. Speaker, it is with real pleasure that I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken and the Speaker pro tempore announced that the "ayes" appeared to have it.

Mrs. MARTIN of Illinois. Mr. Speaker, I object to the vote on the ground

that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, and also to the discussions that took place earlier today, further proceedings on this matter will be postponed until 4:30 p.m.

No further legislative business will transpire before approximately 4:30, pursuant to the discussion of the leadership.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The Chair will now take unanimous-consent requests or special orders.

Are there unanimous-consent requests?

ORDER OF BUSINESS

Mr. SKELTON. Mr. Speaker, I ask unanimous consent that my special order, which will be requested in a few moments from now, be changed to follow the special order of the gentleman from Maryland [Mrs. BENTLEY].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

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ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FRANK). The Chair would remind Members the House will now proceed to special orders. At approximately 4:30 the House will resume proceedings at the point which they were interrupted. An objection of no quorum was raised to the vote on the previous question on the rule, and at 4:30 the House will resume on that question de novo.

We will now proceed to special orders.

THE SKELTON AMENDMENT COMPROMISE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri [Mr. SKELTON] is recognized for 60 minutes.

Mr. SKELTON. Mr. Speaker, I specially appreciate the courtesy of the gentleman from Washington and the others on my side of the aisle who were kind enough to allow my special order to precede theirs.

I speak today on an issue that will come before us Wednesday, and this deals with the all-important strategic decision that we will make in this Congress concerning the B-2 bomber program. I will have an amendment which is made germane and appropriate

under this rule, the Skelton amendment, which I have attempted to make as a compromise approach to this issue. The Skelton amendment is one that adopts the committee funding level, adopts the committee restrictive fencing language, and adds additional restrictive language requiring a full disclosure and report of unclassified test material be made available to this Congress.

Mr. Speaker, I am convinced that the most important decision that this Congress will make this year, and probably for this decade, about the American strategic military posture, concerns the B-2 bomber program. I believe that the B-2 is the single most important new program in this Nation's strategic modernization plan. At this time, I urge support of my colleagues for this vital new initiative.

Two questions that must be considered: One is a technical question, and simply put, whether the airplane works as it has been made; and second, is to determine the military value of both the B-2 as a weapon for strategic nuclear deterrence, and as a flexible delivery vehicle of conventional delivery systems. There is no question that the aircraft works very well as an aerodynamic vehicle. We have seen it fly. This past Monday there was not an American that was not thrilled and encouraged by seeing the B-2 take off at Palmdale, CA, and land at Edwards Air Force Base. This plane will fulfill the promise of very low radar cross sections from most aspect angles. I am convinced that the new materials used to build this aircraft will meet the mechanical and reliability specifications that were set forth in the original design.

What about this airplane concerns military value? We will answer that question. The B-2 is a most important addition to our Air Force for two reasons. It would be a formidable strategic weapon if it were ever to be used in retaliatory nuclear strike against the Soviet Union, because there is no doubt that it can penetrate Soviet air defenses. Also, there is every reason to believe that the Soviets will not be able to develop anything against this aircraft concerning radar systems for many years to come. The B-2, I might point out, is also very useful as a conventional weapons system because of the excellent range payload characteristics. It can fly with one refueling in excess of 10,000 miles.

The question comes up as to whether it is affordable. I am convinced, Mr. Speaker, that the value of this system, the B-2 system, far exceeds the cost. As long as we are talking about costs, we will look and discuss it, because it is an affordable system. The B-2 program is one that will cost 1.3 percent of the overall defense budget. However, we look in the past, the B-1 program cost 1.6 percent of the defense

budget, and when the B-52 was funded those many years ago, some of them over 30 years ago, it was 1.4 percent of the defense budget. That is a legitimate question, and one that is answered in the affirmative, that we should pay for this system.

I would like to also point out that this B-2 is not a first strike strategic weapon, and it does not increase the danger of nuclear weapons. As a matter of fact, it serves as a strong deterrent. It has the advantage of military flexibility, which means that human beings fly it, the all-important element of human judgment and intelligence are brought to bear in this target area, to perform the mission of the airplane in a most effective manner.

I will, therefore, Mr. Speaker, on the day that this is taken up, urge my colleagues in the House to look at, study, consider, and vote for, as a compromise attempt to put the B-2 program where it should be, into our strategic defense, for our Nation.

Mr. Speaker, I yield to the gentleman from Arizona [Mr. Kyl].

Mr. KYL. Mr. Speaker, I appreciate the gentleman yielding, and I would like to first of all compliment the gentleman for making the very best of arguments in the Committee on Armed Services, and I also see that those same good arguments are being made here in support of this B-2 program.

A lot of emotional arguments, but the gentleman from Missouri is making a technical and logical argument, and I wanted to point out if he had not seen it, an article in yesterday's Washington Post by George Will, "B-2: The Question of Soviet Intentions," and ask if the gentleman had seen that, and if he had, would he agree with me that this would be a good column to submit in the RECORD perhaps at this point or at the conclusion of the gentleman's remarks.

Mr. SKELTON. Mr. Speaker, I certainly would agree that it is a very important article. I did see it, and I would certainly be pleased to have it inserted into the RECORD at this point:

B-2: THE QUESTION OF SOVIET INTENTIONS
(By George F. Will)

The costliest airplane is coming to decision time in Congress at the moment of maximum uncertainty about Soviet intentions. The Stealth bomber comes in a period of severe budget constraints that the president promises to continue (read his lips), constraints that have made Congress eager for a "détente dividend" of defense cuts to finance the pent-up demand for domestic spending.

The B-2 is the 150-ton flying wing, product of 900 new materials and processes, with a million parts and 200 on-board computers, with radar-nullifying technologies that give it a radar cross-section of a goose or (some say) a moth. B-2s cost about \$500 million apiece, \$70 billion for the proposed fleet of 132.

Can we afford it? About a third of the \$70 billion has already been spent on research

and development, so the "fly-away" cost would be under \$300 million per plane. A Boeing 747's base price is \$125 million, and it need not be able to penetrate Soviet air defenses, which include more than 300 surface-to-air missiles for every U.S. bomber and five fighters devoted to interception for every U.S. bomber. The S&L bailout will cost more than \$100 billion. The Air Force argues that the B-2 fleet would deliver 2,000 warheads at a cost-per-warhead comparable to ICBMs and SLBMs.

We can afford what we need, which is stable deterrence. That means retaliatory forces sufficient to survive a Soviet attack and inflict intolerable damage. It means an array of forces that complicates, to the point of paralysis, war planning by a Soviet leader.

The B-2 could contribute to that, but the cost might mean the cannibalizing of the defense budget to finance it (particularly because the commander in chief is willing to sacrifice national security on the altar of his antitax obsession). The argument for finding the money begins with the basic argument for bombers: they deliver a large variety of ordnance over long distances under close control. Cruise missiles fired from vulnerable stand-off aircraft cannot travel as far, recognize changed situations or report back.

Bombers are long-lived and improvable. The newest B-52 is 28 years old. Improved avionics have doubled the potency of some B-52s in the last six years. The B-2 has been designed to deliver conventional as well as nuclear weapons. One B-2 can deliver more conventional ordnance than all the cruise missiles carried by a 688 class submarine (or a battleship) and a submarine needs two weeks to re-arm and return to station. The B-2 performs with a crew of two.

It can be especially effective striking certain targets that must be held at risk if deterrence is to be strong. These include mobile ICBMs and some hardened sites, such as the deep shelters that the Soviet elite has built for itself with war-fighting in mind.

It is said that the B-2 could be used against terrorist targets. We have fewer overseas bases than before, and use of them for attacks against, say, Libya, can cause political problems in the host country. However, such a use of the B-2 seems like (in Sen. William Cohen's words) sending a Rolls Royce into a combat zone to pick up groceries. And U.S. reluctance to act against the likes of Libya suggests that improved capability would be pointless. However, one reason for the reluctance is fear of diplomatic and domestic political trouble from any U.S. losses. The B-2 could reduce that danger, and hence the reluctance.

Any decision about a strategic system is, fundamentally, a decision about this question: What are Soviet intentions? The plain truth is that we do not know what they are, and whatever they are, they are changeable. Soviet arms production rolls along unabated. It would be folly for the United States to rest its security on faith in the words of, and confidence in the long tenure of, one Soviet leader. Intensifying economic decline, ethnic violence, and now labor unrest, make Gorbachev's future highly uncertain.

This is no time to reduce the pressure. This is a good time to signal U.S. determination to regard the Soviet threat as unchanged until many things more substantial than Soviet rhetoric are changed.

The B-2 would vitiate more than \$200 billion of Soviet investment in air defenses.

The B-2 would be a dramatic demonstration of U.S. determination to use the leverage of technological superiority to conduct an arms race in which the unreformed Soviet economy cannot compete.

The fundamental hope behind U.S. policy is that economic reform will presuppose, and presage, political reforms that will reduce the Soviet urge for military competition. So Congress should consider this: if building the B-2 would help convince the Soviet Union of the ruinous futility of its militarism, the B-2 would be a spectacular bargain.

Mr. KYL. Mr. Speaker, if the gentleman will further yield, I again compliment him on the strong arguments he makes in support of the B-2 program, the logical arguments he makes, including the fact that the Cheney budget, which has been worked out for 5 years, includes the funding for the B-2, so it is not a matter of trying to add something onto the budget that has already existed, but whether to be able to afford the kind of deterrent and continue the triad that provides the deterrent and our security, and I commend the gentleman for his strong statement in support of the B-2.

Mr. SKELTON. Mr. Speaker, I also might point out to the gentleman from Arizona, there was an excellent article recently by Charles Krauthammer, concerning the B-2 bomber system, and I would recommend it to him for his reading. I found Mr. Krauthammer to be a very thoughtful, thorough individual, and I think he would enjoy reading the article.

Mr. KYL. Mr. Speaker, if the gentleman would yield further, I, too, noticed the Krauthammer article, and his last comment was, "Besides that, it looks good."

We do not support the B-2 because it "looks good," but because it is a leap in technology. It is way beyond what either side has been able to come up with so far, to penetrate the other's airspace, and it will cause the Soviets to embark upon an entirely new program of defense if we are to stop the penetration of our air-breathing leg of the triad. It would vitiate between \$200 billion and upwards of \$300 billion in defenses that they have already invested, to stop the air-breathing weapons that we have, and therefore, would, I think, continue to put pressure on Secretary Gorbachev and his economy to make the same kinds of tough choices that our colleagues and Members do make, and that is, can we afford all of these new expensive military programs, and the Soviet Union, Mr. Gorbachev, does not have to answer that question because he simply writes out the check for some more tanks, or writes another check for some more air defense, or whatever it might be.

In this country, we have to make those tough choices because we care about our people and about our economy and about the kinds of things that

average families care about: having good housing and food and education and all the rest of it.

□ 1350

But in the Soviet Union it does not have to work that way. If they need more for defense, they simply take it away from the people. They need to have to make the same kind of tough choices we do, to be able to provide for their people and then ask the question whether they should be spending more for defense.

The B-2 bomber is the kind of program that puts them to that test and says, "Now, do you really want to spend another 2 or 3 or 4 or \$500 billion to try to stop this new technological weapon that we have, or would you like to call uncle and put a stop to this craziness and agree that we both have a deterrent against each other and not try to obtain a first strike capability?"

Finally, I commend the gentleman for supporting the B-2, because that is the point of the B-2. It is not a first strike weapon, like the monstrous ICBM's that the Soviets have developed and that we also have, but, rather, it is a second strike weapon which, therefore, provides great deterrence to a first strike by the Soviets but poses no complementary threat on our part, the threat of a first strike.

That is another reason we are trying to maintain that third leg of the triad, the bomber leg, because it is not a threatening leg like the land-based and sea-based missiles are.

Again, Mr. Speaker, I commend the gentleman from Missouri [Mr. SKELTON] for his strong support of this program.

Mr. SKELTON. Mr. Speaker, I thank the gentleman from Arizona [Mr. KYL]. I think it is clear that it is a reasonable approach, and that the production and deployment of the B-2 Stealth system will cause the Soviets to want to negotiate and get serious about arms control. They will see that they will have to do something to replace their \$350 billion radar system, because the B-2 can breach that system and make it obsolete.

Mr. ALEXANDER. Mr. Speaker, will the gentleman yield?

Mr. SKELTON. I yield to my friend and colleague, the gentleman from Arkansas.

Mr. ALEXANDER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I am a little out of breath. A little bit ago I saw that the gentleman was speaking. I was across the street in my office, and I rushed over here to join him on the question of support for the B-2.

I wish to compliment the gentleman for his leadership in the area of the manned bomber. Our defense has been based in part on always deploying a manned bomber, and it has been the plan and the understanding of our de-

fense planners to replace the aging B-52, which we depend upon for the air leg of our triad for the most part, with the B-1 and the B-2. The B-1 has been completed. It is now deployed and flying, and the second part of the plan is to provide the B-2.

The B-2, of course, is a penetrating bomber, whereas the B-1, while it can penetrate, is a standoff bomber which launches air-launched cruise missiles.

The argument is sometimes made that there is no plan to pay for the B-2. Well, that is not the way the system works around here. They build it, they buy it, and then they figure out a way to pay for it. That is the way all systems work. I remember talking to President Reagan about that issue when he ordered up the MX. I said, "There is no plan to pay for it."

There is never a plan to pay for these weapons systems until after we buy them. That is the way government works. There are a lot of people who would like to have it work differently, including myself, and I would support a plan in the future to change the system, but the system now is to order up a defense system and then figure out a way to pay for it. That is what we have done with the B-2.

The B-2 is a fine weapons system. It is on schedule. It has been flying. I have been in the airplane, as I am sure the gentleman from Missouri has, and I look forward to seeing it fly on the first occasion when we have the opportunity to go out to Palmdale and look at it.

I congratulate the gentleman from Missouri on his knowledge of the weapons system and on his leadership in offering the amendment which would complete the plan for our defense posture, and I look forward to supporting the gentleman this week when that amendment is offered.

Mr. SKELTON. Mr. Speaker, that is very kind of the gentleman from Arkansas, and I do appreciate his support and his encouragement.

This is truly a most important system for us. There is an old saying that the more emotion, the less reason, and when we are reasonable about looking at the defense of our Nation and seeing the importance of this system, I think not just the gentleman from Arkansas but the majority of the Members of this House will agree that the B-2 bomber is a necessity for the strategic defense of our Nation.

Mr. KYL. Mr. Speaker, will the gentleman yield?

Mr. SKELTON. I yield to the gentleman from Arizona.

Mr. KYL. Mr. Speaker, I had a couple of questions I wanted to ask. If the gentleman has a couple more minutes, I would like to address a couple of questions to him.

Mr. SKELTON. Absolutely, I yield to the gentleman from Arizona.

Mr. KYL. Mr. Speaker, the first question for the gentleman from Missouri is this: It is asserted by the people who would like to eliminate the B-2 program that the \$23 billion which has been spent in all of the research and development for the program was appropriated for the B-2 before the program's cost figures were released, and that nobody knew about these figures and these program costs, and so forth. As far as the gentleman knows, is that a correct statement?

Mr. SKELTON. Mr. Speaker, there were some Members—and I am included as one of them—approximately 100 Members of Congress who were briefed on this during its classified existence, part of which dealt with the cost thereof, and it was classified for a very good reason. It allowed us to take the extra steps and to test this technology without its being exposed to usurpation by a potential enemy.

Classified items are terribly important. This, along with its cost, is unclassified as of now, and, of course, most of this is on research and development. But this is next-century technology. We have made a scientific breakthrough that is magnificent. It is one that a great number of us in Congress knew about, had been briefed thereon, and were well aware of, and, frankly, we were encouraged on that point.

Mr. KYL. Mr. Speaker, if the gentleman will yield further, the Committee on Armed Services approved this in each of the last several years. Were the members of the Armed Services Committee permitted to be briefed on the B-2, and as a matter of fact were they permitted to actually visit the site of construction and see the program itself?

Mr. SKELTON. I can say that I had that opportunity, and I saw that a number of other members of the Armed Services Committee had the opportunity. I am quite sure all of them were afforded that opportunity, and whether they all took advantage of it or not I do not know. But I do know a good number of them did. I actually received three such briefings on the B-2, and I had the opportunity, of course, to see it in its plant as well. So it was well known and well understood by many of us on the Armed Services Committee.

Mr. ALEXANDER. Mr. Speaker, will the gentleman yield on that point?

Mr. SKELTON. I yield to the gentleman from Arkansas.

Mr. ALEXANDER. Mr. Speaker, I asked the same question at a time when I was being briefed out at Palm-dale last year. Of course, every Member of Congress had the opportunity to take the initiative to go to California and to receive the briefings. That was where you sign your life

away before you go in, and I guess they take your fingerprints and everything else in order to get through all the security and the clearances. But if a Member of Congress did not receive a briefing on the B-2, it was because they did not take the initiative. I know some effort was made at some considerable expense to the Northrop Corp. and the Air Force that developed the airplane.

Mr. SKELTON. Mr. Speaker, I might point out at this juncture that the gentleman from Arkansas who is speaking is not a member of the Armed Services Committee, but he did avail himself of the opportunity to examine this system; is that not correct?

Mr. ALEXANDER. Of course, there were many Members of Congress who did that, and, of course, not all of us who are interested in the defense of our country are members of the Armed Services Committee. Frankly, I do not think I would have the patience to be a member of the Armed Services Committee. I will settle for the Appropriations Committee. But I am concerned about the systems and their development, and, of course, I am concerned about the defense of our great country.

□ 1400

Mr. SKELTON. Mr. Speaker, I thank the gentleman from Arkansas [Mr. ALEXANDER] for his support.

Mr. KYL. Mr. Speaker, will the gentleman yield further?

Mr. SKELTON. I yield to the gentleman from Arizona.

Mr. KYL. As a matter of fact, Mr. Speaker, I have some information that confirms that 88 Members of the House of Representatives, representing 13 different committees, visited Northrop's facilities more than 220 times since the program's inception, and 60 percent of the current membership of the Committee on Armed Services has also visited Northrop in California.

So, Mr. Speaker, I think the gentleman from Missouri [Mr. SKELTON] is correct that nobody was hoodwinked into supporting this program. We either in fact knew what was going on there, or at least we had the opportunity to know, and, for those who now express great surprise, all I can say is that they had the opportunity, should they have wanted to, to be briefed on the program.

Mr. Speaker, I would like to ask the gentleman from Missouri [Mr. SKELTON] another question, if he has the time. It is said that the B-2 Stealth Program is a highly concurrent program. Of course, being on the Committee on Armed Services, I am aware of the fact that at the time it was planned to be a highly concurrent program, but based upon changes that have been made, including a change this year by Secretary Cheney, that is

not necessarily the case, and I wonder if the gentleman from Missouri [Mr. SKELTON] will comment for a moment about this and demonstrate to our colleagues why the B-2 Program is no longer the concurrent program that it is criticized as being.

Mr. SKELTON. Mr. Speaker, to begin with it was designed to be less concurrent than the B-1 system. There were some 24,000 hours of wind tunnel testing, and so many various tests went into this early on before any production actually began.

This is, as I mentioned, less concurrent than the B-1 was. The year's slip-page, as requested by the Secretary of Defense when he appeared before our committee the first time, makes it even less concurrent, and I think that what has been said about the B-2 is coming to pass. They said it would fly, it would fly well, and I was thrilled, as I know so many were, when I met and talked with the two test pilots of the B-2 this past week who said that it flew exactly as the simulator did, and, if anything, a bit better. So, there is a great deal of testing that has gone on, and we are not buying, as they say, a pig in a poke. We are buying a system based upon a series of tests that have worked out and are working.

Mr. Speaker, the plane flies, it flies well, and it will meet those requirements, I am convinced.

Mr. KYL. Mr. Speaker, will the gentleman yield further?

Mr. SKELTON. I yield to the gentleman from Arizona.

Mr. KYL. Am I not correct that the amendment of the gentleman from Missouri [Mr. SKELTON] relating to the B-2 bomber has language in it which would further protect us from a decision too early to manufacture too many planes, that his language would guarantee us that the program will work properly before we actually spend this money to buy the equipment?

Mr. SKELTON. Absolutely. There are two aspects of this restrictive language in my amendment. One adopts the restrictive language that is already in the bill; and, second, it requires a performance matrix report. Now that is a fancy phraseology, but it requires the unclassified items and information from the various tests dealing with performance, such as range, speed, and all the technological aspects of the testing, to be made public and sent to Congress so that we may see and have firsthand knowledge of how the testing is going and what is going on each year before we approve additional funds, as we must every year for this system, as well as other systems.

Mr. ALEXANDER. Mr. Speaker, will the gentleman yield on this point?

Mr. SKELTON. I yield to the gentleman from Arkansas.

Mr. ALEXANDER. Mr. Speaker, I would like to encourage the Air Force and Northrop, who may be observing this debate today, to encourage Members of Congress to be present during some of these test flights. I realize that we do not have the time, nor do they have the time, for all of us to be present all the time, but for people who may be skeptical or for those who may not be aware of the properties of this new airplane, it will be useful for them, as persons who vote on future budgets, to go through a learning curve process about the various qualities of this fabulous airplane.

I would point out one other thing, and that is I was just reading an article a minute ago about how the United States has fallen behind some of our European trading partners in many, many industrial fields, but not aerospace, and every time we develop a new airplane it pushes us further and further ahead of the race for superiority in the field of aerospace. Those persons who see this machine, this B-2, for the first time, they will be proud that we are still No. 1 in aerospace.

Mr. Speaker, I thank the gentleman from Missouri [Mr. SKELTON] for yielding to me, and I appreciate again his leadership.

Mr. SKELTON. Mr. Speaker, I thank the gentleman from Arkansas [Mr. ALEXANDER] for his comments.

Mr. Speaker, I think it is important to point out that we in this country are so blessed with our technological achievements that this is the one area that, more than anything, together without national resolve, keeps the peace in this world.

Mr. DICKS. Mr. Speaker, will the gentleman yield?

Mr. SKELTON. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Speaker, I want to compliment the gentleman from Missouri [Mr. SKELTON], my colleague, for the leadership that he has given to the House on the important question of modernizing our strategic bomber force.

I must add that a lot of people have forgotten a lot of history over this last 10-year period. We certainly had a debate early on regarding the B-1 and the B-2. But for the last decade we basically had a two-bomber program. One was to go forward with the B-1 technology, which was basically better understood, and then to work on the development of the important Stealth bomber which has such tremendous radar-evading capabilities, and what we have seen is we have got the 100 B-1's deployed.

A lot of people say to me, "What ever happened to the B-1 program?" Well, we paid for it. We bought the planes. They are out there. Now we have got a problem on defensive countermeasures, a problem that is going to cost us about \$1.5 billion to fix.

Many people criticize the B-1 program because it had too much concurrency, but all but the major problem with it can be addressed with a half a billion dollars.

Mr. Speaker, this is important to understand because the amendments that are being offered, the Kasich amendment, will basically kill the B-2 program, and the Aspin amendment, both will result, if they were carried through to fruition, and let us say after killing the program we say we come back to it, or after slowing it down dramatically, what we find out is the cost per airplane will rise dramatically. So, there is no free lunch here.

The gentleman from Missouri [Mr. SKELTON] on the other hand offers an amendment that basically is the Cheney budget with some reporting requirements.

Mr. SKELTON. Mr. Speaker, let me correct the gentleman from Washington [Mr. Dicks] there. It is the committee figure.

Mr. DICKS. Excuse me.

Mr. SKELTON. It is not the Cheney budget. It is less than the Cheney budget. It is a compromise figure.

Mr. DICKS. It is a compromise figure, but what it does not do is slow the program down so much that it increases the unit cost of the aircraft to such an unreasonable level that we create a self-fulfilling prophecy, and that is the problem with the Kasich amendment, and that is the problem with the Aspin amendment.

Mr. Speaker, it is one thing to try to cure the problem, but we make it a lot worse if we say the problem here is cost, and yet by slowing it down further than the committee has slowed it down, we make the per-unit cost even greater. Then all we have done is make a bad situation worse, and that is the bottom-line difficulty with Kasich, and that is the bottom-line difficulty with Aspin.

Mr. Speaker, let me also mention something that came up late last week. For the last 5 years I have served as an observer to the arms control talks in Geneva, and the whole philosophy of the START talk has been to reduce dramatically the number of ICBM's that the Soviets have and the number of ICBM's that the United States has because these are the weapons that will be either used or lost. It is the use-them-or-lose-them thing which causes such crisis in stability, and our country is fearful of the very potent Soviet SS-18's. We have developed the MX as a response to that.

The philosophy of the arms control talks was to go ahead with bombers to give favorable accounting rules for bombers, and President Reagan and General Secretary Gorbachev agreed at Reykjavik to have these favorable accounting rules so that a bomber with internal weapons, which could be

up to 20 bombs and SRAM's, will only count, only count as one weapon.

□ 1410

These are slow flying—not slow flying, but they are not fast fliers like the ICBM. They fly over there. It takes about 8 hours. They are recallable. With one refueling they can get there.

But the point is they do not create instability. They are clearly second strike systems.

People say, well, yes, that is important, but why do we need them? Well, the reason we need them is that there are a number of targets in the Soviet Union that are not time urgent, and under the strategic integrated operational plan somewhere between 40 and 50 percent of the targets within the Soviet Union's are not time urgent, and therefore can be addressed by the manned penetrating bomber. Many of those targets will move around, like ships, like tanks, like railroads. Therefore, the bomber is uniquely qualified to go after those mobile targets.

Now, much has been made about can they find the SS-24's and the SS-25's? Well, the answer to that, quite candidly, is that there is work under way at the Pentagon to develop the radars and sensors to do that very mission, but that has not yet been completely accomplished. Therefore, they do have a problem in identifying with current systems the SS-24 and the SS-25; but the best hope for being able to go after those Soviet missiles is the B-2 bomber with these new sensing devices. That is another reason why we should go forward.

But clearly, on the arms control side of the equation, the mission side of the equation, this is a very important weapons system which I think we should go ahead and complete.

Mr. SKELTON. Mr. Speaker, let me interrupt my friend at that point.

Mr. DICKS. Yes.

Mr. SKELTON. The comments made by the President and the Secretary of Defense indicate that should it come to pass that this not be funded, that they would have to rethink the START formula.

Mr. DICKS. The START talks.

Mr. SKELTON. And their attitude and their negotiating positions on the START talks, which would be an arms control disaster.

We would be shooting ourselves in the foot and moving further away from arms control by not funding this.

Mr. DICKS. Well, because the B-2 is so fundamental to our negotiating position, we have always in these arms control talks, whether it be START or SALT, we have always tried to protect the right to build these bombers and to have the best technology, because

bombers have always been an area of U.S. advantage.

Now we would be faced with the extraordinary situation where we have carved out this exception, this rule that favors bombers, and then we do not take advantage of it.

And why do we have to do this? It is not because we want to do it. It is because the Soviets have spent probably \$200 billion to \$400 billion on air defenses that make it mandatory that we have this very high technology radar-evading Stealth bomber that can get through those heavy enemy air defenses in order to assure deterrence, and that is the fundamental point of arms control, of modernization and everything else.

Mr. SKELTON. And it will cause them to get more serious about arms negotiating.

Mr. DICKS. That is right; but the key here is trying to preserve the credibility of our deterrent force.

Today, as the gentleman knows, there is a big question mark about our ICBM force, because those ICBM's in silos are vulnerable to a Soviet SS-18 attack. We know that, that is why we are considering going mobile with Midgetman or the rail garrison is to cure that problem in order to restore survivability to that leg of the triad.

We also know that we have a major problem with the B-52 not being able to penetrate, with the B-1 having limited penetration capabilities, as the Soviets refine their air defenses; so that would call into question two of the three legs of the triad.

In a post-START environment, we are going to be limited to somewhere between 15 and 20 Trident submarines, so we are going to place the entire deterrent on one-third of the triad, and if the Soviets should have a technological breakthrough there, then our whole deterrent posture would be called into question.

It has always been our policy to modernize and to cure deficiencies. The B-2 cures the deficiency of not having a bomber that can penetrate those very massive Soviet air defenses into the year 2000 and beyond.

Therefore, when you look at it from the position of avoiding war, remember this is what General Welch said so effectively before the other body last week. He said that the whole idea here is to have a credible deterrent.

So my hope is that we can maintain the B-2 program, because it will help us get a START agreement. It will give us this advanced technology. It will give us assured penetration capability; but most importantly, it will give us the most effective weapon for deterrence.

Remember, people talk about these systems. ICBM's can only be used for that deterrent war. SLBM's, submarine-launched ballistic missiles, can only be used for that deterrent role,

but a manned penetrating bomber can be used across the entire spectrum of warfare, either strategic or conventional, and at a time when we are seeing a post-NATO era, when we are not assured of base rights around the world, having that bomber that can with one refueling go anywhere in the world from three different locations gives us enormous flexibility, and when it gets there it can avoid those enemy radars, and because of that avoidance capability it could have been used, for example, in the Libyan raid without having to risk two aircraft carriers and all the aircraft that were associated with that event.

So the B-2 gives us enormous flexibility, like our aircraft carriers give us in the Navy, that is the flexibility and the availability to deal with contingencies that I think will be even more important in a post-START post-NATO era.

I wish that we did not have to face these hard choices, but clearly, this is one system that I believe very fundamentally is essential to preserving deterrence and peace as we move down the road.

Now, there is another benefit. This airplane will have more spin-off to the private sector than any other weapons system that we have developed. It will give us the use of composites, the use of computer-aided design and computer-aided manufacture. This particular airplane will give very positive benefits to the commercial aviation industry for years and years to come, so it also has that.

I do not think you can ever justify a weapons system on that, but clearly, this is one of the spinoffs from the B-2 program, this technology that will be there for years and years to come.

So I want to commend the gentleman. I think his amendment is on target. It will not unreasonably increase the cost of this program. It will take some of the concurrency out. It will provide information to the public that is essential to better understanding this program.

I would like to go back to one point that was made by the gentleman from Arizona. He asked, did anybody know about this? Well, if anybody was paying attention, 3 years ago the cost numbers were made available to the Congress and opened up in an unclassified way on the B-2 program. So if anybody here can say they did not know what was going on, it is simply because they did not avail themselves of the information that was available.

Many of us went out there and have seen the program and been involved in it. I serve on the Defense Subcommittee. I have been involved in this program for the last 10 years. It is exciting technology.

I just would say that people today who say, "Oh, I never even knew what was going on," especially people who

serve on the Armed Services Committee, I might add, some of the leaders of that committee, I find that rather remarkable, because these people were invited to go out, see the program firsthand. Some of them simply did not avail themselves of that opportunity.

So I compliment the gentleman here for taking this important time today. This is a very important national security subject and I think his amendment certainly is the preferable one over Kasich and over Aspin on Wednesday.

I appreciate the gentleman yielding to me.

Mr. SKELTON. Mr. Speaker, I certainly appreciate the gentleman's support. I am convinced that this is a most necessary step for the national security of our country, and I thank the gentleman for his assistance.

Mr. DAVIS. Mr. Speaker, will the gentleman yield?

Mr. SKELTON. I yield to the gentleman from Michigan.

Mr. DAVIS. Mr. Speaker, I thank the gentleman from Missouri for yielding to me.

I have listened to some of the things that have been discussed here today. I think as most of us are aware, those of us supporting the program have been trying to let the general public and our fellow colleagues know how important this program is.

I just want to make a couple points. Perhaps they have already been covered; but the procedure that we are going through, and we are going to be voting on this issue Wednesday morning as the first order of business on the Defense Authorization bill.

The problem is what amendments are being perceived. As we all know, the bill as it stands now came out of the committee and does, of course, allow for continued production and R&D of the B-2 program. We did cut \$500 million out of the procurement side, \$300 million out of the R&D side.

We probably in the future if we continue with the program, and I am sure we will, are going to need to restore that \$300 million; but the scenario now, I think, that needs to be explained to our colleagues is that the proper way to go from here is to adopt the Skelton amendment. The reason for that is if you are in favor of the B-2, if you think we ought to continue the program, it is dollar-wise the same thing that the committee did. The only thing that the gentleman has done in the Skelton amendment is to put some more language in there, tighten up some of the parameters, some of the things that perhaps we need to know.

□ 1420

The Aspin-Synar amendment, I think, leads us down the road to even-

tual defeat and nullification of the B-2 program. It is proposed as perhaps middle ground, but it is really not middle ground. The middle-ground proposal is the Skelton amendment, which is very close to the committee amendment.

Mr. SKELTON. Let me point out at this juncture, and I appreciate the gentleman saying that, but let me point out that the Secretary of Defense and the President recommended some \$4.7 billion for the program, and the committee cut this down to \$3.9 billion. My amendment adopts that same figure and, of course, it has some very restrictive language therein.

I think this is a very reasonable approach to this whole issue.

Mr. DAVIS. It is. But what I am afraid is that some of the Members are going to look at the Dellums-Kasich-Rowland amendment which is an amendment that does, in fact, kill the program, builds 13 planes, and they are going to look at this and say, "Well, this is somewhere between what the committee did or what the Skelton amendment does and those people who want to preserve the program."

In fact, I think that the Aspin amendment goes too far and leads us down the road that we are not going to have a B-2 airplane, and so the only alternative, the only right way to go, which is very similar to what the committee did, which I might remind our colleagues was adopted by a substantial margin, is to accept the gentleman's amendment, and that is what we need to convince our colleagues, because that is the proper way to go.

Mr. DICKS. Mr. Speaker, will the gentleman yield?

Mr. SKELTON. I am happy to yield to the gentleman from Washington.

Mr. DICKS. Mr. Speaker, we have to remember that when Secretary Cheney came in, he expressed some personal reservations about the cost of the B-2 program. He went out there and he took a look at it. He then came back in with a restructured program of three planes in 1990, five planes in 1991.

The problem is that if we go much below that, and I do not think the gentleman's amendment does that, but if we get Aspin or Kasich, and Kasich is a killer, but let us just say Aspin for a moment, what we do is it looks like we are making a short-term saving, but driving up the cost of the overall program.

I have asked the Air Force for an estimate. I will predict that it will increase the cost of the program between \$2 billion and \$10 billion.

If we say, "I am shocked by this bigger shock," and then turn around and do something that makes the cost even greater, we are not solving the problem.

Mr. SKELTON. Let me point this out: The technology that has gone into this system, and it is new, brand new, technology, and it is American know-how at its very best, but this Stealth technology is what all future bombers will be, all future fighters will be, and they will all be expensive. It is so terribly good. It does what it is supposed to do.

Mr. DICKS. Mr. Speaker, if the gentleman will continue to yield, let me finish this point. When we start looking at this \$23 billion that we have invested, we cannot just put that against the B-2. The advanced-technology aircraft, the advanced-technology fighter, every new missile will use the benefits of that program.

I want to come back and drive home this one point. If the program is slowed down too much and the unit cost is driven up, then we create a self-fulfilling prophecy that makes this program more expensive than it needs to be.

We did the B-1 differently, and some people criticized that. We said, "Here is what we are going to do. We have the design." We went forward and did it rapidly, and we paid off the program in a few short years. That kept the program on cost. Yes, we are paying an extra price now to fix some of the mistakes of the B-1 program, but the total of that is about one-half of a billion dollars spread over 97 aircraft.

One has to say that if we are going to do the Aspin approach, slow this thing down but increase the cost by \$2 to \$4 billion, that is a big premium to pay to take concurrency out.

What I would argue is that the Cheney Air Force budget already slowed this thing down to the lowest level that makes much sense.

The gentleman's amendment, I think, is still in the ball park, but if we go below that, then we are going to drive up the cost per aircraft. We are going to drive up the cost of the entire program. They then will turn around 2 years from now and say, "My God, it is more expensive, so we have to kill it." That is why some people worry that the Aspin amendment turns out to be another kill amendment, and we have to think through this as a body.

Mr. Speaker, I would just hope that we would be very careful in making certain that in the name of compromise we do not come up with something that is another killer amendment, and I am afraid that is what the Aspin amendment is.

Mr. SKELTON. I thank the gentleman from Washington, and I thank the gentleman from Michigan.

Mr. DAVIS. Mr. Speaker, will the gentleman yield?

Mr. SKELTON. I am happy to yield to the gentleman from Michigan.

Mr. DAVIS. I want to expand on what the gentleman from Washington said. He is absolutely correct.

When one looks at the money we have spent on this airplane in R&D, and we have spent a tremendous amount of the total \$70.2 billion in research and development, so that is charged against the B-2 bomber, but the benefits from that research and development, as has been discussed here, will be able to be used in future airplanes, and the spinoff is going to be fantastic.

We also have to put this cost in proper perspective. If we look at what we paid in the total costs of our procurement defense budget as an example of the B-47, the B-52, and B-1 and now the B-2, when we were building the B-52 many years ago, as a total percentage of the procurement budget, it was 1.6 percent, and then when we built the B-1, it was 1.5 percent. The fact is that even with \$70.2 billion and an airplane that is expensive, the B-2 costs 1.3 percent of our total procurement budget, which is less than the total procurement money percentage-wise we spent on either the B-1 or the B-52.

Mr. SKELTON. I think that is very important to point out.

Let me also add that airplanes are expensive. Were we to buy a 747, a Boeing 747 off the shelf, we would pay from \$130 million to \$150 million for it with no accessories. Were we to buy another 747, Air Force One for the President, with all the technology and avionics that go with it, that is a \$300 million airplane. These are very expensive.

Every future system such as this in the future is going to be expensive. How much should we spend? We should spend enough to keep our country safe and free.

Trident submarines are expensive, aircraft carriers, destroyers are expensive.

This is so terribly important, and the most important decision that we will make strategically, I am convinced, this decade.

Mr. DICKS. Mr. Speaker, if the gentleman will yield further, the gentleman mentioned the Trident Submarine Program. I am a gentleman from Washington, and the Trident base is very near my district. I follow the program rather closely.

When we look at the submarines we built and the D-5 missile and put it all together, \$79 billion.

Mr. SKELTON. Which is more expensive, as we know, than this program.

Mr. DICKS. It is more expensive than the B-2 program, and yet it is a critical part of our triad, and the most survivable part of our triad.

It is a prudent investment. We have made it over a long period of time.

Let us go back to 1981 when this debate started. They came in, and this is now the most complicated techno-

logical step forward maybe that we have ever made in the defense area, and they predicted at that time that the cost of the B-2 would be \$36.6 billion. Today if we go back and look at still in 1981 dollars with the inflation and everything else we have had, the cost is \$44.2 or \$44.3 billion. It has gone up about 20 percent.

That is pretty good for an R&D program with this kind of technological step forward, and the breakthroughs that were associated with it and, yes, there were some problems. There was a redesign of the aircraft so that it could do both low and high, and that was done for very solid reasons. That added a lot of cost.

They underestimated how much it was going to cost for security to keep this thing secret for these many years that this plane has been under development. That added enormously to the cost, plus there were some difficulties. Any time we try to make that next step forward, we are always going to have some difficulties. We have had it with every single program, and so that has been part of the reason why they underestimated what the cost of this was.

□ 1430

So in those terms, it is pretty solid. If we spread that R&D cost across these other weapons, and then look at the cost to complete, we are talking about something like \$260 to \$300 million per aircraft. I think that is reasonable for the capability we are going to get from this airplane, the fact that it keeps us with a manned penetrating bomber into the foreseeable future, and renders obsolete the hundreds and hundreds of millions of dollars that the Soviets have invested in their massive air defense system.

This is something where people say will the Soviets develop stealth? They do not need stealth. We do not have an air defense system that is comparable to the one they have. That is why we have to do something extra here, because they have made the problem much more challenging than we have made the problem of penetrating U.S. airspace for them.

So in order for us to preserve the triad, which has given us peace for the longest period of time, 40 years without any major war in Europe or with the Soviets or whatever, we have to continue to deal with the problems of modernization and survivability of the triad.

Mr. SKELTON. I thank the gentleman from Washington. I think it is very important to point out that the value of the B-2 bomber is far in excess of its cost.

Mr. Speaker, I thank the gentleman and I yield back the balance of my time.

TRIBUTE TO DR. JAMES B. WYNGAARDEN, DIRECTOR, NATIONAL INSTITUTES OF HEALTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. WALGREN] is recognized for 60 minutes.

Mr. WALGREN. Mr. Speaker, I join together today with a number of other Members of Congress to express appreciation and respect for the service of Dr. Jim Wyngaarden who is retiring in August of this year after 8 very fruitful years for the Nation as Director of the National Institutes of Health.

Mr. Speaker, the gentleman from Michigan, Mr. JOHN DINGELL, chairman of the Energy and Commerce Committee, could not be on the floor at this time today, and he has asked me to submit his statement in this special order for the RECORD.

Mr. DINGELL. Mr. Speaker, I am pleased today to add my voice to those who have joined in appreciation of the efforts and achievements of Dr. James Wyngaarden as Director of the National Institutes of Health over the past 8 years.

The National Institutes of Health complex is the flagship of biomedical research for the United States and possibly the world. Dr. Wyngaarden has had the task of steering the NIH through some uncharted and often stormy seas. He is to be congratulated on a job well done.

During Dr. Wyngaarden's tenure we have looked to the NIH to provide the lead in research against AIDS and other health problems such as Alzheimer's disease, cancer, and Lyme disease. These increased expectations have come at a time when we in the Congress have had to battle each year for increased NIH funding. The NIH has faced new dilemmas of how to oversee some of the uses of biotechnology, and how to confront the ethical questions posed by certain aspects of research. Dr. Wyngaarden's leadership on these issues has been thoughtful and responsive, and has led to progress and not stagnation.

Dr. Wyngaarden has led the NIH to an important role in the development, organization, and coordination of the project to map and sequence the human genome. This is a bold new initiative for biomedical research, and one from which we all stand to benefit.

I know that my wife Deborah would want me to make special note of the role that Dr. Wyngaarden has played in helping to set up the Children's Inn for the families of children receiving treatment at the NIH Clinical Center. The ability of the NIH authorities, through Dr. Wyngaarden, to respond to this important need, has provided a very human and compassionate face to the top-class science and medicine of the Institutes.

I thank Dr. Wyngaarden for his service to science and to the community at large during his tenure at NIH. I join with my colleagues in wishing him well in all his future endeavors.

Mr. WALGREN. Mr. Speaker, the Nation has always taken pride in the National Institutes of Health. The NIH is often described as the jewel in the crown of the Federal research ef-

forts. It is the premiere biomedical research institution in the world. NIH scientists have led the fight against AIDS, against cancer, against heart disease, against stroke, and against so many devastating disorders that destroy individuals.

The NIH has a special place in the heart of so many Americans because it is the one Federal institution that is directly responsible for trying to deliver the kind of help that we reach out to the medical profession and the scientific research in medicine specifically to help when everything else seems so helpless.

Leading a scientific enterprise of this magnitude and assuring that the best, and particularly the most promising science is the project that is funded in the face of needs that are compelling by themselves, and so compelling because they are presented by individuals who are often even in desperate need, a need that always outstrips resources, assuring that the most promising science research is done under those circumstances is a demanding task, a task that calls for the largest measure of personal diplomacy and scientific discipline. For 8 years this Nation has enjoyed those qualities in full measure under the leadership of the National Institutes of Health by Dr. Wyngaarden.

As a member of the Health and the Environment Subcommittee, I have come to have a special respect for the personal qualities that Dr. Wyngaarden has brought to administering what is certainly a large and significant bureaucracy. I know of no other administrator in my years in the House of Representatives who has been as open, not just to Members of Congress, but to individuals who are reaching out to the NIH, in no matter what capacity. I know of no other Federal administrator who had every reason to be inaccessible or to be inflexible or to be unresponsive, and I know of no other Federal administrator who has been so responsive under those circumstances, and responsive with a quality of decisionmaking that is marked by its straightforwardness, by its honesty, by its integrity, and by its discipline to the scientific state of knowledge in the area that is under question. He has been exemplary and a great resource for all of us.

Under his leadership the NIH budget has grown from \$3.5 billion in 1981 to over \$7 billion in 1989. During those 8 years taken together, Dr. Wyngaarden has been responsible for administering something in the range of \$40 billion of Federal money, Federal efforts and in the most compelling area that we as a society come together to address. His administration in those years has been marked by a substantial emphasis on individual investigator-initiated research. The increase

in the number of research project grants from about 16,000 in 1982 to a proposed 20,000 in 1990 has been significant, and at the same time Dr. Wyngaarden has emphasized the importance of grants of multiyear duration, so that now when we look at the competing research project grants in the NIH in 1989 we see that where only 1 in 5 was a competing research grant lasting for more than 5 years, now 1 out of 2 of the grants that are multiyear grants in this dimension are allocated on a competitive, peer-reviewed basis.

This kind of individual, investigator-initiated research is really the lifeblood of moving science forward, and the large steps that have been taken at the NIH in the understanding of biomedical science in these years is largely attributable to Dr. Wyngaarden's recognition of the importance of this kind of program and the priority that he has given it.

When Dr. Wyngaarden came to NIH in 1980 there had been little new construction of research facilities for a number of years, and certainly the budgets that faced any director of a major Federal facility starting in 1980 were not encouraging of new construction. Yet, he had the foresight to initiate a strong intramural program of research, and knowing that that needed the facilities, the physical facilities to support it, he initiated this construction of a new research building to house scientists in child health and neurosciences in particular. So we have seen a strong physical addition to the NIH plant during this period of time as well.

I especially want to salute Dr. Wyngaarden for his creativity in arranging for the construction, and playing a significant role in the construction of what will be known as the Children's Inn at NIH, a program where we will be building a facility to house 36 families who will stay with their children while their children are being treated for cancer and related diseases at Bethesda, families and children who are coming from across the United States, from California, to Maine, to Florida who will now, because of the encouragement that Dr. Wyngaarden gave a group of private sector people who wanted to pursue and help finance this kind of a project, because of the encouragement Dr. Wyngaarden gave them, that facility will be a reality and is presently under construction at the NIH campus in Bethesda.

□ 1440

Dr. Wyngaarden knew that if he would allocate the land—and he committed 2½ acres of ground on the NIH campus—that the private sector, large corporations such as Merck Pharmaceutical, down to small donors, individual families working through Lions Clubs and individual families making

personal contributions, would be able to do the rest.

As a result, some \$4 million has been raised at this point in the ongoing project to build a Children's Inn at NIH which will be a home away from home for children that are in very real need of the comfort that home can provide.

In his period at National Institutes of Health, Dr. Wyngaarden has led the fight against AIDS, building up the Federal program that has at least positioned us at a point where we can see how the solutions to AIDS will be found. Imagine what it would be like were we confronted with essentially a fatal social disease if we had not the slightest understanding of the mechanism that lies behind it.

But the basic research done on the genetics of the AIDS virus gives all of us real reason to hope and real reason for confidence that we will be able to scientifically find the solution to that disease which is so threatening not just to the individuals that may be caught up in it but to all innocent individuals in society as a whole.

Also during his period of time at NIH, the human genome research project which will document and essentially diagram the genetic structure of human beings has been initiated at the NIH in response to the new scientific opportunities that our understanding now give us the ability to reach out and develop.

Dr. Wyngaarden was responsible for creating the NIH Human Genome Research Program and for recruiting Nobel Laureate Dr. James Watson, who was the original researcher who understood the double helix that has led to an understanding of genetic engineering, recruiting Dr. James Watson to head that program.

There are so many individuals across this country who suffer—limited in number but terribly devastating—diseases, or conditions would be a better word, that are based in genetic disorders, diseases like neurofibromatosis that, because of a genetic disorder, causes fibrous tumors to develop almost at random in the body and creates terrible life-threatening problems for those who suffer from it.

Juvenile diabetes, and diabetes in general, and a whole range of diseases that we know will be understood once we understand the complexity of the human genetic map, will be able to be saved, and lead to the lessening of human suffering immeasurably when that understanding is in place.

As a nation we owe Dr. Wyngaarden a deep and heartfelt thank you. He has led the NIH with vision and integrity.

Under his stewardship the agency has grown and the people of this country, our children and generations yet to come will be so much better off because of the scientific base that Dr.

Wyngaarden has moved forward that will now be able to be built on in future years.

The country will realize the benefit of his efforts in the long run in the form of improved health which both we and our children will enjoy for years to come.

Mr. Speaker, I invite other members who might like to make submissions for the record during this special order. I recognize the gentlewoman from Maryland [Mrs. MORELLA], who has had such a close involvement with the Bethesda campus of the National Institutes of Health and has been a full supporter of the developments in science and health that are doing so much good through the research done at the NIH facility.

Mrs. MORELLA. I thank the gentleman for those very kind words, and I want to commend him very highly on the special order he has taken on out on behalf of the retirement of Dr. Jim Wyngaarden.

The gentleman indeed has been a supporter of everything that the National Institutes of Health has been promoting, and we are very grateful to him, to have him in Congress as a supporter of NIH.

I am very honored to represent the Bethesda campus of the National Institutes of Health.

Mr. Speaker, I rise today to honor Dr. James Barnes Wyngaarden on the occasion of his retirement as Director of the National Institutes of Health.

Oliver Wendell Holmes once remarked:

The best service we can do for our country and for ourselves is to see as far as we may and to feel the great forces that are behind every detail.

I feel that Mr. Holmes' statement accurately describes the contributions Dr. Wyngaarden has made to the National Institutes of Health and to the field of biomedical research.

Dr. Wyngaarden's 8-year tenure as Director of NIH has been characterized by a creativity, flexibility, and thoughtfulness that has kept NIH at the forefront of scientific developments and progress, including significant advances in the study of cancer, AIDS, and Alzheimer's disease. Dr. Wyngaarden has been committed to keeping scientists active in the management of their own research and to reducing the bureaucracy surrounding scientific research to ensure maximum progress. One of his greatest successes has been in coordinating efforts between scientists at private research centers and NIH. As a result of these efforts, the number of research project grants increased by 25 percent from 1982 to 1990 and the proportion of the NIH budget devoted to research project grants increased from 50 percent to 58 percent during his administration.

Under Dr. Wyngaarden's directorship, NIH saw unparalleled fiscal expansion; the overall appropriation doubled from \$3.57 billion in fiscal year 1981 to \$7.3 billion in fiscal year 1989. Dr. Wyngaarden also strengthened the NIH intramural research program, expanding the intramural budget from \$455 million in fiscal year 1982 to \$849 million in 1990. He began the construction of the Child Health and Neuroscience Facility.

His efforts in the battle against AIDS were both timely and thorough. Dr. Wyngaarden recognized early the deadly potential of the AIDS virus and devoted significant resources to its combat in the crucial and early years of its discovery.

Dr. Wyngaarden's support of the Children's Inn at NIH was vital to its realization. This facility, which will soon be completed, will provide accommodations for families and their children who are being treated for cancer or related illnesses at NIH. The Children's Inn will serve as home to as many as 36 chronically ill children and their families during their treatment. Not only can the families stay together, but they will be housed with other families in similar circumstances, thereby providing a more supportive environment.

The accomplishments of NIH under the tenure of Dr. James Wyngaarden make me truly proud to represent him and the National Institutes of Health in Congress. I have enjoyed working with him, and I wish him great success in his future endeavors. He will be missed, and he will be remembered.

Again I want to thank the gentleman from Pennsylvania [Mr. WALGREEN] for the courtesy he extended me in joining with him in this tribute.

Mr. HOYER. Mr. Speaker, on July 30, Dr. James Wyngaarden, the Director of the National Institutes of Health, will step down from his post after 8 years of distinguished service. As a member of the House Appropriations Subcommittee on Labor, Health and Human Services and Education for the past 6 years, I have had the pleasure and honor of working with Dr. Wyngaarden.

Each 1 of those 6 years, Jim Wyngaarden has come before the subcommittee not only to testify regarding the administration's budget request for the National Institutes of Health, but also to act as an advocate for biomedical research.

I do not believe that any member of the Labor/HHS Appropriations Subcommittee believes that we, as a nation, are devoting sufficient resources to medical and biomedical research. Dr. Wyngaarden has led NIH at a difficult time, and his leadership has been especially important to our efforts in Congress to increase the national commitment to biomedical research.

In this decade, NIH has required enormous energy and skill of its Director as it has struggled to cope with the demands of the necessary additional research on the HIV infection and other chronic and infectious diseases.

Dr. Wyngaarden has provided strong leadership on this and other major issues confronting NIH during a time of explosive developments in biomedical research. He has not, however, neglected the ostensibly mundane, but critically important elements of the NIH research mission.

In fact, Jim Wyngaarden has been an effective proponent of efforts to strengthen the Intramural Research Program, the construction of the Child Health Neuroscience Facility, and the Dental-Scientist Research Program. The Director has also been attentive to the concerns of the people who do the real work of the Institutes, the researchers themselves. He has, for example, attempted to reduce the procedural burdens that can hinder an investigator's progress.

I want to take this opportunity to thank Dr. Wyngaarden for his important contributions as Director of the NIH. Along with many of my colleagues, I have appreciated his professionalism, his energy, and his commitment to a worthy mission. The people of our Nation owe Jim Wyngaarden a debt of gratitude for his exemplary record of public service. We wish him Godspeed and congratulate him on a job well done.

Mr. STOKES. Mr. Speaker, I would like to thank my distinguished colleague from Pennsylvania, the Honorable DOUG WALGREEN, for taking out this special order and enabling each of us to pay tribute to Dr. James Wyngaarden, who is leaving the National Institutes of Health [NIH] after 8 years as its distinguished Director.

I came to know Dr. Wyngaarden through my service as a member on the House Appropriations Committee's Labor-Health and Human Services-Education Subcommittee. On many occasions, Dr. Wyngaarden has come before our subcommittee during the annual budget process to testify on behalf of the many programs and institutes which make up the NIH. During Dr. Wyngaarden's tenure at the NIH, existing programs have flourished and new ones have been developed and initiated in response to new challenges and demands. Due to Dr. Wyngaarden's leadership, the NIH has continued to develop in its role as a leader in many areas of research for the scientific community.

Dr. Wyngaarden's tenure at the NIH has been highlighted by substantial increases in overall appropriations for the NIH, research project grants, an increase in the length of project grants, and the budget for research in the NIH laboratories. Funding for these activities has doubled since Dr. Wyngaarden became Director of the NIH. It was Dr. Wyngaarden's leadership which enabled the NIH to mobilize its research resources to combat the onset of the AIDS epidemic. And, the enormous task of mapping the human genome was initiated by Dr. Wyngaarden as well as the recruitment of Dr. James Watson, Nobel Prize winner and codiscoverer of the structure of DNA, to head the NIH Human Genome Research Program.

Mr. Speaker, Dr. Wyngaarden considers his greatest success at the NIH to be the cultivation of the relationship between scientists at research centers and at the NIH. On both national and international levels, Dr. Wyngaarden became a spokesman for biomedical re-

search, especially during the NIH Centennial. In addition, Dr. Wyngaarden represented the NIH on the national and international scenes by playing a key role in shaping the emergence of biotechnology.

Mr. Speaker, I also am proud to note Dr. Wyngaarden's efforts in increasing minority participation in biomedical research careers and in developing programs to assist predominantly minority colleges and universities in strengthening their research programs. Under Dr. Wyngaarden's leadership, the NIH was supportive of minority programs, such as the Research Centers in Minority Institutions [RCMI] and the Minority Biomedical Research Support Program [MBRS]—two major NIH research grant programs which are targeted to minority researchers. I had the opportunity to work with Dr. Wyngaarden in 1985 to establish the RCMI program. This program provides institutional development awards to enhance the infrastructure of predominantly minority institutions so that such institutions are able to develop their biomedical research programs.

Other minority programs that continued to flourish during Dr. Wyngaarden's tenure include the MBRS program began in 1971. This program awards grants to predominantly minority institutions for the recruitment of faculty and students at minority institutions into biomedical research, to increase the research capabilities of such institutions, and to improve the faculty capabilities to conduct biomedical research. Both the Minority Access to Research Careers [MARC] and the Minority High School Science Apprentice Program are two other programs that encourage minorities to pursue careers in biomedical research.

In addition to promoting access to biomedical research programs and careers, the NIH has made efforts to initiate research of diseases which significantly affect the life expectancy and health of minorities, such as cancer, AIDS, diabetes, heart disease and stroke, sickle cell anemia, and infant mortality. The NIH began to include more minorities in clinical trials. Further initiatives aimed at minorities are expected to be developed by a new Office of Minority Health at the NIH for which 1990 funds have been earmarked.

Mr. Speaker, Dr. Wyngaarden leaves the NIH at the end of July. I am sure that my colleagues will agree that the major advancements made at the NIH over the past 8 years are a result of Dr. Wyngaarden's commitment to the scientific community and his leadership. I am pleased to join my colleagues in saluting the outstanding works he has done for the research community at large and the legacy he leaves at the NIH.

Mr. WAXMAN. Mr. Speaker, I want to add my voice to those recognizing Dr. James Wyngaarden's achievements during his 7 years as Director of the National Institutes of Health.

NIH is a very special Federal agency. Quite simply, the 13 national research institutes represent the crown jewels of our Nation's Government. During Dr. Wyngaarden's tenure, the NIH budget has increased from \$3.57 billion in fiscal year 1981 to \$7.3 billion in fiscal year 1989. New institutes, the National Institute of Arthritis, and Musculoskeletal and Skin Disease, and the National Institute of Deafness

and Communication Disorders, have been established to continue NIH's noble mission.

No institution, private or governmental, has done more than the NIH to improve health through understanding the nature of human disease.

Dr. Wyngaarden shepherded the agency through the difficult budget period of the Reagan years. Tremendous pressure was placed on domestic spending. We will probably never know of the intense bureaucratic battles Dr. Wyngaarden waged to preserve America's preeminence in biomedical research. He did not apologize for advocating increased levels of support for the health sciences. With the Congress' help, the interests of bettering human knowledge and maintaining U.S. leadership in the health sciences was achieved.

I am disappointed at Dr. Wyngaarden's departure. His will be large shoes to fill. His vision was great and the tasks facing his successor will be truly challenging.

We are only now coming to the realization of the sacrifices—personal and financial—of public service. To James Wyngaarden—physician and scientist—it is a special pleasure to thank him for a job well done.

Mr. CONTE. Mr. Speaker, I rise in tribute to Dr. Jim Wyngaarden as he leaves the National Institutes of Health after 7 years of outstanding service as its Director. Dr. Wyngaarden has served his country with distinction and with dedication. As a physician and a scientist, he fully devoted himself to the ultimate mission of the NIH—saving people's lives.

Biomedical research is an excellent investment in the health of America. The knowledge we learn from these programs helps our doctors to find new treatments. People across America and, indeed, around the world have benefited from our research programs at Bethesda. Everyone owes Dr. Wyngaarden a deep measure of gratitude for the progress he has forged at NIH in these past 7 years.

Mr. Speaker, as ranking member of the Appropriations Subcommittee responsible for NIH, I was most impressed with the good doctor's intelligence, sincerity, and thoroughness during his testimony before our committee. Every year, I looked forward to learning about the exciting progress that his scientists have been making. We on Appropriations will deeply miss his presence at our hearings.

Dr. Wyngaarden was committed to attracting the ablest minds in the country and to building the finest medical research program in the world. In spite of misguided efforts to slow biomedical spending, Dr. Wyngaarden, Chairman NATCHER of the subcommittee and I worked together to double NIH's appropriation to nearly \$7.1 billion in fiscal year 1989. We all worked together to make sure this new money went to funding additional research grants, hiring the best scientists and doctors, and providing the highest standards of clinical care at the Institutes.

We in the House and our colleagues in the Senate have sent to the President for his signature a proclamation declaring the 1990's as the Decade of the Brain. This bold initiative will bring together our finest scientists and doctors to find cures for the most debilitating neurological diseases known to man, including Alzheimer's Disease, Muscular Dystrophy, and

Huntington's Disease. Dr. Wyngaarden vigorously supported this initiative and he was instrumental in bringing this exciting new program to fruition.

Mr. Speaker, one of the proudest days of my life is when I attended the groundbreaking ceremony for the new child health neuroscience facility. This project means a lot to me because child health means a lot to me. After years of planning, Dr. Wyngaarden worked with me to make this project come true.

As everyone knows, AIDS has become the public health threat of the eighties. From the beginning, the good doctor confronted the AIDS challenge with fresh initiatives to fight this terrible disease. With his leadership and foresight, we quickly initiated and expanded funds for AIDS research at NIH to over \$600 million last year with excellent prospects for continued growth in this vital research mission.

Tireless in his efforts, unwavering in his devotion to duty and forthright in his compassion for people in need, Dr. Wyngaarden has left his indelible mark as the finest Director of the National Institutes of Health. We all wish the good doctor well in his new endeavors. Dr. Wyngaarden, it is your energy and foresight that has made the NIH the undisputed world leader in biomedical research, and America is forever proud of you for your extraordinary efforts.

Mr. ROE. Mr. Speaker, today, we pay tribute to Dr. James Wyngaarden as he leaves the position of NIH Director after 8 years of distinguished service.

The past century has seen the National Institutes of Health [NIH] grow from a one-room laboratory in the attic of the Marine Health Service Hospital on Staten Island, NY, into a renowned biomedical research institution in Bethesda, MD. Throughout this century, NIH has achieved significant progress across all frontiers of science for health. The NIH Directors, past and present, are to be congratulated for the course they charted for biomedical research and the contributions the results have made to health promotion, the treatment and prevention of disease, and both the economic and physical health of the world.

As we all know, the mission of NIH is to improve the health of the Nation by increasing the understanding of process underlying human health, disability, and disease; advancing knowledge concerning the health effects of interactions between man and the environment; and developing and improving methods of preventing, detecting, diagnosing, and treating disease. Dr. Wyngaarden deserves, and has received, high marks for his effective stewardship in carrying out this mission. In doing so, he has demonstrated a unique ability to focus NIH resources on the biomedical research priorities which have the greatest opportunity to enhance the near-term and the longer term health of our citizens.

Dr. Wyngaarden has given special attention to the most important aspects of advancing scientific knowledge in a cost-effective manner—cooperation and collaboration. Under his guidance, NIH has become an exemplary model of cooperation and collaboration, not only with other Federal organizations, but with academia, the private sector, and with investigators in other countries in devel-

oping and implementing research programs of mutual interest.

At the same time, Dr. Wyngaarden gave high priority to the implementation of sound principles of science policy. For example, in response to the 1986 Federal Technology Transfer Act, which was initiated by the Committee on Science, Space, and Technology, he established the Office of Invention Development to facilitate the transfer of technology from NIH laboratories to the private sector for further development and commercialization. This program, designed to encourage NIH scientists to enter into cooperative research and development agreements with industry to benefit public health while protecting each organizations' primary goals, is one of the most productive in the Federal Government.

While establishing prudent biomedical research priorities for NIH, Dr. Wyngaarden did not lose sight of the importance of balancing research with the availability of scientific manpower, public understanding of science, flexibility for scientific creativity and innovation, consideration of social and ethical concerns, and the influences of political interests. During his tenure at NIH, he generously shared his expertise and insight with the Congress.

Dr. Wyngaarden has been extremely helpful to the Committee on Science, Space, and Technology. Although the committee does not have direct responsibility for the authorization of biomedical research, we are responsible for assuring that Federal funds expended for science and technology are in the best public interest and that potential disadvantages of science and technology are minimized. In this regard, Dr. Wyngaarden has assisted the committee on a broad range of issues such as: The appropriate use of animal in research; coordination of biotechnology research; effective approaches to science education; motivating government/industry/university partnerships; mechanisms for setting priorities for science; incentives for enhancing technology transfer; and approaches to monitoring scientific misconduct. Through his testimony before our committee, he has demonstrated considerable expertise, not only in the understanding of these complex science policies, but in creatively developing administrative techniques which ensure that science and health policies will achieve the maximum benefit for society.

On behalf of the members of the Committee on Science, Space, and Technology, I wish to extend our sincere appreciation and gratitude to Dr. Wyngaarden for his outstanding contributions to science and the health of our Nation. Management of the world's most renowned biomedical enterprise is an enormous task—Dr. Wyngaarden is a master the Congress and the public shall long remember.

GENERAL LEAVE

Mr. WALGREN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore (Mr. BERMAN). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

□ 1450

OPPOSE RULE ON DEFENSE AUTHORIZATION

The SPEAKER pro tempore (Mr. BERMAN). Under a previous order of the House, the gentleman from Arizona [Mr. KYL] will be recognized for 30 minutes.

Mr. KYL. Mr. Speaker, I would like to discuss for a few minutes the rule on the Department of Defense authorization bill, and then specifically get in a little bit to the subject of SDI.

Mr. Speaker, this rule, I think requires some clarification because of the debate that occurred about an hour ago, and we will be voting on this rule in about 2 more hours, at 4:30.

I think our Members need to know exactly what this rule provides for. The rule should be opposed because, in effect, what it does is to deny the minority, many Members on the Republican side of the aisle, the opportunity to present their alternative ideas. In many cases, substitutes from our ranking Member were denied, and a variety of amendments, by Republican Members were deemed to be not in order when subjects similarly dealt with by Members of the Democratic Party were permitted. So it is not a fair vote, and it ought to be opposed for that reason.

There is another reason, Mr. Speaker, that the rule ought to be opposed, and that is because it does not permit Members time to debate the various subjects that are very important to the defense and to the establishment of defense policy in this country.

Our colleague from California [Mr. DELLUMS], with whom I rarely have any kind of substantive agreement, made a point with which I agree, that there are very important issues that will not get the time and debate they deserve. He has a couple of issues on SRAM T and Follow on to Lance [FOTL]. Those programs ought to be supported. We supported them in full committee. I expect the House will support them. He would like to eliminate the funding for them. He is wrong. However, the debate that he would encourage is an important debate, and we ought to have more than 5 minutes to discuss that.

The rule ought to be opposed. Now I would like to get into more detail with respect to SDI.

Historically, on the funding level for SDI, the committee has made in order a rule which would take the high and the low funding proposals and end up voting last on a level of funding closest to the committee mark. That has been done under the king-of-the-hill type of rule. This year, however, that is not the way it is done.

The amendment which has funding closest to the committee mark is my

amendment, to fund it at zero growth \$3.8 billion, last year funding level plus inflation. That is closest to the committee mark of \$3.5 billion. However, instead of making the rule in order to permit the king of the hill to operate in a fashion where my amendment would be the last one considered, my amendment is the very first one to be considered, then the gentleman from California, Mr. DELLUMS' amendment, and then the gentleman from Florida, Mr. BENNETT's amendment. Mr. BENNETT's amendment is only for \$2.8 billion.

Mr. Speaker, let me explain what the SDI votes are. They are basically 3 amendments: The first one is mine, which would establish funding at \$3.8 billion. That is zero growth, representing last year's funding of \$3.7 plus \$126 million, representing the 3.4 inflation we had this year. The second amendment is the Dellums-Boxer amendment at \$1.3 billion; and essentially that amendment would kill the SDI Program. It would not even permit the United States to keep up with the technological basic research, to know what the Soviet Union might be doing. The third amendment is the Bennett amendment at \$2.8 billion, plus \$245 million in the Department of Energy programs. Now, the Bennett amendment, likewise, would permit the United States to have very, very little more than a basic research program, would not let the United States decide in 4 years whether or not to go forward with SDI, would not permit that decision that the President has asked for, and it would not permit the United States to fund both short-term and long-term programs. We would either have to choose between short-term and long-term programs, or we would have to compromise both, in a way the Department of Defense says we would accomplish nothing. Those are the three levels of funding.

If all three amendments fail, then we will end up with \$3.5 billion level determined by the Committee on Armed Services.

I might, for the purpose of the body, review the funding level that the Senate and the administration have provided.

The administration, the Reagan-Bush original budget, asked for \$5.6 billion for SDI for fiscal 1990. Secretary Cheney, on the orders of the President, cut a billion dollars out of that funding request when he submitted the budget to Congress for \$4.6 billion. However, the Committee on Armed Services cut \$1.1 billion more from SDI funding, and took it down to \$3.5 billion. Fortunately, the Senate has acted on this; the Senate Armed Services Committee, and in their wisdom, funded the SDI program at \$4.3 billion, which is a very responsible and reasonable level of funding. It would be entirely appropriate, of

course, for this body to bring the funding level up somewhere near the Senate, but obviously, we are not going to do that. I urge my colleagues, when the time comes, to at least support my amendment which calls for funding at \$3.8 billion.

Now, there is another thing that is not fair about the rule, and that is that immediately after the vote on the SDI funding level, we vote on the three add-backs that it will be argued are only possible to achieve if we vote for the Bennett amendment, which would cut the funding down to \$2.8 billion as I indicated.

It would be argued that only by doing that can we support the war on drugs, can we clean up the environment, and support the addition of additional conventional weapons that the gentleman from Florida [Mr. BENNETT] wants to add. That is not true at all. Mr. Speaker, we can vote for the drug interdiction money, we can vote for the environmental cleanup money, we can vote for additional conventional spending that the gentleman from Florida [Mr. BENNETT] proposes, if we desire; and we do not have to support the Bennett amendment on SDI in order to do that. This is not a reconciliation bill. This bill is too complex, with so many amendments to spend money, and to add back, and to take away, that it is not going to balance; we will not have balanced the books at the end of the process, and we do not have that obligation in voting for the very first set of amendments on SDI.

So it is not necessary in order to support the war on drugs and to support the environmental cleanup, to support the Bennett amendment. We can still support either the committee level or the Kyl amendment.

Mr. Speaker, I will conclude this point on the subject of SDI, unless the gentleman from Alabama would like to intercede here. I would be happy to yield to the gentleman.

Mr. DICKINSON. Mr. Speaker, I thank the gentleman for yielding. I was not going to speak specifically, but in most general terms. I would like to support what the gentleman is saying. As I pointed out, and I will point out again when we get into the bill itself, I am very distressed over the rule that was given the Members, and I am surprised that the gentleman from Michigan [Mr. BONIOR] was surprised as he said that he was, because at no time did I, as a ranking member, agree that this was fair, that this was equitable, that the interests of either the minority or the administration had adequately been addressed, or that we would be given an equal opportunity to advance our point.

As I mentioned earlier when we were discussing the rule, I think it was about four budget cycles ago, there were 144 Members that prefled with

the Committee on Rules. Under the rules that had been propounded or promulgated at that time, we had to do that, in order, hopefully, to cut down on the number of amendments that were continually filed to the Defense bill, so that we could at least terminate the number of amendments and reach a final conclusion on the Defense bill. Of 144 amendments that were filed, 143 were made in order, and one was not made in order. That was because word came down from on high, to the Committee on Rules, that they did not want my amendment, the 1 amendment out of 144 that was not allowed, to be offered on the floor, was because it had to deal with Davis-Bacon and organized labor did not like it, so the Committee on Rules at someone's behest, disallowed the 1 amendment out of 144.

Well, this was some 3 or 4 years later, today, and I took comfort in a statement of our new Speaker when he said, "I will do what I can every day that I serve in this office to ensure the rights and the privileges of each Member of the House are respected and to ensure that the procedure is fair to all." This is a quote of our Speaker. I said, "Hey, we have turned the corner, this is a new day, and maybe in the minority are going to get a fair shake after all," and when we go to the Committee on Rules, they will take this up on the merits, and we will be treated fairly, even though they have 2 to 1 plus 1 vote on the Committee on Rules, maybe now is a new day and we will be treated differently, and things will be voted on on the merits, and we will be given a chance to vote up and down on issues, and we will see the cessation of the practice, if there is something that the majority wants, they waive the rules and do not enforce them, but if they want to enforce the rules and do not like something, they insist on the rules, but waiver of the budget, waiver of points of order, waiver of everything if they want. Well, they have the votes to do it, so nothing much we can do. So I am looking with anticipation and pleasure to the time and to the words of our new Speaker saying, "We are going to do everything to ensure that the procedure is fair to all."

□ 1500

So then we come to the Rules Committee with this bill, with 217 amendments that have been prefilled and that the Rules Committee was being asked to make in order. So the gentleman is talking about one amendment, and that is coming up on Tuesday.

The way the thing is structured, today being Monday, we will have the rule, with a vote on the rule up or down, and general debate on the bill. Normally we would have 4 hours of general debate, but by agreement between the chairman of the committee

and myself, we said that 2 hours is enough. There is hardly a corporal of the guard anyway here to hear the debate, but we put it in the Record.

So we start on Tuesday with the amending process, and as the gentleman has pointed out, SDI is supposed to be the first thing out of the box. We had in committee said, "Well, we have a committee position, and that is \$3.5 billion for SDI." There will be one amendment that will be offered. This was offered in our committee to at least fund it at last year's level, plus inflation, and that will be the Kyl amendment. There will be one to take it down below \$2 billion, and then there will be another one will be at \$3.1 billion, as I recall. That would be Mr. BENNETT's. And then finally we will vote on that as King of the Mountain, and even though the gentleman in the well is disadvantaged by having to offer his first, something has got to be first, so we can live with that.

Then immediately, and almost as an adjunct or part of it, though, they make in order these three amendments to say, "Hey, if you cut this by this amount of money, these three things will follow immediately." This talks about drugs, it talks of cleanup and conventional weaponry, and if we do not think that tilts it in that direction, if we do not think that skews it toward a vote to cut, then we are not being very practical, because, of course, everybody knows these three things are tacked on to follow immediately, just on the heels of the motion to cut, so then you can add back the things you want in your favorite program—drug enforcement, conventional weaponry, and toxic waste cleanup.

Mr. KYL. Mr. Speaker, if I might interrupt the gentleman right there, does the gentleman know why this was not done in the Armed Services Committee? I know we talked about it there, but why did we not go ahead and cut this money out of SDI in the Armed Services Committee for drug enforcement and for the environment?

Mr. DICKINSON. As I recall, there was money in the bill for drugs. There also was unexpended money last year in the Department of Defense for drug interdiction and the so-called drug wars, and the administration did not ask for this. This was an add-on.

Assuming all this is good, even the handling of it, though, makes it look as though it is tacked on. It is in effect tacked on, and it skews it in one direction. We cannot put any other spin on it; it is just there.

Mr. KYL. Mr. Speaker, if I can just make this point, in fact, it was announced in the full Armed Services Committee that that was the intention all along.

Mr. DICKINSON. Exactly.

Mr. KYL. To save the money.

Mr. DICKINSON. So that we would not cut it there because we are going

to the floor with it so then it can be taken out and plugged into these favorite programs. And who is going to vote against drug enforcement? Who is going to vote against conventional weaponry when we need it? Who is going to vote against toxic waste cleanup? That is like voting against motherhood. Of course, we all understand the pragmatics of these things. So we are going to prejudice the funding of it because we know as a part of it that this follows.

Then we come to burden-sharing. I do not know why that is in here. It is certainly not a major amendment. Why it is No. 2 on the list, I do not know. They gave it 30 minutes.

Then we get into the procurement, which is my amendment to put in place of the Cheney budget. This is an amendment that was offered in committee, and it failed on a 26-26 tie. It simply says that the budget as it came over from the Department of Defense would be put back in place, which eliminates three things which have been added. The V-22 was added, the F-14-D was added, and at one point \$1 billion for the Guard and the Reserve was added. Then if this should prevail, if my amendment for the Cheney budget should prevail, then the amendment of the gentleman from Pennsylvania [Mr. WELDON] was immediately stepping on the heels of that. They give 40 minutes to put these things back in. There is no space in between. The Rules Committee says, "OK, if he wins on that, immediately on the next amendment, you are up. You have 40 minutes to put it back in."

I have failed an amendment to strike each of these three things, which is a part of the package. What happens to it? Does it come up next? No. Does it come up the next day? No. It comes up the third day as amendment No. 25 if we get to it. That is given 5 minutes a side. And then it is a package that you cannot even attack on each individual element on it, that is, the V-22 or the F-14-D. You have got to vote for the whole package. This is an example, they say, that the procedure is free and fair to call.

Mr. KYL. Mr. Speaker, is the gentleman saying that you cannot vote independently? If you are trying to strike one of these programs, you cannot do it, that it is either all or nothing, the V-22 and the F-14-D?

Mr. DICKINSON. That is exactly right. The Rules Committee is bending over backward to be fair, as I heard this morning. They say you cannot vote for just one of these. If you want to vote for the V-22 because you have an interest in that but you are really not supportive of the F-14-D, you just have one vote.

Mr. KYL. You cannot separate them out?

Mr. DICKINSON. You cannot separate them out; you have got to vote for both of them. So we have a lot of general support for it in that way. That is what they call being fair. So you can go through the entire rule setting these things out, as to how they have structured it.

I had an amendment that was in order and that was germane to restore \$300 million to the research and development budget of the B-2. What happened to it? In the Rules Committee they tentatively accepted it, and I am told by my members that they got up and were walking out of the room when one of the members came back in the room and said, "Wait a minute, I don't like where the money is coming from. It is coming out of the NASA space money, and I don't like that."

Even though it was add-on money and it was not in the budget as it came over, they went back in and said, "Well, we will disallow the amendment unless the author can think of something as an alternative."

This was 2 minutes before they voted. I was not there. This was Friday afternoon. I think I had gone. They said they would disallow it unless an alternative source of funding comes forward.

So I am not even allowed to offer the amendment now. That illustrates how fair everything is around here from the Rules Committee. So this is a travesty when we start to talk about fairness.

Mr. Speaker, I hope we will vote down this rule and try to send a message and see if we can get a little bit more level playing field.

Mr. Speaker, I thank the gentleman for yielding.

Mr. KYL. Mr. Speaker, I think this illustrates why so many of us are going to vote against this rule. When the ranking member of the Armed Services Committee cannot get his amendments in order and bring them to the floor and debate them, not guaranteeing that we are going to win, but at least to debate them, when that is not permitted by the rule, it does not suggest fairness.

Mr. Speaker, let me take my remaining time to talk a little bit about this SDI Program, because there has been some confusion about just exactly why we should have an SDI Program. I commend to my colleagues the fact that even with a \$3.8 billion funding level, which is zero growth, the program is going to be cutback drastically. The administration supports that level of funding only because there is no amendment to fund it at the \$4.6 billion level that was recommended by Secretary Cheney.

Why do we need SDI? Let me quickly go through six reasons why it is important to have this program. The first reason that we need SDI goes to the very point that President Bush

made when he came into office and asked for a comprehensive review of our defense posture and our policy. He told the Department of Defense and others in the administration to challenge the assumptions, to ask the tough questions, including those about SDI, and when all of the work was done and the report came back, Mr. Speaker, the resounding recommendation to the President was that it was critical that this Nation continue our SDI Program to enhance deterrence. That is the No. 1 reason why we need the SDI Program, to enhance deterrence and place it on a more stable basis, a basis that relies upon defense in addition to the offense that we already have.

□ 1510

The idea, we all are aware, is that, if the enemy knows that he cannot succeed in an attack, then he will be deterred from attacking, and SDI will inject just enough doubt into that equation and complicate the plans of the enemy to an extent that we are confident that no attack would occur. That is what we mean by deterrence.

The second reason is that SDI will provide, at robust funding levels, a hedge against Soviet breakout of the ABM treaty. The Soviets have been spending much more than we have, 8 to 10 times as much as the United States has, on strategic defenses, and in fact has a partial defense, strategic defense, system in place. As a matter of fact, they have the components in place for a major breakout from the ABM treaty. So, it is critical that we have the ability to quickly put into place the same thing that the Soviets would be able to deploy. And whatever else is happening, Mr. Speaker, in the Soviet Union, whatever may be happening with respect to perestroika and glasnost, and whatever may be happening with the talk of reducing their conventional forces (so far it is only talk, no action, but they say that they will reduce them eventually) there is no suggestion in the Soviet Union that they are curtailing their scientific and technological research. As a matter of fact, Secretary Cheney has pointed out that in the area of high technology the Soviets are proceeding apace; so the second reason for SDI is simply to be able to match the Soviets in what they may do.

Third, as the Soviets evolve more mobile systems, we cannot hold them at risk with offensive weapons. Mr. Speaker, this gets into the B-2 debate we have already begun here. It is agreed by all of us that the B-2 is not currently capable of relocating targets that move around. We are talking now about the Soviet SS-24 and SS-25 missiles. Those are the missiles that are on railroad cars and are on trucks that travel throughout the Soviet Union. We could not find those weapons, and

even a B-2 is not going to be able to find those weapons. As a result, the mobile systems of the Soviet Union are really immune from an attack by the United States, and we cannot hold them at risk. As a result, they have the capability of launching a first strike against us with these weapons. We must, therefore, be able to defend against those weapons, and that is what SDI does.

Mr. Speaker, The United States must evolve to a mix of both offense and defense in order to have the most credible deterrent. That is what SDI does.

I might note, Mr. Speaker, that the Soviets have always followed this policy.

The fourth reason for SDI is that it provides an insurance policy with respect to our START negotiations. Think of this, my colleagues, that, as the number of warheads is reduced under the strategic arms limitation talks, where we get down to 50 percent of the number of warheads we currently have, and maybe much, much below that, then cheating places a much higher risk on the United States.

It's a lot like two people that have six guns facing off, and there are five or six bullets in the chamber. Say five bullets, and the other one cheats and puts one more bullet in. That does not make a difference. But, if each side only has one bullet, and the other side cheats and puts in another one or two bullets, he obtains the maximum advantage, an order of magnitude advantage.

Mr. Speaker, with SDI there is an insurance policy against cheating because it does not make any difference how much the Soviets cheat, how many additional warheads they have. We have an insurance policy to protect us from those warheads coming onto the United States, and, Mr. Speaker, I would note in that respect that the American people overwhelmingly believe that we should have this kind of protection.

Mr. Speaker, that gets me into the next reason, the fifth reason, for SDI, and that is to protect us against an accidental launch or a launch by a Third World country. According to a recent statement by the CIA Director, William Webster, there are going to be 15 countries within the next 10 years that have ballistic missile capabilities. If any of those countries decide to put a chemical warhead on any of these missiles, and they are very easy to manufacture, then they can hold at risk the population of the United States, and we have absolutely no capability of defending against that whatsoever. We cannot stop that kind of a missile, nor could we stop an accidental launch by the Soviets or some other power.

As a result, Mr. Speaker, we need SDI which could provide us with that kind of protection; and again, the American people wonder why we do not have that kind of protection. With all of the money that we are spending, why have we not seen fit to protect our people against this kind of attack?

Finally, Mr. Speaker, SDI would promote the United States' negotiating position in both the START and D and S talks. Ambassador Rowny has recently confirmed this. He said that the SDI would tell the Soviets that the United States has the will to protect its people. We will not be deterred by the Soviets from engaging in this kind of a research program and ultimately deploying it because it is a nonthreatening way of providing protection for us and, therefore, deterrence. It increases our leverage in these START talks and conversely, Mr. Speaker, a unilateral reduction in SDI funding, where we get no quid pro quo from the Soviets whatsoever (where we just reduce the funding down to the Dellums or Bennett level, for example)—this simply tempts the Soviets to sit back and wait for us to make additional concessions. The Soviets would say, "Let us agree to nothing at the bargaining table, because, after all, that compliant U.S. Congress may give us something more next year, so why should we negotiate with them at the bargaining table?"

Mr. Speaker, these are all reasons why we need SDI.

Let me close with the subject briefly of whether we can afford SDI. Obviously the first question is, "What price freedom?"

At the Cheney request, SDI is just a little bit over 1 percent of our defense budget, 1 percent, and it represents about four-tenths of 1 percent of the entire U.S. Federal budget. We spend more money going to the movies than we are talking about spending on SDI. We spend almost as much money buying panty hose in this country each year than we are talking about funding for SDI.

Mr. Speaker, where are our priorities if we cannot provide this level of funding simply to find out the answers to the questions that our scientists have been asking? Can we build a deterrent? Can we build a system that will protect the United States against a strategic attack?

Over the next 5 years SDI will spend not much more than the V-22 Program, or then the small ICBM Program, and less than the B-2 Program. So it is not the major spending program of the defense budget.

In conclusion, Mr. Speaker, we know the cost of this program has gone down as technology has progressed through miniaturization, and mass production and so on. We have reduced many of the component parts of this program to a fraction of their

original cost. SDI is a cost-efficient program. We can find out the answers to the questions that we have been asking, and all we ask, those of us who ask for a robust funding level—at least last year's level of funding—is that the funding go forward and allow us to do the tests to answer the questions of whether it will work so that we can make a deployment decision within the 4 years that President Bush has requested.

Is that too much to ask, Mr. Speaker? I think not, and that is why I will urge my colleagues to support the Kyl amendment which has the modest funding level of zero growth, last year's funding level plus inflation. I will ask my colleagues to defeat the Dellums amendment and to defeat the Bennett amendment and support SDI at a level that at least permits us to maintain the same kind of program that we had last year.

In conclusion, Mr. Speaker, I ask my colleagues to vote against the rule, which denies us a fair opportunity to present these issues, and then to support my amendment funding SDI which is before the body.

STRENGTHENING THE CLEAN AIR ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington [Mr. SWIFT] is recognized for 60 minutes.

Mr. SWIFT. Mr. Speaker, this is an important day in a 10-year struggle to amend, and improve and strengthen the Clean Air Act. It is important because today is the day that President Bush has sent his proposal, legislative language, to the Hill, and the EPA Administrator Reilly has testified all day long at a hearing held by the Health Subcommittee of the Committee on Energy and Commerce of the gentleman from California [Mr. WAXMAN] on that legislation.

□ 1520

It is an important day, because with the President joining this issue in good faith, it may provide the impetus necessary to at last move in this important area of legislation. There has been a 10-year stalemate, and very frankly some of the reasons for the stalemate have been an unnecessarily strong pride of authorship by all parties, a kind of certitude by everyone who comes from all the various angles to this issue, that they were the only ones with the answers, a real difficulty in admitting that any other proposal other than one's own might have merit.

If we are going to finally pass improvements to clean air legislation on the books in this country, we need to stop the turf battle and instead do some careful an objective analysis of the issues that are involved in an

effort to get a package of legislation that will address the ozone areas, the nonattainment areas, acid rain, and air toxics.

Because a number of Members believe that it is important to provide that kind of objective analysis, today a number of us wish to take a look at President Bush's proposal as it comes to Congress. We want to evaluate specifically in this special order the ozone section. We want to point out where we think the President is on the right track and we want to point out where we think his proposal can stand considerable improvement; but it is important to note that we do not reject the proposal out of hand, but believe that it is heading in the right direction in a number of areas and we will make our criticisms in the most positive sense, criticisms not of his intent or sincerity, but rather areas from which our perspective there could be significant improvements in the proposal.

First let me give you just a little background on who those of us who wish to participate in this special order are. We are a group of kind of middling seniority members of the Democratic side of the Energy and Commerce Committee. There are nine of us. We began in the last Congress to try to see what we could do to bring about at last some agreement so that we could settle upon a clean air bill that could pass this Congress and go to the President for signature. In the process of doing that, we found that while we had started out essentially with an intent to move the process, we found we could only do that by becoming deeply involved in the substance.

Someone dubbed us the group of nine, which got shortened to G-9 and a so-called G-9 proposal has been kicking around for almost 2 years and is currently in legislation here in the House this year as H.R. 99.

Our purpose was to try to use the substance to demonstrate where reasonable and rational compromises could be made and still have a bill that was a strong improvement over current law.

We are gratified that a great many of our ideas have been included in bills that have been introduced subsequent to the development of the G-9 proposal. Great pieces of our proposal are included in the bill of the gentleman from California [Mr. WAXMAN]. Great portions of our proposal are included in the President's bill. There are still differences, and that is natural.

We believe that those need objectives analysis, rather than just some kind of turf protecting criticism, and that is what we propose to try to do today.

Mr. Speaker, at this time I yield to the gentleman from Tennessee [Mr. COOPER], a gentleman who has put a

great deal of work into the efforts of the group of nine.

Mr. COOPER. Mr. Speaker, I thank the gentleman for yielding to me.

I think the gentleman from Washington [Mr. SWIFT] who has been a de facto leader of the group of nine, who has kept us at our work, kept us doing our jobs in private sessions over many hours, many weeks, many months, I think it might be useful to describe the philosophy behind the group of nine, not only our interest in moving the process along, not only our willingness to get deeply involved in the technical substance of a lot of these provisions, but also our willingness to really come up with new proposals that have not perhaps been thought of before, new ways of looking at old problems, instead of just refighting the old battles. So much, as the gentleman knows, of what we have been here on the House floor and other places is the continuation of old struggles, rather than trying to take a simple, fresh look at the problem, and deciding as we think probably the average American would decide it if the average American had the time and the interest to look into some of the details, rather than just take say the industry approach or the environmentalist approach, trying to take a commonsense approach to that we can strike some sort of balance between interests, because we all have an interest, of course, in clean air and breathing clean air as quickly as possible, and that should come first, and yet in all the old struggles and old battles, as most Americans know now, we have waited for amendments on the Clean Air Act for what—over a decade now. It has been a process of tremendous stalemate.

I felt another important aspect of the work of the group of nine was the willingness to be realistic, to be honest with the American people; not to set up false deadlines that we would all like to meet, but set up realistic deadlines and allow enough time for planning so that our mayors, our county executives, our governments, all those in responsibility in the chain of command could have time, not to dilly-dally around, but time to carefully plan so that we could achieve the least cost solutions to these problems, time so that they would feel the Federal Government was treating them fairly, not making them jump through hoops, but taking a careful step-by-step process to actually achieve the reductions that we claim we are going to achieve.

I think the gentleman and I both share the feeling that in past legislation a lot of false deadlines have been set up, a lot of deadlines that no one intended to meet, and therefore it has created a lot of cynicism and disillusionment about our Government. It has created a lot of false expectations

on the part of the American people; but nonetheless, even realizing all this, it is still hard, and I think our group has been somewhat brave in trying to be realistic about these deadlines and to tell the American people the truth, to be honest with you, that some cities probably cannot be cleaned up by the year 2000 no matter what we do, even if we did everything we know how to do, even if we were willing to pay all of our money to do it, the pollution problems in some areas are so bad that not even an effort by the year 2000 could do the job; but nonetheless, we want to try to do our level best by the year 2000 to go ahead and do the best we can, because as I said earlier, all Americans want to breathe clean air and want to breathe it now.

I would like, with the gentleman's permission to look at a particular aspect of President Bush's new proposal, a proposal that was just publicly disclosed last Friday, a proposal that just received its first committee hearing today in the subcommittee of the gentleman from California [Mr. WAXMAN] of the Energy and Commerce Committee. I would like, consistent with the spirit of the gentleman, to describe and give very positive criticism, and I would like to point out a feature that I like and a feature that I do not like of the President's approach.

The features of the President's clean air proposal that I will comment on are the result of the invisible fumes that naturally rise from gasoline whenever it is exposed to the open air and evaporates. These fumes are a type of volatile organic compound or "VOC."

These are deadly fumes. The smell is not very offensive when you refuel your car or whenever you unscrew the cap on a gasoline can, but it is still deadly when inhaled in large quantities. I had a childhood friend who nearly died as a result of smelling too much of these fumes.

Some gasoline evaporates faster than other types. A measure of how quickly gasoline fumes are released has been formulated; it's called Reid vapor pressure or "RVP." The higher the RVP, the faster the gasoline evaporates; the lower the RVP, the slower the gasoline evaporates. Of course, all gasoline evaporates faster when temperatures rise. This means that gas fumes are particularly bad in the summer.

It is almost impossible for the average American to detect differences in RVP between different types of gasoline because these fumes are invisible. Few Americans realize that our gasoline has become much more evaporative in recent years, that the RVP has gone up.

This increase in RVP fumes seems to suit the needs of gasoline refiners and of the oil industry in general rather

than the automobile industry. Cars seems to be able to work just as well at lower RVP levels.

The EPA finally realized several years ago that with the billions of automobile refuelings and mileage traveled every year in America that something needed to be done about the tremendous volume of fumes released in the air. EPA set an upper RVP limit of 10.5 pounds per square inch for gasoline so that gasoline would not be allowed to be more evaporative than that. Some States have gone further than EPA by lowering the RVP even further.

The Bush clean air plan deals with this issue in a way that I, and the group of nine, like, and a way that we dislike.

The "like" is the way the Bush bill continues the downward trend in RVP to 9 pounds per square inch by the year 1992. This reduction will not only reduce the amount of gasoline fumes in our air, but will also do it in the most cost effective manner.

The recent report released by the Office of Technology Assessment [OTA] just last week indicated that RVP reductions are probably the cheapest way, not only to reduce gasoline vapors, but all types of VOC's. The OTA estimates that it will cost only \$120 to \$750 per ton of VOC's removed for gasoline refiners to change their practices. This is in contrast to the \$2,000 to \$3,500 per ton cost for most other pollution reduction strategies.

OTA-2 REFERENCES—RUNNING LOSSES, EXHAUST-HEAD OF STEAM

The group of nine likes this Bush proposal not only because we have had a very similar approach for over a year now, but also because we feel that the average American wants the most cost-effective way to reduce urban smog. We feel that no American wants to throw money at a problem, not even if it is a pollution problem. It's against the interests of everyone, including environmentalists, to waste our money on inefficient cleanup.

My "dislike" of the Bush plan stems from the fact that even with lower RVP, many, many tons of gasoline vapors will be released with car refuelings and other gasoline vapors releases.

The debate on how to minimize car refueling evaporations has become very specific and polarized.

One camp maintains that every new automobile should be built with an "onboard canister" to collect the fumes that accompany each refueling. This argument maintains that it may be as cheap as \$14 per car to go ahead and admit that each refueling creates pollution problems and build in a solution on each car.

The opponents of this approach argue that onboard canisters may be

dangerous in an automobile collision. The National Transportation Safety Board and the EPA has had a running feud on this issue with no clear conclusion.

The other approach involves, not an automobile-based solution but a filling-station-based solution: a vacuum hose connected to the gasoline nozzle at the pump in order to collect refueling vapors. This double-hose contraption goes by the name of "stage II vapor recovery" and costs about \$30,000 per station for installation and more for annual maintenance.

The opponents of "stage II vapor recovery"—stage II—say that the double hoses are heavy, cumbersome, and expensive, and therefore anger consumers. Several areas around the country such as Washington, DC, already have installed stage II and it has received a mixed reaction.

Comparing and contrasting "on-board canisters" and "stage II vapor recovery" has taken years of EPA time. Sometimes the debate turns on whether the automobile industry or the gasoline retail industry can do a better job of absorbing or passing along the costs of change.

Other criteria for decision include the speed and completeness of cleanup resulting from each technique. On-board canisters would affect every car in every area, urban and rural, nationwide, but only as quickly as the Nation's auto fleet turned over, which takes a decade or more. In contrast stage II begins pollution reduction in the key urban areas almost immediately, as soon as the service stations can install the equipment. Of course, stage II equipment wears out after a decade or so and would have to be replaced or substituted.

My "dislike" of the Bush plan is that it chooses stage II vapor recovery and drops the onboard canister approach. The group of nine feels that the Bush plan therefore ignores what may be the safest, most convenient, lowest cost option of onboard canisters, in favor of an expensive, cumbersome burden on retail gasoline station, many of whom may be unable to pass along the cost of the stage II equipment.

The group of nine has a different and, I think, better solution. First, we require EPA to choose within a year between stage II and onboard. Since most people feel that onboard is cheaper, presumably only a significant safety problem would prevent onboard from being chosen. Even if stage II is chosen by EPA, we pay for the capital cost of it by placing fees on automobile sales since car companies are better able to pass along costs to consumers than mom and pop filling stations are. We felt that this would not only protect more small businesses, but minimize the incentive for car companies to attack onboard canisters

if they are going to have to pay for cleanup regardless.

We in the group of nine feel that we have allowed the onboard/stage II debate to be decided on the merits, once the EPA has finally collected adequate information. To us this is the fairest, cheapest way to solve the refueling vapor problem. Of course, in severe urban smog areas, cities may still choose both stage II and onboard. It would be a mistake, as the Bush bill does, to give up on the onboard canister option before we know enough about it.

□ 1540

Mr. SWIFT. Mr. Speaker, I thank the gentleman from Tennessee for not only his contribution here, but his enormous contribution to the deliberations of the group of nine over the last 2 years.

Mr. Speaker, I am happy to yield to the gentleman from Illinois [Mr. BRUCE], another member of the group.

Mr. BRUCE. Mr. Speaker, I thank the gentleman for yielding.

It is interesting that today as we start the whole process of enacting another clean air bill with the President's proposal before our committee today in a hearing in which we had the Administrator of the EPA come and testify some 5½ hours, to reflect back on where the group of nine got started, and why it is we are taking out a special order to talk about clean air, and how we contrast, compare, and compare favorably I think with the President's proposal. There were nine members of the Energy and Commerce Committee, what we could probably classify I think as nine moderates. It is interesting that they are scattered throughout the United States. Mr. SWIFT, who has been sort of the de facto leader of our group is from Washington State; Mr. COOPER, who just spoke, is from Tennessee and brought a perspective from that part of the country; myself from the State of Illinois, JIM SLATTERY from the State of Kansas, who obviously was an active player, BILLY TAUZIN from Louisiana, MIKE SYNAR from Oklahoma, Mr. BOUCHER from Virginia, PHIL SHARP from Indiana, and Mr. ECKART from Ohio.

Those nine Members sat down for a long time, more than a year, and indicated that they wanted something to happen in the area of clean air. It appeared to us that we had passed the Clean Air Act in 1970, that we had made a good deal of progress, but had seen some slippage. Major amendments to that bill came in 1977. From 1977 to 1988, when we first started this process, there has not been any substantial agreement on the direction this country ought to take in clean air legislation.

So we started having meetings, we started getting together almost daily,

but certainly weekly. I think we had well over 100 meetings in which our staffs got together, we were together, and we met with every kind of organization, trade association, manufacturers, consumers, environmental groups, health groups, the EPA itself and others to come up with some sort of legislative enactment. That effort ended up with the production of H.R. 99, which dealt with ozone nonattainment, and we thought put into effect some reasonable guidelines, and started to move the debate in the committee from not doing anything or opposing all legislation to drafting a piece of legislation that we could support with a majority of the members of the subcommittee, and on into the full committee.

It is a costly process, and it is very difficult to get agreement. The President's proposal, which we are starting to debate today in our subcommittee, costs between \$14 billion and \$19 billion. There are many people who are concerned about the approaches taken, and the different ideas that can be utilized to clean up the area which may affect different industries in different ways. For the last 8 years we have not had administration involvement in this whole debate that has been raging both in the House and the Senate on clean air legislation. So when the clean air legislation was sent up by the President last Friday, that was the first serious and most comprehensive environmental proposal that we have seen come from the White House in this decade. In fact, the administration really made that point, that in this decade it is the first time that the EPA has in fact put before this body their views. We have been basically operating in a black box. The legislative branch here has been working trying to figure out what it is we ought to pass, and what we could send, to the White House and have signed into law. At this time we now have the White House's proposal, and it is somewhat like a lightning rod. It is going to be struck by lightning a couple of times as we bounce it around. It is a very comprehensive proposal, and when we have anything that is wide-ranging it has many good aspects and it will have many problems.

So what we thought we might do today in the group of nine is compare some of the things that we have done in our proposal and take a look at the President's proposal and outline it for the Members of this body. There are two areas that I would like to talk about, autos and alternative fuels provisions of the President's proposal. They are two areas that are often interconnected by the President in his proposal, but we get very different reactions from the group of nine.

When we start talking about tailpipe standards, the mobile source emissions standards, the group of nine is very pleased with the tailpipe standards set in the Bush bill and what he has said in testimony through his EPA Administrator to date, because they are very similar in many respects to the standards set by the group of nine after our 12 months of research, hearings, testimony and working within ourselves and with different organizations. We recognize that tailpipe emission standards are an important part of any environmental cleanup. Even though clean air legislation has already reduced emissions of nonmethane hydrocarbons and carbon monoxide from mobile sources, from cars, by some 96 percent, and nitrogen oxide by 76 percent, there is more to be done, and we have worked with the producers of automobiles in this country, with the producers of light trucks and heavy-duty and off-road vehicles trying to figure out what those standards should be. Even though we have gotten down by 96 percent and 76 percent, we have to do more.

Why do we have to do that? We found out that even though we have reduced the amount of emissions, the total number of miles has increased. There has been a fairly rapid increase in vehicle miles traveled over the last 20 years. The group of nine and I think the President realized that tighter auto emission controls were essential for many cities to reach attainment.

□ 1550

At the present time we have 76 cities that are not in attainment under the standards set forth by the 1970 Clean Air Act and the 1977 amendments thereto.

In 1977 we thought we ought to improve the clean air standards. We have done that. The problem is that during that time we have now found a number of cities across this country that are not in attainment.

Both H.R. 99, the proposal of the group of nine, and the President's proposal tighten tailpipe standards on nonmethane hydrocarbons from 0.4 grams per mile to 0.25 grams per mile. These figures may get very confusing, but the major point or thrust of both proposals, the President's and the group of nine, is that we want to take out additional hydrocarbons that are the problems and precursors for ozone creation.

On nitrogen oxide, the President set a level of 0.7 grams per mile.

You know, both of these ideas from the group of nine and the President are phased in over a period of time and they eventually go to the in-use certification of automobiles.

We have a very elaborate testing facility at the EPA, and also at every automobile manufacturer in this coun-

try. Once we set these standards, it is not a question of setting a standard and not watching it; not only do they have to meet certification in the very beginning but after we have certified the automobile as meeting the standard, there is what they call an in-use standard.

We have worked with the President's proposal and taken a look at his in-use standard. When the automobile is produced, it is perfect, no one has ever gotten in it, the young lady or young man in the home has not driven it around the neighborhood and let it get clogged up or anything. It is an absolutely perfect automobile.

With in-use, we do a test and then we try to find out the standards it needs to meet several miles down the road.

The group of nine allows EPA to change the standards for purposes of in-use compliance. In other words, after it has been used by the family, if they have to have some standards to be changed, they could do that, but only if the EPA found that the in-use standards were not technically feasible.

In other words, if you put in the wrong kind of fuel, if you do not keep the car maintenance program up, if it is not inspected at the appropriate times, then the in-use standards would not be met and the EPA could, in fact, say we have to have tougher inspection and maintenance programs.

The administration in their proposal moves to an in-use standard quicker than we do. We think that is an admirable goal. We think they may be able to do that.

But in our hearing today it became quite clear that they had waivers that are very successful where they could waive standards for whole engine groups of automobiles for a few years, and because of that we are certain that the standards that the administration set on in use are any more stringent than those proposed by the group of nine without the discretion.

Also the administration proposal allows for averaging. At the present time each vehicle that rolls off the assembly line must meet the standards, must be certified to that standard.

Under the proposal of the Bush administration, although they have moved the standard down, the difficulty is that they have averaged that. So some cars will be above the average and some cars will be below the average.

We have done that and allowed that for averaging of fuel economy, in other words, CAFE, corporate average fuel economy; they are concerned about what that means when you are talking about a health-based standard. Are you going to allow some cars to go above the requirements in the law and some below? The problem is we do not know. If we stand on a local street

corner as we go to our schools and we go to our homes every day, we do not have the choice of averaging what we breathe, we just have to breathe what is at the corner where we are standing as we wait for the traffic light to change.

The President's bill also takes the group of nine's cold-start standard but tightens it to apply at 20 degrees.

Automobiles that emit a great deal of poor-quality air right when they are first started, when they are cold started, is one of those areas where we have been debating. We have met with a lot of industry representatives and a lot of environmental representatives to find out exactly where we ought to put the point of approval. There is no CO cold-start standard right now. We are going to implement one. The President wants to put it at 20 degrees. We think that further tightening is made completely discretionary by EPA, and we expressed some concern about that as a group. We can make the standard and there ought to be a point at which we say this is the cold-start standard that we want, and then allow the automobile manufacturers to know that that standard is there and they are going to have to produce that.

Under the group of nine proposal the EPA must set a tougher long-term standard unless they find it is technically unfeasible.

So we put the shoe on the other foot by saying, "Meet this standard unless you can prove to us and to the EPA, that you cannot make the standard."

Then we change the whole question of what to do with urban buses, how we are going to handle the intercity transportation system. And the President's proposal which he brought forward to us on Friday requires a phase-in of all urban buses to use alternative fuels, beginning with 10 percent of all buses purchased in 1991 and increasing to 100 percent of the new buses purchased by 1994. We think that that is an excellent proposal but we must also realize that urban buses are only about 3 percent of the problem. So even though you go to 100-percent alternative fuel buses by the year 1994 on new buses, some of the old buses are going to be maintained far beyond the 1994 level. They will not replace every bus with alternative fuel buses by 1994, just the new ones.

There is also a concern with discretion, again, given to the administrator to delay the program for any number of reasons.

Switching to the alternative fuels vehicle programs for the cities farthest from attainment of the ozone standard requires clean fuel vehicles to be produced, distributed and sold. We began with one-half of a million vehicles in 1995, on up to 1 million vehicles from 1997 through 2004.

The bill requires whatever fuel is chosen in each area to be available at service stations selling 50,000 gallons of fuel each month. But, you know, we still have no guarantee that anyone is going to buy these cars, and again the administrator can delay the program for 2 years for a variety of reasons.

We are concerned about how the manufacturers of automobiles are going to know which vehicle they should be producing up to 1 million vehicles a year, and whether it's going to run on methane, ethanol, MBTE or EBTE, two derivative fuels, or a compressed natural gas or LP. We certainly applaud the President's desire to increase the use of alternative fuels because the environmental benefits of these fuels are very substantial. But there is some disappointment with the previous position of the White House toward methanol fuel, which has its own problems.

Speaking only for myself, the ethanol portion ought to be more strongly considered by the President's proposal.

The Bush legislation bases a choice on what fuels to mandate on automobile manufacturers' projections of what they can sell in consultation with State and local governments.

But since the automobile industry has already expressed a preference for methanol, we have to wonder whether it is really fair to the other fuels to have that kind of predisposition toward methanol and whether they are going to give fair consideration in reality to the other fuels. It does not give us any comfort to know that important people in the White House are leading cheers for the use of methanol. Our approach is different from the President on alternative fuels.

We prefer our proposal, our approach of focusing on fleets which own their own refueling facilities, as the best way to ensure fuel availability and a level playing field.

There are many utility companies, cities, phone companies, others who have their own fleets. People who can get their own fuel have the availability of it and the manufacturers can build to that demand of fleets.

□ 1600

Given that these areas are small portions of the cleaner air problem, it is obvious that over the next several months, the debate will be filled with technical and complex debates, and we ask the Membership to be alert to that.

Overall, we are quite pleased with the direction of the President, on tailpipe standards, but we have serious concerns with his alternative fuel programs. As we go through these debates, I will be working with my colleagues in the group of nine, to be sure we reduce ozone and carbon monoxide in a reasonable and effective manner. I will be working with the Subcommit-

tee on Health and the Environment, and its chairman the gentleman from California [Mr. WAXMAN] to make sure that, in fact, we get a majority vote to move environmental legislation to clean up the air this year. I will also work with the chairman of the full committee to make sure we can bring a proposal to the floor, this year.

However, I think the major thing is that the group of nine has moved that indicator from not doing anything, to doing something very much closer this year, and certainly with the introduction last Friday of the President's proposal, we have seen the group of nine actually have an effect. Much of the President's proposal is within the group of nine relating to ozone nonattainment. We are pleased with his proposal, and welcome him to the debate, and hope we can formulate our policies jointly to get clean air legislation to his desk.

Mr. SWIFT. Mr. Speaker, I thank the gentleman from Illinois not only for his comments here today but also for the hours and hours and hours of work that he has put in as the group of nine fleshed out this proposal.

As anyone listening to this debate might understand, this is a pretty technical business, and it is not just a case of sitting down and flipping a coin and making some easy compromises, and having a bill. We all learned more about clean air than any of the members wanted to, when we went into the process.

As the remarks of the gentleman from Tennessee, and as the gentleman from Illinois' remarks and the remarks coming up of the gentleman from Ohio [Mr. ECKART] will indicate, this is highly technical and needs to be approached in a calm and analytical way, if the compromises are to be made, that will get Americans an improvement of the bill on the books in this Congress.

Mr. Speaker, I am happy to yield to my good friend, the gentleman from Ohio [Mr. ECKART].

Mr. ECKART. Mr. Speaker, the transmittal to Congress this past Friday of President Bush's Clean Air Act reauthorization proposal was a long-awaited and welcome development in the effort to move this important legislative process forward.

As members of the so-called group of nine—nine energy and commerce Democrats who have authored their own proposal and spent a good year and a half deeply involved in the clean air debate, we would like to comment on the President's legislative initiative.

I am pleased that certain of the ozone and carbon monoxide nonattainment provisions of the President's bill closely resemble in many ways those of H.R. 99, the group of nine bill. Like H.R. 99, the President's proposal recognizes the importance of comprehensive, accurate emissions monitoring

and planning for attainment as something we absolutely must ensure if we are to avoid repeating the failures of the past. The President's bill also recognizes that the development of improved emissions inventories and air quality models may require significantly more State and local financial resources than have previously been committed to such activities.

The higher costs associated with improved inventories and modeling, however, are still minimal when compared with the billions of dollars in control costs associated with ozone and carbon monoxide. Furthermore, by increasing spending to develop a better data base, as well as a more refined and adaptable plan, several billion dollars of control costs may be saved. It is an extremely cost-effective action to increase the resources devoted to emissions inventories and modeling.

Nevertheless, as the President has recognized, few State and local governments have the resources within their annual budgets to pay for these tools, regardless of their cost effectiveness. For this reason, the President's proposal, like H.R. 99, establishes a small user fee applied to emission sources, the proceeds of which would go toward funding planning and monitoring activities. I am pleased to note the President's bill, inclusion of this user fee, it is especially appropriate, in my view, to finance attainment planning functions this way since it is the emission sources themselves who will eventually reap the economic benefit of more cost-effective attainment strategies.

In the area of suggested improvements to the President's bill, I'd like especially to note my concern with the amount of discretion the proposal leaves to EPA in running the attainment program. As many will remember from the Superfund reauthorization debate of a few years ago, I am a proponent of the EPA Administrator being left an appropriate measure of flexibility and discretion in regulatory policy—especially in technical matters.

However, in his proposal for bringing our Nation's urban areas into attainment of the ozone and carbon monoxide air quality standards, the President has tipped the scales too far. The EPA Administrator has been left with so many questions to decide for himself that not only is Congress' policymaking role infringed upon, but it is difficult to see how the program will not bog down in endless policy debates and protracted litigation. Too much discretion may result in nothing being done, both with regulations and sanctions.

For example, under the President's proposal, a State's failure to submit a plan providing for an area's attainment of the standard, or failure to implement the plan, does not result in an

automatic sanction, as is the case with our bill. Rather, the Administrator is first required to publish in the Federal Register a determination as to whether the State is making reasonable efforts to cure the failure before he can impose a sanction. This determination unnecessarily interjects a very subjective standard into an otherwise objective situation, only inviting litigation and delay. The same is true when the Administrator wants to lift a sanction.

This problem persists in another key aspect of the President's bill—the proposal for controlling emissions from consumer and commercial solvents. Unlike H.R. 99, which gives the EPA Administrator specific direction as to the amount of emissions reductions he must achieve from consumer and commercial solvents, but leaves to his discretion the proper technical means of achieving the reductions, the President's bill leaves it entirely to the Administrator's discretion whether to issue the regulations at all. This seems inappropriate given the significant contribution that emissions from consumer and commercial solvents make to the ozone nonattainment problem, and whether EPA decides to issue the regulations or not, the Administrator's decision is certain to be litigated.

Other provisions of the President's bill present this problem as well—adjustable deadlines and emissions offsets requirements spring to mind. Nevertheless, though I do not agree with many aspects of it, I am greatly encouraged by the seriousness of the President's Clean Air Act reauthorization proposal, and look forward to an open and constructive debate on these very important issues.

Mr. SWIFT. Mr. Speaker, I thank the gentleman from Ohio, whose contribution to this particular matter was enhanced by the expertise he developed and the leadership he provided in the last Congress, with the very difficult issue of renewal of the Superfund legislation.

Let me conclude this special order by talking about one of the most underlying similarities between what the President has proposed and what the group of nine have proposed, and taking issue with one other aspect of the President's proposal.

In the past, those in the initial authorizing legislation of clean air and in a general renewal, arbitrary deadlines were set for the States to get started on cleanup. The deadlines were set earlier than anyone believed could be met. There was a purpose for that. The purpose was to drive technology, by establishing very rigid and very early deadlines. The idea was Members would force States, industries, to develop the technology necessary to meet those standards. The fact is, that that may well have worked. However, we have arrived at a point at which

most States have failed now, twice, to meet the deadlines established in the law.

It was the judgment of the group of nine that States can cry wolf so many times. First of all, most of the technology that was in the pipeline, that could be forced out, by this technique, has been forced out.

□ 1610

The pipelines are not full with nearly developed technology that can simply be accelerated and pumped out to help us deal with the clean air problem. And, second, if we repeatedly establish deadlines that we do not expect to be met, we are inviting people to simply no longer take the deadlines seriously.

The group of nine took a different approach. They said that what we are going to do is give the States a realistic amount of time to do two things—to carefully evaluate, source by source, the sources of pollution in their States. That is by smokestack and by business, a very detailed analysis of exactly from whence came the pollution. In fact, we mandated a much higher standard of computerized technology to make those assessments. And then once we had this more detailed analysis of the sources of pollution, we then wanted the States to have sufficient time to develop their battle plan for dealing with them. In short, we gave the States more time to analyze and prepare, to identify and plan, than has ever been allowed before.

We have been criticized, as a matter of fact, for doing that. In the terms of one of the critics, we have—I believe the term was this—committed the American public to breathing dirty air for years longer. I suppose we can take that view, but the fact is that we have not achieved the standards with the earlier and unrealistic deadlines, and we believe that we will make haste faster if we take the time to do the job right the first time rather than dedicating ourselves to unrealistic goals in which we run higgledy piggledy in an effort to meet the deadlines and in the process we are not doing the job of meeting the sources of pollution or developing the plan adequately.

We are pleased that the President has included in his approach this fundamental new and, I think, innovative and useful approach to dealing with this. In the group of nine proposal, however, we said that while we are waiting for that identification process to be complete and the plan to be developed, we need to do some things right away. There are any number of techniques which are already proven and which we already know about and which can already be implemented that are sitting on the shelf, and it is our proposal that we require that those techniques be used immediately so that while we allow additional time

for planning and an additional plan for identification of pollution sources, we also say that while we are doing that, we should move in with these other techniques and begin the process of cleaning up the air.

The President essentially accepts the first concept from the group of nine but has not followed through with the second concept which, in our judgment, is the balancing concept. We would hope that as we continue through the legislative process, we can make that improvement in the administration's proposal, keeping the sound idea that we need to be careful and workmanlike in the identification of pollution sources and careful and workmanlike in the development of the plan to deal with those pollution sources, but while that is going on, we also implement immediately those techniques which are already identified and already proven out so that we do both things, deal with some immediate impact on the air pollution problem while we are working on the long-term effect.

There are several other members of the group of nine who are not able to participate in the special order this afternoon but who are submitting, under the general leave request that has already been granted, statements that will deal with other aspects of the clean air issue that will point other strengths to the administration's proposal and other areas in which we hope that proposal can be improved. The gentleman from Indiana [Mr. SHARP], the gentleman from Oklahoma [Mr. SYNAR], the gentleman from Louisiana [Mr. TAUZIN], the gentleman from Kansas [Mr. SLATTERY], and the gentleman from Virginia [Mr. BOUCHER] all will be submitting statements which we would commend to our colleagues for their consideration as we begin at last to move toward the floor and move toward final passage legislation that will at last clean up the air of this country.

Mr. SCHAEFER. Mr. Speaker, as the sole Republican cosponsor of H.R. 99, I would especially like to commend the administration for its leadership on clean air legislation. The continued commitment of the President to this important issue is critical to achieving the goal all of us support—expeditious reauthorization of the Clean Air Act.

Like H.R. 99, the administration bill is not perfect. Even its sponsors recognize that changes will be necessary and undoubtedly made. But its introduction nevertheless serves an important purposes—to reestablish the framework for clean air legislation already put forth by the group of nine. That amendments to the Clean Air Act should be tough but reasonable, aggressive yet attainable. Only within these guidelines can effective legislation be written.

It is now the role of our committee and other Members of Congress to build on this important foundation. In doing so, we must

recognize that acid rain, ozone and air toxics are only parts of this Nation's air quality dilemma. Although often overlooked, millions of Americans currently reside in areas which significantly exceed health-based standards for carbon monoxide and particulate matter. They, too, must be protected through the passage of amendments specifically focused to their individual situations.

In this regard, the administration should be commended for its inclusion of cold start, oxygenated fuels and enhanced inspection and maintenance provisions in its proposal. But from my perspective and that of my constituents, it is important to note that the Denver metro area—one of the worst violators of the carbon monoxide [CO] standard—already have the latter two programs in place. To expect the Denver area to reach attainment with such limited Federal assistance in a short timeframe is simply not realistic.

I therefore look forward to working with the administration and the Group of Nine in crafting legislation that better addresses the problems faced in CO and particulate nonattainment areas. Our starting point is a good one—let us make certain that the final product is equally worthy of commendation.

Mr. SHARP. Mr. Speaker, the President has now sent to the Congress a comprehensive clean air proposal. The import of this event should not be underestimated. It makes more likely passage of long overdue amendments to the Clean Air Act.

The bill itself is lengthy and controversial.

In the case of the ozone and carbon monoxide non-attainment titles there is much to comment on. Today I join my colleagues who worked to draft H.R. 99 in a special order on the Bush proposal. We are proud of our joint effort and of our product. We feel that we can make a further contribution to the debate by pointing out features of the administration bill that we can support and those we have concern about.

We like the fact that the administration has included a Federal permit system in the legislation. While we are likely to suggest some modifications to this title of the bill, we believe that a Federal permit system, which is also included in H.R. 99, is an essential component of an effective, cost-effective clean air program.

We are disappointed that the administration did not include a specific market-incentive program, but rather says, in general terms, that one will be developed. H.R. 99 includes a specific, market based ozone control program in areas unlikely to attain the ambient air standards this century. It requires that all sources in those areas most severely affected make a choice—they can either achieve a 3-percent reduction each year, add control technology that obtains the lowest achievable emission rate, or pay \$2,000 per ton of pollution emitted. We believe that this approach is the engine that will drive innovation in pollution control in severely polluted areas. The administration has no comparable provision.

We are also disappointed that the bill does not require EPA to set standards for nonroad engines and vehicles. H.R. 99 tells EPA it must set these standards, the administration's bill gives EPA discretion to set them or not to set them. Many nonroad vehicles, such as

construction equipment, use engines comparable to those used in heavy duty trucks and have the potential to meet similar emissions standards. In addition, the location of heavy machinery is often in non-attainment areas and the gross emitters among them should certainly be cost effective, important reductions helping areas reach attainment. While we believe EPA should have discretion to set the level of the standard, and that standards should continue to be set using the criteria of technical feasibility and adequate lead time, among others, we do change their practices. This is contrast to the \$2,000 to \$3,500 per ton cost for most other pollution reduction strategies.

The group of nine likes this Bush proposal not only because we have had a very similar approach for over a year now, but also because we feel that the average American wants the most cost-effective way to reduce urban smog. We feel that no American wants to throw money at a problem, not even if it is a pollution problem. It's against the interests of everyone, including environmentalists, to waste our money on inefficient cleanup.

My dislike of the Bush plan stems from the fact that even with lower RVP, many, many tons of gasoline vapors will be released with car refuelings and other gasoline vapors releases.

The debate on how to minimize car refueling evaporations has become very specific and polarized.

One camp maintains that every new automobile should be built with an onboard canister to collect the fumes that accompany each refueling. This argument maintains that it may be as cheap as \$14 per car to go ahead and admit that each refueling creates pollution problems and build in a solution on each car.

The opponents of this approach argue that onboard canisters may be dangerous in an automobile collision. The National Transportation Safety Board and the EPA has had a running feud on this issue with no clear conclusion.

The other approach involves, not an automobile-based solution but a filling-station-based solution: A vacuum hose connected to the gasoline nozzle at the pump in order to collect refueling vapors. This double hose contraption goes by the name of stage II vapor recovery and costs about \$30,000 per station for installation and more for annual maintenance.

The opponents of stage II vapor recovery [stage II] say that the double hoses are heavy, cumbersome, and expensive and anger consumers. Several areas around the country such as Washington, DC, already have installed stage II and it has received a mixed reaction.

Comparing and contrasting onboard canisters and stage II vapor recovery has taken years of EPA time. Sometimes the debate turns on whether the automobile industry or the gasoline retail industry can do a better job of absorbing or passing along the costs of change.

Other criteria for decision includes the speed and completeness of cleanup resulting from each technique. Onboard canisters would affect every car in every area, urban and rural, nationwide, but only as quickly as

the Nation's auto fleet turned over, which takes a decade or more. In contrast stage II begins pollution reduction in the key urban areas almost immediately, as soon as the service stations can install the equipment. Of course, stage II equipment wears out after a decade or so and would have to be replaced or substituted.

My dislike of the Bush plan is that it chooses stage II vapor recovery and drops the onboard canister approach. The group of nine feels that the Bush plan, therefore, ignores what may be the safest, most-convenient, lowest-cost option of onboard canisters, in favor of an expensive, cumbersome burden on retail gasoline stations, many of whom may be unable to pass along the cost of the stage II equipment.

The group of nine has a different and, I think, better solution. First, we require EPA to choose within a year between stage II and onboard. Since most people feel that onboard is cheaper, presumably only a significant safety problem would prevent onboard from being chosen. Even if stage II is chosen by EPA, we pay for the capital cost of it by placing fees on automobile sales since car companies are better able to pass along costs to consumers than mom-and-pop filling stations are. We felt that this would not only protect more small businesses, but minimize the incentive for car companies to attack onboard canisters if they are going to have to pay for cleanup regardless.

We in the group of nine feel that we have allowed the onboard/stage II debate to be decided on the merits, once the EPA has finally collected adequate information. To us this is the fairest, cheapest way to solve the refueling vapor problem. Of course, in severe urban smog areas, cities may well choose both stage II and onboard. It would be a mistake, as the Bush bill does, to give up on the onboard canister option before we know enough about it.

Mr. SYNAR. Mr. Speaker, what role is left for the Group of 9 now that the President has submitted his own bill? Should we fold up our tents and go home? No way.

When we introduced our ozone bill last year we said it was the moderate alternative. It featured the cheapest and the most certain reductions, and it could pass.

Nothing has changed. We are still the bill in the middle, and we still make sense.

The President's proposal has both sensible and unworkable provisions.

One positive feature is the inclusion of a PM-10 particulate matter standard. This standard is one that the group of nine would have included in our own bill last year if we had enough time to study what was then just an emerging issue.

The standard governs those particles of soot which are 10 micrometers or smaller, just the right size for breathing into our lungs, causing health damage. And these same particles are important for another reason. They affect visibility in the West, where our grandest views are often obliterated by air pollution.

Regulating these small particles couldn't be more important. Air pollutants of this type cause premature death in the elderly and sick,

long-term decreases in lung function and increased respiratory illness, especially in children. Many of the particles are also toxic so controlling them gives us a double bang for the buck.

Despite the serious health drawbacks of these small particles, according to EPA, about 60 million Americans live in counties with a 50-percent-or-greater change of violating the standard.

But why include the standard in a new clean air bill instead of issuing regulations as EPA had originally planned? By including PM-10 requirements in a new act the Agency may be able to put them into effect faster and avoid the endless lawsuits and lobbying which accompany almost every EPA regulation.

Just as adding PM-10 improves the current regulatory system, the new sections on auto emissions trading and averaging and fuel pooling may actually make things worse.

In the name of greater market freedom the President added new provisions which make enforcement less likely and less feasible, and increase the chance of cheating or collusion to avoid needed air quality improvements.

Under the President's plan, automakers could engage in emissions trading and refiners in fuel pooling either separately or together to produce alternative ways to meet ozone requirements. In addition, automakers would be allowed use of emissions averaging, trading, and banking to demonstrate compliance with auto requirements.

These provisions sound good on paper but are they really? Such complicated systems could tempt auto and oil companies to play games with emissions reductions. Instead of certain, specified standards applying to an entire industry, we might be left with anarchy as each company schemed to discover the minimum it could do to win EPA's approval.

How would State inspection stations recognize a car violating the standard when different cars would meet different levels of control? Even if regulations could be written to take these differences into account, they would still be a nightmare to administer. Even worse, we would lose the benefit of the safety margin now built into the system where some cars are overcontrolled in order for the entire fleet to meet the standard. In fact, some car's emissions could actually get worse under the President's plan as makers of the more difficult-to-control cars stopped trying.

New and unintended problems might crop up. How could we insure that the cleanest cars went to the dirtiest areas, especially if whole lines were either dirty or clean? What would happen if a consumer wanted the "wrong" kind of car?

Mr. Speaker, these unfortunate additions to existing law are just part of what plagues the President's entire auto plan. His centerpiece is a huge, new and untried program to promote the uses of alternative fuels. Worse still, in his case, alternative fuels is just another name for imported methanol.

Instead of following the lead of the group of nine by embracing a modest, fuel neutral, alternative fuels program aimed at fleets, the President goes whole hog, insisting that by 1995 a half million cars must be sold which use alternative fuels. And the plan requires that these cars must be sold, and not just

manufactured. Just how does the President intend that this get done?

Mr. Speaker, I have a vision of how this might happen. Bill Reilly would get on TV, complete with a funny hat, balloons and maybe even a cane or fancy suspenders. He screams out his pitch over the airwaves about the great deals he has on alternative fuel cars. I can hear him now as he tells America, "Have I got a deal for you."

Surely there is some way to avoid this silly spectacle and avoid reliance on the single most expensive way to meet ozone requirements.

Mr. SLATTERY. Mr. Speaker, one thing that became clear to us very easily as we developed our bill was that in many cities attaining the Federal standard for ozone will require the application of controls wherever it is technologically feasible to do so. The smog debate has often seemed as though success hinges on our efforts on a few well publicized issues when in reality a complex series of smaller issues must also be addressed. Two of the issues that have received less attention in the debate are so-called running losses from cars and trucks and a special category of emissions known as area sources.

We believe that the President's bill is on the right track in recognizing the potential reduction in volatile organic compound [VOC] emission from running losses and area sources. Unfortunately, the Bush bill falls short of the legislative mandate needed to develop effective controls for these sources.

RUNNING LOSSES

One of the focal points of the clean air debate has been the emission of VOC's from mobile sources, primarily cars and trucks. While tailpipe standards have received the greatest amount of attention, controlling the evaporation of gasoline from engine and fuel tanks also holds significant potential.

Running losses—the evaporation that occurs while vehicles are being driven—have recently been shown to account for much larger emissions than originally thought. Running losses account for between 10 and 15 percent of total VOC emissions.

EPA estimates that automakers can reduce VOC emissions by 4.2 percent by 2005 through the application of running loss control technology. These reductions would be in addition to much greater reductions that can be made immediately by reducing the volatility of gasoline—as mandated by both H.R. 99 and the Bush bill.

The President's bill authorizes but does not require EPA to issue regulations that would reduce evaporative emissions from gasoline-powered vehicles during use and extended periods of nonuse.

Because we developed H.R. 99 last year, before new information on running losses was available, our bill primarily addresses evaporation that occurs when vehicles are not in use. Based on new information, we believe that significant, cost-effective VOC reductions can be gained from control of running losses. We hope that the final clean air legislation will require stringent control of running losses.

AREA SOURCES

Another significant, yet often ignored and relatively uncontrolled, source of VOC emissions in area sources.

Area sources are a series of tiny sources of emissions which, individually, do not contribute significantly to ozone formation. But taken together, area sources account for 25 percent of total COC emissions in ozone nonattainment areas.

VOC area source emissions usually result from the evaporation of organic solvents, paint, or other petroleum-based products for industrial or household use. Examples include dry cleaning fluid, solvents used for industrial cleaning and degreasing, and evaporation during the shipment and handling of gasoline. These substances are referred to in legislation as consumer and commercial products.

The Bush bill requires a study of VOC emissions from consumer and commercial products and authorizes EPA to develop regulations that would reduce these emissions. The bill does not require regulatory action and does not set a target for emission reductions. We believe this is a major weakness.

We believe that a successful ozone attainment strategy must include a more aggressive control program for consumer and commercial products. Because area sources are largely uncontrolled, significant, cost-effective reductions can be obtained by directing EPA to establish control measures.

EPA estimates that there is a potential reduction of 232,000 tons of VOC emissions in nonattainment areas. To obtain these reductions, appropriate control measures would be applied to all types of paint, roof tar, consumer and commercial solvents, and adhesives. The Office of Technology Assessment has reached similar conclusions, estimating VOC nationwide reductions of 420,000 tons per year with half of that total in nonattainment areas. OTA estimates that the nationwide cost of controls would be \$930 million per year.

We believe that EPA should be required to reduce emissions from consumer and commercial products by 25 percent in 5 years and 50 percent in 10 years. If these goals prove infeasible, EPA should require the lowest feasible rate of emissions.

We have only recently come to understand the significance of sources like running losses and consumer and commercial products in VOC emissions inventories. As we debate the clean air bill, I hope that Congress will recognize the importance of these sources and adopt tough control strategies.

Mr. TAUZIN. Mr. Speaker, first of all, I'd like to commend President Bush for recognizing the importance of the Nation's environmental problems and for taking positive steps to clear our air of dangerous ground level ozone, acid rain, and toxic air pollutants.

Reviewing the provisions in the administration bill relating to reducing ground level ozone, the group of nine, of which I am a member, found that the bill contains some good ideas and some not so good ideas. While each of us will limit our remarks to include just a few areas, I want to make it clear that I am equally concerned about the provisions discussed by the other group of nine members.

My primary concern with the administration bill is with the proposed Clean Fuels Program. Although the President's proposal is written as

fuel neutral, many are worried that it will result in the mandated production of cars equipped to run only on methanol. I believe that mandating, *de facto* or *de jure*, the use of any one fuel is shortsighted and ignores both the differences in regional needs and capabilities and the potential clean air benefits to be gained by a comprehensive alternative fuels program.

Cost efficient access to the fuel and the degree to which an area has not achieved attainment are factors that should be taken into account. Importing expensive methanol makes no economic sense, when extremely clean burning fuels such as natural gas have such a large domestic supply. Not coincidentally, a good portion of this supply is found in my home State, Louisiana. I have driven a car fueled by compressed natural gas, and the performance is excellent. Mandating the use of methanol in areas such as Louisiana would simply be counterproductive.

The group of nine bill, H.R. 99, takes a much better approach, creating a level playing field among all competitive alternative fuels, and begins the process in a workable manner with fleet vehicles.

As chairman of the Subcommittee on the Coast Guard and Navigation, I noted that this bill includes provisions addressing the problem of marine vapor recovery. Vapors emitted during fuel loading and off-loading in tank ships, refineries, and barges are considered to be major contributors to our clean air problems, and I applaud the President's efforts to include this important provision.

The administration bill provides that, within 4 years of the date of enactment, the Administrator of the Environmental Protection Agency shall promulgate standards for emissions from loading and unloading marine tank vessels. The regulations are to take effect after the period EPA finds necessary to permit the development of the requisite technology.

Under the administration bill, the Coast Guard is required to issue regulations to ensure the safety of the emission controls. The Coast Guard has been studying this issue and is expected to issue safety rules by February 1990. The EPA would then set standards incorporating the safety concerns. The bill provides that no State or locality may regulate in this area until EPA does, and after that, any State or local regulations must apply standards at least as strict as those imposed by the EPA.

This provision echoes the approach in the group of nine bill, H.R. 99 which provides that no State shall require marine vessel measures until the Secretary of Transportation has promulgated regulations governing the safe recovery and control of such emissions.

In my own State of Louisiana, the Department of Environmental Quality has decided that marine vessel recovery at various docks along the Mississippi River is important for attainment of ozone standards within the State. In developing its regulations for vapor collection systems designed to collect 90 percent of vapors emitted from marine vessels, Louisiana has recognized the safety concerns involved and delayed implementation of the regulations. These rules go into effect for gasoline on May 1, 1991, and for crude oil on May 1, 1992. As Coast Guard regulations should be

out by February 1990, this leaves time to incorporate any Coast Guard concerns and should give shippers plenty of time to comply.

Having EPA and the Coast Guard work together to develop regulations addressing the role of both environmental protection and safety in the problem of marine vapor recovery is an excellent example of sensible, effective national legislation. Having nationwide regulations in this area will both improve the Nation's air quality and assure that shippers in all States adhere to the same safe, environmentally sound regulations.

One important provision I found missing in the administration proposal relates to banning leaded gasoline. Lead is a dangerous toxic pollutant by itself. It contributes to the ozone problem because it irreparably damages the catalytic converter even if leaded gas is only used a few times. Then the catalytic converter cannot work to control carbon monoxide or hydrocarbons, and NO_x which are the primary ozone precursors.

H.R. 99 bans leaded gasoline for all highway vehicles effective January 1991. EPA may postpone the ban for a maximum of 2 years if the Administrator determines that the ban will reduce the availability of leaded gasoline for farm vehicles and that alternative fuels for farm vehicles are unavailable. In any case, under H.R. 99 leaded gas is a fuel of the past. This is one important area the administration should take another serious look at.

GENERAL LEAVE

Mr. SWIFT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore (Mr. BERMAN). Is there objection to the request of the gentleman from Washington?

There was no objection.

DEFENSE BUDGET

The SPEAKER pro tempore (Mr. BRUCE). Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

Mrs. BENTLEY. Mr. Speaker, in a time of tight budget constraints, it is necessary for every expenditure to be closely investigated for all its benefits. As a member of the Budget Committee, I am painfully aware of the need for budget cuts, but when we do the cutting—we must make certain of the full cost to the country—not just this year, but in the future.

This afternoon, I would like to focus attention on the defense budget cuts as proposed by the administration. As you, Mr. Speaker, are probably aware, I am frequently out on this floor reporting the losses of certain sectors of the economy to foreign imports and foreign purchasers.

I have identified U.S. civilian manufacturing capabilities as being our first line of defense recalling the dependen-

cy of our Allies on the American industrial base for the war effort in World War II. With economies occupied and in ruins—both in Europe and in Southeast Asia—the United States was truly the "Arsenal of Democracy."

Plants which had produced farm trucks began to produce Army trucks. Tires manufactured for convertibles were diverted to staff cars and ambulances and much of the remaining available rubber was shunted into the aircraft industry.

Fiber and clothing mills were converted overnight into uniform factories and the silk from hosiery mills sent to the parachute makers. And at every step of the way, the skilled labor pool which had been trained in the private sector, performed incredible feats for the Defense sector—or the war would not have been won.

My concern over the loss—in recent years of the television industry and radios and watches—of shipbuilding and the shrinkage of our steel production, fasteners and machine tools—has been the impact of these losses were we to get into a shooting war.

But, beyond the loss of these items, there has been another grave loss—the skilled labor force who were capable of producing these products.

What young man or woman—desiring a lifetime career—would want to train as a metalworker or as a machinist—as a tool-and-die maker? Only if he or she was going to go to work now in U.S. defense-related industries.

U.S. automakers are increasingly producing autos offshore. The Japanese automakers who have located in this country are not into manufacturing, they are only running assembly operations with parts either being imported from Japan or purchased from Japanese transplants—imports which incidentally were responsible for much of the large increase in our trade deficit with Japan last year.

The lack of real manufacturing—from the mines and the mills to the finished product—in this country is evidenced by the sluggish growth in the gross national product.

Predictions this year have been that economic growth will be under 3 percent. The Federal Reserve hails this as being wonderful and "not inflationary." Considering GNP growth in the major exporting nations, I wonder whether the Federal Reserve is putting a good face on a bad indice. Compared to the rest of the world, we are slipping out of the competition as an industrialized nation.

The leading exporting nations—Japan with 3.7-average growth in the 1982-86 period. Korea, 8.5; Taiwan, 6.9; Hong Kong, 5.9 to our 2.7 percent of growth in that same timeframe makes the point very well that manufacturing for export is the engine driving their economies.

In manufacturing capacity and ability to supply our own needs—"made in America" is becoming an anachronism. Two years ago we ranked ninth among industrial nations with even Norway ahead of us in its ability to supply its own domestic demands.

Now what does this have to do with the Defense budget? Lots! I suspect that much of what is showing up in our GNP as manufacturing is coming from Defense contractors. And that were these cuts to go through, at least one of our defense companies will suffer staggering losses and may be forced out of the defense business. This company will lose three programs as a prime contractor—one as a sub.

I must question the wisdom of the bookkeeper at DOD who seemingly cannot understand the necessity of retaining a defense industrial base. If we are being told—all of the time—by this administration—as untrammelled "free trade" guts out our industrial-commercial base—that competition is wonderful and gives us the best prices in the market, then I must think that those in the Defense Department would have been much more careful in spreading these losses to insure that no one company would suffer life-threatening hits. To insure the sustained health of as many of the companies as possible to guarantee future competitiveness.

Every major country in the world subsidizes its Defense contractors, especially when they are in competition with our own for the U.S. defense dollar. There is another subsidy to foreign producers. The European Community pumps at least \$1 billion a year into its steel industries and on all products exported out of the EC there is a rebate—on average—of 19 to 20 percent to manufacturers—a return of the value added tax collected by the various country governments.

I am not sure that these facts alone are a justification for underwriting our own defense industry, but certainly—if the goal of defense continues to be our ability to defend ourselves against foreign threats—then they should be part of the equation in the decisionmaking process of whom we cut and how we cut.

In closing, I would like to put the proposed DOD cutbacks into a more understandable frame. The cost to Maryland—my State will be over \$267 million. Most of it in my district. On the first cut, 268 jobs will be affected. And then hundreds more, into the thousands at the defense plant and base. And in trickle down—63,000 real jobs in the State will feel the effects—"the butcher, the baker, the candlestick maker."

I have no hesitancy fighting for these appropriations and presenting the case to the taxpayers. Of all of the budget dollars we expend every year,

these are the ones that come back to our districts thousands fold.

These are the dollars that sustain research and development in the microelectronics industry—at a time that tax law has been very destructive of research and development in the private sector. These are the dollars that maintain the major source of skilled manufacturing labor in the country. And at which time this country decides that it must again become competitive among the industrial nations, it will be to this labor force we will have to turn for the institutional memory and the gains garnered from hands on experience.

If as some economists suggest private sector development in this country over the last 8 years has been sacrificed for the buildup of our defense capabilities, then it is not wise to begin gutting the defense industrial base—the last major remnant of a once mighty arsenal.

This is all too important to be left to the bookkeeper's red pencil. The buck not only stops here, it is our ultimate responsibility for how it is spent.

THE FUTURE OF THE ICBM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana [Mr. McCRERY] is recognized for 15 minutes.

Mr. McCRERY. Mr. Speaker, in the next few days this House will decide an important question regarding the defense of this country. We will decide the future of the ICBM, or the intercontinental ballistic missile, modernization that this country will take into the 21st century.

Mr. Speaker, if the United States is going to maintain a viable strategic deterrent against Soviet political or military aggression, it is my belief that we must modernize our strategic offensive forces by deploying highly survivable mobile ICBM systems. The rail mobile Peacekeeper ICBM and the small ICBM in a hard mobile launcher are necessary to strengthen and maintain a stable United States strategic deterrent in the years to come. Failure to deploy both of these mobilized ICBM forces will severely undercut the United States' strategic deterrence policy and jeopardize U.S. national security interests.

Mr. Speaker, let me point out that the Soviet Union is currently modernizing its strategic ICBM force and has already deployed two mobile ICBM's in substantial numbers, rail mobile SS-24 ICBM's, each with 10 warheads, and road mobile SS-25 ICBM's, each with a single warhead. This gives the Soviet Union the only survivable ICBM reserve force, affording Soviet leaders with a viable third strike deterrent to a United States retaliatory strike.

In addition, the Soviet Union continues to improve its countersilo capability by deploying the Soviet SS-18 modified. The new SS-18 has twice the throwweight of its predecessor and better accuracy. This will increase the threat to the United States' silo-based ICBM's. When combined with improved Soviet countersilo potential, Soviet leaders have a greater incentive to strike first in a crisis.

Deployment of the rail mobile Peacekeeper and road mobile small ICBM will eradicate the Soviet advantages and provide the United States with a highly reliable and stable strategic deterrent. Since one cannot target what one cannot find, the two mobile ICBM forces will make current and future Soviet improvements in accuracy irrelevant.

Furthermore, the prompt, hard target capabilities of the small ICBM and rail mobile Peacekeeper ICBM offer the best deterrent to Soviet attack since both ICBM's can destroy those targets most valued by Soviet leaders, Soviet strategic and military forces, command and control assets, and leadership facilities. The hard target capabilities, prompt delivery and high reliability of these ICBM's are unmatched by any other system in the U.S. strategic arsenal.

Finally, Mr. Speaker, the rail garrison Peacekeeper and small ICBM in hard mobile launchers are affordable. The cost of deploying 50 rail mobile Peacekeepers and 500 ICBM's in hard mobile launchers is 25 percent less than the cost of creating a new U.S. armored division, yet the contribution of these mobile ICBM's to U.S. national security and deterrence policy is immeasurable.

In addition to the strategic importance of ICBM modernization to continued effective deterrence, an important consideration is the effect that such modernization will have on the strategic arms reduction talks. The Soviet Union now deploys 50 rail mobile SS-24's and 144 road mobile SS-25's to the best of intelligence. More are being built as the Soviets modernize their ICBM force and make it more survivable. Meanwhile, the United States fiddles on the mobile ICBM issue while Rome burns. We have yet to deploy our first mobile ICBM.

Mr. Speaker, if we wish to put limits on Soviet ICBM modernization and deployment and achieve cooperation in getting a verifiable START Treaty, the United States must deploy its own mobile ICBM's. Soviet negotiators are not going to ban mobile ICBM's when they have many, and we have none. Nor are they likely to place limits on such things as overall mobile ICBM warhead totals when they are the only ones with such programs. Nor are they likely to agree to intrusive verification

limits on mobile ICBM's if they are the only ones being restrained.

Mr. Speaker, the Soviet leaders and negotiators are far more likely to agree to a START Treaty with such constraints if they believe that the pact will place real limits on real U.S. programs.

□ 1630

There is little reason to agree to such limits if the United States Congress unilaterally ends United States mobile ICBM funding or cuts it so drastically that the Soviets are left alone in the field.

The ability of the United States to field meaningful and verifiable limits on Soviets mobile ICBM's through the Strategic Arms Reduction talks will depend upon our willingness to deploy and fund mobile ICBM's ourselves. This is elementary common sense.

Therefore, I argue that we need to fully fund in fiscal year 1990 the two-missile mobile ICBM package recommended by the President and concurred in by the Armed Services Committee. This is perhaps one of the most important decisions we will make as a House this week with regard to our future strategic deterrence to the Soviet Union, and I urge my colleagues to support both the rail garrison Peacekeeper and the small ICBM, the Midgetman.

NATIONAL DEFENSE AUTHORIZATION ACT, FISCAL YEAR 1990

The SPEAKER pro tempore. The pending business is the question of ordering the previous question on House Resolution 211.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

Mr. BONIOR. Mr. Speaker, I withdraw the motion for the previous question on House Regulation 211 in order that I may offer an amendment to the rule; and I ask unanimous consent that the amendment to the rule be debatable for 2 minutes, equally divided and controlled by the gentlewoman from Illinois [Mrs. MARTIN] and myself.

The amendment to House Resolution 211 would on page 8, line 7, insert the following: "Following disposition of said amendments, it shall be in order to consider an amendment relating to F-14 aircraft and an amendment relating to the V-22 aircraft, both amendments to be offered by Representative DICKINSON of Alabama, to be debatable for not to exceed 20 minutes each, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services. Said amendments shall not be subject to amendment, and shall be considered

in lieu of amendment No. 25 in part 2 of the report of the Committee on Rules. Said amendments shall be deemed to have appeared in part 1 of the report of the Committee on Rules," and appear at this point, in the RECORD.

Strike out section 127 (page 36, lines 4 through 16) and insert in lieu thereof the following:

SEC. 127. PROCUREMENT OF F-14D AIRCRAFT AND SPARES AND REPAIR PARTS.

Of the amount appropriated for procurement of aircraft for the Navy for fiscal year 1990, the amount of \$771,300,000 shall be available only for the F-14D aircraft program, none of which shall be available for new production aircraft. Of the amount provided in section 102(a) for procurement of aircraft for the Navy, \$1,552,707,000 shall be available only for spares and repair parts.

Strike out section 126 (page 35, line 18 through page 36, line 3 and insert in lieu thereof the following:

SEC. 126. MARINE CORPS AIRLIFT PROGRAMS.

Of the amount appropriated for procurement of aircraft for the Navy for fiscal year 1990—

(1) none of such amount shall be available for the V-22 aircraft program; and

(2) the amount of \$411,000,000 shall be available for CH-53E aircraft.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. BONIOR] will be recognized for 1 minute, and the gentlewoman from Illinois [Mrs. MARTIN] will be recognized for 1 minute.

The Chair recognizes the gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR. Mr. Speaker, after consultation with the minority and with our leadership and interested parties in the V-22 and the F-14 we have, I believe, come to an agreement which would allow the gentleman from Alabama [Mr. DICKINSON] after the section in the RECORD labeled Davis-Bacon to offer separate amendments on striking the V-22, to be debated for 20 minutes by the chairman of the Armed Services Committee or his designee, and the ranking minority member or his designee, and then after that debate, which would be equally divided, 10 minutes apiece, we would proceed to the next question, which would be the F-14 and the control of that debate would be similar in nature. The ranking minority member and the chairman of the committee would control the time, they or their designees, 10 minutes apiece. It would occur on Thursday after the section of the rule entitled Davis-Bacon.

Mrs. MARTIN of Illinois. Mr. Speaker, we support the majority and congratulate the gentleman for his leadership in this area.

Mr. MICHEL. Mr. Speaker, will the gentlewoman yield?

Mrs. MARTIN of Illinois. I am happy to yield to the gentleman from Illinois.

Mr. MICHEL. Mr. Speaker, I do so only to express my profound thanks and appreciation for the consideration on the majority side, particularly the gentleman from Michigan, who was so good as to counsel with us on this earlier in the day, and I am most appreciative of the outcome.

Mr. BONIOR. Mr. Speaker, just to recap so we understand where we are, the debate on the issue at hand would come after the Davis-Bacon provisions on Thursday of this week.

There would be debate on an amendment offered by the gentleman from Alabama [Mr. DICKINSON] for 20 minutes on the F-14, divided equally, the time controlled by him and the gentleman from Wisconsin [Mr. ASPIN] or his designee.

Then we would move, if the gentleman so desires, to a debate on the V-22 under a similar situation.

Mrs. MARTIN of Illinois. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia [Mr. GINGRICH].

Mr. GINGRICH. Mr. Speaker, I just want to commend our colleagues in the Democratic Party. I think in the course of the day, the gentleman from Michigan and his leadership have done a very appropriate bipartisan thing. We occasionally gripe when we do not think we are being treated fairly. I think this is an example of their considerable flexibility, and I want to thank the gentleman from Michigan and the gentleman from Massachusetts for the way in which they have worked this out. I think on our side of the aisle we are very grateful to the gentleman for what he has done, and I thank the gentleman.

Mr. BONIOR. Mr. Speaker, just to clarify the situation, this would be in lieu of amendment number 25, the original amendment that we had in section 2 of the report, which allowed the gentleman from Alabama [Mr. DICKINSON] to consider this jointly under a 10-minute debate situation.

The SPEAKER pro tempore. Without objection, the amendment to the resolution is agreed to.

There was no objection.

Mr. BONIOR. Mr. Speaker, I move the previous question on the resolution, as amended.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution, as amended.

The resolution as amended was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. BRUCE). Pursuant to House Resolution 211 and rule XXIII, the Chair declares the House in the Committee of the

Whole House on the State of the Union for the consideration of the bill, H.R. 2461.

The Chair designates the gentleman from Illinois [Mr. ROSTENKOWSKI] as Chairman of the Committee of the Whole, and requests the gentleman from Wisconsin [Mr. KLECZKA] to assume the chair temporarily.

□ 1640

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2461) to authorize appropriations for fiscal years 1990 and 1991 for military functions of the Department of Defense and to prescribe military personnel levels for such Department for fiscal years 1990 and 1991, and for other purposes, with Mr. KLECZKA (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Wisconsin [Mr. ASPIN] will be recognized for 1 hour, and the gentleman from Alabama [Mr. DICKINSON] will be recognized for 1 hour.

The Chair recognizes the gentleman from Wisconsin [Mr. ASPIN].

Mr. MONTGOMERY. Mr. Chairman, I will represent the gentleman from Wisconsin until he arrives. He is on the way over at the present time.

Mr. Chairman, I yield 30 seconds to the gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR. Mr. Chairman, I thank the gentleman from Mississippi for yielding me this time.

Mr. Chairman, in the course of the debate on the rule on this issue this afternoon, in an exchange I had with my dear friend, the gentleman from California [Mr. DELLUMS], I used some intemperate remarks, and had I to speak again on this issue, I would have done so a little bit more judiciously and with a little bit more understanding.

I apologize to my friend, the gentleman from California, and I look forward to a working relationship with him. I consider him one of the finest people I have associated myself with in this body, and again, I do apologize for the nature of my remarks to the gentleman from California.

Mr. MONTGOMERY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 2461, the DOD authorization bill.

Mr. Chairman, others will speak in behalf of the various parts of the bill. I would like to take a moment to emphasize a couple of key areas concerning the National Guard and Reserve.

In this bill is an accepted amendment by the Committee on Armed

Services which gives the National Guard and Reserves equipment which they need very much to complete their missions.

Mr. Chairman, I will point out that the National Guard and Reserve is more than ever an integral part of the total force. The Guard and Reserve has more than 50 percent of the Army combat missions, 33 percent of the Air Force combat missions, and over 20 percent of the Navy-Marine Corps combat capability.

Mr. Chairman, we need to ensure that they are as prepared as our active components. In other words, Mr. Chairman, the National Guard has 50 percent of all of the combat missions of the Army. The Army cannot fight now without the Reserves and the National Guard.

Also, the Guard and Reserve contain and are involved in hometown and community activities. The National Guard has been deep in support in civil disasters such as support in tornado mishaps, the many floods this past spring, and the recent Sioux City airline crash. I will point out that it was the National Guard who jumped in and provided helicopters to airlift the crash victims to hospitals. They are now providing other support about this terrible disaster.

DOD historically has not provided sufficient new equipment in the procurement budget for the National Guard and Reserves. In the last 8 years, it has been the Congress who has provided this procurement for the Reserves.

During the full Committee on Armed Services markup I offered an amendment to add \$1.2 billion to Guard-Reserve procurement. This equipment will not be going overseas. It goes to the Reserves. It will be going to different States of the Nation and into the different districts of Members of Congress. It is important that this item stays in the bill.

There will be several other amendments offered to this package, and I will not cover those amendments at this time. I will say, though, that the gentleman from Massachusetts [Mr. MAVROULES] will offer an amendment for funds for drug interdiction. I certainly would support that, \$70 billion for continued efforts of the National Guard on drug interdiction.

The gentleman from Illinois [Mr. EVANS] will offer an amendment to prevent the National Guard technicians from wearing military uniforms while performing their duties. In my opinion, this is a bad amendment. It should be defeated. If these technicians want to stay in the National Guard, they ought to wear the uniforms when they are performing their duties. I hope this amendment will be defeated.

To summarize, I support the authorization bill to resist any reductions in

the National Guard and Reserve procurement, and also the drug interdiction amendment, which has merit, and would oppose the technician uniform amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. DICKINSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to support and to explain as best I can some of the things that are in the defense authorization bill that we will be dealing with this week.

By and large, I think it is a pretty good bill. Some things are in here that I think should not even have been, and some things came out of our committee that I do not agree with, and we will be enumerating these as the week continues.

Mr. Chairman, I think that Secretary Cheney provided the Congress with a defense budget that, in these times of tight budget, made tough but sound choices to most effectively and efficiently meet out national security needs. When Dick Cheney testified before the Committee on Armed Services, I told him at that time, "Mr. Secretary, some people think that you have cut too much, others think that you might have cut too little, but everybody agrees that you cut the wrong thing."

Mr. Chairman, everybody has an interest in the bill. Not everybody can agree that cuts made by the Department of Defense were made in the right place, in the right amounts, or at the right time.

However, faced with the prospect of \$7.2 billion in requests for add-ons—and we had amendments submitted to our committee requesting over \$7 billion in proposed expenditures—chairman joined me in supporting the Cheney procurement budget in total. Tomorrow we will again have a chance to put our parochial interests aside when we consider my amendment to restore the Cheney procurement budget.

I asked for, and the Committee on Rules has made in order, my amendment, that will, in effect, restore the Cheney procurement budget in this bill. Unfortunately, however, this process is looking more like business as usual than anything else. The Democrat majority in the Committee on Rules has in instances run roughshod over proposed guidelines for consideration of this bill that were proposed by both the chairman and myself.

Our requested suggestions were basically ignored in many instances and replaced by the whims of whatever forces governed the Committee on Rules.

□ 1650

Dealing with SDI, which will be the first thing that we take up, we have the basic committee position which was voted on in this committee of \$3.5 billion for the strategic defense initiative. To that there will be three amendments made in order and offered as the bill is under consideration. The first made in order will be the Kyl amendment which is offered to increase the funding of SDI to a level of last year's spending plus inflation—that is—no real growth, just last year's level of effort plus inflation. This amounts to some \$3.8 billion. As I said, the committee position is \$3.5 billion.

There will then be an amendment offered by the gentleman from California to reduce that amount to \$1.3 billion. Then we have the amendment of the gentleman from Florida, to fund the SDI at a level of approximately \$2.8 billion, plus the DOE figures, for a total of \$3.1 billion. These are very substantial cuts that effectively will decimate the program. I would hope that members of the committee would not vote for any of the cutting amendments. I would hope that they would support the Kyl amendment, which is still \$1 billion less than the administration request. Some cuts have already been made. We are trying to just fund SDI at last year's level plus inflation.

If the members of the committee do not see fit to support the Kyl amendment, at least do not cut this below the committee markup, because to do so would cause irreparable harm to SDI and the program could not proceed in an orderly fashion, because people will be laid off and many of the very promising elements of the program would have to be canceled.

So I would urge a "no" vote on any of the amendments that would cut the SDI Program.

Almost as an adjunct to the SDI cutting amendments, the Rules Committee has made in order three add-backs. If cuts are made in the SDI program sufficient to support these amendments, then the three add-backs that will be offered will be one, for drug interdiction and control; second, for toxic waste cleanup; and third, for conventional arms procurement—the Bennett amendment.

The committee knows full well that these are very popular amendments. As a result, they almost tacked them onto and made them a part of the cuts. Who could vote against drug interdiction? Who can vote against the cleanup of toxic waste and toxic spills? Who wants to vote against conventional weaponry when we know that the Soviets still outnumber us in most area categories and that if we should have another war, it would probably be a brushfire lower level conflict with some Third World country, not the ex-

change of nuclear weapons with the Soviet Union.

All of us are in favor of these additions in principle. But let me point out that we have drug interdiction funds still unexpended in the Department of Defense. There is a Superfund for the toxic cleanup. The Department of Defense is doing everything that it can do on the cleanup. We do not need these funds from this SDI source at this time. We do need them for the SDI. I would urge the Members not to delete further SDI funding.

This gets us to the B-2, and we all know what the B-2 is by now, surely. The B-2 represents a radical departure in aviation. It is at the cutting edge and state-of-the-art technology. It is revolutionary, and Lord knows that it is expensive.

We have spent to date, before it was made public, some \$23 billion developing the B-2—\$23 billion of some \$70 billion total that is projected to develop and procure 132 B-2's.

I must confess, Mr. Chairman, I have some ambivalence when we discuss the B-2, because the price tag of the B-2, the program unit cost, is \$530 million.

This cost estimate is based on the most optimistic of estimates. The cost assumes that inflation will be at a certain level, that there will be no major technical foulups and stretchouts, and that the Congress will fund as proposed the funding profile put forth by the Department of Defense. The proposed annual expenditures for B-2 in the last 3 years are approximately \$8 billion.

I would urge all Members, and I will say this tomorrow when we have a better crowd, if they vote to fund the B-2, they must do so with the knowledge that the cost is going to escalate, the \$530 million in program costs is going to escalate if anything happens to delay the production of the plane. The Air Force itself delayed by 1 year in this budget the production of the airplane, and that 1-year delay cost \$1.8 billion.

If we do not fund it adequately and we do not procure it at the projected efficient rate, every stretchout runs the cost up. So if Members are going to fund the B-2 at \$4 billion a year instead of \$8 billion a year, it is projected that it would cost somewhere close to \$800 million apiece. If inflation should go up and be higher than is estimated by OMB, the price would go up. If we just build a few aircraft and then shut down the production facilities, conduct the flight test program, fly the B-2 throughout its performance envelope, terminate all of the company employees, close down the entire production until we get through our testing, and then blow the whistle and say, "All right, everybody back on board," there is not going to be anybody to come back on board.

We will have to start from scratch, train the employees, go through the learning period, reprocess security clearances for people who are going to work there, and it will be tremendously expensive if we, in fact, stretch the program out in the manner I have described.

So in voting for the B-2, and I hope that Members do, I hope that they vote with the full knowledge that this is the minimum cost, and anything that happens to upset the production schedule, if it runs into big technical problems, then the price is going to be higher than that, and Members should be prepared to pay these extra costs if they vote to go forward with the B-2 but delay it significantly.

The next issue is ICBM's, the Intercontinental Ballistic Missile Modernization Program. The Rules Committee structured the MX and the Midgetman debate such that ICBM opponents will get three bites at the M-X apple and two bites at the Midgetman. The passage of any of these amendments would abrogate the bipartisan agreement with the administration on modernization of our ICBM's.

I would remind Members that the rule does not give us the opportunity to offer any substitutes. Again, the two-missile program is needed to modernize our land-based leg of the triad, and it is crucial in the arms negotiations process currently underway in Geneva. Let us give our negotiators some muscle with which to bargain.

Let me point out that if many of our colleagues had had their way in the past, and had done away with the short-range and intermediate-range ballistic missiles, we would not have the INF Treaty we have today, and because we had the operational capability and the ability to use these weapons, the Soviets did come to the negotiating table, and we did negotiate all these weapons away on both sides.

We are doing away with ours and they are doing away with theirs. If we want to negotiate away any part of our strategic program, we must go to the negotiating table and negotiate away with the Soviets, whether it be the long-range weapons or any portion of the strategic triad. Certainly we should not be giving these programs away in the Congress and unilaterally taking the cards away from our negotiators in Geneva who are at this very moment negotiating START.

□ 1700

Arms control amendments in this bill are also postured for the majority, not allowing for any substitutes to protest the President's foreign policy obligations.

I would ask the Members to oppose the Wyden, Brown, Markey amendments on their merits, but also because we have no opportunity to

counter them. The Committee on Rules fashioned as process so these amendments could be in order, and I was not given the right to offer substitutes.

In closing, to the extent we are allowed by this rule, I would hope that all of the Members would rise above parochial and special interests, job programs back home, et cetera. The Congress has demanded, the public has demanded that we reduce Federal spending.

Make the hard choices, do not stretch out programs. Some programs are unaffordable, some are just not justified in terms of their expense.

The Secretary has made the hard choices as he has been directed by the Congress to do. It is up to us now to decide whether or not we want to vote to support this and vote to support good Government, or is it just going to be business as usual with everybody getting their own parochial programs out of the pork barrel?

I have in my hand a letter addressed to me from the President of the United States urging that we support the administration.

The letter reads in part:

We cannot afford to pull the rug out from our negotiators, and we cannot afford to forfeit the investments we have made in strategic modernization. We can afford to make the needed improvements provided by this cohesive, fiscally sound package. It deserves your support.

It is signed George Bush.

Ladies and gentlemen of the committee, tomorrow you will be asked to make some hard choices. Are you going to do business as usual? Are you going to vote for parochial interests? Are you going to vote for what sounds good at home? Or are you going to come up here and bite the bullet and do what the Secretary of Defense has done, saying that several programs are not economically feasible, they do not make sense in light of today's budgets? Make the tough choices.

I hope when I offer the Cheney amendment you will support it, vote for good Government and not business as usual, everybody fishing out of the pork barrel.

The letter referred to follows:

THE WHITE HOUSE,
Washington, July 24, 1989.

HON. WILLIAM L. DICKINSON,
Committee on Armed Services, U.S. House of Representatives, Washington, DC.

DEAR CONGRESSMAN DICKINSON: When the Fiscal Year 1990 Defense Authorization Bill comes to the floor next week, you and your colleagues will make critical decisions affecting the future of deterrence and arms control for the balance of the century. Before you vote, I want to be certain that you understand my reasons for the strategic modernization program I have proposed.

Taken together, these strategic programs are essential to preserve a capable, survivable and effective deterrent. They are an integrated package that deals with the evolving threat and is flexible enough to hedge

against uncertainties. They also undergird our arms control negotiations and provide incentives to the Soviets to continue the internal changes they appear to be making. Each represents, not simply modestly improved capability but fundamental change in strategy or system performance.

I am optimistic about what we are beginning to see in the Soviet Union. The Soviets may finally be willing to make significant changes in the character and size of their military forces. This willingness is at least in part the result of our commitment to a modern, capable deterrent force. Weakening the commitment now could undermine the positive trends we see emerging in Soviet forces.

I have taken another hard look at SDI and confirmed that the goal of the program—providing the basis for an informed decision on deployment of defenses that would strengthen deterrence—remains sound. We owe it to ourselves and our children to pursue that goal. I am personally and deeply committed to doing so.

Moreover, SDI is at a critical juncture. The technological progress we have made means that we need to conduct large scale realistic, and therefore expensive, tests to prove the feasibility of defenses. Already, because of cuts required in the overall Defense budget, I have reluctantly submitted a revised budget, cutting over \$1 billion from the program. If the Congress cuts even more deeply, our ability to investigate and test the most promising options will be seriously damaged. We will be unable to determine, in a meaningful way, whether we can rely more on defenses for our security. The American people are entitled to that assessment.

The B-2 is also at a critical point. The aircraft is based on revolutionary technology that will guarantee the effectiveness of the penetrating bomber well into the next century. Without it, the strategic Triad, which has been the bedrock of our nuclear strategy, will virtually disappear. The B-2 is also the core of our START strategy for achieving stable deterrence at reduced levels. Indeed, under the terms of our current arms control proposal, the bomber force will be assigned a very large percentage of our targets. I have no doubt that the B-2 is worth its cost and deserves your support.

ICBM modernization has been marked with considerable controversy and strong opinion. Yet there is broad agreement that mobility is required for our land-based missiles to improve their survivability and enhance their unique capabilities. After careful review of the issue, I have determined that we should deploy, in carefully phased manner, the Rail-garrison Peacekeeper and the Small road mobile ICBM. I am committed to doing so.

Rail-garrison Peacekeeper will improve the survivability of the ICBM force quickly and at modest cost, while preserving the considerable military capability of this system. The Small ICBM represents the future of the ICBM force. It offers a high degree of survivability, even with virtually no warning. But, it will not be ready to deploy as soon as Rail-garrison and will obviously be more expensive than a multiple warhead system. We can field Rail-garrison in the near term while at the same time continuing development of the Small ICBM for 1997 deployment. We likewise need to commit to an ICBM mobility program to avoid a deadlock in the START negotiations on the mobile issue.

In addition to the requirement for these forces as the heart of our nuclear deterrent strategy, in which they form an integrated and inseparable whole, there is the role which this modernization program plays in our arms control strategy. We are entering a very important and promising stage in our strategic arms control negotiations. We have already introduced some changes in our position and we are actively considering others which could make a significant contribution to the stability of the nuclear balance. To pull the rug out from under me at this crucial juncture by weakening my program could destroy this opportunity to make real progress. Indeed, it could even prevent the conclusion of an arms control agreement. I need the negotiating flexibility which this dynamic and sensible modernization program provides. Don't prevent me from achieving a treaty which could make great strides toward reducing the chances of nuclear conflict.

Let me add two cautionary notes. First, good arms control cannot be legislated. I seek and welcome the advice and counsel of the Congress and regularly consult you on the full range of arms control issues. But, in the final analysis, I must be responsible for negotiating arms control agreements. The many arms control amendments that are customarily proposed to the defense bills only undercut me and our foreign policy and frequently have an effect opposite to that intended by their sponsors.

Second, the pressures to play one modernization program off against another or to pay for one with cuts in another threaten the balanced strategy behind our programs. Secretary Cheney and I have had to make hard choices in these times of tight budgets—this budget is the best balance of needs and affordability and represents an integrated strategic approach.

As you begin final debate on the defense bill, I ask you to carefully consider the affordable, integrated plan we have designed to strengthen deterrence, to reinforce the incentives for change in the Soviet Union, and to further our goal of negotiating arms control agreements that will reduce the likelihood of nuclear war. We cannot afford to lower our defenses because of Gorbachev's rhetoric, and we cannot afford to pull the rug out from our negotiators, and we cannot afford to forfeit the investments we have made in strategic modernization. We can afford to make the needed improvements provided by this cohesive, fiscally sound package. It deserves your support.

Sincerely,

GEORGE BUSH.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore (Mr. KLECZKA). The gentleman from Alabama has consumed 17 minutes.

The Chair now recognizes the gentleman from Oklahoma [Mr. McCurdy], a member of the committee.

Mr. McCURDY. Mr. Chairman, I yield 6 minutes to the gentleman from Georgia [Mr. DARDEN], a member of the committee.

Mr. DARDEN. I thank the gentleman from Oklahoma for yielding.

Mr. Chairman, today I rise in strong support of this legislation which authorizes and brings forth to this House of Representatives our bill for the Defense Department authorization this

year. This bill makes a strong commitment to our strategic triad and at the same time makes the necessary tactical and conventional authorizations to keep America safe and to keep America strong.

This is always a controversial bill, Mr. Chairman, and it will always be controversial whenever we come to the floor and authorize in a single bill more than 50 percent of the total amount of discretionary spending that the entire Federal Government appropriates every year; \$306 billion to be authorized by this legislation represents more than half of the money over which this Congress has control. So consequently it should be very hotly contested, it should be debated very carefully and we should spend a lot of time considering this legislation.

I know there is a general tendency among those of us in Congress to come in and say, "Follow what the committee does and let the committee system bring to you the right decision."

I am a member of the Committee on Armed Services and I am very proud of what this committee does. However, I realize this is one bill in which the entire membership is involved because all of us must be interested in the defense of this country and all of us have some responsibility on this vast amount of money that we spend on the DOD authorization.

So as one Member, Mr. Chairman, of the Committee on Armed Services, I welcome our colleagues to come to the floor and give us input here. This is a very difficult job and it is one that we need all the help and assistance we can get from the entire body and not just from the committee alone.

I would also like to say on behalf of our chairman, the gentleman from Wisconsin [Mr. ASPIN] has done an outstanding job here. He has done a difficult job and he has done an unpopular job.

There have been many of those of us who have been critical of his positions from time to time because we had our priorities and we had our problems and our interests. But I do not know of anyone who has withstood more pressure in any more difficult situation than he has done in bringing this bill to the floor.

Mr. Chairman, I used to practice law, a number of years ago in Georgia, and was called upon to take a number of domestic relations cases.

I found out in a small town that the type of practice that you had was dictated by what happened to be coming into the office on that particular day. I found out handling a number of divorce cases that whenever a settlement was reached that did not please everyone and all sides were somewhat upset at the results, that perhaps that might be a good solution. I think that is the situation we have here on a bill

which has been acted on by the committee.

If I were personally writing the legislation, I would change a number of things in it. I am sure the various committee members, if they were solely in charge, might make some changes. I think this bill represents the best possible compromise we could reach under the circumstances.

When you consider we have 52 committee members from all philosophies, from all parts of the country, from every single perspective, I think the committee has done a good job.

Our vote was not unanimous. Our vote in many instances was very, very divisive. But I think we have a product here of which we can all be proud and it deserves the overwhelming endorsement of this House of Representatives.

There are a couple of issues I want to mention specifically that the committee addressed and addressed very responsibly.

First of all, the issue today that everyone seems to be interested in and that everyone seems to have discovered recently is the B-2 or Stealth bomber.

Ladies and gentlemen, this issue has been with us for many years. It is not something that just happened overnight. I see a number of our colleagues who jumped up recently in righteous indignation at the so-called sticker shock. But we have known for a long time this was coming. Many of us have known that the costs were going to be exceedingly high.

We have already paid for one-third of the cost of this entire program.

I do not think it is responsible to at this time walk away from it.

The other topic I am particularly interested in, Mr. Chairman, is that of the National Guard and Reserve modernization. There is no question that we must continue to improve and upgrade the equipment of our Guard and Reserve forces. Budgetary restraints will only result in an ever-increasing reliance on the total force concept. If we expect the Guard and Reserve to fight we have the responsibility to give them the necessary weapons and equipment with which to fight.

So this bill I think makes adequate provision for the National Guard and Reserves.

In conclusion, Mr. Chairman, several days ago I had an opportunity to discuss our defense priorities with the President of the United States. I reminded him that the National Guard and Reserve, more than any other group, was carrying its share of the load, but to do its job it must have the necessary equipment. But what I told the President of the United States I tell my colleagues here today, "It does not make sense to give these people the job and not give them the tools."

□ 1710

Mr. DICKINSON. Mr. Chairman, it is my pleasure to yield 8 minutes to the very distinguished gentleman from Arizona [Mr. KYL].

Mr. KYL. Chairman, when President Bush was elected and sworn into office, one of the very first things he did was to ask for a comprehensive review of this Nation's foreign and defense policy. He said that we should challenge assumptions. Nothing should be left unchallenged, including the strategic defense initiative.

When the report was in, my colleagues, the strategic defense initiative remained one of the highest priorities of this administration, recently confirmed by our own President Bush.

Why do we need the strategic defense initiative? I would like to very briefly go over the six primary reasons, and then discuss amendments we will be called upon to vote upon the very first thing tomorrow.

The first reason we need SDI is to enhance our deterrence and to place it on a more stable basis. If the enemy is not sure he can succeed in an attack, then he is not going to attack. SDI will inject that doubt into any enemy's planning process, so complicating any attack, that he would not dare to attack. That is the basic reason for the strategic defense.

Second, robust funding of SDI will enable us to have a hedge against a Soviet breakout. Let there be no doubt that the Soviets have been spending a lot more money on their version of SDI than the United States, 8 to 10 times as much is the estimate; and, in fact, they have a partial system in place. Whatever else is happening in the Soviet Union, with glasnost and perestroika, we know one thing: They have not pulled back at all on the amount of effort and money spent on their high technology and science projects. They are continuing to fund the kind of effort that we need to fund in the area of strategic defenses, and therefore, this is the second reason for supporting SDI.

The third reason, Mr. Chairman, is that the Soviets have developed two very sinister mobile systems, at a time when we have not done so. Both the SS-24 and the SS-25 are systems which can elude our attacking ICBM. There is no way we can identify where they are. In fact, we have been talking about the B-2 not being able to find these relocatable targets. As a result, we have no way of holding these assets at risk, and it is important to us to be able to defend against them. That is another reason for the strategic defense initiative.

The fourth reason, Mr. Chairman, is that we are engaged in START negotiations now, and our intention there is to draw down the number of offensive weapons on both sides. If we reduce

the number of weapons below the 50 percent threshold or even more, cheating becomes very important, because if one side or the other were to cheat, it makes its advantage much greater than if we have the tens of thousands of warheads that we have now. As a result, in a START regime, verification and insurance become very important. SDI provides that insurance. Even if the Soviets cheat, we are able to protect ourselves against such cheating by having SDI. Concomitantly, Mr. Chairman, what this does is make it much easier for the United States to agree to significant limitations under a START agreement because we will always know that even if the Soviets do cheat, we can protect ourselves through SDI.

Fifth, we need SDI to protect against accidental launch or Third World launch. CIA Director William Webster has recently noted that 15 Third World countries are likely to have the ballistic missile capability within the next decade, and that means that since it is not too difficult to put a chemical warhead on a ballistic missile, those nations are going to have the capability of blackmailing others in the world. If we do not have some method of protecting ourselves or others against such attack, we subject ourselves to that kind of blackmail. It is important, therefore, to protect either against accidental launch or attack by Third World countries. I might note, Mr. Chairman, that the vast majority of Americans overwhelmingly support a defense for this purpose.

Finally, Mr. Chairman, SDI promotes our negotiating position in both START and the D and S talks. Ambassador Rowny has recently confirmed that we need to demonstrate our will to the Soviets in order to have the kind of leverage that will bring them to the bargaining table and cause them to make the kind of commitments and the concessions that we want them to make. Conversely, if we unilaterally reduce the amount of our commitment to SDI, we are giving up something for nothing. There is no quid pro quo, and there is no reason why the Soviets do not simply sit back and say, "Well, let us wait for the United States to make another concession next year. If they cut it in half this year, maybe they will cut it in half again next year, and we do not have to worry about SDI."

Mr. Chairman, it does not make sense for Members to vote deep, deep cuts in SDI at the very moment we are at the bargaining table. For all these reasons, I hope my colleagues will vote for a robust funding amendment for SDI, and reject the Dellums amendment tomorrow.

Mr. McCURDY. Mr. Chairman, I yield 5 minutes to the chairman of the Subcommittee on Military Installa-

tions and Facilities, the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I am pleased to chair the Military Installations and Facilities Subcommittee, which has jurisdiction over both military bases and defense burden-sharing. I will spend a moment to describe what the committee did in these areas:

The subcommittee cut lower priority overseas projects totalling \$390 million and, with those funds and some domestic cuts, funded \$305 million in new and revitalized family housing, over \$400 million in high priority projects brought to our attention by Members of Congress, and 38 new child care centers costing \$68 million. Of the added projects, over \$100 million was for our citizen-soldiers, the National Guard and the Reserves. The subcommittee added family housing where it was most needed: Long Beach, Camp Pendleton, El Toro, and San Francisco, CA; Hawaii; Ballston Common, NY; and Guantanamo, Cuba.

I am very proud of what we were able to do because of the inadequate amount of military construction funds we had allotted. The rest of the DOD budget was shaved; Milcon was scalped in the Bush budget. And, due to the way the budget process works, we cannot do much to record priorities between defense accounts. Still, the Members of the House should know that conditions at many Army and Navy bases are deplorable. Only by aiming our resources at improving base conditions can we turn this embarrassing situation around.

About 75 percent of the cuts we made came from projects abroad. Bricks and mortar last half a century; our base rights in countries like Panama, the Philippines, and Greece may not last the decade. The conventional force reduction talks in Vienna may mean that we abandon many of our bases in Germany and other countries in the central front.

Moreover, the subcommittee believes that we should be pressing our allies to provide much more military construction as host nation support, using the Japanese Facilities Improvement Program as a model. Japan has a strong host nation support program; Korea has a weaker one. Germany provides little support at all. If American troops are stationed in these countries, the host nation should foot a major portion of the bill.

Given all these factors, it was only prudent to subject overseas spending to the most rigorous scrutiny. This scrutiny meant that we funded no projects in Panama, the Philippines, the Bahamas, Honduras, Luxembourg, Oman, and Somalia. New construction in Germany was cut from \$320 million

in fiscal year 1989 to \$139 million in fiscal year 1990.

One overseas issue of great interest is the forced move of the 401st Tactical Fighter Wing from its present base of Torrejon, Spain. For a whole batch of reasons, the Spanish do not want 79 American F-16's in the suburbs of Madrid. Our negotiators, together with NATO and the Italians, developed a proposal to build a brand new base at Crotone, in southern Italy. The whole base will cost \$900 million. The United States will end up paying \$500 million. The subcommittee did not consider this a good deal and voted to cut our contribution to the NATO infrastructure account to stop construction on Crotone. In full committee, an amendment was adopted to place a cap at \$250 million on the U.S. share of any new base for the 401st TFW outside the United States. If NATO will not come up with the extra money, we will have to move the plans to an existing base in Europe or back to the United States.

Besides the burdensharing provisions I have already discussed, H.R. 2461 reduces the European troop ceiling by nearly 15,000 positions associated with Intermediate Nuclear Forces [INF]. The INF Treaty eliminated this class of weapons and so there is no further need for these positions. The end-strength of the Air Force was also reduced to reflect the elimination of these INF positions. The Army had already scheduled the reduction of their INF positions.

Another important issue concerns the Navy's plan to lease 3 million square feet of office space by accepting bids only from northern Virginia landlords. This plan will raise prices by shifting competition. So, the subcommittee added language to require the solicitation to cover the entire National Capital region. Also, the subcommittee added language to require the Secretary of Defense to look at the concentration of Navy functions in Washington, compare that with other services, and see whether some Navy functions can be moved elsewhere.

The subcommittee has jurisdiction over the real property maintenance account [RPMA] within the O&M budget and over the new base closure account. We funded 97.4 percent of the RPMA request, transferring the balance to build new family housing. We authorized the full \$500 million request for the base closure account. Congress voted to have the base closures take place as recommended; the subcommittee acted to make sure that happens.

Last Congress, I chaired the Armed Services Panel on Defense Burden-sharing. That panel sent out a strong message: That it is neither fair nor affordable for the United States to do so much and our allies to do so little to

meet our common defense burden. The administration takes the view that we have to spend even more to encourage our allies to spend more. We believe that we should have a defense budget which meets our own vital interests and, thereby, force our allies to structure their budgets to meet their defense needs.

H.R. 2461 is a strong burdensharing bill. It can be made stronger by the adoption of two amendments:

Representative IRELAND will offer an amendment to reduce the number of civilian employees of the Department of Defense in Europe to account for the elimination of INF combat units. Since the INF Treaty eliminated INF weapons, there is no need to retain the employees whose jobs related to these weapons.

I will introduce an amendment to prohibit the use of funds to operate or maintain bases in countries where the base rights agreement involves the promise of foreign aid. The amendment only applies to new base rights agreements, so it does not affect any existing arrangements. Nevertheless, we now spend about a quarter of our foreign aid budget—about \$2 billion a year—to pay for base rights. This is wrong. Decisions about foreign aid should be made independently of basing arrangements.

□ 1720

The CHAIRMAN pro tempore (Mr. WOLFE). The time of the gentlewoman from Colorado [Mrs. SCHROEDER] has expired.

Mr. DICKINSON. Mr. Chairman, I yield 5 additional minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Chairman, I wonder if, for the edification of the Members here, the gentlewoman would discuss what was done on the Milcon portion of the bill as it deals with the 401st in Crotone, Italy.

We had a delegation here recently from the North Atlantic Assembly. From the conversation that ensued, this is probably one of their priority things. They wanted us to tell them what had been and what we could expect. This is not business as usual. We on the Committee on Milcon have addressed this problem, and I wonder if the gentlewoman could enlighten the Members as to what the Milcon Committee did in fact do.

Mrs. SCHROEDER. Certainly. The gentleman from New York [Mr. MARTIN] and I and the committee did not want to drive a spike into the Crotone situation, because as things get restructured, maybe our NATO allies think that is of the highest priority. But our feeling was that we knew it

was costing us a lot of money and we could not be expected to fund this in the same way we have funded everything from 1945 on.

We were being kicked out of Spain, and we were paying severance pay. We were being a good neighbor in Spain, and all sorts of things. We were not saying, "No, they cannot move," but we do say, "no, they cannot shift all sorts of costs on us the way they used to."

As we know, the United States picked up a certain percentage of the NATO infrastructure, but then they turned around and said, "However family housing isn't included." In that part of Italy we have to have housing because there is no housing there; it is undeveloped. But they say that all sorts of things are not included.

So as we looked at it and as we held extensive hearings on it, we saw it was going to be very expensive for us because they were going to shift off a lot of costs on us. So what we are saying to the Europeans is: "Hey, we don't want to be bad guys, but we just want you to know that the deal cut in 1948 does not fit today, because you are all thriving and you have got to help us a little more. We are getting kicked out of Spain, and if you want to pay a little more of this, we will talk about it."

So we did not kill it, but we also did not run out and say, "Oh, yes, that's a great idea. How much should we pay?"

So we are changing it from "Uncle Sugar" to "Uncle Saccharin," I guess, and we are looking at this with great skepticism.

Mr. DICKINSON. Mr. Chairman, I was wondering if the gentlewoman could inform the Members as to how she dealt with it, if there are treaties and other prospective agreements as it relates to severance pay in the future, and also job preference for dependents, and so forth. Was this dealt with in the military construction portion of the bill?

Mrs. SCHROEDER. There was also some of this done in the subcommittee chaired by the gentleman from Florida [Mr. HURTEL], as I understand it, relative to the future of it. But as the gentleman knows, no treaty has been signed yet with Italy vis-a-vis Crotone. We do not want anymore treaties signed like the one signed with Spain where there can be severance pay for Spanish workers after the Spanish voted to kick us out. We felt that was absolutely foolish. So that cannot be done.

I am going to be offering an amendment on the floor that I could not offer in the committee saying that in the future they cannot tie bases to military aid, that they cannot use military aid as extortion or rent for bases. We could not do it in committee because there would have been a joint

referral to the Committee on Foreign Affairs.

I felt that that is very important, that our allies should not be using us to tap-dance around those issues. We tried to take a good government type approach to it and a new day type of approach to it to tell our allies that we are there as an ally and not as a deep pocket.

Mr. DICKERSON. Mr. Chairman, I thank the gentlewoman from Colorado [Mrs. SCHROEDER], and I now yield 9 minutes to the ranking member of the subcommittee, the gentleman from New York [Mr. MARTIN].

Mr. MARTIN of New York. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in support of the committee bill as it was reported to the floor, and I would like to take this opportunity to thank the Chairman of the Subcommittee on Military Construction, the gentlewoman from Colorado [Mrs. SCHROEDER]. She has my sincere appreciation for her outstanding leadership, her fairness, and her personal dedication that she has shown in leading the subcommittee through some very difficult times. The subcommittee has had to make some very tough decisions in this year's military construction authorization.

Two years ago, at nearly the same time of year, I stood before the Members and related the declining status of military construction. If I may, let me recap some of the number for the Members so they may have some indication of where we are going in this area.

In 1985 the military construction authorization was cut by 14 percent, in 1986 it was cut by 11 percent, in 1989 by 16 percent, and by 18 percent in 1988 and 1989. This year we are maintaining that 18-percent reduction level. It does not take a rocket scientist to see that even though the defense budget is advertised at zero growth, in military construction we have been losing ground. The cuts—or maybe I should call them adjustments—that were made this year were made to accommodate many of the long overdue quality-of-life facilities urgently needed by our services. I do not blame the individual services for not funding these projects themselves. There are many competing programs within the defense budget. The committee has reprioritized or bumped up several projects.

We have added nearly 1,500 units of family housing and 15 additional child care centers to the administration's original request. The committee made a conscious decision to fund these additional housing and child care projects rather than invest more in overseas areas, because due to current arms reduction talks, they may not be needed in the near future. This is not

to say that overseas projects are not important, not at all. This merely means that we must invest more for our servicemen and woman here in the United States, where we know they will be located for the next 5 years.

Trying to strike a balance on this issue is a difficult task, a task that the Department of Defense has tried to accomplish for many years. This budget, as far as military construction is concerned, as passed by subcommittee and the full committee, is a sincere effort to balance the scales.

I wanted to make some other comments, if I might, relative to the comments of the gentleman from Alabama [Mr. DICKINSON] and the gentlewoman from Colorado [Mrs. SCHROEDER] relative to the 401st Tactical Fighter Unit that we apparently want to move from Torrejon, Spain, to Crotona, Italy. What the committee did is this: In feeling, as the gentlewoman from Colorado said, that we were being asked to bear an inordinate share of the construction of the new base in Italy, we have put a ceiling of some \$250 million in the budget. Under the arrangement in NATO infrastructure, we pay a share of some 27.8 percent, but unfortunately, when we total up the cost of this entire facility, we find out that the United States is being asked to bear the cost of the base exchanges, the commissary, the bowling alleys, the housing, and everything else that goes along with the base, and that would require us to pay something on the order of a half a billion dollars. We feel that this is inordinate and unwarranted, and I think we are going to have to have continued negotiations and more understanding from our NATO allies, that if we are going to be asked to leave a base through no fault of our own, it is the responsibility of all the NATO countries working together to make us whole.

We would hope that the Department of Defense, as well as the State Department, would understand that we feel very strongly about this, and over the course of the next 3 years, as this change has to be made, we are going to hang very tough in ensuring that we are not called upon to pay an inordinate share of the budget.

Mr. Chairman, as I said, I rise in support of the committee bill as it was reported to the House. The committee accepted some changes in the budget that was sent to us by Secretary Cheney. In particular, by a division vote in the committee of nearly two to one, the committee felt without question that notwithstanding our support of Secretary Cheney, we did not agree with the naval aviation package, and the amendment of the gentleman from Pennsylvania [Mr. WELDON] was agreed to, which changed the priorities as far as Secretary Cheney is concerned on the V-22 and the F-14D. I want to point out that about 98 per-

cent of Secretary Cheney's budget is here intact and there were very few changes made in committee.

□ 1730

Mr. Chairman, I would like to point out that Secretary Cheney, when he was here, was probably the most popular Member I have ever served with. He was well liked by Members on both sides of the aisle, but I cannot find one person who served with Dick Cheney who voted the same way he did each time, and, when his document was sent up here after only 39 days as Secretary of Defense based on his acceptance of the recommendations of the people he inherited, we felt at least two things had to be changed. One was the V-22, which is something that the Marine Corps has given up a lot of their budget for in the last 2 years in order to ensure that they have this vehicle to carry the Marines into the next century. It is a lot faster. It has greater range and versatility.

Mr. Chairman, I was at the Brooke Army Hospital not long ago, and I had the opportunity to visit with 12 heroic marines who were burned in that terrible helicopter crash in Korea not long ago, and it occurred to me that perhaps helicopters are not the best way to carry us into the next century.

Mr. Chairman, the other thing I want to talk about in the limited time I have is the F-14D. Secretary, Lehman, a few years ago, came up with a very good idea that we buy some new F-14D's, the state of the art, and we also get some good-as or better-than, cheaper, remanufactured F-14D's, and I think that is a good package. Good-as or better-than F-14D's would be less expensive, and the Navy would accept them knowing full well they have a shorter lifespan because of the number of hours on the airframe. What is very interesting, when they talk about closing down the production or manufacture of new F-14D's, when I hear conversations on the floor of the House, and in committee, talking about the F-14D, Members speak as though the Navy had some of them. Mr. Chairman, it might come as a real shock to my colleagues that the U.S. Navy does not have one single F-14D. They are still on the production line, and yet we are talking about shutting down that production line and remanufacturing the F-14A's into F-14D's when we have not even accepted or test flown the F-14D's.

Mr. Chairman, that has been a pretty well-kept secret around here, and I ask my colleagues, "Do you know what they tell you is going to replace the F-14D's in the mid- to late-1990's?" Are my colleagues ready for this one? The Navy version of the advanced tactical fighter. The House Appropriations Committee I understand just cut over \$1 billion from R&D on that project. As we go through the

debate here on the B-2, does anyone really think that the Navy advanced tactical fighter is going to be on the aircraft carriers in the mid-1990's? My colleagues know far better than that.

Mr. Chairman, I have three cities in my district that are smaller than a carrier battle group, and, if we are going to be protecting them with paper airplanes that have not even come off the design board, I think maybe the committee was absolutely correct, and I think that the entire House ought to support the committee position, which was about 98 percent of the Cheney budget and only changing the naval air package. I would hope that the Congress would support the Armed Services Committee work product.

Mr. ASPIN. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts [Mr. MAVROULES].

Mr. MAVROULES. Mr. Chairman, I rise in support of the bill and I will proceed with further discussion of the issue on the merits tomorrow.

Mr. Chairman, after careful consideration of numerous measures within the jurisdiction of the Subcommittee on Investigations, the subcommittee recommended incorporating several amendments into the fiscal year 1990 defense authorization bill. Besides four technical amendments, the subcommittee adopted the following: A requirement for submission of budgets by the combatant commanders, two amendments relating to professional military education, a mandated study of close air support, and report language on night vision goggle accidents and casualty assistance programs.

Several amendments that concerned acquisition policy and reform were referred to the subcommittee. Secretary of Defense Cheney and President Bush recently released a report on Department of Defense acquisition management. A careful study of these recommendations, as well as other provisions aimed at improving acquisition, will require more analysis. Consequently, during the subcommittee's markup, I moved that those 13 amendments dealing with acquisition be deferred, and included in a subcommittee acquisition reform package to be considered later.

As a result of several hearings, including a meeting with Federal "drug czar" William Bennett, the Subcommittee on Investigations developed and approved unanimously an extensive drug interdiction amendment. This amendment includes \$450 million earmarked from within the defense budget for drug interdiction, including \$70 million for the National Guard. The package also includes extensive legislative and reporting provisions designed to clarify, and strengthen DOD's contribution to our war on drugs, without directly involving the military in search, seizure, and arrest actions. We believe the military can make a significant contribution, at no cost to our other anti-drug efforts, or to the defense budget, and at the same time enhance conventional readiness.

Mr. ASPIN. Mr. Chairman, I yield 3½ minutes to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY of New York. Mr. Chairman, today I rise to urge my colleagues to join Chairman RANGEL and myself in supporting an important amendment which will be brought up before this body later in the week. Congressman RANGEL and I have introduced an amendment expressing the sense of Congress that the Secretary of Defense should give highest priority to the conversion into prisons and drug treatment centers of the 86 military bases targeted for closure under the Base Realignment and Closure Act.

I supported closing the military bases recommended in the Base Realignment and Closure Act because the closings will save some \$693 million immediately. But, the closing can potentially save much more money in the long run by making the closed bases available to the appropriate authorities without reimbursement for conversion into prisons and drug treatment facilities.

Converting the closed bases into Federal or State prisons or drug treatment centers will help us respond to the dangerous national shortage of prison and drug rehabilitation space—a shortage that will prove extremely expensive and risky if we do not act now.

The drug crisis in the United States is a national emergency and should be treated as one. Foreign troops are not coming over our borders today, threatening our way of life. If they were, we would all respond with unquestioned vigor and commitment. The tragic reality is, however, that drugs are crossing our borders and threatening our country's future every day. Drugs rob the young of their initiative, drug trade entices otherwise productive members of society to turn their energies to illicit behavior, and drug use results in increased crime which threatens every community. We must respond with the same commitment with which we would respond to an armed invasion.

As we know, Federal prisons are between 37- and 73-percent overcrowded. The pressure from overcrowding is building, resulting in increased pressure for early releases which are, in many cases, totally inappropriate. From 1980 to 1987, total U.S. prison population, including State and Federal prisoners, increased from slightly over 300,000 to almost 600,000. That is a 76-percent increase in 7 years. This jump in prison population is not just the result of more crime. Since 1980 the number of incarcerations compared with reported crimes has risen steadily. In 1980, 25 offenders were committed to prison for every 1,000 murders, manslaughter, rapes, robberies, aggravated assaults and burglaries

reported to the police. In 1986, 43 people were incarcerated for every 1,000 offenses.

This trend of increased enforcement needs to continue. But there is a very real and serious constraint—space.

In addition, the need for drug treatment facilities is unquestioned. To win the war on drugs we must fight it both from the supply and demand sides. Fifty-one percent of the cocaine consumed in America is being used by only 10 percent of cocaine addicts. Demand for cocaine is clearly driving the supply.

But, even if an addict wants to get out of the cycle of addiction, treatment is available for very few of those who need it; 6.5 million addicts need help to break the habit. Two million of those addicts are willing to pay for available, affordable treatment every year. But there are only 250,000 treatment slots available nationwide. Even if an addict wants to rid his life of drugs, the chances of finding treatment are slim, and delays can often cost lives in this deadly business. We cannot win this war on drugs without curbing demand. Affordable, available treatment is critical to achieving that goal. Converting these closing military bases into drug treatment centers would be a major contribution to that end.

Mr. Chairman, I urge all our colleagues to support this important measure.

Mr. DICKINSON. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON. Mr. Chairman, I thank the gentleman from Alabama [Mr. DICKINSON] for yielding this time to me.

Mr. Chairman, I rise today in support of the bill as reported out the Committee on Armed Services. Later on during this debate I will be offering an amendment regarding the Krasnoyarsk treaty violation that the Soviets have been involved in that is currently violating the ABM treaty, and I would ask my colleagues to support that action.

Mr. Chairman, this budget and this defense bill is really a credit to Secretary Cheney, an effort that he put forth in about 39 days to come up with an approximately \$300 billion budget. Ninety-eight percent of his procurement requests were held, and a line was kept in committee as we debated the various issues and programs under our consideration. That in itself is a major accomplishment.

As a matter of fact, only two major amendments were accepted in the full committee that actually changed the Cheney request. One was the amendment offered by the gentleman from Mississippi [Mr. MONTGOMERY], my colleague and friend, relating to support for the Guard and Reserve, and the second was an amendment offered

by myself and my colleagues, the gentleman from Virginia [Mr. SISISKY] and the gentleman from Pennsylvania [Mr. FOGLIETTA], dealing with the restoration of the F-14 and the V-22.

□ 1740

These two amendments, even though they were considered, kept within the framework of the congressional and administration budget summit agreements, so we did keep within the dollar amount laid out by the President and by the leadership of Congress.

These issues were heavily debated in the subcommittee and in the full committee and these amendments that were finally accepted in the committee were done so after extensive deliberations.

As a matter of fact, the V-22 program itself sustained five separate votes in the subcommittee and in the full committee activities in the Armed Services Committee. It was 11 to 7 in the Research and Development Subcommittee; 31 to 19 to reverse that action in the full committee; 28 to 15 on a divisional vote to accept the F-14 and V-22; a 26 to 26 tie to delete the V-22 and F-14, and a 47 to 5 vote to report the bill out to the full House.

In addition, the Defense Appropriations Subcommittee has already put in their bill full funding for the V-22.

The logical question is why the tremendous support for the V-22 program, the new tilt rotor technology?

It will be argued on this floor that it is because of pork or parochial interests in certain Members' districts. I will submit to my colleagues that that is the last thing that was involved in this decision to reverse the decision of the Secretary to cut the V-22. It was the right thing to do.

As a matter of fact, the best arguments for restoring the V-22 were given not by Members in Congress or by this body, but by the officers and the key leaders in the administration of the Secretary of Defense, people like Admiral Dunn, responsible for Navy aviation; General Pittman, responsible for Marine Corps aviation; General Grey, the Commandant of the Marine Force. These individuals in at least five separate subcommittee and full committee hearings on the record refuted the two basic arguments put forth by Secretary Cheney as being the foundation for cutting and eliminating the V-22. They argued that the issue of affordability and of a narrow mission should not cause us to cancel this very vital program, important for the Marine Corps and our special operations forces; yet in talking about the rebuttal to the narrow mission, it was put on the record that the Marine Corps itself has listed and the Department of Defense has listed 33

separate missions that the V-22 can perform if allowed to be completed.

On the affordability issues, and we will get into this in more detail during the debate, two alternatives were provided to us to meet the demand that the V-22 would be able to handle. Both the single sling option and the dual sling option are both in fact more costly than the V-22 and, in fact, neither of them have been tested by the Marine Corps and by the Department of Defense.

So in reality, there is no alternative to the V-22, and the key people for the Secretary of Defense, General Pittman, Admiral Dunn and General Grey, stated this on the record time and again.

Because of the arguments presented by the leadership of the Marine Corps and the Navy and because of the strong support of the Members of this body and the Senate, overwhelming votes were taken to restore the V-22 program, and it is a key part of this bill that we are going to be considering this week.

I would ask my colleagues to look hard and fast at the arguments for the V-14, for the V-22 and for the Montgomery amendment that restores funding for the Guard and the Reserves.

We need to support this bill as it came out of the committee because it is good legislation. It looks at our priorities, and more importantly, takes care of those needs that we will have into the year 2000 and beyond.

I ask my colleagues to strongly support the bill as it was reported out, and to strongly oppose efforts to eliminate the V-22 when that appropriate time arrives.

I thank my colleagues again for yielding me this time.

Mr. ASPIN. Mr. Chairman, I yield 6 minutes to the gentlewoman from Maryland [Mrs. BYRON].

Mrs. BYRON. Mr. Chairman, as chairman of the Subcommittee on Military Personnel and Compensation, I rise in support of titles IV, V, VI, VII, and VIII of H.R. 2461—the military personnel portion of the National Defense Authorization Act for Fiscal Years 1990 and 1991.

During the first session of the 101st Congress, the subcommittee has held 11 hearings to date—I worked them very hard—two of them in the field, on the budget request for the active and reserve forces, medical care, child care, shortages of health care professionals, and pilot retention. The product before you represents the fruits of those labors.

In the area of end strengths, the revised Cheney budget represents an 11,700 cut for fiscal year 1990—7,400 in the Army, 1,200 in the Navy, and 3,100 in the Air Force—and an additional 1,400 cut for fiscal year 1991. The committee made several major changes to

the manpower request: First, the elimination of 1,305 active duty spaces identified in the report of the DOD Deputy Inspector General as duplicative and overlapping headquarters functions; second, an additional end strength reduction of 4,385 for the Air Force in fiscal year 1991 reflecting the full take-down of forces associated with the Intermediate Range Nuclear Force [INF] Treaty; and, third, a reduction from 326,414 to 311,627 in the European troop ceiling—reflecting a cut of 14,559 authorizations for INF and 228 for headquarters personnel.

Several of the services have begun to experience recruiting difficulties during the current fiscal year at a time when youth unemployment has declined significantly and private sector wages are on the rise. To enhance the tools available to recruiters, H.R. 2461 increases the maximum enlistment bonus authority which the Army plans to use for difficult-to-recruit skills, like electronic warfare specialists, and increases the Montgomery GI bill kickers which are used as an added incentive to attract upper mental category recruits into critical skills. In addition, as further inducement for enlisted reserve recruiting, we added vocational-technical training to the program of education available under the reserve portion of the Montgomery GI bill.

In the area of pay and other compensation, H.R. 2461 includes the 3.6-percent pay raise requested in the President's budget. The committee felt strongly that this was the minimum pay raise needed to recruit and retain the high quality young men and women we currently have in the Armed Forces. We would, in fact have liked a higher raise since both private sector wage growth and inflation will substantially exceed 3.6 percent this year, but that wasn't possible under current budget constraints.

This year we focused special attention on the recruitment and retention of two groups of highly trained professionals who can command high salaries in the private sector: pilots and physicians. In both cases, the value of their special pays has eroded considerably since the substantial increases enacted in 1980.

For pilots, H.R. 2461 provides a 60-percent increase in Aviation Career Incentive Pay [ACIP]—or flight pay—for those in their prime flying years and also tightens the gates—the number of years of cockpit time needed to qualify for ACIP.

In the case of physicians, H.R. 2461 increases the medical special pays for all physicians with 6 or more years of service by 33 to 41 percent, depending on specialty and years of service.

In the face of a nationwide shortage of nurses, the committee has also approved a comprehensive package of incentives for military nurses, including

an accession bonus for nurses who did not receive DOD financial assistance for their education, a Navy educational test program for nursing students at colleges that don't have ROTC programs, and an incentive special pay for nurse anesthetists, a highly paid group in the civilian sector.

The committee remains extremely concerned about that lack of adequate nursing, ancillary, and clerical support personnel for military hospitals. Far too often, a military physician, after a long and busy day of seeing patients, supervising interns, and attending to a multitude of administrative duties, must spend several hours handwriting or typing patient medical records. I have talked to any number of military doctors who report wheeling patients to radiology or the laboratory themselves because of the lack of a corpsman to do the job. Such conditions would be unthinkable in the civilian sector and are a major factor in declining physician retention rates. The committee has taken several actions to improve military hospital staffing support.

As an outgrowth of four hearings on child care during the past year, H.R. 2461 includes a number of provisions to improve the quality and expand the availability of child care to military personnel. I have to thank the gentlewoman from Colorado [Mrs. SCHROEDER] for her help in this area with child care facility finding.

In conclusion, let me say that I view the document before you as the bottom line minimum required to keep the high quality force we currently have. We have remained within the budget restraints approved in the budget resolution and have made the hard choices necessary to ensure that the increased pay and benefits approved by the committee are adequately funded. There is no question that people are our most precious asset and you get what you pay for. I strongly urge my colleagues' support for the personnel titles of H.R. 2461, as reported by the Committee on Armed Services.

□ 1750

Mr. DICKINSON. Mr. Chairman, I yield 2 minutes to the very distinguished gentleman from Virginia [Mr. BATEMAN], who is the ranking member of the Subcommittee on Military Personnel and Compensation of the Committee on Armed Services.

Mr. BATEMAN. Mr. Chairman, as ranking member of the Subcommittee on Military Personnel and Compensation, I rise in support of the personnel titles of H.R. 2461. Before getting into the specifics of what we accomplished this year, I want to thank our subcommittee chairman, Mrs. BYRON, as well as the other members of the subcommittee for their efforts in working to-

gether through the year and during markup.

This year's bill includes provisions designed to make a number of improvements in the quality of life for our military personnel and their families. For instance, in addition to the 3.6-percent pay raise which I am sure everyone will welcome, we included a provision which will prevent a reoccurrence of the net pay reductions we have seen in years past because of negative adjustments to the variable housing allowance. We have also been able to include provisions which will compensate active duty members for the upfront costs of moving into private quarters overseas. In conjunction with our approval of most of the President's request for active and reserve end strengths, I think we have done a good job of keeping the quality and readiness posture of our military forces strong.

With regard to bonuses, the committee has made a number of changes to the requirements and benefits package for pilots, physicians, and nurses. These actions are in direct response to the crisis we foresee in these specialties in the years ahead. In the case of pilots, we have increased flight pay and bonuses in exchange for relatively modest increases in their flying hour requirements. Bonus provisions for doctors have been restructured, and we have approved a number of new incentives to recruit and retain nurses. We have also increased reenlistment bonuses for those in other critically short career fields. All in all, I believe these provisions will measurably improve the quality and quantity of professionals serving in our armed forces today.

Overall, Mr. Chairman, this year's defense bill represents a balanced and farsighted approach to the areas of military personnel and compensation and I urge my colleagues to vote for them.

Mr. ASPIN. Mr. Chairman, I yield 6 minutes to the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, and members of the committee, I rise as chair of the Subcommittee on Research and Development. In that capacity, I have a written prepared statement on the activity of the Subcommittee on Research and Development and our contribution to this legislation, and I would simply submit that for the RECORD. I will use my time wearing my other hat, and that is as a representative of the Eighth Congressional District in California, and speak to the legislation in general.

First, I would like to thank my distinguished colleague, the gentleman from Michigan [Mr. BONIOR], a member of the Committee on Rules,

for his apology to me earlier today on the floor, and I, in turn, apologize to him. He and I are close personal friends.

When I took the well earlier today on the rule, I was simply attempting to say, Mr. Chairman, as I have done over the years, that when it comes to debating the defense authorization bill, we tend to opt for efficiency as opposed to substance, that we ought to spend much more time debating the national-security issues of our time and the megabillions of dollars that go forward in the name of American national security. That was the only basis upon which I was making my argument, no other strategies involved, but when one is reduced, as I am for example, in offering an amendment tomorrow whose practical effect will be to stop the program we euphemistically refer to as star wars, and reduced today to 6 minutes on an issue of such incredible magnitude, it at least lets one understand what this gentleman was trying to say.

Having said that, Mr. Chairman, and members of the committee, I would like to move on. I was impressed on Friday of this past week, when a Soviet general appeared before the Committee on Armed Services, and I might add parenthetically that the distinguished Soviet general was better received by the Committee on Armed Services on Friday than this gentleman was in the early 1970's when I went to the Committee on Armed Services from Berkeley, CA. So the world is changing. And, in my humble opinion, changing for the better.

Mr. Chairman, I believe that this moment is pregnant with great potential, the potential to move the world closer to peace, to be in a position to turn over to our children and our children's children a world less dangerous than the one we inherited, a world better than the world we inherited, hopefully a world without the danger and tragedy of nuclear weapons. I believe that the Members and I desperately need to fashion a military budget based on these new emerging realities.

When this bill was reported from the full committee, I voted against this bill, but it was not a knee-jerk vote each year, but a vote to simply say, "You have not fashioned a military budget based upon new policy assumptions that ought to be marching us down the road toward peace and toward nuclear disarmament and toward that day when we have the audacity to think beyond the cruelty and insanity and absurdity of war itself," and if we were to do that, we would not be coming to the floor with this military budget that, in my humble opinion, still is a military budget based upon the obsolete notions of the cold war and not the emerging new realities of the world.

Mr. Gorbachev is a new reality. INF is a new reality. Some of the unilateral positions placed on the table for the reduction of several thousands of troops in Europe, standing down of tank divisions in Europe are new realities. What is taking place in Eastern bloc countries are new realities. Young students challenging in Tiananmen Square, in Beijing, are new realities.

This budget continues to be fashioned on obsolete notions of the cold war, and that is why I opposed it. If we could fashion a military budget based upon the new realities, we could redirect much of the resources of our country and begin to deal with the human misery that is taking place in America.

We are about the business of losing an entire generation of our children, children having babies, children killing children, children selling other children drugs. These are the realities. Children dropping out of school. These are the realities.

Mr. Chairman, members of the committee, we could address new priorities. We could make America a better place. We could turn over to our children a peaceful world.

In that regard, later this week we will debate should we go forward with the batmobile, euphemistically referred to as the Stealth bomber, at a cost of \$70 billion, and I say no. Should we build two mobile missiles that we do not need? I say no. A number of other weapons systems we will challenge on this floor that we do not need and will give us the opportunity to redirect our resources, establish new priorities and reduce the budget deficit.

I look forward to a rational debate, and I wish very much, Mr. Chairman, that we would have come to the floor with the kind of time that would allow us to speak so that this gentleman would not be reduced to begging for 1 minute to talk about a \$300 billion military budget and the future of this Nation and the future of the world.

Mr. Chairman, title II of H.R. 2461, National Defense Authorization Act for fiscal year 1990 provides authorization of \$39.6 billion for defense research, development, test and evaluation. Although this is the same level as requested by the Bush administration, some significant shifting in priorities has taken place.

The most significant change made by the committee in title II (Research, Development, Test and Evaluation) is centered on technology base programs. A number of experts advised the committee, during our hearings, that the component of the RDT&E budget with greatest opportunity to help maintain a strong defense industrial technology base is the research, what we call 6.1, and the exploratory development, known as 6.2, categories. The committee is painfully aware that beginning in the late 1960's, an unchecked erosion of the defense technology base has occurred, with the Department of Defense spending a little

more than half the funds it spent in 1965 on technology base programs. The committee has started a major initiative intended to both correct trends and redirect certain efforts in the defense technology base program that will insure a vigorous, modern and advancing pool of technology will be available to provide the needs of the Nation's defense in the future.

The initiative would also provide a real growth rate of 2 percent each year over the next 5 years, for technology base programs. The committee has recommended specific programs in fiscal year 1990 intended to foster and encourage linkages among the Department of Defense, industry, and universities, and to bolster the defense industrial base by providing greater opportunity for "spin off" technology into the civilian sector for commercialization. These specific programs include additional authorization for high temperature superconductivity, high definition television, digital gallium arsenide microelectronics, neural networks, x-ray lithography, university research, defense sciences and exploratory development.

The committee is also recommending additional authorization of \$95 million and \$90 million, respectively, for advanced submarine technology and anti-submarine warfare technology.

This title also contains \$285 million to continue research for the national aerospace plane.

Another major concern of the committee was what we have called satellite survivability, an area which some people call Asat or anti-satellite capability. The committee is recommending that the administration perform an extensive analysis of options for countering Soviet Asat and military satellite capabilities. At a minimum, the committee wants this analysis to address treaty options, verification requirements, satellite survivability enhancements, rapid replenishment of space assets, Asat options, and perform net assessments of various combinations of these options. The committee also believes that there should be a better balance between the Asat activities and the satellite survivability activities and is therefore recommending an additional authorization of \$35 million for satellite survivability programs, \$35 million for rapid replenishment programs, and \$2 million for additional verification capability. The committee has also directed that the Secretary of Defense not carry out any tests of the MIRACL [the mid infrared advanced chemical laser] against an object in space unless specifically approved by Congress.

The committee has made a substantial reduction in the strategic defense initiative program reducing the request of \$4.6 billion down to \$3.5 billion, to bring the program more in line with the previous 2-year funding level.

Finally, the committee agreed to continue the V-22 R&D Program by utilizing offsetting funds from the B-2 advanced technology bomber program.

Mr. DICKINSON. Mr. Chairman, I yielded 4 minutes to the very distinguished gentleman from Florida [Mr. IRELAND].

Mr. IRELAND. I am not at all happy about the shape and makeup of the fiscal year 1990-91 defense authoriza-

tion bill as it is being presented on the floor today.

The problem in my mind boils down to one very simple fact: there isn't enough money downstream to fund the programs in the bill. The Pentagon has had a habit over the years of undertaking more programs than can be covered by its budget. Very simply—the programs don't fit in the long-term budget, and the committee, in all its wisdom, has made matters worse.

Mr. Charles Bowsher, Comptroller General, testified recently that an additional \$150 billion will be needed over the next 5 years to fund the programs in the defense budget. This assessment is based on the GAO's first time ever evaluation of the 5-year defense program. Our committee compounded the money shortfall by adding billions and billions of dollars for programs like the V-22 and F-14D and National Guard and Reserve initiatives that were not requested. Although Congress has no capability to determine with precision what the additional 5-year costs of those acts will be, you can be sure that DOD will need an extra \$200 billion or more through fiscal year 1994 to fund the bill approved by the committee.

We all know in reality it won't work that way. The extra money needed to pay the bill just isn't there. DOD will have to make massive cuts in the out-years. We must face up to the realities of the DOD funding shortfall now, to avoid the high cost and terrible waste of stretchouts and terminations down the road.

Secretary Cheney has made some very tough decisions and canceled programs based not on their individual merits but on their costs. The cancellation of the V-22, for instance, after the expenditure of more than \$2 billion is outright waste that could have been avoided if previous administrations had done better long-range planning. The V-22 is a prime example of what happens when Pentagon planners ignore fiscal realities. The time has come to end this kind of agonizing waste and to use the 5-year defense program as a credible planning tool.

To avoid past fiscal pitfalls, I will vote for the amendment to restore the Cheney procurement account as originally proposed and to knock out all the add ons made by the committee such as the V-22 and F-14D and the National Guard and Reserve initiatives.

Simple math will tell you that there isn't enough money in the defense budget to buy the V-22, F-14D, Midetman small ICBM, B-2 bomber, MX Rail Garrison, SDI, LHX helicopter to name a few of the big ticket items in the pipeline. We must pick and choose. We don't need two mobile, land-based ICBM programs, and the MX Rail Garrison is the way to go. Another \$50

billion, and possibly more, will be needed to finish the B-2 bomber whose mission is not clear. This is a logical place to halt the program. The Air Force should be allowed to flight test a small number of B-2 prototypes to explore stealth technology while keeping future options open.

In keeping with this spirit and philosophy, I have focused my energies this year on two rather specific issues: First, a search for ways to improve long-range financial planning at the Pentagon; and second, the elimination of military and civilian personnel assigned to the missile units slated for deactivation under the INF Treaty.

My initiatives are largely embodied in the bill before you, and I will describe them in some detail in my revised remarks. I hope my colleagues will take heed and resist the temptation to authorize commitments to programs whose future costs we cannot possibly afford.

FIVE-YEAR DEFENSE PLANNING

AMENDMENTS

At the Investigations Subcommittee markup session on June 22, I offered first, an amendment to maintain consistency between the Department of Defense [DOD] 5-year defense program [FYDP] and the President's budget; and second, report language recommending that the committee begin to examine ways to link its decisions to a 5-year funding plan. My proposals were adopted by the subcommittee and subsequently approved by the full committee.

OBJECTIVE

Since the beginning of the year, I have been hammering away at the FYDP. I want to put an end to the continuing mismatch between the DOD 5-year plan and the President's budget and overall fiscal policy. I want to see the FYDP returned to its original stature as the Department's premier planning and programming document. The DOD FYDP is supposed to reflect all the decisions taken by the Secretary of Defense to bring all programs into line with the President's fiscal guidance, but the process is no longer functioning. The hard choices are not being made in a timely way.

PROBLEM

Long-range financial planning at the Pentagon is in total disarray.

In testimony before the Senate Armed Services Committee on May 10, 1989, Mr. Charles Bowsher of the General Accounting Office [GAO] presented the results of the GAO's first evaluation of the FYDP. It was a bleak picture indeed. The FYDP has ceased to be a useful planning tool.

He stated that DOD's 5-year planning "has been fiscally unrealistic" and admitted under questioning that the FYDP was essentially worthless. He said: "tough decisions and tradeoffs are not made in the plan—everybody gets what they want," which leads to "program funding instability, costly stretchouts, and program terminations." In summary, Bowsher said, "this is not an effective way for DOD to manage." He concluded his testi-

mony by reporting that an additional \$147 billion would have to be cut from the programs in the FYDP to bring them into line with available funding. I request permission to place the results of the GAO's evaluation of the fiscal year 1990-94 FYDP in the RECORD.

The FYDP has several major deficiencies. First, the programs don't fit in the budget. The dollar cost of the programs in the fiscal year 1990-94 FYDP exceed the money in the President's budget by \$45 billion. Second, the FYDP is based on unrealistic economic assumptions. For example, the FYDP assumes an inflation rate of 3.6 percent in 1990 declining to 1.7 percent in 1994 and a 2-percent growth rate in fiscal year 1993-94. Third, there is a continuing mismatch between projected funding levels and congressional appropriations of major proportions, ranging from a low of -4.5 percent to a high of +69.9 percent. Fourth, program costs are consistently underestimated. These shortcomings are a failure of leadership in the Pentagon—tough decisions are postponed, which leads to instability, stretchouts, and wasteful terminations like the V-22 and F-14D.

TWO-PHASED SOLUTION

For the short term, I am recommending some very modest changes—fine tuning—of the legislation governing submission of the FYDP to Congress. For the long-term, I want the committee to begin exploring ways to link its decisions to a 5-year funding plan.

CHANGES TO LAW GOVERNING SUBMISSION OF FYDP: SECTION 1202 OF BILL

AMENDMENT

The committee has agreed to my proposals to first, amend the law governing submission of the FYDP by striking the language allowing inconsistencies between the FYDP and the President's budget; and second, rewrite the original law to simplify and clarify the language. I request permission to place bill and report language in RECORD.

RATIONALE

First, I believe that the dollars programmed in the FYDP should conform with the President's fiscal guidance. In the past, there have been vast discrepancies between the dollars in the FYDP and the President's budget. A law was passed in 1987 to end that practice. At that time, there was an \$80 billion mismatch between the FYDP and the budget. Unfortunately, the practice continues. The fiscal years 1990-94 FYDP is no exception—a \$45 billion gap persists. A tricky accounting device, known as a negative funding wedge, was inserted into the FYDP to make the dollar totals in the FYDP and budget match as required by law. The fiscal years 1990-94 FYDP complies with the law since an explanation—albeit convoluted—was provided.

The FYDP has no value as a planning tool if the dollars programmed exceed the money in the budget. A failure to squeeze the programs into the budget means the hard choices have been postponed.

My amendment would close the loophole in existing legislation that allows discrepancies between the FYDP and budget by stipulating that FYDP's be consistent with the President's budget. Very simply, it says the FYDP must conform with the President's fiscal guidance. That's it. This amendment exemplifies macro-

management not micromanagement—and the kind of approach Congress should take on defense issues in the future.

The use of the word "consistent" is general enough to permit some minor differences—and some flexibility—when and where appropriate. I asked Deputy Secretary of Defense Atwood during a hearing before the Armed Services Committee on July 12, to comment on the requirement for consistency between FYDP and the budget under the new legislation. He said, "I agree they ought to be consistent. That is a point well taken."

Others in DOD have suggested that my amendment would preclude the use of management contingency accounts in the budget. That simply is not the case.

DOD would still determine the form and substance of the FYDP. If DOD needs additional flexibility—a cushion or positive wedge—as a hedge against unanticipated requirements such as cost growth or higher than expected inflation, then such accounts should be included in both the FYDP and the budget. Positive contingencies have been in use for years and are considered useful and legitimate planning tools. The use of negative wedges in the FYDP, by comparison, is without precedent, and they are, in fact, outlawed in defense contracting, because they were once used by defense contractors to hide the cost overruns. The result of that practice, according to the DOD Deputy Inspector General, "was a breakdown in management control, discipline, and reliable reporting." Clearly, the use in DOD's central planning document would undermine its integrity. I request permission to put Mr. Vander Schaaf's report in the RECORD.

NEED FOR CONGRESSIONAL 5-YEAR FUNDING PLAN: REPORT LANGUAGE

Each year Congress makes major decisions on defense, issues that entail spending commitments far into the future, yet Congress lacks the capability to determine what effects those decisions have on outyear funding levels. Congress needs to better understand the future consequences of its near-term budget decisions.

The Joint Committee on Taxation, for example, has an impressive capability, using computer models along with extensive access to executive branch data, to determine how changes in the tax structure effect revenues over 5 years. Though by no means an exact science, that capability provides a useful tool for evaluation proposed changes, and in the long-term should provide a more systematic way of making decisions. Expense estimates should be on an equal footing with revenue estimates. The defense committees need to acquire an information system that projects the outyear consequences of their near-term program and budget decisions.

My language on page 323 of the committee report recommends that the committee begin to explore ways to link its decisions to projected 5-year funding levels in line with the recommendations of the Packard Commission. Congress might legislate a 5-year defense plan. While fixed in law, such a plan would not be binding. It would represent no more than a declaration of policy that would commit Congress to a set of fiscal objectives.

As a first step, CBO is directed to conduct an experiment by attempting to project the outyear fiscal impact of changes to the fiscal year 1990-91 budget request as reflected in the conference report on the fiscal year 1990 defense appropriations bill and to provide the committee with the results of the analysis within a reasonable period of time.

I am also planning to convene a panel of experts, under the auspices of the Congressional Research Service, to examine all the issues—technical, legal, organizational—surrounding the question of how to link congressional defense decisions to a 5-year budget plan. And as we search for ways to establish linkage between congressional decisions and long-range fiscal policy, we have to also find a way to link strategic and policy decisions in the JCS with the FYDP as envisioned in the Goldwater-Nichols Act.

INF PERSONNEL AMENDMENTS

The bill, as presented on the floor today, incorporates the bulk of my amendments relating to military and civilian personnel covered by the treaty between the United States and the Soviet Union on the elimination of intermediate-range and shorter range missiles, commonly referred to as the INF Treaty. These amendments are discussed on pages 261 and 262 of the committee report and are included in sections 401-402 of the bill. I request permission to place in RECORD.

The amendment has two main parts: First, lower troop ceiling in Europe; and second cuts end-strengths of the military services. The proposed cutbacks would be gradually phased in over 2 years to coincide with the schedule for unit deactivations.

RATIONALE

The military and civilian positions that would be eliminated under my proposal would be taken from first the Air Force ground-launched cruise [GLCM] and Army Pershing missile units slated for elimination under the INF Treaty and second the excess headquarters slots selected for elimination by the Secretary of Defense, Chairman of the JCS, and Inspector General.

Initially, there was considerable disagreement over the exact number of personnel involved in these realignments, but the matter has now been resolved and carefully documented in several GAO reports. I request permission to place reports in the RECORD.

Most of the INF and excess headquarters personnel, under DOD plans, would be reassigned in Europe or elsewhere, negating potential savings and efficiencies. Vacant positions in Europe could be a bottomless pit. If DOD has urgent requirements there, then it should ask Congress to raise the ceiling.

Between 1983 and 1985, Congress raised the troop ceiling in Europe by 10,814 personnel, in part, to make room for INF deployments, and 2,600 INF personnel are exempted from the ceiling. The ceiling was raised mainly because of GLCM, since the Pershing II's were swapped out one-for-one with Pershing I's. With the INF Treaty now in effect, the ceiling should be lowered and the waiver removed. The INF Treaty eliminates an entire mission. Personnel performing that mission, including excess headquarters personnel, can

now be taken out without affecting our military capabilities one iota. With the recommended end-strength reductions, the CBO estimates that \$2.3 billion could be saved through fiscal year 1994.

SUBCOMMITTEE—LOWER TROOP CEILING

The Military Personnel Subcommittee adopted part of the amendment as follows:

Lower ceiling in Europe for military personnel from 326,414 to 311,627—a reduction of 14,787, including 14,559 INF personnel and 228 excess headquarters personnel; some excess headquarters personnel linked to INF; 1,305 excess headquarters personnel cut from service end-strengths in fiscal year 1990; and 939 excess civilian headquarters positions reallocated to medical support activities.

FULL COMMITTEE—CUT END-STRENGTH

In the full committee, I introduced a perfecting amendment to cut Air Force end-strength and eliminate INF civilian employees from the DOD work force.

The full committee agreed to an additional end-strength reduction of 4,385 for the Air Force. Planned Air Force end-strength reductions of 4,200 through fiscal year 1991 did not fully offset the 8,585 Air Force personnel assigned to INF—8,585 minus 4,200 equals 4,385. Further reductions were clearly in order. By contrast, no Army end-strength reductions were necessary. Planned Army end-strength reductions of 7,700 through fiscal year 1991 exceeded the number of Army personnel—6,974—assigned to INF.

Following full committee action on the bill, there remained one unresolved portion of my INF initiative.

FLOOR AMENDMENT—INF CIVILIANS

The full committee decided to defer action on the 1,142 civilian employees assigned to INF units, pending further investigation. I then asked the GAO and DOD to provide me with the latest available information on the disposition of these employees. On June 17, I received a brief report prepared by the GAO, indicating that most of these employees are scheduled to be eliminated from the work force by the end of fiscal year 1991. request permission to place report in RECORD. That being the case, I decided to modify and refocus the final piece of the initiative.

Consistent with my amendments relating to military personnel assigned to INF units, the modified amendment, which I will offer on the floor, would reduce the number of DOD civilians in Europe by 1,017—the number assigned to INF units there. The recommended reduction would take effect by the end of fiscal year 1991.

The approach taken in the case of the civilians is identical to the approach taken in the case of military personnel: first, reduce the number of personnel in Europe; and second, cut the end-strength or work force. Another approach would be to establish a ceiling on civilian personnel in Europe, but I know the committee is adamantly opposed to such a policy, so I selected a more acceptable approach.

A United States-Soviet treaty has been signed, ratified, and taken effect. That treaty eliminates the need for those civilians. The military need for these people simply disappears, therefore the total number of DOD civil-

ians assigned to duty in Europe should be decreased accordingly.

The latest DOD information suggests, however, that the trend is in the opposite direction—civilian strength in Europe is creeping upward. Between September 30, 1988, shortly after the INF Treaty took effect, and March 31, 1989, the number of civilians in Europe increased from 105,284 to 106,630—an increase of 1,346. This is the continuation of a trend that began in the early 1980's when there were about 95,000 civilians in Europe. And there is room for expansion. A large number of authorized and funded civilian positions in Europe lie vacant. The Air Force, for example, which has 96 percent of the INF civilians in Europe—974 of 1,017, has close to 900 vacant slots in Europe.

Further increases in the number of DOD civilians in Europe must be stopped. This trend must be reversed, or else the Appropriations Committee will put a much tighter lid on the number of civilians overseas and in Europe, and I will help them do it. My approach is a more reasonable one.

The need for 1,017 civilians positions in Europe no longer exists. I hope you will support my amendment when it is brought to a vote.

GENERAL ACCOUNTING OFFICE, NATIONAL SECURITY AND INTERNATIONAL AFFAIRS DIVISION,
Washington, DC, June 8, 1989.

B-229195.1.

HON. ANDY IRELAND,
House of Representatives, Washington, DC.

DEAR MR. IRELAND: This letter is in response to your May 17, 1989, request for our assistance in drafting legislative amendments to address inconsistencies between the Department of Defense's (DOD) Five-Year Defense Program (FYDP) and the President's budget.

Section 114(f) of title 10, United States Code, specifies that program and budget information submitted to the Congress by DOD be mutually consistent with the President's budget submission unless, in the case of each inconsistency, there is included detailed reasons for the inconsistency.

As you know, DOD used negative accounting entries in its fiscal year 1990-94 FYDP to bring it in line with the President's budget. The procurement line in the FYDP for these years contains \$21.7 billion more than is included in the top-line figures of the President's budget. The FYDP also includes a line entitled "unanticipated requirements" totaling \$23.3 billion, which is not reflected in the President's budget. Together, these additions total \$45 billion. To bring the FYDP in line with the President's budget, negative entries called "program estimates" were used to offset the \$45 billion.

An explanation of the negative entries was provided in the FYDP. DOD explained that \$21.7 billion in procurement over-programming represents approximately 2 to 3 percent of the programs currently planned that historically do not materialize, and can be scrubbed out as out-year plans become more defined budget year proposals. DOD explained that the \$23.3 billion for unanticipated requirements contains no programmatic content at this time, but is intended to account for requirements likely to emerge but are not yet known.

Section 114(g), of title 10, United States Code, specifies that the "Secretary of defense shall submit to the Congress, not later than April 1, of each year, the FYDP used

by the Secretary in formulating the estimated expenditures and proposed appropriations included in such budget to support programs, projects, and activities of the Department of Defense."

The April 1 date was specified in the law for the purpose of providing DOD with an opportunity either to fully conform the FYDP with the President's budget submission or to explain any remaining differences. The current program planning and budgeting system (PPBS) results in a FYDP that is consistent with the President's budget at or about the time of the budget submission. Some additional time (up to 2 weeks) is routinely required to have the FYDP documents printed for distribution to authorized recipients.

Since 1963 the FYDPs supporting DOD budget proposals have been distributed in January or early February each year. The only exceptions were January 1987 and January 1988 when DOD did not publish FYDPs in support of its first biennial budget (fiscal years 1988-89).

DOD officials told us that delaying submission of the FYDP until April is not necessary. They stated that inconsistencies would only occur under unusual or extraordinary circumstances such as a major change in fiscal guidance at the last minute. In such an event, and on an individual case basis, it is expected that DOD and the Congress would agree on a sufficient amount of time necessary to produce a corrected FYDP.

In conclusion, the Congress intended for DOD to provide a FYDP that is mutually consistent with the President's budget. In the event that a FYDP could not be completely updated to match the President's budget before submission to the Congress, the law required that any inconsistencies be explained. We do not believe Congress intended for DOD to intentionally include programming and other entries that exceed the President's budget. We believe the FYDP is inherently flexible, and if funding provisions are needed for unanticipated requirements, they should be reflected in both the FYDP and the President's budget.

To address your concern that future FYDPs be consistent with the President's budget and be submitted in a timely manner, Congress may wish to consider the following legislative changes:

"Section 114(f) of title 10, United States Code, be amended by striking out 'unless in the case of each inconsistency, there is included detailed reasons for the inconsistency'."

"Section 114(g) of title 10, United States Code, be amended by striking out 'not later than April 1 of each year, the five-year defense program' and replacing this language with 'at or about the time of the President's budget submission each year, a fully current five-year defense program'."

The Congress may also want to consider legislation that will ensure that a current FYDP is produced each time the President submits a new proposed defense budget. Under biennial defense budgets, there is the potential that the FYDP would not be kept current in the intervening year. This could result in the FYDP becoming detached from changes in fiscal guidance as we experienced last year. This makes it difficult for the Congress to exercise effective oversight.

DOD officials told us that they are conducting a program execution review that is scheduled to be completed on September 15, 1989. This review is in preparation for the fall comprehensive budget review. The ob-

jectives of the review are (1) elimination of negative planning wedges in the FYDP, (2) close consideration of the affordability of currently proposed major weapons programs, and (3) an examination of the impact growing amounts of prior obligations have on future outlay requirements.

Our review of defense planning will continue. We plan to identify models or other analytical procedures that can be used to better reflect the out-year implications of current budget decisions. We will continue to work with your staff and keep them informed as our work progresses.

Sincerely yours,

FRANK C. CONAHAN,
Assistant Comptroller General.

GENERAL ACCOUNTING OFFICE, NATIONAL SECURITY AND INTERNATIONAL AFFAIRS DIVISION.

Washington, DC, May 8, 1989.

HON. ANDY IRELAND,
House of Representatives, Washington, DC.

DEAR MR. IRELAND: This letter is in response to your May 3, 1989, request concerning the use of negative program planning entries in DOD's Five Year Defense Program (FYDP) and an undistributed contingencies account.

The procurement line in the FYDP contains \$21.7 billion more than is included in the topline figures of the President's budget. Also, there is a new line entitled "unanticipated requirements" that totals \$23.3 billion for which there is not defined programmatic content at this time. Together, these positive additions total \$45 billion. Under current fiscal guidance, the entire \$45 billion would have to be eliminated to come in line with the President's topline estimates. In the meantime, the \$21.7 billion in procurement and the \$23.3 billion in allowances for unanticipated requirements is being offset by a single negative entry called "program estimates". The single negative entry offsets the two positive additions in each of the three outyears so that the FYDP topline will be consistent with the President's budget submission. No other positive or negative planning wedges are evident in the FYDP.

You also asked about the undistributed contingencies account. In the past this account retained sums to cover potential future pay raises, amounts for future undefined initiatives, and amounts to cover legislative proposals. Currently, this account contains only a small amount to cover future legislative proposals. Estimates to account for future pay raises are now contained in the Military Personnel and Operations and Maintenance accounts. The undistributed contingencies account in the last FYDP (FY 1988-92) contained \$19.6 billion to cover future, but not yet defined, initiatives. This amount was eliminated as part of the \$311 billion in FYDP reductions DOD made between fiscal years 1988 and 1994.

As we stated in our April 21, 1989, letter to you we are concerned that programming in excess of the established fiscal guidance delays and compounds difficult decisions necessary to bring the FYDP within current fiscal realities. When program planning be-

comes detached from reality it provides an inaccurate view of the future and can hinder rather than assist current decision-making.

We are continuing our review of DOD's fiscal year 1990-94 FYDP and will keep your staff advised on the progress of this work.

Sincerely yours,

PAUL F. MATH,
Director of Research, Development, Acquisition, and Procurement Issues.

GENERAL ACCOUNTING OFFICE, NATIONAL SECURITY AND INTERNATIONAL AFFAIRS DIVISION,

Washington, DC, April 21, 1989.

HON. SAM NUNN,
Chairman, Committee on Armed Services, Washington, DC.

DEAR MR. CHAIRMAN: As you know, we have been reviewing DOD's fiscal year 1990-94 Five Year Defense Program (FYDP). On February 3, 1989, we received a request from Congressman Andy Ireland concerning inconsistencies between the Department of Defense's (DOD) FYDP and the President's budget. He specifically asked that we comment on the use of negative "program estimates" in DOD's fiscal year 1990-94 FYDP. In response to Congressman Ireland's request we provided the following information.

DOD used negative accounting entries totaling \$45 billion to offset over programming in two accounts—procurement and unanticipated requirements. DOD states that the \$45 billion for fiscal years 1992-94 represents reductions it intends to make in future years to bring the FYDP in line with former President Reagan's fiscal year 1990 budget submission.

Section 114, of title 10, United States Code, specifies that all program and budget information submitted to the Congress by DOD be mutually consistent with the President's budget submission unless the reasons for the inconsistencies are explained in detail.

DOD, in its January 11, 1989, letter transmitting the FYDP to the Congress, acknowledges that the fiscal year 1992-94 defense program was developed at a higher level than the budget submitted. DOD explains that ultimately the over programming will be eliminated through an overall net reduction between new requirements that will emerge over the next two years and requirements now anticipated that will not materialize. DOD believes this is a reasonable planning posture given the difficulty in determining which programs to reduce in later years.

While we understand DOD's desire for additional flexibility, we are concerned that negative program planning delays and compounds hard decisions necessary to bring the FYDP within current fiscal realities. For example, President Bush recently reduced the fiscal year 1990-94 defense program by \$60 billion. To meet this new fiscal guidance DOD will now have to reduce its total program \$105 billion (\$45 billion in delayed reductions and \$60 billion in new reductions). It is our understanding that DOD will make the \$60 billion in reductions but

plans to maintain approximately \$45 billion in defense programming in excess of new budget guidance established for fiscal years 1992-94.

We are continuing our review of DOD's fiscal year 1990-94 FYDP and will keep your staff advised on the progress of this work.

Sincerely yours,

PAUL F. MATH,
Director of Research, Development, Acquisition, and Procurement Issues.

BRIEFING PAPER: LEVELS OF DEFENSE PROGRAMMING—FISCAL YEARS 1986-1994

[Figures not reproducible in the RECORD]

During the Reagan Administration, more defense growth was planned than could be funded. Defense programming was growing at such a rate that the FY 1986-90 five year defense program (FYDP) totaled nearly \$2 trillion. The initial planning figure for FY 1990 alone was \$478 billion. Since this program was submitted to Congress in January 1985, DOD has made a considerable effort to reduce its future programming and bring its budget proposals more in line with national resources. As a result, a net \$371 billion in planned future growth has been deleted since FY 1986. This briefing paper provides a perspective on reductions to the defense program and additional reductions that may be required to meet funding constraints. The analysis is presented in 3 parts.

Part I shows changes in the amounts of defense planning for each five year defense program (FYDP) since FY 1986. Part I also provides an analysis of these changes by major appropriation account.

Part II discusses nearly \$150 billion in additional reductions that may be required to bring the FYDP within current fiscal constraints.

Part III provides a breakdown of President Bush's revisions to President Reagan's FY 1990-94 defense program estimates.

PART I

Figure 1, and tables 1 and 2, show DOD's plans/reality mismatch. The mismatch resulted primarily from DOD's assumptions that funding increases it experienced during the early 1980s would continue into the early 1990s. For example, the five year spending plan for 1986-1990 totaled \$1.9 trillion. This was several hundred billion more than was ultimately funded. Between 1981 and 1985 more weapons were being planned and developed than could be produced in an economic manner or supported once they were produced.

Figure 1, and tables 1 and 2, also show that DOD substantially reduced its five year spending plans subsequent to 1986 and that progress was made in closing the gap between planned and actual spending. Figure 1 also indicates, that DOD assumes its funding proposals for FY 1990-94 will be sufficient to execute that program. In Part II, figure 2, we reconstruct this graph using less optimistic planning assumptions. Under these assumptions an additional \$147 billion in reductions may still be required to meet future funding constraints.

TABLE 1.—REDUCTIONS IN DEFENSE PROGRAMMING—FISCAL YEAR 1986 THROUGH FISCAL YEAR 1994

[Budget authority in billions of current year dollars]

Fiscal year	1986	1987	1988	1989	1990	1991	1992	1993	1994	5-year total	Difference
1986	313.7	354.0	401.6	438.8	477.7					1985.8	—
1987		311.6	332.4	353.5	374.7	395.5				1767.7	—218.1
1988			303.3	323.3	343.9	364.9	386.5			1721.9	—45.8
1989				290.8	307.3	324.3	342.0	360.3		1624.7	—97.2
1990 (R) ¹					305.6	320.9	335.7	350.7	365.6	1678.5	—53.8
1990 (B) ^{1 2}					295.6	311.0	322.0	335.9	349.8	1614.3	—64.2
Total											—371.5

¹ Does not include \$45 billion (then year dollars) planning wedge.² From testimony of the Secretary of Defense to the House Armed Services Committee, Apr. 25, 1989.

(R) Reagan budget submission.

(B) Bush budget submission.

Source: Annual Reports to the Congress, Secretary of Defense, 1986–90.

TABLE 2.—REDUCTIONS IN DEFENSE PROGRAMMING—FISCAL YEAR 1986 THROUGH FISCAL YEAR 1994

[Budget authority in billions of constant 1986 dollars]

Fiscal year	1986	1987	1988	1989	1990	1991	1992	1993	1994	5-year total	Difference
1986	313.7	343.4	376.2	396.9	419.5					1849.8	—
1987		302.3	311.6	319.8	329.0	337.5				1600.2	—249.6
1988			284.4	292.5	302.0	311.4	321.7			1512.0	—88.2
1989				263.1	269.8	276.8	284.7	293.2		1387.6	—124.4
1990 (R) ¹					268.3	273.9	279.4	285.4	291.4	1398.5	—10.9
1990 (B) ^{1 2}					259.6	265.4	268.0	273.4	278.8	1345.2	—53.3
Total											—504.6

¹ Does not include \$45 billion (then year dollars) planning wedge.² From testimony of the Secretary of Defense to the House Armed Services Committee, Apr. 25, 1989.

(R) Reagan budget submission.

(B) Bush budget submission.

Source: Annual Reports to the Congress, Secretary of Defense, 1986–90.

Tables 3 and 4 show reductions in DOD's planned spending by major appropriation account since fiscal year 1986. Table 3 shows the 1990–1994 five year plan is \$371 billion less than the 1986–90 plan in current dollars. Procurement reductions accounted for \$231 billion or 33 percent of total reductions. These reductions were primarily in

support equipment and facilities, spare and repair parts, ammunition, and other procurements. Some major weapon systems were terminated while a number of major weapon systems procurements were reduced, delayed, or stretched out. Additionally, the research and development account was reduced by \$50 billion representing 20

percent of the overall cuts with significant reductions in Strategic Defense Initiative programs. DOD also reduced the operations and maintenance account by \$45 billion or 9 percent. Table 4 represents these figures to constant 1986 dollars.

TABLE 3.—CHANGES IN DEFENSE PROGRAMMING BY MAJOR APPROPRIATION ACCOUNT—FISCAL YEAR 1986 FISCAL YEAR DEFENSE PROGRAMMING COMPARED TO FISCAL YEAR 1990 FISCAL YEAR DEFENSE PROGRAMMING

[Budget authority in billions of current year dollars]

Appropriation account	Fiscal year 1986–90 5-year figures	Percent of the budget	Fiscal year 1990–94 5-year figures	Percent of the budget	Difference	Percent change	Percent of total reduction
Military personnel	385.3	19.4	418.2	25.9	32.9	8.5	8.9
O&M	529.0	26.6	484.2	30.0	—44.8	—8.5	—12.1
Procurement	692.4	34.9	461.7	28.6	—230.7	—33.3	—62.1
RDTE	253.0	12.7	202.6	12.6	—50.3	—19.9	—13.6
Military construction	52.8	2.7	29.6	1.8	—23.3	—44.0	—6.3
Family housing	21.8	1.1	19.2	1.2	—2.6	—11.7	—7
Other	51.5	2.6	1.2	.1	—50.3	—97.6	—13.5
Total	1985.8	100.0	1,614.3	100.0	—371.5	—18.7	—100.0

TABLE 4.—CHANGES IN DEFENSE PROGRAMMING BY MAJOR APPROPRIATION ACCOUNT FISCAL YEAR 1986 FISCAL YEAR DEFENSE PROGRAMMING COMPARED TO FISCAL YEAR 1990 FISCAL YEAR DEFENSE PROGRAMMING

[Budget authority in billions of constant 1986 dollars]

Appropriation account	Fiscal year 1986–90 5-year figures	Percent of the budget	Fiscal year 1990–94 5-year figures	Percent of the budget	Difference	Percent change	Percent of total reduction
Military personnel	364.2	19.7	353.8	26.3	—10.4	—2.9	—2.1
O&M	490.2	26.5	396.0	29.4	—94.2	—19.2	—18.8
Procurement	644.2	34.8	388.3	28.8	—255.9	—39.7	—51.1
RDTE	234.6	12.7	168.2	12.5	—66.4	—28.3	—13.3
Military Construction	48.7	2.6	24.6	1.8	—24.1	—49.5	—4.8
Family housing	20.4	1.1	16.1	1.2	—4.3	—21.1	—9
Other	46.8	2.5	1.0	.1	—45.8	—97.9	—9.1
Total	1849.1	100.0	1348.0	100.0	—501.1	—27.1	—100.0

PART II

Figure 2 indicates that a plan/reality mismatch of nearly \$150 billion may still exist over the next four years. This gap is based on what we believe are 4 primary weaknesses in DOD's FYDP projections presented in part I. These factors are as follows. (1) \$12.2 billion reduction required to correct overstatement in real growth estimates; (2) \$42.3 billion reduction required if Congress grants full inflation funding but no real growth; (3) \$45 billion reduction required to bring FYDP down to current topline guidance; and (4) \$47.8 billion in program reductions to offset losses in purchasing power resulting from underestimates of inflation.

Adjustment to FY 1990 Growth Base: Currently, the out-years of the FYDP reflect 1 percent real growth for fiscal years 1992 and 1993 and 2 percent real growth for fiscal years 1993 and 1994. Using these growth projections DOD estimates the total FYDP is \$1,614 billion over the 5-years. These growth figures, however, are calculated based on President Bush's initial FY 1990 submission of \$299 billion and not the currently proposed FY 1990 budget of \$295 billion. This requires an initial downward correction in DOD's estimated funding levels of \$12.2 billion to \$1,602 billion. The annual amount of program reductions that would be necessary to make the correction is presented in table 5.

TABLE 5.—ADJUSTMENT TO NEW BUDGET BASE OF \$295 BILLION

[In billions of dollars]						
	1990	1991	1992	1993	1994	Total 1990-94
1991-94 real growth (DOD).....	295.6	311.0	322.0	335.9	349.8	1,614.3
1991-94 real growth (GAO).....	295.6	308.1	319.6	333.2	345.6	1,602.1
Subtotal.....	0.0	2.9	2.4	2.7	4.2	12.2

* The current fiscal year 1990 defense budget proposal is \$295.6 billion as indicated in table 1. DOD has calculated its proposed real growth in the out-years 1991-94 on President Bush's initial submission of \$299 billion for fiscal year 1990.

Zero Real Growth: Assuming Congress grants DOD full inflation funding, but no real growth, for fiscal years 1991-94 additional reductions of \$42.3 billion will be required (see table 6).

TABLE 6.—ZERO REAL GROWTH FISCAL YEAR 1991-94

	[In billions of dollars]					
	1990	1991	1992	1993	1994	Total 1990-94
Bush Amend, Adm Inf, 1,1,2,2.....	295.6	308.1	319.6	333.2	345.6	1,602.1
Bush Amend, Adm Inf, 0 Real.....	295.6	305.1	313.3	320.2	325.6	1,559.8
Subtotal.....	0.0	3.1	6.3	13.0	20.0	42.3

Negative Planning Wedges: Currently, DOD's FYDP accounts total \$1,659 billion. To bring the overall FYDP down to the President's topline guidance of \$1,614, DOD used negative adjusting entries for fiscal years 1992, 93, and 94 totaling \$45 billion (see table 7). According to DOD, the \$45 billion adjustment to program estimates represents reduction decisions planned but not yet made.

TABLE 7.—REDUCTIONS PLANNED BUT NOT YET MADE (\$45 BILLION)

	[In billions of dollars]					
	1990	1991	1992	1993	1994	Total 1990-94
FYDP accts.....	295.6	311.0	336.0	350.9	365.8	1,659.3
Submitted Bush toplines.....	296.5	311.0	322.0	335.9	349.8	1,614.3
Subtotal.....	0.0	0.0	14.0	15.0	16.0	45.0

Inflation Assumptions: The Administration's inflation assumptions are very optimistic. Current estimates assume inflation will be 3.6 percent in FY 1990 and fall to 1.7 percent by 1994. CBO inflation estimates assume inflation will be somewhat higher than 4 percent over the entire five year period. Under CBO's inflation assumptions DOD will experience \$47.8 billion in lost purchasing power over the 4 year period 1991-94. In other words, nearly \$50 billion in current defense programming would not be funded under the Administration's proposal (see table 8).

TABLE 8.—CBO VERSUS ADMINISTRATION INFLATION ASSUMPTIONS

	[In billions of dollars]					
	1990	1991	1992	1993	1994	Total 1990-94
Bush Amend, CBO Inf, 1,1,2,2.....	295.6	311.0	327.1	347.3	368.8	1,649.9
Bush Amend, Adm, Inf, 1,1,2,2.....	295.6	308.1	319.6	333.2	345.6	1,602.1
Subtotal.....	0.0	3.0	7.5	14.2	23.2	47.8
Grand Total Tables 5-8.....	0.0	9.0	30.2	44.9	63.4	147.5

Note.—Figures in table 8 may not add exactly due to rounding.

Making these additional reductions will require difficult decisions and tradeoffs among broad areas where gains have been made such as (1) maintaining or reducing force structure in terms of people and equipment, (2) maintaining or reducing the pace of modernization in terms of cancelling new systems or stretching out procurement of others, reducing current levels of readiness and sustainability.

Adding to the difficulty of these decisions are the constraints imposed by the Gramm-Rudman-Hollings deficit reduction act. Meeting annual budget outlay targets has historically resulted in reductions in areas that have the greatest impact on outlays for that budget year. Weapon systems outlays are relatively low during the initial stages of development but increases drastically once they reach production. However by this time a substantial commitment has been incurred. Therefore, if some costly programs are not terminated, or force structure reduced, more weapon systems programs will be stretched out and funds needed to maintain military readiness and sustainability will bear a disproportionate share of reductions.

PART III

Table 9 presents a display of revisions made to President Reagan's FY 1990 five year defense budget proposal. The total reductions of \$64 billion are broken-down by appropriation account.

TABLE 9.—REVISIONS TO PRESIDENT REAGAN'S FISCAL YEAR 1990-94 DEFENSE PROGRAM

	[In billions of dollars]			
Appropriation account	Original fiscal year 1990 plan	Revised fiscal year 1990 plan	Difference	Percent
Military personnel	421.874	418.207	-3.667	5.7
O & M	492.575	484.184	-8.391	13.1
Procurement	496.420	461.704	-34.716	54.0
R D T & E	211.368	202.647	-8.721	13.6
Military construction	32.484	29.552	-2.932	4.6
Family Housing	19.585	19.246	-0.339	5
Other	4.303	1.240	-3.063	4.8
Total	1678.653	1614.300	-64.309	100.0

SECTION 1202—RESTATEMENT AND CLARIFICATION OF REQUIREMENT FOR CONSISTENCY IN THE BUDGET PRESENTATIONS OF THE DEPARTMENT OF DEFENSE

Section 1202 would amend the existing provision of law (10 U.S.C. 114 (f) and (g)) that requires the submission of the five year defense program to Congress by April 1 each year. The provision also calls for consistency between the budget projections in the President's budget and the five year defense program, but permits inconsistency if such inconsistency is explained. The amendment provision would adjust the date of submission to be at or about the time that the President's budget is submitted to Congress. The amended provision would also omit that language which, under current law, permits inconsistency between the President's budget and the five year defense program.

FIVE YEAR PLANNING

Each year, the committee makes major decisions on the Department of Defense (DoD) budget and programs that entail spending commitments far into the future. Presently the committee lacks the capability to estimate the effect of its decisions on outyear funding levels. The committee believes that it needs a basis to project the future consequences of its budget decisions.

In its final report the Packard Commission recommended that Congress develop a way to link its defense decisions to the DoD five year defense program. Consistent with that recommendation, the committee is exploring ways to link its decisions to a five year spending plan.

As a modest first step, the committee requests the Congressional Budget Office to project the outyear fiscal impact of congressional changes to the fiscal year 1990 and 1991 budget request, as reflected in the conference report on the fiscal year 1990 Department of Defense Appropriations Act, and submit the projection to the committee within a reasonable time after enactment of the Appropriations Act.

SEC. 1202. RESTATEMENT AND CLARIFICATION OF REQUIREMENTS FOR CONSISTENCY IN THE BUDGET PRESENTATIONS OF THE DEPARTMENT OF DEFENSE.

(a) RESTATEMENT AND CLARIFICATION.—(1) Chapter 2 of title 10, United States Code, is amended by inserting after section 114 the following new section:

"§ 114a. Five Year Defense Program: submission to Congress; consistency in budgeting

"(a) The Secretary of Defense shall submit to Congress each year, at or about the time that the President's budget is submitted to Congress that year under section 1105(a) of title 31, the current five-year defense program (including associated annexes) reflecting the estimated expendi-

tures and proposed appropriations included in the budget submitted to Congress by the President for that year.

"(b)(1) The Secretary of Defense shall ensure that amounts described in subparagraph (A) of paragraph (2) are consistent with amounts described in subparagraph (B) of paragraph (2).

"(2) Amounts referred to in paragraph (1) are the following:

"(A) The amounts specified in program and budget information submitted to Congress by the Secretary in support of expenditure estimates and proposed appropriations in the budget submitted to Congress by the President under section 1105(a) of title 31 for any fiscal year, as shown in the five-year defense program submitted pursuant to subsection (a).

"(B) The total amounts of estimated appropriations necessary to support the programs, projects, and activities of the Department of Defense included pursuant to paragraph (5) of section 1105(a) of title 31 in the budget submitted to Congress under that section for any fiscal year."

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 114 the following new item:

"114a. Five-Year Defense Program: submission to Congress; consistency in budgeting."

(b) CONFORMING AMENDMENT.—Section 114 of title 10, United States Code, is amended by striking out subsections (f) and (g).

DEPARTMENT OF DEFENSE,
Arlington, VA, April 6, 1989.

HON. ANDY IRELAND,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN: This is in reply to your letter of March 10, 1989, requesting an explanation of the term "negative management reserve."

The management reserve discussion in the Cost/Schedule Control Systems Criteria (C/SCSC) Joint Implementation Guide refers to a reserve that a contractor may set aside from the amount awarded on a contract. Its purpose is to provide a "performance measurement" budget for within scope problems that may occur during contract performance. The performance measurement reserve should not be confused with any reserves that may be established at the Government program office or higher management levels. It is used, for example, in contracts involving technical risk, where a contractor anticipates difficulties within the scope of the contract statement of work, but cannot determine when or where they will occur, or how serious they will be. Management reserve in this context is within the contractor's purview, and is not subject to use by the Government program manager.

The term "negative management reserve" in C/SCSC dates from the early years of C/SCSC implementation. Because C/SCSC requires disciplined contract cost management, overruns are identified earlier in contract performance than was true using previous management techniques. Some contractors, perhaps believing that the incurred overrun could be made up through improved performance in subsequent periods, entered a negative value in the management reserve block on their cost reports to the Government to offset the identified overrun. The result, however, was a breakdown in management control discipline and reliable reporting. A 1980 revision to the Joint Implementation Guide, used by the

Department of Defense to implement uniformly the C/SCSC requirements in Department of Defense Instruction 7000.2, Cost/Schedule Control System Criteria, added the clarifying statement, "There is no such thing as negative management reserve."

We are not aware of any contractors that are reporting negative entries for management reserve. Legal prohibition is unnecessary because the Joint Implementation Guide effectively prohibits their use in contractors' cost and schedule management control systems. In addition, the instructions in the Data Item Description for contractor cost performance reports to the Government Prohibit negative management reserve entries.

If you have any questions, please contact me or Mr. James J. McHale at 694-6257.

Sincerely,

DEREK J. VANDER SCHAAF,
Deputy Inspector General.

[Fact sheet for Hon. Andy Ireland, House of Representatives]

INF TREATY: ARMY AND AIR FORCE
PERSONNEL REDUCTIONS

GENERAL ACCOUNTING OFFICE, NATIONAL SECURITY AND INTERNATIONAL AFFAIRS DIVISION,

Washington, DC, June 8, 1989.

B-230521.

HON. ANDY IRELAND,
House of Representatives,
Washington, DC.

DEAR MR. IRELAND: On January 24, 1989, you requested that we obtain information on the number of Department of Defense (DOD) military and civilian personnel associated with the weapon systems affected by the Intermediate-Range Nuclear Forces (INF) Treaty. As agreed with your office, we identified—to the extent possible—the authorized number of affected positions as of the treaty's effective date, June 1, 1988.

RESULTS IN BRIEF

When the treaty became effective, 16,701 military and civilian positions were authorized for the two affected units in Europe and the United States: the Ground Launched Cruise Missile (GLCM) units, with 9,684 positions,¹ and the Pershing units, with 7,017 positions. By October 1, 1989, DOD plans to reduce GLCM and Pershing units by 5,822 positions—4,159 GLCM positions and 1,633 Pershing positions. By the end of fiscal year 1991, DOD estimates that all military and civilian positions formerly authorized for GLCM functions will be eliminated and 885 Pershing positions will remain.

BACKGROUND

The INF Treaty, signed on December 8, 1987, and effective on June 1, 1988, specifies that all missiles of a certain range, including their associated launchers, training equipment, and facilities, are to be destroyed within 3 years. For the United States, these missiles are the Air Force's GLCM and the Army's Pershing missiles. The operating bases for the GLCM are located in Belgium, West Germany, Italy, the Netherlands, and the United Kingdom. All Pershing operating bases are located in West Germany. In addition, some personnel associated with these

¹ According to an Air Force document, the GLCM authorized level of 9,787 positions was adjusted to accommodate manpower for the On-Site Inspection Agency (55 positions) and a previously approved antiterrorism initiative (48 positions). Therefore, Air Force reduction plans address only 9,684 positions.

units are located in the United States. As a result of eliminating these missiles as required by the INF Treaty, DOD plans to deactivate all GLCM and Pershing units.

PERSONNEL POSITIONS AFFECTED BY THE INF
TREATY

When the INF treaty became effective, 16,701 military and civilian positions were authorized for the GLCM and Pershing units (9,684 GLCM and 7,017 Pershing). Of these, approximately 14,559 (about 87 percent) were military positions (8,244 GLCM and 6,315 Pershing) authorized for INF bases in Europe.

TABLE 1.—POSITIONS AUTHORIZED FOR GLCM AND
PERSHING UNITS

Location of positions	Number of positions		
	GLCM	Pershing	Total
Military:			
Europe.....	8,244	6,315	14,559
U.S.....	341	659	1,000
Subtotal.....	8,585	6,974	15,559
Civilian:			
Europe.....	974	43	1,017
U.S.....	125	0	125
Subtotal.....	1,099	43	1,142
Total.....	9,684	7,017	16,701

PERSONNEL REDUCTIONS RESULTING FROM INF
TREATY IMPLEMENTATION

According to DOD, military and civilian personnel in GLCM and Army Pershing units to be deactivated will be (1) reassigned within Europe to complete their overseas tours, (2) reassigned to the United States, or (3) retired or separated from military service.

According to DOD plans, by the end of fiscal year 1991, authorized staffing for GLCM military and civilian positions will be reduced to zero and Pershing authorized staffing is estimated to be 885 positions.² Table 2 portrays how these positions are scheduled to be reduced as a result of implementing the INF treaty.

TABLE 2.—REDUCTION SCHEDULE FOR GLCM AND
PERSHING MILITARY AND CIVILIAN PERSONNEL POSITIONS

Fiscal year	Authorized positions			Positions reduced	
	GLCM	Pershing	Total	Number	Percent
June 1, 1988.....	9,684	7,017	16,701	0	0.0
1988.....	9,684	7,017	16,701	0	0.0
1989.....	5,525	5,354	10,879	5,822	34.9
1990.....	4,756	5,153	9,909	6,792	40.7
1991.....	0	885	885	15,816	94.7

¹ Cumulative numbers.

² Earlier Army data reflected a reduction of 111 authorized positions in fiscal year 1988.

OBJECTIVES, SCOPE, AND METHODOLOGY

Our objective was to obtain information on the number of military and civilian personnel associated with the INF treaty. We interviewed key Army and Air Force officials and obtained documents and other

² Of the 885 spaces, 868 are the 2nd of the 4th Infantry Battalion. This battalion provides security for the Pershing battalions but after 1991 will be used as an opposing force for training maneuver battalions at the Combat Maneuver Training Center in Germany. The remaining 17 spaces are a Pershing Operational Test Unit, which will be reassigned to an Arms Reduction Management Activity.

data detailing this information. We conducted our review between February and June 1989 in accordance with generally accepted government auditing standards.

We discussed the information obtained with DOD officials and included their comments where appropriate. Unless you announce its contents earlier, we plan no further distribution of this fact sheet until 5 days from its issuance. At that time, we will send copies to the Chairman, House and Senate Committees on Appropriations and on Armed Services; the Secretaries of Defense, the Army, and the Air Force; and the Director, Office of Management and Budget. We will also make copies available to other parties upon request.

GAO staff members who made contributions to this fact sheet were Albert H. Huntington, III, Assistant Director; Mary K. Quinlan, Evaluator-in-Charge; and Ruth McIlwain, Evaluator. If we can be of further assistance, please call me on 275-4128.

Sincerely yours,

JOSEPH E. KELLEY,
Director, Security and
International Relations Issues.

GENERAL ACCOUNTING OFFICE, NATIONAL SECURITY AND INTERNATIONAL AFFAIRS DIVISION,
Washington, DC, June 6, 1989.

HON. ANDY IRELAND,
House of Representatives,
Washington, DC.

DEAR MR. IRELAND: After the issuance of our May 17, 1989, fact sheet (*Defense Manpower: Reductions in Joint Activities and Service Reallocations*, GAO/NSIAD-89-148FS), Mr. Charlie Murphy of your staff asked us to identify how many of the 2,900 positions that were eliminated as a result of the *Review of Unified and Specified Command Headquarters* (commonly known as the Vander Schaaf report) were in Europe. Mr. Murphy also asked that the number be broken down by military and civilian positions.

According to officials from the Office of the Assistant Secretary of Defense, Force Management and Personnel, of the 2,900 positions eliminated as a result of the Vander Schaaf report, 608 were located in Europe. Of these, 380 were civilian and other 228 were military. If you have any additional questions, please call Bill Beusse, Assistant Director, at 275-3990.

Sincerely yours,

HAROLD J. JOHNSON,
Director, Manpower Issues.

GENERAL ACCOUNTING OFFICE, NATIONAL SECURITY AND INTERNATIONAL AFFAIRS DIVISIONS,
Washington, DC, May 16, 1989.

HON. ANDY IRELAND,
House of Representatives,
Washington, DC.

DEAR MR. IRELAND: On April 24, 1989, Assistant Director Bill Beusse briefed Mr. Charlie Murphy of your staff on the status of our job concerning DOD's response to the manpower cuts recommended in the Vander Schaaf report. Mr. Murphy inquired specifically about DOD's action on the positions associated with the Ground Launched Cruise Missile (GLCM).

The Vander Schaaf report made two recommendations regarding personnel associated with GLCM. Recommendation D3-4 recommended the elimination of 37 positions through the disestablishment of the 7000 Special Activities Squadron, which was set up to support planning and execution of

GLCM development. In addition, Recommendation D3-5 recommended elimination of 35 positions in United States Air Force Europe (USAFE) headquarters that were involved with various aspects of GLCM support.

According to officials from the Air Force Office of the Deputy Chief of Staff, Personnel, those 72 positions are among those that will be eliminated in fiscal year 1991 in conjunction with the implementation of the Intermediate-range Nuclear Forces treaty. If you have any additional questions, please call Bill Beusse at 275-3990.

Sincerely yours,

HAROLD J. JOHNSON,
Director, Manpower Issues.

[Fact sheet for Hon. Andy Ireland, House of Representatives]

DEFENSE MANPOWER: REDUCTIONS IN JOINT ACTIVITIES AND SERVICE REALLOCATIONS
GENERAL ACCOUNTING OFFICE, NATIONAL SECURITY AND INTERNATIONAL AFFAIRS DIVISION,
Washington, DC, May 17, 1989.

B-233015.

HON. ANDY IRELAND,
House of Representatives,
Washington, DC.

DEAR MR. IRELAND: On January 24, 1989, you asked us to review Department of Defense (DOD) plans for implementing the reductions in headquarters organizations outlined in the Secretary of Defense's report to the Congress dated December 1, 1988. That report responded to a study by the DOD Deputy Inspector General on streamlining unified and specified command headquarters. Specifically, you asked us to determine (1) the extent to which the reductions have been incorporated into the DOD budget, (2) which organizations received reductions, (3) how the reductions were being accomplished, and (4) what kinds of units were receiving reallocated positions.

RESULT IN BRIEF

Of the 7,309 positions originally identified for elimination in the DOD Inspector General study, DOD eliminated 2,990 positions from its budget—426 from joint activities² and 2,564 from the services. The reductions are expected to be accomplished through normal attrition and rotation. The Office of the Secretary of Defense (OSD) approved the reallocation of 2,244 of these positions to combat and other high need areas.

BACKGROUND

At the request of the Secretary of Defense, DOD's Deputy Inspector General studied the Joint Chiefs of Staff organization, the unified and specified command headquarters and headquarters support activities, and component commands. That study, entitled "Review of Unified and Specified Command Headquarters," commonly known as the Vander Schaaf report, was completed in February 1988. It contained numerous organizational recommendations for eliminating duplicate functions and overlapping responsibilities among the various command headquarters. The study team identified 7,309 positions that it believed could be eliminated. The DOD Appropriations Act for fiscal year 1989 (P.L. 100-463)

¹ Unified commands are composed of forces from two or more services, and specified commands are made up of forces from a single service.

² Joint activities are those that report to or through the Joint Chiefs of Staff and in which more than one military service is normally represented.

required the Secretary of Defense to submit an evaluation of the Vander Schaaf report to the House and Senate Committees on Appropriations.

DOD REVIEW OF THE VANDER SCHAAF REPORT

The Joint Chiefs of Staff and the Commanders in Chief of the unified and specified commands agreed or partially agreed with 53 of the 157 specific organizational recommendations. They said that the study team had inadequate time to comprehend fully the relationship between the unified and specified commands and the military departments and that implementing the other recommendations would adversely affect unified and specified command operations. The initial review by the Joint Chiefs and the Commanders in Chief resulted in an agreement to cut 505 of the recommended 7,309 positions.

After its review of the recommendations, OSD estimated that an additional 1,000 positions could be saved by streamlining the policy and oversight functions for base operations and that another 1,500 positions could be saved by additional reductions in the policy, plans, operations, and logistics directorates of the major staff.

On December 1, 1988, the Deputy Secretary of Defense sent letters outlining the cuts that were planned to the Chairmen, House and Senate Committees on Armed Services; the Chairmen, Subcommittees on Defense, House and Senate Committees on Appropriations; the Chairwoman, Subcommittee on Military Personnel and Compensation, House Committee on Armed Services; and the Chairman, Subcommittee on Manpower and Personnel, Senate Committee on Armed Services. He stated that the reductions would be made in the January 1989 budget submission. He also stated that the personnel reductions would be used to fund validated combat positions in existing units if the positions could be identified in time.

REDUCTIONS AND REALLOCATIONS INCORPORATED INTO FISCAL YEARS 1990 AND 1991 BUDGET SUBMISSION

DOD's budget submission for fiscal years 1990 and 1991 included the elimination of 2,990 positions attributed to the review of the Vander Schaaf study. Table 1 summarizes the reductions by service.

TABLE 1.—SUMMARY OF REDUCTIONS RESULTING FROM THE DOD REVIEW OF THE VANDER SCHAAF STUDY

	Joint activities reductions	Internal service reductions	Total reductions
Army.....	122	1,001	1,123
Navy.....	143	511	654
Air Force.....	131	1,037	1,168
Marine Corps.....	26	15	41
DOD.....	4	0	4
Total.....	426	2,564	2,990

Table 2 shows the joint activities that received reductions.

TABLE 2.—Reductions in Unified Command Headquarters, Joint Activities, and Joint Staff

Organization:	Positions
U.S. Atlantic Command.....	112
U.S. Central Command.....	45
U.S. European Command.....	66
U.S. Southern Command.....	14
U.S. Pacific Command.....	76
U.S. Space Command.....	11
U.S. Special Operations Command.....	28
U.S. Transportation Command.....	4

Joint Staff	20
Joint Strategic Target Planning Staff	33
Electromagnetic Compatibility Analysis Center	1
Defense Courier Service	6
World-wide Military Command and Control System Information System Joint Program Manager ..	1
National Defense University	7
Joint Electronic Warfare Center	2
Total	426

Army, Navy, and Air Force organizations that were reduced are shown in tables 3, 4, and 5, respectively. Internal reductions in the Marine Corps amounted to 15 positions, but the location of these reductions has not been specified.

TABLE 3.—Internal Army Reductions

Organization:	Positions
Force Command	203
Western Command	30
8th U.S. Army	265
Special Operations Command	6
U.S. Army, South	11
Space Command	2
U.S. Army, Japan	16
Military Traffic Management Command	35
U.S. Army, Europe	433
Total	1,001

TABLE 4. INTERNAL NAVY REDUCTIONS

Organization:	Positions
U.S. Atlantic Fleet	240
U.S. Pacific Fleet	191
U.S. Navy, Europe	32
Military Sealift Command	45
Naval Space Command	3
Total	511

TABLE 5.—INTERNAL AIR FORCE REDUCTIONS

Organization:	Positions
U.S. Air Force, Europe	127
Air Force Space Command	94
Strategic Air Command	396
Pacific Air Command	148
Tactical Air Command	167
Military Airlift Command	105
Total	1,037

OSD approved service-requested reallocations of 2,244 (75 percent) of the 2,990 positions. The Army's reductions included 163 officers, 216 enlisted personnel, and 744 civilians. The Army received OSD approval to reallocate all 1,123 Army positions that were eliminated. It reallocated 75 officer positions to combat units, converted 88 officer positions to enlisted positions, and reallocated them along with the 216 lost enlisted positions to combat units. The 744 civilian positions were relocated to medical support positions.

The Navy's reductions included 167 officers, 292 enlisted personnel, and 195 civilians. All officer and enlisted positions were reallocated to ships, squadrons, and submarines, and the civilian positions were reallocated to medical facilities. Of the Marine Corps' reduction of 41 positions, 12 officer and 29 enlisted positions were reallocated to enlisted combat positions.

The Air Force requested permission to reallocate 564 of its 1,168 reduction. However, OSD approved the reallocation of only 426 positions (42 officer and 384 enlisted) to fill aircrew, maintenance, and security requirements. None of its civilian positions were reallocated.

In implementing the reductions over 3 fiscal years, each of the services expects to

be able to meet the reductions through normal attrition and rotation. OSD does not anticipate the need for any major reductions-in-force.

OBJECTIVE, SCOPE, AND METHODOLOGY

Our objective was to obtain information on DOD's plans for implementing the reductions in headquarters organizations outlined in OSD's December 1, 1988, report to the Congress. We interviewed key OSD officials and obtained documents detailing where the reductions were made. We did not verify the accuracy of the documents provided by OSD. We conducted our review from February 1989 to April 1989 in accordance with generally accepted government auditing standards.

We discussed the information obtained with DOD officials and included their comments where appropriate. Unless you announce its contents earlier, we plan no further distribution of this fact sheet until 5 days from its issuance. At that time, we will send copies to the Chairmen, House and Senate Committees on Appropriations and on Armed Services; the Secretaries of Defense and the Army, Navy, and Air Force; and the Director, Office of Management and Budget. We will also make copies available to other parties upon request.

GAO staff members who made major contributions to this fact sheet were William E. Beusse, Assistant Director, and James F. Reid, Evaluator-in-Charge. If you need further information, please call me at 275-3990.

Sincerely yours,

HAROLD J. JOHNSON,
Director, Manpower Issues.

GENERAL ACCOUNTING OFFICE, NATIONAL SECURITY AND INTERNATIONAL AFFAIRS DIVISION,
Washington, DC, July 17, 1989.

HON. ANDY IRELAND,
House of Representatives,
Washington, DC.

DEAR MR. IRELAND: After the issuance of our June 8, 1989, report (*INF Treaty: Army and Air Force Personnel Reductions*, GAO/NSIAD-89-173FS), Mr. Charlie Murphy of your staff asked us to verify the disposition of the 1,099 Air Force civilian positions scheduled to be eliminated as a result of the Intermediate Range Nuclear Forces (INF) Treaty. According to the Department of Defense, all civilian billets associated with INF have been taken out of its budget submission.

After reviewing Air Force Justification of Estimates for fiscal years 1990/1991 submitted to the Congress in January 1989, we have documented that these civilian positions are scheduled to be eliminated by 1991. All positions are included in the Operations and Maintenance Justification Book Tracks. Of the 1,099 positions, 432 are scheduled to be eliminated in fiscal year 1989, 31 positions in fiscal year 1990, and 636 positions in fiscal year 1991.

If you have any additional questions, please call Albert H. Huntington, III, Assistant Director on 557-1469, or Mary K. Quinlan, Evaluator-in-Charge, on 557-1524.

Sincerely yours,

JOSEPH E. KELLEY,
Director, Security and
International Relations Issues.

□ 1800

Mr. ASPIN. Mr. Chairman, I yield 5 minutes to the gentleman from Oklahoma [Mr. McCurdy].

Mr. McCURDY. Mr. Chairman, I rise in strong support of the commit-

tee bill on the defense authorization bill and want to commend the gentleman from Wisconsin [Mr. ASPIN], chairman of the committee, and my subcommittee chairs, the gentleman from California [Mr. DELLUMS] and the gentlewoman from Colorado [Mrs. SCHROEDER], for their diligent efforts in the subcommittees in producing a product that included most Members' views in a very difficult and challenging year.

Mr. Chairman, I heard a statement recently describing the last 40 years of United States-Soviet relations, and I thought it was a very accurate description when it said that for the past 40 years we had blessed certainty and assured simplicity, because it was clear-cut, it was absolute, there was a Berlin Wall, there were good guys and there were bad guys. Today, Mr. Chairman, there is a new reality. We have a new player in the Soviet Union. They are trying desperately to move their economy along, and with that new reality we see all kinds of new statements and new positions emerging from the Soviet Union. I think we are hopeful that they will move to change relations and reduce tensions between our great Nations.

However, in the meantime there is still considerable danger. Although there is great opportunity to enhance our opportunities for peace, there is still great danger. Mr. Chairman, we need to remain vigilant. The administration is a new administration. We have a new Secretary of Defense, and I have decided this year to support the Cheney budget and to allow the administration the flexibility to negotiate, to develop a strategy, to have the opportunity, as an administration should, to deal with this new Soviet regime.

Since we are having a changing role, however, I implore the Department of Defense to work to develop a strategy that handles our security needs. In the past we have had a lot of programming and budgeting, but very little planning, and that is the reason we have needed net assessments incorporated into the planning process. I said some time ago it was foolish to build without a strategy but, Mr. Chairman, it is dangerous to cut without a strategy.

In regard to the Research and Development Subcommittee markup, Mr. Chairman, there were two areas we felt imperative that we have long-range research and development effort. The first was in the antisubmarine warfare capabilities and advanced submarine technologies. This is critical to protect our strategic assets.

Second, I thought it was important, and I think the subcommittee agreed, to develop long-term aviation competitiveness with the funding of the national aerospace plan. This funding

and this program has tremendous potential to improve not only our military capabilities, but also civilian applications as well.

Mr. Chairman, in the full committee we had a contentious debate of the B-2, the Stealth bomber. I have supported the committee's position. I believe it was a balanced approach and a wise approach. I will support the Skelton amendment to add some restrictions on the procurement and the development, but not to delay or stretch the program, which would inherently increase costs.

There are two additional amendments that I would like to speak of. One is going to be offered by the gentleman from Utah [Mr. OWENS] to cancel the C-17. We had that debate in the last Congress. We explored it fully, we debated, we voted, and we voted overwhelmingly to continue the funding of the C-17. It is on pace, and we should not disrupt it now.

The other amendment is the amendment to be offered by the gentleman from Kentucky [Mr. HOPKINS] regarding the LHX. I too will oppose that and would urge Members to oppose that amendment as well. It is clear that the Army is continuing on an aviation modernization program. We should not disrupt it.

As I stated in the committee, when the Air Force research and development budget is larger than the entire Army procurement budget, something is wrong within our priorities. A cut in the modernization effort or the LHX would be a mistake.

Mr. ASPIN. Mr. Chairman, could the Chair advise how much time remains on each side?

The CHAIRMAN pro tempore (Mr. DURBIN). The gentleman from Wisconsin [Mr. ASPIN] has 24½ minutes remaining, and the gentleman from Alabama [Mr. DICKINSON] has 10 minutes remaining.

Mr. ASPIN. Mr. Chairman, I yield 5 minutes to the gentleman from Florida [Mr. BENNETT].

Mr. BENNETT. Mr. Chairman, in the progress of human-kind, nothing is so unchanging as change. It occurs all the time, and we are in a particular changing period of history at this moment.

The thing that affects me most greatly in my thinking is the fact that we have tremendous surpluses in the field of nuclear power and weaponry, and we have not paid adequate attention to conventional forces.

I am the chairman of the Subcommittee on Seapower and Strategic and Critical Materials, and as such I have a formal statement here reflecting what that committee has recommended, and I include that in the RECORD at this point.

Mr. Chairman, I rise in support of the committee report on H.R. 2461, the fiscal years 1990/1991 Department of Defense authoriza-

tion bill. I will speak specifically of portions of the bill relating to the Seapower Subcommittee.

For fiscal year 1990 the committee recommends authorization of \$9.9 billion for 19 new construction ships and 2 conversions. Included are the 17th Trident submarine, 1 *Los Angeles*-class attack submarine, 5 *Arleigh Burke*-class guided missile destroyers, 3 mine countermeasures ships, 3 coastal minehunters, 1 landing ship dock, 1 ocean surveillance ship, 1 fast combat support ship, 3 auxiliary oceanographic research ships, 9 air cushion landing craft, and long-lead funds for 2 *Seawolf*-class attack submarines. Also included are an aircraft carrier service life extension, the conversion of a fleet oiler, and the conversion of a retired nuclear ballistic missile submarine to a moored training vessel.

Notably, the bill contains long-lead and research funds for a prototype fast sealift ship. Fast sealift is vitally needed to ensure our ability to move troops and their equipment overseas in a timely manner. The committee bill would begin a program aimed at providing enough ships to move a heavy Army division.

In the Navy's other procurement and weapons procurement accounts the committee recommends a package of upgrades to the Navy's 100-plus frigates that will improve their defensive capabilities against high-speed, low-flying missiles. The committee also approved language that would lead to improved antisubmarine capability on these ships.

In the much neglected area of mine warfare, the committee recommends the transfer of \$15 million for research on a new medium depth mine, something the Navy now lacks.

The committee recommends reductions in two areas, the MK-48 advanced capability torpedo and the other procurement account. In testimony this year the subcommittee found that the MK-48 had not met many of its operational test objectives, and decided that the torpedo should be held at the low-rate production level. The committee recommends cutbacks in certain other procurement accounts in recognition of the typical cutbacks the Navy itself makes each year.

The bill also contains a number of legislative provisions affecting the Navy and its ship construction and repair efforts. These include:

First, a provision to require a report on the implications of a slower rate of building Trident submarines;

Second, a provision to require that ship production engineering funds be requested in the shipbuilding and conversion account;

Third, a provision to amend the Atomic Energy Act to preclude proliferation of naval nuclear power information and to tighten the criteria for exchanges of information under existing sharing agreements;

Fourth, a provision to require a study of shipboard breathing devices used in firefighting;

Fifth, a provision to limit to U.S. sources the procurement of shipboard anchor and mooring chain of 4 inches diameter or less;

Sixth, a provision to amend current law dealing with handling of hazardous waste in naval ship repair to require the Navy to indemnify its shipyard contractors against claims or losses relating to the contractor's handling or disposal of Navy-generated hazardous waste;

Seventh, a provision to increase the progress payment rate on naval ship repair contracts and to extend the applicability of the rate increase;

Eighth, a provision to require that not less than half of the depot-level shipwork scheduled to be accomplished over the next 3 years on ships homeported in Japan be accomplished in shipyards in the United States or its territories; and

Ninth, a provision to require the Secretary of the Navy to contract for the removal of certain scrap material from ships prior to use of the ships for experimental purposes.

The bill also contains a number of provisions dealing with the management of the national defense stockpile of strategic and critical materials. Specifically, the bill would:

First, authorize changes in 21 specific stockpile requirements as recommended by the Secretary of Defense;

Second, authorize the disposal of \$180 million of unneeded materials and the use of the proceeds to purchase \$180 million of needed materials; and

Third, encourage the production of strategic and critical materials from domestic sources and require competitive procedures for grants and contracts involving the national defense stockpile transaction fund.

Mr. Chairman, I believe the committee has worked hard to craft a responsible bill in the seapower area given some difficult fiscal constraints. I urge my colleagues to join me in supporting the committee-reported bill in these important aspects.

Mr. Chairman, I will speak a bit about what I started to speak about at the beginning, and that is the fact that we are in a time now when the responsibility is put upon us in the Constitution to be responsible for the national defense of our country, and that is what is on our back as the Congress of the United States, we have to look at what we have been doing wrong and what we can do right in the future.

What we have been doing wrong is spending entirely too much money and projecting too much expense for the future in weapons which are really not needed, which are redundant, and we have not done enough to protect ourselves in the fields in which we should be operating, particularly in conventional warfare.

□ 1810

In our committee, the Subcommittee on Seapower, we addressed this question. We reduced some expenditures. We made available three additional ships, one of which will be a prototype for a new type of fast deployment, fast transport, very greatly needed.

There are other things in this report from the Subcommittee on Seapower which show we have done some new things.

In R&D, the Subcommittee on Research and Development, of which I am also a member, there we struck \$1 billion out of the SDI account, and as a result of that made available some

money for microelectronics and semiconductors and other things which will be very valuable to us in the field of conventional warfare.

So this money out of SDI has so far gone to very good purposes. Tomorrow I hope there will be further money made available and in that process of reducing SDI expenditures we will make money available for conventional warfare in a way which is really meaningful for the challenges that we have in 1989.

We have very real challenges in the field, for example, not having adequate ammunition, not adequate provision for various aspects of our conventional responsibilities. These can be met by making this money available from SDI.

I am delighted that opportunity occurred.

Mr. Chairman, I am not an enemy of SDI. I just feel like SDI probably will have a very obvious answer, which is the production of additional ICBM's. After all, it is not a perfect shield, no one thinks it is going to be a perfect shield.

Under those circumstances it is clear that the opponent, whoever he may be, would produce more ICBM's pointed in our direction, which would be a calamity.

It would not be a step forward for mankind, it would be a step backward.

So I hope tomorrow when the matter comes up, that the people will support the conservative position with regard to SDI; \$3.1 billion would be the amendment I will offer.

As a result, that money would be loosened up for a number of conventional things which are very greatly needed.

Some of them are obvious things which are very important to us, such as repairing the helicopter fleet which has been destroyed recently in Texas; such as providing additional ammunition for the Army; providing other things of that nature.

So, Mr. Chairman, I am grateful for the opportunity to make these remarks about this bill. It is a watershed bill, it comes at an important time in our history. It is important not only because there is greater opportunity for greater friendship throughout the world, which I certainly hope will be the result of a lessening of tensions, but I would say it is more important really because we are not looking at the fact that we are overextended in fields where we should not be spending as much money as we are spending and we are not extended as far as we should be in some of our conventional challenges.

So I think this bill will be a move in the direction of protecting ourselves as our responsibilities under the Constitution, our Constitution, requires us to do. We are required under the Constitution to provide for the national de-

fense, and that is what we are doing in this bill.

Mr. Chairman, I congratulate the chairman and the members of the committee for bringing forth this bill. I think it is a good bill and I hope we will resoundingly pass it.

Mr. DICKINSON. Mr. Chairman, I yield 4 minutes to the gentleman from South Carolina [Mr. SPENCE], the ranking member of the Subcommittee on Seapower and Strategic and Critical Materials, to follow the chairman of that subcommittee.

Mr. SPENCE. Mr. Chairman, I thank the gentleman from Alabama for yielding time to me.

Mr. Chairman, I rise in support of H.R. 2461, the committee-reported version of the fiscal years 1990-91 Department of Defense authorization bill. I would like to take a few moments to discuss certain aspects of the bill relating to the Seapower Subcommittee, on which I serve as the ranking Republican member.

The bill would make a number of significant improvements to the Navy's ability to deal with conflicts across the warfare spectrum. Many of these improvements are the result of lessons learned from the Persian Gulf experience.

For example, the bill would divert from other sources \$85 million to begin an upgrade program for the Navy's 100-plus frigates that would improve, to a large extent, their ability to defend themselves against low-flying, high-speed cruise missiles like the Exocet. These improvements would include the addition of new guns and electronics and the application of techniques to make the ships harder to detect on enemy radars.

The bill would also beef up the Navy's mine warfare capabilities. For example, the bill would authorize a total of six new mine countermeasures ships—including two coastal minehunters added by the committee—to replace the existing fleet of obsolescent, 1950's-vintage minesweepers. Although these older ships showed they still had some fight in them in their Persian Gulf service, they must be replaced soon if we are to keep up with the modern mine threat. The committee also acted to shore up the Navy's inventory of modern mines, diverting \$15 million to develop a new mine to be used in medium depth waters.

The committee also moved to improve our ability to move troops and equipment overseas in time of emergency by recommending the start of a fast sealift ship program. For too long we have neglected this vitally important area of military capability. The recent reports of the Commission on Merchant Marine and Defense point most dramatically to the need for virtually all kinds of sealift for defense purposes. Although neither the Department of Defense nor the commit-

tee are in a position to solve unilaterally, the sealift problem, we can and should take on the responsibility for the militarily unique need for fast sealift.

Having indicated my support for the bill and several areas where the committee made significant improvements, in my view, I would be remiss if I did not express certain misgivings I have about the overall dollar level in the bill and about the Navy program in particular.

Simply put, Mr. Chairman, this bill barely passes muster in the amount it proposes for defense spending. Some apparently believe we can withstand a fifth year of negative growth in defense spending because "peace is breaking out all over." But to a large extent, all we've had so far are a number of nice-sounding statements from the Soviet leadership. Their forces aren't appreciably smaller; their production rates for major weapon systems aren't appreciably lower. As a matter of fact they're still outproducing us in many areas. In short, Mr. Chairman, we should not let down our guard, based on a few well-received speeches from the other side. The President has indicated his desire to move cautiously in the military arena, watching Soviet capabilities—not just perceived intentions—as the guideline for United States actions. I support this approach.

Nowhere is this approach more important than for our Navy. Regardless of the outcome of the current Soviet experiment, the United States—a maritime nation—will always need a strong and capable Navy. This bill would begin the decommissioning of ships at a pace that will leave us with 1 less aircraft carrier and 53 fewer deployable surface combatants by the end of fiscal year 1993. If we're not careful we will find ourselves on the same slippery slope of the 1970's, when we worked our Navy people and ships at such a frenetic pace that people left the Navy in droves and the ships just plain wore out.

Mr. Chairman, we cannot permit this sort of thing to happen again.

Mr. ASPIN. Mr. Chairman, I yield 5 minutes to the gentleman from Florida [Mr. HUTTO].

Mr. HUTTO. I thank the chairman for yielding.

Mr. Chairman, as chairman of the Readiness Subcommittee I rise in support of H.R. 2461.

The committee recommends authorization of \$87.9 billion for Department of Defense operation and maintenance activities, \$2.3 billion below the administration's request. We also recommend \$801 million for working capital funds, \$27 million above the budget request.

The committee endorses the Department's decision to protect the O&M

accounts in this time of budget turmoil. Ten years ago this would not have happened, and it is a significant sign that the Department has finally reached the same philosophy espoused by this committee over the last decade; that is, without adequate O&M funding readiness will suffer.

Even with this significant change in philosophy by the Department, a number of issues surfaced this year that will have important ramifications in the years ahead. First, the cost to operate and maintain all of the new equipment purchased during the 1980's is two to three times what was anticipated. The cost to operate an M-1 tank, for example, is 2½ times greater than an M-60. Similarly, the cost to operate an Apache helicopter is more than twice as much as its predecessor. These high operating costs will cause a dilemma for commanders, because if O&M funds do not increase, training on the new equipment must be cut back or alternative methods substituted for actual hands-on training.

Second, environmental problems are increasing at an alarming rate, with some estimates indicating that as much as \$2 billion will be needed annually. With a level budget, the Department will be faced with cleaning up environmental problems at the expense of national security programs.

The Department is already experiencing increased backlogs in its equipment and property maintenance. These areas are vital to readiness, yet they are the first areas to be reduced when budgets become tight. Continued level budgets will force managers to choose between repairing equipment and property or laying off civilian employees. Since over one-quarter of the O&M account is for civilian pay, additional O&M reductions in the future will lead to lower levels of civilian employment.

The committee views with increasing concern a pattern of harassment of American military personnel and their families at several overseas locations. The Readiness Subcommittee conducted a hearing to review the state of military quality of life. At the hearing witnesses cited increased harassment and, in some cases, physical harm and threats to military personnel in Panama, Greece, the Philippines, and South Korea. In other nations, too, there is rising sentiment against U.S. military presence, making life difficult for military personnel.

The committee appreciates diplomatic and host nation efforts to improve these situations and supports added measures aimed at quelling the insecurity faced by our military personnel and their families. The committee continues to advocate adequate resources for quality of life improvements, and endorses the quality of life funding budget supported by DOD,

particularly for overseas locations. If Americans face isolation, it is imperative that their on-base facilities be adequate. Several measures are included in this bill to further support DOD efforts to improve conditions.

The committee made various adjustments to the operation and maintenance and working capital funds accounts, staying within the administration's request. Major adjustments include:

First, \$300 million to increase readiness-related activities, such as supply operations, depot maintenance, transportation, and base operating support.

Second, \$13 million to continue humanitarian aid for Afghan refugees.

Third, \$14.6 million to provide security assistance for the goodwill games to be held in Seattle, WA, in 1990.

Fourth, \$105 million to repair helicopter damage caused by a wind storm at Fort Hood, TX.

Fifth, \$10 million for transportation costs of U.S. beef for commissaries in Europe.

Sixth, \$42 million restored to Guard and Reserve units in light of the committee's decision to study the total force concept.

Seventh, \$2 million to continue expansion of satellite transmissions to overseas locations and live radio to Navy ships.

Eighth, \$83 million to increase defense environmental restoration fund.

Mr. Chairman, I ask my colleagues to endorse our efforts to maintain readiness and support H.R. 2461.

□ 1820

I yield to the gentleman from Alabama.

Mr. DICKINSON. Since this comes under the purview of the gentleman's committee, I wonder if the gentleman could tell the House what, if anything, the committee is doing to address two particular problems: One is whether or not local hire would be preferred or made a requirement over U.S. personnel and dependents; and the second, as we look at Americans being kicked out of Torrejon, in the future, what provision might be made in severance pay if we remove, not due to any part of our own?

Mr. HUTTO. Mr. Chairman, yes, we do give preference to Americans and not to foreign nationals on hiring. Second, our subcommittee felt strongly and overwhelmingly supported language in the bill, section 311, to say that if the host nations kicked Americans out of their country, close our bases, they should be responsible for the severance pay, and not the United States of America. We do have that in section 311, and this prohibition would also apply to severance pay for the foreign national employees of contractors who may have a contract.

Mr. ASPIN. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland [Mr. Dyson].

Mr. DYSON. Mr. Chairman, I rise today in support of H.R. 2461 and I also wish to address one of the issues which this Congress must face as it debates the Department of Defense authorization for fiscal years 1990 and 1991.

This is an unusual year for the DOD. The Secretary of Defense was appointed and approved far later than anyone expected and it has taken even longer for other DOD appointments to follow. However, of great importance to this body is the budget which Secretary of Defense Cheney has submitted for our review.

Overall, I wish to extend my compliments to Mr. Cheney for making some tough decisions in a very short period of time. In only 39 days, the Secretary reviewed and submitted the entire DOD budget. However, after reviewing the Secretary's budget, I believe that some areas are in desperate need of revision, most notably naval aviation.

Mr. Chairman, the Secretary has determined that the Navy will be able to cruise through the future troubled waters of the world, safely protected by the aircraft it possesses. I not only disagree, I join a great number of my colleagues who foresee serious military shortages and costly buildups in the future under the Cheney proposal.

Today's newspaper and yesterday's evening news contained stories of trouble in many areas of the world. The ayatollah may be dead, but I do not believe that the threat from Islamic terrorists has decreased one iota. In fact, I can imagine few events that would give the world's extremists more happiness than causing destruction of American property and the deaths of American servicemen.

I was a part of the congressional delegation which visited Beirut after the suicide bombing which killed almost 300 of our marines who were stationed there as peacekeepers. I could never adequately express the horror and the pain that I encountered during that visit. It is forever etched upon my memory, and perhaps it is good to remember that war is more than snazzy weapon systems and bad things that happen far, far away from America. The simple fact is that our marines were unprotected in what is one of the most dangerous and unstable countries in the entire world.

We must ensure that our naval forces are not left unprotected when we send them out to sea. Today's reality is that we cannot depend upon foreign countries to protect American lives by providing refueling or landing privileges for U.S. aircraft. We learned that lesson in the Persian Gulf where our naval vessels protected the oil tankers of the very countries that

would not permit our Navy or Air Force to use their airports. This Nation's Navy was forced to survive in a war zone with the only air support available being that aircraft which was carried on naval vessels outside of the gulf.

As our Navy faces hostile situations and threats in the future, we in Congress must not forget that these carrier groups are not just composed of a dozen or so steel ships and high technology computers and defense systems. Rather, they are composed of thousands of American men who also have hopes and dreams for their future. These sailors, their family, friends, and loved ones depend upon the Congress to provide the Navy with every possible consideration for their safety. And this is one task on which, if we do err, we must err on the side of our sailor.

Mr. Chairman, this Congress will soon be asked to vote on a number of crucial amendments which will shape our Nation's defense and its policies. It will also serve as our commitment to the men and women who proudly serve this Nation in the Armed Forces.

For these reasons, I urge my colleagues to reject the Cheney amendment which will be offered. I am convinced that if we accept that amendment today, we will regret that vote in the years ahead.

The Cheney proposal cancels a number of vital Navy aircraft programs, including the F-14 and the EA-6B. The facts are plain: We are either short of these aircraft or we can expect shortfalls in the midnineties. While I support the Navy's efforts to move into its next generation of fighters, I believe that its advanced tactical fighter risks development and production delays that could prevent its introduction into the fleet until after the year 2000. The EA-6B has also been canceled by the Cheney budget. We also have an acknowledged shortfall of this aircraft that is exacerbated by the fact that there is no follow-on aircraft program.

As my colleagues have heard already, there are other serious concerns associated with the Cheney proposal. This great country has only two sources of naval aircraft production. Canceling the F-14 will probably force its manufacturer out of business and could create a naval aircraft monopoly. I deeply believe that the taxpayer loses in those arenas that are without competition.

Even without war, this Nation's active naval air force will be reduced in the years ahead due to accidents, normal maintenance, retirement from advanced age or usage, use in training, or mechanical problems. Continued naval aircraft production is the only way to ensure that the Navy has enough aircraft without a shortfall or without transferring aircraft among

carriers. Continued production is also vital to the Nation's ability to retain two qualified production companies and to retain a vital segment of the Nation's defense industrial base.

I strongly urge my colleagues to reject the Cheney amendment and to join their colleagues on the Armed Services Committee who have already reviewed and rejected the Cheney proposal.

I thank the chairman of the committee for yielding this time and for providing the full House with a Defense bill that addresses the shortfalls in naval aircraft.

I also wish to take a moment to compliment and thank the dedicated staff of the committee which has put many long nights and weekends into assisting the members to draft the legislation before us today.

Mr. ASPIN. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. RAY].

Mr. RAY. Mr. Chairman, I rise in strong support of the Committee on Armed Services bill, H.R. 2461.

I want to quote briefly from an article published today by syndicated columnist George Will, and I ask the complete remarks be inserted into the RECORD. He says in his opening statement that the, "Costly airplane is coming to decision time in Congress at the moment of maximum uncertainty about Soviet intentions."

B-2 MIGHT TURN OUT TO BE A SPECTACULAR BARGAIN

(By George Will)

The costliest airplane is coming to decision time in Congress at the moment of maximum uncertainty about Soviet intentions. The Stealth bomber comes in a period of severe budget constraints that the president promises to continue (read his lips), constraints that have made Congress eager for a "detente dividend" of defense cuts to finance the pent-up demand for domestic spending.

The B-2 is the 150-ton flying wing, product of 900 new materials and processes, with a million parts and 200 on-board computers, with radar-nullifying technologies that give it a radar cross-section of a goose or (some say) a moth. B-2s cost about \$500 million apiece, \$70 billion for the proposed fleet of 132.

Can we afford it? About a third of the \$70 billion has already been spent on research and development, so the "fly-away" cost would be under \$300 million per plane. A Boeing 747's base price is \$125 million and it need not be able to penetrate Soviet air defenses that include more than 300 surface-to-air missiles for every U.S. bomber and five fighters devoted to interception for every U.S. bomber. The S&L bailout will cost more than \$100 billion. The Air Force argues that the B-2 fleet would deliver 2,000 warheads at a cost-per-warhead comparable to ICBMs and SLBMs.

We can afford what we need, which is stable deterrence. That means retaliatory forces sufficient to survive a Soviet attack and inflict intolerable damage. It means an array of forces that complicates, to the point of paralysis, war planning by a Soviet leader.

The B-2 could contribute to that, but the cost might mean the cannibalizing of the defense budget to finance it (particularly because the commander in chief is willing to sacrifice national security on the altar of his anti-tax obsession). The argument for finding the money begins with the basic argument for bombers: They deliver a large variety of ordinance over long distances under close control. Cruise missiles fired from vulnerable stand-off aircraft cannot travel as far, recognize changed situations or report back.

Bombers are long-lived and improvable. The newest B-52 is 28 years old. Improved avionics have doubled the potency of some B-52s in the last six years. The B-2 has been designed to deliver conventional as well as nuclear weapons. One B-2 can deliver more conventional ordinance than all the cruise missiles carried by a 688 class submarine (or a battleship) and a submarine needs two weeks to re-arm and return to station. The B-2 performs with a crew of two.

It can be especially effective striking certain targets that must be held at risk if deterrence is to be strong. These included mobile ICBMs and some hardened sites, such as the deep shelters that the Soviets elite has built for itself with war-fighting in mind.

It is said that the B-2 could be used against terrorist targets. We have fewer overseas bases than before, and use of them for attacks against, say, Libya, can cause political problems in the host country. However, such a use of the B-2 seems like (in Sen. William Cohen's words) sending a Rolls Royce into a combat zone to pick up groceries. And U.S. reluctance to act against the likes of Libya suggests that improved capability would be pointless. However, one reason for the reluctance is fear of diplomatic and domestic political trouble from any U.S. losses. The B-2 could reduce that danger, and hence the reluctance.

Any decision about a strategic system is, fundamentally, a decision about this question: What are Soviet intentions? The plain truth is that we do not know what they are, and whatever they are, they are changeable. Soviet arms production rolls along unabated. It would be folly for the United States to rest its security on faith in the words of, and confidence in the long tenure of, one Soviet leader. Intensifying economic decline, ethnic violence, and now labor unrest, make Gorbachev's future highly uncertain.

This is no time to reduce the pressure. This is a good time to signal U.S. determination to regard the Soviet threat as unchanged until many things more substantial than Soviet rhetoric are changed.

The B-2 would vitiate more than \$200 billion of Soviet investment in all defenses. The B-2 would be a dramatic demonstration of U.S. determination to use the leverage of technological superiority to conduct an arms race in which the unreformed Soviet economy cannot compete.

The fundamental hope behind U.S. policy is that economic reform will presuppose, and presage, political reforms that will reduce the Soviet urge for military competition. So Congress should consider this: If building the B-2 would help convince the Soviet Union of the ruinous futility of its militarism, the B-2 would be a spectacular bargain.

Mr. Chairman, today I had the Library of Congress research the cost to the first airplane bought by the United States in 1908 from the Wright

brothers by the U.S. Army. Let me put into the RECORD what the Library of Congress said about the first airplane purchased. It said:

In 1908, the Army bought one plane from the Wright brothers. It was the first purchase, and it was delivered until 1909. The cost of the plane was in their dollar \$25,000, which in today's dollars is 345,000. The plane exceeded expectations and specifications so the Army paid a \$5,000 bonus, which is \$69,000 in today's dollars. Therefore, we paid a total of, in today's dollars, \$414,000 in today's dollars for this first plane.

So the truth of the matter is that all of our technology and new weapons is expensive. "The B-2 is the 150-ton flying wing, product of 900 new materials and processes, with a million parts and 200 onboard computers with radar nullifying technologies," according to George Will, "that give it a radar cross-section of a goose or—some day—a moth. B-2's cost about \$500 million apiece." A horrendous sum, a tough sticker price. However, Mr. Chairman, we have to pay for technology that we develop.

Mr. DYSON. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. WEISS].

Mr. WEISS. Mr. Chairman, I will be offering an amendment to this year's Department of Defense authorization bill. As in previous years, my amendment deals with the D-5 missile program. However, unlike in the past, my amendment would only affect the refit portion of the D-5 program.

The D-5 refit program would backfit eight Trident submarines, currently equipped with C-4 missiles, with D-5's beginning around 1993. The costs of this program will exceed \$6 billion.

The Navy plans for a Trident fleet of at least 20 submarines. The first eight have been deployed with C-4 missiles. The next 12 or more Tridents will be equipped with D-5 missiles. With these new D-5's, the United States will have, for the first time, the capability of hitting hard targets inside the Soviet Union from the sea-based leg of the nuclear triad.

If there were no backfit program, our Trident force would contain at least 12 submarines equipped with D-5's with the capacity to aim well over 2,000 hard-target warheads. For point of reference, the Soviet Union has a total of 1,283 silo-based ICBM's. Clearly, even without the additional capability that would result from backfitting the first eight Trident subs with D-5's, U.S. SLBM's would have an overwhelming hard-target capability. When land- and air-based forces are taken into account, our ability to strike hard targets is much greater still.

This amendment would allow the D-5 program to proceed almost entirely unencumbered. Every Trident submarine which is deployed from now on would be equipped with D-5 missiles if

my amendment were to pass. The only change in U.S. nuclear force structure resulting from the passage of my amendment would be a marginal reduction in our hard-target capability from the sea. However, as I mentioned before, in the context of our entire Trident force and the rest of our strategic nuclear arsenal, this change would have a negligible impact on our overall nuclear capability.

The U.S. Treasury does not have an extra \$6 billion to spend on a program which has little, if any, strategic benefit. I urge my colleagues to support my amendment as a measured, responsible, and fiscal sound change in our defense policy.

□ 1830

Mr. DYSON. Mr. Chairman, I yield 3½ minutes to the gentleman from New York [Mr. HOCHBRUECKNER].

Mr. HOCHBRUECKNER. Mr. Chairman, let me say to my colleagues that we face a major crisis in Naval aviation. The Cheney budget, as it was presented to the Congress, irreversibly guts Naval aviation. Despite the fact that the Navy recently reconfigured its air wings by calling for a smaller number of aircraft in order to mask the shortage of aircraft that is coming in the future, we still have a tremendous shortage. This chart presents that shortage.

I served in the Navy as an enlisted man in a squadron, and I worked for 25 years in aerospace engineering, and I look upon myself as a bit of a student of Naval aviation—if we look at the 5 major aircraft on our carriers today, we find that we have the A-6 aircraft, and the Navy says they need 741 of them by the year 2000. We are going to be 198 aircraft short, 42 percent short of A-6's, the medium attack bomber, the Intruder.

Then there is the EA-6B, the electronic warfare aircraft, the Prowler, that is used to jam enemy radars so that the A-6's can get in and get out safely. The Navy said we need 145 of those, and we are going to be 47 short by the year 2000; 32 percent short.

Then the F-14, the Tomcat. Everyone knows what a Tomcat is. It is the aircraft featured in the movie, "Top Gun." It is a sensational aircraft that works extraordinarily well, and it is the one that the Navy relies on most heavily when we have confrontations such as with Libyan jets over the Mediterranean. The Navy says we need 457 of those. We will be 56 short by the year 2000, 12 percent short.

The E-2c, the Hawkeye, the early warning aircraft that the Navy does not go anywhere without, because it lets us see anything coming at the fleet, and it allows the F-14's to be vectored to protect the fleet. We will be short of those aircraft also.

Those 4 aircraft are built by Grumman, they are already heading for

shortage and we are moving toward an irreversible gutting of Naval aviation.

The 5th aircraft, the F/A-18, the Hornet, built by McDonnell Douglas, is a very good aircraft. It is a fighter-attack aircraft combination. It is a good aircraft, but it is not an F-14 and it is not an A-6. We will have a slight surplus of those by the year 2000.

We have a major problem here. These shortages are irreversible, because the present Cheney budget has no money for A-6's, no money for EA-6B's, no money for F-14's, and there is money for only 4 E-2c's. If that budget were to go through unchanged, we would find ourselves in a situation where Grumman would go out of business, and when we finally come to our senses and decide that we cannot allow the gutting of Naval aviation, Grumman will not be there to turn back on.

Certainly the ATA and the Navy ATF, the advanced aircraft that will eventually replace the Grumman A-6 and the Grumman F-14 are coming, there is no question about it, but our problem is to have a smooth transition from the existing aircraft to the next generation aircraft. We understand that. But it is poor public policy to terminate the three major aircraft that are most effective in the Navy in exchange for the hope that the ATA and the Navy ATF will come in on time. These are unproven designs, and we are not sure of their affordability.

The Armed Services Committee has acted. We put back funding for the F-14. It is in the bill that we will be addressing here in the full House this week.

I offer a challenge to all my colleagues, as I offered it recently to Mr. Cheney. These numbers are real. If they are wrong, please correct me. If they are right, please join me and support Naval aviation and let us keep the F-14's in the budget.

Mr. DYSON. Mr. Chairman, I yield such time as he may consume to the gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. Mr. Chairman, the Defense authorization bill, which we take up today, allocates \$9.387 billion to the Department of Energy. This is the same amount the President requested, but it is not authorized to be spent exactly as he requested.

First of all, we cut \$75 million, which the President sought to start construction of the special isotope separator at INEL, and we prohibited any money at all from being spent next year on construction of this plant to purify plutonium. Instead, we funded research and development in the amount requested, and we directed the Department of Energy to complete the final round of experiments at Lawrence Livermore Laboratory, using their SIS prototype. These experiments will tell whether the SIS can use lasers efficiently to purify fuel-grade plutonium into weapons-grade plutonium, or Pu 239. We thought it was only prudent to see what these experiments

showed before pushing ahead with construction; and we thought too that it would be wise to wait a year, and let the START negotiations unfold, before deciding whether we need to build a plant and new process for making weapons-grade plutonium.

We took \$35 million of the \$75 denied for SIS and added it to the account for Defense waste and environmental restoration. Tomorrow, after the votes on SDI have been taken, I will offer an amendment to add \$300 million more for Defense waste and environmental restoration.

Mr. Chairman, when President Reagan put together his budget, he added \$128 million for Defense waste and environmental restoration. His addition increased the total for this account to \$1.145 billion.

At the first of this year, however, the DOE published its 2010 report. The 2010 report was a report called for by Congress; and in a year when the Secretary of Defense has criticized the number of reports Congress asks for, and questioned their utility, it should be noted that the 2010 report was of unquestionable value. It caused the Department to look 20 years into the future, and calculate the cost of cleaning up toxic and radioactive wastes accumulated over the last 45 years, plus the cost of replacing or refurbishing its aging reactors and other depreciated plant and equipment. The DOE estimated that in 1990 constant dollars, it would need \$52 billion over the next 20 years for modernization and \$29 billion for cleaning up the waste and environment around its existing plants. The General Accounting Office has analyzed this estimate, and found it on the low end of what is likely to be needed. GAO thinks billions more may, in fact, be required. In the face of this 2010 study, the Bush administration added \$156 million to Defense waste and environmental restoration.

Unfortunately, even this \$156 million addition is not enough. Basically, what the Bush administration proposes is to start the environmental effort in earnest in about 1995 or 1996. There is a risk in that strategy: At about that time, the new production reactors will be well underway, and the mounting cost of modernization could crowd out clean-out in the future, as it has in the past. So, what we will propose in our amendment tomorrow is to step up, and step up substantially, the environmental and waste cleanup effort, increasing it by \$335 million to \$1.636 billion, which is about 60 percent over this year, and about 100 percent over fiscal year 1988.

Let me close, Mr. Chairman, by assuring the House that although we propose to increase the cleanup accounts substantially, we do not propose to "throw money at the problem." In the committee's report accompanying this bill is an illustrative list of 18 cleanup and waste operations programs, which the Department of Energy compiled and provided. All of these are well warranted—programs the Department can carry out if we make the funds available. Indeed, on June 27, Secretary Watkins in his press conference acknowledged and effectively endorsed our efforts to add this \$335 million supplement to Defense waste and environmental restoration.

The CHAIRMAN pro tempore (Mr. DURBIN). The gentleman from Ala-

bama [Mr. DICKINSON] has 6 minutes remaining, and the gentleman from Maryland [Mr. DYSON] has 5 minutes remaining.

Mr. DICKINSON. Mr. Chairman, I yield 2 minutes to one of the most effective members of our committee, the gentleman from Rhode Island [Mr. MACHTLEY].

Mr. MACHTLEY. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, today and for the next several days we will be discussing expensive weapons systems, B-2's, Midgetman, the MX, and SDI, but I believe that the military is more than weapons systems; it is the people who serve in the military.

This year the Personnel Subcommittee has made remarkable strides in housing, medical, human services, and education, and this is a credit to the leadership of that subcommittee, chaired by the distinguished gentleman from Maryland [Mrs. BYRON], and including the ranking minority member, the gentleman from Virginia [Mr. BATEMAN].

The professional Military Educational Panel chaired by the distinguished gentleman from Missouri [Mr. SKELTON] has brought us revolutionary thinking in education theory for our military officers. This also will provide our officers the ability to discuss joint strategy. It will give the generals and the admirals of tomorrow the opportunity to understand the advantages and disadvantages of the other services, and it will introduce more civilians into our teaching senior schools.

So as we discuss and debate the military weapons systems, let us never lose sight of the fact that the backbone of the military is the men and women who serve on our ships and who fly our planes and drive our tanks, both here and abroad.

Mr. DYSON. Mr. Chairman, we wish to reserve our remaining 5 minutes for the gentleman from Missouri [Mr. SKELTON].

Mr. DICKINSON. Mr. Speaker, I yield the balance of our time on this side, 4 minutes, to the very distinguished gentleman from Connecticut [Mr. ROWLAND].

Mr. ROWLAND of Connecticut. Mr. Chairman, first I would like to express my appreciation to the ranking minority member, the gentleman from Alabama [Mr. DICKINSON], for his keen leadership this year.

The entire debate today and the debate throughout the rest of the week may have been different had we been successful in passing the Cheney budget. On a tie vote, we lost the Cheney budget in committee.

I would also like to thank and applaud the chairman of the full com-

mittee, as well as the entire staff, for a job well done.

In the final analysis, President Bush and Secretary Cheney made many tough choices. They cut defense spending by \$10 billion, they cut programs, they canceled programs, and they reduced the rate of increase in the defense budget from 2 percent real growth to below a level of no real growth at all.

Before I proceed further, I would like to commend Mr. Cheney, one of our former colleagues, who has done an outstanding and superb job in presenting the defense budget.

Mr. Chairman, this is my third year as a member of the Committee on Armed Services. One thing I have learned relates to a story that former Secretary Russell Long of Louisiana used to tell in the Senate Finance Committee. It went like this: "Don't tax you, don't tax me, tax the guy behind the tree."

How easily this can be adapted to the defense bill. By and large, Members want defense spending reduced, but when specific programs are targeted, resistance suddenly crops up, largely for local parochial reasons.

Yes, I like the F-14, and yes, I like the V-22. The problem is that we cannot afford every single program that we want. The bottom line is that the committee had the opportunity to hold the line on defense spending by canceling a number of programs. What they did instead was the worst possible alternative. We added a minimum amount of dollars to keep these programs barely going into the year 1990. What this actually does is shove off the funding problems into the next year and later years.

Given the reality of flat budgets for the foreseeable future, we need to make some tough choices here on the floor of the House.

For too long, it seems as if our procurement process has been guided by the "Noah's Ark" theory. That is, when we are in doubt, we buy two of everything. We buy two land-based missile systems, and we buy two bombers. So my question is quite simple. Why do we do it, and how do we do it?

How on Earth are we going to fund the B-1 and the B-2? How are we going to fund the MX, the Midgetman, SDI, the F-14, AHIP, the V-22, and on and on?

This week we can carry on business as usual or we can begin to make tough choices. For starters, I suggest that we can fund just the MX missile and not the Midgetman, and I also suggest that we continue with the B-1 bomber, that we put the fix in this year and not proceed with the B-2. There is an amendment that will be offered by the gentleman from Ohio [Mr. KASICH], along with the gentle-

man from California [Mr. DELLUMS] and myself, that does just that.

What we are basically saying to the full House and to the committee is quite simple. We will conclude all of our testing on the B-2 in 1993.

□ 1840

Mr. Chairman, we then should make a decision whether to continue to procure 132 B-2 bombers. Under the present system, by 1993, when the testing is completed, we will have spent \$40 billion, and we will have procured 44 B-2 bombers. If we need to just finish the testing and the developmental phases by 1993, why build 43 bombers?

Our proposal simply states, "Let's continue with the procurement and research and development. Let's have 13 bombers which we can test and develop."

To end business as usual, I also believe we need to support the amendment of the gentleman from Alabama [Mr. DICKINSON] in regard to the procurement issues. The gentleman from Alabama [Mr. DICKINSON] will seek to bring the procurement part of the DOD bill back in line with the original Cheney proposal.

Again the F-14 and V-22 are good programs, but we cannot afford them.

As we begin the debate on the 1990 Defense authorization bill, there are many aspects that deserve support. To name one, we have a good pay raise for our enlisted personnel. As the Members know, we need to do everything we can to encourage young men and women to join the military. Adequate compensation is a main consideration of this. We have a 3.6-percent pay raise in the bill that should be looked at as an absolute minimum. In that regard, I stand opposed to the amendment of the gentleman from Minnesota [Mr. FRENZEL]. The Secretary of Defense clearly has the executive privilege and the authority to make the pay raise adjustment. Passage of the Frenzel amendment not only violates this authority, but raises some grave concerns about legislative versus executive authority, and passage of the Frenzel amendment will result in severe cutbacks to the quality of life of our service men and women and their families and a possible elimination of positions. It is a sure way to restore service morale and the quality of life for our service men and women.

Mr. DYSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Chairman, I rise in support of the Stenholm-Stangeland-Valentine amendment to H.R. 2461. This amendment would provide significant reforms to the Davis-Bacon Act of 1931. Although Davis-Bacon was well-intentioned, over the years it has come to operate in a counterproductive way. My amendment will restore Davis-Bacon

closer to its original intent and give Congress some \$3.55 billion in budget authority, \$2.4 billion in outlays, to reprogram in more effective ways over the next 5 years.

My amendment is the same as H.R. 2259, which has been cosponsored by 105 Members. It raises the Davis-Bacon threshold (below which contracts are exempted) to \$250,000, allows the expanded use of semi-skilled helpers, reduces paperwork, protects against splitting of contracts with intent to subvert the act, and includes codifying and technical provisions.

Opponents will characterize our amendment as "backdoor repeal." Nothing could be further from the truth. A \$250,000 threshold exempts only 7 percent of the dollar volume of currently covered contracts. Unless you believe a \$5,000 contract for a carport is the equivalent of a \$10 million highway repair contract, dollar volume is the best measure of the amount of work done.

Representative STANGELAND sought to offer an amendment with a \$1 million threshold and stronger market-oriented definition of prevailing wages. Representative DELAY sought to offer an amendment allowing exemptions for military family housing and quality of life construction. Both were denied.

Our amendment is the compromise.

Probably a third of the Members of this House would rather vote to repeal Davis-Bacon. The General Accounting Office, Grace Commission, National Association of Minority Contractors, New York Times, and many others have urged repeal. Our cost-savings, according to CBO, amount to only a little over half of what repeal would save. Because Congressional intent is longstanding to protect prevailing wages, our amendment does that—but strikes a moderate balance that updates Davis-Bacon for the 1990's.

I ask my colleagues to be aware that the amendment to be offered by Representative MURPHY is not a compromise. The respected chairman of the Labor Standards Subcommittee is offering an amendment deserving of a vote in this House. But know that the Murphy amendment takes what is the Davis-Bacon status quo and simply gives us more of it.

The Murphy amendment may look to some like watered-down reform, with a \$50,000 threshold on new construction and \$15,000 on repair contracts. However, related provisions totally undermine the threshold changes. Other provisions expand the coverage of the act to leases, off-site suppliers, independent contractors, fabricators, and privately financed projects only tenuously related to Federal grants for nonconstruction purposes. Brand new, private rights of action would send potentially thousands of contract disputes into the Federal courts every year.

Moreover, keep in mind that the Murphy amendment is being offered as a substitute to our amendment. That means the House will have no opportunity to vote on real reform if the Murphy amendment passes first.

I urge my colleagues to vote for economy, efficiency, and job opportunity for those most in need. On Thursday, vote for the Stenholm-Stangeland-Valentine reform amendment and against the Murphy expansion amendment.

Mr. DYSON. Mr. Chairman, to wrap up the debate on this side, I yield 5

minutes to the gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Mr. Chairman, I take this opportunity to commend the chairman of the Committee on Armed Services, the gentleman from Wisconsin [Mr. ASPIN], for his leadership in putting this bill through the committee and bringing it to the floor. It has been a difficult task at best, and I compliment him on his leadership and the work that he has done, and a special thanks, too, to the ranking member, the gentleman from Alabama [Mr. DICKINSON], for his work and cooperation through those days.

Mr. Chairman, when the new Secretary of Defense took over, he sent over his own budget with a set of priorities, and, Mr. Chairman, I voted for that set of priorities because that is the first time in at least 8 years, probably more, that a secretary has prioritized important systems, whether we like them or not, and I think he is more on track than off track, and I support him, and he is to be commended for doing that.

Mr. Chairman, this is an uncertain world in which we live. I will speak for a few moments on an issue that will be the policy star of the debate in this coming week. This issue is that of the new Stealth B-2 bomber.

I, of course, have an amendment involving this issue, and I have been a strong support of its continuation. As a matter of fact, the committee funded some \$3.9 billion for its continuation.

Let me for just a moment set the stage as to where the B-2 issue is. The Secretary of Defense and the President sent over a request for a total of \$4.7 billion for the B-2, \$2 billion for research and development, 2.7 billion for procurement. The Committee on Armed Services cut that down to \$1.7 and \$2.2 billion, respectively for a total of \$3.9 billion with some restrictive-type language on meeting certain testing milestones.

Mr. Chairman, I have an amendment that is very similar to the Committee on Armed Services amendment, but it has some additional performance matrix language that requires the secretary to send to Congress the unclassified test results. People should know, America should know, Members of Congress should know how this is doing regarding these tests as it goes along. There are two amendments. They are the Synar amendment, which cuts and requires another vote at a later time, as I understand it, and the Kasich-Dellums-Rowland amendment in essence terminates the program.

Mr. Chairman, I speak in favor of my amendment, the Skelton amendment, as a reasonable one, and I think it is a strong one that will lead us to a

good position coming to the conference with the Senate.

Mr. Chairman, what leads me to conclude that the B-2 bomber would be a good investment for the security of our Nation is that a very good case can be made for reasons of technology, for arms control and for structure. The technical argument is the most profound one, much the way the advent of a submarine in the early part of this century fundamentally transformed warfare at sea, the advent of the Stealth bomber will transform air combat. Ships visible on the water surface became invisible under the water as submarines. As a matter of fact, just a handful of German submarines in the early years of the Second World War almost won the fight against Britain. It was not until 1943 that the Battle of the Atlantic was finally won. Vast resources had to be devoted to that fight both in men, and ships, and aircraft and new tactics to defend the convoys that were literally the lifeline for Great Britain's survival.

Mr. Chairman, in the last 20th century we have now entered the era of invisible aircraft, those that cannot be tracked by radar. Partial exploitation of Stealth technology was found in the SR-71 Blackbird surveillance aircraft, and some, and of course in the B-1B bomber. Further development of the technology occurred with the F-117 fighter and the advanced cruise missile.

Mr. Chairman, I take just a moment to thank the gentleman from Rhode Island for his very kind comments about the work that we did on the education panel report. I welcome him as the ranking member on our panel, and I look forward to working with him and making good things come to pass regarding the education of our military.

Mr. BRENNAN. Mr. Chairman, I rise today as a member of the Armed Services Committee to make some general observations about H.R. 2461, the National Defense Authorization Act for fiscal year 1990. The committee worked over the past 5 months and held in excess of 100 hearings on various defense issues. The process was delayed somewhat by President Bush submitting his revised defense budget in late April. During the Committee's two markups in June, the bill was refined and improved. This is not to say this measure cannot be further improved here on the floor of the House, and I am hopeful some additional changes will be made to further craft a more acceptable Defense bill.

It is important to focus on the total budget allocation for Defense which has been established at \$305.3 billion in budget authority. While there is some concern that this figure again reflects a negative growth in defense spending for what is now 5 consecutive years. We must also be mindful of the tremendous increases in the previous 5 years. That debate cannot be settled here today, however, we must be cognizant of some very real and ominous budget figures facing our Nation next

year. We are facing the threat imposed under Gramm-Rudman, by which Government spending will need to be reduced by more than 10 percent to reach the \$64 billion deficit target for fiscal year 1991. If we are serious about meeting our budgetary obligations, the Defense budget must reflect both the world threat posed by potential adversaries and the harsh fiscal realities our Nation faces. We cannot continue to spend enormous sums of money on weapons systems which have questionable utility or could prove more likely to provoke a continuation of senseless arms escalation. With this threatening budget target facing us, I urge my colleagues to think twice about some of the amendments being offered to this bill and make some tough choices about which programs we can or cannot afford.

One program which will receive early attention from this body is star wars. We have been given the opportunity to select from four budget levels to fund this dubious system. I would urge my colleagues to support the level proposed by Congressman DELLUMS. The \$1.3 billion amount is sufficient for a program which was intended to be basic research and not some crash program pushing for early deployment. When President Reagan first announced his grand designs for star wars in March 1983, the system was sold as an astro-dome to protect the American people from a nuclear assault. Many Americans found this new proposal interesting and worth looking into for feasibility. However, we now learn that original concept is no longer valid. The premise behind today's star wars is to protect our nuclear weapons and not protection of our citizens.

We also face the certainty of violating the 1972 ABM Treaty by continued testing and future deployment of the star wars system. At a time when our Nation is embarking on a vigorous course for arms control, does it really make sense to abrogate a worthwhile treaty already in existence? To stay abreast of the technology I support funding some research into star wars and therefore will urge my colleagues to support Congressman DELLUMS' amendment. Because the likely response to our deploying some star wars system will be many more ICBM's built by the Soviets, we will only see a more threatening world with further expenditures on nuclear warheads.

Another important area of the bill will center on the continuing controversy involving our ICBM forces. For nearly 30 years our ICBM forces have in fixed silos. Today, we have pursued a basing scheme which is unlikely to buy any real security for our forces and that is the rail mobile MX system. For the plan to succeed, the trains must be dispersed from the bases in sufficient time to avoid an incoming attack. What we do not have, is any assurance from our potential adversary about when or if a warning of massive ICBM attack will occur. Therefore, the vast sums we are asked to spend on rail mobile MX is not necessarily prudent spending. Given the hazards of allowing these garrisons to transverse rail lines near communities where our citizens live and work, shouldn't we decide against this basing scheme and save some valuable defense resources?

A critical decision must be made involving one of our most expensive weapons systems ever devised, the B-2 Stealth bomber. It has been proposed that \$70 billion be spent to procure 132 aircraft, which is roughly \$530 million per plane. For over 10 years this program was under the special access area of the Defense budget and only until this year did most Members of this body learn the true costs associated with this program and what the specific characteristics and mission of the plane were to be.

I questioned the Air Force Chief of Staff, General Welch, in a committee hearing 2 weeks ago about the plane's mission. General Welch responded to my inquiry that the plane would likely reach its target long after nuclear annihilation has occurred in both countries in the affirmative. Therefore, we do not need to strengthen our air breathing leg of the triad while we have sufficient assets in our new B-1 bomber, or our existing FB-111's and B-52's. Our manned and recallable bomber force is capable with some penetration capabilities and necessary stand-off cruise missiles to address the mission assigned to the B-2. We do not need the B-2 and substantial savings can occur through the adoption of Congressman KASICH's amendment.

There has been discussion framed around restructuring the B-2 program to help bring the costs in line. Unless the prime contractor of the aircraft sees fit to reduce the programs costs, there will not be any program restructuring that will result in cost savings to our constituents. The only thing delay will bring will be a higher per plane cost and the likelihood of reducing the planned 132 aircraft buy. So I say let us do now what we will eventually do—terminate the procurement funds for the B-2 and cease an expensive and unnecessary aircraft.

I cannot allow the opportunity to briefly discuss the proposed Cheney budget to pass. It has been characterized in some quarters as the "Good Government" Defense budget plan. I respectfully disagree with that assertion for a number of reasons. Yes, we need to terminate certain defense programs and Secretary Cheney made some decisions. The Armed Services Committee disagreed with his recommendations and brought forth a bill which meets this years budget targets. Yes, the outyear spending will need to be trimmed and as I pointed out earlier in my remarks further cuts will be necessary to meet Gramm-Rudman targets, however, it is the prerogative of this body to assert its collective judgment as to how the defense spending of our Nation is to be crafted.

Two programs terminated in the Cheney budget have had funding restored and I support those programs—the F-14 Tomcat fighter for the Navy and the V-22 Osprey for the Marine Corps. We must make decisions on which programs will need reductions in future years if we are to support these new programs. I believe we can find the necessary cost savings and insure our defense requirements are met.

If we are to maintain our existing carrier battlegroups, the backbone of our naval defense planning, we must insure there are sufficient aircraft to protect our forces. The work-

horse for naval aviation is the F-14. The replacement for this fighter is the new Navy advanced tactical fighter [N-ATF]. However, if past lessons can teach us anything, we can expect the N-ATF to be delayed and not meet existing delivery schedules. Therefore, I urge continued purchases of the F-14 to maintain needed naval fighter aircraft until the N-ATF is delivered.

I am very pleased that the Committee has recommended the procurement of 5 DDG-51 Arleigh Burke Aegis destroyers. This program is the No. 1 shipbuilding priority of the Navy and we are facing a severe shortage of anti-air warfare [AAW] capable ships. Today, we are only at 64 percent of needed AAW capacity and the number will shrink to 50 percent with the expected retirements of the Adams and Farragut class destroyers. These vessels with over 30 years of useful service life are ready for retirement and need to be replaced. Only by maintaining the scheduled procurement rate of these important DDG-51's can we seriously address the AAW shortfall.

The amendment process will begin tomorrow and I am hopeful an improved version of the Defense bill can result. If we choose our Defense program priorities carefully, we can meet our national security obligations and address the budget shortages confronting our Nation. I urge my colleagues to carefully review the various amendments and seek to join me in refining and enhancing this Defense measure.

Mr. GREEN. Mr. Chairman, as we begin the consideration of this year's defense authorization bill, I think it is important to ask ourselves what our priorities are with respect to arms control and disarmament. As one who has actively participated in past debates on this subject in this House, I suggest that our agenda should be as follows:

REDUCTION OF CONVENTIONAL ARMS

The massive American nuclear buildup began in the Eisenhower years as a response to the massive conventional forces being maintained in Eastern Europe by the U.S.S.R. and its East bloc allies. The low cost of nuclear as opposed to conventional forces and the unwillingness of the United States to establish an ongoing peacetime draft made the nuclear buildup an attractive policy. If we are to move away from this "more bang for the buck" approach, as it was called, then reduction of conventional arms is critical. In this area, I believe the Soviets have clearly been the laggard. However, the economic problems facing the Soviet Union appear to be forcing the Soviets to take a new look at this issue.

Two additional observations should be made:

What is at issue is not just numbers of weapons but their nature and deployment. Reducing the forces in the European theater in such a fashion that they have less offensive potential is a critical element—that is, tanks portend an offense and thus destabilize the situation; anti-tank weapons stabilize it.

The current size of U.S. deployment in Europe reflects an era when the gross national product of NATO's European members was much smaller in relationship to that of the United States and the U.S.S.R. than it is today. Any conventional force reduction in Europe should involve acceptance by our

NATO partners that it is appropriate for the United States to reduce its proportional share of the remaining NATO defense burden.

OTHER INITIATIVES

While I believe that an agreement on conventional arms is critical to a major reduction in the burden of defense expenditures that the United States and the U.S.S.R. bear, I believe that other arms control efforts can also usefully be pursued at this time:

Nuclear weapons testing moratorium: I have always felt that the biggest threat of nuclear catastrophe comes not from problems between the Soviets and us, but because of the "n-country" problem, the problem that a Libya or some country of that sort is going to develop nuclear weapons. Progress toward a comprehensive test ban has always been regarded by the nonnuclear weapons states to be an absolute minimum condition for superpower compliance with Article 6 of the Non-Proliferation Treaty, which encourages weapons states to agree to negotiate good faith reductions of nuclear arsenals. If the Soviets and we will not comply with Article 6, we cannot expect the nonnuclear powers to comply with the other parts of the Non-Proliferation Treaty.

During consideration of last year's defense authorization bill, Congress enacted the Nuclear Test Ban Readiness Program within the Department of Energy to "assure that the United States is in a position to maintain the reliability, safety, and continued deterrent effect of its stockpile of existing nuclear weapons designs in the event that a low threshold or comprehensive test ban is negotiated and ratified within the framework agreed to by the United States and the Soviet Union." This year I encourage my colleagues to build upon that program by supporting an amendment to require the Department of Energy to prepare a 5-year plan which will provide Congress with a year-by-year description of the costs and milestones for fully preparing the U.S. nuclear weapons stockpile for future nuclear testing restrictions by 1995.

Plutonium production: During this Congress, more than 170 Members of the House have cosponsored the International Plutonium Control Act, a bill which urges the President to negotiate a mutual and verifiable ban with the Soviet Union on the United States-Soviet production of plutonium and highly enriched uranium for nuclear weapons. Soviet President Gorbachev is clearly interested in negotiating such a ban, and President Bush needs to seize the opportunity.

The International Plutonium Control Act amendment seeks to eliminate the asymmetry in nuclear materials production capabilities which currently favors the Soviet Union. The fact of the matter is that the United States has not produced highly enriched uranium for weapons since 1964. That same year, then-President Johnson decided to cut back on weapons-grade plutonium production and 10 U.S. production reactors were shut down. Our country has produced small amounts of weapons-grade plutonium over the last two decades, although in the last year all of our reactors have been shut down. We have a massive stockpile of roughly 100,000 kilograms of weapon-grade plutonium, which has a half-life of more than 20,000 years. The Soviet's stockpile of weapons-grade plutonium is a

little more than ours. And in 10 or more plants, the Soviets continue to produce.

An agreement such as this would free up significant funds which can be used to clean up the extensive contamination caused by past production of nuclear warheads. Estimates are that such an agreement could save our country more than \$10 billion over the next 20 years.

A superpower agreement to cut off the production of fissile materials for nuclear weapons is also in the interests of nonproliferation. Because the superpowers would be accepting some of the same standards as nonweapons nations who are party to the Non-Proliferation Treaty, such a ban would strengthen the NPT by making it less discriminating. Such an agreement puts additional political pressure on nations such as Pakistan and India to put their facilities which can produce nuclear explosive materials under international and/or bilateral inspection. Lack of such an agreement on the part of the United States and the Soviet Union can act to discourage compliance by nonweapons states with the NPT.

The United States needs to lead on this issue—to act rather than to react.

ASAT's and SDI: I have repeatedly called for immediate negotiations for a ban on weapons of any kind in space, and have urged the President to seek an immediate mutual moratorium on testing of ASAT's.

Further, I have worked in each of the last three Congresses to cut drastically the administration's request for SDI, and I have worked to assure that none of the SDI funds be used in a manner which would violate the ABM Treaty.

I am specifically concerned that most SDI weapons will invariably first be ASAT weapons and thus fail the Nitze test of not creating dangerous instability on the way to anti-missile capability. It is in both superpowers' interest to stick to an ASAT ban. Neither country can do without intelligence and communication satellites. If those systems are threatened by ASAT's, each country will spend more and more to superharden their satellite technologies. At this juncture, SDI fails the Nitze test. The Soviets clearly can create more decoys than we can detect and SDI's costly anti-missile capabilities will be wasted in their pursuit.

START: Since 1981, the United States and the Soviet Union have worked together to achieve significant mutual reductions of their strategic nuclear forces. I commend the administration for those efforts, and urge them to press ahead. While the superpowers remain far apart on a variety of issues, they have agreed on the basic shape that a START treaty will take. If we achieve a conventional force balance in Europe, then the vulnerabilities of a START agreement will be easier to address.

Mr. VENTO. Mr. Chairman, as we consider H.R. 2461, the Defense authorization bill, we will be making important judgments about how best to promote and protect our national security interests around the world. We will also be pursuing important judgments about whether or not we will be fiscally responsible in discharging that duty.

Last week, after much fanfare, the B-2 Stealth bomber made its first flight over the

Mojave Desert in California. This new aircraft boasts yet to be demonstrated ability to fly at low levels and avoid radar detection in delivering nuclear payloads deep within a target nation's territory. The basic price tag attached to this new aircraft is nearly \$600 million per plane, easily making it the most expensive aircraft ever built and the price tag will undoubtedly go higher in future years as so often happens with other military aircraft such as the B-1B which has risen in cost already by at least 30 percent. The Air Force and the Bush administration hope that the Congress will eventually approve the procurement of 132 of these planes over the life of the B-2 program. Already, \$23 billion has been expended on research and development. For fiscal year 1990, the administration is seeking an authorization of \$2.8 billion to acquire three additional B-2 aircraft.

The Air Force and the administration, because of the nature of the B-2 program, are seeking these funds even before this new aircraft has been thoroughly tested. It is common in the development of any new aircraft, and especially with the development of a highly specialized aircraft of a radical new design such as the B-2, to undergo extensive design modifications based upon the findings of many hours of in-flight tests. Computer simulations simply cannot duplicate all of the conditions which our pilots may encounter in flight with this aircraft. You wouldn't buy a new \$15,000 car without taking it out for a test drive. Yet the American taxpayer is being asked to pay yet billions of dollars more up front for a totally new aircraft that hasn't yet been thoroughly flight tested. It's a ludicrous, flawed decision-making process. There is not and shouldn't be a substitute for proceeding with an aggressive and extensive flight testing program before deciding whether or not Congress should commit additional enormous sums of money for the purchase of this aircraft.

Some have suggested that because of the undisclosed secret enormous capital investment which has already been made in the B-2 program that Congress has no choice but to proceed full-throttle. I would hope that Congress not abandon its prerogative to review and reconsider expenditures for weapons systems which have not been fully tested and which must be evaluated against the backdrop of an ever-changing strategic equation. Indeed, in the age of air, land, and sea-based nuclear missiles, one might even legitimately question the need for building a bomber that can penetrate traditional air defenses. It is worth noting, too, that the Pentagon is in the process of spending \$28 billion to acquire 100 B-1B bombers which are supposedly capable of penetrating Soviet airspace.

The fact is that the decision to build the B-2 is based on current air defense capability, not that which may be developed, and the current treaty methodology utilized in counting weapon systems and warheads. Either or both of these factors could change and the U.S. defense system would be saddled with a \$70 billion plus obsolete system. We can't afford this type of defense policy or decisionmaking.

Mr. Chairman, I am also troubled that President Bush and the Joint Chiefs of Staff have suggested that they might oppose any new

strategic arms control agreements with the Soviet Union unless Congress approves the administration's proposals for the B-2. It seems to me that it would be appropriate for the President and the Joint Chiefs to assess the specific proposals which might someday be on the negotiating table before prejudging them and deciding that they are unacceptable. This type of hyperbole concerning congressional decision making is inappropriate and not helpful in developing a sound national defense policy.

For these reasons, I intend to support the Dellums-Kasich-Rowland amendment to limit B-2 procurement to the 13 aircraft for which funding has previously been approved. Alternatively, I will also support the Aspin-Synar amendment to cut at least \$470 million from the bill's authorization for the B-2. This amendment would also require the Defense Department to restructure the stealth program and meet certain test and performance requirements before any additional aircraft are purchased.

U.S. policy concerning the strategic defense initiative [SDI], should consider the improving climate in United States-Soviet relations, the remaining technical obstacles in this program, and the severe budget constraints which we must face, and the constant change of deployment and utilization of the SDI program means that there is simply no justification for continuing SDI and providing the administration massive funding for SDI. I support the Dellums-Boxer amendment to limit SDI funding to \$1.3 billion for research only. Alternatively, I will support the Bennett-Ridge amendment to reduce SDI funding by at least \$700 million from the committee-approved level.

Mr. Chairman, the MX missile has been the subject of frequent consideration during recent annual debates on the Defense authorization bill. Several years ago, when Congress voted to proceed with development of the MX missile, Congress imposed a binding legislative cap of no more than 50 MX missiles. At that time, the MX missile was expected to be based in Minuteman silos. The Bush administration, however, is reconsidering the most appropriate basing mode for this missile. The previously approved cap, however, extends only to those missiles based in silos. I support the Mavroules amendment which applies the 50-missile cap to all basing modes, including any new rail-garrison basing mode. Reconsideration by the administration of a basing mode for the MX missile should not be used as a loophole for exceeding the congressional administration agreement previously enacted and intended to limit MX production to 50 missiles. While I had reservations concerning the MX development and deployment, the votes of Congress should uphold the basic structure of the agreement that they intend to offer.

Finally, Mr. Chairman, I want to commend Mr. BROWN of California and Mr. COUGHLIN of Pennsylvania for their thoughtful amendment addressing the issue of antisatellite weapons [ASAT]. The Brown-Coughlin amendment expresses the sense of Congress in supporting the President's request to the Soviet Union to dismantle its ground-based ASAT weapons. The amendment also calls upon the President to seek a treaty with the Soviet Union at the earliest opportunity to strictly limit ASAT

weapons, including the right of on-site inspections. The Brown-Coughlin amendment recognizes the destabilizing and dangerous nature of ASAT weapons and seeks an effective means of controlling them in the future, and should receive a strong endorsement and vote of this House.

Mr. ASPIN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. SPRATT) having assumed the chair, Mr. DURBIN, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2461) to authorize appropriations for fiscal years 1990 and 1991 for military functions of the Department of Defense and to prescribe military personnel levels for such Department for fiscal years 1990 and 1991, and for other purposes, had come to no resolution thereon.

PERMISSION TO MODIFY SKELTON AMENDMENT PRINTED IN PART 1 OF HOUSE REPORT 101-168 ON H.R. 2461, NATIONAL DEFENSE AUTHORIZATION ACT, FISCAL YEAR 1990

Mr. SKELTON. Mr. Speaker, I ask unanimous consent that during consideration of the bill, H.R. 2461, pursuant to House Resolution 211 I may be permitted to offer the amendment numbered 12 in part 1 of House Report 101-168 in the modified form that I have placed at the desk.

The text of the amendment as modified is as follows:

Strike out "sections 111 and 112" in the paragraph at the beginning of the amendment and all that follows and insert in lieu thereof the following:

section 111 (page 20, line 9 through page 22, line 23) and insert in lieu thereof the following:

SEC. 111. LIMITATION ON PRODUCTION OF B-2 ADVANCED TECHNOLOGY BOMBER AIRCRAFT PROGRAM.

(a) REQUIRED INFORMATION.—Funds appropriated to the Department of Defense for fiscal year 1990 may not be obligated or expended for procurement (including advance procurement) for production aircraft under the B-2 Advanced Technology Bomber aircraft program until the certification referred to in subsection (b) and the report required by subsection (c) have been submitted to the congressional defense committees.

(b) CERTIFICATION.—The certification referred to in subsection (a) is a certification in writing by the Secretary of Defense to the congressional defense committees of the following:

(1) That the performance milestones (including initial flight testing) for the B-2 aircraft for fiscal year 1990 (as contained in the B-2 full performance matrix program established under section 121 of Public Law 100-180 and section 232 of Public Law 100-456) have been met and that any proposed waiver or modification to the B-2 performance matrix will be provided in writing in

advance to the congressional defense committees.

(2) That the cost reduction initiatives established for the B-2 program will be achieved (such certification to be submitted together with details of the savings to be realized).

(3) That the quality assurance practices and fiscal management controls of the prime contractor and major subcontractors associated with the B-2 program meet or exceed accepted United States Government standards.

(C) **REPORT ON COST, SCHEDULE, AND CAPABILITY.**—The Secretary of Defense shall submit to the congressional defense committees a report providing the following:

(1) An unclassified integrated B-2 program schedule that includes—

(A) the total cost of the B-2 program by fiscal year, including costs by fiscal year for research and development, procurement (including spares and modifications), military construction, operation and maintenance, and personnel, with all such costs to be expressed in both base year and then year dollars;

(B) the annual buy rate for the B-2 aircraft; and

(C) the flight test schedule and milestones for the B-2 program.

(2) A detailed mission statement and requirements for the B-2 aircraft, including the current and projected capability of the aircraft to conduct strategic relocatable target missions and conventional warfare operations.

(3) A detailed assessment of performance of the B-2 aircraft, together with a comparison of that performance with existing strategic penetrating bombers.

(4) A detailed assessment of the technical risks associated with the B-2 program, particularly those associated with the avionics systems and components of the aircraft.

(d) **UNCLASSIFIED VERSION OF B-2 PERFORMANCE MATRIX.**—The Secretary of Defense shall submit to the congressional defense committees a report containing an unclassified version of the B-2 full performance matrix program established under section 121 of Public Law 100-180 and section 232 of Public Law 100-456. Such report shall be submitted at the same time as the budget of the President for fiscal year 1991 is submitted to Congress pursuant to section 1105 of title 31, United States Code.

(e) **CONGRESSIONAL DEFENSE COMMITTEES DEFINED.**—For purposes of this section, the term "congressional defense committees" means the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives.

Mr. ASPIN. Mr. Speaker, reserving the right to object, I will take this time to explain the issue and have the gentleman from Missouri [Mr. SKELTON] help explain the issue. I will not object to this motion.

□ 1850

I think this motion and the change in the amendment which the gentleman seeks is important in order to get the vote that I think the House of Representatives is expecting when we come to the B-2 issue on Wednesday.

Mr. SKELTON. Mr. Speaker, will the gentleman yield?

Mr. ASPIN. I yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Speaker, this correction merely makes in order what we actually intended. The original amendment was placed in without certain verbiage that would cause it to replace the Aspin amendment to which it is a substitute amendment.

Mr. ASPIN. Further reserving the right to object, Mr. Speaker, the purpose of this amendment is that in order for the Skelton amendment to be truly a way of substituting the language of the gentleman's amendment for my amendment in the voting tree that comes next Wednesday, it is important that this language be made in order; otherwise, the gentleman's amendment will just be an amendment to mine and we will have the core of my amendment. I think when most people are voting for the Skelton amendment, they are expecting to vote to substitute in effect the Skelton language for mine, and in order to do that we need this amendment.

Mr. DICKINSON. Mr. Speaker, will the gentleman yield?

Mr. ASPIN. I yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Speaker, I thank the gentleman for yielding to me.

This has been discussed with me on this side. I understand it to be as the gentleman from Wisconsin has described it, and I have no objection.

Mr. ASPIN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. WALKER) to revise and extend their remarks and include extraneous material:)

Mr. GINGRICH, for 5 minutes, today.

Mr. KYL, for 30 minutes, today.

Mr. DREIER of California, for 60 minutes, today.

Mr. IRELAND, for 10 minutes, today.

Mr. SOLOMON, for 30 minutes, today.

Mrs. MARTIN of Illinois, for 30 minutes, today.

Mr. DICKINSON, for 30 minutes, today.

(The following Members (at the request of Mr. SYNAR) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. SKELTON, for 60 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. McCRERY, for 15 minutes, today.

(The following Member (at the request of Mr. MARTIN of New York) to revise and extend their remarks and include extraneous material:)

Mr. WELDON, for 5 minutes, on July 26.

(The following Members (at the request of Mr. STENHOLM) to revise and extend their remarks and include extraneous material:)

Mr. MARTINEZ, for 5 minutes, today.

Mr. GAYDOS, for 60 minutes, on August 1.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. WALKER) and to include extraneous matter:)

Mr. ROHRBACHER in two instances.

Mr. FISH.

Mr. DORNAN of California in two instances.

Mr. DONALD E. "BUZ" LUKENS.

(The following Members (at the request of Mr. SYNAR) and to include extraneous matter:)

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mrs. PATTERSON.

Mr. ROYBAL.

Mr. STARK in three instances.

(The following Members (at the request of Mr. MARTIN of New York) and to include extraneous matter:)

Mr. SMITH of New Jersey.

Mr. BROOMFIELD.

Mr. DONALD E. "BUZ" LUKENS.

Mr. RITTER.

Mr. PORTER.

Mr. DEWINE.

Mr. CONTE.

(The following Members (at the request of Mr. STENHOLM) and to include extraneous matter:)

Mr. ANDREWS.

Mr. FAZIO.

Mr. LaFALCE.

Mr. EVANS.

Mr. DONNELLY.

Mr. PEASE.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 681. An act to require the Secretary of the Treasury to mint and issue coins in commemoration of the 100th anniversary of the statehood of Idaho, Montana, North Dakota, South Dakota, Washington, and Wyoming, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

ENROLLED BILL SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1485. An act to direct the sale of certain lands in Clark County, NV, to meet national defense and other needs; to authorize the sale of certain other lands in Clark County, NV; and for other purposes.

SENATE ENROLLED JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to enrolled joint resolutions of the Senate of the following titles:

S.J. Res. 85. Joint resolution to designate the week of July 24 to July 30, 1989, as the "National Week of Recognition and Remembrance for Those Who Served in the Korean War".

S.J. Res. 142. Joint resolution designating the week beginning July 23, 1989, as "Lyme Disease Awareness Week".

BILL PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval, a bill of the House of the following title:

On July 21, 1989:

H.R. 310. An act to remove a restriction from a parcel of land in Roanoke, VA, in order for that land to be conveyed to the State of Virginia for use as a veterans nursing home.

ADJOURNMENT

Mr. STENHOLM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 54 minutes p.m.), under its previous order, the House adjourned until Tuesday, July 25, 1989, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1497. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of the Defense Mapping Agency's proposed letter(s) of offer and acceptance to the United Kingdom for defense articles (Transmittal No. 89-29), pursuant to 10 U.S.C. 118; to the Committee on Armed Services.

1498. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of the Defense Mapping Agency's proposed letter(s) of offer and acceptance [LOA] to the United Kingdom for defense articles and services (Transmittal No. 89-29), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

1499. A letter from the Acting Director, Defense Security Assistance Agency, trans-

mitting notice of the Department of the Army's proposed letter(s) of offer and acceptance [LOA] to Israel for defense articles and services (Transmittal No. 89-33), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

1500. A letter from the Acting Director, Defense Security Assistance Agency, transmitting a copy of Transmittal No. 03-89, concerning a proposed memorandum of agreement [MOA] with the Governments of the Federal Republic of Germany and the United Kingdom, adding the Government of Norway to the AMRAAM/ASRAAM Program, pursuant to 22 U.S.C. 2767(f); to the Committee on Foreign Affairs.

1501. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting notification of a proposed license for the export of defense articles or defense services sold commercially to the Republic of Korea (Transmittal No. MC-17-89), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

1502. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting notification of a proposed license for the export of defense articles or defense services sold commercially to the Government of Egypt (Transmittal No. MC-19-89), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

1503. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions by Charles Warren Hostler, of California, Ambassador Extraordinary and Plenipotentiary-designate to the State of Bahrain; and for Mark Gregory Hambley, of Idaho, Ambassador Extraordinary and Plenipotentiary-designate to the State of Qatar, and members of their families, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1504. A letter from the Deputy Assistant Secretary of Defense for Resource Management and Support, transmitting a copy of the fiscal year 1988 report on the actuarial status of the military retirement system, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

1505. A letter from the Plan Administrator, Farm Credit Services, transmitting the annual report for the Eighth Farm Credit District Savings Plan for the year ending December 31, 1988, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

1506. A letter from the Trust Committee of the Farm Credit Services, transmitting the annual retirement report for the year ending December 31, 1988, the employees of the association and banks of the Ninth Farm Credit District, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HAWKINS: Committee on Education and Labor. H.R. 1661. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to clarify the applicability of rules relating to fiduciary duties in relation to plan assets of terminated pension plans and to provide for an explicit exception to such rules for employer reversions meeting

certain requirements; with an amendment (Rept. 101-169). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BROOKS (for himself and Mr. EDWARDS of California):

H.R. 2978. A bill to amend section 700 of title 18, United States Code, to protect the physical integrity of the flag; to the Committee on the Judiciary.

By Mr. BENNETT:

H.R. 2979. A bill to amend titles 10, 14, and 37, United States Code, relating to the promotion, separation, and mandatory retirement of warrant officers of the Armed Forces, establish the grade of chief warrant officer, W-5, and for other purposes; to the Committee on Armed Services.

By Mr. ROYBAL (for himself, Mr. RANGEL, Mr. DYMALLY, and Mr. ACKERMAN):

H.R. 2980. A bill to amend title XVIII of the Social Security Act to ensure, through a U.S. health program, access for all Americans to quality health care while containing the costs of the health care system, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. BERMAN (for himself, Mr. MORRISON of Connecticut, Mr. CARDIN, Mr. FRANK, Mr. EDWARDS of California, Mr. GLICKMAN, and Mr. MILLER of California):

H.R. 2981. A bill to amend title 28, United States Code, to make additional exceptions to the immunity of the property of a foreign state from attachment or execution; to the Committee on the Judiciary.

By Mr. EARLY (for himself and Mr. CALLAHAN):

H.R. 2982. A bill to amend title 18, United States Code, to provide additional protection for the flag of the United States; to the Committee on the Judiciary.

By Mr. HAMMERSCHMIDT:

H.R. 2983. A bill to name the new Department of Veterans Affairs outpatient clinic in Mount Vernon, MO, as the "Gene Taylor Veterans' Outpatient Clinic"; to the Committee on Veterans' Affairs.

By Mr. ROE (for himself, Mr. SCHEUER, Mr. BROWN of California, Mr. HALL of Texas, and Mr. MORRISON of Washington):

H.R. 2984. A bill to require the establishment of a National Global Change Research Program aimed at understanding and responding to global change, including the cumulative effects of human activity on the environment, to require the initiation of discussions toward international protocols in global change research and assessment, and for other purposes; jointly, to the Committees on Science, Space, and Technology; Foreign Affairs; and Merchant Marine and Fisheries.

By Mr. SCHUMER:

H.R. 2985. A bill to provide for special prisons as a sentencing option; to the Committee on the Judiciary.

By Mr. SIKORSKI (for himself and Mrs. MORELLA):

H.R. 2986. A bill to amend title 5, United States Code, to clarify provisions relating to the composition of any performance review board making recommendations concerning performance awards for career appointees in the Senior Executive Service; to the Committee on the Post Office and Civil Service.

By Mr. SLATTERY (for himself and Mr. GLICKMAN, Mr. WHITTAKER, Mr. ROBERTS, and Mrs. MEYERS of Kansas):

H.R. 2987. A bill to name the Department of Veterans Affairs medical center in Leavenworth, KS, as the "Dwight D. Eisenhower Department of Veterans Affairs Medical Center"; to the Committee on Veterans Affairs.

By Mr. SMITH of New Jersey:

H.J. Res. 372. Joint resolution posthumously proclaiming Christopher Columbus to be an honorary citizen of the United States; to the Committee on the Judiciary.

By Mr. YOUNG of Alaska (for himself and Mr. RANGEL):

H.J. Res. 373. Joint resolution to designate October 22 through October 29, 1989, as "National Red Ribbon Week"; to the Committee on Post Office and Civil Service.

By Mr. WOLPE (for himself, Mr. LEACH of Iowa, Mr. RANGEL, and Mr. MILLER of Washington):

H. Con. Res. 174. Concurrent resolution expressing the sense of the Congress on multilateral sanctions against South Africa; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII,

209. The SPEAKER presented a memorial of the Legislature of the State of Alaska, relative to funds for wildlife and sport fish restoration projects; to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. McDADE introduced a bill (H.R. 2988) for the relief of Lucille White, Gerald J. White, Gary White, and Sara White, which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 81: Mr. ECKART and Mr. MILLER of Washington.

H.R. 118: Mr. BUECHNER and Mr. INHOFE.

H.R. 379: Mr. TOWNS, Mr. FISH, Mr. McGRATH, Mr. ACKERMAN, Mr. MANTON, Mr. FLAKE, Mr. GARCIA, Mr. MOLINARI, and Mr. OWENS of New York.

H.R. 899: Mr. DERRICK.

H.R. 937: Mr. WHEAT, Mr. MFUME, Mr. RAY, Mr. GRAY, Mr. ROWLAND of Georgia, Mr. DIXON, Mr. FORD of Tennessee, Mr. RANGEL, Mr. HOYER, and Mr. PALLONE.

H.R. 939: Mr. TRAFICANT.

H.R. 956: Mr. HANCOCK.

H.R. 1059: Mr. McMILLEN of Maryland.

H.R. 1095: Mr. GINGRICH, Mr. HERTEL, and Mr. VANDER JAGT.

H.R. 1131: Mr. CHANDLER.

H.R. 1134: Mr. SANGMEISTER.

H.R. 1150: Mr. DERRICK.

H.R. 1159: Mr. BROWN of California.

H.R. 1193: Mr. CHAPMAN and Mr. DeFAZIO.

H.R. 1292: Mr. WALSH, Mr. HEFNER, and Mr. ECKART.

H.R. 1317: Mr. GALLO.

H.R. 1356: Mr. SWIFT.

H.R. 1371: Mr. DOWNEY and Mr. SMITH of Texas.

H.R. 1451: Mr. HYDE.

H.R. 1574: Mr. PACKARD and Mr. PEASE.

H.R. 1710: Mr. JACOBS, Mr. NEAL of North Carolina, Mrs. JOHNSON of Connecticut, and Mr. SPENCE.

H.R. 1730: Mr. MAVROULES and Mr. McDADE.

H.R. 2023: Mr. FAZIO and Mr. BALLENGER.

H.R. 2076: Mr. OWENS of New York, Mr. WAXMAN, Mr. SIKORSKI, Mr. EVANS, and Mr. GILMAN.

H.R. 2121: Mr. ARMEY, Mr. JONES of Georgia, Mr. BAKER, Mr. KOSTMAYER, Mr. VALENTINE, and Mr. BUSTAMANTE.

H.R. 2192: Ms. SNOWE.

H.R. 2222: Mr. JOHNSTON of Florida.

H.R. 2265: Mr. TORRES, Mr. ACKERMAN, and Ms. PELOSI.

H.R. 2270: Mr. DYMALLY, Mr. BATES, Mr. RAHALL, Mr. JONTZ, Mr. FAUNTROY, Mr. HERTEL, Mr. HAWKINS, Mr. MORRISON of Connecticut, Mr. FAZIO, Mr. ROBINSON, Mr. DE LUGO, Mr. SCHEUER, and Mr. SMITH of Florida.

H.R. 2336: Mr. THOMAS of California, Mr. McDADE, Mr. GOODLING, Mr. YATRON, Mr. MURPHY, Mr. CLINGER, Mr. MORRISON of Washington, and Mr. ATKINS.

H.R. 2403: Mr. DURBIN, Mr. SAVAGE, Mr. JONES of North Carolina, and Mr. SPRATT.

H.R. 2445: Mr. CHAPMAN, Mr. TALLON, and Mr. ECKART.

H.R. 2493: Mr. PETRI.

H.R. 2530: Mr. FOGLIETTA, Mr. LIPINSKI, and Mr. ACKERMAN.

H.R. 2560: Mr. RIDGE, Mrs. ROUKEMA, Mr. McDERMOTT, Mrs. SCHROEDER, and Mr. HAYES of Illinois.

H.R. 2587: Mr. WELDON and Mr. THOMAS of Georgia.

H.R. 2631: Mr. STARK.

H.R. 2665: Mr. DYMALLY, Mr. RANGEL, Mr. FROST, Mr. ACKERMAN, Mr. GARCIA, Mr. PALLONE, Mr. MFUME, and Mr. DE LUGO.

H.R. 2667: Mr. DAVIS, Mr. WILSON, and Mr. ROGERS.

H.R. 2682: Mr. KOLBE.

H.R. 2690: Mr. BATES.

H.R. 2699: Mr. LANCASTER, Mr. CARDIN, and Mr. SLATTERY.

H.R. 2756: Mr. MORRISON of Connecticut, Mr. BOUCHER, Mr. CHAPMAN, Ms. PELOSI, and Mr. KAPTUR.

H.R. 2772: Mr. McDERMOTT and Mr. RANGEL.

H.R. 2796: Mr. JACOBS and Mr. WATKINS.

H.R. 2807: Mr. AKAKA, Mr. TOWNS, Mr. PAYNE of Virginia, Mr. SOLOMON, Mr. LAFALCE, Mr. FROST, Mr. STAGGERS, Mr. ARMEY, Mr. DWYER of New Jersey, Mr. KASTENMEIER, Mr. KANJORSKI, Mr. BILBRAY, and Mr. BROOKS.

H.R. 2858: Mrs. ROUKEMA.

H.R. 2870: Mr. HERTEL, Mr. FAZIO, Mr. LANCASTER, Mr. KANJORSKI, Mr. RANGEL, and Mr. HAWKINS.

H.R. 2881: Mr. DYMALLY and Mrs. SAIKI.

H.R. 2896: Mr. SCHAEFER, Mr. CAMPBELL of Colorado, and Mrs. SCHROEDER.

H.J. Res. 81: Mr. SMITH of Mississippi.

H.J. Res. 164: Mr. SMITH of Texas, Ms. SNOWE, Mr. VISCLOSKEY, Mr. DE LA GARZA, and Mr. SHAW.

H.J. Res. 194: Mr. HYDE, Mr. MILLER of Ohio, Mr. GONZALEZ, Mr. CARPER, Mr. ROSE, Mr. BONIOR, Mr. HASTERT, Mr. AKAKA, Mr. McMILLEN of Maryland, Mr. CHANDLER, Mr. SABO, Ms. OAKAR, Mr. KASICH, Mr. MILLER of

Washington, Mr. WATKINS, Mr. PALLONE, Mr. TRAXLER, Mr. DUNCAN, Mr. RHODES, Mr. BUECHNER, Mr. PERKINS, Mr. STAGGERS, Mr. TANNER, Mr. OBERSTAR, Mr. PASHAYAN, Mr. BORSKI, Mr. SMITH of New Hampshire, Mr. GIBBONS, Mr. CRAIG, Mr. KASTENMEIER, Mr. LEWIS of California, Mr. FORD of Michigan, Mr. STEARNS, Mr. QUILLEN, Mr. THOMAS of Wyoming, Mr. BILBRAY, and Mr. ASPIN.

H.J. Res. 217: Mr. AU COIN, Mr. ANTHONY, Mr. ALEXANDER, Mr. CARPER, Mr. PURSELL, Mr. PALLONE, Mr. LIPINSKI, Mr. MFUME, Mr. HEFNER, Mr. HALL of Ohio, Mr. HOYER, Mr. YOUNG of Alaska, Mr. GALLO, Mr. SPENCE, Mr. BENNETT, Mr. FORD of Michigan, Mr. SCHEUER, Mr. DENNY SMITH, Mrs. KENNELLY, Mr. SUNDQUIST, Mr. NAGLE, Mr. LEWIS of Georgia, Mr. COOPER, Mrs. BENTLEY, Mr. BAKER, and Mr. BILBRAY.

H.J. Res. 231: Mr. McCLOSKEY, Mr. TAUZIN, Mr. THOMAS A. LUKE, Mr. WAGREN, Mr. FOGLIETTA, Mr. YATES, Mr. BROWDER, Mr. HARRIS, Mr. UDALL, Mr. ALEXANDER, Mr. LEWIS of Georgia, Mr. JENKINS, Mr. HOYER, Mr. McMILLEN of Maryland, Mr. WILSON, Mr. BROWN of California, Mr. CARPER, Mr. BEILSON, Mr. RAY, Mr. ROWLAND of Georgia, Mr. DUNCAN, Mr. McHUGH, Mr. BEVILL, Mr. MAVROULES, and Mr. VALENTINE.

H.J. Res. 241: Mr. COSTELLO, Mr. CLEMENT, Mr. APPEGATE, Mr. FRANK, Mr. SABO, Mr. BENNETT, Mr. CALLAHAN, Mr. DONNELLY, and Mr. KANJORSKI.

H.J. Res. 284: Mr. DWYER of New Jersey, Mr. LIGHTFOOT, Mr. LEACH of Iowa, Mr. SAWYER, Mr. CALLAHAN, Mr. DE LA GARZA, Mr. CLEMENT, Mr. NELSON of Florida, Mr. OWENS of New York, Mr. WOLPE, Mr. TOWNS, Mr. LEWIS of Georgia, Mr. RAY, Mr. FASCELL, Mrs. COLLINS, Mr. LEHMAN of California, Mr. UDALL, Mr. CARPER, Mr. GOODLING, Mr. VALENTINE, Mr. GINGRICH, Mr. JONES of Georgia, Mr. CHAPMAN, and Mr. RAHALL.

H.J. Res. 290: Mr. OWENS of New York, Mr. NATCHER, Mr. LIPINSKI, Mr. HAYES of Illinois, Mr. DARDEN, Mr. MORRISON of Washington, Mr. BROOKS, Mr. OLIN, Mr. PANETTA, Mr. KOLTER, Mr. McHUGH, Mr. ROWLAND of Georgia, Mr. JONES of North Carolina, Mr. LAFALCE, Mr. HANSEN, Mr. STALLINGS, Mr. POSHARD, Mr. MINETA, Mr. MAVROULES, Mr. ENGEL, Mr. ESPY, and Mr. BUECHNER.

H.J. Res. 292: Mr. WAXMAN, Mr. GORDON, Mr. BEREUTER, Mr. McDADE, Mr. GILMAN, Mr. BLAZ, Mr. SCHUMER, Mr. DURBIN, Mr. FROST, Mr. WOLPE, Mr. HALL of Ohio, Mr. EARLY, Mr. GEJDENSON, Mr. DE LUGO, and Mr. OWENS of Utah.

H.J. Res. 300: Mr. BATES, Mr. PACKARD, Mr. HANSEN, and Mr. CAMPBELL of California.

H.J. Res. 309: Mrs. VUCANOVICH, Mr. PAYNE of Virginia, Mr. GINGRICH, Mr. ARMEY, and Mr. CHAPMAN.

H.J. Res. 322: Mr. ARMEY.

H.J. Res. 327: Mr. McDADE, Mrs. KENNELLY, Ms. PELOSI, Mr. KOSTMAYER, Mr. LEWIS of Georgia, Mr. FLAKE, Mr. HERTEL, Mr. VOLKMER, Mr. AU COIN, Mr. MILLER of California, Mr. BRENNAN, Mr. RANGEL, Mr. ESPY, Mr. LEHMAN of Florida, Mr. HATCHER, Mr. BROWN of California, Mr. DWYER of New Jersey, Mr. HUGHES, Mr. JONES of North Carolina, Mr. FLIPPO, Mr. McNULTY, Mr. OWENS of Utah, Mr. LELAND, Mr. FALCONA, Mr. SKELTON, Mr. SPRATT, Mr. STUDDS, Mr. TALLON, Mr. TAUKE, Mr. BUSTAMANTE, Mr. FEIGHAN, Mr. HAYES of Louisiana, Mr. HOAGLAND, Mr. HYDE, and Mrs. JOHNSON of Connecticut.

H.J. Res. 337: Mr. PARKER, Mr. PAYNE of Virginia, and Mrs. VUCANOVICH.

H.J. Res. 350: Mr. PURSELL, Mr. JENKINS, Mr. KYL, Mr. BARTON of Texas, Mr. CRANE, Mr. BILIRAKIS, Mr. COBLE, Mr. COURTER, Mr. DORNAN of California, Mr. HANSEN, Mr. KASICH, Mr. LOWERY of California, Mr. McEWEN, Mr. MARLENEE, Mr. PACKARD, Mr. DENNY SMITH, Mr. SMITH of New Hampshire, Mr. ROBERT F. SMITH, Mr. STUMP, Mr. McGRATH, Mr. GRANT, Mr. GEKAS, Mr. RHODES, Mr. GUNDERSON, Mr. LENT, and Mr. DREIER of California.

H. J. Res. 354: Mr. DERRICK, Mr. GUARINI, Mr. FLORIO, Mrs. KENNELLY, Mr. ATKINS, Mr. CARPER, Mr. PALLONE, Mr. ROE, Mr. COSTELLO, Mr. MFUME, Mr. DE LUGO, Mr. McCLOSKEY, Ms. KAPTUR, Mr. FAZIO, Mr. CONTE, Mr. DYMALLY, Mr. FOGLIETTA, Mr. KOLTER, Mr. HOCHBRUECKNER, and Mr. HAYES of Louisiana.

H. Con. Res. 23: Mr. DWYER of New Jersey.

H. Con. Res. 40: Mr. OWENS of Utah and Mr. SHUMWAY.

H. Con. Res. 45: Mr. HANCOCK.

H. Res. 104: Ms. SLAUGHTER of New York and Mr. VALENTINE.

H. Res. 157: Mr. WOLPE, Mr. FISH, and Mr. EDWARDS of California.

H. Res. 169: Mr. AKAKA, Mr. BARTLETT, Mr. BLAZ, Mr. BRYANT, Mr. CHAPMAN, Mr. COLEMAN of Missouri, Mr. DELLUMS, Mr. EDWARDS of Oklahoma, Mr. HERGER, Mr. LAUGHLIN, Mr. KOLBE, Mr. MPUME, Mr. SCHUETTE, Mr. SOLOMON, Mr. TALLON, Mr. TANNER, and Mrs. VUCANOVICH.

H. Res. 170: Mr. EVANS.

H. Res. 181: Mr. CLINGER and Mr. SMITH of Texas.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

68. By the SPEAKER: Petition of the Richland City Council, Washington, relative to a constitutional amendment, or other appropriate form of action, to protect the symbolism represented by the American flag; to the Committee on the Judiciary.

69. Also, petition of the Township Council of Jefferson, NJ, relative to the Supreme Court's ruling on the desecration of the American flag; to the Committee on the Judiciary.

SENATE—Monday, July 24, 1989

(Legislative day of Tuesday, January 3, 1989)

The Senate met at 12:30 p.m., on the expiration of the recess, and was called to order by the Honorable TIMOTHY E. WIRTH, a Senator from the State of Colorado.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

**** God is able to make all grace abound toward you; that ye, always having all sufficiency in all things, may abound to every good work.—II Corinthians 9:8.*

Mighty God, Creator, Sustainer, Consummator of history, from whom are life and breath and all things, eternal Father full of grace and truth, we thank Thee for this superlative promise filled with superlatives: "all grace," "abounding," "always," "all sufficiency in all things," "every good work." Forgive us when we deprive ourselves of these incredible benefits because we do not believe or our lives are so disconnected from Thee that we live as though Thou art irrelevant. Somehow, help us to comprehend and appropriate these vast resources for our daily needs—resources which not only do not diminish our personhood but enhance it and enable each of us to fulfill his full potential.

In Jesus' name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 24, 1989.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TIMOTHY E. WIRTH, a Senator from the State of Colorado, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WIRTH thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of the proceeding be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, following the time reserved for the two leaders, there will be a period for morning business until 1 o'clock this afternoon with the Senators permitted to speak therein for 5 minutes each. At 1 o'clock, the Senate will begin consideration of Calendar item No. 159, that is S. 1352, the Department of Defense authorization bill.

For the information of Senators and staff who may be listening at this time, votes are possible after 5 o'clock today in connection with the DOD bill. Therefore, Senators are alerted to the possibility of votes occurring today after 5 p.m. in keeping with the schedule which I have previously announced both in writing and orally to Senators.

RESERVATION OF THE LEADERS' TIME

Mr. MITCHELL. Mr. President, I reserve the remainder of my leader time, and I reserve the time of the distinguished Republican leader.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to exceed the hour of 1 p.m. with Senators permitted to speak therein for not to exceed 5 minutes each.

The Chair recognizes the distinguished Senator from Kentucky.

AVIATION PRIORITIES

Mr. FORD. Mr. President, the aircraft crash in Sioux City Wednesday afternoon is a shocking reminder of the fallibility of the aviation transportation system. In the same week that we celebrate 20 years since our country's Moon landing, we have an airplane crash which kills over 100 people. I know the National Transportation

Safety Board is working to identify the cause of the accident. When they do, I hope we can learn from it.

I take my responsibilities as chairman of the Aviation Subcommittee seriously, Mr. President. Tragedies like this one make me ask: "Have I, have we in the Senate done everything we can do to make and keep air travel safe? Have we exercised appropriate oversight over the Federal Aviation Administration [FAA]? Have we provided the tools and the funds needed to assure that the FAA has controllers, inspectors, equipment and research to keep our national air transportation system operating with the maximum degree of safety? Where are the weaknesses in the system and what can we do to correct them?"

As often happens up here, I have a lot more questions than answers. The Aviation Subcommittee held hearings this spring to explore the problem of aging aircraft. Both the FAA and the industry responded to that concern and have been working actively on revised maintenance programs, new inspection techniques for fatigue and corrosion, and mandatory retirement of parts on certain older aircraft. I know the FAA is adding more inspectors and has asked for 300 more in the fiscal year 1990 budget.

In addition to inspection and tests of aging aircraft, I wonder if we should look at the way the FAA certifies aircraft. Once a type certificate is granted, what update and review process is prescribed and followed? At what point should safety enhancements be incorporated? Should the FAA look at designs in light of accident findings? Some experts have expressed concern over the FAA certification system; perhaps we should explore this area as well.

An accident like the one last week underscores the importance of experienced, trained pilots. Without skilled hands at the controls, the loss of life would have been much higher. Senator McCAIN, the ranking member of the subcommittee, and I worry about the supply of pilots for the airline industry. We are short now and the shortage will be acute in the next decade. The Aviation Subcommittee will hold hearings early next month to explore the problem, and to investigate ways to encourage the training of pilots.

We have spent considerable time this year on aviation security issues. We want to be sure that the FAA is

addressing the threat of terrorism, and that we will never have another Pan Am 103. The FAA has established new, stringent passenger screening requirements, and is moving toward installation of explosive detection devices at large airports. We need to keep moving on this and we need to continue to press the FAA to do more research to find better ways to protect the traveling public.

I continue to be worried about the trend toward leveraged buyouts which may be starting to afflict the airline industry. We have been hearing about moves on United: just a few days ago the paper mentioned US Air. That is why Senator McCain and I introduced legislation last month to require the Secretary of Transportation to approve acquisitions of airlines following certain determinations regarding safety.

Making decisions on the buying and selling of airlines is something I believe the Secretary of Transportation can and should do. I do not believe he or his staff should be running the FAA. Jim Busey was confirmed as FAA Administrator—finally—in June and I believe he will do a fine job. I intend to move ahead with legislation which would separate the FAA from the Department of Transportation and make some reforms at FAA in the areas of personnel practices, budget and procurement. The FAA must be free to operate and maintain the national airspace without political interference and without being second-guessed on the subject of safety. I have a high regard for Secretary Skinner. He has made a lot of the right decisions since he has been Secretary and has tried to correct the mistakes of his predecessors. But my concern is institutional, not personal. I simply do not believe that the DOT does anything for the FAA that the FAA could not do better by itself.

I continue to be concerned about funding for the FAA. We in the aviation community have talked for years about the airport and airway trust fund balance which keeps growing. When this committee and our counterparts in the House of Representatives authorized the fund, we directed that capital programs be funded first, then operating programs. At that time we wanted to be sure that funding would be provided for the new National Airspace System, NAS plan, and for the airport grants program which was rapidly expanding.

Since 1982, appropriations for the major capital account have grown from \$246 million to \$1.4 billion in 1989. Airport grants appropriations have grown from \$450 million in 1982 to \$1.4 billion in 1989. At the same time the trust fund contribution to the operations account has gone from \$810 million in 1982 to \$471 million in 1989. This has occurred during the

years the FAA has been replacing its air traffic controller work force, increasing the inspector staff, adding security specialists, strengthening enforcement programs, implementing the NAS plan, improving technical training to keep pace with the new equipment and technology. Mr. President, all of these expenses are crucial to the safe operation, capacity and expansion of the national air transportation system, and all of them are operating costs.

I want to be sure we maintain the necessary levels for capital and airport grants. Certainly no one would want to retard progress on the NAS plan; in fact, expenditures are practically locked in for the next several years just to complete the major systems and programs. Of course, I am committed to keeping the airport grant program at high levels too to assure that we keep pace with demand for increased safety and capacity. I only wish the major airlines could be a little more positive on building new airports. They complain about capacity limitations, but when there is an opportunity to do something about it, you can't find them.

So I suggest to all my friends in the aviation community that we rethink our positions. While we continue to give attention to the capital and airport programs, we might consider using a little more of the trust fund for operations. Without the people, the system simply can't function.

I appreciate the help I have had from my colleagues on the Commerce Committee and in the Senate in working with me to assure the best, safest, most efficient national air transportation system in the world. I look forward to and ask for your continued assistance as we tackle this important task.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Chair recognizes the distinguished Republican Leader.

HOWARD FRANCIS POND, SR.

Mr. DOLE. Mr. President, today I would like to bid farewell to a longtime friend of Capitol Hill, technician Howard Francis Pond, Sr., of the U.S. Capitol Police.

On August 5, "Howie" will complete his last tour of duty, of which there have been many. Howie began serving his country at the age of 18, when he joined the U.S. Army in 1946.

During his military career, Howie made several contributions which included, among other things, the design of a drum major's uniform for the U.S. Army Band as well as a manual on drum majoring for the Army.

Howie retired from the Army with 23 years of service, but he did not stop serving his country. Howie joined the Capitol Police where he served his country for another 20 years. Howie's contributions during his police career were many. They include everything from directing traffic to conceptualizing the now very important "first responder" unit of the U.S. Capitol Police.

Howie was also the codesigner of the award-winning Capitol Police uniform. Howie's more recent duties have been as the deputy commander of the Capitol Police Ceremonial Unit and the Training Division. I wish Howie and his wife, Rosalie, well in his retirement after 43 years of service.

NOMINATION OF WILLIAM LUCAS

Mr. DOLE. Mr. President, I know that every Senator is committed to the principle of equality of opportunity. I just hope that the Senate—and the Judiciary Committee—do not abandon this commitment when it comes to equal opportunity for Bill Lucas, President Bush's outstanding choice to head up the Justice Department's Civil Rights Division.

DO NOT BLAME BILL LUCAS

There are some in Congress who don't like the recent Supreme Court decisions interpreting the Federal civil rights laws. That is perfectly understandable. Some Senators have even introduced legislation to overturn these decisions. That is their right. And if these Senators feel strongly about the decisions, that is their obligation.

But do not blame Bill Lucas for the Supreme Court. Do not blame Bill Lucas for standing by his President during his nomination hearings—for supporting administration policy. And do not blame Bill Lucas for having some independent ideas—for refusing to tote the party line of the civil rights establishment.

EXPERIENCE

During the past several months, I have heard a lot of talk about experience. There are some who claim that Bill Lucas does not have a civil rights résumé—that he does not have enough legal "experience" to lead the Civil Rights Division.

Mr. President, these criticisms are unjustified. And they miss the point.

While the head of the Civil Rights Division is responsible for setting the Federal Government's civil rights policy, he rarely steps into Federal court himself to argue a case. Primary responsibility for carrying the litigation caseload rests with the division's staff attorneys, of which there are currently more than 150. So—you can see—the head of the Civil Rights Division is a leader of a whole army of

staff attorneys—the enforcer of our civil rights laws. He is not necessarily a litigation expert.

Nevertheless, Bill Lucas has the right stuff to be a successful court advocate. Ninety percent of the complaints filed with the Civil Rights Division's Criminal Section, for example, involve police misconduct. Who in this country is better equipped than Bill Lucas—the former policeman, FBI agent and county sheriff—to deal with these tough issues with real experience?

So, who would you rather have judging race relations, and police activities, and the hopes and aspirations of all black Americans—the liberal establishment's technical scholar or President Bush's outstanding nominee—a man whose very life dwarfs whatever so-called experience you might be able to glean from a textbook.

CONCLUSION

Today's Wall Street Journal contains an excellent editorial—entitled "The Lucas Assault"—that makes some of the points that I have tried to make here today.

Mr. President, I ask unanimous consent that the full text of the editorial be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE LUCAS ASSAULT

With the Biden-Kennedy-Metzenbaum assault on William Lucas, all black citizens are being told: If you rise to prominence by conservative or Republican routes, we will destroy you. The point of the exercise is to keep blacks down on the liberal plantation.

In the Judiciary Committee hearings on President Bush's nominee for Assistant Attorney General for Civil Rights, the Senators softened up their target with the usual trivia dredged up by exhaustive FBI background checks: some trouble with the Customs Service, a 1981 failure to reveal having flunked his first bar exam 20 years earlier, etc., etc. The sniping is then dignified with the heavy artillery: The nominee spent his life as an FBI agent, sheriff and county executive of Wayne County; he was not a civil-rights lawyer, and therefore lacks the technical qualifications for the post.

This fastidiousness about legal learning is proffered with a straight face by the same Senators who defeated Robert Bork for the Supreme Court and Brad Reynolds for associate attorney general. We only hope that the Bush administration recognizes that the assault on Mr. Lucas is fast becoming one of its biggest political challenges. It should notice when Ralph Neas, ringleader of the Bork lynching, remarks of Mr. Lucas, "I think the nomination is in serious trouble based on the momentum of the last 48 hours."

Of course, what the Senators, Mr. Neas and the rest of the Washington civil-rights lobbying complex want is to reverse Mr. Bush's election. Assistant Attorneys General are chosen by the man who wins the most votes for President, not by the losing political party. Presidents have a right, indeed a duty, to appoint officials who will carry out the policies they offered voters during the campaign.

Mr. Lucas, though, is being criticized for agreeing with the President and the Attorney General who appointed him. Asked about recent Supreme Court opinions, he repeated administration policy, saying he would follow what the Supreme Court has held is the law of the land, and would suggest new legislation only if he thought it was required as cases are brought.

This is not acceptable, we're now told. Senator Biden and Rep. John Conyers withdrew their support, though they surely must have suspected the nominee would follow the administration. We can't recall any previous nominee ever required by Senators to take a disloyalty oath to the superiors who nominated him.

And what are these retrograde opinions held by the President, the Attorney General and the Supreme Court majority? Mr. Lucas said he was drawn to serve under President Bush by his campaign pledge "that every American will be able to play on a level playing field, that any injustice—gross injustice, injustice period—that exists in this country will be corrected." Mr. Lucas does not promise quotas or reverse discrimination; he promises no discrimination.

But of course by now the civil-rights establishment views its main task as agitating for special treatment depending on color and sex. Mr. Lucas instead believes civil rights is not a zero-sum game of winners and losers. He says, "One of the things I would like to get away from in this whole civil-rights agenda is them and us."

Not far under the surface of all the criticism lies the suggestion that while his opinions might be forgiven in a white nominee, they are anathema for a black such as Mr. Lucas. "I was quite frankly surprised, when I asked this black man," Senator Biden said, "if we were moving in the right direction or wrong direction on civil rights, and he didn't have an opinion." And Mr. Lucas is not the only black Bush nominee being targeted for a Bork-like attack. The lobbies are clearly also set to block Clarence Thomas, a scholarly black lawyer Mr. Bush wants to take Mr. Bork's seat on the federal appeals court in Washington.

Lobbyists who live and breathe racial preferences, of course, have a high stake in stigmatizing any black who dissents from their dogma. If they do not speak for all blacks, what is the source of their moral authority? Similarly, Democrats have an enormous interest in neutralizing any salience Republicans have established in the black community, keeping a key constituency plus the ability to criticize Republicans as inhospitable to blacks. Yet some of the ablest blacks are moving away from the notion of racial quotas, recognizing that they detract from real achievements. And like Mr. Lucas, at least a few politicians are recognizing the interest of no group is served if one party cannot win its votes and the other party cannot lose them.

The stakes in the Lucas nomination embrace not just a job but a vision of race relations and the future of politics. Above all, they include the issue of whether all Americans have an equal right to think for themselves, or whether blacks cannot advance unless and until they agree with their official lobbying groups, Mr. Neas, and Senators Biden, Metzenbaum and Kennedy.

Mr. BOSCHWITZ addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. BOSCHWITZ. I ask unanimous consent that I may proceed for 1 minute as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOSCHWITZ. Mr. President, I ask unanimous consent that I may place into the RECORD a letter by the minority leader, Senator DOLE, to the New York Times, dated June 20, 1989, that speaks about Bill Lucas, who is President Bush's choice to head the Justice Department's Civil Rights Division. I found it to be a very helpful letter. I found it to be a letter that I hope each Senator will read in coming to a judgment on Mr. Lucas, as we have hearings about his nomination; but it is an interesting historical perspective on the position, and I found it very helpful.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, June 20, 1989]

NOMINEE'S CRITICS MAY FEAR CHALLENGE TO CIVIL RIGHTS ORTHODOXY

To the Editor:

I was disappointed by your editorial "A Cipher for Civil Rights?" (May 25). The editorial adopts—hook, line and sinker—the propaganda churned out by those in the civil rights establishment who want to torpedo William Lucas, President Bush's choice to head the Justice Department's Civil Rights Division.

The editorial's characterization of Bill Lucas as a "cipher" and a "civil rights non-entity" is particularly unfair. Someone who has dedicated more than 35 years of his life to public service—as a schoolteacher, social worker, policeman, F.B.I. agent, lawyer, sheriff, an elected representative for one of the nation's largest counties—is certainly no "cipher." And someone who has managed to rise above his impoverished beginnings, educate himself and raise a lovely family of five children—all the while contending personally with the evils of racial discrimination and racial stereotyping—is certainly no "civil rights nonentity."

I also cannot understand all of the hullabaloo about Bill Lucas's lack of a so-called civil rights résumé and his lack of trial experience. In 1961, for example, President Kennedy appointed Burke Marshall, an anti-trust lawyer more versed in the nuances of the Sherman Antitrust Act than in civil rights law, to head up the Civil Rights Division.

According to Taylor Branch's recent book, "Parting the Waters: America in the King Years," President Kennedy chose Marshall precisely because Marshall "knew none of the civil rights leaders and had contributed to none of the civil rights organizations, nor had he shown any interest in race issues." Yet Marshall was at the helm of the Civil Rights Division when Congress passed the historic Civil Rights Act of 1964. Not bad for an anti-trust attorney more accustomed to representing Standard Oil and Du Pont.

History teaches us another lesson: While the head of the Civil Rights Division is responsible for setting the Federal Government's civil rights policy, he rarely steps into Federal court himself to argue a case. Primary responsibility for carrying the litigation caseload rests with the division's staff attorneys, of which there are currently

more than 150. So much for the "he-never-tried-a-case" smear.

But Bill Lucas has the right stuff to be a successful court advocate. Ninety percent of the complaints filed with the Civil Rights Division's Criminal Section, for example, involve police misconduct—the "color of law" violations in civil rights parlance. Who in this country is better equipped than Bill Lucas—the former policeman, F.B.I. agent and county sheriff—to bring these investigations and prosecutions to a successful resolution?

Bill Lucas will be confirmed by the Senate and he will be an outstanding Assistant Attorney General. That I can guarantee. Unfortunately, I cannot guarantee that Bill Lucas will be treated fairly by his critics in the press and in the civil rights establishment. Do they really oppose the Lucas nomination because they think Bill Lucas is "technically unqualified"? Or do they resent—and perhaps fear—the challenge that an articulate black conservative may pose to the prevailing civil rights orthodoxies?

BOB DOLE,

U.S. Senator from Kansas.

WASHINGTON, June 5, 1989.

(The remarks of Mr. DOLE pertaining to the introduction of Senate Journal Resolution 182 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

DEFENSE DEPARTMENT REPORTS

Mr. BOSCHWITZ. Mr. President, earlier this month, Secretary of Defense Dick Cheney unveiled his plan to streamline the defense procurement process. His ambitious proposals would, over a 5-year period, save as much as \$30 billion. But the Secretary made absolutely clear that he needs our help, and that without Congress, no plan can hope to succeed.

Although several of Secretary Cheney's proposals will require congressional authorization, that will not be enough. As the Secretary wrote in his letter, "Congress has been directly involved in creating the current management structure and acquisition process at DOD." He has also noted that Congress has imposed some 1,500 separate laws or regulations dealing with procurement, that around 100 committees and subcommittees have some part of the oversight of the Pentagon, and that the congressional appetite for reports has increased some 1,800 percent in the past 20 years—from a mere 36 in fiscal year 1970 to an overwhelming 661 in fiscal year 1989. These 661 reports consumed an astounding 370 man-years of time to prepare, at an estimated cost to the taxpayer of nearly \$36 million.

Mr. President, stacked next to me are approximately 5½ feet of Defense Department reports which respond to congressional reporting requirements for this fiscal year—the one we are in now. And these are only the unclassified reports. If I could bring the classi-

fied reports on to the floor, the stack would be approximately twice as high. How many of us are going to read even a single one of these reports? How many of us could even name the subject of one of these reports which we compel the Defense Department to produce?

I regret to say that it looks like next year's stack will rival this one. The House Defense Department authorization report for fiscal year 1990 lists 215 new separate reporting requirements, a 36-percent increase from last year's 158 mandated reports. And we in the Senate have not even started to take our crack at the Pentagon yet. So it looks like the congressional appetite continues to grow as does our desire to micromanage the Defense Department.

Mr. President, I have a table which I will ask unanimous consent to insert into the RECORD at the end of my remarks which illustrates the astonishing growth in the number of reports which Congress has required from the Defense Department since fiscal year 1970.

The table shows that in fiscal year 1970 Congress requested 36 reports, and in fiscal year 1988 we requested 719 reports. This is an astounding increase of 2,000 percent in mandated reports in two decades. Last year, for fiscal year 1989, as I mentioned before, we requested 661 reports—a 1,838-percent increase when compared to fiscal year 1970 but an actual drop when compared to fiscal year 1988. So perhaps we showed some more self control and restraint last year. But let's not congratulate ourselves. These numbers are still disgracefully high, and, as I will indicate in a moment, appear to be headed back up again this year.

In short, Mr. President, we are a big part of the problem of Pentagon mismanagement and waste. It's time we became part of the solution.

Over the past couple of years, I have become increasingly concerned about the extent of congressional micromanagement of nearly all aspects of DOD operations. Last year, I gave a series of speeches in which I pointed to some of the ways in which we have skewed the running of the Department. I indicated, for example, that when the laws and regulations of Pentagon procurement were measured a few years back, it filled 1,152 linear feet of law library shelf space—more than twice the size of the Washington Monument.

I indicated that the growth in reporting requirements had exceeded any reasonable need for information and doubted that few members, if any, actually took the time to read them. Indeed, Mr. President, one of the criticisms I have heard from DOD personnel involved in writing the reports is that they never hear back from the

Hill, and they find that deeply discouraging.

In addition to these reports there are more than 30,000 pages of budgetary justification that are required when the Pentagon submits its budget to Congress. In 1988—a short year because we adjourned in October for the elections—defense witnesses provided more than 1,800 hours of testimony on Capitol Hill. The Secretary of Defense alone spent more than 60 hours testifying before Congress. In 1987, there were over 106,000 written queries from Congress to DOD, and an estimated 600,000 phone queries.

Then, of course, Mr. President, there are all the changes both big and little, that Congress makes in the line item budget requests from DOD. Of the less than 2,000 line items in fiscal year 1988, for example, the congressional authorizing committees made nearly 1,200 changes, and the appropriating committees made nearly 1,600. If that isn't micromanagement, I don't know what is.

Congressional interference in the affairs of the Pentagon is pervasive. And perhaps our worst offense is pushing pet projects that aid our States, whether or not they are in the national interest. We can no longer afford that kind of pork in the defense budget.

Last year, I offered an amendment to strike all the plus-ups and add-ons that the Pentagon had not requested but that Congress nevertheless insisted upon. I still remember vividly the horror and shock with which the amendment was received.

Although I ultimately withdrew my amendment last year, I was delighted that the House Subcommittee on Procurement did not include any plus-ups or add-ons but endorsed without change the weapons procurement section of the Defense budget submitted in April.

I commend the subcommittee's members for their action. Add-ons and plus-ups have a political purpose frequently and they often fail to serve the security interests of our country. The House Armed Services Committee, however, has unfortunately allowed its subcommittee's actions to unravel. This year plus-ups and add-ons have begun again.

For example, the House committee has voted to add \$1.6 billion in unrequested equipment to the budget submitted by the Defense Department. Most of this covers the V-22 Osprey aircraft and the F-14 fighter. Secretary Cheney had concluded that the V-22 should be totally unfunded and production of the F-14D should be terminated. But, bowing to pressure, the committee restored funding for both.

I repeat, Mr. President, the time has come for us to become part of the solution, not part of the problem. As an

initial step, I am introducing the "Defense Reports Reduction Act." It would terminate DOD reporting requirements as of January 1, 1991 and require case-by-case enactment of future reports. In other words, Congress would have to justify its apparently insatiable appetite for reports from the Pentagon.

If we are ever to be serious about reducing micromanagement, then let us begin with this legislation. I intend to work with the Armed Services Committee to see what progress we can collectively make in making our relationship with the Pentagon more rational and realistic.

Mr. President, I believe this is an important first step. It is, to be sure, only a first step, but I sincerely invite my colleagues to join with me in the long process to work with our new Secretary of Defense in reforming the Pentagon. The Secretary began his part in that process last week. We must now respond constructively and energetically.

Mr. President, I now ask unanimous consent that the table to which I earlier referred be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL REPORTS IN DEFENSE AND MILITARY
CONSTRUCTION AUTHORIZATION AND APPROPRIATION
COMMITTEE REPORTS

Fiscal year:	Number of reports	Percentage increase since 1970
1970	36	
1976	114	317
1977	129	358
1978	153	425
1979	177	492
1980	231	642
1981	223	619
1982	221	614
1983	325	903
1984	422	1,172
1985	458	1,272
1986	576	1,678
1987	580	1,689
1988	719	1,997
1989	661	1,836

CATASTROPHIC COVERAGE ACT
OF 1988

Mr. PRESSLER. Mr. President, the debate over how to finance catastrophic medical care continues. Senior citizens across the United States are concerned, and rightfully so, that the surtax is unfair and the provisions of the program do not meet their need for long-term care coverage.

This legislation, more than any other in recent times, has caused older people in South Dakota a great deal of frustration. I have heard from thousands of senior citizens about this situation through letters and meetings conducted in my State. What I hear is that senior citizens are upset. In fact, they are downright mad.

Recently, I completed a survey of South Dakota senior citizens. Greater than 50 percent would like the benefits either repealed or implementation delayed. The second highest percentage want to make participation in the program voluntary. They want a separate category for the catastrophic program. The elderly do not want the catastrophic provision voluntary under part B. Part B of Medicare should be left as it now stands. The benefit of greatest value to senior citizens is perceived to be the "spousal impoverishment" provisions.

Senior citizens view the current premium as far too excessive for the benefits provided. The cost of the catastrophic program is a burden paid by too few people. Why should they pay a "user's fee" for a program that benefits more than the elderly? Parents of school-age children do not pay such a fee so their children can get an education. If the current catastrophic health care program continues, then a different method of financing must be devised.

The provisions of the catastrophic program are available to many senior citizens through supplemental insurance. Why duplicate what people can obtain already, for less money, through the private sector? How can we justify the excessive price tag on benefits so few people will ever enjoy?

For example, how many people will ever use 365 days of hospital care in a year? In order to remain in a hospital and collect Medicare reimbursement, an individual must show continuous progress. Someone who requires 365 days of care does not demonstrate a steady recovery.

Second, the nursing home provisions available through the catastrophic program are very limited. In order to qualify for Medicare reimbursement, a nursing home must offer skilled care and be certified by Medicare. How many homes meet those qualifications? I am aware of only four homes in South Dakota that accept Medicare-eligible residents. Other States probably experience a similar situation.

If we really want to help people who need long-term care, then let's talk about long-term care insurance. There is a definite need to finance extended care. Many South Dakotans who have communicated with me have mentioned this need.

Home care, hospice care and access to physician care are valued highly by senior citizens. Today's seniors are very concerned about the high cost of a visit to a doctor's office. They are horrified by the inadequate reimbursement to physicians in rural States. Why do senior citizens in South Dakota pay the same for Medicare part B, as seniors living elsewhere, while the physicians who treat them are not paid the same as their urban counterparts who offer the same pro-

cedures? Why should our rural elderly suffer because physicians no longer can afford to practice in rural communities such as Ipswich, or Lake Preston, SD?

The people I represent in rural South Dakota are asking for the repeal of the Catastrophic Coverage Act. If it is not repealed, they want it delayed. They want the surtax eliminated and the program made voluntary. Like many other elderly throughout the United States, South Dakotans want action before it is too late. I urge the President and Members of Congress to listen to the people affected by the catastrophic program.

AMBASSADORIAL APPOINTEES

Ms. MIKULSKI. Mr. President, I am glad that during the State Department's authorization bill the Senate addressed the issue of ambassadorial appointees who are nominated apparently for no other reason than their contributions to political campaigns.

My colleague from Maryland, PAUL SARBANES, has led the fight on this issue in the Foreign Relations Committee and deserves great credit for his efforts.

I ask unanimous consent that a July 18, Baltimore Sun editorial entitled "Embassies for Sale" be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Baltimore Sun, July 18, 1989]

EMBASSIES FOR SALE

Sen. Paul S. Sarbanes has performed a public service in his guerrilla warfare against confirmation of some of the least qualified people nominated to sensitive ambassadorships.

The Maryland Democrat has suggested auctioning ambassadorships so that at least the money goes to the U.S. Treasury instead of to campaign funds. He has pointed fingers at nominees who penned identical bromides in stating their qualifications. He has ridden point for the more judiciously phrased complaints of the American Foreign Service Association. He has ridiculed State Department tongue-in-cheek certification of certain presidential nominees as qualified who aren't. Above all, Senator Sarbanes used his power as a member of the Senate Foreign Relations Committee to delay confirmation of nominations until public debate can focus on them.

These are Joseph Zappala, a Florida developer and major Bush campaign fundraiser, as ambassador to Spain; Melvin Sembler, another one, as ambassador to Australia; and Della Newman, a Seattle real estate broker and fund-raiser, as ambassador to New Zealand. These people have no known qualifications other than donations above \$100,000, and can do the national interest harm in Spain, which is pushing out U.S. bases; in Australia, which welcomes U.S. nuclear ships and New Zealand, which doesn't. Each of those countries, and U.S. interests in each, deserve better.

One of this ilk who got through is Peter Secchia, a Michigan millionaire known principally for crudity of speech, who has presented his credentials as ambassador to Italy. The Italian press and left are having a field day. There is a pattern here. Look at the choice of the hapless one-term Nevada senator, Chic Hecht, confirmed to be ambassador to the Bahamas, supposedly qualified by his love of golf and interest in casinos.

What President Bush and Secretary of State James A. Baker III seem to be saying is that ambassadors don't matter, the bureaucracy can do the job. But such appointments insult the countries and diminish U.S. influence.

Politically appointed ambassadors can do excellent work. All modern administrations have sinned in selling some embassies. The Bush administration is overdoing it. The Foreign Service Act of 1980 stipulates that "contributions to political campaigns should not be a factor in appointment." In some nominations, it is the only factor. Senator Sarbanes cannot stem the tide. But he is making the squalid practice a political issue, which it should be.

TERRY ANDERSON'S CAPTIVITY

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 1,591st day that Terry Anderson has been held in captivity in Beirut.

On January 25, 1987, an article appeared in the New York Times which described the effect that the failed Iran arms deal had on the Beirut hostage situation and on the hostages' families.

I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Jan. 25, 1987]

HOSTAGES' FAMILIES SAY THEIR EFFORT IS A CASUALTY OF THE IRAN ARMS AFFAIR

(By Susan F. Rasky)

When the Iran arms deal became public, Peggy Say's mail began to turn ugly.

"You should be shot or sent to Beirut," one American wrote to Mrs. Say, the sister of Terry A. Anderson, chief Middle East correspondent for The Associated Press, who was kidnapped at gunpoint in Beirut on March 15, 1985.

Until yesterday, Mr. Anderson was one of five American hostages in Lebanon. Now he is one of eight; with the kidnapping of three more Americans, a new set of families has been initiated into the agony of waiting, hoping and receiving hate mail.

For a time last year, the hostage families had the ear of the White House and the heart of the nation. Today, Mrs. Say and other hostage relatives see the effort to win the hostages' release as a casualty of the Iran affair.

The arms sales intended to win the hostages' release have instead paralyzed the United States Government's efforts to free them. The relatives say the State Department has indicated that their only hope is Terry Waite, an envoy of the Archbishop of Canterbury who is in Lebanon, bargaining for the hostages' freedom.

Mrs. Say, who has been particularly outspoken, believes that many Americans now blame her and other hostage families for

having dragged the President into the Iran affair.

Some letter-writers accuse the hostages' families of getting Mr. Reagan in trouble, or of wasting the United States' time in a forlorn effort to secure the freedom of their loved ones. Others suggest that it was the hostages' fault for being in Lebanon.

A MAJOR SETBACK

"This Iran thing was a major setback for the hostages," says Thomas Cicippio, whose brother Joseph, the chief accountant for the American University of Beirut, was seized in Sept. 17, 1986.

He and others now know that the White House was making efforts more dramatic than any they had dared imagine to win freedom for their imprisoned relatives. Indeed, the apparent success of Lieut. Col. Oliver L. North, the former National Security Council aide, in securing release of three hostages has made the failure to win freedom for the others all the more heartbreaking.

"I have to wonder," Mrs. Say observes in gratitude for the effort if not the methods, "if it hadn't been for Ollie and his merry band, where would we all be?"

But now, she and the others place their faith in Mr. Waite. "As long as someone is over there trying, we are very grateful," said Mr. Cicippio. "I believe Terry Waite when he says he has no ties to any Government."

ARMS SALES NOT SEEN AS FACTOR

David P. Jacobsen, who spent a year and a half in captivity in Lebanon, is convinced the arms sales had little to do with freeing him.

"I don't think I was exchanged for arms," he said. "I just don't think President Reagan would endanger the whole country for us."

Besides, he said, "the people I was held by were Lebanese, and they don't take their orders from anybody."

Jean Sutherland, whose husband, Tom, the dean of agriculture at the American University of Beirut, has been a captive since June 9, 1985, said she remains hopeful about her husband's release, but she has steered herself for a long haul.

"Whenever anything happens on the international scene, we, the families and the hostages, somehow seem to be caught up in it," she said.

For Marilyn Langston, whose father, Frank H. Reed, was kidnapped on Sept. 9, 1986, the worst agony is not knowing whether he is dead or alive. No group has claimed responsibility for taking him, and Islamic Holy War, the group holding Mr. Anderson and Mr. Sutherland, has denied that it kidnapped Mr. Reed, the director of a private school in Lebanon.

LIKE HE VANISHED INTO THIN AIR

"It's four months, and I have heard zero—it's like he vanished into thin air," Mrs. Langston said. Like the other hostage relatives, she speaks to an official at the State Department once a week, but so far she has found little reason to be optimistic about official diplomacy.

"I'd like to think the State Department was doing something. I'd like to think the President was doing something," she said. "But I think this Iran thing has taken attention away from the hostages who are still there. I think we've been put on the back burner. The State Department told us not to expect much until things settle down."

In the meantime, she is putting together a plea for information on her father's where-

abouts and condition. The State Department has given her the names of Beirut newspapers in which she might want to run it as an advertisement.

Mrs. Say knows that feeling well. From the day her brother was captured, she has waged a relentless campaign, first behind the scenes and later in public, to demand that the Administration pay attention to him and what were for a time six other American hostages in Beirut.

She appeared on television talk shows and radio call-in programs and at lecture halls around the country. She traveled countless times to Washington and even once to the Middle East in the hope that something or someone would emerge to speed the captives' release.

Last spring, just before what she now knows was a trip by Robert C. McFarlane, the national security adviser, and Colonel North to Iran to deliver arms, she began meeting regularly with Colonel North in his office across the street from the White House. They became friends after a fashion, and she figured it was because Colonel North took a special interest in her brother since both men were marine veterans of the Vietnam War.

"Ollie was there when the families met with Vice President Bush in the fall of 1985 and then the next month when we met President Reagan," Mrs. Say recalled. "He seemed to me to have a lot of moxie."

"My mail indicated that I was personally responsible for Ronald Reagan getting himself into a jam," she added.

The last time Mrs. Say saw Colonel North was in mid-October of 1986. She remembers that he seemed particularly sympathetic and intense when he assured her that day that the President was doing everything he could to free the hostages.

She also remembers that she didn't believe a word of it. In frustration and despair, she sat at his desk and wept.

Now she fears that the backlash from Colonel North's efforts will extend to her brother and the other hostages.

"It seems as if some of the public blames the hostages for what was done on their behalf," Mrs. Say says of the mail she and other hostage families have received in recent weeks.

In late November, shortly after the White House acknowledged the arms sales to Iran, Mrs. Say wrote President Reagan to tell him that she appreciated the major initiative undertaken on the hostages' behalf. Mrs. Say says that the President called her the day before Thanksgiving to say he was not going to give up and that he would continue to explore contacts with Iran.

Mr. Jacobsen believes President Reagan is not as powerless in the matter as the Government seems to believe. "You must understand," he says, "my guards really believed that a call from President Reagan to the Emir of Kuwait would solve all of this."

"I don't want to give anybody the impression I liked the men who kidnapped me," he added. "They are not nice, but they are pragmatic. I think they are looking for a way out."

IN SUPPORT OF VOLUNTARY RESTRAINT AGREEMENTS

Mr. HEFLIN. Mr. President, I rise today to express my strong support for the continuation of the voluntary restraint agreement program for steel

and to urge the President to support a 5-year extension of this program.

Five years ago, before the VRA agreements were negotiated, the American steel industry was nearing extinction. Workers were losing their jobs, steel mills were closing, and regional economies were being devastated as a result.

Today, however, thanks to the VRA agreements, steel industry employment has stabilized, production has increased, net sales have increased, and the industry is reporting a profit.

In effect, these agreements have provided a shield from subsidized imports and allowed the domestic industry time to rebuild and become more competitive. By limiting imports to 21 percent and requiring American steel producers to reinvest substantially all of their net cash flow into plant and equipment modernization, the VRA's have enabled the U.S. steel industry to become highly efficient and competitive. In fact, the industry has reinvested some \$6.7 billion over the past 5 years.

However, if our domestic steel industry is to remain competitive in the future, they need more time to promote research and development. They need the VRA's if they are to compete with foreign competitors who have, for the past 20 years, gained advantages through billions of dollars in subsidies and tightly controlled home markets. Without such an extension, the American steel industry will be significantly disadvantaged and our entire industrial base will again be threatened.

Mr. President, I well remember the years when we saw scores of people lose their jobs in the steel industry and when we watched one steel mill after another close as U.S. steel manufacturers tried to compete with the unfair trade practices of foreign competitors. I therefore implore the President to begin working immediately with the Congress to extend these agreements for all countries and all products which they presently cover.

In closing, I would also like to share with my colleagues an editorial piece which recently appeared in the Birmingham News and which was written by J.D. Murphy of Eufaula, AL. J.D. is the president of American Buildings Co. and one of the many manufacturers who support the VRA extension. I ask unanimous consent that this editorial be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Birmingham News, June 29, 1989]

VRA'S HELP U.S. MANUFACTURERS, TOO
(By J.D. Murphy, Jr.)

American manufacturers these days are keeping a close eye on Washington. In the next few weeks, the Bush administration and Congress will act on a policy that will

directly impact our ability to compete both here and abroad.

At issue is a trade policy called Voluntary Restraint Agreements (VRAs) which have been instrumental in helping domestic steel producers and steel-using manufacturers become more competitive in the global market. Unless extended, the program will expire in September.

NEED DOMESTIC STEEL TO SURVIVE

American manufacturers need a strong steel industry to supply our needs. But when steel companies were losing billions of dollars earlier this decade—closing plants and laying off thousands of workers—the industry's very existence was at risk, and thus, so too was the competitive posture of the hundreds of manufacturers across our country who use steel.

The problem confronting our country is that foreign governments refuse to play by the rules of the free market. They heavily subsidize their steel facilities, keep a tight lid on imports, and routinely dump their products into our market. Steel VRAs have helped us battle back. They limit the massive amounts of unfairly traded steel entering the U.S. market and they require major domestic steel companies to reinvest just about all of their net cash flow back into steel operations.

Domestic steel producers are now becoming more efficient and thus more competitive in the world steel market. They're investing heavily in new technologies, modernizing plants and equipment and phasing out obsolete plants.

Since VRAs, steel companies have become more reliable—better able to meet manufacturers' long-term product needs. The quality of domestic steel has improved significantly which enables us to use their products more efficiently and thus produce a better product for our customers. Prices too are competitive: They've fluctuated but overall are about the same as they were in the early '80s and generally better than what our major foreign competitors pay for steel at home.

As a businessman, I've always believed that American industry can compete with any country in the world. There's no reason why we can't become the world-class industrial competitor we once were. But what we need is a climate of fair play. Unfair foreign competition deters our growth; it's the germ that infects our entire economic infrastructure.

To give up VRAs without first hammering out a global agreement that bans unfair trade in steel would be a tragic mistake. Rather, the policy should be extended for five years. That would send the strongest possible signal to foreign governments that their unfair trade practices will not go unanswered.

CRITICAL TO ECONOMIC SECURITY

VRA extension would also insure that domestic steel companies continue to invest in new technologies and in the most advanced equipment. This is critical to our nation's economic security, and the future growth of my company and other manufacturers who depend on a fully competitive steel industry. I just hope Washington is listening.

STEALTH BOMBER, A VITAL NATIONAL SECURITY WEAPON

Mr. HEFLIN. Mr. President, I know I speak for many when I express a sense of excitement over the first flight of the B-2 bomber yesterday in

southern California. This milestone in the program represents not only a major accomplishment for the B-2, but also a significant landmark in the history of modern aviation.

Myself and many of my colleagues in this Chamber can remember the transition from propeller-driven aircraft to jets. That transition was truly revolutionary and the United States led the world. The B-2 bomber is no less a revolution in aircraft technology and the United States is still leading the way. I congratulate the Air Force and those Members of this body who have worked so hard to bring the B-2 to this important point.

Mr. President, the B-2 is the second part of a cohesive strategy to breathe life back into the manned bomber portion of our strategic Triad. The B-1 was step 1. But we all know when the B-1 came on line that it would not be able to penetrate against a constantly improving Soviet air defense network forever. A second, more capable bomber would be required. That realization resulted in the B-2 we saw fly recently.

I fear that we will now fall off that strategy by failing to continue on with the B-2. Penetrating manned bombers have been at the core of our strategic deterrence for over 40 years. They carry a sizable portion of the U.S. nuclear arsenal. Because they have a crew onboard, they can perform missions that cannot be accomplished by SLBM's, ICBM's or cruise missiles. Manned bombers can be recalled after launch, redirected in flight, react to unexpected defenses in real time, and deliver both nuclear and conventional payloads to any number of targets. Only bombers have these important operational characteristics.

Bombers are the only part of the Triad that have been operationally employed since World War II. We used them in Korea and Vietnam, even though they were as central then to nuclear deterrence as they are now. And, we should use them again if we need them because they are so singularly effective.

Mr. President, much will be said concerning the B-2 Bomber over the next several weeks. I urge my colleagues to remember that we must judge the B-2, and whether or not to go forward with it, by its contribution to both the long- and short-term national security interests of the United States. By that yardstick, the B-2 is an enduring military advantage we cannot afford to throw away.

THE NEED FOR CAMPAIGN FINANCE REFORM

Mr. EXON. Mr. President, we are more than halfway through the year and this particular legislative session. I wish to express my concern again

that a key issue is not getting the legislative attention it deserves. That at least this Senator and, I believe, a majority of my colleagues believe would be necessary.

That issue is campaign finance reform.

The campaign money chase has begun anew around the U.S. Senate and certainly in the House of Representatives. The chase continues because the laws we are forced to operate under virtually require its continuation for political survival. It is time to call a halt to this madness and change our laws now.

Last month, President Bush put forward his campaign finance reform package. The President wants to eliminate most PAC's, but does not favor overall spending limits.

I do not agree with his proposals in toto because they do not get at the heart of the problem which, of course, is spending limits and the amount of money that we are spending on campaigns, but at least the President has joined the debate and laid down his recommendations which deserve consideration. That is more than could be said of the previous administration. With all the players now suited up and seemingly ready to play ball, let us throw the first pitch and get underway.

The real key to campaign finance reform is to limit campaign expenditures. Any other end result simply moves the players around the infield but does not change the nature of the ball game.

Let me review the history a bit. A 1976 Supreme Court decision made it difficult to limit overall expenditures; however, a way has been found to overcome that obstacle. The Supreme Court ruled that campaign expenditure limits are unconstitutional unless tied to public financing similar to the current Presidential system.

I have cosponsored constitutional amendments in the last two Congresses to allow campaign spending limits. However, we cannot wait for the years it would take to ratify a constitutional amendment.

Therefore, I have supported and cosponsored the key Senate bill which would limit expenditures, in Nebraska, for example, to \$950,000 in a Senate general election. The spending cap for each State is based on that State's population.

As a matter of reference, Mr. President, the campaign expenditures by the Democratic and Republican candidates in the last senatorial election in Nebraska amounted to somewhere between \$6 and \$7 million.

Because of the Supreme Court ruling and the need for some tie to public financing of elections, I went to work on a creative way to minimize taxpayer expenditures. I authorized the key change in our Senate bill to

make public financing a remote contingency, rather than an automatic feature, which would be used only for a candidate whose well healed opponent breached the limit. In other words, if both candidates abide by the stipulated spending limits in the bill, no public financing would be involved. And I suggest that that is the best way. It would serve only as an insurance policy to force compliance. Under my amendment, taxpayer costs would be eliminated or, at a minimum, greatly reduced. The bill also contains an aggregate limit on PAC contributions in Nebraska, for example, of \$191,000.

Our Senate bill not only places limits on campaign expenditures, it also addresses other areas of concern. Campaign spending is not controlled by the candidate's committee alone.

The existing law provides for "independent expenditures" by others over which candidates have little or no control and are not figures in legal limitations. Therefore, our bill tightens up independent expenditures. Television ads paid for by independent expenditures would be required to have that fact continually displayed throughout the broadcast. The same rule would apply to direct mailings.

Our bill would also prevent Members of Congress from converting excess campaign funds for personal use. In fact, the Senate just passed a separate bill which I cosponsored to accomplish this goal.

Additionally, there would be a cap on so-called soft money which can be spent that is based on a State's population. Candidates who abide by expenditure limits would be eligible for lower mailing rates and the lowest rate for broadcast advertising.

Candidates who refuse to abide by the limits would be required to place a disclaimer on all their advertising and materials indicating they refuse to comply.

Therefore, Mr. President, we would have a situation where if one candidate refused to comply with the legal campaign spending limits, which he could do legally, he would be required on all of his advertising to so indicate that he had not and would not comply with expenditure limits in the law. I think that would be a strong, strong, convincing notion, if you will, Mr. President, to the candidate who wants to spend, spend, spend, to elect, elect, elect, to have to advertise on his own expenditure that he was not abiding by the legal limits specified in the law.

This is why there is more to this issue than even placing a cap on expenditures by candidates. The current law has loopholes big enough to drive an 18-wheeler through. Negative advertising blitzes during the last 10 days of a campaign are becoming more frequent. Even if such expenditures are reported after an election, they can hardly be monitored and, if exces-

sive, would not invalidate the election. In fact, the Federal Election Commission is still reviewing complaints left over from the 1986 elections.

This is why I fought so hard for our bill in the last Congress and will do so again this year. It is complete and true Senate election reform, not just a gimmick. It closes loopholes across the board.

The \$950,000 cap for Nebraska even seems high and far exceeds what I spent in any of my four statewide campaigns; however, it is a compromise figure I can live with. Each of the candidates in the 1988 U.S. Senate race in Nebraska, as I indicated earlier, spent more than I spent in all four of my successful statewide races combined. That was on the way to a total \$7 million campaign in Nebraska overall. Part of this high cost was due, of course, to inflation and to the escalating costs of television, radio and newsprint production and time. Campaign costs have mushroomed primarily because of the negative character assassination techniques that unfortunately have become commonplace, although I have never used them.

Unfortunately, our campaign finance reform bill did not pass last year although a clear Senate majority favored it. We tried unsuccessfully seven times to break a Republican filibuster in the Senate.

That was most unfortunate since that was the last reasonable opportunity to affect the 1990 elections in law. Our bill has been reintroduced this year and I am again a cosponsor of it.

Despite these setbacks, we must begin to address meaningful campaign expenditure limits and other safeguards quickly. The President now has a proposal and we have a proposal what we need is the will to move ahead.

There is room for compromise within the goal of limiting expenditures. Other loopholes must be closed as well and we cannot be hoodwinked. Any other so-called campaign reform is simply phony.

I have also tried to lead the way by personal example. Earlier this year, Senator BOB KERREY and I introduced legislation to limit each Senator to two postal patron mass mailings, or newsletters, per year.

I have also returned over \$2.5 million in unused operating funds since coming to the Senate in 1979. In addition to lessening the often-cited power of incumbency, I have done my best to save taxpayers' funds and will continue to do so.

The people want and deserve change. Our system of government will be better for it as well. We need also to set an example for States to follow.

Many, including Nebraska, allow unlimited individual and corporate treas-

ury contributions for local and State elections. Our actions should encourage States to also enact limits to complete this reform package.

Today, I call for the Senate leadership on both sides of the aisle and the President to sit down and negotiate before more valuable time is wasted. I pledge my full and best efforts.

CHANGE IN THE INSURANCE INDUSTRY

Mr. EXON. Mr. President, a significant change recently took place in the insurance industry. It is a change we should be sure to note. The Insurance Service Office [ISO] recently announced that it is ending its past practice of giving advisory rates to its 1,400 participating insurance companies.

In more technical terms, ISO will no longer provide recommended factors for marketing and overhead expenses. Nor will ISO recommend factors for such expenses to be used with ISO's prospective loss costs in deriving insurers' rates. Under the new policy, each individual insurer will be required to evaluate its own expenses, project those expenses into the future, and select its own particular provisions for those expense items.

What this really means is the insurance rate setting process will be more decentralized than in the past. Individual insurance companies will be doing their own calculations when setting rates without being guided from a central source. This is a big change which, hopefully, will have positive results for consumers. This is a big change which addresses concerns by some about the insurance industry. This is a big change for which the insurance industry deserves credit for responding in a constructive good faith manner.

Mr. President, I believe that Congress should monitor the effects of this change closely. In the meantime, I also believe that Congress should allow this a fair chance to work. Its effects should certainly be measured and analyzed before embarking on any so-called reform legislation of the insurance industry, such as opening up the McCarran-Ferguson Act.

COL. WILLIAM J. DICKINSON

Mr. SYMMS. Mr. President, on another matter, I think it is appropriate that today the loss of Col. William J. Dickinson be brought to mind as we discuss these issues of importance to national defense and national security.

William J. Dickinson, a retired Marine Corps colonel, dedicated his life to seeing this country maintain its strength so that it could maintain its freedom.

I extend my sympathies to his family who survive him, his loss of last week, and ask unanimous consent his obituary be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 19, 1989]

WILLIAM J. DICKINSON, MARINE COLONEL

William J. Dickinson, 71, a retired Marine colonel who served in the Pacific in World War II and later had assignments in the White House and on Capitol Hill, died of an aortic aneurysm July 10 at National Hospital for Orthopaedics and Rehabilitation in Arlington.

In 1945, Col. Dickinson, then a young officer, was an aide to President Roosevelt. When the president died in Warm Springs, Ga., he commanded the honor guard aboard the train that brought his body to Washington and later to Hyde Park, N.Y., for burial.

After serving briefly as an aide to President Truman, Col. Dickinson settled in Buena Vista, Va. Recalled to active duty as a Marine Reserve officer after the outbreak of the Korean War in 1950, he remained on active duty until retiring in 1980. During most of that time he lived in Buena Vista and commuted to Washington, returning home on weekends. Other assignments included brief periods in Korea and Vietnam.

On retiring from the service, he went to work for the Federal Emergency Management Agency. In 1981, he became deputy director of the Naval Military Correspondence and Congressional Liaison Office and remained there until his death. He also had worked in that office during his Marine career.

Col. Dickinson was born in South Boston, Va., and reared in Buena Vista. He graduated from the University of Virginia. He was commissioned in the Marine Corps in 1941.

During World War II, he served with the 1st Marine Division on Guadalcanal and New Britain and in other campaigns. His decorations included the Silver Star, three Bronze Stars and the Purple Heart.

Survivors include his wife, Nancy Massie Dickinson of Buena Vista; four daughters, Nancy L. Dickinson of Newark, Calif., Virginia D. Heidel of Stephens City, Va., Jeanie D. Wakefield of Burtonsville, Md., and Martha D. Burner of Charlottesville, Va.; and four grandchildren.

THE HONORABLE MARY T. BROOKS

Mr. SYMMS. Mr. President, I stand before the Senate today to honor a great Idaho lady, an individual who has made an enormous contribution to numismatic history in this country. The person I am referring to is Mary T. Brooks, the former Director of the Bureau of the Mint.

Mrs. Brooks is a graduate of the University of Idaho. She was appointed to the Republican National Committee in 1957 and was elected vice chairman in 1960. She served as a state senator from 1966 until President Nixon appointed her to be Director of the Mint in 1969.

During her tenure as Mint Director the Eisenhower dollar was issued, the Bicentennial coinage was authorized and the 1974 Lincoln aluminum cent was struck. Mrs. Brooks was responsible for introducing the Mint series of Presidential "Mini-medals" and promoted the 10-medal pewter series of

"America's First Medals" to commemorate the Bicentennial of the Declaration of Independence.

This year she was the recipient of the American Numismatic Association's Medal of Merit for her many accomplishments in the field of numismatics.

Recently, Mary Brooks made her debut as the author of a column, "Looking Back at the Mint," which appeared in the July 12, 1989, issue of Coin World. In her first column, Mrs. Brooks describes the history of the first Eisenhower dollar including an interesting account of the passage of the bill through the Senate.

I believe that this article entitled "First Eisenhower Dollar Bill Passes Senate Quietly" is of interest to the Senate and to all students of numismatic history. I therefore request unanimous consent that the article be printed in the CONGRESSIONAL RECORD immediately following my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Coin World, July 12, 1989]

LOOKING BACK AT THE MINT

(By Mary T. Brooks)

Since the country is about to have another Eisenhower dollar, I will start my reminiscences with the history of the first Eisenhower dollar. Looking back 20 years is a long time.

When I came to the Mint I knew very little about the bureaucracy. I knew very little about the numismatic world but I did have a good understanding of Congress from working in my father's office, Sen. John Thomas, and also from my late husband, Sen. Wayland Brooks of Illinois. I had a marvelous predecessor in Eva Adams who sent me a month's supply of reading material and discussed many things with me.

Almost the first order of business at the Mint was the issuance of an Eisenhower dollar. The new coin was to honor our most beloved soldier statesman for his outstanding contributions to America and the free world. This was to be the first dollar coin produced since 1935. We thought it would be the last silver-clad dollar issued in our history. The decision to make a dollar coin was in response to the public request following the President's death on March 28, 1963.

On Sept. 16, 1970, the Bank Holding Act was passed authorizing the use of 25,500,000 fine troy ounces of silver from the stockpile to be used for the coinage of \$1 pieces as authorized in the Coinage Act of 1965. These dollars were to bear the likeness of the late President of the United States Dwight David Eisenhower. I had known Ike personally and I was thrilled to have this project to launch.

Everyone in the Treasury was excited. Some even wanted to charge \$20. We envisioned millions of people clamoring for the new coin both in the silver-clad and the copper-nickel. How wrong we were! The price of the Proof dollar was argued from the top to the bottom at Treasury. It was natural that Frank Gasparro, our chief engraver, do Ike's portrait. He had been our chief sculptor and engraver since 1965. (The reverse was the eagle landing on the moon.)

We decided to produce 20,000,000 Proof and 130,000,000 Uncirculated coins. Immediately when this news was out we began to get complaints from the public about the \$10 price on the Proof coins. However, we went blithely ahead with our plans. I used to wake up in the middle of the night believing I was going to be buried under an avalanche of mail—all of it about our new dollar coin.

It was late in December that the bill was passed by a vote on the Senate floor at 8 o'clock at night with about five people on the floor. As I sat in the gallery watching the passage of my bill I thought how strangely history is made. This bill was passing with almost no one being aware. This bill authorized the first dollar to be minted since 1935!

On Dec. 9 the bill for production finally went to President Nixon for his signature. He didn't sign the bill until the last day of 1970. It would be impossible to hold a press conference on New Year's Day and I desperately wanted the country to know that we had been authorized to make the Eisenhower dollar.

I called Mamie Eisenhower at Gettysburg and asked if I could bring a photographer and the galvanos of the proposed dollar down to her at Gettysburg. She warned me that the wind was blowing and the snow was drifting and we might not be able to get to the farm house. I had lived a long time in snow country. I had a heavy car with snow tires so I went ahead. I took Roy Cahoun, Larry Stevens, my secretary (Mike Siebert), her husband (Val) and Bobbie Kendall.

Mrs. Eisenhower had most of her family there, so we were able to present her the framed galvanos, and got some lovely pictures. She was a very private person so it was a great privilege to see her in her home.

ILLEGAL DENKTASH REGIME COMPOUNDS ITS CRIMES

Mr. PRESSLER. Mr. President, many Greek-Americans and Cypriot-Americans from South Dakota and throughout the Nation are alarmed by the situation in Cyprus today. I share their concern regarding this potentially explosive situation.

Last week, when 1,000 Greek-Cypriot women crossed into the U.N.-patrolled buffer zone to protest the 15-year-old Turkish occupation of northern Cyprus, Turkish-Cypriot leader Rauf Denktaş threatened to cut off U.N.-sponsored reunification talks unless the protest was disbanded. The 2-day protest was scheduled to end Thursday. Unfortunately for all of Cyprus, events surrounding the protest took a drastically violent turn. Armed Turkish soldiers charged into the buffer zone. Four protestors were injured and 111 were arrested—including 100 women, a Greek Orthodox bishop, and three Western reporters. Those arrested were forced to appear in Turkish courts but the charges against them were not disclosed. Thousands more now have joined in protest of the violence and arrests. Cypriot President Vassiliou and the Parliament of Cyprus have called emergency sessions to discuss responsible solutions to the situation.

At present, those arrested are believed to be safe and U.N. observers are present. President Vassiliou has asked the United Nations to seek the immediate release of those arrested. I believe that the United States Government must act with expediency to send a clear message to Ankara stating that Turkish-Cypriots must be dissuaded from military actions and that those arrested in the Cyprus buffer zone must be released immediately.

The United States has always felt a responsibility to protect the personal rights and freedoms of repressed people, wherever they live. The condemnation of human rights violations has and continues to be a major policy of our Government. Therefore, the United States stands opposed to the recent actions taken by Mr. Denktaş's troops against Greek-Cypriots. It is my fervent desire that the Cyprus problem be resolved quickly so that all Cypriots will be able to return to their homes and live peacefully.

Mr. President, I ask unanimous consent that a letter from Senator PELL, Senator SARBANES and myself appear in the RECORD following my remarks. Our letter was sent today to Secretary of State James Baker.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC, July 24, 1989.
Hon. JAMES A. BAKER III,
Secretary of State,
Washington, DC.

DEAR MR. SECRETARY: We are writing to ask you to seek the immediate and unconditional release of the 98 Greek Cypriot women and 2 priests who are currently being held by Turkish Cypriot authorities in northern Cyprus. These individuals were illegally seized by the Turkish Cypriot security forces after they entered a chapel in an old Catholic school in the United Nations' buffer zone. The United States should protest this Turkish Cypriot action in the strongest terms. The United Nations forces (UNFICYP) have exclusive jurisdiction over the buffer zone and Turkish Cypriot forces have no authority to operate within that area.

Over the past weekend, Turkish Cypriot authorities have demanded that the women and priests pay fines or spend additional time in prison. All of these individuals have refused to pay the fines not only because they have been wrongfully detained, but because any recognition of the jurisdiction of the Turkish Cypriot courts might imply recognition of the so-called "Turkish Republic of Northern Cyprus." These individuals should not be forced to choose between spending additional time in prison and taking actions which imply recognition of the so-called "TRNC"—recognition that has not been granted by any country except Turkey. We urge you to take urgent action to gain their release.

In addition to helping gain the release of these individuals, we hope the State Department will urge the U.N. to take immediate steps to prevent such a crisis from erupting in the future. The United Nations has long protested Turkish Cypriot efforts to en-

croach upon the buffer zone, but has not taken firm steps to prevent Turkish Cypriot advances. If such incidents are to be avoided in the future, the U.N. should clearly demarcate the area of the buffer zone.

Finally, the United States should do everything possible to prevent this incident from jeopardizing the ongoing talks on Cyprus. Those talks have reached a critical stage and we should encourage the parties not to abandon their efforts as a result of the current crisis.

Sincerely,

LARRY PRESSLER,
PAUL SARBANES,
CLAIBORNE PELL.

RENEWAL OF THE STEEL VOLUNTARY RESTRAINT AGREEMENT [VRA] PROGRAM

Mr. ROCKEFELLER. Mr. President, the President will be announcing his new steel policy shortly—perhaps as soon as tomorrow. I can not overestimate the importance of this decision. As chairman of the Senate Steel Caucus, I introduced with my cochair, Senator HEINZ, S. 378, a bill to extend the President's authority to enforce VRA's for 5 more years—this authority expires September 30. We have been anxiously awaiting his decision. In fact, I find it unfortunate that we still don't have a decision from the President yet, in late July.

A great deal has been written in the press and editorial pages about the pending expiration of our current steel policy. What is too often unnoted is that a total of 55 Senators have joined Senator HEINZ and myself as cosponsors of the bill to extend the VRA's for another 5 years—demonstrating strong, bipartisan support in the Senate for this program.

Congressman JACK MURTHA, chairman of the House Steel Caucus, has introduced an identical bill, H.R. 904, and he has 246 cosponsors. Clearly, there is strong sentiment in both Houses in favor of an extension of this successful program. As President Bush said in his letter to Senator HEINZ last November, "a comprehensive VRA Program has proven to be more effective in offsetting unfair trade practices than trying to counter these practices on a case-by-case basis." That is precisely the point.

Since World War II, world steel trade has been characterized by Government intervention in the marketplace. This is what brought about the VRA Program in the first place in 1984. It was created by President Reagan in 1984 to reduce the amount of subsidized and dumped imports coming across our borders. We—the administration and Congress—finally stepped in to do something about the devastating effects of these practices on our own workers and communities. We moved to stop allowing foreign governments to dictate the shape of America's industrial economy.

The VRA Program is working. Even the most die-hard critics acknowledge that America's steel industry has restructured, reinvested, and modernized. Continuous casting, one of the leading-edge technologies involved in modernizing the industry, is up from 20 to 65 percent and heading toward 100 percent. Productivity is up—with increases averaging 8 percent a year this decade. Prices are lower on average in the United States for domestic steel than for European or Japanese steel. Capacity was reduced by over 40 million tons and almost 250,000 jobs were slashed.

This restructuring was essential to the survival of the industry—from 1982-86, the industry suffered \$12 billion in losses, and even today, 15 percent of the industry remains in bankruptcy.

And VRA's are critical to the industry's ability to attract the moneys it needs to continue its reinvestment program—estimates are that \$2 billion a year will be required to continue modernizing efforts. For example, Weirton Steel in my State is embarking on an ambitious \$650 million, 5-year improvements program which will make its steel 100 percent continuously cast. Wheeling-Pittsburgh Steel, also in my State, is still in chapter 11, and improvements at Wheeling-Pitt may cost close to \$2 billion. These investments must be made to prepare for the competition in the 21st century.

And, in the meantime, as President Bush realizes, other countries have continued their unfair practices. Let me point out a few examples that have come to my attention just since the President committed to extending VRA's in November of last year:

First. EEC approved French \$255.5 million steel subsidy: Just 2 weeks ago, the European Economic Community [EEC] approved France's plan to grant a \$255.5 million subsidy to Usinor-Sacilor. This subsidy comes on top of the \$9 billion in subsidies already provided to Usinor-Sacilor this decade.

Second. EEC approved Italian \$3.8 billion steel subsidy: In December 1988 the EEC approved the Italian Government's plan to give \$3.8 billion to the state-owned Finsider Steel Co. The EEC is currently considering an additional \$2 billion subsidy request, which would bring total subsidies to Finsider to more than \$15 billion during the 1980's. Despite such heavy subsidization, Finsider lost \$11 billion from 1976 through 1987.

Third. Brazil proposes \$714 million subsidy: This month, Brazil has proposed to bail out CSN, Brazil's state-owned steel company, which has been stricken with labor unrest and unserviceable debt obligations. CSN is part of a state-run holding company, Siderbras, which was forgiven \$12.2 billion in debts by the Government.

Fourth. West Germany forgives \$374 million of debts: In April 1989 the West German Government forgave a steel company, Arbed Saarstahl, from paying \$374 million in obligations owed to the Government. Interestingly, the West German Government in 1987 protested EEC subsidies to French and Italian steel companies.

Fifth. EEC approves Spanish subsidy/loan package of more than \$600 million for carbon and specialty steel producers: Earlier this year, Spain received EEC approval for a package of direct subsidies and cut-rate loans totaling more than \$600 million for Spanish steel companies.

Sixth. British Steel is privatized on concessionary terms: In December 1988 British Steel Corp. was privatized for \$4 billion, after having received \$12 billion in subsidies since 1975, and having had Government investments of \$1.1 billion written off its books.

Seventh. EEC approves Portugal's subsidy for modernization plans: In May 1989 Portugal received EEC approval for a program to continue modernization of its state-owned steel facilities which includes EEC loans and Government equity infusions.

It is not in our national interest to unilaterally disarm by ending the VRA Program prematurely. An article appeared in the Wall Street Journal last month entitled "Steel Industry Boom Set To Go Bust." The article points out that excess capacity still exists in the world and quotes several experts as predicting a downturn in the second half of this year. And it is in a downturn when the VRA's become critical—when world-wide and U.S. demand go soft, the temptation to sell subsidized and dumped steel in the United States becomes irresistible.

We must renew the VRA Program. Steel is the backbone of our manufacturing base. Giving up the VRA Program without hammering out an international agreement eliminating unfair trade practices in steel would be a tragic mistake. VRA's must be the stick that gets our partners to the negotiating table to rid the world marketplace of Government intervention in steel. I urge the President to honor his commitment to the steel industry and its workers, and to renew the VRA Program for the next 5 years while we strive to reach a truly international consensus for free trade in steel.

I ask unanimous consent that the Wall Street Journal article be printed following my statement.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, June 27, 1989]

STEEL INDUSTRY BOOM SEEMS SET TO GO BUST

(By Clare Ansberry)

PITTSBURGH.—The party appears over for major U.S. steelmakers.

In the past two years, bellwether U.S. producers like USX Corp. and Bethlehem Steel Corp. have ridden a wave of economic prosperity, buoyed by favorable foreign-exchange rates, concessionary labor pacts, and import restraints. At the same time, their major automobile and construction-industry customers lapped up steel as fast as the streamlined plants churned it out.

But "the boom has peaked out," contends the Rev. William T. Hogan, an industrial economics professor and steel expert at Fordham University. Indeed, domestic steel shipments this year are expected to drop 3.6 percent to about 81 million tons from 84 million tons in 1988. Much of the decline is driven by the sluggish automotive market, which isn't expected to accelerate soon.

Since Jan. 1, prices of certain critical raw materials have risen, while many steel prices have flattened or actually dropped. And that is coming as employee costs—fueled by recent or anticipated new labor accords—are on the upswing. Even the recent turmoil in China, which imports between 10 million and 15 million tons of steel a year, bodes ill for the industry.

UNANSWERED QUESTIONS

The unanswered questions: How steep will the decline be, and how long will it last? Each week, steel producers, economists and customers seem to vacillate between optimism and pessimism debating just those issues.

Father Hogan, for one, doesn't foresee any precipitous drop and, indeed, envisions a possible recovery at the end of the fourth quarter. On the other hand, John Corey, Armco Inc.'s chief economist, says the steel-maker's internal forecast favors some "kind of mild recession" for steel starting late this year or in early 1990. Factors, he explains, are the sheer length of the current expansion, the longest in the post-World War II period, and the dollar's strength in the spring, which damps demand.

A few wild cards could change the picture. If the industrial world's economy continues to boom, and the dollar and interest rates fall, Mr. Corey says he may change his steel outlook to a "soft landing" rather than a mild recession. "We might have a quarter of negative or no growth but not a recession," he says.

Industry expert Peter Marcus predicts "a new period of fierce restructuring" in the industry. The PaineWebber Inc. analyst contends the technology revolution sweeping steel, coupled with wild pricing swings, will precipitate a shakeout.

"You're not going to see bankruptcies, but people will be abandoning plants and 'the structure of this industry is going to be highly volatile.'"

Says one steel executive, "We're in for a period of slower growth and some retrenchment. You can't run the industry near capacity forever."

SIGNS OF CHANGE

The signs of change are evident. Domestic steel shipments, while higher for the year, retreated in April from a nine-year high, according to the American Iron and Steel Institute, with a 6.1-percent drop recorded for steel service centers and distributors. One trade group, the Precision Metalforming Association, reports a 7-percent slide in April bookings and Greg Estell, government relations manager there, says he'd be surprised if May was any different.

Steel service centers, second only to the Big Three domestic auto makers in terms of steel consumption, worry about inventories

creeping upward for the fifth consecutive month, while average daily shipping rates dropped 3.9 percent.

"With some products, the problem is that there's simply too much steel chasing orders out there," says Andrew Sharkey, the president of the Steel Service Center Institute. Indeed, overall production in the Western world has increased an estimated 20 percent since 1987, while demand has increased only 10 percent to 12 percent, according to PaineWebber. Inventories at U.S. steel mills have been on the rise every month since July 1988, putting one industry barometer—inventory and unfilled orders relative to shipments—at the highest level since early 1987.

That, in turn, squeezes margins and prices. Operating profit from steel segments at major producers dropped 8.9 percent to \$663 million in the 1989 first quarter from \$722 million a year ago, even though sales rose 3.8 percent to \$8.2 billion from \$7.9 billion.

DROP IN SPOT PRICES

Already, there's some indication that spot prices on hot-rolled unprocessed sheet have decreased about 3 percent to 7 percent, even after a \$15-a-ton second-quarter increase didn't stick. Armco's Mr. Corey sees as much as a 5 percent drop in certain spot prices over the next six months. At four of its six merchant, or small bar, plants, Nucor Corp., a leading minimill, cut its selling price \$20 a ton from about \$320 to \$340 a ton on 40 percent of its products according to an analyst. Specialty Steelmaker J&L Specialty Products Corp. gave price breaks on certain stainless plate products even though that risks loss of profits and alienation of customers stuck with higher-priced inventory. Its rivals which had pledged to stand firm on prices, last week reluctantly followed suit.

Some of the downward pressure on prices comes from the stronger dollar this year, which erodes steelmakers' and their export quotes have dropped on average to about \$415 a ton from \$450 a ton in recent weeks, according to PaineWebber's Mr. Marcus. The dollar sank last week, but yesterday started climbing again.

Still, the outlook for galvanized and other higher-priced products continues strong. Christopher Plummer, who follows steel for the WEFA Group, expects steel demand to weaken somewhat but not drastically. He notes the current high level of unfilled factory orders and the expected 6 percent rise this year in capital spending by manufacturers. While such outlays would fall below last year's 10% increase, they would be strong nonetheless.

Industry seers don't expect an industry-wide collapse as occurred in the early and mid-1980s. Steelmakers have closed unprofitable plants, adopted money-saving technology, and diversified into non-cyclical businesses. Inventories are much lower than in the early 1980s, so that even if there is a recession the impact would be milder.

"Believe it or not, even in a severe recession, we think most steelmakers would stay profitable," contends analyst Charles Bradford, with Merrill Lynch Capital Markets.

CARL YASTRZEMSKI'S INDUCTION INTO THE BASEBALL HALL OF FAME

Mr. KENNEDY. Mr. President, it is a source of pride to all of us in Massachusetts and throughout New England

that Fenway's finest, Carl Yastrzemski, was inducted into the Baseball Hall of Fame yesterday in Cooperstown, NY.

For years, Boston and the entire baseball world were awed by the incomparable Yaz and his 23 magnificent seasons with the Red Sox. With achievement after crowning achievement, he molded an athletic record that may never be equaled in baseball again. His election and induction into the Hall of Fame represent a well-deserved culmination of his brilliant career.

It is said that great teams win the World Series, but only the greatest players go to the Hall of Fame. What a remarkable distance Yaz has traveled—from a young child hitting potatoes with a stick behind the family barn, to one of the greatest left fielders of all time. His brilliant hitting and equally brilliant mastery of the Green Monster at Fenway Park have now earned him the highest accolade that any professional baseball player can receive—induction into the Hall of Fame.

There is something else about Yaz that needs to be said. Although he is a legend for his achievements on the field, he deserves equally high recognition for the dignity, grace, and character with which he performed both on and off the field. There seem to be many sports stars these days, but few sports heroes. But Carl Yastrzemski is both—he is an authentic hero and role model—not only for generations of young baseball fans but for citizens of all ages in all walks of life. And that may be the greatest of all his achievements.

I commend Carl Yastrzemski and the entire Yastrzemski family for this happy occasion in their lives. He has been that rarest of all baseball players—a diamond of the diamond. His career is now enshrined for all time in the hearts of his fans and in the Hall of Fame.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the time for morning business has expired.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEARS 1990 AND 1991

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 1352, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1352) to authorize appropriations for fiscal years 1990 and 1991 for military functions of the Department of Defense and to prescribe military personnel levels for such Department for fiscal years 1990 and 1991, and for other purposes.

The Senate proceeded to consider the bill.

Mr. WIRTH addressed the Chair. The PRESIDING OFFICER. The Senator from Colorado.

Mr. WIRTH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DIXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair recognizes the Senator from Illinois, Mr. Dixon.

(The remarks of Mr. Dixon pertaining to the introduction of S. 1379 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. NUNN. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is S. 1352.

Mr. NUNN. Mr. President, I am pleased to bring before the Senate, S. 1352, the National Defense Authorization Act for Fiscal Years 1990 and 1991. This bill provides the authorization required in law for almost all of the major functions under the jurisdiction of our Committee on Armed Services, including the activities of the Department of Defense; the Department of Energy Nuclear Weapons Programs; and the Military Construction Program.

Two years ago at the beginning of the 100th Congress, the Armed Services Committee reported the first 2-year authorization bill for the Department of Defense. President Reagan submitted a 2-year budget request for the Defense Department in January, and President Bush's budget amendment in April endorsed this biennial approach for fiscal years 1990 and 1991. This year the committee again recommends authorization of national defense programs for a 2-year period.

The committee's work on the second-year of this 2-year budget was made more difficult by the fact that the April budget summit agreement between Congress and the President covered only 1 fiscal year, fiscal year 1990. Without agreement between Congress and the administration on an overall National Defense figure for fiscal year 1991, the committee was not able to authorize the total National Defense Program for fiscal year 1991. However, we continue to believe that 2-year budgeting will not only improve congressional oversight of defense programs but also achieve long-term savings and better management as the Defense Department stabilizes its planning and procurement.

For fiscal year 1990, the bill reported by the committee authorizes programs

totaling \$305.5 billion in budget authority, the level agreed to in the budget summit agreement. For fiscal year 1991, the committee has approved 85 percent of the defense authorization request. The committee focused its work on the second year of the budget request on stable, noncontroversial programs, and activities. Programs and activities not authorized for fiscal year 1991 were not done so with prejudice as to their merits.

BUDGET IMPACT OF THE COMMITTEE BILL

Mr. President, the committee believes that the bill before the Senate today meets the budget authority target of \$305.5 billion and the outlay target of \$299.2 billion contained in the bipartisan budget agreement and the fiscal year 1990 budget resolution.

Most Members are aware that the Congressional Budget Office has estimated that outlays for the Defense Department in the amended fiscal year 1990 budget will be \$3.8 billion higher than the administration estimate and the outlay level in the bipartisan budget agreement. I have urged the leadership of the Senate as well as people at the White House to get CBO and DOD together, as well as OMB, discuss why this estimating difference exists, and to see if some resolution is not possible.

This continuing technical scoring difference threatens to cause major disruptions in our national security policy. Since it is virtually impossible to hit both the budget authority and outlay target as estimated by CBO in the bipartisan budget agreement, we faced two equally unpleasant prospects in marking up this bill. One choice, either cutting fiscal year 1990 defense budget authority by \$8 to \$10 billion below the level of the bipartisan budget agreement to get the necessary \$3.8 billion in outlay savings; or cutting faster-spending accounts, which are personnel, operations, and maintenance, and adding funds to slower spending investment accounts. This approach would let us meet both the budget authority and outlay target of the bipartisan budget agreement, but it would also drastically reorder our defense priorities in ways no one would support.

We believe the committee bill solves this dilemma by putting a mandatory, legal ceiling on expenditures or outlays in the Defense Department for fiscal year 1990. This binding expenditure ceiling will force the Defense Department to manage its obligations in order to live within the outlay target of the bipartisan budget agreement and the fiscal year 1990 budget resolution. The Defense Department has maintained all along that their budget for fiscal year 1990 meets this outlay target—this provision will simply make sure that they live up to their word.

COMMITTEE PRIORITIES IN THE MARKUP

Mr. President, we are reaching a point where unless we have some common sense applied to this problem we are becoming very counterproductive in our budget approach.

For instance, it would be very easy for the committee to meet the budget authority and the outlay targets given to us by the leadership of the Congress and the White House if we, for instance, put in three or four new ships that spend out at a very slow rate, over 6 or 7 years, which would obligate the taxpayers of this country for a lot more in future years in defense expenditures while at the same time cutting the pay or cutting the operations and maintenance, which are fast-spending accounts.

We could meet the budget authority and outlay targets by doing that, but it would be counterproductive to our national security and also counterproductive to deficits in future years. We would be increasing the deficits in future years in order to meet an outlay target in this year.

I want to commend Secretary Cheney for the approach that he took in meeting the targets of the bipartisan budget agreement. He realized that the budget pressures facing the Defense Department required a long-term, multiyear approach and could not be dealt with simply on a 1-year basis. This long-term approach is essential if we are to bring the strategy and programs of the Defense Department back in line with fiscal reality.

Secretary Cheney's priorities in this budget were ensuring the continued well-being of our uniformed personnel; preserving the gains in readiness and sustainability of our forces, even if it means reducing their overall size; maintaining efficient production rates of weapons systems, even if major procurement programs must be terminated; and continuing the modernization of our strategic land-based missiles.

The authorization bill reported by the committee endorses these priorities. The committee's actions are described in detail in Senate Report 101-81, which accompanies S. 1352. I want to take a few moments to summarize some of the committee's actions in this bill.

PROGRAM TERMINATIONS

For several years the committee has criticized the Department of Defense for stretching out procurement of many weapon systems. Too many programs were initiated when budget projections were unrealistically high in the early 1980's. In the face of tighter budgets, previous administrations chose to stretch out procurement, exacerbating the enormous inefficiencies in many of our major weapon production lines. The fewer numbers produced, the higher the unit costs.

Secretary Cheney took a controversial step in his amended budget re-

quest by recommending termination of eight major new weapon systems.

Not really new, but they are being terminated at a time where they are producing new units and these are, of course, very controversial cuts. They are: V-22 tiltrotor, F-14 D (new production), F-15E (after fiscal year 1991), AH-64 (after fiscal year 1991), Army Helicopter Improvement Program, M88 Recovery Vehicle, SSN-688 submarine, and the Phoenix missile (after fiscal year 1990).

These program terminations represented \$3 billion, or 30 percent, of the budget savings Secretary Cheney had to achieve in fiscal year 1990, and 28 percent of the total savings made by the Defense Department in the amended budget request over the 5-year defense plan.

The committee spent considerable time debating and reviewing these programs. We concluded that all of them, with the exception of the V-22, should be terminated as recommended by Secretary Cheney.

With respect to the V-22, the committee provided \$255 million of research and development funds in fiscal year 1990 to complete the flight test program for the V-22.

I have heard a lot of people say there is commercial potential there. I hope there is. But that potential will never be realized if the program is not completed in terms of flight testing.

(Mr. FORD assumed the chair.)

Mr. NUNN. If a substantial commercial market for the V-22 is demonstrated, and if a number of other questions posed by the committee are answered satisfactorily, the committee will reconsider the issue of whether the program is affordable for our defense needs.

Mr. President, the committee voted by a wide, bipartisan margin to support these program terminations. Unless the Senate gives us different instructions during the debate on this bill, we intend to strongly argue the committee position in conference with the House, since the House has added many of these terminated programs back into the budget.

STRATEGIC FORCES AND NUCLEAR DETERRENCE

The committee carefully reviewed the amended budget request for strategic forces this year, particularly the programs that make up our strategic triad and the Department of Energy's defense programs. Meeting the Department of Energy's environmental restoration needs required a transfer of funds from Department of Defense strategic programs, which added to the difficulty of sustaining the strategic modernization program within an already constrained budget.

The committee approved funds as requested by the administration for the modernization of the land-based ICBM force and for the Trident sub-

marine programs. The committee increased funds for the procurement of Trident II missiles to bring the production rate closer to the level requested by the Navy 2 years ago for fiscal year 1990.

The committee established a comprehensive set of restrictions on the obligation of funds for the procurement of B-2 aircraft in the current low rate initial production phase. These restrictions are tied to demonstrated flight milestones, such as first flight, completion of the initial block of flight testing, and initiation of low observable testing. The committee reduced the procurement funding requested for the B-2 by \$300 million in fiscal year 1990, and directed a clarification in the process by which responsibilities for correction of deficiencies in the production of the aircraft, if any, are determined.

For the advanced cruise missile, the committee fenced funding until the missile demonstrates improved flight test performance. The committee also applied the "fly-before-buy" principle to the B-1 modification program by limiting modifications to the aircraft's electronic countermeasures system to six aircraft, and mandating a flight test program as a condition for further modifications to the aircraft fleet.

The committee authorized a total of \$4.5 billion for the strategic defense initiative research in the Defense and Energy Departments, a reduction of \$66 million from the combined amended budget request. The committee again extended the restriction on SDI development and testing which requires the Defense Department to conduct SDI consistent with the plan it submitted to Congress this year. In a hearing last month, administration witnesses testified that the plan would not involve any development or testing under the so-called broad interpretation of the ABM Treaty.

In the national security programs of the Department of Energy, the committee provided \$418 million above the budget request for environmental restoration and waste operations activities to speed the cleanup of the extensively contaminated facilities in the nuclear weapons complex.

The amount of \$418 million is a lot of money, but this is only a small down payment on the bills that we face in cleaning up the nuclear mess that has accumulated over the years.

The committee also added \$100 million to the budget request to fund the creation of a new program to accelerate the development of innovative cleanup technologies, for a total of \$1.819 billion in waste cleanup accounts.

Additional environmental, safety and management provisions recommended by the committee include establishment of a Presidentially appointed Blue Ribbon Task Group to

review the long-term funding of and requirements for environmental restoration and defense waste activities; special personnel management authority for critical DOE positions; regular reporting requirements for major national security programs; 5-year planning for all DOE defense programs; authorization of a management training program; and recognition that environmental restoration is one of the major missions of DOE's national security programs.

Mr. President, these environmental, safety and management provisions, along with authorization of \$1.8 billion in cleanup funds, were reported as a separate bill by the committee and will be offered as an amendment to this bill.

We are doing that for several reasons, but one of the reasons is we want everyone to focus on this cleanup problem and focus on the amount of money that is going to be required over the long haul for this major effort.

In the nuclear materials programs, the committee fully funded the new production reactor program. The committee also reduced funding for the special isotope separation [SIS] project by \$75 million in recognition of the Secretary of Energy's decision to prepare an environmental impact statement on the SIS test facility, delaying the construction program by at least 1 year. The committee further required that the Secretary of Energy certify that the SIS technology has been proven and that all environmental requirements have been met before construction funds beyond those authorized in the bill are obligated.

I want to commend Senator Exon and Senator THURMOND for their strong and capable leadership of the Subcommittee on Strategic Forces and Nuclear Deterrence.

CONVENTIONAL FORCES AND ALLIANCE DEFENSE

In the area of conventional programs, the committee made a comprehensive effort to restore major stretch-outs in munitions programs; we will be having an amendment on that one this afternoon; to accelerate the Army's efforts to recapture U.S. advantages in the armor-antiarmor balance; and to implement needed changes in tactical aviation.

The committee concluded that the reductions in advanced conventional munitions proposed in the budget are militarily unwise and economically unsound. The Commanders in Chief from the principal war-fighting commands face serious shortages of these critical weapons. In addition, the proposed cuts in missile production would have raised unit costs and nullified any benefits from dual-source competition. The price of five key munitions programs, for example, increased by 19 percent in fiscal year 1990 because of program stretchouts. As a result,

the committee authorized an increase in the fiscal year 1990 purchase of the Army Tactical Missile System [ATACMS], Hellfire, Stinger, Multiple Launch Rocket System [MLRS] rockets, TOW, and HARM missiles. This munitions initiative was reported by the committee as a separate bill and will be offered as an amendment to this bill, and indeed I hope we will be voting on that later this afternoon.

The committee also reaffirmed its commitment to help the Army improve its armor-antiarmor capability. The committee added funds for the block II M-1 tank upgrade program; the Heavy Forces Modernization Program; research and development of electromagnetic gun technology; and the use of the fiber optic guided missile for antiarmor missions.

The committee found that the Army and the Marine Corps emphasize research and development of sophisticated weapons systems at the expense of weapons and equipment for the individual soldier and marine. The committee believes that the effectiveness of our Nation's foot soldiers can be significantly increased through more aggressive efforts to identify and purchase, as well as develop, better weapons and equipment for our soldiers and marines. These efforts should include surveying foreign armies and commercial sources for items that can be procured off the shelf.

We do not have to invent everything and have Army specifications or Marine specifications for every piece of equipment. We need to go ahead and make decisions and get some good equipment out there to the people who have to do the fighting if there ever is a war.

The committee authorized \$30 million in research and development funds for the Army and Marine Corps to develop lighter, more lethal infantry weapons; better, lighter antiarmor weapons; and improved field gear and equipment.

The committee also continued its emphasis on improving equipment for the Reserve and National Guard. The committee approved \$397 million for additional equipment in this area above the amount requested in the budget.

These two initiatives—the Soldier/Marine Enhancement Program and the Reserve and National Guard procurement initiative—were reported as separate bills by the committee, and will be offered as amendments to this bill during the course of the debate.

Senator LEVIN and Senator WILSON, the chairman and ranking member of the Subcommittee on Conventional Forces and Alliance Defense, deserve a great deal of credit for their hard work in this area.

PROJECTION FORCES AND REGIONAL DEFENSE

The committee recommended authorization of \$23.5 billion for programs within the jurisdiction of the Projection Forces and Regional Defense Subcommittee, the same level as the amended budget request.

For programs other than fleet ballistic missile submarines, the committee recommended \$8.4 billion in the Navy shipbuilding and conversion account for the construction of 16 ships and the conversion of 2 others. Ships authorized for construction were one 688-class submarine; five DDG-51-class guided missile destroyers; three mine countermeasures ships; one MHC-51-class coastal minehunter; one cargo variant of the LSD-41-class landing ship dock; one TAGOS ocean surveillance ship; one AOE-6-class fast combat support ship; and three AGOR oceanographic research ships. Fourteen landing craft air cushion vehicles were recommended for authorization.

Advance procurement for one fast sealift ship was recommended, as well as advance procurement for two SSN-21-class submarines and one LHD-1-class amphibious assault ship. Authorization of funds was recommended for the aircraft carrier *Enterprise* service life extension program and for the jumbo conversion of one fleet oiler. Funds to provide a moored training ship for nuclear propulsion plant training were recommended as well.

For strategic airlift, the committee recommended authorization of \$885.2 million in research and development and \$1.42 billion in procurement for the C-17 transport aircraft program. Six aircraft will be procured in fiscal year 1990.

Finally, funding for research and development programs and procurement of equipment for special operations forces were recommended as requested.

I want to commend Senator KENNEDY and Senator COHEN, the chairman and ranking member of the Projection Forces Subcommittee, for their leadership in this important area.

DEFENSE INDUSTRY AND TECHNOLOGY

The committee's review of the Defense Department's technology base and industrial preparedness program indicated that, while there have been some improvements, there remains a lack of clear priorities, insufficient long-term planning, and inadequate funding in this area. The committee is concerned that unless these trends are reversed, the Department, and the supporting defense industrial base, will not be capable of either developing or producing the weapon systems needed to meet future threats.

As in past years, the committee is recommending increased funding for several important technology programs, including digital gallium arsenide; high temperature superconductors; high resolution displays; high

performance computers; manufacturing technology; concurrent engineering; and x-ray lithography. A total of \$296 million was authorized to continue the balanced technology initiative to develop and deploy revolutionary conventional weapons technologies. The committee believes these programs have excellent potential to make a significant impact on the capabilities of future weapon systems.

The committee remains concerned over the ability of the Defense Department laboratories to adequately support the technology base and weapons system acquisition process. The committee bill directs the Secretary of Defense to establish demonstration programs in each service to evaluate laboratory performance gains where laboratory management is given greater flexibility, authority, and accountability.

Confidence in the ability of the Defense Department to develop and acquire new weapons has been repeatedly shaken as a result of cost overruns, delays, defective products, fraud, and difficulties in attracting and retaining quality people to the acquisition work force. In 1986, the Packard Commission described the system as "fundamentally ill" and prescribed a series of reforms to streamline the acquisition process. This year the committee received disturbing testimony about deficiencies in the Department's implementation of the Packard Commission reforms. Little progress has been made in streamlining the acquisition process, making greater use of commercial products, and improving the responsiveness of the Department's regulatory reform process.

The committee is recommending a number of provisions to address these problems, including measures concerning simplification of the source selection process; use of streamlined procedures for procurement of "off-the-shelf" items; consolidation of reporting requirements; development of uniform rules on the treatment of sensitive procurement information; and revision of the Defense Enterprise Program concept to promote procurement reform.

Witnesses at the committee's hearings on defense acquisition policy consistently stressed the need to give the highest priority to acquisition personnel reform. This bill includes provisions establishing alternative personnel management demonstration programs; providing the Secretary of Defense the authority to remove the pay cap now imposed on former military personnel who choose to work as civilians for the Department; authorizing special pay for a limited number of scientists and engineers in critical positions; and requiring the Department of Defense to issue rules clarifying the impact of various postemployment restrictions on DOD personnel.

I want to commend Senator BINGAMAN and Senator WALLOP for the outstanding leadership of the Subcommittee on Defense Industry and Technology which oversees these critical areas of our defense effort.

READINESS, SUSTAINABILITY AND SUPPORT

This area of the Defense budget includes the operation and maintenance accounts; spare parts and ammunition procurement; defense stock funds; and military construction and family housing. The budget request included a total of \$108.8 billion for these activities in fiscal year 1990, and the committee bill authorizes the full amount requested.

In reviewing the budget request in this area, the committee identified those programs where funding shortfalls will cause readiness and sustainability problems in the future, and, where possible, found offsets in lower priority programs to increase funding in these areas. The committee approved increases above the amendment budget request for Army, Navy and Air Force depot maintenance programs; for supply activities; for ammunition; and for spare parts to repair the extensive damage to the Army helicopter fleet sustained during the severe storm at Fort Hood, TX, on May 13, 1989.

Funding for overseas military construction programs was reduced in light of uncertainties over future overseas deployments of U.S. forces. The bill reported by the committee authorizes \$300 million in fiscal year 1990 and \$500 million in fiscal year 1991 to begin the process of closing and realigning military bases in line with the recommendations of the Commission on Base Realignment and Closures.

Senator DIXON and Senator GORTON, the chairman and ranking minority member of the Subcommittee on Readiness, Sustainability and Support, deserve a great deal of credit for their strong efforts to preserve the readiness and sustainability of our military forces.

MANPOWER AND PERSONNEL

The committee's actions on manpower and personnel were guided by the general philosophy that it should support the hard choices the Secretary of Defense had to make in arriving at the amended budget level. The committee sought to ensure that the gains in personnel readiness were protected; that manning levels adequately supported the programmed force structure; and that military personnel were treated fairly in terms of compensation and benefits.

In the area of manpower strengths, the Department of Defense requested an active duty end strength of 2,121,500 for fiscal year 1990, and an active duty end strength of 2,120,000 for fiscal year 1991. The committee re-

duced the requested active duty end strengths by 1,305 in both fiscal years.

The committee supported the increases requested by the Department of Defense in part-time and full-time manning in the Reserve and National Guard needed to accommodate the transfer of certain missions from the Active to the Reserve and National Guard Forces.

In a package of improvements to military pay and benefits, the committee approved a 3.6-percent pay raise for military personnel and a substantial increase in aviation career incentive pay to aid the Department of Defense in retaining military aviators. In addition, the committee increased the amount of money that the Army can pay above the basic GI bill benefits to assist the Army in recruiting quality enlistees in critical skills. The committee also increased the selective reenlistment bonus ceiling from the current \$30,000 to \$45,000 to help the Navy retain nuclear qualified personnel.

In the area of health care for military personnel and their families, the committee approved a number of initiatives to enhance the recruiting and retention of military health care providers. This is one of our critical needs. In addition, the committee approved several initiatives to hold down the cost of health care and to improve the efficiency of health care delivery to military personnel and their families.

I want to congratulate Senator GLENN and Senator McCAIN for their excellent work as chairman and ranking member of the Manpower and Personnel Subcommittee.

GENERAL PROVISIONS

Mr. President, there is one other provision of the bill which I want to bring to the attention of my colleagues.

Section 908 of the committee bill establishes a nine member, independent Commission to make a systematic, comprehensive study of the concept of national service. Three members of the Commission will be appointed by the President, and six members by the leadership of the Congress.

This Commission will survey the community needs that could be met through a program of national service; determine the costs as well as the potential benefits to the nation of such a program; and make recommendations on the advisability of different types of national service programs and how such programs could be implemented. The provision requires the Commission to report its findings to the Nation by February 15, 1991, and requires the President to provide his written views on the report 90 days after its publication.

Mr. President, I want to reiterate my earlier comment that the committee believes this bill meets the budget authority and outlay targets of the bi-

partisan summit agreement and the fiscal year 1990 budget resolution. This means that any amendment that adds money to the bill will cause the bill to be over the budget targets. For that reason, the committee will generally oppose any amendment that adds additional budget authority or outlays to the bill unless the amendment includes offsets to pay for the add-on.

In closing, Mr. President, I want to thank the ranking member of the committee, Senator WARNER, for all of his assistance. The committee voted unanimously to report this bill, which is an indication of the strong sense of bipartisanship and cooperation which marked the committee's work on this bill. It has been a pleasure to serve with Senator WARNER on the Armed Services Committee, and I look forward to working closely with him throughout the remainder of this Congress.

Mr. President, this National Defense Authorization Act for fiscal years 1990 and 1991 represents the culmination of a great deal of hard work by the members and staff of our committee. Hugh Evans and Greg Scott of the Legislative Counsel's Office also made an indispensable contribution in preparing this bill, and of course we will be calling on them as changes are made and as we go to conference. This is a good bill which will strengthen the Nation's defense posture. I urge my colleagues to support it.

Mr. President, I understand that we have a letter from President Bush that states his very strong views on this bill and on the importance of the budget submission that was made available to the Congress earlier this year. We had a very constructive meeting at the White House this morning between people involved in this defense debate and the President and his key advisers. I felt that he laid out his support for the Cheney approach on this overall defense posture very clearly and very forcefully this morning. I ask unanimous consent that this Presidential letter be printed in the RECORD. It particularly refers to the strategic modernization program, the question of the B-2, which I am sure we will be debating, the question of the MX and the Midgetman Program as well as other strategic concerns. I ask unanimous consent this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, July 24, 1989.

HON. SAM NUNN,
Chairman, Committee on Armed Services,
U.S. Senate, Washington, DC.

DEAR CHAIRMAN: When the Fiscal Year 1990 Defense Authorization Bill comes to the floor next week, you and your colleagues will make critical decisions affecting the future of deterrence and arms control for the balance of the century. Before you

vote, I want to be certain that you understand my reasons for the strategic modernization program I have proposed.

Taken together, these strategic programs are essential to preserve a capable, survivable and effective deterrent. They are an integrated package that deals with the evolving threat and is flexible enough to hedge against uncertainties. They also undergird our arms control negotiations and provide incentives to the Soviets to continue the internal changes they appear to be making. Each represents, not simply modestly improved capability but fundamental change in strategy or system performance.

I am optimistic about what we are beginning to see in the Soviet Union. The Soviets may finally be willing to make significant changes in the character and size of their military forces. This willingness is at least in part the result of our commitment to a modern, capable deterrent force. Weakening the commitment now could undermine the positive trends we see emerging in Soviet forces.

I have taken another hard look at SDI and confirmed that the goal of the program—providing the basis for an informed decision on deployment of defenses that would strengthen deterrence—remains sound. We owe it to ourselves and our children to pursue that goal. I am personally and deeply committed to doing so.

Moreover, SDI is at a critical juncture. The technological progress we have made means that we need to conduct large scale realistic, and therefore expensive, tests to prove the feasibility of defenses. Already, because of cuts required in the overall Defense budget, I have reluctantly submitted a revised budget, cutting over \$1 billion from the program. If the Congress cuts even more deeply, our ability to investigate and test the most promising options will be seriously damaged. We will be unable to determine, in a meaningful way, whether we can rely more on defenses for our security. The American people are entitled to that assessment.

The B-2 is also at a critical point. The aircraft is based on revolutionary technology that will guarantee the effectiveness of the penetrating bomber well into the next century. Without it, the strategic Triad, which has been the bedrock of our nuclear strategy, will virtually disappear. The B-2 is also the core of our START strategy for achieving stable deterrence at reduced levels. Indeed, under the terms of our current arms control proposal, the bomber force will be assigned a very large percentage of our targets. I have no doubt that the B-2 is worth its cost and deserves your support.

ICBM modernization has been marked with considerable controversy and strong opinion. Yet there is broad agreement that mobility is required for our land-based missiles to improve their survivability and enhance their unique capabilities. After careful review of the issue, I have determined that we should deploy, in a carefully phased manner, the Rail-garrison Peacekeeper and the Small road mobile ICBM. I am committed to doing so.

Rail-garrison Peacekeeper will improve the survivability of the ICBM force quickly and at modest cost, while preserving the considerable military capability of this system. The Small ICBM represents the future of the ICBM force. It offers a high degree of survivability, even with virtually no warning. But, it will not be ready to deploy as soon as Rail-garrison and will obviously be more expensive than a multiple

warhead system. We can field Rail-garrison in the near term while at the same time continuing development of the Small ICBM for 1997 deployment. We likewise need to commit to an ICBM mobility program to avoid a deadlock in the START negotiations on the mobile issue.

In addition to the requirement for these forces as the heart of our nuclear deterrent strategy, in which they form an integrated and inseparable whole, there is the role which this modernization program plays in our arms control strategy. We are entering a very important and promising stage in our strategic arms control negotiations. We have already introduced some changes in our position and we are actively considering others which could make a significant contribution to the stability of the nuclear balance. To pull the rug out from under me at this crucial juncture by weakening my program could destroy this opportunity to make real progress. Indeed, it could even prevent the conclusion of an arms control agreement. I need the negotiating flexibility which this dynamic and sensible modernization program provides. Don't prevent me from achieving a treaty which could make great strides toward reducing the chances of nuclear conflict.

Let me add two cautionary notes. First, good arms control cannot be legislated. I seek and welcome the advice and counsel of the Congress and regularly consult you on the full range of arms control issues. But, in the final analysis, I must be responsible for negotiating arms control agreements. The many arms control amendments that are customarily proposed to the defense bills only undercut me and our foreign policy and frequently have an effect opposite to that intended by their sponsors.

Second, the pressures to play one modernization program off against another or to pay for one with cuts in another threaten the balanced strategy behind our programs. Secretary Cheney and I have had to make hard choices in these times of tight budgets—this budget is the best balance of needs and affordability and represents an integrated strategic approach.

As you begin final debate on the defense bill, I ask you to carefully consider the affordable, integrated plan we have designed to strengthen deterrence, to reinforce the incentives for change in the Soviet Union, and to further our goal of negotiating arms control agreements that will reduce the likelihood of nuclear war. We cannot afford to lower our defenses because of Gorbachev's rhetoric; we cannot afford to pull the rug out from our negotiators, and we cannot afford to forfeit the investments we have made in strategic modernization. We can afford to make the needed improvements provided by this cohesive, fiscally sound package. It deserves your support.

Sincerely,

GEORGE BUSH.

Mr. NUNN. Mr. President, I thank again my colleague, Senator WARNER, and his chief counsel, Pat Tucker, who have done a tremendous job on this bill, as well as all of their staff, and Arnold Punaro and David Lyles and all of our staff.

Mr. WARNER. Mr. President, I thank the distinguished chairman for his words with respect to bipartisan ship.

Throughout the formulation of this bill, and the hearings, open and closed, in meetings, the chairman strove to

have bipartisanship. Indeed, he recounted the fact that this bill supports the President and Secretary of Defense in almost every respect, the one exception being an intentional, I think a beneficial, exception, the restoration of the R&D funds for the V-22.

Otherwise, it was a remarkable bipartisan effort, and I join in complimenting our staff. In the 11 years I have been privileged to be a member of this committee, I have never seen staff work better to serve the full committee.

Indeed, there was active participation by all Senators on our committee throughout the formulation of this bill, beginning of course in the subcommittee hearings through and including the markup which took an entire week.

I am especially pleased that the committee again under the strong able leadership of the chairman was able to deal with each of the major issues. Unlike in earlier years we did not have a single party line vote throughout the deliberations of this bill, both in subcommittee and in full committee.

I am also pleased that the Committee, after full discussion and debate, chose not to reverse any major defense policy decision reflected in the President's amended budget request. The committee, by a strong bipartisan vote, refused to reduce DOD funding for the strategic defense initiative below \$4.3 billion; the committee, by an overwhelming vote, refused to alter the President's dual track ICBM modernization funding plan; the committee, by clear bipartisan votes, refused to reverse the President's decisions to terminate production of the V-22 Osprey and of the F-14D Tomcat, and the decision to terminate production of the AH-64 Apache helicopter after 1991. Finally, the committee, by an overwhelming and bipartisan vote, refused to terminate production during fiscal year 1990 of the B-2 program, but rather made the availability of funds for that program subject to a number of specific testing and developmental milestones. These statutory milestones truly do convert the B-2 program into a "fly-before-we-buy" endeavor.

Now turning to some of the other important provisions contained in this bill. In the manpower and personnel areas, the committee recommended full funding of the proposed 3.6-percent pay raise for military personnel in fiscal year 1990. Maintaining a proper standard of living for our military personnel is the responsibility of each of us in this body, and this becomes even more important in this fifth straight year of declining defense budgets.

I think, parenthetically, I would like to say that at the meeting with the President this morning Senator INOUE, the chairman of the Appropriations Subcommittee on Defense,

reiterated again his intention to lead his subcommittee in affirming what we have done to protect the quality of the men and women of the Armed Forces of the United States.

Additionally, the committee has recommended several improvements in retention incentives for military aviators and health professionals, two areas in which there are growing demands for highly trained personnel in the private sector.

In Navy shipbuilding, the committee recommends that the Senate authorize funding for all ships requested.

Of course the committee backed the President's decision not to include that last submarine which was in an earlier iteration by President Reagan.

The carrier *Enterprise* will be overhauled and the committee recommends that funding for that project be consolidated in the shipbuilding account.

Title VIII of the bill contains several provisions intended to streamline defense acquisition. Some of the provisions would allow the Department of Defense more flexibility in acquisition of professional and technical services, commercial products, and products under the Foreign Military Sales Program. The committee also took action to stress the importance of maintaining the health of the U.S. defense industrial and technological base. We have provided the basis for better monitoring the state of industries supporting national defense, and increased support for such key programs as the Manufacturing Technology [Mantech] Program.

Mr. President, in the conventional forces area, the committee adopted three important initiatives, each of which the committee believed was important enough to bring to the Senate floor so that all Members may vote on them. During the course of debate on the bill, amendments will be offered on behalf of committee members on funding for procurement of equipment for the Guard and Reserve, for procurement of modern smart missile systems, and "foot soldier" equipment enhancement initiatives. These types of programs are often included in a committee reported defense authorization bill, but they are often overlooked in the debate on the Senate floor. This year, the committee members felt that the committee's action in these areas was important enough to be brought to the attention of all Members of the Senate, so that each Member can cast a vote on these important programs.

Finally, Mr. President, this morning as mentioned by the chairman, a number of Senators had the opportunity to confer with President Bush and his top advisers to discuss many of the national security issues to be addressed in this bill. The President made clear his views that the elements

of his strategic modernization program, including dual track ICBM modernization, SDI, and B-2, are interrelated. Each of these elements is important, not only because of the improved military capabilities offered by each, but also because each element provides a vital link in the chain of our overall national security strategy, including our goals in ongoing arms control negotiations.

The President addressed these same issues in a letter sent today to Members of the Senate, which has been put in the *RECORD* by the chairman.

I would like at this time, Mr. President, to read the last paragraph of the President's letter to various members of the Senate Armed Services and Appropriations Committees:

As you begin final debate on the defense bill, I ask you to carefully consider the affordable, integrated plan we have designed to strengthen deterrence, to reinforce the incentives for change in the Soviet Union, and to further our goal of negotiating arms control agreements that will reduce the likelihood of nuclear war. We cannot afford to lower our defenses because of Gorbachev's rhetoric; we cannot afford to pull the rug out from our negotiators, and we cannot afford to forfeit the investments we have made in strategic modernization. We can afford to make the needed improvements provided by this cohesive, fiscally sound package. It deserves your support.

Sincerely,

GEORGE BUSH.

Last, Mr. President, I believe the President of the United States makes a strong case for keeping his strategic modernization program intact. Not only this letter, but certainly the debate on the floor will reinforce his arguments and those which are vital to the continuation of this program.

Mr. President, the President of the United States has now presented the Congress with such an approach. The program is coherent, is integrated, and it enhances deterrence while fully recognizing the possibilities offered for arms control.

I urge my colleagues to consider this letter very carefully, and then to actively participate in the debate on this bill which I hope in every major respect will be adopted as recommended by the Senate Armed Services Committee.

I thank again my distinguished chairman for his leadership, and for the privilege and pleasure of working with him in the formulation of this bill.

I yield the floor.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I have been listening with keen interest to the chairman and the ranking member of the Armed Services Committee. I simply want to thank them for their leadership in the whole complicated area of national defense.

I suspect that the meetings of the subcommittee and the full committee probably were a little more contentious than ever before, but even with that, I think we have come to a consensus, an agreement. As has been pointed out by both Chairman NUNN and Senator WARNER, the measure passed out of the Armed Services Committee unanimously.

Mr. President, I strongly support the Armed Services Committee's version of the defense authorization bill, particularly those portions which are the responsibility of my Subcommittee on Strategic Forces and Nuclear Deterrence.

The committee showed tremendous responsibility and good sense in "holding the line" against funding for non-requested programs and items. It acted wisely by not mortgaging our future through the restoration of the programs terminated by the Secretary of Defense. The only significant addition to the request was the restoration of limited research and development funding for the V-22 Osprey and the committee did not make a commitment to that aircraft's production.

We can always find a few tens of millions to keep a program alive. But we cannot afford the price which such a decision inevitably commits us to further down the road. Indeed, our current defense morass is largely due to the failure of the previous administration and this body to demonstrate proper fiscal responsibility. We are facing our fifth consecutive year of declining defense budgets. The unchecked defense buildup is history.

Our task is now to maintain our security in a changing and unpredictable world and to do so with less money. The committee bill is a step in this direction. I will strongly oppose any effort to return to the old ways of doing business, which was to buy anything that "pop's" without consideration for present and future budget considerations.

As chairman of the Subcommittee on Strategic Forces and Nuclear Deterrence, I would like to take a few moments to describe for the Senators the main features of the bill that bear upon the programs and issues under the subcommittee's purview.

Let me begin by discussing the nature and magnitude of the problems in the area where we made the largest increases. It will surprise no one to learn that the area is the Department of Energy's defense programs, and that the sizable increases are for cleanup activities. The major problem before the committee this year, next year, and for the foreseeable future, will be to provide enough funds to allow the Department of Energy to make significant progress in three areas simultaneously:

First, to upgrade its current operating facilities to bring their operations

into compliance with existing laws and safety standards;

Second, to prevent further deterioration and make a substantial start on the cleanup of hundreds of inactive storage sites contaminated with nuclear, toxic, and mixed wastes; and

Third, to start construction on new, modern, safe facilities to allow us to phase out older facilities that can be kept in safe and compliant operation only with increasing effort and needless cost.

Many of my colleagues, Mr. President, have expressed sticker shock at the cost of the B-2. To them I say, "you ain't seen nothin' yet!"

I cannot tell you with any confidence what the final bill for these three tasks will be, because the Department of Energy has not yet even bounded the problem. But the most recent estimates we have seen for the parts that have been assessed with some care is a cost of well over \$150 billion—that is in today's dollars, not out year dollars. For illustration, that is more than twice the cost of the sticker shock price of the B-2. Sticker shock is the newest buzz word for some who customarily have not addressed in depth the overall demands of national security in our dangerous world.

Put another way, the Department of Energy's defense programs will need more than \$4 billion more per year than they have been getting from the Office of Management and Budget.

Mr. President, we have not increased the Department of Energy's programs by \$4 billion this year, not by a long shot because we do not have that money. We have reluctantly transferred some \$500 million from the Department of Defense to the Department of Energy's defense programs.

I say reluctantly, not because the committee is reluctant to address the cleanup problem; rather, I am reluctant because this transfer from one agency to another causes problems with the budget and appropriations committee, and, if the practice were continued, would lead to friction between the Department of Defense and the Department of Energy.

I say in the strongest possible terms to the President and to the Office of Management and Budget—you must provide the needed resources to the Department of Energy in the annual budget requests. In the report accompanying this bill, we reiterate this point and set out the priorities that will govern this committee's markups in future years.

Now, if those are the committee's stated priorities, and if the committee does not intend to transfer funds from the Department of Defense to the Department of Energy to make up shortfalls, where will the money come from?

Well, let me point out to the Office of Management and Budget and to the President that apart from modernization, cleanup, and compliance accounts that will have first priority, there is not much left except money for nuclear weapons productions and money for nuclear materials production for nuclear weapons.

Of the roughly half a billion dollars transferred into the Department of Energy from the Department of Defense, the committee increased the cleanup and remediation funds by \$418 million above the requested amount by the administration. The committee is confident that these funds can all be productively utilized. Another \$100 million went into a new program to develop new kinds of cleanup techniques.

Cleanup will be a multi-billion-dollar effort spread over several decades, and there are some contaminated sites for which there are no known cleanup techniques, unfortunately. Clearly, research now on new cleanup approaches and technologies could potentially reduce the ultimate cleanup costs substantially. These are the major funding initiatives we have taken in this bill to address the cleanup problem.

We have a number of other initiatives affecting the Department of Energy which I will discuss a little later, but I would now like to turn to the major strategic programs and issues in the Department of Defense part of the bill.

First, the bill fully funds the ICBM modernization worked out between the administration and the congressional leadership earlier this year.

Second, the SDI account is reduced by \$300 million, which is largely being used to beef up the Department of Energy Cleanup Program that I have just addressed. This reduces the SDI funding in the Department of Defense from \$4.6 billion to \$4.3 billion, which is still and increase of 16 percent of the current level.

Some will no doubt consider \$4.3 billion too high. I believe we must recognize that the House Armed Services Committee is already at \$3.5 billion, which is well below the current level, and they may go lower during their floor debate.

Some will no doubt consider \$4.3 billion too low. To them, I simply make two observations: First, SDI cannot justify full funding, and second, last year on the Senate floor we needed five rollcall votes to turn back by one vote an effort to cut \$600 million out of SDI—after the committee had cut \$271 million. The year before, the Vice President cast the tie-breaking vote to sustain the committee's mark, and the year before that, the committee's mark was sustained by only two votes.

My own judgment is that this proposed SDI mark may still be a bit high, but I urge its acceptance as part

of the package, and for us to deal with the House during conference.

The bill reduces the B-2 procurement account by \$300 million and those funds are also helping to pay for environmental restoration.

The committee thoroughly reexamined the B-2 program to see whether concurrency could be reduced without doing serious violence to the vendor base and to production schedules, which would require widespread layoffs and add substantial costs for qualifying vendors and reclearing employees. Some procurement funding must also be provided to keep in force an advantageous, firm, fixed price contract covering numerous avionics and electronics components.

To meet these conditions means that only a few hundred million dollars can be cut from the program this year. However, the bill also contains numerous restrictions on the obligation of funds for the procurement of additional production aircraft. I hope all Members will read these provisions carefully. I think they serve to fully protect the taxpayers' interest in this program so that we do not get ahead of ourselves.

If the B-2 test schedule from here on follows the planned course, then the fences and limitations on the B-2 in the proposed package are fully adequate to ensure there will be no undue concurrency, without doing great damage to the program or greatly increasing its costs, as the House Armed Services Committee cuts of \$800 million will surely do. Or as some of their suggested floor amendments would do.

Let me highlight quickly a few of the other "good government" reductions, the meritorious "add-backs," and the policy guidance offered in the Defense bill. The largest of these are \$100 million from the air defense initiative, \$66 million from the nuclear directed energy research in the Department of Energy, and \$85 million from the special isotope separation project in Idaho.

An amount of \$101 million was added to increase Trident II missile production rates to try to get them back toward the milestone authorization levels the committee established in the fiscal year 1988 authorization bill. There are also minor adds for traditionally underfunded projects like ASMS, Lightsat, SSBN security, nuclear and chemical monitoring, and the use of the Department of Energy National Labs to support the development by the services of "smart" conventional weapons.

Finally, the bill contains a number of legislative initiatives and requirements for studies and reports. Several initiatives are aimed at the Department of Energy's continuing problems. We propose to set up a blue ribbon task force to advise the Department and Congress on how best to set prior-

ities for allocating scarce cleanup funds to a multibillion, multiyear cleanup problem. We also grant the Department of Energy some relief from salary, revolving door, and ethics legislation to allow them to draw more heavily on the scientific and technical talent at our national laboratories to help in the management of the Department's activities and programs. We also require them to develop 5-year plans, as the Department of Defense already does.

For the Department of Defense, we propose legislation restricting concurrency in the ACM and B-1 defensive avionics programs as well as the B-2, extending the requirement for robust testing before further production investments in these programs also.

In summary, let me say that I think this is a solid recommendation to the Senate, and I want to thank Senator THURMOND for all of his aid and assistance as the ranking minority member on my subcommittee in preparing our part of the bill.

Strategic issues are complex and controversial. Arriving at a reasonable package with bipartisan support is tremendously challenging. That we have such a package before us today is largely due to the tremendous knowledge, hard work, and undying patience of many committee staff members. On the majority side, I would like to express my gratitude and admiration to Bill Hoehn, Sherri Goodman, Bob Bell, Kirk McConnell, Jan Wise, and Cindy Pearson. On the minority side, I would like to thank Jack Mansfield and Brian Dailey for their superb efforts as well, and certainly to Pat Tucker, who is always there for advice and counsel of a very wise nature, the Strategic Subcommittee "team" is truly first rate in all ways.

Mr. President, I urge my colleagues to carefully study this bill. There may be ways to improve it, possibly, but, for the most part, it is a very sound and a very responsible bill. I hope that the full Senate will act expeditiously in approving it.

Mr. President, I thank the Chair and I yield the floor.

Mr. DIXON. Mr. President, I ask unanimous consent that Laura Abplanalp, a professional fellow on my staff, be allowed on the floor during consideration of S. 1352, the National Defense Authorization Act for Fiscal Years 1990-91 for each day the bill is pending and during any rollcall votes in relation to the legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIXON. Mr. President, I am pleased to support S. 1352, the national defense authorization for fiscal years 1990-91. This is a good bill that will strengthen our national defense, and I urge my colleagues to support it.

As chairman of the Subcommittee on Readiness, Sustainability and Support, I want to take a few moments to summarize the recommendations of the committee in this area.

Mr. President, jurisdiction of the Subcommittee on Readiness, Sustainability and Support covers approximately one-third of the Defense budget, including the operation and maintenance accounts; spare parts and ammunition procurement; the defense stock funds; and military construction and family housing.

The good news this year is that we have not had to make large reductions to the budget request to meet the budget resolution targets.

The bad news, though, is that there are still some important programs under the subcommittee's jurisdiction, particularly in the area of sustainability, which were underfunded in fiscal year 1990-91 budget request. The committee did its best to provide additional funds to meet some of the shortfalls. I think we improved on the budget request, but there remain some important shortfalls in sustainability programs, particularly ammunition and maintenance programs.

In the operation and maintenance area, the subcommittee has identified about \$800 million in funding reductions—most of them financing adjustments—and applied these savings to high priority readiness-related programs: depot maintenance; real property maintenance; Army supply operations; and the proposed civilian pay raise.

Members will recall that the amended budget request called for a 2-percent pay raise for Federal civilian employees and a 3.6-percent pay raise for military personnel in fiscal year 1990. Congress and the administration have since agreed to a 3.6-percent pay raise for Federal civilian employees in fiscal year 1990. Since almost all Defense Department civilians are paid out of the operation and maintenance accounts, this higher pay raise needs to be funded—or other readiness-related activities will end up paying the bill. The committee bill adds \$219 million to the budget for this higher civilian pay raise, which will fund 80 percent of the total cost of the 3.6-percent pay raise, meaning the Defense Department will have to absorb 20 percent of the pay raise costs. This level of absorption is consistent with past practice.

The operations and maintenance recommendations also include a reduction of \$200 million to the fiscal year 1990 request of \$500 million for the base closure account. This reduction is based on the testimony of the base closure commissioners that \$300 million would meet the minimum requirements for this account in fiscal year 1990.

In the area of revolving funds the committee bill includes a modest reduction of 10 percent, or \$75 million, largely to fund some of the readiness-related increases in the operation and maintenance and procurement accounts.

The committee made two major recommendations in the procurement area:

An increase of \$73.2 million for high priority conventional ammunition programs recommended by the Army; and

An increase of \$130 million for repair parts to fix the large number of Army helicopters damaged in the recent severe storm at Fort Hood, TX.

In the military construction area, there are very few reductions to projects in the United States in the committee bill. The request for overseas projects is reduced by approximately one-third in light of uncertainties of U.S. forces. The \$15.4 million in funding for the proposed new Air Force base at Crotona, Italy, was deleted from the bill.

There are two legislative provisions I want to mention. The first is the requirement for the Secretary of Defense to submit to the Congress a master plan for environmental restoration activities in the Defense Department. This is becoming an increasingly visible and important area of Defense Department activity, and one the subcommittee is monitoring very closely.

The second provision is the approval of the Defense Department's request to transfer management of the Pentagon from the General Services Administration to the Defense Department. In doing so, though, we have restricted the amount that the Defense Department would otherwise pay to the General Services Administration for Defense Department leases in the National Capital region in order to finance the cost of the Pentagon renovation. Our subcommittee's hearing on the question showed that the General Services Administration, I regret to say, has been a very poor landlord for the Pentagon for the last decade.

The committee's recommendations include authorization of fiscal year 1991 programs in operation and maintenance and the revolving funds at the levels requested. In the ammunition and spare parts programs, the committee authorized the full request for the second year, except for the increases in the Army ammunition area necessary to maintain efficient production of the at-4 and the new M864 155mm artillery round. Approximately half of the military construction programs for fiscal year 1991 are authorized—primarily multiyear programs or projects which support ongoing investment programs.

That is a brief overview of the recommendations of the committee in the area of readiness, sustainability and

support. I want to thank my friend and colleague Senator GORTON, the ranking member of the Subcommittee on Readiness, Sustainability and Support, for his fine cooperation and assistance. It has been a pleasure working with him this year on the subcommittee.

Mr. President, I would like to add a few more comments regarding the base closure account, and the Base Closing Commission in general. My opposition to the legislation that created the Base Closing Commission, and the report of the Commission, is well known. The process provided for and followed by the Commission was fatally flawed in several respects. The Commission was given too much power, insufficient time was allowed for an unbiased, independent analysis, and no oversight activity was included. Five hearings were held in my subcommittee to examine the recommendations of the Base Closing Commission. At one of those hearings, the General Accounting Office described errors in the data the Commission used, and discrepancies in the analytical techniques. The General Accounting Office has been directed to provide a full report of their findings by November 15. I feel very strongly that where errors have been identified in the Commission's analysis utilized to close a base in a category where excess capacity exists, the bases cited should not be closed until the category is reevaluated.

Mr. President, I want to thank the chairman of the committee and the ranking member for the outstanding work they did this year and I am delighted to enthusiastically support this fine result of the markup of the Armed Services Committee. I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I rise in support of the Defense Authorization Act for fiscal years 1990 and 1991, which is before us today.

It has been a distinct privilege for me as a new Member of this body, to work with my colleagues on the committee in establishing this workable framework for national security. Although the continuing downward trend in defense spending concerns me, I believe we have produced a well balanced program for the Nation's future defense given the realities of a curtailed resource environment.

I want to commend the distinguished chairman and ranking minority member of the Armed Services Committee for their leadership in charting our course through a series of very tough decisions that will clearly influence the future of our national security well into the next century.

I also want to commend my colleagues on the committee on both

sides of the aisle. We certainly have worked very closely together at the subcommittee level and I have been very much impressed with the bipartisan way in which we have dealt with this most important legislation. We deliberated long and hard over many important issues.

Some members of the committee had amendments they felt they had to offer and they did so. Certainly the other members understood. But when the votes were taken, very strong, courageous positions were taken by the committee and I am very much impressed with that. The resulting decisions ultimately formulate the policies that will fulfill one of our fundamental constitutional responsibilities this Government has: to provide for the common defense.

The real story of this defense bill is courage. It is the moral courage to make the tough and painful decisions now and not put them off to another day when the consequences to our national security will only be more serious. It is stepping up to the big problems and putting national interests ahead of parochial interests. In the recent past we have had the luxury of a funding environment that allowed support of nearly every defense program that had any reasonable merit. Unfortunately, those days are past and we can no longer cover every base—we have to be wiser in making the critical choices between weapon systems we buy and how we structure our armed forces in a changing world.

Secretary of Defense Dick Cheney also deserves a lion's share of credit for his courage in sending over a lean and mean defense budget that addresses the difficult and unpopular choices that have to be made. Instead of taking the easy way and "nickeling and diming" existing programs across the board, he performed "triage" and did the unexpected—canceled major weapons systems.

In the past, many of us in the Congress have been critical of Secretaries of Defense because they wanted to have every program. If not the full amount, they wanted at least a little bit. And so these programs were quite often continued on and on, and no tough choices were made. This tough, unusual courage of conviction in the face of an avalanche of criticism from vigorous and well-meaning advocates of some weapons programs was a very important step.

Secretary Cheney should also be commended for his effort to protect the most important component of our defense establishment—the men and women of our armed services. Without them the most expensive and capable weapon systems are useless. Their morale and well-being are an invisible "force multiplier" in any potential conflict. We must continue to place a top priority on the quality of the sol-

diers, marines, sailors, and airmen who man our defenses and ultimately hold the Nation's security in their hands. We must never return to those times of a hollow Army where low morale was manifested by one of the poorest quality of discipline rates in recent history. His proposed budget recognizes the importance of those in uniform by placing a priority on pay and benefits at the necessary expense of weapon systems. Finally, Secretary of Defense Cheney has helped the Armed Services Committee immeasurably by giving us the realistic baseline from which to operate in developing the bill before us.

This is a changing world, but the only certainty is uncertainty itself. The enduring question for national defense has been, and always will be, "what is the acceptable risk?" Clearly, momentous change appears to be at hand in the Soviet Union, which has posed such great danger to the United States and our allies for over four decades. But, as we have seen so recently in China, unexpected events can sharply influence the course of national policy. There, a Communist government appeared to be slowly embracing democratic change but violently reversed course with tragic consequences for the most courageous and creative people of that ancient culture.

When it comes to national security, we must always be prepared for the unexpected—prepared to deal with the world as it is and not as we wish it to be. The strategy of deterrence has stood the tests of uncertainty for nearly half a century. But when it failed, because we did not put credible forces behind it Korea in 1950, we paid the price in blood. In Europe, deterrence has delivered the longest peace in the long history of that war-torn continent and it presided over a phenomenal era of economic prosperity for a free Europe. A similar policy of deterrence has worked for our allies along the Pacific Rim since the Korean war.

So, as we draw on the experience of past success and failure, we must continue to place our trust in deterrence and provide the essential resources to make that strategy credible.

At the beginning of this century, the Secretary of War dedicated the Army War College only a short distance from where we are assembled here today. On that day he made one of the wisest of all propositions:

Not to promote war, but to preserve peace by intelligent and adequate preparation to repel aggression, this institution is founded.

I believe that this defense authorization bill meets the test posed by those prophetic words, and I urge my colleagues to support it.

If we on the floor of the Senate begin to take this legislation apart piece by piece, we will have missed a great opportunity to support one of

the best bipartisan packages I have seen in my years of service in the Congress.

So I urge my colleagues to support the measure before us and to back up the tough decisions that were made in the Committee on Armed Services. I thank the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I guess I am the first person to rise and say that I am not sure I am going to support this bill. I was telling the distinguished chairman of the Armed Services Committee a while ago I might offer an amendment to buy some new smoke and some new mirrors because the ones we have been using are not working.

Ever since Gramm-Rudman-Hollings passed, we have been supposed to reduce the deficit every year, and every year we finesse it and wait until the time passes when we have to make that critical decision as to whether or not we are going to be within the budget or not. And every year, because of the time of Gramm-Rudman-Hollings we are able to say yes, we are going to be able to meet the budget targets—and everybody knows we are not—but we go through that little smoke and mirrors exercise to try to tell the American people we are really up here doing their work for them.

We are supposed to have a budget deficit this year, 1989, of \$100 billion. Nobody thought it was going to be that when we voted for it, and everybody knows it is not going to be that on September 30. Yet, in August when the snapshot is taken, I promise you OMB, CBO, they will all figure out somehow or another, yes, it is going to be within the \$100 billion target. Everybody in the United States knows it is not and this is despite the fact that revenues from income taxes are \$15 billion higher this year than we projected, and we still will not even get close to the \$100 billion mark.

The thing that is really interesting, and the things that ought to be talked about in the coffee shops across America, is this point: that if you fund defense, Medicare, Medicaid, Social Security, interest on the debt, civil service pensions and veterans' pensions, just those 7, out of the 500 programs we finance in this country, you just fund those 7 and do not cut, funds for education, do not cut funds for the Environmental Protection Agency, do not cut funds for drugs, cancer research, AIDS research. If we eliminate all the other 493 programs we fund, you still have a deficit.

Do you know that, I say to my colleagues? You just fund those seven and you have a deficit. You only have 15-percent funds in the budget that are discretionary for this body to work with, and that has to cover education

and all the other things I mentioned, plus a lot that I did not.

We are budgeting \$2 billion in the National Institutes of Health this year for AIDS research. Not one person here would take a dime of that out.

We make these long pontificating statements about how our children are dead last in education in comparison with the children of other developed countries. This has been going on ever since that study called "A Nation at Risk" came out. What has happened? Nothing. We are still last in global studies among other countries. We are still last in math and science.

The Japanese continue to eat our lunch because they spend 1 percent of their budget on defense and we spend 6. Paul Kennedy, the very able professor at Yale who wrote "The Decline and Fall of the Great Powers," said the United States will never overtake the Japanese as long as you have 30 percent of the scientists in this country working on weapons. Almost all of Japan's scientists, 98 percent of them are working in the civilian sector taking American business right and left.

Mr. President, the reason for this outburst today was just over this weekend I began to think about the insanity of what is going on. I got to thinking, where is the real threat to this country? Is it within or is it without? I made a speech here the night after my grandson was born, my first grandchild. That was on the day care bill, but I could not help think today—he was at my house last night—he will be 5 weeks old tomorrow. Do you know what we in Congress have been doing and continue to do and what we are going to do all this year? We are going to mortgage his future. At 5 weeks old, he is not in a position to defend himself. He has to look to 100 Senators and 435 House Members to be concerned about what kind of life he is going to have.

As the President's own OMB Director said this week, Bob Darman—and I was impressed with his speech; I have not heard an administration official speak with that kind of candor in the last 8½ years—he said, we are still living as though there is a free lunch and as though there is no tomorrow.

But I guess the thing that really kicked this off in my mind is the President cavalierly standing out in a press conference, saying: "We need to go to Mars; we need to go back to the Moon, too." I do not know why you want to go back. As my friend from South Carolina, Senator HOLLINGS, has said, there is no education in the second kick of the mule. What are you going to learn the second time that you did not learn the first time? The trip to Mars will be \$400 billion. The President did not say where the money is coming from. He just said we ought to go to Mars.

I am not nearly as interested in going to Mars as I am assuring this grandson of mine that he is going to have a reasonable, decent future where he can breathe clean air, where he can drink clean water, where if he happens to get AIDS or cancer or whatever, that a sensitive, caring Congress is going to have done everything they can to provide him good health, a decent chance at a house, a decent chance at a good education and all the other things that we consider to be quality life for all of us.

The President says \$400 billion to go to Mars. Read my lips. He said do not put on budget the \$200 billion it is going to cost to bail the S&L's out because that makes the deficit look bad. Put it over here, you guys know the smoke-and-mirrors routine. You figure out how to do it. Put it anyplace, but do not put it on the budget where it will show. So everybody comes tiptoeing over here and they vote not to put it on budget so it will not show. Now we are going to spend \$200 billion to clean up all the plutonium-producing sites in the United States.

The Senator from Ohio, my good friend from Ohio sits here and his State has been a victim—is that not right, I say to my colleague—of the inefficient operation of a plutonium-producing facility in Ohio. I want to take care of his constituents, and I am going to vote to do whatever we have to do to clean that mess up. But that is \$200 billion over the next 10 or 20 years. The President did not tell us where to get the money. He just said, read my lips.

Now the President says, "I want the rail mobile MX and the Minuteman. I want them both, and I want that B-2 bomber at a cost of \$530 million, too." God help the poor pilot who ever bails out of one of those.

Mr. President, where are we going to get the money? Read my lips. I suggested to one of our negotiators—I was in Geneva and Vienna a couple weeks ago—I suggested to our negotiators, why do we not say to the Soviet Union, as has been suggested by no less than the distinguished chairman of the Armed Services Committee, you give up the SS-24, your 10 warhead MIRV'd mobile missile, and we will not build the MX. This negotiator said, you are not ever going to get the Soviet Union to talk to you about that. What you have to do is to build it and then talk to them about giving it up.

What we have to do is to appropriate the money in this bill to build the rail garrison MX and then go to the Soviets and say, "now, look, we have a 10-warhead missile, too, on rails. Now let us trade out, let us bargain those two away. That will leave you with the SS-25, the single-warhead mobile missile, and it will leave us with the Midgetman."

That does not make any sense to me. It does not make any sense to General Akhromyev, who testified before the House Armed Services Committee in a precedent-setting testimony last week and then later in an interview said, yes, the Soviet Union would consider giving up the SS-24 if the President of the United States will say that we are not going to build the MX. What a deal. How many times have you been offered a deal like that? Now, that is not an offer. I am not saying Akhromyev has the ability or the authority to make that deal. But he said, yes, we would entertain that idea.

He is just recently the top military defense official in the Soviet Union, so he did not just fall off a watermelon truck. He knows what he is talking about.

And then you add to all of the predictions on the economy. Thirty-seven economists have written to the President saying we have big problems ahead, a recession that could turn into a depression. Bob Darman, head of OMB, says the growth rate next year is not going to be 3.5 percent. Do you remember when we debated the budget? The projection for arriving at a \$100 billion deficit was that the economy would grow at 3.5 percent and for every point you miss, you have to add \$20 billion to the deficit. If the growth rate next year is 1 percent, add somewhere between \$40 and \$50 billion to the deficit. And Bob Darman is saying that is a distinct possibility. Alan Greenspan, head of the Federal Reserve Board, is saying that is a very distinct possibility.

The President wants a lower capital gains tax because it gives us a little extra revenue next year, but how about the next 4 years? A net loser. I am not voting for the President's capital gains tax; I am announcing that right now. I have said it all along. I am not going to do that. Do you know where 90 percent of capital gains goes? People who make over \$100,000. Did you know that according to at least one study the bottom 20 percent of the people in this country have lost 9 percent of their disposable earnings in the past 8 years and the top 20 percent have increased theirs by 16 percent. And that is not enough. They want capital gains to make the disparity even worse than it already is.

The other day the New York Times said we had a little leak from the Pentagon saying that our Joint Chiefs of Staff do not think SDI will work and that we ought to start pulling back from it and support the ABM Treaty which the Soviets are in a much better position to break out of plan wear. That's what the Joint Chiefs are saying. But everybody has been apologizing ever since. Now, that happened while I was in Geneva so I did not get all the facts on it, but apparently the

Joint Chiefs of Staff are having serious second thoughts about SDI.

I promise you, Mr. President, there is going to be an amendment to cut SDI from where the committee wound up on it. The House is already way below this committee. There is going to be an amendment to at least fence the amount for MX for some period of time to give our negotiators an opportunity to negotiate with the Soviet Union so they give up the SS-24 and we do not have to spend the \$5 billion on the MX rail garrison.

Incidentally, we are negotiating in Geneva saying we want everybody to give up mobility. We want the Soviets to give up their two mobile missiles, the SS-24 and the SS-25. That is our official position there. And here in the United States the President comes over here and asks us for the money to fund both of our mobile missiles. Does that sound like a contradiction? It certainly does. Do you know why? Because it is. How can you say to the Soviets in Geneva both sides ought to give up mobility and come over here and ask us for money for two mobile missiles?

"If we were to suddenly tomorrow agree with the Soviet Union that everything came out—6,000 warheads each—that is a 50-percent cut from our 12,000 and roughly their 12,000. Let us assume we both agree tomorrow on 6,000 warheads each. We are buying longlead items for the Trident submarine in this bill that you could not possibly build unless you are willing to put virtually all of those warheads on the Trident. Why are we buying longlead items for the 19th Trident submarine when everybody will concede to you that we may not be able to have more than 18 Tridents under any START agreement?"

I am on the Defense Appropriations Subcommittee, and I forget which of the admirals testified to it. He says, well, we are thinking about pouring concrete in some of the 24 tubes on the Trident or similar steps. As everybody knows, the Trident carries 24 missiles. That's dandy for us. But do we want the Soviets doing that? The verification problems on that would be horrendous.

If you put 10 on each Trident II missile, that would be 240. We are not planning to do that. But I have often said if the Soviet Union launched a preemptive strike and destroyed every bomber we had on the ground, destroyed every ICBM we had on the ground, destroyed every single submarine we had except for one lonely Trident, that one Trident submarine has the ability to obliterate every city in the Soviet Union of over 100,000 people. And yet we just continue to build more and more and more.

Mr. President, there will also be a move to slow down funding for the B-2 until they will prove to us that the

B-2 will fly. I voted against the B-1 bomber, not because I did not think it would fly, not because I thought when they finished it they were going to want another \$2 billion to \$5 billion to make it do what it was supposed to do in the first place. I voted against it because I had a lot of faith in the B-2 Stealth bomber. If I had known then that that successor was going to cost \$530 million each, believe you me, I would have had some real soul searching before I voted for it.

And then, Mr. President, there is going to be an amendment, probably withdrawn, offered just to get the debate going on what we are doing in Korea. Forty-three thousand troops in Korea, \$2.6 billion a year to maintain 43,000 troops. South Korea has twice as many people as North Korea. They have a gross national product almost eight times greater than North Korea. And South Korea's commitment to defense spending has dropped from almost 6 percent of gross national product to 5 percent. In other words, their economy is growing but their commitment as a percentage of gross national product is declining, and South Korea has a \$10 billion trade deficit against the United States. I have nothing against Korea, and our amendment would have nothing to do with our commitment to South Korea that if they are ever attacked, we will come to their defense. How would you like to go to the hospital and say, "Doc, take my appendix out; it is hurting." He takes your appendix out. Three days later you are feeling pretty good. You say, "Doc, I am ready to go home." "No, sorry, you have to spend the rest of your life here." Is not that what we are doing in Korea? We went there to defend South Korea in 1950, and we did it. We helped them rebuild their economy. And now they are one of the most vibrant economies on Earth, a burgeoning democracy. They are actually voting for what they want for that country in the future. That is what we want. And yet every dissident group in South Korea, what do they do, every time something goes wrong? They go burn an American flag. That is a pastime in South Korea, burning flags.

I read this in the International Herald Tribune. So I guess it is suitable to tell it here. It is the story about the Englishman, the Frenchman, and the Korean. Each one caught his wife in bed with another man. The Englishman politely excused himself and walked out. The Frenchman grabbed the guy, beat him up, and threw him out. And the Korean went down to the American Embassy and started a demonstration. [Laughter.]

So now you tell me. This has nothing to do with our affinity for South Korea, whether you think they ought to be defended. Of course, they ought to be defended. And our amendment

incidentally would only remove 10,000 troops between now and 1992. That is not some kind of a headlong assault on our commitment to South Korea. But we are a lightning rod. We are an irritant to all the dissident groups in South Korea. I say it is time not just to ask them to pick up some of the tab. I noticed they agreed with Secretary Cheney the other day to give us another \$30 million a year. Considering our budget constraints, I am not denigrating \$30 million a year but that is not the problem.

Mr. President, the opportunities in the world are unbelievable. And yet the rhetoric goes on. It is just the same thing. I could not watch television yesterday. You would have thought—this was worse than any political election I have ever seen. Here is a 30-second spot showing that Stealth bomber flying, shows it as such an ominous looking plane, and this mellifluous voiced announcer comes on and says "The B-2, America has to have it for its security." That is followed by one on the Osprey, "The Osprey is absolutely essential to the defense of this Nation," and they show that plane flying around.

And then the F-14 Tomcat—you see it take off from the carrier, and land on the carrier. All these television ads, television networks, saturated with ads, calculated to get your constituents to write me and say: "Please don't scrub the Osprey; please don't cut funding for B-2; please don't do this,"—all of this because they know the appropriations process is going on now.

You do not vote for weapons because the guy that builds the weapons wages a public relations campaign on television, do you? If you do, you ought to resign your seat in the Senate and say, "I don't know what is going on around here. I am just voting according to what I see on television."

But the rhetoric, Gorbachev may not make it. I tell you one thing. I hope he does. James Baker says he hoped he did. George Bush said he hoped he did. We have been waiting for 70 years for the old Bolsheviks to die out; they die out and we get a leader that is charismatic, intelligent, and says to all the world, without actually using these words, that communism has been an unmitigated disaster socially, politically, culturally, and certainly economically. What do we want them to do—unilaterally disarm and let the New York Times editorial bureau witness it and report back to us?

It is the greatest time in the world to be alive so far as world peace is concerned. The President went to Poland, Hungary, and they are talking about democracy—our style of democracy.

Mr. President, I tell all these high school kids I do not want them with

their diaper down. You know, Gorbachev's rating in Germany is twice as high as George Bush's. It is higher in Maggie Thatcher's England than George Bush's. And I can tell you, if you talk to the scholars of Europe, they will tell you that is a mindset that is changing in Europe.

You know what Einstein said after the first bomb went off. "Everything has changed except man's thinking." I believe that man's thinking is beginning to change. It is the most positive thing I have seen, and it is downright exciting.

I get rhapsodic when I think about the possibilities. Let me also say, Mr. President, in Vienna our negotiators at the conventional forces Europe talks said it is absolutely amazing what the Soviets are offering. We said, "Why don't you destroy 35,000 tanks?" They came back a month later and said, "That is not a bad idea." I told the Soviet Ambassador that we have a new steel mill in Arkansas, and we would love to have those 35,000 tanks and melt them down. They are selling their scrapped tanks to Sweden right now. In Stockholm they are melting Soviet tanks and making other things out of them. And the Soviet Union needs the money.

We have this brandnew \$250 million steel mill up in northeast Arkansas. I told the Ambassador "I am going to put them in touch with you because if and when this deal is cut and you decide to destroy 25,000 to 40,000 armored personnel carriers and 35,000 tanks, we would like to have the right to buy that scrap metal from you." He seemed genuinely pleased by it. They are already selling to the Swedes. Why would they not?

Mr. President, you know if I were going to sit down with President Bush for just 2 minutes, it would only take me 2 minutes to sum up what I am trying to say to this body; that is, if you read Barbara Tuchman or any other good historian you will find that virtually all of the wars, and all of the world's plagues have come about because some politician wanted to stay in office forever, so he put his finger to the wind, and said, "That is the way I am going." Or he did not even see the opportunities when they existed.

When I think of the lost opportunities, I have said it before on this floor. You know Robert E. Lee did not want Virginia to secede from the Union, did not want that war, and when it was over he said to one of his aides one day, "That war should never have been fought. At a time when this country needed a few men of vision, forbearance, and courage, all we got were a bunch of demagogues feeding their hostilities, their prejudices, and their bigotries until this war became inevitable." So I am pleased with this body as we debate this bill probably the rest of this week, and to the Presi-

dent, the Secretary of Defense and everybody else that is an opinion maker and a policy maker, do not let these opportunities pass us by. We have a chance for the first time in 4,000 years to provide a lasting peace on this Earth.

I want it just for my grandson.

Mr. President, I yield the floor.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I rise to comment on the defense authorization bill that is before us today. Mr. President, I want to commend the chairman of the Armed Services Committee for his leadership in crafting a very solid defense authorization bill for fiscal years 1990 and 1991. Under the budget limitations which we had to operate, this was no simple task. There were some very difficult choices that had to be made.

Mr. President, as chairman of the Subcommittee on Manpower and Personnel, I am very pleased to report that the actions we took on the bill on military personnel and compensation programs continue to support strongly the combat readiness of our men and women in uniform, and the quality of life of their families.

Mr. President, I think the one area where there is no question about the return on our investments in defense over the last 8 or 9 years is in manpower. Working together, the Congress and the administration have substantially improved manpower readiness. In the late 1970's our military leaders warned of gaping shortfalls in non-commissioned officer and petty officer manning that threatened the combat readiness of our forces. The Army was characterized by the Chief of Staff of the Army as a "hollow Army." The Navy faced the prospect of tying up ships for lack of trained and experienced personnel.

The problems which were severe then have largely been corrected. The Congress working with the administration provided two large pay raises in 1980 and 1981 at a cost of about \$13 billion in first-year costs. These raises equalized military pay levels with private sector levels. Concurrently, the Congress authorized a variable housing allowance which now costs \$1.2 billion annually. That has gone a long way, despite some appropriations caps, to closing the gap between actual off-station costs and housing reimbursements.

The Congress also invested in targeted compensation initiatives, such as enlistment and reenlistment bonuses, sea pay and submarine duty pay, aviation bonuses, nuclear duty pay, and medical pay. In addition, the Congress invested in improved permanent change of station reimbursements—even though there is still more that needs to be done in this area—and in

improving the overall quality of life of military members and their families through substantial upgrades in facilities, such as child development centers and housing.

As a result of these initiatives, recruiting and retention of quality people have improved significantly and have stabilized at record levels over the last 4 years. For example, last year, 93 percent of non-prior-service recruits were high school graduates and 95 percent scored average or better on the mental category entrance examination. Comparable percentages for 1980 were 68 percent and 65 percent respectively, so what we have here is an improvement in recruit quality of 37 percent in the rate of high school graduates and an increase of 46 percent in the rate of average or above mental categories.

The gains in retention are equally dramatic. Last year, first-term and career retention rates came in at 49 percent, and 86 percent respectively. Comparable figures for 1980 were 39 percent and 71 percent. So what we have here is an increase of 26 percent in the rate of first-term retention and an increase of 21 percent in the rate of career retention.

This is not to say that the recruiting and retention picture in the military services is perfect. There are obviously problems, such as the declining youth population and nagging shortages in specific skills that continue to require our attention. However, the point I want to make with these examples is that the Congress does care about manpower readiness and the welfare of military personnel and their families and has continued to invest in the personnel accounts even in these difficult fiscal times.

Like the rest of the Defense budget, the manpower program came under pressure and was reduced by the administration in the amended budget request.

For example, the amended budget proposed a 3.6-percent pay raise for military personnel—a cutback from the 4.6-percent pay raise advertised by the administration last year. Also, in order to tighten the manpower belt, the administration proposed a reduction in Active Force strength of 16,700 from the original Reagan request for fiscal year 1990.

Nonetheless, of the \$10 billion that had to be cut out in the amended Defense budget, the manpower account was reduced by only \$700 million or 7 percent of the required cut, so the manpower account came out relatively unscathed.

Mr. President, in our action on the manpower portion of the amended budget request, we were guided by the general philosophy that we should support the difficult choices the Secretary of Defense had to make in arriv-

ing at the amended budget level. At the same time, however, we have our own responsibility in the Congress to assess the Secretary's proposals in light of our best judgments on security needs. We followed the principle that the hard won gains in personnel readiness should be protected, that manning levels should adequately support the programmed force structure, and that military personnel should be treated equitably in terms of compensation and benefits.

In the area of manpower strengths, we approved, with minor modification, the active duty and Reserve strengths requested for fiscal years 1990 and 1991. The approved strength levels represent a reduction in Active Force strength of 16,900 in fiscal year 1990 from the authorized fiscal year 1989 level, and an increase of 5,250 in Reserve Force strength in fiscal year 1990 from the authorized fiscal year 1989 level. These manpower changes essentially reflect the shifting of missions from the Active to the Reserve Forces, a matter we believe requires attention in context of a total force policy review.

Specifically, we require the Secretary of Defense to report to us on the operation of the total force policy—in other words, the effectiveness of the integration of Active and Reserve Forces—in the Department of Defense.

Mr. President, in hearings the Subcommittee on Manpower and Personnel had this year, I was surprised to learn that there has been no comprehensive, authoritative study on the operation of the total force policy since its implementation over 15 years ago, in 1973.

Up until the promulgation of this policy, we traditionally relied on our Reserve and National Guard Forces during periods of national emergency or war to augment relatively small standing Active Forces. During peacetime, National Guard and Reserve Forces trained to the extent resources allowed them to do so to be prepared for callup. That is history.

Since the promulgation of the total force policy in the Department of Defense over 15 years ago, our National Guard and Reserve Forces have been designated as full partners with the active components in deterring aggression during peacetime and in waging war if peace should fail. Under this policy, substantial missions were assigned to the National Guard and Reserve components. They were no longer just standbys; they were part of that force we depended on. Therefore, our National Guard and Reserve components are no longer only forces held in reserve for a future use, nor are they just a cadre force. Instead, National Guard and Reserve units are an integral part of theatre operational plans, and successful combat oper-

ations cannot be carried out without them.

For example, the Army Reserve is relied on to provide 70 percent of the Army's combat support and combat service support forces. Combat support missions including engineer, signal, intelligence, and chemical activities. Combat service support missions include medical, maintenance, supply, transportation, and ammunition activities. Obviously, an Army cannot fight for very long without this support, and if 70 percent of this support comes from Army Reserve Forces, it is crystal clear that the Army has a big stake in the readiness of these forces. In those Army Reserve Forces involved with combat support and combat service support, what is their status now? Well, 45 percent are not combat-ready. I repeat, 45 percent are not combat-ready.

In a conventional war in Europe, Active Army Forces depend heavily upon rapid reinforcement from Army National Guard and Army Reserve units within the first 10 to 30 days after the conflict begins—without fail within 4 to 6 weeks. Without these reinforcing units, the Active Forces cannot sustain themselves and would become ineffective.

This situation is demonstrated in war game scenarios which indicate that shortfalls in the Reserve reinforcing forces quickly become "war stoppers." Another example: Some 80 percent of our medical combat support is supposed to come from the reserves—80 percent. Specifically, medical shortfalls in early deploying reserve units fall in this category. According to the Department of Defense, these units are short of their wartime requirements for physicians and nurses by 7,000—71 percent—and 31,000—66 percent—respectively. This is not solely an Army Reserve problem, but a serious total Army problem because it seriously affects Army combat readiness. It is a priority problem that the Army leadership must give priority attention to solving.

Every year since I have been on the Subcommittee on Manpower and Personnel of the Armed Services Committee, every single year, we have heard about a new plan, and yet another plan that is going to somehow remedy this problem. And yet, the figures remain nearly the same year in and year out.

In fact, this year's report omitted the readiness figures that were reported in the past. They do not want them compared anymore, so they just omitted the readiness percentages that were normally reported so we no longer have those figures, unless we specifically ask for them. What a head-in-the-sand approach that illustrates.

I make these points because I believe that the Department of Defense must

critically and systematically review warfighting capability in a total force context, a context which must recognize the interactive dependencies among Active and Reserve Forces and the timetable for their deployment in event of war.

We need this study, Mr. President, to validate that current missions and roles are properly assigned and can be carried out, rather than a report year after year after year of the inability certain elements of our Reserve Forces to do the job they are depended on to do. We either have to have those missions and roles carried out or redo the assignments of the missions and roles to provide one basic thing, and that is effective combat capability. It either will work or not. We either can rely on it or not.

So when it comes to combat—and, God forbid that we ever have to get to that time again—but if we do, in combat there are no excuses. We either have a system that works or it does not. And if it does not, we lose and a lot of people get killed unnecessarily. That is the bottom line of what we are talking about here.

Now, before the picture gets too bleak as far as the Reserves go, let me say the Air Reserve and Guard components seem to be in very great shape in terms of combat readiness. They are performing admirably and perhaps could accept more missions. That too should be looked into in this review of our total force concept.

One other element. As we look ahead toward substantially smaller Active Forces in the future, there will, of necessity, be an even greater reliance on our Guard and Reserve and the missions they may be called upon to perform. So I think we need to, in this evaluation we are asking for, make sure there is a real comprehensive framework for evaluating the capability tradeoffs as we move in this direction.

So I look forward to receiving the mandated report so that we can use it as a basis for a plan of action to correct, on a systematic basis, persistent problems that have plagued the effective operations of the total force policy in the Department of Defense.

Now, let me turn to our action on military personnel compensation and benefits.

We approved the requested 3.6-percent pay raise for military personnel. We also asked that a study be done to review the whole military pay structure. It has not been done, except on a very piecemeal basis, for a long time.

The second area we acted on, we increased aviation career incentive pay by 60 percent, \$400 per month, up to \$650 per month for aviators with over 6 years of service, to help the military services retain aviators.

Let me expand on that just a little bit. Most people are unaware that we are right now, 1,500 Navy pilots short—1,500 pilots short in the Navy. We are short in the Air Force right now about 250 pilots. That is forecast, by the year 1992, to go up to 2,500 pilots short in the Air Force.

What is the problem? Is it that people do not want to serve? No, it is not.

The problem is we have a great need for airline pilots and as soon as the commitment of these service pilots reaches a certain point where they no longer have to stay in, they are off to the airlines at equal pay, about, starting out, much increased pay after a few years, and really big-time increased pay and health benefits and retirement once they have been with the airlines for, say, a 9- or 10-year period.

So we find ourselves with a problem of losing our pilots—pilots that we spend a great deal of money on to train. We spend somewhere around \$500,000 just to train a pilot up to the day he pins his or her wings on. Then we send them to a replacement air group or combat crew training that costs another couple of million dollars over the next year to a year and a half. Then we send them to a squadron and they then put in a 3-year tour with that squadron and at that time you spend another \$2 million to \$2.5 million on that particular person. You have invested, say, \$4.5 to \$6 million in that person. Then we say, "you have a limited commitment"—the Air Force 7 years, going to 8 now; Navy, 7; Army, 5; Marine Corps, 4½. And we say, "OK, that is your commitment, and beyond that you are on your own." And they get out and we start over again with another \$5 million to \$6 million invested in the training of a pilot to get him up to a real true combat status.

Now, I know the kind of training those people get, so I am very comforted when I get on an airliner and I know that I have a former military pilot up front. That is all good. Maybe it is to the benefit of our country overall that we have pilots like that flying for our airlines.

But we do not provide a military training program for just that purpose. That is the point. And the point is this: over the next 10 years, it is estimated the airlines and commercial air interests will be hiring pilots at a rate of about 7,000 per year. So we have to do something. Some of our incentive programs before, particularly with regard to the Navy, have worked out pretty well. So we are expanding this now with what we have proposed within this bill. But along with this we are also going to require a 9-year commitment beyond the date of pinning on the wings for fixed wing jet pilots and 7 years for other aviators, which I

think is quite reasonable. I do not have any problem with that at all.

I know there has been some discussion of that in the military as to whether or not that is going to be too long. I would say to my friends in the military who are pilots right now, this does not apply to you. The old ground rules apply to you. This would be prospective. This would start with the new people signing up, new people who are just starting out on their flight training program.

I do not have any doubt at all that we can get quite a sufficient number of good people that will still sign up and want to be military pilots, even with the 9 and 7 year commitments.

In another area, we increased the ceiling on education benefits, kickers, that the Army can pay in addition to basic GI bill benefits from \$400 a month to \$700 per month, a \$25,200 benefit over 3 years, to help the Army recruit highly qualified enlistees in critical skills, those that we are having a lot of difficulty filling.

In another area, we increased the ceiling on selective reenlistment bonuses for nuclear qualified personnel by 50 percent from \$30,000 per contract for 6 years to \$45,000 for 6 years.

In another area, we enhanced the survivor benefit plan, the SBP, a plan to provide an annuity to survivors of retirees by reducing the premium to a flat rate of 6.5 percent of designated retired pay; providing a supplemental option that would afford a level payment of 55 percent of retired pay to a survivor—the standard option is 55 percent until age 62, at which point the benefit drops to 35 percent; and, finally, providing a 1-year open season to allow participation in the enhanced program.

In the area of health care for military personnel and their families, we approved a number of initiatives to enhance the recruiting and retention of health care providers.

We extended the authority for the Department of Defense to pay a retention bonus of up to \$20,000 per year for retention agreements entered into by certain physicians based on critical needs of the Department of Defense.

We increased medical officer monthly special pays by 35 percent.

We provided new authorities to recruit and retain nurses including: A nurse accession bonus of up to \$5,000; a nurse anesthetist incentive pay of up to \$6,000 per year to encourage retention; and a Navy nurse candidate program targeted at recruiting nurses who have completed 2 years of a 4-year nursing program.

We increased medical specialty pay for reservists when on active duty for training to encourage more participation by physicians in the selected Reserve.

Mr. President, this concludes my summary of the action we took in the

manpower and personnel area. I think they are good actions and I recommend them for support by my colleagues in this body.

I want to close by recognizing the hard work that Senator McCain, the ranking minority member of my subcommittee, put in the manpower portion of this bill. We worked very closely together in a spirit of teamwork and cooperation in forging a responsible package—one that takes care of readiness requirements as well as our commitments to our individual soldiers, sailors, airmen, and marines. I want to thank the Senator from Arizona for his hard work and counsel.

Mr. President, I also want to thank the staff—Fred Pang and Ken Johnson of the committee staffs; Fred Pang with the majority and Ken Johnson with the minority committee staff. Also Phil Upschulte and Milt Beach of my personal staff, for their hard work. As usual, they did a great job.

In particular, it has been a real pleasure to work with Fred Pang, who is here with me on the floor today. He is an outstanding committee staff member. I can vouch for that. He is very pleasant to work with, very thorough in the work that he does. It is a real pleasure to work with him on these very complex matters of pay and compensation and retirement benefits and all of the things that go into making military life palatable for people who are willing to serve their country.

It is not an easy job and some of these things that Fred works on, has worked on, are particularly beneficial to our men and women in uniform.

As usual, he has done a great job. Ken Johnson on the minority side, also, has done an outstanding job and I am sure Senator McCain will wish to address that when he makes his remarks.

Mr. President, I ask unanimous consent the "Study on Total Force Policy," from the committee report, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STUDY ON TOTAL FORCE POLICY

The committee recommends (sec. 541) a provision requiring the Secretary of Defense to submit to the Senate and House Armed Services Committees a report by December 1, 1990, on the operation of the Total Force Policy in the Department of Defense. The committee notes that there has been no comprehensive, authoritative study on the Total Force Policy since its inception over 15 years ago. The committee also notes that Department of Defense witnesses have had difficulty articulating the policy in other than very vague, general terms. The result is an impression of a leadership vacuum in this area. The committee urges the Secretary of Defense to assemble a study group capable of conducting an objective, thorough study.

There is no doubt in the committee that our National Guard and Reserve forces are vital to our national security. We have traditionally relied on these forces during periods of national emergency or war to augment relatively small standing active forces. During peacetime, National Guard and Reserve forces trained to the extent resources allowed them to do so to be prepared for call-up. That is history.

Since the promulgation of the Total Force Policy in the Department of Defense over 15 years ago, our National Guard and Reserve forces have been designated as full partners with the active components in deterring aggression during peacetime and in waging war if peace should fail. Under this policy, substantial missions were assigned to the National Guard and Reserve components. Therefore, our National Guard and Reserve components are no longer only forces held in reserve for a future use nor are they just a cadre force. Instead, National Guard and Reserve units are an integral part of theater operational plans, and successful combat operations cannot be carried out without them.

For example, the Army Reserve is relied on to provide 70 percent of the Army's combat support and combat service support forces. Combat support missions include engineer, signal, intelligence, and chemical activities. Combat service support missions include medical, maintenance, supply, transportation, and ammunition activities. Obviously, an Army cannot fight for very long without this support, and if 70 percent of this support comes from Army Reserve forces, it is crystal clear that the Army has a big stake in the readiness of these forces.

In a conventional war in Europe, active Army forces depend heavily upon rapid reinforcement from Army National Guard and Army Reserve units within the first 10 to 30 days after the conflict begins. Without these reinforcing units, the active forces cannot sustain themselves and would become ineffective.

This situation is demonstrated in war game scenarios which indicate that shortfalls in the Reserve reinforcing forces quickly become "war stoppers." Specifically, medical shortfalls in early deploying reserve units fall in this category. According to the Department of Defense, these units are short of their wartime requirements for physicians and nurses by 7,000 (71 percent) and 31,000 (66 percent) respectively. This is not solely an Army Reserve problem, but a serious total Army problem because it seriously affects Army combat readiness. It is a priority problem that the Army leadership must give priority attention to solving.

The committee makes these points because it believes that the Department of Defense must critically and systematically review warfighting capability in a Total Force context, a context which must recognize the interactive dependencies among active and reserve forces and the timetable for their deployment in event of war.

The committee looks forward to receiving the mandated report so that it can use it as a basis for a plan of action to correct, on a systematic basis, persistent problems that have plagued the effective operation of the Total Force Policy in the Department of Defense.

THE PRESIDING OFFICER (Mr. Reid). The Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise in support of the 1990-91 defense authorization bill. While the authori-

zation bill is not ideal, it represents the best compromise given the current budget problems that face our Nation. As ranking member of the Subcommittee on Strategic Forces and Nuclear Deterrence, I can assure my colleagues that this bill continues to provide our Nation with a strong strategic nuclear triad, which has been so critical in keeping the peace between the United States and the Soviet Union.

I do, however, wish to express a few serious concerns about the defense bill before us today, Mr. President. Over the years, I have made my position clear with respect to ICBM modernization. I have been, and continue to be, a strong supporter of the MX Program and the rail garrison basing concept. This year, though, I announced my support for the small ICBM, which President Bush included in his defense request. I have done so for two reasons. First, I believe that if we are to end the protracted and seemingly interminable debate over ICBM modernization, we must seek a bipartisan consensus on how a two-missile program should proceed. I believe President Bush may have achieved that consensus.

Second, the President and Vice President have indicated that support for the two-missile program is related to the funding of the strategic defense initiative or SDI. I am a strong supporter of SDI, and agree with the President that we must fund the program well above last year's authorization level. This is the only way that the President can make an informed decision about the program during his first term in office. My continued support for the small ICBM Program is, therefore, contingent upon the Congress funding SDI at a much higher level than last year. I am concerned, however, that the House is moving to cut SDI even further than the already drastic House Armed Services Committee reduction of \$1.1 billion. Further reductions by House Members on the floor will only make an adequate conference outcome more difficult and possibly even jeopardize the bipartisan consensus on ICBM modernization.

I am also concerned about the B-2 program. While I support the President's program, I am very concerned that the cost of the bomber may ultimately result in its cancellation. I realize that some have argued that the B-2 is only 20 percent more than the B-1B in so-called flyaway cost; that it is cheaper per warhead than the MX; and that the MX and small ICBM together are slightly less expensive than the B-2. But the bomber is still too expensive given the current budget situation. I am not sure that the American people will support the program given the high cost.

Mr. President, the committee bill also contains \$303 million for the design and development of new pro-

duction reactors. The country is rapidly approaching a critical shortage of nuclear materials. The Department of Energy does not have a single reactor producing plutonium or tritium for nuclear weapons. Unless we get on with building new production reactors, our supply will decay—leaving the effectiveness of our strategic deterrent forces in question and preclude our ability to meet new military requirements. Such an outcome could seriously undermine deterrence and stability. While there are adequate supplies for the moment, there is no hope, I repeat, no hope, of satisfying our requirements 10 years from now unless we get on with the new production reactor program, today.

For the interim, the Department of Energy has prudently developed a special isotope separation program, to refine already existing plutonium, if needed, before the new production reactors are finished. The President's report to Congress calls this project time-critical and essential, yet some would prefer to stop this program, in part, because we have no immediate need for plutonium. This SIS project will be the country's only source of weapon-grade plutonium. It is essential that we get on with its construction.

Finally Mr. President, as we begin the floor debate on this defense bill, I would like to make a few observations to my colleagues and the American public. As always, there will be amendments by Members to change or cut the defense bill. There are some Members, in particular, that will argue that the defense budget is unnecessarily large given certain changes in the international situation. Many will point to changes in the Soviet Union as justification to reduce defense spending—particularly funds for our nuclear deterrent forces.

I join my colleagues in welcoming Mr. Gorbachev's pronouncements to reduce his country's vast arsenal of weapons and to truly turn the Soviet Union's abundant resources to peaceful use. But in considering whether or not to cut our defense posture based on Mr. Gorbachev's recent announcements, it is important not to confuse words with deeds. Mr. Gorbachev, for example, has declared his intention to cutback Soviet military forces by 20 percent, to reduce troops and equipment in Eastern Europe and along the Chinese border, and to cut defense spending by 14 percent. All of these are welcomed gestures, if they materialize. We must, however, also look at other actions taken by the Soviets since Mr. Gorbachev assumed power.

Soviet military production and modernization are important indicators of intentions. Yet, in these arass we still see little change from past practice; in fact, in many areas of Soviet military

production there have been significant increases. For example, when Mr. Gorbachev assumed power in 1985, the Soviet Union produced 3,000 tanks annually. Over the past 3 years, Soviet tank production has increased to 3,500 annually. Compare this to the United States, which only produced 775 tanks last year, and will produce even fewer this year. Indeed, the Soviet Union produces more tanks than all NATO countries combined.

In the area of strategic nuclear forces, the Soviet Union has yet to make a single reduction. The Soviets are continuing, unabated, their strategic nuclear modernization program. According to the Department of Defense, the Soviet Union produced eight submarines per year in 1986 versus three for the United States. In 1988, the Soviets produced nine submarines compared to five for the United States. The Soviets have substantially out produced the United States in ICBM production. In 1985, the Soviets produced 100 ICBM's, the United States none. In 1988, the Soviets produced 150 ICBM's versus only 19 for the United States. All of these increases occurred during Mr. Gorbachev's tenure.

While I may be willing to concede that Mr. Gorbachev is serious about his declared intentions, history tell us not to be precipitous in our desires to reduce military spending based on promises alone. Mr. President, during my more than 30 years in this distinguished body, I have heard these declarations of change in the Soviet Union many times before. During the 1950's, Mr. Khrushchev allegedly attempted to liberalize Soviet society only to have the initiatives reversed upon his removal from power. Many of my distinguished colleagues in the Senate believed that during the euphoria of détente we should reduce military spending and expand high technology trade with the Soviets, which we did, only to watch Soviet military power and aggressiveness grow at unprecedented rates during the 1970's. During these periods of so-called change many of my colleagues considered Soviet attempts to liberalize their society "irreversible" and "unprecedented." We hear these same words, today.

History shows that we should welcome peaceful change, but only, and I repeat "only," when deeds match words. The outcome of declared Soviet reforms and intentions has not been determined and will not be for many years to come. More important, we must understand fully what the objectives of Soviet reforms are, and the implications of those objectives for U.S. national security.

Additionally, we cannot pin our hopes for true democratic change in the Soviet Union, on one leader. As recent events in China illustrate,

there can be dramatic reversals in intentions and behavior. China initiated major economic and political changes, indicating a desire to become more democratic; yet, it reverted to brutal totalitarian methods to quash democratic demonstrations and purged empathetic leaders. The same could happen in the Soviet Union and, in fact, has in certain Soviet republics. Recent strikes by Soviet miners and discontent among some Soviet leaders over the direction of Mr. Gorbachev's reforms should give us pause before making further cuts to an already austere U.S. defense budget.

Mr. President, in light of this, we must ensure that our defenses and military production base are able to maintain deterrence and stability. Mr. President, I ask my distinguished colleagues to consider these factors during their deliberations of this defense budget. We must not engage in further cuts to the defense budget or attempts to add back terminated programs. Secretary Cheney has made tough choices, and we should support him in his efforts to secure the highest quality of military capability during this time of seriously reduced military spending.

Mr. President, in closing, I want to take this opportunity to commend the distinguished chairman of this committee and the able ranking member, Senator NUNN and Senator WARNER. I think they have provided good leadership to our committee, and I also wish to express my deep appreciation to the various members of the committee for their cooperation and assistance in bringing to this body what I consider to be a sound defense bill. Mr. President, I yield the floor.

Mr. GORE addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. GORE. Mr. President, I too rise to support the defense authorization bill now pending. I would like to begin by echoing the words of our senior member of our committee, in terms of tenure, the Senator from South Carolina, and by also commending the work of my colleagues on both sides of the aisle who are members of this committee and who have worked hard to produce a good bill.

It cannot be said that we left all vestiges of partisanship at the door in the drafting of this bill, but it is true that we minimized partisanship and only allowed through those parts of it which reflected major differences of approach. Overall, the authorization bill represents good faith efforts by Senators in both political parties to reach agreement on what is best for the national defense at a time of rapid change at home and in the world. I am proud to have been a part of that effort.

I, too, wish to commend the leadership of our chairman, the Senator

from Georgia [Mr. NUNN], and the ranking Republican member of the committee, the Senator from Virginia [Mr. WARNER]. I wish to commend the subcommittee chairs and the ranking members of each subcommittee, and I would like to commend the staff. This is a very professional staff, Mr. President, and they have done an excellent job in supporting the efforts of the members to produce this bill.

I think it is also appropriate to join others on the committee in saluting the work of the Secretary of Defense, Secretary Cheney. I strongly disagree with his approach to some issues, but I do agree that his leadership has helped to heal some of the wounds that were caused earlier by the controversy over the nomination of Senator Tower. All of us are impressed by the degree to which Secretary Cheney has come to grips with difficult issues and the hard work he has put in. Even though many of us do disagree on one issue or another, we do all respect his readiness to make firm decisions and to accept the controversy certain to follow.

Mr. President, as authorizers, our central task has been to find an equilibrium between the defense needs of the country and the country's ability to pay for them. At a time when political relations with the Soviet Union seem to be improving and when the Nation's fiscal situation remains severe, we are keenly aware that anticipatory cuts in defense spending made in the expectation of arms control agreements or in the hopes of relieving budgetary pressures through budgetary control can prove unsound if the arms control does not then materialize. The art of it has been to authorize a defense posture which is neither grossly out of keeping with budgetary and diplomatic realities nor likely to leave us in any danger in the event of a turn for the worse in United States-Soviet relations. That turns out to be a narrow line, indeed, as I hope it will become clear during the debate over this bill.

With those comments as preface, let me turn now to a discussion of issues in the bill which are of particular concern to me, including, first of all, issues relating to strategic forces.

An extraordinarily unusual situation was developing. Some weeks ago, the President began the current round of START negotiations by noting that he would not at this time make any adjustments in U.S. proposals for mobile ballistic missiles until he is certain that Congress will support his modernization plan for the MX and the single warhead mobile missile. Then last week, the Air Force Chief of Staff informed the committee that our entire approach to strategic arms control would have to be overhauled were Congress not to support the B-2.

As a result of these assertions, modernization of our weapons and arms control, which ought to complement and facilitate each other, are clearly in some danger of gridlock. Some in this body are opposed to the rail mobile MX; others to the single warhead mobile missile; and still others oppose both. Some are opposed to SDI, except at very reduced levels of spending, if at all. Some are opposed to the B-2 as too costly, and some are vehement proponents of one or more of these weapons systems or all of them. Consensus is, therefore, extremely hard to obtain and the problem of sustaining it is compounded by its tentative nature.

Under the circumstances, Mr. President, I firmly believe that the committee may well have struck the only possible balance in its approach to these systems. MX rail mobile will proceed; Minuteman will proceed at a slower pace; the B-2 will proceed provided the aircraft meets a series of test flight criteria; SDI has been cut but is still well funded, particularly in view of the shifting of gears now going on in that program with the Brilliant Pebbles, as the latest design is called, grinding against the former design of SDI as we used to know it.

Clearly, there are elements in the strategic program as acted upon by the committee which are controversial no matter which way one surveys opinion in the Senate. Very few Members are prepared to support the entire program as a matter of conviction. Almost everyone has doubts. But if we pull the plug on any of these programs, agreement on the others is then jeopardized. The outcome would almost certainly be further delay and expense in these defense programs and a possible crisis in the way the administration sees its situation in arms control.

To some extent, the administration has a point. There is little point in pursuing an arms control concept that involves certain rights to modernization if at the end of the process the United States lacks the will to exercise those rights. On the other hand, Mr. President, the administration would have had a better chance to marshal support if it had at least given us a sense of where it intends to go if it does, indeed, when Congress gives its support. So far that overall framework, including the indications of what our course will be in Geneva, is still missing, and its absence contributes to the risk that we will fall into disarray.

I do not believe we will fall into disarray. I believe the committee's work-product will be supported, and I urge my colleagues to support it. One of the reasons I do so is I believe very deeply, Mr. President, that in a democracy confronted with the kind of challenge we face throughout the postwar

period, consensus is itself a strategic asset. We discard it at our peril. We build it to our benefit. I believe that we have in this committee product created the basis for a sound consensus.

I think the product stands on its own merits.

This year the problem is not as acute as it will be next year. Our decisions are still reversible this year. Members who dislike one element or another of the package approved by the committee might yet feel comfortable voting for the whole package. Next year, however, we will be approaching a threshold where change becomes much more problematic. MX rail mobile will be moving rapidly toward deployment by then. Midgetman should be receiving a new infusion of funds. The B-2, assuming it has been successful in its flight test next Wednesday, will then become a production issue. SDI presumably will have achieved some new kind of focus and be ready to proceed toward its stated research goals.

So this year I urge that the Senate support the Armed Services Committee mark on strategic modernization. Next year I believe that the administration must have by then showed its hand in arms control. We must understand by then where the administration proposes to go. We need to have debated between now and then how much it will cost us to get there and whether we can afford the tab. We need to have explored alternative outcomes in arms control that might reflect funding decisions that Congress has the duty to consider and the right to make.

Mr. President, it is worth noting that the Soviet Union has been clearly signaling its view that the future of the strategic balance lies with increased mobility of single-warhead missiles. Indeed, a well-known projection of the future of strategic forces, referred to at least twice by General Secretary Gorbachev publicly, has stated the view of the authors in the Soviet Union that the ideal strategic balance in the future will one day comprise a few hundred single-warhead mobile missiles based on land in conjunction with other forces.

Just this morning we see new reports of a prominent Soviet military spokesman indicating that multiple-warhead land-based mobile missiles might be subject to negotiation, the MX for the SS-24. We do not know how much stock to put in those comments, but if they are true, if they, in other words, provide any accurate measure of Soviet intentions, then they would somewhat justify the reports coming out of the White House that one option under active consideration on our side is to propose a ban not on mobile missiles across the board but on multiple-warhead land-based mobile missiles.

Such a proposal, Mr. President, would point both superpowers, the United States and the Soviet Union, in the direction of a single-warhead mobile missile as the deterrent weapon of choice for both sides in the future. Why? Because that weapon is simultaneously accurate and powerful enough to provide deterrence but invulnerable and capable of riding out any kind of aggressive first strike by the other side. It is, therefore, the ideal weapon system to produce what is called stability, that is, a relationship between the arsenals on both sides which minimizes the fear of a first strike on either side.

Mr. President, the National Security Adviser for President Bush is well versed in these matters, and as one member of this committee I take some comfort from his presence in the National Security Council at the hand of President Bush as these issues are considered in the months and years ahead.

Next, Mr. President, I would like to turn from strategic modernization to another major concern of this Senator, and that is the environment and speak about that concern as it is manifested in the authorization bill before us.

This year the committee has made an extremely important step toward coming to grips with the clean up of Department of Energy facilities. We have added nearly one-half billion dollars to the budget for this purpose, one-half billion dollars over the amount proposed by the administration, but it is just a start and all of us realize that. Ahead of us are expenditures which will consume very large amounts of resources for a long time to come. But in this bill we have made an important beginning.

In another aspect of the environmental problem we face, the emission of chlorofluorocarbons and halons to the atmosphere and the problem of biodegradables and recycling, I am happy to have been able to work closely with the ranking minority member of the committee, Senator WARNER, on a modest but precedent-setting set of provisions. Under these provisions, the Department of Defense will be encouraged to pursue both its near-term efforts to reduce unnecessary emissions of these chemicals, to find replacements for them in the longer term, and through the use of biodegradable packaging to play a constructive role in the national effort to arrest environmental damage. Indeed, this committee takes the position with this bill and report, and urges the Senate to do the same, that the environmental crisis now facing humankind should be seen as a national security issue. Our national security is threatened by the environmental crisis before us, and we must respond with urgency.

Mr. President, in closing, the bill presented by the Armed Services Committee today is not perfect and no one connected with this kind of activity claims that or would expect that, but it is a well-made product. I am proud as a member of the committee to have taken part in its creation and I am proud to commend this bill to my colleagues in the Senate.

Mr. President, I yield the floor.

AMENDMENT NO. 392

(Purpose: To authorize appropriations of additional amounts for fiscal years 1990 and 1991 for procurement of missiles for the Armed Forces)

Mr. NUNN. Mr. President, I send an amendment in behalf of myself and Mr. WARNER, and actually every member of the committee individually on both sides of the aisle, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for himself, Mr. WARNER, Mr. EXON, Mr. LEVIN, Mr. KENNEDY, Mr. BINGAMAN, Mr. DIXON, Mr. GLENN, Mr. GORE, Mr. WIRTH, Mr. SHELLEY, Mr. BYRD, Mr. THURMOND, Mr. COHEN, Mr. WILSON, Mr. MCCAIN, Mr. WALLOP, Mr. GORTON, Mr. LOTT, Mr. COATS, and Mr. DeCONCINI, proposes an amendment numbered 392.

Mr. NUNN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of part A of title I insert the following:

SEC. 108. AUTHORIZATION OF APPROPRIATIONS OF ADDITIONAL AMOUNTS FOR PROCUREMENT OF MISSILES

(a) FISCAL YEAR 1990.—Funds are hereby authorized to be appropriated for fiscal year 1990 for procurement of missiles for the Army, Navy, and Air Force as follows:

For the Army, \$362,400,000.

For the Navy, \$125,100,000.

For the Air Force, \$109,300,000.

(b) FISCAL YEAR 1991.—Funds are hereby authorized to be appropriated for fiscal year 1991 for procurement of missiles for the Army, and Air Force as follows:

For the Army, \$227,500,000.

For the Air Force, \$109,300,000.

(c) ADDITIONAL AUTHORIZATION.—Funds authorized to be appropriated pursuant to subsections (a) and (b) are in addition to funds authorized to be appropriated under sections 101, 102, and 103.

Mr. NUNN. Mr. President, at the time the Armed Services Committee reported the Defense authorization bill, the committee also reported a separate bill (S. 1367) authorizing an increase in funds for the purchase of advanced conventional munitions for the military services—the so-called smart munitions. This separate bill is now being offered by me, Senator WARNER, Senator LEVIN, Senator WILSON, and all the other committee members, in our capacities as individual Senators,

as an amendment to the Defense authorization bill.

This amendment increases by \$596.8 million in fiscal year 1990 and \$336.8 million in fiscal year 1991 the amounts in the underlying authorization bill to procure smart munitions such as air-to-air missiles and air-to-ground missiles. However, this amendment does not increase the overall authorization total of the bill over the budget summit level of \$305 billion. The committee left room for the funding increase in this amendment in the hope that the Senate would approve it during floor debate.

We are offering this amendment because the administration's budget request proposes deep reductions in missile procurement programs, resulting in increasingly inefficient production lines. These stretchouts also occur unfortunately for munitions which are in short supply.

This amendment enjoys bipartisan support on the Armed Services Committee. I strongly support the amendment as does my colleague, Senator WARNER. Senator LEVIN, and chairman of the Conventional Forces Subcommittee, and Senator WILSON, the ranking minority member, developed the recommendation in the Subcommittee on Conventional Forces and Alliance Defense and will provide the detailed explanation.

Mr. President, there are three key reasons why the full Senate should support this amendment. And I would hope that the Senate could vote on it in the 5 p.m. timeframe.

SUSTAINABILITY A KEY REMAINING DEFICIENCY

The first point concerns the level of munitions stocks available to air troops in the field. The combatant commanders and their representatives testified that the military requirement for smart munitions far outstrips their stock of war reserves. In short, we have dangerously low inventories of sophisticated guided munitions available to our combat forces today. These shortages in effect are "war stoppers." Once these stocks are depleted, the finest fighters and attack helicopters in the world will be reduced to dropping Korean war-vintage iron bombs.

During our committee's hearings on this bill, some of America's most senior military commanders told the committee that they face serious shortages.

This spring, Gen. Thomas C. Richards, deputy commander in chief of the U.S. European Command, testified that "our greatest weaknesses are in the areas of * * * war reserve stocks of preferred munitions. We can ill afford to reduce our readiness and sustainability." General Richards also stated that "all the services, Army, Navy, Air Force, Marine Corps, all have shortages, severe shortages of preferred munitions."

Several of the commanders in chief complained that the forces under their command were limited to days of supply of some key munitions. Maj. Gen. Christian Patte from the U.S. Central Command noted that "overall [U.S. Central Command] has realized only marginal growth in the amount of stocks on hand. There is no fix for these problem areas short of procuring the needed stocks. We need strong support for additional funding to improve both the level of effort and threat oriented posture."

During the past 8 years there has been a dramatic improvement in the quality and readiness of our forces. But combat sustainability has lagged far behind. We are ready for the most part to go to war within days, but we can't stay in the battle for long because of limited stocks of advanced conventional munitions.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a table comparing the inventory of selected guided munitions with the stocks available.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TABLE 1.—Percentage of inventory versus requirements

(Percentage at end of funded delivery period)	
	Percent
TOW 2 (Army).....	13
MLRS	47
Stinger (Army).....	43
Hellfire (Army).....	63
HARM (Navy & AF).....	60
Maverick (Navy & AF).....	30

Mr. NUNN. This table vividly illustrates that the services fall far short of required inventory levels for many of our most important modern munitions. These are also the munitions for which the production rates are being reduced unless we change the administration's proposed budget request by increasing it as we do in this amendment.

For example, the chart shows that we have only 13 percent of our inventory requirements of TOW 2 antitank missiles. This is the primary tank-killing missile in the Army. Most of our TOW missiles are ineffective because the Soviet Union has installed so-called reactive armor on their tanks. Only the TOW 2 will be effective and we have only 13 percent of our inventory needs met.

Similarly, the Army has only 47 percent of its requirement of multiple-launch rockets. During the past 18 months the Department of Defense conducted a comprehensive study called competitive strategies. This study examined ways to use our most promising technology against the enduring weaknesses of the Soviet military. The multiple-launch rocket system was one of the most important weapons in our inventory, and we have

only 47 percent of our inventory requirements.

In some instances, our attack helicopters and combat fighters could make just a handful of sorties before running out of advanced munitions. For example, the Army couldn't fully load the AH-64 attack helicopters to fly more than two missions before they run out of Hellfire missiles. Mr. President, the Apache helicopter costs \$11 million each, yet after two missions it will have nothing to fire at Soviet tanks if there is a war.

The Air Force won't have enough Maverick missiles—which is the Air Force's only tank-killing missile—to send all of their tactical aircraft off for just one mission.

Mr. President, does it make sense to buy helicopters that cost \$11 million each and fighters that cost between \$20-50 million each—and some of them much more than that—but not to buy enough \$35,000 missiles to last more than a few days? Obviously the answer is it does not make sense.

Another example—the Army will have only 43 percent of its requirements for Stinger air defense missiles with this year's budget request. The Stinger missile more than anything else we provided helped turn the war in Afghanistan, yet we will have only 43 percent of our requirements for American military forces.

Our inventories are dangerously low—in many cases the services have less than half of their requirements for advanced munitions—and this year's budget request would significantly slow the rate of improvement. This amendment is designed to reverse this situation.

AMENDED BUDGET PROPOSES SERIOUS STRETCHOUTS

Second, the administration budget request would significantly cut the production rate for conventional guided missiles in fiscal years 1990 and 1991. The amended budget request stretched out the production rate on 80 percent of the tactical guided missiles. Funding for 25 of the most important missiles that were identified by the Joint Chiefs of Staff fell 17 percent between fiscal year 1989 and fiscal year 1990.

Because of these stretchouts, the unit costs for munitions has skyrocketed. The unit cost on five of the major munitions programs would increase by an average of 19 percent as a result of these production stretchouts. I ask unanimous consent that a chart showing the proposed administration stretchouts in missile production and the impact on the unit cost be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TABLE 2.—STRETCHOUTS IN MISSILE PRODUCTION AND IMPACT ON UNIT COSTS

	Fiscal year—		Percent	
	1989 actual	1990 proposed	Decrease quantity	Increase in unit cost
Hellfire (Army)	6,000	3,102	48	25
MLRS rockets	48,000	24,000	50	21
Stinger (Army)	6,750	2,375	65	35
TOW 2 (Army)	12,000	9,455	21	11
HARM (Navy and AF)	2,200	1,488	32	14

¹ CBO estimate.

Mr. NUNN. Mr. President, because of the stretchout, the unit costs for the Hellfire missile increases 25 percent; for the MLRS rocket, a 21-percent increase in cost; for the Stinger Army missile, a 35-percent increase; for the TOW II missile, an 11-percent increase; and costs on the HARM missile would also go up.

Mr. President, we hope to turn that around with this amendment if it is agreed to by the Senate.

This table illustrates the serious impact on costs that come with stretchouts. The administration proposed to cut back the Hellfire missile from 6,000 last year to 3,102 this year, which is a 48-percent reduction. That stretchout causes the unit cost to skyrocket 25 percent per missile. So every Hellfire missile is going to cost 25 percent more than it should because of this stretchout. The Army proposed to cut back the production rate on Stinger missiles by 65 percent, and unit costs will soar 35 percent. We will pay a third more than we need to for Stinger missiles because of these stretchouts.

Mr. President, I could go through each one but the bottom line is the same—stretchouts raise the cost per unit and we are still far short of our requirement.

BUDGET REQUEST THREATENS COMPETITION

Third, the amended budget request seriously threatened competition that had been established for munitions programs. In recent years the military departments have established two competing producers for most major missile programs. Competition has substantially lowered cost, yet the proposed stretchouts are so severe that they threaten that competition in several key areas.

Mr. President, I ask unanimous consent that a table showing the proposed production rates in the budget request be printed at this point in the RECORD. This table shows the minimum production rate required for competition, the maximum production rate and the proposed production rate for fiscal year 1990.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TABLE 3.—PROPOSED PRODUCTION RATES COMPARED TO MINIMUM EFFICIENT PRODUCTION RATES

	Minimum economic rate	Maximum rate	Proposed rate
Hellfire (Army & MC)	6,360	13,500	4,200
MLRS	36,000	96,000	24,000
Stinger	5,100	25,440	2,375
TOW 2 (Army & MC)	21,600	30,000	10,294
HARM (Navy & AF)	2,400	3,240	1,488
Maverick (Navy & AF)	¹ 3,060	6,000	2,830

¹ Denotes minimum sustaining rate, rather than minimum economic rate.

The minimum production rate is the number of missiles that can be produced with the tools and facilities, assuming one shift of workers working 8 hours a day, 5 days a week. The minimum rate, while not desirable, is really the lowest level at which a system should be produced to avoid exorbitant costs per unit.

The maximum rate is the highest efficient production rate given the tools and facilities that have already been purchased. In other words, this is the desirable rate since we have facilitated at this level.

As can be seen in this table, the proposed production rate consistently falls below the minimum economic production rate, and far short of the maximum efficient production rate. In the case of the Maverick missile, the proposed production rate falls below the minimum sustaining production rate.

The fact that there are two producers for these missiles makes the problem even more serious, because you cannot sustain any kind of competitive base at these uneconomic rates.

Again, the Hellfire missile is a good example of what we lose in terms of competition. The Hellfire missile is carried by the Army's AH-64 attack helicopter and is designed to destroy enemy tanks. The Army established two manufacturers for Hellfire missiles in order to have annual competitions. Each producer must be given at least 2,100 missiles per year in order to stay in production. In recent years the Army procured approximately 7,000 missiles per year which was sufficient to sustain a robust competition. But the Army and the Marine Corps are now proposing to buy only 4,200 missiles in fiscal year 1990 and the following 2 years. At this level there can be no competition, because each company has to get half of the production just to stay open. The millions of dollars spent to establish competition is being frittered away because the Army is proposing to buy insufficient numbers of missiles.

This is a typical story. The Navy and the Air Force are qualifying a second source producer for the HARM missile, yet the production rate for fiscal year 1990 of 1,488 missiles is 40 percent below the minimum efficient production rate. That is the rate where each producer can produce missiles

with only one shift working 5 days a week. That is the minimum economic rate, yet the Navy and Air Force plan to buy HARM missiles at a rate 40 percent lower than that minimum rate. We will have workers and machines standing around idle in two factories because the Navy and Air Force are not buying enough missiles.

Because the administration proposes to buy such small number of missiles, each missile costs too much because excess plant capacity goes unused. And for these five missiles, there are two producers that are supposed to be competing to produce missiles, but which cannot compete because the proposed production rate is so low that each company has to be guaranteed minimum rates if they are to stay in business.

Mr. President, the services, particularly the Navy, have gone out and qualified two sources for these missiles, which is a good move in the right direction. But dual source competition is premised on a certain inventory objective and production rate. The Navy, the Army, and the other services, when they qualify a second company in order to provide competition, then pay for the tooling, for the production facility at two plants. Then all of a sudden, the services propose to reduce production levels to the point where you simply cannot sustain two sources. The services end up wasting a lot of money. That is absolutely useless.

In short, Mr. President, we have serious stretchouts as well as excessive production capacity—in other words, the worse of all possible situations. The proposed cuts in the budget are militarily unwise and economically unsound.

Secretary Cheney has made some excellent decisions in the amended budget request, but this area isn't one of them. In fairness to Secretary Cheney, the bulk of these stretchouts occurred in the Reagan budget submission, but Secretary Cheney was unable to correct these problems with his amended budget. The Senate today has an opportunity to start that corrective action.

MUNITIONS AMENDMENT

Mr. President, in light of these serious problems, the committee decided to add \$596.8 million in fiscal year 1990 and \$336.8 million in fiscal year 1991 to the defense authorization request for sophisticated guided munitions. This amendment would restore these programs to more efficient production rates and help save money by insuring the numbers are sufficient for competition. More importantly, this amendment would buy more of the war stopper munitions that are critically short while buying them at a lower unit cost.

The amendment does not add back any expensive programs that have been recommended for termination by

Secretary Cheney. Nor does it buy systems that are not needed. In fact, the amendment would restore funding to the production level that we had for those systems just last year so as to prevent massive stretchouts, delays in filling the war stocks and to avoid the cost increases caused by stretchouts.

If these shortages go unaddressed, American soldiers, sailors, marines, and pilots will run out of advanced munitions early in a conflict and be forced to utilize less effective munitions. Pilots, for example, would have to fly right over defended targets and drop dumb gravity bombs. This needlessly puts at risk highly trained pilots and very expensive platforms. Soldiers would have to launch TOW missiles that we know can't penetrate the latest Soviet armor. And in some cases—such as the Hellfire missile, AH-64 helicopters would have no tank-killing munitions at all once the current stocks are depleted. In short, the vulnerability of our forces—both men and equipment—would increase substantially once the sophisticated munitions inventories are depleted.

America cannot afford to match the Soviet Union bullet for bullet. If we tried that we would lose. Instead, the United States relies on its technological advantage. But if we don't buy sufficient stocks of technologically advanced munitions we will cede our technological lead in sensor technology, computers and guidance systems to the Soviet Union.

Mr. President, I encourage all of my colleagues to support this amendment. It represents the type of responsible action our committee has taken in the past and proposes today to increase the sustainability of our combat forces. We are not proposing to buy anything the Defense Department doesn't have in its budget. We are just proposing to buy the missiles are more efficient production rates.

Specifically, this amendment would buy 24,000 more MLRS rockets, 2,000 more Stinger missiles, 2,800 more Hellfire missiles, 4,300 more TOW missiles, and 700 more HARM missiles. This amendment would in effect double the production rate on MLRS rockets and Stinger missiles, buy 66 percent more Hellfire missiles, 40 percent more TOW missiles, and nearly 50 percent more HARM missiles. I ask unanimous consent that a chart listing the systems included in the amendment at the level that would occur if the amendment is adopted be printed in the RECORD.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

MUNITIONS TO BE PURCHASED WITH FUNDS PROVIDED BY AMENDMENT

	Amended budget request	Authorized with amendment
Multiple launch rockets	24,000	48,000
Stinger missiles	2,375	4,375
Hellfire missiles	4,200	7,000
TOW 2 missile	10,294	14,594
HARM missile	1,488	2,188

Mr. NUNN. We want to give every Member of the Senate an opportunity to review and consider these recommendations.

Mr. President, this amendment makes military and economic sense and I urge my colleagues to support it.

Mr. President, I want to thank, particularly, Senator LEVIN and Senator WILSON for their leadership on this initiative. Senator LEVIN has taken a deep interest in making sure we have efficient production rates. I know he will be back in a few minutes to discuss this amendment in greater detail. I also thank Senator WARNER for his support. We will be voting on this amendment shortly after 5 o'clock. I will ask for a rollcall vote on it.

Mr. WARNER addressed the Chair. The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I strongly support this amendment. Clearly, the chairman points out lower unit costs and greater efficiency. This is what we are trying to invoke in so many of the programs in the Department of Defense.

Mr. President, I see one of our distinguished members of the committee about to make his opening statement. I yield the floor.

Mr. COATS addressed the Chair. The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, I also want to support the amendment offered by the chairman and supported by the ranking member of the committee. I would add a few general comments about the bill before us this week.

This Defense Department authorization bill has been carefully crafted over a period of several months. And, as is usually the case in these circumstances, it represents a marriage of convenience. But while it has been aptly said that "marriages of convenience are not expected to be joyous," there is nothing that keeps them from being successful. And I am convinced that this bill has the elements required for success.

First of all, I am convinced that Secretary of Defense Cheney should be congratulated, not criticized, for making the very tough stretch-out, reduction, and termination decisions he did. For years, the Congress has been calling on the Secretary of Defense to trim its procurement. Now Secretary Cheney has finally heeded the call.

This is not to say that the DOD bill should be closed to further debate. I am not implying that all its decisions were uniformly sound. But I would suggest that Senators seriously consider the tradeoffs that went into this bill and those that will be required in reversing termination decisions that he made.

Second, I would also add that as a freshman on Armed Services, my introduction to the process was instructive and encouraging. The chairman and ranking member—the managers of the bill—should be congratulated for their outstanding job thus far. During the markup of the DOD bill, the Senators from Georgia and Virginia provided balanced leadership—strong but not suffocating. And I would hope that the standards set by the Senate Armed Services Committee in considering the DOD authorization bill would be applied by the Senate as a whole.

Before closing, let me make several observations relevant to our consideration of this vital piece of legislation.

Despite obvious changes in the Soviet Union and international relations more generally, the United States and its allies continue to face significant military threats. During this year's Armed Services Committee budget hearings, the Joint Chiefs and numerous other military witnesses described a tremendous growth in Soviet military capabilities, especially in strategic forces.

It follows that since our adversaries has not relaxed their ambitions, we must not relax our vigilance. Strong and balanced forces will be required for the foreseeable future to ensure deterrence and to provide important leverage in arms control negotiations.

Finally, I am convinced that modifications in our defense budget should thus not come at the expense of any particular element of our military posture. It would be shortsighted to significantly cut any single category in order to fund increases in others. For example, I hope that Senators will avoid using strategic force accounts to fund terminated conventional programs, however worthy these programs may be.

Mr. President, once again, I would like to commend the chairman and ranking member of the Senate Armed Services Committee for an excellent job in bringing the DOD authorization bill to the floor, and I look forward to working with them this week as we address this very important piece of legislation.

I yield the floor.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I rise in support of the amendment which has been offered by all members of the Armed Services Committee, by the chairman of the committee and the

ranking minority member thereof. This is a well thought-out piece of legislation, and if we are going to have a rollcall vote on this, I urge strong support for the amendment.

It makes sense from the standpoint of making basic munitions as well as smart munitions available to the armed services. While they are generally supported by the administration, they were not supported to the extent that it was necessary for effective production rates. Therefore, I salute the chairman and the ranking member for offering this on behalf of all members of the Armed Services Committee and hope that it will receive strong support in the U.S. Senate.

I thank the Chair and yield to floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, before I speak on the pending committee amendment which has been offered by our chairman, let me briefly indicate my support for the authorization bill as a whole that is before us.

I am the chairman of the subcommittee that has responsibility for reviewing our major conventional defense commitment, which is the conventional defense of Europe and northeast Asia. Our subcommittee is the Subcommittee on Conventional Forces and Alliance Defense. We also oversee the unified commands that are assigned those responsibilities.

To complement those duties the subcommittee is responsible for reviewing the development and procurement proposals for the conventional weapons systems that are required to meet those particular military requirements.

Our subcommittee has jurisdiction over approximately 13 percent of the budget request. We held a series of hearings this spring which became the basis for our recommendations which were incorporated in this bill.

Through those hearings, we uncovered some important problems in our defense program. We provided a direction for reviewing and revising the administration's amended budget request. I would like to spend a few moments to highlight some of the recommendations of the subcommittee that were incorporated in this bill.

The first is this munitions initiative which is the subject of the amendment which the chairman has proposed. Our subcommittee has recommended that over \$500 million be added in fiscal year 1990 for additional tactical missiles. Tactical missiles were inadequately funded in the budget request. Eighty percent of all missile production lines were stretched out compared to last year and we recommended increases to avoid these expensive stretchouts; the shortages in key munitions. And we also avoid through this amendment the expense

of curtailing production this year, only to ramp up again next year as proposed by the administration.

The administration proposed very erratic production rates: Cutting down production this year, stretching out production thereby, and increasing unit cost. Yet at the same time they propose to go right back up again next year. That is a very expensive proposition.

The full committee accepted these recommendations and, as you have already heard, our chairman has offered the so-called munitions package to the full Senate for our consideration as a committee amendment.

In another important area, the subcommittee I chair continued our evaluation of the Army's progress in addressing the armor-antiarmor balance that had deteriorated through the 1980's. Last year the subcommittee conducted a comprehensive review and found that the armor-antiarmor balance between the United States and the Soviet Union's Armed Forces had deteriorated. Army witnesses acknowledged that our bullets, in the form of antiarmor missiles, would literally bounce off Soviet tanks. Our hearings and investigations found that the Army had substantially increased its commitment during the past year to restoring the qualitative superiority that had characterized our armor and antiarmor forces in previous years and were back on the right track. We continue that initiative to redress that armor-antiarmor balance in this year's budget.

In the area of close air support, last fall Senator Dixon offered an amendment, which was adopted, directing the Director of Operational Test and Evaluation to develop a test plan for close air support aircraft. There has been substantial controversy associated with close air support in recent years.

The subcommittee reviewed that test plan and concluded that it was a solid basis for evaluating modernization alternatives for close air support aircraft.

Mr. President, I want to take a moment to thank members of the subcommittee, all of the members, but particularly Senator WILSON, the ranking Republican member, for the contributions and cooperative bipartisan approach to the work of this subcommittee.

Now, Mr. President, on the matter which is before us, which is the committee amendment that would add funds for conventional munitions, I rise to support that committee amendment; indeed, to be cosponsor of it.

It would add approximately \$600 million in fiscal year 1990, and \$336 million in fiscal year 1991 to buy needed, sophisticated, guided munitions.

This amendment does not break the budget summit agreement nor does it require offsets, because the committee-reported bill already assumes that this amendment will be adopted.

If it is not adopted, of course, we would have that much room in the budget for something else. There is room, in other words, in this bill to accept these increases without exceeding the budget summit ceiling.

This amendment would add funds for MLRS rockets, for Stinger missile, Hellfire missile, TOW II missile, and the standard missile. The amendment would add the following numbers in this year's budget.

I ask at this point in my remarks, the numbers requested by the administration for those items, the proposed increase in the items, and the percentage increase be incorporated and printed in the RECORD in full because I understand the chairman has already listed them for the Senate.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

This amendment would add the following numbers of missiles in fiscal year 1990 to the Administration request:

	Adminis- tration request	Amend- ment increase	Percent increase
MLRS rocket.....	24,000	24,000	100
Stinger missile.....	2,375	2,000	84
Hellfire missile.....	4,200	2,800	67
TOW 2 missile.....	10,294	4,300	42
HARM missile.....	1,488	700	47
Standard missile.....	590	370	63

Mr. LEVIN. Mr. President, this is not a pork-barrel amendment or a parochial matter. This amendment corrects problems with the budget that was sent to the Congress by the administration. We wanted to emphasize this initiative because sometimes the actions of our committees, not just the Armed Services Committees but other committees, are mischaracterized. Sometimes they are properly characterized. But at times they are mischaracterized.

We are criticized at times for adding items which benefit our home States. We thought it important to highlight this initiative as an important initiative for our Nation's defense and our Nation's security.

The problem with the President's budget is that the President cuts back production rates of needed precision-guided missiles to extremely low levels. Eighty percent of missile production lines were stretched out compared to last year. Funding for 25 of the most important missiles fell by 17 percent. Every single missile in the Navy budget request was stretched out.

Stretchouts will make production rates inefficient, increasing costs needlessly. Inefficient production rates mean great additional costs for each

one of these missiles, over what they otherwise would have been.

This amendment adds funds for five key conventional munitions. Every one of these missiles we propose to increase will be manufactured below the minimum economic production rate unless this amendment is adopted.

Just to give one example, the costs of each one of the Hellfire missiles will go up 25 percent if we stretch out the production of that missile as proposed in the administration's budget.

The Stinger missile. If that production is stretched out so we produce fewer missiles, the unit costs will go up by 35 percent for each Stinger missile. In other words, we can buy four Stinger missiles, instead of three, if we have a decent production rate. The average missile would go up by 19 percent because of the stretchouts in this year's proposed budget.

We also have a shortfall in our munitions inventories. General Thomas Richard, Deputy Commander-in-Chief of the European Command said that all of the services—Army, Navy, Air Force, Marine Corps—have shortages, severe shortages, in his words, of preferred munitions.

The first one is the multiple launch rocket system, the MLRS. This is one of the most effective weapons that is in the Army's arsenal. One MLRS launcher can deliver 8,000 grenades over a 30-acre area 40 kilometers behind enemy lines in 30 seconds. It is a revolutionary new weapon. It has proven to be one of the most important weapons systems in the competitive strategies review which was recently held by the Defense Department. Because of its importance, the Army recently doubled its inventory requirements from 400,000 rockets to 800,000 rockets. We only have half of the requirements met.

From 1982 to 1988, the Army procured 72,000 rockets per year, but because of a shortage of propellant, last year that figure was cut to 48,000 rockets. This year, without that shortage, but for budget reasons, the administration is proposing to buy 24,000 rockets. That is not even enough to fully require one shift of workers 5 days a week. Just to show how inefficient that production line is, you cannot even keep one shift going at that rate. Putting aside the military need for this rocket, which substantial the administration has proposed a the totally inefficient production rate for this rocket, which is going to cost so much more per unit as a result.

We have sufficient plant capacity to produce 96,000 MLRS rockets a year. We have the need for many, but we have stretched it out in this proposed budget and in the committee amendment before the Senate at this point will avoid that stretch out. We will add \$128 million in fiscal year 1990 and \$132 million in fiscal year 1991 to re-

store that production to last year's level of 48,000 rockets.

One other item is the Stinger missile, which is a heat-seeking shoulder-fired missile. Its combat effectiveness was proven in Afghanistan where they had over 75 percent success rate. Those were the early models of the Stinger. Today we are producing a much more sophisticated version. The Army has less than half of its inventory requirement of the Stinger missile, but the administration slashed Stinger missile production by 75 percent from about 10,000 last year to only 2,400 this year. That stretchout sends unit costs through the roof. As a matter of fact, Stinger missile costs increase by 35 percent.

Mr. President, the story is the same basically with the Hellfire antitank missile, the TOW II antitank missile and the HARM antiradar missile.

HELLFIRE ANTI-TANK MISSILES

The Hellfire missile is the Army's most powerful antitank missile. It is the only missile today that is assured of destroying Soviet tanks with reactive armor.

The Hellfire missile is the only system that the Army's AH-64 attack helicopter can fire.

We have only enough missiles for a few sorties. Once those missiles are gone the AH-64 helicopters will be useless.

The budget proposal slashes production in half, from approximately 7,000 in fiscal year 1989 to 4,200 in fiscal year 1990.

The production stretchout drives up unit costs by 25 percent from \$35,000 per missile to \$44,000 per missile.

The Army has only 63 percent of its requirements, while the Marine Corps has only one quarter of its requirements.

From the beginning the Army has had two producers of Hellfire missiles. But each producer has to have 2,100 missiles to stay in business. So at the budget request of 4,200, there is only enough to keep each producer barely alive.

There can be no competition if you buy enough missiles so that both barely stay alive. They cannot compete if they cannot do anything other than stay afloat.

The committee amendment adds \$93 million this year and \$94 million next year to bring the production rate back up to 7,000 per year. This is sufficient to maintain the competition.

TOW II ANTITANK MISSILES

Existing TOW missiles cannot penetrate the latest Soviet armor. Only the new model TOW 2A's can penetrate Soviet armor. We have lots of old model TOW missiles, but very few of the new generation—only 13 percent of requirements.

The amended budget request would cut Army TOW missile production

from 12,000 last year to 9,455 this year, a 21-percent reduction. This stretchout would drive up unit costs by 11 percent.

This represents an extremely inefficient production rate. Despite the fact they are requesting only 9,455 missiles, there is sufficient production capacity to manufacture 30,000 missiles a year.

The Army is also planning to establish a second source producer, even though they are procuring missiles at only a third of existing capacity.

The committee amendment adds \$51.1 million to buy an additional 4,300 missiles. This is sufficient to keep production at last year's level to avoid a needless stretchout.

HARM ANTIRADAR MISSILE

The HARM missile is designed to fly back down the radar beam of an enemy radar and destroy it so that those enemy radars can't attack U.S. tactical aircraft. HARM missiles have proven to be indispensable in any conflict. HARM missiles are always on the short list of munitions shortfalls that the top military commanders complain about.

The administration has proposed a massive 32 percent cut in production from 2,200 last year to about 1,500 this year. Both the Navy and the Air Force use HARM missiles and will have satisfied only 60 percent of their inventory requirements.

The Navy has developed a second producer for HARM missiles, and that competition is threatened by the low production rates.

Mr. President, finally, returning to the authorization bill itself, one of the hardest issues that we had to deal with—was Secretary Cheney's recommendations to terminate several major conventional weapons systems. Most of those weapons systems were in the jurisdiction of my Conventional Forces Subcommittee. We had a far-ranging debate within the subcommittee, and within the full committee on the program termination issue. Many of us did not favor termination of some of those programs.

I offered amendments to restore funding for terminated programs by taking funds from what I believed are redundant strategic nuclear weapons systems. I did not succeed. I plan to offer an amendment during consideration of this bill that would cut funds from certain nuclear weapons systems, which I consider to be redundant, in order to increase funding for conventional systems, including some of the terminated conventional systems.

We should give Secretary Cheney his due, even those of us who do not agree with his priorities. He faced up to the serious mismatch between the programs that the services have started and the resources which are available to fund those programs. While I happen not to agree with all of Secretary Cheney's selections for termina-

tion, I commend him for facing up to the challenge. He has done what is long overdue and what is necessary, particularly this year in this time of budgetary constraint and huge budget deficits.

Mr. President, I yield the floor and I thank the Chair.

Mr. SPECTER addressed the Chair. The PRESIDING OFFICER. The Senator from Pennsylvania.

AMENDMENT NO. 393

(Purpose: To establish constitutional procedures for the imposition of the death penalty in treason and espionage cases)

Mr. SPECTER. Mr. President, I send an amendment to the desk on behalf of myself and Senator WARNER and ask that it be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place insert the following:

SEC. . DEATH PENALTY FOR ESPIONAGE.

(a) ESPIONAGE.—Section 794(a) of title 18, United States Code, is amended by striking "by death or" and by inserting immediately before the period the following: ", or the court may impose a sentence of death in accordance with the procedures set forth in section 7001 of the Anti-Drug Abuse Act of 1988 (21 U.S.C. 848)";

(b) ESPIONAGE IN TIME OF WAR.—Section 794(b) of title 18, United States Code, is amended by striking "by death or" and by inserting immediately before the period the following: ", or the court may impose a sentence of death in accordance with the procedures set forth in section 7001 of the Anti-Drug Abuse Act of 1988 (21 U.S.C. 848)";

Mr. SPECTER. If I might have the attention of the distinguished Senator from Michigan, I had just come to the floor since there was a break in the impeachment proceedings of Judge Hastings where I am on the committee, and I am glad to find the Senator from Michigan on the floor. The amendment I have sent to the desk, not having asked for its immediate consideration, but for printing, provides for death penalty for espionage.

I have talked to Senator HATFIELD on other business shortly before coming to the floor and had intended to notify the distinguished Senator from Michigan about this amendment because it might be objected to. As it is noted, the distinguished Senator from Michigan, along with the distinguished Senator from Oregon [Mr. HATFIELD] have opposed death penalty bills in the past. It may be since this one applies to espionage that they will not oppose it. I just alert my friend as to the nature of this amendment. I have discussed with the managers of the bill, the distinguished Senator from Georgia [Mr. NUNN] and the distinguished Senator from Virginia [Mr. WARNER] my intention to offer this amendment to the bill.

Senator NUNN had commented that it was the intention of the committee to proceed with the B-2 issue tomorrow.

I said that I respectfully did not want to interfere with the plans of the manager of the bill, but I would like to have the matter printed for the RECORD.

I anticipate, Mr. President, that there may be other cosponsors. When an analogous amendment was offered last week as to the death penalty for terrorism, I had a series of cosponsors—Senators LIEBERMAN, DOLE, WILSON, GRASSLEY, DECONCINI, and BOND. I would anticipate there would be other cosponsors of this amendment. For the next few minutes, I would like to talk about it briefly to outline my basic reasons for advancing this amendment at this time.

I think it is especially pertinent for a Department of Defense authorization bill, where we are seeking to spend something in the range of \$300 billion, that the funds involving military secrets be safeguarded. Many may be surprised, as some of my colleagues have been, in discussing this proposed amendment, that there is no death penalty on the books today for espionage. That is true, Mr. President, because a decision by the Supreme Court of the United States in *Furman* versus *Georgia* handed down in 1972 has, in effect, invalidated all pending Federal death penalty acts which do not comply with *Furman*.

The current act on the books found in title 18, United States Code annotated at section 794 provides for the death penalty for espionage, but there is no provision for consideration by a jury of the aggravating and mitigating circumstances. So there is no doubt that the current death penalty is unconstitutional; that it cannot be applied in criminal prosecution in the courts of the United States. In fact, at the present time, Mr. President, the only valid death penalty bill which is on the books is the provision contained in the drug bill as to murder evolving from drug kingpins which was passed last year which has the requisite articulation of the aggravating and mitigating circumstances which are necessary to pass constitutional muster.

There was an aircraft piracy bill passed in 1974 which most probably does not pass constitutional muster. There was a provision in the Code of Military Justice in 1985 which probably is constitutional, and that does comprehend the crime of espionage for those in the military service.

But that would not be sufficient to hold the possibility of the death penalty for those committing espionage other than those in the military service.

Mr. President, I think it ought to be noted with particularly that this Senator had put the Senate and others on notice of my intention to proceed with a broader range of death penalty stat-

utes beyond the death penalty for terrorism when I had offered that terrorism amendment last week. As it may be recalled, an arrangement was worked out in collaboration with the distinguished majority leader and Senator THURMOND and others that that amendment was not pressed on the Department of State authorization bill but instead the majority leader made a commitment to bring that bill up as a freestanding bill under a 4-hour time limit sometime between Labor Day and October 31.

But at the time I offered that bill I had noted that there were quite a number of Federal statutes, important Federal statutes, for which the death penalty was invalid, and one of those that I had mentioned was espionage. So I want it plain that this is not a result of the recent notoriety of the allegations or the potential allegations involving Mr. Felix Bloch, but it had been my intention for some time to move into the area of espionage and as well into many of the other, in fact all of the other, areas where the Federal death penalty had been on the books but had in effect been invalidated by the decision of *Furman versus Georgia* and other Supreme Court decisions.

Mr. President, as I say, it is the view of this Senator that this is a very important amendment generally but especially important as this body consists the Department of Defense authorization bill. If the expenditures we are to make are to be kept secret so that the defense of this country may be maintained, there is hardly any purpose in having expenditures on matters like the Stealth bomber, and it may be of interest to those in the Chamber or those who may be listening that charges of selling the Stealth technology were in fact the subject of a Federal prosecution against Mr. Thomas P. Cavannagh, an engineer at Northrup Aviation Corp., who was arrested back on December 18, 1984, on charges of trying to sell Stealth technology to shield bombers from radar to undercover FBI agents posing as Soviet officials. Mr. Cavannagh received \$25,000 from the agents and as a result of the further proceedings Cavannagh entered pleas of guilty to two to four counts of espionage and was sentenced to life in prison.

There have been a variety of espionage cases brought involving very significant military decisions, and it is important to note, Mr. President, that there has been a sharp increase in espionage cases where money is involved in the course of the past 12 years coinciding. I think not coincidentally, with the *Furman* decision which removed the possibility of the death penalty for espionage. It had been in the 1930's and 1940's and perhaps beyond that the motivation for espionage was ideological, but it is plain that the motivation for espionage more recently has

been accounted for by monetary consideration. A CRS report for Congress notes the following:

During the thirties and forties those who spied reportedly did so for ideological reasons. In more recent years, financial gain appears to be the principal motivation.

It is interesting to note, Mr. President, that according to the FBI statistics there were 6 arrests in the decade from 1966 to 1975, 47 arrests in the following decade—almost eight times as many, and 26 of those arrests occurred in 1984 and 1985. And then in 1986 there were five arrests, in 1987, three arrests, and in 1988, four arrests.

Analysis of these cases, Mr. President, shows regrettably the impact of money on these matters. For example, a Mr. Jerry A. Whitworth, a retired Navy senior chief radioman, was arrested on June 5, 1985, and charged with conspiring with John Walker to pass sensitive information to the Soviet Union since 1965, a companion case to the famous case involving John Anthony Walker, Jr., Arthur James Walker, and Michael Walker.

Continuing with the Whitworth case, Whitworth was alleged to have received \$332,000 for secret information. Ultimately, Whitworth was sentenced to 365 years in prison and fined \$410,000.

Along the lines of other high dollar amounts, a Mr. Richard W. Miller, an agent of the Federal Bureau of Investigation for 20 years, was arrested along with two Soviet employees. Miller was charged with espionage on October 2, 1984. He had reportedly acknowledged that he had given one of the Russians a 25-page classified document for which Miller allegedly received \$65,000 and was later sentenced to two terms of life imprisonment.

Mr. President, in the case of James D. Harper, Jr., a freelance computer engineer, who was arrested on October 15, 1983, having been accused of selling missile data, he reportedly was paid over \$250,000 for documents allegedly passed through Polish agents to the Soviet KGB.

In another celebrated case involving one Mr. Joseph G. Hellmich, a former Army warrant officer, he was arrested on July 15, 1981, on charges of selling top secret information about a sophisticated teletype coding machine to Soviet officials while he was stationed in Paris allegedly receiving some \$131,000 for those items. He was ultimately sentenced to life imprisonment.

Mr. President, the incidents involving espionage have involved highly sensitive information cases. For example, in the case of Ivan Rogalsky, a Soviet alien living in Jackson Township, NJ, was arrested on January 7, 1977, the allegation was that he was involved in a classified document concerning satellite communications allegedly received from an RCA space

center in Princeton, NJ; a matter involving Valdik Alexandrovich Enger and Rudolf Petrovich Chernyayev, allegedly involved classified documents pertaining to the Navy's underwater warfare projects; a matter involving William H. Bell, who was arrested on June 24, 1981, allegedly involved advanced radar designs for which Bell reportedly received approximately \$110,000. Another matter involving Stephen A. Boba, who was arrested on December 4, 1981, on an allegation of sending classified electronic warfare documents to the South African Embassy in Washington, DC. Beyond that, Mr. President, one Penyu B. Kostadinov was arrested on September 23, 1983, and charged with paying an American graduate student some \$300 for classified U.S. nuclear energy documents.

Richard C. Smith, a former Army intelligence officer, was accused on April 14, 1984 of selling the identities of six United States double agents to the Soviet Union for some \$11,000.

This matter eventually resulted in an acquittal on April 11, 1986, but the importance of the matter involving the sale of the identities of some six U.S. double agents is obviously a matter of great importance.

Mr. President, I do not intend to occupy the floor much longer because I see my colleagues are here prepared to proceed with other matters. But I want to alert my colleagues, who may be hearing or viewing the floor action at this moment, to the filing of this amendment and what this Senator considers to be the very great importance of this issue because of the very important military secrets involved in the few cases specifically identified and many, other cases could be involved. And other cases will be involved. The fact that substantial sums of money are involved and the proliferation of these cases for money is absolutely revolting.

A case involving espionage is a quintessential case of malice aforethought and premeditation, malice aforethought and premeditation being the hallmarks of murder in the first degree, where there is motivation by money there is strong reason to believe that the death penalty would be a deterrent. For those people who were figuring where they can make some money if they face the death penalty, there may well be quite a different consideration to what risks they may be willing to undertake.

That is a very brief summary of the general import of this amendment and, as I say, I intend to offer it at a later time. I will not interfere with the managers who wish to proceed today to lay down the amendment on the B-2 bomber.

I thank the Chair and yield the floor.

Mr. WARNER addressed the Chair. The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I commend the distinguished Senator from Pennsylvania and join him in this effort. There have been parallel efforts by other Members of this body in years past but I think the strong case set forth by the Senator from Pennsylvania may well provide the momentum this time to carry this thing through the Congress such that it will become law.

I thank the Senator.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I would like to ask a question or two of the distinguished Senator from Pennsylvania. I would first like to say I think the Senator from Pennsylvania and this Senator from Nebraska have been shoulder-to-shoulder on every death penalty measure that has come up before the body. It was my understanding that the Judiciary Committee has now scheduled or is about to have a hearing on the whole death penalty matter. I know my friend from Pennsylvania is a member of the Judiciary Committee. Could he enlighten me on that?

Mr. SPECTER. Yes; I would be delighted to enlighten the distinguished Senator from Nebraska on that subject. As a part of the arrangement which was worked out last Thursday night late, when I went through the amendment for the death penalty on terrorism, an arrangement was worked out with Senator THURMOND to have a broader death penalty bill submitted for consideration by the Judiciary Committee. That bill doubtless will include espionage. There will be a vote on that matter.

There is no commitment however as to when that issue will come before this body, and when the majority leader was asked for a commitment to have the matter considered by the full Senate in this year, the distinguished majority leader declined to do so because of the crowded calendar.

Those issues will involve much, much broader and much more complicated issues than are comprehended, candidly, with the terrorist death penalty or with the espionage death penalty. The thrust of the Supreme Court decisions has been to raise concern at discriminatory application of the death penalty. I think that issue will draw lengthy debate, and may not be decided for a long time by the Congress. However, the issue of the terrorism death penalty and an espionage death penalty I believe is something that could be agreed to by the Congress in relatively short order.

I believe that the problem of espionage is so serious in this country today and involves such fundamental values

of national security that it is one that ought not wait. I hope we can put it on this bill and move it through.

Those who oppose the death penalty on other grounds, discriminatory grounds, or where there is a very different case as the courts have said it is discriminatorily applied to minorities, for example, and would not apply to espionage, and others who have concerns about death penalty on the grounds of conscience or scruples, might be willing to let us proceed with this issue.

Mr. EXON. I thank my friend from Pennsylvania. I simply say that I hope before he offers the amendment—I believe I tend to support his amendment because I think it is a good one—I have some concerns that I would like to address to the Senator from Pennsylvania.

As he knows, we have an awful lot of amendments to an awful lot of issues to the defense authorization bill generally attaching like a lightning rod. I have been advised by Members of the Senate who do not have the same basic philosophy with regard to the death penalty as does this Senator from Nebraska and my colleague from Pennsylvania, that it is very likely to slow down considerably the discussion and disposal of the defense authorization bill.

So I would simply encourage my friend from Pennsylvania to discuss this proposal further. I intend to support the chairman of the Judiciary Committee, and the ranking member thereof. I simply cite that I suspect there will be a reference made to a unanimous-consent agreement that was entered into on July 20, 1989. I cite the CONGRESSIONAL RECORD of that date, page S8456, wherein the chairman of the Judiciary Committee entered into a unanimous-consent agreement that in addition

It is agreed there will be no other action on death penalty amendments of any kind other than Senator Specter's death penalty bill prior to the time the Judiciary Committee reports the Thurmond bill back to the floor; and, further, that there will be no further death penalty amendments in the Judiciary Committee for the remainder of the year.

We can argue whether or not that included the offering of this type of an amendment by the Senator from Pennsylvania. But I think he should be advised that unfortunately I have been advised that there are Members of the body, not this Senator, who believe the agreement that was entered into covered the exclusion under unanimous-consent agreement of what the Senator is offering now.

Whether that is right or wrong, I am not making that judgment. I am simply alerting the Senator from Pennsylvania that that could be a problem. While I support, as he knows, the death penalty and certainly would support him on espionage

and terrorism legislation, I am wondering whether or not that could possibly wait until the Judiciary Committee makes its determination.

Mr. SPECTER. If the Senator will yield for a response, the unanimous-consent agreement that the chairman of the Judiciary Committee sought was to avoid having other death penalty measures brought up before the Judiciary Committee.

I shall study this matter to see if its language might be broader, but I can tell you categorically that the intention was to have matters not brought before the Judiciary Committee as opposed to the floor of the Senate.

Mr. EXON. As opposed to an agreement that nothing would be done in the Judiciary Committee or on the floor of the Senate on another measure?

Mr. SPECTER. Yes. That is correct. There is no limitation as to what happens on the floor. There is a limitation as to what happens in the Judiciary Committee. I am aware of the importance of this authorization bill and therefore consulted before even sending this amendment to the desk for printing purposes with the managers of the bill. But this Senator intends to press the matter on this bill.

I think people ought to be on notice because I think it is futile to spend \$300 billion which involves secrets if there is a sieve, the secrets can be disclosed through espionage, and we lack the real deterrent which is the death penalty to protect the military security of this country.

Mr. EXON. If the Senator presses his amendment, would he not be persuaded that in the interest of time, efficiency, and getting something through the Judiciary Committee that it might not be better to put this aside as far as the defense authorization is concerned? That is the line of reasoning the Senator from Pennsylvania is not ready to accept at this time, as I understand it.

Mr. SPECTER. The Senator reads me correctly.

Mr. EXON. I thank my friend from Pennsylvania. I yield the floor.

Mr. KENNEDY addressed the Chair. The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Parliamentary inquiry, Mr. President. I address the parliamentary inquiry to the Chair.

Is it the Chair's understanding that a death penalty amendment would be in order on this particular piece of legislation, given the unanimous-consent agreement that was placed before the body by the chairman of the Judiciary Committee on July 20?

The PRESIDING OFFICER. The President will take a moment to confer with the Parliamentarian before giving an answer to the Senator. The Senator will suspend for one moment.

Mr. SPECTER addressed the Chair. The PRESIDING OFFICER. I am developing an answer to the Senator from Massachusetts.

Mr. SPECTER. I was going to make a comment on that subject.

The PRESIDING OFFICER. The Chair would be happy to entertain the comment of the Senator from Pennsylvania.

Mr. SPECTER. What I was going to suggest, Mr. President, was that this Senator would confer with Senator BIDEN and the others who were party to that unanimous-consent agreement prior to the time the issue is put before the Chair, and before the Chair rules, that there be that kind of discussion among the parties, of the unanimous-consent agreement, before the Chair simply reads that language and makes a ruling.

Mr. EXON. addressed the Chair.

The PRESIDING OFFICER. If the Senator will withhold for 1 minute, then I would be glad to also hear from the Senator from Nebraska.

Mr. KENNEDY. I hope the Chair will hear the Senator from Massachusetts, as well.

The PRESIDING OFFICER. The Chair will be glad to hear from the Senator from Massachusetts as well.

The Senator from Nebraska has asked for a chance to be heard.

Mr. EXON. Mr. President, I would just say that I think the Chair is going to make a rather important ruling here, and the only interest that this Senator has on this matter is to try to move the bill ahead as expeditiously as possible to provide for the national defense of the United States of America.

In listening to the Senator from Pennsylvania and reading the way I would interpret the unanimous-consent agreement, then that is a matter for the Chair to rule on, and I am willing to accept whatever the Chair's ruling is.

I simply say that I suspect that the Chair would be required to rule on what the Chair's interpretation of the unanimous-consent agreement was, and put it in the RECORD. And any understandings that any other Members of the body had with regard to this would not be properly considered, it seems to me, in ruling on the request that has been made of the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, one additional item regarding the specific language of the July 20, 1989 agreement is set further on page 8,537, on which the chairman of the Judiciary Committee, modification of the unanimous-consent agreement of S. 32 and uses these words:

To clarify the prior order, earlier there was consent that there would be no further action on death penalty amendments of any

kind before the Judiciary Committee reports S. 32.

It seems to me, Mr. President, that that language, taken with the earlier July 20 language, as well as the general understanding of the Membership, was that floor consideration of this matter was going to be deferred until after the action that was taken by the Judiciary Committee, and I would like to get a ruling of the Chair.

This matter has been brought by the Senator from Pennsylvania. We did not initiate it. If there is going to be a question about it, it seems to me that it would have been entirely proper for the Senator from Pennsylvania to inquire of the chairman of the committee and otherwise.

Since he raised it and has talked about it, I think we ought to get a ruling. I ask the Chair for a ruling.

Mr. SPECTER. Mr. President, if I may be heard.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I do not know that the later reference on 8537 has any applicability. But where the Senator from Massachusetts says that the Senator from Pennsylvania should have considered the matter earlier, this Senator had considered the matter, and knows that it was not the intent of the parties to the unanimous-consent agreement to foreclose the matters, other than in committee.

I did not raise the unanimous-consent agreement here. That is a matter which was raised by somebody else. I do think it is appropriate to have the chairman of the Judiciary Committee consulted on the matter, perhaps to have his comment, before there is a ruling. I will point out to the Chair the context where Senator BIDEN is commenting about star printing S. 32. He says:

That is a roundabout way of saying that Senator Thurmond and I and the leadership have agreed that Senator Thurmond's expansive death penalty bill will have a hearing in the Judiciary Committee in September; that further, there will be a vote on the Thurmond bill up or down in the committee; and that we will report out of committee by October 17 and have a committee report by October 20 on the Thurmond death penalty bill which will be S. 32 star print.

The PRESIDING OFFICER. Is there objection to the proposed unanimous consent request?

Mr. BIDEN. Excuse me, Mr. President. In addition, it is agreed there will be no other action on death penalty amendments of any kind other than Senator Specter's death penalty bill prior to the time the Judiciary Committee reports the Thurmond bill back to the floor; and further, that there will be no further death penalty amendments in the Judiciary Committee for the remainder of the year.

When Senator BIDEN makes the additional comments, as they appear at S8537, he says:

Second, I want to state the agreement of the Judiciary Committee regarding consideration of S. 32 (star print).

The committee will hold hearings on the bill; the committee will consider the bill and amendments thereto relating to the death penalty and procedures for implementation of the death penalty and vote to report the bill as it may be amended by October 17, 1989; the committee will file its report on the bill as it may be amended by October 20, 1989; and the committee will not consider any other death penalty bill or amendment this calendar year.

To clarify the prior order, earlier there was consent that there would be no further action on death penalty amendments of any kind before the Judiciary Committee reports S. 32.

This makes it clear that the prohibition was against any consideration of such an amendment, not any action.

Mr. President, I would suggest to the Chair that it is plain that the thrust of what Senator BIDEN is talking about, as he elaborates on it, is what is going to happen in the committee. Senator BIDEN, as chairman of the Judiciary Committee, was concerned that the work of the Judiciary Committee not be bogged down by having repeated consideration of the death penalty brought before that committee. There has been a practice, as the Senator from Massachusetts knows, for many people to attach death penalty amendments to many bills which seek to prevent action by the Judiciary Committee.

But it was not Senator BIDEN's intention to control what would happen on the floor. That is not the principal concern of the chairman of the Judiciary Committee.

I believe that this language does not preclude this amendment. If you want to read this language in a hypertechnical way, as the Senator from Massachusetts is suggesting. At page 15591 there is an allowance for Senator SPECTER's death penalty bill which might comprehend this as well.

But I do think, as a matter of fairness, that Senator BIDEN ought to be consulted and ought to have a chance to be a party to this interpretation of what is essentially his wording.

Mr. EXON and Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska and then we will come back to the Senator from Massachusetts.

UNANIMOUS-CONSENT AGREEMENT—VOTE ON AMENDMENT NO. 392

Mr. EXON. Mr. President, I ask unanimous consent that the vote on the Nunn-Warner amendment, No. 392, occur at 5:45 p.m. and that no amendments be in order to the Nunn-Warner amendment.

I further ask unanimous consent that the rollcall vote be a 30-minute rollcall vote.

Mr. President, this matter has been cleared on both sides of the aisle.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I just drew the attention of the Chair to the second paragraph of the unanimous-consent agreement of July 20, 1989, at 15591. It reads:

This is a roundabout way of saying that Senator Thurmond and I and the leadership . . .

I daresay if we were going to have a consent agreement that was just going to relate to the Judiciary Committee, that could be done with just the support of Senator THURMOND.

Beyond that, and what I think is the most powerful and convincing argument, Mr. President, is to direct the attention of the Chair to the final four lines of Mr. BIDEN's midway on that page:

Excuse me, Mr. President. In addition, it is agreed there will be no other action on death penalty amendments of any kind other than Senator Specter's death penalty bill prior to the time the Judiciary Committee reports the Thurmond bill back to the floor.

It continues:

And, further, that there will be no further death penalty amendments in the Judiciary Committee for the remainder of the year.

That would be redundant, Mr. President, unless it complies with the position of the Senator from Massachusetts. Why would we have the chairman saying we will not have any amendments in the Judiciary Committee and say further that there will be no further death penalty amendments in the Judiciary Committee for the remainder of the year? Why do you have him saying the same thing twice?

Plain common sense, as well as the specific language, as well as, I believe, the debate and discussion on the previous bill reaches only one conclusion, Mr. President. I think that we are entitled to have a ruling.

I appreciate the chairman of the Judiciary Committee's intention, but we have to abide by what the institution accepts here, not what is the intention of a particular Member. We have to go on the basis of the words.

I am certainly interested in what the Senator from Delaware believes. I think I understand what he was intending. I think we are all talking about common language and a common agreement. This is a very important matter in terms of this bill and also on the issue. I would press and ask for a ruling of the Chair. I would indicate that if it is going to be adverse to my position that I would ask that any appeal of the ruling be left to the chairman of the Judiciary Committee if he so desires to make that point.

The PRESIDING OFFICER. Does the Senator from Pennsylvania wish to respond?

Mr. SPECTER. Just another word or two, Mr. President.

I think that the Senator from Massachusetts, in effect, concedes the argument if he is allowing Senator BIDEN, the chairman of the Judiciary Committee, to come in and have a voice in any appeal from the ruling of the Chair. I think that is tantamount—well, that is a flat concession that Senator BIDEN does have something to say about what this ruling ought to be.

Mr. President, if the Chair rules preemptorily in this matter without having an opportunity for Senator BIDEN to be consulted and to be heard on this matter, let me say flatly that unanimous-consent agreements in the future are going to be scrutinized in writing for every semicolon and for every comma, as opposed to a good-faith understanding of what the Senators have agreed to.

Senator KENNEDY was not a party to this unanimous-consent agreement. This matter was worked out laboriously in the Republican Cloakroom, involving Senator BIDEN, Senator THURMOND, myself, and Senator DOLE participated.

Where the Senator from Massachusetts makes an argument based upon redundancy, it is amazing to me to argue that redundancy means anything on this floor where arguments are filled with nothing but redundancy. If there is one thing that is characteristic of the floor of the U.S. Senate, it is that things are said two, three, four, five times, when you might say it on one occasion.

But I would further remind the Presiding Officer that there is no matter pending which really requires a ruling. This Senator is not pressing this amendment at this time.

But let those be on notice that if a good-faith undertaking on a unanimous-consent agreement is to be disregarded in this matter, that this Senator, who has some familiarity with examining semicolons, will do so with minute care every time he is involved in a unanimous-consent agreement.

Mr. KENNEDY. Mr. President, I ask a parliamentary inquiry as to whether the death penalty amendments are in order on the defense authorization bill.

The PRESIDING OFFICER. The Presiding Officer would determine, with great respect for the inquiry being propounded by the Senator from Massachusetts for a ruling from the Chair, that at this time the decision and the matter are not ripe for decision by the Chair; that the issue has not been joined; that the Senator from Pennsylvania has not offered to the body for its consideration the amendment; and that it would be espe-

cially unwise for the Chair to rule before the parties who participated in the unanimous-consent agreement have the chance to work out what is clearly a differing interpretation as to what that agreement meant.

And so, with that said, the Presiding Officer would defer a decision until the matter is ripe.

Mr. KENNEDY. Mr. President, I appreciate the careful judgment of the Parliamentarian on this issue and respect that decision. Hopefully, I will receive the assurances from the chairman of our committee to have access to the floor at the time when such a request is made in a timely fashion.

If there is nothing further, I would like to be able to proceed, Mr. President, to comment on the defense authorization bill, unless the Senator from Pennsylvania has something.

Mr. KENNEDY. Mr. President, as chairman of the Projection Forces and Regional Defense Subcommittee of the Armed Services Committee, I rise in support of the Defense authorization bill for fiscal years 1990 and 1991.

This subcommittee oversees over \$23 billion of defense programs related to the military missions of sea control, maritime force projections, special operations, airlift and sealift. This year, the subcommittee held five hearings and sponsored two trips to the field to review the programs in these areas. Mr. President, I will highlight the major conclusions and results of that review.

A major concern of the subcommittee was the significant gap in our surge sealift capabilities. Over the past 2 years, we have received repeated testimony from our commanders in the field that the biggest gap in our ability to reinforce NATO Europe results from the absence of sufficient fast sealift.

The gap in fast sealift could become even more pressing as a result of conventional arms reductions in Europe. If mutual reductions take place in Europe, American forces will be withdrawn across the Atlantic while Soviet forces will remain at the other end of the European rail network. In such an environment, a robust fast sealift program would be a crucial element of continued conventional deterrence in Europe.

The bill therefore recommends initiation of a new line of fast sealift ships. The first ships are authorized in fiscal year 1990 and long lead funds for that ship are authorized in fiscal year 1991. We plan to continue this program through the 1990's to add approximately eight new fast sealift ships to the fleet, doubling our current force and substantially reducing the gap in our surge lift capability. We anticipate that funding for the program can be found in savings from other strategic

lift programs and shipbuilding programs.

A companion research and development program has been recommended as well to develop multimission capabilities for the sealift ship and to push technology to achieve higher speeds in heavy displacement ships.

A second major concern of the subcommittee was the V-22 tilt rotor aircraft program. The Secretary of Defense chose to terminate the V-22 as a cost saving measure. Two billion dollars have already been spent in bringing this program to where we are now—at the threshold of flight testing.

The Marine Corps wants this airplane to enhance their amphibious assault capability. The Secretary of Defense declared this mission is not of a sufficiently high priority to justify the cost of the V-22. It is clear that if the V-22 Program is to survive, the priority of the mission must be raised and the potential costs of the program have to be lowered.

The bill recommends restoration of research and development funds to complete the flight testing of V-22. During this period, we call for validation of the commercial potential for the aircraft, as well as demonstration of commercial intent. The Chairman of the Joint Chiefs of Staff is required to coordinate a review of the priority of the amphibious mission and capabilities of the Armed Forces and to provide his assessment to the Congress.

A third area of concern is the Navy's force of aircraft carrier battle groups. Last year, Senator NUNN, Senator LEVIN, and I offered an amendment to the fiscal year 1989 Defense authorization bill which proposed holding the growth of our aircraft carrier force to 14 ships by retiring two older carriers earlier than planned. In that amendment we detailed the savings that would result. This year the Secretary of Defense adopted our proposal completely and his directed the retirement of two older carriers in exactly the way we foresaw as offering substantial savings.

Our aircraft carrier hearing this year focused on the refueling and modernization of the U.S.S. *Enterprise*, which is planned to last a minimum of 45 months and to cost \$2.0 billion. While the committee recommends that this program proceed as planned, the bill directs that program funding be identified in the shipbuilding account, where management and contracting efficiencies may be exercised by virtue of the requirement of full funding in this account.

Whenever another carrier might be authorized, it would not be delivered until after the year 2000, and it could be operating at the midpoint of the next century. This bill will require the Navy, with the help of the National

Academy of Sciences and the Office of Technology Assessment, to take a close look at aircraft carrier and aircraft technology, so we will have a clearer view of how to shape the future, in order to maintain the Nation's superiority in sea-based aviation.

Finally, Mr. President, the subcommittee reviewed the Navy's planning for the surface combatants of the next century. It was clear from our hearing that the critical path for implementing this technology plan is the integrated electric drive system. The bill recommends increased emphasis on electric drive and directs that the program be focused on getting the system to sea in a DDG-51-class ship in flight three of that program.

Mr. President, I urge Senate support of the Defense authorization bill for fiscal years 1990 and 1991.

Mr. GORTON. Mr. President, I should like to take this opportunity, first to commend the leadership of the Committee on Armed Services for the thoughtful and intelligent way in which it has put this bill together and organized the committee.

Just as soon as the divisive debate over the nomination of Senator Tower to be Secretary of Defense was completed, the committee went to work on an authorization bill in what I felt to be a thoughtful spirit; not only a bipartisan spirit but one of considering, with great care, the many and different challenges facing the United States.

This was due largely to the firm and fine leadership of the chairman of the committee, the ranking minority member of the committee, as well as of the various chairs and ranking minority members of the subcommittees. This year was my first opportunity to serve on the Committee on Armed Services, and I may say it has been not only an important but a gratifying experience.

By and large, Mr. President, I agree with the priorities and value judgments which are both explicit and implicit in this bill. It is, I must say, my view that this will be the last year in which we will have an authorization bill based, fundamentally, on the value judgments with respect to national defense which have caused a fairly broad bipartisan consensus through the decade of the 1980's.

While the administration has done a dramatic, almost unprecedented job in setting priorities in a fashion which involves the total abandonment of a number of programs which were considered high priorities in previous years, I think it is still safe, nonetheless, to say that the basic structure and philosophy of national defense reflected in this bill is one of a continuation of the philosophy and structure of the bills of previous years, rather than representing a dramatic change.

By next year I suspect, Mr. President, either consciously through the leadership of the administration and this committee, or simply as a result of profound changes in public opinion, we are likely to start down a rather new and different road. I hope that new and different road will be blazed by the administration's thoughtful re-examination of defense policies and, by this time next year, its successful completion or the prospects for successful completion both of negotiations with respect to START and conventional force reductions.

In any event, we will be faced with a very, very different world next year, and I have little doubt that we will be faced with profoundly changed priorities at the same time.

We will debate those changed priorities during the course of the next 2 or 3 weeks. There will be a serious and thorough debate of the role of manned strategic bombers in our nuclear defense triad, and most specifically the B-2.

I may say, Mr. President, that I joined this committee and returned to the Senate without strong views one way or the other with respect to the B-2.

The information I have gained and the knowledge I have received during the course of the last several months has led me to believe that the B-2 program advanced by the administration and by this committee is sound. There will be a need with respect to our strategic nuclear defense and the ability of the United States to project power at a time when the number and spread of our foreign bases are likely to decline, which only the B-2 will be able to fill.

Like other Members, I am concerned about the cost of this weapon. Most research and development costs of the B-2, however, have already been expended, and at this point it would seem to me unwise either to cancel or drastically alter the program for the B-2 which is outlined in this bill.

Similar remarks, Mr. President, seem to me appropriate with respect to the strategic defense initiative. I think at least in the absence of negotiations with the Soviet Union with respect to strategic defense, that we should proceed forward with the kind of research and development that are called for in this bill for at least the next year, until such time as we have a better grasp of both the desirability of a strategic defense and its relationship, not only to defense needs, but to negotiations for reductions in nuclear forces.

If I have a disagreement with the major provisions of this bill as they relate to our strategic programs, Mr. President, it would be with respect to the decision to proceed forward with two mobile missiles. I do not believe in

the long run that that will be the answer that we will come to.

It seems to me this year, as has been the case in the past, the decision to go forward with two such missiles reflects more a profound and, I think, sincere disagreement between the proponents of a rail mobile MX and a small ICBM. I certainly hope that within a year we would have reached some conclusion in that respect, a conclusion which might well be that we will press with the Soviet Union for a treaty which will call for the abandonment of mobile missiles on both sides, an agreement which would be enforceable and verifiable.

Nevertheless, I believe that the general thrust of this bill is sound, and I have every hope that the Senate of the United States will accept it. It will give us 1 more year, Mr. President, for a new President faced with an entirely new strategic situation in the world to determine what our priorities for national defense should be in the 1990's and, for that matter, into the 21st century.

These are challenges which arise out of success, Mr. President, not out of failure. The defense program of the 1980's has been a profound success with respect to the most important single goal of any national defense system which is, of course, not to win a war but to prevent a war from ever taking place in the first place. The prospects for peace have perhaps never been stronger since the end of World War II or the beginning of the cold war. The changes in the Soviet Union are, in my belief, changes which are real, changes which have been caused in part by internal challenges within the Soviet Union and the failure of its own economic and social system. But these are changes which have also been caused in part by the commitment of the United States of America to a strong and robust defense and the strong and affirmative leadership of the Western alliance—for that matter, our alliances in other parts of the world as well.

We should look on the changes that we face today, Mr. President, as a result of our successful defense policies of the past, just as other changes in the Soviet Union and in Eastern Europe, as they move toward freer economies and in the direction of democracy, are a tribute to the strength of the societies and economic systems of the United States and the Western alliance.

So, Mr. President, we are in a year of transition. What changes are required with respect to strategic defenses? How much more attention should we be paying to the kind of challenges posed by rogue or outlaw nations, such as Libya or Syria? What greater attention should we be spending on the prospects of terrorism? What greater attention should we pay to the fact

that some of the smaller nations may be developing or may have developed some nuclear or chemical capability? And what of the growing proliferation of ballistic missiles throughout the world? How do these changes, as well as changes in the Soviet Union, impact on defense policies of this country?

We do not know the answer to all those questions at this point, Mr. President. We will know them better a year from today and, in the meantime, the kind of policies which are outlined in this bill are the wisest and the soundest course of action for this country to take. We have been successful this way in the past. I believe that we should continue along the line that is proposed in this bill, but I believe that we should recognize that within a year we are likely to be able, to be required to set quite different priorities from those which are set out here today.

The PRESIDING OFFICER (Mr. ROBB). The Chair recognizes the Senator from Nebraska [Mr. EXON].

Mr. EXON. Mr. President, we are scheduled in 7 minutes to begin a roll-call vote previously agreed to; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. EXON. If there are any other Senators wishing the floor, they have 7 minutes before the rollcall vote starts. I see the Senator from California is here. He may be seeking recognition.

The PRESIDING OFFICER. The Chair recognizes the Senator from California [Mr. WILSON].

Mr. WILSON. Mr. President, I rise to speak in support of the pending amendment. This amendment reflects, I think, some very good work by the Subcommittee on Conventional Forces. I commend in particular my colleague, the chairman of the subcommittee, with whom it has been a great pleasure to work this year. He has been both diligent and gracious. I think in this particular initiative he deserves our support.

What we are talking about with this amendment is a redress of the imbalance that has been created in a larger statement. I think it is clear that almost every Member would agree that the administration, deficit driven, has engaged in a request that, in some instances, substantially underfunds their desires, and even what wisdom would prescribe as necessary in certain accounts. That has been particularly true with respect, Mr. President, to the sustainability of our ammunition supply and, in particular, we have, I think, been driven to a position in the actual request of the administration that works out to be penny wise in the short time and really pound foolish. For that reason I think the administration will probably support the res-

toration of a cut which they really did not want in the first place.

The budget request from the department reflected deep reductions in the near term for many of our so-called smart missiles, which are already in short supply. Furthermore, these reductions in procurement result in sharply increased unit costs for these missile systems because of the increasingly inefficient production that results from the stretchout. The reductions proposed by the administration generally resulted in a 1-year cut in production rates.

As I say, these stretchouts create inefficiencies in production with the expectation that production will rise in the outyears. The unit costs as a result increases on an average of 19 percent. Further, these lower rates of production are so severe that they threaten the competition which has helped to lower our costs for these missiles in earlier years. Production rates proposed by the department in far too many instances fell below the minimum rates required to induce competition and far short of the maximum efficient production rate.

The committee recommended funding on an increase in the procurement of Hellfire missiles, rockets for the multiple launch rocket system, MLRS, the Stinger shoulder-launched system, the TOW II antitank missile, the HARM missile, the high-speed antiradiation missile, called HARM, and the Maverick.

Mr. President, all of these increases are warranted. The increased procurement for these missile systems will help stabilize these programs. The increases, which are really restorations, will preclude unnecessary increases in unit costs so that we are not getting fewer missiles for the money. They will alleviate some of the severe shortages that exist in certain very critical inventories of these weapons.

So without elaborating at great length, let me simply say this is the part of wisdom; it is an effort to prevent the department from engaging in what are cuts but not efficiencies; cuts that will result in a position of our being, in fact, not just penny wise and pound foolish, but as a result in critical short supply of certain weapons that are necessary to our inventory.

What we are talking about is that unwieldy work "sustainability," but it is a concept that has great relevance to the ability of conventional forces to be credible. If you cannot sustain your supply of ammunition, you cannot sustain combat. The war is over when you run out of ammunition. It is that simple. And again in an effort to try to save money, or at least to reduce spending in the near term in order to respond to deficit pressures, what we have seen here is an administration request that is not a sensible one in

terms of what it produces in inefficiency of production and higher unit costs. This amendment will remedy that. I urge my colleagues to support it. I thank the Chair.

Mr. PRYOR. Mr. President, I want to add my support for the committee amendment which increases funds for a number of proven successful conventional munitions programs, including the TOW, MLRS, and Stinger missiles.

I would also commend the committee for cutting funds for several programs that have yet to demonstrate their effectiveness and worthiness for total funding. While I am disappointed that the committee did not do more in this area, these efforts are a step in the right direction.

One of the programs that will receive more funding under the committee's proposal is the Army's highly successful multiple-launch rocket system, or MLRS. It is one of the rare success stories of the Pentagon's procurement system.

A good weapon should be reliable, effective, easy for the troops to operate and maintain, and cheap enough to procure in adequate quantities. The MLRS meets all of these characteristics. It is deployed to U.S. troops all over the world and has been sold to many of our allies. Its formal test program has demonstrated its effectiveness and its informal test program, which is how the troops in the field respond to the weapon, has also given the missile system glowing reviews. The MLRS is also one of the few weapons that has been developed and delivered on time and on schedule.

The Pentagon this year proposed scaling back production of the MLRS from 48,000 missiles per year to 24,000 in order to increase funding for many questionable but politically popular programs. The committee's plan to boost MLRS production back to 48,000 not only recognizes the importance of emphasizing successful technologies but also the economic sense of running the MLRS production line at its most efficient rate.

Mr. President, I urge approval of the amendment offered by Senators NUNN and WARNER.

Mr. BOREN. Mr. President, I am pleased to support the members of the Armed Services Committee who are offering this amendment to provide an increased rate of production of conventional tactical missiles. For instance, this amendment increases the rocket procurement quantities for the MLRS from the requested 24,000 per year to at least 48,000 for fiscal year 1990 and fiscal year 1991.

I am particularly acquainted with the multiple launch rocket system because Fort Sill, OK, is the home of the U.S. Army field artillery. Oklahoma also has the first MLRS National Guard Battalion. The enthusiasm by the personnel involved in this program

is unanimous. They truly believe in the viability of the "scoot and shoot" tactics of MLRS operations. The fire control system receives a fire mission, determines the launcher location, computes the technical firing data, orients on the targets, and can fire from 1 to 12 rockets—all in less than 50 seconds.

MLRS is the capstone of the Army's field artillery. Its firepower makes it an awesome weapon that can completely saturate enemy positions. The programmed introduction of smart munitions will make MLRS an even more awesome response to the threat.

The development of smart and brilliant munitions however, has taken longer than anticipated. Deployments of the sense and destroy armor [SADARM] munition and the MLRS terminally guided warhead are not expected until the last half of the 1990's. We will, therefore, have to rely on the current MLRS warheads until then. And even after introduction of these smart munitions, current warheads will continue to be effective against a large array of targets.

The delayed introduction of the smart munitions, together with reduced production quantities of the current rocket, has created a dangerous gap where only minimal ammunition is available to our soldiers. We must make sure that our soldiers will have an adequate supply of these rockets in the event of a conflict. I urge my colleagues to join in supporting this amendment which provides a cost-efficient rate of purchase for this excellent conventional weapons system.

Mr. BUMPERS. Mr. President, the Armed Services Committee has made a very wise decision in restoring the funding for the multiple launch rocket system [MLRS] to last year's level. They rightly corrected the major mistake the Pentagon's civilians made in cutting the production rate for MLRS rockets in half, from 48,000 in fiscal year 1989 to 24,000 in fiscal year 1990.

MLRS is the kind of weapon program that everyone likes and supports. It came in on time, under budget, and met its performance requirements. It plays a key role in helping to deter Soviet conventional attack by posing a formidable obstacle to massed troop concentrations. Its firepower is awesome. It raises the nuclear threshold in Europe by enabling us to use conventional weapons against Soviet forces threatening to break through NATO front lines.

Some people argue that Congress should not touch the budget proposals of the Pentagon, that they know best, and that we should just rubberstamp what they send over. Not only does that kind of thinking do violence to the Constitution itself, but it ignores the fact that the people in the Pentagon are human and can make mis-

takes, too. And they sure made one with MLRS.

Listen to what the committee has to say about MLRS:

The committee recommends a substantial increase in the number of multiple launch rocket system [MLRS] rockets over the amended budget request. The committee notes that the MLRS Program has been a model acquisition program, characterized by stable configuration, production procedures, and subcontractors. The committee encourages the Army to continue its successful formula for production of the rockets, to include the rocket motor case and warhead skin metal parts. The committee believes the current contractor and subcontractor base should be sustained.

MLRS has been perhaps the best program the Army has. In the words of the Armed Services Committee, "a model acquisition program." Taking a program like this and cutting its production in half is a slap in the face of the idea of good program management. I am glad that the committee listened to the several protests that Senator PRYOR and I made and restored this program to last year's production level.

Mr. DECONCINI. Mr. President, I am pleased to be a cosponsor and supporter of the Armed Services Committee amendment to provide an additional \$596.8 million for fiscal year 1990 and \$336.8 million for fiscal year 1991 to procure additional guided munitions.

The Cheney amendments to the Department of Defense budget reduced the production rates for many of these munitions to dangerously low levels from the standpoint of inventories. Many of the cuts also would result in inefficient production rates.

The matter of inventory levels was described by Gen. Thomas C. Richards, Deputy Commander in Chief of the U.S. European Command, in his testimony before the Armed Services Committee. He stated that,

Our greatest weaknesses are in the areas of war reserve stocks of preferred munitions * * * all the services, Army, Navy, Air Force, Marine Corps, all have shortages, severe shortages of preferred munitions.

I commend Chairman NUNN and the members of the committee for bringing this amendment before the Senate so that we can take action on this problem of munitions shortfall within the constraints of the budget agreement.

In addition to other important munitions, the amendment includes \$51.1 million for the procurement of 4,300 additional TOW 2A missiles that will be produced in my State of Arizona. It is important to note that these are the latest version of the Army's basic heavy antitank missile. The TOW 2A version is the only antitank missile we have that can penetrate the latest Soviet armor. Our inventory of these

missiles is very low—only about 13 percent of the Army's stated requirement.

Under the amended Cheney budget, the Army would procure only 9,455 TOW missiles—a 21-percent reduction below the production of the current fiscal year. With a capacity to produce 30,000 missiles a year, it just does not make sense to buy less than 10,000 missiles. Furthermore, the Army is planning to establish a second source for the production of the TOW missile, thus adding to production capacity when we already have a substantial unused capacity.

The \$51.1 million for additional TOW 2A's will improve the Army's inventory position for a much-needed weapon and will also provide for a more economic production rate that will result in a lower price to the Army.

Again, I thank the chairman and ranking member for bringing this matter to the attention of the Senate. I urge my colleagues to support the amendment.

Mr. NUNN. Mr. President, will the Chair state the order of business that we have agreed to?

The PRESIDING OFFICER. It now being 5:45, under the unanimous-consent order, amendment No. 392 to S. 1352 is now the order of business before the Senate. The yeas and nays have not been requested. A 30-minute vote has been asked.

Mr. NUNN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The nays and yeas were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Delaware [Mr. BIDEN] and the Senator from Illinois [Mr. SIMON] are necessarily absent.

I also announce that the Senator from Hawaii [Mr. MATSUNAGA] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Colorado [Mr. ARMSTRONG], the Senator from Utah [Mr. GARN], the Senator from Utah [Mr. HATCH], the Senator from New Hampshire [Mr. HUMPHREY], the Senator from Arizona [Mr. MCCAIN], and the Senator from Arkansas [Mr. MURKOWSKI] are necessarily absent.

I further announce that, if present and voting, the Senator from Arizona [Mr. MCCAIN] would vote "yea."

The result was announced—yeas 91, nays 0, as follows:

[Rollcall Vote No. 140 Leg.]

YEAS—91

Adams	Boschwitz	Burns
Baucus	Bradley	Byrd
Bentsen	Breaux	Chafee
Bingaman	Bryan	Coats
Bond	Bumpers	Cochran
Boren	Burdick	Cohen

Conrad	Hollings	Packwood
Cranston	Inouye	Pell
D'Amato	Jeffords	Pressler
Danforth	Johnston	Pryor
Daschle	Kassebaum	Reid
DeConcini	Kasten	Riegle
Dixon	Kennedy	Robb
Dodd	Kerrey	Rockefeller
Dole	Kerry	Roth
Domenici	Kohl	Rudman
Durenberger	Lautenberg	Sanford
Exon	Leahy	Sarbanes
Ford	Levin	Sasser
Fowler	Lieberman	Shelby
Glenn	Lott	Simpson
Gore	Lugar	Specter
Gorton	Mack	Stevens
Graham	McClure	Symms
Gramm	McConnell	Thurmond
Grassley	Metzenbaum	Wallop
Harkin	Mikulski	Warner
Hatfield	Mitchell	Wilson
Heflin	Moynihan	Wirth
Heinz	Nickles	
Helms	Nunn	

NAYS—0 NOT VOTING—9

Armstrong	Hatch	McCain
Biden	Humphrey	Murkowski
Garn	Matsunaga	Simon

So the amendment (No. 392) was agreed to.

Mr. NUNN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business before the Senate is S. 1352.

Mr. WARNER. Mr. President, amendments are in order?

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 396

Mr. WARNER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Virginia [Mr. WARNER], for himself and Mr. NUNN, proposes an amendment numbered 396.

Mr. WARNER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike out line 3 on page 15 and everything that follows through line 3 on page 19 and insert the following in lieu thereof:

SEC. 133. B-2 BOMBER PROGRAM REQUIREMENTS AND LIMITATIONS.

(a) AMOUNT AUTHORIZED.—(1) Of the amounts appropriated pursuant to section 103(a)(1) for the Air Force for procurement of aircraft for fiscal year 1990, not more than \$2,549,374,000 may be obligated for procurement for the B-2 aircraft program.

(2) Funds appropriated for the Air Force for fiscal year 1990 may not be obligated for the B-2 aircraft until the first flight of a B-2 aircraft has occurred.

(b) BLOCK 1 REQUIREMENTS.—(1) Funds appropriated for the Air Force for fiscal year

1990 for procurement of aircraft may not be obligated for the procurement of B-2 aircraft until—

(A) the initial planned Block 1 program of flight testing of the B-2 aircraft, consisting of approximately 75 flight test hours and 15 flights has been conducted;

(B) the Defense Science Board has conducted an independent review of the Block 1 flight test data and reported the results of that review, together with its findings and conclusions, to the Secretary of Defense;

(C) the Director of Operational Tests and Evaluation has evaluated the performance of the B-2 aircraft during its Block 1 flight testing with respect to "Critical Operational Issues" and has provided an "Early Operational Assessment" to the Secretary of Defense; and

(D) the Secretary of Defense certifies to the Committees on Armed Services and on Appropriations of the Senate and House of Representatives that—

(i) no major aerodynamic or flightworthiness problems have been identified during the Block 1 testing;

(ii) the performance milestones (including initial flight testing) for the B-2 aircraft for fiscal year 1990 (as contained in the B-2 full performance matrix program established under section 121 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180) and section 232 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456)) have been met and that any proposed waiver or modification to the B-2 performance matrix will be provided in writing in advance to such committees;

(iii) the goals of the cost reduction initiatives established for the B-2 program under section 121 of the National Defense Authorization Act for Fiscal years 1988 and 1989 and section 232 of the National Defense Authorization Act, Fiscal Year 1989 will be achieved; and

(iv) the quality assurance practices and fiscal management controls of the prime contractor and major subcontractors associated with the B-2 program meet or exceed generally applicable Department of Defense standards.

(2) Any certification by the Secretary under paragraph (1)(D) shall include a description of any savings that will be realized under the initiatives referred to in such paragraph.

(c) BLOCK 2 REQUIREMENTS.—Funds appropriated for the Air Force for fiscal year 1990 for the procurement of aircraft may not be obligated for the procurement of B-2 aircraft before the commencement of the low-observables portion of the Block 2 testing on B-2 developmental aircraft.

(d) DEFENSE SCIENCE BOARD ASSESSMENT.—Of the amounts made available for the Air Force for fiscal year 1990 for the procurement of B-2 aircraft not more than 25 percent may be expended before submission by the Secretary of Defense to the Committees on Armed Services and Appropriations of the Senate and House of Representatives of a classified report containing the assessments of the Low-Observables Panel of the Defense Science Board as to the progress and problems, if any, encountered during the initial phase of low-observables testing of the B-2.

(e) EFFICIENT PRODUCTION RATE FUNDING.—Funds appropriated for the Air Force for fiscal year 1990 for procurement of aircraft may not be obligated for the procurement of B-2 aircraft until the Secretary of Defense certifies that, in the five-year de-

fense program prepared in conjunction with any amended budget request for fiscal year 1991, the Air Force has included sufficient funding for any increase in the production rate of B-2 aircraft required to attain an efficient production rate following the planned acquisition milestone decision authorizing rate production.

(f) APPLICATION OF PROHIBITIONS.—The prohibitions in subsections (b) through (d) apply only to the three new production B-2 aircraft for which funds for procurement were requested in the President's April 1989 amended budget request for fiscal year 1990.

(g) CERTIFICATION REQUIREMENT.—(1) The Secretary of Defense shall certify annually to Congress that the unit flyaway cost for 132 B-2 aircraft measured in constant 1990 dollars does not exceed \$295,000,000 per aircraft.

(2) The certification required by this subsection shall be submitted not later than March 15, 1990, and each succeeding March 15 thereafter until the B-2 procurement program is completed. Such certification shall be submitted to the Committees on Armed Services and on Appropriations of the Senate and the House of Representatives.

(3) If the Secretary cannot make the certification required by paragraph (1), the Secretary shall report to Congress the amount that the unit flyaway cost will exceed the amount described in paragraph (1) and submit an explanation of the reasons for such an increase in cost.

AMENDMENT NO. 397 TO AMENDMENT NO. 396

Mr. NUNN. Mr. President, I send an amendment to the desk on behalf of myself and Senator WARNER to the amendment of Senator WARNER just filed at the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Georgia [Mr. NUNN], for himself and Mr. WARNER, proposes an amendment numbered 397 to amendment No. 396.

Mr. NUNN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In the amendment proposed by Mr. WARNER and Mr. NUNN strike out everything after "SEC. 133. B-2 BOMBER PROGRAM REQUIREMENTS AND LIMITATIONS." and insert in lieu thereof the following:

(a) AMOUNT AUTHORIZED.—Of the amounts appropriated pursuant to section 103(a)(1) for the Air Force for procurement of aircraft for fiscal year 1990, not more than \$2,549,374,000 may be obligated for procurement for the B-2 aircraft program.

(b) BLOCK 1 REQUIREMENTS.—(1) Funds appropriated for the Air Force for fiscal year 1990 for procurement of aircraft may not be obligated for the procurement of B-2 aircraft until—

(A) the initial planned Block 1 program of flight testing of the B-2 aircraft, consisting of approximately 75 flight test hours and 15 flights has been conducted;

(B) the Defense Science Board has conducted an independent review of the Block 1 flight test data and reported the results of that review, together with its findings and conclusions, to the Secretary of Defense;

(C) the Director of Operational Test and Evaluation has evaluated the performance

of the B-2 aircraft during its Block 1 flight testing with respect to "Critical Operational Issues" and has provided an "Early Operational Assessment" to the Secretary of Defense; and

(D) the Secretary of Defense certifies to the Committees on Armed Services and on Appropriations of the Senate and House of Representatives that—

(i) no major aerodynamic or flightworthiness problems have been identified during the Block 1 testing;

(ii) the performance milestones (including initial flight testing) for the B-2 aircraft for fiscal year 1990 (as contained in the B-2 full performance matrix program established under section 121 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180) and section 232 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456)) have been met and that any proposed waiver or modification to the B-2 performance matrix will be provided in writing in advance to such committees;

(iii) the goals of the cost reduction initiatives established for the B-2 program under section 121 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 and section 232 of the National Defense Authorization Act, Fiscal Year 1989 will be achieved; and

(iv) the quality assurance practices and fiscal management controls of the prime contractor and major subcontractors associated with the B-2 program meet or exceed generally applicable Department of Defense standards.

(2) Any certification by the Secretary under paragraph (1)(D) shall include a description of any savings that will be realized under the initiatives referred to in such paragraph.

(c) BLOCK 2 REQUIREMENTS.—Funds appropriated for the Air Force for fiscal year 1990 for the procurement of aircraft may not be obligated for the procurement of B-2 aircraft before the commencement of the low-observables portion of the Block 2 testing on B-2 developmental aircraft.

(d) DEFENSE SCIENCE BOARD ASSESSMENT.—Of the amounts made available for the Air Force for fiscal year 1990 for the procurement of B-2 aircraft not more than 25 percent may be expended before submission by the Secretary of Defense to the Committees on Armed Services and Appropriations of the Senate and House of Representatives of a classified report containing the assessments of the Low-Observables Panel of the Defense Science Board as to the progress and problems, if any, encountered during the initial phase of low-observables testing of the B-2.

(e) EFFICIENT PRODUCTION RATE FUNDING.—Funds appropriated for the Air Force for fiscal year 1990 for procurement of aircraft may not be obligated for the procurement of B-2 aircraft until the Secretary of Defense certifies that, in the five-year defense program prepared in conjunction with any amended budget request for fiscal year 1991, the Air Force has included sufficient funding for any increase in the production rate of B-2 aircraft required to attain an efficient production rate following the planned acquisition milestone decision authorizing rate production.

(f) APPLICATION OF PROHIBITIONS.—The prohibitions in subsections (b) through (d) apply only to the three new production B-2 aircraft for which funds for procurement were requested in the President's April 1989 amended budget request for fiscal year 1990.

(g) CERTIFICATION REQUIREMENT.—(1) The Secretary of Defense shall certify annually to Congress that the unit flyaway cost for 132 B-2 aircraft measured in constant 1990 dollars does not exceed \$295,000,000 per aircraft.

(2) The certification required by this subsection shall be submitted not later than March 15, 1990, and each succeeding March 15 thereafter until the B-2 procurement program is completed. Such certification shall be submitted to the Committees on Armed Services and on Appropriations of the Senate and the House of Representatives.

(3) If the Secretary cannot make the certification required by paragraph (1), the Secretary shall report to Congress the amount that the unit flyaway cost will exceed the amount described in paragraph (1) and submit an explanation of the reasons for such an increase in cost.

Mr. NUNN. Mr. President, a word of brief explanation here. The amendment which Senator WARNER and I offered and the second-degree amendment which we just offered also relate to the B-2 aircraft. The amendments will be printed in the RECORD and they will be the pending business tomorrow morning.

The amendment essentially puts before the Senate the recommendations of the Senate Armed Services Committee on the B-2 program, but certain changes are made because we have already now flown the aircraft. Our committee bill was passed before we had flown the aircraft. So there are changes in the Senate bill reflected in this amendment.

These recommendations include a \$300 million reduction in the procurement budget for the B-2 and a series of prohibitions on the obligation of the remaining funds until the B-2 successfully completes a series of flight testing, both in terms of flying qualities and also in terms of the Stealth characteristics which are so essential to the performance of this aircraft as envisioned. These tests will be monitored by independent bodies, and those views will be required as well. Senator WARNER, I am sure, can speak to that further.

I urge my colleagues to study the committee recommendations carefully since they are incorporated in this amendment. We will debate the B-2 issue in the morning on this amendment.

Mr. President, I ask unanimous consent that a chart listing the B-2 prohibitions incorporated in this amendment be printed in the RECORD. These will be referred to as fences.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

SENATE ARMED SERVICES COMMITTEE RECOMMENDATIONS ON B-2

INCORPORATED IN NUNN-WARNER AMENDMENT

\$300 million reduction in procurement.

Prohibitions on obligation of procurement funds: no obligation until completion of block 1 test flights, no obligation until inde-

pendent certification of airworthiness by both Defense Science Board and Director, operational test and evaluation, no obligation of funds until initiation of low-observable testing, no more than 25 percent may be expended before the Secretary of Defense reports on the status of low-observables testing, no obligation if B-2 not funded at efficient rates in five-year plan, and annual certification that flyaway costs do not exceed \$295 million.

Committee recommendation fully protects the taxpayers' interest while minimizing disruption to program.

Bottom line: We won't buy any more B-2 aircraft if it fails its flight test program.

Mr. NUNN. Mr. President, they essentially require that certain tests take place before the funds are obligated for the procurement of the three aircraft.

Mr. WARNER. Mr. President, if I might have the attention of the distinguished chairman. He used the word "fence." We referred to it in the committee as "gates," gates through which this aircraft would pass to meet what we regard as the initial fly-before-buy test. These are clear examples of how the Armed Services Committee desires to have this weapons program and future weapons programs thoroughly tested before we become heavily involved in the production phase.

The distinguished chairman indicated there was \$300 million removed from the production account, but I think the chairman will agree with me, that was a trimming mechanism and does not reflect in any way our present thinking that this production should not go forward, assuming the nine gates are timely met by the Department of the Air Force.

Mr. NUNN. The Senator from Virginia is correct. We do believe production should go forward once these gates are met, once the fences have been removed and the B-2 passes through the gates the Senate described in terms of performance and flying. We do put the money up. There is a fundamental difference in the approach done here than what was done on the House. They take the money out, and even if those tests prove to be 100 percent successful in the time required, the production money will not be there which is going to significantly increase the cost of this aircraft. We already have sticker shock with the aircraft. I would hate to take actions there which would increase the costs further.

Mr. WARNER. Mr. President, again drawing the attention of the chairman, he referred to the tests of the House. My recollection is they did not put tests in; they took money out for the bomber.

Mr. NUNN. I did not mean to imply they did. There will be tests independent of the House action. If those tests are met, according to our definition of meeting the test, the House still would not have the production money there.

Mr. WARNER. Would the chairman agree with me the proposed amendments we sent forward which, really, as you stated is the action of the committee, reflect the President's program as submitted by the Secretary of Defense?

Mr. NUNN. I would not agree it reflects the President's program as submitted because we did put the gates in and did do some trimming. But what we have done is we have tried to make these changes compatible with the President's program so as to have as little effect on the cost escalation as possible while at the same time guarding against going into production on these three aircraft until such time as we are sure the aircraft flies and we are sure the Stealth characteristics are going to be met as advertised.

Mr. WARNER. We agree on that.

Mr. President, the chairman and I have no further business on this bill at this time; is that correct?

Mr. NUNN. That is correct.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Florida.

MORNING BUSINESS

Mr. GRAHAM. Mr. President, I ask unanimous consent that the Senate proceed as in morning business for purposes of introduction of legislation, and with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Florida is recognized.

Mr. GRAHAM. I thank the Chair.

(The remarks of Mr. GRAHAM pertaining to the introduction of S. 1389 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Kalbaugh, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

CLEAN AIR ACT AMENDMENTS OF 1989—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE RECESS—PM 56

Under the authority of the order of the Senate of January 3, 1989, the Secretary of the Senate, on July 21, 1989, during the recess of the Senate, received the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Environment and Public Works:

To the Congress of the United States:

Today I am pleased to transmit proposed legislation entitled the "Clean Air Act Amendments of 1989." This proposal reflects the first major clean air legislation proposed by the executive branch in a decade. It is designed to achieve consensus by complementing the important efforts of the Congress in recent years, so that we can move forward this year with a plan to protect our Nation's air.

On June 12, 1989, I outlined the highlights of my program to provide clean air for all Americans, the first sweeping revisions to the Clean Air Act since 1977. This legislation implements that program. While emissions of some pollutants—such as lead and carbon monoxide—have been reduced since the Clean Air Act was passed in 1970, progress has not come quickly enough and much remains to be done.

My proposal is designed to curb three major threats: acid rain, urban air pollution, and toxic air emissions. The seven-title proposal I am sending you today represents the actions that we believe the Congress should take in each of these areas. If this legislation is enacted, acid rain-related pollutants will be reduced by nearly one-half, all urban areas in the country will finally attain national air quality standards, and emissions of toxic air pollutants will be slashed.

My acid rain proposal would permanently cut sulfur dioxide (SO₂) emissions by 10 million tons from 1989 levels and would result in a 2 million ton cut in nitrogen oxide (NO_x) emissions from levels projected by the year 2000. All cities currently not meeting the health standards for ozone and carbon monoxide would be brought in to attainment. Most cities would attain the standard by 1995, and the plan is designed to ensure attainment in all but the most severely impacted cities by the year 2000. New plants emitting toxic compounds into the air would be required to employ the best technology currently available so as to achieve a significant cut in pollutants suspected of causing cancer.

More important, this proposed legislation makes deep, early cuts in air pollution and continues that progress forward into the 21st century. During my campaign I promised the American

people that my Administration would work to protect the environment and to ensure clean air for all Americans. Enactment of the proposal I presented to you today will be a major step in fulfilling that promise. I urge these important proposals be promptly considered and enacted. We owe the people of our great Nation nothing less.

GEORGE BUSH.

THE WHITE HOUSE, July 21, 1989.

MESSAGE FROM THE HOUSE RECEIVED DURING RECESS

ENROLLED JOINT RESOLUTION SIGNED

Under the authority of the order of the Senate of January 3, 1989, the Secretary of the Senate, on July 21, 1989, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill:

H.R. 999. An act to reauthorize the Advisory Council on Historic Preservation.

The enrolled bill was signed on July 24, 1989, by the Acting President pro tempore (Mr. WIRTH).

MESSAGES FROM THE HOUSE

At 12:35 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following joint resolutions, without amendment:

S.J. Res. 85. Joint resolution to designate the week of July 24 to July 30, 1989, as the "National Week of Recognition and Remembrance for Those Who Served in the Korean War"; and

S.J. Res. 142. Joint resolution designating the week beginning July 23, 1989, as "Lyme Disease Awareness Week".

ENROLLED JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker has signed the following enrolled joint resolutions:

S.J. Res. 85. Joint resolution to designate the week of July 24 to July 30, 1989, as the "National Week of Recognition and Remembrance for Those Who Served in the Korean War"; and

S.J. Res. 142. Joint resolution designating the week beginning July 23, 1989, as "Lyme Disease Awareness Week".

The enrolled joint resolutions were subsequently signed by the Acting President pro tempore (Mr. WIRTH).

ENROLLED BILL SIGNED

At 2:05 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 1485. An act to direct the sale of certain lands in Clark County, Nevada, to meet national defense and other needs; to authorize the sale of certain other lands in Clark County, Nevada; and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. BYRD).

ENROLLED JOINT RESOLUTIONS PRESENTED

The Secretary of the Senate reported that on today, July 24, 1989, he had presented to the President of the United States the following enrolled joint resolutions:

S.J. Res. 85. Joint resolution to designate the week of July 24 to July 30, 1989, as the "National Week of Recognition and Remembrance for Those Who Served in the Korean War"; and

S.J. Res. 142. Joint resolution designating the week beginning July 23, 1989, as "Lyme Disease Awareness Week".

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CRANSTON, from the Committee on Veterans Affairs, with an amendment in the nature of a substitute:

S. 1153. A bill to amend title 38, United States Code, to provide for the establishment of presumptions of service-connection between certain diseases, experienced by veterans who served in Vietnam era and exposure to certain toxic herbicide agents used in Vietnam; to provide for interim benefits for veterans of such service who have certain diseases; to improve the reporting requirements relating to the "Ranch Hand Study"; and for other purposes (Rept. No. 101-82).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DIXON (for himself, Mr. HEINZ, Mr. SHELBY, Mr. WIRTH, and Mr. D'AMATO):

S. 1379. A bill to reauthorize and amend the Defense Production Act of 1950, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. WILSON (for himself, Mr. KERRY, Mr. COATS, Mr. DOLE, and Mr. LOTT):

S. 1380. A bill to amend title 31, United States Code, to increase both citizen participation in and funding for the war on drugs by directing the Secretary of the Treasury to issue Drug War Bonds, and for other purposes; to the Committee on Finance.

By Mr. KASTEN (for himself, Mr. HARKIN, Mr. BOSCHWITZ, Mr. SYMMS, Mr. LOTT, Mr. LUGAR, Mr. PRESSLER, and Mr. BURNS):

S. 1381. A bill to amend the Internal Revenue Code of 1986 to increase to 100 percent and make permanent the deduction for health insurance for self-employed individuals; to the Committee on Finance.

By Mr. GRAHAM:

S. 1382. A bill to permit issuance of a certificate of documentation for employment in the coastwise trade of the United States for the vessel the *Karlissa*; to the Committee on Commerce, Science, and Transportation.

By Mr. DIXON (for himself, Mr. D'AMATO, Mr. KERRY, Mr. LEVIN, Mr. BURDICK, Mr. HARKIN, Mr. SIMON, Mr. BINGAMAN, Mr. NUNN, Mr. SARBANES, Mr. LUGAR, Mr. COHEN, Mr. CRANSTON, Ms. MIKULSKI, Mr. EXON, Mr. HEFLIN, Mr. PRESSLER, Mr. KASTEN, Mr. GLENN, Mr. DODD, Mr. SPECTER, Mr. FORD, Mr. LAUTENBERG, Mr. ROTH, Mr. KERRY, Mr. GRASSLEY, Mr. COATS, Mr. BREAUX, Mr. BUMPERS, Mr. KOHL, and Mr. GORE):

S. 1383. A bill to amend the Internal Revenue Code of 1986 to exclude certain employees from pension minimum coverage requirements; to the Committee on Finance.

By Mr. DASCHLE (for himself, Mr. ROCKEFELLER, Mr. INOUE, Mr. MATSUNAGA, and Mr. BURDICK):

S. 1384. A bill to amend title XVIII of the Social Security Act to provide direct reimbursement under part B of Medicare for nurse practitioner or clinical nurse specialist services that are provided in rural areas; to the Committee on Finance.

By Mr. LOTT (for himself, Mr. COCHRAN, Mr. THURMOND, and Mr. GRAHAM):

S. 1385. A bill to establish a tropical cyclone reconnaissance, surveillance, and research program under the joint control of the Secretary of Defense and the Secretary of Commerce; to the Committee on Commerce, Science, and Transportation.

By Mr. PRYOR (for himself, Mr. RIEGLE, Mr. COHEN, and Mr. DANFORTH):

S. 1386. A bill to amend title XIX of the Social Security Act to preserve payment for daytime habilitation services under such title; to the Committee on Finance.

By Mr. HARKIN (for himself, Mr. LEAHY, Mr. LUGAR, Mr. CONRAD, Mr. GLENN, Mr. DURENBERGER, Mr. DASCHLE, Mr. BURDICK, Mr. MATSUNAGA, Mr. BOND, and Mr. GRASSLEY):

S. 1387. A bill to authorize a research program for the modification of plants, and plant materials, focusing on the development and production of new marketable industrial and commercial products, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HARKIN (for himself and Mr. LEVIN):

S. 1388. A bill to amend the Internal Revenue Code of 1986 to repeal the supplemental Medicare premium and to provide funding for Medicare catastrophic benefits from general receipts by extending the maximum individual income tax rate of 33 percent; to the Committee on Finance.

By Mr. GRAHAM (for himself, Mr. DECONCINI, and Mr. KERRY):

S. 1389. A bill to authorize the issuance of drug war bonds and to require that the proceeds of those bonds be used to fund the Anti-Drug Abuse Act of 1988; to the Committee on Finance.

By Mr. KENNEDY (for himself and Mr. HATCH):

S. 1390. A bill to authorize funds to be appropriated for the construction of research laboratory, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. KENNEDY (for himself, Mr. MATSUNAGA, Ms. MIKULSKI, Mr. ADAMS, Mr. SIMON, and Mr. DODD):

S. 1391. A bill to amend the Public Health Service Act to establish a Foundation for Biomedical Research, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. KENNEDY (for himself, Mr. HATCH, Mr. ADAMS, Mr. DODD, Mrs. KASSEBAUM, Mr. MATSUNAGA, Ms. MIKULSKI, and Mr. SIMON):

S. 1392. A bill to amend the Public Health Service Act to provide grants for the expansion or renovation of biomedical and behavioral research facilities, to establish a National Center for Medical Rehabilitation Research, to establish a senior biomedical scientific service, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. DOLE (for himself, Mr. MITCHELL, Mr. KERRY, and Mr. MURKOWSKI):

S.J. Res. 182. Joint resolution to commemorate the 50th anniversary of Little League Baseball; considered and passed.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DIXON (for himself, Mr. HEINZ, Mr. SHELBY, Mr. WIRTH, and Mr. D'AMATO):

S. 1379. A bill to reauthorize and amend the Defense Production Act of 1950, and for other purposes; to the Committee on Banking, Housing and Urban Affairs.

REAUTHORIZING AND AMENDING THE DEFENSE PRODUCTION ACT OF 1950

Mr. DIXON. Mr. President, together with my distinguished colleagues, Senators HEINZ, SHELBY, WIRTH, and D'AMATO, I am today introducing the Defense Production Act Amendments of 1989.

The current authorization is due to sunset on September 30, 1989. This bill extends the Defense Production Act of 1950 for an additional 4 years. More importantly, it makes a series of valuable improvements to the authorities currently accorded to the President by that act. These amendments substantially improve the act's effectiveness as a primary set of tools to preserve and enhance the industrial and technology base supporting the national defense.

The Defense Production Act was initially enacted in 1950 to mobilize the Nation's productive capacity in response to the Korean conflict. It has been reauthorized and amended a number of times, most recently in 1986.

When first enacted, the Defense Production Act contained seven titles. Today, only three titles remain in effect. The other four titles previously expired and have not been renewed. I would like to briefly describe the three active titles.

Title I grants to the President the power to prioritize performance of specific contracts to meet urgent defense requirements, and to allocate resources to industries to optimize production of defense materiel.

Mr. President, let me cite a recent example of the importance of the allocation and prioritization authorities provided by title I of the Defense Production Act. In May 1988, an explosion

took place in a plant in Henderson, NV, which destroyed 50 percent of our domestic capacity for the production of ammonium perchlorate [AP]. This chemical is an essential ingredient in the manufacture of propellant for solid rocket motors. At once, a near crisis situation existed with regard to a whole range of strategic and tactical missiles in the military inventory and key NASA programs, including the motors for the space shuttle.

The authority of title I was evoked to allocate the remaining production to meet the most critical national security requirements, NASA requirements, and civilian needs. To rebuild the destroyed domestic facility as quickly as possible, the construction contract was assigned a high priority rating. Such priority status will bring the plant into production within 1 year after the start of construction. Without prioritization, it is estimated that this complex construction project would have required 2 to 3 years from contract award to commencement of operations.

Title III authorizes the President to use loans, loan guarantees, purchase commitments, and grants to encourage contractors to establish or expand activities to provide increased industrial capacity for defense needs. The purchase commitment technique is the only title III incentive currently used. The title III program is presently managed by the Department of Defense, with the Air Force serving as executive agent.

Funding of title III can be described as unstable at best. An aggregate of \$150 million is authorized for the title III program for fiscal years 1987 through 1989. Appropriations to the program—\$53.5 million for fiscal years 1987 through 1989—only totaled slightly over one-third of the amount authorized. On a more positive note, the funding for fiscal year 1989 was \$27.5 million, more than double that provided during the prior 2 fiscal years.

Let me share an example of how the title III authority helped us to break a foreign dependency for a critical material. The primary source of high purity quartz fiber, needed for complex electronics, is located in France. The Department of Defense was purchasing its needs on a sole source basis. The contractor was not providing the quantities needed in a timely fashion, causing delays in Department of Defense programs. Using the purchase guarantee incentive provided by title III, the Department of Defense was able to encourage a U.S. firm, Fiber Materials of Columbus, OH, to commence production. The Department of Defense now has a domestic source for this critical material, which has helped substantially to maintain timely delivery of Defense Department needs, and in the future, may

provide effective competition to the French firm.

Title VII authorizes the President to provide antitrust defenses to private entities conducting joint activities under voluntary agreements aimed at solving production and distribution problems impairing national defense preparedness. The creation of such voluntary agreements must be initiated by the President, and must be approved by the Attorney General and the Chairman of the Federal Trade Commission before any antitrust protections are accorded to the participants.

As it exists today, the Defense Production Act is a basic and essential tool for the maintenance of our Nation's defense preparedness program. The amendments proposed in our bill will substantially enhance its capabilities in both the industrial sector and technology sector to support national defense requirements in peacetime as well as in times of national emergency.

The steady erosion of the defense industrial base has been a source of deep concern to defense planners for more than a decade. The problem has been the subject of numerous Department of Defense, industry, General Accounting Office, and congressional reviews since the mid-1970's.

Mr. President, I ask unanimous consent that a listing of some of the major analyses of the defense industrial base be inserted in the RECORD following my statement.

More recently, we are seeing increasing concern regarding the health of the defense technology base, which has provided qualitative superiority for the U.S. military. The Office of Technology Assessment [OTA] is conducting a broad assessment of the defense technology base at the request of the Senate Armed Services Committee. In March 1988, OTA issued an introduction and overview of the defense technology base. This report identified the causes for concern and related them to key policy issues and the management of technology programs within the Department of Defense. A year later, OTA released a second report, "Holding the Edge: Maintaining the Defense Technology Base." In that report, OTA's panel concluded that America's technological superiority, which has been the cornerstone of national security planning and economic preeminence, is not crumbling, but has weathered significantly over the past decade. Investment in technology advancement has slowed, both in terms of private sector expenditures, and Government spending. An interdependent, global economy, driven by the private commercial sector, has become the reality in terms of both technology development and conversion of technology to usable products and processes. These two

trends have led to increasing dependence on foreign sources for defense equipment from essential components of the most complex major weapons systems to some very basic items of equipment.

Until the 100th Congress, little had been done to fashion solutions to these problems. The reports were noted, often with a substantial fanfare, but then consigned to the shelves of key policymakers. Only a small group of dedicated civil servants in the Office of the Secretary of Defense, the military services, and certain civilian agencies with a role in defense preparedness programs, such as the Federal Emergency Management Agency and Commerce Office of Industrial Resources Administration, sought to maintain some management attention to the worsening condition of the industrial and technology base supporting our national defense.

Mr. President, to help initiate the process of refocusing attention and moving us toward the shaping of solutions, I introduced S. 1892, the Defense Industrial Base Preservation Act of 1988, during the last Congress. At the same time, in the other body, Representative MARY ROSE OAKAR of Ohio had begun her efforts to win acceptance of amendments to the Defense Production Act. The fiscal year 1989 Department of Defense Authorization Act, Public Law 100-456, included a series of defense industrial and technology base provisions, many drawn from S. 1892. Within the executive branch, Dr. Robert B. Costello, the Under Secretary of Defense for Acquisition, made revitalization of the defense industrial and technology base a Department of Defense priority. Under his usual enthusiastic leadership, a report entitled "Bolstering Defense Industrial Competitiveness," was issued in July 1988 as a blueprint for future remedial actions.

The Defense Science Board revisited the issue of the defense industrial base, and extended its 1988 review to the defense technology base. It found the uncertainties of the defense market, coupled with the adversarial relationships between the defense industry and the Department of Defense, to be principal contributors to inadequate investment in both research and development and modernization of industrial plant equipment and facilities. The Defense Science Board also found the need for a White House-level forum to reconcile the expectations of national defense strategy regarding the industrial base and the realistic capabilities of that base to meet peacetime requirements as well as those required by graduated levels of mobilization. Several of the Defense Science Board's recommendations have been included in our bill.

The Air Force Association also conducted an assessment of the defense

industrial and technology base. The title of the Air Force Association's September 1988 report captures the flavor of the overall findings: "Lifeline in Danger: An Assessment of the United States Defense Industrial Base." The report's findings were similar to those of the studies conducted by the Department of Defense and the Defense Science Board: American defense material had become increasingly dependent upon foreign sources for critical components, and the full extent of such dependence remains basically unknown. Such foreign dependency increases the likelihood that American industry will face greater difficulty in meeting peacetime requirements, much less surge requirements needed to respond to a national emergency. It is estimated by the Air Force Association that our defense industry would be unable to expand production to meet planned mobilization requirements for even the most essential defense material in less than 18 months. The report also highlighted the Nation's growing dependence on foreign sources for high technology items in the commercial sector, as well as the defense sector especially ominous trend that appears to be continuing virtually unchecked. Our proposed legislation encompasses several of the Air Force Association's general recommendations made in this valuable assessment.

In May of this year, the Center for Strategic and International Studies released its report on the health of the defense industrial and technology base. In many respects, the center's report is the most sobering of all. It reports a virtual mass exodus of firms from the defense industrial base, especially smaller subcontractors and suppliers. The center's analysis catalogs this loss of manufacturing and technology capability in specific industry sectors, focusing on those especially vital to meeting national defense requirements. According to the center, close to 20,000 firms supporting the development and production of aerospace equipment left the Department of Defense vendor base since 1982, leaving approximately 3,000 by 1986. The report also reviewed the substantial import penetration being felt within the industrial and technology sectors supporting defense requirements. According to the center's analysis of available data, our use of foreign components and subassemblies in defense material increased nearly 19 percent between 1980 and 1986.

The American Electronics Association, the National Center for Manufacturing Excellence, and "Rebuild America" have even spearheaded a new "Wake Up America" Coalition, which inaugurated its activities at a May 25 symposium. The coalition's initial policy statement, "Consortia and Capital: Industry-Led Policy in The

1990's," advocates the concept of industry-led, Government-supported consortia to revitalize America's strategic industries and manufacturing technologies, and to commercialize promising technology advances. The coalition joins the National Council for Industrial Defense, which has been working since 1986 to encourage public policies to strengthen our Nation's industrial manufacturing capability and the national defense.

Mr. President, the reauthorization of the Defense Production Act provides the next major legislative opportunity to address many of the important issues raised by these various analyses. Our Defense Production Act Amendments of 1989 are intended to provide a firm starting point for the legislative deliberations of the committee on Banking, Housing, and Urban Affairs, which has exercised jurisdiction over the Defense Production Act since its initial enactment in 1950.

The Banking Committee has already completed 2 days of hearings to receive testimony on the overall health of the Nation's industrial and technology base, its competitiveness in world markets, and its ability to support national defense requirements. On July 11, the committee received testimony from a distinguished panel of former senior Government officials including Frank C. Carlucci, formerly the Deputy Secretary and later the Secretary of Defense, Dr. Robert B. Costello, formerly the Under Secretary of Defense for Acquisition, and Adm. Bobby Inman, formerly the Deputy Director of the Central Intelligence Agency. On July 18, the committee received testimony from three industry leaders: Norman R. Augustine, chairman and CEO of Martin Marietta Corp., Robert W. Galvin, chairman of Motorola, Inc., and Stanley C. Pace, chairman and CEO of General Dynamics Corp. Universally, they painted a picture of declining capability and diminished competitiveness, an industrial and technology base in need of a strong shot in the arm. They described the problems in practical terms, and offered an array of thoughtful solutions, several of which are included in our bill which extends and amends the Defense Production Act. Solutions to the basically systemic issues identified will have to be addressed as the committee continues its hearing process and moves to the reporting of legislation.

The Defense Production Act Amendments of 1989 were developed over many months with numerous contributions from many knowledgeable and experienced individuals in Government and from the private sector. A staff discussion draft of the proposed bill was broadly circulated for public comment on May 3, 1989. Numerous comments were received from trade as-

sociations representing an array of industries in both technology and manufacturing. Their memberships includes the very giants of the aerospace and electronics industries, but many are principally populated by small firms. The member companies of these associations by small firms. The member companies of these associations include firms operating principally in the private commercial market as well as those which have the Department of Defense as their principal customer. Informal discussions were held with a number of groups, including committees of the Aerospace Industries Association, the Computer and Business Equipment Manufacturers Association, and the Business Roundtable. In addition to drawing upon these sources, our bill includes many of the key provisions of the administration's version of the Defense Production Act Amendments of 1989.

As I previously mentioned, the Defense Production Act will sunset on September 30, 1989. Our bill extends the act for an addition 4 years, that is, through September 30, 1993. It authorizes the appropriation of the aggregate sum of \$250 million to support the provisions of sections 301, 302, and 303, relating to purchase commitments, loans, loan guarantees, and grants during the fiscal years 1990 through 1993. Currently, the act authorizes the appropriation of the aggregate sum of \$150 million during the 3 fiscal years 1987 through 1989, with additional limitations on the amounts that may be expended under the authority of section 303, relating to purchase commitments.

More importantly, Mr. President, our bill makes a broad array of amendments to modernize the act, expand its reach, and enhance the President's authorities. It implements important recommendations of several of the reports which I have just reviewed for my colleagues. It requires the issuance of important acquisition policies designed to foster contractor investment, the development of emerging critical technologies, and access to dependable sources of critical components.

The bill expands the reach and enhances the usefulness of the existing authorities accorded by title III in several important ways. First, it expands the class of projects eligible for support by providing a new, and broad, definition of "industrial resources." It specifically accords eligibility to projects for the development and application of technology important to national defense requirements.

Second, the bill provides stable funding for the purchase commitments and other financial incentives authorized under title III of the act by creating a Defense Production Act Fund as a separate, dedicated revolving fund within the Treasury. This fund is initially

capitalized through the transfer of \$200 million in unobligated balances from the national defense stockpile fund.

Both the new Defense Production Act fund and the existing stockpile fund are complementary elements of defense preparedness planning. The stockpile of critical raw materials presumes a crisis that will permit time for the mobilization of the Nation's productive capacity to national defense requirements by providing years of supply of essential raw materials for industry. Under our amendments, the Defense Production Act fund would be aimed at providing quick response surge capability by industry through enhancing the manufacturing capabilities already in place, and providing a limited stockpile of critical components upon which we are foreign source dependent. Our bill proposes shifting resources between two complementary programs.

Third, our amendments to title III would authorize sustaining the fund through the disposal of surplus industrial plant equipment and production facilities. They would permit limited transfers of unobligated balances from the stockpile fund, but restricted to no more than \$10 million annually.

To allay any concerns that the Defense Production Act fund could be transformed into a huge slush fund through which a future President and his Pentagon leaders might engage in centralized economic planning, the picking of winners and losers that concerns many in this Chamber, we have capped the fund. It cannot exceed the aggregate of \$250 million and whatever has been appropriated for the current fiscal year. Effectively, the fund cannot exceed slightly over \$300 million, even if the annual appropriation were made at the full authorized amount, which is an unlikely occurrence in the foreseeable future. Any amounts in excess of the cap would revert to the general fund of the Treasury.

Our Defense Production Act amendments would recast the limited antitrust protections currently accorded by title VII of the act to firms engaged in voluntary agreements—limited to expanding productive capacity to meet national defense requirements—into a generic Sematech authority to facilitate the creation of joint industry undertakings. We anticipate that the sanctioned industry consortia permitted by our amendments would be directed at the development and application of emerging technologies as well as modernized manufacturing and production capabilities.

Our amendments would permit such sanctioned industry consortia to engage in production, marketing, and flexible manufacturing networks, as well as the traditional activities of research and development. To afford

necessary protections for the public, our legislation requires that the activities of a proposed consortia be specified in its application and be approved by both the Attorney General and the Chairman of the Federal Trade Commission. To maintain its antitrust protections, the sanctioned industry consortium would have to continuously operate within the specifications, and appropriate limitations, of its charter, and the regulations authorized to implement this expanded authority. Our amendments would permit a party aggrieved by unauthorized behavior to have such behavior enjoined and, if successful, to collect actual damages and the cost of bringing the action.

The 1984 amendments to the act added section 309 which requires the President to submit an annual report to the Congress on the impact of offsets on defense preparedness, competitiveness, and trade. Our amendments specify the Secretary of Commerce as the President's executive agent for carrying out the responsibilities of the section. In addition, the bill amends section 309 by adding a requirement that notice of any offset agreement exceeding \$5 million in value be furnished to the President. The amendments also address the use of these reports in bilateral and multilateral negotiations aimed at minimizing the adverse effects of offset arrangements.

The bill also amends section 721 of the act authorizing the President to assess the effects of mergers, acquisitions, and takeovers on national security. This provision was added to the act through the so-called Exon-Florio amendment to the Omnibus Trade and Competitiveness Act of 1988. Our amendment strengthens the provision regarding the making of a finding as to whether a particular merger, acquisition, or takeover may be expected to impair the national security.

Many of the bill's provisions seek to contemporize the act, which has been amended numerous times since 1950. Our bill repeals provisions still on the books which are no longer operative. It also makes numerous technical and conforming amendments updating the titles of various officers or organizations in both the executive branch and in the Congress. For example, we substitute references to the Office of Management and Budget for existing references to the Bureau of the Budget.

As I mentioned before, Mr. President, our bill implements several recommendations of the many studies completed to date. This bill calls for the establishment of an industrial capabilities committee, set up by the President, to assure a realistic assessment of the demands placed on industry by national defense plans, and industry's capabilities to fulfill those expectations. The bill also seeks to im-

prove the integration of national security policy and national economic policy. This is accomplished through appointing the Secretary of Defense to the Economic Policy Council, and calling for the establishment of a defense working group within the Council. The bill also calls for the assessment of industrial base capabilities through periodic exercises, which would simulate increased demands under various graduated mobilization response and surge conditions.

Our proposed amendments require the issuance of acquisition policies which would encourage investment in advanced defense industrial and technology base. I look forward to the prompt consideration of this bill.

Mr. President, I urge my colleagues to cosponsor this bill, and I ask unanimous consent that the text of the bill, a section-by-section analysis and the previously mentioned listing on the defense industrial base be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1379

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Defense Production Act Amendments of 1989".

SEC. 2. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.) provides essential authority for—

(A) preserving and enhancing the defense industrial and technology base of the United States during peacetime; and

(B) mobilizing the Nation's productive capacity for national defense during periods of national emergency; and

(2) amendments to such Act are needed to—

(A) improve its utility to effectively sustain and develop the efficiency of the Nation's existing productive capacity necessary to meet national defense requirements;

(B) establish a revolving fund for improved management of the resources dedicated to defense industrial preparedness and the conduct of the programs authorized under the Act;

(C) facilitate use of such Act to foster the development of emerging technologies and advanced processes by providing appropriate protections for joint undertakings in research, development, production, and marketing; and

(D) eliminate outdated provisions that detract from the Act's usefulness as a primary set of authorities for the maintenance and enhancement of the defense industrial and technology base of the United States.

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TITLE I—AMENDMENTS TO THE DEFENSE PRODUCTION ACT OF 1950

PART A—DECLARATION OF POLICY

SEC. 101. DECLARATION OF POLICY.

Section 2 of the Defense Production Act of 1950 (50 U.S.C. App. 2062) is amended to read as follows:

"SEC. 2. DECLARATION OF POLICY.

The vitality of the industrial and technology base of the United States is a foundation of national security. It provides the industrial and technological capabilities employed to meet national defense requirements, in peacetime and in time of national emergency. In peacetime, the health of the industrial and technology base contributes to the technological superiority of our defense equipment, which a cornerstone of our national defense strategy, and the efficiency with which defense equipment is developed and produced. In times of crisis, a healthy industrial base will be able to effectively provide the graduated response needed to effectively meet the demands of the emergency.

To meet these requirements, the Act affords to the President an array of authorities to shape defense preparedness programs and to take appropriate steps to maintain and enhance the defense industrial and technology base."

PART B—AMENDMENTS TO TITLE III OF THE DEFENSE PRODUCTION ACT

SEC. 111. EXPANDING THE REACH OF EXISTING AUTHORITIES UNDER TITLE III.

(a) GUARANTEE AUTHORITY.—Section 301 of the Defense Production Act of 1950 (50 U.S.C. App. 2091) is amended—

(1) in subsection (a)(1), by striking "to expedite production and deliveries or services under Government contracts for the procurement of materials or the performance of services for the national defense" and inserting "to expedite or expand production and deliveries or services under Government contracts for the procurement of industrial resources or a critical technology for the national defense";

(2) by amending subsection (a)(3)(A) to read:

"(A) the guaranteed contract or operation is for industrial resources or a critical technology which is essential to the national defense";

(3) in subsection (a)(3)(B), by striking "the capability for the needed material or service" and inserting "the needed industrial resources or critical technology";

(4) in subsection (e)(1)(A), by striking "Except during periods of national emergency declared by the Congress or the President" and inserting "Except as provided in subparagraph (D)";

(5) in subsection (e)(1)(C), by striking "\$25,000,000" and inserting "\$50,000,000"; and

(6) by adding at the end of subsection (e)(1), the following new subparagraph:

"(D) The requirements of subparagraphs (A), (B), and (C) may be waived during periods of national emergency declared by Congress or the President or upon a determination made by the President, on a nondelega-

ble basis, that a specific guarantee must be promptly made to avert an industrial resource or critical technology shortfall that would severely impair national defense capability."

(b) **LOANS TO PRIVATE BUSINESS ENTERPRISES.**—Section 302 of the Defense Production Act of 1950 (50 U.S.C. App. 2092) is amended—

(1) in subsection (a), by striking "for the procurement of materials or the performance of services for the national defense" and inserting "for the procurement of industrial resources or a critical technology for the national defense";

(2) in subsection (c)(1), by striking "No such loans may be made under this section, except during periods of national emergency declared by the Congress or the President" and inserting "Except as provided in paragraph (4), no loans may be made under this section";

(3) in subsection (c)(3), by striking "\$25,000,000" and inserting "\$50,000,000"; and

(4) in subsection (c), by adding at the end the following new paragraph:

"(4) The requirements of paragraphs (1), (2), and (3) of this subsection may be waived during periods of national emergency declared by Congress or the President, or upon a determination made by the President, on a nondelegable basis, that a specific guarantee must be promptly made to avert an industrial resource or a critical technology shortfall that would severely impair national defense capability."

(c) **PURCHASES AND PURCHASE COMMITMENTS.**—

(1) Section 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2093(a)) is amended to read as follows:

"(a)(1) To assist in carrying out the objectives of this Act, the President may make provision (A) for purchases of or commitments to purchase an industrial resource or a critical technology, for Government use or resale; and (B) for the encouragement of exploration, development, and mining of critical and strategic materials, and other materials. Purchases for resale under this subsection shall not include that part of the supply of an agricultural commodity which is domestically produced except insofar as such domestically produced supply may be purchased for resale for industrial use or stockpiling, and no commodity purchased under this subsection shall be sold at less than the established ceiling price for such commodity (except that minerals, metals, and materials shall not be sold at less than the established ceiling price, or the current domestic market price, whichever is lower), or, if no ceiling price has been established, the higher of the following: (i) The current domestic market price for such commodity, or (ii) the minimum sale price established for agricultural commodities owned or controlled by the Commodity Credit Corporation as provided in section 407 of Public Law 430, 81st Congress. No purchase or commitment to purchase any imported agricultural commodity shall specify a delivery date which is more than one year after the expiration of this section.

"(2) Except as provided in paragraph (4), the President may not execute a contract under this subsection unless the President determines that—

"(A) the industrial resource or critical technology is essential to the national defense;

"(B) without Presidential action under authority of this section, United States indus-

try cannot reasonably be expected to provide the capability for the needed industrial resource or critical technology in a timely manner;

"(C) purchases, purchase commitments, or other action pursuant to this section are the most cost-effective, expedient, and practical alternative method for meeting the need; and

"(D) the United States national defense demand for the industrial resource or critical technology is equal to, or greater than the output of domestic industrial capability which the President reasonably determines to be available for national defense, including the output to be established through the purchase, purchase commitment, or other action.

"(3) Except as provided in paragraph (4), the President shall take no action under this section unless the industrial resource shortfall which such action is intended to correct has been identified in the Budget of the United States or amendments thereto, submitted to the Congress and accompanied by a statement from the President demonstrating that the budget submission is in accordance with the provisions of the preceding sentence. Any such action may be taken only after 60 days have elapsed after such industrial resource shortfall has been identified pursuant to the preceding sentence. If the taking of any action or actions under this section to correct an industrial resource shortfall would cause the aggregate outstanding amount of all such actions for such industrial resource shortfall to exceed \$50,000,000, any such action or actions may be taken only if specifically authorized by law.

"(4) The requirements of paragraphs (1), (2), and (3) may be waived during periods of national emergency declared by Congress or the President, or upon a determination made by the President, on a nondelegable basis, that a specific purchase or purchase commitment must be promptly made to avert an industrial resource or a critical technology shortfall that would severely impair national defense capability."; and

(2) Section 303(b) of such Act is amended by striking "September 30, 1995" and inserting "a date that is not more than 10 years from the date such purchase, purchase commitment, or sale was initially made".

SEC. 112. SALES OR TRANSFERS OF EXCESS INDUSTRIAL RESOURCES.

Section 303(f) of the Defense Production Act of 1950 (50 U.S.C. App. 2093(f)) is amended to read as follows:

"(f) Industrial resources acquired pursuant to the provisions of this section which, in the judgment of the President, are in excess of the needs of programs under this Act, shall be sold for industrial use pursuant to other Government programs or transferred to the National Defense Stockpile established by the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 et seq.), when the President deems such action to be in the public interest. Sales or transfers made pursuant to this subsection shall be charged against or reimbursed from funds appropriated to such other Government programs or the National Defense Stockpile to which such resources were sold or transferred, at the current domestic market price for such industrial resources. For the purposes of subsection (c)(2), such sales or transfers shall be considered transactions entered into pursuant to the authority of subsection (a)."

SEC. 113. DEFENSE PRODUCTION ACT FUND.

(a) **IN GENERAL.**—Section 304 of the Defense Production Act of 1950 (50 U.S.C. App. 2094) is amended to read as follows:

"SEC. 304. DEFENSE PRODUCTION ACT FUND.

"(a) **ESTABLISHMENT OF FUND.**—There is established in the Treasury of the United States a separate fund to be known as the Defense Production Act Fund (hereinafter referred to as 'the Fund').

"(b) **MONEYS IN FUND.**—The following monies shall be credited to the Fund:

"(1) All monies appropriated hereafter for the Fund.

"(2) All monies received hereafter on transactions entered into pursuant to section 303.

"(3) All monies received hereafter under transfers made from the National Defense Stockpile Transaction Fund, pursuant to section 98h(c) of title 50, United States Code.

"(4) All monies received hereafter pursuant to section 204(h) of the Federal Property and Administrative Services Act of 1949 from the disposition of industrial plant equipment and production facilities no longer required for industrial base mobilization purposes.

"(c) **USE OF FUND.**—The Fund shall be available to carry out the provisions and purposes of title III, subject to the limitations set forth in this Act and in appropriations Acts.

"(d) **DURATION OF FUND.**—Monies in the Fund shall remain available until expended.

"(e) **FUND BALANCE.**—The Fund balance at the close of each fiscal year shall not exceed \$250,000,000, excluding any monies appropriated to the Fund during that fiscal year. If at the close of any fiscal year the Fund balance exceeds such amount, the amount in excess of \$250,000,000, excluding obligated funds appropriated to the Fund during that fiscal year, shall be paid into the general fund of the Treasury.

"(f) **FUND MANAGER.**—The Secretary of the Treasury shall designate a Fund manager. The duties of the Fund manager shall include—

"(1) determining the liability of the Fund in accordance with subsection (g);

"(2) certifying that the limitation contained in section 711(a)(4)(B) will not be exceeded by the additional obligation required by any agreement proposed under title III and providing authorization to enter into such agreement if such limitation is not exceeded; and

"(3) reporting to Congress each year regarding fund activities during the previous fiscal year.

"(g) **LIABILITIES AGAINST FUND.**—

"(1) **IN GENERAL.**—When any agreement hereafter entered into pursuant to title III imposes contingent liabilities upon the United States, such liability shall be considered an obligation against monies in the Fund. The amount of such obligation shall be determined for each fiscal year in accordance with paragraph (2).

"(2) **DETERMINATION OF LIABILITY.**—For purposes of paragraph (1), the amount of obligations against the Fund shall be the greater of—

"(A) the aggregate outlays required by purchase or purchase commitment contracts, or financing agreements less the anticipated aggregate receipts from resale of materials purchased with moneys from the Fund and the anticipated receipts from the direct sale of materials by the producer to customers; or

"(B) one-third of the aggregate outlays required by purchase or purchase commitment contracts or financing agreements.

Anticipated receipts and anticipated reductions in purchase commitments shall be included under subparagraphs (A) and (B) only if a written plan for sale of materials has been developed, specifying probable customers, amount, time of the sales, and sales price."

(b) CONFORMING AMENDMENTS.—Section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h) is amended—

(1) in subsection (b)(2), by adding after subparagraph (E), the following new subparagraph:

"(F) Transfer to the Defense Production Act Fund established pursuant to section 304(a) of the Defense Production Act of 1950;" and

(2) by amending subsection (c) to read as follows:

"(c)(1) Except as provided in paragraph (2), all moneys received from the sale of materials being rotated under the provisions of section 6(a)(4) or disposed of under section 7 shall be covered into the Fund and shall be available only for the acquisition of replacement materials.

"(2) Moneys derived from sales of materials to the public pursuant to section 6(a)(5) shall continue to be transferred to the Defense Production Act Fund established pursuant to section 304(a) of the Defense Production Act of 1950, until the aggregate amount of such transfers equals \$10,000,000 for any fiscal year."

(c) CAPITALIZATION OF FUND.—There shall be transferred to the Defense Production Act Fund, established by subsection (a) of this section, the sum of \$200,000,000 from the unobligated balance of the National Defense Stockpile Transaction Fund (50 U.S.C. 98h).

SEC. 114. ANNUAL REPORT ON IMPACT OF OFFSETS.

Section 309 of the Defense Production Act of 1950 (50 U.S.C. 2099) is amended—

(1) in subsection (a)—

(A) by striking "Not later" and inserting "(1) Not later";

(B) by striking the second sentence; and

(C) by adding at the end the following new paragraph:

"(2) The Department of Commerce shall—
"(A) prepare the report required by paragraph (1);

"(B) consult with the Secretary of Defense, the Secretary of the Treasury, the Secretary of State, and the United States Trade Representative in preparation of such report; and

"(C) function as the President's Executive Agent for carrying out the requirements of this section."

(2) by amending subsection (b) to read as follows:

"(b) INTERAGENCY STUDIES AND RELATED DATA.—

"(1) Each report required under subsection (a) shall be based on appropriate interagency studies which identify the cumulative effects (indirect as well as direct) of offset agreements on—

"(A) the full range of domestic defense productive capability (with special attention to the firms serving as lower-tier subcontractors or suppliers); and

"(B) the domestic defense technology base as a consequence of the technology transfers associated with such offset agreements.

"(2) Data developed or compiled by any agency while conducting such interagency study or other independent study or analysis shall be made available to the Secretary

of Commerce to facilitate the Secretary in executing his responsibilities with respect to trade offset and countertrade policy development."

(3) by adding at the end the following new subsections:

"(c) NOTICE OF OFFSET AGREEMENTS.—(1) If a United States firm enters into a contract for the sale of a weapon system or defense-related item to a foreign country or foreign firm and such contract is subject to an offset agreement exceeding \$5,000,000 in value, such firm shall furnish an offset agreement to the official designated in the regulations promulgated to paragraph (2) information concerning such sale.

"(2) The information to be furnished shall be prescribed in regulations promulgated by the Secretary of Commerce. Such regulations shall provide protection from public disclosure for information which is reasonably designated as proprietary or business confidential by the firm submitting such information, unless public disclosure is subsequently specifically authorized by such firm.

"(d) CONTENTS OF REPORT.—

"(1) IN GENERAL.—Each report under subsection (a) shall include—

"(A) a net assessment of the elements of the industrial base and technology base covered by the report;

"(B) recommendations for appropriate remedial action under the authorities provided by this Act, or other law or regulations;

"(C) a summary of the findings and recommendations of any interagency studies conducted during the reporting period under subsection (c);

"(D) a summary of offset arrangements concluded during the reporting period for which information has been furnished pursuant to subsection (c); and

"(E) a summary and analysis of any bilateral and multilateral negotiations relating to use of offsets completed during the reporting period.

"(2) ALTERNATIVE FINDINGS.—Each report may include any alternative findings or recommendations offered by any departmental Secretary, agency head, or the United States Trade Representative to the Secretary of Commerce. Such alternative finding or recommendation may be included if the Secretary of Commerce has been furnished the independent study or analysis upon which such alternative finding or recommendation is based during the preparation of the report.

"(e) UTILIZATION OF ANNUAL REPORT IN NEGOTIATIONS.—The findings and recommendations of the reports required by subsection (a), and the various interagency reports and analyses providing the basis for such reports shall be considered by representatives of the United States during bilateral and multilateral negotiation to minimize the adverse effects of offsets."

PART C—AMENDMENTS TO TITLE VII OF THE DEFENSE PRODUCTION ACT

SEC. 121. SMALL BUSINESS.

Section 701 of the Defense Production Act of 1950 (50 U.S.C. App. 2151) is amended to read as follows:

"SEC. 701. SMALL BUSINESS.

"(a) PARTICIPATION.—Small business concerns shall be given the maximum practicable opportunity to participate as contractors, and subcontractors at various tiers, in all programs to maintain and strengthen the Nation's industrial base and technology base undertaken pursuant to this Act.

"(b) ADMINISTRATION OF ACT.—In administering the programs, implementing regula-

tions, policies, and procedures under this Act, requests, applications, or appeals from small business concerns shall, to the maximum extent practicable, be expeditiously handled.

"(c) ALLOCATIONS UNDER SECTION 101.—Whenever the President invokes the power to allocate any materials pursuant to section 101 of this Act, small business concerns shall be accorded, so far as practicable, a fair share of such materials, in proportion to the share received by such business concerns under normal conditions, giving such special consideration as may be possible to new small business concerns or individual firms facing undue hardship."

SEC. 122. DEFINITIONS.

Section 702 of the Defense Production Act of 1950 (50 U.S.C. App. 2152) is amended to read as follows:

"SEC. 702. DEFINITIONS

"As used in this Act—

"(1) CRITICAL COMPONENT.—The term 'critical component' shall include components, subsystems, systems, and related special tooling and test equipment essential to the production, repair, maintenance, or operation of weapon systems or other military equipment assigned a priority designation by the Secretary of Defense.

"(2) CRITICAL TECHNOLOGY.—The term 'critical technology' shall include a technology that is included in one or more of the plans submitted pursuant to section 2368 of title 10, United States Code, unless subsequently deleted, or such other emerging or dual use technology as may be designated by the President. A list of critical or emerging technologies shall be maintained and periodically published in the Federal Register and printed in the Code of Federal Regulations.

"(3) DEFENSE CONTRACTOR.—The term 'defense contractor' means any person who enters into a contract with the United States to furnish materials, industrial resources, or a critical technology, or to perform services for the national defense.

"(4) DOMESTIC SOURCE.—The term 'domestic source' means a business entity that performs substantially all of the research and development, engineering, manufacturing, and production activities required of such firm as a defense contractor in the United States or Canada.

"(5) FACILITIES.—The term 'facilities' shall include all types of buildings, structures, or other improvements to real property (but excluding farms, churches or other places of worship, and private dwelling houses), and services relating to the use thereof.

"(6) INDUSTRIAL RESOURCES.—The term 'industrial resources' means materials, services, processes, or manufacturing equipment (including the processes, technologies, and ancillary services for the use of such equipment) needed to establish or maintain an efficient and modern national defense industrial capacity.

"(7) MATERIALS.—The term 'materials' shall include raw materials (including minerals, metals, and advanced processed materials), commodities, articles, components (including critical components), products, items of supply, and such technical information or services ancillary to the use thereof.

"(8) NATIONAL DEFENSE.—The term 'national defense' means programs for military and energy production or construction, military assistance to any foreign nation, stockpiling, space, and directly related activity.

"(9) NONDOMESTIC SOURCE.—The term 'nondomestic source' means a business entity other than a 'domestic source'.

"(10) PERSON.—The term 'person' includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative thereof.

"(11) SERVICES.—The term 'services' includes any effort that is needed or incidental to—

"(A) the development, production, processing, distribution, delivery, or use of an industrial resource or a critical technology, or

"(B) the construction of facilities."

SEC. 123. DELEGATION OF AUTHORITY; APPOINTMENT OF PERSONNEL.

Section 703 of the Defense Production Act of 1950 (50 U.S.C. App. 2153) is amended to read as follows:

"SEC. 703. DELEGATION AND CIVILIAN PERSONNEL.

"(a) DELEGATION OF AUTHORITY.—Except as otherwise specifically provided, the President may—

"(1) delegate any power or authority conferred upon him by this Act to any officer or agency of the Government;

"(2) authorize such redelegation by that officer or agency head as the President may deem appropriate; and

"(3) establish such new agencies as may be necessary to manage Federal emergency preparedness programs.

"(b) CIVILIAN PERSONNEL.—Any officer or agency head may appoint civilian personnel without regard to section 531(b) of title 5, United States Code, and without regard to the provisions of such title governing appointments in the competitive service, and may fix the rate of basic pay for such personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no individual so appointed may receive pay in excess of the annual rate of basic pay payable for GS-18 of the General Schedule, as the President deems appropriate to carry out the provisions of this Act."

SEC. 124. RULES, REGULATIONS, AND ORDERS.

Section 704 of the Defense Production Act of 1950 (50 U.S.C. App. 2154) is amended to read as follows:

"SEC. 704. RULES, REGULATIONS, AND ORDERS.

"The President may make such rules, regulations, and orders as he deems appropriate to carry out the provisions of this Act. This authority shall be exercised in conformity with section 709 of this Act."

SEC. 125. ANTITRUST PROTECTIONS FOR SANCTIONED INDUSTRY CONSORTIA.

Section 708 of the Defense Production Act of 1950 (50 U.S.C. App. 2158) is amended to read as follows:

"SEC. 708. SANCTIONED INDUSTRY CONSORTIA.

"(a) ANTITRUST PROTECTION.—The President may authorize the establishment of sanctioned industry consortia, in accordance with subsection (e), to provide industrial resources or critical technologies found to be essential for the preservation or enhancement of the industrial or technology base of the United States supporting the national defense. Except as provided in subsection (j) of this section, no criminal or civil action may be brought under the antitrust laws against any participant in a sanctioned industry consortium for activities conducted in establishing such a consortium or in undertaking a plan of action within the scope of the charter of the sanctioned consortium.

"(b) DEFINITIONS.—As used in this section—

"(1) The term 'antitrust laws' means—

"(A) the Act entitled 'An Act to protect trade and commerce against unlawful restraints and monopolies and for other purposes', approved July 2, 1890, commonly referred to as the 'Sherman Act' (15 U.S.C. 1 et seq.);

"(B) the Act entitled 'An Act to supplement existing laws against unlawful restraints and monopolies and for other purposes', approved October 15, 1914, commonly referred to as the 'Clayton Act' (15 U.S.C. 12 et seq.);

"(C) the Federal Trade Commission Act (15 U.S.C. 41 et seq.);

"(D) sections 73 and 74 of the Act entitled 'An Act to reduce taxation, to provide revenue for the Government, and for other purposes', approved August 27, 1894, commonly referred to as the 'Wilson Tariff Act' (15 U.S.C. 8 and 9);

"(E) the Act of June 19, 1936, chapter 592 (15 U.S.C. 13, 13a, 13b, and 21a);

"(F) the Act entitled 'An Act to promote export trade and for other purposes', approved April 10, 1918, commonly referred to as the 'Webb-Pomerene Act' (15 U.S.C. 61-65); and

"(G) similar laws enacted by the several States.

"(2) The term 'flexible manufacturing network' means a specified program relating to the joint development, engineering, production, and marketing of one or more products by the network's participants for their common benefit, including—

"(A) the coordination of the individual engineering, purchasing, manufacturing, quality assurance, inventory control, and other activities by the participants to attain the network's specified program objectives, or the joint undertaking of such activities by two or more of the network's participants;

"(B) the collection and sharing of information among the network's participants relating to manufacturing capacity, production costs, distribution capabilities, and potential markets for the specified products being produced by such network; and

"(C) the collection and sharing of such other technical or business information as may be reasonably required to undertake the network's specified program.

"(3) The term 'plan of action' means any of one or more documented methods adopted by participants in a sanctioned industry consortium (or voluntary agreement) to implement the purposes and objectives of such consortium or agreement.

"(4) The term 'sanctioned industry consortium' means an arrangement among two or more entities for the purpose of jointly undertaking a specific program of basic research, research and development, production, marketing, any specified combination of the foregoing activities, or a flexible manufacturing network relating to industrial resources or critical technologies found to be essential to the preservation or enhancement of the industrial or technology base of the United States supporting the national defense. Such participating entities may include for-profit business concerns, not-for-profit entities, and educational institutions. The term also includes a voluntary agreement described in paragraph (5).

"(5) The term 'voluntary agreement' means an agreement approved by the President, which—

"(A) results from consultation by the President with representatives of industry, business, financing, agriculture, labor, and other interests,

"(B) is to provide for defense of the United States through the development of

preparedness programs and the expansion of productive capacity and supply, and

"(C) is a result of a finding by the President that conditions exist which pose a direct threat to national security and preparedness programs.

"(c) DELEGATION OF PRESIDENTIAL AUTHORITY.—The authority granted to the President in this section may be delegated to one or more individuals whose appointments shall be subject to the advice and consent of the Senate.

"(d) FORMATION OF SANCTIONED INDUSTRY CONSORTIUM.—(1) Persons in the private sector interested in forming a sanctioned industry consortium may make application in a form and containing such information as required by regulations promulgated pursuant to subsection (h).

"(2) Promptly after an application is received, a notice shall be published in the Federal Register announcing that an application for the establishment of a sanctioned industry consortium has been submitted, identifying each participating entity, and describing the activities to be undertaken by such consortium.

"(3) Not later than 7 days after an application has been submitted, a copy of the application shall be transmitted to the Attorney General and the Chairman of the Federal Trade Commission, accompanied by any supporting information submitted with the application, and any other information necessary to make a determination as to whether the proposed consortium should be sanctioned and established.

"(e) CRITERIA FOR SANCTIONING CONSORTIUM.—(1) A proposed industry consortium shall be sanctioned if it is determined that such industry consortium—

"(A) will provide at least one domestic source for industrial resources or critical technologies that will substantially enhance the capability of the industrial and technology base to support national defense requirements,

"(B) includes participants that are reasonably representative of the overall industry,

"(C) will not constitute unfair competition or a substantial restraint of trade with respect to other persons within the United States who may be sources of the same industrial resources or critical technology, and

"(D) will not unreasonably enhance, stabilize, or depress prices for the industrial resources or critical technologies that are the subject matter of such consortium's proposed activities.

"(2) Such application for the establishment of a sanctioned industry consortium shall be reviewed by the Attorney General, the Chairman of the Federal Trade Commission, and such other officers of the Executive as may be designated by the President in accordance with the requirements of paragraph (1) and such other evaluation criteria as may be specified in the regulations promulgated pursuant to subsection (h).

"(3) Not later than 90 days after the receipt of an application and not earlier than 30 days after the publication of the notice required by subsection (d)(2), such application shall be approved or disapproved. The reasons for disapproval shall be specified in writing.

"(4) Approval of an application shall be evidenced by the issuance of a charter which shall specify any special terms, conditions, or limitations which are deemed necessary by the President, the Attorney General, or the Chairman of the Federal Trade Commission to assure compliance with the standards of paragraph (1) or such addition-

al requirements as may be specified in the regulations promulgated pursuant to subsection (h).

"(5) Upon approval of a sanctioned industry consortium a Government employee shall be assigned as a principal liaison to such consortium pursuant to the regulations described in subsection (h).

"(f) CONSORTIUM ADVISORY COUNCIL.—A sanctioned industry consortium is authorized to organize an advisory council, specifying the membership, functions, and operating procedures of such council in its application.

"(g) CHARTER.—(1) MODIFICATION.—The charter of a sanctioned industry consortium may be modified during its term. A request for a modification initiated by the consortium shall be considered and approved in the same manner as an original charter application. A charter modification, directed by the President, shall be implemented within 30 days of the receipt of a notice of such a Presidential direction (unless extended by the President), or the consortium shall lose its protections under subsection (a).

"(2) TERMINATION.—A sanctioned industry consortium may be terminated by the President upon a finding that the industry consortium is no longer conducting its activities in conformity with this section, the regulations promulgated pursuant to subsection (h), or the terms of the consortium's charter. Such notice shall specify the reasons for the determination to terminate the consortium, and afford the consortium at least 30 days to respond, in accordance with appeal procedures specified in the regulations promulgated pursuant to subsection (h).

"(h) REGULATIONS.—(1) The President shall promulgate regulations to implement this section. The preparation of such regulations, and modifications thereto, shall include the participation of the Attorney General, the Chairman of the Federal Trade Commission, and such other officers of the Executive as the President may deem appropriate.

"(2) In addition to regulations required by this section and such matters as the President deems appropriate for the effective administration of the program, the regulations required by paragraph (1) shall address the following matters:

"(A) In order to be accorded protections under subsection (a), affected persons shall furnish to the Attorney General and the Chairman of the Federal Trade Commission—

"(i) notice at least 10 days prior to initiating discussions among the prospective participants,

"(ii) notice of and the opportunity for representatives of the Attorney General and the Chairman of the Federal Trade Commission to participate in all meetings, and

"(iii) a transcript of the proceedings of each such meeting.

"(B) Opportunity shall be provided for designated Government representatives to attend any meeting sponsored by such consortium.

"(C) Opportunity for public participation in such consortium meetings shall be provided, unless the matters to be discussed at such meetings fall within a category described in paragraphs (1), (3), or (4) of section 552(b) of title 5, United States Code.

"(D) Access shall be provided for inspecting and copying, at reasonable times and upon reasonable notice, the records of the sanctioned industry consortium by representatives of the Attorney General, the Chairman of the Federal Trade Commis-

sion, and the individual designated as the Government's principal liaison to such sanctioned industry consortium.

"(E) Public access shall be provided to the Government's records relating to the establishment or conduct of a sanctioned industry consortium, subject to the limitations of paragraphs (1), (3), and (4) of section 552(b) of title 5, United States Code.

"(i) EXEMPTION FROM FEDERAL ADVISORY COMMITTEE ACT.—The activities of a sanctioned industry consortium (including any advisory council established by such consortium) are exempt from the provisions of the Federal Advisory Committee Act (5 U.S.C. App.), and the regulations promulgated thereunder, if such activities are conducted in compliance with this section, the regulations promulgated pursuant to subsection (h), and the terms of the consortium's charter.

"(j) REMEDIES.—(1) Any person who has been injured with respect to any act or omission committed in connection with the organization or operation of a sanctioned industry consortium may bring a civil action for injunctive relief or for breach of contract if—

"(A) such act or omission occurred—

"(i) in the course of organizing a sanctioned industry consortium pursuant to subsection (d), or

"(ii) while undertaking the sanctioned activities of the consortium pursuant to its charter, and

"(B) the person committing such act or omission failed to comply with the scope and limitations of its charter, the requirements of this section, or the regulations promulgated pursuant to subsection (h).

"(2) A person injured as a result of an act or omission described in paragraph (1) may be awarded—

"(A) actual damages, including interest on such damages, and

"(B) in the case of any successful action to enforce liability under this section, the costs of such action together with reasonable attorney's fees.

"(3) Any action commenced under this subsection shall proceed as if it were an action commenced under section 4 or section 16 of the Clayton Act, except that the standards applicable to the sanctioned industry consortium shall be the requirements of this section, the regulations promulgated pursuant to subsection (h) and the charter of such consortium. The remedies provided in this subsection shall be the exclusive remedies available to a plaintiff.

"(4) Any action under paragraph (1) shall be brought within 2 years of the discovery of the facts indicating that the sanctioned industry consortium has failed to comply with the requirements of this section, the regulations promulgated pursuant to subsection (h), or the charter of such consortium, but not later than 4 years from the date the cause of action arises.

"(5) In any action brought under paragraph (1), there shall be a presumption that the activities of a sanctioned industry consortium which are within the scope and limitations of its charter comply with the requirements of this section.

"(6) In any action brought under paragraph (1), if the court finds that the challenged conduct was undertaken by the sanctioned industry consortium within the scope and limitations of its charter, the requirements of this section, and the regulations promulgated pursuant to subsection (h), the court may award to the person against whom the claim is brought the cost of de-

fending such claim (including reasonable attorney's fees)."

SEC. 126. EXEMPTION FROM ADMINISTRATIVE PROCEDURE ACT.

Section 709 of the Defense Production Act of 1950 (50 U.S.C. App. 2159) is amended to read as follows:

"SEC. 709. EXEMPTION FROM ADMINISTRATIVE PROCEDURE ACT.

"Any rule, regulation, order, or amendment thereto promulgated under the authority of this Act shall not be subject to the requirements of sections 551 through 559 of title 5, United States Code. Each proposed rule or regulation, and each amendment thereto, shall be published for public comment in the Federal Register in conformity with the requirements of section 22 of the Office of Federal Procurement Policy Act (41 U.S.C. 418b) and chapter 6 of title 5, United States Code."

SEC. 127. AUTHORITY TO REVIEW CERTAIN MERGERS, ACQUISITIONS AND TAKEOVERS.

Section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) is amended by striking subsection (d)(1) and inserting the following:

"(1) there is evidence that leads the President to believe that completion of the foreign merger, acquisition, or takeover may threaten to impair the national security, and"

PART D—TECHNICAL AMENDMENTS

SEC. 131. PRIORITIES IN CONTRACTS AND ORDERS.

Section 101 of the Defense Production Act of 1950 (50 U.S.C. App. 2071) is amended—

(a) in subsection (a)(2) by striking "allocate materials and facilities" and inserting "materials, services, and facilities";

(b) in subsection (c)(1) by striking "supplies of materials and equipment" and inserting "materials, equipment, and services";

(c) by striking paragraphs (2) and (3) and inserting the following new paragraph:

"(2) The authority granted by this subsection may not be used to require priority performance of contracts or orders, or to control the distribution of any supplies of materials, services, and facilities in the marketplace, unless the President submits to the Congress a finding that—

"(A) such materials, services, and facilities are scarce, critical, and essential—

"(i) to maintain or expand exploration, production, refining, transportation,

"(ii) to conserve energy supplies; or

"(iii) to construct or maintain energy facilities; and

"(B) maintenance or expansion of exploration, production, refining, transportation, or conservation of energy supplies or the construction and maintenance of energy facilities cannot reasonably be accomplished without exercising the authority specified in paragraph (1) of this subsection."; and

(b) by redesignating paragraph (4) as paragraph (3).

SEC. 132. LOAN GUARANTEES.

Section 301(e)(2)(B) of the Defense Production Act of 1950 (50 U.S.C. App. 2091(e)(2)(B)) is amended by striking "and to the Committees on Banking and Currency of the respective Houses" and inserting "and to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives".

SEC. 133. INVESTIGATIONS; RECORDS; REPORTS; SUBPOENAS.

Section 705 of the Defense Production Act of 1950 (50 U.S.C. App. 2155) is amended—

(1) in subsection (a), by striking "subpoena" and inserting "subpoena";

(2) by redesignating subsections (c), (d), (e), and (f) as subsections (b), (c), (d), and (e), respectively;

(3) in subsection (c) (as redesignated by paragraph (2)), by striking "\$1,000" and inserting "\$10,000"; and

(4) in subsection (d) (as redesignated by paragraph (2)), by striking all after the first sentence.

SEC. 134. EMPLOYMENT OF PERSONNEL.

Section 710 of the Defense Production Act of 1950 (50 U.S.C. App. 2160) is amended—

(1) in subsection (b), by striking paragraph (6), and inserting the following:

"(6)(A) The departmental Secretary or an agency head making the appointment shall publish a notice in the Federal Register including the name of the appointee, the employing department or agency, the title of the position to which such individual is being appointed, the name of such individual's employer when selected for appointment, and a statement that the individual has made a filing in accordance with subparagraph (B) which is available for inspection.

"(B) Each individual selected for appointment under the authority of this subsection shall furnish to the departmental Secretary or agency head making the appointment—

"(i) a list of the names of each corporation, partnership, or other business in which such individual has an interest, and

"(ii) a list of any financial interest such individual had during the 60-day period preceding such appointment, including any office or directorship held in a corporation.

"(C) Each individual shall submit the information described in subparagraph (B) annually on the anniversary of such individual's appointment."

(2) in paragraph (7) of subsection (b)—

(A) by striking "Chairman of the United States Civil Service Commission" and inserting "the Director of the Office of Personnel Management";

(B) by striking "Joint Committee on Defense Production"; and

(3) in paragraph (8) of subsection (b), by striking "transportation and not to exceed \$15 per diem in lieu of subsistence while away from their homes and regular places of business pursuant to such appointment" and inserting "reimbursement for travel, subsistence, and other necessary expenses incurred by them in carrying out the functions for which they were appointed in the same manner as persons employed intermittently in the Federal Government are allowed expenses under section 5703 of title 5, United States Code".

SEC. 135. AUTHORIZATION OF APPROPRIATIONS.

Section 711(a)(1) of the Defense Production Act of 1950 (50 U.S.C. App. 2161) is amended by striking "Bureau of the Budget" and inserting "Office of Management and Budget".

PART E—REPEALERS AND CONFORMING AMENDMENTS

SEC. 141. SYNTHETIC FUEL ACTION.

Section 307 of the Defense Production Act of 1950 (50 U.S.C. App. 2097) is repealed.

SEC. 142. VOLUNTARY AGREEMENTS AND PLANS OF ACTION FOR INTERNATIONAL AGREEMENTS FOR INTERNATIONAL ALLOCATION OF PETROLEUM PRODUCTS AND RELATED INFORMATION SYSTEMS.

Section 708A of the Defense Production Act of 1950 (50 U.S.C. App. 2158a) is repealed.

SEC. 143. AUTHORIZATION OF APPROPRIATIONS.

Section 711 of the Defense Production Act of 1950 (50 U.S.C. App. 2161) is amended—

(1) by striking subsection (b),

(2) by striking "(a)(1) Except as provided in paragraph (2) and paragraph (4)" and inserting "(a) Except as provided in subsection (c),

(3) by striking in subsection (a) in the parenthetical "and for the payment of interest under subsection (b) of this section", and

(4) by striking paragraph (2) and redesignating paragraph (3) as subsection (b), and

(5) by striking subparagraph (B) of paragraph (4) and redesignating paragraph (4)(A) as subsection (c).

SEC. 144. JOINT COMMITTEE ON DEFENSE PRODUCTION.

Section 712 of the Defense Production Act of 1950 (50 U.S.C. App. 2162) is repealed.

SEC. 145. PERSONS DISQUALIFIED FOR EMPLOYMENT.

Section 716 of the Defense Production Act of 1950 (50 U.S.C. App. 2165) is repealed.

SEC. 146. FEASIBILITY STUDY ON UNIFORM COST ACCOUNTING STANDARDS; REPORT SUBMITTED.

Section 718 of the Defense Production Act of 1950 (50 U.S.C. App. 2167) is repealed.

SEC. 147. NATIONAL COMMISSION ON SUPPLIES AND SHORTAGES.

Section 720 of the Defense Production Act of 1950 (50 U.S.C. App. 2169) is repealed.

PART F—REAUTHORIZATION OF SELECTED PROVISIONS

SEC. 151. AUTHORIZATION OF APPROPRIATIONS.

Section 711(c) of the Defense Production Act of 1950 (as amended by section 143 of this Act) is amended to read as follows:

"(c) There is authorized to be appropriated for fiscal years 1990, 1991, 1992, and 1993 not to exceed \$250,000,000 to carry out the provisions of sections 301, 302, and 303 of this Act."

SEC. 152. SUNSET.

Section 717 of the Defense Production Act of 1950 (50 U.S.C. App. 2166) is amended to read as follows:

"SEC. 717. SUNSET.

"(a)(1) Sections 101, 102, 103, 105, and 106 of this Act, and all authority conferred thereunder, shall terminate at the close of September 30, 1993.

"(2) Sections 301, 302, 303, 304 of this Act, and all authority conferred thereunder, shall terminate at the close of September 30, 1993.

"(3) Sections 701, 702, 703, 704, 705, 706, 707, 708, and 711 of this Act, and all authority conferred thereunder shall terminate at the close of September 30, 1993.

"(4) Section 104 of title II, and title VI of this Act, and all authority conferred thereunder, shall terminate at the close of June 30, 1993.

"(5) Title IV and title V of this Act, and all authority conferred thereunder, shall terminate at the close of April 30, 1993.

"(6) Except as otherwise provided, all other provisions of this Act, and all authority conferred thereunder, shall remain in effect.

"(b) The termination of any section of this Act, or any agency or corporation utilized under this Act shall not affect the dis-

bursement of funds under, or the carrying out of, any contract, guarantee, commitment or other obligation entered into pursuant to this Act prior to the date of such termination, or the taking of any action necessary to preserve or protect the interests of the United States in any amounts advanced or paid out in carrying on operations under this Act, or the taking of any action (including the making of new guarantees) determined by a guaranteeing agency to be necessary to accomplish the orderly liquidation, adjustment or settlement of any loans guaranteed under this Act, including actions considered necessary to avoid undue hardship to borrowers in reconverting to normal civilian production; and all of the authority granted to the President, guaranteeing agencies, and fiscal agents under section 301 of this Act shall be applicable to actions taken pursuant to the authority contained in this subsection."

TITLE II—ADDITIONAL PROVISIONS TO IMPROVE INDUSTRIAL PREPAREDNESS

PART A—INDUSTRIAL CAPABILITY AND NATIONAL SECURITY

SEC. 201. INDUSTRIAL CAPABILITIES COMMITTEE.

(a) ESTABLISHMENT.—The President shall promptly establish, through the issuance of an executive order or such other means as may be appropriate, an Industrial Capabilities Committee or other appropriate forum, to exercise the responsibilities described in subsection (b).

(b) RESPONSIBILITIES.—The forum established pursuant to subsection (a) shall exercise the following responsibilities, in addition to such others as the President may assign:

(1) Analyze, on an ongoing basis, the demands to be placed upon industry by the national defense plans and industry's capabilities to fulfill those expectations in peacetime as well as in time of war or national emergency.

(2) Review major Government policies and their impact on the defense industrial and technology base.

(3) Develop a process for periodic industry-wide assessment of technological advancement and production capabilities in relation to national security objectives.

(4) Review existing industrial policy objectives, laws, and regulations, and recommend to the President modifications that foster industrial innovation, modernization, and productivity.

(5) Develop proposals for selectively expanding national defense production to respond to graduated levels of mobilization.

SEC. 202. INTEGRATION OF NATIONAL SECURITY POLICY AND NATIONAL ECONOMIC POLICY.

It is the sense of the Congress that—

(1) the national security of the United States would benefit from greater integration of national economic policies (including tax and trade) and national security policies; and

(2) such objective would be fostered by—

(A) designating the Secretary of Defense as a member of the Economic Policy Council, and

(B) establishing a Defense Working Group within the President's Economic Policy Council.

SEC. 203. ASSESSING INDUSTRIAL RESPONSIVENESS CAPABILITIES.

It is the sense of the Congress that, from time to time, the President should conduct of one or more exercises to assess the capability of the defense industry's capability to respond to increased demands for defense

material and services under various graduated mobilization response conditions.

PART B—ENCOURAGING IMPROVEMENT OF THE DEFENSE INDUSTRIAL BASE

SEC. 211. ENCOURAGEMENT OF INVESTMENT IN ADVANCED MANUFACTURING TECHNOLOGY AND PROCESSES.

The President, acting through the Administrator for Federal Procurement Policy, shall prescribe an acquisition policy that encourages contractors to invest in advanced manufacturing technology, advanced production equipment, and advanced manufacturing processes. Such policy shall provide for—

(1) an increased allowance for profit under a contract if the contractor, a subcontractor, or a supplier invests in any such advanced technology, equipment, or process in connection with the performance of such contract; and

(2) assignment of increased weight to source selection criteria relating to the efficiency of production.

SEC. 212. RECOGNITION OF MODERNIZED PRODUCTION SYSTEMS AND EQUIPMENT IN CONTRACT AWARD AND ADMINISTRATION.

(a) **IN GENERAL.**—The President, acting through the Administrator for Federal Procurement Policy, shall prescribe an acquisition policy requiring, to the maximum extent practicable, that the acquisition plan for any major system acquisition, or any other acquisition program designated by the Secretary or agency head responsible for such acquisition, provide for contract solicitation provisions which encourage competing offerors to acquire for utilization in the performance of the contract modern industrial facilities and production systems (including hardware and software), and other modern production equipment, that increase the productivity of the offerors and reduce the costs of production.

(b) **AUTHORIZED SOLICITATION PROVISIONS.**—Contract solicitation provisions referred to in subsection (a) may include any of the following provisions:

(1) An evaluation advantage in making the contract award determination.

(2) An increase of not more than 10 percent in the amount which would otherwise be reimbursable to a contractor as the Government's share of costs incurred for the acquisition of production special tooling, production special test equipment, and production special systems (including hardware and software) for use in the performance of the contract.

(3) A provision for the contractor to share in any demonstrated cost savings that are attributable to increased productivity resulting from the following contractor actions not required by the contract—

(A) the acquisition and utilization of modern industrial facilities and production systems (including hardware and software), and other modern production equipment, for the performance of the contract; or

(B) the utilization of other manufacturing technology improvements in the performance of the contract.

SEC. 213. SUPPORT FOR THE DEVELOPMENT AND APPLICATION OF CRITICAL TECHNOLOGIES.

The President, acting through the Administrator for Federal Procurement Policy, shall prescribe an acquisition policy authorizing a departmental secretary or agency head to restrict to domestic sources the competition for all or a portion of a contract opportunity to fulfill the requirements for materials, components, or items of supply

that are the products of, or are manufactured through the application of a critical technology as defined in section 702 of the Defense Production Act of 1950 (50 U.S.C. App. 2152). Each procurement restricted pursuant to this subsection shall be justified on a case-by-case basis. Such procurements shall represent not more than the minimum aggregate quantity necessary to sustain at least one domestic source determined to be essential to national security.

SEC. 214. PROCUREMENT OF CRITICAL ITEMS OF SUPPLY.

(a) **MAINTAINING DOMESTIC SOURCES.**—The President, acting through the Administrator for Federal Procurement Policy, shall prescribe an acquisition policy authorizing a departmental secretary or an agency head to make a noncompetitive contract award pursuant to the authority provided in section 2304(c)(3)(A) of title 10, United States Code, or section 303(c)(3)(A) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(b)(3)(A)), as appropriate, for the procurement of any critical item of supply from a domestic source in order to maintain at least one domestic source determined to be essential to national security. The requirements of section 2304(f) of title 10, United States Code, or section 303(f) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(f)) shall apply to a contract awarded pursuant to this subsection.

(b) **SUBCONTRACTING.**—The President, acting through the Administrator for Federal Procurement Policy, shall prescribe an acquisition policy requiring that the solicitation for the procurement of any major system, or such other procurements as may be specified in accordance with such acquisition policy, shall—

(1) specify the minimum percentage of the total estimated value of the contract that is to be performed by one or more domestic firms;

(2) provide for the attainment of such requirement by the firm as prime contractor, or by subcontractors pursuant to a subcontracting plan submitted with the firm's offer;

(3) specify that a source selection factor relating to the requirement specified in subparagraph (A) shall accord—

(A) such source selection factor a value not to exceed 10 percent of the total evaluation points for all source selection factors specified in the solicitation; and

(B) such evaluation points in proportion to the extent to which each offer meets or exceeds the specified percentage;

(4) provide that attainment of the percentage specified in the offer of the firm receiving the award shall be a material element of contractual performance; and

(5) require the contractor to—

(A) identify, at the conclusion of contract performance, each subcontractor whose performance is to be counted towards attainment of the contractual requirement specified pursuant to paragraph (1); and

(B) provide prompt notice to the contracting officer after replacing any such subcontractor.

(c) **CRITICAL ITEMS OF SUPPLY.**—The President, acting through the Secretary of Defense, shall—

(1) determine, for the purposes of this section, the items of supply that are critical items; and

(2) publish a list of such critical items in the Federal Acquisition Regulation.

PART C—UNFAIR FOREIGN COMPETITION

SEC. 221. EVALUATION OF OFFERS FROM SOURCES OTHER THAN DOMESTIC SOURCES.

(a) **IN GENERAL.**—The President, acting through the Administrator for Federal Procurement Policy, shall prescribe an acquisition policy for evaluating contract offers received from nondomestic sources with respect to a price advantage such nondomestic source may have over a domestic source as a result of any unfair advantage. The policy shall provide for the application of price evaluation factors to the offers of such nondomestic sources when necessary to counter any such unfair advantage.

(b) **DEFINITION.**—As used in this section, the term "unfair advantage" means—

(1) direct or indirect subsidization of a nondomestic source by a foreign government or other foreign entity; or

(2) exemption of a nondomestic source from the application of a statute, regulation, or executive order of the United States relating to environmental protection, fair labor standards, or subcontracting participation by small business concerns and small business concerns owned and controlled by socially and economically disadvantaged individuals and members of other designated groups, applicable to domestic sources.

SEC. 222. DISCOURAGING UNFAIR TRADE PRACTICES.

(a) **SUSPENSION OR DEBARMENT AUTHORIZED.**—A finding that a contractor has engaged in an unfair trade practice, as defined in subsection (b), shall indicate a lack of business integrity or business honesty that seriously and directly affects the responsibility of the contractor to perform any contract awarded by the Federal Government or perform a subcontract under such a contract. Such contractor shall be subject to suspension and debarment in accordance with subpart 9.4 of title 48, Code of Federal Regulations (or any successor regulation).

(b) **DEFINITIONS.**—For purposes of this section, the term "unfair trade practice" means the commission of any of the following acts by a contractor:

(1) An unfair trade practice, as determined by the International Trade Commission.

(2) A violation of any agreement of the Coordinating Committee on Export Controls or any similar bilateral export control agreement, as determined by the Secretary of Commerce.

(3) A false certification concerning the foreign content of an item of supply, as determined by the Secretary of the department or the head of the agency to which such certificate was furnished.

TITLE III—AMENDMENTS TO RELATED LAWS

SEC. 301. PROCEEDS FROM SALE OF EXCESS INDUSTRIAL PLANT EQUIPMENT AND FACILITIES.

Section 204 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 485) is amended—

(1) by amending subsection (a) to read as follows:

“(a) **DISPOSITION OF RECEIPTS.**—All proceeds under this subchapter from any transfer of excess property to a Federal agency for its use, or from any sale, lease, or other disposition of surplus property shall be covered into the Treasury as miscellaneous receipts, except as provided in subsections (b), (c), (d), (e), and (h) of this section.”; and

(2) by adding at the end the following new subsection:

"(h) CREDIT TO DEFENSE PRODUCTION ACT FUND ON CERTAIN TRANSACTIONS.—Where the property transferred or disposed of was industrial plant equipment or production facilities determined by the Secretary of Defense to be no longer required for mobilization of the defense industrial base, the costs of disposal or transfer of such equipment or facilities may be paid from the proceeds of such disposition or transfer and the net proceeds of the disposition or transfer shall be covered into the Defense Production Act Fund, established pursuant to section 304 of the Defense Production Act of 1950 (50 U.S.C. App. 2094)."

SEC. 302. STOCKPILING OF CRITICAL COMPONENTS.

Section 12(1) of the "Strategic and Critical Materials Stock Piling Act" (50 U.S.C. 98h-3(1)) is amended to read as follows:

"(1) The term 'strategic and critical materials' means—

"(A) materials that (i) would be needed to supply the military, industrial, and essential civilian needs of the United States during a national emergency, and (ii) are not found or produced in the United States in sufficient quantities to meet such needs, and

"(B) components of major weapon systems, or other items of military equipment, essential to the production, repair, maintenance, or operation of such systems or equipment, which the Secretary of Defense determines are not produced in the United States or Canada in sufficient quantities to meet defense mobilization needs, and must be stockpiled in order to most effectively meet such mobilization needs."

TITLE IV—EFFECTIVE DATES

SEC. 401. EFFECTIVE DATES.

(a) Except as provided in subsection (b), the provisions of this Act shall take effect on September 30, 1989.

(b) The acquisition policies required by sections 214 and 221 of the Act shall be promulgated within 180 days. Such policies shall apply to solicitations issued 60 days after the promulgation of procurement regulations implementing such acquisition policies.

S. 1379, THE DEFENSE PRODUCTION ACT AMENDMENTS OF 1989 SECTION-BY-SECTION ANALYSIS

Section 1. Short Title:

This section establishes the bill's citation as the "Defense Production Act Amendments of 1989".

Section 2. Congressional Findings:

This section enunciates a series of Congressional findings relating to the Defense Production Act of 1950. The first Congressional finding recognizes that the authorities provided by the Defense Production Act are useful in preserving and enhancing the defense industrial and technology base during peacetime, and for mobilizing the Nation's productive capacity to meet national emergencies. The second Congressional finding identifies needed improvements to the Act which will enhance its usefulness to attain its two basic objectives.

Section 3. Table of Contents.

This section lists the titles of the bill's provisions in the format of a table of contents.

TITLE I—AMENDMENTS TO THE DEFENSE PRODUCTION ACT OF 1950

Part A—Declaration of policy

Section 101. Declaration of Policy:

This section enunciates a declaration of Congressional policy regarding the purposes of the Defense Production Act of 1950, as amended.

Part B—Amendments to title III of the Defense Production Act

Section 111. Expanding the Reach of Existing Authorities under Title III:

Subsection (a) of this section would extend the Act's current loan guarantee authority (provided under Section 301) to a broader class of industrial resources, and to critical technologies, to maintain a strong defense industrial and technology base. To increase the Act's utility to more promptly address industrial base problems as they are identified, the proposed amendments increase from \$25 million to \$50 million to the threshold at which an otherwise eligible project must obtain specific Congressional authorization prior to being eligible for funding under the Act. In addition, the subsection provides to the President the authority to fund an otherwise eligible project in excess of the Act's authorization threshold, if a determination is made that such action is promptly required to avert an industrial resource shortfall that would severely impair national defense capability. To circumscribe this waiver authority, the provision requires that the President exercise this authority personally.

Subsection (b) makes corresponding changes to the loan authority currently provided by Section 302 of the Act.

Subsection (c) makes corresponding changes to the purchase and purchase commitment authorities currently provided by Section 303 of the Act. In addition, the amendment reenacts the current text of Section 303(a) to permit the correction of numbering problems and to modernize the subsection's language. Without the amendment, two different provisions are designated as Section 303(a)(1). This subsection also extends the completion date for projects entered into under the current authority of Section 303 of the Act from a fixed date to a date that does not exceed ten years from the date such authority was initially exercised.

Section 112. Sales or Transfers of Excess Industrial Resources:

This section encourages the timely disposal of excess industrial resources no longer needed for defense preparedness. It authorizes the disposal of these excess resources by transfer to other Government programs or by sale to the public, and requires that the proceeds resulting from such disposal actions be deposited into the Defense Production Act Fund, established by Section 113 of the bill. Presently, no incentives exist for managers to incur the direct costs associated with the disposal of excess industrial resources, nor does the authority exist to use the proceeds of such sales to fund needed industrial resources projects to strengthen the Nation's defense industrial and technology base.

Section 113. Defense Production Act Fund:

Subsection (a) of this section adds to the Act a new Section 304 (Defense Production Act Fund). Subsection (a) of this new section establishes a Defense Production Act Fund ("the Fund") as a separate fund within the United States Treasury. Subsection (b) specifies the monies that may be deposited into the Fund. Subsection (c) of new Section 304 specifies that monies from the Fund may be used to carry out activities authorized by the provisions of Title III of the Defense Production Act. It also makes the expenditure of monies from the Fund subject to limitations prescribed by the Act, as amended, and to such additional limitations included in any subsequent appropriations

acts. Subsection (d) recognizes the Fund as a revolving fund without fiscal year limitation. Subsection (e) of the new section caps the Fund balance at \$250 million, excluding any monies appropriated to the Fund in the current fiscal year. Monies in excess of the \$250 million cap at the close of any fiscal year shall be returned to the Treasury's general fund. Subsection (f) prescribes the duties of the Fund manager, who shall be designated by the Secretary of the Treasury. These duties include the preparation and submission of an annual report to the Congress. And finally, subsection (g) of new Section 304 specifies the manner in which the Fund Manager will calculate the liabilities outstanding against the Fund.

Subsection (b) makes a conforming amendment to Section 9 of the Strategic and Critical Materials Stock Piling Act to permit the proceeds from disposals of materials excess to the needs of the Stockpile to be deposited in the Defense Production Act Fund rather than the National Defense Stockpile Transaction Fund. Such deposits to the Defense Production Act Fund are capped at \$10 million in any fiscal year.

Subsection (c) initially capitalizes the Defense Production Act Fund by the transfer of \$200 million from the unobligated balance of the National Defense Stockpile Transaction Fund. At the close of Fiscal Year 1988, the Stockpile Transaction Fund had an unobligated balance of approximately \$650 million.

Section 114. Annual Report on Impact of Offsets:

This section amends Section 309 of the Defense Production Act, which requires the President to annually prepare and submit a report on the impact of offsets on defense preparedness, industrial competitiveness, employment, and trade to the Senate and House Banking committees. The proposed amendment specifies the Secretary of Commerce as the President's "Executive Agent" for carrying out the duties of Section 309. The proposed amendment restructures the existing requirements of Section 309(b), while adding specific reference to the Secretary of Commerce as the Executive Branch official exercising leadership and direction in the process of developing the required report. The proposed amendment adds a new subsection (c) to Section 309, which requires that a notice be furnished regarding any offset agreement exceeding \$5 million. The notice requirement is an "after the fact" notice, not a prior approval notice. The provision does not designate the specific Government official to receive the notice; such designation is left to the implementing regulations. The proposed amendment adds a new subsection (d) (Contents of the Report) and subsection (e) (Utilization of Annual Report in Negotiations) which specify the existing requirements of Section 309 relating to the procedures for the report's preparation and its use in bilateral and multilateral negotiations to minimize the adverse effects of offsets.

Part C—Amendments to title VII of the Defense Production Act

Section 121. Small Business:

This section amends Section 701 of the Act pertaining to assuring small business participation in the programs authorized. As amended, subsection (a) would specify the objective of assuring the maximum practicable opportunity for the participation of small business concerns in the various programs to strengthen the defense industrial and technology base. The provision

makes clear that such participation must be afforded at both the prime contractor level and the various levels of subcontractor activity, including suppliers. Subsection (b) of the revised Section 701 would continue the existing policy that the regulations implementing the various programs authorized by the Act should accord small business concerns expeditious handling of their applications, requests, or appeals. Subsection (c) continues the Congressional direction to the President, currently reflected in Section 701, that small business concerns must be accorded their fair share of materials if the allocation authority of Section 101 of the Act is implemented.

Section 122. Definitions:

This section offers a substantially revised Section 702 of the Act, specifying definitions of various terms. Paragraph (1) adds a definition of "critical component". Paragraph (2) adds a definition of "critical technology". Paragraph (3) sets forth the Act's current definition of "defense contractor", modified to reflect terminology defined in this section and used throughout the proposed amendments to the Act. Paragraph (4) adds a definition of "domestic source". Paragraph (5) sets forth a stylistically modified version of the Act's current definition of "facilities". Paragraph (6) adds a new definition of "industrial resources", intended to continue the Act's reach of activities presently covered and broaden that reach to additional areas, especially regarding the full range of processes, technologies, and services relating to the use of modern manufacturing equipment. Paragraph (7) sets forth a broadened version of the Act's current definition of "materials". The intent is to capture the full range of materials from those in the raw, unrefined state through manufactured items that serve as components to defense materiel, to items of defense materiel themselves. The definition has been broadened to include advance processed materials, such as composites and ceramics. Paragraph (8) includes a slightly modified version of the Act's current definition of "national defense". Specifically, the definition's reach has been extended by substituting the word "energy" for the more limiting term "atomic energy". Paragraph (9) adds a new definition of "nondomestic source". Paragraph (10) sets forth a revised version of the Act's, current definition of person to exclude governments at the federal, state or local levels. References to such governmental entities have been included in the amendments to the Act where appropriate. Paragraph (11) adds a new definition of "services".

Section 123. Delegation of Authority; Appointment of Personnel:

This section offers a modernized version of the Act's current Section 703, relating to the President's authority under the Act to delegate authority, create agencies, and appoint and fix the compensation of civilian personnel free of the constraints of the Civil Service System.

Section 124. Rules, Regulations, and Orders:

This Section offers a simplified version of the Act's current Section 704, relating to regulatory implementation of the Act's authorities.

Section 125. Antitrust Protections for Sanctioned Industry Consortia:

This section offers a substitute for Section 708 of the Act, which currently provides antitrust defenses to certain voluntary agreements authorized to help the President meet defense preparedness require-

ments. The proposed amendment provides essentially generic authority and procedures to establish and operate "sanctioned industry consortia". Such sanctioned industry consortia are envisioned as joint industry arrangements chartered to undertake a specified program of basic research, research and development, production, marketing, or flexible manufacturing network to provide industrial resources or emerging technologies essential for the preservation or enhancement of the industrial or technology base supporting the national defense. The new section affords the sanctioned industry consortium with broad immunities from civil and criminal liability under the antitrust laws (as opposed to mere defenses), provided the consortium is operating within the scope and limitations of its charter, and in compliance with all regulations implementing the new statutory provision. To protect the public, the provision affords an aggrieved person the opportunity to bring a civil action to enjoin further unauthorized behavior and to obtain actual damages for injuries sustained due to such behavior.

Subsection (a) (Antitrust Protection) of the proposed new Section 708 provides immunities from criminal or civil action for the actions of a sanctioned industry consortium operating within the scope of its charter and in conformity with the regulations implementing the new section, except for the remedies made available in subsection (j) of the new section.

Subsection (b) (Definitions) specifies the meaning of terms used in the new Section 708. Paragraph (1) lists the statutes encompassed within the term "antitrust laws". Paragraph (2) defines the term "flexible manufacturing network". Paragraph (3) specifies the meaning of the term "plan of action". Paragraph (4) offers the definition of the term "sanctioned industry consortium", which includes the concept of "voluntary agreement" currently covered by Section 708. Paragraph (6) provides a definition of "voluntary agreement" derived from the Act's current coverage, but modified to meet demands for specialized services or cooperative arrangements in the energy field.

Subsection (c) (Delegation of Presidential Authority) grants the President the authority to delegate his authorities to one or more Executive Branch officials, whose appointments are subject to Senate approval.

Subsection (d) (Formation of Sanctioned Industry Consortium) of the proposed new Section 708 specifies the procedures to be followed in the creation of a sanctioned industry consortium. The formation of a sanctioned industry consortium may be initiated by private sector entities unlike the creation of a voluntary agreement which must be initiated by the President or his designee. The procedures require the publication of a notice announcing the receipt of an application to form a sanctioned industry consortium, identifying each participating entity, and describing the applicants' proposed activities. A copy of the application is furnished to both the Attorney General and the Chairman of the Federal Trade Commission for review and to obtain recommendation of each officer regarding whether the applicant should be granted a charter as a sanctioned industry consortium.

Subsection (e) (Criteria for Sanctioning Consortium) of the new section 708 specifies the criteria that an applicant must meet in order to be chartered. The subsection also requires that action be taken on a reviewable application within 90 days of its receipt, but not sooner than 30 days after publica-

tion of the required notice announcing the application for a charter. An approved consortium shall be issued a charter, specifying the scope of its activities and imposing such special terms, conditions, or limitations as deemed appropriate by the President, the Attorney General, or the Chairman of the Federal Trade Commission. The subsection also requires the appointment of a principal liaison to serve as the point-of-contact between the consortium's leadership and the Government.

Subsection (f) (Consortium Advisory Council) of the proposed new Section 708 authorizes a sanctioned industry consortium to form one or more advisory councils.

Subsection (g) (Charter) of the amended Section 708 provides for the modification and termination of a consortium charter. A charter may be terminated for failure to comply with its terms or the requirements of Section 708, as amended, and its implementing regulations. The termination procedures provide the consortium with an opportunity to appeal a termination notice.

Subsection (h) (Regulations) requires the President to issue regulations implementing the new Section 708. The participation of the Attorney General and the Chairman of the Federal Trade Commission is specified. The subsection also specifies certain matters to be addressed in the regulations, in addition to such other matters as the President deems appropriate.

Subsection (i) (Exemption from Federal Advisory Committee Act) of the proposed amendment to Section 708 exempts the activities of a sanctioned industry consortium and any advisory committee it may establish from the Federal Advisory Committee Act.

Subsection (j) (Remedies) specifies the remedies available to an aggrieved party under the proposed revision to Section 708. Such aggrieved party may bring a civil action to enjoin the sanctioned industry consortium from continuing to take the actions which inflicted the injury, and may be awarded actual damages and cost of such successful action including reasonable attorney's fees. A sanctioned industry consortium is accorded a presumption that its activities were conducted within the scope and limitations of its charter in conformity with the requirements of this section, but such presumption may be rebutted. The limitations on available remedies prescribed by this section do not apply to a civil action in which the plaintiff alleges that the sanctioned industry consortium intended to cause competitive injury to the plaintiff. A plaintiff shall be liable for the payment of the consortium's cost of defending against a challenge, including reasonable attorney's fees, if the court finds that the challenged conduct was within the scope and limitations of the consortium's charter and the requirements of this section.

Section 126. Exemption from Administrative Procedure Act:

This section amends Section 709 of the Act, which exempts regulations implementing the Act from the notice and comment provisions of the Administrative Procedure Act, but requires publication of an agency statement that interested parties were consulted in the formulation of the regulation. The proposed amendment to Section 709 would similarly exempt the Act's implementing regulations from the notice and comment provisions of the Administrative Procedures Act. It would, however, make any regulation subject to the publication and comment procedures required by Sec-

tion 22 of the Office of Federal Procurement Policy Act to assure adequate public review and participation in rulemaking.

Section 127. Authority to Review Certain Mergers, Acquisitions, and Takeovers:

This section amends Section 721 of the Act authorizing the President to assess the effects of mergers, acquisitions, and takeovers on national security. Section 721 was added to the Act by the so-called "Exon-Florio Amendment" to the "Omnibus Trade and Competitiveness Act of 1988". The amendment strengthens the provision regarding the making of a finding as to whether a particular merger, acquisition, or takeover may be expected to impair national security.

Part D—Technical amendments

Section 131. Priorities in Contracts and Orders:

This section eliminates obsolete reporting requirements, while maintaining essential elements of the Presidential findings that must precede the use of the authority granted by Section 101 of the Act regarding priority performance of contracts or the allocation of materials.

Section 132. Loan Guarantees:

This section substitutes the current titles for the appropriate committees of the Congress to which the Presidential certification must be submitted pursuant to Section 301(e)(2)(B).

Section 133. Investigations; Records; Reports; Subpoenas:

This section amends Section 705 of the act to correct a spelling error and renumbers subsections to accommodate a previously repealed subsection. The section also increases the fine specified in subsection (d) of the Section 705 (from \$1,000 to \$10,000) to parallel the fine specified in subsection (e), and elsewhere in the Act. Finally, the section deletes the provision according confidentiality to data obtained by the Office of Price Stabilization prior to April 30, 1953 under the Act's authority.

Section 134. Employment of Personnel:

This section amends Section 710 of the Act relating to the appointment of individuals from industry to serve without compensation in defense mobilization positions. The amendments clarify and simplify the Section's current reporting requirements relating to identifying the financial interests of such persons that could create a conflict of interest relating to the exercise of advisory responsibilities to Government. In addition, the section corrects certain references to organizations of the Executive Branch and Legislative Branch. Finally, the section substitutes the currently applicable language authorizing the payment of travel and per diem.

Section 135. Authorization of Appropriations:

This section amends Section 711 by eliminating the reference to the Bureau of the Budget and substitutes the Office of Management and Budget.

Part E—Repealers and conforming amendments

Section 141. Synthetic Fuel Action:

This section repeals Section 307 of the Defense Production Act of 1950 (50 U.S.C. App. 2097). This provision specifies the procedures under which the Senate and House of Representatives will consider a resolution disapproving Presidential action regarding certain matters defined as "synthetic fuel actions". The veto of an action by the Executive through the disapproval of a single house of the Congress was declared unconstitutional in *Immigration and Naturalization Service v. Chadha*, 103 U.S. 2764 (1983).

Section 142. Voluntary Agreements and Plans of Action for International Allocation of Petroleum Products and Related Information Systems:

This section repeals Section 708A of the Defense Production Act of 1950 (50 U.S.C. 2158a). The section is unnecessary in light of the enactment of Public Law 94-163, the "Energy Policy and Conservation Act", on December 22, 1975, and the availability of the revised antitrust protections, provided through the proposed amendments to Section 708, to a sanctioned industry consortium chartered for specific operations relating to energy.

Section 143. Authorization of Appropriations:

This section repeals Section 711(b) of the Defense Production Act of 1950 (50 U.S.C. App. 2160(b)). This section provided for certain payments of interest to the Treasury on the funds obligated as loans under the authority of Section 302 of the Act or purchase commitments under the authority of Section 303 of the Act.

Section 144. Joint Committee on Defense Production:

This section repeals Section 712 of the Defense Production Act of 1950 (50 U.S.C. 2162). This section establishes and specifies the jurisdiction and rules of the Joint Committee on Defense Production. Such a joint committee is no longer provided for by Standing Rules of the Senate or of the House of Representatives.

Section 145. Persons Disqualified for Employment:

This section repeals Section 716 of the Defense Production Act of 1950 (50 U.S.C. App. 2165). The provision disqualifies from employment any individual who advocates (or belongs to an organization that advocates) the overthrow of the United States Government by force or violence, or who engages in a strike against the United States Government (or belongs to an organization that asserts the right to strike against the Government). The provision also establishes penalties of fines (not more than \$1,000) and imprisonment (not more than one year) for any individual, so disqualified, who accepts employment and wages authorized under the Act. This provision is duplicative of other generally applicable provisions of law on the same subject.

Section 146. Feasibility Study on Uniform Cost Accounting Standards; Report Submitted:

This section repeals Section 718 of the Defense Production Act of 1950 (50 U.S.C. App. 2167). The study required by the section was completed and submitted to the Congress in 1968.

Section 147. National Commission on Supplies and Shortages:

This section repeals Section 720 of the Defense Production Act of 1950 (50 U.S.C. App. 2169). The Commission established by this section completed its work in 1976, and was terminated on March 31, 1977.

Part F—Reauthorization of selected provisions

Section 151. Authorization of Appropriations:

This section authorizes the appropriation of the aggregate sum of \$250 million to carry out the provisions of Sections 301, 302, and 303 of the Act for fiscal years 1990 through 1993.

Section 152. Sunset:

This section amends Section 717 of the Act establishing sunset dates for the au-

thorities granted by various sections of the Act. Most of the authorities granted by Title I, Title III, and Title VII are set to expire on September 30, 1993, a four-year extension.

TITLE II—ADDITIONAL PROVISIONS TO IMPROVE INDUSTRIAL PREPAREDNESS

Part A—Industrial capability and national security

Section 201. Industrial Capabilities Committee:

This section directs the President to establish an Industrial Capabilities Committee, or other appropriate forum, to analyze the demands to be placed upon industry by national defense plans and industry's capabilities to fulfill those expectations in peacetime as well as in time of national emergency. Establishment of such a body was a principal recommendation of the Defense Science Board's 1988 Task Force on the Defense Industrial and Technology Base.

Section 202. Integration of National Security Policy and National Economic Policy:

This section expresses the sense of the Congress that there should be improved integration of national economic policies and national security policies. The section recommends fostering the attainment of this objective by designating the Secretary of Defense as a member of the Economic Policy Council and through the establishment of a Defense Working Group within the Economic Policy Council. This provision is also based on the recommendations of the Defense Science Board's 1988 report.

Section 203. Assessing Industrial Responsiveness Capabilities:

This section expresses the sense of the Congress that the President should periodically conduct one or more exercises to assess the capability of industry to respond to increased demands for defense material and services under various graduated mobilization response conditions. This section is based on a recommendation of the Air Force Association made in the report of its 1988 review of the defense industrial base. It recognizes the graduated mobilization response system implemented by DOD. This improved mobilization response system is a outgrowth of the 1988 analysis of the defense industrial and technology base conducted by the Office of the Under Secretary of Defense (Acquisition), reported in *Bolstering Defense Industrial Competitiveness*.

Part B—Encouraging improvement of the defense industrial base

Section 211. Encouragement of Investment in Advanced Manufacturing Technology and Processes:

This section encourages investment in advanced manufacturing technologies, advanced production equipment, and advanced processes through acquisition policies that provide recognition in contract award decisions and increased allowances for profit if the contractor, subcontractor, or supplier invests in any such technology, equipment, or process in connection with the performance of such contract.

Section 212. Recognition of Modernized Production Systems and Equipment in Contract Award and Administration:

This section encourages investment in modern industrial facilities and production systems (including hardware and software) through acquisition policies that will provide recognition in contract award decisions, increased allowances for profit, and sharing in the benefits of "cost savings" if the contractor, subcontractor, or supplier invests in

any such modern industrial facilities, production systems, or other modern production equipment for use in the performance of such contract.

Section 213. Support for the Development and Application of Critical Technologies:

This section provides additional authority through acquisition policies that will allow for the directing of contracts to support domestic firms that are developing and applying emerging technologies critical to national defense needs.

Section 214. Procurement of Critical Items of Supply:

This section provides additional authority through acquisition policies that will allow for a noncompetitive contract award to at least one domestic source for the procurement of a critical item essential to the production, repair, maintenance, or operation of military equipment.

Part C—Unfair foreign competition

Section 221. Evaluation of Offers from Sources Other Than Domestic Sources:

This section provides for the application of evaluation factors to counter any price advantage enjoyed by a nondomestic contractor derived from one or more unfair advantages. Such unfair advantages may include, but are not limited to, direct or indirect subsidization, exemption from a law applicable to a domestic source, or exemption from a statute, regulation, or executive order of the United States relating to environmental protection, unfair labor standards, or subcontracting requirements.

Section 222. Discouraging Unfair Trade Practices:

This section provides that if a contractor is found to have engaged in one or more activities specified as unfair trade practices, such contractor shall be subject to a determination of ineligibility for the award of contracts (debarment).

TITLE III—AMENDMENTS TO RELATED LAWS

Section 301. Proceeds from Sale of Excess Industrial Plant Equipment and Facilities:

This section makes a conforming amendment to Section 204 of the "Federal Property and Administrative Services Act of 1949" to permit the proceeds of a disposal of industrial plant equipment or production facilities to be deposited into the Defense Production Act Fund established by Section 113 of the bill.

Section 302. Stockpiling of Critical Components:

This section amends Section 12 of the "Strategic and Critical Materials Stock Piling Act" to permit the stockpiling of critical items essential to the production, repair, maintenance, or operation of major weapon systems, or other items of military equipment.

TITLE IV—EFFECTIVE DATES

Section 401. Effective Dates:

This section establishes the effective date of the "Defense Production Act Amendments of 1989" as September 30, 1989.

MAJOR STUDIES ON THE DEFENSE INDUSTRIAL BASE

The steady erosion of the defense industrial and technology base has been the subject of numerous DOD, industry, GAO, and Congressional reviews since the mid-1970s. Some of the major analyses are:

Nov 1976.—Defense Science Board Task Force on Industrial Readiness Plans and Programs.

1980.—Hearings (13 days; 1796 page record) by a specially created Defense In-

dustrial Base Panel of the House Armed Services Committee.

Dec 1980.—*The Ailing Industrial Base: Unready for Crisis*, the report of the Defense Industrial Base Panel, House Armed Services Committee.

Jan 1981.—Report of the Defense Science Board, 1980 Summer Study on Industrial Responsiveness.

Feb 1981.—*Defense Industrial Base Issues*, a series of industry briefings to the House Armed Services Committee.

Jul 1981.—*Deterioration of the U.S. Defense Industrial Base*, hearing by the Senate Committee on Small Business.

Sep 1981.—*Restoring America's Defense Industrial Base*, hearing by the Joint Economic Committee.

Apr 1984.—*Assessing Production Capabilities and Constraints in the Defense Industrial Base*, GAO report.

Mar 1988.—*The Defense Technology Base: Introduction and Overview*, a special report of the Office of Technology Assessment.

Jul 1988.—*Bolstering Defense Industrial Competitiveness*, a report by Under Secretary of Defense (Acquisition).

Sep 1988.—*Lifeline in Danger*, sponsored by the Air Force Association.

Oct 1988.—Report of the 1988 Defense Science Board Study.

May 1989.—*Deterrence in Decay: The Future of the U.S. Defense Industrial Base*, a report by the Center for Strategic and International Studies.

By Mr. WILSON (for himself, Mr. KERRY, Mr. COATS, Mr. DOLE, and Mr. LOTT):

S. 1380. A bill to amend title 31, United States Code, to increase both citizen participation in and funding for the war on drugs by directing the Secretary of the Treasury to issue drug war bonds, and for other purposes; to the Committee on Finance.

DRUG WAR BOND ACT OF 1989

Mr. WILSON. Mr. President, our Nation's drug problem is too understated for that description. Our Nation's problem with illegal drugs has many facets. They range from the sheer greed and ruthlessness of drug traffickers, both here and abroad, to the poverty and the inadequate education, in terms of the ills of drug use, that permit these traffickers to prey on our young people.

Our Nation's response must also be multifaceted, and yet whatever approach we take the success of any single part of the attack or all of it clearly depends upon our ability to mobilize public attitudes to focus public anger and public fear because only broad public support can provide the impetus to change attitudes, specifically, the attitudes of those who use or might consider using illegal drugs, and equally important, Mr. President, the attitudes of politicians who have voted tough measures but not found the courage to make the tough budgetary choices in order to finance them.

That, unhappily, is the history of the Congress. In 1986 and in 1988 we passed what should have been very

useful legislation. But we wrote bum checks. We have not fully funded the activities that we put to paper as necessary to not simply wage a rhetorical war on drugs but a real one and to win it.

To this end, Mr. President, last week with the support of the organization Citizens for a Drug Free America, Congressman JERRY LEWIS and I announced a plan that will mobilize the American public in the fight against drugs—the creation of drug war bonds.

There are some in this body who are old enough to remember World War II and to remember the war bonds that were used to finance America's war effort. Drug war bonds will not only provide a significant similar means for increasing funding for our antidrug efforts, but they will also serve as a vehicle to generate greater public awareness of the ills created by drug trafficking and by the abuse of drugs, and they will give the public a far greater stake in the battle itself.

Instead of simply depending upon elected representatives to set and keep priorities, and to fund them in accordance with the wishes and the beliefs of the American people, this will actually allow the American people in the marketplace by investing their own funds to state clearly what their priority will be, and to put money behind the position that they show in virtually every public opinion survey in expressing their concern for crime and drugs as inextricably twin issues and the first issue in any measurement of public concern.

So today Mr. President, I am introducing on behalf of myself, Senator KERRY of Massachusetts, Senator COATS, and Senator DOLE, the Drug War Bonds Act of 1989 as a companion measure to the bill introduced by Congressman LEWIS. Under our proposal, the Secretary of Treasury will be authorized to issue up to \$4 billion in tax-free bonds with an interest rate of at least 4 percent and a maturity of not more than 12 years.

Stamps will also be issued so that children as they did in World War II can contribute small amounts of money working to that point where they can in fact redeem their stamp books for a bond. Furthermore, voluntary contributions to the war on drugs trust fund would be allowed with taxpayers electing to make a direct payment in addition to their other tax payment or by a check-off on Federal income tax forms diverting any income otherwise due them.

The funds raised by this plan will be expended under the authority of the President by the drug czar for enumerated programs such as prison construction, salary enhancements for Federal agents, the hiring of additional law enforcement personnel, rehabilitation, drug education, and enhancement of

the State Block Grant Law Enforcement Program.

Payment of the interest on these bonds and repayment of principal when the bonds are cashed in will be supported from three sources. First, from the contributions made to it and the interest earned by the trust fund; second, from excess moneys from the Justice Department's asset forfeiture fund after local governments receive their share under the Equitable Sharing Program and after the seizing Federal agencies have had an opportunity to make authorized use of the money; and, third, from appropriated funds as may be necessary.

Mr. President, when I say "as may be necessary," I have in mind that these contributions to a bond paying 4 percent interest will afford an opportunity for money to be earned on the spread between what is paid, 4 percent, and what can be earned in the marketplace by the Treasury issuing other kinds of securities.

And clearly, 4 percent is not a huge reward. What the American people will be asked to do and what I fully expect they will do, as they did in World War II, will be to invest in the future of this Nation, to invest in a program that will adequately finance a war on drugs worthy of the name. I can think of no more important or rewarding investment.

In order to prevent the Congress from cutting funding for antidrug programs in regular appropriations bills—as was the case last year in anticipation of the omnibus drug bill—I have added a provision making subject to a point of order any budget resolution or appropriations bill that proposes a cut in spending in the war against drugs. Sixty votes would be needed to waive the point of order in the Senate.

Drug war bonds can serve as a magnet for public attention. With the efforts to sell the bonds, and the publicity surrounding the programs funded by the money raised, we will increase the public's resolve to really meet the problem.

The war bonds plan worked in World War II, generating both funds and commitment to the war effort necessary to win. The stakes are just as high today, though the enemy is not threatening to invade. The fact is, the enemy is already here on our streets, in our parks, and in our school yards.

Mr. President, I want to commend Citizens for a Drug Free America and its founder and president, Roger Chapin, for having inspired the creation of drug war bonds. I also want to commend my colleague from California, JERRY LEWIS, who is a true leader in the fight against illegal drugs and who was the first Member of Congress to see the wisdom and potential of the drug war bond proposal.

I urge my colleagues to carefully review this legislation, and I am hope-

ful that we can move its consideration this year.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1380

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
SECTION 1. SHORT TITLE.

This Act may be cited as the "Drug War Bond Act of 1989".

SEC. 2. ISSUANCE OF DRUG WAR BONDS.

Subchapter I of chapter 31 of title 31, United States Code, is amended by adding at the end thereof the following new section:

"§ 3114. Drug War Bonds

"(a) ISSUANCE.—The Secretary of the Treasury shall—

"(1) issue Drug War Bonds of the United States Government, and

"(2) buy, redeem, and pay interest on such bonds.

"(b) LIMITATIONS.—

"(1) The face amount of obligations issued under subsection (a) shall not exceed \$4,000,000,000.

"(2) The Secretary of the Treasury shall not issue Drug War Bonds after the 3-year period beginning on the date of the enactment of this section, unless Congress reauthorizes the issuance of such bonds.

"(c) METHODS OF ISSUANCE.—Drug War Bonds may be issued on an interest-bearing basis, on a discount basis, or on an interest-bearing and discount basis.

"(d) INVESTMENT YIELD.—

"(1) With the approval of the President, and except as provided in paragraph (2), the Secretary may—

"(A) fix the investment yield for Drug War Bonds, and

"(B) change the investment yield on an outstanding Drug War Bond, except that the yield on a Drug War Bond for a period held may not be decreased below the minimum yield for the period guaranteed on the date of issue.

"(2) The investment yield on a Drug War Bond shall be at least 4 percent a year compounded semiannually beginning after the date of issue of the bond and ending on the last day of the month before the date of redemption.

"(e) MATURITY.—A Drug War Bond shall mature not more than 12 years from the date of issue.

"(f) MISCELLANEOUS.—The Secretary of the Treasury shall prescribe for Drug War Bonds—

"(1) the form and amount of an issue,

"(2) the way in which the bonds will be issued,

"(3) the conditions (including restrictions on transfer) to which the bonds will be subject,

"(4) conditions governing redemption of the bonds,

"(5) the sales price and denominations of the bonds, and

"(6) a way to evidence payments for or on account of the bonds.

"(g) PARTICIPATION BY INDIVIDUALS.—In prescribing terms and conditions under subsection (f) for the issuance of Drug War Bonds, the Secretary of the Treasury shall seek to maximize the number of individual purchasers of such bonds.

"(h) DRUG WAR STAMPS.—The Secretary of the Treasury, under such regulations and upon such terms and conditions as he may prescribe, may—

"(1) issue, or cause to be issued, stamps, or may provide any other means to evidence payments for or on account of Drug War Bonds,

"(2) provide for the exchange of such stamps for such bonds, and

"(3) solicit private contributions to offset the administrative costs of issuing such stamps.

"(i) RECOGNITION OF BOND PURCHASERS.—The Secretary of the Treasury shall prescribe a method of recognizing the patriotic participation of purchasers of Drug War Bonds in the war on drugs. Such recognition may consist of the distribution of bumper stickers, window decals, or similar items to such purchasers."

SEC. 3. EXEMPTION OF INTEREST ON DRUG WAR BONDS.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by redesignating section 136 as section 137 and by inserting after section 135 the following new section:

"SEC. 136. INTEREST ON DRUG WAR BONDS.

"(a) IN GENERAL.—Gross income does not include any amount received by an individual during the taxable year as interest on a Drug War Bond.

"(b) DRUG WAR BOND DEFINED.—For purposes of subsection (a), the term 'Drug War Bond' means a bond issued in accordance with section 3114 of title 31, United States Code."

(c) CLERICAL AMENDMENT.—The table of sections for such part is amended by striking the last item and inserting the following new items:

"Sec. 136. Interest on Drug War Bonds.

"Sec. 137. Cross references to other Acts."

(c) APPLICABILITY.—The amendments made by subsections (a) and (b) shall apply to taxable years ending after December 31, 1988.

SEC. 4. CONTRIBUTIONS TO WAR ON DRUGS TRUST FUND.

(a) IN GENERAL.—Subchapter A of chapter 61 of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new part:

"PART IX.—DESIGNATION OF OVERPAYMENTS AND CONTRIBUTIONS TO WAR ON DRUGS TRUST FUND

"Sec. 6097. Designation.

"SEC. 6097. DESIGNATION.

"(a) IN GENERAL.—With respect to each taxpayer's return for the taxable year of the tax imposed by chapter 1, such taxpayer may designate that—

"(1) a specified portion (not less than \$1) of any overpayment of tax for such taxable year, and

"(2) any cash contribution which the taxpayer includes with such return, shall be transferred to the War on Drugs Trust Fund.

"(b) MANNER AND TIME OF DESIGNATION.—A designation under subsection (a) may be made with respect to any taxable year only at the time of filing the return of the tax imposed under chapter 1 for such taxable year. Such designation shall be made on the last page of the return.

"(c) OVERPAYMENT TREATED AS REFUNDED.—For purposes of this title, any overpayment of tax designated under subsection (a) shall be treated as having been refunded to the taxpayer as of the last date prescribed for

filing the return of tax imposed by subtitle A (determined without regard to extensions) or, if later, the date the return is filed."

(b) **CLERICAL AMENDMENT.**—The table of parts for subchapter A of chapter 61 of such Code is amended by adding at the end thereof the following new time:

"Part IX. Designation of overpayments and contributions to War and Drugs Trust Fund."

(c) **APPLICABILITY.**—The amendments made by this section shall apply to taxable years beginning after December 31, 1988, but shall not apply to taxable years beginning after the date on which the final Drug War Bond issued pursuant to this Act reaches final maturity.

SEC. 5. CONTRIBUTIONS TO THE WAR ON DRUGS TRUST FUND FROM EXCESS MONIES IN THE ASSETS FORFEITURE FUND.

(a) Subsection (c) of Section 524 of title 28, United States Code, is amended—

(1) in paragraph (9) by striking out the second sentence; and

(2) by adding at the end of the subsection the following new paragraph:

"(11) Beginning in fiscal year 1990, unobligated amounts remaining in the Fund at the end of each fiscal year shall be deposited in the War on Drugs Trust Fund established in section 9511 of subchapter A of chapter 98 of the Internal Revenue Code of 1986, except that an amount not to exceed \$15,000,000 or, if determined necessary by the Attorney General to meet specific asset specific expenses, an amount equal to one-twelfth of the previous year's expenditures, may be carried forward and remain available for the next fiscal year."

Section 6073 of the Anti-Drug Abuse Act of 1988 (Pub. L. 100-690), (21 U.S.C. 1509), is repealed.

SEC. 6. ESTABLISHMENT OF WAR ON DRUGS TRUST FUND.

(a) **IN GENERAL.**—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 (relating to trust fund code) is amended by adding at the end thereof the following new section:

"SEC. 9511. WAR ON DRUGS TRUST FUND.

"(a) **CREATION OF TRUST FUND.**—There is established in the Treasury of the United States a trust fund to be known as the 'War on Drugs Trust Fund', consisting of such amounts as may be appropriated or credited to the War on Drugs Trust Fund as provided in this section or section 9602(b).

"(b) **TRANSFER OF FUNDS TO WAR ON DRUGS TRUST FUND.**—There is hereby appropriated to the War on Drugs Trust Fund—

"(1) amounts equivalent to the amounts designated under section 6097,

"(2) proceeds from the sale of Drug War Bonds and Drug War Stamps under section 3114 of title 31, United States Code, and

"(3) amounts made available from excess monies in the Department of Justice Assets Forfeiture Fund pursuant to section 524(c)(11) of title 28, United States Code.

"(c) **EXPENDITURES FROM TRUST FUND.**—Amounts in the War on Drugs Trust Fund, shall be available—

"(1) to the Secretary of the Treasury—

"(A) for carrying out section 3114 of title 31, United States Code,

"(B) for paying the administrative expenses of the Department of the Treasury directly allocable to—

"(i) modifying the individual income tax return forms to carry out section 6097,

"(ii) carrying out this chapter with respect to such Fund, and

"(iii) processing amounts received under section 6097 and transferring such amounts to such Fund, and

"(2) to the Director of National Drug Control Policy, operating under the authority of the President—

"(A) for the construction of Federal prison buildings and facilities to be made available in part for housing prisoners of a State in exchange for a per diem fee to be paid by such State in an amount based upon the costs of maintaining such prisoners as well as other costs,

"(B) for carrying out recommendations of the National Advisory Commission on Law Enforcement with respect to the salaries and expenses of—

"(i) the Offices of the United States Attorneys,

"(ii) the Drug Enforcement Administration,

"(iii) the United States Marshals Service,

"(iv) the Federal Bureau of Investigation,

"(v) the Bureau of Alcohol, Tobacco, and Firearms, and

"(vi) the United States Custom Service,

"(C) for supplementing the funds provided under the Justice Assistance Block Grant Program for the purpose of enhancing State and local drug enforcement activities,

"(D) for the President's Media Commission on Alcohol and Drug Abuse Prevention, as established in the Anti-Drug Abuse Act of 1986 (21 U.S.C. 1301),

"(E) for education and rehabilitation programs, and

"(F) for demonstration programs such as—

"(i) a program to be modeled after military boot camps for rehabilitating drug offenders under the age of 25,

"(ii) a program to provide matching funds to local educational agencies for implementing drug abuse prevention and citizenship programs in elementary and secondary schools,

"(iii) a program to improve the ability of local jurisdictions to prosecute and incarcerate drug offenders that would include federally constructed county jail or county regional jail for pre-trial detention and post-conviction detention,

"(iv) a 3-year program to provide college credit and job training for disadvantaged youth in an in-residency work/study center,

"(v) a televised drug counseling program to broadcast drug abuse treatment information and interactive group support meetings and provide telephone counseling to call-in viewers, and

"(vi) a program which addresses the activities of violent drug gangs.

"(d) **APPROPRIATION.**—Amounts necessary to meet expenditures from the War on Drugs Trust Fund, as permitted by law, are hereby appropriated from the Fund.

"(e) **BUDGETARY TREATMENT OF THE FUND.**—Notwithstanding any other provision of law, receipts of and expenditures from the War on Drugs Trust Fund—

"(1) shall be exempt from any general budget limitation imposed by statute on expenditures and net lending (budget outlays) of the United States Government, and

"(2) shall be exempt from any order issued under part C of the Balanced Budget and Emergency Deficit Control Act of 1985, and shall not be counted in calculating the excess deficit for purposes of sections 251 and 252 of the Balanced Budget and Emergency Deficit Control Act of 1985, but shall be counted for purposes of calculating the deficit under section 3(6) of the Congressional Budget and Impoundment Control

Act of 1974 for purposes of comparison with the maximum deficit amount under the Balanced Budget and Emergency Deficit Control Act of 1985, for any fiscal year."

(b) **CONSTRUCTION.**—Nothing in any amendment made by subsection (a) shall be considered to diminish the oversight responsibilities of the Congress under law, rule, or regulation with respect to the budget of the Department of Justice, the Department of the Treasury, or the Office of National Drug Policy.

(c) **APPLICABILITY.**—The amendments made by subsection (a) concerning budgetary treatment of the War on Drugs Trust Fund shall apply with respect to budgets for fiscal years beginning after September 30, 1989.

(d) **POLICY CONCERNING USE OF FUND.**—It is the policy of the Congress that expenditures from the War on Drugs Trust Fund for existing Federal anti-drug activities shall be in addition to levels otherwise appropriated for such activities.

(e) **CLERICAL AMENDMENT.**—The table of sections for such subchapter A is amended by adding at the end thereof the following new item:

"Sec. 9511. War on Drugs Trust Fund."

SEC. 7. REPORTS.

(a) **REPORT OF THE SECRETARY OF THE TREASURY.**—Not later than 3 years after the date of the enactment of this Act, the Secretary of the Treasury, in consultation with the Director of National Drug Control Policy, shall develop and transmit to Congress a report containing findings and recommendations concerning the programs established by this Act.

(b) **REPORT OF THE ATTORNEY GENERAL.**—Not later than 1 year after the date of the enactment of this Act, the Attorney General shall transmit to Congress a report containing recommendations on the merits of privatizing Federal prisons.

SEC. 8. AVOIDANCE OF OFF-SETTING REDUCTIONS IN SPENDING.

(a) It shall not be in order in either the House of Representatives or the Senate to consider any regular authorization or appropriations bill, continuing resolution, or budget resolution that proposes spending for drug related programs at levels less than the total established for the prior fiscal year plus an additional amount to compensate for inflation.

(b) In the Senate, the requirements of subsection (a) may be waived or suspended by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

By Mr. KASTEN (for himself,
Mr. HARKIN, Mr. BOSCHWITZ,
Mr. SYMMS, Mr. LOTT, Mr.
LUGAR, Mr. PRESSLER, and Mr.
BURNS):

S. 1381. A bill to amend the Internal Revenue Code of 1986 to increase to 100 percent and make permanent the deduction for health insurance for self-employed individuals; to the Committee on Finance.

SELF-EMPLOYED EQUITY ACT

● Mr. KASTEN. Mr. President, on behalf of myself and Senators HARKIN, BOSCHWITZ, SYMMS, LOTT, LUGAR, PRESSLER, and BURNS, I today am introducing legislation which will eliminate an inequity in our tax laws and increase

the number of Americans who are covered by health insurance.

This bill, the Self-Employed Equity Act of 1989, will provide a 100-percent tax deduction for the health insurance costs of the self-employed. The Self-Employed Equity Act will amend the Internal Revenue Code of 1986 to allow self-employed individuals, primarily sole proprietors and partners in America's smallest businesses, to deduct the full cost of health insurance for themselves and their families.

Mr. President, who are the self-employed? They are all around us. The dairyman in Wisconsin, the farmer in Iowa, the owners of the "Mom and Pop" store in Mississippi, these are all good examples of self-employed individuals. Self-employed businesses are the most dynamic sector of our economy, the home of the small, rapidly growing firms which will lead us into the 21st century.

However, self-employed businesses are also the most precariously balanced of all firms, compensating for a lack of financial resources with ingenuity and plain hard work. Providing health insurance in self-employed firms is a daunting task.

My legislation will correct an inequity in current law which serves to further discourage self-employed business owners from offering health benefits to their employees. Under current law, all employers can deduct as a business expense the cost of providing health insurance coverage to their employees. The owner of an incorporated business may also deduct the full cost of his or her own health insurance. However, self-employed individuals can deduct only 25 percent of their health costs, and even this meager amount is due to expire this year.

Mr. President, this is not right and it's not fair. It's time to put an end to this double standard. Why should the small businesses of my State, or any State, be treated any differently than General Motors or IBM? This is a simple matter of equity. Self-employed businesses should not be penalized simply because they are small. The employees of those firms have just as much right to health care as employees of the Fortune 500. But because our current tax policy makes health insurance so expensive for small firms, far too many individuals are not offered coverage. Current policy makes a business owner who is considering offering coverage to his employees reconsider his decision, and the employee suffers.

The relationship is clear. The Joint Committee on Taxation reports that 77 percent of the corporations of this country offer some type of health plan, while only 29 percent of sole proprietorships do. The Congressional Research Service has reported that employers cited the less generous tax treatment of health insurance premi-

ums for unincorporated businesses as an important reason for not offering coverage.

Congress needs to work to make insurance more affordable. The National Federation of Independent Businesses reports that 92 percent of businesses agree that the cost of providing health insurance coverage is a serious problem. We need to be putting incentives into the system, not roadblocks to the goal of expanding health care coverage. And increasing the deductible amount is the kind of incentive that makes sense—it is the kind of incentive we need. This change, in addition to making our tax system more fair, could lead to millions of additional people being covered by health insurance.

Mr. President, many avenues have been suggested for increasing the availability of health care; some are controversial, some are expensive. But no plan makes more sense or is more fair than this one. By enacting the Self-Employed Equity Act, we will be taking a big step toward making affordable, available health insurance a reality.●

By Mr. DIXON (for himself, Mr. D'AMATO, Mr. KERRY, Mr. LEVIN, Mr. BURDICK, Mr. HARKIN, Mr. SIMON, Mr. BINGAMAN, Mr. NUNN, Mr. SARBANES, Mr. LUGAR, Mr. COHEN, Mr. CRANSTON, Ms. MIKULSKI, Mr. EXON, Mr. HEFLIN, Mr. PRESSLER, Mr. KASTEN, Mr. GLENN, Mr. DODD, Mr. SPECTER, Mr. FORD, Mr. LAUTENBERG, Mr. ROTH, Mr. KERREY, Mr. GRASSLEY, Mr. COATS, Mr. BREAU, Mr. BUMPERS, Mr. KOHL, and Mr. GORE):

S. 1383. A bill to amend the Internal Revenue Code of 1986 to exclude certain employees from pension minimum coverage requirements; to the Committee on Finance.

AMENDING THE DEFERRED COMPENSATION PLAN PROVISIONS OF THE INTERNAL REVENUE CODE

Mr. DIXON. Mr. President, I rise today to introduce legislation that will amend the deferred compensation plan provisions of the Internal Revenue Code. This bill seeks to facilitate the railroad industry—both railroad management and labor—to bargain collectively for cash or deferred compensation arrangements (401(k) plans) on a union-by-union basis.

Many railroad unions have expressed the desire to be able to negotiate for these cash or deferred compensation arrangements; 9 of the 17 rail labor organizations, in their section 6 notices for this round of collective bargaining, have requested the establishment of a 401(k) plan.

The railroad industry is vastly different than many other industries in our country. Most industries are represented by only one union. The railroad

industry, on the other hand, has 17 district unions operating within it.

Under current law, 1 union's ability to negotiate a 401(k) plan for its members is affected by the eligibility of members of the other 16 unions, even though these employees are not represented by the union negotiating for the deferred compensation plan.

Mr. President, the bill that I am introducing would rectify this situation. Consistent with the current law exclusions relating to union employees in sections 410(b)(3) (A) and (B), this provision would facilitate the collective bargaining of 401(k) plans by allowing the plans to be tested for discrimination and coverage on a union-by-union basis. Under this proposal, benefit packages could be tailored to the needs of individual unions.

This bill has the support of both labor and rail management. In addition, the Joint Committee on Taxation has found this proposal to be revenue neutral.

This legislation is identical to an amendment that I offered to last year's technical corrections bill. This amendment enjoyed wide support in the Senate. Thirty Senators, including myself, wrote Chairman BENTSEN and Ranking Member PACKWOOD of the Finance Committee urging support of this amendment. Furthermore, this amendment was included in the Baucus-Packwood amendment, and it was passed by the Senate. Unfortunately, it was one of many important provisions that was not incorporated in the conference's final bill.

It is time that we rectify this inequitable situation confronting the railroad industry. There is no legitimate reason that labor and management of the railroad industry should be denied the right to bargain collectively, if they so desire, for these 401(k) plans on a union-by-union basis.

In introducing this bill, I am joined by 30 of my distinguished colleagues on both sides of the aisle. I urge all of my colleagues to support this meritorious legislation.

Mr. D'AMATO. Mr. President, I am pleased to join my colleague, Senator Dixon, and others in sponsoring legislation that would permit union employees in the railroad industry to bargain for 401(k) plans on a union-by-union basis.

This proposal, endorsed by labor and management, would grant individual unions the flexibility to bargain for the creation of cash or deferred compensation arrangements, known as 401(k) plans, for union members.

Seventeen separate unions represent factions in the railroad industry. This legislation would give each union the power to bargain for such benefits and to tailor a plan to a union's particular needs; 9 of the 17 unions have indicat-

ed an interest in establishing 401(k) plans.

The current Tax Code prevents unions from bargaining separately for cash or deferred compensation arrangements. As a consequence, railroad employees are denied the opportunity to participate in such plans.

I applaud Senator Dixon's efforts on behalf of our Nation's railroad employees.

Thank you, Mr. President.

Mr. COATS. Mr. President, for a great many years, the employees of many industries in this country have had the opportunity to negotiate for, and participate in, 401(k) pension plans—but not the men and women who work in our Nation's railroad industry.

The 401(k) pension plans allow employees who choose to participate in the program to contribute a percentage of their wages to the plan on a pretax basis. The growth and income of the plan's investments accumulate on a tax-deferred basis allowing for a much faster buildup of the participant's pension fund. The tax-favored treatment of 401(k) pension plans contribute greatly to an employee's ability to accumulate needed funds on which to plan a secure retirement when his or her working days are through.

Today, the United States has one of the lowest savings rates of the industrial democracies. This low savings rate acts as an impediment to faster capital growth which the Nation desperately needs to keep pace with our economic competitors. As part of our Nation's economic policy, we should promote and encourage people to save and invest for their future.

Giving railroad employees the right to bargain for 401(k) plans, as so many other workers already have, is the right thing to do because it is fair and equitable; it is also the right thing to do because it encourages savings and investment, which is a good economic policy for an America which has been so reluctant to save for her future.

I therefore ask my fellow Senators to join me in support of the bill introduced by my distinguished colleague from Illinois, Senator Dixon, which would amend the Internal Revenue Code of 1986, thereby allowing collective bargaining by railroad employees for 401(k) pension plans.

Thank you.

By Mr. DASCHLE (for himself,
Mr. ROCKEFELLER, Mr. INOUE,
Mr. MATSUNAGA, and Mr. BUR-
DICK):

S. 1384. A bill to amend title XVIII of the Social Security Act to provide direct reimbursement under part B of Medicare for nurse practitioner or clinical nurse specialist services that are provided in rural areas; to the Committee on Finance.

RURAL NURSING INCENTIVE ACT

● Mr. DASCHLE. Mr. President, I rise today to introduce the Rural Nursing Incentive Act, a bill that will provide direct Medicare payments to certified nurse practitioners and clinical nurse specialists who provide medical services in rural areas. The ultimate goal of this measure is to enhance the availability of health care services for citizens in rural areas across this country.

Today, many rural Americans are forgoing essential health care services because physicians and other health care professionals just aren't available in their communities. Although rural America is home to 25 percent of the population and 33 percent of the elderly, only 12 percent of our Nation's physicians reside in rural areas. As more of our small, rural hospitals are threatened with closure, it becomes increasingly difficult for rural communities to attract and retain physicians. This means that many families residing in rural States like South Dakota must worry whether a physician will be available should a medical emergency arise.

To address this rural physician shortage, I have introduced legislation to improve the National Health Service Corps, a program that was successful in placing hundreds of physicians in many rural communities and Indian reservations across this country. I view this legislation as one step in improving access to health care for our Nation's rural citizens. Another important step we must take is one to enhance our strategies to better utilize other health care professionals, like nurse practitioners and clinical nurse specialists, in rural areas.

The growth of nurse practitioners and clinical nurse specialists occurred, largely, in response to the limited accessibility of basic medical services in rural areas where primary care physicians were reluctant to locate. In fact, the stated purpose of the early training programs for nurse practitioners and clinical nurse specialists was to improve access to primary health care for people in areas without enough physicians. Today, many nurse practitioners and clinical nurse specialists with advanced training in geriatric care have demonstrated their ability to provide care for a rural elderly population with chronic health problems.

Because of their advanced clinical training, nurse practitioners and clinical nurse specialists are licensed to perform medical duties beyond those of traditional nurses and can assume responsibility for most of the primary care services usually performed by physicians. Studies indicate that between 75 and 80 percent of adult primary care services could be performed by nurse practitioners and clinical nurse specialists.

An OTA study entitled the Cost and Effectiveness of Nurse Practitioners, found that nurse practitioners and clinical nurse specialists provide care that is equivalent in quality to the care provided by physicians for similar problems. Studies also suggest that nurse practitioners and clinical nurse specialists are particularly adept at communicating effectively with patients. Moreover, nurse practitioners and clinical nurse specialists continue to rate very high in patient satisfaction.

In addition to providing quality care, nurse practitioners and clinical nurse specialists are cost-effective. Recognizing this point, the Department of Defense's CHAMPUS program has for more than a decade provided direct reimbursement to nurse practitioners. Currently, 15 States have passed legislation requiring health insurers to reimburse nurse practitioners directly for their services. These States recognize the potential cost-savings that can be passed on to their residents through utilization of nurse practitioner and clinical nurse specialist services.

The poor and elderly in South Dakota like other rural States are especially dependent on the services of nurse practitioners and clinical nurse specialists. Many residents of isolated rural communities forgo essential primary care because they cannot afford to travel the distance required to see a family physician.

The legislation I am introducing today recognizes that better utilization of certified nurse practitioners and clinical nurse specialists in rural areas will help fill these gaps in our health care system. Under direct Medicare reimbursement, nurse practitioners and clinical nurse specialists practicing independently could provide essential primary care services to meet the primary health care needs of residents in rural communities.

There is growing support for the concept of providing Medicare reimbursement to nurse practitioners and clinical nurse specialists in rural areas. In a June 16 letter to Senator LLOYD BENTSEN, chairman of the Senate Finance Committee, 48 of my colleagues on the Senate Rural Health Caucus expressed support for providing direct Medicare reimbursement to nurse practitioners and clinical nurse specialists in rural areas. Nearly half of the members in this Senate Chamber recognize the nurse practitioners and clinical nurse specialists are an important provider of primary care services to the high proportion of elderly who live in rural areas.

For years, nursing professionals have shared the responsibility of providing medical care services in rural areas across this country. It is time that Medicare recognize, like other

third-party payers, the quality and cost-effectiveness of care nurse practitioners and clinical nurse specialists provide. Most importantly, the elderly who reside in rural areas across this country should not be denied access to essential primary care services provided by nurse practitioners and clinical nurse specialists. As we look ahead to health care in the 1990's, it is critical that we develop health care policies that effectively utilize the professional skills of both physicians and nurse practitioners.

Mr. President, I ask unanimous consent that a brief summary of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE RURAL NURSING INCENTIVE ACT OF 1989

CURRENT LAW

Nurse practitioners and clinical nurse specialists are registered nurses who hold a master's degree in a nursing specialty such as gerontology, pediatrics, women's health and family medicine. Because of their advanced education, nurse practitioners and clinical nurse specialists are licensed to perform medical duties beyond those of traditional nurses and can assume responsibility for many of the primary care services usually provided by physicians. Nurse practitioners and clinical nurse specialists must be licensed by the state which they work. Most state laws allow nurse practitioners and clinical nurse specialists to work "in collaboration" with a physician.

Today, nurse practitioners and clinical nurse specialists do not receive reimbursement from Medicare when they provide medical services to the elderly. However, an exemption has been granted to those nurse practitioners who provide services in rural health care clinics. These nurse practitioners are eligible to receive Medicare payments indirectly. When a nurse practitioner provides care in a rural health care clinic, the Medicare payment for his/her service goes to the clinic rather than the nurse practitioner.

DASCHLE PROPOSAL

Senator Daschle's bill would provide direct Medicare payments to certified nurse practitioners and clinical nurse specialists who provide services in rural areas. Direct Medicare payments would enable certified nurse practitioners and clinical nurse specialists to set up independent practices in rural areas. Below are the specifications for Senator Daschle's proposal:

Certified nurse practitioners and clinical nurse specialists who provide services in rural areas would receive direct Medicare reimbursement for the services they are licensed to perform in the state in which they work.

Services would be reimbursed at an amount equal to 75% of the prevailing charge in the area for the services of participating physicians.

Certified nurse practitioners and clinical nurse specialists who receive Medicare reimbursement will be required to take assignment.

Beneficiaries will not be required to pay a copayment for services provided by a certified nurse practitioner or clinical nurse specialist.

RATIONALE

Today, many rural Americans are forgoing essential health care services because physicians and other health care professionals just aren't available in their communities. As more of our small, rural hospitals are threatened with closure it becomes increasingly difficult for rural communities to attract and retain physicians.

Senator Daschle's bill recognizes that better utilization of certified nurse practitioners and clinical nurse specialists in rural areas will help fill these gaps in our health care system. Under direct Medicare reimbursement, nurse practitioners and clinical nurse specialists practicing independently could provide essential primary care services to meet the primary health care needs of residents in rural communities.●

By Mr. LOTT (for himself, Mr. COCHRAN, Mr. THURMOND, and Mr. GRAHAM):

S. 1385. A bill to establish a tropical cyclone reconnaissance, surveillance, and research program under the joint control of the Secretary of Defense and the Secretary of Commerce; to the Committee on Commerce, Science, and Transportation.

TROPICAL CYCLONE RECONNAISSANCE, SURVEILLANCE, AND RESEARCH PROGRAM

● Mr. LOTT. Mr. President. Without a doubt, hurricanes and severe storms are among the most imminent and destructive forces in all of nature. For months each year, severe storms threaten our Nation. Each year some of our cities and towns are victims of a combination of wind and rain that often leaves an area looking like a war zone after the battle.

Fortunately, much loss of life and destruction of property has been prevented by early warning systems. The successful teamwork of NOAA weather forecasters and the United States Air Force Hurricane Hunter reconnaissance flights have given our citizens the fighting chance they need to be prepared.

The bill Mr. COCHRAN, Mr. GRAHAM, Mr. THURMOND, and I propose today, is a companion to H.R. 2479, introduced by Representative TOM LEWIS. This bill was initiated after much bipartisan administrative effort, and is designed to ensure that the present and highly successful partnership between NOAA forecasting and military reconnaissance flights is allowed to continue uninterrupted.

The Administrator of NOAA and prominent weather forecasters have made clear that hurricanes cannot be accurately tracked without use of manned reconnaissance flights, and that NOAA does not have the infrastructure to properly handle the number of WC-130's and crews necessary to do the job. Satellite technology was once thought sufficient to replace manned flights, and has proven helpful, but is not as accurate as the Hurricane Hunters, and is particularly insufficient where islands are present to complicate storm movement.

Last year, during Hurricane Chris, satellite data incorrectly showed the center of the hurricane to be 114 miles off of the Florida coast. In actuality, however, the destructive forces of a major hurricane were a mere 58 miles from the citizens of Florida. Fortunately, the Hurricane Hunter crews correctly fixed the storm's center and the National Hurricane Center provided correct information as usual. This incident was too close for comfort and the difference in warning time could have meant the difference between life and death. Of course, satellite data alone becomes even more pressing and even more dangerous when like today, due to break-downs, only one of these satellites is operational for the entire United States, including Alaska and Hawaii and all of the territories.

It would seem obvious that giving our constituents an early warning of a severe storm and giving them a fighting chance to prepare is one of the most basic and important protective duties the Federal Government can fulfill. There is no more truly bipartisan issue than the weather itself, and the history of the Hurricane Hunters shows that there is no unit with a more proud tradition nor any unit that is more popular with the public. Yet, each year the Congress of the United States must go through the process of passing legislation, and the President must sign it, to keep this vital service in business. Its cost is very small for the protection it provides and, in relief funds alone, think of the dollar savings early warnings provide by giving people time to get boats out of the water, board houses, build flood walls and, most importantly, leave town.

This is an issue of national security, and early warnings from severe storms deserve every bit as much teamwork and combined forces as the war on drugs or national emergencies. I am a strong supporter of our Nation's defenses, and as one whose home sits on the Mississippi coast, I can tell you that people have just as much fear of a hurricane than they do for the forces of any hostile nation.

Manned reconnaissance flights together with satellite and other weather forecasting technology—"A stitch in time does save nine." Since we've already got an effective, fiscally sound program, let's improve on it if we can, but above all let's keep a good thing going. And, let's keep it going for more than just 1 year at the time.●

By Mr. PRYOR (for himself, Mr. RIEGLE, Mr. COHEN, and Mr. DANFORTH):

S. 1386. A bill to amend title XIX of the Social Security Act to preserve payment for daytime habilitation services under such title; to the Committee on Finance.

PAYMENT FOR DAYTIME HABILITATION SERVICES

● Mr. PRYOR. Mr. president, I rise today to introduce a bill, along with Senators RIEGLE, COHEN, and DANFORTH that will help preserve a range of important community-based services provided under the Medicaid Program for mentally retarded and other developmentally disabled persons.

In some 19 States, my home State of Arkansas among them, the Medicaid Program is providing what are called habilitative services to mentally retarded and other developmentally disabled persons. These services are usually provided to persons living at home or in small community-based settings, and are designed to enable those receiving them to attain their highest level of functioning—in other words, to help them to live as independently and fully as possible. Habilitation services include training in the skills of daily living, such as dressing and personal hygiene, and socialization skills. They can also include prevocational or vocational training, which teach the skills necessary to learn and perform a job.

Because most Medicaid funding for care for the developmentally disabled is for institutional care, day habilitation services are particularly important, as they provide community-based care. Although the Medicaid section 2176 waiver program offers community-based care for this population, the day habilitation services that are reimbursable under Medicaid's clinic services or rehabilitative services option can be provided without most of the strings that are attached to the 2176 waivers. These services have proven to be extremely successful in Arkansas, where they have been provided since 1983, presently serving approximately 1,700 very disabled people. Unfortunately, the Health Care Financing Administration [HCFA] has recently taken steps to stop funding for day habilitation services except in an institutional setting or under a 2176 waiver program.

In May, the Arkansas Department of Human Services received a letter from HCFA stating that the State's Medicaid plan for the provision of these services under the clinic option "appears to have been inappropriately approved." In a January letter written to the Maine Department of Human Services, HCFA states that they are reviewing "the circumstances under which habilitation services are reimbursable under Medicaid" in regions across the country. To the best of my knowledge, Arkansas and Maine are the only States which have received official notices of disallowance to date. However, there appears to be little question that HCFA intends to prohibit the provision of these services in all the States that are currently providing them under the clinic or rehabilitation option. In other words, HCFA will

only allow the provision of these services in institutions for the mentally retarded [ICF/MRs] and under the 2176 waiver program.

HCFA's rationale for this disapproval is that "there is no basis for funding specialized habilitative services designed to aid the development of the mentally retarded under the definitions of clinic and rehabilitative services. * * * This is stated despite the fact that these services have been approved by HCFA in several States. In fact, Arkansas, with HCFA's approval, has been providing day habilitation services under the clinic option for nearly 6 years. The denial of Federal funds for these services means a loss of \$8.5 million to Arkansas, which is a sum of money our State coffers can clearly not absorb. This backdoor approach, which circumvents the normal process of publishing notice of major policy changes in the Federal Register, would mean the disruption of vitally-needed services to thousands of mentally retarded and other developmentally disabled citizens across the country.

The bill that I am introducing today would prohibit the Secretary of the Department of Health and Human Services from denying Medicaid payment for day habilitation and related services prior to October 1, 1992 for those States with plans approved on or before June 30, 1989. It would also require the Secretary to promulgate a regulation, following a notice of proposed rule-making and a period of at least 60 days for public comment, that specifies the types of day habilitation services that a State may cover, and the requirements for that coverage. Because this bill concerns those services which are currently available, and does not represent any expansion, it is budget neutral. Senator COHEN introduced a related bill on Tuesday, of which I am an original cosponsor, that takes a slightly different, but complementary, approach to this problem. It would allow States to expand their 2176 waivers to include those persons who would be affected by the loss of these services.

My bill would give those States with existing day habilitation services programs under the clinic or rehabilitation option the opportunity to preserve their programs, at least for the next 3 years. It is my hope that by that time, we in Congress will have carefully considered reforms to the way that Medicaid cares for the developmentally disabled.

The developmentally disabled and their families should have a broad range of options—in the community and in institutions—available to them. The current Medicaid Program provides little outside of the institution, and HCFA's recent actions further entrench the Medicaid Program's institutional bias. I urge my colleagues to

join me in supporting this important, community-based program.●

By Mr. HARKIN (for himself, Mr. LEAHY, Mr. LUGAR, Mr. CONRAD, Mr. GLENN, Mr. DURENBERGER, Mr. DASCHLE, Mr. BURDICK, Mr. MATSUNAGA, Mr. BOND, and Mr. GRASSLEY):

S. 1387. A bill to authorize a research program for the modification of plants and plant materials, focusing on the development and production of new marketable industrial and commercial products, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

ALTERNATIVE AGRICULTURAL PRODUCTS RESEARCH ACT

Mr. HARKIN. Mr. President, Senators LEAHY, LUGAR, CONRAD, GLENN, DURENBERGER, DASCHLE, BURDICK, MATSUNAGA, BOND, and I are pleased to introduce today the Alternative Agricultural Products Research Act of 1989. Our bill would authorize a major research program designed to explore the modification of plants and plant materials to make possible the development of new marketable industrial and commercial products. The bill would authorize the research that is necessary to diversify agriculture, thereby reducing surpluses, increasing farm profits, reducing Federal crop subsidies and other Government agricultural assistance program costs. It is intended to be an aggressive, positive mechanism for dealing with the overproduction of traditional commodities and the periodic shut-down of major portions of our agricultural "factory."

For some time, many of my colleagues and I have been interested in encouraging diversification in the agricultural economy. It is the intent of this act to facilitate this process through a substantial, accelerated R&D program.

Senators LEAHY and LUGAR, the chairman and ranking member of the Agriculture Committee, have been strong advocates of the goals expressed in this legislation and I am very pleased that they have cosponsored this measure. Senator CONRAD, who chaired the Research Subcommittee in the last Congress, has taken a special interest in this area. He has introduced legislation complementary to this measure relating to the commercialization of nonfood agricultural products. Senator BOND, who was the ranking member in the last Congress is also a cosponsor. Senator GLENN has long been active in this area and has shown tremendous leadership. Senator DASCHLE, the new chairman of the subcommittee with jurisdiction over this measure has also been very supportive and is a cosponsor. Many other Senators are actively promoting this concept.

In the last Congress, I introduced a bill similar to the measure I am proposing today. That bill passed the Senate, but, unfortunately, it met some difficulty in the House. A number of changes have been made that should address the concerns that were raised by Members of the other body.

We are all aware of the fact that our agricultural factory, with its level of technology, superior natural resource base, and the amazing productive capacity of the American farmer, can outproduce most of the other countries of the world combined. Such a reality is both a blessing and a curse. The blessing, of course, is that we can meet all of our Nation's food and fiber needs with ease and at a low cost. The down side is that we can, and do, overproduce. The result has been the lowering of the value of both our commodities and our land.

In the long term, the agricultural problem is more than a question of production levels or of export markets. It is also a problem of insufficient diversification. We lack diversification in many areas of the country where only a few commodities are produced. We also lack diversification in the range of end uses for which our agricultural commodities might be used.

As our capacity to produce traditional commodities such as corn or soybeans increases, our farmers face three choices. First, there can be greater and greater levels of production in excess of demand, but this means lower prices that will not cover the costs of production. Second, we can leave part of our farmland idle. Or, we can find new uses for our crops. I believe that the last option is the best solution. It is a solution that will take many years to implement. This bill would get us on the right track and help to move us in the right direction.

USDA is all too often directed at improving yields of existing crops. While it is important to remain competitive, we must recognize the problems that go along with overproduction. During the last Congress, we gathered testimony showing that the USDA research budget is minimally oriented toward finding new commercial and industrial products from agricultural materials. This bill would change that.

I see a day when new plants will be designed for specific end uses, or process conditions. Most of these plants will still be used for the traditional purposes—human or animal food and other current uses. But, something extra would be added so that commodities could be used to produce new, high-value products. I believe it will be possible, with the mapping of the genetic structure of corn, wheat, soybeans and other feedstocks, to bioengineer new industrial oils, new proteins, and new chemicals. This type of diver-

sification is necessary to set the stage for a more competitive agricultural system.

The development of these new technologies for agriculture will require new knowledge. Systematic developments of new plants and the modification of existing plants to produce new products is now within our capability. What is needed is a large scale, multiyear research program directed toward the ultimate development of a more diverse agricultural system.

This bill would provide for a \$10 million research initiative in 1990, \$20 million in 1991, \$30 million in 1992, \$50 million in 1993 and \$75 million for the following 15 years. The amount of funding suggests the scope of the problems to be tackled. The length of the authorization implies the need for a sustained effort over a period of time sufficient to study and engineer a number of new agricultural products.

It is the goal of this legislation to create a healthier rural economy and a stronger American industry by expanding the marketplace for agricultural materials. Creating new materials is important. But, it does no economic good if those new materials sit on the shelf. The research authorized by this bill would encompass the fundamental research necessary to have the knowledge to create a product and the specific applied research to develop a specific plant modification, the purification of plant materials and all of the processes needed to bring new products into existence at an economically viable cost including research on the methods of producing the material in commercial quantities and problems that farmers may have in cultivating a new crop, and the characterization of new materials. Only commercialization would remain.

I would also note that the goal of finding new alternative uses for crops is a goal of government-funded research in many countries overseas. Many countries have established substantial applied research projects to find new uses for their crops. And, if they accomplish that task, in many areas, that success may place us at a competitive disadvantage.

It is time to greatly expand biotechnology and bioprocessing research. It is time to make the best use of one of America's greatest resources: Its farmland. This bill sets that process in motion.

I need not tell the Senate about the cost of agricultural assistance programs and how even a relatively small increase in farm prices would save the Treasury billions of dollars.

We must mobilize the incredible advances that have occurred in biotechnology, chemistry, and in other fields to create a whole new range of products that farmers will produce or that can be made from agricultural materials. These products will not be a some-

what different food, a new improved version that can stay on the shelf for a longer period or be a somewhat better animal feed, something that one farmer can produce that will simply squeeze the producers of another farm product. We can create new products that will be used in industry and in general commerce. I am talking about industrial oils, biodegradable plastics, and a host of other materials that can come directly from plants or be manufactured from plant products.

Perhaps the largest area of application for new products would be in the production of alternatives to petroleum-based products. A plant oil could be developed for use in the manufacture of plastics, lubricating oils, and as a source of energy. If acetate could be made from corn rather than fossil fuels, we would be talking about using 22,000 square miles of corn for this purpose. Now, I do not expect that to happen soon. I do not expect a complete takeover of the market. But, I believe that we can, in a decade, start to see a fair share of that market go to corn.

The importance of developing new modifications of plants, new uses for plant materials and even new types of plants is obvious when one considers the extensive acreage in the United States that is being placed in the set-aside program or the agricultural conservation reserve. A major portion of our agricultural factory is shut down. Although it is possible that some calamity might require that this acreage be brought into production for traditional commodities, it is highly unlikely that there will be a need for a substantial increase in the production of traditional crops over the long term. It is time to consider those types of industrial and commercial products that our country needs and to utilize our expertise in molecular biology to develop new crops that could be grown on lands not currently needed for traditional commodities.

This research effort could provide the equivalent of a new major crop for the Corn Belt like we saw with the introduction of soybeans. Other parts of the country would also have an opportunity to benefit in the same way.

I believe that the logic of significantly increasing research and other efforts in this area has become clear in the 2 years since I introduced similar legislation.

I am pleased that both Secretary of Agriculture Yeutter and the Assistant Secretary of Agriculture for Education and Research, Charles Hess, have both indicated support for increasing funds in this area.

I note that the Senate Agriculture Appropriations Subcommittee is proposing report language directing the Agricultural Research Service to make progress toward redirecting \$50 mil-

lion to nonfood product research as funds become available from other commitments. I am very pleased with the strong statements being made by the Appropriations Committee on this subject. Such a shift will take a number of years to implement and it may not occur without a specific authorization. I believe that we should pass this measure to ensure that there will be an administrative structure that can most effectively implement this important priority.

WHAT DOES THE BILL PROVIDE FOR?

The bill establishes a board with representatives from USDA, the National Science Foundation, and the Department of Commerce.

This board is to establish likely successful targets for research. It will examine proposals for the research, make recommendations for funding and follow the progress of the research. Individual applications will be reviewed by peer review committees which will make a recommendation to the board.

The research is to cover the development of the product from needed fundamental research to the most specific applied research marketplace. All too often basic research is done and it simply sits on the scientist's shelf. Research under this program is designed to produce results that can be taken into the field and used.

Projects are to be selected on the basis of six criteria:

First, what is the prospect of developing the technologies that will allow us to provide an economically viable quantity of the new product;

Second, the size of the potential market for the new product. We need to find products that will take a substantial number of acres to produce the material and we will want a market that can make the Government's investment worthwhile;

Third, the likely impact on reducing Federal crop subsidies and other agricultural assistance program costs;

Fourth, the lack of available non-Federal funding sources;

Fifth, the likely positive impact on resource conservation and the environment; and,

Sixth, the likely ability to help small farms and communities near the affected agricultural areas.

Each project may be undertaken by colleges and universities, private companies, Federal research labs or State agricultural experiment stations. However, in many cases, contracts would go to a consortium of organizations that can conduct the necessary research to bring a new product to the marketplace.

Through cooperation with industry, products that have the greatest potential for economic development can be identified. Through cooperation of the best scientists in our colleges, universities, Federal agencies, and industry

these projects can be addressed in a manner that will assure success.

I believe that this bill can truly change the face of rural America. It can make farming profitable again without Government assistance. And, it can help to reduce our Nation's dependence on foreign oil.

I urge my colleagues to support the Alternative Agricultural Products Research Act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1387

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Alternative Agricultural Products Research Act of 1989".

SEC. 2. PURPOSE.

It is the purpose of this Act—

(1) to authorize research in the modification of plants, and plant materials, and associated research, in order to develop and produce marketable products other than food, feed or traditional forest or fiber products; and

(2) to establish an independent New Products Research Board to advise the Assistant Secretary of Agriculture for Science and Education, with respect to selection criteria for, and scientific feasibility of, prospective research projects under this Act.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) ASSISTANT SECRETARY.—The term "Assistant Secretary" means the Assistant Secretary of Agriculture for Science and Education.

(2) BOARD.—The term "Board" means the New Products Research Board established under section 4.

(3) DEVELOPMENT.—The term "development" means targeted research, including fundamental research and applied research necessary to make a product available for the marketplace and necessary research on the plant or modification of plant materials, new methods, if any, needed to cultivate the plant, the commercial separation and purification of the new product, and any research on the uses of the new product.

(4) NEW PRODUCT.—The term "new product" means an item developed through a research project that is primarily not food, feed or traditional forest or fiber product, including an item that exists but is not commercially available from a plant.

(5) RESEARCH PROJECT.—The term "research project" means a project authorized and funded by the Secretary that is directed toward the development of a new marketable industrial or commercial product, other than a food, feed or traditional forest or fiber product, through biotechnology or other modification of a plant, and includes all of the various research tasks necessary to develop a new product.

(6) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(7) TRADITIONAL FOREST OR FIBER PRODUCT.—The term "traditional forest or fiber product" means a forest or fiber product that does not have substantial new proper-

ties and that is derived from agricultural materials.

SEC. 4. NEW PRODUCTS RESEARCH BOARD.

(a) ESTABLISHMENT.—There is established in the Department of Agriculture the New Products Research Board to be administered as an independent entity under the direction of the Assistant Secretary for Science and Education.

(b) FUNCTIONS.—The Board shall advise the Secretary—

(1) on specific targets of opportunity for research that most closely meet the selection criteria required for a project to be eligible for funding under this Act;

(2) on the composition of peer review committees to examine the merits of specific proposals for research projects that have been solicited by the Secretary, and on the composition of advisory boards;

(3) on recommendations for the funding of specific proposals for research projects and

(4) concerning progress made in carrying out projects that are currently being undertaken.

(c) MEMBERSHIP.—

(1) APPOINTMENT.—The Board shall consist of 7 members, of which—

(A) three members shall be appointed by the Secretary, at least one of which shall have expertise in—

(i) applied agricultural research; and

(ii) the marketing and development of commercial products;

(B) two members shall be appointed by the Director of the National Science Foundation, at least one of whom shall have expertise in appropriate areas of applied research;

(C) two members shall be appointed by the Secretary of Commerce, at least one of which shall have expertise in the marketing and development of commercial products; and

(D) not more than half of such members shall be employees of the Federal government.

(2) TERM OF SERVICE.—

(A) IN GENERAL.—The term of a member of the Board shall be at the discretion of the appointing authority, except that a member may not serve more than 3 years.

(B) ROTATION OF TERMS.—

(i) SECRETARY OF AGRICULTURE.—The terms of the initial appointees of the Secretary of Agriculture shall be for periods of 1, 2 and 3 years respectively, as designated by the Secretary.

(ii) DIRECTOR OF THE NATIONAL SCIENCE FOUNDATION.—The terms of the initial appointees of the Director of the National Science Foundation shall be for periods of 2 and 3 years respectively, as designated by the Director.

(iii) SECRETARY OF COMMERCE.—The term of the initial appointees of the Secretary of Commerce shall be for periods of 1 and 3 years respectively, as designated by the Secretary of Commerce.

(3) VACANCIES.—A vacancy on the Board shall be filled in the manner in which the original appointment was made.

(4) CHAIRMAN.—The Assistant Secretary shall designate one of the members of the Board as Chairman of the Board.

(5) EXPENSES.—All members of the Board shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties.

(6) MEETINGS.—The Board shall meet at the call of the Chairman or a majority of its members.

(d) **PERSONNEL AND SERVICES.**—The Board may appoint personnel and procure permanent, temporary, and intermittent services, as it considers necessary, under section 3109 of title 5, United States Code, at rates for individuals that do not exceed the rate prescribed for GS-18 of the General Schedule under section 5332 of such title.

(e) **PEER REVIEW.**—The Board shall establish peer review committees of technical experts who shall review each project proposal based on technical review and report the results of such reviews to the Board.

(f) **EXPERTS.**—The board shall establish advisory boards of farm and industry representatives, to advise the Board on matters that are determined to be appropriate by the Board.

(g) **RULES AND REGULATIONS.**—The Board is authorized to propose rules and regulations to the Secretary, and may promulgate procedures, that may be necessary to carry out the functions of the Board.

(h) **DEPARTMENT OF AGRICULTURE RESOURCES.**—The Board is authorized to utilize, with the consent of the Secretary, the services, equipment, personnel, information, and facilities of the Department of Agriculture, with or without reimbursement.

(i) **HEARINGS.**—The Board may, for the purpose of carrying out this Act, hold such hearings, and sit and act at such times and places, as the Board considers appropriate.

SEC. 5. RESEARCH PROJECTS.

(a) **AUTHORIZATION.**—The Secretary, on a recommendation from the Board, shall select projects that are to receive funding under this Act, for purposes of research to develop and produce new products.

(b) **APPROPRIATE PROJECTS.**—

(1) **DEVELOPMENT.**—Each project shall target development of a new crop, or modification of an existing agricultural material, that meets the criteria listed in paragraph (2).

(2) **CRITERIA.**—Projects should be selected on the basis of—

(A) the prospect of developing technologies that could make it possible to use or modify existing plants, or plant products to provide an economically viable quantity of new products;

(B) the potential market size of the new product, the likely time period needed to bring the new product into the stream of commerce for general use, and the likely ability to cultivate the plant used to produce the product at a profit;

(C) the likely impact on reducing Federal crop subsidies and other Federal agricultural assistance program costs;

(D) the likely unavailability of appropriate funding from non-Federal sources;

(E) the likely positive impact on resource conservation and the environment; and

(F) the likely positive effect of helping small farms and communities near the affected agricultural areas.

(c) **FUNDING.**—

(1) **PURPOSE.**—Funding shall only be provided under this Act to those projects that have as the principal purpose the development of new products, with priority given to biotechnological research projects.

(2) **CONSORTIA.**—The Secretary may fund projects proposed by consortia.

(3) **LIMITATION.**—No funds authorized to be appropriated under this Act shall be used to plan, repair, rehabilitate, acquire, or construct a building or facility.

(4) **PERIOD OF FUNDING.**—Funding—

(A) shall cover the proposed research necessary for not less than 3 years, or until a marketable product is developed or deter-

mined to be unattainable or unnecessary; and

(B) may be extended, subject to satisfactory review, for additional 3-year periods or until a marketable new product is developed or determined to be unattainable or unnecessary.

(d) **CONTRACTS.**—The Secretary may sign contracts that assign research responsibilities to an appropriate consortium or other entity capable of conducting the appropriate research over the applicable research period.

(e) **REVIEW AND REPORTING.**—

(1) **GRANT RECIPIENTS.**—Grant recipients shall report on the progress of the group to the Board annually or as otherwise required by the Board.

(2) **BOARD.**—The Board shall review the progress of the projects approved by the Secretary and report to the Secretary on the projects with recommendations concerning continued research.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

To carry out this Act, there are authorized to be appropriated \$10,000,000 for the fiscal year 1990, \$20,000,000 for the fiscal year 1991, \$30,000,000 for the fiscal year 1992, \$50,000,000 for the fiscal year 1993, and \$75,000,000 in each of the 15 fiscal years thereafter.

Mr. LEAHY. Mr. President, I am pleased to once again cosponsor the Alternative Agricultural Products Research Act. The Senate, led by our colleague Mr. HARKIN, has consistently fought for increased investment in new products research and development.

There are many grave challenges facing our agricultural sector—excess capacity; a loss of competitiveness; and shrinking export markets. It is essential that research efforts be directed toward the diversification of American forest and farmland. This bill provides critical research funding for a range of investigations beginning with the bench scientist exploring basic questions to the applied technologist refining a product before final handoff to commercial developers.

Included in the criteria for project funding is the need to consider the impact on small farms and the environment. Increasingly we must select research projects based on such criteria to ensure that our public dollars do indeed meet public needs.

The idea behind this bill is not new. As far back as 1957, Government studies targeted new crop development as an exciting and profitable way to meet industrial needs. Yet in the last three decades, our Nation has invested only a fraction of a modest Federal agricultural budget in new product development. The low, erratic level of funding for alternative crops has proven to be an insurmountable barrier.

Research in alternative agricultural uses is actively being pursued by Japan and many European countries. Our foreign competitors are funding not only the basic research necessary to develop new technologies but also the applied research necessary to

ensure the development of economically viable end products.

Under this bill, the United States would secure its competitiveness by also investing in such research. The effect of this bill would be to promote a lively and fruitful exchange between basic researchers, applied researchers, and the farmers and private companies who use the technology.

The analysis is complete—the time has come to fund the research necessary to develop new products. Recent studies by the National Academy of Sciences, the Office of Technology Assessment, and the General Accounting Office all indicate the need for additional emphasis on alternative agricultural research, especially biotechnological research.

Last Congress, this bill was passed unanimously by the Senate Committee on Agriculture, Nutrition, and Forestry, and subsequently by the Senate three times. Unfortunately agreement was not reached with our House colleagues on details of the bill before the close of the 100th Congress.

I look forward to working with Senator HARKIN on this legislation. Senator CONRAD has introduced legislation in this important area as well and his bill, S. 621 in many ways complements the bill we introduce today. One of the early challenges for the members of the Agricultural Research Subcommittee and their chairman Senator DASCHLE, will be to work with Senators HARKIN and CONRAD and the many committed members of our committee to develop a streamlined, coordinated approach to new product development.

Not unlike other industries, our agricultural sector must either innovate or perish; our research agenda must reflect our changing world. We want America to lead in international applications of new agricultural technologies. This bill will provide the resources necessary to develop new markets for our farmers.

Mr. CONRAD. Mr. President, I am pleased to cosponsor Senator HARKIN's legislation entitled the "Alternative Agricultural Products Research Act of 1989." My good friend and colleague, Senator HARKIN, is a leader in the Senate's effort to establish a Federal policy which encourages the development of new uses for agricultural commodities, and I commend him for introducing this important legislation.

I share Senator HARKIN's conviction that the development and commercialization of new uses for agricultural commodities represents one of the brightest opportunities for rural economic development today. Let me just list some of the benefits I foresee. The development of new uses will expand the demand for our abundant agricultural resources, thereby benefiting farmers and the rural businesses which serve them. It will ensure that

we fully benefit from research dollars by moving these basic research ideas into the marketplace. The manufacturing of these products will bring new businesses to rural communities, thereby creating good jobs and increasing economic activity. In addition, the development of these products will help address our national concerns about the trade deficit, the environment, and the limited supply of nonrenewable resources.

Mr. President, I am convinced that these benefits will not be realized until we have a national commitment to develop and commercialize these new uses. This fact is evidenced by a 1987 report by the new farm and forest products task force established by the U.S. Department of Agriculture. Their report concluded that the private sector alone cannot overcome the obstacles which impede the development and commercialization of these new products. The risk is too high, the expense too great, and the projects too long term, to gain the acceptance of stockholders. Therefore, the successful development of these products requires a partnership among the Federal Government, the private sector, and State and local government. This unified effort will succeed because it is targeted to one goal: getting the new uses product ideas off the laboratory shelf and onto the market shelf.

Other countries have recognized the need for a strong government role in the development and marketing of new products, and regularly focus government resources on the task. If the United States is to compete, we must be willing to do the same.

Senator HARKIN's legislation establishes this vital commitment by creating a source of competitive, peer-reviewed funding for the research needed to prepare these products for the marketplace.

With the support of Senator HARKIN, I have introduced legislation which is the logical extension of this research effort. My bill would establish the Agricultural Research Commercialization Corporation [ARCC], which would ensure that these products are brought to the marketplace. ARCC will provide business financing and technical assistance to start up businesses to produce and market these new products.

It is my hope that Senator HARKIN and I can combine our initiatives into a full-scale public/private partnership to develop new uses at the laboratory bench and take them to the marketplace.

Mr. President, I strongly support this bill, which passed with the overwhelming support of the Senate three times in the 100th Congress. I think it is vitally important that this Nation take advantage of the new uses opportunity, and I look forward to working with Senator HARKIN to achieve pas-

sage of both of our new-uses initiatives this year.

Thank you, Mr. President.

By Mr. HARKIN (for himself and Mr. LEVIN):

S. 1388. A bill to amend the Internal Revenue Code of 1986 to repeal the supplemental Medicare premium and to provide funding for Medicare catastrophic benefits from general receipts by extending the maximum individual income tax rate of 33 percent; to the Committee on Finance.

MEDICARE CATASTROPHIC COVERAGE SURTAX
REPEAL ACT

Mr. HARKIN. Mr. President, the catastrophic bill passed last year filled a very real need for our older citizens—Medicare coverage for the high costs of a protracted illness or accident. Unfortunately, the method for financing these benefits proved to be a stumbling block.

In senior citizen town meetings across Iowa, I've heard the same theme repeated—keep the program, change the financing. Frankly, I believe this request is more than reasonable.

As a nation, we do not accept the argument that government benefits should be paid for solely by the beneficiaries. Students do not bear the total cost of their education. Farmers are not shouldered with the entire cost of farm programs. We all pay into and benefit from Social Security.

Older Americans are willing to pay into this program, but now they pay the highest marginal tax rates in our country.

On June 6, Senator LEVIN and I introduced S. 1125, the Medicare Catastrophic Coverage Surtax Repeal Act of 1989. Congressman BONTOR introduced similar legislation in the House.

As its name indicates, this bill eliminates the catastrophic surtax—or supplemental premium—entirely. But it preserves all of the benefits of the Medicare Catastrophic Coverage Act.

The revenue from the supplemental premium is replaced by extending the existing 33 percent tax rate which was effectively created in the 1986 Tax Act by the phase out of personal exemptions and the 15 percent rate to the highest income taxpayers. A family of four with taxable income from \$78,350 to \$208,510—and single filers with incomes between \$47,000 and \$109,050—in 1990 pay the extra 5 percent tax. But, those 600,000 highest earning taxpayers pay only 28 percent on their taxable income above those amounts. Our bill implements the concept that those with the highest incomes pay the highest marginal rate of tax.

Since the flat monthly premium would be preserved under our bill, the elderly would still be paying a substantial portion of the cost of the catastrophic program. The flat monthly premiums would cover about 40 per-

cent of the program cost, higher than the 25 percent paid by the elderly under the Medicare part B program.

In recent days, a variety of proposals have been put forth to reduce benefits and increase the size of the flat monthly payment. Such proposals are regressive. They increase the cost to lower income elderly citizens and they reduce the benefits to those same people. The Harkin-Levin approach, on the other hand, is a progressive and equitable solution. Thus, it is our intention to offer a measure similar to S. 1125 as an amendment to an appropriate bill, perhaps before the August recess.

This is the first proposal to fix catastrophic financing that has wide support from senior citizen groups and organizations representing workers and retired workers. Among the groups that have already endorsed this measure are the National Council of Senior Citizens, the National Association of Letter Carriers, the National Council on the Aging, the National Committee to Preserve Social Security and Medicare, the United Auto Workers, the International Ladies' Garment Workers' Union, the American Postal Workers Union, AFSCME, the Communication Workers of America, and the Grey Panthers.

We believe it offers a straightforward, fiscally-responsible, and fair solution to the problems caused by self-financing of catastrophic care.

It offers real tax relief to older Americans by closing a loophole for wealthy taxpayers. It fixes catastrophic financing without endangering the benefits.

It's a strong, workable approach—and we urge your support. Following are a summary of the proposed amendment, a copy of the proposed amendment, and a series of statements and letters of endorsement, and I ask unanimous consent that they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1388

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE —MEDICARE CATASTROPHIC
COVERAGE SURTAX REPEAL

SEC. . SHORT TITLE.

This title may be cited as the "Medicare Catastrophic Coverage Surtax Repeal Act".

SEC. . REPEAL OF SUPPLEMENTAL MEDICARE
PREMIUM.

(a) IN GENERAL.—Section 111 of the Medicare Catastrophic Coverage Act of 1988, is hereby repealed, and the Internal Revenue Code of 1986 shall be applied and administered as if such section (and the amendments made by such section) had not been enacted.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1988.

SEC. . EXTENSION OF MAXIMUM INDIVIDUAL INCOME TAX RATE OF 33 PERCENT.

(a) IN GENERAL.—Section 1 of the Internal Revenue Code of 1986 (relating to tax imposed) is amended—

(1) by striking the item beginning "Over \$29,750" and all that follows in subsection (a) and inserting the following new items:

Over \$29,750 but not \$4,462.50, plus 28% of the excess over \$29,750.
Over \$71,900..... \$16,264.50, plus 33% of the excess over \$71,900."

(2) by striking the item beginning "Over \$23,900" and all that follows in subsection (b) and inserting the following new items:

Over \$23,900 but not \$3,585, plus 28% of the excess over \$23,900.
Over \$61,650..... \$14,155, plus 33% of the excess over \$61,650."

(3) by striking the item beginning "Over \$17,850" and all that follows in subsection (c) and inserting the following new items:

Over \$17,850 but not \$2,677.50, plus 28% of the excess over \$17,850.
Over \$43,150..... \$9,761.50, plus 33% of the excess over \$43,150."

(4) by striking the item beginning "Over \$14,875" and all that follows in subsection (d) and inserting the following new items:

Over \$14,875 but not \$2,231.25, plus 28% of the excess over \$14,875.
Over \$35,950..... \$8,132.25, plus 33% of the excess over \$35,950."

and
(5) by striking the item beginning "Over \$5,000" and all that follows in subsection (e) and inserting the following new items:

Over \$5,000 but not over \$750, plus 28% of the excess over \$5,000.
Over \$13,000..... \$2,990, plus 33% of the excess over \$13,000."

(b) CONFORMING AMENDMENTS.—

(1) Subsection (g) of section 1 of the Internal Revenue Code of 1986 (relating to phase-out of 15-percent rate and personal exemption) is hereby repealed.

(2) Subsection (j) of section 1 of such Code (relating to maximum capital gains rate) is amended—

(A) by striking "28 percent" each place it appears and inserting "33 percent";

(B) by striking "plus" at the end of paragraph (1)(B) and inserting a period, and

(C) by striking paragraph (1)(C).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1989.

SEC. . MEDICARE CATASTROPHIC BENEFITS FUNDED BY EXTENSION OF MAXIMUM INDIVIDUAL INCOME TAX RATE.

(a) IN GENERAL.—Part C of title XVIII of the Social Security Act (42 U.S.C. 1861 et seq.) is amended by adding at the end thereof the following new section:

"APPROPRIATION OF CATASTROPHIC COVERAGE RECEIPTS

"SEC. 1893. (a) IN GENERAL.—There are hereby appropriated from the catastrophic coverage receipts the following amounts in the following order:

"(1) To the Federal Hospital Insurance Catastrophic Coverage Reserve Fund (hereinafter referred to as the 'Reserve Fund'), 100 percent of the amount of the outlays made under part A attributable to the amendments made by the Medicare Catastrophic Coverage Act of 1988.

"(2) To the Federal Supplementary Medical Insurance Trust Fund (hereinafter re-

ferred to as the 'SMI Trust Fund'), the excess (if any) of—

"(A) 100 percent of the amount of outlays made under part B attributable to the amendments made by the Medicare Catastrophic Coverage Act of 1988 (other than outlays described in paragraph (3)(A)), over

"(B) the aggregate catastrophic coverage monthly premiums imposed under section 1839(g).

"(3) To the Federal Catastrophic Drug Insurance Trust Fund (hereinafter referred to as the 'CDI Trust Fund'), the excess (if any) of—

"(A) 100 percent of the amount of outlays made for benefits and administrative costs relating to covered outpatient drugs, over

"(B) the aggregate prescription drug monthly premiums imposed under section 1839(g).

"(4) To the general fund in the Treasury, the outstanding unpaid balance of amounts appropriated pursuant to subsection (b), plus interest on such amounts in such amount as the Secretary of the Treasury determines was lost by reason of such appropriations.

"(5) To the SMI and CDI Trust Funds, the balance of catastrophic coverage receipts after application of the preceding paragraphs in an amount to each such Trust Fund which bears the same ratio to such balance as—

"(A) the outlays described in paragraphs (1) and (2)(A) or paragraph (3)(A) (whichever applies), bears to

"(B) the total outlays described in all such paragraphs.

"(b) ADDITIONAL APPROPRIATIONS.—If the aggregate amount to be appropriated under paragraphs (1), (2), and (3) of subsection (a) exceeds the catastrophic coverage receipts, there is hereby appropriated from the general fund in the Treasury the amount of such excess. Such amount shall be appropriated to each of the Trust Funds described in such paragraphs in the same manner as catastrophic coverage receipts.

"(c) ESTIMATES BY SECRETARY.—The amounts appropriated by subsections (a) and (b) shall be transferred from time to time (not less frequently than monthly) from the general fund in the Treasury to the Reserve Fund, the SMI Trust Fund, and the CDI Trust Fund, respectively, on the basis of estimates by the Secretary of the Treasury of the catastrophic coverage receipts paid to or deposited into the Treasury and on the basis of outlays (specified in subsection (a)). Proper adjustments shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or were less than the appropriate amounts.

"(d) DEFINITIONS.—For purposes of this section—

"(1) CATASTROPHIC COVERAGE RECEIPTS.—The term 'catastrophic coverage receipts' means the increase in Federal revenues solely by reason of the amendments made by section 3 of the Medicare Catastrophic Coverage Surtax Repeal Act.

"(2) OUTLAYS AND RECEIPTS.—The term 'outlays' and 'receipts' mean, with respect to any quarter or other period, gross outlays and receipts, as such terms are employed in the 'Monthly Treasury Statement of Receipts and Outlays of the United States Government (MTS)', as published by the Department of the Treasury, for months in such quarter as other periods."

(b) MODIFICATION OF DETERMINATION OF PART B PREMIUM.—So much of subsection (g) of section 1839 of the Social Security Act

(42 U.S.C. 1395r(g)) as precedes paragraph (4) thereof is amended to read as follows:

"(g)(1)(A) Except as provided in this subsection, and subsections (b) and (f), the monthly premium for each individual enrolled under this part (without regard to this subsection) shall be increased by the sum of—

"(i) the catastrophic coverage monthly premium, and

"(ii) the prescription drug monthly premium.

"(B) In the case of months beginning in 1989 through 1993, the premiums under subparagraph (A) shall be determined in accordance with the following table:

In the case of:	The catastrophic coverage monthly premium is:	The prescription drug monthly premium is:
1989.....	\$4.00.....	0
1990.....	4.90.....	0
1991.....	5.46.....	\$1.94
1992.....	6.75.....	2.45
1993.....	7.18.....	3.02

"(2)(A) In the case of months in a year after 1993, the catastrophic coverage monthly premium shall be equal to 1/2 of 37 percent of the per capita catastrophic outlays which the Secretary estimates will be incurred for such year, adjusted as provided in subparagraph (B).

"(B) The Secretary shall make proper adjustments in the premium for months in a year to the extent the estimates of any amount for any preceding year were in excess or were less than the appropriate amount (and not otherwise taken into account under this subparagraph).

"(3) In the case of months in a year after 1993, the prescription drug monthly premium shall be determined under rules similar to the rules of paragraph (2); except that—

"(A) any reference to per capita catastrophic outlays shall be treated as a reference to per capita prescription drug outlays, and

"(B) any reference to the catastrophic coverage monthly premium shall be treated as a reference to the prescription drug monthly premium."

(c) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 1817A(a) of the Social Security Act (42 U.S.C. 1395i-1a(a)) is amended to read as follows:

"(2) There are hereby appropriated to the Reserve Fund amounts described in subsections (a)(1) and (b) of section 1893."

(2) Section 1841(a) of such Act (42 U.S.C. 1395t(a)) is amended by striking all matter following the second sentence and inserting the following new sentence: "There are hereby appropriated to the Trust Fund amounts described in subsections (a)(2), (a)(5), and (b) of section 1893."

(3) Paragraph (2) of section 1841A(a) of such Act (42 U.S.C. 1395t-1(a)) is amended to read as follows:

"(2) There are hereby appropriated to the Trust Fund amounts described in subsections (a)(3), (a)(5), and (b) of section 1893."

(4) Paragraph (2) of section 1841A(d) of such Act (42 U.S.C. 1395t-1(d)) is amended by striking "and under section 59B of the Internal Revenue Code of 1986".

(5) Section 1841B of such Act (42 U.S.C. 1395t-z) is amended—

(A) by striking "and section 59B of the Internal Revenue Code of 1986," and "and for purposes of section 59B of the Internal Revenue Code of 1986" in subsection (a),

(B) by striking subparagraph (A) of subsection (b)(1) and inserting the following new subparagraphs:

"(A) credited for receipts of the Federal Supplementary Medical Insurance Trust Fund attributable to the amounts described in subsections (a)(2), (a)(5), and (b) of section 1893 and the premiums under section 1839(g) attributable to the catastrophic coverage monthly premium,

"(B) debited for interest paid pursuant to section 1893(a)(4) to the extent not attributable to appropriations to the Federal Catastrophic Drug Insurance Trust Fund,"

(C) by redesignating subparagraphs (B) and (C) of subsection (b)(1) as subparagraphs (C) and (D), respectively, and

(D) by striking "and under section 59B of the Internal Revenue Code of 1986" in subsection (c)(2).

(6) The last sentence of section 1844(a) of such Act (42 U.S.C. 1395(a)) is amended by striking "or section 59B of the Internal Revenue Code of 1986".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1988.

HARKIN-LEVIN MEDICARE CATASTROPHIC COVERAGE SURTAX REPEAL AMENDMENT

Repeals entirely the Medicare catastrophic coverage supplemental premium surtax, effective 1989. Thirteen million senior citizens would receive a tax reduction.

Retains all of the benefits provided under the Medicare Catastrophic Coverage Act of 1988.

Leaves unchanged the current law affecting the basic monthly premiums that senior citizens pay under the Medicare Catastrophic Coverage Act of 1988.

Extends the existing 33 percent marginal income tax rate, which currently applies to some upper middle income and upper income taxpayers, to the highest income taxpayers, effective 1990. Under current law, the 33 percent marginal rate will apply in 1990 to families of four with taxable incomes of between \$78,350 and \$208,510 (and for single individuals with taxable incomes between \$47,000 and \$109,050). Under current law, taxable incomes above those amounts are taxed at a 28 percent marginal tax rate. Under the Harkin-Levin-Bonior Medicare Catastrophic Coverage Surtax Repeal Amendment taxable incomes above those amounts would be taxed at the 33 percent marginal tax rate. Taxes would increase for 600,000 taxpayers, which is less than one percent of total taxpayers.

Revenue neutral over 5 years, 1990-1994.

NATIONAL COUNCIL OF SENIOR CITIZENS,

Washington, DC, July 19, 1989.

HON. TOM HARKIN,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

DEAR SENATOR HARKIN: The National Council of Senior Citizens wholeheartedly endorses the legislation you have introduced, along with your colleagues Senator Levin and Representative Bonior, to repeal the surtax in the Catastrophic Health Care program. Our members feel strongly that this surtax is too expensive and that it unfairly burdens one generation of Americans in a highly discriminatory fashion.

Your legislation recognizes the inequity of the surtax and proposes to shift some of the financing burden to the wealthiest taxpayers of all ages. We believe that this is fair and, since almost all of us, one day, hope to benefit from the Medicare program, society

has a basic responsibility to assist in its financing.

Finally, we are pleased that your legislation preserves all of the benefits included in the Catastrophic package. Although many of our members already have much of the protection, we recognize that many seniors across the country are not as fortunate.

I hope that you will continue to fight for the interests of America's elderly and we are anxious to work with you to enact the Medicare Catastrophic Surtax Repeal Act of 1989.

Thank you.

Sincerely,

LAWRENCE T. SMEDLEY,
Executive Director.

NATIONAL COMMITTEE TO PRESERVE
SOCIAL SECURITY AND MEDICARE,
Washington, DC, July 19, 1989.

HON. TOM HARKIN,
Hart Senate Office Building, Washington,
DC.

DEAR SENATOR HARKIN: The National Committee to Preserve Social Security and Medicare would like to reiterate its support for your legislation to repeal the Medicare catastrophic surtax without cutting benefits by closing a tax loophole for the very rich. We continue to support this legislation with or without the provision to lower the capital gains tax rate to 28 percent.

Seniors appreciate your leadership to correct the flawed financing of the Medicare Catastrophic Coverage Act and replace the financing with true social insurance financing. Our members have already sent over 1.5 million postcards, about half of what will ultimately be sent, in support of your legislation.

We look forward to working together to achieve this common goal on behalf of senior citizens.

Sincerely,

MARTHA A. MCSTEEN,
President.

INTERNATIONAL UNION, UNITED
AUTOMOBILE, AEROSPACE AND AG-
RICULTURAL IMPLEMENT WORKERS
OF AMERICA—UAW,
Washington, DC, 20036, July 20, 1989.

DEAR SENATOR: When the budget reconciliation or debt ceiling legislation is considered on the Senate floor, we understand that Senators Harkin and Levin intend to offer an amendment similar to the legislation they have introduced, the proposed Medicare Catastrophic Coverage Surtax Repeal Act of 1989 (S. 1125). The UAW strongly supports the Harkin-Levin amendment. We urge you to co-sponsor and vote for the amendment.

The Harkin-Levin amendment would:

Repeal entirely the surtax on the elderly which was imposed under the Medicare catastrophic law;

Retain all of the benefits provided under the catastrophic law;

Maintain the flat premium which is paid by all Medicare beneficiaries under the catastrophic law;

Replace the surtax on the elderly with general revenues. The general revenues would be raised by eliminating the "bubble" in the present tax rate structure. Under the Tax Reform Act of 1986, some taxpayers (i.e., families of four with taxable incomes between \$78,350 and \$208,510; single individuals with taxable incomes between \$47,000 and \$109,050) already pay a marginal tax rate of 33 percent. But for taxpayers with taxable incomes above these amounts, the

marginal tax rate drops back to 28 percent. The Harkin-Levin amendment would eliminate this anomaly by extending the existing 33 percent marginal tax rate to very wealthy taxpayers;

Be revenue neutral over five years.

The UAW believes that the Harkin-Levin amendment represents the best method of solving the problems which have arisen in connection with the Medicare catastrophic law. We believe the benefits added by the catastrophic law are extremely valuable and should be retained. We therefore oppose any effort to repeal the catastrophic law. However, the UAW also believes that the manner in which the catastrophic benefits are financed is flawed and should be changed. In particular, we object to the principle underlying the present financing mechanism—namely, that the benefits have to be paid for entirely by the elderly. This violates the social insurance principles which have formed the basis for Social Security and Medicare. It also means that middle and upper income seniors have to shoulder the entire burden of paying for the subsidies for lower income seniors. This burden should properly be shared by all of society, not just a segment of the elderly. Because the burden is focused exclusively on middle and upper income seniors, they wind up paying premiums and taxes which are many times the value of the benefits provided under the catastrophic program. This is unfair.

The Harkin-Levin amendment would reform the financing of the catastrophic program by completely repealing the surtax on the elderly and replacing it with general revenues. This would be consistent with the way in which the Medicare Part B program is financed (i.e., three quarters of the Medicare Part B costs are currently paid for out of general revenues).

The Harkin-Levin amendment would raise the general revenues needed to replace the surtax on the elderly in a progressive manner, by eliminating the "bubble" in the tax rate structure which currently permits very wealthy individuals to actually pay a lower marginal tax rate than persons making less money. This would only affect the wealthiest 600,000 taxpayers. At the same time, the amendment would reduce taxes for the 13 million senior citizens who are now subjected to the surtax.

Accordingly, the UAW strongly supports the Harkin-Levin amendment. We urge you to join in co-sponsoring the amendment, and to vote for the amendment when it is offered on the Senate floor in connection with the budget reconciliation or debt ceiling legislation.

Your consideration of our views on this important issue will be appreciated. Thank you.

Sincerely,

DICK WARDEN,
Legislative Director.

JULY 21, 1989.

DEAR SENATOR: The International Ladies' Garment Workers' Union has 133,000 retirees who have worked in the apparel and related industries over many years. We also represent 200,000 garment workers who look forward to their benefits when they reach retirement age.

The ILGWU, therefore, is concerned with the whole problem of catastrophic health benefits and how they are being financed. There is no question that the officers and members of our Union support the Medicare

Catastrophic Health Act. We are opposed to any effort to repeal the legislation.

However, there is a very great concern about what our retirees and members consider the inequitable method of financing the benefits. Our seniors, along with thousands and thousands of other senior citizens, feel that the surtax presently in effect should be eliminated and another method of securing the needed revenue should be instituted by appropriate legislation.

Having reviewed the situation dealing with the financing of these health care services, the ILGWU is convinced that the solution lies in the bill introduced by Senators Carl Levin and Tom Harkin, S. 1125.

The bill addresses the problem of relying on the middle income seniors to subsidize the benefits of catastrophic health benefits of the more affluent senior citizens. To take care of this inequity the Harkin-Levin Bill would extend the 33 percent income tax rate to include the total taxable income of the highest income tax payer. Right now the 33 percent rate covers only part of the taxable income from \$78,000 to \$209,000 for joint returns and \$47,000 to \$109,000 for single taxpayers. Above that they pay only 28 percent of the remainder of their taxable income. We believe in extending the 33 percent to cover all the taxable income for our highest income taxpayers. It would raise the needed revenue to cover the catastrophic health benefits for all senior citizens. All S. 1125 does is to place the burden of paying the costs on those most able to pay. No where else in our benefit payment system do we ask those of modest incomes to subsidize the benefits for those whose incomes are much higher.

We urge you to show your concern in solving these inequities by co-sponsoring S. 1125.

Thank you for your consideration of our request. We look forward to a reply from you on this matter.

Respectfully,

JAY MAZUR,

President.

EVELYN DUBROW,

Vice president and legislative director.

NATIONAL ASSOCIATION
OF LETTER CARRIERS,

Washington, DC, July 21, 1989.

Hon. TOM HARKIN,
U.S. Senate, Washington, DC.

The National Association of Letter Carriers supports S. 1125, introduced by Senators Harkin and Levin.

NALC President Vincent Sombrotto, on behalf of the 315,000 member organization, said the amendments would solve two major problems that have emerged from the Medicare Catastrophic Coverage Act of 1988.

"Catastrophic illness can devastate a family's savings," Sombrotto said. "The Harkin-Levin-Bonior bill allows us to save the benefit while eliminating the undue burden seniors are being asked to bear."

"It also eliminates the unfair tax break the very rich presently enjoy."

The legislation introduced by Senators Harkin and Levin would also serve to alleviate the unique burden now being borne by federal and postal retirees who are fully covered for catastrophic expenses through the Federal Employee Health Benefits Program (FEHBP). Asking postal and federal retirees to essentially pay twice for the same benefit is unreasonable. For NALC retirees, it is like asking them to make monthly payments on a car still in the dealer's showroom.

The NALC, along with the AFL-CIO, supports the continuation of the important benefits provided by the Catastrophic Health Insurance program to the millions of Americans without such protection. We believe, however, that charging seniors a "user fee" (or worse, for postal/federal retirees a "non-user" fee) cutting further into ever declining fixed incomes is a uniquely bad approach and one which should be abandoned.

VINCENT R. SOMBROTTO,
President.

AMERICAN POSTAL WORKERS
UNION, AFL-CIO,
Washington, DC, July 17, 1989.

Hon. TOM HARKIN,
Hart Senate Office Building, U.S. Senate,
Washington, DC.

DEAR SENATOR HARKIN: On behalf of the 365,000 members of the American Postal Workers Union (APWU), I am pleased to express our support for the Harkin-Levin amendment to repeal the Medicare Catastrophic Insurance surtax.

APWU is the largest collective bargaining representative of active and retired employees of the United States Postal Service, and the APWU Health plan is one of the largest employee organization plans in the Federal Employee Health Benefits Program. A major portion of the APWU Health plan enrollees are Medicare-eligible retirees who were adversely impacted by the financing mechanism established for the Medicare Catastrophic Protection Act of 1988 (Public Law 100-360).

During the 100th Congress, as Congressional debate focused on the feasibility of providing expanded benefits to Medicare participants, APWU raised several issues of concern about the effect of the proposed legislation on our retired members. We questioned both the proposed financing mechanism and the duplication of catastrophic benefits for postal and federal retirees which would result from enactment of the law.

Currently, postal (and federal) workers are authorized to carry their active status health insurance benefits into retirement under certain conditions. The health benefits programs in which postal and federal workers participate operate under auspices of the Federal Employees Health Benefits Program, and these plans are required to provide retired participants with protection against catastrophic illnesses. Postal and federal enrollees pay for this coverage through their health insurance premiums.

When Congress enacted the Catastrophic Protection Act, it duplicated coverage already provided to postal and federal retirees through the Federal Employee Health Benefits Program, yet held them liable for the income-based supplemental premium. As a result, Medicare eligible retirees who are enrolled in the American Postal Workers Union Health Benefits plan are facing difficult choices which will not be mitigated unless Congress acts to revise the financing mechanism of the Catastrophic Protection Act.

Under current conditions, Medicare-eligible postal retirees must bear the burden of paying both their FEHB health insurance premiums and the catastrophic surtax, or they may be forced, by financial considerations, to abandon their union-sponsored health insurance benefits for a program with inferior catastrophic benefits. If the retiree elects to drop his or her union/sponsored insurance, that decision can never be reversed.

Your legislation is, in our view, an equitable method of mitigating the adverse effects of the Catastrophic Protection Act on postal and federal retirees, while maintaining catastrophic illness protection for those in our society who need it.

On behalf of the members of the American Postal Workers Union, I wish to express my appreciation for your leadership on this critical issue, and we look forward to working with you to enact this needed legislation.

Sincerely yours,

MOE BILLER,
President.

AMERICAN FEDERATION
OF STATE COUNTY &
MUNICIPAL EMPLOYEES, AFL-CIO,
Washington DC, July 18, 1989.

Hon. TOM HARKIN,
Hart Senate Office Building, U.S. Senate,
Washington, DC.

DEAR SENATOR HARKIN: On behalf of the 120,000 retired state and local workers represented by the American Federation of State, County and Municipal Employees (AFSCME), we want to express our support for the Harkin-Levin amendment to the catastrophic insurance law.

Since the passage of the catastrophic law last year, our retirees' opposition has been strong and growing. Most of them already had employer-provided catastrophic coverage. Now they will have to pay a considerable surtax for something they had previously received free of charge.

The Harkin/Levin amendment would repeal the Medicare surtax while retaining all of the benefits provided under the law. Under your amendment, the catastrophic package would be financed by extending the 33% income tax rate to all income for upper income taxpayers. Currently, income over \$208,510 for a family of four and \$109,050 for an individual is taxed at 28%.

We support the clarification of current law contained in your amendment that will require the wealthiest taxpayers in our country to shoulder the same tax obligations as individuals of more modest means. This is an equitable means of funding the benefits of the catastrophic law. We believe this maintains the social insurance design which has characterized the Medicare program since its inception.

We would be happy to assist you in any way to ensure passage of your amendment. Thank you for your leadership on this issue.

Sincerely

GERALD W. MCENTEE,
International President.

Mr. LEVIN. Mr. President, I am pleased to join with my colleague from Iowa, Senator TOM HARKIN, in announcing that we plan to offer an amendment to legislation, before the August recess or shortly thereafter, to repeal the supplemental premium surtax and replace it with a fairer way of financing the Medicare Catastrophic Health Insurance Program.

The senior citizens of this country feel they have been picked on. And they have been. They have been asked in the Medicare Catastrophic Coverage Act of 1988 to do what no other group that I can think of has been asked to do. That law offered benefits to a group within society and required one portion of that group to subsidize

another portion of that group based on the ability to pay. Do we require financially well-off veterans receiving service-connected disability compensation, and no other taxpayers, to subsidize less well-off veterans' compensation? We don't and we shouldn't. Why, as a matter of equity, then, should we require some senior citizens, and no other taxpayers, to subsidize the benefits of other senior citizens. Senior citizens are willing to share the burden, but they do not want to be singled out because of their age to shoulder the subsidy for other seniors who are involved in this program.

The amendment which Senator HARKIN and I will offer is based on S. 1125, which we introduced last month. This amendment would repeal the supplemental premium surtax and would retain the full benefits of the Medicare Catastrophic Coverage Act of 1988. The revenue which would be lost as a result of the supplemental premium surtax would be made up for by amending the current income tax law and keeping the marginal income tax rate at 33 percent for families of four with taxable incomes over \$208,510 and for singles with taxable incomes over \$109,050, instead of allowing the marginal rate to drop back to 28 percent as is provided under current law. This proposal would generate enough revenue in order to allow for the entire repeal of the supplemental premium surtax and to be revenue neutral over the 1990-94 period.

This legislation has been endorsed by a large number of organizations which support retaining the benefits of the Medicare Catastrophic Coverage Act of 1988, and which support financing those benefits in a more equitable manner than provided for under current law. During the next 2 weeks, we look forward to additional support for this repeal of the supplemental premium surtax and for replacing it with a way to pay for these important improvements in health care that recognizes that, in addition to the individual beneficiaries, society as whole has an interest in a sound and fair catastrophic health insurance program.

By Mr. GRAHAM (for Mr. DeCONCINI, and Mr. KERRY):

S. 1389. A bill to authorize the issuance of drug war bonds and to require that the proceeds of those bonds be used to fund the Anti-Drug Abuse Act of 1988; to the Committee on Finance.

DRUG WAR BOND ACT OF 1988

Mr. GRAHAM. Mr. President, it was 48 years ago this December that Pearl Harbor was attacked by air. More than 2,300 people were killed on that day. The surprise attack had the effect of galvanizing this Nation against a common enemy: tyranny of Japan and the Nazis in Europe.

On the following day, December 8, 1941, the United States of America de-

clared war. When our President, Franklin Roosevelt, came to Congress to seek a declaration of war, he did not equivocate. When America declared war in 1941, we fought to win and we did not quit until the enemy had surrendered.

Since that date, Mr. President, we have diminished the power of the phrase, declaration of war. By declaring war, year after year, declaring war against drugs, our actions have not matched our tough rhetoric.

Our President today, and the one before him, has launched and relaunched a war of words against drugs, but it is not a real war. The war of drugs is a war that we are not winning. The price of cocaine has dropped again. Coca production in Latin America has nearly doubled since the mid-eighties. Addicts in this country who want treatment cannot get it. A principal reason we are not winning this so-called war is because we have not made the commitment to fund victory. We have made promises to the American people. We have not kept those promises. Despite his tough-sounding speeches against crime and drugs, President Bush has recommended less, much less, than Congress authorized for the war on drugs in the current fiscal year.

The President, for instance, has recommended \$33 million less than Congress authorized for drug education and training. That is the account that supports the Drug Free Schools Program. We know education is a powerful weapon against drugs. The more people find out about drugs, the less likely they are to spend their money to hurt themselves through the purchase of drugs.

We know that education works, but we are underfunding the education program.

In the health area, a broad category that includes drug and alcohol treatment, the 1988 drug bill authorized \$2.2 billion for the next fiscal year. The President has proposed \$1.3 billion, a shortfall of \$900 million.

The total unfunded portion, calculated by subtracting the Bush administration's budget plan from the amount authorized by Congress, is almost \$1.7 billion in budget authority and \$860 million in budget outlays for the 1990 fiscal year.

Mr. President, we have declared war from the safety of a politician's podium, but we have failed to send the ammunition to our troops in the field. It is time for this hypocrisy to end.

Today I am introducing legislation to tap the tremendous will to win of the American people, people who are fed up with drugs and people who want to participate directly in funding our war on drugs. This legislation, Mr. President, will revive the war bond program that helped us win both World War I and World War II. This

time we will call them drug war bonds. When you buy a bond, you are joining the fight against the cocaine cartel that has attacked America. You are investing in freedom from addiction for millions of people who are hooked on drugs but cannot get treatment today. You are investing in freedom from fear that our borders are being overrun by smugglers and our neighborhoods being overrun by dealers. Everywhere I go people are outraged about the drug invasion and they ask the question, "What can I do?"

With the drug war bonds, American citizens can get directly involved in fighting the cartel that has declared war on America. With drug war bonds, we, individual Americans, can fight back.

Here is how the bond program would work, Mr. President. First, purchase of these bonds will be open to all Americans, particularly including children. Bonds will be available through schools, through Scouting, through banks, and other financial institutions and via payroll deduction programs. Maturity of the bonds would be 12 years, just as is the current savings bond program.

Our new bond program would be modeled on that successful savings bond program with interest dividends equal to those paid on regular savings bonds. The purchase price would be half the amount of the bond. For instance, the smallest bond, \$25, could be purchased for \$12.50. Students could spend as little as 25 cents for a coupon to fill up a bond booklet toward a \$25 bond. Higher denomination bonds would be available from financial institutions and brokerage houses and via payroll deductions plans.

Second, when you buy a drug war bond, your money would go directly to the war on drugs. It would not be mixed with the rest of the Federal budget. A drug war trust fund would be established to handle revenue from the sale of these bonds. This trust fund would assure that bond money goes exclusively to the war on drugs. Our initial goal is to fund the anti-drug legislation this Congress approved in 1988. The 1988 bill passed by Congress and signed by President Reagan authored \$2.8 billion for the fiscal year 1989. We are actually going to spend less than \$1 billion. For 1990, for the year that begins October 1 of this year, the legislation granted budget authority of almost \$6 billion. The President's recommendation is a funding level of \$4.266 billion, \$1.7 billion short of what Congress authorized less than a year ago.

I am proposing the sale of bonds to fund the drug war because conventional funding has not been adequate. Senator BIDEN and others have attempted to fund the drug bill by a small in-

crease in taxes on cigarettes and alcohol. He was turned back. And with each passing day the drug bill continues to be underfunded. Our war on drugs continues to be a war of words rather than action.

The Nation learned some valuable lessons when it sold war bonds during World War II. The most important lesson: Americans are patriotic. Americans poured billions into the war effort against the Nazis and the Japanese. Between 1941 and 1945 millions of Americans purchased \$185.7 billion of war bonds.

I remember as a boy at Hialeah Elementary School each Friday we would bring in our dimes to buy stamps to place in our book so that when we had filled our book we could receive a war bond. Everyone pitched in. All sectors of our society bought war bonds—children, farmers, adults, labor, management, government workers. Advertising was donated. The entertainment industry made special films and newsreels for bond rallies and broadcasts. Boy Scouts agreed to distribute 1 million war posters. Irving Berlin wrote a special song: *Any Bonds Today?* Those who bought war bonds had a sense of ownership in our war effort. If you put up \$25 to defeat the Nazis, you had a direct stake in and a contribution to America's victory.

It is time to bring back the Victory Bond for patriotism and mass participation in our national effort to prevail over today's common enemy.

The enemy attacking America today has not dropped bombs on our ships at Pearl Harbor. No, there has been no Pearl Harbor in 1989; no clear day of infamy. But in many ways the invasion of America by the drug cartel is just as insidious and just as deadly as the attack on Pearl Harbor; 2,334 servicemen died in the attack on Pearl Harbor.

For every servicemen killed at Pearl Harbor in 1941, two Americans died in drug-related deaths in 1987, the last year for which the statistics are available.

America is under attack from every hemisphere. Heroin is flooding into the United States at record levels from Asia and Mexico. Cocaine from Latin America has poisoned and corrupted our Caribbean neighbors and pours across our own borders. And we are under attack from within. Crack labs in America process cocaine for sale to our people.

Mr. President, as hard as it is to believe, the United States is now tied with Mexico in marijuana production. Mexico and the United States stand second only to Colombia in the world's production of marijuana.

Rogue chemists in this country are making a synthetic stimulant called crack, c-r-a-n-k. The Drug Enforcement Agency says that we have three

times as many crack abusers as heroin addicts in the United States.

Carlos Lehder, the Colombian cartel chieftain, who admired Hitler and sent tons of cocaine to our neighborhoods, once told a smuggler partner that he hoped to flood America with cocaine in order to disrupt our political system and tear down our Nation's morality.

Mr. President, we will not sit by and let narcoterrorists like Carlos Lehder tear down this country. We Americans are ready to fight back. We are ready to help pay the bill to win that victory.

We are ready, we are prepared, and we will win a real war against drugs.

Thank you, Mr. President.

Mr. WILSON addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from California.

Mr. WILSON. Mr. President, while my friend and colleague from Florida is on the floor, I want to first congratulate him. Earlier today I introduced a measure that poses drug war bonds, and I gather he has been working on something quite similar and is now introducing that.

Let me make a point, Mr. President, that I think is one that the American people may not fully appreciate.

A moment ago, in his concluding remarks, the Senator from Florida made the optimistic, and I think warm prediction, that the people of America will respond to this challenge; that if they are given the opportunity to do so, they will indicate what their priorities are by purchasing these bonds not because of any huge rate of return because in fact there is not even a market rate of return but rather because of their concern.

They will decide that this is a very good investment in America's future because in fact there is little that is more important, little that will be more rewarding, than providing the kind of adequate financing necessary not simply to speak of a war on drugs but to actually fight it, wage it, and win it, which we are not doing at the moment.

I think the point that has to be emphasized is that it is a necessity for my introducing this measure or for the Senator from Florida introducing his because there has been an abdication of responsibility on the floor, it pains me to say, and in the other body. We simply are not engaged in adequate funding. We look to law enforcement to perform miracles, and the most dedicated and professional law enforcement cannot do so without adequate resources.

What we are saying is that the amendments of the Senator from Florida, my own, that of Senator D'AMATO, that of Senator GRAMM of Texas, that of Senator BIDEN, and others, have repeatedly been offered to increase funding for the war on drugs, because

they have failed, and because like efforts have failed in the House of Representatives the American people really cannot look to the Congress to provide resources commensurate with the rhetoric that has flowed from us almost without limit.

Frankly, we have not put our money where our mouth has been. We all agree that this is the most urgent priority. We make references, and we choose metaphors that point to the seriousness of this problem. We speak of being invaded. That is no hyperbole. I think my friend has not exaggerated in the least.

I think there is an infinitely greater threat to the welfare and to the future of this Nation, specifically to this generation of our children, than is posed by any foreign power. But somehow the Congress does not seem able to appreciate that fact, at least not in terms of responding to it with the kind of funding that would indicate a recognition that that is the priority of the American people as indeed I believe it could be, and I believe rightly so.

I think the American people once again are correct. Ordinarily, when the public leads Congress gets right out there and follows soon thereafter. We have not in this instance. We are still waiting.

So the necessity for this kind of effort and the optimistic fact about a drug war bond program is that it will offer the American people the option to indicate very, very directly and simply by their own investment that they conceive of this as the most urgent priority, and are willing to put their own money into it as time and time again they have indicated they would even if that be in the form of taxes.

In this case they will be not taxing themselves but will be parting with some of their hard-earned cash as an investment in a figurative sense more than perhaps a literal one in America's future.

I commend them for doing so. I am confident that they will do so. In doing so, Mr. President, they will give us the resources we need not to simply wage this war on drugs rhetorically but to do it with real resources, and to win.

I take the opportunity of my friend's comments simply because I think the American people need to understand what is at stake here, and indeed I think my colleagues on the floor need to understand, as clearly the Senator from Florida does. But I simply repeat sadly that in the recent past as well as in last year's effort we failed to adequately fund the 1988 omnibus drug legislation which offered in terms of legislative authority great hope, and great succor to the American parent worried about his or her child. But we

simply did not fund it. This will be an opportunity to do so.

So I commend my friend and I look forward to working with him. I think that we have pretty much the same idea. Unfortunately, it is an idea necessary because of what has otherwise been legislative default. But let us put the default behind us. Let us look to the future. That future can be bright, and the investment by bond buyers of some \$4 billion over a period of time—I am not sure exactly what the issue offered by my friend would involve in maturity or interest rate. Whatever it is, it is little enough by way of a wise preventative measure and will be far less costly than our failing to address the problem, and unhappily we have failed to address it honestly on this floor.

Mr. President, I look to the future to bring us a better result.

I yield the floor.

Mr. GRAHAM addressed the Chair. The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I would like to express my appreciation for the generous remarks and the outstanding effort which the Senator from California has made on this issue before an extended period of time and over a wide range of the battles which constitute the framework for our war on drugs. The Senator from California has given sustained and committed leadership.

I look forward to working with him closely to see that we can add this means of financing more effectively than has been available in the past through the drug war bonds.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1389

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Drug War Bond Act of 1988".

SEC. 2. ISSUANCE OF DRUG WAR BONDS.

(a) IN GENERAL.—Subchapter I of chapter 31 of title 31, United States Code, is amended by adding at the end thereof the following new section:

§ 3114. Drug war bonds

"(a) The Secretary of the Treasury shall—

"(1) issue drug war bonds of the United States Government, and

"(2) buy, redeem, and make refunds of such bonds under section 3111 of this title.

"(b)(1) Drug war bonds may be issued under this section on an interest-bearing basis, on a discount basis, or on an interest-bearing and discount basis.

"(2) The Secretary of the Treasury may—

"(A) fix the investment yield for drug war bonds issued under this section, and

"(B) change the investment yield on any outstanding drug war bond, except that the yield on a bond for the period held may not be decreased below the minimum yield for

the period guaranteed on the date on which the bond is issued.

"(3) Drug war bonds issued under this section shall mature not more than 20 years after the date of issue.

"(4)(A) Except as otherwise provided in this paragraph, the Secretary of the Treasury shall prescribe the denominations in which drug war bonds are issued under this section.

"(B)(i) In prescribing under subparagraph (A) the denominations in which drug war bonds are issued under this section, the Secretary of the Treasury shall ensure that a small denomination, of not greater than a \$25 maturity value, be available for issuance in order to enable children and small investors to purchase drug war bonds.

"(ii) In order to compensate for the additional administrative costs of issuing drug war bonds under this section in a small denomination that does not exceed a \$25 maturity value, the Secretary of the Treasury is authorized to fix an investment yield for such small-denomination drug war bonds that is lower than the investment yield on other denominations of drug war bonds.

"(5) The Secretary of the Treasury shall issue stamps, or may provide other means, that evidence payment towards the purchase of a drug war bond issued under this section in order to encourage and facilitate the accumulation of funds for the purchase of drug war bonds.

"(c) Except as otherwise provided in this section, the Secretary of the Treasury may prescribe, with respect to drug war bonds issued under this section—

"(1) the form and amount of an issue,

"(2) the way in which the bonds will be issued,

"(3) the conditions (including restrictions on transfer) to which the bonds will be subject,

"(4) conditions governing redemption of the bonds,

"(5) the sales price of the bonds, and

"(6) a way to evidence payments for, or on account of, the bonds.

"(d) The Secretary of the Treasury may authorize any financial institution which meets the requirements of section 3105(d) to make payments to redeem drug war bonds issued under this section.

"(e)(1) There is hereby established within the Treasury of the United States a trust fund to be known as the Anti-Drug Abuse Trust Fund (hereinafter in this subsection referred to as the "Trust Fund"), consisting of such amounts as may be transferred to the Trust Fund under paragraph (2).

"(2)(A) The Secretary of the Treasury shall transfer to the Trust Fund out of the general fund of the Treasury of the United States amounts determined by the Secretary of the Treasury to be equivalent to the amounts received into such general fund that are attributable to the proceeds from drug war bonds issued under this section.

"(B) The amounts which are required to be transferred under subparagraph (A) shall be transferred at least monthly from the general fund of the Treasury of the United States to the Trust Fund on the basis of estimates made by the Secretary of the Treasury of the amounts referred to in subparagraph (A) that are received into the Treasury. Proper adjustments shall be made in the amounts subsequently transferred to the extent prior estimates were in excess of, or less than, the amounts required to be transferred.

"(3) The Secretary of the Treasury shall be the trustee of the Trust Fund and shall

submit an annual report to the Congress on—

"(A) the financial condition and the results of the operations of the Trust Fund during the fiscal year preceding the fiscal year in which such report is submitted, and

"(B) the expected condition and operations of the Trust Fund during the fiscal year in which such report is submitted and during each of the 5 fiscal years succeeding such fiscal year.

The report shall be printed as a House document of the session of the Congress to which the report is made.

"(4) Funds in the Trust Fund shall only be available, as provided in appropriation Acts, for expenditures that are authorized—

"(A) by the provisions of,

"(B) by amendments made to, or

"(C) by amendments made by,

the Anti-Drug Abuse Act of 1988.

"(f) The Secretary of the Treasury shall provide notice to the public through appropriate media that the purchase of drug war bonds will assist in implementing antidrug abuse provisions of law."

(b) CONFORMING AMENDMENTS.—

(1) The table of sections for subchapter I of chapter 31 of title 31, United States Code, is amended by adding at the end thereof the following new item:

"3114. Issuance of drug war bonds."

(2) Section 3108 of title 31, United States Code, is amended by striking out "and 3105-3107" and inserting in lieu thereof ", 3105-3107, and 3114".

By Mr. KENNEDY (for himself and Mr. HATCH):

S. 1390. A bill to authorize funds to be appropriated for the construction of a research laboratory, and for other purposes; to the Committee on Labor and Human Resources.

CONSTRUCTION OF RESEARCH FACILITY

Mr. KENNEDY. Mr. President, the legislation I am introducing today follows on the fire in May which destroyed much of the stock of research mice at the Jackson Laboratory in Maine. This tragic fire halted research in many biomedical laboratories around the Nation. The Jackson Laboratory has been the leading facility in the world for the production of the genetically controlled mice that are necessary for biomedical research. This laboratory supplied mice to researchers in every State in the country, including virtually every medical school, university, independent biomedical research facility and major government laboratory. Through heroic efforts of the staff, embryos and breed stock of the more than 1,700 strains developed by the laboratory were saved from the fire. Today, I am introducing legislation to authorize the appropriation of funds for a single competitive grant for the construction of a facility for the development, production, and distribution of inbred and mutant mice to be used for biomedical research. Though, the Jackson Lab is the most likely candidate for this grant, other institutions may also compete for these funds.

The prompt restoration of the supply of research animals is vital to the continuation of biomedical research in key health areas. Research into the causes and cures of human diseases such as lung cancer, breast cancer, leukemia, diabetes, and diseases that affect primarily children, such as infantile polycystic kidney disease, depends on the supply of mice, such as those produced at the Jackson Laboratory. Much of this research has been halted until subject animals can again be provided. We must act quickly to make available the animal subjects that are so critical to the continuation of this important medical research.

I urge your support of this legislation. The health and well-being of millions of Americans depends upon it.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1390

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONSTRUCTION OF MOUSE BREEDING FACILITY.

(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Director of the National Institutes of Health, shall provide a single grant, through a competitive application process, to a public or private non-profit entity to enable such entity to construct a facility for the development, production, and distribution of inbred and mutant mice that are to be used for biomedical research.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$25,000,000 to carry out subsection (a).

Mr. HATCH. Mr. President, on May 10, 1989, a fire consumed the Jackson Laboratory in Bar Harbor, ME, and destroyed one of America's most vital genetic research facilities. The total loss to Jackson Laboratory was estimated at \$40 million, including the animals lost, building replacement, emergency operations during the recovery process, and lost revenue.

The Jackson Laboratory was an internationally renowned, not-for-profit, independent research institution devoted to mammalian genetics. Study at the facility centered on developing new methods of diagnosing and treating critically important human health problems such as diabetes, arthritis, AIDS, and neurological illness. The laboratory provided a unique and invaluable service to the international scientific community by distributing 2 million genetically developed mice annually for research.

Finding a replacement for Jackson Laboratory is fundamental to maintaining productive biomedical research in the United States. To recover from losses accumulated in the fire, the national biomedical research effort re-

quires a rapid resupply of inbred and mutant mice. It is feasible to involve multiple distribution sources around the country due to logistic problems, increased financial costs, and the need for uniform health standards. Research scientists can ensure proper quality control and technical procedure only in one sufficiently equipped and constructed facility.

Today, I am joining my colleagues and introducing legislation which would authorize \$25 million to be used for constructing a new facility to develop, produce, and distribute inbred and mutant mice used in biomedical research. The contractor and location of this laboratory will be determined through a competitive application process from interested public and private nonprofit entities.

I urge my colleagues to support this legislation in order to promote biomedical research in the United States.

By Mr. KENNEDY (for himself, Mr. MATSUNAGA, Ms. MIKULSKI, Mr. ADAMS, Mr. SIMON, and Mr. DODD):

S. 1391. A bill to amend the Public Health Service Act to establish a foundation for biomedical research, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. KENNEDY (for himself, Mr. ADAMS, Mr. DODD, Mrs. KASSEBAUM, Mr. MATSUNAGA, Ms. MIKULSKI, Mr. SIMON, and Mr. HATCH):

S. 1392. A bill to amend the Public Health Service Act to provide grants for the expansion or renovation of biomedical and behavioral research facilities, to establish a National Center for Medical Rehabilitation Research, to establish a senior biomedical scientific service, and for other purposes; to the Committee on Labor and Human Resources:

BIOMEDICAL RESEARCH LEGISLATION

Mr. KENNEDY. Mr. President, the legislation that I am introducing today is aimed at maintaining the Nation's premier role in biomedical research. For years, the NIH has led the world in breakthrough discoveries of cures and treatments for a range of illnesses. Scientists at the NIH have made major contributions to the treatment of cancer, AIDS, heart disease, and are now in the early phases of the human genome project, an undertaking in the medical field that will mean continued progress in our understanding of biology and its applications to biotechnology. The country and the world are watching as new development after new development shapes our expectations and gives us hope for a better world.

But we cannot rest on our laurels. Too many factors threaten our lead in biomedical science. In recent decades, our research facilities around the

country have not received adequate support. Many of them around the country are now in need of renovation or expansion. The National Institutes of Health also faces a problem of increasing import over its inability to fill critical senior research positions because it is unable to offer salaries that are competitive with the academic and industrial world. This legislative package will go far to correct these problems and to assure the continued significant role of NIH as a leader in the field of biomedical research.

In one of the two bills I am introducing today, I am asking Congress to authorize the establishment of a privately funded NIH Foundation for Biomedical Research. The main purpose of the Foundation will be to support endowed chairs for distinguished senior scientists at the Nobel laureate level. I envision a small number of chairs initially—probably 10 or so. These will support the work of some of our country's most outstanding and most productive leaders in scientific discovery. The presence and work of investigators of this stature at the NIH will help encourage new research prospects, and will help to maintain the entire NIH community at the forefront of biomedical research. The Foundation will support salaries and research expenses for these individuals and thereby provide the opportunity to offer more flexible and more generous support to these stars of science than might otherwise be possible. This should have beneficial impact on recruitment and retention of such individuals. The Foundation would also support a smaller number of promising mid-level visiting scientists who will benefit from and add to the research environment at the NIH. The Foundation will create new funding for the scientific work at NIH, and provide an opportunity for the expression of individual and corporate support for the community of scientists who have contributed so much to the health of the Nation and the world.

In the second of the two bills I am introducing today is the Senior Biomedical Scientist Service. The establishment of the Service will permit the Secretary to fill vacant positions at the NIH through recruitment and retention incentives. The critical nature of this problem is underscored by the fact that no vacancy at the NIH for a senior scientist position has been filled through outside recruitment in 11 years. The Service will allow for increases in senior scientist salary levels throughout the Public Health Service to make them somewhat more comparable with other sectors of the research community. The Service would be a personnel system attuned to the needs of a larger number of senior scientists throughout the Public Health Service particularly with regard to

other conditions of employment like evaluations and other benefits like retirement. Authorizing the creation of the Senior Biomedical Scientist Service will be a major step toward correcting the problems created over the past several years by a failure to keep step with the economic realities of the biomedical field.

Another provision in this initiative which is equally vital to renewed growth in the biomedical field is the peer review matching grant program in extramural facilities construction. Since 1969, when Federal support of research facility construction began to diminish, facilities have increasingly fallen into disrepair and badly needed new construction has been repeatedly delayed while academic research institutions have struggled to find funds. This provision would authorize \$150 million in funding to make a start in supporting construction needs which will require \$10 to \$15 billion over the next decade. We must begin to make progress in this area. It will be less expensive to assume our responsibilities in this matter now than to delay while construction costs continue to climb every year, and while the quality of research suffers because of the inadequacies of laboratory space and surroundings.

This legislative package also contains a proposal for the creation of a Center for Rehabilitation Medicine Research at the NIH. Rehabilitation medicine is a relatively new specialty in the medical field, but it has now reached the level at which there are a sufficient number of basic scientists involved in this research to justify an administrative center to maximize their findings. The center will rise awareness of the progress being made in this research area, and it will serve to call public attention to the exciting advances in the development of prosthetic devices, nerve regeneration, and aids in the service of the blind.

I am also requesting the establishment of a discretionary fund for the Director of the National Institutes of Health. This bill will provide the Director with needed support for research and programmatic opportunities that fall outside the normal funding cycle. The fund will utilize less than 0.5 percent of the extramural research budget and would be capped at \$25 million. It simply makes good administrative sense to have a capacity to respond to research needs and opportunities as they arise rather than to be held up for months until the funding cycle turns around again. There are numerous examples of where such a fund would have been useful over the last decade. AIDS is the premier example.

I urge my colleagues to support these bills, both of which will contribute to the work of the scientists at NIH and throughout the field of bio-

medical research in the country. Passage of these bills will mark the beginning of a new era of creative support for the efforts of the Nation's scientists.

I ask unanimous consent that the text of the bills be entered into the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 1391

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

That this Act may be cited as the "Foundation for Biomedical Research Act of 1989".

SEC. 2. ESTABLISHMENT OF FOUNDATION.

Title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended by adding at the end thereof the following new part:

"PART H—FOUNDATION FOR BIOMEDICAL RESEARCH

"SEC. 499A. FOUNDATION FOR BIOMEDICAL RESEARCH.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—The Secretary shall establish a nonprofit corporation, to be known as the Foundation for Biomedical Research (hereafter referred to in this section as the 'Foundation'), that shall not for any purpose be an agency of the United States Government.

"(2) INCORPORATION.—The Secretary, in cooperation with the members of the Board of Directors under subsection (b)(4), shall incorporate the Foundation to be established under paragraph (1) under the Corporation and Associations Articles of the State of Maryland.

"(3) NONPROFIT STATUS.—The Foundation shall be considered to be a corporation under section 501(c) of the Internal Revenue Code of 1986, and shall be subject to the provisions of this section.

"(b) BOARD OF DIRECTORS.—

"(1) COMPOSITION.—The Board of Directors of the Foundation (hereafter referred to in this section as the 'Board') shall be composed of—

"(A) the Chairmen and ranking minority member of the Health and the Environment Subcommittee of the House Committee on Energy and Commerce and the Chairmen and ranking minority member of the Committee on Labor and Human Resources of the Senate, who shall be ex officio members;

"(B) the Director of the National Institutes of Health and the Administrator of the Alcohol, Drug Abuse, and Mental Health Administration, who shall be ex officio members; and

"(C) five members to be appointed by the ex officio members of the Board described in subparagraphs (A) and (B), and the Chairperson appointed under paragraph (2), of which—

"(i) two such members shall represent the general biomedical field and one shall represent the general biobehavioral field; and

"(ii) two such members shall represent the general public.

"(2) CHAIRPERSON.—The ex officio members of the Board as described in subparagraphs (A) and (B) of paragraph (1) shall appoint an individual to serve as chairperson of the Board.

"(3) TERMS AND VACANCIES.—

"(A) IN GENERAL.—The term of office of each member of the Board appointed under subparagraph (C) of paragraph (1) shall be 5 years, except that—

"(i) any individual appointed to fill a vacancy that has occurred prior to the expiration of the term for which such individual's predecessor was appointed, shall be appointed for the remainder of such predecessor's term; and

"(ii) the terms of office for the initial members of the Board shall expire as determined by [the chairperson and] the ex officio members of the Board at the time of the appointment.

"(B) SUBSEQUENT APPOINTMENTS.—Individuals appointed to the Board at the expiration of the term of a member shall be selected by a majority vote of all Board members at the last meeting prior to the expiration of the term of the member to be replaced.

"(C) EFFECT OF VACANCY.—A vacancy on the Board shall not affect its powers, and shall be filled in the same manner in which the original designation or appointment was made.

"(4) INCORPORATORS.—The initial members of the Board shall serve as incorporators and take whatever actions necessary to incorporate, under the Corporations and Associations Articles of the State of Maryland, the Foundation.

"(5) COMPENSATION.—Members of the Board appointed under subparagraph (C) of paragraph (1) shall receive compensation for the time devoted to meetings and other activities of the Board at a daily rate to be determined by the Board, and reasonable allowances for necessary expenses of travel, lodging, and subsistence incurred in attending meetings and other activities of the Board, as set forth in the bylaws issued by the Board.

"(c) EXECUTIVE DIRECTOR.—

"(1) IN GENERAL.—The Foundation shall have an Executive Director who shall be appointed by the Board and shall serve at the pleasure of the Board. The Executive Director shall be responsible for the day-to-day operations of the Foundation and shall have such specific duties and responsibilities as the Board shall prescribe.

"(2) COMPENSATION.—The rate of compensation of the Executive Director shall be fixed by the Board.

"(d) DUTIES.—The Foundation shall—

"(1) provide funding for the support of the endowed chairs within the organizational structure of the intramural research programs of the National Institutes of Health and the Alcohol, Drug Abuse, and Mental Health Administration;

"(2) recruit senior biomedical scientists to hold chaired positions as described in paragraph (1);

"(3) support the staffing, equipment, and space requirements for the research undertaken by the scientists described in paragraph (2);

"(4) support the stipends and research expenses of National Institutes of Health Scholars appointed under the authority of section — of the Public Health Service Act, who shall be appointed for 6-year terms; and

"(5) negotiate a memorandum of understanding with the Director of the National Institutes of Health and the Administrator of the Alcohol, Drug Abuse, and Mental Health Administration that specifies that Foundation scientists and personnel shall observe the ethical and procedural standards regulating research and research findings, including publications and patents,

that are followed by scientists and personnel at the National Institutes of Health and the Alcohol, Drug Abuse, and Mental Health Administration.

"(e) POWERS.—In order to carry out its duties under subsection (d), the Foundation is authorized to—

"(1) operate under the direction of its Board;

"(2) adopt, alter, and use a corporate seal, which shall be judicially noted;

"(3) provide for one or more officers, employees, and agents, as may be necessary, define their duties, and require surety bonds or make other provisions against losses occasioned by acts of such persons;

"(4) hire, promote, compensate, and discharge officers and employees of the Foundation;

"(5) prescribe by its Board its bylaws, that shall be consistent with law, and that shall provide for the manner in which—

"(A) its officers, employees, and agents are selected;

"(B) its property is acquired, held, and transferred;

"(C) its general operations are to be conducted; and

"(D) the privileges granted by law are exercised and enjoyed;

"(6) with the consent of any executive department or independent agency, use the information, services, staff, and facilities of such in carrying out this section;

"(7) sue and be sued in its corporate name, and complain and defend in courts of competent jurisdiction;

"(8) modify or consent to the modification of any contract or agreement to which it is a party or in which it has an interest under this subtitle;

"(9) establish a mechanism for the selection of candidates for the endowed chaired positions within the organizational structure of the intramural research program of the National Institutes of Health and candidates for participation in the National Institutes of Health Scholars program authorized under section —;

"(10) enter into contracts with public and private organizations for the writing, editing, printing, and publishing of books and other material;

"(11) take such action as may be necessary to obtain patents and licenses for devices and procedures developed by the Foundation and its employees;

"(12) accept, hold, administer, invest, and spend any gift, devise, or bequest of real or personal property made to the Foundation;

"(13) enter into such other contracts, leases, cooperative agreements, and other transactions as the Executive Director considers appropriate to conduct the activities of the Foundation;

"(14) appoint other groups of advisors as may be determined necessary from time to time to carry out the functions of the Foundation; and

"(15) exercise other powers as set forth in this section, and such other incidental powers as are necessary to carry out its powers, duties, and functions in accordance with this subtitle.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such funds as the Secretary determines may be necessary to carry out this part."

S. 1392

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Biomedical Research Act of 1989".

TITLE I—BIOMEDICAL AND BEHAVIORAL RESEARCH FACILITIES

SEC. 101. BIOMEDICAL AND BEHAVIORAL RESEARCH FACILITIES.

Title IV of the Public Health Service Act (42 U.S.C. 601 et seq.) is amended by adding at the end thereof the following new part:

"PART H—BIOMEDICAL AND BEHAVIORAL RESEARCH FACILITIES

"SEC. 499A. DEFINITIONS.

"As used in this part:

"(1) CONSTRUCTION AND COST OF CONSTRUCTION.—The terms 'construction' and 'cost of construction' include the construction of new buildings and the expansion, renovation, remodeling, and alteration of existing buildings, including architects' fees, but not including the cost of acquisition of land or offsite improvements.

"(2) PUBLIC OR NONPROFIT PRIVATE INSTITUTION.—The term 'public or nonprofit private institution' means an institution that conducts biomedical or behavioral research, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

"SEC. 499B. GRANTS FOR CONSTRUCTION.

"The Director of the National Institutes of Health, through the Director of Research Resources (hereinafter in this part referred to as the 'Director'), is authorized to award grants to public and nonprofit private institutions to expand, remodel, renovate, or alter existing research facilities or construct new research facilities pursuant to this part. Applications for grants shall be evaluated on the basis of merit as provided in section 499I.

"SEC. 499C. TECHNICAL REVIEW BOARD ON BIOMEDICAL AND BEHAVIORAL RESEARCH FACILITIES.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—There is established in the Division of Research Resources of the National Institutes of Health a Technical Review Board on Biomedical and Behavioral Research Facilities (hereinafter referred to in this part as the 'Board') to advise the Director and the Advisory Council established pursuant to section 480 (hereinafter in this part referred to as the 'Advisory Council') on matters concerning the construction of facilities, and to conduct the peer review of applications received under this part.

"(2) MEMBERSHIP.—The Board shall be appointed by the Director, and consist of not fewer than—

"(A) 12 members to be appointed without regard to the civil service laws; and

"(B) an official of the National Science Foundation designated by the National Science Board.

"(3) FACTORS FOR APPOINTMENTS.—In selecting individuals for appointment to the Board under paragraph (2), the Director shall consider factors such as—

"(A) the experience of the individual in the planning, construction, financing, and administration of institutions engaged in the conduct of research in the biomedical or behavioral sciences;

"(B) the familiarity of the individual with the need for biomedical or behavioral research facilities;

"(C) the familiarity of the individual with the need for dentistry, nursing, pharmacy, and allied health professions research facilities; and

"(D) the experience of the individual with emerging centers of excellence as defined in section 499D(d)(2).

"(b) DUTIES.—The Board shall—

"(1) advise and assist the Director and the Advisory Council in the preparation of general regulations and with respect to policy matters arising in the administration of this part;

"(2) make recommendations to the Director and the Advisory Council concerning—

"(A) merit review of applications for grants; and

"(B) the amount that should be granted to each applicant whose application, in its opinion, should be approved; and

"(3) prepare an annual report for the Advisory Council, that shall be available to the public, that—

"(A) describes the activities of the Board in the fiscal year for which the report is made;

"(B) describes and evaluates the progress made in such fiscal year in meeting the facilities' needs for the biomedical research community;

"(C) summarizes and analyzes expenditures made by the Federal government for such activities;

"(D) reviews the approved but unfunded applications for grants; and

"(E) contains the recommendations of the Board for any changes in the implementation of this part.

"(c) TERMS.—

"(1) IN GENERAL.—Each appointed member of the Board shall hold office for a term of 4 years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which such member's predecessor was appointed shall be appointed for the remainder of such term.

"(2) STAGGERED TERMS.—Of the initial members appointed to the Board—

"(A) 3 shall hold office for a term of 3 years;

"(B) 3 shall hold office for a term of 2 years; and

"(C) 3 shall hold office for a term of 1 year;

as designated by the Director at the time of the appointment.

"(3) REAPPOINTMENT.—No member shall be eligible for reappointment until at least 1 year has elapsed since the end of such member's preceding term.

"(d) COMPENSATION.—Members of the Board who are not officers or employees of the United States shall receive for each day the members are engaged in the performance of the functions of the Board compensation at the same rate received by members of other national advisory councils established under this title.

"(e) USE OF MEMBERS.—The Director is authorized to use the services of any member or members of the Board, and where appropriate, any member or members of any other national advisory council established pursuant to this title, in connection with matters related to the administration of this part, for such periods, in addition to conference periods, as the Director may determine appropriate. The Director shall make appropriate provision for consultation between and coordination of the work of the Board and the Advisory Council, with respect to matters bearing on the purposes and administration of this part.

"(f) ADMINISTRATION.—The administration of the Board's functions shall be the responsibility of the Director and shall be carried out in the same manner as the administration

tion of the functions of the Advisory Council.

"(g) BOARD ACTIVITIES.—

"(1) **IN GENERAL.**—In carrying out its functions under this part, the Board may establish subcommittees, convene workshops and conferences, and collect data as the Board considers appropriate.

"(2) **SUBCOMMITTEES.**—Subcommittees established under paragraph (1) may be composed of Board members and nonmember consultants with expertise in the particular area to be addressed by the subcommittees. The subcommittee may hold meetings as determined necessary to enable the subcommittee to carry out its activities.

"SEC. 499D. APPLICATION AND SELECTION FOR GRANTS.

"(a) **SUBMISSION.**—Applications for grants under this part shall be submitted at least once each year to the Director by interested public and nonprofit private institutions.

"(b) **AWARDING OF GRANTS.**—A grant under this part may be awarded by the Director if—

"(1) the applicant institution is determined by the Director to be competent to engage in the type of research for which the proposed facility is to be constructed;

"(2) the applicant institution meets the eligibility conditions established by the Director;

"(3) the application contains or is supported by the reasonable assurances that—

"(A) for not less than 20 years after completion of the construction, the facility will be used for the purposes of research for which it is to be constructed;

"(B) sufficient funds will be available to meet the non-Federal share of the cost of constructing the facility; and

"(C) sufficient funds will be available, when construction is completed, for the effective use of the facility for the research for which it is being constructed; and

"(4) the proposed construction will expand the applicant's capacity for research, or is necessary to improve or maintain the quality of the applicant's research. A grant under this part may be made only if the application therefor is recommended for approval by the Advisory Council.

"(c) **ELIGIBILITY CONDITIONS.**—Within the aggregate monetary limit as the Director may prescribe, applications that, solely by reason of the inability of the applicants to give the assurance required by subsection (b)(2), fail to meet the requirements for applications described in this section, may be approved on condition that the applicants give the assurance required by such paragraph within a reasonable time and on such other reasonable terms and conditions as the Director may determine appropriate.

"(d) AWARDING GRANTS.—

"(1) **IN GENERAL.**—In acting on applications for grants under this part, the Director shall take into consideration—

"(A) the relative scientific and technical merit of the applications, and the relative effectiveness of the proposed facilities, in expanding the capacity for biomedical or behavioral research and in improving the quality of such research;

"(B) the quality of the research or training, or both, to be carried out in the facilities involved;

"(C) the need of the institution for such facilities in order to maintain or expand the institutions research and training mission;

"(D) the congruence of the research activities to be carried out within the facility with the research and investigator manpower needs of the United States; and

"(E) the age and condition of existing research facilities and equipment.

"(2) INSTITUTIONS OF EMERGING EXCELLENCE.—

"(A) **IN GENERAL.**—In addition to the considerations required under paragraph (1), the Director shall also consider other criteria for the awarding of grants to eligible institutions that demonstrate emerging excellence in biomedical or behavioral research for the construction of research facilities.

"(B) **ELIGIBILITY.**—To be eligible to receive a grant under this paragraph, an institution shall—

"(i) have a plan for research or training advancement and possess the ability to carry out such plan; and

"(ii)(I) carry out research and research training programs that have a special relevance to a problem, concern, or unmet need of the United States;

"(II) have already demonstrated a commitment to enhancing and expanding the research productivity of the institution; or

"(III) have been productive in research or research development and training in settings where significant barriers to institutional development have been created by—

"(aa) the underrepresentation of minorities in health science careers;

"(bb) the health status deficit of a large segment of the population; or

"(cc) a regional deficit in health care technology, services, or research resources that can adversely affect health status in the future.

"SEC. 499E. AMOUNT OF GRANT; PAYMENTS.

"(a) **AMOUNT.**—The amount of any grant awarded under this part shall be determined by the Director, except that such amount shall not exceed—

"(1) 50 percent of the necessary cost of the construction of a proposed facility as determined by the Director; or

"(2) in the case of a multipurpose facility, 50 percent of that part of the necessary cost of construction that the Director determines to be proportionate to the contemplated use of the facility.

"(b) **RESERVATION OF AMOUNTS.**—On approval of any application for a grant under this part, the Director shall reserve, from any appropriation available therefor, the amount of such grant, and shall pay such amount, in advance or by way of reimbursement, and in such installments consistent with the construction progress, as the Director may determine appropriate. The reservation of the Director of any amount by the Director under this subsection may be amended by the Director, either on the approval of an amendment of the application or on the revision of the estimated cost of construction of the facility.

"(c) **EXCLUSION OF CERTAIN COSTS.**—In determining the amount of any grant under this part, there shall be excluded from the cost of construction an amount equal to the sum of—

"(1) the amount of any other Federal grant that the applicant has obtained, or is assured of obtaining, with respect to construction that is to be financed in part by a grant authorized under this part; and

"(2) the amount of any non-Federal funds required to be expended as a condition of such other Federal grant.

"(d) **WAIVER OF LIMITATIONS.**—The limitations imposed by subsection (a) may be waived at the discretion of the Director for institutions described in section 499D(d)(2).

"SEC. 499F. RECAPTURE OF PAYMENTS.

"If, not later than 20 years after the completion of construction for which a grant has been awarded under this part—

"(1) the applicant or other owner of the facility shall cease to be a public or nonprofit private institution; or

"(2) the facility shall cease to be used for the research purposes for which it was constructed (unless the Director determines, in accordance with regulations, that there is good cause for releasing the applicant or other owner from obligation to do so); the United States shall be entitled to recover from the applicant or other owner of the facility the amount bearing the same ratio to the current value (as determined by an agreement between the parties or by action brought in the United States District Court for the district in which such facility is situated) of the facility as the amount of the Federal participation bore to the cost of the construction of such facility.

"SEC. 499G. NONINTERFERENCE WITH ADMINISTRATION OF INSTITUTIONS.

"Except as otherwise specifically provided in this part, nothing contained in this part shall be construed as authorizing any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over, or impose any requirement or condition with respect to, the research conducted by, and the personnel or administration of, any institution.

"SEC. 499H. REGULATIONS.

"Not later than 6 months after the date of enactment of this part, the Director, after consultations with the Advisory Council, shall prescribe regulations concerning the eligibility of institutions for grants awarded under this part, and the terms and conditions applicable to the approval of applications for such grants. The Director may prescribe such other regulations as the Director determines necessary to carry out this part.

"SEC. 499I. PEER REVIEW OF APPLICATIONS.

"(a) **IN GENERAL.**—The Director shall require appropriate peer review of applications for grants under this part in accordance with section 492.

"(b) **MANNER OF REVIEW.**—Review of grant applications under this part shall be conducted in a manner consistent with the system of scientific peer review conducted by scholars with regard to applications for grants under this Act for biomedical and behavioral research.

"(c) **MEMBERSHIP.**—Members of a peer review group established under this section shall be individuals who, by the virtue of their training or experience, are eminently qualified to perform peer review functions, except that not more than one-fourth of the members of any peer review group shall be officers or employees of the United States.

"SEC. 499J. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to award grants and otherwise carry out this part, \$150,000,000 for fiscal year 1990, and such sums as are necessary for each of the fiscal years 1991 and 1992. Sums appropriated pursuant to this section shall remain available until expended."

TITLE II—NATIONAL CENTER FOR MEDICAL REHABILITATION RESEARCH

SEC. 201. NATIONAL CENTER FOR MEDICAL REHABILITATION RESEARCH.

Part E of title IV of the Public Health Service Act (42 U.S.C. 287 et seq.) is amended by adding at the end thereof the following new subpart:

"Subpart 4—National Center for Medical Rehabilitation Research

"SEC. 486A. PURPOSE OF THE CENTER.

"The purpose of the National Center for Medical Rehabilitation Research (hereinafter referred to in this subpart as the 'Center') is the conduct and support of biomedical and related research and research training, the dissemination of health information, and other programs with respect to the rehabilitation of individuals with physical disabilities resulting from diseases or disorders of the neurological, musculoskeletal, cardiovascular, or other physiologic systems (hereinafter referred to in this subpart as 'medical rehabilitation').

"SEC. 486B. APPOINTMENT OF THE DIRECTOR.

"The Director of the Center shall be appointed by the Secretary and shall report directly to the Director of the National Institutes of Health.

"SEC. 486C. SPECIFIC AUTHORITIES.

"In carrying out the purpose described in section 486A, the Director of the Center may—

- "(1) make grants and enter into cooperative agreements and contracts;
- "(2) provide for clinical trials with respect to medical rehabilitation;
- "(3) provide for research with respect to model systems of medical rehabilitation;
- "(4) coordinate the activities of the Center with similar activities of other agencies of the Federal government, including the other agencies of the National Institutes of Health, and with similar activities of other public entities and of private entities;
- "(5) support multidisciplinary medical rehabilitation research conducted or supported by more than one such agency;
- "(6) with the approval of the Director of the National Institutes of Health and the advisory council established under section 486F, appoint technical and scientific peer review groups in addition to any such groups appointed under section 402(b)(6); and
- "(7) support medical rehabilitation research and training centers.

"SEC. 486D. RESEARCH PLAN.

"(a) **DEVELOPMENT.**—After consultation with the Director of the Center, the advisory council established under section 486F, and the coordinating committee established under section 486E, the Director of the National Institutes of Health shall develop a comprehensive plan for the conduct and support of medical rehabilitation research.

"(b) **CONTENTS.**—The plan shall identify priorities with respect to medical rehabilitation research and shall provide for the coordination of such research conducted or supported by the agencies of the National Institutes of Health.

"(c) **REVISION.**—The Director of the National Institutes of Health shall (after consultation with the Director of the Center and with the advisory council established under section 486F and the coordinating committee established under section 486E) revise the plan as appropriate.

"SEC. 486E. COORDINATING COMMITTEE.

"(a) **ESTABLISHMENT.**—The Director of the National Institutes of Health shall establish a committee to be known as the Medical Rehabilitation Coordinating Committee (hereinafter referred to in this subpart as the 'Coordinating Committee').

"(b) **COMPOSITION.**—The Coordinating Committee shall be composed of the Directors of the National Institute on Aging, the National Institute of Arthritis and Musculoskeletal and Skin Diseases, the National

Institute of Child Health and Human Development, the National Institute of Neurological Disorders and Stroke, and of such other national research institutes as the Director of the National Institutes of Health determines to be appropriate.

"(c) **DUTIES.**—The Coordinating Committee shall make recommendations to the Director of National Institutes of Health and the Director of the Center with respect to the contents of the plan required under section 486D and with respect to the activities of the Center that are carried out in conjunction with other agencies of the National Institutes of Health.

"SEC. 486F. ADVISORY COUNCIL.

"(a) **ESTABLISHMENT.**—The Director of the National Institutes of Health shall establish a council to be known as the Medical Rehabilitation Advisory Council (hereinafter referred to in this section as the 'Advisory Council').

"(b) **DUTIES.**—The Advisory Council shall advise, assist, consult with, and make recommendations to the Director of the National Institutes of Health and the Director of the Center on matters relating to the activities carried out by and through the Center and the policies respecting such activities, including recommendations with respect to the plan required in section 486D.

"(c) MEMBERSHIP.

"(1) **IN GENERAL.**—The Director of the National Institutes of Health shall appoint to the Advisory Council 18 appropriately qualified representatives of the general public who shall not be officers or employees of the United States. Of such members, 12 shall be representatives of health and scientific disciplines with respect to medical rehabilitation and 6 shall be individuals representing the interests of individuals undergoing, or in need of, medical rehabilitation.

"(2) **EX OFFICIO MEMBERS.**—The following officials shall serve as ex officio members of the Advisory Council:

- "(A) The Director of the National Institutes of Health.
- "(B) The Director of the Center.
- "(C) The Director of the National Institute on Aging.
- "(D) The Director of the National Institute of Arthritis and Musculoskeletal and Skin Diseases.
- "(E) The Director of the National Institute of Child Health and Human Development.
- "(F) The Director of the National Institute of Neurological Disorders and Stroke.
- "(G) The Assistant Secretary for Special Education and Rehabilitative Services.
- "(H) The Assistant Secretary of Defense (Health Affairs).
- "(I) The Chief Medical Director of the Veterans' Administration.
- "(d) **CHAIRPERSON.**—The Director of the National Institutes of Health shall designate a chairperson from among the members of the Advisory Council.
- "(e) **CONSTRUCTION.**—Except as inconsistent with, or inapplicable to, this section, the provisions of section 406 shall apply to the advisory council established under this section in the same manner as such provisions apply to any advisory council established under section 406."

TITLE III—SCIENTIFIC PERSONNEL DEMONSTRATION PROGRAM

SEC. 301. SCIENTIFIC PERSONNEL DEMONSTRATION PROGRAM.

"(a) **ESTABLISHMENT.**—Part A of title III of the Public Health Service Act is amended by inserting after section 304 (42 U.S.C. 242b) the following new section:

"SEC. 304A. SENIOR BIOMEDICAL SCIENTIFIC SERVICE.

"(a) **ESTABLISHMENT.**—The Secretary is authorized to establish a Senior Biomedical Scientific Service (hereinafter referred to in this section as the 'Service').

"(b) MEMBERSHIP.

"(1) **APPOINTMENT.**—The members of Service shall be appointed by the Secretary without regard to the provisions of title 5, United States Code, regarding appointment, and shall be composed of no more than 800 individuals who are outstanding in the field of biomedical research, behavioral research, or clinical research evaluation.

"(2) **QUALIFICATIONS.**—An individual shall not be appointed to the Service unless such individual—

"(A) has earned a doctoral level degree in biomedicine or in a related field; and

"(B) meets the qualification standards prescribed by the Office of Personnel Management for appointment to a position at GS-15 of the General Schedule.

"(3) **APPLICABILITY OF CERTAIN PROVISIONS.**—Notwithstanding any other provision of law, the provisions of subchapter I of chapter 35 (relating to retention preference), chapter 43 (relating to performance appraisal and performance-based actions), chapter 51 (relating to classification), subchapter III of chapter 53 (relating to General Schedule pay rates), and chapter 75 (relating to adverse actions) of title 5, United States Code, shall not apply to any member of the Service.

"(c) **DUTIES.**—Members of the Service shall be assigned by the Secretary to perform duties directly involving biomedical research, behavioral research, or clinical research evaluation, or to duties involving the supervision of other scientists who are engaged in carrying out such activities.

"(d) COMPENSATION.

"(1) **IN GENERAL.**—The Secretary shall determine, subject to the provisions of this subsection, the basic and supplemental pay of members of the Service.

"(2) **BASIC PAY.**—The basic pay of a member of the Service shall not be less than the minimum rate payable for individuals who are paid at GS-15 of the General Schedule and shall not exceed the rate provided for individuals who are paid at level IV of the Executive Schedule.

"(3) SUPPLEMENTAL PAY.

"(A) **AUTHORITY.**—To recruit and retain personnel of outstanding accomplishment, the Secretary may pay to a member of the Service supplemental pay that shall not exceed the amounts specified in subparagraph (B).

"(B) **AMOUNTS.**—For purposes of subparagraph (A), the amount of supplemental pay shall not exceed—

- "(i) \$10,000, in the case of a member whose duties include significant administrative responsibility; and
- "(ii) \$25,000, in the case of a member distinguished by significant accomplishment.

"(C) **ACCOMPLISHMENT.**—A member may be paid supplemental pay to recognize the administrative responsibilities or the scientific accomplishments of the member, except that in no case shall the total basic pay and supplemental pay paid to a member exceed the rate of pay for individuals who are paid at level I of the Executive Schedule.

"(e) **RETIREMENT.**—For purposes of section 211, the continuous service in the Service of any individual who commences such service on the termination of such individuals service as a commissioned officer in the Public Health Service Corps may be treated as

service as a commissioned officer in the Public Health Service Corps, and in such case shall not be considered as service that is subject to any other retirement system for officers and employees of the Federal government.

"(f) COST.—The Service shall be administered in such manner so that, with respect to fiscal year 1990, it shall not result in additional appropriations for the Department of Health and Human Services.

"(g) REPORT TO CONGRESS.—Not later than September 30, 1993, the Secretary shall prepare and submit, to the appropriate Committees of Congress, a report concerning the Service that shall include an evaluation of the effectiveness of the Service and a recommendation as to whether the Service should be established permanently within the Public Health Service.

"(h) TERMINATION.—The Service shall terminate on the last day of the fifth fiscal year that begins after the date on which the Service attains full membership (as provided for in subsection (b)). The Secretary shall notify all affected employees of such termination not later than 90 days before the date of such termination."

(b) CONFORMING AMENDMENT.—Section 5948(g)(1) of title 5, United States Code, is amended—

(1) by striking out "or" at the end of subparagraph (H);

(2) by striking out "and" at the end of subparagraph (I), and inserting in lieu thereof "or"; and

(3) by adding at the end thereof the following new subparagraph:

"(J) section 304A of the Public Health Service Act, relating to the Senior Biomedical Scientific Service; and".

SEC. 401. NIH DIRECTOR'S DISCRETIONARY FUND.

Section 402(b) of the Public Health Service Act (42 U.S.C. 282(b)) is amended—

(1) in paragraph (10), by striking out "and" at the end thereof;

(2) in paragraph (11), by striking out the period and inserting in lieu thereof "; and"; and

(3) by adding after paragraph (11) the following new paragraph:

"(12) may, at the discretion of the Director, retain one half of 1 percent of the total amount appropriated for extramural grants under _____, not to exceed \$25,000,000 in each fiscal year, in an account to be used to support the hiring of staff and the purchasing or renting of equipment and space for research that cannot otherwise be supported adequately because of funding cycle constraints, or because such research does not fit clearly into the research assignment of any existing Institute."

Mr. HATCH. Mr. President, I am pleased to join with my colleague, the chairman of the Committee on Labor and Human Resources, as an original cosponsor of the Biomedicine Research Act of 1989. This bill contains many of the provisions of S. 2222, a bill that was reported out of the committee last year.

The bill covers a number of areas that are of interest to the biomedical community, particularly the colleges and universities of America. In addition, the bill proposes to establish: a new National Center for Medical Rehabilitation Research; an NIH Director's discretionary fund; and a Senior Scientist Service.

Mr. President, I would like to take a moment to discuss the importance of this last issue. We all are aware of the problems associated with the recruitment and retention of scientific personnel in the Public Health Service. This is a problem that is not unique to the HHS but also has a negative impact on the Food and Drug Administration, the Alcohol, Drug Abuse, and Mental Health Administration, and the Centers for Disease Control. The inability to retain scientists during their most productive years is costing us dearly in research and leadership in these agencies. In addition, the cost to replace and train personnel adds an additional burden to an already stressed system.

I hope that others will join with me in cosponsoring this legislation.

ADDITIONAL COSPONSORS

S. 67

At the request of Mr. INOUE, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 67, a bill to establish a temporary program under which parental diacetylmorphine will be made available through qualified pharmacies for the relief of intractable pain due to cancer.

S. 135

At the request of Mr. GLENN, the names of the Senator from Georgia [Mr. NUNN], the Senator from Nevada [Mr. BRYAN], the Senator from Maryland [Mr. SARBANES], and the Senator from Texas [Mr. BENTSEN] were added as cosponsors of S. 135, a bill to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes.

S. 216

At the request of Mr. MOYNIHAN, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of S. 216, a bill to establish the Social Security Administration as an independent agency, which shall be headed by a Social Security Board, and which shall be responsible for the administration of the old-age, survivors, and disability insurance program under title II of the Social Security Act and the supplemental security income program under title XVI of such act.

S. 335

At the request of Mr. McCAIN, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 335, a bill to amend title XVIII of the Social Security Act and other provisions of law to delay for 1 year the effective dates of the supplemental Medicare premium and additional benefits under part B of the Medicare

Program, with the exception of the spousal impoverishment benefit.

S. 357

At the request of Mr. SYMMS, the name of the Senator from Kansas [Mr. DOLE] was added as a cosponsor of S. 357, a bill to provide that the Secretary of Transportation may not issue regulations reclassifying anhydrous ammonia under the Hazardous Materials Transportation Act.

S. 488

At the request of Mr. FOWLER, the names of the Senator from Iowa [Mr. HARKIN] and the Senator from New Jersey [Mr. LAUTENBERG] were added as cosponsors of S. 488, a bill to provide Federal assistance and leadership to a program of research, development, and demonstration of renewable energy and energy efficiency technologies, and for other purposes.

S. 570

At the request of Mr. DANFORTH, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 570, a bill to amend the Internal Revenue Code of 1986 to enhance the incentive for increasing research activities.

S. 623

At the request of Mr. HARKIN, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of S. 623, a bill to amend the Federal Food, Drug, and Cosmetic Act to prescribe labeling requirements for foods which contain vegetable oils and for other purposes.

S. 659

At the request of Mr. SYMMS, the name of the Senator from Wisconsin [Mr. KASTEN] was added as a cosponsor of S. 659, a bill to repeal the estate tax inclusion related to valuation freezes.

S. 673

At the request of Mr. BRYAN, the name of the Senator from Texas [Mr. BENTSEN] was added as a cosponsor of S. 673, a bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 and the Motor Vehicle Information and Cost Savings Act to authorize appropriations for fiscal years 1990 and 1991, and for other purposes.

S. 932

At the request of Mr. HATFIELD, the names of the Senator from Vermont [Mr. LEAHY], the Senator from Oregon [Mr. PACKWOOD], the Senator from Hawaii [Mr. INOUE], and the Senator from Tennessee [Mr. SASSER] were added as cosponsors of S. 932, a bill to amend the Solid Waste Disposal Act so as to authorize the Environmental Protection Agency to take certain action to protect the environment; to mitigate water pollution; to reduce solid waste and the cost in connection with the disposal of such waste through recycling; and for other purposes.

S. 959

At the request of Mr. DASCHLE, the name of the Senator from Arkansas, [Mr. BUMPERS] was added as a cosponsor of S. 959, a bill to amend title III of the Public Health Service Act to make improvements in the National Health Service Corps scholarship program, and for other purposes.

S. 980

At the request of Mr. MITCHELL, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of S. 980, a bill to amend the Internal Revenue Code of 1986 to improve the effectiveness of the low-income housing credit.

S. 998

At the request of Mr. PRYOR, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 998, a bill to improve rural medical data and information transmission, and for other purposes.

S. 1045

At the request of Mr. SYMMS, the names of the Senator from Illinois [Mr. DIXON] and the Senator from California [Mr. CRANSTON] were added as cosponsors of S. 1045, a bill to establish a national environmental policy on the participation of the United States in international financing.

S. 1060

At the request of Mr. PRYOR, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 1060, a bill to amend the Internal Revenue Code of 1986 to provide refundable income tax credits to primary health services providers who work in rural health manpower shortage areas, and for other purposes.

S. 1170

At the request of Mr. INOUE, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of S. 1170, a bill to amend the Federal Aviation Act of 1958 to provide for the establishment of limitations on the duty time for flight attendants.

S. 1212

At the request of Mr. SANFORD, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of S. 1212, a bill to amend title II of the Social Security Act to provide for a more gradual period of transition (and a new alternative formula with respect to such transition) to the changes in benefit computation rules enacted in the Social Security Amendments of 1977 as such changes apply to workers born in years after 1916 and before 1927 (and related beneficiaries) and to provide for increases in such workers' benefits accordingly, and for other purposes.

S. 1227

At the request of Mr. BINGAMAN, the names of the Senator from Minnesota [Mr. DURENBERGER], the Senator from

Connecticut [Mr. DODD], and the Senator from Colorado [Mr. WIRTH] were added as cosponsors of S. 1227, a bill to amend the Arms Control Act and the Export Administration Act of 1979 to restrict proliferation of missiles and missile equipment and technology.

S. 1311

At the request of Mr. ARMSTRONG, the name of the Senator from New Hampshire [Mr. HUMPHREY] was added as a cosponsor of S. 1311, a bill to amend the Internal Revenue Code of 1986 to provide a 15-percent maximum rate on capital gains for sales or exchanges after the date of enactment of this Act and before 1991, to provide indexing of the bases of capital assets sold or exchanged after 1990, to provide 20-percent maximum rate on capital gains from small business stock, and for other purposes.

S. 1318

At the request of Mr. HELMS, his name was added as a cosponsor of S. 1318, a bill to extend the temporary duty free treatment for certain types of hosiery knitting machines and parts thereof and certain types of knitting needles.

S. 1319

At the request of Mr. HEINZ, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 1319, a bill to extend the temporary suspension of duties for certain hosiery knitting machines and to include in the suspension single cylinder coarse gauge machines and parts.

S. 1330

At the request of Mr. HELMS, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 1330, a bill to provide protections to farm animal facilities engaging in food production or agricultural research from illegal acts, and for other purposes.

S. 1338

At the request of Mr. BIDEN, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of S. 1338, a bill to amend title 18, United States Code, to protect the physical integrity of the flag of the United States.

S. 1370

At the request of Mr. GORTON, the name of the Senator from Washington [Mr. ADAMS] was added as a cosponsor of S. 1370, a bill to provide for adjustments of status of certain nationals of the People's Republic of China.

SENATE JOINT RESOLUTION 71

At the request of Mr. HELMS, the name of the Senator from Hawaii [Mr. MATSUNAGA] was added as a cosponsor of Senate Joint Resolution 71, a joint resolution designating April 16 through 22, 1989, as "National Ceramic Tile Industry Recognition Week."

SENATE JOINT RESOLUTION 115

At the request of Mr. PRYOR, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of Senate Joint Resolution 115, a joint resolution to designate the period commencing on September 9 and ending on September 15, 1989, as "National Nursing Home Residents' Rights Week."

SENATE JOINT RESOLUTION 116

At the request of Ms. MIKULSKI, the names of the Senator from Nebraska [Mr. KERREY], the Senator from Nebraska [Mr. EXON], the Senator from Wisconsin [Mr. KOHL], and the Senator from Virginia [Mr. ROBB] were added as cosponsors of Senate Joint Resolution 116, a joint resolution to designate the week beginning October 8, 1989, as "National Infertility Awareness Week."

SENATE JOINT RESOLUTION 175

At the request of Mr. D'AMATO, the names of the Senator from Kansas [Mr. DOLE], the Senator from Indiana [Mr. LUGAR], the Senator from North Dakota [Mr. BURDICK], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Ohio [Mr. GLENN], and the Senator from Michigan [Mr. LEVIN] were added as cosponsors of Senate Joint Resolution 175, a joint resolution designating the week beginning September 17, 1989, as "Emergency Medical Services Week."

SENATE CONCURRENT RESOLUTION 52

At the request of Mr. HATFIELD, the names of the Senator from Minnesota [Mr. DURENBERGER], the Senator from North Dakota [Mr. BURDICK], the Senator from Oregon [Mr. PACKWOOD], the Senator from Nevada [Mr. REID], the Senator from Alabama [Mr. SHELBY], the Senator from Hawaii [Mr. MATSUNAGA], and the Senator from Washington [Mr. ADAMS] were added as cosponsors of Senate Concurrent Resolution 52, a concurrent resolution to express the sense of the Congress that science, mathematics, and technology education should be a national priority.

SENATE CONCURRENT RESOLUTION 55

At the request of Mr. DOLE, the names of the Senator from New York [Mr. D'AMATO], the Senator from Illinois [Mr. DIXON], the Senator from Ohio [Mr. GLENN], and the Senator from California [Mr. WILSON] were added as cosponsors of Senate Concurrent Resolution 55, a concurrent resolution to commemorate the volunteers of the United States and the Hugh O'Brian Youth Foundation.

NOTE

In the RECORD of July 18, 1989, under "Additional Cosponsors" there were cosponsors added to the bill S. 1081 instead of to the bill S. 1091. The correct cosponsors listing for S. 1091

was printed in the RECORD of July 20, 1989, and the permanent RECORD has been corrected.

AMENDMENTS SUBMITTED

VETERANS BENEFITS AND HEALTH CARE ACT OF 1989

CRANSTON (AND OTHERS) AMENDMENT NO. 391

(Ordered referred to the Committee on Veterans' Affairs)

Mr. CRANSTON (for himself, Mr. MATSUNAGA, and Mr. DECONCINI) submitted an amendment intended to be proposed to the bill (S. 13) to amend title 38, United States Code, to increase the rates of disability compensation and dependency and indemnity compensation for veterans and survivors, to increase the allowances paid to disabled veterans pursuing rehabilitation programs and to the dependents and survivors of certain disabled veterans pursuing programs of education, and to improve various programs of benefits and health-care services for veterans; and for other purposes, as follows:

At the end thereof, add the following new title:

TITLE III—ADJUDICATION PROCEDURES

SEC. 301. NOTICE OF PROCEDURAL RIGHTS AND OTHER INFORMATION

(a) IN GENERAL.—Chapter 71 of title 38, United States Code, is amended by adding at the end the following new section:

"4011. Notice of procedural rights and other information."

"In any case in which there has been a disallowance, in whole or in part, of a claim or a partially awarded claim for benefits under laws administered by the Department of Veterans Affairs, the Secretary, as to proceedings other than proceedings before the Board, or the Chairman of the Board, as to proceedings before the Board, shall, at each procedural stage relating to the disposition of such a claim, beginning with disallowance after an initial review or determination, and including the furnishing of a statement of the case and the making of a final determination by the Board, provide to the claimant and such claimant's authorized representative, if any, written notice of the procedural rights of the claimant and the rationale for the disallowance, including a summary of the evidence (or lack of evidence) supporting the disallowance or partial award. Such notice shall be on such forms as the Secretary or the Chairman, respectively, shall prescribe by regulation and shall include, in easily understandable language, with respect to proceedings before the Department of Veterans Affairs (1) descriptions of all subsequent procedural stages provided for by statute, regulation, or Department of Veterans Affairs policy, (2) descriptions of all rights of the claimant expressly provided for in or pursuant to this chapter, of the claimant's rights to a hearing, to reconsideration, to appeal, and to representation, and of any specific procedures necessary to obtain the various forms of review available for consideration of the

claim, (3) in the case of an appeal to the Board, the opportunity for a hearing before a traveling section of the Board, and (4) such other information as the Secretary or the Chairman of the Board, respectively, as a matter of discretion, determines would be useful and practical to assist the claimant in obtaining full consideration of the claim."

(b) The table of sections at the beginning of chapter 71 is amended by adding at the end thereof the following new item:

"4011. Notice of procedural rights and other information."

Mr. CRANSTON. Mr. President, as chairman of the Committee on Veterans' Affairs, I am today introducing, along with my distinguished colleagues on the committee, Senators MATSUNAGA and DECONCINI, an amendment to S. 13—amendment No. 391. Our amendment would require VA to provide detailed information to persons claiming Department of Veterans Affairs benefits regarding the reasons for disallowances of claims and the procedural options available to them to pursue further those claims that have been disallowed. Specifically, this bill would require VA, at each stage of claims adjudication proceedings in a case in which it has not fully awarded the claim, to provide the claimant and the claimant's representative, if any, clearly written notice of the rationale for the disallowance or partial award and a detailed description of the subsequent procedural alternatives through which the claim might be pursued.

Mr. President, the provisions of this amendment are, as to the procedural-step-notification requirement, substantively identical to those contained in section 108 of S. 11, which was passed by the Senate on July 11, 1988, and also incorporated in section 513 of S. 2011, which was passed by the Senate on October 18, 1988. Unfortunately, neither provision was contained in the final version of S. 11 that was signed into law on November 18, 1988, as division A of Public Law 100-687.

BACKGROUND

Mr. President, on June 22, 1989, the General Accounting Office completed a report—entitled "Improvements Needed in Processing Disability Claims" [GAO/HRD-89-24]—on the Department of Veterans Affairs' processing of claims for service-connected disability compensation and non-service-connected disability pension which, among other things, noted serious deficiencies in VA's provision of notices to claimants regarding its decisions. This report was prepared at the request of Congressman DON EDWARDS, ranking majority member on the House Committee on Veterans' Affairs, and myself, following the joint committee hearing on March 17, 1987, on allegations arising out of the NARS case, of due process violations in VA claims adjudication, and contains a useful overview of the VA claims processing system and the problems that

currently exist therein. Mr. President, I ask unanimous consent that the executive summary of the GAO report be printed in the RECORD at the conclusion of my remarks.

[Response.]

Mr. CRANSTON. Mr. President, GAO's inquiry into the claims processing system of VA and the practices employed by VA employees within this system found several significant deficiencies. The report describes three major groups of problems that were found to exist in VA's processing of claims. The first two of these are addressed in whole or in part by the amendment we are introducing today.

First, GAO found that the notices that VA provides to veterans when communicating its decisions on claims were unclear and not informative. GAO also found that occasionally there was no documentation that such notices were sent and that information about how a veteran could appeal a decision was sometimes not included in the notices and that significant numbers of veterans were found not to have been informed that their claims were closed due to a failure to comply with procedural requirements.

Moreover, in approximately 28 percent of the pension notices and over 60 percent of the compensation notices reviewed, insufficient information was found to have been provided on the reason or reasons for VA's decision. GAO found that "Denial notices for compensation claims were especially poor. They often stated only that the claims were denied because service connection was not found."

Second, VA's development of the evidence necessary to properly evaluate claims was found by GAO to be incomplete in approximately 10 percent of claims cases reviewed. The most common flaw in this area was the failure by VA to obtain all available evidence such as medical records. Other deficiencies were the gathering of unnecessary evidence, unreasonable slowness in initiating the development of evidence, and the closing of claims before allowing the claimant sufficient time to provide requested evidence. Veterans' representatives were frequently not provided courtesy copies of letters from VA to their clients regarding the development of evidence.

VA responded to these findings in a May 12, 1989, letter to GAO that was included in appendix III of the GAO report. VA noted that they had "already recognized the need for better correspondence to [their] claimants * * *" and had programmed its computers to provide for limited word-processing capability so that adjudicators preparing notices of proposed reduction or termination of benefits would have more flexibility and not have to rely solely on preprogrammed form letter language as had been the

case. In addition, VA stated that it had issued to field stations an automated letter writing package that is designed to ensure nationwide consistency in notices that are sent to claimants and that notice is given to service organization representatives. VA also stated that it is developing a system of reviewing field station-developed compensation and pension pattern letters, central office-issued form letters, and computer-generated form letters; and noted that several steps had been taken to improve the training of supervisors and to improve the supervision of involved employees at all stages of the claims adjudication process.

These are all useful steps but probably do not go far enough fast enough.

The third major problem that GAO found was VA's slowness in registering compensation and pension claims in its computer system once they were filed. VA was found to take an average of 9 days to enter these claims into the computer system. For 6 percent of these types of claims, VA took over 30 days to register them. VA stated in its response that it had taken steps to increase the speed with which cases are registered, and I do not believe any statutory approach is necessary as to this problem area.

DISCUSSION

Mr. President, in my view, the shortcomings found by GAO in VA's processing of disability claims may seriously impede the furnishing of benefits to eligible veterans. Denial notices that lack meaningful information on the rationale of the decisions and available procedural options are fundamentally unfair. In a system in which claimants are not represented by veterans' service organizations in 59.5 percent of the cases at the regional office level and in 24.5 percent of the cases at the Board of Veterans' Appeals level and in which representation by attorneys is discouraged and infrequent, claimants have a need to be apprised of their procedural rights and the reasons for the decisions affecting benefits to which they may be entitled. Lacking such information, claimants for VA benefits cannot make informed choices on whether to accept or appeal a VA decision.

Mr. President, as I noted earlier, last year the Senate passed section 108 of S. 11, which was nearly identical as to the procedural-steps-notification requirements to the amendment proposed today. The concern at that time was the same that exists now—that veterans claiming VA benefits were not adequately informed of their procedural rights and options in pursuing their claims. Unfortunately, our colleagues in the House Veterans' Affairs Committee would not accept section 108 and the provision was not included in the final version that was enacted. In the joint statement on S. 11 which

Chairman MONTGOMERY and I both inserted in the RECORD during final consideration of the legislation, it was noted that section 108 was not included because the committees did "not believe it is necessary to codify the requirements of notice in the Senate bill because the Committee believes that these requirements are a fundamental part of the process rights." [CONGRESSIONAL RECORD, October 18, 1988, S16645; October 19, 1988, H10347]. I believe that the findings of the GAO report now demonstrate that such statutory notice requirements are necessary to ensure that veterans are able to pursue adequately their claims for benefits, and it is for that reason that we are reintroducing this legislation.

In addition to the problems outlined in the GAO report, certain regulations now under development by the Board of Veterans' Appeals raise concerns about the fairness of the procedural requirements imposed on claimants by VA. Some of the restrictions apparently being considered in this regulatory process convince me further that important procedural rights need to be spelled out in the law rather than left to VA's discretion.

Mr. President, VA benefits programs are administered through 58 regional offices, and denials of claims at the regional office level may be appealed to the Board of Veterans' Appeals, which is based in Washington, DC. Until the Court of Veterans Appeals was established pursuant to Public Law 100-687, decisions of the BVA were nonreviewable. This newly created court will have exclusive jurisdiction to review appeals of BVA decisions.

The system that Congress has established to administer VA benefits programs is nonadversarial and largely devoid of attorney involvement at the early stages due to a strict limitation on payment of attorneys fees before a BVA decision is rendered. VA adjudicators are required to resolve all reasonable doubts in favor of the claimant. However, despite the nature of the system, it is often difficult for claimants—especially those who are unrepresented—to understand VA's basis for rejecting an appeal and to comply with the procedural requirements and fully understand the status of their cases. For the system to serve effectively the needs of veterans and ensure that eligible persons receive appropriate benefits, VA must provide clear and complete information to claimants regarding both the procedural process for appeal and the decisions by which their claims are not allowed when that is the case.

The amendment we are submitting today is intended to ensure that veterans are clearly informed as follows: First, in any case where there has been a disallowance or partial disallowance—which would include, for example, a grant of service-connection

but at a lesser degree than the veteran had sought—VA would be required to provide the claimant and the claimant's representative with a written notice of the procedural rights of the claimant and the rationale for the disallowance, including a summary of the evidence, or lack of evidence, supporting the decision; and second, VA would generally be required to provide notices written in easily understandable language and include in those notices information on all remaining available procedural stages and options and any other information that the Secretary determines would be useful to assist the claimant in obtaining full consideration of the claimant.

CONCLUSION

Mr. President, this amendment is necessary to remedy deficiencies in VA's handling of claims for benefits. I intend to bring it before the Veterans' Affairs Committee at our July 27 markup and thereafter to the full Senate.

Mr. President, I ask unanimous consent that the executive summary of the GAO report be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXECUTIVE SUMMARY

PURPOSE

Each year, the Department of Veterans Affairs (VA) pays more than \$14 billion for disability benefits and processes more than 600,000 initial and reopened applications for these benefits. In congressional hearings, several VA employees, veterans, and a national veterans' association charged that widespread problems in VA's claims-processing procedures were denying veterans due process. The essence of these charges was that VA's emphasis on productivity was causing agency staff to take processing shortcuts, such as closing claims prematurely, failing to send notices, and denying hearings. The Chairman, Senate Veterans' Affairs Committee, and the Ranking Majority Member, House Veterans' Affairs Committee, requested that GAO identify the extent of such processing problems and their impact. To do this, GAO reviewed certain aspects of VA's processing of compensation and pension claims decided in fiscal year 1987.

BACKGROUND

Compensation and pension are the two major benefit programs administered by VA. Compensation benefits are provided to veterans who suffer from disabling injuries or diseases incurred or aggravated while in the military. Pension benefits are provided to totally disabled veterans whose disabilities were not incurred in the military and who meet certain service and financial criteria.

The compensation and pension programs are administered through 58 regional offices. In each office, adjudicators and rating specialists decide eligibility and degree of disability. Veterans are notified of decisions by letter.

Claims processing is designed to operate with a high degree of concern for the veteran. For example, when processing claims,

VA is required to (1) assist the veteran in gathering necessary evidence and (2) give the veteran the benefit of all reasonable doubt.

RESULTS IN BRIEF

GAO investigated numerous allegations about VA's claims-processing practices and found that the rate of occurrence for most of them was very low or did not appear to adversely affect benefit decisions. GAO did find, however, significant problems in these areas: notices to veterans concerning VA decisions on disability claims did not provide veterans meaningful information; development of claims was sometimes inadequate; and claims were not always controlled promptly.

Overall, GAO concluded that these problems resulted in adverse effects on veterans in about 13 percent of both the compensation and pension claims—mostly because of delays in processing claims. With the exception of notice problems, it was difficult to identify any single cause of these problems. Rather, they seemed to result from limitations of quality control systems, poorly designed and maintained manuals, and reduced levels of supervision.

PRINCIPAL FINDINGS

VA notices not informative

VA's primary means of communicating its decisions on claims to veterans is through written notices. GAO found several shortcomings in VA notices. Most often they were not clear because they did not provide the veteran with information necessary to make a knowledgeable decision on whether or not to appeal. Sometimes, GAO found no evidence that notices were sent. In some other instances, notices lacked information about how to file an appeal. Finally, a significant number of veterans were not informed that their claims were closed because the veterans failed to provide information requested by VA or did not appear for a medical examination.

Evidence development is sometimes inadequate

Development, a critical phase of claim processing, consists of gathering evidence needed to determine whether a veteran is eligible for benefits and the amount of any such benefits. VA did not properly develop about 10 percent of the claims GAO reviewed. Most often, VA underdeveloped the veteran's claim by not obtaining all available evidence. In other cases, VA (1) overdeveloped the claim by obtaining unnecessary evidence, (2) was unreasonably slow to initiate development, or (3) closed claims before allowing the veteran sufficient time to provide requested evidence.

In addition, VA frequently did not send courtesy copies of development letters to veterans' representatives. This may have hindered them in assisting veterans in obtaining disability benefits.

Problems with controlling claims

VA controls (logs in) every claim for VA benefits to assure that they are placed in the agency's computer and that processing is not delayed. VA took an average of 9 days to control compensation and pension claims—2 days more than its goal. About 6 percent of the claims required over 30 days to control, delaying processing of the claims.

Factors causing processing problems

Unclear notices are largely attributable to VA's rigid automated notification system; the system provides little flexibility to add information that could explain the reasons for VA decisions.

Various administrative control weaknesses contribute to the occurrence and persistence of other processing problems. VA's quality control system does not measure how well regional offices process compensation and pension claims; noncompliance with sampling requirements and lack of independent reviewers also cause results to be unreliable. The procedural manual is not indexed or organized in a way that aids staff in finding processing rules, and the manual is not always updated in a timely manner. Lastly, staff reductions appear to have reduced the level of supervision over claims processing, increasing the risk that errors will not be caught.

RECOMMENDATIONS

To improve the processing of veterans' claims for compensation and pension benefits at VA, GAO is making several recommendations to the Secretary:

Build flexibility into the computer system that generates notices so that notices will more completely explain the reasons for decisions and allow regional office staff to examine and improve the notification.

Update, simplify, and index the operating manual to make it a more useful reference tool.

Evaluate whether the extent of supervision is sufficient to provide acceptable levels of quality in claims processing.

AGENCY COMMENTS

VA concurred with all of GAO's recommendations and described its planned actions to improve notices and the operating manual as well as evaluate its level of supervision. If fully implemented, VA's planned actions address the intent of GAO's recommendations.

NATIONAL DEFENSE AUTHORIZATION ACT—FISCAL YEARS 1990 AND 1991

NUNN (AND OTHERS) AMENDMENT NO. 392

Mr. NUNN (for himself), Mr. WARNER, Mr. LEVIN, Mr. WILSON, Mr. EXON, Mr. THURMOND, Mr. KENNEDY, Mr. BINGAMAN, Mr. DIXON, Mr. GLENN, Mr. GORE, Mr. WIRTH, Mr. SHELBY, Mr. BYRD, Mr. COHEN, Mr. MCCAIN, Mr. WALLOP, Mr. GORTON, Mr. LOTT, Mr. COATS, Mr. DECONCINI, and Mr. BOREN proposed an amendment to the bill (S. 1352) to authorize appropriations for fiscal years 1990 and 1991 for military functions of the Department of Defense and to prescribe military personnel levels for such Department for fiscal years 1990 and 1991, and for other purposes, as follows:

At the end of part A of title I insert the following:

"SEC. 108. AUTHORIZATION OF APPROPRIATIONS OF ADDITIONAL AMOUNTS FOR PROCUREMENT OF MISSILES

(a) FISCAL YEAR 1990.—Funds are hereby authorized to be appropriated for fiscal year 1990 for procurement of missiles for the Army, Navy, and Air Force as follows:

For the Army, \$362,400,000.

For the Navy, \$125,100,000.

For the Air Force, \$109,300,000.

(b) FISCAL YEAR 1991.—Funds are hereby authorized to be appropriated for fiscal year 1991 for procurement of missiles for the Army and Air Force as follows:

For the Army, \$227,500,000.

For the Air Force, \$109,300,000.

(c) ADDITIONAL AUTHORIZATION.—Funds authorized to be appropriated pursuant to subsections (a) and (b) are in addition to funds authorized to be appropriated under sections 101, 102, and 103.

SPECTER AMENDMENT NO. 393

(Ordered to lie on the table.)

Mr. SPECTER submitted an amendment intended to be proposed by him to the bill S. 1352, supra, as follows:

At the appropriate place insert the following:

Sec. . DEATH PENALTY FOR ESPIONAGE.

(a) ESPIONAGE.—Section 794(a) of title 18, United States Code, is amended by striking "by death or" and by inserting immediately before the period the following: " , or the court may impose a sentence of death in accordance with the procedures set forth in section 7001 of the Anti-Drug Abuse Act of 1988 (21 U.S.C. 848)";

(b) ESPIONAGE IN TIME OF WAR.—Section 794(b) of title 18, United States Code, is amended by striking "by death or" and by inserting immediately before the period the following: " , or the court may impose a sentence of death in accordance with the procedures set forth in section 7001 of the Anti-Drug Abuse Act of 1988 (21 U.S.C. 848)";

RURAL PARTNERSHIP ACT

DURENBERGER AMENDMENTS NOS. 394 AND 395

(Ordered to lie on the table.)

Mr. DURENBERGER submitted two amendments intended to be proposed by him to the bill (S. 1036) to improve the economic, community, and educational well-being of rural America, and for other purposes, as follows:

AMENDMENT No. 394

On page 254, line 16, after the word "stations," insert the following "nonprofit organizations specializing in applied research,".

AMENDMENT No. 395

On page 259, line 16 insert the following: "SEC. 712 RURAL TECHNOLOGY TRANSFER AND INNOVATION.

"(a) IN GENERAL.—The Secretary shall establish and implement a program to award matching grants to promote technology transfer, innovation, and new product development. Grantees must be nonprofit organizations which have demonstrable capability in technology transfer, applied research, innovation, and new product development which will lead to economic growth and job creation in rural areas. Applicants must demonstrate the ability to provide a one-to-one financial match.

"(b) AUTHORIZATION FOR APPROPRIATIONS.—There are authorized to be appropriated \$10,000,000 in each fiscal year to carry out this program. Amounts appropriated under this subsection shall remain available until expended."

● Mr. DURENBERGER. Mr. President, today I am submitting for printing two amendments that I intend to offer to the Rural Partnership Act of

1989 (S. 1036), when the Senate considers this bill. These amendments will help this bill achieve the goals of enhancing rural America's ability support technologically advanced businesses.●

NATIONAL DEFENSE AUTHORIZATION ACT—FISCAL YEARS 1990 AND 1991

**WARNER (AND NUNN)
AMENDMENT NO. 396**

Mr. WARNER (for himself and Mr. NUNN) proposed an amendment to the bill S. 1352, supra, as follows:

Strike out line 3 on page 15 and everything that follows through line 3 on page 19 and insert the following in lieu thereof:

SEC. 133. B-2 BOMBER PROGRAM REQUIREMENTS AND LIMITATIONS.

(a) **AMOUNT AUTHORIZED.**—(1) Of the amounts appropriated pursuant to section 103(a)(1) for the Air Force for procurement of aircraft for fiscal year 1990, not more than \$2,549,374,000 may be obligated for procurement for the B-2 aircraft program.

(2) Funds appropriated for the Air Force for fiscal year 1990 may not be obligated for the B-2 aircraft until the first flight of a B-2 aircraft has occurred.

(b) **BLOCK 1 REQUIREMENTS.**—(1) Funds appropriated for the Air Force for fiscal year 1990 for procurement of aircraft may not be obligated for the procurement of B-2 aircraft until—

(A) the initial planned Block 1 program of flight testing of the B-2 aircraft, consisting of approximately 75 flight test hours and 15 flights has been conducted;

(B) the Defense Science Board has conducted an independent review of the Block 1 flight test data and reported the results of that review, together with its findings and conclusions, to the Secretary of Defense;

(C) the Director of Operational Test and Evaluation has evaluated the performance of the B-2 aircraft during its Block 1 flight testing with respect to "Critical Operational Issues" and has provided an "Early Operational Assessment" to the Secretary of Defense; and

(D) the Secretary of Defense certifies to the Committees on Armed Services and on Appropriations of the Senate and House of Representatives that—

(i) no major aerodynamic or flightworthiness problems have been identified during the Block 1 testing;

(ii) the performance milestones (including initial flight testing) for the B-2 aircraft for fiscal year 1990 (as contained in the B-2 full performance matrix program established under section 121 of the National Defense Authorization Act for Fiscal Year 1988 and 1989 (Public Law 100-180) and section 232 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456)) have been met and that any proposed waiver or modification to the B-2 performance matrix will be provided in writing in advance to such committees;

(iii) the goals of the cost reduction initiatives established for the B-2 program under section 121 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 and section 232 of the National Defense Authorization Act, Fiscal Year 1989 will be achieved; and

(iv) the quality assurance practices and fiscal management controls of the prime contractor and major subcontractors associated with the B-2 program meet or exceed generally applicable Department of Defense standards.

(2) Any certification by the Secretary under paragraph (1)(D) shall include a description of any savings that will be realized under the initiatives referred to in such paragraph.

(c) **BLOCK 2 REQUIREMENTS.**—Funds appropriated for the Air Force for fiscal year 1990 for the procurement of aircraft may not be obligated for the procurement of B-2 aircraft before the commencement of the low-observables portion of the Block 2 testing on B-2 developmental aircraft.

(d) **DEFENSE SCIENCE BOARD ASSESSMENT.**—Of the amounts made available for the Air Force for fiscal year 1990 for the procurement of B-2 aircraft not more than 25 percent may be expended before submission by the Secretary of Defense to the Committees on Armed Services and Appropriations of the Senate and House of Representatives of a classified report containing the assessments of the Low-Observables Panel of the Defense Board as to the progress and problems, if any, encountered during the initial phase of low-observables testing of the B-2.

(e) **EFFICIENT PRODUCTION RATE FUNDING.**—Funds appropriated for the Air Force for fiscal year 1990 for procurement of aircraft may not be obligated for the procurement of B-2 aircraft until the Secretary of Defense certifies that in the five-year defense program prepared in conjunction with any amended budget request for fiscal year 1991, the Air Force has included sufficient funding for any increase in the production rate of B-2 aircraft required to attain an efficient production rate following the planned acquisition milestone decision authorizing rate production.

(f) **APPLICATION OF PROHIBITIONS.**—The prohibitions in subsections (b) through (d) apply only to the three new production B-2 aircraft for which funds for procurement were requested in the President's April 1989 amended budget request for fiscal year 1990.

(g) **CERTIFICATION REQUIREMENT.**—(1) The Secretary of Defense shall certify annually to Congress that the unit flyaway cost for 132 B-2 aircraft measured in constant 1990 dollars does not exceed \$295,000,000 per aircraft.

(2) The certification required by this subsection shall be submitted not later than March 15, 1990, and each succeeding March 15 thereafter until the B-2 procurement program is completed. Such certification shall be submitted to the Committees on Armed Services and on Appropriations of the Senate and the House of Representatives.

(3) If the Secretary cannot make the certification required by paragraph (1), the Secretary shall report to Congress the amount that the unit flyaway cost will exceed the amount described in paragraph (1) and submit an explanation of the reasons for such an increase in cost.

**NUNN (AND WARNER)
AMENDMENT NO. 397**

Mr. NUNN (for himself and Mr. WARNER) proposed an amendment to amendment No. 396 proposed by Mr. WARNER (and Mr. NUNN) to the bill S. 1352, supra, as follows:

In the amendment proposed by Mr. Warner and Mr. Nunn strike everything after "SEC. 133. B-2 BOMBER PROGRAM REQUIREMENTS AND LIMITATIONS." and insert in lieu thereof the following:

(a) **AMOUNT AUTHORIZED.**—Of the amounts appropriated pursuant to section 103(a)(1) for the Air Force for procurement of aircraft for fiscal year 1990, not more than \$2,549,374,000 may be obligated for procurement for the B-2 aircraft program.

(b) **BLOCK 1 REQUIREMENTS.**—(1) Funds appropriated for the Air Force for fiscal year 1990 for procurement of aircraft may not be obligated for the procurement of B-2 aircraft until—

(A) the initial planned Block 1 program of flight testing of the B-2 aircraft, consisting of approximately 75 flight test hours and 15 flights has been conducted;

(B) the Defense Science Board has conducted an independent review of the Block 1 flight test data and reported the results of that review, together with its findings and conclusions, to the Secretary of Defense;

(C) the Director of Operational Test and Evaluation has evaluated the performance of the B-2 aircraft during its Block 1 flight testing with respect to "Critical Operational Issues" and has provided an "Early Operational Assessment" to the Secretary of Defense; and

(D) the Secretary of Defense certifies to the Committees on Armed Services and on Appropriations of the Senate and House of Representatives that—

(i) no major aerodynamic or flightworthiness problems have been identified during the Block 1 testing;

(ii) the performance milestones (including initial flight testing) for the B-2 aircraft for fiscal year 1990 (as contained in the B-2 full performance matrix program established under section 121 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180) and section 232 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456)) have been met and that any proposed waiver or modification to the B-2 performance matrix will be provided in writing in advance to such committees;

(iii) the goals of the cost reduction initiatives established for the B-2 program under section 121 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 and section 232 of the National Defense Authorization Act, Fiscal Year 1989 will be achieved; and

(iv) the quality assurance practices and fiscal management controls of the prime contractor and major subcontractors associated with the B-2 program meet or exceed generally applicable Department of Defense standards.

(2) Any certification by the Secretary under paragraph (1)(D) shall include a description of any savings that will be realized under the initiatives referred to in such paragraph.

(c) **BLOCK 2 REQUIREMENTS.**—Funds appropriated for the Air Force for fiscal year 1990 for the procurement of aircraft may not be obligated for the procurement of B-2 aircraft before the commencement of the low-observables portion of the Block 2 testing on B-2 developmental aircraft.

(d) **DEFENSE SCIENCE BOARD ASSESSMENT.**—Of the amounts made available for the Air Force for fiscal year 1990 for the procurement of B-2 aircraft not more than 25 percent may be expended before submission by the Secretary of Defense to the Committees on Armed Services and Appropriations of

the Senate and House of Representatives of a classified report containing the assessments of the Low-Observables Panel of the Defense Science Board as to the progress and problems, if any, encountered during the initial phase of low-observables testing of the B-2.

(e) **EFFICIENT PRODUCTION RATE FUNDING.**—Funds appropriated for the Air Force for fiscal year 1990 for procurement of aircraft may not be obligated for the procurement of B-2 aircraft until the Secretary of Defense certifies that, in the five-year defense program prepared in conjunction with any amended budget request for fiscal year 1991, the Air Force has included sufficient funding for any increase in the production rate of B-2 aircraft required to attain an efficient production rate following the planned acquisition milestone decision authorizing rate production.

(f) **APPLICATION OF PROHIBITIONS.**—The prohibitions in subsections (b) through (d) apply only to the three new production B-2 aircraft for which funds for procurement were requested in the President's April 1989 amended budget request for fiscal year 1990.

(g) **CERTIFICATION REQUIREMENT.**—(1) The Secretary of Defense shall certify annually to Congress that the unit flyaway cost for 132 B-2 aircraft measured in constant 1990 dollars does not exceed \$295,000,000 per aircraft.

(2) The certification required by this subsection shall be submitted not later than March 15, 1990, and each succeeding March 15 thereafter until the B-2 procurement program is completed. Such certification shall be submitted to the Committee on Armed Services and on Appropriations of the Senate and the House of Representatives.

(3) If the Secretary cannot make the certification required by paragraph (1), the Secretary shall report to Congress the amount that the flyaway cost will exceed the amount described in paragraph (1) and submit an explanation of the reasons for such an increase in cost.

CORDELL BANK NATIONAL MARINE SANCTUARY

HOLLINGS AMENDMENT NO. 398

Mr. GRAHAM (for Mr. HOLLINGS) proposed an amendment to the joint resolution (H.J. Res. 281) to approve the designation of the Cordell Bank National Marine Sanctuary, to disapprove a term of that designation, to prohibit the exploration for, or the development or production of oil, gas, or minerals in any area of that sanctuary, and for other purposes, as follows:

Strike section 3.

NOTICES OF HEARINGS

SUBCOMMITTEE ON CONSERVATION AND FORESTRY

Mr. LEAHY. Mr. President, I wish to announce that the Subcommittee on Conservation and Forestry of the Committee on Agriculture, Nutrition, and Forestry will postpone its hearing on Water Quality Protection on August 2, 1989, to September 19, 1989, at 9 a.m. The hearing will be held in

room 332, Russell Senate Office Building.

Senator WYCHE FOWLER, Jr., will preside. For further information please contact DuBoise White of the subcommittee staff at 224-5027.

SUBCOMMITTEE ON MINERAL RESOURCES DEVELOPMENT AND PRODUCTION

Mr. JOHNSTON. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Mineral Resources Development and Production Subcommittee of the Committee on Energy and Natural Resources.

The hearing will take place on Monday, July 31, 1989, at 9 a.m. in room SD-366 of the Senate Dirksen Office Building in Washington, DC.

The purpose of the hearing is to receive testimony concerning S. 30, a bill to provide for certain requirements relating to the conversion of oil shale mining claims located under the General Mining Law of 1872 to leases, and H.R. 2392, a bill that amends section 37 of the Mineral Leasing Act relating to oil shale claims.

Those wishing to submit written statements for the hearing record should write to the Committee on Energy and Natural Resources, U.S. Senate, Dirksen Senate Office Building, room 364, Washington, DC 20510. For further information, please contact Lisa Vehmas of the subcommittee staff at (202) 224-7555.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Monday, July 31, 1989, at 2 p.m. in room SD-366 of the Senate Dirksen Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the Department of Energy's efforts to improve the operations and management of its atomic energy defense activities and its efforts to restore public credibility in the Department's ability to operate its facilities in a safe and environmentally sound manner. The hearing will also focus on S. 972, S. 1304, and any other legislation pending before the Committee related to the environment, safety, and health aspects of operation of the Department's nuclear facilities.

For further information, please contact Mary Louise Wagner at (202) 224-7569.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. GRAHAM. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Monday, July 24,

1989, at 2:30 p.m. to conduct a hearing on National Institutes of Health and Biomedical Research.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. GRAHAM. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources, be authorized to meet during the session of the Senate on July 24, 1989, at 2 p.m. for a hearing to receive testimony on Senate Amendment 229, the Gulf of Mexico Oil Spill Prevention and Response Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. GRAHAM. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on July 24, 1989, at 10 a.m. to receive testimony on S. 974, a bill to designate certain lands in the State of Nevada as wilderness, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. GRAHAM. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Monday, July 24, 1989, in closed session to discuss burdensharing issues relating to S. 1352, the national defense authorization bill for fiscal years 1990 and 1991.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. GRAHAM. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Monday, July 24, 1989, at 4:30 p.m. in closed session to receive a briefing on North Korea.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. GRAHAM. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet during the session of the Senate on Monday, July 24, 1989, beginning at 2 p.m. to hear John F. Turner, nominated by the President to be Director of the U.S. Fish and Wildlife Service, Department of the Interior, and Constance B. Harriman, nominated by the President to be Assistant Secretary for Fish and Wildlife, Department of the Interior.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 358—IMMIGRATION REFORM ACT

The text of the bill S. 358, as passed by the Senate on July 13, 1989, is as follows:

S. 358

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—IMMIGRATION ACT OF 1989

SEC. 101. SHORT TITLE; REFERENCES IN TITLE.

(a) SHORT TITLE.—This title may be cited as the "Immigration Act of 1989".

(b) REFERENCES IN TITLE.—Except as specifically provided in this title, whenever in this title an amendment or repeal is expressed as an amendment to, or repeal of a provision, the reference shall be deemed to be made to the Immigration and Nationality Act.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

TITLE I—IMMIGRATION ACT OF 1989

- Sec. 101. Short title; references in title.
- Sec. 102. National level of immigration.
- Sec. 103. Preference system for admission of immigrants.
- Sec. 104. Deterring immigration-related entrepreneurship fraud.
- Sec. 105. Miscellaneous conforming and technical changes.
- Sec. 106. User fees.
- Sec. 107. Commission on Legal Immigration Reform.
- Sec. 108. Action with respect to spouses and children of legalized aliens.
- Sec. 109. Continuing provision permitting immigration of certain adopted children.
- Sec. 110. Prohibit Federal benefits for illegal aliens.
- Sec. 111. Treatment of Hong Kong as a separate foreign state for numerical limitations.
- Sec. 112. Document fraud provisions of INA.
- Sec. 113. Incentives for trained medical personnel to work in rural areas.
- Sec. 114. Entry of certain aircraft crewmembers.
- Sec. 115. Effective dates and transition.

TITLE II—NATURALIZATION AMENDMENTS OF 1989

- Sec. 201. Short title; references in title.
- Sec. 202. Administrative naturalization.
- Sec. 203. Substituting 3 months residence in INS district or State for 6 months residence in a State.
- Sec. 204. Public education regarding naturalization benefits.
- Sec. 205. Naturalization of natives of the Philippines through active-duty service in the Armed Forces during World War II.
- Sec. 206. Conforming amendments.
- Sec. 207. Effective dates and savings provisions.

TITLE III—STATUS OF STUDENTS FROM THE PEOPLE'S REPUBLIC OF CHINA

- Sec. 301. Short title.
- Sec. 302. Adjustment of status of certain nationals of the People's Republic of China.
- Sec. 303. Task Force on students from the People's Republic of China in the United States.

TITLE IV—BURMESE STUDENTS

- Sec. 401. Report to Congress on United States immigration Policy toward Burmese students.

TITLE V—LABOR SHORTAGE REDUCTION

Sec. 501. Definitions.

Sec. 502. Identification, publication, and reduction of labor shortages.

Sec. 503. Authorization of appropriation.

TITLE VI—CENSUS

Sec. 601. Prevention of congressional reapportionment distortions.

Sec. 602. Severability.

SEC. 102. NATIONAL LEVEL OF IMMIGRATION.

(a) WORLDWIDE LEVEL OF IMMIGRATION.—(1) Section 201 (8 U.S.C. 1151) is amended to read as follows:

"WORLDWIDE LEVEL OF IMMIGRATION

"SEC. 201. (a) IN GENERAL.—Exclusive of aliens described in subsection (b), aliens born in a foreign state or dependent area who may be issued immigrant visas or who may otherwise acquire the status of an alien lawfully admitted to the United States for permanent residence are limited to—

"(1) family connection immigrants described in section 203(a) (or who are admitted under section 211(a) on the basis of a prior issuance of a visa to their accompanying parent under section 203(a)) in a number not to exceed in any fiscal year the number specified in subsection (c) for that year, and not to exceed in any of the first 3 quarters of any fiscal year 27 percent of the worldwide level under such subsection for all of such fiscal year; and

"(2) independent immigrants described in section 203(b) (or who are admitted under section 211(a) on the basis of a prior issuance of a visa to their accompanying parent under section 203(b)), in a number not to exceed in any fiscal year the number specified in subsection (d) for that year, and not to exceed in any of the first 3 quarters of any fiscal year 27 percent of the worldwide level under such subsection for all of such fiscal year.

"(b) ALIENS NOT SUBJECT TO DIRECT NUMERICAL LIMITATIONS.—The following aliens are not subject to the worldwide levels or numerical limitations of subsection (a):

"(1)(A) Special immigrants described in subparagraph (A) or (B) of section 101(a)(27).

"(B) Aliens who are admitted under section 207(c) pursuant to a numerical limitation established under section 207(b).

"(C) Aliens whose status is adjusted to permanent residence under section 210, 210A, or 245A.

"(D) Aliens provided permanent resident status under section 249.

"(2)(A)(i) ALIENS WHO ARE IMMEDIATE RELATIVES.—For purposes of this clause, the term 'immediate relatives' means the children, spouses, and parents of a citizen of the United States, except that, in the case of parents, such citizens shall be at least 21 years of age.

"(ii) Aliens admitted under section 211(a) on the basis of a prior issuance of a visa to their accompanying parent who is such an immediate relative.

"(B) Aliens born to an alien lawfully admitted for permanent residence during a temporary visit abroad.

"(C) Aliens who are admitted under section 207(c) pursuant to a numerical limitation established under section 207(a) and aliens who are granted asylum under section 208.

"(c) WORLDWIDE LEVEL OF FAMILY CONNECTION IMMIGRANTS.—(1) The worldwide level of family connection immigrants under this subsection for a fiscal year is equal to—

"(A)(i) 480,000, minus

"(ii) the number computed under paragraph (2), plus

"(iii) the number (if any) computed under paragraph (3); or

"(B) 216,000,

whichever is greater.

"(2) The number computed under this paragraph for a fiscal year is the sum of the number of aliens described in subparagraph (A) and (B) of subsection (b)(2) who were issued immigrant visas or otherwise acquired the status of aliens lawfully admitted to the United States for permanent residence in the previous fiscal year.

"(3) The number computed under this paragraph for a fiscal year is the difference (if any) between the maximum number of visas which may be issued under subsection (a)(2) (relating to independent immigrants) during the previous fiscal year and the number of visas issued under that subsection during that year.

"(d) WORLDWIDE LEVEL OF INDEPENDENT IMMIGRANTS.—(1) The worldwide level of independent immigrants under this subsection for a fiscal year is equal to—

"(A) 150,000, plus

"(B) the number computed under paragraph (2).

"(2) The number computed under this paragraph for a fiscal year is the difference (if any) between the maximum number of visas which may be issued under subsection (a)(1) (relating to family connection immigrants) during the previous fiscal year and the number of visas issued under that subsection during that year.

"(e) REPORT ON, AND REVISION OF, WORLDWIDE LEVEL OF IMMIGRATION.—(1) In January before the beginning of fiscal year 1994 (and in January before each succeeding fiscal year thereafter), the Attorney General, in consultation with the Secretary of Labor, the Secretary of State, the Secretary of Health and Human Services, the Administrator of the Environmental Protection Agency, and the Secretary of Housing and Urban Development, shall prepare and transmit to the President and to the Judiciary Committees of the Senate and of the House of Representatives a report discussing the effect of immigration on the United States. The report shall consider—

"(A) the requirements of citizens of the United States and of aliens lawfully admitted for permanent residence to be joined in the United States by immediate family members;

"(B) the impact of immigration on labor needs, employment, and other economic and domestic conditions in the United States;

"(C) the impact of immigration with respect to demographic and fertility rates and resources and environmental factors; and

"(D) the impact of immigration on the foreign policy and national security interests of the United States.

The report for fiscal year 1994 (and each third fiscal year thereafter) shall include a discussion, based upon such considerations, of the need (if any) to revise the numbers specified in subsection (c)(1)(A)(i), subsection (c)(1)(B), or subsection (d)(1)(A) for any fiscal year of the 3-fiscal-year period beginning with the first fiscal year following transmittal of the report. The Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives shall hold hearings on the findings of the latest such report.

"(2) In March before the beginning of fiscal year 1994 (and of each third fiscal year thereafter), the President shall, after

considering the corresponding report transmitted under paragraph (1) and after soliciting the views of members of the Committees on the Judiciary of the House of Representatives and of the Senate, determine whether or not the numbers specified in subsection (c)(1)(A)(i), subsection (c)(1)(B), or subsection (d)(1)(A) should be changed for any fiscal year of the 3-fiscal-year period beginning with the next following fiscal year, and, if so, which number or numbers should apply instead of the number specified in the respective subsection for the fiscal years of that period. The President shall transmit such determination to the Congress by not later than March 31 before the fiscal year involved and shall deliver such determination to both Houses of Congress on the same day and while each House is in session.

"(3)(A) Notwithstanding the provisions of subsections (c)(1)(A)(i), (c)(1)(B), and (d)(1)(A), if the number transmitted in a determination of the President with respect to subsection (c)(1)(A)(i), subsection (c)(1)(B), or subsection (d)(1)(A) for a fiscal year or years of a 3-fiscal-year period—

"(i) is not less than 95 percent, nor more than 105 percent, of the number specified in that respective subsection, unless the Congress, by not later than August 31 following the date of the transmittal, enacts a joint resolution the substance of which disapproves the change with respect to the number for that respective subsection for that fiscal year or years, the number so transmitted shall take effect and apply, instead of the number specified in that respective subsection, during that period;

"(ii) is less than 95 percent, or more than 105 percent, of the number specified in that respective subsection, if the Congress, by not later than August 31 following the date of the transmittal, enacts a joint resolution the substance of which approves the change with respect to the number specified in that respective subsection for that fiscal year or years, the number so transmitted shall take effect and apply, instead of the number specified in that respective subsection, during that period; or

"(iii) if the President transmits a determination described in (ii), the provisions of (i) shall apply to that portion of the change that amounts to a 5-percent increase or decrease, and the provisions of (ii) shall apply to the remaining portion of the increase or decrease proposed by the President.

"(B) For purposes of this paragraph, a number transmitted by the President under paragraph (2) which takes effect and applies under this paragraph with respect to subsections (c)(1)(A)(i), (c)(1)(B), or (d)(1)(A) with respect to a fiscal year or fiscal years shall be deemed to be the number specified in that same subsection for that period, and that number shall be deemed to be the number specified in that same subsection thereafter unless changed pursuant to this subsection.

"(4) Paragraphs (5), (6), and (7) are enacted—

"(A) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each respective House, but applicable only with respect to the procedure to be followed in the case of joint resolutions described in paragraph (5), and supersede the other rules only to the extent that such paragraphs are inconsistent therewith; and

"(B) with full recognition of the constitutional right of either House to change such rules at any time, in the same manner and

to the same extent as in the case of any other rule of that House.

"(5) For purposes of this subsection, the term 'joint resolution', with respect to a change in number transmitted by the President under paragraph (2) for the fiscal years of a three-fiscal-year period, in the case described—

"(A) in paragraph (3)(A)(i), means only a joint resolution of the Congress, the matter after the resolving clause of which is as follows: 'That Congress, pursuant to subsection (e)(3)(A)(i) of section 201 of the Immigration and Nationality Act, disapproves the change proposed by the President in the number specified under subsection of that section for the fiscal year [or years] transmitted to the Congress by the President on _____', the blank spaces therein to be filled appropriately; or

"(B) in paragraph (3)(A)(ii), means only a joint resolution of the Congress, the matter after the resolving clause of which is as follows: 'That Congress, pursuant to subsection (e)(3)(A)(ii) of section 201 of the Immigration and Nationality Act, approves the change proposed by the President in the number specified under subsection of that section for the fiscal year [or years] transmitted to the Congress by the President on _____', the blank spaces therein to be filled appropriately.

"(6)(A) No later than the first day of session following the day on which a determination is transmitted to the House of Representatives and to the Senate under paragraph (2), which determination provides for a change in a number specified in subsections (c)(1)(A)(i), (c)(1)(B), or (d)(1)(A) for a fiscal year, a joint resolution (as defined in paragraph (5)) with respect to each such change shall be introduced in each House by the chairman of the Committee on the Judiciary of that House, or by a Member or Members of the House designated by such chairman.

"(B)(i) Each joint resolution introduced in a House shall be referred to the Committee on the Judiciary of the respective House. The committees shall make their recommendations to the respective House not later than June 15 following the date of introduction.

"(ii) If the Committee has not reported such a joint resolution with respect to a change by such date, it is in order to move to discharge the Committee from further consideration of the joint resolution, except that no motion to discharge shall be in order after the Committee has reported a joint resolution with respect to the same change.

"(iii) A motion to discharge under clause (ii) may be made only by a Member favoring the joint resolution, is privileged, and debate thereon shall be limited to not more than 1 hour, to be divided equally between those favoring and those opposing the joint resolution, the time to be divided equally between, and controlled by, in the Senate by the majority leader and the minority leader or their designees and in the House of Representatives by the chairman of the Committee on the Judiciary and the ranking minority member of such committee or their designees. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(C)(i) When the Committee has reported, or been discharged from consideration of, a joint resolution, a motion to proceed to the consideration of the joint resolution shall be highly privileged and is not debatable.

The motion shall not be subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the resolution shall remain the unfinished business of the respective House until disposed of.

"(ii) Debate on a joint resolution, and all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, to be equally divided in the Senate between, and controlled by, the majority leader and the minority leader or their designees and to be equally divided in the House of Representatives between individuals favoring and individuals opposing the joint resolution. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the resolution is not in order. A motion to reconsider the vote by which a joint resolution is passed or rejected shall not be in order.

"(iii) Immediately following the conclusion of the debate on a joint resolution, and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the joint resolution shall occur.

"(iv) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a joint resolution shall be decided without debate.

"(D) If, prior to the passage by one House of a joint resolution of that House, that House receives a joint resolution with respect to the same change transmitted by the President in a number specified under a subsection for a fiscal year, then—

"(i) the procedure in that House shall be the same as if no resolution had been received from the other House; but

"(ii) the vote on final passage shall be on the resolution of the other House."

(2) The item in the table of contents relating to section 201 is amended to read as follows:

"Sec. 201. Worldwide level of immigration."

(b) PER COUNTRY IMMIGRATION LEVELS.—Section 202 (8 U.S.C. 1152) is amended—

(1) in subsection (a)—

(A) by striking "(a) No person" and inserting "(a)(1) Except as specifically provided in paragraph (2) and in sections 101(a)(27), 201(b)(2)(A)(i), and 203, no person";

(B) by striking ", except as specifically" and all that follows through "following fiscal year", and

(C) by adding at the end the following new paragraph:

"(2)(A) Subject to subparagraphs (B) and (C), the total number of immigrant visas made available to natives of any single foreign state or dependent area under subsection (c) of section 201 (relating to family connection immigrants) in any fiscal year may not exceed 7 percent (in the case of a single foreign state) or 2 percent (in the case of a dependent area) of the total number of such visas made available under such subsection in that fiscal year.

"(B) If for fiscal year 1991 or a succeeding fiscal year the number of aliens described in subparagraph (A) or (B) of section 201(b)(2) (relating to immediate relatives and similar

individuals) who are natives of a particular foreign state or dependent area and who are issued immigrant visas or otherwise acquired the status of aliens lawfully admitted to the United States for permanent residence in the fiscal year exceeds the greater of—

"(i) the numerical level computed under subparagraph (A) for that state for that fiscal year, or

"(ii) the level of such immigration of natives of that foreign state in fiscal year 1989 or fiscal year 1990 (whichever is greater),

then the numerical level applicable to that foreign state or dependent area in the following fiscal year under subparagraph (A) shall be reduced by the amount of such excess, except that such reduction shall not exceed one-half of the numerical level otherwise provided without regard to this subparagraph.

"(C) If, because of the application of subparagraph (A) with respect to one or more foreign states, the number of visas available under section 201(c) for a calendar quarter exceeds the number of qualified immigrants who otherwise may be issued such a visa, subparagraph (A) shall not apply to visas made available to such states or areas during the remainder of such calendar quarter.

"(3)(A) Subject to subparagraph (B), the total number of immigrant visas made available to natives of any single foreign state or dependent area under subsection (d) of section 201 (relating to independent immigrants) in any fiscal year may not exceed 7 percent (in the case of a single foreign state) or 2 percent (in the case of a dependent area) of the total number of such visas made available under such subsection in the fiscal year.

"(B) If, because of the application of subparagraph (A) with respect to one or more foreign states or dependent areas, the number of visas available under section 201(d) for a calendar quarter exceeds the number of qualified immigrants who otherwise may be issued such a visa, subparagraph (A) shall not apply to visas made available to such states or areas during the remainder of such calendar quarter."

(2) in subsection (b), by striking "the numerical limitation set forth in the proviso to subsection (a) of this section" each place it appears and inserting "a numerical level established under subsection (a)";

(3) in subsection (c)—

(A) by striking "other than" and all that follows through "section 201(b)" and inserting "other than a special immigrant, as defined in section 101(a)(27), or an alien described in section 201(b)(2)(A)(i)", and

(B) by striking "section 202(a)" and all that follows through the end and inserting "subsection (a)(1), to the foreign state"; and

(4) Section 202(e) is amended to read as follows:

"(e) Whenever the maximum number of visas have been made available under subsection (a)(2) to natives of any single foreign state or to any dependent area, then in the next following fiscal year a number of visas, not to exceed the number specified in subsection (a)(2) for a foreign state or a dependent area, as the case may be, shall be made available and allocated for such state or such area for the same classes of aliens described in, and the same percentages specified in, paragraphs (1) through (4) of section 203(a)."

SEC. 103. PREFERENCE SYSTEM FOR ADMISSION OF IMMIGRANTS.

(a) IN GENERAL.—(1) Section 203 (8 U.S.C. 1153) is amended to read as follows:

"ALLOCATION OF IMMIGRANT VISAS

"SEC. 203. (a) PREFERENCE ALLOCATION FOR FAMILY CONNECTION IMMIGRANTS.—Aliens subject to the worldwide level specified in section 201(c) for family connection immigrants shall be allotted visas as follows:

"(1) UNMARRIED SONS AND DAUGHTERS OF CITIZENS.—Qualified immigrants who are the unmarried sons or daughters of citizens of the United States shall be allocated visas in a number not to exceed 9 percent of such worldwide level, plus any visas not required for the class specified in paragraph (4).

"(2) SPOUSES AND UNMARRIED SONS AND UNMARRIED DAUGHTERS OF PERMANENT RESIDENT ALIENS.—Qualified immigrants who are—

"(A) the spouses of aliens lawfully admitted for permanent residence, or

"(B) the unmarried sons or unmarried daughters of an alien lawfully admitted for permanent residence, if the sons or daughters—

"(i) are under 26 years of age as of the date of the petition for such preference, or

"(ii) (I) as of the date of the enactment of the Immigration Act of 1989, had a petition filed on their behalf for preference status under section 203(a)(2) (as in effect on such date) by reason of such relationship and such petition was subsequently approved, and

"(II) continue to qualify under the terms of section 203(a)(2) of this Act as in effect on the day before such date,

shall be allocated visas in a number not to exceed 57 percent of such worldwide level, plus any visas not required for the class specified in paragraph (1).

"(3) MARRIED SONS AND DAUGHTERS OF CITIZENS.—Qualified immigrants who are the married sons or married daughters of citizens of the United States shall be allocated visas in a number not to exceed 9 percent of such worldwide level, plus any visas not required for the classes specified in paragraphs (1) and (2).

"(4) BROTHERS AND SISTERS OF CITIZENS.—Qualified immigrants who are the brothers or sisters of citizens of the United States, if such citizens are at least 21 years of age, shall be allocated visas in a number not to exceed 25 percent of such worldwide level, plus any visas not required for the classes specified in paragraphs (2) or (3).

"(b) PREFERENCE ALLOCATION FOR INDEPENDENT IMMIGRANTS.—Aliens subject to the worldwide level specified in section 201(d) for independent immigrants in a fiscal year shall be allocated visas as follows:

"(1) SPECIAL IMMIGRANTS.—Visas shall be made available, in a number not to exceed 2.7 percent of such worldwide level, to qualified special immigrants described in section 101(a)(27) (other than those described in subparagraph (A) or (B) thereof).

"(2) MEDICAL PERSONNEL FOR RURAL AREAS.—Qualified immigrants who are trained medical personnel described in section 109(f), in a number not to exceed 3.3 percent of such worldwide level, of which 80 percent shall be nurses and 20 percent shall be physicians, to be admitted on the conditional basis described in section 109.

"(3) ALIENS WHO ARE MEMBERS OF THE PROFESSIONS HOLDING ADVANCED DEGREES OR ALIENS OF EXCEPTIONAL ABILITY.—(A) Visas shall be made available next, in a number not to exceed 26.8 percent of such worldwide level, plus any visas not required for the class specified in paragraphs (1) and (2),

to qualified immigrants who are members of the professions holding advanced degrees or who because of their exceptional ability in the sciences, arts, or business, will substantially benefit prospectively the national economy, cultural or educational interests, or welfare of the United States, and whose services in the sciences, arts, professions, or business are sought by an employer in the United States.

"(B) The Attorney General may, when he deems it to be in the national interest, waive the requirement of subparagraph (A) that an alien's services in the sciences, arts, professions, or business be sought by an employer in the United States.

"(C) In determining under subparagraph (A) whether an immigrant has exceptional ability, the possession of a degree, diploma, certificate, or similar award from a college, university, school, or other institution of learning or a license to practice or certification for a particular profession or occupation shall not by itself be considered sufficient evidence of such exceptional ability.

"(4) SKILLED WORKERS.—(A) Visas shall be made available next, in a number not to exceed 26.8 percent of such worldwide level, plus any visas not required for the classes specified in paragraphs (1), (2), and (3) to the following two classes of aliens:

"(i) Qualified immigrants who are capable, at the time of petitioning, of performing skilled labor (requiring at least 2 years training or experience), not of a temporary or seasonal nature, for which qualified workers are not available in the United States.

"(ii) Qualified immigrants who hold baccalaureate degrees and who are members of the professions.

"(B) An immigrant visa may not be issued to an immigrant under subparagraph (A) until the consular officer is in receipt of a determination made by the Secretary of Labor pursuant to the provisions of section 212(a)(14).

"(5) EMPLOYMENT CREATION.—Visas shall be made available next, in a number not to exceed 4.5 percent" and delete "1.67 percent of the worldwide level" and insert in lieu thereof "29.5 percent of such worldwide level, to any qualified immigrant who is seeking to enter the United States for the purpose of engaging in a new commercial enterprise which the alien has established and in which such alien has invested or, is actively in the process of investing—

"(A) capital, in an amount not less than \$1,000,000, and which will benefit the United States economy and create full-time employment for not fewer than 10 United States citizens or aliens lawfully admitted for permanent residence (other than the spouse, sons, or daughters of such immigrant); or

"(B) capital, in an amount not less than \$500,000, in rural areas or in areas which have experienced persistently high unemployment, at the time of investment, of at least one and one-half times the national average rate, and which will benefit the United States economy and create full-time employment for not fewer than 10 United States citizens or aliens lawfully admitted for permanent residence (other than the spouse, sons, or daughters of such immigrant).

Of the visas allocated under this paragraph, 1.67 percent of the worldwide level shall be available for aliens investing as described in clause (B). Special attention shall be given to such aliens in clause (B) who have invest-

ed or, are actively in the process of investing, in rural areas, with an unemployment rate, at the time of the investment, of at least one and one-half times the national average. For purposes of clause (B), the term 'rural area' means all territory of a State that is not within a metropolitan statistical area or the outer boundary of any city or town having a population of 20,000 or more based on the latest decennial census of the United States. The Attorney General, in consultation with the Secretary of Labor and the Secretary of State, may prescribe regulations increasing the dollar amount of the investment necessary in clause (A) for the issuance of a visa under this paragraph.

"(6) **SELECTED IMMIGRANTS.**—(A) Visas authorized in any fiscal year under section 201(d), less those required for issuance to the classes specified in paragraphs (1), (2), (3), (4), and (5) shall be made available to qualified immigrants who attain a score of not less than 60 points, based on the point assessment system described in subparagraph (B). 10,000 of such visas shall be reserved for qualified immigrants who are natives of foreign states the immigration of whose natives to the United States was adversely affected by the enactment of Public Law 89-236.

"(B) The point assessment system referred to in subparagraph (A) shall accord points based on criteria as follows:

"(i) **AGE (10 POINTS).**—For an alien who (as of the date of filing a petition) is—

"(I) at least 21 years of age but has not attained 36 years of age, 10 points; or

"(II) at least 36 years of age, but has not attained 45 years of age, 5 points.

"(ii) **EDUCATION (25 POINTS).**—For an alien who (as of the date of filing a petition)—

"(I) has completed successfully grade school through high school or its educational equivalent (as determined by the Secretary of Education), 10 points;

"(II) has been awarded a bachelors degree or its equivalent (as determined by the Secretary of Education), 10 additional points; and

"(III) has been awarded a graduate degree, an additional number of points (up to 5 additional points) to be determined by the Secretary of Education based on the level of the degree.

"(iii) **OCCUPATIONAL DEMAND (20 POINTS).**—For an alien who is in an occupation for which the Secretary of Labor determines (before the fiscal year involved)—

"(I) there will be increased demand in the United States for individuals in the occupation in the fiscal year, 10 points, and

"(II) there is a present or there will be a future shortage of individuals in the United States to meet the need in the occupation in the United States in the fiscal year, 5 or 10 points.

"(iv) **OCCUPATIONAL TRAINING AND WORK EXPERIENCE (20 POINTS).**—To the extent the alien has additional training, work experience, or both, as determined by the Secretary of Labor, in the occupation described in clause (iii), 10 or 20 points, such points multiplied by the number of points awarded under clause (iii) divided by 20.

"(v) **PREARRANGED EMPLOYMENT IN THE UNITED STATES (15 POINTS).**—For an alien who (as of the date of filing a petition) has an arrangement (meeting conditions specified by the Secretary of Labor) for the employment of the alien, 15 points.

"(C) The point assessment system described in subparagraph (B) shall be established by regulation by the Secretary of State in consultation with the Attorney

General, the Secretary of Labor, and the Secretary of Education.

"(c) **TREATMENT OF FAMILY MEMBERS.**—A spouse or child as defined in subparagraph (A), (B), (C), (D), or (E) of section 101(b)(1) shall, if not otherwise entitled to an immigrant status and the immediate issuance of a visa under subsection (a) or (b) (except for subsection (b)(5)) be entitled to the same status, and the same order of consideration provided in the respective subsection, if accompanying or following to join, his spouse or parent.

"(d) **ORDER OF CONSIDERATION.**—(1) Immigrant visas made available under subsection (a) or (b) (other than paragraph (5)) or under section 201(a)(3) shall be issued to eligible immigrants in the order in which a petition in behalf of each such immigrant is filed with the Attorney General (or in the case of special immigrants under section 101(a)(27)(D), with the Secretary of State) as provided in section 204(a).

"(2) Of the immigrant visa numbers made available under subsection (b)(5) (relating to selected immigrants) in a fiscal year—

"(A) 20 percent of such numbers shall be issued to eligible qualified immigrants who attain the highest scores (in descending order) on the assessment system described in subsection (b)(5)(B) with respect to petitions filed for the fiscal year involved, with the lowest scores qualifying under this clause to be chosen, if necessary, in the random order described in clause (B); and

"(B) 80 percent of such numbers shall be issued to eligible qualified immigrants with a qualifying score on such system strictly in a random order established by the Secretary of State for the fiscal year involved.

"(3) Waiting lists of applicants for visas under this section shall be maintained in accordance with regulations prescribed by the Secretary of State.

"(e) **PRESUMPTION.**—Every immigrant shall be presumed not to be described in subsection (a) or (b) of this section, section 101(a)(27), or section 201(b)(2), until the immigrant establishes to the satisfaction of the consular officer and the immigration officer that the immigrant is so described. In the case of any alien claiming in his application for an immigrant visa to be described in section 201(b)(1) or in subsection (a) or (b) of this section, the consular officer shall not grant such status until he has been authorized to do so as provided by section 204.

"(f) **LISTS.**—For purposes of carrying out his responsibilities in the orderly administration of this section, the Secretary of State may make reasonable estimates of the anticipated numbers of visas to be issued during any quarter of any fiscal year within each of the categories under subsections (a) and (b), and to rely upon such estimates in authorizing the issuance of visas. The Secretary of State shall terminate the registration of any alien who fails to apply for an immigrant visa within one year following notification to him of the availability of such visa, but the Secretary shall reinstate the registration of any such alien who establishes within 2 years following the date of notification of the availability of such visa that such failure to apply was due to circumstances beyond his control."

"(2) Nothing in this subsection may be construed as continuing the availability of visas under section 203(a)(7), as in effect before the date of enactment of this Act.

"(b) **CHANGES IN PETITIONING PROCEDURE.**—Section 204(a) (8 U.S.C. 1154(a)) is amended—

(1) by redesignating paragraph (2) as paragraph (3), and

(2) by striking "(a)(1)" and all that follows through the end of paragraph (1) and inserting the following:

"(a)(1)(A) Any citizen of the United States claiming that an alien is entitled to classification by reason of a relationship described in paragraph (1), (3), or (4) of section 203(a) or to an immediate relative status under section 201(b)(2)(A)(i) may file a petition with the Attorney General for such classification.

"(B) Any alien lawfully admitted for permanent residence claiming that an alien is entitled to a classification by reason of the relationship described in section 203(a)(2) may file a petition with the Attorney General for such classification. An alien may be classified as an alien described in paragraphs (2), (3), or (4) of section 203(a) with respect to a specific fiscal year on the basis of a petition filed in a previous fiscal year only if the alien has filed with the Attorney General a notice of continuing intent to be admitted to the United States as an immigrant under such section within the 2 fiscal years immediately previous to the specific fiscal year involved.

"(C)(i) Any alien (other than a special immigrant under section 101(a)(27)(D)) desiring to be classified under section 203(b)(1) (or any person on behalf of such an alien) (relating to special immigrants) may file a petition with the Attorney General for such classification.

"(ii) Aliens claiming status as a special immigrant under section 101(a)(27)(D) may file a petition only with the Secretary of State and only after notification by the Secretary that such status has been recommended and approved pursuant to such section.

"(D) Any alien desiring to be classified under section 203(b)(2) (or any person on behalf of such an alien) (relating to professionals) may file a petition with the Attorney General for such classification.

"(E) Any person desiring and intending to employ within the United States an alien entitled to classification under paragraph (2) or (3) of section 203(b) (relating to professionals and skilled workers) may file a petition with the Attorney General for such classification.

"(F) Any alien desiring to be classified under section 203(b)(4) (relating to employment creation) may file a petition with the Secretary of State for such classification.

"(G)(i) Any alien desiring to be provided an immigrant visa under section 203(b)(5) (relating to selected immigrants) may file a petition at the place and time determined by the Secretary of State by regulation. While the place of filing may be designated inside the United States, the petitioner shall be physically outside the United States when submitting the petition. Only one such petition may be filed by an alien with respect to any petitioning period established. If more than one petition is submitted all such petitions submitted for such period by the alien shall be voided.

"(ii)(I) The Secretary of State may designate a period for the filing of petitions with respect to visas which may be issued under section 203(b)(5) during either of the next two fiscal years beginning after the close of such period.

"(II) Aliens who qualify, through random selection, for a visa under section 203(b)(5) shall remain eligible to receive such visa only through the end of the specific fiscal year for which they were selected.

"(III) The Secretary of State shall prescribe such regulations as may be necessary to carry out this clause.

"(iii) A petition or registration under this subparagraph shall be in such form as the Secretary of State may by regulation prescribe and shall contain such information and be supported by such documentary evidence as the Secretary of State may require.

"(iv) The petition under this subparagraph shall include a certification in writing at the time of filing a petition that all information contained within the petition is true and correct to the best of the petitioner's knowledge, and any willful misrepresentation of the facts or statements included in the petition shall be deemed a violation of section 212(a)(19).

"(2) On or after October 1, 1990, an alien who—

"(A) previous to being admitted as, or otherwise provided the status of, an alien lawfully admitted for permanent residence was married to an individual, and

"(B) is so admitted, or provided such status, as a child or as the unmarried son or unmarried daughter of a citizen of the United States or of an alien lawfully admitted for permanent residence,

may not file a petition under this section on behalf of any alien to whom the alien was married previous to being so admitted or provided such status."

(c) REVISION OF LABOR CERTIFICATION.—(1) Paragraph (14) of section 212(a) (8 U.S.C. 1182(a)) is amended to read as follows:

"(14) Aliens seeking to enter the United States to perform skilled labor unless the Secretary of Labor has determined and certified to the Secretary of State and the Attorney General that (A) there are not sufficient qualified workers (or equally qualified workers in the case of aliens who are members of the teaching profession or who have exceptional ability in the sciences or arts) available in the United States in the positions in which the aliens will be employed; and (B) the employment of aliens in such positions will not adversely affect the wages and working conditions of workers in the United States. The Secretary of Labor may, in his discretion, substitute for the determination and certification described in clause (A) of the preceding sentence a determination and certification that there are not sufficient workers who are able, willing, qualified (or equally qualified in the case of aliens who are members of the teaching profession or who have exceptional ability in the sciences or the arts), and available at the time of application for a visa and admission to the United States and at the place where the alien is to perform such skilled labor. In making either determination under this paragraph, the Secretary of Labor may use labor market information without regard to the specific job opportunity for which certification is requested, but if such determination is adverse, the Secretary of Labor shall make a certification with regard to the specific job opportunity if the employer submits evidence that such specific certification would result in a different determination. An alien on behalf of whom a certification is sought must have an offer of employment from an employer in the United States. The exclusion of aliens under this paragraph shall apply to immigrants seeking admission under paragraph (2) or (3) of section 203(b), except that this paragraph shall not apply to any alien for whom a waiver has been granted under section 203(b)(2)(B)";

(2) The Secretary of Labor shall conduct a comprehensive study to determine whether the process of obtaining an immigrant labor certification under section 212(a)(14) of the Immigration and Nationality Act, as amended by this title, has been simplified or otherwise expedited. In conducting this study, the Secretary shall hold public hearings. Not later than March 31, 1993, the Secretary of Labor shall prepare and transmit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report containing the findings of such study and including any recommendations of other relevant agencies of the Federal Government with respect to such findings.

SEC. 104. DETERRING IMMIGRATION-RELATED ENTREPRENEURSHIP FRAUD.

(a) CONDITIONAL BASIS FOR PERMANENT RESIDENT STATUS BASED ON ESTABLISHMENT OF COMMERCIAL ENTERPRISES.—Chapter 2 of title II of the Immigration and Nationality Act is amended by adding at the end the following new section:

"CONDITIONAL PERMANENT RESIDENT STATUS FOR CERTAIN ALIEN ENTREPRENEURS, SPOUSES, AND CHILDREN

"SEC. 218. (a) IN GENERAL.—

"(1) CONDITIONAL BASIS FOR STATUS.—Notwithstanding any other provision of this Act, an alien entrepreneur (as defined in subsection (f)(1)), spouse, and child (as defined in subsection (f)(2)) shall be considered, at the time of obtaining the status of an alien lawfully admitted for permanent residence, to have obtained such status on a conditional basis subject to the provisions of this section.

"(2) NOTICE OF REQUIREMENTS.—

"(A) AT TIME OF OBTAINING PERMANENT RESIDENCE.—At the time an alien entrepreneur, spouse, or child obtains permanent resident status on a conditional basis under paragraph (1), the Attorney General shall provide for notice to such an entrepreneur, spouse, or child respecting the provisions of this section and the requirements of subsection (c)(1) to have the conditional basis of such status removed.

"(B) AT TIME OF REQUIRED PETITION.—In addition, the Attorney General shall attempt to provide notice to such an entrepreneur, spouse, or child, at or about the beginning of the 90-day period described in subsection (d)(2)(A), of the requirements of subsection (c)(1).

"(C) EFFECT OF FAILURE TO PROVIDE NOTICE.—The failure of the Attorney General to provide a notice under this paragraph shall not affect the enforcement of the provisions of this section with respect to such an entrepreneur, spouse, or child.

"(b) TERMINATION OF STATUS IF FINDING THAT QUALIFYING ENTREPRENEURSHIP IMPROPER.—

"(1) IN GENERAL.—In the case of an alien with permanent resident status on a conditional basis under subsection (a), if the Attorney General determines, before the second anniversary of the alien's obtaining the status of lawful admission for permanent residence, that—

"(A) the establishment of the commercial enterprise was intended solely as a means of evading the immigration laws of the United States,

"(B)(i) a commercial enterprise was not established by the alien;

"(ii) the alien did not invest or was not active in the process of investing the requisite capital; or

"(iii) the alien was not sustaining the actions described in clause (A) or (B) through-

out the period of the alien's residence in the United States, or

"(C) the alien was otherwise not conforming to the requirements of section 203(b)(4),

then the Attorney General shall so notify the alien involved and, subject to paragraph (2), shall terminate the permanent resident status of the alien involved as of the date of the determination.

"(2) HEARING IN DEPORTATION PROCEEDING.—Any alien whose permanent resident status is terminated under paragraph (1) may request a review of such determination in a proceeding to deport the alien. In such proceeding, the burden of proof shall be on the Attorney General to establish, by a preponderance of the evidence, that a condition described in paragraph (1) is met.

"(c) REQUIREMENTS OF TIMELY PETITION AND INTERVIEW FOR REMOVAL OF CONDITION.—

"(1) IN GENERAL.—In order for the conditional basis established under subsection (a) for an alien entrepreneur, spouse, or child to be removed—

"(A) the alien entrepreneur must submit to the Attorney General, during the period described in subsection (d)(2), a petition which requests the removal of such conditional basis and which states, under penalty of perjury, the facts and information described in subsection (d)(1), and

"(B) in accordance with subsection (d)(3), the alien entrepreneur must appear for a personal interview before an officer or employee of the Service respecting the facts and information described in subsection (d)(1).

"(2) TERMINATION OF PERMANENT RESIDENT STATUS FOR FAILURE TO FILE PETITION OR HAVE PERSONAL INTERVIEW.—

"(A) IN GENERAL.—In the case of an alien with permanent resident status on a conditional basis under subsection (a), if—

"(i) no petition is filed with respect to the alien in accordance with the provisions of paragraph (1)(A), or

"(ii) unless there is good cause shown, the alien entrepreneur fails to appear at the interview described in paragraph (1)(B),

the Attorney General shall terminate the permanent resident status of the alien as of the second anniversary of the alien's lawful admission for permanent residence.

"(B) HEARING IN DEPORTATION PROCEEDING.—In any deportation proceeding with respect to an alien whose permanent resident status is terminated under subparagraph (A), the burden of proof shall be on the alien to establish compliance with the conditions of paragraphs (1)(A) and (1)(B).

"(3) DETERMINATION AFTER PETITION AND INTERVIEW.—

"(A) IN GENERAL.—If—

"(i) a petition is filed in accordance with the provisions of paragraph (1)(A), and

"(ii) the alien entrepreneur appears at the interview described in paragraph (1)(B),

the Attorney General shall make a determination, within 90 days of the date of the interview, as to whether the facts and information described in subsection (d)(1) and alleged in the petition are true with respect to the qualifying commercial enterprise.

"(B) REMOVAL OF CONDITIONAL BASIS IF FAVORABLE DETERMINATION.—If the Attorney General determines that such facts and information are true, the Attorney General shall so notify the alien involved and shall remove the conditional basis of the alien's status effective as of the second anniversary of the alien's obtaining the status of lawful admission for permanent residence.

"(C) TERMINATION IF ADVERSE DETERMINATION.—If the Attorney General determines that such facts and information are not true, the Attorney General shall so notify the alien involved and, subject to subparagraph (D), shall terminate the permanent resident status of an alien entrepreneur, spouse, or child as of the date of the determination.

"(D) HEARING IN DEPORTATION PROCEEDING.—Any alien whose permanent resident status is terminated under subparagraph (C) may request a review of such determination in a proceeding to deport the alien. In such proceeding, the burden of proof shall be on the Attorney General to establish, by a preponderance of the evidence, that the facts and information described in subsection (d)(1) and alleged in the petition are not true with respect to the qualifying commercial enterprise.

"(d) DETAILS OF PETITION AND INTERVIEW.—

"(1) CONTENTS OF PETITION.—Each petition under subsection (c)(1)(A) shall contain facts and information demonstrating that—

"(A) a commercial enterprise was established by the alien;

"(B) the alien invested or was actively in the process of investing the requisite capital; and

"(C) the alien sustained the actions described in clauses (A) and (B) throughout the period of the alien's residence in the United States.

"(2) PERIOD FOR FILING PETITION.—

"(A) 90-DAY PERIOD BEFORE SECOND ANNIVERSARY.—Except as provided in subparagraph (B), the petition under subsection (c)(1)(A) must be filed during the 90-day period before the second anniversary of the alien's obtaining the status of lawful admission for permanent residence.

"(B) DATE PETITIONS FOR GOOD CAUSE.—Such a petition may be considered if filed after such date, but only if the alien establishes to the satisfaction of the Attorney General good cause and extenuating circumstances for failure to file the petition during the period described in subparagraph (A).

"(C) FILING OF PETITIONS DURING DEPORTATION.—In the case of an alien who is the subject of deportation hearings as a result of failure to file a petition on a timely basis in accordance with subparagraph (A), the Attorney General may stay such deportation proceedings against an alien pending the filing of the petition under subparagraph (B).

"(3) PERSONAL INTERVIEW.—The interview under subsection (c)(1)(B) shall be conducted within 90 days after the date of submitting a petition under subsection (c)(1)(A) and at a local office of the Service, designated by the Attorney General, which is convenient to the parties involved. The Attorney General, in the Attorney General's discretion, may waive the deadline for such an interview or the requirement for such an interview in such cases as may be appropriate.

"(e) TREATMENT OF PERIOD FOR PURPOSES OF NATURALIZATION.—For purposes of title III, in the case of an alien who is in the United States as a lawful permanent resident on a conditional basis under this section, the alien shall be considered to have been admitted as an alien lawfully admitted for permanent residence and to be in the United States as an alien lawfully admitted to the United States for permanent residence.

"(f) DEFINITIONS.—In this section:

"(1) The term 'alien entrepreneur' means an alien who obtains the status of an alien

lawfully admitted for permanent residence (whether on a conditional basis or otherwise) under section 203(b)(4).

"(2) The term 'spouse' and the term 'child' mean an alien who obtains the status of an alien lawfully admitted for permanent residence (whether on a conditional basis or otherwise) by virtue of being the spouse or child, respectively, of an alien entrepreneur."

(b) ADDITIONAL GROUND FOR DEPORTATION.—Section 241(a)(9) (8 U.S.C. 1251(a)(9)) is amended by inserting before the semicolon at the end thereof the following: ", or (C) is an alien with permanent resident status on a conditional basis under section 218 and has such status terminated under such section".

(c) CRIMINAL PENALTY FOR IMMIGRATION-RELATED ENTREPRENEURSHIP FRAUD.—Section 275 of such Act (8 U.S.C. 1325) is amended by adding at the end thereof the following new subsection:

"(c) Any individual who knowingly establishes a commercial enterprise for the purpose of evading any provision of the immigration laws shall be imprisoned for not more than 5 years, or fined not more than \$250,000, or both."

(d) LIMITATION ON ADJUSTMENT OF STATUS.—Section 245 of such Act (8 U.S.C. 1255) is amended by adding at the end thereof the following new subsection:

"(f) The Attorney General may not adjust, under subsection (a), the status of an alien lawfully admitted to the United States for permanent residence on a conditional basis under section 218."

(e) CONFORMING AMENDMENT.—The table of contents of such Act is amended by inserting after the item relating to section 217 the following new item:

"Sec. 218. Conditional permanent resident status for certain alien entrepreneurs, spouses, and children."

SEC. 105. MISCELLANEOUS CONFORMING AND TECHNICAL CHANGES.

(a) Sections 101(b)(1)(F), 202(a), 202(c), 204(b), 204(e), 216(g)(1)(A), 222(a), 244(d), 245(c)(2), and 245(c)(5) (8 U.S.C. 1101(b)(1)(F), 1152(a), 1152(c), 1154(a)(1), 1154(b), 1154(e), 1186a(g)(1)(A), 1202(a), 1254(d), 1255(c)(2), 1255(c)(5)) are each amended by striking "201(b)" each place it appears and inserting "201(b)(2)(A)(i)".

(b) Section 204 (8 U.S.C. 1154) is amended—

(1) in subsection (b)—

(A) by striking "section 203(a) (3) or (6)" and inserting "section 203(b)(3)",

(B) by striking "section 201(b)" and inserting "section 201(b)(2)(A)(i)",

(C) by striking "a preference status under section 203(a)" and inserting "preference status under subsection (a) or (b) of section 203",

(D) by inserting "(and, in the case described in section 203(b)(5), specify the point score on the assessment system)" after "approve the petition", and

(E) by striking "The Secretary of State" and inserting "Subject to section 203(b)(5), the Secretary of State";

(2) in subsection (e)—

(A) by striking "preference immigrant under section 203(a)" and inserting "immigrant under subsection (a), (b), or (c) of section 203", and

(B) by striking "section 201(b)" and inserting "section 201(f)";

(3) by striking subsection (f);

(4) by redesignating subsections (g) and (h) as (f) and (g), respectively;

(5) in subsection (f)(1), as redesignated by paragraph (4), by inserting "(as in effect before the date of the enactment of the Immigration Act of 1989)" after "203(a)(4)"; and

(6) in subsection (g), as redesignated by paragraph (4), by striking "preference status" and inserting "status under section 203(a)(2)".

(c) Section 212(a)(32) (8 U.S.C. 1182(a)(32)) is amended by striking "203(a) (3) and (6) and to nonpreference immigrant aliens described in section 203(a)(7)" and inserting "203(b) (2), (3), and (5)".

(d) Section 244(d) (8 U.S.C. 1254(d)) is amended by striking "201(a) or 202(a)" and inserting "201(c) or 202(a)(2)(A)".

(e) Section 245 (8 U.S.C. 1255) is amended—

(1) in subsection (b), by striking "203(a)" and inserting "203", and

(2) in subsection (c), by redesignating clause (5) as clause (4) and by inserting before the period at the end thereof: ", or (5) an alien who is applying for adjustment of status to preference status under section 203(b)(5)".

(f)(1) Section 3304(a)(14)(A) of the Internal Revenue Code of 1986 is amended by striking "section 203(a)(7) or".

(2) Section 1614(a)(1)(B) of the Social Security Act is amended by striking "section 203(a)(7) or".

(g) Section 2(c)(4) of the Virgin Islands Nonimmigrant Alien Adjustment Act of 1982 (Public Law 97-271) is amended by inserting before the period at the end thereof: "(as in effect before October 1, 1990) or by reason of the relationship described in section 203(a)(2)(B), 203(a)(3), or 201(b)(2)(A)(i), respectively, of such Act (as in effect on or after such date)".

SEC. 106. USER FEES.

Section 286 (8 U.S.C. 1356) is amended by adding at the end thereof the following new subsections:

"(q) VISA FEES FOR IMMIGRANTS.—The Secretary of State shall provide for a schedule of fees to be charged for the filing of a petition for any and all immigrant categories under sections 201(a)(3), 201(b)(2)(A)(i), and 203 (a) and (b). The fees established under this subsection shall be sufficient to cover administrative and other expenses incurred in connection with the processing of petitions for any and all immigrant categories filed under sections 201(a)(3), 201(b)(2)(A)(i), and 203 (a) and (b).

"(r) CREDITABLE FEES.—(1) Notwithstanding sections 1 and 2 of the Act of June 4, 1920, as amended (42 Stat. 750; 22 U.S.C. 214) or any other provision of law, the Secretary of State shall pay the expenses incurred during the two years immediately following the date of enactment of the Immigration Act of 1989 to prepare for and initiate the immigrant visa program provided for under sections 201(a)(3), 201(b)(2)(A)(i), and 203 (a) and (b). Such expenses include salary and expenses, space and support costs, research and development, software, equipment acquisition, equipment replacement, hardware and software maintenance, and antifraud costs of visa and passport functions connected with that program.

"(2) Beginning fiscal year 1990, and each fiscal year thereafter, fees collected by consular officers shall be credited to a Department of State account which shall be available only for the payment of the expenses of automation activities, equipment and software maintenance, hardware replacement, research and development and sup-

port costs, except that not more than \$30,000,000 of such fees may be available for each year for fiscal years 1990 and 1991 and not more than \$20,000,000 for each fiscal year thereafter for the purposes as described in paragraphs (1) and (2).

"(3) Nothing in this subsection shall be construed as making funds under this subsection available for the machine readable document program.

"(4) There are authorized to be appropriated to the Department of State to carry out paragraph (1) such sums as may be necessary for each of fiscal years 1990 and 1991."

SEC. 107. COMMISSION ON LEGAL IMMIGRATION REFORM.

(a) **ESTABLISHMENT AND COMPOSITION OF COMMISSION.**—(1) Effective February 1, 1991, there is established a Commission on Legal Immigration Reform (hereafter in this section referred to as the "Commission") which shall be composed of 9 members to be appointed as follows:

(A) One member who shall serve as Chairman, to be appointed by the President.

(B) Two members to be appointed by the Speaker of the House of Representatives who shall select such members from a list of nominees provided by the Chairman of the Judiciary Subcommittee on Immigration, Refugees, and International Law of the House of Representatives.

(C) Two members to be appointed by the Minority Leader of the House of Representatives who shall select such members from a list of nominees provided by the ranking minority member of the Judiciary Subcommittee on Immigration, Refugees, and International Law of the House of Representatives.

(D) Two members to be appointed by the Majority Leader of the Senate who shall select such members from a list of nominees provided by the Chairman of the Judiciary Subcommittee on Immigration and Refugee Affairs of the Senate.

(E) Two members to be appointed by the Minority Leader of the Senate who shall select such members from a list of nominees provided by the Chairman of the Judiciary Subcommittee on Immigration and Refugee Affairs of the Senate.

(2) Appointments to the Commission shall be made during the 45-day period beginning on February 1, 1991. A vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(3) Members shall be appointed to serve for the life of the Commission.

(b) **FUNCTIONS OF COMMISSION.**—The Commission shall—

(1) review and evaluate the impact of the amendments made by this Act, in accordance with subsection (c); and

(2) transmit to the President and the Congress—

(A) not later than February 1, 1992, a first interim report describing the progress made in carrying out paragraph (1);

(B) not later than February 1, 1993, a second interim report describing the progress made in carrying out paragraph (1) since transmittal of the report described in clause (A); and

(C) not later than February 1, 1994, a final report setting forth the Commission's findings and recommendations, including such recommendations for additional changes that should be made with respect to legal immigration into the United States as the Commission deems appropriate.

(c) **PARTICULAR CONSIDERATIONS.**—In particular, the Commission shall consider—

(1) the requirements of citizens of the United States and of aliens lawfully admitted for permanent residence to be joined in the United States by immediate family members and the impact which the establishment of a worldwide ceiling under section 201(c) has upon the availability and priority of family preference visas;

(2) the impact of immigration and the implementation of the independent immigrant category established in section 201(d) on labor needs, employment, and other economic and domestic conditions in the United States;

(3) the impact of immigration with respect to demographic factors and natural resources;

(4) the impact of immigration on the foreign policy and national security interests of the United States; and

(5) the impact of per country immigration levels on family connected immigration.

(d) **COMPENSATION OF MEMBERS.**—(1) Each member of the Commission who is not an officer or employee of the Federal Government is entitled to receive, subject to such amounts as are provided in advance in appropriations Acts, pay at the minimum annual rate of basic pay in effect for grade GS-18 of the General Schedule. Each member of the Commission who is such an officer or employee shall serve without additional pay.

(2) While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence.

(e) **MEETINGS, STAFF, AND AUTHORITY OF COMMISSION.**—The provisions of subsections (e) through (g) of section 304 of the Immigration Reform and Control Act of 1986 shall apply to the Commission in the same manner as they apply to the Commission established under such section, except that paragraph (2) of subsection (e) shall not apply.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—(1) There are authorized to be appropriated such sums as may be necessary to carry out this section.

(2) Notwithstanding any other provision of this section, the authority to make payments, or to enter into contracts, under this section shall be effective only to such extent, or in such amounts, as are provided in advance in appropriations Acts.

(g) **TERMINATION DATE.**—The Commission shall terminate on the date on which a final report is required to be transmitted under subsection (b)(2), except that the Commission may continue to function until October 1, 1994, for the purpose of concluding its activities, including providing testimony to standing committees of Congress concerning its final report under this section and disseminating that report.

SEC. 108. ACTION WITH RESPECT TO SPOUSES AND CHILDREN OF LEGALIZED ALIENS.

(a) **TEMPORARY STAY OF DEPORTATION AND WORK AUTHORIZATION FOR CERTAIN ELIGIBLE IMMIGRANTS.**—

(1) **IN GENERAL.**—The Attorney General shall provide that in the case of an alien who is an eligible immigrant (as defined in subsection (b)(1)) as of November 6, 1986, who has entered the United States before such date, who resides in the United States on such date, and who is not lawfully admitted for permanent residence, until the cutoff date specified in paragraph (2), the alien—

(A) may not be deported or otherwise required to depart from the United States on a ground specified in paragraph (1), (2), (5), (9), or (12) of section 241(a) of the Immigration and Nationality Act (other than so much of section 241(a)(1) of such Act as relates to a ground of exclusion described in paragraph (9), (10), (23), (27), (28), (29), or (33) of section 212(a) of such Act), and

(B) shall be granted authorization to engage in employment in the United States and be provided an "employment authorized" endorsement or other appropriate work permit.

(2) **CUTOFF DATE.**—For purposes of paragraph (1), the "cutoff date" specified in this paragraph, in the case of an eligible immigrant who is the spouse or child of a legalized alien described in—

(A) subsection (b)(2)(A), is (i) the date the legalized alien's status is terminated under section 210(a)(3) of the Immigration and Nationality Act, or (ii) subject to paragraph (4), 90 days after the date of the notice to the legalized alien under paragraph (3) of the applicable cutoff date, whichever date is earlier;

(B) subsection (b)(2)(B), is (i) the date the legalized alien's status is terminated under section 245(a)(2) of the Immigration and Nationality Act, or (ii) subject to paragraph (4), 90 days after the date of the notice to the legalized alien under paragraph (3) of the applicable cutoff date, whichever date is earlier; or

(C) subsection (b)(2)(C), is 90 days after the date of the notice to the legalized alien under paragraph (3) of the applicable cutoff date.

(3) **NOTICE.**—In the case of each legalized alien whose status has been adjusted under section 210(a)(2) or 245(a)(1) of the Immigration and Nationality Act or under section 202 of the Immigration Reform and Control Act of 1986 and who has a spouse or unmarried child receiving benefits under paragraph (1), the Attorney General shall notify the alien of the applicable cutoff date described in paragraph (2)(B) and the need to file a petition for classification of such spouse or child as an immediate relative to continue the benefits of paragraph (1). Such notice shall be provided as follows:

(A) If the legalized alien adjusted status to that of an alien lawfully admitted for permanent residence before the date that the definition contained in section 201(b)(2)(A)(i) of the Immigration and Nationality Act (as amended by this Act) first applies, the notice under this paragraph shall be provided as of the date that that definition first applies.

(B) If the legalized alien adjusted status to that of an alien lawfully admitted for permanent residence after the date that such definition first applies, the notice under this paragraph shall be provided at the time of granting such adjustment of status.

(4) **DELAY IN CUTOFF WHILE IMMEDIATE RELATIVE PETITION PENDING.**—The cutoff date under paragraph (2)(B) with respect to an eligible immigrant shall not apply during any period in which there is pending with respect to the eligible immigrant a classification petition for immediate relative status under section 204(a) of the Immigration and Nationality Act.

(b) **ELIGIBLE IMMIGRANT AND LEGALIZED ALIEN DEFINED.**—In this section:

(1) The term "eligible immigrant" means a qualified immigrant who is the spouse or unmarried child of a legalized alien.

(2) The term "legalized alien" means an alien lawfully admitted for temporary or permanent residence who was provided—

(A) temporary or permanent residence status under section 210 of the Immigration and Nationality Act,

(B) temporary or permanent residence status under section 245A of the Immigration and Nationality Act, or

(C) permanent residence status under section 202 of the Immigration Reform and Control Act of 1986.

(c) APPLICATION OF DEFINITIONS.—Except as otherwise specifically provided in this section, the definitions contained in the Immigration and Nationality Act shall apply in the administration of this section. Nothing contained in this section shall be held to repeal, amend, alter, modify, effect, or restrict the powers, duties, functions, or authority of the Attorney General in the administration and enforcement of such Act or any other law relating to immigration, nationality, or naturalization. The fact that an alien may be eligible to be issued an immigrant visa under this section shall not preclude the alien from seeking such a visa under any other provision of law for which the alien may be eligible.

SEC. 109. CONTINUING PROVISION PERMITTING IMMIGRATION OF CERTAIN ADOPTED CHILDREN.

(a) IN GENERAL.—Section 101(b)(2) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(2)) is amended by inserting before the period at the end the following: ", except that, for purposes of paragraph (1)(F) (other than the second proviso therein) in the case of an illegitimate child described in paragraph (1)(D) (and not described in paragraph (1)(C)), the term 'parent' does not include the natural father of the child if the father has disappeared or abandoned or deserted the child or if the father has in writing irrevocably released the child for emigration and adoption".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1989, upon the expiration of the amendment made by section 210(a) of the Department of Justice Appropriations Act, 1989 (title II of Public Law 100-459, 102 Stat. 2203).

SEC. 110. PROHIBIT FEDERAL BENEFITS FOR ILLEGAL ALIENS.

(a) DIRECT FEDERAL FINANCIAL BENEFITS.—That on or after the date of enactment of this Act, notwithstanding any other provision of law, no direct Federal financial benefit or social insurance benefit may be paid or otherwise given to any person not lawfully present within the United States except pursuant to a provision of the Immigration and Nationality Act as amended; or as may be required by the Constitution of the United States.

(b) REIMBURSEMENT TO THE STATES.—No Federal funds shall be used to reimburse States for benefits paid or otherwise given to any person not lawfully within the United States except pursuant to a provision of the Immigration and Nationality Act; or as may be required by the Constitution of the United States.

(c) DEFINITION.—For the purposes of this section, the term "person not lawfully within the United States" shall be any person who at the time he or she applies for, receives, or attempts to receive such Federal financial benefit is not a United States citizen, a United States national, a permanent resident alien, an asylee, a refugee, a parolee, or a nonimmigrant in status, a temporary resident alien as conferred by

Congress, those applicants for asylum determined by the Attorney General to be eligible for such benefits or other aliens determined by the Attorney General to be eligible for such benefits.

(d) IMPACTED BY UNDOCUMENTED ALIENS.—In no case should the benefits described in subsection (a), or the provisions of subsection (b), include such programs which provide general assistance to States and communities impacted by the arrival of undocumented aliens or other assistance which is not a direct cash benefit or Federal social insurance benefit to individual aliens.

SEC. 111. TREATMENT OF HONG KONG AS A SEPARATE FOREIGN STATE FOR NUMERICAL LIMITATIONS.

The approval referred to in the first sentence of section 202(b) of the Immigration and Nationality Act shall be considered to have been granted, effective beginning with fiscal year 1990, with respect to Hong Kong as a separate foreign state, and not as a colony or other component or dependent area of another foreign state, section 202(c) of such Act shall not apply to Hong Kong, except that the total number of immigrant visas made available to natives of Hong Kong in any fiscal year may not exceed 3.5 percent of the total number of visas made available under section 202(a) in that fiscal year.

SEC. 112. DOCUMENT FRAUD PROVISIONS OF INA.

Section 1546(b) of title 18, United States Code, is amended by inserting "or section 203(b)(5)" after "section 274A(b)".

SEC. 113. INCENTIVES FOR TRAINED MEDICAL PERSONNEL TO WORK IN RURAL AREAS.

(a) CONDITIONAL BASIS FOR PERMANENT RESIDENT STATUS FOR TRAINED MEDICAL PERSONNEL.—Chapter 2 of title II of the Immigration and Nationality Act is amended by adding at the end the following new section: "CONDITIONAL PERMANENT RESIDENT STATUS FOR TRAINED MEDICAL PERSONNEL, SPOUSES, AND CHILDREN

"SEC. 218. (a) IN GENERAL.—

"(1) CONDITIONAL BASIS FOR STATUS.—Notwithstanding any other provision of this Act, an alien who is a trained medical person (as defined in subsection (f)(1)), spouse, and child (as defined in subsection (f)(2)) shall be considered, at the time of obtaining the status of an alien lawfully admitted for permanent residence, to have obtained such status on a conditional basis subject to the provisions of this section if such person, with the prior approval of the governor of that state, has made a commitment to perform medical services in a Health Manpower Shortage Area in an individual State as defined under the Public Health Service Act, where there is a shortage in United States trained physicians, and such person has obtained privileges from a hospital located within that Health Manpower Shortage Area for 10 years.

"(2) NOTICE OF REQUIREMENTS.—

"(A) AT TIME OF OBTAINING PERMANENT RESIDENCE.—At the time an alien medical person, spouse, or child obtains permanent resident status on a conditional basis under paragraph (1), the Attorney General shall provide for notice to such medical person, spouse, or child respecting the provisions of this section and the requirements of subsection (c)(1) to have the conditional basis of such status removed.

"(B) AT TIME OF REQUIRED PETITION.—In addition, the Attorney General shall attempt to provide notice to such medical person, spouse, or child, at or about the beginning of the 90-day period described in

subsection (d)(2)(A), of the requirements of subsection (c)(1).

"(C) EFFECT OF FAILURE TO PROVIDE NOTICE.—The failure of the Attorney General to provide a notice under this paragraph shall not affect the enforcement of the provisions of this section with respect to such medical person, spouse, or child.

"(b) TERMINATION OF STATUS IF FINDING THAT QUALIFYING ENTREPRENEURSHIP IMPROPER.—

"(1) IN GENERAL.—In the case of an alien with permanent resident status on a conditional basis under subsection (a), if the Attorney General determines, before the tenth anniversary of the alien's obtaining the status of lawful admission for permanent residence, that the alien is not performing medical services in a Health Manpower Shortage Area or has not obtained privileges from a hospital located within that Health Manpower Shortage Area, then the Attorney General shall so notify the alien involved and, subject to paragraph (2), shall terminate the permanent resident status of the alien involved as of the date of the determination.

"(2) HEARING IN DEPORTATION PROCEEDING.—Any alien whose permanent resident status is terminated under paragraph (1) may request a review of such determination in a proceeding to deport the alien. In such proceeding, the burden of proof shall be on the Attorney General to establish, by a preponderance of the evidence, that a condition described in paragraph (1) is met.

"(c) REQUIREMENTS OF TIMELY PETITION AND INTERVIEW FOR REMOVAL OF CONDITION.—

"(1) IN GENERAL.—In order for the conditional basis established under subsection (a) for an alien medical person, spouse, or child to be removed—

"(A) the alien medical person must submit to the Attorney General, during the period described in subsection (d)(2), a petition which requests the removal of such conditional basis and which states, under penalty of perjury, the facts and information described in subsection (d)(1), and

"(B) in accordance with subsection (d)(3), the alien medical person must appear for a personal interview before an officer or employee of the Service respecting the facts and information described in subsection (d)(1).

"(2) TERMINATION OF PERMANENT RESIDENT STATUS FOR FAILURE TO FILE PETITION OR HAVE PERSONAL INTERVIEW.—

"(A) IN GENERAL.—In the case of an alien with permanent resident status on a conditional basis under subsection (a), if—

"(i) no petition is filed with respect to the alien in accordance with the provisions of paragraph (1)(A), or

"(ii) unless there is good cause shown, the alien medical person fails to appear at the interview described in paragraph (1)(B),

the Attorney General shall terminate the permanent resident status of the alien as of the tenth anniversary of the alien's lawful admission for permanent residence.

"(B) HEARING IN DEPORTATION PROCEEDING.—In any deportation proceeding with respect to an alien whose permanent resident status is terminated under subparagraph (A), the burden of proof shall be on the alien to establish compliance with the conditions of paragraphs (1)(A) and (1)(B).

"(3) DETERMINATION AFTER PETITION AND INTERVIEW.—

"(A) IN GENERAL.—If—

"(i) a petition is filed in accordance with the provisions of paragraph (1)(A), and

"(ii) the alien medical person appears at the interview described in paragraph (1)(B), the Attorney General shall make a determination, within 90 days of the date of the interview, as to whether the facts and information described in subsection (d)(1) and alleged in the petition are true with respect to the performance of medical services by the alien.

"(B) REMOVAL OF CONDITIONAL BASIS IF FAVORABLE DETERMINATION.—If the Attorney General determines that such facts and information are true, the Attorney General shall so notify the alien involved and shall remove the conditional basis of the alien's status effective as of the tenth anniversary of the alien's obtaining the status of lawful admission for permanent residence.

"(C) TERMINATION IF ADVERSE DETERMINATION.—If the Attorney General determines that such facts and information are not true, the Attorney General shall so notify the alien involved and, subject to subparagraph (D), shall terminate the permanent resident status of an alien medical person, spouse, or child as of the date of the determination.

"(D) HEARING IN DEPORTATION PROCEEDING.—Any alien whose permanent resident status is terminated under subparagraph (C) may request a review of such determination in a proceeding to deport the alien. In such proceeding, the burden of proof shall be on the Attorney General to establish, by a preponderance of the evidence, that the facts and information described in subsection (d)(1) and alleged in the petition are not true with respect to the performance of medical services by the alien.

"(d) DETAILS OF PETITION AND INTERVIEW.—

"(1) CONTENTS OF PETITION.—Each petition under subsection (c)(1)(A) shall contain facts and information demonstrating that the alien performed medical services in a Health Manpower Shortage Area or obtained privileges from a hospital located within that Health Manpower Shortage Area throughout the alien's residence in the United States.

"(2) PERIOD FOR FILING PETITION.—

"(A) 90-DAY PERIOD BEFORE SECOND ANNIVERSARY.—Except as provided in subparagraph (B), the petition under subsection (c)(1)(A) must be filed during the 90-day period before the tenth anniversary of the alien's obtaining the status of lawful admission for permanent residence.

"(B) DATE PETITIONS FOR GOOD CAUSE.—Such a petition may be considered if filed after such date, but only if the alien establishes to the satisfaction of the Attorney General good cause and extenuating circumstances for failure to file the petition during the period described in subparagraph (A).

"(C) FILING OF PETITIONS DURING DEPORTATION.—In the case of an alien who is the subject of deportation hearings as a result of failure to file a petition on a timely basis in accordance with subparagraph (A), the Attorney General may stay such deportation proceedings against an alien pending the filing of the petition under subparagraph (B).

"(3) PERSONAL INTERVIEW.—The interview under subsection (c)(1)(B) shall be conducted within 90 days after the date of submitting a petition under subsection (c)(1)(A) and at a local office of the Service, designated by the Attorney General, which is convenient to the parties involved. The Attorney General, in the Attorney General's discretion, may waive the deadline for such an

interview or the requirement for such an interview in such cases as may be appropriate.

"(e) TREATMENT OF PERIOD FOR PURPOSES OF NATURALIZATION.—For purposes of title III, in the case of an alien who is in the United States as a lawful permanent resident on a conditional basis under this section, the alien shall be considered to have been admitted as an alien lawfully admitted for permanent residence and to be in the United States as an alien lawfully admitted to the United States for permanent residence beginning 5 years after the conditional admission of the alien.

"(f) DEFINITIONS.—In this section:

"(1) The term 'alien medical person' means an alien who obtains the status of an alien lawfully admitted for permanent residence under section 201(a)(3) and who is a physician or nurse, licensed to practice within that State and who is competent in oral and written English.

"(2) The term 'spouse' and the term 'child' mean an alien who obtains the status of an alien lawfully admitted for permanent residence (whether on a conditional basis or otherwise) by virtue of being the spouse or child, respectively, of an alien entrepreneur."

"(b) ADDITIONAL GROUND FOR DEPORTATION.—Section 241(a)(9) (8 U.S.C. 1251(a)(9)) is amended by inserting before the semicolon at the end thereof the following: ", or (C) is an alien with permanent resident status on a conditional basis under section 218 and has such status terminated under such section".

"(c) CRIMINAL PENALTY FOR IMMIGRATION-RELATED ENTREPRENEURSHIP FRAUD.—Section 275 of such Act (8 U.S.C. 1325) is amended by adding at the end thereof the following new subsection:

"(c) Any individual who knowingly performs medical services under section 109 for the purpose of evading any provision of the immigration laws shall be imprisoned for not more than 5 years, or fined not more than \$250,000, or both."

"(d) LIMITATION ON ADJUSTMENT OF STATUS.—Section 245 of such Act (8 U.S.C. 1255) is amended by adding at the end thereof the following new subsection:

"(f) The Attorney General may not adjust, under subsection (a), the status of an alien lawfully admitted to the United States for permanent residence on a conditional basis under section 218."

"(e) CONFORMING AMENDMENT.—The table of contents of such Act is amended by inserting after the item relating to section 217 the following new item:

"Sec. 218. Conditional permanent resident status for trained medical personnel, spouses, and children."

SEC. 114. ENTRY OF CERTAIN AIRCRAFT CREWMEMBERS.

Section 217 of the Immigration and Nationality Act (8 U.S.C. 1187) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting the following new subsection:

"(e) The Attorney General and the Secretary of State are further authorized to issue regulations providing for the waiver of visa requirements for aircraft crewmembers serving on aircraft who are nationals of pilot program countries designated pursuant to subsection (c). Such regulations may provide for aircraft crew visa waivers on a reciprocal basis with each individual pilot program country during the pilot program period."

SEC. 115. EFFECTIVE DATES AND TRANSITION.

(a) IN GENERAL.—The amendments made by this title shall take effect on October 1, 1990, and shall apply to immigrant visa numbers issued for fiscal years beginning with fiscal year 1991; except that the amendments made by section 103(b) (relating to immigrant visa petitioning process) shall take effect on the date of the enactment of this Act and apply to immigrant visa numbers issued for fiscal years beginning with fiscal year 1991.

(b) GENERAL TRANSITION.—In the case of a petition filed under section 204(a) of the Immigration and Nationality Act before October 1, 1990, for preference status under section 203(a)(3) or section 203(a)(6) of such Act (as in effect before such date), such petition shall be deemed as of October 1, 1990, to be a petition for the status described in section 203(b)(2) or 203(b)(3) of such Act (as amended by this title), as elected by the petitioner, and the priority date for such petition shall remain in effect, except that petitions filed before such date for preference status on the basis of unskilled labor under section 203(a)(6) of such Act (as in effect before such date) shall be deemed as of such date to be petitions for the status described in section 203(b)(3) of such Act (as amended by this title).

(c) ADMISSIBILITY STANDARDS.—When an immigrant, in possession of an unexpired immigrant visa issued before October 1, 1990, makes application for admission, the immigrant's admissibility under paragraphs (20) and (21) of section 212(a) of the Immigration and Nationality Act shall be determined under the provisions of law in effect on the date of the issuance of such visa.

(d) CONSTRUCTION.—Nothing in this title shall be construed as affecting the provisions of section 19 of Public Law 97-116, section 2(c)(1) of Public Law 97-271, or section 202(e) of Public Law 99-603.

TITLE II—NATURALIZATION AMENDMENTS OF 1989

SEC. 201. SHORT TITLE; REFERENCES IN TITLE.

(a) SHORT TITLE.—This title may be cited as the "Naturalization Amendments of 1989".

(b) AMENDMENTS TO IMMIGRATION AND NATIONALITY ACT.—Except as otherwise specifically provided in this title, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Immigration and Nationality Act.

SEC. 202. ADMINISTRATIVE NATURALIZATION.

Section 310 (8 U.S.C. 1421) is amended to read as follows:

"NATURALIZATION AUTHORITY

"SEC. 310. (a) AUTHORITY IN ATTORNEY GENERAL.—The original authority to naturalize persons as citizens of the United States is conferred solely upon the Attorney General.

"(b) ADMINISTRATION OF OATHS.—An applicant for naturalization may choose to have the oath of allegiance under section 337(a) administered by the Attorney General or by any district court of the United States for any State or by any court of record in any State having a seal, a clerk, and jurisdiction in actions in law or equity, or law and equity, in which the amount in controversy is unlimited. The jurisdiction of all courts specified in this subsection to administer the oath of allegiance shall extend only to

persons resident within the respective jurisdiction of such courts.

"(c) APPEAL TO BIA; JUDICIAL REVIEW.—(1) A person whose application for naturalization under this title is denied, after a hearing before an immigration officer under section 336(a), may seek review of such denial before the Board of Immigration Appeals (established by the Attorney General under part 3 of title 8, Code of Federal Regulations). The decision of such Board is reviewable by the United States district court for the district in which such person resides. Such review of the district court shall be de novo, and the district court shall make its own findings of fact and conclusions of law and shall, at the request of the petitioner, conduct a hearing de novo on the application.

"(2) The district court shall issue an order authorizing the naturalization of a person in accordance with this title only after determining, upon review of the denial of that person's application for naturalization, that such denial was wrongfully made as a matter of fact or of law.

"(d) SOLE PROCEDURE.—A person may only be naturalized as a citizen of the United States in the manner and under the conditions prescribed in this title and not otherwise."

SEC. 203. SUBSTITUTING 3 MONTHS RESIDENCE IN INS DISTRICT OR STATE FOR 6 MONTHS RESIDENCE IN A STATE.

Section 316(a)(1) (8 U.S.C. 1427(a)(1)) is amended by striking "and who has resided within the State in which the petitioner filed the petition for at least six months" and inserting "and who has resided within the State or within the district of the Service in the United States in which the applicant filed the application for at least three months".

SEC. 204. PUBLIC EDUCATION REGARDING NATURALIZATION BENEFITS.

(a) IN GENERAL.—Section 332 (8 U.S.C. 1443) is amended by adding at the end thereof the following new subsection:

"(h) The Attorney General shall broadly disseminate information respecting the benefits which persons may receive under this title and the requirements to obtain such benefits. In carrying out this subsection, the Attorney General shall seek the assistance of appropriate community groups, private voluntary agencies, and other relevant organizations, and the Attorney General is authorized to make grants to, and enter into contracts with, such organizations for such purposes."

(b) ALLOCATION OF FUNDS.—(1) Section 404 (8 U.S.C. 1101, note) is amended by adding at the end thereof the following new subsection:

"(c) Of the amounts authorized to be appropriated by section 404 to carry out this Act for a fiscal year, \$1,000,000 shall be available only to carry out section 332(h) for such fiscal year."

(2) The amendment made by paragraph (1) shall take effect on October 1, 1989.

SEC. 205. NATURALIZATION OF NATIVES OF THE PHILIPPINES THROUGH ACTIVE-DUTY SERVICE IN THE ARMED FORCES DURING WORLD WAR II.

Section 329 (8 U.S.C. 1440) is amended—

(1) in subsection (a), by striking "Any" and inserting "Except as provided in subsection (d), any"; and

(2) by adding at the end thereof the following new subsection:

"(d) Paragraphs (1) and (2) of subsection (a) shall not apply to the naturalization of any person—

"(1) who was born in the Philippines or who was otherwise a noncitizen national of the United States residing in the Philippines before the service described in paragraph (2);

"(2) who served honorably in an active-duty status in the military, air, or naval forces of the United States at any time during the period beginning September 1, 1939, and ending December 31, 1946;

"(3) who is otherwise eligible for naturalization under this section; and

"(4) who applies for naturalization not later than one year after the date of enactment of the Naturalization Amendments of 1989."

SEC. 206. CONFORMING AMENDMENTS.

(a) CONFORMING AMENDMENTS TO SECTION 310 REVISION.—(1) The item in the table of contents relating to section 310 is amended to read as follows:

"Sec. 310. Naturalization authority."

(2) Section 101(a)(36) (8 U.S.C. 1101(a)(36)) is amended by striking "(except as used in section 310(a) of title III)".

(b) CONFORMING AMENDMENTS TO CHANGE IN RESIDENCE REQUIREMENT.—(1) Section 319 (8 U.S.C. 1430) is amended—

(A) in subsection (a), by striking "has resided within the State in which he filed his petition for at least six months" and inserting "has resided within the State or the district of the Service in the United States in which the applicant filed his application for at least three months";

(B) in subsections (b) and (d), by striking "within the jurisdiction of the naturalization court" and inserting "within a State or a district of the Service in the United States"; and

(C) subsection (c) is amended by striking "within the jurisdiction of the court" and inserting "district of the Service in the United States".

(2) Section 322(c) (8 U.S.C. 1433(c)) is amended by striking "within the jurisdiction of the naturalization court" and inserting "within a State or a district of the Service in the United States".

(3) Section 324(a)(1) (8 U.S.C. 1435(a)(1)) is amended by inserting "or district of the Service in the United States" after "State".

(4) Section 328 (8 U.S.C. 1439) is amended—

(A) in subsection (a)—

(i) by inserting "or district of the Service in the United States" after "State"; and

(ii) by striking "for at least six months" and inserting "for at least three months";

(B) in subsection (b)(1), by striking "within the jurisdiction of the court" and inserting "within a State or district of the Service in the United States"; and

(C) in subsection (c), by inserting "or district of the Service in the United States" after "State".

(5) Section 329(b) (8 U.S.C. 1440(b)) is amended—

(A) in paragraph (2)—

(i) by inserting "or district of the Service in the United States" after "State"; and

(ii) by inserting "and" at the end of paragraph (2);

(B) by striking paragraph (3), and

(C) by redesignating paragraph (4) as paragraph (3).

(c) SUBSTITUTION OF APPLICATION FOR NATURALIZATION FOR PETITION FOR NATURALIZATION.—The text of the following provisions is amended by striking "a petition", "petition", "petitions", "a petitioner", "petitioner", "petitioners", "petitioning", and "petitioned" each place it appears and inserting "an application", "application", "applica-

tions" or "applies" (as the case may be), "an applicant", "applicant", "applicant's", "applying", and "applied", respectively:

(1) Section 313(c) (8 U.S.C. 1424(c)).

(2) Section 316 (8 U.S.C. 1427).

(3) Section 317 (8 U.S.C. 1428).

(4) Section 318 (8 U.S.C. 1429).

(5) Section 319 (a) and (c) (8 U.S.C. 1430 (a), (c)).

(6) Section 322(a) (8 U.S.C. 1433).

(7) Section 324 (8 U.S.C. 324(a)).

(8) Section 325 (8 U.S.C. 1436).

(9) Section 326 (8 U.S.C. 1437).

(10) Section 328 (8 U.S.C. 1439).

(11) Section 329 (8 U.S.C. 1440).

(12) Section 330 (8 U.S.C. 1441).

(13) Section 331 (8 U.S.C. 1442), other than subsection (d).

(14) Section 333(a) (8 U.S.C. 1444(a)).

(15) Section 334 (8 U.S.C. 1445).

(16) Section 335 (8 U.S.C. 1446).

(17) Section 336 (8 U.S.C. 1447).

(18) Section 337 (8 U.S.C. 1448).

(19) Section 338 (8 U.S.C. 1449).

(20) Section 344 (8 U.S.C. 1455).

(21) Section 1429 of title 18, United States Code.

(d) SUBSTITUTING APPROPRIATE ADMINISTRATIVE AUTHORITY FOR NATURALIZATION COURT.—(1) Section 316 (8 U.S.C. 1427) is amended—

(A) in subsection (b), by striking "court" each place it appears and inserting "Attorney General";

(B) in subsection (b), by striking "date of final hearing" and inserting "date of any hearing under section 336(a)";

(C) in subsection (e), by striking "the court" and inserting "the Attorney General";

(D) in subsection (g)(1), by striking "within the jurisdiction of the court" and inserting "within a particular State or district of the Service in the United States", and

(E) in subsection (g)(2), by amending the first sentence to read as follows: "An applicant for naturalization under this subsection may be administered the oath of allegiance under section 337(a) by any district court of the United States, without regard to the residence of the applicant."

(2) The second sentence of section 317 (8 U.S.C. 1428) is amended by striking "and the naturalization court".

(3) The third sentence of section 318 (8 U.S.C. 1429) is amended—

(A) by striking "finally heard by a naturalization court" and inserting "considered by the Attorney General"; and

(B) by striking "upon the naturalization court" and inserting "upon the Attorney General".

(4) Section 319 (8 U.S.C. 1430) is amended—

(A) in subsection (b)(3), by striking "naturalization court" and inserting "Attorney General"; and

(B) in subsection (c)(5), by striking "naturalization court" and inserting "Attorney General".

(5) Section 322(c)(2)(C) (8 U.S.C. 1433(c)(2)(C)) is amended by striking "naturalization court" the first place it appears and inserting "the Attorney General".

(6) Section 324 (8 U.S.C. 1435) is amended—

(A) in subsection (a)—

(i) by inserting "and" at the end of paragraph (1),

(ii) by striking the semicolon at the end of paragraph (2) and inserting a period, and

(iii) by striking paragraphs (3) and (4);

(B) in subsection (b), by striking "naturalization court" and inserting "Attorney General"; and

(C) in subsection (c)—

(i) in paragraph (2), by striking "the judge or clerk of a naturalization court" and inserting "the Attorney General or the judge or clerk of a court described in section 310(b)", and

(ii) in paragraph (3), by striking "or naturalization court" each place it appears and inserting "court, or the Attorney General".

(7) Section 327(a) (8 U.S.C. 1438(a)) is amended—

(A) by striking "any naturalization court specified in section 310(a) of this title" and inserting "the Attorney General or before a court described in section 310(b)"; and

(B) by inserting "and by the Attorney General to the Secretary of State" after "Department of Justice".

(8) Section 328(c) (8 U.S.C. 1439(c)) is amended by striking "the final hearing" and inserting "any hearing".

(9) Section 331(b) (8 U.S.C. 1442(b)) is amended by striking "called for a hearing" and all that follows through "to be continued" and inserting "considered or heard except after 90 days' notice to the Attorney General regarding the application, and the Attorney General's objection to such consideration shall cause the application to be continued".

(10) Section 332(a) (8 U.S.C. 1443(a)) is amended—

(A) by striking "for the purpose" and all that follows through "naturalization courts" in the first sentence, and

(B) by striking the second sentence.

(11) Section 333(a) (8 U.S.C. 1444(a)) is amended by striking "clerk of the court" and inserting "Attorney General".

(12) Section 334 (8 U.S.C. 1445) is amended—

(A) by amending the heading to read as follows:

**"APPLICATION FOR NATURALIZATION;
DECLARATION OF INTENTION";**

(B) in subsection (a)—

(i) by striking "in the office of the clerk of a naturalization court" and inserting "with the Attorney General";

(ii) by striking "upon the hearing of such petition" and inserting "under this title";

(C) in subsection (b)—

(i) by striking "(1)",

(ii) by striking "and (2)" and all that follows through "Attorney General", and

(iii) by striking "petition for";

(D) by amending subsections (c) through (e) to read as follows:

"(c) Hearings under section 336(a) on applications for naturalization shall be held at regular intervals, to be fixed by the Attorney General.

"(d) Except as provided in subsection (e), an application for naturalization shall be filed in person in an office of the Attorney General.

"(e) A person may file an application for naturalization other than in an office of the Attorney General, and an oath of allegiance may be administered other than in a public ceremony before the Attorney General or a court, if the Attorney General determines that the person has an illness or other disability which—

"(1) is of a permanent nature and is sufficiently serious to prevent the person's personal appearance, or

"(2) is of a nature which so incapacitates the person as to prevent him from personally appearing."; and

(E) by striking the first sentence of subsection (f) and inserting the following: "An alien who has attained the age of 18 years of age and who is residing in the United States pursuant to a lawful admission for permanent residence may file with the Attorney General a declaration of intention to become a citizen of the United States. Such a declaration shall be filed in duplicate and in a form prescribed by the Attorney General and shall be accompanied by an application prescribed and approved by the Attorney General."

(13) Section 335 (8 U.S.C. 1146) is amended—

(A) by amending the heading to read as follows:

**"INVESTIGATION OF APPLICANTS; EXAMINATION
OF APPLICATIONS";**

(B) in subsection (a), by striking "At any time" and all that follows through "336(a)" and inserting "Before a person may be naturalized";

(C) in subsection (b)—

(i) by striking "preliminary" each place it appears,

(ii) in the first sentence, by striking "to any naturalization court" and all that follows through "to such court",

(iii) by striking "any court exercising naturalization jurisdiction as specified in section 310 of this title" in the second sentence and inserting "any district court of the United States"; and

(iv) by striking "final hearing conducted by a naturalization court designated in section 310 of this title" in the third sentence and inserting "hearing conducted by an immigration officer under section 336(a)";

(D) in subsection (c)—

(i) by striking "preliminary" each place it appears, and

(ii) by striking "recommendation" and inserting "determination"; and

(E) by amending subsections (d) through (f) to read as follows:

"(d) The employee designated to conduct any such examination shall submit to the Attorney General a determination as to whether the application be granted, denied, or continued, with reasons therefor.

"(e) After an application for naturalization has been filed with the Attorney General, the applicant shall not be permitted to withdraw his application, except with the consent of the Attorney General. In cases where the Attorney General does not consent to the withdrawal of the application, the application shall be determined on its merits and a final determination made accordingly. In cases where the applicant fails to prosecute his application, the application shall be decided on the merits unless the Attorney General dismisses it for lack of prosecution.

"(f) An applicant for naturalization who moves from the district of the Service in the United States in which the application is pending may, at any time thereafter, request the Service to transfer the application to any district of the Service in the United States which may act on the application. The transfer shall not be made without the consent of the Attorney General. In the case of such a transfer, the proceedings on the application shall continue as though the application had originally been filed in the district of the Service to which the application is transferred."

(14) Section 336 (8 U.S.C. 1447) is amended—

(A) by amending the heading to read as follows:

**"HEARINGS ON DENIALS OF APPLICATIONS FOR
NATURALIZATION";**

(B) by amending subsections (a) and (b) to read as follows:

"(a) If, after an examination under section 335, an application for naturalization is denied or continued, the applicant may request a hearing before an immigration officer.

"(b) Where there has been a failure to make a determination under section 335 on an application or a failure to have a hearing under subsection (a) on a denial or continuance of an application, the Board of Immigration Appeals (established by the Attorney General under part 3 of title 8, Code of Federal Regulations) may, in its discretion, and shall, at the request of the applicant in extraordinary circumstances, require such a determination or hearing."

(C) in subsection (c), by striking "court" and inserting "immigration officer";

(D) in subsection (d)—

(i) by striking "clerk of the court" and all that follows through "naturalization" and inserting "immigration officer shall, if the applicant requests it at the time of filing the request for the hearing",

(ii) by striking "final" each place it appears, and

(iii) by adding at the end the following: "Such subpoenas may be enforced in the same manner as subpoenas under section 335(b) may be enforced."; and

(E) in subsection (e)—

(i) by striking "naturalization of any person," and inserting "administration by a court of the oath of allegiance under section 337(a)", and

(ii) by striking "included in the petition for naturalization of such persons" and inserting "included in an appropriate petition to the court".

(15) Section 337 (8 U.S.C. 1448) is amended—

(A) in subsection (a)—

(i) in the first sentence, by striking "in open court" and inserting "in a public ceremony before the Attorney General or a court with jurisdiction under section 310(b)",

(ii) in the second and fourth sentences, by striking "naturalization court" each place it appears and inserting "Attorney General", and

(iii) in the fourth sentence, by striking "the court" and inserting "the Attorney General";

(B) in subsection (b)—

(i) by striking "in open court in the court in which the petition for naturalization is made" and inserting "in the same public ceremony in which the oath of allegiance is administered", and

(ii) by striking "in the court" after "recommended";

(C) in subsection (c)—

(i) by striking "being in open court" and inserting "attending a public ceremony", and

(ii) by striking "a judge of the court at such place as may be designated by the court" and inserting "at such place as the Attorney General may designate under section 334(e)"; and

(D) by adding at the end the following new subsection:

"(d) The Attorney General shall prescribe rules and procedures to ensure that the public ceremonies conducted by the Attorney General for the administration of oaths of allegiance under this section are in keeping with the dignity of the occasion."

(16) Section 338 (8 U.S.C. 1449) is amended—

(A) by striking "by a naturalization court";

(B) by striking "the clerk of such court" and inserting "the Attorney General";

(C) by striking "title, venue, and location of the naturalization court" and inserting "location of the district office of the Service in which the application was filed and the title, authority, and location of the official or court administering the oath of allegiance";

(D) by striking "the court" and inserting "the Attorney General"; and

(E) by striking "of the clerk of the naturalization court; and seal of the court" and inserting "of an immigration officer; and the seal of the Department of Justice".

(17) Section 339 (8 U.S.C. 1450) is amended to read as follows:

"FUNCTIONS AND DUTIES OF CLERKS AND RECORDS OF DECLARATIONS OF INTENTION AND APPLICATIONS FOR NATURALIZATION

"Sec. 339. (a) The clerk of each court that administers oaths of allegiance under section 337 shall—

"(1) issue to each person to whom such an oath is administered a document evidencing that such an oath was administered,

"(2) forward to the Attorney General information concerning each person to whom such an oath is administered by the court, within 30 days after the close of the month in which the oath was administered,

"(3) make and keep on file evidence for each such document issued, and

"(4) forward to the Attorney General certified copies of such other proceedings and orders instituted in or issued out of the court affecting or relating to the naturalization of persons as may be required from time to time by the Attorney General.

"(b) Each district office of the Service in the United States shall maintain, in chronological order, indexed, and consecutively numbered, as part of its permanent records, all declarations of intention and applications for naturalization filed with the office."

(18) Section 340 (8 U.S.C. 1451) is amended in the first sentence of subsection (a), by striking "in any court specified in subsection (a) of section 310 of this title" and inserting "in any district court of the United States";

(19) Section 344 (8 U.S.C. 1455) is amended—

(A) in subsection (a)—

(i) by striking "The clerk of the court" and inserting "The Attorney General";

(ii) in paragraph (1), by striking "final", and

(iii) in paragraph (1), by striking "the naturalization court" and inserting "the Attorney General";

(B) by striking subsections (c), (d), (e), and (f);

(C) in subsection (g)—

(i) by striking ", and all fees paid over to the Attorney General by clerks of courts under the provisions of this title.", and

(ii) by striking "or by the clerks of the courts";

(D) in subsection (h)—

(i) by striking "no clerk of a United States court shall" and inserting "the Attorney General may not";

(ii) by striking ", and no clerk of any State court" and all that follows through "charged or collected", and

(iii) by striking the second sentence;

(E) in subsection (i), by striking "clerk of court", "from the clerk", "such clerk", and

"by the clerk" and inserting "Attorney General", "from the Attorney General", "the Attorney General", and "by the Attorney General", respectively; and

(F) by redesignating subsections (g), (h), and (i) as subsections (c), (d), and (e), respectively.

(20) Section 348 (8 U.S.C. 1459) is amended—

(A) by striking subsection (b); and

(B) by striking "(a)," in subsection (a).

(e) STRIKING MISCELLANEOUS MATERIAL.—Section 316 (8 U.S.C. 1427) is amended—

(A) by striking subsection (f); and

(B) by redesignating subsection (g) as subsection (f).

(3) Section 331 (8 U.S.C. 1442) is amended by striking the second sentence of subsection (d).

(f) CORRECTIONS OF TABLE OF CONTENTS.—(1) The items in the table of contents relating to sections 334 through 336 are amended to read as follows:

"Sec. 334. Application for naturalization; declaration of intention.

"Sec. 335. Investigation of applicants; examination of applications.

"Sec. 336. Hearings on denials of applications for naturalization."

(2) The item in the table of contents relating to section 339 is amended to read as follows:

"Sec. 339. Functions and duties of clerks and records of declarations of intention and applications for naturalization."

SEC. 207. EFFECTIVE DATES AND SAVINGS PROVISIONS.

(a) EFFECTIVE DATE.—

(1) NO NEW COURT PETITIONS AFTER EFFECTIVE DATE.—No court shall have jurisdiction, under section 310(a) of the Immigration and Nationality Act, to naturalize a person unless a petition for naturalization with respect to that person has been filed with the court before the effective date (as defined in paragraph (3)).

(2) TREATMENT OF CURRENT COURT PETITIONS.—

(A) CONTINUATION OF CURRENT RULES.—Except as provided in subparagraph (B), any petition for naturalization which may be pending in a court on the effective date shall be heard and determined in accordance with the requirements of law in effect when the petition was filed.

(B) PERMITTING WITHDRAWAL AND CONSIDERATION OF APPLICATION UNDER NEW RULES.—In the case of any petition for naturalization which may be pending in any court on the date of the enactment of this Act, the petitioner may withdraw such petition and have the petitioner's application for naturalization considered under the amendments made by this title.

(3) EFFECTIVE DATE DEFINED.—As used in this section, the term "effective date" means the first day of the fourth month beginning after the date of the enactment of this Act.

(4) GENERAL EFFECTIVE DATE.—Except as otherwise provided in this section, the amendments made by this title are effective as of the date of the enactment of this Act.

(b) INTERIM, FINAL REGULATIONS.—The Attorney General shall prescribe regulations (on an interim, final basis or otherwise) to implement, on a timely basis, the amendments made by this title.

(c) CONTINUING DUTIES.—The amendments to section 339 of the Immigration and Nationality Act (relating to functions and duties of clerks) shall not apply to functions

and duties respecting petitions filed before the effective date.

(d) GENERAL SAVINGS PROVISIONS.—(1) Nothing contained in this title, unless otherwise specifically provided, shall be construed to affect the validity of any declaration of intention, petition for naturalization, certificate of naturalization, certification of citizenship, or other document or proceeding which is valid as of the effective date; or to affect any prosecution, suit, action, or proceedings, civil or criminal, brought, or any status, condition, right in process of acquisition, act, thing, liability, obligation, or matter, civil or criminal, done or existing, as of the effective date.

(2) As to all such prosecutions, suits, actions, proceedings, statutes, conditions, rights, acts, things, liabilities, obligations, or matters, the provisions of law repealed by this title are, unless otherwise specifically provided, hereby continued in force and effect.

TITLE III—STATUS OF STUDENTS FROM THE PEOPLE'S REPUBLIC OF CHINA

SEC. 301. SHORT TITLE.

This title may be cited as the "Emergency Chinese Immigration Relief Act of 1989".

SEC. 302. ADJUSTMENT OF STATUS OF CERTAIN NATIONALS OF THE PEOPLE'S REPUBLIC OF CHINA.

The Immigration and Nationality Act is amended by inserting after section 245A the following new section:

"ADJUSTMENT OF STATUS OF CERTAIN NATIONALS OF THE PEOPLE'S REPUBLIC OF CHINA

"SEC. 245B. (a) WAIVER OF FOREIGN RESIDENCE REQUIREMENT FOR 'J' NONIMMIGRANTS.—Notwithstanding the provisions of section 212(e) of the Immigration and Nationality Act, persons who are nationals of the People's Republic of China may apply for adjustment of status to that of an alien lawfully admitted for permanent residence or for a change to another nonimmigrant status if such national—

"(1) was admitted to the United States as a nonimmigrant under section 101(a)(15)(J), or changed status to that of a nonimmigrant under 101(a)(15)(J), of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(J)), and

"(2) has been continuously resident in the United States since June 5, 1989.

"(b) PRESUMPTION OF CONTINUOUS RESIDENCE FOR CERTAIN PRC NATIONALS.—For purposes of adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1225) and change of status under section 248 of such Act (8 U.S.C. 1228), in the case of any alien who is a national of the People's Republic of China—

"(1) who, as of June 5, 1989, was present in the United States in the lawful status of a nonimmigrant described in section 101(a)(15)(F), (J), or (M), or

"(2) who was present in the United States as a nonimmigrant described in section 101(a)(15)(F), (J), or (M) before June 5, 1989, but who, as of that date was not present in the United States because of a brief, casual, and innocent trip abroad,

such an alien shall be considered as having continued to maintain lawful status as such a nonimmigrant (and to have maintained continuously a lawful status) for the period described in subsection (e).

"(c) AUTHORIZATION OF TRAVEL ABROAD.—The Attorney General shall, in accordance with existing regulations, permit an alien described in paragraph (1) or (2) of subsection (b) to return to the United States after

such brief and casual trips abroad as reflect an intention on the part of the alien to continue residence in the United States.

"(d) **EMPLOYMENT AUTHORIZATION.**—Any national of the People's Republic of China who is described in paragraph (1) or (2) of subsection (b) shall be granted authorization to engage in employment in the United States and shall be provided with an employment authorization document or other appropriate work permit for the period described in subsection (e).

"(e) **DURATION OF STATUS.**—(1) Subject to paragraph (2), nationals of the People's Republic of China described in paragraph (1) or (2) of subsection (b) shall have their departure from the United States deferred until June 5, 1993, regardless of whether there has been an adjustment or change of status under subsection (a) or (b).

"(2) On or after June 5, 1990, the Attorney General may terminate the status accorded under this subsection 60 days following the date that the President determines and so certifies to the Congress that conditions in the People's Republic of China permit such aliens to return to that country in safety.

"(f) **ADJUSTMENT TO LAWFUL RESIDENT STATUS OF CERTAIN NATIONALS OF THE PEOPLE'S REPUBLIC OF CHINA.**—

"(1) **ADJUSTMENT OF STATUS.**—The status of a national of the People's Republic of China shall be adjusted by the Attorney General to that of an alien lawfully admitted for temporary residence if the alien—

"(A) applies for such adjustment during the 90-day period prior to June 5, 1993;

"(B) establishes that the alien (i) lawfully entered the United States on or before June 5, 1989, as a nonimmigrant described in subparagraph (F) (relating to students), subparagraph (J) (relating to exchange visitors) or subparagraph (M) (relating to vocational students) of section 101(a)(15) of the Immigration and Nationality Act, or lawfully changed status to that of a nonimmigrant described in any such subparagraph on or before June 5, 1989, (ii) held a valid visa under any such subparagraph as of June 5, 1989, and (iii) has resided continuously in the United States since June 5, 1989 (other than brief, casual and innocent absences); and

"(C) meets the requirements of section 245A(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1255a(a)(4)): *Provided, however,* That membership in the Communist party of the People's Republic of China or subdivision thereof shall not constitute an independent basis for denial of adjustment of status if such membership was 'involuntary' or 'nonmeaningful';

and the the Attorney General shall not have terminated prior to June 5, 1993 the status accorded under subsection (e) of this section. The Attorney General shall provide for the acceptance and processing of applications under this subsection by not later than ninety days after the date of enactment of this Act.

"(2) **STATUS AND ADJUSTMENT OF STATUS.**—The provisions of subsections (b), (c) (6) and (7), (d), (f), (g), and (h) of section 245A of the Immigration and Nationality Act (8 U.S.C. 1255a) shall apply to aliens provided temporary residence under paragraph (1) in the same manner as they apply to aliens provided lawful temporary residence status under section 245A(a) of such Act: *Provided, however,* That membership in the Communist party of the People's Republic of China or subdivision thereof shall not constitute an independent basis for denial of adjust-

ment of status if such membership was 'involuntary' or 'nonmeaningful'."

SEC. 303. TASK FORCE ON STUDENTS FROM THE PEOPLE'S REPUBLIC OF CHINA IN THE UNITED STATES.

(1) **ESTABLISHMENT.**—It is the sense of the Senate that the President shall establish a task force to be known as the Task Force on Certain Nationals of the People's Republic of China in the United States (hereafter in this section referred to as the "Task Force"), composed of the Secretary of State (or his designee), who shall be the chair of the Task Force and representatives of other relevant agencies, as determined by the Secretary of State.

(2) **DUTIES AND RESPONSIBILITIES.**—The Task Force shall carry out the following duties and responsibilities:

(A) Taking into consideration the situation in the People's Republic of China, the Task Force shall assess the specific needs and status of citizens of the People's Republic of China who were admitted under non-immigrant visas to the United States.

(B) The Task Force shall formulate and recommend to the Congress and the President policies and programs to address the needs determined under subparagraph (A).

(C) The Task Force shall establish directly or indirectly a clearinghouse to provide those Chinese citizens described in subparagraph (A) and United States institutions of higher education with appropriate information including—

(i) public and private sources of financial assistance available to such citizens;

(ii) information and assistance regarding visas and immigration status; and

(iii) such other information as the Task Force considers feasible and appropriate.

(3) **REPORTS.**—(A) Not later than 60 days after the date of enactment of this Act, the President shall submit to the Congress a report on the status and work of the Task Force.

(B) Not later than May 1, 1990, and every 90 days after the establishment of such Task Force, the President shall submit to the appropriate committees of the Congress a report prepared by the Task Force, which shall include—

(i) recommendations under paragraph (2)(B); and

(ii) a comprehensive summary of the programs and activities of the Task Force.

(4) **TERMINATION.**—The Task Force shall cease to exist 2 years after the date of enactment of this Act.

TITLE IV—BURMESE STUDENTS

SEC. 401. REPORT TO CONGRESS ON UNITED STATES IMMIGRATION POLICY TOWARD BURMESE STUDENTS.

(a) The Attorney General, in consultation with the Secretary of State, shall report to the Committees on Foreign Relations and the Judiciary within 30 days of enactment of this Act on the immigration policy of the United States regarding Burmese pro-democracy protesters who have fled from the military government of Burma and are now located in border camps or inside Thailand. Specifically, the report shall include:

(1) a description of the number and location of such persons in border camps in Burma, inside Thailand, and in third countries;

(2) the number of visas and parole applications and approvals for such persons by United States authorities and precedents for increasing such visa and parole applications in such circumstances;

(3) the immigration policy of Thailand and other countries from which such persons have sought immigration assistance;

(4) the involvement of international organizations, such as the United Nations High Commission for Refugees, in meeting the residency needs of such persons; and

(5) the involvement of the United States, other countries, and international organizations in meeting the humanitarian needs of such persons.

The Attorney General shall recommend in the report any legislative changes he deems appropriate to meet the asylum, refugee, parole, or visa status needs of such persons.

(b) As used in this section, the term "pro-democracy protesters" means those persons who have fled from the current military regime of Burma since the outbreak of pro-democracy demonstrations in Burma in 1988.

TITLE V—LABOR SHORTAGE REDUCTION

SEC. 501. DEFINITIONS.

As used in this title:

(1) **LABOR SHORTAGE.**—The term "labor shortage" means a situation in which, in a particular occupation, the quantity of labor supplied is less than the quantity of labor demanded by employers.

(2) **SECRETARY.**—The term "Secretary" means the Secretary of Labor.

SEC. 502. IDENTIFICATION, PUBLICATION, AND REDUCTION OF LABOR SHORTAGES.

(a) **IDENTIFICATION OF LABOR SHORTAGES.**—

(1) **METHODOLOGY.**—Utilizing available data bases to the extent possible, the Secretary shall develop a methodology to estimate, on an annual basis, national labor shortages.

(2) **LABOR SHORTAGE DESCRIPTION.**—As part of the identification of national labor shortages under paragraph (1), the Secretary shall, to the extent feasible, develop information on—

(A) the intensity of each labor shortage;

(B) the supply and demand of workers in occupations affected by the shortage;

(C) industrial and geographic concentration of the shortage;

(D) wages for occupations affected by the shortage;

(E) entry requirements for occupations affected by the shortage; and

(F) job content for occupations affected by the shortage.

(b) **PUBLICATION OF NATIONAL LABOR SHORTAGES.**—

(1) **IN GENERAL.**—Not later than 18 months after the date of enactment of this Act, and each year thereafter, the Secretary shall publish the list of national labor shortages as determined under subsection (a).

(2) **DISTRIBUTION OF PUBLICATION.**—The Secretary shall provide the list referred to in paragraph (1) and related information to parties and agencies such as—

(A) students and job applicants;

(B) vocational educators;

(C) employers;

(D) labor unions;

(E) guidance counselors;

(F) administrators of programs established under the Job Training and Partnership Act (29 U.S.C. 1501 et seq.);

(G) job placement agencies; and

(H) appropriate Federal and State agencies.

(3) **MEANS OF DISTRIBUTION.**—In making the distribution referred to in paragraph (2), the Secretary shall use various means of distribution methods, including appropriate electronic means such as the Interstate Job Bank.

(c) **DEVELOPMENT OF DATA BASES.**—The Secretary shall—

(1) conduct research and, as appropriate, develop data bases to improve the accuracy of the methodology referred to in subsection (a); and

(2) make recommendations to identify labor shortages by region, State, and local areas.

(d) **REPORT TO CONGRESS.**—At the same time that the Secretary issues the annual publication under subsection (b), the Secretary shall prepare and submit to the appropriate committees of Congress a report that—

(1) describes the progress of the research and development conducted under subsection (c);

(2) describes actions taken by the Secretary during the previous 12 months to reduce labor shortages, and specifies a plan of action to be taken by the Secretary to ensure that federally funded employment, education, and training agencies reduce national labor shortages that have been identified under subsection (a); and

(3) includes recommendations by the Secretary for parties such as Congress, Federal agencies, States, employers, labor unions, job applicants, students, and career counselors to reduce such labor shortages by—

(A) promoting recruitment efforts of job placement agencies for occupations experiencing a labor shortage;

(B) encouraging career counseling and testing to guide potential employees into occupations experiencing a labor shortage;

(C) accelerating and enhancing education and training in occupations experiencing a labor shortage; and

(D) other appropriate actions.

SEC. 503. AUTHORIZATION OF APPROPRIATION.

There are authorized to be appropriated to carry out this title \$2,500,000 for the first fiscal year beginning after the date of enactment of this title, and such sums as may be necessary to carry out this title in each subsequent fiscal year.

TITLE VI—CENSUS

SEC. 601. PREVENTION OF CONGRESSIONAL REAPPORTIONMENT DISTORTIONS.

(a) **FINDINGS.**—The Congress finds that—

(1) in recent years millions of aliens have entered the United States in violation of immigration laws and are now residing in the United States in an illegal status and are subject to deportation;

(2) the established policy of the Bureau of the Census is to make a concerted effort to count such aliens during the 1990 census without making a separate computation for such illegal aliens; and

(3) by including the millions of illegal aliens in the reapportionment base for the House of Representatives, many States will lose congressional representation which such States would not have otherwise lost, thereby violating the constitutional principle of "one man, one vote".

(b) **SECRETARIAL ADJUSTMENTS TO PREVENT DISTORTIONS.**—Section 141 of title 13, United States Code, is amended by redesignating subsection (g) as subsection (h), and by inserting after subsection (f) the following new subsection:

"(g) The Secretary shall make such adjustments in total population figures as may be necessary, using such methods and procedures as the Secretary determines feasible and appropriate, in order that aliens in the United States in violation of the immigration laws shall not be counted in tabulating population for purposes of subsection (b) of this section: *Provided, however,* That nothing in this subsection shall be construed to supersede section 195 of title 13, United States Code."

(c) **CONFORMING AMENDMENT.**—Section 22(a) of the Act entitled "An Act to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress", approved June 18, 1929 (2 U.S.C. 2a(a)), is amended by striking out "as ascertained under the seventeenth and each subsequent decennial census of the population" and inserting in lieu thereof "as ascertained and reported under section 141 of title 13, United States Code, for each decennial census of population".

SEC. 602. SEVERABILITY.

In the event that any one or more provisions of this title is held to be unconstitutional, the same shall not affect the validity of other provisions of this Act.

ADDITIONAL STATEMENTS

SHERIFF JACK MILLER: A GOOD FRIEND AND A GREAT PUBLIC SERVANT

● Mr. LIEBERMAN. Mr. President, I rise today in honor of the memory of a man from my home State and my hometown. Jacob "Jack" Miller was a neighbor, a friend, and a dedicated public servant whose work benefited our community in countless ways.

For 30 years, Jack Miller served the people as a deputy sheriff. He loved his work, and he loved doing work that helped government be of service to the people. All who worked with him have nothing but praise for his conscientiousness, his hard work, and his ability to get things done. "He was 100 percent sheriff," said his friend and co-worker, Anthony Giresi.

Beyond his important role as a deputy sheriff in the county of New Haven, Jack Miller was accomplished in other fields as well. He was a veteran, having served in the U.S. Army during World War II. After the war, he played semiprofessional baseball for the Waterbury Red Sox. His interest in sports continued, and he went on to receive the Hilltop Athletic Association Sports Award for athletic accomplishment.

A man of religious conviction, Jack Miller was a cofounder of the Brotherhood in Action Committee, and a past president of the Horeb Lodge of B'nai Brith. He was also a member of the Westville Synagogue, and the Jewish Community Center of Greater New Haven.

"I am not influenced by the expectation of promotion or pecuniary reward," said another Connecticut native, Nathan Hale. "I wish to be useful, and every kind of service necessary for the public good, becomes honorable by being necessary."

In his public and private life, Jack Miller was a consummately honorable man, and I will miss him. I offer my condolences to his beloved wife Jus-

tine and to his family and many friends.●

MELANIE LYNN GLASSCOCK, MISS KENTUCKY

● Mr. MCCONNELL. Mr. President, I would like to take this opportunity to congratulate the new Miss Kentucky, Melanie Lynn Glasscock of Leitchfield, KY. The talented and dedicated Melanie will represent Kentucky in the Miss America pageant in September. I am submitting a Louisville Courier-Journal article which describes Melanie's accomplishment into the RECORD.

Melanie, who was Miss Green River Valley, is a senior at the University of Kentucky and plans to attend law school there after graduation. This was her first attempt in the Miss Kentucky pageant, and she attributes her win to hard work and the extra effort she put into her talent, baton twirling. Judging was also based on individual interviews, evening gown competition, and swimsuit competition. In addition, the 27 contestants participated in a square dance contest and country costume contest. They also attended the Miss Kentucky race at Louisville Downs. Melanie will receive at least \$8,000 in scholarship money, among other prizes, for her win.

No Miss Kentucky has ever won the Miss America Pageant, but Melanie is determined to change that. I hope that my Senate colleagues will join me in congratulating this talented young woman and in wishing her the best of luck in the upcoming Miss America pageant.

The article follows:

[From the Louisville Courier-Journal, July 16, 1989]

UK SENIOR TWIRLS HER WAY TO TITLE, TRIP TO ATLANTIC CITY

(By Gideon Gil and Katy Monk)

Onward to Atlantic City.

That's where Melanie Lynn Glasscock of Leitchfield will compete in the Miss America Pageant in September after being crowned Miss Kentucky last night.

Glasscock, 21, a University of Kentucky senior, pumped her fist in the air when emcee Victoria Harned, the 1976 Miss Kentucky, called her name shortly before 11 p.m. in the Macauley Theatre.

"I'll make you proud; I don't care how hard I have to work" at the Miss America Pageant, she told a judge after she won.

"We're ready. We're going to give it our all." No Miss Kentucky has ever gone on to win the Miss America crown. "It's our time." Glasscock, who was Miss Green River Valley, intends to go to law school at UK.

Successful in her first attempt in the pageant, Glasscock—who won the talent competition Thursday after dazzling judges with her baton twirling—attributed her win to hard work. "There were so many talented girls and they're all beautiful and smart, so it had to be the talent and the extra effort I put into it."

Glasscock will receive at least \$8,000 in scholarship money; a wardrobe worth

\$4,500; jewelry and shoes; beauty care, hair styling, manicures and pedicures during the year of her reign; two nights at a Las Vegas hotel; tanning sessions and a year's membership in a health club; and a Dale Carnegie course in effective speaking and human relations.

All contestants receive make-up, terry-cloth robes, \$5 gift certificates for ice cream, and, if admitted to Alice Lloyd College, a \$5,908 renewable scholarship.

Judging was based on individual interviews and on evening-gown, swimsuit and talent competitions. Talents on display included pop, country and classical singing, piano playing, tap and jazz dancing, ballet, clogging, twirling and gymnastics.

The 27 contestants participated in a square-dance contest and country-costume contest Tuesday and attended the Miss Kentucky race at Louisville Downs Wednesday.

First runner-up was Glenda Rene Haney of Carter City, Miss Heart of the Highlands; second runner-up was Christa M. Todd of Mayfield, Miss West Kentucky; third runner-up was Tawnya Dawn Mullins of Kilmer, Miss Lexington; and fourth runner-up was Nancy Jane Cox of Campbellsville, Miss Bluegrass Area.●

JESSICA LEE GLADSTONE, 1989 PUBLIC SERVICE SCHOLARSHIP RECIPIENT

● Mr. D'AMATO. Mr. President, I rise today to congratulate Jessica Lee Gladstone of Brooklyn on her winning essay "How My Chosen Government Career Affects the Quality of Life in America." Jessica has been chosen to receive one of the 1989 public service scholarships presented by the Public Employees Roundtable. Only 8 recipients were chosen nationwide from among more than 450 applicants. I would like to have it printed into the RECORD.

The essay follows:

I have always known that I would pursue a career in public interest law. My grandparents, who were immigrants, felt that they had been given new life in this country, and some of my earliest memories are of them speaking of the privileges and rights that they enjoyed here, and of the responsibilities and obligations that good citizens owed to their country.

My mother's sister is quadriplegic as a result of an automobile accident twenty-one years ago. While still in elementary school I became aware of the discrimination practiced, perhaps unwittingly, upon the disabled. She was treated as if her mental faculties were impaired, although they were not. People looked the other way when she came into view. There were then few provisions for home care, transportation, socialization, shopping, or vocational counseling other than what her family could provide. I knew that when I grew up I would change things so that people like Aunt Eileen would not be treated as non-persons or persons to be denied their basic rights.

Between third and sixth grades two other important things happened to me. I became aware that the dyslexia that affected my dad and my sister affected me also. At that time little was known (or publicized) about dyslexia and many of my teachers and classmates were impatient with me—especially as I did well in many areas. They accused me

of malingering, being stubborn and ambitionless. I learned to work harder and longer, constantly reviewing and re-reading and I became successful enough so that others now looked up to me but I never forgot that feeling of wanting someone to come to my defense, to get me the help I needed. I determined to be that person for others. In sixth grade our class was taken on a trip to the State Supreme Court. We sat in on a trial and afterward we enacted a different trial, with a lawyer's help. I was impressed with the care given to protecting the rights of the individual.

At one time in high school I needed information about our local representatives. It was close to 9:30 at night. The libraries were closed, the League of Women Voters' office was closed and I was desperate. I tried the local assemblyman's office. Not only was it open—but he was there and he answered my questions personally. I felt that he really cared about his constituents to be working for them late at night, and it was not even an election year!

My parents, who are retired teachers, have always stressed the importance of serving the public and the satisfaction it brings. Their values shaped and influenced me to be an active participant in the community. It was for this reason that I chose to attend the Urban Legal Studies Program at City College for my undergraduate education. The Urban Legal Studies Program teaches law with a commitment to the under-represented. Through this program I have further realized the value of public service and my interest has increased. I now work part-time and summers at the New York Attorney General's office where the public's needs are the priority.

I am dedicated to a future in the service of the public. I have seen the harm which occurs when all people are not fairly represented and I have seen first hand the importance of the law in protecting and preserving freedom and the rights of the citizen during my current year and a half at work in the NYS Attorney General's office. In my career as a lawyer, I would like to help all people receive the opportunities which have historically been given only to the favored. I plan to practice law on a local level, in the public interest field, to ensure that the disabled, the impoverished and the under-represented are no longer discriminated against, and are able to enjoy and participate equally in all aspects of American life. To me, law is a promise to protect and serve all members of the community. As a public interest lawyer on the local level, it is a promise that I will carry out.●

VIETNAMESE-AMERICAN CULTURAL ALLIANCE OF COLORADO STUDENT AWARDS

● Mr. WIRTH. Mr. President, I would like to take this opportunity to honor several Vietnamese-American students from the State of Colorado whose outstanding academic performance merits special notice by this Congress.

The Vietnamese-American Cultural Alliance of Colorado, a nonprofit service organization composed of Vietnamese immigrants and Americans of Vietnamese origin, has selected several young people to be honored in recognition of their exemplary academic standing. These youngsters have made a highly successful transition from

one distant and different culture to another and now, because of their courage, perseverance, and excellence as citizens of this country, have become exemplary students. For this reason I feel each one of these students deserves special acknowledgment by the Senate.

The recipients of the 1989 Colorado Awards for Academic Excellence are: Erica Le, kindergarten; Giang Kiet Linh, grade 6; Mary Hoatam, grade 5; Tien Duc Nghia, grade 4; John Nguyen, grade 1; Nguyen Thi Tran, grade 6; Nguyen Nam, grade 3; Than Cao Thien, grade 5; Le Thi Nga, grade 4; Lam My Thanh, grade 4; Nguyen Hai, grade 2; Nguyen Phu, grade 2; Tran Thi Thu, grade 4; Chung Huy, grade 3; Nguyen Thao, grade 4; Nguyen Tuyet, grade 4; Huynh Ngoc Linh, grade 2; Mimi Nguyen Thien Huong, grade 3; Lyna Nguyen, grade 8; Hoang Thi Huong, grade 6; Jimmy Ngo, grade 6; Le Tram, grade 7; Dang Quoc Anh, grade 8; Tran Tan, grade 6; Nguyen Chau Ha, grade 9; Hang Hoang, grade 8; Luong Chay, grade 7; Tran Uyen Phan, grade 8; Nguyen Hoang, grade 7; Nguyen Chi, grade 6; Vo Truc, grade 8; Pham Thi Diem, grade 8; Nguyen Quynh Nhu, grade 8; Nguyen Thi Thu-Quang, grade 9; Nguyen Thi Hanh, grade 8; Van Tan Tai, grade 8; Quach Cam Ha, grade 8; Jackie Nguyen, grade 6; Ann Nguyen, grade 7; Hang Bao Quoc, grade 9; Nguyen Thi B. Hanh, grade 8; Vu Quoc Khanh, grade 12; Vu Thanh, grade 10; Nguyen Trong Khanh, grade 11; Ngo Duy Anh, grade 12; Nguyen Kim Thuy, grade 11; Trieu Nguyen Hanh, grade 11; Nguyen T. Phu, grade 11; Ngo Tuan, grade 11; Ngo Tai, grade 9; Ngo Tu, grade 9; Nguyen Ha, grade 11; Tran Thu Quyen, grade 12; Nguyen Anh Khoa, grade 10; Nguyen Thanh, grade 10; Tran Uyen-Thy, grade 11; Nguyen H. Minh, grade 12; Nguyen Dung, grade 11; Tram Manh Quang, grade 10; Sue Do, grade 12; Vo Thuy Vu, grade 11; Nguyen M. Hanh, grade 12; Nguyen Trien, grade 11; Dang Kim Chau, grade 9; Vo Thanh Phuong, grade 11; Ly Tien, grade 11; Bui Quoc Thang, grade 12; Bui Thuy Trang, grade 9; Sue Nguyen, grade 11.

Unfortunately, space does not permit a description of each student's accomplishments. However, I can say that each of these students has achieved extraordinary academic standing—earning a perfect 4.0 grade point average or better.

Let me also extend my thanks to the Vietnamese-American Cultural Alliance of Colorado, without whose support and dedication to community service, these special kids would not have been recognized. Henry Tuoc V. Pham, the president of the alliance, has done an outstanding job of encouraging academic excellence among young Vietnamese-American students.

His hard work, along with the love and support of their families, certainly shows in the fine academic performance of these 69 young Coloradans.●

MARY JANE MUSGAT

● Mr. DODD. Mr. President, it was 15 years ago that John and Mary Jane Musgat bought the weekly newspaper *Voices* in the town of Southbury, CT, and wrote the first chapter in what was to become one of the great journalist success stories in the history of our State.

From the very start, these skilled and gentle editor-owners gave their readers in western Connecticut the sort of community newspaper all us hope to see on our doorstep every morning or evening, or in our mailboxes every week; independent, fair, accurate, informative, and entertaining. Week in and week out, year in and year out, that was the product the Musgats delivered.

John Musgat died 5 years ago, and Mary Jane continued alone at the helm of what had become a thriving and highly respected enterprise. Sadly, with the recent death of Mary Jane Musgat, the readers of *Voices* and the town of Southbury have lost not only a wonderful friend and the second half of an admired team of editors, but an eloquent voice for dignity and beauty in the town she loved.

Although born in the Midwest, Mrs. Musgat was the consummate Yankee in her years in Connecticut—tremendously modest, sometimes reserved, always ready to help a neighbor or a member of her staff. She had a firm sense of decorum, and while she could be as gruff as any newspaper editor when it was required, she was by nature courteous and friendly. That she was widely loved is proven by an editorial that ran in the *Star*, a competing weekly paper, which stated in part,

We don't think anyone who dealt with her as a professional or as a human being could think of Mrs. Musgat as anything but an ally.

Voices has flourished in the 15 years since John and Mary Jane Musgat purchased the paper. Under the leadership first of the two of them, then later of Mrs. Musgat, the weekly's size grew from 12 pages to an average of more than 100. Its circulation expanded to more than 23,000 in 6 towns, and coverage now includes politics, the arts, and sports. What was once not more than a listing of community events is today a wide-ranging weekly serving a large area of western Connecticut.

Mrs. Musgat made working at her paper an education for young journalists, whom she trained in the details of proper writing style. She leaves a cadre of writers at papers around the Northeast who have trained under her, thousands of readers who learned

about their region from her, loving relatives, and friends in every place she has lived. We will all miss this skilled editor and gracious soul.

BUDGET SCOREKEEPING REPORT

● Mr. SASSER. Mr. President, I hereby submit to the Senate the latest budget scorekeeping report for fiscal year 1989, prepared by the Congressional Budget Office in response to section 308(b) of the Congressional Budget Act of 1974, as amended. This report was prepared consistent with standard scorekeeping conventions. This report also serves as the scorekeeping report for the purposes of section 311 of the Budget Act.

This report shows that current level spending is over the budget resolution by \$3.8 billion in budget authority, and over the budget resolution by \$1 billion in outlays. Current level is under the revenue floor by \$0.3 billion.

The current estimate of the deficit for purposes of calculating the maximum deficit amount under section 311(a) of the Budget Act is \$136.4 billion, \$0.4 billion above the maximum deficit amount for 1988 of \$136 billion.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 24, 1989.

HON. JIM SASSER,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1989 and is current through July 21, 1989. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the most recent budget resolution for FY 1989, H. Con. Res. 268. This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, Congress has taken no action that affects the concurrent level of spending or revenues.

Sincerely,

ROBERT D. REISCHAUER,
Director.

CBO WEEKLY SCOREKEEPING REPORT FOR THE U.S. SENATE, 101ST CONG., 1ST SESS., AS OF JULY 21, 1989

(In billions of dollars)

	Current level ¹	Budget resolution H. Con. Res. 268 ²	Current level (+)/(-) resolution
Budget authority.....	1,235.8	1,232.1	3.8
Outlays.....	1,100.8	1,099.8	1.0
Revenues.....	964.4	964.7	-.3
Debt subject to limit.....	2,790.0	2,824.7	-34.7
Direct loan obligations.....	24.4	28.3	-3.9
Guaranteed loan commitments.....	111.0	111.0	0
Deficit.....	136.4	136.0	0.4

¹ The current level represents the estimated revenue and direct spending effects (budget authority and outlays) of all legislation that Congress has enacted in this or previous sessions or sent to the President for his approval and is consistent with the technical and economic assumptions of H. Con. Res. 268. In addition, estimates are included of the direct spending effects for all

entitlement or other mandatory programs requiring annual appropriations under current law even though the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

² In accordance with sec. 5(a)(b) the levels of budget authority, outlays, and revenues have been revised for catastrophic health care Public Law 100-360).

³ The permanent statutory debt limit is \$2,800,000,000,000.

⁴ Maximum deficit amount (MDA) in accordance with section 3(7)(D) of the Congressional Budget Act, as amended.

⁵ Current level plus or minus MDA.

PARLIAMENTARIAN STATUS REPORT, 101ST CONG., 1ST SESS., SENATE SUPPORTING DETAIL, FISCAL YEAR 1989 AS OF CLOSE OF BUSINESS JULY 21, 1989

(In millions of dollars)

	Budget authority	Outlays	Revenues
I. Enacted in previous sessions:			
Revenues.....			964,434
Permanent appropriations and trust funds.....	874,205	724,990	
Other appropriations.....	594,475	609,327	
Offsetting receipts.....	-218,335	-218,335	
Total enacted in previous sessions.....	1,250,345	1,115,982	964,434
II. Enacted this session:			
Adjust the purchase price for nonfat dry dairy products.....		-10	
Implementation of the Bipartisan Accord on Central America (Public Law 101-14).....	-11		
Disaster Emergency and Urgent Supplemental Appropriations, 1989 (Public Law 101-45).....	3,493	1,023	
Total enacted this session.....	3,482	1,013	
III. Continuing resolution authority.....			
IV. Conference agreements ratified by both Houses.....			
V. Entitlement authority and other mandatory items requiring further appropriation action:			
Dairy Indemnity Program.....	(¹)	(¹)	
Special milk.....	4		
Food Stamp Program.....	29		
Federal Crop Insurance Corporation fund.....	144		
Compact of free association.....	1	1	
Special benefits.....	37	37	
Payments to the Farm Credit System.....	35	35	
Payment to the civil service retirement and disability trust fund.....	(85)	(85)	
Payment to hazardous substance Superfund.....	(99)	(99)	
Supplemental security income.....	201	201	
Special benefits for disabled coal miners.....	3		
Medicaid:			
Public Law 100-360.....	45	45	
Public Law 100-485.....	10	10	
Family support payments to States:			
Previous law.....	355	355	
Public Law 100-485.....	63	63	
Total entitlement authority.....	926	747	
VI. Adjustment for economic and technical assumptions.....	-18,925	-16,990	
Total current level as of July 21, 1989.....	1,235,828	1,100,751	964,434
1989 budget resolution H. Con. Res. 268.....	1,232,050	1,099,175	964,700
Amount remaining:			
Over budget resolution.....	3,778	1,001	
Under budget resolution.....			266

¹ Less than \$500,000.

Notes.—Numbers may not add due to rounding. Amounts in parenthesis are interfund transactions that do not add to budget totals.●

COMMITTED TO CARING

● Mr. DURENBERGER. Mr. President, it was once said that happiness is the natural flower of duty. I was reminded of that phrase last week as I received word last week that two Minnesotans who embody that philosophy will be celebrating 50 years of marriage to one another next month.

Deacon Larry and Lucy Sierzant have brought to the community of Holy Cross Catholic Church a sense of duty and loyalty which is considered truly rare these days. They have each been a part of the same neighborhood for most of their lives and have made Holy Cross, and De LaSalle High School in Minneapolis a central part of their life together.

Larry and Lucy have found happiness in service to Holy Cross, where Larry is a deacon, and Lucy is an ace volunteer. And, in addition to all that they have done for the church, they raised five children to be responsible adults.

The Sierzant children were raised with the same loyalty and sense of community that fill Larry and Lucy's days. As adults, they have remained emotionally and geographically close to their parents and continue to draw from the seemingly infinite well of warmth and understanding which Larry and Lucy share. That family strength brought this very special family even closer when Larry and Lucy's only son was tragically killed in a car accident.

It is clear that their experiences are that of common people. It is their strength and happiness, stemming from duty and commitment to all people, which is truly uncommon. Selfishly, we can be thankful that Larry and Lucy have remained in a union of good health for half a century, for in that time, we have so dearly needed them and learned from them.

More importantly, the Lord granted us a gift when these two fine people found one another. For in each other's company, each has grown and served the Lord.●

BALL STATE UNIVERSITY BLACK ALUMNI ASSOCIATION

● Mr. LUGAR. Mr. President, the Ball State University Black Alumni Society will recognize four outstanding graduates who have contributed greatly to their communities in the field of education and service.

Ball State University, which is located in Muncie, IN, is one of the State's finest post secondary institutions and continues to produce talented individuals that serve our State and Nation.

On August 5, 1989, the Black Alumni Association will honor the following individuals and I want to take this opportunity to inform my colleagues of their efforts.

Mary Etta Rose, a 1937 graduate, Mrs. Rose has served thousands of youth in the Indianapolis Public School system during her 45 years of teaching. Her world travels to Africa and China allowed her to develop unique talents as a teacher.

Charles Martin, Sr., a 1965 and 1972 graduate of Ball State University and the director of the South Bend/

Mishawaka YMCA urban youth services, Charles has developed an extensive educational network to motivate minority youth to achieve academic excellence. His personality and wisdom have touched many, many individuals.

Dr. Sharon Banks, a 1969 graduate and doctorate recipient. Dr. Banks has provided strong leadership in both political and civic affairs in the city of Fort Wayne, IN. As an assistant principal, her school was listed as one of the best in the State of Indiana. She is the first African-American to serve as chief of staff for a mayor in the State of Indiana.

I would like my colleagues to join me in saluting these distinguished Ball State University alumni.●

AKIRA KUROSAWA

● Mr. WILSON. Mr. President, I stand today in order to extend congressional recognition to a world-renowned film director whose career has spanned over 40 years and will—undoubtedly—continue to shape and mold this Nation's perceptions and understanding of Japan and the Japanese people.

Akira Kurosawa, the Academy Award-winning director, will be accorded the honor of receiving the Nikkei Foundation's annual Lifetime Achievement award on July 29, 1989. In celebration of his influential career in film, I ask the Congress and the American people to join with me in recognizing this man's tremendous body of work as well.

In many notable and memorable films such as "The Seven Samurai," "Throne of Blood," "Rashomon," and "Ran," the Tokyo-born Kurosawa has powerfully illustrated his view of Japanese culture through the visual medium of film. This view has spanned not only the Pacific Ocean, but more importantly, the cultural expanse between East and West—impacting generations of filmgoers the world over.

Moreover, Mr. President, Mr. Kurosawa's films have helped Americans understand and empathize with the effect of history and social values on Japanese lifestyle. His powerful direction has revealed to audiences truths and value that cut across ethnic and national borders, touching American as well as Japanese minds forever.

His career distinguishes him as a director of substance, one unafraid to take risks of presenting powerful, emotional and universal themes as a means to impress upon society the need for truth and morality.

True to his visions and to himself, Mr. Kurosawa is an example of the spirit of artistic integrity in today's multi-cultural global village. Not only do his films entertain, they also challenge audiences to deal with difficult issues central to human existence.

These issues include love, social responsibility, defense of country and the preservation of one's cultural heritage. By embracing these universal themes, Mr. Kurosawa appeals to the values common to all people. His films, like music, communicate their messages to all audiences—transcending all national barriers.

Furthermore, Mr. Kurosawa's career is an example of how one man can make a difference in millions of people's lives despite personal diversity.

Born in Tokyo in 1910, the youngest of eight children, Kurosawa had the spirit and drive to follow his dream of filmmaking. After experiencing disappointments and difficulties, the young Kurosawa heeded his father's advice, persevering at his craft.

His dreams were eventually realized by the release of "Sugata Sanshiro" in 1943, the first film in a long series of films Kurosawa was to direct. Mr. Kurosawa's film "Rashomon," released in 1950, went on to win the Grand Prix at the 1951 Venice Film Festival and also to win the American Academy Award for Best Foreign Language Film.

These awards represent the pinnacle of success and excellence in American as well as international filmmaking.

Akira Kurosawa has contributed to the international film marketplace with culturally rich and powerfully moving works in the film medium; his works have deeply influenced Japanese-American relations and cultures over the span of 40 years; and his influence in international film and Japanese-American cultures will continue in the future with his ongoing projects.

Therefore, in recognition of all of the foregoing and in appreciation for his prodigious contribution to the realms of both film and intercultural relations, I ask the Senate to join with me to extend to Mr. Akira Kurosawa its recognition of his Lifetime Achievement Award accorded by the Nikkei Foundation for his sweeping influence in the motion picture medium.●

SUBMISSION OF COMMITTEE, RECONCILIATION RECOMMENDATIONS TO THE COMMITTEE ON THE BUDGET

Mr. GRAHAM. Mr. President, on behalf of the majority leader, I ask unanimous consent that the time by which Senate committees must submit their reconciliation recommendations to the Committee on the Budget pursuant to section 5 of the concurrent resolution on the budget, House Concurrent Resolution 106, be changed to 5 o'clock in the afternoon of Thursday, July 27.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEDERAL REIMBURSEMENT OF LOCAL NOISE ABATEMENT FUNDS

Mr. GRAHAM. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 148, H.R. 968, an act to provide for the Federal reimbursement of local noise abatement funds.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 968) to provide for the Federal reimbursement of local noise abatement funds.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. FORD. Mr. President, the Noise Reduction Reimbursement Act of 1989 will provide relief to airports and surrounding communities who want to implement noise abatement projects. It will enable them to proceed, using their own funds, with a federally approved noise abatement program and will permit them to seek reimbursement later from the Federal Aviation Administration [FAA].

Under existing legislation, airports cannot start on even an approved project until the airport receives a grant from the FAA. Due to constraints in the amount and the timing of appropriations, grants are not issued as soon as a noise project is approved. Communities have to wait until the funding is available and the grant is awarded before any noise abatement work can begin.

This bill would permit airports to move quickly, commit their own funds and apply to the FAA for payback when funding is available. There is no guarantee of reimbursement, and only costs incurred after June 1, 1989, will be eligible.

The FAA favors this legislation, the airports welcome it, and I urge my colleagues to join with me in passing this important bill which help communities around the country deal with the problems of airport noise.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 968) was ordered to a third reading, was read the third time, and passed.

Mr. GRAHAM. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. WILSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DESIGNATION OF THE CORDELL BANK NATIONAL SANCTUARY

Mr. GRAHAM. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Joint Resolution 281, a joint resolution to approve the designation of the Cordell Bank National Sanctuary, now at the desk.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 281) to approve the designation of the Cordell Bank National Marine Sanctuary, to disapprove a term of that designation, to prohibit the exploration for, or the development or production of, oil, gas, or minerals in any area of that sanctuary, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

AMENDMENT NO. 398

(Purpose: To strike section 3 of the resolution)

Mr. GRAHAM. Mr. President, I send an amendment to the desk on behalf of Senator HOLLINGS.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Florida [Mr. GRAHAM], for Mr. HOLLINGS, proposes an amendment numbered 398.

Mr. GRAHAM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike section 3.

Mr. HOLLINGS. Mr. President, I rise today to urge Senate passage of House Joint Resolution 281 to approve the designation of the Cordell Bank National Marine Sanctuary. In addition, I am offering an amendment to strike section 3 of the resolution which addresses oil and gas exploration off the coast of North Carolina.

The joint resolution approves the designation of the Cordell Bank National Marine Sanctuary as called for in title III of the Marine Protection, Research, and Sanctuaries Act. But it goes further. The resolution prohibits oil and gas exploration and development throughout the entire sanctuary. The designation submitted to Congress by the Secretary of Commerce called for a prohibition on oil and gas exploration in only 5 percent of the sanctuary.

My amendment will strike section 3 of the resolution. This section calls for the Department of the Interior to prepare an environmental impact statement before approving an OCS exploration plan for several tracts off the coast of North Carolina. I understand that this issue has been resolved as a

result of an agreement between the State of North Carolina and the Minerals Management Service. Further, I understand that both of my colleagues from North Carolina are aware of this agreement and support deleting section 3.

Mr. President, I ask my colleagues to join me in supporting this important resolution, as amended.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Carolina.

The amendment (No. 398) was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the joint resolution.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read a third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall the joint resolution pass?

So the joint resolution (H.J. Res. 281) was passed.

Mr. GRAHAM. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. WILSON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

COMMEMORATING THE 50TH ANNIVERSARY OF LITTLE LEAGUE BASEBALL

Mr. GRAHAM. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Joint Resolution 182, to commemorate the 50th anniversary of Little League baseball.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 182) to commemorate the 50th anniversary of Little League Baseball.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. DOLE. Mr. President, today I have introduced a joint resolution to commemorate the 50th anniversary of Little League baseball.

Founded in 1939 in Williamsport, PA, with three teams, Little League has expanded into an international organization with 140,000 teams in 33 countries. Thanks to Little League baseball, young people of many nations have the opportunity through sports to develop discipline, teamwork, and physical well-being, along with a

sense of citizenship. In fact, the Little League pledge reads, in part, "I will love my country and will respect its laws."

LAUNCHING THE "CHALLENGER DIVISION"

Through the years a number of special divisions, including little league softball for girls, have been launched which bring boys and girls, ages 6 through 18, onto the playing field and into the excitement of participating in a game. Now, that commitment to including all youth is being honored with the inauguration of the "Little League Challenger Division."

Dr. Creighton J. Hale, president and chief executive officer of Little League baseball, asked me to serve as chairman of a task force to develop a program for children and youth with physical and mental disabilities which restrict them from participating on conventional Little League teams. We brought together a group of talented and dedicated people to serve as an advisory committee, and I am pleased to announce that the "Challenge Division" Program will be available nationwide for the 1990 Little League season.

VOLUNTEERS ARE THE FOUNDATION

Community involvement and the hard work of 750,000 volunteers is vital to the success of Little League baseball. These people in many countries—coaches, managers, umpires, and district administrators—are the heart of the program. This anniversary commemorative is dedicated to those individuals throughout the world who care enough to save a portion of their time and energy every day and every week to lead young people onto the playing field.

I urge my colleagues to support this joint resolution honoring Little League baseball in recognition of 50 years of international progress and success.

The PRESIDING OFFICER. The joint resolution is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading, was read the third time, and passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

S.J. RES. 182

Whereas Little League Baseball has grown from a local organization to an organization that involves youth and community activities in 33 countries;

Whereas Little League Baseball has helped youngsters to develop citizenship and teamwork skills, and to ensure physical well-being;

Whereas Little League Baseball players is approximately 2,500,000;

Whereas Little League Baseball accommodates all young people, including those with disabilities; and

Whereas 750,000 volunteers participate in Little League Baseball: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Little League Baseball is commended for 50 years of outstanding service to young people, and the President is authorized and requested to issue a proclamation acknowledging the 50th anniversary of Little League Baseball.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. GRAHAM. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations:

Calendar 232, John D. Macomber to be President of the Export-Import Bank of the United States;

Calendar 233, Thomas D. Larson to be Administrator of the Federal Highway Administration;

Calendar 234, Edward C. Stringer to be General Counsel, Department of Education; and

Calendar 235, Roy M. Goodman to be a member of the National Council on the Arts.

I further ask unanimous consent that the nominees be confirmed en bloc, that any statements appear in the RECORD as if read, that the motions to reconsider be laid upon the table, en bloc, that the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

EXPORT-IMPORT BANK OF THE UNITED STATES

John D. Macomber, of New York, to be President of the Export-Import Bank of the United States for a term of 4 years expiring January 20, 1993.

DEPARTMENT OF TRANSPORTATION

Thomas D. Larson, of Pennsylvania, to be Administrator of the Federal Highway Administration.

DEPARTMENT OF EDUCATION

Edward C. Stringer, of Minnesota, to be General Counsel, Department of Education.

NATIONAL FOUNDATION OF THE ARTS AND THE HUMANITIES

Roy M. Goodman, of New York, to be a member of the National Council on the arts for a term expiring September 3, 1994.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now resume legislative session.

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 100-297, appoints the following individuals to the National Commission on Migration Education: the Senator from Mississippi [Mr. COCHRAN] and Ms. Carolyn Paseneaux, of Wyoming.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Public Law 93-642, appoints the Senator from Alabama [Mr. SHELBY] to be a member of the Harry S. Truman Scholarship Foundation Board of Trustees.

ORDERS FOR TUESDAY, JULY 25, 1989

RECESS UNTIL 9:30 A.M. AND MORNING BUSINESS

Mr. GRAHAM. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m., Tuesday, July 25, and that, following the time for the two leaders, there be a period for morning business not to extend beyond 10 a.m. with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESUME CONSIDERATION OF S. 1352 AT 10 A.M.

Mr. GRAHAM. Mr. President, I ask unanimous consent that at 10 a.m., Tuesday, July 25, the Senate resume consideration of Calendar No. 159, S. 1352, the Department of Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS FROM 12:30 P.M. UNTIL 2:15 P.M.

Mr. GRAHAM. Mr. President, I further ask unanimous consent that the Senate stand in recess from 12:30 to 2:15 p.m. in order to accommodate the party conferences.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 9:30 A.M., TUESDAY, JULY 25, 1989

Mr. GRAHAM. Mr. President, if the distinguished acting Republican leader has no further business.

Mr. WILSON. Mr. President, we have no further business.

Mr. GRAHAM. And if no Senator is seeking recognition, I now ask unanimous consent that the Senate stand in recess, under the previous order, until the hour of 9:30 a.m., Tuesday, July 25, 1989.

There being no objection, the Senate, at 7:06 p.m., recessed until Tuesday, July 25, 1989, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate July 24, 1989:

DEPARTMENT OF STATE

MARK GREGORY HAMBLEY, OF IDAHO, A FOREIGN SERVICE OFFICER OF CLASS ONE, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE STATE OF QATAR.

CHARLES WARREN HOSTLER, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE STATE OF QATAR.

TENTARY OF THE UNITED STATES OF AMERICA TO THE STATE OF BAHRAIN.

INTERNATIONAL JOINT COMMISSION, UNITED STATES AND CANADA

GORDON K. DURNIL, OF INDIANA, TO BE A COMMISSIONER ON THE PART OF THE UNITED STATES ON THE INTERNATIONAL JOINT COMMISSION, UNITED STATES AND CANADA, VICE ROBERT C. MCEWEN, RESIGNED.

DEPARTMENT OF JUSTICE

WAYNE A. BUDD, OF MASSACHUSETTS, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF MASSACHUSETTS FOR THE TERM OF 4 YEARS, VICE FRANK L. MCNAMARA, JR.

DEPARTMENT OF ENERGY

VICTOR STELLO, JR., OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF ENERGY (DEFENSE PROGRAMS), VICE SYLVESTER R. FOLEY, JR., RESIGNED.

ENVIRONMENTAL PROTECTION AGENCY

J. CLARENCE DAVIES, OF MARYLAND, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE LINDA J. FISHER, RESIGNED.

NUCLEAR REGULATORY COMMISSION

DAVID C. WILLIAMS, OF ILLINOIS, TO BE INSPECTOR GENERAL, NUCLEAR REGULATORY COMMISSION, (NEW POSITION).

IN THE ARMY

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. JOHN S. CROSBY, **xxx-xx-xxxx** U.S. ARMY. THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION

601(A), IN CONJUNCTION WITH ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. GEORGE A. JOULWAN, **xxx-xx-xxxx** U.S. ARMY.

THE U.S. ARMY NATIONAL GUARD OFFICER NAMED HEREIN FOR APPOINTMENT IN THE GRADE INDICATED BELOW, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 593(A), 3385 AND 3392:

To be major general of the line

MAJ. GEN. JOSEPH J. SKAFF, **xxx-xx-xxxx** U.S. ARMY. THE FOLLOWING-NAMED ARMY JUDGE ADVOCATE GENERAL'S CORPS OFFICERS FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 611(A) AND 624(C):

To be permanent brigadier general

COL. JOHN R. BOZEMAN, **xxx-xx-xxxx** U.S. ARMY. COL. THOMAS M. CREAM, **xxx-xx-xxxx** U.S. ARMY. COL. KENNETH D. GRAY, **xxx-xx-xxxx** U.S. ARMY.

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE OF LIEUTENANT GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

JOHN I. HUDSON, **xxx-xx-xxxx** 9903 U.S. MARINE CORPS.

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE OF LIEUTENANT GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 688 AND 1370:

To be lieutenant general

STEPHEN G. OLMSTEAD, **xxx-xx-xxxx** 9903 U.S. MARINE CORPS.

IN THE NAVY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF ADMIRAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be admiral

ADM. WILLIAM J. CROWE, JR., **xxx-xx-xxxx** U.S. NAVY.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 24, 1989:

DEPARTMENT OF TRANSPORTATION

THOMAS D. LARSON, OF PENNSYLVANIA, TO BE ADMINISTRATOR OF THE FEDERAL HIGHWAY ADMINISTRATION.

DEPARTMENT OF EDUCATION

EDWARD C. STRINGER, OF MINNESOTA, TO BE GENERAL COUNSEL, DEPARTMENT OF EDUCATION.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

ROY M. GOODMAN, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 1994.

EXPORT-IMPORT BANK OF THE UNITED STATES

JOHN D. MACOMBER, OF NEW YORK, TO BE PRESIDENT OF THE EXPORT-IMPORT BANK OF THE UNITED STATES FOR A TERM OF 4 YEARS EXPIRING JANUARY 20, 1993.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

ANOTHER EXAMPLE OF THE
BENEFITS OF EMPLOYEE OWN-
ERSHIP

HON. DANA ROHRBACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1989

Mr. ROHRBACHER. Mr. Speaker, as America searches for more effective ways to promote productivity, we should look to the over 9,000 privately owned companies that have already transferred stock to employees, through the use of employee stock ownership plans [ESOP's]. ESOP's are beneficial for business perpetuation, employee motivation and compensation, and productivity. More importantly, ESOP's allow workers to share in the profitability of the companies that they work for.

The following story about the Kilsby-Roberts Co. in Brea, CA, appeared in the steel industry's leading magazine, Metal Center News. The article demonstrates how important the ESOP program was to the success of the company. In fact, the ESOP is credited with helping double sales and profitability in only 5 years. Kilsby-Roberts is just one of many ESOP companies that are deriving the positive results of employee ownership. ESOP's are quickly becoming the financing tool of the future; is there any wonder why?

KILSBY-ROBERTS: WRITING A FAIRY-TALE END-
ING WITH ESOP
(By Martin Farricker)

What pushes a salesman into making the extra effort to land a new account? And what drives a plant employee to finish just one more job before leaving for the day? Salary can motivate workers to a certain degree. But it's having ownership in the company that really does the trick.

Kilsby-Roberts, Brea, Calif., is one service center that relies on an employee stock ownership plan (ESOP) to give employees something to strive for in the long haul. "Because, in 1984, the domestic steel industry was not experiencing its best year, we had to come up with ways to motivate our people to get their productivity up," says Kilsby-Roberts president Neven Hulsey. "We knew that the ESOP, used as a retirement plan, was a real good vehicle because it lets the employees share in the success of the company."

So far, the strategy is working, he says. Since Kilsby-Roberts, a leading distributor of tubing and specialty bar, began giving its workers what Hulsey calls a piece of the rock, productivity, based on the employee-to-sales ratio, has increased 83%. In addition, sales have increased 87% and profits have more than doubled. And the improvement should be long-term, since the stock can only be distributed either after retirement or when the participating employee leaves after a certain amount of time on the job.

Hulsey concedes that other internal improvements—like a state-of-the-art manage-

ment information system (MIS) and upgraded cutting and handling equipment—have helped bolster productivity and promote the company's growth in the United States and abroad. He emphasizes, however, that the improved worker motivation has been the biggest factor in the company's success.

The ESOP also came in handy when Kilsby-Roberts spun itself off from its parent firm, Fluor Corp., Irvine, Calif. By adopting the plan shortly after buying their company, Hulsey and a group of Kilsby-Roberts senior managers were able to take advantage of federal tax laws, which allowed them to repay money borrowed for the buy-out with pre-tax earnings and made their financial arrangement workable.

(The managers joining Hulsey in the buy-out included: George Von Arx, executive vice president; Graham ["Bud"] Kilsby, senior vice president of administration; William E. Dale, chief financial officer; Bobby Weekes, vice president, southern region; E. H. ["Skip"] Rasmussen, vice president, mid-west region; William J. Shaw, vice president, purchasing; Frank W. Shields, vice president, western region; and John W. Ruck, manager of corporate planning.)

TAKING STOCK OF OWNERSHIP

Through the ESOP, Hulsey reports, employees now own 45% of the company, and since there are no outside investors, they will eventually own 100%.

Each year, the firm takes an amount ranging from 10% to 25% of eligible employees' remuneration, including salary and incentives, and invests it for them primarily in Kilsby-Roberts stock. The board of directors votes annually on what the percentage should be, depending on company performance; currently, the full 25% is being contributed by the company.

Every quarter, the employee receives a certificate indicating the company's quarterly estimated contribution, as well as the total number of shares accrued in his or her account.

When Kilsby-Roberts first introduced the ESOP, employee enthusiasm for the plan was not particularly high. The employees, executive vice president Von Arx says, didn't really appreciate what it meant to be owners and didn't fully recognize the value of receiving stock as a retirement benefit. But when the shares began to build and workers saw their accounts growing, they started to respond.

"As word about the monetary benefits got around, the staff started recognizing some real value in the program," says Von Arx. "People were retiring with significant stock payouts, and the current employees began developing a real interest in the value of the stock. Now some of the workers even have betting pools on what the stock's value will be when it is assessed by an outside appraiser after the year-end statements are audited." At the beginning of fiscal 1984, each share was worth one dollar; by October, 1988, it had grown to \$20.22. The average stock ownership account is now nearly \$40,000.

"With this kind of employee attitude," Hulsey adds, "the company should be able to reach its next objective: doubling sales

and profits again within the next five years." With 698 employees in 23 operating locations in the United States and one in Clay Cross, England—plus a honing center in Tulsa, Okla.—Kilsby-Roberts plans to expand its marketing territories both here and abroad. The firm inventories carbon and alloy steel, stainless steel aluminum, and cast-iron tubing and specialty bars in more than 10,000 sizes, shapes, and grades. Customers include manufacturers of fluid-power equipment, aerospace and aircraft products, construction and off-road machinery, automotive and truck parts, oil tools, and agricultural machinery. The firm is anticipating some softening in construction markets, but expects growth in the aerospace and aircraft, fluid-power, and agricultural industries that will more than make up for the shortfall.

Kilsby-Roberts's ESOP has been so successful that it has served as a model for other companies using ESOPs to boost their productivity. Kilsby-Roberts, in fact, is cited by the national ESOP Association, Washington, D.C., as an excellent example of an ESOP at work.

The company makes all contributions to its ESOP at the end of each fiscal year. To qualify as a participant in the plan for a given year, an employee must have completed at least 1,000 hours of service, and must have worked on the last day of the fiscal year. Only vested employees—those who have completed three years of credited service (beyond the 1,000-hour work requirement)—are eligible to receive stock. At the end of the third year of employment, an employee is 20% vested; for each subsequent year, vesting increases 20%, so that at the end of seven years, the employee is fully vested. Employees also become fully vested if they become permanently disabled, die (in which case a designated beneficiary receives the stock), or retire at age 55 or later with five years of service.

Contributions to the plan are invested by a trustee (Trust Services of America) in accordance with the directives of the company's ESOP Committee. The trustee currently puts most of the plan's assets into company stock, but can invest in other financial instruments that the committee has approved.

OTHER IMPROVEMENTS

Although the employee ownership has been the primary catalyst behind Kilsby-Roberts' impressive financial strides, other factors have contributed.

"Profitability," explains, Hulsey, "has come not only from greater employee productivity, but from improved facilities and equipment." Kilsby-Roberts constantly upgrades its service centers. Last year, the firm spent almost \$2 million on capital improvements, adding new handling equipment, such as Raymond sideloaders and custom racking systems. It has improved its cutting machinery deburring equipment, and high-speed cutoff machines at various facilities.

This summer, the firm is installing a new IBM mainframe computer that will enhance the company's information-processing capa-

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

bilities while holding down costs. Currently, Kilsby-Roberts is leasing time from a computer service company. "By owning the computer," says Von Arx, "we will be able to double our information-processing volume by 1994 without spending any more than it would cost us to continue leasing computer time from an outside firm at our current sales level."

The company has already gotten a lot of mileage out of using computers. Samuel Hibben, marketing services manager says that "although we doubled our sales since 1984, we've only had to increase our total assets by a little more than 40%, thanks to the company's sophisticated MIS systems."

Kilsby-Roberts is among the handful of service centers providing electronic data interchange (EDI). Through EDI, customers can access Kilsby-Roberts' system with their own PC's or mainframe units to review the service center's broad inventory or check to see if a particular product is available. Products are generally cut to length, but the company can often provide products in mill random sizes, partially machined, or as completely finished components ready for assembly. If the customer doesn't have its own computer, Kilsby-Roberts will provide that company with a terminal.

Von Arx expects EDI to replace much of the cumbersome paperwork of the current customer communication process. However, "we're not going to jam EDI down our customers' throats," he explains. "Instead, we'll give the customer exactly the kind of communication system he wants—whether it's electronic or on paper."

Kilsby-Roberts goes to great lengths to supply its customers with technical support in selecting products. Hulsey claims that Kilsby-Roberts is the only tubing and specialty bar distributor with its own full-time staff of metallurgists. They help customers choose the best alloy and grade of metal for a particular application, and suggest various heat-treating, machining, and fabrication services that can be performed by outside firms.

The company also offers technical literature, quality-assurance manuals, and special cost-cutting programs to help customers reduce purchasing, administrative, and inventory expenses. These kinds of support services, Hulsey maintains, have helped set the firm apart in established markets and gain acceptance in new markets.

MANIFEST DESTINY?

In 1986 the company kicked off a major expansion policy. It had paid off a large portion of its debt, was enjoying a strong financial performance, and saw an opportunity to consolidate its position as a national distributor. The acquisitions, all of which took place in '86, included a Frasse-Bassett Inc. plant in Twinsburg, Ohio; a Ducommun Metals facility in Tulsa, Okla.; and A. B. Murray Co., a service center headquartered in Philadelphia, which is now operated as a wholly owned subsidiary. That year, the company also opened a tube-cutting and end-finishing center in Indianapolis.

Of all these purchases, the Tulsa acquisition was the most important: it has boosted the company's presence in Oklahoma, Arkansas, Kansas, and Missouri, as well as improved service nationwide by allowing easier interbranch transfer of more than 1,100 tons of material every month.

Although it opened a new domestic center, in Wallingford, Conn., just last month, Kilsby-Roberts is turning more of its attention to foreign markets. Since 1986, the company has serviced Great Britain, as well

as other selected countries in Western Europe, through its facility in Clay Cross, England. And now, with the Free Trade Agreement (FTA) between the U.S. and Canada in effect, Kilsby-Roberts is studying its opportunities north of the border. "We wanted to expand into Canada with or without the FTA," says Von Arx, "but we anticipated ratification of the agreement, so it's a natural progression for us to go ahead with our plans of doing business there."

Hibben notes that the firm is also targeting developing nations. The weak U.S. dollar, he says, is encouraging those nations to buy from U.S. distributors. One region that is particularly attractive, he adds, is the Pacific Rim. "There are five or six countries in the Far East with enormous [buying] potential."

Hulsey, Von Arx, and the rest of the Kilsby-Roberts management are still formulating the best means of approaching those markets, whether it's by opening facilities there or finding partners already established in those areas. They know that the company has a way to go before it can be effective selling in the Far East.

"We're trying to learn more about how they do business," says Von Arx. "The etiquette of doing business in the Orient is almost a 180-degree turnaround from the U.S. This is true even of European countries, since there are a number of things that businesspeople do here that would be considered insulting over there. That's why we're not just going to run in and start setting up shop without carefully doing our homework."

And if its success with ESOP is any indication, when the company does its homework, it tends to get high grades.

DESECRATION OF THE FLAG

HON. DONALD E. "BUZ" LUKENS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1989

Mr. DONALD E. "BUZ" LUKENS. Mr. Speaker, I rise today to once again address the issue of the desecration of our flag. The recent decision of the Supreme Court protecting the burning of the flag under the first amendment has aroused the ire of many across the Nation. It is our duty as elected representatives to hear the cry of our constituents and translate those cries into legislation.

Too often the people of the United States are accused of taking their freedoms for granted, yet when our freedoms are threatened in any way, Americans fervently strike back. Take, for example another threat to our freedom in history. In 1941, a surprise Japanese attack at Pearl Harbor served as a rallying cry for the entire Nation. Subsequently the United States quickly became a mobilized war machine like none ever witnessed before. Hundreds of thousands of Americans gave their lives in the defense of all the flag represents. We must not turn our back on these brave individuals.

I submit for the RECORD today an article by John E. Dolibois, former United States Ambassador to Luxembourg. Mr. Dolibois is a naturalized American and feels a remarkable devotion to his adopted land. His feelings expressed in this article exemplify the feelings

expressed by my constituents, and by citizens across the United States.

Mr. Dolibois' recantation of personal experience is a moving testimony to the loyalty of so many to the flag and the Nation it represents. All over the world the flag represents a nation, an ideal, not just a cloth banner. We must protect the symbol of that ideal. I cannot strongly enough stress the importance of protecting Old Glory, and I shall fully support any action this body puts forward to achieve that end:

THE FLAG REPRESENTS EVERYTHING

(By John E. Dolibois)

According to your lead editorial on June 27, Justice William Brennan puts the Supreme Court's flag-burning decision "into constitutional perspective." An American principle was at stake. So the desecration of our flag has to be permitted. The justice pointed out that the Stars and Stripes "is only one of many symbolic representations revered by Americans." Like the hood ornament on a Cadillac, or the hotdog at a baseball game?

I'm a naturalized American. To me the American flag represents everything my adopted country stands for. It's a "symbol," yes, but a very, unique one. When my flag is desecrated, I take offense. So I wish the court's ruling could be explained in more than legalistic mumbo-jumbo. You see, I'm confused. Does the Supreme Court's ruling apply only to flag-burning, or can a protester also walk on it, tear it to shreds, even urinate on it? (Don't be surprised when some punk somewhere will do just that real soon.)

MEANINGLESS PLEDGE?

What about the Pledge of Allegiance "to the flag of the United States of America, and to the Republic for which it stands"? In light of this high-falutin decision, does that pledge still have meaning? Was Michael Dukakis right after all? And isn't it somewhat incongruous to teach our children to stand in respect, to doff their caps or hats, when the flag is passing by? Put your hand over your heart when you hear The Star-Spangled Banner, but any time you disapprove of the president of the United States' coming to town, you can burn it.

I continue to be confused. Did I serve four years in the U.S. Army during World War II to guarantee some unwashed maggot the right to desecrate the flag "which is constant in expressing the beliefs Americans share"? Justice Kennedy says, "It is poignant but fundamental that the flag protects those who hold it in contempt." Hogwash! In Nazi Germany the Jew-baiter Julius Streicher found justification for his vicious anti-Semitism in the Bible. He quoted it constantly, asserting it was his God-given right to burn books and abuse the Jewish people. The Holocaust was "legal" too, if you obeyed Nazi laws. My point is that if you look deep enough you can find a rationale for all kinds of stupidities in the First Amendment, the Constitution, the Bible.

Five powerful supermen have nullified the flag-desecration laws of 48 states. I suppose "legally" they are right as always. But what ever happened to common sense? I think we should let the American people decide. I support the idea of a constitutional amendment to forbid flag desecration even though it is denounced by civil-liberties groups. (So what else is new?) And don't bother to ask directors of flag institutes in Britain or West Germany what they think about it. This matter concerns the Ameri-

can, flag, not theirs. But if anyone is interested in how some Europeans feel about the American flag, let me share an observation and experience with you.

My native country, the Grand Duchy of Luxembourg, was twice invaded by the German army, in two World Wars. In the course of both wars, Americans liberated Luxembourg, restoring to its people their freedom and the sovereignty of their country. Luxembourgers have never forgotten. On our Memorial Day each year, they decorate the graves of 5,074 Americans buried in the American Military Cemetery not far from the capital city. They place fresh flowers and a small American flag at each white marble cross or Star of David. If anyone were to mess with these flags as a "form of political expression," he would be dealt with promptly, legally.

I was in Luxembourg when the 40th anniversary of its liberation and the end of the Second World War were celebrated. On one occasion I met an elderly lady who had suffered through both wars and two dreadful occupations. She recalled that when General Pershing and his U.S. troops drove the Germans out of her country in 1918, American flags were waving from almost every house in the city and the countryside. All through the German occupation in World War II, Mrs. Madeline Fischbach was confident that American soldiers would again liberate Luxembourg, and when they came she would have the Stars and Stripes hanging in front of her house.

DEFYING THE NAZIS

But the Nazis did not permit the possession of flags other than their own swastika. Violators of this law were sent to concentration camps or even sentenced to death. Nevertheless, Madame Fischbach secretly made an American flag. And when the U.S. 5th Armored Division roared into Luxembourg on Sept. 10, 1944, her hand-made American flag was fluttering proudly in front of her home.

The dear old lady gave me that flag. It is now 45 years old and is one of my most cherished mementos. I'm sure Madame Fischbach would not understand the action of the Supreme Court of the United States of America. I know I don't. Yes, I'm a patriot. And proud of it. I believe in the First Amendment too. But the flag-burning decision by our highest court is going too far and something must be done about it. Meanwhile, an American flag is flying in front of our house every day, "from the dawn's early light to the twilight's last gleaming," and nobody had better try to burn it or tear it down.

THE DOLLARS AND SENSE OF MILITARY RETIREMENT

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1989

Mr. DORNAN of California. Mr. Speaker, legislation I have introduced to correct some inequities in the Spouse Protection Act has raised a number of questions concerning military "retirement." "The Dollars and Sense of Military Retirement" written by Lt. Gen. Edgar A. Chavarrie published in the May 1985 Defense magazine is an excellent piece which clearly explains the military retirement system. I encourage those who would like to learn

more on the subject of military retirement to read this fine article.

THE DOLLARS AND SENSE OF MILITARY RETIREMENT

(By Lt. Gen. Edgar A. Chavarrie, USAF)

The military retirement system helps keep our forces vital. As one of our major manpower management tools, it ensures that a smooth promotion flow continues; it operates to keep the force young with the skill and experience mix we need; and it forms an integral part of the military compensation system. In sum, the retirement system exists for one purpose and one purpose only—to help us meet the national defense requirement with a ready force during both peace and combat.

Drawing comparisons between the military retirement system and other retirement programs is not an easy task because of a very important fact—the military retirement system is not an old-age pension plan as are other systems. It is not designed or intended to fulfill an old-age income maintenance function. It does not offer any capital accumulation features. It does not provide any deferred income provisions. It does not offer any thrift plan features, nor does it have any matching saving supplemental plans. In short, the military system doesn't look anything like a normal retirement plan—for a very good reason. It isn't one.

What is it then? The Navy retirement statutes use a term that perhaps describes it best—retainer pay. In effect, that is what the military system is. It allows us to retain people—to form a ready pool of talent that is accessible.

Right now, our contingency mobilization plans include the recall to active duty of between 22 to 86 percent of the retired force, depending on the service. Many thousands already have their recall orders in hand should it become necessary.

Further, retirees retain their military status until they die. We can call them up when necessary, we keep them under the Uniform Code of Military Justice, we place restrictions on what they can do and what kind of work they can perform after leaving active service. When leaving active service after 20 years or because of a disability, they can receive retired pay that the Supreme Court has characterized as "reduced pay for reduced levels of military service."

Underlying this is still the basic principle of the military retirement system—to meet our active force requirement and support the national defense function. No other retirement system, public or private, faces such a unique requirement. I want to report that today's system has met that requirement and met it well.

If it does work well, why do we hear criticism and calls for major reform? Perhaps because there is failure to understand that the military retirement system must serve four masters: It must serve national defense policy; it must serve active force requirements; it must serve as a compensation element; and, importantly, it must serve the men and women who are contributing their lives to the nation's defense. No other retirement system serves such a multiplicity of purposes. My summation is that critics fail to draw a distinction between the system itself and the costs generated by that system.

In a very real sense, costs drive change or at least focus our attention. On Oct. 1, 1984, the military retirement system moved to an accrual accounting technique to focus on

future retirement costs resulting from today's active force policy decisions. Prior to that, military retired pay was on a pay-as-you-go basis. Annual appropriations for the Defense budget were included as a line item for retired pay obligations. On Oct. 1, 1984, that changed. The Military Retirement Trust Fund was established at Treasury in the income security rather than defense function. It is from this trust fund that we now pay our retired members. For fiscal 1986, we will pay \$18.3 billion to members. There is no difference in the checks—they are still issued by the individual finance centers, and individual accounts are still maintained there. However, the payouts came from the trust fund rather than a Defense account.

This new fund gets its assets from three sources: the Department of Defense, the Department of Treasury, and investments. Let me discuss the funding technique briefly.

Each year, DoD must now include an amount in the budget that represents the future value of future retirement benefits resulting from today's active service. The amount is determined actuarially and represents the normal cost percentage of active duty basic pay that would have to be set aside to pay for future retired pay outlays. This amount is included in the budget as a line item, monies are appropriated to DoD in that amount, and then transferred from DoD to the trust fund in the Treasury. For fiscal 1986, that amount is \$18.2 billion. Identifying this amount forces DoD managers to be aware of how a policy change in active force management—retention rates, promotion rates, pay raises, and the like—will impact on future retirement costs. The transfer from DoD is the first source of revenue for the fund.

The second source is a transfer from the general funds of the Treasury into the Military Retirement Fund. This amount is also determined actuarially and represents the unfunded liability of the retirement system—the amount that would be necessary to pay off retired pay resulting from all past active service. The total unfunded liability, about \$600 billion, is being amortized over 75 years. For fiscal 1986, \$10 billion will be transferred to the fund to amortize part of the unfunded liability.

The third source of fund assets is investment income. We can invest a portion of the fund in public securities. The income from the investments also goes into the fund.

This accrual accounting technique has some interesting cost features in relation to changes in the retirement system. You hear a lot of emphasis on the deficit and how to reduce it. Under the accrual accounting system, the only aspect that affects today's deficit is the outlay to today's retired members—the actual payouts from the fund. Any prospective changes to the system with grandfather features will change DoD's contribution to the fund, but will not affect the deficit at all. The unfunded liability and the outlay to retirees in the near term would not change. Deficit change will only occur if there is a change in what the government is actually paying out. The recent delays, limitations, and change to the cost-of-living adjustment mechanism lowered the deficit because they changed what was actually being paid out by the government from the fund.

These changes in funding and budgeting for the retirement system have caused a better awareness of where we are, where we are going, and where we have been. For instance, we know that over the past 30 years, the growth in the size of the retirement

population has caused only 19 percent of the growth in outlays. In the mid-1950s, it became national policy to maintain a large standing force of about 2 million. That decision is now being reflected in the size of the retired population. We have 1.4 million people receiving payments from the fund and expect it to level out at 1.6 million and stabilize. This means that unlike many other federal programs, the military retirement system is maturing. The number of new eligibles for retired pay is not expanding. You don't find that happening in other systems. That stabilization means that the growth in outlays resulting from population growth will also stabilize.

We also know that over the past 30 years, inflation has caused 55 percent of the growth in outlays. However, that growth rate is also being better controlled as we move into a period of greater economic stability. Together, a stable population and controlled or lowered inflation have minimized the effect of retired pay outlays as a deficit growth issue.

Today's retirement system is working well in response to our national security objectives. It allows us to manage the force in response to service requirements and provide a combat-ready capability. We have long held that any change to the system must be based on legitimate defense needs—the ramifications for the future are simply too important to ignore.

Secondly, straight-line comparisons to other retirement systems must be approached with caution. No other retirement system, public or private, has the same requirements as does the military system. Not even foreign military systems serve the same national purposes as does that of the United States. Unless there is a commonality of purpose and requirement, any comparison simply becomes one of form and structure, not of substance.

Thirdly, costs of the retirement system are part of national economic facts that must be faced, as are the costs of any system. We are doing that through actual accounting. We must now weigh the effects of active force policy decisions against the future resulting costs. We also know that the maturity of our system, coupled with better economic conditions, will stabilize retired pay outlay growth.

Mr. Speaker, I would also like to insert into the RECORD a letter to Secretary Cheney from the Non Commissioned Officer's Association. This letter addresses yet another aspect of military retirement and one that is directly affected by the Spouse Protection Act.

JUNE 27, 1989.

HON. RICHARD CHENEY,
Secretary of Defense, Room 3E880, The Pentagon, Washington, DC.

DEAR MR. SECRETARY: The Non Commissioned Officers Association of the USA (NCOA) has been in contention with the Department (DoD) over its interpretation of certain provisions in the Former Spouses' Protection Act (FSPA), 10 U.S.C. 1408.

In the Association's letter of December 1, 1988, to your immediate predecessor, NCOA admonished DoD for its failure to implement certain measures in the FSPA to protect servicemembers, particularly retired military personnel, from state court orders that only appear regular on the face. (See DoD Directive 1340.16, Encl. 3, para. G3.) NCOA contends that the language of that paragraph not only conflicts with para. C.6.a., Encl. 3, but violates the legislative

intent and provisions of 10 U.S.C. 1408(b), (c)(4), and (d)(1).

The Department's Office of the Comptroller responded to the NCOA letter on January 31, 1989. However, the explanation provided fails to convince the Association that the DoD directive complies with the FSPA. Further, NCOA believes that DoD's denial that it has no authority under the FSPA "to validate or to overrule court orders, as suggested by NCOA," is no more than an attempt to evade responsibility.

The recent U.S. Supreme Court opinion, in the case of *Mansell v. Mansell*, has given the Association new cause to revitalize its efforts to gain fair and equitable consideration for certain servicemembers who may be affected by state court orders that are in violation of the FSPA.

The opinion, delivered by Justice Marshall, expressed the intent of 10 U.S.C. 1408 (c)(4) as a prevention against forum shopping by a former spouse. Its footnote re-emphasized the restriction of the law placed, on state courts not to treat disposable retirement pay as community property unless it has jurisdiction over the military member. (See *Mansell v. Mansell*, 87-201-OPINION, 9.)

This alone, should be sufficient to cause DoD to amend its policy of accepting certain state court orders that fail to express jurisdictional authority over the servicemember. If not this, then cause the military finance centers to direct applicants to certify, under penalty of law, that the court in question does or did have jurisdictional authority. At least, the latter would be some attempt by the Department to champion the statutory rights of retired servicemembers.

In the second paragraph of this letter NCOA cites the contradictory language between paragraphs C.6.a. and G.3. of Encl. 3 of the DoD Directive. C.6.a. defines the conditions to be met by a court order providing for the division of retired pay as property. "The court must have jurisdiction over the member, etc." Here, the action word is "must", and not "appears" as stated in paragraph G.3.—

"If a court order on its face appears to conform to the law of the jurisdiction from which it was issued, the designated agent will not be required to ascertain whether the court had obtained personal jurisdiction over the member."

Paragraph G.3., then, is also a contravention of the applicable provisions of 10 U.S.C. 1408 (b), (c)(4), and (d)(1). The latter subsection directs "the Secretary concerned" to make payments but only "after effective service." "Effective service," according to subsection (b) and (c)(4), is clearly defined as a court order "regular on its face if the order is issued by a court of competent jurisdiction", which is a court that has jurisdiction over the member by reason of residence, domicile, or consent. There is nothing in the FSPA that even suggests that a court order that only "appears" regular on its face must be honored by the Secretary concerned.

The jurisdictional question is further clarified in the Congressional Research Service Report to Congress, 89-187F, "Military Benefits for Former Spouses: Legislation and Policy Issues," p. 17. "Finally, it reads, 'the Protection Act does not allow a court to consider military retired pay in a divorce—related property settlement unless the court has jurisdiction over the service member . . .'"

It may be of some persuasion to learn that an Association representative, an officer and

director of NCOA, was one of a concerned group of organizational executives, in the absence of any DoD effort, to approach the late Representative Bill Nichols, Member of Congress. In July 1982, the group urged him to offer some protective provisions for servicemembers in the proposed FSPA, as originally introduced on July 15, 1982, by Representative Patricia Schroeder, also a Member of Congress. Mr. Nichols amended Mrs. Schroeder's proposal on July 27, 1982, and parts of his amendment became the language of certain provisions that still exist in the FSPA today. They are 10 U.S.C. 1408(b)(1)(D), (c)(4), and (d)(2).

In defending his amendment, Mr. Nichols explained on the floor of the House of Representatives that he was forced to offer the changes to Mrs. Schroeder's proposal as "a last ditch effort to provide the minimum prudent safeguards needed to preclude the pendulum swinging too far (in favor of former spouses)." Later he expressed serious concern for the lack of "critical safeguards" to protect the servicemember, then proceeded to explain that one of his amendments would "limit the applicability of the provisions to states in which the member is domiciled, to states in which the member was married, to states where he resides other than because of military orders, or in states which he consents to the jurisdiction of the court." (CONGRESSIONAL RECORD, July 18, 1982, pp. H4726-H4734).

Subsequently, in debating the Nichols' amendment, Mr. Mitchell, Member of Congress from New York, emphasized the need to provide equity in the proposal. "Even though the scales have been balanced unfairly on one side for many, many years," he said, "I do not feel we should imbalance them on the other side in an attempt to remedy the situation. I think we must also provide equity for the member of the service."

Lastly, NCOA again reviewed the GAO Report cited in the DoD letter of January 31, 1989. The publication, "Implementation of the Uniformed Services Former Spouses' Protection Act" (GAO/NSIAD-85-4, Oct. 24, 1984) contains but minute reference to the subject matter. It does, however, reemphasize that the FSPA is "subject to prescribed limitations" in two separate instances (pp. 1 and 6).

Its interpretation of what constitutes "court jurisdiction" (CHAPTER 2, first paragraph, p. 6) does not concur either with the intent nor meaning of 10 U.S.C. 1408(c)(4). Both are considerably more than just "the court has personal jurisdiction over the military member for reasons other than his military assignment." (Also see CONGRESSIONAL RECORD, July 28, 1982, pp. H4726 [Mr. Nichols' amendment; proposed section 1408(c)(4)] and H4729 [Mr. Nichols' explanation of that proposed section].)

One positive statement can be extracted from the GAO report that supports NCOA's objection to the language of paragraph G.3, encl. (3), of DoD Directive 1340.16. It declares, without equivocation, that "lacking the required documentation to show that the courts had personal jurisdiction of the member is cause to reject an application."

Now, comes the final step—to determine who has the responsibility to reject an application or, at least, hold an application in abeyance awaiting certification or clarification of jurisdiction. DoD's letter of January 31, 1989, claims the Department doesn't have this authority. The question, then, is who or what does have the responsibility to

enforce all of the provisions of FSPA, not just those that DoD chooses to honor?

NCOA believes that DoD is responsible, otherwise why has the Department assumed the statutory power given to "the Secretary concerned," as defined in 10 U.S.C. 101 and appointed in 10 U.S.C. 1408? DoD's assumption squarely places it in the position of insuring that state court orders are in compliance with the law. If not true, then DoD should relinquish that assumption and return the authority to the Secretaries of the military department. Nowhere in 10 U.S.C. 1408 does it place the responsibility on the servicemember to challenge an invalid court order.

Further, in the GAO report, referenced above, there is no other allusion but one suggesting that an affected member must seek relief from a court order. (See second paragraph, last sentence, p. 13 of the report.) It has nothing to do with the question of jurisdiction.

Finally, in a colloquy between Mrs. Schroeder and Mr. Nichols (see Congressional Report, July 28, 1982, p. H4733), it is obvious that the legislative intent was to place the burden on the spouse and DoD to affix the servicemember's jurisdictional location. This exchange is quoted below.

"Mr. NICHOLS. Ordinarily, the place where the service member enlisted in the service is his or her domicile. The service member can, by an affirmative action, change his or her domicile with the military finance center.

Mrs. SCHROEDER. Would you agree that the Pentagon would tell a spouse what the current domicile of his or her spouse is so that he or she could bring action in the appropriate court?

Mr. NICHOLS. Oh, yes. I think that suggestion makes sense."

It is obvious that neither the law nor those legislators playing a major role in the final adoption of the FSPA, nor the Supreme Court's opinion intended to leave the responsibility to the defendant servicemember to challenge a court order when a jurisdictional question came into play. The suggestion by the Department of Defense to the courtesy is simply absurd. It only lends credence to the supposition that DoD is neither a promoter, a protector, nor a champion for its military personnel. Unlike the military departments, it certainly fails to "take care of the troops."

In your statement before the House Armed Services Committee, April 25, 1989, you spoke of people as taking precedence over all other defense programs. "The readiness and well-being of our uniformed personnel continues to be my highest priority," was your testimonial. Hopefully, that well-being extends to those who have served, who continue to be counted as mobilization assets, and who have no other governmental defender than the Department of Defense and/or the military department from which they have retired.

Some federal agency must take the responsibility for enforcing the provisions of the FSPA. If not DoD or the military departments, then who?

Anxiously awaiting your earliest response, I am,

Sincerely,

C.R. JACKSON,
Executive Vice President.

MEDICARE CATASTROPHIC COVERAGE ACT: AGREEMENT ON THE BENEFITS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1989

Mr. STARK. Mr. Speaker, it is an understatement to say that there is a great deal of controversy about the financing of the new Medicare law.

Some are talking about repealing it or delaying it.

Do the Members really want to go on record for repealing 1 billion dollars' worth of long-term care benefits? For repealing the expansion to 150 days of skilled nursing home care? For repealing the expansion of home nursing care? For repealing the unlimited hospice benefit? For repealing the beginning of a respite care benefit?

I guarantee that a vote to repeal these benefits is one that will come back to haunt many Members.

Some Members have supported repeal of the prescription drug benefit because they say it is too expensive. Great logic. If it is too expensive for the Federal Government to help provide insurance for, then they say let's surrender and let each individual senior try to cope with the catastrophic costs of drugs—drugs which can cost over \$10,000 a year per person.

As we grope for a way to pay for these important benefits, I think Members should think long and hard about the consequences of voting to repeal these important improvements in Medicare.

MULTILATERAL SANCTIONS AGAINST SOUTH AFRICA

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1989

Mr. WOLPE. Mr. Speaker, I am submitting a concurrent resolution similar to that introduced in the other body. This resolution is a sense of Congress calling on the United States to ask industrial democracies and other trading partners of South Africa to join in the sanctions that the United States has implemented against South Africa. According to a recent General Accounting Office report, Japan, West Germany, France, Italy, Great Britain, and the United States together account for over 80 percent of the trade with South Africa. As the resolution points out, many nations have already adopted selected economic sanctions which parallel some of the measures adopted by the United States. But, to increase pressure on the apartheid regime and prevent South Africa and foreign businessmen from taking advantage of United States sanctions, it is necessary to enjoin our allies and others to implement all of the existing United States sanctions.

Mr. Speaker, on the surface the situation in South Africa appears to be very fluid. Much has been made, for example, of the recent

meeting between President P.W. Botha and jailed A.N.C. leader Nelson Mandela at the President's residence. Accounts of the meeting remain very sketchy; but the possibility that Mr. Botha's efforts are motivated by tension within the National Party remains very high. Beneath the surface, however, the tragedy of apartheid continues. While we do not hear much in the media about the current situation in South Africa because of press censorship by the Government, we do know that it is very bad. Fundamental democratic rights that are central to the constitution of any civilized society—detentions and restrictions without trial and bans on the right to assemble, speak freely, and vote—remain absent in South Africa. Similarly, the racist ideology of apartheid continues to produce astounding economic disparities; differences in mortality rates, education and health expenditures, income, and employment rates are well documented and profound. Moreover, disturbing reports continue to surface about secret police and white vigilante extra-legal intimidation and violence, including the assassination on May 1, 1989, of Prof. David Webster. In addition, the irresponsible decision in Upington on May 26, 1989, in which 14 blacks were sentenced to death for the murder of a black policeman—even though the court acknowledged that only 1 man had committed the murder—continues to draw the outrage of international human rights organizations. Most of all, the Government continues, through its state of emergency and security legislation, to impose a horrendous system of racial domination upon the majority population.

Mr. Speaker, the Comprehensive Anti-Apartheid Act of 1986 stated that the United States should pursue multilateral international agreements with our allies and other countries to eradicate apartheid. Yet there has still not been significant action by the executive branch to implement these provisions. In fact, the United States vetoed two U.N. Security Council resolutions in 1987 and 1988 that would have imposed sanctions similar to the Comprehensive Anti-Apartheid Act of 1986. The time has come to urge the Bush administration to take decisive action to encourage the multilateralization of U.S. sanctions.

Mr. Speaker, sanctions implemented by the United States and partially adopted by many other countries to amplify internal economic and political pressures for fundamental change are working. Assistant Secretary of State for African Affairs, Herman J. Cohen, acknowledged last month that "Sanctions have had a positive effect." He added,

Sanctions are having a major impact on the psychology of the white community. There is no capital inflow. There is disinvestment. People worry about the future.

Leading members of the white minority government and its supporters in the business community are deeply concerned about the state of South Africa's economy, including the impact of external sanctions. Increasingly, they are saying that the country must change its racial policies because of sanctions. For example, Dr. Gerhard de Kock, the Governor of the Reserve Bank, stated in May:

Our economy will not develop to anything like its true potential, and the authorities

will not get the economy right, unless adequate progress is also made with political and constitutional reform * * *. The simple truth is that the political situation in which South Africa finds itself in the world today has had, and will continue to have, adverse effects on the economy.

Furthermore, a wide range of leaders of the South African antiapartheid movement—church leaders, union leaders, and political activists who are recognized and supported by the vast majority of black South Africans—continue to call for tough, multilateral sanctions. Most prominently, Archbishop Desmond Tutu, Rev. Beyers Naude, Rev. Alan Boesak, and a delegation of the United Democratic Front led by Mrs. Albertina Sisulu have visited with President Bush and stressed the pivotal role that the United States plays in the international effort to end apartheid. In a Capitol Hill forum on May 17, Beyers Naude said:

The one country in a decisive position to influence the situation is the U.S. Your intervention is critical. You can exert the moral leadership to mobilize world action against apartheid.

Mr. Speaker, I commend my colleagues in the Senate for introducing Senate Concurrent Resolution 47 and I encourage my colleagues in the House to support the same measure. The time has come to comply with the bipartisan Comprehensive Anti-Apartheid Act of 1986 and to implement fully its provisions.

RADIATION HEALTH EFFECTS RESEARCH AT THE DEPARTMENT OF ENERGY

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1989

Mr. EVANS. Mr. Speaker, it is no secret that the Department of Energy's nuclear weapons production complex is in a state of disarray. From the shutdowns at Savannah River and Fernald to the recent criminal investigation at Rocky Flats, the past is finally starting to catch up with the Department of Energy.

Recently Admiral Watkins said that a "culture of production" has dominated the complex at the expense of health, safety, and environmental protection. Perhaps the most blatant example of this can be found in the Department's own epidemiological studies program.

For too long, the Department of Energy has kept the Congress and the American people in the dark about the health hazards involved in producing nuclear weapons. The veil of secrecy that the DOE has maintained over epidemiological information is not there because of national security, but because of a fear that goes to the heart of Secretary Watkin's concern over the "culture of production" in the nuclear weapons production complex. Simply put, health and safety concerns compete with production goals and production wins out.

The fear that health and safety concerns would hamper production goals has made the DOE's epidemiological studies program useless. Instead of using their in-house and contractor studies to improve safety practices, DOE often quashed studies so the production

lines wouldn't be shut down. In 1977, for example, contracted researchers published preliminary results indicating an association between cancer and low-level ionizing radiation. However, before the contractors could submit their final report, the Department of Energy severed the contract. Just last year, in a report on the DOE's handling of iodine information at the Hanford reservation in Washington State, the GAO concluded: "DOE's handling of information on iodine 129 detected in Hanford groundwater was dominated by a pattern of activity that generally discouraged disseminating the information within and outside the agency." The report goes on to conclude, "This pattern of activity was so pervasive that, in GAO's view, DOE might never have publicly released the information if the NRC through its on-site representative, had not identified and pursued the issue." Unfortunately, the number of similar cases documented over the past several decades makes it difficult to conclude that these are isolated events.

The problem is that the DOE is the fox guarding the chicken coop. DOE's inherent conflict of interest; producing nuclear materials while trying to ensure the safety and health of plant workers and the public is at the root of the problem. Until this relationship ends and DOE is taken out of the health research business, the DOE will still be able to keep its problems in the dark.

I have been working with the gentleman from Oregon, Representative WYDEN and the gentleman from Colorado, Senator WIRTH on legislation to take the responsibility for health research and epidemiological studies away from the Department of Energy.

In sum, the legislation would transfer to the Secretary of Health and Human Services [HHS] the authority—currently held by DOE—to conduct health and safety research and epidemiological studies on the effects of radiation exposure at nuclear weapons production facilities. In essence, while assuring the privacy of individual DOE employees, the legislation would allow independent Government health agencies and their contracted researchers access to the pooled health records of all nuclear weapons workers. In addition, the legislation would create a nine-member advisory panel consisting of DOE personnel, labor representatives of DOE employees, and independent public health professionals to help HHS catalog existing data and implement future studies. In my view, this proposal would serve to ensure that DOE employees and the public at large are kept as informed and up to date as possible regarding the possible health impacts of radiation exposure.

Next year I plan to continue looking into the issue of DOE's management of its own health research and epidemiological studies program. I hope at that time we can also examine the role that toxic chemicals play in worker and public health at and around the DOE's nuclear facilities and broaden the scope of the legislation to include toxics within it. Union and labor leaders have raised legitimate concerns about this relatively unexamined issue and it needs to be included in any legislation we contemplate concerning health and safety at the DOE's facilities.

I hope that next year we can move this legislation on the fast track that it deserves. I especially would like to work closely with my colleagues in the Energy and Commerce, Education and Labor, and Science and Technology Committees to craft a bill that includes all of the concerns of the appropriate committees.

Considering the crisis within the DOE and the magnitude of the health problems associated with it, it is crucial that we get as clear a picture from health research and epidemiological studies as we can. Seeing that the DOE cannot currently guarantee this, Congress must act on this issue, if not this year, than next year.

SOVIETS PLANNED GEORGIA MASSACRE, SAYS GRIGORYANTS

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1989

Mr. RITTER. Mr. Speaker, the West had little problem noticing—and unanimously condemning—the brutal crushing of the prodemocracy movement in China recently. The Chinese Government's use of their military force, summary justice, and propaganda to crack down on the demonstrators was as visible as it was brutal. But the Soviets, in early April—2 months before the Chinese crackdown—revealed in their actions the prototype of a more polished, stealthy, and elaborate vehicle to break the back of dissident sentiment and the pluralistic democratic movement within their borders. This vehicle for oppression—fielded by the Soviets on April 8—has been relatively misunderstood or gone unnoticed by many in the West. It is clear from the new April 8 Soviet law on State Crimes, and the events in Georgia on the following day—virtually hidden from the Western media—that a hidden agenda is being employed by Soviet officialdom.

Mr. Speaker, I would like to include an article entitled "Soviets Planned Georgia Massacre, Says Grigoryants" by Sergei Grigoryants, editor of the Soviet Union's only independent magazine, into the RECORD. I think this article will help my colleagues better understand the relationship between the new Soviet laws and the recent brutal crackdown by Soviet troops in Georgia:

[From the Washington Times]

SOVIETS PLANNED GEORGIA MASSACRE, SAYS GRIGORYANTS

(By Martin Sieff)

Prophets usually bring hard or strange tidings when they come to a city. Sergei Grigoryants is no exception.

The April 9 massacre of human rights protesters in Georgia was planned to provoke a martial law takeover of the Soviet Union, he told a news conference at the National Press Club June 8.

"It became very clear a few days ago these events were not accidental. They were very well planned," he said at the conference, organized by the National Freedom Foundation. "At 4 a.m. on April 9, the central square in Tbilisi was surrounded by several units of special-forces troops flown in from Central Russia.

In the ensuing violence, 22 persons died, 4,000 were injured and an unknown number have since died from exposure to nerve gas, he said.

"The troops were not trying to disperse the crowd," Mr. Grigoryants said. "They first surrounded and then hounded and squeezed them in the direction of the State broadcasting building and the main government building in the square. In these two buildings, there were already troops armed with submachine guns and automatic weapons."

Far higher casualties were only prevented by local Georgian police. "They formed a human chain-link to prevent the crowds coming up against these buildings. Several of these brave policemen paid with their lives," he said.

Mr. Grigoryants listed events leading up to the massacre that indicated it had been planned.

On April 4, five days earlier all of the police in Tbilisi were disarmed.

On April 5, a Soviet deputy defense minister visited Georgia.

On April 8, the day before the massacre, the Soviet government passed a new law greatly extending terms under which people could be convicted for up to three years for discrediting any Soviet official.

The same day as the massacre, an armored division carried out unexpected training exercises near the Latvian capital of Riga. In the Estonian cities of Tartu and Tallinn, tanks appeared in force in the streets the same day.

Four hours after the massacre, the special troops that carried it out were evacuated from Georgia.

Six hours after the massacre, a telegram signed by Dzhumbar Padishvili, first secretary of the Georgian Communist Party, was sent to Moscow, describing the events as a riot and an attempt to take over power in Georgia.

It was very clear that this plan was worked out in advance. It would have gone that way and the demonstrators would have been blamed if the police had not interfered," Mr. Grigoryants says.

"The April 8 law leads to the conclusion that an attempt was made to use the events in 'Georgia as planned to carry out a crackdown and possible military takeover of the whole country. But, obviously, the murder of innocent women could not be presented as a malicious attempt, and a backpedaling took place."

If the plot had gone according to plan, Soviet President Mikhail Gorbachev "would have achieved a total crackdown on democratic and national movements in the Soviet Union," Mr. Grigoryants claims. "Since so-called extremists would be blamed for all the problems, Mr. Gorbachev could continue to talk about glasnost and enjoy all the credits he gets from the world."

Mr. Gorbachev and his spokesmen insist that he did not know in advance of orders to send the paramilitary troops commanded by Col. Gen Igor Rodinov to Tbilisi.

Two weeks after the massacre Roald Sagdeyev, former director of the Soviet space program and a scientific adviser to Mr. Gorbachev, strongly hinted at a Washington news conference that conservative Politburo members Yegor Ligachev and former KGB Chairman Viktor Chebrikov were responsible for sending the paramilitary force to Tbilisi.

ON THE NATIONAL ENDOWMENT FOR DEMOCRACY

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1989

Mr. FISH. Mr. Speaker, in the 1970's it appeared that democracy around the world was in retreat. Today, however, democracy and free enterprise clearly appear to be moving forward throughout the world. I am proud of the role of the National Endowment of Democracy, a nonprofit organization which receives congressional funding, in aiding democracies.

I insert the text of a July 11 article "Uncle Sam's Drive for Democracy" in the Financial Times, which describes the NED.

[From the Financial Times, July 11, 1989]

UNCLE SAM'S DRIVE FOR DEMOCRACY

(By Peter Riddell)

The image of the American abroad preaching the virtues of democracy and freedom has been tarnished since the Vietnam war. Yet this object is now being pursued in a more open manner by a little known body called the National Endowment for Democracy.

A peculiarly American hybrid, it is a private nonprofit organization funded by annual Congressional grants and run by a board consisting of representatives of the Democrat and Republican parties, unions and business. Its inspiration was a speech in 1982 in London by then President Ronald Reagan calling for a commitment to assist democratic development.

The endowment operates mainly as a grant-making body. About three-quarters of its money—nearly \$16m in the current fiscal year—is channelled through special international offshoots of the two parties, the Centre for International Private Enterprise (an affiliate of the US Chamber of Commerce) and the Free Trade Union Institute (set up by the American Federation of Labor/Congress of Industrial Organizations).

The core principles are that grants are to assist in the development of democracy and all are publicly disclosed. In almost all cases this involves working with independent local groups with the money often going on basic items like office equipment and premises.

Mr. Carl Gershman, the endowment's president, denies that the grants are a more public and acceptable extension of the overseas activities of U.S. security and intelligence agencies. Any such connection is strongly denied, though the endowment has faced controversy over grants specifically earmarked by Congress for Nicaragua.

In totalitarian societies the endowment's programmes sustain groups supporting democratic values to "keep the flame alive." In communist societies this has involved backing independent groups and newspapers working for greater openness and the revival of civil society—until recently often against the wishes of the regime and via underground and emigré groups.

In countries with an authoritarian history, such as Haiti, Chile and Paraguay, the endowment has helped those working for a peaceful democratic transition. In newly established democracies, such as Argentina, the Philippines and Guatemala, the endowment has tried to strengthen the institu-

tional infrastructure and public education on democratic procedures to help create a more pluralist society.

As this list implies, Mr. Gershman sees an evolving process as countries move from a closed authoritarian position through a transitional phase to a more open system.

The main constituents of the endowment each have a different role. The Democrats, who have long had an international programme, give general backing to democratic processes, though avoid making a partisan commitment between competing groups. There is the significant exception of Northern Ireland where the Democrats have a long standing commitment to the SDLP as the voice of non-violent nationalism.

The Republicans, however, have mainly backed parties with a close ideological link via the International Democrat Union (to which the British Conservatives also belong).

The Centre for International Private Enterprise, like the other bodies, has been particularly active in Latin America where there is the basis of a private sector.

Dr. John Sullivan, its programme co-ordinator, stresses the linked roles of assisting in the opening up of the economic system towards the free market and in strengthening private sector groups. Among the specific projects are the creation of local chambers of commerce, help for information campaigns to advocate deregulation and to spread entrepreneurial values, the training (in Mexico) of economics and finance journalists, and of management.

The Free Trade Union Institute has a longer pedigree via the existing widespread international connections of the AFL-CIO with its 40 offices worldwide. The largest part of its money goes to Asia and Latin America. It provides training and direct assistance for the development of unions, covering, for example, organizational methods and health and safety procedures.

The rapid pace of change in Eastern Europe has provided big new opportunities. Solidarity in Poland already receives \$1.3m via the Free Trade Union Institute, which now wants to help develop its organisation and trade union functions to match its new legal status. Ms. Eugenia Kemble, who runs the institute, stresses that each of the grants does only what local leaders want, so there is no sense of outside interference. Separately, affiliated AFL/CIO unions are becoming involved with their Polish counterparts.

The Centre for International Private Enterprise has been in discussions in Poland to provide advice and basic help. In Hungary, the centre is considering help for a course on entrepreneurship at Karl Marx University, where President Bush speaks on Wednesday, a symbolic indicator of the changes.

It is difficult to assess the impact of these efforts compared with underlying indigenous trends. Yet the presence of foreign observer teams organised by the Democrats' institute may have helped in various transitions, notably in the Philippines in 1986. The State Department regards the endowment as a useful catalyst in association with local groups.

All involved see a worldwide movement in the direction of political pluralism and free markets. Mr. Gershman notes that in the mid-1970's democracy was in retreat in many regions such as Latin America; this has been reversed, not only in that region but in Pakistan and parts of Asia. But, as

this summer's events in China and Panama have shown, the process is not irreversible.

USHEALTH BILL SETS NATIONAL EXPENDITURE CAP AS TRADE TO SECURE HEALTH AND LONG-TERM CARE PROTECTION

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1989

Mr. ROYBAL. Mr. Speaker, Mr. Speaker, today I am introducing the USHealth Program Act (H.R. 2980)—a major reform bill providing basic health and long-term care benefits for all Americans, regardless of age or income. The bill covers primary, acute and long-term care and has special safeguards for catastrophic illnesses. As a tradeoff to secure this protection, USHealth sets a national health and long-term care expenditure cap.

Even in this time of tight budgets, Congress needs to take on this most difficult issue. The House Committee on Aging has held major hearings documenting two critical access deficiencies. First is the large number of Americans without any health insurance coverage—31 to 37 million people are uninsured.

The fundamental right of every American to access necessary health care can no longer be denied. We will no longer ignore the 31 to 37 million fellow Americans lacking insurance for either basic or catastrophic health care. USHealth, building on the foundation of the existing Medicare Program, ensures that all Americans are entitled to basic and catastrophic health insurance protection.

The second great deficiency is underinsurance, inadequate coverage for primary, acute, and long-term care. Young families are more and more likely to be working for employers who provide only minimal coverage. Over 200 million Americans are without long-term care protection—be it public or private—and are at major risk of financial disaster when hit by a catastrophic, chronic illness.

Americans find it unacceptable that those underinsured for long-term care not only face the tragedy of severe long-term care illness, but face a second tragedy—a financial disaster striking both young and old. We can no longer ignore our Nation's need for protection from and thus coverage for long-term care costs. USHealth is a unique plan which solves the problem of the 200 million underinsured Americans by offering comprehensive, flexible, managed, and cost-capped long-term care coverage for all Americans.

We are facing a serious crisis in our Nation's health care system because of incomplete access to care and increasing costs of care. Soaring health care costs in the current system threaten the American people's ability to pay for desperately needed health care. USHealth contains costs better than the current system, saves money for the American people, and still provides protection for the uninsured and underinsured.

If enacted, USHealth—a comprehensive, national health plan—guarantees that all Americans will have access to necessary health and long-term care. Not only would

USHealth existing financial barriers to health care, but it would slow the Nation's escalating health care costs and improve health care quality. Compared to other comprehensive approaches, USHealth would take the unprecedented step of imposing a health and long-term care expenditure cap at 12 percent of the gross national product.

Without such an approach, the Nation's health expenditures are projected to reach as high as 15 percent of the GNP by the year 2000. Yet, despite this enormous national investment, we would still not have resolved the crisis facing people with catastrophic illness and people without adequate health insurance protection. Setting a national health and long-term care expenditure cap is a fair tradeoff to secure comprehensive protection for all Americans.

As compared to other comprehensive approaches, USHealth has a carefully articulated system for providing long-term care protection. In this bill, long-term care expenditures are capped at 1.1 percent of GNP. Long-term care benefits are managed through a care management system which ensures that beneficiaries receive the care they need and that taxpayers will not face increases in costs beyond increases in their ability to pay. Further, the bill's long-term care benefits are flexible to best match beneficiary needs and promote beneficiary independence.

USHealth brings about critically needed improvements without disrupting the essential professional and personal relationship between individual patients and their health care providers. Further, USHealth creates a special partnership with the Nation's insurance industry which protects the financial viability of those companies while ensuring comprehensive coverage for every American.

Though some argue for piecemeal or partial solutions to these problems, Congress should support a comprehensive solution. USHealth is one such solution. Since a broad-based problem exists, only a broad-based solution will provide the full health and long-term care protection which Americans desperately require. Other comprehensive approaches have been proposed recently, but all fall short for one reason or another.

Fortunately, there is no shortage of options for dealing with this broad and tragic problem. However, it is important to keep in mind that all funding comes from the same source, the pockets of the American people, even though payment may be made through premiums, out-of-pocket, deferred wages—through employers—or taxes. The criteria for selecting a particular solution should be solely on what is the most efficient and effective way to use the American people's dollars to meet the American people's health and long-term care needs.

Given the forces of change and the inequities of access, the 101st Congress should make the commitment to protect the uninsured and underinsured. The risk to the uninsured and underinsured is great and grows daily. High and rapidly rising health costs are hitting Americans of all ages. If not controlled soon, health costs will outdistance everyone's ability to pay for needed health care. We no longer can afford not to act.

This Nation can prevent the financial disaster of catastrophic acute and long-term illnesses if it has the political will. If America finds the will to take on this Nation's catastrophic health crisis, viable options do exist. I am introducing my USHealth Act to give Americans such an option.

Today we must begin our journey toward a healthy, productive, and caring America. USHealth, by incorporating state-of-the-art approaches for a health system, embodies our Nation's commitment toward building a truly American Health System.

Mr. Speaker, I include the summary materials describing the USHealth Act into the RECORD:

THE USHEALTH ACT: AN AMERICAN HEALTH PLAN (H.R. 2980)

BILL SUMMARY

USHEALTH. The "USHealth Act," using the existing Medicare program as the foundation, is designed to control health and long-term care costs for all Americans whether they be individuals, employers or government; to maintain quality care for all providers and patients; and to ensure financial access to health and long-term care and prevent financial disaster resulting from catastrophic illness for all Americans.

Cost Containment. The health care cost containment program covers all services and patients. The cost containment provisions include paying all health care providers prospectively where payments are developed in consultation with providers. Further increases are limited to increases in the per capita GNP. States may set up alternative payment programs.

Cost sharing of 20 percent for health and skilled long-term care and 25 percent for non-skilled long-term care is required, but only up to the catastrophic limits described below. Cost sharing is optional for qualified HMOs. The poor (under 100 percent of poverty) and those spending down into poverty are exempt from any cost sharing which prevents access to needed care.

The ceiling on total U.S. health costs is 12 percent of GNP under USHealth. Included under that ceiling is a ceiling on total long term care costs set at 1.1 percent of GNP indexed to changes in severity, ADL (assistance with daily living) levels and cognitive impairment levels.

Access. Financial access is ensured by making every citizen and permanent resident eligible.

Benefits. Beneficiaries are protected from the cost of catastrophic illness. Their financial risk is limited to paying coinsurance as follows: a. up to a maximum \$600/person/year, they pay 20% of health care, skilled nursing home and home health costs, and b. up to a maximum \$1,000/person/year, they pay 25% of long term care costs. Both "maximums" are indexed to per capital growth in GNP.

The basic and long term care benefits package includes standard Medicare covered services as well as the following: inpatient hospital and inpatient psychiatric hospital services, medical and other health services, comprehensive outpatient rehabilitation facility services, health care services of a medical care access facility (Effective 1/1/90), extended care and nursing facility services, skilled home health services, hospice, alcohol and drug abuse rehabilitation, outpatient mental health (including community mental health centers and state-authorized services provided by a clinical psychologist,

clinical social worker, or psychiatric nurse specialist). In addition to the services traditionally covered by Medicare, medical and other health services are expanded to include nurse practitioner and clinical nurse specialist services (Effective 1/1/90), early periodic screening/diagnosis/treatment for those under age 21, family planning (individuals of child-bearing age), private duty nursing services, physical therapy, occupational therapy, speech-language therapy/pathology, audiology, and other medical or remedial care recognized under State law and specified by the USHealth program. Dental (including dentures) and eyeglasses are added before the year 2000 unless total USHealth expenditures would exceed 12 percent of GNP. As under Medicare, prescription drugs are covered but the annual deductible is reduced to \$100. USHealth also covers physical checkups, health screening, immunizations, health risk reduction, and other preventive services.

More specifically, long term care (LTC) benefits are covered for chronically ill individuals (at least 2 age-appropriate ADL's or similar level of cognitive impairment). Long term care benefits include: Care management services, nursing care, services of a homemaker/home health aide, medical social services, medical supplies, physical/occupational/speech/respiratory/corrective therapy, patient and caregiver education/training/counseling, day health care, respite care (minimum of 120 hours/year if eligible), nursing facility services (as under the current Medicaid program), and limited transportation. Other long term care services, including personal care, may be covered if authorized by the care management agency and if total costs do not exceed expected cost.

Quality. The current Medicare quality assurance system, including Peer Review Organizations (PRO), is upgraded to place at least as much emphasis on quality assurance as on cost containment, cover all health care providers and consumers, cover all health services (hospital, physician, nursing home, home health), set up a national Council on Quality Assurance, add Consumer Boards to PROs, establish a patient bill of rights and create an ombudsman program. States have the option to develop their own qualified quality assurance system. Quality assurance is also addressed by federal HMO qualification.

Administration. The program is entitled "USHealth" and managed by the USHealth Administration (replaces the current Health Care Financing Administration) which is independent and off-budget. Most bill processing and review will be provided through contracts with private insurance companies.

Financing. Health care cost increases will closely match increases in per capita GNP—approximating the Nation's ability to pay. The provisions to ensure financial access for all Americans are financed as follows: the savings generated by indexed prospective payment and capitation, beneficiary cost-sharing, an expanded cigarette tax, extension of the Medicare payroll tax to all incomes, a premium paid by the elderly (approximating the "Medicare premiums"), an employer tax based on compensation, State revenues covering 1/2 the cost of the poor, and a surcharge on corporate and individual income taxes sufficient for the solvency of USHealth.

Transition and System-Building Provisions. During the interim period between enactment of USHealth and 1994 (the first year of full implementation), the bill makes

several changes which provide interim protection (e.g., extending Medicaid to cover the poor), and set up the transition to USHealth (e.g., developing rural and mental health care resources).

Medicaid Expansion. Over a three-year period, Medicaid protection is expanded to cover all persons with income at or below the Federal poverty level.

Private Insurance Deduction. Small businesses and self-employed individuals are allowed to deduct the total cost of their health insurance.

Rural Health Care Development. Several provisions improve health care in rural areas by improving payment to rural health care providers, covering cost of Medical Care Access Facilities (MedCAF), authorizing a rural health services block grant, grants to develop medical practices, and ensuring that mental health services reach rural areas.

Direct Reimbursement of Nurse Specialists. As in the previous section for Medicare/USHealth, nurse practitioners and nurse specialists are covered by Medicaid.

Health Care Personnel Development. In order to better assure the availability of appropriate health care personnel, the bill expands the National Health Service Corps, establishes a Rural and Urban Health Assistance scholarship and loan repayment program, provides training funds and expands the Area Health Education Centers.

Mental Health Care Development. Several provisions are designed to improve mental health care by funding research and demonstration projects, upgrading quality assurance and program effectiveness review and methodologies, requiring Medicaid coverage of mental health care, changing the provision ensuring appropriate mental health care in nursing homes.

Alzheimer's Assistance Development. With respect to Alzheimer's the bill creates and authorizes funding for State Alzheimer's programs. It also requires the Secretary to take several actions to assure adequate payment, quality of care and access for Alzheimer's patients.

Community and Migrant Health Centers Expansion. As one way to reach underserved populations, the bill expands funding for community and migrant health centers by 10 percent.

COMPARISON OF USHEALTH PROGRAM ACT WITH CURRENT HEALTH CARE

The USHealth Program Act takes the Medicare law and amends it in a way that expands Medicare to cover all Americans for the full range of health and long term care. The Act also contains a number of transition provisions to phase in USHealth.

ELIGIBILITY

USHealth

All U.S. citizens and permanent residents are eligible for and covered by USHealth.

For coverage beyond USHealth, private insurance available through employer or through individual purchase.

Current

Medicare limited to elderly and disabled. Medicaid limited to part of poor, elderly, and disabled. Private insurance available through employer or through individual purchase (except for uninsurable). Over 37 million people are uninsured and over 200 million are underinsured for long term care.

ENROLLMENT

USHealth

Enrollment through Social Security offices. Other locations will likely be used as well. May allow option for enrollment by mail.

Added cost of enrollment by Social Security is paid for out of USHealth trust fund.

Initial enrollment and entitlement begins January 1, 1994.

Current

Mixed model of enrollment. Individuals enroll for private insurance through place of employment or insurance company. Medicaid eligible individuals enroll through State and county government. Medicare eligible individuals enroll through Social Security offices.

DELIVERY SYSTEM

USHealth

Like current system with mix of public and private providers; HMOs (Health Maintenance Organizations) eligible for 100 percent of average cost as long as they provide full coverage including long term care.

Current

Mixed model of public and private health care providers with some growth in HMOs and ambulatory care.

BENEFITS

USHealth

The health and long term care package includes standard Medicare covered services as well as the following: inpatient hospital and inpatient psychiatric hospital services; medical and other health services; comprehensive outpatient rehabilitation facility services; MedCAF services; extended care and nursing facility services; skilled home health services; hospice; alcohol and drug abuse rehabilitation; outpatient mental health; services of clinical psychologist, clinical social worker, clinical nurse specialists, nurse practitioners; EPSDT; family planning; private duty nursing; physical, occupational, speech-language therapy; audiology; physical checkups, screening, immunizations, health risk reduction and preventive services; prescription drugs (\$100 deductible) and other medical and remedial care recognized under State law and specified by USHealth. Dental care and eyeglasses covered no later than year 2000.

Long term care is covered for chronically ill individual as follows: care management services; nursing care; services of a homemaker/home health aide; medical social services; physical, occupational, speech, respiratory and corrective therapy; medical supplies; patient and caregiver education; day health care; respite care; nursing facility services (as under Medicaid); limited transportation; and other personal care if authorized and within expected cost target.

Current

Mixed model based on type of coverage. Private insurance covers most acute care with deductibles and coinsurance but seldom covers long term care. Medicaid generally covers acute and long term care without deductibles and coinsurance. Medicare generally covers acute care with deductibles and coinsurance but does not cover services such as prevention, dental care, and long term care.

QUALITY ASSURANCE

USHealth

Upgrades and expands quality assurance system to cover all patients and services, in-

cluding ambulatory care, care management and home care services.

Establishes a health and long term care ombudsman.

Consumer role is expanded through consumer advisory board and hot-line.

Establishes National Council on Quality Assurance.

Secretary of DHHS provides annual reports on impact of cost containment on access, cost and quality.

Current

Mostly targets hospitals and nursing homes. Very little external QA for ambulatory or home care.

Virtually no consumer involvement or access.

No overall responsibility for quality assurance for nongovernmental beneficiaries.

Very little investment in improving QA methods. Very little data available on impact of policy decisions on quality.

SERVICE PAYMENT AND COST CONTAINMENT

USHealth

Single payer for everyone for all services. Overall national expenditure cap on health and long term care of 12% of GNP and on long term care of 1.1% of GNP.

Use prospectively set fees (DRGs for hospital care and non-DRGs for non-hospital care) for all care. Prospectively set fees should be developed in cooperation with respective provider group and should incorporate adjustments to account for patient differences and higher quality providers. Increases in the fees are limited to increases in per capita GNP. For hospitals, capital payments are made through a DRG specific add-on to the DRG payment.

Encourage payment by HMO type capitation plan with HMOs getting 100% of average cost for enrollees.

Provides for direct reimbursement of psychologists, clinical social workers, nurse practitioners and clinical nurse specialists.

Payments serve as full payment to providers with no balanced billing allowed.

States have option of a State alternative payment program with limited start-up funding and a limited share of Federal savings.

Beneficiaries pay coinsurance but are protected from catastrophic costs as follows:

a. 20 percent of health, and skilled nursing home and home health costs up to a maximum of \$600 per person per year (indexed to per capita GNP), and

b. 25 percent of non-skilled nursing home and home health costs up to a maximum of \$1,000 per person per year (indexed to per capita GNP).

Payment handled by insurance companies acting as carriers and intermediaries.

Utilization review of all services by contract carriers and PROs.

Current

Multiple payers including Medicare, Medicaid, private insurers.

Different payers for different services use somewhat different payment models, including fee for service, cost-based reimbursement, prospective payment and capitation. Payers using more and more similar methods in recent years.

Very limited direct reimbursement of non-physician health professionals.

Payment handled by insurance companies and fiscal intermediaries for Medicare, contract companies (e.g., insurance companies) for Medicaid, and insurance companies for employers and individuals.

No overall cap on total health and long term care costs.

Mixture of utilization review, payment freezes, fee schedules, competitive bidding, hospital DRGs, capitation.

States have little cost containment role except for a) the Medicaid program and b) hospital payment regulation in several States.

Medicare beneficiaries protected from the cost of catastrophic illness, but pay coinsurance. Privately insured have varied protection from cost of catastrophic illness. Medicaid beneficiaries protected from virtually all costs.

FINANCING

USHealth

Beneficiary cost-sharing subject to catastrophic limits.

Savings from holding cost increases down to per capita GNP growth.

"Medicare payroll tax" expanded to cover all income levels.

A premium for those over age 65 approximating the cost of the "Medicare Part B premium payment" which may be waived for elderly below poverty level. Medicare catastrophic premiums and "surtax" are phased out.

An employer tax on employee compensation utilizing a percentage which reflects the aggregate amount which employers are paying under the current system for employee and retiree benefits.

Cigarette excise tax is raised by 16¢ and indexed to per capita GNP.

State contribution equal on average to 1/2 cost of the poor (everyone under poverty level). Payment formula is as follows: (total cost of poor) $\times \frac{1}{2} \times$ (State population/U.S. population) \times (State per capita income/U.S. per capita income).

Earmarked surcharge on all corporate and personal income taxes equal to the amount necessary to maintain the solvency of the USHealth Trust Fund.

Revenues are placed in USHealth Program Trust Fund.

Current

Mixed financing for uninsured by charity; for private insurance by employers, employees, and individuals; for Medicare by premiums, federal payroll taxes and general revenues; and for Medicaid by federal general revenues and state general revenues.

OWNER-WORKERS ARE WINNERS

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1989

Mr. ROHRABACHER. Mr. Speaker, free enterprise, our engine of progress, is dependent on a general acceptance of and respect for property rights. Historians, economists, and philosophers alike attribute the economic strength and stability of the United States to this Nation's commitment to private property and free enterprise. Although there has always been widespread property ownership, the average citizen has not participated in ownership of the country's corporations. Other than relatively recent ESOP laws, voluntary financial mechanisms designed to increase widespread access to capital ownership have been absent from our system. The vast major-

ity of Americans cannot afford capital ownership, since American workers do not own; they owe. As a result many American workers feel detached and disenchanted not only from the economic decisionmaking by corporate America but from the American political process as a whole. Private and public sector ESOP's make participation in our system possible for those individuals who historically have lacked access to capital and credit. By expanding private ownership of both property and capital, we can broaden and secure the base of freedom while bolstering economic growth. Employee stock ownership plans are effective tools in achieving that goal.

Employee owners approach their jobs with a far different attitude than most working people. They feel personally responsible, loyal, hard working, and responsive to the needs of their company, more concerned about productivity and teamwork. This, in turn, creates a productive sense of teamwork between management—who are actually other working people—and nonmanagement employees. Increasing the level of employee ownership will help make America a richer, more competitive country by empowering working people with the rights and responsibilities of ownership giving them incentives they never had as hourly employees.

In the United States today, 1 percent of the population owns 50 percent of all directly held U.S. stock. It is time to cut more people in on the action. The ESOP is a financing tool that serves as an incentive for companies and corporations to structure their finances so that employees gain an ownership stake in the company for which they work. When properly designed and implemented, the ESOP is a capital credit device which uses a corporation's credit and future profits to enable employees to buy into a sizable ownership share of the company. This is often done in conjunction with asset acquisition and corporate expansion.

The ESOP channels capital credit to corporations through an employee trust. The loans are subject to the same prudent standards and corporate guarantees as direct loans. The loan funds are then used to purchase stock for the workers. The loan itself is repaid with corporate earnings. The ESOP allocates stock to the accounts of individual employees as a block of shares earned that is, the company contributes cash out of pretax profits to the trust. The cash, which is treated as a tax-deductible employee benefit, is used to repay the stock acquisition loan. Traditional corporate leverage credit aids the existing owners of the company. The ESOP uses a corporation's credit to convert its workers into owners.

The problem with American capitalism, Senator Long once observed, is the fact that there is not enough capitalists. In an article that appeared in the New York Times, Louis Kelso—the founder of the employee stock ownership plan—demonstrates how Americans can be given greater access to capital credit through the use of ESOP's. I ask that it be reprinted into the RECORD.

[From the New York Times, January 29, 1989]

CORPORATE PERESTROIKA—WHY OWNER-WORKERS ARE WINNERS

(By Louis O. Kelso and Patricia Hetter Kelso)

In 1967, five hooded robbers in Miami, Fla., relieved William M. du Pont and his wife of their \$1.5 million Russian coin collection at gunpoint. One of the robbers paused long enough to ask Mr. du Pont: "Why don't you make your living like a normal person?" When Mr. du Pont asked what was normal, the gunman replied: "Working to earn a living like everyone else."

As a seventh or eighth generation of what we call "capital workers," Mr. Du Pont must have smiled at this naive view. But our national economic policy still revolves around the idea that every able-bodied person's income problems can be solved through jobs. Capital employment—ownership that is—remains unrecognized as an equally legitimate way to earn a living.

Capital workers have access to credit. Credit enables a borrower to buy a capital asset, like a company, and pay back the loan out of the purchased company's own earnings. Historically the rich have monopolized credit—and the rewards that go with it. The result: 5 percent of American families own nearly all of the economy's non-residential productive assets, with most ownership concentrated in the top 2 percent.

To become more competitive and maintain employment levels, the overall economy needs massive capital investment. But without a change in economic policy and philosophy, our high-tech future will not be owned by working people but by the same 5 percent of families that already own our existing low-tech capital.

Why can't American workers use credit to buy new and existing capital assets—especially those of companies in the process of automating production and eliminating jobs?

The reason is that economists and bankers still decree that capital ownership must be acquired only through heroic feats of underconsumption—which they call savings. Only by holding a pool of savings, these conventionally minded bankers say, can lenders be insured against the risk that a newly acquired company will fail to earn enough to repay its takeover cost. But who in America has unencumbered savings of the requisite magnitude to purchase those companies? Only the already well capitalized—the already rich.

In conventional finance, savings are put up as a kind of performance bond. If a new factory, say, does not produce enough income to pay off its debts, the lenders may foreclose and take the company's savings.

But protecting against a possible failure to repay is really a risk-management problem that should be handled with commercial insurance, not savings. Savings, after all, are only a type of self-insurance plan, which, in our view, is obsolete. It does not broaden capital ownership as technological change transforms industry from labor intensive to capital intensive. Instead, it concentrates ownership.

The employee stock ownership plan—known as an ESOP—was invented to democratize access to capital credit. In human terms, it is a financing device that gradually transforms labor workers into capital workers. It does this by making a corporation's

credit available to the employees who then use it to buy stock in the company. The earnings of the company itself are used to pay for the stock. The company's reward from an ESOP—in addition to a motivated work force of worker/owners—is the low-cost financing of its own capital needs.

But most economists have not caught up with this new economic reality. In fact, most economists still refer to the wages of capital as "unearned income." The inference is that only labor work is legitimately productive. Capital workers, in this view, are freeloaders on labor's work. This is, of course, the official Marxian socialist position. But, strangely, it is also endorsed by such capitalist enterprises as Citibank, which once even used that idea as the basis of an advertisement.

Labor workers and their unions could hardly fail to be confused—especially when they are asked to help finance modernization by accepting wage cuts. These wage cuts often help outsiders take over these companies.

Our economy is now well into an era of unprecedented technological change. Under such code names as "computer-integrated manufacturing," production is being reorganized around technologies designed specifically for automated processes.

Computer pioneer Adam Osborne calls it the "microelectronics industrial revolution." He predicts that its impact will rival that of the first industrial revolution, wiping out perhaps half of all jobs—blue and white collar alike—in the industrial world today. "Without adequate planning," he warned, "we could be heading for a time of anguish and chaos."

But the ESOP method of financing enables our nation to deal with technological change rationally and painlessly—person by person, corporation by corporation, industry by industry—as capital input displaces labor input across the board.

Moving from labor worker to combined labor worker and capital worker is a transition essential to a private-property, free-market economy whose destiny is inexorably bound to technological progress. This solves both the individual's problem of earning a good living and the economy's problem of maintaining mass production and purchasing power.

Relying upon a job to provide an income once worked for most Americans. It still does for many, at least until they reach retirement or are dismissed from those jobs. But to earn a good living as long as they live, people must now supplement their labor employment with capital ownership. Bringing about this long overdue transition is government's most urgent task.

When F. Scott Fitzgerald observed that "the rich are different from us," Ernest Hemingway retorted, "Yes, they have more money."

But this celebrated riposte throws no light on the great divide between the very rich and even such extraordinarily talented middle class outsiders as Fitzgerald and Hemingway. Had the latter known the secret of wealth, he might have replied: "Yes, Scott, they have access to capital credit."

FURTHER STUDY NEEDED ON WASTE DISPOSAL REGULATIONS

HON. DONALD E. "BUZ" LUKENS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1989

Mr. DONALD E. "BUZ" LUKENS. Mr. Speaker, I rise today to bring to the attention of my colleagues a situation concerning proposed regulations by the Environmental Protection Agency which would regulate the amount of toxic materials in sewage sludge. The regulations are, in the opinion of many municipal waste officials and engineers, excessive and detrimental to the efforts of dealing with the problem of waste disposal.

Presently, many communities all over the country have developed compost plants, which transform waste sludge into a fertilizer alternative. This has a twofold effect: It is economical, as the community is able to sell the fertilizer; and it solves the problem of waste disposal.

The EPA's regulations are faulty in that they were based on hundreds of technical errors that will inflict unbearable cost to communities like Hamilton, OH. Hamilton presently is operating a \$12 million compost plant which would be profoundly affected by the proposed regulations.

The EPA is accepting comments on the rules until August 7, and the rules are not expected to take effect until 1991.

Regulating environmental activity is certainly a necessary duty, yet regulations that are so widely criticized in the professional community must be reviewed thoroughly to gauge all possible ramifications. These communities are making a viable attempt at the safest possible resolution to the waste disposal question, but the EPA is regulating away the answers.

This issue of proposed regulations will affect facets of the waste disposal system all over the country. Therefore, I urge my colleagues to look closely at this situation that will certainly affect communities in many of our districts.

SAY NO TO B-2 CUTBACKS—THE B-2 IS VITAL FOR DETERRENCE

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1989

Mr. DORNAN of California. Mr. Speaker, as we began debate on the fiscal year 1990 DOD authorization bill, I would like to share with my colleagues an excellent editorial published in Aviation Week and Space Technology. I urge you to consider the points that are made therein and support the administration by voting against ill-timed cutbacks for the B-2 strategic bomber.

PRESERVE THE B-2 OPTION

Congress faces an agonizing decision this week when the Fiscal 1990 Defense authorization bills come up for debate on the House and Senate floors. The central issue in these debates will be the affordability of the

USAF/Northrop B-2 stealth bomber. The crucial questions are:

Is the B-2 worth its unprecedented cost?

Can the U.S. afford it?

Does the B-2 show promise for performing its mission?

Should it be funded for another year of full-scale development and flight testing and low rate production?

The answer to all of the above is yes, with qualifications.

To support the B-2 solely on the basis of its technological innovativeness, as revolutionary as that may be, would be simplistic. But to dismiss lightly the quantum leap the B-2 represents in advanced aerodynamic design, flight control systems, low observable technology (stealth), materials and manufacturing processes is unacceptable.

Northrop and Air Force officials close to the B-2 development program were ecstatic last week following the No. 1 aircraft's first flight, not only because it silenced ill-informed naysayers who insisted the flying wing would not fly. They were elated that the aircraft's performance and handling characteristics, in the first limited look allowed during the 2-hr. maiden flight, closely matched computerized and simulated projections. In specific areas, the handling qualities, a crucial issue in such an innovative design, exceeded preflight predictions. This does not prove that the B-2 design is either valid or without flaws. That will come only after the B-2 is subjected to a painstaking flight test program.

COMPOUNDING THE LOSS

Having come this far with the B-2 and having invested over \$22 billion in the research and development and facilities portions of the project, it would be a colossal waste to cancel the program. The cost of closing out the canceled contracts could well double the sunk investment, compounding the loss with nothing to show for it.

U.S. Air Force champions of the B-2 program, as well as Northrop, find themselves increasingly under fire by Congress for what is characterized as runaway program costs. The precise cost of the B-2 program should shock no one on the Hill. Members of all of the pertinent oversight committees have been informed fully on program decisions affecting overall B-2 costs, and in fact, have played a role in schedule stretchouts that have boosted those costs. They also have been able to track Northrop's control of B-2 unit flyaway costs—a better measure of the company's ability to meet the challenge of managing this cutting-edge-of-technology program.

Calculating the B-2's unit price by dividing the total projected program cost by the 132 planned production aircraft produces a whopping figure of \$530 million each. But this is not a valid measure of B-2 unit costs, never mind whether one uses 1981 base year dollars, current year dollars or then-year—now through 1999—dollars.

The B-2 effort is crucial to the U.S.'s technological base, as well as its future military capability. A major portion of the research and development and industrialization costs, if only for accounting purposes, should be written off as an investment in national capabilities. For these and other reasons, the B-2 program should be continued.

ECONOMY AT STAKE

Congress must approach the debates this week as deadly serious. The viability of the U.S.'s deterrence into the next century is intertwined with the B-2. The U.S. economy also is at stake and any decision to under-

write a potentially bank-breaking project cannot be taken lightly.

Modern politicians molded by the dictates of the electronic news medium have become conditioned to responding to the weightiest of issues with 30-sec. "sound bites," which often as not reinforce their shallow images. The U.S.'s future defense posture is at stake, as are other compelling social and economic issues. These deserve the fullest and most serious attention legislators can muster.

To label the B-2 a "turkey" or to dismiss its development as a costly boondoggle is demeaning and insulting—to those mouthing such inanities, rather than to the B-2 itself or the thousands whose dedicated labor brought this technological masterpiece into being.

Congress' final analysis may be, however, that the B-2 is a masterpiece the U.S. cannot afford to produce. We feel it is a masterpiece the U.S. cannot afford NOT to produce, and we endorse initiatives by Sen. Sam Nunn and Rep. Les Aspin that support Defense Secretary Richard Cheney's Fiscal 1990 budget plan to preserve the B-2 option for at least another year.

Cheney took a hard look at the B-2 program earlier this year after having raised a "red flag" of concern that it was too costly and improperly managed. He changed his mind after an inspection of Northrop's B-2 facility and briefings by program officials. His change of heart appears sincere and should be sustained by Congress. This will allow time for the flight performance demonstrations needed to prove that the B-2 meets its mission requirement. Meanwhile, the Air Force must get its act together and present Congress with a viable B-2 mission scenario.

As Congress faces its crucial B-2 decision, it has to debate the issue thoroughly. It will not be an easy decision, given the compelling needs to combat the drug scourge, salvage the U.S.'s ailing savings and loan industry and clean up its deteriorating environment. But the issue must be faced and the answer on B-2 must be yes.—Donald E. Fink.

HEALTH WASTE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1989

Mr. STARK. Mr. Speaker, the July 17, 1989, issue of HealthWeek includes an excellent editorial on what a terrible waste occurs in our Nation's health spending. The scandals in Medicare and health spending easily match the waste in weapons spending—they just are not as well known.

TWO REPORTS, ONE MESSAGE: FUNDS WASTED

In one week at the end of last month, two government bodies received reports that focused attention on America's priorities in 1989.

In Washington, D.C., a congressional committee learned that the Pentagon has spent \$22 billion so far on the B-2 airplane, the Stealth Bomber. This information came in the context of an appropriations request for \$8 billion more each year for the next five years. The planes now are projected to cost \$500 million apiece, and maybe more.

In Alameda County Calif., medical ethicist John Golenski, who is the subject of this

issue's Insider Interview, told the county board of supervisors that he could not advise them on assigning priorities to health care services for the medically indigent because the system was already hopelessly underfunded. He pointed to numerous "horror stories" in the county's system that denied basic services.

Usually, when comparisons between social spending and military spending are made, protests arise on two points: One, we need a strong defense for our national security and, two, health care spending has been rising faster than the overall rate of inflation and as a percentage of our gross national product.

That is fair enough, but it really begs the question. What is wrong with our defense system is also wrong with our health system: Neither is well-managed. Both waste tremendous resources on programs of dubious merit and both are heavily influenced by well-organized lobbies.

As a result, terrible inequities have arisen, as both systems increasingly can't meet the reasonable expectations of our society. We aren't getting what we are paying for.

Rationing health care for the poor is a cop-out. There is plenty of money in the system to pay for a basic level of services for everyone but only if we are willing to manage the resources fairly. Singling out Medicaid for rationing is invidious discrimination on the basis of class, race and age.

But it is possible to construct a health system that is fair and efficient, just as it is possible to have a fair and efficient defense system.

Getting rid of waste in health care comes down to curbing unnecessary medical procedures. As many as one-third of medical treatments are not only unnecessary but may be harmful. The waste is fueled by pervasive conflicts of interest, as physicians compete for more patients and refer them to institutions in which the doctors have an economic interest.

It is not unlike the defense system, as the weapons procurement scandal proved.

A great nation must renew its institutions if it wishes to stay great. We cannot take our health and security for granted any longer.

Bad management, bad policies and simple greed are making scapegoats of the poor, and fools of the rest of us.

CATASTROPHIC CARE REVIEW

HON. ELIZABETH J. PATTERSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1989

Mrs. PATTERSON. Mr. Speaker, on July 1, 1988, former President Reagan signed into law the Medicare Catastrophic Coverage Act of 1988. This legislation was the result of an initiative proposed by Mr. Reagan, formulated by the Department of Health and Human Services and enacted by the U.S. Congress to help protect the 32 million Medicare beneficiaries in this country from the tremendous expenses of catastrophic illnesses.

Among other things, this legislation provides new or expanded Medicare coverage for prescription drugs, hospital fees, and outpatient costs. Without this bill, a Medicare beneficiary could spend his or her life's savings on a sudden, devastating illness.

While I support legislation that protects senior citizens. I have been concerned about the future effects of this legislation on senior citizens. For this reason, I believe that the Congress should enact legislation that delays further implementation of the catastrophic care law for 1 year, with the exception of the spousal impoverishment provision which is scheduled to become effective later this year. All benefits scheduled to take effect after 1989 and the collection of the supplemental premium should be included in the delay while Congress reviews the law. Benefits that have already gone into effect such as unlimited hospital care coverage, hospice care, and expanded skilled nursing home coverage should not be affected.

Delaying further implementation of the catastrophic care law will give Congress an opportunity to review the funding mechanism through public hearings. It is important that the Congress carefully review the financing of the law to determine what, if any, changes need to be made in the law to ensure that the needs of senior citizens are truly being met without unduly burdening them financially. The intent of the catastrophic care legislation was to protect senior citizens and disabled Americans and help alleviate their medical expenses. We must make sure that further implementation of this law does not undermine our intent or serve other purposes.

GAO STUDY SHOWS THAT A CIGARETTE EXCISE TAX INCREASE WILL REDUCE TEEN-AGE SMOKING

HON. MICHAEL A. ANDREWS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1989

Mr. ANDREWS. Mr. Speaker, today, I am enthusiastically announcing a report prepared by the General Accounting Office [GAO] at my request. I asked the GAO to examine the effects of teenage smoking and the effects of an increased cigarette excise tax. With this study I wanted to find a way to prevent the growing number of our teenagers who become addicted to nicotine and to find a way to prevent the tragic number of premature deaths.

GAO has found that increasing the excise tax on cigarettes will stop teens from smoking. This point is no longer debatable. Raising the excise tax by a quarter a pack will stop at least 500,000 teenagers from smoking. For every four teenagers who quit smoking, one premature death can be prevented.

We can no longer tolerate the large number of young smokers. About 1 of every 6 teenagers smokes cigarettes. And the numbers are rising. In the latest Gallup youth survey, 13 percent of younger teens said they had smoked in the preceding week, a 3 point increase since 1987.

In the 100th Congress and again in the 101st Congress, I introduced the Smoking Cost Recovery and Education Act, H.R. 718. In an effort to control the long-term effects of smoking, my bill increases the cigarette excise tax by a quarter a pack. The 25-cent increase

will raise \$4.4 billion in revenue in 1 year and a total of \$21.8 billion over 5 years.

Ninety percent of the revenue collected by my bill will be used to offset the estimated \$22 billion smoking-related health care costs each year. The remaining 10 percent will set up an education and counteradvertising campaign aimed at youth.

Higher cigarette prices directly affect the pockets of our teenage smokers. Because most teenagers have less disposable income, they will be more sensitive to higher priced cigarettes. If they buy fewer cigarettes, they smoke less.

The current excise tax on cigarettes is worth half of its 1951 value. Then the cigarette excise tax was 8 cents. Today that 1951 tax would have to be increased nearly fivefold to 38 cents to adjust for inflation. We must raise the excise tax substantially to make up for the loss in value.

The future of our children and our country is at stake. Each year, 1 million young people start smoking—that's about 3,000 every single day. The GAO study also states that high school seniors who smoke are more often female and white. Half of the 41- to 65-year-old smokers surveyed in 1980 by the Office of Smoke and Health started smoking before the age of 18 and they have never quit. This information shows us clearly how smoking is addictive.

In 1988 the Surgeon General labeled smoking as an addictive habit. Adolescents are generally unaware of the nicotine addiction that develops when experimenting with as few as three packs of cigarettes. We must start at an earlier age to educate our children about the health risks of tobacco use. We need to educate our teenagers about how smoking jeopardizes their health and our health.

Persistent smoking wreaks havoc on the health of both the smoker and nonsmoker. A young smoker significantly increases his or her risk of developing symptoms to diseases that usually appear in adulthood—lung cancer, heart disease, and strokes. More females are now dying of lung cancer than breast cancer. About 390,000 deaths occurred in 1985 due to high incidence of smoking habits.

Smokers also put the public health at risk. Nonsmokers inhale secondhand smoke. As a result, nonsmokers become much more susceptible to cancer and other smoking-related diseases. Close to 50,000 deaths have resulted from nonsmokers inhaling smoke passively.

I have long been a strong proponent of reducing the high number of tobacco users in our country. I initiated the Tobacco Use in America Conference in Houston on the 25th anniversary of the Surgeon General's first report on smoking. The Congressional Task Force on Tobacco and Health, on which I serve, evolved from the Houston conference as a way to focus on the public policy issues surrounding the use of tobacco products.

We must make a long term commitment to our teenagers who do not understand how smoking endangers their welfare and our welfare. The GAO report concludes that we can discourage teens from smoking and prevent the increasing number of cigarette addictions by raising cigarette excise taxes. Teenagers will stop smoking if we raise the cigarette

excise tax. Join me in supporting the Smoking Recovery and Education Act, H.R. 718, and the lives of our youth.

CHINA UNREST

HON. MICHAEL DeWINE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1989

Mr. DEWINE. Mr. Speaker, although news from China no longer dominates the front pages, the situation in Beijing, in Shanghai, and throughout China is hardly business as usual. Thousands are reported to have been arrested—students, professionals, and laborers alike. Dissidents are beaten and forced to confess on national television. The Chinese Government is using the big lie technique with frightening effectiveness. By clinging to the fantasy that hooligans and ruffians were behind the protests and no civilians were killed in Tiananmen Square, China has created martyrs of the soldiers who were also killed in the June 4 massacre.

The Voice of America has been the single most effective United States presence in China. Under the most difficult circumstances—constant jamming, the expulsion of VOA's Beijing bureau chief, and a staff decimated by SE Service, VOA, is a lifeline for tens of millions of listeners. VOA has ably represented the finest ideals of truth and democracy to the Chinese people. Through careful, balanced journalism, VOA has kept the Chinese people informed of events in their own country and, perhaps more importantly, of the world's condemnation of the Chinese Government's brutal crackdown. As VOA Director Dick Carlson told the Foreign Affairs Committee recently, it is times such as these when accurate information becomes the most sought-after, the most expensive, and ultimately, to the authorities, the most dangerous commodity.

Mr. Speaker, I ask my colleagues in the House to join me in congratulating Mr. Carlson and his staff for their inspired leadership.

PUERTO RICO'S PLEBISCITE CONTINUES TO DRAW INTERNATIONAL ATTENTION

HON. JAIME B. FUSTER

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1989

Mr. FUSTER. Mr. Speaker, as I had explained before in another insert in the CONGRESSIONAL RECORD, Puerto Rico continues to receive international attention as the political status plebiscite bills are considered in the Congress. Hearings on these bills—which would offer voters in Puerto Rico a choice between statehood, independence, or an enhancement of the existing commonwealth status—have been concluded in the Senate and should be held in the House sometime in September.

I should now like to draw to the attention of my colleagues an article on the plebiscite

which appeared in the San Juan daily newspaper, *El Mundo*, of July 19, 1989. It quotes José Francisco Peña Gómez, vice president for Latin America of the Socialist International, who urged in Caracas, Venezuela that the United States Government adopt what he called a more discreet position toward the plebiscite. One need not agree with such organizations as the Socialist International but one should realize that any change in Puerto Rico's political status should also be seen within the Latin American context. We should all be aware that there is a Latin American dimension to this issue.

Mr. Peña Gómez, in calling for what he termed discretion, was reacting to the position adopted by President Bush and his administration, favoring statehood for Puerto Rico. Mr. Speaker, the President, of course, has the right to favor one political status option over another but at hearings on the plebiscite before the Senate Energy and Natural Resources Committee, July 11-14, this preference for statehood seemingly and regrettably affected witnesses from the administration who testified.

In several cases, they simply were not prepared to offer requested alternative strategies for all three options. Indeed, this lack of preparedness by the administration in defining the alternatives for the voters of Puerto Rico was vigorously criticized last week in editorials in the New York Times and the Washington Post.

These are extracts from the July 19 article in *El Mundo*, attributed to the Spanish news agency, EFE, in Caracas, Venezuela:

Peña Gómez reaffirmed his position against Puerto Rico becoming the 51st state of the United States and he restated his support for the self-determination and independence of the Puerto Rican people.

He pointed out that the Socialist International favors free determination of the island and that "it is not going to agree with Puerto Rico becoming a North American state if this decision is not a consequence of a free, sovereign act expressing the will of the Puerto Rican people."

We cannot accept that a Latin American nation which shares our culture, language and traditions and which for more than a century has bravely preserved its historical and cultural roots becomes a North American state, he added.

Mr. Speaker, as I said earlier, one need not agree with such statements but they do in fact represent the thinking in certain circles of the international community. Similar thoughts as those of Mr. Peña Gómez were also articulated in the July 21 edition of another San Juan daily newspaper, *El Vocero*, by the President of Venezuela, Carlos Andres Perez, who was quoted by EFE as saying the issue of Puerto Rico's political status could be taken before the United Nations Decolonization Committee.

Obviously, Mr. Speaker, the issue of Puerto Rico's political status is one of major importance not only to the 3.5 million American citizens in Puerto Rico but also to policymakers in Washington and even to the world community. I urge my colleagues to reflect seriously and objectively upon this matter when the Puerto Rican plebiscite issue becomes a part of the legislative process in this body.

SAUDI ARABIA YESTERDAY AND TODAY

HON. DANA ROHRBACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1989

Mr. ROHRBACHER. Mr. Speaker, it is a pleasure for me to bring to the attention of my colleagues an exceptional opportunity for Washingtonians and visitors to this city to learn more about the world around them—Saudi Arabia in particular. Tomorrow at the D.C. Convention Center the Kingdom of Saudi Arabia will open an exhibition titled *Saudi Arabia Yesterday and Today*. It is a cultural exhibition, unlike many exhibitions which come to our country designed primarily to promote trade, and its main purpose is simple: To help the American public understand more about the culture and people of Saudi Arabia and the amazing modern kingdom which has been built the last few decades. I commend the exhibition to you and hope that you will be able to visit it during its stay here in Washington, July 29–August 20.

The exhibition comes to Washington after having toured Germany, France, England, and Egypt. It met with great success in each of these countries, and I am told that Parisians stood in long lines in the bitter cold to view it when it was at Le Grand Palais in the heart of that city. Each of the exhibitions abroad was carefully planned and crafted to suit the particular interests of that country. The same is true of the show here in America. Visitors to the D.C. Convention Center will find it easy to understand the long, friendly relationship between the United States and Saudi Arabia after viewing the section devoted to the historic, special friendship between our countries.

Americans actually have much to be proud of when they survey the progress which has been made in this distant kingdom. From the 1930's when its far-sighted leader, Abdulaziz Al-Saud, reunited what had been largely a nomadic people, Americans have played key roles as friends, advisers, business partners, and coworkers in the vineyards of international affairs.

As King Abdulaziz began to lay the first stones for the foundation of the modern kingdom, he turned to American companies, engineers, and field workers to help explore for oil and then to tap the natural resource with which the kingdom has been so richly blessed. As the business relationship between our countries began to grow, so did ties between our governments. President Franklin D. Roosevelt recognized early the tremendous contribution which Saudi Arabia was destined to make to the world community. He went to the region in 1945 to cement the relationship. Americans and Saudis alike still remember with great pride the historic wartime meeting which occurred between President Roosevelt and King Abdulaziz. The ties they created have grown ever stronger. You will see upon visiting the exhibition, *Saudi Arabia Yesterday and Today*, that each successive U.S. President and each Saudi monarch has gone the extra mile to assure that the bonds remain strong and durable.

The exhibition occupies 100,000 square feet. I can put that figure in perspective for you by noting that the average exhibition at the recent World's Fair in Vancouver was less than one-fifth that size—only about 18,000 square feet. This brings to mind the fact that Saudi Arabia itself is a huge country—as big as the United States east of the Mississippi, and extremely diverse. It has mountain ranges with fertile, terraced farming areas which rise 10,000 feet into cool, misty air only a brief flight from isolated, hot desert palm groves and sand dunes which defy imagination.

It is a nation deprived of essential traditional water sources yet surrounded by some of the world's most beautiful bodies of water. It is a nation possessing 25 percent of the world's known petroleum reserves with whom the United States has cooperated on some of the world's most innovative solar energy projects.

It is a country of strong traditional values concerning family and religion which has reached out time and time again to take advantage of the latest and most challenging technology to improve the lives of its people and assure them a prominent place in the world community in the coming centuries.

The exhibition, *Saudi Arabia Yesterday and Today*, brings life and meaning to the story of Saudi Arabia, an ancient land that through inspired leadership, careful planning and determination has become almost overnight a modern country. It brings Saudi Arabia to our doorsteps; no small achievement.

What will you see at this amazing exhibition? Let me give you a few examples. First, you will see how Saudi Arabians live. Photographs show them at home, at work, at school, and at play. You will visit a Bedouin encampment so realistically presented that I am told you may think you feel the hot desert wind brush your cheeks. You will see some of the world's most intricate models—reproductions of Islam's Holy Mosques in Makkah and Medinah. The massive silver and gold doors which once hung on the Kabbah in Makkah's grand mosque have been shipped here for the exhibition along with the Kiswah cloth which once draped the Kabbah.

You will learn how the Kingdom provides free medical services and state-of-the-art hospitalization to all its citizens, free education through the university level, modern housing, transportation and communications systems.

You will see craftsmen at work and dancers with swords swaying above their heads as they perform the Ardha, Saudi Arabia's national dance.

There are special treats on Mondays for children—a storyteller and a favor. Seniors are invited to organize special visits on Tuesday. And there is a 400-seat theater with a laser show which will dazzle the curious as it tells the story of the Kingdom's development.

In short, there is something for everyone. Frankly, I think we are privileged to have the exhibition open its U.S. tour here in Washington. It will later go to Atlanta, Dallas, New York, and Los Angeles. I am pleased to have this opportunity to bring the exhibition, *Saudi Arabia Yesterday and Today*, to your attention and to express my own personal appreciation to King Fahd and officials of the Kingdom for their thoughtfulness and their generosity in

bringing Saudi Arabia to our doorsteps. I intend to be at the exhibition on opening day.

**FIFTEEN YEARS AGO TODAY:
THE DECISION OF THE UNITED
STATES VERSUS RICHARD M.
NIXON**

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1989

Mr. STARK. Mr. Speaker, 15 years ago today the U.S. Supreme Court ruled in favor of the Constitution in the case of the United States versus Richard Nixon.

The Court ruled that Nixon must provide tapes and documents of 64 White House conversations subpoenaed by special Watergate prosecutor Leon Jaworski. The tapes related to the pending trials of six former White House aides.

The question ruled upon in the case focused on the right of the President to use Presidential privilege as a way of withholding subpoenaed documents and materials necessary to convict six former White House aides.

Chief Justice Warren Burger, a Nixon appointee, wrote that a general claim of executive privilege is normally valid in most situations. The Court noted that regulations establishing the independence of Jaworski's office gave him the ability to request all documents relevant to a pending criminal investigation through the proper channels. Under the circumstances an assertion of executive privilege "must yield to the demonstrated, specific needs for evidence in a pending criminal trial." It was ruled that Jaworski had sufficiently proven the necessity of the 64 conversations.

The White House had argued that the separation of powers should protect the White House from the possibility of judicial review over a claim of Presidential privilege. Burger countered this by citing the decision in the case of *Marbury versus Madison*, 1803. While each branch's interpretation of its own role "is due great respect from the others," the Supreme Court is the only branch that has the ability to "say what the law is." Power granted to the Court by the Constitution cannot be shared by any other branch.

We should commemorate this 15th anniversary of a keystone opinion upholding our Constitution and ensuring that this is a nation of laws.

**A TRIBUTE TO THE RONALD
MCDONALD HOUSE OF DETROIT**

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1989

Mr. BROOMFIELD. Mr. Speaker, I rise to pay tribute to the Ronald McDonald House of Detroit, which is celebrating its 10-year anniversary on November 3, 1989.

The Ronald McDonald House, which is located next to Children's Hospital of Michigan, is a temporary residency for family members of children treated at Children's Hospital. This

facility provides the support and encouragement often needed by the families during what can be a very emotional time.

The Ronald McDonald House began as an idea first presented by Fred Hill, a Philadelphia Eagles football player, when his daughter, diagnosed with leukemia, was at Philadelphia's Children's Hospital for treatment. The concept which Mr. Hill had in mind would keep family members close by while their children underwent the medical treatment they needed. Because of Fred Hill's vision, the first Ronald McDonald House opened in 1974.

With the help of owners and operators of McDonald Restaurants throughout Michigan, the Detroit Ronald McDonald House was established in 1979. It is now owned and operated by the Children's Oncology Services of Michigan, Inc., which is a nonprofit organization. In 1979 the Detroit House was the 11th such house to be built. Today there are 110 existing Ronald McDonald Houses throughout the United States.

I am pleased to honor and recognize the Detroit Ronald McDonald House for the continuing service and dedication it provides for the community. I wish the Ronald McDonald House much success and best wishes on this its 10-year anniversary.

**IN MEMORY OF WILLIAM H.
FETRIDGE**

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1989

Mr. PORTER. Mr. Speaker, when William H. Fetrige passed away recently, the people of Illinois and the Nation lost one of our most dynamic civic, business, and political leaders. He was one of those rare individuals whose personal enthusiasm and drive inspired excellence in everyone around him.

Following his graduation from Northwestern University at the outset of the Depression, he focused his energies on politics. Joining forces with W. Clement Stone and Illinois State Senator W. Russell Arrington, in 1929 he cofounded the Evanston Young Republican Club. As a young man growing up in Evanston, the YR organization had a profound influence on my life and on the lives of some many other young men and women who wanted to be involved in our political system. The Evanston YR's owe a lasting debt to Bill Fetrige, for from the seeds he planted the organization grew to one of the nation's largest and most vibrant political groups for young people. In fact, when I served as its president in 1968-69, the Evanston YR's numbered 450 members and were so strong that candidates for statewide office regularly came before us seeking endorsement.

After his service as a Navy lieutenant commander during World War II, Bill Fetrige earned his law degree from Central Michigan University. An extraordinary business leader whose career spanned over four decades, he was executive vice-president for Popular Mechanics magazine and Diamond T. Motor Truck Co. From 1965 until his death, he was chairman of Dartnell Corp.

His work on behalf of his party is legend. As a member of the Republican National Finance Committee and as president of the United Republican Fund of Illinois, he worked tirelessly to secure financial support for candidates at every level of government.

But he will perhaps be best remembered for his leadership in scouting, where he demonstrated his commitment to and genuine care for the youth of America and the world. As vice president of the Boy Scouts of America from 1958 to 1976, and vice-chairman of the World Scout Federation from 1977 to 1988, he went around the world in support of scouting. It can be fairly said that the expansion and excellence of scouting today is due in no small part to his efforts.

Although it would have been logical and even expected for him to seek public office, Bill Fetrige never ventured into the political spotlight himself and reserved most of his energies for scouting, family, and others. Asked why Bill never was a candidate for elected office, his son-in-law Harvey Bundy said that he "was soft spoken and a good listener and probably would have made a very good politician. He stayed instead on the periphery because his commitment to his family and to scouting never allowed him sufficient time. His two big activities were politics and scouting, and he did very well with them. He was extraordinarily good with people."

Not only good with people—he was good for them. We have lost a great man from our midst, and we shall miss him.

**SPECIAL RECOGNITION TO THE
UNITED FIRST PARISH
CHURCH IN QUINCY, MA**

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1989

Mr. DONNELLY. Mr. Speaker, I would like to take this opportunity to congratulate the Reverend Sheldon Bennett and the congregation of the United First Parish Church (Unitarian) in Quincy, MA, on celebrating their 350th anniversary.

On September 26, 1639, eight people gathered in Quincy to establish a new branch of the Church of Christ. Their covenant was renewed, and the church regathered as an independent church. The separation of the First Parish Church from the Church of Christ in Boston marked the establishment of the 15th independent church in the Massachusetts Bay Colony.

The First Parish Church was built of granite that was quarried from the Adams estate and is regarded as one of the finest examples of Greek revival architecture from the Federal period. In 1666, a second meeting house was established and on October 8, 1732, the third (Hancock) meeting house was dedicated.

By November of 1828, the congregation's fourth and present edifice had been dedicated. That same year, the mortal remains of our country's first Vice President and second President, John Adams, and those of his wife Abigail, were transferred from the Hancock Cemetery in Boston and were placed in tombs

that were erected in their honor by the First Parish Church in Quincy.

In 1852, the remains of our sixth President, John Quincy Adams, and his wife, Louisa Catherine, were also transferred from the Hancock Cemetery to the First Parish Church. These Presidents are two of the most important men in American history, and the site of their final burial place is as significant in the eyes of many historians.

Today, more than 185 people continue the legacy of the 8 that met 350 years ago. The members of this congregation help to preserve the ideals of those colonists who chose to break away from the religious persecution that they had been suffering.

This anniversary is a joyous occasion. The United First Parish Church plays an important role in the making of the community of Quincy and in the history of the city itself. Outside of the Arlington National Cemetery, the United First Parish Church is the only place where two Presidents are interred. This church's doors are open not only to its parishioners, but also to the hundreds of people that visit the Adams national historic site every year.

CHRISTOPHER COLUMBUS—HONORARY CITIZEN OF THE UNITED STATES

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1989

Mr. SMITH of New Jersey. Mr. Speaker, today I am introducing legislation which would posthumously proclaim Christopher Columbus to be an honorary citizen of the United States. This bill is identical to House Joint Resolution 275, which I introduced in the 99th Congress, and which received 62 cosponsors.

As you know Mr. Speaker, honorary citizenship is a unique and distinct recognition which has been carefully limited in the past 213 years. In that time only four people have been recipients of this great privilege. This class of honorary citizens includes Winston Churchill, William and Hannah Penn, and Raoul Wallenberg; all individuals who have been appropriately recognized for their immense contributions to American and world history. World explorer, Christopher Columbus, is certainly qualified to join this distinguished list of honorary citizens of the United States.

Mr. Speaker, in 1492, Christopher Columbus set out, against all odds, to explore the unknown world around him. As the first explorer to officially record his discoveries, of what is now the Western world Christopher Columbus enhanced his generation's willingness and ability to understand and explore their neighboring environments. His valiance, his commitment, his perseverance and his wisdom, enabled Columbus to "quest west" and open the world to a generation of scientists, geographers, and explorers who then began to define the world as we know it today.

Our Nation continues to recognize Christopher Columbus' contributions through annual observance days, selecting his name for community titles, and soon, with the celebration of his 500th anniversary. It is only fitting that we

now complete our recognition of his contributions to American history, by selecting him for honorary citizenship.

Mr. Speaker, in 3 years we will celebrate the 500th anniversary of Christopher Columbus' historic journey to America. I would urge all of my colleagues to join with me in making this celebration complete, by making Christopher Columbus an honorary citizen of the United States.

PIONEER DAY

HON. RICHARD H. STALLINGS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1989

Mr. STALLINGS. Mr. Speaker, in numerous communities along the Rocky Mountains and all over the world the sounds of celebration and excitement are echoing loudly today. It's July 24—Pioneer Day—a day to remember and pay respect to those who settled and colonized the West.

On this day, 142 years ago, the great Mormon pioneer—Brigham Young—led the first group of settlers into the Salt Lake Valley and declared, "This is the place" for the establishment of a Mormon community. Having been hated and persecuted for their religious beliefs in the East, the Mormons finally packed up and headed westward. Following the trails of other courageous pioneers who went before them, they came by the thousands, enduring the harshness of the untamed land: the wild animals, the warring Indians, extreme weather, sickness, and death. Whether they pulled a handcart, drove a covered wagon, or simply walked, these pioneers came with a determination and a fighting spirit which stirs admiration in the hearts of all who are familiar with their trek.

This pioneer spirit was poignantly demonstrated in a true story that involved a group of settlers coming across the plains. Caught in an early winter blizzard, a wagon train coming to Utah was stranded on the banks of the Sweetwater River. Too exhausted and cold to forge the river, the Mormon expedition was in danger of succumbing to the elements. Hearing of their plight, Brigham Young sent a small group of volunteers from Salt Lake City to rescue them. Upon reaching the stalled pioneers, three young men named Grant, Kimball, and Huntington bravely carried every member of the wagon train across the swollen and ice-filled river. They valiantly saved the lives of their brothers and sisters. Shortly thereafter each of these young men died due to exposure. When Brigham Young heard of this loving and courageous act, he tearfully claimed that each of those young men would live with God again. These young men characterized the pioneering spirit of Christian service. I believe that spirit still exists today.

On Pioneer Day, we remember the sacrifices of those men and women who boldly opened new territory and who tamed the wilderness in order that we can enjoy it so much today. We cannot thank them enough for their efforts. These pioneers colonized much of the West and helped to lay the foundation for my State of Idaho. Descendants of the pioneers

pay tribute to their ancestors on this special day. May the pioneer spirit continue with us all.

HONORING 4-H ON IT'S 75TH ANNIVERSARY IN CALIFORNIA

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1989

Mr. FAZIO. Mr. Speaker, I rise today to pay tribute to an outstanding organization which has served California's youth in the highest capacity for 75 years. The 4-H organization seeks to help our young people develop into responsible, self-directed, productive citizens, and to improve the well-being of youth in our society through education in agriculture, conservation and economics.

The 4-H mission to serve young adults is accomplished through the development and support of leadership teams of staff volunteer leaders, youth and others who conduct education projects in our communities. They organize 4-H clubs, after-school events, community service projects and career exploration.

The California 4-H is administered by cooperative extension at University of California campuses at Davis, Riverside, and Berkeley and in 57 counties in cooperation with the local board of supervisors; 4-H activities are responsible for the training of many people who serve in leadership capacities, including many who serve and have served at a local, State and national level.

The 4-H provides youngsters with an environment in which they may flourish. I applaud the efforts of 4-H and congratulate this superb organization for its outstanding service to our future leaders for 75 years.

A TRIBUTE TO HANK GREENSPUN

HON. JAMES H. BILBRAY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1989

Mr. BILBRAY. Mr. Speaker, it is with great sorrow that I rise today to pay tribute to an outstanding Nevadan, Hank Greenspun, who died Saturday, July 22, 1989, after fighting a valiant year-long battle with cancer. His death has brought an outpouring of sympathy and respect not only throughout Nevada, but across the country and around the world as well.

A dominant figure in Nevada for more than four decades, Hank Greenspun, founder of the Las Vegas Sun newspaper, was one of the Nation's few remaining publisher-crusaders, and his passing represents the end of an era in Nevada journalism.

Described by many as the ultimate Las Vegas, Hank has been an instrumental player in helping to shape the community as we know it today. I have known him since I was a boy; he was a close family friend. He was respected by all members of the community from local leaders and prominent Las Vegas

businessmen to longtime subscribers to the Las Vegas Sun. Renowned as a journalist, he was one of the best writers and columnists in the State. He was a man of unbending conviction who would never spare an effort or a sacrifice, to fight for a cause or a people.

Born August 27, 1909, in Brooklyn, NY, Hank's reputation and deeds reached across the world. He attended St. John's College and graduated from St. John's school of law with an LL.B. in 1934. He was a member of the New York Bar Association, and briefly practiced in New York. When World War II broke out, he enlisted in the U.S. Army in 1941. He was awarded the Croix de Guerre with silver star, and received commendations from Gen. Dwight Eisenhower as well as the Conspicuous Service Cross of the State of New York and other battle stars. He served with General Patton's Third Army, advancing through France and Germany.

An adventurer and a crusader, Hank risked the possibility of imprisonment to support the founding of the State of Israel. His commitment to Jewish survival was strong; he was determined to return life to the Jewish people after they were almost wiped out by Hitler. In late 1947 he was recruited by the Haganah to defend Jews against Arab invaders and to help smuggle equipment and machine guns into the newly partitioned State of Israel. Convicted on gun-running charges, he temporarily lost his U.S. citizenship; however, he was pardoned by then President John F. Kennedy in 1961 and his citizenship was restored. Israeli Finance Minister Shimon Peres called Hank Greenspun a hero of the people of Israel and a man of great spirit who fought with his mind, his heart and his soul with great conviction and commitment.

Hank moved to Las Vegas in 1946 where he edited a magazine, "Las Vegas Life." He later became public relations director at the Flamingo Hotel. He bought the Las Vegas Free Press, a small newspaper in 1950. Two weeks later, the publication was renamed the Las Vegas Sun.

Hank played a key role in the integration of the Las Vegas strip in the 1950's, where he gained national prominence in testifying before the Kefauver Committee in the U.S. Senate, which was investigating the Nation's organized crime. He also took a courageous stand against Sen. Joseph McCarthy as a wave of anticommunism swept the country.

Steadfast in his belief that Las Vegas was a thriving, attractive community for visitors and residents alike, Hank Greenspun was an early supporter of construction of a convention center. His earlier acquaintance with industrialist Howard Hughes helped put Las Vegas on the Big Board. Hughes' purchases of several major Las Vegas hotels added the legitimacy the city needed.

Hank founded the city's first commercial television, KLAS-TV, and also started Prime Cable, the country's largest cable TV franchise. His was unrelenting in pursuit of his adversaries and in defense of his friends. In the 1980's he took on the IRS and FBI in defense of then Federal Judge Harry Claiborne, testifying before Congress on his behalf at the proceedings, claiming the judge was the victim of an overreaching Federal Government.

He has received numerous honors for his years of service to the state and community which he loved. He received an honorary degree of doctor of humane letters from UNLV in 1977. He has won many civic awards as well as the highest honors from the State of Israel. He was a member and past president of the Nevada State Press Association, member of numerous professional organizations including the Overseas Press Club, American Newspaper Publishers Association, American Society of Newspaper Editors. In addition, he belonged to the International Platform Association, Friar's Club, Variety Club, Veterans of Foreign Wars, Disabled American Veterans, and the American Legion. He was a past president of the Federal Bar Association, Nevada chapter.

Mr. Speaker, Hank Greenspun has left a lasting impression on the State of Nevada. I urge my colleagues to join me today in paying tribute to one of the giants of Nevada. Hank Greenspun has left a lasting impression on the State of Nevada; his legacy will long survive him.

My heartfelt condolences to his wife Barbara and his entire family.

MEXICO AND CREDITOR BANKS REACH AGREEMENT

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1989

Mr. PEASE. Mr. Speaker, late last night Mexico and its creditor banks reached agreement on a debt-reduction package. The Washington Post reports that "the agreement calls for a 35-percent reduction in the principal of the \$54-billion total owed to private banks, a reduction in the interest rate on the remaining debt to about 6.25 percent and fresh loans of about \$3 billion a year for the next 4 years."

If press reports are accurate, I am very pleased with the deal that Mexico and the banks struck. It should provide Mexico with some needed relief from the crippling debt payments it has made monthly for most of this decade. Given that Mexico has been a model debtor—making its payments on time while undergoing significant economic restructuring—no country is more deserving of debt relief.

Mexico has made enormous strides toward making its economy more market-oriented. Mexican leader realized that the Nation's economic future lay in penetrating foreign markets and exposing domestic firms to international competition. Having committed themselves to this bold new initiative, they began putting the pieces in place.

In 1986, Mexico launched its new strategy by joining the General Agreement on Tariffs and Trade [GATT]. The following year, Mexico signed a bilateral trade and investment framework agreement with the United States. Under the framework agreement, the United States and Mexico agreed to engage in frequent bilateral talks on key issues, such as intellectual property rights, electronics, and services, and to settle disputes in a systematic fashion. En-

couraged by the successful negotiation of the United States-Canada Free-Trade Agreement [FTA], Mexico has even displayed some openness to the idea of a United States-Mexico FTA.

United States exporters entering the Mexican market face far fewer restrictions today than ever before. Mexican tariffs, which once were as high as 100 percent, now top out at 20 percent. Import licenses, previously required for most products imported into Mexico, remain on less than 3 percent of all tariff categories. Official prices, once the bane of U.S. exporters, are gone, and so is the 5-percent export development tax. Timothy Bennett, former Deputy Assistant U.S. Trade Representative for Mexico, calls these reforms "the most substantial amount of trade liberalization undertaken by any country in the past 3 years. Mexico has achieved more than anyone on either side of the border imagined possible."

Debt relief should allow Mexico to make more productive use of its resources, including the purchase of capital goods from the United States. If it invests wisely, Mexico should begin to see the fruits of its economic liberalization policies.

I hope that the agreement between Mexico and the banks will spur action with other-debt-ridden countries, such as Venezuela and Argentina. Without debt relief, these countries will remain economically moribund and incapable of purchasing U.S. products. I urge the Bush administration to maintain pressure on the commercial banks so that we can achieve agreements with other deserving nations across the globe.

INTRODUCTION OF THE FLAG PROTECTION ACT OF 1989

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1989

Mr. BROOKS. Mr. Speaker, today, along with my colleague Congressman DON EDWARDS of California, I am introducing the Flag Protection Act of 1989. This legislation will amend section 700 of title 18 of the United States Code in response to the Supreme Court's decision in Texas versus Johnson. As I am sure all of my colleagues are aware, that decision held that a Texas flag protection statute was unconstitutional as applied to the conduct of an individual in burning a flag at the Republican National Convention in Dallas in 1984.

The Texas statute which the court held invalid made it a crime to "deface, damage, or otherwise physically mistreat an American flag in a way that the actor knows will seriously offend one or more persons likely to observe or discover his action." The Court held that the State law, which covered only offensive flag burnings, was related to the suppression of free expression and, thus, violated the first amendment.

The Supreme Court decision in Texas versus Johnson also called into question the constitutionality of the Federal flag protection law, 19 U.S.C. section 700. That law as now

written makes it a crime to cast contempt upon the U.S. flag by publicly mutilating, defacing, defiling, burning, or trampling upon it.

Following the Supreme Court's decision, our Subcommittee on Civil and Constitutional Rights has held five hearings on the question of the appropriate response to that decision. On the basis of that record, it is my firm belief that a statute punished flag burning and other physical assaults on the flag can be drafted in a way that is consistent with Texas versus Johnson.

The Flag Protection Act of 1989 which I am introducing today amends current law to protect the physical integrity of American flags in all circumstances, regardless of the motive or political message of any flag burner. It strips from current law any language that is content-specific or that focuses on communication. It also includes a specific exception for the disposal of worn or soiled flags.

Mr. Speaker, my concern is that we put in place as quickly as possible a mechanism that will protect the physical integrity of the flag. To that end, the bill that I am introducing today includes a provision for expedited Supreme Court review of the constitutionality of this law. This language is similar to expedited review language that was included in the Gramm-Rudman-Hollings law.

Mr. Speaker, I hope that all of my colleagues who share my concern about the physical integrity of the flag will join me in helping to move this bill through the legislative process as quickly as possible.

THE GLOBAL CHANGE RESEARCH ACT OF 1989

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1989

Mr. ROE. Mr. Speaker, today along with my colleagues, Representative, JAMES SCHEUER, RALPH HALL, and GEORGE BROWN, I am introducing the "Global Change Research Act of 1989." This legislation responds to the need for improvement in the coordination of Federal global change research programs, as well as for international and intergovernmental interaction.

National and international interest in global environmental issues has increased markedly over the past year. Federal agencies, including NASA, NOAA, NSF, EPA, DOE, and others—agencies under the jurisdiction of the Science, Space, and Technology Committee which I chair—are boosting their global change research efforts. International leaders including Mrs. Thatcher, Mr. Mitterrand, and Mr. Gorbachev have publicly announced their deep concern that human activities are threatening our global environment. President Bush has stated that he plans to hold an international workshop in the fall in the United States to assess the financial, economic, technical, and legal issues for responding to climate change. And at the recent economic summit in Paris, global environmental issues figured prominently in the discussions.

Historically, the Science, Space, and Technology Committee has taken an active role in

global environmental problems such as global climate change. For example, it was the first committee in the 1970's to hold hearings on the "greenhouse effect." The committee is also highly interested in international cooperative efforts to solve global problems and to exchange scientific information.

Current legislative authority for coordinating Federal global climate change research programs rests with the National Climate Program Office [NCPO] in the National Oceanic and Atmospheric Administration. The NCPO has traditionally fulfilled its coordination responsibilities on a somewhat ad hoc basis. Although this approach may have been appropriate in the past, the recent surge in national and international attention to global environmental issues has created the need to develop a more formal coordination mechanism.

In response to this need, the Committee on Earth Sciences [CES], formed by a Presidential directive in 1986 as part of the Federal Coordinating Council on Science, Engineering and Technology, has assumed much of the coordination responsibility. Representatives of many Federal agencies have been active in CES under the chairmanship of Dallas Peck, Director of the U.S. Geological Survey. Although the CES has no legislative mandate, it has begun to function as a central coordinating committee for Federal global change research efforts and has represented the United States in international meetings. However, some concerns have been raised that CES as presently organized, may not have sufficient authority and resources to carry out its mission.

Title I formally establishes the CES, transfers responsibility for Federal global change research coordination from the NCPO to the CES, and provides CES with an executive director and personnel needed to carry out the National Global Change Research Program established in the bill. Title II of the bill directs the administration to work toward two international protocols. The first protocol, in global change research, would be aimed at spreading the costs for major research programs throughout the industrialized world and at providing training and research opportunities for developing world scientists. The second agreement would be focused on the development of environmentally safe energy technologies, particularly those appropriate to the developing world.

Developing national policies and programs for predicting, preventing, mitigating, and adapting to global change must be based on solid scientific research, and it is critical that the United States assume a leadership position in undertaking this rigorous interdisciplinary scientific research effort. It is also crucial that the U.S. research effort be conducted in close coordination with international programs. This legislation provides an excellent framework for achieving these objectives, and I urge my colleagues to support the bill that my colleagues and I have introduced.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of

all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, July 25, 1989, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 26

9:00 a.m.

Labor and Human Resources

Business meeting, to mark up S. 543, "JTPA Youth Employment Amendments of 1989", S. 933, "Americans with Disabilities Act", proposed legislation authorizing funds for programs of the Domestic Volunteer Service Act, proposed legislation authorizing funds for construction of a mouse breeding facility, and the nomination of William C. Brooks, of Michigan, to be an Assistant Secretary of Labor.

SD-430

Special on Impeachment Committee

To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.

SH-216

9:30 a.m.

Energy and Natural Resources

Business meeting, to mark up S. 712, to provide for a referendum on the political status of Puerto Rico.

SD-366

10:00 a.m.

Foreign Relations

Terrorism, Narcotics and International Operations Subcommittee
To hold hearings on U.S.-Cuba narcotics issues.

SD-419

Governmental Affairs

Business meeting, to consider pending calendar business.

SD-342

Judiciary

Courts and Administrative Practice Subcommittee

To hold hearings on S. 46, to prevent electric utilities from using the reorganization provisions of the bankruptcy code to circumvent State laws governing rates and other matters.

SD-226

11:30 a.m.

Judiciary

To hold hearings on the nomination of Richard B. Stewart, of Massachusetts, to be Assistant Attorney General for

the Lands and Natural Resources Division, Department of Justice.

SD-226

1:00 p.m.

Foreign Relations
Terrorism, Narcotics and International Operations Subcommittee
To hold closed hearings on U.S.-Cuba narcotics issues.

S-116, Capitol

1:30 p.m.

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on S. 1067, to provide for a coordinated Federal research program to ensure continued United States leadership in high-performance computing.

SR-253

Special on Impeachment Committee

To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.

SH-216

2:00 p.m.

Foreign Relations
European Affairs Subcommittee
To hold hearings on U.S. policy toward Eastern Europe.

SD-419

Judiciary

Patents, Copyrights and Trademarks Subcommittee

Business meeting, to mark up S. 198, to protect certain computer programs, S. 497, to provide that any State or State instrumentality is liable for infringement of copyrights and infringement of exclusive rights in mask works to the same extent as any non-governmental entity, S. 459, to provide for the use of inventions in outer space, S. 1271, to change the fee schedule of the Copyright Office and make certain technical amendments, and S. 1272, to reduce the number of commissioners on the Copyrights Royalty Tribunal, to provide for lapsed terms of such commissioners.

SD-562

Select on Intelligence

To hold closed hearings on intelligence matters.

SH-219

2:30 p.m.

Judiciary

To hold hearings on S. 993, to prohibit the development and production on biological weapons.

SD-226

3:30 p.m.

Energy and Natural Resources

To hold hearings on the formulation of a national energy plan and related policies which affect global climate change.

SD-366

JULY 27

9:00 a.m.

Select on Indian Affairs

Business meeting, to mark up S. 321, to revise provisions of law that provide a preference to Indians; to be followed by hearings on S. 143, to establish the Indian Development Finance Corporation, S. 1203, to encourage Indian economic development, and to hold oversight hearings on the implementation of the Indian Financing Act Amendments of 1988.

SR-485

EXTENSIONS OF REMARKS

Special on Impeachment Committee

To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.

SH-216

9:15 a.m.

Veterans Affairs

Business meeting, to consider Committee prints of S. 13, the "Veterans' Benefits and Health Care Act of 1989" (incorporating provisions of S. 1158, S. 947, and numerous other bills); an original bill to provide for income-verification under VA needs-based benefits (with provisions derived from S. 1188); S. 190 (as amended by Amendment No. 110); and a Medicaid Construction Resolution Amendment relating to the Boston Outpatient Clinic.

SR-418

9:30 a.m.

Energy and Natural Resources

Business meeting, to continue markup of S. 712, to provide for a referendum on the political status of Puerto Rico.

SD-366

Joint Economic

To resume hearings on the midyear economic outlook.

2359 Rayburn Building

10:00 a.m.

Agriculture, Nutrition, and Forestry

Agricultural Research and General Legislation Subcommittee

To hold hearings on the funding of agricultural research programs.

SR-332

Commerce, Science, and Transportation

Foreign Commerce and Tourism Subcommittee

To hold hearings on Japanese space industry activities.

SR-253

Foreign Relations

Terrorism, Narcotics and International Operations Subcommittee

To hold hearings on the Inspector General's report on international narcotics controls programs in Peru and Bolivia.

SD-419

Judiciary

Business meeting, to consider pending calendar business.

SD-226

Labor and Human Resources

Education, Arts, and Humanities Subcommittee

To resume hearings on S. 1109, authorizing funds through fiscal year 1995 for programs of the Carl D. Perkins Vocational Education Act.

SD-430

1:00 p.m.

Energy and Natural Resources

Public Lands, National Parks and Forests Subcommittee

To hold hearings on S. 286, to establish the Petroglyph National Monument in the State of New Mexico, and S. 798, designating the Chaco Culture Archaeological Protection Sites.

SD-366

1:30 p.m.

Special on Impeachment Committee

To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.

SH-216

2:00 p.m.

Environment and Public Works

To hold hearings on the nominations of Linda J. Fisher, of Ohio, to be Assistant Administrator for Toxic Substances, Timothy B. Atkeson, of Penn-

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sylvania, to be Assistant Administrator for International Affairs, and J. Clarence Davies, to be Assistant Administrator for Policy, Planning, and Evaluation, all of the Environmental Protection Agency.

SD-406

Judiciary

Constitution Subcommittee

To hold hearings on S.J. Res. 2, S.J. Res. 9, and S.J. Res. 12, measures proposing amendments to the U.S. Constitution relating to a Federal balanced budget.

SD-226

4:00 p.m.

Judiciary

Constitution Subcommittee

Business meeting, to mark up S.J. Res. 2, S.J. Res. 9, and S.J. Res. 12, measures proposing amendments to the U.S. Constitution relating to a Federal balanced budget.

SD-226

5:30 p.m.

Agriculture, Nutrition, and Forestry

Business meeting, to resume consideration of recommendations which it will make to the Committee on the Budget with respect to spending reductions and revenue increases to meet reconciliation expenditures as imposed by H. Con. Res. 106, setting forth the congressional budget for the U.S. Government for fiscal years 1990, 1991, and 1992, and proposed legislation authorizing funds for child nutrition programs and for the Women, Infants, and Children program.

SR-332

JULY 28

10:00 a.m.

Finance

Energy and Agricultural Taxation Subcommittee

To hold hearings on the tax treatment of debts that are cancelled when farmers attempt to restructure their loans.

SD-215

JULY 31

8:00 a.m.

Commerce, Science, and Transportation

To hold hearings on the nominations of Janet D. Steiger, of the District of Columbia, and Deborah Kaye Owen, of Maryland, each to be a Federal Trade Commissioner.

SR-253

9:00 a.m.

Energy and Natural Resources

Mineral Resources Development and Production Subcommittee

To hold hearings on S. 30 and H.R. 2392, bills relating to oil shale mining claims.

SD-366

9:30 a.m.

Special on Impeachment Committee

To resume evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.

SH-216

1:30 p.m.

Special on Impeachment Committee

To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.

SH-216

2:00 p.m.
Banking, Housing, and Urban Affairs
Consumer and Regulatory Affairs Subcommittee
To hold oversight hearings on enforcement of the Community Reinvestment Act (CRA).

SR-538

Energy and Natural Resources
To hold hearings on S. 972 and S. 1304, bills relating to the Department of Energy's efforts to operate and manage its atomic energy defense activities in a safe and environmentally sound manner.

SD-366

AUGUST 1

9:00 a.m.
Special on Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.

SH-216

9:30 a.m.
Environment and Public Works
Superfund, Ocean and Water Protection Subcommittee
To hold hearings on the seriousness and extent of ground water contamination problems.

SD-406

10:00 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Production and Stabilization of Prices Subcommittee
To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on livestock and poultry.

SR-332

Judiciary
To hold hearings on S. 1338, S.J. Res. 179, and S.J. Res. 180, measures to protect the physical integrity of the flag of the United States.

SR-325

2:00 p.m.
Special on Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.

SH-216

Joint Economic
To resume hearings on the midyear economic outlook.

2359 Rayburn Building

2:30 p.m.
Agriculture, Nutrition, and Forestry
Agricultural Credit Subcommittee
To resume oversight hearings on the Farmers Home Administration imple-

mentation of the Agriculture Credit Act of 1987 (P.L. 100-233).

SR-332

AUGUST 2

9:00 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 1009, S. 743, and S. 744, bills relating to the purchase of broadcasting time by candidates for public office.

SR-253

Special on Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.

SH-216

9:30 a.m.
Governmental Affairs
To hold oversight hearings on certain programs of the Department of Energy.

SD-342

1:30 p.m.
Special on Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.

SH-216

AUGUST 3

9:00 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Production and Stabilization of Prices Subcommittee
To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on wool and honey.

SR-332

Special on Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.

SH-216

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings in conjunction with the National Ocean Policy Study on coastal zone management.

SR-253

Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings on airline pilot supply.

SR-301

1:30 p.m.
Special on Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.

SH-216

AUGUST 4

9:00 a.m.
Special on Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.

SH-216

1:30 p.m.
Special on Impeachment Committee
To continue evidentiary hearings in the matter relating to the impeachment of Judge Alcee L. Hastings.

SH-216

SEPTEMBER 14

9:30 Governmental Affairs
To hold hearings on S. 1165, to provide for fair employment practices in the U.S. Senate and U.S. House of Representatives.

SD-342

SEPTEMBER 19

9:00 a.m.
Agriculture, Nutrition, and Forestry
Conservation and Forestry Subcommittee
To hold hearings on the protection of water quality.

SR-332

CANCELLATIONS

JULY 25

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold hearings on the Federal Reserve's Second Monetary Policy Report for 1989.

SD-538

AUGUST 2

9:30 a.m.
Commerce, Science, and Transportation
Consumer Subcommittee
To hold hearings on S. 870, to label consumer products containing substances that contribute to the depletion of the ozone layer in the upper atmosphere, to regulate the sale, distribution, and use of such substances in consumer products and services in and affecting interstate commerce, and to recapture and recycle such substances.

SR-253

